Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXX—PART 1

DECEMBER 3, 1928, TO JANUARY 4, 1929

(Pages 1 to 1168)



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1929

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

KF35

LIBRARY OF CONGRESS
FEB 27 1940
DIVISION OF DOCUMENTS

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
SECOND SESSION

SENATE

MONDAY, *December 3, 1928*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Seventieth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

CHARLES G. DAWES, of Illinois, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who alone dost guide and govern the minds and hearts of men, make us deeply conscious of Thy presence in our midst as again we meet to take counsel together concerning the work Thou has committed to our care. To the guidance of Thy wisdom and the keeping of Thy love we commend our Nation, and do Thou so rule the hearts of Thy servants, the President, the Vice President, and all others in authority, that they, knowing whose ministers they are, may above all things seek Thy honor and glory.

And may Thine especial blessing rest upon the Members of the Senate, that as the times demand strong minds, great hearts, true faith, and willing hands, so they may stand forth as leaders—sun-crowned men who live above the fog in public duty and in private thinking. Let their souls be quiet homes of prayer and praise, where the needful cares of life are wisely ordered with wide, sweet spaces kept for Thee, where holy thoughts may dwell and fervent longings watch and wait Thy coming; and grant that they may walk while it is day in the steps of Him who with fewest hours finished Thy divinest work, Jesus Christ, Thy Son our Lord. Amen.

CALL OF THE ROLL

The VICE PRESIDENT. This being the day designated by the Constitution of the United States for the assembling of the second session of the Seventieth Congress, the Senate, pursuant thereto, is now in session. The Chief Clerk will call the roll to ascertain if a quorum is present.

The Chief Clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	Gerry	McNary	Smoot
Black	Gillett	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Blease	Goff	Neely	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Tydings
Broussard	Harris	Overman	Tyson
Capper	Harrison	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Mo.	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	
Edwards	Locher	Sheppard	
Fess	McKellar	Shipstead	

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague [Mr. MAYFIELD] on account of illness.

Mr. NORRIS. I wish to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent from the Chamber owing to illness.

Mr. WATSON. I desire to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is detained at home by important business.

Mr. McMASTER. I wish to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably detained from the Senate.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent.

Mr. GERRY. Mr. President, I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily absent due to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

DEATH OF SENATOR FRANK R. GOODING

Mr. BORAH. Mr. President, I desire to announce the death of my former colleague, Hon. FRANK R. GOODING, who died at his home in Idaho on the 24th of last June. At a later day I shall ask the Senate to set aside a time to pay proper respect to his memory. For the present I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 264) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK R. GOODING, late a Senator from the State of Idaho.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

SENATORS FROM IDAHO, MICHIGAN, AND ILLINOIS

Mr. BORAH. Mr. President, I send to the desk the certificate of election of Hon. JOHN THOMAS as a Senator from the State of Idaho. Mr. THOMAS is now in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The credentials will be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Idaho, I, H. C. Baldridge, the governor of said State, do hereby appoint Hon. JOHN THOMAS, of Gooding, Idaho, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Senator FRANK R. GOODING, of Gooding, Idaho, is filled by election, as provided by law.

Witness: His excellency our governor, H. C. Baldridge, and our seal hereto affixed at Boise, Idaho, this 30th day of June, A. D. 1928.

By the governor:

[SEAL.]

H. C. BALDRIDGE, *Governor.*
FRED E. LUKENS,
Secretary of State.

STATE OF IDAHO,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, JOHN THOMAS was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the unexpired term of six years beginning on the 4th day of March, 1927.

Witness: His excellency our governor, H. C. Baldridge, by O. E. Hailey, acting governor, and our seal hereto affixed, at Boise, this 28th day of November, A. D. 1928.

By the governor:

[SEAL.]

O. E. HAILEY,
Acting Governor.
FRED E. LUKENS,
Secretary of State.

Mr. COUZENS. Mr. President, I send to the desk the certificate of election of my colleague, Hon. ARTHUR H. VANDENBERG, and ask that it be read and that he be sworn in at the proper time.

The VICE PRESIDENT. The clerk will read the credentials.

The credentials were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION, STATE OF MICHIGAN

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that at the general election held on the 6th day of November, 1928, ARTHUR H. VANDENBERG was duly elected United States Senator for the term ending on the 4th day of March, 1929.

In witness whereof we have hereto subscribed our names, at Lansing, this 26th day of November, 1928.

JOHN S. HAGGERTY,
Secretary of State,
FRANK D. MCKAY,
State Treasurer,
WEBSTER H. PEARCE,
Superintendent of Public Instruction,
Board of State Canvassers.

STATE OF MICHIGAN,
Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State, at Lansing, this 26th day of November, 1928.

[SEAL.] JOHN S. HAGGERTY,
Secretary of State.

Mr. DENEEN. Mr. President, I send to the desk the certificate of election of my colleague, Hon. OTIS F. GLENN, as a Senator from Illinois, which I ask may be read.

The VICE PRESIDENT. The clerk will read, as requested.

The credentials were read and ordered to be placed on file, as follows:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
LEN SMALL, GOVERNOR OF ILLINOIS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify, that on the 6th day of November, 1928, OTIS F. GLENN was duly chosen by the qualified electors of the State of Illinois, a Senator from said State to represent said State in the Senate of the United States for the unexpired term beginning on the 3d day of December, 1928.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 27th day of November, in the year of our Lord, 1928.

By the governor: LEN SMALL.
[SEAL.] LOUIS L. EMMERSON,
Secretary of State.

Mr. DENEEN. The certificate of election is accompanied by sundry supporting papers which I ask may also be placed on file and printed in the RECORD.

There being no objection, the matter referred to was ordered to be placed on file and to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT,
STATE OF ILLINOIS,
Springfield, Ill.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Len Small, the Governor of said State, do hereby appoint Frank L. Smith a Senator from said State to represent said State in the Senate of the United States to fill the vacancy therein caused by the death of the Hon. William B. McKinley, and for the unexpired term of the said William B. McKinley, deceased.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 16th day of December, in the year of our Lord 1926.

LEN SMALL, *Governor.*

By the governor:
[SEAL.] LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Appointment of Frank L. Smith as United States Senator to fill vacancy caused by the death of Hon. William B. McKinley. Filed, executive department, December 16, 1926. Louis L. Emmerson, secretary of state.]

(Certificate No. 32988)

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE.

To all to whom these presents shall come, greeting:

I, Louis L. Emmerson, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of the resignation as United States Senator under date of February 9, 1928, of Frank L. Smith and the acceptance thereof, under the same date, by Len Small, Governor of Illinois; the appointment of Frank L. Smith as United States Senator by the Governor under date of February 9, 1928; a call by the governor for a special primary election to be held on Tuesday, the 10th day of April, A. D. 1928, and also a special election to fill vacancy, on Tuesday, the 6th day of November, A. D. 1928, for United States Senator; also certificate issued by the governor addressed to the President of the Senate of the United States of the appointment of Frank L. Smith to fill said vacancy, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of the State of Illinois. Done at the city of Springfield this 28th day of November, A. D. 1928.

[SEAL.] LOUIS L. EMMERSON,
Secretary of State.

DWIGHT, ILL., *February 9, 1928.*

Hon. LEN SMALL,
Governor of Illinois, Springfield, Ill.

SIR: I hereby tender to you my resignation as United States Senator of Illinois on the credentials of my election on November 2, 1926, by the people of Illinois.

Respectfully,

FRANK L. SMITH.

Accepted February 9, A. D. 1928.

LEN SMALL, *Governor of Illinois.*

[Indorsement on back: Resignation and acceptance of resignation Frank L. Smith as United States Senator of Illinois. Filed executive department February 9, 1928. Louis L. Emmerson, secretary of state.]

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, Ill., February 9, 1928.

Whereas Hon. Frank L. Smith, a duly elected United States Senator of the State of Illinois, has, on the 9th day of February, A. D. 1928, tendered to me his resignation as United States Senator of Illinois on the credentials of his election on November 2, A. D. 1926, and said resignation has been accepted by me on said 9th day of February, A. D. 1928, by reason of which resignation and the acceptance thereof I do find that a vacancy exists in the representation of the State of Illinois in the Senate of the United States: Now, therefore,

I, Len Small, Governor of Illinois, by virtue of the authority in me vested by the Constitution of the United States and the constitution of the State of Illinois and the laws made under and in pursuance thereof, do hereby appoint Frank L. Smith, who resides in the village of Dwight, county of Livingston, State of Illinois, a Senator from the State of Illinois to represent said State in the Senate of the United States until the vacancy therein caused by the said resignation of said Frank L. Smith is filled by election as provided by law.

Done at the capitol in the city of Springfield, this 9th day of February, A. D. 1928 and of the State of Illinois the one hundred and tenth.

[SEAL.] LEN SMALL, *Governor.*

By the governor:

LOUIS L. EMMERSON,
Secretary of State.

[Indorsement on back: Appointment of Frank L. Smith as United States Senator from the State of Illinois. Filed, executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill., February 9, 1928.

Whereas Hon. Frank L. Smith, a duly elected United States Senator of the State of Illinois has, on the 9th day of February, A. D. 1928, tendered to me his resignation as United States Senator of Illinois on the credentials of his election on November 2, A. D. 1926, and said resignation has been accepted by me on said 9th day of February, A. D. 1928, by reason of which resignation and the acceptance thereof I do find that a vacancy exists in the representation of the State of Illinois in the Senate of the United States:

Now, therefore, I, Len Small, Governor of Illinois, by virtue of the authority in me vested by the Constitution of the United States and the constitution of the State of Illinois and the laws made under and in pursuance thereof, do hereby appoint Tuesday, the 10th day of April, A. D. 1928, as the day for holding a primary election for the purpose of nominating candidates for the said vacancy; and I do also hereby

appoint Tuesday, the 6th day of November, A. D. 1928, as the day for holding of an election for the purpose of electing a United States Senator from the State of Illinois to fill the aforesaid vacancy.

The secretary of state will therefore prepare writs of election in accordance with law.

Done at the capitol in the city of Springfield this 9th day of February in the year of our Lord 1928 and of the State of Illinois the one hundred and tenth.

LEN SMALL, *Governor.*

By the governor:

[SEAL.] LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Call of the governor for a special primary election to be held April 10, 1928, and call for special election to be held November 6, 1928, to elect a United States Senator from Illinois. Filed, executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

EXECUTIVE DEPARTMENT,
STATE OF ILLINOIS,
Springfield, Ill.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Len Small, the governor of said State, do hereby appoint Frank L. Smith a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Frank L. Smith, is filled by election as provided by law.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 9th day of February, in the year of our Lord nineteen hundred and twenty-eight.

[SEAL.] LEN SMALL, *Governor.*

By the governor:

LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Copy of the official certificate to the President of the United States Senate of the appointment of Frank L. Smith as United States Senator of Illinois. Filed executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

The VICE PRESIDENT. The Senators elect will present themselves at the Vice President's desk to take the oath of office.

Mr. GLENN, escorted by Mr. DENEEN, Mr. VANDENBERG, escorted by Mr. COUZENS, and Mr. THOMAS of Idaho, escorted by Mr. BORAH, advanced to the Vice President's desk, and the oath prescribed by law having been administered to them by the Vice President, they took their seats in the Senate.

LIST OF SENATORS BY STATES

Alabama.—J. Thomas Heflin and Hugo L. Black.
Arizona.—Henry F. Ashurst and Carl Hayden.
Arkansas.—Joseph T. Robinson and T. H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Charles W. Waterman.
Connecticut.—George P. McLean and Hiram Bingham.
Delaware.—Thomas F. Bayard and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and John Thomas.
Illinois.—Charles S. Deneen and Otis F. Glenn.
Indiana.—James E. Watson and Arthur R. Robinson.
Iowa.—Daniel F. Steck and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—Frederic M. Sackett and Alben W. Barkley.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Frederick Hale and Arthur R. Gould.
Maryland.—William Cabell Bruce and Millard E. Tydings.
Massachusetts.—Frederick H. Gillett and David I. Walsh.
Michigan.—James Couzens and Arthur H. Vandenberg.
Minnesota.—Henrik Shipstead and Thomas D. Schall.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Harry B. Hawes.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Sam G. Bratton and Bronson Cutting.
New York.—Royal S. Copeland and Robert F. Wagner.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Lynn J. Frazier and Gerald P. Nye.
Ohio.—S. D. Fess and Cyrus Locher.
Oklahoma.—W. B. Pine and Elmer Thomas.
Oregon.—Charles L. McNary and Frederick Steiwer.
Pennsylvania.—David I. Reed and William S. Vare.[1]
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Cole L. Blease.
South Dakota.—Peter Norbeck and Wm. H. McMaster.
Tennessee.—Kenneth McKellar and L. D. Tyson.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—M. M. Neely and Guy D. Goff.
Wisconsin.—Robert M. La Follette, jr., and John J. Blaine.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 265), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. CURTIS submitted the following resolution (S. Res. 266), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. CURTIS submitted the following resolution (S. Res. 267), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

ADJOURNMENT

Mr. BORAH. Mr. President, as a further mark of respect to the memory of the deceased Senator from Idaho, the late Hon. FRANK R. GOODING, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *December 3, 1928*

This being the day fixed by the Constitution of the United States for the annual meeting of the Congress of the United States, the House of Representatives of the Seventieth Congress met in its Hall at 12 o'clock noon for the second session, and was called to order by the Speaker, Hon. NICHOLAS LONGWORTH, a Representative from the State of Ohio.

The Rev. James Shera Montgomery, Chaplain, offered the following prayer:

Holy, holy, holy, Lord God of Hosts, Thou art the light of the world and the source of all wisdom. Thy goodness and mercy have followed us until our latest breath. We, therefore, praise Thee. Have compassion on us in our failures; pity us and forgive our sins. We pray for a continuance of Thy ministrations unto the Republic. With patriotic zeal and unselfish devotion help us to reach those altitudes where we shall hear that clarion voice of duty which inspired a government "conceived in liberty and dedicated to the proposition that all men are created equal." In these Thy servants unfold the fundamentals of truth. Spiritualize their thoughts, that they in all things may disclose the counsels of God. Oh, be unspeakably good and divinely near them, that they may stand forth among the sons of men consecrated to the greatest good of humanity. Do Thou preserve the strength of their minds and the vigor of their bodies. We are most humbly grateful for our beloved country. We thank Thee for its manifold material blessings; but do Thou lift it to an outlook from which all of our citizens shall see more than mere matter and realize the real values of the soul. Create in us the sincerest convictions as to the need

[1] Oath not administered.

and the peace of the world. O Spirit of the Most High, give wisdom and courage to our President and to all his immediate associates. Use their powers, ideals, and visions that inspire, protect, and safeguard the happiness and the prosperity of our people. Bless our homes and make in them an atmosphere warm and congenial, in which the delicate flowers of faith, hope, and love shall unfold their sweetest bloom and beauty. Oh, teach us that no one can have Thee for a Father without having man for a brother. Keep us, O God, in the shadow of Thy presence until the fountain of human effort has emptied its last drop of service into the heavenly river of divine joy. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL

The roll was then called by States, and the following Members answered to their names:

[Roll No. 1]

ALABAMA

John McDuffie.
Lister Hill.
Henry B. Steagall.
Lamar Jeffers.
W. B. Oliver.
Edward B. Almon.
George Huddleston.

ARIZONA

Lewis W. Douglas.

ARKANSAS

W. J. Driver.
Otis Wingo.
Tilman B. Parks.

CALIFORNIA

Clarence F. Lea.
Harry L. Englebright.
C. F. Curry.
Florence P. Kahn.
Richard J. Welch.
Albert E. Carter.
Henry E. Barbour.
Arthur Monroe Free.
W. E. Evans.
Joe Crail.
Phil D. Swing.

COLORADO

Charles B. Timberlake.
Guy U. Hardy.
Edward T. Taylor.

CONNECTICUT

E. Hart Fenn.
Richard P. Freeman.
John Q. Tilson.
James P. Glynn.

DELAWARE

Robert G. Houston.

FLORIDA

Herbert J. Drane.
R. A. Green.
Tom A. Yon.
W. J. Sears.

GEORGIA

Charles G. Edwards.
E. E. Cox.
Charles R. Crisp.
Malcolm C. Tarver.
Carl Vinson.
William C. Wright.
Leslie J. Steele.
Samuel Rutherford.
William C. Lankford.
William W. Larsen.

IDAHO

Burton L. French.
Addison T. Smith.

ILLINOIS

Morton D. Hull.
Elliott W. Sproul.
Thomas A. Doyle.
Adolph J. Sabath.
James T. Igoe.
M. A. Michaelson.
Stanley Henry Kunz.
Fred A. Britten.
Carl R. Chindblom.
Frank R. Reid.
William R. Johnson.
John C. Allen.
Edward J. King.
William E. Hull.
Homer W. Hall.
William P. Holaday.
Charles Adkins.
Henry T. Rainey.
J. Earl Major.
Ed. M. Irwin.
William W. Arnold.
Thomas S. Williams.
Edward E. Denison.
Richard Yates.

INDIANA

Harry E. Rowbottom.
Arthur H. Greenwood.
Frank Gardner.
Harry C. Canfield.
Noble J. Johnson.
Richard N. Elliott.
Albert H. Vestal.
William R. Wood.
Albert R. Hall.
David Hogg.
Andrew J. Hickey.

IOWA

W. F. Kopp.
F. D. Letts.
T. J. B. Robinson.
Gilbert N. Haugen.
Cyrenus Cole.
C. W. Ramseyer.
Cassius C. Dowell.
Lloyd Thurston.
L. J. Dickinson.

KANSAS

D. R. Anthony, jr.
U. S. Guyer.
Homer Hoch.
James G. Strong.
Clifford R. Hope.
W. A. Ayres.

KENTUCKY

W. Voris Gregory.
David H. Kincheloe.
John W. Moore.
Henry DeHaven Moorman.
Maurice H. Thatcher.
Orie S. Ware.
Virgil Chapman.
Ralph Gilbert.
Fred M. Vinson.
Mrs. John W. Langley.
John M. Robsion.

LOUISIANA

James O'Connor.
J. Zach Spearing.
Whitmell P. Martin.
John N. Sandlin.
Riley J. Wilson.
Bolivar E. Kemp.
René L. DeRouen.
James B. Aswell.
Carroll L. Beedy.
Wallace H. White, jr.

MAINE

Ira G. Hersey.

MARYLAND

T. Alan Goldsborough.
William P. Cole, jr.
Vincent L. Palmisano.
Frederick N. Zihlman.

MASSACHUSETTS

Allen T. Treadway.
Henry L. Bowles.
Frank H. Foss.
Edith Nourse Rogers.
A. Piatt Andrew.
William P. Connery, jr.
Frederick W. Dallinger.
Charles L. Underhill.
John J. Douglass.
George Holden Tinkham.
Robert Luce.
Joseph W. Martin, jr.
Charles L. Gifford.

MICHIGAN

Robert H. Clancy.
Earl C. Michener.
Joseph L. Hooper.
John C. Ketcham.
Carl E. Mapes.
Grant M. Hudson.
Louis C. Cramton.
Bird J. Vincent.
James C. McLaughlin.
Roy O. Woodruff.
Frank P. Bohn.
W. Frank James.
Clarence J. McLeod.

MINNESOTA

Frank Clague.
August H. Andresen.
Melvin J. Maas.
Walter H. Newton.
Harold Knutson.
O. J. Kvale.
William L. Carss.
C. G. Selvig.
Godfrey G. Goodwin.

MISSISSIPPI

John E. Rankin.
B. G. Lowery.
W. M. Whittington.
Jeff Busby.
Ross A. Collins.
Percy E. Quin.
J. W. Collier.

MISSOURI

M. A. Romjue.
Ralph F. Lozier.
George H. Combs.
Clement C. Dickinson.
Sam C. Major.
William L. Nelson.
Clarence Cannon.
Henry F. Niedringhaus.
John J. Cochran.
L. C. Dyer.
Clyde Williams.

MONTANA

John M. Evans.
Scott Leavitt.

NEBRASKA

John H. Morehead.
Edgar Howard.
J. N. Norton.
Robert G. Simmons.

NEVADA

Samuel S. Arentz.

NEW HAMPSHIRE

Fletcher Hale.
Edward H. Wason.

NEW JERSEY

Charles A. Wolverton.
Isaac Bacharach.
Harold G. Hoffman.
Charles A. Eaton.
Ernest R. Ackerman.
Randolph Perkins.
George N. Seger.
Paul J. Moore.
Franklin W. Fort.
Frederick R. Lehlbach.
Mary T. Norton.

NEW MEXICO

John Morrow.

NEW YORK

Robert L. Bacon.
John J. Kindred.
George W. Lindsay.
Thomas H. Cullen.
Loring M. Black, jr.
John F. Quayle.
Patrick J. Carley.
David J. O'Connell.
Anning S. Prall.
Samuel Dickstein.
Christopher D. Sullivan.
William Irving Sirovich.
John J. Boylan.
John J. O'Connor.
William W. Cohen.
John F. Carew.
Sol Bloom.
Fiorello H. LaGuardia.
Royal H. Weller.
Anthony J. Griffin.
Frank Oliver.
James M. Fitzpatrick.
J. Mayhew Wainwright.
Hamilton Fish, jr.
Harcourt J. Pratt.
Parker Corning.
James S. Parker.
Frank Crowther.
Bertrand H. Snell.
Frederick M. Davenport.
John D. Clarke.
Clarence E. Hancock.
John Taber.
Gale H. Stalker.
Meyer Jacobstein.
Archie D. Sanders.
S. Wallace Dempsey.
Clarence MacGregor.
Daniel A. Reed.

NORTH CAROLINA

Lindsay C. Warren.
John H. Kerr.
Edward W. Pou.
Charles M. Stedman.
William C. Hammer.
Robert L. Doughton.
A. L. Bulwinkle.

NORTH DAKOTA

O. B. Burtness.
Thomas Hall.

OHIO

Nicholas Longworth.
Charles Tatgenhorst, jr.
Roy G. Fitzgerald.
W. T. Fitzgerald.
Charles J. Thompson.
Charles C. Kearns.
Charles Brand.
W. W. Chalmers.
Thomas A. Jenkins.
John C. Speaks.
James T. Begg.
Martin L. Davey.
C. Ellis Moore.
John McSweeney.
William M. Morgan.
Frank Murphy.
John G. Cooper.
Robert Crosser.
Theodore E. Burton.

OKLAHOMA

E. B. Howard.
W. W. Hastings.
Wilburn Cartwright.
F. B. Swank.
Jed Johnson
M. C. Garber.

OREGON

W. C. Hawley.
Franklin F. Korell.

James M. Beck.
George S. Graham.
Harry C. Ransley.
George A. Welsh.
George P. Darrow.
Henry W. Watson.
Laurence H. Watres.
John J. Casey.
Cyrus M. Palmer.
Robert Grey Bushong.
Louis T. McFadden.
Frederick W. Magrady.
Edward M. Beers.
I. H. Doutrich.
J. Banks Kurtz.

Clark Burdick.
Richard S. Aldrich.

B. B. Hare.
F. H. Dominick.
John J. McSwain.

C. A. Christopherson.
Royal C. Johnson.

B. Carroll Reese.
J. Will Taylor.
Sam D. McReynolds.
Cordell Hull.
Ewin L. Davis.

Eugene Black.
John C. Box.
Morgan G. Sanders.
Hatton W. Sumners.
Luther A. Johnson.
Clay Stone Briggs.
Daniel E. Garrett.

Don B. Colton.

Elbert S. Brigham.

S. Otis Bland.
J. T. Deal.
Andrew Jackson Montague.
P. H. Drewry.
Joseph Whitehead.

John F. Miller.
Lindley H. Hadley.
Albert Johnson.

Carl G. Bachmann.
Frank L. Bowman.
William S. O'Brien.

Henry Allen Cooper.
Charles A. Kading.
John M. Nelson.
Victor L. Berger.

Charles E. Winter.

PENNSYLVANIA

Franklin Menges.
J. Mitchell Chase.
Samuel Austin Kendall.
Henry W. Temple.
J. Howard Swick.
Nathan L. Strong.
Thomas C. Cochran.
Milton W. Shreve.
Everett Kent.
Adam M. Wyant.
Stephen G. Porter.
Clyde Kelly.
John M. Morin.
Guy E. Campbell.

RHODE ISLAND

Louis Monast.

SOUTH CAROLINA

A. H. Gasque.
H. P. Fulmer.

SOUTH DAKOTA

Wm. Williamson.

TENNESSEE

Joseph W. Byrns.
E. E. Eslick.
Gordon Browning.
Finis J. Garrett.
Hubert Fisher.

TEXAS

J. J. Mansfield.
J. P. Buchanan.
Tom Connally.
Fritz G. Lanham.
Guinn Williams.
John N. Garner.
Marvin Jones.

UTAH

E. O. Leatherwood.

VERMONT

Ernest W. Gibson.

VIRGINIA

Clifton A. Woodrum.
T. W. Harrison.
R. Walton Moore.
George C. Peery.
Henry St. George Tucker.

WASHINGTON

John W. Summers.
Sam B. Hill.

WEST VIRGINIA

James A. Hughes.
E. T. England.

WISCONSIN

Florian Lampert.
Edward E. Browne.
George J. Schneider.
James A. Frear.

WYOMING

The SPEAKER. Three hundred and seventy-four Members have answered to their names. A quorum is present.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following communication:

STATE OF ALABAMA,
OFFICE OF SECRETARY OF STATE,
Lafayette, Ala., August 16, 1928.

The Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Alabama my resignation as a Representative in the Congress of the United States from the Fifth District of Alabama.

W. B. BOWLING.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolutions:

Senate Resolution 264

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK R. GOODING, late a Senator from the State of Idaho.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Senate Resolution 265

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Senate Resolution 266

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Senate Resolution 267

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

The message also announced that pursuant to Senate Resolution 265 the Vice President had appointed Mr. CURTIS and Mr. ROBINSON of Arkansas members of the committee on the part of the Senate.

The message further announced that the Senate had passed a bill and joint resolutions of the House of the following titles:

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Homes for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1512. An act to provide for contests of certain oil and gas permits;

S. 1624. An act to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia;

S. 2294. An act to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925;

S. 3219. An act for the relief of the Poston Brick Co.;

S. 3433. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended;

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes;

S. 4206. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 4337. An act for the relief of Booth & Co. (Inc.), a Delaware corporation;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. p. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. p. 376), to repeal, abridge, or modify the provisions of the former act to the citizenship of said Indians;

S. 4560. An act authorizing Elisha Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.;

S. J. Res. 102. Joint resolution authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States; and

S. J. Res. 139. Joint resolution for the relief of the Iowa Tribe of Indians.

ELECTION OF MEMBERS TO FILL VACANCIES

The SPEAKER also laid before the House the following communication:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., December 3, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: Certificates of election in due form have been filed in this office showing the election to the House of Representatives of the Seventieth Congress to fill vacancies as follows:

Hon. LAFAYETTE L. PATTERSON, fifth district of Alabama, elected November 6, 1928, to succeed Hon. William B. Bowling, who resigned August 16, 1928.

Hon. EARL W. VINCENT, ninth district of Iowa, elected June 4, 1928, to succeed Hon. William R. Green, who resigned March 31, 1928.

Hon. JOHN W. MCCORMACK, twelfth district of Massachusetts, elected November 6, 1928, to succeed Hon. James A. Gallivan, who died April 3, 1928.

Hon. RICHARD B. WIGGLESWORTH, fourteenth district of Massachusetts, elected November 6, 1928, to succeed Hon. Louis A. Frothingham, who died August 23, 1928.

Hon. FRANCIS D. CULKIN, thirty-second district of New York, elected November 6, 1928, to succeed Hon. Thaddeus C. Sweet, who died May 1, 1928.

Hon. ROBERT R. BUTLER, second district of Oregon, elected November 6, 1928, to succeed Hon. Nicholas J. Sinnott, who resigned May 31, 1928.

Hon. JAMES WOLFENDEN, eighth district of Pennsylvania, elected November 6, 1928, to succeed Hon. Thomas S. Butler, who died May 26, 1928.

Very truly yours,

WM. TYLER PAGE,
Clerk of the House of Representatives.

SWEARING IN OF MEMBERS ELECT

The following Members elect appeared at the bar of the House and took the oath of office prescribed by law:

LAFAYETTE L. PATTERSON, fifth district of Alabama.

EARL W. VINCENT, ninth district of Iowa.

JOHN W. MCCORMACK, twelfth district of Massachusetts.

RICHARD B. WIGGLESWORTH, fourteenth district of Massachusetts.

FRANCIS D. CULKIN, thirty-second district of New York.

ROBERT R. BUTLER, second district of Oregon.

JAMES WOLFENDEN, eighth district of Pennsylvania.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, I send to the desk the following resolution and ask for its immediate consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

House Resolution 242

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled, and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

The Speaker appointed as a committee on the part of the House Mr. TILSON, Mr. HAWLEY, and Mr. GARRETT of Tennessee.

NOTIFICATION TO THE SENATE

Mr. HAWLEY. Mr. Speaker, I offer the following resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Oregon offers the following resolution and asks for its immediate consideration.

The Clerk read as follows:

House Resolution 243

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed with business.

Mr. ROY G. FITZGERALD. Mr. Speaker, before that resolution is passed I rise to a question of privilege upon it. I protest against any such resolution coming from this House because it is not legally organized. The Constitution provides how this House shall be organized and how the Members shall be apportioned among the several States. That has not been done. Any business transacted by this House as now unorganized is unconstitutional, and I want this protest to appear in the RECORD.

Mr. CLARKE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARKE. I desire to submit a parliamentary inquiry

The SPEAKER. The gentleman will state it.

Mr. CLARKE. Has the Member who is now protesting drawn his salary during this period to which he refers? [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUR OF MEETING

Mr. SNELL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask its immediate consideration.

The Clerk read as follows:

House Resolution 244

Resolved, That until otherwise ordered the hour of daily meeting shall be 12 o'clock m.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE DEMOCRATIC WHIP

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to make an announcement of interest to the House, and particularly to this side of the Chamber. The Hon. JOHN C. BOX, of Texas, has been in the regular way designated as the whip of the Democratic side to succeed the late Hon. William A. Oldfield.

RESOLUTIONS RESPECTING THE LATE REPRESENTATIVE OLDFIELD

Mr. COLLIER. Mr. Speaker, by direction of the Committee on Ways and Means, I ask unanimous consent to insert in the RECORD certain resolutions passed by that committee to-day upon the death of our late colleague, Hon. WILLIAM A. OLDFIELD, of Arkansas.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The resolutions referred to are as follows:

Whereas the Committee on Ways and Means of the House of Representatives has heard with profound sorrow of the death of their colleague and fellow member, the Hon. WILLIAM A. OLDFIELD, of Arkansas; and

Whereas Mr. OLDFIELD, having faithfully served his country in time of war and his native State of Arkansas in the times of peace following, was elected to the Sixty-first Congress and had served with distinction continuously from the 4th day of March, 1909, until his death in Washington on November 19, 1928; and

Whereas through his qualities of leadership he had risen high in the councils of his party, and had contributed in a large measure to the formulation of its policies; and

Whereas his long service as a member of this committee, his knowledge of governmental problems, his tenacity of purpose, his fidelity to duty, and his genial, affable character, endeared him to every member of the committee: Therefore be it

Resolved, That we express to the bereaved widow of our late colleague our heartfelt sympathy in the loss of a husband who was an honorable, capable, and useful public servant; and be it further

Resolved, That a copy of these resolutions be transmitted to his widow and that they be spread upon the minutes of the committee.

MEETING OF THE SUBCOMMITTEE ON AGRICULTURE OF APPROPRIATIONS COMMITTEE

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Speaker, the subcommittee of the Committee on Appropriations making appropriations for the Department of Agriculture has about concluded its hearings. Many Members of the House have just arrived in the Capital. We are holding hearings on Wednesday and Thursday next, and possibly on Friday. If any Member of the House has any matter before that subcommittee which he desires to present for its consideration, the committee will be glad to hear him, and we are arranging our meetings for that purpose at that time. The committee sits from 10.30 o'clock in the morning until 4 o'clock in the afternoon.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. JAMES V. MCCLINTIC, at the request of Mr. HASTINGS, indefinitely, on account of illness.

Mr. HAYS B. WHITE, of Kansas, indefinitely, on account of illness.

Mr. GIBSON, at the request of Mr. BRIGHAM, for an indefinite period, on account of illness.

Mr. GOLDSBOROUGH. Mr. Speaker, my colleague, Mr. LINTHICUM, is in South America on official business. I ask unanimous consent that he be granted leave of absence until January 1 next.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

THE LATE SENATOR FRANK R. GOODING

Mr. FRENCH. Mr. Speaker, it becomes my sad duty to announce to the House the death, since we last met, of the Hon.

FRANK R. GOODING, a Senator of the United States from the State of Idaho. I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 245

Resolved, That the House has heard with profound sorrow of the death of the Hon. FRANK R. GOODING, a Senator of the United States from the State of Idaho.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE HENRY R. RATHBONE

Mr. YATES. Mr. Speaker, I offer the following resolution, which I send to the desk and move its adoption.

The Clerk read as follows:

House Resolution 246

Resolved, That the House has heard with profound sorrow of the death of the Hon. HENRY R. RATHBONE, a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE LOUIS A. FROTHINGHAM

Mr. TREADWAY. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 247

Resolved, That the House has heard with profound sorrow of the death of the Hon. LOUIS A. FROTHINGHAM, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE THOMAS L. RUBEY

Mr. DICKINSON of Missouri. Mr. Speaker, it becomes my sad duty to announce the recent death of Hon. THOMAS L. RUBEY, a Representative from the sixteenth district of Missouri. I send to the desk the following resolution and ask its consideration.

The Clerk read as follows:

House Resolution 248

Resolved, That the House has heard with profound sorrow of the death of the Hon. THOMAS L. RUBEY, a Representative from the State of Missouri.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE WILLIAM A. OLDFIELD

Mr. WINGO. Mr. Speaker, it is my sad duty to announce that since the House last met death has called the Hon. WILLIAM A. OLDFIELD, late a Member of this House from the State of Arkansas. I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 249

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM A. OLDFIELD, a Representative from the State of Arkansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, as a further mark of respect to the deceased Members, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock p. m.) the House adjourned until to-morrow, Tuesday, December 4, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for Tuesday, December 4, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

State, Justice, Commerce, and Labor Departments appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider bills on the committee calendar.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To authorize the unification of carriers engaged in interstate commerce (H. R. 12620).

For Friday, December 7, 1928

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States (H. J. Res. 247).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

548. A letter from the Secretary of War, transmitting reports of the amounts transferred between subappropriation items of the appropriation "Arming, equipping, and training the National Guard," fiscal year 1928 (H. Doc. No. 445); to the Committee on Appropriations and ordered to be printed.

549. A letter from the Secretary of the Navy, transmitting report of designs, aircraft, aircraft parts, and aeronautical accessories purchased by the Navy Department during the fiscal year ended June 30, 1928, the prices paid therefor, the reason for the award in each case, and the names and addresses of all competitors in the various competitions held by the Navy Department; to the Committee on Expenditures in the Executive Departments.

550. A letter from the Director of the United States Veterans' Bureau, transmitting annual report of the Director of the United States Veterans' Bureau for the fiscal year ended June 30, 1928 (H. Doc. No. 359); to the Committee on World War Veterans' Legislation and ordered to be printed.

551. A letter from the Secretary of the Interior, transmitting report in cases of contracts connected with the prosecution of the war, known as the war minerals relief act, covering the calendar year ending November 30, 1928; to the Committee on Expenditures in the Executive Departments.

552. A letter from the secretary of the American Academy of Arts and Letters, transmitting report of the activities of the academy during the year ending December 31, 1927; to the Committee on the Library.

553. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting a report of official proceedings for the year ended December 31, 1927, and for other purposes; to the Committee on the District of Columbia.

554. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To amend section 1505 of the Revised States of the United States, as amended, relating to loss of numbers by the officers of the Navy who are found not professionally qualified for promotion"; to the Committee on Naval Affairs.

555. A letter from the Secretary of the Navy, transmitting proposed draft of a bill "To amend the naval appropriation act for the fiscal year ending June 30, 1916, relative to the appointment of pay clerks and acting pay clerks"; to the Committee on Naval Affairs.

556. A letter from the Secretary of the Navy, transmitting draft of a bill "For the relief of the family of Wang Ehr-Ko"; to the Committee on Naval Affairs.

557. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To provide that certain staff officers of the United States Navy shall come under the operation of section 16 of the act of June 10, 1926"; to the Committee on Naval Affairs.

558. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To amend section 19 of the rivers and harbors act, 1899, relating to the removal of obstructions to navigation in the navigable waters of the United States"; to the Committee on Rivers and Harbors.

559. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of A. C. Elmore against the United States; to the Committee on Claims.

560. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the F. M. Gray, Jr., Co. against the United States; to the Committee on Claims.

561. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claims of members of the crew of the transport *Antilles* against the United States; to the Committee on Claims.

562. A letter from the Comptroller General of the United States, transmitting report to the Congress concerning the claims of hay growers in Brazoria, Galveston, and Harris Counties, Tex., against the United States; to the Committee on Claims.

563. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of Johnson & Higgins against the United States; to the Committee on Claims.

564. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of Madrigal & Co., Manila, P. I., against the United States; to the Committee on Claims.

565. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the Federal Construction Co. (Inc.), against the United States; to the Committee on Claims.

566. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of C. J. Colville against the United States; to the Committee on Claims.

567. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), against the United States; to the Committee on Claims.

568. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claims of John T. Lennon and George T. Flora against the United States; to the Committee on Claims.

569. A letter from the Nobel committee of the Norwegian Parliament, transmitting circular concerning the Nobel peace prize; to the Committee on Foreign Affairs.

570. A letter from the chairman of the Interstate Commerce Commission, transmitting copies of final valuations of properties of certain carriers in compliance with the provisions of section 19a of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

571. A letter from the office of the Attorney General, transmitting the annual report of the Department of Justice for the fiscal year ended June 30, 1928 (H. Doc. No. 356); to the Committee on the Judiciary and ordered to be printed.

572. A letter from the office of the Attorney General, transmitting list of suits arising under the act of March 9, 1920 (41 Stat. 525), authorizing suits against the United States in admiralty involving merchant vessels in which final decrees were entered against the United States, exclusive of cases on appeal; to the Committee on Claims.

573. A letter from the chairman of the United States Shipping Board, transmitting report of the United States Shipping Board covering the period from July 1, 1927, to and including June 30, 1928 (H. Doc. No. 360); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

574. A letter from the Secretary of the Interior, transmitting report of the board of engineers appointed by the Secretary of the Interior, with the approval of the President, under authority of the joint resolution approved May 29, 1928, "To appoint a board of engineers to examine and report upon the dam to be constructed" (H. Doc. No. 446); to the Committee on Irrigation and Reclamation and ordered to be printed.

575. A letter from Gorgas Memorial Institute of Tropical and Preventive Medicine (Inc.), transmitting formal report to Congress from the Gorgas Memorial Institute of Tropical and Preventive Medicine, covering the preliminary activities in connection with the establishment of the Gorgas Memorial Laboratory in Panama, for the period July 1 to November 1, 1928; to the Committee on Foreign Affairs.

576. A letter from the Postmaster General, transmitting report that a special contract has been entered into with the Rio Grande Southern Railroad Co. for carrying the mails on its road on route No. 114701, between Ridgway and Durango, Colo.; to the Committee on the Post Office and Post Roads.

577. A letter from the Postmaster General, transmitting report that a special mail-carrying contract with the Pacific & Arctic Railway & Navigation Co. has been entered into; to the Committee on the Post Office and Post Roads.

578. A letter from the Postmaster General, transmitting report of special contract for mail carrying entered into with the Hudson & Manhattan Railroad; to the Committee on the Post Office and Post Roads.

579. A letter from the Postmaster General, transmitting report of special contract for mail carrying entered into with the Copper River & Northwestern Railway Co.; to the Committee on the Post Office and Post Roads.

580. A letter from the Postmaster General, transmitting report of special mail-carrying contract entered into with the Alaska Railroad; to the Committee on the Post Office and Post Roads.

581. A letter from the clerk of Court of Claims of the United States, transmitting statement of all judgments rendered by the Court of Claims for the year ended December 1, 1928, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims; to the Committee on Claims.

582. A letter from the Board of Commissioners of the District of Columbia, transmitting report of the official operations of the government of the District of Columbia for the fiscal year ended June 30, 1928; to the Committee on the District of Columbia.

583. A letter from the Director of the United States Botanic Garden, transmitting certain information required by section 4, act of May 22, 1908, relative to travel from Washington, D. C., in connection with official business of this office during the fiscal year 1928; to the Committee on the Library.

584. A letter from the Postmaster General, transmitting report of operations of the Postal Savings System for the fiscal year ended June 30, 1928 (H. Doc. No. 368); to the Committee on the Post Office and Post Roads and ordered to be printed.

585. A letter from the Postmaster General, transmitting report of special mail-carrying contract entered into with the Denver & Rio Grande Western Railroad; to the Committee on the Post Office and Post Roads.

586. A letter from the Clerk of the House of Representatives, transmitting report for the period from July 1, 1927, to June 30, 1928, both inclusive, giving names of statutory and contingent-fund employees of the House and their respective compensations, including clerks to Members; the expenditure from the contingent fund and from certain specific appropriations; the amounts drawn from the Treasury; the stationery accounts; and unexpended balances (H. Doc. No. 345); to the Committee on Accounts and ordered to be printed.

587. A letter from the Clerk of the House of Representatives, transmitting list of reports to be made to Congress by public officers during the Seventieth Congress (H. Doc. No. 441); to the Committee on Accounts and ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3815) granting an increase of pension to Mary A. Newill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3833) granting an increase of pension to Irene W. Halferty; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4471) granting an increase of pension to Sarah F. Bishop; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6327) granting an increase of pension to Catherine Rodgers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6422) granting an increase of pension to Ellen L. Currant; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7603) granting an increase of pension to Phoebe R. Weaver; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8373) granting an increase of pension to Florence Moseley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8950) granting an increase of pension to Anna Koropp; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11489) granting an increase of pension to Rebecca M. Augustine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13016) granting an increase of pension to Hattie M. Harris; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KELLY: A bill (H. R. 14144) granting equipment allowance to third-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. ASWELL: A bill (H. R. 14145) to authorize the establishment of the northwest Louisiana game and fish preserve, and for other purposes; to the Committee on Agriculture.

By Mr. ESTEP: A bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14147) to amend section 215 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, so as to penalize the use of the mails in obtaining money or property by threats, and to increase the penalties provided in such section; to the Committee on the Judiciary.

By Mr. EVANS of Montana: A bill (H. R. 14148) to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.;" to the Committee on the Public Lands.

By Mr. GIBSON: A bill (H. R. 14149) to provide a 5-year building and extension program for the free public library system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GRAHAM (by request): A bill (H. R. 14150) to amend section 279 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HADLEY: A bill (H. R. 14151) to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 14152) to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; to the Committee on Military Affairs.

Also, a bill (H. R. 14153) to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch; to the Committee on Military Affairs.

Also, a bill (H. R. 14154) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 14155) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 14156) to authorize an appropriation for the construction of a cannon powder blending unit at Picatinny Arsenal, Dover, N. J.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 14157) to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 14158) to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood of 1927; to the Committee on Military Affairs.

Also, a bill (H. R. 14159) to further amend section 6, act of March 4, 1923, so as to make better provision for the recovery and disposition of bodies of members of the civilian components of the Army who die in line of duty; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 14160) to provide for the approval of the Colorado River compact in part, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 14161) for the relief of certain homestead entrymen in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 14162) for the enlargement of the Indian Boarding School at Ignacio, Colo., and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 14163) providing for the construction of homes for individual members of the tribes of Southern Ute and Ute Mountain Indians, southern Colorado, and for other purposes; to the Committee on Appropriations.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct a bridge across the Tennessee River at Henley Street in Knoxville, Knox County, Tenn.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14165) authorizing J. M. Leek & Co., their successors and assigns, to construct, maintain, and operate a bridge across the Holston River at a point at or near Ruggles Ferry, Knox County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 14166) to authorize an increase in the limit of cost of the experimental metal-clad airship now being built for the United States Navy; to the Committee on Naval Affairs.

By Mr. ALDRICH: A bill (H. R. 14167) granting an increase of pension to Martha A. Whitford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14168) granting an increase of pension to Sarah A. Smith; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 14169) granting an increase of pension to Catharine Quayle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14170) granting an increase of pension to Henrietta E. Southern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14171) granting a pension to Jessie M. Downer; to the Committee on Pensions.

Also, a bill (H. R. 14172) for the relief of B. Frank Shetter; to the Committee on Claims.

By Mr. ARNOLD: A bill (H. R. 14173) granting a pension to Elizabeth H. McGaughey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14174) granting a pension to Hulda Yohe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) granting a pension to Artimas Darnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14176) granting an increase of pension to Sarah E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14177) granting an increase of pension to Emma Parcell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14178) granting an increase of pension to Mary S. Froman; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 14179) granting an increase of pension to Emma M. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14180) granting an increase of pension to Idell Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14181) granting an increase of pension to Jane Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14182) granting an increase of pension to Rhoda Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14183) granting an increase of pension to Anna L. Wylde; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14184) granting a pension to Jennie C. Van Volkinburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting a pension to Levi Wilkerson; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 14186) granting a pension to Belle Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14187) granting a pension to Mary E. Rosenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14188) granting a pension to Edson G. Hine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14189) granting an increase of pension to Lillie Weekly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14190) granting an increase of pension to Roseanna King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14191) granting an increase of pension to Emma J. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14192) granting an increase of pension to Emma Truax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14193) granting an increase of pension to Frances C. Salisbury; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 14194) granting a pension to George F. Wiggins; to the Committee on Pensions.

Also, a bill (H. R. 14195) granting an increase of pension to Pauline J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14196) for the relief of Henry Lowell; to the Committee on Military Affairs.

Also, a bill (H. R. 14197) for the relief of Dennis H. Sullivan; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 14198) granting a pension to Caroline Cless; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting a pension to Helen J. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to Jennie F. Wox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14201) granting an increase of pension to Nancy E. Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting a pension to Lavina E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14203) granting a pension to Sara Ann Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14204) granting a pension to Maggie Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14205) granting a pension to Jennie E. Bilger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14206) granting a pension to Elmer Felmlee Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14207) granting a pension to Agness Kuppenheffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14208) granting an increase of pension to Ida Rhine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14209) granting an increase of pension to Margaret E. Beaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting an increase of pension to Mary McKinstory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14211) granting an increase of pension to Sarah Rock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14212) granting an increase of pension to Alice M. Leightley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14213) granting an increase of pension to Emma A. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14214) granting an increase of pension to Sarah Reoof; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14215) granting an increase of pension to Sarah M. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14216) granting an increase of pension to Mary A. Showers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14217) granting an increase of pension to Amanda J. Charles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14218) granting an increase of pension to Elizabeth B. Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14219) granting an increase of pension to Maggie B. Maben; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 14220) granting a pension to Mary E. Sayre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14221) granting a pension to Noah Judy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14222) granting a pension to Anna E. Bible; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14223) granting a pension to Mary A. Fike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14224) granting a pension to John Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14225) granting a pension to Charles B. Hutson; to the Committee on Pensions.

Also, a bill (H. R. 14226) granting compensation to Ella R. Trussell; to the Committee on World War Veterans' Legislation.

By Mr. BRIGHAM: A bill (H. R. 14227) granting an increase of pension to Martha B. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14228) granting an increase of pension to Medora L. Naramore; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 14229) granting an increase of pension to Indiana Fulton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14230) granting a pension to Martha E. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14231) granting a pension to Etta McCreary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14232) granting a pension to Hester Wilson; to the Committee on Invalid Pensions.

By Mr. CLARKE: A bill (H. R. 14233) granting a pension to Nettie A. Jackson; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 14234) granting a pension to Lovinna Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting a pension to Lenora Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14236) granting a pension to Frank B. McCartney; to the Committee on Pensions.

Also, a bill (H. R. 14237) granting an increase of pension to Minerva J. Birtciel; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 14238) granting a pension to Hulda Thompson Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14239) granting a pension to Sarah Scivally; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 14240) granting an increase of pension to Eliza A. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14241) granting an increase of pension to Mary Florence Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) for the relief of Everett A. Dougherty; to the Committee on Military Affairs.

Also, a bill (H. R. 14243) granting a pension to Nettie McDunn; to the Committee on Invalid Pensions.

By Mr. ESTEP: A bill (H. R. 14244) granting an increase of pension to Roseanna Riley; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 14245) for the relief of Henry F. Cramer; to the Committee on Military Affairs.

Also, a bill (H. R. 14246) granting a pension to Mary Ayyah-tot-kickt; to the Committee on Pensions.

Also, a bill (H. R. 14247) granting a pension to Mary J. De Partee; to the Committee on Pensions.

Also, a bill (H. R. 14248) granting a pension to Henry Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14249) granting a pension to Adanijah Jordan; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 14250) granting a pension to Lewis Baumann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14251) granting a pension to Lavina C. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14252) granting an increase of pension to Minerva Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14253) granting an increase of pension to Annie E. Whip; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14254) granting an increase of pension to Virginia C. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14255) granting an increase of pension to Rachel R. Hilyard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14256) granting an increase of pension to Nancy C. Lecklider; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 14257) granting an increase of pension to Melvina Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14258) granting an increase of pension to Annie G. Mosher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14259) granting a pension to Eliza May Ames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14260) to correct the military record of Daniel Hickey; to the Committee on Military Affairs.

Also, a bill (H. R. 14261) to correct the naval record of William Joseph Roberts; to the Committee on Naval Affairs.

Also, a bill (H. R. 14262) to correct the naval record of William B. McLaren, alias Thomas John Kelly, alias Thomas Holden Scully; to the Committee on Naval Affairs.

By Mr. GIBSON: A bill (H. R. 14263) granting a pension to Alice A. Switser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14264) granting an increase of pension to Martha A. Howe; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14265) granting a pension to Maria Griffith; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 14266) granting a pension to David A. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14267) granting a pension to Sarah H. Axe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14268) granting a pension to William E. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14269) granting a pension to Luther Jay Cole; to the Committee on Pensions.

Also, a bill (H. R. 14270) granting an increase of pension to Mary C. Dagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14271) granting an increase of pension to Mary A. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14272) granting an increase of pension to Amanda J. Kirkpatrick; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 14273) granting a pension to Florence Holtzheimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14274) granting an increase of pension to Dovey A. Huffman; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 14275) granting an increase of pension to Louisa Pennisten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14276) granting an increase of pension to Erminia F. Whitlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14277) granting a pension to Marshall R. Spiker; to the Committee on Pensions.

Also, a bill (H. R. 14278) granting a pension to Alonzo Tomlinson; to the Committee on Pensions.

Also, a bill (H. R. 14279) granting a pension to Mary Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14280) granting a pension to Carrie M. Drook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14281) granting a pension to Rachel Fite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14282) granting a pension to Mary A. Knote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14283) granting a pension to Elizabeth J. Rock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14284) granting a pension to Melissa Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14285) granting a pension to Margaret Felton; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 14286) granting an increase of pension to Catharine Hartley; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 14287) granting a pension to Catherine A. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14288) granting an increase of pension to Lucena K. Moore; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 14289) granting a pension to Sarah Ella Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14290) granting a pension to Mattie B. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14291) granting a pension to Minnie Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14292) granting a pension to Sarah Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) granting an increase of pension to Elizabeth N. White; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 14294) for the relief of Richard Kirchhoff; to the Committee on Naval Affairs.

Also, a bill (H. R. 14295) granting a pension to Robert Berg; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 14296) granting an increase of pension to Johanna Wettengel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14297) granting an increase of pension to Eveline L. Pinch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) granting an increase of pension to Catherine Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14299) granting an increase of pension to Delia Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14300) granting a pension to James K. Parsons; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 14301) granting an increase of pension to Emma Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14302) for the relief of Albert Bowen; to the Committee on Military Affairs.

Also, a bill (H. R. 14303) granting an increase of pension to Ella E. Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14304) granting a pension to Anna Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14305) granting a pension to Mary E. Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14306) granting a pension to Elizabeth Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14307) granting a pension to Frank Kyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14308) granting an increase of pension to Frances McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14309) granting a pension to Edward McKeels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14310) granting an increase of pension to Sarah E. Morrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14311) granting an increase of pension to Mary J. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14312) granting an increase of pension to Eliza North; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14313) granting an increase of pension to Mariah Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14314) granting an increase of pension to Clara Price; to the Committee on Pensions.

Also, a bill (H. R. 14315) granting a pension to Ulysses Garrett Sheets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14316) granting a pension to Ernest Stapleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14317) granting an increase of pension to Mary Stauffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14318) granting a pension to Fannie Simms Stevens; to the Committee on Pensions.

Also, a bill (H. R. 14319) granting a pension to Mary E. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14320) granting a pension to Hester White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14321) granting an increase of pension to Phebe Zeigler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14322) granting an increase of pension to Parmelia E. Deering; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14323) to authorize the appointment of Staff Sergt. John Gannon, retired, to the grade of master sergeant, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 14324) granting an increase of pension to Frank Johnson; to the Committee on Pensions.

Also, a bill (H. R. 14325) granting an increase of pension to Margaret Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14326) granting a pension to Mabel G. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14327) granting a pension to Charles N. Pollard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14328) granting a pension to Bertha P. Park; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14329) granting a pension to Louisa Fry; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 14330) granting an increase of pension to Linna L. White; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 14331) granting an increase of pension to Martin V. Stanton; to the Committee on Pensions.

Also, a bill (H. R. 14332) granting an increase of pension to Harriet P. Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Fenton H. Stover; to the Committee on Pensions.

Also, a bill (H. R. 14334) granting a pension to Sarah E. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14335) granting a pension to Helen Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14336) granting a pension to Jacob B. Scheid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14337) granting a pension to Frank M. Peasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14338) granting a pension to Marie Louden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14339) granting an increase of pension to Marietta Love; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 14340) granting a pension to Ella May Chappell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14341) granting a pension to Susan Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14342) granting a pension to Dalphus King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14343) granting a pension to Elizabeth Gummo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14344) granting a pension to Blanche Hollingshead; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 14345) granting a pension to Nancy Ann Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting a pension to Sarah M. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) granting a pension to William Rains; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14348) granting a pension to Eliza Ellen Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14349) granting an increase of pension to Lilly B. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14350) granting an increase of pension to Olive Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14351) granting a pension to John S. Gates; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 14352) granting a pension to Robert S. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14353) granting a pension to Amanda Bland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14354) granting a pension to Elisha White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14355) granting a pension to Ann F. Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14356) granting a pension to Joseph Riddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14357) granting a pension to Gustav A. Seyfert, to the Committee on Invalid Pensions.

Also, a bill (H. R. 14358) granting a pension to Mary A. Kreeger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14359) granting a pension to Henry L. Prunty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14360) granting a pension to Mattie Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14361) granting a pension to Martha V. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14362) granting a pension to Amanda Gump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14363) granting a pension to Harriet C. Hardacre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14364) granting a pension to Sarah Funderburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14365) granting a pension to Gracie Gouge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14366) granting a pension to Minnie Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14367) granting a pension to Robert Fossett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14368) granting an increase of pension to Malinda Luttrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14369) granting an increase of pension to Fannie Garland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14370) granting an increase of pension to Priscilla N. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14371) granting a pension to Carrie York; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 14372) granting a pension to Rebecca Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14373) granting a pension to Rose Z. Cote; to the Committee on Pensions.

Also, a bill (H. R. 14374) granting a pension to Albertina Champion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14375) granting an increase of pension to Mary A. Champion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14376) granting an increase of pension to Eva Stump; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 14377) granting an increase of pension to Hannah Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14378) to authorize an appropriation to cover damages to an automobile of William H. Baldwin; to the Committee on Military Affairs.

By Mr. O'BRIEN: A bill (H. R. 14379) granting a pension to Lizzie Jane McMillion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14380) granting a pension to Naomi S. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14381) granting a pension to J. A. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14382) granting a pension to Martha J. Rader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14383) for the relief of the Zoar Baptist Church, of Keslers Cross Lanes, Nicholas County, W. Va.; to the Committee on War Claims.

By Mr. O'CONNELL: A bill (H. R. 14384) for the relief of Roland Vincent Baillie; to the Committee on Naval Affairs.

By Mr. REECE: A bill (H. R. 14385) granting a pension to George R. Miller; to the Committee on Pensions.

Also, a bill (H. R. 14386) granting a pension to Sarah R. Atwood; to the Committee on Pensions.

Also, a bill (H. R. 14387) granting a pension to Amelia Stoops; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 14388) granting a pension to Emma Love; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14389) granting a pension to Otho Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting a pension to Josie Sames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14391) granting a pension to Mary A. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14392) granting a pension to William Barrett; to the Committee on Pensions.

Also, a bill (H. R. 14393) granting a pension to James Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 14394) granting a pension to J. C. Hounchell; to the Committee on Pensions.

Also, a bill (H. R. 14395) granting a pension to Mary A. Hounchell; to the Committee on Pensions.

Also, a bill (H. R. 14396) granting a pension to Clinton A. Short; to the Committee on Pensions.

Also, a bill (H. R. 14397) granting a pension to William S. Stearnes; to the Committee on Pensions.

Also, a bill (H. R. 14398) granting a pension to Charles E. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 14399) granting a pension to Eliza White; to the Committee on Pensions.

Also, a bill (H. R. 14400) granting a pension to Ira Begley; to the Committee on Pensions.

Also, a bill (H. R. 14401) granting a pension to Eugene Messer; to the Committee on Pensions.

Also, a bill (H. R. 14402) granting an increase of pension to Albert Brewer; to the Committee on Pensions.

Also, a bill (H. R. 14403) granting an increase of pension to Mike Grubb; to the Committee on Pensions.

Also, a bill (H. R. 14404) granting an increase of pension to Richard E. Hibbard; to the Committee on Pensions.

Also, a bill (H. R. 14405) granting an increase of pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 14406) granting an increase of pension to Theo Rasner; to the Committee on Pensions.

Also, a bill (H. R. 14407) granting an increase of pension to Elijah Spurlock; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 14408) granting a pension to Hattie E. Vernocom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14409) granting an increase of pension to Mary E. Mefford; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 14410) granting a pension to Lena M. Stevens; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 14411) granting a pension to William Thomas; to the Committee on Pensions.

Also, a bill (H. R. 14412) granting a pension to Daisy Smith; to the Committee on Pensions.

Also, a bill (H. R. 14413) granting a pension to Daniel Donovan; to the Committee on Pensions.

Also, a bill (H. R. 14414) granting an increase of pension to Caroline I. Minneley; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 14415) granting an increase of pension to Martha E. Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14416) granting an increase of pension to Elma A. Stoddard; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14417) granting a pension to Iola Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14418) granting a pension to Elizabeth L. Steffy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14419) granting a pension to Ada G. Pollock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14420) granting an increase of pension to Catherine J. Muller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14421) for the relief of Regina Hogan; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 14422) granting a pension to Mary Ellen Hogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14423) granting an increase of pension to Viola Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14424) granting an increase of pension to Annis M. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14425) granting an increase of pension to Ellen J. Rusco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14426) for the relief of Eugene A. Dubrule; to the Committee on Naval Affairs.

By Mr. TATGENHORST: A bill (H. R. 14427) granting an increase of pension to Elizabeth J. Waddell; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 14428) for the relief of Thomas Newton; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 14429) granting a pension to Delilah Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14430) granting a pension to Icie Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14431) granting an increase of pension to Sarah J. Rigdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14432) granting an increase of pension to Esther J. Conklin; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 14433) granting a pension to Alberta Lutman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14434) granting an increase of pension to Mary Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14435) granting an increase of pension to Lucia Clark; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 14436) granting an increase of pension to Nellie A. R. Sykes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14437) granting an increase of pension to Idella Hescock; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 14438) granting an increase of pension to Rachel Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14439) granting an increase of pension to Emma Housworth; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14440) granting a pension to Adaline Hord; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 14441) granting an increase of pension to Ida Copple; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 14442) granting an increase of pension to Mary Wright; to the Committee on Pensions.

Also, a bill (H. R. 14443) granting an increase of pension to Mary A. Spond; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 14444) granting a pension to Omer D. Sovey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14445) granting a pension to Lydia O. Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14446) granting a pension to Martha Jane Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14447) for the relief of John Lourim; to the Committee on Military Affairs.

By Mr. ACKERMAN: A bill (H. R. 14448) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

By Mr. BULWINKLE: A bill (H. R. 14449) to establish a national military park to commemorate the Battle of Kings Mountain; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 14450) to amend section 1505 of the Revised Statutes of the United States, as amended, relating to loss of numbers by officers of the Navy who are found not professionally qualified for promotion; to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 14451) granting the consent of Congress to the County of Allegheny, Pa., to construct a bridge across the Ohio River between the city of Pittsburgh and the borough of McKees Rocks, State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 14452) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;* to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY: A bill (H. R. 14453) to regulate interstate and foreign commerce in bituminous coal; provide for consolidations, mergers, and cooperative marketing; regulate the fuel supply of interstate carriers; require the licensing of corporations producing and shipping coal in interstate commerce; and to create a bituminous coal commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14454) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and to regulate the expenditure of moneys that shall be appropriated for such purposes; to the Committee on the Judiciary.

By Mr. COHEN: A bill (H. R. 14455) to establish an emergency landing field for aircraft at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 14456) to provide for the presentation of distinguished-service medals to certain persons; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 14457) validating certain conveyances heretofore made by Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way in and in the vicinity of the city of Lodi and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356); to the Committee on the Public Lands.

By Mr. GARNER of Texas: A bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near San Benito, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Nebraska: A bill (H. R. 14459) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Indian Affairs.

Also, a bill (H. R. 14460) authorizing the Iowa-Nebraska Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14461) to provide for a joint reunion of the surviving veterans of both sides of the war, 1861 to 1865, in the city of Washington in the year 1929; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of this act; to the Committee on the Judiciary.

By Mr. HOWARD of Oklahoma: A bill (H. R. 14462) to amend the tariff act of 1922 by placing crude mineral oils on the dutiable list; to the Committee on Ways and Means.

Also, a bill (H. R. 14463) authorizing the construction of a boarding school for Indian children in the State of Oklahoma in the area known as the Cherokee Nation; to the Committee on Indian Affairs.

By Mr. HOUSTON of Hawaii: A bill (H. R. 14464) to amend section 148 of chapter 6, title 8, of the United States Code; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 14465) to exempt officers and employees of Alaska and Hawaii from the payment of income tax; to the Committee on Ways and Means.

By Mr. HUDDLESTON: A bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14467) to amend the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON of Hawaii: A bill (H. R. 14468) to amend section 519, chapter 13, title 18, of the United States Code; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEA: A bill (H. R. 14470) to provide for the inspection of poultry and poultry products; to the Committee on Agriculture.

By Mr. PORTER: A bill (H. R. 14471) to extend the time for the construction of a bridge across the Ohio River, between the North Side, Pittsburgh, and McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 14472) to extend the time for construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of Illinois: A bill (H. R. 14473) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14474) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 14475) authorizing an appropriation for Mount Adams Highway, on the Yakima Indian Reservation; to the Committee on Indian Affairs.

By Mr. SUTHERLAND: A bill (H. R. 14476) to amend section 7 of the act of June 26, 1906, entitled "An act for the protection and regulation of the fisheries of Alaska"; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Colorado: A bill (H. R. 14477) to amend the tariff act of 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 14478) providing for the control and extermination of the western or Mormon cricket pest in Rio Blanco, Moffat, and Routt Counties, Colo., and for other purposes; to the Committee on Appropriations.

By Mr. VINSON of Kentucky: A bill (H. R. 14479) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 14480) to increase the import duty on certain minerals, eggs, and grains; to the Committee on Ways and Means.

By Mr. WOOD: A bill (H. R. 14481) to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. WELLER: A bill (H. R. 14482) authorizing the Secretary of the Treasury to bestow a gold medal of honor, of such design as he may approve, upon Quartermaster Lionel Licorish, of the steamship *Vestris;* to the Committee on the Library.

By Mr. LAGUARDIA: A bill (H. R. 14483) fixing the liability of owners of vessels; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: A bill (H. R. 14484) granting a pension to Joseph Nowland, alias James Rodgers; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 14485) granting a pension to Agnus Mathews; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 14486) granting a pension to Ellison Parker; to the Committee on Pensions.

By Mr. BROWNE: A bill (H. R. 14487) granting a pension to Josephine Slover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14488) granting a pension to Emma J. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14489) granting a pension to Elizabeth Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14490) granting a pension to Elizabeth A. Wilkinson; to the Committee on Pensions.

Also, a bill (H. R. 14491) granting a pension to Hubert J. Secord; to the Committee on Pensions.

Also, a bill (H. R. 14492) granting a pension to Anna Holl; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 14493) for the relief of George Press; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 14494) granting a pension to Louis Klein; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 14495) granting a pension to Mabel Leona Wattenbarger; to the Committee on Pensions.

Also, a bill (H. R. 14496) granting a pension to Lafayette Brashear (Lafayette Brashears); to the Committee on Invalid Pensions.

Also, a bill (H. R. 14497) granting an increase of pension to Mary J. Darling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14498) for the relief of William Geravis Hill; to the Committee on Naval Affairs.

By Mr. CHALMERS: A bill (H. R. 14499) granting an increase of pension to Rachel Parish; to the Committee on Invalid Pensions.

By Mr. COHEN: A bill (H. R. 14500) for the relief of the minor children of the late David Alexander Sanson; to the Committee on Claims.

Also, a bill (H. R. 14501) for the relief of John Fleckstein; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 14502) granting a pension to Ida M. Rundlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14503) granting an increase of pension to Alice A. Hayes; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 14504) granting an increase of pension to Oscar M. Simpkins; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 14505) granting a pension to Laurance L. Percy; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 14506) for the relief of Everett A. Dougherty; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 14507) for the relief of Lawrence A. Price; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 14508) for the relief of Hattie McGrath; to the Committee on World War Veterans' Legislation.

By Mr. ELLIOTT: A bill (H. R. 14509) granting a pension to Elizabeth Junken; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 14510) granting a pension to Martha Ellen Ralston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14511) granting a pension to Eveline Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14512) granting an increase of pension to Ellen Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14513) granting an increase of pension to Amanda C. McNeil; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 14514) granting a pension to Minnie Donoghue; to the Committee on Pensions.

Also, a bill (H. R. 14515) granting a pension to George E. Jones; to the Committee on Pensions.

Also, a bill (H. R. 14516) granting a pension to Henry E. Ravencraft; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 14517) granting an increase of pension to Martha Willoughby; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 14518) granting a pension to Rebecca L. Guildersleeve; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 14519) granting a pension to Love D. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14520) granting a pension to Fred McDermott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14521) granting a pension to Henry Metevia; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 14522) granting a pension to Nancy J. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14523) granting a pension to Ida M. Phipps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14524) granting a pension to Maggie Crecelius; to the Committee on Pensions.

Also, a bill (H. R. 14525) granting a pension to Sarah E. McHobson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14526) granting a pension to Emma Orander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14527) granting a pension to Dora A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14528) granting a pension to Fannie Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) granting a pension to Saphronia Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14530) granting a pension to Jennie Whitaker Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14531) granting a pension to Ellen Bibs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14532) granting a pension to Rosa Underhill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14533) granting an increase of pension to Elizabeth Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14534) granting an increase of pension to Sarah E. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14535) granting a pension to Stephen Cole; to the Committee on Pensions.

Also, a bill (H. R. 14536) granting a pension to Charles Franz; to the Committee on Pensions.

Also, a bill (H. R. 14537) granting a pension to Mary Jane Philips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14538) granting a pension to William Colvin; to the Committee on Pensions.

Also, a bill (H. R. 14539) granting a pension to Rhoda J. Croghan; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 14540) granting an increase of pension to Christena Satterfield; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 14541) granting a pension to Josephine Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14542) granting an increase of pension to Lydia Johnson; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 14543) granting a pension to Presley B. Bradley; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 14544) granting a pension to Harriet Pollock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14545) granting an increase of pension to Cynthia Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14546) granting an increase of pension to Ruth E. Kincheloe; to the Committee on Pensions.

Also, a bill (H. R. 14547) granting an increase of pension to Fannie Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14548) granting an increase of pension to Sarah J. Melrose; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 14549) granting a pension to Arthur Searls; to the Committee on Pensions.

Also, a bill (H. R. 14550) granting a pension to Cornelia V. Taylor; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 14551) granting a pension to Belle Lowry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14552) granting a pension to Mary L. Nehmier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14553) granting a pension to Mary E. Schofield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14554) granting a pension to Sarah Vicars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14555) granting an increase of pension to William R. Holt; to the Committee on Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 14556) granting a pension to Dora Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14557) granting a pension to Naomi E. Lineback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14558) granting a pension to Bertha Stanley; to the Committee on Pensions.

Also, a bill (H. R. 14559) granting a pension to Sam H. Wilkinson; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 14560) granting a pension to James A. Warman; to the Committee on Pensions.

Also, a bill (H. R. 14561) granting an increase of pension to Caroline Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14562) granting a pension to Philip L. Conrad, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14563) granting an increase of pension to Mary Ann Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14564) granting an increase of pension to Jemima Ashcraft Bunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14565) granting a pension to Lucinda M. Chrise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14566) granting an increase of pension to Mary Elizabeth Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14567) granting an increase of pension to Emma J. Minerd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14568) granting an increase of pension to Malinda Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14569) granting an increase of pension to Dorotha Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14570) granting an increase of pension to Oleva C. McGraw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14571) granting an increase of pension to Mary A. Stacer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14572) for the relief of William D. Ghrist; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 14573) granting a pension to William J. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14574) granting a pension to Christina Crotsley Fraker; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 14575) for the relief of First National Bank, Kewanee, Ill.; to the Committee on Claims.

Also, a bill (H. R. 14576) granting a pension to Elizabeth Segall; to the Committee on Pensions.

Also, a bill (H. R. 14577) granting a pension to Mrs. James D. Litchfield; to the Committee on Pensions.

Also, a bill (H. R. 14578) granting a pension to Margaret Higgins; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 14579) for the relief of Walter Malone; to the Committee on Military Affairs.

Also, a bill (H. R. 14580) for the relief of Joseph George O'Neil; to the Committee on Naval Affairs.

Also, a bill (H. R. 14581) granting an increase of pension to Caroline L. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14582) granting an increase of pension to Angie Carson; to the Committee on Invalid Pensions.

By Mr. LEA: A bill (H. R. 14583) for the relief of A. Brizard (Inc.); to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 14584) granting an increase of pension to Myrtle M. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14585) granting a pension to Margaret Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14586) granting an increase of pension to Mary Larkin; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 14587) granting a pension to John W. Kahl; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 14588) granting a pension to Frances D. Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14589) granting an increase of pension to Helen M. Mouthorp; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14590) granting a pension to David E. Almy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14591) granting a pension to Lovina Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14592) granting a pension to Harry J. Hull; to the Committee on Pensions.

Also, a bill (H. R. 14593) granting a pension to Bert L. Sawyer; to the Committee on Pensions.

Also, a bill (H. R. 14594) granting an increase of pension to Harry W. Clark; to the Committee on Pensions.

Also, a bill (H. R. 14595) granting an increase of pension to Lucinda M. Goodsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14596) granting an increase of pension to Elizabeth Hirst; to the Committee on Pensions.

Also, a bill (H. R. 14597) granting an increase of pension to Emma R. Walters; to the Committee on Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 14598) granting a pension to Anna Finneraan; to the Committee on Pensions.

Also, a bill (H. R. 14599) granting a pension to Mary E. Sullivan; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 14600) granting a pension to Hannah Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14601) granting a pension to Margaret C. Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14602) granting an increase of pension to Annie L. Lampman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14603) granting an increase of pension to Julia C. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14604) granting an increase of pension to Ada A. Bryant; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 14605) granting an increase of pension to Maria R. Low; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 14606) granting a pension to Marion Crowley; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 14607) granting a pension to John E. Polk; to the Committee on Pensions.

Also, a bill (H. R. 14608) granting an increase of pension to Miguel Archuleta; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 14609) granting a pension to Nancy Ann Parker; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 14610) granting a pension to Jane M. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14611) granting a pension to Mattie F. McKay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14612) granting a pension to Burgess E. Singleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14613) granting an increase of pension to Sarah A. Lonberger; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 14614) granting an increase of pension to Kenneth Morford; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 14615) granting a pension to Leon J. Collins; to the Committee on Pensions.

Also, a bill (H. R. 14616) for the relief of the heirs of Daniel Linebaugh; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 14617) granting an increase of pension to Franc C. Brightman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14618) granting an increase of pension to Mary Jane Travis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14619) granting a pension to Cora E. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14620) granting an increase of pension to Amelia A. Owen; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 14621) granting an increase of pension to Charlotte Bredenkamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14622) granting an increase of pension to Emma E. Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14623) granting an increase of pension to Laura L. Shrode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14624) granting an increase of pension to Sarah P. Kookendoffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14625) granting an increase of pension to Mary E. Lancaster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14626) granting an increase of pension to Michal M. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14627) granting an increase of pension to Sallie Bales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14628) granting an increase of pension to Elizabeth White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14629) granting an increase of pension to Sarah E. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14630) granting an increase of pension to Pollia A. Cato; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14631) granting a pension to Julia Borders; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 14632) granting a pension to Carrie E. Baldwin; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 14633) granting a pension to Mary R. Coffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14634) granting an increase of pension to Sarah C. Blume; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14635) granting an increase of pension to Eliza F. Townsend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14636) granting an increase of pension to Mamie Bashaw; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 14637) granting a pension to Anna H. Niesz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14638) granting an increase of pension to Adaline A. Gholson; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 14639) granting an increase of pension to Annie W. Johnston; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 14640) for the relief of St. James Episcopal Church, Marietta, Ga.; to the Committee on War Claims.

By Mr. TEMPLE: A bill (H. R. 14641) granting an increase of pension to Mary A. Dougan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14642) granting a pension to Hoppy Ritter; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 14643) granting a pension to Dora Dorine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14644) granting an increase of pension to Sarah Morrison; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 14645) for the relief of John S. Conkright; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 14646) granting a pension to Mary E. Savage; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 14647) granting a pension to Elizabeth Ratcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14648) granting a pension to Mary D. Heistand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14649) granting an increase of pension to Laura E. Tansey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14650) granting an increase of pension to Susannah Thornburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14651) granting an increase of pension to Ida M. Neill; to the Committee on Pensions.

Also, a bill (H. R. 14652) granting an increase of pension to Minerva F. Ward; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 14653) granting a pension to Almeda Jarrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14654) granting a pension to William S. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14655) granting a pension to George Gambill; to the Committee on Pensions.

Also, a bill (H. R. 14656) for the relief of William Brewer; to the Committee on Military Affairs.

By Mr. WARE: A bill (H. R. 14657) granting a pension to Maggie Robinson; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 14658) granting a pension to Annie Young; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: Joint resolution (H. J. Res. 327) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KORELL: Joint resolution (H. J. Res. 328) for the relief of George Charles Walthers; to the Committee on Claims.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 329) to create a commission for the revision of the shipping laws of the United States; to the Committee on Rules.

By Mr. PORTER: Joint resolution (H. J. Res. 330) requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference; to the Committee on Foreign Affairs.

By Mr. LEAVITT: Concurrent resolution (H. Con. Res. 44) creating a joint committee on the time for the annual meeting of Congress and on the electoral system of the United States, and defining its duties; to the Committee on Rules.

By Mr. BEERS: Resolution (H. Res. 240) providing for the printing of the Forty-seventh Annual Encampment of the Commandery in Chief, Sons of Union Veterans of the Civil War; to the Committee on Printing.

By Mr. DOWELL: Resolution (H. Res. 241) relating to an assistant clerk for the Committee on Roads; to the Committee on Accounts.

By Mr. McLEOD: Resolution (H. Res. 250) providing that immediately upon the adoption of this resolution the question of apportionment of Representatives among the several States, in accordance with the provisions of the Constitution, shall be the exclusive business before the House; to the Committee on Rules.

By Mr. LAGUARDIA: Resolution (H. Res. 251) providing for a conference between the House of Commons of the British Parliament and a select committee of the House of Representatives of the Congress of the United States at the city of Habana, Cuba, and for other purposes; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7825. Petition of United Typothetae of America, Chicago, Ill., favoring equitable postal rates; to the Committee on the Post Office and Post Roads.

7826. Also, petition of sundry citizens of Greenfield, Ind., opposing Sunday observance law; to the Committee on the District of Columbia.

7827. By Mr. BOYLAN: Petition of New York State Association of Letter Carriers, favoring the Dale-Lehlbach retirement bill, Kelly postal bill (H. R. 89), and La Follette-Mead Saturday short workday bill; to the Committee on the Civil Service.

7828. Also, petition of New York Letter Carriers' Association, Empire Branch, No. 36, favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7829. Also, petition of New York State Ladies' Auxiliary of Letter Carriers Association, favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7830. Also, petition of Ladies' Auxiliary No. 37, National Association of Letter Carriers, favoring passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7831. By Mr. CHALMERS: Letter from the Ransom & Randolph Co., Toledo, Ohio, requesting American valuation on certain imported articles; to the Committee on Ways and Means.

7832. By Mr. FITZPATRICK: Petition of New York State Association of Letter Carriers, indorsing and urging the enactment of the Dale-Lehlbach retirement bill, the La Follette-Mead Saturday short workday bill, and the Kelly postal policy bill; to the Committee on the Civil Service.

7833. By Mr. HUDSPETH: Petition of members of Philathia class, First Presbyterian Church, El Paso, Tex., urging signing of Kellogg peace pact; to the Committee on Foreign Affairs.

7834. By Mr. KINDRED: Resolution by the New York State Federation of Labor, indorsing the Cooper-Hawes bill, and urging the Congressmen and Senators of New York State to support this measure; to the Committee on Labor.

7835. Also, resolution of the New York State Ladies' Auxiliary to New York State Association of Letter Carriers, in convention assembled at Albany, N. Y., September 17–18, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727), and requesting the Representatives in Congress from the State of New York to enact this measure into law upon convening of Congress on December 3, 1928; to the Committee on the Civil Service.

7836. Also, resolution of the New York State Association of Letter Carriers, indorsing the Dale-Lehlbach retirement bill (S. 1727), the La Follette-Mead Saturday short workday bill (S. 3281), and the Kelly postal policy bill (H. R. 89), and urging the Representatives in Congress from the State of New York to use every effort to bring about the enactment of these measures at the second session of the Seventieth Congress; to the Committee on the Civil Service.

7837. By Mr. MILLIGAN: Petition signed by Daniel P. Lane and others, requesting an increase of pensions for all Spanish-American War veterans; to the Committee on Pensions.

7838. By Mr. MURPHY: Petition of Charley Fred, of Bellaire, Ohio, and 51 others, asking for the passage of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

7839. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, favoring the enlargement of Marine Hospital No. 1, on Staten Island, N. Y.; to the Committee on Interstate and Foreign Commerce.

7840. Also, petition of the William R. Warner & Co. (Inc.), New York City, favoring the passage of the Capper-Kelly price maintenance bill; to the Committee on Interstate and Foreign Commerce.

7841. Also, petition of the Chamber of Commerce of the State of New York, favoring a sea-level canal across the State of New Jersey; to the Committee on Interstate and Foreign Commerce.

7842. Also, petition of C. A. Pennock, of the Richard Hudnut Co., New York City, favoring the passage of the Kelly-Capper price maintenance bill; to the Committee on Interstate and Foreign Commerce.

7843. Also, petition of the New York State Federation of Labor, Albany, N. Y., favoring the passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

7844. Also, petition of the American Federation of Labor, favoring the passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7845. Also, petition of the New York State Ladies' Auxiliary to New York State Association of Letter Carriers, New York City, favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7846. Also, petition of the New York State Association of Letter Carriers, Richmond Hill, Long Island, N. Y., favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7847. Also, petition of the New York State Association of Letter Carriers, Richmond Hill, Long Island, N. Y., favoring the passage of the Kelly postal bill; to the Committee on the Post Office and Post Roads.

7848. Also, petition of the New York State Association of Letter Carriers, Richmond Hill, Long Island, N. Y., favoring the passage of the La Follette Saturday short workday bill (S. 3281); to the Committee on the Post Office and Post Roads.

7849. Also, petition of the Intracoastal Canal Association of Louisiana and Texas, with reference to the construction of the

inland waterway "from the Mississippi to the Rio Grande"; to the Committee on Interstate and Foreign Commerce.

7850. By Mr. O'CONNOR of New York: Resolution of the New York State Federation of Labor, in support of the Cooper-Hawes bill, adopted at the sixty-fifth annual convention at Rochester, N. Y., August 28-30, 1928; to the Committee on Labor.

7851. By Mr. PRALL: Petition received from the New York State Federation of Labor, Albany, N. Y., indorsing the Cooper-Hawes bill, Mr. John M. O'Hanlon, secretary-treasurer; to the Committee on Labor.

7852. By Mr. QUAYLE: Petition of the New York State Federation of Labor, Albany, N. Y., urging the passage of the Cooper-Hawes bill (H. R. 7729); to the Committee on Labor.

7853. Also, petition of New York State Ladies' Auxiliary to the New York State Association of Letter Carriers, urging the passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7854. Also, petition of American Federation of Labor, New Orleans, La., urging the passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7855. Also, petition of New York State Association of Letter Carriers, of Jamaica, N. Y., urging the passage of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7856. Also, petition of New York State Association of Letter Carriers, Jamaica, N. Y., urging the passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7857. Also, petition of New York State Association of Letter Carriers, of Jamaica, N. Y., urging the passage of the La Follette-Mead bill (S. 3281); to the Committee on the Post Office and Post Roads.

7858. By Mr. STRONG of Pennsylvania: Petition of the Ladies' Auxiliary of the Clarion County (Pa.) Rural Letter Carrier Association, in favor of the passage of the Dale bill to permit optional retirement after 30 years' service; to the Committee on the Civil Service.

7859. By Mr. SWING: Resolution supporting the Johnson-Reed immigration act of 1924; to the Committee on Immigration and Naturalization.

7860. By Mr. TEMPLE: Petition of Men's Bible Class, First Presbyterian Church, Waynesburg, Greene County, Pa., in support of House bill 78, Sunday rest bill; to the Committee on the District of Columbia.

SENATE

TUESDAY, *December 4, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty Lord of life, of work and peace, Lord of our wandering wills, direct our thought at this morning hour away from the illusions of this world, and fix them only on the love of God, the tenderness of Christ, the silver wings and the refreshing dew of Thine own Spirit. Enable us to weigh all things in the balances of the Sanctuary, that truth and justice, religion and piety, may be established among us for all generations. And grant that as we serve Thee faithfully here on earth we may find our perfect consummation and joy in serving Thee in those broader fields of life into which it shall please Thee to call us at the last. Through Jesus Christ our Lord. Amen.

HENRY F. ASHURST, a Senator from the State of Arizona, WILLIAM CABELL BRUCE, a Senator from the State of Maryland, WALTER F. GEORGE, a Senator from the State of Georgia, and PARK TRAMMELL, a Senator from the State of Florida, appeared in their seats to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a resolution (H. Res. 243) informing the Senate that a quorum of the House of Representatives had appeared and that the House was ready to proceed with business.

The message also announced that the House had adopted a resolution (H. Res. 242) providing for the appointment of a committee of three members on the part of the House to join a similar committee on the part of the Senate to notify the President of the United States that a quorum of each House had assembled and that Congress was ready to receive any communication he might be pleased to make.

The message transmitted to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. FRANK R. GOODING, late a Senator from the State of Idaho.

The message communicated to the Senate the intelligence of the death of Hon. HENRY R. RATHBONE, late a Representative from the State of Illinois, and transmitted the resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. LOUIS A. FROTHINGHAM, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The message further communicated to the Senate the intelligence of the death of Hon. THOMAS L. RUBEY, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon.

The message also communicated to the Senate the intelligence of the death of Hon. WILLIAM A. OLDFIELD, late a Representative from the State of Arkansas, and transmitted the resolutions of the House thereon.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.;

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States; and

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 5894. An act for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;

H. R. 6432. An act for the relief of James E. Moyer;

H. R. 7236. An act for the relief of James M. Long;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor;

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas advanced in the center aisle, and

Mr. CURTIS said: Mr. President, your committee appointed to join a similar committee of the House to wait upon the President and advise him that a quorum of each of the Houses had assembled performed that duty and beg to report that the President congratulated the Congress upon its reassembling, and informed your committee that he would immediately communicate in writing with the two bodies.

DEATH OF REPRESENTATIVE HENRY R. RATHBONE

The VICE PRESIDENT laid before the Senate resolutions of the House of Representatives (H. Res. 246), which were read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. HENRY R. RATHBONE, a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. DENEEN. Mr. President, I submit resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 268) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY R. RATHBONE, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF REPRESENTATIVE LOUIS A. FROTHINGHAM

The VICE PRESIDENT laid before the Senate resolutions of the House of Representatives (H. Res. 247), which were read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. LOUIS A. FROTHINGHAM, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. GILLETT. Mr. President, I submit the resolutions which I send to the desk and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 269) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. LOUIS A. FROTHINGHAM, late a Representative from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

DEATH OF REPRESENTATIVE THOMAS L. RUBEY

The VICE PRESIDENT laid before the Senate resolutions of the House of Representatives (H. Res. 248), which were read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. THOMAS L. RUBEY, a Representative from the State of Missouri.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. REED of Missouri. Mr. President, I present resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 270) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOMAS L. RUBEY, late a Representative from the State of Missouri.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

PRESIDENT'S ANNUAL MESSAGE

Mr. Latta, one of the secretaries of the President, was announced, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received by the Assistant Sergeant at Arms, Carl A. Loeffler, and handed to the Vice President.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk, John C. Crockett, read the message, as follows:

To the Congress of the United States:

No Congress of the United States ever assembled, on surveying the state of the Union, has met with a more pleasing prospect than that which appears at the present time. In the domestic field there is tranquillity and contentment, harmonious relations between management and wage earner, freedom from industrial strife, and the highest record of years of prosperity. In the foreign field there is peace, the good will which comes from mutual understanding, and the knowledge that the problems which a short time ago appeared so ominous are yielding to the touch of manifest friendship. The great wealth created by our enterprise and industry, and saved by our economy, has had the widest distribution among our own people, and has gone out in a steady stream to serve the charity and the business of the world. The requirements of existence have passed beyond the standard of necessity into the region of luxury. Enlarging production is consumed by an increasing demand at home and an expanding commerce abroad. The country can regard the present with satisfaction and anticipate the future with optimism.

The main source of these unexampled blessings lies in the integrity and character of the American people. They have had great faith, which they have supplemented with mighty works. They have been able to put trust in each other and trust in their Government. Their candor in dealing with foreign governments has commanded respect and confidence. Yet these remarkable powers would have been exerted almost in vain without the constant cooperation and careful administration of the Federal Government.

We have been coming into a period which may be fairly characterized as a conservation of our national resources. Wastefulness in public business and private enterprise has been displaced by constructive economy. This has been accomplished by bringing our domestic and foreign relations more and more under a reign of law. A rule of force has been giving way to a rule of reason. We have substituted for the vicious circle of increasing expenditures, increasing tax rates, and diminishing profits the charmed circle of diminishing expenditures, diminishing tax rates, and increasing profits.

Four times we have made a drastic revision of our internal revenue system, abolishing many taxes and substantially reducing almost all others. Each time the resulting stimulation to business has so increased taxable incomes and profits that a surplus has been produced. One-third of the national debt has been paid, while much of the other two-thirds has been refunded at lower rates, and these savings of interest and constant economies have enabled us to repeat the satisfying process of more tax reductions. Under this sound and healthful encouragement the national income has increased nearly 50 per cent, until it is estimated to stand well over $90,000,000,000. It has been a method which has performed the seeming miracle of leaving a much greater percentage of earnings in the hands of the taxpayers with scarcely any diminution of the Government revenue. That is constructive economy in the highest degree. It is the corner stone of prosperity. It should not fail to be continued.

This action began by the application of economy to public expenditure. If it is to be permanent, it must be made so by the repeated application of economy. There is no surplus on which to base further tax revision at this time. Last June the estimates showed a threatened deficit for the current fiscal year of $94,000,000. Under my direction the departments began saving all they could out of their present appropriations. The last tax reduction brought an encouraging improvement in business, beginning early in October, which will also increase our revenue. The combination of economy and good times now indicates a surplus of about $37,000,000. This is a margin of less than 1 per cent on our expenditures and makes it obvious that the Treasury is in no condition to undertake increases in expenditures to be made before June 30. It is necessary therefore during the present session to refrain from new appropriations for immediate outlay, or if such are absolutely required to provide for them by new revenue; otherwise we shall reach the end of the year with the unthinkable result of an unbalanced

budget. For the first time during my term of office we face that contingency. I am certain that the Congress would not pass and I should not feel warranted in approving legislation which would involve us in that financial disgrace.

On the whole the finances of the Government are most satisfactory. Last year the national debt was reduced about $906,000,000. The refunding and retirement of the second and third Liberty loans have just been brought to a successful conclusion, which will save about $75,000,000 a year in interest. The unpaid balance has been arranged in maturities convenient for carrying out our permanent debt-paying program.

The enormous savings made have not been at the expense of any legitimate public need. The Government plant has been kept up and many improvements are under way, while its service is fully manned and the general efficiency of operation has increased. We have been enabled to undertake many new enterprises. Among these are the adjusted compensation of the veterans of the World War, which is costing us $112,000,000 a year; amortizing our liability to the civil-service retirement funds, $20,000,000; increase of expenditures for rivers and harbors including flood control, $43,000,000; public buildings, $47,000,000. In 1928 we spent $50,000,000 in the adjustment of war claims and alien property. These are examples of a large list of items.

FOREIGN RELATIONS

When we turn from our domestic affairs to our foreign relations, we likewise perceive peace and progress. The Sixth International Conference of American States was held at Habana last winter. It contributed to a better understanding and cooperation among the nations. Eleven important conventions were signed and 71 resolutions passed. Pursuant to the plan then adopted, this Government has invited the other 20 nations of this hemisphere to a conference on conciliation and arbitration, which meets in Washington on December 10. All the nations have accepted and the expectation is justified that important progress will be made in methods for resolving international differences by means of arbitration.

During the year we have signed 11 new arbitration treaties, and 22 more are under negotiation.

NICARAGUA

When a destructive and bloody revolution lately broke out in Nicaragua, at the earnest and repeated entreaties of its Government I dispatched our marine forces there to protect the lives and interests of our citizens. To compose the contending parties, I sent there Col. Henry L. Stimson, former Secretary of War and now Governor General of the Philippine Islands, who secured an agreement that warfare should cease, a national election should be held, and peace should be restored. Both parties conscientiously carried out this agreement, with the exception of a few bandits who later mostly surrendered or left the country. President Diaz appointed Brig. Gen. Frank R. McCoy, United States Army, president of the election board, which included also one member of each political party.

A free and fair election has been held and has worked out so successfully that both parties have joined in requesting like cooperation from this country at the election four years hence, to which I have refrained from making any commitments, although our country must be gratified at such an exhibition of success and appreciation. Nicaragua is regaining its prosperity and has taken a long step in the direction of peaceful self-government.

TACNA-ARICA

The long-standing differences between Chile and Peru have been sufficiently composed so that diplomatic relations have been resumed by the exchange of ambassadors. Negotiations are hopefully proceeding as this is written for the final adjustment of the differences over their disputed territory.

MEXICO

Our relations with Mexico are on a more satisfactory basis than at any time since their revolution. Many misunderstandings have been resolved and the most frank and friendly negotiations promise a final adjustment of all unsettled questions. It is exceedingly gratifying that Ambassador Morrow has been able to bring our two neighboring countries, which have so many interests in common, to a position of confidence in each other and of respect for mutual sovereign rights.

CHINA

The situation in China, which a few months ago was so threatening as to call for the dispatch of a large additional force, has been much composed. The Nationalist Government has established itself over the country and promulgated a new organic law announcing a program intended to promote the political and economic welfare of the people. We have recognized this Government, encouraged its progress, and have negotiated a treaty restoring to China complete tariff autonomy and guaranteeing our citizens against discriminations. Our trade in that quarter is increasing and our forces are being reduced.

GREEK AND AUSTRIAN DEBTS

Pending before the Congress is a recommendation for the settlement of the Greek debt and the Austrian debt. Both of these are comparatively small and our country can afford to be generous. The rehabilitation of these countries awaits their settlement. There would also be advantages to our trade. We could scarcely afford to be the only nation that refuses the relief which Austria seeks. The Congress has already granted Austria a long-time moratorium, which it is understood will be waived and immediate payments begun on her debt on the same basis which we have extended to other countries.

PEACE TREATY

One of the most important treaties ever laid before the Senate of the United States will be that which the 15 nations recently signed at Paris, and to which 44 other nations have declared their intention to adhere, renouncing war as a national policy and agreeing to resort only to peaceful means for the adjustment of international differences. It is the most solemn declaration against war, the most positive adherence to peace, that it is possible for sovereign nations to make. It does not supersede our inalienable sovereign right and duty of national defense or undertake to commit us before the event to any mode of action which the Congress might decide to be wise if ever the treaty should be broken. But it is a new standard in the world around which can rally the informed and enlightened opinion of nations to prevent their governments from being forced into hostile action by the temporary outbreak of international animosities. The observance of this covenant, so simple and so straightforward, promises more for the peace of the world than any other agreement ever negotiated among the nations.

NATIONAL DEFENSE

The first duty of our Government to its own citizens and foreigners within its borders is the preservation of order. Unless and until that duty is met a government is not even eligible for recognition among the family of nations. The advancement of world civilization likewise is dependent upon that order among the people of different countries which we term peace. To insure our citizens against the infringement of their legal rights at home and abroad, to preserve order, liberty, and peace by making the law supreme we have an Army and a Navy.

Both of these are organized for defensive purposes. Our Army could not be much reduced, but does not need to be increased. Such new housing and repairs as are necessary are under way and the 5-year program in aviation is being put into effect in both branches of our service.

Our Navy, according to generally accepted standards, is deficient in cruisers. We have 10 comparatively new vessels, 22 that are old, and 8 to be built. It is evident that renewals and replacements must be provided. This matter was thoroughly canvassed at the last session of the Congress and does not need restatement. The bill before the Senate with the elimination of the time clause should be passed. We have no intention of competing with any other country. This building program is for necessary replacements and to meet our needs for defense.

The cost of national defense is stupendous. It has increased $118,000,000 in the past four years. The estimated expenditure for 1930 is $668,000,000. While this is made up of many items it is, after all, mostly dependent upon numbers. Our defensive needs do not call for any increase in the number of men in the Army or the Navy. We have reached the limit of what we ought to expend for that purpose.

I wish to repeat again for the benefit of the timid and the suspicious that this country is neither militaristic nor imperialistic. Many people at home and abroad, who constantly make this charge, are the same ones who are even more solicitous to have us extend assistance to foreign countries. When such assistance is granted, the inevitable result is that we have foreign interests. For us to refuse the customary support and protection of such interests would be in derogation of the sovereignty of this Nation. Our largest foreign interests are in the British Empire, France, and Italy. Because we are constantly solicitous for those interests, I doubt if anyone would suppose that those countries feel we harbor toward them any militaristic or imperialistic design. As for smaller countries, we certainly do not want any of them. We are more anxious than they are to have their sovereignty respected. Our entire influence is in behalf of their independence. Cuba stands as a witness to our adherence to this principle.

The position of this Government relative to the limitation of armaments, the results already secured, and the developments

up to the present time are so well known to the Congress that they do not require any restatement.

VETERANS

The magnitude of our present system of veterans' relief is without precedent, and the results have been far-reaching. For years a service pension has been granted to the Grand Army and lately to the survivors of the Spanish-American War. At the time we entered the World War, however, Congress departed from the usual pension system followed by our Government. Eleven years have elapsed since our laws were first enacted initiating a system of compensation, rehabilitation, hospitalization, and insurance for the disabled of the World War and their dependents. The administration of all the laws concerning relief has been a difficult task, but it can safely be stated that these measures have omitted nothing in their desire to deal generously and humanely. We should continue to foster this system and provide all the facilities necessary for adequate care. It is the conception of our Government that the pension roll is an honor roll. It should include all those who are justly entitled to its benefits, but exclude all others.

Annual expenditures for all forms of veterans' relief now approximate $765,000,000, and are increasing from year to year. It is doubtful if the peak of expenditures will be reached even under present legislation for some time yet to come. Further amendments to the existing law will be suggested by the American Legion, the Veterans of Foreign Wars of the United States, the Disabled American Veterans of the World War, and other like organizations, and it may be necessary for administrative purposes, or in order to remove some existing inequalities in the present law, to make further changes. I am sure that such recommendations as may be submitted to the Congress will receive your careful consideration. But because of the vast expenditure now being made each year, with every assurance that it will increase, and because of the great liberality of the existing law, the proposal of any additional legislation dealing with this subject should receive most searching scrutiny from the Congress.

You are familiar with the suggestion that the various public agencies now dealing with matters of veterans' relief be consolidated in one Government department. Some advantages to this plan seem apparent, especially in the simplification of administration and in the opportunity of bringing about a greater uniformity in the application of veterans' relief. I recommend that a survey be made by the proper committees of Congress dealing with this subject, in order to determine whether legislation to secure this consolidation is desirable.

AGRICULTURE

The past year has been marked by notable though not uniform improvement in agriculture. The general purchasing power of farm products and the volume of production have advanced. This means not only further progress in overcoming the price disparity into which agriculture was plunged in 1920–21, but also increased efficiency on the part of farmers and a well-grounded confidence in the future of agriculture.

The livestock industry has attained the best balance for many years and is prospering conspicuously. Dairymen, beef producers, and poultrymen are receiving substantially larger returns than last year. Cotton, although lower in price than at this time last year, was produced in greater volume, and the prospect for cotton incomes is favorable. But progress is never uniform in a vast and highly diversified agriculture or industry. Cash grains, hay, tobacco, and potatoes will bring somewhat smaller returns this year than last. Present indications are, however, that the gross farm income will be somewhat larger than in the crop year 1927–28, when the total was $12,253,000,000. The corresponding figure for 1926–27 was $12,127,000,000, and in 1925–26, $12,670,000,000. Still better results would have been secured this year had there not been an undue increase in the production of certain crops. This is particularly true of potatoes, which have sold at an unremunerative price, or at a loss, as a direct result of overexpansion of acreage.

The present status of agriculture, although greatly improved over that of a few years ago, bespeaks the need of further improvement, which calls for determined effort of farmers themselves, encouraged and assisted by wise public policy. The Government has been, and must continue to be, alive to the needs of agriculture.

In the past eight years more constructive legislation of direct benefit to agriculture has been adopted than during any other period. The Department of Agriculture has been broadened and reorganized to insure greater efficiency. The department is laying greater stress on the economic and business phases of agriculture. It is lending every possible assistance to cooperative marketing associations. Regulatory and research work have been segregated in order that each field may be served more effectively.

I can not too strongly commend, in the field of fact finding, the research work of the Department of Agriculture and the State experiment stations. The department now receives annually $4,000,000 more for research than in 1921. In addition, the funds paid to the States for experimentation purposes under the Purnell Act constitute an annual increase in Federal payments to State agricultural experiment stations of $2,400,000 over the amount appropriated in 1921. The program of support for research may wisely be continued and expanded. Since 1921 we have appropriated nearly an additional $2,000,000 for extension work, and this sum is to be increased next year under authorization by the Capper-Ketcham Act.

THE SURPLUS PROBLEM

While these developments in fundamental research, regulation, and dissemination of agricultural information are of distinct help to agriculture, additional effort is needed. The surplus problem demands attention. As emphasized in my last message, the Government should assume no responsibility in normal times for crop surplus clearly due to overextended acreage. The Government should, however, provide reliable information as a guide to private effort; and in this connection fundamental research on prospective supply and demand, as a guide to production and marketing, should be encouraged. Expenditure of public funds to bring in more new land should have most searching scrutiny, so long as our farmers face unsatisfactory prices for crops and livestock produced on land already under cultivation.

Every proper effort should be made to put land to uses for which it is adapted. The reforestation of land best suited for timber production is progressing and should be encouraged, and to this end the forest taxation inquiry was instituted to afford a practical guide for public policy. Improvement has been made in grazing regulation in the forest reserves not only to protect the ranges but to preserve the soil from erosion. Similar action is urgently needed to protect other public lands which are now overgrazed and rapidly eroding.

Temporary expedients, though sometimes capable of appeasing the demands of the moment, can not permanently solve the surplus problem and might seriously aggravate it. Hence putting the Government directly into business, subsidies, and price fixing, and the alluring promises of political action as a substitute for private initiative should be avoided.

The Government should aid in promoting orderly marketing and in handling surpluses clearly due to weather and seasonal conditions. As a beginning there should be created a Federal farm board consisting of able and experienced men empowered to advise producers' associations in establishing central agencies or stabilization corporations to handle surpluses, to seek more economical means of merchandising, and to aid the producer in securing returns according to the quality of his product. A revolving loan fund should be provided for the necessary financing until these agencies shall have developed means of financing their operations through regularly constituted credit institutions. Such a bill should carry authority for raising the money, by loans or otherwise, necessary to meet the expense, as the Treasury has no surplus.

Agriculture has lagged behind industry in achieving that unity of effort which modern economic life demands. The cooperative movement, which is gradually building the needed organization, is in harmony with public interest and therefore merits public encouragement.

THE RESPONSIBILITY OF THE STATES

Important phases of public policy related to agriculture lie within the sphere of the States. While successive reductions in Federal taxes have relieved most farmers of direct taxes to the National Government, State and local levies have become a serious burden. This problem needs immediate and thorough study with a view to correction at the earliest possible moment. It will have to be made largely by the States themselves.

COMMERCE

It is desirable that the Government continue its helpful attitude toward American business. The activities of the Department of Commerce have contributed largely to the present satisfactory position in our international trade, which has reached about $9,000,000,000 annually. There should be no slackening of effort in that direction. It is also important that the department's assistance to domestic commerce be continued. There is probably no way in which the Government can aid sound economic progress more effectively than by cooperating with our business men to reduce wastes in distribution.

COMMERCIAL AERONAUTICS

Continued progress in civil aviation is most gratifying. Demands for airplanes and motors have taxed both the industry and the licensing and inspection service of the Department of Commerce to their capacity. While the compulsory licensing provisions of the air commerce act apply only to equipment and personnel engaged in interstate and foreign commerce, a Federal license may be procured by anyone possessing the necessary qualifications. State legislation, local airport regulations, and insurance requirements make such a license practically indispensable. This results in uniformity of regulation and increased safety in operation, which are essential to aeronautical development. Over 17,000 young men and women have now applied for Federal air-pilot's licenses or permits. More than 80 per cent of them applied during the past year.

Our national airway system exceeds 14,000 miles in length and has 7,500 miles lighted for night operations. Provision has been made for lighting 4,000 miles more during the current fiscal year and equipping an equal mileage with radio facilities. Three-quarters of our people are now served by these routes. With the rapid growth of air mail, express, and passenger service, this new transportation medium is daily becoming a more important factor in commerce. It is noteworthy that this development has taken place without governmental subsidies. Commercial passenger flights operating on schedule have reached 13,000 miles per day.

During the next fortnight this Nation will entertain the nations of the world in a celebration of the twenty-fifth anniversary of the first successful airplane flight. The credit for this epoch-making achievement belongs to a citizen of our own country, Orville Wright.

CUBAN PARCEL POST

I desire to repeat my recommendation of an earlier message, that Congress enact the legislation necessary to make permanent the parcel-post convention with Cuba, both as a facility to American commerce and as a measure of equity to Cuba in the one class of goods which that country can send here by parcel post without detriment to our own trade.

"MAINE" BATTLESHIP MEMORIAL

When I attended the Pan American Conference at Habana, the President of Cuba showed me a marble statue made from the original memorial that was overturned by a storm after it was erected on the Cuban shore to the memory of the men who perished in the destruction of the battleship *Maine*. As a testimony of friendship and appreciation of the Cuban Government and people he most generously offered to present this to the United States, and I assured him of my pleasure in accepting it. There is no location in the White House for placing so large and heavy a structure, and I therefore urge the Congress to provide by law for some locality where it can be set up.

RAILROADS

In previous annual messages I have suggested the enactment of laws to promote railroad consolidation with the view of increasing the efficiency of transportation and lessening its cost to the public. While consolidations can and should be made under the present law until it is changed, yet the provisions of the act of 1920 have not been found fully adequate to meet the needs of other methods of consolidation. Amendments designed to remedy these defects have been considered at length by the respective committees of Congress and a bill was reported out late in the last session which I understand has the approval in principle of the Interstate Commerce Commission. It is to be hoped that this legislation may be enacted at an early date.

Experience has shown that the interstate commerce law requires definition and clarification in several other respects, some of which have been pointed out by the Interstate Commerce Commission in its annual reports to the Congress. It will promote the public interest to have the Congress give early consideration to the recommendations there made.

MERCHANT MARINE

The cost of maintaining the United States Government merchant fleet has been steadily reduced. We have established American flag lines in foreign trade where they had never before existed as a means of promoting commerce and as a naval auxiliary. There have been sold to private American capital for operation within the past few years 14 of these lines, which, under the encouragement of the recent legislation passed by the Congress, give promise of continued successful operation. Additional legislation from time to time may be necessary to promote future advancement under private control.

Through the cooperation of the Post Office Department and the Shipping Board long-term contracts are being made with American steamship lines for carrying mail, which already promise the construction of 15 to 20 new vessels and the gradual reestablishment of the American merchant marine as a private enterprise. No action of the National Government has been so beneficial to our shipping. The cost is being absorbed to a considerable extent by the disposal of unprofitable lines operated by the Shipping Board, for which the new law has made a market. Meanwhile it should be our policy to maintain necessary strategic lines under the Government operation until they can be transferred to private capital.

INTER-AMERICAN HIGHWAY

In my message last year I expressed the view that we should lend our encouragement for more good roads to all the principal points on this hemisphere south of the Rio Grande. My view has not changed. The Pan American Union has recently indorsed it. In some of the countries to the south a great deal of progress is being made in road building. In others engineering features are often exacting and financing difficult. As those countries enter upon programs for road building we should be ready to contribute from our abundant experience to make their task easier of accomplishment. I prefer not to go into civil life to accomplish this end. We already furnish military and naval advisers, and following this precedent we could draw competent men from these same sources and from the Department of Agriculture.

We should provide our southern neighbors, if they request it, with such engineer advisors for the construction of roads and bridges. Private interests should look with favor upon all reasonable loans sought by these countries to open main lines of travel. Such assistance should be given especially to any project for a highway designed to connect all the countries on this hemisphere and thus facilitate intercourse and closer relations among them.

AIR MAIL SERVICE

The friendly relations and the extensive commercial intercourse with the Western Hemisphere to the south of us are being further cemented by the establishment and extension of air-mail routes. We shall soon have one from Key West, Fla., over Cuba, Haiti, and Santo Domingo to San Juan, P. R., where it will connect with another route to Trinidad. There will be another route from Key West to the Canal Zone, where connection will be made with a route across the northern coast of South America to Paramaribo. This will give us a circle around the Caribbean under our own control. Additional connections will be made at Colon with a route running down the west coast of South America as far as Concepcion, Chile, and with the French air mail at Paramaribo running down the eastern coast of South America. The air service already spans our continent, with laterals running to Mexico and Canada, and covering a daily flight of over 28,000 miles, with an average cargo of 15,000 pounds.

WATERWAYS

Our river and harbor improvements are proceeding with vigor. In the past few years we have increased the appropriation for this regular work $28,000,000, besides what is to be expended on flood control. The total appropriation for this year was over $91,000,000. The Ohio River is almost ready for opening; work on the Missouri and other rivers is under way. In accordance with the Mississippi flood law, Army engineers are making investigations and surveys on other streams throughout the country with a view to flood control, navigation, water power, and irrigation. Our barge lines are being operated under generous appropriations, and negotiations are developing relative to the St. Lawrence waterway. To secure the largest benefits from all these waterways joint rates must be established with the railroads, preferably by agreement, but otherwise as a result of congressional action.

We have recently passed several river and harbor bills. The work ordered by the Congress, not yet completed, will cost about $243,000,000, besides the hundreds of millions to be spent on the Mississippi flood way. Until we can see our way out of this expense no further river and harbor legislation should be passed, as expenditures to put it into effect would be four or five years away.

IRRIGATION OF ARID LANDS

For many years the Federal Government has been committed to the wise policy of reclamation and irrigation. While it has met with some failures due to unwise selection of projects and lack of thorough soil surveys, so that they could not be placed on a sound business basis, on the whole the service has been of such incalculable benefit in so many States that no one would advocate its abandonment. The program to which we are already committed, providing for the construction of new projects authorized by Congress and the completion of old projects, will tax the resources of the reclamation fund over a period of years. The high cost of improving and equipping farms adds

to the difficulty of securing settlers for vacant farms on Federal projects.

Readjustments authorized by the reclamation relief act of May 25, 1926, have given more favorable terms of repayment to settlers. These new financial arrangements and the general prosperity on irrigation projects have resulted in increased collections by the Department of the Interior of charges due the reclamation fund. Nevertheless, the demand for still smaller yearly payments on some projects continues. These conditions should have consideration in connection with any proposed new projects.

COLORADO RIVER

For several years the Congress has considered the erection of a dam on the Colorado River for flood-control, irrigation, and domestic water purposes, all of which may properly be considered as Government functions. There would be an incidental creation of water power which could be used for generating electricity. As private enterprise can very well fill this field, there is no need for the Government to go into it. It is unfortunate that the States interested in this water have been unable to agree among themselves. Nevertheless, any legislation should give every possible safeguard to the present and prospective rights of each of them.

The Congress will have before it the detailed report of a special board appointed to consider the engineering and economic feasibility of this project. From the short summary which I have seen of it, I judge they consider the engineering problems can be met at somewhat increased cost over previous estimates. They prefer the Black Canyon site. On the economic features they are not so clear and appear to base their conclusions on many conditions which can not be established with certainty. So far as I can judge, however, from the summary, their conclusions appear sufficiently favorable, so that I feel warranted in recommending a measure which will protect the rights of the States, discharge the necessary Government functions, and leave the electrical field to private enterprise.

MUSCLE SHOALS

The development of other methods of producing nitrates will probably render this plant less important for that purpose than formerly. But we have it, and I am told it still provides a practical method of making nitrates for national defense and farm fertilizers. By dividing the property into its two component parts of power and nitrate plants it would be possible to dispose of the power, reserving the right to any concern that wished to make nitrates to use any power that might be needed for that purpose. Such a disposition of the power plant can be made that will return in rental about $2,000,000 per year. If the Congress would grant the Secretary of War authority to lease the nitrate plant on such terms as would insure the largest production of nitrates, the entire property could begin to function. Such a division, I am aware, has never seemed to appeal to the Congress. I should also gladly approve a bill granting authority to lease the entire property for the production of nitrates.

I wish to avoid building another dam at public expense. Future operators should provide for that themselves. But if they were to be required to repay the cost of such dam with the prevailing commercial rates for interest, this difficulty will be considerably lessened. Nor do I think this property should be made a vehicle for putting the United States Government indiscriminately into the private and retail field of power distribution and nitrate sales.

CONSERVATION

The practical application of economy to the resources of the country calls for conservation. This does not mean that every resource should not be developed to its full degree, but it means that none of them should be wasted. We have a conservation board working on our oil problem. This is of the utmost importance to the future well-being of our people in this age of oil-burning engines and the general application of gasoline to transportation. The Secretary of the Interior should not be compelled to lease oil lands of the Osage Indians when the market is depressed and the future supply is in jeopardy.

While the area of lands remaining in public ownership is small, compared with the vast area in private ownership, the natural resources of those in public ownership are of immense present and future value. This is particularly true as to minerals and water power. The proper bureaus have been classifying these resources to the end that they may be conserved. Appropriate estimates are being submitted, in the Budget, for the further prosecution of this important work.

IMMIGRATION

The policy of restrictive immigration should be maintained. Authority should be granted the Secretary of Labor to give immediate preference to learned professions and experts essential to new industries. The reuniting of families should be expedited. Our immigration and naturalization laws might well be codified.

WAGE EARNER

In its economic life our country has rejected the long-accepted law of a limitation of the wage fund, which led to pessimism and despair because it was the doctrine of perpetual poverty, and has substituted for it the American conception that the only limit to profits and wages is production, which is the doctrine of optimism and hope, because it leads to prosperity. Here and there the councils of labor are still darkened by the theory that only by limiting individual production can there be any assurance of permanent employment for increasing numbers, but in general, management and wage earner alike have become emancipated from this doom and have entered a new era in industrial thought which has unleashed the productive capacity of the individual worker with an increasing scale of wages and profits, the end of which is not yet. The application of this theory accounts for our widening distribution of wealth. No discovery ever did more to increase the happiness and prosperity of the people.

Since 1922 increasing production has increased wages in general 12.9 per cent, while in certain selected trades they have run as high as 34.9 per cent and 38 per cent. Even in the boot and shoe shops the increase is over 5 per cent and in woolen mills 8.4 per cent, although these industries have not prospered like others. As the rise in living costs in this period is negligible, these figures represent real wage increases.

The cause of constructive economy requires that the Government should cooperate with private interests to eliminate the waste arising from industrial accidents. This item, with all that has been done to reduce it, still reaches enormous proportions, with great suffering to the workman and great loss to the country.

WOMEN AND CHILDREN

The Federal Government should continue its solicitous care for the 8,500,000 women wage earners and its efforts in behalf of public health, which is reducing infant mortality and improving the bodily and mental condition of our citizens.

CIVIL SERVICE

The most marked change made in the civil service of the Government in the past eight years relates to the increase in salaries. The board of actuaries on the retirement act shows by its report that July 1, 1921, the average salary of the 330,047 employees subject to the act was $1,307, while on June 30, 1927, the average salary of the corresponding 405,263 was $1,969. This was an increase in six years of nearly 53 per cent. On top of this was the generous increase made at the last session of the Congress generally applicable to Federal employees and another bill increasing the pay in certain branches of the Postal Service beyond the large increase which was made three years ago. This raised the average level from $1,969 to $2,092, making an increase in seven years of over 63 per cent. While it is well known that in the upper brackets the pay in the Federal service is much smaller than in private employment, in the lower brackets, ranging well up over $3,000, it is much higher. It is higher not only in actual money paid, but in privileges granted, a vacation of 30 actual working days, or 5 weeks each year, with additional time running in some departments as high as 30 days for sick leave, and the generous provisions of the retirement act. No other body of public servants ever occupied such a fortunate position.

EDUCATION

Through the Bureau of Education of the Department of the Interior the Federal Government, acting in an informative and advisory capacity, has rendered valuable service. While this province belongs peculiarly to the States, yet the promotion of education and efficiency in educational methods is a general responsibility of the Federal Government. A survey of negro colleges and universities in the United States has just been completed by the Bureau of Education through funds provided by the institutions themselves and through private sources. The present status of negro higher education was determined and recommendations were made for its advancement. This was one of the numerous cooperative undertakings of the bureau. Following the invitation of the Association of Land Grant Colleges and Universities, the Bureau of Education now has under way the survey of agricultural colleges, authorized by Congress. The purpose of the survey is to ascertain the accomplishments, the status, and the future objectives of this

type of educational training. It is now proposed to undertake a survey of secondary schools, which educators insist is timely and essential.

PUBLIC BUILDINGS

We have laid out a public-building program for the District of Columbia and the country at large running into hundreds of millions of dollars. Three important structures and one annex are already under way and one addition has been completed in the city of Washington. In the country sites have been acquired, many buildings are in course of construction, and some are already completed. Plans for all this work are being prepared in order that it may be carried forward as rapidly as possible. This is the greatest building program ever assumed by this Nation. It contemplates structures of utility and of beauty. When it reaches completion the people will be well served and the Federal city will be supplied with the most beautiful and stately public buildings which adorn any capital in the world.

THE AMERICAN INDIAN

The administration of Indian affairs has been receiving intensive study for several years. The Department of the Interior has been able to provide better supervision of health, education, and industrial advancement of this native race through additional funds provided by the Congress. The present cooperative arrangement existing between the Bureau of Indian Affairs and the Public Health Service should be extended. The Government's responsibility to the American Indian has been acknowledged by annual increases in appropriations to fulfill its obligations to them and to hasten the time when Federal supervision of their affairs may be properly and safely terminated. The movement in Congress and in some of the State legislatures for extending responsibility in Indian affairs to States should be encouraged. A complete participation by the Indian in our economic life is the end to be desired.

THE NEGRO

For 65 years now our negro population has been under the peculiar care and solicitude of the National Government. The progress which they have made in education and the professions, in wealth and in the arts of civilization, affords one of the most remarkable incidents in this period of world history. They have demonstrated their ability to partake of the advantages of our institutions and to benefit by a free and more and more independent existence. Whatever doubt there may have been of their capacity to assume the status granted to them by the Constitution of this Union is being rapidly dissipated. Their cooperation in the life of the Nation is constantly enlarging.

Exploiting the negro problem for political ends is being abandoned and their protection is being increased by those States in which their percentage of population is largest. Every encouragement should be extended for the development of the race. The colored people have been the victims of the crime of lynching, which has in late years somewhat decreased. Some parts of the South already have wholesome laws for its restraint and punishment. Their example might well be followed by other States, and by such immediate remedial legislation as the Federal Government can extend under the Constitution.

PHILIPPINE ISLANDS

Under the guidance of Governor General Stimson the economic and political conditions of the Philippine Islands have been raised to a standard never before surpassed. The cooperation between his administration and the people of the islands is complete and harmonious. It would be an advantage if relief from double taxation could be granted by the Congress to our citizens doing business in the islands.

PORTO RICO

Due to the terrific storm that swept Porto Rico last September, the people of that island suffered large losses. The Red Cross and the War Department went to their rescue. The property loss is being retrieved. Sugar, tobacco, citrus fruit, and coffee all suffered damage. The first three can largely look after themselves. The coffee growers will need some assistance, which should be extended strictly on a business basis, and only after most careful investigation. The people of Porto Rico are not asking for charity.

DEPARTMENT OF JUSTICE

It is desirable that all the legal activities of the Government be consolidated under the supervision of the Attorney General. In 1870 it was felt necessary to create the Department of Justice for this purpose. During the intervening period, either through legislation creating law officers or departmental action, additional legal positions not under the supervision of the Attorney General have been provided until there are now over 900. Such a condition is as harmful to the interest of the Government now as it was in 1870 and should be corrected by appropriate legislation.

SPECIAL GOVERNMENT COUNSEL

In order to prosecute the oil cases, I suggested and the Congress enacted a law providing for the appointment of two special counsel. They have pursued their work with signal ability, recovering all the leased lands besides nearly $30,000,000 in money and nearly $17,000,000 in other property. They find themselves hampered by a statute, which the Attorney General construes as applying to them, prohibiting their appearing for private clients before any department. For this reason one has been compelled to resign. No good result is secured by the application of this rule to these counsel, and as Mr. Roberts has consented to take reappointment if the rule is abrogated I recommend the passage of an amendment to the law creating their office exempting them from the general rule against taking other cases involving the Government.

PROHIBITION

The country has duly adopted the eighteenth amendment. Those who object to it have the right to advocate its modification or repeal. Meantime, it is binding upon the National and State Governments and all our inhabitants. The Federal enforcement bureau is making every effort to prevent violations, especially through smuggling, manufacture, and transportation, and to prosecute generally all violations for which it can secure evidence. It is bound to continue this policy. Under the terms of the Constitution, however, the obligation is equally on the States to exercise the power which they have through the executive, legislative, judicial, and police branches of their governments in behalf of enforcement. The Federal Government is doing and will continue to do all it can in this direction and is entitled to the active cooperation of the States.

CONCLUSION

The country is in the midst of an era of prosperity more extensive and of peace more permanent than it has ever before experienced. But, having reached this position, we should not fail to comprehend that it can easily be lost. It needs more effort for its support than the less exalted places of the world. We shall not be permitted to take our ease, but shall continue to be required to spend our days in unremitting toil. The actions of the Government must command the confidence of the country. Without this, our prosperity would be lost. We must extend to other countries the largest measure of generosity, moderation, and patience. In addition to dealing justly, we can well afford to walk humbly.

The end of government is to keep open the opportunity for a more abundant life. Peace and prosperity are not finalities; they are only methods. It is too easy under their influence for a nation to become selfish and degenerate. This test has come to the United States. Our country has been provided with the resources with which it can enlarge its intellectual, moral, and spiritual life. The issue is in the hands of the people. Our faith in man and God is the justification for the belief in our continuing success.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 4, 1928.*

The VICE PRESIDENT. The message will lie on the table.

TREATY FOR THE RENUNCIATION OF WAR

Mr. BORAH. Mr. President, there is on the table a treaty, accompanied by a brief message from the President. I ask unanimous consent that the message may be handed down and read as in open executive session.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. BRUCE. Mr. President, I did not hear the Senator's request. May I ask the purport of it?

Mr. BORAH. There is on the table a treaty and a brief message accompanying it, and I have asked unanimous consent that it may be handed down and read as in open executive session.

Mr. BRUCE. The Senator does not propose to take up the treaty for discussion now?

Mr. BORAH. Oh, no; I simply desire to have it referred to the Committee on Foreign Relations.

Mr. BRUCE. I have no objection.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate a message from the President of the United States, which the clerk will read.

The Chief Clerk read the message, as follows:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification of the treaty, I transmit herewith a certified copy of the multilateral treaty for the renunciation of war,

which was signed in Paris on August 27, 1928, by the United States, Germany, Belgium, France, Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, the Irish Free State, India, Italy, Japan, Poland, and Czechoslovakia. Since the date of signature 44 other powers have formally communicated to the Government of the United States the information that they have taken the necessary steps to adhere to the treaty or that they intend so to do.

At the present time, therefore, this new movement for world peace has been indorsed by no fewer than 59 of the 64 independent nations of the world entitled to participate in the present treaty. The proposal is receiving consideration in each of the five States whose formal approval has not yet been received. I have every reason to believe that they are in sympathy with this effort to promote peace and no reason to believe that any of them will refuse in due course to become a party to the treaty.

I also transmit for the information of the Senate a report from the Secretary of State on the subject of the treaty, accompanied by a printed document issued by the Department of State, containing the diplomatic correspondence exchanged between the United States and the other interested powers during the course of the negotiations, and certain speeches made by the Secretary of State on the subject of the treaty during its negotiation and afterwards, as well as by a speech made by the Secretary of State since the publication of that document.

The fact that I approve of the treaty is well known. I hope that it may come into force with the least possible delay, and I should be pleased if the Senate would take such action during the present session as to enable the United States to ratify the treaty before the expiration of my term of office.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 4, 1928.*

The VICE PRESIDENT. The message with the treaty and accompanying papers will be referred to the Committee on Foreign Relations and printed.

DEATH OF REPRESENTATIVE WILLIAM A. OLDFIELD

The VICE PRESIDENT laid before the Senate resolutions of the House of Representatives (H. Res. 249), which were read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM A. OLDFIELD, a Representative from the State of Arkansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. ROBINSON of Arkansas. Mr. President, I submit the resolutions which I send to the desk and ask for their immediate consideration.

The resolutions (S. Res. 271) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM A. OLDFIELD, late a Representative from the State of Arkansas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. ROBINSON of Arkansas. Mr. President, as a further mark of respect to the memory of the four Members of the House of Representatives touching whose departure resolutions have been presented and adopted by the Senate, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 5, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 4, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou whose heavenly bounty blesses our lives with each succeeding day, with humble praise and thanksgiving we wait in Thy holy presence. Thy providence is a pledge that Thou dost love us and art determined to save us to the end. Increase our knowledge of the right and the power of decision that we may love that larger life that ever seeks to serve Thee and all humankind. Lead us to return to the days of simplicity and become as little children in humility, in tenderness, and in disinterested trust. Do Thou make the labors of this Congress compelling and effective to the ends of our land. As we have inherited the vast benefits of those who have gone before, the good Lord forbid that we should make mock of their sacrificial toil. Heavenly Father, lift us far above all blame and all need of praise. In the blessed name of the world's Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMENDING SECTION 764 OF SUBCHAPTER 12, ETC., DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10869 and agree to the amendment of the Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10869) to amend section 764 of subchapter 12, fraternal beneficial associations, of the Code of Law for the District of Columbia.

The Senate amendment was read.

The Senate amendment was agreed to.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. TILSON. Mr. Speaker, your committee appointed on the part of the House to join with a like committee appointed on the part of the Senate to wait upon the President and notify him that a quorum of both Houses had assembled beg leave to report that we have performed that duty, and are advised by the President that he will communicate with the two Houses forthwith by a message in writing.

VENTILATION OF THE HOUSE

Mr. MURPHY. Mr. Speaker, just before adjournment the House voted an appropriation to rearrange this Chamber so that it would be much more pleasant for those who have to assemble here day after day, and those who had this matter in charge have prepared a short statement, which I would like to have the Clerk read.

The SPEAKER. Without objection, the Clerk will read the statement.

There was no objection.

The Clerk read as follows:

Mr. Speaker and Members of the House: On page 128 of the hearings of the Subcommittee on Appropriations, having to do with the legislative establishment, will be found the real story of the sincere efforts of our lamented great leader of the Committee on Appropriations of the House, Hon. Martin B. Madden, to improve the air conditions in the Hall of the House of Representatives.

I shall not take your time to go into the details referred to in these hearings, further than to say that we appropriated $323,000 for the purpose of ventilating the Chambers of the House and Senate of the United States.

During the summer of this year contracts were entered into with a responsible company to do this work, which was recommended by a group of scientific men, the chairman of which was Prof. C. E. A. Winslow, professor of public health, Yale University, New Haven, Conn. Other members are:

D. D. Kimball, consulting engineer, New York, N. Y.
F. I. Cooper, heating and ventilating engineer, Boston, Mass.
A. M. Feldman, consulting engineer, New York, N. Y.
R. E. Hall, engaged in ventilation of theaters, New York.
F. R. Still, vice president American Blower Co., New York.
A. C. Willard, professor of heating, ventilation, and head of department of mechanical engineering, University of Illinois.
L. R. Thompson, surgeon in charge, Public Health Service, Washington, D. C.
David Lynn, Architect of the Capitol.
Dr. R. R. Sayers, chief surgeon, Bureau of Mines.
Leonard Greenburg, sanitary engineer, Public Health Service.

This committee met in Washington and fully considered all of the conditions connected with the ventilation and air conditioning of the Senate Chamber and the Hall of the House of Representatives, and after becoming acquainted with all of the facts necessary they proceeded to formulate a series of resolutions, stating from their mature deliberations the conditions that should be properly met in the manufacture and installation of apparatus required to properly ventilate and condition the air of these two Chambers. This work occupied some time for the reason that the conditions of other large audience rooms and the temperature and humidity considered necessary were taken into consideration in attempting to define such conditions as would be required to be met for the two Chambers of the Senate and House. Whereupon a circular letter was prepared setting forth the fundamental resolutions adopted by this committee and naming them

items 1, 2, and 3. This circular letter was sent to a selected number of bidders believed by the committee to be capable of manufacturing and installing suitable apparatus to meet the conditions to be satisfied in this work. The list selected was as follows:

Carrier Engineering Co., 750 Freylinghuysen Avenue, Newark, N. J.
Brunswick Kroeschell Co., New Brunswick, N. J.
Cooling & Air Conditioning Co., 31 Union Square, New York, N. Y.
York Manufacturing, 634 Munsey Building, Washington, D. C.
Wittemeier Machine Co., Chicago, Ill.

After receiving bids which were carefully analyzed by this group of scientific men, who gave their services instead of making a charge for the same, the work was awarded to the Carrier Engineering Co., of 750 Freylinghuysen Avenue, Newark, N. J.

During the past summer a completely new and modern system of ventilation, cooling, and air conditioning has been provided for the House. Separate ventilating and air-conditioning units have been provided, first, for the floor of the House; second, for the visitors' gallery; third, for the coat rooms; fourth, for the press room; and fifth, there has been provided an independent system of heating for the attic space above the House. Thus the ventilation and cooling of the gallery is entirely separate from that of the floor of the House.

The purpose of these systems is to give ample ventilation at all times without drafts—to give temperature regulation in all parts of the House, including the gallery, which shall be independent of outside conditions in summer as well as in winter.

In winter the air introduced is cleaned and humidified to the proper degree. In summer the outside air introduced is cooled and the excess of moisture is removed so that the desired temperature and humidity for maximum comfort and for health may be maintained in all parts of this Chamber and adjoining rooms throughout the year.

To give an appreciation of the magnitude of this undertaking, certain requirements may be cited. There is supplied to the floor of the House and gallery 72,000 cubic feet of air per minute, thoroughly cleaned and with its temperature and humidity regulated to give the desired conditions in the Chamber. This air supplied can be visualized as nearly one-fourth the entire cubic contents of this Chamber supplied every minute. Or, to express it another way, the air in the Chamber is completely changed about once every four minutes.

During the period of occupancy it is necessary, in order to maintain temperature equilibrium, to cool in winter as well as in summer. Scientists have shown that the average human being dissipates continuously more heat than two 50-watt electric lamps. So that when the gallery and floor are filled the amount of heat from the Chamber to be dissipated by ventilation may be visualized as the equivalent of that given off by three thousand 50-watt incandescent lamps. The engineers state that this is sufficient heat to raise the entire amount of air introduced nearly 6°. In summer this requires the use of refrigeration for cooling the outside air used for ventilation to an amount equal to the melting of over 200 tons of ice in 24 hours, or equivalent to nearly 9 tons of ice per hour.

The method of air distribution in the new system is the reverse of that in the old system. This change represents modern practice as found necessary in successful cooling and ventilation of auditoriums. The air is diffused over the entire floor of the Chamber through invisible outlets in the panels of the ceiling and is exhausted in like amount from suitable openings near the floor.

This method is said to permit of the cooling and temperature regulation of the auditorium without the production of uncomfortable drafts or perceptible variations in temperature, and to effectively prevent overheating.

The system of refrigeration provided is one that has been extensively used in auditoriums and other places of public gatherings on account of its complete safety.

ANNUAL MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The message was read by the Clerk of the House.

[For text of message see Senate proceedings of this day at page 20.]

Mr. TILSON. Mr. Speaker, I move that the President's message just read be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Connecticut.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. CONNALLY of Texas. Can the gentleman inform me whether it has not been the custom to have the message printed so that we could obtain copies before the delivery?

Mr. TILSON. I so understand.

Mr. CONNALLY of Texas. I understand that the message was given to the movietone over in the House Office Building yesterday. I was wondering by what authority the message was released before we had it read in this House.

Mr. TILSON. I am unable to inform the gentleman as to that.

Mr. CONNALLY of Texas. I understand that yesterday the stage had all been set and the Clerk of the House read the message to the country through the movies; at least the conclusion or peroration of the message concerning our "marvelous prosperity." I was wondering why the Members of the Congress could not obtain copies until after the message was formally read.

Mr. TILSON. I think the gentleman from Texas probably knows as much about that as any other Member of the House. At any rate I am unable to inform the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Connecticut.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

A further message from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who informed the House that the President did, on the following dates, approve and sign bills of the House of the following titles:

On May 31, 1928:

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War.

On June 8, 1928:

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy.

LEAVE OF ABSENCE

Mr. LAGUARDIA. Mr. Speaker, on behalf of my colleague the gentleman from Wisconsin [Mr. SCHAFER] I ask unanimous consent that he may have three days' leave of absence on account of sickness.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, to-morrow is Calendar Wednesday, Committee on Naval Affairs having the call; and as I am informed, their business will occupy the day. On the following day—Thursday—it is expected that the Treasury and Post Office appropriation bill will be ready for consideration.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolutions:

Senate Resolution 268

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. HENRY R. RATHBONE, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Senate Resolution 269

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. LOUIS A. FROTHINGHAM, late a Representative from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Senate Resolution 270

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. THOMAS L. RUBEY, late a Representative from the State of Missouri.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Senate Resolution 271

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. WILLIAM A. OLDFIELD, late a Representative from the State of Arkansas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;

H. R. 6432. An act for the relief of James E. Moyer;

H. R. 7236. An act for the relief of James M. Long;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark at Nevada, Mo., and authorizing an appropriation therefor;

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER also announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 5, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for Wednesday, December 5, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Treasury and Post Office Departments appropriation bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To authorize the unification of carriers engaged in interstate commerce (H. R. 12620).

For Friday, December 7, 1928

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To consider the Austrian debt settlement proposal.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

588. A letter from the Secretary of War, transmitting report dated November 20, 1928, of the activities of the National Board for the Promotion of Rifle Practice (H. Doc. No. 447); to the Committee on Military Affairs and ordered to be printed.

589. A letter from the Architect of the Capitol, transmitting the annual report of the office of the Architect of the Capitol for the fiscal year ended June 30, 1928; to the Committee on Public Buildings and Grounds.

590. A letter from the Secretary of the Treasury, transmitting statement showing all refunds in excess of $500 approved by the Commissioner of Internal Revenue during the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

591. A letter from the Secretary of the Treasury, transmitting combined statement of the receipts and expenditures, balances, etc., of the Government during the fiscal year ended June 30, 1928 (H. Doc. No. 448); to the Committee on Expenditures in the Executive Departments and ordered to be printed.

592. A letter from the chairman of the United States Tariff Commission, transmitting copy of the twelfth annual report of the United States Tariff Commission (H. Doc. No. 367); to the Committee on Ways and Means and ordered to be printed.

593. A letter from the Secretary of the Treasury, transmitting report of rental collections on account of public buildings and sites, privileges, and ground rent, under the control of the Treasury Department, outside the District of Columbia, for the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

594. A letter from the Secretary of the Treasury, transmitting statement of all moneys arising from proceeds of public property of any kind or from any source which was not paid into the General Treasury of the United States, together with a detailed account of all payments made from such funds during the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

595. A letter from the Postmaster General, transmitting the cost ascertainment report for the fiscal year 1928, together with the appendix thereto; to the Committee on the Post Office and Post Roads.

596. A letter from the Acting Secretary of Commerce, transmitting complete set of general rules and regulations prescribed by the Board of Supervising Inspectors, Steamboat Inspection Service, at the meeting of January, 1928, which regulations have been approved by the Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

597. A letter from the Secretary of the Interior, transmitting statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1928; to the Committee on Indian Affairs.

598. A letter from the Secretary of the Interior, transmitting copy of a letter from the superintendent of St. Elizabeths Hospital, dated August 21, 1928, transmitting the financial report for the preceding fiscal year; to the Committee on Expenditures in the Executive Departments.

599. A letter from the Secretary of the Interior, transmitting report by the Director of the Geological Survey, in compliance with the act of May 10, 1926; to the Committee on Indian Affairs.

600. A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report of the Board of Managers of the Disabled Volunteer Soldiers for the fiscal year ending June 30, 1928 (H. Doc. No. 374); to the Committee on Military Affairs and ordered to be printed.

601. A letter from the Secretary of War, transmitting statement concerning disposition of War Department surplus property during the period November 16, 1927, to October 31, 1928, inclusive; to the Committee on Expenditures in the Executive Departments.

602. A letter from the Secretary of War, transmitting report from the Chief of Engineers on the preliminary examination and survey of Housatonic River, Conn., to the dam at Shelton, Conn. (H. Doc. No. 449); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

603. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Hudson River Channel, N. Y., from the Battery to Twentieth Street, with a view to securing a depth of 40 feet from shore to shore (H. Doc. No. 450); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

604. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Milton Harbor, N. Y. (H. Doc. No. 451); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

605. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Manhasset Bay, N. Y. (H. Doc. No. 452); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

606. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of St. Marks River, Fla. (H. Doc. No. 453); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

607. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Raritan River from Washington Channel to the lower lock of the Delaware & Raritan Canal at Brunswick, with a view of having the present channel increased to a depth of 15 feet below low low water (H. Doc. No. 454); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

608. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of harbor at Nantucket, Mass.; to the Committee on Rivers and Harbors.

609. A letter from the Secretary of War, transmitting report from Chief of Engineers on preliminary examination and survey of Leipsic River, Del.; to the Committee on Rivers and Harbors.

610. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Bayou Castaigne, La.; to the Committee on Rivers and Harbors.

611. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of New Basin Canal, La., at its junction with Lake Pontchartrain; to the Committee on Rivers and Harbors.

612. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Gardiners Creek and Devils Gut, N. C.; to the Committee on Rivers and Harbors.

613. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Deep Creek, Washington County, N. C.; to the Committee on Rivers and Harbors.

614. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination and survey of Peekskill Harbor, N. Y.; to the Committee on Rivers and Harbors.

615. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Jenkins Creek near Crisfield, Md.; to the Committee on Rivers and Harbors.

616. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Miles River and Oak Creek, Md.; to the Committee on Rivers and Harbors.

617. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Kent Island Narrows, Md.; to the Committee on Rivers and Harbors.

618. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Annapolis Harbor, Md.; to the Committee on Rivers and Harbors.

619. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Anchorage Harbor, Alaska; to the Committee on Rivers and Harbors.

620. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mill Creek, Middlesex County, Va., and channel connecting said creek with Rappahannock River; to the Committee on Rivers and Harbors.

621. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Nomini Bay and Creek, Va.; to the Committee on Rivers and Harbors.

622. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of South Haven Harbor, Mich., with a view to extending the breakwater; to the Committee on Rivers and Harbors.

623. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Port Crescent Harbor, Mich.; to the Committee on Rivers and Harbors.

624. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Sarasota Inlet, Fla.; to the Committee on Rivers and Harbors.

625. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Ohio River at and in the vicinity of Shawneetown, Ill.; to the Committee on Rivers and Harbors.

626. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Kissimmee River, Fla.; to the Committee on Rivers and Harbors.

627. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of channel from the inland waterway between Charleston, S. C., and St. Johns River, Fla., to Bluffton, S. C.; to the Committee on Rivers and Harbors.

628. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of waterway from Sanford to Indian River, near Titusville, to connect St. Johns River with Indian River, Fla.; to the Committee on Rivers and Harbors.

629. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of St. Marys and Satilla Rivers, Ga., with a view to the construction of a canal and dredging said rivers; to the Committee on Rivers and Harbors.

630. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of East River Channel, Brunswick Harbor, Ga.; to the Committee on Rivers and Harbors.

631. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Back River, Ga.; to the Committee on Rivers and Harbors.

632. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Soldier Creek, Ala.; to the Committee on Rivers and Harbors.

633. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Northwest River, Va.; to the Committee on Rivers and Harbors.

634. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Melbourne Harbor and Inlet, Fla.; to the Committee on Rivers and Harbors.

635. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examinations of Mathews Creek, Mathews County, Va., and channel connecting said creek with East River; to the Committee on Rivers and Harbors.

636. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mispillion River, Del.; to the Committee on Rivers and Harbors.

637. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mantua Creek, N. J.; to the Committee on Rivers and Harbors.

638. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of waterway connecting Cooper River and Newton Creek, N. J.; to the Committee on Rivers and Harbors.

639. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Swan River, Long Island, N. Y.; to the Committee on Rivers and Harbors.

640. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Sakonnet Harbor, R. I., with a view to constructing an extension to the breakwater; to the Committee on Rivers and Harbors.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 573) granting an increase of pension to Julia Taylor, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. BRITTEN: A bill (H. R. 14660) to authorize alterations and repairs to the U. S. S. *California;* to the Committee on Naval Affairs.

By Mr. BEGG: A bill (H. R. 14661) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

By Mr. CRAIL: A bill (H. R. 14662) providing for the purchase of a suitable site and the erection of a public building at Beverly Hills, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14663) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate; to the Committee on Patents.

By Mr. COLE of Maryland: A bill (H. R. 14664) to contribute to the cost of improving a road approaching Edgewood Arsenal in Harford County, Md.; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 14665) to amend an act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. DICKSTEIN: A bill (H. R. 14666) to amend an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, relating to the admission of certain aliens; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 14667) to amend an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924, relating to the admission of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. GAMBRILL: A bill (H. R. 14668) to amend section 210 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill (H. R. 14669) authorizing the Secretary of the Interior to grant a patent to certain lands to C. Beecher Scott; to the Committee on the Public Lands.

By Mr. HOUSTON of Hawaii: A bill (H. R. 14670) to amend section 495, title 48, chapter 3, of the United States Code; to the Committee on the Territories.

By Mr. JOHNSON of Indiana: A bill (H. R. 14671) to amend the interstate commerce act affecting electric railways, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: A bill (H. R. 14672) to authorize the drafting of munition and other essential industrial plants, and the control and operation of same in the event of a declaration of war; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 14673) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 14674) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado; to the Committee on Irrigation and Reclamation.

By Mr. SABATH: A bill (H. R. 14675) amending Section I of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 14676) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 14677) to provide for maintaining, promoting, and advertising the International Trade Exhibition; to the Committee on Foreign Affairs.

By Mr. KELLY: Joint resolution (H. J. Res. 331) requesting the President to negotiate with other nations concerning reciprocal rights and regulations in the operation and sale of aircraft; to the Committee on Foreign Affairs.

By Mr. WARREN: Joint resolution (H. J. Res. 332) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.; to the Committee on Rules.

By Mr. HAWLEY: Resolution (H. Res. 252) authorizing the Committee on Ways and Means to sit during the sessions and recesses of the Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXI, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 14678) granting a pension to Sabra Harrison; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 14679) for the relief of Helen Rauch; to the Committee on Claims.

By Mr. BRIGHAM: A bill (H. R. 14680) granting an increase of pension to Georgianna Chandler Dix; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14681) granting an increase of pension to Ellen M. Greenough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14682) granting an increase of pension to Clara Bradley Niles; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 14683) granting a pension to Mary Newmoyer; to the Committee on Pensions.

Also, a bill (H. R. 14684) granting a pension to Mary J. Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14685) granting a pension to Emma S. Greenwood; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 14686) to correct the military record of Joseph Carter; to the Committee on Military Affairs.

By Mr. CHASE: A bill (H. R. 14687) granting a pension to Martha B. Beldin; to the Committee on Pensions.

Also, a bill (H. R. 14688) granting an increase of pension to Ella Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14689) granting an increase of pension to Matilda Tibbetts; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 14690) granting a pension to David E. Hartnett; to the Committee on Pensions.

Also, a bill (H. R. 14691) granting a pension to Julia C. Baker; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 14692) for the relief of Harold G. Billings; to the Committee on Naval Affairs.

Also, a bill (H. R. 14693) for the relief of Peter Dunsmore; to the Committee on Military Affairs.

Also, a bill (H. R. 14694) for the relief of Bendix Peter Jensen; to the Committee on Naval Affairs.

Also, a bill (H. R. 14695) for the relief of Thomas F. McVeigh; to the Committee on Military Affairs.

Also, a bill (H. R. 14696) for the relief of Edward W. Stewart; to the Committee on Military Affairs.

Also, a bill (H. R. 14697) for the relief of W. F. Nash; to the Committee on Claims.

Also, a bill (H. R. 14698) to renew and extend certain letters patent to Thomas M. McKee; to the Committee on Patents.

Also, a bill (H. R. 14699) granting a pension to Arland E. Fine; to the Committee on Pensions.

Also, a bill (H. R. 14700) granting a pension to John Lorenson; to the Committee on Pensions.

Also, a bill (H. R. 14701) granting a pension to George McMullen; to the Committee on Pensions.

Also, a bill (H. R. 14702) granting a pension to John F. Halpin; to the Committee on Pensions.

Also, a bill (H. R. 14703) granting a pension to Robert C. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 14704) granting a pension to William Gilpin; to the Committee on Pensions.

Also, a bill (H. R. 14705) granting a pension to John W. Moshier; to the Committee on Pensions.

Also, a bill (H. R. 14706) granting a pension to Clara Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) granting a pension to Laura Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14708) granting a pension to Caroline R. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14709) granting a pension to Mary Hutchins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting a pension to Amanda B. Koontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) granting a pension to Laura Belle Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14712) granting a pension to Mary Rosentall; to the Committee on Invalid Pensions.

Also a bill (H. R. 14713) granting a pension to Don C. Prather; to the Committee on Pensions.

Also, a bill (H. R. 14714) granting a pension to Mary S. Spink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14715) granting a pension to Naomi Wagor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14716) granting a pension to Dave Yettra; to the Committee on Pensions.

Also, a bill (H. R. 14717) granting a pension to William Edward Snyder; to the Committee on Pensions.

Also, a bill (H. R. 14718) granting an increase of pension to Anna Dearbough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14719) granting an increase of pension to Mary J. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting an increase of pension to Bessie Hagar; to the Committee on Pensions.

By Mr. CULKIN: A bill (H. R. 14721) granting an increase of pension to Florence Hughes; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 14722) for the relief of Jacob Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 14723) to provide hospitalization for Leroy Wilbur Abbott; to the Committee on Military Affairs.

By Mr. EATON: A bill (H. R. 14724) granting an increase of pension to Sarah V. Sharp; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 14725) granting a pension to Thomas Robinson; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 14726) granting a pension to Elsie Elizabeth Jackson; to the Committee on Pensions.

Also, a bill (H. R. 14727) to extend the benefits of the employees' compensation act of September 7, 1916, to Jackson D. Wissman, a former employee of the Government Dairy Farm, Beltsville, Md.; to the Committee on Claims.

By Mr. GASQUE: A bill (H. R. 14728) for the relief of J. A. Smith; to the Committee on Claims.

By Mr. GILBERT: A bill (H. R. 14729) granting a pension to Mary E. Tilford; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14730) granting a pension to Mary E. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 14731) granting an increase of pension to Benjamin F. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14732) for the relief of Jacob S. Steloff; to the Committee on Claims.

By Mr. GREENWOOD: A bill (H. R. 14733) granting a pension to Virgil V. Wilson; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 14734) granting an increase of pension to Phebe J. Burrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14735) granting an increase of pension to Emily Shillinburg; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 14736) granting an increase of pension to Marion Van Natta; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14737) for the relief of Charity Blodgett; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 14738) for the relief of the Marshall State Bank; to the Committee on Claims.

By Mr. HOOPER: A bill (H. R. 14739) granting a pension to Ida L. McClung; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14740) granting a pension to Maggie Woolweaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14741) granting a pension to Benjamin H. Hartnagel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14742) granting an increase of pension to Lillian P. Swain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14743) granting a pension to Truman L. Voyles; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 14744) granting an increase of pension to Nora B. Carris; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 14745) granting a pension to Elizabeth Hartinger; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 14746) providing for the advancement of Michael Holub on the retired list of the Army; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 14747) granting a pension to Frank Doty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14748) granting an increase of pension to Ella Waldren; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 14749) granting an increase of pension to Anna T. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) granting a pension to Mary Gettys; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14751) granting a pension to Catherine Reamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14752) granting a pension to Daniel W. Seal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14753) granting a pension to Oweing R. Southard; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 14754) granting an increase of pension to Laura M. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14755) granting a pension to Charles Sabins; to the Committee on Pensions.

Also, a bill (H. R. 14756) granting an increase of pension to Cora E. Stubblefield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14757) granting a pension to Rosanna Waters; to the Committee on Pensions.

By Mr. KURTZ: A bill (H. R. 14758) granting a pension to Margaret Roush; to the Committee on Pensions.

Also, a bill (H. R. 14759) granting a pension to John F. Farran; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 14760) for the relief of James M. Carroll; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 14761) for the relief of Clarence Stevens; to the Committee on Indian Affairs.

By Mr. LEECH: A bill (H. R. 14762) granting a pension to Nancy Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14763) granting a pension to Emma J. Michler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14764) granting an increase of pension to Mary E. McGough; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14765) for the relief of Samuel Hooper Lane, alias Samuel Foot; to the Committee on Military Affairs.

By Mr. MICHENER: A bill (H. R. 14766) granting a pension to Howard C. Frink; to the Committee on Pensions.

Also, a bill (H. R. 14767) for the relief of Howard C. Frink; to the Committee on Military Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 14768) granting a pension to Albert J. Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14769) granting a pension to Lina A. Langstaff; to the Committee on Pensions.

Also, a bill (H. R. 14770) granting an increase of pension to Mary J. Hipsley; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 14771) granting a pension to Charlotta Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14772) granting an increase of pension to Mary J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14773) granting a pension to Elizabeth C. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14774) granting an increase of pension to Florence Maxey; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 14775) for the relief of Maude L. Duborg; to the Committee on Claims.

Also, a bill (H. R. 14776) granting a pension to Margaret Cock; to the Committee on Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 14777) granting a pension to Frederick E. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14778) granting an increase of pension to Gunhild Sophia Holland; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 14779) granting a pension to Ann Walker; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 14780) granting an increase of pension to Dellia Van Ness; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 14781) for the relief of James D. Poteet; to the Committee on Military Affairs.

Also, a bill (H. R. 14782) for the relief of A. J. Morgan; to the Committee on Claims.

Also, a bill (H. R. 14783) for the relief of the trustees of Mizpah Methodist Church South, located near Kingston, Ga.; to the Committee on War Claims.

By Mr. TATGENHORST: A bill (H. R. 14784) granting an increase of pension to Anna M. Hey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14785) for the relief of John N. Brooks; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 14786) granting an increase of pension to Fidelia Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14787) granting an increase of pension to Nancy A. Dilbone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting an increase of pension to Sarah J. Rigdon; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 14789) granting a pension to Neil Douglas Bromley; to the Committee on Pensions.

Also, a bill (H. R. 14790) granting a pension to Luella V. Fisher; to the Committee on Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 14791) granting a pension to Ellen Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14792) granting a pension to Barbara Mehner; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 14793) granting a pension to Elisabeth Hann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14794) granting a pension to Susan E. Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14795) granting a pension to Emma R. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14796) granting a pension Celina L. De Priest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14797) granting a pension to Mary J. Stendts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14798) granting a pension to Dora Slonaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting a pension to Mary A. Steiner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7861. By Mr. CRAIL: Petition of Brentwood County Club, Los Angeles County, Calif., for relief against unjust discrimination in taxes upon clubs; to the Committee on Ways and Means.

7862. By Mr. McCORMACK: Petition of Boston Central Labor Union, Harry P. Grages, secretary, business representative, 987 Washington Street, Boston, Mass., protesting against the enactment of House bill 9195, amending sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

7863. By Mr. O'CONNELL: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7864. By Mr. QUAYLE: Petition of Brooklyn Chamber of Commerce, of Brooklyn, N. Y., urging the passage of the Dale-Lehlbach civil service retirement bill; to the Committee on the Civil Service.

7865. Also, petition of Richard Hudnut, New York, urging the passage of the Capper-Kelly price maintenance bill; to the Committee on Interstate and Foreign Commerce.

7866. Also, petition of the American Legion National Legislative Committee, of Washington, D. C., urging the passage of House bill 12032; to the Committee on Naval Affairs.

SENATE

WEDNESDAY, *December 5, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, Thou great companion of our hearts, our fairest vision of truth and love, in whose presence, as we behold the far-flung vistas of our days, great things become great and small things small, and in the warmth of whose great love our hearts respond to beauty and move with kindness and patient sympathy, strengthen, we beseech Thee, our wills toward goodness and against the evil; multiply our joy in every earnest task and wholesome pleasure, that with Thee we may be coworkers, redeeming the waste places without, within. Renew our faith in the blessed kingdom of righteousness and love, that through our silent, subtle ministry of gracious ways we may hasten its coming, through Him who taught us thus to pray, Jesus Christ our Lord. Amen.

ELLISON D. SMITH, a Senator from the State of South Carolina, appeared in his seat to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10869) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

REPORTS OF THE SECRETARY OF THE INTERIOR

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the report of the board of engineers appointed by him to make an examination and report upon the dam proposed to be built under the provisions of the so-called Boulder Canyon Dam bill, now pending before Congress, which, with the accompanying report, was referred to the Committee on Irrigation and Reclamation.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to Senate Resolution 263, Seventieth Congress, first session, copies of rules, regulations, and promulgations which have been followed in the administration of the so-called war minerals relief act, as amended, together with opinions as to the law which have been rendered by the War Minerals Relief Commission, the Attorney General, and the Solicitor for the Department of the Interior, which, with the accompanying papers, were referred to the Committee on Mines and Mining.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing expenditures for the year ended November 30, 1928, under the war minerals relief act, approved March 2, 1919, which, with the accompanying report, was referred to the Committee on Mines and Mining.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the report of the Director of the Geological Survey, showing the expenditures made under the act of May 10, 1926, for the benefit of Indian tribes or allottees in connection with the administration of the laws relating to the operation of oil and gas lands and the mining of other minerals on Indian lands, which, with the accompanying report, was referred to the Committee on Indian Affairs.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the superintendent of St. Elizabeths Hospital, dated August 21, 1928, showing the receipts and expenditures of the said institution, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PURCHASE OF AIRCRAFT AND AERONAUTICAL ACCESSORIES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report of designs, aircraft parts, and aeronautical accessories purchased by the Navy Department during the fiscal year ended June 30, 1928, the prices paid therefor, the reason for the award in each case, and the names and addresses of all competitors in the various competitions held by the Navy Department, which, with the accompanying report, was referred to the Committee on Naval Affairs.

REPORTS OF THE ATTORNEY GENERAL

The VICE PRESIDENT laid before the Senate certain communications from the Attorney General of the United States, transmitting, pursuant to law, the following reports, which were referred to the Committee on the Judiciary:

The annual report of the Department of Justice for the fiscal year ended June 30, 1928;

A report showing suits arising under the public vessel act of March 3, 1925, in which final decrees were entered, exclusive of cases on appeal;

A report embodying the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1928; and

A report showing suits arising under the act of March 9, 1925, authorizing suits against the United States in admiralty involving merchant vessels, in which final decrees were entered against the United States, exclusive of cases on appeal.

REPORTS OF THE SECRETARY OF COMMERCE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a copy of his annual report for the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Commerce.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting,

pursuant to law, a complete set of general rules and regulations prescribed by the Board of Supervising Inspectors, Steamboat Inspection Service, at the meeting of January, 1928, which regulations have been approved by the Secretary of Commerce; which, with the accompanying documents, were referred to the Committee on Commerce.

REPORTS OF THE POSTMASTER GENERAL

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a cost ascertainment report (with appendix thereto), showing the cost of carrying and handling the several classes of mail matter and of performing the special services for the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT laid before the Senate six communications from the Postmaster General, transmitting, pursuant to law, the following reports:

A report of a special contract entered into between the Post Office Department and the Hudson & Manhattan Railroad for carrying the mails on its road between Hudson Terminal Station, New York, N. Y., and Journal Square, Jersey City, N. J.:

A report of a special contract entered into between the Post Office Department and the Denver & Rio Grande Western Railroad Co. for carrying the mails on its road between Sapinero and Lake City, Colo.;

A report of a special contract entered into between the Post Office Department and the Rio Grande Southern Railroad Co. for carrying the mails on its road between Ridgway and Durango, Colo.;

A report of a special contract entered into between the Post Office Department and the Copper River & Northwestern Railway Co. for carrying the mails on its road between Cordova and Kennecott, Alaska;

A report of a special contract entered into between the Post Office Department and the Alaska Railroad for carrying the mails on the Government railroad in Alaska; and

A report of a special contract entered into between the Post Office Department and the Pacific & Arctic Railway & Navigation Co. for carrying the mails on its railroad between Skagway and White Pass, Alaska.

REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 170)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, ex officio president of the National Forest Reservation Commission, transmitting, pursuant to law, a report of the said commission for the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the final valuations of properties of the Sumpter Valley Railway Co. and certain other carriers subject to the interstate commerce act; which, with the accompanying documents, was referred to the Committee on Interstate Commerce.

REPORT OF THE TARIFF COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, pursuant to law, a copy of the annual report of the commission for the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Finance.

He also laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, in response to Senate Resolution 228, agreed to May 28, 1928, a report of a preliminary study of the production of fertilizer urea in the United States and in Germany; which, with the accompanying report, was referred to the Committee on Finance and ordered to be printed. (S. Doc. 182.)

REPORTS OF COMPTROLLER GENERAL OF THE UNITED STATES

The VICE PRESIDENT laid before the Senate nine communications from the Comptroller General of the United States, transmitting, pursuant to law, reports and recommendations concerning claims, respectively, of A. C. Elmore, C. J. Colville, John T. Lennon and George T. Flora, Johnson & Higgins, Madrigal & Co., Manila, P. I., Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), The Federal Construction Co. (Inc.), F. M. Gray, jr., members of the crew of the transport *Antilles*, and hay growers in Brazoria, Galveston, and Harris Counties, Tex., against the United States; which, with the accompanying reports, were referred to the Committee on Claims.

REPORT OF INDIAN IRRIGATION PROJECTS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Indian Affairs.

REPORT OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, his annual report on the state of the finances for the fiscal year ended June 30, 1928; which was referred to the Committee on Finance.

REPORT OF DIRECTOR OF THE VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate a communication from the director of the United States Veterans' Bureau, transmitting, pursuant to law, a report of the activities of that bureau for the fiscal year ended June 30, 1928; which, with the accompanying report, was referred to the Committee on Finance.

REPORT OF THE UNITED STATES SHIPPING BOARD

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, the twelfth annual report of the board and the United States Shipping Board Merchant Fleet Corporation for the fiscal year ended June 30, 1928, which, with the accompanying report, was referred to the Committee on Commerce.

REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, the report of the official operations of the District of Columbia for the fiscal year ended June 30, 1928, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF THE PUBLIC UTILITIES COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, transmitting, pursuant to law, a report of the official proceedings of the said commission for the year ended December 31, 1927, with other information relating to the regulation and operation of public utilities in the District of Columbia coming under the jurisdiction of the said commission, which, with the accompanying report, was referred to the Committee on the District of Columbia.

JUDGMENTS OF THE COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the fiscal year ended December 1, 1928, the amount thereof, in whose favor rendered, and a brief synopsis of the nature of the claims, which, with the accompanying statement, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE ARCHITECT OF THE CAPITOL (S. DOC. NO. 169)

The VICE PRESIDENT laid before the Senate a communication from the Architect of the Capitol, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1928, which, with the accompanying report, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORT OF THE DIRECTOR OF THE BOTANIC GARDEN

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Botanic Garden, transmitting, pursuant to law, a statement relative to travel from Washington, D. C., to points outside the District of Columbia in connection with official business of the office during the fiscal year ended June 30, 1928, which was referred to the Committee on the Library.

PETITIONS AND MEMORIALS

Mr. SHEPPARD. Mr. President, I present a petition containing the personal signatures of 1,300 members of the Young Women's Christian Association in Dallas and their friends in

behalf of the so-called peace pact for the renunciation of war, which I ask may be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The petition will be referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a petition of members of the Philathia Class of the First Presbyterian Church of El Paso, Tex., praying for the ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Immanuel Baptist Church, of San Antonio, Tex., favoring the adoption of a constitutional amendment to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Chamber of Commerce of Mission, Tex., favoring the establishment of a deep-water port with a 16-foot channel at Point Isabel, Tex., which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Chamber of Commerce of Mission, Tex., favoring the extension of the intercoastal canal from Corpus Christi to Point Isabel, Tex., which was referred to the Committee on Commerce.

Mr. JOHNSON. Mr. President, I have a letter from E. Clemens Horst, a prominent citizen of San Francisco and a farmer of standing and repute, with a speech that he has delivered or a statement of his concerning farm relief. These are in the nature of a memorial, and I ask that they be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

A NATIONAL FARMERS' CONFERENCE THE ESSENTIAL PRELIMINARY TO NATIONAL FARM RELIEF

E. CLEMENS HORST CO.,
San Francisco, Calif., November 28, 1928.

Hon. HIRAM W. JOHNSON,
United States Senate.

MY DEAR SENATOR: Because you have always taken a sincere and active interest in the financial affairs of the farmers of our country, I am taking the liberty of submitting to you certain conclusions I have reached in reference to what the American farmers must do before they have good cause for hoping to secure such legislation from Congress as will put American farming on a sound financial basis and restore farmland values to a reasonable price level.

If you can conveniently and consistently do so, I will appreciate your passing to your fellow Members in the United States Senate my views on the farm problem as set forth in my inclosed address before the convention of the Chamber of Commerce of the United States (western division).

I am soliciting such publicity in the hopes that the farming interests of the United States may realize the hopelessness of anything substantial ever being accomplished by way of farm legislation until the farmers, representative of all important crops and all sections of the United States, have themselves agreed upon a workable and adequate plan of relief.

Congress has shown its desire to do everything possible to help the farmers out of their distress, but the farmers have not done their part in agreeing upon what is needed.

If farmers promptly hold a national conference of farmers properly selected, they will agree upon plans of relief, and there is every prospect of substantial farm legislation either at the coming regular session of Congress or at the promised special session of Congress.

Faithfully,

E. C. HORST.

A NATIONAL FARMERS' CONFERENCE THE ESSENTIAL PRELIMINARY TO NATIONAL FARM RELIEF

An address by E. Clemens Horst, San Francisco, delivered at the western divisional meeting, Chamber of Commerce of the United States, Pasadena, December 5, 1928

Mr. President, fellow members of the Chamber of Commerce of the United States, ladies and gentlemen, by reason of time limitation, my address to you on the subject of national farm relief must deal almost entirely with conclusions.

The keynote of my address will be that the American farmers, taken as a whole, must hold a national farmers' conference for the purpose of agreeing upon an adequate and workable plan of national farm relief. It is only by unity of action on the part of all farm groups that farm relief will be possible.

The viewpoints that I will present to you are those of a farmer, as my investments and occupation are devoted entirely to the ownership and operation of farm lands and to the direct marketing of my own and other farmers' products, at home and throughout the world.

My address will be very much in line with the conclusions already reached by the Chamber of Commerce of the United States as a result of 11 important regional councils it has already held in order to obtain the ideas of agricultural producers in various sections of the United States.

The Chamber of Commerce of the United States will, I believe, welcome a national conference of farmers on the general lines I will suggest, and I hope it will adopt resolutions offering its friendly offices in the prompt convening of such a conference and offering the chamber's cooperation to the full extent that such a conference of farmers may desire.

A national conference of farmers, convened on the lines I will suggest, is, in my opinion, the way and the only way by which all of America's farming interests can promptly arrive at any workable and adequate plan of farm relief that will secure the approval of the general public and of Congress.

Unless such a conference is promptly held there is no hope of adequate farm relief either at the present regular session of Congress or at the promised special session next March, even with the friendliness shown by Congress and especially by Mr. Hoover in his promise of a special session of Congress to be devoted to farm relief.

The proposed conference, to be successful, should be composed entirely of men with practical business ideas, and whose controlling business interests are the ownership and operation of farm lands.

The conference should be strictly nonpartisan in politics; it should be representative of all of America's important agricultural products, livestock, and animal products, and of all geographical sections of the United States. The conference should include representatives of every plan of farm relief in which any substantial number of farmers have faith.

The farmers' conference should be conducted entirely by the farmers themselves and on the same lines that all other lines of industry hold their conferences.

Business organizations, political leaders, governmental departments, and all other classes of men interested in farm relief but whose controlling line of business is not farming should, in my opinion, direct and confine their activities in farm relief toward placing their valuable experience and advice at the disposal of the farmers' conference to be used by the farmers' conference if, as, and when it desires the same.

In other words, the proposed farmers' conference should not be conducted upon the lines that farmers' conventions have usually been held in the past, when many men of importance who merely deal with the farmers have been able to monopolize the time of the conventions and to influence their proceedings to so great an extent that the so-called farmers' conventions have usually been of more harm than good, because nothing of any material benefit to the farmers has ever resulted from such conventions.

No business men's or laboring men's or any other but farmers' conventions ever allow their proceedings to be conducted by the people with whom they do business or by the general public. There is no good reason why farmers, in their business affairs, should allow other than farmers to direct the proceedings or policies of their conventions.

The farmers of the United States must learn to direct their own business if any of them hope to continue to have any business to direct, and they must learn to reconcile differences in farm-relief plans of different important groups of farmers.

As soon as the farmers of the United States hold the right sort of conference the thing they must do to achieve success is to prove their case (1) that there is serious farm distress, (2) what is the approximate amount in dollars by which net returns of the United States farmers as a whole must be increased to put them on a fair financial basis, (3) what are the causes of farm distress, (4) what are the legislative cures for farm distress, and (5) how can such legislation be secured at the earliest possible date.

Though a few of the hundreds of agricultural products find themselves on a paying basis during one or more years, the only real test of the financial results of American agriculture, taken as a whole, must be made by considering the net results of all of America's farmers.

In my address I will repeatedly refer to agricultural or farm products. Please understand these terms to mean all farm products, including all animals and animal products.

That the American farmers, taken as a whole, are in serious distress is indicated by the fact that the gross proceeds received by all the 6,400,000 farms of the United States for all their farm products, equal less than $6 per day, per average size farm of 145 acres land, of which 61 acres are plow lands.

Out of these gross proceeds the farmer must pay:
Interest on his mortgages and crop borrowings;
Taxes on his lands, buildings, animals, and equipment;
Insurance on buildings, equipment, and supplies;
Wages to hired labor;
Cost of materials and supplies; and
All other charges.

And then out of what little is left of the $6 per day the farmer must secure his own wages and wages for those members of his family who

work upon the farm. Such a situation should be conclusive that there is serious farm distress. You will notice that I have not allowed the farmer anything for interest on whatever is the value of all his real and personal property, in excess of the mortgages thereon.

In my discussion of the subject I will adopt the conclusion, stated in the August, 1928, report on agriculture of the Chamber of Commerce of the United States, known as its Referendum 52, that farm distress began in 1920, which happens to be the same year that one of the leading political parties featured farm relief in its national platform.

My comparisons of farmers' financial results will be made as between the year 1920, the first year of farm distress, and all the years subsequent thereto. My comparisons should prove to you that the farm distress has been the rule in every year since 1920. The gross proceeds received by all the American farmers for all their farm products have in each year since 1920 run from one thousand eight hundred millions to four thousand five hundred millions of dollars less than in the year 1920.

The figures I will present to you will, I believe, convince you that in order to put American farmers on a reasonably sound financial basis, their net returns must be increased to the extent of about $6,000,000,000 per year.

The proposed farmers' conference should not be called with any prearranged plan of relief to be the program of the conference, for the reason that there are wide differences of opinion of different farmer groups as to what kind of congressional legislation is necessary to bring prompt and adequate relief. These differences of opinion can be and must be reconciled by the farmers themselves.

If the men representing the present conflicting plans of farm relief are men of good business sense, who have all their capital invested in farm lands and their operation, it matters not whether they raise wheat, cotton, sugar, tobacco, fruit, vegetables, cattle, sheep, or hogs, or whether they are dairymen or poultry men or anything else in the ownership and operation of farms. If such a group of men, representing America's agriculture as a whole, are put into a room without time limit and are meeting seriously for the purpose of working out their own salvation, as President Coolidge suggested in his last December message to Congress, they will very quickly come to the following conclusions:

(a) That there is no hope of securing farm relief unless the American farmers agree upon plans of relief.

(b) That all American farmers are dependent upon one another in any plans to make farming profitable.

(c) That there is some merit and some objection to every plan of farm relief that has thus far been proposed.

(d) That all conflicting interests among farmers on the subject of farm relief can be reconciled by delegates of the class hereinbefore suggested, who meet for the purpose of agreeing upon plans.

In my carefully considered opinion, American agriculture can immediately be restored to a sound financial basis by protecting the American farmer and stock raiser against foreign competition, both as to price making and imports. Such protection to be as against not only the same competitive article but also against any workable substitutes.

The tariff law now in operation was enacted in 1922. It was the aim of that law to protect American farmers as well as all other lines of industry. The tariffs on most agricultural products were raised by the tariff act of 1922, but results have proven that the raises in agricultural tariffs were so much too small that since 1922 our country has reversed its favorable position from always exporting much more of agricultural products than we have imported to its present ruinous position of importing in every year since 1922 much more of agricultural products than we export. This reversal amounts to over a billion dollars more of agricultural products and thus accounts for America's ruinous agricultural surpluses.

Last August, by its referendum No. 52, the Chamber of Commerce of the United States committed itself in favor of tariff protection to American farmers by its overwhelming vote of 2,915.5 to 29.5.

Farm relief by a really protective tariff on competitive agricultural imports is, in my opinion, the most far-reaching plan of relief, but still, from a practical viewpoint, it must be fully realized that many, if not most, of the growers of cotton, wheat, corn, and tobacco probably do not agree that a protective tariff will help them out of their distress, because those products are heavily exported from the United States.

The producers of cotton, wheat, corn, tobacco, and other export agricultural products have in their minds entirely different plans of relief than have the growers of crops that are heavily imported.

It is therefore imperative that one or more farm-relief plans be agreed to by all the different groups of farmers. Such an agreement can be reached, but only at a conference confined to farmers, and including all classes of farmers from every section of the United States.

It is easy to see that if wheat, corn, cotton, tobacco, and a few other crops are singled out for legislation that promises to put them on a paying basis there will be so great a flocking of other farmers to these favored crops that the surpluses of the favored crops will run to untold magnitude and make unmanageable surpluses; but if farmers now engaged in growing other than the so-called McNary-Haugen crops are put upon a paying basis by being protected against foreign competition and against foreign price making in our own home markets, then there will be slight danger of greatly increased production of the McNary-Haugen crops by farmers now growing other crops. With the removal of that danger of excessive surpluses a plan to control ordinary surpluses can easily be worked out. In fact, the tariff plan will reduce the exportable surpluses of the McNary-Haugen crops by greatly increasing the home consumption of those products. Thus, if duties are made protective on animals, hides, meats, butter, cheese, poultry, etc., our excess grain surpluses will be used up in the United States in producing those imports at home. And if duties are made protective on hemp, flax, and other fibers, the excessive portions of our cotton surplus will be used up in the United States in substitution of the fibers we now import.

By reducing our competitive agricultural imports to the extent that our agricultural exports will exceed our agricultural imports from one-half to one billion dollars per year, there will be no such excessive exportable surpluses of wheat, corn, and cotton as can not be handled by a reasonable modification of the vetoed McNary-Haugen bill.

At a farmers' conference it will readily be seen by the delegates that there is one common ground on which all American farmers depend, and that is the number of acres of American farm lands that can profitably be employed for our home markets and for exports at a profit over the American cost of production.

The farmers that believe in cooperative marketing as the principal or only hope of farm relief need also to be fully represented at the proposed farmers' conference. At a conference they will see that cooperative marketing has only a slight chance of success when there are excessive surpluses to be dealt with, but it works very successfully when there are no surpluses. The combination into one or more plans of tariff, McNary-Haugen pooling, and cooperative marketing offers the farmers prompt and adequate relief, but the different farmer groups must agree upon the plans to secure the necessary legislation.

In conclusion I suggest that the United States Chamber of Commerce report to Congress, to the farmers, and to the public that there is farm distress so serious that it can not be overcome by any half-way measures of relief, and that it recommend to the farmers of the United States that at the earliest possible date they hold a farmers' conference on the lines hereinbefore outlined and that they reconcile all present differences and agree upon one or more practical plans of farm relief to be used as the basis of farm legislation to be enacted either at the present regular session of Congress or at the special session of Congress to be held next March, and, furthermore, that the Chamber of Commerce of the United States tender to the farmers of the United States its friendly offices in helping them out of their distress.

Because of necessary time limitations for my address I have prepared for distribution a pamphlet containing a lot of statistical and other data bearing upon this important subject. The substance of my to-day's address is also included in that pamphlet, which is in this hall for distribution.

It will be my pleasure to answer to the best of my ability any questions that anyone now or at any other time may put to me.

I thank you all for the opportunity afforded me of addressing you on the farm problem and I hope that you will singly and collectively do all you can to bring about a national farmers' conference on the lines as suggested. By so doing you will have earned the gratitude of the American farmer.

SUPPLEMENTARY DATA

The following statistical and other data is the supplementary data referred to in the preceding address.

The statistics and estimates contained in the address and in this supplement have been checked and confirmed by the California State Department of Agriculture, as per letter as follows:

STATE OF CALIFORNIA,
DEPARTMENT OF AGRICULTURE,
DIVISION OF MARKETS,
Sacramento, November 23, 1928.

Mr. E. CLEMENS HORST,
San Francisco, Calif.

DEAR SIR: We have at your request carefully checked, as far as we have been able to do so, all the figures you have quoted in your proposed address and its accompanying data on national farm relief before the convention of the western division of the Chamber of Commerce of the United States, to be held at Pasadena on December 5 and 6, 1928.

As far as we have been able to check your figures with official Government reports, your figures have been found correct, and as to all other figures given by you in your proposed address, we believe the same to be as accurate as is possible with the data available.

We are keeping on our files for future reference a copy of your proposed address and its accompanying data upon which the above comments have been made by us.

Very truly yours,

E. W. GAUMNITZ,
In Charge San Francisco Office.

EXHIBIT 1

REDUCTION IN FARMERS' GROSS PROCEEDS

Tabulation showing by what amount, in dollars, the farmers' gross proceeds for all their products (agricultural products include all animals and animal products) was less in each of the crop years after 1920 than in 1920, and the farmers' gross proceeds for each year.

Crops, 1920 to 1928, inclusive, according to the statistics of the United States Department of Agriculture.

Crop year	Gross proceeds	Reduction in gross proceeds from 1920
1920	$14,800,000,000	
1921	10,300,000,000	$4,500,000,000
1922	11,200,000,000	3,600,000,000
1923	12,400,000,000	2,400,000,000
1924	12,200,000,000	2,600,000,000
1925	13,000,000,000	1,800,000,000
1926	13,000,000,000	1,800,000,000
1927	12,100,000,000	2,700,000,000
1928	12,300,000,000	2,500,000,000
Total reduction in the United States farmers' gross proceeds for 8 years, 1921 to 1928, inclusive, from the farmers' gross proceeds of 1920		21,900,000,000

NOTE.—The year 1920 is the first year of farm distress, as per the August, 1928, agricultural report of the Chamber of Commerce of the United States.

EXHIBIT 2

Decline in United States farm-land values

1920 total value of all United States farm lands as per United States Department of Agriculture	$54,800,000,000
1925 total value of all United States farm lands as per United States Department of Agriculture	37,700,000,000
Decline in five years	17,100,000,000
1928 (the United States Department of Agriculture has discontinued publishing the value of all United States farm lands since 1925. The decline from 1925 to 1928 is, therefore, estimated at the same average annual decline as from 1920 to 1925), estimated decline in 3 years from 1925	10,300,000,000
Total decline in United States farm-land values from 1920 to 1928	27,400,000,000

The decline in United States farm-land values to 1928 is calculated from 1920 because 1920 was the first year of farm distress, as per the August, 1928, agricultural report (referendum No. 52) of the Chamber of Commerce of the United States.

EXHIBIT 3

United States farmers' losses from 1921 to 1928 on basis of total decrease in gross proceeds for years 1921 to 1928 of all their agricultural products from the total gross proceeds realized for all 1920 agricultural products (as per Exhibit 1) and on the basis of decrease in the 1928 value of all United States farm lands from their 1920 value (as per Exhibit 2)

Decrease in total gross proceeds for all the eight years 1921 to 1928, inclusive, from the amount realized for all the 1920 agricultural products	$21,900,000,000
Decrease in all United States farm-land values to the year 1928 from their value in 1920	27,400,000,000
Total United States farmers' loss from 1921 to 1928, inclusive	49,300,000,000

The above total of United States farmers' loss does not take into consideration adjustments for variation in costs of production of the 1921 to 1928 agricultural products; cost of about 14 per cent more agricultural products grown in each year 1921 to 1928, inclusive, than grown in 1920; other farmers' losses that can not be reasonably well approximated.

EXHIBIT 4

Decrease in United States farm wealth (includes farm lands, buildings, machinery, equipment, and livestock) from 1920 to 1928

1920 total value of United States farm wealth as above, as per United States Department of Agriculture	$79,400,000,000
1928 total value of United States farm wealth, as above, as per United States Department of Agriculture	58,400,000,000
Decrease in United States farm wealth from 1920 to 1928	21,000,000,000

Which equals a decrease of 26 per cent.

[NOTE.—The decrease of the "farmers' net assets" is greater than the $21,000,000,000, or 26 per cent, as above shown, because the total of the farmers' mortgage and other debts were higher in 1928 than in 1920.]

EXHIBIT 5

Tabulation showing hopelessness of adequate farm relief except by increase in the gross proceeds received by farmers for their products

The following figures show what it costs all the United States farmers to produce all their agricultural products. It also shows the gross proceeds they receive for the same and the annual deficit.

The following figures are calculations based upon the official reports of cost of production and gross proceeds of products of the United States Department of Agriculture and are for the crop year of 1925. The farmers' costs of production for years 1926 to 1928 were not lower than in 1925, nor were the gross proceeds of crops higher. Therefore the farmers' deficit in each of the crops 1926, 1927, and 1928 was no lower than in 1925.

	Equals per farm per year [1]	Total for all farms [1]
(a) Interest on Jan. 1, 1925, value of farm lands, buildings, equipment, and livestock, $59,700,000,000, at 6 per cent per annum	$560	$3,582,000,000
(b) Wages to hired labor	190	1,216,000,000
(c) Paid for products and services of other industries, repair, and maintenance of buildings	480	3,076,000,000
(d) Taxes on all farm properties (on basis that as [2] 62 per cent equals $635,000,000, 100 per cent will equal)	160	1,024,000,000
(e) Consumed on farms for family living, equals $1.10 per day, per farm	390	2,524,000,000
(f) Wages for farm operator (including all members of family who work on the farm) $4 per day for all (not each)	1,200	7,680,000,000
(g) Estimate of interest on cost of producing crop from date of incurring expense until crop sold and paid for	60	360,000,000
	3,040	19,462,000,000
(h) Gross proceeds of all agricultural products, including animals and animal products, crop year 1925	2,040	13,031,000,000
(i) Deficit	1,000	6,431,000,000

[1] According to the official reports of the U. S. Department of Agriculture there were in 1925 in the United States (in round figures) 6,400,000 farms containing—

The U. S. Department of Agriculture estimates that—	Per cent
United States farms operated by owners	62
United States farms operated by tenants	38
	100

[2] In the above tabulation of farmers' costs, calculated from the report of the U. S. Department of Agriculture, it was necessary to convert owned farm lands and leased farm lands to a common basis to properly arrive at the above item of costs.

	Acres
Plow lands	391,500,000
Pasture lands (including 113,500,000 plowable)	407,900,000
Other lands	124,900,000
Total, all farm lands	924,300,000

According to the above figures the average size per United States farm contains—

	Acres
Plow lands	61
Pasture lands	63
Other lands	20
Total, all farm lands	144

Nothing has been included in above farmers' costs to cover soil depreciation, nor for depreciation of buildings, machinery, and equipment.

A study of the above tabulation will show that even if there were any way by which all or any of the above items of costs of production could be reduced the total possible reductions in costs could, to only a very small extent, reduce the above deficit (i).

In the above estimates of costs it should be noted that they have all been made at the lowest possible figure that could reasonably be used, thus:

Interest has been calculated at only 6 per cent per year, though farmers pay all the way up to 12 per cent on their borrowings.

The valuations on which farm properties are figured for interest purposes are those of 1925, which were $19,700,000,000 lower than the year 1920.

Combined wages for the farm operator, including the members of his family who work on the farm without wages, are figured at only $4 per day, per family, per farm, plus the $1.10 per day, per family, per farm, for farm products consumed on the farm, as per item (e).

The farmers' gross proceeds for all their agricultural, including animals and animal products, for the year 1925 amounts to $13,000,000,000 (see Exhibit 1). This averages, per average-sized farm of 145 acres, only $14 per acre in gross proceeds. For the year 1926 these gross proceeds were the same as for 1925. For each of the years 1927 and 1928 they were less than for the years 1925 and 1926. (See Exhibit 1.)

EXHIBIT 6

Partial list of competitive agricultural imports

Rough estimate in terms of dollars and United States plow-land acreage displaced by directly or indirectly competitive agricultural imports into the United States during the year ending June 30, 1927, according to calculations made from the statistical reports of the United States Department of Commerce and United States Department of Agriculture.

The following estimates are rough approximations as to the number of acres of United States plow lands that would need to be employed to replace competitive agricultural imports, either with the same product or with more or less workable substitute products.

[In round figures]

Imports	Unit	Quantity	Value	United States plow-land acreage displaced by imports
Animals and animal products (except wool):				
Cattle	Head	270,000	$7,000,000	1,600,000
Hogs	Pounds	40,000,000	5,000,000	150,000
Horses for breeding	Head	3,000	2,000,000	30,000
Meat	Pounds	92,000,000	14,000,000	1,600,000
Milk and cream	Gallons	11,000,000	9,000,000	550,000
Butter	Pounds	11,000,000	4,000,000	250,000
Cheese	do	90,000,000	25,000,000	900,000
Casein and lacterine	do	26,000,000	3,000,000	900,000
Hides	do	370,000,000	95,000,000	17,000,000
Eggs	do	26,000,000	7,000,000	85,000
Poultry	do	5,500,000	2,000,000	20,000
			173,000,000	23,085,000
Grain, etc.:				
Wheat	Bushels	13,000,000	18,000,000	900,000
Bran and wheat by-products	Tons	184,000	5,000,000	450,000
Rice	Pounds	54,000,000	3,000,000	30,000
Molasses (replacing corn)	Gallons	260,000,000	10,000,000	3,000,000
			36,000,000	4,380,000
Fruits and fruit products:				
Bananas	Bunches	57,000,000	32,000,000	600,000
Olives	Gallons	5,200,000	5,000,000	45,000
Olive oil, edible and inedible	Pounds	134,000,000	22,000,000	25,000
			59,000,000	670,000
Nuts:				
Walnuts	do	47,000,000	10,000,000	150,000
Filberts	do	14,500,000	3,000,000	45,000
Almonds	do	16,000,000	6,000,000	50,000
Brazil and cream	do	43,000,000	3,000,000	100,000
Peanuts	do	51,000,000	2,000,000	70,000
			24,000,000	415,000
Beans, etc.:				
Beans and chickpeas	do	125,000,000	5,000,000	200,000
Castor beans	do	120,000,000	4,000,000	200,000
			9,000,000	400,000
Vegetables:				
Potatoes	do	381,000,000	7,000,000	55,000
Onions	do	131,000,000	3,000,000	8,000
Tomatoes, raw	do	125,000,000	4,000,000	17,000
Tomatoes, canned	do	80,000,000	4,000,000	11,500
Other vegetables			3,000,000	8,500
			21,000,000	100,000
Raw fibers:				
Cotton	Pounds	191,000,000	37,000,000	1,020,000
Flax and hemp	Tons	6,000	2,000,000	120,000
Wool			83,000,000	20,000,000
Manila	Tons	61,000	15,000,000	205,000
Sisal	do	116,000	19,000,000	260,000
			156,000,000	21,605,000
Totals of partial list of agricultural imports:				
Animals and animal products (except wool)			173,000,000	23,085,000
Grain, etc.			36,000,000	4,380,000
Fruits, etc.			59,000,000	670,000
Nuts			24,000,000	415,000
Beans			9,000,000	400,000
Vegetables			21,000,000	100,000
Raw fibers			156,000,000	21,605,000
Sugar (replacement by cane sugar)			255,000,000	16,200,000
Tobacco			86,000,000	125,000
Clover seed			4,000,000	320,000
Vegetable oils			52,000,000	285,000
Copra			22,000,000	200,000
Furs			138,000,000	5,000,000
Cotton, semimanufactured			6,000,000	60,000
Cotton, manufactured			59,000,000	250,000
Flax and hemp, manufactured			49,000,000	600,000
Wool, semimanufactured			12,000,000	1,000,000
Wool, manufactured			62,000,000	1,000,000
			1,223,000,000	75,691,000
Balance of raw and manufactured agricultural imports			2,077,000,000	
Total United States raw and manufactured agricultural imports			3,300,000,000	

[NOTE.—There are some duplications in above acreage estimates on account of different items being produced on same land at same time, as, for instance, hides are raised with meat.]

[NOTE.—On manufactured products the conversion of amount of acres necessary to produce the quantity of the raw product therein is roughly estimated.]

[NOTE.—All conversions of imports into number of acres necessary to replace such imports are figured on basis of plow-land acreages to produce in the United States the same products as imported or to produce other workable substitutes.]

[IMPORTANT NOTE.—In view of the fact shown by Exhibit 5, that the total United States plow-land acreage is only 391,500,000 acres, it should be plain from the above calculations that our competitive importations of agricultural products to the extent of over 75,000,000 acres of United States plow lands accounts for the intense suffering of the American farmers from excessive surpluses.]

The importations of competitive agricultural products that are not included in the above 75,000,000 acres of United States plow lands will much more than offset the duplications in acreages above mentioned.

It is a safe estimate that the United States now annually imports in competitive agricultural products the entire products that can be raised on over a million average-sized American farms.

Exhibit 7 shows the extent to which the United States now annually imports much more of agricultural products than the United States exports.

It is a safe assumption that no plan or combination of plans of farm relief will ever be workable for the United States except on basis of the United States returning to the economic plan in force at all times till 1922 of exporting more of agricultural products than are imported.

Nor will any plans of farm relief ever be workable so long as the prices of American farm products to the American consumers are based upon the price at which foreign countries, with cheap labor and cheap water freights, can land their products in the principal American consuming markets, which are mostly at or near our seaports. The foreign competition in making American sale prices to American consumers wrecks the American farmer when he must meet the foreign price, even if none of the particular foreign product is imported into the United States.

NOTE.—Statistics and classifications used of United States agricultural imports are those of the U. S. Department of Commerce, namely—

Group 00.	Animals and animal products, edible	$125,000,000
Group 0.	Animals and animal products, inedible	323,000,000
Group 1.	Vegetable products, edible	843,000,000
Group 2.	Vegetable products, inedible	673,000,000
Group 3.	Textiles	964,000,000
Group 4.	Wood	372,000,000
Total		3,300,000,000

EXHIBIT 7

United States exports and imports of raw and manufactured agricultural products [1] 1920 to 1928, inclusive

[In round figures]

Fiscal year ending June 30—	Exports	Imports	Net exports	Net imports
1920 [2]	$4,700,000,000	$4,300,000,000	$400,000,000	
1921 [2]	2,600,000,000	2,000,000,000	600,000,000	
1922	2,400,000,000	2,000,000,000	400,000,000	
1923	2,400,000,000	3,000,000,000		$600,000,000
1924	2,400,000,000	2,700,000,000		300,000,000
1925	2,900,000,000	3,000,000,000		100,000,000
1926	2,500,000,000	3,500,000,000		1,000,000,000
1927	2,500,000,000	3,300,000,000		800,000,000
1928	2,500,000,000	3,200,000,000		700,000,000

[1] According to U. S. Department of Commerce classification of agricultural products, as follows:
Group 00. Animals and animal products, edible.
Group 0. Animals and animal products, inedible.
Group 1. Vegetable food products and beverages.
Group 2. Vegetable products, inedible, except groups 3 and 4.
Group 3. Textiles.
Group 4. Wood and paper.

[2] Calendar year for 1920 and 1921, fiscal year not available.

NOTE.—The United States was a net export nation of agricultural products until 1922; since 1922 our Nation has become a net import nation of those products, in spite of the severe suffering of our farmers (since 1920) from excessive agricultural surpluses.

This reversal from heavy net exports to heavy net imports of agricultural products, accounts for America's ruinous agricultural surpluses.

EXHIBIT 8

COMPARISON OF CERTAIN AGRICULTURAL UNITED STATES IMPORTS AND EXPORTS, FISCAL YEAR 1927

Though the United States both imports and exports large quantities of the same general agricultural items, like grain, meats, fibers, etc., the principal agricultural exports of the United States are cotton, wheat, and corn. These three exports are the outstanding items, whose farmers, generally speaking, are not very greatly impressed with plans of farm relief based upon protection of the American home markets to the American farmer.

It is of interest to note that while the total exports for the fiscal year 1927, of cotton represented a total acreage of raw and manufactured cotton of roughly 32,000,000, or about two-thirds of the United States cotton crop, there is a healthy and profitable (profitable on basis of the American cost of production) export demand for

cotton for all but about 5,000,000 acres of that quantity of exports. It is only the excessive exportable surplus of cotton that wrecks the American cotton grower.

The problem for the American cotton grower, therefore, is to increase the American consumption of cotton to the extent of the product of 5,000,000 acres, which can easily be done by protecting the cotton grower against ruinous competition with other fibers, such as flax, hemp, jute, and wool. A sufficient duty on these other fibers will reduce their importation and result in the use of enough cotton in place of the other fibers to take care of the excessive portion of the cotton surplus.

The same theory holds good as to wheat, corn, and other grains. Our total exports, for the fiscal year 1927, of wheat, flour, bran, corn, rye, barley, oats, and rice, represented a total of only about 18,000,000 acres which is only about 9 per cent of the total American acreage in all those crops. Assuming that as much as one-half of that 18,000,000 acres represents the excessive exportable surplus, that causes ruinous export prices because of the excess, then an increased home demand of only 9,000,000 acres in the total of all those crops, would put those crops on a paying basis.

It will be a simple matter to increase the home consumption of all those crops of wheat, corn, rye, barley, oats, and rice by protecting the producers of those crops against ruinous competition, by the importations of animals and animal products. If the animals and animal products that we imported in the fiscal year 1927 had been raised in America there would have been an increased home demand for all the grain products of more acres of American plow lands than our total grain exports.

It is plain that if cotton and grain are made profitable by any tariff legislation that will directly benefit only those crops there will be enormous plantings of cotton and grain crops by farmers of innumerable other nonpaying crops, unless the nonpaying crops are also made profitable. The other crops can be made profitable by adequate protection to all competitive agricultural products.

Only a small percentage of American agricultural products are other than annual crops; therefore, many farmers turn from one crop to another by speculating instincts, usually guessed wrong by the farmers.

When American farmers are guaranteed their home markets, against ruinous foreign competition, both as to price making and as to imports, the American farmers can easily adjust their plantings to the American home demand plus such export business as can be done at a fair profit over American costs of production.

The Federal and State Departments of Agriculture can keep the American farmers well advised of probable requirements of the various crops and of the acreages that are being planted to the various crops. This plan, if efficiently carried out by the Federal and State departments, will avoid excessive surpluses of any crops, though all American farm lands are put into the crops for which they are adapted. Of course, this whole structure of farm management collapses if our ports are open to ruinous foreign competition in supplying farm products to the American consumers.

Mr. WALSH of Massachusetts presented resolutions adopted by the Massachusetts League of Women Voters, the Lynn Interchurch Union, the Highland Union Methodist Episcopal Church of Lowell, the Prospect Congregational Church of Cambridge, the Women's International League for Peace and Freedom (Massachusetts branch), the Community Church of Boston, the Unitarian Women's Alliance Parsonage, the Women's Alliance of the First Congregational Church of New Bedford, the Gardner Women's Club, the Dorchester League of Women Voters, the Hyannis League of Women Voters, the Dartmouth Women's Christian Temperance Union, the Hampshire County Business and Professional Women's Club, the Connecticut Valley Branch of American Association of University Women, the New Voters of Dorchester, the Citizens of South Yarmouth, the Cambridge League of Women Voters, the Fitchburg Branch of the General Alliance of Unitarian and other Liberal Christian Women, the Beverly Federation of Churches, the Memorial Church of South Sudbury, the Immanuel Baptist Church of New Bedford, the Society of Friends of Lynn, and the Union Congregational Church of Amesbury, all in the State of Massachusetts, praying for the prompt ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

Mr. REED of Pennsylvania. Mr. President, I send to the desk a resolution adopted by the tenth annual convention of the American Legion at San Antonio, Tex., which I ask to have read and referred to the Committee on Immigration.

There being no objection, the resolution was read and referred to the Committee on Immigration, as follows:

RESTRICTION OF IMMIGRATION

Whereas it seems a proper function of the American Legion to voice its attitude toward nonpartisan questions of public interest and concern, to the end that life and government in the United States may be improved: Therefore be it

Resolved by the American Legion in convention assembled, That we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law with its fundamental national origin provision, so that American citizenship and economic prosperity may be maintained at the highest possible level.

Mr. CAPPER. Mr. President, I offer resolutions adopted by the Kansas State Bar Association with reference to the World Court and ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Senate of the United States on January 27, 1928, by a bipartisan vote of 76 to 17 approved the adherence of the United States to the Permanent Court of International Justice, with certain reservations; and

Whereas after considering these reservations, the member nations of the court accepted most of the reservations outright, stated clearly their desire to accept all of them in principle, pointed out that one of the reservations was ambiguous, and suggested a "further exchange of views" to clear up any remaining misunderstandings; and

Whereas in the opinion of eminent jurists the difficulties preventing the completion of American participation in the court are not fundamental and could be adjusted in the further exchange of views suggested by the nations in the court; and

Whereas said court is substantially an adoption of the American ideas which were urged by Mr. Choat and Mr. Root at the first and second aid conferences, and the protocol thereof has now been adopted by 52 other nations; and

Whereas Senate Resolution 139, introduced by Mr. GILLETT, of the Foreign Relations Committee, aims to bring about the resumption of negotiations with a view to reaching an adjustment that will be satisfactory to the United States and to the signatory states; and

Whereas the Foreign Relations Committee, at its last meeting in May, 1928, decided by a majority of one vote to postpone action upon the resolution until the first meeting of the committee this coming December; and, therefore, be it

Resolved, That the Kansas State Bar Association respectfully and earnestly request Senator CAPPER to convey to the Foreign Relations Committee their desire for a prompt and favorable report on the Gillett resolution at the first meeting of the committee this December; and it is further

Resolved, That the secretary of this meeting send a copy of this resolution to—

(1) Senator CAPPER with a request that he have it printed in the CONGRESSIONAL RECORD, where it may stand as the opinion of the Kansas State Bar Association.

(2) Senator CURTIS.

Every member of the Foreign Relations Committee.

Attest:

A true copy of the resolution adopted by the Topeka Bar Association at its regular meeting held on November 3, 1928, at Topeka, Kans.

B. F. SEMPENAN,
Secretary Topeka Bar Association.

Mr. CAPPER presented petitions of members of the Grace Cathedral Men's Club, of Topeka, and the Woman's Christian Temperance Union, of Emporia, both in the State of Kansas, praying for the passage of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the synod of the Presbyterian Church, of Hays; the board of directors of the Chamber of Commerce, of Topeka, and the Branch of the American Association of University Women, of Topeka, all in the State of Kansas, favoring the passage of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the synod of the Presbyterian Church, of Hays, the Stevens Woman's Christian Temperance Union, of Wichita, and the Branch of the American Association of University Women, of Topeka, all in the State of Kansas, favoring the ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Randolph and of members of the Parent-Teachers Association of Madison, all in the State of Kansas, praying for the ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented a petition signed by 259 members of the Grade Teachers' Club, of Kansas City, Kans., praying for the

passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. ROBINSON of Arkansas. I present a resolution adopted by the Federation of Women's Clubs, of Pine Bluff, Ark., and ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Senate of the United States, on January 27, 1926, by a bipartisan vote of 76 to 17, approved American participation in the Permanent Court of International Justice, with certain reservations; and

Whereas the adherence of the United States to the court which was contemplated by the Senate's action in 1926 has not yet been accomplished because the negotiations between the United States and the signatory states have halted; and

Whereas in the opinion of eminent jurists the difficulties preventing the completion of American participation in the court are not fundamental; and

Whereas Senate Resolution 139, introduced by Mr. GILLETT, of the Foreign Relations Committee, aims to bring about the resumption of negotiations with a view to reaching an adjustment that will be satisfactory to the United States and to the signatory states; and

Whereas the Foreign Relations Committee, by a vote at its last meeting in May, 1928, decided to bring up the Gillett resolution at the very first meeting of the committee this coming December: Therefore be it

Resolved, That the Pine Bluff Federation of Women's Clubs, desirous of seeing the United States a member of the World Court, respectfully and earnestly requests the Foreign Relations Committee to report immediately and favorably at its first meeting the Gillett World Court Resolution.

Mrs. LEO P. DU BOSE, *President.*
Mrs. FREELIN CHRISTOPHER, *Secretary.*

Mr. ASHURST presented a memorial, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE PROPOSAL TO RENOUNCE WAR

The Paris peace pact is now before the world. All responsible nations have been invited to agree in a solemn treaty to renounce war as a way to settle their disputes.

It was signed in Paris on August 27, 1928, by representatives of the United States and of 14 other nations. Forty-nine additional nations have also been invited to affix their signatures.

Its essential features lie in the following articles:

"1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"2. The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them shall never be sought except by pacific means."

This treaty will come before the United States Senate for ratification during the winter. Secretary Kellogg, addressing a large body of Christian leaders on June 11, said:

"In the name of the Government of the United States I bespeak the continued support of this and of every other church in the present movement for the promotion of world peace."

In order to assure President Coolidge that this proposed treaty has wide popular support, and in order to convince the Senate of the strong popular desire for its early ratification, the memorial on the other side of this sheet is being given the widest possible circulation.

Citizens of the United States are invited to sign this memorial personally. Minors not under 16 may also sign. They are requested to give their ages.

Please return this sheet, with as many signatures as possible, by December 1, 1928.

1. Will you sign?
2. Will you ask your friends to sign?
3. Will you also write a short personal letter to your two United States Senators in support of this memorial?

A MEMORIAL

The following memorial calls for personal signatures by citizens of voting age. When signed, kindly return it to the Federal Council of Churches, 105 East Twenty-second Street, New York, N. Y.:

To the PRESIDENT AND SENATE OF THE UNITED STATES OF AMERICA:

We, the undersigned citizens of the United States, profoundly believe that our Government should cooperate to the fullest possible extent with the other nations of the world in taking effective steps toward the substitution of peaceful methods for those of force in the settlement of disputes between nations.

We therefore heartily rejoice that the pact of Paris renouncing war was signed on August 27, 1928, by the United States and 14 other nations, and that invitations were extended to 49 additional nations to become signatories. In giving our enthusiastic indorsement to this multilateral antiwar treaty we declare our belief—

1. That war should be renounced and never again be resorted to by civilized nations as the means of settling disputes, enforcing national claims, or seeking national objectives.

2. That war should be made a crime by specific provision of international law.

3. That the settlement of every threatening dispute, whatever its nature, should never be sought except by pacific means.

4. That even regarding disputes which the nations involved may not be ready to submit to arbitration or judicial settlement they should nevertheless pledge themselves not to resort to war.

5. That solemn engagements pledging the good faith of the nations in these vital matters are essential to the development of the spirit of mutual confidence which must precede a general movement for thoroughgoing disarmament.

We therefore respectfully express to President Coolidge and the Senate our earnest hope and desire that the multilateral treaty for renouncing war as an instrument of national policy, now before the nations, may be promptly ratified.

PETITION TO THE PRESIDENT

We, the undersigned, citizens of Tucson, Ariz., do hereby express our highest appreciation of the efforts of Secretary Kellogg for the conclusion of the general pact for the renunciation of war as constituting a long step toward the elimination of the war method of settling international differences, and do hereby urge the President of the United States to submit the treaty to the Senate for ratification immediately upon the convening of Congress and to take whatever other steps may be necessary toward its prompt ratification by that body without qualification or reservation. (Signatures omitted.)

Mr. FESS presented a petition of sundry citizens of the State of Ohio, praying for the passage of the so-called Capper-Kelly fair trade bill, which was referred to the Committee on Interstate Commerce.

Mr. ODDIE presented resolutions adopted by Thomas H. Barry Camp, No. 7, United Spanish War Veterans, of Reno, Nev., favoring the enactment of legislation for the relief of veterans of the war with Spain, the Philippine insurrection, and the Boxer uprising in China, and providing a pension of $50 per month to such of said veterans as have reached the age of 50 years, which was referred to the Committee on Pensions.

Mr. JONES presented petitions of sundry citizens of Tacoma, Spokane, and Mount Vernon, all in the State of Washington, praying for the ratification of the so-called multilateral peace treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Middle West Foreign Trade and Merchant Marine Conference favoring a privately owned and operated merchant marine, which were referred to the Committee on Commerce.

Mr. BLAINE presented a petition signed by 88 citizens of the State of Wisconsin praying for the passage of legislation placing an adequate tariff duty on calf leather, which was referred to the Committee on Finance.

He also presented resolutions adopted by the county boards of Sauk and Taylor Counties, in the State of Wisconsin, favoring the passage of legislation placing a higher tariff duty on cheese, which were referred to the Committee on Finance.

He also presented a resolution adopted by the county board of Kewaunee County, Wis., favoring the passage of legislation placing higher tariff duties on cheese and sugar, which was referred to the Committee on Finance.

He also presented a resolution adopted by the board of supervisors of Winnebago County, Wis., favoring the continuation of the agreement of 1923 by riparian and water-power interests of the Fox River Valley, approved by the War and State Departments, etc., which was referred to the Committee on Commerce.

Mr. VANDENBERG presented a resolution adopted at a meeting of the county clerks of Michigan favoring the passage of uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the board of supervisors of Antrim County, Mich., favoring the passage of legislation placing adequate tariff duties on the importation of radishes and vetch seed, which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the county clerks of Michigan favoring changes in naturalization

regulations relative to petitioners for naturalization who take up residence in another part of the State than that in which they live or in another county than the one in which their declaration was filed, etc., which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of the State of Michigan, praying for the ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

REPORT OF BELLEAU WOOD MEMORIAL ASSOCIATION

The VICE PRESIDENT laid before the Senate a communication from the president of the Belleau Wood Memorial Association, transmitting, pursuant to law, the report of the association for the fiscal year ended December 31, 1927, which, with the accompanying report, was referred to the Committee on Military Affairs.

GORGAS MEMORIAL LABORATORY

The VICE PRESIDENT laid before the Senate a communication from the president of the Gorgas Memorial Institute of Tropical and Preventive Medicine, transmitting, pursuant to law, a report of the preliminary activities in connection with the establishment of the Gorgas Memorial Laboratory in Panama for the period from July 1 to November 1, 1928, which, with the accompanying report, was referred to the Committee on the Library.

RESIGNATION OF SENATOR COLEMAN DU PONT

The VICE PRESIDENT. The Chair lays before the Senate, for the information of the Senate, a letter received from Senator COLEMAN DU PONT, of Delaware, which the clerk will read.

The Chief Clerk read as follows:

UNITED STATES SENATE,
Washington, D. C., December 3, 1928.

To the Hon. CHARLES G. DAWES,
Vice President of the United States and
President of the United States Senate, Washington, D. C.

SIR: I hereby tender my resignation as a United States Senator from the State of Delaware for the term expiring March 3, 1931, to take effect immediately.

Respectfully submitted.

COLEMAN DU PONT.

The VICE PRESIDENT. The letter will be placed on file.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.; to the Committee on Finance.

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States; to the Committee on the District of Columbia.

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.; to the Committee on Commerce.

COMMITTEE SERVICE

On motion of Mr. REED of Pennsylvania and by unanimous consent, it was

Ordered, That Mr. GLENN be assigned to membership on the Committees on Interstate Commerce and Public Lands and Surveys; that Mr. THOMAS of Idaho be assigned to membership on the Committees on Agriculture and Forestry and Irrigation and Reclamation.

CUMBERLAND FALLS

Mr. NORRIS. Mr. President, I have here an article by Mr. Manly entitled "South May Lose its 'Niagara' to Power Interests." The paper I have before me is the Washington Daily News in which this article is printed, although I understand it has been printed in a large number of other papers. I ask unanimous consent that the article may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

SOUTH MAY LOSE ITS "NIAGARA" TO POWER INTERESTS—CASE OF CUMBERLAND FALLS COMES UP FOR DECISION THIS WEEK—SCENIC BEAUTY TO BE DESTROYED UNLESS PROTESTS PRODUCE EARLY RESPONSE AT CAPITAL—OUTLOOK IS UNFAVORABLE—POWER COMMISSION SECRETARY HAS ALREADY SUBMITTED REPORT FAVORING INSULL GROUP

By Basil Manly

LOUISVILLE.—Unless the public protests which are being voiced to-day in this section produce an early response at Washington, the great falls of the Cumberland—the "Niagara of the South"—will pass into the hands of the Insull power interests before the end of the year, and its matchless scenic beauty will be forever destroyed.

The case of the Cumberland Falls, the second greatest waterfall east of the Mississippi, comes before the Federal Power Commission Wednesday for final hearing and decision. At this same hearing it will also be decided whether the Insull interests are to be given a monopoly of substantially every other water-power site in Kentucky properties, which at the lowest estimate have a potential value of hundreds of millions of dollars.

OUTLOOK UNFAVORABLE

At the hearing of the Federal Power Commission the outlook for saving the falls is unfavorable. Roy O. West, who has admitted ownership of a large block of stock in the Middle West Utilities Co., the Insull holding company, which seeks control of the Cumberland Falls project as well as 19 other Kentucky power sites, is Secretary of the Interior and ex officio member of the Power Commission.

The secretary of the Power Commission, O. C. Merrill, whose recommendations are as a rule perfunctorily approved by the commission, has already submitted a report favoring the Insull application. This report is denounced by Dr. Wilbur Nelson, head of the geological department of the University of Virginia, as "exceedingly biased in favor of the power applicants." It is charged further that the report contains a "joker" which, while ostensibly protecting the falls, will inevitably destroy them.

NOW EASILY ACCESSIBLE

The Cumberland Falls are in danger primarily because of their past isolation. Located in the rugged mountain district of southeastern Kentucky, they were until this year accessible only over rough country roads, which were impassible except in dry weather. Nevertheless, such was their majestic beauty amid their wild mountain setting, that nature lovers each year came from as far as California to visit them. But to the majority of people even in Kentucky they were unknown and unappreciated.

EASILY ACCESSIBLE

Now they lie only 13 miles off the new highway of the Cincinnati-Lookout Mountain Airline and next year they will be easily accessible to the thousands of tourists who will follow this scenic route. This may explain why the Insull interests are exerting every influence to secure the power commission's approval before the people have an opportunity to see the falls in their natural beauty. When they do it may be more difficult to secure their destruction to create electric power which is admittedly not now required by Kentucky or the adjoining States.

POWER NOT NEEDED

That the power from the falls is not needed is shown by the fact that the total capacity of the Kentucky power sites on which the Insull interests have filed are estimated to produce 2,000,000,000 kilowatt hours or four times as much as was produced by Kentucky in 1926. Of this only one-twentieth is to be generated by the Cumberland Falls project, according to the executive secretary's official report. The Merrill report further admits that "there would be, presumably, no serious loss to the power company and no serious immediate detriment to Kentucky as a whole if the Cumberland Falls project were omitted from the program for the present." And yet this masterpiece of nature—the Niagara of the South—the report insists, should be placed first on the list of 20 proposed projects for exploitation.

RIVER IS ESSENTIAL

Analysis of the Merrill report leaves no question that the scenic beauty of the falls will be destroyed if its recommendations are carried out. After stressing the fact that the Insull dam and power plant will not be in plain view of the falls, the report makes the following statement: "The only effect on the falls or on the area immediately adjacent would be a reduction in the amount of water passing over the falls." This is self-evident. The only difference between a precipice and a waterfall is the presence of a river. But the river is essential. And that is what ceases to exist as soon as the Insull dam is erected.

PROMISE TO PRESERVE BEAUTY

This is admitted by the report. After setting forth figures on the flow of the river, the size of the dam and the amount of water required by the Insull power plant, Secretary Merrill says:

"If, therefore, no limitations were placed on the withdrawal of water for power purposes from the river, the entire natural flow would be diverted through the tunnel for periods varying from four to eight months per annum." These four to eight months would, of course, include the dry summer months when the people would visit the falls.

But the executive secretary suggests that by placing limitations in the license he will preserve the beauty of the falls. How will he do this? "A continuous release up to 100 cubic feet per second," he says, "would be sufficient to maintain the falls at their greatest beauty, and would involve an average annual loss of only 2 to 3 per cent of the total energy available."

STANDARDIZED LIKE HYDRANT

The report shows, however, in a preceding paragraph that the present average flow of the falls is 3,400 cubic feet per second, varying from the mighty rush of a raging torrent to the filmy beauty of its quieter flows. So he would reduce it to a maximum of one thirty-fourth of its normal flow. He would standardize this temperamental waterfall with all its varying moods of beauty like a city hydrant or a Ford motor car.

A hundred cubic feet a second for the Niagara of the South! Let us see what this means. A simple calculation shows that it is the amount of water that would be contained in a box 5 feet square and 4 feet deep. That, it would appear, is to be the future ration of this monarch of waterfalls, whose roar in normal seasons can be heard for miles.

What will the State park commission do? It is already on record. It demands 10,000 gallons a minute. This sounds like a lot of water, but when we analyze it it means only 22 cubic feet a second. This is less than one-hundredth of the present normal flow of the falls. Spread over the 125-foot frontage of the falls it would provide only an insignificant trickle.

MANY BITTER PROTESTS

Against these nice calculations we may balance the appeals of some of those who know Cumberland Falls for the preservation of their natural beauty. Stephen T. Mather, director of the National Park Service, said after a visit to the falls in company with Merrill:

"Cumberland Falls is a mighty spectacle, well worth fighting for."

In his protest to President Coolidge, Dr. Henry Van Dyke, of Princeton University, declared:

"Free beauty is worth more than exploited electricity in a place of exceptional beauty like Cumberland Falls."

And Irvin S. Cobb, a native Kentuckian, says:

"To destroy a beautiful natural thing such as Cumberland Falls, under the guise of industrial development—where no such development is warranted—would, so it seems to me, be about as great an example of greed and vandalism and pure hoggishness as the history of an already ravished and despoiled country could show.

"I hope to God the raping of Cumberland Falls may be prevented."

PUBLIC UTILITIES SCHOOL PROPAGANDA

Mr. NORRIS. Mr. President, I have here a copy of an address entitled "Tampering with Education," delivered by the senior Senator from Montana [Mr. WALSH] before the Montana State Bar Association. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

TAMPERING WITH EDUCATION

Address delivered by Senator T. J. WALSH before the Montana Bar Association at Bozeman, Mont., August 4, 1928

In the closing days of the session of Congress coming to an end on March 4, 1927, I submitted to the Senate a resolution proposing an investigation into the financing and capitalization of companies engaged in the generation and distribution of electrical energy, including holding companies, and as well into the activities of such to influence public opinion or governmental action. The desirability, if not the necessity, of such an inquiry was impressed upon me by a series of articles by Prof. W. Z. Ripley, of Harvard, appearing in the Atlantic Monthly, afterwards published with some elaboration in book form under the title, "From Wall Street to Main Street." The eminence of the author as a student of economics as well as his high character naturally gave seriousness to his strictures on abuses that prevailed in the utilities industries and particularly in the financial set-ups of the corporations doing business in that field. Conferences with a gentleman of large business experience and a more or less intimate familiarity with some of the transactions of more than one of the larger units confirmed me in the view that the whole subject ought to be looked into with profit to the public if, indeed, a searching official inquiry was not imperatively demanded that information not at the command of the private investigator, such as Professor Ripley, might be available. On introducing the resolution I addressed the Senate, stressing the startling pace at which consolidations were being effected, the absorption of small independent plants and particularly those municipally owned, by the relatively few giant organizations, the furious competition between such to extend the field of their operations through such acquisitions, the exorbitant prices paid for the properties being acquired, and the issuance of securities through the sale of which the purchase price was realized or the bankers advancing it reimbursed—in an amount out of all proportion apparently to the value of the property represented by them.

The filibuster with which the session referred to came to a close prevented consideration of the resolution during the life of the Sixty-seventh Congress. It was reintroduced at the commencement of the session just ended, the propaganda feature following the language of a resolution introduced some years ago by Senator NORRIS, of Nebraska. He had charged, in the course of the interminable debate on Muscle Shoals, that the General Electric Co. is the Power Trust of which much has been said; and as a part of the strategy of the fight he has been waging for, lo, these many years to keep that great property upon which the Government has already spent upward of $100,000,000 out of the hands of selfish private interests, he secured the adoption of a resolution directing the Federal Trade Commission to inquire to what extent that company dominated the situation and what efforts power companies had made through the press or otherwise to influence opinion on the subject of public ownership of utilities engaged in the generation of electricity for power and light. Meanwhile, reactionary influences had been effective to affix a rider to a bill carrying appropriations for the Federal Trade Commission providing that no money the expenditure of which was by the bill authorized should be used to conduct any inquiry by the commission except upon the joint request or direction of both Houses of Congress, save such as related to violations of the antitrust act, the rider being, in effect, an amendment of the organic act of the commission, under which it was authorized to prosecute inquiries upon the request of either House, the purpose of the law being to make the commission an agency through which either House might get information it could otherwise secure only by an investigation conducted by its committees under greater stress and less favorable conditions and with no trained staff such as the commission could command. Investigations conducted by the Senate and by the commissioner under its order had proven embarrassing in some quarters, and the plain purpose of the rider was to curb its disposition to engage in or direct such, those suffering believing, with some reason, that the House, now regarded as the less popular branch, would be more amenable to their influence or more sympathetic with their viewpoint. The same influence which led to the rider being in evidence with the reorganized commission, it sought the opinion of the Attorney General as to its power in the premises, in view of the rider, and was by him advised that it might inquire into the trust character of the General Electric but not into the subject of propaganda. The pertinency of this action to the subject in hand will appear later. It may be properly noticed here that the commission reported that the General Electric is not the Power Trust or a power trust; that it had divested itself of all interest in its power holdings, which it had transferred to the Electric Bond & Share Co., confining itself to the manufacture and sale of electrical machinery, equipment, and appliances. In its elaborate report, however, the commission traced the development of approximately a dozen great groups controlling the electric power and light plants of the country, or, at least, all but an insignificant few, the tendency toward complete unification being made quite plainly apparent. An analysis of the financial set-up of the organizations more recently entering the field was not attempted. The relation of their capitalization to the value of the properties involved, the values back of their stock issues, the location of control through the voting power, and like important questions were, properly enough, considering the limitations of the resolution under which the commission acted, only incidentally touched upon or were passed unnoticed.

I had in mind the protection of two classes—the general public—the 17,000,000 of homes in our country to which electric light is furnished—the consumers of electrical energy in industry, who would be burdened by excessive rates if they were fixed at figures that would provide a return upon a fictitious valuation, on the one hand; and, on the other, the investors in the securities of the utilities, peddled through house-to-house canvassers, whose just expectations would be defeated were the issues unjustifiable in amount and the rates kept at the figures at which they should be maintained; namely, such as would afford a fair return and no more than a fair return on the capital actually invested in the property in use.

Some interesting questions concerning the power of either House of Congress to prosecute such an inquiry as was proposed or to legislate on the subject to which it would be addressed were raised in the debate which ensued upon the resolution coming before the Senate for consideration and before the committee to which it was referred, but they need not detain us. At the instance of the adversaries of the resolution it was referred to the Committee on Interstate Commerce, believed to be hostile; but that committee, after a somewhat elaborate hearing, reported the resolution favorably, with amendments of no particular consequence. In due season it was adopted by the Senate after being amended so as to provide that the investigation should be carried on by the Federal Trade Commission instead of by a special committee of the Senate as was proposed. The debate on the amendment was easily the most spirited of the session, the argument in support of it being in its general tenor against any investigation and bringing to its support the solid phalanx of those against an inquiry by whomsoever conducted. The commission was virulently assailed by the opponents of the amendment and the prediction freely made that if it ever entered upon the inquiry its work would be farcical in character. They did not fail to point out that as to the propaganda feature the commission had already decided that it was powerless and had so decided upon the advice of the Department of Justice, the Assistant Attorney General, who wrote the opinion, then being a member of the commission. The conviction was general among friends and foes that the result was a "triumph for the so-called Power Trust" and that no inquiry of any moment would be prosecuted. The friends of the resolution in particular were convinced that the movement to have a look-in was dead. The opponents of the resolution were represented formidably, before

the committee to which it was referred, by an organization headed by George B. Cortelyou, once a member of the Cabinet, and an array of lawyers, chief among whom was Irvine L. Lenroot, lately retired as United States Senator from Wisconsin. Cortelyou's organization submitted a brief, lengthily combatting the power of Congress and offering reasons why the investigation ought not to be prosecuted, signed by some 184 lawyers hailing from every quarter of the Union.

THE POWER LOBBY

The debate was watched from the galleries of the Senate by as imposing a lobby as ever attempted to influence the action of Congress. Its spokesman boasted that it represented capital aggregating $10,000,000,000. Its general character and the means at its command were revealed in the inquiry that followed.

Whatever misgiving may have been felt concerning the fate of the investigation at the hands of the commission, have, so far as it has proceeded, been altogether dissipated. It went to work promptly, intrusted the taking of testimony to one of its members, a recent appointee, formerly associate justice of the Supreme Court of Arkansas, and named as chief counsel to represent the material assembled by the legal division and to interrogate the witnesses a bright young lawyer from the State of Vermont, Hon. Robert E. Healy. It is due him to say that he has discharged his duties in a masterly manner and has rendered a service of inestimable value to his country. All together it is safe to say that a Senate committee could never have done the job in the searching manner in which it has thus far been prosecuted, although perhaps its work would have attracted more widespread attention and been attended with greater notoriety. Perhaps the commission may have been spurred by the unsparing criticism to which it had been subjected and determined to defeat the predictions so freely indulged in that it would do nothing. Just how it overcame the effect of the opinion of the Department of Justice that it could not use any of the funds allotted to it to inquire into propaganda has not been made clear, but it was just that feature of the resolution to which it addressed itself with commendable vigor, revealing conditions as startling as they were sinister. It was disclosed that the Cortelyou organization, known as the Joint Committee of National Utility Associations, composed of representatives of and supported by the National Electric Light Association, the American Gas Association, and the American Electric Railway Association, having existed in an inactive way prior thereto, was reorganized immediately prior to June 1, 1927, when it set up an office in Washington in charge of a utility lawyer-lobbyist, Josiah T. Newcomb, under Mr. Cortelyou, and raised a fund of $400,000 primarily to defeat the so-called Walsh resolution and incidentally to block the proposed Muscle Shoals and Boulder Dam bills. It might be said that each of the three great associations standing sponsors for the joint committee include among their numbers a very large proportion of the corporations pursuing the business indicated by their titles respectively, and practically all the leading corporations in those lines. Not vain was the boast of the pretentious nature of the backing of the committee. Of the stupendous sum put at its command it had spent when the session came to an end something over $300,000.

THE PROPAGANDA MACHINERY

If the implications from what has been related seem appalling, they sink into relative insignificance in the light of the further disclosures from unwilling witnesses upon the prodding of inquisitor Healy armed with documentary evidence assembled by his investigators.

The three great associations mentioned work in conjunction in influencing public opinion, but the primacy seems to be assumed by and is accorded to the National Electric Light Association, which represents 90 per cent of the electrical energy generated in the United States. It operates through at least eight committees, cooperation with educational institutions, customer-ownership, information organizations, industrial relations, manufacturers, advertising, public speaking, relations with financial institutions, and women's clubs. The country is divided into 12 districts, each having its own committees of like character. Organizations similar in nature exist in 38 States, all of which have their so-called committee or bureau of information. They are for the most part patterned after the Illinois organization conceived by Samuel Insull, lately given some additional unenviable notoriety by a Senate committee investigating the conduct of a primary campaign in his State, as a result of which his candidate, though nominally elected, was denied a seat in the Senate.

These committees or bureaus of information are ostensibly instituted for the purpose of giving the public accurate information concerning the industry they represent and to cultivate a more friendly relation between it and the public. They do disseminate a vast amount of information, much of which is accurate and useful, but it admits of no doubt that the prime purpose for which they exist is to bring the corporations responsible for their being into popular favor, to secure the acceptance of the economic theories of their promoters, and to allay criticism of the utilities, either generally or specifically, however well founded it may be. They specialize in combating public ownership of utilities in general and of power and light enterprises in particular. The aggregate of the effort to refute the notion of the economic wisdom of public ownership of utilities as against private ownership is scarcely conceivable to the uninformed, and unless there is a deep-seated and general belief in the soundness of the theory of public ownership or a disposition to try it to escape what are believed to be the unjust exactions of the private corporations furnishing power and light, no end of money is wasted by the agencies referred to in their educational campaign.

SPACE GRABBING

As a rule the committees referred to get out a small weekly or monthly paper that is mailed to or otherwise passed into the possession of anyone likely to read it. A special effort is made to get it into the hands of teachers and into the schools, colleges, and libraries. Press releases are prepared and sent to the newspapers, and particularly to the country newspapers. Boiler plate and mats are freely used. Often, perhaps generally, the committee, euphemistically so called, consists of one man with a stenographer and perhaps a helper. In most instances he is a man trained in the newspaper business, having a somewhat intimate acquaintance with the owners and managers of the newspapers of his State. He makes tours among them from time to time to promote good will and to induce them to use the material sent by his committee or the like committee of the National Electric Light Association or its subdivisions. He visits the local managers of the utility companies and urges them to cultivate the editor and particularly to advertise in his paper.

Again and again the national organization or the speakers sent out by it have stressed the importance, in connection with the work of the information bureaus, of having the local companies advertise in their home papers. A letter or report from one in the plans of the N. E. L. A. told of its contemplating spending in the year 1927, in conjunction with its subsidiaries, allied associations, and member companies, $38,000,000 in advertising.

According to one Mullaney, who describes himself as Samuel Insull's right-hand man, and who runs the Illinois committee on information, the utilities advertise annually to the extent of from twenty-five to thirty millions—a statement made by him in a speech delivered to his coworkers entitled "Space Grabbing."

The same local manager who places the advertisement not infrequently delivers the press matter, in the nature of news or editorial comment prepared for publication by the various bureaus or committees, though as a rule it goes out by mail. They are, however, from time to time spurred from above to activity in getting space for matter regarded as important. A letter is found in the record from the president of the National Electric Light Association, directed to all presidents, vice presidents, and managers, asking them to see that a certain editorial in Collier's Weekly is reproduced in full or in part in "your" newspapers, the possessive "your" carrying an implication somewhat stronger than friendly or amenable. It is the rule, perhaps the well-nigh invariable rule, that press matter so originating carries a memorandum indicating its source but the fact so noted is rarely made apparent in the article as published, which is not infrequently copied by other papers ignorant of its real origin, being attributed to the paper from which it is quoted.

The measure of success that has attended this method of educating the public through the press is indicated by the statement of the director of the New England Bureau of Public Service Information that material sent out by it and published in 1922 occupied space equal to 56½ pages of the Boston Herald. In that connection he comments as follows: "One of the most interesting and valuable results we have so far obtained has been the number of editorials published in many of the leading newspapers in New England, where our material has been directly reprinted in the editorial columns or taken as a text for favorable comment on public-utility problems."

In Ohio in one year matter from the utilities news bureau went into the papers of the State to the extent of 16,584 column-inches, equivalent to 921 solid newspaper columns, as shown by a check up on 300 papers, the total amount of space "grabbed," to use the expression of Mullaney, of the Illinois committee, being estimated at twice that amount.

As heretofore indicated, the superiority of private over public ownership of utilities is a never-ending topic of discussion in the material thus sent out—much of it dealing with the question directly, more leading to the same end by indirection.

Thus the reduction in rates that has come through the development of the industry since its crude beginning is dwelt upon and the contention reiterated that because rates are fixed, or at least subject to control by State regulatory bodies, they must be fair and reasonable. The principles upon which rates are determined are discussed and those expounded and defended that offer the greater return to the utilities. But the standard argument is that public ownership is socialistic, communistic, Bolshevistic. The Illinois committee circulated a bulletin linking up all advocates of municipal ownership with the Communist and Bolshevist party. In a speech by Mullaney, who, as stated, is that committee, 19,000 copies of which were circulated, he said:

"Those who favor public ownership, if they do not think they are traveling in the direction of eventual communism, are either fooling themselves or trying to fool us. Some in the minority are communists

of deepest Russian red; others are part socialist red shading into pink. Still others come in delicate mauve shades and they all pull together whenever Government in business is in issue." He but echoed the words of his chief, Insull, who said in a speech in London:

"Government ownership—referring to utilities—is the masked advance agent of communism—not merely the socialization of basic industries for the common good as the 'pinks' would have it." And he added: "If for the public good Government ownership of the facilities for providing those conveniences—heat, light, power, communication, and transportation—is desirable, then Government ownership of the necessities of human life, food, clothing, and shelter, must be equally desirable."

It seems that Mr. Insull would have the chief facility for communication—the post—universally Government operated, turned over to a private corporation.

Public speakers for the purpose of educating the public are liberally supplied by these information bureaus. Classes of such are instructed for the work they undertake. Handbooks not unlike, in general character, the campaign books issued by political parties for the use of spellbinders are prepared and supplied to the educators of this class. This subject will be referred to later. It is introduced here because a feature of the testimony on that branch sheds a bright light on the question of the good faith of the Bolshevist argument first referred to. Mullaney sets his helper, Rob Roy McGregor, to a task. To the latter he says:

"If you were running for nomination for United States Senator against a man whose speeches indicated he favored Government ownership and you had to get up a series of speeches tackling him, what have we that you would find pertinent and useful?"

McGregor prepares something in the nature of an outline of a model speech and submits a memorandum as follows:

"This, of course, is not an attempt at writing a speech. My idea would be not to try logic or reason, but to try to pin the Bolshevist on my opponent. I do not believe the theory of governmental ownership would be much use except before a hand-picked audience."

True, he was a subordinate. Let us go higher. The following letter was introduced on July 2 last:

JOINT COMMITTEE OF NATIONAL UTILITY ASSOCIATIONS,
420 Lexington Avenue, New York City.

(George B. Cortelyou, chairman; Philip N. Gadsden, vice chairman; Stephen Davis, director, representing National Electric Light Association, American Electric Railway Association, American Gas Association)

To Directors of Information Committees:

Under date of July 18 we mailed you a mimeographed article entitled "Communism's Stepping Stone." If you are to publish this article in your bulletin or reproduce it otherwise for distribution to newspapers, kindly do not quote the joint committee in reference to it or credit us with what is said.

Yours very truly,

CHARLES W. PERSON.

Bear in mind this letter was sent out by Cortelyou's committee—that $10,000,000,000 committee that started operations with a $400,000 fund. From what has been related it is not difficult to divine that Communism's Stepping-Stone is Government ownership. The committee was obviously desirous that the public should accept that view, but it was ashamed to be found advocating it, or for some other good reason it chose not to be sponsor for the idea.

LOBBYING BEFORE LEGISLATIVE BODIES

These committees, if they may be so termed, frequently, probably quite generally, act as lobbyists before the legislatures of their States, and that they do not eschew all the practices once in favor with that class of functionaries is disclosed in a letter coming into the possession of Healy from a representative of the parent organization, the Illinois committee. It said:

"The legislature is in session here and it looks like a very strong session, and I could use very handily a little J. Walker to very good advantage, and it occurs to me that you could do me a very great favor if the first time you are coming West you could call a friend of mine in New York and bring me a half dozen."

Either this or some other like worthy writing to one Aylesworth, president of the National Electric Light Association, was bold enough to say that the legislature is in session, and if it was expected of him, the writer, that he was to furnish Aylesworth with copies of bills, he, the aforesaid worthy, would have to have something to sweeten up the palates of the legislators.

A Georgia letter, in a report to one higher up in the utilities organization for the dissemination of accurate information, says:

"Mr. E. H. Griffin is conducting a campaign of personal contact with members of the legislature, which, he says, for eight years has had remarkable success."

One Oxley, an active officer of the National Electric Light Association, on one occasion wrote to Richardson, director of the Pennsylvania committee, for a list of the members of the legislature of that State—the giant power legislation promoted by Governor Pinchot then being before the assembly—saying that he had a particular piece of work he wished to do of which he would tell Richardson when he next saw the latter. Why he preferred to tell Richardson about it rather than write to him, the author of the letter was unable to recall when he was examined, and his memory failed him also as to what the particular matter was with respect to which he chose not to commit himself in writing.

Walter E. Long, vice president of the Pennsylvania Electric Association, drew checks on the funds to himself, got the cash, and turned it over to Walter Johnson, chairman of the association's committee on public policy, whose principal expenditures for the association have been in connection with legislative matters. Long has no idea of the purpose for which the money was to be used, nor could he, Johnson, under the most persistent prodding by Commissioner McCulloch remember a single person to whom the money or any part of it was paid. The committee kept no record of its expenditures.

PUBLIC SPEAKERS

Reference has been made to the employment of speakers in this gigantic movement to eighten the public. Every opportunity to get a hearing for such is improved. They attend all manner of conventions, speak before chambers of commerce, commercial clubs, luncheons of the Rotary, Kiwanis, or Lion's Clubs, women's clubs, and, by preference, apparently, before schools of all grades, from the high school up. The New York and Pennsylvania committee succeeded in getting their men on the Chautauqua circuits. As in the case of tons of literature sent out, much of what they say has no particular political or economic significance; at least it has no direct relation to any controversial question in either field; that is, much of it has real educational value, and more has for its purpose to promote the wider use of electrical energy and thus enhance the business prospects of the associated companies offering such. But the engrossing topic with the whole corps is Government ownership, its demerits, and the surpassing superiority of private ownership and the excellence of the service rendered under the prevailing system. The system inveighed against is not infrequently approbriously referred to as "political ownership," and it is apparent that, for the purpose of exciting a more pronounced hostility, the expression Government ownership is ordinarily used rather than municipal or public ownership.

In New England alone there were made in the year 1926, 965 talks before 143,992 people, three-fourths of them to groups of high-school students.

The National Electric Light Association reports for the Nation in 1925 and 1926, 10,000 talks to 1,500,000 people. The radio is extensively utilized.

Professors in universities seem to be most highly prized as lecturers. Theodore G. Grayson, in charge of the public-utility course at the University of Pennsylvania, useful to the movement in various ways, was paid for a number of addresses at the rate of $250 a speech. In one of these addresses, delivered at New Orleans last autumn, he too linked up advocates of Government ownership with Bolshevists and parlor reds, paid his respects to the Walsh resolution, and denounced the Boulder Dam legislation.

EMPLOYMENT OF AUTHORS TO WRITE BOOKS

Writers of more or less note are subsidized to write books on economics, books dealing with the subject of utilities generally or on some specific matter, the argument being that Government ownership is a bad thing. Two instances, especially flagitious in character, will suffice to exhibit what is being done in that line. The contention is frequently made that rates to consumers of power and light generated and distributed by the authority of the Province of Ontario are very much less than similar service in New York State provided by private corporations, the Niagara being the source of the power in each instance. Dr. Samuel Wyer (doctor of what it does not appear), holding some place on the force of the Smithsonian Institution, or connected in some way with that organization maintained by the Government of the United States, wrote a book entitled, "Niagara Falls Power Possibilities," which in some form bore the imprint of the Institution, though without authority, perhaps, from its governing board. The obvious purpose of the book was to refute the claim of the relative inexpensiveness made on behalf of the Ontario system; at least, the main argument combatted that contention. It was vigorously assailed by Sir Adam Beck, at the time of its appearance, the head of the Ontario Hydroelectric Commission, as grossly unfair and not lacking in downright misrepresentation. He even charged its publication as an unfriendly act if not an affront on the part of the United States, assuming it was a Government publication. It now transpires that the author was hired and paid $3,000 to write the book by the National Electric Light Association, which was to have a fictitious value and standing as a work of a scientist of repute who had made an impartial study of the subject with which it dealt. Really the Smithsonian was not altogether blameless in the deceit practiced upon the public, for Doctor Walcott, according to the testimony of one of the officers of the National Electric Light Association, participated in the arrangement under which the book was gotten out. Pursuant to it, that association placed through the Institution an order for 25,000 copies. Perhaps before the inquiry is concluded the details of the con-

tract will be unveiled and the memory of Doctor Walcott freed from the imputation left by the testimony as it stands.

One Ernest Greenwood, one time member of the board of education of the District of Columbia, a somewhat frequent contributor to the magazines, published a book carrying the alluring title of "Aladdin U. S. A." that was widely circulated. He, like Wyer, had, prior to the publication of the book bearing his name as author, been employed by the National Electric Light Association.

The book Aladdin U. S. A., as well it might, found great favor with the National Electric Light Association, as it furnished not a little of the information afforded or facts detailed in it. Indeed, it was written under an agreement by that association that it would take from the publishers 5,000 copies of the book. Harper & Bro. declined to undertake its publication unless assured that copies to that number would be subscribed for and the National Electric Light Association came forward with the order, under arrangement with Greenwood. Judge Davis, director of the joint committee of national utility associations, for the committee, agreed with Greenwood to advance him $5,000 while the work was being gotten out and did so, taking from the writer an assignment of his contract for royalties with the Harpers. The book proved so satisfactory to the National Electric Light Association that it purchased 25,000 copies, large numbers of which were by it distributed to schools and colleges. Should either of these writers hereafter offer to the public any similar work upholding doctrines acceptable to the power and light interests, it will be subject to a violent suspicion of being a part of the paid propaganda of such interests. Indeed, every work hereafter issued countenancing such doctrines will be read with more than the usual misgivings. The perpetrators of the deceit upon the public must answer for an offense of no insignificant character against their fellows who write books—their professional brethren.

The Senate press gallery expelled one of their members who was found to have been taking pay from Cortelyou's committee or some allied organization.

It is not to be understood that Wyer and Greenwood were the only offenders in the matter of writing books. Dean William C. Raymond of the University of Iowa, by letter dated March 10, 1923, writes Gilchrist, connected with the Illinois committee, that he is getting out a book on public utilities and that when completed he would submit it and if found satisfactory he would be pleased to have the assistance of that committee in marketing the book. When issued, it proved altogether satisfactory to the Iowa committee, particularly as it advocated the taxation of municipal plants, and was circulated by that committee as well as by the Illinois committee by whom the author had been assured of financial assistance to meet the expenses of getting the book on the market.

CUSTOMER OWNERSHIP

In the activities of these committees the value of what is known as customer ownership in mollifying public sentiment and creating potential evangelists in the cause of the utilities has not been overlooked. By circulars and public addresses the constituent companies have been prompted to afford their customers an opportunity on easy and favorable terms to acquire blocks of their stock, not, of course, to such an amount as would threaten control. Some of the companies take the precaution to offer to customers only nonvoting stock. It is not necessary to speculate on the moving consideration inducing the cultivation of good will in this particular manner.

In an address delivered before the Great Lakes division of the National Electric Light Association at French Lick in September, 1926, Chester Corey, vice president of the Harris Trust & Savings Bank, said:

"The political value of customer ownership of the stock of public utilities is well understood, and many instances could be cited of the appreciation of the politicians of the unwisdom of favoring legislation adverse to the safety of the investments made in small units by a very large number of their constituents."

Evidently one purpose of the promotion of customer ownership is to close the mouths of those of us who are especially charged with the duty of conserving the public interest, though we see abuses crying for correction in the industry affected, or to stay the hand of any who might venture even to ask an inquiry into the existence of such. How potent is the influence thus created may be appraised from information given by the chairman of the executive committee of the National Electric Light Association to the effect that there are in the United States 1,200,000 customer-owners holding public-utility securities to the amount of $1,050,000,000.

In a territory served by 225 companies with a population of 85,000,000 there were 15,537,660 customers, of whom 1,432,277 were stockholders in the utility companies listed.

CONTROLLING SCHOOL AND COLLEGE COURSES

The colleges and universities of the country come under the fostering care of these committees, whose avowed purpose is to contribute to the wholesome education of the people. As stated, many of them, perhaps most of them, have their subcommittee on cooperation with educational institutions.

C. H. Brewer, cashier of the American Gas Association, identified a list from its files of (a) sums paid directly to any school or school board; (b) sums paid to any person connected with any school either as fee, retainer or compensation, salary, or expense; (c) sums paid or expended for any State or Federal agency or persons connected therewith; (d) sums paid in connection with the preparation, publication, revision, or distribution of any textbooks of public interest to the industry; (e) sums paid and a description of all efforts made (a) to indorse any certain textbook into schools, (b) a complete statement of all efforts and expenditures made for lectures in or to schools or colleges; (f) lectures on technical subjects by member company employees; (g) payments made to public men or women of local or national reputation or to writers or persons not connected with the association for articles or services.

The receipts and expenditures of that particular association for 1922 totaled over $200,000.

Another list submitted by the same witness scheduled the college professors who served on its committees from 1922 to 1928, inclusive.

Reference has heretofore been made to the work, as lobbyist, of the chairman of the public policy committee of the Pennsylvania Electric Association. In the minutes of the meeting of that committee of October 20, 1927, occurs the following:

"Mr. F. E. Schauer informed the section that Mr. Baum had ordered up quite an elaborate tie-in between the light and power industry and the universities, colleges, and schools of Pittsburgh in the way of educational courses."

Another record of the meeting is as follows:

"Mr. Kuhn mentioned that he believed that it would be a good idea to check up on the trend of teaching as imparted in the colleges and universities, especially in economics and liberal art in schools in relation to utilities." He continued: "So many courses in those schools are in the form of lecture courses, and unless the professors have the right viewpoint immense damage will be done to the industries."

Evidently the efforts thus stimulated were fruitful, for the chairman of the executive committee of the National Electric Light Association was able to report in 1926 that through cooperation with educational institutions it had been able to substitute sound economic theories for biased and in some cases socialistic or communistic doctrines that were taught in the public schools."

Enough has been said to leave no doubt that the unsound socialistic and communistic doctrines were such as afforded some countenance to public ownership and others combated by the utilities.

Public utility courses in a number of universities were subsidized, conspicuous among them being Harvard and the Northwestern at Evanston, Ill. Dean Ruggles, of the University of Ohio, who had served the National Electric Light Association on a number of occasions and who had given abundant evidence that there was entire harmony in the views he and it entertained touching most utility problems, and particularly on the subject of Government ownership, secured a year's leave of absence and traveled about the country under pay from that institution to promote the establishment of similar courses in higher institutions of learning. It need not be said that it was not to be understood that the association was in any manner instrumental in the institution of these courses. Grayson, who was helpful in the inauguration of the course at the Wharton School of Finance—University of Pennsylvania—in a letter said:

"We laid the groundwork circumspectly and with care so that the actual suggestion that such a course be started came from the faculties of the institutions themselves. The rest was routine."

The character of the instruction afforded by these courses did not escape the attention of those responsible for their existence or that financed them. A letter was produced at the hearing from one E. C. Reinecker, an engineer in the employ of the United Gas Improvement Co., submitting a 15-page criticism of the course at the University of Pennsylvania and suggesting various changes, including the entire omission of any sentence relating to bribery and corruption. It is safe to say that neither the National Electric Light Association nor any of its affiliated organizations were promoting any utility courses in which any countenance might be given to any such bolshevistic or communistic doctrine as municipal ownership, nor, for the matter of that, any other doctrine or views unpalatable to them. Their liberality in that regard may be measured by two incidents of which the record tells.

J. S. Richardson, once city editor of the Public Ledger, now director of the department of information of the National Utilities Association—Cortelyou's association—and managing director for some time of the Pennsylvania Electric Association, wrote a letter to Grayson about an address delivered before a State committee, the writer querulously remarking that if that is the kind of representative the University of Pennsylvania sends out, it will have a sad bearing on the fund campaign—the reference being to a campaign to raise forty-five to fifty million for the university.

The University of Iowa was getting up a "Commonwealth conference," one of the subjects proposed for discussion being "Ownership and Regulation of Public Utilities." The active man in the Iowa utilities committee wrote McGregor, assistant to Mullaney, right-hand man to Samuel Insull, inquiring about Prof. C. E. Merriam, of Chicago University, and William B. Munro, president of the American Political

Science Association, with a view to their being invited to address the conference. McGregor replied that his information was to the effect that Munro is "fair," but as to Merriam the reply was that he was "all wrong," and the Iowa man was warned that he must prepare for the worst should that gentleman speak. It might be added that Professor Merriam is one of the most talented and highly respected members of the faculty of the great institution with which he is associated. He was once the Republican candidate for mayor of Chicago.

WRITING TEXTBOOKS FOR SCHOOLS

These information committees undertook not only to censor the textbooks used in the public schools and colleges but generously supplied books themselves.

The Connecticut committee got out a catechism of public utilities which it succeeded in having introduced into approximately 70 of the high schools of that State. It is due to the committee to say that the books bore a legend indicating the source from which they came. Nevertheless, when the facts were revealed through the hearings before the commission a perfect storm of indignation was aroused throughout New England, as one gathers from the press comment. It is quite unnecessary to pursue any inquiry as to how accurate or inaccurate such a work might be. The introduction by selfish private interests into the public schools of textbooks prepared by them or under their direction, particularly when they deal with controversial questions in the field of economics or politics, is not to be tolerated. The impropriety of the adoption of textbooks having such origin for use in schools requires no argument, nor should disapproval of them await any study of their accuracy or impartiality. But the Connecticut catechism was obviously unfit for use, notwithstanding, to induce its acceptance, a letter was sent asserting that six months were spent in compiling and verifying and checking the text that everything in it might be exactly in accordance to the facts.

The catechism purports to answer such questions as "Who are the investors upon whom public utilities depend?" "Do communities ever attempt to furnish public service themselves instead of permitting private companies to do it?" Are many utility securities owned by the customers of the companies?" "Why are public utilities granted exclusive charters and not made to compete with each other as in other fields of business?" "What effect on a community has adverse criticism of utility service?" The answer to this question is, "It tends to retard growth." One section deals with "rates," another with municipal ownership, the answers indicating that that system is a bad, if not an evil, thing. One response is that "In every case in which a community has attempted to operate a public service industry which is subject to great changes and development, it has been found that the costs of the service are higher than when the service is furnished by a private person."

The author, under interrogation, was compelled to admit that he did not know whether the statement is true or not. As a matter of fact, the cities of Seattle, Tacoma, Los Angeles, and Cleveland own and operate power and light plants most successfully and undertake to demonstrate that their rates are very substantially below those of neighboring private plants operating under substantially similar conditions and startlingly lower than those exacted by some of the private corporations operating under at least equally favorable conditions. It was contemplated from the beginning that the inquiry would develop the truth or falsity of the assertion thus made by the catechism, and in effect repeated so often in the literature of the companies or inspired by them that it has been widely, if not generally, accepted. It is a reasonable inference, from the extraordinary effort made to avert an official investigation, that a comparison between the municipal rates and those of private companies to be expected was not welcomed by them.

Another statement found in the catechism is to the effect that the cost of living in cities that operate their own utilities is higher than in those where utilities are managed by private corporations. This the writer was likewise compelled to admit he could not substantiate. He perhaps relied upon a bulletin or some similar literature sent out by the National Electric Light Association making such a claim, the Industrial Conference Board being given as authority for the statement, but that organization promptly denied it had ever so asserted.

This Connecticut catechism was sent to every State committee as a model. A similar work was published by the Ohio committee and introduced into the schools of that State to the number of 190,000 in two years.

REVISING TEXTBOOKS

Most committees, however, contented themselves with efforts to revise the textbooks in use, activities in that direction being no less prodigious in extent than sinister in character. "Surveys," as they were called, were conducted in many of the States, Illinois, as usual, taking the lead and Pennsylvania vieing with it in this inquisitorial work. Iowa and New Jersey entered enthusiastically upon it. Gadsden, of the Pennsylvania committee, wanted to see it prosecuted nationally and suggested Mr. Bennett, of the American Gas Association, to direct the campaign. One of the main purposes of the survey was to determine to what extent municipal ownership is advocated in the textbooks in common use. Objectionable features of such were found in not a few instances. The New Jersey survey disclosed, as it was reported, certain paragraphs in the books used in that State as being not particularly harmful to the utilities but to the capitalism system. Mullaney said that "most of the textbooks reviewed by the Illinois committee, as they relate to public-utility industry, are no less than poisonous."

The National Electric Light Association appointed a committee on textbooks consisting of Fred H. Jenkins, of Chicago, employed by the Commonwealth Edison Co., to represent it; Bernard Mullaney, Insull's right-hand man, to represent the American Gas Association; and Edward Dana, of the Boston Elevated Railway Co., to represent the National Electric Railway Association, the three associations making up Cortelyou's joint committee of national utility associations. One Spelman, representing the Illinois Bell Telephone Co., was named on the committee, but he balked and apparently never served. Of its achievements mention will be made hereafter. The Ohio committee was able to report that in nearly every instance in which textbooks were found to contain objectionable matter they were removed or placed on the library shelves for reference only. The Iowa committee reported similarly, saying:

"Where textbooks which were grossly unfair and did not give the private-ownership side of the question were used in the high schools we took the matter up with the school officials either locally or directly. In nearly every instance where such textbooks were used they were removed and placed on the library shelves for use as reference matter only. We have the matter pretty well in hand and do not intend to let any of these bugs slip anything over on us."

Some intimation of how this feat was accomplished is conveyed by a letter from the superior of the gentleman who was warring on the "bugs," in which intelligence was communicated that Carmichael, the warrior, happy or otherwise, had taken up with the local managers the question of getting to the proper parties information in order that "textbooks which gave the matter correctly could be adopted in place of socialistic ones." Gadsden, lieutenant to Cortelyou, in a letter to the vice president of the Pennsylvania Light & Power Co., says that the public service information committee possess the mechanics, which if properly employed might accomplish the corrective action concerning the "misrepresentation" in the textbooks used in the schools, meaning, as he explained, the executives of the various companies throughout the State who exercise considerable influence in their localities and with the school boards, who could explain the situation to the principals of their schools. He pointed out that there are some excellent textbooks which he was prepared to list for them, and he suggested that the school heads might be willing to communicate with the authors of the books with the object of obtaining the necessary editing of any issues. He generously adds that it may be well to note what appropriations school superintendents have at their disposal for the purchase of textbooks, and (he repeats the expression) "it may be well that avenues of proper assistance in a small way will present themselves"—that is, he proposes to proffer money to help purchase the right kind of textbooks—but realizing that he is treading on dangerous ground he remarks:

"The aid to be rendered in a manner safeguarded from suspicion."

He wrote a letter to James S. Benn, a member of the public service commission of Pennsylvania, suggesting that the commission stress the need of a standard textbook on economics and civics for use in schools, and he developed the idea of a committee of experts on textbook revision to be appointed by the National Association of Railroad and Utility Commissioners, for which the Jenkins-Mullaney-Dana committee, perhaps, was a substitute. That the mechanics to which reference was made were in fairly efficient working order appears from a letter from W. C. Hawley, chief engineer of the Pennsylvania Water Co., to Richardson, of the National Electric Light Association, saying that he, Hawley, was going to take up the textbooks matter with the superintendent of schools. Hawley succeeded in getting a book, written by one Dunn, sent to the shelves, and gave his approval to another that had formerly been used. Probably there was to be included among the textbooks which Gadsden was prepared to list and which he pronounced good, one compiled by the school board of Rochester, N. Y., which was reviewed and declared excellent by various utility engineers in the preparation of which the utility company operating in that neighborhood collaborated.

Jones, of the Kansas committee, wrote Richardson, heretofore identified, about a textbook written by one Hughes in which views were expressed which Jones characterized as "inconsistent and unfair." He asked whether Hughes was still in Pittsburgh, given in the book as his residence, and whether the Pennsylvania committee could not be of assistance in adjusting the situation. Richardson went to the department of public instruction to see how extensively the Hughes book was in use. He tried to get the publishers, the Winston Publishing Co., of Philadelphia, to act, and secured from them a promise, as he reported, to be permitted to examine in advance of publication any textbook they contemplated issuing relating to public utilities. He learned that one Clyde King, said to be slightly radical in his views, had written a textbook about to be published, whereupon he wrote to the publishers, but was advised that they were not ready to publish it.

Richardson took some pride in what had been accomplished in his State in the matter of purging the textbooks, and wrote to the New

Jersey committee stating that there were schools toward which "corrective methods" might well be adopted such as were used in Pennsylvania.

We have no information more accurate than has been heretofore outlined as to the "corrective methods" which proved so successful in Pennsylvania, but whatever they were it is quite likely they were anticipated in Illinois. As early as 1923 Lytle, of the committee in charge of the dissemination of accurate information concerning utilities in that State, sent a résumé of correspondence with universities relating to textbooks to Aylesworth, president of the National Electric Light Association. He was rewarded by an approving reply in which that gentleman said: "You have done very fine work in this connection, as is usual with the people in Illinois." In this work, likewise, the Illinois committee was a pioneer. An early report by the surveyors points out the objectionable features of the books reviewed, as well as the favorable parts, some of the books being characterized as good, some bad, some very bad, and some fair. The committee proceeded to have the bad books removed from the schools, the letter reporting its acting saying "The process is slow but it has to be gone through with." It is inferable, however, that the methods adopted in these two States were not dissimilar. A letter from the files of the Illinois committee from one F. J. Hudson says:

"We took up with each manager the question of getting the information to the proper parties in order that textbooks which gave the matter correctly be adopted in place of the socialistic ones. We had a great deal of success in getting this corrected."

Reference has been made to the committee on revision of textbooks having the backing of the three associations sponsoring Cortelyou's joint committee. It is doubtful if it had the qualifications for the task it assumed possessed by the pundit deputed by Mayor Thompson to censor the American histories in the libraries of his city or in use in its public schools. Anyway, they learned that a book widely in use in high schools and colleges, by Howard Copeland Hill, entitled "Community Life and Civic Problems," was about to be revised by the author.

Though it had a circulation of 500,000 copies and an annual sale of 150,000 copies they had never heard of it. They had meanwhile interviewed Ginn & Co., the leading publishers of school textbooks in America, and had, as it was told to the committee, been assured by that house that it would submit to them any work dealing with public utilities, the publication of which was by it contemplated. It did submit proof of a later edition of the Hill book, thus acquainting them with the existence of such a work. The attention of Jenkins and Mullaney was challenged by a chapter on transportation in which the subject of public utilities was canvassed. Jenkins, apparently recognizing his limitations, sent a copy to Aylesworth, of the National Electric Light Association, with the request that some one qualified prepare helpful matter, but the New Yorkers did nothing.

Mullaney last January made some suggestions after a conference with Ginn & Co., to which the latter brought the author. Wilson, head of the telephone company, was consulted about this move, but he objected to a formal conference with the publishers, thinking that an indirect approach was preferable. Jenkins himself had misgivings about the procedure, for, acquainting Sheridan, of the Missouri committee, by letter with the affair, he cautioned him to hold the information in confidence, as publicity might embarrass the publishers. Mullaney offered a very considerable number of suggestions of amendments and eliminations in the draft of the revision of the Hill book, many of which the author rejected, but a paragraph in the earlier edition which told of a contribution of $200,000 by the president of a number of mid-western companies to a primary campaign fund in 1926 did not appear in the revised edition, Mullaney having suggested that it be dropped, finding it in Hill's draft of the newer work which carried the title of "Vocational Civics."

The seriousness of these revelations did not pass unnoticed by those who first heard them. One Thorne Brown, connected with the Nebraska committee, once a school teacher, was thus addressed by Commissioner McCulloch:

"You are the first witness we have had, Mr. Brown, formerly a school man, that I know of. I would like to ask you to take yourself back 25 years and get the viewpoint that you had as a school man. Would you, with that view, think it was a proper thing for schools and colleges to accept textbooks and accept the cooperation, as you call it, from an interested source in a business enterprise, that is interested incidentally in getting this information to the schools? Would you look upon it as within the range of propriety and proper ethics of a school man?" Mr. Brown wriggled and made an evasive answer.

It is gratifying to be assured that some of the instructors of our youth continue to be guided by the moral principles to which the commissioner's question indicates he remains attached. Addressing the National Educational Association at its annual meeting in Minneapolis on June 30 last, Hon. J. W. Crabtree, secretary of the association, as reported in the New York Times, said:

"While the evidence in the hearing of the Federal Trade Commission is not yet complete, it appears to show that these utility service bureaus have attempted to carry out the definite purpose of getting propaganda into the schools; that they employed scores of college professors to lecture in schools and colleges; that they used their influence through school channels and through publishers of textbooks to force changes in texts satisfactory to their purpose. The selfish end is shown by forcing a textbook to omit reference to Samuel Insull's gift of thousands to political parties. To overlook this insult to the intelligence of school authorities would open the gates for a flood of propaganda. The political party in power may not be condemned for its failure to go after the sins and crimes of its previous political managers and office-holders, but the standards and ideals of a profession would not justify our association's soft pedaling a matter as grave as this, even though there may be danger that a few educators chance to be involved.

"Owing to the power of these agencies in some localities and States, it may be unwise and dangerous for a given educator to raise his voice against what is going on, but there is no such handicap on the actions of this association as a whole."

The Times's account adds:

"Mr. Crabtree cited a discussion of the utility agencies' activities by Superintendent Threlkeld, of the Denver schools, who declared the 'propaganda is vicious and should not go under the guise of education.'"

About the same time Dr. John A. Lapp, head of the department of social science at Marquette University, addressing the annual meeting of the American Teachers' Federation, expressed himself even more eloquently on the grave offenses denounced by Crabtree, as shown by the following press report:

"The revelations of the insidious influence in high schools and colleges of the Power Trust, made by the Federal Trade Commission in the investigation now under way, constitute a sharp challenge to the integrity of educators and of the educational system itself," declared Dr. John A. Lapp, head of the department of social sciences at Marquette University, Milwaukee, at the annual meeting of the American Federation of Teachers, held here last week.

"The spectacle of the schools being invaded by the propaganda of a special profit-making enterprise to formulate future public opinion in its favor is second in iniquity to the warping of the opinion of college professors by favors granted or in prospect from the same interest," said Doctor Lapp.

"Anybody has a right to advocate anything he pleases if he does it in the open," continued the Marquette professor. "The Power Trust has a right to defend private and oppose public ownership if it does it aboveboard. But to weave itself into public favor by subsidizing college professors; securing favorable textbooks in high schools and colleges; subsidizing the writing of textbooks by academic men giving the private utilities' point of view, while appearing to be impartial and scientific; paying traveling expenses of professors to conferences for the discussion of the teaching of public-utility problems; distributing favors, personal and pecuniary, to professors of economics to keep them in line; establishing bureaus of research in public-utility problems in universities under scholastic-sounding names; intimidating schoolmen by direct and indirect methods into silence; circulating books and pamphlets through the high schools and women's clubs; cooperating in the furnishing of speakers to expound to high-school and college students the virtues of private ownership of utilities under the guise of explaining public-utility services—and all these nation-wide—is to insult educators deeply and on a large scale.

"What will educators do about it? Will they assert the independence of education and the schools, or will they supinely submit to the disgrace of being puppets in the hands of a greedy interest? The challenge is a real one; educators must meet it."

It requires some explanation that, notwithstanding the ringing words of its secretary quoted above, the National Educational Association made no reference in its formal resolutions to the subject so vigorously animadverted upon by him. Its silence lends additional significance to a memorandum from Lytle, an attaché of the Illinois committee, addressed to Mullaney, in which the inquiry is made as to how far they could go with the N. E. A.

UTILIZING WOMEN'S CLUBS

In passing it might be noted that the General Federation of Women's Clubs in three years got $70,000 to aid in carrying on its better-homes campaign. Though the purpose on the part of the ladies in accepting this gratuity was altogether worthy, it is quite likely they gave little thought to the position in which they placed themselves touching the question of private as against public ownership, so vital to the donors, or to other related questions to which their prodigious propaganda has been directed, or to the extent to which they themselves were silenced with respect to merited criticism of the rates or policies of the companies contributing.

CONCLUSION

It is well to bear in mind that the developments thus far have come altogether or almost altogether from the records of the various committees or bureaus of information or from the testimony of their officers or the officers of the companies supporting them. An attempt was made by some of them, about the time the hearings were suspended as the heated season approached, to justify the enormous expenditure of money and effort to combat the policy of public ownership on the ground that it is being constantly advocated by organizations devoted to that cause through which the country is circularized; but, as pointed out by one

of the conservative metropolitan papers, the means at the command of such are puny by comparison with those with which the Gargantuan associations exposed are supplied. If there be any selfish interest whatever back of the evangels of municipal or public ownership it is insignificant. Their arguments must be plausible, indeed, to call for such efforts at refutation.

The portentous movement of which the commission through its hearings gives reliable information is a new development in American life. It may have had its prototypes, but nothing approaching it in magnitude, in perfection of organization, or in the means commanded for influencing public opinion for private gain is known to our history or probably to that of any other country.

The statement is attributed to Senator NORRIS that power is to be the great political issue of the immediate future. The potentialities of the great organizations whose activities have been reviewed are such as to occasion genuine alarm. Whether the companies they represent are even now so intimately knit or associated as to constitute industrially one great power trust, it is undeniable that with reference to every controversial question, economic or political, affecting the business in which they are engaged, they act as a unit. Every project contemplating the development of electrical energy by governmental agencies, however incidental to some great public work it may be, encounters their concerted and powerful opposition. Muscle Shoals, Boulder Canyon, the Great Lakes-St. Lawrence Waterway, all must run the gauntlet. The principle is elevated in importance beyond any public interest. The welfare of 40,000,000 people who look for the opening of their natural outlet to the sea must encounter their formidable, if not invincible, opposition, because, forsooth, to reduce the net cost the project embraces the installation of works and machinery for the generation of two and a quarter million horsepower of electrical energy.

It is a pleasure to me to say that so far as my study of the subject enables me to know, our schools have not been infected with the virus so industriously implanted elsewhere. It is quite probable, however, that the further work of the commission may involve the interests now supplying our people with electric power and light. It will extend among other lines to a scrutiny of purchases of plants or of the stock and other securities of companies operating in the public-utility field; to consolidations incident to such purchases and to financing required or induced by the same, as well as the relation between prevailing rates and the securities on which interest or dividends must be met out of revenues resulting from such rates, necessitating in all probability a comparison between the rates of the leading private companies and those in force in municipalities operating their own plants. A determined effort should, and doubtless will, be prosecuted to ascertain how much of truth there is in the oft repeated claim that energy is supplied more cheaply by privately owned than by publicly owned plants.

If my own study of the problem has warranted me in venturing any opinion as to the future revelations in the course of the hearings before the commission, I should say that innumerable instances will be adduced of frenzied financing, of purchases at exorbitant prices of plants, and of the issuance of securities in amount out of all proportion to the value of the property involved, as determined, not by appraisement—difficult, if not impossible, to make—but by record and other indubitable evidence readily at hand. It would not be surprising if the recent acquisition of blocks of Montana Power Co. stock at $167, that within the past two years was marketed at less than $75, would have some attention from the commission. If the rates that prevailed within the period mentioned were no higher than they ought to be to afford a fair return to the stockholder who bought at from $60 to $75, the more recent purchasers can not possibly get a just return on their investment. Yet they are known to be shrewd, capable business men, thoroughly conversant with the industry in which they have thus been extending their investments—a consideration which points almost inevitably to the conclusion that the rates which have been exacted of the people of Montana were too high. Is it too much to expect that the whole subject will have the immediate attention of the regulatory authority of the State, seeing that well-nigh every household in our cities and towns, and not a few in the country, are directly interested?

Mr. WALSH of Montana. Mr. President, I merely desire to say at this moment that when the order of business of the introduction of bills is reached I shall introduce two bills relating to the subject matter of the address referred to by the Senator from Nebraska [Mr. NORRIS] and I shall then desire to submit some remarks thereon.

The VICE PRESIDENT. If there are no reports of committees, the introduction of bills and joint resolutions is next in order.

PRIVATE EMPLOYMENT BY SPECIAL COUNSEL IN OIL CASES

Mr. WALSH of Montana. I send to the desk a joint resolution and ask that it may be read.

The joint resolution (S. J. Res. 167) limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States, was read the first time by its title, the second time at length as follows:

Resolved, etc., That nothing in sections 198 or 203 of title 18 of the Code of Laws of the United States (secs. 109 and 113, Criminal Code) or any other act of Congress forbidding any person in the employ of the United States or acting in any official capacity under them from acting as agent or attorney for another before any department or branch of the Government or from receiving pay for so acting shall be deemed to apply to counsel serving under the provisions of S. J. Res. 54, Sixty-eighth Congress, first session, approved February 8, 1924.

Mr. WALSH of Montana. Mr. President, the public was advised some time ago that Mr. Roberts, employed under resolution of the Congress to prosecute the litigation growing out of the oil leases, felt obliged to resign because it was held by the Attorney General that he, as well as Senator Pomerene, were excluded from practicing before the various departments while they occupied those positions. The purpose of the joint resolution, which I have introduced, is to relieve them from the operation of such an act; and Mr. Roberts will resume his duties if the counsel shall be exempted from the operation of that act.

Mr. SMOOT. Does the joint resolution apply only to that particular case?

Mr. WALSH of Montana. It applies only to counsel employed under that resolution.

Mr. SMOOT. Very well.

Mr. WALSH of Montana. I ask that the joint resolution be referred to the Committee on the Judiciary.

Mr. ROBINSON of Arkansas. Mr. President, I should like to inquire what section of the statute would be violated in case Mr. Roberts or Mr. Pomerene accepted employment in other cases.

Mr. WALSH of Montana. My own judgment is that no provision of the statute would be violated, but the Department of Justice claims there would be a violation of section 113 of the Criminal Code.

Mr. REED of Missouri. What is section 113?

Mr. WALSH of Montana. Section 113 prohibits Members of Congress or Members elect from appearing for pay before the departments.

Mr. ROBINSON of Arkansas. I should like to know if the opinion of the Attorney General held that such a statute would apply to special counsel employed by the Government in cases prosecuted by the United States?

Mr. WALSH of Montana. The Senator takes exactly the position that I occupy myself with respect to the matter. Nevertheless, the counsel are confronted with the decision by the Attorney General.

Mr. REED of Missouri. I should like to make a suggestion to the Senator. By way of preliminary let me say that it is some time since I have read the particular section that is now under discussion.

Mr. WALSH of Montana. I beg to say to the Senator that I have specified another section which seems to me a more plausible basis upon which to rest the conclusion.

Mr. REED of Missouri. I inquire if the Senator has given consideration to this thought: By the passage of this particular joint resolution applicable to only one case, with the background of the decision of the Attorney General, are we not in effect construing the statute as the Attorney General has construed it?

Mr. WALSH of Montana. No; because the joint resolution reads that the statute shall not be so construed.

Mr. REED of Missouri. In this particular instance?

Mr. WALSH of Montana. Yes.

Mr. REED of Missouri. If we say it shall not be so construed in this particular instance, do we not almost by implication say that it may be so construed in other instances? That is the thought—I have not examined the joint resolution—to which I wish the Senator would give consideration.

The VICE PRESIDENT. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

PUBLIC UTILITIES SCHOOL PROPAGANDA

Mr. WALSH of Montana. Mr. President, the feature of the propaganda carried on by the public utilities of the country as disclosed by the investigation conducted by the Federal Trade Commission that has given rise to most general indignation is that which shows the utilization of the schools for the purpose of influencing public opinion in their behalf. The matter was made the subject of somewhat extensive comment by the secretary of the National Education Association in his report at the last annual convention of that association. I have before me a copy of his report, and I ask that that portion of it which relates to that particular subject may be incorporated in the RECORD.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. I should like to suggest that the matter to which he has referred may be incorporated in the RECORD immediately after the remarks of the Senator which I have already presented and had printed in the RECORD.

Mr. WALSH of Montana. I join the Senator in that request.

The VICE PRESIDENT. The matter will be printed in the RECORD as requested.

The matter referred to is as follows:

UTILITY AGENCIES INVADE THE SCHOOLS

The Federal Trade Commission has made an extensive investigation into the activity of the public-utility service bureaus and their attempts to influence State and national legislation on the question of ownership of public utilities. Early in the hearings testimony was given by utility agents showing that much attention had been given to what was being taught in the schools, to the elimination of undesirable texts, and to securing the adoption of satisfactory books. These agents testified that much information had been prepared and furnished free to the schools and that educators had been paid for editing books, for writing articles, and for delivering addresses promoting the interests of utility corporations. The purpose it was stated was to provide useful up-to-date information and to prepare the next generation of voters to appreciate and stand for private ownership of utilities. This aspect of the case, this attempt to bring into the schools semipolitical matter has stirred the Nation to an appreciation of the importance of maintaining the integrity of our educational institutions which exist to serve all the people regardless of party, creed, or economic status. Nothing else arouses the indignation of all the people so much as an attempt to use the schools for commercial and political purposes. The commission, in going into the school phase of the question, has confined the inquiry largely to the policies of the utility agencies and the extent to which propaganda has been distributed. It is not concerning itself with what was actually accomplished so much as with what was attempted.

Letters have been written to many superintendents asking for information to place before the executive committee and board of directors. The replies show that superintendents have not, as a rule, been aware of the organized effort to use the schools for semipolitical purposes. Those who have replied think that little in that direction has been accomplished. They feel that the common sense of teachers would usually prevent their using advertising material or propaganda to carry out any questionable purpose. They have been annoyed by propaganda from other sources fully as much as from this source. They generally feel, however, that the association should give attention to the whole propaganda question, not to condemn what has been done so much as to aid in making it still more difficult to use the schools to promote commercial, political, or factional ends.

The following, from C. G. Schulz, secretary of the Minnesota Education Association, is typical of the letters from the secretaries of State associations: "Much publicity has been made of the facts brought out by hearings before the Federal Trade Commission bearing upon what public-utility companies have attempted to do through the public schools and other educational institutions. The whole thing, as shown by the facts presented, is dead wrong. I think that the teachers, as represented by the National Electric Association, should make a firm and emphatic protest and repudiate any use of educational processes for that purpose. I am in full accord with the suggestion to take this before the board of directors."

Many State, city, and county superintendents are now investigating the situation. A few have completed their surveys and have reported. The importance of the question suggests giving in full Superintendent Threlkeld's (Denver) careful analysis of the issues involved:

"My first thought is, however, that we should not be fragmentary in our attack upon this problem. Propaganda by the public utilities is only one phase of the propaganda problem as it faces the schools. It might be taken as a point of departure dealing with the entire problem. My point is that every teacher, every supervisor, every administrator in the public schools should clearly think out the distinction between propaganda and education, and no propaganda of any kind should be allowed in the schools. This has far-reaching applications.

"Some one said that anyone who teaches a theory is a propagandist. Taking the meaning that I have for this statement, I agree with it. It is our job to study theories, not to teach them, if by teaching we mean fixing them in the minds of pupils as definite and final answers to questions. Looking at it from this angle there is undoubtedly a great deal of propaganda in the schools, and much of it may be more damaging than that which is getting so much attention now with regard to the public utilities. Any teacher who has a particular theory in politics, economics, morality, or in any phase of our life and who presents it to the exclusion of opposing arguments is a propagandist.

"Why not seize upon this situation as an opportunity to clarify the thinking of our profession generally with regard to the distinction between real education and propaganda? I recall authors and teachers that I have come in contact within the field of political science who were propagandists for a particular type of city government. Their effect upon me was a tendency toward a closed mind on a question to which there is no final and absolute answer. Is not this vicious propaganda, and should it go on under the guise of education? I do not intend to minimize the importance of the particular phase of this question which is now getting so much publicity. My only point is that we should consider it to be only a phase of the propaganda problem and not the whole scope of it.

"Our research department has recently made a survey of our schools with regard to our relationship to the public utilities, and nothing significant was discovered with regard to propaganda from that source. They have sent certain material direct to our principals, but in cases where it has been used at all only certain portions that have informative value have been used, and the propaganda features have been held back. On the whole, our contact with the public utilities in Denver has not been troublesome. I have had much more difficulty in opposing propaganda from other sources.

"May I say in this connection that I think the official staff of the National Electric Association could do much good if it were to take up the problem of keeping advertising materials and movements out of the public schools. This is a phase of the propaganda problem. In Denver we have a very strict rule against any advertising material or movement going into our schools.

"It is difficult to enforce minutely, but I think we live up to it pretty well. Unless I am quite in error, however, there are school systems in the country which seem not to follow such a policy. Private concerns are able to get their advertising materials into their schools. This makes it more difficult for the school system that does try to stand out against it. It makes us appear finicky.

"There is a fundamental principle of public school administration involved here which I think ought to be developed throughout the Nation. In our schools, for example, we will not permit the advertising of a musical entertainment, even if the entertainment itself is good, if it is promoted for the making of profit. We do not see how we can help an agency that makes its money this way and deny advertising to a building and loan association, for example, whose activity might also be said to be of benefit to humanity. Yet in enforcing a rule of this kind, we frequently have to appear to be opposed to a thing which has good educational value in itself when we are simply opposed to making a public-school system a party to private enterprise. Perhaps all of this suggests the problem of a rather definite code of ethics to be followed in the school administration throughout all our schools."

Usually the attack upon propaganda of one kind comes from propagandists of another kind. This makes it very difficult to handle. It places one between the frying pan and the fire. But here is a clear-cut analysis of the case by one who sees the question from the middle as well as from each end. Of course we all know that children are not scientists and that they must acquire the judicial temperament later in life. They dart from one opinion to another as the bumblebee flits from one clover blossom to another. After students find that they have formed judgments which are untrue or partly untrue, they gradually begin to consder both sides of the question. There is the possibility, however, when only one side of the question has been presented with the apparent approval of school authorities and with conviction by the teacher that the temporary judgment may become a prejudice which is difficult to remove. This is why schools need to be protected from one-sided information.

One reason why the utility bureaus have failed to get very far in other cities as well as in Denver with their questionable purposes is because of the organizations of teachers for work in a continuous effort to improve the school curriculum. In the hundreds of schools where the work of improving the course of study is in the hands of committees and school authorities there is little danger from propaganda efforts. Perhaps the solution of the question lies in this particular movement. Superintendent Gwinn, in an interview with reporters who called to learn to what extent the power propaganda had been distributed in the San Francisco schools, said in part: "Every textbook and all information sources used in our schools is subjected to the careful scrutiny of a course of study committee before its use is approved. Under this system which is not yet in general use, it would be almost impossible for agencies to inject propaganda to promote selfiish ends. The survey undertaken by the N. E. A. is vitally necessary and may reveal astounding conditions. I am convinced that the widespread publicity being given to the subject will result in a careful examination of all material submitted to committees and school authorities."

We have taken the view that the service bureaus of public-utility companies do not represent the business men who own the stock in power companies. We fully expect to see rigid requirements adopted for service bureaus as a result of the investigations by the Federal Trade Commission. As evidence of this view, we quote the following from a resolution adopted by the United States Chamber of Commerce and which was submitted to the National Electric Light Association for its consideration: "American business is jealous of its good name and

insists upon protecting its professional status by the maintenance of the highest standards, and intends scrupulously to discharge its collective responsibilities. Chief among such responsibilities is that of purging business of all those who indulge in commercial and political corruption, and through resort to unclean or unworthy practices bring business into disrepute and shock the sensibilities of all decent citizens." That is the way the leading business men look upon what has been done. There ought to be no desire among educators to soft pedal an issue of this type.

On June 5, the secretary of the National Education Association sent the following communication to the officers of the National Electric Light Association: "We see that you apparently disapprove strongly of the action of utility service bureaus in their purpose to put material into the schools for semipolitical reasons. We have held the view all along that the large-minded business men who hold the stock in power companies, also hold high ethical views in matters of this kind, that they would disapprove of this crime against youth and that these agencies would be severely censured by their superiors and hereafter greatly restricted in their operations. We regret exceedingly that any college or university professor would sell his services to promote such a purpose. Did any of them lead in the movement, or were they led into it? In your judgment, should they be censured by their professional associations and institutions? Why not clean up on this school side of the question while we are at it? There are other propagandists worse than yours who try to use the schools. If you do a thorough job of house cleaning, it will help to rid the schools of other pests."

While the evidence in the hearing of the Federal Trade Commission is not yet complete, it appears to show that these utility-service bureaus have attempted to carry out the definite purpose of getting propaganda into the schools; that they employed scores of college professors to lecture in schools and colleges; that they used their influence through school channels and through publishers of textbooks, to force changes in texts satisfactory to their purpose—many changes having actually been made; that in some States, between $50,000 and $100,000 was used, a part of which was used to reach children in the schools and students in high schools and colleges; and that salaries and part salaries were paid to those on the pay roll of institutions. The selfish end is shown in forcing a textbook to omit reference to Samuel Insul's gift of thousands to political parties.

To overlook this insult on the intelligence of school authorities would open the gates for a flood of propaganda. To let these agencies, because of their millions and the strength of their organizations, have the right of way at this time would mean that all other agencies must also have free access to the schools. The political party in power may not be condemned for its failure to go after the sins and crimes of its previous political managers and officeholders, but the standards and ideals of a profession would not justify our association's soft pedaling a matter as grave as this even though there may be the danger that a few educators chance to be involved. Owing to the power of these agencies in some localities and States, it may be unwise and dangerous for a given educator to raise his voice against what is going on, but there is no such handicap on the actions of this association as a whole. Perhaps individuals need this type of backing. Your secretary therefore feels forced to recommend that the association strongly denounce the purpose and efforts of the utility-service bureaus to carry propaganda into the schools and that it appoint a committee to look into the whole propaganda question and report at the next annual convention.

Mr. WALSH of Montana. I read the concluding paragraph of the comment of the secretary on that feature of the investigation. He says:

While the evidence in the hearing of the Federal Trade Commission is not yet complete, it appears to show that these utility-service bureaus have attempted to carry out the definite purpose of getting propaganda into the schools; that they employed scores of college professors to lecture in schools and colleges; that they used their influence through school channels and through publishers of textbooks to force changes in texts satisfactory to their purpose—many changes having actually been made; that in some States between $50,000 and $100,000 was used, a part of which was used to reach children in the schools and students in high schools and colleges; and that salaries and part salaries were paid to those on the pay roll of institutions. The selfish end is shown in forcing a textbook to omit reference to Samuel Insull's gift of thousands to political parties.

To overlook this insult on the intelligence of school authorities would open the gates for a flood of propaganda. To let these agencies, because of their millions and the strength of their organizations, have the right of way at this time would mean that all other agencies must also have free access to the schools. The political party in power may not be condemned for its failure to go after the sins and crimes of its previous political managers and office holders, but the standards and ideals of a profession would not justify our association's soft-peddling a matter as grave as this, even though there may be the danger that a few educators chance to be involved. Owing to the power of these agencies in some localities and States it may be unwise and dangerous for a given educator to raise his voice against what is going on, but there is no such handicap on the actions of this association as a whole. Perhaps individuals need this type of backing. Your secretary therefore feels forced to recommend that the association strongly denounce the purpose and efforts of the utility-service bureaus to carry propaganda into the schools and that it appoint a committee to look into the whole propaganda question and report at the next annual convention.

The convention, in accordance with that recommendation of the secretary, did so act and appointed the appropriate committee. I ask leave to put into the RECORD a copy of the resolution adopted by the National Education Association concerning the use of the schools as indicated.

The VICE PRESIDENT. Without objection, it is so ordered. The resolution is as follows:

The Minneapolis meeting, board of directors, June 30, 1928, passed the following resolution:

"*Resolved*, That the board of directors condemn the policy and efforts of agencies to put propaganda into the schools and hereby authorize the president of the association to appoint a committee of 10 to prepare a report for the meeting of the association in 1929 on the following points: (1) What principles of school administration should guide school authorities and what principles of school procedure should guide teachers in handling material which might be classed as propaganda; and (2) what machinery, if any, needs to be set up on a local, State, or national basis to serve as a protection to individual school officers and teachers?"

Mr. WALSH of Montana. I also ask that there may be incorporated in the RECORD an article upon the same subject appearing in the Illinois Teacher, a magazine supported by the teachers of the State of Illinois. I offer this particularly because the plan of utilizing the schools for this purpose appears to have originated in the State of Illinois, the source of very much of this propaganda.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[From the Illinois Teacher, September, 1928]

THE UTILITY COMPANIES AND THE SCHOOLS—PUBLIC UTILITIES USED SCHOOLS TO FURTHER PURPOSES; UNFAIR PRACTICES SHOULD BE CONDEMNED

According to testimony recently given before the Federal Trade Commission, the public-utility companies of this country have been spending millions of dollars in spreading propaganda favorable to their interests. These giant companies have organized committees on publicity or on "public relations" in several States, and these committees have trained directors or secretaries whose functions are evidently to create a favorable attitude by the public toward the public-utility corporations.

These committees and their secretaries use many methods of directing public opinion. Several college professors and other teachers have been paid liberal fees for lectures on public utilities, and a close watch was kept on the instructors in nearly all the colleges and universities and intimate and remunerative relations were established with some of them. Technical matter and other data were furnished authors of books on civics and economics, and authors' manuscripts were examined and edited by the committees. Assistance was given to authors in getting their books published and adopted for school use. Cordial relations were established with book-publishing companies, and in at least one case a publishing company deleted a true and instructive statement that was not agreeable to a certain public-utility magnate. Millions of pamphlets in regard to public utilities were distributed among high-school pupils in many States.

Of course, teachers and schools did not occupy all the time and attention of these corporation employees. Much publicity matter was sent to newspapers, and it seems that editors were "entertained" and that liberal advertising contracts were offered to induce a favorable editorial attitude. It seems also that the editors—and probably the teachers—were not highly respected by some of the utility agents who found it easy to influence them; for a letter written by Mr. John B. Sheridan, secretary of the Missouri committee, to Mr. Ole Buck, of Nebraska, contained this paragraph:

"I was fortunate enough to manage the annual convention of the Missouri Press Association in St. Louis in 1923. Gee, Mr. Buck, what the country press is worth to the people who are honest and use it honestly is beyond calculation. I have spent as much as $300 in three years 'entertaining' editors, etc. Some of them do enjoy a little drink. All of them are 'God's fools' grateful for the smallest and most insignificant service. As I was in the business 27 years, I ought to know newspaper people. They are my friends and hold my job in Missouri."

A question of professional ethics has been raised because of the relations existing between some prominent teachers and the utility interests.

Here, as in many other cases, it is difficult to draw a definite boundary line between the ethical and the unethical; but teachers should remain sufficiently far from the line on the ethical side as to be entirely safe. Utility corporations are certainly within their rights when they are giving the public the truth and the whole truth about their service, expenses, their rates, their income, their investment, etc. But surely it is not right for them to deceive the people by means of propaganda spread through the schools and the press so they may charge extortionate rates for their service. It is right for teachers to teach the truth about utility service and utility companies. But it is not right to teach just one side of a debatable economic question, and it is certainly not ethical to accept a fee from the favored side. Let teachers give no reason for being charged with spreading false propaganda for a price. (R. C. M.)

Mr. WALSH of Montana. I also desire, Mr. President, to have incorporated in the RECORD a letter appearing in the Chicago Tribune of September 2, 1928, by John Spargo. It will be recalled that Mr. Spargo for a long time was regarded as one of the red radicals of this country. He advises us, however, that, although he at one time was a socialist and was engaged in teaching the wisdom of the public ownership of public utilities, he has reformed, and writes this letter as a sort of apology or justification for the propaganda revealed by the investigation to which reference has been made. I wish to call attention to this paragraph of the letter:

Much—

He says—

has been made of the fact that the publicity agencies of some of the light and power companies have supplied data which have been incorporated in certain school textbooks, and have supplied other and similar material for use in college lecture courses and the like. I know nothing of the matter except what has been brought out in the investigation thus far. I have read the charges made and the replies by representatives of the light and power companies so far as these have been published in the press. It appears to be the fact that none of the matter published in the school texts of which complaint is thus made can be fairly described as "propaganda." So far as I can learn it does not consist of arguments in favor of private or corporate ownership as against government ownership, but altogether of factual material—

Of factual material—

such as popular technical descriptions of processes, historical accounts of the development of light and power services, statistical measures of growth and progress and the like. In no case, so far as I can learn, has there been any such use of arguments favoring private ownership or opposing public ownership as might be regarded as likely to shape the opinions of pupils upon that great issue.

It is quite obvious from this statement of Mr. Spargo that he has not attempted to inform himself upon the subject either by reading the testimony taken before the Federal Trade Commission or even the news accounts of it.

I ask that the entire letter may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, September 2, 1928]

JOHN SPARGO ON THE POWER INVESTIGATION

BENNINGTON, VT., August 28.—Let me express my appreciation of the stand you have so ably and consistently taken with reference to the sensationally reported "investigation" of the interstate light and power companies—the so-called Power Trust. In standing uncompromisingly against the demagoguery which has characterized the movement in the United States Senate which gave rise to this investigation and the unfair and dishonest exploitation of piecemeal testimony through the subsidized machinery of an unscrupulous propaganda the Chicago Tribune is rendering a valuable public service.

In ordering this investigation of the public utilities by the Federal Trade Commission the Senate of the United States weakly surrendered to the demands of a small but aggressive minority, whose object is to replace private ownership, with its attendant force of individual incentive, by public ownership. This minority seeks to revolutionize the economic and political life of America, and to this end they seek to undermine confidence in the public-utility corporations and to stampede the Nation into public ownership via the bankruptcy of those corporations which have won for our public-utility services the admiration and envy of every nation.

Much has been made of the fact that the publicity agencies of some of the light and power companies have supplied data which have been incorporated in certain school textbooks and have supplied other and similar material for use in college lecture courses and the like. I know nothing of the matter except what has been brought out in the investigation thus far. I have read the charges made and the replies by representatives of the light and power companies so far as these have been published in the press. It appears to be the fact that none of the matter published in the school texts of which complaint is thus made can be fairly described as "propaganda." So far as I can learn, it does not consist of arguments in favor of private or corporate ownership as against Government ownership, but altogether of factual material, such as popular technical descriptions of processes, historical accounts of the development of light and power services, statistical measures of growth and progress, and the like. In no case, so far as I can learn, has there been any such use of arguments favoring private ownership or opposing public ownership as might be regarded as likely to shape the opinions of pupils upon that great issue. Upon what grounds are we to fear or attempt to exclude from our school texts material of this character? Surely every American child has a right to know and ought to be taught the inspiring story of that genius for invention and organization which has given us the cheapest and most efficient electric service in the world

But let us assume that it were otherwise; that the public-utility corporations had gone much farther than they have gone and had successfully taken into the educational system of the country, through inspired material published in textbooks and used in lectures, the case for private ownership and individual enterprise as against public ownership and the discredited theory of socialism. Had that been the case, upon what grounds do men like Senator NORRIS and his associates complain? And why are the rest of us supposed to be indignant about it? Is it seriously held by anybody that the propagation of public-ownership theories and the condemnation of private ownership is a legitimate and proper use of our school and college facilities, but that to use these for the advocacy of the opposite view is improper, a thing to be condemned and legislated against? By what right of Constitution, statute, or moral law do the proponents of public ownership assert this monopoly? May not a poor perplexed American citizen ask to be informed as to the source of the privileged position of the advocates of social changes so sweeping?

I know, and every well-informed student in America knows, that for many years public ownership and socialism have been preached in American colleges, academies, and high schools by the paid lecturers of organizations maintained for the special purpose. This was true many years before any public-utility publicity bureau in this country ever made the least effort to reach those channels. These paid lecturers did not aim to present objective facts; they did not make the slightest pretense that they were aiming at anything other than converting the students to socialism, to belief in public ownership, and all the economic and social changes that belief implies.

I can speak with very definite knowledge and authority upon this matter, for I, myself, during several years, was one of the lecturers of the Intercollegiate Socialist Society, later to be transformed into the League for Industrial Democracy. My salary came from the society, furnished by a few men and women who believed that socialism could be best advanced through the schools and colleges. During the years I was so engaged I went into every section of this country, appearing in most of the colleges and numerous high schools. Now, I am not befouling the nest in which I was nestled. I am not to-day a socialist. For reasons which seem to me incontrovertible, I long since acknowledged socialism to be unsound in both theory and practice. But here and now what I am concerned with is this very simple question: If it was right for me to present the socialist view, was it not equally right that the opposite view should be presented? And if public ownership may be preached in colleges and schools by spokesmen for the Public Ownership League, or any other organization, why may not the managers of our public utilities, which would be wrecked as investments if not as services, but probably as both, by the triumph of public ownership, have equal chance to present their case through the same channels?

It is not only by means of lectures that the Intercollegiate Socialist Society, the League for Industrial Democracy, and the Public Ownership League have long used the schools and colleges of the country as a field for their propaganda. They, too, have supplied materials for texts, for lectures, and debates. Perhaps this is all wrong and no propagandist activity of any kind should be permitted in this important field. But by all that is decent and just, why condemn the public utilities when it is well known that they were practically compelled to adopt the course they did as a defensive measure to counteract the systematic attack upon themselves and the social structure of which they are part.

It was high time that some great newspaper exposed this propaganda, and particularly the campaign of abuse and insult which has intimidated and silenced so many of our public men. Every man who is at all familiar with the facts knows that this investigation would not have been ordered by the Senate were it not that the campaign of malignant abuse and cowardly innuendo has caused so many of our servants in office to fear being branded as hirelings of the "Power Trust." Every man who has thus far dared raise his voice against this sort of political muckraking and in defense of American industry has been thus assailed. I have been personally so accused, despite the fact that I have never

received a single dollar, or any equivalent thereof, from any utility corporation or its agents, directly or indirectly, either for services rendered, support given, or for any other purpose whatsoever. I have never received pay, directly or indirectly, from any utility company or its agents for speaking against public ownership. But for many years I did receive pay for speaking in favor of public ownership from organizations maintained for that purpose.

JOHN SPARGO.

Mr. WALSH of Montana. Mr. President, the address incorporated in the RECORD on the suggestion of the Senator from Nebraska [Mr. NORRIS] is a summary of the testimony taken before the Federal Trade Commission up to the time that it discontinued its work on the approach of the heated term. With reference to the view expressed by Mr. Spargo I desire to read from that address, as follows:

The Connecticut committee—

That is, the committee of public information, so called, existing in the State of Connecticut, as it exists in 38 other States of the Union—

The Connecticut committee got out a catechism of public utilities which it succeeded in having introduced into approximately 70 of the high schools of that State. It is due to the committee to say that the books bore a legend indicating the source from which they came. Nevertheless, when the facts were revealed through the hearings before the commission a perfect storm of indignation was roused throughout New England, as one gathers from the press comment. It is quite unnecessary to pursue any inquiry as to how accurate or how inaccurate such a work might be. The introduction by selfish private interests into the public schools of textbooks prepared by them or under their direction, particularly when they deal with controversial questions in the field of economics or politics, is not to be tolerated. The impropriety of the adoption of textbooks having such origin for use in the schools requires no argument, nor should disapproval of them wait any study of their accuracy or impartiality. But the Connecticut catechism—

I trust I may have the attention of the Senator from Connecticut [Mr. BINGHAM], who, I am sure, will indorse everything that is here said.

But the Connecticut catechism was obviously unfit for use, notwithstanding, to induce its acceptance, a letter was sent asserting that six months was spent in compiling and verifying and checking the text so that everything in it might be exactly in accordance to the facts.

The catechism purports to answer such questions as "Who are the investors upon whom public utilities depend?" "Do communities ever attempt to furnish public service themselves instead of permitting private companies to do it?" "Are many utility securities owned by the customers of the companies?" "Why are public utilities granted exclusive charters and not made to compete with each other as in other fields of business?" "What effect on a community has adverse criticism of utility service?" The answers to this question is "It tends to retard growth." One section deals with "rates," another with municipal ownership, the answers indicating that that system is a bad if not an evil thing. One response is that "In every case in which a community has attempted to operate a public-service industry which is subject to great changes and development it has been found that the costs of the service are higher than when the service is furnished by a private person."

The author, under interrogation, was compelled to admit that he did not know whether the statement is true or not. As a matter of fact, the cities of Seattle, Tacoma, Los Angeles, and Cleveland own and operate power and light plants most successfully and undertake to demonstrate that their rates are very substantially below those of neighboring private plants operating under substantially similar conditions and startlingly lower than those exacted by some of the private corporations operating under at least equally favorable conditions. It was contemplated from the beginning that the inquiry would develop the truth or falsity of the assertion thus made by the catechism and, in effect, repeated so often in the literature of the companies or inspired by them that it has been widely if not generally accepted. It is a reasonable inference, from the extraordinary effort made to avert an official investigation, that a comparison between the municipal rates and those of private companies to be expected was not welcomed by them.

Another statement found in the catechism is to the effect that the cost of living in cities that operate their own utilities is higher than in those where utilities are managed by private corporations. This the writer was likewise compelled to admit he could not substantiate. He perhaps relied upon a bulletin or some similar literature sent out by the National Electric Light Association making such a claim, the Industrial Conference Board being given as authority for the statement, but that organization promptly denied it had ever so asserted.

This Connecticut catechism was sent to every State committee as a model. A similar work was published by the Ohio committee and introduced into the schools of that State to the number of 190,000 in two years. Most committees, however, contented themselves with efforts to revise the textbooks in use, activities in that direction being no less prodigious in extent than sinister in character.

Accordingly, Mr. President, I introduce the bill which I send to the desk, and ask that it be read.

The VICE PRESIDENT. Without objection, the bill will be read.

The bill (S. 4706) relating to the employment of teachers or members of school boards by persons engaged in interstate commerce was read the first time by its title, the second time at length, and referred to the Committee on Education and Labor, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation engaged in interstate commerce, or for any officer, agent, or representative thereof, or of any group, association, or other organization maintained by one or more such persons, firms, or corporations, to offer or give anything of value to any teacher or member of any school board or board of education to induce him to write or revise, or in consideration of his having written or revised any textbook or other printed or written matter for use in any school or schools, or to induce the use in any school of any particular textbook or printed matter, or to teach or expound any doctrine, dogma, or theory with intent to influence opinion in favor of any particular governmental action or public policy advocated by or beneficial to such person, firm, or corporation or the business in which he or it may be engaged.

Any person violating the provisions of this act shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

Mr. WALSH of Montana. Mr. President, another sinister feature of the propaganda thus carried on relates to the utilization of the newspapers throughout the country for the purpose of secretly and covertly cultivating sentiment in favor of the views of these utilities.

In the address referred to occurs the following:

It is disclosed that the Cortelyou organization, known as the joint committee of national utility associations, comprised of representatives of and supported by the National Electric Light Association, the American Gas Association, and the American Electric Railway Association, having existed in an inactive way prior thereto, was reorganized immediately prior to June 1, 1927, when it set up an office in Washington in charge of a utility lawyer, lobbyist, Josiah T. Newcomb, under Mr. Cortelyou, and raised a fund of $400,000 primarily to defeat the so-called Walsh resolution and incidentally to block the proposed Muscle Shoals and Boulder Dam bills. It might be said that each of the three great associations standing sponsors for the joint committee include among their numbers a very large proportion of the corporation pursuing the business indicated by their titles, respectively, and practically all of the leading corporations in those lines. Not vain was the boast of the pretentious nature of the backing of the committee. Of the stupendous sum put at its command it had spent, when the session came to an end, something over $300,000.

If the implications from what has been related seem appalling, they sink into relative insignificance in the light of the further disclosures from unwilling witnesses upon the prodding of Inquisitor Healy, armed with documentary evidence assembled by his investigators.

The three great associations mentioned work in conjunction in influencing public opinion, but the primacy seems to be assumed by and is accorded to the National Electric Light Association, which represents 90 per cent of the electrical energy generated in the United States. It operates through at least eight committees, cooperating with educational institutions, customer-ownership, information organizations, industrial relations, manufacturers, advertising, public-speaking, relations with financial institutions and women's clubs. The country is divided into 12 districts, each having its own committees of like character. Organizations similar in nature exist in 38 States, all of which have their so-called committee or bureau of information. They are for the most part patterned after the Illinois organization conceived by Samuel Insull, lately given some additional unenviable notoriety by a Senate committee investigating the conduct of a primary campaign in his State as a result of which his candidate, though nominally elected, was denied a seat in the Senate.

These committees or bureaus of information are ostensibly instituted for the purpose of giving the public accurate information concerning the industry they represent and to cultivate a more friendly relation between it and the public. They do disseminate a vast amount of information, much of which is accurate and useful, but it admits of no doubt that the prime purpose for which they exist is to bring the corporations responsible for their being into popular favor, to secure the acceptance of the economic theories of their promoters, and to allay criticism of the utilities, either generally or specifically, however well founded it may be. They specialize in combatting public ownership of utilities in general and of power and light enterprises in particular. The aggregate of the effort to refute the motion of the economic wisdom of public ownership of utilities as against private ownership is scarcely

conceivable to the uninformed, and unless there is a deep-seated and general belief in the soundness of the theory of public ownership or a disposition to try it to escape what are believed to be the unjust exactions of the private corporations furnishing power and light, no end of money is wasted by the agencies referred to in their educational campaign.

As a rule the committees referred to get out a small weekly or monthly paper that is mailed to or otherwise passed into the possession of anyone likely to read it. A special effort is made to get these into the hands of teachers and into the schools, colleges, and libraries. Press releases are prepared and sent to the newspapers, and particularly to the country newspapers. Boiler plates and mats are freely used. Often, perhaps generally, the committee, euphemistically so called, consists of one man with a stenographer and, perhaps, a helper. In most instances he is a man trained in the newspaper business, having a somewhat intimate acquaintance with the owners and managers of the newspapers of his State. He makes tours among them from time to time to promote good will and to induce them to use the material sent by his committee or the like committee of the National Electric Light Association or its subdivisions. He visits the local managers of the utility companies and urges them to cultivate the editor, and particularly to advertise in his paper. Again and again the national organization or the speakers sent out by it have stressed the importance, in connection with the work of the information bureaus, of having the local companies advertise in their home papers. A letter or report from one in the plans of the National Electric Light Association told of its contemplating spending in the year 1927, in conjunction with its subsidiaries, allied associations, and member companies, $38,000,000 in advertising.

According to one Mullaney, who describes himself as Samuel Insull's right-hand man, and who runs the Illinois committee on information, the utilities advertise annually to the extent of from twenty-five to thirty millions—a statement made by him in a speech delivered to his coworkers entitled "Space grabbing."

I forbear to read further and introduce in this connection the bill, which I send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the bill will be read.

The bill (S. 4707) relating to second-class postage rates, which was read the first time by its title, the second time at length, and referred to the Committee on Post Offices and Post Roads, as follows:

Be it enacted, etc., That no publication entitled to or claiming second-class postage rates shall print any reading matter for pay or furnished in substance by any person, association, or corporation paying for display advertising in such publication, knowing it was so furnished, unless the fact that it was so provided or paid for shall be plainly indicated in a statement published in connection with such reading matter: *Provided, however,* That the prohibition hereof shall not extend to matter that is obviously ordinary advertising. Upon finding by the Postmaster General that any publication has violated the provisions of this act all privileges it enjoys to second-class rates shall cease, but after the lapse of six months from and after such finding they may, in the discretion of the Postmaster General, be restored.

Mr. WALSH of Montana. Mr. President, for the purpose of indicating the extent of this abuse I read a few further paragraphs from the address referred to:

The same local manager who places the advertisement not infrequently delivers the press matter in the nature of news or editorial comment prepared for publication by the various bureaus or committees, though as a rule it goes out by mail. They are, however, from time to time spurred from above to activity in getting space for matter regarded as important. A letter is found in the record from the president of the National Electric Light Association, directed to all presidents, vice presidents, and managers, asking them to see that a certain editorial in Collier's Weekly is reproduced in full or in part in "your" newspapers, the possessive "your" carrying an implication somewhat stronger than friendly or amenable. It is the rule, perhaps the well-nigh invariable rule, that press matter so originating carries a memorandum indicating its source, but the fact so noted is rarely made apparent in the article as published which is not infrequently copied by other papers ignorant of its real origin, being attributed to the paper from which it is quoted.

The measure of success that has attended this method of educating the public through the press is indicated by the statement of the director of the New England Bureau of Public Service Information that material sent out by it and published in 1922 occupied space equal to 56½ pages of the Boston Herald. In that connection he comments as follows: "One of the most interesting and valuable results we have so far obtained has been the number of editorials published in many of the leading newspapers in New England where our material has been directly reprinted in the editorial columns or taken as a text for favorable comment on public-utility problems."

In Ohio, in one year, matter from the utilities news bureau went into the papers of the State to the extent of 16,584 column inches, equivalent to 921 solid newspaper columns, as shown by a check-up on 300 papers; the total amount of space "grabbed," to use the expression of Mullaney, of the Illinois committee, being estimated at twice that amount.

As heretofore indicated, the superiority of private over public ownership of utilities is a never-ending topic of discussion in the material thus sent out, much of it dealing with the question directly, more leading to the same end by indirection.

I desire to refer to a paragraph in an article in The Illinois Teacher, relative to the feature of the matter which I have just been presenting, as follows:

Of course teachers and schools did not occupy all the time and attention of these corporation employees. Much publicity matter was sent to newspapers, and it seems that editors were "entertained" and that liberal advertising contracts were offered to induce a favorable editorial attitude. It seems also that the editors (and probably the teachers) were not highly respected by some of the utility agents who found it easy to influence them; for a letter written by Mr. John B. Sheridan, secretary of the Missouri committee, to Mr. Ole Buck, of Nebraska, contained this paragraph:

"I was fortunate enough to manage the annual convention of the Missouri Press Association in St. Louis in 1923. Gee, Mr. Buck, what the country press is worth to the people who are honest and use it honestly is beyond calculation. I have spent as much as $300 in three years 'entertaining' editors, etc. Some of them do enjoy a little drink. All of them are 'God's fools,' grateful for the smallest and most insignificant service. As I was in the business 27 years I ought to know newspaper people. They are my friends and hold my job in Missouri."

As a conclusion to this presentation, Mr. President, I ask that there be incorporated in the RECORD a very pertinent and sensible editorial from the Baltimore Sun.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun]

THOSE ABUSED UTILITIES

Josiah T. Newcomb, counsel for the joint committee of national utility associations, is well within his rights in asking suspension of public judgment on the "Power Trust" hearings before the Federal Trade Commission. It is true enough, as this attorney says, that the investigation has been adjourned for the summer without giving the utilities their day in court. Their time will come, with ample opportunity to present a comprehensive defense of propaganda practices, when the hearings are renewed in September.

At the same time it may be suggested that the intervening period could be profitably used by the utilities in preparing a more effective and less ingenuous argument than that foreshadowed by Mr. Newcomb in his formal statement on Friday. For when one contrasts the enormous wealth and power of the various utility companies with the rather pathetic little organizations working for public ownership and operation, it seems absurd to say that the "Power Trust" propaganda "has been necessary to offset the activities of professional advocates of the nationalization of industry." And to call the vastly larger and more insidious machinations of the utilities by the euphemism of "offsetting activities" is palpably absurd. It is on the record that utility agents worked hard and successfully to prevent public addresses being made by certain public-ownership advocates.

Equally unconvincing is Mr. Newcomb's labored attempt to defend the utility propaganda in the schools and colleges. "In an industrial age," he says, "concern is justified in respect to the technical and economic information available for teachers and students, and imposes an obligation on those who are in a position to furnish it." That may be the theory. The practice of it is seen in the characterization as a "bad" book of Charles A. Beard's American Citizenship, because of its assertion that municipal-ownership sentiment is increased by unfair practices on the part of certain utilities. And it is rather comic to think of a Power Trust publicity hireling posing as one who is obligated by his superior knowledge to correct Professor Beard.

On the very day that Mr. Newcomb was dilating on the sacred duty of the utilities toward education there was added to the voluminous record a further instance of the way this duty is fulfilled. "Recently," wrote one of their Illinois propagandists to a Missouri colleague, "we have adopted the plan of having a third-party organization make the arrangements with the schools. In strict confidence, the Illinois Chamber of Commerce handled it for us during the last summer. We, of course, paid the bill." As the patriotic defenders of American ideals which Mr. Newcomb seeks to paint them, the "Power Trust" agents have been singularly surreptitious, deceitful, and sly in their efforts to paint the lily of their "public service."

ENROLLED JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on December 4, 1928, that committee presented to the

President of the United States the enrolled joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ODDIE:

A bill (S. 4601) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. McNARY:

A bill (S. 4602) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture and Forestry.

A bill (S. 4603) granting compensation to George Walthers; to the Committee on Claims.

A bill (S. 4604) for the relief of James L. McCulloch; and

A bill (S. 4605) authorizing the Secretary of the Interior to grant a patent to certain lands to C. Beecher Scott; to the Committee on Public Lands and Surveys.

A bill (S. 4606) for the relief of Clarence J. Burris; to the Committee on Finance.

A bill (S. 4607) granting an increase of pension to Mary J. Stites;

A bill (S. 4608) granting an increase of pension to Frances A. Harris; and

A bill (S. 4609) granting an increase of pension to L. D. Vidito; to the Committee on Pensions.

A bill (S. 4610) to provide for delivery of certain mail matter upon a date specified by the sender; to the Committee on Post Offices and Post Roads.

By Mr. THOMAS of Oklahoma:

A bill (S. 4611) granting a pension to Charles Morse; and

A bill (S. 4612) granting a pension to John W. Hay; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4613) granting an increase of pension to Alma M. Scribner;

A bill (S. 4614) granting an increase of pension to Rosa A. Hall; and

A bill (S. 4615) granting an increase of pension to Ella Gleason; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4616) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio; to the Committee on Commerce.

A bill (S. 4617) granting a pension to Edna Angell; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4618) granting an increase of pension to Florence E. Wilbur (with accompanying papers);

A bill (S. 4619) granting an increase of pension to Emma Moore (with accompanying papers);

A bill (S. 4620) granting an increase of pension to Theodore Gardner (with accompanying papers);

A bill (S. 4621) granting a pension to John Hamilton (with accompanying papers);

A bill (S. 4622) granting an increase of pension to Harriett Lemmons (with accompanying papers);

A bill (S. 4623) granting a pension to Adelle Scott (with accompanying papers);

A bill (S. 4624) granting an increase of pension to William H. Blake (with accompanying papers);

A bill (S. 4625) granting an increase of pension to James M. Cline (with accompanying papers); and

A bill (S. 4626) granting an increase of pension to Martha E. Irwin (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4627) granting an increase of pension to Lizzie W. Averill (with an accompanying paper);

A bill (S. 4628) granting an increase of pension to Clara H. Morgan (with accompanying papers);

A bill (S. 4629) granting an increase of pension to Sarah H. Morton (with accompanying papers);

A bill (S. 4630) granting an increase of pension to Hattie L. Cram (with accompanying papers);

A bill (S. 4631) granting an increase of pension to Frank L. Jewell (with accompanying papers);

A bill (S. 4632) granting an increase of pension to Edith A. Danforth (with accompanying papers);

A bill (S. 4633) granting an increase of pension to Rosa Gately (with accompanying papers);

A bill (S. 4634) granting an increase of pension to Mary Carswell (with accompanying papers); and

A bill (S. 4635) granting an increase of pension to Julia Churchill (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4636) granting a pension to Absalom B. Colkitt (with accompanying papers); to the Committee on Pensions.

A bill (S. 4637) to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch, National Home for Disabled Volunteer Soldiers;

A bill (S. 4638) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes;

A bill (S. 4639) to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood of 1927;

A bill (S. 4640) to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes;

A bill (S. 4641) to authorize appropriations for construction at military posts, and for other purposes;

A bill (S. 4642) to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.;

A bill (S. 4643) to further amend section 6, act of March 4, 1923, so as to make better provision for the recovery and disposition of bodies of members of the civilian components of the Army who die in line of duty; and

A bill (S. 4644) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; to the Committee on Military Affairs.

By Mr. METCALF:

A bill (S. 4645) granting an increase of pension to Jennie Melissa Waldron (with accompanying papers);

A bill (S. 4646) granting an increase of pension to Anna Lenau (with accompanying papers);

A bill (S. 4647) granting a pension to Sarah Kenyon (with accompanying papers);

A bill (S. 4648) granting an increase of pension to Georgie E. Keenan (with accompanying papers);

A bill (S. 4649) granting an increase of pension to Minna L. Waldron (with accompanying papers);

A bill (S. 4650) granting an increase of pension to Mary Sheridan (with accompanying papers);

A bill (S. 4651) granting an increase of pension to Julia F. Pease (with accompanying papers);

A bill (S. 4652) granting an increase of pension to Sarah A. Hunt (with accompanying papers);

A bill (S. 4653) granting a pension to Lillia M. Gallier (with accompanying papers);

A bill (S. 4654) granting an increase of pension to Mary C. Frazier (with accompanying papers);

A bill (S. 4655) granting a pension to Ann Eliza Dean (with accompanying papers);

A bill (S. 4656) granting a pension to Ruth K. Calland (with accompanying papers); and

A bill (S. 4657) granting an increase of pension to Anna S. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. BLAINE (for Mr. LA FOLLETTE):

A bill (S. 4658) granting an increase of pension to Margarete Weidlich; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 4659) to regulate the construction of bridges over navigable waters of the United States, and for other purposes; to the Committee on Commerce.

A bill (S. 4660) to provide for the establishment of an 8-hour day for yardmasters of carriers; to the Committee on Interstate Commerce.

A bill (S. 4661) to place Norman O. Ross on the retired list of the Navy; to the Committee on Naval Affairs.

A bill (S. 4662) to amend the Federal reserve act, as amended, with respect to venue of civil suits against Federal reserve banks; to the Committee on Banking and Currency.

By Mr. GEORGE:

A bill (S. 4663) for the relief of the St. James Episcopal Church of Marietta, Ga.; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4664) granting a pension to William Hart;

A bill (S. 4665) granting a pension to Milan B. Siddles;

A bill (S. 4666) granting a pension to Isadora D. Magee; and

A bill (S. 4667) granting a pension to George F. Wiggins; to the Committee on Pensions.

By Mr. KEYES:

A bill (S. 4668) granting a pension to Carroll B. Hough; to the Committee on Pensions.

By Mr. McMASTER:

A bill (S. 4669) granting an increase of pension to Francis B. O'Brien; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4670) to amend section 279 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 4671) granting a pension to Henrietta M. Bull;

A bill (S. 4672) granting a pension to Miriam C. Buck; and

A bill (S. 4673) granting a pension to Benjamin F. Bothwell; to the Committee on Pensions.

By Mr. NYE:

A bill (S. 4674) to establish the Grand Teton National Park in the State of Wyoming, to revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 4676) granting an increase of pension to Harvey B. Child;

A bill (S. 4677) granting a pension to Charles E. Woodward; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 4678) granting an increase of pension to Ellen Grever; and

A bill (S. 4679) granting an increase of pension to Ella Winger; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4680) granting an increase of pension to Benjamin W. Ratcliffe; to the Committee on Pensions.

A bill (S. 4681) for the relief of Gilbert Peterson; and

A bill (S. 4682) for the relief of Laurin Gosney; to the Committee on Claims.

A bill (S. 4683) for the relief of Charlie Hoover;

A bill (S. 4684) to authorize the appointment of Staff Sergt. Stephen Miller, retired, United States Army, to master sergeant, retired, United States Army;

A bill (S. 4685) for the relief of Walter Perry Story;

A bill (S. 4686) to place Sprague B. Wyman on the retired list of the United States Army as a captain; and

A bill (S. 4687) for the relief of Raymond Kleinberger; to the Committee on Military Affairs.

A bill (S. 4688) to amend the act entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," approved February 28, 1925; to the Committee on Naval Affairs.

By Mr. SMOOT:

A bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes; to the Committee on Irrigation and Reclamation.

A bill (S. 4690) for the relief of the Great Western Coal Mines Co.; to the Committee on Claims.

A bill (S. 4691) to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 4692) granting a pension to Laura Peterson;

A bill (S. 4693) granting a pension to Caleb D. Brinton;

A bill (S. 4694) granting a pension to Sarah A. Huffaker; and

A bill (S. 4695) granting a pension to Nathan A. Barrett; to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4696) to give war-time rank to certain officers on the retired list of the Army, and for other purposes; to the Committee on Military Affairs.

A bill (S. 4697) granting a pension to Mary C. Rutter; and

A bill (S. 4698) granting an increase of pension to Myrtle Smith (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4699) waiving the maximum age limit in the case of First Lieut. William E. Parker and making him eligible for appointment in the Judge Advocate General's Department, Regular Army; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 4700) granting payments of compensation and insurance to the legitimate children of Donald O. Pons; to the Committee on Finance.

A bill (S. 4701) for the relief of William P. Howard; to the Committee on Military Affairs.

A bill (S. 4702) granting an increase of pension to David S. Harrison; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4708) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War"; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 4709) for the relief of George N. Page (with an accompanying paper); to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado; to the Committee on Irrigation and Reclamation.

By Mr. DALE:

A bill (S. 4711) granting an increase of pension to Julia L. McGovern (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4712) to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 4713) to authorize appropriations for construction at Pittsburgh, Pa., and for other purposes; to the Committee on Military Affairs.

By Mr. JONES:

A joint resolution (S. J. Res. 168) providing for a joint committee to investigate and report upon the facts connected with the sinking of the steamship *Vestris;* to the Committee on Commerce.

By Mr. McNARY:

A joint resolution (S. J. Res. 169) to provide for refunding to the State of Oregon tariff duties paid on an Etrich tow-preparing machine, Type V; to the Committee on Finance.

By Mr. KING:

A joint resolution (S. J. Res. 170) for the relief of the State of Utah; to the Committee on Claims.

By Mr. WAGNER:

A joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL:

A joint resolution (S. J. Res. 173) requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference; to the Committee on Foreign Relations.

AMENDMENT OF THE RADIO ACT

Mr. DILL. Mr. President, I introduce a bill relating to radio, which I ask may be printed in the RECORD at this point, and with it certain comments by radio editors regarding the new allocation.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 4675) to amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927, and for other purposes, was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the act entitled "An act for the regulation of radio communications," approved February 23, 1927, and for other purposes, be amended by adding at the end of subsection C of section 4 the following:

"*Provided,* That no broadcasting station licensed under the provisions of this act shall be permitted to use more than 10,000 watts of power for broadcasting, except for experimental purposes, and only after the hour of midnight and before 6 a. m. of any day for experimental purposes."

The editorial comment is as follows:

RADIO EDITORS APPRAISE NEW WAVE LENGTHS—NEW YORK RECEPTION IMPROVED

By Orrin Dunlap, jr., radio editor of the New York Times

Radio reception in the metropolitan district of New York has in general been improved by the new wave allocations. There are many more distant stations now vibrating the New York ether without interference. Many of these stations had not been heard in this territory for several years. There are fewer heterodyne howls. The lower end

of the dial is much clearer, although there are plenty of transmitters to be heard below 300 meters. The dial above WEAF's wave is quiet, so that from 660 to 550 kilocycles there is an excellent opportunity for long-distance tuning. Station WLW at Cincinnati is coming through strong. It is too powerful to be so close to WOR as it is, and the two stations overlap in the New York area unless a very selective tuner is employed. The same applies to WENR and WABC.

Using an electric set with indoor antenna, I heard WTIC, WIP, WFAN, WFI, WGN, WSB, WJR, WBBM, WBAP, WHAS, KWKH, WENR, WGY, KDKA, and WPG during the first week of the new allocations. All actuated a loud speaker. Atlanta, Fort Worth, and Shreveport were picked up on Sunday night after most of the local broadcasters had signed off. Louisville comes in fine early in the evening without interference. Bad heterodyne howls are noted between 850 and 900 kilocycles and they blot out WENR and WLS until WABC goes to bed.

IT'S NOW UP TO CONGRESS

By Robert D. Heinl, radio editor of the Washington Post

Notwithstanding the fact that Baltimore and Washington are proving to be trouble spots during the first week of the new reallocation, personally I am able to tune in the local stations in Washington as sharply and clearly as before, WBAL in Baltimore better than I have ever had it, and now get distant stations that I have never heard before with any degree of regularity, such as WMAQ, Chicago.

Using an inside loop antenna I heard KOA at Denver the other night with the distinctness and clarity of a station but a few hundred miles away. KEI at Los Angeles also came in better than usual. There are plenty of stations with whistles, but knowing the thorough and conscientious manner in which the commissioners and their engineers, such as Dr. J. H. Dellinger and Capt. Guy Hill, are considering complaints, I feel confident everything possible will be done to eliminate the trouble spots.

A thing to be feared, however, will be the embarrassment these conscientious gentlemen may suffer as a result of political pressure. Left to themselves, I would have no apprehension with regard to their reaching the best possible solution, but with Senators and Congressmen stepping in trying to fix things in their localities they may be seriously hampered.

Finally, however, as good or as bad as the reallocation may have worked out, it is now up to listeners to advise their Senators and Congressmen in Washington as to the results, so that they may be guided in a revision of the equal division amendment if that is deemed necessary. Congress brought the change about, and in the last analysis it will be Congress which will say whether or not the present arrangement is to be permanent.

SEES 50 PER CENT LOSS OF SERVICE

By E. M. Boyd, radio editor of the Cincinnati Enquirer

The long-heralded set-up has not accomplished more than a 10 per cent improvement in reception conditions, at the price of a loss in service of at least 50 per cent; November 11 did not usher in the radio millennium or anything approaching that perfect state. Heterodynes persist in 90 per cent of their former violence on cleared as well as regional channels. Reception of out-of-town programs with the consistent volume and clarity required for enjoyment has been impossible.

In the final analysis, dependable service from several stations—not DX—is what the overwhelming majority of listeners desire, and granting that the heterodynes which now mar cleared channels will be eliminated, the new plan does not hold out any promise of supplying the amount or quality of service to which listeners formerly were accustomed. Either every station assigned a cleared channel must be required to use the maximum practicable power or the channels now cleared should be assigned to several stations operating regionally.

The writer can not indorse any allocation which relegates such outstanding pioneers of the air as WGY, Schenectady, and WSAI, Cincinnati, to daytime operation and permits certain "wave pirates" to operate on full time on desired channels. Or he can not conceive what reason, beside the Davis amendment, would explain the power increase to 20,000 watts of a station which has gained its personal ends and considerable notoriety by attacks on prominent American citizens and members of the Radio Commission as well. The commission's task is unfinished.

NOT WORTH TWO WHOOPS

By Vinson Hunter, radio editor of the Columbus Dispatch

When the new layout first went into effect one of our artists came back to my desk and said:

"The new allocations are terrible."

"Give them time," was my reply.

"I'd like to give them time all right—30 days and costs," was the comeback.

And now more than one week after the birthday of the new system I feel like going the artist one more and giving them 60 days plus double costs.

In other words, I do not believe they are worth two whoops. In many cases they are no better than they were before, and in the remainder of cases they are worse.

Heterodynes are still prevalent, and although some stations are coming in fairly good, so many more have been lost as far as good reception is concerned that the balance is far from being favorable.

I do not believe that it is possible to put 700 stations in a 1,000-kilocycle band, with a 10-kilocycle separation, and get good results. Let's have about 300 less of these 50 and 100-watt stations, less "equal distribution," and leave stations on the air that can furnish good programs to a large number of persons. The commission has experimented enough.

CALLS IT POOR ATTEMPT

By S. D. Fox, radio editor of the Terre Haute Star

Indiana has had a week of "tasting" the new allocations for radio stations and likes the sample just about like a taste of bitter persimmon. The regional and local channels are total losses unless the listener is within a mile or two of a good transmitter. The cleared channels live up to their name, but they have been cleared of stations instead of whistles. Now there are few stations available that will provide clear, loud signals for day and night reception. Before the shake-up there were many.

Terre Haute, situated as it is near the "crossroads" of broadcasting activities, should be a good spot in which to study the Nation's radio set-up. From the north, east, south, and west there used to be available the best of programs from some of the best transmitters. Thus one would expect that poor reception from one direction would be offset by good programs available from another. Before November 11 that was the case.

Since November 11 it is not the case. A lengthy study of conditions was made by the writer throughout Friday evening, November 16. This was a night that before November 11 would have been classed as a "good radio night." The test was conducted with a 10-tube superheterodyne and loop antenna, a combination that has previously demonstrated its ability to perform 10-kilocycle separation.

Summing up the results, we find that about 50 per cent of the space on the dials brings in nothing but howls, squeals, whistles, and groans, while out of the remaining half probably 25 per cent of the stations are received without a whistle. This is a condition that did not exist before the great shake-up.

Listeners here are openly antagonistic to the Federal Radio Commission because of the changes. The commission promised good reception in place of chaos. We find instead chaos in place of good reception.

It is to be hoped that the commission will listen to the demands of the listeners and once again permit the industry to work out its own problems as it did when radio was under the control of Secretary Hoover.

ALLOCATION STEP IN RIGHT DIRECTION

By Willis K. Wing, editor Radio Broadcast, Garden City, N. Y.

The November 11 allocation of the Radio Commission has beyond question demonstrated that it is a step in the right direction. It has taken many weary months to show that the engineering advice offered the commission a few months after its first organization is inescapable in its accuracy. The commission has been faced by pressure of all sorts and is to be commended for finally striking out on a progressive course.

It is certain that 40 completely cleared channels for high-powered national service is the minimum satisfactory for radio reception under the present conditions. Although there are many spots in the present allocation which need adjusting, the present allocation is highly satisfactory. To my mind, it demonstrates definitely the fact that 50 cleared channels are required in order to fulfill the clause in the radio act relating to "public interest, convenience, and necessity."

The fact that the commission has held hearings where important stations, demonstrably giving a high grade of public service, must fight for more time, shows that a greater number of cleared channels is essential.

HOWLS AND WHISTLES IN BOSTON

By Francis G. Jenkins, radio editor Boston Herald-Traveler

Clear, cold nights, with their attendant ideal listening conditions, in the past week give a fair idea of what the new set-up will be this winter. In this section, or I might say in metropolitan Boston, two of three locals are heard very well, the other is too low to be received by a majority of sets, and thousands of listeners are protesting.

Howls and whistles are heard on nearly every wave on these cold nights, caused by heterodynes and regenerative sets. Outside stations operating on clear channels are heard here, but can not be relied upon

because of fading. WLW is about the only one that can be used for dependable reception after dark. The only trouble with these outside stations that can be heard here is that they duplicate the program of the local stations associated with one of the chains.

On an average set recently stations in Philadelphia, Chicago, Canada, Cincinnati, New York City, and New York State were held with a moderate amount of fading. Most of the high-power stations on the cleared channels fade too much to be of service here.

IMPORTATION ON A CARILLON OF BELLS

Mr. FLETCHER. I introduce another bill to provide for refunding to the American Foundation (Inc.) tariff duties paid on a certain carillon of bells, and I should like to have printed along with it in the RECORD a statement—it is very brief—clipped from the Associated Press showing the public use to which this carillon is being now devoted. I ask to have the bill and the clipping printed in connection with my remarks.

There being no objection, the bill (S. 4703) to provide for refunding to the American Foundation (Inc.) tariff duties on a carillon of bells was read twice by its title, ordered to be printed in the RECORD, and referred to the Committee on Finance, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to the American Foundation (Inc.), a corporation created and existing under the laws of the State of ———, tariff duties in the amount of $33,588.40, paid on the importation of a carillon of bells, and such sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The accompanying statement was ordered to be printed in the RECORD, as follows:

BOK CARILLON BELLS THRILL 20,000 PERSONS—ANTON BREES, NOTED CARILLONNEUR, GIVES HIS FIRST RECITAL

LAKE WALES, December 2.—Edward W. Bok's memorial to his grandparents and gift to the people of Florida came to life to-day when the first recital on the mighty set of 61 carillon bells, weighing an average of 1 ton each, was played before an audience of approximately 20,000 at the Mountain Lake sanctuary 2 miles from here.

With Anton Brees, world-famed Belgian carillonneur, at the keyboard, the carillon's tones thrilled the thousands who had flocked to the sanctuary from all parts of the State.

Mr. Bok, with Josef Hofman, famous pianist and composer, as his guest, took his favorite listening place on a tiny island in the shadow of the 7-story tower.

Promptly at 4 o'clock the shrill carillon tones echoed from the highest point in Florida. The bells were heard for many miles as the familiar strains of Lead Kindly Light floated through the air. For one hour the recital was continued.

Beginning to-morrow, daily concerts will be played from the picturesque structure and elaborate plans are being made for a formal dedication on February 1, when it is expected that President Calvin Coolidge, Herbert Hoover, President elect, and other American and European celebrities will be in attendance.

Announcement has been made that President Coolidge had "virtually accepted the invitation," while Mr. Hoover's Florida itinerary is being arranged to include the dedication ceremony.

The program to-day was broadcast. The carillon bells were imported from London.

NATIONAL PARK IN SOUTHERN FLORIDA

Mr. FLETCHER. I wish to introduce and have referred to the Committee on Public Lands and Surveys a bill looking to the establishment of a national park in the only portion of the country that is really tropical—the southern part of Florida, where such a park ought to be established.

The bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Everglades National Park in the State of Florida, and for other purposes, was read twice by its title and referred to the Committee on Public Lands and Surveys.

AMENDMENTS TO BOULDER DAM CANYON BILL

Mr. PHIPPS submitted three amendments intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. ODDIE submitted an amendment proposing to appropriate $5,847.56 for compensation of officers and employees of the assay office, at Carson City, Nev., and for incidental and contingent expenses, including traveling expenses, new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, etc., intended to be proposed by him to the Treasury and Post Office appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

On motion of Mr. NYE the Committee on Public Lands and Surveys was discharged from the further consideration of the bill (H. R. 5952) for the relief of Robert Michael White, and it was referred to the Committee on Public Buildings and Grounds.

SINKING OF STEAMER "VESTRIS"

Mr. WAGNER. Mr. President, I send to the desk a resolution which I ask to have read and referred to the Committee on Commerce.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 272), as follows:

Whereas on November 12, 1928, the steamship *Vestris*, outbound from the port of New York, foundered at sea with the loss of many lives; and

Whereas it is imperative that life and property be accorded the utmost attainable degree of safety from the perils of the sea: Therefore be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed (1) to collect, collate, coordinate, and make available to the Senate the results of the inquiry into the loss of the steamship *Vestris* conducted before Commissioner Francis A. O'Neill, of the United States District Court for the Southern District of New York, and the inquiry conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce; (2) to make such further investigations of the sinking of the steamship *Vestris* and the rescue operations carried on in connection therewith as the committee shall deem advisable and necessary for the purposes of this resolution; (3) to investigate the adequacy of the present legal standards of safety of ship construction and operation; (4) to investigate the adequacy and efficiency of the Steamboat Inspection Service; (5) to investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of devices and practices conducive to safety; and (6) to make a preliminary report of the results of its investigations as soon as practicable, to make further reports from time to time, but at least once during each regular session of the Senate, until it has completed its investigations, and to submit a final report to the Senate together with its recommendations for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The VICE PRESIDENT. If there is no objection, the resolution will be referred to the Committee on Commerce.

Mr. WARREN. Mr. President, it will first have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will have to go finally to that committee.

Mr. JONES. It will have to go finally to the Committee to Audit and Control, but I think it should first go to the committee that has jurisdiction of the subject matter, which is the Committee on Commerce. Then it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate before it is finally acted on.

Mr. WARREN. But should not the Committee to Audit and Control first determine the question and then have the resolution sent to the Committee on Commerce?

Mr. JONES. I think it should go first to the Committee on Commerce.

Mr. WARREN. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee on Commerce.

Mr. FLETCHER subsequently said: Mr. President, I had prepared a resolution providing for an investigation of the *Vestris* disaster. I think that investigation ought to be made. The resolution offered by the Senator from New York [Mr. WAGNER], however, is quite ample, it seems to me, to cover the situation, and makes all the necessary provisions for such an investigation. Of the joint resolution introduced by the Senator from Washington [Mr. JONES] I heard only the title as it was not read, but the difference seems to be mainly that one provides for a special committee and the other for a joint committee. I think that is largely immaterial. Those two resolutions, however, having been offered and referred to the Commerce Committee, I think it unnecessary to introduce any further resolution on the subject. I believe that the investigation ought to be made.

LUCY A. VAN DEMAN

Mr. WATSON submitted the following resolution (S. Res. 273), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lucy A. Van Deman, mother of Faye E. Van Deman, late an assistant clerk to the Committee on Interstate Commerce, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON RULES

Mr. CURTIS submitted the following resolution (S. Res. 274), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Rules, or any subcommittee thereof, is authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof, may sit during any session or recess of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR GOODING

Mr. BORAH submitted the following resolution (S. Res. 275), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. FRANK R. GOODING, late a Senator from the State of Idaho, upon vouchers properly approved.

CALL OF THE ROLL

Mr. BINGHAM obtained the floor.

Mr. JONES. Mr. President, I suggest the absence of a quorum, at the request of the Senator from Pennsylvania [Mr. REED].

The PRESIDING OFFICER (Mr. MCNARY in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McMaster	Smith
Barkley	Gerry	McNary	Smoot
Bayard	Gillett	Metcalf	Steck
Bingham	Glass	Moses	Steiwer
Black	Glenn	Neely	Stephens
Blaine	Goff	Norris	Swanson
Blease	Gould	Nye	Thomas, Idaho
Borah	Greene	Oddie	Thomas, Okla.
Bratton	Hale	Overman	Trammell
Brookhart	Harris	Phipps	Tydings
Broussard	Harrison	Pine	Tyson
Bruce	Hawes	Pittman	Vandenberg
Capper	Hayden	Ransdell	Wagner
Caraway	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ark.	Warren
Dale	Kendrick	Sackett	Waterman
Dill	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	Locher	Shipstead	
Frazier	McKellar	Shortridge	

Mr. NORRIS. Mr. President, I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is detained from the Chamber by illness.

Mr. SHEPPARD. I wish to state that my colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, there is a quorum present.

RELIEF OF PORTO RICO

Mr. BINGHAM. Mr. President, I ask unanimous consent to proceed for a few minutes to describe what happened in Porto Rico on the 13th of September and what I saw of the island on a recent visit and to touch on the immediate needs. I know that this is out of order at this time, but I ask unanimous consent to proceed for 10 or 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the Senator may proceed.

Mr. BINGHAM. Mr. President, on the 13th of September there occurred the worst hurricane in the entire history of the West Indies. It is very difficult to talk about this hurricane without dealing in superlatives, and when one starts dealing in superlatives it is very difficult to persuade his audience that he is not exaggerating.

On the map behind me there is an indication of that part of the island of Porto Rico which was devastated as it had never been devastated before. It will be seen by a glance at the map that a very large part of the productive area, practically all of the area in which coffee grows, every bit of the area in which the tobacco grows, a small part of the area in which citrus fruits are grown, and a small part of the area in which sugar is grown, were hit by the center of this hurricane.

The last serious hurricane before this occurred in 1899. At that time the excessive winds lasted for about three hours. This year the hurricane's excessive winds lasted for nearly 12 hours. The most serious part of the damage was due to the fatigue of materials during the last two or three hours of the hurricane.

In 1899, during the last very severe hurricane, the wind reached a velocity of between 90 and 100 miles an hour. This year, in San Juan, the capital, which is near the north coast but several miles away from the center of the storm, the wind gauge was registering 150 miles an hour when it blew to pieces. The wind continued to increase in velocity for three hours longer.

The meteorologist of the station at San Juan, Doctor Fassig, who has been there many years, and is, perhaps, the leading authority in the world on tropical hurricanes, estimates the wind velocity in the southeastern part of the island—to which I am now pointing on the map—as between 180 and 200 miles an hour and the wind velocity over most of the north coast as being 150 miles an hour.

It can be readily imagined that with a velocity of that intensity, and with the period of time over which it lasted, practically nothing escaped some harm. Of the nearly 1,500,000 people who inhabit the island, practically every one was affected to a greater or less degree.

The American Red Cross, which went to the relief of the island immediately, as soon as vessels could be engaged and men could reach there; and the Army, which diverted one of its transports immediately, and did everything within its power to furnish supplies, cots, and bedding, report that in the first two or three weeks of the hurricane 513,000 people were absolutely destitute, without food, without shelter, and without any clothing except the little that they had on their backs.

In the hurricane of 1899 there were 3,000 people killed, chiefly by floods. The rainfall during that hurricane was about 23 inches. But, fortunately, during this last hurricane, although the rainfall in the center of the island reached the unprecedented magnitude of 29 inches during 24 hours, there were only 300 people or less—perhaps only 250 people—who lost their lives, because the hurricane moved slowly and was anticipated by two days. Warnings were sent to every part of the island; by telegraph and telephone and by foot messengers every part of the island was reached. The people were warned to leave the valley bottoms and to get up onto the hills, so that although in some places the roads were 5 to 6 feet under water, and although the dwellings of half a million people were destroyed, fortunately, the loss of life was very small.

Porto Rico depends on five crops for its livelihood—sugar, tobacco, citrus fruits, coconuts, and coffee. The sugar grows mostly along the south coast, which was not so severely devastated. There is also some sugar cane on the north coast

and some along the east coast. It all grows in the lowlands. The sugar plantations on the southeast and east coasts suffered very severe damage. Most of the plantations had their mills insured, so that the total loss of the sugar plantation will not exceed $17,000,000. They are not asking for any aid, although the small planters, who sell their crops to the mills, will need aid for the next year or so if they are to come back to normal.

Citrus fruits grow largely on the North coast. The planters in this area [indicating] did not lose more than 5 or 10 per cent of the trees, but, as will be seen from the chart which I have on the wall beside the map, the citrus fruit crop, which was estimated at $6,800,000, is more than half destroyed. The sugar crop, estimated at $54,000,000, was about one-fourth destroyed. The coffee crop, which this year was to be a bumper crop, was 90 per cent destroyed.

Coffee grows in the central portions of the island and almost entirely in the area which was totally devastated. It takes a coffee tree nearly five years to reach normal production, or to come into bearing after being planted. Coffee grows in the shade and does not flourish in the sun. It will take the shade trees six or seven years to come back to normal.

I was born and brought up in the Tropics and lived there during the first 16 years of my life, and I did not believe it possible that the great forest trees, especially in the tropical jungle, with their strength and vigor in a country blessed with an abundant rainfall, could be killed by wind. But this hurricane wind there, which had an estimated velocity of 180 miles an hour, tore off all the foliage and killed most of the trees all through this section here [indicating]. It will take the coffee planters at least five years to come back to normal production. It happens that their crops have not been very good in recent years up to the present year. In 1913–1915 the coffee crops averaged about 50,000,000 pounds a year. About six years ago they had a small hurricane and the coffee was partly damaged and their crops came down to about half that amount. Two years ago, in the hurricane that struck southern Florida, a good part of the coffee was destroyed and the crop came down in the past year to less than one-sixth of the normal production. This year the planters were blessed with a great crop. They saw actually on the trees a crop amounting to nearly 50,000,000 pounds of coffee, valued at about 25 cents a pound, finding its market chiefly in Europe where Porto Rican coffee is particularly valued. That coffee crop is almost a total loss. It will take the coffee planters from four to five years to come back. The coffee trees were about half destroyed. The coffee shade trees were about 60 per cent destroyed and it will take them six or seven years to come back.

The coconut crop, which fortunately is not a very important item in the island, was totally destroyed. The coconut trees were 32 per cent destroyed and when they plant new trees in their places it will be eight years at least before the trees will begin to bear.

Tobacco seed beds were not greatly harmed, only about one-quarter of them being destroyed, and a new crop was just only started, so the tobacco crop was not seriously harmed, but so much of last year's crop as was in barns was totally destroyed. There were in Porto Rico, in the area shown on the map in tobacco plantations, about 6,950 barns and warehouses. Most of the barns are small, costing only about $2,000 or $3,000, built of timber, and naturally out in the open. There are to-day in the island, so far as we are able to find out, of those 6,950 barns just 3 that are standing. I was unable to find any of the three. I stood in one place where I could count 42 of them in one valley, all in sight, and all leveled to the height of piles of kindling wood. Some of them were insured and the planters have begun to replant the seed beds, which are coming on, and next year's crop it is hoped will be a good one. The total loss of property is about $90,000,000.

Mr. President, the finest thing that I saw in the 10 days spent in Porto Rico was the attitude of the people. Instead of being depressed, instead of standing with their hands out begging for charity, they were all at work doing what they could, although there are nearly 300,000 unable to find employment due to the fact that the natural employers of labor can not borrow money because of the fact that their plantations are so far gone that they can not for the next three or four years pay any interest on the money that they might borrow. Credit is frozen.

I traveled 600 miles on the island by automobile. We stopped from 50 to 75 times a day, interviewed a great many people, and only had two people ask for charity—one old man and one little boy—a most extraordinary thing in a land where 1,471,000 people were affected and where over 500,000 people were reduced to a state of utter destitution without food or shelter. They are a splendid folk, all trying to help themselves.

Mr. President, at this time I introduce a joint resolution, which I ask to have referred to the Committee on Territories and Insular Possessions. We shall have a meeting of that committee next Monday to hear the Governor of Porto Rico, the auditor of Porto Rico, certain of the planters who have come up, the manager of the farm-loan bank, and the officers from the War Department who were sent immediately to study the relief situation.

Mr. TRAMMELL. Mr. President, I would like to suggest the reading of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read at length.

The joint resolution (S. J. Res. 172) for the relief of Porto Rico was read the first time by its title and the second time at length, as follows:

S. J. Res. 172, Seventieth Congress, second session

Mr. BINGHAM introduced the following joint resolution; which was read twice and referred to the Committee on Territories and Insular Possessions:

Joint resolution for the relief of Porto Rico

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed, and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission to be known as the "Porto Rican Hurricane Relief Commission" (hereinafter referred to as the "commission"), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of, a secretary and such clerical and other assistants, and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan shall be 5 per cent per annum, but the commission may, in its discretion, waive the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made through such agencies as the commission shall designate. For carrying out the purposes of this section there is

hereby authorized to be appropriated the sum of $10,000,000, of which $5,000,000 shall be made immediately available, $3,000,000 shall be made available on January 1, 1930, and $2,000,000 shall be made available on January 1, 1931. Any money received as repayment of any loan made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session giving a complete account of its activities in carrying out the provisions of this resolution.

Mr. BINGHAM. Mr. President, there are one or two things I should like to say before I sit down. I would like to call attention, first, to the fact that never before in the history of America, so far as I know, has so large a part of any political area been devastated; never before has so large a part of any population within any State or Territory or insular possession been rendered destitute. Never before in American history have so many very poor people been seriously hurt. Most of the 500,000 people who were fed by the Red Cross, if they could secure normal employment, would be earning from 60 to 70 cents a day. It will be seen that in an attempt to support their families on 60 or 70 cents a day they have been unable to lay by anything. They are destitute and have very few friends to help them. The need for immediate employment is very great. If we do not enact some legislation in the very near future for their relief there will be an enormous amount of suffering inflicted upon those people. I hope very much that the committee will consider the matter in the near future and will report the joint resolution back favorably, and that the Senate will be willing to consider it in the morning hour at some time when nothing else interferes, so that, if possible, we may get this relief measure enacted into law and the commission under way before Christmas.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Territories and Insular Possessions.

Mr. BINGHAM. Mr. President, I ask that a letter from one of the principal coffee growers of Porto Rico, Dr. Francisco Sein, may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

LARES, P. R., *November 15, 1928.*

Senator BINGHAM:

DEAR MR. BINGHAM: Allow me to state as briefly as possible the critical economic situation of this town and ask of you in its name and in that of the other coffee centers of the island your powerful actuation in our behalf. The coffee growing has been dealt a fatal blow.

Six years ago a small storm began the damages to our coffee farms. Later in 1926 another one brought about serious wreck to the plantations, more than 50 per cent of that year's crop having been lost because of it. The year following this the crop was very small, and then came the furious cyclone of San Felipe, which has beaten all records of wreckage and left the coffee growers in the greatest ruin. The crop this year was splendid and they had all hoped to cancel the greater part of their debts and to push the cultivation of their farms in such a manner that the workers would derive not only the benefit of the picking of the crop but also work during all the year in order to take care of their needs.

The help we consider necessary is that of money loans at long term and at low interest not beginning to pay before the fourth year. Ninety-five per cent of our farms are mortgaged to the Federal bank.

* * * * * * *

The poverty and misery takes hold of the working class, which does not find whereby to make a living, and likewise the situation of the coffee farmers is sad and critical in extreme.

The municipalities will not be able to support their public services due to the fact that they will have no income, since it will be impossible to pay taxes with the farms totally destroyed as they are. The dire consequences resulting from this state of affairs are easy to predict.

During the past month of September at a meeting of the local directors of the coffee growers associations of Porto Rico, held in the Federal Bank of San Juan, we proposed through Mr. Thomas, manager of said bank, a plan of loans for the members of the associations of $25 for each cultivable acre of coffee during the first year, $15 the second, and $10 the third, beginning to pay from the fourth year on, both interest and principal.

Without this help, which could be extended to all the coffee growers, or without some other form of loan, which the Government may see well to grant, the ruin of the farmers is inevitable, and they will either have to hand over their farms to their creditors or thus become paupers or emigrants. A tariff protection for our coffee as high as 10 per cent per pound on toasted coffee would avoid the ruinous competition done to our coffee causing so much damage to us.

With most sincere sympathy for whatever you may do in behalf of these long-suffering farmers, who put this matter on your able hands and on the solicitous care of our mighty Government, we are,

Truly yours,

CAFETEROS DE LARES (INC.),
By FRANCISCO SEIN, *Presidente.*

Mr. BINGHAM. I also desire to make a request concerning the report of the general survey committee made at the suggestion of the Governor of Porto Rico and the War Department. I will say that I believe it is the most careful census and survey of any great disaster that was ever made. Every one of the houses on the island was visited by members of the survey, who were in the first instance school-teachers, the schools being closed for three weeks in order that the survey might be made, and, in the second instance, supervisors of the schools, aided by the officers of the Sixty-fifth Infantry, which assisted in every possible way. I ask that the report of the general survey committee, which is too long to be printed in the RECORD, may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TRAMMELL. Mr. President, I asked that the joint resolution be read for the reason that a certain limited area of the State of Florida suffered most severely from the same hurricane which, as has been depicted by the Senator from Connecticut [Mr. BINGHAM], devastated Porto Rico. I am sure that, although the destruction was not so severe in that limited area in my State as it was in Porto Rico, yet the hurricane which visited that area destroyed property belonging to a great many people, including hundreds and thousands of homes. It destroyed all farm crops and cattle and stock on the farms in certain localities. So I am very much in sympathy with the object and purpose of the joint resolution, but I feel that in any investigation conducted and in any relief that is to be offered this limited area in Florida which was also so disastrously affected should be included. A great many farmers and citrus-fruit growers in that section are to-day absolutely penniless. Their homes are gone; their farms are gone; their stock is gone; and the destruction of life was most terrible. Between 1,800 and 1,900 deaths from the storm, principally from high water, have been reported.

My object in calling this matter to the attention of the Senate is that the committee may investigate the situation in the limited area in Florida to which I have referred. Of course, it is only a limited area, very small compared to the entire territory of the State, but within that area the people in certain localities at least suffered just as severely as did the people of Porto Rico. I hope the committee will take that fact into consideration in its investigation, and that some relief may be afforded, especially for the purpose of rehabilitation of the farms, and in some instances where the property of the citrus-fruit growers was completely destroyed, the trees having been entirely uprooted. I believe that also is worthy of consideration.

I wish to commend the Senator from Connecticut for bringing to the attention of the Senate at this time the condition of Porto Rico; I think that this is a beneficence that should be extended on the part of the Government; but I believe, in justice, that it also should be extended to that limited area of Florida to which I have referred.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Florida about what number of people were affected in that limited area to which he refers? Can the Senator give us some idea as to their number?

Mr. FLETCHER. Mr. President, in answer to the question of the Senator from Georgia, and with the permission of my colleague [Mr. TRAMMELL], I will state that from 2,000 to 2,500 lives were lost.

EZRA MEEKER

Mr. DILL. Mr. President, I rise to call attention to the death of one of the most notable pioneers in the history of the Northwest, Ezra Meeker. Mr. Meeker died a few days ago and his funeral is being held in Seattle to-day. He reached the ripe old age of almost 98 years. Mr. Meeker crossed the continent in 1852 by ox team over the Oregon Trail and lived

until the time when he could cross the country over the same route by airplane. While he was a man small in stature, he had the heart of a lion and the courage of an eagle. He always kept a sweet temper through his later years. He was a booster and a forward-looking man to the day of his death.

His death serves to remind us of the marvelous development of this country, its new inventions, and its changes in methods of transportation during the lifetime of one man. I am glad the American people do not worship their ancestors; I am glad they do not look backward for their guides in life; but I think it is well to give attention to a man like Mr. Meeker and to remember that it was pioneers such as he who made possible the civilization and development of the western country at this time in the history of the world.

Mr. Meeker not only made history in the West, but he lived long enough to succeed in erecting monuments along the old Oregon Trail that will forever be reminders to future generations of the daring, the sacrifice, and the struggles of those men in his time who won the West for American civilization. He was the last of his kind. May his restless spirit now rest in peace.

FLOOD CONTROL IN THE SOUTH

Mr. FLETCHER. I desire to introduce a bill looking to the improvement of the navigation and control of floods of the Caloosahatchee River and Lake Okeechobee and its drainage area in Florida.

The Senator from Connecticut [Mr. BINGHAM] has described the effect of the hurricane in Porto Rico very graphically and impressively. That storm extended to the southern coast of Florida, reaching there on the 18th of September and attaining its highest intensity between 6 and 9 o'clock that Sunday night. It covered between Fort Lauderdale on the south and Jupiter on the north an area about 60 miles in width, and extended from the Atlantic Ocean across the State, losing its intensity, however, west of Lake Okeechobee.

As my colleague [Mr. TRAMMELL] has mentioned, there was tremendous loss, as a result of the storm, in property and in life. The property loss has been estimated at $100,000,000. It may be somewhat less; it may be more. That, however, can be restored, will be restored, and is now being restored. The Red Cross has done a most commendable and thorough work down there, and their help and assistance is greatly appreciated. There has been voluntary assistance also from other portions of the State and the country at large. There was destruction of buildings and of other property, such as timber, trees, and shrubbery, which all went before that storm. Practically nothing could withstand the force of the wind, reaching a velocity of 125 miles an hour at West Palm Beach. The rain continued for two days even after the hurricane.

The greatest loss, however, and the most lamentable occurrence was the loss of life. The figure has been placed at 2,000, and some think that even yet the extent of that loss has not been definitely ascertained. It may reach as high as 2,500. From 2,000 to 2,500 human beings were drowned.

The direct cause of the drowning of the people was the overflowing of Lake Okeechobee. These people were located mainly just south of the lake, and the excessive winds and the rainfall coming in torrents lifted the waters of the lake from 6 to 8 feet high and those waters flooded the area just south, southeast, and southwest of the lake, causing the loss of lives by drowning. That can be prevented. There is no reason why that should ever happen again. It can be avoided particularly by levees along the south and southeast and southwest areas of the borders of Lake Okeechobee and by carrying out plans in pursuance of the recommendations of the Chief of Engineers submitted to the Seventieth Congress, first session, in Document No. 215, on April 7, 1928.

This survey by the Chief of Engineers was made in pursuance of an act of Congress of February 2, 1927. In this report the Chief of Engineers refers to other reports and recommendations by other bodies authorized by the State and commends the work of these other bodies and their conclusions. Particularly the report of the Everglades Engineering Board of Review to the Board of Commissioners of Everglades Drainage District is mentioned by the Chief of Engineers in House Document 215, and the recommendations of that board of review seem to meet with favor on the part of the Chief of Engineers. If the work is done according to the finding of these experts, there can be no question but that the waters of Lake Okeechobee will be confined within the lake, and this flooding of the fertile, productive lands lying south, southeast, and southwest will be prevented. Such levees, it is stated, need not be over some 12 feet high. A channel along the levee can be constructed for navigation purposes while the levee is being built and as a part of the construction of the levees. The cost, according to these estimates, will be within two or three million dollars.

I am now introducing a bill, and asking its reference to the Commerce Committee, to provide for this work being done on the basis of half the cost being paid by the State and half by the Federal Government. This land, to which the people are flocking back as fast as the waters can be taken off and it can be made habitable, is as rich and fine and fertile as can be found anywhere in the world. The evidence of that is that people had to be restrained from going upon the land too quickly after this flood came. It is the great area in which the winter vegetables to feed the people of the United States can be produced. All kinds of vegetables, citrus fruits and other fruits, tropical fruits of every variety, grow there with such rapidity and such perfection that the people are willing to risk their lives by hastening back to begin the work on their farms in this area, and they ought to be protected. They are being taxed for drainage purposes more than they can stand, really, unless some protection is given to them.

The local interests can not well bear the enormous burden of building these levees along the lake, some 50 miles in length. Navigation is involved, not only domestic but foreign commerce, because out of Lake Okeechobee on the north the St. Lucie Canal leads to the St. Lucie River and St. Lucie Inlet into the Atlantic Ocean, and out on the southwest the Caloosahatchee River leads into San Marco Bay and into the Gulf of Mexico; so that there is both foreign trade and commercial connection between this area and the outside world. Therefore the Federal Government, in my judgment, ought to participate as it has done in the Sacramento Valley, as it has done in the Mississippi Valley, as the precedents now show, in the construction of this protection work, these levees and canals, for the purpose of developing the waterways and at the same time giving flood control.

I therefore ask that this bill be referred to the Commerce Committee and that there be printed in connection with my remarks in the RECORD, along with the bill, resolutions by the South Florida Development League and a communication from Mr. E. G. Sewell. I have a number of such communications, but it is unnecessary at present to submit more than this, as it bears in a pointed and brief way upon the general subject. I also offer a communication from Mr. F. C. Elliot, chief drainage engineer and secretary of the Everglades Drainage District Board, and resolutions attached, which resolutions were referred to the Chief of Engineers, and on November 27 he made reply thereto, showing that the matter mentioned in these resolutions was brought to the attention of the district engineer when he was making the survey in pursuance of the act of Congress in February, 1927. I ask that these be printed in the RECORD along with my remarks.

The PRESIDING OFFICER. The bill will be referred to the Committee on Commerce; and, without objection, the resolutions and letters will be printed in the CONGRESSIONAL RECORD.

The bill (S. 4705) for improvement of navigation and the control of floods of Caloosahatchee River and Lake Okeechobee and its drainage area, Florida, was read the first time by its title and the second time at length and referred to the Committee on Commerce, as follows:

S. 4705, Seventieth Congress, second session

Mr. FLETCHER introduced the following bill; which was read twice and referred to the Committee on Commerce:

A bill (S. 4705) for improvement of navigation and the control of floods of Caloosahatchee River and Lake Okeechobee and its drainage area, Florida

Be it enacted, etc., That for controlling the floods; constructing, enlarging, and improving canals; the improvement of Lake Okeechobee and the Caloosahatchee River and St. Lucie River and connections with Lake Okeechobee, the St. Lucie Canal, and such other outlets as may be found advisable, Florida, the Secretary of War is hereby authorized and directed to carry on continuously by hired labor or otherwise the plans and such modifications thereof as may be approved by the Chief of Engineers in accordance with the report of the Everglades engineering board of review, dated May 3, 1927, as mentioned and recommended in House Document No. 215, Seventieth Congress, first session, but without the conditions therein mentioned, in so far as said plans provide for flood control and navigation, including the levees and the canal mentioned in said report of the Everglades engineering board of review, to be paid for as appropriation may from time to time be made by law not to exceed in the aggregate $5,000,000.

SEC. 2. All moneys appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans and specifications made in pursuance of the recommendations of the Everglades engineering board of review, as approved by the Chief of Engineers, for the control of floods, construction of levees and canals, and improvement of Lake Okeechobee and the St. Lucie and Caloosahatchee Rivers, mentioned in said House Document No. 215, Seventieth Congress, first session: *Provided,* That no

money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of Florida will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of Florida will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the lake levees contemplated in the report of the Everglades engineering board of review dated May 3, 1927, and such modification thereof as may be approved by the Chief of Engineers will be constructed to such grade and section and within such time as may be required by said Chief of Engineers: *Provided further,* That said State shall not be required to expend for such work for any one year a sum larger than that expended thereon by the United States during the same year: *And provided further,* That the total contributions so required of the State of Florida shall not exceed in the aggregate $5,000,000.

SEC. 3. All money contributed by the State of Florida as herein provided shall be expended under the direction of the Chief of Engineers and in such manner as he may require or approve, and no money appropriated under authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided,* That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of Florida toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

SEC. 4. Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of Florida for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

The resolutions and letters referred to are as follows:

Resolutions regarding Lake Okeechobee flood control and building of refuge for menaced settlers

Whereas the need for flood control of Lake Okeechobee waters has become imperative; and

Whereas the cost of such control is beyond the present resources of the State boards of Florida; and

Whereas the United States Government already exercises a measure of control over the said waters of Lake Okeechobee: Therefore be it

Resolved, That this body hereby respectfully and earnestly requests our State delegation in Congress to press in that body for such an extension of Federal control of the said waters of Lake Okeechobee as will adequately protect life and property in the Lake Okeechobee region; and

Whereas steps have been taken by the United States Coast Guard looking to the erection of one or more buildings of refuge in the Lake Okeechobee country similar to buildings it now operates elsewhere, at which to receive radio signals heralding the approach of storms, and from which to transmit these signals promptly to settlers; and to which, when necessary, to call these settlers into a shelter so capacious, well planned, and well built as to afford them ample protection until the danger is passed;

Resolved, That we also request our State delegation in Congress to cooperate with the said United States Coast Guard in securing the present Federal financing and the early erection and subsequent operation by the said United States Coast Guard of such building or buildings to serve the above ends.

Very respectfully submitted.

South Florida Development League, by Thomas E. Will, president; Alonzo Emans, J. R. Tidball, W. P. Read, J. H. Dunaway, W. H. Swan & Co., Joseph E. Davis, D. T. Hart, Glenn E. Furney, R. S. Lowry, J. K. Huey, Winifred W. Talbot, E. C. Brown, W. Witsky, A. J. Garten, J. W. Zugler, William G. Frieday, M. D., C. E. Park, H. W. Collins, R. W. Waller, E. J. Walter, F. W. Ommsby, W. G. Walter, F. M. McClain, J. M. Taul, P. O. Lee, A. W. Argo, Charles Helmich, Max Lehrman, F. O. Medford, jr., John T. Vasor, J. G. Abernathy, Max Feldman, Richard C. Howells, E. J. Reese, T. M. Griffin, W. W. Branch, F. M. Cabot, R. E. Howard, M. D., Emil Hoffmann, Lewis E. Moore, George G. Mathews, Leo W. Berry, Lee W. Hollingsworth, G. F. Friese, Charles E. Kelso, R. G. Snow, Reed H. Bryan, A. J. Merrill, V. Blosch, R. M. Fisher, G. B. Strayer, C. W. Oakes, Fred Schardt, T. N. Greveling, and E. J. Williams.

THE CITY OF MIAMI,
OFFICE OF MAYOR,
September 21, 1928.

Senator DUNCAN U. FLETCHER,
Washington, D. C.

MY DEAR SENATOR: I have been studying over the great loss of life in the Lake Okeechobee section and it appears to me that the condition there demands the attention of the Federal Government.

The land surrounding the lake is very fertile and will grow winter vegetables and sugar cane faster than most any section of the country, and hence the drawing attraction to the farmer.

The products raised in this section are shipped out by railway and much of it goes to the tables of people in many of our States, and the fact that the revenues from the railways benefit stock and bondholders in all sections of the country, it appears to me that the controlling of flood waters caused by rain and wind in that section should apply to the Federal Government as much as the flood waters in the Mississippi Valley section.

It is also a fact that the Federal Government is expending many millions of dollars in Western States to put water on lands for commercial purposes, and for this reason the control of flood waters on the lands in the Lake Okeechobee section of Florida should also appeal to the Federal Government for commercial reasons.

It is apparent that the storm of 1926 and the storm of 1928 has caused Lake Okeechobee to create a floodwater condition on the west side of the lake in 1926 and on the south side of the lake in 1928, and thereby caused more than 1,000 people to be drowned and, as I understand it, this is eight or ten times as many casualties as were caused by the Mississippi Valley floods during the past five years.

The overflowing of the lake affects several million acres of very fertile ground, and the fertility of this ground is thoroughly proven by the great number of farmers who have gone into the lake region during the past five years and insist on staying there and farming their lands regardless of the danger during high waters from rain and storms.

No doubt the Government engineers have worked out what would be the best remedy for this situation, however, as one who has watched the Lake Okeechobee region for the past 40 years it is my belief that there should be dredged an additional canal on the east side of Lake Okeechobee, the shortest distance to the sea, with a width of 250 feet and a depth of 14 feet.

Which additional canal, I am satisfied, including the capacity of the other canals which have been dredged by the State, would give easy control of the waters in Lake Okeechobee and enable the authorities to keep the lake down to the 15-foot level and thereby minimize the danger of hurricanes blowing the waters out over the banks and drowning the farmers on whichever side of the lake the wind might be blowing.

It is also a fact that a properly built levee around the lake area would assist in protecting these rich farming areas from the overflow of the lake.

A temporary safeguard to the farmers would be to provide 2-story reinforced concrete buildings in each thickly inhabited section, which buildings would act as assembly places of safety during hurricanes.

If you would feel interested in taking this matter up with Congress during next session, I would be very glad to give you any additional data which you may wish on this subject, as it is my opinion that the Florida Everglades are a very valuable asset to the State of Florida, and that this rich agricultural land should be tilled and made to provide additional food and wealth for the people of this country and with proper drainage and flood control this section would become the most valuable farming section in the United States.

In regard to selling additional bonds against the Everglades area to drain and control flood waters on same, it is apparent that this area has already been burdened with all the bond issues it can stand, as some twelve or fifteen million dollars in bonds has already been issued against this area, and I believe this to be a fair amount of local cooperation, especially so when the waters from the whole Kissimmee Valley empty into Lake Okeechobee.

Yours very truly,

E. G. SEWELL.

STATE OF FLORIDA, EVERGLADES DRAINAGE DISTRICT,
ENGINEERING DEPARTMENT,
Tallahassee, November 20, 1928.

Hon. DUNCAN U. FLETCHER,
Senator from Florida, Washington, D. C.

DEAR SENATOR FLETCHER: At the request of the Board of Commissioners of Everglades Drainage District, I am inclosing you copy of a resolution adopted by the board at a meeting held on November 13.

Very truly yours,

F. C. ELLIOT,
Chief Drainage Engineer and Secretary.

Resolution

Whereas Lake Okeechobee, in the State of Florida, and its tributaries constitute one of the largest waterways in the United States; and

Whereas the Government of the United States assumes jurisdiction and control over said Lake Okeechobee and requires it to be maintained at a specified water level for the benefit of navigation; and

Whereas it is alleged that the maintenance of said lake and water level specified by the United States Government presents a problem of hazard to life and property and citizens of the State of Florida who inhabit the territory adjacent to said lake; and

Whereas on September 16, 1928, as well as on September 19, 1926, many persons lost their lives in the area surrounding Lake Okeechobee by reason of tidal waves which occurred in Lake Okeechobee and over-

flowed the surrounding territory which was unprotected by any adequate flood-control works sufficient to assure the preservation of life and property; and

Whereas on October 29, 1927, the Governor of the State of Florida and officials of the Everglades drainage district presented data to the United States engineer in charge for the State of Florida requesting the cooperation and assistance of the Federal Government in connection with flood control on Lake Okeechobee; and

Whereas nothing has been accomplished by past petitions and entreaties of the Commissioners of Everglades Drainage District seeking to secure cooperation or assistance from the Federal Government in connection with the control of Lake Okeechobee and protection of lives from overflow of the lake; and

Whereas many more lives were lost in the disasters around Lake Okeechobee than were lost in the overflow of the Mississippi River, for which Congress has made provision to expend millions of dollars for the protection of human life; and

Whereas the scope of the work required to afford such protection is beyond the financial ability of the Commissioners of Everglades Drainage District to accomplish: Therefore be it

Resolved by the Commissioners of Everglades Drainage District, in regular session assembled at the State capitol, That on behalf of the State of Florida and the citizens thereof who are endangered and put in jeopardy by the flood waters of Lake Okeechobee, that we hereby petition our Senators and Representatives in the Congress of the United States to do all in their power and use all honorable means at the approaching session of Congress which convenes in Washington on December 3 to secure necessary appropriations for the complete and expeditious control of the flood waters of Lake Okeechobee and adequate protection of human life therefrom, and hereby offers to the Senators and Representatives of the State of Florida all assistance within our power to secure for Florida participation in the vast contemplated expenditure of Federal moneys for flood control throughout the United States; and be it further

Resolved, That a copy of this resolution be forwarded to each of our Senators and Representatives at Washington.

Done and ordered this 13th day of November, A. D. 1928.

JOHN W. MARTIN,
Governor and Chairman.

Attest:

F. C. ELLIOT, *Secretary.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, November 27, 1928.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: 1. I have the honor to acknowledge receipt of your letter of the 22d instant, together with its accompanying communication from Mr. F. C. Elliot, chief drainage engineer and secretary, Board of Commissioners Everglades Drainage District, Tallahassee, Fla., transmitting copy of a resolution adopted by the board November 13, 1928, relative to relief from Lake Okeechobee overflow conditions.

2. In reply permit me to state that the question of Federal participation in a future flood-control project pertaining to Lake Okeechobee is, as you can appreciate, one that would require legislative action by Congress. The data referred to in the resolution as having been presented to the district engineer in October, 1927, pertained to the survey of Caloosahatchee River drainage area and Lake Okeechobee, authorized by the act of February 14, 1927. The data thus presented received consideration by the district engineer in the preparation of his survey report. This report, together with the report of review by the Board of Engineers for Rivers and Harbors, and the report of the Chief of Engineers, is printed in House Document No. 215, Seventieth Congress, first session, a copy of which I am pleased to send you herewith.

3. The department is keeping in close touch with the situation at Lake Okeechobee and will be prepared to submit promptly any further reports that Congress may authorize. The correspondence from Mr. Elliot is returned herewith as requested.

Very truly yours,

EDWARD JADWIN,
Major General, Chief of Engineers.

Mr. SMITH. Mr. President, I was very much interested in the matter brought before the Senate in reference to the tropical storm that swept over Porto Rico, entered Florida, and then was deflected up the south Atlantic coast.

I do not believe that there has ever been a year in the history of the south Atlantic that has been so disastrous, agriculturally speaking, as the year 1928. The coastal region of South Carolina, extending up almost to the end of the coastal plain, was visited by torrential rains that were on the edges of two tropical storms that passed up through the Piedmont. The rivers had reached flood stage almost as high as ever had been known. The record up to that time had been the flood of 1908. The rivers had almost reached the flood stage of 1908 when the unprecedented storm of September 16, 17, and 18—I think those were the dates—swept over that region; and I do not believe there is a man who can conceive of the destruction and devastation that occurred in the coastal plain of Carolina and Georgia.

It had been my purpose to introduce a resolution to empower the Government agencies already established throughout the agricultural districts of this country, known as the intermediate credit banks and their local loan associations, to function in relieving this situation, not as a matter of charity but as providing a means by which those who are left without any kind of food crops, without credit, without capital, and with their lands already impaired, may be enabled once more to try to produce and make a crop in this stricken area. I think it could be done if our intermediate credit banks were given power to investigate as they come into contact with the farmers in this section and to extend, without interest, sufficient capital to those who are worthy moral risks to enable them once more to try to make a crop, and to give them three years in which to amortize the loan, taking a proper lien upon the products that may be produced.

Mr. President, to repeat, it is impossible to conceive of the destitution that has followed this disaster. For three years previously that part of the country was visited by unfortunate weather conditions; but the particular condition now is equal to, but not so extensive as, the destructive flood of the Mississippi Valley. On Thanksgiving Day I went down into a portion of that country; and the water on ordinary upland farms was anywhere from 4 to 10 feet deep, and stayed at that flood stage for nearly two weeks, while the cotton was open and the corn not yet matured, so that there was a loss of the corn crop, a loss of the cotton crop, and practically a loss of the cattle throughout an area two or three or four times as big as Porto Rico.

Mr. President, I call attention to this because, if no other means is practically available, I am in favor of granting relief to the Porto Ricans; but I certainly am more in favor of granting relief to our own immediate citizens, who are in as distressing a condition as agriculture can possibly find itself in.

FEDERAL LAND BANKS

Mr. BLEASE. Mr. President, I desire to offer a resolution.

At the last session of the Senate I introduced a resolution asking that the Federal Land Bank of Columbia, S. C., be examined into. The resolution was not passed and was unfavorably reported by the committee. I am informed that since that time one of the officers of the bank has committed suicide, another attempted suicide, but did not quite make it—somebody was foolish enough to stop him—another has pleaded guilty in the courts and has been sent to the penitentiary. There are seven others under indictment, and the head of the bank has just announced that his health is so bad that he is going to retire.

Mr. FLETCHER. The Senator does not mean officers of the Federal land bank?

Mr. BLEASE. Yes; that is what I am talking about. Does the Senator want to see the proof?

Mr. FLETCHER. I thought it was the officers of the bank with which they were dealing.

Mr. BLEASE. The Federal land bank at Columbia. Mr. Arnold, who, I am told, came from a job in the Atlanta penitentiary to be the president of it, is one of the men. Here is the proof:

To-day there are in that bank, and in one of its companion banks, detectives, experts from the Government, Secret Service men, checking up those banks; and this is why they are driving the money changers out—thieves that they are—as Christ drove out the money changers from the temple at Jerusalem.

It will be further shown that this bank has lost many millions of dollars which would not have been lost if the Senate had passed my resolution and started the investigation last spring instead of letting those people keep their hands on that bank continuously up to now.

I will not ask that the resolution be read—it is too long for that, with some exhibits which go along with it—but I ask that it be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 276) was ordered to be printed in the RECORD, as follows:

S. Res. 276, Seventieth Congress, second session

Whereas a resolution (S. 159) to investigate the administration of affairs of the Columbia (S. C.) Federal Land and Intermediate Credit Bank was introduced and referred to the Committee on Banking and Currency, February 24, 1928; and

Whereas a resolution (S. 167) for investigation of the Federal Farm Loan Bureau and subsidiaries was introduced on March 13, 1928; and

Whereas a resolution (S. 215) to require the Secretary of the Treasury to transmit to the Senate the annual report of the Federal Farm Loan Bureau was introduced on April 30, 1928; and

Whereas COLE L. BLEASE, junior Senator from South Carolina, the author of said resolutions, made various remarks upon said resolutions, as will more fully appear by referring to the CONGRESSIONAL RECORD of dates and pages, as follows:

S. Res. 159. To investigate administration of affairs of Columbia (S. C.) Federal Land and Intermediate Credit Bank.

Submitted and referred to Committee on Banking and Currency, February 24, 1928, CONGRESSIONAL RECORD, 3495; debated March 24, 1928, CONGRESSIONAL RECORD, 5278; May 2, 1928, CONGRESSIONAL RECORD, 7593; May 3, 1928, CONGRESSIONAL RECORD, 7689; reported adversely May 12, 1928 (S. Rept. 1125), CONGRESSIONAL RECORD, 8482.

S. Res. 167. For investigation of Federal Farm Loan Bureau and subsidiaries.

Submitted and referred to Committee to Audit and Control the Contingent Expenses of the Senate, March 13, 1928, CONGRESSIONAL RECORD, 4606.

S. Res. 215. To require the Secretary of the Treasury to transmit to the Senate the annual report of the Federal Farm Loan Bureau.

Submitted and ordered to go over under the rule, April 30, 1928, CONGRESSIONAL RECORD, 7427; considered, amended, and agreed to, preamble stricken out, May 1, 1928, CONGRESSIONAL RECORD, 7504.

Remarks—Congressional Record

1928 (date):	Page
Feb. 28	3667
Mar. 8	4340
Mar. 12	4554
Mar. 24	5278
Do	5279
Mar. 26	5351
Apr. 2	5718
Do	5719
Do	5723
Apr. 5	5922
Apr. 13	6361
Apr. 19	6762
Apr. 20	6819
Apr. 25	7160
Do	7172
Apr. 30	7427
May 2	7593
May 3	7689
May 9	8173
Do	8184
May 21	9294
Do	9297
Do	9298
Do	9299
May 23	9566
Do	9577
May 24	9705
Do	9709
Do	9710
Do	9713
Do	9715
May 29	10603

Whereas the following article appeared in the News and Courier, of Charleston, S. C., Sunday morning, November 18, 1928:

"BEAUFORT CASES SET FOR JANUARY—ELEVEN PERSONS FACE INDICTMENTS CHARGING CONSPIRACY TO DEFRAUD BANK

"COLUMBIA, November 17.—Trial of 11 cases remaining on the criminal docket in Federal court for the eastern district of South Carolina against 11 defendants indicted on charges of conspiracy to defraud the Federal Intermediate Bank of Columbia in an amount approximating $1,500,000 will begin at a special term of the court Monday, January 7, ordered to-day by Judge Johnson J. Hayes, of the middle district of North Carolina, who will preside at the trials.

"Judge Hayes was commissioned to hear the cases by the senior judge of the circuit, Judge Edmund Waddell, after District Judge Ernest F. Cochran had issued a certificate of disqualification in the remaining cases on an affidavit presented by R. C. Horne, jr., one of the defendants, who charged that the district judge had shown bias and prejudice at the former trial and since that time.

"Mr. Horne, former president of the South Carolina Agricultural Credit Co.; W. E. Richardson, former president of the Beaufort bank; and Miss Beulah B. Harvey, former secretary of the credit company, were convicted at a former trial, which for time consumed set a new record for all time for criminal cases in South Carolina. The case was begun January 9 and completed February 17, after testimony had been submitted by 73 of 112 witnesses summoned.

"CASES PENDING

"Horne and Richardson were convicted and sentenced to serve two years in the Federal penitentiary at Atlanta. Miss Harvey was convicted and sentenced to serve six months in the Aiken County Jail, but sentence was suspended and later a pardon issued in order to restore her citizenship.

"In addition to the three defendants who were convicted at the former trial, cases are still pending against H. B. Macklin, New York commission merchant; W. R. Eve, former manager of Seaboard Farms, Ambrose, Ga.; N. B. Bryan, former farm supervisor in the Beaufort territory; Patrick Wall, E. B. Mitchell, J. L. Butler, and J. Sims, Beaufort County citizens; and H. Bowers, former stenographer in Richardson's office.

"All the defendants were represented by counsel in court to-day when Judge Hayes denied a petition for continuance asked by Mr. Horne and Edgar A. Brown, leading defense counsel, on the grounds, chiefly, that one vital question of fact and three questions of law are embodied in an appeal pending before the fourth circuit court of appeals at Richmond.

"OVERRULE OBJECTION

"Due to the fact that Judge Hayes will be able to hear the case at no other time during the year than in January and February, and over the objection of Mr. Brown, who stated that as State senator from Barnwell County his time during January and February would be taken up largely with legislative matters, and if the cases were set for trial during those two months it would necessitate his withdrawal from the case, the court ordered the defendants to be ready for trial the first Monday in January.

"It was indicated to-day that some of the defendants will be tried on one of the five indictments returned by a grand jury at the September term of the court held in Aiken, charging violation of the Federal farm loan act.

"Besides these five indictments, various groups of the defendants are under indictment in six cases charging conspiracy to violate section 37 of the Criminal Code in re section 211–B of the Federal farm loan act."

And the following article appeared in the Columbia Record, Columbia, S. C., November 9, 1928:

"JOHN T. SOX IS PLEADING GUILTY—FORMER OFFICIAL OF FEDERAL LAND BANK CHARGED WITH EMBEZZLEMENT

"John T. Sox, former assistant treasurer of the Federal Land Bank of Columbia, under indictment in Federal court for embezzlement of funds of the bank and various individuals doing business with the institution, amounting to $4,865.78 over a period of nearly three years, will to-day enter a plea of guilty to the various charges, according to a statement made by District Attorney J. D. E. Meyer prior to the opening of court Friday morning.

"The indictment, upon which a true bill was returned to the grand jury Wednesday afternoon, charges that Sox made a false entry on the pay-roll book November 15, 1925, with the intent to defraud the bank in that the entry showed the amount due employees to be $3,682.93, when in reality the amount due for salaries was $3,637.93, and the claim is set up that the entry was made for the purpose of obtaining and converting the amount to his own use and benefit.

"The charge is also made that on November 11, 1925, Sox forged the name of W. Marvin Allen to a check for $2 and embezzled the amount.

"The incident sets forth that between November 30, 1925, and August 31, 1928, he obtained the amount of $3,433.92 over and above the amount due the employees on the pay roll, and that from other funds and checks he embezzled the amount of $1,431.86."

And the following article appeared in The State, Columbia, S. C., November 11, 1928:

"JOHN T. SOX GETS 2-YEAR TERM—PLEADS GUILTY TO VIOLATING FARM LOAN ACT—FRIENDS GIVE WORD—SAY CAN NOT TELL WHY DEFALCATION WAS COMMITTED—WIFE AT HUSBAND'S SIDE

"John T. Sox, former assistant treasurer of the Federal Farm Loan Bank of Columbia, pleaded guilty yesterday in the United States Court of the Eastern District of South Carolina to charges of violating the Federal farm loan act, receiving a sentence of two years in the United States penitentiary in Atlanta.

"Sox was charged with a shortage of $5,000 in his accounts."

And the following article appeared in The State, Columbia, S. C., Monday morning, December 3, 1928:

"LAND BANK LOSES ARNOLD AS HEAD—PRESIDENT NOT TO STAND FOR REELECTION TO POST—NOT IN GOOD HEALTH—DIRECTORS OF INSTITUTION MEET THIS WEEK—MAY NAME SUCCESSOR

"Howard C. Arnold, president of the Federal land bank since 1924, will not stand for reelection at the expiration of his present term of office, December 31, it was learned yesterday, and the institution will secure a new head.

"The directors meet Wednesday, at which time routine matters of business will be given consideration and action probably taken looking to the securing of a head to succeed Mr. Arnold. Members of the board of directors are: L. I. Guion, of Lugoff; Alan Johnstone, of Newberry; B. B. Williams, of Warrenton, N. C.; C. E. Vance, of Pensacola, Fla.; and Mr. Arnold, of Columbia. The bank serves the States of North Carolina, South Carolina, Georgia, and Florida.

"Mr. Arnold has been with the Federal land bank for 12 years, first serving as secretary. In 1924 he was elected president, succeeding E. A. Houston, of North Carolina.

"Mr. Arnold's health has not been good for about two years, and after the expiration of his present term of office he plans to rest for some months and then will probably return to his former home in Georgia."

And the following article appeared in The State, Columbia, S. C., November 8, 1928:

"BARS HIMSELF IN BEAUFORT CASE—JUDGE COCHRAN ISSUES WRIT OF DISQUALIFICATION—CHARGES BY HORNE—COURT DOES NOT ADMIT ALLEGATIONS BUT GRANTS REQUEST

"Judge Ernest F. Cochran, of the United States Court for the Eastern District of South Carolina in session in Columbia this week and next, yesterday granted a writ of disqualification of himself in the hearing of a second case against certain former officers of the Beaufort bank and others alleged to be involved in the bank's failure, following an affidavit being presented by R. C. Horne, jr., former president of the South Carolina Agricultural Credit Association, asking for such a writ.

"In his affidavit Horne alleges that Judge Cochran had a personal bias against him. Judge Cochran made a lengthy denial of the charges made by Horne, in which he stated that Horne had less reason to make such charges than several other defendants and that some of the other defendants had expressed themselves as being pleased with the fairness of their trial, but concluded by granting the writ, saying that he did so not because he felt he was disqualified but because he wished no question ever to be raised either by the defendants or the public as to the fairness of the trial.

"Judge Cochran said he would write immediately to the senior judge of the circuit court of appeals and request that a judge be sent to Columbia to hold the trial. Any motions for an extension of time, he said, would have to be made to this judge and he recommended that the defendants, their witnesses, and their lawyer remain in Columbia pending the arrival of this judge or announcement of when he would arrive.

"ALLEGES PERSONAL BIAS

"Horne alleges in his affidavit that the judge's manner and remarks on the first day of the trial and thereafter in the presence of the jury were such as to raise in his mind the belief that the judge had formed an opinion against him and one or two of his codefendants before hearing any evidence or read the indictment and was determined to bring on a conviction. He added that this belief was strengthened each day by the uniformity of the court's rulings against the defendants.

"The deponent also alleged that despite no direct evidence against him and little circumstantial evidence the judge imposed the maximum sentence permitted by law.

"He further charges that on notice of appeal being made by the defendants the court fixed the time for the completion and filing of a bill of exceptions totally inadequate and that when Horne appeared in person and pointed out that no decision in the courts prevented an extension of time, the judge showed his displeasure at the deponent's appearing before him. He also said that in a long-distance telephone conversation, in his presence, Judge Cochran referred to the defendants as 'the other side.'

"Horne alleges that he was set upon by Government witnesses during the first trial, and that although Judge Cochran instructed the district attorney to look into the matter, the only action taken was to continue the witnesses in court at $5 a day and to appoint W. J. Thomas, whom he alleges was one of the conspirators to attack him, as agent of the court to keep the exhibits of the case.

"REFUSES TRANSCRIPTION

"The deponent charges that the refusal of the judge to have transcribed and printed the entire testimony, record, and exhibits of the case is indicative of personal bias.

"He says it is in his information that the court intends to call a special term of court in Columbia in January to try the defendants for the same offense for which they have already been convicted.

"Horne further alleges that Judge Cochran indicated in his manner and showed that he felt it a great burden to have had to hold court for 60 days in the first case and seemed to show that he thought the defendant should make some reparation for this inconvenience.

"Referring to the telephone conversation, Judge Cochran said it was merely by a slip of the tongue that he referred to the defendants as 'the other side,' and that he immediately corrected it to 'the defendants,' used in differentiating two parites.

"The new case, which Horne says he thinks will be tried at a special term in January, will be against W. E. Richardson, Beulah B. Harvey, R. C. Horne, jr., E. B. Mitchell, J. L. Butler, Jenkins Sims, and Patrick Wall, former State senator."

And the following article appeared in the State, Columbia, S. C., November 13, 1928:

"NEW JUDGE HEARS BEAUFORT CASES—JOHNSON J. HAYES COMES TO PRESIDE IN TRIAL—COCHRAN'S REQUEST—EASTERN DISTRICT TRIBUNAL DISQUALIFIES SELF IN RESPONSE TO PETITION

"The remaining cases in connection with the failure of the Beaufort bank, docketed for hearing in Columbia, will be heard by Judge Johnson J. Hayes, presiding over the Federal court for the middle district of North Carolina, having been detailed by Senior Circuit Judge Edmund Waddill.

"The appointment of Judge Hayes was made at the request of Judge Ernest F. Cochran following a petition for a writ of disqualification submitted last Tuesday by R. C. Horne, jr., one of the defendants in the case. In granting the writ Judge Cochran said he did not consider himself disqualified, but in order that neither the defendants nor the public could criticize the trial he would request that another judge hear the case.

"Judge Hayes is expected to arrive Saturday, when attorneys for the defense will ask for a continuance of the cases. The motion will be opposed by the district attorney, who will file a motion for a special term of court to dispose of the matter.

"The case is against W. E. Richardson, Miss Beulah B. Harvey, R. C. Horne, jr., J. L. Butler, Jenkins Sims, and former State Senator Patrick Wall."

And whereas it is now a known fact that there are in the city of Columbia, S. C., and have been for some time, experts, auditors, bookkeepers, secret-service men, and others engaged in auditing and checking up the books of the farm Federal loan banks; and

Whereas shortages in very large amounts have been discovered and business transactions so handled as to cause a loss to the Government of possibly six to ten millions of dollars; and

Whereas one of the cashiers of one of the said banks has committed suicide and another cashier has recently plead guilty of theft and forgery and has been sentenced to a term of two years in the Atlanta Penitentiary, and it is reported that another cashier has attempted suicide on two occasions; and

Whereas officials of said bank have been removed and others appointed to their places since S. 159 resolution has been introduced; and

Whereas the president of said bank will not stand for reelection, and the institution will soon have a new head; and

Whereas it is very apparent that there were sufficient and substantial reasons for the introduction of the resolutions set out in the first part of this resolution, and said investigation should have been made at the said time, which possibly would have saved the loss of approximately $6,000,000 to the people of this country: Therefore be it

Resolved, That the Secretary of the Treasury be required to file with the Clerk of this Senate, not later than February 1, 1929, a report of the condition of the Federal Farm Loan Bureau and its subsidiaries in the State of South Carolina and the amount that has been stolen, misappropriated, or embezzled from the Government since the date of the first resolution, set out in the preamble of this resolution, bearing date February 24, 1928.

Mr. BLEASE. I also ask to have printed a letter from a prominent farmer of my State, a former State senator and an excellent business man, in reference to conditions about this bank.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BENNETTSVILLE, S. C., *December 1, 1928.*

Hons. E. D. SMITH and COLE L. BLEASE,
Senate Chamber, Washington, D. C.

DEAR SENATORS: The next 30 days will mark the commencement of a great number of foreclosure proceedings instituted by the Federal land banks, joint-stock land banks, and intermediate credit banks against farmers who are delinquent in payments of interest, installments, and loans. The farmers are powerless to protect themselves against these foreclosure proceedings, and their condition is not of their making but comes as a result of a series of crop failures. Unless something is done to help them the farmers are going to be driven from their lands and brought to a condition of poverty in fact.

It seems to me that the Congress could take some step to remedy this condition. Senators, couldn't these foreclosure proceedings be stayed and the Farm Loan Board required to extend the time for the payment of delinquent installments, thereby giving to the farmers an opportunity to hold their homes? Congress will meet in the next few days, and if there is anything that can be done for the farmers of this country it should have the first thought and consideration of that body.

Feeling confident that you as Senators from South Carolina will give this matter your attention, I am,

Respectfully yours,

JOSIAH J. EVANS.

Mr. BLEASE. Mr. President, by this resolution I want to ask the Secretary of the Treasury to furnish the Senate a report of the actual conditions in the Federal farm land bank in Columbia, headed by Mr. Arnold, and its subsidiaries in other parts of South Carolina; to report to the Senate by the 1st of February at the latest just what is the condition of that bank, just how many officers of it have been kicked out, how many of them have committed suicide, how many of them have been sent to the penitentiary, and how many more are

under indictment and on their way to the penitentiary. I ask that the resolution be referred. I guess if it goes to the Committee on Banking and Currency it will never get back, but I suppose under the rules that is the place for it to go.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Banking and Currency.

HORACE G. KNOWLES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3325) for the relief of Horace G. Knowles, which were, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government"; on page 1, line 5, to strike out "$7,296.49" and to insert "$1,666.67"; and on page 1, line 7, to strike out "December 22" and to insert "July 30."

Mr. BAYARD. I move that the Senate concur in the amendments of the House of Representatives.

Mr. JONES. Mr. President, I ask that the Senator from Delaware state the nature of the bill.

Mr. BAYARD. I will state to the Senator from Washington that it is a bill similar to one which has on several occasions heretofore passed the Senate and gone to the House of Representatives. It has now been passed by that body with amendments, including one reducing the amount allowed, it being a claims bill, from about $7,000 to sixteen hundred and some odd dollars.

Mr. JONES. And the Senator from Delaware proposes to accept the House amendments?

Mr. BAYARD. I have moved to concur in the House amendments.

Mr. JONES. Very well; I have no objection to that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware that the Senate concur in the House amendments to the bill.

The motion was agreed to.

THE BUDGET

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Congress of the United States:

Herewith is transmitted the Budget of the United States for the fiscal year ending June 30, 1930. The receipts and expenditures shown in detail in the Budget are summarized in the following statement:

Summary (exclusive of postal revenues and postal expenditures paid from postal revenues)

	Estimated, 1930	Estimated, 1929	Actual, 1928
Receipts:			
Customs	$582,000,000.00	$582,000,000.00	$568,986,188.50
Income tax	2,175,000,000.00	2,165,000,000.00	2,173,962,556.73
Miscellaneous internal revenue	559,000,000.00	577,500,000.00	621,018,665.64
Miscellaneous receipts	525,295,829.00	507,235,661.00	678,390,745.32
Total receipts	3,841,295,829.00	3,831,735,661.00	4,042,348,156.19
Total expenditures (including reduction of the public debt required by law to be made from ordinary receipts	3,780,719,647.00	3,794,745,469.00	3,643,519,875.13
Excess of receipts	60,576,182.00	36,990,192.00	398,828,281.06

The estimated receipts for the fiscal year 1928, as given in the 1929 Budget, were $4,075,598,091 and the expenditures $3,621,314,285. The year closed with actual receipts of $4,042,348,156.19, and expenditures $3,643,519,875.13. We were thus given an actual surplus of $398,828,281.06 that year, which is $55,000,000 less than the estimate. Taking into consideration that subsequent to the transmission of the 1929 Budget we spent $50,000,000 for carrying out the provisions of the settlement of war claims act of 1928, approved March 10, 1928, the real difference between the estimated and actual surplus for 1928 is but $5,000,000.

This current year, 1929, the outlook is not so bright. In the Budget for 1929, transmitted to the Congress in December, 1927, our receipts were estimated at $3,809,497,314 and expenditures $3,556,957,031. This indicated a surplus of $252,540,283. This forecast has been materially changed. With actual operations for four months of the current fiscal year of record and a clearer conception of what we face, the estimate is now that our surplus this year will be $36,990,192. While this margin of receipts over expenditures is small, it is most gratifying, as on July 1, last, the best estimate that could be made indicated a deficit of about $94,000,000. The surplus now estimated is based on receipts amounting to $3,831,735,661 and expenditures of $3,794,745,469. The difference between the estimate of a year ago and this estimate is primarily reflected in the expenditure figures which have increased $238,000,000. The postal deficit accounts for $68,000,000 of this estimated increase in expenditures. Included in that amount is approximately $9,000,000 for overtime pay of postal personnel, $9,000,000 for carrying ocean and air mail, $14,000,000 for increase in rail transportation rates, and $36,000,000 reduction in postal revenues. Expenditures for flood control account for $16,000,000. Public buildings under the Treasury Department and roads under the Department of Agriculture account for $26,000,000. Increases in the amount of pensions account for $11,000,000 and increases in pay of Federal personnel for $21,000,000. Tax refunds show an estimated increase of $18,000,000 and interest $5,000,000, while the Navy and Shipping Board expenditures account for $26,000,000. These are the major items which enter into the increase.

For the coming fiscal year, 1930, the estimate is that the receipts will amount to $3,841,295,829 and the expenditures $3,780,719,647, indicating a surplus of $60,576,182. The surplus margin for both this year, 1929, and next year, 1930, is small. It is, however, satisfactory, as it points to a balanced Budget. It is clear that we can not assume any great additional expenditures without jeopardizing this favorable outlook. We are committed irrevocably to a balanced Budget and that carries the assurance that the only revision of our tax laws which will be considered is a revision downward. We have no immediate prospect of any further reduction in tax rates; but we have no thought of curtailing in any way the benefits which have gone to the people by the four reductions already made in taxes.

In the following table a comparison is made with the estimates of appropriations for 1930 contained in this Budget and the appropriations for 1929:

	Estimates of appropriations, 1930	Appropriations, 1929 [1]
Legislative establishment	$18,919,730.64	$17,913,873.26
Executive Office	458,120.00	437,180.00
Independent establishments:		
Alaska relief funds	15,000.00	15,000.00
American Battle Monuments Commission	600,000.00	700,000.00
Arlington Memorial Bridge Commission	2,000,000.00	2,300,000.00
Board of Mediation	348,270.00	347,902.00
Board of Tax Appeals	725,863.00	720,740.00
Bureau of Efficiency	228,130.00	210,350.00
Civil Service Commission	1,251,562.00	1,130,352.00
Commission of Fine Arts	9,080.00	7,300.00
Employees' Compensation Commission	4,077,326.00	3,755,010.00
Federal Board for Vocational Education	8,176,120.00	8,220,000.00
Federal Power Commission	179,500.00	120,890.00
Federal Radio Commission	164,440.00	364,027.00
Federal Reserve Board	2,605,741.00	2,700,000.00
Federal Trade Commission	1,289,760.00	1,048,000.00
General Accounting Office	4,132,000.00	3,820,000.00
Housing Corporation	397,950.00	475,750.00
Interstate Commerce Commission	8,213,825.00	7,654,745.00
National Advisory Committee for Aeronautics	1,300,000.00	600,000.00
Public Buildings and Public Parks	2,888,061.00	2,652,980.00
Smithsonian Institution	1,107,573.00	1,004,162.00
Tariff Commission	815,000.00	754,000.00
U. S. Geographic Board	9,200.00	4,300.00
U. S. Shipping Board and Merchant Fleet Corporation	9,994,000.00	13,688,750.00
U. S. Veterans' Bureau	597,375,000.00	560,060,000.00
Miscellaneous		214,374.00
Total, Executive Office and independent establishments	648,361,521.00	613,005,812.00
Department of Agriculture	154,232,131.00	154,723,793.88
Department of Commerce	58,459,749.00	38,375,530.00
Department of the Interior	310,957,045.78	300,632,539.00
Department of Justice	28,103,570.00	26,808,062.50
Department of Labor	10,719,430.00	11,078,340.00
Navy Department	349,125,482.00	364,233,362.00
Post Office Department, postal deficiency, payable from Treasury	71,209,325.00	83,495,830.00
State Department	14,744,831.43	14,466,236.39
Treasury Department	329,698,615.80	345,940,278.00
War Department, including Panama Canal	444,835,222.00	408,605,351.50
District of Columbia	39,935,622.00	40,357,308.00
Total, ordinary	2,479,302,275.65	2,419,636,316.53
Reduction in principal of the public debt:		
Sinking fund	379,524,129.02	370,153,407.56
Other redemptions of the debt	173,543,500.00	172,289,300.00
Principal of the public debt	553,067,629.02	542,442,707.56
Interest on the public debt	640,000,000.00	675,000,000.00
Total payable from the Treasury	3,672,369,904.67	3,637,079,024.09
Postal Service payable from postal revenues	745,000,000.00	690,949,212.00
Total, including Post Office Department and Postal Service	4,417,369,904.67	4,328,028,236.09

[1] Exclusive of additional amounts required to meet the provisions of the act approved May 28, 1928, amending the classification act of 1923, approximately $20,000,000.

THE FRENCH DEBT

On August 1, 1929, bonds of the French Government aggregating $400,000,000 will mature. At the conclusion of hostilities the American Expeditionary Forces in France had accumulated in that country vast stores of supplies, materials, and equipment. Under the authority granted by the act of July 9, 1918, it was decided to dispose of these supplies in France. The President, therefore, created under the War Department the United States Liquidation Commission, whose main duty was to settle claims and dispose of this surplus property stored in France. The commission appraised the value of the materials for the purpose of the bulk sale to France at $562,230,800. After offsetting certain claims and counterclaims and taking into consideration the contention of the French Government that some of the supplies carried into France were subject to customs duties estimated at $150,000,000, it was agreed to transfer these supplies to the French Government, the latter to give in payment its 10-year 5 per cent bonds, dated August 1, 1919, in the amount of $400,000,000, interest thereon to be payable semiannually from and after August 1, 1920. Under the terms of this contract the French Government delivered to the United States 400 of its 10-year gold bonds in the face amount of $1,000,000 each. These are the bonds that are due and payable August 1, 1929. Semiannual interest on these obligations has been paid punctually.

In addition to the foregoing France purchased other supplies from the War Department stocks in the United States for which it gave obligations aggregating $7,341,145.01, of which $6,566,762.42 mature on May 9, 1930, and $774,382.59 on July 5, 1930.

All of the above-mentioned obligations were merged with the total obligations of France and included in the debt settlement agreement between the United States and France dated April 29, 1926, which funded the French indebtedness to the United States and under which the payments from France are spread over a 62-year period, with a material reduction in the interest rate. If, therefore, the debt agreement is ratified by the French Government and by the Congress of the United States prior to August 1, 1929, these obligations will not mature but will have become merged in the general indebtedness funded under the debt settlement.

The $406,566,762.42 due in the fiscal year 1930 has not been included in the estimates of receipts for the reason that it is still expected the agreement of April 26, 1926, may be ratified prior to the maturity of these bonds. If, in accordance with the terms of this agreement, it is ratified in France, it is recommended that it receive the prompt ratification of the Congress of the United States.

If the agreement is not ratified, it is believed that the $406,566,762.42 should be applied to the retirement of our war debt rather than treated as current receipts available for current expenditures.

FLOOD CONTROL

For the purposes of flood control the estimates contained in this Budget carry $31,000,000. That is the additional amount which the War Department states will be required to meet expenditures in 1930. If it should develop that more funds are required by the War Department for this purpose to meet the needs for that fiscal year, a further estimate will be presented to the Congress.

BUILDING

We are engaged upon one of the most ambitious and extensive building programs of peace-time history. When war was declared there had been appropriated by the Congress approximately $60,000,000 for projects widely scattered throughout the country, of which $30,000,000 remained unexpended. Building sites, some 150 in number, had been bought and construction thereon of needed public buildings was soon to begin. Imperative war demands postponed all activities of the sort, and when the war ended we faced serious lack of suitable office and housing space to meet the demands of materially enlarged governmental activities—not only enlarged but rapidly increasing. Postwar reconstruction demands, an extraordinary debt and crushing taxes further deferred remedial action in the matter of governmental building requirements. Reduction in expenditures and resulting reduction in taxes warranted in the year 1926 enactment of a national public building act which launched a building program of $50,000,000 in the District of Columbia, where need of new and suitable accommodations was most urgent, and construction programs for the rest of the country totaling $115,000,000. In 1928 the Congress amended this act by increasing the total by $100,000,000, making a grand total of $265,000,000 for public buildings for the civil purposes of the Government. In 1928 a subsequent act authorized an expenditure of $25,000,000 for the procurement of additional land within the so-called triangle in the District of Columbia, needed for building purposes, thereby increasing the total provision for these general building purposes to $290,000,000. There has already been appropriated under these acts $68,617,083.56, and $28,040,000 is carried in the estimates for 1930. Contracts have been let for 71 projects totaling $19,881,152, of which 35 have been completed and 36 are under construction, to cost $14,635,952. The foregoing figures are exclusive of $8,000,000 for the appraisers stores building in New York City, the full amount of which has been appropriated.

The Army has well under way a building program, exclusive of air service hangars and like structures, of $118,000,000. There has already been appropriated for this purpose $20,751,409 and $15,041,950 is carried in the estimates for 1930, with $3,000,000 additional authorized for obligation by contract. The estimates for 1930 also carry for technical and other buildings for the Air Services of the Army and Navy a total in round numbers of $4,500,000.

Additional hospital facilities for the Veterans' Bureau to the extent of $15,000,000 have also been authorized by Congress, of which $7,000,000 has been appropriated. The Budget estimates for 1930 provide $6,000,000 and in addition an authorization for obligation by contract of $2,000,000.

The act of May 7, 1926, authorized an expenditure of $10,000,000 for houses and offices for our foreign representatives. The program is a 5-year project, appropriations being limited to $2,000,000 a year. There has been appropriated for these purposes $2,435,000, while the estimates for 1930 call for $2,000,000 additional.

These figures show a program, exclusive of technical buildings for air activities, which involves for its completion some $433,000,000.

NATIONAL DEFENSE

Ample provision is made in these estimates for national defense, the estimates for 1930 calling for $648,511,300 for the Army and Navy. This amount is reached after excluding from Army and Navy estimates all nonmilitary items, so that the figure given is the amount provided for purely military purposes. The actual expenditure for 1927 was $558,004,447; for 1928 it was $596,500,896; the estimated expenditure for 1929 is $672,844,288; while the estimated expenditure, as distinguished from appropriation estimates, is $668,277,712 for 1930. In submitting the annual Budget for 1926 the Chief Executive stated that the amount carried in that Budget for national defense was $549,000,000 and that in his opinion we could have adequate national defense with a more modest outlay of the taxpayers' money. Nevertheless, our defense estimates have steadily climbed until the cash requirements have advanced for 1930 by approximately $100,000,000 more than was estimated for 1926. This increase, however, is more apparent than real, for in these prior years the defense establishments have had the use of surplus supplies left over from the war. As these reserves have become depleted it has become necessary to increase the cash provision to take their place.

AIR SERVICE

The air interests of the Government are developing in a most satisfactory manner. The demands of the service while large have been adequately met. The 5-year program for the Army and Navy is approaching completion. Provision is made in these estimates for the third year increment of the Army and the fourth year increment of the Navy, and it is a fair assumption that at the end of 1931 the Navy will have a well-balanced fleet of 1,000 airplanes, while at the end of 1932 the Army will be in possession of 1,800 planes in proper proportion as to types. The necessary housing and other construction for the Army and Navy air forces are also provided for. The expansion of air activities, however, is by no means confined to the Army and Navy. The Department of Commerce, the Coast Guard, and the Department of Agriculture are playing their parts in the developing air program, as is the National Advisory Committee for Aeronautics. While the Post Office Department definitely retired from the business of carrying mails in 1928, there is provided for 1930 for contract air mail service in the United States the sum of $14,300,000 and $4,000,000 additional for foreign air mail. While this is not Government-operated service, it is Government supported and can properly be cited as contributing materially to air service development. These estimates carry $6,427,260 for the Department of Commerce to carry on its important task in connection with commercial aviation. This estimate contemplates, among other items, the construction of 4,000 additional miles of lighted airways. There is provision in these estimates of $582,500 for the Department of Agriculture for obtaining weather predictions, fighting the boll weevil, and for forest patrol. The total contemplated for all these purposes, direct and indirect, in 1930 is $140,631,824.

The rapid and legitimate expansion of our air service, military and commercial, is an achievement in which we can all take pride. Without artificial stimulation this extraordinary

new factor in national defense and commerce has grown from modest and discouraging beginnings into a strong, healthy, promising national activity. To-day we have more airplane manufactories than we have automobile factories. To-day air mail lines cross the heavens in a rapidly increasing network of speedy communication. Freight and passenger carrying airplanes are increasing and a growing demand is seen for airplanes for private use. The generous contribution made by the United States Government to this great and growing activity has been justified by the progress made and the results achieved.

The history of these great and necessary projects emphasizes the fact that there has been no niggardly provision for pressing Government needs. While constructive economy has been demanded from Federal administrators, these economies have not deprived essential activities of funds, but have conserved and made available means for important necessary purposes. Our splendid Treasury is not a bottomless, automatically replenishing fountain of fiscal supply, and its outflow must be eternally watched and carefully and wisely directed into proper channels.

In submitting this, the eighth Budget of the United States, the Chief Executive wishes to express his appreciation of the courteous, friendly, and businesslike consideration accorded his estimates by the Congress. It is a matter for congratulation that after the careful and painstaking consideration given Budget estimates by the congressional committees there should be so little difference in results. Congressional action has amounted to practical ratification of the Budget estimates. It is also a matter for congratulation that congressional revision has resulted in reduction of estimates. The first seven Budgets (fiscal years 1923 to 1929) carried estimates totaling $27,000,475,970, which supplemental estimates increased to $29,800,233,790. On these estimates Congress appropriated $29,478,282,294, a reduction below Budget requests of $321,951,495. Of this reduction $135,468,732 pertains to the Budget for 1923, a reduction made possible by the Naval Disarmament Conference and the resulting curtailment of naval building projects as well as modifications in the Veterans' Bureau and Shipping Board programs. The total reduction in the six Budgets following 1923 is $55,971,630, a percentage of difference of only one-fifth of 1 per cent. To the Chief Executive nothing could be more gratifying than the hearty cooperation of the Congress with the President on Budget matters evidenced by these figures.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 3, 1928.*

BOULDER DAM

The VICE PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is Senate bill 728.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with amendments.

The VICE PRESIDENT. The pending question is on agreeing to the first committee amendment.

Mr. JOHNSON. Mr. President, it is my intention to ask the substitution of the companion bill passed recently by the House of Representatives in order that the orderly legislative procedure may be preserved. The bill which has just been laid before the Senate by the Vice President is S. 728. In the closing days of the last session House bill 5773, entitled the same, with the like purposes and with the like designs, passed the House of Representatives, came to the Senate, and was laid upon the table, where it now rests.

Of course, the logical mode of procedure is to go forward with the measure which has gone halfway upon its legislative career. I want to make plain, however, that my purpose is subsequently, if the House bill is substituted for the Senate bill, to take up and present every amendment that the Committee on Irrigation and Reclamation presented to the Senate bill or to substitute in toto, after the enacting clause of the House bill, the Senate bill upon which the Senate committee acted. Either one of those two courses I shall be very glad to pursue, and the latter one apparently is the course which has met with some approval of my colleagues in speaking to me upon the subject.

I now ask unanimous consent to substitute H. R. 5773 for Senate bill 728, now the unfinished business of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

Mr. HAYDEN. Mr. President, reserving the right to object, the Senator from California appreciates that the Senators from Arizona have offered a number of amendments to the Senate bill which they, at least, consider to be worthy of consideration by the Senate. The substitution of the House bill for the Senate bill will automatically require, I believe, under the rules of the Senate, that those amendments shall be reoffered, and that is a matter which we desire to have considered. Could the Senator suggest any way?

Mr. JOHNSON. Yes; I think I can suggest a way which will protect the amendments referred to by the Senator. For instance, let us assume that the House bill is substituted here. Let us assume that, after the substitution of the House bill, all succeeding the enacting clause is stricken out of the bill and the Senate bill inserted. Let us assume that that is done upon the agreement that the amendments heretofore presented by the Senators from Arizona shall be considered as having been presented and may be taken up in due course and in regular parliamentary fashion. Does not that answer the requirement?

Mr. HAYDEN. It would seem to me in addition that we should have assurance that the amendments which have been read should preserve the same status that they now possess.

The VICE PRESIDENT. The amendments would have to be reoffered to the House bill.

Mr. HAYDEN. That was the labor I was seeking to avoid.

The VICE PRESIDENT. They have never been offered to the Senate bill formally, because the Senate is now acting on committee amendments to the Senate bill.

Mr. ASHURST. Mr. President, will the Senator from California yield?

Mr. JOHNSON. Certainly.

Mr. ASHURST. I must not let the inference, an entirely honest dictum of the Chair, stand uncontradicted. I offered 90 amendments and they were all read, and they were amendments that were offered when amendments were in order.

The VICE PRESIDENT. The amendments were ordered to lie on the table.

Mr. ASHURST. And to be printed.

The VICE PRESIDENT. They have to be reoffered.

Mr. ASHURST. I beg the Chair's pardon. Why do they have to be reoffered?

The VICE PRESIDENT. Because they are merely printed amendments.

Mr. BRATTON. Mr. President, will the Senator from California yield?

Mr. JOHNSON. Certainly.

Mr. BRATTON. As a procedural matter I suggest to the Senator from California that as a part of his proposed unanimous-consent agreement he add that all amendments which have been offered to the Senate bill be construed and accepted as offered to the House bill as and when it has been substituted.

Mr. JOHNSON. I am very glad to do that, to agree that the amendments which have been offered shall be considered as having been offered to the House bill, or to the Senate bill if it be substituted for the House bill. Any way in which we can reach the desired result I am willing to adopt.

Mr. SMOOT. Mr. President, that may be allowable provided the amendments that have been offered have been printed, but if they were simply sent to the desk and now lie on the desk, I do not think a request of that kind would be in order. It would be in order if every amendment had been printed, but I understand there are a good many amendments which have been sent to the desk and now lie on the desk without having been printed.

Mr. BRATTON. Mr. President, will the Senator from California yield?

Mr. JOHNSON. Certainly.

Mr. BRATTON. If the proposal thus to proceed is embodied as a part of the unanimous-consent agreement of the Senator from California, certainly it can be done in that way.

Mr. SMOOT. I have never known it to be undertaken in the Senate, nor have I looked it up to ascertain whether it is allowable under our rules.

The VICE PRESIDENT. The Chair will state that whether the amendments have been printed or not, they would have to be offered from the floor again when committee amendments have been disposed of.

Mr. SMOOT. That is correct; but as I heard the Senator I understood the unanimous-consent request to mean that those amendments had already been offered to the bill and would not have to be offered or proposed again. I now understand the Chair to say that not only would they have to be offered under the present condition of the bill but even if they——

The VICE PRESIDENT. Even if they were printed they would have to be offered from the floor.

Mr. SMOOT. So there is no necessity for offering them now.

Mr. JOHNSON. That is quite true, if that is the situation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JOHNSON. Certainly.

Mr. KING. I was called from the Chamber for a moment and did not hear the request of the Senator from California. May I ask him to state it again?

Mr. JOHNSON. I have asked unanimous consent to substitute for Senate bill 728, which is now before the Senate as the unfinished business, House bill 5773, which is the companion measure of the Senate bill.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest that the Senator also modified his proposal, as I understood it, so as to provide that all amendments to the bill now before the Senate, namely, the Senate bill, which have been proposed and are on the table shall be considered as having been proposed to the House bill and treated as if they had been proposed to the House bill, in the event that substitution is made.

Mr. BRATTON. The statement was made by the Senator from California in asking the substitution that thereafter it is proposed to amend the House bill so as to conform to the Senate bill. The amendments heretofore proposed should be in order to the substituted bill.

Mr. KING. May I inquire of the Senator why does not the Senator make the request that all after the enacting clause of the House bill be stricken out and the language of the Senate bill substituted?

Mr. JOHNSON. First we have to substitute the House bill. After we have substituted the House bill I am perfectly willing to pursue that course, and so said.

Mr. KING. I did not understand the Senator. If the purpose of the Senator is to substitute the Senate bill for the House bill after the enacting clause of the House bill, then I have no objection; but the Senate bill contains provisions which I think are superior to the provisions of the House bill.

Mr. JOHNSON. Very well. I will pursue that course.

Mr. KING. I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

Mr. HAYDEN. With the understanding that the House bill shall be substituted for the Senate bill and all after the enacting clause of the House bill be stricken out and the Senate bill shall be the working sheet, I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered and the Chair lays before the Senate House bill 5773.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. I now ask unanimous consent that all after the enacting clause of the bill which is now the unfinished business, House bill 5773, shall be stricken out and in lieu thereof shall be inserted the charging portion after the enacting clause of Senate bill 728.

Mr. SMOOT. Did I correctly understand the Senator to say only a portion of the Senate bill shall be substituted?

Mr. JOHNSON. No; all that part of Senate bill 728 that follows the enacting clause.

Mr. SMOOT. That is all right.

Mr. BRATTON. Do I understand that the Senator now offers the Senate bill in the form in which the committee recommended it?

Mr. JOHNSON. Yes, sir.

Mr. ROBINSON of Arkansas. Mr. President, I think it ought to be understood, in view of what has taken place, that when the substitution is made the bill shall be subject to amendment and that the amendments which have been submitted to the Senate bill shall be considered as pending to the House bill. That was the understanding.

Mr. FESS. Not as pending.

Mr. ROBINSON of Arkansas. As having relation to the House bill. Of course they could not be pending until they are actually offered.

Mr. JOHNSON. Very well. I accept the statement of the Senator from Arkansas.

The VICE PRESIDENT. Is there objection? Without objection, it is so agreed and the Senator from California has offered the following amendment, which will be stated:

The CHIEF CLERK. The Senator from California proposes to amend House bill 5773 by striking out all after the enacting clause and inserting in lieu thereof the language of the Senate bill (S. 728).

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. KING. If amendments shall be offered now, if the motion of the Senator from California——

The VICE PRESIDENT. Amendments should be offered now before the agreement is had. The bill should be amended now before the unanimous-consent request is agreed to.

Mr. KING. The inquiry I was about to propound was this: If we have before us the Senate bill——

Mr. JOHNSON. That is before us now, as I understand it.

Mr. KING. That is the inquiry I was about to make. If we have the Senate bill before us, then of course amendments to amendments may be offered and should not be subject to challenge that the latter amendment was subject to a point of order, being in the third degree or the second degree.

Mr. JOHNSON. I think not.

Mr. KING. I would not want that rule invoked.

Mr. JOHNSON. I shall not invoke it.

Mr. KING. In other words, I want it to be understood that this procedure places the bill before us in the same status as if we had proceeded with the Senate bill, and that when amendments are to be offered the rule against amendments of the second or third degree shall not be invoked.

Mr. JOHNSON. That is my understanding, sir.

Mr. SMOOT. Mr. President, I desire to ask the senior Senator from Arizona if all of his amendments have been printed?

Mr. ASHURST. Mr. President, I advert to page 10465 of the proceedings of the Senate of May 29, and I read just a small part:

Mr. ASHURST resumed his speech, and, after speaking for some time, offered the following amendments.

Those amendments were 44 in number and they were all ordered to be read. I do not find in the RECORD that they were ordered to be printed, but I am told that they will be printed to-morrow. The Senate adjourned that afternoon and it did not afford an eligible opportunity while Congress was in session for the printing clerk to have the amendments printed. I presume he felt that he had no authority, but he has now ordered them printed and they will be printed and will be here to-morrow. I think the clerk acted properly in the matter. I doubt if he had any authority to print the amendments after Congress had adjourned.

Mr. SMOOT. Mr. President, may I ask if all the amendments that have been offered, with the exception of those of the senior Senator from Arizona [Mr. ASHURST], have been printed?

The VICE PRESIDENT. The Chair is informed that they have all been printed.

Mr. PHIPPS. There are some other amendments, however, that have been offered this morning, and ordered to be printed, which have not as yet been printed, but will come up in regular course.

The VICE PRESIDENT. They will be printed, and be here in the morning.

Mr. PITTMAN. Mr. President, as I understand the agreement, all proposed amendments to the Senate bill are in order to the pending bill. I further understand, the Senate bill being now the body of the House bill and under the number and title of that bill, that the amendments recommended by the committee now constitute the proposed amendments by the committee to the bill before us, under the unanimous-consent agreement?

The VICE PRESIDENT. The Senator is correct.

Mr. PITTMAN. There is one other suggestion. I should like to see if we can not pursue the ordinary parliamentary practice with reference to amendments. So if it is not already included in the agreement—and I doubt whether or not it is—I ask unanimous consent, as is the practice in this body, that we consider the committee amendments before taking up general amendments.

Mr. SMOOT. The practice to which the Senator from Nevada refers is only true as to appropriation bills.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, owing to the magnitude of the purpose of the bill, much as I should like to oblige my esteemed friend from Nevada [Mr. PITTMAN], I do not see, from the mechanical standpoint, how we could enter into the agreement he suggests. The objection on my part is not captious, but the mechanics of the bill do not permit such an agreement to be made. I must, therefore, object. I think my colleague the junior Senator from Arizona [Mr. HAYDEN] will support me.

Mr. HAYDEN. Mr. President, it is entirely proper that I make a statement to the Senate respecting the differences between the House and the Senate bills. I desire to preface my remarks by assuring the senior Senator from California [Mr. JOHNSON] that there is no one more anxious than I am to bring about a just settlement of the Colorado River controversy. It is a controversy that has plagued seven States for more than

seven years. It is high time that this dispute be brought to a close, and I shall exercise every honorable means at my command to end it. This deadlock can only be broken by compromise. I am, therefore, much more concerned about the attitude of mind of the senior Senator from California with respect to an equitable settlement of our differences than I am with the working sheet that is to be used to bring about a complete agreement.

I owe it to the senior Senator from California to say that I speak for the people of a State who are thoroughly familiar with the Colorado River problem and who are united in their opposition to the Boulder Dam bill as it passed the House of Representatives. There is not now and there never has been any substantial support for that measure in Arizona. Regardless of how they differ on other questions all political parties and every class and character of the citizenship of that State oppose the House Boulder Dam bill. I speak just as much for the Republicans as for the Democrats of Arizona in any plea that I may make in opposition to that measure. Because of his personal contact with many of the leading Republicans in Arizona, the senior Senator from California himself knows that I speak the truth. Each and every one of them has told the Senator that there are no political differences in Arizona with respect to that measure.

Arizona recently elected a Republican governor, who will assume his office on the first Monday in January next. In 1923 John C. Phillips, the newly elected Governor of Arizona, was a member of the Legislature of the State of Arizona when the Colorado River compact was under consideration. He supported that compact just as earnestly as I did at that time. He is as anxious as I am to bring about prompt development of the resources of the Colorado River. I know that I correctly represent Governor Phillips when I say that in that office he will be just as firm as I have been in resisting the grave injustice which the Boulder Dam bill, as it passed the House of Representatives, does to the State of Arizona.

The senior Senator from California has had a long, and, I am sure a pleasant, personal acquaintance with Dwight B. Heard, one of the leading Republicans of my State. No man in America gave the Senator any more loyal support when he was a candidate for the Presidency. Mr. Heard is the publisher of The Arizona Republican, a newspaper of the widest circulation in the State. I have here an editorial from that newspaper to which I am sure the senior Senator from California will listen with interest, not only because of its earnestness of purpose but because of his personal acquaintance with the publisher of the newspaper. I ask that the clerk may read the editorial.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[Copy of an editorial published in Arizona Republican, Phoenix, Ariz., December 5, 1928]

COOPERATION VERSUS FRICTION IN COLORADO RIVER DEVELOPMENT

The report of the Colorado River Engineering Commission, headed by Maj. Gen. William L. Sibert, made public last Monday makes it very evident that a revised plan is needed to bring about promptly the much desired Colorado River development. The essential features of the commission's report are:

That the cost of the project should be estimated at $176,000,000 instead of $125,000,000, or an increase of $51,000,000.

That by supercare in construction a dam at Black Canyon 550 feet high can be built safely.

That the site is favorable from an engineering standpoint with no probability of earthquake damage.

That if that portion of the cost of the project properly chargeable to flood control is borne directly by the Federal Government and the all-American canal serving the Imperial and Coachella Valleys stands on its own feet as a reclamation project, and proper revenues from water distribution are added to revenues from power the project can be made economically sound and able to amortize its cost within 50 years.

This suggestion is with the proviso that the Federal Government assumes the cost of flood control and the all-American canal is paid for by the lands benefited and is in no way made a handicap on the proposed dam at Black Canyon.

That the question of Mexico's interest in the river is of such economic importance that an agreement limiting the amount of water assignable to Mexico should be made prior to the completion of the project.

The report of the Sibert engineering commission justifies the objections raised against the project for the development of the Colorado River as proposed in the Swing-Johnson bill. It was not a pertinent objection that the dam was to be located either at Boulder Canyon or at Black Canyon, as it was evident before the Swing-Johnson bill was drawn that any plan of development in which the Federal Government would participate would involve the location of the dam in that region. The engineering commission was therefore limited in its investigations to a study of dam sites in that area. The reason for this limitation is that no other location offered the revenue from power development to repay a large proportion of the cost.

With the presentation Monday to Congress of the engineers' report the time seems to have arrived for Senator JOHNSON, of California, and Senators HAYDEN and ASHURST, of Arizona, all of whom are particularly familiar with the project, to get together on a plan on which the people of Arizona and California can agree. This would substitute intelligent cooperation for the friction of the past six years.

For many years the Republican editorially and its publisher in public addresses have repeatedly stated that the feature of flood control in this great international and interstate stream should be borne by the Federal Government and not made reimbursable.

Similar support has been given to the fact that in all common sense the all-American canal to serve the reclamation needs of the Imperial and Coachella Valleys should be paid for by the lands benefited, as in other reclamation projects. In taking this stand we have assumed that any reclamation projects on the Arizona side of the Colorado River would have to stand on the same basis.

With the Federal Government bearing the cost of flood control involved in the project in compliance with the policy adopted for flood control on the Mississippi River, the all-American canal treated as a separate reclamation project, and only the balance of the project paid for through the receipts from power and water revenues, it should be entirely practical to make this a sound economic development. Thus it should be comparatively easy for Arizona, California, and Nevada to now get together on an agreement justly dividing the water and arranging for an annual distribution of revenue each year to Arizona and Nevada in lieu of taxation.

It is interesting to note that in March, 1927, at the time of the organization of the Arizona-Colorado River Development Association, the following resolution was one of those adopted unanimously by the association:

"That as the Colorado is a great interstate stream whose floods are a menace to property in the lower reaches of the river, there rests upon the Federal Government a definite obligation to supply without reimbursement a reasonable proportion of the funds needed in a great project combining flood control, water storage, and power development, said Federal appropriation covering these funds to be included in a new bill to be enacted by Congress."

Another resolution passed by the Arizona association at the same meeting on the subject of Mexican water ties in with the report of the commission and was as follows:

"That to prevent any misunderstanding between the United States and the Republic of Mexico it is desirable that a declaration be made by the United States Government that all stored flood waters of the Colorado will be reserved wholly for use within the boundaries of the United States, and that no permanent right can be initiated to the use of such waters through possible temporary beneficial use in Mexico, and that this principle should be later included in a treaty between the United States and Mexico, which treaty should justly acknowledge Mexico's equitable rights to the use of water on a reasonable and definite area of lands in Mexico which have been previously irrigated through the diversion of the Colorado River's unregulated flow."

At the conference in Denver of all the Colorado River Basin States in 1927 a similar declaration was made as to the need of promptly meeting the Mexican situation. Certainly, with all the accumulated information, Congress should soon be able to take appropriate action safeguarding the waters of the Colorado River for use within the United States.

This whole problem of Colorado River development must now be met in a big spirit. Littleness and quibbling must stop. Political maneuvering must end, and no three men can do more to start a new spirit of cooperation than can Senators JOHNSON, HAYDEN, and ASHURST in Washington.

Mr. HAYDEN. Mr. President, I shall endeavor to state the problem that confronts us in its essentials in such a manner that the senior Senator from California [Mr. JOHNSON] can agree with me that the statement is fair to all parties concerned. I desire to state, if I can, the demands of the various States or groups of States within the Colorado River Basin which should be satisfied by the enactment of this legislation. If I misstate the situation in any particular, I hope the senior Senator from California will not hesitate to correct me.

The Colorado River Basin is divided into two parts—the upper basin and the lower basin. The States of the upper basin are Wyoming, Utah, Colorado, and New Mexico. As I understand the situation, the great aim and object of those four States, which they hope to attain by the passage of this legislation, is the unqualified ratification of the Colorado River compact by all the seven States.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. HAYDEN. I yield.

Mr. BORAH. The Senator has reached a point in which I am very much interested. Does the State of Arizona contend that any act of Congress can affect its rights in any way in case it does not consent to this compact?

Mr. HAYDEN. The State of Arizona positively contends that the Congress of the United States has no jurisdiction over appropriations of waters and that the Congress can not by any enactment in any manner affect the rights of that State or the jurisdiction of that State over the waters of its streams.

Mr. BORAH. As a proposition of law, let us assume the Senator is correct; but, if that is true, are not the advocates of the bill taking the risk here and not the State of Arizona?

Mr. HAYDEN. That is a correct assumption; but the last thing that the State of Arizona wants to do, and the last thing that the people of any of the seven States want to do is to throw this controversy into long-drawn-out litigation in the courts. The history of interstate water-rights suits is one of long and almost interminable delay. The suit between Kansas and Colorado over the waters of the Arkansas River progressed for 14 years before the Supreme Court rendered its first decision, and I understand that there are still motions pending before that court with respect to the original suit. The same is true of the disputes between Wyoming and Colorado with respect to the waters of the Laramie River; and in many other instances. Interstate litigation is sure to be stubbornly contested, and will undoubtedly delay development. That is the last thing any one of the seven States wants to do, although Arizona may, if the legislation passed by Congress violates her rights, at least in the manner provided in the House bill, be compelled reluctantly but firmly to follow that course.

Mr. BORAH. I understand the Senator's position now. I had the impression that the Senators from Arizona felt that legislation here might prejudice their rights, or in some way interfere with their rights; but it did not seem to me that that was the correct position. I understand now that it is simply the desire of the Senator to avoid long litigation.

Mr. HAYDEN. Exactly so. A ratification of the Colorado River compact, negotiated in Santa Fe by all of the seven States in the Colorado River Basin, will determine for all time the apportionment of water between the upper and the lower basins of that stream. The States of the upper basin are primarily and almost solely concerned with that phase of this legislation. They are most anxious to have reserved in perpetuity for their use whenever they have occasion to use it seven and one-half million acre-feet of water.

That being the case, if this legislation can be passed predicated upon a complete ratification of the Colorado River compact by all seven States, then the States of the upper basin are entirely satisfied, as I understand their viewpoint. They have no direct interest in whether or not a dam at this particular site is constructed. They have no interest in the terms of repayment or how the water impounded shall be apportioned. All those are matters that they are perfectly willing to leave for settlement by the States of the lower basin. But before any water right vests at Boulder Dam, before any water is put to use for irrigation or for any other purpose from that dam, before any rights are acquired, they desire to have the Colorado River compact completely approved, which reserves to the upper basin its fair share of the waters of the Colorado River system. Therefore, the one essential of a complete agreement upon this bill, one essential of a complete satisfaction of the demands of the four States of the upper basin, Utah, New Mexico, Colorado, and Wyoming, is a seven-State ratification of the Colorado River compact. If that can be accomplished, the four States will be satisfied.

The State of California is to be considered next.

The State of California has four demands which it seeks to have satisfied by this legislation. The first is flood protection for the Imperial Valley, the Palo Verde Valley, and other lands liable to be inundated in that State. There is a real, a serious menace to property—not so much a menace to life—from the floods of the Colorado River in that State. That State desires that protection. Everyone agrees that it is entitled to the same protection by aid of the Federal Government to which any other State on any other interstate river is entitled. Second, California asks for water from the Colorado River sufficient to irrigate eight or nine hundred thousands acres of land in that State. Third, California desires water for domestic use in the city of Los Angeles and other municipalities in southern California. Fourth, that State desires cheap power produced on the Colorado River for use in the industries and otherwise in the State of California.

Those are the four things that the State of California seeks to accomplish by the passage of this bill.

The State of Nevada asks that a dam be constructed on the Colorado River where it forms the common boundary between that State and the State of Arizona, first, in order that there may be, near at hand, cheap power for the industries of Nevada. The second desire of the State of Nevada is for 300,000 acre-feet of water to be used for irrigation purposes in that State. The topography of the State is such that Nevada can use but little water, and therefore the demand of that State for water is comparatively slight. Every one is willing to concede that much water to the State of Nevada. Lastly, the State of Nevada asks, in accordance with the resolution introduced by the senior Senator from that State [Mr. PITTMAN] during the governors' conference in Denver in 1927, for compensation for the use of her lands and her waters when used to generate hydroelectric power. The maximum measure of that compensation, so far as I have ever heard any expression from anyone in Nevada, is that it should be equal to the taxes that would be paid by a private power company if power were developed on the boundary of that State in the Colorado River.

Arizona likewise has three demands. We have asked, first, that after 300,000 acre-feet of water has been allotted to Nevada, the remainder of the stored or impounded waters of the Colorado River be divided equally between the State of Arizona and the State of California. We say in Arizona that we have as good land as exists in California; that we can make equally beneficial use of the water. The State of Arizona needs flood protection in the vicinity of Yuma to as great an extent as does California. Property is menaced, although not so much of it in Arizona as in California. The Yuma project is not so great in irrigated area as the Imperial Valley in California, but needs flood protection. Lastly, we ask for compensation for the use of our lands and our waters in the same manner and to the same extent as the State of Nevada may receive. Arizona asks no more and no less as compensation for the use of her lands and her waters to make hydroelectric power than the State of Nevada. We say that the basis and the measure and the limit of that demand is that Arizona shall receive compensation to the same extent that she would receive it if a private power company were to build a dam, a power house, and produce power on the Colorado River within that State.

If the dam and the power plant were private property, it would be taxable within the two States of Arizona and Nevada. The assessment or valuation of the property could be no higher than that of other property, and the rate of taxation could be no higher than the rate upon other property. That is the sum and substance of Arizona's demand for compensation from power.

The Federal Government has an interest in this problem. The Federal Government should perform its proper function of aiding in protecting the inhabitants of the Colorado River States from devastation by flood the same as it assumes that function on the Mississippi River or on any other interstate stream. The Federal Government also has the same duty to perform on the Colorado River as elsewhere in the West in impounding water for the reclamation of public lands. It is entirely proper, as the President states in his message, that the Federal Government, in connection with these works, should provide domestic water for the cities of southern California if compensated for storing and desilting that water.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I do.

Mr. KING. I may not have understood the Senator correctly. Does he say that the duty rests upon the Federal Government, or that it is one of its powers, express or implied, to furnish water for municipal purposes?

Mr. HAYDEN. No; but I say that the Federal Government can properly render that service in connection with the other powers that it does possess under the Constitution.

Mr. KING. Where there is some ancillary development in connection with the exercise of some constitutional power, then the Senator contends that in that ancillary development, if there was a surplus of water, it might be furnished by the Federal Government to municipalities and that the exercise of that duty or responsibility would be within the constitutional authority of the Federal Government?

Mr. HAYDEN. I agree with the Senator from Utah.

Lastly, since reference has been made to the President's message, a bill must be passed, if I read the message correctly,

which will keep the Federal Government out of the power business.

Those are the Federal interests that are involved in this legislation. If I have misstated any fact with respect to the attitude of any State, I want to be corrected.

The Senate has substituted the Boulder Dam bill which has passed the House of Representatives for the measure introduced by the senior Senator from California, which was reported to the Senate with numerous amendments. I have compared the two measures and find that the House bill contains seven substantive propositions which are not to be found in the Senate bill. I also observe that there are 29 committee amendments to the Senate bill, some of which are of great importance, which are not included in the bill as it passed the House. It is primarily with respect to these differences between the two measures that I desire to obtain the benefit of the views of the senior Senator from California. I may ask him some questions based upon the report of the Colorado River board of engineers which has been recently submitted, upon statements made in the President's message and elsewhere.

I am quite sure that the Senator will be frank in the replies that he makes me, and I shall be equally frank in answering any interrogatories that he may propound to me, in order that we may arrive at a common ground of understanding.

If this bill can not be further considered by a committee, we will have to discuss it at length in the Senate. It will be an "open covenant, openly arrived at," and I am sure that a frank discussion of the terms of the bill will be helpful.

I should like to ask the Senator from California whether he considers that the Federal Government has the same obligation to provide flood control on the Colorado River as upon the Mississippi River, or any other interstate stream?

Mr. JOHNSON. Does the Senator wish a reply now?

Mr. HAYDEN. Certainly.

Mr. JOHNSON. I think there is no difference at all in principle.

Mr. HAYDEN. The Sibert board, General Sibert being chairman of the board of engineers which submitted the engineering report transmitted to Congress last Monday, has recommended that a part of the cost of the dam at Black Canyon be considered as a Federal contribution toward flood control and be not made reimbursable. What sum of money does the Senator from California believe should be appropriated for that purpose as a gratuity?

Mr. JOHNSON. Mr. President, I am utterly unable to say what sum of money. My colleagues, the Senator from Colorado and the Senator from Nevada, have very distinct ideas upon that subject. In my opinion, I want to say to the Senator from Arizona, no allocation is necessary. I recognize what the report has said. Ultimately, if the Senator is going to discuss that, I shall discuss it in reply as well, but in my humble opinion it is unnecessary to allocate any sum of money to flood control in order to make feasible and economically sound the bill that has been presented. Personally, I stand upon the provisions of this bill that there shall not be a single dollar expended or a single bit of earth turned until the Secretary of the Interior has in his possession executed contracts for the payment of all of the money contemplated to be expended by the United States Government.

Mr. HAYDEN. The Senator then does not agree with the report of the Board of Engineers that the project is not economically feasible unless a part of its cost is charged off; that part which should be allocated to flood control.

Mr. JOHNSON. Quite the contrary.

Mr. HAYDEN. The Weymouth report, on which the Senator originally relied, stated that a dam purely for flood control could be built at Black Canyon, or Boulder Canyon, at a cost of $28,000,000. If the Federal Government were to build the dam purely for flood control, to perform that which we all recognize to be a governmental function, it seems to me that it would be entirely proper to use that as the measure of what the Federal contribution should be toward flood control.

Mr. JOHNSON. If a measure is to be utilized at all, and if there is to be an allocation of money for flood control, probably the figure that the Senator gives may not be inaccurate, and it certainly would not be inappropriate.

Mr. HAYDEN. The Weymouth report was based upon a dam of a much narrower base and upon discharge tunnels that would carry 100,000 second-feet of water. In order to build that kind of a dam, according to the recent report of the Colorado River board of engineers, it would be necessary to widen the base and to increase the capacity of the tunnels to 200,000 second-feet.

In view of the differences in the estimates of cost between the Weymouth report and the Sibert report, it is safe to say that a dam such as was contemplated or recommended by the United States Reclamation Service, purely for flood control, would cost more than $28,000,000. In my opinion, nearer $40,000,000 would be the proper figure.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. HAYDEN. Gladly.

Mr. JOHNSON. I do not propose, of course, to take the Senator's time, or to interrupt him, but does the Senator know a gentleman named Lynn Atkinson?

Mr. HAYDEN. Yes. Mr. Atkinson recently constructed a very remarkable dam in Arizona?

Mr. JOHNSON. Which dam?

Mr. HAYDEN. The Coolidge Dam.

Mr. JOHNSON. Is it a structure which the Senator would approve?

Mr. HAYDEN. Decidedly.

Mr. JOHNSON. And well done by Mr. Atkinson?

Mr. HAYDEN. An excellent piece of work.

Mr. JOHNSON. I hold in my hand a telegram I have received from Mr. Atkinson, in which he says that he will enter into any guaranties that are desired for bidding upon the Boulder Dam, and he will take the job for less than the Weymouth estimates. I simply give that as a matter of information, so that Senators may understand some little of that upon which my opinion is founded in respect to the engineers' recent estimates.

Mr. HAYDEN. To which kind of a dam does Mr. Atkinson refer, the dam recommended by the United States Reclamation Service or the larger and more expensive dam recommended by the Sibert engineering board?

Mr. JOHNSON. I rather imagine he refers to the one of the Reclamation Service. I have the telegram, and I shall ultimately read it.

Mr. SMOOT. What is the date of the telegram?

Mr. JOHNSON. December 4.

Mr. SMOOT. Last December?

Mr. JOHNSON. No; it was just received to-day.

Mr. SMOOT. Will the Senator put it in the RECORD following the remarks of the Senator from Arizona?

Mr. JOHNSON. Yes; when the Senator concludes I will have it read, and I assume that the Senator from Utah will have some remarks to make upon the recent report, and I shall be very glad to make some, too.

Mr. HAYDEN. I have a very high opinion of Mr. Atkinson as a contractor. I would really prefer to know, before expressing an opinion on the telegram, upon what set of specifications he made his figures. Did he have before him the report made by General Sibert and his colleagues at the time he sent the telegram, or did he have the Weymouth estimates, which were for a much smaller and less expensive dam? That would make a great difference in the amount of money that would have to be expended.

The House bill combines the Boulder Canyon Dam, the hydroelectric power plant, and the all-American canal into one project, and then requires the Secretary of the Interior to make provision for revenues by contracts for power, and for the storage of water, sufficient to repay the entire cost of the combined project within 50 years. In other words, the House bill contemplates that the all-American canal shall be subsidized by power produced at Boulder Dam.

The report of the Colorado River board of engineers, of which General Sibert was the chairman, states that—

> It will be impossible to meet operation, maintenance, interest, and a sufficient sinking fund to retire the cost of the project within 50 years, unless the capital investment is reduced by the cost of the all-American canal.

I inquire of the Senator from California whether he intends to support amendments to the House bill which will entirely separate the all-American canal from the dam and the power project, so that the power will bear no part of the cost of the all-American canal?

Mr. JOHNSON. Mr. President, I have offered the Senate bill in that regard, and I accept the amendment that was adopted by the Senate committee.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. Let me call the attention of the Senate to the fact that the amendment to the Senate bill which the Senator from California accepted absolutely excludes the cost of the all-American canal from any burden upon revenues received from the power at the dam. In other words, the all-American canal, under the amendment referred to, is to be

built in accordance with the terms and provisions of the reclamation act, which imposes the burden of the cost of construction of the all-American canal upon the land to be benefited by irrigation from the water carried through that canal. Consequently, the Senate bill has conformed already—the Senate bill being now the pending bill, under the House title—to the suggestion of the commission of eliminating the cost of the construction of the all-American canal as a capital cost, which reduces the amount to be paid for by power some $38,000,000.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. If I understood the Senator from Nevada correctly to say that the amendment which has been offered to the Senate bill and accepted, may I observe that while it requires the all-American canal to be constructed in a manner provided in the reclamation act, nevertheless the funds for the construction of the canal are not to be drawn from the reclamation fund but are to be a direct charge upon the Treasury of the United States.

Mr. PITTMAN. I think that is true; but the matter I have in mind is not changed. The intent of the amendment referred to, and which has been accepted by the Senator, is not to have the cost of the construction of the all-American canal a charge upon the assets received from the generation and sale of electrical energy at that dam. Is not that the understanding of the Senator from Arizona?

Mr. HAYDEN. That is correct, but——

Mr. PITTMAN. That reduces the estimates of this commission, then, but that amount, which I believe is thirty-eight million and some odd thousand dollars, and instead of the total burden upon the electrical energy being $165,000,000, it will be $165,000,000 less $38,000,000. It at least reduces it to that extent.

Mr. HAYDEN. The Sibert commission was directed to make a report upon the feasibility of the project as proposed in the House bill, the bill which passed the House and which we now have under consideration in the Senate. That commission finds that the economic set-up in that bill is not feasible, that the Federal Government can not be reimbursed if that bill, in the form in which it passed the House, becomes a law.

The commission further finds that the all-American canal will cost, if the work authorized in the House bill is done, $49,500,000, instead of $31,000,000, as provided in the House bill. I should like to inquire of the Senator from California whether he intends to offer an amendment to this bill, or will support an amendment to the bill, which will increase the total cost of the bill by $18,500,000, in order adequately to care for the construction of the all-American canal as recommended by the Sibert commission.

Mr. JOHNSON. It is my present intention not to do so with respect to the all-American canal.

Mr. HAYDEN. If that is the case, and if, as the commission states, it will cost $11,000,000 to carry water from the Imperial Valley up to the Coachella Valley, and some six or eight million more to line the canal through the sand dunes, where will the money come from to do that work?

Mr. JOHNSON. It can be done within the sum of the financial set-up of the Secretary of the Interior that has heretofore been furnished.

Mr. HAYDEN. In other words, the Senator from California contends that all that is authorized to be done in the House bill, that is, to build a main canal and appurtenant structures to convey water from the Laguna Dam to the Imperial and Coachella Valleys, can be done for $31,000,000, and that it will not cost $49,500,000, as found by the Sibert commission?

Mr. JOHNSON. If that is the original set-up of the Secretary of the Interior and of the Reclamation Service; yes.

Mr. HAYDEN. I do not know to what the Senator refers by "the original set-up."

Mr. JOHNSON. I am not entirely clear about the $31,000,000, whether the sum is $30,000,000 or $35,000,000, but if the Senator is correct in his statement of the amount as $31,000,000, as the original financial set-up, then I say, yes, it can, within that sum, be built.

Mr. HAYDEN. The original set-up was that the main canal connecting Laguna Dam was to be constructed from that point down the west bank of the Colorado River and through the Sand Hills to the Imperial Valley. The original estimate for that piece of construction only, made by the Reclamation Service, was $31,000,000. The bill, however, provides not only to bring the water from Laguna Dam to Imperial Valley but to convey it to Coachella Valley. The Sibert commission finds that to do that will require $11,000,000 more. It also finds that the cost of the all-American canal itself must be increased by some $8,000,000.

Mr. JOHNSON. I am expressing my personal opinion again that the $31,000,000 will take it into the Coachella Valley.

Mr. HAYDEN. Then the Senator totally disagrees with the finding of the Sibert board of engineers?

Mr. JOHNSON. The Senator may reach his own conclusion upon that. If they say black is white and I deny it, the Senator can say we do not agree.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. Certainly.

Mr. PHIPPS. For the Senator's information I would like to state that one of the amendments which I offered this morning would have the effect of increasing the total amount of the bill so as to cover the additional cost of the dam structure and the power plant as estimated by the Sibert commission; but instead of going to their limit of $176,000,000, my amendment would make the total authorization $165,000,000 because I have reason to believe that an alternative route to the head of the Coachella Valley is feasible, and that investigation now under way will demonstrate, when complete, that the canal can be constructed without that additional cost of $11,000,000. If, however, the time should come when it is demonstrated the canal is justified, that the lands to be benefited can bear the expense, and the expense is greater than estimated to-day by the Reclamation Service, in which I have great faith, then it would be a very simple matter to arrange for an additional appropriation that might be necessary to make the project satisfactory, successful, and feasible.

Mr. HAYDEN. In other words, the Senator leaves the people of Coachella Valley in this situation—that the Secretary of the Interior will be authorized to build a canal that will furnish them with water, but no money will be provided whereby he may do the work.

Mr. PHIPPS. An amount will be carried in the bill which I believe will be found sufficient to provide the funds necessary for the construction of that canal when the people of the Coachella and Imperial Valleys are ready for the canal. I remind the Senator that the estimated time for the construction of the dam alone is seven years.

Mr. SMOOT. Mr. President, will the Senator from Arizona yield to me?

Mr. HAYDEN. I yield.

Mr. SMOOT. I would like to ask the Senator from California if he disagrees with the report of the commission as to the necessity for a stronger dam and as to the necessity for larger diversion tunnels?

Mr. JOHNSON. Upon the engineering technical aspect I do not express an opinion, because, of course, I am unable to determine whether a dam should have a discharge of this sort or a discharge of that sort. Upon that point, however, I will have data which will be complete within the next 24 or 48 hours, and then I shall be able to answer the Senator with some accuracy.

Mr. SMOOT. In other words, the Senator would prefer to take the estimate of the Reclamation Service rather than that of the engineers?

Mr. JOHNSON. Not at all; but it may be we can reconcile both. However, I am not prepared to argue technical engineering details. But it does not make any difference, sir, whether we do the one thing or the other; the bill leaves with the United States Government the right to do as the Government shall determine ought to be done in respect to the mode of construction. The Senator will look at the bill in vain to find that there are any engineering technical details for the construction of the dam. It is simply left to the department and to the Government to construct as it ought to be constructed.

Mr. SMOOT. I think the Government should take into consideration the action of Congress, and whatever Congress decides they should try to carry out. If the Congress acted in a way to indicate that they did not believe the engineers' report, why should not the Government, or the officials of the Government who are to put into operation the legislation, do it in accordance with the wishes of Congress rather than upon the basis of any report?

Mr. JOHNSON. Does the Senator think the Congress is competent to deal with engineering problems?

Mr. SMOOT. No; but Congress has the report here by a commission that was appointed by authority of Congress and which has made its report.

Mr. JOHNSON. Certainly; and if the Government desires to adopt that report it can do so. All we ask in the bill is that a dam be erected at Black Canyon of a certain height, and that dam should be erected by the Government under recognized engineering data and upon plans legitimately and regularly submitted. If the Government desires to adopt the Sibert plan, well and good. If it desires to adopt some other plan, well and

good. But the Senator is aware, I think, that there has been one dam-building agency in the United States that has never yet failed, and that is the Reclamation Service of the United States Government.

Mr. SMOOT. Oh, yes; they have failed——

Mr. JOHNSON. No; they have not failed.

Mr. SMOOT. In the matter of costs they have failed in nearly every instance.

Mr. JOHNSON. I deny that, and I will present figures showing that in nearly every instance the cost of the dam has been under the estimates of the Reclamation Service.

Mr. SMOOT. The Senator is wrong.

Mr. JOHNSON. Either the Senator from Utah is wrong or I am wrong. We can prove it by the record, however.

Mr. SMOOT. In making the appropriations, when the matter has been before the committee, the appropriations that have been asked for have always been in the nature of an increase. I do not say that every one has been an increase. In my own State of Utah the Reclamation Service built a dam and it cost nearly 100 per cent more than was estimated for.

Mr. JOHNSON. Which dam was that?

Mr. SMOOT. The Strawberry Valley project.

Mr. JOHNSON. I will bring to the Senator to-morrow, and I will very gladly concede it if I am wrong, the estimates that have been made by the department in the construction of dams, and the sums for which those dams have been constructed.

Mr. SMOOT. I thought the Senator was going to say he would have an estimate with reference to the Strawberry Dam showing that it did not cost more than the estimate.

Mr. JOHNSON. I do not know anything about the Strawberry Dam, and I confess it.

Mr. SMOOT. The Senator at least has gone so far to-day as to say that he is not going to accept the report of the engineers as to the cost of the all-American canal.

Mr. JOHNSON. Oh, no! I have expressed my opinion. The Government will do ultimately what it sees fit to do in the matter of the acceptance of the report of the Board of Engineers. The Government is the one that will determine. I express my opinion in respect to it; but that is of little consequence, and I decline to express an opinion, of course, in relation to the engineering data and engineering minutæ of a transaction of this sort.

I do not rise to the dignity of the intelligence of the Senator from Utah, I recognize, and I recognize, too, that he of course can tell whether a dam is constructed according to the latest mode of the latest engineering data. I am unable to do that. That I leave to the experts of the Government of the United States ultimately to determine.

Mr. SMOOT. All I wanted to know was the attitude of the Senator from California. He, to begin with, throws aside the estimates made by the engineers, and says they are altogether too much as to the all-American canal. I thought perhaps that is what he is going to do with the balance of the report. That is all that I asked the Senator; and the Senator frankly states that he has not passed judgment upon the balance of the report, but, so far as the all-American canal is concerned, which we have under discussion, he does pass judgment, and says the report is wrong.

Mr. HAYDEN. Mr. President, the report of the Colorado River board of engineers says that the Secretary of the Interior has estimated that the income from storage services at Boulder Dam would be $1,500,000 a year. The board suggests that this income "can be reasonably increased." The only concrete proposal for any increase in income from that source was made by Mr. George Malone, an engineer representing the State of Nevada, who suggested that two or three dollars per acre-foot be charged for the storage of domestic water to be used by the city of Los Angeles and other municipalities in southern California.

A committee amendment to the Senate bill, which is the bill now under consideration, provides "that no charge shall be made for water or for the use, storage, or delivery of water for irrigation or water for potable purposes."

I should like to inquire of the Senator from California whether he intends to insist upon the adoption of that committee amendment, or does he agree with the Sibert commission that a greater income should be received from storage service at Boulder Dam?

Mr. JOHNSON. It is a matter of some indifference, so far as I am concerned. The amendment was presented either by the Senator or his colleague, according to my recollection.

Mr. HAYDEN. I am sure I had nothing to do with it, and I am likewise sure that my colleague will disclaim ever having offered any such amendment.

Mr. ASHURST. My colleague is quite right.

Mr. HAYDEN. My information is based wholly upon the text of the bill as it appeared when it came from the committee.

Mr. JOHNSON. Was not the amendment offered by the senior Senator from Arizona?

Mr. ASHURST. No; it was not offered by me.

Mr. JOHNSON. I thought it was offered by the senior Senator from Arizona.

Mr. ASHURST. No.

Mr. JOHNSON. Then I am in error.

Mr. ASHURST. The Senator has misremembered; that is all.

Mr. JOHNSON. Very likely so.

Mr. HAYDEN. The amendment appears on page 2 of the Senate bill.

Mr. JOHNSON. I am familiar with the amendment.

Mr. BRATTON. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. Certainly.

Mr. BRATTON. I think that the amendment should be amended to provide that as to the owners who have protected their rights to water by actually putting it to beneficial use prior to the time this bill becomes effective, no charge should be made, but as to new rights hereafter initiated as a result of this proposed development a reasonable charge should be made.

Mr. HAYDEN. The Senator will find that the proposition which he advances would be very difficult of administration. There is a difference between a water right and the delivery of water upon demand. There are undoubtedly individuals who acquired water rights in the Imperial Valley and elsewhere in California and Arizona, and their water rights may be of great value to them, but nothing could be of as much value to them as to have the entire flow of the stream controlled so as to supply water upon demand. For that improved service they should pay.

Mr. BRATTON. But as to rights now existing or which may be actually in existence when the act takes effect, I think the protection against a charge should apply. In other words, we should not undertake to charge for water rights that are in existence and have reached the point of actual application of water, but as to rights developed as the result of this improvement a charge should be made. This will increase the income to the project.

Mr. HAYDEN. Certainly no right to the use of water for potable purposes has as yet been acquired by the city of Los Angeles or other municipalities in southern California. The proposal made by Mr. Malone was that a charge of two or three dollars per acre-foot for that service would be so light that when an acre-foot of water was distributed among a number of families for domestic use the charge would not be noticeable. A substantial income could be obtained from that source to aid in reimbursing the United States for the cost of construction of the dam.

Mr. BRATTON. Is there any objection to that proposal?

Mr. HAYDEN. The committee amendment to the bill as it stands absolutely prohibits a collection of that kind, whereas the Sibert board of engineers recommend obtaining revenue from that source.

Mr. BRATTON. The amendment that I had in mind to the committee amendment would provide that as to owners who have perfected their water rights by the actual application of the water to beneficial use no charge shall be made, but as to other users, whose rights are acquired after the act of Congress becomes effective, the charge should be made. By so doing the income will be increased and the project made more feasible from a financial standpoint. If the two classes of water users are thus divided, one being exempt because their rights were acquired and perfected prior to the time when the act becomes effective and the others subjected to the charge, they being the ones whose rights are initiated and perfected after the act becomes effective, why is not that just and equitable, and at the same time why will it not increase the income to the Government?

Mr. HAYDEN. I heard that same argument made, if the Senator will permit me to say so, more than 20 years ago on the Salt River project in Arizona.

Mr. BRATTON. I do not advance it as a new argument.

Mr. HAYDEN. At that time there were water users who had acquired prior rights which they thought were ample to take care of their needs; there were others with rights that were not so good, and others who had no rights at all. We found, as a practical proposition, that the only thing to do was to charge everybody for water service and give them all complete service; that what a man wanted was water and not a water right. It was found to be impracticable to carry out that distinction. It might be carried out as between areas of land in

different districts where the conditions are totally different, but it can not be done to any appreciable extent within an irrigation district itself.

I can see no necessity for any such provision at all in the bill, because that could be arranged in the discretion of the Secretary of the Interior in making the water contracts. If he rendered a greater service to the people of the Coachella irrigation district than he did to the people of the Imperial irrigation district, they should pay more for service. That is all there is to it.

Mr. BRATTON. I do not deceive myself into the belief that I am suggesting anything new. The Senator comes from the West and so do I. We both have had something to do with water rights; but the fact that the principle has been argued before and discussed through the years does not deprive it of its soundness. The suggestion that I addressed to the Senator was whether or not separating the two classes of consumers in the fashion that I have outlined is not fair and equitable and at the same time does it not accomplish what the board suggests; that is, to increase the income of the project in a just and equitable fashion?

Mr. HAYDEN. The recommendation of the Colorado River board clearly requires some change in the amendment, because the way it reads now, "that no charge shall be made for water or for the use, storage, or delivery of water for irrigation or water for potable purposes," absolutely bars a source of income which originally the Secretary of the Interior estimated at a million and a half dollars a year and which the Sibert board says should be materially increased.

Mr. BRATTON. The Senator and I are not far apart; we both agree that the amendment should be changed somewhat.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I yield.

Mr. KING. Let me make a suggestion to my friend from New Mexico corroborative of the attitude taken by my friend from Arizona. The evidence shows that the stream which flows down through the Imperial Valley greatly fluctuates. There has been recently, during a number of years, a flow which did not exceed 1,200 second-feet. The amount of the prior appropriation and the amount required for the irrigation of the four or five or six hundred thousand acres that are irrigated in the Imperial Valley would aggregate several thousand acre-feet. The result is that in many years there is an inadequate supply of water for the lands which have been irrigated for a considerable length of time. In other words, storage is necessary in order to perfect what might be denominated the primary right. The low water is wholly inadequate to irrigate the lands in the Imperial Valley. So they have to allocate the inadequate supply to the acreage which has been cultivated. The result is that there is a diminution of the quantity of crops produced upon all of the land. Therefore it is important not only for the bringing of new lands under cultivation that there should be storage facilities, but it is vitally important to those who have primary rights that they should have storage facilities and storage of water.

So the Senator from Arizona is perfectly right when he says, calling attention to the example of the Salt River Valley, that it would be very difficult to draw a line and to say that certain rights are primary and ought not to pay anything for the storage advantages, and others are junior and ought to bear all the burdens of the storage costs, because, as stated, the primary rights will need storage just as much as the new ones.

Mr. BRATTON. In reply to that I will say this is a matter that we in the West have discussed time and time again. I recognize the force of what the Senator from Utah has just said. On the other hand, the proposal to lay tribute against one who has acquired a water right and has perfected it by putting the water to beneficial use—that is, the actual application of it—is a thing against which he may justly complain. For illustration, a farmer who is irrigating 50 acres of land under the present situation may with great merit complain against a proposal to lay tribute against him for the right to irrigate the same 50 acres in the future. His crops may be better, his yield may be increased, but much complaint will be made against a proposal of that kind, and in my opinion with a great deal of merit.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. This is a detail of some future amendment that will be offered, but the main question suggested by the Senator from Arizona is as to whether or not we should enable a charge to be made for the water service. As a matter of fact, in any reclamation project there must be a contract by the Government through the Department of the Interior for the return of the money. That contract is either made with the district embracing and representing the existing water rights and those they expect to create or with individuals. In any event, there never will be a reclamation project, in my opinion, nor a dollar spent on one until there is a satisfactory contract approved by the Secretary of the Interior.

Mr. BRATTON. That is true; but if the bill forbids the Secretary of the Interior to make a contract charging landowners for the water, of course he will not make such a contract.

Mr. PITTMAN. Then the whole thing may fail.

Mr. BRATTON. And if it enables him to charge one class and prohibits him from charging another class, of course he will do that; so that, after all, we should determine whether the two consumers are in different classes—one to be charged and the other to be exempt, or otherwise.

Mr. HAYDEN. Mr. President, as the senior Senator from California is well aware, the House bill, before it passed that body, was amended by striking out an alternative provision with respect to the power. In the Senate bill, which we now have under consideration, there is a provision for the construction of a power plant. These words appear in section 6:

> Or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

I should like to inquire of the Senator from California whether he believes that that provision should be in the law as finally enacted?

Mr. JOHNSON. Does the Senator ask me whether the Davenport amendment as inserted in the House bill should be in the law?

Mr. HAYDEN. Yes.

Mr. JOHNSON. It is up to the Senate to determine what shall be done ultimately in that regard. We are now upon one of the most important parts of this bill; the Senator is speaking upon a matter that is of very great importance, and it is a matter I shall ask the Senate to pass upon ultimately.

Mr. HAYDEN. The House bill is based upon the idea that the Federal Government shall own and operate the power plant at Boulder Dam and sell electrical energy therefrom. Provision, however, is made for leasing a unit or units of the power plant after it shall have been built by the Federal Government. Does the Senator from California consider, if the Federal Government owned the power plant, built it and leased it to a municipality or to private interests, that the Federal Government would be in the power business?

Mr. JOHNSON. That the Federal Government would be in the power business?

Mr. HAYDEN. Yes; if it owned the power plant?

Mr. JOHNSON. I do not know whether the Federal Government would be in the power business or not. Of course, if the Federal Government erected a generating plant and leased units of that generating plant, the Federal Government would own a plant that would have something to do with what it leased; but I do not want to characterize just what the particular activity would be.

Now, do not make any mistake about my personal attitude in that regard. That is an attitude that is divorced from what the Senate may ultimately do or what may ultimately come before the Senate for determination in the Senate bill. However, I should like to see the Government do just that thing at that time; there is not any question on earth about that; and I conceal none of my views in that regard at all. That matter will come up for decision upon the general amendment that I offered to the Senate bill which gives three alternatives instead of the two of the House bill.

Mr. HAYDEN. I have for some years been interested in a flour mill which was constructed by my father, a water-power flour mill. At times I operated the mill myself and sold the product—the flour—while at other times the mill has been leased. I have always considered that I was interested in the flour-milling business by reason of my interest in the ownership of the mill. I would consider in this instance that whether the Federal Government owned the power plant and sold the electrical current produced there or whether it owned the power plant and leased it for a rental equivalent to the profit, perhaps, that it would receive by the sale of the current, it would be in the power business. We have had some reference to that subject here recently from an important source; and for that reason I wanted to find out the Senator's view on that particular point.

Mr. JOHNSON. To just what does the Senator refer?

Mr. HAYDEN. I refer to the President's message.

Mr. JOHNSON. I am very glad the Senator has done so. The President's message, as I construe it, does not mean at all that no power shall be accorded at the dam or at any dam that shall be erected by the United States to States, political subdivisions, municipalities, and the like. I do not so construe it. What I construe the President's words to mean is this—and I am speaking with frankness to the Senator now and to the Senate, too, in expressing a personal view. I construe his words to mean that he does not want the United States Government to build a distributing plant or to enter into the retail power business. I do not construe what he says to mean that he would not wish this Government protected by having the option, if it were deemed essential by the Government subsequently to protect its people, to erect a generating plant at the Boulder Dam or at any other place.

Mr. HAYDEN. The Senator referred to the Davenport amendments to the House bill. One of those amendments provides that every lease of the power plant or every contract for the sale of power shall provide that the Federal Power Commission may regulate the resale price of power.

Mr. JOHNSON. When I spoke of the Davenport amendments I meant the Davenport amendments referring to the three options, one of which was eliminated by the first Davenport amendment. That was what I was speaking about to the Senator a short time ago.

Mr. HAYDEN. As I remember the situation, Congressman DAVENPORT offered a series of amendments, of which the one to which the Senator refers was part. Does the Senator believe that that provision, which is now found in the House bill, should remain in the law if this bill becomes a law—the provision that the Federal Power Commission may regulate the resale price of power?

Mr. JOHNSON. I am not clear as to that yet. I will answer the Senator subsequently in respect to it. I would not wish definitely to say to him that I favor or do not favor that particular amendment.

Mr. HAYDEN. So far as I am personally concerned, it seems to me an entirely proper amendment; but if the alternative provision which is in the Senate bill should become a part of the law, then it would be necessary, it seems to me, to amend the House bill further by providing that the right to regulate the resale price of power should also be attached to any lease or license issued for the privilege of generating power from water produced at the dam. The bill should be consistent in all respects if that theory is to be adopted.

Does the Senator know of any condition such as the one to which I have referred, or any other condition which could be imposed upon the sale of power or upon a lease of a power house, that could not equally well and as effectively be imposed upon a license to generate water power at the dam?

Mr. JOHNSON. I do not know. I am not prepared to say that I could conceive of no such case. I should not desire to answer the Senator at the moment.

Mr. HAYDEN. The point I am trying to bring out is that we have three ways of imposing the will of Congress upon power production and distribution. One is by limitation or condition upon the power itself when produced by the Federal Government. Another way would be a limitation or condition upon a lease of the power house. The third would be a limitation or condition upon the license to generate power with water produced at the dam. Does the Senator see any difference between any of those three methods of imposing a limitation or condition?

Mr. JOHNSON. I should think there would be, but I confess I am not very clear as to the fact.

Mr. HAYDEN. I am interested in the ultimate effect of the adoption of the alternative proposal contained in the Senate bill. If that alternative proposal authorizing the Secretary of the Interior to enter into contracts of lease for the use of water for the generation of electrical energy is adopted, does the Senator from California believe that the Federal Government will build a power plant at Boulder Dam?

Mr. JOHNSON. Does the Senator wish me to prophesy or prognosticate about what the Federal Government will do in the next few years?

Mr. HAYDEN. It is important. It is really no joking matter.

Mr. JOHNSON. No; I am not joking; but I decline to be a prophet, even for the Republican Party.

Mr. HAYDEN. The bill will have to carry $38,500,000 to provide the funds to build the power plant at Boulder Dam. If in the opinion of the Senator or other Senators that option never would be used, then there is no necessity of appropriating the money.

Mr. JOHNSON. No. I am not very clear whether it would be used or not. Does the Senator recall the genesis of that particular amendment?

Mr. HAYDEN. I do not know its origin.

Mr. JOHNSON. Let me say to the Senator what it was. I am stating it now historically and accurately.

The original bill that was introduced contained no optional clause by which the Government might build a generating plant. Does the Senator follow me?

Mr. HAYDEN. I do.

Mr. JOHNSON. Originally we did not have any such provision in our bill at all, but the Secretary of the Interior, when the bill was submitted to him, sent back in writing his opinion that it was essential for the protection of the United States Government that the optional clause be written into the bill; and it was in pursuance of the present administration's demand that we wrote into the bill the clause that gave the option to the United States Government to build a generating plant.

That is the genesis of it. Whether that option would be exercised by the Government hereafter it is impossible for any one of us to say. It was designed, as I recall the language of the Secretary of the Interior, to protect the people from, I think he said, possible monopoly, and to arm the Government so that the Government might be in a position to do the job, and do it well.

Then, again, the topography of the country is such—I remember that argument being made, although I will not say by whom—that it may be impossible to erect, on one particular side, more than one generating plant; and, the space being so limited, the owner of that one generating plant might have been given a tremendous advantage over any other bidder. I remember that being stated; but the amendment to which the Senator adverts was an amendment inserted at the instance of the present administration of the United States Government, and in writing asked by this administration.

Mr. HAYDEN. I never could quite follow the argument that if the bill provided merely that a lease or license might be made for the use of water at the dam to generate power, if the bill stopped right there, the Government would be in a worse situation than if the bill authorized the construction of a power plant.

If Congress authorizes the use of $38,500,000 of Federal funds at 4 per cent to build a power plant, if I were the manager of a private power company in Southern California, or if I were managing the business of any of the municipalities in that part of the State engaged in the production of power, I certainly never would offer to build a power plant. My reason would be that if I went out into the market, I would be required to pay more for borrowed money than the Government offers to advance it for. So that placing an option in the bill to authorize the construction of a power house, to my mind, means that it is certain to be built. If it depends upon offers made either by municipalities or by private power companies in Southern California, they would much prefer to pay for power than to build a power house.

I have been advised, upon what I consider to be good authority, that if the alternative proposal contained in the Senate bill becomes a law, the private power interests will have no objection to the passage of this bill, because they feel certain that the next President of the United States will not permit the Federal Government to construct the power plant. The confidence of the private power interests that the alternative proposal expresses the real purpose of the bill, that all idea of a Government-built power plant will be discarded, is based upon a speech made by the next President of the United States in the city of New York in which he denounced Government ownership as State socialism. I want to warn the Senator from California that if he supports the alternative proposal contained in the Senate bill he will be charged with a deliberate betrayal of the cause of Government ownership, which he has so long and so earnestly championed. I noticed an indication of that in one of the Hearst newspapers, in which that very fact and the importance of it is pointed out.

The Washington Herald of December 4 contains this statement:

> The House bill is less satisfactory to the power interests than the one now pending in the Senate. It makes mandatory the erection by the Government of the proposed power plant at the dam.

I observe that there has been included in section 4 of the House bill the Senate committee amendment authorizing the payment to each of the States of Arizona and Nevada of 18¾ per cent of the excess revenue. I was advised at one time that the Senator from California was opposed to this provision. I

desire to know whether he has changed his mind and now favors that proposal.

Mr. JOHNSON. The Senator is entirely correct in his understanding that I was very much opposed to that provision, because I insisted that the Government ought to be paid back before any profits were turned over to any of the States. The provision, however, has been adopted now by the committee, and I accept it.

Mr. HAYDEN. Section 4 of the House bill also contains these words with reference to excess revenues, which do not appear in the Senate bill:

> The conclusions and determinations of the Secretary of the Interior shall be subject to the President's sanction and approval.

This reference to the President reminds me that Mr. Hoover, under whose administration this act will be carried out if it becomes a law, made the following statement to a representative group of Arizona citizens at Grand Canyon last August:

> That he had no objection to the Federal Government agreeing that the State of Arizona might impose a tax on power produced on the Colorado River in the State of Arizona, and that he feels sure the Federal Government will agree to the imposition of a reasonable tax of that kind.

Does the Senator from California agree with that statement made by Mr. Hoover?

Mr. JOHNSON. I do not. Is that satisfactory?—or it certainly is not misunderstood; is it? I do not agree with it. When was the statement made, does the Senator say?

Mr. HAYDEN. In August of this year.

Mr. JOHNSON. In August; and was it published?

Mr. HAYDEN. It was published extensively in the newspapers in Arizona.

Mr. JOHNSON. This is the first time I have known anything about it, but I answer the Senator with frankness.

Mr. HAYDEN. The next President of the United States is of the opinion that the States of Arizona and Nevada are entitled to compensation for the use of their lands and their waters to the extent of the taxes that they would receive from a private power company. That, as I understand it, is the sum and substance of what was contained in his statement at Grand Canyon.

Mr. JOHNSON. No; I did not understand that was what the Senator read at all. I understood the Senator to read something entirely different. Perhaps I misunderstood him. Will he not read again what he just read?

Mr. HAYDEN. I read:

> That he has no objection to the Federal Government agreeing that the State of Arizona might impose a tax on power produced on the Colorado River in the State of Arizona, and he feels sure the Federal Government will agree to the imposition of a reasonable tax of that kind.

Mr. JOHNSON. I take it that that statement means that the State of Arizona could levy a tax upon power generated by the United States Government upon the Colorado River. Is that correct?

Mr. HAYDEN. That could only be done with the consent of Congress.

Mr. JOHNSON. That is what it means, is it not, that the State of Arizona could levy a tax upon power generated by the United States Government on the Colorado River?

Mr. HAYDEN. Literally interpreted.

Mr. JOHNSON. That is exactly what I disagree with.

Mr. HAYDEN. Does the Senator disagree with the principle that the State of Arizona is entitled to some compensation for the loss of taxes which it might otherwise receive?

Mr. JOHNSON. The principle that it is entitled to compensation for the loss of taxes it might receive on what—on a United States Government structure?

Mr. HAYDEN. On the power produced at that dam site.

Mr. JOHNSON. By the United States Government?

Mr. HAYDEN. Yes.

Mr. JOHNSON. I do deny the principle.

Mr. HAYDEN. To the same extent, and upon the same basis, that the State would receive an income if the power were developed by private enterprise?

Mr. JOHNSON. If the power is generated and paid for by the United States Government, from a dam erected by the United States Government and paid for by it, I do deny any such principle.

Mr. HAYDEN. Who would benefit by the failure of the States of Arizona and Nevada to receive that income?

Mr. JOHNSON. I am not discussing that. I was stating to the Senator my viewpoint upon the particular matter, that is all.

Mr. HAYDEN. I think it is quite important, because the people of both Arizona and Nevada feel that while they have no objection to the Federal Government, if it so desires, building a dam and building a power plant and engaging in the power business, which, as the President has very clearly indicated, is not a function of the Federal Government, but if Congress insists upon doing that, we do object to having that fact made the excuse for depriving the States of Arizona and Nevada of revenue which they would otherwise receive if the development were undertaken by private enterprise. That is the issue which is presented in this bill. That, as I have said before, is the basis, the measure, and the limit of the demand of the States of Arizona and of Nevada.

Mr. JOHNSON. The committee in its wisdom has decreed—and that is an amendment to the bill—that out of the excess profits, Arizona and Nevada shall each receive 18¾ per cent. That is accepted by all the members of the committee, as I now understand it.

Mr. HAYDEN. Inasmuch as Mr. Hoover will be the President of the United States when this bill is carried out, if it is enacted into law, would the Senator be willing to agree to an amendment to the bill leaving to the President of the United States—who will be Mr. Hoover—authority to determine what compensation, if any, the States of Arizona and Nevada shall receive for power generated at Boulder Dam?

Mr. JOHNSON. And in every respect?

Mr. HAYDEN. Yes; just leave it to the President.

Mr. JOHNSON. That is, the Senator would strike out the provision that now exists in the bill and have a provision that the President of the United States shall determine whether or not any sum of any character should be accorded to either State?

Mr. HAYDEN. I would do that if the President were required to fix the taxes that would be received from a private power company, as the basis of payment.

Mr. JOHNSON. The Senator's qualification absolutely alters his original query.

Mr. HAYDEN. I make the qualification because of the expression made by Mr. Hoover that he thought that was a proper yardstick to use in measuring the income that would be received by the State of Arizona.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. PHIPPS. The Senator is arguing on the basis of the personality of an incoming President who we all hope and expect and believe will serve for at least four years, but I wish to remind the Senator that in legislative matters of this character personalities should not be considered at all. Mr. Hoover may or may not, although we hope he will, remain as President for at least four years. There is a chance some one else might be filling that high executive office. For that reason I think it is rather beyond the mark to discuss what determination might be made by a certain individual in a matter of this character.

Mr. HAYDEN. I would much rather leave that question to be determined by any President of the United States than to take what the Senator from California is willing to give our States, which is nothing.

Mr. JOHNSON. I have assented to this 18¾ per cent, do not forget that, although I still am of the opinion that we ought not to indulge any profits to the State until the debt to the United States has been amortized.

Mr. HAYDEN. The Senator from California will remember that in an address delivered on the steps of the city hall at Los Angeles last August Mr. Hoover said:

> I feel deeply——

Mr. JOHNSON. Mr. President, I will ask the Senator to pardon me. I am very willing to answer any queries that may be put to me, and afford every bit of information it is possible for me to afford. I will give him my opinion upon every subject connected with this bill, and do it with the utmost frankness, even though it may militate against me with the Senate; but I do not think it is quite the thing for him to do as he is about to do, ask me for opinions concerning what may have been uttered by Mr. Hoover during the campaign. I prefer that he will not do that. Ask me about my opinion on any subject, unconnected, please, with what Mr. Hoover may have said, or with any future course the Senator may think he maps out for himself.

Mr. HAYDEN. I shall certainly ask the Senator no questions he does not desire to have me propound. I will state to the Senate that in that speech made in Los Angeles last August, Mr. Hoover said:

I feel deeply that California should meet in every reasonable way the needs and views of the other States in the basin in the final formulation of that legislation.

He was referring to the legislation now pending before the Senate.

The future welfare of all States touching the river is forever interdependent and it can be promoted only by a sense of common interest and justice to all sides.

When Mr. Hoover made that statement, he was well aware of a conference held in Denver in the summer of 1927, to which the three States of the lower basin sent their governors and their commissioners. That was a conference called by the governors of the four States of the upper basin, wherein this whole water controversy was thoroughly threshed out, wherein each State presented its demand, and where the four governors, acting as mediators, suggested a compromise settlement. Mr. Hoover was aware, when he made that statement, of the fact that the State of Arizona accepted the recommendation of the four governors of the upper basin States, and receded by 600,000 acre-feet from her demand for water from the Colorado River. He also knew that the State of California, through its commissioners, refused to recede to the extent of 400,000 acre-feet. I think that very properly he directed the attention of the citizens of his own State to the absolute necessity of the State of California showing a spirit of compromise, and a willingness to do justice to the other States in the Colorado River basin.

If the Senator from California can not express, and does not desire to express, and properly so, perhaps, any opinion as to any statement made by Mr. Hoover, may I ask him whether he personally is now willing to compromise the differences between the States of California and Arizona with respect to a water settlement?

Mr. JOHNSON. Of course I am willing to compromise, if there could be an agreement. That is the whole difficulty. The Senator knows that fact. What is the use of questions of that sort?

Mr. HAYDEN. Is the Senator, then, to make it more specific, willing to use the recommendations of the governors of the States of Wyoming, Colorado, New Mexico, and Utah, as a basis for discussion.

Mr. JOHNSON. We can use them as a basis for discussion, but in the bill was inserted a reference to a certain amount of water, at the instance, I think, of the Senator from Wyoming, as the amount that should not be exceeded to the State of California, holding it to 4,600,000 acre-feet, I believe. That is in the bill.

Mr. HAYDEN. That is the amount of water which the State of California demanded at Denver and from which she would not recede.

Mr. JOHNSON. That is correct, is it?

Mr. HAYDEN. It is. The four governors awarded to the State of California, in their offer of mediation, 4,200,000 acre-feet of water. The State of California submitted a demand for 4,600,000 acre-feet, and has never receded by as much as one acre-foot from that demand.

I can briefly give to the Senate the history of the Denver conference. There had been various meetings between the negotiators representing the States of Arizona, California, and Nevada, but not much progress had been made, and the governors of New Mexico, Utah, Wyoming, and Colorado, anxious to see the dispute brought to a close, anxious to have Congress pass legislation which would insure the complete ratification of the Colorado River compact by all of the seven States, invited, in a most friendly spirit, the governors and the commissioners of the States of the lower basin, the States of Arizona, Nevada, and California, to come to Denver, there to see if they could not work out a settlement.

The governors asked each of the States of the lower basin to put down on paper just what they wanted. The commissioners from the State of Nevada said that they desired 300,000 acre-feet of water from the Colorado River. Those representing the State of Arizona said that of the seven and a half million acre-feet of water apportioned in perpetuity to the lower basin, they were perfectly willing that Nevada should have 300,000 acre-feet and then asked for an equal division of the remainder of the water between the States of Arizona and California. Let me say that at no time and at no place has the State of Arizona ever asked for more than one-half of the stored waters of the Colorado River.

The State of California made a demand, based not on water contributed to the river, not upon the area within the basin, not upon any natural fact or feature, but they made the demand based, as they said, upon the fact that they had so many acres of land that they desired to irrigate in California—much of which is now in desert—and upon the necessities of certain cities which were short of water for domestic purposes, or would be in time to come. They added up those demands, and the total was 4,600,000 acre-feet. So they said, "We ask for 4,600,000 acre-feet out of seven and a half million."

The proposals of the three States—Nevada for 300,000 acre-feet, Arizona for one-half the water after Nevada was supplied, and California for 4,600,000 acre-feet—presented in writing, were taken under consideration by the four governors.

The governors replied, after due consideration, that they found, first, that certain vested rights for water had accrued and existed, and they said, "Of course no vested right can be disturbed and that water is not subject to apportionment." They ascertained how much water is being used in the State of California and in the State of Arizona at the present time without any regulation of the flow of the Colorado River. After ascertaining the total amount that Arizona is using they subtracted that from the total amount California is using and found that California is now using 600,000 acre-feet more water than the State of Arizona. Therefore they subtracted from the half of the water that Arizona asked to receive, to wit, 3,600,000 acre-feet, the 600,000 acre-feet and transferred it from Arizona to California, reducing Arizona's proportion of water to 3,000,000 acre-feet and increasing California's proportion to 4,200,000 acre-feet.

I was present at the Denver conference. I was present when the Arizona-Colorado River Commission, consisting of the governor of our State, members of the legislature of the State of Arizona, and other eminent citizens, agreed to accept the findings of the four governors, and agreed to accept 3,000,000 acre-feet instead of 3,600,000 acre-feet as Arizona's share of the water of the Colorado River. The representatives of the State of California, on the contrary, refused to accept the 4,200,000 acre-feet as recommended by the governors of the upper basin, and to this day they never have receded in any respect from their maximum demand of 4,600,000 acre-feet.

The amendment in the Senate bill, to which the Senator refers, carries that figure. If Arizona could yield 600,000 acre-feet on recommendation of the governors of the upper basin, why could not California yield 400,000 acre-feet and bring the two States together and in doing it make certain the complete ratification of the Colorado River compact by all seven States in the Colorado River basin?

Mr. PITTMAN. Mr. President———

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. I understand that would result, in the opinion of the Senator, in the ratification of the 7-State compact.

Mr. HAYDEN. It will, because the controversy in the State of Arizona has never been with the States of the upper basin. The Senator will find no one of standing in the State of Arizona, he will find no one in official position, and no one authorized in any manner to speak for that State, who has ever in any way said that the four States of the upper basin—Wyoming, New Mexico, Colorado, and Utah—were not entitled to the 7,500,000 acre-feet allotted and apportioned to them by the Colorado River compact. No accredited representative of the State of Arizona has objected to that arrangement. We have objected, however, to the fact that the compact merely apportions water between basins, and that when it was proposed that the water allocated to the lower basin be apportioned among the States within that basin, California would agree to no apportionment and never has done so up to this time.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. Certainly.

Mr. KING. Following the inquiry propounded by the Senator from Nevada, I would like to ask the Senator from Arizona whether there is any controversy over the power situation, or whether, if California should accept the suggestion just made and the question of the division of the water were eliminated, there would be no other controversial questions?

Mr. HAYDEN. No; the power situation, it seems to me, is perfectly simple so far as the bill is concerned. The three essentials in the bill are: First, complete ratification of the 7-State compact by all of the States; second, apportionment of the waters of the lower basin as suggested by the governors' conference; and, third, the passage of this bill in terms affecting power in such manner that the President of the United States will sign it. It would be a perfectly futile thing to pass a bill that would not obtain his approval. The statement of his position on that question as given in his message is entirely satisfactory to the State of Arizona.

Mr. KING. If the Senator will pardon me further, I do not care to get into a discussion of the attitude of the President and

what kind of a bill will meet Executive approval. The point I am trying to clear up is whether, with an agreement as to a division of the waters, Arizona will be satisfied with the allocation of power or benefits as provided in the bill now before the Senate; that is to say, will she be satisfied with the 18¾ per cent of any profits that may be derived from the use of the water and storage and whatever other sources may develop?

Mr. HAYDEN. I am frank to say to the Senator from Utah that I believe the State of Arizona will get very little in the way of income from that source, but if the Federal Government is kept out of the power business, as suggested by the President of the United States, and the power plants are built by private enterprise in a manner that they may be taxed, we will obtain income that will be satisfactory to our State.

Mr. KING. I am not quite clear as to what conditions must be complied with in order to secure ratification of the 7-State compact.

Mr. HAYDEN. I will state it in this way. The State of Arizona will be satisfied and will undoubtedly ratify the Colorado River compact without question if this legislation, when enacted into law, provides for 7-State ratification of the Colorado River compact, provides for an apportionment of the waters of the lower basin upon the basis of the recommendation made by the governors of the upper-basin States, and if the Federal Government is kept out of the power business as recommended by the President. Should the power plants be built by private capital or by municipalities of the State of California, they would be subject to taxation in the States of Arizona and Nevada. They would not be Federal property.

Mr. PITTMAN. But suppose, for instance, that they build the dam and have the water and generate the power, and yet could not make a satisfactory contract with a corporation or a State or anybody else to build a power house, would the Senator want the water to go to waste or would he want the Government to generate the power?

Mr. HAYDEN. I think there is much more likelihood of getting revenue from the Federal Government out of a license to use the water than out of the sale of power itself. I fail to follow the Senator. How does the Federal Government protect itself by merely generating and wholesaling power? It has to sell the power to the same people and they would not pay any more for it than they would be required to in any event.

Mr. PITTMAN. Let us assume that the Senator is representing the Federal Government as Secretary of the Interior and he is faced with a law which prohibits him on behalf of the Government from constructing the works and generating electricity by the use of that water and dam. Then he starts negotiating to get somebody else to do it. The natural place to go would be to the people who are in the habit of building this kind of plants and utilizing them.

Mr. HAYDEN. Naturally.

Mr. PITTMAN. He would go to those nearest to that field, the Southern California Edison Co. They would say, "We are not interested in that matter." The Senator would then go to other companies and they would say, "We are not interested in that matter." Or, we will say, they offer to do it on a basis that would cost twice as much as the Government can build it for.

Mr. HAYDEN. Cost twice as much in what way? If they build their own power plants they pay for them, and the Government would not be concerned in the cost.

Mr. PITTMAN. Assume that they refused to have anything to do with it, and simply said, "We do not want to have anything to do with it."

Mr. HAYDEN. Then the dam would not be built, of course.

Mr. PITTMAN. But does not the Senator concede that a flood-control dam should be built down there?

Mr. HAYDEN. Certainly.

Mr. PITTMAN. Because we have the Imperial Valley that is in imminent danger of destruction.

Mr. HAYDEN. I am taking in good faith the reports made by the city of Los Angeles and associated municipalities of southern California and reports made by the Hearst newspapers, including the Los Angeles Examiner. Only yesterday I received a letter from the editor of that paper saying that, beyond question and without doubt, those cities would certainly and surely make a suitable offer to produce power at Boulder Dam. That assurance has been made to the Congress many times, and we are told there is no question that, if the dam is authorized, there will be a market for the power, and a lease of the water to make power can be consummated.

Mr. PITTMAN. Then, in view of that assurance, where is there any danger in adopting the provision in the Senate bill now before us, which makes it optional with the President of the United States—which, of course, means the Secretary of the Interior—as to whether he will contract for the use of the water and the construction of the power house by municipalities or corporations or individuals or whether he will build a power house and contract with regard to the use of the electric current? How does the Senator stand to-day? He stands with the President, who desires to avoid the necessity of the Government building that power house.

Mr. HAYDEN. That is correct.

Mr. PITTMAN. The incoming President has undoubtedly indicated that he has the same desire. Within 12 months after the bill is enacted into law, under the terms of the bill, contracts will be entered into with somebody. The Senator says the municipalities are ready to enter into satisfactory contracts. Therefore under the Senate amendment nothing will happen except what he wants to happen, and that is that the municipalities will contract to build a power house under conditions satisfactory to the Government. That is the reason why it is made optional. The House proposal requires the Government to build a power house—absolutely requires it to build a power house. That is extremely obnoxious to the Senator and others for several reasons.

On the other hand, there are those who insist that the Government should have no option to build a power house. In other words, the very minute we tie the hands of the President so that he can not build a power house unless certain institutions want him to build it, we handicap him in his negotiations.

Mr. HAYDEN. Let us see how the President is handicapped. Does the Senator consider that the authorization to build a power house is in any sense a threat or could be used as a club to compel the private power companies or the municipalities of southern California to enter into a lease for the use of water at the dam?

Mr. PITTMAN. It is possible.

Mr. HAYDEN. How could that possibly be? If I were the manager of a private power company in southern California or if I were the manager of the power business of a municipality in southern California, I should consider it no threat. I should consider that the Federal Government was conferring a great favor in providing an appropriation of $38,500,000 to build a power plant at a less rate of interest than I could go out and borrow money in the open market.

Mr. PITTMAN. The Senator would be a very unusual and magnificent manager of a power company, because the present managers of the power companies have universally opposed the Government building a power house. Therefore, I say the Senator would not only be a very magnificent, but a quite unusual manager of a power company.

Mr. HAYDEN. We know what happened under a former Secretary of the Interior, and by the very terms of this bill it is entirely possible that the Federal Government should furnish the money to build a power house and lease it or lease the power to a private power company and let it gather all the profits of distribution. The only way the Federal Government can threaten the business of a private power company is not only to build the power house but to also build transmission lines to carry the power and sell it to the consumers at a cheaper rate.

Mr. PITTMAN. So I have been contending, and so have a great many others, that they are not threatened by the building of a power house. We have contended that. But they did not seem to understand that nor to believe it, because it is said that if the Government takes the step and builds the power house, and nobody will take the power at the switchboard, then it will build and lease to the market.

Mr. HAYDEN. Exactly so.

Mr. PITTMAN. And, therefore, they are afraid of the Government building the power house, because it is the first step toward Government distribution; and it is a threat, of course. I do not want Government distribution of power. I believe in the amendment to this bill that allows the President of the United States a free hand, according to the best interest of the Government, to generate that power. We know to-day that he believes, and the incoming President believes, it is to the interest of the United States, if a fair contract can be made either with municipalities or others to manufacture and distribute that power, that it should be done; but if a fair contract can not be made, then the Government is not to have its hands tied to prevent it from doing its constitutional duty in flood control by reason of any monopolization of the power distribution of this country.

Mr. HAYDEN. In order not to tie the hands of the Government, if the Senator is going to do what he wants to do, he must have included in this bill an appropriation for transmission lines and place the Federal Government in position to sell power to the consumer. That is the only way to do it.

Mr. PITTMAN. Do not worry about that. If the Federal Government were compelled by reason of any conspiracy after having built that power line to distribute the power, it would distribute it; but the Senator states—and I accept the statement, and I believe it is a fact—that the municipalities are willing, ready, able, and anxious to build this power house.

Mr. HAYDEN. They say that they are.

Mr. PITTMAN. Does not the Senator believe them; because, if he does not believe them, he should not state it to this body.

Mr. HAYDEN. I believe that the municipalities are fully capable of building a power house at Boulder Dam.

Mr. PITTMAN. As the Senator has shown beyond a doubt by reading the statements of the President and the incoming President, they favor having the municipalities build it; and consequently we have both contracting parties ready, able, and willing to do just exactly what the Senator wants to do, and the bill authorizes that.

Mr. HAYDEN. All I can see in this proposal to appropriate $38,500,000 to build a power plant is that the taxpayers of the whole United States are called upon to furnish money to build a power plant for the benefit of certain cities and individuals in southern California, which the Senator from California in his report says have taxable property valued at over a billion dollars, and which are perfectly competent and able with their own credit to build that power plant. If it is merely a question of public ownership, that can be very easily answered. There are three forms of public ownership—Federal ownership, State ownership, and municipal ownership. All of them are public ownership. My objection to Federal ownership of the power plant is that Federal ownership is used as an excuse to prevent the States of Nevada and Arizona obtaining an income from power which, if it were developed by private enterprise, they would receive in the form of taxes. The beneficiaries in California of the plan proposed in this bill have a selfish interest in preventing the States of Arizona and Nevada from obtaining an income from power. They have a further selfish interest in that if the Federal Government advances the money the consumers of power in southern California get the use of 4 per cent money instead of 5 per cent money, perhaps, to build the power plant. If I were in the private power business, or if I were representing a municipality in southern California, I should infinitely prefer that the Federal Government should build the power plant for my use and allow me to reimburse the Government over a period of 50 years at 4 per cent than I would to borrow the money and build the plant, as I would otherwise be required to do. I say that the Federal Government is under no obligation to the citizens of Los Angeles or to the people of southern California or to the private power companies of southern California to furnish money for a power plant at that low rate of interest.

There is no Federal obligation of any kind which requires that that be done. Our objection in Arizona is that if the Federal Government does it, then the power plant is the property of the Federal Government and nontaxable, whereas if the power plant is built by private companies or by municipalities in southern California it is taxable in the States of Arizona and Nevada. All that the consumers of power in California are seeking to do by having this made a Government project is to deprive Arizona and Nevada of revenue that we are justly entitled to receive. Under the Senator's own resolution adopted at Denver the States are entitled to receive compensation for the use of their lands and their waters employed in the production of hydroelectric power.

Mr. PITTMAN. There is no difference in the desire of the Senator from Arizona and myself nor of our States, and all I am contending is that the House provision which the Senator is now supporting——

Mr. HAYDEN. I am not supporting the House provision.

Mr. PITTMAN. Which absolutely requires that the Government shall build this power house——

Mr. HAYDEN. The Senator misunderstands me.

Mr. PITTMAN. Well, or the reverse of it——

Mr. HAYDEN. The reverse of it is exactly what I am advocating.

Mr. PITTMAN. That is not what the House bill says, that the Government shall absolutely build it, but that the Government under no circumstances shall build it. I say there is every indication, by all the evidence cited, that if a reasonable contract can be made with the municipalities or outsiders to build that power house it will be so built; but if there are unreasonable propositions made by outsiders, whether they are municipalities or not, then why should the Senator want to say that no contract shall be entered into, no contract shall be made at all, no power house built at all, and no revenue at all derived?

Mr. HAYDEN. I have not the slightest desire to do that.

Mr. PITTMAN. The States would get no more out of taxing a nonexistent power house than under present conditions.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. HAYDEN. I yield.

Mr. PHIPPS. I do not like to interpose my own views at this moment, and the time is growing short, but following the remarks of the Senator from Arizona with reference to his view of the possibilities in the development of hydroelectric power, I wish to venture an assertion. The men who have grown up in the business of producing hydroelectric power, and steam power as well, who are in the market to-day as producers and as supplying consumers, who are regulated by State utilities boards as to their rates and the total compensation they may receive on their invested capital, are in much better position to erect new plants and to manage them than any body of United States governmental employees who could possibly be gotten together. It is my judgment that much more than the difference of a possible 1 per cent in the cost of interest between Government money at 4 per cent and private capital at 5 per cent would be saved, and will be saved to the producers and to the consuming public, by the erection of power plants by private enterprise, by those who know the business, by competent engineers who have made it their life's work and study and who are to-day engaged not only in producing and developing power but in experimenting and testing new methods which are brought to their attention. When it comes to governmental operation and governmental construction it means too much nickel plating and silver plating and gold plating and too many employees in the conduct and running of the business. I really think if the Senator will give that a little more study that his view might be modified as to the advantages of governmental money at 4 per cent.

Mr. HAYDEN. Mr. President, I have very seriously considered the idea advanced by the Senator from Colorado. It is the old, old argument advanced in favor of Federal ownership, that because the United States Government can borrow money cheaper than private enterprise can borrow it in the open market that is a reason why the Government should engage in some particular activity in order to save interest to the consumers. The reply of the American business world is that the interest rate which one has to pay when he borrows money is not the determining factor in whether a business shall be a success or not, but that management, skill, and enterprise are the factors that make for profit. There is not any question that under the stimulus of competition which exists in the private business world greater efficiency results than is found in the governmental departments. That is one of the primary reasons why I am opposed to the Federal Government going into the power business.

From its very inception I have lived on the Salt River reclamation project in Arizona. As I stated to the Senate in great detail during the last session, when I became a Member of the House of Representatives that project was managed by the United States Reclamation Service, and my files are filled with complaints from citizens of the Salt River Valley of governmental inefficiency in the operation of that project, complaints against long-range management, and that when anything had to be done it was necessary to come nearly 3,000 miles to Washington to have it attended to.

Mr. JOHNSON. Who runs it now?

Mr. HAYDEN. Under an arrangement which was made by an amendment to the reclamation act the care, operation, and management of that project were turned over to a local organization.

Mr. JOHNSON. A public organization?

Mr. HAYDEN. A public organization. Instantly the complaints to me ceased. That is exactly what ought to be done on the Colorado River. The public to be served, the cities in southern California which desire to purchase this power should be allowed to obtain a license for it, develop the plant, run it themselves. It is well to maintain the principle of public ownership, but let it be municipal ownership and not Federal ownership. I object to Federal ownership because I know that at no time and at no place can the Federal Government manage any utility as well as a municipality can manage it. In the latter case the people interested are close at hand, where they can see that good management is practiced. If the utility is in the hands of the Federal Government, they must appeal to a Representative in Congress or to a Senator or to some Cabinet officer who has a thousand and one other duties, and the business is neglected. The Federal Government is not the best agency to engage in the business of producing and distributing hydroelectric power at Boulder Dam. The best agency to under-

take that work is the city of Los Angeles and the municipalities of southern California associated with that city. Los Angeles has demonstrated that it is among the most successful of any of the cities in the world in the generation and distribution of hydroelectric power.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HAYDEN. I yield gladly.

Mr. NORRIS. I agree with the Senator that they have been very successful, and I am interested in what the Senator is saying. Would there be any objection from the Arizona Senator if this project were turned over to the city of Los Angeles, and would any difficulty arise from the fact that involved in this proposition is not only water power, which is really a by-product, as I look at it, of the real thing it is desired to accomplish, and that is the protection of the Imperial Valley from floods and the additional protection that would come in——

Mr. HAYDEN. There would be no complication of any kind.

Mr. NORRIS. The Senator would not want the city of Los Angeles designated to look after reclamation and flood control?

Mr. HAYDEN. Not at all. The dam should be built by the Federal Government.

Mr. NORRIS. I have just entered the Chamber. I did not understand the Senator's entire proposition.

Mr. HAYDEN. It is the duty of the United States to build a dam to perform the Federal functions of flood control and of impounding water for the irrigation of public lands. That should be done, and the administration of that dam should be in the hands of the Secretary of the Interior. But when it comes to producing power from that dam, I object to turning over to the Secretary of the Interior or to any other Cabinet official here in Washington the business of building a power plant and generating hydroelectric energy to sell to anybody.

Mr. NORRIS. Would the undertaking be too great for the municipality of Los Angeles, say?

Mr. HAYDEN. Oh, not at all. According to the report filed by the senior Senator from California [Mr. JOHNSON], the city of Los Angeles and the municipalities associated with that city, which he in his report states are willing and anxious to obtain this electric energy, have on their tax rolls property assessed at over $1,000,000,000. Certainly, with assets of over a billion dollars, they could borrow $40,000,000 to build a power plant.

Mr. NORRIS. Would there be any further objection if we made the provision as the Senator has briefly outlined it, providing that the Federal Government should build the dam, but that the power part of it should be turned over to the city of Los Angeles?

Mr. HAYDEN. I have offered an amendment to this bill to accomplish that very purpose. I offered such an amendment, and seriously discussed it here, but there were not very many Senators present at the time to listen to the argument. I suggested this: Let the Federal Government build the dam. Let the privilege of generating power from waters released from that dam be granted under a license by the Federal Power Commission; and I stated that my colleague [Mr. ASHURST] and I would be willing to add to that a proviso to the effect that none but municipalities in southern California should be permitted to obtain the license, so as to make it absolutely certain that the Power Trust, which is so greatly feared, should not have an opportunity to control it.

Mr. PITTMAN. But how about municipalities in Nevada having any license? I notice the Senator does not think of that, because a lot of power is being generated in Arizona at the present time.

Mr. HAYDEN. My suggestion is that any license made for the development of power should require the licensee to furnish power at cost to the adjacent cities and towns in Nevada plus a reasonable charge. It would be short transmission. The power is to be produced in their own State and the people of Nevada are entitled to a preference for that power. I think the provision that the Senator had in the bill, giving preference to Nevada and Arizona, is a good one.

Mr. NORRIS. Then the Senator would have to provide some means by which the city of Los Angeles would go into the business of supplying cities in Nevada with electricity.

Mr. HAYDEN. That is not any different than the Federal Government itself has required in other instances.

Mr. NORRIS. I am not criticizing the Senator's plan, except as it seems to me that there ought to be some constructive criticism offered. In this case you would be requiring the city of Los Angeles to generate electricity, and at the same time you would require that city to supply electricity to cities in these adjoining States, perhaps Arizona and Nevada. Could the city of Los Angeles, having an interest of its own, be trusted, for instance, to deal fairly with the cities in the other States in case there should not be enough to go around?

Mr. HAYDEN. I see the Senator's point. I do not remember the exact terms of the provision, but the State of Nevada now has an option to purchase power up to 15 per cent, I believe, of the total amount.

Mr. PITTMAN. No.

Mr. NORRIS. Would the Senator require that power to be purchased of Los Angeles, or of somebody else?

Mr. HAYDEN. If the city of Los Angeles advances the money to build a power plant, and a certain small proportion of the power were needed for local use in Nevada, I think Nevada should obtain that power upon payment of the cost of it, plus interest on the investment made by Los Angeles, so that Los Angeles would not be anything out of pocket.

Mr. NORRIS. Who would determine what those cities should pay to Los Angeles?

Mr. HAYDEN. That would be a proper function of the Federal Power Commission, as a condition in the license.

Mr. NORRIS. And they would determine also the amount of it?

Mr. HAYDEN. The bill specifies 15 per cent, but there is a limited time within which applications must be made; is there not?

Mr. PITTMAN. There is nothing in the bill with regard to 15 per cent. It simply provides that municipalities shall have the priority of contracting, and that the rights of the States of Arizona, California, and Nevada shall be equal in such priority. That is about all we could say.

Mr. CURTIS. Mr. President, will the Senator yield at this time for an executive session?

Mr. HAYDEN. I shall be glad to do so, except that I should like to offer for printing an amendment to the bill relating to an apportionment of water in the lower basin. I simply desire to have it offered and printed.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

MEMORIAL ADDRESS BY SENATOR GUY D. GOFF

Mr. SHORTRIDGE. Mr. President, I hold in my hand a copy of an address delivered at the Elks' memorial exercises in the Virginia Theater, Fairmont, W. Va., on the second of this month, by the junior Senator from that State [Mr. GOFF]. It is a noble address; and I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

Senator GOFF. Exalted ruler, my brother Elks, ladies and gentlemen:

"Men die, but sorrow never dies;
The crowding years divide in vain,
And the wide world is knit with ties
Of a common brotherhood in pain."

We have met to honor with the tribute of our love our absent brothers who have gone to their morningless and nightless sleep. To-day our thoughts turn to resignation and gratitude. What a wonderful friend is death, and what a soothing mother is time. In recollection of the days when they moved among us, beautiful unpainted pictures appear in the mind of how much sweeter life is that they lived. And nature, with her snows, her sunshine, and her tears, has generation after generation decorated the graves of those we mourn with the memorials of her love; not ashes to ashes or dust to dust, but blossoms to blossoms, laurels to the laureled. They were typically human, and as men of purpose they were wedded to the principles and the practices of this order. They were great in their capacity to serve. The maxims and the tenets of our benevolent brotherhood taught them to see straight as a ray of light and to know no fear except the fear of doing wrong. It was impressed upon them as it is on all of us: That the essential element in life is conduct and that conduct springs from what we believe, what we cling to, what we love, and what we yearn for in faith and resolution. And so, in their passing they leave us this most precious of legacies: That it is not life that counts, but the courage we bring to it, the spirit that enables us to do the very best we can just when and where we are. What the future holds for us we do not know. Whether we cross the river into darkness or whether we are ushered into a higher and better life where perpetual happiness awaits us is not given to man to perceive or to ascertain. The wisest and the most brilliant minds believe in a divinity and that the future is eternal. Each one of us has his own small place to fill in this large human family. We are the creators of our own careers, but when the "black camel" stops at our door we are left no choice, and ever afterwards our place and our chair must remain vacant.

I would be false to my best impulses, if I failed to bring my tribute and lay it upon the graves of those we mourn to-day. Death always preaches an impressive sermon and feelingly teaches us what shadows we are and what shadows we pursue. Man is the center of a circle whose circumference he can not pass. He is omnipotent within its confines but outside he perishes and disappears from earthly view. My

friends and brother Elks, if human life is not supplemented by a future life hereafter, then we are all of us the most miserable of creatures, and those who live should fear to live because under such conditions life is not only truly a tragedy but it is more horrible and inexplicable than death itself.

"What a piece of work is man;
How noble in reason!
How infinite in faculty.
In form and moving how express and admirable,
In action how like an angel.
In apprehension how like a God
The beauty of the world."

We understand death for the first time when it lays its hand upon those we love. We often hear the respect paid the dead disparaged and undervalued. It is called a poor substitute for the just treatment of the living. To me it is most laudable, embodying as it does the best sentiments and the truest judgments of mankind. Men see clearly and feel rightly at the grave as nowhere else. There the clouds and mists disappear, and prejudices are carried away. We know little of each other even under conditions of the greatest intimacy. In our social, business, and political relations we mingle with men who can never know us and whom we can never know. Our real world is within ourselves and that world is ever sacred in its secrecy. Across its portable none other may ever step, except to catch but the imperfect reflections of another soul, the twilight that but faintly heralds the glow of the real day. And then in the presence of death, in a spirit of helplessness, touched by grief, and inspired by affections, we seek to build a monument in our hearts to our departed friends, and for its structure we draw from the very depths of our nature the noblest and the best of impulses.

"How pale appeared
Those clay cold cheeks where grace and vigor glowed.
O dismal spectacle, how humble now
Lies that ambition which was late so proud."

Death is as natural as life, and no respecter of persons. It is the mellow stage of living. It is as biologically necessary as birth and no more mysterious. The mystery of the cradle is as deep as that of the coffin. And yet, there is nothing a wise man should think of so little as death, if he will view it merely as the mature period of existence. How often toward the close of a summer's day we have seen the sunset gold weld the earth to the sky, and in meditation heard the silent call of the eternal voices.

"Come away, oh come away,
We will quench the heart's desire.
Pass the gateways of the day,
In the rapture of the fire."

In his Ethics of the Dust, Ruskin comments upon the possibilities of a handful of earthly clay. He describes how, with slight effort, it becomes the brick with which we construct our human edifices. Then he explains how it is converted into porcelain and china; and then how through various stages of development it becomes the symbol of faith and truth—a sapphire as blue and as pure as the dome of heaven. America is the conflux of the races of the world. Each has contributed its best and out of the advantages offered there have been developed men and women of such character, attainments, and services as to become the admiration of mankind. Everywhere all over this land are born tiny handfuls of clay. No one stands by the cradle side to predict the possibilities or presage the development which life may hold in store.

Out of adversity; out of seeming impossibility; out of good and evil inheritances; out of the confused and the confounded laboratory of nature; out of the toiling thousands in factory, mine, and mill; and out of our skilled, sturdy, and finished citizenship from the farm, the store, the office, and the forge we have, by the refinements of sympathetic and fraternal association and the impartial equality of opportunity, produced a people of purity, devotion, and integrity—a people who have risen to the sublime heights of fidelity and perfect manhood. There is no truer greatness and no more superior advantage than to have lived and experienced a happy and moral childhood which inevitably lays the foundations of the self-made man, who is ever receptive to God's pattern, plan, and design, without which no human creature can garner the noblest fruits of mortality and reflect resolution and fortitude in his every effort.

Every environment produces its type, every period its men. Our people and our institutions measured by the world's standards have been more than fortunate. Our country has, beyond precedent, been fruitful in successful men and triumphant in all lines of endeavor. The right of initiation has been without restraint. Birth has neither given the rank nor fixed the station. Every path leading to a goal has been open and free to every foot. Our country and our flag have ever been the emblem of individual opportunity. Our great and worthy men have risen by native power. Family name has not been a guaranty; nor has poverty and obscurity been a bar to the future of the American child. After all, the ideals of life are the essentials of life. Our ideals are the standards by which we gauge our character. As we think we act. The thoughts which come out of the heart and the brain move us to action. These acts beget our characters, and our characters are responsible for whatever of commendation or condemnation we receive from friends and foes.

There is no conqueror save death. It is a fearful thing. In the midst of circumstances which seem to defy destiny, the gaunt grizzly, invisible champion of the grave stalks forth; a sudden swoop of the scythe and the highest and the lowest fall forever. And so, from life to death, from existence to immortality, from achievement to history, our dearest and closest friends without warning and amid genuine sorrow pass away.

"How wonderful is death!
Death and his brother sleep!"

A modern author has aptly said:

"The progression of man through the circle of evil is marked by three infelicities; necessity, death, and oblivion. The deaths which follow are changes merely, they are just so many escapes from their power."

"There is no death;
What seems so is transition.
This life of mortal breath
Is but a suburb of the life Elysian
Whose portal we call death."

I read the other night Lamartine's account of the deaths of Mirabeau and Vergniaud—the philosophic deputy of the Gironda. He speaks of Mirabeau's dying words:

"Environ me with music,
Sprinkle me with incense,
And crown me with flowers,
That I may pass into eternal sleep."

And then taking up the story of the last night passed by the condemned Vergniaud in the old conciergerie, October 31, 1793, he quotes him as saying:

"Death is but the greatest act of life since it gives birth to a higher state of existence. Were it not this, there would be something greater than God. It would be just man immolating himself uselessly and helplessly for his country. This supposition is full of blasphemy, and I repel it with contempt and horror. No; Vergniaud is not greater than God, but God is more just than Vergniaud and will not suffer him to ascend the scaffold but to justify him in future ages."

Here we have philosophy and faith in contrast. Mirabeau going down into the gloom of the grave without hope and full of blasphemy for the religion and the teachings of the Nazarene. Vergniaud in the sight of the guillotine, condemned to die, reproving the skeptical levity of his colleagues, and proclaiming his unfaltering belief in immortality.

These views may or may not be man's philosophy of life. They may not be, because no man can say he knows. All that man can do is to turn and face the battle, enter the contest, struggle, and toil, do the very best he can; and realize that in the hour of sorrow—

"Memory is the only friend
That grief can call her own."

And yet our lives are filled with the voices of the dead. They speak from records, books, and associations. The dead are always with us. We converse with them, live with them, and always love them, in our busy, craving, absorbing life. How true it is, and how we appreciate its meaning, "That to live in hearts we leave behind is not to die." Influence is immortal, and worthy example does its noble work through the ages yet to come. In life, men hate, and love, and slight, and flatter. These are seemingly necessary but temporary experiences. They are the prices we pay for what we achieve. If you wish love, you must give it; and if you descend to hate, you must expect to receive it. But is it not a compensation that in the grave our rest is undisturbed? No sorrow, no slander, no venom, and no temptations. The ocean that separates this world from the next, no human eye can penetrate. The shadow of the future is on the shore of the present, and what lies in that shadow none of us can tell. But would it not be comforting and beautifully sweet if on this ocean that divides time from eternity, and on which souls are the ships of passage, we could freight these spiritual vessels with messages of love and good cheer to that "bourne from which no traveler returns"?

We would send letters fragrant with the tenderest thoughts of our hearts. We would send flowers as beautiful as any in paradise. But we find it all a dream. We look at the sea and it is shoreless. It passes our comprehension, and we accept with resignation what we know is "the inevitable."

"Death takes us unawares
And stays our hurrying feet,
The great design unfinished lies,
Our lives are incomplete."

Poets touched with the divine have for ages sung of the suddenness of death when it comes to a man full of life and vigor, to one still ready and willing to do a man's part in this world of men; yet the Greeks personified death by a beautiful boy crowned with immortal youth, and after all, in meditation and reflection, that ideal seems most fitting.

"Be strong!
We are not here to play, to dream, to drift;
We have hard work to do and loads to lift.
Shun not the struggle, face it; 'tis God's gift.

"Be strong!
Say not the days are evil—who's to blame?
And fold the hands and acquiesce. O shame!
Stand up, speak out and bravely, in God's name.

"Be strong!
It matters not how deep intrenched the wrong,
How hard the battle goes, the day how long;
Faint not; fight on! To-morrow comes the song."

Indeed, the shrewd judgment of Horace Walpole is the counterpart in prose—

"To act with common sense, according to the moment, is the best wisdom I know; and the best philosophy to do one's duties, take the world as it comes, submit respectfully to one's lot, bless the goodness that has given us so much happiness with it, whatever it is, and despise affectation."

"For when the one great Scorer comes
To write against your name
He writes not what you won or lost,
But how you played the game."

"In the midst of life we are in death." Death is an abiding presence. The All Wise Being has made every living thing subject to death, and possibly his rational creatures, in order to teach them the greatest of all truths, that man is the heir of pain and death, because life is only the beginning of his experience. Shakespeare personifies death and speaks its mute message to those who view it without hope and faith—

"Here lurks no treason, here no envy dwells,
Here grows no damned grudges, here no storms—
No noise but silence, and eternal sleep."

It has been consolingly said by a great philosopher—and I always read him with a new meaning, that—

"It can not be that earth is man's only abiding place;
We were born for a higher destiny than earth."

No; it can not be that life is a bubble cast up by the ocean of eternity to float a moment upon its waves and then sink into nothingness. No; it can not be; and if it all be chance, then why these high and glorious aspirations which leap like angels from the temple of our hearts, forever wandering unsatisfied? Why is it that the rainbow and the clouds drift over with a beauty that is not of the earth and pass away, leaving us to muse on their loveliness? Why is it that the stars hold their dancing festival around the midnight throne set so far above the grasp of our limited faculties, forever mocking us with their unapproachable glory?

There is a realm, we all believe, where the rainbow never fades, where the guiding stars spread out around us like the islands in the sea, and where the beautiful things that pass before us like shadows from the spheres will stay forever in our presence.

And finally, why is it that the brightest and the sweetest forms of humanity should become part of our existence and be presented to our view only to be cruelly taken from us, causing the thousand streams of our affections to flow back in Alpine torrents upon our hearts?

Friends are in life's exchange the sterling coin;
True, tender for all the rarest forms of joy;
The only pauper is the friendless man.

But soothing as such reflections are, no one knows what awaits us in the great beyond, to which we all in turn must go, as a bird flies from the lighted room out into the darkness of the night. It may be we shall realize the Buddhist hope and spend the illimitable future in calm and passionate contemplation of the worlds below us, without longing and without desire. Perhaps there awaits us the heavens of Mohammed, with their barbaric splendors; or it yet may be, as so many of us hope and believe, that redeemed and sanctified we shall sit at the feet of the crucified Saviour, the Christ, resplendent in the ineffable glory of his divine presence. It is not given us to know these things, but it is given us to realize that if we would plant our feet upon the eternal rock we must keep our eyes turned upward and ever press forward. We must cultivate courage and develop the highest moral character. We must be absolutely and unflinchingly honest. We must be honest with ourselves, honest with our fellow men, and honest with our country. If we are, we shall typify all that is best in our national life—all that can be required in any Christian life. The profound philosophy of Victor Hugo, reflecting as it does the belief of one habituated to analytical meditation, is worthy of deep and deliberate consideration:

"I feel in myself the future life. I am like a forest once cut down; the new shoots are stronger and livelier than ever. I am rising, I know, toward the sky. The sunshine is on my head. The earth gives its generous sap, but heaven lights me with the reflection of unknown worlds.

"You say the soul is nothing but the resultant of the bodily powers. Why, then, is my soul more luminous when my bodily powers begin to fail? Winter is on my head, but eternal spring is in my heart. I breathe at this hour the fragrance of the lilacs, the violets, and the roses as at 20 years. The nearer I approach the end the plainer I hear around me the marvelous symphonies of the worlds which invite me. It is marvelous yet simple. It is a fairy tale, and it is history.

"For half a century I have been writing my thoughts in prose and in verse; history, philosophy, drama, romance, tradition, satire, ode, and song. I have tried all. But I feel that I have not said the thousandth part of what is in me. When I go down to the grave I can say, like many others, 'I have finished my life.' My day's work will begin again next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight; it opens on the dawn."

No; the dead are not dead. They live in their example and their influence. They live in the splendor of their deeds. They live in song and story. They live in the traditions that pass from generation to generation and from age to age. No; they are not dead; they have just wandered over the boundaries of this physical existence, there to illumine and irradiate the pathway of mankind. The leaves wither and fall and the flowers perish in the north wind's breath, but the stars shine on forever and forever.

Yet death always takes with it so much of "to-day" and "to-morrow" and leaves only "yesterday." It takes the music of sound, the sweetness of touch, the beauty of sight, and it leaves us only the sorrow of love, a horrible vacuum, touched as it were with the stain of mortality. Love makes faith so vivid and belief so intense that life must of necessity linger when we wander hence. Love must be immortal because our feelings teach us instinctively—yes, inherently—to believe that God himself is love, nothing more and nothing less.

While we mourn the death of a friend, we may find comfort in the fact that, after all, little is taken away. Spirit and character remain, and in retrospect and contemplation we feel the force and the truth of Webster's words:

"How little there is of the great and good that can die. They live in all that perpetuates the remembrance of men on earth; in all the recorded proofs of their actions; in the offsprings of their intellects; and in their intellects; and in the respect and homage of mankind. They live in the influence which their lives and their efforts, their principles and their opinions exercise and will continue to exercise on the affairs of men."

"But you can feel as you sit alone and see the vacant chair and think
How good, how kind, and he is gone,
That friend of mine who lives in God."

And yet, after all is it not consoling to reflect:

"That with a cheery smile and a wave of the hand,
He whom we love has just wandered over into an unknown land."

When Dickens was bringing out his Old Curiosity Shop, chapter by chapter, serially, the readers appealed to him: "Do not let Little Nell die; it is a life so beautiful." But Dickens replied: "I have to let her die. I can't help it; she must die to complete the story of her life's work."

It is regrettable that I can not speak personally of all of our departed brethren so gently and so silently taken from your sight, and who have solved the mystery of the coming and the going. They were, I know, self-respecting, self-reliant, home-building American citizens. They were gentle and brave and always fearless and true. They lived the best of all lives, because they lost self in the service of others. They loved much, and they toiled much, but they were too genuine and too generous to be cloyed with selfishness and hardened by power. They were sturdy, rugged, kindly, natural-hearted men, and in every relation cheery and friendly, with the handclasp of loyalty. They had excellent common sense, and they saw life true and they saw it whole. They believed in what was just, and they pursued what was right; and, because they loved their fellow men, no truer tribute can be paid their memory than is contained in the words "Death" and "Duty."

"Dead at the post of duty,
What finer eulogy—
All the boast of pomp and glory seem but idle breath
Beside the calm, quiet dignity of death.
Where death and duty meet
Is found solution most complete
Of all life's problems. 'Tis enough—
Dead at the post."

After all is said and all is done, when the play is over and the players gone, the spirit of duty remains. Not success for its own sake, but the doing justice between man and man, our brothers and the stranger within our gates. There is nothing heroic in the discharge of duty. The incentive is often lacking, and at times it costs us the admiration and the respect we crave, but if we have simple faith in the common hope, if we are true to the highest promptings in religion, civic, and national affairs, then we will best express our lives and best serve the purpose of all the people. And when the white morning of eternity comes and the race stands forth, strong in its noble manhood, beautiful in its noble womanhood, and perfect in the ways of God, then the bitterest doubts will seem but the merest trifle, as does the tear which glistens while the laugh leaps to the lips. How well the lives of our sacred dead point the lines:

"We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hue shall tinge the golden grain;
But who shall teach us when to look for thee,
O messenger of death."

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 6, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 5, 1928

UNDERSECRETARY OF STATE

J. Reuben Clark, jr., of Utah, to be Undersecretary of State, to which office he was appointed during the last recess of the Senate vice Robert E. Olds, resigned.

FOREIGN SERVICE

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

The following-named persons for appointment to the offices to which they were appointed during the last recess of the Senate, as follows:

William S. Culbertson, of Kansas, to be ambassador extraordinary and plenipotentiary to Chile.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

Jefferson Caffery, of Louisiana, to be envoy extraordinary and minister plenipotentiary to Colombia.

H. F. Arthur Schoenfeld, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary to Bulgaria.

Warren D. Robbins, of New York, to be envoy extraordinary and minister plenipotentiary to Salvador.

Charles S. Wilson, of Maine, to be envoy extraordinary and minister plenipotentiary to Rumania.

The following-named Foreign Service officers in the Diplomatic Service, to which office they were appointed during the last recess of the Senate while retaining their consular rank:

To be secretaries

LaVerne Baldwin, of New York.
John B. Faust, of South Carolina.
Edward P. Lowry, of Illinois.
James L. Park, of Pennsylvania.
Clarence J. Spiker, of the District of Columbia.

The following-named Foreign Service officers for promotion in rank to the offices to which they were appointed during the last recess of the Senate:

From consul to consul general

Thomas H. Bevan, of Maryland.
Felix Cole, of the District of Columbia.
John K. Davis, of Ohio.
George K. Donald, of Alabama.
Paul Knabenshue, of Ohio.
North Winship, of Georgia.

The following-named persons to be vice consuls of career of the United States of America, to which office they were appointed during the last recess of the Senate:

To be vice consuls of career

Norris B. Chipman, of the District of Columbia.
Gaston A. Cournoyer, of New Hampshire.
Cecil Wayne Gray, of Tennessee.
Raymond A. Hare, of Iowa.
Robert O'D. Hinckley, of the District of Columbia.
Frederick P. Latimer, jr., of Connecticut.
Edward S. Maney, of Texas.
Ralph Miller, of New York.
Sheldon T. Mills, of Oregon.
James B. Pilcher, of Alabama.
Horace H. Smith, of Ohio.
L. Rutherford Stuyvesant, of New Jersey.
Mannix Walker, of the District of Columbia.

The following-named persons to be Foreign Service officers, unclassified, to which office they were appointed during the last recess of the Senate:

To be Foreign Service officers, unclassified

Norris B. Chipman, of the District of Columbia.
Gaston A. Cournoyer, of New Hampshire.
Cecil Wayne Gray, of Tennessee.
Raymond A. Hare, of Iowa.
Frederick P. Latimer, jr., of Connecticut.
Edward S. Maney, of Texas.
Ralph Miller, of New York.
Sheldon T. Mills, of Oregon.
James B. Pilcher, of Alabama.
Horace H. Smith, of Ohio.
L. Rutherfurd Stuyvesant, of New Jersey.
Mannix Walker, of the District of Columbia.
Warren H. Kelchner, of Pennsylvania.
R. Borden Reams, of Pennsylvania.
Warren M. Chase, of Indiana.
Llewellyn E. Thompson, jr., of Colorado.
Robert English, of Massachusetts.
H. Merrell Benninghoff, of New York.

The following-named persons to be vice consuls of career of the United States of America:

To be vice consuls of career

Warren H. Kelchner, of Pennsylvania.
R. Borden Reams, of Pennsylvania.
Warren M. Chase, of Indiana.
Llewellyn E. Thompson, jr., of Colorado.
Robert English, of Massachusetts.
H. Merrell Benninghoff, of New York.

TREASURER OF THE UNITED STATES

H. Theodore Tate, of Tennessee, to be Treasurer of the United States in place of Frank White, resigned.

MEMBER OF FEDERAL FARM LOAN BOARD

John H. Guill, of California, to be a member of the Federal Farm Loan Board for a term of eight years, expiring August 6, 1936. (Reappointment.)

COMPTROLLER OF THE CURRENCY

John W. Pole, of Ohio, to be Comptroller of the Currency, in place of Joseph W. McIntosh, resigned.

(These officers are now serving under temporary commissions issued during the recess of the Senate.)

MEMBER OF THE UNITED STATES TARIFF COMMISSION

Sherman J. Lowell, of New York, to be a member of the United States Tariff Commission for a term of 12 years from September 8, 1928, to which office he was appointed during the last recess of the Senate. (Reappointment.)

MEMBER OF PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Harrison Brand, jr., of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of three years from July 1, 1928, to which office he was appointed during the last recess of the Senate. (Reappointment.)

ASSISTANT DIRECTOR BUREAU FOREIGN AND DOMESTIC COMMERCE

Frank M. Surface, of Maine, now holding recess appointment to the position of Assistant Director Bureau of Foreign and Domestic Commerce, for permanent appointment, vice himself, resigned.

APPRAISER OF MERCHANDISE

Edward J. Rodrigue, of Louisiana, to be appraiser of merchandise in customs collection district No. 20, with headquarters at New Orleans, La., in place of James L. Higgins, resigned. (This officer is now serving under temporary commission issued during the recess of the Senate.)

SUPERVISING INSPECTOR, STEAMBOAT INSPECTION SERVICE

Alvah O. Day, of Missouri, now holding recess appointment to the position of supervising inspector, fourth district, Steamboat Inspection Service, for permanent appointment, vice William J. Macdonald, deceased.

EXAMINER IN CHIEF IN THE PATENT OFFICE

Walter Leffingwell Redrow, of Ohio, now holding recess appointment to the position of examiner in chief in the United States Patent Office, for permanent appointment, vice Sidney F. Smith, deceased.

COAST GUARD

Boatswain (T.) Raymond B. Newell to be a temporary ensign, to rank as such from June 18, 1928.

Yeoman (First Class) William D. Wilson to be a temporary ensign, to rank as such from June 16, 1928.

Quartermaster (First Class) Petros D. Mills to be a temporary ensign, to rank as such from June 19, 1928.

Seaman (First Class) Frank E. Miner to be a temporary ensign, to rank as such from June 16, 1928.

Lieut. Charles W. Dean to be a lieutenant commander, to rank as such from November 22, 1927.

Lieut. Walfred G. Bloom to be a lieutenant commander, to rank as such from November 22, 1927.

Lieut. Roderick S. Patch to be a lieutenant commander, to rank as such from December 19, 1927.

Ensign Gaines A. Tyler to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Ira E. Eskridge to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Harry W. Stinchcomb to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Harold C. Moore to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Richard M. Hoyle to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Morris C. Jones to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Miles H. Imlay to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Francis C. Pollard to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Stanley J. Woyciehowsky to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Ensign Kenneth K. Cowart to be a lieutenant, junior grade, to rank as such from May 15, 1928.

Boatswain Leonard T. Jones to be a temporary ensign, to rank as such from August 24, 1928.

Boatswain Richard A. Haines to be a temporary ensign, to rank as such from August 23, 1928.

Boatswain Henry F. Garcia to be a temporary ensign, to rank as such from August 22, 1928.

(These officers are serving under temporary commissions issued during the recess of the Senate.)

COAST AND GEODETIC SURVEY

The following-named officers of the Coast and Geodetic Survey, now holding recess appointment to the positions indicated below, for permanent appointment:

To be aides with relative rank of ensign in the Navy

Laurence Wilbur Swanson, of Colorado, vice H. K. Hilton, resigned.

Gilbert Rolland Fish, of Nebraska, vice E. B. Latham, promoted.

Franklin Rice Cossett, of Tennessee, vice John Bowie, jr., promoted.

Ernest Bane Lewey, of Virginia, vice G. R. Shelton, promoted.

John Clarence Mathisson, of Alabama, vice I. T. Sanders, promoted.

Harold Joseph Oliver, of Iowa, vice E. R. McCarthy, promoted.

George Edward Morris, jr., of Minnesota, vice F. G. Quinn, promoted.

To be junior hydrographic and geodetic engineers, with relative rank of lieutenant, junior grade, in the Navy

Leonard Carl Johnson, of New York, vice A. R. Ratti, promoted.

Emil Herman Kirsch, of South Dakota, vice Byron Williams, resigned.

PUBLIC HEALTH SERVICE

Asst. Surg. Erval R. Coffey to be passed assistant surgeon, to rank as such from June 16, 1928.

Dr. Hiram J. Bush to be assistant surgeon, to rank as such from July 9, 1928.

Dr. Donald P. Ross to be assistant surgeon, to rank as such from July 9, 1928.

Dr. Richard A. Steere to be assistant surgeon, to rank as such from July 12, 1928.

Dr. Aubrey E. Snowe to be assistant surgeon, to rank as such from July 11, 1928.

Dr. Samuel J. Hall to be assistant surgeon, to rank as such from July 9, 1928.

Dr. Walter L. Barnes to be assistant surgeon, to rank as such from June 30, 1928.

Dr. Milton A. Gilmore to be assistant surgeon, to rank as such from July 9, 1928.

Dr. Henry N. Fisher to be assistant surgeon, to rank as such from August 8, 1928.

Dr. Houston G. Foster to be assistant surgeon, to rank as such from July 17, 1928.

Dr. Robert W. Cranston to be assistant surgeon, to rank as such from July 9, 1928.

Dr. Lee C. Watkins to be assistant surgeon, to rank as such from June 30, 1928.

Dr. Edgar W. Norris to be assistant surgeon, to rank as such from August 1, 1928.

Dr. Robert G. Townsend to be assistant surgeon, to rank as such from June 30, 1928.

Dr. Paul A. Neal to be assistant surgeon, to rank as such from June 30, 1928.

Dr. Richard B. Holt to be assistant surgeon, to rank as such from July 7, 1928.

Dr. Gilbert L. Dunnahoo to be assistant surgeon, to rank as such from July 9, 1928.

Dr. William C. Plumlee to be assistant surgeon, to rank as such from July 9, 1928.

Asst. Surg. Adolph S. Rumreich to be passed assistant surgeon, to rank as such from September 2, 1928.

Asst. Surg. Ernest E. Huber to be passed assistant surgeon, to rank as such from September 2, 1928.

Asst. Surg. Edwin H. Carnes to be passed assistant surgeon, to rank as such from November 3, 1928.

Surg. Mark J. White to be senior surgeon, to rank as such from November 1, 1928, in place of Surg. C. N. Gardner, placed on "waiting orders."

Asst. Surg. Lucius F. Badger to be passed assistant surgeon, to rank as such from November 17, 1928.

Asst. Surg. Albert E. Russell to be passed assistant surgeon, to rank as such from November 29, 1928.

Asst. Surg. Alfred J. Aselmeyer to be passed assistant surgeon, to rank as such from November 29, 1928.

(These officers are serving under temporary commissions issued during the recess of the Senate.)

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be brigadier general

Col. Casper Hauzer Conrad, jr., Cavalry, from October 16, 1928, vice Brig. Gen. Peter E. Traub, retired from active service October 15, 1928.

CHIEF OF BRANCH

Col. Edward Albert Kreger to be Judge Advocate General with the rank of major general for the period of four years from November 16, 1928, with rank from November 16, 1928, Judge Advocate General's Department, vice Maj. Gen. John A. Hull, Judge Advocate General, whose term of office expired November 15, 1928.

To be second lieutenant with rank from June 6, 1928

Corpl. Elmer Perry Rose, Air Corps.

To be second lieutenants with rank from June 7, 1928

Second Lieut. John Adams Austin, Air Corps Reserve.
First Lieut. Robert Coleman Ashley, Air Corps Reserve.
Second Lieut. Jordan Frank Haney, Air Corps Reserve.
Second Lieut. Ford J. Lauer, Air Corps Reserve.
First Lieut. Fay Oliver Dice, Air Corps Reserve.
First Lieut. Edward Lester Meadow, Air Corps Reserve.
Second Lieut. Herbert Everett Rice, Air Corps Reserve.
Second Lieut. Edward Harold Porter, Air Corps Reserve.
Second Lieut. Joseph Hampton Atkinson, Air Corps Reserve.
Second Lieut. Robert Leonard Schoenlein, Air Corps Reserve.
Second Lieut. Frederick William Ott, Air Corps Reserve.
Second Lieut. Homer Ceylon Munson, Air Corps Reserve.
Second Lieut. Wentworth Goss, Air Corps Reserve.
Second Lieut. James Leslie Daniel, jr., Air Corps Reserve.
Second Lieut. Budd John Peaslee, Air Corps Reserve.
Second Lieut. Lee Francis Duncan, Air Corps Reserve.
First Lieut. John Franklin Egan, Air Corps Reserve.
Second Lieut. Edgar Russell Todd, Air Corps Reserve.
Second Lieut. Arthur LaSalle Smith, Air Corps Reserve.
First Lieut. Donald Dewey Arnold, Air Corps Reserve.
Second Lieut. Clarence Thomas Mower, Air Corps Reserve.
Second Lieut. Louie Percy Turner, Air Corps Reserve.

GRADUATES OF THE MILITARY ACADEMY

CORPS OF ENGINEERS

To be second lieutenants with rank from June 9, 1928

1. Cadet Luke William Finlay.
2. Cadet James Laffeter Green.
3. Cadet Thomas Alphonsus Lane.
5. Cadet Frederick Jensen Dau.

6. Cadet Albert Lea Alexander, jr.
7. Cadet William Tell Hefley, jr.
8. Cadet Roland Clough Brown.
9. Cadet Samuel Roberts Browning.
10. Cadet Lyle Edward Seeman.
11. Cadet John Craig Banta.
12. Cadet Raphael Brill Ezekiel.
13. Cadet William Dixon Smith.
16. Cadet David Andrew Watt, jr.
18. Cadet Rudolph Ethelbert Smyser, jr.
19. Cadet Charles Daniel Curran.
20. Cadet Francis Howard Falkner.
21. Cadet Alan Johnstone McCutchen.
22. Cadet David William Heiman.
23. Cadet Robert John Fleming, jr.
24. Cadet David Peter Laubach.
25. Cadet Benjamin Smith Shute.
26. Cadet William Everett Potter.
27. Cadet Edmund Koehler Daley.
28. Cadet William Joseph Matteson.

SIGNAL CORPS

32. Cadet Richard Morris Ludlow.
45. Cadet Edward Bernard Keller.
53. Cadet Edward Murphy Markham, jr.
54. Cadet Dwight Lewis Mulkey.
61. Cadet Charles Tileston Leeds, jr.
81. Cadet Frank Jerdone Coleman.
86. Cadet John Benjamin Allen.
92. Cadet Russell Alger Wilson.
95. Cadet Elmo Stewart Mathews.
118. Cadet Thomas Joseph Cody.
120. Cadet Carl Herman Sturies.

CAVALRY

4. Cadet Theodore Scott Riggs.
14. Cadet Thomas Fraley Van Natta, 3d.
36. Cadet Nelson Jacob DeLany.
52. Cadet Nathan Bedford Forrest, jr.
56. Cadet Robert Frederick Tate.
63. Cadet John Paul Breden.
65. Cadet Henry Francis Beaumont, 4th, jr.
66. Cadet Mayer Henry Halff.
68. Cadet Clayton John Mansfield.
70. Cadet Walter Edgerton Johns.
71. Cadet Charles Franklin Born.
74. Cadet Roy Henry Guertler.
77. Cadet Leslie Haynes Wyman.
82. Cadet Thomas Joseph Brennan, jr.
93. Cadet David Raymond Gibbs.
100. Cadet Alvord Van Patten Anderson, jr.
103. Cadet Frederick Lewis Anderson, jr.
108. Cadet Samuel Leslie Myers.
121. Cadet Joseph Anthony Michela.
125. Cadet Ralph Edward Koon.
135. Cadet Douglas Glen Ludlam.
143. Cadet James Lowman Hathaway.
144. Cadet George Albert Brickman.
147. Cadet Walter Emerson Finnegan.
149. Cadet Charles Ralph Pinkerton.

FIELD ARTILLERY

15. Cadet Robert Scott Israel, jr.
30. Cadet Paul Lester Sanders.
31. Cadet James Elbert Briggs.
34. Cadet John Stewart Mills.
35. Cadet George Morris Cole.
37. Cadet Duncan Sloan Somerville.
38. Cadet David William Traub.
40. Cadet George Warren Mundy.
47. Cadet Lyndon Gibson Pearl.
48. Cadet Roscoe Charles Wilson.
49. Cadet Walter Edwin Todd.
51. Cadet Bryant LeMaire Boatner.
57. Cadet Church Myall Matthews.
58. Cadet Richard Jerome Handy.
59. Cadet Karl Gustaf Eric Gimmler.
60. Cadet Samuel Robert Brentnall.
67. Cadet Harvey Weston Wilkinson.
73. Cadet Frank Fort Everest, jr.
75. Cadet Frank Quincy Goodell.
76. Cadet Garrison Barkley Coverdale.
79. Cadet Mercer Christie Walter.
83. Cadet Robert Loyal Easton.
84. Cadet Elmer Briant Thayer.
85. Cadet James Stewart Neary.
87. Cadet Norris Brown Harbold.
88. Cadet John Cogswell Oakes.
90. Cadet George Raymond Bienfang.
91. Cadet Roger Woodhull Goldsmith.
94. Cadet Charles Grant Goodrich.
97. Cadet Paul Amos Gavan.
98. Cadet Thomas Lynch Rich.
99. Cadet Leroy Cullom Davis.
101. Cadet Robert James Dwyer.
102. Cadet John Honeycutt Hinrichs.
109. Cadet Richard Perry O'Keefe.
111. Cadet Thomas Joseph Counihan.
112. Cadet Ephraim Hester McLemore.
113. Cadet James Easton Holley.
114. Cadet Frederick G. Stritzinger, 4th.
115. Cadet Robert Falligant Travis.
116. Cadet John Dabney Billingsley.
122. Cadet John Bourke Daly.
123. Cadet William Henry Tunner.
126. Cadet Verdi Beethoven Barnes.
129. Cadet Edward Cassel Reber.
133. Cadet Stuart Glover McLennan.
134. Cadet John Alexander Samford.

COAST ARTILLERY CORPS

41. Cadet Alfred Rockwood Maxwell.
42. Cadet Paul Harold Johnston.
50. Cadet William Henry Hennig.
55. Cadet John James Earle, jr.
69. Cadet Paul Denver Peery.
72. Cadet Daniel McCoy Wilson.
78. Cadet John Jordan Morrow.
80. Cadet Theodore John Dayharsh.
89. Cadet Leslie George Ross.
104. Cadet Marion George Pohl.
105. Cadet John Archibald Sawyer.
107. Cadet Thayer Stevens Olds.
117. Cadet Lewis Adam Vincent.
119. Cadet Robert George Butler, jr.
124. Cadet Robert Tryon Frederick.
127. Cadet Oren Ranald Meacham.
128. Cadet Howard Graham Bunker.
131. Cadet Gordon Roe Williams.
132. Cadet Allison Richard Hartman.
136. Cadet Legare Kilgore Tarrant.
139. Cadet Arthur Richard Thomas.
140. Cadet Paul Anthony Leahy.
156. Cadet Montgomery Breck Raymond.
167. Cadet Joseph Lovejoy, jr.
173. Cadet Samuel Egbert Anderson.
174. Cadet Everett Davenport Peddicord.
175. Cadet James Gallagher Bain.
176. Cadet August William Schermacher.
177. Cadet Robert Franklin Tomlin.
178. Cadet Louis Test Vickers.
180. Cadet Joseph Arthur Bulger.
191. Cadet Cyril Harvey McGuire.
197. Cadet Truman Hempel Landon.

INFANTRY

17. Cadet Donald Bertrand Smith.
29. Cadet Webster Anderson.
33. Cadet Harry Cromartie Kirby.
39. Cadet Thomas Jennings Wells.
43. Cadet William Ross Currie.
44. Cadet Peter Duryea Calyer.
46. Cadet Walter Godley Donald.
62. Cadet John Blanchard Grinstead.
64. Cadet Howard Hillman Hasting.
106. Cadet John Southworth Upham, jr.
110. Cadet Robert Albert Howard, jr.
130. Cadet Henry Leo Flood.
137. Cadet Harry Warren Halterman.
138. Cadet William Mattingly Breckinridge.
141. Cadet Whitfield Jack.
142. Cadet Madison Clinton Schepps.
145. Cadet Douglas Crevier McNair.
146. Cadet Fred Obediah Tally.
148. Cadet Russell Blair.
150. Cadet Edwin Augustus Cummings.
151. Cadet Powhatan Moncure Morton.
152. Cadet William Webb Browning.
153. Cadet Lionel Charles McGarr.
155. Cadet James Melvin Lamont.
157. Cadet Noble James Wiley, jr.
158. Cadet Wilhelm Paul Johnson.
159. Cadet Alfred Norman Webb.
160. Cadet Roger Maxwell Ramey.

161. Cadet Horace Lincoln Beall, jr.
162. Cadet Harold Brown.
163. Cadet Carl Ferdinand Fritzsche.
164. Cadet John Peter Doidge.
165. Cadet Forrest Gordon Allen.
166. Cadet Thomas Oslin Huddleston.
168. Cadet Leigh Austin Fuller, jr.
169. Cadet John Thomas Murtha, jr.
170. Cadet George William Baker.
171. Cadet Ralph Joseph Butchers.
172. Cadet John Severin Knudsen.
179. Cadet John Paul Boland.
181. Cadet Kilbourne Johnston.
182. Cadet Robert Bernard Beattie.
184. Cadet John Raymond Gilchrist.
185. Cadet Frank Rudolph Maerdian.
186. Cadet George Francis Will.
187. Cadet George Ferrow Smith.
188. Cadet Allen Wilson Reed.
189. Cadet Desmond Henry O'Connell.
190. Cadet Arthur William Meehan.
192. Cadet Walter Goodwin Staley.
193. Cadet Kent Ellsworth Nourse.
194. Cadet Frank Leonard Bock.
195. Cadet Thomas Joseph Moran.
196. Cadet James Elmer Totten.
198. Cadet Richard Ralph Middlebrooks.
199. Cadet Charles Frank Howard.
200. Cadet Hampden Eugene Montgomery, jr.
201. Cadet Elmer Wentworth Gude.
202. Cadet Maurice Clinton Bisson.
203. Cadet Harry Edgar Wilson.
204. Cadet Charles Bowler King.
205. Cadet Robert Williams Warren.
206. Cadet John Francis Wadman.
207. Cadet Delma Taft Spivey.
208. Cadet Maury Spotswood Cralle.
209. Cadet Ramon Antonio Nadal.
210. Cadet Carroll Huston Prunty.
211. Cadet August Walter Kissner.
212. Cadet Walter Augustus Simon.
213. Cadet Edgar Elliott Enger.
214. Cadet LaVerne George Saunders.
215. Cadet Tito George Moscatelli.
216. Cadet Louis Russell Delmonico.
217. Cadet George Henry Lawrence.
218. Cadet George Clinton Willette.
219. Cadet Frank Leroy Skeldon.
220. Cadet Francis Henry Boos.
221. Cadet Gaulden McIntosh Watkins.
222. Cadet Thomas Lilley Sherburne, jr.
223. Cadet John Francis Farra, jr.
224. Cadet Stanhope Brasfield Mason.
225. Cadet Eugene Thomas Lewis.
226. Cadet Allen Thayer.
227. Cadet Rex Lee Smith.
228. Cadet Emmett O'Donnell, jr.
229. Cadet John Oliver Williams.
230. Cadet Richard Wetherill, jr.
231. Cadet Donald Winston Titus.
232. Cadet Emmett Felix Yost.
233. Cadet Alfred Henry Parham.
234. Cadet James William Lockett.
235. Cadet Paul DeWitt Adams.
236. Cadet Evan McLaren Houseman.
237. Cadet Ralph Thomas Nelson.
238. Cadet Robert Kinder Taylor.
239. Cadet James Morrow Ivy.
240. Cadet Gellert Arthur Douglas.
241. Cadet William Grant Caldwell.
242. Cadet William Thomas Moore.
243. Cadet Paul Jones Mitchell.
245. Cadet James Wilson Brown, jr.
246. Cadet William Columbus Sams, jr.
247. Cadet Robert Harper Kelly.
248. Cadet Joseph Franklin Trent.
250. Cadet Foster Richard Dickey.
251. Cadet Samuel Hartmann Lane.
252. Cadet Francis Waller Haskell.
253. Cadet Andrew Thomas McNamara.
254. Cadet Thomas Mason Tarpley.
255. Cadet James Francis Olive, jr.
256. Cadet Edgar Alexander Sirmyer, jr.
257. Cadet Elmer Edward Scudder.
258. Cadet Robert Wiesenauer.
259. Cadet Harold Francis Moran.
260. Cadet Thomas Webster Steed.
261. Cadet Paul Elliott MacLaughlin.

QUARTERMASTER CORPS

183. Cadet Ralph Harold Sievers.
244. Cadet Alfred Benjamin Denniston.
249. Cadet Edward Felix Shepherd.

COAST ARTILLERY CORPS

To be major with rank from date of appointment

Robert Octavius Edwards, formerly major, Coast Artillery Corps.

INFANTRY

To be captain with rank from date of appointment

Edmund Fitzgerald Hubbard, formerly captain of Infantry.

To be second lieutenant with rank from date of appointment

Donald Miller Davidson, formerly second lieutenant, Field Artillery.

To be captain with rank from July 1, 1920

Capt. Joseph William Loef, Field Artillery.

NOTE.—Captain Loef is now serving under a recess appointment as captain of Field Artillery, with rank from July 1, 1920, under the provisions of the act of Congress herein quoted. This message is submitted for the purpose of confirming his recess appointment.

MEDICAL CORPS

To be first lieutenants

First Lieut. Charles Tindall Young, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Oliver Kunze Niess, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Carl Milo Rylander, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. James Patrick Cooney, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Harvey Francis Hendrickson, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Louis Holmes Ginn, jr., Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Seth Gayle, jr., Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Howard Sterling McConkie, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Sam Foster Seeley, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. William Draper North, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Clifford Veryl Morgan, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. William Henry Lawton, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. James Elmo Yarbrough, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Warren Langdon Whitten, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Charles Wilbur Williams, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. John Daniel Brumbaugh, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Abner Zehm, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Martin Theodore Meyers, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. William Velpoe Wilkerson, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Walter Frederick Heine, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Charles McCabe Downs, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Neb Ludson Miller, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Joseph Sidney Woolford, Medical Corps Reserve, with rank from August 3, 1928.

First Lieut. Furman Hillman Tyner, Medical Corps Reserve, with rank from August 10, 1928.

First Lieut. Warren Mimms Scott, Medical Corps Reserve, with rank from August 10, 1928.

First Lieut. James Harvey Turner, Medical Corps Reserve, with rank from August 10, 1928.

VETERINARY CORPS

To be second lieutenant

Second Lieut. Maurice Wendell Hale, Veterinary Corps Reserve, with rank from July 24, 1928.

CHAPLAINS

To be chaplain with the rank of captain, with rank from date of appointment

Rev. James Aloysius Manley, formerly chaplain (captain).

To be chaplains with the rank of first lieutenant

Capt. Peter Joseph Quinn, Chaplains Reserve, with rank from July 27, 1928.

Rev. John Joseph Dignan, of New York, with rank from September 28, 1928.

First Lieut. Patrick James Ryan, Chaplains Reserve, with rank from November 2, 1928.

Rev. Herbert Alexander Heagney, of Arkansas, with rank from November 21, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

ADJUTANT GENERAL'S DEPARTMENT

Maj. Burton Young Read, Cavalry (detailed in Adjutant General's Department), October 6, 1928, with rank from July 1, 1920.

Maj. Joseph Jesse Teter, Coast Artillery Corps (detailed in Adjutant General's Department), October 6, 1928, with rank from August 10, 1924.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Maj. Lewis King Underhill, Infantry (assigned to duty with Judge Advocate General's Department), August 14, 1928, with rank from July 1, 1920.

Capt. Oscar Ripley Rand, Infantry (assigned to duty with Judge Advocate General's Department) (promoted captain of Infantry during the recess of the Senate), November 12, 1928, with rank from November 1, 1928.

QUARTERMASTER CORPS

Capt. Horace Lincoln Whittaker, Coast Artillery Corps (detailed in Quartermaster Corps), November 10, 1928, with rank from September 20, 1919.

Capt. Ben Curtis McComas, Field Artillery, October 18, 1928, with rank from July 1, 1920.

Capt. Bernard Sweet, Field Artillery, October 17, 1928, with rank from July 1, 1920.

First Lieut. John Thomas Lynch, Infantry (detailed in Quartermaster Corps), August 31, 1928, with rank from November 28, 1925.

FINANCE DEPARTMENT

Capt. Arthur Oscar Walsh, Field Artillery, November 13, 1928, with rank from July 1, 1920.

Capt. Maxton Hale Flint, Infantry, August 11, 1928, with rank from July 1, 1920.

Capt. John Paul Tillman, Quartermaster Corps (detailed in Finance Department), August 2, 1928, with rank from July 18, 1927.

First Lieut. John James Honan, Infantry (detailed in Finance Department), September 22, 1928, with rank from July 1, 1920.

First Lieut. Aloysius Joseph Tagliabue, Infantry (detailed in Finance Department), October 13, 1928, with rank from July 1, 1920.

First Lieut. Harold Almon Gardyne, Infantry (detailed in Finance Department), August 2, 1928, with rank from July 1, 1920.

CORPS OF ENGINEERS

Second Lieut. William Orsen Van Giesen, Infantry, September 26, 1928, with rank from June 30, 1926.

ORDNANCE DEPARTMENT

Maj. Robert Whiting Daniels, Field Artillery (promoted major of Field Artillery during the recess of the Senate), June 18, 1928, with rank from June 2, 1928.

SIGNAL CORPS

Maj. James Hatch Van Horn, Field Artillery (assigned to duty with Signal Corps), September 25, 1928, with rank from July 1, 1920.

First Lieut. Frank Celestine Meade, Coast Artillery Corps (detailed in Signal Corps), July 3, 1928, with rank from October 19, 1924.

CHEMICAL WARFARE SERVICE

Capt. Charles Ernest Loucks, Coast Artillery Corps (detailed in Chemical Warfare Service), August 27, 1928, with rank from July 1, 1920.

Capt. Egbert Frank Bullene, Cavalry (detailed in Chemical Warfare Service), August 28, 1928, with rank from December 9, 1927.

First Lieut. John Cawley MacArthur, Infantry (detailed in Chemical Warfare Service), August 22, 1928, with rank from July 1, 1920.

CAVALRY

First Lieut. Edwin Moore Burnett, Infantry, August 27, 1928, with rank from July 1, 1920.

Second Lieut. David Evans Bradford, Signal Corps, September 1, 1928, with rank from June 12, 1925.

Second Lieut. Charles Albert Sheldon, Field Artillery, August 21, 1928, with rank from June 30, 1926.

FIELD ARTILLERY

First Lieut. Edward Albert Banning, Infantry, August 1, 1928, with rank from March 12, 1926.

INFANTRY

Maj. Owen Riggs Meredith, Chemical Warfare Service, June 1, 1928, with rank from July 1, 1920.

First Lieut. Joseph Edwin McGill, Coast Artillery Corps, October 9, 1928, with rank from July 1, 1920.

AIR CORPS

Maj. William Ord Ryan, Field Artillery (detailed in Air Corps), August 15, 1928, with rank from September 13, 1923.

First Lieut. Augustine Francis Shea, Field Artillery (detailed in Air Corps), October 3, 1928, with rank from September 2, 1923.

First Lieut. Wilfrid Henry Hardy, Cavalry (detailed in Air Corps), September 10, 1928, with rank from March 24, 1928.

Second Lieut. John Gilbert Moore, Field Artillery (detailed in Air Corps), October 20, 1928, with rank from June 12, 1924.

Second Lieut. James Somers Stowell, Infantry (detailed in Air Corps), October 20, 1928, with rank from June 12, 1924.

Second Lieut. David Marshall Ramsay, Infantry (detailed in Air Corps), October 26, 1928, with rank from June 15, 1924.

Second Lieut. Howard Eugene Engler, Cavalry (detailed in Air Corps), October 25, 1928, with rank from June 15, 1924.

Second Lieut. Rogers Alan Gardner, Cavalry (detailed in Air Corps), September 13, 1928, with rank from June 12, 1925.

Second Lieut. James Gordon Pratt, Cavalry (detailed in Air Corps), September 22, 1928, with rank from June 15, 1925.

Second Lieut. Frank Gilmore Irvin, Infantry (detailed in Air Corps), June 12, 1928, with rank from June 30, 1925.

Second Lieut. George Vernon Holloman, Infantry (detailed in Air Corps), October 24, 1928, with rank from June 30, 1925.

Second Lieut. Glenn Oscar Barcus, Cavalry (detailed in Air Corps), November 8, 1928, with rank from June 30, 1925.

Second Lieut. Turner Ashby Sims, jr., Corps of Engineers (detailed in Air Corps), June 19, 1928, with rank from June 12, 1926.

COAST ARTILLERY CORPS

Second Lieut. Burgo Doyle Gill, Field Artillery, with rank from June 30, 1925.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be major general, reserve

Maj. Gen. Alfred Franklin Foote, Massachusetts National Guard, from August 16, 1928.

To be brigadier generals, reserve

Brig. Gen. Henry Herman Denhardt, Kentucky National Guard, from October 2, 1928.

Brig. Gen. Albert Crowell Gray, Massachusetts National Guard, from August 16, 1928.

Brig. Gen. Will Effinger Jackson, Texas National Guard, from July 17, 1928.

Brig. Gen. John Deneen Murphy, Massachusetts National Guard, from August 22, 1928.

Brig. Gen. William Frederick Schohl, New York National Guard, from October 6, 1928.

REAPPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be brigadier generals, Ordnance Department Reserve

Brig. Gen. John Ross Delafield, Ordnance Department Reserve, from October 25, 1928.

Brig. Gen. Samuel McRoberts, Ordnance Department Reserve, from September 27, 1928.

REAPPOINTMENT IN THE REGULAR ARMY

BUREAU OF INSULAR AFFAIRS

Maj. Gen. Frank McIntyre, United States Army, to be Chief of the Bureau of Insular Affairs, with the rank of major general, beginning August 17, 1928, with rank from October 6, 1917.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Charles Henry Errington, Finance Department, from May 30, 1928.

Lieut. Col. George Clymer Shaw, Infantry, from June 2, 1928.

Lieut. Col. Charles Ernest Resse, Quartermaster Corps, from June 16, 1928.

Lieut. Col. Edward Davis, Cavalry, subject to examination required by law, from June 18, 1928.

Lieut. Col. Robert Soutter Knox, Infantry, from June 20, 1928.

Lieut. Col. William Applegate Castle, Infantry, from June 26, 1928.

Lieut. Col. Charles Coane Allen, Infantry, from June 26, 1928.

Lieut. Col. George Thomas Bowman, Cavalry, from August 1, 1928.

Lieut. Col. John Sherman Fair, Cavalry, from August 7, 1928.

Lieut. Col. George Washington England, Infantry, from August 11, 1928.

Lieut. Col. Edwin Joseph Nowlen, Infantry, from August 13, 1928.

Lieut. Col. Alvin Coe Voris, Signal Corps, from August 14, 1928.

Lieut. Col. William Franklin Herringshaw, Quartermaster Corps, from August 28, 1928.

Lieut. Col. George Ernest Kumpe, Signal Corps, from September 1, 1928.

Lieut. Col. Milo Charles Corey, Infantry, from September 1, 1928.

Lieut. Col. Walter Henry Johnson, Infantry, from September 5, 1928.

Lieut. Col. Albert Sidney Williams, Infantry, from September 20, 1928.

Lieut. Col. William Bassett Graham, Infantry, from September 26, 1928.

Lieut. Col. Charles Johnston Nelson, Infantry, from September 27, 1928.

Lieut. Col. Ernest Alexis Jeunet, Quartermaster Corps, from September 29, 1928.

Lieut. Col. Charles Hart Danforth, Air Corps, from October 2, 1928.

Lieut. Col. Gideon Hazen Williams, Infantry, from October 2, 1928.

Lieut. Col. Fred William Bugbee, Infantry, from October 11, 1928.

Lieut. Col. Charles Frederick Andrews, Infantry, from October 13, 1928.

Lieut. Col. Allan Lindsay Briggs, Infantry, from October 16, 1928.

Lieut. Col. James Marshall Petty, Infantry, from October 27, 1928.

Lieut. Col. John Brooke Shuman, Adjutant General's Department, from October 27, 1928.

Lieut. Col. Frederic George Kellond, Infantry, from October 30, 1928.

Lieut. Col. Herbert L. Evans, Quartermaster Corps, from November 1, 1928.

Lieut. Col. Harry Davis Mitchell, Adjutant General's Department, from November 1, 1928.

Lieut. Col. Ode Calvin Nichols, Infantry, from November 1, 1928.

Lieut. Col. Kirwin Taylor Smith, Infantry, from November 2, 1928.

Lieut. Col. Frank C. Burnett, Adjutant General's Department, from November 2, 1928.

Lieut. Col. Albert Owen Seaman, Quartermaster Corps, from November 2, 1928.

Lieut. Col. William Taylor, Judge Advocate General's Department, from November 7, 1928.

Lieut. Col. Clarence Gifford Bunker, Coast Artillery Corps, from November 7, 1928.

Lieut. Col. William Henry Raymond, Coast Artillery Corps, from November 16, 1928.

Lieut. Col. Richmond Smith, Infantry, from November 19, 1928.

Lieut. Col. Gouverneur Vroom Packer, Judge Advocate General's Department, from November 21, 1928.

Lieut. Col. John Harry Neff, Infantry, from November 26, 1928.

To be lieutenant colonels

Maj. Edmund Bristol Gregory, Quartermaster Corps, from May 30, 1928.

Maj. Walter Singles, Coast Artillery Corps, from June 2, 1928.

Maj. Stephen Clark Reynolds, Quartermaster Corps, from June 16, 1928.

Maj. William Vaulx Carter, Adjutant General's Department, from June 18, 1928.

Maj. Gordon Rives Catts, Infantry, from June 19, 1928.

Maj. Henry Conger Pratt, Air Corps, from June 20, 1928.

Maj. Donald Cameron Cubbison, Field Artillery, from June 26, 1928.

Maj. Ursa Milner Diller, Quartermaster Corps, from June 26, 1928.

Maj. Edwin Butcher, Infantry, from June 27, 1928.

Maj. Russell Vernon Venable, Infantry, from July 11, 1928.

Maj. Arthur James Davis, Quartermaster Corps, from August 1, 1928.

Maj. Kinzie Bates Edmunds, Cavalry, from August 1, 1928.

Maj. Martin Christian Wise, Infantry, from August 4, 1928.

Maj. Andrew Jackson White, Adjutant General's Department, from August 7, 1928.

Maj. Walter Scott Drysdale, Infantry, from August 7, 1928.

Maj. Edward Ellis Farnsworth, Coast Artillery Corps, from August 7, 1928.

Maj. Charles Andrew Meals, Quartermaster Corps, from August 11, 1928.

Maj. Matthew Henry Thomlinson, Infantry, from August 11, 1928.

Maj. Joseph Alexander Atkins, Infantry, from August 13, 1928.

Maj. Charles Fullington Thompson, Infantry, from August 14, 1928.

Maj. Thomas Leslie Crystal, Infantry, from August 16, 1928.

Maj. James Joseph O'Hara, Cavalry, from August 28, 1928.

Maj. Arthur Dryhurst Budd, Field Artillery, from August 28, 1928.

Maj. Ralph Rigby Glass, Infantry, from August 29, 1928.

Maj. Erle Martin Wilson, Infantry, from September 1, 1928.

Maj. Merrill Ellicott Spalding, Infantry, from September 1, 1928.

Maj. Joseph James Grace, Signal Corps, from September 5, 1928.

Maj. Joseph Alexander McAndrew, Infantry, from September 20, 1928.

Maj. Richard Rembert Pickering, Adjutant General's Department, from September 26, 1928.

Maj. Gerald Clark Brant, Air Corps, from September 27, 1928.

Maj. Clement Hale Wright, Infantry, from September 29, 1928.

Maj. William Ross Scott, Infantry, from October 2, 1928.

Maj. Napoleon William Riley, Quartermaster Corps, from October 2, 1928.

Maj. Otto Louis Brunzell, Field Artillery, from October 11, 1928.

Maj. George Carson Lawrason, Infantry, from October 13, 1928.

Maj. Robert Pattison Harbold, Quartermaster Corps, from October 14, 1928.

Maj. James Barton Woolnough, Infantry, from October 16, 1928.

Maj. Innis Palmer Swift, Cavalry, from October 17, 1928.

Maj. Arthur Harrison Wilson, Cavalry, from October 27, 1928.

Maj. Walter Scott Fulton, Infantry, from October 27, 1928.

Maj. Sherburne Whipple, Adjutant General's Department, from October 30, 1928.

Maj. Harry Hawley, Infantry, from November 1, 1928.

Maj. Thomas Norton Gimperling, Quartermaster Corps, from November 1, 1928.

Maj. Hugh Lawson Walthall, Adjutant General's Department, from November 1, 1928.

Maj. John Buchanan Richardson, Adjutant General's Department, from November 2, 1928.

Maj. Anton Caesar Cron, Infantry, from November 2, 1928.

Maj. James Nadal, Infantry, from November 2, 1928.

Maj. Oscar Winslow Hoop, Infantry, from November 7, 1928.

Maj. John Clark Moore, Signal Corps, from November 7, 1928.

Maj. William Frederick Pearson, Adjutant General's Department, from November 8, 1928.

Maj. James Alexander Ulio, Adjutant General's Department, from November 13, 1928.

Maj. Frank Moorman, Signal Corps, from November 16, 1928.

To be majors

Capt. Theron Gray Methven, Infantry, from May 30, 1928.
Capt. Lenox Riley Lohr, Corps of Engineers, from June 16, 1928.
Capt. Francis Arnold Hause, Coast Artillery Corps, from June 18, 1928.
Capt. Paul Lewis Ransom, Infantry, from June 19, 1928.
Capt. Roderick Random Allen, Cavalry, from June 20, 1928.
Capt. Edward Elliott MacMorland, Ordnance Department, from June 26, 1928.
Capt. Adolphus Worrell Roffe, Cavalry, from June 26, 1928.
Capt. Manton Sprague Eddy, Infantry, from June 27, 1928.
Capt. Henry Benjamin Holmes, jr., Coast Artillery Corps, from June 27, 1928.
Capt. Gabriel Thornton Mackenzie, Infantry, from July 11, 1928.
Capt. John Stevenson Winslow, Field Artillery, from July 19, 1928.
Capt. Erskine Simpson Dollarhide, Infantry, from August 1, 1928.
Capt. Stuart Adams Hamilton, Coast Artillery Corps, from August 1, 1928.
Capt. Barnwell Rhett Legge, Infantry, from August 2, 1928.
Capt. Thomas Troy Handy, Field Artillery, from August 4, 1928.
Capt. Edward Mallory Almond, Infantry, from August 7, 1928.
Capt. Charles Paul Stivers, Infantry, from August 7, 1928.
Capt. Stanley Fisk Bryan, Field Artillery, from August 7, 1928.
Capt. Robert Campbell Van Vliet, jr., Infantry, from August 11, 1928.
Capt. Oliver Lincoln Haines, Cavalry, from August 11, 1928.
Capt. Oscar Irvin Gates, Field Artillery, from August 13, 1928.
Capt. Gerald Butz Robison, Coast Artillery Corps, from August 14, 1928.
Capt. Richard Keene Smith, Quartermaster Corps, from August 15, 1928.
Capt. Percy William Clarkson, Infantry, from August 16, 1928.
Capt. Gerald Evans Brower, Air Corps, from August 17, 1928.
Capt. Robert Chapin Candee, Air Corps, from August 26, 1928.
Capt. William John Jones, Field Artillery, from August 28, 1928.
Capt. Yarrow Daniel Vesely, Field Artillery, from August 28, 1928.
Capt. Lee Saunders Gerow, Infantry, from August 29, 1928.
Capt. Stuart Gardiner Wilder, Infantry, from September 1, 1928.
Capt. Shuey Earl Wolfe, Coast Artillery Corps, from September 1, 1928.
Capt. Joseph Leon Philips, Cavalry, from September 5, 1928.
Capt. Frank Jarvis Atwood, Ordance Department, from September 14, 1928.
Capt. Harry Innes Thornton Creswell, Infantry, subject to examination required by law, from September 18, 1928.
Capt. Charles Benjamin Thomas, Field Artillery, from September 19, 1928.
Capt. Lloyd Harlow Cook, Infantry, from September 20, 1928.
Capt. Kenneth McCatty, Coast Artillery Corps, from September 25, 1928.
Capt. Oliver James Bond, Chemical Warfare Service (transferred from Coast Artillery Corps during the recess of the Senate), from September 25, 1928.
Capt. Lawrence John Ingram Barrett, Infantry, from October 30, 1928.
Capt. Clifford Hildebrandt Tate, Field Artillery, subject to examination required by law, from November 1, 1928.
Capt. Dale Durkee Hinman, Coast Artillery Corps, from November 1, 1928.
Capt. John Rutter Brooke, jr., Infantry, from November 1, 1928.
Capt. Oliver Patton Echols, Air Corps, from November 2, 1928.
Capt. Willard Stratton Wadelton, Cavalry, from November 2, 1928.
Capt. George Drummond Davidson, Coast Artillery Corps, from November 2, 1928.
Capt. John Murray Jenkins, jr., Field Artillery, from November 7, 1928.
Capt. Frank Lewis Culin, jr., Infantry, from November 7, 1928.
Capt. Ralph Emerson McLain, Infantry, from November 8, 1928.
Capt. Beverly Hare Coiner, Cavalry, from November 8, 1928.
Capt. Albert Dewitt Chipman, Coast Artillery Corps, subject to examination required by law, from November 10, 1928.
Capt. Carl C. Terry, Ordnance Department, from September 26, 1928.
Capt. Henry Burr Parker, Field Artillery, from September 27, 1928.
Capt. Edward Aloysius Murphy, Ordnance Department, from September 29, 1928.
Capt. Joseph White Geer, Cavalry, from October 2, 1928.
Capt. Harold Holmes Ristine, Field Artillery, from October 2, 1928.
Capt. Oscar Louis Gruhn, Field Artillery, from October 5, 1928.
Capt. Charles Timothy Senay, Infantry, from October 11, 1928.
Capt. Egmont Francis Koenig, Chemical Warfare Service, from October 13, 1928.
Capt. Theodore Woodward Wrenn, Field Artillery, from October 14, 1928.
Capt. Harold Whitaker Rehm, Ordnance Department, from October 16, 1928.
Capt. Peter Kendrick Kelly, Ordnance Department, from October 17, 1928.
Capt. Kramer Thomas, Cavalry, from October 27, 1928.
Capt. James Randlett Finley, Cavalry, from October 27, 1928.
Capt. Robert Edgar Turley, jr., Coast Artillery Corps, from November 13, 1928.
Capt. Ralph Corbett Smith, Infantry, from November 16, 1928.

To be captains

First Lieut. Merle Halsey Davis, Ordnance Department, from May 30, 1928.
First Lieut. Henry Devries Cassard, Coast Artillery Corps, from May 31, 1928.
First Lieut. Edward Hanson Connor, jr., Infantry, from June 1, 1928.
First Lieut. Neal Creighton, Air Corps, from June 2, 1928.
First Lieut. George Peter Toft, Quartermaster Corps, from June 2, 1928.
First Lieut. Alonzo Maning Drake, Air Corps, from June 9, 1928.
First Lieut. Victor Herbert Strahm, Air Corps, from June 16, 1928.
First Lieut. Robert Jesse Whatley, Infantry, from June 18, 1928.
First Lieut. Ira Roberts Koenig, Air Corps, from June 19, 1928.
First Lieut. Raynor Garey, Field Artillery, from June 26, 1928.
First Lieut. Philip Schneeberger, Air Corps, from June 27, 1928.
First Lieut. Gouverneur Hoes, Infantry, from June 27, 1928.
First Lieut. Victor Schmidt, Coast Artillery Corps, from June 27, 1928.
First Lieut. Fred Bidwell Lyle, Field Artillery, from July 11, 1928.
First Lieut. Karl Schaffner Axtater, Air Corps, from July 13, 1928.
First Lieut. William Joseph Flood, Air Corps, from July 16, 1928.
First Lieut. Francis Dundas Ross, junior, Infantry, from July 19, 1928.
First Lieut. George Merrill Palmer, Air Corps, from July 19, 1928.
First Lieut. Charles Rawlings Chase, Cavalry, from August 1, 1928.
First Lieut. Loren Francis Parmley, Cavalry, from August 1, 1928.
First Lieut. Erle Fletcher Cress, Cavalry, from August 2, 1928.
First Lieut. Lynn Packard Vane, Coast Artillery Corps, from August 3, 1928.
First Lieut. John Austin Pixley, Coast Artillery Corps, from August 4, 1928.
First Lieut. Otta Marshall, Coast Artillery Corps, from August 4, 1928.
First Lieut. Edwin Cleveland Callicutt, Coast Artillery Corps, from August 7, 1928.
First Lieut. Ray Harrison Green, Quartermaster Corps, from August 7, 1928.
First Lieut. John Parr Temple, Air Corps, from August 7, 1928.
First Lieut. Hugh Williamson Rowan, Chemical Warfare Service, from August 7, 1928.
First Lieut. Russell William Goodyear, Quartermaster Corps, from August 7, 1928.
First Lieut. Lewis Rinehart Pfoutz Reese, Air Corps, from August 10, 1928.

First Lieut. Byron Turner Burt, jr., Air Corps, from August 11, 1928.
First Lieut. Earle Gene Harper, Air Corps, from August 11, 1928.
First Lieut. Philip Gilstrap Bruton, Corps of Engineers, from August 13, 1928.
First Lieut. Eugene Joseph Minarelli FitzGerald, Infantry, from August 14, 1928.
First Lieut. Charles Earl Whitney, Ordnance Department, from August 15, 1928.
First Lieut. Lotha August Smith, Air Corps, from August 16, 1928.
First Lieut. Horace Leland Porter, Corps of Engineers, from August 17, 1928.
First Lieut. Arthur Leo Lavery, Coast Artillery Corps, from August 21, 1928.
First Lieut. Franz Joseph Jonitz, Quartermaster Corps, from August 26, 1928.
First Lieut. William Valery Andrews, Air Corps, from August 28, 1928.
First Lieut. George Stetekluh, Quartermaster Corps, from August 28, 1928.
First Lieut. Frank Marion Barrell, Quartermaster Corps, from August 29, 1928.
First Lieut. Stanton Higgins, Cavalry, from September 1, 1928.
First Lieut. Holden Spear, Quartermaster Corps, from September 1, 1928.
First Lieut. Redding Francis Perry, Cavalry, from September 5, 1928.
First Lieut. Walter Arthur Metts, jr., Field Artillery, from September 5, 1928.
First Lieut. Frank Camm, Field Artillery, from September 14, 1928.
First Lieut. Richard Oscar Bassett, jr., Infantry, from September 14, 1928.
First Lieut. Percy Stuart Lowe, Coast Artillery Corps, from September 18, 1928.
First Lieut. Lewis Alonzo Murray, Corps of Engineers, from September 19, 1928.
First Lieut. Rene Edward deRussy, Coast Artillery Corps, from September 20, 1928.
First Lieut. Clyde Grady, Infantry, from September 21, 1928.
First Lieut. Thomas Tilson Conway, Infantry, from September 22, 1928.
First Lieut. Edgar Ambrose Jarman, Infantry, from September 23, 1928.
First Lieut. Allan Sheldon Willis, Infantry, from September 25, 1928.
First Lieut. Howard Webster Lehr, Infantry, from September 25, 1928.
First Lieut. Versalious Lafayette Knadler, Field Artillery, from September 25, 1928.
First Lieut. Thomas Cleveland Lull, Infantry, from September 26, 1928.
First Lieut. Leonard Sherod Arnold, Field Artillery, from September 27, 1928.
First Lieut. Frederick Thomas Murphy, Cavalry, from September 29, 1928.
First Lieut. Carl Gilbert Holmes, Field Artillery, from October 2, 1928.
First Lieut. Lewis Morrell Van Gieson, Ordnance Department, from October 2, 1928.
First Lieut. Arthur Edwin King, Field Artillery, from October 2, 1928.
First Lieut. Aubrey Jefferson Bassett, Infantry, from October 5, 1928.
First Lieut. Frank Amedee Deroin, Infantry, from October 11, 1928.
First Lieut. Edward Albert Kaech, Infantry, from October 11, 1928.
First Lieut. Edwin Uriah Owings Waters, Infantry, from October 13, 1928.
First Lieut. Frederick Harold Gaston, Field Artillery, from October 14, 1928.
First Lieut. John James Gorman, Infantry, from October 14, 1928.
First Lieut. George Milroy Mayer, Quartermaster Corps, from October 16, 1928.
First Lieut. Mortimer Buell Birdseye, Quartermaster Corps, from October 17, 1928.
First Lieut. Carl Henry Starrett, Infantry, from October 19, 1928.
First Lieut. Arthur Richardson Baird, Ordnance Department, from October 21, 1928.
First Lieut. James William Dye, Quartermaster Corps, from October 23, 1928.
First Lieut. John Virgil Lowe, Chemical Warfare Service, from October 24, 1928.
First Lieut. William Reuben Hazelrigg, Infantry, from October 25, 1928.
First Lieut. Harry Arden Dinger, Air Corps, from October 27, 1928.
First Lieut. Edwin Forrest Carey, Air Corps, from October 27, 1928.
First Lieut. Merrick Gay Estabrook, jr., Air Corps, from October 30, 1928.
First Lieut. Arthur James Russell, Infantry, from November 1, 1928.
First Lieut. Charles William Burlin, Corps of Engineers, from November 1, 1928.
First Lieut. Elmer Warren Miller, Coast Artillery Corps, from November 1, 1928.
First Lieut. Herbert Cossitt Mitchell, Quartermaster Corps, from November 1, 1928.
First Lieut. Hubert Wiley Keith, Infantry, from November 2, 1928.
First Lieut. Arthur Lewis Benedict, Quartermaster Corps, from November 2, 1928.
First Lieut. Richard Harrington Darrell, Cavalry, from November 2, 1928.
First Lieut. Edward Lewis Field, Infantry, from November 3, 1928.
First Lieut. Earl Gordon Welsh, Infantry, from November 7, 1928.
First Lieut. Albert Crofut Donovan, Field Artillery, from November 7, 1928.
First Lieut. John Robert Tighe, Quartermaster Corps, from November 7, 1928.
First Lieut. John Carl Green, Signal Corps, from November 8, 1928.
First Lieut. John Richard Clark, Coast Artillery Corps, from November 8, 1928.
First Lieut. Carl Franklin Greene, Air Corps, from November 8, 1928.
First Lieut. Eugene Ferry Smith, Infantry, from November 9, 1928.
First Lieut. Edgar Theodore Anderson, Field Artillery, from November 10, 1928.
First Lieut. Harvey Turner Jensen, Infantry, from November 13, 1928.
First Lieut. Robert Francis Gill, Corps of Engineers, from November 13, 1928.
First Lieut. Walter Allen Jackson, Infantry, from November 16, 1928.

To be first lieutenants

Second Lieut. Nathaniel Lancaster, jr., Infantry, from May 30, 1928.
Second Lieut. Charles Edward Woodruff, jr., Infantry, from May 31, 1928.
Second Lieut. Donald McLean, Coast Artillery Corps, from May 31, 1928.
Second Lieut. Paschal Hoover Ringsdorf, Field Artillery, from June 1, 1928.
Second Lieut. Stuart Lee Cowles, Field Artillery, from June 2, 1928.
Second Lieut. John Maurice Weikert, Air Corps, from June 2, 1928.
Second Lieut. George Pierce Howell, Infantry, from June 9, 1928.
Second Lieut. Warren Alfred Robinson, Infantry, from June 16, 1928.
Second Lieut. John Hensel Pitzer, Coast Artillery Corps, from June 16, 1928.
Second Lieut. William Lawrence Scott, jr., Air Corps, from June 18, 1928.
Second Lieut. Dean Stanley Ellerthorpe, Coast Artillery Corps, from June 19, 1928.
Second Lieut. George Conrad Mergens, Infantry, from June 20, 1928.
Second Lieut. Horton Vail White, Infantry, from June 26, 1928.
Second Lieut. James Edward Bowen, jr., Infantry, from June 26, 1928.
Second Lieut. Austin Curtis Cunkle, jr., Infantry, from June 27, 1928.

Second Lieut. Francis Townsend Dodd, Field Artillery, from June 27, 1928.
Second Lieut. Charles Carlton Cavender, Infantry, from June 27, 1928.
Second Lieut. George Stanley Smith, Field Artillery, from June 28, 1928.
Second Lieut. William Campbell Lucas, Infantry, from July 1, 1928.
Second Lieut. Harvey Keene Palmer, jr., Field Artillery, from July 1, 1928.
Second Lieut. Wendell Gunner Johnson, Infantry, from July 11, 1928.
Second Lieut. Howard Edward Crane Breitung, Coast Artillery Corps, from July 13, 1928.
Second Lieut. Paul Kenneth Porch, Infantry, from July 16, 1928.
Second Lieut. John George Salsman, Air Corps, from July 19, 1928.
Second Lieut. Lyman O'Dell Williams, Infantry, from July 19, 1928.
Second Lieut. Temple Graves Holland, Infantry, from July 28, 1928.
Second Lieut. Lew Myers Morton, Coast Artillery Corps, from August 1, 1928.
Second Lieut. Paul Cyril Serff, Infantry, from August 1, 1928.
Second Lieut. Lawrence Leroy Skinner, Infantry, from August 2, 1928.
Second Lieut. Edward Forstall Adams, Infantry, from August 3, 1928.
Second Lieut. Thomas Sherman Timberman, Infantry, from August 4, 1928.
Second Lieut. Cyril Quentin Marron, Infantry, from August 4, 1928.
Second Lieut. Robert Herman Krueger, Coast Artillery Corps, from August 7, 1928.
Second Lieut. Louis John Storck, Infantry, from August 7, 1928.
Second Lieut. Donald Cameron Tredennick, Coast Artillery Corps, from August 7, 1928.
Second Lieut. David Sherman Babcock, Field Artillery, from August 7, 1928.
Second Lieut. James Jewett Carnes, Infantry, from August 8, 1928.
Second Lieut. Joseph Winfield Boone, Infantry, from August 10, 1928.
Second Lieut. Hugh Chauncey Johnson, Infantry, from August 11, 1928.
Second Lieut. James Michael Fitzmaurice, Air Corps, from August 11, 1928.
Second Lieut. Charles Calvin Higgins, Infantry, from August 13, 1928.
Second Lieut. George Craig Stewart, Infantry, from August 14, 1928.
Second Lieut. Louis Peter Leone, Infantry, from August 15, 1928.
Second Lieut. Robert Leroy Dulaney, Infantry, from August 16, 1928.
Second Lieut. James Clarke Carter, Infantry, from August 17, 1928.
Second Lieut. Robert McKee Smith, Infantry, from August 17, 1928.
Second Lieut. Hoyt Sanford Vandenberg, Air Corps, from August 19, 1928.
Second Lieut. Lawrence Varsi Castner, Infantry, from August 21, 1928.
Second Lieut. Henry Granville Fisher, Infantry, from August 23, 1928.
Second Lieut. Hal Clark Granberry, Infantry, from August 25, 1928.
Second Lieut. Ralph Mundon Neal, Cavalry, from August 26, 1928.
Second Lieut. Stewart Warren Towle, jr., Air Corps, from August 28, 1928.
Second Lieut. Edwin Britain Howard, Infantry, from August 28, 1928.
Second Lieut. John Paul Evans, Infantry, from August 29, 1928.
Second Lieut. William Harold Schaffer, Infantry, from September 1, 1928.
Second Lieut. Sidney Lee Douthit, Infantry, from September 1, 1928.
Second Lieut. Allen Dwight Raymond, jr., Infantry, from September 2, 1928.
Second Lieut. Walter Cornelius White, Air Corps, from September 2, 1928.
Second Lieut. Lynn Edwin Brady, Infantry, from September 5, 1928.
Second Lieut. Glen Clifford Jamison, Air Corps, from September 5, 1928.
Second Lieut. James Robert Lindsay, jr., Field Artillery, from September 6, 1928.
Second Lieut. Roy Madison Foster, Infantry, from September 6, 1928.
Second Lieut. Wayne Latta Barker, Coast Artillery Corps, from September 11, 1928.
Second Lieut. Carl Brown McDaniel, Air Corps, from September 14, 1928.
Second Lieut. Carlisle Brown Irwin, Infantry, from September 14, 1928.
Second Lieut. Lee Carl Vance, Cavalry, from September 18, 1928.
Second Lieut. Russell Vivian Perry, Quartermaster Corps, from September 19, 1928.
Second Lieut. Thomas Davison Drake, Infantry, from September 20, 1928.
Second Lieut. Edgar Marvin Fogelsonger, Air Corps, from September 21, 1928.
Second Lieut. Granville Victor Morse, Cavalry, from September 22, 1928.
Second Lieut. Herbert Spencer Jordan, Infantry, from September 23, 1928.
Second Lieut. Dresden James Cragun, Infantry, from September 23, 1928.
Second Lieut. Edward Harvey Clouser, Infantry, from September 25, 1928.
Second Lieut. Herbert Kenneth Baisley, Air Corps, from September 25, 1928.
Second Lieut. Carl Eugene Anderson, Infantry, from September 25, 1928.
Second Lieut. Thomas Robinson, Cavalry, from September 26, 1928.
Second Lieut. John Kraybill Nissley, Air Corps, from September 27, 1928.
Second Lieut. William Rush Blakely, Infantry, from September 29, 1928.
Second Lieut. William Douglass Paschall, Field Artillery, from September 29, 1928.
Second Lieut. Frederick Mott Thompson, Infantry, from October 2, 1928.
Second Lieut. Charles Goodwin Pearcy, Air Corps, from October 2, 1928.
Second Lieut. Roy Paris Turner, Field Artillery, from October 2, 1928.
Second Lieut. Alonzo Valede Thorpe, Infantry, from October 5, 1928.
Second Lieut. Voris Hamilton Connor, Field Artillery, from October 9, 1928.
Second Lieut. Arthur Bordeaux Nicholson, Coast Artillery Corps, from October 11, 1928.
Second Lieut. Girvelle Leighton Field, Coast Artillery Corps, from October 11, 1928.
Second Lieut. Staten Eugene Rall, Infantry, from October 13, 1928.
Second Lieut. Howard Orville Douglass, Coast Artillery Corps, from October 14, 1928.
Second Lieut. Harold Everett Walker, Cavalry, from October 14, 1928.
Second Lieut. Don Emerson Carleton, Cavalry, from October 16, 1928.
Second Lieut. Kenneth Lafayette Johnson, Field Artillery, from October 17, 1928.
Second Lieut. Eugene Haworth Vernon, Infantry, from October 19, 1928.
Second Lieut. Eyrle Gray Johnson, Air Corps (transferred from Cavalry during the recess of the Senate), from October 21, 1928.
Second Lieut. Paul Green Kendall, Cavalry, from October 23, 1928.
Second Lieut. Ralph Waldo Russell, Coast Artillery Corps, from October 24, 1928.
Second Lieut. Archibald Yarborough Smith, Air Corps, from October 25, 1928.
Second Lieut. Herbert William Anderson, Air Corps, from October 27, 1928.
Second Lieut. DeWitt Ballard, Infantry, from October 27, 1928.
Second Lieut. James Lendsey McKinnon, Field Artillery, from October 28, 1928.
Second Lieut. Willis Glenn Cronk, Infantry, from October 30, 1928.

Second Lieut. Richard Tyler Willson, Cavalry, from November 1, 1928.
Second Lieut. Leslie Lee Hittle, Field Artillery, from November 1, 1928.
Second Lieut. Carl Archibald Stevenson, Infantry, from November 1, 1928.
Second Lieut. Leslie Furness Young, Air Corps, from November 1, 1928.
Second Lieut. Emmett Hill Emanuel, Infantry, from November 1, 1928.
Second Lieut. Eugene Désiré Regad, Infantry, from November 1, 1928.
Second Lieut. Donald Taylor Beeler, Infantry, from November 2, 1928.
Second Lieut. Charles Creswell Blakeney, Field Artillery, from November 2, 1928.
Second Lieut. William Mason Hoke, Infantry, from November 2, 1928.
Second Lieut. Willard Fromm Millice, Field Artillery, from November 3, 1928.
Second Lieut. Elvin Hamilton Burger, Infantry, from November 3, 1928.
Second Lieut. James Freeland McGraw, Infantry, from November 7, 1928.
Second Lieut. Richard Searl Marr, Field Artillery, from November 7, 1928.

MEDICAL CORPS

To be colonels

Lieut. Col. William Lordan Keller, Medical Corps, from June 2, 1928.
Lieut. Col. William Henry Moncrief, Medical Corps, from June 24, 1928.
Lieut. Col. Charles Frederick Morse, Medical Corps, from June 24, 1928.
Lieut. Col. Haywood Shepherd Hansell, Medical Corps, from June 24, 1928.
Lieut. Col. Jay Weir Grissinger, Medical Corps, from June 24, 1928.
Lieut. Col. Will Leroy Pyles, Medical Corps, from June 24, 1928.
Lieut. Col. Robert Moore Blanchard, Medical Corps, from July 16, 1928.
Lieut. Col. John Alexander Clark, Medical Corps, from October 27, 1928.
Lieut. Col. Samuel Jonathan Morris, Medical Corps, from October 27, 1928.
Lieut. Col. Jacob Morgan Coffin, Medical Corps, from October 27, 1928.
Lieut. Col. Levy Mellspaugh Hathaway, Medical Corps, from October 27, 1928.
Lieut. Col. Alexander Murray, Medical Corps, from October 27, 1928.
Lieut. Col. Philip Weatherly Huntington, Medical Corps, from October 27, 1928.
Lieut. Col. James Douglas Fife, Medical Corps, from October 27, 1928.
Lieut. Col. George Hoskins Scott, Medical Corps, from October 27, 1928.

To be lieutenant colonels

Maj. Mahlon Ashford, Medical Corps, from June 13, 1928.
Maj. Edward Godfrey Huber, Medical Corps, from June 13, 1928.
Maj. Arthur Newman Tasker, Medical Corps, from June 13, 1928.
Maj. Howard McCrum Snyder, Medical Corps, from June 13, 1928.
Maj. Garfield Lesley McKinney, Medical Corps, from June 13, 1928.
Maj. William Lee Hart, Medical Corps, from September 15, 1928.

To be captains

First Lieut. Frank Bolles Wakeman, Medical Corps, from June 3, 1928.
First Lieut. Douglas Sheldon Kellogg, Medical Corps, from July 1, 1928.
First Lieut. Loren Donovan Moore, Medical Corps, from July 1, 1928.
First Lieut. Arthur Brinkley Welsh, Medical Corps, from July 1, 1928.
First Lieut. Eugene Wycoff Billick, Medical Corps, from July 1, 1928.
First Lieut. Earle Glenn Goss Standlee, Medical Corps, from July 1, 1928.
First Lieut. Charles Albert McDowell, Medical Corps, from July 1, 1928.
First Lieut. Cecil Walker Dingman, Medical Corps, from July 1, 1928.
First Lieut. William Kraus, Medical Corps, from July 1, 1928.
First Lieut. Robert Stephen Lilla, Medical Corps, from July 1, 1928.
First Lieut. Reuel Edward Hewitt, Medical Corps, from July 1, 1928.
First Lieut. Martin Eugene Griffin, Medical Corps, from July 1, 1928.
First Lieut. Mack Macon Green, Medical Corps, from July 1, 1928.
First Lieut. William Edward Shambora, Medical Corps, from July 1, 1928.
First Lieut. Charles Henderson Beasley, Medical Corps, from July 1, 1928.
First Lieut. Hobart Dean Belknap, Medical Corps, from July 1, 1928.
First Lieut. Clifford Albert Best, Medical Corps, from July 1, 1928.
First Lieut. Alvin Levi Gorby, Medical Corps, from July 4, 1928.
First Lieut. George Ellis Armstrong, Medical Corps, from July 9, 1928.
First Lieut. Bennie Arthur Moxness, Medical Corps, from July 25, 1928.
First Lieut. Walter Steen Jensen, Medical Corps, from October 24, 1928.

DENTAL CORPS

To be colonel

Lieut. Col. Rex Hays Rhoades, Dental Corps, from November 10, 1928.

To be captains

First Lieut. Mackey Joseph Real, Dental Corps, from July 1, 1928.
First Lieut. Kenneth Pearce Fulton, Dental Corps, from July 15, 1928.
First Lieut. Harold George Ott, Dental Corps, from August 18, 1928.

VETERINARY CORPS

To be lieutenant colonels

Maj. Herbert Stephens Williams, Veterinary Corps, from November 9, 1928.
Maj. Alfred Lewis Mason, Veterinary Corps, from November 13, 1928.

To be first lieutenants

Second Lieut. Harry Raymond Leighton, Veterinary Corps, from August 4, 1928.
Second Lieut. Verne Clifford Hill, Veterinary Corps, from August 19, 1928.
Second Lieut. Elmer William Young, Veterinary Corps, from August 19, 1928.
Second Lieut. Lewis Ellis Schweizer, Veterinary Corps, from October 27, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captains

First Lieut. Frank Steiner, Medical Administrative Corps, from June 6, 1928.
First Lieut. Frank Arthur Crawford, Medical Administrative Corps, from June 20, 1928.
First Lieut. George Porter Chase, Medical Administrative Corps, from October 6, 1928.

To be first lieutenant

Second Lieut. Albert Francis Dowler, Medical Administrative Corps, from October 24, 1928.

CHAPLAINS

To be chaplains with the rank of lieutenant colonel

Chaplain Stephen Richard Wood, from June 29, 1928.
Chaplain Stanley Clayton Ramsden, from September 22, 1928.

To be chaplain with the rank of major

Chaplain Haywood Lewis Winter, from October 14, 1928.

To be chaplain with the rank of captain

Chaplain Peter Joseph Quinn, from November 24, 1928.

PROMOTIONS IN THE PHILIPPINE SCOUTS

To be captain

First Lieut. Earl Wells, Philippine Scouts, from June 26, 1928.

To be first lieutenants

Second Lieut. Alejandro Garcia y Da Jose, Philippine Scouts, from August 1, 1928.

Second Lieut. Santiago Garcia Guevara, Philippine Scouts, from August 7, 1928.

Second Lieut. Jose Emilio Olivares, Philippine Scouts, from September 11, 1928.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Capt. Harry E. Yarnell, United States Navy, to be Engineer in Chief and Chief of the Bureau of Engineering in the Department of the Navy, with the rank of rear admiral, for a term of four years.

Capt. Thomas T. Craven to be a rear admiral in the Navy from the 15th day of February, 1928.

Capt. Wat T. Cluverius to be a rear admiral in the Navy from the 30th day of May, 1928.

Capt. Albert W. Marshall to be a rear admiral in the Navy from the 11th day of June, 1928.

Capt. Harry E. Yarnell to be a rear admiral in the Navy from the 17th day of August, 1928.

Commander John H. Newton to be a captain in the Navy from the 30th day of May, 1928.

The following-named commanders to be captains in the Navy from the 1st day of July, 1928:

Albert Norris, an additional number in grade.

Wilhelm L. Friedell.

Commander Burton H. Green to be a captain in the Navy from the 2d day of August, 1928.

Commander Isaac F. Dortch to be a captain in the Navy from the 17th day of August, 1928.

Lieut. Commander George B. Keester to be a commander in the Navy from the 1st day of July, 1927.

Lieut. Commander James B. Rutter to be a commander in the Navy from the 15th day of February, 1928.

Lieut. Commander Frank Slingluff, jr., to be a commander in the Navy from the 16th day of May, 1928.

Lieut. Commander Theodore H. Winters to be a commander in the Navy from the 28th day of May, 1928.

Lieut. Commander Clifford E. Van Hook to be a commander in the Navy from the 30th day of May, 1928.

Lieut. Commander Richard W. Wuest to be a commander in the Navy from the 3d day of July, 1928.

Lieut. Commander Archibald McGlasson to be a commander in the Navy from the 2d day of August, 1928.

Lieut. Commander Joseph A. Murphy to be a commander in the Navy from the 17th day of August, 1928.

Lieut. George G. Robertson to be a lieutenant commander in the Navy from the 2d day of December, 1927.

Lieut. Davenport Browne to be a lieutenant commander in the Navy from the 18th day of December, 1927.

Lieut. Collin DeV. Headlee to be a lieutenant commander in the Navy from the 28th day of February, 1928.

Lieut. Richard W. Gruelick to be a lieutenant commander in the Navy from the 1st day of April, 1928.

Lieut. Wilbur V. Shown to be a lieutenant commander in the Navy from the 29th day of April, 1928.

Lieut. George K. Weber to be a lieutenant commander in the Navy from the 1st day of May, 1928.

Lieut. Leonard Doughty, jr., to be a lieutenant commander in the Navy from the 28th day of May, 1928.

Lieut. William F. Dietrich to be a lieutenant commander in the Navy from the 30th day of May, 1928.

Lieut. Ralph Wyman to be a lieutenant commander in the Navy from the 16th day of July, 1928.

Lieut. John B. Heffernan to be a lieutenant commander in the Navy from the 2d day of August, 1928.

Lieut. Edward J. Moran to be a lieutenant commander in the Navy from the 17th day of August, 1928.

Lieut. John H. Keefe to be a lieutenant commander in the Navy from the 15th day of September, 1928.

Lieut. Francis W. Benson to be a lieutenant commander in the Navy from the 1st day of November, 1928.

Lieut. (Junior Grade) Max I. Black to be a lieutenant in the Navy from the 6th day of October, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1927:

David W. Roberts.
George M. Brooke.
Logan McKee.
John K. Lynch.

Lieut. (Junior Grade) Charles Bell to be a lieutenant in the Navy from the 22d day of June, 1927.

Lieut. (Junior Grade) Raymond D. Edwards to be a lieutenant in the Navy from the 1st day of July, 1927.

The following-named lieutenants, junior grade, to be lieutenants in the Navy, from the 3d day of June, 1928:

Ruthven E. Libby.
Clarence E. Voegeli.
John J. Pierrepont.
Robert N. Hunter.
Harold G. Hazard.
Richard W. Dole.
Walter E. Zimmerman.
Harvey T. Walsh.
Leon J. Huffman.
Wilson P. Cogswell.
John S. Harper.
Peter G. Hale.
Ralph C. Kephart.
Adelbert F. Converse.
Ralph R. Gurley.
William L. Ware.
Milton E. Miles.
William S. Parsons.
Robert E. Blue.
Harold D. Baker.
Adolph E. Becker, jr.
Bruce B. Adell.
Raymond A. Hansen.
Bradford E. Grow.
Alvin I. Malstrom.
Kenneth L. Forster.
Lysle E. Ellis.
Edwin A. Taylor.
Henri H. Smith-Hutton.
John R. Hume.
John C. Lester.
Woodson V. Michaux.
John H. Shultz.
James E. Craig.
Roger E. Nelson.
Edward W. Foster.
Herbert E. Regan.
Thomas M. Stokes.
Warren K. Berner.
Alfred R. Taylor.
Robert L. Johnson.
William J. Sebald.
Robert E. Blick, jr.
Alan R. McCracken.
Hyman G. Rickover.
Humphrey W. Toomey.
Albert L. Toney.
George P. Hunter.
Wilber G. Jones.
Howard R. Healy.
Arthur LeR. Hamlin.
Lucien Ragonnet.
Marion E. Murphy.
Archibald E. Uehlinger.
Preston S. Tambling.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1928:

Kenneth R. Hall.
Donald S. Evans.
Frank T. Watkins.
Charles J. Cater.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 2d day of July, 1928:

Clarence L. C. Atkeson, jr.

Tom B. Hill.

John M. Higgins.

Lieut. (Junior Grade) James P. Clay to be a lieutenant in the Navy from the 10th day of July, 1928.

Lieut. (Junior Grade) Robert C. Brown to be a lieutenant in the Navy from the 1st day of August, 1928.

Lieut. (Junior Grade) John H. Leppert to be a lieutenant in the Navy from the 2d day of August, 1928.

Lieut. (Junior Grade) Francis M. Adams to be a lieutenant in the Navy from the 10th day of August, 1928.

Lieut. (Junior Grade) George E. Nold to be a lieutenant in the Navy from the 12th day of August, 1928.

Lieut. (Junior Grade) Fulwar S. Halsell to be a lieutenant in the Navy from the 17th day of August, 1928.

Lieut. (Junior Grade) Wilfred J. Holmes to be a lieutenant in the Navy from the 22d day of August, 1928.

Lieut. (Junior Grade) Jesse R. Wallace to be a lieutenant in the Navy from the 15th day of September, 1928.

Lieut. (Junior Grade) Anthony L. Danis to be a lieutenant in the Navy from the 1st day of November, 1928.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1927:

Woodward Phelps.
James R. Topper.
Edmund W. Whitehead.
John T. Engeman, jr.
Hubert M. Hayter.

Ensign Steve V. Edwards to be a lieutenant (junior grade) in the Navy from the 9th day of August, 1927.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 25th day of February, 1928:

Wilfred G. Lebegue.
James J. Cunningham.
Howell Hedrick.
George H. Charter.
Henry Plander.
Charles J. Naumilket.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Harry E. Hubbard.
Thomas B. McMurtrey.
William H. Benson.
Frederick K. Loomis.
Fremont B. Wright.
John W. Murphy, jr.
Ernest S. L. Goodwin.
Martin R. Peterson.
John H. Sides.
Robert L. Adams.
Charles H. Anderson, jr.
Edward N. Parker.
Clifton G. Grimes.
Ernest M. Eller.
William J. Marshall.
Lewis Wallace.
Victor D. Long.
Richard G. Voge.
Henry Crommelin.
Thomas M. Brown.
James M. Robinson.
William P. McGirr.
Alexander Sledge.
Paul W. Hord.
Philip S. Creasor.
Willis H. Pickton.
Edward H. Edmundson.
Austin W. Wheelock.
Dundas P. Tucker.
Willis A. Lent.

Stanley P. Moseley.
Horace G. Trainer.
Edward K. Walker.
George L. Purmort.
Richard A. Larkin.
Edmund B. Taylor.
Philip D. Compton.
William H. Beers, jr.
John H. Long.
Paul A. Hartzell.
John L. Melgaard.
Robert E. Cronin.
James S. Smith, jr.
Elmer C. Buerkle.
Eugene D. Sullivan.
Frederick B. Warder.
Francis J. Thomas.
William G. H. Lind.
David R. Hull.
John H. Spiller.
Thomas C. Thomas.
Cecil B. Gill.
Eugene E. Paro.
John A. Charlson, jr.
Richard E. Elliott.
Persifor F. Gibson, jr.
John R. van Nagell.
William C. Latrobe.
Franklin W. Slaven.
Bruce D. Kelley.
Franklin D. Karns, jr.
Morton C. Mumma, jr.
Charles F. Miller.
David A. Hurt.
Stirling P. Smith.
Jeane R. Clark.
Horace W. Blakeslee.
Byron C. Wanglin, jr.
Anthony L. Rorschach.
Chester C. Smith.
George C. Wright.
David M. Tyree.
Homer O. Dahlke.
Robert H. Gibbs.
William B. Colborn.
Ernest St. C. von Kleeck, jr.
De Vere L. Day.
Wallace S. Newton.
Jackson S. Champlin.
Terrence R. Cowie.
James M. Miller.
Clarence E. Haugen.
Alexander Jackson, jr.
Charles H. O'Neil.
Rodmon D. Smith.
Claude A. Dillavou.
Wilfred B. Goulett.
Lewis S. Parks.
Harman B. Bell, jr.
Donald C. Beard.
Kenneth V. Dawson.
Lermond H. Miller.
Alwin D. Kramer.
Harold C. Pound.
Roger B. Nickerson.
Willard K. Goodney.
Joseph W. Ludewig.
John S. Blue.
Merle Van Metre.
Richard H. Gingras.
James P. Knowles.
Thomas G. Reamy.
Knowlton Williams.
George E. Fee.
Douglas E. Smith.
William C. Schultz.
Herbert McNulta, jr.
Francis R. Stolz.
Herbert P. Rice.
Charles A. Bond.
Cameron Briggs.
William L. Messmer.
John H. Broadbent.
Clement R. Criddle.
Richard W. Reither.
Harry A. Simms.
Frederick F. Sima.
John D. Reppy.
Arthur H. Graubart.
Charles E. Tolman, jr.
Glenn M. Cox.
William J. O'Brien.
Frederick N. Kivette.
Jesse C. Sowell.
Ira E. Hobbs.
Edward L. Schleif.
William O. Gallery.
Monroe Y. McGown, jr.
Harold O. Larson.
Everett P. Newton, jr.
Harry F. Miller.
John O. Lambrecht.
Thomas Burrowes, jr.
Donald C. Varian.
Carleton C. Hoffner.
Harry H. Henderson.
Lee F. Sugnet.
Charles S. Weeks.
Kenneth C. Hurd.
William L. Wright.
Warren W. Johnson.
Rex S. Caldwell.
John H. Griffin.
William L. Turney.
James H. Carrington.
Russell S. Smith.
Malcolm D. Sylvester.
Albert E. Jarrell.
Howard T. Orville.
Robert N. Allen.
Oliver F. Naquin.
John B. Robertson, jr.
James D. Taylor, 3d.
James W. Haviland, 3d.
Thomas H. Tonseth.
Creighton K. Lankford.
William L. Benson.
Waldeman N. Christensen.
Everett E. Mann.
Hunter Wood, jr.
John J. Laffan.
Roland B. Vanasse.
Joseph H. Wellings.
William R. Headden.
Barton E. Bacon, jr.
Watson T. Singer.
Paul C. Crosley.
James M. Hicks.
George J. Dufek.
Harry Wagner.
John G. Blanche, jr.
Edward L. Beck.
George A. Leahey, jr.
Raymond R. Lyons.
Carl H. B. Morrison.
William A. New.
William H. Truesdell.
William W. Graham, jr.
John F. Goodwin.
Richard Davis, jr.
Cornelius M. Sullivan.
William H. Standley, jr.
Frank P. Tibbitts.
Fremont B. Eggers.
John S. Chitwood.
Adolph Hede.
Fred R. Stickney.
Harold H. Pickens.
Reuben T. Thornton, jr.
Walter S. Mayer, jr.
Linwood S. Howeth.
Warren P. Mowatt.
James O. Banks, jr.
Carter A. Printup.
George F. O'Keefe.
James R. Hanna.
Cecil L. Blackwell.
John G. Moore.
Carroll D. Reynolds.
Harry L. Ferguson, jr.
Aubrey B. Leggett.
Bennett W. Wright.
Alexander C. Thorington.
Samuel D. Simpson.
Joseph Leicht.
Thomas M. McGraw.
Frank D. Owers.
William G. Beecher, jr.
Tillett S. Daniel.
Joseph M. Carson.
Charles M. Ryan.
Reginald C. Johnson.
Austin C. Behan.
Herbert E. Schonland.
Harold F. Dearth.
Francis B. McCall.
William S. Howard, jr.
David G. Greenlee, jr.
Hamilton L. Stone.
John B. Brown.
Charles F. Chillingsworth, jr.
William S. Veeder.
Joseph H. Nevins, jr.
Thomas C. Parker.
George J. King.
Harvey N. Marshall.
Edward A. McFall.
Phillip H. FitzGerald.
William B. Krieg.
Harry B. Heneberger.
Andrew E. Harris.
Warren F. Porter.
Max H. Bailey.
Thompson F. Fowler.
John E. Florence.
Robert N. McFarlane.
John G. Hughes, jr.
Edwin R. Swinburne.
Karl H. Nonweiler.
Clarence E. Gregerson.
Ranald M. MacKinnon.
Lynn C. Petross.
John F. Delaney, jr.
Martin J. Drury.
Arthur R. Quinn.
Alexander MacIntyre.
Virgil F. Gordinier.
Edwin V. Brant.
John G. Johns.
Gelzer L. Sims.
Edward D. Crowley.
David G. Roberts.
Clifford L. McAuliffe.
Hugh P. Thomson.
Arthur B. Thompson.
Graham C. Gill.
Paul B. Tuzo, jr.
James M. Smith.
Marvin J. West.
Thomas J. Hickey.
George P. Biggs.
William E. Hank.
Percy H. Lyon.
George R. Phelan.
Norman W. Sears.
Cecil L. Smith.
Jack P. de Shazo.
Ralph A. Sentman.
James V. Query, jr.
Paul M. Clyde.
Charles W. Truxall.
Clyde M. Jensen.
Richard A. Guthrie.
Walter C. Ford.
Gordon B. Rainer.
Bennett S. Copping.
Warren B. Sampson.
Robert G. Norman.
William Kirten, jr.
Frank L. Durnell.
William K. Rhodes.
Frank W. Fenno, jr.
Julian K. Morrison, jr.

Gunner Julian H. Detyens to be an ensign in the Navy from the 9th day of June, 1928.

Boatswain James F. Harritt to be an ensign in the Navy from the 23d day of August, 1928.

Surg. George W. Calver to be a medical inspector in the Navy, with the rank of commander, from the 1st day of April, 1927.

Asst. Surg. Frederick G. Merrill, jr., to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 2d day of June, 1927.

Asst. Surg. Arthur P. Morton to be a passed assistant surgeon in the Navy, with rank of lieutenant, from the 1st day of July, 1927.

The following-named citizens to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 5th day of June, 1928:

Charles G. Robertson, a citizen of Oregon.
Emory E. Walter, a citizen of Tennessee.
George B. Ridout, a citizen of Pennsylvania.
Joseph H. Kler, a citizen of Wisconsin.
Hubert J. VanPeenen, a citizen of Michigan.
Melville D. Dickinson, jr., a citizen of New York.
Erwin H. W. Kersten, a citizen of Minnesota.
Ralph E. Fielding, a citizen of Pennsylvania.
Harold W. Jacox, a citizen of Michigan.
Alva C. Surber, jr., a citizen of Indiana.
Harold L. Weaver, a citizen of California.
Thomas G. Hays, a citizen of Illinois.
Greydon G. Boyd, a citizen of Missouri.
Milo R. Snodgrass, a citizen of Ohio.
Arthur J. Guittard, a citizen of Ohio.
Harold E. Stedman, a citizen of Michigan.
Ferris W. Thompson, a citizen of California.
William R. Whiteford, a citizen of Ohio.
George A. Cann, a citizen of Nevada.
William S. Cann, a citizen of Nevada.
Wilbur E. Kellum, a citizen of California.
Robert R. Leamer, a citizen of Iowa.
Frederic W. Farrar, a citizen of the District of Columbia.
James T. Taylor, a citizen of Pennsylvania.
Robert Faust, a citizen of Kansas.
Ernest J. Losli, a citizen of Oregon.
William M. Cason, a citizen of Pennsylvania.
William S. Mallory, a citizen of Iowa.
William F. E. Loftin, a citizen of North Carolina.

Merton C. Wilson, a citizen of Kansas.
George F. Helmkamp, a citizen of California.
Malcolm G. Millar, a citizen of Wisconsin.
Fred Harbert, a citizen of Michigan.
Carey M. Smith, a citizen of Illinois.
Guy E. Stahr, a citizen of Indiana.
Dewey H. Walden, a citizen of Oklahoma.
Tilden I. Moe, a citizen of Wisconsin.
Lester E. McDonald, a citizen of Texas.
Bernard S. Robbins, a citizen of Ohio.
Carroll P. Hungate, a citizen of Kansas.
Edward E. Evans, a citizen of Oregon.
Edgar L. Olson, a citizen of Nebraska.
Charles B. Stringfellow, a citizen of Virginia.
Chris C. Mansell, a citizen of Tennessee.
Verden E. Hockett, a citizen of Oregon.
Raymond O. Cheney, a citizen of Ohio.
Wayland K. Hicks, a citizen of Iowa.
Paul H. Milton, a citizen of Georgia.
Bishop L. Malpass, a citizen of North Carolina.
Roy F. Cantrell, a citizen of Oklahoma.

The following-named citizens to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade) from the 2d day of July, 1928:

James A. Connell, a citizen of Pennsylvania.
Ralph W. Taylor, a citizen of California.
Glenn W. Berry, a citizen of Missouri.
Robert L. LeGendra, a citizen of Maine.
Arthur F. Jacobus, jr., a citizen of New Jersey.

Arthur R. Logan, a citizen of California, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade) from the 22d day of August, 1928.

Macy G. Martin, a citizen of Indiana, to be an assistant dental surgeon in the Navy, with rank of lieutenant (junior grade) from the 12th day of September, 1928.

Maurice A. Bliss, a citizen of Ohio, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade) from the 11th day of October, 1928.

Paymaster Paul A. Clarke to be a pay inspector in the Navy, with the rank of commander from the 1st day of April, 1927.

Passed Asst. Paymaster Leland S. Steeves to be a paymaster in the Navy, with the rank of lieutenant commander from the 28th day of February, 1928.

The following-named ensigns to be assistant paymasters in the Navy, with the rank of ensign from the 3d day of June, 1926:

John J. Morony.
Frederick Mackle, jr.

The following-named ensigns to be assistant paymasters in the Navy, with the rank of ensign from the 2d day of June, 1927:

Vernon Dortch.
Gordon S. Ashley.

Pay Clerk John W. Haines to be an assistant paymaster in the Navy, with the rank of ensign, from the 7th day of July, 1928.

Chief Pay Clerk Elmer A. Chatham to be an assistant paymaster in the Navy, with the rank of ensign, from the 7th day of July, 1928.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, from the 4th day of June, 1925:

Lingurn H. Burkhead.
Carlton H. Moore.
George L. Todd.
Wilbur N. Landers.
Harold V. B. Madsen.
Schuyler N. Pyne.

Ensign Richard F. Armknecht to be an assistant civil engineer in the Navy, with the rank of ensign, from the 8th day of June, 1923.

The following-named ensigns to be assistant civil engineers in the Navy, with the rank of ensign, from the 4th day of June, 1925:

William Sihler.
Claire C. Seabury.
William B. Howard, jr.

Boatswain Charles B. Parr to be a chief boatswain in the Navy, to rank with but after ensign, from the 28th day of June, 1927.

Boatswain William A. Buckley to be a chief boatswain in the Navy, to rank with but after ensign, from the 6th day of April, 1928.

Radio Electrician Russel W. Justice to be a chief radio electrician in the Navy, to rank with but after ensign, from the 6th day of November, 1928.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

William C. Humphrey.
Ole B. Vikre.
Ernest L. Chezem.
Dorian D. Clark.
Bellinger Dunham.
James L. Creekman.
Frederick H. H. Sylvia.
Frank H. Davis.
Frank L. Bevier.
Forrest P. Brown.
Conrad B. Sprott.
Edmund G. Oelkers.
Paul J. Loegel.

Pay Clerk Ferris P. Floyd to be a chief pay clerk in the Navy, to rank with but after ensign, from the 29th day of May, 1927.

Ensign Jacob E. De Garmo, United States Navy, retired, to be a lieutenant (junior grade) on the retired list of the Navy from the 12th day of May, 1928, in accordance with a provision contained in the act of Congress approved on that date.

POSTMASTERS

ALABAMA

Virgil V. Cornelison to be postmaster at Akron, Ala., in place of C. H. Ramey. Incumbent's commission expired April 21, 1928.

Griffin G. Guest to be postmaster at Fort Payne, Ala., in place of G. G. Guest. Incumbent's commission expired May 20, 1928.

Paul B. Curtis to be postmaster at Glenwood, Ala., in place of P. B. Curtis. Incumbent's commission expired January 15, 1928.

Archie A. Frazee to be postmaster at Grand Bay, Ala., in place of T. C. Spink. Incumbent's commission expired January 3, 1928.

Minnie W. Simpson to be postmaster at Hurtsboro, Ala., in place of M. W. Simpson. Incumbent's commission expired May 19, 1928.

James W. Balkcom to be postmaster at Newton, Ala., in place of E. T. Lee. Incumbent's commission expired January 3, 1928.

Eva M. Ellison to be postmaster at Empire, Ala. Office became presidential July 1, 1928.

Ernest P. Forsman to be postmaster at Silverhill, Ala. Office became presidential July 1, 1928.

ARIZONA

James H. McClintock to be postmaster at Phoenix, Ariz., in place of J. A. Jones. Incumbent's commission expired May 12, 1928.

Orrin H. Perry to be postmaster at Somerton, Ariz., in place of H. M. Wright, removed.

ARKANSAS

Mamie L. Glasco to be postmaster at Bigelow, Ark., in place of W. E. Glasco, resigned.

Charley Jones to be postmaster at Calico Rock, Ark., in place of G. A. Clark. Incumbent's commission expired December 19, 1927.

John A. Borgman to be postmaster at Jonesboro, Ark., in place of J. A. Borgman. Incumbent's commission expired February 14, 1927.

Myrtle D. Reed to be postmaster at Lincoln, Ark., in place of W. D. Swift, removed.

John W. Seaton to be postmaster at Luxora, Ark., in place of J. W. Seaton. Incumbent's commission expired March 1, 1928.

Julius T. Garner to be postmaster at Nashville, Ark., in place of Cooper Hudspeth, resigned.

Olga C. Roberts to be postmaster at Tuckerman, Ark., in place of R. A. Choate. Incumbent's commission expired May 26, 1928.

Dwight B. Witherspoon to be postmaster at Hunter, Ark. Office became presidential July 1, 1928.

Ruth Slaton to be postmaster at Joiner, Ark. Office became presidential July 1, 1928.

CALIFORNIA

Katherine H. McLernon to be postmaster at Culver City, Calif., in place of K. H. McLernon. Incumbent's commission expired March 7, 1928.

Milton P. Moeser to be postmaster at National City, Calif., in place of P. T. Mizony. Incumbent's commission expired January 9, 1928.

Clara C. Hornsyld to be postmaster at Solvang, Calif., in place of P. P. Hornsyld, deceased.

Charles L. Hoffman to be postmaster at Sugar Pine, Calif., in place of B. J. Emerick. Incumbent's commission expired May 1, 1928.

Herbert A. Barber to be postmaster at Blue Lake, Calif. Office became presidential July 1, 1928.

Martin Aarhaus to be postmaster at Calpine, Calif. Office became presidential July 1, 1928.

Thomas S. Mackin to be postmaster at Duarte, Calif. Office became presidential July 1, 1928.

Henry A. Craig to be postmaster at Gazelle, Calif. Office became presidential July 1, 1928.

Clay E. Ivins to be postmaster at Hetch Hetchy Junction, Calif. Office became presidential July 1, 1928.

Bessie I. Metcalf to be postmaster at La Canada, Calif. Office became presidential July 1, 1928.

Myrtle M. Seymour to be postmaster at Linden, Calif. Office became presidential July 1, 1928.

Lillie A. Anderson to be postmaster at Morro Bay, Calif. Office became presidential July 1, 1928.

Morris L. William to be postmaster at Pacoima, Calif. Office became presidential July 1, 1928.

Kittie Pennington to be postmaster at Pico, Calif. Office became presidential July 1, 1928.

George W. Megrew to be postmaster at Rancho Santa Fe, Calif. Office became presidential July 1, 1928.

Alice C. Elmore to be postmaster at Sequoia National Park, Calif. Office became presidential July 1, 1928.

Zenope P. Melcon to be postmaster at Storrie, Calif. Office became presidential July 1, 1928.

Isabelle S. Bowman to be postmaster at Vista, Calif. Office became presidential July 1, 1928.

COLORADO

Ralph H. Weekly to be postmaster at Yuma, Colo., in place of R. H. Weekly. Incumbent's commission expired December 18, 1927.

George H. Felton to be postmaster at Cragmor, Colo. Office became presidential July 1, 1928.

Richard A. Gifford to be postmaster at Hesperus, Colo. Office became presidential July 1, 1928.

Sarah W. Boyden to be postmaster at Mack, Colo. Office became presidential July 1, 1928.

CONNECTICUT

Martin M. Hansen to be postmaster at Mansfield Depot, Conn. Office became presidential July 1, 1928.

John R. MacLean to be postmaster at Pineorchard, Conn. Office became presidential July 1, 1928.

Mary L. VanCamp to be postmaster at Somersville, Conn. Office became presidential July 1, 1928.

James Service, jr., to be postmaster at South Willington, Conn. Office became presidential July 1, 1928.

DELAWARE

William A. Wagner, jr., to be postmaster at Viola, Del. Office became presidential July 1, 1927.

HAWAII

T. G. S. Walker to be postmaster at Kahuku, Hawaii, in place of D. E. Baldwin, resigned.

H. Blomfield Brown to be postmaster at Lanai City, Hawaii. Office became presidential July 1, 1928.

IDAHO

John D. Wright to be postmaster at Homedale, Idaho. Office became presidential July 1, 1928.

Spencer H. Lawson to be postmaster at Spencer, Idaho. Office became presidential July 1, 1928.

ILLINOIS

Herman Meyer to be postmaster at Bellewood, Ill., in place of A. E. Rowe. Incumbent's commission expired January 7, 1928.

George C. Schoenherr to be postmaster at Carlinville, Ill., in place of G. C. Schoenherr. Incumbent's commission expired February 19, 1928.

Walter K. Lepp to be postmaster at Collinsville, Ill., in place of R. W. Miller. Incumbent's commission expired June 4, 1928.

John H. Stolle to be postmaster at Evansville, Ill., in place of J. H. Stolle. Incumbent's commission expired May 20, 1928.

Mary Slocum to be postmaster at Franklin Park, Ill., in place of Mary Slocum. Incumbent's commission expired April 22, 1928.

Louis W. Richter to be postmaster at Melrose Park, Ill., in place of L. W. Richter. Incumbent's commission expired May 17, 1928.

Roscoe A. Lance to be postmaster at Table Grove, Ill., in place of H. W. Berry, deceased.

Clayton G. Blanchard to be postmaster at Tamaroa, Ill., in place of Henry Bailey. Incumbent's commission expired January 7, 1928.

Bessie B. Williams to be postmaster at Akin, Ill. Office became presidential July 1, 1928.

Herman H. Schultz to be postmaster at Bartlett, Ill. Office became presidential July 1, 1928.

Florence R. Edwards to be postmaster at Buffalo, Ill. Office became presidential July 1, 1928.

Harry V. Popejoy to be postmaster at Cropsey, Ill. Office became presidential July 1, 1928.

Edward W. Draper to be postmaster at Evergreen Park, Ill. Office became presidential July 1, 1928.

Elizabeth Johnston to be postmaster at McNabb, Ill. Office became presidential July 1, 1928.

Leah M. LeMarr to be postmaster at Modesto, Ill. Office became presidential July 1, 1928.

Walter W. Schultz to be postmaster at Oakglen, Ill. Office became presidential July 1, 1928.

John F. Schmadeke to be postmaster at Orland Park, Ill. Office became presidential July 1, 1928.

Cora I. Kemnetz to be postmaster at Strawn, Ill. Office became presidential July 1, 1928.

Clarence S. Viall to be postmaster at Thornton, Ill. Office became presidential July 1, 1928.

INDIANA

Darold W. Grossman to be postmaster at Argos, Ind., in place of L. E. Hoffman, removed.

Alvy Jay to be postmaster at Bridgeport, Ind., in place of Alvy Jay. Incumbent's commission expired May 29, 1928.

Russel W. Carey to be postmaster at Carmel, Ind., in place of D. D. Hobbs, removed.

William W. Lucas to be postmaster at Huntington, Ind., in place of Claude Cline. Incumbent's commission expired January 3, 1928.

Adelma R. Horn to be postmaster at Pennville, Ind., in place of E. V. Sell. Incumbent's commission expired January 3, 1928.

Mark Broadwater to be postmaster at Yorktown, Ind., in place of C. A. Burgess, resigned.

Sadie B. Fairchild to be postmaster at Demotte, Ind. Office became presidential July 1, 1928.

Olin J. Gibson to be postmaster at Hanna, Ind. Office became presidential July 1, 1928.

Elmer D. Finke to be postmaster at Holland, Ind. Office became presidential July 1, 1928.

Glen P. Witherspoon to be postmaster at Francisco, Ind. Office became presidential July 1, 1928.

Sidney E. Stever to be postmaster at Mecca, Ind. Office became presidential July 1, 1928.

Grace Kramer to be postmaster at Speed, Ind. Office became presidential July 1, 1928.

John M. Hill to be postmaster at Whiteland, Ind. Office became presidential July 1, 1928.

IOWA

Howard Darland to be postmaster at Barnes City, Iowa, in place of R. S. King, removed.

Charles O. Shearer to be postmaster at Collins, Iowa, in place of C. O. Shearer. Incumbent's commission expired March 3, 1927.

Franklin E. Morrison to be postmaster at Garwin, Iowa, in place of A. M. Wilhelmi, resigned.

Avery R. Sanderson to be postmaster at Lorimor, Iowa, in place of O. W. Bryant. Incumbent's commission expired June 5, 1928.

Amelia Sondag to be postmaster at Portsmouth, Iowa, in place of J. J. Clark, deceased.

Harry O. Day to be postmaster at Shenandoah, Iowa, in place of Alfred Jones, deceased.

William H. Randolph to be postmaster at Chapin, Iowa. Office became presidential July 1, 1928.

KANSAS

Albert H. Selden to be postmaster at Clyde, Kans., in place of W. C. Coates, resigned.

Lloyd T. Erickson to be postmaster at Cleburne, Kans. Office became presidential July 1, 1928.

John A. Dimmitt to be postmaster at Culver, Kans. Office became presidential July 1, 1928.

KENTUCKY

Walter C. Engle to be postmaster at Berea, Ky., in place of D. N. Welch. Incumbent's commission expired February 1, 1928.

Cicero S. Gentry to be postmaster at Dixon, Ky., in place of Arch Mooney, removed.

Floyd Arnett to be postmaster at Dunham, Ky., in place of Troy Arnett, resigned.

G. Russell Ireland to be postmaster at Upton, Ky., in place of H. T. Gardner, removed.

Tillie York to be postmaster at Bond, Ky. Office became presidential July 1, 1928.

Lawrence E. Ratliff to be postmaster at Lookout, Ky. Office became presidential July 1, 1928.

Lou M. Thompson to be postmaster at Lyndon, Ky. Office became presidential July 1, 1928.

Fannie Winstead to be postmaster at Wheatcroft, Ky. Office became presidential July 1, 1928.

LOUISIANA

Katherine J. Moynagh to be postmaster at Harvey, La., in place of K. J. Moynagh. Incumbent's commission expired January 7, 1928.

Eunice O. Randolph to be postmaster at Meridian, La., in place of W. F. Hunt, resigned.

Sam H. Campbell to be postmaster at Oak Grove, La., in place of R. M. Shilling. Incumbent's commission expired February 15, 1928.

Henry D. Wilson to be postmaster at Ruston, La., in place of S. L. Barksdale. Incumbent's commission expired January 7, 1928.

Blanche V. Williams to be postmaster at Angola, La. Office became presidential July 1, 1928.

Charles E. Hearne to be postmaster at Chatham, La. Office became presidential July 1, 1928.

Roland R. Sibille to be postmaster at Sunset, La. Office became presidential July 1, 1928.

MAINE

Albert A. Marr to be postmaster at Hartland, Me., in place of G. M. Thibodeau. Incumbent's commission expired February 26, 1928.

Henry W. Park to be postmaster at Mexico, Me., in place of C. W. Farrington, resigned.

Joe S. Stevens to be postmaster at Millbridge, Me., in place of G. M. Jackson, deceased.

Albert R. Michaud to be postmaster at St. Agatha, Me. Office became presidential July 1, 1928.

MARYLAND

William H. Medford to be postmaster at Cambridge, Md., in place of A. M. Moore, deceased.

John R. Watson to be postmaster at Cardiff, Md., in place of E. L. Mitzel. Incumbent's commission expired January 7, 1928.

Florence C. Lambie to be postmaster at Mount Savage, Md., in place of W. K. Lambie, deceased.

Emma J. Wilson to be postmaster at Colora, Md. Office became presidential July 1, 1928.

Mary J. Johnston to be postmaster at Fort Washington, Md. Office became presidential July 1, 1928.

George E. Snyder to be postmaster at Randallstown, Md. Office became presidential July 1, 1928.

George C. Logan to be postmaster at Rowlandsville, Md. Office became presidential July 1, 1928.

MASSACHUSETTS

Walter P. Abbott to be postmaster at Baldwinsville, Mass., in place of D. M. O'Leary. Incumbent's commission expired December 18, 1927.

Walter B. Morse to be postmaster at Danvers, Mass., in place of B. S. Newhall, removed.

Francis K. Irwin to be postmaster at Cataumet, Mass. Office became presidential July 1, 1928.

Arthur R. Merritt to be postmaster at Egypt, Mass. Office became presidential July 1, 1928.

Josephine M. Connell to be postmaster at Forge Village, Mass. Office became presidential July 1, 1928.

Walter K. Hadselle to be postmaster at Hancock, Mass. Office became presidential July 1, 1928.

Ella M. Harrington to be postmaster at Jefferson, Mass. Office became presidential July 1, 1928.

Julius D. Miner to be postmaster at Monterey, Mass. Office became presidential July 1, 1928.

Elizabeth C. Kelley to be postmaster at Thorndike, Mass. Office became presidential July 1, 1928.

Mary E. Joseph to be postmaster at Truro, Mass. Office became presidential July 1, 1928.

MICHIGAN

Harry C. D. Ashford to be postmaster at Big Bay, Mich., in place of T. R. Ward, resigned.

Marian A. Cleary to be postmaster at Clawson, Mich., in place of G. A. Petrie, resigned.

Vernando D. Petermann to be postmaster at Kearsarge, Mich., in place of J. P. White, resigned.

Lempi M. Wertanen to be postmaster at Mass, Mich., in place of Oscar Wertanen, resigned.

Jens H. Wester to be postmaster at Sawyer, Mich., in place of J. H. Wester. Incumbent's commission expired March 3, 1928.

Louis J. Braun to be postmaster at South Range, Mich., in place of L. J. Braun. Incumbent's commission expired January 24, 1922.

Arthur M. Gilbert to be postmaster at Wakefield, Mich., in place of H. W. Johnson, removed.

Elizabeth Riggs to be postmaster at Munith, Mich. Office became presidential July 1, 1928.

Hilda Webber to be postmaster at Trenary, Mich. Office became presidential July 1, 1928.

MINNESOTA

Horace A. Beach to be postmaster at Alden, Minn., in place of Verge Kenison. Incumbent's commission expired December 19, 1927.

Albert A. Peterson to be postmaster at Blooming Prairie, Minn., in place of A. A. Peterson. Incumbent's commission expired April 3, 1928.

Omer C. Heys to be postmaster at Glyndon, Minn., in place of O. C. Heys. Incumbent's commission expired April 21, 1928.

Harry U. Boe to be postmaster at Hayfield, Minn., in place of H. U. Boe. Incumbent's commission expired December 19, 1927.

Jennie L. Dowling to be postmaster at Olivia, Minn., in place of P. W. Moran, resigned.

Frederick S. Purdy to be postmaster at Russell, Minn., in place of F. S. Purdy. Incumbent's commission expired June 6, 1928.

Halvor Robberstad to be postmaster at Warroad, Minn., in place of M. C. McDonald, deceased.

Julius Severson to be postmaster at Clitherall, Minn. Office became presidential July 1, 1928.

Alice Gillespie to be postmaster at Kilkenny, Minn. Office became presidential July 1, 1928.

Nellie A. Everett to be postmaster at Scandia, Minn. Office became presidential July 1, 1928.

MISSISSIPPI

Noah D. Robinson to be postmaster at Columbus, Miss., in place of Prentice O'Rear, removed.

MISSOURI

A. B. Williams to be postmaster at Campbell, Mo., in place of A. B. Williams. Incumbent's commission expired January 14, 1928.

Joseph C. Muellersman to be postmaster at Festus, Mo., in place of H. F. Kratzer. Incumbent's commission expired April 2, 1928.

William A. Jenkins to be postmaster at Hardin, Mo., in place of R. E. Howe. Incumbent's commission expired January 14, 1928.

George T. Holybee, jr., to be postmaster at Platte City, Mo., in place of J. W. Davis. Incumbent's commission expired August 12, 1923.

George D. Harris to be postmaster at Slater, Mo., in place of G. D. Harris. Incumbent's commission expired January 14, 1928.

George J. C. Wohlschlaeger to be postmaster at Affton, Mo. Office became presidential July 1, 1928.

George H. Bathe, jr., to be postmaster at Argyle, Mo. Office became presidential July 1, 1928.

Emma J. Lehman to be postmaster at Fortuna, Mo. Office became presidential July 1, 1928.

Rhoda K. Ward to be postmaster at Patterson, Mo. Office became presidential July 1, 1928.

MONTANA

Carroll W. Marsh to be postmaster at Sheridan, Mont., in place of J. H. Hadzor. Incumbent's commission expired January 8, 1928.

Andrew M. Lodmell to be postmaster at Brockton, Mont. Office became presidential July 1, 1928.

Joshua E. Patterson to be postmaster at Edgar, Mont. Office became presidential July 1, 1928.

Fred Schoensigel to be postmaster at Fairfield, Mont. Office became presidential July 1, 1928.

Myrtle C. DeMers to be postmaster at Hot Springs, Mont. Office became presidential July 1, 1928.

Lawrence E. Osuess to be postmaster at Huntley, Mont. Office became presidential July 1, 1928.

NEBRASKA

Oscar L. Reed to be postmaster at Page, Nebr., in place of P. E. Chase. Incumbent's commission expired April 7, 1928.

George Axen to be postmaster at Pilger, Nebr., in place of Harry Blackstone. Incumbent's commission expired December 19, 1927.

Grant S. Mears to be postmaster at Wayne, Nebr., in place of C. A. Berry. Incumbent's commission expired February 11, 1928.

Charles E. Waite to be postmaster at Whitman, Nebr., in place of C. C. Alden, deceased.

Bertha J. Widener to be postmaster at Kennard, Nebr. Office became presidential July 1, 1928.

NEW HAMPSHIRE

Esther F. Bragg to be postmaster at Seabrook, N. H., in place of B. J. L. Eaton, deceased.

William W. Russell to be postmaster at Center Sandwich, N. H. Office became presidential July 1, 1928.

Fred W. Sanborn to be postmaster at New Hampton, N. H. Office became presidential July 1, 1928.

NEW JERSEY

George A. Hall to be postmaster at Clinton, N. J., in place of LeRoy Duckworth, removed.

A. Franklin Wayne to be postmaster at Haddonfield, N. J., in place of Hiester Clymer. Incumbent's commission expired December 19, 1927.

Hilding W. Hammarlund to be postmaster at Ridgefield, N. J., in place of W. O. Maschke. Incumbent's commission expired January 15, 1928.

Irwin D. Harris to be postmaster at Union, N. J., in place of J. M. Patterson, resigned.

Stanley C. Potter to be postmaster at Woodbridge, N. J., in place of P. A. Greiner, jr., removed.

Jennie M. Parker to be postmaster at Ashland, N. J. Office became presidential July 1, 1928.

Lawrence K. Peacock to be postmaster at Dahlialand, N. J. Office became presidential July 1, 1928.

Alice L. Hassey to be postmaster at Iselin, N. J. Office became presidential July 1, 1928.

Viola L. Van Note to be postmaster at Oakhurst, N. J. Office became presidential July 1, 1928.

Robert J. Stell to be postmaster at Pompton Plains, N. J. Office became presidential July 1, 1928.

Edward A. Steward to be postmaster at Robbinsville, N. J. Office became presidential July 1, 1928.

Edward T. Sherwood to be postmaster at Rosemont, N. J. Office became presidential July 1, 1928.

Harry Green to be postmaster at Singac, N. J. Office became presidential July 1, 1928.

NEW MEXICO

Edward H. Hemenway to be postmaster at Carlsbad, N. Mex., in place of E. H. Hemenway. Incumbent's commission expired June 4, 1928.

John L. Augustine to be postmaster at Lordsburg, N. Mex., in place of J. L. Augustine. Incumbent's commission expired December 18, 1927.

Louise N. Martin to be postmaster at Socorro, N. Mex., in place of L. N. Martin. Incumbent's commission expired December 18, 1927.

Frank P. Brown to be postmaster at Hachita, N. Mex. Office became presidential July 1, 1928.

NEW YORK

Fred W. Ravekes to be postmaster at Ardsley on Hudson, N. Y., in place of F. W. Ravekes. Incumbent's commission expired March 11, 1928.

Medose J. Robert to be postmaster at Au Sable Forks, N. Y., in place of M. J. Robert. Incumbent's commission expired March 1, 1928.

Jay E. Swartwout to be postmaster at Clayton, N. Y., in place of M. A. Marble, deceased.

Ormond M. Berrington to be postmaster at Clinton Corners, N. Y., in place of L. M. Tripp, resigned.

May Griffin to be postmaster at Dryden, N. Y., in place of R. H. Munsey. Incumbent's commission expired March 1, 1928.

Milton J. McGibbon to be postmaster at Liberty, N. Y., in place of H. B. McLaughlin, removed.

H. Greeley Brown to be postmaster at Otego, N. Y., in place of A. H. Hunt. Incumbent's commission expired January 8, 1928.

Marie L. Wolfe to be postmaster at Sherrill, N. Y., in place of E. C. Wolfe, deceased.

Alfred E. Butler to be postmaster at Suffern, N. Y., in place of M. S. De Baun, resigned.

Charles B. Franklin to be postmaster at Caneadea, N. Y. Office became presidential July 1, 1928.

Ella E. Lewis to be postmaster at Clarkson, N. Y. Office became presidential July 1, 1928.

Elsie J. Moss to be postmaster at Collins, N. Y. Office became presidential July 1, 1928.

Herbert A. Roselle to be postmaster at Halesite, N. Y. Office became presidential July 1, 1928.

William E. Rogers to be postmaster at Harmon on Hudson, N. Y. Office became presidential July 1, 1928.

Gretchen V. Lawson to be postmaster at Helmuth, N. Y. Office became presidential July 1, 1928.

Henry H. Meinken to be postmaster at Islip Terrace, N. Y. Office became presidential July 1, 1928.

Albert Pinfold to be postmaster at Point Pleasant, N. Y. Office became presidential July 1, 1928.

Ernest E. Ridout to be postmaster at Purchase, N. Y. Office became presidential July 1, 1928.

Edward A. Cronauer to be postmaster at Skaneateles Falls, N. Y. Office became presidential July 1, 1928.

August P. Lenz to be postmaster at Thendara, N. Y. Office became presidential July 1, 1928.

Mary E. Harring to be postmaster at West Nyack, N. Y. Office became presidential July 1, 1928.

NORTH CAROLINA

Frank M. Wright to be postmaster at Asheboro, N. C., in place of U. C. Richardson, deceased.

Raymond C. Barker to be postmaster at Badin, N. C., in place of S. F. Gordon, resigned.

James H. Edwards to be postmaster at Monroe, N. C., in place of P. P. W. Plyler. Incumbent's commission expired February 8, 1928.

Frances G. Thompson to be postmaster at Morven, N. C., in place of J. K. Taylor, declined.

John G. Morefield to be postmaster at Rural Hall, N. C., in place of C. M. Tuttle, resigned.

Bessie Sigmon to be postmaster at Claremont, N. C. Office became presidential July 1, 1928.

Orletta L. Landis to be postmaster at Columbus, N. C. Office became presidential July 1, 1928.

Lena C. Dellinger to be postmaster at Crossnore, N. C. Office became presidential July 1, 1928.

Mary E. Ross to be postmaster at New London, N. C. Office became presidential July 1, 1928.

Charles R. Bowman to be postmaster at Oak Ridge, N. C. Office became presidential July 1, 1928.

Leona S. Proctor to be postmaster at Varina, N. C. Office became presidential July 1, 1928.

Annie Deese to be postmaster at Willard, N. C. Office became presidential July 1, 1928.

NORTH DAKOTA

Worthy Wing to be postmaster at Edmore, N. Dak., in place of O. S. Wing, removed.

Gilbert I. Ryan to be postmaster at Landa, N. Dak., in place of E. B. Ryan. Incumbent's commission expired January 9, 1928.

Harry H. Roberts to be postmaster at Tower City, N. Dak., in place of E. P. Starr. Incumbent's commission expired March 22, 1928.

Irene Tiller to be postmaster at Burlington, N. Dak. Office became presidential July 1, 1928.

Henry G. Stenson to be postmaster at Fort Totten, N. Dak. Office became presidential July 1, 1928.

George A. Swen to be postmaster at Gilby, N. Dak. Office became presidential July 1, 1928.

Alfred S. Duntley to be postmaster at Grandin, N. Dak. Office became presidential July 1, 1928.

OHIO

James R. Geren to be postmaster at Columbus, Ohio, in place of F. H. Tibbetts, deceased.

Ensign C. Newby to be postmaster at Eaton, Ohio, in place of E. E. Bailey, removed.

Bertram A. Bell to be postmaster at Genoa, Ohio, in place of B. A. Bell. Incumbent's commission expired June 5, 1928.

Clifford B. Hyatt to be postmaster at Killbuck, Ohio, in place of C. B. Hyatt. Incumbent's commission expired March 13, 1928.

Jesse W. Huddle to be postmaster at Lancaster, Ohio, in place of Michael Effinger, deceased.

Franklin S. Neuhardt to be postmaster at Lewisville, Ohio, in place of W. F. Lafferre, resigned.

Ross E. Powell to be postmaster at Middleport, Ohio, in place of Plummer Beeson. Incumbent's commission expired December 19, 1927.

George L. France to be postmaster at Powell, Ohio, in place of C. E. Gardner, removed.

Worth D. Westenbarger to be postmaster at Wadsworth, Ohio, in place of H. L. Liebhart. Incumbent's commission expired March 27, 1928.

Alan R. Branson to be postmaster at Wellington, Ohio, in place of O. C. Robart. Incumbent's commission expired April 7, 1928.

Arthur C. Oberlitner to be postmaster at Whitehouse, Ohio, in place of Peter Mallendick, resigned.

Zetta B. Shufelt to be postmaster at Bascom, Ohio. Office became presidential July 1, 1928.

Joseph A. Link to be postmaster at Carthagena, Ohio. Office became presidential July 1, 1928.

Cora A. Emery to be postmaster at Gates Mills, Ohio. Office became presidential July 1, 1928.

Elvah E. Unger to be postmaster at Gettysburg, Ohio. Office became presidential July 1, 1928.

Herbert L. Emerson to be postmaster at Kirkersville, Ohio. Office became presidential July 1, 1928.

George C. Bauer to be postmaster at Maderia, Ohio. Office became presidential July 1, 1928.

Charles E. Phillips to be postmaster at Moscow, Ohio. Office became presidential July 1, 1928.

Lloyd B. Folk to be postmaster at Rawson, Ohio. Office became presidential July 1, 1928.

Ora M. Elliott to be postmaster at Twinsburg, Ohio. Office became presidential July 1, 1928.

OKLAHOMA

Frank O. Parker to be postmaster at Cement, Okla., in place of G. F. Cutshall, removed.

Clifton J. Owens to be postmaster at Mill Creek, Okla., in place of C. J. Owens. Incumbent's commission expired May 19, 1928.

Elmer A. Plunkett to be postmaster at Porum, Okla., in place of J. C. Rhodes. Incumbent's commission expired February 9, 1928.

Homer Tilley to be postmaster at Randlett, Okla., in place of W. H. Maxey. Incumbent's commission expired December 18, 1927.

Donald F. Bredbeck to be postmaster at Southard, Okla., in place of J. E. Courtney, resigned.

Judge Griffin to be postmaster at Valliant, Okla., in place of E. J. Gardner, removed.

Harry C. Brickel to be postmaster at Washington, Okla., in place of Charles White, resigned.

Powell C. Singleton to be postmaster at Webbers Falls, Okla., in place of H. C. Cashon, removed.

Pearl E. Hughey to be postmaster at Cleo Springs, Okla. Office became presidential July 1, 1928.

Boze H. Deck to be postmaster at Lima, Okla. Office became presidential July 1, 1928.

OREGON

Lewis B. Baird to be postmaster at Bend, Oreg., in place of J. J. Hogan, deceased.

John Q. Buell to be postmaster at Chiloquin, Oreg., in place of F. L. Carlson, resigned.

Jesse A. Crabtree to be postmaster at Tigard, Oreg. Office became presidential July 1, 1927.

PENNSYLVANIA

Lorena Leggett to be postmaster at Alba, Pa., in place of C. E. Fanning, resigned.

John B. Kean to be postmaster at Alexandria, Pa., in place of J. B. Keen. Incumbent's commission expired January 8, 1928.

Herald H. Spaide to be postmaster at Ashland, Pa., in place of H. H. Spaide. Incumbent's commission expired April 19, 1928.

Charles L. Albert to be postmaster at Blue Ridge Summit, Pa., in place of J. L. Chapman, deceased.

Clement A. Grieff to be postmaster at Carrolltown, Pa., in place of L. A. Grieff. Incumbent's commission expired January 23, 1928.

John F. Parrish to be postmaster at Cresson, Pa., in place of J. F. Parrish. Incumbent's commission expired January 23, 1928.

William W. Weise to be postmaster at Donora, Pa., in place of C. E. Keffel, removed.

Mae Ford to be postmaster at Expedit, Pa., in place of C. W. Goss, resigned.

George M. Miller to be postmaster at Friedens, Pa., in place of E. H. Stahl. Incumbent's commission expired February 18, 1928.

Constanty Tarnowski to be postmaster at Glenlyon, Pa., in place of Constanty Tarnowski. Incumbent's commission expired January 28, 1928.

Oliver H. Firm to be postmaster at Grove City, Pa., in place of S. A. Mayers. Incumbent's commission expired January 24, 1928.

Clarence R. Baker to be postmaster at Hollsopple, Pa., in place of E. E. Snably. Incumbent's commission expired February 18, 1928.

James J. Wonderly to be postmaster at Jenkintown, Pa., in place of R. C. Jockers, removed.

John A. McKeage to be postmaster at Mahaffey, Pa., in place of C. M. Hurd. Incumbent's commission expired January 15, 1928.

Samuel M. Smith to be postmaster at New Cumberland, Pa., in place of S. M. Smith. Incumbent's commission expired January 8, 1928.

Nellie R. Walton to be postmaster at Pomeroy, Pa., in place of E. C. Roseboro, deceased.

Charles D. Gramling to be postmaster at South Fork, Pa., in place of C. D. Gramling. Incumbent's commission expired January 23, 1928.

Howard L. Orr to be postmaster at Tyrone, Pa., in place of H. A. Thompson. Incumbent's commission expired January 16, 1928.

Samuel M. Rathman to be postmaster at Adamstown, Pa. Office became presidential July 1, 1928.

Frank S. Grau to be postmaster at Ardsley, Pa. Office became presidential July 1, 1927.

Avery S. Van Campen to be postmaster at Elmhurst, Pa. Office became presidential July 1, 1928.

Clarence F. Ehrhardt to be postmaster at Newfoundland, Pa. Office became presidential July 1, 1928.

Park C. Shank, jr., to be postmaster at Peach Bottom, Pa. Office became presidential July 1, 1928.

Oliver S. Rosenberger to be postmaster at Penllyn, Pa. Office became presidential July 1, 1928.

PORTO RICO

Felipe B. Cruz to be postmaster at Vieques, P. R., in place of L. C. Gelpi, deceased.

RHODE ISLAND

Henry Schwab to be postmaster at Washington, R. I., in place of W. J. Clemence, resigned.

John J. McCabe to be postmaster at Pontiac, R. I. Office became presidential July 1, 1928.

SOUTH CAROLINA

Dana T. Crosland to be postmaster at Bennettsville, S. C., in place of D. T. Crosland. Incumbent's commission expired January 15, 1928.

Addie V. Thomas to be postmaster at Hemingway, S. C., in place of H. J. Dunahoe, removed.

Luther V. Martin to be postmaster at Mullins, S. C., in place of L. V. Martin. Incumbent's commission expired June 4, 1928.

George S. Wilson to be postmaster at Williamston, S. C., in place of G. S. Wilson. Incumbent's commission expired April 15, 1928.

SOUTH DAKOTA

Harold F. Brewer to be postmaster at Camp Crook, S. Dak., in place of T. J. Dolan, resigned.

Fred W. Hink to be postmaster at Raymond, S. Dak., in place of F. W. Hink. Incumbent's commission expired February 9, 1926.

Donald C. Brown to be postmaster at Redfield, S. Dak., in place of H. R. Wood. Incumbent's commission expired June 6, 1928.

John J. Kostel to be postmaster at Tabor, S. Dak., in place of J. F. Kostel, deceased.

Henry O. Ramynke to be postmaster at Toronto, S. Dak., in place of B. G. Moen. Incumbent's commission expired February 1, 1928.

Carl Gammon to be postmaster at Farmingdale, S. Dak. Office became presidential July 1, 1928.

Charles J. Carlson to be postmaster at Hermosa, S. Dak. Office became presidential July 1, 1928.

Axel Nelson to be postmaster at Trent, S. Dak. Office became presidential July 1, 1928.

TENNESSEE

Jesse W. Alexander to be postmaster at Carthage, Tenn., in place of F. S. Pickering. Incumbent's commission expired February 8, 1927.

John L. Law to be postmaster at Maryville, Tenn., in place of W. A. Dunlap. Incumbent's commission expired June 4, 1928.

Ollie F. Minton to be postmaster at Nashville, Tenn., in place of W. J. O'Callaghan. Incumbent's commission expired April 22, 1928.

Roy T. Campbell to be postmaster at Newport, Tenn., in place of E. M. Greer, resigned.

James O. Jennings to be postmaster at Rives, Tenn., in place of W. G. Hogan. Incumbent's commission expired March 17, 1928.

Marguerite A. Coleman to be postmaster at Smyrna, Tenn., in place of J. M. Gresham. Incumbent's commission expired May 20, 1928.

Clara B. Tate to be postmaster at South Pittsburg, Tenn., in place of B. P. Downing. Incumbent's commission expired June 6, 1928.

R. Burrel Ketchersid to be postmaster at Spring City, Tenn., in place of R. B. Ketchersid. Incumbent's commission expired February 9, 1928.

James M. Yokley to be postmaster at Baileyton, Tenn. Office became presidential July 1, 1928.

James O. Massey to be postmaster at Finger, Tenn. Office became presidential July 1, 1928.

Lizzie Roney to be postmaster at Fountain Head, Tenn. Office became presidential July 1, 1928.

TEXAS

Carter H. Miller to be postmaster at Baytown, Tex., in place of W. H. Seidel, resigned.

William T. Reid to be postmaster at Blooming Grove, Tex., in place of J. R. Corbin, resigned.

George W. Dennett to be postmaster at Brownsville, Tex., in place of R. L. Ginn, removed.

Robert G. Gribble to be postmaster at Crowell, Tex., in place of L. S. Spencer. Incumbent's commission expired January 24, 1928.

John W. McKee to be postmaster at Haslam, Tex., in place of Ulvah Ramsey, resigned.

Curtis Stewart to be postmaster at Hull, Tex., in place of J. K. Seale. Incumbent's commission expired December 19, 1927.

Edgar Lewis to be postmaster at Mesquite, Tex., in place of Edgar Lewis. Incumbent's commission expired May 14, 1928.

Guy G. Goodridge to be postmaster at Robstown, Tex., in place of J. E. Noyes. Incumbent's commission expired January 16, 1928.

Cynthia M. Martin to be postmaster at San Augustine, Tex., in place of C. M. Martin. Incumbent's commission expired May 14, 1928.

Edward D. Fiero to be postmaster at Acme, Tex. Office became presidential July 1, 1928.

Lucile H. Pape to be postmaster at Gregory, Tex. Office became presidential July 1, 1928.

Mattie Randolph to be postmaster at Iraan, Tex. Office became presidential July 1, 1928.

Carrie L. Thomas to be postmaster at Odell, Tex. Office became presidential July 1, 1928.

Hattie E. Eaton to be postmaster at Peacock, Tex. Office became presidential July 1, 1928.

Pennie S. Langen to be postmaster at Premont, Tex. Office became presidential July 1, 1928.

Violet J. Polyak to be postmaster at Roxana, Tex. Office became presidential July 1, 1928.

Winnie Everitt to be postmaster at Shepherd, Tex. Office became presidential July 1, 1928.

Beatrice L. Paquette to be postmaster at Skellytown, Tex. Office became presidential October 1, 1928.

Nettie M. Farber to be postmaster at Sunset Heights, Tex. Office became presidential July 1, 1927.

UTAH

Nell L. Abbott to be postmaster at Fort Douglas, Utah. Office became presidential July 1, 1928.

VERMONT

Donald J. Wilson to be postmaster at Bristol, Vt., in place of W. A. Beebe. Incumbent's commission expired January 3, 1928.

Philip A. Bartlett to be postmaster at Island Pond, Vt., in place of D. P. MacKenzie. Incumbent's commission expired April 4, 1928.

Herman D. Webster to be postmaster at East Burke, Vt. Office became presidential July 1, 1928.

D. Viola Sawyer to be postmaster at Craftsbury, Vt. Office became presidential July 1, 1928.

VIRGINIA

Audrey M. Snodgrass to be postmaster at Meadowview, Va., in place of D. G. Snodgrass, deceased.

Thomas R. Cocks to be postmaster at Prospect, Va., in place of H. T. Ferguson. Incumbent's commission expired February 8, 1928.

Summerfield Baber to be postmaster at Shipman, Va., in place of B. W. McGinnis, removed.

Peery B. Linkous to be postmaster at West Graham, Va., in place of H. C. Callaway, jr., resigned.

John O. Scott to be postmaster at Carrsville, Va. Office became presidential July 1, 1928.

George E. Douglas to be postmaster at Elkwood, Va. Office became presidential July 1, 1928.

Harvey P. McCary to be postmaster at Esmont, Va. Office became presidential July 1, 1928.

Richard L. Griffith to be postmaster at Hague, Va. Office became presidential July 1, 1928.

Henry H. Elswick to be postmaster at Jewell Ridge, Va. Office became presidential July 1, 1928.

Cletus F. Harmon to be postmaster at McGaheysville, Va. Office became presidential July 1, 1928.

George B. Jones to be postmaster at Ridgeway, Va. Office became presidential July 1, 1928.

WASHINGTON

William Scales to be postmaster at Centralia, Wash., in place of H. L. Bras, resigned.

Lloyd Purdy to be postmaster at Prescott, Wash., in place of Ruth Randall, resigned.

John A. Doyle to be postmaster at Berne, Wash. Office became presidential July 1, 1928.

William W. Johnson to be postmaster at Easton, Wash. Office became presidential July 1, 1928.

Frank G. Moran to be postmaster at Moran School, Wash. Office became presidential July 1, 1928.

Birdie L. Crook to be postmaster at Nespelem, Wash. Office became presidential July 1, 1928.

Edward V. Pressentin to be postmaster at Rockport, Wash. Office became presidential October 1, 1928.

Cora A. Smith to be postmaster at Seaview, Wash. Office became presidential July 1, 1928.

Ida Jacklin to be postmaster at Woodinville, Wash. Office became presidential July 1, 1928.

WEST VIRGINIA

Oscar Sipple to be postmaster at Fort Gay, W. Va., in place of Lutie Lacher, resigned.

Melvin W. Combs to be postmaster at Northfork, W. Va., in place of H. B. Campbell. Incumbent's commission expired February 29, 1928.

James W. Bee to be postmaster at Parkersburg, W. Va., in place of George McDonald, resigned.

Harry M. Watson to be postmaster at Pine Grove, W. Va., in place of J. L. Henery. Incumbent's commission expired December 18, 1927.

Lawrence M. Huddleston to be postmaster at Burnwell, W. Va. Office became presidential July 1, 1928.

George H. Meredith to be postmaster at Dehue, W. Va. Office became presidential July 1, 1928.

Otta K. Wigner to be postmaster at Ellenboro, W. Va. Office became presidential July 1, 1928.

Robert Y. Henley to be postmaster at Caretta, W. Va. Office became presidential July 1, 1928.

Merrick D. Robertson to be postmaster at Glen Morrison, W. Va. Office became presidential July 1, 1928.

Benjamin C. Wetzel to be postmaster at Sun, W. Va. Office became presidential July 1, 1928.

WISCONSIN

Alfred H. Krog to be postmaster at Darlington, Wis., in place of H. B. Greene. Incumbent's commission expired March 3, 1927.

George L. Harrington to be postmaster at Elkhorn, Wis., in place of S. C. Goff. Incumbent's commission expired January 7, 1928.

Milton V. Jones to be postmaster at New Holstein, Wis., in place of G. L. Leverenz. Incumbent's commission expired January 7, 1928.

Sherman T. Barnard to be postmaster at Omro, Wis., in place of F. W. Stanley. Incumbent's commission expired April 25, 1928.

Richard A. Goodell to be postmaster at Platteville, Wis., in place of R. I. Dugdale. Incumbent's commission expired January 7, 1928.

Christian J. Askov to be postmaster at Cushing, Wis. Office became presidential July 1, 1928.

WYOMING

Arnold P. Libby to be postmaster at Cody, Wyo., in place of Ora Sonners, resigned.

John Hurley to be postmaster at Lavoye, Wyo., in place of L. H. Converse, resigned.

Alma M. West to be postmaster at Medicine Bow, Wyo., in place of M. L. Jourdan, resigned.

Willis L. Eaton to be postmaster at Wolf, Wyo. Office became presidential July 1, 1928.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 5, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father God, we pray that Thou wilt open our eyes that we may all see the glory of Thy manifold works. It is Thy will and desire that we shall walk in ceaseless surprise; that at every turning of the way we should discover unexpected glimpses of our God. Father in Heaven, we want our common lives elevated and made even sublime. If there is any Member fearing the morrow and wishing the morning would never come; if there is one who has passed into a shadow, or bewilderment, or perplexity, the blessed Lord give him quietness and calmness of spirit. Let Thy benediction come to our Speaker, all Members, and officers. When the day is ended, bless us all with quieting consciousness that we have been in the presence of our God. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees:

DETAIL OF A MEDICAL OFFICER TO THE HOUSE OF REPRESENTATIVES

Mr. BRITTEN (when the Committee on Naval Affairs was called). Mr. Speaker, before the House resolves itself into the Committee of the Whole House on the state of the Union, with the consent and approval of the Committee on Naval Affairs, I would like to offer a resolution. It is very short.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 253

Resolution requesting the Secretary of the Navy to detail a medical officer to the House of Representatives

Resolved, That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy to be in attendance at the Hall of the House of Representatives during the sessions of such House.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that I may address the House for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Speaker, I presented this resolution to the Speaker during the last session, and also to the majority and minority leaders of the House. I am sure there will be no objection to its immediate consideration. During the final days of the last session of Congress one of our dear Members was taken away from us by God Almighty, almost under our very eyes. During that same session the gentleman from Arkansas [Mr. WINGO] was carried off the floor in a very weak condition. About that time the Secretary of the Navy, Mr. Wilbur, suggested that he would be very glad to detail to the floor of the House a medical officer of the Navy who would be well equipped to care for our immediate wants in cases of emergency. Secretary Wilbur is responsible for the presentation of this idea to the House. I think it would be a fine precautionary act to always have on the floor of the House a well-qualified medical man when we are in session. I hope the resolution may be passed.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Without objection, the resolution will be considered as having been agreed to.

There was no objection.

The resolution was agreed to.

LEAVE OF ABSENCE

Mr. DYER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. FAUST, who is quite ill in a hospital here, may be excused from attendance on the House and also from attendance on the Committee on Ways and Means during his illness. I am sure that all Members wish him, with me, a speedy recovery.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MODERNIZATION OF NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I call up H. R. 11616, to authorize alterations and repairs to certain naval vessels.

The SPEAKER. The gentleman from Illinois calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of H. R. 11616, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona* alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of $14,800,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments ratified August 17, 1923.

The CHAIRMAN. Under the rules of the House there are two hours of general debate, one hour to be controlled by those favoring the bill and one hour by those opposing it.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—THE BUDGET

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Budget message may be read.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the Chair may lay the Budget message before the House. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the message.

[See Senate proceedings of this day, at page 65.]

Mr. TILSON. Mr. Speaker, I move that the Budget message just read be referred to the Committee on Appropriations and printed.

The SPEAKER. Without objection it is so ordered.

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, by direction of that committee, presented a privilege report on the bill (H. R. 14801, Rept. No. 1929) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, which was read, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS reserved all points of order.

MODERNIZATION OF NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I call up the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. MICHENER, will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill H. R. 11616, with Mr. MICHENER in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, the bill has just been read. It occupies less than one-half of one page. It is noncontroversial. There is no minority report on the bill, and the intent of the bill is to do for the battleships, *Pennsylvania* and *Arizona*, what has already been done on six others of our first-line ships.

I take it there is no desire on either side of the House for general debate on this bill. If any Member desires me to explain the bill in part or in toto I will be very pleased to do so, but the bill really speaks for itself. It provides for modernization of these two vessels just as has been done on six others of our first-class ships.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes; gladly.

Mr. LAGUARDIA. I expect to ask some time in opposition to the bill.

Mr. BRITTEN. I did not know there was any opposition to the bill, Mr. Chairman. I am sorry and I apologize for my apparent haste to the gentleman from New York.

Mr. TILSON. Will the gentleman yield me three minutes?

Mr. BRITTEN. Yes; certainly.

Mr. TILSON. Mr. Chairman, I rise to discuss not the merits of the bill but rather the method of consideration of the bill.

A committee having the call on Calendar Wednesday comes in with a number of bills and they are called up in the order that suits the convenience of the committee. No one else knows in just what order the bills are going to be called up. Therefore, it often happens, in the stress of other business, that Members are not here when bills are called up which they might like to discuss or at least might like to hear discussed.

It occurs to me that it would be well in the case of any bill brought in on Calendar Wednesday that those in charge of the bill make every effort to have the bill discussed if anybody in the House wishes to discuss it. I think, further, that it might be well for those in charge of the bill, even if the bill is not controversial, to take the time to put in the RECORD something that will explain the bill to those who may not be present but who will read the RECORD. I make this suggestion that it may not come to pass that we have passed bills here practically by unanimous consent without anyone knowing just what is in the bills.

As this is the first Calendar Wednesday of this session, I am referring to the matter now, hoping that committees will follow the rule of having their bills discussed so far as there is time and desire on the part of Members to discuss the bills, and, at any rate, to place in the RECORD substantial reasons why each bill should be passed.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. BRITTEN. Is it the gentleman's idea that the committee should indicate now to the House the numbers of the various bills it expects to call up to-day?

Mr. TILSON. I do not know that that is absolutely necessary, although it might be a convenience; but in any case, when the bill is called up, I think the gentleman in charge of the bill should see to it that everyone has an opportunity to find out what is in the bill before it is passed.

Mr. BRITTEN. I agree with the gentleman.

Mr. LAGUARDIA. Mr. Chairman——

Mr. BRITTEN. Mr. Chariman, before the gentleman is recognized in opposition to the bill, will he allow me to proceed for two or three minutes?

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BRITTEN. Following the suggestion of the distinguished majority leader, Mr. Chairman, I would like to say for the benefit of the House that the bill about to be considered authorizes the expenditure of $14,800,000 on two ships.

This is a little bit higher than the cost of modernizing the *Oklahoma* and *Nevada*, which work is just about completed. The cost in this case is made higher not because of the increased cost of labor and materials, which is unimportant, but because of the new requirements of our modern Navy.

Aviation, radio, the tremendous increase in the ranges of our guns, the spotting of shots, all bring about additional expense in the modernization of our ships.

For instance, protection against submarine attack, putting great, big blisters on the sides and bottoms of our first-line ships, and changing the entire upper-deck construction so as to protect not only the ships but the men against air attacks, will cost $1,630,000 on each of these ships.

Reboilering, requiring a complete new set of boilers larger than those originally installed in the ship, will cost $1,500,000 per ship.

A new fire control and the changing of the masts—those basket masts that you all know as being typical of the American ships—will cost $725,000 per ship.

Airplane handling arrangements—catapults—something entirely new on battleships, will cost $105,000 for each ship. Then there are the antiaircraft batteries, which are something new, and probably the best equipment in the world for repelling aircraft attacks on battleships. They will be installed on the ships at a cost of a million and a half dollars a ship. The turret guns will be elevated. They now have an elevation of 15 degrees, and that will cost $640,000 each. It will permit the elevation to be raised to 30 degrees and change the range from 24,000 yards to approximately 35,000 yards. It has been demonstrated that we can hit at 30,000 yards through proper spotting. Those are the principal changes to modernize these ships, and they are almost in line with the modernization of the *Oklahoma* and the *Nevada*, which are about completed.

Mr. WINGO. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. WINGO. What will you do to the guns?

Mr. BRITTEN. Nothing. The guns themselves are not touched. But we do change the gun carriage, allowing it to be dropped lower; and we may change slightly the turret so as not to allow the upper part to interfere with the elevation. A change in the guns would be in conflict with the Washington treaty.

Mr. WINGO. The bill proposes to modernize these battleships, and we are now completing the modernization of two others. When these are completed they will have the same equipment that the other ships have.

Mr. BRITTEN. Four of the eight will not, because they go out of existence so early in the game that the department does not deem it advisable to go to that expenditure.

Mr. WINGO. When will they go out of the service?

Mr. BRITTEN. In 1936; that is, they may go out at that time.

Mr. WINGO. When these are modernized how many vessels of a capital character will remain in service that are not modernized?

Mr. BRITTEN. Three.

Mr. WINGO. Why not modernize them now?

Mr. BRITTEN. The department objects to putting more than three in the yard at any one time, for it takes two years to modernize these vessels.

Mr. WINGO. They do not feel like taking them all out of the service at one time?

Mr. BRITTEN. That is it.

Mr. WINGO. This is not in conflict with the Washington treaty, but how about your proposed conference with Stanley Baldwin?

Mr. BRITTEN. I hope it will not conflict with that. [Laughter.]

Mr. EDWARDS. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. EDWARDS. The total cost of this will amount to about $14,000,000?

Mr. BRITTEN. Yes; $14,800,000.

Mr. EDWARDS. What was the original cost of these vessels per ship?

Mr. BRITTEN. In their present form it would run probably to something between $35,000,000 and $40,000,000.

Mr. O'CONNELL. Each?

Mr. BRITTEN. Yes.

Mr. SABATH. Is this work being done in the Government yards?

Mr. BRITTEN. Yes. The work will probably be done in the Government yards, as in the past, because the Navy Department desires, and I think rightfully—although there is some disagreement in our committee about that—that the work ought to be done in the navy yards, for two reasons: The navy yards are thoroughly equipped to do this kind of general overhauling and repair work. In the second place, it is hard to estimate the cost of unknown obstacles that one will meet in the repair and alteration of the ships. Then there are 1,200 men who are attached to each of these ships, and many of them stay attached to the ships while they are in the navy yard. They, themselves, at their usual pay—and they are drawing pay anyway—do a certain amount of the work on these ships. If you turned the ships over to a private yard, we would have to make some disposition of these men.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that it is proposed to change the guns on these ships so as to permit an elevation to 30°?

Mr. BRITTEN. They will change the gun carriage and the turrets, but the guns remain the same, and every gun now on the ship will be on the ship after it has been modernized. The changing of the guns, as I suggested to the gentleman from Arkansas [Mr. WINGO], would be held to be a violation of the treaty.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that by elevating the guns to 30° it would increase the range?

Mr. BRITTEN. Yes; to 35,000 yards.

Mr. COOPER of Wisconsin. That is 105,000 feet?

Mr. BRITTEN. Yes.

Mr. COOPER of Wisconsin. And that is about 20 miles?

Mr. BRITTEN. Yes; and we are hitting at 20 miles.

Mr. COOPER of Wisconsin. I am not much of a mariner, but as I understand it a ship is hull down at 15 miles on the ocean.

Mr. BRITTEN. Yes. As I stated a moment ago, with our modern arrangements, spotting from an airplane a mile in the air, we get a very effective target practice now at 18 and 20 miles, and we actually hit.

Mr. COOPER of Wisconsin. Does the gentleman think that fighting with battleships 20 miles apart will be effective?

Mr. BRITTEN. I hope, with my friend, that there will never be another opportunity to determine that positively, but if the opportunity ever does come, then I hope that every one of our ships will be able to shoot 20 miles, because I know they can hit at that distance.

Mr. SABATH. Mr. Chairman, will the gentleman yield again?

Mr. BRITTEN. Yes.

Mr. SABATH. Did I understand the gentleman to state that four of these battleships that have been modernized will be out of commission in 1930?

Mr. BRITTEN. No. I did not state that. I said that in 1936, under the Washington agreement, some of these ships may go out of commission. They may go, but four ships which have not been as completely modernized as these two will be may go out of service after 1932.

Mr. SABATH. And these are the four that may go out of commission?

Mr. BRITTEN. No; these are likely to stay in commission for 15 years. No one can tell.

Mr. SABATH. These two?

Mr. BRITTEN. Yes. They are among our very best ships and will be in the first line of our national defense.

Mr. SABATH. When were the *Arizona* and the *Pennsylvania* completed?

Mr. BRITTEN. I should think something like 12 or 15 years ago.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. VINSON of Georgia. On that point asked by the gentleman from Illinois [Mr. SABATH] these two ships under discussion can not be replaced under the Washington treaty until the beginning of 1934, and as it takes three years to construct one, new ships would not take the place of these until 1937.

Mr. BRITTEN. That is my impression. They can not be replaced before 1937. There is one other point I think of importance. Considerable money is being expended on these ships to make life not only more pleasant but safer for the 1,200 or 1,300 officers and men aboard each of these ships. I think that completes my statement about the bill.

Mr. VINSON of Georgia. As a matter of fact, it is set out in the bill that every alteration must be in accordance with the Washington treaty.

Mr. BRITTEN. Yes; the bill provides for that. I reserve the remainder of my time.

Mr. LAGUARDIA rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LAGUARDIA. To obtain recognition in opposition to the bill.

The CHAIRMAN. Does any member of the Committee on Naval Affairs desire the floor in opposition to the bill? If not, the Chair recognizes the gentleman from New York for one hour.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I am opposed to this bill, and I shall vote against it. In all likelihood there will be many others voting against it. Having only recently announced to the whole world our desire to lead in disarmament, and our Secretary of State having just sponsored treaties for the outlawry of war, the first bill coming before the House of Representatives at this session is a bill authorizing an appropriation of $14,800,000. So let the record at least show that this bill does not represent the unanimous view of the House of Representatives. The distinguished chairman of the committee made a fair presentation of the facts, aided by the distinguished gentleman from Georgia, and they would make it appear that this expenditure of $14,800,000 is absolutely and immediately necessary. I maintain that it would make no real difference to the present efficiency of the Navy if this appropriation were not authorized to-day. These ships may be replaced in 1934——

Mr. VINSON of Georgia. Will the gentleman yield at that point for a moment?

Mr. LAGUARDIA. Certainly.

Mr. VINSON of Georgia. The gentleman is in error in that it only permits the laying of them down in 1934. As Congress has authorized the replacement to commence in 1934, but it will be 1937 before they can be replaced.

Mr. LAGUARDIA. All right; 1937. I do not know whether it is the intention of the Naval Committee to press for the appropriation for this purpose during this session of Congress. It is very doubtful whether it will be possible. If this bill is not immediately passed by the Senate and approved by the President, it is not possible to obtain an appropriation until the first session of the next Congress. So that before actual work may be commenced on these ships it would be July 1 of 1930. The distinguished gentleman from Illinois pointed out that it would take two years to commence this work, so that the ships would not be modernized and the work completed before 1932. It would have five years of life, and I for one am hopeful—and I am sure the gentleman from Illinois is—that before 1937 Mr. BRITTEN and Mr. Baldwin will be able to get together. [Laughter and applause.]

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. If Mr. BRITTEN and Mr. Baldwin do get together, as the gentleman from New York suggests in a resolution he presented to the House on yesterday or the day before, would it not be well to have these ships in very first-class shape for trading purposes, at least in 1932, 1936, or any time when a prospect of another conference might arise?

Mr. LAGUARDIA. That is a proper question, and permit me to say to the gentleman from Illinois that the whole trouble with this question of world disarmament has been that every nation seems to go to a conference with something up its sleeve to trade. I state we must meet each other in a true Christian attitude, with all the cards on the table, with the intention of doing something definite and certain to insure permanent peace, leaving all the military and naval experts at home, before we will be able to come to any understanding on disarmament with the peoples of the world. [Applause.]

The people of England and the United States want peace. The people of Germany and France want peace, and if they are left alone they will have peace; but as long as we authorize cruisers and we modernize battleships and want appropriations of millions of dollars and hundreds of millions of dollars for armaments so as to have something to trade, why, the other fellow is doing the same thing, and there is nothing to trade. I want to say that the gentleman from Illinois [Mr. BRITTEN] assumes the chairmanship of this important committee under the most promising auspices. The declaration to the world of his desire for reduction in naval vessels and resulting reduction of appropriations deserves the admiration not only of this country and this Government but of the wearied people of the world who look for permanent peace and disarmament. [Applause.]

Now, there has been a good deal of criticism of the Congress or House or some individual for allegedly usurping the powers of the Secretary of State. As I understand it, this is a representative Government, where the people are governed by their own consent. After all, the supreme power vests in the people. To Congress, being the direct representative of the sovereign people, is delegated that supreme power. The House of Representatives, elected every two years by the people, has the final say not only on questions of appropriating for maintaining the Government but in directing the policies of the various departments of the United States Government. Surely, the lawmaking branch can control an administrative or even executive official of the Government. There is nothing exclusive in the powers and prerogatives of the Department of State.

The Department of State with all of its dignity is subject to the will of the American people as expressed through its elected Representatives in the Congress. [Applause.] While, of course, it may lead to confusion and misunderstanding if we were to act as individuals in certain matters of foreign affairs, yet any resolution which is passed by this House directing the Secretary of State to submit a communication of this House to another parliamentary body in a foreign country with which we are at peace, the Secretary of State has no choice; he must submit that communication. And it is simply silly to state in a Republic having a representative form of government that the Secretary of State or the State Department would refuse to submit such a resolution of the House. It has been done in cases innumerable, and I am now collating various acts of Congress in which Congress has taken a decided stand in matters of foreign affairs, not always being in accord with the policy of the Department of State. So I am in hope that the Britten idea, which I have put in the form of a resolution and which the Speaker of this House has referred to the Committee on Foreign Affairs, will receive the very careful consideration of that committee, and later of this body.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. I would like to say to the gentleman that on yesterday I received a cablegram from a member of the British Parliament, Commander Kenworthy, who expresses a very sincere desire to have a conference between a select committee of the House of Commons and a select committee of the House of Representatives of the American Congress.

Mr. LAGUARDIA. I am glad to hear it, and I am sure that the gentleman from Illinois, after his conversations with his colleagues, will be able to state that many Members of this House are anxious for such an informal conference.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. With pleasure.

Mr. MOORE of Virginia. The gentleman has stated that he has just introduced a resolution. Is it a House resolution or a joint resolution?

Mr. LAGUARDIA. It is a House resolution. We are asking a discussion with the elected representatives of the English people, the House of Commons of the British Parliament. The reason why I did not make it a joint resolution is that the members of the upper house of the British Parliament, the House of Lords, are appointed for life. They are not directly representatives of the British people. The members of the House of Commons, on the other hand, are elected by popular vote and are representatives of the people. The idea is to have Members of our House of Representatives confer with the members of the House of Commons—both elected representatives.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNELL. How does the gentleman reconcile that with the fact that the Secretary of State says that this procedure would be contrary to the Constitution?

Mr. LAGUARDIA. I think he is mistaken in that.

Mr. CONNALLY of Texas. When the meeting is over, what would the gentleman do about it?

Mr. LAGUARDIA. We are going to assert our powers.

Mr. CONNALLY of Texas. I am not talking about that. The gentleman is a member of the Committee on Foreign Affairs.

Mr. LAGUARDIA. The personal contact is very good.

Mr. CONNALLY of Texas. How would it be in Canada?

Mr. SABATH. It would be educational.

Mr. LAGUARDIA. Do not interrupt; just a moment. I think this matter is very meritorious. I know of no question more important to the people of this country or to the people of the world. And when a select committee of the House of Commons and a select committee of the House of Representatives would meet and compare notes and come to some unofficial understanding, if you please, as to future armament, and on returning home follow that program in the appropriations for armaments, the diplomatic services of the countries would then be compelled to get together to sign a formal treaty carrying out such an understanding. As long as we have diplomats, and as long as we have military experts, and as long as we have Army and Navy lobbyists, and as long as we have profiteers who make profits out of wars we will never be able to come to real disarmament or to an understanding that will assure the peace of the world.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. Going back to the merits of the resolution which the gentleman has introduced, is it proposed to make a request or recommendation to the President that he will bring about a conference?

Mr. LAGUARDIA. Oh, no.

Mr. MOORE of Virginia. Is it proposed that the House shall act alone?

Mr. LAGUARDIA. My resolution is very simple. It directs the Secretary of State to submit to the British Government for transmission to the House of Commons without addition, change, or amendment, a resolution of this House, and the resolution simply expresses a desire for a meeting with the House of Commons.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I yield to my colleague.

Mr. BRITTEN. I could not do otherwise but take cognizance of the remark of the distinguished Senator elect from Texas, who as a Member of the House has himself taken part in some of these so-called informal conferences. Now, I presume, when he goes over to the Senate he will probably adhere to the traditions that are to be expected to be observed by the other side of the Capitol.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. CONNALLY of Texas. I am still a Member of the House and I am desirous of faithfully performing my duties in my present position. I may say to the gentleman further that I am just as much concerned in performing my duties in the House as a part of the legislative branch of the Government as I expect to be in performing my duties in the other body.

I would like to have the gentleman explain whether he would have the House of Commons and the House of Representatives usurp the functions of the Executive? I thought he would be very well content to let the President, in the few remaining months of his term, continue to exercise his functions, rather than have the House of Representatives assume those of the Executive, and have the Committee on Naval Affairs and the Secretary of the Navy usurp functions not their own and add to them diplomatic functions. The gentleman from New York has heretofore performed other quasi-diplomatic functions in the House, and I do not see why he should not get on the Committee on Naval Affairs.

Mr. BRITTEN. We hope he will be able to take part in the diplomatic affairs of the Senate because we all admire him so.

Mr. LAGUARDIA. The gentleman from Texas having expressed himself as desirous of attending to his present duties rather than to his future duties we hope that he will consider my resolution with an open mind, with such careful consideration that he usually gives to matters coming before his committee. After he has looked into the precedents and given them consideration I feel confident that he will have no doubt as to the propriety and constitutionality of my resolution now before the Committee on Foreign Affairs.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. LAGUARDIA. Certainly.

Mr. COOPER of Wisconsin. Inasmuch as there is an attempt made to raise here the question of principle and of an alleged usurping of the functions of the Executive Department, I would like to ask the gentleman from New York wherein there is any difference in principle between the meetings to-day of the so-called Interparliamentary Union, which are voluntary meetings of members of different parliaments, and the meeting which was suggested to Premier Baldwin by our friend from Illinois [Mr. BRITTEN].

Mr. LAGUARDIA. There is no difference at all.

Mr. COOPER of Wisconsin. No difference whatever in principle.

Mr. LAGUARDIA. No. And assuming we did not have the precedent of the annual meetings of the interparliamentary conferences, the fact remains, nevertheless, that Congress is the supreme branch of the American Government and Congress may direct the Secretary of State to transmit any communication it desires to a foreign country.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. LAGUARDIA. Certainly.

Mr. COOPER of Wisconsin. The Interparliamentary Union meets in various cities of the world and adopts resolutions, some of them very strong in character, expressing unqualifiedly sometimes the unanimous opinion of the various members assembled; but that does not bind the Congress of the United States, nor the parliament of any other country; neither would a meeting of the committees, as suggested to Premier Baldwin by the gentleman from Illinois [Mr. BRITTEN], in any wise bind the Congress or usurp any function of the executive department, would it?

Mr. LAGUARDIA. Not at all. And let me say that the resolutions adopted by these interparliamentary conferences have been productive of a great deal of good. We have not felt it so much here, being distant from the close associations of the countries of Europe, but many customhouse questions and boundary-line questions have been taken up by the interparliamentary conferences and the resolutions adopted and submitted to the various governments have been followed. And after all, gentlemen, the day of the diplomat and of the envoy plenipotentiary with full powers is passed. The laws and precedents as to the customs and powers of ambassadors were made in the days of sailing ships and in the days of stage coaches, when it took weeks and months to get a communication from one country to another and a reply back, but to-day all of the negotiations are conducted right from the home. The radio, cable, railroads, airplanes, and steamships have made an ambassador only a messenger boy in spats.

Mr. SABATH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SABATH. By eliminating the ambassador and minister

whom will you have there to take care of the introduction of our ladies to the various courts of Europe?

Mr. LAGUARDIA. The gentleman answers his question. I am not eliminating the ambassadors, because they have a social function to perform, and of course they are necessary.

Mr. SABATH. The gentleman knows the number of ladies and visitors who are desirous of being introduced at the courts of Europe.

Mr. LAGUARDIA. That is a useful function, too. But, as I was saying when the gentleman interrupted me, an ambassador is now simply a messenger boy in spats and he conveys communications from his home government to the government to which he is accredited. Now, there is no intention at all of usurping the power of any diplomat or of usurping the power of the Department of State. And I want to say this, that if there is one ambassador who has really done good work, and who has a real standing to-day for promoting the cause of peace, it is the American Ambassador at the Court of St. James, Mr. Houghton, a former Member of this House. [Applause.] I am not criticizing him. But above all personal feelings and above all departmental pride there is this great question of world peace, and the only way to bring about world peace is, first, the step already taken by the Secretary of State in the multilateral treaties renouncing war as a national policy, and to translate those treaties into something real. We want to say to the world that we mean what we say about world peace, and a conference of the representatives of the people to agree on a permanent disarmament plan will be a great step in that direction.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDDLESTON. Threats have been made against the gentleman from Illinois on the ground that he violated the Logan Act. I want to ask the gentleman whether Mr. Hoover, in his good-will tour to the various countries of South America, is not performing a function similar to that proposed by the gentleman from Illinois, and whether the same threats have been made against Mr. Hoover as yet?

Mr. LAGUARDIA. No. I think the mission of President-elect Hoover is very useful, but I am very sorry that the only kind of a ship that we could send him on was a battleship. I only wish we owned more merchant ships so that we could send him on a mission of peace on a peaceful ship. However, I believe that his mission is bound to be productive of good.

Mr. HUDDLESTON. But the newspaper representatives and the entourage that is accompanying Mr. Hoover would have had to pay their way on a merchant ship or a ship of peace.

Mr. LAGUARDIA. Oh, not necessarily.

Mr. HUDDLESTON. Has the gentleman considered that feature?

Mr. LAGUARDIA. I do not think that is so important. I am very earnest, I want to say to the gentleman from Alabama, on this question of peace, and I say it is a wholesome sign that Members of this House who have stood for a big Navy have now come over and declared themselves as willing to cooperate with other countries in order to reduce appropriations; and I believe the first place to start would be in voting down this bill which is now before the House. [Applause.]

Mr. BRITTEN. Mr. Chairman, I suggest that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF PUBLIC WORKS BY THE NAVY

Mr. WOODRUFF. Mr. Speaker, I call up the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. BACON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. HUDDLESTON. I object, Mr. Chairman, unless we know more about the bill.

(During the reading of the bill:)

Mr. WOODRUFF. Mr. Chairman, I renew my unanimous consent request that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Chairman, every item in the bill before the committee has been under consideration by the Naval Affairs Committee of this House at least twice, and every one of the items has met the unqualified approval of every member of the Naval Affairs Committee. There is no minority report filed and no objection so far as I know in the mind of any member of the Naval Affairs Committee toward any item in this bill.

I had not expected to say anything at this time regarding the bill, but in view of the fact that the majority leader of the House has stressed the importance of giving to the House reasons why these different bills should be enacted, I will take a little time to discuss some of the projects contained in the bill.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. VINSON of Georgia. Will not the gentleman take up each one of the items in the bill, so that the committee may have full knowledge of them, and in that way we will probably save considerable time. Inasmuch as the bill is not going to be read at this time this will probably eliminate many questions.

Mr. WOODRUFF. I will be very pleased to do that.

The first item in the bill is for a small floating dry dock for the naval station at San Diego, Calif. There are at this station at this time 78 destroyers out of commission. They are tied up at the docks and are being given most excellent care by the limited personnel at this station. Proper care of these ships requires that at least every two years they be drydocked, the hulls scraped and painted, and such repairs made as are necessary at the time of drydocking. In addition to the 78 decommissioned destroyers at this point, there are 39 destroyers using San Diego as a base of operations. It is necessary also to drydock these ships at this point. In addition to the 117 destroyers, we have such ships as mine layers, mine sweepers, and others of smaller size which should be given such care as is necessary at this station. At San Diego there is a marine railway which has been in operation intermittently since the station was established. Just recently this marine railway was out of commission for almost two years, and it is not believed by the committee or the Navy Department that this equipment can properly and continuously handle the work of this yard. The small dry dock asked for in this item has a capacity sufficiently great to handle such ships as I have named, but can not handle the destroyer leaders when once we have built and commissioned them. The marine railway, however, with a capacity of 2,400 tons and a length of 400 feet, can handle these destroyer leaders, which will have approximately 1,800 tons displacement and be between 350 and 375 feet in length. That this small floating dry dock is considered most important by the Navy Department is indicated by the fact that they have given this item priority over all other items contained in the bill. In the past few years there has been great advancement made in the design of such craft, and the one asked for will have a mobility far greater than that of any floating dry dock in the world, so far as is known. It will be an easy matter to transport this dock to Panama, to San Francisco, to Puget Sound and any intermediate points, and to the Hawaiian Islands or elsewhere if necessary. Your committee and the Navy Department are in agreement that this is one of the most important items in the bill and that it should be passed by Congress without delay.

The next item in the bill is $1,200,000 for water-front development at Pearl Harbor, Hawaii. This item covers two piers, two slips, a quay, walls accessory thereto, dredging, and filling. The water front in Pearl Harbor is limited, and it is the desire of the Navy Department to extend its use by increasing the amount of berthing space. At the present time we have but 2,300 linear feet of wall, and the present item will

provide for an increase of 3,300 feet, making a total of 5,600 feet.

It is planned by the Navy Department to continue with the development of Pearl Harbor until such time as it will be possible to moor within the harbor itself practically all the ships of the fleet. Minor repairs and some major repairs can, and will, be made at the yard, and additional berthing space even beyond that provided in this bill will be demanded in the years to come. One of the piers provided in this item will accommodate a 200-ton crane, a very necessary addition to the equipment now at the yard. The other item in this paragraph, $500,000 for dredging, is to increase the mooring space available within the harbor.

The next paragraph authorizes $290,000 for general facilities buildings, and $100,000 for officers' quarters for the submarine base at Pearl Harbor. When the submarine base was established all the buildings that were built were constructed by the Navy personnel engaged in the submarine service out of surplus materials which were shipped to Pearl Harbor from other naval stations. The fact that they have been able to carry on for the past 10 years under these circumstances and that the buildings have remained standing as well as they have is a tribute to the highly efficient personnel in the submarine service and the care with which their duties have been exercised. Operating, as we do, a rather large number of submarines at Pearl Harbor, it is necessary that we have on hand at all times spare parts of every kind and description. These are very valuable, and it takes considerable time to secure the same.

Mr. MILLER. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. MILLER. Will the gentleman state in what kind of buildings the spare parts are now housed.

Mr. WOODRUFF. They are housed in some old, tumbledown temporary buildings built by the Navy personnel out of waste material. In these old wooden shacks the spare parts are subjected to a rather serious fire hazard, and certainly the supplies, the value of which is approximately three quarters of a million dollars, should be stored under more favorable conditions. This item contemplates providing storage space for these spare parts and other special engineering stores now in the temporary storehouses I have just mentioned. This storage building would also provide facilities for administration and general instruction of personnel. The other building provided in this item would be a permanent shop building for use in connection with miscellaneous repairs to submarines.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. O'CONNELL. Will this appropriation of $290,000 give them all the space they need?

Mr. WOODRUFF. Yes; everything they need in that line.

The next item is one of $100,000 for officers' quarters for the submarine base at Pearl Harbor. This will provide quarters for 40 officers. I think if any Member of the House is at all familiar with the conditions aboard submarines they will realize that when a submarine crew gets ashore they ought to have all the comforts of life while there.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. HOUSTON of Hawaii. The barracks for the men are now under construction.

Mr. WOODRUFF. Yes.

The next item is one of $1,310,000 for the navy yard at Puget Sound. This is for accessories and a crane for Pier No. 6, the crane to be of a capacity of 350 tons. This yard is the only one in the Pacific capable of general overhaul work on battleships, and as the battleship fleet is in the Pacific it is necessary that a crane of this capacity be built for this yard.

The next item is for metal aircraft structures shop, $130,000, at the naval air station, San Diego. The construction of airplanes has changed very much; it has been changed from wood and fabric to all metal, and it is necessary to have a shop for this line of work, particularly at San Diego, where many hundreds of airplanes and aircraft will be based, especially during the time the fleet is in that vicinity.

Mr. O'CONNELL. And that would reduce the fire hazards, would it not?

Mr. WOODRUFF. Very much.

The next item is for a building for physical instruction and gymnasium, $150,000, at the airport, North Island, San Diego. At the present time they have an old wooden temporary building which they use for that purpose, but in the development of the yard it is necessary to tear down and remove those buildings in order to build the buildings I have mentioned. Inasmuch as the San Diego Bay separates the airport or field from the naval base, it is necessary to build a welfare building.

The next item is $275,000 for seven landplane hangars. I do not know whether the membership of the House knows that when airplanes are carried on battleships and the battleship is in port the airplanes are always based on land. When repairs are made to the airplanes it is advisable that they make the repairs on land.

Inasmuch as training goes on constantly, it is necessary to have at these different bases facilities to care for the airplanes that will be there during the time the fleet is there.

The next item is that of $100,000 for an equipment house. In the navy yard at Puget Sound we have 7 locomotives and 17 railroad cranes and up to this time there has been no protection whatsoever for any of this equipment during the time when it is not being used. It seems important to the committee and to the department that we have an equipment house where these machines can be stored at such times as they are not in use, and for that reason that item is in the bill. Puget Sound, as you all know, is the great supply store for the battleship fleet. We have at that point at this time a small brick building where we can store a small supply of paint and oils, and we find it necessary to store paint and oils and other inflammable materials all over that yard, creating a serious fire hazard, a condition that certainly ought not to be permitted to exist. We have provided in this bill $125,000 for the building of a paint and oil storehouse, which will accommodate all the paints and oils to be handled at that point.

The next item is one of $224,000 for a hangar at Pearl Harbor. Inasmuch as we are now constructing airships under our 5-year program, it ought not to be necessary for me to argue the necessity for hangars at our different air bases.

The next item is one of $25,000 for a torpedo storage and charging plant. When we have completed our 5-year building program for the air service, we will have based at Pearl Harbor 54 torpedo planes. At the present time, torpedoes used by airplanes already based on Pearl Harbor are charged and repaired, and so forth, at the navy torpedo repair base, which is more than a mile away from the air field. It seems necessary that we should have this torpedo storage and charging plant at the air base where it properly belongs.

The next item is one for $90,000 for an aircraft overhaul shop at Coco Solo, in the Canal Zone. I have been at Coco Solo and have seen the conditions under which they had to overhaul their airplanes, and I personally know that that item is a most important one.

The next item is one for $120,000 for bachelors' quarters.

Mr. O'CONNELL. It might be wise to recommend that the bachelors get married and then we would not have to spend that large amount of money.

Mr. WOODRUFF. Oh, if we did not spend that we would have to spend much more to house the wives and children after they came.

Mr. O'CONNELL. But that would be in a good cause.

Mr. WOODRUFF. I agree with the gentleman. Anyone acquainted with the conditions at Coco Solo realizes that nowhere around the submarine or air base are there quarters available for officers. We have already provided living quarters for the wives and the families of chief petty officers located at that station, and it seems to me that we should now do as much for the bachelor officers.

The next item is an item for a mess hall and galley for enlisted men at the naval training station at San Diego, Calif. This item is for $173,500. This mess hall and galley will be placed in the detention camp at the naval training station. When young men enlist in the Navy they are taken to a training station and for three weeks segregated, taken away from the men who have been there for a longer period. The authorities feel that they should segregate these new men for the purpose of keeping them from carrying disease to the men already in the service. They are kept in these detention camps for three weeks, the period that the medical authorities call the period of incubation. At San Diego we have quartered these men in tents. The climate there is most salubrious most of the year, although at different times it is most uncomfortable, and while we are supposed to keep these men segregated, yet during all of the time that the training camp has been located at San Diego it has been necessary for these men in the segregated camps to walk three times a day 1 mile over to the mess hall where all of the other men in the camp eat and back again to their camp. It is not being conducted along lines that would be approved by any medical authority, and the construction of this mess hall and galley for these men will in many ways improve the conditions there.

In this paragraph also is incorporated an item of $348,000 for barracks for enlisted men at the detention camp. Certainly everyone should agree that young men just coming into the

naval service should at least have proper housing at all time of the year, and this item proposes to take care of the needs of this detention camp in this respect.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. O'CONNELL. About how many enlisted men would be there at a time?

Mr. WOODRUFF. From 400 to 700.

Mr. O'CONNELL. Thank you.

Mr. WOODRUFF. Up at Mare Island, where we have established a submarine base and overhaul plant, the men who have been working on the submarines and serving on the submarines have been living in tumble-down temporary wooden buildings, such as we built during the war, something more than a mile from the submarine base itself. We propose in this bill to provide barracks and a mess hall for 240 men, the number of men usually at that station. We also provide an item of $240,000 for a battery storage and overhaul building. I was at Mare Island in April a year ago, and I was very much struck with the condition surrounding the repair and storage of the batteries for the submarines. This work was done in an old tumble-down wooden building. The acids from the batteries are constantly eating the wood of that old building and it is a question of only a short time, in my opinion, until it will fall down if it is not torn down. Certainly that work ought to be done in a proper sort of building which affords a proper storage for batteries.

The next item in the bill is $250,000 for a mess hall and barracks for enlisted men and marines at Lakehurst. Another item in this paragraph is $200,000 for a gas cell, shop, and storage building. Also $90,000 to provide eight additional quarters for married officers.

The next item in the bill is for four barracks for Quantico, housing 500 men each. This item is for $1,450,000. Men familiar with the conditions existing at Quantico certainly will not challenge this item. Following is an item, $500,000, for filling and grading the flying field at Quantico. The next item in the bill is for the purchase and condemnation of land and dredging, $65,000, at the navy yard at Norfolk.

I think every man in the House must be familiar with conditions existing at Anacostia and will realize that the item we have in the next paragraph of the bill, for $275,000, for barracks and mess hall at Anacostia, is an important one. One of the less important items in the bill is one for $10,000 for storage facilities for gear at Drydock No. 3, navy yard, Philadelphia.

The next item in the bill is for $35,000 for commandant quarters, naval base, Canal Zone, and $58,000 for four houses for officers at the Canal Zone. The next is $240,000 for 6 four-family apartments for married officers at Coco Solo.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. O'CONNELL. Here is an item here for flying field at Quantico, Va., for filling and grading the field. Those of us who flew some months ago with Colonel Lindbergh will remember the conditions at Bolling Field. I remember how difficult it was for machines to get off the ground, up in mud hub deep so it was almost impossible to start the machine. I thought Colonel Lindbergh would never get it in the air.

Mr. WOODRUFF. The situation at Quantico is this: We have really two flying fields at the present time, one on each side of the railroad track, one I think of 68 acres and the other approximately 81 acres, not enough space for safe flying and landing. There have been at that point 40 major accidents coming on the field and getting off the field. This is an item for enlarging the field and to give the flyers the sort of field they ought to have there.

Mr. O'CONNELL. That is perfectly satisfactory.

Mr. WOODRUFF. The next section of the bill simply authorizes the Secretary of the Navy to enter into a contract at a cost not exceeding $35,000 for the removal of certain private lines of poles supporting telegraph, power, signal, and telephone wires and cables located on private rights of way adjoining the Marine Corps flying fields at Quantico, Va., and for the placing of said wires and cables underground. These wires and poles have been largely responsible for the 40 major accidents at that field.

Section 3 of the bill authorizes the Secretary of the Navy to acquire on behalf of the United States by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the Marine Corps flying field at Reid, Quantico, Va.; and for that purpose a sum not in excess of $15,000 is authorized to be appropriated and made available in addition to the amount of $20,000 made available by section 6 of the act of March 4, 1925.

Section 4 authorizes the Secretary of the Navy to acquire on behalf of the United States by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the naval air station at Sumay and the naval station at Piti, Guam; and $9,000 is authorized to be appropriated and made available for this purpose. When we became involved in the World War we took over the lands involved in this section from the natives of the island of Guam, with the understanding that we were to purchase the same outright. We have failed to do this and have been paying them a small monthly rental for the use of the land. There are a number of different property owners from whom we are leasing these lands and the rentals paid them are so much less than they made from tilling the soil itself that they are greatly dissatisfied and expect the Government to live up to its agreement and pay them the full purchase price, with which they could purchase lands elsewhere for cultivation.

Section 5 authorizes the Secretary of the Navy, when directed by the President, to transfer to the city of San Diego, Calif., certain lands now owned by the Navy Department in exchange for lands owned by the city of San Diego. We propose under this section to give to San Diego approximately 9 acres lying back from the shore line, and across the creek away from the naval station for approximately 6 acres lying adjacent to the naval station itself and with a harbor frontage of 900 feet. The land which the Navy Department proposes to exchange with San Diego is of absolutely no use to the Navy Department, and the land to be transferred by San Diego to the Navy Department will be highly valuable for naval purposes.

Section 6 authorizes the Secretary of the Navy to exchange certain lands of the Navy Department at Governors Island in Boston Harbor owned by the State of Massachusetts. The land involved in each case is approximately the same in area, and this transfer is desired by both the Navy Department and the Commonwealth of Massachusetts. It is desired to establish a pierhead and bulkhead line on this property to be as nearly parallel as possible to the ship channel, and in order to properly accomplish this purpose the proposed exchange of land mentioned in this section is necessary. This exchange of land and rectification of the boundary lines will permit of a straight sea wall along this property.

Section 7 proposes that the Secretary of the Navy shall be authorized in his discretion to return to the heirs at law of John H. Abel the title to a tract of land containing 5.17 acres taken over as a part of the marine reservation at Quantico, Va., by proclamation of the President, dated November 4, 1918. This is a part of the Marine Corps Reservation at Quantico, Va.; it has never yet been used by the Marine Corps, and no payment has as yet been made for it. The purpose of this section is simply to return title to the property to the heirs of John H. Abel, to whom it belongs.

Sections 8 and 9 authorize the Secretary of the Navy to dispose of two pieces of naval real estate which are of no further use to the Navy, the proceeds from which will be turned into the hospital fund.

Unless some gentleman desires to ask me further questions regarding the bill, I shall not take up more of the time of the House.

The CHAIRMAN. If no further time is desired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Naval air station, Hampton Roads, Va.: Administration building $200,000.

Mr. DREWRY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DREWRY: Page 3, after line 19, insert the following: "Naval training station, Hampton Roads, Va.: Barracks and mess hall, $600,000."

Mr. DREWRY. Mr. Chairman, to explain that amendment, I will state that the committee made a visit to the naval station after the present bill had been passed by the committee, and they found things in such bad shape that they came back and unanimously reported the amendment I have offered. It provides for a mess hall and barracks for receiving recruits to the naval station.

Mr. BRITTEN. Most of the members of the committee who were down on that inspection trip, accompanied by a number of the members of the Committee on Appropriations, saw that deplorable condition and are heartily in favor of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval radio station, Marshfield, Oreg., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said radio-station property shall be deposited in the Treasury to the credit of the naval public-works construction fund created by section 9 of this act.

Mr. WOOD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Add, after line 19, page 9, the following new section:

"SEC. 10. That the Secretary be, and he is hereby, authorized to lease for periods not exceeding 10 years and revocable on six months' notice the floating dry dock and water-front accessories at the naval station at New Orleans (Algiers), La., and to credit to the rental the reasonable cost of such repairs to said dry dock as the lessee may be required to make to prevent physical detoriation. All remaining money received from any such lease shall be covered in the Treasury as miscellaneous receipts: *Provided*, That said floating dock and accessories shall not be removed from the vicinity of New Orleans."

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from New York reserves a point of order on the amendment.

Mr. WOOD. Mr. Chairman, I will state to the gentleman that it is not subject to a point of order, in the first place. It is on all-fours with three or four other sections in this bill granting authority to the Secretary of the Navy. I think, when I shall have stated the purpose, the gentleman will have no objection to it. I would like to have the attention of the gentleman from New York.

This measure has passed the House heretofore on one or more occasions and failed in the Senate for want of consideration. The purpose is, if possible, to save money to the United States, and from the items of expenditure that we have here I should judge that there is some need for it.

There is no need for this dry dock. It is seldom used, and very expensive when it is used. The only use is by flat-bottom boats, and it takes far more to sink this vessel in making repairs and improvements than the cost of the repairs.

Mr. LAGUARDIA. How old is it?

Mr. WOOD. I do not know as to that. The overhead expense is over $40,000, besides the upkeep. There is a possibility of renting it at a good profit.

Mr. LAGUARDIA. What is its capacity?

Mr. WOOD. It is an extraordinarily large drydock.

Mr. LAGUARDIA. What is the nearest drydock in southern waters?

Mr. VINSON of Georgia. The drydock at Charleston; but, perhaps, it is not sufficient. The drydock at Hampton Roads is the nearest. This drydock is lying there idle, and this amendment simply authorizes the Secretary to lease it. If he gets satisfactory bids he can lease it.

Mr. O'CONNELL. And the United States gets a profit out of it.

Mr. LAGUARDIA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, the drydock referred to in this amendment is located in the district that I have the honor to represent. I am not opposed to the amendment, but in all fairness I think the situation ought to be presented accurately to the Committee of the Whole House in order that they may judge whether it is wise or not at this time to adopt the amendment.

The gentleman from Illinois [Mr. BRITTEN] introduced a bill, the purport of which would accomplish just exactly what is hoped to be accomplished by this amendment. That bill, in accordance with the usual procedure, was referred to the Secretary of the Navy. He reported adversely upon it. I think that report was based upon the theory that it was unfair for the Government to go into any business in opposition to established private enterprises.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Will you permit me to finish the statement? There are two dry docks down there now, one operated by the Jahncke people and one by the Johnson people. I hope the committee will pardon a political allusion. The Jahncke people are Republicans, and are my personal friends, and the Johnsons are likewise Republicans, so that I have no political interest in them; but I think that in justice I should present the situation clearly, so that you can act unequivocably but justly and wisely on the amendment proposed by the gentleman from Indiana, Mr. WOOD.

The Jahnckes and Johnsons are opposed to this proposition as expressed by the Britten bill and the amendment, not only because they are operating these dry docks in the Mississippi River at New Orleans but because they are opposed to the governmental operation of industry as opposed to private industry, and I believe that is one of your Republican cardinal tenets. They feel also they should at least be given an opportunity to present in person before the Committee on Naval Affairs, after due notice, their objections from a businesslike standpoint to any such amendment, which means a competition that in all probability would affect them very seriously if the lease were effectuated on such terms as would give the lessee an unfair advantage in the cost of operation.

I know that the attitude of the gentleman from Indiana [Mr. WOOD] is from the governmental standpoint of economy, apparently sound though at variance with his party's militant declaration of no Government competition against private enterprise. It is rather difficult to answer, and it is not my purpose to answer it. Though I do hope that you will see that in effect such a lease by the Secretary of the Navy is akin to Government operation. I am not opposed to the amendment, but, as I said before, I feel that in justice to the established private enterprises down there I ought to make this statement and to say, they will, with some degree of justice, believe it was rather arbitrary on the part of the House to adopt an amendment which curtails and affects their business so seriously without giving them an opportunity to be heard on the subject. I repeat that I am not opposed to the purpose of the amendment which will put another dock in operation in New Orleans, though I believe that there are many citizens who believe it will make for unfair competition, and that it is but another step in the direction of Government operation of that which could be left to private initiation and enterprise. But, as desirable as I think another dock may be, we can not blind our eyes to the fact that we are sidestepping the regular parliamentary procedure which provides for hearings to be held in the usual manner, and where careful, thorough, and intelligent discussion and consideration may be had, and those adversely interested may have their day in court.

Mr. SPEARING. Mr. Chairman, while I do not represent the district in which this dry dock is located I do represent a part of the city of New Orleans and the whole city will be more or less affected by the renting of this dock or not renting it. There is opposition in the city of New Orleans to the renting of this dock to private persons. The foremost business organization of the city, the Association of Commerce, representing practically every line of industry, has passed resolutions against the renting of this dock to private persons. There is much to be said against such renting. It does interfere with private industries which are located there, industries into which men of the city of New Orleans have put money, and other financial interests are interested in the proposition. It is a question whether that dock is needed to be operated by a private concern.

Mr. BRITTEN. Will the gentleman yield?

Mr. SPEARING. Certainly.

Mr. BRITTEN. My impression of the situation is that this is largely one of competition between several private interests and, as usual, the Government is carrying the load. The Algiers Naval Station down your way has not been used for many years. We have a very good floating dry dock there that should not be moved, I will say to the gentleman, from that neighborhood; but it is not being used and it is costing our Government, as I understand, about $40,000 a year to maintain that dock in a more or less useless condition. As I understand the situation—and I would like to have the gentleman, my friend from New Orleans, correct me—another private yard in that same neighborhood, in competition with the two mentioned by my friend from New Orleans, is willing and ready to lease that now useless dock, keep it in repair, and take it out of Government expense, but the other two yards object. Is that the gentleman's impression of it?

Mr. SPEARING. I think that is partly true, if not actually so, but I do not think that is the sole consideration. That is an objection, there is no doubt about it. The two men who

operate docks there now are naturally opposed to having any competition. That is a most human feeling with any of us, but that is not the sole consideration, and that is not, as I understand it, the sole objection.

Mr. BRITTEN. Will the gentleman yield a little further?

Mr. SPEARING. Certainly.

Mr. BRITTEN. My thought is this: That if this third competitor can not make an arrangement with the Navy Department for the use of this now useless dock, it is presumed that this third man will build a dock of his own, so that instead of having two docks in operation down there privately controlled you will have three of them, and still have the useless dock now belonging to the Government and costing the Government a lot of money to maintain. If I understand the situation correctly, it looks like a good business proposition for Uncle Sam to get some money out of something which is now costing him $40,000 a year.

Mr. SPEARING. The gentleman's remarks demonstrate the necessity for carrying out the suggestion of my colleague from New Orleans, namely, that we have a hearing. He has injected into the discussion the very thing that requires a hearing, and that is all that we are asking now. This proposition is offered here as an amendment to the bill. Frankly, we did not anticipate it would be offered as an amendment to any bill; it was anticipated that the bill introduced by the gentleman from Illinois [Mr. BRITTEN] would be taken up regularly, and that the adverse interests would be given a hearing before the committee. Then the committee could make its report after hearing the proposition and after deciding which one was right.

Mr. BRITTEN. Will the gentleman yield?

Mr. SPEARING. Yes.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. I will say to the gentleman that in the event the House does not adopt the amendment now before it, if the gentleman and his colleague from Louisiana [Mr. O'CONNOR] will designate a time for a hearing, the Committee on Naval Affairs will sit with them at that time.

Mr. SPEARING. That would be very acceptable. All we are asking now is that you give these people a hearing. I am not prepared to say how I would vote on the amendment after such a hearing, but these people are all our friends.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. VINSON of Georgia. Do I understand that the gentleman from Louisiana and the gentleman from Illinois [Mr. BRITTEN] have made some agreement in reference to withdrawing the pending amendment?

Mr. SPEARING. No; we have not made any agreement. The gentleman from Illinois stated that if this amendment be not adopted now that the Committee on Naval Affairs would give a hearing to the adverse interests.

Mr. VINSON of Georgia. But the gentleman from Illinois is asking that the House now adopt the amendment, as I understand it.

Mr. BRITTEN. Yes; certainly.

Mr. VINSON of Georgia. Then, why should the gentleman take the time of the House in talking about a hearing after we have adopted the amendment?

Mr. SPEARING. I am sure the gentleman from Illinois could answer that question better than I can.

Mr. BRITTEN. I will say to the gentleman from Georgia and to the House that as far as I am concerned I am heartily in favor of the amendment now pending. I think it is a good business proposition and one that will be helpful to the city of New Orleans. It will produce more shipping business.

Mr. SPEARING. I think the House should act so that the committee must give these adverse interests an opportunity to be heard. That is what we are advocating now. These adverse interests might or might not convince the committee. If they do not, then we may not be able to convince the House. I am not prepared to say now that if the bill comes up before the House after a hearing that I am going to oppose the bill, but I do urge that the adverse interests are entitled to a hearing and that this amendment should not be adopted now, so as to cut off all opportunity of a hearing and run roughshod over these men, when they anticipated they would be heard by the committee.

Mr. BEEDY. Will the gentleman yield a moment?

Mr. SPEARING. Certainly.

Mr. BEEDY. The gentleman suggests there are objections to the adoption of this amendment other than the objection of private competitors. If the gentleman would state them to the committee in just a moment, that might be helpful to us; but as yet we have heard no other objections.

Mr. SPEARING. The Association of Commerce adopted a resolution and sent it on here.

Mr. BEEDY. What is the reason for it?

Mr. SPEARING. I am answering the gentleman's question and am coming to that point. The Association of Commerce says it will upset—not upset, necessarily, but will interfere with the financial and labor situation in New Orleans. They are more familiar with that than I am. They sent those resolutions to us to be urged at the proper time, and this is not the proper time. I have not even the resolutions at hand.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. LAGUARDIA. If another dry dock is going to attract more business to the gentleman's city and perhaps reduce the price of ship repairs, why would not that be to the advantage of commerce generally, even though it may be to the detriment of two shipyard owners?

Mr. SPEARING. I do not understand that this would attract more business to New Orleans. My understanding is that the dry docks that are there now do not work full time, because there is not sufficient business to justify it.

Mr. LAGUARDIA. This will attract more business to the gentleman's city.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. I wish to say, in answer to the gentleman from Louisiana, that the objection which he offers to the amendment, with respect to no hearing having been held, is not well taken, for this reason: In the first place, this matter has been before the House upon two or more occasions. It passed the House at one time after full hearings were held and, as I stated a while ago, failed in the Senate for want of consideration. Furthermore, it is not too late, if a hearing is desired. The Senate has hearings upon these matters sometimes, and, if the amendment is adopted now, the gentlemen who may feel aggrieved can appear before the Senate committee and will have ample opportunity of being heard.

There is another reason why the objection of the gentleman to the passage of this amendment should not obtain. The gentleman from Louisiana says that the Government should not be put in competition with private business. One of the purposes I have in mind is to get the Government out of this business and give the business along that river to the gentlemen engaged in this character of work. So that instead of keeping the Government in this business, I may state to the gentleman that this amendment if adopted will put the Government out of the ship repair business at New Orleans.

We have great need of the establishments that build ships and repair ships. Unfortunately, by reason of our not keeping up with the world in the building of ships, more than two-thirds of the shipbuilding concerns of this country have gone to the wall. One of the largest in former years closed its doors just this last week, and if we are ever to be involved in war again, we will find ourselves in the same condition we found ourselves in before, and will have to spend millions of dollars uselessly in building up such yards.

I think the passing of the Cramps establishment was one of the tragedies of this generation, and that was absolutely due to our not patronizing them as we should.

So let us encourage the men who are engaged in this character of business. Let us take Uncle Sam out of this business and let us put some money into the Treasury, which this amendment will do, instead of spending it uselessly.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. WOOD].

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. WOODRUFF. Mr. Chairman, I move to amend by striking out the figure "10" in line 20, page 9, and inserting in lieu thereof the figure "11."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 20, strike out the figure "10" and insert the figure "11."

The amendment was agreed to.

Mr. WOODRUFF. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with

the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUFF. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. WOODRUFF, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill H. R. 14039, to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MAPES in the chair.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. HUDDLESTON. I object.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the bill.

Mr. BRITTEN. Mr. Chairman, this bill, as Members will observe, sounds, and probably is, very hard to understand. We, in committee, thought it was complicated as well, for very often when the Judge Advocate General or some naval expert, when asked the questions, would have to refer to his files before he could definitely answer.

I will try to tell the House briefly what the legislation seeks to accomplish. First of all, let me say that the bill has been considered for more than two years by the Committee on Naval Affairs. We reported out a bill last year—we did not report it to the House, but we were ready when the Director of the Budget came in and objected to certain payments that we intended to make to officers who were not retired but who were to be separated entirely from the service. The Budget Director objected.

Finally we reported unanimously the bill that is now before the House. This is favored by the Bureau of the Budget, by the department, of course, and not only by the line officers who graduated from the Naval Academy but by that great group of commissioned officers who have come out of the ranks, and which will give to them opportunity to retire on pay commensurate with their rank, but also an opportunity to remain in the service if they want to.

These men have gone through their own ranks and have become warrant officers or chief petty officers, then ensign or lieutenant. Some may be 45 years old and serving alongside a youngster out of the academy 22 years old. It gives the former enlisted man an opportunity to retire, as any other officer would, for the balance of his lifetime.

The bill was framed with this particular group in mind, because the committee felt that these men who had given 15 or 20 years, the best part of their lives, in the service of the Navy, and who during the war had become ensigns or lieutenants should be protected, and that is really the outstanding service of the bill.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I would like to get along a little further with the explanation and then I shall be glad to yield.

Mr. O'CONNELL. If the gentleman will permit, I have read the bill and I am in favor of it, but I hope the chairman of the committee will explain as lucidly as he can just how it changes existing law.

Mr. CELLER. And will the gentleman tell what effect this will have on the so-called equalization measure?

Mr. BRITTEN. It will have no effect whatever. This bill affects only directly the line officers. While the staff corps—and I mean the Medical Corps, the Supply Corps, the Construction Corps, the Civil Engineer Corps—wear the same uniform as the other officers, they are called staff officers. This bill affects only the line officers.

Mr. HUDDLESTON. Is the gentleman in a position to assure us that the medical officers are not affected by this bill?

Mr. BRITTEN. Positively. Excepting to this extent. Every officer in the Navy is affected by the equalization bill which we passed last year, which gives him a running mate in the line. This bill, if anything, will improve promotion in the various staff corps. Its greatest effect on officers in the staff, who are promoted under the equalization law, will be by having a running mate in the line whose promotion is not unnecessarily retarded.

Mr. HUDDLESTON. And no medical officer under this bill will be subjected to this selection board?

Mr. BRITTEN. Not at all, nor will any other staff officer.

Mr. VINSON of Georgia. The equalization law gives them a running mate.

Mr. BRITTEN. Yes.

Mr. HUDDLESTON. Of course, some of us do not know what the equalization law is. Does that mean that the officer has a running mate of equal length of service?

Mr. BRITTEN. Yes. The same date of commission applies to each of them, and that establishes their running mates.

Mr. HUDDLESTON. But if this running mate should fail of promotion, it will not affect the right of promotion of the other officer?

Mr. BRITTEN. No; he automatically acquires the next man above and runs with him. We will talk about the expense first. This bill will provide an additional expense to the Treasury for three years only of $31,000 a year. After the three years it reverts, because of our custom of paying officers two-pay periods, to the present status, after which it will cost the Treasury not an extra dollar. The maximum of 4 per cent of officers of the line, based upon the authorized strength of the Navy, is not changed in this bill. Under existing law we may have as many as 5,499 officers of the line.

Under the bill before us that number is not changed. The distribution of those officers is changed very slightly by percentages in the lower grades only, but not in the grades of admiral, rear admiral, or captain. It is changed slightly, 1 per cent, in the grade of commander. That will all be made evident as we read the bill. The reason for the changes in the lower grades is that we are getting a few more commanders and lieutenant commanders and less lieutenants and more lieutenants of the junior grade. That change is desired because of the changed Navy that confronts us to-day. Twelve years ago when we passed a line promotion bill, we did not have the radio, we had no aviation connected directly with the Navy, our spotting was very inferior, in comparison, to what it is to-day, we did not have to look for submarines and airplanes and all that sort of thing, so that we require now more young men in command positions, particularly on the destroyers and submarines. As for myself, I think that the submarines and destroyers provide the hardest work in the American Navy. The quarters are small and cramped, and the duty is very arduous. Anyone who has been on a destroyer out in the slightest sea will agree with my distinguished friend from New York [Mr. SNELL]—and he is a good sailorman—that being out even in a slight sea on a destroyer sometimes makes you wish you were at home at your own little dining table. We are providing in this bill for a few more commanders and lieutenant commanders for these various command ranks, made necessary by changes in the Navy requirements. This bill also establishes a uniform line of promotion by dividing all of the officers in the line from admiral to ensign into grades of seven years to the grade, as, ensign, lieutenant, junior grade, seven years, and for the lieutenant, senior, seven years, for the lieutenant commander, seven years, and so on. At the present moment we are operating under the so-called Updike law, which substituted the time in grade for the age in grade; prior to that moment we operated entirely under the age in grade. We are now adopting in this legislation the time in grade theory of the Updike law, which, by the way, goes out of existence in March of next year, and from now on we ought to have a very natural, easy, and uniform flow of promotion.

Mr. O'CONNELL. And sure.

Mr. BRITTEN. Yes; provided, of course, a man keeps up with the rest of his class. There is one paragraph which sounds very complicated, but it does nothing more or less than

iron out the condition that has been brought about by the different dates of graduation of the different classes of the Naval Academy during the war. During the war some classes had less than three years at the academy, some had something over two years, others had four years, and way back we have had classes with five years. The graduation dates were different. This legislation provides that for promotion calculations every line officer shall be charged up with four years in the academy, whether he had four years or not. This is but fair to all graduates.

It is hardly fair to credit a man who has had only two and a half or three years in the academy with the same knowledge and opportunity as one who was compelled to stay four or five years at Annapolis before graduation, so we regulate that by charging or crediting every line officer four years at the academy whether he has had it or not. It provides that a lieutenant 45 years of age or of 20 years' service—here is your enlisted man again—who is 45 years of age or who has 20 years of service and has no way of getting out of the service, and also no way of being promoted up because he has not had a Naval Academy education, may retire or go to his former rating, as he prefers. He can take a ship to dock better than a youngster out of the academy, and he is one of the very valuable men in the service—I might almost say the very backbone of the service—yet he is in the peculiar position where he can not go up and can not go out.

This legislation has been framed with a view to giving him exactly what he wants. If he wants to go out, he can be retired for life with retirement pay, and if he does not, he may revert to his original status at his request. The academy lieutenants ought to be about 38 years of age when they go up or out. We place the limit for former enlisted men at 45 years of age or 20 years' service. Now I will yield to the gentleman from New York.

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. SEGER. When he is retired at his own request, he will be retired at the rank he then holds?

Mr. BRITTEN. At the rank he holds with 75 per cent of pay, or 2½ per cent of his pay for each year in the service, up to 7.5 per cent, of course.

Mr. SEGER. And he does not lose his rating?

Mr. BRITTEN. No. I now yield to my seaworthy friend from New York [Mr. SNELL].

Mr. SNELL. Is there anything in this new measure of promotion that will in any way interfere with other branches of the service that will make trouble for us in the future?

Mr. BRITTEN. No; I think it is purely a naval bill.

Mr. SNELL. Two or three times matters have been brought in here with which the average person is not familiar, and I admit I am not familiar with promotions in the Navy, and very few Members of the House are, and after passing the bill then comes up the statement that the Navy is interfering with the Army. Now, is there anything in this bill that interferes with promotions in other branches of the service?

Mr. BRITTEN. I will give the exception, except in so far as some conditions applying to the Military Academy——

Mr. SNELL. Well.

Mr. BRITTEN. The Army does not operate as economically or concisely as the Navy at any time——

Mr. LAGUARDIA. How does the gentleman get that way?

Mr. BRITTEN. Excuse me. I did not know the gentleman was in the room. I think the Navy's important legislation is kept in better shape than the Army's legislation. I think certain classes graduated at the Military Academy in three years and less because of the war, and only because of that, and other classes graduated in three or four years, and they may have had a situation like we have had in the Navy where some classes have graduated in five years. I think that any legislation that equalizes that graduation period and charges up four years to an officer of the Army will be generally approved.

Mr. SNELL. We got in the emergency retirement bill a provision which was stated was slipped in the naval bill without anyone knowing much about it, and I especially desire to have the gentleman assure the House that other branches of the service are not affected.

Mr. BRITTEN. I want to assure the House there is absolutely no joker in this bill. There is nothing in here to improve the condition of any particular officer or any particular group of men or any particular man in the Navy or in any other naval corps, except as clearly set out.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. BLACK of Texas. The point is there is much complaint in the Army about the stagnation of promotions.

Mr. BRITTEN. Yes.

Mr. BLACK of Texas. Is not that the very reason for this bill the same complaint in the Navy?

Mr. BRITTEN. Yes; one of them.

Mr. BLACK of Texas. Would not the House be confronted by the same proposition if the Committee on Military Affairs brings out a similar bill applying to the Army?

Mr. BRITTEN. If the Committee on Military Affairs brings out a bill applying to the Army that is as good for the Army and for the Treasury as this bill is for the Navy, every Member of Congress should favor it.

Mr. BLACK of Texas. All the Army officers, of course, as the gentleman knows, desire promotion, and the same with respect to naval officers. I presume that is a natural attitude for these officers to occupy. The last pay bill that we passed was a bill framed by a joint committee in order that it might not be done in a piecemeal way. Now, if the Committee on Naval Affairs comes in with a bill of this kind, it seems to me we will soon have the same condition of piecemeal legislation that we had before.

Mr. VINSON of Georgia. As stated by the gentleman from Texas, there is stagnation in promotions in the Army. There would be in the Navy if they followed the same system as is followed in the Army. We are here trying to introduce a progressive system.

Mr. BRITTEN. I think that is a good suggestion from my friend from Georgia. The House has gone on record in favor of the policy of selection by merit and fitness instead of promotion by seniority. There is not a business man in this room who would promote a man by mere seniority. He would promote him on the basis of merit. But in the Army, once a boy is promoted out of the academy at West Point at the top of the class, he stays at the top of that class until he dies; and that is bad business.

Mr. LAGUARDIA. In the Army it is from a colonel up, is it not?

Mr. BRITTEN. They go up by selection and seniority.

However, this is not a pay bill, and the fact that it affects the Treasury only to the extent of $31,000 for the first three years is evidence that it is not a pay bill. It is a bill intended to provide for the uniform flow of promotions to take out the hump created by various pieces of legislation which were enacted during the war. We took men out of noncommissioned ranks and made them commissioned officers. Now they are on our hands, and we can not get rid of them. We ought not to get rid of them except in a fine, fair way.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. CELLER. May I ask the gentleman about the facts in connection with the case of Commander Alberg? That is a case, as the gentleman will recall, where a young lieutenant commander, prior to the equalization bill, would have been promoted to commandership, but as the result of the equalization bill he found himself confronted by a situation where he would have to wait for 15 years. In consequence of that he resigned his commission, and we subsequently passed a bill for his relief. Would this particular pending bill have any effect on that kind of a case?

Mr. BRITTEN. Was he in one of the staff corps?

Mr. CELLER. I do not know as to that.

Mr. BRITTEN. I think he was in the Construction Corps. He would not be affected by this. He was one of the outstanding young commanders in the service, as I recall, and the committee was inclined to do everything possible for him.

Mr. CELLER. The committee did splendidly by him.

Mr. CONNALLY of Texas. Are these enforced retirements, irrespective of age or service?

Mr. BRITTEN. No. A man can not be retired until he has had seven years in a grade.

Mr. CONNALLY of Texas. They get the retired pay, do they?

Mr. BRITTEN. Yes.

Mr. CONNALLY of Texas. In other words, when you want to promote somebody you force others out. Is not that the effect of the bill?

Mr. BRITTEN. Of course, if there are 200 lieutenant commanders and only 100 commanders, all of the junior grade officers can not be promoted. Some must go out.

Mr. CONNALLY of Texas. I do not think it should be the policy of the Navy Department to retire officers simply to make a place to promote somebody.

Mr. BRITTEN. You can not do as you would do in private business. A man in his private business might hold a man in a specific job for 40 years and increase his pay very little. But the Navy Department can not keep a specific officer for 40 years, because legislation is in existence that provides that only 4 per cent of the authorized strength of the Navy shall be line officers. If you are going to keep men in—many good men are retired

from time to time in the Navy—promotions must be provided for as an incentive to the younger men to be promoted in the course of time to the higher ranks.

Mr. CONNALLY of Texas. Is this stagnation simply the result of the rapid promotions during the war? During and after the war these men were rapidly promoted, and now they naturally have to wait longer than they would be required to wait otherwise, because of the fact that they were rapidly promoted during the war.

Mr. VINSON of Georgia. That applies to the temporary men.

Mr. CONNALLY of Texas. I am not talking about the temporary men. I am talking about the permanent men. Because of the increased personnel everybody in the Navy got an increase and a rapid promotion. In the case of the Army, boys came out of the Military Academy and in a short time became majors.

Mr. OLIVER of Alabama. Unless this legislation be passed, you would preclude those boys graduating from the Naval Academy in the next few years from being promoted. There would be no chance for promotion to the higher grades.

Mr. CONNALLY of Texas. Why not wait until these boys get out?

Mr. OLIVER of Alabama. It will occur very soon.

Mr. CONNALLY of Texas. The gentleman from Alabama was on that joint salary commission, was he not?

Mr. OLIVER of Alabama. And the gentleman from Alabama opposed that bill; and sooner or later this Congress must remedy many mistakes in the bill.

Mr. CONNALLY of Texas. Is it not true that in nearly every session of Congress we have a promotion bill from the Army or Navy?

Mr. OLIVER of Alabama. One objection to the pay bill was this—and the gentleman from Texas was opposed to it on this ground—that the bill was written in the interest of officers who were then in the service, and discriminated against officers who came into the service after July 1, 1920, and unless something like this bill is passed you discriminate further against the same class that the gentleman from Texas objected to discriminating against in the pay bill. One of the main purposes of the bill is to get rid of what the gentleman has termed war conditions so as to create a regular and equitable flow of promotions fair to those who have come into the service since July, 1920.

Mr. CONNALLY of Texas. The Army has its problem, too, because I saw in the press the other day that the greatest problem which confronts the War Department to-day is the adjustment of promotions.

Mr. OLIVER of Alabama. I do not think there is any question about that.

Mr. HUDDLESTON. And does not this bill permit the retention in the service of many who would otherwise be retired, so to that extent it adds to the blocking of promotions?

Mr. BRITTEN. I do not know what the gentleman is referring to.

Mr. HUDDLESTON. I am informed there are quite a number of officers who will have to be retired after March next, unless we pass this bill. They will have to be retired because of age or length of service, but with this bill, they will be able to retain them in the service, and it seems to me that is a queer way to promote promotions.

Mr. BRITTEN. The gentleman is in error.

Mr. CONNALLY of Texas. What I am protesting against, I will say to the gentleman from Alabama, is the idea of forcing competent officers out of the service simply to make way for the promotion of somebody else. I think that is a poor policy.

Mr. BRITTEN. May I answer the gentleman there?

Mr. CONNALLY of Texas. Yes.

Mr. BRITTEN. Unless a system is adopted providing for retirements out of the service, the time will come—and it will be within a year or two—when an entire graduating class from the Naval Academy will not be commissioned at all, but the entire class will be sent away with their graduating certificates with the words, "We have no places for you, because we have not created a proper flow of promotion in the Navy," and the entire class would go out, and, of course, the main reason for having the Naval Academy would be defeated.

Mr. CONNALLY of Texas. Could not that be remedied by reducing the number of cadets?

Mr. BRITTEN. Well, it could be done by having no cadets at all for a few years.

Mr. CONNALLY of Texas. Does not the gentleman think the purpose of having West Point and the Naval Academy would be justified if those graduating from West Point and the Naval Academy were permitted to go out into civilian life and held as a reserve there?

Mr. BRITTEN. I think that every man who comes out of the Naval Academy or West Point is a real national asset immediately.

Mr. CONNALLY of Texas. To be sure, but what excuse can the gentleman offer for retiring a captain who has 10 or 15 years yet to serve; a good man and an experienced man? What excuse is there for kicking him out and adding his name to the pay roll at three-fourths pay, simply to make provision for some other man to be promoted?

Mr. BRITTEN. There is no such parallel case in the Navy. I am talking about the men who have come out of the ranks and who are in the lower grades. They are men 40 or 45 years of age, and they are sitting at the same table with boys 22 years of age.

Mr. CONNALLY of Texas. Why could you not simply promote him without retiring him?

Mr. BRITTEN. No; he is right out of the Academy.

Mr. CONNALLY of Texas. That being so, how did he get at the same table with a man who may have had 15 years' service?

Mr. BRITTEN. The man with 15 years' service has come out of the ranks; he has worked up to ensign after years, many years. The academy graduate becomes an ensign at once. There are seven or eight hundred ex-enlisted men in the commissioned service.

Mr. CONNALLY of Texas. But that is not a comparable case. Here is a man who comes up from the ranks, and he is an old man when he gets into the commissioned service.

Mr. BRITTEN. No. He is in the service and then a war comes along with opportunity for him to be made an ensign or a lieutenant. He is a very splendid man, but he is not qualified to take an examination in geometry, the management of ships, radio, and a lot of other complicated studies which they receive at the Naval Academy. The gentleman himself, I am sure, would not want these seven or eight hundred men held in the service indefinitely.

Mr. CONNALLY of Texas. I do not see why they should not be held in the service. The gentleman says they are very efficient men.

Mr. BRITTEN. But they want to get out. There is no place for them in the service.

Mr. CONNALLY of Texas. They can resign, can they not?

Mr. BRITTEN. They can resign without pay, yes; but the gentleman would not have them do that, I am sure.

Mr. CONNALLY of Texas. Oh, the gentleman believes in padding the retirement roll with anyone who wants to get out of the Navy in order to provide opportunity for people to be promoted.

Mr. BRITTEN. Does the gentleman oppose the section in this bill that gives retirement status to these officers who have come out of the enlisted ranks?

Mr. CONNALLY of Texas. I am trying to get information about the bill.

Mr. BRITTEN. Knowing my colleague as I do, I am sure the gentleman would not oppose that.

Mr. VINSON of Georgia. These seven or eight hundred officers that came up from the ranks during the war are the ones who are creating the hump, and this bill provides for taking care of those men, and then there will be a constant flow of promotions; is not that correct?

Mr. BRITTEN. This bill aims to give them what they want.

Mr. VINSON of Georgia. Exactly; and we do not kick them out of the service.

Mr. BRITTEN. No; they are for it and I am sure the gentleman from Texas would be for it too.

Mr. CONNALLY of Texas. I am just trying to find out something about your bill.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WOODRUFF. The purpose of the bill is to take from the naval service the least efficient officers in each grade and to promote to that grade the most efficient in the next lower grade and in that way promote the efficiency of the entire Naval Establishment, is it not?

Mr. BRITTEN. Yes.

Mr. KETCHAM. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. KETCHAM. I read from the letter of the Secretary of the Navy, on page 3 of the report, this language:

> The increased cost of the system by the enactment of this bill will be approximately $31,000 for the years 1929, 1930, and 1931—

and then this very interesting language:

> And thereafter will disappear.

Of course, this is very encouraging, but will the gentleman, before he takes his seat, make plain to those of us who are just ordinary landsmen how that will work out?

Mr. BRITTEN. Yes. Under existing law a lieutenant commander may be drawing more pay than a commander. Rank does not establish pay. Length of service does, and through his length of service he goes through various pay periods and a stagnation in the line, such as presented here, while it takes away from a man his opportunity of promotion to the next higher grade, does not take away from him his right of increased pay because of longevity, so that at the end of three years this $31,000 per annum will stop. It will simply fade away through the operation of these various pay periods.

Mr. KETCHAM. Then pay is reckoned more upon service than upon rank?

Mr. BRITTEN. Almost entirely so. Rank has little to do with pay.

Mr. DOWELL. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. DOWELL. Does the gentleman hold that the pay of the one who takes the place of the retired officer, with his three-quarters pay, would be less than such officer would be receiving himself?

Mr. BRITTEN. I do not know that I get that.

Mr. DOWELL. Does the gentleman contend that the pay of the one who takes the place of the one retired, and the three-fourths pay that would go to the retired one, would be less than would be paid if he remained in the service?

Mr. BRITTEN. Oh, no; but retirements are made every year. This bill provides not only for a uniform flow of promotion, but practically a uniform flow of retirement, and when you retire a man, very often you save the Treasury money, because you only have so many men in the service anyway. There are 5,499 line officers in the service.

Mr. DOWELL. I accept the gentleman's argument so far as the benefit to the service is concerned, but on the question of the charge on the Treasury, it seems to me his statement would not be correct. The fact is that when you retire an officer on three-fourths pay you place another officer in his stead.

Mr. BRITTEN. That is true.

Mr. DOWELL. And the retired pay and the salary of the officer appointed in his stead will be more than the officer would be receiving if he remained in the service.

Mr. BRITTEN. Yes; and in the natural flow of human life, about the time one officer is getting on the retired list some one else is finding his way into the great beyond, and the pay in that way is equalized. That is the way they have figured this out, over a period of years.

Mr. DOWELL. But, of course, every one you retire is placed on the pay roll.

Mr. BRITTEN. That is true.

Mr. DOWELL. And that will increase just as long as you keep retiring them.

Mr. BRITTEN. True.

Mr. DOWELL. Then this cost will not stop, as stated in the report on the bill.

Mr. BRITTEN. I get the gentleman's point exactly. The gentleman shows two men on the pay roll rather than one, but the man who has come up and who has taken the other man's place might have been drawing the same pay.

Mr. DOWELL. Yes; but there must be some one coming up in rank.

Mr. BRITTEN. Way down below some one from the academy comes in, and up above some admiral will be drawing much more retired pay than this one man.

Mr. DOWELL. And on the whole this is an enlargement and an amplification of the entire service.

Mr. BRITTEN. Not in dollars and not in actual numbers.

Mr. VINSON of Georgia. And not in officers.

Mr. BRITTEN. I say not in actual number of officers.

Mr. TILSON and Mr. WOODRUFF rose.

Mr. BRITTEN. I yield first to the gentleman from Connecticut.

Mr. TILSON. I am interested in section 6, which seems to provide pay at the rate of 2½ per cent of their active-duty pay, multiplied by the number of years of service. How does this modify the present pay bill?

Mr. BRITTEN. It does not change it a particle. That language, up to 75 per cent of the pay, has been in existence for many years. In other words, a man may retire, and 2½ per cent on so many years will not reach 75 per cent, then he would only get that percentage of his pay.

Mr. TILSON. Does this modify in any way the pay as it is now carried in the pay act?

Mr. BRITTEN. No; it is the same language.

Mr. VINSON of Georgia. No change was made in the pay bill.

Mr. LAGUARDIA. Mr. Chairman, I want to call the attention of the House to the fact that the great confusion in understanding this bill is that that promotion has absolutely nothing to do with the pay. My objection to the bill at this time is that it will not bring the relief that is necessary in the Navy at this time. The morale of the Navy has been shot to pieces on account of the existing confusion in the present pay law. We should take the matter up as a whole and correct existing evils and not piecemeal as this bill will do.

As stated by the chairman, there are junior officers receiving more pay than the officers who command them. What I would like to suggest to the committee, and I think we might as well do it this afternoon, is to abolish the existing discrimination against officers of the Navy who have as a matter of record no dependents.

Let me illustrate: Take the United States battleship *Maryland*. The highest paid officer on that battleship is the doctor. He holds the rank of commander of the Medical Corps, and he receives more pay than the captain of the ship. Then there is the commander, the executive officer, immediately subordinate to the captain, and he receives more pay than the captain of the ship. That is due to the fact that the captain is not a married man. He is the highest ranking officer on the ship; he has the longest service of any officer of the ship—but because he has no dependents he is third in rate of pay.

Mr. VINSON of Georgia. Is it not a fact that Congress passed the pay bill on the basis of longevity and not on rank?

Mr. LAGUARDIA. Partially; the trouble here is that you have given the greater allowances to officers who happen to be married or have dependents. If you would wipe out that, you would remove the evil that exists to-day.

Mr. VINSON of Georgia. The fundamental principle was longevity and not the rank of the officer. For that reason probably the doctor has had a longer service than the captain.

Mr. LAGUARDIA. No. The doctor has 27 years' service and the captain has 33 years. The one is married, the other is not. Longevity is not the only factor that enters into the discrimination.

Mr. VINSON of Georgia. You penalize a man for being a bachelor.

Mr. LAGUARDIA. Can the gentleman give any sound reason for that condition?

Mr. VINSON of Georgia. But we have not come to that question yet. There is nothing in this bill that has anything to do with the pay.

Mr. BRITTEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BRITTEN. The Committee on Naval Affairs has before it at this moment a bill presented by the gentleman from New Hampshire [Mr. HALE] which seeks to do the very thing the gentleman from New York is objecting to. I will agree with him in the point that he is making.

Mr. LAGUARDIA. Let me say right here that to-day is Calendar Wednesday and the Naval Committee is in charge. They will have another day a week from to-day or possibly two weeks from to-day. If you do not get that bill up next Wednesday, when you have the call, you will not get it up at all. Are you ready to come back with the Hale bill?

Mr. VINSON of Georgia. My understanding is that the Hale bill comes up for hearing on Friday morning. We are endeavoring to correct these things now, and we will endeavor to correct the others as soon as we have the opportunity.

Mr. LAGUARDIA. Yes; but you can not bring up the morale by telling the officers that the Naval Affairs Committee will give them a hearing in the future. You must remove the discrimination that gives these married officers and officers with the dependents a greater allowance while on sea duty. If the committee wants to adjust matters and bring up the morale of the Navy, which is all shot to pieces, not only by officers discriminated against, but by the officers who receive the benefits of this stupid law, they should give the assurance that they will bring up the matter at the earliest possible moment. I do not see why you did not correct these conditions in this bill now before us.

Mr. VINSON of Georgia. We did not want to deal with the personal pay in this bill. We wanted to take each one separately.

Mr. LAGUARDIA. Then I understand the gentleman from Georgia to say that he is in favor of the Hale bill?

Mr. VINSON of Georgia. I shall make no statement of my position upon that until the hearing has been had, because it would be improper to do so, but we will have a hearing on Friday and if possible we will give the matter prompt consideration.

Mr. LAGUARDIA. I shall take my chances on that and after talking with several members of the Naval Committee I feel that the Hale bill will receive favorable consideration—but I want to emphasize the necessity for prompt action.

The CHAIRMAN. If there be no further general debate the Clerk will read the bill for amendment.

The Clerk read the bill a second time.

Mr. BRITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, and had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPOINTMENT OF RADIO ELECTRICIANS TO THE GRADE OF ENSIGN

Mr. DARROW. Mr. Speaker, I call up the bill H. R. 5528, to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk reported the title of the bill.

Mr. DARROW. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That electricians, radio electricians, chief electricians, and chief radio electricians shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, machinists, chief boatswains, chief gunners, and chief machinists to that grade.

Mr. DARROW. Mr. Speaker, the only purpose of this bill, as the text so clearly indicates, is to permit electricians, radio electricians, and chief electricians and chief radio electricians to take the examination, and if qualified, under existing law, to be appointed to the grade of ensign. It was supposed under the law passed on March 4, 1928, that they would have this privilege. That was the law that designated these new titles. The law provided that they should have the same rank, pay, and allowances that they had been receiving as when designated under the title of gunners for the various grades; but under a ruling, because it does not apply to all warrant officers, that privilege has been denied them. This does not entail any additional cost, and, in fact, as ensigns they will receive less pay than they would as warrant officers. It opens the door of opportunity for them to receive a commission as ensign and a further opportunity for advancement, provided they show proper efficiency.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DARROW. Yes.

Mr. TILSON. Are these petty officers or warrant officers?

Mr. DARROW. They are warrant officers.

Mr. TILSON. Are they not eligible now to take the examination for appointment to the grade of ensign?

Mr. DARROW. No; under the ruling of the comptroller. The term that designates them in the old law granted that privilege of receiving an appointment as ensign, but it designated certain grades and it does not include the grades of paymaster, pharmacist, or carpenter, who, by the very nature of their occupation and qualifications, are not eligible for appointment to a commission in the line.

Mr. TILSON. What this bill really does, then, is to include in the same general classification of boatswains, gunners, machinists, chief boatswains, chief gunners, and chief machinists, the grades of electrician, radio electrician, and chief radio electrician, which are in fact all positions of recent development.

Mr. DARROW. Yes; it was only recently that the position of radio electrician has been developed, and there were no such positions or designations when the original act was passed in 1901.

Mr. TILSON. Then all this bill does is to give them the same status, so far as appointment to the grade of ensign is concerned, as machinists, gunners, boatswains, and so forth?

Mr. DARROW. That is all; absolutely nothing else.

The SPEAKER. There being no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETIRED AND TRANSFERRED MEMBERS OF THE NAVAL RESERVE FORCE, NAVAL RESERVE, AND MARINE CORPS RESERVE

Mr. MILLER. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington calls up the bill H. R. 8537, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the assignments of provisional ranks, grades, or ratings heretofore made to members of the Naval Reserve Force or Marine Corps Reserve, including the assignments of higher provisional ranks, grades, or ratings than those first assigned, are hereby validated and shall be conclusive for all purposes, from the dates of such assignments. The transfers to the retired list of all members of the Naval Reserve Force or Marine Corps Reserve heretofore made in the provisional ranks or grades held at the date of their retirement are hereby validated and shall be conclusive for all purposes.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the section. With regard to this section the Secretary of the Navy, in a letter to the Speaker of the House of Representatives on December 22, 1927, said:

Under the provisions of the act creating a Naval Reserve Force of August 29, 1916 (39 Stat. 587, 593), the Navy Department, acting under the opinion of the Attorney General (31 Op. Atty. Gen. 173), assigned in some cases a higher provisional rank than that assigned the reserves when first enrolled or transferred. Subsequently some of these reservists were retired in the higher provisional grade so assigned. The Comptroller General has ruled that retired reservists are only entitled to the retired pay of the highest confirmed rank in which they served, regardless of the actual provisional rank in which they had served or were serving at the time of their retirement (Comp. Dec. A–17028 of May 3, 1927). The Comptroller General has, however, allowed the payments made to the reservists affected prior to April 1, 1927. On July 1, 1925, provisional ranks were abolished and retirement in such ranks can not be made under the present law. The annual cost, if the proposed legislation is enacted, will amount to approximately $14,715.

Now, from a reading of that paragraph it is, especially to one who is not technically posted on these matters, apparent that the situation was that the Navy Department was appointing men to higher provisional rank largely for the purpose of increasing retirement pay. In other words, when these officers reached near the retirement stage they were given what is known as "provisional" rank, a higher rank than their confirmed rank, and of course they were retired at a larger pay. Now, the Comptroller General has ruled that was illegal, that Congress had made no provision for that, and the Navy Department had no authority to do it. Now, that is the situation as it appears to me, and if Congress comes along at this time and ratifies something that was not right in the first instance——

Mr. MILLER. I can answer the gentleman from Texas by saying the Attorney General has delivered an opinion that the Navy Department could do that; that then there arose a difference in the interpretation of the same statute, one interpre-

tation by the Attorney General and the other interpretation by the comptroller. The Navy Department followed the interpretation by the Attorney General.

Mr. BLACK of Texas. Evidently the Congress follows the Comptroller General because by law we have provided the Navy Department can no longer retire these men at their provisional rank, but must retire them at their confirmed rank.

Mr. MILLER. There are about 21 officers in the Navy to be affected in this manner. The first section of the bill applies to commissioned officers, the second to enlisted men. We are now dealing with that section of the bill applying to commissioned officers. There are about 21 men in the Navy who ought to have the privilege of retiring on the same basis that their fellow officers had who retired prior to the abolishment of this procedure.

Mr. BLACK of Texas. As I understand this provision, it affects those men who are retired in their provisional rank and affecting whom the Comptroller General has held that they were not legally retired at that rank.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLACK of Texas. I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK of Texas. Now, is it not a fact that these men were advanced to these provisional grades before their retirement for no other purpose than they might receive a greater retirement pay?

Mr. MILLER. No; the gentleman can not be borne out by any record of the Navy Department that such is the fact. They retired those gentlemen under the interpretation as given by the Attorney General of the United States, not for the purpose of giving them an advanced retirement status at all.

Mr. BLACK of Texas. Why were they given this provisional rank rather than given their confirmed rank?

Mr. MILLER. I do not know any reason for that, other than advancing these gentlemen according to the merits of the officer on the basis of ability and efficiency.

Mr. BLACK of Texas. Mr. Speaker, I think this particular section ought to go out of the bill for the very simple reason that if one reads the report of the committee he can only gather the justifiable inference that these men were given a provisional rank a short time before their retirement in order that they might draw the larger retirement pay than they otherwise would be given, and the Comptroller General, in discharging the duties imposed upon him by the Congress, has held that that was an illegal retirement, that they can only draw the pay of their confirmed rank, and Congress has given approval to the holding of the Comptroller General by passing a law on July 1, 1925, abolishing provisional rank, and retirement at such rank can not be made now under the present law.

Mr. MILLER. Does the gentleman think the reason Congress enacted a law prohibiting provisional appointment was to eliminate this dispute which had arisen between the naval department and the Comptroller General?

Mr. BLACK of Texas. It has been my experience that the effect of a situation like this is to provide greater retirement pay, and the gentleman knows that already the Treasury of the United States is greatly burdened by the appropriations for Navy and Army officers who are on the retired list. It promises to become more burdensome in the future rather than less.

The Congress has created the office of the Comptroller General for no other purpose than to see to it that the appropriations are expended as Congress intended they should be expended, and not as interpreted by the various departments of the Government.

Mr. MILLER. Mr. Speaker, will the gentleman yield for a short question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. MILLER. The Navy Department was placed in this situation: The Attorney General of the United States advised the Navy Department that they had a right to retire these officers according to the provisional rank held by the officers at the time of their retirement, and they proceeded according to that opinion of the Attorney General. Afterwards the Comptroller General ruled that the Navy Department was in error, and that they had no right to retire officers at a higher rank than the confirmed rank. Now, some of these officers have been retired, and the Navy Department wants to validate the retirements.

Mr. BLACK of Texas. They want to validate the retirement pay of this limited number of officers when Congress itself, on July 1, 1925, by an affirmative act, provided that the provisional rank should be abolished and that no longer should officers be retired on that basis.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. Let me ask the gentleman from Texas this question: On whom should the Department depend for legal advice? They referred the question to the Attorney General and received his opinion. Is it not incumbent on the Department to adhere to the decision of the Attorney General? They did that.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. May I have five minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK of Texas. I think there are many legal matters on which the Navy Department should have the legal opinion of the Attorney General and be guided thereby. But when it comes to the interpretation of the meaning and intent of Congress in expending an appropriation, we have set up an agency for that particular purpose, viz, the Comptroller General; and I hold that the Navy Department should submit those matters to the Comptroller General. I know that they do not want to do it. I know also that the War Department and other departments of the Government as a general rule do not want to submit these matters to the Comptroller General. There is sometimes a conflict in opinions between the Attorney General and the Comptroller General, and it is a matter of surprise to me that Congress itself, which created the office of the Comptroller General for the purpose of seeing that the money is spent as Congress intended it should be spent, more often yields to the various Government departments and takes the side of the departments rather than the Comptroller General when the Comptroller General has made a contrary decision to the wishes of the departments.

Mr. VINSON of Georgia. The reason for that is that the Comptroller General, regardless of the views of Congress, passes on these matters.

Mr. BLACK of Texas. I do not think the gentleman is correct in that. I do not think our present able Comptroller General is arbitrary in his decisions. On the contrary, I think he has exhibited in most instances a large amount of courage and splendid, good judgment, and has saved the Government of the United States millions of dollars by having some backbone—a thing that we need sorely in the administration of some of the Government departments.

Mr. VINSON of Georgia. If those decisions are not arbitrary, why does Congress reverse his rulings?

Mr. BLACK of Texas. Because the committees of Congress are largely influenced by the departments, with which they are in closer contact.

Mr. VINSON of Georgia. Is it not because the Congress knew what they intended to do when they passed the act?

Mr. BLACK of Texas. No. It is on account of the influence of the departments, with which they are in closer contact.

Mr. BRITTEN. The men covered by this provision had a provisional rank not for a small number of days but for a number of years.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BRITTEN. May I ask that the gentleman be allowed to proceed for three minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. BRITTEN. The fact that the men had provisional rank for a number of years and were retired in that provisional rank is different from a case where a man has had provisional rank for only a week or month or a short period and then his retired pay amount is opposed by the comptroller; it is quite different in the case under consideration now. These men had a rank for a number of years. They did the duty of that rank, and they were retired with that rank, and the presumption of the department as well as the assumption of the man himself was that he was retired within the grade and with the retired rank and pay of his grade. It developed afterwards that the Comptroller General said, "Mr. Secretary, you are in error. Notwithstanding their length of service and rank, they can not be retired as you have done it." The department now is trying to rectify by this legislation its own mistake.

Mr. BLACK of Texas. The report of the committee does not give us any information as to the length of service of these men. I regret that the bill came up without previous notice. Under the circumstances I could not inform myself on that particular point. My position is based on the general policy

of the department to endeavor to have Congress by special enactment to overcome the decisions of the Comptroller General. There are probably times when it ought to be done. There are times when a decision of a court ought to be corrected by an affirmative act. But I am not sure that this is one of those cases. I think the Comptroller General was right in his ruling.

Mr. BRITTEN. We hope the gentleman will not oppose this legislation.

The SPEAKER. Does the gentleman from Texas desire a vote on his amendment?

Mr. BLACK of Texas. I desire a vote; yes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, strike out all of section 1.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk concluded the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARE AND TREATMENT OF NAVAL PATIENTS IN OTHER GOVERNMENT HOSPITALS THAN NAVAL HOSPITALS

Mr. ANDREW. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up H. R. 7209, to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts calls up a bill which the Clerk will report, and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Secretary of the Navy may provide for the care and treatment of naval patients on the active or retired list and members of the Naval Reserve entitled to treatment in naval hospitals in other Government hospitals when appropriate naval hospital facilities are not available and the Government agencies having control of such other hospitals consent thereto. All expenses incident to such care and treatment received by naval patients in other Government hospitals, excepting St. Elizabeths Hospital, shall be chargeable to the same appropriation or fund as would be chargeable with the care and treatment of such patients in a naval hospital: *Provided*, That the deductions authorized by sections 4812 and 4813, Revised Statutes, shall apply to such care and treatment in other Government hospitals, except St. Elizabeths Hospital, and shall be credited to said appropriation or fund: *Provided further*, That nothing in this act shall be construed as authorizing the payment of any transportation except as authorized by existing law.

With the following committee amendments:

Page 1, line 5, after the word "Reserve," insert the words "or Marine Corps Reserve."

Page 2, line 8, after the word "fund," strike out the remainder of the paragraph.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC QUARTERS FOR THE CHIEF OF NAVAL OPERATIONS

Mr. HANCOCK. Mr. Speaker, by direction of the Committee on Naval Affairs I call up H. R. 13370, authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia, and I ask unanimous consent that Senate bill 4402, an identical bill and which has already passed the Senate, be substituted for the House bill.

The SPEAKER. The gentleman from New York calls up the bill H. R. 13370 and asks unanimous consent that Senate bill 4402 be substituted for the House bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to assign to the Chief of Naval Operations the public quarters constructed under the authority of a provision contained in the act of March 2, 1891 (28 Stat. L. 806), for the official residence of the Superintendent of the Naval Observatory in the District of Columbia.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. HANCOCK. For the purpose of speaking against the bill but not for the purpose of offering an amendment.

Mr. LAGUARDIA. I have the right to offer an amendment.

Mr. HANCOCK. Mr. Speaker, I yield all the time the gentleman wishes to speak against the bill, but not for the purpose of offering any amendment.

The SPEAKER. The gentleman declines to yield.

Mr. LAGUARDIA. I will speak against the bill, and you are going to have a roll call if you are going to take advantage of the situation. If that is the position the gentleman takes, we can both play at the game. It was understood that I should offer an amendment.

Mr. BRITTEN. That is right.

Mr. LAGUARDIA. But the gentleman from New York refuses to yield for that purpose.

Mr. HANCOCK. My instructions were to use all fair parliamentary means to pass this bill. If this is unfair, I am perfectly willing to withdraw my objection. I am informed by the chairman of the committee that I should not insist on my objection, so I yield to the gentleman for the purpose of offering any amendment he sees fit to offer.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: At the end of the Senate bill insert the following:

"SEC. 2. That for the purpose of constructing an official residence for the Superintendent of the Naval Observatory in the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that the amendment is not in order. It is not germane to the bill.

Mr. LAGUARDIA. It certainly is.

The SPEAKER. The Chair will hear the gentleman.

Mr. BLACK of Texas. Mr. Speaker, this bill authorizes the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters constructed for the Superintendent of the Naval Observatory in the District of Columbia. It covers only that one subject. There are already quarters for the Superintendent of the Naval Observatory.

Mr. LAGUARDIA. But you are putting him out.

Mr. BLACK of Texas. And it is proposed to assign those quarters to the Chief of Naval Operations. The gentleman from New York is now offering an entirely new proposition, that of constructing another residence for the Superintendent of the Naval Observatory, which is entirely another subject and is not germane to the bill under consideration.

Mr. LAGUARDIA. Mr. Speaker, I insist that my amendment is germane in that the very purpose of the bill is the use of the quarters now assigned by law to the Superintendent of the Naval Observatory by putting the Superintendent of the Naval Observatory out of those quarters and putting the Chief of Naval Operations in. Therefore an amendment providing quarters for this officer is germane. If it is not germane here, it would not be germane anywhere. The two subjects are related.

The SPEAKER. The Chair thinks that the construction of a new residence is an entirely different subject and that an amendment providing for such construction is not germane. Therefore the Chair sustains the point of order made by the gentleman from Texas.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MEETING OF CERTAIN STATE DELEGATIONS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and gentlemen, I have been requested by interested Members of the House and

Senate to ask Members from the following States, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, Missouri, Tennessee, Arkansas, Oklahoma, Iowa, Louisiana, and Minnesota, to meet in the caucus room of the majority in the House Office Building to-morrow morning at 11 o'clock for the purpose of discussing and devising ways and means of meeting a situation which is of great importance to the Gulf ports and the South Atlantic ports and these sections of the country served by those ports. I sincerely trust there will be a large attendance to-morrow morning at 11 o'clock at the place designated. Ocean rates and the necessity of preserving the Gulf and South Atlantic ports upon a parity with North Atlantic ports will be the subject of discussion.

I thank you, Mr. Speaker.

LEAVE OF ABSENCE

Mr. WELSH of Pennsylvania. Mr. Speaker, I desire to make application for indefinite leave of absence for my colleague, Hon. BENJAMIN GOLDER, due to the severe and critical illness of his brother in California.

The SPEAKER. Without objection it is so ordered.

There was no objection.

By unanimous consent leave of absence was granted to—

Mr. MEAD, for three days, on account of death in his family.

Mr. WAINWRIGHT, for December 5, on account of death of a close friend.

Mr. BELL, for one week, on account of important business.

Mr. CROSSER. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. FLETCHER, on account of illness.

The SPEAKER. Without objection it is so ordered.

There was no objection.

ADDRESS OF PRESIDENT COOLIDGE TO THE PEOPLE OF VERMONT

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the President at Bennington, Vt., on the 21st of September, 1928.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, President Coolidge, on invitation of Gov. John E. Weeks, visited Vermont last September to see what progress had been made by the people of the State in rehabilitating the flood-devastated regions and to visit Burlington, the birthplace of Mrs. Coolidge, and Plymouth, his own birthplace. The presidential party traveled over the Central Vermont and Rutland Railroads, where opportunity was given to see those sections which were worst damaged by the flood of 1927. At Bennington, on the 21st of September, President Coolidge made the following speech, which I include under leave to extend my remarks in the RECORD:

My fellow Vermonters, for two days we have been traveling through this State. We have been up the east side, across and down the west side. We have seen Brattleboro, Bellows Falls, Windsor, White River Junction, and Bethel. We have looked toward Montpelier. We have visited also Burlington and Middlebury. Returning we have seen Rutland.

I have an opportunity of visiting again the scenes of my childhood. I want to express to you, and through the press to the other cities of Vermont, my sincere appreciation for the general hospitality bestowed upon me and my associates on the occasion of this journey.

It is gratifying to note the splendid recovery from the great catastrophe which overtook the State nearly a year ago. Transportation has been restored. The railroads are in a better condition than before. The highways now are open to traffic for those who wish to travel by automobile.

Vermont is a State I love.

I could not look upon the peaks of Ascutney, Killington, Mansfield, and Equinox without being moved in a way that no other scene could move me.

It was here that I first saw the light of day; here I received my bride; here my dead lie pillowed on the loving breast of our everlasting hills.

I love Vermont because of her hills and valleys, her scenery and invigorating climate; but, most of all, because of her indomitable people. They are a race of pioneers who have almost beggared themselves to serve others. If the spirit of liberty should vanish in other parts of the Union, and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little State of Vermont.

TOLL BRIDGES

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an analysis of a bill that I propose to introduce.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the question of continuing the present policy of the Congress of granting franchises to professional promoters without regard to public interests to construct and operate toll bridges connecting county, State, and national highways is one of such importance that it should receive attention before any additional grants are extended.

I have given a great deal of study to this problem, have made such investigations as my time would permit, and after securing the views of the Bureau of Public Roads of the Department of Agriculture, the American Automobile Association, and the National Association of State Highway Officials, have prepared a bill which I introduced to-day advancing the thoughts of these well-posted individuals upon this most important subject. The bill is offered as a substitute for the existing bridge act of March 23, 1906.

A bill originally prepared by the National Association of State Highway Officials was introduced in the Sixty-ninth and present Congresses. This measure contained numerous objectionable features which have been eliminated, and in lieu thereof I substituted suggestions of the Bureau of Public Roads.

I might say that the Bureau of Public Roads, the National Association of State Highway Officials, and certain officials of the American Automobile Association have not only looked with favor upon the measure as now drawn, but are ready and willing to appear before the Committee on Interstate and Foreign Commerce to urge favorable action.

In the last session of Congress a great deal of time was consumed in the consideration of bridge bills. Indisputable facts were presented to the House which proved beyond question professional promoters, who could be classed as high-powered salesmen, secured and sold for their financial benefit franchises from the Congress without as much as spending one cent of their own money in the construction of bridges. Public interests were disregarded. Not only bonds but stock were issued. The bridge, if constructed, was built with funds secured from the sale of securities to the public, the promoters stepping out when they secured their fees for the assignment of the franchise, leaving the bondholders to hold the bag in the event the project failed to prove successful.

In one instance I showed where a man who had been convicted on a plea of guilty to defrauding the United States Government of income tax, who was fined by a Federal judge, and who was required to pay the Government over $100,000 taxes and penalties, had secured either in his own name or in the name of corporations which he promoted, over 30 franchises.

Other Members joined me in preventing the passage of additional bills in which it was known this man, E. M. Elliott, had an interest. It was thought he had been eliminated from the picture, but in the closing week of the last session I was advised by Judge Sinnott, of Oregon, that Elliott was in correspondence with citizens of his State seeking their cooperation in the promotion of toll bridges in Oregon.

I was informed by the officials of the Oregon State Highway Commission that the commission was opposed to the construction of privately owned, operated, and controlled toll bridges; in fact, the citizenry of that State is opposed to toll bridges or toll roads of any kind or character, but insist if toll bridges or toll roads must be constructed they should be constructed, owned, and operated by the public. I am in full accord with this declaration of policy.

For the information of Members of the House, as well as citizens who the promoters seek to induce to secure franchises for them, I include in my remarks the letter written the State highway engineer of Oregon by E. M. Elliott:

E. M. ELLIOTT AND ASSOCIATES (INC.).
Chicago, March 29, 1928.

Mr. RAY A. KLEIN,
State Highway Engineer, Salem, Oreg.

DEAR MR. KLEIN: The time has come when it is incumbent upon us to advise you of certain of our proposed operations having to do with your State both in so far as intrastate, as well as interstate, bridges are concerned.

E. M. Elliott & Associates is a corporation organized under the laws of the State of Illinois, the business of which is to promote, finance, design, construct, operate, and maintain toll bridges, ferries, and to build wharves, landings, and the like, and to make land by reclamation, and in general to promote, finance, and construct things physical.

We have adequate banking connections with which to finance anything an analysis of which would indicate it to be economically practicable.

At our instance, for instance, the J. G. White Engineering Corporation is building numerous bridges—other banking houses are building other bridges and doing other things for us.

We have very carefully analyzed the potential bridge at Astoria and it looks good. We have certain franchises and are undertaking to procure other franchises. Likewise, we have franchises, both granted and pending, in Washington and Oregon.

Will you be kind enough to indicate to us the attitude of your department relative to the building of toll bridges within the limits of your State; likewise, interstate toll bridges. We are cognizant of the best interests of the people and we are anxious at all times to protect them, as may be evidenced in the sample franchise which is a part of the inclosed questionnaire.

In every instance we include in our congressional act a proper recapture clause.

After quoting the recapture clause now being placed in all toll bridge bills the letter proceeds as follows:

Will you be kind enough to give us your version of the subject matter as in the premise at your early convenience, and greatly oblige.

Very truly yours,

E. M. ELLIOTT & ASSOCIATES.
E. M. ELLIOTT.

The Portland Oregonian of the 29th of last month, a very reliable newspaper, contained an item under an Astoria, Oreg., headline stating the chamber of commerce of that city had received a telegram from Elliott reading as follows:

Steinman's Astoria report enthusiastically received by interested parties.

The Steinman referred to is said to be a New York bridge engineer. The article also stated that Elliott's firm known as E. M. Elliott & Associates, of Chicago, represented interests considering the bridge project at Astoria.

The State officials have no voice under existing law, for if Congress grants consent for the construction of a toll bridge the courts have held it can be constructed even though the State is opposed to toll bridges. The bill I introduced extends authority to the various States which will enable the people to prevent construction of toll bridges if they so desire.

Elliott, who leaves the picture as soon as he sells the franchise, states in this letter his corporation has certain franchises and is undertaking to procure other franchises; that they have franchises, both granted and pending, in Washington and Oregon, he says.

Is the Congress to permit this man to carry on his operations? Will the membership of this House grant additional franchises to Elliott, who was securities sales manager for the Gandy bridge in Florida, official records showing it cost less than three million to construct, and for which nearly $5,000,000 in securities were issued?

Elliott is not alone as a professional toll-bridge promoter. There are probably a dozen or more engaged in the same business. The Bureau of Public Roads and the various State highway officials have been handicapped in their attempt to secure information in reference to cost of promotion and financing, cost of construction, and amount of revenue earned by toll bridges. The promoters decline to advance the information when called upon. If the facts can not be secured in any other way, they can be secured by a congressional investigation.

Promoters actually have representatives here in Washington. They have visited my office and I have seen them pacing the Halls of the House Office Building and Capitol. I have seen them sitting in the gallery on unanimous-consent day waiting for action on bills on the calendar. Elliott's representative was here during the closing days of the last session and could be seen daily about the House Office Building and in the Capitol.

It took over a hundred years to eliminate the toll roads. Are the old toll roads to be replaced with toll bridges with the consent of the United States Congress?

Bridges are a necessity, but they should be constructed and operated not by private individuals and corporations, but by the State or States or by some subdivision thereof.

The attention of the Members of the House is directed to the annual report of the Chief of the Bureau of Public Roads on this subject. He points out the necessity of immediate action by the Congress. National and State highways are now connected by toll bridges over navigable streams throughout the country. Unless Congress calls a halt there will soon be 500 such structures.

In my own State—Missouri—at the November election, the citizenry of the State approved a $75,000,000 road-bond issue. I am pleased to say the authorization included in the amendment to the State constitution, which passed by a large majority, provisions for the construction of bridges connecting State highways. In view of this provision there is no necessity for the passage of any bills granting permission to private individuals to construct bridges in Missouri other than railroad bridges, and I feel the members of the Missouri delegation will join me in preventing the passage of any such bills in the future.

Missouri has spent $90,000,000 in the last five years in the construction of concrete roads, not speaking of additional millions collected from automobile taxes and gasoline taxes, practically all of which has been applied for the upkeep of and construction of roads; $75,000,000 additional has now been authorized, and added to this will be $37,500,000 received under the Federal aid act, or a total of $112,500,000. The people wisely concluded if their money could be used for the construction of roads it also could be used for the construction of bridges to connect the roads within the boundaries of the State.

We have a paved highway from St. Louis to Jefferson City, the capital of the State, but if one desires to travel over these concrete roads to reach the capital it is necessary to cross two toll bridges. I am happy to say, however, the two bridges have been purchased by counties, and the revenue derived from tolls will soon retire outstanding bonds and the bridges will become free.

Numerous toll bridges have probably been constructed without authority over navigable streams. My attention was directed to the opening of a toll bridge over the Gasconade River in Phelps County, Mo. Failing to recall that Congress had granted permission for the construction of this bridge, I addressed a communication to the United States district engineer at Kansas City asking under what authority the bridge had been erected. He replied that my letter was the first information his office had ever received that a bridge was located at that place. On a visit to our State capital I called on the chief engineer of the State highway commission. He informed me I must be mistaken as to the location, but when I insisted that the bridge was not only constructed but operating and charging tolls, he stated he would send one of his assistants to the place and let me hear from him. This was in September, but as yet I have not heard from him. Despite the fact that these two public agencies had never heard of this bridge, it is to-day, and has been for months, operating and charging tolls.

For the information of the membership of the House I offer as part of my remarks a synopsis of bill entitled "A bill to regulate the construction of bridges over navigable waters of the United States and for other purposes."

PURPOSE OF BILL

The bill is designed to relieve Congress of the burden of giving consideration to the increasing number of bills introduced each session for the construction of bridges over navigable waters and to place such authorizations in the hands of the Secretary of War, in so far as the interests of navigation are concerned, and in the hands of the Secretary of Agriculture of the United States and the highway departments of the respective States, in so far as the interests of highway traffic are concerned.

APPROVAL REQUIRED

The bill provides (sec. 1) that before any bridge over any navigable water shall be constructed, or the construction thereof commenced, the location and the plans and specifications shall be submitted to and approved by the Secretary of War and by the Chief of Engineers as being satisfactory, in so far as navigation is concerned; and that the construction of no such bridge, which is to be a privately owned toll bridge, shall be commenced upon the system of Federal aid highways or the system of State highways, or upon any highway constituting a direct or immediate extension of either such highway systems or forming a connection between two routes embraced therein, until the location, design, plans, specifications, and contract for its construction shall have been submitted to and approved also by the highway department of the State in which located and by the Secretary of Agriculture, as being satisfactory from the standpoint of cost and traffic. In the case of any such privately owned toll bridge between two or more States, approval from the standpoint of cost and traffic shall be by the highway department of each interested State, and in the event of inability, failure, or refusal on the part of the highway departments of such States, or any of them, to give such approval, the same shall be submitted to the Secretary of Agriculture, and if approved by him, approval by the highway departments shall not be required. All such privately owned toll bridges, both during construction and upon final completion, shall be subject to inspection and approval by the highway departments of the States in which located; shall be maintained in a manner satisfactory to such highway departments; and the annual expenditures for maintenance, repair, and operation shall be subject to approval by the highway departments.

IF NAVIGATION OBSTRUCTED

If (sec. 2), in the opinion of the Secretary of War, any bridge erected or maintained under the provisions of the bill shall unreasonably obstruct free navigation of the waters over which it is built, the Secretary of War, after giving interested parties reasonable opportunity to be heard, shall notify the persons owning or controlling such bridge, at their expense, to so alter the same as to remove such obstruction.

REGULATION OF TOLL CHARGES

The collection of tolls for transit over any such privately owned bridge shall be illegal unless the approval required by the bill shall have been obtained. (Sec. 1, sec. 5, par. c.) Toll charges shall be just and reasonable and when for a bridge wholly within one State shall be subject to approval and revision from time to time by the highway department, or other State body in which such legal authority may be vested. In the case of any such bridge between two or more States, said tolls shall be subject to approval and revision by the legally empowered authorities of all such interested States, acting jointly, or by the Secretary of War in event of inability, failure, or refusal on the part of such interested States to fix and agree upon the rates. The proceeds of the tolls collected shall be used, first, to pay reasonable maintenance, repair, and operation costs; second, to pay not to exceed 7 per cent on the cost of the bridge as finally determined in accordance with the provisions of the bill; and, third, one-half of any funds then remaining shall be retained by the owners of the bridge and the other half shall be paid into the treasury of the State and credited to a sinking fund to be used by such State in acquiring the bridge, and the highway department of the State shall have the authority at any time to utilize said sinking fund, or any portion thereof, for purchasing and retiring any outstanding obligations legally incurred against such bridge. (Sec. 3.)

STATES OR SUBDIVISIONS MAY BUILD AND OPERATE TOLL BRIDGES

Any bridge which will exceed in cost the public funds which reasonably may be applied thereto may be built by the State or by any political or other subdivision thereof and operated as a toll bridge until the proceeds, in addition to meeting annual maintenance, repair, and operation costs, shall, within not to exceed 25 years, reimburse such State or subdivision the cost of constructing the bridge, including interest and financing charges incident thereto, but excluding any Federal funds which may be paid thereon. (Sec. 4.)

BRIDGES WHICH STATE OR SUBDIVISIONS ARE NOT IN POSITION TO FINANCE

Where a State or its subdivisions shall not be in position to finance the construction of a bridge, the highway department of such State may advertise for sealed proposals for a permit to construct and operate such bridge as a toll bridge. All bids received shall be publicly opened and read by the highway department, and said department may issue a permit to the applicant offering the most advantageous terms from the public standpoint. No approval for the construction of any privately owned toll bridge shall be given by the Secretary of War until the highway department of the State in which such bridge may be situated shall have filed with him a certificate of inability to finance the construction of such bridge, and that a permit for its construction has been issued to the individual, firm, or corporation applying for such approval. The power of eminent domain is conferred upon any individual, firm, or corporation proposing to build any such bridge between two or more States. (Sec. 5, pars. a, b.)

STATES OR SUBDIVISIONS MAY ACQUIRE PRIVATELY OWNED TOLL BRIDGES

At any time after completion of any such bridge the State, or States, or any subdivisions thereof, within or adjoining which it may be located may acquire the same by purchase or condemnation. If it is acquired by condemnation after 10 years from the date of its completion the amount of compensation or damages to be allowed therefor shall not include good will, going value, or prospective revenues or profits, and shall not exceed (1) the actual cost of constructing the bridge and its approaches, less a reasonable depreciation deduction; (2) the actual cost of acquiring necessary real estate; (3) actual financing and promotion costs, not exceeding 10 per cent of the cost of constructing the bridge and its approaches and acquiring necessary real estate; and (4) actual expenditures for necessary betterments and improvements. In the case of any bridge so acquired and operated as a toll bridge, the rates of toll shall be so adjusted as to meet the annual maintenance, repair, and operation costs and, within not to exceed 25 years, provide a sinking fund sufficient to amortize the amount paid therefor. (Sec. 5, pars. c, d.)

SWORN ITEMIZED STATEMENT OF COST SHALL BE FILED

The individual, firm, or corporation constructing any such bridge shall, within 90 days after its completion, file with the Secretary of Agriculture, if it be located in more than one State, and with the highway department if located wholly within one State, a sworn itemized statement of the actual cost of constructing such bridge and its approaches and the actual cost of acquiring any interest in real property necessary therefor, including not to exceed 10 per cent for financing and promotion costs. Within one year from the date on which such statement is filed, the Secretary of Agriculture or the highway department, as the case may be, shall investigate the same and the findings made by them shall be conclusive as to such costs, subject only to review in a court of equity for fraud or gross mistake. No such bridge shall be encumbered by the issue of stock, bonds, notes, mortgages, or other evidences of indebtedness in an amount which, including all previous encumbrances, whether retired or still outstanding, will exceed its aggregate cost as thus determined. Any encumbrance of whatever nature placed against any such bridge for a longer period than five years shall be subject to call at par plus accrued interest at any time after five years. (Sec. 5, par. e.)

PERMITS MAY NOT BE TRANSFERRED PRIOR TO COMPLETION OF BRIDGE

No permit issued to any individual, firm, or corporation for the construction of any bridge, or any right acquired thereunder, shall be voluntarily sold, assigned, or transferred without the prior written approval of the State highway department, and any agreement for such sale, transfer, or assignment entered into prior to completion of the bridge and without such approval shall be null and void. (Sec. 5, par. f.)

RECORD OF DAILY TOLLS AND EXPENDITURES

Any State, or any subdivision thereof, or any individual, firm, or corporation, operating a toll bridge under the provisions of the bill shall keep a record of daily tolls collected, capital invested, and actual necessary expenses for maintenance, repair, and operation, which record shall be available at any time to the highway departments of the interested States, to the Secretary of War, and to the Secretary of Agriculture of the United States, or to their authorized representatives. A uniform method of keeping such records may be prescribed by such highway departments. (Sec. 6.)

NONCOMPLIANCE WITH ORDER OF SECRETARY OF WAR OR CHIEF OF ENGINEERS—PENALTY

Any persons who shall fail or refuse to comply with any order of the Secretary of War or of the Chief of Engineers, made in accordance with the provisions of the bill, shall be guilty of a violation thereof, and on conviction shall be punished by a fine of not to exceed $5,000. In addition, the Secretary of War and the Chief of Engineers upon refusal of the persons owning or controlling any such bridge to comply with such order in regard thereto, may cause the removal of same at the expense of such persons. (Sec. 7.)

PERIOD WITHIN WHICH ANY BRIDGE MUST BE COMMENCED AND COMPLETED

Construction work on any bridge authorized under the bill shall not be commenced nor continued after the expiration, respectively, of one and three years following the date of the approval required by section 1 unless such time limits are duly extended by the Secretary of War. (Sec. 8.)

APPLICATION OF BILL

The bill would apply to all bridges, including necessary approaches, over navigable waters of the United States, except such as will connect with foreign countries, bridges of the latter type being reserved for specific authorization of Congress. (Secs. 9–11.)

PENALTIES FOR VIOLATION OF BILL

Any violation of the bill would be a misdemeanor punishable by fine of not to exceed $5,000, except where a different punishment is provided. (Sec. 12.)

The right to alter, amend, or repeal the bill is expressly reserved, and the existing general bridge act of March 23, 1906 (34 Stat. 84), and all other acts or parts of acts in conflict would be repealed.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1512. An act to provide for contests of certain oil and gas permits; to the Committee on the Public Lands.

S. 1624. An act to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia; to the Committee on the District of Columbia.

S. 2294. An act to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes,"

approved February 28, 1925; to the Committee on the Post Office and Post Roads.

S. 3219. An act for the relief of the Poston Brick Co.; to the Committee on Ways and Means.

S. 3433. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended; to the Committee on the Judiciary.

S. 4206. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics; to the Committee on the Census.

S. 4337. An act for the relief of Booth & Co. (Inc.), a Delaware corporation; to the Committee on War Claims.

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stats. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stats. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolutions of the following titles:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;

H. R. 6432. An act for the relief of James E. Moyer;

H. R. 7236. An act for the relief of James M. Long;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor;

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Homes for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

ADJOURNMENT

Mr. BRITTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, December 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, December 6, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

Agriculture Department appropriation bill.

War Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

641. A letter from the Secretary of War, transmitting 480 reports of inspections of disbursements made by officers of the Army, which inspections were made by the Inspector General's Department during the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

642. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1928 (H. Doc. No. 351); to the Committee on Ways and Means and ordered to be printed.

643. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To authorize alterations and repairs to the U. S. S. *California*; to the Committee on Naval Affairs.

644. A letter from the Secretary of War, transmitting report submitted by an officer of the Inspector General's Department dated October 10, 1928, of the annual inspection by him for the fiscal year ending June 30, 1928, of the National Home for Disabled Volunteer Soldiers, its branches, disbursements, management, discipline, and condition; to the Committee on Expenditures in the Executive Departments.

645. A letter from the Attorney General, transmitting statement of the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

646. A letter from the Secretary of the Interior, transmitting two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year ended June 30, 1928; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 14801. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1929). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 14800. A bill granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; without amendment (Rept. No. 1928). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 14616) for the relief of the heirs of Daniel Linebaugh, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. W. T. FITZGERALD: A bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; committed to the Committee of the Whole House on the state of the Union.

By Mr. WOOD: A bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; committed

to the Committee of the Whole House on the state of the Union.

By Mr. MURPHY: A bill (H. R. 14802) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIN: A bill (H. R. 14803) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 14804) to increase the import duty on certain minerals, eggs, and grains; to the Committee on Ways and Means.

By Mr. BRAND of Ohio: A bill (H. R. 14805) to amend the tariff act of 1922 by transferring rag pulp from the free list to the dutiable list; to the Committee on Ways and Means.

By Mr. BRITTEN: A bill (H. R. 14806) to provide for advancement in rank of certain officers on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. COHEN: A bill (H. R. 14807) to apply the pension laws to the Coast Guard; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 14808) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, of range 11 west, Willamette meridian, county of Coos, State of Oregon; to the Committee on the Public Lands.

Also, a bill (H. R. 14809) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, of range 11 west, Willamette meridian, county of Coos, State of Oregon; to the Committee on the Public Lands.

By Mr. HOWARD of Oklahoma: A bill (H. R. 14810) authorizing the Secretary of the Interior to contract with the State of Oklahoma for the education, medical attention, care of the insane, and relief of distress of restricted Indians and their children in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. McMILLAN: A bill (H. R. 14811) to provide for the reincorporation of the Grand United Order of the Eastern Gates of America; to the Committee on the District of Columbia.

By Mr. MOORE of Virginia: A bill (H. R. 14812) to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; to the Committee on Military Affairs.

By Mr. SIROVICH: A bill (H. R. 14814) to provide for the inspection of chickens, ducks, geese, pigeons, and turkeys; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 14815) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplemental thereto; to the Committee on the District of Columbia.

By Mr. BURTNESS: A bill (H. R. 14816) to authorize the President of the United States to present in the name of Congress a medal of honor to Lieut. Carl Benjamin Eielson; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 14817) to amend section 257, page 584, United States Code, with reference to duty on equipments or repair parts for vessels; to the Committee on Ways and Means.

By Mr. CURRY: A bill (H. R. 14818) to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 14819) to amend an act entitled "An act for the regulation of radio communications and for other purposes," approved February 23, 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDSBOROUGH: A bill (H. R. 14820) providing for the establishment and operation of a Weather Bureau station within the first congressional district of Maryland; to the Committee on Agriculture.

By Mr. KEMP: A bill (H. R. 14821) authorizing an appropriation of $1,500 for maintenance of market news service on fruit and vegetables for strawberry market reporting office at Hammond, La.; to the Committee on Agriculture.

By Mr. KIESS: Joint resolution (H. J. Res. 333) for the relief of Porto Rico; to the Committee on Insular Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 334) requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference; to the Committee on Foreign Affairs.

By Mr. DALLINGER: Joint resolution (H. J. Res. 335) proposing an amendment to the Constitution of the United States authorizing Congress to establish uniform hours and conditions of labor throughout the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 14822) for the relief of W. A. Harriman; to the Committee on Claims.

Also, a bill (H. R. 14823) for the relief of Meadow Brook Club; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 14824) to authorize the erection of a tablet or marker in memory of Nancy Hart; to the Committee on the Library.

Also, a bill (H. R. 14825) for the relief of A. M. Hardman; to the Committee on War Claims.

By Mr. BRAND of Ohio: A bill (H. R. 14826) granting an increase of pension to Sarah M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14827) granting an increase of pension to Nancy M. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to Cornelia Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14829) granting an increase of pension to Bethena Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14830) granting an increase of pension to Sarah McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting an increase of pension to Harriet E. Bowens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Ada M. Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) granting an increase of pension to Jennie Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14834) granting an increase of pension to Matilda Morrow; to the Committe on Invalid Pensions.

Also, a bill (H. R. 14835) granting an increase of pension to Elizabeth T. Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14836) granting a pension to Morrow B. Wilson; to the Committee on Pensions.

By Mr. BUCKBEE: A bill (H. R. 14837) granting a pension to Irene Mabel McMathan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14838) granting a pension to Margaret Buckley Paine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14839) granting a pension to William Henry Woodbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14840) granting a pension to Earnest J. Wolter; to the Committee on Pensions.

Also, a bill (H. R. 14841) granting an increase of pension to Mary Berry; to the Committee on Pensions.

Also, a bill (H. R. 14842) granting an increase of pension to Alice Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14843) granting an increase of pension to Ida M. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14844) granting an increase of pension to Mary C. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14845) granting an increase of pension to Nettie Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14846) granting an increase of pension to Martha J. Sweet; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 14847) authorizing the President to reappoint Maj. James S. Greene, United States Army, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 14848) granting a pension to Mary Agnes Cochrane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting a pension to Frederick Blackledge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of $100 a month, and for other purposes; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 14851) granting a pension to Cornelia A. Parsons; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 14852) granting a pension to Fred J. C. Kronfeld; to the Committee on Pensions.

Also, a bill (H. R. 14853) granting a pension to Marie L. Mallory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14854) granting a pension to Ralph J. Hardy; to the Committee on Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to Nellie Wilkinson; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14856) granting a pension to Clara A. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) granting an increase of pension to Frances J. Templeton; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 14858) for the relief of the heirs of Jacob D. Hanson; to the Committee on Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 14859) granting an increase of pension to Lou Ella Shaw; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 14860) for the relief of James L. Wells; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 14861) granting a pension to Marion O. Fulcher; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 14862) granting an increase of pension to Jennie Ivison Williams; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 14863) for the relief of Harry Hamlin; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 14864) granting a pension to Luella Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) granting a pension to Josephine Rowe; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 14866) granting a pension to Sarah M. Minson; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 14867) granting an increase of pension to Hodges W. Drayton; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 14868) granting a pension to Elizabeth B. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 14869) granting a pension to Addie Conaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14870) for the relief of Evelyn Harris; to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 14871) granting a pension to Nora Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14872) granting an increase of pension to Mary Jane McCurdy; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14873) for the relief of Chesley P. Key; to the Committee on Claims.

Also, a bill (H. R. 14874) for the relief of Frances Militzer; to the Committee on Claims.

By Mr. KADING: A bill (H. R. 14875) granting an increase of pension to Ida Leonhardt; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 14876) providing for the examination and preliminary survey of Bayou Manchac from the Mississippi River to where it flows into the Amite River; the Amite River from the mouth of Bayou Manchac to Lake Maurepas; Lake Maurepas from the mouth of the Amite River to Pass Manchac; Pass Manchac from Lake Maurepas to Lake Pontchartrain; Lake Pontchartrain from Pass Manchac to the Rigolets at a point which will intersect with the Intracoastal Canal; to the Committee on Rivers and Harbors.

By Mr. KIESS: A bill (H. R. 14877) granting a pension to William D. Embick; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 14878) granting an increase of pension to Hannah Brown; to the Committee on Invalid Pensions.

By Mr. KVALE: A bill (H. R. 14879) for the relief of Henry G. Young; to the Committee on Military Affairs.

Also, a bill (H. R. 14880) for the relief of Melvin Gordon Eldred; to the Committee on Naval Affairs.

By Mr. LINDSAY: A bill (H. R. 14881) granting a pension to Apolonia Bory; to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 14882) for the relief of James W. Strobel; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 14883) granting a pension to Polie Hemby; to the Committee on Pensions.

Also, a bill (H. R. 14884) granting a pension to Sarah Love; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 14885) granting a pension to Clarence Dehart; to the Committee on Pensions.

Also, a bill (H. R. 14886) granting a pension to Dena Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14887) granting a pension to Sallie Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14888) granting a pension to Annie E. Kasey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14889) granting a pension to Emma Carman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14890) granting a pension to Nancy Cardwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14891) granting an increase of pension to Mary F. Liles; to the Committee on Pensions.

Also, a bill (H. R. 14892) to correct the military record of Beckham Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 14893) to authorize a preliminary survey of Rough River in Kentucky with a view to the control of its floods; to the Committee on Flood Control.

By Mr. MORROW: A bill (H. R. 14894) granting an increase of pension to Florence J. Tomlinson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14895) granting a pension to Sarah R. Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14896) granting an increase of pension to Mary E. Devore; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 14897) for the relief of Matthias R. Munson; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 14898) granting an increase of pension to Mary M. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14899) granting an increase of pension to Violetta F. McCool; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 14900) granting a pension to Margaret Getz; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 14901) granting a pension to Ellen Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 14902) granting a pension to Margaret B. Sutherland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14903) granting an increase of pension to Joseph Woods; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 14904) waiving the maximum age limit in the case of First Lieut. William E. Parker, and making him eligible for appointment in the Judge Advocate General's Department, Regular Army; to the Committee on Military Affairs.

By Mr. SWANK: A bill (H. R. 14905) granting an increase of pension to Susan J. Williams; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 14906) granting an increase of pension to Joseph Hixon; to the Committee on Pensions.

Also, a bill (H. R. 14907) granting an increase of pension to Stephen H. Green; to the Committee on Pensions.

Also, a bill (H. R. 14908) granting an increase of pension to George W. Vineyard; to the Committee on Pensions.

Also, a bill (H. R. 14909) granting a pension to Frank Patty; to the Committee on Pensions.

By Mr. WARE: A bill (H. R. 14910) for the relief of Cary Dawson; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 14911) to authorize a survey from Pamlico Sound to Stumpy Point, N. C.; to the Committee on Rivers and Harbors.

By Mr. WIGGLESWORTH: A bill (H. R. 14912) for the relief of Minnie A. Travers; to the Committee on Claims.

Also, a bill (H. R. 14913) for the relief of Charles McCoombe; to the Committee on Claims.

Also, a bill (H. R. 14914) for the relief of Ruth B. Lincoln; to the Committee on Claims.

Also, a bill (H. R. 14915) for the relief of Frances Macdonald; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 14916) granting an increase of pension to Nancy A. Lamm; to the committee on Invalid Pensions.

Also, a bill (H. R. 14917) for the relief of the First National Bank, Thermopolis, Wyo.; to the Committee on Banking and Currency.

By Mr. WOODRUFF: A bill (H. R. 14918) granting a pension to Eleanor R. Sheapard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7867. Petition of William A. Kinney, protesting against the flooding of Hawaii with Asiatics and asking a thorough investigation and remedial legislation; to the Committee on Immigration and Naturalization.

7868. By Mr. COMBS: Petition of sundry citizens of Kansas City, Mo., opposing the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

7869. Also, petition of sundry citizens of the State of Texas, opposing the passage of Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7870. By Mr. CRAIL: Petition of Municipal Art Commission of Los Angeles, Calif., indorsing Senate bill 1681; to the Committee on Public Buildings and Grounds.

7871. By Mr. CULLEN: Petition of New York State Association of Letter Carriers, indorsing La Follette-Mead Saturday short workday bill, Dale-Lehlbach retirement bill, and Kelly postal policy bill; to the Committee on the Civil Service.

7872. Also, petition of the New York State Federation of Labor, indorsing Cooper-Hawes bill; to the Committee on Labor.

7873. Also, resolution of the American Federation of Labor, indorsing Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7874. Also, petition of New York State Ladies Auxiliary to New York State Association of Letter Carriers, indorsing Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7875. By Mr. DALLINGER: Petition of sundry citizens of the State of Massachusetts, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

7876. By Mr. DAVENPORT: Petition of James H. Prichard, Utica, N. Y., favoring the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7877. By Mr. HULL of Tennessee (by request): Petition of sundry citizens of Sumner County, Tenn., favoring an amendment to the Constitution relative to the election of Presidents and Vice Presidents; to the Committee on Election of President, Vice President, and Representatives in Congress.

7878. By Mr. KINDRED: Petition of the Bureau for the Suppression of Theft and Pilferage, protesting against the economic waste and loss caused by theft and pilferage in the harbor of New York particularly and throughout the United States generally and urging the passage of an act of Congress imposing the severest penalty possible for the theft and pilferage of merchandise in transit either on land or aboard vessels in any of the waters of the United States; to the Committee on Interstate and Foreign Commerce.

7879. By Mr. LINDSAY: Petition of Chesebro Brothers & Robbins, (Inc.), New York, urging support of House Joint Resolution 303, which includes products of fisheries; to the Committee on Interstate and Foreign Commerce.

7880. By Mr. McCORMACK: Petition of John W. O'Donnell, chairman, retirement committee, State Branch National Federation of Post Office Clerks, 120 Adams Street, Dorchester, Mass., urging early enactment of Senate bill 1727, amending the civil service retirement law; to the Committee on the Civil Service.

7881. By Mr. O'CONNELL: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of foreign immigration from Mexico, Central and South America; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *December 6, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, with whom a thousand years are as one day, Thou hast called us, whose lives pass as a watch in the night, into Thy service, and as the day is short, the work abundant, the laborers remiss, and the Master presses, make us bold and swift and brave to do Thy will. Write deep in our hearts the suffering and pain of many souls so wearied by the burden and the stress of life, and grant us such a vision of our world and its great need as shall make us instant and eager sharers with Thee in its redemption, now in the great day of our opportunity. Stay, we beseech Thee, the fever in our hearts and help us so to do our work that it shall never need to be undone. Grant this, O loving Father, through Jesus Christ, our Mediator and Redeemer. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 4402) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5528. An act to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8537. An act for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve;

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 13884. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; and

H. R. 14039. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; and

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

SENATOR FROM DELAWARE

The VICE PRESIDENT laid before the Senate the certificate of election of JOHN G. TOWNSEND, Jr., chosen a Senator from the State of Delaware for the term commencing on the 4th day of March, 1929, which was read and ordered to be placed on file, as follows:

BY AUTHORITY OF THE STATE OF DELAWARE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known, an election was held in the State of Delaware on Tuesday, the 6th day of November, A. D. 1928, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas the official certificates of returns of the said election, held in the several counties of the said State, in due manner made out, signed, and executed, have been delivered to me according to the laws of the said State, by the superior court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found JOHN G. TOWNSEND, Jr., to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the constitutional term to commence on the 4th day of March, A. D. 1929.

I, Robert P. Robinson, governor, do, therefore, according to the form of the act of the general assembly of the said State and of the act of Congress of the United States, in such case made and provided, declare the said JOHN G. TOWNSEND, Jr., the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the constitutional term to commence on the 4th day of March, A. D. 1929.

Given under my hand and the great seal of the said State, in obedience to the said act of the general assembly and of the said act of Congress, at Dover, the 19th day of November, A. D. 1928, and in the year of the independence of the United States of America the one hundred and fifty-third.

By the governor:

ROBT. P. ROBINSON.

[SEAL.] CHARLES H. GRANTLAND,
Secretary of State.

SENATOR FROM NEW JERSEY

Mr. EDGE presented the certificate of election of HAMILTON F. KEAN, chosen a Senator from the State of New Jersey for the term commencing on the 4th day of March, 1929, which was read and ordered to be filed, as follows:

THE STATE OF NEW JERSEY

I, A. Harry Moore, Governor of the State of New Jersey, do hereby certify that at an election held in the said State on the 6th day of November, 1928, HAMILTON F. KEAN was duly chosen and elected by the people of the said State of New Jersey to be a Member of the United States Senate for the term of six years, beginning on the 4th day of March.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of New Jersey to be hereunto affixed at Trenton

this 4th day of December, in the year of our Lord 1928, and of the independence of the United States the one hundred and fifty-third.

By the governor:

A. HARRY MOORE.

[SEAL.] JOSEPH F. S. FITZPATRICK,
Secretary of State.

REPORT OF THE SECRETARY OF THE SENATE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Senate, submitting a statement of the receipts and expenditures of the Senate, showing in detail the items of expenses under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from July 1, 1927, to June 30, 1928, in compliance with law, which, with the accompanying report, was ordered to lie on the table and to be printed.

REPORT OF THE COMPTROLLER GENERAL

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the work of the General Accounting Office for the fiscal year 1928, etc., which was referred to the Committee on Appropriations.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the forty-second annual report of the commission, which was referred to the Committee on Interstate Commerce.

RAILROAD RATES ON AGRICULTURAL PRODUCTS (S. DOC. NO. 183)

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 250, agreed to May 25, 1928, a report relative to the propriety of rates similar to the Canadian rates on grain, livestock, and other agricultural products in the Northwest, etc., which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

NATIONAL FOREST RESERVATION COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Georgia, Mr. HARRIS, a member of the National Forest Reservation Commission to succeed the Senator from North Carolina, Mr. OVERMAN, who has resigned.

PROPOSED MERGER OF DISTRICT STREET RAILWAYS (S. DOC. NO. 184)

Mr. CAPPER. Mr. President, I have here a report from the United States Bureau of Efficiency and a report from Dr. Milo R. Maltbie on the proposed merger of the street railways of the District of Columbia. It is a matter of great interest, and I ask that these reports be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

ECONOMIC SYMPOSIUM ON NITROGEN

Mr. BAYARD. Mr. President, for some years this body, in conjunction with the House of Representatives, has been discussing the proper method of utilizing the power of Muscle Shoals for the benefit not only of the country, primarily, but, secondarily and possibly more permanently, of later years, for the benefit of the farmers and the farming industry of the country so far as the manufacture of nitrate is concerned. In recent years it has been apparent to those who have studied the subject of the production of nitrates that the invention based upon the use of water power has been slipping, commercially speaking.

In connection with that matter I desire to ask unanimous consent to have printed in the RECORD an economic symposium on nitrates consisting of a series of papers recently read at a meeting of chemists. They are very interesting, they are very valuable, they are very informative, and not only do I call them to the attention of the Committee on Agriculture and Forestry, to which committee the bill in relation to Muscle Shoals has been referred, but to every Member of the Senate and to the friends of the Members of the Senate. I think that this series of papers and the information divulged will prove to be of the utmost value to this body in determining what we shall do with Muscle Shoals as a nitrate-producing operation.

Mr. NORRIS. Mr. President, I would like to ask the Senator a question if he will permit.

Mr. BAYARD. Certainly.

Mr. NORRIS. Will the Senator tell us at what meeting of chemists the papers were read? The Senator said the papers were read at some meeting of chemists.

Mr. BAYARD. The general consensus of the papers, I will say to the Senator, is that the operation of extracting nitrates from the air is so tremendously expensive that it is no longer a commercial operation in view of other inventions that have come later. The Germans have discovered a synthetic operation which is away below the cost of operation by either the Muscle Shoals operation or any similar operation.

Mr. NORRIS. The Senator did not understand my question. I understand what the Senator is saying, but he did not tell the Senate at what meeting the addresses had been delivered.

Mr. BAYARD. That I could not tell at the moment; I do not recollect. This was a meeting of chemists from throughout the country at which the several papers were read.

The VICE PRESIDENT. Without objection, the papers will be printed in the Record.

The papers referred to are as follows:

[Reprinted from Industrial and Engineering Chemistry, November, 1928]

ECONOMIC SYMPOSIUM ON NITROGEN

Papers presented before the Division of Industrial and Engineering Chemistry at the Seventieth Meeting of the American Chemical Society, Swampscott, Mass., September 10 to 14, 1928

INTRODUCTION

William Haynes, chairman, 25 Spruce Street, New York, N. Y., publisher of Chemical Markets

The papers presented here are an experiment. For the first time a chemical problem is presented at a meeting of the American Chemical Society from its economic point of view by industrialists rather than by chemists.

Chemical economics is a subject which the technical man has oftentimes been accused of neglecting, to his personal loss and to the great detriment of the chemical industry. Business problems loom so large in the practice of applied chemistry that an opportunity to form a better and more direct contact, through the American Chemical Society, with the thought of business leaders should benefit not only the chemist and the executive, but also the society and the industry in general.

We have selected nitrogen as the subject of this first economic conference; first, because the nitrogen problem is timely; second, because of its wide and diverse interests; and third, because nitrogen furnishes an exceptionally pretty example of the complexities of economic chemistry.

Inasmuch as nitrogen is a vital and the most costly element of plant food, it is an interesting factor in our farm problem. Since it is an essential element in modern explosives, it is intimately connected with national defense and international politics. We are familiar with the astonishingly rapid technical advancements in nitrogen manufacture and the notable expansion of new chemical uses and new chemical processes employing this element.

At the present time the world's nitrogen production balances roughly with consumption; but new development programs, now actually under way, indicate that next year we will have a surplus production so great that, in spite of the growing use of nitrogen, consumption will not catch up for several years to come. The obvious economic result of this overproduction is going to be an intensely keen competitive market in which we will have the almost unique example of the three great types of chemical products—a natural product, Chilean nitrate; a by-product, ammonium sulfate; and a manufactured product, synthetic nitrogen in various forms—all in direct active competition.

To discuss these intensely interesting economic problems, we have five outstanding chemical industrialists, each by experience and daily contact preeminently well fitted to expound his chosen subject.

THE NEW ECONOMIC ASPECTS OF NITROGEN

Presented under the title "The New Place of Nitrogen in Chemical Economics," by Jasper E. Crane, chairman of the Board of Lazote (Inc.), Wilmington, Del.

In considering the economics of the nitrogen industry the first thought that comes to mind is the enormous importance of nitrogen to modern civilization. The inert gas, diluent of our atmosphere, produces by one of nature's paradoxes the liveliest sorts of compounds, essentials to our life. As a carrier of oxygen, nitrogen is the basis of explosives, and thus of national defense. It is one of the three essential plant foods—indeed, the one whose supply has been giving the world the most concern. An ample supply of nitrogen is a basic necessity for agriculture, to feed the increasing population. Cheap nitrogen is of similar importance to the farmer as cheap power is to the manufacturer. Permitting greater crops to be grown on the same amount of land, it is a labor-saving tool of the utmost value. Doctor Curtis was undoubtedly right in stating in 1924—"What is done with the nitrogen problem in the next 10 years will probably determine to a considerable degree whether present American standards of living can be maintained."

The nitrogen industry is also of first-rate commercial importance. The nitrate of soda trade is the outstanding feature of the economic situation of Chile. The receipts from by-product ammonia play an important rôle in the coke industry of the great industrial nations. Germany's great synthetic nitrogen industry has been a leading factor in her efforts toward financial rehabilitation following the war.

Thus it is natural that so many nations now aim to become self-contained with respect to nitrogen; the instincts of self-preservation both as regards self-defense and the food supply prompt that desire. Yet this is bringing into being nitrogen projects that are economically unsound. For instance, a plant large enough to supply only the military nitrogen requirements of a country will be too small to work economically and to lend any contribution to the needs of agriculture. To bolster up such a project by governmental subsidy wastes public funds and prejudices private enterprise.

Indeed, in considering nitrogen economics, one is struck by the many uneconomic things that are being attempted. Nitrogen fixation has become the fashion. Everybody is doing it. Many plants have been erected which are too small or improperly located with respect to raw materials or consuming markets to survive the coming competition. Another feature of the "uneconomics" of the industry is the lack of accurate statistics, particularly abroad. Accurate statistics are the foundation of sound economics; we must know what has been done in the past and what is going on to-day before we can look ahead intelligently. After all, the nitrogen industry is comparatively new, and it is all the more important, therefore, to get our basic facts right and not depend on premises which are unsound or hopes that may prove false.

WORLD PRODUCTION AND CONSUMPTION OF INORGANIC NITROGEN

At the beginning of the century the world's consumption of inorganic nitrogen was slightly less than 300,000 metric tons per year. By 1913 it had reached 750,000 tons. After the enormous requirements of the war had subsided the consumption of nitrogen in the six years 1919 to 1924, though fluctuating considerably, remained approximately constant at 1,000,000 metric tons. For the year ended June 30, 1927, the world consumed 1,300,000 tons. For the past year ending June 30, 1928, consumption has increased to the enormous total of over 1,600,000 metric tons. Analysis of these figures shows that the growth in consumption before the war was at the rate of 7.5 per cent, compounded annually, and if this rate had been maintained consumption this year would be nearly 2,000,000 tons. But it is surely fallacious to figure on cumulative percentage increase. Rather, we can get the best picture of the growth in demand by reducing the rates of increase to percentage, using the postwar consumption of 1,000,000 tons as a common denominator. On this basis the world's consumption of nitrogen increased 4 per cent, or 40,000 metric tons, per year in the decade ended 1910, 6 per cent, or 60,000 tons, per year in the period 1910 to 1914, 20 per cent, or 200,000 tons, per year during the war period 1914 to 1918, reaching 1,300,000 tons in the latter year, receded to 1,000,000 tons, and remained stationary in the six years following the war, and has increased at the rate of 10 per cent, or 100,000 tons, per year from 1924 to 1927, or at 15 per cent, or 150,000 tons, per year in the years 1924 to 1928. Through the whole period from 1901 to 1928 the increase has been at the rate of 50,000 tons per year. It will be seen that the world's consumption of nitrogen approximately doubled in the first 10 years of the century and has doubled in the 15 years 1913 to 1928. The rate of increase in demand in the past 4 years has been greater than ever, but it is too soon after the war to determine whether this rate will be maintained. If it is, the world will consume 2,000,000 metric tons of nitrogen by the year 1931–32 and 2,200,000 tons in 1932–33. If, as is more likely, the demand increases at most 100,000 tons a year, the world will not consume 2,200,000 tons until the year 1935–36.

Production has kept pace with consumption. Indeed, one is tempted to believe that since the war consumption has kept pace with production. Now, however, the world's productive capacity is being greatly increased, so that by next year, if all announced plans are carried into fruition, there will be a productive capacity of 2,200,000 metric tons several years before there is any expectation that the world can consume such a quantity of nitrogen. There is, therefore, in process right now a dangerous overexpansion of production facilities. It seems certain that competition will be very keen, low prices will continue, and uneconomic producers will fall by the wayside.

CONSUMPTION AND PRODUCTION IN AMERICA

Let us turn to the American figures, expressing these in short tons of nitrogen. It may seem foolish to use metric tons and short tons in the same paper, but then it is equally foolish for us in America to use pounds and short tons and all the other confusing weights and measures instead of the metric system. American consumption in 1901 was 45,000 short tons of nitrogen, rose to 150,000 tons in 1913, nearly to 400,000 tons in 1918 on account of the military demand, fell after the war to about 200,000 tons, and was almost 300,000 tons for the calendar year 1927. This year in America, as abroad, there seems to have been a great increase in the consumption of nitrogen, and the figure will probably reach 360,000 tons. Examining these figures, we see that the American consumption increased 9,000 tons per year from the beginning of the century to 1913, inclusive, or 6 per cent per year of the 1913 consumption. Since 1921 it has increased at the rate of 18,000 tons per year, or 6 per cent of the 1927 consumption. It is misleading to express the increase in percentage of each year's consumption, and it does appear to be definite that the rate of increase in the consumption of nitrogen in this country is now twice as great as it was before the war.

The American consumption was thus 14 per cent of the world's consumption at the beginning of the century, 18 per cent in 1913, and 20 per cent to-day. About 60 per cent of the American consumption is believed to be used in agriculture, undoubtedly a somewhat lower proportion than that in the rest of the world.

The opinion of those who have studied the problem thoroughly is that nitrogen consumption is relatively far too small. The use of nitrogen is in its infancy in this country, and it may be confidently expected that the rate of increase in consumption will be much greater in the future than it has been in the past. The imports of nitrogen products other than nitrate of soda and cyanamide into this country have increased rapidly in recent years, from 5,000 tons of nitrogen in 1924 to 13,000 tons in 1926 and 25,000 tons in 1927, and it is estimated that 50,000 tons of nitrogen will be imported this year.

Turning to the figures for American production, at the beginning of the century the United States produced 13 per cent of its requirements; in 1910, 18 per cent; in 1913, 25 per cent; at the present time, about 50 per cent. This increase in American production has been brought about almost entirely by the increase in by-product ammonia production, but the infant synthetic ammonia industry is now beginning to lend a hand. The production of synthetic ammonia in 1927 was about 18,000 tons of nitrogen, and this year it should be 27,000 tons. Next year, with the plants that are now building, production should exceed 80,000 tons and in 1930, 140,000 tons. If these expectations are realized, the United States will produce 65 per cent of its probable nitrogen requirements next year and 80 per cent by 1930. In addition our exports have mounted year by year, from 5,000 tons in 1918 to about 50,000 tons this year.

PRICES OF NITROGEN PRODUCTS

Without considering the great, inevitable rise in nitrogen prices during the war or minor fluctuations since the war, we can see that the price trend has been steadily downward, so that sulphate of ammonia sells to-day for two-thirds of its pre-war price, and nitrate of soda at 90 per cent of the 1913 figure. These figures, as compared with the general commodity price index of about 140 per cent of pre-war, show that nitrogen to-day is one of the cheapest of all commodities.

RISE OF SYNTHETIC AMMONIA PROCESS

The present reasonable price of fertilizer nitrogen is due to the effect of the synthetic industry. The production of by-product ammonia changes only slowly with the growth of the coking of coal and the consumption of gas, and has not exercised any positive effect on the price situation. If there should be a great overproduction of nitrogen throughout the world, by-product ammonia must all be disposed of, but it does not itself set the pace. Without the fixation of atmospheric nitrogen, the world's enormously increased demand for nitrogen could not have been supplied, and nitrogen prices would have remained very high. Yet, after all, nitrogen fixation is a very young industry; but progress is very rapid. Already the arc process is being put into the discard, production by the cyanamide process has increased very little in the past few years and probably will remain stationary. The production of synthetic ammonia, in which the Germans have so ably led the way, is, on the other hand, increasing very rapidly, too rapidly when the unsound projects mentioned above are considered.

The persistent idea of fixing atmospheric nitrogen at Muscle Shoals is an economic fallacy of the worst kind. The old and out-of-date cyanamide plant there could not compete with present processes and plants. The synthetic ammonia plant built in 1918 was not successful, and very large amounts of capital would be required to erect a modern plant, in a location which is completely unsuited for the synthetic ammonia industry, which requires cheap fuel and a situation favorable to consuming markets. Cheap fertilizer would not be manufactured at Muscle Shoals and, instead of conferring a benefit on the farmer, an attempt to manufacture there would hurt his interest by discouraging private enterprise, which is pushing forward so fast in solving the nitrogen problem for America.

In the synthesis of ammonia the cost may be divided into two parts, preparation of pure hydrogen and the synthesis step. Of these the manufacture of hydrogen is so important that we might almost refer to the industry as the fixation of hydrogen rather than the fixation of nitrogen. The preparation of hydrogen by electrolysis of water, with its large power requirements, can not be economic, except in isolated cases, such as in Norway, with a large already harnessed water power for which no other use is at hand. In the United States, where not over 25 per cent of the country's power requirements can be produced from water power, power is worth what it costs to develop from coal. The use of water power in this country for producing hydrogen for ammonia synthesis is therefore an uneconomic divergence of power. Hydrogen is most cheaply produced from cheap fuel, and the United States is as favorably situated in this respect as any country in the world.

An outstanding feature of the cost of synthetic ammonia is the very high cost of plant. High-pressure operations require heavy apparatus, and amortization of plant is one of the most important elements in the cost of production, nearly two years' sales being required to turn over the plant investment. The industry can not be tackled successfully on a small scale. Huge plants are required in order to

bring down the overhead expense and the labor per unit of product. Even with free hydrogen, a small plant could not successfully compete except for special purposes. Under the most favorable conditions of large plants, cheap fuel, economic location, technical skill, and ample and courageous financial resources success ensues but with a small profit per unit of product. As low prices are required by the economics of the situation, it is an industry of small margin of profit and large volume.

FUTURE OF SYNTHETIC AMMONIA INDUSTRY

The American synthetic ammonia industry of such recent origin is pressing forward and seems destined to have a very important future. Already much has been accomplished. Cheap nitrogen is now a fact in the United States. Ammonia prices are down to the European level, in some instances lower than abroad. A fact of interest to the chemical industry is that anhydrous or aqua ammonia is now, with the exception of lime, the cheapest base per unit of alkali equivalent. The manufacture of nitric acid in this country is rapidly swinging over from nitrate of soda to the oxidation of ammonia. The use of synthetic ammonia in fertilizer is beginning. Anhydrous ammonia for the refrigeration industry, in which America leads the world, is now supplied by the synthetic industry. Numerous tank cars are hauling anhydrous ammonia all over the United States. A start has thus been made in synthetic ammonia in this country, a large program of expansion is now under way. It remains to progress sanely and wisely, with a broad vision of future possibilities and with faith in our ability to develop them.

Without faith no discussion of economics is complete. Figures and theories alone do not make up the science of economics; the spiritual element must not be overlooked. Faith in our fellowmen—in other words, credit—is the basis of all financial structure. And in the nitrogen industry faith in American ability, supported by what has already been done, impels us forward. We walk by faith.

SYNTHETIC AMMONIA

E. M. Allen, president the Mathieson Alkali Works (Inc.), 250 Park Avenue, New York, N. Y.

The developments of the direct synthetic-ammonia process and its various modifications in the last 15 years have been so revolutionary that even many closely connected with the chemical industry do not fully appreciate its present position in the United States or fully realize the tremendous strides that have been made and that are now planned for the future expansion of this process, which produces pure liquefied ammonia gas in anhydrous form.

Much has been written on this subject by those who knew what they were writing about, as well as by those who did not, but virtually all of these papers have been discussions of the manufacturing process with theoretical costs of operation. It therefore seemed to be in order for the writer to approach this subject from a commercial viewpoint, not as a theorist but as an executive of a company that manufactures ammonia, sells ammonia, and is supposed to know the costs of so doing.

With the exception of a small amount of anhydrous ammonia produced from the cyanamide process, and one company that produces ammonia from gas-house liquor, practically all the anhydrous ammonia now made in the United States is manufactured by the synthetic process; and while in the past this product has been regarded almost exclusively as a refrigerant its most important and largest use now is as a nitrogen-bearing chemical commodity.

This is a chemical age, and in it things are moving so fast that little attention can be paid to experiences that are over 3 to 5 years old; and in the field of synthetic ammonia it seems that this time limit can be safely placed at from 6 to 12 months, and it is safe to state that no two installations are or have been identical. The president of one of the largest chemical companies in the world advised the writer that a new plant that his company was installing, that would cost millions of dollars, was virtually obsolete before its construction had even been started.

In discussing the commercial side of this subject the writer wishes to point out the glaring fault of most of our technical chemists—they neglect to pay enough attention to the commercial side of their industry, the inclination being to devote all of their time to the technical side of their scientific problems.

COSTS OF SELLING, DISTRIBUTING, AND TRANSPORTING

Very little has been written as to the cost of selling, distributing, and transporting of anhydrous ammonia, but to those executives who are responsible for the millions of dollars now invested in the synthetic ammonia plants it is a very important and serious problem.

Prior to 1925 anhydrous ammonia was shipped in cylinders containing 50 pounds, 100 pounds, and 150 pounds, and this type of container is still used exclusively for the shipment of anhydrous ammonia for refrigeration purposes, being considered the safest and most practical container to use for this trade. To-day there are between 185,000 and 200,000 cylinders in the hands of the manufacturers of anhydrous ammonia, all of which could be very easily handled by 100,000 cylinders. Here we have over $2,000,000 tied up in this class of equipment that is unnecessary, but the interest on this excessive investment has to be taken into consideration by the manufacturer in arriving at his exact costs.

Since 1925 specially constructed tank cars have been developed for this growing industry—first, those that would hold 30,000 pounds of anhydrous ammonia, and now the last word in tank cars for this trade is one that holds 50,000 pounds. While there are approximately 40 of these cars now in use, it is safe to say that before the end of 1929, 150 or more will be in the service for the transportation of anhydrous ammonia. These large ammonia tank cars are built in accordance with the rigid specifications of the United States Bureau of Explosives and are shipped under the regulations of the Interstate Commerce Commission. There have also been developed single-unit containers that will hold 1,000 pounds of ammonia, similar to the 2,000-pound container now being used for the transportation of liquid chlorine on the well-known multiple-unit tank car.

EFFECT ON PRICES OF INTRODUCTION OF SYNTHETIC PROCESS

The beginning in this country of the manufacture of anhydrous ammonia by the synthetic process forecast the elimination of the old method of distilling ammoniacal liquor. While this economic change was hard for those old-line companies engaged in that field, it was an economic step that they must have anticipated, and made their plans accordingly. This economic change is a very apt illustration of a reason why all those engaged in the chemical industry should be very conservative in handling their depreciation and obsolescence charges, for there is no industry known to the writer that is so continuously menaced by new discoveries.

This replacement of the old method of the manufacture of ammonia by the synthetic process was followed by a drop in the price of anhydrous ammonia to about one-third of the old prices, but the old method of selling and distributing ammonia for the refrigerating trade still maintains, with its high costs. Here we have a situation whereby it costs the manufacturer two and a half or three times as much to sell and distribute a product as it costs to produce, and a change in the selling and distributing practices must be developed.

NEW USES DUE TO REDUCTION IN PRICE

Anhydrous ammonia for the refrigerating trade in the United States calls for 30,000,000 to 35,000,000 pounds per year. This quantity is not being expanded much, mainly on account of electric and gas refrigeration, but the radical cut in the sales price of anhydrous ammonia has caused many new developments in its use, such as the manufacture of photographic films, artificial leather, imitation ivory, dyes, rayons, lacquers, etc.

With the price that now prevails for ammonia, the sulphuric-acid-industry by the oxidation of ammonia has created a new and growing outlet for its consumption, both as anhydrous and aqua, and it is also being successfully used as a substitute for the Chilean nitrates. Almost all of the ammonia for this new use is transported in tank cars and there are at present approximately 25 plants in the United States oxidizing ammonia, in the manufacture of sulphuric acid, and it is estimated that approximately 3,000,000 pounds per year are now being used for this purpose.

Another large use for ammonia is in the manufacture of soda ash, this industry alone consuming 7,000,000 to 10,000,000 pounds of ammonia per year. Virtually all of the ammonia now used in the ammonia soda process comes from by-product coke-oven plants, but the price of this ammonia liquor has reached the point where any further reduction would cause the by-product coke-oven operators to turn their ammoniacal liquor into sulphate.

Ammonia oxidation is also being extended in the nitric acid industry. In April of this year announcement was made that the first commercial installation of this kind in the United States had commenced operation, and a very large expansion of this process can be looked for in the future; in fact, it is now rapidly going forward. The explosive industry offers a great field, for when one realizes that there are used in the United States over 500,000,000 pounds of explosives per year for peace-time purposes, such as mining, quarrying, etc., and this will consume approximately 70,000,000 pounds of ammonia, one can see the possibilities of the increased ammonia consumption in this field.

It is unnecessary to call attention here to the secure position in which our country has been placed by the installations of these synthetic ammonia plants, but it may surprise many to know that by the end of the current year there should be in actual operation in the United States synthetic ammonia plants with sufficient total capacity, so that in case of a war the United States would be in a position to manufacture all of its required war explosives without the importation of one single ton of Chilean nitrates—and all without governmental assistance, which can not be said of the foreign installations.

Undoubtedly the largest future use of ammonia lies in the fertilizer industry, whereby ammonia goes into the manufacture of ammonium sulfate, ammonium phosphate, and the one ideal fertilizer that embraces in one product nitrogen, phosphoric acid, and potash. Such an ideal fertilizer is now being produced in Germany, but according to reports there seems to be some question as to its economic success; however,

time should work this out satisfactorily. The greatest need in the fertilizer field, however, is to educate its users to buy highly concentrated fertilizers and do the mixing at or near the point of consumption. In this connection it may be interesting to know that ammonia liquor is now being successfully introduced directly to the batch in the mixing pan, in the correct proportions required to neutralize the free acid in the superphosphate. In this process anhydrous ammonia can be delivered in tank cars and stored as ammonia liquor, the anhydrous ammonia being absorbed in water as it is unloaded in properly designed tanks until required for use. While special equipment is required for the conversion of anhydrous ammonia to this ammonia solution, when properly designed, inexpensive equipment is used and the operation is reported to be safe, practical, and very economical.

PROBLEM OF CHEAPER HYDROGEN

In the manufacture of synthetic ammonia the largest single cost item is that of hydrogen, and herein lies the greatest opportunity for the activities of the chemical engineer in the development of new processes toward cheaper hydrogen, coupled with less expensive methods for the purification of hydrogen that comes from water gas or from by-product coke-oven gas.

MUSCLE SHOALS

To speak of synthetic ammonia without mentioning Muscle Shoals would be like speaking of Hamlet without mentioning the ghost. Muscle Shoals is certainly a chemical ghost that is annually being pulled out of the grave by a certain class in Washington. Being one of many who were approached by the congressional Muscle Shoals inquiry committee in 1925, the writer wrote this committee a very short letter on the subject, declining even to go to the expense of a trip to Washington to discuss it. This letter contained the following suggestion:

Disregard the impractical and uneconomic propositions as regards previous negotiations, especially as regards the manufacture of fertilizers at 8 per cent above cost for the whole United States, because the cheap production of nitrates and fertilizers of the future will come from the chemistry of coal, and will in time become a geographical proposition both as to its manufacture and distribution.

Then lease the entire Muscle Shoals power proposition as a power proposition to the highest power bidder and under the most favorable terms it is possible to make, so that the returns from this war-time investment might accrue to all citizens of the United States.

This letter also suggested keeping the nitrate plant at Muscle Shoals in a stand-by condition as an insurance against future wars, but with the installations existing and being finished this will now be unnecessary and an uncalled-for expense.

If the socialistic energies of some of our Government employees must have an outlet, it might be wise to let them spend this energy in educating the farmer in the use of concentrated fertilizers as mentioned above, and above all the Government should be kept out of business, and those who are engaged in the business with millions invested be allowed to handle their own industry. Those who have millions of dollars in the industry, and who are investing millions more, prevent the necessity of having any foreign money invested in this line of business in the United States.

CHEMISTRY OUR PROTECTION AGAINST FOREIGN COMBINATIONS

Sir James Irvine has aptly said:

"Chemistry is the nemesis of every monopoly based on raw material. By reducing many forms of matter to simple elements or compounds and then fabricating by synthesis a desired substance, chemistry works for equal industrial and commercial opportunity. It is the foe of monopoly, public and private. The free interchange of scientific knowledge and theory makes it so."

The largest industrial cartel of Germany is the Interessen Gemeinschaft, with an investment according to their last balance sheet of over $430,000,000. The largest industrial combination of England is the Imperial Chemical Industries (Ltd.), with an investment of over $290,000,000, and in both of these countries these chemical cartels are almost quasi-governmental in their importance, and will in time work out an arrangement aimed at the chemical industry of the United States. Our chemical companies in this country are prohibited from adopting measures, except for export trade, to protect themselves from these foreign combinations, except by spending money to reduce costs, but the chemical industry of this country will protect itself in the United States, and at the same time secure its proper portion of the world's trade. To-day we have as thorough and as resourceful chemical engineers as there are in the world, and the continued enlarging of our present position in the chemical world, with its unlimited possibilities for the future, lies in the hands of the present and the future members of the American Chemical Society.

ECONOMIC RELATIONSHIPS BETWEEN NITROGEN AND FERTILIZERS

H. R. Bates, manager manufacturing department, International Agricultural Corporation, Atlanta, Ga.

It was about 30 years ago that the famous British scientist, Sir William Crookes, startled the world with the statement that, unless we took advantage of the inexhaustible supply of nitrogen in the air to supplement the Chilean nitrate, we would eventually face starvation. This was 125 years after the discovery of nitrogen. Little did he dream of the outcome of his prophecy. How well we heeded the warning is evidenced by our daily production of 4,500 tons of nitrogen.

Strange to say, it was not nitrogen for food but nitrogen for war which supplied the incentive for the increased production. Stranger still, the production continues to increase after that incentive has been removed. Nitrogen, the lazy, inert, colorless, tasteless, and odorless gaseous element, has, of all known elements, taken the most important position in the affairs of the world and is by far the most active in the world markets. Some one has figured that every square mile of air over the earth's surface carries 20,000,000 tons of nitrogen—enough in each square mile to last the world 12 years at the present rate of consumption—and it is free as far as its material value is concerned.

Any important changes in the production and cost are of immediate interest to statesmen, financiers, chemists, agriculturists, and manufacturers. It is absolutely indispensable to mankind in peace or war and a necessity to all animal and vegetable growth. There is hardly a problem in any branch of agricultural or industrial chemistry that does not at some point require the consideration of nitrogen.

The influence of the World War on nitrogen production was far-reaching. In 1913 we find the production as follows:

	Tons N
Chilean nitrate	429,897
By-product ammonia	319,667
Synthetic ammonia	90,491
Total	840,055

At the close of the war we find the order of production reversed, and synthetic ammonia has taken the lead, with the 1927 tonnage as follows:

	Tons N
Synthetic ammonia	700,000
Norwegian saltpeter	30,000
Cyanamide	200,000
	930,000
By-product sulphate of ammonia	370,000
Chilean nitrate	320,000
	1,620,000

From the available sources of information it would appear that the world's capacity for fixed nitrogen production is as follows:

	Synthetic	Cyanamide	By-product	Arc process
	Tons N	*Tons N*	*Tons N*	*Tons N*
Germany	450,000	114,000	100,000	----------
France	116,700	53,500	5,000	----------
England	55,000	----------	100,000	----------
United States	25,000	40,000	147,000	----------
Italy	63,700	20,000	3,500	----------
Japan	43,500	20,000	5,000	----------
Belgium	22,000	----------	10,000	----------
Spain	7,200	----------	----------	----------
Poland	3,000	30,000	----------	----------
Czechoslovakia	4,500	6,000	----------	----------
Norway	----------	15,000	----------	46,500
Russia	7,300	----------	----------	----------
Sweden	2,500	6,000	----------	----------
Rumania	----------	5,000	----------	----------
Canada	----------	60,000	5,000	----------
Switzerland	2,200	----------	----------	----------
Yugoslavia	----------	14,000	----------	----------
	802,600	383,500	375,500	46,500
Actually producing	700,000	200,000	370,000	30,000

Some idea of the remarkable growth of the synthetic industry may be noted from the increase in the production in 1909 of 1 per cent of the total fixation to 57 per cent in 1927. Surely a wonderful heritage from the chemists and engineers who solved the difficult problems and made possible the present synthetic production.

UNITED STATES PRODUCTION

In the United States we find in 1921 but 200 tons of synthetic ammonia. In 1928 we find 30,000-ton capacity with 25,000 tons production. In the United States in 1909 we find 106,500 tons of by-product ammonia. To-day we have a production of 715,000 tons of by-product ammonia, equivalent to 147,290 tons of nitrogen. About 87,550 tons were used in agriculture, 28,840 tons exported, and the balance used in other industrial operations. We, however, need not fear that there will be a shortage of fixed nitrogen; our German friends will see to that. Their own consumption is only 400,000 tons of fixed nitrogen and they are finding it quite a problem to dispose of the remainder. They plan to put part of this surplus into a synthetic nitrate in competition with Chilean nitrate. Before 1929 the United States will be producing at Hopewell, Va., synthetic nitrate of soda.

The function of the fertilizer industry is to provide properly balanced fertilizers, compounded with regard to crop requirements, the soil, and climatic conditions. Some idea of the field of this industry may be obtained when we realize that we have 924,000,000 acres for our field of operations, with 6,250,000 farms, serving 117,000,000 people with

farm products (exclusive of animal food), valued at $5,685,000,000. Serving these farms are 675 fertilizer factories.

It has been estimated that the loss of nitrogen in the United States lands under cultivation, not replaced by manure, leguminous crops, atmospheric precipitation of rain and snow, and by commercial fertilizer is between three and four million tons. To replace this would require fifteen to twenty million tons of sulfate of ammonia, or more than 100,000,000 tons of fertilizer carrying 3 per cent nitrogen per ton. Fertilizers are replacing but 6 to 8 per cent. Surely no other industry has such a possibility for future expansion, and no other country such a need for conservation and expansion of its nitrogen resources.

It is very evident the soils need nitrogen in increasing quantities to replace the soil losses. This fact alone makes the industry fundamentally sound and insures its present permanence. Future generations may exist on synthetic foods, but we will need artificial fertilizers for many years to come.

Commercial fertilizers carry two or more of the three chief elements—nitrogen, phosphorus, and potash—but calcium, iron, magnesium, manganese, sulphur, sodium, chlorine, oxygen, hydrogen, and carbon also play important parts in plant growth. The function of nitrogen in fertilizer is to promote the vegetation growth above ground, impart plumpness to cereals, and produce succulence. At the same time it acts as a regulator, to some extent, of the utilization of potash and phosphoric acid.

In 1898, when Sir William Crookes issued his chemical slogan "Nitrogen or starvation," the United States was producing and consuming about 2,000,000 tons of fertilizers. To-day we are consuming from 6,500,000 to 7,500,000 tons. There has been no substantial tonnage increase for the past 10 or 15 years, but there has been an increase in the plant-food consumption, particularly during the past five years. From 187,829 tons of nitrogen for agriculture, we have advanced to 210,092 tons, consumed in 1927 in mixed fertilizers and top dressers.

The fertilizer tonnage is divided into:

	Per cent
Mixed ammoniated fertilizers	70.6
Mixtures of potash and superphosphate	9.6
Superphosphate	10.6
Miscellaneous materials	9.2
Total	100.0

The tonnage is divided into territories as follows:

	Per cent
New England States	5.4
Middle Atlantic States	14.5
Southern States	66.2
Middle Western States	11.9
Western States	2.0
Total	100.0

DOMESTIC AND FOREIGN CONSUMPTION

While we have been making our slow progress, other countries have advanced rapidly. The following table will show the comparative consumption for agriculture for 1927 per unit of population:

	Nitrogen consumed, 1927	1927 population	Nitrogen per million population
	Tons		*Tons*
United States	210,000	118,000,000	1,770
Germany	440,000	62,400,000	7,051
France	143,000	40,600,000	3,522
England	45,000	33,678,000	1,339
Holland	46,000	7,400,000	6,750

The consumption of fertilizers in 1927 in the same countries, all figured to tons, all carrying a total of 20 per cent plant food, shows:

	Consumption	Average test		
		Nitrogen	P_2O_5	K_2O
	Tons	*Per cent*	*Per cent*	*Per cent*
United States	6,877,000	2.7	10.0	4.0
Germany	8,750,000	5.0	6.0	9.0
France	4,000,000	3.1	12.5	4.4
England	1,225,000	3.7	12.3	7.5
Holland	1,325,000	3.5	9.0	7.5

The average consumption of fertilizer per acre under cultivation shows:

	Crop land	Fertilizer
	Acres	*Lbs. per acre*
United States	391,000,000	35
Germany	49,500,000	337
France	56,200,000	142
England	14,200,000	172
Holland	5,000,000	530

From these figures it is apparent that Holland carries on the most intensive fertilization, and Germany, with one-sixth the acreage and about one-half the population, is using twice the quantity of nitrogen used by the United States. In spite of this German crop yields have been on the decline, as evidenced by the following comparison, as shown by Pridmore and Smalley in reporting their recent observations while in Europe:

Crops	Average yield		United States yield, 1927
	1909–1913	1923–1927	
	Bushels	*Bushels*	*Bushels*
Rye	29	23	11
Potatoes	202.7	190.7	113
Oats	55.3	48.3	28
Wheat	32.6	27.2	15
Barley	38.6	33.9	23

Germany's desire to consume more of its nitrogen and potash and the loss of its phosphatic supply from the Ruhr steel converters are probably responsible for the use of low phosphatic fertilizers. The crop yields point to phosphorus deficiency and possibly a waste of nitrogen and potash.

In the foreign countries formerly using broadcasting methods of fertilizer application we find now the agronomists, especially in Germany and England, coming over to the American methods of application—in the rows near the seed and at the time of planting. In the foreign countries the applications are practically all mineral, while in the United States a proportion of organic of animal and vegetable, as well as mineral, origin is used along with mineral ammonia of inorganic origin.

Our nitrogen supply can be classified into organic and inorganic, the latter sometimes termed "mineral ammonia" or "fixed nitrogen." The organic nitrogen of animal or vegetable origin is found in cottonseed meal and other seed meals, nitrogenous tankage, packing-house tankage, concentrated tankage, blood, fish, humus, garbage, wool waste, hair felt, etc. Organic nitrogen of synthetic origin is present in cyanamide, urea, and calurea. The mineral, or inorganic nitrogen, we find in nitrate of soda, sulphate of ammonia, anhydrous ammonia and ammonia liquor, calcium nitrate, Ammo-Phos, Leunasalpeter, potassium nitrate, and ammonium nitrate. To this should be added the newer compounds which at present are more chemical curiosities than practical sources of fertilizer nitrogen.

In compounding fertilizers 30 years ago it was the practice to use 60 to 70 per cent organic nitrogen and 40 to 30 per cent of mineral nitrogen. Now, we find the ratio just the reverse, and before many years we will be forced to use even less organics as the supply decreases and they become more valuable as stock feeds.

ORGANIC NITROGEN, ANIMAL AND VEGETABLE

The 6,305,775 tons of cottonseed crushed in 1927 (our Department of Agriculture states) made 2,840,000 tons of cake and meal, and but 450,000 tons of this found its way into fertilizers, 120,000 tons in mixtures, and 330,000 by direct application. The remainder, after deducting 495,000 tons exported, was used as stock feed in this country.

Packing-house tankage 25 years ago was first used as stock feed. To-day only the condemned cattle tankages are left for the fertilizer industry. The packing-house tankage production has been materially reduced by the "dry melting process," a process whereby "cracklings" instead of tankage are produced. Concentrated tankage, so-called "stick liquor," is no longer produced in any quantity. It is estimated the packing industry produces 175,000 tons of tankage, 175,000 tons of cracklings, and 4,000 tons of blood. The best estimates obtainable give 95 per cent of this material as going into stock feeds.

Fish scrap, at one time imported for fertilizer to supplement our meager production of 45,000 to 50,000 tons, is now going into stock feeds.

To-day we have left for our organic supply of animal and vegetable origin foreign and domestic nitrogenous manures, probably 150,000 tons of 8 per cent nitrogen; blood, 12,000 tons, 14 per cent nitrogen; and South American tankage, 25,000 tons, 8 per cent nitrogen; with a probable tonnage of 100,000 tons of 2.5 per cent nitrogen of such products as humus and garbage.

Waste materials of various kinds will continue to be used, but their low nitrogen restricts their use to localities near their production.

In all we might supply from the above sources, production and importation, between 45,000 and 50,000 tons of organic nitrogen, and no prospect of increasing this amount.

NITRATE OF SODA

Nitrate of soda first made its appearance in the United States in about 1830, and has up to 1925 maintained its supremacy as the most important source of mineral nitrogen. In 1925, with the world's sulphate of ammonia by-product and synthetic ammonia increasing 50,000 tons in 1926, 100,000 tons in 1927, and 300,000 tons in 1928 over 1925,

nitrate of soda lost its dominance as a controlling factor in fixing the price of the world's nitrogen.

Under the best officina operation it has been stated that $37.57 is the cost f. o. b. Chilean points. The freight to the Atlantic seaboard lands it there for $45, or $2.25 per 100 pounds, or $2.90 a unit of nitrogen. It is being offered at this price for fall delivery. Its lowest price was $1.90 per 100 pounds, or $2.45 per unit of nitrogen in the late fall of 1914, and it was selling at or about its present scale from 1907 to 1914, dropping again after the war to $2 per 100 pounds in the fall of 1921, f. o. b. Atlantic ports. The present cost may be decreased by new methods of mining and handling. Chilean authorities estimate that it might be delivered in New York for $30.56 a net ton, or $1.98 per unit of nitrogen; this on a $7.50 freight to the United States. Its lowest sales price was $38 in the fall of 1914.

Bain and Milliken, of the Department of Commerce, place the minimum delivered Atlantic seaboard cost at $35 per ton, or $2.25 per unit of nitrogen. Cyanamide and sulphate of ammonia and some of the imported German synthetic products are selling for less per unit of nitrogen delivered at interior points. Sulphate of ammonia at $44 delivered means nitrate at $33 at ports with interior freight allowed.

Representatives of the by-product ammonia producers, testifying in February, 1928, before the Interstate Commerce Commission, on ammonia rates, stated that their by-product ammonia as liquid ammonia yielded them 3.78 cents per pound of ammonia in ammonia liquor. Converting this into sulphate of ammonia, according to the British and the American nitrates commissions appointed during the war to survey the nitrogen situation, we find, using ammonia (NH_3) at 4 cents a pound:

515 pounds NH_3, at 4 cents	$20.60
1,912 pounds 60° sulphuric acid, at $9	8.60
Plant expense	3.00
Fixed charges	1.75
Total (per ton, 2,000 pounds)	33.95

Thus, it will be seen that with ammonia at 4 cents a pound, sulphate of ammonia can be produced at $1.65 a unit of nitrogen.

With liquid ammonia at 4 cents per pound of NH_3 we have nothing to fear from $30.56 Chilean nitrate, the best they hope to do and deliver in the United States. Aqua ammonia was quoted at 2¾ cents per pound last July. Chile may continue to produce, the Government may give the producers a $4,000,000 subsidy in lieu of a tax reduction, a central selling agency may be established, but in the end nitrate must follow its synthetic master.

Properly compounded fertilizer will continue to use some nitrate for its early crop-maturing value. Formerly, of our nitrate imports, 50 per cent went into agriculture, 25 per cent into chemicals, and 25 per cent into explosives. Of the 50 per cent for agricultural use, 60 per cent went into mixed fertilizers, 35 per cent was sold for direct application, and 5 per cent was sold to sulphuric-acid producers.

Unless there is a large increase in the United States fertilizer consumption, or a larger tonnage is used in top dressing, nitrate, before many years, will have to look elsewhere for its United States market.

It is interesting to note that the Chilean Government desires to place its leading industry on a competitive basis with other nitrogen products. This no doubt means that when synthetic products are made here, or are imported in sufficient quantities, Chilean nitrates will be priced to meet this competition. In fact, a bonus has already been promised to equal any price reduction of the German syndicate. But with the syndicate's prices cut for 1928–29, and no change of any importance over the previous year, there will probably be no bonus. This arrangement, however, is effective until April 30, 1929, and protects the Chilean producers on any change in the syndicate prices prior to that date. On August 14, 1928, the nitrate syndicate voided its open-selling arrangement and reverted to the old plan of centralized control.

SULPHATE OF AMMONIA

Sulphate of ammonia, or by-product ammonia in the form of sulphate of ammonia, 370,000 tons of the world's nitrogen supply, finds 147,290 tons produced in the United States, equivalent to 715,000 tons of sulphate of ammonia. In normal times this by-product ammonia is distributed: 65 per cent to fertilizers, 23 per cent to refrigeration, and 12 per cent to explosives. Its production follows closely the coke and pig-iron curves. Passing from 42,000,000 tons of coke in 1910 to 51,000,000 tons in 1925, we find all but 10 per cent of the beehive ovens have been converted to by-product ovens.

Under these conditions it is reasonable to suppose, unless there is an unforeseen demand for pig iron, that we have reached our limit in the United States of such nitrogen production, and must look to other sources and processes to supply the deficiency, or acknowledge our dependency upon other nations. At present this is our condition, but we are gradually working out of it. Japan, one of our export customers, has already developed her resources to the extent of 400,000 tons of sulphate, and no longer calls on us as she has done the past 15 years.

The present fertilizer practice and tonnage consumed will absorb about 350,000 to 400,000 tons of sulphate of ammonia, with 157,000 tons seeking export consumption in 1927; the remainder going into refrigeration and explosives.

Operator and location: Atmospheric Nitrogen Co., Syracuse, N. Y.; Mathieson Alkali Co., Niagara Falls, N. Y.; Pacific Nitrogen Corporation, Seattle, Wash.; Lazote (Inc.), Belle, W. Va.; Roessler & Hasslacher Co., Niagara Falls, N. Y.; Great Western Electro-Chemical Co., Pittsburg, Calif.

SYNTHETIC PRODUCTS

Up to the present time the synthetic production of nitrogen in the United States has gone into refrigeration, explosives, and chemical trade. The chief synthetic ammonia products of interest to the fertilizer industry are—

Sulphate of ammonia: Made by treating finely ground gypsum with synthetic ammonia and carbonic acid; the resultant sulphate liquor is evaporated, crystallized. It carries 20.6 per cent nitrogen.

Leunasaltpeter: Carrying 26 per cent nitrogen, is a double salt of nitrate of ammonia and sulphate of ammonia, with 6.5 per cent of nitric nitrogen and 19.5 per cent of ammoniacal nitrogen. This material must be used with care or its nitric nitrogen will be lost and its sulphate of ammonia cause serious caking troubles in complete fertilizers. It also becomes very hard on long storage.

Calcium nitrate: Testing 15.5 per cent nitrogen, is the result of treating limestone with nitric acid, neutralizing the excess acid, filtering, evaporating, adding 5 per cent ammonium carbonate, and drying by compressed air spray. It is very hygroscopic and is shipped in specially prepared packages. Its use in fertilizer is not satisfactory, but it will find general use as a top dresser.

Calurea: Testing 34 per cent nitrogen, with 7 per cent in the nitric form and 27 per cent in the amide form. It is also hygroscopic and its use in fertilizer will be limited. It can be used to better advantage as a top dresser.

Cyanamide ($CaCN_2$): A lime compound of cyanogen, testing 20 per cent nitrogen. Its use is very limited by its revertive action on available phosphoric acid due to the lime content of the cyanamide. It is also somewhat objectionable to handle.

Ammo-phos ($NH_4H_2PO_4$): A mixture of phosphoric acid and ammonia, producing monoammonium phosphate, testing 10 per cent nitrogen and 45 per cent available phosphoric acid. This is an excellent fertilizer material and can be used in any quantity with any other material. It is well adapted for tobacco on account of its freedom from the sulphur element. Last year (1927–28) the production is given as 55,136 tons, largely exported.

Nitrate of potash: Testing 13 per cent nitric nitrogen and 44 per cent potash, is an excellent fertilizer material, less hygroscopic than nitrate of soda. It is a good material for tobacco where chlorine is objectionable.

Urea ($CO(NH_2)_2$): Testing 46 per cent nitrogen in the amide form, is made from ammonia and carbonic acid, liquefied at high temperatures, producing a fused mass of urea and ammonium carbonate, which on distillation leaves the urea in solution. The product is too concentrated for ordinary fertilizer use. At present it carries a 35 per cent ad valorem duty and only 600 tons were imported last year.

Domestic synthetic sodium nitrate: Testing 16 per cent nitrogen, will be found on the market next spring. Samples of this product appear to be in better mechanical condition than the Chilean product. Will not have to be ground. In appearance it is like Arcadian sulphate of ammonia.

The latest statistics show that we imported in 11 months of 1927–28 the following tonnages of synthetic products, in addition to the Chilean nitrate:

	1926–27	1927–28 (11 months
	Tons	*Tons*
Sulphate of ammonia	3,470	38,931
Leunasalpeter	12,282	67,733
Calcium nitrate	18,253	23,254
Cyanamide	109,330	126,152
Urea		538

It is difficult to secure authentic figures on the United States synthetic-ammonia production; the capacities appear, however, as in the following tabular matter:

Method	Tons N	Source of H
General Chemical	10,000	Water gas.
Nitrogen Engineering Corporation	4,000	By-product of chlorine process.
Fixed Nitrogen Research Laboratories.	865	Do.
Claude	9,000	Water gas.
Fixed Nitrogen Research Laboratories.	865	By-product of sodium process.
Niagara Alkali Co	300	By-product of chlorine process.
	25,030	

The new plant of the Atmospheric Nitrogen Co., of Hopewell, Va., will be producing late this fall. Its estimated capacity has not been made public, but its nitrogen will be a very important addition to our present resources.

NITROGEN FIXATION AND THE MUSCLE SHOALS PROBLEM

Three years ago, when we were just beginning to consider seriously the fixation of nitrogen, Germany and England were exporting their surplus. France, Italy, and Japan were producing 50 per cent of their requirements, while the United States, with the largest population, had the lowest production per unit of population.

The fixation industry in the United States has certain factors which almost guarantee its permanence and expansion. The demand is here and our production short, with our population increasing one and a half millions annually. The raw materials are plentiful and cheap, power is not such an important factor as formerly, and their conversion to commercial plant foods has been successfully demonstrated by the chemists and engineers. With increasing production will naturally follow process economies, and we may soon take a place much higher in the nations' list of nitrogen producers, instead of seventh with but 1,100 tons of fixed nitrogen per million population.

No consideration of fixed nitrogen in the United States would be complete without reference to the two plants at Muscle Shoals, nitrate plant No. 1, the experimental plant to produce ammonium nitrate, never successfully operated, and plant No. 2, the cyanamide plant with 40,000 tons nitrogen annual capacity. President Coolidge rightly vetoed—by the pocket veto—any measures which would put the Government into subsidized fertilizer production in competition with its citizenship, selling power and crediting the returns to the fertilizer costs.

While Congress has been debating this proposition, we have been making rapid progress in nitrogen fixation, and to-day have a fixation capacity equal to Muscle Shoals, distributed at various points. With Hopewell coming in this fall we will probably find that the United States will have twice the tonnage of fixed nitrogen claimed for it. It would be a veritable calamity at this stage for the Government to enter similar production in such manner as has been proposed, freed from such charges as rentals, taxes, insurance, amortization, etc., expenses which must be included in private operations.

Such progress has been made in the fixed nitrogen art that the cyanamide process is no longer the leading method. Cyanamide requires 12,000 to 15,000 kilowatt-hours to fix a ton of nitrogen, while the Haber-Bosch (German) process requires but 4,000 to 5,000. With the Government plant cost on to-day's values of $21,350,000, and a 15 per cent charge for depreciation, obsolescence, etc., and $0.004 electric power, our Government experts state that cyanamide nitrogen will cost $2.31 per unit. On $0.002 power the cost will be $2.06.

The Canadian plant at Niagara Falls, Ontario, no doubt finds it difficult to meet the foreign competition. While the production is increasing, the greater part of the increase is going into other products for subsequent export. The foreign production appears ample to satisfy the demands of the United States. Therefore, the Muscle Shoals cyanamide (if and when produced), unless transformed into more acceptable combinations, would be of very little economic value.

The same Government experts intimated that it would cost $3.18 per unit of nitrogen on $0.002 power to convert the cyanamide into sulphate of ammonia. The same product as by-product sulphate of ammonia can be purchased to-day for $2.13 a unit of nitrogen delivered. Even cyanamide is being sold and delivered at $1.94 per unit of nitrogen; such has been the progress under private control. And such has been the more recent progress in the United States synthetic ammonia production that even cyanamide is no longer our cheapest unit of nitrogen.

In the face of these figures there should be no justification in operating Muscle Shoals to produce cyanamide, a process wasteful in power, producing a material limited in its consumption through its revertive action on soluble phosphoric acid, and possessing a questionable agricultural value through its toxic qualities after soil application, causing alleged inhibition of the plant growth.

Furthermore, Germany with its 450,000 tons of Haber-Bosch nitrogen, 70,000 tons of cyanamide nitrogen, 60,000 tons of by-product nitrogen, and other sources, totaling now about 600,000 tons of fixed nitrogen is, with England, France, Italy, and Japan, expanding along the synthetic ammonia process rather than through the cyanamide process. Recently Germany increased its cyanamide plant at Piesteritz, by 10 per cent, using it for phosphorus productions. At present but half the cyanamide capacity is actually producing, the increase being along synthetic ammonia processes. Surely in the face of this evidence our legislators will not fail to see the trend of the expansion and realize that electric power is too expensive for nitrogen fixation, especially when power can be sold at a good profit and its use in nitrogen fixation can not hope to compete with cheap coal.

Possibly some phosphorous process could be adopted at Muscle Shoals and, with equipment changes and proper power costs, under private control, we could utilize the present plant. But as it stands at present, as a source of cheap ammonia it is out of the picture.

Intelligent legislation, with the cooperation of the industry, and a full understanding of its economic needs, should aim to promote, not discourage, research; encourage, not throttle, progress; protect, not threaten, the very life of the industry through unwise subsidized competition with its citizenship. A strong fertilizer industry is an insurance of profitable agricultural operations in time of peace and a national asset in time of war. Costly experience has proved this fact. It would be a great misfortune to disrupt such an industry, now making such progress toward nitrogen independence, serving millions of satisfied customers with a commodity relatively lower than any agricultural supply he buys and much lower than any he sells.

We all recognize the unsound economics of producing more food when there is already an overproduction. No one suggests that the Government produce more food and cheaper food, just as it is uneconomic for the Government to suggest an overproduction of fertilizers when they are already cheap. The present industry has a capacity of at least 10,000,000 tons, and could easily extend this to 12,000,000 if the demand so required and the materials were available. Muscle Shoals only adds to the burden of an industry already suffering from overproduction.

The following balance sheet is an attempt to account for the nitrogen used, produced, and imported by the United States:

Nitrogen balance sheet for United States agriculture, 1927

PRODUCTION

Tons		Tons N
715,000	Expressed as sulphate ammonia	147,290
13,000	Synthetic ammonia	13,000
2,840,000	Cottonseed meal	163,584
350,000	Packing-house tankage	28,000
100,000	Nitrogenous tankage	7,400
45,000	Wet and dry fish scrap	2,600
153,000	Humus, garbage, rough ammoniates	5,800
	Total	367,674

EXPORTED

Tons		Tons N	Tons N	
157,000	Sulphate ammonia	32,342		
405,000	Cottonseed meal	28,512		
			60,854	

CONSUMED IN STOCK FEEDS

1,895,000	Cottonseed meal	109,152		
332,500	Packing-house tankage	26,600		
			135,752	

USED IN OTHER INDUSTRIES

138,000	Sulphate ammonia	28,428			
13,000	Synthetic ammonia	13,000			
			(A)	41,428	
					238,034
	Balance left for agriculture (B)				129,640

CONSUMPTION (STOCK FEEDS EXCLUDED)

Tons		Per cent nitrogen	Tons nitrogen
336,958	Mixed fertilizers in New England States	4	13,478
700,000	Mixed fertilizers in Middle States	2	14,000
3,870,000	Mixed fertilizers in Southern States	2.7	104,490
655,000	Mixed fertilizers in Middle West States	2	13,100
130,000	Mixed fertilizers in Western States	2	2,600
5,691,958			147,668
80,000	Sulphate ammonia top dressers	20.6	16,480
160,000	Chilean nitrate top dressers	15.5	24,800
18,300	Calcium nitrate top dressers	15.5	2,836
330,000	Cottonseed meal top dressers and mixed	5.76	19,008
6,280,258			63,124
	Consumption in agriculture		210,792
	Consumption in other industries		120,000
	Total		330,792
	Less tonnage made in U. S. and used in agriculture and other industries (A and B)		171,068
			159,724
	Shortage in United States (mineral nitrogen)		161,068

IMPORTS

Tons			
748,742	Chilean nitrate	15.5	116,053
18,300	Calcium nitrate	15.5	2,836
109,000	Cyanamide	20.6	22,434
12,000	Leunasalpeter	26	3,120
17,150	Sulphate ammonia	20.6	3,493
25,000	South American packing-house tankage	7.4	1,850
11,000	South American packing-house blood	13	1,430
36,000	Nitrogenous tankage	7.4	2,664
7,139	Ammonium chloride	27	1,927
5,600	Ammonium nitrate	35	1,960
400	Urea	46	184
	Visible nitrate stocks 7-1-26 (18,445 tons); 7-1-27 (7,130 tons)		11,315
	Miscellaneous materials		2,009
	Total		171,366

These figures indicate, even with the potential capacity at Muscle Shoals a reality, that we are still a long way from nitrogen independence, such independence as Germany was able to obtain in less than 10 years.

SYNTHETIC ANHYDROUS AMMONIA

During the past year very important work has been done which indicates that synthetic ammonia, in the form of 25 per cent ammonia liquor, can be used in mixed fertilizers in place of all or a part of sulfate of ammonia. The mineral ammonia, as usually supplied in our average 3 per cent ammonia fertilizer, can under the present formulating ratios be secured from liquid ammonia. Several thousand tons have been so made the past year, and several of the large companies are equipping their plants to take advantage of the important economy when the new Hopewell product is available.

The use of this material is limited by the acidity of the superphosphate. No gypsum is formed; curing takes place quicker and with less of the objectionable cementing. Properly handled there is no reversion of phosphoric acid, such as would occur when the same amount of lime was used. General use of this material in 6,000,000 tons of mixed fertilizers might absorb 90,000 tons of synthetic nitrogen.

MIXED FERTILIZERS

The Germans have prepared several mixtures under the trade name of "Nitrophoska," using Dorr process phosphoric acid and combinations of their synthetic compounds. About 150,000 tons were sold in Germany in 1927–28 and 3,000 tons consumed in the United States. In making the Nitrophoska the diammonium salt and potassium salts are run into a hot solution of ammonium nitrate.

In but one of the five grades have they appeared to give any consideration to the approved plant-food ratios of the United States agronomists—namely, their No. 1, 15–30–15, ratio 1–2–1. The reason is obvious. Except the 15–30–15, we can duplicate the analysis, if practical and desirable, using urea, nitrate of potash, Ammo-Phos, and Trona potash. With our domestic material we can easily produce a 12–24–12, ratio 1–2–1, a triple 4–8–4; or a 10–30–10, ratio 1–3–1, a triple 3–10–3, each standard grades.

Farmers are not accustomed to the use of these concentrated products and are slow to adopt new ideas; yet the evidence shows that the trade is absorbing a substantial tonnage. When the merits of these mixtures are better understood, and agricultural implements are designed to distribute them properly, the demand will increase from year to year.

There is an increasing production of liquid phosphoric acid abroad and in the United States. With greater production will come cheaper costs. The phosphoric acid now going into concentrated superphosphate has a potential value as a future source (combined with cheaper synthetic ammonia) of ammoniated phosphates.

The chemists of our Department of Agriculture are carrying on some very interesting work in producing various concentrated compounds of ammonia, phosphoric acid, and potash, studying their hygroscopicity, alone and in combination with other concentrated compounds. Of special interest is the treatment of ground rock with nitric oxide from synthetic ammonia in the presence of water. This produces a mixture of ammonium and calcium nitrates and phosphates, with nearly all of the phosphoric acid in dicalcic form. Also the treatment of potash, distillery waste in saturated form, with nitric oxide and subsequent neutralization with ammonia, produces a salt testing 19 per cent nitrogen and 27 per cent K_2O. So far the work has been purely scientific, with very little attention to the commercial value of the process.

FERTILIZERS OF THE FUTURE

The direct synthetic process offers greater promise of cheaper nitrogen than any other process, and new compounds will no doubt continue to appear from Germany. Recently we have heard of Nitrochalk from England, a low-grade ammonia product. Their action in combination with other materials must be acceptable to the manufacturers and soil chemists. They must remain under storage and in packages in good dry-drilling condition. Their nitrogen must be in a combination that will not damage crops, especially at the germination period.

When these combinations are made and the nitrogen-phosphoric unit costs are about the same as in regular compounds, then the production of these compounds will become of great importance to the producers and consumers.

With this increasing supply of acceptable products, already a surplus in one or two countries, radical changes in the agriculture of the United States and the rest of the world are bound to come. As the cost is lowered the marketing area will expand and eventually the standard of living of the entire world will be raised. Instead of nitrogen starvation we will have an era of nitrogen prosperity.

One of our leading scientists has stated that we may find out how bacteria annex nitrogen from the air without a catalytic agent, high pressures, or high temperatures and be able to duplicate the process.

The impossible becomes possible through creative chemistry. It may be in the future ages that nation's wealth will be measured in terms of its nitrogen production instead of its gold. At present we hear of the electric age. Perhaps the next one will be the nitrogen age.

ECONOMIC STATUS OF THE BY-PRODUCT COKING INDUSTRY WITH REFERENCE TO THE NITROGEN SITUATION

Presented under the title "By-Product Nitrogen," by C. J. Ramsburg, vice president the Koppers Co., Pittsburgh, Pa.

A study of the economic status of by-product nitrogen in its broadest aspects must involve a study of the status of the by-product coking industry. By-product nitrogen can not be isolated from the industry that is responsible for its production and upon whose prosperity its continued production depends. Therefore this paper will discuss the by-product coking industry, how it helps the country in time of war, and how it advances the cause of health and prosperity in time of peace. The past development, present position, and future prospects of by-product nitrogen can best be understood with a discussion of the by-product coking industry as a background.

DEVELOPMENT AND PRESENT MAGNITUDE OF BY-PRODUCT COKING

The by-product coking industry has reached its present economical and technical position only through unremitting scientific research and constant, aggressive application of modern technical and economic principles. The Becker oven, introduced by The Koppers Co. in 1922, is an example of the application of scientific principles to coke-oven design. The success of this oven is evidenced by the fact that there are now in operation or under construction in the United States 2,774 ovens of this type, with an annual coal carbonizing capacity of 24,450,000 tons.

The first by-product coke ovens in the United States were constructed at Syracuse, N. Y., in 1893—a battery of 12 ovens. Twenty-five years ago there were 1,956 by-product ovens in operation. They produced 1,882,394 tons of coke, or 7.4 per cent of the total coke produced in that year. The average production per oven was 962.4 tons, or at the rate of 2.64 tons per day. Modern by-product ovens have been constructed to produce nearly 25 tons of coke per day, the increase being due both to larger size of ovens and to the decreased coking time made possible by advances in design and operation. At the plant of the Carnegie Steel Co., Clairton, Pa., the largest coke plant in the world, there are 1,482 by-product ovens, producing nearly 8,000,000 tons of coke per year, or over four times the entire production of by-product coke in 1903.

During the past 15 years by-product ovens have been responsible for more and more of the total coke production. As shown in Table I, by-product coke production in 1913 amounted to 12,714,700 tons, or 27.5 per cent of the total. In 1927 the production amounted to 43,884,726 tons, or 86.2 per cent of the total. During the first six months of 1928 by-product coke has increased to 91.2 per cent. * * *

Table II is a summary of the coke industry for 1927. During that year 63,224,400 net tons of coal were charged to by-product ovens, or over 12 per cent of the bituminous coal produced.

TABLE I.—*Coke production in the United States*

Year	Beehive	By-product	Total	Per cent of total	
				Beehive	By-product
	Net tons	*Net tons*	*Net tons*		
1913	33, 584, 830	12, 714, 700	46, 299, 530	72.5	27.5
1914	23, 335, 971	11, 219, 943	34, 555, 914	67.5	32.5
1915	27, 508, 255	14, 072, 895	41, 581, 150	66.1	33.9
1916	35, 464, 224	19, 069, 361	54, 533, 585	65.0	35.0
1917	33, 167, 548	22, 439, 280	55, 606, 828	59.6	40.4
1918	30, 480, 605	25, 997, 580	56, 478, 185	54.0	46.0
1919	19, 042, 936	25, 137, 621	44, 180, 557	43.1	56.9
1920	20, 511, 092	30, 833, 951	51, 345, 043	40.0	60.0
1921	5, 538, 042	19, 749, 580	25, 287, 622	21.9	78.1
1922	8, 573, 467	28, 550, 545	37, 124, 012	23.1	76.9
1923	19, 379, 870	37, 597, 664	56, 977, 534	34.0	66.0
1924	10, 286, 037	33, 983, 568	44, 269, 605	23.2	76.8
1925	11, 354, 784	39, 912, 159	51, 266, 943	22.2	77.8
1926	12, 488, 951	44, 376, 586	56, 865, 537	22.0	78.0
1927	7, 004, 000	43, 884, 726	50, 888, 726	13.8	86.2

Table III gives the amount and value of by-products sold, and of the by-product coke produced in 1927. This impressive total, over $400,000,000, would be even higher if the products used by the producing companies, principally tar and gas, were included. In the steel plant much of the tar is used as fuel in the open hearths, etc., and could be fairly credited to the by-product coke plant. However, such figures are not included in this table.

TABLE II.—*Statistical summary of coke industry for 1927* [1]

	By-product	Beehive	Total
Coal charged into ovens, net tons	63, 234, 400	11, 047, 000	74, 281, 400
Coke produced, net tons	43, 884, 726	7, 004, 000	50, 888, 726
Screenings and breeze produced, net tons [2]	4, 137, 400	122, 500	4, 259, 900
Average yield of coke in per cent of coal charged:			
Coke	69.4	63.4	
Breeze, at plants recovering (1926)	6.6	2.8	
By-products produced:			
Gas, M cubic feet	700, 894, 799		700, 894, 799
Tar, gallons	546, 859, 205		546, 859, 205
Ammonium sulphate or equivalent, pounds	1, 434, 920, 352		1, 434, 920, 352
Crude light oil, gallons	164, 488, 233		164, 488, 233

[1] From Department of Commerce, Bureau of Mines.
[2] Screenings and breeze calculated from 1926 production figures.

ECONOMIC ADVANTAGES OF BY-PRODUCT COKING

Table IV gives the average yields per ton of coal carbonized in by-product ovens in 1927. In a beehive oven a ton of coal yields 1,300 pounds of coke and no other products. The same ton of coal in a by-product oven yields—

(a) 1,500 pounds of coke and breeze.

(b) 11.1 thousand cubic feet of gas; sufficient to supply the average domestic consumer for over four months.

(c) 8.6 gallons of tar; containing sufficient creosote for 1.6 railroad ties and pitch for 36 square feet of roof.

(d) Over 2.5 gallons of motor fuel; sufficient to give antiknock properties to 10 gallons of gasoline.

(e) Other light oil products.

(f) 22.7 pounds ammonium sulphate; sufficient to treat 0.15 acre of potatoes or 0.2 acre of cotton land.

ADVANTAGES OF BY-PRODUCT COKE OVER RAW COAL

The question is sometimes asked, "Why not use bituminous coal as such, without the expense of coking it?" The reasons are many:

1. Coke is necessary for successful blast-furnace operation.

2. The products recovered in by-product coking have more economic value than as fuel in the coal. For fuel purposes they can be replaced by cheaper materials, but for roofing and paving, wood preservatives, disinfectants, and fertilizers, explosives, and medicinal compounds readily available substitutes can not be had. For every ton of by-product coke produced, 16,000 cubic feet of gas, 33 pounds ammonium sulphate, over 12 gallons of tar, and 4 gallons of light oils are made available as raw materials for a hundred industries.

3. When used separately as fuel, the gas, tar, and coke from a ton of coal deliver more effective heat units than the coal from which they were produced will yield when used for the same purpose. Based on the thermal efficiencies reported in Government tests for coal and coke in domestic furnaces, the gas, tar, and coke from 1 ton of coal are equivalent to 1.2 tons of coal burned as such. In addition, about 24 pounds of ammonium sulphate are obtained in modern ovens.

4. Coke is a smokeless fuel. The savings, both tangible and intangible, that would result from the elimination of smoke in our urban centers are almost beyond calculation. In the East the use of anthracite has been very extensive, and for this reason the people of the eastern cities have been blessed with smokeless skies and an abundance of sunshine, with its health-giving ultraviolet rays. There has been, however, in recent years, a growing tendency to use soft coal, and the reason is not far to seek. Soft coal is cheaper, or rather it seems cheaper, to the individual home owner. He does not appreciate that the cost of laundry, cleaning, repairs to houses and public buildings, depreciation of merchandise, etc., due to smoke, amounts to probably five times the annual per capita coal bill. (Meller, Ind. Eng. Chem., 16, 1049 (1924); Mellon Institute Smoke Investigation, Bull. 4, figures corrected to 1925 basis.)

By-product coke offers a combination of economy and smokeless cities. Made from low-ash soft coal, clean to handle, easy to fire, it commends itself as the ideal solid domestic fuel. The growing recognition of the merits of by-product coke is indicated in figure 4. In 1926 over three and five-tenths times as much by-product coke was used for this purpose as in 1918.

Large by-product coke plants are in operation along the Atlantic seaboard at Boston, Providence, New York, Newark, Baltimore, and Montreal, and new plants will soon be in operation at New Haven, Brooklyn, and Philadelphia.

BY-PRODUCT COKING INDUSTRY AND NATIONAL DEFENSE

The service rendered by the by-product coking industry in normal times is more than sufficient to warrant its continued activity. But, in addition, this industry has another function that is frequently overlooked, namely, it is a potential source of a large amount of materials for munitions.

During the World War practically all by-product coke plants installed equipment to recover and partially refine light oils, with the result that, in 1918, 8,862,000 gallons of toluol and 44,805,000 gallons of benzol were recovered, in addition to 87,222,450 gallons of crude light oil. In the same year the equivalent of 174,327,000 pounds of anhydrous ammonia, or 697,308,000 pounds of ammonium sulfate, were produced in the by-product coking industry. Since benzol, toluol, and ammonia are important sources of explosives, and since coke is essential to the manufacture of steel, it is obvious that the by-product coking industry was one of the most important factors in determining the outcome of the war. The following is quoted from the Department of the Interior (Coke and By-Products in 1916 and 1917, p. 1137 (1919)):

By the fall of 1915, it was apparent that the outcome of the World War would depend fully as much upon the mobilization of industries as on the mobilization of armies and that the ability to produce steel and explosives in quantity would be the deciding factor in the struggle. The coke industry consequently sprang to the fore, as coke is essential to making iron and steel, and modern high explosives are derived principally from the residues obtained in by-product coke-oven operation.

To-day, when the demand for toluol and benzol for national defense is not pressing, the coke plants do not produce the maximum possible amount of these materials. Where the gas is sold for public distribution, these light oils are more valuable when left in the gas. However, if all the light oils were recovered from the coke-oven gas manufactured in 1927, there would have been produced 183,380,000 gallons, yielding some 25,673,000 gallons pure toluol, 99,025,000 gallons pure benzol, as well as other light-oil products.

BY-PRODUCT NITROGEN FOR MUNITIONS

The nitrogen needs of the country for explosives in war times are estimated at 144,000 net tons. In 1927 by-product coke ovens produced the equivalent of 147,800 tons of fixed nitrogen, or more than the estimated war-time requirements. If all the by-product coke ovens in the country were operated at maximum capacity—as they undoubtedly would be at the time of a national emergency—they would produce the equivalent of 190,000 tons of nitrogen. Nitrogen needs for explosives in case of war and nitrogen that could be saved by eliminating smoke by the use of by-product coke are from the Fuel, Power, Transportation Educational Foundation, while the other figures are from Government reports and calculated from by-product oven capacity.

TABLE III.—*Products sold by by-product coking industry, 1927* [1]

Product	Sales	
	Quantity	Value
Light oil and derivatives:	*Gallons*	
Crude light oil	9,265,948	$1,077,957
Benzol, crude and refined	21,193,807	4,371,519
Motor benzene	86,802,745	14,629,999
Toluol, crude and refined	11,784,984	3,999,820
Solvent naphtha	3,661,970	926,787
Other light oil products	1,393,876	147,017
Total	134,103,330	25,153,099
Naphthalene, crude pounds	7,848,224	86,078
Tar, gallons	305,898,176	16,095,478
Ammonium sulphate or equivalent, pounds	1,483,731,277	27,383,268
Gas, surplus, M cubic feet	408,389,357	70,092,168
Other products		93,791
Value of all by-products sold		138,903,882
Coke produced, net tons	43,884,726	288,322,650
Coke breeze produced, net tons [2]	4,137,400	9,131,760
Total value of coke produced and by-products sold		436,358,292

[1] Data from Department of Commerce, Bureau of Mines.
[2] Estimated from 1926 figures for breeze.

NOTE.—This includes value for by-products sold, not those used by producer or carried to stock. Total coke valued at $6.57, the reported average receipts per ton for 1927.

TABLE IV—*Average yields per ton of coal carbonized in by-product ovens in 1927* [1]

Coke	pounds	1,388
Coke breeze (1926 yield)	do	124
Tar	gallons	8.6
Ammonium sulphate or equivalent	pounds	22.7
Light oil	gallons	[2] 2.9
Gas total	M cubic feet	[3] 11.1

By-product nitrogen also has the advantage that its production is distributed among a large number of plants throughout the country.

To be economically feasible, synthetic nitrogen must be produced in a large central plant. A shutdown of this plant means the stopping of nitrogen production, which might be disastrous, whereas the loss of one by-product plant would not seriously affect nitrogen production. The uninterrupted production of by-product nitrogen in emergencies is thereby assured, while synthetic nitrogen production may be uncertain and irregular.

Industries that have an economic justification for existence in time of peace, and that, in addition, are capable of producing the means of national defense, are the best preparedness a country can have. In peace and in war the by-product coking industry serves the best interests of the Nation.

BY-PRODUCT AMMONIA

Ammonia is a by-product in the coking industry. By-product coke plants are constructed primarily for gas and coke, and in normal times operations are conducted to produce the maximum quantity and quality of these products. However, as has been pointed out above, the production of toluol and benzol in the by-product coking industry could be considerably increased if conditions warranted. The same applies to a lesser extent to by-product ammonia.

DISTRIBUTION OF NITROGEN IN COAL BY COKING OPERATION

The total nitrogen in coal ranges from 1.45 to 1.75 per cent, only a part of which is converted into ammonia by the coking operation. Table V gives roughly the distribution of nitrogen in the various products.

[1] From Department of Commerce, Bureau of Mines.
[2] Average for plants recovering.
[3] Of this amount, 4.4 M cubic feet were burned in the cooking process.

TABLE V.—*Distribution of nitrogen in by-product coking*

Nitrogen in products:	Per cent of total nitrogen in coal
As ammonia	18.0
As cyanide	1.2
As pyridine and other organic bases in tar	3.3
Free in gas	27.5
Remaining in coke	50.0
Total	100.0

The nitrogen in the cyanide, tar, and gas is lost as far as ammonia formation is concerned, while a part of that remaining in the coke might be recovered if conditions warrant. This, however, is rather difficult. The most effective method would be to treat the hot coke with steam before pushing from the oven. By slow carbonization at low temperatures, followed by steaming, the ammonia yield in a coke oven might be increased by perhaps some 50 per cent. Such operation, however, would result in decreased capacity, due to the longer time required. Under present market conditions the coke-plant operator is not warranted in going to such lengths for the results obtained.

It must be understood that the formation of ammonia is a delicate matter, and the temperature limits at which ammonia can be formed and continue stable are very narrow. The function of a coke oven is to produce first a high quality of coke, and to do this the heats must be very uniform. It is evident therefore that the problem of producing a uniformly heated wall and at the same time have a high-coking velocity while having the temperature to which the gases above the coal mass are subjected sufficiently low to protect the ammonia, benzol, and other hydrocarbons, is a complex one. Fortunately the temperature for the highest yields of gas, tar, and benzol practically coincide with the optimum temperatures for the formation and protection of ammonia. This ideal condition is secured in the Becker oven.

By the use of this oven the yield of fixed nitrogen has been largely increased in two ways:

(1) Owing to the superior systems of heating, higher yields are secured from a given coal.

(2) Owing to the even heating and larger capacity, coke of like quality and characteristics can be secured with the mixture of less low volatile coal.

It therefore follows that the Becker oven is showing largely increased yields of by-products, while producing a superior coke. The writer believes it a true statement that for a given quality of coke the Becker oven will produce 20 per cent more fixed nitrogen than any other oven in America.

MINIMUM PRODUCTION OF BY-PRODUCT AMMONIA

The lower limit of by-product ammonia production is not so flexible. It is true that hot oven tops and high flue temperatures cause decomposition of ammonia and decrease the yield. The same factors also cause decomposition of the gas and light oils, deposition of carbon, decrease in the quality of the tar, and general unsatisfactory operation. The by-product oven of to-day is designed with the special purpose of avoiding these conditions, and, in producing the maximum quality of gas, tar, and light oils and the best quality of coke, also produces a high amount of ammonia for the coals used.

The ammonia formed must be removed from the gas before it is distributed. In most plants a portion of the ammonia is removed by water washing followed by distillation of the liquor. The remainder of the ammonia is recovered from the gas directly as ammonium sulphate, by passing the gas through a "saturator" containing a bath of sulphuric acid. The ammonia-free gas passes on, while the sulphate crystals are removed, washed, and dried for shipment.

Since under normal conditions the yield of ammonia per ton of coal carbonized does not vary greatly, and since all the ammonia formed must be recovered, the quantity of by-product ammonia produced is almost directly proportional to the by-product coke produced. Regardless of market conditions for nitrogen, by-product ammonia must be produced as long as the demand for coke and gas and tar warrants the operation of by-product coke ovens. Under present conditions the amount produced per ton of coal could be increased somewhat, but could not be decreased without a deleterious effect on other and more important products.

FORMS OF BY-PRODUCT AMMONIA

By-product ammonia is generally prepared in the form of sulphate. If so desired, it could be prepared in any other form of ammonium compound. However, the sulphate is most convenient for the coke and gas plant and, since there is a potential market for much more sulphate than is sold at present, it is probable that the sulphate will continue to be the predominating form.

The merits of by-product ammonium sulphate as a component of mixed fertilizers and as a top dressing are too well known to require repetition here. It is used extensively and successfully for such highly diversified crops as cotton and potatoes, corn and wheat. Large amounts are exported from the United States to the Far East, where it is especially valuable on rice lands. As a top dressing on lawns, golf courses, and grasslands ammonium sulphate is without a peer.

TABLE VI.—*By-product ammonium sulphate production*

Year	Ammonium sulphate	Nitrogen content	Per cent of 1913 rate
	Net tons	*Net tons*	
1913	195,000	40,200	100
1914	183,000	37,700	94
1915	250,049	51,500	123
1916	288,265	59,400	148
1917	325,670	67,000	166
1918	379,278	78,100	194
1919	403,223	83,000	206
1920	499,463	102,900	256
1921	358,500	73,800	183
1922	476,761	98,200	244
1923	603,363	124,300	309
1924	569,622	117,300	292
1925	633,649	130,500	325
1926	690,967	142,300	353
1927	717,460	147,800	367
1928 (estimated)	782,100	161,100	400

FUTURE PROSPECTS OF BY-PRODUCT AMMONIA

As is shown in Table VI, the production of by-product ammonia for 1928 is estimated at four times the production in 1913. During this same period the percentage of by-product coke has increased from 27.5 per cent to 92 per cent of the total coke production. The natural growth of the steel industry, together with the widespread demonstration of the economy and efficiency of coke-oven gas as the source of base load supply for city distribution and the growing recognition of the value of coke as a smokeless fuel, will cause more by-product coke ovens to be built in the future. The rate of increase in by-product coking capacity, however, will probably be slower than it has been in the past two decades. Consequently, the rate of increase in by-product ammonia production will also be slower.

TABLE VII.—*World production of nitrogen*[1]

[Year ending May 31]

	1923–24		1924–25		1925–26		1926–27	
	Net tons	*Per cent*	*Net tons*	*Per cent*	*Net tons*	*Per cent*	*Net tons*	*Per cent*
By-product ammonia from coal	1,682,000	29.8	1,738,200	28.2	1,837,000	25.8	1,830,000	27.7
Chilean nitrate	2,157,000	32.0	1,960,000	31.8	2,129,000	29.9	1,064,000	16.1
All synthetic nitrogen	1,870,000	38.2	2,465,500	40.0	3,155,000	44.3	3,714,000	56.2
Total nitrogen	5,646,800	100.0	6,163,700	100.0	7,121,000	100.0	6,608,000	100.0
United States by-product ammonia from coal, per cent of world production of nitrogen		10.7		9.2		9.9		10.4

[1] Figures based on ammonium sulphate equivalent.

On the other hand, there is every indication of an accelerated demand for fixed nitrogen in various forms. These increased requirements must be taken care of by Chilean nitrate and by various processes for synthetic nitrogen. The percentage of fixed nitrogen supplied by by-product ammonia will gradually decrease, despite slight increases in tonnage produced. To borrow an analogy from the gas industry, by-product ammonia will supply the base load, since it is produced in fairly uniform quantities, while other processes must supply the peaks. Sound economic principles demand that by-product ammonia be sold first, at a price governed by demand and by manufacturing costs for other processes for fixed nitrogen.

Table VII shows the world production of nitrogen and the relation that the by-product ammonia of the United States bears to it. Table VIII is the distribution of nitrogen in the United States for the fertilizer year 1926–27. By-product ammonia is responsible for 47.5 per cent of the total.

TABLE VIII.—*Distribution of nitrogen in the United States, 1926–27*

[Year ending May 31]

	Nitrogen	Ammonium sulphate basis	U. S. production	World production
	Net tons	*Net tons*	*Per cent*	*Per cent*
Imports	13,200	64,100	4.5	1.0
By-product	141,800	688,400	47.5	10.4
Synthetic	18,200	88,300	6.0	1.3
Chilean nitrate	126,000	611,600	42.0	9.3
Total	299,200	1,452,400	100.0	22.0

CONCLUSION

By-product ammonia is produced by an industry that has a fixed investment of over $700,000,000, which treats 12 per cent of the bituminous coal mined in the United States and which sells annually over $400,000,000 worth of coal products. This industry produces, in

addition to ammonia, coke, an ideal smokeless fuel; gas; tar, with its hundreds of uses; motor fuel; toluol; and other light oils.

Its products, toluol, benzol, and ammonia, are indispensable for national defense and in peace times are essential articles of commerce. The industry points with pride to its war-time record. Its activities since that time have advanced the welfare of the Nation, as well as serving as an important factor in preparedness—the type of preparedness that is the best insurance against war.

The production of by-product ammonia has increased fourfold since 1913, but its growth in the future will be slower. The demand for nitrogen will increase at such a rate that by-product ammonia will not be able to maintain the percentage which it has held in recent years. Other sources must supply the increased demand.

However, because of the support of an industry of the magnitude of the by-product coking industry, with its geographical distribution throughout the country, with its progressive management, and with its other essential and valuable products, by-product ammonia will be produced as long as there is an economic justification for it.

THE INTERNATIONAL NITROGEN PROBLEM

W. S. Landis, vice president American Cyanamid Co., 535 Fifth Avenue, New York, N. Y.

A few years ago one of the early successful pioneers in nitrogen fixation presented the following formula for the guidance of amateur authors venturing into his particular field:

"First, always ascertain the total land area of the world. Next, find the maximum nitrogen applications per unit of area of the most highly cultivated garden somewhere or other, preferably in Holland or Belgium. Then multiply these two factors together, deducting present production if you find it worth while. With this final result then prepare the necessary prospectus material and advocate the immediate promotion of a dozen or more producing companies to make up the deficiency in nitrogen certain to be found."

And there have been a goodly number of followers of his advice.

Our approach to the international situation will be in a number of different directions, none of which meet the above prescription, for one must view this complicated picture from various angles if false impressions are not to be gained.

STATISTICAL

In the year ending June 30, 1928, the world's production of chemical nitrogen—that is, natural, by-product, and synthetic, and not including farm manures, city and packing-house wastes, and such like organics—was approximately 1,600,000 metric tons. The world's consumption, both technical and agricultural, of these forms of nitrogen was about 1,400,000 metric tons. Somewhat more than half of this production came from the synthetic plants, and correspondingly less than half from by-product and natural sources.

Production of natural nitrogen reached a peak during the war, and since its close has shown more or less tendency to decline, somewhat more marked during the later years. Whether it regains its former supremacy is doubtful.

By-product nitrogen has shown a general continued increase over many years, though suffering slightly from the postwar industrial depression affecting all countries. Its growth is slow, and there is little likelihood of this source speeding up production, a natural consequence of its by-product nature. On the other hand, it is a source of production that can not be displaced very easily by competitive producers.

Beginning in a small way 25 years ago the various atmospheric fixation processes have shown steady growth and now dominate the industry. The nitrogen requirements of the central empires during the war gave these processes an opportunity to show their ability to meet the emergency, and they performed their allotted task so well that contemporaneous history has more a military than an economic aspect. Were natural and by-product sources of nitrogen merely to hold present production rates, the present fixation plants completed and under construction would bring the world's production in 1930 to about 2,000,000 tons of nitrogen, rather more than less.

This great increase in production of fixed nitrogen, much of it coming into existence after the war, was not due to shortage of nitrogen and consequent increased selling prices of nitrogen products. A brief review of sulphate of ammonia prices, sulphate having become the standard of comparison since the advent of the new industry, will give a clear picture of the price trend in the industry. American prices will be used to save the trouble of evaluation of foreign units and currencies as well as to eliminate the question of depreciation moneys. These American prices not only show world trends, but are not greatly different from gold prices in international markets.

PRICE RELATIONSHIPS

The New York f. a. s. price of sulphate of ammonia in 1913 averaged approximately $3.14 per 100 pounds. After a short, unsettled period at the outbreak of the war prices rose sharply to a fantastic height in 1918 of over $7 per 100 pounds. There was again a sharp decline in 1919 to $3.50 per 100 pounds due to liquidation of war stocks of nitrogen, followed by an equally sharp rise in 1920. The collapse in 1921 of all industry dependent upon the purchasing power of farmers brought about a low price, which did not recover until the beginning of the year 1922. During the past 5-year period the average f. a. s. price of sulphate of ammonia in New York averaged $3.25 per 100 pounds in 1923; $2.40 per 100 pounds in 1924; in 1925, $2.50 per 100 pounds; in 1926, $2.50 per 100 pounds; and in 1927, $2.30 per 100 pounds. The present selling price is around $2.30 per 100 pounds f. a. s. New York. In other words, sulphate of ammonia is selling at approximately 27 per cent under the pre-war or 1913 price. There was a period in 1927 when on the international market nitrogen dropped to as low as two-thirds of its pre-war price, but only for a very short time.

All of us are aware of the present general price level of commodities (index 150, basis 1913=100). There are very few commodities in the position of nitrogen that are bringing to-day actually a lower price than pre-war. The farmer is the largest consumer of nitrogen, and a general comparison of the relative prices of farm products for the last five years may be interesting.

Average prices of farm products as indicated for years 1913 and 1923 to 1927, inclusive

Product	Unit	1913	1923	1924	1925	1926	1927
Cotton—New York spot middling.	Cents per pound	12.8	29.4	28.7	23.4	17.5	17.5
Wheat—Chicago cash No. 2 red.	Dollars per bushel	$0.986	$1.17	$1.28	$1.78	$1.54	$1.37
Corn—Chicago cash No. 3 mixed.	do	0.0614	0.81	0.956	1.006	0.73	0.85
Oats—Chicago cash	do	0.376	0.444	0.514	0.466	0.431	0.494

There is only one example in the products listed, that of cotton in December, 1926, where the price dropped below the 1913 average. In every other case farm products continuously brought a better price, for the years included in the table, than the 1913 average.

We have here pictured the international nitrogen industry as showing statistically a producing capacity in excess of demands this past year. There has been no shortage of nitrogen since the war closed, as indicated by the fall in nitrogen prices and the curtailment of production in Chile. Yet to-day there are under construction plants which, if their program as contemplated is completed, will add an average of some 200,000 metric tons of new nitrogen annually for several years to come.

That the industry has favored the farmer is shown by the relatively severe drop in nitrogen prices as compared with the price of farm crops. While the farmer is receiving substantially higher prices for his crops than the 1913 level, the nitrogen producer is asking substantially less for his products. This relative price situation, together with more active selling pressure, has caused substantial increases in consumption of nitrogen. In the five years preceding 1914 the average annual increase of nitrogen consumption was about 50,000 metric tons. In the five years 1923–24 to 1927–28 the average increase in consumption of nitrogen was not so regular, but averaged about 75,000 metric tons per year, being less than the average for the early years and slightly more in the year just passed. These figures show that the annual increase in consumption is only a small fraction of the present rate of increase in production and of new production expected within the next few years.

CHARACTER OF DEVELOPMENTS

The fixation industries, although in existence at the outbreak of the war in 1914, received their first great development during the conflict, largely through the necessities of the Central Empires, then cut off from the natural nitrates of Chile. At the close of the war there were in operative condition a dozen new fixation plants constructed during the war period, and in addition numerous partly completed plants and projects. There was probably a producing capacity of around 400,000 metric tons of nitrogen per year represented in the newly completed plants. Of this construction there is in operation to-day around 85 per cent of that original capacity, and several of the more important plants have in addition been greatly enlarged since the close of the war, and the new and old construction together is adding from 600,000 to 700,000 metric tons of nitrogen per year to the world's supply of this important commodity. A small percentage of the capacity of these war plants is not producing to-day. Only a few of the smaller war-time projects or uncompleted plants have been abandoned and scrapped.

Most of these plants were built with more or less governmental financial assistance. As governmental plants of enemy ownership, several passed into other hands in the new alignment of territory, and for small considerations. With general depreciation of currency in Europe following the war, it is very difficult to-day to determine the real capital investment now in them on a gold basis and proper capital charges applicable to operation.

Further, after the close of the war nearly every European nation undertook an active program of military preparedness, nitrogen being one of the first items to come under consideration. By-product sources were too uncertain and inadequate and Chile was too far away. A program of new construction, in part private, but mostly with some form of governmental assistance, guaranty, or such, underlies the present construction, which, as we have said above, will, if completed,

add to the world's supply of nitrogen for some years to come several times any ordinary anticipated increase in consumption.

Aside from the military aspect is the question of food supply. A large part of the world lying east of the meridian of Greenwich is undoubtedly underfed. Limited resources are left for food after the costs of the war are met requiring that food prices be kept to a minimum to insure domestic peace. In the writer's opinion too much weight has been placed on the relationship of nitrogen to food supply where military necessity was dictating the policy, for nitrogen is only one of a number of factors in growing crops.

Emphasis was also laid on the assistance the nitrogen industry would be in creating a balance of trade. With the air free to all and with several successful processes, it was easy to create a domestic picture showing that nitrogen could be produced without the necessity of importation. Directly this should eliminate imports of nitrogen, possibly also of food, at least in part, and give a possibility of export of a wholly domestically produced commodity.

With all these facts before the politician, there was ample background for his advocating the operation of the many war-time and the establishment of the many new programs now facing the industry. The relationship of supply and demand had no consideration in many of the new construction programs. The relationship of selling price to cost of production has nothing to do with operation of certain of the plants. Military preparedness is a formula that overcomes such little obstacles, and a trained operating crew in a proved plant is considered far more important than a profit or dividend.

The fixation industry itself is not ignorant of the present situation, and is doing what it can to find increased markets for the present and prospective surplus nitrogen. The present period of overdevelopment will probably reach its peak in a comparatively short time, for while other countries are still giving consideration to new fixation projects, the scale of these newer undertakings is comparatively small and the effect of their completion will not be of major importance.

Although we have shown that there is surplus productive capacity of nitrogen, it must not be understood that this surplus is uniformly distributed over all nitrogen compounds. Practically the whole of this surplus is represented in sulfate of ammonia. Fluctuations of production in Chile have taken care of nitrate.

It might be interesting to recall that it was only 30 years ago that Sir William Crookes predicted that before 1931 the chemist would have to come to the rescue of a starving world through development of a new source of nitrogen. The chemist has performed so well that there is a surplus of productive capacity in existence to-day, the domination of the industry has been taken from the natural nitrate producers, and prices on nitrogen compounds have been reduced materially below the general price level of to-day. The plea of Sir William Crookes was certainly taken seriously, if present history is an indication.

POLITICAL TRENDS

Programs of fixation development based upon military necessity naturally run counter to any attempt to monopolize nitrogen production in any one country. The many small and uneconomical plants built under such a motive in the various European countries may not represent a broad, sound economic policy, but we must face the fact that that is what is going on. Certain of the larger producers in Europe have publicly condemned the restrictions imposed by some of the smaller countries to protect the domestic nitrogen industry. Whether logical or illogical, these restrictions do exist and affect the international industry to a greater or lesser extent.

CORRECTIVE MEASURES

Constructive programs of increasing local consumption have been undertaken by certain of the more important producers. Prices have been lowered to the extreme to encourage the use of nitrogen. A most extensive propaganda has been undertaken. Various other means have been adopted or proposed to improve the purchasing power of the farmer. For example, in one European country a serious proposal has been made to lend the skill and experience of the staff of a very large corporation to assist in solving one of the marketing problems of the farmer—the realization of a higher percentage of the price which the consumer pays for the products of the farm. The proposal was based upon the assumption that the industry had available in its staff a larger amount of skill and experience than the average individual farmer could afford, and that such a staff might increase the returns to the farmer by its better experience and knowledge of the most advantageous markets, of transportation, storage, and handling of the farm products. It should be remembered that this proposal was advanced as offering assistance only in a single country, where farm production was less than the country's food consumption and where the problem of effective selling was of first importance. It is a rather novel idea to us on this side of the ocean, where the farm problem is complicated by surplus of productive capacity, which brings into play many factors other than merely skillful salesmanship. We should, therefore, not be too quick to condemn the proposal before it has really been tried out in a country where conditions are the opposite of ours, and where there are no legal obstacles to prevent such cooperation. In the country in which it has been proposed the results of its actual trial are being awaited with a great deal of interest.

NEW PRODUCTS

The more important of the European nitrogen producers have endeavored to promote the use of nitrogen by the production of new fertilizer materials. Thus we have the new nitrate of lime containing the same percentages of nitrogen as the natural nitrate; Nitro-Chalk, a mixture of ammonium nitrate and calcium carbonate; the various forms of nitrophoska, containing the three important plant foods—nitrogen, phosphoric acid, and potash. The producers in both France and Italy have interested themselves in nitrogen-phosphate compounds, but have not yet announced the particular product they ultimately expect to produce. Ammo-Phos, our American contribution to this type of fixed nitrogen compound, is now 14 years old. It is hoped to increase consumption materially through the use of these compounded fertilizers, which have as a basis the old established American fertilizer practice of furnishing the farmer a single material containing the three important plant foods. For years Europe condemned this practice, only to recognize its merits finally and adopt the better of its practice.

THE UNITED STATES

Just a word on the relationship of America to the international situation. We used this past year something over 250,000 metric tons of chemical nitrogen, most of which went into agriculture. Before the war the consumption of fertilizers increased about 10 per cent per year and nitrogen probably a little faster than general fertilizer consumption. At the close of the war the sharp deflation of agriculture caused fertilizer sales to drop sharply and at the present time we are just about catching up to our pre-war level. In this respect America is behind the world in increase in nitrogen consumption. On the other hand, American farm conditions differ from those in Europe. When Europe doubles nitrogen consumption it imports less food. If we double nitrogen consumption, we produce greater surpluses, with lower prices, unless we change our methods of farming and of marketing of farm products.

We have in the United States about six times the cultivated area of Germany, on which we use only a little more than half as much nitrogen as the German farmer. In spite of this the writer does not expect a sudden and great revolution in nitrogen consumption here, although in this view he differs from some of the foreign producers who look with longing eyes upon the vast American acreage which they think should be fertilized with nitrogen at Belgium rates of application. They have not studied in detail the peculiar American agricultural conditions. As a consequence the American nitrogen industry offers possibilities only to producers of certain classes of nitrogen compounds adapted to our agricultural needs and which must be sold relatively cheaply for our level of farm prices is lower than that in Europe, at least to the extent of the freight and handling charges.

CONCLUSION

There is, therefore, no likelihood of the world starving to death because of lack of nitrogen; the starving is more likely to be on the part of the higher cost nitrogen producers, who can not sell their products at a profit in an oversupplied market. There will be a gradual diversion of fixed nitrogen from those products which are in oversupply, to others for which the industry has already found a place or is rapidly making a place, and with the inevitable increase in nitrogen consumption this will ultimately take care of our present capacity of production in this basic industry. Those of us in the industry who will have consolidated our position and conservatively planned our future to take care of the next years look forward hopefully to a healthy and serviceable future.

RESTRICTION OF IMMIGRATION

Mr. REED of Pennsylvania. Mr. President, I send to the desk and ask to have read a resolution adopted by the American Legion of the State of Illinois on the subject of immigration.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

Resolution passed by American Legion, Department of Illinois, September 11, 1928, at its convention in Waukegan, Ill.

Whereas the American Legion in its national conventions assembled has four times indorsed the immigration law of 1924, of which the national origin provision is the crucial feature; and

Whereas the convention of the Illinois Department of the American Legion in 1927 passed a resolution in which it declared that it "does hereby reaffirm its support on the immigration act of 1924 and of its fundamental national origin provision that immigrant quotas should be based on the entire population and not on the foreign born only"; and

Whereas a determined attack will be made by alien blocs at the next session of Congress on the national origin provision as the first step in an attack on all immigration restriction: Now, therefore, be it

Resolved, That we believe in immigration restriction as necessary to maintain the unity and safety of our country and that in order to maintain restriction immigration quotas should be on a fair and impartial basis, discriminating for and against nobody. Accordingly, we

favor the maintenance of the national origins system, basing quotas on the entire population—native and foreign born alike—and strongly oppose quotas based on the 1890 foreign born because that system excludes from the basis of determination all the descendants of the soldiers of the Revolutionary War, all the Civil War Veterans and their descendants—in short, all native-born Americans—and all immigrants who came after 1890, and is so grossly discriminatory that if continued it will throw all immigration restriction into disrepute. We oppose also attempts by alien blocs to mangle or repeal the national origins provision in order to obtain unfair quotas for their native countries.

Mr. KING. Mr. President, I would like to ask the Senator from Pennsylvania if he understands that the resolution is aimed at Mr. Hoover, who, as I understand, opposed the national origins provision, and whether he understands that it includes Mr. Hoover in the category of alien blocs who are seeking to mangle and emasculate the provisions of the law.

Mr. REED of Pennsylvania. I am not sure whether it is aimed at Mr. Hoover or at Mr. Smith, who opposed all restriction based on anything but the foreign born of 1920.

Mr. KING. I think, if the Senator from Pennsylvania will pardon me, that he misinterprets the attitude of Mr. Smith. However, my question was not directed at Mr. Smith. He is not in the limelight at present, but Mr. Hoover is.

Mr. REED of Pennsylvania. I fancy the resolution is directed at anybody who tries to weaken the present immigration policy of the Nation.

Mr. HARRISON. Mr. President, may I ask the Senator from Pennsylvania what is the status now of the national origins act? I understand it has been reported that it could not be put into operation through the three Secretaries, namely, the Secretary of State, the Secretary of Commerce, and the Secretary of Labor; but they reported that they could not put it into effect.

Mr. REED of Pennsylvania. The status of it is that under the present law, if no action is taken by Congress, the national-origins method will go into effect on the 1st day of next July. The three Secretaries to whom was intrusted the duty of making up the quotas rendered two conflicting reports. In their first report they sent in the quotas, saying that further study would not materially modify it. Then came a message announcing another draft of the same letter of transmittal, in which the opinion was expressed that the quotas were too vague for satisfactory use.

Subsequently the experts from the Bureau of the Census, upon whom devolved all the actual labor of the preparation of the quotas, have appeared before our committee and have testified to us, as well as to the House committee, that those quotas are made up with a high degree of accuracy and that they have confidence in them. That is the present status of the matter.

Mr. HARRISON. Then is it the opinion of the Senator that the national origins provision will be put into effect on the 1st of July and that no movement will be set on foot to postpone it further?

Mr. REED of Pennsylvania. I sincerely hope that it will go into effect on the 1st of next July.

Mr. JOHNSON. That is not a complete answer, in my opinion, if the Senator will pardon me, to the query of the Senator from Mississippi. Pending before the Immigration Committee are bills for the repeal of the national origins clause, and upon those bills there have been various hearings.

Mr. REED of Pennsylvania. Oh, yes.

Mr. ROBINSON of Arkansas. But the taking effect of the national origins clause has already been postponed twice, has it not?

Mr. REED of Pennsylvania. That is correct.

Mr. ROBINSON of Arkansas. It should have taken effect on July 1, 1927, but then by action of Congress it was postponed until July 1, 1929.

Mr. REED of Pennsylvania. That is correct.

Mr. ROBINSON of Arkansas. And are proposals pending again to postpone it?

Mr. REED of Pennsylvania. To repeal it entirely, but the census officials have testified that the final figures they have given us are reliable and accurate. Therefore I expect to oppose any effort to postpone or to repeal the law.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. BARKLEY. In his speech of acceptance last summer at Palo Alto the Republican candidate for President declared himself in favor of the repeal of the national origins provision of the immigration law. Does the Senator know whether the incoming President intends to push his opposition to that provision of the present law and ask for its repeal by the incoming Congress?

Mr. REED of Pennsylvania. I do not know what he expects to do, but at the present time we have the votes on the subject and he has not, and, so far as my vote goes, I shall be opposed to any change.

Mr. HARRISON. And that notwithstanding the fact that the incoming President might recommend a change in his first message to Congress?

Mr. REED of Pennsylvania. Quite so. He speaks for himself, and I shall continue to try to speak for myself.

Mr. HEFLIN. Mr. President, I heard the statement made repeatedly during the recent campaign that the change in the immigration law sought by gentlemen, especially from the East, would bring into our country from about 450,000 to 475,000 immigrants in a year. I wish to put Senators on notice that we have got to watch this situation very closely. There will be efforts made at this session and in the session to follow to change the immigration law. Such proposals will look very mild on their face, but they will have devilment in them. So we have to guard the situation very carefully. I am going to oppose any change in the immigration law except to make it a little tighter. If I had it in my power, I would exclude all immigrants for five years and let this country take stock and see who is who in America.

There are being smuggled into the United States every year through New York thousands and tens of thousands of foreigners who are never accounted for. The situation is becoming alarming. They are being smuggled into this country from Canada and from Mexico. Jefferson gave us warning while we were preparing an army and a navy against an invading army, that we had better guard well our gates against a silent immigrant army.

There are certain groups in the United States who do not want any immigration restriction at all. Their action is for the purpose of bringing in people to swell particular groups, to increase their number and political power in the United States. Those of us who cherish this country and its free institutions and want to keep it soundly American have got to guard our immigration gates. I warn all Senators to be on guard, and I, myself, am going to try to keep on guard to prevent suggested changes being put into the immigration law.

Mr. SHIPSTEAD. Mr. President, in view of the fact that I have a bill pending before the Immigration Committee providing for the repeal of the national origins clause, I wish to say that a great many misrepresentations have been made, undoubtedly in good faith and innocently, about the provisions and effect of that clause. It has been charged that it is an attempt to increase immigration quotas into the United States from Europe and other parts of the world. As a matter of fact it proposes nothing of the kind and has nothing to do with increasing or decreasing the number of immigrants who can come to the United States. It has nothing to do with any part of the immigration act, except that the movement to repeal is based on the report of the three members of the Cabinet who, under the law, were asked to investigate the national origin of the population of the United States.

In their final report that commission of three Cabinet officers stated that the data available upon which to base new quotas under the national origins provision of the immigration act of 1924 were so unreliable that they refused to assume any responsibility for the correctness or the fairness of quotas based upon such data. Later Doctor Hill came with another proposition and appeared before the Immigration Committee of the Senate. I think the committee was unanimous, or practically unanimous, in agreeing that the data were so unreliable that it should refuse to take the responsibility of having the national origins clause of the law of 1924 become effective, and I believe the committee unanimously recommended to the Senate the passage of a resolution for its postponement.

The President elect was a member of the commission of three Cabinet officers who signed that report. Evidently he has not changed his mind.

I wanted to make that statement in justice to those who have studied the national origins provision and who have found it absolutely unworkable. In principle it may be all right, but it is certainly more discriminatory and unreliable than any other provision upon which quotas have been based so far.

Of course, a restrictive policy of immigration will discriminate against some nationalities, but at least quotas based upon 2 per cent of the foreign born in 1890 are capable of definite ascertainment; we know what the figures are, and there can be no quarrel about the quota which may be allotted to each country. Under the national origins clause, however, the question can not be determined unless by some arbitrary means the

quotas are picked out of the air. I think it is only fair to make that statement.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. Yes.

Mr. ROBINSON of Arkansas. My recollection of the report of the committee to which the Senator has referred is that for last year if the national origins clause had been in effect 150,000 would be the total quota plus 3,000, the number allowed to come in under the provision respecting the minimum number which is authorized for each nationality, that number being 100. So the total number that would have been admitted under the national origins clause would have been 153,000, whereas the total number admitted under the present law was 164,000. The real difference between the two provisions, however, is that the national origins clause would have the effect of readjusting the quotas of certain nationalities, giving more to some and less to others than are admitted under the provision now in force. The provision now in force is based on 2 per cent of the number of a given nationality in the United States in 1890, whereas the national origins clause takes into consideration the whole race stock in the United States at a given time, say, 1920; but the number that would be admitted under the national origins clause would be actually less by about 11,000 than under the provisions now in force. That is my recollection.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Minnesota will yield, I should like to say a word further.

Mr. SHIPSTEAD. In just a moment I will yield the floor. The repeal of the national origins clause would leave the immigration law of 1924 operating as it is operating now; it would leave the present quotas continue as they are now.

Mr. REED of Pennsylvania. I have the figures before me and they confirm the statement of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I was speaking from memory, and attempted to speak merely with approximate accuracy.

Mr. REED of Pennsylvania. The Senator's memory is very accurate, because under the 1890 basis, which is now temporarily in effect, the number admitted under the quota is 164,667 persons, while on the 1st of next July, if we can preserve the law from any change, the enforcement of the national origins provision will reduce that number to 153,685, a reduction of more than 11,000 in the quotas.

The reason for the agitation against the national origins plan is that it cuts down the quotas of certain groups who are now receiving far more than they are entitled to. I can give the figures. At the present time Germany has a quota of 51,227, or nearly one-third of all of the quota immigration into the United States. As a matter of fact, according to the census of 1920, the proportion of persons in this country of German origin was only 16.21 per cent. So they are getting almost one-third of all the immigration, whereas the persons of German origin in the United States are less than one-sixth. Obviously, they do not want to see the national origins provision go into effect. That is why I think the Steuben Society has been so active in its agitation against the national-origins provision.

Mr. ROBINSON of Arkansas. Mr. President, there is another phase of this subject, if the Senator will permit me to interrupt him, which I should like to have him discuss. I recall that under the operations of the present law complaint has been made that families have been separated and hardships have resulted because of that fact. I also recall that much has been said and provisions have been incorporated in both of the platforms of the major political parties contemplating relief from this hardship. I should like to have the Senator discuss that subject for just a moment, and explain what hardships have resulted, or illustrate them, and how the situation can be remedied without greatly increasing the number of immigrants.

Mr. REED of Pennsylvania. I will be very glad to do that, if the Senator will permit me first before coming to the Senator's question to give the figures and to answer a suggestion made by the Senator from Minnesota. I will be very brief.

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED of Pennsylvania. Another group which has very much resented the national origins provision is that group which owes a part of its allegiance to the Irish Free State. At present they have about one-sixth of all of the immigration under the quotas into the United States, the Irish Free State quota being 28,567.

That comes from a country whose total population is only about 4,000,000. Almost 1 per cent of the entire Irish nation can emigrate to the United States each year under the present temporary 1890 basis; but as a matter of fact the proportion of Irish blood in the whole American Nation, counting us all, native born and foreign born alike, is only 11⅛ per cent; so their quota would be cut down by national origins to 17,000. Obviously, they do not want that; and that is the explanation of the activity of that group against the national-origins plan.

Then there is a third group, and that is the Scandinavian countries. Norway and Sweden have at present quotas of 6,453 and 9,561, respectively, whereas if their quotas were based on their actual proportion of the blood of all the United States those quotas would be reduced to 2,403 and 3,999, respectively, or a reduction of more than half in each of them; and that explains their agitation.

I have not yet heard anybody suggest a fairer scheme. All of these temporary expedients have been based on the easily obtainable figure of the foreign born in the United States at a particular moment. The temporary law of 1921 fixed the quota at 3 per cent of the foreign born in 1910, ignoring everybody born in this country in the calculation of the quota. The present law, with its temporary basis, fixes the quota at 2 per cent of the foreign born in 1890; in other words, saying that we will determine the composition of our future citizenship not by looking to the blood that made America and saved America in its repeated wars but by taking account only of foreign-born aliens and naturalized citizens, both, in apportioning the future quotas.

If some recently arrived alien who is not yet naturalized has a right to have his blood reflected in the quotas of our immigration, I say that we whose ancestors made this country and fought for it in every war have at least an equal right with that recently arrived, unnaturalized immigrant; and that is all that national origins does—to take us all into account, native and foreign born, citizen and alien, all of us alike, and base the quotas on the blood of the whole population that was in America at the latest available census, that of 1920.

Mr. SHIPSTEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. REED of Pennsylvania. I do.

Mr. SHIPSTEAD. The national origins law provides for basing the quota, for instance, of England, so far as it can be determined, on those whose ancestors came from England, and the quota of Ireland on those whose ancestors came from Ireland, and so forth. The Senator is familiar with the work of his committee. The Senator is familiar with the hearings that have been held before the Immigration Committee. Does the Senator base his argument on all the evidence available to date or is there some new evidence?

Mr. REED of Pennsylvania. There is new evidence, and I am not sure that the Senator has heard it. I am about to quote it.

Mr. McKELLAR. Mr. President——

Mr. REED of Pennsylvania. Will the Senator indulge me just a minute?

Mr. McKELLAR. I simply want to ask the Senator whether he has tables showing the numbers that come in under the present arrangement and those that will come in under the national-origins system?

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. McKELLAR. Will the Senator put those tables in the RECORD as a part of his remarks?

Mr. REED of Pennsylvania. I shall be glad to put them in the RECORD.

I desire to qualify one statement I made, and that was that the national-origins plan was based upon the origins of all of us. That is not literally so in this respect: We have excluded the descendents of those who came to the United States as slaves. It is not necessary to have any African quota; and, consequently, the law directs the exclusion of the negro element of the United States, and, for obvious reasons, the dscendents of the aboriginal inhabitants of the United States. With those exceptions, I believe it is fair to say that it comprehends all of us.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. REED of Pennsylvania. I do.

Mr. BORAH. The Senator gave figures showing what would be the decreases of certain groups. Has he the figures showing what groups would be increased?

Mr. REED of Pennsylvania. I have; and I will put the whole table in the RECORD. The most important increase would be that of Great Britain, including Wales and Northern Ireland, whose quota would be raised from 34,007 to 65,894, because it is computed by the Census Bureau that the British stock in the United States constitutes 42.89 per cent of the blood of the country.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. REED of Pennsylvania. I do.

Mr. WALSH of Montana. I should like to inquire of the Senator whether Great Britain meets its quota annually?

Mr. REED of Pennsylvania. Yes; it has up to the present time, Mr. President. I will put those figures in the RECORD also. I may say that all of the quotas are exhausted, and there is a great flood of applications for quota visas from every country, with the exception of a few of the smaller political units and the countries of the Far East, whose quota is only nominal. For example, there is a Japanese quota of 100; there is a Chinese quota of 100; there is an Abyssinian quota of 100; but nobody can get a visa within that quota unless he can show that he is of Aryan descent; and the consequence is that there is no demand for those little odd quotas.

When this matter was sent to be studied by the commission created under the act, three Cabinet officers were given charge of the determination of these quotas, with instructions that they were to use the Census Bureau in making them up. On January 3, 1927, they made their report to the President, and he sent their report to Congress. It was an ordinary letter of transmittal, but it has a curious history. It occurs in three different forms, all dated January 3, 1927.

The first version of it will be found in Senate Document No. 190, Sixty-ninth Congress, second session. That is the letter of transmittal to the President, dated January 3, 1927. It concludes with this statement:

> The report of the subcommittee is self-explanatory, and, while it is stated to be a preliminary report, yet it is believed that further investigation will not substantially alter the conclusions arrived at.
>
> It may be stated that the statistical and historical information available from which these computations were made is not entirely satisfactory. Assuming, however, that the issuance of the proclamation provided for in paragraph (3), section 11, of said act is mandatory and that Congress will neither repeal nor amend said act on or before April 1, 1927, the attached list shows substantially the quota allotments for use in said proclamation.

Then in Senate Document No. 190, the same document, appears also the second version of that letter, bearing the same date, addressed to the President, signed by the same Cabinet officers; and the sentence I read first reads in this way:

> The report of the subcommittee is self-explanatory and is stated to be a preliminary report, yet, in the judgment of that committee, further

That is, throwing the judgment back to the Census Bureau—

> further investigation will not substantially alter this presentation.

Then in the same Senate document is printed also the third version of this letter, which came to Congress from the President a few days later, saying that the first versions were inaccurate; and the third version said, in the same sentence:

> The report of the subcommittee is self-explanatory and is stated to be a preliminary report; yet, in the judgment of that committee, further investigation will not substantially alter this presentation.
>
> Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We, therefore, can not assume responsibility for such conclusions under these circumstances.

Leaving Congress with the inevitable understanding that these three Secretaries had three different views on this most important question on that fateful day of January 3, 1927.

That being the state of mind of the Secretaries, the Immigration Committee, having before it these bills, sent for the real experts; and they got in Dr. Joseph A. Hill, of the Census Bureau, who is the chief statistician and the most experienced expert in that bureau. This is what he said:

He was asked:

> What, in your opinion, is the fairest way to all of the nationalities involved of calculating the distribution of the aggregate quota of immigration that Congress sees fit to admit?

Doctor Hill answered:

> I will say * * * that no proposition has been brought to my attention that seems to me fairer than this one of national origin. There seems, indeed, to me to be a rather marked absence of alternative proposals, except the 1890 basis, that is about the only alternative I have had brought to my attention as against the national-origin plan.

Then he was asked as to the accuracy of the 1890 basis. He was asked this question:

> Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exists in the United States?

Mr. Hill answered:

> No, indeed; it does not.
>
> It gives the German quota, for example, 51,000 out of a total of 164,000. Is the German element in the American population 51 to 164, namely, 31 per cent?

He answered:

> No, sir; it is not. I do not see how anyone could be surprised at the fact—

And so forth.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Jersey?

Mr. REED of Pennsylvania. I do.

Mr. EDGE. Does the Senator believe that using the 1890 census as a basis reflects the actual number of residents of the different nationalities as compared with using the 1920 census as a basis?

Mr. REED of Pennsylvania. It comes closer to the true facts than the 1920 census. If we based it on the 1920 census, it would give Poland a bigger quota than it would give all of Great Britain, for example. That would be the result of basing it on the foreign-born only in 1920.

The point I want to make is that the currents of immigration have changed in the various decades, and for any moment that we might select, if we based our quota on the foreign born at that moment, it would reflect only the recent arrivals and not those who came in the previous decades.

Mr. EDGE. Exactly, but it will reflect the actual population of the country at the time. As a result, from the standpoint of actual population, is it not true that using the 1920 census would better reflect the foreigners who have been admitted to the country and who are here now?

Mr. REED of Pennsylvania. Absolutely. If we based it on the foreign born here in 1920 it would reflect the present-day group of foreign born better than the 1890 census; yes. But I have never heard anyone answer my question, why we native-born Americans should not have an equal right to be represented in the immigration quotas, and there is no way of doing that except by this national origins method.

I am not going to take the time of the Senate to read now the long testimony given by Doctor Hill at the hearing, but it is printed as a committee document, and at the conclusion of my remarks I will ask to have it printed in the RECORD. It shows, I think, beyond a doubt, that the national origins method is essentially fair and is the only essentially fair method.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. The Senator was asked to read the names of the countries that would have their immigration quotas increased by the national origins law. Will the Senator please continue to read those?

Mr. REED of Pennsylvania. Yes; I will be glad to. It increases the quotas of Belgium, of the Netherlands, of Austria. It decreases that of Czechoslovakia.

Mr. SHIPSTEAD. Increases it?

Mr. REED of Pennsylvania. It decreases that of Czechoslovakia.

Mr. SHIPSTEAD. The national origins law?

Mr. REED of Pennsylvania. Yes.

Mr. SHIPSTEAD. Under the present law Czechoslovakia has——

Mr. REED of Pennsylvania. Three thousand and seventy-three is the present quota, and under the national origins law they will have 2,726. It increases the quota of Finland by less than a hundred. It increases that of Greece to a total of 312. That would be her whole quota. It increases the quota of Hungary slightly, of Italy slightly, of Lithuania slightly, of Poland about a hundred. It decreases the quota of Portugal. It decreases that of Rumania, and considerably increases that of Russia.

Mr. ROBINSON of Arkansas. Russia has no quota.

Mr. SHIPSTEAD. It increases the quota of Russia by more than 200 per cent.

Mr. REED of Pennsylvania. I beg the Senator's pardon. It increases from 2,248 to 3,540.

Mr. ROBINSON of Arkansas. Has Russia a quota now?

Mr. REED of Pennsylvania. Yes; they have a quota now. Of course, you can not get a passport, and we would not recognize one if it were presented, but League of Nations passports are presented by people born in Russia, and they are charged to

that quota. There is a very slight increase in the quota of Yugoslavia, about 70 persons. Those are the countries whose quotas are increased.

Mr. FLETCHER. Mr. President, as I understand it, the national-origins basis will go into effect July 1 next year, unless there is another joint resolution extending that time.

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. ROBINSON of Arkansas. Or unless it is repealed.

Mr. REED of Pennsylvania. Or unless it is repealed. The only criticism that I have ever heard of the national-origins method was not on the fairness of the idea but on the possible inaccuracy of the computation. If anyone will take the time to read through Doctor Hill's statement of the method of computation he will realize that there were four parts in that computation: First, the distribution in the last census of those born abroad. That is easy. That is perfectly set forth in the census itself and involves no uncertainty.

Next, the descendants of the first generation from those born abroad. That also is carried in the census figure and involves no uncertainty.

Next, the immigration between 1790, when we took our first census, and the arrival of the parents of these children of foreign-born parents who were in the census. We have accurate immigration figures from 1820 down to date. There is involved a slight element of estimate in the ascertainment of the immigration between 1790 and 1820. But the number was limited to a comparatively few hundred thousand. There was more immigration in one single year in the nineties than there was in the whole 30 years between 1790 and 1820.

Then there is involved the question of calculating the descendants of those who were included in the 1790 census. That involves care, it involves a study of the fecundity of the population at that time. That has been made with the utmost care. But, as Doctor Hill shows, if there was any error in the calculation from that 1790 stock the quota is so small in proportion to the present population that you would have to make an error of 600 persons in the population in order to get a quota difference of one person.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Montana. I would like to inquire of the Senator whether it is a fair inference from the colloquy over this plan that the immigrants from Great Britain are rather to be desired than those from Germany, the Scandinavian countries, and the Irish Free State?

Mr. REED of Pennsylvania. I am glad the Senator asked that question, because I think the answer to it ought to lie at the bottom of all we do in the matter of immigration. The moment we come to compare nationalities we get ourselves into an abysmal conflict. No two men can agree on their preferences among nationalities as such, and everything I have ever said about immigration, and I believe everything Congress has ever done, has been on the theory that the most recently arrived Greenland Eskimo is the exact equivalent in desirability to the descendant of the first families of Virginia. We can not go on any other basis, and I would not for one moment claim that the average English immigrant is to be preferred in desirability to the immigrants from Germany or the Scandinavian countries, or from any other part of the world. I am willing to concede that every blessed one of them is the equal of my own stock, or of myself. We will get into trouble, and we will get into insoluble difficulties, if we ever go on any other basis.

Mr. HARRIS. Mr. President, I want to ask the Senator if it is not a fact that any plan except the national-origins plan discriminates against nationalities? Any other plan does that.

Mr. REED of Pennsylvania. That is true; any other plan gives some nationality more than its fair share.

Mr. HARRIS. And others less.

Mr. REED of Pennsylvania. And others less, necessarily.

Mr. HARRIS. I want to ask the Senator concerning the number of Mexicans coming into the country. Under the present law there come from Mexico half the number that come from all the other countries of the world. There are more illiterates and more illegitimates among those people than among any other people who come into this country.

Mr. REED of Pennsylvania. The Senator is exactly right.

Mr. SHIPSTEAD. I did not catch all the Senator from Georgia said.

Mr. REED of Pennsylvania. If the Senator will permit me, I will say that in substance the Senator from Georgia called attention to the very large immigration from Mexico, and to the fact that among those immigrants there was an enormous proportion of illiteracy and disease.

Mr. SHIPSTEAD. The Senator does not intend to create the impression that the immigration from Mexico has anything to do with the national origins?

Mr. REED of Pennsylvania. I was about to say, when the Senator asked me to yield, that the question of Mexican immigration is not involved in the matter of national origins at all.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Yes; if the Senator will wait long enough for me to answer the Senator from Georgia first. Then I will yield.

In the matter of Mexican immigration we have a problem that is most serious. It is not involved in the question now before us at all. The great difficulty with the Mexican immigration is the difficulty of guarding the long frontier between the United States and Mexico. The Mexican frontier is a longer line than a line drawn from here to Omaha, and the number of border patrol guards is only a few hundred. With a few hundred men to guard a line from here to Omaha, we know that we could not prevent people from crossing it almost at will. If we could guard that Mexican border adequately, we would not need to change the law at all, because the present-day requirements, under the act of 1917, as to literacy and physical health, are sufficient to keep out 90 per cent of the Mexicans who are now coming in. But we will get to that question later.

Mr. COPELAND. Mr. President——

Mr. REED of Pennsylvania. I promised to yield first to the Senator from Wisconsin.

Mr. BLAINE. Mr. President, the Senator has practically answered the question I was going to ask. Why should not the national-origins principle, if it is to apply to the stock that has made this Nation, apply equally to the Western Hemisphere, Mexico, and Canada, and all others, to whom it does not apply? I ask that question for this reason, that the great influx of cheap Mexican labor to-day is having a tremendous effect upon the labor question in America, perhaps more effect than that of the immigration from any European country in any past time.

Mr. REED of Pennsylvania. I quite agree with the Senator that Mexican immigration is not needed in the United States at this time. I would like to see the flow stopped. But there is no use passing laws we can not enforce. There is no use making a face at Mexican immigration unless we can actually keep that immigration out down to the point that we set for ourselves, and until we guard the border we can not keep that immigration out.

Mr. BLAINE. Mr. President——

Mr. REED of Pennsylvania. I am trying to answer the Senator's question. I beg him to indulge me. No matter what law we pass we can not keep those Mexicans out of Texas, New Mexico, and Arizona until we guard the border. If we enforce our present law, if we are able to guard the border, we can keep them out, and we do not need to enlarge the present law to do it.

Now, one thing more. The other nations of the Western Hemisphere present no immigration problem, because we lose to them each year more people than they send to us. That is true of every nation south of Mexico clear to Tierra del Fuego. Every one of them takes more people from us than it sends us, and the number of immigrants to and fro is only a few hundred.

Canada we have always treated in such matters as the forty-ninth State. It is to everybody's interest, I think, that we continue to do so. Her population is indistinguishable from ours, anyway.

Mexico I have already mentioned. The difficulty there is in guarding the border. I think we are all agreed with the Senator from Wisconsin that for the sake of our own working people we would like to keep that Mexican immigration down to the minimum.

Mr. BLAINE. But, Mr. President, the barrier is a question of importance, as I understand.

Mr. REED of Pennsylvania. That is my understanding.

Mr. BLAINE. Why not use the Coast Guard and prohibition agents and like instrumentalities for enforcement of the immigration law? We would be as successful, would we not, in enforcing the immigration law as the Government is successful in enforcing the prohibition law?

Mr. REED of Pennsylvania. Opinions differ on that. I understand that had the national campaign gone as the Senator wished it there might have been some chance for those prohibition agents being put into the Immigration Service.

Mr. NORRIS. And we could have brought the marines back.

Mr. BLAINE. We might call on the marines to enforce this law. The question is a serious one, though, without making it applicable to the question of prohibition. Is it possible that the Government of the United States can not enforce a law, if it were a law, in relation to such an important matter, that affects the whole economic welfare of the workingmen of this country? Congress has decreed that that shall be done with reference to the personal habits of our citizens, such as involved under the prohibition law. Is there any reason why Congress should not decree that a like prohibition should be enforced against this menace that threatens the economic welfare of the American working people, men and women alike?

If we admit that the Government of the United States is impotent to enforce that sort of a law, which goes to the very foundation of the economic status of the working people of America, then certainly we are in a most ridiculous and unfortunate position when we undertake to enforce the prohibition act. I am not discussing the prohibition act, but I am merely using that as a parallel.

Mr. REED of Pennsylvania. I think great credit should go to the Department of Labor and to the Immigration Service and to the men of the border patrol for the splendid efforts they have made to enforce the law along the Mexican border. It is a superhuman task, but they have done their level best, and Congress ought to know it.

Let me make just one further statement and I shall have finished. The national origins method is criticized because of possible inaccuracies. We have it on the authority of the Census Bureau that those inaccuracies can not in any event exceed 5 per cent one way or the other, and that they probably are very much less than that. We are asked to take in place of it the 1890 basis, which we know in many respects is 50 per cent inaccurate. With all deference to the critics of the plan I have yet to understand how they can in sincerity urge us to avoid a possible inaccuracy of 5 per cent by resorting to a plan which everybody admits is 50 per cent inaccurate—and that is the proposition.

Mr. SHIPSTEAD. Mr. President——

Mr. REED of Pennsylvania. The Senator from Arkansas [Mr. ROBINSON] asked me a question, which I should like now to answer.

Mr. ROBINSON of Arkansas. I merely pointed out the fact that during the last campaign much discussion was heard from both sides as to the necessity for affording relief against the hardships imposed upon families under the administration of the present statute, and asked the Senator to state briefly how those hardships could be relieved without greatly increasing the number of immigrants.

Mr. REED of Pennsylvania. In the first place, both parties in the last campaign seemed to ignore the very good work that Congress has been doing in relieving those hardships. We went very far during the last session in apportioning the present quotas to a very large extent to the relatives of aliens now here. That was intended to relieve, and it has to a great extent relieved, the hardships caused by the separation of families. We have given the aliens living here a preference in the quota for their near relatives who are still abroad.

Mr. ROBINSON of Arkansas. Is that done by statute or by administrative authority?

Mr. REED of Pennsylvania. That is done by statute which we enacted last May.

Mr. ROBINSON of Arkansas. That was my recollection.

Mr. REED of Pennsylvania. And yet neither party seemed to remember that in the discussion of the so-called hardships. But I implore the Senate to be on its guard against these tales of hardship. Every time an immigrant comes alone to the United States, leaving his family behind him, there occurs a separation of family. He is the man that makes the separation. But let him once get his feet on American soil and he looks to Congress and says, "You are separating my family from me."

I am not going to take the time of the Senate now to read it, but I have here a quotation from one of the groups that is organized to attack, first, the national origins and then the whole immigration act which says, "We must collect enough cases of individual hardship to overwhelm Congress with them," and that is the way they manufacture these cases.

Mr. ROBINSON of Arkansas. Does the Senator feel that legislation on the subject is necessary or desirable?

Mr. REED of Pennsylvania. I think we have gone to the limit. I think Congress has been as generous as any reasonable person can ask. We have changed the law in other respects as well. We have allowed an American citizen just recently naturalized to bring his wife and his children. We have given them a preference for their fathers and their mothers. We allow them, before they are naturalized, to get their wives and children in under the quota, but an American citizen after naturalization can bring them in regardless of the quota. We have gone just as far as it is possible to go in an effort to be humane and still stick to this policy, which, to my mind and to the minds of many Senators, is as important to the United States as any other policy that we follow.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me now?

Mr. REED of Pennsylvania. I am glad to yield.

Mr. SHIPSTEAD. Will the Senator explain, for the information of the Senate, the method used by the Census Bureau and how they arrive at a determination of the national origins of the people of the United States in such a way that they can base immigration quotas upon their finding?

Mr. REED of Pennsylvania. That has already been put into a Senate document. I tried to explain it briefly, but I think the Senator's attention must have been distracted. I would rather not repeat it this morning. It is based on taking the 1890 census and the immigration since that time, a study of the foreign born shown by the last census, and a study of the children of foreign born shown in the last census. The result in the last analysis compares very favorably with the claims that those people themselves made before there was any immigration law. Doctor Faust, who has written on the German element in the United States, claims for that element a proportion almost exactly the same as is conceded to it by the Census Bureau in this calculation. If we test them by their own claims, the same is true of the Irish. Test them by their own claims before we had any immigration law and it will be found that we have given them everything they then claimed.

I send to the desk and ask to have printed in the RECORD at the close of my remarks tables giving the quotas based, respectively, on the 1890 census and on national origins.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, it is so ordered.

The tables are as follows:

National origins and American immigration

	1890, foreign born basis [1]		National origins basis [2]	
Northwest Europe:		*Per cent*		*Per cent*
Belgium	512	0.31	1,328	0.86
Denmark	2,789	1.69	1,234	.80
France	3,954	2.40	3,308	2.15
Germany	51,227	31.12	24,908	16.21
England, Scotland, Wales, and North Ireland	34,007	20.65	65,894	42.89
Irish Free State	28,567	17.37	17,427	11.34
Netherlands	1,648	1.00	3,083	2.00
Norway	6,453	3.92	2,403	1.56
Sweden	9,561	5.80	3,399	2.21
Switzerland	2,081	1.26	1,614	1.05
Other northwest Europe	200	.12	200	.13
Total	140,999	85.6	124,798	81.20
Southeast Europe:				
Austria	785	.47	1,639	1.06
Czechoslovakia	3,073	1.86	2,726	1.77
Finland	471	.28	568	.36
Greece	100	.06	312	.20
Hungary	473	.28	1,181	.76
Italy	3,845	2.33	5,989	3.89
Lithuania	344	.20	492	.32
Poland	5,982	3.63	6,090	3.96
Portugal	503	.30	457	.29
Rumania	603	.36	311	.20
Russia	2,248	1.36	3,540	2.30
Yugoslavia	671	.40	739	.48
Other southeast Europe	1,225	.74	1,385	.90
Total	20,323	12.30	25,429	16.50
Asia	1,624	.99	1,758	1.14
Africa	1,200	.72	1,200	.78
Australasia	521	.31	500	.32
Grand total	164,667	.....	153,685	.....

[1] Each country gets 2 per cent of those born in that country counted in the 1890 census. These quotas, therefore, are based on 8,000,000 people in 1890.

[2] Based on the entire white population in 1920, native and foreign born alike, derived from the quota countries, 89,332,158 in all. Each country gets such proportion of 150,000 immigrants as it contributed to the total white population from quota countries, 89,332,158.

Mr. HARRISON obtained the floor.

Mr. SHIPSTEAD. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. HARRISON. Yes; I yield to the Senator.

Mr. SHIPSTEAD. If the Senator will yield to me, I desire to read a paragraph from a report of the House Committee on Immigration in connection with this subject.

Mr. HARRISON. I yield to the Senator from Minnesota for that purpose.

Mr. SHIPSTEAD. This is from House Report No. 2029 of the Committee on Immigration of the Sixty-ninth Congress:

The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the "national origins" plan will continue to exist.

That the Secretaries of State, Commerce, and of Labor will have little, if any more, positive evidence on which to base quota findings than at present.

That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.

* * * * * * *

That the committee is of the opinion that the United States, having started on a policy of numerical restriction, the principle of which is well understood, that little will be gained by changing the method.

Mr. HARRISON. Mr. President, the immigration question in this country is not the great issue that it was once, although sometimes, in order to play upon the fancy and arouse the prejudice of some people some would-be orators try to make it a major issue. I was delighted that in the recent campaign both political parties in their platforms stood for the most restricted immigration and that the presidential candidates of both political parties differed as to details only, both expressly stating that they were against increasing immigration to this country. So any expression made by anyone touching the position of candidates on the Republican or the Democratic tickets in the recent campaign, that they favored an increase in immigration, is erroneous and unjustified by the facts.

People have always differed on the immigration question; it has never been a partisan question. In my more than 18 years' experience in Congress I have never seen politics enter into the subject of immigration. I remember when I was a Member of the other House the distinguished Augustus P. Gardner, a Republican from Massachusetts, sitting by the side of the little giant from Alabama, John L. Burnett, and fighting for the enactment of the literacy test. I saw that law passed through both Houses of Congress and go to a Republican President, and I saw him veto it.

Then two years later I saw the same gentlemen fighting with those who had assisted them in the previous Congress, adopt a literacy test and pass a bill restricting immigration into this country, to a very large extent, though, of course, not so much as under the present law. I saw that bill go to a Democratic President; he took a different view from the Congress, and vetoed the bill; but Representatives and Senators laid aside their partisanship and voted to override the President's veto, and the bill became the law of the land, and from that time on we have had restricted immigration. It was my pleasure in both instances to vote to override the presidential vetoes.

The enactment of the literacy test was a most restrictive measure and a great forward step. When, however, a few years later immigrants were getting ready to come here by the millions and the question came up as to the best way of giving to the American people a good immigration law and preventing the most undesirable groups of immigrants from coming here, we adopted the quota system based on the 1890 census, first, I believe, with a restriction of 3 per cent and afterwards of 2 per cent.

The difference between the national origins test and that of the quota method based upon the census of 1890 is, of course, apparent, but apparent only in a minor degree. The gentlemen in the House and in the Senate who fought for restricted immigration legislation were not so much interested as to the difference between the national origins plan and the quota system based on the census of 1890. As a member of the Immigration Committee, I accepted the national origins test, although, from the information that came to us we appreciated the difficulty of putting it into effect. It has been difficult. Three Cabinet members of the present administration have been unable to agree concerning it. Of course, it is not the first time in their public experience that they have been unable to agree, but in this instance the disagreement was open and expressive. The distinguished Senator from Pennsylvania [Mr. REED], who championed the national origins provision, cited three communications from the next President of the United States, together with two of his colleagues in the Cabinet, giving different versions and conclusions, but all stating that it seemed to be almost impossible to compile the figures so that the national-origins plan could be put into immediate effect.

Mr. REED of Pennsylvania. Oh, no, Mr. President; it was only in the third communication that they reached that conclusion.

Mr. HARRISON. Well, the third communication. Now, I am going to read to the Senator from Pennsylvania a fourth communication about which he did not tell the Senate. This was the communication of the Senator's candidate for President in his acceptance speech. I know how strongly the Senator feels about the national origins provision and I know that he has pledged again to-day to dedicate himself to the service of the national origins test and to fight all who may attempt to repeal it or to ask for a postponement of it. I say to the Senator—and the chairman of the Immigration Committee, who is on the floor here, I think will agree with me; if he does not, I want him to say so—that there will be a proposal from the admininstration before the 1st of July next, when the national origins test is to go into effect, either asking for a further postponement in order to settle the question or asking for a repeal of the national origins test. There will have to be one or the other. Does the Senator from Pennsylvania think that the next President is going to change front this quickly?

Mr. REED of Pennsylvania. Does the Senator have better information than the others of us about their intention?

Mr. HARRISON. I know more about the President elect, I think, than the Senator from Pennsylvania does. That is one among many other reasons why I did not vote for him for President. I have here what Mr. Hoover in his acceptance speech said. I do not understand how the Senator overlooked it when he was taking us into his confidence and giving us his various communications touching the national origins provision. This is the last utterance that touched this important question. The Senator I think at the time was in Europe and perhaps did not read Mr. Hoover's acceptance speech; and I do not blame him for that. [Laughter.]

We shall amend the immigration laws to relieve unnecessary hardships upon families.

The Democratic candidate for President stated the same thing. There was no difference upon that question.

As a member of the commission whose duty it is to determine the quota basis under the national origins law, I have found it is impossible to do so accurately and without hardship. The basis now in effect carries out the essential principle of the law, and I favor repeal of that part of the act calling for a new basis of quotas.

The Secretary of Commerce in all of his communications has practically stated that he is opposed to the national origins test, not because it might permit fewer to come than under the 2 per cent provision based on the census of 1890, although that would permit the coming in, as the Senator has said, of some 11,000 more immigrants, but is because he doubts, from information coming to him, that they can arrive at a proper conclusion upon which to base the quotas.

So I submit that there is no great difference in the American Congress now on the immigration question. There is not the slightest chance of lowering the bars that restrict immigration into this country. Neither of the political parties in the recent campaign stood for any increase, and I heard of no candidate for any position standing for any increase in immigration. The difference was as to details, and the question as to which country should get a larger or smaller quota. The Democratic presidential candidate in his Nashville speech, as well as on other occasions, expressly stated, "I do not favor any increase in our immigration."

Personally, if this question can be worked out on the basis of the national origins provision, I should like to see that provision put into effect; I think theoretically it is sound; but I believe, in view of the communications coming to us from the Cabinet officers to whom we entrusted this matter, we are going to be forced before July 1 either to repeal the provision adopting the national origins test or we have got to postpone it and give a longer time before it shall go into operation.

Mr. SHIPSTEAD. Mr. President, Doctor Hill made a statement before the Immigration Committee of the Senate upon which, I believe, the entire argument in favor of the national origins law is based. I ask unanimous consent that Doctor Hill's statement may be printed in the RECORD, from page 8 to page 21 of the Senate hearings—the entire statement of Doctor Hill—for the information of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Pennsylvania. Reserving the right to object, it seems to me if we are going to print any of it in the RECORD, it all ought to be printed.

Mr. SHIPSTEAD. My request covers all of Doctor Hill's statement. I merely named the pages so that it should not be confused with other matter in the hearings.

Mr. REED of Pennsylvania. Some one else also testified.

Mr. SHIPSTEAD. There were some other things stated in the hearings, but I have asked that Doctor Hill's statement be printed complete.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. JOSEPH A. HILL, ASSISTANT TO THE DIRECTOR OF THE CENSUS

Doctor HILL. Gentlemen of the Senate committee, this report we have submitted to the three secretaries——

Senator KEYES. You have made a report which is embodied in Document No. 65, I believe?

Doctor HILL. Yes, sir.

Senator KEYES. Will you go over that briefly?

Doctor HILL. We had to consider the problem, of course, in relation to the available data that were in existence and could be utilized in arriving at a determination of the national origins, or the proportion of the total population which is derived from each country which is concerned.

Now, we had the following classes of data: We had the century of population growth, in which is a classification of the population in 1790 on the basis of the names of heads of families. That classification was prepared some years ago before there was any thought of its being utilized in connection with this matter of regulating immigration on the national-origins basis. That was one class of data.

Another set of data consisted of the census statistics classifying the foreign born by country of birth. That classification was first applied in 1850 and has been continued in each census down to the present time.

Then there is the census classification of children of the foreign born with reference to birthplace of their parents. There was a partial classification of this kind in 1880, but the first complete classification on that basis was made in 1890 and has been repeated in each subsequent census.

Then we have the statistics of immigration to this country, which record begins with 1820 and comes down to the present time.

These were the main classes of data that we had on which to base this determination of national origin.

Well, having in mind the data, it was obvious that as a first step it was necessary to distinguish that portion of the total population of the United States which was derived from the population enumerated in 1790, because one set of data related entirely to that portion of population, while the other set of data related entirely to the other portion of population. So we made that fundamental distinction, by a process which I could not describe in detail for the lack of time and because it is very statistical. We made that distinction. We distinguished that proportion of the population of 1920 which is derived from the population in 1790. We called that the original native stock. It was necessary to designate these two divisions in some convenient way, and we called that portion of the population derived from the original population of 1790 the original native stock, and we called the remainder of it, which is derived from people who have come to this country since 1790, the immigrant stock. Of course, we realized that in the last analysis we are all descendents of immigrants, but we used that term to distinguish that portion of the population descended from immigrants who came to this country after 1790.

Then we distributed the original native stock on the basis of the 1790 classification on the assumption that if the English, for instance, constituted a certain percentage in the 1790 population they constituted the same percentage of that portion of the 1920 population which is derived from the 1790 population. We used for that purpose the classification in the Century of Population Growth.

We didn't feel satisfied, however, that that classification was entirely reliable. We recognized the fact that it was not so in the first report, which we submitted in December, 1926. We pointed out in the report that there probably was a considerable element of uncertainty in that 1790 classification, which was based on names, for reasons which we gave there; but as that was the only complete classification available, we were accepting it provisionally. We tried to make that clear—that this first analysis which we made was a provisional analysis. It was not submitted as being final, and we pointed out at the time that it was subject to revision, and that we intended to go ahead and revise it.

I placed some little emphasis on that fact, because I find that an argument has been based on the fact that our final determination differed so much from the first report. The argument is that "Here this committee made a classification of the national origin in 1926, and they have made another in 1927, and they differ quite materially, which indicates that there must be considerable uncertainty about the matter." Now, the fact is that the revised classification did not differ from the original classification any more than we anticipated that it would at the time that we submitted the original classification. We expected it would differ; we expected that the estimate of the English element would be reduced. But we had reached no conclusion at that time as to how much it should be reduced, and therefore it seemed to us better for the purposes of the provisional estimate to accept the figure as it stood in the Century of Population Growth and wait until we had made a further study of the sources before we determined on the reduction.

As indicating that that final classification did not differ much more than we anticipated, I might say that one of my colleagues at the time that we submitted the provisional classification, being interested in the matter, tried to forecast how much it would differ from the final classification, and he estimated that in the quota of Great Britain and Northern Ireland the maximum reduction might be as much as 10,000. But the reduction we finally made was only 7,000. He likewise estimated that in the case of the Germans and the Irish, there might be—well, in the case of the Germans he estimated that there might be an increase of as much as 3,500, while there was in fact an increase of only 1,480. In the case of the Irish he estimated there might be an increase of as much as 6,000, and the actual increase proved to be only 3,500. So, as far as the difference between those two estimates is concerned, it was nothing more than we anticipated and expected, because the first estimate was a provisional estimate.

Senator REED. Doctor Hill, what caused the decrease in the English and Scotch and Welsh?

Doctor HILL. Well, we realized that in all probability a great many names had been classified as English which were not of English origin, partly because of the probability that a good many names that were not of English origin became anglicized, after their possessors came to this country; and partly because where the classifiers were in doubt about a name the natural tendency would be to assign it to the majority class, or the class that was dominant in that community on the principle that it was more likely to belong to the majority class than to the minority.

In the matter of the correcting of the Century of Population Growth estimates, we had the assistance, I might say here, of two well-qualified experts, employed by the American Council of Learned Societies. The American Council of Learned Societies felt that as a contribution to history and quite apart from its relation to immigration restriction, it was of great interest to determine the origin and racial composition of the population of the United States. They had had that question under consideration for some time. Two research experts were engaged to study that question. They had no official connection with our committee, of course. But they worked here in Washington in the Library and were situated so we could avail ourselves of the data and results which they got. One of these was a man who had taken a doctor's degree in history and had been working several years on a report on immigration from Europe to the United States. The other is a man who had made a study of the origin and occurrence of family names. He got interested in that subject for some reason, has devoted a great deal of attention to it, and has come to be an authority on that subject. We utilized his assistance in arriving at this corrected figure. With his knowledge of the facts, he could tell with confidence whether a name was distinctively English or whether it was not distinctively English. He made a count of distinctively English names, and then he increased that number in about the same proportion as it bore to the names of less common occurrence in England. He had some of the records on that subject—data compiled in England to show how many people in the population of England were represented by certain family names of common occurrence.

His computation was confirmed in two ways: In the first place, it was in substantial agreement with the conclusions that had been reached independently by a historian of eminence. I do not know that I ought to give his name, because he has not published the results of his inquiry, but he made this inquiry before there was any question about national origin in relation to immigration. He reached the conclusion that the English element in the United States in the Century of Population on Growth was too large by a certain percentage, and his result harmonized with the result which we got.

Then the expert on immigration took up the study from the other approach; that is, he was not trying to determine the size of the English element; he was trying to determine the size of the non-English elements, and the question was whether the result which he arrived at as to the size of the non-English element would fit in with the results of the computations as to the size of the English element, so that the two together would account for the total population. His results did fit, very closely. His plan of procedure was this: To take one nationality at a time—the Dutch, for instance—and make use of county histories and local records. He took it up county by county.

Senator WILLIS. In what States?

Doctor HILL. In the States where the nationality was chiefly represented.

Senator WILLIS. Did he take it the country over then?

Doctor HILL. Suppose he starts with the Dutch nationality, for instance. There are numerous States in which there were no Dutch, and it would be no use bothering with those States. But New York he would work through very carefully, and I presume New Jersey and Massachusetts; I do not know. From those local records he was enabled to determine what names really were Dutch. Of course, he found a good many instances of a name that seemed like English, when

the record showed it belonged to a family originally coming from Holland, but that there had been a change of names; take, for illustration, the name of Cole. Almost everybody would say that that is an English name, but, as a matter of fact, he found that in some of these counties the name was originally Kool and was of Dutch origin. Consequently, he would classify the Coles in that county as Dutch instead of English, though anybody not familiar with the historical background would doubtless have classified them as English.

As I say, his results fitted in with the results of the other line of inquiry. So we felt we were justified in making that reduction in the British quota. It was a reduction of 10.4 per cent.

Senator REED. Has any inquiry been made since the preliminary report in foreign countries to determine their statistics of emigration?

Doctor HILL. Yes; that concerns the other half of the population, what we call the "immigrant stock." There we used census data from 1890 down, and that settled the classification of the foreign born themselves, and of the children of foreign born. These two elements of the immigrant stock are based directly on census figures. There was not any element of estimate there except such as was necessary on account of the changes in political geography—a factor which enters into the determination of the present immigration quotas for that matter.

Senator REED. If the question be raised of the element of uncertainty due to changes in political boundaries in Europe, it is true, is it not, that that element of uncertainty pertains as much to 1890 basis as to the national origin?

Doctor HILL. Quite true.

Senator REED. There is a necessary factor of guesswork there?

Doctor HILL. Or of estimate; yes.

Senator REED. In the effort to determine what portion of German immigration, let us say, came from German Poland?

Doctor HILL. Yes. I think there is perhaps a somewhat erroneous impression about that. Most people, I believe, have the idea that the 1890 basis rests upon exact figures, but that is rather far from being the case, because the 1890 census does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Czechoslovakia. That had to be estimated. It does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Yugoslavia; that had to be estimated. It does not show how many people there were from that portion of Europe which constitutes the present Germany or the present France, or the present Irish Free State; all through that had to be estimated. The law contemplates that. It provides that where there have been transfers of territory, the number of people born in the transferred territory shall be estimated. So there is a pretty large element of estimate in the 1890 basis.

Senator REED. Of course, that is true of all the new countries created by the war, for example, Poland, Lithuania, Latvia, Estonia, Finland.

Senator WILLIS. That is practically a matter of guesswork.

Doctor HILL. We worked it out as carefully as we could.

In making the 1890 allocation, as there was not very much time for careful study, the committee adopted rather arbitrarily the assumption that the immigration from the original country had been spread evenly through the parent country—say that 10 per cent of the population had been transferred from one country to another, it was assumed that the transfer took with it 10 per cent of the immigration. That was the assumption we made in arriving at the quotas on the 1890 basis.

This time we have made use of that assumption only as a last resort. If we could get better data, and we usually did, we make use of that better data.

Senator WILLIS. Perhaps this question would come better later. I have been wondering about this feature. I realize it is exceedingly technical, exceedingly difficult, and exceedingly complicated and requires the most careful investigation by experts. Would there be any advantage if this portion of the act were delayed in its operation; would it give you opportunity for more accurate conclusions?

Doctor HILL. I think it desirable, whether the act is to be enforced at once or whether it is to be postponed—it is an idea of my own—that there should be organized some kind of a permanent board of review or of revision. And it should not be this committee which made the original estimate, but a distinct body, which I should think had better not consist of officials of the Government or employees of the Government exclusively, but should be an outside body of men—men whose names would carry confidence—and that that organization should have the authority to review and revise from time to time any of these quotas, or all of them, on the basis of further study and further research into the sources.

I really do not anticipate that the resulting changes would be very radical in any case. But, after all, this is a matter of such importance that I believe we ought not to rest satisfied with anything short of the closest approach to accuracy that we can make.

Senator WILLIS. The information and the conclusions that you now have you feel to be more accurate than the ones that could have been given a year ago?

Doctor HILL. Oh, yes.

Senator WILLIS. And presumptively if you had more time, not indefinite, but we will say another year, you would reach more accurate and more scientific conclusions?

Doctor HILL. It could be improved. One source of confidence, with me, at least, is the fact that in building up from several distinct elements we do not apply one computation to the whole population, but we get at one element of population and then another element of population separately, the result being that there might be quite a percentage of error in one of those elements which, when it came to be swallowed up in the total would not produce any material difference.

Bearing on that point I made a computation the other day; I asked myself this question: "Here we have estimated that 41,000,000 in round numbers of the population at the present time is original native stock and 53,000,000 is immigrant stock, as we define it." I said, "Suppose we had made an error of a million; suppose one stock ought to be a million greater and the other a million smaller, how much effect would it have?"

As I remember, it made a difference of about a thousand in the English quota and about 300 to 400 in the German and Irish quotas, and of less than 50 in any other quota. So it did not seem so very vital.

Senator COPELAND. Would there occur a criticism like this: You know the Irish have contended there were a great many more Irishmen in the United States than the census of 1790 showed.

Doctor HILL. We concede that.

Senator COPELAND. That the Continental Army had hundreds of Irishmen, who must have evaporated between the time of dismissal from the Army and the census. Now, if they had all been counted it would not have made very much difference in the long run?

Doctor HILL. All been counted?

Senator COPELAND. At least they all had been counted in the census?

Doctor HILL. I fancy if all had been counted that these Irish patriotic societies claim in the United States it would make some difference.

Senator COPELAND. Considerable difference?

Doctor HILL. Considerable difference. They have pretty high estimates of the number of Irishmen.

Senator COPELAND. Would it make a difference of several thousands?

Doctor HILL. No.

Senator COPELAND. Not that much?

Doctor HILL. No.

Senator REED. What did you do to check the accuracy of this claim, Doctor, if anything?

Doctor HILL. We did not do anything, strictly speaking. We went at it in an independent way and reached our own figures. We did not review the evidence they submitted.

Senator REED. You studied the Irish element in the same way you have the other elements?

Doctor HILL. Yes.

Senator REED. The way you described before, by checking back against the Irish immigration and that sort of thing?

Doctor HILL. Yes.

Senator COPELAND. Doctor, did you not consider that the evidence each presented had a value which entitled it to consideration?

Doctor HILL. I think it had value to this extent, that we would agree that there were more people of Irish origin in this country than the Century of Population Growth credited them with. I have no doubt we agree with them, as our result shows. We have increased the Irish quota on that basis partly, and I think there is an under classification of Irish in that volume of the census; I think they were perfectly justified in making that claim. But I think they exaggerated the extent of the underclassification.

Senator REED. Do your present figures involve an allowance of an increased number of Irish in 1790 over that which was shown?

Doctor HILL. Yes; that is perfectly right.

Senator COPELAND. But your present allowance is not as great as it would be if you had accepted their figures, I take it?

Doctor HILL. I imagine not. I never tested what their figures would give.

Senator COPELAND. Is it true of other races? Were there the same percentage of the overlooking of other nationalities as well as Irish in the census?

Doctor HILL. I do not know that other races made so definite claims. I think our German figure comes pretty close to the German figure Doctor Faust arrived at in his book on The German Element in America. I have not looked that up, but I have that impression.

Senator COPELAND. Did you increase the number of Germans quite materially in this most recent estimate?

Doctor HILL. Over what we have now in 1890?

Senator COPELAND. No; over the first.

Doctor HILL. Well, we increased them 1,480.

Senator COPELAND. What happened to the English?

Doctor HILL. The English were reduced.

Senator COPELAND. How much?

Doctor HILL. Seven thousand one hundred and forty-five.

Senator COPELAND. And how much were the Irish increased?

Doctor HILL. The Irish were increased by 3,565.

Senator COPELAND. What about the Scandinavians?

Doctor HILL. The Scandinavians did not get very much increase. Norway got only 136; Sweden only 140.

Senator SHIPSTEAD. Doctor, upon reading the report I got the idea that the census of 1790 plays a very important part in your report.

Doctor HILL. Yes; that is true.

Senator SHIPSTEAD. It is almost a foundation for the entire report, as I read it.

Doctor HILL. Well, you are talking now about the census records, not about the Century of Population Growth?

Senator SHIPSTEAD. I am talking about the census record, and the Century of Population Growth is based, as I understand it, upon the census of 1790?

Doctor HILL. Yes.

Senator SHIPSTEAD. So the census of 1790 becomes the key to the arch of the whole basis of calculation, as I understand the report. I wanted to know if that is your idea.

Doctor HILL. Yes. For that part of the population which we call the original native stock, representing about 45 per cent of the total.

Senator SHIPSTEAD. Can you tell us how many or what percentage of the statistics gathered in that report were destroyed when the British burned the Capitol here?

Doctor HILL. Well, the records for New Jersey, Delaware, Georgia, Kentucky, and Tennessee. These records have been lost, but it is not altogether certain that they were destroyed when the British burned the Capitol, although that is the tradition.

Senator SHIPSTEAD. It was given at one time as something like six or seven States of which the statistics were burned at that time—so given by one of the Commissioners of Immigration.

Senator COPELAND. Does the Senator mean that the records relating to those States were burned?

Senator SHIPSTEAD. Yes. Doctor, I believe the census of 1790 showed, roughly, 3.4 population; was that right?

Doctor HILL. Three and four-tenths what?

Senator SHIPSTEAD. What did the records show for the number of people in 1790?

Doctor HILL. The whole population?

Senator SHIPSTEAD. Yes.

Doctor HILL. That was approximately 3,000,000; approximately that.

Senator SHIPSTEAD. Three million four hundred and some odd thousand?

Doctor HILL. I think so; yes. (It was 3,172,006.)

Senator SHIPSTEAD. In 1890, according to your report, there were 30,400,000. That would indicate that the people who lived here in 1790 multiplied in a hundred years ten times?

Doctor HILL. Yes.

Senator SHIPSTEAD. That would indicate that every female born in the United States during that period, including those who died in infancy, including those not married, and including those who did not have children—but every female so born would have to have had an average of 4¼ children?

Doctor HILL. I am not sure.

Senator SHIPSTEAD. Assuming that one-seventh of the total of the females born in that period of time had no children at all, the other six-sevenths then would have had to have seven children?

Senator REED. Is that so, Doctor?

Senator COPELAND. Not quite that, would it? It would be seven-sixths of 4¼?

Senator REED. Seven-sixths of 4¼.

Senator COPELAND. It would be 4.95, would it not?

Doctor HILL. What were your basic figures?

Senator COPELAND. Seven-sixths of 4¼. I think it would be about five children.

Senator SHIPSTEAD. An increase of ten times in a hundred years.

Senator COPELAND. In these modern days it would not.

Senator SHIPSTEAD. In these modern days we have eliminated really all diseases of children in infancy?

Senator COPELAND. Yes.

Senator SHIPSTEAD. Everyone having the average length of life and the average number of people who grow to adults, including children.

Senator COPELAND. Only 30 years ago one-fourth of the babies died in the first year of life.

Senator SHIPSTEAD. Are you sure that is correct?

Senator COPELAND. The figures I am giving you?

Senator SHIPSTEAD. Yes.

Senator COPELAND. Yes.

Senator WILLIS. What conclusion are you getting at, then, Senator SHIPSTEAD? You are challenging the extent of the figure attributed to the original native population?

Senator SHIPSTEAD. In 1890. Of course, the law says nothing about giving anyone authority to distinguish between the people who lived here before 1790 and those who came since. There is nothing in the law that requires a distinction shall be made between what the commission has designated as native stock and those who have come since. There is nothing in the law that provides for any such division of the population of the United States. It may be desirable to some people to have it so divided, but the law does not provide it shall be done.

The law also says that the ancestry of individuals shall not be traced. Well, if you go back to the names of the census of 1790, that is just what you are doing, because the census of 1790 did not say where the various people came from in Europe; it only took the age and the name.

Senator WILLIS. I want to get your conclusion. Then, in your judgment, are those the figures we have as to the portion of all present population that descended from the original native stock not correct? They are too large; is that it?

Senator SHIPSTEAD. I am not making that charge. It seems to me that it is absolutely unreasonable.

Senator WILLIS. That is what I want to get. That is your idea?

Senator SHIPSTEAD. I can not arrive at any other conclusion.

Senator REED. Did you allow the same ratio of growth for the immigrant stock coming since 1790 you did of the native American stock?

Doctor HILL. In the process by which we arrived at our result that question did not arise. In using the age figures, and the carrying the computation back this matter took care of itself.

Senator REED. The custom was to allow them the same percentage of fecundity that was allowed to the native stock?

Doctor HILL. No; that is not true. We made no assumption about it and the computation involved no assumption. It is based on the census, which showed what percentage of each age group were the children of native parents. So we did not have to raise that question. I do not believe that that increase is in any degree improbable. The growth of population was marvelous in this earlier period. It went on increasing about 35 per cent each decade for several decades, until along about the time of the Civil War. Then it was checked. I do not believe that any statistician would claim that that was an impossible increase.

Senator COPELAND. How do you account for that very rapid increase in the earlier years?

Doctor HILL. The people were prolific; they all had big families in those early days. The death rate was high, but, nevertheless, they had such big families that they could lose two or three children and still show a great increase.

Senator REED. I would like to ask Doctor Hill, who is a census expert, what, in his opinion, is the fairest way to all of the nationalities involved of calculating the distribution of the aggregate quota of immigration that Congress sees fit to admit.

Doctor HILL. I am not sure that my qualifications as a census expert or a statistician make my judgment on that question of more value than other peoples. I will say, however, that no proposition has been brought to my attention that seems to me fairer than this one of national origin. There seems, indeed, to me to be a rather marked absence of alternative proposals, except the 1890 basis; that is about the only alternative I have had brought to my attention as against the national origin plan.

Senator REED. Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exists in the United States?

Doctor HILL. No, indeed; it does not.

Senator REED. It gives the German quota, for example, 51,000 out of a total of 164,000.

Doctor HILL. Yes.

Senator REED. Is the German element in the American population 51 to 164?

Doctor HILL. No, sir; it is not. I do not see how anyone could be surprised at the fact that the German element forms a smaller portion of our total population in 1920 than it did of the foreign-born population in 1890; and in the same way with some of those other nationalities. Everyone must know, I suppose, that the English formed a larger proportion of the original stock in 1790 than any other nationality, and that they must form a larger proportion of the present population than they did in the foreign born in 1890. That seems to me is almost self-evident without regard to whether our figures are accurate or not. That is a general fact that must result from the shifting from the 1890 to the national origin basis.

Senator REED. Doctor Hill, if Congress should see fit to adopt the resolution introduced by Senator JOHNSON yesterday and postpone the going into effect of the national origins scheme for another year, could your committee during that year revise and add a greater precision to the figures which you have recently reported?

Doctor HILL. Yes; I think we could, somewhat.

Senator REED. It would enable you to check up, would it, the results given there?

Doctor HILL. I could wish they might delegate that task to some other body.

Senator KEYES. Could not both be done? It would be an extremely important matter, and I should think if you could revise your figures it would be desirable.

Senator BLEASE. Doctor, could you tell from your statistics what the American population was in, say, 1900?

Doctor HILL. I do not recall exactly. It was about 76,000,000.

Senator BLEASE. I am just asking, could it be found?

Doctor HILL. Oh, of course.

Senator BLEASE. And what is it now?

Doctor HILL. In 1900 and now?

Senator BLEASE. Yes.

Doctor HILL. Oh, yes.

Senator BLEASE. And could you tell what percentage of those people had become American citizens and what percentage are in this country remaining not naturalized?

Doctor HILL. You mean what proportion of the foreign-born population has been naturalized?

Senator BLEASE. Yes.

Doctor HILL. Yes; that is in the census.

Senator BLEASE. What I want to find out is, how rapidly the foreign element are becoming voters and how long it will take them to outvote the American people at the present rate they are coming in.

Senator REED. Senator Blease, in 1924, when the immigration act was in committee, statistics were presented that showed the proportion of the foreign born of the different nationalities who had become naturalized. The lowest, as I recall, was that of the Greeks, where 24 per cent of those of Greek birth in this country were naturalized. That ran up until some other nationality showed nearly 80 per cent naturalized.

Senator WILLIS. But that would not show anything about voting. You are showing citizenship and not voting. You are asking about voting, are you not, Senator?

Senator BLEASE. Yes; I am asking about voting.

Senator WILLIS. There is nothing in the census about voting.

Senator REED. No.

Senator BLEASE. What I want to find out is at what rate they are coming in and how long it will take them at that rate to outvote American citizens, or until they are more numerous than are original American citizens.

Doctor HILL. You could not tell that from the census figures.

Senator COPELAND. I suppose we are all in a sense naturalized if we go back far enough.

Senator BLEASE. I was not naturalized; I was born over here.

Senator COPELAND. Was the census of 1800 a more accurate census than 1790?

Doctor HILL. I do not know of any reason why it should have been. I never had occasion to consider that question, but I do not see why they should not have been equally accurate. They were both taken under the same organization and under conditions not very different, I should say.

Senator COPELAND. Do you consider that the census taken at that early period was anything nearly as accurate as it is to-day?

Doctor HILL. I think so, because they had a very simple census to begin with. They did not have this vast mass of detail that we have to carry now and, in the second place, because they had not the confused conditions we have to contend with in the big cities, or the floating population that we have now. The population was much more permanent then, and I imagine that the enumerators in most cases were fairly well familiar with the population which they enumerated. If there was any difference, I should think it would be in favor of the 1790 census as against a later census.

Senator COPELAND. In your opinion the national origins law founded on the census of 1800 would bring practically the same percentages as 1790?

Doctor HILL. Yes.

Senator COPELAND. Would that be true as to 1810 and 1820?

Doctor HILL. I do not think there was enough immigration had come in at that time——

Senator COPELAND. We had immigration in the forties.

Doctor HILL. About that time.

Senator SHIPSTEAD. Doctor, have we got the returns for 1800?

Doctor HILL. Have we got them?

Senator SHIPSTEAD. Yes.

Doctor HILL. There are some States missing still. The States for which the 1800 census records are missing include: Georgia, Kentucky, Mississippi, New Jersey, Tennessee, and Virginia, and certain limited areas in some other States; also Indiana Territory and Northwest Territory.

Senator SHIPSTEAD. There were six or seven missing out of 1790.

Senator WILLIS. I was wondering whether or not that might not be a check worth while. Our committees made these computations on the basis of the census of 1790. Suppose they should start an entirely independent inquiry, taking the census of 1800 and 1810 and see where they come out. It would be a pretty useful check, would it?

Senator COPELAND. Up as far as 1830 it would be.

Doctor HILL. That would be a very large undertaking, a very large task, especially as we would have to work with manuscript records. We haven't printed these schedules as we have those of 1790.

Senator WILLIS. You say you have not any printed record for the census for the earlier periods?

Doctor HILL. I mean by that, the original records. Of course, we have census reports giving statistics.

Senator WILLIS. 1790 was printed; 1800 was not, or 1810?

Doctor HILL. No; nor has any later census been printed.

Senator SHIPSTEAD. Can you tell me the first census we took in which we undertook to find out what country these people came from?

Doctor HILL. 1850.

Senator SHIPSTEAD. There was nothing done up until that time by our census enumerators to determine where these people came from in Europe?

Doctor HILL. That is true.

Senator COPELAND. In 1850 did they go back further than the immediate parents?

Doctor HILL. It did not go back as far as that; simply their own birthplace; whether foreign born, and in what countries.

Senator COPELAND. When did they begin to ask anything about the parents?

Doctor HILL. They made a beginning in 1880, but, as I stated a while ago, that was not a complete classification. The first complete classification made of parents was in 1890.

Senator SHIPSTEAD. Then, until 1850 there was nothing to show, except by assuming from the names?

Doctor HILL. Well, we have the immigration figures, you know.

Senator SHIPSTEAD. Were there any other immigration figures other than those required by the Government to be filed by the officers of incoming ships with the immigration officers, the number of passengers, and that the passengers landed were accredited to the flag carried by the ship?

Doctor HILL. I think you are right about that. I am not familiar with the immigration regulations of those days.

Senator SHIPSTEAD. So if the ship came in carrying passengers from all over Europe, assume she had a thousand passengers, the officer would file with the immigration department a manifest showing that a thousand come here, and that German ship and immigration officials would accredit those immigrants to Germany; is that right?

Senator REED. I doubt whether there was any ship of that capacity at that time.

Senator SHIPSTEAD. Of course, the figures I assumed merely for the purpose. For instance, an English ship coming in under the English flag, carrying passengers from all over Europe, the passengers would be accredited to England?

Senator WILLIS. The way they handled ships in those days that would not be a bad guess, because they did not have tramp vessels gathering up cargo. A ship was laden and went to a certain port.

Senator REED. Your conclusions upon that were checked, were they not, by statistics of emigrants from various countries?

Doctor HILL. So far as we could get them.

Senator SHIPSTEAD. Could you get them in any extended form for those days of 1850?

Doctor HILL. For some countries we have statistics of emigration from Provinces and counties, and of others we haven't found any yet.

Senator SHIPSTEAD. In what countries did you get those?

Doctor HILL. In the case of Ireland, we had the emigration by counties and in the case of Germany we had it by Provinces.

Senator COPELAND. Is it not quite apparent, Mr. Chairman, that we might refine and verify these figures by the use of more time? Doctor Hill says so; and out of these discussions it would seem to me more light might be thrown upon the subject.

Senator KEYES. I submit for the record a letter by Senator BRUCE, of Maryland, to Senator JOHNSON, under date of March 14, 1928, inclosing protest of the Independent Citizens' Union of Maryland, and ask that both be inserted in the record at this point.

(The letter and inclosure referred to, as directed by Senator KEYES, are here inserted:)

UNITED STATES SENATE,
March 14, 1928.

Hon. HIRAM W. JOHNSON,
United States Senate.

DEAR SENATOR: At the request of Dr. Robert H. Haase, president of the Independent Citizens' Union of Maryland, I am forwarding to you herewith a copy of a protest which the members of the union have made against the quota provision of the immigration bill.

Truly yours,

WM. CABELL BRUCE.

A PROTEST AGAINST THE QUOTA PROVISION OF THE NEW IMMIGRATION BILL

To the Congress of these United States:

We, members of the Independent Citizens' Union of Maryland, an organization of citizens of immigrant origin whose loyalty has stood every test in the time of trouble and whose patriotism is unimpeachable, having a political conscience equal to their civic honesty, protest the

so-called "quota" provision in the new immigration measure now before Congress—

For that the provision thereof is arbitrary, unequal, unfair, and unreasonable.

For that the passage of this measure is a reflection upon the courage and the intelligence of the people of the United States and is a confession of fear that they are morally and mentally weak and have lost the virility that marked their immigrant ancestors so now dread and shun to compete with the newcomer of like proportions.

We protest the passage of this bill because we believe in the future of this our country, for as we know that its greatness was achieved by the pioneer immigrants and their descendants, so do we welcome their successors of to-day, as we are convinced that these will equally contribute to the greatness and well-being of our country of the to-morrow.

Because we so believe, and because we possess courage in ourselves and a grateful memory for those who prepared the way for us, we oppose this quota provision as prejudicial to the best interests of the United States and of its welfare.

Respectfully submitted.

THE INDEPENDENT CITIZENS UNION OF MARYLAND,
By Dr. ROBT. H. HAASE, *President.*

Senator KEYES. The committee will now go into executive session.

(Whereupon, at 3 o'clock p. m., the committee proceeded to the consideration of executive business, and at the conclusion thereof adjourned to meet at the call of the chairman.)

Mr. SHIPSTEAD. I ask unanimous consent that the statement made by the senior Senator from Minnesota before the Immigration Committee of the Senate be printed in connection with Doctor Hill's statement. I should like to have the two views fully set out for the information of those who desire to consider the question.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Senator SHIPSTEAD. I have prepared a condensed résumé, which is the result of a great deal of study of the so-called "national origin" clause of the immigration act, and I will go through it as hurriedly as I can, because I think it ought to be in the record for the consideration of the committee.

The CHAIRMAN. All right, sir.

Senator SHIPSTEAD. As I go along with this statement, in order to save time and not impose upon the committee, if you care to ask me any questions I will be very glad to answer them.

Mr. Chairman and gentlemen of the committee, S. 4425, which I introduced June 8 last, seeks to amend sections 11 and 12 of the immigration law of 1924. The amendment is in the form of a redraft of said sections. The object of this amendment is to repeal the so-called "national origin" method of determining the annual immigration quota from each country to take effect July 1, 1927, as set forth in paragraph (b) said section 11, so that thereafter the annual quota of immigrants from any country shall continue to be the same as at present, viz, 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890. In redrawing said sections 11 and 12, I have endeavored to eliminate therefrom all that relates to the "national origin" provisions, both in regard to the numerical limitations and also in regard to the administration of the immigration law, but to retain therein all that relates to the administration of the law under the quota as provided for in paragraph (a), section 11.

My reason for asking for the elimination of the "national origin" method to determine the quota of each country is that I find that we have not sufficient official or other data upon which to determine the quota of each country upon this basis and that it would lead to discrimination between different nationalities, which is just what Congress diligently endeavored to avoid in passing the immigration act of 1924. I might say also that the reason I voted against the immigration law when it came back from the House and from the conference is because I began to have an inkling of where this would lead us. I have given considerable study to the matter since, and I have come to the conclusion, and I think every one of you who look into it will come to the conclusion, that there is no basis upon which this can be reckoned to determine what is the "national origin" of the various groups. Therefore the yardstick by which we measure under this provision is not based on anything about which we have exact information.

The purpose of the "national origin" plan is to divide all immigrants exactly in accordance with the "national origin" of our population so as to eliminate charges of discrimination. If this could be done, it might be an ideal plan.

Paragraphs (b) and (c) of said section 11 read as follows:

"(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

"(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

It will be seen from the above that the most important element in this determination is "statistics of immigration and emigration." The next important element is "rates of increase of population as shown by successive decennial United States censuses."

As reliable statistics of immigration and emigration are not in existence the whole plan fails and leaves the determination to mere guesswork or conjecture.

Senator REED. In the absence of statistics, you say?

Senator SHIPSTEAD. Yes; I say "reliable statistics" are not available. According to the best authorities, there are no reliable statistics of immigration for the first 213 years of this country's history. I believe you stated in the debate upon this proposition that there were none until 1820?

Senator REED. Yes.

Senator SHIPSTEAD. I am quoting from your statement on the floor of the Senate, April 3, 1924, page 5460, part 6, volume 65, of the CONGRESSIONAL RECORD: "There was no official governmental record of immigration commenced until the year 1820."

Dr. Edward McSweeney, former Assistant Commissioner of Immigration, has made a statement on that, and if you would care to have me do so I would like to read it. He said [reading]:

"In 1819 a law was passed making it necessary for the captains of all incoming ships, bringing passengers to the United States, to file a manifest of the passengers, but except to give the number of the passengers to the Government was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896. The first real attempt to gather immigration statistics was after the Immigration Bureau was established in the early nineties."

So that brings us down to 1896, if that statement is correct.

Senator REED. Not necessarily, because the statistics were copied and compiled, or for many decades before that, and appear in the Government reports here in Washington.

Senator SHIPSTEAD. Considerable emphasis has been laid on the fact that a census was taken in the year 1790 and that this census can be used as a basis for determining the "national origin" of the inhabitants of the United States in that year, but this census is of no value for that purpose, because only names and ages were given in this census and no information can be secured as to nationality or "national origin."

In 1906 Congress passed a law providing that the Director of the Census be authorized and directed to publish in permanent form, by counties and minor subdivisions, the names of the families returned at the First Census of the United States in 1790.

Speaking of the difficulties in this work, William S. Rossiter, then chief clerk of the Census Bureau, stated in Outlook for December 29, 1906, page 1071, with reference to the correspondence between the Secretary of State and the marshals in the different districts who had charge of the census:

"The break in official records is one of the marks of the teeth of the British lion, these papers and many others having been destroyed during the occupation of Washington in the War of 1812."

Mr. Rossiter also states:

"Vagaries of size, shape, paper, ruling, chirography, and language could easily be forgiven if, however, thereby we could restore the missing schedules for Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia, another reminder of the British, for they were also destroyed during the occupation of Washington."

Mr. Rossiter estimates that one-fourth of the enumeration is now lacking and that it would be very difficult to comply with the law of 1906.

Director of the Census North was not seemingly deterred by the fact that such a large part of the records was missing and proceeded in 1909 to make a voluminous report, which not only used the partial records but gave meticulous percentages of the racial divisions in the country based solely on names, the same as the late Senator Lodge has done in his Distribution of Ability in 1896. Well, certainly the recklessness of that would be apparent; for instance, here is a man by the name of Murphy; suppose he marries a girl of German descent. What would the children be? If you go by name, of course they would be called Irish; the German would be wiped out. If an Irish girl should marry a man with a German name, a Scotch name, or Scandinavian name, the Irish descent would be wiped out.

Senator REED. Would not these instances pretty well cancel one another?

Senator SHIPSTEAD. I think that may be. But, of course, in the absence of any statistics from such a large part of the United States down to recent date, I think while that may be true that one would cancel the other, I should rather think that the larger would absorb the smaller, and the smaller would finally be entirely wiped out. The proportion would not be kept, and, as I understand it, the function of this clause was to keep the origin in about the same proportion, if it could be determined.

This North report has been used in the tentative tables to show what each country would get under the "national origin" clause in the immigration act of 1924.

Several eminent scholars have written extensive articles for the magazines showing the futility of trying to arrive at the "national origin" of the white inhabitants of the United States, among which are mentioned Dr. Edward F. McSweeney, former assistant immigration commissioner at New York, and Dr. Roy L. Garis, professor of economics in Vanderbilt University.

I quote from Doctor Garis's article in the Saturday Evening Post for October 10, 1925:

"The 'national origin' plan means, therefore, that we must abandon practical methods and adopt something which we do not know anything or at best very little about." (Saturday Evening Post, p. 233, October 10, 1925.)

John B. Trevor, in his statement before the Senate Committee on Immigration, page 90, Senate hearings, 1924, stated:

"It has been suggested that the adoption of the 1890 census in lieu of that of 1910 will accomplish an equitable apportionment between the emigration originating in northwestern Europe and in southern and eastern Europe, respectively. This principle has been embodied in the House committee bill now before Congress. On the other hand, it is alleged that the selection of the census of 1890 as the basis for the computation of quotas, discriminates unjustly against immigration from what is called the newer sources of supply. Since the late arrivals are in all fairness not entitled to special privilege over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation, the obvious solution of the problem lies in the racial analysis of the population of the United States. The difficulties of such a proceeding are obviously very great, and the results, owing to the lack of complete data compiled in the earlier decennial enumerations made by our Government, can therefore only approximate the truth."

I want to say this for Mr. Trevor: He has been criticized and blamed for whatever there has been done in trying to figure this out. I can not find anywhere that Trevor spoke in favor of the "national origin." He was contending all the time that the quota of 1890 was the most fair and would cause the least discrimination against any nationality. That is the gist of his argument from beginning to end, as I read it in the hearings and wherever I find him quoted.

Senator REED. I think the explanation of that is that the "national origin" clause had not been suggested at the time he testified.

Senator SHIPSTEAD. That may be.

Senator REED. The idea, whether a good one or bad one, I think, originated with myself. Trevor had never heard the suggestion.

Senator SHIPSTEAD. I think the idea is a good one if you can find a basis upon which to figure it out.

Senator REED. Of course, the theory of it was an effort to be entirely fair to everybody and try to be impartial.

Senator SHIPSTEAD. Yes; I think so.

Senator REED. I have no pride of authorship in it, and I am very concerned in seeing how it will work out. If it is impracticable, I think we ought to repeal it.

Senator SHIPSTEAD. After I talked to you the other day I thought you would be interested in getting it correct.

Senator REED. Yes; I am.

Senator SHIPSTEAD. This goes into effect next year, unless something is done either to stop the presidential order or to repeal this act.

That is the only statement that I can find by Trevor on this proposition, but I think it is very significant. Now, he goes on to say:

"Nevertheless, such an approximation is of infinite value in demonstrating the falsity of the charges made by those whose interests and sympathies lie abroad rather than in the country of their adoption."

And I absolutely agree with him. I think he is right when he says that the quota of 1890 would be the most fair and cause the least discrimination to any group.

Senator REED. Senator, you agree with this, do you not, that if it is possible from a practicable standpoint to base the quotas on the whole population of the United States it ought to be done rather than to base them only upon the foreign born in any particular year; in other words, there is no reason why we who were born here should not be reflected in the quota if it can be done?

Senator SHIPSTEAD. I think that is right, if it can be done; then, I think it is perfectly right.

I shall not take up the time of the committee in quoting from persons outside of Government service, but will call the attention of the committee to statements on this question made by persons who are charged with the administration of this law.

On May 8, 1924, Congressman SABATH, one of the House conferees, stated in reference to paragraph (b), section 11 (CONGRESSIONAL RECORD, p. 8138, pt. 8, vol. 65):

"Both the Director of the Census, Mr. Steuart, and Doctor Hill, first assistant, who appeared before the managers, declared that they would be obliged to adopt arbitrary methods to arrive at the proper basis upon which allocation will be based."

Commissioner General of Immigration Hull in his annual report for 1925 (p. 29) states:

"Thirteenth: Section 11 provides at the present time for an annual quota for each nationality of 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the census of 1890, with a minimum quota of 100, and further provides that beginning July 1, 1927, and for each fiscal year thereafter, the allotment shall be determined according to national origin. The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin, that it has the advantages of simplicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded."

In the Saturday Evening Post for October 10, 1925, Doctor Garis quotes Director Steuart as making a statement on June 24, 1925 (p. 233):

"That there are no figures in existence which show completely the national origin of the population of the United States."

After thoroughly considering the question of whether or not the census of 1910 or the census of 1890 should be used as a quota basis, Congress came to the conclusion that the census of 1890 eliminated all discrimination in favor of either the new or the old immigration as far as each type had contributed to our make-up of the different nationalities. It may be true that the old and the new immigration gets about the same percentage of the total under either method, but it is when we come to divide the quota between the several countries in each group that the discrimination comes in when we try to apply the "national origins" method under what we have so far learned as to the distribution under the "national origins" method, and especially under the tables that were used before the Senate and House Committees on Immigration and before the conference committee.

The 1890 basis is a practical law and is based upon definite statistics, but, as I have heretofore stated, the "national-origin" plan means that we must abandon a practical method and adopt something about which we do not know anything, or, at least, very little.

The Senate and House during the first session of the Sixty-eighth Congress expended a great deal of time on different immigration bills, but there were several other important features in addition to the quota limitations that had to be considered and occupied a great deal of time. Of these I might mention the Japanese exclusion, alien seaman question, and nonquota immigrants. The necessity of passing a law during that session was very important, as the law then in effect would soon expire and we were threatened with being flooded with immigrants from many European countries. The House passed H. R. 7955, which provided for a quota of 2 per cent, according to the census of 1890. On April 2, 1924, the Senate took up for consideration Senate bill 3576, which provided for a quota of 2 per cent of the census of 1910. The bill as reported contained a large number of amendments proposed by the Senate committee and a large number of amendments were offered on the floor of the Senate, among which was the amendment offered by the Senator from Pennsylvania [Mr. REED], known as the "national origin" amendment now contained in paragraph (b), section 11. After the introduction of the "national origin" amendment the time of the Senate was occupied with several other amendments which came in thick and fast, and the parliamentary situation on the floor of the Senate was described by the late Senator from Illinois, Mr. McCormick, on page 6542, part 7, volume 65, as "the parliamentary mosaic which has been laid out by those in charge of the bill."

The Senate agreed on the 2 per cent of the census of 1890; then took up for consideration the "national origin" amendment. Outside of the statement of the Senator from Pennsylvania [Mr. REED] there was very little discussion on this amendment, and it was adopted without a record vote. (CONGRESSIONAL RECORD, p. 6472, pt. 7, vol. 65.) The revised text of this amendment is found on page 6471, part 7, volume 65, CONGRESSIONAL RECORD.

You remember, Senator REED, that when this came up in the Senate there were a great many amendments proposed, and I noticed in the debates on this subject that you were practically the only one who said anything. I do not think anybody else was familiar with it.

Senator REED. Senator Lodge spoke in favor of it, I believe.

Senator SHIPSTEAD. Congress has been criticized a great deal for putting it in. I think that the Congress had very good intentions.

After it had come back from the House and come back from the conference I was beginning to think that we were going to drift far into the sea on it, and that is the main reason I voted against the immigration bill.

What information did the Senate have as to the effect of this amendment before it was adopted?

Mr. John B. Trevor appeared at the hearings before the Senate committee (p. 89, Senate hearings), and submitted a statement and a table that he had prepared entitled "Preliminary Table, Subject to Revision." A copy of this table will be found in Exhibit A attached hereto. This table shows what each European country would receive as an immigrant quota on a basis of one-fifth of 1 per cent and one-fourth of 1 per cent based on "national origin," and what it will receive under H. R. 6540, or 2 per cent of the census of 1890, and under the law in force at that time. But this table does not show what each country would receive after the total immigration is limited to 150,000 and divided between each country according to the proposition stated in the Reed amendment.

Senator REED. There were lots of tables put in the record, though, based on Trevor's decision between nation and nation; I think you will find them——

Senator SHIPSTEAD. That is, figuring the immigration total at 150,000?

Senator REED. Yes.

Senator SHIPSTEAD. I found three tables.

Senator REED. Figuring on a basis of 300,000 and I think 150,000.

Senator SHIPSTEAD. Here is one on the basis of 300,000 that you put into the record—from a speech made by Mr. Curran, of New York.

Senator REED. Yes.

Senator SHIPSTEAD. That is on the basis of 300,000. Here is another one. These are the Trevor figures, as I understand them.

The CHAIRMAN. Do you wish them inserted as a part of your remarks, Senator?

Senator SHIPSTEAD. Yes.

The CHAIRMAN. They will be inserted.

Senator SHIPSTEAD. And here is the only table I could find based upon annual immigration of 150,000.

The CHAIRMAN. Whose table is that?

Senator REED. That is the one I meant.

Senator SHIPSTEAD. That is the one you meant?

Senator REED. Yes.

Senator SHIPSTEAD. I find it on page 8138, part 8, volume 65, CONGRESSIONAL RECORD. This table was printed in the RECORD after the immigration bill had passed the Senate.

The CHAIRMAN. That will be inserted as part of your remarks also, Senator.

If any person wanted to determine what quota any particular country would receive under the Reed amendment, he would have to assume that the Trevor tables would be used and then resort to the arithmetical method known as the "double rule of 3." For example: If he wanted to ascertain the quota of Sweden, he would have to make out the equation, ———: 150,000 : : 2,285,666 : 92,386,237.

Multiplying the means and dividing by the known extreme we get for the answer 3,712.

No table was before the Senate in which the quota each country would receive under the Reed amendment was computed.

There is a table on page 5476, part 6, volume 65, CONGRESSIONAL RECORD, showing what each country would receive under 2 per cent of 1890, 2 per cent of 1910, and under the "national origin" method, but when you examine this table more closely you will find that this table as to the "national origin" method is based upon a total annual immigration of 300,000 while the Reed amendment provides for only 150,000, and it is very unfair to compare what each country would get under 2 per cent of the 1890 census where the total immigration would amount to only 161,990 with the "national origin" method based on 300,000. According to this table Denmark would get 2,782 under the 2 per cent of 1890 method and 2,183 under the "national origin" method, but when you reduce the annual immigration to 150,000 the quota for Denmark would be only one-half of what is shown on this table. Take Germany—under the quota of 1890 basis she would get 50,129; under the "national origin" method as shown on this table, 44,035; but under the Reed amendment only about 22,000. Take the quota of Norway—under the 1890 basis, 6,453; under this table, 4,866; but under the Reed amendment only one-half, or 2,433. Thus Norway and Sweden would lose about two-thirds of the quota under the 2 per cent of the 1890 method.

These tables did not give anything with reference to the Irish Free State.

I think when you spoke in the Senate you had the total immigration quota of 300,000, because I see when you take that basis then there is not much difference between the quota under this national origin clause and the law of 1890; but when we take 150,000 there is a great deal of difference; and I think you overlooked that.

Senator REED. It cuts it in half. The amendment cutting the quota to 150,000 was made, as I recall it, by Senator HARRISON.

Senator SHIPSTEAD. Was that made after you introduced your amendment?

Senator REED. Yes. The "national origin" amendment, as I introduced it, called for a Swedish quota of approximately 7,400 and a total immigration of 300,000. As I recall it, the amendment so introduced to my amendment by Senator HARRISON was carried by the Senate to make it a total of 150,000.

Senator SHIPSTEAD. I find here that Senator ROBINSON asked you this question, page 5468, part 6, volume 65, CONGRESSIONAL RECORD: "Has the Senator investigated to ascertain how that would work out in practical results, as compared with the proposal to base the quota on the 1890 census, or the proposal which he himself submitted?" And your reply was: "Yes, Mr. President; I have. There is almost no difference between the result of the 1890 method and the result of the proposal I have just been outlining."

On May 8, 1924, Congressman SABATH had printed in the RECORD (p. 8138) a table which he claims had been used before the conference committee by the Senator from Pennsylvania. This table tells an entirely different story from the table that was printed on page 5476.

Mr. Trevor has been criticized very severely on account of the tables that he had prepared, but in justice to Mr. Trevor, I will call the attention of the committee to his statement before the Senate committee, which is printed on page 89 of Senate hearings, 1924, from which I will quote the following:

"I am convinced, speaking broadly, that H. R. 6540 gives the elements who are most vociferous in their charges of discrimination more than they could hope for if it were possible for the Census Bureau to make an accurate apportionment of the racial strains in solution throughout our population to-day. Theoretically a quota based on such an analysis is ideal; but practically it would be a matter of great difficulty to construct a table of apportionment which would not be under fire year in and year out."

H. R. 6540 referred to by Mr. Trevor above provides for a quota based on 2 per cent of the census of 1890.

In a speech at the Hotel Astor March 25, 1924, before the Economic Club, Hon. Henry H. Curran, commissioner of immigration at Ellis Island (see CONGRESSIONAL RECORD, p. 5475, pt. 6, vol. 65). stated:

"If we drop the 1910 measure and take up the 1890 measure, we come, with a few minor differences in the case of individual nations, to a measure that almost exactly gives each part of Europe that to which it is entitled. No more and no less. That is why I am for the 1890 measure. It helps us to become more homogeneous by sending to us every year a miniature or replica of that which we are already, according to original national stock. The 1890 measure is the soundest, the healthiest, the fairest, and the best. I hope you will write to your Senators and Congressmen and tell them so."

I respectfully call the attention of the committee to the constitutional features of the "national origin" method. Congress has no doubt the power to adopt any arbitrary quota it may see fit and has the power to delegate to some commission or executive officers the power to determine the immigration quota of each country from facts and figures that may be established before such commission or officers, but when Congress attempts to confer upon a commission or executive officer of the Government the power to fix arbitrarily the quota for each country, has not Congress exceeded its powers in delegating to such board or officers a part of its legislative functions?

Senator REED. There is a bigger question even than the Senator suggests, and that is that Congress and every Member of Congress wants to be fair.

Senator SHIPSTEAD. Oh, sure.

Senator REED. And impartial in regard to these nationalities.

Senator SHIPSTEAD. Oh, yes; I do not think anybody questions that.

Senator REED. The figures calculated on the "national-origin" basis are now in course of completion, I am told, and will be available to us immediately after we reassemble in January, and I think that the committee expects then to take up energetically and thoroughly this question.

Senator SHIPSTEAD. Thank you.

The CHAIRMAN. The committee will now go into executive session.

(Thereupon, at 11.30 o'clock a. m., the committee proceeded to the consideration of executive business and at the conclusion thereof adjourned to meet at the call of the chairman.)

Mr. HEFLIN. Mr. President, of course we all know that the prohibition law is not being enforced as well as we should like to have it enforced. There are a great many laws upon the statute books that are not being enforced. They are doing a great deal of good; but we do not repeal these other laws because they are not enforced perfectly. I should think that the recent election would serve notice upon the country generally that the people of the United States have not any idea of repealing our prohibition statute or of disturbing the eighteenth amendment.

I rose particularly to reply to the speech of the Senator from Mississippi [Mr. HARRISON], who hugs to his breast the delusion that the immigration question is no longer a serious question in

our country. Let not the Senator from Mississippi deceive himself. I know something about the immigration law and how it came to be in effect. I was in the House when we fought to cut down immigration from a million and a quarter a year to about 300,000, as we have it now. I know of the obstacles that we encountered, and I know the group that opposed it at every step.

Governor Al Smith is not for restricted immigration. He never has been for restricted immigration. In the campaign which recently closed so disastrously to him and in some respects to the party, he did try to say about what Mr. Hoover said, after Hoover said it first. He was desirous of getting votes; he wanted to get elected, and of course his group that has always opposed restricted immigration in America was lying low upon that subject in this particular campaign. But I want the Senator from Mississippi to know that there are those of us who understand this question, and understand the elements in America that are not in favor of the American viewpoint upon immigration.

The Senator from Mississippi can not lull anybody to sleep by the suggestion that the immigration question is no longer a serious question in America. I will tell you, if you want me to, how this bill became a law. It became a law by the southern Democrats and the western Republicans uniting and voting for it. That is the way it became a law; and we are going to protect and preserve that law in its integrity. We are not going to turn over this country yet to a horde of unfit foreigners to come in here and take the places of American boys and girls who are to work out their own salvation and make their own living in the various fields of human endeavor. We have a right to say just who shall come here. We have a right to decide for ourselves who shall make up the citizenship of this country.

If the Senator from Mississippi will go back and read in the RECORD the proceedings in the House, he will find that when we had restricted immigration measures up, not one but all of them, the so-called Tammany Democrats voted against them. They always voted against them. They fought them to the bitter end, and if we had relied upon support from that element in the Democratic Party we would not have had any immigration law yet. The Democrats of the South and the Republicans of the West are the ones who put this law upon the statute books; and we are going to remain on guard. We are not going to have any serious inroads made upon this law. We are going to tighten it up rather than loosen it up.

I do not want anybody to get the impression from what the Senator from Mississippi said that any element coming into power would safeguard our immigration interests in the United States. It is not true. Those who compose one group of our citizens are fundamentally in favor of open and unrestricted immigration, not only to increase membership in their church but to increase their political power in the United States. It is a part of their religious program, and I am not in favor of giving them power to control this immigration question. That was one of the great questions in the recent campaign. Governor Smith, in his acceptance speech, said that the law ought to be changed in certain particulars. We knew exactly in what particulars he wanted it changed. After Mr. Hoover made his statement in Tennessee to the effect that he did not want the number increased, Governor Smith, hoping to get some support from the people who want restricted immigration, then said that he occupied the same position.

Mr. President, Governor Smith and that whole Tammany group are not in favor of restricted immigration. If they had their way about it, they would open the doors; they would change the law altogether and bring in more people here from southern Europe. We do not want to have that done, and that is not all; we are not going to permit it to be done.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The resolution presented by the Senator from Pennsylvania will be referred to the Committee on Immigration.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 5528. An act to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8537. An act for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve;

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 13884. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; and

H. R. 14039. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

REPORT OF THE COUNCIL OF THE NATIONAL DEFENSE

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the Twelfth Annual Report of the Council of National Defense for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. 178)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Naval Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the fourteenth annual report of the committee for the fiscal year ended June 30, 1928.

The attention of the Congress is invited to Part V of the committee's report presenting an outline of the present state of aeronautical development. It is encouraging to note from the committee's report that not only has aeronautic progress been at an accelerated rate within recent years, but the progress has been greater in 1928 than in any single previous year. The significance of this to the American people and to the advancement of civilization can but faintly be pictured in the light of the amazing development that has characterized the first 25 years of aviation.

This country may well be proud of the contributions it has made to this remarkable development, and I am satisfied that continued support of proven policies will assure the further progress of American aviation. I concur in the committee's opinion that there is need for continuous prosecution of scientific research in order that this progress may continue at the maximum rate.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE (H. DOC. NO. 456)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit a report from the Secretary of State on the subject of the Christopher Columbus Memorial Lighthouse to be erected by the Governments and peoples of the Americas on the coast of the Dominican Republic at Santo Domingo, and commend to the favorable consideration of the Congress the recommendation of the Secretary of State, as contained in the report that legislation be enacted authorizing the appropriation of the sum of $871,655 as the share of the United States in this project.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

INTERNATIONAL CONGRESS OF MILITARY MEDICINE AND PHARMACY (H. DOC. NO. 455)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending, at the request of the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, constituting, together with the Surgeons General of the three medical services of the Treasury, War, and Navy Departments, an advisory board under the Federal act to incorporate the Association of Military Surgeons of the United States, approved January 30, 1903, that Congress be requested to authorize an appropriation of $5,000 for the payment of expenses of delegates

of the United States to the Fifth International Congress of Military Medicine and Pharmacy to be held at London, England, in 1929.

The recommendation has my approval, and I request of Congress legislation authorizing an appropriation of $5,000 for the purpose of participation by the United States by official delegates in the Fifth International Congress of Military Medicine and Pharmacy to be held in London in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

REPORT OF THE ALASKA RAILROAD

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

I transmit herewith for the information of the Congress, the annual report of the Alaska Railroad for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

NOTE.—Report accompanied similar message to the House of Representatives.

ACTS, ETC., OF THE PHILIPPINE LEGISLATURE

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands," I transmit herewith a set of the laws and resolutions adopted by the Seventh Philippine Legislature during its third session, from July 16 to November 9, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

ACTS, ETC., OF THE PORTO RICAN LEGISLATURE

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the laws and resolutions enacted by the Eleventh Legislature of Porto Rico during its third regular session (February 13 to April 15, 1928).

These acts and resolutions have not previously been transmitted to the Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a communication from the Niagara Falls (N. Y.) Chamber of Commerce, relative to the shooting of Jacob D. Hanson by Government agents, and suggesting that his relatives be reimbursed therefor, which was referred to the Committee on Claims.

Mr. WARREN presented resolutions adopted by the Turkey Growers Conference held at Casper, Wyo., favoring an increase in the tariff duties on the importation of turkeys, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Chamber of Commerce of Dubois, Wyo., favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

He also presented a statement of the State Board of Equalization of Wyoming favoring amendment of section 5219, Revised Statutes, as amended, relative to the taxation of national banks, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Ladies' Literary Club, of Evanston, Wyo., favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by the council of the city of Long Beach, N. Y., indorsing the proposed deepening and widening of East Rockaway Inlet, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the sixty-fifth annual convention of the New York Federation of Labor at Rochester, N. Y., favoring the passage of the so-called Cooper-Hawes bill relative to prison-made goods, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry members of the Presbyterian Church, of Little Falls, N. Y., praying for the adoption of measures for the outlawry of war, which was referred to the Committee on Foreign Relations.

He also presented the petition of Rev. Henry A. Dexter, rector of All Saints Episcopal Church, and Harriet Miller Dexter, of Briarcliff, N. Y., praying for the ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. COPELAND. I ask that there may be printed in the RECORD at this time a letter from the National Council of Jewish Women with a statement regarding the identification cards for aliens which are being issued by the Bureau of Immigration. It has a bearing on the immigration question and I desire to have it printed in the RECORD.

There being no objection, the letter and the accompanying paper were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

THE NATIONAL COUNCIL OF JEWISH WOMEN,
DEPARTMENT OF IMMIGRANT AID,
The City of New York, December 4, 1928.

Senator ROYAL S. COPELAND,
250 West Fifty-seventh Street, New York.

DEAR SENATOR COPELAND: You will recall that in a letter you wrote to us recently concerning the identification cards, which are being issued by the Bureau of Immigration of the Department of Labor, you asked us to call your attention to any possible danger which the use of these cards might entail.

In accordance with your request and for your information, we are inclosing a statement prepared by Mr. Max J. Kohler, which was adopted at the annual meeting of the American Jewish Committee in November, 1928. We feel sure that a careful perusal of this report will convince you that there are some dangers attendant upon this new system of identification cards.

Sincerely yours,

ETTA LASKER ROSENSOHN,
Editor The Immigrant.

IDENTIFICATION CARDS FOR ALIENS

Section of annual report of the American Jewish Committee adopted at the annual meeting, November 11, 1928, prepared by Max J. Kohler

The Commissioner General of Immigration, with the written approval of Acting Secretary of Labor Husband, issued General Order No. 106 last June, going into effect July 1, 1928, for the issuance of "identification cards" for newly arriving aliens. As described by Secretary of Labor Davis himself in a letter to Undersecretary of the Treasury Mills, in answer to a communication from Mr. William Liebermann, of Brooklyn, this new system might prove of some occasional benefit to newly arriving aliens and do little harm other than possibly as an opening wedge for a general "registration of aliens" plan. Secretary Davis expressed himself in similar fashion on other occasions, too. A careful expert examination of the order in question shows, however, that Secretary Davis was himself unaware of very objectionable clauses in the order in question, in no way referred to in his aforesaid letter, and the gravely injurious character of the system is enormously augmented by interviews as to the plan given out by Acting Commissioner General of Immigration Harris, which his superiors do not appear to have disapproved of or limited.

The plan, as described by Secretary Davis, and to that extent in force, provides for identification cards, to serve as governmental proof of lawful residences, to be issued to all newly arriving aliens coming over since July 1, 1928, with the intention of becoming permanent residents and available to them as "certificates of arrival" in order to secure

first and second papers under the naturalization laws and to satisfy prospective employers who often will employ foreign-born persons only who have secured first papers or other official proof of lawful residence, etc. The system provides for the issuance by United States consuls, when issuing immigration visas, of such identification cards to the applicants for visas, to become valid and effective only when signed by an immigrant inspector when the alien is lawfully admitted into the United States. The identification card contains the portrait of the alien, his name, age, country of birth, nationality, color of eyes, name of port of arrival and of steamship, date of admission and status at the time, statement as to whether quota or nonquota immigrant, and the immigrant's own signature. The cards are required to be issued in duplicate and are numbered, and specify the visa number. On arrival the alien must sign the card anew and his two signatures are to be carefully compared. The duplicate is to be retained by the Government officials.

The two ominous clauses in the order, which the Secretary overlooked in his statement, provide as follows:

"The admitted alien should be cautioned to * * * present it for inspection if and when subsequently requested so to do by an officer of the Immigration Service."

Again—

"If and when a warrant of arrest is served upon an alien, admitted to the United States as an 'immigrant' subsequent to July 1, 1928, the identification card should be obtained, if possible, preferably by the immigrant inspector serving the warrant, and it will be retained in the immigration office, where the hearing is conducted until the matter has been decided by the department."

In public interviews the Commissioner General of Immigration frankly disclosed the fact that nonpresentation of such identification cards by persons suspected of having entered recently will be treated as raising a presumption of illegal presence here, and that the bureau plans to issue such identification cards on application to any resident alien establishing his lawful residence here, and not merely to be issued to aliens coming to the United States after July 1, 1928. As the Secretary is permitted to issue a warrant of arrest in deportation proceedings on mere suspicion, in which proceeding the burden of proof to show legal presence here is thrown on the alien by subsisting law, and the Commissioner General's statement (confirmed by the clause of the order as to production of the card whenever demanded) itself is practically tantamount to an instruction to his subordinates to treat nonproduction of the identification card as itself a cause for suspicion, in cases of persons suspected of having entered illegally since July 1, 1928, this scheme amounts in effect to putting a very vicious "registration of aliens" scheme into effect by mere Executive order. Nay more, it involves doing so by almost unparalleled usurpation of legislative authority by these administrative authorities, after the House Committee on Immigration had decided to postpone action on all "registration of alien" bills, even so-called voluntary ones, indefinitely, certainly till after the presidential election was over. As the "order," which the Acting Secretary promulgated, relates only to immigrants arriving since July 1, 1928, only a very small fraction of resident aliens could have such "identification cards," and it would be an an absurdity to draw any unfavorable inferences from nonpossession, except in the cases of persons clearly shown to have arrived since that date, and nothing tantamount to a "registration of alien" system, even voluntary, would be involved. Even thus viewed, however, the clause of the order would be illegal; that the aliens must produce the card to inspectors, whenever demanded, and the Labor Department has no authority thus to legislate, and the further assumption that inspectors can by mere inspection ascertain what alien arrived here since July 1, 1928, is unwarranted and absurd.

When, however, such cards are to be furnished on request to all aliens residing here an entirely different situation arises, and what is in effect a voluntary sweeping "registration of alien" system would be in force by mere Executive fiat. Nay, more; ignorant or biased inspectors would be inclined to draw still more sweeping unfavorable inferences against the alien under suspicion from nonproduction of the card, which are wholly unwarranted, because comparatively few resident aliens would be apt to apply for such cards voluntarily, and a mere handful of our resident aliens would be in possession of such cards compared to the enormous number without them, who would be subjected to such unwarranted adverse inferences, likely to be followed by oppressive and vicious unjustified deportation proceedings.

The clause in the order quoted as to confiscation of the card in case of arrest is, moreover, extraordinary in its oppressiveness and illegality, even if measured by the standards of our barbarous "Chinese-registration" procedure. When arrested in deportation proceedings and subjected therein to a burden of proof provision, the greatest value of the "identification card" would come into play, and to despoil the alien of the card at that period would be most illegal and oppressive. Even under the Chinese exclusion law procedure, such arbitrary despoiling of the aliens was strongly condemned by our courts as illegal and tyrannical. (Toy Tong *v.* U. S., 146 F. 343, at 350 C. C. A.)

This committee, in conjunction with numerous other organizations representing every race and creed, has repeatedly expressed vehement opposition to "registration-of-aliens" projects, whether voluntary or compulsory registration be involved. The president of the committee spoke in no uncertain terms on the subject at a "luncheon conference to discuss registration bills and deportation bills now before Congress" at the Hotel Astor on January 9, 1926, convened by the Conference on Immigration Policy, the Department of City Immigration and Industrial Work Board of National Missions of the Presbyterian Church in the United States, the Department of Immigrant and Foreign Communities, the National Board of the Young Women's Christian Association, the Hebrew Sheltering and Immigrant Aid Society of America, League for American Citizenship, American Civil Liberties Union, and the Council of Jewish Women. The American Federation of Labor has also taken strong ground against the project, and in Labor Letter Federated Press for June 21, 1928, this "identification-card system" is described under the caption Davis Tries Bluffing Aliens Into Blacklist Registration Scheme. The addresses delivered at this conference luncheon were included in a pamphlet edited in 1926 by Max J. Kohler, chairman of the subcommittee on immigration of this body, entitled "The Registration of Aliens a Dangerous Project," an earlier edition of which he published in 1924, and these pamphlets also contain a detailed argument by him on the subject before the House Committee on Immigration and Naturalization January 5, 1923.

This new "identification-card" system is discussed at length in the September–November, 1928, issue of the Immigrant (pp. 9–11) by Senator COPELAND, Mary McDowell, Congressman CELLER, Bruno Lasker, Roger Baldwin, Roy L. Garis, Prof. Henry P. Fairchild, and Prof. Ernest Freund, though they do not appear to have had before them the exact text of the order and of the interviews. We quote from Mr. Lasker's comment the following:

"From what danger, exactly, is the immigrant to be protected by means of the identification card? Obviously the order of July 1, since it applies to an even smaller proportion of the foreign-born residents in the United States than the alien registration bill was intended to bring under the scope of its provisions, increases the chance that legally resident aliens will be harassed by zealous officials. The Secretary of Labor and other sponsors of the order reiterate the motive of 'protection' but have not so far elucidated it. It must be assumed, therefore, that the main purpose of the measure, after all, is that of facilitating the apprehension of those illegally in this country—admittedly a difficult task, and a task which the most 'liberal' immigration policy will want to see more fully accomplished. But I have never been able to see how anything short of a system of registration for the whole population will be really effective. If every man who wears a beard and reads a foreign-language newspaper is to be suspected unless he can produce either an identification paper or a naturalization paper, we shall have more confusion and bungling than ever.

"It seems to me that by issuing this administrative order after an influential section of public opinion had expressed itself as adverse to the embodiment of the same idea in a congressional bill the Secretary of Labor has invited suspicion as to his motives and apprehension as to the probable working of the measure."

PROPOSED REVISION OF OUR NATURALIZATION LAWS

The proposal to revise and codify our naturalization laws, which has been pending for several years, progressed at the last session of Congress when Mr. ALBERT JOHNSON, chairman of the House Committee on Immigration and Naturalization, introduced H. R. bill 9035 and practically simultaneously Senator HIRAM JOHNSON, chairman of the Senate committee, introduced S. bill 2426, the two being identical, except that in a few instances the House bill contains much more stringent provisions, limiting naturalization. The most important objectionable changes in subsisting law made by these bills are—

First. The fees to be paid by the alien are materially increased. While they are now only $5, the House bill raises them to $20 (including $5 for verification of arrival fee), and the Senate bill to $18 (including $3 for verification of arrival fee).

Second. The alien is required to sign the declaration of intention to become a citizen in the English language.

Third. New and more rigid educational qualifications are required after one year which many applicants, particularly women, can not meet. Applicants for citizenship are required to speak and read the English language understandingly and to write in the English language, except in the case of persons physically incapacitated, and homesteaders. Subsisting provisions are also retained, requiring applicants to show their attachment to the Constitution, under which knowledge about United States Government, history, etc., is required, as an implied term.

Fourth. The House bill increases the 5-year residence provision to seven years, and vitiates first papers after seven years.

Fifth. Much more rigid provisions to govern cancellation and expatriation proceedings are included, and erroneous drastic legislative declarations as to subsisting law are included.

Sixth. The minimum age for admission to citizenship is fixed at 21 years.

Seventh. The House bill changes the present law by affirmatively forbidding applicants for naturalization from changing their names.

Eighth. The provisions of the existing law, authorizing naturalization "in the manner provided in this act and not otherwise" are retained in the law, and even extended, though they have been very oppressive in making almost every technical error or variation from statute or form fatal in naturalization proceedings, in which the lay applicants are not supposed to have legal advice, and in which they are made to suffer for errors of governmental officials.

Ninth. Certificates of arrival are required to be filed with first papers already.

A few good changes are made, particularly in allowing the issuance of "certificates of arrival," in cases where the governmental records have been lost or destroyed or the officials failed to enter a bona fide admission, which acts have barred thousands of unfortunates from becoming naturalized through no fault of their own for a number of years past, despite repeated recommendations for relief by the Commissioner of Naturalization and the Secretary of Labor. Many other provisions are clarified.

COLUMBIA RIVER BRIDGE, ARLINGTON, OREG.

Mr. SHEPPARD. On behalf of the senior Senator from Vermont [Mr. DALE], I report back favorably, from the Committee on Commerce, House bill 13824, authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.; and I submit a report (No. 1328) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 4714) for the relief of Newton C. Stalnaker; to the Committee on Military Affairs.

A bill (S. 4715) granting an increase of pension to Amelia Bee;

A bill (S. 4716) granting a pension to Paulina Williams; and

A bill (S. 4717) granting an increase of pension to William C. Milliner; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 4718) for the relief of James W. Walters; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 4719) granting a pension to Marie Myers (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4720) to authorize the appropriation of funds for aiding in survey and location of tunnel under Cascade Mountains in the State of Washington; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 4721) to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4722) granting a pension to George Francis Kilburn; and

A bill (S. 4723) granting a pension to Elsie Bell; to the Committee on Pensions.

A bill (S. 4724) for the relief of Norman S. Cooper; and

A bill (S. 4725) to provide for advancement in rank of certain officers on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. CARAWAY:

A bill (S. 4726) granting an increase of pension to George A. Atkinson; to the Committee on Pensions.

A bill (S. 4727) providing for reimbursement of the St. Louis Southwestern Railway Co. for expenditure in revetment work on the Arkansas River during the flood of 1927; to the Committee on Claims.

SARAH E. KAEDING

Mr. SCHALL submitted the following resolution (S. Res. 277), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Sarah E. Kaeding, wife of Edward H. Kaeding, late an assistant clerk to Senator SCHALL, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CATHOLIC ELEMENT IN THE SOUTH—ADDRESS BY SENATOR BRUCE

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by my colleague, the distinguished senior Senator from Maryland [Mr. BRUCE], at Pen Mar Park, Md., on August 9, 1928, on the Catholic Element in the South. It is a nonpolitical speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. Chairman, ladies, and gentlemen, I deem it a great honor to be invited to address the members of your flourishing and patriotic order upon this occasion. Its membership includes many of my personal friends, and I am entirely familiar with the generous measure of useful public service that it has rendered in both peace and war. I was born and bred in a Southern State, Virginia, and all my adult life has been passed in another Southern State, Maryland, and I am here to-day to declare that any southerner, clerical or lay, who seeks at the present time to arouse anti-Catholic prejudices in the breasts of the southern people for the purpose of compassing the defeat of Gov. Alfred E. Smith as a candidate for the Presidency because he is a Catholic is false to the history and to all that is best in the popular sentiments and traditions of the South. The great Virginia statesman, Thomas Jefferson, was the author of the Virginia statute of religious freedom, one of the precursors of the religious guaranties of the Federal Constitution, and prized that fact so highly that he drafted an inscription for his gravestone which mentions him only as the author of the Declaration of Independence and of that statute and the father of the University of Virginia. Faithful to his liberal and enlightened views, when the university of his creation celebrated a few years ago with great pomp and ceremony the centenary of its birth its trustees selected out of the entire clergy of the South as the person to open the exercises of that memorable celebration with prayer Bishop O'Connell, the Catholic bishop of Richmond, Va. To the great Virginia statesman, James Madison, is mainly attributable the enactment of the statute for religious freedom written by Jefferson, and the defeat of the effort to impose upon the people of the State of Virginia a general assessment for the support of the churches of that State.

To the influence of the same statesman we are chiefly indebted for the adoption of the Federal Constitution which now provides, first, that no religious test shall ever be required as a qualification for any office or public trust, under the United States, and, secondly, that Congress shall make no law respecting the establishment of a religion, or prohibiting the free exercise thereof. Truly, indeed, did Washington, once, in reply to an address presented to him by a group of Jews, describe that Constitution as one which gives to bigotry no sanction and to persecution no assistance. Nor should it be forgotten that in 1649, 138 years before the adoption of the Federal Constitution, the southern and Catholic colony of Maryland enacted the act of toleration which has ever since exercised such a profound influence over the character of the people of Maryland. This act, it is true, did not extend religious tolerance beyond the pale of trinitarian Christianity, but it was in advance of anything of the kind that the world had then known. And it is but just to say that until the recent rise of the Klan in some of the southern and other communities of the United States no part of our common country had, on the whole, adhered so scrupulously to the principle of religious liberty as the South. With the exception of a brief term of misrule in Maryland, marked by the most flagrant excesses, the Know-Nothing Party never acquired any real foothold in the South. Indeed it was in the State of Virginia that popular indignation, under the brilliant leadership of Henry A. Wise, gave it the blow which brought its vile existence to an end. Many striking utterances have fallen from the lips of our public men, but I know few more vivid than the proud words in which Wise voiced his exultation after that event:

"I have met the Black Knight with his visor down, and his lance and his shield are broken."

Nor did that other proscriptive organization, of more recent origin, the A. P. A.—the American Protective Association—which throve, for a time, in some of our western communities, ever obtain any ascendancy over the southern mind. Until the advent of the present Klan, Catholic and Protestant had lived together in mutual understanding and cordial fellowship in the South. In Maryland, the sectarian dissensions of its earlier history had been forgotten by everyone but the historian, and even the later Know-Nothing outrages were remembered only for their instructive warnings. In the other Southern States there had been, for the most part, no anti-Catholic manifestations to be forgotten or remembered. The good order of the 11 States, at least, which constituted the Southern Confederacy, unlike that of more northern portions of the United States, had never, so far as I can recall, been disgraced by mob outbreaks against Catholics, or by the firing of a Catholic church or convent, or by attempts to suppress or cripple Catholic parochial schools. A certain amount of prejudice against the Catholic Church, of course, had always existed in those

States, differing only in degree from the lurking prejudices which had existed between the different Protestant sects in them; but, when it is recollected that their inhabitants, outside of Louisiana, were almost entirely of English or Scotch origin, and that it was not so long ago that even such a churchman as Gladstone declared that, if there were two things on earth that John Bull hated, they were an abstract proposition and the Pope, the anti-Catholic prejudice, which prevailed in those States was, in the last analysis, a very feeble thing, and mainly a part of the inheritance which their first settlers had brought with them from beyond the seas; and such, in spite of the extent to which it has recently been inflamed by clerical extravagance and lawless knavery, it is to-day. I know that old Southern society too well not to realize that, apart from exceptional conditions, bred by the special status of the negro, it was essentially tolerant.

In all the personal and social relations of life there was no line of separation whatever drawn between Catholic and Protestant. Indeed, nowhere was such a line drawn even as between Jew and Protestant. There were no families of better social position in the South than the Cohens, of Baltimore; the Myerses, of Richmond; the Mordecais, of South Carolina; the Minises, of Georgia; or the Yulees, of Florida, all families of Jewish extraction. Among the most distinguished men of their time were David Levy Yulee, of Florida, and Judah P. Benjamin, of Louisiana, both of Jewish origin. The former was twice a United States Senator before the Civil War and a member of the Confederate Congress, and was, besides, a man of the very highest social standing; and the latter, a great advocate, counselor, law writer, and United States Senator, filled with eminent ability two places in the cabinet of Jefferson Davis. Nor was his social standing less assured than that of Yulee.

When it is borne in mind that, with the exception of Louisiana, the Catholic population of the South has been relatively small, another proof of the comparative freedom of the South in the past from sectarian intolerance is found in the number of Catholics who have occupied conspicuous stations in the history of the South. There are few more revered and interesting figures in that history than the figure of the venerable Catholic statesman, Charles Carroll of Carrollton, who staked a larger fortune, perhaps, upon the issue of the American Revolution than any other signer of the Declaration of Independence, and after serving his country in more than one high office left behind him a reputation that is a part of the nobler heritage of the American people. Among the members of Jefferson Davis's cabinet was Stephen R. Mallory, of Florida, a Catholic, who had previously been a Member of the United States Senate from Florida, a distinction which was afterwards enjoyed for 11 years by his son, Stephen R. Mallory, the younger.

Both of the present United States Senators from Louisiana, my friends JOSEPH EUGENE RANSDELL and EDWIN SIDNEY BROUSSARD, are Catholics, though the Catholics of Louisiana are but a minority. Before he became Senator the former represented for 14 years, in the House of Representatives, a congressional district in Louisiana in which only a small part of the population was Catholic. On the other hand, a present Member of the House from Louisiana, WHITMELL P. MARTIN, a Protestant, has represented for as long a period a congressional district in Louisiana in which there is a pronounced Catholic majority. Some time ago Senator BROUSSARD observed to me that his heart warmed to our Maryland people because they were so much like the people of Louisiana. Of course, that is because a large Catholic element in each case breeds a spirit of liberality and cordial friendliness between all elements of the body politic. The remedy for anti-Catholic intolerance is more Catholics. Some time ago Senator HARRIS, of Georgia, told me, in the course of a conversation, that he doubted whether it would be wise for the Democratic party to nominate a Catholic to the Presidency. "I know," he said, "that there is an anti-Catholic sentiment in Georgia." "The trouble with Georgia," I answered, "is that it has not enough Catholics. If it had as many as Maryland, its people would realize as fully as the people of Maryland do that Catholics are very much like the rest of us and that, aside from differences in point of religious faith, there is no difference between a Catholic and a Protestant worthy of a minute's sane reflection." Two Governors of Virginia, John Floyd, and his son, John B. Floyd, have been Catholics. The latter was also Secretary of War in the Cabinet of President James Buchanan. Two Senators from Virginia have also been Catholics, John W. Johnston and John S. Barbour. A Catholic, too, was Patrick Walsh, at one time a Senator from Georgia. So, likewise was Thomas Burke, one of the Governors of North Carolina.

One of the most celebrated and universally esteemed and beloved of all North Carolinians was William Gaston, a Catholic, who served a term in Congress, and was among the ablest lawyers and judges that North Carolina ever produced. Two other Catholics, M. E. Manly and R. M. Douglas, have been justices of the Supreme Court of North Carolina. A Catholic who won unusual distinction as a Member of Congress was M. P. O'Connor, of South Carolina. Two southern Catholics, Roger B. Taney, of Maryland, and Edward Douglass White, of Louisiana, have been Chief Justices of the Supreme Court of the United States; the first, after he had been Attorney General of the United States and Secretary of the Treasury, and the second after he had been a United States Senator; and so grateful was the entire southern bar to President Taft for appointing the latter to the Chief Justiceship that it was afterwards little less than unanimous in its desire that President Wilson should appoint Taft to the bench of the Supreme Court. Two of the most celebrated Chief Justices of the Court of Appeals of Maryland, Richard H. Alvey and James McSherry, were Catholics. I might mention other southern Catholics, less famous than those already named by me, who have held high public stations of one kind or another; such as our own Catholic governor, the late John Lee Carroll; but my enumeration has been ample enough, I am sure, to illustrate the point that I have been making. Jefferson Davis, of Kentucky and Mississippi, a Protestant and a typical southerner, if there ever was one, was a pupil for two years at a Catholic school, and I may be pardoned for mentioning the fact that two of the daughters of my uncle, James A. Seddon, of Virginia, a Protestant and Secretary of War in Jefferson Davis's cabinet, were educated in a Catholic convent. Two of the most ripely educated men that I have ever known were those two great Baltimore lawyers, Severn Teackle Wallis and William A. Fisher. Both were Protestants, and both were for a time students at St. Mary's College, in Baltimore, a Catholic institution.

The significance of the facts that I have stated will be apparent enough when it is recalled that, largely through the influence of John Jay, one of our most illustrious statesmen and Chief Justices, a provision was inserted in the constitution of New York denying the privilege of citizenship to a Catholic unless he abjured his allegiance to the Pope "in matters ecclesiastical"; that the constitution of New Jersey once contained a provision equally offensive to the Catholic conscience; that it was not until 1833 that the Legislature of Massachusetts repealed a tax imposed upon Protestants and Catholics alike for the support of an established Protestant church; and that it was not until 1877 that New Hampshire repealed a provision of her State constitution excluding Catholics from public office. Even now, if it were possible to separate the recent development of sectarian bigotry at the South from its complications with prohibition and Tammany Hall, it might well be questioned whether anti-Catholic hostility is not decidely more rife in New Jersey and on Long Island than it is in any Southern State. This separation I should hardly be impartial enough to undertake, for I have long believed that the clerical fanaticism back of prohibition and its unwarranted invasions of personal liberty largely fomented the sectarian fanaticism which is such an odius menace to religious liberty at the present hour. Civil and religious liberty are, to use Shakespeare's phrase, "two lovely berries molded on one stem," and when one falls the other is likely to fall, too. In other words, to change my image, prohibition and religious bigotry, as I see it, are but the fruits of the same sour soil. At any rate, it is indisputable that the present klan has never worked such moral and intellectual degradation, even in Alabama, as it did in Indiana when, under its debasing and corrupting influence over the political and official life of that Commonwealth, the penitentiary, as I have asserted on a previous occasion, might almost be said to have become a kind of annex to the statehouse.

Nor need we go beyond the South for disproof of the absurd idea that American Catholics do not respond to precisely the same patriotic impulses and civic ideals as other Americans. The most terrible ordeal that the South was ever called upon to undergo was that of the Civil War, and to that ordeal the southern Catholic brought the same degree of self-devotion, to say the least, as his Protestant brother. Admiral Raphael Semmes, of Maryland, the famous commander of the *Alabama*, was a Catholic. So was Gen. Pierre G. T. Beauregard, of Louisiana, the hero of Bull Run; so were the Confederate Generals, William J. Hardee, of Georgia, and Patrick Rohayne Cleburne, of Arkansas. The last-named perished in battle. A Catholic also was my kinsman, Gen. William Lewis Cabell, of Virginia, and such, too, was Col. John W. Mallet, of Alabama and Virginia, the accomplished head of the munitions service of the Confederacy, and one of the most renowned teachers of chemistry in our educational history. Gen. James Longstreet, one of the most famous of all the Confederate generals, died a convert to the Catholic faith. How completely the young southern Catholic gave his whole being to the southern cause no one need be at a loss to know who has ever had an opportunity to note how, even to this day, the knightly and generous soul of our venerable friend, George C. Jenkins, of Baltimore, kindles, as a fire is kindled by a fresh current of oxygen, when something brings back to his memory the scenes of the Civil War in which he was such a chivalrous and gallant figure.

Both of those distinguished officers of the World War, Gen. Robert Lee Bullard, of Alabama, and Admiral William S. Benson, of Georgia, are Catholics.

Why the truth is that almost every battle hymn or stirring lyric, that has ever powerfully aroused the patriotic emotions of the southern people, has been written by a Catholic. William Gaston was the author of those lines which the North Carolinian cherishes so fervidly:

> "Carolina! Carolina! Heaven's blessings attend her,
> Whilst we live, we will love and cherish and defend her.
> Though scorners may mock at and witlings defame her,
> Our hearts burn with gladness whenever we name her."

A Catholic, James Ryder Randall, of Maryland, was the author of our Maryland battle hymn, "Maryland, My Maryland." "Hurrah! Hurrah! for the Bonnie Blue Flag That Bears a Single Star," that Confederate battle song which I used to hear so often in my youth, was written by Capt. Harry McCarthy, an Arkansas Catholic. "The Conquered Banner" and "The Sword of Lee," two of the best lyrics inspired by the Civil War, were written by Father Abram Joseph Ryan, of Virginia and Alabama, who was a chaplain in the Confederate Army, and whose brother, Capt. David J. Ryan, died in its service. How even the most virulent Southern bigot could read the following lines from "The Conquered Banner" without feeling his heart grow liquid is more than I can understand:

"Furl that banner for 'tis weary;
Round its staff 'tis drooping dreary;
Furl it, fold it, it is best;
For there's not a man to wave it,
And there's not a sword to save it,
And there's not one left to lave it
In the blood which heroes gave it;
And its foes now scorn and brave it;
Furl it, hide it—let it rest!
For though conquered, they adore it!
Love the cold, dead hands that bore it!
Weep for those who fell before it!
Pardon those who trailed and tore it!
But, oh! wildly they deplore it,
Now who furl and fold it so.
Furl that banner softly, slowly!
Treat it gently—it is holy—
For it droops above the dead.
Touch it not—unfold it never,
Let it droop there furled forever,
For it droops above the dead."

Even "Dixie," the air that above all others quickens the pulse of a southerner, was written by a Catholic, Daniel Emmett; though not by a southern Catholic.

Especially can the late history of Maryland be invoked to stigmatize, as it deserves, the calumny that the Catholic is not as good an American citizen as any American citizen. For more than 40 years I have been associated with the public life of this State, either as an earnest and active citizen merely, or as a member of the State or Federal Legislature, or as the incumbent of one administrative office or another. During that period not one solitary instance has ever been brought to my attention in which the Catholic Church, in Maryland, has ever endeavored, in any manner whatsoever, improperly to influence the conduct of any public official or employee. On the contrary, its attitude toward the State has, in every respect, been governed by the highest degree of probity, dignity, and wisdom.

During the same period, Catholics, Protestants, and Jews, in Maryland, have been appointed or elected, indistinguishably to public office. Personally, I should as soon have thought of voting against a candidate because he was a Catholic, as because he had red hair. And, during the same period, in all the business, social, and personal relations of life, the different elements, of which our Maryland population is composed, have lived together in fraternity and peace. For many years of this period, perhaps the most universally and beloved Marylander was that great prelate and sterling citizen, His Eminence, the late Cardinal Gibbons. Until his death, no really significant public exercises in Baltimore were deemed complete unless hallowed by an opening prayer from his eloquent lips.

Indignantly, scornfully, therefore, do I, a southerner by both birth and adoption, reject the suggestion from any southern source, clerical or lay, that a Catholic can not safely be trusted to be President of the United States. Surely such a claim should not be heeded until some one has pointed out at least one case in which the vast numbers of American Catholics who have held important civil or military posts, in the United States, have allowed themselves to be deflected from the line of their public duty by sectarian considerations, or at least one crisis, in peace or war, when the American Catholic was faithless to his patriotic obligations. Until then such a claim should be set down as a violation of both the letter and spirit of our Federal Constitution, as a gross insult to some 19,000,000 of American Catholics, and as a rank affront to the good sense and good feeling of their non-Catholic brethren.

The present Democratic candidate for the Presidency, Gov. Alfred E. Smith, is a man endowed with a singularly charming and magnetic personality. His personal integrity and his official fidelity are unassailable. In his domestic life, he is true to the kindred points of heaven and home. No man in the public life of our country has ever defined more clearly or correctly the respective functions of the church and the state, or has lived up to his definitions more scrupulously in practice. His four terms, as Governor of the great State of New York, have been distinguished by a degree of executive efficiency which may fairly be termed administrative genius. His speeches and writings evidence a powerful mind, capable of penetrating to the core of any political problem. The most striking tributes that have ever been paid to his abilities have been paid by such illustrious Republicans as Elihu Root, Charles E. Hughes, Dr. Nicholas Murray Butler, and Attorney General George W. Wickersham. There may be good political reasons why even such a candidate as this should not be preferred by the American voters, to his opponent, Mr. Hoover, but the fact that he is a Catholic can not be one of them. It was no less a person than James Madison, "The Father of the Federal Constitution," who declared, at an early stage in our national history, that there is nothing in the Catholic religion inconsistent with the purest republicanism.

MEMORIAL CROSS AT BLADENSBURG, MD.—ADDRESS BY SENATOR BRUCE

Mr. STEPHENS. Mr. President, on May 30 of the present year the senior Senator from Maryland [Mr. BRUCE] delivered a very interesting address at Bladensburg, Md., on the occasion of the dedication of a memorial cross to soldiers who died in the World War. I ask that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

Ladies and gentlemen, over the graves of the Lacedæmonian heroes who perished at Thermopylæ were inscribed these words: "Oh, stranger! go and tell the Lacedæmonians that here we lie obedient to their laws." The same noble message comes to us to-day from the graves of the 49 residents of this county who gave up their lives to the cause of their country in the great World War, and whose names have been recorded upon the cross behind me. From his last resting place each of them says to the passing stranger in accents that awaken all the tenderest and loftiest impulses of the human soul: "Oh, stranger! go and tell the American people that here I lie obedient to their Constitution and laws."

It is meet, therefore, in the highest degree that we should gather at this commemorative spot to-day, and, for a brief space, lay aside all our ordinary pursuits, duties, and cares for the purpose of paying our heartfelt homage to the courage, valor, endurance, and devotion of those 49 individuals.

Naturally enough, after such a gigantic, widespread, and destructive war as the World War, it is quite the habit to decry war under all circumstances as a tragic and abominable thing. That mere wars of aggression deserve this reproach, I do not deny. They bring to light, in more impressive and forbidding forms than anything else is capable of doing, the elemental passions to which human nature is subject; and the fearful loss of blood and treasure which those passions work when fired by the deep-seated animosities of contending nations. Against such wars the face of the whole civilized world should be set like adamant, especially now that international warfare has been supplied by human wealth and invention with more deadly instrumentalities for taking human life and blasting the fruits of human industry than ever before. Modern wars are not only marked by the same ghastly effusion of human blood that wars have ever been, but they leave behind them even more crushing pecuniary burdens than warfare formerly did.

All the same, I take this occasion to declare that there is such a thing even in the strictest moral sense as a righteous war, a noble war, a glorious war; indeed, it was almost on my lips to say a holy war. Such are wars waged in repelling the wanton lust of conquest or ruthless military ambition, in the assertion of human liberty in its highest forms, or in defense of the altars and homes of an unoffending people. It is to be hoped that the day will come when aggressive warfare will be effectually held in check by the concerted efforts of the civilized powers of the world, but, until that day comes, the first duty of every people will be to provide all the military and naval defenses that its safety calls for, and to maintain, unimpaired, the manly spirit which it can not afford to lose unless willing to be the passive, helpless victim of some foreign foe who has not lost it. It is said that when Crœsus showed his shining heaps of gold to one of his contemporaries, the latter remarked dryly: "You will keep all this gold only until some one comes along with more iron than you." The halcyon has not yet brooded so long over the troubled waters of human existence that any nation which prizes its liberties can not well take the suggestions of that pithy observation to heart. It is occasionally denied that our participation in the World War was inspired by the motives that justify a declaration of war. The soundness of this view I scornfully challenge. In my opinion, the motives that prompted our declaration of independence were not more legitimate and honorable than the motives which prompted our declaration of war against Germany. We had patiently endured, at her hands, every indignity that one people can endure at the hands of another, without a complete loss of self-respect; indeed, no small portion of our people felt that these indignities had been so grave and repeated that we should not stop to ask whether we were too proud to fight, to use Wilson's phrase, but whether we were proud enough to fight. Moreover, aside from the specific injuries which had been inflicted upon us by the merciless submarine warfare waged by Germany, it had become clear to the overwhelming

majority of the American people that the military caste which had obtained unquestioned control of the will of the German people was a menace to democracy and human liberty in the New World as well as the old.

Assuming that I do not err in my view of the rightfulness of our entry into the World War, it follows that the individuals to whose memory we are bringing our tributes of reverence and love to-day did not lay down their lives in a war of conquest, or of aggression in any form, or in a war that was, in any respect, the mere offspring of human selfishness, but in a war sanctioned by considerations of national safety that can not be successfully assailed. In other words, they laid down their lives in a righteous, patriotic cause fully worthy of the unselfish and unrepining spirit in which they met their fate and won the gratitude of their people forevermore.

And what gratitude transcends that which a State owes to the soldier who parts with his life in the service of his country in time of war? For arms to be effective abroad there must be wise counsels of statesmanship at home, it is true. But, after all, when war is flagrant, it is upon the soldier mainly that everything depends. It is to him that his country must look if it is not to be devastated, if its civilian population is not to be visited with outrage, if its temples are not to be profaned, if its homes are not to be violated. Of him is expected a measure of unhesitating self-immolation that is expected of no other member of the body politic. Of every citizen, to be sure, a certain degree of civic fidelity is asked. The policeman or the constable may, at times, be required even to surrender his life in the performance of his duty. But, in time of war, the soldier lives in daily, even hourly, companionship with peril to limb or life. Every tie that connects him with his mortal being he must renounce without a thought of self.

It was the lofty nature of the soldier's obligation from this point of view which led Dr. Samuel Johnson to affirm on one occasion that every man thinks meanly of himself for not having been a soldier.

It is when the thoughts that I have feebly sought to express are fully borne in upon our minds that we begin to realize how deeply we are indebted to that band of bright, brave youths who left their homes in this county for service in the World War and never returned. They now occupy a higher place in the lasting esteem of the people of this county than any group of living youths can ever hope to occupy. Courage, valor, endurance, and devotion, those exalted things which stand out in lettered prominence upon the cross near us, have glorified them. Death has hallowed them. Grateful patriotism has washed away all the stains of mortality from their faces and garments, and so long as this county from whence they came remains the abode of men and women worthy of them their fair forms will be invested with immortal freshness.

What lessons should we take away from this occasion? First of all, the lesson that, in time of war, we all owe the full measure of loyal allegiance to our country. When the mother calls, the children must come and each lay his gift upon her sacred altar, whether it be the gift of robust, fearless youth or of professional or manual skill, or of wealth, or of life itself, for it is still as true as it was in the age of the Roman poet that it is a sweet and honorable thing to die for one's country.

The next lesson that we should take away from this occasion is that of mutual sympathy and dependence. When the World War came, with its enthusiasm and sacrifices, the ignoble voices of sectarian bigotry and racial animosity died down into silence. Catholic and Protestant, Jew and negro, each took his place in our martial array and each performed his duty. Why should they not all live together in unity and concord and mutual understanding now?

The last lesson that we should take away from this occasion is the duty of each of us to do all that he or she can to bring about the closest concert between our country and the other great civilized forces of the earth for the purpose of reducing international warfare to the narrowest possible limits. I am no pacifist. I do not believe with the Quaker poet, Whittier, that "Peace unweaponed conquers every wrong," or that world peace can be secured by paper resolutions merely, or by simplying crying "Peace! Peace!" As I see it, those that do are moving about in a world of unreality. The truth is that there is no peace that is not commanded, not even in our own households. But I do believe that, just as the domestic peace of cities, States, and nations is successfully policed, so there is no reason why, with the zealous aid of our country, the peace of the world could not by the combined efforts of all civilized lands be successfully policed, too. I for one am willing to make the experiment.

In conclusion, I am reminded that the men whose memory we are honoring to-day were all, or mostly all, young. They wore the rose of youth upon them, to use Shakespeare's lovely phrase, and they furnish but another illustration of the old pathetic saying that in peace sons bury their fathers, but that in war fathers bury their sons. In other words, they died before their day. How full, nevertheless, their lives are now you will, I am sure, realize when, in closing, I read aloud to you these beautiful lines written by my friend Armistead C. Gordon, of Staunton, Va., a true poet:

BEFORE THEIR DAY

Here in the bronze their changeless names are wrought,
Who, in youth's morning hour, beheld the shore
Of time fade from their sight, and, from their thought,
Pass all the dreams and raptures that life bore.
We read the legend with a questioning wonder
At the inscrutable mystery, and say,
Grieving that death their forms from ours should sunder:
"They died before their day."

Not so. He did not give us pain for friend,
Nor gave us death for hope of life, in vain.
Though they be dead, yet death is not the end.
Who die for home and country live again,
Here and hereafter. At the call of duty,
They fell on sleep, forsaking this poor clay,
And now they flourish in immortal beauty
Who died before their day.

They are forever young. Nor care nor age
Can ever mar their loveliness and youth.
Their story blazoned on the whitest page
Of life's unfinished volume reads: "For truth
And love and faith and honor, nobly cherished,
They gave their all. Who shall their fate gainsay?
They drank life to the lees, thus to have perished
And died before their day."

They do not need our sorrow. Grief and tears
Are rather for the living than the dead.
They are inheritors of eternal years;
We are the children of decay and dread,
Soldiers of God, beautiful like archangels,
Fighters for God and country—let us pray
The lives, the deaths of these be our evangels,
Who died before their day.

PROHIBITION ENFORCEMENT

Mr. BLEASE. Mr. President, during the campaign I made some remarks in my State in reference to the enforcement of the prohibition law. In order that some people in that section may realize that I did not make any mistake, I ask to have published in the RECORD as part of my remarks an article, entitled "Washington's Little Back Rooms," which was published in the Washington Post on Sunday, November 18. There are some pictures accompanying the article which, of course, can not be put in the RECORD, but I wish they could be, as they are very interesting.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sunday, November 18, 1928]

WASHINGTON'S "LITTLE BACK ROOMS"—"WHERE CAN I GET A DRINK?" NOW AN EASY ONE FOR THE ROUNDER—STARTLING REVELATIONS OF THE GROWTH OF THE SPEAK-EASY IN THE CAPITAL—"WHISPER LOWS" NOW HONEYCOMB CITY—PRICES VARY WITH LOCATION—SURPRISING RESULTS OF ANALYSES OF THE "HOOTCH" THEY SELL—CONTROL A KNOTTY PROBLEM, BUT ACCESS EASY FOR THE CASH CUSTOMER—IN THE SHADOWS OF GOVERNMENT BUILDINGS

Two men met on the corner of Fifteenth Street and Pennsylvania Avenue.

"Do me a favor, Tom. I've been out on a bit of 'a bender,' and I'm nervous. What I need, most of all, to straighten me out, is a drink. If I cash a check, I know I'll start in again. So just take me and buy me one highball."

The man called Tom looked at his watch. "I'm on the way to meet my wife," he replied. "I've just got five minutes to get there—and I've got only enough money to take her to dinner. So, you see, there's not enough time and not enough money. Besides, I don't know where you could purchase one drink. A bottle of bootleg; yes. One drink; no!"

He was in the act of turning away. His friend and bended companion touched him pleadingly on the sleeve.

"You don't know where——?" In amazement. "Say, Tom, where have you been all my life?"

"Well," said Tom, "you know as well as I do that you can't get a drink of liquor within the time allotted, five minutes, nor without denting my limited roll so that I can't purchase dinner for myself and wife, and——"

"If I can get one within two minutes' walk from this spot, and for a measly half-dollar, will you go with me? The wife will certainly wait a few minutes overtime for you."

The suggestion interested the man called Tom. He looked at his watch again, figured he might keep the better half of the family waiting at least five minutes, and agreed to the proposal. "Provided," he added, "you don't go beyond two minutes' walking distance."

"Agreed," said the other, as he grabbed his pal by the arm, and hustled him up Fourteenth Street.

In the allotted time, the men had climbed an age-old stairway, had been admitted to a speak-easy, were seated before two highballs.

"I've been on the water wagon now since the country went dry," confided Tom, "but I am going to take this drink with you just to satisfy a curiosity—and not a thirst."

"What kind of liquor is this?" he asked the attendant.

"Canadian Club, sir," informed that individual.

"But you poured it out of a pitcher.

"Oh, yes, sir; the bottle is in the little back room. We don't dare bring it out here."

"You don't dare?" asked the man named Tom, who recalled the easy entrance. His companion, leading the way up the stairs, had simply knocked at a door. A little slot had flown open, two quizzical eyes had looked through the peephole, and a question had been asked: "You been here before?"

"Yes," was the reply. The door opened, and the men entered a room barren of all furniture, passed into another room where tables and chairs were arrayed, and where men were sitting around drinking beverages. It was dusk outside, curtains in the room drawn. Gas jets furnished light.

In four or five minutes' time the two emerged. "Not bad likker, either," said Tom, in amazement.

As they were parting he expressed astonishment.

"I didn't know there were such places in Washington, old man—places where you could go and get a drink—one drink, or two, without purchasing a bottle."

"You've been on the water wagon since prohibition, haven't you?" parried the other.

"Are there any more places like this?" asked Tom.

The other man smiled—a faint smile, the flush of reminiscence spreading over his countenance. "Are there any more like it in Washington?" he asked, and answered his own question: "Say, I can get you drunk, taking only one drink in each place from here to the Capitol."

"You don't say so?" said Tom.

"I not only say so, I know so," responded the other.

What is more, the man spoke the truth.

Speak-easies in Washington are thriving institutions. There are enough of them to supply the demand of all the heavy drinking men in town. This is no hearsay evidence. This is information straight from the paddock—straight from the feed box, as they say at the race track.

Washington, up to a year or so ago, was considered the most law-abiding community in the country. There was drinking going on here, of course, as there is drinking everywhere; but it was done in the sanctity of the home, in the kitchen, or wherever it is, in the house, that men gather to violate the eighteenth amendment and the Volstead Act.

In New York, Chicago, Philadelphia, and other cities of more than 1,000,000 population, the speak-easy was accepted as a necessary conjunction of a heebee-jeebee life. Large centers of population have always harbored violations. Washington, aside from being the Capital of the Nation is also a comfortable town, a place where the majesty of the law may be paraded. Or so, at least, it seemed—until this wave of the speak-easy came in on a tide of lawlessness.

Now, anyone who knows the ropes may go almost anywhere in the down-town section and get liquor, served in little back rooms. The first place alluded to in this story is within the very heart of the city. Standing on the roof of the Press Building a man, were he in the mind to do so, might easily throw the proverbial stone and place it through a window of the speak-easy visited by this correspondent.

Up on Connecticut Avenue stands the Mayflower Hotel, come to be the rendezvous of the great and the near great in this Nation, and the stopping place for celebrities from every corner of the globe. If an eagle-eyed sightseer were to stand on the roof of the Hotel Mayflower, look over one row of buildings, and peer down into a second-story front, he would see one of the busiest speak-easies in the city; provided, of course, the shades were lifted; which, naturally, they are not.

From the same vantage point a man might look into the back part of a little lunchroom and find there 20 or 30 men seated around tables, all enjoying their grog.

The speak-easy, at last, has come to Washington. It was a long time getting here, but here it is—and no mistake. Just how many speak-easies there are in town no one knows; but the number is sufficient, judging from the ease in which they are found by outsiders and by those who know their Washington.

In some of the places visited by this curious correspondent the brand of liquor served was as good as might be secured in dear old Lunnon town. In others it smacked of having been shipped, if it wasn't made on the premises, in old kerosene barrels. Just for the fun of it a chemist was asked to make an analysis of some of this stuff.

Various samples were handed to the laboratory recognized as the most reliable in the city. There were Scotch from the North Country, gin from Virginia, "Canadian Club," and several other concoctions. One sample, done up in ginger ale, spoke for itself. It had the strong smell of varnish and the potency of a kick from an Army mule. It defied successful identification.

The so-called "Canadian Club" analyzed as 90 proof, chemically O. K. liquor with an acid reaction, but no injurious ingredients such as have caused havoc in other cities where many deaths have occurred from poison alcohol. The chemist's report, however, specified that it could not be identified as any recognizable distillation which might properly boast any such established name as "Canadian Club."

The gin assayed 86 proof, was faintly acid, and embodied no dangerous chemical element.

What purported to be "Scotch" rated 88 proof, was faintly acid, contained a trace of fusel oil—but was otherwise chemically safe—and was identified by the laboratory expert as "green rye," to which a counterfeit, though harmless, "Scotch" flavor had been added.

While none of the samples submitted for this minute qualitative analysis proved to be what its label indicated, neither did any reveal any property which might be looked upon as dangerous to eyesight or life, although the nerves and the digestion might understandably come out a little worse for wear, not to mention the liver and the kidneys.

The point is that Washington speak-easies seem to be a step ahead of those in other eastern cities in that the potions they sell rate about the same quality as the best it is possible to procure in the open bootleg market at the highest scale of prices exorbitantly assessed.

It is probable that the liquid nail files purveyed in the restaurant back room near Connecticut Avenue constitute the exception. This will only be served ready mixed and effectively disguised in ginger ale, but even so possesses every essential property of a potent anesthetic, judging from the semiconscious condition of those draped over the little back-room tables the evening our party joined the clinic.

The prices in the speak-easies of Washington range from the lowly of the low neighborhood to the high of the bon ton neighborhoods. That is, if you buy your drinks down on the water front you pay water-front prices. The same custom prevails in Baltimore. Sailors who come in from the high seas find reasonable taxes on their Light Street grog. Those men of the maritime professions who lurk down in southwest Washington may get a good drink—or what they call a good drink—of whisky for 10 cents a dram. As the procession moves farther north and comes into the neighborhood of the British Embassy and the Mayflower Hotel the prices in the speak-easies advance, until once the vagrant in search of grog reaches the upper stretches of Connecticut Avenue he is liable to pay as high as $1 for a highball.

So it goes. Washington has taken the speak-easy to its bosom. Some time back there were probably only five or six speak-easies in town—and they were not even called that. For some reason or other the boys who run speak-easies were rather slow in getting started here; but now, any old rounder in Washington knows where he can get a drink.

One night, not so long ago, awaiting an appointment with an old friend in a well-known hotel lobby, the fellow with me suggested that the interim be livened with a cocktail. Out of curiosity, the question was asked: "Where are you going to get one? In this hotel?" thinking, perhaps, some out-of-town friend had brought along the necessary ingredients. There is a constant flow of visitors from New York.

"No," was the answer; "across the street."

Over across the street all looked as innocent as the front yard of a church. It was nighttime, about 11 o'clock, and hardly any one was in sight. Buildings were closed. The only lights came from a lunchroom window.

Together, we strolled across the street. My friend pushed his way through the lunchroom doors. Behind the counter were two women. Tables, near the wall, were devoid of patrons. A long rail for trays, in the cafeteria manner, was idle. The two women were busy at their tasks behind the counter.

"What is it?" one of them asked.

"Is Dan in?" my companion asked.

"Yes, he's in. Who wants him?"

"Tell him the Scotchman is out here."

The woman disappeared behind a door leading off from the rear of the counter. In the silence that followed her departure there was plainly heard the low mumble of voices; muffled voices of men in a little back room.

Presently, a man poked his head through the door, surveyed the scene, and beckoned the woman to let us pass. We stepped back of the counter, filed through a long, narrow, dark hallway and came into a room crowded with men sitting at tables.

Curtains pulled down, not a breath of air could have made its way into the room. The smoke was thick, so thick it could be cut with the wave of an arm.

Two seats were vacant. We sat down. A waiter stepped to the table.

"What'll y' have?" he asked.

"What've y' got?" he was asked in turn.

"Anything y' want," he said.

The order was given.

In the meantime, there was a chance to survey the surroundings. The motley crowd of men was anything but edifying. Some of them looked as if they had recently come from Chicago, run out of town by one of the gangs. One man was in a drunken stupor. They talked in

whispers. All had their hats on—so that when my friend removed his the others thought sure the house was pinched. The waiter was just then approaching the table. He turned on his heel and went back to another room, where the drinks were being "made-up." His next appearance was accompanied by the proprietor, who came over to make sure he had not been mistaken in the Scotchman.

Everything all right, the waiter came back with the two drinks ordered; but, from the first sip, there was one mind absolutely sure an attempt was being made to rid the world of a revenue officer. So we left the place, pronto, the glasses remaining filled.

Outside, in the fresh air, where there was plenty of room to speak, I asked in the vernacular, "How long has this been going on?"

"Oh," said my companion, "ever since prohibition, I believe. At least, I've 'ducked' in there anytime I wanted a drink."

"You must want one pretty badly to go in a place like that," I suggested. "How does any one breathe in there?"

"It just happened to be a busy night," he explained, "with a lot of men smoking. Otherwise, it's all right—although, of course, you can't expect to have garden service. Not with prohibition."

"You do expect to get service, though, even with prohibition?"

"Why, certainly," he responded; "why not?"

As one who remembered the Washington of old, the staid, dignified Washington of only a few years past, all this seemed like a certain sacrilege.

Everyone knows, of course, that the so-called kitchen cabinets assemble in apartments and homes every night in the year. There is no secret to the fact that drinking goes on ad lib. among all manner and classes of people. No one believes for a moment that the eighteenth amendment or the Volstead Act got rid completely of contraband liquors. Bootleggers flourish in every section, hi-jackers and gangsters ply their trade, and all the country is merry over a natural violation of a law that so many dislike; but with all that the idea of speak-easies in Washington seemed out of the picture.

Here is the Nation's Capital, where they made the law. Here in little back rooms men gather and violate the law.

"Well, you got a lot to learn, old-timer," said an old friend who was asked what he knew about the prevalence of the speak-easy in Washington.

"I firmly believe that there are as many speak-easies in Washington in proportion to its population as there are in any other city in America."

It sounds ridiculous.

"Take a trip with me if you don't believe it. I know my speak-easies."

They are, forsooth, in every section of the city. They are where you might least expect them and where you would naturally suppose they might be. They are in the rear of barber shops, atop garages, in basements of grocery stores, in near-beer parlors, in delicatessen stores—almost everywhere but the churches.

"Do the police know about all this?" one chaperon was asked.

"Yes, and no," was the answer.

Good folk will wonder why these places are not "turned in," as the process of informing on law violators is termed.

They are not turned in because those who are in a position to turn them in do not want them to be molested. That is one outstanding fact. Another is, persons who go merely on a sightseeing tour of speak-easies are not going to violate confidences. If a man takes another man, on the assumption that he is man enough to keep his observations to himself, nor give away exact addresses and names, that about ends the matter.

Reformers will say that this is a deplorable condition. Those who are against reformers, tooth and nail, will say, too, that this is a deplorable condition—that speak-easies should be a necessary evil; but men, they will tell you, want what they want when they want it. Hence, the speak-easy.

An old-time secret service man gave an interesting sidelight on prevalent conditions in Washington:

"It would take the entire police force of Washington, ever on the alert, to rid the city of speak-easies. Even then, I doubt if it could be done. If there were an arrest every hour in the day and night and 24 places closed a day, 24 new places would open on the morrow."

As it is, the law enforcement agents are unable to cope with the situation. Granted they are all honest men and true, there are not enough of them to go around. The only man who can really get next to a speak-easy in official form is the policeman on the block. Half the time he is so busy with other matters that this is impossible—say those familiar with the police system of administration.

So the speak-easy flourishes in Washington where laws are made. Further, there are speak-easies within the proverbial stone's throw of the Capitol Building itself—and it was only the other day that a prominent United States Senator made the open charge, in the public prints, that he could, if he so desired, purchase all the "likker" he wanted right under the dome of the Capitol.

Residents of the city recall, some with horror, the outstanding instance of disrespect for prohibition laws in the Capitol when a waiter, serving in the senatorial dining room, accidentally dropped a bottle of whisky on the marble floor.

That false move has since become one of the Nation's jokes—a waiter dropping a bottle of hootch in the Capitol restaurant.

Accidents will happen.

Bootleggers infest the Capitol, as the ply their trade in other buildings. Speak-easies flourish within the shadow of almost every Government office building in Washington.

There are some men, some men in Government service, who were in the habit, before prohibition, of going each day at the lunch hour and having cocktails before their meal.

They still do.

There are places, respectable places in the accepted sense, where those "in the know" may whisper in the ears of their waiters and have sparkling cocktails in cups placed before them as broth or bouillon—and no one casually looking on knows the difference.

"A grand old town this is, after all," confided an old toper one day after he had come back for a visit. "I was afraid they would have ruined Washington, but I wasn't here five minutes before I found a place where you can get the best booze this side of Canada."

"And how did you find it?" he was asked.

"Just stopped a man on a street corner and asked him where I could get a drink."

From this it would seem that certain valuable information is passed out rather freely. It is. 'Twould also seem that the proprietors of these places would be running extra risks in having every Tom, Dick, and Harry know of their places.

"How do you expect them to do business if they don't broadcast?" was one explanation.

"But suppose some 'informer' got hold of the same information, the location of a speak-easy?"

"Suppose he does?"

It seems that in that case there must be a raid, and that "evidence" must be produced. The wise manager of a speak-easy knows how to take care of all this. The evidence is ready, at a moment's warning, to go down the sink, or wherever it is evidence goes when they do not want it to go into court.

Of course, accidents will happen, even in the best regulated speak-easy—and when that takes place, an arrest, there is a fine, and the trouble of opening another place. Since it is all in the game and since profits are quick and enormous, so those in the know say the risk is worth the while in the estimation of many owners of speak-easies.

A casual canvass of Washington recently, turned up some 50 speak-easies, and all within the heart of the city. From hearsay evidence there are probably 200 more in the neighborhoods and the outskirts, maybe 1,000.

"You would not believe it, would you?" a resident was asked.

"Why not?" he responded. "Such things do happen. I am not a bit surprised, though some of my very close friends will certainly be amazed at the disclosure. There are some people, you know, who have ostrich blood in their veins. They just bow their heads and do not see a thing."

It was rather a wicked assignment given me to find out the speak-easies of Washington. Ever since the discovery that so many of them hold forth here, I have been suspected as one of the originators of the whispering campaign, but habit is habit. You just naturally get into the swing of it.

A mighty soft-spoken race of men is being developed down here on the banks of the Potomac. They learn the art of sotto voce in little back rooms.

SMUGGLING OF CANADIAN LIQUOR

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD an article from the New York Times referring to the report of Mrs. Willebrandt. I was surprised to see that she should let the facts be published. I ask that the article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEES A RISING FLOOD OF CANADIAN LIQUOR—MRS. WILLEBRANDT, IN SARGENT'S REPORT, SAYS SMUGGLING HAS REACHED $2,000,000 A MONTH—ROSE 75 PER CENT IN THREE YEARS—PROGRESS IS CITED IN CHECKING FLOW FROM VESSELS HOVERING OFF THE COASTS—MORE JUDGES HERE URGED—ATTORNEY GENERAL ALSO RECOMMENDS CONCENTRATING GOVERNMENT LEGAL ACTIVITIES IN DEPARTMENT

(Special to the New York Times)

WASHINGTON, December 3.—Attorney General Sargent submitted the annual report of the Department of Justice to Congress to-day, together with the reports of the Assistant Attorneys General in charge of the various branches of the department.

Mrs. Mabel Walker Willebrandt, in charge of prohibition enforcement, reports that the Government has reduced the smuggling of liquor into the country by rum ships on the high seas, but that liquor smuggled

from Canada, chiefly via the Great Lakes, has increased more than 75 per cent during the last three years.

Attorney General Sargent in his report concurs in the recent recommendation of the conference of senior circuit judges, presided over by Chief Justice William Howard Taft, which he transmits with his own report, for three additional district judges for the Southern District of New York, one additional judge for the second circuit, two additional district judges for the Eastern District of New York (instead of one as recommended last year), and one for the Southern District of Florida, and one additional circuit judge for the ninth circuit.

The Attorney General also recommends the consolidation of all the legal activities of the Government under the supervision of the Attorney General.

TELLS OF CANADIAN LIQUOR FLOW

Mrs. Willebrandt points out that it is possible to gauge the volume of liquor smuggled from Canada, because a substantial amount of it is cleared through the Canadian customs before the liquor runner proceeds "to violate the United States Customs in making delivery."

She says that 1,169,002 gallons of whisky were cleared in the fiscal years for export to the United States, and that the total Canadian value of all alcoholic beverages cleared from Canada for the United States in the same period was $24,397,958, or more than $2,000,000 a month. The figures represent an increase from 665,896 gallons in 1925, with a Canadian value of $10,772,988.

"No one would contend that all of the liquor which is smuggled across the northern boundary passes regularly through the Canadian customs," the report says. "The volume is probably much greater than these records will show. However, available data, which is taken from statistical bulletins issued by the Department of Trade and Commerce of Canada, indicates that this traffic is immense in its proportions and is increasing."

Referring to vessels, both domestic and foreign, captured in the contraband liquor trade, Mrs. Willebrandt's report says there were 370 domestic seizures during the year, whereas in 1925 there were 516, and 330 and 320 each in 1926 and 1927.

SHIPS HOVER OFF FLORIDA COAST

"One fact of interest respecting the last year," she says, "is that out of the total number of domestic vessels captured, 174, or 47 per cent, were seized in Florida waters or in that vicinity. In this region liquor cargoes are obtained for the most part directly from the Bahama Islands, and the hovering supply plays no important rôle. Also, the hovering ship is not involved in the contraband traffic that is carried on from Canada into the United States through the waterways of the Great Lakes."

Operators of foreign vessels with liquor supplies have become more wary since the extraterritorial conventions have received favorable construction by the Supreme Court and convictions in the courts, the report says.

St. Pierre and Miquelon, in the vicinity of the mouth of the St. Lawrence River, continues to be the main source of supply and operating base for the high-seas smugglers of the Atlantic coast, it continues.

"The falling off in foreign-ship seizures has become particularly noticeable during the year. Furthermore, of the 22 seizures which were effected during the year only 4 occurred during the latter half—that is, between January 1 and June 30, 1928. It would seem that this indicates that the Government has begun to get this particular situation in hand."

FIFTY-FIVE THOUSAND SEVEN HUNDRED AND TWENTY-NINE CRIMINAL CASES STARTED

Reviewing her enforcement activities throughout the United States, Mrs. Willebrandt reports that 55,729 criminal prohibition prosecutions were started during the year, an increase of 15,020 over 1927. Including cases left over from the previous year, 58,429 cases were ended, as follows: Convictions, 48,820; acquittals, 1,431; nolle prossed or discontinued, 6,114; quashed, dismissed, demurrer, etc., 2,064.

"There were 34 convictions to each acquittal," she said, "a gain of 1 over the preceding year." The aggregate of fines, forfeitures, and penalties imposed was much higher than during the previous year, the total being $7,303,563.28. Jail and prison sentences imposed reached a total of more than 7,700 years, an increase of 48 per cent. This is by far the highest aggregate of sentences imposed in one year since prohibition went into effect.

"Due to the use of the padlock provisions of the Volstead Act being constantly urged by this division, the number of permanent injunctions mounted to 3,999, an increase of 586 over the preceding year. There were 4,857 trials by jury, an increase of 1,110. Pleas of guilty numbered 45,295, an increase of 16,414."

Mrs. Willebrandt says that she intends to expand the recent practice of assigning special prosecutors to assist United States attorneys in handling liquor cases in certain sections of the country. She adds that plans have been made for a United States marshal's jail in New York City as a detention headquarters for Federal prisoners awaiting trial and transportation to Federal penitentiaries because the city authorities have notified the Government that they would receive no more Federal prisoners.

DRY CASES OVER HALF OF ALL

The 55,729 prohibition cases started during the year constituted more than half of all the criminal and civil cases commenced in that period to which the United States was a party. The total number of all cases was 104,067, according to the report of Assistant Attorney General John Marshall, in charge of administration, who also says the increase of all cases over 1927 was only 12,000, as compared with 15,000 for prohibition alone.

The 58,429 prohibition cases ended during 1927 were also more than half of all cases terminated, which was 106,961, according to Mr. Marshall's report. Mr. Marshall says that at the close of business on June 30, 51,774 cases of all kinds were pending, whereas Mrs. Willebrandt says 18,259 of her cases, all criminal, were pending on that date. The report of the senior circuit judges shows that the total number of criminal cases on the docket at the end of the fiscal year was 30,375, or less than twice the number of prohibition.

DIPLOMATIC IMMUNITY FROM PROHIBITION ACT

Mr. BLEASE. Mr. President, there appeared in the Washington Post of this morning an article relating to diplomatic immunity in connection with the enforcement of the prohibition act. I have had a good deal to say on this subject on this floor, and I am glad to see that Mr. Doran has at last ceased to be deaf, dumb, and blind. I ask that the article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEN THOUSAND HERE HELD IMMUNE TO DRY LAW AS DIPLOMATS—HAMPER ENFORCEMENT, DORAN TELLS HOUSE COMMITTEE—$300,000,000 NEEDED ANNUALLY FOR EFFECTIVE CONTROL, HE ADDS—PRAISES MAJOR HESSE

There are 10,000 persons in Washington who have a certain diplomatic status and can therefore take liquor around unmolested, Dr. James M. Doran, the prohibition commissioner, told the House Appropriations Committee, according to a copy of the hearing made public yesterday.

The presence of these persons, Doran told the committee, is one of the things that makes prohibition enforcement here difficult. Although members of the committee were inclined to be critical, Doran defended Maj. Edwin B. Hesse, superintendent of police.

"I suppose," said Representative BYRNS, of Tennessee, "you saw in the paper several days ago—I think it was last Sunday—that article where they gave pictures of the locations where there are open saloons and bars running in the rear of buildings. I think it might be well to get the chief of police interested in cases of that sort."

"I think that Major Hesse has done what he could," replied Doran.

"With things like this in Washington at the present time?" remarked BYRNS.

"He is doing very good work," Doran went on. "He has only a very limited fund for the purchase of evidence. I know he has called that to my attention several times. My judgment is that the police department of Washington is doing pretty well on the job. However, I will say that the District of Columbia courts are, as a rule, pretty crowded, and it is not every easy to get a prompt trial of a liquor offender in the District of Columbia, especially second and third offenders, where jail sentences may be involved."

"But you know there are a number of public places where you can see bottles of liquor shown around?" put in Representative HARDY of Colorado.

Doran suggested that the bottles contained nonalcoholic beverages, and he then told about the 10,000 persons connected with embassies and legations.

"Can they take it around the street unmolested?" asked HARDY.

"On their person," Doran replied.

"And carry the bottles right out in public?"

"We can not take it away from them if they are connected in any capacity with the various embassies."

Effective prohibition enforcement would require $300,000,000 a year for policing the United States, exclusive of "a system of United States courts covering the land."

This admission was made to the House Appropriations Committee by Doctor Doran during his testimony.

While the key man in the dry régime perceived improvement in enforcing Volsteadism, with the "elimination to some extent of some of the abuses in the enforcement by reason of the lawless acts of officials," he declared that "the smuggling situation still presents a serious problem," and that "there is still a large movement (of liquor) from European ports, from the French Island of St. Pierre, and from some Central American and Mexican ports to the United States."

THE ENFORCEMENT OF THE PROHIBITION LAW

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD an article from the News and Courier, of Charleston,

S. C., of the issue of Saturday morning, December 1, I hope that some of those who think that the prohibition law is being enforced, if they will not take an ordinary Senator's word for it, will take what the officers who have been elected by a large majority of the people of this country and those appointed state about it themselves. I want the law enforced to the letter and am opposed to its repeal, but let us deal fairly.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIXTEEN STILLS TAKEN BY FEDERAL MEN—PROHIBITION OFFICERS DESTROY 30,000 GALLONS OF MASH AND ARREST SIX

In an intensive postelection drive Federal prohibition agents, operating out of Charleston, have during the past few days captured 16 large stills in four counties and destroyed more than 30,000 gallons of mash. It has been the campaign since the extensive raids in July.

Six men, 238 fermenters, and 540 gallons of bootleg have been seized.

Falling first upon Berkeley—designated by Gov. John G. Richards as a "festering sore"—the officers from the office of deputy prohibition administrator for the eastern district gathered in all but five of their total bag of stills in that county.

Moving to Florence County, the two agents and others confiscated a 275-gallon wood and copper still and destroyed fourteen 60-gallon fermenters.

The raiders then moved to the Edisto section. One still was found in Aiken County, while two stills and a large amount of bootleg paraphernalia was confiscated in Barnwell County.

One of the Barnwell County stills yielded the largest amount of mash, almost half of the total bag. Along with a 125-gallon wood still, complete, twelve 700-gallon fermenters and fifteen 350-gallon fermenters, a superheater and a steam boiler, the agents got 13,650 gallons of mash and 50 gallons of corn liquor.

The captures range from the mammoth mash seizure to a petty find of 3½ gallons of corn whisky and from the big 700-gallon fermenters to tiny, in comparison, 60-gallon ones.

THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, I ask the attention of the Senator from Kansas [Mr. CURTIS].

In February last I introduced a resolution to increase the number of copies of the CONGRESSIONAL RECORD allotted to Senators and Members of the House of Representatives. The apportionment we now have was enacted about 35 years ago. At that time the vote for President was about 10,700,000. We are now polling about 36,000,000 votes for President, and each Senator has only 88 copies of the RECORD and each Member of the House about 60. My bill provides for changing the old law and increasing the number to 300 copies for each Senator and 150 copies for each Member of the House.

This bill was referred to the Committee on Printing, but I do not think that the committee has considered it. I spoke to Senator MOSES, a member of the committee, about it, and he said he thought we could get together on it at the beginning of this session, and I am bringing it up now for the purpose of getting action on it, so that instead of having 88 copies of the daily CONGRESSIONAL RECORD each Senator will have 300 and each Member of the House 150. I want to get action now, or as early as possible, before we hand in our revised CONGRESSIONAL RECORD mailing list.

Mr. CURTIS. I suggest to the Senator that he take up the matter with the Senator from Minnesota [Mr. SHIPSTEAD], who is chairman of the Committee on Printing at this time.

Mr. HEFLIN. Very well; I will let it go over, then, and follow that course.

THE PRESIDENT'S ARMISTICE ADDRESS

Mr. SACKETT. I ask to have printed in the RECORD, on account of the numerous requests which have come to my office, the address of President Coolidge at the observance of the tenth anniversary of the armistice under the auspices of the American Legion.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Fellow countrymen, we meet to give thanks for 10 more years of peace. Amid the multitude of bounties which have been bestowed upon us, we count that our supreme blessing. In all our domestic and foreign relations our chief concern is that it should be permanent. It is our belief that it is coming to be more and more realized as the natural state of mankind. Yet, while we are placing our faith in more complete understandings which shall harmonize with the universal conscience, we ought not to forget that all the rights we now possess, the peace we now enjoy, have been secured for us by a long series of sacrifices and of conflicts. We are able to participate in this celebration because our country had the resources, the character, and the spirit to raise, equip, and support with adequate supplies an Army and a Navy which, by placing more than 2,000,000 men on the battle fields of Europe, contributed to the making of the armistice on the 11th day of November, 1918.

Our first thought, then, is to acknowledge the obligation which the Nation owes to those who served in our forces afloat and ashore, which contributed the indispensable factor to the final victory. Although all our people became engaged in this great conflict, some in furnishing money, some in producing food and clothing, some in making munitions, some in administering our Government, the place of honor will always be accorded to the men and the women who wore the uniform of our country—the living and the dead.

When the great conflict finally broke upon us we were unprepared to meet its military responsibilities. What Navy we possessed at that time, as is always the case with our Navy, was ready. Admiral Sims at once carried new courage and new energy to the contest on the sea. So complete was the defense of our transports that the loss by enemy attack in sending our land forces to Europe was surprisingly small.

As we study the record of our Army in France, we become more and more impressed by three outstanding features. The unity of the American forces and the integrity of the American command were always preserved. They were trained with a thoroughness becoming the tradition of McClellan, they were fought with a tenacity and skill worthy of the memory of Grant. And finally, they were undefeated. For these outstanding accomplishments, which were the chief sources of the glory of our arms, we are indebted to the genius of General Pershing.

It is unnecessary to recount with any detail our experience in the war. It was a new revelation, not only of the strength, but of the unity of our people. No country ever exhibited a more magnificent spirit or demonstrated a higher degree of patriotic devotion. The great organizing ability of our industrial leaders, the unexpected strength of our financial resources, the dedication of our entire man power under the universal service law, the farm and the factory, the railroad and the bank, 4,000,000 men under arms and 6,000,000 men in reserve, all became one mighty engine for the prosecution of the war. All together it was the greatest power that any nation on earth had ever assembled.

When it was all over, in spite of the great strain, we were the only country that had much reserve power left. Our foodstuffs were necessary to supply urgent needs; our money was required to save from financial disaster. Our resources delivered Europe from starvation and ruin.

In the final treaty of peace not only was the map of Europe remade, but the enormous colonial possessions of Germany were divided up among certain allied nations. Such private property of her nationals as they held was applied to the claim for reparations. We neither sought nor took any of the former German possessions. We have provided by law for returning the private property of her nationals.

Yet our own outlay had been and was to continue to be a perfectly enormous sum. It is sometimes represented that this country made a profit out of the war. Nothing could be further from the truth. Up to the present time our own net war costs, after allowing for our foreign-debt expectations, are about $36,500,000,000. To retire the balance of our public debt will require about $7,000,000,000 in interest. Our Veterans' Bureau and allied expenses are already running at over $500,000,000 a year in meeting the solemn duty to the disabled and dependent. With what has been paid out and what is already apparent, it is probable that our final cost will run well toward $100,000,000,000, or half the entire wealth of the country when we entered the conflict.

Viewed from its economic results, war is the most destructive agency that ever afflicts the earth. Yet it is the dead here and abroad who are gone forever. While our own losses were thus very large, the losses of others required a somewhat greater proportionate outlay, but they are to be reduced by territorial acquisitions and by reparations. While we shall receive some further credits on the accounts I have stated as our costs, our outlay will be much greater than that of any other country. Whatever may be thought or said of us, we know, and every informed person should know, that we reaped no selfish benefit from the war. No citizen of the United States needs to make any apology to anybody anywhere for not having done our duty in defense of the cause of world liberty.

Such benefits as came to our country from our war experience were not represented by material values but by spiritual values. The whole standard of our existence was raised; the conscience and the faith of the Nation were quickened with new life. The people awoke to the drumbeats of a new destiny.

In common with most of the great powers we are paying the cost of that terrible tragedy. On the whole, the war has made possible a great advance in self-government in Europe, yet in some quarters society was so near disintegration that it submitted to new forms of absolutism to prevent anarchy. The whole essence of war is destruction. It is the negation and the antithesis of human progress. No good thing ever came out of war that could not better have been secured by reason and conscience.

Every dictate of humanity constantly cries aloud that we do not want any more war. We ought to take every precaution and make every honorable sacrifice, however great, to prevent it. Still, the first law of progress requires the world to face facts, and it is equally plain that reason and conscience are as yet by no means supreme in human affairs. The inherited instinct of selfishness is very far from being eliminated; the forces of evil are exceedingly powerful.

The eternal questions before the nations are how to prevent war and how to defend themselves if it comes. There are those who see no answer, except military preparation. But this remedy has never proved sufficient. We do not know of any nation which has ever been able to provide arms enough so as always to be at peace. Fifteen years ago the most thoroughly equipped people of Europe were Germany and France. We saw what happened. While Rome maintained a general peace for many generations, it was not without a running conflict on the borders which finally engulfed the empire. But there is a wide distinction between absolute prevention and frequent recurrence, and peace is of little value if it is constantly accompanied by the threatened or the actual violation of national rights.

If the European countries had neglected their defenses, it is probable that war would have come much sooner. All human experience seems to demonstrate that a country which makes reasonable preparation for defense is less likely to be subject to a hostile attack and less likely to suffer a violation of its rights which might lead to war. This is the prevailing attitude of the United States and one which I believe should constantly determine its actions. To be ready for defense is not to be guilty of aggression. We can have military preparation without assuming a military spirit. It is our duty to ourselves and to the cause of civilization, to the preservation of domestic tranquillity, to our orderly and lawful relations with foreign people, to maintain an adequate Army and Navy.

We do not need a large land force. The present size of our Regular Army is entirely adequate, but it should continue to be supplemented by a National Guard and Reserves, and especially with the equipment and organization in our industries for furnishing supplies. When we turn to the sea the situation is different. We have not only a long coast line, distant outlying possessions, a foreign commerce unsurpassed in importance, and foreign investments unsurpassed in amount, the number of our people and value of our treasure to be protected, but we are also bound by international treaty to defend the Panama Canal. Having few fueling stations, we require ships of large tonnage, and having scarcely any merchant vessels capable of mounting 5 or 6 inch guns, it is obvious that, based on needs, we are entitled to a larger number of warships than a nation having these advantages.

Important, however, as we have believed adequate national defense to be for preserving order and peace in the world, we have not considered it to be the only element. We have most urgently and to some degree successfully advocated the principle of the limitation of armaments. We think this should apply both to land and sea forces, but as the limitation of armies is very largely a European question we have wished the countries most interested to take the lead in deciding this among themselves. For the purpose of naval limitation we called the Washington conference and secured an agreement as to capital ships and airplane carriers, and also as to the maximum unit tonnage and maximum caliber of guns of cruisers. But the number of cruisers, lesser craft, and submarines have no limit.

It no doubt has some significance that foreign governments made agreements limiting that class of combat vessels in which we were superior, but refused limitation in the class in which they were superior. We made altogether the heaviest sacrifice in scrapping work which was already in existence. That should forever remain not only a satisfaction to ourselves but a demonstration to others of our good faith in advocating the principle of limitations. At that time we had 23 cruisers and 10 more nearly completed. One of these has since been lost, and 22 are nearly obsolete. To replace these, we have started building 8. The British have since begun and completed 7, are building 8, and have 5 more authorized. When their present legislation is carried out they have 68 cruisers. When ours is carried out, we would have 40. It is obvious that, eliminating all competition, world standards of defense require us to have more cruisers.

This was the situation when I requested another conference, which the British and Japanese attended, but to which Italy and France did not come. The United States there proposed a limitation of cruiser tonnage of 250,000 to 300,000 tons. As near as we could figure out their proposal, the British asked for from 425,000 to 600,000 tons. As it appeared to us that to agree to so large a tonnage constituted not a limitation, but an extension of war fleets, no agreement was made.

Since that time no progress seems to have been made. In fact, the movements have been discouraging. During last summer France and England made a tentative offer which would limit the kind of cruisers and submarines adapted to the use of the United States, but left without limit the kind adapted to their use. The United States of course refused to accept this offer. Had we not done so, the French Army and the English Navy would be so near unlimited that the principle of limitations would be virtually abandoned. The nations have already accomplished much in the way of limitations and we hope may accomplish more when the preliminary conference called by the League of Nations is reconvened.

Meantime, the United States and other nations have been successfully engaged in undertaking to establish additional safeguards and securities to the peace of the world by another method. Throughout all history war has been occurring until it has come to be recognized by custom and practice as having a certain legal standing. It has been regarded as the last resort, and has too frequently been the first. When it was proposed that this traditional attitude should be modified between the United States and France, we replied that it should be modified among all nations. As a result, representatives of 15 powers have met in Paris and signed a treaty which condemns recourse to war, renounces it as a national policy, and pledges themselves not to seek to resolve their differences except by peaceful action.

While this leaves the questions of national defense and limitation of armaments practically where they were, as the negative supports of peace, it discards all threat of force and approaches the subject on its positive side. For the first time in the world the leading powers bind themselves to adjust disputes without recourse to force. While recognizing to the fullest extent the duty of self-defense, and not undertaking, as no human ingenuity could undertake, an absolute guaranty against war, it is the most complete and will be the most effective instrument for peace that was ever devised.

So long as promises can be broken and treaties can be violated, we can have no positive assurances, yet every one knows they are additional safeguards. We can only say that this is the best that mortal man can do. It is beside the mark to argue that we should not put faith in it. The whole scheme of human society, the whole progress of civilization, requires that we should have faith in men and in nations. There is no other positive power on which we could rely. All the values that have ever been created, all the progress that has ever been made, declare that our faith is justified.

For the cause of peace, the United States is adopting the only practical principles that have ever been proposed, of preparation, limitation, and renunciation. The progress that the world has made in this direction in the last 10 years surpasses all the progress ever before made.

Recent developments have brought to us not only a new economic but a new political relationship to the rest of the world. We have been constantly debating what our attitude ought to be toward the European nations. Much of our position is already revealed by the record. It can truthfully be characterized as one of patience, consideration, restraint, and assistance. We have accepted settlement of obligations, not in accordance with what was due but in accordance with the merciful principle of what our debtors could pay. We have given of our counsel when asked and of our resources for constructive purposes, but we have carefully refrained from all intervention which was unsought or which we believed would be ineffective, and we have not wished to contribute to the support of armaments. Whatever assistance we may have given to finishing the war, we feel free from any responsibility for beginning it. We do not wish to finance preparation for a future war.

We have heard an impressive amount of discussion concerning our duty to Europe. Our own people have supplied considerable quantities of it. Europe itself has expressed very definite ideas on this subject. We do have such duties. We have acknowledged them and tried to meet them. They are not all on one side, however. They are mutual. We have sometimes been reproached for lecturing Europe, but probably ours are not the only people who sometimes engage in gratuitous criticism and advice. We have also been charged with pursuing a policy of isolation. We are not the only people either who desire to give their attention to their own affairs. It is quite evident that both of these claims can not be true. I think no informed person at home or abroad would blame us for not intervening in affairs which are peculiarly the concern of others to adjust or when we are asked for help for stating clearly the terms on which we are willing to respond.

Immediately following the war we went to the rescue of friend and foe alike in Europe on the grounds of humanity. Later our experts joined with their experts in making a temporary adjustment of German reparations and securing the evacuation of the Ruhr. Our people lent $110,000,000 to Germany to put that plan into immediate effect. Since 1924 Germany has paid on reparations about $1,300,000,000, and our people have lent to national, State, and municipal governments and to corporations in Germany a little over $1,100,000,000. It could not be claimed that this money is the entire source from which reparations have been directly paid, but it must have been a large factor in rendering Germany able to pay. We also lent large sums to the governments and corporations in other countries to aid in their financial rehabilitation.

I have several times stated that such ought to be our policy. But there is little reason for sending capital abroad while rates for money in London and Paris are at 4 or 5 per cent, while ours are much higher. England is placing very considerable loans abroad; France has had large credits abroad, some of which have been called home.

Both are making very large outlays for military purposes. Europe on the whole has arrived at a state of financial stability and prosperity where it can not be said we are called on to help or act much beyond a strict business basis. The needs of our own people require that any further advances by us must have most careful consideration.

For the United States not to wish Europe to prosper would be not only a selfish, but an entirely unenlightened view. We want the investment of life and money which we have made there to be to their benefit. We should like to have our Government debts all settled, although it is probable that we could better afford to lose them than our debtors could afford not to pay them. Divergent standards of living among nations involve many difficult problems. We intend to preserve our high standards of living and we should like to see all other countries on the same level. With a whole-hearted acceptance of republican institutions, with the opening of opportunity to individual initiative, they are certain to make much progress in that direction.

It is always plain that Europe and the United States are lacking in mutual understanding. We are prone to think they can do as we can do. We are not interested in their age-old animosities, we have not suffered from centuries of violent hostilities. We do not see how difficult it is for them to displace distrust in each other with faith in each other. On the other hand, they appear to think that we are going to do exactly what they would do if they had our chance. If they would give a little more attention to our history and judge us a little more closely by our own record, and especially find out in what directions we believe our real interests to lie, much which they now appear to find obscure would be quite apparent.

We want peace not only for the same reason that every other nation wants it, because we believe it to be right, but because war would interfere with our progress. Our interests all over the earth are such that a conflict anywhere would be enormously to our disadvantage. If we had not been in the World War, in spite of some profit we made in exports, whichever side had won, in the end our losses would have been very great. We are against aggression and imperialism not only because we believe in local self-government, but because we do not want more territory inhabited by foreign people. Our exclusion of immigration should make that plain. Our outlying possessions, with the exception of the Panama Canal Zone, are not a help to us, but a hindrance. We hold them, not as a profit, but as a duty. We want limitation of armaments for the welfare of humanity. We are not merely seeking our own advantage in this, as we do not need it, or attempting to avoid expense, as we can bear it better than anyone else.

If we could secure a more complete reciprocity in good will, the final liquidation of the balance of our foreign debts, and such further limitation of armaments as would be commensurate with the treaty renouncing war, our confidence in the effectiveness of any additional efforts on our part to assist in the further progress of Europe would be greatly increased.

As we contemplate the past 10 years, there is every reason to be encouraged. It has been a period in which human freedom has been greatly extended, in which the right of self-government has come to be more widely recognized. Strong foundations have been laid for the support of these principles. We should by no means be discouraged because practice lags behind principle. We make progress slowly and over a course which can tolerate no open spaces. It is a long distance from a world that walks by force to a world that walks by faith. The United States has been so placed that it could advance with little interruption along the road of freedom and faith.

It is befitting that we should pursue our course without exultation, with due humility, and with due gratitude for the important contributions of the more ancient nations which have helped to make possible our present progress and our future hope. The gravest responsibilities that can come to a people in this world have come to us. We must not fail to meet them in accordance with the requirements of conscience and righteousness.

CALLING OF THE ROLL

The PRESIDING OFFICER. The morning business is closed.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Gillett	Kendrick
Barkley	Copeland	Glass	Keyes
Bayard	Couzens	Glenn	King
Bingham	Curtis	Goff	Locher
Black	Dale	Greene	McKellar
Blaine	Dill	Hale	McMaster
Blease	Edge	Harris	McNary
Borah	Edwards	Harrison	Metcalf
Bratton	Fess	Hawes	Neely
Brookhart	Fletcher	Hayden	Norris
Broussard	Frazier	Heflin	Nye
Bruce	George	Johnson	Oddie
Capper	Gerry	Jones	Overman
Phipps	Sheppard	Swanson	Walsh, Mass.
Pine	Shipstead	Thomas, Idaho	Walsh, Mont.
Pittman	Shortridge	Thomas, Okla.	Warren
Ransdell	Simmons	Trammell	Waterman
Reed, Pa.	Smith	Tydings	Wheeler
Robinson, Ark.	Smoot	Tyson	
Sackett	Steiwer	Vandenberg	
Schall	Stephens	Wagner	

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is unavoidably absent on account of illness. This announcement may stand for the day.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent from the Senate.

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

BOULDER DAM

Mr. JOHNSON. Mr. President, I ask that the unfinished business be laid before the Senate, and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, and for the approval of the Colorado River compact, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment offered by the senior Senator from California [Mr. JOHNSON] in the nature of a substitute.

Mr. HAYDEN. Mr. President, yesterday, just prior to the adjournment of the Senate, I offered an amendment to the Senate bill that has been offered as a substitute for House bill 5773, which relates to an apportionment of the waters of the Colorado River to the lower basin of that stream. The amendment was taken from the CONGRESSIONAL RECORD of May 28, 1928. On that date the senior Senator from Nevada [Mr. PITTMAN] asked to have the amendment printed in the CONGRESSIONAL RECORD, for the information of the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair). May the Chair ask the Senator whether the amendment he has in mind has been offered and is now pending?

Mr. HAYDEN. If it has not been, I intend to offer it very soon.

The PRESIDING OFFICER. The clerks at the desk want to know the status. It has not been offered yet, it appears.

Mr. HAYDEN. I shall offer the amendment in a few moments.

At the time to which I have just referred the Senator from Nevada stated that at a conference held in the city of Denver during the summer of 1927, at the instance of the Governors of the States of New Mexico, Colorado, Utah, and Wyoming, there were present governors and commissioners from the States of Nevada, Arizona, and California. The subject of paramount importance, the subject that was the most discussed at that conference, was an adjustment of the differences between the States of Arizona and California with respect to an apportionment of the waters of the lower Colorado River Basin, in order that, if those two States might be brought into accord, the Colorado River compact, which affected the entire seven States, might be ratified and approved by all of the States.

Each of the States in the lower basin was called upon to submit to the Denver conference a statement of the quantity of water they desired to obtain out of the Colorado River. At the time the conference was held it was thought that there were but seven and a half million acre-feet of water to divide, and upon that basis the senior Senator from Nevada stated to the Senate that the governors of the upper-basin States recommended that there be awarded to the State of California 4,200,000 acre-feet, to the State of Arizona 3,000,000 acre-feet, and to the State of Nevada 300,000 acre-feet.

The Senator explained in his remarks how the four governors arrived at that apportionment, and said that it was done under article 3 of the Colorado River compact, paragraph (a) of which reads as follows:

> There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

The Senator then stated that subsequently it was discovered that there was an additional million acre-feet of water apportioned to the lower basin which could be divided. The idea of dividing that additional apportionment of water did not occur

to the governors and the representatives of the lower basin States at the time of the Denver conference.

The Senator then read to the Senate this provision of the compact, which is paragraph (b) of article 3:

In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

Senator PITTMAN stated further that at conferences held in his office during the last session of Congress the suggestion had been made that the additional million acre-feet be divided equally between Arizona and California, and that if that were done the total quantity of water apportioned to the State of California under the Colorado River compact out of the total amount allocated to the lower basin would be 4,700,000 acre-feet, or 100,000 acre-feet more than California had asked for at Denver, and that by adding 500,000 acre-feet to the 3,000,000 acre-feet apportioned to Arizona on the basis recommended by the four upper basin governors that State would receive 3,500,000 acre-feet, or within 100,000 acre-feet of what had been requested by her commissioners at Denver.

The Senator from Nevada then stated that, based upon the recommendations made by the upper basin governors plus an equal division of the additional 1,000,000 acre-feet, Mr. Francis B. Wilson, interstate river commissioner of the State of New Mexico, had prepared an amendment which the Senator asked to have printed in the RECORD. He did not offer it at that time, but merely asked to have it printed for the information of the Senate. I now offer that amendment to the bill.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. The amendment proposes to strike out all of section 4 (a) as it appears in the substitute and to insert:

SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder, unless and until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared: *Provided*, That the ratification act of the State of California shall contain a provision agreeing that the aggregate annual consumptive use by that State of waters of the Colorado River shall never exceed 4,200,000 acre-feet of the water apportioned to the lower basin by paragraph (a) of Article III of said compact, and that the aggregate beneficial consumptive use by that State of waters of the Colorado River shall never exceed 500,000 acre-feet of the water apportioned by the compact to the lower basin by paragraph (b) of said Article III; and that the use by California of the excess or surplus waters unapportioned by the Colorado River compact shall never exceed annually one-half of such excess or surplus waters; and that the limitations so accepted by California shall be irrevocable and unconditional, unless modified by the agreement described in the following paragraph, nor shall said limitations apply to water diverted by or for the benefit of the Yuma reclamation project for domestic, agricultural, or power purposes except to the portion thereof consumptively used in California for domestic and agricultural purposes.

The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 3,000,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article, there shall be apportioned to the State of Arizona 500,000 acre-feet for beneficial consumptive use, and (3) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (4) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (5) that the waters of the Gila River and its tributaries shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters apportioned by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply one-half of any deficiency which must be supplied to Mexico by the lower basin, and (6) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water which can not reasonably be applied to domestic and agricultural uses, and (7) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact.

On page 21, line 13, after the word "approval," strike out lines 13, 14, 15, and 16, to the word "date," inclusive, and on line 16 strike out the words "in the latter case," and on line 22 strike out the words "prior to June 1, 1928."

On page 22 strike out all of lines 22, 23, and 24, and on page 23 all of lines 1 to 7, inclusive.

On page 27, line 21, after the word "Dam," strike out the semicolon and insert a period, and strike out all of line 21 thereafter, and all of lines 22 and 23, and on page 28 all of lines 1, 2, 3, and 4.

On page 29, line 21, after the word "States," strike out the comma, insert a period, and strike out the remainder of the line, and all of lines 22 and 23, and on page 30 all of lines 1 to 5, inclusive.

Mr. HAYDEN. Mr. President, to one who is unfamiliar with the water situation in the Colorado River Basin, this amendment may appear to be somewhat complicated, but it deals with a most complicated subject and the purpose sought to be accomplished could not be expressed in a less number of words. However, if one will study the amendment he will find that it is based upon admitted facts, is based upon sound reason, and that it will accomplish the desire of all of the States in the Colorado River Basin, to wit, bring about a complete and unconditional ratification of the Colorado River compact.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. I want to interpret properly the statement just made by the Senator. As I understand the amendment just tendered, there is no reference to power.

Mr. HAYDEN. None at all.

Mr. KING. So that the Senator means, then, that if the provision contained in the amendment just read, disposing of the waters of the Colorado River as between the upper and the lower States and particularly between the lower States, were adopted, there is nothing to prevent a ratification of the compact.

Mr. HAYDEN. I can state very frankly to the Senator that the people of Arizona are vastly more concerned with respect to an apportionment of the waters of the Colorado River than they are with respect to any prospective revenue they might obtain from power. I do not believe I could illustrate that any better, in reply to the Senator, than by reading a statement very recently made by one of the Arizona Colorado River commissioners.

Mr. Henry S. McCluskey, one of the Arizona Colorado River commissioners, on November 27, addressed the national convention of the American Federation of Labor in New Orleans in behalf of the State of Arizona and in opposition to a resolution, which the delegates from California hoped would be adopted, indorsing the particular measure, the Swing-Johnson bill, which is now pending before the Senate. Mr. McCluskey then said:

This particular matter deals with water. Water is the lifeblood of the States in the western part of this country. Water is something that they do not trifle with or fool with. Water is something that they fight and die for.

Mr. McCluskey then continued:

Now, a great deal has been said during this controversy that it is a conflict between the Power Trust and those interested in Government development. I want to say to you with all of the earnestness that I am capable of that the power question involved in this controversy is of minor importance. The question that is involved here is a question that it is a fact that the entire normal low flow of the Colorado River has been appropriated and put to beneficial use. No further agricultural development may be made unless the waters of the Colorado River are stored. Seventy-five per cent of the water in the river comes down through a period of three months, and during this time it averages from a minimum flow of 6,000,000 acre-feet to a maximum of 24,000,000 to 27,000,000 acre-feet. There is not enough water in the Colorado River and never will be to irrigate all the land in the United States that it is capable of irrigating from that great stream, and because there is not enough water to irrigate all the land that is capable of being irrigated is the reason for the controversy.

Power is a secondary consideration, because under the law of all the Western States navigation is the last use, and power comes next. Every other use precedes the use of water for power.

I am sure that the senior Senator from California [Mr. JOHNSON] will agree with me, as will everyone else who has had any contact with the Arizona Colorado River Commission, that there has been no individual authorized to speak for the State of Arizona who has taken a more aggressive position than Henry S. McCluskey. Yet publicly, and less than 10 days ago, he made the statement that I have just read, in which I am sure everyone in Arizona authorized to represent that State

will concur. In other words, the State of Arizona is vastly more concerned with respect to an equitable apportionment of the waters of the Colorado River than we are with respect to any income that might be derived from power.

It is obvious to anyone who stops to think for a moment that what I have said must be true. An income from power might aid in reducing taxes to a moderate degree. It might provide funds to construct roads or to build schoolhouses. It might interest the present generation, perhaps, from that financial angle. But so far as the future of the State is concerned, so far as making of Arizona the great State that we hope to see it be, that can only be accomplished by the irrigation and reclamation of our desert lands. We have within that State vast areas of land—land enough, in the opinion of many people in the State, to use all of the water of the Colorado River. There is also more land in the State of California than can be irrigated if the rights of the other Colorado River States are protected. Mr. McCluskey spoke the truth when he said there was not water enough to go around. There must be a division of the water. The upper-basin States have very properly insisted that all water necessary for their future growth and development shall be protected by a complete and unconditional ratification of the Colorado River compact.

If the Senate will bear with me, I want to invite attention to a fact which many persons seem to have overlooked, that in all of the acts of the seven State legislatures authorizing the appointment of commissioners to negotiate the Colorado River compact and in the act of Congress authorizing the appointment of a Federal representative, in each and every instance it was contemplated by the State legislatures and it was contemplated by the act of Congress that the commissioners so appointed would apportion and allocate to each one of the seven States its particular share of the water. The act of Congress approved August 19, 1921, authorizing the appointment of a Federal representative, states:

> That consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto.

The Arizona Legislature, in authorizing the appointment of a commissioner to negotiate the compact, provided:

> The Governor of Arizona shall appoint the State water commissioner * * * for the purpose of negotiating and entering into a compact or agreement between the said States, and between said States and the United States, with the consent of Congress, respecting the further utilization and disposition of the waters of the Colorado River and streams tributary thereto, and fixing and determining the rights of the said States and the rights of the United States in and to the use and disposition of the waters of said stream and the benefits to be derived therefrom.

The California Legislature authorized the appointment of a commissioner by the governor of the State for the purpose of—

> fixing and determining the rights of each of said States and the rights of the United States in and to the use, benefit, and disposition of the waters of the Colorado River and its tributaries.

The same is true of the acts of the legislatures of all the rest of the seven States. But when the commissioners assembled, when Mr. Hoover, as chairman of the commission, who was appointed by President Harding as the Federal representative to negotiate the Colorado River compact, met with the State commissioners and attempted to apportion the water to each one of the States, it was discovered that it was an impossible thing to do in the light of the knowledge then possessed by those who spoke for each of the States. It appeared as though the entire proposal would fall through without any accomplishment at all.

I am told that the suggestion came from Mr. Hoover that whereas they had found it impossible to apportion and allocate to each individual State the quantity of water which it should be entitled to receive from the Colorado River for all time, that they take at least the first step and divide the waters of the Colorado River for use of two basins.

That was done, and that was all that was done by the Colorado River Commission. There was apportioned to the upper basin in perpetuity 7,500,000 acre-feet of water and there was apportioned to the lower basin in perpetuity 7,500,000 acre-feet of water. The lower basin in addition thereto was allowed to appropriate annually 1,000,000 acre-feet, making a total apportionment to the lower basin of 8,500,000 acre-feet. But within each basin the compact contemplated that when the proper time arrived the States concerned should make a supplemental agreement to divide the water thus allocated to them.

So far as the upper basin is concerned, no agreement of that kind is now necessary, and may not be necessary for many years to come. It so happens that the tributaries of the Colorado River in the upper basin naturally divide the water. If the time does arrive when it is necessary, for instance, that there should be an understanding between the States of Utah and Wyoming with respect to an apportionment of the waters of the Green River, the compact provides that upon the request of the governor of one of those States the governor of the other State shall appoint commissioners, who shall meet commissioners from the first State, and if they reach an agreement that agreement shall be submitted to the legislatures of the two States for approval. The same procedure is authorized in the lower basin with respect to any apportionment of the waters allocated to that basin.

The States of the upper basin, as I said, are not immediately concerned about an apportionment among themselves. Climatic conditions are such that the production of agricultural products in the upper basin is less than in the lower basin; that is, the growing season is shorter. At the present moment the transportation facilities are not as satisfactory as they are in the southern basin. For the character of crops that can be produced in the upper basin, the freight rates are high and, therefore, there is no immediate prospect that there will be any great increase in agricultural development in the upper basin.

In the lower basin, however, the condition is very, very different. We have adequate railroad transportation facilities, the land to be irrigated is not distant from seaports, there is an excellent market for the winter fruits and vegetables which can be produced. It naturally follows that there is an immediate demand for the irrigation of additional areas of arid lands in the lower basin. The State of Arizona is, therefore, interested in an apportionment of the waters of the lower basin. That is what the amendment which I have offered proposes to do.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I yield.

Mr. KING. This is more of a statement than an interrogatory. The importance of the issues involved leads me to make an earnest appeal to the Senators from California and Arizona to find some common ground upon which they can stand, and so remove all obstacles that prevent ratification of the 7-State compact. I am sure that the Senators referred to appreciate the fact that the upper States, in view of the doctrine of appropriation and the apparent position of the Supreme Court of the United States upon the question of priorities are somewhat at the mercy of the lower States. The junior Senator from Arizona has just stated that California occupies a superior position because she can immediately take steps to appropriate a considerable portion of the waters which may be stored in the contemplated reservoir at Boulder Canyon, as well as all of the waters of the Colorado River which flow in the lower basin during the summer months. If the rule of law is—as was contended at the last session of Congress when this bill was under discussion, by Senators, including my friend from Wyoming [Mr. KENDRICK]—that the law of appropriation applies to States as it does to individuals, that it has an interstate application as well as an intrastate application, then it is obvious that Utah, Colorado, Wyoming, and New Mexico are placed at a great disadvantage.

If California and Arizona, or either, are at liberty to make appropriations that will call for all the unappropriated waters of the Colorado River, then the upper States, which may not now be ready to appropriate their just share of the same, will suffer irreparable loss. California and Arizona ought not to put the upper States in a position of jeopardizing their rights to the use of the waters of the river in the future. Colorado, Wyoming, Utah, and New Mexico furnish more than 80 per cent of the waters of the Colorado River. California furnishes none, and Arizona perhaps 15 per cent. It seems to me that those representing Arizona and California should appreciate the just claims of the upper States and the danger to which they are exposed by controversies which delay the ratification of the Sante Fe compact. They should pursue no course that would harm the upper basin, even though in so doing it would inure to the advantage of California and Arizona. In my opinion, Arizona and California should make reasonable and fair concessions to reach an agreement so that the 7-State compact may be promptly ratified.

With the ratification of that compact the rights of the upper States would be reasonably protected unless there should be any considerable flow of water aside from that which is now used in Mexico, into that country, and rights thereby initiated. In that event our rights as well, perhaps, as the rights of California

and of Arizona might be jeopardized. While it is true that Mexico would have no right to the use of waters impounded by the United States in the Boulder Dam Reservoir, nevertheless if for a considerable length of time the waters of the Colorado River should flow into Mexico and new land should be brought under cultivation, and property of value created, there might be a situation presented which, if presented to an international tribunal, might prove embarrassing to the United States and disquieting to American citizens living in the Colorado River Basin. There might at least be a moral ground upon which Mexico and her inhabitants might make an appeal to an international court to award to them a portion of the waters of the Colorado River. The claim might be made that the upper States had slept upon their rights, while a friendly neighboring nation in good faith had made appropriation and had developed cities or towns or, at least, had brought thousands of acres of land under cultivation.

So I repeat that California and Arizona, in the interest of good fellowship and neighborliness as between themselves, and with a proper regard for the rights of the people of Utah, Wyoming, Colorado, and New Mexico ought to find some basis upon which they may get together and ratify the 7-State compact. Neither a 6-State compact or a 5-State compact would place the upper States in a position of security. The compact must be ratified by all the States interested in the Colorado River. It may be 10 or 20 years or longer before the upper basin States will be ready to apply to beneficial use the entire 7,500,000 acre-feet accorded them under the compact, and unless there is a ratification by all of the seven States the rights of the upper States will be jeopardized. The guaranty of California that she will use no more than 4,600,000 acre-feet will not afford ample protection to the upper States.

The guaranty of Arizona that she would use no more than a certain amount would, of course, strengthen the assurance of the upper States as to their rights. It appears to me that the differences between California and Arizona are not so great or important as to prevent an agreement being reached.

As I understand the junior Senator from Arizona, he has stated that the paramount consideration upon the part of the State of Arizona is to get sufficient water. I agree with the Senator that the great plains of Arizona need water from the Colorado River. There are, in Arizona, from 500,000 to 1,000,000 acres of as fine land as can be found upon the continent, which are susceptible of reclamation, and which if irrigated from the waters of the Colorado River would develop cities and towns of considerable magnitude and afford homes for thousands and tens of thousands of people. It is a potential resource not only for Arizona but for the people of the United States. Arizona will be a home for thousands and tens of thousands of people if her rights in the Colorado River can be protected.

There is a difference now of 400,000 acre-feet between the two States. I do not pretend to determine which of the two States is right in this controversy, although I will say frankly to my friend from California that my sympathies have been with Arizona in some phases of the issues between the two States. I have felt that California has been rather too exacting, and that the rights of Arizona under the Constitution have not been fully recognized. In view of the fact that California furnishes no part of the water, that the dam site is in Nevada and Arizona, it has seemed to me that California ought to modify the demands which she has made. If there are only 400,000 acre-feet dividing the two States, I suggest to the Senator that earnest efforts in the most conciliatory and Christianlike spirit should be made between the representatives of the two States to reach some common ground so that the compact may be ratified.

I make no comment at this time—I may later on—in regard to the scheme which has been proposed in the pending bill, but I do make an earnest appeal to my friends from Arizona and California to reach an agreement upon all controversial matters.

Mr. HAYDEN. Mr. President, in reply to the junior Senator from Utah, permit me to say that, so far as I am personally concerned, I shall exercise every ability at my command, I shall do everything humanly possible, to bring about a fair, just, reasonable, and prompt settlement of this controversy. My purpose this afternoon in addressing the Senate is not only that the Senate itself may be informed of the nature of the controversy, but I hope before I conclude that I shall be able to convince even the senior Senator from California that the amendment which I have offered, the amendment prepared by Mr. Francis C. Wilson, of New Mexico, the interstate river commissioner of that State, an able and a disinterested person, is an amendment under which both the State of California and the State of Arizona may live and prosper.

I ask the particular attention of the senior Senator from California during the afternoon to the statement that I shall make. Whether or not anyone else in the Senate listens to me, I should appreciate the courteous attention of the senior Senator from California. I shall not ask him to immediately express any opinion upon the amendment, because I realize that it is a matter of very grave importance to his State, and I am sure that he will want to study it very carefully. After he has had an opportunity to study the amendment, I shall greatly appreciate hearing from him in detail as to how and in what particular the amendment is not satisfactory to him or to his constituents.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I yield.

Mr. KING. Is it the purpose of the Senator to explain the amendment? Some of us have not had a chance to study it; indeed, I only heard the latter part of it read.

Mr. HAYDEN. That is exactly what I intend to do. For the benefit of the Senate generally, I may say that from conversations with various Senators there seems to be an idea that we are seeking to accomplish by means of a compact affecting the Colorado River something that is extraordinary and unusual, something that has not been done before; whereas, in truth and in fact, there have been a large number of compacts between the States of the Union to settle their differences. Under the compact clause of the Constitution two or more States may enter into an agreement, but any such agreement is not effective unless it is ratified by Congress.

Very briefly let me allude to the Delaware River compact which is now pending between the States of Pennsylvania, New York, and New Jersey. The Delaware River compact defines the Delaware River Basin, just as the Colorado River compact defines the Colorado River Basin. The Delaware River compact divides the drainage area into an upper basin and a lower basin, just as the Colorado River compact divides the Colorado River drainage area into two basins. The Delaware River compact then apportions the waters of the Delaware River as follows: To Pennsylvania 328,500,000,000 gallons; New Jersey, 219,000,000,000 gallons; New York, 219,000,000,000 gallons; just as the Colorado River compact apportions the quantities of water. So we are not asking in this legislation, which provides for the approval of the Colorado River compact, anything new or novel or strange; but are following the accustomed path in determining interstate rights in the waters of a stream.

The Colorado River compact, as I have said, is of the greatest importance to the States of the upper basin. The man more responsible than any other for the initiation of the idea that there should be a compact between the seven States to determine their relative rights to the water of the Colorado River is Mr. Delph E. Carpenter, interstate river commissioner for the State of Colorado. He is one of the greatest authorities on water rights in America and is known as the father of the Colorado River compact. For the information of the Senate, I wish to read two very brief extracts from his testimony before the House Committee on Irrigation and Reclamation. Mr. Carpenter said:

> The Colorado River compact was conceived and concluded for the purpose of protecting the autonomy of the States, of defining the respective jurisdictions of the States, and of the United States, and of assuring the future prosperity of that immense part of our national territory. With it there will be no overriding of State authority by national agencies. Otherwise interstate and State-National conflict, strife, rivalry, and interminable litigation will be inevitable.
>
> * * * * * * *
>
> The upper States have always insisted that an interstate compact approved by the seven Colorado River States and by Congress be adopted as a prerequisite to any further major construction, either in the upper basin or the lower basin of the Colorado River drainage, as a protection against a repetition of long years of unfortunate bureaucratic oppression and interstate strife, aggravated and encouraged by governmental agencies acting through individuals inspired by ambition to substitute Federal control for State authority over a subject matter properly within the jurisdiction of the States.

Not longer than a year ago the governors and commissioners of the upper basin States adopted a resolution urging the approval of the Colorado River compact before the enactment of any legislation by Congress. The preamble of the resolution reads as follows:

> Whereas it is the conviction of the Governors and Interstate Water Commissioners and other representatives of the States of Colorado, New Mexico, Utah, and Wyoming, the four States of the Upper Basin of the Colorado River, that the interstate agreement embodied in form by the Colorado River compact as negotiated at Santa Fe N. Mex., in November, 1922, should be completed and placed in full force and

effect through approval and acceptance by the seven Colorado River States in order that the way may be properly cleared for the orderly development of the Colorado River.

That declaration was signed by Governor Adams, of Colorado; Governor Dern, of Utah; Governor Emerson, of Wyoming; Edward Sargeant, Lieutenant Governor of New Mexico; Delph E. Carpenter, interstate river commissioner for California; Francis C. Wilson, interstate river commissioner for New Mexico; L. Ward Bannister, counsel for the city of Denver; M. C. Mechem, representing New Mexico; and William L. Boatright, attorney general of Colorado. No more representative group of men could be assembled to speak for the interests of the upper basin States than those whose names I have recited. They and all like them in the upper basin who thoroughly understand the situation are insistent that there shall be a 7-State ratification of the Colorado River compact in order to provide complete protection to the water rights of the upper basin States.

Mr. BRATTON. Mr. President——

Mr. HAYDEN. I yield to the Senator from New Mexico.

Mr. BRATTON. The junior Senator from Arizona is now discussing the attitude of the upper-basin States with reference to the importance of a 7-State ratification. That is very much to be desired. It is very conducive to an orderly adjustment of the entire important situation. I will remove and put aside the possibility of controversy and disputation.

The upper-basin States are vitally concerned in this subject matter. I believe we are told that the upper-basin States contribute about 84 per cent of the volume of water in the river system. The controversy—that is, the active, overt controversy thus far—has been waged between Arizona and California. It relates to water of which the upper-basin States furnish 84 per cent. The junior Senator from Utah [Mr. KING] has set forth so clearly our desire for an adjustment of this controversy that anything more on the subject would be superfluous.

The Senator from Arizona now is proposing an amendment to this legislation looking to an adjustment of the differences between Arizona and California. As I understand the purport of the amendment, it is to provide that in the act of ratification the State of California shall obligate herself not to claim more than 4,200,000 acre-feet annually of the apportioned water, and no more than 500,000 acre-feet annually of the unallocated or unapportioned water.

Mr. HAYDEN. No; the Senator has not had an opportunity, perhaps, to read the amendment carefully.

Mr. BRATTON. I have not read it carefully, and I shall appreciate it if the Senator will correct me.

Mr. HAYDEN. The provision in the amendment is that the State of California shall agree not to use more than 4,200,000 acre-feet of the water apportioned in perpetuity to the lower basin, and not more than 500,000 acre-feet of the additional 1,000,000 acre-feet which the compact authorizes to be appropriated in the lower basin.

Mr. BRATTON. That is the thought I had in mind, although I did not express it accurately.

If the State of California is willing thus to bind herself, is it the opinion of the Senator from Arizona that that will result in composing the differences among the lower-basin States, and will bring about a 7-State ratification?

Mr. HAYDEN. Certainly. That is exactly what we are trying to do.

Mr. BRATTON. I understand that. The Senator believes that the adoption of this amendment probably will lead to an early ratification by all seven States?

Mr. HAYDEN. I certainly do, or I would not offer it.

Mr. BRATTON. I appreciate that. I should like very much to know if the proposition is entertainable by the State of California.

Mr. JOHNSON. No; the amount is not one that it is possible to accept. I am very glad to use it as a basis for an endeavor to reach some conclusion, to do everything that lies within my power to the end that that conclusion will lead either to the ratification of the 7-State pact or to the passage of this bill; but I did not understand the Senator from Arizona in his speech of yesterday to say that a division of water alone would lead to a composition of the differences which exist. I understood him yesterday to insist not alone upon a division of water, as he suggests now, but, as well, to rest upon a substantial prohibition in this bill of the erection by the United States Government of a generating plant at Boulder Dam. Is not that what was said yesterday by the Senator from Arizona?

Mr. HAYDEN. The Senator from Arizona stated yesterday that there were three essentials to a complete settlement of this controversy: First, the insistence of the States of the upper basin on a 7-State ratification of the Colorado River compact; second, subordinate to that, an apportionment of the waters of the lower basin, as authorized by the compact; and, third, a provision in this bill which will carry out the recommendations made in the President's message with respect to power.

Mr. JOHNSON. But the Senator stated yesterday distinctly what he desired, and that was that only private enterprise could erect a generating plant at the Boulder Dam; and he stated the reason. He said that his State desired to charge a taxable amount for the property thus created by private enterprise. Is not that correct?

Mr. HAYDEN. I interpreted the President's message to mean that the legislation enacted would provide for private development of power at Boulder Dam.

Mr. JOHNSON. Correct.

Mr. HAYDEN. In that event everything that Arizona has ever asked for would be accomplished.

Mr. JOHNSON. All right. Let me say, then, to the Senator from New Mexico, that there are two conditions annexed here: First, Arizona says, "You must divide the water in accordance with what has been suggested." Secondly, "You must forbid the great Government of the United States from erecting, if it desires in the future, a generating plant at Boulder Dam."

Mr. BRATTON. Mr. President, will the Senator from Arizona yield?

The PRESIDING OFFICER. Does the Senator from Arizona further yield to the Senator from New Mexico?

Mr. HAYDEN. I do.

Mr. BRATTON. Let us separate the two things for the moment and discuss only the division of water.

The Senator from Arizona now says that, in his opinion, a restriction to 4,200,000 acre-feet will bring about a ratification of the compact by all seven States, including Arizona. I understand the Senator from California to say that the amount thus designated is not altogether satisfactory.

Mr. JOHNSON. The Senator is quite right. That is correct, sir.

Mr. BRATTON. Is the Senator in position to say what is entertainable?

Mr. JOHNSON. The lowest amount conceivable from the standpoint of the information now at hand with me is 4,600,000, to be put in as an amendment to this bill by the Senator from Wyoming; but what I was calling to the attention of the Senator was this:

Of what avail is it to say, "You ought to make sacrifices of water and water rights that are now perfected"; of what avail is it to say to California, "You must yield that which you practically have to-day, and that is absolutely necessary to the welfare of your people, to have a composition," when the second condition is annexed that "You, too, must say that your Government never shall be permitted to erect a generating plant at the Boulder Dam"?

Mr. BRATTON. But if we pass the bill in the alternative condition in which it now stands that will govern; will it not?

Mr. JOHNSON. But you have not reached a composition between Arizona and California, then. That is the difficulty.

I will say to the Senator from New Mexico that in my opinion I could sit down with him, and possibly with the Senator from Arizona—because our relations are most friendly—and we might reach an agreement as to water. I am not clear as to that; I would be glad to; but I can not, sir, reach an agreement as to water that shall be a composition of the differences existing and pledge myself that the Congress of the United States will enact a law that a generating plant never can be erected by the United States Government.

Mr. BRATTON. Discussing the subject of water separate and apart from all other features of the bill, there seems to be a difference of 400,000 acre-feet between Arizona and California.

Mr. JOHNSON. So there seems.

Mr. BRATTON. Without taking sides either way, we in the upper-basin States desire to adjust the whole matter satisfactorily to all of the States concerned. Any other attitude would be unbecoming a State.

Mr. JOHNSON. I am sure that is the attitude of the gentlemen who confront me here.

Mr. BRATTON. We entertain the friendliest feeling toward each State; but it does seem to me, representing one of the upper-basin States deeply and vitally concerned in the matter, that when we are dealing with 15,000,000 acre-feet, a difference of 400,000 acre-feet should not be permitted to defeat the entire proposal. I think each side could afford with profit to yield something, and not let a controversy respecting that slight volume of water defeat one of the most important measures that Congress has considered during a long time in the past and perhaps one of the most important that it will consider during a long space of time in the future. I want to join with

the Senator from Utah [Mr. KING] in saying that it is the earnest desire of the upper-basin States to aid the lower-basin States in adjusting and composing these differences and passing this legislation in a form that will be reasonably satisfactory to the two States and the other five as well.

Mr. JOHNSON. I am sure that is so.

Mr. BRATTON. I want to urge that this difference of 400,000 acre-feet be not allowed to stand as a barrier to the passage of this legislation. There are no two men in the Senate more willing or disposed to discuss a thing dispassionately and progressively and constructively than the Senator from California and the Senator from Arizona.

Mr. HAYDEN. My purpose this afternoon, Mr. President, is to explain to the Senate, and particularly for the information of the senior Senator from California, who did not attend the Denver conference, where I had the privilege to be present, just how the figures contained in the pending amendment were arrived at. I am hopeful that when he fully understands just what the amendment seeks to accomplish the Senator himself will be convinced that the proposal is meritorious and should have his support.

Mr. JOHNSON. If the Senator will yield, I shall be delighted to have the information; but, before the Senator begins, let me ask him categorically a question. If we can settle the differences in water, will you go forward with this bill, and will you ratify the 7-State pact?

That is a distinct and a definite question.

Mr. HAYDEN. The Senator wants me to agree——

Mr. JOHNSON. No; we will not say "agree," but will you say that that can be done?

Mr. HAYDEN. Let me see if I understand the Senator's question. He asks me, if this proposed lower basin water agreement is adopted, whether then, irrespective of how power may be treated in the bill, the State of Arizona will be satisfied? Is that what he wants to know?

Mr. JOHNSON. I want to know if you will ratify the 7-State compact and pass the bill; yes, sir.

Mr. HAYDEN. I will state to the Senator frankly that the form in which this bill comes from the House of Representatives is not satisfactory to the State of Arizona.

Mr. JOHNSON. All right; let us take the Senate bill. Will you go forward with the Senate bill, and will you ratify the 7-State compact if we divide water, if you and I can agree on the water?

Mr. HAYDEN. What I am trying to do——

Mr. JOHNSON. Oh, that is easily answered. There is no room for any doubt as to what that question means. Suppose you and I sit right down here and we divide the water, and apportion it between Arizona and California, and agree upon the terms. Will you then for Arizona see that the compact is ratified, and go forward with the bill? Or rather, let us say, will Arizona? I do not want to put it in the personal aspect. Will Arizona ratify the compact and go forward with the bill?

Mr. HAYDEN. I can answer the Senator's question very much better when we come to discuss the power issue. I am fully convinced that this bill, in the form in which it now appears, does not carry out the recommendations made in the President's message and that there will be changes in the power provision in order that it may conform to what the President desires in that respect.

Mr. JOHNSON. I think the Senator has answered the question, and I submit the answer to the Senator from New Mexico and the Senator from Utah.

Mr. HAYDEN. I prefer, and I think it is highly desirable, that we talk about one thing at a time. I have noticed——

Mr. JOHNSON. I know the Senator will pardon me for my interjection and interruption. I only indulged in it because of the very kindly remarks that were made by the Senator from Utah and those of the Senator from New Mexico. That is my excuse and my apology for interrupting the Senator from Arizona.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield further?

Mr. HAYDEN. I yield to the Senator from New Mexico.

Mr. BRATTON. I entered the discussion at this point because the Senator from Arizona is discussing an amendment dealing with water.

Mr. HAYDEN. And the Senator will agree with me that if this controversy is to be settled, and settled by amendments to the pending bill, the Senate will have to vote on one amendment at a time.

Mr. BRATTON. Certainly; but the point that I am endeavoring to approach is that if a satisfactory limitation on the water to be used by California can be written into the bill, does the Senator think that that will be conducive to an early ratification by all of the States?

Mr. HAYDEN. There is no question that such will be the result. It will do more than any other thing to bring about a complete ratification of the Colorado River compact, because, as I have stated to the Senator, the State of Arizona has infinitely more concern about a proper apportionment of the water than it has about any income that may be received from power.

Mr. BRATTON. And for that very reason it seems to me that it is highly important that both the State of Arizona and the State of California assume a compromising attitude upon the question of water, and the limitation to be placed upon California respecting its use of water. I think that is the attitude and the sincere desire of all of the upper basin States. I intend to discuss the bill later, in an effort to set forth my position upon it and the interest which the State I represent has in the matter; but for the time being I am content to repeat that I hope the two Senators concerned will make overtures in the direction of compromise.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. Perhaps I misunderstood the Senator from California or the Senator from Arizona or both. I did not understand the Senator from Arizona to take the position that in order to secure a ratification of the compact there must be a prohibition in the bill against the Government of the United States erecting a dam at Boulder Canyon or at some other place upon the Colorado River. Nor did I understand the Senator from Arizona to mean that the ratification of the compact could not be effectuated unless there was a prohibition in the bill against the Government erecting a power plant. I understood him to say yesterday in his discussion that Arizona was supporting generally the position of the President of the United States in his message, namely, that the generation of the power and its distribution were properly the functions of private corporations instead of the Government, and that Arizona preferred the views expressed by the President in that regard to the views of those who insisted that the Government of the United States should build a power plant and also make distribution of the power which was generated. But I have understood the Senator from Arizona to mean that the condition precedent to ratification of the compact, and the only condition precedent to that, was that there should be an equitable division of the water, and that that equitable division should be substantially as indicated in the amendment which he has just offered, and that he pretermitted the consideration of the other two questions to the bill itself, and did not insist that those should be determined as a condition precedent to the ratification of the contract.

Mr. HAYDEN. If the Senator will permit me to say so, whether any other Senator has learned anything in the course of the debate or not, I feel sure that I have, as a result of the discussion which has taken place, some of the ideas expressed as to a means of bringing about an adjustment of the power controversy had not entered my mind before, and I have given very careful thought to that situation.

My desire to-day is to discuss the question of differences between the States of Arizona and California with respect to water. That, so far as the State of Arizona is concerned, is the paramount issue. It so overshadows and is so far beyond the question of what revenues may be received from the proposed power development that there can be no comparison between the two matters, important as the power issue may be. It is, and properly so, a secondary matter.

With respect to the ratification of the 7-State compact, as everyone is well aware, the States of the upper basin, New Mexico, Colorado, Wyoming, and Utah, very promptly after the making of that agreement ratified the compact. The lower-basin State of Nevada ratified the compact. Nevada's ratification to-day stands as an unconditional approval of that instrument.

The State of California also approved the compact. Afterwards, however, the State of California withdrew its ratification of that agreement, and to-day does not stand in the position of giving it unqualified approval. California's approval of the compact is conditional upon the construction of a dam at or near Boulder Canyon, having a capacity of at least 20,000,000 acre-feet of water.

The enactment of this bill meets the California condition. The failure to enact this bill leaves the compact unratified by the State of California.

The State of Arizona has never ratified the Colorado River compact. When that instrument was first submitted to the Arizona Legislature it failed of adoption by a majority of one in one house of the legislature and by a tie vote in the other.

I myself, as a Representative in Congress from that State at that time, earnestly urged the Legislature of the State of Arizona to approve that agreement. The gentleman who has been recently elected as Governor of the State of Arizona, John C. Phillips, a candidate on the Republican ticket, who will assume office the first week in next January, was a member of that legislature and voted for the approval of the Colorado River compact. He supported its approval, as I did at that time; but it was not approved.

I want the Senate to understand why it was that Arizona did not approve the compact. The reason was perfectly simple. The Legislature of Arizona, after the most careful consideration, arrived at the conclusion that it was unsafe for the State of Arizona to approve that agreement unless there should be an understanding as to how the waters of the lower basin should be apportioned between the States of Arizona and California. They found on record filings by the State of California which claimed all of the water of the Colorado River.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. JOHNSON. Can the Senator state how much of perfected water rights there are in the State of California to-day from the Colorado?

Mr. HAYDEN. The best way I can answer the Senator from California is to read to him from a proposal made by the commissioners representing the State of California on the 1st day of December, 1925, wherein those commissioners suggested an allocation of water:

> That there is hereby allocated from the waters of the Colorado River in the State of California in present perfected rights, in addition to all other allocations of beneficial consumptive use, 2,146,600 acre-feet of water.

In other words, in the year 1925 the State of California claimed to have perfected a right to the use of 2,146,600 acre-feet of water.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRATTON. Can the Senator tell us what the present perfected rights in Arizona amount to?

Mr. HAYDEN. I can not; I have not that information at hand.

Mr. JOHNSON. Let me call the attention of Senators to the fact in that connection, too, that the amounts that are now actually appropriated, and that are being applied to use, or are in process of being put to use, in either of which events the appropriation is perfectly good and the water can not be taken away, are 4,508,708 acre-feet.

Mr. HAYDEN. Does the Senator include in that amount an appropriation filed by the city of Los Angeles for water for domestic use?

Mr. JOHNSON. Yes; it is a perfectly good filing and a legal filing. It has its standing to-day.

Mr. HAYDEN. I will say to the Senator very frankly and in the best of spirit that that filing, without the passage of legislation by Congress, without the construction pursuant to that legislation of a dam to impound the water of the Colorado River, will produce no more water for the city of Los Angeles than was contained in the ink used by the person who signed the document in behalf of that city.

Mr. JOHNSON. Let us even concede that——

Mr. HAYDEN. As a practical matter, the filing is utterly worthless unless the Congress of the United States appropriates money to build the Boulder Dam.

Mr. BRATTON. How much is involved in that filing?

Mr. JOHNSON. One million and ninety-five thousand acre-feet.

Mr. BRATTON. How far has that filing progressed?

Mr. JOHNSON. It has progressed to the extent that every legal formality has been complied with and over $1,000,000 have been expended already by the city of Los Angeles in respect to it.

In addition to that, I want to make clear—although I ought not to interrupt the Senator from Arizona, and I will conclude with just this statement—in addition to that there are rights to which appropriation rights have not yet attached, but which, under the known feasibility, with the all-American canal, will be equal to not less than 338,800 acre-feet, making a total of 5,264,300 acre-feet. I am giving these figures because I am going to compare them ultimately, and ask the Senator from Arizona to compare them, first, with the number of acre-feet which thus far have been appropriated by Arizona and the number possible to be used by Arizona under the construction that is contemplated by this bill; and I want those figures to be borne in mind by Senators when they consider water and water rights.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WALSH of Montana. I would like to inquire of the Senator from California what is the character of the diversion contemplated in the Los Angeles appropriation?

Mr. JOHNSON. The character is a pumping from the river over 1,400 feet of hills into an aqueduct.

Mr. WALSH of Montana. Does it contemplate any dam or any storage at all?

Mr. JOHNSON. No; not that I am aware of. I think no dam is contemplated there.

Mr. WALSH of Montana. Is any such amount of water available from the natural flow of water without storage?

Mr. JOHNSON. I do not think that amount of water is available at all at the present moment.

Mr. WALSH of Montana. I would think that the appropriation, to be of any value, must contemplate works making it feasible.

Mr. JOHNSON. Those works thus far have been commenced in the expenditure of a million dollars in surveys and the like, and somebody sometime—the city of Los Angeles or the Government or somebody—will unquestionably construct a dam.

Mr. WALSH of Montana. That is what I wanted to know. The dam would be constructed somewhere in the State of Nevada or Arizona?

Mr. JOHNSON. I presume that is likely, although this diversion is from Arizona.

Mr. WALSH of Montana. Would the city of Los Angeles be authorized, without specific authority from Congress, to throw a dam across the Colorado River in Arizona?

Mr. JOHNSON. I think not. My offhand "shotgun" opinion would be no.

Mr. WALSH of Montana. Then, it seems to me there is some question about it.

Mr. JOHNSON. There is one aspect in which it might be done, and that is by the Federal Power Commission. It strikes me that under the Federal water power act the privilege could be accorded to the city of Los Angeles to erect a dam.

Mr. WALSH of Montana. Would not the appropriation be nugatory in the absence of that authority in view of the existing statute under which the water power commission is without power?

Mr. JOHNSON. I would change the adjective. I would not say "nugatory." I would say "futile."

Mr. WALSH of Montana. Suspended?

Mr. JOHNSON. Suspended is a better word still.

Mr. KING. Mr. President, will the Senator from Arizona suffer an interruption?

Mr. HAYDEN. I yield to the Senator from Utah.

Mr. KING. As I understood the Senator in reading from the document a few moments ago, it showed that there is a claim of 2,000,000 acre-feet plus of perpetual water right in California.

Mr. HAYDEN. That is right.

Mr. KING. I would like to know if the document states just what was done to perfect those rights and whether there was any water used under those rights other than in the Imperial Valley?

Mr. HAYDEN. I have here a proposal made in 1925 by the commissioners appointed by the State of California to the State of Arizona for an apportionment of the water of the lower basin. The best way to answer the Senator from Utah is to read just what the proposal says:

> ART. 3. The States of California and Nevada hereby release to the State of Arizona any and all claims of every kind and nature to the use of the waters of the Gila River, the Williams River, and the Little Colorado River and all of their respective tributaries for agricultural and domestic use, and the States of Arizona and California hereby release to the State of Nevada any and all claims of every kind or nature to the use of the waters of the Virgin River and all of its tributaries for agricultural and domestic use, in consideration of which there is hereby allocated from the waters of the Colorado River to the State of California 1,095,000 acre-feet of water per annum in perpetuity for beneficial constructive use.

It will be observed that at that time the State of California asked the States of Arizona and Nevada to allocate for the use of that State 1,095,000 feet of water upon condition that California would waive any claim that it might have to the waters of the tributaries of the Colorado River in Arizona and Nevada. At that time apparently the State of California had not made any filing, had not posted a notice on a stone or post somewhere near the Colorado River, had not filed a document in some public office, asserting an appropriation of water for domestic use by the municipalities of southern California.

I take it from the similarity of the figures, 1,095,000 acre-feet, that they represent an equal quantity of water desired by the cities of southern California, as was just expressed by the Senator from California. At that time California was seeking to obtain water for domestic purposes; and it was indeed very kind and very generous of the California commissioners to say that they would waive any and all claims to the waters of the tributaries of the Colorado River in Arizona and Nevada in consideration of California being allowed to have that amount of water. They were willing to give Arizona and Nevada what the two States already possessed in order to obtain the use of 1,095,000 acre-feet of the water for domestic purposes.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, I would like to pursue a little further the colloquy I had with the Senator from California.

Mr. HAYDEN. I yield to the Senator from Montana for that purpose.

Mr. WALSH of Montana. If the city of Los Angeles has this enormous appropriation of the waters of the Colorado River, a perfected appropriation of an inchoate appropriation, does it follow, if the Government erects this dam across the Colorado River and creates a great storage basin, that it must yield up that amount of water to the city of Los Angeles?

Mr. JOHNSON. I rather think so, just exactly as if it were a perfected right for irrigation purposes.

Mr. WALSH of Montana. Yes; but I always understood that the interest that stores the water has a right superior to prior appropriations that do not store.

Mr. JOHNSON. Possibly so. What is the point?

Mr. WALSH of Montana. The point is that apparently, if that is correct, then this expenditure is being made with no right in the Government of the United States to control the water which is stored, but that it must go to those appropriators.

Mr. JOHNSON. No; the bill provides that a contract in advance must be made for the storage of water by the Secretary of the Interior.

Mr. WALSH of Montana. A contract with whom?

Mr. JOHNSON. With those who utilize and take and appropriate the water.

Mr. WALSH of Montana. That is to say, the Government may dispose of the stored water as it sees fit?

Mr. JOHNSON. Yes; under the terms of this bill.

Mr. WALSH of Montana. Then how can it be said that the city of Los Angeles has a perfected interest?

Mr. JOHNSON. It has a perfected right there unquestionably, but the bill requires the city of Los Angeles to conform to it, and the city of Los Angeles is perfectly willing to conform to it just exactly as if it had no perfected right.

Mr. WALSH of Montana. Am I correct in the assumption that the Government of the United States must distribute the water to the various appropriators in accordance with their several appropriations?

Mr. JOHNSON. If they contract.

Mr. WALSH of Montana. Yes; but to contract means a liberty of contract. That is what I want to know. Can the Secretary give the water to them or withhold it from them as he sees fit?

Mr. JOHNSON. Certainly, because before he begins work upon the dam he has to have the contract in his possession for its payment, and he is the one who is to fix the sums that are to be paid.

Mr. WALSH of Montana. Yes, but that is quite contradictory. It seems to me that the city of Los Angeles has no rights by virtue of this appropriation.

Mr. JOHNSON. Certainly it has, but those rights unquestionably will be controlled by this bill.

Mr. WALSH of Montana. I should like to have a very much clearer understanding about that than I have.

Mr. JOHNSON. I fear I can not make it any clearer to the Senator. I would like to do so if I were able.

Mr. WALSH of Montana. Let me inquire of the Senator, then, of what value to the city of Los Angeles is this appropriation? It goes to the Secretary of the Interior and wants to make a contract with the Secretary of the Interior to furnish water pursuant to its appropriation. The Secretary of the Interior says, "I do not accept your terms at all. I will not contract with you upon that basis." Some one else comes along who offers to make a contract with the Secretary of the Interior for the water, that is satisfactory to him and to them. Where, then, does the city of Los Angeles come out?

Mr. JOHNSON. I doubt very much if the Secretary, under the circumstances, would make such a contract.

Mr. WALSH of Montana. Then he is obliged to contract with the city of Los Angeles?

Mr. JOHNSON. No; he is not obliged to do so, but he is obliged to contract with somebody that makes the same claims to the same waters, and unless the contract is by mutuality agreed upon then he will not build the dam. That is the condition precedent to the construction of the dam.

Mr. WALSH of Montana. Then he is at liberty to contract with the city of Los Angeles, which has an appropriation, or with some one else that has not an appropriation?

Mr. JOHNSON. Yes; he is at liberty to contract with the city of Los Angeles, which has an appropriation.

Mr. WALSH of Montana. But can he disregard the city of Los Angeles?

Mr. JOHNSON. I doubt very much if he can.

Mr. WALSH of Montana. And contract with some one else who has no appropriation?

Mr. JOHNSON. I doubt very much, first, if he would, and I doubt, secondly, if he could.

Mr. HAYDEN. Mr. President, if the Senator from Montana will permit me, I want to assure him that so far as these paper appropriations of water are concerned there are just as many of them on the Arizona side of the river as there are on the California side.

Mr. WALSH of Montana. I rather assumed so.

Mr. HAYDEN. I am quite sure one paper appropriation of water is just as valuable as another. I do know that the Arizona High Line Canal Association has filed an application for all of the water of the Colorado River in due and legal form in the State of Arizona. If that is of real and substantial value, then Arizona has good title to all the water in the Colorado River.

Mr. WALSH of Montana. I directed the inquiry merely for the purpose of trying to find out, if I can, under what kind of obligation the Government of the United States, should it build this dam, would be to those who have the appropriations.

Mr. JOHNSON. The Government would be under no obligations until it makes its terms. I seem unable to make that plain. But here is everything in this scheme, plan, or design: Everything is dependent upon the Secretary of the Interior contracting with those who desire to obtain the benefit of the construction, and he is not to undertake any expenditure nor to undertake any construction until that shall have been accomplished.

Mr. WALSH of Montana. Let us suppose the Arizona people are perfectly willing to meet the requirements and that the Los Angeles people are perfectly willing to meet the requirements, and other people who have not even attempted to make any appropriation are perfectly able and willing to meet the requirements. Who then has the right?

Mr. JOHNSON. The Secretary of the Interior and the Government have the right.

Mr. WALSH of Montana. The Secretary of the Interior may utterly ignore those appropriations?

Mr. JOHNSON. Possibly so.

Mr. WALSH of Montana. That is what I am curious to find out about.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. It occurs to me that the Secretary of the Interior would be derelict in his duty, if this bill were to become a law, if he should spend one penny in the construction of a dam until he had determined the different rights existing either in California or in Arizona with respect to the waters of the river. If there are suspended or inchoate rights in either of those States which might not ripen into perfected rights through a contract or recognition of the same, and there is sufficient water to meet all of those suspended or inchoate or perfected rights, it will be the duty of the Secretary of the Interior, if he were fully to discharge his duty, to obtain from those claimants a waiver of their rights, inchoate or perfected. If not, when the dam was constructed and the water impounded the Government of the United States might have a dozen law suits; persons who had made filings might insist that the water impounded was theirs; that they had been interfered with by a superior physical power, to wit, the Government of the United States, and that they had been prevented from completing rights which they had initiated either under State laws or by reason of acts of Congress. It is obvious that there are claims here for a vast amount more water than flows in the Colorado River.

Mr. HAYDEN. Mr. President, if the Senator will permit me, I should like to say that that is not an unusual situation. On every stream throughout the entire western part of the United States where irrigation is practiced appropriations have been filed for many times more water than flows in the streams. There is nothing to prevent any qualified citizen of the United States or any corporation organized under the laws of any State from posting a notice, upon a rock, or tack-

ing it to a monument on the bank of the river or going to some county recorder's office and making a filing, claiming a vast quantity of water out of the stream. That condition exists everywhere and it does not alarm anyone. Appropriations of that kind have been made in California, and have been made in Arizona, and none of them are of any value whatsoever so far as the future is concerned until the Government of the United States spends some sixty or seventy million dollars to build a dam and impound the waters of the Colorado River and make the same actually available for diversion and use.

Mr. KING. Mr. President, if the Senator will pardon me, I think that the last statement made by him is a little too broad. The Senator in the plenitude of his experience in the Western States knows that sometimes a right is initiated by the weaker party, if I may use that expression, and a superior party, sometimes by physical force, comes in and builds a dam sooner than the other man. I have known them to be driven from the construction by guns. It is obvious that the man who has been driven off or been prevented from completing his rights would have some standing in a court of equity if he were to attack the rights or the claimed rights of the superior party who had perhaps control of the dam and had taken the water out of the stream.

It seems to me that the statement made by the Senator should admonish us that if this bill is to be passed there should be a provision in it that there shall be no work done under the law until the conflicting rights, if there be any, shall be determined, and, if necessary, that a bill in equity be filed against all persons who claim water in the stream, in order that the rights may be adjudicated and waivers obtained.

Mr. HAYDEN. Let me say to the Senator from Utah that I do not concede that any such provision is at all necessary. The only thing required in this bill is contained in the amendment that I have offered, that there shall be apportioned to each State its share of the water. Then, who shall obtain that water in relative order of priority may be determined by the State courts.

Mr. KING. If the Senator means by his statement that the Federal Government may go into a stream, whether it be the Colorado River, the Sacramento River, or a river in the State of Montana, and put its powerful hands down upon the stream and say, "This is mine; I can build a dam there and allocate water to whom I please, regardless of other rights, either suspended, inchoate, or perfected," I deny the position which the Senator takes.

Mr. HAYDEN. The amendment that I have offered contemplates no such possibility.

Mr. WALSH of Montana. Mr. President, let me remark——

Mr. PHIPPS. Mr. President, will the Senator from Arizona yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield; and if so, to whom?

Mr. HAYDEN. I yield first to the Senator from Montana.

Mr. WALSH of Montana. Let me remark in that connection that if, as contended apparently by the Senator from California, the city of Los Angeles has a right, inchoate in character, in process of perfection, which entitles it to a certain amount of water out of the Colorado River, if we allocate so much of the water to the State of Arizona as interfers with its rights, would not we be taking property from the people of Los Angeles without due process of law?

Mr. HAYDEN. If the right were of a character that must be recognized, I would agree with the Senator.

Mr. WALSH of Montana. That, I understand, is the contention of the Senator from California, that the hands of the Government are tied; that if we shall erect a dam there at all we shall have to give enough water out of that dam to the city of Los Angeles to satisfy its appropriation.

Mr. HAYDEN. But I am quite sure, if I understood correctly the Senator from California, that he qualified that statement by saying that, after all, the Secretary of the Interior could allow the city of Los Angeles to have such quantity of water as might be determined by contract.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. HAYDEN. I yield to the Senator from Colorado.

Mr. PHIPPS. It seems to me that in resolving such a difficulty, should it arise, there would be taken into consideration the fact that water for domestic use should take priority over water intended for purposes of irrigation. Aside from that, these filings are first in point as compared with those to which the Senator from Arizona referred. They are for a superior use, and, in addition thereto, the applicant who has made the filing has pursued the proper course in developing the manner of appropriation or the manner of diverting the water and putting it to the highest beneficial use. I do not anticipate any difficulty on that score in resolving the question of priority by the Secretary of the Interior.

Mr. HAYDEN. So far as the other States of the Colorado River Basin are concerned, whatever use is made of the water by the State of California within the limits allowed to that State by interstate agreement they have no concern whatever. The other States are not interested as to whether it is used for one purpose or another. The Colorado River compact itself recognizes that domestic use is the highest use. Congress will approve the Colorado River compact if this bill is passed. Therefore the Secretary of the Interior will naturally decide as between applicants, one who desires to use the water for potable purposes in the city and another who desires to use it for irrigation, if there is not enough water to go around, that the city shall have the preference.

Mr. PHIPPS. It seems to me that the division of the available water between the States through mutual understanding and agreement will settle this question, and there will be no difficulty in allotting it to the various applicants who may desire to use it.

Mr. KING. Mr. President, if I understood the Senator from Colorado correctly, I think that he stated a proposition of law that is not defensible, namely, that because the statute may state that domestic uses are superior to power or irrigation uses that would enable an appropriator who sought the water for domestic use to take it away from the person who was using it for irrigation or for power purposes. It is possible that he might obtain the water, but only through the exercise of the power of eminent domain, and he would have to pay the irrigator or the power company that had a right just compensation for the property of which it or he had been deprived. The superior right merely gives the person who seeks it for the superior purpose—for instance, for domestic use—the right of condemnation against an inferior right, but he can not take it away without paying compensation.

Mr. PHIPPS. That is true. We were discussing the question of the disposition of waters that had not as yet been allotted to applicants who filed for their use.

Mr. BRATTON. Mr. President——

Mr. HAYDEN. I yield to the Senator from New Mexico.

Mr. BRATTON. This discussion as an academic one is very interesting, but for practical purposes I doubt if it has much relevancy, because I think, beyond a doubt, there is enough water in the Colorado River to satisfy all vested rights of merit and substance, and, consequently, we may proceed on that assumption.

Mr. HAYDEN. I thoroughly agree with the Senator; but the fact that the Colorado River has at least on four occasions been absolutely drained dry in order to supply water to the Imperial irrigation district is notice to anyone that whatever water rights which may now exist are limited. It is a fact that there have been great losses to farmers in the Imperial Valley on more than one occasion by reason of the fact that the quantity of water obtainable from the stream in periods of low water was not sufficient to satisfy their needs. Therefore the present existing or perfected rights are not such but that they would be greatly benefited by the erection of a dam, as proposed by this bill, and the storage of water therein which would be available to them upon demand.

Now, if I may be permitted, I should like to conclude the reading of the offer made by the State of California and the State of Arizona on December 1, 1925, with respect to an apportionment of the waters of the Colorado River in the lower basin.

Paragraph (d) of the proposal is that—

> There is hereby allocated from the waters of the Colorado River to the State of California its present perfected rights, in addition to all other allocations, the beneficial consumptive use of 2,146,600 acre-feet of water per annum in perpetuity.

In other words, on the 1st day of December, 1925, the State of California, through its duly accredited and appointed commissioners, claimed to have a perfected right to 2,146,600 acre-feet of water:

> (e) The use of waters of the Colorado River not otherwise hereinabove expressly allocated, is hereby allocated in equal shares to the States of Arizona and California, it being the intention of the signatory States, subject to the terms of the Colorado River compact, to divide for use in said States all of the waters of the Colorado River, provided, that any water allocated by this paragraph (e), but not actually applied to agricultural or domestic use by January 1, 1975, shall thereafter, notwithstanding the foregoing allocation, be subject to appropriation for use in either Arizona or California.

ARTICLE IV

It is the intention of the signatory States to so divide the waters of the Colorado River as to provide for the maximum use thereof within said States, and notwithstanding the foregoing allocations no State shall withhold water and no State shall require the delivery of water which can not reasonably and beneficially be applied to agricultural or domestic use within said State.

That was the proposal made by the State of California in December, 1925. When the governors of the four upper basin States called the Denver conference, the same proposal, in substance and effect, was again made by the State of California.

Mr. McKELLAR. Mr. President, may I ask the Senator from Arizona a question? I just want to see if I understand the differences between the Senator from Arizona and the Senator from California in reference to this bill.

First, as I understand the Senator, there is a difference of 400,000 acre-feet of water. California claims that much more than the Senator, representing Arizona, is willing to give. Is that correct?

Mr. HAYDEN. It might well be stated in that way.

Mr. McKELLAR. It might be stated in that way—400,000 feet out of 7,500,000 feet?

Mr. HAYDEN. Yes.

Mr. McKELLAR. Under those circumstances, it seems to me that the Senators from Arizona and California surely ought to adjust that difference. If it is only 400,000 acre-feet out of 7,500,000 acre-feet, there ought not to be any real difference on that score.

The next difficulty, as I understand, is that the State of Arizona claims that if this dam is built and afterwards transferred to private owners by lease, the State of Arizona then ought to have the right to tax that property in the hands of private owners. Is that the contention of the Senator, or do I misunderstand him?

Mr. HAYDEN. The contention that has been made many times by commissioners representing the State of Arizona is, briefly, this: That if a dam and a power plant were built by private enterprise on the Colorado River, the property and the values thus created would be taxable within the States of Arizona and Nevada, as in this instance. While the people of Arizona have no objection to the Federal Government building a dam and a power plant and engaging in the power business if Congress so desires, they do object to the use of the fact that the dam and other structures are Federal property as an excuse for being deprived of a revenue that they otherwise would receive if the development took place by private enterprise.

Mr. McKELLAR. Would the Senator be willing to accept an amendment that provides that if, after the plant is actually built, it is then leased to private interests, the two States mentioned, Nevada and Arizona, would have the right to tax that property in the hands of private operators?

Mr. HAYDEN. That might be a way of accomplishing the desired result.

Mr. McKELLAR. If the Government builds that plant and operates it, I think perhaps it ought to have the right to operate it without compensation in the way of taxes to the two States; or it might be that it would be better to permit those States to have some stipend in lieu of taxation. That however, is only in the event that the Government operates it. If the Government, after it builds the plant, turns it over into private hands, it seems to me that the States of Arizona and Nevada, within certain prescribed lines set up in the bill, should have the right to tax the property in private hands.

Mr. HAYDEN. I am interested in the suggestion made by the Senator; but I really prefer, if I may, at this time to confine the discussion to the question of an apportionment of the waters of the Colorado River. The power question must be considered separately.

Mr. McKELLAR. What I wanted to know was whether those were the two differences between the Senator from Arizona and the Senator from California.

Mr. HAYDEN. Yes.

Mr. McKELLAR. And they are the questions to be determined in this matter. Otherwise the bill is satisfactory to the Senator from Arizona?

Mr. HAYDEN. There are no other differences between the Senators from California and the Senators from Arizona that can not be very readily adjusted and compromised if the basic questions are first determined.

At the time this offer of the State of California was made in 1925 to the State of Arizona a counterproposal was submitted by the State of Arizona which represents the view of that State as again presented at the Denver conference.

The best way to illustrate to the Senate just what Arizona's position is, and has been from the very beginning, with respect to an apportionment of water in the lower basin, is to read this section from the counterproposal submitted by the State of Arizona to the State of California on December 14, 1925.

Arizona proposed:

The States of Arizona, California, and Nevada hereby agree that the waters of the Colorado River and its tributaries in said States shall be divided, allotted, and appropriated as follows:

(a) All of the waters of the tributaries of the Colorado River which flow into said river below Lee Ferry, Ariz., are hereby allotted and appropriated exclusively in perpetuity to the States in which such tributaries are located, and may be stored in and diverted from said tributaries or the main channel of the Colorado River for use in said States.

(b) There is hereby allotted and appropriated to the State of Nevada for use in said State that portion of the total amount of water of the main Colorado River as measured at Lee Ferry, which can be beneficially used for agricultural and domestic purposes, not exceeding 300,000 acre-feet per annum.

In other words, from the very beginning Arizona has conceded to Nevada her demand for 300,000 acre-feet of water.

Mr. BRATTON. Mr. President, may I ask the Senator from what he is now reading?

Mr. HAYDEN. I first read a proposal for a settlement of the water controversy in the lower basin made by the State of California, and I am now reading from a counterproposal made by the State of Arizona; both were made in the year 1925.

Mr. BRATTON. I thank the Senator.

Mr. HAYDEN (reading):

There is hereby allotted and appropriated for agricultural and domestic use to each of the States of Arizona and California from the remainder of water available, as measured at Lee Ferry, one-half of the waters of the Colorado River.

I direct the attention of the Senate particularly to the fact that at no time and on no occasion has the State of Arizona ever asked for more than one-half of the water of the Colorado River, in the main stream which comes down from the upper-basin States.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I do.

Mr. JOHNSON. May I ask the Senator a question at this point, or would he prefer to have me wait?

Mr. HAYDEN. I shall be glad to have the Senator ask it now.

Mr. JOHNSON. Will you state what water you take from the tributaries of the Colorado?

Mr. HAYDEN. I can not state the amount accurately.

Mr. JOHNSON. Can you state substantially the amount?

Mr. HAYDEN. Perhaps 2,000,000 acre-feet of water are now in use in the State of Arizona—that is, water that falls upon the soil of that State, and is used wholly within the State, and never escapes from the State.

Mr. JOHNSON. Have you not claimed at times as high as 6,000,000 acre-feet?

Mr. HAYDEN. It may be; I am not able to advise the Senator. When I said "2,000,000 acre-feet" I had in mind the fact that approximately a million acre-feet are used under the Salt River project, and I imagined that about twice as much were used elsewhere throughout the State.

Mr. JOHNSON. So that the RECORD may show it, the Gila River comes into the Colorado about how far above the line?

Mr. HAYDEN. Above the international boundary line?

Mr. JOHNSON. No; above the line between Arizona and California?

Mr. HAYDEN. The Gila enters the Colorado where it forms the boundary line between the States of Arizona and California.

Mr. JOHNSON. All of the water of the Gila you claim?

Mr. HAYDEN. We ask for all of the waters of the Gila and its tributaries within the State of Arizona.

Mr. JOHNSON. And in every proposition that you have made, and every proposition that has been considered, from 2,000,000 to 6,000,000 acre-feet from the tributaries of the Colorado River have been reserved by Arizona, have they not?

Mr. HAYDEN. And in the original proposition submitted to the State of Arizona in 1925 that reservation was conceded by the State of California.

Mr. JOHNSON. Conceded on the agreement or the understanding that California should have a certain amount of water.

Mr. HAYDEN. Upon the sole condition that California should have 1,095,000 acre-feet for domestic use.

Mr. JOHNSON. I understand; it has been in the propositions; but California proposed that those waters should belong

to Arizona, provided California had a specific amount of water, which Arizona was unwilling to accord.

Mr. HAYDEN. No agreement was reached.

Mr. JOHNSON. That is true.

Mr. HAYDEN. But I shall demonstrate to the Senator very clearly, I think, before we get through, that if California were allowed the total amount claimed in 1925 by that State as a vested right, and if there were added to that the 1,095,000 acre-feet of water which the State then asked as a condition of the surrender to Arizona of her tributary waters, the total of those two sums is still much less than 4,600,000 acre-feet of water.

Mr. JOHNSON. All right. Now, to what you suggest Arizona should have, if you added her tributaries, how much would Arizona have?

Mr. HAYDEN. We have always felt in Arizona, Mr. President, and I think justly so——

Mr. JOHNSON. I am not going to question that for the moment; but, adding it, how much would Arizona have?

Mr. HAYDEN. I really can not tell the Senator, because I have at hand no accurate figures on the total quantity of water in the Arizona tributaries.

Since that subject has been mentioned, let me say to the Senate that in the case of a river—for example, the Gila River—wholly within the State of Arizona, whose waters are used in the very heart of the State, if those waters were released from a reservoir when needed at a time of drought they must flow down a wide, sandy river bed for some 200 miles before they could reach any other State. It is perfectly obvious that under those conditions the water never would arrive. It would simply be lost by evaporation. Therefore we say that the physical situation is such that it is utterly impossible for any water out of the Gila River or its tributaries to be delivered to any other State or to Mexico during a time of drought, when water is needed; and that is the only time when Arizona would be called upon for a delivery of water. Therefore the physical facts are such that it is utterly impossible, even though some State had a right to acquire the use of water from that stream, for any other State to obtain any of the water. Therefore no State other than Arizona has any interest in the waters of the Gila River. That would be equally true of a tributary such as the Bill Williams, which in time of drought goes down to a mere trickle; or of the Little Colorado River, a tributary in northern Arizona which likewise goes dry in places during a period of drought. There is no water in the tributaries of the Colorado River in the State of Arizona that could be of any possible benefit to any other State in time of drought. If reservoirs existed on these tributaries, and any other State had a right to come into the State of Arizona and insist that the reservoir be opened and the water turned down its natural course to flow into some other State, not a drop of water would arrive during the dry period. Therefore we have felt, naturally, that no other State had any interest in those tributary streams, and particularly so in the case of the Gila River, which empties into the Colorado River below the Laguna Dam.

Under the terms of this bill under the plan of the United States Reclamation Service the last and lowest point on the Colorado River where any water will be diverted from that stream is at Laguna Dam, and Laguna Dam is some 10 or 12 miles above the mouth of the Gila River.

It is true that at the present moment water is diverted from the Colorado River into the State of California just a short distance above the international boundary line at what is known as Hanlon Heading. It is possible for waters which come down the Gila River in time of flood to flow from that stream into the Colorado and then a short distance down the Colorado and into Hanlon Heading and over into Imperial Valley. But the diversion at Hanlon Heading, which is in existence at the present moment, is to be superseded by a transfer of the heading up the stream to Laguna Dam. The Imperial irrigation district is under contract with the Secretary of the Interior to move its heading to Laguna Dam and is now paying annually on that contract. The privilege that they can have of diverting water at Hanlon Heading is only temporary. There is in existence a restraining order of the courts to prevent a diversion there, and each year the court requires the posting of a bond that if any damage results to the United States reclamation project at Yuma by reason of the placing of a weir to divert water from the Colorado River into Hanlon Heading the United States will be made safe from all such damage. Everyone knows that under the terms of the Swing-Johnson bill California never can obtain a drop of water out of the Gila River.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HAYDEN. Certainly.

Mr. KING. Have the owners of the waters in Imperial Valley, or the irrigation district, at any time ever claimed the Gila River or any part of its waters as necessary for the irrigation of Imperial Valley, or as a proper tributary to their stream?

Mr. HAYDEN. Whether they have claimed it or not, there is no question but that they have used the waters of the Gila River when that stream happened to be flowing into the Colorado. But, as I stated to the Senator a moment ago, there are long periods in almost every year when, for more than a hundred miles from its mouth, the Gila River is absolutely dry. The Gila River, in truth and in fact, has been more of a menace to the Imperial Valley than a benefit. The people of the Imperial Valley would much prefer to move their point of diversion up the stream to Laguna Dam, and then obtain water from the Boulder Canyon Reservoir, than to depend upon any rights they may have to the waters of the Gila River, because the supply is so unstable as to be practically valueless to them.

Mr. KING. I have understood from the records, and from my observation, that the Gila River is what some denominate as a "flash" stream; that when they amounted to anything, and might be of any value for irrigation purposes in the Imperial Valley, the waters in the Gila came down at a time when there was ample water flowing down the Colorado River from above to answer all the demands of the Imperial Valley, and therefore the Imperial Valley had never used the waters of the Gila River.

I do not mean by that to say that the waters of the Gila River did not commingle with the waters of the Colorado River, and at a time when there was water being taken out of the Colorado River at that point for the Imperial Valley, but my understanding is that whenever there was water flowing from the Gila River into the Colorado River, at that time there was more than sufficient water flowing down the Colorado River to answer all of the demands of the Imperial Valley.

Mr. HAYDEN. The flow of the Gila is so spasmodic and so irregular that no rule can be laid down as to when a flood may be expected. A study of the records will show that during some months each year the river has been dry, and in other years during some months water has flowed from the Gila River into the Colorado. But, in truth and fact, from the best information I have from residents of the Imperial Valley, they have not depended upon the Gila River for any part of their water supply. When the Gila River is in flood it carries large quantities of silt, and they would much prefer, for that reason, if for no other, to move the point of diversion up the Colorado River to Laguna Dam.

To continue the reading of the Arizona counterproposal:

> There is hereby allotted and appropriated for agricultural and domestic use to each of the States of Arizona and California from the remainder of the water available, as measured at Lees Ferry, one-half of the waters of the Colorado River.
>
> (c) Any diminution of the amount of water allotted to each State between the point of measurement and the point of delivery caused by evaporation and seepage in storage or in transit shall be borne by each State from its original allotment.
>
> (d) The States of Arizona, California, and Nevada hereby agree to limit and control future appropriations and beneficial use of water in said respective States to such an amount and in such manner as will insure that present perfected rights in each said State will be fully protected and supplied out of waters hereby allotted to said State.

These two documents express the demands of Arizona and California, made prior to the Denver conference. When the Denver conference was held, the governors of the four upper-basin States asked each State to indicate just how much water they wanted out of the Colorado River. The State of Nevada again asked for 300,000 acre-feet out of the seven and a half million acre-feet apportioned in perpetuity to the lower basin.

The State of Arizona again agreed that Nevada should have that quantity of water, and asked for one-half of the water in the Colorado River.

The State of California submitted a demand for 4,600,000 acre-feet of water. How they arrived at that figure I do not know. It may have been based, first, upon present perfected rights, as they asserted, of 2,146,600 acre-feet, plus 1,095,000 acre-feet desired by the municipalities of southern California. But those two figures do not equal 4,600,000 acre-feet of water. Adding the amount of water asserted by California on December 1, 1925, to be a perfected right which is 2,146,000 acre-feet, to 1,095,000 acre-feet, which they did not at that time assert to be such a right, but as a mere desire on the part of the municipalities of southern California to obtain that amount, the two combined amount to 3,241,000 acre-feet. But in Denver, California asked for 4,600,000 acre-feet of water.

The governors of the four upper-basin States, having carefully considered the proposals made by the three States of the lower basin, made the following finding:

The governors of the States of the upper division of the Colorado River system suggest the following as a fair apportionment of water between the States of the lower division, subject and subordinate to the provisions of the Colorado River compact:

1. Of the average annual delivery of water to be provided by the States of the upper division at Lees Ferry under the terms of the Colorado River compact:

(a) To the State of Nevada, 300,000 acre-feet.

(b) To the State of Arizona, 3,000,000 acre-feet.

(c) To the State of California, 4,200,000 acre-feet.

The governors have not explained in any printed document, so far as I know, how they arrived at this compromise. I was told that it was based upon the following facts: They endeavored, by questioning the California representatives at that conference, to ascertain not only what California claimed but the quantity of water to which California had actually perfected rights to use, based upon the normal flow of the Colorado River, unregulated by any reservoir; and they determined that amount.

They also endeavored to determine how much water was being actually used in the State of Arizona, or how much water the State of Arizona had acquired a perfected right to use, and from the total quantity ascertained to be the amount that California had a right to use; they subtracted the amount that Arizona now has a similar right to use and found the difference to be 600,000 acre-feet of water. So the governors said: "Perfected rights must be respected. California has a larger perfected right to the use of water than Arizona. Therefore we will deduct from the demand of Arizona for one-half of the total quantity of the water of the stream, 600,000 acre-feet."

Subtracting 300,000 acre-feet for Nevada from seven and one-half million acre-feet, and then dividing the remainder, would give to Arizona 3,600,000 acre-feet and to California 3,600,000 acre-feet. The governors, after careful consideration, recommended that from Arizona's demand of half the water, or 3,600,000 acre-feet, there be subtracted 600,000 acre-feet, leaving 3,000,000 acre-feet for the State of Arizona. They added to the other half of the water 600,000 acre-feet, increasing California's proportion of the water from 3,600,000 to 4,200,000 acre-feet. That was the recommendation of the governors.

The State of Arizona, through its legally appointed commissioners, consisting of the governor of the State, five members of the legislature of the State, and two other citizens of the State, by a formal vote, accepted the recommendation of the governors of the upper-basin States, and agreed to accept, out of the main Colorado River, 3,000,000 acre-feet.

Mr. JOHNSON. Is the Senator certain there was no condition attached to that?

Mr. HAYDEN. I can read the last expression made by the Arizona-Colorado River Commission.

Mr. JOHNSON. I am just asking the Senator; is he certain there was no condition attached to it?

Mr. HAYDEN. There were conditions, yes; but nothing of grave importance. I shall very shortly read the last statement on the subject of water as made by the Arizona commissioners.

The governors at Denver went on further and stated, in addition:

2. To Arizona, in addition to water apportioned in subdivision (b), 1,000,000 acre-feet of water to be supplied from the tributaries of the Colorado River flowing in said State, and to be diverted from said tributaries before the same empty into the main stream. Said 1,000,000 acre-feet shall not be subject to diminution by reason of any treaty with the United States of Mexico, except in such proportion as the said 1,000,000 acre-feet shall bear to the entire apportionment in (1) and (2) of 8,500,000 acre-feet.

3. As to all water of the tributaries of the Colorado River emptying into the river below Lees Ferry not apportioned in paragraph (2) each of the States of the lower basin shall have the exclusive beneficial consumptive use of such tributaries within its boundaries before the same empty into the main stream, provided, the apportionment of the waters of such tributaries situated in more than one State shall be left to adjudication or apportionment between said States in such manner as may be determined upon by the States affected thereby.

That last provision referred particularly to the Virgin River, which was partly in Utah, partly in Arizona, and partly in Nevada, the only important tributary that is a stream of interstate character.

4. The several foregoing apportionments to include all water necessary for the supply of any rights which may now exist, including water for Indian lands in each of said States.

5. Arizona and California each may divert and use one-half of the unapportioned waters of the main Colorado River flowing below Lees Ferry, subject to future equitable apportionment between the said States after the year 1963, and on the specific condition that the use of said waters between the States of the lower basin shall be without prejudice to the rights of the States of the upper basin to further apportionment of water as provided by the Colorado River compact.

As I said, the State of California refused to accept the Denver apportionment. At the close of the conference the Arizona-Colorado River Commission addressed this statement to the governors of the upper division of the Colorado River Basin:

The lawful representatives of the State of Arizona, members of the Colorado River Commission of said State, and their advisers, in attendance upon the conference called by you and convened at the city of Denver, Colo., on July 22, 1927, deeply regret that the full purpose of the conference, to bring about an agreement which would result in complete ratification by seven States of the Colorado River compact and solution of the Colorado River problem, has not been effected.

Such agreement not having been reached, we desire at this time to state concretely Arizona's position, as taken by her representatives at this conference and disclosed by the record, in a sincere and earnest effort to accomplish the purposes thereof.

This is the important part of the document with respect to water:

We hold that Arizona possesses the land, the natural facilities, to economically utilize within her borders a very large proportion, if not all, of the waters of the Colorado River system available for irrigational use in the lower basin; that as a matter of justice, right, and equity, if the law of prior appropriation is to be superseded by a compact, she is entitled to the undisturbed, undisputed, and unlimited use, to the extent that such use is feasible, of the waters of her tributary streams, just as the State of California is entitled to and has the use of the water of her streams, and that she is equally entitled to at least one-half of the flow of the main stream of the Colorado River available for use in the States of the lower division, after due allowance is made for the practical irrigational requirements of the State of Nevada. Nevertheless, for the purpose of effecting an agreement at this time, and out of consideration for the untiring efforts of the governors of the States of the upper division to bring about such an agreement, and in deference to their judgment as to what under the circumstances would be fair and reasonable, we have accepted, with certain interpretations of language relating to the immunization of Arizona's tributaries against depletion for the benefit of Mexico, the proposal of the governors of the States of the upper division submitted on September 19, 1927, which said proposal, so interpreted, would allocate to the State of California 4,200,000 acre-feet of water per annum; to Arizona, 3,000,000 acre-feet and the right to the use of such of the waters of her tributaries as may be diverted therefrom for beneficial use; and would divide the unallocated flow of the river, available for the use of the lower-division States, equally between Arizona and California.

Nothing was accomplished by the Denver conference with respect to a division of water by reason of the fact that California refused to accept the recommendation made by the four governors, and so the matter stood when Congress met.

Mr. JOHNSON. Mr. President, may I ask the Senator a question?

Mr. HAYDEN. Certainly.

Mr. JOHNSON. Does the Senator assert that Arizona accepted the recommendations made by the governors?

Mr. HAYDEN. I have just read the last word that Arizona said on that subject.

Mr. JOHNSON. With certain reservations.

Mr. HAYDEN. Arizona accepted the water proposal of the upper-basin governors with certain reservations, interpretative only with respect to any demand for water that might be made by Mexico. We will not disagree at all that the Arizona acceptance of the proposal was not consummated by a further negotiation and understanding until the minds of the governors and the representatives of all the States actually met and agreed upon the document. If they had done so, the controversy would have been over.

When Congress assembled in December, 1927, no agreement had been made. The senior Senator from Nevada [Mr. PITTMAN], in continuation of the earnest efforts that he has made all these years to bring about a settlement of the controversy between the States with respect to the Colorado River, invited a number of us to conferences in his office and there we talked over the situation.

It was discovered at that time, as the Senator said, that instead of being able to divide the 7,500,000 acre-feet of water, which was not enough to satisfy the demands of all the States, we could legally, under the terms of the Colorado River compact, divide an additional million acre-feet. Therefore the proposal was made that the recommendation made by the governors

of the four upper-basin States be accepted and that there be added thereto the additional million acre-feet of water apportioned by the compact to the lower basin, and that that quantity of water be divided equally between California and Arizona, which would increase the total apportionment to each State by 500,000 acre-feet. By the new plan the State of California would have 4,700,000 acre-feet of water in the main stream of the Colorado River, or 100,000 acre-feet more than that State asked for at Denver, and the State of Arizona would have 3,500,000 acre-feet, or within 100,000 acre-feet of the quantity she originally asked for at Denver. By such an arrangement it was felt that the rights and the desires of all of the States could be accommodated. That arrangement has been incorporated in the amendment which I have offered to the bill and which is now pending. I would like to discuss that amendment in detail.

Mr. JOHNSON. Is the Senator speaking now to the amendment he offered to-day?

Mr. HAYDEN. Yes. Senators will find printed copies of the amendment on their desks. It was not available early to-day, but has since been distributed.

I invite the attention of the Senate to the amendment. It proposes to strike out of the original Senate bill that has now been offered as an amendment to the House bill, which is before the Senate, the reference to the approval of the Colorado River compact which appears in the bill upon a 6-State basis, and insert in lieu thereof the following:

> This act shall not take effect, and no authority shall be exercised hereunder, unless and until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared.

So the first substantive proposal in the amendment is a 7-State ratification of the Colorado River compact and, as I have said so many times, that is the chief concern of the four States of the upper basin. The proviso reads:

> That the ratification act of the State of California shall contain a provision agreeing that the aggregate annual consumptive use by that State of waters of the Colorado River shall never exceed 4,200,000 acre-feet of the water apportioned to the lower basin by paragraph (a), of Article III, of said compact.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HAYDEN. I yield.

Mr. CARAWAY. I have always been interested in this question. California is the last point on the river where any use of the water will be made, is it not?

Mr. HAYDEN. That is correct.

Mr. CARAWAY. Then what concern is it of the States above there as to how much of the water that has already passed their borders shall be used in California? I do not just understand that point.

Mr. HAYDEN. The Senator does not understand the situation because he does not happen to be familiar with the doctrine of appropriation, as we call it in the West.

Mr. CARAWAY. I think I understand that, but the man who may be restrained and should be restrained is the man who is on the upper reaches of the river, because if he uses all of the water there is nothing for the lower riparian owners.

Mr. HAYDEN. That is exactly the point. The appropriators up the stream would be restrained from using the water if the State of California acquired a prior right to use it, and their fear is that under the law of appropriation the State of California would acquire such a right.

Mr. CARAWAY. And afterwards, when they wanted to use more water, they would meet a prior right to diversion of the water by California.

Mr. HAYDEN. Yes.

Mr. BRATTON. Mr. President——

Mr. HAYDEN. I yield to the Senator from New Mexico.

Mr. BRATTON. As a representative of one of the upper basin States, I may say that we of the upper basin States furnish 84 per cent of the water of the Colorado River. Under the doctrine of appropriation which obtains there, if California puts all of the water to beneficial use, later, when we desire to use what we conceive to be our just share of it, we shall be deprived of it.

Mr. CARAWAY. I understand it now.

Mr. BRATTON. That is how we are deeply interested.

Mr. CARAWAY. The Senator does not want somebody to acquire a prior right to so much water that, when some one in his State wants to develop in an agricultural way, there will be no water for his use.

Mr. BRATTON. Yes. The Colorado River compact, on which this legislation is founded, has adjudicated the title to the water by awarding to the States in the upper basin 7,500,000 acre-feet annually and to the States in the lower basin 7,500,000 acre-feet annually.

Mr. CARAWAY. I think I understand it now, and I thank the Senator.

Mr. HAYDEN. Mr. President, in that connection I invite the attention of the Senate to the Johnson bill as reported to the Senate, on page 7 of which there is this proviso in section 5 as recommended by the Committee on Irrigation and Reclamation:

> *Provided, however,* That said contracts shall not provide for an aggregate annual consumptive use in California of more than 4,600,000 acre-feet of the water allocated to the lower basin by the Colorado River compact mentioned in section 12 and one-half of the unallocated excess, and/or surplus water: *Provided further,* That no such contracts shall be made until California, by act of its legislature, shall have ratified and approved the foregoing provision for use of water in said State.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. HAYDEN. I yield.

Mr. CARAWAY. The Senator seems to have such a clear grasp of the situation that I am much interested in his presentation. Can the Legislature of the State of California prevent the acquiring of the right to use water by landowners?

Mr. HAYDEN. It can.

Mr. CARAWAY. Suppose they go ahead and have already done so, and put to beneficial use a larger volume of the water than the amount that is now attempted to be allocated to California?

Mr. HAYDEN. If landowners had put to beneficial use—and that implies a perfected right—a certain quantity of water, that right could not be taken away from them. That could not be done without violating the Constitution of the United States. But in truth and in fact the present perfected or vested rights to the use of water in the State of California are not in excess of 4,600,000 acre-feet. There may be initiated rights or inchoate rights, but there is not that much water available to the citizens of California at the present time and there will not be until storage is provided.

Mr. CARAWAY. What constitutes a vested right in water—merely digging a ditch and diverting the water?

Mr. HAYDEN. The doctrine of appropriation is that the right to the use of water is acquired by its application to the land.

Mr. CARAWAY. Is there any statute of limitations? If a man has once applied the water to his land does he thereby acquire a vested right to that much water from that time on?

Mr. HAYDEN. No. Many States have a provision of law on that point. In Arizona if the land is not irrigated for five years the right to the water may lapse.

Mr. CARAWAY. What I am trying to get at is this. Perhaps I am not very happy in expressing it. The right to use the water vests immediately upon making the application of it. For instance, if some one has land susceptible of irrigation and he digs a ditch and turns the water in, does he acquire then a vested right in that much water?

Mr. HAYDEN. Yes; a right which is superior to that of any other person who may thereafter apply the water to beneficial use.

Mr. CARAWAY. In other words, if somebody above him seeks to use the water in such a way as to cut down the amount of water available to him, would there be any way of restraining him from using it?

Mr. HAYDEN. That has been done in many instances.

Mr. CARAWAY. I can see the importance of the Senator's provision in the bill. How is California, by an act of its legislature, to bar anyone from acquiring the use of water in excess of that amount?

Mr. HAYDEN. That was the idea, undoubtedly, of the Committee on Irrigation and Reclamation in reporting out the amendment to the bill which I have read.

Mr. CARAWAY. Let me ask the Senator a further question. I was much interested in the exchange of views between the senior Senator from California [Mr. JOHNSON] and the Senator from Arizona this afternoon with reference to the development of power. What interest has Arizona in the question of whether the Government or private individuals shall finance the development of power?

Mr. HAYDEN. I would prefer to discuss power another time, but I want to answer the Senator's question. However, I hope it will not lead to any extended discussion of the power question.

Mr. CARAWAY. I am perfectly willing to wait.

Mr. HAYDEN. I can answer the Senator very briefly by saying that so far as the State of Arizona is concerned it is a matter of no interest to her, and so far as her people are concerned the great majority of them would prefer that the power be developed by public agencies rather than by private agencies. But we do feel under any circumstances, whether the development be by public or private agencies, that the fact that it is by public agency, the Federal Government, for instance, should not be used as an excuse to deprive the State of revenue which it would otherwise receive.

Mr. CARAWAY. Then the only difference between the State of Arizona and the State of California is whether the users of this power should pay an additional price above the cost of production which should be paid to the State as a tax.

Mr. HAYDEN. Exactly so. If a private power company builds the dam and power plant and sells power to the consumers in the State of California, they would add in, as a part of the cost of the power, the taxes that were paid in Arizona and in California. Therefore the only persons affected are the users of power in California, and they have an interest whether they get their power cheaper or not.

Mr. CARAWAY. I can understand that, but if the amount that should be paid by the consumers of power, which would be refunded to the States in the form of a tax, could be agreed upon, and if a division of water could be agreed upon, then there would be no further question between the States?

Mr. HAYDEN. That would solve the problem.

Mr. CARAWAY. There would be no dispute then, and it would make no difference to Arizona—that is what I am trying to get clear in my mind—whether the power was developed by a private concern or by a public agency if Arizona were assured that she could be permitted to levy a fair tax upon the properties within the State?

Mr. HAYDEN. Either to levy a fair tax or to obtain compensation that would be equivalent to the payment of taxes.

Mr. CARAWAY. Of course, the Senator will understand that he would have to write into the bill the amount that was to be deducted; would he not?

Mr. HAYDEN. Yes.

Mr. CARAWAY. Because there would be no way for the State to reach the Federal Government after a development was made.

Mr. HAYDEN. That is true. The only way that any such payment could be obtained would be with the consent of Congress; but, as I pointed out in the very extended address that I made to the Senate at the last session of Congress, there are a very large number of instances where Congress has thus consented.

Mr. CARAWAY. Of course; I understand that. We are paying taxes to some people in Oregon on lands that the Government took for spruce development and then sold to a private concern.

Mr. HAYDEN. One of the best illustrations, I think, is the case of the national banks. The States sought to tax the national banks, but the Supreme Court decided that they were an instrumentality of the United States and could not be taxed. Congress, however, authorized the States to collect such taxes. There are many instances of that kind.

Mr. CARAWAY. I am just trying to find out what is actually the difference between those who oppose and those who favor the dam. As I finally understand, the only question is as to the volume of water that California may eventually claim and the question of whether or not a State in which the development takes place may have a right to receive and be guaranteed that it will receive a certain sum in lieu of taxes. That is the only question.

Mr. HAYDEN. The Senator has stated it as clearly as it could be stated.

Mr. CARAWAY. If I stated it as clearly as the Senator was stating it, I am happy, indeed. I merely wanted to know what the dispute was.

Mr. HAYDEN. The hour is getting late. If I may, I should like to continue the reading of the amendment that I have offered so that I may explain its terms. I have read the proposal now contained in the bill as reported to the Senate and as recommended by the Senate Committee on Irrigation and Reclamation for the purpose of pointing out that the committee placed in the bill the 4,600,000 acre-feet of water, which, as I have said, was the demand made by California; whereas in the amendment that I have offered is 4,200,000 acre-feet of water, which is the quantity recommended for apportionment to California by the governors of the four upper basin States. Thus far the provisions are the same except for the difference of 400,000 acre-feet. To go on with the amendment, which provides further—

and that the aggregate beneficial consumptive use by that State of waters of the Colorado River shall never exceed 500,000 acre-feet of the water apportioned by the compact to the lower basin by paragraph (b) of said Article III—

That refers to the extra million acre-feet apportioned to the lower basin by the Colorado River compact. So that, adding together the 4,200,000 acre-feet apportioned by paragraph (a) of Article III of the Colorado River compact and the 500,000 acre-feet apportioned to the lower basin by paragraph (b) of the same article of the compact the total quantity of water which we ask the State of California to be limited to is 4,700,000 acre-feet out of the main stream of the Colorado River, which is 100,000 acre-feet more than California demanded at Denver.

In addition my amendment provides—

and that the use by California of the excess or surplus waters unapportioned by the Colorado River compact shall never exceed annually one-half of such excess or surplus waters.

A similar provision is found in the committee amendment, and a similar provision is found in the recommendation of the governors, that the excess or surplus water be divided equally between the two States—

and that the limitations so accepted by California shall be irrevocable and unconditional, unless modified by the agreement described in the following paragraph, nor shall said limitations apply to water diverted by or for the benefit of the Yuma reclamation project for domestic, agricultural, or power purposes except to the portion thereof consumptively used in California for domestic and agricultural purposes.

That last phrase appears in the amendment as a sort of supercaution, so to speak. There were those who feared because the water used for irrigation upon the Yuma project in Arizona was first diverted from the Colorado River in California, carried for some distance in that State, and conveyed into Arizona by a siphon which goes under the Colorado River, that unless specific mention was made of the fact, California, because the water was diverted in that State, might be charged with water used in Arizona. Of course, we had no intention of doing anything of that kind and protected that point accordingly.

I have read what California is required to do and how that State is limited. Let me now tell the other side of the story, as it appears in the amendment.

The said ratifying act—

That is, the ratifying act of the Legislature of California—

shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet—

That is, the quantity apportioned to Nevada by the governors' conference at Denver—

and to the State of Arizona 3,000,000 acre-feet for exclusive beneficial consumptive use in perpetuity—

That likewise agrees with the recommendation made by the governors of the upper basin States—

and (2) of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article, there shall be apportioned to the State of Arizona 500,000 acre-feet for beneficial consumptive use—

Again dividing the water equally with California so far as the additional million acre-feet are concerned—

and (3) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (4) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State—

As I have already explained to the Senate, the Gila River empties into the Colorado River below the Laguna Dam. It empties into it at a point where neither the State of California nor any other State can use any of its surplus waters. Therefore we felt justified in asking the State of California to exclude from any computation of water the Gila River and its tributaries. The only other area that could have any possible claim upon the waters of the Gila River is Old Mexico, and even Mexico could not obtain any water from that stream in time of drought when the water was needed—

and (5) that the waters of the Gila River and its tributaries shall never be subject to any diminution whatever by any allowance of

water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters apportioned by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply one-half of any deficiency which must be supplied to Mexico by the lower basin.

During the consideration of the Colorado River compact by the Arizona Legislature those who opposed the approval of that agreement asserted that if the Legislature of Arizona ratified the Colorado River compact it would place a cloud upon the appropriation of all waters in the State of Arizona. Some were even so frightened as to think in case the Senate should ratify a treaty with Mexico granting a certain quantity of water to that country and the demand was made for it, that the treaty would be the supreme law of the land, and that the gates of the Roosevelt Dam or the gates of the Coolidge Dam would have to be opened and water turned down to Old Mexico.

It is an utterly foolish thing, a thing that it is physically impossible to do, but at the time it made an impression upon the minds of many people in the State of Arizona. They felt that they had in existence at this time actual, completely protected, bona fide, vested rights—if I knew of any other term that would describe the perfect water right which they possess I would use it—and they did not want to agree that a cloud of any kind could be placed upon their title to the use of that water. I refer particularly to the water now being used under the Salt River project. Therefore there has been insistence from time to time that the Gila River, of which the Salt River is the principal tributary, be exempt from any claim in the future so far as water for Mexico is concerned. But it will be noticed, Mr. President, that the State of Arizona and the State of California, if this agreement shall be carried out, will mutually agree to share equally the Mexican burden out of the waters of the main stream of the Colorado River.

In truth and in fact that is the only place where any water could be obtained for use in Mexico. In our arguments with our California brethren we have found a peculiar situation. It was their desire to place upon paper the total amount of water running in every little stream in the State of Arizona which was tributary to the Colorado River, add that to the total quantity of water in the main stream, and then say, "This total quantity of water is subject to the burden of furnishing water to Old Mexico, or may be subject under some future treaty. Taking the total water of the Arizona tributaries and the total water flowing in the main stream, we will divide the obligation to furnish water to Mexico upon that basis."

The water that is to be furnished to Mexico must all come out of the main river; we all agree to that; but the net result of such figuring on paper would result in Arizona being compelled to supply the great bulk of the water that must be supplied to Mexico under any treaty, and would practically exempt California from furnishing any appreciable quantity of water at all.

Arizona's answer to that contention has been that it would be just as reasonable and just as sensible to include in the total quantity of water to be calculated the flow of the Sacramento or the San Joaquin Rivers in California as to include the flow of the Gila River. In time of drought, when Mexico would make the demand for water, it would be as impossible to obtain any water out of the Gila River and deliver it to Mexico as it would be to obtain water from the Sacramento River or the San Joaquin River and deliver it to Mexico. Therefore we have said, and I think justly and fairly, that we were willing to divide with California the burden of furnishing water to Old Mexico, to assume an equal part of that burden, but that the delivery must be made and the division must be made out of the water that is divisible, and from the only source where water is obtainable for Mexico; to wit, the main stream of the Colorado River. That is the only place where Mexico could get it, and that is the only water that could be divided. It is unfair to add up the total quantity of water that could be impounded by the Roosevelt Dam and the Coolidge Dam and some other reservoir upon some other tributary stream in Arizona, for the reason, as I say, that, if in time of drought the gates of the reservoir were opened and the water allowed to flow out, not one drop would ever reach Mexico, because it would be compelled to flow down during the time of drought in a wide sandy river bed for hundreds of miles, and the water would be totally evaporated and lost, and Mexico could not obtain a drop of it.

We, therefore, say that it is unfair and unjust and that it is not equitable to use the quantity of water that exists in the Arizona tributaries, or may be found in them, as a basis for determining what quantity of water must be allocated to Mexico. The physical facts are against any such plan. We do say that Arizona is willing, as this amendment provides, to agree that if, under any treaty with Mexico, it is necessary for the States of the lower basin to furnish water to lands in Mexico, Arizona will furnish an equal quantity of that water with California out of the main stream of the Colorado River. We believe that to be a fair and a reasonable proposition, and one that upon investigation I am sure the senior Senator from California and his colleague will find is the only practical way in which the burden of furnishing water to Mexico can be met.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Do you proceed upon the theory that Arizona is entitled to the same quantity of water as California?

Mr. HAYDEN. In the main stream of the Colorado; yes.

Mr. SHORTRIDGE. Quite regardless of the population of the two States?

Mr. HAYDEN. If that were the issue, Mr. President, the State of Arizona would be entitled to much more water than the State of California. That is to say, in the total area within the drainage basin of the Colorado River there is a much larger population in the State of Arizona than there is in the State of California.

Mr. SHORTRIDGE. I merely wish to know the position the Senator is taking.

Mr. HAYDEN. We found——

Mr. SHORTRIDGE. Will you pardon me to put the question in this form, for it may hereafter be the subject of some comment:

Do you contend, as to two States divided by a given stream, that each State's right to the water is dependent upon population, present or future, or upon present irrigated lands or lands subject to future reclamation and irrigation? Is it dependent upon territory, or is it dependent upon population—upon one, or the other, or both?

Mr. HAYDEN. It seems to me that it would be impossible to use one or the other or both of those factors as a means of determining what the relative rights of the States are.

Mr. SHORTRIDGE. Would the Senator contend that State A, for example, which had a very limited population, was entitled to as much of the given water as State B, with a very great population?

Mr. HAYDEN. If State A, with limited population, were so situated that because of the topography of the country or for other reasons it could not use the water within any reasonable period of time, then the fact that an adjoining State happened to have a larger population which could use it would be one that should receive very careful consideration. That, I believe, is the view of the State of Nevada at this time.

The State of Nevada is so situated that it can not use the water, and therefore it does not ask for more than a reasonable amount. But where the two States, State A and State B, regardless of their population, have lands upon which the water can be placed to beneficial use, it does not appear to us in Arizona that merely because one State happened to be settled sooner than another, that is any reason why the development of the other State should be denied.

Mr. SHORTRIDGE. May I ask the Senator, then, a final question? I have gathered from his remarks thus far that he seemed to insist that Arizona was entitled to one full half of the given water. Has not that been the contention of the Senator?

Mr. HAYDEN. Yes; that has been the contention of my State; and so far as I am personally concerned I think that contention can still be urged in all equity and all justice. But inasmuch as the commissioners representing the State of Arizona have submitted the matter to the mediation of four governors, who went into the matter very carefully and found that they were entitled to a less amount, in order to compromise our differences we have agreed to accept less.

Mr. SHORTRIDGE. I merely wished to know the position of the Senator.

Mr. PITTMAN. Just a minute, Mr. President. The Senator has mentioned Nevada as claiming only 300,000 acre-feet. I wish to say that the position of Nevada in the matter is this:

That the sovereignty of States is equal, without regard to population; that the State of Nevada, under the law of appropriation, if it had irrigable lands to put it on, could take all of the water of the Colorado River legally and proceed to put it on those lands, if it did it without interfering with prior rights of some other State or some other people. We contend also that the State of Nevada has at least an equal right in the benefits to be derived from the use of the water from that dam, whether for power or whatever it can legitimately use it for.

The facts are stated accurately, however. While the State of Nevada might contend for one-third of this water to be used at

some future date in the development of its State, our engineers have come to the conclusion that there are only about 100,000 or so acres of land that it would be practicable to irrigate; and we estimate that 300,000 acre-feet will accomplish that. We have therefore entirely removed from consideration, as far as Nevada is concerned, the legal question which was raised by the junior Senator from California. We know we can not us it—at least, we are so advised—and we are perfectly willing and glad to allow all the rest of that water to be divided, if it may be equitably, between the other two States.

Mr. HAYDEN. Mr. President, in conclusion, let me say that I have offered this amendment in good faith. I have offered it in the exact language in which it appeared in the CONGRESSIONAL RECORD of May 28, 1928, when printed at the request of the senior Senator from Nevada [Mr. PITTMAN]. I have offered it in the exact language as prepared by Mr. Francis Wilson, of New Mexico, the interstate river commissioner of that State, a disinterested person, a lawyer of great ability, a man of high character, who honestly and sincerely has sought on every and all occasions to bring about a settlement of this controversy between the States of Arizona and California with respect to the water of the lower basin.

I hope that the senior Senator from California and his colleague will take the amendment and study it. If they can suggest any better way of arriving at a settlement of our difficulties based upon this amendment, if they can suggest changes in it that will be equitable as between the two States, I shall be delighted to confer with them and to do everything within my power to bring this matter to an adjustment.

As I understand the parliamentary situation, the House bill has been substituted for the Senate bill, and there now appears upon our desks as an amendment to the House bill the Senate bill as reported to this body. So there is one amendment pending; and the amendment which I have now offered, and which is now pending, is the only amendment to the bill at the present moment upon which a vote could be taken. Am I correct in that assumption?

The VICE PRESIDENT. The Senator is correct.

Mr. HAYDEN. I have no desire to press for a vote on my amendment. I want the Senator from California and his colleague to be thoroughly satisfied that it is a fair and a just amendment, one under which, as I have previously said, our States can both live and prosper. For that reason I ask that the amendment remain pending, or I will lay it aside for such further consideration as may be desired.

Mr. JOHNSON. Let it lie on the table, to be called up subsequently.

Mr. HAYDEN. The point I am trying to get at is, we have to take these matters one at a time.

Mr. JOHNSON. Yes. Let it be the pending amendment, if you wish.

Mr. HAYDEN. That is what I prefer.

Mr. JOHNSON. I have no objection to that.

The VICE PRESIDENT. The amendment is the pending question.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 7, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 6, 1928

SECRETARY OF THE INTERIOR

Roy O. West, of Illinois, to be Secretary of the Interior, to which office he was appointed during the last recess of the Senate, vice Hubert Work, resigned.

SECRETARY OF COMMERCE

William F. Whiting, of Massachusetts, to be Secretary of Commerce, to which office he was appointed during the last recess of the Senate, vice Herbert Hoover, resigned.

FOREIGN SERVICE

To be secretary in the Diplomatic Service

John M. Cabot, of Massachusetts, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

GOVERNOR OF PANAMA CANAL

Col. Harry Burgess, Corps of Engineers, United States Army, for appointment as Governor of the Panama Canal, provided for by the Panama Canal act, approved August 24, 1912, vice Brig. Gen. Meriwether L. Walker, Corps of Engineers, United States Army, resigned.

INTERSTATE COMMERCE COMMISSIONERS

Claude R. Porter, of Iowa, to be an interstate commerce commissioner for a term expiring December 31, 1935. (Reappointment.)

Clyde S. Aitchison, of Oregon, to be an interstate commerce commissioner for a term expiring December 31, 1935. (Reappointment.)

Patrick J. Farrell, of the District of Columbia, to be an interstate commerce commissioner for a term expiring December 31, 1934, to which office he was appointed during the last recess of the Senate, vice John Jacob Esch.

MEMBER OF FEDERAL BOARD FOR VOCATIONAL EDUCATION

Claude M. Henry, of South Dakota, to be a member of the Federal Board for Vocational Education for a term of three years from July 17, 1928, to which office he was appointed during the last recess of the Senate. (Reappointment.)

MEMBER OF BOARD OF MEDIATION

Pat Morris Neff, of Texas, to be a member of the Board of Mediation created by section 4 of the railway labor act, approved May 20, 1926, for a term expiring five years after January 1, 1929.

APPRAISER OF MERCHANDISE

James F. Ingraham, of Peabody, Mass., to be appraiser of merchandise in customs collection district No. 4, with headquarters at Boston, Mass., in place of Samuel W. George, deceased.

JUDGE OF POLICE COURT OF THE DISTRICT OF COLUMBIA

Ralph Given, of the District of Columbia, to be judge of the police court, District of Columbia, vice George H. MacDonald, deceased. (Mr. Given is now serving under a recess appointment.)

UNITED STATES ATTORNEYS

Phillip Forman, of New Jersey, to be United States attorney, district of New Jersey, vice James W. McCarthy appointed United States district judge. (Mr. Forman is now serving under a recess appointment.)

Edmond Earl Talbot, of Louisiana, to be United States attorney, eastern district of Louisiana, vice Wayne G. Borah appointed United States district judge. (Mr. Talbot is now serving under a recess appointment.)

UNITED STATES DISTRICT JUDGES

Nelson McVicar, of Pennsylvania, to be United States district judge, western district of Pennsylvania, vice W. H. Seward Thomson, retired. (Mr. McVicar is now serving under a recess appointment.)

Edgar S. Vaught, of Oklahoma, to be United States district judge, western district of Oklahoma, vice John H. Cotteral, appointed circuit judge. (Mr. Vaught is now serving under a recess appointment.)

James W. McCarthy, of New Jersey, to be United States district judge, district of New Jersey, vice John Rellstab, retired. (Mr. McCarthy is now serving under a recess appointment.)

Wayne G. Borah, of Louisiana, to be United States district judge, eastern district of Louisiana, vice Louis H. Burns, deceased. (Mr. Borah is now serving under a recess appointment.)

George P. Hahn, of Ohio, to be United States district judge, northern district of Ohio, vice John M. Hillits, retired.

UNITED STATES CIRCUIT JUDGE

Smith Hickenlooper, of Ohio, to be United States circuit judge, sixth circuit, vice Maurice H. Donahue, deceased.

UNITED STATES MARSHAL

Howard C. Arnold, of Rhode Island, to be United States marshal, district of Rhode Island, vice William R. Rodman, resigned. (Mr. Arnold is now serving under a recess appointment.)

APPOINTMENT IN THE REGULAR ARMY

To be chaplain

Capt. Louis Curtis Tiernan to be chaplain with the rank of first lieutenant, Chaplains' Reserve, with rank from November 15, 1928.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

Quartermaster Corps

Capt. James Brown Golden, Field Artillery (detailed in Quartermaster Corps), with rank from July 1, 1920.

First Lieut. Fred Lebbeus Hamilton, Cavalry (detailed in Quartermaster Corps), with rank from July 10, 1925.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. George Bigelow Pillsbury, Corps of Engineers, from November 30, 1928.

To be first lieutenants

Second Lieut. Leonard James Greeley, Field Artillery, from November 7, 1928.

Second Lieut. Kingsley Sherman Andersson, Corps of Engineers, from November 8, 1928.

Second Lieut. William Frishe Dean, Infantry, from November 8, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Alfred Thompson Houck, Medical Administrative Corps, from December 3, 1928.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Frank J. Schwable, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of colonel from the 8th day of July, 1928.

Lieut. Col. Eli T. Fryer to be a colonel in the Marine Corps from the 27th day of October, 1928.

Lieut. Col. Richard P. Williams to be a colonel in the Marine Corps from the 3d day of November, 1928.

Maj. Clayton B. Vogel to be a lieutenant colonel in the Marine Corps from the 8th day of July, 1928.

Maj. Jeter R. Horton, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel from the 27th day of October, 1928.

Maj. Henry N. Manney, jr., to be a lieutenant colonel in the Marine Corps from the 3d day of November, 1928.

Capt. Cecil S. Baker to be a major in the Marine Corps from the 24th day of June, 1928.

Capt. John F. S. Norris to be a major in the Marine Corps from the 8th day of July, 1928.

Capt. Samuel L. Howard to be a major in the Marine Corps from the 16th day of July, 1928.

Capt. Lyle H. Miller to be a major in the Marine Corps from the 27th day of October, 1928.

Capt. Anderson C. Dearing to be a major in the Marine Corps from the 3d day of November, 1928.

First Lieut. Louis G. DeHaven to be a captain in the Marine Corps from the 25th day of March, 1928.

First Lieut. John Kaluf to be a captain in the Marine Corps from the 24th day of June, 1928.

Second Lieut. Merlin F. Schneider to be a first lieutenant in the Marine Corps from the 19th day of May, 1928.

Second Lieut. Kenneth L. Moses to be a first lieutenant in the Marine Corps from the 24th day of June, 1928.

Second Lieut. Ira L. Kimes to be a first lieutenant in the Marine Corps from the 8th day of July, 1928.

Second Lieut. George F. Good, jr., to be a first lieutenant in the Marine Corps from the 18th day of August, 1928.

Second Lieut. William C. Lemly to be a first lieutenant in the Marine Corps from the 18th day of August, 1928.

Second Lieut. Merrill B. Twining to be a first lieutenant in the Marine Corps from the 18th day of August, 1928.

Second Lieut. Frank H. Lamson-Scribner to be a first lieutenant in the Marine Corps from the 30th day of August, 1928.

Second Lieut. William J. Scheyer to be a first lieutenant in the Marine Corps from the 3d day of September, 1928.

Second Lieut. William W. Davidson to be a first lieutenant in the Marine Corps from the 6th day of September, 1928.

Second Lieut. Robert H. Rhoads to be a first lieutenant in the Marine Corps from the 15th day of October, 1928.

Second Lieut. Lawrence T. Burke to be a first lieutenant in the Marine Corps from the 16th day of October, 1928.

Second Lieut. Thomas B. White to be a first lieutenant in the Marine Corps from the 26th day of October, 1928.

Second Lieut. Thomas J. Walker, jr., to be a first lieutenant in the Marine Corps from the 27th day of October, 1928.

Second Lieut. Maxwell H. Mizell to be a first lieutenant in the Marine Corps from the 2d day of November, 1928.

Second Lieut. Charles W. Kail to be a first lieutenant in the Marine Corps from the 3d day of November, 1928.

Marine Gunner Charles H. Eurton to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1927.

Marine Gunner Walter G. Allen to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 19th day of August, 1927.

POSTMASTERS

ALABAMA

John G. Bass to be postmaster at Birmingham, Ala., in place of J. G. Bass. Incumbent's commission expires December 9, 1928.

ARKANSAS

Lena Hodges to be postmaster at Sulphur Springs, Ark., in place of W. N. Stranahan. Incumbent's commission expired April 4, 1928.

COLORADO

Dwight K. Foster to be postmaster at Paonia, Colo., in place of D. K. Foster. Incumbent's commission expires December 9, 1928.

CONNECTICUT

George W. Fairgrieve to be postmaster at Bantam, Conn., in place of G. W. Fairgrieve. Incumbent's commission expires December 10, 1928.

Frank S. Merrill to be postmaster at Bristol, Conn., in place of F. S. Merrill. Incumbent's commission expires December 10, 1928.

George L. Rockwell to be postmaster at Ridgefield, Conn., in place of G. L. Rockwell. Incumbent's commission expires December 10, 1928.

DELAWARE

John W. Dimes to be postmaster at Bridgeville, Del., in place of W. P. Short. Incumbent's commission expired March 3, 1927.

Alexander R. Abrahams to be postmaster at Wilmington, Del., in place of L. W. Hickman, resigned.

IDAHO

William R. Ogle to be postmaster at Glenns Ferry, Idaho, in place of W. R. Ogle. Incumbent's commission expires December 10, 1928.

Clara H. Dunn to be postmaster at Hazleton, Idaho, in place of W. S. Dunn, deceased.

Albert T. Moulton to be postmaster at Victor, Idaho, in place of A. T. Moulton. Incumbent's commission expires December 10, 1928.

Marie E. Roos to be postmaster at Weippe, Idaho, in place of M. E. Roos. Incumbent's commission expires December 10, 1928.

Arthur N. MacQuivey to be postmaster at Wendell, Idaho, in place of A. N. MacQuivey. Incumbent's commission expires December 10, 1928.

ILLINOIS

Laurence E. Brookfelt to be postmaster at Dolton, Ill., in place of L. E. Brookfelt. Incumbent's commission expires December 10, 1928.

Frederick Rugen to be postmaster at Glenview, Ill., in place of Frederick Rugen. Incumbent's commission expires December 10, 1928.

Jean T. Johnson to be postmaster at Kewanee, Ill., in place of B. R. Johnson, deceased.

Homer W. Witter to be postmaster at Kingston, Ill., in place of H. W. Witter. Incumbent's commission expires December 10, 1928.

William E. Kitch to be postmaster at Niantic, Ill., in place of W. E. Kitch. Incumbent's commission expires December 10, 1928.

Chester O. Burgess to be postmaster at Sigel, Ill., in place of C. O. Burgess. Incumbent's commission expires December 10, 1928.

Vera M. Carlson to be postmaster at Woodhull, Ill., in place of V. M. Carlson. Incumbent's commission expires December 10, 1928.

INDIANA

Ernest R. Newman to be postmaster at Greens Fork, Ind. Office made presidential July 1, 1928.

IOWA

Della Douthit to be postmaster at Braddyville, Iowa, in place of Della Douthit. Incumbent's commission expires December 9, 1928.

Earl P. Patten to be postmaster at Danbury, Iowa, in place of E. P. Patten. Incumbent's commission expires December 9, 1928.

Perry E. Rose to be postmaster at Earlham, Iowa, in place of P. E. Rose. Incumbent's commission expires December 9, 1928.

Harry E. Blomgren to be postmaster at Fort Dodge, Iowa, in place of H. E. Blomgren. Incumbent's commission expires December 9, 1928.

Arthur W. McIsaac to be postmaster at Rockwell City, Iowa, in place of A. W. McIsaac. Incumbent's commission expires December 9, 1928.

Richard L. Logan to be postmaster at Ruthven, Iowa, in place of I. J. Foy, resigned.

William H. Ward to be postmaster at Ryan, Iowa, in place of W. H. Ward. Incumbent's commission expired May 19, 1928.

Frank E. Lundell to be postmaster at Stratford, Iowa, in place of F. E. Lundell. Incumbent's commission expires December 9, 1928.

William Stevens to be postmaster at Templeton, Iowa, in place of William Stevens. Incumbent's commission expires December 9, 1928.

KANSAS

Emil Dolecek to be postmaster at Holyrood, Kans., in place of Emil Dolecek. Incumbent's commission expires December 9, 1928.

Pearl M. Mickey to be postmaster at Zurich, Kans., in place of P. M. Mickey. Incumbent's commission expires December 9, 1928.

MAINE

Charles W. Abbott to be postmaster at Albion, Me., in place of C. W. Abbott. Incumbent's commission expires December 10, 1928.

George H. Williams to be postmaster at Alfred, Me., in place of G. H. Williams. Incumbent's commission expires December 10, 1928.

Emily E. Pynes to be postmaster at Sangerville, Me., in place of E. E. Pynes. Incumbent's commission expired March 27, 1928.

MASSACHUSETTS

John P. McKay to be postmaster at Wellfleet, Mass., in place of J. P. McKay. Incumbent's commission expired June 6, 1928.

MICHIGAN

Edna M. Park to be postmaster at Alden, Mich., in place of E. M. Park. Incumbent's commission expires December 9, 1928.

George W. Paton to be postmaster at Almont, Mich., in place of G. W. Paton. Incumbent's commission expires December 9, 1928.

June L. Oliver to be postmaster at Beaverton, Mich., in place of J. L. Oliver. Incumbent's commission expires December 9, 1928.

Euphemia Hunter to be postmaster at Cass City, Mich., in place of Euphemia Hunter. Incumbent's commission expires December 9, 1928.

Alpheus P. Decker to be postmaster at Deckerville, Mich., in place of A. P. Decker. Incumbent's commission expires December 9, 1928.

Willard A. Hilliker to be postmaster at Dryden, Mich., in place of W. A. Hilliker. Incumbent's commission expires December 9, 1928.

John Anderson to be postmaster at Gwinn, Mich., in place of John Anderson. Incumbent's commission expires December 9, 1928.

Edwin W. Klump to be postmaster at Harbor Beach, Mich., in place of E. W. Klump. Incumbent's commission expires December 9, 1928.

Herbert E. Gunn to be postmaster at Holt, Mich., in place of H. E. Gunn. Incumbent's commission expires December 9, 1928.

Norman E. Weston to be postmaster at Kent City, Mich., in place of N. E. Weston. Incumbent's commission expires December 9, 1928.

Ernest L. Storbeck to be postmaster at Kinde, Mich., in place of E. L. Storbeck. Incumbent's commission expires December 9, 1928.

David J. Doherty to be postmaster at Marlette, Mich., in place of D. J. Doherty. Incumbent's commission expires December 9, 1928.

Noel H. Allen to be postmaster at Maple Rapids, Mich., in place of N. H. Allen. Incumbent's commission expires December 9, 1928.

Grace L. Riker to be postmaster at Millington, Mich., in place of W. C. Garvin, deceased.

Clinton E. Aukerman to be postmaster at Montgomery, Mich., in place of C. E. Aukerman. Incumbent's commission expires December 9, 1928.

M. Adele Zinger to be postmaster at Ruth, Mich., in place of M. A. Zinger. Incumbent's commission expires December 9, 1928.

Fred Alford, sr., to be postmaster at Vulcan, Mich., in place of Fred Alford, sr. Incumbent's commission expires December 9, 1928.

Willa A. Ruggles to be postmaster at Whitehall, Mich., in place of W. A. Ruggles. Incumbent's commission expires December 9, 1928.

MINNESOTA

Anna C. Dallaire to be postmaster at Ah-gwah-ching, Minn., in place of P. M. Hall, deceased.

Edward C. Ellertson to be postmaster at Gully, Minn., in place of E. C. Ellertson. Incumbent's commission expires December 9, 1928.

Walter E. Johnson to be postmaster at New Richland, Minn., in place of W. E. Johnson. Incumbent's commission expired December 19, 1927.

Emil Rasmussen to be postmaster at Sleepy Eye, Minn., in place of Emil Rasmussen. Incumbent's commission expires December 9, 1928.

Carrie B. Quinn to be postmaster at Wells, Minn., in place of C. B. Quinn. Incumbent's commission expires December 9, 1928.

MISSOURI

George C. Blackwell to be postmaster at Breckenridge, Mo., in place of G. C. Blackwell, deceased.

NEW JERSEY

George W. Karge to be postmaster at Franklinville, N. J. Office became presidential July 1, 1928.

Marie M. Giroud to be postmaster at Sewaren, N. J., in place of T. F. Zettlemoyer, deceased.

NEW YORK

Irving S. Sears to be postmaster at Hamilton, N. Y., in place of L. C. Beebe, resigned.

Charles F. Brandt to be postmaster at Liverpool, N. Y., in place of H. E. Sargent, removed.

Albert N. Cobb to be postmaster at Norwich, N. Y., in place of W. A. Baldwin, removed.

NORTH CAROLINA

Ella N. Painter to be postmaster at Cullowhee, N. C., in place of E. N. Painter. Incumbent's commission expires December 9, 1928.

Frances K. Thagard to be postmaster at Pembroke, N. C., in place of F. K. Thagard. Incumbent's commission expires December 9, 1928.

NORTH DAKOTA

Lena L. Hintz to be postmaster at Dunn Center, N. Dak., in place of L. L. Hintz. Incumbent's commission expired June 15, 1926.

OHIO

Maurice M. Murray to be postmaster at Bluffton, Ohio, in place of M. M. Murray. Incumbent's commission expires December 10, 1928.

John W. Keel to be postmaster at Bolivar, Ohio, in place of J. W. Keel. Incumbent's commission expires December 10, 1928.

William H. Fellmeth to be postmaster at Canal Fulton, Ohio, in place of W. H. Fellmeth. Incumbent's commission expires December 10, 1928.

Albert A. Sticksel to be postmaster at Newtown, Ohio, in place of A. A. Sticksel. Incumbent's commission expires December 10, 1928.

Glenn B. Rodgers to be postmaster at Washington Court House, Ohio, in place of G. B. Rodgers. Incumbent's commission expires December 10, 1928.

OREGON

Amy L. Morand to be postmaster at Boring, Oreg., in place of W. A. Morand, resigned.

George C. Peterson to be postmaster at Bay City, Oreg., in place of G. C. Peterson. Incumbent's commission expires December 9, 1928.

Albert N. Johnson to be postmaster at Estacada, Oreg., in place of A. N. Johnson. Incumbent's commission expires December 9, 1928.

Emma M. C. Breshears to be postmaster at Lexington, Oreg., in place of E. M. C. Breshears. Incumbent's commission expires December 9, 1928.

Sadie B. Jones to be postmaster at Oakridge, Oreg., in place of S. B. Jones. Incumbent's commission expires December 9, 1928.

Erle N. Hurd to be postmaster at Seaside, Oreg., in place of E. N. Hurd. Incumbent's commission expires December 9, 1928.

Eva M. Stewart to be postmaster at Westfir, Oreg. Office became presidential July 1, 1928.

Mary F. Melvin to be postmaster at West Linn, Oreg., in place of M. F. Melvin. Incumbent's commission expires December 9, 1928.

Arthur W. Hodgman to be postmaster at Westport, Oreg., in place of O. O. Follo, removed.

PENNSYLVANIA

Sara A. Conrath to be postmaster at Dixonville, Pa., in place of S. A. Conrath. Incumbent's commission expires December 10, 1928.

David M. Gilbert to be postmaster at Hellam, Pa., in place of D. M. Gilbert. Incumbent's commission expired June 6, 1928.

James Matchette to be postmaster at Hokendauqua, Pa., in place of James Matchette. Incumbent's commission expires December 9, 1928.

Mearl W. Smith to be postmaster at Wehrum, Pa., in place of A. E. Chick, deceased.

Charles B. Rothenberger to be postmaster at West Leesport, Pa. Office became presidential July 1, 1928.

PORTO RICO

Leonor G. Rodriguez to be postmaster at Guayanilla, P. R., in place of L. G. Rodriguez. Incumbent's commission expires December 10, 1928.

Arturo G. Molina to be postmaster at Juncos, P. R., in place of A. G. Molina. Incumbent's commission expires December 10, 1928.

Teodoro M. Lopez to be postmaster at Vega Baja, P. R., in place of T. M. Lopez. Incumbent's commission expires December 10, 1928.

SOUTH CAROLINA

Melvin L. Sipe to be postmaster at Fountain Inn, S. C., in place of M. L. Sipe. Incumbent's commission expires December 10, 1928.

Albert H. Askins to be postmaster at Timmonsville, S. C., in place of A. H. Askins. Incumbent's commission expires December 9, 1928.

Jasper E. Watson to be postmaster at Travellers Rest, S. C., in place of J. E. Watson. Incumbent's commission expires December 10, 1928.

James J. Vernon, jr., to be postmaster at Wellford, S. C., in place of J. J. Vernon, jr. Incumbent's commission expires December 10, 1928.

TENNESSEE

Hattie B. Huskins to be postmaster at Petros, Tenn. Office became presidential July 1, 1928.

TEXAS

Jefferson F. House to be postmaster at Bridgeport, Tex., in place of J. F. House. Incumbent's commission expires December 10, 1928.

Ralph B. Martin to be postmaster at Camden, Tex., in place of R. B. Martin. Incumbent's commission expires December 10, 1928.

Dewitt T. Cook to be postmaster at Centerville, Tex., in place of D. T. Cook. Incumbent's commission expires December 10, 1928.

John W. Claiborne to be postmaster at Charlotte, Tex., in place of J. W. Claiborne. Incumbent's commission expires December 10, 1928.

William R. Dickens to be postmaster at Eden, Tex., in place of W. R. Dickens. Incumbent's commission expires December 10, 1928.

William E. Barron to be postmaster at Iola, Tex., in place of W. E. Barron. Incumbent's commission expires December 10, 1928.

Edmund A. Giese to be postmaster at Lagrange, Tex., in place of E. A. Giese. Incumbent's commission expires December 10, 1928.

John L. Vaughan to be postmaster at Lubbock, Tex., in place of J. L. Vaughan. Incumbent's commission expires December 10, 1928.

Henry O. Wilson to be postmaster at Marshall, Tex., in place of H. O. Wilson. Incumbent's commission expires December 10, 1928.

Marion Zercher to be postmaster at Mount Vernon, Tex., in place of Marion Zercher. Incumbent's commission expires December 10, 1928.

John R. Ware to be postmaster at Nederland, Tex., in place of J. R. Ware. Incumbent's commission expires December 10, 1928.

Millard H. Edwards to be postmaster at Nixon, Tex., in place of M. H. Edwards. Incumbent's commission expires December 10, 1928.

Robert L. Mobley to be postmaster at Santa Anna, Tex., in place of R. L. Mobley. Incumbent's commission expires December 10, 1928.

Pearl B. Monke to be postmaster at Weinert, Tex., in place of P. B. Monke. Incumbent's commission expires December 10, 1928.

Hugh F. Skelton to be postmaster at Wylie, Tex., in place of H. F. Skelton. Incumbent's commission expires December 10, 1928.

WASHINGTON

John F. Moyer to be postmaster at College Place, Wash., in place of J. F. Moyer. Incumbent's commission expired February 13, 1928.

Thurston B. Stidham to be postmaster at Doty, Wash., in place of T. B. Stidham. Incumbent's commission expires December 9, 1928.

William C. Hubbard to be postmaster at Klickitat, Wash., in place of W. C. Hubbard. Incumbent's commission expires December 9, 1928.

WISCONSIN

Marion L. Lundmark to be postmaster at Balsam Lake, Wis., in place of J. E. Lundmark, deceased.

WYOMING

John G. Bruce to be postmaster at Lander, Wyo., in place of J. G. Bruce. Incumbent's commission expires December 9, 1928.

HOUSE OF REPRESENTATIVES

THURSDAY, *December 6, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our Heavenly Father, if we have taken our daily bread and it brought us no message; if we have enjoyed a night's rest and we are not grateful; if we have received encouraging news and we are not more hallowed; if we have had enjoyment and have failed to see Thee, O Lord, forgive us and open our eyes now. Make of these blessings a glorious ministry and send us on our way and make it glow with Thy presence. Oh, may we see Thee in the creation, preservation, and in the redemption of the great, wide world. May we know Thee in the nearness and sanctity of true friendship. The power of God is on the side of him who battles for truth's sake. Glory be to Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 102. Joint resolution authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States; to the Committee on the Library.

S. J. Res. 139. Joint resolution for the relief of the Iowa Tribe of Indians; to the Committee on Indian Affairs.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following communication, which was read by the Clerk:

DECEMBER 1, 1928.

Hon. NICHOLAS LONGWORTH,

Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby give notification of my resignation as a Member of the House of Representatives, to take effect as of December 15, 1928. This resignation has already been lodged with the Governor of the State of Ohio.

Very respectfully yours,

THEODORE E. BURTON.

DEATH OF THE LATE REPRESENTATIVES GEORGE M. WERTZ AND WARREN WORTH BAILEY, OF PENNSYLVANIA

Mr. LEECH. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LEECH. Mr. Speaker, it is my regret to announce the death during the recent recess of the Hon. George M. Wertz and the Hon. Warren Worth Bailey, both of Johnstown, Pa., the two remaining ex-Members of this House from the twentieth district of Pennsylvania, the district which it is my honor to represent.

Mr. Wertz, a Member of the Sixty-eighth Congress, who died November 19, 1928, was a life-long Republican of the old school. He was a consistent friend and supporter of the late Senator Penrose, whose confidence he held during the lifetime of that great Republican leader. Mr. Wertz was successively sheriff,

State senator, county controller, and Congressman from Cambria County, which now composes the twentieth district of Pennsylvania. His outstanding ability and leadership were indicated by the fact that he became president pro tempore of the Senate of Pennsylvania during his first term in that body. Senator Wertz was honest, absolutely fearless, outspoken, and brilliant in his mental attainments as well as his political leadership. His passing marks the close of an epoch in politics in the district, a period that was graced by leadership of several types of men, but none who had the deserved respect of our county to a more marked degree than my friend, George M. Wertz.

Warren Worth Bailey died November 9, 1928. Mr. Bailey served in the Sixty-third and Sixty-fourth Congresses and was the first Democrat ever to represent that district. He was as consistent a Democrat as Mr. Wertz was a Republican. He was a real Democrat to the end, never having relinquished the position of free trade his party early accepted, and was also an apostle of Henry George in his single-tax adherence. Mr. Bailey was a brilliant journalist, as evidence of which statement he brought the Johnstown Democrat from a minor position as a mere local newspaper to a place where it attracted national attention by reason of the strength, clarity, and sincere conviction of the editorials written by its editor and owner, Mr. Bailey.

Mr. Bailey was honest and fearless in his policies and had the respect of our people to such a marked degree that while his district is normally Republican he was twice elected to represent it in this body, where he gave a very creditable account of himself and his district. As the death of Senator Wertz marks the close of a political epoch in our Republican politics, so the death of Mr. Bailey ends a definite period in the Democratic circles of our county. His place politically and journalistically will not soon be filled.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and pending that I ask unanimous consent that the time for general debate be equally divided between the gentleman from Tennessee [Mr. BYRNS] and myself and that the time limit be not fixed at the present time.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14801; and pending that, asks unanimous consent that for to-day the time for general debate be equally divided between himself and the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

There was no objection.

The motion of Mr. WOOD was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The CHAIRMAN. Under unanimous consent the time for general debate is equally divided between the gentleman from Indiana [Mr. WOOD], and the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Chairman, with the consent of the gentleman from Indiana, I yield five minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS of Florida. Mr. Chairman, and my colleagues, I am being flooded with memorials asking Congress to give relief to make floods in Florida impossible. I have just written to the State engineer of the drainage district calling attention to the fact that Senator FLETCHER, in a general bill last year secured a survey of the Everglades, Senator TRAMMELL also secured relief, and my colleague, Congressman DRANE, was successful in securing the passage of a bill which would make further floods impossible.

In the river and harbor bill now on the calendar, and which I sincerely trust we will pass, there is partial relief, but it will not give Florida all the relief that we are entitled to. I wrote him that I did not believe the governor and other State officials of our State desired to place the Florida delegation in an improper light before the public by stating we had done nothing and that we had worked in season and out of season for relief. I repeat that through the courtesy of the Speaker we were able to pass the bill that I have already referred to. I want to thank our able Speaker for the courtesy and assistance he extended to my colleague [Mr. DRANE] and myself. In 1925 my colleague [Mr. DRANE] introduced a special bill, but no relief could be secured on that bill, and in 1926 there was a flood that cost the loss of lives of two or three hundred people.

We then secured the passage of this bill in 1927. In 1928 more than 2,000 people in that area lost their lives, and many of them were northern people. Over the long-distance telephone to-day one of my good Republican friends wanted to know whether I would work for relief down there. I told him that I had been working for relief and that I would continue to do so.

I have just introduced a bill asking for other and further relief in that flooded section in order that more lives may not be lost and that no more property may be destroyed because of those conditions. This is a companion bill to the one introduced yesterday by Senator FLETCHER. Unless this Congress passes this bill or some bill giving to the people relief where more than 2,000 have already lost their lives, if another flood should occur and other lives be lost, then at my door and at your door will rest the responsibility. But my colleagues have been kind to me in the past, and I believe they will grant the relief to which we are entitled. [Applause.]

Mr. WOOD. Mr. Chairman, I yield 25 minutes to the gentleman from Michigan [Mr. CRAMTON].

DENATURANTS IN INDUSTRIAL ALCOHOL

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD by inserting therein certain letters which I have in mind to read in part and discuss.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting therein certain letters to which he refers. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, at the last session there was prominently before the Congress the question as to the proper denaturants to be used in industrial alcohol. That question does not have any necessary connection with the question of prohibition except as it at that time seemed to be brought in through some desire, perhaps, to embarrass law enforcement.

The question of the use of industrial alcohol and the question as to the proper denaturants to be used in such alcohol do not necessarily have anything to do with the question of prohibition, and in my judgment it is highly regrettable that the two questions should have been tied together. As a matter of fact, great industries are building up which need to use industrial alcohol in their processes of manufacture. Those industries would be greatly endangered if any such action were to be taken by the Government as was urged in this House in the last session in the Linthicum amendment proposed to the Treasury appropriation bill. A great deal of confusion results in the minds of the public, and sometimes in the minds of the Members of this House, through loose talk about "poison alcohol," and so forth. The impression is left that this is something that is simply a result of prohibition, and that the policy of prohibition is responsible for it. That is not true. Industrial alcohol existed before we had any national prohibition.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Mr. Chairman, I prefer not to yield until I have finished my statement, if the gentleman will pardon me. The same denaturants were used at that time that are used now. Many nations to-day that have not prohibition and do not dream of having prohibition treat their industrial alcohol substantially as we do.

The particular purpose of my rising to-day has been to bring to the attention of the House the best statement that has been made from the scientific or from the industrial point of view with respect to this question, and in that view I am only echoing the view of Doctor Doran, the eminent chemist and Commissioner of Prohibition, who says that the letter to which I am about to refer—

is the best presentation of the legal and scientific background of the denatured alcohol act as at present administered that I have ever seen.

The letter of Doctor Doran in full reads as follows:

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
OFFICE OF COMMISSIONER OF PROHIBITION,
Washington, November 1, 1928.

Mr. H. S. CHATFIELD,
101 Maiden Lane, New York City.

DEAR MR. CHATFIELD: I desire to acknowledge your letter of October 26, 1928, inclosing copy of letter of Mr. Stayton and your reply thereto

on the general subject of denaturants and the administration of the industrial alcohol provisions of the act of June 7, 1906, and the pertinent sections of the national prohibition act, particularly Title III.

In my judgment your reply is the best presentation of the legal and scientific background of the denatured alcohol act as at present administered that I have ever seen. This letter should clear the atmosphere and set the whole situation out where a thoughtful person can clearly see the picture. I appreciate your willingness to permit me to mimeograph these letters for a limited distribution to persons who are intimately concerned with the present situation. You have rendered a real service to the Bureau of Prohibition in this matter.

With kindest regards, I am

Very sincerely yours,

J. M. DORAN,
Commissioner of Prohibition.

Recently, Capt. W. H. Stayton, chairman of the board of directors of the Association against the Prohibition Amendment, addressed the following letter, under date of September 25, 1928, to Mr. H. S. Chatfield, who is chairman of the industrial alcohol committee of the National Paint, Oil, and Varnish Association.

THE ASSOCIATION AGAINST THE PROHIBITION AMENDMENT,
Washington, D. C., September 25, 1928.

W. H. Stayton, chairman board of directors; Henry H. Curran, president; Charles H. Sabin, treasurer; G. C. Hinckley, secretary; office chairman board of directors, Lexington Building, Baltimore, Md. Executive committee: Pierre S. du Pont, chairman; Benedict Crowell, Henry H. Curran, Irenee du Pont, Grayson M. P. Murphy, Charles H. Sabin, W. H. Stayton

H. S. CHATFIELD, Esq.,
101 Maiden Lane, New York, N. Y.

DEAR MR. CHATFIELD: I have your letter of September 20, and in order to keep Major Curran informed, I am following your example and sending him a copy of this letter.

I do not know Major Curran's feeling concerning the poison alcohol matter and it may well be that the details of the situation have not been brought before him.

I feel that there is some necessity for explaining a bit, for although you and I ought to be in complete accord on this matter, I find that we are at present in real opposition, and I believe that is because we are not talking about exactly the same thing, and that each of us perhaps has a misapprehension as to the position of the other.

Broadly speaking, it has always seemed to me to be true that the users of industrial alcohol should be in accord with such action as we have taken concerning what has become known as poison alcohol, and wherever I have had an opportunity to talk to the users (as for example, the officers of the Du Pont Co.) I have found after a few words of explanation, there was complete unanimity.

Therefore, I am going to take the liberty of laying the situation before you as I see it and I will be grateful for your reply commenting on the points I raise.

1. Those provisions of the Volstead Act which apply to industrial alcohol are unconstitutional and result from usurpation on the part of Congress. Obviously Congress had some power, industrial or otherwise, over alcohol before the passage of the eighteenth amendment, but such power as Congress then possessed was derived chiefly from the commerce clause of the Constitution which gave to Congress no power over alcohol, either industrial or denatured, within the border of a State or when used in intrastate commerce.

Then came the eighteenth amendment, which, if one believes in its constitutionality, must be conceded to give to Congress power (even in interstate matters) over alcohol "for beverage purposes"—and for beverage purposes only.

Now, industrial alcohol is not maintained for beverage purposes, and although it is really being used now as a beverage—that is, in my opinion, merely because of improprieties of the Volstead law.

My opinion, then, is that Congress was given no additional power whatever under the eighteenth amendment as to industrial alcohol, and that all of those provisions of the Volstead Act which touch industrial alcohol, and which go further than Congress had a right to go with that commodity prior to 1919, are null and void.

And I have been surprised that those associations, such as yours, which are interested in industrial alcohol, have not taken this constitutional ground.

2. You, I understand, think we should not use the term "poison liquor." I fear, however, that it is the fact that though I may sympathize with you in agreeing that this is a misnomer, yet as I see it it is a fact and not a condition which confronts us. I do not like the words "wet" and "dry." There are men in our organization who never took a drink, but who constitutionally oppose the eighteenth amendment, and yet they are described as "wet," and it would be very difficult to make one's self understood to the public if we described the word "wet."

The same is true of poison liquor. Condemn the newspapers if you will, but none the less the phrase "poison liquor" is part of the vernacular, and I do not believe that I at least could make myself so well understood to the average American crowd by the use of some circumlocution as I could if I used the vernacular (but I quite agree inaccurate) phrase "poison liquor."

3. I gather from your letter that you think we ought not to make any campaign based on the poison-liquor idea, even if we do not use the phrase. I understand you to maintain that the poisoning (if one wants to use that phrase) of alcohol in order to denature it is necessary, and that to campaign for any change in that respect is harmful to the industry. I think that is just where people have misunderstood us or that we have misunderstood you.

For myself I can say that I do not in the least object to the use of even a virulent poison in the denaturing of alcohol over which Congress has proper power, but I do object and I feel that this association ought to object to allowing that liquor after it is poisoned to get into circulation.

Please let me state the facts as I see them.

A. It is no crime to drink liquor. If the people who passed the eighteenth amendment had made it a crime, then the situation might be different, but there is no crime in drinking.

B. If, therefore, I go to a friend's house and he offers me a drink I am committing no legal offense if I accept his invitation and, however much a prohibitionist may talk about my violating the spirit of the law, he will be talking wildly. If he wanted the law to prevent my drinking, it should have been put in the law.

C. Now it is a fact—and the Government officers know it as well as you and I do—that there is much bootlegging going on and that this is carried on by ignorant people who have sometimes taken industrial alcohol, have improperly rectified it, and deaths have consequently resulted, and, as I have said, the man that took the drink might well have been innocent of violating any law.

D. Who, then, are the guilty parties? I suppose we would include the person who had stolen the poisoned alcohol, the person who had improperly rectified it, the person who sold it, and perhaps the person who bought it, but it is absolutely clear to my mind that if the Government or Government officials allowed the poisoned alcohol to sit out in the open in such fashion that it might be said to be improperly guarded, then there was negligence which resulted in death.

E. I talked to a Federal district attorney on this subject. He told me I think that in his district there were some 1,100 tanks or containers which held industrial alcohol or wood alcohol which would kill human beings. He said that ignorant men and some wicked men had access to these containers and that there were only eight men detailed by the Government to see that this poison was not taken by such men and distributed in the community.

F. He used to me this expression as nearly as I can recall it: "I have in my district 1,100 mad dogs owned by the United States Government and only eight men to guard them, and they are consequently running at large. It is the duty of the Government to stop that sort of thing, no matter how much it loses. If it is necessary to have the poisoned alcohol, then every container should be guarded by a Governmen officer or should in some way be kept there at Government expense under such conditions that it could never reach and kill an innocent person."

* * * * * * *

Therefore I have, in this matter, been of opinion that the Government should stop denaturing, not that it should put any more burdens on the manufacturer but rather that the Government should relieve the industrial establishment of all expense in the matter.

* * * * * * *

Suppose I put it this way. If I could visualize myself as being the head of the United States Government with authority to do what the law commanded and with the desire to do that which is right, I think I would say, in substance, this:

First. My Government has passed a prohibition law, and it desires that people should not drink at all.

Second. So far as that law goes, it is my duty to endeavor to stop drinking.

Third. As one of the aides in stopping drinking I must try to prevent the sale of denatured alcohol, so far as the Constitution permits me, because I know that denatured alcohol may be converted into a beverage.

Fourth. But the people that use denatured alcohol have their own rights, and I as a government have no moral right to put additional obligation on them and make them help me enforce prohibition law which I passed and not they.

Fifth. Therefore it will be my duty to leave the manufacturer free to use denatured alcohol just as if there were no prohibition restrictions whatever. I must not put him to any additional expense, and I must not put him under the restrictions which will handicap him in the performance of his work. But I must, on the other hand, see that the denatured alcohol is not converted into a beverage, and I must certainly and above all see that it does not get loose where it will poison people.

Holding the views on these points I have above mentioned, you will, I think, understand why when I was in charge of the details of

the association's program I took the course I did. If I am wrong in this, I should like to be convinced to the contrary, and I know I can assure you that both Major Curran and I are open minded in the matter and ready to be convinced of whatever is right.

Very truly yours,

W. H. STAYTON,
Chairman of the Board.

Mr. H. S. Chatfield is an outstanding figure in the world of industry that is interested in this problem. I have no reason to believe that he is afflicted with any radical sympathy for prohibition. He is interested in the industries with which his lifetime has been spent. The last issue of Who's Who in the Chemical and Drug Industries tells us that he has been in the shellac business from 1882 to date, and that he is now vice president and treasurer of the Kasebier Chatfield Shellac Co. During the war he was director in charge of the New York office of the War Trade Board. He is now chairman of the Industrial Alcohol Committee of the National Paint, Oil, and Varnish Association.

The letter from Captain Stayton to Mr. Chatfield brought from Mr. Chatfield the letter under date of October 26, 1928, which reads as follows.

The Clerk read the letter, as follows:

OFFICE OF THE CHAIRMAN OF THE
INDUSTRIAL ALCOHOL COMMITTEE,
New York, Friday, October 26, 1928.

Capt. W. H. STAYTON,
Chairman of the Board,
The Association Against the Prohibition Amendment,
Lexington Building, Baltimore, Md.

DEAR CAPTAIN STAYTON: Business conditions have been such as to prevent my replying more promptly to your letter of the 25th ultimo, the receipt of which has heretofore been acknowledged. I appreciate the consideration which you have given to the subject of our correspondence.

I can not agree with you that the provisions of the national prohibition act which apply to industrial alcohol are unconstitutional. According to my friends in the legal profession, all doubt in that regard would seem to have been settled some years ago by the Supreme Court of the United States in the case of Meyer Selzman *v.* The United States, which dealt specifically with denatured alcohol. It will be found in volume 268 of the court's decisions, at page 466.

Neither do I understand that, before the adoption of the eighteenth amendment, Congress did not have power to legislate with regard to alcohol except under the commerce clause of the Constitution. It is probably true that Congress could not then prohibit the manufacture of alcohol for beverage purposes and regulate its use in any manner after the tax payment, but under its taxing powers Congress did enact numerous laws affecting all alcohol produced in the United States, whether shipped in interstate commerce or not. Among them was the original denatured alcohol statute of June 7, 1906. I have never heard it contended that these laws relating to the revenue applied only to alcohol which crossed State borders. Many of such laws, passed years before the eighteenth amendment was adopted, are still on the books. The tax on ethyl alcohol attaches as soon as it comes into being, and freedom from it can only be had when the product is lawfully withdrawn from bond for denaturization or other tax-free purposes; and if the repeal of the eighteenth amendment were an accomplished fact tomorrow, tax-free denatured alcohol would be provided for and regulated under these various laws which have not the remotest connection with that amendment. Adequate denaturization, therefore, is primarily and essentially a part of our internal-revenue system and will so continue as long as alcohol is a taxable commodity.

If you are right in associating denatured alcohol with prohibition, one would expect that countries which do not have prohibition would also be without regulations for denaturing industrial alcohol. However, exactly the contrary is true. England has denatured industrial alcohol for over 70 years; France and Germany over 50. In fact, the United States was perhaps the last of the civilized nations of the earth to adopt this simple but essential method of supplying the arts and industries with a necessary raw material, while at the same time protecting the governmental revenue. It is also worthy of note that all these countries, without even one exception, find it advisable to use practically the same basic denaturing materials that are prescribed in our country.

It is to be regretted that you feel it necessary to use the term "poison liquor." As you state, it is inaccurate—a misnomer. The very fact that the phrase has a dramatic appeal to an uninformed public should make us all the more cautious in employing it. It conveys the impression that the Government deliberately "poisons" ethyl alcohol to enforce prohibition, whereas, as above stated, the same fundamental denaturants have been used in Europe for over half a century and in this country since January 1, 1907—long before our national prohibition act took effect.

Your suggestion to the effect that the Government should be compelled to guard every drop of denatured alcohol, so that it could not possibly be diverted to beverage purposes, presupposes, as does the entire agitation on the subject, that denatured alcohol is responsible for deaths and other injuries connected with the drinking of alcoholic liquors. A careful survey by eminent scientists, public health officials, and others has failed to support such a charge against denatured alcohol in practically every reported instance of death and injury from such drinking. In the majority of such cases the real cause has been declared to be excessive indulgence in ethyl-alcohol beverages obtained from wildcat stills and other bootleg sources; in fact, the most authoritative medical authorities have reached the conclusion that few, if any, deaths have resulted from denaturants in diverted industrial alcohol, and it has been found in some cases that denatured alcohol was popularly credited with deaths that were due to drinking pure methanol (wood alcohol), over which the Federal Government has no control.

I quite agree with you that "it is no crime to drink liquor," but everyone knows that with few exceptions no liquor is to be had which is not contraband. If one drinks such liquor, knowing its illegal character and the questionable sources from which it comes, it is for that person, in view of the repeated warnings by the Government, at least to make certain that the outlawed product is reasonably safe. Although not guilty of a crime, such an individual can not be said to be innocent in the sense of not knowing the danger. No law can wholly protect a man from his own foolhardy act.

You refer to a statement by an unnamed public official on the above subject. I speak for business men, who can certainly be trusted to know more about the disposition of their product than anybody else. We surely known within very close limits how much denatured alcohol is made and how much is used by legitimate manufacturing interests. We also realize that the bootlegger instead of going to the trouble and expense of attempting to "clean" industrial alcohol is finding it cheaper and easier to "make his own" from corn sugar and other substances obtainable at every cross-roads store. Such liquor, made hastily and with inadequate equipment, may very well be poisonous, but it has no relation to denaturants in industrial alcohol.

There seems to be a deplorable misunderstanding in your conception as to the attitude of industry toward the principle of denaturization and the denaturants employed. Please bear in mind that the denatured alcohol law of 1906 was passed at the instance of leading merchants in all lines who are compelled to use alcohol in their manufacturing processes. As one who took a prominent part in having that legislation enacted, I can assure you that it was not an easy task, since we had to overcome determined resistance on the part of those who did not understand its real import, including the "dry" forces. We can say, therefore, that the denatured alcohol law is in substance of our own making. Moreover, we watch carefully the selection of denaturants. There is not one ingredient in denatured alcohol that is not of our own choice, or, at any rate, does not have our approval. In other words, such substances are not chosen at the whim of an official in Washington, but in accordance with formulæ indorsed by chemists of the affected industries. To illustrate the cooperation in this direction which Dr. James M. Doran, the present Commissioner of Prohibition—himself an eminent chemist—extends to science and industry, I am attaching hereto a list of an industrial advisory council appointed by him for the purpose, together with the official formulary sanctioned by that group.

There are several reasons why we should not want to use tax-free pure ethyl alcohol, even if it were available. Can you, as a practical man, visualize the problem of policing our plants and of maintaining morale if we were handling enormous quantities of pure alcohol that could be diverted "as is" to beverage use? In order to prevent lawlessness a Government guard would have to be placed on every mixing tank and our commercial operations would otherwise be hampered to an extent that is unthinkable. As a matter of fact, our processes require those very ingredients that you condemn. These materials are selected, not out of regard for the human stomach, for which they are not intended, but for the reason that they are best suited for the purpose of producing paints, varnishes, and the innumerable other articles of everyday use which can hardly be thought of in connection with beverages. If such materials should be selected from the point of view that you suggest it would result in destroying long-established formulas and generally bring about demoralization in lawful trade circles. That this danger is not chimerical is shown by the serious alarm expressed by all industries that use denatured alcohol. Since this agitation arose great scientific and commercial bodies, such as the National Paint, Oil, and Varnish Association and the American Chemical Society, have made their position altogether clear in support of the Government's policy regarding enforcement of the tax-free denatured alcohol law. Succinctly stated, they are not exercised because the Government requires effective denaturation. That is done in accordance with their own wishes. Their real concern is based on the attempt to hook up denaturization and prohibition. The former is entirely an industrial manufacturing proposition—the latter a great social question. Any attempt to solve the problems of one in terms of the other can not be seriously considered.

Summed up, the scientific and commercial interests with which I am in contact—and they cover all fields—are entirely out of sympathy with the attitude of your association in the above behalf, for the reason that it reflects upon the integrity of a tax-free denatured

alcohol law which was enacted more than two decades ago after years of continuous effort. Perhaps the best presentation of their view is found in the report of the committee on legislation of the National Wholesale Druggists' Association which was unanimously adopted at the annual convention of that organization in Atlanta, Ga., October 1 to 4, 1928:

"It is an astonishing fact that after 20 years of steady progress in the development of the Government's free industrial alcohol policy—a policy which was not adopted until it had been successfully tested in England, France, Germany, and other European countries—attempts should be made in Congress to render this policy ineffective by the imposition of absurd restrictions upon the agents to be employed by the Treasury Department for the purpose of denaturing industrial spirits. A number of bills, notably the Edwards measure, forbidding the use of any poisons or deleterious substances in the denaturation of alcohol, have been presented in both houses, and it is an extraordinary fact that the sponsors of these propositions have been men who heretofore manifested a laudable disposition to protect the legitimate alcohol trades against fanatical attacks. Chiefly for partisan political advantage, a contingent of so-called wets brought forward the slogan—'Take the poison out of denatured alcohol'—and not only endeavored to secure the passage of special measures to this end, but also sought to attach riders to appropriation bills prohibiting the expenditure of any part of the funds allocated to prohibition enforcement in the authorization of any alcohol formula in which a substance 'deleterious to health' should be employed. It goes without saying that to secure the best results and to protect the Government in the enforcement of the policy of the prohibition of the manufacture, sale, and use of all alcoholic beverages, many substances deleterious to health must be employed in some of the 75 formulæ necessary to meet the requirements of the countless industries which employ alcohol as a raw material.

"The allied trades are to be congratulated heartily upon the fact that the congressional leaders have had their eyes opened to the fallacies underlying these attacks on industrial alcohol and that the interested trades have not been required to waste time in attending futile hearings on these ill-advised measures."

A copy of this letter is being sent to Major Curran.

Yours very truly,

H. S. CHATFIELD,
Chairman Industrial Alcohol Committee
National Paint, Oil, and Varnish Association.

Mr. CRAMTON. Mr. Chairman, I am satisfied that any Member of the House who will read the Chatfield letter will be convinced that such action as was proposed in the Linthicum amendment to the Treasury bill last year would be an unnecessary and unwarranted interference with legitimate industry and would be destructive in high degree to great industries in this country and would throw out of employment thousands of men in the very cities represented by those gentlemen who supported that amendment.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I yield now to the gentleman from New York.

Mr. KINDRED. Mr. Chairman, I very highly appreciate the gentleman's great courtesy in yielding to me at this time. I wish to assure the gentleman and the Members of the House who are interested in this question from a purely medical standpoint that I am not asking questions or approaching the subject from the viewpoint of political partisanship, and to make my assurance doubly sure in that respect I will say that I was not a candidate for reelection to Congress in the last election, and that the presidential and congressional elections are recently over.

Mr. CRAMTON. Permit me to say to the gentleman that our acquaintance with him makes it quite unnecessary for him to give the first assurance and that we regret that the second has come to pass.

Mr. KINDRED. I appreciate very highly the gentleman's kind remarks. Now to get to the point which is in my mind. I do not know that I would vote for the amendment suggested by my friend and colleague [Mr. LINTHICUM] of Maryland, but I favor the objects to be accomplished in denaturing industrial alcohol which the gentleman from Michigan favors, and which Doctor Doran, head of the enforcement department of prohibition of the prohibition law, favors, but there can be brought about a denaturing and the saving of thousands of lives, and I do not wish to make an extravagant statement in this respect. It is impossible to estimate the number of foolhardy people referred to in the letter just read, but notwithstanding that we as physicians know that we have been called upon in many and many a sad case and know that many men and women——

Mr. CRAMTON. May I ask that the gentleman shall propound his question. I do not want to take——

Mr. KINDRED. I am coming to it right now. The point is that industrial alcohol can be denatured by a substance so oderiferous, so repugnant to taste and smell, and which does not and which will not kill poor foolhardy people who will drink denatured alcohol and——

Mr. CRAMTON. Allow me to make a suggestion—I can not yield for a speech, I will for a question. I would like to make this observation, however: If the gentleman and those who agree with him——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask for one additional minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KINDRED. The question is——

Mr. CRAMTON. I will have to complete this statement and then I will yield for a question. I suggest that if the gentleman and those who agree with him that it is possible to do this thing differently go to the industries that are affected and who say they would be largely hampered by such a proposition, and if they can gain an agreement with those industries on the subject, then come to Congress and they will not have much trouble.

Mr. KINDRED. Allow me to complete my question. Will the gentleman agree——

Mr. CRAMTON. If the gentleman will allow me time to answer.

Mr. KINDRED. That he would give his influence, and it is very great, and properly so, to recommend that a commission composed of eminent, scientific, unbiased men, not connected with the Government, suggest something in the line of decomposed animal or vegetable substance to be placed in alcohol which will not kill——

Mr. CRAMTON. The letter I have had read comes from a source of the greatest technical ability entirely experienced with the subject, entirely disassociated from any prohibition department of the Government or any other contact with the Government.

Mr. KINDRED. Will the gentleman agree to an unbiased opinion of that kind?

Mr. CRAMTON. I have already put it in the RECORD.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, it is not my intention to discuss the details of the pending appropriation bill. The gentleman from Indiana [Mr. WOOD], who has charge of the bill, will later on take up the matter in detail and explain the various provisions of the bill. I may later on, and probably will, have something to say relative to certain appropriations when the bill is read for amendment. I want to take the time at my disposal for the purpose of calling attention to a matter relative to the administration of the services of the Government which I think is particularly important at this time.

The estimates so far submitted for the fiscal year 1930 amount to $4,417,369,904.67. This is an increase of $95,220,992.61 over the appropriations which were made at the last session for the fiscal year 1929. It is very certain that these 1930 estimates will be considerably increased. Your committee has been advised that there will be additional supplemental estimates for a number of items, including approximately $12,000,000 for public buildings. The Budget reduced the estimates for tax refunds $15,000,000 below the amount which will actually be required for 1930, with the statement that this sum can be made up at the next session. This is a practice which should not prevail. Whether so intended or not, it is calculated to mislead the people as to the amount of money which is being appropriated. The original or first estimates are given the widest publicity. Supplemental estimates receive little attention. When it is known, therefore, just what sums will be needed during the coming fiscal year there is no justification for holding them back to a later date.

The total cost of Federal, State, and municipal governments approximate $11,000,000,000. The earnings of all the American people last year amounted to over $90,000,000,000. Therefore, about one-eighth of our income is spent for taxes; or, figuring it another way, for every dollar earned in this country about 12 cents is required for taxes. There is no question but that the constantly increasing cost of government is one of the very serious problems with which our Government must deal. Federal appropriations and expenditures are rapidly increasing each year. As a matter of fact, the expenses of every department have increased to a considerable extent every year except one since the fiscal year 1924. The estimated expenditures for the fiscal year 1930 are $4,525,719,647, which includes postal

expenditures. This is $433,820,172.16 more than the expenditures for the fiscal year 1924, and that, too, notwithstanding the fact that more than $300,000,000 less will be required for interest on the public debt. In addition to this there are now on the statute books authorizations amounting to more than $1,000,000,000 for which appropriations will be required within the next few years, and these authorizations will undoubtedly be greatly increased during the present session. Our National Government is already expending vastly more than was ever expended in peace time, and unless some way is found to check or curb these expenditures they will very soon amount to $5,000,000,000 per annum.

And I may say that it may well be questioned whether in the interest of real economy the appropriations for 1930 should not be greatly increased, particularly for public buildings and for flood control. Congress has authorized $265,000,000 for the erection of public buildings here in Washington and elsewhere in the country, and $325,000,000 for the control of the Mississippi floods. Of course, under the bill that was passed by Congress, it is expected to be a continuing program of several years. But I seriously question the economy, after Congress has determined to make the expenditure, of appropriating by piecemeal the amount necessary to complete the work in hand. Public buildings are constructed by contract in various parts of the country. The idea of putting up these buildings is not only to afford convenience to the people who use the mails and to provide facilities for the meetings of our courts, but also to save rent; and since these appropriations will ultimately be made it may well be said that it would result in economy if Congress would go further and make sufficient appropriations and complete these buildings at the earliest possible moment on 3½ or 4 per cent money, rather than continue for a series of years to pay rent amounting to 15, or it may be 20, per cent to the landlords over the country.

The same is true of flood control. We appropriated last year $15,000,000. My recollection is that the Budget calls for $30,000,000 for 1930. Of course, under that program it will take several years to expend the $325,000,000 authorized. This work is being done up and down the Mississippi River by contract, and, even though the Chief of Engineers may say that he has all the money that he can expend, we all well know that since the work is being done by contract, contracts could be let up and down the Mississippi River and the work carried on and completed at an earlier date than is now contemplated. Of course, if no floods occur, it is all right; but we are taking the chance of other floods occurring and hundreds of millions of dollars and thousands of lives lost pending this completion of the program of flood control.

Of course, this would greatly increase the amount carried, and that may have influenced the administration in its estimates, but no one, it seems to me, can deny that it would be good business to complete this work at the earliest time possible, since Congress has determined that this work must be done. As in the case of rivers and harbors, the Government has lost, and is losing, vast sums of money by this piecemeal method of making appropriations for work already determined upon.

Undoubtedly many of these increases are entirely justified. Our Government must and should continue to make adequate and liberal provision for those who have served their country in war. It must continue to safeguard the public health to the fullest extent possible. It must continue to aid in the construction of good roads. It must protect American lives and property at home and abroad. It should provide adequate national defense until an international agreement for disarmament is entered into and which will be carried in good faith by all the contracting nations. What, then, it may be asked, can be done to relieve the taxpayers without impairing the efficiency of the Government or a wise and progressive administration of its affairs?

Waiving the importance of a searching scrutiny of expenditures and the elimination of such expenditures as may be desirable but which are not of vital importance, I think it is clear to those who have studied the present financial operations of our Government that much could be accomplished by coordinating many functions of the various departments, eliminating numerous and expensive duplications, abolishing unnecessary commissions and independent bureaus, and consolidating and combining many of the necessary activities under the responsible head of some one department. This would save a very large overhead in the way of salaries and other expenses and at the same time promote more efficient administration. It has been urged for a number of years without result, and the necessity of such action was sharply drawn to the attention of the public in the recent presidential campaign when the Democratic candidate called attention to these unnecessary expenditures and in the event of his election pledged himself to their elimination in the interest of economy and greater efficiency in government.

During the war many additional commissions and bureaus were created. It was expected that most if not all of them would be abolished at the conclusion of the war. On the contrary, at every session since then new commissions have been created. It seems to be the habit, whenever a troublesome or debatable question is raised, to promise the appointment of a commission to look into it and make a report. These commissions are constantly seeking to extend their powers. They always cost a lot of money, and very few have ever justified their creation. It is not unfair to say that duplications exist in nearly all of the departments. What justification can there be for having air services in four different departments and under four different Secretaries? Why have three commissioners in the United States Compensation Commission at $9,000 per annum, with highly paid secretaries and other resulting overhead expenditures, when the work could be as well and possibly better performed under some bureau chief at a smaller salary and with a less number of employees in some one of the departments of the Government? Why should two bureaus administer the pension laws enacted for the benefit of veterans of our various wars, when all the work could be performed by the Veterans' Bureau, which has hospitals and surgeons at its command and could thus save considerable overhead in salaries and medical and traveling expenses? Why have chemical and other divisions in one department performing work similar to that being done in other departments? Why create a new commission every time new activities are undertaken? There are quite a number of boundary commissions established under treaties with big salaries for the commissioners and large clerical forces and very little to do during the year. Why could not the work of these commissions be established under one commission? Why should not the Bureau of Vocational Education be put under the Bureau of Education in the Interior Department?

I may say that for a number of years, as you gentlemen well know, there has been agitation as to alleged duplication of duties by the consular service and the commercial agents of the Government abroad. I would not do anything to interfere with the splendid work being done by the Department of State and by the Bureau of Foreign and Domestic Commerce abroad, but I wonder if some plan could not be worked out that would bring a coordination of the work now performed by the Consular Service and these representatives of the Department of Commerce, for undoubtedly that work is duplicated in many instances.

These questions could be multiplied. There may be a good reason for the maintenance of some of them but a careful survey should be made in order to determine that fact. Certain it is that a reorganization and consolidation of them could be made at a great saving to the taxpayers, and I believe, at the same time, promote greater efficiency of Government.

There are approximately 55 independent bureaus and commissions. Most of them could be abolished and their functions performed by departments. Of course, that would mean the elimination of many fat jobs but that should not deter those who are interested in serving the taxpayers.

There has been no effective reorganization since the World War. The necessity for such reorganization was recognized by everyone at the beginning of Mr. Harding's administration. Congress created a joint committee of the Senate and House to make a survey and report a plan of reorganization. It is a matter with which Congress should deal because legislation created these agencies and legislation will be required to abolish or consolidate them. Subsequently the President insisted that he should be allowed to appoint the chairman of the joint committee, and Congress reluctantly permitted this to be done and he appointed a citizen of Ohio at a salary of $7,500 per annum. We thus had the anomaly of an appointee of the President serving as chairman of a joint committee of Congress.

I do not think it too much to say that the chairman of that joint committee really controlled the investigation that was made, and to that fact may be due in some measure the total failure of anything being done. Although much time was consumed and at considerable expense, nothing was accomplished save a report to Congress which was not even considered, and this, too, notwithstanding the assertion of Mr. REAVIS, a distinguished member of the committee, that a real, effective reorganization would have resulted in a saving of $300,000,000 per annum. There has been nothing done since then save a transfer of the Patent Bureau and the Bureau of Mines from the Interior Department to the Department of Commerce. These two bureaus are now costing over $1,000,000 more than they were costing at the time of the transfer.

I have introduced a joint resolution providing for a joint committee of the Senate and the House to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of the administrative services of the Government and report to Congress, together with its recommendations, and to prepare and submit bills and resolutions having for their purpose the coordination of Government functions and their most effiicent economical conduct. It is similar in text to the resolution which was adopted at the beginning of Mr. Harding's administration. I hope that some such resolution will be adopted at this session of Congress. This is not a partisan question and I am sure that I can pledge to the Republican majority in the Congress the cordial cooperation and support of every Democratic Member in any effort that may be made to bring about such reorganization as will promote greater efficiency and economy in the administration of our Nation's business.

And I may say that now, it seems to me, is the most important and really necessary time to take this up. The President elect enjoys a very wide reputation throughout the country as a great organizer and splendid business man, and I can not believe but that he would heartily approve any efforts that might be made by Congress along this line. It seems to me now that within three months from the time he takes control of the administration of the affairs of our Government Congress should by some such method as I have outlined secure the facts by a careful survey and pass the necessary legislation to save the great amount of money that I am confident can be saved in the expenditures made by the Government and at the same time bring about a better administration and greater efficiency in the conduct of the Government.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Certainly.

Mr. ARENTZ. Has the gentleman given any thought to the remarks or statement made by the President relative to a coordination of the legal employees in the several departments under one head?

Mr. BYRNS. The gentleman means in the President's message the other day?

Mr. ARENTZ. Yes; in the President's message.

Mr. BYRNS. Yes. I noted that the President recommended something along that line. He also referred, as the gentleman will recall, to the possible consolidation or coordination of these bureaus having to do with payment of pensions to the veterans of our wars.

The remarks I have made are along that line. Of course, I think we ought to go further than the President suggested in his message. I think we ought to take up the whole administrative service of the Government in all of its departments and abolish many of these commissions and bureaus, and I have only referred to a few of them. Of course, I could have gone into greater detail if it had been necessary.

Mr. ARENTZ. I should oppose the move contemplated by the President, because if all of these legal activities were centered in one head—the Attorney General—your constituent and mine would have no appeal.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. I will take five additional minutes.

Mr. ARENTZ. But when it comes to an ordinary and simple proposition in one of the bureaus, the bureau has its chief counsel, and the chief counsel takes up things with which he is definitely acquainted.

Take the General Land Office. The chief counsel in that office knows everything pertaining to public lands, but if you should center all of these things in the Attorney General's office your constituent and mine, instead of going to the counsel of the General Land Office, before the matter had even been placed in the hands of the Secretary of the Interior or he had placed it in the hands of the Attorney General, would have to go to the Attorney General's office and there would be absolutely no appeal. Your constituent or my constituent would have to go to the Attorney General and there would be no man above him, so that instead of having a chance to appeal two or three times on the way up he would have his hands tied.

Mr. BYRNS. The gentleman's remarks simply serve to emphasize the importance of the appointment of a joint committee to make the survey I have suggested and make a report to Congress. The gentleman differs with the President in regard to the consolidation of the legal services, as I understand it, but the whole point I have been trying to make here is not to even suggest what in my own mind might be a proper consolidation or coordination but that a joint committee should be appointed to make a survey, so that Congress can act intelligently.

Mr. ARENTZ. A joint committee of the House and Senate?

Mr. BYRNS. Yes.

Mr. ARENTZ. A joint committee composed of men who know the problems that confront them daily?

Mr. BYRNS. Precisely, and I will say without hesitation that such a joint committee ought to be composed only of Members of the Senate and House and they ought to be given the fullest latitude in making an investigation of all these departments and commissions so that the Congress may act intelligently on the matter.

Mr. ARENTZ. I am in full accord with the gentleman.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. O'CONNELL. The gentleman would not want the President to appoint the chairman of the commission again?

Mr. BYRNS. No; and, as I have said, I think it was a mistake to permit him to appoint the chairman of that joint committee eight years ago. As I sought to explain, this is a matter with which Congress should deal, because these commissions and these independent bureaus have been created by law, and legislation will be required either to abolish them or consolidate them.

Mr. O'CONNELL. Through Congress?

Mr. BYRNS. Undoubtedly through Congress.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GARRETT of Tennessee. The act, I think, of the executive branch of the Government in requesting and obtaining the authority to appoint the gentleman who became chairman of that committee had much to do, especially when coupled with the further fact that that chairman really dominated the committee, with preventing the consideration of the legislation that was suggested, though there were some other things in it. For instance, they went beyond the real intent, I think, of the House and recommended a new department. That was one thing which threw a damper over the matter, certainly as far as I was personally concerned. But I want to ask the gentleman a question, and that is if he is committed directly to the policy of a joint committee? My observation has been that joint committees appointed for legislative purposes as a rule have not been as successful in bringing about legislation as has been the case where each body has proceeded independently and erected its own committee. I am not expressing now any opinion of my own upon the subject, but I was wondering whether the gentleman thinks a joint committee would be better than to have each body erect its own committee.

Mr. BYRNS. I agree with the gentleman, and perhaps if I had followed my own personal inclination I would have prepared my resolution simply for a House committee; but as I have just said, legislation will be required to put through any recommendations that such a committee might make, and I thought, in view of the fact that the Senate is a joint legislative body with the House, that any report which may be made would more likely receive consideration by both Houses of Congress if both are represented on the committee.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS. Mr. Chairman, I will take five additional minutes.

Mr. GARRETT of Tennessee. Theoretically, of course, a joint committee is in the interest of expedition, yet practically my observation has been it has not always expedited. However, I should not have any opposition to a joint committee.

Mr. BYRNS. The resolution which I have introduced will go before the committee of which the gentleman is a member, I take it, the Committee on Rules, and I have no particular pride in the resolution. What I am anxious about is to see something done along the line I have indicated, and if the committee, after consideration, should feel that it was entirely proper and more likely to bring about quick and satisfactory results to confine it to a committee of the House, of course I would accept the amendment.

Mr. GIFFORD. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GIFFORD. Having observed the working out of the consolidation of State departments, I would not like for the gentleman to emphasize too strongly the losing of fat jobs. Does not the gentleman realize that when separate commissions are taken into a larger department they always "cover in" the positions of the men in charge, and always increase the salary of the man at the head of the consolidated department, and in the end there is no saving of money; and in addition there is very great danger sometimes of taking away the initiative of an independent organization by putting it under the control of a larger department. I sympathize with the gentleman's attitude

with reference to the Consular Service and the trade commissioners and such things where there is duplication of effort, but does the gentleman think that the fat jobs would be eliminated and that greater initiative effort would be the result?

Mr. BYRNS. I think they would undoubtedly be eliminated if Congress considered the interests of the taxpayer rather than those who hold the positions. Of course, if the positions were continued or if salaries of the heads of the departments or bureaus were increased thereby it would be the responsibility of Congress and Congress alone.

Mr. KINDRED. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. KINDRED. In approximately the middle of the gentleman's speech I did not clearly understand whether he meant to recommend or suggest the abolition of any considerable existing medical agency and the substitution therefor of some other existing medical agency.

Mr. BYRNS. No; I endeavored to make it plain that I was not making any recommendation. I was simply referring to a few of the matters that might be regarded as proper subjects for the consideration of the proposed joint committee.

Personally, I will say to the gentleman I think the Pension Bureau ought to be put under the Veterans' Bureau. I can not see any reason why we should continue to have a Pension Bureau and a Veterans' Bureau. The Veterans' Bureau is supplied with hospitals, it is supplied with surgeons and medical services, and it seems to me that a great deal of money could be saved without affecting in any way the interests of any of the veterans of any of our wars by putting them under one head. This, of course, would do away with the medical division of the Pension Bureau, but I will submit to the gentleman that if this could be done in the interest of economy and with the same amount of efficiency and justice to the soldier it ought to be done.

Mr. KINDRED. I am in agreement with the gentleman's suggestion and I want to emphasize that the Public Health Service, which is one of the most efficient and industrious medical agencies that the Government has ever provided, is capable of taking care of a great deal that is now subdivided in the manner the gentleman has spoken of.

Mr. BYRNS. I do not yield to any gentleman on the floor in so far as my admiration of the Public Health Service is concerned. I have always stood for the most liberal appropriations for that great service and I would not want to see anything done that would disturb its work.

Mr. KINDRED. And I hope for an enlargement of its sphere of influence.

Mr. BYRNS. I join the gentleman in that hope. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman and gentlemen of the committee, there is romance in the history of the United States Postal Service. Its history is the record of the development of transportation in this country. And in all its annals since Benjamin Franklin guided its destinies, there has been no more marvelous development than that of the air mail service.

The comparatively small amount spent in this activity has been well spent. It has resulted in building up the aircraft industry and in furnishing a reservoir of men and materials for the aviation development which is vital to any nation.

The contract air mail service, if it had no other achievement than the training of Col. Charles Lindbergh to its credit, would be fully justified. He was a contract air-mail flyer and was on leave of absence when he made his trans-Atlantic flight.

I want to review the history of this remarkable service. It is little more than 10 years ago when the first mail plane started on the flight from Washington to New York. It was an inauspicious beginning, for the pilot lost his way and was forced to land without completing the trip.

The Post Office Department continued its pioneer work, and the air mail was a Government operation until the enactment of the contract air mail law of 1925, of which I was the author. The original act was as follows:

[Public—No. 359—68th Cong.]

An act (H. R. 7064) to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service

Be it enacted, etc., That this act may be cited as the air mail act.

SEC. 2. That when used in this act the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed.

SEC. 3. That the rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof.

SEC. 4. That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail.

SEC. 5. That the Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act: *Provided*, That nothing in this act shall be construed to interfere with the postage charged or to be charged on Government-operated air mail routes.

Approved, February 2, 1925.

This act provided that payment to contractors should not exceed four-fifths of the revenues. After a number of contracts had been let, it was found through experience, that such a method of payment delayed the air mail, since each piece of mail matter must be examined in order to determine the revenue.

This was corrected by an amendment which was passed in 1926. It was as follows:

[Public—No. 331—69th Cong.]

An act (H. R. 11841), to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound

Be it enacted, etc., That section 4 of the air mail act of February 2, 1925, is amended to read as follows:

"That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate, and to further contract for the transportation by aircraft of first-class mail other than air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe, not exceeding $3 per pound for air mail for the first 1,000 miles, and not to exceed 30 cents per pound additional for each additional 100 miles or fractional part thereof for routes in excess of 1,000 miles in length, and not exceeding 60 cents per pound for first-class mail other than air mail for the first 1,000 miles, and not to exceed 6 cents per pound additional for each additional 100 miles or fractional part thereof for routes in excess of 1,000 miles in length. Existing contracts may be amended by the written consent of the contractor and the Postmaster General to provide for a fixed rate per pound, including equipment, said rate to be determined by multiplying the rate hereinabove provided by a fraction, the numerator of which is the per cent of revenues derived from air mail to which the contractor was previously entitled under the contract, and the denominator of which is 80."

Approved, June 3, 1926.

Under this method of payment the air mail advanced rapidly and many contracts were let. All the rest of the world was outdistanced in the transportation of mail by aircraft.

Still there were handicaps. The law provided that the rate should not be less than 10 cents an ounce and the Post Office Department fixed the rate at 10 cents a half ounce or 20 cents an ounce. This reduced the volume, and many planes carried far less than capacity loads. The expense was practically the same as though the planes were filled.

A lower rate was the obvious way to increase volume. At the same time this would reduce revenues and in certain contracts mean that too high compensation would be paid contractors.

These two points were met in a bill I introduced in the last session and which was enacted into law. It was as follows:

[Public—No. 410—70th Cong.]

An act (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926

Be it enacted, etc., That section 3 of the air mail act of February 2, 1925 (U. S. C., title 39, sec. 463), as amended by the act of June 3, 1926, is hereby amended to read as follows:

"SEC. 3. That the rates of postage on air mail shall not be less than 5 cents for each ounce or fraction thereof."

SEC. 2. That after section 5 of said act (U. S. C., title 39, sec. 465) a new section shall be added as follows:

"SEC. 6. That the Postmaster General may by negotiation with an air-mail contractor who has satisfactorily operated under the authority of this act for a period of two years or more, arrange, with the consent of the surety for the contractor and the continuation of the obligation of the surety during the existence or life of the certificate provided for hereinafter, for the surrender of the contract and the substitution therefor of an air mail route certificate, which shall be issued by the Postmaster General in the name of such air-mail contractor, and which shall provide that the holder shall have the right of carriage of air mail over the route set out in the certificate so long as he complies with such rules, regulations, and orders as shall from time to time be issued by the Postmaster General for meeting the needs of the Postal Service and adjusting air mail operations to the advances in the art of flying: *Provided*, That such certificate shall be for a

period not exceeding 10 years from the beginning of carrying mail under the contract. Said certificate may be canceled at any time for willful neglect on the part of the holder to carry out such rules, regulations, or orders; notice of such intended cancellation to be given in writing by the Postmaster General and 60 days provided to the holder in which to answer such written notice of the Postmaster General. The rate of compensation to the holder of such an air mail route certificate shall be determined by periodical negotiation between the certificate holder and the Postmaster General, but shall never exceed the rate of compensation provided for in the original contract of the air mail route certificate holder."

Approved, May 17, 1928.

Some 30 contracts have been entered into, as follows:

ROUTES IN OPERATION OR CONTRACTED FOR

CAM–1: Boston, Mass., via Hartford, Conn., to New York, N. Y., and return; 192 miles each way. Contract awarded October 7, 1925, to Colonial Air Transport (Inc.), 270 Madison Avenue, New York, N. Y., at $3 a pound; service commenced July 1, 1926.

CAM–2: Chicago, Ill., via Peoria and Springfield, Ill., to St. Louis, Mo., and return; 278 miles each way. Contract awarded October 7, 1925, to Robertson Aircraft Corporation, Anglum, Mo., at $2.53125 a pound; service commenced April 15, 1926.

CAM–3: Chicago, Ill., via Moline, Ill., St. Joseph and Kansas City, Mo., Wichita, Kans., Ponca City, Tulsa, and Oklahoma City, Okla., to Fort Worth and Dallas, Tex., and return; 1,059 miles each way. Contract awarded October 7, 1925, to National Air Transport (Inc.), 5936 South Cicero Avenue, Chicago, Ill., at $3 a pound; service commenced May 12, 1926.

CAM–4: Salt Lake City, Utah, via Las Vegas, Nev., to Los Angeles, Calif., and return; 600 miles each way. Contract awarded October 7, 1925, to Western Air Express (Inc.), 117 West Ninth Street, Los Angeles, Calif., at $3 a pound; service commenced April 17, 1926.

CAM–5: Salt Lake City, Utah, via Boise, Idaho, to Pasco, Wash., and return; 530 miles each way. Contract awarded October 7, 1925, to Walter T. Varney, P. O. box 722, Boise, Idaho, at $3 a pound; service commenced April 6, 1926.

CAM–8: Seattle, Wash., via Tacoma and Vancouver, Wash., Portland and Medford, Oreg., San Francisco, Fresno, and Bakersfield, Calif., to Los Angeles, Calif., and return; 1,099 miles each way. Contract awarded December 31, 1925, to Pacific Air Transport (Inc.), 593 Market Street, San Francisco, Calif., at $2.8125 a pound for 1,000 miles or less and $3.09375 a pound from 1,001 to 1,100 miles; service commenced September 15, 1926.

CAM–9: Chicago, Ill., via Milwaukee, Madison, and La Crosse, Wis., to St. Paul and Minneapolis, Minn., and return; 383 miles each way. Contract awarded September 7, 1926, to Northwest Airways (Inc.), St. Paul, Minn., at $2.75 a pound; service commenced June 7, 1926.

CAM–11: Cleveland, Ohio, via Youngstown, Ohio, and McKeesport, Pa., to Pittsburgh, Pa., and return; 123 miles each way. Contract awarded March 27, 1926, to Clifford Ball, 407 Market Street, McKeesport, Pa., at $3 a pound; service commenced April 21, 1927.

CAM–12: Cheyenne, Wyo., via Denver and Colorado Springs, Colo., to Pueblo, Colo., and return; 199 miles each way. Contract awarded October 4, 1927, to Western Air Express (Inc.), 117 West Ninth Street, Los Angeles, Calif., at $0.83 a pound; service commenced May 31, 1926.

CAM–16: Cleveland, via Akron, Columbus, Dayton, and Cincinnati, Ohio, to Louisville, Ky., and return; 339 miles each way. Contract awarded October 10, 1927, to Continental Air Lines (Inc.), Cincinnati, Ohio, at $1.22 a pound; service commenced August 1, 1926.

CAM–17: New York, N. Y., via Cleveland and Toledo, Ohio (Detroit, Mich.), to Chicago, Ill., and return; 772 miles each way. Contract awarded April 2, 1927, to National Air Transport (Inc.), 5936 South Cicero Avenue, Chicago, Ill., at $1.24 up to 1,500 pounds, then sliding scale; service commenced September 1, 1927.

CAM–18: Chicago, Ill., via Cedar Rapids, Iowa City, and Des Moines, Iowa; Lincoln and North Platte, Nebr.; Cheyenne and Rock Springs, Wyo.; Salt Lake City, Utah; Elko and Reno, Nev.; and Sacramento to San Francisco, Calif., and return; 1,918 miles each way. Contract awarded January 29, 1927, to Boeing Air Transport (Inc.), Georgetown Station, Seattle, Wash., at $1.50 a pound up to 1,000 miles; service commenced July 1, 1927.

CAM–19: New York, N. Y., via Philadelphia, Pa.; Washington, D. C.; Richmond, Va.; Greensboro, N. C., and Spartanburg, S. C., to Atlanta, Ga., and return; 763 miles each way. Contract awarded February 28, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $3 a pound; service commenced May 1, 1928.

CAM–20: Albany, N. Y., via Schenectady, Utica, Syracuse, Rochester, Buffalo, N. Y., to Cleveland, Ohio, and return; 443 miles each way. Contract awarded July 27, 1927, to Colonial Western Airways (Inc.), 270 Madison Avenue, New York, N. Y., at $1.11 a pound; service commenced December 17, 1927.

CAM–21: Dallas, via Fort Worth, Waco, and Houston, to Galveston, Tex., and return; 320 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth, Tex., at $2.89 a pound; service commenced February 6, 1928.

CAM–22: Dallas, via Fort Worth, Waco, Austin, to San Antonio, Tex. (and Laredo, Tex.), and return; 417 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth, Tex., at $2.89 a pound; service commenced February 6, 1928.

CAM–23: Atlanta, Ga., via Birmingham and Mobile, Ala., to New Orleans, La., and return; 479 miles each way. Contract awarded August 19, 1927, to St. Tammany Gulf Coast Airways (Inc.), Roosevelt Hotel, New Orleans, La., at $1.75 a pound; service commenced May 1, 1928.

CAM–24: Chicago, Ill., via Indianapolis, Ind., to Cincinnati, Ohio, and return; 270 miles each way. Contract awarded November 15, 1927, to Embry-Riddle Co., Lunken Airport, Cincinnati, Ohio, at $1.47 a pound; service commenced December 17, 1927.

CAM–25: Atlanta, Ga., via Jacksonville, to Miami, Fla., and return; 622 miles each way. Contract awarded November 23, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $1.46 a pound; service to start December 1, 1928.

CAM–26: Great Falls, via Helena and Butte, Mont., Pocatello, Idaho, and Ogden, Utah, to Salt Lake City, Utah, and return; 493 miles each way. Contract awarded December 30, 1927, to National Parks Airways (Inc.), Salt Lake City, Utah, at $2.475 a pound; service commenced June 30, 1928.

CAM–27: Bay City, via Saginaw, Flint, and Lansing, to Kalamazoo, Mich.; Detroit, Pontiac, via Ann Arbor, Jackson, Battle Creek, to Kalamazoo, Mich.; Muskegon, via Grand Rapids, to Kalamazoo, Mich.; and from Kalamazoo, Mich., via South Bend and La Porte, Ind., to Chicago, Ill., and return; 534 miles each way. Contract awarded May 4, 1928, to Thompson Aeronautical Corporation, First National Bank Building, Kalamazoo, Mich., at $0.89 a pound; service commenced July 17, 1928.

CAM–28: St. Louis, via Kansas City, Mo., to Omaha, Nebr., and return; 395 miles each way. Contract awarded May 9, 1928, to Robertson Aircraft Corporation, Anglum, Mo., at $0.785 a pound.

CAM–29: New Orleans, La., via Houston, to either San Antonio, Laredo, or Brownsville, Tex., and return; 550 miles each way. Contract awarded August 2, 1928, to St. Tammany Gulf Coast Airways (Inc.), Roosevelt Hotel, New Orleans, La., at $1 a pound.

CAM–30: Chicago, Ill., via Champaign, Ill.; Terre Haute and Evansville, Ind.; Nashville and Chattanooga, Tenn., to Atlanta, Ga., and return, with a spur line Evansville, Ind., to St. Louis, Mo., and return; 790 miles each way. Contract awarded October 16, 1928, to Insterstate Air Lines (Inc.), 105 West Adams Street, Chicago, Ill., at $0.75 a pound; service to start November 19, 1928, from Chicago to Evansville, and December 1, 1928, all the way through.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Certainly.

Mr. LAGUARDIA. The gentleman will recall that in the last session we had a bill under consideration one Consent Day permitting the Postmaster General to extend the life of the contract from 2 to 10 years.

Mr. KELLY. That is the bill enacted into law during the last session.

Mr. LAGUARDIA. Is it not true that some of these contracts made in the early days, at a time when equipment was much more costly than it is now, and when we had no experience, may be renewed to the advantage of these contractors instead of obtaining the advantage for the Government of the reduced cost of operation?

Mr. KELLY. No. There is complete protection. The contract will not be extended except at the lower rate desired by the Post Office Department.

Mr. LAGUARDIA. Then the Government is fully protected?

Mr. KELLY. Absolutely. The purpose of the bill was to make sure that the contract is not extended unless at the lower rate, justified by the increased volume.

Mr. WOOD. It might also be stated further that under the law and the regulations for carrying the air mail the Postmaster General has the right to call the contractors in and reduce these prices whenever he desires, and that is going to be done very soon.

Mr. KELLY. The purpose of that legislation was to protect the Government when we reduced the rate and increased the volume. The rates went into force on the 1st of August, 1928. Although August is usually a very dull month, the volume jumped 100 per cent.

Mr. LAGUARDIA. Is the Government in any way tied up permanently with any railroads in a contract for carrying the mail? In other words, as this new means of transportation develops, a greater volume of mail will be carried through the air, and all of the mail may even be transferred from the railroads to the air.

Mr. KELLY. There is no permanent contract at all with the railroads. The Postmaster General has authority to take

all of the mail off one road and put it on another, or take it off the roads and put it in the airplanes.

Of course, the Federal Government has assisted greatly in the establishment of lighted airways, which are of value to every aviation company, whether carrying mail or not. They serve commerce just as the lighthouses serve ocean transportation.

Mr. ROBSION of Kentucky. If the gentleman will permit this observation, I wonder if we put as much into the air mail service as in the railroads of the country in the way of grants of land, and so forth.

Mr. KELLY. No; nothing to compare with the aid given railroad transportation.

Mr. KADING. If the gentleman will yield for a short question, I would like to ask if the money expended on landing lights for airplanes is done at the expense of the Government or by private parties.

Mr. KELLY. Both. Many municipalities have expended large sums in equipping landing fields with lights and other necessary equipment. The aviation companies, in some instances, have lighted airways. Then the Government, through the Department of Commerce, has done a great service in lighting airways. Through cooperation great progress has been made. Night flying is essential to the realization of full value from the carriage of mail by aircraft.

Now, Mr. Chairman, I am sure many persons will be interested in the exact terms of the contract under which the contract air mail service operates. Here is the contract under which the air mail is now being carried between Chicago and San Francisco:

CONTRACT FOR AIR MAIL SERVICE

(Route No. CAM–18)

Contractor's address: Boeing Airplane Co. (Inc.) and Edward Hubbard, Seattle, Wash.

Route: Chicago, Ill., via Iowa City and Des Moines, Iowa, Omaha and North Platte, Nebr., Cheyenne and Rock Springs, Wyo., Salt Lake City, Utah, Elko and Reno, Nev., and Sacramento, Calif., to San Francisco, Calif., and return.

Rate of pay: $1.50 per pound for the first 1,000 miles and 15 cents per pound for each additional 100 miles.

This article of contract, made the 29th day of January, 1927, between the United States of America (acting in this behalf by the Postmaster General) and Boeing Airplane Co. (Inc.) and Edward Hubbard, contractor.

Witnesseth that whereas Boeing Airplane Co. (Inc.) and Edward Hubbard has been accepted according to law as contractor for transporting the mails on route No. CAM–18, from Chicago, Ill., via the points specified above, to San Francisco, Calif., and return under an advertisement issued by the Postmaster General on November 15, 1926, for such service, which advertisement is hereby referred to and made by such reference a part of this contract, at the rate of $1.50 per pound for the first 1,000 miles and 15 cents per pound for each additional 100 miles, for a period not exceeding four years from the starting date specified in order of Postmaster General, which date shall not be later than six months after award of this contract.

Now, therefore, the said contractor undertakes, covenants, and agrees with the United States of America—

First. To carry the mails offered with due celerity, certainty, and security, and in safe and suitable aircraft on the route described and on the schedule set forth by the Postmaster General, the contractor to receive and deliver the mails at the designated fields and point on said fields as approved by the Postmaster General.

Second. To carry said mails in a safe and secure manner, free from wet or other injury.

Third. To be accountable and answerable in damages for the person to whom the contractor shall commit the care and transportation of the mails and his faithful performance of the obligations assumed herein and those imposed by law; not to commit the care or transportation of the mails to any person under 16 years of age, nor to any person undergoing a sentence of imprisonment at hard labor imposed by a court having criminal jurisdiction, nor to any person not authorized by law to be concerned in contracts for carrying the mails.

Fourth. For which service when performed and evidence thereof shall have been filed with the Postmaster General, the said contractor is to be paid by the United States at the rate specified above, payments to be made monthly and as soon after the close of each month as accounts can be adjusted and settled, said pay to be subject, however, to be reduced or discontinued by the Postmaster General as hereinafter stipulated or to be suspended in case of delinquency.

Fifth. It is hereby also stipulated and agreed that deductions in pay will be made for suffering the mails to become wet, injured, or destroyed, or when a grade of service is rendered inferior to that stipulated in the contract, or for the loss of or depredation upon the mails in the custody of the contractor or his agent, provided the loss is occasioned by their fault.

Sixth. It is hereby further stipulated and agreed by the contractor that the Postmaster General may annul the contract or impose forfeitures, in his discretion, for repeated failures or for failure to perform service according to contract; for violating the Postal Laws and Regulations; for subletting service without the consent of the Postmaster General, or assigning or transferring the contract; for combining to prevent others from bidding for the performance of Postal Service, and such annulment shall not impair the right of the department to claim damages from the contractor and his sureties.

Seventh. It is hereby further stipulated and agreed that this contract may be terminated whenever, in the judgment of the Postmaster General, the interests of the Postal Service shall so require, upon serving notice upon the contractor at least one year prior to such termination: *Provided*, That in case of such discontinuance of service, as a full indemnity to the contractor, one month's extra pay, based on the average pay for the preceding six months' period, or full period of service if less than six months, shall be allowed.

Eighth. It is hereby further stipulated and agreed that no Member of or Delegate to Congress shall be admitted to any share of part of this contract or agreement, or any benefit to arise therefrom.

Ninth. That at any time during the continuance of this contract the Postmaster General may require new or additional sureties upon the bond hereto annexed, if, in his opinion, such sureties are necessary for the proper protection of the interests of the United States; and that the contractor shall furnish such sureties to the satisfaction of the Postmaster General within 10 days after notice so to do; and in default thereof this contract may be annulled, at the option of the Postmaster General.

Tenth. The contractor expressly warrants that he has employed no third person to solicit or obtain this contract in his behalf or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that he has not paid or promised or agreed to pay to any third person, in consideration of such procurement or in compensation for service in connection therewith, any brokerage, commission, or percentage upon the amount receivable by him hereunder, and that he has not, in estimating the contract price demanded by him, included any sum by reason of any such brokerage, commission, or percentage, and that all money payable to him hereunder is free from obligation to any other person for services rendered, or supposed to have been rendered, in the procurement of this contract. He further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sums due or to become due thereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid.

Eleventh. It is hereby further stipulated and agreed by the contractor that this contract is subject to all the conditions imposed by law and by the several acts of Congress relating to post offices and post roads, and the conditions stated in the advertisement pursuant to which this contract is made.

Twelfth. It is hereby further stipulated and agreed that this contract may, in the discretion of the Postmaster General, be continued in force beyond its express terms for a period not exceeding six months until a new contract with the same or other contractors shall be made by the Postmaster General.

Thirteenth. In view of the fact that the payment of the contractor includes the weight of the equipment as well as the mail it is stipulated and agreed the department will not pay for the transportation over this route of any intercompany mail addressed to the contractor or his agents and pertaining to company business, nor will the department pay for any parcels carried over this route consigned to or for the use of the contractor.

Fourteenth. It is hereby further stipulated and agreed that the distances for purposes of computation of payment to the contractor shall be considered as from center of city to center of city (designated as stops on the route) in an air line.

Fifteenth. It is hereby further stipulated and agreed that whenever an existing stop is discontinued or an additional stop added, in accordance with the provisions as set forth in this contract, the distance over the route will be restated and payment for the units of 100 miles or fraction thereof in addition to the first 1,000 miles will be made on the same basis as before. Where the distance formerly was less than 1,000 miles, the rate for each hundred miles or fraction thereof in excess of 1,000 miles under the restatement shall be in the same ratio as the original bid was to the maximum allowed by law.

Sixteenth. It is hereby further stipulated and agreed that the mail compartment of planes used in the transportation of mail, designated as such by the Post Office Department, must meet with the approval of the Postmaster General in so far as location, size, and construction are concerned.

In witness whereof the Postmaster General has executed this contract in behalf of the United States and caused the seal of the Post Office Department to be affixed thereto, and the said contractor has hereunto set his hand and seal. The typewritten changes in the form of advertisement were made before this contract was signed.

Signed, sealed, and delivered in behalf of the United States this —— day of ——, 1927.

UNITED STATES OF AMERICA,
By ——— ———,
Postmaster General.

Signed this — day of ———, 1927.

——— ———,
Contractor.

CERTIFICATE OF OATH BY THE CONTRACTOR

(Required by law)

I, the undersigned, being employed in the care, custody, and conveyance of the mail as contractor on the route named in the foregoing contract, do solemnly swear ——— that I will faithfully perform all duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post offices and post roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control.

And I also further swear ——— that I will support the Constitution of the United States: So help me God.

——— ———, *Contractor.*

Sworn before the subscriber, a ———, State of ———, this — day of ———, 1927, and I also certify that the person named is not a postmaster, assistant postmaster, or a clerk employed in a post office, nor a member of the immediate family of a postmaster or assistant postmaster, and is to the best of my knowledge and belief above the age of 21 years.

——— ———.

Approved as to fact:

——— ———,
Second Assistant Postmaster General.

Approved as to form:

——— ———, *Solicitor.*

Mr. Chairman, several other routes are in prospect and planes will be flying over them within a few months.

The practice in establishing routes is to act upon petitions from postmasters of terminal cities, stating the possible air mail between the points. The department then studies these possibilities and whether or not the schedule will afford sufficient advantage over existing means of transportation to warrant establishment.

If it is believed that the route is justified, bids are advertised for and contract is awarded. Already 80 per cent of the population is in the air-mail territory.

All air mail traveling over contract lines enjoys these privileges: Insurance, registry, special delivery, and collect on delivery.

Now, the present situation as to air-mail service brings to light some facts which will be of value in judging the future. The record shows the growth as follows:

	Pounds
October, 1926	42,070
October, 1927	153,659
October, 1928	467,422

That seems an astounding development yet it is but the beginning. At the rate for October, 1928, it means that about 5,600,000 pounds are carried in a year. The total weight of letter mail, excluding local letters, post cards, and so forth, is 343,000,000 pounds a year.

In other words, we are carrying at present by aircraft about 1 pound in every 60. It is not an exaggerated statement to say that we shall ultimately carry 1 pound in 10 by this speediest of all methods of transportation.

That means that we shall be carrying 34,000,000 pounds a year or almost 3,000,000 pounds a month. It will be six times the volume carried at present.

Let us look at revenues and expenditures. There are about 40 letters to the pound, which at 5 cents per letter means revenues of $2 per pound.

Our problem is to get the average cost within $2 a pound. At present the contract rate ranges from 75 cents to $3 a pound. The 467,422 pounds carried during October meant payments to contractors of $915,837, or less than $2 per pound. However, weight of equipment is included in the total weight.

Under the act passed in the last session which made the rate 5 cents per ounce it was also provided that readjustments should be made in the rates paid contractors and that the contracts might be extended to a total period of 10 years.

The Post Office Department and the contractors are planning conferences as soon as it is possible to predict the volume of air mail. There will be decrease in the rates paid and it is proposed that the revenues shall meet all expenditures.

Certainly, as the volume approaches the 1 pound in 10 ratio, the revenues will become greater in proportion to expenditures.

We will soon be faced with the problem of distribution en route. The Railway Mail Service, which is a specialized body of men trained for distribution on the trains, will, of course, take over this work of distribution on the planes.

Within the next year I believe we will see the mails being distributed while the planes are winging their way over the heavy routes. There should be additional pay for postal workers so employed, in line with the mileage bonus paid pilots during Government operation.

Mr. Chairman, tremendous strides have been made in a few short years. We found a job for the airplane after the World War, and the air mail has been the foremost factor in developing commercial aviation in the United States.

We have also begun carrying foreign air mail under the law passed in the last session, and great achievements in that direction are just around the corner.

Mr. THATCHER. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Certainly.

Mr. THATCHER. What about the policy involved in the bill if we have an extension of the air mail service to Central and South America?

Mr. KELLY. It is a vitally important policy, not alone for the advancement of our commerce with these countries but for increasing mutual understanding and friendship. It will bring all the Republics south of us into closer relationship with the United States, and anything which shortens distances adds to neighborly feeling. This foreign air mail service links up with our domestic service, and all together makes for progress of which we may all feel proud.

Mr. HASTINGS. Mr. Chairman, representing the gentleman from Tennessee [Mr. BYRNS], I yield 15 minutes to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, it is one thing for the House and the Senate to adopt a certain policy, but it is another thing to get that policy carried out by the heads of bureaus and departments.

We have had recently two flagrant illustrations of that situation where heads of departments have willfully set at naught the will of this Congress. For example, we passed at the last session the Welch salary bill. It was intended to give some modicum of relief with reference to increases of salary to the rank and file of Federal employees. But instead of carrying out the will of the House and Senate with reference to those increases, we find upon investigation in the various departments that the department heads have not really and truly and sincerely given that relief to the rank and file of the employees, but instead have increased their own salaries rather than the salaries of those employees in the lower scale. For example, in the Tariff Commission, to give one illustration, the members thereof have increased their own salaries from $7,500 to $9,000, and most of the employees under the Tariff Commission had increases at only an average of $60 a year.

I could go on and tell you many other flagrant violations of the intent and purpose of Congress in that respect. Let me call your attention to another violation of the intent and purpose of Congress that I recently discovered, having nothing to do with an increase of salary. It is in the Department of Labor. It appears that Secretary of Labor Davis on July 1, last, when Congress was in recess and not in session, issued an order called "General Order 106." In effect that order provides for a sort of registration of aliens. I do not care whether you contend that there should or should not be any kind of registration of aliens, but this thing is certain and this much we know, that there have been many bills put into the hamper and referred to committee with reference to registration of aliens, and the committee has seen fit not to report any of those measures. The Congress therefore is on record as being indisposed, if I may be allowed to put it that way, to have passed any legislation of that sort. But despite that evident purpose of Congress, this General Order No. 106, issued when we least expected that an order of that sort would come up, provides for identification cards to be issued to aliens entering the country after July 1.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. CELLER. Yes.

Mr. TAYLOR of Tennessee. How much will the execution of that order cost?

Mr. CELLER. I do not know as to that.

Mr. TAYLOR of Tennessee. Approximately?

Mr. CELLER. I can not give the figures, because it seems to me there was some secrecy concerning the order. To-day there is a report from the Secretary of Labor—the Sixteenth Annual Report—which was given to the Members this morn-

ing, and there is not a word in the report indicative of that order. Yet that order contained instructions to all the consuls abroad and immigration officials to give these identification cards in duplicate to aliens that come to this country; and it was further provided that a portrait of the alien had to be affixed, together with his name, age, country of birth, nationality, color of eyes, name of the port of arrival and of the steamship, the date of admission and status at that time, a statement as to whether quota or nonquota immigrant, and the immigrant's own signature. The cards are required to be issued in duplicate and are numbered and specify the visa number. On arrival the alien must sign the card anew, and his two signatures are to be carefully compared. The duplicate is to be retained by the Government official.

But here is the real vice of the situation and the core of the difficulty: "The admitted alien," as the order states, "should be cautioned to present it for inspection if and when subsequently requested so to do by an officer of the Immigration Service."

Mr. LAGUARDIA. And that caution in the face of the Secretary's statement that it was an unofficial identification and that the alien was not required to keep it.

Mr. CELLER. I agree with the gentleman. It indicates that we ought to suspect the motives of the Secretary of Labor, and I now call upon the Secretary of Labor to offer some adequate explanation to the Members of this House as to why he issued that general order. The burden is on him. We are entitled to know, gentlemen, particularly in view of the fact that we have failed to pass any bill providing for the registration of aliens.

But consider this as the vice of the situation. The Secretary of Labor has the right to request the issuance of a warrant of deportation upon mere suspicion. Now see what can happen. If a man happens to read a foreign newspaper in a subway or elevated train in one of our crowded cities, an immigration inspector will ask him to produce such a card; and the nonproduction of such a card would make him a suspect and put him thereafter to all the troubles and burdens of proving in a court that he did not arrive here after July 1, that he was a naturalized citizen, or that he was born here.

Now, gentlemen, there is something wrong about that kind of procedure. Why does not the Secretary of Labor manfully tell us all about this situation? But, my good friends, I am advised by some one who knows that the order with reference to the compelling of the production of the card has been withdrawn, after there was a protest, and that that order of withdrawal has just recently been made. I am going to read to you from a communication which I have received this morning, and I do not desire to disclose the author of the communication:

> I learn that a revised order has been issued by the Department of Labor omitting the objectionable passage about aliens being required to produce the card whenever demanded by the immigration authorities.
>
> No public or formal announcement of the change seems to have been made, either to immigration inspectors or the public, and it is doubtful if inspectors will even know of the modification.

Now, why is an order of that sort issued privately and without being made public, without your knowing it and without my knowing it, on a matter as important as this, particularly since the whole proposition flouts the evident purpose of this Congress? And, mind you, gentlemen, I respect any man's opinion on the subject of the registration of aliens. I happen to be opposed to it for many reasons, legalistic, moral, and otherwise, and if this Congress believes there should be no registration of aliens or that the matter should not be discussed, or be an object of concern in the House for political purposes after a presidential campaign, why does an administrative official take it upon himself, in a sort of usurpation of power, to issue this kind of an order?

Now, of course, it might be argued that there has been a continual struggle, ever since the Government began operations, between the executive and the legislative branches of Government, one trying to crowd the other out, and here we have a case where our powers are impinged. I think I have a right to call this to your attention, and I now ask the Secretary of Labor to give us some explanation—or maybe some member of this committee can give us some information—as to how and why this order was issued and why it was modified. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. CELLER. I gladly yield to the gentleman from Illinois.

Mr. SABATH. Has the gentleman introduced a resolution requesting such information from the Secretary of Labor?

Mr. CELLER. I would gladly introduce such a resolution but what good would such a resolution do? I do not think I would get any action on such a resolution.

Mr. SABATH. I wish to say to the gentleman that the Committee on Immigration has had before it many, many bills relative to the question of the registration of aliens, but it has always looked with disfavor upon giving them favorable consideration. Therefore I know the members of that committee do not approve of any action on the part of the Secretary of Labor to do something indirectly which he was prevented from doing directly or by law.

Mr. CELLER. I am very happy to have that statment from the very distinguished gentleman from Illinois, and I am sure his words should give us and will give us great encouragement in the hope that we might get something from the Secretary of Labor in explanation of his most unwarranted procedure.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, naturally a discussion of the annual appropriations for the Treasury Department is bound to bring forth some debate on the enforcement and the merits or demerits of prohibition.

When prohibition was first put into effect the leaders of prohibition, the so-called champions of the drys, would assume the attitude that the wets were hampering and preventing enforcement, and for the first few years they would cite instances of wholesale law violation and complain bitterly that they did not have sufficient appropriations and would add more money and more agencies to enforce their pet hobby.

Now, the condition is reversed. After eight years of failure the drys have come to realize that the enforcement of prohibition is simply impossible. They are therefore playing with this great problem and letting it drag along. No dry can take the stand in this House and successfully complain of lack of enforcement.

If you will look at the hearings you will note, first, that insufficient funds are appropriated—and purposely so—to prevent a real test or a real attempt at enforcement in the so-called dry States; and, second, that of the meager amount that was given for that purpose $110,000 is going to be turned back into the Treasury.

What does this mean, gentlemen? This means that there is no desire, with the exception of a few cities like New York City, Chicago, St. Louis, and some other large cities, to honestly enforce prohibition.

Why, gentlemen, with the existing conditions in the State of Kansas, in the State of Iowa, in the State of North Carolina, in the State of Minnesota, and in all your so-called dry States where each delegation votes as a unit for prohibition and law enforcement, there is hardly a penny spent by the Federal Government for law enforcement. What a farce! What a mockery! Then they come here and ask for a measly $13,000,000 and take the stand that they are going to enforce prohibition. It is simply ridiculous.

It will take $13,000,000 alone to enforce prohibition in the city of Detroit in the State from where the great champion of prohibition, who I will admit is sincere, hails.

Mr. CELLER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CELLER. It means, does it not, that the administration wants to give the drys the law and the wets the liquor?

Mr. LAGUARDIA. Well, it means that they have recognized the impossibility of this law and are unwilling to admit it.

Gentlemen will recall that a few years ago we had the vicious, undercover system whereby a fund was appropriated and agents were hired, spies were hired, not employees of the Government, to go out and entrap and entice persons to violate the law in order to create cases.

This appropriation was stricken out on a point of order which I made, and subsequent thereto a bill was introduced legalizing the undercover system. General Andrews appeared before the committee and I appeared before the committee and the bill was not reported.

That system has been abolished, but something new has been inaugurated. Before, the agents would go out and employ decoys, but now the agents use their own wives as decoys. I can hardly imagine anything that is lower than a man who would employ his own wife as a decoy. A man who sinks so low is unfit to be in the Government service, and there is only one that is lower than he and that is the man who directs or permits it.

Recently, in New York City, we had two or three spectacular raids. Those that were taken in these raids were tried for conspiracy and up to date all of the cases that have been tried

have been thrown out by the jury. The evidence of these particular agents and their decoy wives was so repulsive and disgusting that each case resulted in an acquittal on the count of conspiracy.

These were cases where agents were brought into New York from far-away States.

They brought their wives along at Government expense, Mr. Chairman. They stopped at fashionable hotels, and the cost of keeping their wives at these hotels was paid for from this fund. The wives were sent out as decoys, did the necessary preliminaries to buy the alleged liquor; the wives bought the liquor with Government funds, the wives consumed the liquor, and then a trumped-up charge of conspiracy made out, and, as I have stated, resulted in acquittal. Thousands of dollars of public funds were squandered by these men and women.

In one instance one of these agents from a far State went into a place with a Masonic emblem and gave the distress signal of that order in his attempt to obtain a drink, and then turned around and conspired with others to make a conspiracy case against his victim.

Now, I do not believe it is the intent of Congress, having refused to approve of the under-cover system, to spend thousands of dollars permitting agents to travel from one end of the continent to the other, to put up at fashionable hotels, and to use their wives as decoys in a futile attempt to build up so-called big cases, thereby deceiving the country in the belief that prohibition enforcement is successfully progressing.

Now, gentlemen, if you really want to try this "noble experiment," although some of us are convinced we have passed the experimental stage and that it is a complete failure—but if you want to continue the "noble experiment," you should do so honestly and fully and appropriate sufficient funds to send agents into every State of the Union.

This law was not made for New York City alone. This law was not made for just a few large cities. This is a national law you have told us. Why not enforce it in your dry States?

I have made the statement before, and the figures will bear me out, that if you take the 250 largest cities in the United States you will find that 225 of them have not a single, solitary prohibition agent within their borders.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JACOBSTEIN. How much does the gentleman figure it would cost to enforce prohibition?

Mr. LAGUARDIA. I am coming to that.

To guard the Canadian border, the Atlantic coast, the Pacific coast, the Gulf line, and the Mexican border, putting an equal number of agents in accordance with population and size of the States so that the law may be properly enforced, will cost us, to start with, about $250,000,000 a year. Mark you, that is only a start. It would also require many more Federal judges, hundreds of more prosecuting attorneys, and thousands of more deputy marshals.

That would only permit about 50,000 agents on duty all the time. As you gentlemen know—and perhaps the gentlemen from dry States do not know—I am informed that the rum runners do not work on a union scale of hours, and therefore not being able to have a prohibition agent on duty for 24 hours they would work in 8-hour shifts. So you would have to have 50,000 on watch for 8 hours and 150,000 for 24 hours. That is to start with. Later you will have to have 150,000 more agents to watch the first 150,000 agents. [Laughter.]

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. LOZIER. I am a friend of prohibition, but I want to ask the gentleman if it is not a fact that nine-tenths of all the prosecutions for the violation of the liquor laws in this Nation are in the State courts, under State laws, initiated and prosecuted by State and county officials, and not initiated and prosecuted by the Federal officers in the Federal courts. Is not that true?

Mr. LAGUARDIA. I will answer the gentleman by saying that notwithstanding all of the prosecutions in the State courts which I understand in many instances is an indirect way of making the liquor dealers pay a license—you have liquor sold in every State in the Union, in every city, town, and village. Permit me to say that no State is a better example of that than the great State of Missouri. You can go into any part of that State which you desire and get anything you want at any time.

Mr. LOZIER. The point I am making is that in the State of Missouri, and in every other State, practically all of the prohibition enforcement that we have had is by local State and county officers in the State courts, under the State laws, and not by the Federal enforcement officers under the eighteenth amendment or the Volstead Act.

Mr. LAGUARDIA. Permit me to state that State enforcement in many States boils down to one situation. If a colored man is found with a pint of gin he goes to jail for six months, but you never heard of a white gentleman in certain sections going to jail for a violation of the liquor law.

Mr. LOZIER. I want to say that the gentleman's statement, so far as it relates to the State of Missouri, is not well founded.

Mr. LAGUARDIA. I am glad that the gentleman makes that reservation.

Mr. LOZIER. I do not deny that the prohibition laws, State and national, are violated in Missouri; but the point I am making is that in Missouri, as in every other State of the Union, practically all the prosecutions for liquor-law violations are initiated and carried on by the local, State, and county officers in the State courts, and that there would be very little prohibition enforcement if it were not for the States.

Mr. LAGUARDIA. Am I to follow the gentleman to the extent that this should be left entirely to the States?

Mr. LOZIER. Oh, no; but the point I make is that for several years the Federal administration has made no sincere or aggressive effort to enforce the Volstead Act or the eighteenth amendment, but has largely left to the States the duty of prosecuting violations of the liquor law.

Mr. LAGUARDIA. That leaves us just where we have been all of the time, that this prohibition question can not be solved, that it is impossible humanly, legally, and financially, for the Federal Government of the United States to enforce this law. That being so, following the reasoning of the gentleman from Missouri, it should be left to the States. Then we say to the States that if it is going to be left to Missouri, to North Carolina, you will have to leave it to New York and let New York do what it wants to.

I want to say now, that the gentleman from Missouri makes a very good argument in support of our contention. It being impossible to deal with the situation nationally through the Federal agency, it is necessary to leave it to the States, and if you leave it to the States, you have got to leave it to all of the States and let the States decide it according to their own conditions and the desire and will of their own people.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HASTINGS. Mr. Chairman, by direction of the gentleman from Tennessee [Mr. BYRNS], I yield five minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Chairman, I desire to ask the chairman of the subcommittee [Mr. WOOD], the gentleman from Indiana, with reference to a paragraph in line 9, page 46 of the bill, where there is a lump sum appropriation of $350,000 for remodeling, enlarging, and extending completed and occupied public buildings in emergent cases, not to exceed $25,000 in any one building. I want to ask the gentleman if the committee did recommend to this House the total sum that was recommended to it by the Budget and the Department of the Treasury?

Mr. WOOD. We did.

Mr. MCSWAIN. My purpose in asking the question was because the Department of Justice has made a request on the Treasury Department for an additional space by way of enlargement for the building at Greenville, S. C., but as there was not money enough in this year's appropriation, it was promised that it would be included in the estimate of the fiscal year ending June 30, 1930. I assume that it is in this appropriation bill, and it must be from what the chairman says.

Mr. HASTINGS. I yield 20 minutes to the gentleman from Texas [Mr. JONES].

THE NEW KINGDOM OF COTTON

Mr. JONES. Mr. Chairman and gentlemen of the House, to one whose birthplace is in the South it is a rare privilege to see raw cotton being fed into long rows of machines and coming out a finished product that looks, feels, and wears like silk. This is one of the miracles of modern industrial chemistry. It is now being done on an extensive scale at a plant already in operation in the South.

Silk is one of the oldest of clothing fabrics. It is produced in a curious way. The silk worm eats mulberry leaves—he will eat nothing else—and spins a cocoon. This cocoon is composed of a silk thread which is frequently half a mile long. It is unwound by hand. From this thread the silken fabric is woven.

A CHINESE SECRET

Nearly 5,000 years ago a Chinese empress named Si-Ling-Shi is reputed to have aided in the process of making silk and to have established the Chinese silk trade. It is claimed that she personally supervised the cultivation of the mulberry trees, the growing of the silk worm, the reeling of the silk; and she

is credited with the invention of the loom. For nearly 3,000 years the process was kept a secret. At about that time the secret leaked out to Japan, India, and other countries of the East.

Tradition has it that a princess carried to India in a headdress the necessary supplies and information for the establishment of the trade in India, and from this meager beginning the great silk trade of India was builded. The Japanese sent several young people to China to learn the process.

THE SECRET BECOMES KNOWN

One of the Syrian missionaries, at the request of the Emperor Justinian, upon leaving the closed ports of China, carried a bamboo cane in the hollow of which was inclosed some eggs of the worm and seeds of the mulberry tree. But the West could not rival the cheap labor of the East, and for centuries China, India, and Japan had a practical monopoly in caring for the silk worm and in the process of slowly unwinding the long filament of the cocoon.

There is little doubt that Cleopatra clothed herself in Chinese silk, for it was imported into other countries of the Old World long before the time of the Cæsars. Through all of the intervening centuries it has been the premier clothing material of the world, and the tiny silkworm has been the aristocrat of the weaving craftsmen.

For many years China and Japan have been selling to America more than $400,000,000 worth of silk annually. For years shiploads of silk have been brought to American shores to satisfy the American market.

A CHEMICAL REVOLUTION

But an industrial revolution is in progress. In all lines of endeavor chemistry is playing a large part in this revolution. For years chemists have been searching for substitutes for high-priced luxuries. A German chemist, after years of toil, has found a process chemically analogous to that used by the delicate consumer of the mulberry leaf. It is an artificial silk, altogether different from rayon, which latter is made from wood pulp and other plant fiber. Strange to say, the commodity that is being translated into this marvelous fabric is none other than our own familiar cotton, of which the South produces two-thirds of the world's supply.

NEW USES FOR COTTON

For years, as a member of the Committee on Agriculture, I have been studying the problems that are peculiar to the South. We produce a surplus of cotton. This brings us face to face with the age-old problem of the surplus. In an effort to aid in its solution, I secured the passage of a measure providing for a permanent study and investigation into new uses for cotton—the placing of it in channels into which it has not heretofore gone.

Some wonderful work has been done along this line by both the Department of Commerce and the Department of Agriculture. Hundreds of thousands of bales are now channeling into new uses, and the work is just beginning. In this connection I want to pay tribute to the new Senator elect from Texas, Mr. CONNALLY, who offered the first amendment to provide an appropriation for carrying out the search for new uses; to Mr. FULMER, of South Carolina; and a number of others of my colleagues who have assisted in the work.

CARING FOR THE SURPLUS

This is real farm relief. If money is loaned to take a million bales of cotton off the market, it will help temporarily, but when it is again thrown on the market it will again depress it. But if a new use is found for a hundred thousand bales, it is forever lifted, and the price of the commodity will necessarily be enhanced.

For years the South has been selling her cotton in other markets at prices named by the buyer and purchasing supplies in those same markets at prices named by the seller. This had made a sort of stepchild out of the South, economically speaking. I am not complaining. People naturally look after their own interests. This is simply an economic fact.

The South is developing industrially as well as agriculturally along with the other parts of the Nation. Her plains and hillsides are thrilling with a new hope. I want to see an all-around development—a harmonious prosperity all over the Nation—with equal opportunities for all.

THE PLANT

It is but natural, therefore, that I should want to visit the factory where this wonderful new fabric is being made.

And what a marvelous new creation it is. It is located at Elizabethton, Tenn. At what was two years ago a country village a $20,000,000 factory has been built.

THE PROCESS

This plant takes cotton "linters," breaks down the structure, forms it into a gelatin-like substance, mixes it with chemicals, squeezes it through an instrument having the appearance of a glass funnel, with fine holes, and with a finger-like process lifts the fine strands out of the chemically charged waters. After drying, it is a thread that looks like and has practically the tensile strength of silk. It is woven into a cloth that looks, feels, and wears like silk. It requires an expert to distinguish it from that age-old commodity.

The village has suddenly sprung into a busy little city of 12,000 people. More than 2,000 people are being employed at the long rows of machines, one of which will do the work of a thousand silk worms. Additional units are being added to the plant, and the revolution is on.

THE SOUTH'S HANDICAP

When the Civil War was over the South was crippled, her manhood shot to pieces, her fields were laid waste, her barns were burned, and she was a broken country—broken in finance, broken in agriculture and industry, broken in everything except in spirit.

With that spirit my father and his three brothers who had worn the gray, linking hands with the other soldiers of the South, stooped to gather up the shattered fragments of their once prosperous country. They ploughed their fields to plant cotton. They wore their lives away in its production. At the shrine of cotton practically every southerner has bowed the head and bent the knee. While thus toiling under a blazing summer sky her citizens have sold their product at another's bidding and dreamed of the time when their women could wear the product known as silk. That dream is coming true, not through silk itself, but through the industrial genius and chemical revolution that is transforming the South's greatest fleecy staple into a fabric that has all of the aristocracy of silk.

THE CITY OF HAPPINESS

There is a mythical story that a young man started out to search for the city of happiness. With buoyant step he started across the hills. Meeting an old man he was asked where he was going. The youth replied that he was going to search for the city of happiness. He then told the young man that he, too, had started the selfsame way in early life, had wandered all over the world, had sought happiness in many lines of endeavor and in many ways, and had just found that the city of happiness is at every man's door, and that all around him were the materials for the building of that city.

The South has within her own borders and at her own threshold the raw materials for the building of a wonderful prosperity. She has the climate, she has the power, and her people have the determination to translate these resources into her own development. She is building her own plants, and with the strength and sinew of her own fiber, in the loom of her own genius, and with the industry of her own hands she is weaving the garment of her future glory. [Applause.]

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. LOZIER. I am sure the gentleman understands history. Is it not true that with the ancient Egyptians, linen was the fabric with which royalty and the priesthood were clothed, and that was long before silk was introduced from China?

Mr. JONES. Yes; but the silk to which I refer became a world commodity through the efforts of the silkworm or moth. It originated in China. Its early history is lost amid the mysteries of traditions. But it is definitely known that the process was being used in China many centuries before the Christian era. Traders carried silk articles to other countries long before the process was known outside of China.

Mr. GIFFORD. If the gentleman would yield, in the midst of the gentleman's rejoicing I would take this opportunity to say that in my city is now manufactured a superfine product called "Sudanette," made entirely of cotton. I desire to put this on exhibition with the gentleman's fabric, which is an imitation silk. In Sudanette the cotton does not have to be destroyed in the process of manufacture, and it has wonderful wearing qualities.

Mr. JONES. I wish to say in answer to the gentleman I have no quarrel with the comparison of any commodity. I welcome anything that will use the raw products of the South which we have been growing all of these years and selling at a low price. The more they use the better we will be pleased. The special plant to which I refer makes only the silk thread or yarn. This is shipped all over the United States for the purpose of being woven into the various types of cloth and made into the garments which I have exhibited. All of this helps the price of cotton and benefits the whole country.

I have here a number of articles of clothing that have been made from this artificial silk. Experts may be able to detect it. It looks like silk to me. It appears to have the tensile strength of silk. You are at liberty to examine these samples.

Here are several varieties of cloth and knitted wear all made of pure cotton, and low-grade cotton at that. Here is a tie, a muffler, knitted wear, undergarments, hosiery, and other articles having the appearance of silk.

Those are simply some of the many commodities that are being made from cotton. At a later time I expect to discuss rayon and the many different new blendings of cotton and other materials that are now being made and are in process of development all over the country. It is this work which the Department of Commerce and the Department of Agriculture are seeking to assist and encourage.

Mr. MAGRADY. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. MAGRADY. Why was this plant located in the South, and what capital directed that?

Mr. JONES. The plant was located at Elizabeth, Tenn., by German and American capital. They needed abundant quantities of pure water which is best adapted for making this particular brand of artificial silk. Other plants have been erected, but this is distinctive and in order to bring the subject up I called it to the attention of the Members of the House.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield there for a question?

Mr. JONES. Yes.

Mr. KETCHAM. Will you please emphasize particularly the grades of cotton used in the manufacture of this fabric?

Mr. JONES. Yes. I am glad the gentleman called my attention to that. Some of the Members of the House may not understand what is meant by cotton linters. When the cotton is originally picked, the seeds and the lint or fiber are all together. The seeds are taken out by the ginning process. The ginning process leaves some lint on the seeds. A second process takes these short and broken pieces of lint off these seeds.

This latter is what they make into this beautiful list of commodities that I have talked to you about. It does not compete directly with the regular textiles. In other words, this takes a low-grade cotton and cotton refuse and makes a marvelous commodity therefrom. They can use any kind of cotton, but they use principally "linters" and low-grade cotton.

Mr. GIFFORD. At what price is it sold for?

Mr. JONES. I do not care to go into those matters, but I will say that it is much cheaper than silk. I do not want to be put into the attitude of trying to boost the product of any particular plant. Therefore I refrained from mentioning the firm that makes it or the particulars of it. There is no silk produced in this country, as Members know.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. JONES. Certainly.

Mr. BYRNS. Has not the gentleman taken into consideration the plant at Old Hickory, near Nashville, which is doing the same work?

Mr. JONES. Yes. That is making a fabric out of plant and wood fiber. I understand they use the viscose process.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS. I yield the gentleman from Texas five additional minutes.

Mr. JONES. I expect, when the House is not especially busy, at some future time to take up the discussion of these splendid plants. Besides those in Tennessee there are others at various points. There are plants at Hopewell, Roanoke, and Covington, Va.; they have one at Rome, Ga.; and one at Parkersburg, W. Va.; and another at Cumberland, Md.; and one at Asheville, and one at Burlington, N. C.; as well as at other points; and these all make a form of artificial silk known as rayon.

Mr. BYRNS. This concern at Nashville is going to be a large consumer of cotton.

Mr. JONES. Yes. They have already expended several millions of dollars there, and have a capacity for producing some eight or ten million pounds of rayon annually. I regret I have not time to go into these things in this particular discussion. I thank the committee for giving me this time. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, in my colloquy with the distinguished gentleman from New York [Mr. LAGUARDIA] I do not think he was justified in his conclusion that I favored the enforcement of prohibition by State laws exclusively. If he drew that conclusion, it was unwarranted. I believe in national prohibition. I believe in the most active and earnest and sincere cooperation by the States. But the point I sought to develop in my colloquy with the gentleman from New York was this, that national prohibition had never been given a fair trial in America; that nine-tenths of the prosecutions for the illicit sale or possession of liquor were prosecutions initiated and conducted by local, State, and county officers in State courts, and not prosecutions under the eighteenth amendment or under the Volstead Act initiated by Federal officers in the Federal courts.

I want to emphasize the fact that prohibition would not be an issue in the year of our Lord 1928 or hereafter if the national administration had made an aggressive, earnest, and sincere effort to efficiently enforce the eighteenth amendment and the Volstead Act. And if within the last five years the officers of the States and the officers of the counties, functioning under State statutes, had not made an earnest and honest effort to enforce the liquor laws of this Nation, there would have been a deluge of rum in this Nation and in every part of it.

I want to say as a friend of prohibition that the failure of the Federal Government to earnestly and sincerely enforce the eighteenth amendment has injured the prohibition cause more than all the wet forces in America combined. And until the national administration determines to no longer allow this law and this constitutional provision to be flouted and trampled underfoot, and until an earnest and intelligent effort is made by the Federal Government to vigorously enforce prohibition, national prohibition will be a farce and failure. And the point I want to leave with you is this: That if you go into the 48 States of this Union you will find that 9 out of every 10 convictions under laws relating to intoxicating liquors are convictions under State statutes, in prosecutions initiated by local and county officers, and prosecuted in State courts, and are not prosecutions initiated by Federal officers and are convictions with which the Federal administration has nothing to do.

The truth of the business is that if the national administration, in the enforcement of the eighteenth amendment and in the enforcement of the Volstead Act, had been half as efficient and had been half as vigilant as the various States have been in enforcing State statutes, we would not now have the prohibition issue before us, and it would not be an experiment, because in the last seven years, as the result of the failure of the Federal Government to enforce the law, the prohibition cause has suffered more severely than from the opposition of the combined wet forces of this land.

I do not want the gentleman from New York [Mr. LAGUARDIA] or my colleagues in this body to infer from my colloquy with him that I am opposed to national prohibition or that I want the States exclusively to have charge of the enforcement of the liquor laws.

Mr. KETCHAM. Will the gentleman yield?

Mr. LOZIER. I yield to the gentleman.

Mr. KETCHAM. The gentleman said the prohibition law is enforced in 48 States; he meant 47 States?

Mr. LOZIER. I meant taking the 48 States as a whole.

Mr. KETCHAM. In all fairness, it seems to me, the gentleman should mention specifically the fact that the State of New York, from which the gentleman comes, has no State enforcement provision; in fact, that provision has been repealed?

Mr. LOZIER. Yes; and I will further state that the Great State of Massachusetts, from which our President comes, has never enacted a State enforcement law, and if it had not been for the State enforcement laws in the several States of this Union we would have had a deluge of rum all over this land. The point I am trying to emphasize is that the American people, the dry forces of America, will never be able to get prohibition until as honest and earnest an effort is made by the national administration to enforce national prohibition as is being made by the several States to enforce State prohibition statutes. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WOOD. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman and members of the committee, as a member of the subcommittee on the Treasury and Post Office appropriation bill I want to call the attention of the Members to what the Post Office Department has accomplished under two acts passed at the last session of Congress. I refer particularly to the Kelly bill, which was enacted on March 8,

1928, and the White bill, which was enacted on May 22, 1928. The Kelly bill, as you know, permits the United States to enter into contracts to carry the mail to foreign countries by airplane on a 10-year basis, at not to exceed $2 a mile. However, before going into the question of carrying the mail by aircraft to foreign points I want to briefly review what we have done in carrying our domestic mail by aircraft.

This map shows you the air-mail lines now in existence and in operation within the borders of the United States, a total mileage of 11,764 miles. There are 27 air-mail routes, 22 different contractors, and the total mileage flown daily is 25,385 miles, a really stupendous feat and not exceeded by any other nation in the world. When you realize that the air mail only began in 1922, I think you will agree that the accomplishment in the last five or six years has been stupendous. In 1922, when the Government first started to carry mail by aircraft, the aircraft industry in this country was practically nonexistent, and the Government at first had to build its own airplanes and carry the mail itself. In the 5-year period it spent a total of $17,000,000, flying 15,853,242 miles in the course of the 5-year period. The result has been that due to the Post Office Department the airplane industry in this country has been put on its feet, so that to-day there are 140 concerns engaged in the manufacture of aircraft, with a capitalization of about $100,000,000. In fact, we to-day export airplanes to other countries in the world.

This progress has been entirely due to the efforts of the Post Office Department in establishing the carrying of the mails by air. In 1927 the industry had advanced to such a stage that the Post Office Department was easily able to let contracts to private concerns to cover these 12,000 miles, as is shown on this map. I merely mention this past history to give you some little background for what I am going to talk about next.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. BACON. Gladly.

Mr. MORTON D. HULL. You say they now fly 25,000 miles a day?

Mr. BACON. I will give you the exact figures. The total mileage flown per day is 25,385 at the present time.

Mr. MORTON D. HULL. How many pilots does that involve daily?

Mr. BACON. I am not familiar with the number of pilots because to-day all of the air mail is carried by contracts with private concerns and it is up to the private concerns to provide the pilots. Perhaps the gentleman from Pennsylvania could answer that question. When the Government operated the air mail there were 43 pilots whose names and records I will later put in the RECORD.

Mr. KELLY. I will say that there are about 90 pilots flying per day.

Mr. BACON. I thank the gentleman. It may also interest you to know that the airplane production in this country to-day is 500 airplanes per month and that there are 7,698 miles of airways lighted; and during the next year, under the Department of Commerce, 5,308 additional miles will be lighted, so that the total air mileage that will be lighted, so as to permit of night flying, will be 12,990 miles. The Department of Commerce to-day receives daily, on the average, 100 applications for licenses for pilots and mechanics and machines. I give you these figures to show the tremendous growth of the industry in the past five years, due entirely to the efforts of the Post Office Department.

Mr. LARSEN. Will the gentleman yield?

Mr. BACON. Certainly.

Mr. LARSEN. Can the gentleman state what the wreckage or wear and tear is on these planes, or probably depreciation would be better?

Mr. BACON. I do not have any data on that, but I have data showing those figures while the Government itself operated the air mail, and I will be glad to put them in the RECORD. However, I do not have those figures with me at the present moment. At the conclusion of my remarks I will insert a summary of the results of the 5-year period under Government operation. This was prepared by the Post Office Department, and is of great historical importance.

Mr. COX. May I make an inquiry of the gentleman?

Mr. BACON. Gladly.

Mr. COX. I would like to know if the gentleman is going to discuss the question of to what extent the users of the mail in the territory affected are patronizing these routes.

Mr. BACON. Yes; I can give the gentleman some figures on that.

In July of this year the poundage carried was 244,000 pounds; in August, 419,000 pounds; in September, 423,000 pounds; in October, 467,000 pounds.

Mr. COX. Quite an increase.

Mr. BACON. An increase all along the line, partially due, of course, to the reduction in the postal rate, which went into effect on August 1 of this year.

Now, under the Kelly bill the Congress authorizes the department to enter into contracts to carry American mail by aircraft to foreign countries. This was enacted only in March, 1928.

The department has now either entered into contracts or is about to enter into contracts to carry the mail from Miami, Fla., to Key West, to Habana, down through Central America to the Canal Zone; and from Miami to Habana, through to Porto Rico, down to Trinidad, and across the northern part of South America to the Canal Zone, thus entirely encircling the Caribbean Sea. It is interesting to note that these air-mail contracts are going to cover the exact route that that fine young American, Lindbergh, flew when he made his trip only last year. He may be called the pioneer in this territory. [Applause.]

Mr. HASTINGS. What is the mileage of that circuit?

Mr. BACON. The total mileage is 7,750, approximately.

Contracts have been let for daily service from Miami to Key West, Fla. Contracts have been let, incidentally, also for a daily service from New York to Montreal and from Seattle to Victoria, which, of course, is not shown on this map.

Contracts have been awarded from Key West to the Canal Zone for a daily service. Contracts have been awarded or are about to be awarded for a service from the Canal Zone to Paramaribo, which is shown here on this map [indicating] for a three-times-a-week service. In other words, daily service from Miami to the Canal Zone, three-times-a-week service along the north coast of South America to Paramaribo.

Mr. HUDSON. Will the gentleman yield?

Mr. BACON. Yes.

Mr. HUDSON. Is the first route that the gentleman spoke of, from Miami to the Canal Zone, connected with Mexico City in any way?

Mr. BACON. No; it is not.

Mr. HUDSON. I wondered if a branch service was contemplated.

Mr. BACON. We are about to establish a service direct to Mexico City by way of the southern part of the United States.

Mr. HUDSON. Going through St. Louis?

Mr. BACON. Yes. This route via Key West and Habana does not go to Mexico City at all.

Then contracts have been awarded for a service from Key West to San Juan, P. R., three times a week, and contracts will be awarded shortly for a service from San Juan, P. R., to Trinidad, thus covering or encircling the entire Caribbean Sea.

It is further contemplated by the Post Office Department, and the present bill carries the appropriations for the work, to let a contract from Colon right down the west coast of South America, stopping in Colombia, Ecuador, Peru, to Concepcion, in Chile, a total distance of 3,800 miles, for twice-a-week service.

The importance to this country of this effort can perhaps be best illustrated by showing you what the French are doing.

Mr. HUDSON. Will the gentleman yield right there for a moment?

Mr. BACON. Certainly.

Mr. HUDSON. Are the Governments of South America cooperating in the work?

Mr. BACON. Not only cooperating, but gladly cooperating and welcoming this service. And I may say that there is nothing going on to-day that is so helpful in the establishment of cordial relations between this country and the countries of South America as the development of these air-mail routes.

The French have now a service from Paris to Buenos Aires one each way a week—a weekly service. They have a daily service from Paris to Casablanca and weekly from Casablanca to Montevideo and Buenos Aires by way of Rio Janeiro, Pernambuco, and other cities along the east coast of South America.

They are also extending their service from Natal, where they make their landing in South America north to Paramaribo, and the French were very anxious to extend further north, covering the Caribbean Sea and coming into the United States. So, to my mind, the Kelly bill was passed just in time, because that act has permitted this country to extend the service all over the Caribbean Sea in the Central American Republics before the French could extend their service north into that same territory. Agreements will probably be made for exchange at Paramaribo between the French service and our service.

It is interesting to note that the French service at the present moment makes this jump of 1,300 miles from Cape Verde to Ile Nerona by having two fast cruisers, one going in each direction once a week, but within a few months they expect to replace those cruisers with seaplanes, so that within the next year the

French will be carrying air mail from Paris to Buenos Aires all the way over by the air route.

Mr. LARSEN. Will the gentleman state the relative time required in delivering a letter from Paris to that point and delivering one from New York or from one of our south Atlantic ports like Jacksonville?

Mr. BACON. I am not entirely familiar with the exact time from Paris to Buenos Aires.

Mr. LaGUARDIA. You can average it at 100 miles an hour.

Mr. BACON. The total distance flown by the French is 6,300 miles. Of course, there is a delay because of the carriage of the mail by fast cruisers over this jump of 1,300 miles.

Mr. LARSEN. Then you can deliver a letter from New York to the same point in much less time?

Mr. BACON. It would go by airplane in less time; yes.

Mr. LARSEN. And therefore a great advantage results in the matter of commerce, does it not?

Mr. BACON. There is no doubt about that.

Perhaps this statement will help answer the gentleman's question. It is hoped that as this mail service develops to have mail carried from New York to Colon by air all the way in two days.

Mr. LARSEN. Where it takes a week now from France, practically speaking?

Mr. BACON. About a week from Paris to Buenos Ayres, I should think, though I have not the exact information.

Mr. LARSEN. So we get it there in one-third of the time.

Mr. BACON. Yes. So when the extension is made from the Canal Zone to Chile it will mean that we can get a letter from New York to Chile in four or five days while it now takes about three weeks.

Mr. LARSEN. It will result in a great increase of commerce, will it not?

Mr. BACON. There is no question about it, the carriage of letter mail by airplane will not only increase cordial relations between ourselves and Central and South American countries, but it will encourage commerce and open up new markets.

The Germans have an exclusive concession for Colombia, and they now operate a mail-and-passenger service from the port at the mouth of the Magdalena River to Bogota and back by airplane. It is hoped that an arrangement will be made with the German company for an exchange at that point.

The Germans also, as well as the French, were trying to press forward to carry mail into the United States covering the Caribbean Sea, but the Kelly Act permitted the United States to take the lead as far as the Caribbean and the west coast of South America are concerned.

The other bill that I have referred to that has an effect on the Post Office Department bill is the White bill, passed in May, 1928. I would like to take a few minutes to tell what the Post Office Department has done for American shipping as the result of that bill. Before doing that, however, I would like to show you to what low depths American shipping had sunk prior to the passage of the White Act.

From 1921 to 1927, not a single ship had been built in an American yard for overseas trade—not a single one in a period of six years. During that period 1,034 vessels were built throughout the world. Of that number, only 141 were built in this country, and those not for overseas trade but for coast-to-coast trade. So by March, 1928, we were only building 2 per cent of the ship building of the world.

Since 1921 there has been a marked decline in shipbuilding of seagoing vessels in the United States. Of approximately 7,900,000 tons built between 1921 and 1927, only 309,000 tons were constructed in American yards. Of 1,034 vessels making up this total of new construction, but 41 were built in our country. Of 307 motor ships in this total, but 2 were built here. At the end of 1927 we were building but 3¼ per cent of the construction going on in the world, the smallest percentage in 35 years. By March of this year that percentage had shrunk to 2 per cent, and we found ourselves tenth among the nations of the world in shipbuilding. During this time, notwithstanding the construction of this limited tonnage for the intercoastal and near-by trades, we had not built in America a single ship for the overseas trade.

We can not expect American exporters and importers to utilize American ships unless and until those ships furnish a comparable service with foreign-flag ships. In these days speed and service are synonymous. The whole history of transportation by rail, motor, and airplane is the response to the demand of the American people for speed in the transportation of persons, mail, and things. It is as essential upon the sea as upon land. The tragic fact is that of more than 4,000 foreign ships competing in America's foreign trade at least 20 per cent, or more than 800, have been built since 1921, during which time, as pointed out above, not a single overseas ship has been built in our own yards to carry America's commerce.

Then the White bill was passed which permitted the Post Office Department to make contracts for carrying the American mail on ships built in American yards and flying the American flag, required to be manned by a crew 50 per cent American and four years later by a crew 75 per cent American.

The passage of the White bill has resulted in 24 contracts to carry the mail in American ships, under the increased rates allowed by that bill. I have indicated in red these 24 contracts, showing where the mail is now, or will be, carried this year in American ships to foreign ports. These red lines show you the contracts already made, and there are more pending. Incidentally this appropriation bill will only show an increased cost of $7,500,000 as the result of the White bill, but it has resulted in 24 new ships contracted for. Under those contracts there must be a ship or ships built within three years or the contract is canceled.

Therefore under these contracts shown in red 24 ships have already been contracted for and must be built within three years. So that since May, 1928, the effect of the White bill through the operation of the Post Office Department will result in 30 new ships being built in American yards, to fulfill these contracts. The approximate total cost of these 30 ships is in the neighborhood of between seventy-five million and one hundred million dollars. This is but a beginning. As additional contracts are let additional ships will have to be built. We can look forward confidently, therefore, to a revival of the American merchant marine made possible by this wise legislation. We serve notice on all that America intends to carry a large part of its own goods, in its foreign trade, in American ships, built in American yards, and owned by American citizens. Postmaster General New well stated the situation when he recently wrote:

> Our water-borne commerce involves the annual transportation of more than 113,000,000 long tons of freight valued at approximately $8,000,000,000. The annual charges on the shipments amount to more than $750,000,000. American ships carry only one-third of that tonnage and collect less than one-third of the freight payments. If, instead of 30 per cent, they carried 60 per cent of the traffic the increase in revenues to American shipping would amount to $250,000,000 annually. These figures are approximate, but they illustrate the benefits in dollars as well as in trade that the United States may enjoy with an adequate merchant marine, such as the Post Office Department hopes to foster under the ship-pay provisions of the new act.

The total cost to the Government probably will never exceed $24,000,000 a year under this mail subvention. This appropriation bill carries an increase of $7,500,000 to carry out the first steps of the White bill. It is interesting to note that Great Britain began making mail contracts as early as 1838, and all through the years since she has consistently followed this policy. Her payments on this account in the last 35 or 40 years have aggregated approximately $160,000,000, or about $40,000,000 per year. In the same period France has paid in mail contracts approximately $188,000,000, or about $47,000,000 a year.

Mr. KELLY. Will the gentleman yield?

Mr. BACON. I will.

Mr. KELLY. What is the difference in the payment between the rate paid to foreign companies in foreign ships and the rates paid American ships?

Mr. BACON. I have not the exact figures of the mail contract.

Mr. KELLY. I have understood that it was about double.

Mr. BACON. As a matter of fact, it is about double, but there is a requirement for speed that must be taken into account. It is on a mile basis as well as a speed basis. So that as the speed of the boat goes up the rate goes up.

Mr. KELLY. So that we are getting better service and at the same time getting a merchant marine.

Mr. BACON. There is no question about that. The receipts from the carrying of foreign mails will be about $18,500,000 a year.

Mr. BRIGGS. And is it not true that the receipts practically meet the obligations of the Government?

Mr. BACON. They more than meet the obligations under this bill, and it will be some time before the bill will carry $20,000,000 a year.

Mr. BRIGGS. I mean about meeting the obligations under the bill as planned in its operation.

Mr. BACON. Practically.

Mr. BRIGGS. Not only that, but the amount to which the gentleman refers as the receipts now, are expected by the Post

Office Department to be considerably augmented as the contracts are met and speedier boats are put into the service.

Mr. BACON. The gentleman is correct.

Mr. BRIGGS. Has the gentleman any information as to whether these contracts are to be carried on, continued, in order to make it possible to help the other Government services being maintained and acquired by private interests?

Mr. BACON. These contracts are let on a 10-year basis.

Mr. BRIGGS. I am not speaking of those let but of letting others.

Mr. BACON. There is no question about that. This is only the beginning. The act was passed in May last, and it is only December, and it is interesting to note how quickly and energetically the Post Office Department advertised for bids for these contracts, and how carefully they carried out the intention of Congress by putting the act into immediate effect.

Mr. BRIGGS. The point I make is that it is the policy of the administration to continue to make such contracts.

Mr. BACON. There is no question about that.

Mr. BRIGGS. Where it may be desirable, and thereby with that use of those mail contracts to enable many of the Government-operated services and ocean lines to be acquired by private interests and conducted by them. Is not that true?

Mr. BACON. There is no question about that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, I yield five minutes more to the gentleman from New York.

Mr. BACON. I will now give some examples of the types of boats, contracts for which have been let under this act. The Grace Line, running to South America, has let a contract for a boat of 16 knots. The Cuban Mail Line has let a contract for 2 boats of 19 knots. The Matson Line, running from San Francisco to Australia, is about to let a contract for 2 boats of 18 knots. The Dollar Line is about to contract for 3 boats of 18 knots, and incidentally the Dollar boats will be somewhat similar to the *California* and the *Virginia* which you have seen advertised so much recently—they are fine 20,000-ton boats that go from New York to San Francisco and back.

Mr. LAGUARDIA. And the *Malloto*.

Mr. BACON. That boat goes to Honolulu. These boats are to go to Australia. The Export Line, running from New York to the Mediterranean ports, has let a contract for 4 boats of 14 knots, and the South African Line has let a contract for 1 boat.

Mr. BLACK of New York. What effect has all this on the United States lines?

Mr. BACON. The United States lines run from New York to North Atlantic points, and are operated by the Government, but they are advertised for sale at the present moment.

Mr. BLACK of New York. Have they mail contracts?

Mr. BACON. I am not sure about that. Of course, if that line is sold and the new owners wish to have a mail contract, they will have to build new boats within three years. So, for the first time since 1921, American shipping is getting on its feet, due to the White bill entirely. When you realize that between 1922 and 1927, England outbuilt us 50 to 1, Germany 10 to 1, France 5 to 1, Italy 5 to 1, Japan 4 to 1, and that we were only about even with Russia prior to the passage of this act, you can see what an important effect the White bill is going to have on the future of American commerce and an American Merchant Marine.

It is also interesting to note that the shipyards are not the only ones that benefit from the building of these boats. It has been carefully estimated that only 39 per cent of the cost of a big boat like the *Leviathan* is expended within the shipyard. Fifty and eight-tenths per cent of the cost of a boat is spent on the products of other industries that go into the building of the vessel. Those other industries represent industries in every one of the States of the Union. The difference between 89.8 and 100 per cent is made up in taxes, insurance, depreciation, and freight. It is also interesting to note that American labor benefits by the building of these ships, because the labor factor in building a boat is about 78 per cent, not only in the yard but throughout the industries all over the country, the products of which go to make up the boat. Mr. Secretary New had an estimate made as to the source of the materials that went into the building of a boat. For example, the lumber comes from South Atlantic States, and from Arkansas, Florida, Idaho, Oregon, Vermont, Washington, and the iron ore from Alabama, Michigan, Minnesota, Ohio, Tennessee, West Virginia; while the steel comes from Maryland, New Jersey, Pennsylvania, Ohio, West Virginia; and the copper comes from Arizona, Colorado, Michigan, Montana, New Mexico, and Utah; the lead from Colorado, Idaho, and Missouri; the silver from Arizona, Colorado, Utah, and Nevada; the zinc from Kansas, Missouri; and the industrial States of New England furnish hardware, fittings, tools, and other equipment; and the turpentine and oil from Florida, Georgia, Oklahoma, Arkansas, Texas, and West Virginia. Those products make up 50 per cent of the cost of a vessel.

So I think Congress can be proud of the two acts passed, the Kelly and White Acts, and the Post Office Department should be congratulated on the energy with which they put both of those two acts into effect. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BACON. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting at this point a history of the Government-operated air mail service, prepared by the Post Office Department, which I have referred to in the course of my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

HISTORY OF GOVERNMENT-OPERATED AIR MAIL SERVICE

The first aerial mail transportation may be traced back to 1870, when in that year letters were carried out of beleaguered Paris by free balloons cast adrift in the winds. The first of such flights was made on September 23, 1870, and carried 500 pounds of mail. This service, of course, was not satisfactory, as the balloons could not be controlled and were just as liable as not to land in enemy territory. Some of them were carried by the winds many miles from Paris before they came down, and some of them were never heard of after leaving Paris.

In the year 1911, demonstrations of airplane mail service were made in India, England, and the United States. The first air mail service in the United States, however, was conducted at the aviation meeting at Nassau Boulevard, Long Island, N. Y., during the week of September 23 to 30, 1911. Earle L. Ovington, with his "Queen" monoplane, was duly appointed an air-mail carrier and covered a set route between the temporary post office established at the flying field and the post office at Mineola, N. Y., dropping the pouches at the latter point for the postmaster to pick up. This service, performed without expense to the department, was flown at regular intervals during the period, a total of 32,415 post cards, 3,993 letters, and 1,062 circulars being carried. It was quite satisfactory on the whole and very promising.

A few other similar experiments were made during the remainder of the year 1911, and the Post Office Department, recognizing the possibility of developing the airplane into a practicable means of aerial transportation, made recommendation to Congress early in 1912 for an appropriation of $50,000 with which to start an experimental service, but Congress refused to grant the appropriation. Notwithstanding, the keen interest of the Post Office Department in aerial transportation was kept up, and during the fiscal year 1912 a total of 31 orders, covering 16 different States, were issued permitting mail to be carried on short exhibition and experimental flights between certain points. Such service was merely temporary, of course, but performed in each instance by a sworn carrier and without expense to the department. These experimental flights were continued, however, request being made on Congress for an air mail appropriation from year to year.

During the fiscal year 1916 funds were made available for the payment of airplane service out of the appropriation for steamboat or other power boat service, and in that year advertisements were issued inviting bids for service on one route in Massachusetts and on several in Alaska. No bids were received under the advertisements, due to the fact that possible bidders were unable to obtain suitably constructed planes for the proposed service. Nevertheless, negotiations with airplane manufacturers and other interested aviation activities were pushed forward, looking to the earliest possible establishment of a carefully conducted experimental air mail service. The development of the airplane in the World War and the important part it was then playing as a fighting factor in that great struggle, also served to further strengthen the belief of postal officials that it certainly could be developed into a means of fast commercial and mail transportation as well. A final step looking toward this end was taken when Congress appropriated $100,000 for the fiscal year ending June 30, 1918, to be used in the establishment of an experimental air-mail route.

Careful preliminary study and consideration had been given this new undertaking, and on May 15, 1918, the first air-mail route in the United States was established between New York, N. Y., and Washington, D. C., with a stop at Philadelphia, Pa., for the exchange of mails or plane. The distance of the route was approximately 218 miles, and the frequency of service was one round trip daily, except Sunday. This service was inaugurated with the cooperation of the War Department, which furnished the planes and pilots and conducted the flying and maintenance operations, the Post Office Department handling the mail and

matters relating thereto. The cooperation of the War Department, which was of great value, was maintained until August 12, 1918, when the Post Office Department took over the entire operation of the route, furnishing its own equipment and personnel.

Flights on regular schedule, in all kinds of weather, presented new and unsolved problems, but gradually difficulties were overcome and a very reliable percentage of performance was attained over the route. In fact, the operation of this experimental route was so successful that the department immediately began to lay plans for the extension of the service, and with a view toward the possible establishment of a transcontinental route from New York City to San Francisco. The first leg of this important route was established between Cleveland, Ohio, and Chicago, Ill., with a stop at Bryan, Ohio, on May 15, 1919, and the second leg, New York City to Cleveland, with a stop at Bellefonte, Pa., was established on July 1 of the same year.

These two latter routes were utilized to advance delivery of mail in connection with train service, and this was accomplished in the following manner. Chicago and Cleveland gateway mail was dispatched by plane from New York to Cleveland, where it was placed on trains that left New York the evening before, thus saving about 16 hours in time to the Middle West and 24 hours to the coast. Eastbound flights over this route advanced delivery of gateway mail from Cleveland to New York in the same manner. On the Cleveland-Chicago route mail from the East was taken from the train at Cleveland in the morning and flown to Chicago in time for the last city delivery, saving approximately 16 hours in time. On the eastbound trips mail was flown from Chicago to overtake the mail train at Cleveland, which reached New York at 9.40 the following morning, thereby effecting a saving in time of approximately 16 hours in the delivery of mail to New York City and the New England States.

On the three routes in operation during the fiscal year 1919 there were in the air daily eight planes, flying an aggregate of 1,906 miles each day. The record of performance during this fiscal year was 96.54 per cent, and this record was made with more than 30 per cent of the trips flown in rain, fog, mist, or other conditions of poor visibility.

On May 15, 1920, the third leg of the transcontinental route—Chicago Ill., to Omaha, Nebr., via Iowa City, Iowa—was established, performing service similar to that performed on the routes between New York and Chicago. On August 16, 1920, a route was established between Chicago and St. Louis, and on December 1 of the same year a route was also established between Chicago and Minneapolis. Both of these latter routes expedited mail between the points named and were feeder lines to mail trains and the transcontinental route at Chicago.

The last leg of the transcontinental route, Omaha, Nebr., to San Francisco, Calif., via North Platte, Nebr., Cheyenne, Rawlins, and Rock Springs, Wyo.; Salt Lake City, Utah, and Elko and Reno, Nev., was inaugurated on September 8, 1920. The initial westbound trip was made at the rate of 80 miles per hour and was flown without a forced landing, either for weather or mechanical trouble. The plane carried 16,000 letters, which arrived in San Francisco 22 hours ahead of the best possible time by train, had the train made all its connections.

Due to the necessity of economizing in expenditure, and the fact that Congress had not specifically authorized the same, the New York-Washington route was discontinued on May 31, 1921, and the Minneapolis-Chicago and the Chicago-St. Louis routes on June 30, 1921. Operation was then confined to the service between New York and San Francisco, for which appropriation was specifically made.

In order to further demonstrate the possibilities of the airplane as a factor in the transportation of the mail, arrangements were made for a through flight from San Francisco to New York, and on February 22, 1921, an air-mail plane left San Francisco at 4.30 a. m., landing at New York (Hazelhurst Field, Long Island, N. Y.) at 4.50 p. m., February 23. The total elapsed time for the trip, including all stops, was 33 hours and 21 minutes. The actual flying time was 25 hours and 16 minutes, and the average speed was 104 miles per hour over the entire distance of 2,629 miles. This flight was made possible by flying at night between Cheyenne, Wyo., and Chicago, Ill., a class of service the need of which was seen by the department. While the present relay service had been brought up to a high degree of perfection, yet it was apparent to the department that if the route could be operated from New York to San Francisco on a through schedule, flying both night and day, a wonderful stride in the development of air-mail transportation would be accomplished.

With the development of night service in mind, the department on August 20, 1920, issued orders for the installation of radio stations at each field where this service could not be provided by Navy Department stations. By November 1, 10 of these stations were in operation, including 3 belonging to the Navy Department which were to be used in connection with the operation of the air mail service, and later on stations were established at all the remaining fields except Rawlins, Wyo., making a total of 17.

From this time on all plane movements were made on information as to weather conditions obtained by radio. In addition to service messages, it was used by other departments in lieu of telegraph when air-mail traffic permitted, and was also of great service in transmitting weather forecasts and stock-market reports for the Department of Agriculture. In addition to the installation of radio stations, all the fields were being developed for night flying, and plans studied for the establishment of beacon lights between fields for the guidance of pilots.

When the service was inaugurated in 1918, Curtiss JN–4–H planes with Hispano-Suiza motors were used. Soon after the Post Office Department took over the details of operation in August of that year, a number of Standard Aircraft Co. mail planes were purchased. These were also equipped with Hispano-Suiza motors, and carried 200 pounds of mail. Rebuilt de Haviland planes with Liberty motors were largely used as the various legs of the transcontinental route were extended. However, at one time or another, planes of the following types were used somewhat extensively: Curtis JN–4–H, with Wright engine, 150 horsepower; Standard JR–1B, with Wright engine, 150 horsepower; Curtis R–4–L, with Liberty–12 engine, 400 horsepower; Curtiss HA with Liberty–12 engine; Twin D. H., with two Liberty–6 (Hall Scott) engines, 400 horsepower; Martin mail planes, with two Liberty–12 engines, 800 horsepower; Junker (JL–6), with B. M. W. engine, 200 horsepower; and L. W. F. (type V), with Isotta Fraschini 250-horsepower engines.

In the fiscal year 1921, the Post Office Department paid manufacturers $476,109 for new planes and for remodeling of planes received from the Army. This practice was discontinued beginning with July 1, 1921, however, when the air mail service adopted the DeHaviland plane with Liberty–12 engine as standard equipment, disposing of all other types. A number of factors contributed to this end. Large stocks of Liberty motors were available and could be had by transfer from the War Department. With improvements made on the Liberty motor, such as heavy stub tooth gears, drilled pistons and improved oil pump, it could be considered as reliable and dependable as any motor of that time, if not more so. A number of DeHaviland planes were also obtained from the War and Navy Departments, and when remodeled and rebuilt into mail planes, they were speedy, reliable, long lived, and capable of carrying a mail load of 500 pounds. Experience had also proven they were a comparatively safe plane to operate. The air mail repair depot was located at Chicago, and was used for repairing, remodeling, and rebuilding of planes, overhauling of motors, etc.

It might be stated here that when the service first began to use Liberty motors it was not an uncommon occurrence to have delayed and uncompleted trips due to motor trouble. However, by developing and perfecting rigid inspection, servicing and overhaul methods, actual forced landings on account of motor trouble became a rare occurrence. Due to this same system of inspection, forced landings on account of the failure of the plane or plane parts became almost unheard of.

During the spring and summer of 1923 work on a lighted airway between Cheyenne, Wyo., and Chicago, Ill., was being pushed forward with a view to carrying out certain experiments to determine whether cross-country night flying on a regular schedule was possible, and whether a through transcontinental air-mail service between New York and San Francisco could be regularly maintained. This was certainly a huge undertaking, as up to this time very little night flying had been done, and, of course, there were no lighted airways in existence. The United States Army Air Service had carried on some experiments and developed certain necessary equipment, but had attempted very little regular scheduled cross-country night flying. The Army obligingly placed at the disposal of the Post Office Department all the knowledge they had obtained from their experiments. Splendid cooperation was had at the hands of manufacturers of illuminating equipment of various kinds. The General Electric Co., the American Gas Accumulator Co., and the Sperry Instrument Co. were particularly thorough in the assistance rendered. Beacon lights were installed between Chicago and Cheyenne, planes were equipped with landing lights, emergency fields were prepared, lighted, and marked, and terminal fields lighted. Pilots were given an opportunity to make practice night flights. All arrangements were completed as planned, however, and in August, 1923, a regular schedule was flown between New York and San Francisco for a period of four days, that part of the route between Chicago and Cheyenne being flown at night. The best time eastbound on any of the 4 days was 26 hours and 14 minutes, and the best time westbound was 29 hours and 38 minutes. It may be stated, however, that better time can generally be made on eastbound trips due to the fact that the prevailing winds are from the west. The result of the test was so satisfactory, being 100 per cent perfect, that operation of a transcontinental service on a similar schedule, the first 30 days to be a trial, was decided upon.

It was also decided to charge air-mail postage at the rate of 8 cents an ounce for each zone transported, the route being divided into three zones, namely, New York to Chicago, Chicago to Cheyenne, and Cheyenne to San Francisco. Heretofore no extra charge was made for the transportation of air mail, although when the service was first established back in 1918 special stamps were issued and the rate was 24 cents per

ounce. This was later reduced to 16 cents per ounce, then to 6 cents, and due to lack of patronage was finally discontinued on July 18, 1919, the regular standard domestic rate of 2 cents per ounce being put into effect.

The remainder of 1923 and the first half of 1924 was spent in preparing for the inauguration of a regular transcontinental service, which was begun on July 1, 1924. The 30-day test was so satisfactory that the service was continued as a regular operation. The schedule required departure from the initial termini in the morning and arrival at the end of the route late in the afternoon of the next day.

Later on a considerable demand for an air mail service between New York and Chicago by a schedule which would deliver mail of one business day to the opposite termini in time for the first carrier delivery the next morning was evidenced, and to meet that demand an overnight service between these points was established on July 1, 1925.

A brief summary of the work done in connection with the inauguration of night flying will give some idea of the undertaking. In the last half of 1923 and the first half of 1924 the following special work was accomplished: 289 flashing gas beacons were installed between Chicago and Cheyenne; 34 emergency landing fields between the same points were rented, equipped with rotating electric beacons, boundary markers, and telephones; 5 terminal landing fields were equipped with beacons, floodlights, and boundary markers; 17 planes were equipped with luminous instruments, navigation lights, landing lights, and parachute flares. In addition to this the necessary organization to handle operations both in the air and on the ground was brought up to a high degree of efficiency.

The running or navigation lights on the planes were similar to those used by ships at sea, only, of course, much smaller. A red light was installed on the left wing, a green one on the right wing, and a white one on the tail. The landing lights had projectors of the automobile type, but of much higher power. One light was mounted on the left wing tip and the other on the right, usually the lower panels. Each light gave approximately 150,000-beam candlepower. Two parachute flares were installed in each plane for emergency use. These could be released by the pilot, if necessary, to locate a field in case of forced landing at night, which occasionally happens. The flare, when released, gives a light of approximately 30,000 candlepower, burns from four to seven minutes, and has a radius of illumination of approximately 1 mile at 1,000 feet altitude.

A 36-inch high intensity arc revolving searchlight of approximately 500,000,000 candlepower was installed on a 50-foot tower at the regular fields. This great beacon, set at a fraction of a degree above the horizon, revolved at the rate of three times per minute, and on clear nights could be seen by the pilots for a distance of 130 to 150 miles. An 18-inch rotating beacon of approximately 5,000,000 candlepower, mounted on top of a 50-foot windmill tower, was installed at each emergency field. This beacon was also set at a fraction of a degree above the horizon, revolved at the rate of six times a minute, and was visible to the pilots on clear nights from 60 to 75 miles. The lights from these powerful beacons guided the pilots in their lonely flights through the night and marked for them the emergency and regular landing fields. A large searchlight, similar to the 36-inch arc beacon, equipped with a lens that spread the light fan shaped over the field, was used to illuminate the terminal fields for landing purposes. These floodlights were of great assistance and served to give the pilot as nearly as possible a daylight perspective when landing upon the field. One or two large, powerful B. B. T. floodlights were purchased for the beginning of regular night flying July 1, 1924, however, and eventually were installed at all terminal night flying fields, replacing the above-mentioned 36-inch floodlight. The lens of the B. B. T. floodlight, which throws a fan-shaped beam 180° in spread, is constructed and set in such a manner that no blinding effect is encountered by the pilot when landing on the field. It is rated at approximately 3,500,000 candlepower and will floodlight an area practically 1 mile square. The emergency landing fields were located from 25 to 30 miles apart, and furnished the pilot a safe place to land in case of necessity. The boundaries of both emergency and regular fields were outlined with small white lights placed 150 to 300 feet apart, and all obstacles were marked with red lights. Local electric current was available at terminal fields, and was used to furnish power to the beacons and also through underground cable to the boundary lights. At emergency fields where local current was not available units composed of three or four primary cell batteries were used for boundary lighting, and Delco lighting plants were installed to furnish power for the rotating beacon. The plant was inclosed in a shack at the base of the tower, which also served as a shelter for the caretaker. As a matter of fact, caretaker shacks were provided for all emergency fields. The small A. G. A. gas beacons were located approximately every 3 miles in between the emergency and regular or terminal fields, and served also to guide the pilot on the route. They flashed at the rate of sixty times a minute, and received their light power from cylinders of acetylene gas, which were renewed about every five or six months. They flashed continually night and day at the start, but during the last few years of Government operation a sun valve was invented which automatically shut off the light in the daytime and turned it on again at dusk.

The lighted airway was extended eastward from Chicago to Cleveland in the summer of 1924; westward to Rock Springs, Wyo., at the same time; from Cleveland to New York in the spring of 1925; and from Rock Springs to Salt Lake City in the fall of the same year. The last two extensions involved difficulties peculiar to the country over which laid out. The Cleveland-New York section traverses the Allegheny Mountain Range, offering serious difficulty in the establishment of emergency landing fields and locations of beacon lights on mountain tops that would be both visible to a pilot flying over and accessible from the ground. The section from Rock Springs to Salt Lake City traverses the Laramie and Wasatch Ranges of the Rocky Mountains, a stretch of country that is very sparsely settled. Many changes in the lighted airway were made to make it more efficient as time went on. Additional lights were installed, providing a powerful rotating beacon approximately every 15 miles; the 18-inch beacons were replaced with 24-inch beacons at practically all points, and one was also installed on top of the tower which supported the 36-inch beacon at the terminal fields. between Chicago and Cheyenne, thereby making it possible to limit the use of the 36-inch beacon to times when the weather was extremely bad. Emergency fields were improved and at a number of additional points local current was extended to the field. Experiment was made with wind-driven electric plants and several of them were successfully installed at points west of Chicago. These lighting plants, with power generated to large capacity storage batteries by a wind-driven propeller, were turned on at dusk and off at daylight by torque clocks or sun relays, thus eliminating the expense of having a caretaker employed. A number of other fields where local current was available were also made to be automatically controlled by the use of such instruments. The installation and illumination of this giant airway from New York City to Salt Lake City, a distance of some 2,045 miles, was accomplished at a cost of approximately $542,000.

In view of the steady increase in mail loads, augmented by the establishment of several contract feeder routes in the early part of the year 1926, it became apparent to the department that a plane carrying a much larger load than the de Haviland was necessary. Competition among various aircraft manufacturers was invited, and as a final result 51 Douglas mail planes were purchased, deliveries starting in the month of May, 1926. These new planes were capable of carrying more than twice the load carried by the de Haviland and also had considerable more speed. As a matter of fact, trips between certain points were made at the rate of 150 to 160 or more miles per hour, but these were quite infrequent, however, and only when a stiff tail wind was in evidence. The record mail trip between Chicago and New York City was made on December 16, 1926, at the rate of 167.5 miles per hour. The fastest mail trip on record was made on January 30, 1927, between Chicago and Cleveland, at the rate of 175.1 miles per hour. The greater cruising radius and speed of the Douglas planes permitted the discontinuance, except possibly in adverse weather conditions, of stops in both directions at Bellefonte, Bryan, and Rawlins, and on eastbound trips at Iowa City, North Platte, and Rock Springs. An important change in the eastbound transcontinental schedule was also made possible, allowing 1 hour and 15 minutes later departure from the New York termini. The new planes were put into use between Salt Lake City and New York City, where mail loads were heaviest, the de Havilands being used from Salt Lake City west. The building of de Haviland planes at the repair depot was discontinued on July 1, 1926, work of that nature being confined from then on to the repairing of old de Havilands and damaged Douglas planes. The surplus de Havilaud planes released were advertised and sold.

An important step bearing on the development of air-mail traffic was taken by the department on February 1, 1927, when a new postage rate of 10 cents per half ounce was put into effect, thereby entirely doing away with the complicated zoning system previously in use on the transcontinental and contract routes. The new flat rate entitled transportation between any points in the country, without regard to distance, and was a valuable means of increasing patronage.

The air-mail service was awarded the Collier trophy for the most important contributions to the development of aeronautics in the year 1922, on its outstanding record of safety established, and again in the year 1923, for demonstrating the practicability of night flying. The Harmon trophy of the United States, offered for the first time in the year 1926, was awarded by the International League of Aviators to an air-mail pilot—because of his remarkable record of having flown during that year over 718 hours without accident, in all kinds of weather, both winter and summer, on regularly assigned trips, 47 per cent of the time being flown at night. It may be stated that in the award of the Harmon trophy the wonderful day-in-and-day-out flying record of the air-mail pilot was considered more meritorious in the cause of advancing aviation than the flight made during that year by Commander Byrd over the North Pole.

It had never been the intention of the Post Office Department, however, to operate the air-mail service longer than was necessary to

clearly demonstrate the practicability of commercial aviation to the general public, and thereby induce private enterprise to enter the field and eventually take over the operation of service. Due to the large measure of success attained in the efficient operation and development of the transcontinental route, the desired interest was rapidly increasing and in the year 1926 several contract air-mail routes were put into operation, and contracts on several more routes awarded. Interest in commercial aviation, and contract air-mail service in particular, was further enlivened when in the spring of 1926 Congress passed a bill, known as the air commerce act of 1926, which, briefy stated, imposed upon the Secretary of Commerce the duty of fostering the development of commercial aviation in the United States. It authorized the Secretary of Commerce, among other things, to designate and establish airways, in so far as funds were made available by Congress from year to year, and to establish, operate, and maintain along such airways all necessary lights and emergency landing fields. It also provided that at such time as the Postmaster General and Secretary of Commerce by joint order should direct, the airway under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air facilities (except air ports or terminal landing fields) used in connection therewith, would be transferred to the jurisdiction and control of the Secretary of Commerce, the established air ports or terminal landing fields to be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. Taking all these happenings into consideration, the Postmaster General concluded that the time was fast approaching, or was actually at hand, when the transcontinental air-mail route might be turned over to private contractors and operation successfully and profitably carried on by them.

In order to ascertain the response that would be made, advertisements were issued on November 15, 1926, to expire on January 15, 1927, for proposals for service on the transcontinental route by sections—(1) New York to Chicago and (2) Chicago to San Francisco. A proposal at a satisfactory rate was received on the Chicago to San Francisco section from the Boeing Airplane Co. and Edward Hubbard, of Seattle, Wash. (later incorporated as the Boeing Air Transport, Salt Lake City, Utah), and accepted. Service began under their contract July 1, 1927, the Post Office Department relinquishing operation at midnight June 30. As no satisfactory bid was received for the service between New York and Chicago, that section of the route was readvertised under date of March 8 and the bid of the National Air Transport (Inc.), Chicago, Ill., accepted thereunder. This company began service under their contract on September 1, the Post Office Department continuing operation up until that time.

In addition to turning over to the contractor operation of service between Chicago and San Francisco on July 1, 1927, another important event in the history of the Government-operated air mail service took place on that date when, acting under legislation contained in the air commerce act above referred to, the lighted airway and the radio service were transferred to the jurisdiction and control of the Department of Commerce. The transfer of the radio service included 17 fully equipped stations, with an operating personnel of 44. Transfer of the lighted airway included an operating personnel of approximately 102 and the following fields and lights:

Emergency landing fields with caretakers in charge	68
Emergency landing fields automatically operated (no caretakers)	21
Electric beacon lights in between emergency fields with caretakers in charge	21
Electric beacon lights in between emergency fields automatically operated	79
A. G. A. gas routing beacons (automatic)	405

Arrangements were made for the transfer of terminal airports to the municipalities at which they were located very shortly after the relinquishment of service on the western part of the route, and the same procedure was followed after relinquishment of service on the eastern part. The buildings at Chicago were located on property owned by the United States Veterans' Bureau and at Omaha and San Francisco on property owned by the War Department. Ownership of these buildings therefore reverted to the Government departments named.

A number of the new Douglas planes were sold to air-mail contractors, and the balance, together with the few remaining serviceable DeHavilands, were transferred to other Government departments in need of such equipment. Considerable of the shop material and equipment could be advantageously used in the large post-office garages, and transfer was accordingly made. The remaining serviceable material, equipment, etc., was listed to the Chief Coordinator for clearance and that desired by other Government departments was accordingly transferred. The material and equipment not taken by other branches of the Government was listed for sale and sold in the usual manner to the highest bidder. By December 31, 1927, the department's interests were completely closed out at all fields except Chicago, where only a small quantity of the material and equipment located in the repair depot and warehouse remained to be disposed of.

The Post Office Department has reason to be proud of the development of its undertaking, and the following tables will clearly illustrate some of the work accomplished from the beginning of service to its complete relinquishment, August 31, 1927. From the statement on performance will be noted the remarkable percentage of scheduled miles flown, and in this connection it may be stated that if it were not for severe weather conditions, especially met with during the winter months of the year, such as fog, sleet, and blizzards, an almost perfect schedule could be maintained at all times. Of course, weather that it was considered impossible to fly through in the early stages was easily flown through during the last few years, but fog still remains the greatest enemy of the pilot and the cause of practically all serious delays and uncompleted trips. Short areas of fog are flown through or over, but it is not practicable to fly through or over large areas of dense fog, requiring designated landings to be made therein, with our present equipment and instruments. However, experiments are being continually carried on with a view to finding some effectual means of overcoming this hazard, and it is hoped that such means will be found within the not too far distant future. Attention is also called to the wonderful record of safety established during the later years of operation, as shown in the statement of fatalities, etc. A total of 3,108,720 miles were flown before the last fatality occurred.

Statement of performance from the beginning to the end of Government-operated service May 15, 1918, to and including August 31, 1927

Fiscal year ending June 30—	Miles mail trips scheduled	Miles mail trips actually flown	Percentage scheduled miles flown	Miles flown ferry and test	Total miles flown mail ferry and test	Forced landings (mail trips)		Number letters carried (40 per pound)
						Mechanical	Weather	
1918	18,000	16,009	84	5,380	21,389	6	6	713,240
1919	166,843	160,066	96	34,920	194,986	37	56	9,210,040
1920	653,764	549,244	84	99,156	648,400	155	105	21,063,120
1921	1,819,978	1,554,935	86	215,673	1,770,658	810	954	44,834,080
1922	1,629,250	1,537,927	94	189,338	1,727,265	281	479	48,988,920
1923	1,644,457	1,590,637	96	218,391	1,809,028	176	279	67,875,840
1924	1,590,425	1,522,763	95	330,488	1,853,251	154	353	60,001,360
1925	2,160,022	2,076,764	96	424,791	2,501,555	174	586	[1] 9,300,520
1926	2,405,059	2,256,137	94	291,855	2,547,992	155	707	[1] 14,145,640
1927	2,482,865	2,329,553	95	253,453	2,583,006	140	881	[1] 22,385,000
1928 [2]	179,304	173,987	97	21,725	195,712	7	31	[1] 3,338,080
Total	14,749,967	13,768,072	93	2,085,170	15,853,242	2,095	4,437	301,855,840

[1] Only mail with postage prepaid at the higher or special air-mail rate was carried in 1925, 1926, 1927, and 1928.
[2] Operated by the Post Office Department between New York and Chicago only, during the months of July and August, 1928.

Statement of fatalities, injuries, and plane crashes from the beginning to the end of Government-operated service May 15, 1918, to and including August 31, 1927

Fiscal year	Total number of fatalities		Average miles flown for each fatality	Number injured			Planes crashed	Average miles flown per crash
				Minor	Serious			
					Flight	Ground		
1918			[1]					
1919		3	64,995	2	1	0	13	14,999
	Pilots	2	97,493					
	On ground	1	194,986					
1920		9	72,044	12	1	1	33	19,648
	Pilots	5	129,680					
	Passengers	4	162,100					
1921		17	104,156					
	Pilots	12	147,554	33	1	2	56	31,618
	Passengers	4	442,664					
	On ground	1	1,770,658					
1922	Pilot	1	1,727,265	33	1	3	17	101,604
1923		4	452,257	27		2	12	150,752
	Pilots	3	603,009					
	Passenger	1	1,809,028					
1924	Pilots	4	463,312	41	1	5	14	132,375
1925	Pilots	2	1,250,777	46	2	3	12	208,463
1926	Pilots	2	1,273,996	59	2		9	283,111
1927	Pilot	1	2,583,006	51	2	9	33	78,272
1928			[1]	4			1	195,712
Total		[2] 43	[3]	308	11	25	200	79,266

[1] No fatality.
[2] 32 fatal crashes; 32 pilots and 9 employees who accompanied pilots on flights killed; 2 employees killed on ground by propellers.
[3] Average miles flown for each fatal crash, 495,414; average miles employee killed in flight, 386,665; average miles flown for each fatality (flight and ground), 368,680.

During the period between the last fatality, April 22, 1927, and the previous one, February 12, 1926, a total of 3,108,720 miles were flown.

Statement showing appropriations and expenditures for operation and maintenance of the air mail service from the beginning to the end of Government-operated service, May 15, 1918, to and including August 31, 1927

Fiscal year	Air mail appropriation	Total amount expended	How expended					Value of property inventory at close of year
			Wages and salaries	Pilots' mileage pay	Building and field improvements	Gasoline and oil	Other supplies and service	
1918	$100,000	$13,604						
1919	100,000	717,177						
1920	850,000	1,264,495						
1921	1,375,000	2,653,882						
1922	1,425,000	1,418,146	$548,101	$92,891	$29,222	$181,204	$563,749	$2,560,018
1923	1,900,000	1,897,151	676,945	101,327	473,796	186,360	458,723	2,861,492
1924	1,500,000	1,498,674	759,304	107,739	32,336	160,081	436,536	3,246,385
1925	2,750,000	2,743,750	1,059,384	174,743	163,707	226,998	1,118,918	3,506,534
1926	2,885,000	2,782,422	1,180,595	197,496	294,298	232,738	877,295	3,816,679
1927	2,650,000	2,255,919	991,528	205,180	24,655	201,255	833,301	3,345,641
1928	2,150,000	166,314	121,137	16,707	None.	11,453	17,017	(1)
Total	17,685,000	17,411,534						

[1] No property.

In the fiscal years 1919, 1920, and 1921 appropriations made for star-route, power-boat, and railroad service were used by the air-mail service.

The records for the fiscal years 1918 to 1921, inclusive, were so kept that it would be difficult to itemize the expenditures.

An inventory was not taken until the close of the fiscal year 1922.

Statement showing pilots in service at discontinuance of Government-operated route, with dates of their original appointment, and total number of miles and hours flown

Pilot	Date of original appointment in service	Date of last flight	Total number of hours flown	Total number of miles flown
Allen, Edmond	July 10, 1925	June 29, 1927	1,126.34	109,669
Allison, Ernest M	Aug. 23, 1920	June 27, 1927	3,806.16	359,793
Barker, Hugh	Jan. 4, 1924	June 13, 1927	1,794.22	170,073
Barnes, J. M	Aug. 24, 1924	July 14, 1927	1,452.02	139,458
Bertaud, Lloyd W	Nov. 16, 1924	July 2, 1927	1,443.19	141,806
Biffle, Ira O	Dec. 9, 1918	June 28, 1927	1,962.37	193,515
Boonstra, Harry G	Mar. 14, 1921	June 27, 1927	3,238.49	303,428
Bowen, L. L	July 10, 1925	Apr. 5, 1927	946.07	93,949
Brown, Henry J	Jan. 12, 1925	Aug. 31, 1927	1,425.17	151,166
Burnside, Frank H	July 17, 1923	do	1,479.10	147,885
Chandler, Harry A	Aug. 16, 1920	Aug. 30, 1927	4,132.22	394,605
Collins, Paul F	Feb. 12, 1921	Aug. 31, 1927	3,587.00	361,689
Collison, H. A	May 27, 1921	June 19, 1927	3,482.17	331,474
Ellis, Robert H	July 7, 1919	June 28, 1927	3,388.02	347,518
Hill, James D	July 1, 1924	July 11, 1927	1,928.36	202,027
Hopson, William C	Apr. 14, 1920	Aug. 27, 1927	4,043.25	413,034
Huking, Harry	May 3, 1920	June 30, 1927	2,509.17	228,850
Johnson, C. Eugene	Mar. 10, 1921	June 8, 1927	2,525.28	239,356
Johnson, Ralph J	Aug. 25, 1924	June 26, 1927	1,492.00	140,520
Kaufman, Stephen T	July 1, 1925	Aug. 31, 1927	1,503.51	149,040
Knight, James H	June 25, 1919	June 30, 1927	4,282.54	417,072
Lee, Eber H	Dec. 29, 1918	June 28, 1927	4,220.43	382,426
Levisee, Rexford B	Nov. 9, 1920	June 30, 1927	3,365.25	320,889
Lewis, Harold T	May 27, 1919	June 29, 1927	3,840.21	365,625
McGinn, Leo J	May 10, 1923	Aug. 31, 1927	593.58	60,937
Maroney, Edward S	Aug. 11, 1921	June 30, 1927	375.09	35,527
Marshall, Tex	Sept. 21, 1920	June 22, 1927	3,675.08	329,152
Mouton, E. E	Sept. 8, 1920	May 22, 1927	3,805.54	369,730
Murray, James P	June 8, 1920	July 11, 1927	4,380.46	400,611
Myers, Geo. L	June 1, 1923	Sept. 9, 1927	2,782.29	281,114
Pomeroy, Geo. C	Aug. 16, 1924	Aug. 4, 1927	1,649.24	155,123
Sharpnack, J. W	Sept. 8, 1920	June 9, 1927	2,256.41	217,212
Short, Shirley J	Mar. 2, 1923	Aug. 31, 1927	2,841.43	284,552
Smith, Dean C	May 21, 1920	Aug. 28, 1927	3,764.57	365,719
Smith, Harry G	Aug. 31, 1920	Aug. 29, 1927	2,770.11	265,164
Smith, W. L	Nov. 8, 1919	June 15, 1927	4,029.26	391,686
Vance, C. K	Apr. 22, 1920	June 30, 1927	2,811.58	268,094
Wagner, R. L	Apr. 23, 1923	do	2,345.24	235,551
Ward, Earl F	Dec. 21, 1923	Aug. 31, 1927	2,166.08	226,722
Webster, J. O	Jan. 3, 1921	do	1,444.24	132,986
Williams, W. D	Aug. 10, 1920	Aug. 29, 1927	4,336.05	424,294
Winslow, B. H	Sept. 22, 1920	June 30, 1927	2,885.57	256,553
Yager, F. R	Aug. 10, 1920	June 27, 1927	4,009.14	391,616

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, at our last session the Congress passed the bill which made possible the erection by the Republic of Panama of a great laboratory in that country at a cost of half a million dollars to search out the cause and cure of tropical diseases, to be maintained in part by an annual appropriation of $50,000 by the Government of the United States and to be named the Gorgas Memorial Laboratory in commemoration of the life and work of that great physician and great American, William Crawford Gorgas. I have read with much interest the recent report of the Gorgas Memorial Institute and it is most gratifying to note the progress made in connection with the establishment of the Gorgas Memorial Laboratory. The appointment of Dr. Herbert C. Clark, a distinguished authority on tropical medicine, to the directorship of the laboratory and the friendly cooperation of the Government of Panama evidenced by its turning over to the institute the magnificent building erected for the school of medicine are two outstanding accomplishments of the memorial institute in connection with the preliminary arrangements for the establishment of the laboratory.

It was in the little town of Toulminville, a suburb of the historic old city of Mobile in Alabama, the State which I have the honor to represent, that on the 3d day of October, 1854, William Crawford Gorgas was born, the son of Gen. Josiah Gorgas and Amelia Gayle Gorgas. Gen. Josiah Gorgas served as chief of ordnance of the Confederate Army during the War between the States, was for 10 years president of the University of the South at Sewanee, Tenn., and later president of the University of Alabama at Tuscaloosa, Ala. Mrs. Amelia Gayle Gorgas was the daughter of Hon. John Gayle, who was Governor of Alabama and afterwards a Member of Congress and a United States district judge. When I entered the University of Alabama as a student in the fall of 1911 I soon came to know Mrs. Amelia Gayle Gorgas. For many years she had been the librarian of the university library. Her lovely old home in the very heart of the campus was the rendezvous for the students who came and went with the passing years. She was their kindest critic, their wisest counsellor, their best friend, known by all and loved and revered by all, the mother of the university campus. The magnificent new university library is the Amelia Gayle Gorgas Library, named as a tribute of love and of appreciation of the life, the service, and the faith of this noble woman. During my university days Miss Mamie Gorgas, General Gorgas's sister, was the assistant librarian at the university library. Her kindly manner, her gentle spirit endeared her to all. Many were the proud and happy moments we spent together in talking of her great brother and his great work. Upon our entrance into the World War, when I was examined and rejected for admission to the Army on account of underweight, my underweight was waived through the good offices of General Gorgas, then the Surgeon General of the Army, and my heart's desire found realization by my admission to the Army.

Profane history tells us of Alexanders and Cæsars and Napoleons who came with the blare of trumpets, the clash of arms, and the thunder of armies, establishing dynasties and empires which endured for a time and then swayed, tottered, crumbled, and fell forever. Sacred history tells us of the silent Nazarene, who came without the pomp and pageantry and circumstance of temporal monarchs and through the silent influences emanating from His own perfect life and character established a kingdom as wide as the universe and as lasting as eternity. The future historian will tell of William Crawford Gorgas, patient and devoted man, who walked in the footsteps of the Great Physician and whose life of humility, service, and sacrifice brought more blessings to mankind than all the kings and conquerors and empire builders.

In the hidden wastes of the Tropics there lurked an enemy, silent but inexorable, that made them the white man's sepulchre. From its home in the Tropics this same yellow fever often journeyed forth into the cooler climate of the Temperate Zone, leaving in its wake a trail of woe, of terror, and of death. In 1793 the dread disease ventured even as far north as Philadelphia and with terrible suddenness fell upon that city. There was scarcely a home that was not afflicted; the rich quarters as well as the poor abounded in the disease; the clean as well as the filthy, and all ages and colors rendered their tribute. In a few brief weeks one-tenth of the population was dead. In that most interesting and enlightening volume, William Crawford Gorgas, His Life and Work, the colabor of his widow, Mrs. Marie D. Gorgas, and Hon. Burton J. Hendrick, we find this interesting account of conditions in Philadelphia during the epidemic:

> In a few days the city was in a state of the wildest disorder. As usual, all fled who could get away; for weeks there was a continuous procession of carts, coaches, wagons, and "chairs" transporting families and furniture in all directions; in the towns to which the refugees went they were most unwelcome visitors, and in many cases they were turned back at the gate. All phases of business and community life came suddenly to an end; banks closed; factories shut their doors, leaving thousands without employment; newspapers stopped publication, and churches ceased their functions for want of congregations. Sick persons sometimes fell dead in the streets, their corpses lying for weeks without burial * * *.
>
> The most distinguished citizens were buried unceremoniously, with no human attendant except the negro who drove the death cart. The appearance of anything that resembled such a funeral was a signal for

the population to flee in all directions. In many cases husbands abandoned their sick wives and wives their sick husbands; instances were not unknown in which parents fled from their children and children left their parents to die in neglect. The afflicted were sometimes left to perish miserably without medicine or a drink of water, and even women in childbirth frequently received no care. One writer records as an evidence of the state of the popular frenzy that had ruled all summer the delight with which the populace looked upon a conventional funeral proceeding in leisure and dignity through the streets. It had for so many months been the custom to hustle off unattended corpses at midnight or to leave them unburied in vacant lots that even this somber manifestation of normal existence was a cause for general rejoicing.

The famous Dr. Benjamin Rush and Matthew Carey have left accounts of the epidemic which have a strong resemblance to Defoe's description of the great London plague of 1664–65. There was not a year in the nineteenth century during which this unknown and impalpable enemy did not claim its victims in many American cities. Particularly did the cities on the Gulf coast, such as New Orleans, Mobile, and Pensacola, many times satiate the voracious appetite of this unholy plague.

In 1880 yellow fever in its most violent form was exacting heavy toll of the people of Brownsville, Tex. Gorgas, then a young lieutenant in the Medical Corps of the Army, volunteered to go to the stricken area and was sent to Fort Brown, at Brownsville, to assist in the medical care of the civilian population. Here fate seemed to ordain him as her own and to prepare and equip him for the high destiny which was his. Here he met for the first time Miss Marie Cook Doughty, whom he attended while seriously ill with yellow fever and whom he later married. As his wife, his silent partner through the years, her unfaltering faith and appreciation encouraged him to do and to become, her devoted care and loving hands helped the master work out his noble plan. Here he himself fell a victim to the dread disease and thereby became immune to it for the rest of his life.

In 1898 Gorgas was appointed chief sanitary officer at Habana. In 1900 there came to Habana the immortal four, Walter Reed, James Carroll, Jesse W. Lazear, and Aristides Agramonte, the commission charged by the Government of the United States with solving, if possible, the baffling and perplexing problem of the cause of yellow fever. This commission headed by Major Reed, himself a southerner like Gorgas, using the elaborate statistical study of the spread of yellow fever in houses made by that other great Southerner, Dr. Henry R. Carter, of the United States Public Health Service, and the mosquito theory of infection, as advanced by Dr. Carlos J. Finlay, of Habana, while armed with the knowledge brilliantly demonstrated by Sir Ronald Ross that the Anopheles mosquito was the infecting agent in malaria fever, after months of devoted work crowned with wonderful self-sacrifice and marvelous self-abnegation in which the young, the brilliant, the gallant Lazear gave his life, definitely demonstrated that the Stegomyia mosquito was the infecting agent in yellow fever.

If it is the mosquito—

Said Gorgas, when the Reed experiments were under way—

I am going to get rid of the mosquito.

Even Reed himself smiled at the idea.

It can not be done—

He said, and his opinion was the one that generally prevailed in Habana at that time. Most scientists regarded Reed's indictment of the Stegomyia mosquito as merely a brilliant academic performance. They could not see how it greatly lessened the general yellow-fever peril. In fact, Reed seemed to have reduced the situation to one of utter despair. He had proved that the Stegomyia conveyed the disease; but how could the Stegomyia be controlled except by destroying him—a seemingly impossible task. Mosquitoes existed not by the thousands or millions but by the uncountable billions. Every environ in Habana was full of them. They swarmed in the streets, the alleyways, the byways, the houses, in every conceivable place in the city. Often they settled over the city like a hideous cloud. As has been well said:

The Reed discovery came almost like a sentence of death. Habana always had had yellow fever and now it seemed certain that Habana would always have it. To run around the city attempting to banish the disease by killing these gnats—what occupation could seem more useless and more ludicrous? One might as well attempt to banish the air in which the mosquitoes passed their brief destructive existence. What Reed had apparently accomplished was to add a new horror to daily existence.

In spite of the doubts, the fears of those about him, in the face of the laughter and the jibes of scientists, notwithstanding the oppression of the seemingly hopelessness of the task, the quiet, devoted sanitary officer of the city set himself with indomitable resolution and religious fervor to the destruction of the Stegomyia. He cleaned up the pest holes, the hidden waste, the unclean places, the foul dens of the city, and by the use of kerosene and petroleum rendered uninhabitable to the Stegomyia its breeding places. With his sanitary methods he swept through the city, cleaning and purifying it like the River Alpheus through the Augean stables. He drove the Stegomyia before him like the withered leaves before the autumn gale. In the brief time of seven and one-half months Gorgas delivered the city from the Stegomyia and lifted the pall that had hung over it for 140 years. For all these years there had not been a day when yellow fever had not prevailed in Habana. To-day Habana is healthier than the average American city. It stands the proud capital of a treasure-laden isle, a great city freed from dread disease, one of the most beautiful of all the world, whose charm is the delight of all privileged to enjoy the hospitality of its people, with argosies of commerce bound for its harbor, and an admiring America rejoicing in its happiness and its glory—a living and eternal monument to the wonder and the genius and the faith of William Crawford Gorgas. What had been done in Cuba could be done in other disease-ridden countries; what had been accomplished with yellow fever could be accomplished with other similar plagues. The Tropics with their hidden treasures, believed through the centuries incapable of habitation by the white man, were now shown to be habitable to him. The redemption of these mighty territories lay in the offing, and it was Gorgas who had proven that that redemption was possible. He now dedicated himself to the great task of the redemption.

In 1904 the United States Government undertook the stupendous task of the construction of the Panama Canal. A few years before the French Panama Canal Co. had attempted the task only to find its money, its efforts, its hopes, lost in utter failure. The French company had the skill, it had the ambition, it had the money, it had everything but one thing, and that was the genius of a Gorgas. In 1885 in writing about Panama, the historian, James Anthony Froude, said:

There is not perhaps now concentrated in any single spot so much swindling and villainy, so much foul disease, such a hideous dungheap of physical and moral abomination. The Isthmus is a damp, tropical jungle, intensely hot, swarming with mosquitoes, snakes, alligators, scorpions, and centipedes; the home even as nature made it of yellow fever, typhus, and dysentery.

At one time the French company brought to Panama 500 young engineers, put them to work in the swamps, and not one of them lived to draw his first month's pay. The pestilence of the swamp and the disease of the jungle had written the final chapter of the French company in terms of dismay, disaster, and death. It was within the shadow of these failures, haunted by their ruins, beset by the same implacable enemies that had brought them about that Gorgas found himself in 1904 as the chief sanitary officer of the Canal Zone charged with the gigantic task of conquering these enemies and making possible the construction of the canal. Within less than two years after he obtained the necessary help and supplies he exterminated the mosquitoes, eradicated yellow fever and malaria, cleaned up the Canal Zone, and made possible the building of the canal. Some Vergil will weave the incomparable story of Gorgas's triumph into a new epic—an epic of the jungle, of the fury and fatal power of its denizens—an epic that will tell of the tact, the patience, the perseverance, the courage of its hero handicapped by his own Government, opposed and thwarted at times by the officials of that Government whose very lives lay in his hands and whose help should have been his staunchest and best support, and in this epic the reader will find—

the modern realization of the legend of Heracles, the cleanser of foul places and the enemy of evil beasts.

Of Gorgas's wonderful achievement in Panama, Sir William Osler, at the time regius professor of medicine at Oxford, said in his famous Edinburgh sermon on Man's Redemption of Man:

There is nothing to match it in the history of human achievement. Before our eyes to-day the most striking experiment ever made in sanitation is in progress. The digging of the Panama Canal was acknowledged to be a question of the health of the workers. For four centuries the Isthmus had been the white man's grave. * * * Here is a chapter in human achievement for which it would be hard to find a parallel.

In 1907, in recognition of the great work he was doing, Gorgas was made a member of the Isthmian Canal Commission, and in 1915 Gorgas and his associates on the commission were given a vote of thanks by Congress for the distinguished service ren-

dered in the construction of the Panama Canal. This is one of the few instances in history since Hippocrates was awarded a civic crown by the citizens of Athens for averting a pestilence from that city that sanitary achievement has been recognized by the State.

When the United States entered the World War Gorgas was the Surgeon General of the United States Army. With that vision and prescience that had signalized his every endeavor he had been preparing for months for the inevitable conflict.

His administrative genius and medical foresight were well illustrated by his plan of strict physical examination of all men drafted. "I want to give you a fit Army, Mr. Secretary," he told Secretary of War Baker. His plan for this involved the most spectacular method of wholesale examination of human machinery in the history of the world. Every one of the 7,000,000 men who were called under the draft underwent a thorough examination by a group of doctors, specialists in the various fields. The eyes, the heart, the teeth, the feet, the nerves, the entire body machine had to be right before this Gorgas Board would certify the applicant ready for service. Nearly 30 per cent of those examined were rejected for physical disability. Of those accepted, many had incipient disabilities which were remedied. In every previous war in which our country had engaged it was the ravages of disease rather than the bullets of the enemy that had stricken down brave men and swelled the casualty lists. Under the guiding hand and the devoted leadership of General Gorgas as Surgeon General we mobilized, trained, transported 3,000 miles to Europe, and put into action the greatest army we ever had with a smaller death rate than had hitherto been known in the annals of military medicine. When the American Army commenced its great advance in July, 1918, at Chateau-Thierry it was able to continue the terrific drive without cessation until it crowned the American standards with victory on the heights of Sedan the following November because Gorgas had filled that army with the strongest and the best of America's manhood and had then safeguarded and protected them from the ravages of disease. As William Crawford Gorgas had made possible the building of the Panama Canal, he likewise made possible the brilliant triumph of American arms on the western front. With Wilson and Pershing, Gorgas must take his place as one of the great leaders of that great conflict.

During the course of the war when millions of young men were passing in review before draft medical boards, some being rejected, others being advised of minor defects which could be remedied, and all of them impressed with the message of personal hygiene, General Gorgas said one day to one of his aides:

> What an example it would be after this war in times of peace if we could get a voluntary system which would provide such an examination for all the citizens of our country once a year. A periodic health examination would be a wonderful means of keeping our people well.

Out of this dream of Gorgas, with its vision of a plan to add to the health power of the Nation, has come the Gorgas idea of better personal health through an annual check-up by the family doctor. In his name, and honoring his memory and achievements and medical genius, has been established the Gorgas Memorial Institute of Preventive and Tropical Medicine; a great organization dedicated to added research in tropical medicine, but also pledged to a tremendous educational campaign for better personal health.

Prevention of disease! Here is the keynote of Gorgas's life, and its application to problems of health in this day would account for a remarkable progress in life-saving. It is said that 50 per cent of the men and women in this country over 40 years of age will die within the next 15 years of preventable diseases—one-third of them from heart diseases, preventable if gotten at in their incipiency; one-third of them of kidney disease, preventable if cared for in the early stages; one-third of them from cancer, also preventable if the cancer is discovered at the outset. It is estimated by health authorities that the annual health examination, with its early discovery of incipient dangers and its message of individual hygiene, as a means of prevention, would add from 5 to 10 years to the average life expectancy.

From the time of his great success in Habana and particularly after his world-famous achievement in Panama, General Gorgas was appealed to by nearly every disease-ridden country of the world to come and liberate it as he had liberated Habana and the Isthmus of Panama. From time to time when he could get away from his duties for a short period he obtained temporary leave of absence and went to Ecuador, Peru, Colombia, Brazil, Venezuela, South Africa, and other countries, ever fighting disease, ever waging war on pestilence, ever laboring, ever serving suffering humanity. After his retirement from the Army at the age of 64, he was selected as chief of the Rockefeller Yellow Fever Foundation, and in that position, at the time of his death, he was working out the plans and laying the strategems to rid the entire world of the dread disease. In General Gorgas's life were mirrored the virtues of his great profession, the medical profession, that asks not whence its patient comes nor whither he goes; that knows not race nor class nor creed; that makes no demands and needs no assurances; that lets no call go unanswered from its door; that ministers to the sick, the diseased, and the suffering; that blesses them, eases their pain, soothes their sorrows, dries up their tears, and breathes hope into their despairing hearts.

General Gorgas was the whole world's physician. The debt the world owes him can never be computed. Diseases which he exterminated and which at the time were indigenous to a particular country or to the Tropics to-day with modern transportation, with modern lines of communication, with all the world neighbors, might well travel the globe and pile the corpses of their victims even to the ends of the earth. "The saviour of the Tropics" was to a degree beyond human ken the protector of the world.

On May 8, 1920, in company with his devoted wife and his official staff, General Gorgas set sail for London whence, at the invitation of the British Government, he was going to investigate yellow-fever conditions on the West Coast of Africa. He fell ill in London on May 30. Previously King George had made an appointment to see him at a subsequent date, and when the King learned of his illness he said, "If General Gorgas is too ill to come to the palace to see me, I shall go to the hospital to see him." The Sovereign of the British Empire visited the hospital and presented to the general the insignia of Knight Commander of the Most Distinguished Order of St. Michael and St. George. This was but one of the many honors and decorations that came to General Gorgas from the rulers and governments of many of the great nations of the earth in recognition of his services to the cause of humanity.

On the 4th day of July, 1920, in London, William Crawford Gorgas, tired and worn, peacefully and quietly slipped out of the company of living men and went home to the Great Physician. At the command of the King and by order of the British Government, a state funeral with full military honors was accorded him in St. Paul's Cathedral, London, the resting place of England's greatest naval and military heroes. It was one of the greatest and most impressive funerals in England in modern times. Representatives of the King and the royal family, the British cabinet ministers, leading statesmen, high officials and officers of the British Army and Navy, the diplomatic corps representing the great nations at the Court of St. James, and representatives of the leading medical and other scientific institutions attended and paid homage to the great man. Hundreds of thousands of people thronged the streets and with bared heads reverently attested their appreciation of him who had contributed so much to suffering humanity.

The great papers and periodicals of the British Empire voiced their tribute of appreciation and beautifully and eloquently told of General Gorgas and his work. As one said in describing his funeral:

> And the other day he rode up Ludgate Hill, sleeping his last sleep on earth, wrapped in the Stars and Stripes. There were thousands of men and women and children standing still, there were hundreds of men in khaki passing by, there were ambassadors and other great people and the lonely woman who was on her way with her hero to conquer disease when death took him from her. And there was the riderless horse. All these came up Ludgate Hill, and as the sun poured down on this ancient way, our hearts and ears throbbing with the solemn music of the Dead March, we knew that we were looking on the passing of a man whose name would shine for ages in the history of our race. It seemed good that death should find him here, for so there came our opporunity to do a great man honor. He passed through the great door through which the sun streams into the nave of St. Paul's, and there he lay with Nelson and Wellington and all that mighty host who came this way and passed into the universe. They will take him to his own land, but in truth he belongs to us all. He was one of life's great helpers, for he cleaned up foul places and made them sweet, and now he belongs to the ages.

General Gorgas's body was brought back to his own country, where he was given its greatest honors and where they laid him to rest in Arlington, the Valhalla of America's heroic dead. There he sleeps on the slopes of the historic Potomac, beneath the folds of Old Glory, within the shadow of the Capitol of the Nation he loved and served so well. France has her Louis Pas-

teur, England has her Joseph Lister, and America has her William Crawford Gorgas. Patient and devoted man, servant of all peoples and of the most-high God, let his people, the American people, through their Government build a fitting memorial to him, a memorial that will carry on his great and beneficent work. "He served the human lot to raise and won a name that endless ages praise."

Mr. Speaker, as an additional part of my remarks on General Gorgas I insert in the RECORD the following concise biography of him, furnished me by the Gorgas Memorial Institute:

I. BIOGRAPHY OF WILLIAM CRAWFORD GORGAS

William Crawford Gorgas was born in Mobile, Ala., on October 3, 1854. He was the son of Gen. Josiah Gorgas, the chief of ordnance of the Southern Confederacy during the Civil War and later the president of the University of the South, at Sewanee, Tenn. His mother was Amelia (Gayle) Gorgas, daughter of Governor Gayle, of Alabama.

Gorgas was graduated from the University of the South with the degree of A. B. in 1875, and from Bellevue Hospital Medical College with the degree of M. D. in 1879. He entered the Medical Department of the United States Army on June 16, 1880, as first lieutenant, was advanced to captain in 1885, and to major in 1898.

In 1880 yellow fever was prevalent in Brownsville, Tex., in violent epidemic form. Conditions were bad beyond the power of words to portray to those who have no recollection of conditions in a yellow fever stricken city prior to 1880. The Government, as well as the people at large, had been appealed to.

Gorgas, with the rank of lieutenant, was sent to Fort Brown, near Brownsville, to assist in the medical care of the civilian population. There he first met Miss Marie Cook Doughty, who was seriously ill of yellow fever, and there he also contracted the disease. He married Miss Doughty in Cincinnati on September 15, 1885.

Later, Gorgas was in active service in Florida, in the West, in the Dakotas, and in the old Indian Territory. He accompanied the military expedition against Santiago in 1898. Fate, possibly with a purpose, visited his system with yellow fever in early life, thereby making him immune to the disease. Because of his practical knowledge of yellow fever transmission, he was appointed chief sanitary officer of Habana, which post he occupied from 1898 to 1902.

It was in 1900 that Gorgas was in close contact with the investigation into the cause of yellow fever that was being conducted in Habana by the Walter Reed board. The memorable discovery made by this board revealed the cause of the disease; but it was Gorgas who applied these principles and effected the eradication of yellow fever from Habana.

In 1904 Gorgas was appointed chief sanitary officer of the Panama Canal Zone, and in 1907 he was made a member of the Isthmian Canal Commission. In recognition of his work in Habana, his rank was increased to that of colonel by a special act of Congress in 1903, and he became assistant surgeon general of the United States Army. In 1915 Gorgas and his associates on the Isthmian Canal Commission received a vote of thanks from Congress for distinguished service rendered in connection with the contruction of the Panama Canal. This is one of the few instances in history where sanitary achievement has been recognized by the State, since Hippocrates was awarded a civic crown by the citizens of Athens for averting a pestilence from that city. This reflects much credit on our National Legislature as well as on Gorgas, for republics are usually unappreciative of the quiet conquests of science.

In 1913 General Gorgas went to Rhodesia, South Africa, at the invitation of the Chamber of Mines, Johannesburg, to advise as to the best means of preventing pneumonia and malaria among the native mine workers. He was appointed Surgeon General of the United States Army with the rank of brigadier general, on January 16, 1914, and was promoted to major general in 1915. He served with great distinction as Surgeon General during the trying period of our participation in the World War, until his retirement, at the age of 65, on October 4, 1918.

He never lost his interest in world sanitation. While he was stationed in the Canal Zone, he visited Guayaquil, Ecuador, and mapped out a plan for the control of yellow fever in that disease-ridden district. In 1916 he was made chief of the special Yellow Fever Commission of the Rockefeller Foundation, and spent several months in South America making surveys and laying plans for the eradication of yellow fever from localities in which it still prevailed.

After his retirement as Surgeon General he immediately accepted the assignment to direct the yellow-fever work which had been undertaken by the International Health Board of the Rockefeller Foundation. On May 7, 1920, he sailed for England, en route to West Africa, where he was to investigate the yellow-fever situation. He fell ill in London on May 30, 1920, and died on July 4, 1920.

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Chairman and members of the committee, during the closing days of the last session of this Congress the House considered what was known as the Boulder Dam bill which authorized the construction of a great dam on the Colorada, an irrigation canal, and a million-horsepower plant, and among other things appropriated $125,000,000 for their construction. When the bill was considered on the floor of the House there were two distinct schools of thought with respect to it. The proponents of the measure claimed that there had never been a project contemplated by the Federal Government which had been as adequately engineered as had been the Boulder Dam project; that the plans for its construction had been thoroughly considered and well worked out; that the dam when constructed was so designed as to be perfectly safe; that as a result of the development of power the project would be constructed at no cost whatsoever to the Government; that the project was necessary to protect the American water users against our neighbor country, Mexico.

There was another school of thought which held that the project had not been adequately engineered; that the plans of construction were unsafe; that there was manifestly great danger to the life and property of the inhabitants residing on the coastal plains below the dam; that the dam itself was not predicated upon a factor of safety adequate and sufficient for such a structure of such unprecedented height and size; that therefore the dam could not be constructed within the estimate of the Reclamation Service upon which the appropriation authorized in the act was predicated; that the Federal Government could not be reimbursed for the expenditure involved in the construction of the project; and, finally, that the construction and operation of the dam would result in making available for use in Mexico an amount of water greatly in excess of the amount now available in Mexico. As a result of the attack that was made upon the bill in the House and in the Senate by the distinguished Senator from Utah, there was authorized during the closing hours of the session a special board of engineers appointed by the Secretary of the Interior, with the approval of the President, to investigate the engineering and economic feasibility of the proposed project and to report. That board was not authorized to investigate the Colorado River. It was authorized to investigate two sites, one 18 miles from the other, and both similar with respect to topographic features. It could not under the terms of the authority under which it was acting go outside of those two sites, and so its investigation was restricted to the economic and engineering feasibility of the project as authorized in the bill (H. R. 5773) which provides for the construction of a dam at Black Canyon or Boulder Canyon on the Colorado River.

The report of that board is now at hand, and it is interesting to compare the findings of that board with the arguments which were made against the bill. In the first place the board finds that the plans for the construction of the project are unsafe; that the diversion of but 100,000 second-feet of water involves an unnecessary hazard to those living in towns and valleys below the dam; that the diversion must be increased to 200,000 second-feet; that the plans for the temporary coffer dams must be modified. It finds that the factor of safety for the dam was predicated upon unconservative engineering, and that for a structure of this size the dam should be so designed as to provide for the maximum stresses which have proven to be safe in conservative engineering. It finds that as a result of the modifications which it suggests the dam can be built. I do not know that anyone in the House ever claimed that the dam could not be built. The opponents maintained that it could not be built within the then estimate of cost. With these modifications in plans and design which have been very briefly enumerated the finding of the board is that the dam can be built but at a cost of $70,600,000 as compared with the estimate, upon which the bill was predicated, of $41,500,000, or that the dam when constructed will cost at least 70 per cent in excess of the estimate and that the entire project will cost between $165,000,000 and $176,000,000 as compared with $125,000,000, which is the estimate of the Reclamation Service. The board then proceeds in its report to an investigation of the flow of the stream, because the flow of the stream has a decided bearing on the power output. It finds that 550,000 horsepower can not be produced continuously at Boulder or Black Canyon. I say Black Canyon, because the board preferred Black Canyon to Boulder, as did the engineers of the Reclamation Service. It finds that the power production at Black Canyon will at times fall to below 50 per cent of the estimated amount. It finds that, assuming an income of a million and a half dollars from the sale of stored water—and the board does not state that that income can or can not be derived; it merely quotes the figures of the Secretary of the Interior—it finds that, assuming that income from the sale of stored water, the Federal Government can not be

reimbursed for its expenditures on the construction of the project.

With reference to the million-and-a-half-dollar figure being the assumed revenue from the sale of stored water, inasmuch as every estimate of cost has been low; that is, every estimated cost by the Reclamation Service; and inasmuch as every estimate of income by the Reclamation Service has been exorbitantly high, it is reasonable to conclude that the million-and-a-half-dollar estimate of income from stored water, as cited or as estimated by the Reclamation Service, by the Secretary of the Interior, is likewise high. The board finds that if the all-American canal, which it estimates will cost thirty-eight and a half million, as against the Reclamation Service estimate of thirty and a half million, is made nonreimbursable, or if the capital investment is reduced by that amount; that if, in addition, the capital investment is reduced by the amount which is to be chargeable to the cost of flood control, and which at Boulder or Black Canyon at a minimum will be $40,000,000; and that if revenue from the sale of stored water can be derived in excess of the estimates of the Reclamation Service, or $1,500,000 annually, then, in the words of the board, "it would be possible to amortize the remaining cost with the income from power."

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. O'CONNELL. Was this a board of Army engineers? What was the personnel of the board?

Mr. DOUGLAS of Arizona. It was composed of General Seibert, an Army engineer; Mr. Ridgway, water engineer, city of New York; two professors by the name of Mead, from the University of Wisconsin; and one professor of geology, from Columbia University.

The board does not state, even with all these assumptions, and even with outright appropriations made nonreimbursable in the minimum amount of seventy-eight and a half million dollars—the board does not conclude that the balance, or, roughly, $90,000,000, can be paid back to the Federal Government from the sale of water and power. The analysis, the last conclusion of the board——

Mr. MORTON D. HULL. Does it make ny recommendation on that subject?

Mr. DOUGLAS of Arizona. It does not. Its conclusion is definite and categorical that the cost can not be paid for from the sale of water and power.

Then it goes on to its final conclusion, in which it says, in effect, that if there are outright appropriations in the minimum amount of $78,500,000, made nonreimbursable; that if there can be derived a revenue in excess of one and one-half million dollars from the sale of stored water, then—these are the words of the engineers themselves—"it would be possible to amortize the remaining cost with the income from power." But the board does not state positively that the remaining cost can be amortized.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. HUDSON. Does not the gentleman think that the question of flood protection of the lands below should be considered and that the expense should be charged?

Mr. DOUGLAS of Arizona. I will come to that.

Mr. HUDSON. When you speak of the sale of water, do you mean the sale of a million and a half to the city of Los Angeles?

Mr. DOUGLAS of Arizona. Yes; stored water. The amount which the city of Los Angeles has estimated for a period of some years is 300 second-feet of water, the equivalent of 219,000 acre-feet of water. For the storage of that amount it will be compelled to pay in excess of $7 an acre-foot. Delivered in Los Angeles the water will cost in excess of $100 an acre-foot of water.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. DOUGLAS of Arizona. Certainly.

Mr. COLE of Iowa. Do you think it is expected that the money will ever be paid back to the Government?

Mr. DOUGLAS of Arizona. In reply to the question of the gentleman from Iowa, I will say that I can hold no brief for the expectations of the proponents, one way or the other.

Mr. COLE of Iowa. Has it not been customary to charge off these expenditures finally?

Mr. DOUGLAS of Arizona. Does the gentleman refer to irrigation projects?

Mr. COLE of Iowa. Yes.

Mr. DOUGLAS of Arizona. Some of the projects have been successful.

Mr. COLE of Iowa. What percentage of them have been?

Mr. DOUGLAS of Arizona. I can not say. There are so many of them. But there are two that have been eminently successful.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLTON. Out of a total of over $140,000,000 there has been less than $28,000,000 charged off.

Mr. COLE of Iowa. Are not some of the other projects insolvent, and will they not have to be charged off later?

Mr. DOUGLAS of Arizona. Yes. I have not the figures here, but the deficit in water revenues as of last year was, as I recall the figures, over $5,000,000. With reference to Mexico, the board finds that the construction and operation of the Black Canyon project will make available for her use water greatly in excess of the amount now available. When it is considered that flood control and the storage of 10,000,000 acre-feet of water can be given to those who reside near the Colorado River, at a cost of not to exceed $30,000,000, as compared with all the indeterminables, financial hazards, and large appropriations, between $165,000,000 and $176,000,000, for the Black Canyon project, it hardly seems to be the course of wisdom to authorize a project involving nonreimbursable items of $78,500,000, and great hazards as to the reimbursability of the remaining $90,000,000 to $100,000,000, when every objective, except that of developing power, can be obtained through the expenditure of a maximum of $26,000,000.

In addition, this should be pointed out, that if the million and a half dollars' revenue from the sale of stored water is, in fact, obtainable if Boulder Dam or Black Canyon Dam is to be constructed, then the same amount of revenue from the sale of stored water can be derived from the construction of a storage dam at any other site, and that the million and one-half dollars, if applied to the amortization of a $26,000,000 or even a $30,000,000 ten-million acre-foot storage dam at a site other than Black Canyon, will amortize its cost completely in less than 50 years. With these facts in view, the only excuse which can be ascribed to proceeding with the Black Canyon project is that of constructing a federally owned power dam and plant.

And so, finally, as a result of the report of the special board of engineers, we find the Boulder Canyon or the Black Canyon project, as it should now properly be called, revealed in its true light, blackly outlined and silhouetted as a great, gigantic power project, three times larger than any project which has ever before been constructed. Unsafe as originally planned, unsound in its economics, of benefit to Mexico to the corresponding disadvantage of the United States, and, in short, vulnerable to every argument raised against it. [Applause.]

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. WOOD. Mr. Chairman and gentlemen of the committee: I will, as briefly as I can, point out some of the salient features of the Post Office and Treasury appropriations, both being combined in the measure that is now being considered and which we will commence reading, I hope, to-morrow.

The amount recommended in the bill for 1930 for both departments is $1,116,675,389. This is an increase over the appropriation made for the same purposes in 1929 of $20,245,806, and it is a reduction of $2,737,370 as compared with the recommendations made by the Budget. We have set out a detailed tabulation, which will be found at the end of the report accompanying the bill, showing each appropriation for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the bill for 1930, and the increase or decrease in each item of appropriation and estimate as compared with the amount recommended in the bill.

In connection with the amounts printed in the column of 1929 appropriations, it should be borne in mind that those sums are composed of the 1929 appropriations carried in the regular annual appropriation act and in addition thereto the sums for the fiscal year appropriated in deficiency acts for purposes for which amounts are customarily carried in the regular bill.

TREASURY DEPARTMENT

The various activities of the Treasury Department are supported and conducted under two classes of appropriations—(1) the regular annual appropriations which are carried in the bills which come before Congress for consideration, and (2) the permanent annual specific and indefinite appropriations.

The following table shows the total appropriations for the Treasury Department, permanent and regular annual, for the fiscal year 1929, the estimates for the fiscal year 1930, the amounts recommended for 1930, and the increases and decreases:

	Appropriations for 1929	Budget estimates for 1930	Amounts recommended for 1930	Increase (+) or decrease (−), compared with appropriations for 1929	Increase (+) or decrease (−), compared with Budget estimates for 1930
Regular annual appropriations	$322,204,541.00	$303,423,434.00	$303,459,664.00	−$18,744,877.00	+$36,230.00
Permanent and indefinite appropriations	1,241,173,444.56	1,219,342,810.82	1,219,342,810.82	−21,830,633.74	
Total	1,563,377,985.56	1,522,766,244.82	1,522,802,474.82	−40,575,510.74	+36,230.00

The total reduction in the permanent appropriations for the Treasury Department under the amounts for such purposes for the fiscal year 1929 is estimated at $21,830,633.74. This net reduction is brought about by a number of increases and decreases in the component items of permanent appropriations but is mainly caused by the changes in two amounts, namely, the appropriation for the sinking fund for retirement of the public debt and the appropriation for payment of interest on the public debt. While there is an estimated automatic increase in the sinking fund item from $370,153,407.56 to $379,524,129.02, or the sum of $9,370,721.46, this is a favorable condition due to the addition to the sinking fund of an increment representing the amount of interest saved by retirements of principal through operation of the sinking fund. There is a very wholesome reduction in the amount of interest on the debt to be payable during the fiscal year 1930 as compared with 1929, the estimated figures indicating a reduction from $675,000,000 to $640,000,000, or by $35,000,000. This decrease is made possible by the steady and aggressive policy of debt reduction which has been taking place.

The amount directly considered by the committee in making its recommendations in connection with this bill is the aggregate of the estimates of the regular annual appropriations for the Treasury Department customarily submitted for action by Congress. That sum is $303,423,434.

The amount recommended to be appropriated in this bill for the Treasury Department for the fiscal year 1930 is $303,459,664. The amount of the appropriations for the fiscal year 1929 on a comparable basis to this figure is $322,204,541.

The amount recommended in the bill compared with the amount of the Budget estimates, and the amount of the 1929 appropriations, shows the following differences:

The bill is $36,230 in excess of the Budget estimates for the fiscal year 1930; and it is $18,744,877 less than the stated appropriations for the fiscal year 1929. In connection with this reduction under the appropriations for 1929 there should be taken into consideration several very large items of increase or decrease which may cause an erroneous impression of the decrease if they are unexplained. The bill for 1929 shows an increase for the Treasury Department due to the act of May 28, 1928, amending the classification act of approximately $5,185,000, there is included in the increase under the customs service the sum of $936,500 due to the Bacharach Act, and an increase under the Coast Guard of $666,000 in connection with the vessel replacement program.

On the decrease side, comparing 1929 with the pending bill, there is a decrease from $9,680,000 to $5,000,000 in the item for the acquisition of the "triangle" properties in the District of Columbia, the elimination of an item included only for 1929 in the sum of $8,000,000 for the acquisition of a building in New York City for the appraisers' stores of the customs service, and the sum eliminated from public buildings appropriations due to the transfer of appropriations for the initiation of new projects under the program from this bill to a later deficiency bill. The 1929 appropriations as stated in this report must necessarily be augmented at this session to care for the increases under the amended classification act and the Bacharach bill and the appropriations for 1930 for the Treasury Department will also be augmented at this session in a deficiency bill to cover new public buildings projects not yet initiated.

When these factors are taken into consideration, the bill as presented shows a normal net increase of less than $1,000,000 distributed over several of the bureaus and offices of the department and explained in more detail hereafter.

Increases over the fiscal year 1929 are shown in most of the appropriations under the Treasury Department where salaries are involved under the classification act of 1923, as amended by the act of May 28, 1928. The total of such increases in the bill under the Treasury Department involve $5,183,568. Such increases are reflected and included in the appropriations in the pending bill even though they may not show as a positive increase over the 1929 appropriations.

Increases of $500 each in the compensation of the commissioner of accounts and deposits, the commissioner of the public debt, the Treasurer of the United States, the Director of the Mint, and the Acting Supervising Architect, as estimated for the fiscal year 1930, have been eliminated. The estimates also included increases from $10,000 to $12,000 each in the compensation of the Director of the Bureau of the Budget and the Undersecretary of the Treasury and these have also been refused. These latter two increases were involved in a general proposal in the Budget involving the same increases in three other positions—namely, the Solicitor General, the Undersecretary of State, and the Comptroller General—which fall within the jurisdiction of other appropriation bills to be presented later. The denial in this bill of the two increases is the result of general committee action after consideration of all five recommendations. Under the act of May 28, 1928, amending the classification act of 1923, and the decision of the Comptroller General assistant heads of departments whose compensation was fixed under the classification act of 1923 at $7,500 are being compensated at $9,000 per annum. The five officials whose salaries are estimated in the Budget for increases of $2,000 each did not benefit under the provisions of the act of May 28, 1928.

Right here, gentlemen, I wish to say that the so-called Welch Act is a monstrosity, absolutely impracticable, and has failed entirely to carry out the purposes for which this Congress believed it to be enacted.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. O'CONNELL. As a matter of fact, did it not increase the higher-paid officers and fail to compensate, in a larger measure, those in the lower brackets?

Mr. WOOD. That is correct. When that bill was pending before this House the Members believed that its purpose was to increase the wages of the lower-paid employees, but, as it turns out, instead of it making a substantial increase in the salaries of the lower-paid employees it gives them a pittance of an increase, amounting to about 5 per cent. The salaries of the gentlemen in the higher grades, $7,500 and in that neighborhood, were increased from 20 to 25 per cent, and through the interpretation made by the Comptroller General of the United States two of the grades from which some of them were advanced under the discretion of the department heads have been entirely vacated. In some cases they went up two grades, and in consequence many who were receiving $7,500 under the operation of the Welch Act and the decision of the Comptroller General of the United States have been advanced at one jump to $9,000 a year.

Mr. O'CONNELL. In other words, the average increase of those in the lower brackets runs from $60 to $120?

Mr. WOOD. Yes; or about 5 to 10 per cent.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARRETT of Tennessee. My recollection is that the gentleman from Virginia [Mr. WOODRUM] in the discussion of that bill took the position that the very condition which the gentleman now describes would prevail, yet somehow or other his construction of the act was not agreed to by the House; but the things which the gentleman from Virginia pointed out at that time would take place have taken place.

Mr. WOOD. Yes; the prophecy made by the gentleman from Virginia at that time has proven true and it should impress upon the Members of the House how little we can depend upon those who are enthusiastically behind one of these measures, that is, with reference to its practical effect when it is put into force. I dare say there were not 15 men in the House who had any conception of what the practical effect of that bill would be, and we are in this dilemma now, that we have different branches of the Government making different interpretations of it.

We have the Personnel Classification Board whose business it is to study and apply as a result of their studies the alloca-

tion of the positions under the act; and then on the other hand, we have the Comptroller General of the United States, without even an application being made to him, rendering a decision by which he has given an entirely different interpretation and one which increases the pay of the persons in the higher grades approximately $2,000,000 a year. I warrant you that there are not 15 men in this House who will read that act to-day and agree with such an interpretation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. LAGUARDIA. Was not that bill passed under a suspension of the rules, which in itself prevented the offering of safeguarding amendments?

Mr. WOOD. Yes; that is correct, and I will tell the gentleman another thing that was done. The bill was passed, as I recall, on the 28th of May. The Bacharach bill was passed on the 29th of May, and we are now presented with a situation where the Bacharach Act, which was meant to apply to the customs service of this country covers a certain portion of the employees of that service and the Welch bill is applied to another portion of them.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. O'CONNELL. We have the right to modify or change that?

Mr. WOOD. Absolutely, and the best thing that could happen in the interest of good government and in the interest of maintaining the morale of the employees of the United States would be to repeal this act.

Mr. O'CONNELL. The morale is very badly shaken now. I have many instances of that.

Mr. WOOD. There is no doubt about that and it is perhaps more serious than any of us comprehend.

BUREAU OF CUSTOMS

The amount for the collection of customs is increased from $19,483,560 to $21,415,000, or by $1,931,440. Of this sum $1,468,912 is brought about by increases in compensation of employees under the provisions of two acts passed at the last session—the act of May 28, 1928 (Welch Act), and the act of May 29, 1928 (Bacharach Act). Subdividing this sum, $926,489 is due to the Bacharach Act covering approximately 60 per cent of the force and $542,423 is due to the Welch Act affecting 40 per cent. The remainder of the increase covers $3,360 on account of reallocations of positions in the Washington Bureau, $329,390 to provide four additional employees in Washington and 150 additional employees in the field, and $129,778 of increase very largely accounted for by cartage at New York in connection with the new appraisers' stores. The general increase in force is specifically accounted for in detail to the committee but in the main is created by the increase in customs business, the maintenance of 24-hour inspection service at a number of new international bridges and highways, and the opening of new airports of entry.

PUBLIC DEBT SERVICE

The public debt service shows an apparent increase of $20,000. The real situation, eliminating the increases in compensation, is a decrease of $126,500. The amended classification act granted increases in compensation under this service involving $146,500. Due to decreases in the public debt and the completion of refunding operations in certain of the public-debt issues there is a decrease in personnel for 1930 and a decrease in other operating expenses of $126,500, which sum comes within $20,000 of offsetting the automatic salary increases.

The appropriation for distinctive paper for United States securities is decreased from $1,175,000 to $1,000,000 due to a reduction in the number of pounds of paper to be purchased and reflected in this appropriation by the project for the reduction in the size of the paper money.

Mr. SNELL. Will the gentleman yield for a question right there?

Mr. WOOD. Yes.

Mr. SNELL. In round numbers, what is the total increase of the pay of the Customs Service for the coming year from both bills?

Mr. WOOD. The total increase from both is about $1,500,000 in round numbers.

Mr. SNELL. You appropriate that much more than was appropriated for the fiscal year 1929 for pay in the Customs Service?

Mr. WOOD. That is right.

Mr. SNELL. To what extent does that carry out the provisions of the Bacharach bill as they were understood at the time it was passed by the House?

Mr. WOOD. It is carrying out the Bacharach bill to this extent. It provides an increase that places them at the minimum rates of the Bacharach Act. It does not step them up one step as they want to be by reason of this appropriation bill, and the reason that is not done is because this is what would occur if it was done: If we make an appropriation, which would amount to some three hundred and odd thousand dollars, for the purpose of making that step, it would only apply to those who are now receiving their advance under the Bacharach Act, or 60 per cent of the customs employees. The other 40 per cent would not have the benefit of it for the reason that there has been no survey completed of the field service either under the customs service or under the field service to which the Welch Act applies. That is now being done by the Personnel Classification Board, so that if this increase of $300,000 for the benefit of the 60 per cent was allowed, it would be an unjust discrimination against the 40 per cent who could not receive it.

Mr. SNELL. Will the gentleman yield further?

Mr. WOOD. Yes.

Mr. SNELL. When we passed that bill I was specially interested in it, and I thought we had done something that was going to fix up the customs service pretty well for a reasonable length of time. I think it was the intention of the House to cover the entire customs service. I do not yet quite understand why it applies to 60 per cent, and if we went on and made the appropriations in accordance with the provisions of that bill there would be 40 per cent entirely left out who would not receive any benefits from it.

Mr. WOOD. I might at this point make a further explanation of that.

Mr. SNELL. I think that ought to be made plain to the House, because the customs employees are very much disappointed with the provisions of this bill.

Mr. WOOD. I have here a statement which I had prepared on that very proposition.

Mr. SNELL. I think it would be well if that statement was made for the RECORD.

Mr. WOOD. Under the appropriations made in the bill for the customs service there are two amounts to carry out two acts of the last session for increase in salaries. The Bacharach Act passed May 29, 1928, and the Welch Act passed May 28, 1928, both applied to the customs forces. There are about 8,500 persons in the organization. The Bacharach Act covered about 60 per cent of the force and the amount in the bill for that is $926,489.

Mr. SNELL. Will the gentleman yield right there?

Mr. WOOD. Yes.

Mr. SNELL. Why was it that the bill only applied to about 60 per cent of the whole force?

Mr. WOOD. The Bacharach Act specified just certain classes of employees in the customs service. It did not cover them all.

Mr. SNELL. The Welch Act applied to all field forces of all services?

Mr. WOOD. Yes.

Mr. SNELL. And if the Bacharach bill had applied to just the customs service, the ones in the field service of the customs service would get more pay than anybody else, is that correct?

Mr. WOOD. No. If the gentleman will allow me to proceed with this statement, I think it will explain it more clearly.

The Welch Act affected the other 40 per cent and there is in the bill on that account $542,423. These two sums aggregate $1,468,912 necessarily carried in this bill on account of the legislation at the last session. The average increase to employees under the Bacharach Act is about $4 per employee per year less than the average under Welch Act. The Bacharach Act applied to five grades of employees—namely, (1) laborers, (2) verifiers, openers, and packers, (3) clerks, (4) inspectors, and (5) guards. The act established minimum and maximum ranges of pay for the different classes of employees, with separate ranges of pay for the inspectors and the station inspectors. In placing the Bacharach Act in effect for the fiscal year 1929 it was necessary to do so before a supplemental appropriation could be provided, as the act was approved on the day that Congress adjourned. The department felt that the increases should commence on July 1, as the act provided, but that they could not under the comptroller's ruling, incur a deficiency in an amount greater than was necessary to place the employees at the minimum rates provided for the several grades. The effect of that action will be to necessitate a deficiency appropriation for 1929 of $900,000, and in the Budget for 1930 the salaries are recommended at the rates in effect for 1929.

There has been some agitation to have an additional appropriation inserted in this bill of approximately $320,000 to provide an increase of one step in the grade for each employee falling under the Bacharach Act. The subcommittee went into the matter, hearing a representative of the customs employees'

organization, the Director of Customs, and a representative of the Budget Bureau, and declined to take favorable action.

There are several reasons for a refusal to do so. The Welch Act provided for a general survey for all of the field employees of the United States outside of the Postal Service, the Foreign Service, and certain wage board groups of employees, and directed a report to be made to Congress covering schedules of employment and rates of pay for all field employees. All customs employees are included in this survey and should be treated as all other employees of the Government are treated.

Also, there is not included in the Budget for any of the other employees of the Government under the Welch Act any general increase in compensation over and above those granted during 1929 under the Welch Act. If this $320,000 should be inserted in the bill to cover 60 per cent of the customs employees they would not only receive preferential treatment over the other 40 per cent of the employees in that service who are under the Welch Act, but would also receive preferential treatment over all the other employees of the Government who are under the classification act and who are involved in this survey.

The committee felt that, under the circumstances, the customs employees under the Bacharach Act should not be singled out for special consideration. One further fact should be borne in mind in connection with any suggestion of increasing salaries at this session of Congress. The situation of the Treasury for this fiscal year shows a dangerously narrow margin of receipts above a deficit, and 1930 is not much better. With the Treasury in this condition and with employees just having received increases in this current fiscal year totaling in the neighborhood of $20,000,000, it hardly seems that salary increases of this preferential character should be indulged in at this time.

Mr. SNELL. Now, one further question. I would like to be able to explain this to the man who asks me about it. What better position will we be in next year with these two acts overlapping each other than we are at the present time?

Mr. WOOD. If the Welch bill still obtains, which I hope it will not, unless it is very materially amended, this service to which the Welch bill applies will have been amended and we can act intelligently and make it apply without discrimination of one class over another.

Mr. SNELL. To a certain extent did we not discriminate when we passed the Bacharach Act applying to the customs service?

Mr. WOOD. In a measure that is true, but as a general proposition it is not true, for the Bacharach Act applied to part of the customs service, and the Welch bill applied to that and other services, the purpose being to equalize the wage.

Mr. SNELL. The result is that while we promised the men in the customs service an increase——

Mr. WOOD. We have given it to them. We have given them a million dollars. We raised them to the minimum provided in the Bacharach Act.

Mr. SNELL. The gentleman says that they get $1,000,000 increase in 1930 over 1929. Does it apply to the entire service or only to the 60 per cent?

Mr. WOOD. The increase for the customs service under both acts cost $1,468,912. Of that, $926,000 is on account of the Bacharach Act for the 60 per cent and the rest is on account of the Welch Act for 40 per cent of them.

FEDERAL FARM LOAN BUREAU

The appropriations for the Federal Farm Loan Bureau, which are reimbursable by the farm-loan banks, are increased in the sum of $106,799. This sum is practically wholly accounted for by the reorganization which has been taking place and with which the committee has been familiar. The added sum, while an apparent increase over the appropriation for 1929, represents only a slight increase over the annual cost of the organization of the board as it at present exists, the additional cost for 1929 to be the subject of a supplemental appropriation for the remainder of this year. The board has supervision of more than 4,750 financial organizations, of which more than 75 are banks, with total resources of more than $2,100,000,000, and the proper supervision, examination, and contact with these institutions by the agency which Congress has provided for that purpose is extremely important. The progress of the reorganization work is gratifying and the committee is of the opinion that the means being placed at the board's disposal through appropriations will result in better control and administration of the system.

OFFICE OF TREASURER OF UNITED STATES

Aside from the increases due to the amended classification act, there are no changes in the office except the recommended elimination by the committee of one of the two positions of Assistant Treasurer at $6,000. This position is now vacant and the committee is of the opinion that the work of the office can be handled adequately with one Assistant Treasurer.

BUREAU OF INTERNAL REVENUE

The appropriation for the bureau under the Budget estimates was increased from $32,667,750 to $34,703,870, or by $2,036,120, all of which is due to the amended classification act, divided into $654,640 for the departmental force in Washington and $1,381,480 for the field force. The committee has recommended an appropriation of $34,500,000 which is $203,870 less than the amount recommended. While this decrease may present some problems of administration, the committee is of the opinion that with the improved condition in the work of the bureau it will be possible during the next fiscal year to effect further administrative decreases. The reductions which have taken place in bureau expenses and organization through the past two or three years have been considerable and evidence a desire to cooperate with Congress in bringing the organization to as compact a basis as the disposal of the audit would permit. For the period covered by the fiscal years 1926, 1927, and 1928, the force has been reduced 2,663 employees with annual salaries totaling $3,473,389, making a total reduction in the bureau's appropriations since the close of the fiscal year 1926 of $4,354,110.

The amount recommended for refund of internal-revenue taxes illegally or erroneously collected is recommended at the same amount for the current year, $130,000,000. The committee is advised, however, that the sum both for the current and ensuing fiscal years will be insufficient due to court decisions and other factors involving refunds which are impossible to foresee or estimate. Any deficiencies therefore for either year will have to be provided later at dates when more accurate estimates of the probable needs can be made, but early enough, however, to prevent involving the Government in the payment of extra interest on account of delayed payments.

The committee in the past has kept the House advised as to the relationship of the collection of back taxes to the payment of refunds of taxes where overcollections have been made. The situation down to date shows that since 1917 we have collected in back taxes $4,061,000,000 and have refunded approximately $975,000,000.

BUREAU OF PROHIBITION

The appropriation for the Bureau of Prohibition is increased from $12,729,140 to $13,500,000, or by the sum of $770,860. The additional amount required by the bureau for increases in compensation to cover the cost of administering the amended classification act is $777,164 so that the increase granted practically covers the cost of the added burden on the bureau. The Budget recommendation was for $13,400,000, which would have involved a reduction in the appropriation, aside from the salary increases, of approximately $106,000. The committee did not concur in this suggested decrease and has restored the sum of $100,000, leaving the appropriations for 1930 to stand at the 1929 figure plus the additional amount necessary on account of the classification act. In connection with narcotic enforcement the suggested proviso to permit the use as a revolving fund of the moneys expended for purchases of drugs in order to make seizures is approved and such funds during the next fiscal year, when recovered in connection with arrests, will be redeposited to the appropriation and again used for purchase purposes instead of being covered into the Treasury as miscellaneous receipts.

COAST GUARD

The appropriations for the Coast Guard are increased from $28,902,570 to $29,670,171, or by $767,601. The net increase is made up almost entirely by the additional funds on account of the vessel-building program authorized in 1926. With the funds provided in this bill, appropriations will have been provided for the completion of eight new cutters and funds granted for commencing work on the ninth. As the authorizing act provided for 10 new boats, there will remain one additional cutter to be taken up at a later date. The additional amount provided in this bill on account of the building program is $666,000. A number of increases are provided in the operating expenses of the service. The item for pay and allowances is increased $16,600 over the current year, but that is not indicative of the changes in organization operating under the entire appropriation of $19,000,000. The sum provides for 336 commissioned officers, 65 temporary officers, 105 cadets, 63 chief warrant officers, 863 warrant officers, 10,845 enlisted men, and 836 on the retired list. Compared with the personnel appropriated for the current year, the organization shows an increase of 24 commissioned officers, 11 warrant officers, 57 enlisted men, and 18 on the retired list, and a decrease of 50 temporary officers and 4 chief warrant officers. Two new vessels are to be placed in commission and one old cutter and one destroyer decommis-

sioned. One new Coast Guard station also goes into commission. The changes in personnel involved in the commissioning of the new vessels and the new station account for the increased enlisted personnel. The changes in commissioned personnel are due to the inability to secure temporary commissioned officers, and while there is an increase of 24 in the number of regular commissioned officers, the number provided is still below the total number allowed by law.

In connection with the item for pay and allowances, provision is also made for the use of not to exceed $6,000 for the payment to crews for excellence in gunnery, target practice, and engineering competitions.

Other increases in operating expenses provide additional funds for vessel repairs and outfitting of boats and stations and additional funds for renewal of cable ends on the New England and New Jersey coasts.

BUREAU OF ENGRAVING AND PRINTING

The total appropriation for the bureau is increased from $6,207,795 to $6,376,260, or $168,465. There is, however, included in the 1930 figure the sum of $370,728 for carrying out the increases under the amended classification act. Eliminating this figure from consideration, the appropriations for the bureau show a net decrease of $202,263, which is due to the new note program. The committee has been advised that the new currency will be placed in circulation in July, 1929. Combining the decrease under the Bureau of Engraving with the decrease under the item for distinctive paper of $175,000, this bill will show a reduction for 1930 on account of the new notes of $377,263. The estimated annual saving, including all operations for all branches of the Government connected with the paper-currency program, is approximately $2,000,000, leaving out of consideration the added burden recently placed on the cost by the enactment of the amended classification act.

PUBLIC HEALTH SERVICE

With the exception of increases in compensation granted under the amended classification act and automatic increases for commissioned personnel under existing law, the appropriations for the Public Health Service present very few increases, and such as are recommended are of a minor character with one or two exceptions. For the current fiscal year an appropriation of $347,000 was made for rural sanitation work to carry on cooperative health organization and rehabilitation work in 87 counties in the area of the South affected by the Mississippi River flood in conjunction with the States and the Rockefeller Foundation. The committee was advised that while there was some dimunition in the Federal assistance required to carry on the work, the amount of the Budget estimate of $85,000 would be insufficient to do the Government's share and insure the success of the task that had been undertaken. The committee has therefore increased the amount of the Budget estimate by $130,500, bringing the total to $215,500, but is not able to assure the House at this time as to whether that sum will complete the work in those counties. Many of them were severely impaired financially by the flood and unless the Federal and other cooperative assistance is provided until they are able to take over their own health organization, a large part of the work thus far done may be lost.

In connection with marine relief the committee has recommended an increase of $26,600 over the Budget allotment in order to provide relief stations at Port Newark, N. J., and Gary and Indiana Harbor, Ind., all points at present without such stations and where it is believed by the Public Health Service that the increase in the amount of shipping business justifies the installation of facilities to furnish the aid to seamen which the law provides.

BUREAU OF THE MINT

Under the Budget estimates there was recommended the elimination of the mint at Carson City, Nev., now functioning only as an assay office. The committee concurs in this recommendation and has also eliminated from the bill provision for the assay office at Salt Lake City, Utah. The committee is of the opinion, heretofore presented to the House, that in view of the small amount of business done at these offices and the proximity of other Federal offices where the work may be performed without any undue hardship that both should be abolished. The total amount is not large, involving approximately $6,500 for Carson City and $4,500 for Salt Lake City.

A consolidation is recommended of all appropriations for the operation of mints and assay offices into one fund, which will provide easier administration. Eliminating the added amount on account of increases on account of the classification act, there is a decrease of $10,940 on account of the two offices and $16,240 resulting from a consolidation of the appropriations.

PUBLIC BUILDINGS

The total appropriations under the jurisdiction of the Supervising Architect's Office shows an apparent decrease from $70,456,823 to $45,737,870, or in the sum of $24,718,953. A number of large increases and decreases enter into this net amount. The largest single item of appropriation is that for continuation of the building program, for which the sum of $23,040,000 is included. This shows an apparent decrease of $21,529,000 under corresponding appropriations for 1929. There was included in the 1929 appropriations an appropriation of $8,000,000 for the purchase of a building in New York for the appraisers' stores. There is not included in this bill any provision for new building projects not heretofore initiated under the existing program. Eliminating these two items from consideration the amount for 1930 is practically the same as for 1929. It is anticipated that sums for new projects aggregating approximately $12,000,000 in initial appropriations will be submitted later at this session for action after the Treasury and Post Office Departments have completed the data upon which to base their recommendations for new projects. With the sum included in this bill and the amount to be presented later the total amount for carrying on building construction to be presented for consideration at this session will approximate $35,000,000 and this sum will be practically the same as the amount appropriated at the last session for similar purposes.

Aside from increases included on account of the amended classification act, the other changes under the architect's office include additional sums for minor remodeling of existing buildings to gain additional emergent space, additional rentals of temporary quarters pending the construction or remodeling of buildings under the construction program, additional funds for repairs to buildings, and additional personnel to maintain and operate new buildings estimated to come into commission during the next fiscal year. A decrease in operating supplies for public buildings is effected due to decreases in the price of coal.

In appropriating the sum of $23,040,000 for new construction the committee has concurred in the recommendations of the Treasury Department and the Budget in the method to be pursued as to the buildings already authorized and which have an initial appropriation available. There is included in the bill a lump sum of $23,040,000, which is applicable to all of the 137 enumerated projects upon which limits of cost have heretofore been fixed and which may be in need of funds to carry them forward until the next appropriations become available in the 1931 bill. This is a departure from the practice of the past of specifically appropriating for each building until the final completion has been secured. The Acting Supervising Architect has made it clear to the committee, so that they may in turn assure the House, that under this method of appropriation the building program will be carried forward with a minimum of delay and the funds included under the lump sum of $23,040,000 will be sufficient to carry on the work on all of the projects stated that will be ready to go ahead. Delays are frequently encountered in the acquisition of sites, the letting of contracts, and in ascertaining foundation conditions that will not permit some projects to advance as rapidly as others, but in the execution of the work involving the whole list of buildings ample funds will be available to make progress at just as rapid a rate on all of the enumerated buildings as would be possible if a specific appropriation were made for each project. The new method will permit of more flexibility of public building funds, prevent the piling up of specific appropriations faster than they can be used, and result in better administration of the building program.

All of the projects included in the bill are under the limits of cost now fixed by law, except three cases which were presented at this session for changes. The Budget recommendation for an increase in the limit of cost at Lubbock, Tex., from $160,000 to $335,000 is changed to $220,000, and a provision is made so that the building will be constructed in such a manner that facilities for Federal courts may be added at a later date. The committee was not impressed with the necessity for providing facilities for the courts at this time based upon the available information as to the amount of court business.

The limit of cost of the building at South St. Paul, Minn., is increased from $120,000 to $140,000 on account of the inability to secure an adequate site at existing figures. For the new building at Portland, Oreg., the cost was recommended to be increased from $1,500,000 to $1,950,000 to cover $350,000 for additional land and $100,000 for additional space and building features. The committee in this case has added the $100,000 to bring the limit up to $1,600,000 and has not included the additional amount for land.

Under the public buildings act annual expenditures were limited to an amount not exceeding $35,000,000 per annum, with

the exception that commencing with the fiscal year 1928 any unexpended increment under this limit might be carried forward to succeeding fiscal years and be added to the $35,000,000. The accrual of this character coming over from the fiscal year 1928 was $28,854,000, the expenditures in 1928 being $6,146,000. The expenditures in the fiscal year 1929 are estimated at approximately $33,000,000, leaving an accrual of $2,000,000. These two increments, $28,854,000 and $2,000,000, total $30,854,000 to carry forward. The estimated expenditures in the fiscal year 1930 will approximate $50,000,000, or $15,000,000 in excess of the $35,000,000 rate and thereby absorbing $15,000,000 of the $30,854,000 of accruals, leaving $15,000,000 to be absorbed in 1931, when the expenditures can again run to $50,000,000. This leaves the public-buildings program running ahead at a satisfactory rate considering the magnitude of the program involving $265,000,000 of construction and also giving due consideration to the condition of the Treasury and the amount of revenue that can be devoted to that program when considered in connection with the other building programs being carried on by the Government.

For the acquisition of properties in the triangle area in the District of Columbia the sum of $5,000,000 is recommended as against $9,680,000 for this current year. With this sum the total appropriated for securing this property will be $14,680,000. The committee believes that with the progress being made in purchases and the results of condemnations that it will be possible to secure all of the proposed property at considerably less than the total authorized amount of $25,000,000.

POST OFFICE DEPARTMENT

The estimates for the Post Office Department aggregate $815,989,325 for the fiscal year 1930.

The total amount appropriated for the department for the fiscal year 1929 aggregates $774,225,042.

The amount recommended in the accompanying bill is $813,215,725. This sum compared with the 1929 appropriations and the 1930 estimates is as follows:

It is $38,990,683 more than the appropriations for 1929 and it is $2,773,600 less than the Budget estimates.

The total increase for 1930 over 1929 as indicated by this bill involves, in addition to the necessary increases on account of the normal growth of the service, and the automatic promotions of employees as provided by law, a number of unusual increases due to new legislation, to the Interstate Commerce Commission decision, and the unusual expansion and development of the carrying of mail by air.

The largest items of increase composing the difference of $38,990,000 between 1929 and 1930 include the following items: $15,000,000 on account of the decision of the Interstate Commerce Commission affecting the appropriation for transportation of mail by railroads, $6,360,000 due to the act of the last session granting a night-work differential to employees in the service, $2,790,000 on account of the act of the last session granting allowances to fourth-class postmasters for rent, light, fuel, and equipment, $1,075,000 on account of the legislation of 1928 increasing fees to special-delivery messengers, $3,950,000 on account of transportation of foreign mail by steamboat and airplane, and $6,870,000 on account of transportation of domestic mail under air contracts.

On August 1, 1928, the Interstate Commerce Commission rendered a decision increasing the rates for carrying the mails upon a petition filed by the railroads several years ago. The effect of the decision, in so far as it affects the appropriation bills, is to cause a deficiency for the fiscal year 1929 (11 months) of $13,750,000, and for the full fiscal year of 1930 to require $15,000,000 additional. The decision of the commission was retroactive to the date of the filing of the petition involving some $45,000,000 additional. This latter amount is still in controversy, as the matter is now before the Supreme Court of the United States on appeal as to the retroactive feature, the Court of Claims having sustained the decision of the commission.

Included in the appropriation of $23,000,000 for carrying the foreign mail are two outstanding items involving and accounting for the increase of $3,890,000 and both of which are direct results of legislation of the last session. Under authority of the merchant marine act of 1928, the Postmaster General has entered into 20 special contracts for the carrying of mail based upon the policy of that act for the Government to aid in the development of an adequate American merchant marine. Bids have been received on three additional contracts of this character and routes have been advertised but bids not yet received on two more.

Under the contracts already let and those in prospect the total cost of the special contracts of this character under this appropriation will be approximately $12,000,000. As a part of the requirement of the law and the contracts, this action of the Post Office Department will mean the building of 24 ships under the American flag under the contracts already let and the building of 6 more under the contracts pending, making a total of 30 new American ships as a result of this feature of the merchant marine act of 1928. The difference in the cost of carrying the mail under the special contracts in the interest of the development of the merchant marine as compared with the cost of carrying the same mail on the weight basis is approximately $8,000,000 excess due to the merchant-marine policy of the Government and a factor somewhat apart from the ordinary operating expenses of the Post Office Department.

There is also included in the foreign-mail item the sum of $4,000,000 for the carrying of foreign mail by contract under legislation of the last session. The bill makes provision for the expenditures of not to exceed this sum during the fiscal year 1930 under contracts which will not involve expenditures during the fiscal year 1931 in excess of $4,800,000. It is anticipated that the contracts for carrying the mail to foreign lands by aircraft will not all be entered into in time to be in full operation for the fiscal year 1930 and that the figure of $4,000,000 will cover that year, but that the contracts to be made during the remainder of 1929, and in effect during 1930, and the contracts entered into during 1930, will involve aggregate contract payments in 1931 of approximately $4,800,000. The contracts which have been let and routes in operation cover air mail service as follows: Daily service from Miami to Habana, Cuba; service six times a week from New York to Montreal, Canada. The contracts which have been let but under which service is not yet in operation are as follows: From Key West to the Canal Zone, daily service; from the Canal Zone to Paramaribo, Dutch Guiana, triweekly service; from Key West to San Juan, P. R., triweekly service; from San Juan to Trinidad, triweekly service; and from Miami to Nassau, triweekly service. There is also in contemplation a route from Colon, Canal Zone, to Concepcion, on the west coast of South America, biweekly service. The importance of many of these lines in relation to the maintenance and development of our foreign trade is readily understood. The cost of maintaining the service and furnishing the facilities in contrast to the revenue to be received during the fiscal year 1930 will be about $1,000,000 of revenue to $4,000,000 of expenditure. As with the special contracts for carrying the mail by ocean vessels, the Postal Service is carrying an added burden on the normal service expense by aiding in the aeronautical and commercial development policy of the Government.

The appropriations for carrying domestic mail by air show an apparent increase over 1929 of $6,870,000. There will necessarily have to be an additional appropriation for the fiscal year 1929 in order to carry the additional routes established and the larger amount of mail being carried by air which will bring the total for this year up to approximately $10,000,000, making the real increase of 1930 over 1929 approximately $3,300,000. The most recent data furnished the committee shows that there are 27 air-mail routes under contract with a total length of 11,977 miles and over which a total mileage is flown daily of 25,385. The effect of the reduction in the postage rate on air mail on August 1, 1928, from 10 cents for each half ounce to 5 cents for the first ounce and 10 cents for each additional ounce brought about an immediate increase in the poundage carried, the total number of pounds of air mail jumping from 214,558 for the month of July, 1928, to 419,047 for August, 423,838 for September, and 467,422 for October. The amounts paid to contractors for carrying this mail varies per pound under the different contract rates, the totals by months running as follows: July, $445,220.43; August, $820,658; and September, $843,532. The payments to contractors for October aggregated $915,837. At the October rate of payment the cost basis of domestic air mail was in excess of the annual rate of $11,000,000. If there is a continuation of the rate of increase in the poundage carried, the amount recommended in the bill, $13,300,000, appears to be a reasonable estimate of the cost for the fiscal year 1930.

Under the act of May 17, 1928, which reduced the postage rates on air mail, provision was made for a periodic adjustment of the rates to be paid under the contracts for carrying the air mail. As the rates paid are on a per pound basis and the effect of the lowering in the rates has been a doubling of the poundage carried, there should be some adjustment in the contracts. The Post Office Department as yet has not made any changes in contract rates but is studying the matter with that end in view. The committee believes that this phase of the air-mail situation should be carefully watched and checked as contemplated by the law to the end that expenditures for carrying the mail by air and the revenues from that source should come more nearly matching each other and begin to

show a profit. With the present increase in poundage and the old contract rates still in force, there is no doubt that domestic air-mail operations are running at a deficit. The representatives of the department before the committee were unable to give any figures as to the relationship of revenues and expenditures due to the unusually rapid developments in the service brought about by the increased volume of mail handled through the reduction in rates and the expansion of the service.

The department has brought about one considerable decrease in the appropriations for the fiscal year 1930 by a decrease in the amount for stamped envelopes, stamps, etc., the amount declining from $7,950,000 to $6,050,000, or $1,900,000. This is accomplished by the reletting of the contract for stamped envelopes, a 4-year contract effective January 1, at prices considerably lower than those prevailing under the previous contract and accounting wholly for this decreased amount.

The total amount for the department proper in Washington is increased from $3,939,892 to $4,156,325, or $216,433. The provisions of the amended classification act applied only to the department proper and to the mail-equipment shops. The amount on account of that act for the department proper is $198,363 and for the equipment shops the total is $60,000, bringing the total amount for the department to $248,363. Additional personnel is provided under the office of the second assistant of $10,070 under the salary appropriation and $15,000 under the air mail appropriation to care for the increased duties placed upon that office under the merchant marine act and by reason of the expansion of the air mail service both domestic and foreign.

The revenues of the Post Office Department for the fiscal year 1928 amounted to $693,633,921.45 and the expenditures to $726,997,070.41. Allowing for adjustments between the unliquidated obligations for the fiscal year 1928 and for expenditures during 1928 on obligations coming down from prior fiscal years, the revenues were $32,080,202.46 less than the expenditures.

The estimated revenues for the fiscal year 1929 are $707,000,000 and the estimated expenditures are $790,495,830, and the estimated deficit in revenues is $83,495,830. This situation is directly due to legislation enacted at the last session. It will be noted that the increase in the deficit between 1928 and 1929 is approximately $51,000,000. The committee has had prepared by the Post Office Department a reconciling statement showing these differences due to the act decreasing postal rates, the acts providing for a night differential in pay of employees and allowances to fourth-class postmasters and increasing the rates for special-delivery fees, the merchant marine act of 1928, the Interstate Commerce Commission decision, the act for the foreign aircraft service, and the amended classification act:

Increases in expenditure:		
For railroad transportation (½ of $15,000,000, from Aug. 1, 1928, to June 30, 1929)		[1] $13,750,000
For night-work differential paid to employees at post offices—		
Clerks at first and second class post offices	$3,300,000	
City delivery carriers	335,000	
Watchmen, messengers, and laborers	200,000	
Vehicle service	275,000	
Railway Mail Service, salaries	2,250,000	
		6,360,000
Foreign-mail transportation—		
For merchant marine	7,500,000	
For foreign aircraft service	1,900,000	
		9,400,000
Allowances to fourth-class postmasters for rent, light, fuel, and equipment		[1] 2,790,000
For fees to special-delivery messengers		[1] 1,075,000
Salary increases under the Welch bill		[1] 258,363
Total additional payments		33,633,363
Estimated loss in revenues due to decreased postage rates under postal rate bill		16,285,000
		49,918,363

While the major part of these increases relates to the normal operating costs of the department, there are a few of them, as heretofore pointed out, that are more due to a matter of general governmental policy in the encouragement of the merchant marine and aeronautical development than to the Postal Service proper. The act reducing postage on domestic air mail will contribute to the deficit, but at this time the committee has not sufficient data on which to give an estimate of that feature.

The factors entering into the deficit for the fiscal year 1929 are all projected into the fiscal year 1930, and the estimated situation for that fiscal year shows expenditures at $806,209,325 and estimated revenues at $735,000,000, or an estimated deficit of $71,209,325.

[1] Includes supplemental appropriation requested.

Mr. Chairman, those are the principal items presented by this bill, and under the five-minute rule we will have ample opportunity to elaborate upon them. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield now to the gentleman from Louisiana [Mr. O'CONNOR] such time as he may desire.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I was just telling our distinguished friend from Tennessee [Mr. BYRNS], who is looked upon with an affectionate eye by every Member of this House, a story which aroused his risibilities, and I am going to repeat it at this point in my remarks, because I feel its application will be seen without need of further explanation. A celebrated statesman who has "gone west" forever once said that some men could talk for half a minute and keep the world thinking for half a century, while most of his countrymen could talk for half a century and not keep the world thinking for half a minute. [Laughter.]

Gentlemen, I am about to ask unanimous consent to put in the RECORD as a part of my remarks an address that was recently delivered by a great American, one who has played an important part in the life of this generation. To my mind that address challenges the best thought and attention of the advocates and champions and well-wishers of our mechanicalized industrial civilization and ought to keep the world thinking for a century. The address was delivered by Mr. Green, president of the American Federation of Labor, and, for sheer intellectuality and grasp of the industrial situation and what the future holds in store for this country, many of us deem it a masterpiece of analysis and oratory. It was delivered on November 19, 1928, in New Orleans, on the opening day of the annual convention of the great labor association. I desire to make that speech a part of the RECORD and shall feel proud if you will grant me the privilege of inserting it as a part of these remarks, because I think it should be read by every American with the keenest interest. I also desire to place in the RECORD, not side by side with it, because it might excite a feeling that I was not modest but egotistical, but in another part of the RECORD, some remarks of my own in connection with the entertainment of the American Federation of Labor delegates by the Federal employees of the port of New Orleans on the night of the 22d of November, 1928, in New Orleans. I do not believe that my remarks will cause my countrymen to think for half a second, but their publication in the RECORD will be somewhat flattering to myself, and I am quite sure that in accordance with the law of compensation, which operates unceasingly in every phase of human existence, the address of Mr. Green will excite for many years to come the attention of all of the well-wishers of this mechanicalized industrial civilization which we enjoy to-day, and which we all hope will continue a boon and not become a curse to mankind.

Mr. Chairman, I ask unanimous consent to insert as a part of my remarks the address of Mr. Green to which I have referred.

The CHAIRMAN. Is there objection?

There was no objection.

The address of Mr. Green is as follows:

President GREEN. Chairman Boelling, representatives of the city government, the State government, the Louisiana State Federation of Labor, New Orleans Central Body, Congressman O'Connor, and representatives of the church, the officers and delegates in attendance at this convention, I am sure, have listened with feelings of deep satisfaction to the cordial welcome extended them, to the sympathetic expressions of deep and abiding interest in our common welfare and in the great work we are trying to do.

We are, indeed, grateful to all these speakers who, in a representative capacity, have come here this morning and extended to the officers and delegates in attendance at this convention a most warm and cordial welcome. And this welcome has refreshed our memory, for we recalled, as we listened to these words, that 26 years ago a convention of the American Federation of Labor assembled in this historic city. Our hearts are made sad as we reflect over the period intervening between 1902 and 1928. There are some in attendance at this convention who were delegates to the convention held in this city 26 years ago, but we are sad to recall that there were many who were present then who are not with us now. I refer specifically and especially to our great leader, my distinguished predecessor, the one who occupies a larger place in the hearts of labor than any other man who ever lived upon the American Continent.

I recall, as you recall, that 26 years ago he battled and fought for labor in this city, and we are sad as we recall that he is with us no more. There are others to whom I could refer; their names come instinctively to your mind; and on this occasion we are saddened to

that extent when we recall that during this 26-year period the grim reaper has made great inroads in our ranks. But, my friends, we inherited from them an inspiration, a courage, a determination to go forward, and I know I can say that from the bottom of our hearts we are determined to make this convention as epoch making and as historic as our predecessors did 26 years ago.

I am reminded of this fact also: That the citizens, the splendid men and women of New Orleans, and those who live along this great Mississippi Valley, are deeply interested in flood protection. To them this is a matter of supreme interest. The terrible flood of a short time ago wrecked homes and farms and communities, brought home to the people of this rich country the necessity of protecting homes and farms and communities against the ravages of the great Mississippi River. And so they came to the Congress of the United States and appealed for flood-relief legislation. I am happy to announce on this occasion that the American Federation of Labor mobilized its great moral and political support in behalf of this legislation. And our representatives, along with the representatives of this locality, appeared before the Members of Congress and urged upon them the enactment of legislation for the purpose of protecting this Mississippi Valley and those who live here. We favored legislation which provided for the construction of this great work, for the carrying out of this enterprise by the Federal Govevrnment and with funds supplied by the Federal Government. That was the attitude of the American Federation of Labor upon this proposition.

And so we are happy to say that Congress responded, and we anticipate that within a short time, with the proper funds, properly and legally appropriated, the great work of flood protection and flood control will go on in the Mississippi Valley, and when it is undertaken the men of labor will be called upon to do the work. Men of training, men of skill, men of genius, men who will use the spade and the shovel—these are the men who will be called upon to do this work. And so labor is looking forward to the time when this work will begin and when it will be carried forward to a successful conclusion. Organized labor is interested in this great project; we expect to participate in it, and to play a very large part in carrying forward the enterprise.

I think it is appropriate to refer to this fact this morning, because I know the people who live in the city of New Orleans are more interested just now in the development of this great flood-control project than in any other piece of legislation considered, or that may be considered, by the Congress of the United States.

We are glad to be here in 1928 to enjoy the hospitality of the people of this part of the Southland; to work in this happy environment; to visit in this great historic city located where the greatest river in the world ends its weary course from Lake Itasca to the sea. We are glad to be here and to form the acquaintance of the wonderful people of the Southland. We know something about the traditions of this great section of America, its history, its people, and I want to say to the working people here in New Orleans and in the State of Louisiana that the American Federation of Labor is deeply interested in their economic, social, and industrial welfare. Yes, we are here just as much interested in the working men and women of the Southland as we are in the working men and women in the most congested industrial circle of our country.

May I just say this at this point: That our great congress of labor is moved by the same influences that were always apparent in every convention of the American Federation of Labor. If I were called upon to sum up the philosophy of the American Federation of Labor in the shortest and simplest sentence I would say that our great philosophy and our great objective throughout America and throughout the world is human betterment. We are conscious of the fact that we are called upon now to deal with these mighty problems that have grown out of and developed out of our modern industrial life. In addition to the fundamental principles upon which our organization rests we are called upon to meet and grapple with problems peculiar to our own day and our own age.

We have always emphasized, above and beyond all other things, wages, hours, conditions of employment, the protection of men and women in industry; but now in addition to these great, outstanding objectives and principles of the American Federation of Labor we are called upon to deal with mass production, machine displacement, the modern day injunction, and the competition that comes from convict labor. All of these things are the development of our own time, our own day, and our own age.

And so labor is dealing with these problems, and in dealing with them we are offering a solution for every one of them. We realize that there is no question more serious than this one of machine displacement, the development of mechanical devices and power to the point where the machine operated by the few is so serving as to displace hundreds of working men and women. So we stand as a challenge to this thing, demanding that human beings shall first be protected above and beyond any material thing or any mechanical device, for the American Federation of Labor will not permit a human scrap heap to be created in America.

And we are battling for more leisure, greater surcease from toil, an opportunity for men and women to recuperate so that they can give service, and it is for that reason we are demanding a lessening of the work day and of the work week in accordance with industrial development. We demand that these reforms shall be instituted as industry is made ready and as the workers require greater leisure and more recreation.

Then, my friends, this question of injunctions, the thing that comes nearer and closer to the hearts of working men and women than perhaps any present-day modern problem. We are reminded of the fact as we sit in this convention that the decisions in the Bedford Cut Stone case and in the Hitchman case, and in some of these other cases to which I could refer, are still recognized as the rule of the equity courts, enforceable whenever circumstances and conditions arise that would warrant the courts to exercise their equity powers. We can not sit idly by, we can not function properly, we can not stand still and accept such judicial procedure, because to do so would mean the recognition of a power, a wrongful power, existing in America, that would crush the very life out of organized labor.

It is my judgment, and I think it is the judgment of other thinking men connected with our labor movement, that the principles set up in the Bedford Cut Stone case and in the Hitchman case are so vicious as to call for the condemnation, the bitter condemnation, of every liberty-loving American citizen. These judicial decisions deprive working men and women of the right to give service or withhold service at will; they interfere with the inherent right possessed by men and women as long as America has been known as a free land, and of course working men and women can not under any circumstances yield or submit to such dictation or such power. The right to give labor, to give service, and to withhold service is the one right that labor possesses, and that right must never be destroyed or lessened either by legislation or by judicial decree.

So we have set ourselves steadfastly to the task of securing remedial legislation, and I want to promise you and all who are associated with us that at the next session of Congress the full force and power of American labor will be utilized in trying to influence Congress to give us relief from these judicial decrees.

There is one other matter, in conclusion, to which I wish to call your attention. A short time ago there assembled in the city of New York a convention called the National Manufacturers' Association convention. It was a convention composed and made up of manufacturers, and at that convention a committee reported—and, so far as I know, the report of the committee was that the American Federation of Labor was a menace to American institutions. It was rather significant that following the action of this National Manufacturers' Association convention a great meeting of communists was held in Madison Square Garden, New York City. The newspapers reported that 12,000 communists assembled at this great jollification and glorification meeting of the communist organization and the Communist Party.

At that great mass meeting in Madison Square Garden the Communists decided to hang the officers of the American Federation of Labor in effigy. They did not hang capitalists or members of the Manufacturers' Association, but members of organized labor. They considered the representatives of the American Federation of Labor as the greatest enemy of communism in America, and so in celebration of the end of their political campaign they hung representatives of organized labor in effigy. The manufacturers in one hall declaring us a menace to American institutions and the communists in another hanging us in effigy!

Now, my friends, we hurl that great falsehood issued by the Manufacturers' Association back into their teeth; we challenge them to offer one bit of evidence in support of their declaration that the American Federation of Labor is a menace to American institutions. I ask them in all fairness was the American Federation of Labor a menace to American institutions when the great Samuel Gompers during the World War raised his voice in behalf of American institutions? Was it a menace when labor responded in defense of liberty, justice, and democracy? While we were fighting to preserve American institutions some of these men were, no doubt, profiteering during the war.

So, my friends, it is rather significant that we have the two extremes attacking and opposing organized labor—the Manufacturers' Association in one hall in New York City and the communists in Madison Square Garden on the other end. I think we must be pretty decent, respectable citizens when we are able to invite the opposition and the antagonism of these two extremes.

We are battling for a higher standard of life and living for working men and women; we are fighting for the protection of children. We are the one force in America that has done battle for the adoption of the constitutional amendment that has for its purpose the protection of children against exploitation in industry. We are fighting for the protection of free labor in America against competition from convict labor.

We are fighting for the right of workingmen's children to enjoy all the opportunities that America offers to the children of any group or

any class. We are fighting that men and women might so appropriate to themselves the opportunities which our free institutions afford; that they may occupy that place in life to which their ability and qualifications fit them.

We have here in this convention representatives from all groups of working men and women. They come here imbued with a noble purpose. They ask only that they might raise the standard of life and living of the masses of the people. They are determined that they shall enjoy a fuller and freer life. We place human values above material values; we place men and women above a lot of other things, and as a result we have the representatives of the artisans and artists, the representatives of the skilled trades, the miscellaneous trades and the unskilled trades all sitting in this convention.

Speaking for myself, I am happy to lead such an army; I am happy to stand in this position of responsibility and typify the splendid working men and women of our country. All of you, as you know, came up from the ranks, from the mechanics' bench or from the machine shop; all of you served your apprenticeship in the workshops, the mills, the mine, or the factory. You represent the nobility of labor, and I am happy to stand this morning as your representative and challenge the evil forces of greed in America at this time in behalf of the working men and women of America.

Mr. Chairman and gentlemen, I wish to again repeat our thanks for your very warm and cordial greetings. We shall keep in mind the promises you have made us; we shall, I assure you, enjoy your hospitality to the limit, and we want to assure you that while we are here in New Orleans if we can assist you or help you in any way in promoting the best interests of the working men and women of this city we will gladly do so.

It affords me great pleasure to convene this Forty-eighth Convention of the American Federation of Labor and to declare it open for the transaction of business.

Mr. O'CONNOR of Louisiana. Mr. Chairman, also I ask unanimous consent to insert or print an address that I myself delivered, as already stated.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, under leave to extend my remarks I insert the following address delivered by me on November 22, 1928, at the banquet tendered by the Federal employees to the visiting delegates to the American Federation of Labor convention in New Orleans, La.:

Mr. Toastmaster, ladies and gentlemen, I am glad to be present and privileged to speak a few words at this banquet, and I will be brief, for I know that many earnest speakers will follow me, and, like most of you who are honoring me with your attention, I wish to sit at the feet of the Gamaliels that will address you and listen to their words of wisdom and drink from the fount of their knowledge of the great problem that will be discussed, considered, and resolved by the delegates to the convention now being held in this city. Since brevity be the soul of wisdom, is a good Shakesperian suggestion to follow, but we should not be so brief as to be obscure—this is on behalf of the outstanding speakers who will address you. In so far as I am concerned you may be sure I will not be lengthy or verbose. I have always been mindful that a celebrated statesman, who has gone beyond the sunset and the path of all the western stars forever, said that some men could talk for half a minute and keep the world guessing for half a century, while others could talk for a century and not keep the world guessing for half a second. I do not lay the flattering unction to my soul that I will ever belong to the former, and I have always prayed the good Lord to deliver me from falling into the latter class. Nor should any of us ever forget that it is related in Acts, in that most remarkable book, the Bible, that St. Paul spoke so long at Troas that a fellow fell out of the third loft and was carried out for dead.

The first man on this earth was a laboring man and the last man on earth will be a laboring man or working man. And while there have been in all generations and ages dreamers and planners to whom we give due credit as the real music makers of the world, it is entirely clear and perfectly obvious that our civilization was constructed, built, reared, erected by men and women who worked, toiled, and moiled with their hands. And into that civilization went the sweat, the heart, the soul, and the dreams of toilers since man left the trees and caves as his earliest habitation. When we look around our own western continent and see the wonders performed by man—vain insect of an hour, as he is called by Byron—we cease to marvel at the fabulous accomplishments of Hercules.

A continent ruled absolutely by wild and untamed nature before Columbus touched its shores has been conquered, subdued by civilization in an incredibly short period. From the far north to the extremity of Patagonia, civilization, the work of toilers, is nearly triumphant, but with even greater triumphs ahead.

The wilderness has disappeared before and under the axe of the pioneer and the farmer. The desert has been made to blossom as the rose by those who followed the law implanted in the Aryan breast, "Westward, ever westward." Swamps were drained and reclaimed, mountain tops that now delight the eye with a gorgeous agricultural splendor that surpasses in sheer beauty anything in the world of art or related in the Arabian Nights were chiseled and sculptured by pioneer farmers. Now millions of farms dot the landscape where once the jungle reigned supreme from ocean to ocean. Hamlets, villages, towns, cities, States, republics follow in orderly succession from the Arctic to the Antarctic Seas. Churches, schools, highways, railway, telegraph lines, skyscrapers, bridges, tunnels, subways, residential palaces, urban and rural, parks, squares, railroad stations more impressive than the Pyramids or Karnak, locomotives, steamships, all making for such a stupendous creation that we are convinced that man is indeed made in the image of his Maker. Great and splendid and perhaps enduring are his material accomplishments—but the Armageddon lies ahead, and not far ahead. Civilization, great, gorgeous, and wonderful as it may be, can not boast of its own justification until by a coalition of all of its forces it vanquishes poverty permanently and permits all of God's children to share in the benefits it creates and which should be equitably bestowed.

The tremendous mechanicalization of industry has brought into existence problems which if not solved will lead to that destruction which Frankenstein's monster wrought to his maker. Industry's greatest menace to-day is its apparently inevitable and inseparable tendency to that overproduction which would mean its ruin. But labor, which conquers all things and has put the world under man's feet, is at hand to save industry with a remedy that will prevent overproduction and equalize output with consumption. That remedy lies in the 5-day week, without any diminution of the wage scale, for it is the wage scale that determines consumption, and either hushes the hum of factory wheels or revolves them with music to the ear of the employee and employer. Not only will a great problem be met in this way, but a forward step will be taken which will make for more happiness than has resulted as yet from any movement of capital and labor.

In his monumental work, Buckle in the History of Civilization in England points out and argues eloquently for a leisure class on the ground that it is by the contemplation afforded through leisure that the world's greatest accomplishments have been consummated. If that be true, and I have no doubt that it is at least partially so, how much more will men and women do in every field of science when all are permitted to enjoy a leisure which will permit the use of the microscope and telescope and the study of the universe.

Mr. Chairman, I hope I am looking with prophetic eye into the future. I hope I am looking even from afar into the promised land, the land that is flowing with milk and honey. The day should be all the brighter the night has been so long and so dark. It will give joy to those choice spirits who slaved and starved in the night of despotism, but who toiled on knowing that others would see the glories of the coming morn. Labor, omnia vincit. By its magic touch the enchanted valley will become a reality and the shadows of men will reach the stars. Under its civilizing and uplifting influence we will, astride Pegasus, wing our way to the Garden of Hesperides and there pick apples of gold from pictures of silver. As a result of a little leisure nature will give up more of her secrets to us, and drinking from the gushing streams of wisdom and knowledge we shall feel that even in life we are nearer my God to Thee.

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, this bill, for convenience, combines the appropriations for both the Treasury and Post Office Departments. It is the first appropriation bill to be considered during the present session of Congress. It is also the largest that will come up for consideration. The total amount recommended in the bill for the activities of the Government under the supervision of the Treasury Department, for the fiscal year ending June 30, 1930, aggregates $303,459,664, which is $18,744,877 less than the expenditures authorized in the appropriation bill for the current year, but is an increase of $36,230 over the Budget estimates.

On June 30, 1928, the gross public debt amounted to $17,604,290,563.

In addition to these expenditures authorized, I want to invite attention to the permanent and indefinite appropriations under the Treasury Department, which includes the sinking fund and interest on the public debt, and many other items of a permanent nature, estimated for the year 1930 at $1,219,342,810.82.

I want to invite attention to this in order that the public may understand that when the amounts authorized to be expended in the several appropriation bills are added up that the aggregate does not include all of the expenditures authorized.

The total Budget estimates for the fiscal year ending June 30, 1930, for all of the departments of the Government, including interest and sinking fund, and the Postal Service, aggregates $4,417,369,904.67.

The following table shows these estimates in detail:

	Estimates of appropriations, 1930	Appropriations, 1929
Legislative establishment	$18,919,730.64	$17,913,873.26
Executive Office	458,120.00	437,180.00
Independent establishments:		
Alaska relief funds	15,000.00	15,000.00
American Battle Monuments Commission	600,000.00	700,000.00
Arlington Memorial Bridge Commission	2,000,000.00	2,300,000.00
Board of Mediation	348,270.00	347,902.00
Board of Tax Appeals	725,863.00	720,740.00
Bureau of Efficiency	228,130.00	210,350.00
Civil Service Commission	1,251,562.00	1,130,352.00
Commission of Fine Arts	9,080.00	7,300.00
Employees' Compensation Commission	4,077,326.00	3,755,010.00
Federal Board for Vocational Education	8,176,120.00	8,220,000.00
Federal Power Commission	179,500.00	120,890.00
Federal Radio Commission	164,440.00	364,027.00
Federal Reserve Board	2,605,741.00	2,700,000.00
Federal Trade Commission	1,289,760.00	1,048,000.00
General Accounting Office	4,132,000.00	3,820,000.00
Housing Corporation	397,950.00	475,750.00
Interstate Commerce Commission	8,213,825.00	7,654,745.00
National Advisory Committee for Aeronautics	1,300,000.00	600,000.00
Public Buildings and Public Parks	2,888,061.00	2,652,980.00
Smithsonian Institution	1,107,573.00	1,004,162.00
Tariff Commission	815,000.00	754,000.00
United States Geographic Board	9,200.00	4,300.00
United States Shipping Board and Merchant Fleet Corporation	9,994,000.00	13,688,750.00
United States Veterans' Bureau	597,375,000.00	560,060,000.00
Miscellaneous		214,374.00
Total Executive Office and independent establishments	648,361,521.00	613,005,812.00
Department of Agriculture	154,232,131.00	154,723,793.88
Department of Commerce	58,459,749.00	38,375,530.00
Department of the Interior	310,957,045.78	300,632,539.00
Department of Justice	28,103,570.00	26,808,062.50
Department of Labor	10,719,430.00	11,078,340.00
Navy Department	349,125,482.00	364,233,362.00
Post Office Department, postal deficiency payable from Treasury	71,209,325.00	83,495,830.00
State Department	14,744,831.43	14,466,236.39
Treasury Department	329,698,615.80	345,940,278.00
War Department, including Panama Canal	444,835,222.00	408,605,351.50
District of Columbia	39,935,622.00	40,357,308.00
Total ordinary	2,479,302,275.65	2,419,636,316.53
Reduction in principal of the public debt:		
Sinking fund	379,524,129.02	370,153,407.56
Other redemptions of the debt	173,543,500.00	172,289,300.00
Principal of the public debt	553,067,629.02	542,442,707.56
Interest on the public debt	640,000,000.00	675,000,000.00
Total payable from the Treasury	3,672,369,904.67	3,637,079,024.09
Postal Service, payable from postal revenues	745,000,000.00	690,949,212.00
Total, including Post Office Department and Postal Service	4,417,369,904.67	4,328,028,236.09

The 1929 appropriations are exclusive of additional amounts required to meet the provisions of the act approved May 28, 1928, amending the classification act of 1923, approximately $20,000,000.

The estimated receipts of the Government for the next fiscal year are given as $3,841,295,829, as shown by the following table:

Receipts	Estimated, 1930	Estimated, 1929	Actual, 1928
Customs	$582,000,000.00	$582,000,000.00	$568,986,188.50
Income tax	2,175,000,000.00	2,165,000,000.00	2,173,952,556.73
Miscellaneous internal revenue	559,000,000.00	577,500,000.00	621,018,665.64
Miscellaneous receipts	525,295,829.00	507,235,661.00	678,390,745.32
Total receipts	3,841,295,829.00	3,831,735,661.00	4,042,348,156.19
Total expenditures (including reductions of the public debt required by law to be made from ordinary receipts)	3,780,719,647.00	3,794,745,469.00	3,643,519,875.13
Excess of receipts	60,576,182.00	36,990,192.00	398,828,281.06

This, of course, is exclusive of postal receipts.

Attention is invited to the fact that during the fiscal year ending June 30, 1928, $2,173,952,555.73 was collected through the income tax, individual and corporate, and that it is estimated that there will be collected from this source, for the year ending June 30, 1930, the sum of $2,175,000,000.

The appropriations for the Treasury Department include the clerical force in the Treasury Department and the Bureau of Customs, through which was collected during the past fiscal year $568,986,188.50, and it was estimated there will be collected for the year ending June 30, 1930, $582,000,000, and all other bureaus under the supervision of the Treasury Department.

There is recommended for the Federal Farm Loan Bureau, salaries and expenses, $940,000. For the enforcement of prohibition, $13,500,000. This is an increase of $100,000 over the Budget estimate. For public buildings—continuation of construction—$23,040,000. Additional estimates for public buildings are to be made at a later date to be carried in the deficiency appropriation bill, estimated to approximate about $35,000,000.

POST OFFICE DEPARTMENT

The total amount recommended for expenditures for the Postal Service for the year ending June 30, 1930, aggregates $813,215,725, which is an increase of $38,990,683 over the appropriations for the current year, but is a reduction of $2,773,600 under the estimates of the Bureau of the Budget.

The expenditures for the Postal Service are paid out of the postal revenues, and the deficit, which for the past fiscal year amounted to $32,121,095.80, is paid out of the Treasury. The postal revenues for the past year increased $10,511,932.79. It will be remembered that we enacted some new legislation during the past year restoring the 1-cent rate for private mailing and postal cards and made a reduction on parcel-post rates. We also authorized the payment of rent, fuel, light, and equipment for fourth-class postmasters, equal to 15 per cent of their compensation.

On June 30, 1928, there were 34,305 fourth-class postmasters. They are underpaid and, in my judgment, are the poorest paid employees in the entire Government service. Their duties are exacting. This branch of our Postal Service should be carefully studied with a view of providing more equitable compensation for them.

Under the supervision of the Fourth Assistant Postmaster General is the Rural Mail Service, in which I have always been very greatly interested.

The first experimental Rural Mail Service was established October 1, 1896, when three routes were started in West Virginia. The service has been rapidly expanded and there were in operation on June 30, 1928, 44,288 routes, supplying about 7,141,792 families, or approximately 24,282,092 individuals. Of this number 1,224 routes are in Oklahoma and 92 are in the second congressional district. In looking back over my term of service I find that the appropriation for this branch of the service, the first year I came to Congress, in 1914, was $53,000,000. For this item the present bill recommends $107,000,000. While the number of routes are decreasing the service is expanding, because many of the routes are motorized and there have been many consolidations. The standard route is 24 miles in length, whereas the average route is 29.119 miles in length. The rural mail carriers are rendering a splendid service. They are active, intelligent, painstaking employees of the Government. They render this service through all kinds of weather and are always prompt and courteous.

The expenditures for the Postal Service present an interesting study. In 1837 the total expenditures for this service amounted to $3,288,319.03 and there were 11,767 post offices. We then had an estimated population of 15,655,000. For the year ending June 30, 1928, the expenditures increased to $725,699,765.90. The total number of post offices was 49,944 and our population is estimated at 120,023,000.

In addition to the Rural Mail Service, there were on June 30, 1928, 11,472 star routes, along all of which rural patrons are served.

We are rapidly expanding our air-mail service. The rate of letter postage has been reduced from 10 cents to 5 cents, and within the next few years, through legislative encouragement, a large part of the first-class mail will be carried by this service.

The appropriation for this service for 1928 was $4,500,000. There is carried in this bill the sum of $13,300,000 for this service. The air service should be encouraged in every way. No one can vision the possibilities of this service in the next decade.

The aggregate amount authorized to be appropriated, both for the Treasury and Post Office Departments, recommended in this bill, is $1,116,675,389. [Applause.]

Mr. WOOD. Mr. Chairman, I ask that the Clerk read.

The Clerk read as follows:

TITLE I—TREASURY DEPARTMENT

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1930, namely:

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that com-

mittee, having had under consideration the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon.

MESSAGES FROM THE PRESIDENT

The SPEAKER. The Chair lays before the House the following message from the President:

PHILIPPINE ISLANDS

The Clerk read as follows:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of the laws and resolutions adopted by the Seventh Philippine Legislature during its third session, from July 16 to November 9, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Insular Affairs. Also the following message from the President:

PORTO RICO

The Clerk read as follows:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the laws and resolutions enacted by the Eleventh Legislature of Porto Rico during its third regular session (February 13 to April 15, 1928).

These acts and resolutions have not previously been transmitted to the Congress, and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Insular Affairs. Also the following message from the President:

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Clerk read as follows:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the fourteenth annual report of the committee for the fiscal year ended June 30, 1928.

The attention of the Congress is invited to Part V of the committee's report presenting an outline of the present state of aeronautical development. It is encouraging to note from the committee's report that not only has aeronautic progress been at an accelerated rate within recent years but the progress has been greater in 1928 than in any single previous year. The significance of this to the American people and to the advancement of civilization can but faintly be pictured in the light of the amazing development that has characterized the first 25 years of aviation.

This country may well be proud of the contribution it has made to this remarkable development, and I am satisfied that continued support of proven policies will assure the further progress of American aviation. I concur in the committee's opinion that there is need for continuous prosecution of scientific research in order that this progress may continue at the maximum rate.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Ordered printed and referred to the Committees on Military Affairs, Naval Affairs, and Interstate and Foreign Commerce. The Chair also lays before the House the following message from the President.

REPORT OF THE COUNCIL OF NATIONAL DEFENSE

The Clerk read as follows:

To the Congress of the United States:

In compliance with paragraph 5, section 2, of the Army appropriation act approved August 29, 1916, I transmit herewith the Twelfth Annual Report of the Council of National Defense for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Military Affairs. Also the following message from the President:

FIFTH INTERNATIONAL CONGRESS OF MILITARY MEDICINE AND PHARMACY

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending, at the request of the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, constituting, together with the Surgeons General of the three Medical Services of the Treasury, War, and Navy Departments, an Advisory Board under the Federal act to incorporate the Association of Military Surgeons of the United States, approved January 30, 1903, that Congress be requested to authorize an appropriation of $5,000 for the payment of expenses of delegates of the United States to the Fifth International Congress of Military Medicine and Pharmacy to be held at London, England, in 1929.

The recommendation has my approval, and I request of Congress legislation authorizing an appropriation of $5,000 for the purpose of participation by the United States by official delegates in the Fifth International Congress of Military Medicine and Pharmacy to be held in London in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed. Also the following message.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE

The Clerk read as follows:

To the Congress of the United States:

I transmit a report from the Secretary of State on the subject of the Christopher Columbus Memorial Lighthouse to be erected by the Governments and peoples of the Americas on the coast of the Dominican Republic at Santo Domingo, and commend to the favorable consideration of the Congress the recommendation of the Secretary of State, as contained in the report that legislation be enacted authorizing the appropriation of the sum of $871,655 as the share of the United States in this project.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed. Also the following message:

ANNUAL REPORT OF ALASKA RAILROAD

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Alaska railroad for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on the Territories. Also the following message from the President:

ANNUAL REPORT GOVERNOR PANAMA CANAL

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1928.*

The SPEAKER. Referred to the Committee on Interstate and Foreign Commerce.

Mr. TILSON. Mr. Speaker, I desire to ask unanimous consent that the gentleman from Ohio [Mr. BURTON] may have until midnight to-night to introduce a bill or resolution relative to the settlement of the debt of Austria to the United States.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Do I understand he is to introduce a bill?

Mr. TILSON. He wishes to introduce a bill. I understand there will probably be a meeting of the committee to-morrow, and it is desirable to have the bill introduced so that it may be considered.

Mr. CRISP. Mr. Speaker, I may say to my colleague from Tennessee that we have a bill already pending before the committee, and the Committee on Ways and Means will have a hearing on it to-morrow. The Treasury Department preferred to have the form of the bill changed, and I concur in that. The object of this inquiry is to have a new bill introduced in a new form.

Mr. GARNER of Texas. My recollection is that in the last Congress the committee reported a bill on the same subject,

and it was pending in the House. The gentleman from Ohio [Mr. BURTON] was trying to push it at the last moment.

Mr. SNELL. There was a bill pending before Congress, but this is a new bill.

Mr. GARNER of Texas. But it involves the same proposition?

Mr. SNELL. Yes; but it is a new bill.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3325) entitled "An act for the relief of Horace G. Knowles."

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3325. An act for the relief of Horace G. Knowles.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent Mr. UNDERWOOD (at the request of Mr. MCSWEENEY) was granted leave of absence, for 10 days, on account of illness.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Friday, December 7, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, December 7, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

Agriculture Department appropriation bill.

War Department appropriation bill.

NAVAL AFFAIRS COMMITTEE

(10.30 a. m.)

To consider bills on the committee's calendar.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

647. A letter from the Comptroller General of the United States, transmitting annual report of the Accounting Office for the fiscal year 1928 (H. Doc. No. 362); to the Committee on Expenditures in the Executive Departments.

648. A letter from the chairman of the Interstate Commerce Commission, transmitting the forty-second annual report for the fiscal year 1928 (H. Doc. No. 376); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14388) granting a pension to Emma Love, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct a bridge across the Mahoning River at Cedar Street, Youngstown, Mahoning County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: A bill (H. R. 14921) granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 14922) to authorize an increase in the limit of cost of two fleet submarines; to the Committee on Naval Affairs.

Also, a bill (H. R. 14923) to amend the naval appropriation act for the fiscal year ending June 30, 1916, relative to the appointment of pay clerks and acting pay clerks; to the Committee on Naval Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 14924) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes; to the Committee on Military Affairs.

By Mr. LEAVITT: A bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes; to the Committee on Public Lands.

By Mr. BOWMAN: A bill (H. R. 14926) granting military status to field clerks, engineer service at large, American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. CONNERY: A bill (H. R. 14927) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. CORNING: A bill (H. R. 14928) donating bronze trophy guns to the Cohoes Historical Society, Cohoes, N. Y.; to the Committee on Military Affairs.

By Mr. GOODWIN: A bill (H. R. 14929) for the improvement of the Mississippi River at Minneapolis, Minn.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: A bill (H. R. 14930) to provide hospital and dispensary treatment to veterans suffering disabilities not service connected; to the Committee on World War Veterans' Legislation.

By Mr. SIMMONS: A bill (H. R. 14931) to amend section 93 of the Judicial Code establishing the judicial district of Nebraska; to the Committee on the Judiciary.

By Mr. WHITE of Colorado: A bill (H. R. 14932) to amend the World War veterans' act as amended; to the Committee on World War Veterans' Legislation.

By Mr. HALE: A bill (H. R. 14933) for the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, and for other purposes; to the Committee on Naval Affairs.

By Mr. BERGER: A bill (H. R. 14934) to enforce the rights of citizens of the United States, to protect them against intimidation and threats, to punish conspiracies against such rights of citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 14935) to amend chapter 6, title 44, of the United States Code by inserting a new section to be known as section 189 A; to the Committee on Printing.

By Mr. FULMER: A bill (H. R. 14936) authorizing an appropriation of $15,000,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. RAGON: A bill (H. R. 14937) releasing all claims of the United States in respect to Government-owned equipment loaned to the Governor of Arkansas for use at the encampment of the United Confederate Veterans, which was held at Little Rock, Ark., in May, 1928; to the Committee on Military Affairs.

By Mr. FULMER: A bill (H. R. 14938) to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes; to the Committee on Agriculture.

By Mr. SEARS of Florida: A bill (H. R. 14939) for improvement of navigation and the control of floods of Caloosahatchee River and Lake Okeechobee and its drainage area, Florida; to the Committee on Flood Control.

By Mr. CANNON: A bill (H. R. 14940) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. BYRNS: Joint resolution (H. J. Res. 337) providing for a joint committee of the Senate and House of Representatives on reorganization of the administrative services of the Government; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 338) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON: Joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 14941) granting an increase of pension to Lamira E. Albro; to the Committee on Invalid Pensions.

By Mr. BECK of Pennsylvania: A bill (H. R. 14942) granting an increase of pension to Anna M. Kabel; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 14943) granting an increase of pension to Hattie L. Daly; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 14944) granting an increase of pension to Frederick L. Eagle; to the Committee on Pensions.

By Mr. BOIES: A bill (H. R. 14945) granting an increase of pension to Sarah O'Neill; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 14946) granting an increase of pension to Mary E. Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14947) granting an increase of pension to Lida J. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14948) granting an increase of pension to Emma Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14949) granting an increase of pension to Elizabeth J. Hinkson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14950) granting an increase of pension to Margaret Ivers; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 14951) granting an increase of pension to Carrie C. Fry; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 14952) to reimburse the estate of Mary Agnes Roden; to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 14953) granting a pension to Alice F. Pritchett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14954) granting a pension to Sariah A. Wilds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) granting a pension to Miles A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14956) granting a pension to Addie R. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14957) granting a pension to Magnolia Roberts Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14958) granting a pension to Mary E. Ruffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14959) granting an increase of pension to Jesse S. Trower; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 14960) for the relief of Charles G. Brainard; to the Committee on Claims.

By Mr. CLANCY: A bill (H. R. 14961) granting a pension to Roxanna Perry; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 14962) granting an increase of pension to Kate D. Smith; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 14963) granting a pension to Hannah Godward; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 14964) granting an increase of pension to Sarah M. Sadler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14965) granting an increase of pension to Hulda Johnson; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 14966) granting a pension to Marie Thorson; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 14967) granting an increase of pension to Martha J. Underwood; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 14968) granting a pension to Minnie A. Squires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14969) granting a pension to Lizzie A. Nellis; to the Committee on Pensions.

Also, a bill (H. R. 14970) granting an increase of pension to Melvina Cannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14971) granting an increase of pension to Emma B. Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14972) for the relief of Sylvester S. Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 14973) for the relief of Grant R. Kelsey, alias Vincent J. Moran; to the Committee on Naval Affairs.

By Mr. KADING: A bill (H. R. 14974) granting an increase of pension to Daniel B. W. Stocking; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 14975) for the relief of Capt. William Cassidy; to the Committee on Military Affairs.

Also, a bill (H. R. 14976) to correct the military record of John G. Wiest; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 14977) granting a pension to Sanford C. Mackey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14978) granting a pension to Malissa Anna Mackey; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 14979) granting a pension to Wilber Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14980) granting an increase of pension to Lydia Hannah Barr; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 14981) for the relief of Josephine Laforge (Sage Woman); to the Committee on Indian Affairs.

By Mr. MENGES: A bill (H. R. 14982) granting an increase of pension to Laura V. Drais; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 14983) granting a pension to Richard H. Gedda; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 14984) granting an increase of pension to Willie H. Meek; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 14985) for the relief of the estate of Thomas J. Jones, deceased; to the Committee on War Claims.

By Mr. MURPHY: A bill (H. R. 14986) granting a pension to Emma Hall; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 14987) granting an increase of pension to Martha W. Cassell; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of New York: A bill (H. R. 14988) granting a pension to Denis Keohane; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 14989) for the relief of Norman S. Cooper; to the Committee on Naval Affairs.

By Mr. REID of Illinois: A bill (H. R. 14990) granting a pension to Anna Whitmore; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 14991) granting a pension to James C. Howard; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 14992) for the relief of Albert H. Jacobson; to the Committee on Claims.

By Mr. SIMMONS: A bill (H. R. 14993) granting an increase of pension to Malinda J. Cross; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14994) granting a pension to Lillie Eggsware; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14995) granting an increase of pension to Elizabeth Barden; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 14996) granting an increase of pension to Mary Kynette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14997) granting an increase of pension to Wilhelmina Wilson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14998) granting a pension to Charles Rapier; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 14999) granting an increase of pension to Clara I. Birt; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 15000) granting a pension to Laura J. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15001) granting a pension to Walter Griffith; to the Committee on Pensions.

By Mr. WARE: A bill (H. R. 15002) for the relief of Maude E. Mayer; to the Committee on Foreign Affairs.

By Mr. YON: A bill (H. R. 15003) for the relief of Thomas N. Smith; to the Committee on Naval Affairs.

Also, a bill (H. R. 15004) for the relief of Florence P. Hampton; to the Committee on Claims.

By Mr. BRITTEN: Joint resolution (H. J. Res. 336) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Roy Von Lewinski, citizen of Germany; to the Committee on Military Affairs.

By Mr. GAMBRILL: Joint resolution (H. J. Res. 339) conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7882. Petition of Public Forum of Brooklyn Heights, New York City, opposed to the surrender of Muscle Shoals to private interests; to the Committee on Military Affairs.

7883. Petition of Niagara Falls Chamber of Commerce, petitioning Congress to reimburse the relatives of Jacob D. Hanson; to the Committee on Claims.

7884. By Mr. CRAMTON: Letter of November 27, 1928, from secretary Michigan State Farm Bureau, presenting resolution adopted by the board of directors of that organization urging enactment of a tariff of at least $3 per hundred on imported sugar; to the Committee on Ways and Means.

7885. By Mr. DE ROUEN (by request): Petition of Women's Christian Temperance Union of Eunice, La., requesting that Congress enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

7886. By Mr. FRENCH: Petition of citizens of Wallace, Idaho, favoring the national origins plan of immigration restriction; to the Committee on Immigration and Naturalization.

7887. By Mr. LINDSAY: Petition of John W. Roeder, vice president, the People's National Bank of Brooklyn, N. Y., opposing the amendment of section 5219 of the Federal laws governing the taxation of national banks on the ground that it will be destructive of progress made in this matter; to the Committee on Ways and Means.

7888. By Mr. WATSON: Petition signed by residents of Trappe, Pa., and vicinity, favoring House bill 78, "To secure Sunday as a day of rest in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

7889. By Mr. WYANT: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, urging restriction of foreign immigration from Mexico, Central and South America, etc.; to the Committee on Immigration and Naturalization.

7890. Also, petition of Junior Order United American Mechanics, favoring passage of Senate bill 1727; to the Committee on the Civil Service.

7891. Also, petition of Joint Association of Postal Employees of Western Pennsylvania, recommending legislation permitting optional retirement after 30 years service with annuities increased to $1,200 per year; to the Committee on the Civil Service.

SENATE

FRIDAY, *December 7, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, in whose embrace all creatures live, and who dost bestow those benefits which human frailty can not grasp, quicken in us the sense of Thy presence, refresh us with Thy power.

Lift our souls above the weary round of harassing thoughts into the quiet contemplation of Thine infinite calm. Humble us by laying bare before us our littleness and our sin, and then exalt us by the revelation of Thyself as counselor and friend, that with a sure and steadfast faith in Thee we may quit ourselves like men, approved of God, and thus become springs of strength and joy to the Nation Thou hast called us to serve. Grant this for the sake of Him who is the Desire of nations, Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3325. An act for the relief of Horace G. Knowles; and

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

DAUGHTERS OF THE AMERICAN REVOLUTION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1928, which was referred to the Committee on Printing.

REPORT OF THE UNITED STATES BOARD OF MEDIATION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Board of Mediation, transmitting, pursuant to law, the annual report of the board for the fiscal year ended June 30, 1928, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented a petition of members of the Woman's Union and the Women's Missionary Society of the Central Woodward Christian Church, of Detroit, Mich., praying for the ratification of the so-called multilateral treaty renouncing war, and adoption of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the world court, which was referred to the Committee on Foreign Relations.

Mr. WAGNER presented a resolution adopted by the council of the city of Long Beach, N. Y., which was referred to the Committee on Commerce and ordered to be printed in the RECORD as follows:

Resolution

CITY OF LONG BEACH,
November 27, 1928.

Mr. Hogan introduced and moved the adoption of the following resolution:

"Whereas a public hearing will be held in Washington on the deepening and widening of East Rockaway Inlet; and

"Whereas this improvement will permit of deep-draught vessels entering Reynolds Channel and Great South Bay and is of vital interest to the city of Long Beach: Now, therefore, be it

"*Resolved*, That this project be, and the same is hereby, approved and the necessary action by the Federal authorities to initiate the improvements urged by this board on behalf of the people of the city of Long Beach.

"Mr. Saltzman seconded the motion for the adoption of the above resolution.

"Voting: Mayor William J. Dalton, aye; Supervisor Thomas J. Hogan, aye; Councilman Charles L. Daly, aye; Councilman James M. Power, aye; Councilman Louis H. Saltzman, aye."

I hereby certify that the above is a true and exact copy of a resolution unanimously adopted by the council of the city of Long Beach, at a meeting of the council held at the city hall on Tuesday, November 27, 1928.

FRANK G. WALDRON, *City Clerk.*

Mr. SHEPPARD presented a petition of certain pastors of churches at Carbon, Tex., praying for the adoption of a constitutional amendment prohibiting sectarian appropriations, which was referred to the Committee on the Judiciary.

Mr. DENEEN presented a resolution adopted by the Chicago (Ill.) Council on Foreign Relations, favoring the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of L. Noltimier and 62 other citizens, of Valley City, N. Dak., praying for the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of members of the South Main Street Congregational Church, of Manchester, N. H., praying for the ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

Mr. BINGHAM presented resolutions of the Northwest Child Welfare Club, of Hartford, the Westport Republican Woman's Club, and the Connecticut League of Women Voters, in the State of Connecticut, favoring the prompt ratification of the so-

called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented petitions of members of the faculty of the Divinity School of Yale University, of New Haven, and members of the Book Club, of Brookfield, in the State of Connecticut, praying for the prompt ratification of the so-called multilateral treaty renouncing war, which were referred to the Committee on Foreign Relations.

He also presented a petition signed by approximately 800 citizens of the United States resident in the Territory of Hawaii, praying for the prompt ratification of the so-called multilateral treaty renouncing war, which was referred to the Committee on Foreign Relations.

SAFETY AT SEA

Mr. VANDENBERG. Mr. President, in view of the new interest focused upon safety at sea as a result of the recent *Vestris* tragedy and in view of the possible development of new safety legislation upon this score, I present for the information of the Senate an interview in the Detroit Free Press in which one of the leading and most experienced executives in Great Lakes navigation recommends a very general substitution of life rafts for lifeboats in safety equipment.

It should be stated that the opinion thus expressed meets with some disagreement from certain other maritime experts to whom I have submitted this interview by way of preliminary inquiry. One of these critics insists that lifeboats are much more comfortable and serviceable and will maintain life much longer. He states:

From my experience in abandoning ship, life rafts have been looked upon as life belts; that is to sustain one in the water until picked up by lifeboats or a rescue boat. The life raft has its place in life saving, but I would never recommend using them instead of lifeboats.

The present law prohibits the use of more than 25 per cent of collapsible lifeboats or rafts. This section of the law is the crux of the point raised in this interview which I now submit to the Senate. It is to be remembered that during the war all of our ships had life rafts, because they were practical in case a ship was torpedoed and the lifeboats smashed. Not to prejudge the matter in any degree, but to establish a point of useful inquiry, I ask that this safety interview be published in the RECORD and referred to the Committee on Commerce.

There being no objection, the paper was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Statement in the Detroit Free Press of Saturday, November 17, 1928, by A. A. Schantz, of Detroit, Mich., who is president of the Detroit & Cleveland Navigation Co., and who insists that the loss of life attending the sinking of the steamer *Vestris* through difficulty in launching lifeboats is another argument in favor of the more extensive employment of life rafts on passenger steamers:

"On our lake passenger steamers we carry the usual complement of lifeboats, but we would depend largely upon life rafts to save the passengers and crew in case it became necessary to abandon ship out in the Lakes. All that is necessary to do in launching a life raft is to shove it overboard, and no matter which side up it lands it is ready to carry large numbers of passengers safely, and the fact that the ship might have a heavy list would make no difference in this operation. Passengers equipped with life preservers could easily clamber aboard the low raft, and wind and waves would not affect their safety, for it is impossible to capsize a raft. It would be possible to load life rafts on the boat deck of a steamer and permit them to float off when the ship sank. The commonly accepted idea that the suction of a sinking steamer would draw down boats and rafts in its vicinity is not borne out by the facts. If I had my choice between a lifeboat and a life raft in an accident, I would choose the life raft every time."

UNEMPLOYMENT

Mr. WAGNER. Mr. President, I send to the desk several important letters received by me from distinguished Americans in relation to the pending legislation on the subject of unemployment, which is now being considered by the Committee on Education and Labor. After the letters are printed, I ask that they be referred to the committee having charge of the bills indorsed by the writers.

There being no objection, the letters were ordered to be printed in the RECORD and referred to the Committee on Education and Labor, as follows:

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
DEPARTMENT OF ECONOMICS,
Camp Askenonta, Lake Placid, N. Y., August 14, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have read with much interest the three bills that you were good enough to send me. It goes without saying that I am thoroughly in agreement with you as to both the desirability and the importance of such measures. The trouble with most of us is that we never distinguish between remedies and preventives. You can quote me in any way you like as being entirely committed to the principle of your bills.

With kind regards,
Faithfully yours,

EDWIN R. A. SELIGMAN.

THE UNIVERSITY OF WISCONSIN,
DEPARTMENT OF ECONOMICS,
Madison, August 23, 1928.

Hon. ROBERT F. WAGNER,
United States Senate,
Washington, D. C.

MY DEAR MR. WAGNER: Replying to yours of the 10th, relative to inclosures, I certainly strongly favor all of these objects, but can not express opinion regarding the details without further study. I agree with you that the elimination of unemployment far transcends in importance the attainment of any immediate political ends.

Sincerely yours,

JOHN R. COMMONS.

METROPOLITAN LIFE INSURANCE COMPANY,
New York City, August 13, 1928.

Senator ROBERT F. WAGNER,
Senate Chambers, Washington, D. C.

MY DEAR SENATOR WAGNER: After carefully examining the three bills S. 4157, S. 4158, and S. 4307, which I received this morning with your letter of August 10, I am glad to say that I am heartily in accord with all three.

With best wishes for their successful progress, I am
Sincerely yours,

W. A. BERRIDGE.

INDUSTRIAL RELATIONS COUNSELORS (INC.),
New York, September 17, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: Your letters of August 10 addressed to Mr. Arthur Young, Mr. Bryce Stewart, Miss Mary Gilson, and myself, with inclosed congressional bills relating to unemployment, have been received. Since the comments of any one of us can not be disassociated from our organization we are replying jointly to your letter. Furthermore, it is beyond our function and contrary to our public policies to indorse any proposed legislation. However, we are quite willing to give you, as to anyone else inquiring, the results of our research to date in one phase of this broad subject. Perhaps you will be interested in the following tentative conclusions:

The further collection and publication of employment statistics by the Federal Department of Labor, including the preparation and publication of an index of employment, would be extremely helpful to industry and to the public.

The emergency construction of public works and the distribution of other public expenditures during periods of acute unemployment according to a planned but flexible program will materially assist in relieving conditions resulting from seasonal and cyclical depressions.

The establishment of a nation-wide system of public employment exchanges is essential if we are to make progress with the problem of placement and mobilization of labor at points of greatest need.

Very truly yours,

GLENN A. BOWERS,
Director of Research.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., R. D. 2, Strong, Me., August 15, 1928.

DEAR SENATOR WAGNER: I am indeed rejoiced that some one is giving attention to a due preparedness for seasons of unemployment—a matter quite as important as preparation for business crises or for agricultural depression. Certainly the subject is one transcending State lines, and in the end we shall have to achieve some degree of unification of the agencies of dealing with it.

As to the first two bills I do not see how anything but good can come from them. Very likely the second will be met by the cry of too many bureaus and of centralization. There may be bureaus which could be united or consolidated or even eliminated with advantage. I do not pretend to know. But no government to-day can go on without bureaus, and the outcry against them in the abstract is misdirected. Nor is there any basis for objection on the score of centralization. The alternative of centralization is cooperation, and that is exactly what you seek to bring about.

As to the emergency public works measure, I am not sufficiently up to date in economics to know how such a measure is now regarded by those who have studied such things. But it seems a conservative measure and in the nature of wise preparation for what we know from experience happens from time to time.

I repeat that it is most gratifying to find some one taking up this subject and endeavoring to make wise and far-seeing provisions for it. I hope you will be successful in obtaining legislation along the lines you have laid out.

As you say, such things should not be involved in politics, and I hope I am sufficiently free from partisanship so that, although a Republican, I can welcome and advocate a good legislative project by whomsoever proposed.

Yours very truly,

ROSCOE POUND.

THE WORLD COURT

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Foreign Relations a letter written by J. R. Payne, minister of the First Baptist Church of Salem, Oreg., on the question of the Gillett resolution.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SALEM, OREG.

The Hon. WILLIAM E. BORAH,
Senate Chamber, Washington, D. C.

HONORABLE SIR: Press notices inform me that the Foreign Relations Committee is to take up the Gillett World Court resolution at its first meeting.

Will you use your influence to secure a prompt and favorable report on the resolution at that meeting?

I travel somewhat among the people and know that there is almost unanimous sentiment in favor of said resolution.

Yours for the outlawry of war,

J. R. PAYNE.
MRS. MILES R. POOL.
MARY L. LISLE.

MARKETING OF AGRICULTURAL PRODUCTS

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry a letter from Harvie Jordan, managing director of the American Cotton Association and Better Farming Campaign, which contains many helpful suggestions, particularly with reference to the marketing of cotton.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

AMERICAN COTTON ASSOCIATION AND
BETTER FARMING CAMPAIGN,
FIELD SCHOOLS OF ECONOMIC PRODUCTION,
Greenville, S. C., November 28, 1928.

Hon. CHARLES L. MCNARY,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR: You are deeply interested in the enactment of strong constructive relief measures for the economic betterment of American farmers. The problems confronting the large staple crops of the Nation present different methods of treatment and solution. I beg to bring to your attention my views regarding the great cotton staple crop of the Nation. I have been a cotton grower for 50 years and have been associated with practically every movement made among the growers for the betterment of their condition since the days of the alliance in 1890.

In any comprehensive constructive effort to rehabilitate the cotton-growing industry for promoting the welfare of the growers it is essential to get down to the infected roots of the evil.

In 1870 Federal and State laws permitted the creation of machinery incorporating the cotton exchange, which gradually developed nation-wide powers over the marketing of spot cotton which has enabled the buyers and consumers of the staple by rules and regulations of trading on such exchanges to fix and maintain the price of the staple regardless of the welfare of the growers.

Any system of marketing by which the price of the product is fixed by the buyer violates every known law and usage of trade in commerce throughout this country and the world.

Furthermore, this is the only agricultural country in the world among modern civilized nations where the laws permit the fixing of the prices of farm products by machinery controlled by the buyers.

There are a few cotton exchanges in Europe, but their activities are confined to the handling of American cotton in cooperation with American exchanges. Foreign countries do not permit the agricultural products of such countries to be dominated by speculative institutions.

No industry except that of agriculture could exist under such unfair methods of price fixing, and American agriculture in the South and West is in a condition of decadence, even though it is the recognized basic industry of the Nation.

The legitimate laws of supply and demand for American cotton ceased to function toward the close of the nineteenth century when the South began to produce a surplus of the staple in excess of the actual needs of domestic and foreign mills during the cotton year in which such surplus was harvested and dumped on the markets.

The forced selling of the surplus depressed market values under the control of the buyers and exchanges, which correspondingly depressed the price of every bale needed for actual consumption in such year.

The financing and retirement of a temporary surplus of cotton over a period of 12 to 15 months while still in the hands of the growers is absolutely imperative if present manipulation, extreme speculation, and violent fluctuations in an unstabilized and depressed market is to be controlled in the interest of both the growers and the mills.

There is no record of a large surplus of cotton dumped on the market at depressed values which was not sold to the mills 12 months later at prices twice as high as the farmers received for the staple when sold. Especially was this true in the large crop years of 1920 and 1926, in which the largest surplusage of spot cotton was grown.

The machinery for handling the surplus effectively must be done largely through organized county units among the growers. The financing of the surplus, if appropriated by Federal legislation, could be distributed and safeguarded through local banks acting for county units and through cooperative associations.

The practical planks in any platform for real farm relief among the cotton growers should, in my opinion, be along the following line to secure effective and profitable results from the industry:

No. 1. The intensive culture of cotton on more restricted acreage per plow and raising all food and feed crops needed on the farm.

No. 2. Cooperative effort in buying and marketing through the county unit system and state-wide cooperative associations.

No. 3. Federalize every cotton warehouse and have expert graders, staplers, and weighers in charge to aid the growers in securing full market prices for their staple.

No. 4. Organize machinery to finance and retire from the market the temporary surplus or carry over each year, so as to limit the market only to handling and selling such cotton as is legitimately required for consumption by the mills each cotton year. This would prevent dumping unneeded cotton, allow the legitimate law of supply and demand to function, and prevent excessive manipulation and depressing speculation.

The details of putting the above practical platform into operation are simple and will meet the approval of the rank and file of the growers.

The leading thought should be to work out relief measures that can be applied practically and secure the results aimed at.

Individual efficiency on the farm, the intensive culture of cotton, and more acres in food and feed crops are absolutely essential to any system of profitable agriculture in the South. These, with cooperative effort in marketing and financing the surplus, should very materially improve the situation and rehabilitate the welfare of the growers and the South at large.

With cordial best wishes,

Yours very truly, HARVIE JORDAN, *Managing Director.*

THE HURRICANE IN PORTO RICO

Mr. BINGHAM. Mr. President, I send to the desk a resolution from the Coffee Growers of Porto Rico (Inc.), a cooperative credit association, which I ask may be printed in the RECORD and referred to the Committee on Territories and Insular Possessions. Also at this time I would like to call the attention of Senators to the report on the Porto Rican hurricane, which they will find on their desks, and particularly to pages 6, 7, and 8, which give a brief but graphic description of the result of the hurricane.

There being no objection, the resolution was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

The delegation undersigned, representing the Coffee Growers of Porto Rico (Inc.), a cooperative credit association, has the honor of submitting the following to the Congress of the United States through the Committee on Insular Affairs:

Resolution

1. Whereas the hurricane which struck Porto Rico on the 30th day of September, 1928, caused, in addition to other serious damage, the loss of the harvest of coffee and the destruction of the plantations, the estimated losses being in the first case not less than $10,000,000 and in the second not less than $12,000,000;

2. Whereas the destroyed coffee plantations represented the basis for the wealth of the highlands of Porto Rico, which cover an area of 180,000 acres and provide labor and subsistence for about 300,000 people who, as a consequence of the disaster, have been left without work and in great need;

3. Whereas the sole economic basis on which the coffee growers depended was the harvest of coffee and auxiliary fruits which they have lost; and whereas the planter lacks credit and resources for reconstructing his plantation and for giving employment to the laborers who have been without work and subject to the cruel consequences of hunger and destitution;

4. Whereas the reconstruction of the coffee industry must be accomplished and is of absolute necessity for restoring the well-being of the population of the highlands of Porto Rico, where alone the cultivation of coffee can be undertaken with success and without which the economic situation of the inhabitants of these regions would be every year more serious and of fatal consequence to the social organization of the people of Porto Rico in their advance toward scholastic progress, sanitation, and improvement of the general welfare;

5. Whereas without any effective aid the farmers would see themselves obliged to abandon their lands because of the lack of resources and of credit to enable them to obtain the necessary means for properly taking care of the rehabilitation of their property destroyed by a hurricane, resources which it is not possible to obtain from our insular government, which is indebted to the limit of its means, nor can the aid obtained from the Red Cross be considered sufficient, since this came almost solely to the working class and was purely contingent and inconclusive;

6. Whereas the cost of reconstructing every acre of coffee in compliance with the modern methods of cultivation recommended by experts on agriculture amounts to from $50 to $70 per acre, according to the time employed, ranging from four to six years, the total sum needed for facilitating the farmer toward the complete reconstruction of his lands varying between seven and nine million dollars;

7. Whereas we believe that if such an amount were obtained it ought to come wholly to the hands of the farmer under a special reparation system and in accord with regulations specified by law; and believing, furthermore, that the organization which will have to be created for putting the plan of rehabilitation of farm aid, which we hope and urge may be granted to us into effect, ought not only to be of an efficient and economic character but also practical and easily applicable;

8. Whereas it is our belief that the only remedy we can discover for solving the difficulty of this serious situation must come through the initiative of the Congress of the United States of America, which is our country, and it is there that we go to buy all the materials for food and comfort that we need in spite of the fact that the market is protected by a high tariff on all the food products which we need and yet give our coffee no protection, an overlooked fact which has caused the country obvious injury since the change of sovereignty;

9. Whereas if the Congress of the United States raises the question of not having precedents in the matter in order to hold up the measure we seek, we wish to call respectfully to the attention of Congress the fact that for 30 years the United States has not had any insular possessions in the Tropics whose production of coffee was one of its principal economic resources; that cultivation in devastated zones in the United States is generally of an annual nature and for this reason is capable of being made productive again with little difficulty, while the cultivation of coffee in the Tropics requires a nonproductive period of four or five years before it can be restored, the losses being for that reason far greater and the restoration of the lands more expensive;

10. Whereas for the next five years the coffee growers will not have sufficient harvests to permit them to pay the interest plus principal on the reconstruction loans which it may be possible for them to obtain;

Wherefore the Association of Coffee Growers of Porto Rico (Asociacion de Cafeteros de Puerto Rico (Inc.)), greatly interested in the most prompt and efficient rehabilitation of the coffee industry, suggests to the Congress of the United States:

(a) That Congress appropriate for the purposes set forth in this resolution an amount no less than $7,000,000 to be devoted to the coffee industry, and to be loaned to the farmers through the Porto Rico branch of the Federal Intermediate Credit Bank of Baltimore;

(b) That in the drawing up of the plan to be put into practice it is urged that the cooperative credit associations be taken into account which are functioning in Porto Rico and are recognized by the Federal Intermediate Credit Bank as an easy, practical, and efficient means for seeing to it that the money reaches the farmer, such management guaranteeing to a greater extent protection for the ends which we all desire, such methods having already proved their efficiency in the years during which they have been functioning;

(c) That it be permitted to loan to the farmers the money necessary for rehabilitating their lands, payment to be made in 20 years, allowing them freedom from payment of interest on the capital for the first five years and payment of the debt to be made in 15 annual installments beginning in 1934.

That certified copies of this resolution be sent to the President of the United States, to each one of the members of the Committees on Insular Affairs of the House and Senate, to the Governor of Porto Rico, to the presidents of both legislative bodies, to the local press, to the correspondents of the United Press and the Associated Press, and to each local assembly of coffee growers in Porto Rico, and to the president of the Agricultural Association of Porto Rico.

Certified that this resolution was adopted by the executive committee of this corporation and with the consent of the associated shareholders;

Certified, likewise, that it was agreed that the president, Don A. Martinez, the treasurer, Don E. Lopez Ballester, and the undersigned were charged with the delivery of this memorandum to those Representatives of Congress here present.

I, the secretary, hereby certify to the above.

J. M. MUNOZ.

IRRIGATION AND MARKETS FOR FARM PRODUCTS

Mr. STEIWER. Mr. President, my attention has been called to a very able address made by Mr. B. E. Stoutmeyer, one of the legal staff of the Reclamation Service. It is a most helpful discussion of the reclamation program with which the Government is concerned. I ask unanimous consent that it may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation.

There being no objection, the address was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

EFFECT OF IRRIGATION DEVELOPMENT UPON MARKETS FOR FARM PRODUCTS OF THE RAINFALL SECTIONS

By B. E. Stoutmeyer, district counsel, Bureau of Reclamation

During recent years there has been much discussion of the problem of the farm surplus and growing out of this discussion there have been suggestions, particularly by various organizations in the Middle West, to the effect that all irrigation development in this country should stop. This demand for stopping the development of the western third of the United States is based upon the presumption, which I believe is an erroneous one, that the products of irrigation projects have an injurious effect upon the markets for the products of the farms of the rainfall section, particularly upon the markets for the staple products of the Middle West.

The crops which are generally considered in all discussions of the problem of the farm surplus are mainly the great staple crops of the Middle West and South—wheat, which is exported to some extent; corn, which is exported to some extent in the form of lard and other pork products; and the cotton crop of the South. While these great staple farm crops are still being exported to some extent, there has been during recent years a steady increase in the imports of other kinds of food products and raw materials. Herbert Hoover in one of his recent speeches called attention to the fact that we are importing each year about $800,000,000 worth of farm products which would be produced on our own soil.

In considering the question whether the irrigation projects do or do not add to the problem of the farm surplus, it is necessary to consider whether the leading products of the irrigated farms are the same as the leading staples of the rainfall belt in the Middle West and the dry farms of the plains, or whether the irrigation projects are producing, in the main, crops which would otherwise be imported and are therefore increasing the home market for all kinds of American products, including farm products, and merely displacing a certain amount of imports which would otherwise be brought in from Australia, South America, or Canada.

The objection to the development of the West for fear that western production will sharpen the competition for the farmers of the Eastern States is no new question. The same theory was urged more than a hundred years ago by some of the landowners of the Atlantic Coast States as a very serious objection to the development of the Ohio Valley and the Mississippi Valley under the homestead act. The argument which is now used against the development of the West by irrigation is the same which was used a hundred years ago against the development of the Mississippi Valley and the Ohio Valley under the homestead law. Both arguments lose sight of the fact that development increases markets as well as production.

In looking back over the history of this country for the last hundred years it is not difficult to see that if this argument against development under the homestead law (which is the same now urged against development under the reclamation law) had prevailed, the United States would remain a fringe of settlements along the Atlantic coast without any great supporting markets in the interior for the products of the coast States, and no sane man to-day would believe that if that argument had prevailed and that condition had continued that the States of the Atlantic coast would be any more prosperous or indeed as prosperous as they are now.

The development of the interior has made the home market of this country the greatest market of the world many times over and almost, if not quite, equal in size to the combined markets of all the countries of Europe. The size of the home market makes mass production possible and has led to a steady and rapidly increasing scale of wages in this country, combined with economical production and moderate prices for most of the products of the industries of this country.

Is there any reason to think that if the development of the arid section of the United States could be stopped and that great section of our country condemned to remain desert forever, that such result would be

any more beneficial to the Middle West than would have been the case if the argument against the homestead law had prevailed a hundred years ago and the Ohio and Mississippi Valleys had remained a wilderness to this day?

I think that the argument against irrigation development has in all cases been made hastily without any attempt to analyze the problem or to consider the nature of the prevailing crops on the irrigation projects, the slight extent to which such projects affect staple farm crops of which we produce a surplus, and the much greater extent to which such development increases our home markets for all kinds of home products, both manufactured and agricultural. The products grown on the irrigation farms are, in the main, products of which we import a considerable amount from abroad, so that in general the irrigation farms are increasing the home market and producing, in the main, crops which displace a proportion of the products which would otherwise be imported.

It is evident that this same question was considered by President Roosevelt 25 years ago when the reclamation act was passed, for in his message to Congress in 1901, in urging the legislation which resulted in the passage of the reclamation act, President Roosevelt said:

"It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams."

And—

"The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of our irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the Nation."

The question which I wish to discuss and analyze at this meeting is the question whether President Roosevelt was correct in the view expressed in his message to Congress in 1901, recommending the reclamation act, or whether the practical results obtained on the Federal reclamation projects prove that President Roosevelt was wrong and that the development of the West should stop for the purpose of preserving a better market for the farm products of the East and Middle West.

A few days ago in Seattle I had occasion to discuss with the chief engineer of one of the largest corporations on the Pacific coast a recent article by Doctor Mead urging State and local cooperation in preparing for the settlement of the Kittitas project in that State. The engineer with whom I was talking, after commenting on this article, which appeared recently in the newspapers, and the apparent difficulty in securing State and local cooperation in irrigation development, said: "This is an industrial country. We can not afford to develop farm lands in competition with the cheap land and cheap labor of Brazil, Argentine, and other foreign countries. What we will have to do is to export manufactured goods and import food products." That was an offhand opinion and not one which I believe would have been expressed after a more careful analysis of the situation.

The plan of importing food products and raw material and then exporting manufactured goods is the one which has prevailed in Great Britain, Belgium, and some other countries for several centuries; not by choice, but by necessity. Because of the large population and small amount of tillable land available in these countries it was impossible to produce all of the food and raw materials needed, and therefore it was a matter of necessity to import food products and also to import raw materials and to manufacture the imported raw materials and then send them to all parts of the world in exchange for the necessary food products and raw materials.

The result of this policy, however, which was forced upon Great Britain by necessity, has not been a happy one. The wages of workmen in Great Britain are only about half what they are in this country, and in Belgium only about one-third what they are in this country; and there are several millions unemployed in England to-day. This is the condition which prevails in time of peace, and during the World War, notwithstanding the fact that Great Britain had a navy double that of the enemy countries, and in addition had the cooperation of the navies of the United States, France, and other allies, the dependence of the British people on imported foodstuffs came very near to resulting in that country being forced into submission through the operations of the submarines of Germany. If we may judge the results of stopping agricultural development and depending on imports of food products and the export of manufactured products to maintain the life of the Nation, from what has occurred in Great Britain where that policy has prevailed for more than 100 years, we certainly would not wish to see that condition duplicated in this country; and, indeed, the British people themselves would never have adopted or carried on that policy if it had not been forced upon them by necessity.

The population of this country is increasing at the rate of about a million and a half each year, and the population of the world is increasing at the rate of about 20,000,000 a year. With the increase of our population we are also steadily reducing the fertility of our lands. The heavy rains of the East and Middle West wash much of the best soil of our plowed lands into the Gulf of Mexico and the Atlantic Ocean, and the production of the staple grain crops makes a steady draft on the fertility of the land which is only partly replaced by the rotation of crops and application of fertilizer. It is true that through the use of better seed, better methods of cultivation, and better strains of livestock there is a temporary tendency toward an increased production per acre; but this can not be permanent or long continued, for better seed and better methods of cultivation merely increase the rate at which we are drawing the fertility from the soil.

It is also true that the substitution of motor power for horsepower has reduced the number of horses and mules in this country to such an extent that 4,000,000 acres of land previously used for the production of horse feed are now available for the production of food for human consumption, but it is only a question of a few years when the steady increase in population will have more than offset this surplus production temporarily made available by substitution of motor power for horsepower and by improved seed and methods of cultivation and improved breeds of livestock.

We are, in fact, burning our candle at both ends by a rapid and steady increase in population and by a steady and rapid exhaustion of the fertility of our lands through the washing away of much of our best soil and the growth of grain crops which take from the soil far more of fertility than is being replaced.

In the arid section irrigation is the permanent and fundamental industry. Mining always tends to exhaust itself and abandoned mining camps are common throughout all sections where metal mining was once the prevailing industry. Timber furnishes a leading industry in some parts of the West, but in most cases the timber is being cut at a far more rapid rate than it is being produced, and we are already in sight of the time when the timber industry will be much reduced in volume. But the farming industry, which in the arid region means irrigation, furnishes a permanent foundation for our Government and civilization and is the foundation on which our manufacturing and commercial industries are based and maintained.

Of those who think that there would be no serious danger in stopping our agricultural development and becoming dependent upon imports of food from abroad, because we could export our industrial products in payment for food and raw material as is done by several of the countries in western Europe, it may be well to ask: If we stop our agricultural development and import into this country the surplus food products of the Argentine, Canada, and Australia, who then will feed the nations of Europe who are now using the farm products of these countries for their support, and who will take care of the requirements of the eighteen and a half million annual increase in population in other countries of the world outside of the United States? If we do not in this broad land take care of our own increase of a million and a half a year, have we any reason to suppose that we will have a free hand in shipping into this country the surplus farm products of Canada, South America, and Australia to the exclusion of the countries which are now dependent on these sources of supply?

It is possible that those who oppose the development of the West by irrigation may reply that it is possible that the time will come when our surplus of wheat and other farm products is exhausted and when we would be obliged to depend on other countries for our food products, but it will be time enough to proceed with our irrigation development when that condition has arrived, and in the meantime nothing should be done to add to or continue the production of a surplus of farm products, and therefore that no more irrigation projects should be constructed. This argument, of course, loses sight of the fact that the construction of large irrigation projects requires many years for the completion of the necessary reservoirs, canals, and other works and additional years for the conquest of the land—the leveling, seeding, ditching, building, and fencing which is necessary before production on a substantial scale can come about. In most cases large irrigation projects initiated at this time will take 10 years to reach a stage where any substantial contribution to farm products will be available, and in the meantime the construction work itself creates a market for farm products as well as all other products.

But the fundamental and final answer to the objections which are raised against irrigation development in the West, as I see it, lies in the fact that when these irrigation projects finally reach a stage of abundant production the class of products grown is so different from the prevailing staple farm products of which we have a surplus that the general effect of the irrigation development is to improve the markets for our staple farm products of the rainfall sections rather than to impair such markets.

As an example, I wish to take a typical reclamation project devoted to diversified farming of a sort which prevails in most of the irrigated sections. For the purpose of this analysis I am taking the Minidoka project in Idaho, because that is a typical project and also because the Minidoka project was developed entirely under the Federal reclamation act in a section where there was no irrigation and no settlement of any kind until this project was constructed. In many cases the Federal projects have been built in communities where there were already towns and some irrigated lands before the Federal project was built. In such cases it is somewhat difficult to determine how much of the growth of the towns and the general development of the whole community was due to the Government project and how much to the private irrigation outside of the Government project. But in the case of the Minidoka project this difficulty does not exist, for this project was located in a section where there was no settlement, no towns, and no irrigation until the Government project was built. This project is also typical and representative in the class of farm products grown.

The figures given here concerning the Minidoka project are taken from the 1927 crop report, which is the latest now available. We find from this report that in 1927 the Minidoka project contained 2,390 farm units. On these 2,390 farm units there were 7,091 residents, and there were 7,950 residents in the project towns. You will see that the number of people supported in the project towns by the development of this project is slightly larger than the number of residents on the farms, the number being 7,091 on the farms and 7,950 in the project towns. It is evident that each of the 2,390 farm units of the Minidoka project supports two families, one family on the farm and one family in the towns of the project.

In addition to these two families supported on the project by each farm unit, it is also certain that the purchases of the two families keep a third family employed in the industrial and commercial centers of the East, Middle West, and Pacific coast, so that each farm unit supports three families—one on the farm, one in the project towns, and one in the industrial and commercial centers of the East, Middle West, or Pacific coast. Of these three families all are consumers of farm products, but only one is producing farm products.

Now, let us see the nature of the prevailing farm products of the project and whether the prevailing effect is to improve the markets for the staple products of the rainfall section or to increase the competition in such markets. On the Minidoka project, as well as on nearly all of our reclamation projects, the crop most extensively grown is alfalfa hay. The project also produces a limited amount of wheat, which is one of the farm crops of which we have a surplus for export. But the acreage in alfalfa and clover is about three times as much as the acreage in wheat.

The figures as to acreage are given separately for the gravity division of the Minidoka project and the pumping division of the project and are as follows:

	Acres
On the gravity division:	
Alfalfa hay	21,992
Alfalfa seed	1,065
Clover hay	468
Clover seed	1,356
On the pumping division:	
Alfalfa hay	15,701
Alfalfa seed	269
Clover hay	1,473
Clover seed	3,130

For the whole project, the total of alfalfa and clover is 45,454 acres, and the total in wheat is 16,229 acres, or approximately three times as much in alfalfa and clover as in wheat.

The main product of the alfalfa and clover acreage is hay, but you will see from the above figures that there is also some alfalfa seed and some clover seed produced. Both alfalfa seed and clover seed are products which we import to a considerable extent, so it is reasonable to suppose that the effect of the production of alfalfa and clover seed is mainly to displace a certain amount of alfalfa and clover seed which would otherwise be imported from foreign countries. This replacement of foreign production by domestic production does not cause any surplus on the American market to depress prices but does have the effect of improving the home market for all other kinds of production, including other kinds of farm products, for the farmer who produces alfalfa seed or clover seed on the Minidoka project will buy at least 90 per cent of his purchases in the form of products, agricultural or manufactured, produced in this country. That is to say, for each dollar spent in buying clover seed or alfalfa seed produced in this country, at least 90 per cent goes back into the purchase of the products of other industries, including other classes of farm products; while if the dollar were expended in buying seed imported from Italy or the Argentine, the proportion would probably be reversed and we would probably sell the Italian or Argentine farmer not to exceed 10 per cent of the products which he would purchase with his farm income.

It is easy to see that this increase in home production in place of foreign production, has a tendency to improve our markets for all kinds of American products, both agricultural and manufacturing, for the workman who produces a sewing machine in Chicago to be used on the Minidoka project, or who produces an automobile in Detroit to be used on that project, buys and uses farm products produced in Illinois, Ohio, and Michigan, as well as the manufactured products of those States and all other States.

The same situation prevails with reference to the much larger acreage devoted to the production of hay, for by far the greater proportion of the hay produced on the Minidoka project and on most of our other irrigation projects, is used in feeding sheep, and we are importing about half of the wool consumed in this country and considerable amounts of lamb and mutton, so that the alfalfa of the Minidoka project, turned into wool, lamb, and mutton, merely replaces a like amount of wool, lamb, or mutton which would otherwise be brought in from abroad, and does not contribute to the production of any farm surplus in this country which would tend to depress prices in the markets of this country. But, on the contrary, the consumption of the three families supported by each farm unit of the Minidoka project increases and protects the home market for all kinds of American products, both manufactured products and the products of the farms of the rainfall belt. The same principle also applies to beef and dairy products, which are also imported.

This is equally true of the sugar-beet crop, which is another leading crop on our irrigated projects. This country imports large quantities of sugar from abroad, as well as wool; and here again the production of the project does not increase any farm surplus in this country, but does increase the markets of this country for all kinds of domestic products, including farm products.

It is true that we do produce on the Minidoka project and on some of the other irrigation projects a small amount of wheat, which is a surplus product in this country, but the amount in wheat compared to the total production of the project is very small and the general effect of the project as a whole is to increase and improve the markets for the farm products of the rainfall section to a greater extent than the limited amount of wheat produced can increase competition in such markets. Indeed, it is generally known and recognized that the irrigation projects are not adapted to wheat production and that such production is not generally or permanently profitable under irrigation and tends to eliminate itself as the project progresses and develops along the lines to which it is best adapted.

In this connection I might have said that the total production under irrigation is such a small proportion of the total farm production of the country that the effect on world markets or national markets could not be very noticeable, but that would be merely a question of degree, and it is more to the point to go to the heart of the matter and analyze the crop situation on the irrigation projects to determine whether the effect (whether great or small) is generally beneficial or detrimental to market prices for the staple crops of the rainfall sections. This we have attempted to do with reference to the products of the Minidoka project, which is a typical irrigation project engaged in general diversified farming, and the conditions prevailing on this project are generally quite representative of those prevailing on most of the other projects.

This analysis of the classes of products chiefly produced on our irrigation farms very clearly demonstrates that the fear that the irrigation development will have a tendency to depress the markets for the products of the rainfall section is entirely unfounded, and that the prevailing effect of these projects is to improve the markets for the staple farm products of the Middle West rather than to depress such markets. So that even from the narrow and purely selfish standpoint of a producer of farm products in the Middle West the objection to irrigation development and the demand that the development of the West should stop is not justified; and surely from the standpoint of a broad national policy no American would wish to see this country reduced to the conditions which prevail in the countries of Europe, where conditions have made it necessary to depend on imported food products.

Fortunately for this country, the products of one section supplement those of another and tend to a balanced condition which is to the benefit of all sections. For instance, those of us who follow the market reports of the Portland livestock market often have occasion to notice that hogs are being shipped into the Portland market from Nebraska and other points in the Middle West by the train load. Undoubtedly if the northwestern section of the United States, and particularly the States of Oregon, Washington, and Idaho, had never been developed or settled the farmers of Nebraska and other States in the Middle West would not have a better but a poorer market for their surplus hog production.

Actual experience of the last 20 years in irrigation development, and careful analysis of the products of the irrigation projects have demonstrated that President Roosevelt was correct and farsighted when he wrote in his message to Congress in 1901:

"The reclamation and settlement of the arid lands will enrich every portion of our country just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of our irrigation will be consumed chiefly in upbuilding local centers of

mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the Nation."

It is also true that without exception all of the new projects and new divisions of projects undertaken by the Government in recent years have been undertaken largely, if not entirely, for the relief of settlers who are already on the land, have established their homes, and have their farms partially improved, but on account of shortage of water, high pumping lifts, or other adverse conditions are having a struggle to hold their homes and continue their development. This is true of the Minidoka extension division, or Gooding project, in Idaho, the Vale and Owyhee projects in Oregon, the Kittitas project in Washington, and the Salt Lake Basin project in Utah, which constitute the principal new projects now being constructed by the Government. Very similar conditions exist on a number of other proposed projects partially constructed by private enterprise, where the settlers are now urgently petitioning the Government to come to their relief by constructing the necessary works to provide an adequate water supply and to enable the settlers already on the lands to save their homes and the development already made. Such projects as the Stanfield project in Oregon and the Kennewick project in Washington come in this class.

With the entire country contributing money raised by taxation to build levees along the Mississippi River, so that farm crops may continue in that country, and providing appropriations to fight the corn borer in the Middle West, the boll weevil in the South, and the brown-tail moth in New England, it would seem ungrateful for the people of those sections to insist that there should be no help for distressed settlers on irrigation projects in the far West, especially if such help can be extended by the use of the reclamation fund, which comes entirely from the sale of western resources and does not impose any tax burden on any part of the country.

The variations in crops from year to year and the uncertainty of the weather, if nothing else, makes it impossible to produce the exact amount of any crop which is needed for home consumption. If there was no surplus in years of good crops, there would be a famine in years of poor crops. India and China have solved the problem of the crop surplus. They keep their population adjusted to the size of their crops by having a famine every time there is a poor crop. Similar conditions existed at one time in Ireland and on the continent of Europe, but were solved in a different way. The surplus population moved to New York and got jobs on the police force.

Thanks to our crop surplus, we do not know what famine is in this country, and, according to the old proverb, "You never miss the water until the well goes dry."

If a surplus of farm products is really such a bad thing, the most logical thing to do would be to abolish the Agricultural Department, for the Agricultural Department has been working for the last 50 years to check insect pests and to develop better varieties of seed and better methods of cultivation, all for the purpose of increasing the very crops of which we now have a surplus, while the irrigation projects are mainly engaged in producing commodities which we would otherwise import.

If the people of the Corn Belt really want to get rid of the crop surplus it can easily be accomplished. All they need to do is to let the corn borer alone for about three years, and he will take care of the surplus corn crop in fine shape.

It seems hardly consistent to ask the people of the far West to contribute funds to fight the corn borer and build levees along the Mississippi, and then tell us that we should not build any more irrigation projects in the West.

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines, reported it with an amendment and submitted a report (No. 1329) thereon.

Mr. SACKETT, from the Committee on Commerce, to which was referred the bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes, reported it without amendment and submitted a report (No. 1330) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes (Rept. No. 1331);

H. R. 11983. An act to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho (Rept. No. 1332);

H. R. 12312. An act for the relief of James Hunts Along (Rept. No. 1334); and

H. R. 13606. An act for the relief of Russell White Bear (Rept. No. 1333).

HEARINGS BEFORE THE COMMITTEE ON RULES

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the Senate Resolution 274, submitted by Mr. CURTIS on the 5th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Rules, or any subcommittee thereof, is authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 3325. An act for the relief of Horace G. Knowles; and

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

MARKING OF GRAVES OF WIDOWS OF SOLDIERS, ETC.

Mr. VANDENBERG. I submit petitions from 11 boards of managers of soldiers' homes asking for new legislation which will permit an equality of Federal service in marking the graves of widows of veterans as well as veterans. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs along with a bill on the subject which I introduce.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

(The following quotations—in the nature of petitions to the Senate—are taken from written communications from soldiers' homes in various States:)

MICHIGAN

We feel that in justice to the departed widows of defenders of our country that an amendment should be made to that law whereby markers be furnished by the Federal Government upon application made through proper channels. In the Michigan Soldiers' Home Cemetery we have some 135 widows buried and these graves are without markers.

HARRY W. BUSCH, *Chairman.*
GEORGE S. FARRAR, *Secretary.*

(Signed by entire board of managers of the Michigan Soldiers' Home at Grand Rapids.)

NEBRASKA

You may place us on record as reporting favorably for a bill of this nature. We have this same condition here in our home cemetery.

Signed by—

O. D. BOLSTER,
Adjutant Nebraska Soldiers and Sailors' Home, Burkett, Nebr.

ILLINOIS

I am heartily in accord with the movement to ask the Government to provide suitable markers for the graves for soldiers' widows who are buried in the several State homes and in the national home cemetery. The fact that these wives or widows of service men were compelled to spend their last days in the various homes is traceable to the services rendered by the husbands to their country. Therefore I feel it highly proper that the Government should see that the graves do not go unmarked.

Signed by—

O. C. SMITH,
Managing Officer Illinois Soldiers and Sailors' Home, Quincy, Ill.

SOUTH DAKOTA

Many of our widows' graves have no markers whatsoever. In our opinion this is a very undesirable condition, and I would like very much to see Congress take proper action and have this remedied.

Signed by—

R. B. MOBERLY,
Superintendent South Dakota State Soldiers' Home,
Hot Springs, S. Dak.

NEW JERSEY

We heartily approve of the proposed bill for the Federal Government to provide suitable markers for the graves of soldiers' widows.

Signed by—

BARTON T. FELL,
Superintendent New Jersey Memorial Home for Disabled Soldiers, Sailors, and Marines and their Wives and Widows, Vineland, N. J.

MINNESOTA

I have often thought that there were some widows whose graves should be marked either by the State or by the Federal Government.

Signed by—

S. H. TOWLER,
Commandant Minnesota Soldiers' Home, Minneapolis, Minn.

MISSOURI

I believe this to be a very appropriate movement. We have the same condition at this institution and are forced to use small wooden boards for markers for practically all the wives and widows.

Signed by—

O. D. HALL,
Superintendent State Federal Soldiers' Home of Missouri, St. James, Mo.

INDIANA

We have a cemetery fund out of which the markers for widows' graves are purchased. These are the same dimensions as the markers for the soldiers which the Federal Government furnishes. I believe the Federal Government should furnish the markers for the widows.

Signed by—

Col. CHARLES F. ZILLMER,
Commandant Indiana State Soldiers' Home, La Fayette, Ind.

OKLAHOMA

We have in our home cemetery about 20 unmarked graves of widows of ex-Union soldiers. I am in sympathy with the movement to have congressional action taken to have the Government provide suitable markers for the graves of widows of ex-service men.

Signed by—

N. D. MCGINLEY,
Superintendent Union Soldiers' Home, Oklahoma City, Okla.

NORTH DAKOTA

It is the general consensus of opinion in our board of trustees that this proposition is a proper one in so far as it applies to the graves located in soldiers' home plots, and we favor pushing such a proposition.

Maj. R. A. THOMSON,
Commandant North Dakota Soldiers' Home, Lisbon, N. Dak.

NEW YORK

We have little trouble obtaining suitable markers for widows' graves in our home cemetery, because they are provided through a special committee of the Woman's Relief Corps. Should the attitude of the corps change, however, in the course of a few years, we would be in a similar predicament. Consequently, I am very much in favor of a bill that would provide markers for the soldiers' widows' graves the same as for the veterans.

Signed by—

L. J. HUTCHISON,
Superintendent New York State Woman's Relief Corps Home, Oxford, N. Y.

The bill (S. 4740) to provide for the appropriate marking of the graves of widows of certain soldiers, sailors, and marines in national, post, city, town, and village cemeteries and in other burial places, was read twice by its title and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed (1) to ascertain the location of the graves of widows of soldiers, sailors, and marines, and of soldiers, sailors, and marines of all wars, in national, post, city, town, and village cemeteries, in naval cemeteries at navy yards and stations of the United States, and in other burial places; (2) to provide for the making, erection, marking, care, and maintenance of appropriate headstones of durable stone or other durable material for the graves of all such widows; and (3) to cause to be preserved in the records of his department an accurate register of the names and places of burial of all such widows over whose graves such headstones are erected under the authority of this act. The Secretary of War is hereby authorized to make such rules and regulations as may be necessary for carrying out the purposes of this act.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 4728) granting a pension to A. K. V. Hull (with accompanying papers); to the Committee on Pensions.

A bill (S. 4729) giving civilian clerks, engineer service at large, the same military status as Army field clerks; and

A bill (S. 4730) to authorize Brig. Gen. William S. Thayer, Medical Reserve Corps, and Col. William H. Welch, Medical Reserve Corps, to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 4731) authorizing the appropriation for the rental or purchase of automatic postage-service machines; to the Committee on Post Offices and Post Roads.

A bill (S. 4732) granting a pension to Catherine Ruddy (with accompanying papers);

A bill (S. 4733) granting a pension to Ruth Wyman (with accompanying papers); and

A bill (S. 4734) granting an increase of pension to Ida M. Knox (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4735) granting a pension to Sarah Wilburn; to the Committee on Pensions.

A bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind.; to the Committee on Commerce.

By Mr. ODDIE:

A bill (S. 4737) to amend section 94 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HALE:

A bill (S. 4738) for the relief of Elizabeth Foster Carter (with an accompanying paper); to the Committee on Claims.

By Mr. KEYES:

A bill (S. 4739) authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 4741) granting a pension to J. T. Arrasmith (with accompanying papers);

A bill (S. 4742) granting a pension to Martha Hansen (with accompanying papers); and

A bill (S. 4743) granting an increase of pension to Henry S. Stockford (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4744) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

A bill (S. 4745) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 4746) for the purchase of a post-office site and the erection thereon of a suitable public building at Brownsville, Tenn.; and

A bill (S. 4747) for the purchase of a post-office site and the erection thereon of a suitable public building at Manchester, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. BORAH:

A bill (S. 4748) granting a pension to Mary Coleman (with accompanying papers); and

A bill (S. 4749) granting a pension to Thadeus Cherry (with accompanying papers); to the Committee on Pensions.

A bill (S. 4750) for the relief of the Peckham-Case Furniture Co., of Caldwell, Idaho; to the Committee on Claims.

By Mr. BROOKHART:

A bill (S. 4751) granting an increase of pension to Lew Marek (with accompanying papers);

A bill (S. 4752) granting an increase of pension to Sarah C. Kikendall (with accompanying papers); and

A bill (S. 4753) granting an increase of pension to Laura B. Payne (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4754) to provide a 5-year building and extension program for the free public library system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH:

A bill (S. 4755) granting a pension to Allan H. Browning; to the Committee on Pensions.

A bill (S. 4756) for the relief of Capt. William Cassidy; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 4757) granting a pension to Jessie M. Harlan; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 4758) granting a pension to Clarissa Jane Snider (with accompanying papers);

A bill S. 4759) granting a pension to Emily Jane Martin (with accompanying papers);

A bill (S. 4760) granting a pension to Elizabeth Hahs (with accompanying papers);

A bill (S. 4761) granting a pension to Nancy S. Walker (with accompanying papers);

A bill (S. 4762) granting an increase of pension to Charles D. Coburn (with accompanying papers);

A bill (S. 4763) granting an increase of pension to Mary C. Morris (with accompanying papers);

A bill (S. 4764) granting an increase of pension to Annie Eliza Wilson (with accompanying papers);

A bill (S. 4765) granting an increase of pension to Elizabeth A. Kidd (with accompanying papers);

A bill (S. 4766) granting a pension to Lucy Ross Guffin (with accompanying papers);

A bill (S. 4767) granting a pension to Sarah F. Waid (with accompanying papers);

A bill (S. 4768) granting a pension to Nancy McHargue (with accompanying papers);

A bill (S. 4769) granting an increase of pension to Ellen Sullivan (with accompanying papers);

A bill (S. 4770) granting an increase of pension to Ginevra Miller (with accompanying papers);

A bill (S. 4771) granting an increase of pension to Emma Howsman (with accompanying papers);

A bill (S. 4772) granting an increase of pension to Louise Lee Cunningham (with accompanying papers);

A bill (S. 4773) granting an increase of pension to Jennie Gabelman (with accompanying papers);

A bill (S. 4774) granting an increase of pension to Susan A. Jones (with accompanying papers);

A bill (S. 4775) granting an increase of pension to Nancy E. Lindsey (with accompanying papers); and

A bill (S. 4776) granting an increase of pension to Jackson St. John (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4777) authorizing the Atlantic & Pacific Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va., to a point opposite in Ohio;

A bill (S.4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River from a point at or near the city of Moundsville, Marshall County, W. Va., to a point opposite in Belmont County, Ohio; and

A bill (S. 4779) authorizing the Baltimore & Cleveland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Sistersville, W. Va., to a point opposite in Ohio; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 4780) granting a pension to Chalmers A. King;

A bill (S. 4781) granting a pension to Charles H. McCoy (with accompanying papers);

A bill (S. 4782) granting an increase of pension to Mary E. Jefferson (with accompanying papers); and

A bill (S. 4783) granting an increase of pension to Arminda Harlan (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 4784) granting a pension to Ethel M. Opper (with accompanying papers); to the Committee on Pensions.

By Mr. NYE:

A joint resolution (S. J. Res. 174) providing for the appointment of a joint committee on the Philippine Islands; to the Committee on Territories and Insular Possessions.

By Mr. SMOOT:

A joint resolution (S. J. Res. 175) to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Finance.

CIVILIAN ASSISTANTS TO GOVERNOR GENERAL OF THE PHILIPPINES

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippines, and fixing salaries of certain officials, which was ordered to lie on the table and to be printed.

REFERENCE OF EXECUTIVE MESSAGES

Mr. CURTIS. Mr. President, I ask unanimous consent for the adoption of the order which I send to the desk.

The VICE PRESIDENT. The clerk will read the proposed order.

The order was read, as follows:

Ordered, That on calendar days of the balance of the second session of the Seventieth Congress when Executive messages transmitting nominations or treaties are received and there is no closed executive session of the Senate, the President of the Senate is authorized, unless objection is made, to refer to the proper committees, as in open executive session, such messages, with the accompanying nominations or treaties.

Mr. BRUCE. Mr. President, I am not sure that I understand the purpose of the request of the Senator from Kansas.

Mr. CURTIS. The object is simply to save time, so that we need have no executive sessions for reference when messages come in from the President, but they may be referred to the proper committees in open session, if there is no objection.

Mr. BRUCE. They are simply to be referred?

Mr. CURTIS. Yes.

Mr. BRUCE. But they are not to be reported until there is an executive session?

Mr. CURTIS. The Senator is correct. The order will save going into executive session for this purpose when we have a late open session.

Mr. BRUCE. We should have an opportunity for a full discussion of executive matters. What I apprehended was that this might be a move in the direction of doing away with executive sessions behind closed doors.

Mr. CURTIS. Not at all. It is only intended for the reference of nominations to the proper committees without the necessity of going into executive session.

Mr. BRUCE. I have no objection.

The VICE PRESIDENT. Without objection, the order is agreed to.

THE NEW RESPONSIBILITIES OF ORGANIZED LABOR

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from New York [Mr. WAGNER] at the convention of the New York State Federation of Labor. The subject is The New Responsibilities of Organized Labor.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW RESPONSIBILITIES OF ORGANIZED LABOR

I deem it a great honor to be invited to address an audience composed of the distinguished leaders of the labor movement in our State. What pleases me especially is the knowledge that I am in the midst of a fireside circle of friends. It is for that reason that I shall discard all attempts at oratory and speak with you intimately and frankly of some of the problems that confront the labor movement to-day. There is ever present in the midst of our labor leaders, a certain militancy and a fighting spirit for progress, which are stimulating. It is this fighting spirit which has made New York foremost in its labor laws enacted to protect our workers in industry. In the course of my work as a legislator in Albany and Washington, I have ever sought and received the advice and help of the men who head the labor movement. Their cooperation and the reasonableness of their attitude have been the largest contributing factors in the enactment of beneficent labor laws in our State and Nation.

I can not agree with those who see dark clouds ahead on the horizon of the American labor movement. On the contrary, I prophesy the increasing importance of organized labor in this country. I am convinced that trade-unionism is bound to acquire a far greater share in determining the economic policies of industry. The time has arrived for labor to contribute to the framing of economic policy and to assume responsibility, with the employer, for its successful application. I have an abiding faith in you. I know that you have not only wisdom to accept such responsibility but the vision to strive for and capture it. Necessarily the whole present relationship of organized labor to industry must change. Instead of a tug of war we shall have a joint venture, instead of conflict we shall have cooperation.

In place of the old relation of master and servant the new day demands a partnership between corporate industry and organized labor. You may say this is a utopian dream. I think it is real. I see only two major obstacles to its realization—obstacles which can be overcome. The first is the labor injunction.

At the outset I should like to make my position clear. There are legal objections to the use of the injunctions in a labor dispute. There are also moral objections, in the sense that its use does not constitute fair play. To-night I should like to emphasize another—the utter folly of the use of the injunction from the point of view of the employers themselves. The shortsightedness of the labor injunction has not been given much attention, and that is the reason I underscore it this evening. One does not require a diploma from the school of prophecy to see that in the long run the injunction can not stop the organization of labor. Organization springs from the most profound needs of human nature. You can not destroy the desire to organize; you can only balk it for a time. But just as surely as mankind has been marching slowly but irresistibly toward the goal of political democracy, just as surely and just as irresistibly are the workers going ahead to win for themselves greater rights in business and industry.

What is the effect of the injunction? I am still looking at it from the point of view of the employer. Its effect is just to postpone the formation of an adequate labor organization. It is keeping the labor movement in its fighting period; it is preventing the labor movement from coming to full maturity and assuming the tasks and responsibilities for which it is preeminently fitted. Cooperation is a hollow word as long as the threat of the injunction hangs over lawful unionization. The lamb and the lion can never cooperate. The lamb may be docile or the lion generous but cooperation is given only to equals. To match the huge aggregates of modern capital the wage earner must be organized before he is ready to give cooperation to his employer. Many farsighted employers of labor know the truth of what I say and practice it. They are not enjoying the full benefit of their wisdom because of the conduct of their narrow-minded brethren. To the employers who speak of cooperative effort and apparently appreciate its value, I must say: Sweep the writs of injunction out of the pigeonholes in your desks—injunctions and cooperation are deadly enemies.

I have heard lawyers plead for a labor injunction and speak of it with such awe and reverence, as if it were one of those inalienable human rights for whose preservation the Declaration of Independence was written and the Revolutionary heroes fought and died. The Constitution, in fact, does not mention labor injunctions. It does speak of freedom of press, of freedom of speech, of freedom of assemblage. These are rights guaranteed by the Constitution and curtailed by the injunction.

The first Supreme Court decision dealing with a labor injunction is, to my knowledge, the famous Debs case of 1895. It sustained an injunction prohibiting, among other things, forcible interference with the transportation of United States mails.

During the 33 years that have since elapsed that court has sustained many varieties of labor injunctions. For every labor injunction case that reaches the United States Supreme Court dozens literally are granted by the district courts. Throughout the country we find labor organizations writhing under stifling restrictions against conduct which every open-minded man must call innocent. Such a condition can not safely endure. I intend no criticism of the courts; none is necessary. The decisions of the Supreme Court foreclose all discussion as to what the law is. They never foreclose discussion as to what the law ought to be. It is clearly within my province as a member of the United States Senate to help bring about a change in the law, because right now the law is not what it ought to be. As a matter of fact, a substantial minority of the Supreme Court itself believes the law ought to be otherwise. Many of you are probably familiar with the Hitchman case. In that case the workmen were employed with the understanding that they were not to become identified with a union. Labor organizers were none the less persuading the men to join. They were prohibited from doing so by a district judge. The circuit court of appeals reversed the decree of the district judge, but the Supreme Court agreed with him. The litigation took 10 years. The Supreme Court itself heard argument twice and held the case under consideration for a year and 10 months. Three judges dissented. They realized the consequence of that decision. There wasn't any serious disagreement between the minority and majority on the law applicable to the case. They differed as to what was good governmental policy. Time has undeniably demonstrated that the three were right. That decision has since become the model and inspiration for a host of injunctions based upon a promise not to join a union.

To my way of thinking, it is contrary to the spirit of our free institutions to prohibit a workman from associating with his fellow citizens for the purpose of improving his conditions. To the wage earner the union represents bargaining power, better living conditions for his wife and children, even a sense of security. Is the law to become the ally of the employer who wants to prevent his employees from attaining these ends?

I have heard these injunctions defended on the ground that the sanctity of contracts must be maintained. Of course, contracts must be given full protection under the law. But what a mockery it is to call these antiunion promises contracts. Before you can call such a promise a contract you must assume that there is in fact a mutual understanding between the parties who enter it; that there is a possibility of bargaining between them. You have to assume that it is sound public policy to have a workman surrender his God-given right, guaranteed by the Constitution, freely to associate with his fellow craftsmen for their mutual benefit. You have to assume that it is good policy to prevent workmen from banding themselves together to reduce somewhat the risks and insecurity of their employment. Every one of these assumptions is obviously false. There is no genuine bargaining, because no bargaining is possible between the lone, unorganized laborer and the large corporate employer. It is as un-American to forbid a man to identify himself in a union with his fellow workmen as it would be to forbid him to join a political party of his fellow citizens. To enforce an antiunion promise by injunction is as unsocial in policy as it would be to prevent an employer to exact a promise from a workman not to buy life insurance. There are, after all, limitations upon the price the employer may demand in return for the job. If he exacts from the workman, under economic pressure, every right and liberty guaranteed by the Constitution, he should not invoke that Constitution to enforce his unholy bargain.

One of the objectionable aspects of the injunction is that the harm it does is irreparable.

In the Hitchman case, for instance, 10 years elapsed between the issue of the injunction and the final determination by the Supreme Court. What good would a reversal have accomplished? By that time the fight was over. The injunction had already served its purpose. In the case of American Steel Foundries *v.* Tri-State Central Trades Council, the injunction forbade picketing and persuasion. Seven years later the United States Supreme Court modified the injunction by permitting a single picket. I don't suppose the picket was posted, as I am told that the strike had ended seven years earlier. These instances destroy the argument that the injunction maintains the status quo. It does nothing of the sort. The status quo is a dispute and the injunction gags one of the debaters.

It is hardly necessary for me to say that I am not referring to injunctions to prevent imminent violence where the police can not or will not cope with it. I have in mind injunctions against peaceful unionization, against publicity, against persuasion, and against other well-known lawful methods of trade-unionism.

This type of injunction represents an intrusion by government in industry—not a constructive but an obstructive intrusion. It enters not to solve the problem but to prevent its solution by the parties to the controversy. The use of the injunction is squarely opposed to the popular demand for a minimum of government in business.

I never could quite see with what consistency a small group of employers of labor could shout for less government in business and at the same time ask for more and more injunctions from the judicial branch of the Government.

If the injunctions were out of the way a really adequate and all-embracing labor movement could be developed which would serve as real power for efficiency and security. As long as labor has to fight for its existence, it can not and will not worry about the problems that confront the industry. For the good of industry, and for the benefit of the intelligent mass of employers of labor, as well as for the protection of the rights and liberties of our workmen, legislation must be adopted to do away with the injunction abuse.

Without committing myself to the particular bill, I am personally in hearty accord with the principle underlying the draft of the anti-injunction law prepared by the Judiciary Committee of the United States Senate.

Earlier in my remarks I spoke of two major obstacles in the path of a greater future for organized labor. The one, the injunction, is a legal reality; the other is a state of mind.

Many are guilty of the habit of thought that the wage earner has no stake or interest in business and is not concerned with its efficiency or prosperity. One bold statistical fact ought to dispel this notion. I have examined the pay rolls and dividend totals of six outstanding business organizations. The average stockholder was paid a dividend of $176, the average wage earner $1,759. In other words, the average wage earner secured from the corporation ten times as much as the average stockholder. In the face of such figures is it fair to say that only the stockholder has an interest in business and that the wage earner has none? My comparison is not yet complete. You should further consider that the wages constitute the workman's total income, whereas the dividend is in most cases only a fraction of the stockholder's income. Then, again, compare how easy it is to sell the stock of one corporation and buy that of another, and how difficult it is to quit work in one plant and obtain it in another. If you take these elements into consideration, you come to realize how real an interest the wage earners have in the plant in which they work.

Let me state my view plainly: I believe that organized labor must become responsible for efficiency in production and progress in industry.

It can not be otherwise. As soon as organized labor is accepted as an integral and necessary part of our social structure, and the ill-advised efforts to destroy it are abandoned, and the struggle for mere existence terminated, labor will naturally turn to these newer tasks and to this greater vision. Capital, on the other hand, admits that responsibilities and risks must have their compensation. Labor will naturally refuse to assume them unless it feels confident that it will enjoy the benefits of success.

Our thinking on the subject, I believe, would become clearer if we no longer spoke of wages as costs. As soon as costs are mentioned the efficiency expert jumps to the conclusion that he has to bear downward. But wages must not be kept down.

The true highway to prosperity is along the road of high wages. Wages, like dividends, represent that which is taken out, not that which is put into industry. Good management has as its aim not only high dividends but high wages. Good management recognizes that in organized labor there is the greatest untapped source of efficiency, high wages, and high dividends. I do not hesitate to say that to my mind the nation which first succeeds in fully establishing the new relationship between capital and organized labor will have an incalculable advantage in securing to itself the economic mastery of the world.

With all the earnestness at my command let me call your attention to our gravest industrial problem, the malady of unemployment. No other business problem is more urgent or more important and none other has been so woefully neglected. Many of our leaders and statesmen seem afraid to talk of unemployment. Apparently the subject is unpopular. Others have the naive faith that denying the existence of enforced idleness will create a wave of optimism which will start the silent machines into life again. Modern unemployment is not quite as simple as that. Silence and neglect will never bring about its elimination. It will take sound information, wise planning, and scientific coordination beyond anything dreamt of to-day.

Thus far the Government has not taken even the first stride. We have had two acute attacks of unemployment in the last seven years. No practical application has yet been made of the sorry lessons we should have learned.

The information published by the Government is startlingly inadequate. For reasons unknown to me there are two bureaus which publish reports on unemployment. For July the Commissioner of Labor Statistics reports a further decrease in the number at work and an even greater decline in the amount of the pay roll.

On the other hand, the Director General of United States Employment Service, as usual, sees nothing but bright prospects. Which of the two bureaus is right no one knows.

Government building operations and other projects have been prosecuted without regard to whether employment was scarce or plentiful. No concerted attention has been paid to the multitudes of workmen whose jobs have been taken by machines. So far as the Government is concerned, the word unemployment is taboo.

Here, then, is a task for organized labor. It can prod the Government into action. It may attempt some remedy itself. It is unnecessary at a labor meeting to describe the cruel effects of idleness upon the man without a job. But I believe it is time to remind you of the threat which it holds to standards established by the efforts of organized labor.

Longer hours and lower wages do not cure unemployment; on the contrary, they aggravate it. As long as there are idle men on the streets pressure in the downward direction will be exerted. Organized labor must resist that with all the power at its command. It should insist that wage earners be given enough buying power to purchase the product of their efficiency. Let the laborer insist on more leisure in the form of shorter hours, in freedom from work for his wife or children, prolonged education, and more comfortable retirement. On a national scale the loss in time is the same whether caused by unemployment or leisure. But the one breeds poverty, the other life and happiness; the one builds citizens, the other public wards. The one can be accomplished by cooperative understanding with a well-organized, well-disciplined, far-visioned labor movement, the other is a child of chaos.

There are great tasks ahead for an enlightened labor movement. It must first achieve for itself an impregnable status, legal and economic. Necessarily it will have to secure a voice in the formulation of business policy. It is called upon to assume the leadership in withstanding the encroachment of poverty upon progress. Under your present leadership you are on the road to achieve these ends. I wish you Godspeed, because with your success is bound up the happiness of the next generation.

BOULDER DAM

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. JOHNSON. Mr. President, I ask that the unfinished business be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment offered by the Senator from California [Mr. JOHNSON].

Mr. JOHNSON. Mr. President, in order that the Senator from Nevada [Mr. PITTMAN] may be here, as he desires to address the Senate, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Smith
Barkley	Frazier	McNary	Smoot
Bayard	George	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Black	Gillett	Neely	Stephens
Blaine	Glass	Norris	Swanson
Blease	Glenn	Nye	Thomas, Idaho
Borah	Goff	Oddie	Thomas, Okla.
Bratton	Gould	Overman	Trammell
Brookhart	Greene	Phipps	Tydings
Broussard	Hale	Pine	Tyson
Bruce	Harrison	Pittman	Vandenberg
Capper	Hawes	Ransdell	Wagner
Caraway	Hayden	Reed, Mo.	Walsh, Mass.
Copeland	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Sackett	Waterman
Dale	Kendrick	Schall	Watson
Deneen	Keyes	Sheppard	Wheeler
Dill	King	Shipstead	
Edge	Locher	Shortridge	
Fess	McKellar	Simmons	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is unable to be present on account of illness.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

SENATOR FROM NEW MEXICO

Mr. BRATTON. Mr. President, I present the credentials of Hon. OCTAVIANO A. LARRAZOLO, Senator elect from the State of New Mexico, and ask that they may be read.

The VICE PRESIDENT. The credentials will be read.

The credentials were read and ordered to be placed on file, as follows:

THE CANVASSING BOARD OF THE STATE OF NEW MEXICO.

To all to whom these presents shall come, greeting:

This is to certify that OCTAVIANO A. LARRAZOLO was duly and regularly elected in accordance with law to the office of United States Senator (short term ending March 4, 1929) at the general election held in the said State of New Mexico on the 6th day of November, in the year 1928, as shown by the returns of said election on file in the office of the secretary of state and as declared and determined by the State canvassing board, consisting of the governor, the secretary of state, and the chief justice of the State of New Mexico.

In testimony whereof we have hereunto set our hands and caused to be affixed the great seal of the State of New Mexico this 3d day of December, A. D. 1928, and of the independence of the United States the one hundred and fifty-second.

R. C. DILLON,
Governor of New Mexico.
FRANK W. PARKER,
Chief Justice of New Mexico.
[SEAL.]
JENNIE FORTUNE,
Secretary of State of New Mexico.

Mr. BRATTON. Mr. President, the Senator elect is in the Chamber and prepared to take the oath of office.

The VICE PRESIDENT. The Senator elect will present himself at the Vice President's desk to take the oath of office.

Mr. LARRAZOLO, escorted by Mr. BRATTON, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him by the Vice President, he took his seat in the Senate.

On motion of Mr. REED of Pennsylvania and by unanimous consent, it was

Ordered, That Mr. LARRAZOLO be assigned to membership upon the Committees on Agriculture and Forestry, Public Lands and Surveys, and Territories and Insular Possessions.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower

Colorado River Basin, and for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, there was a colloquy between the Senator from Utah [Mr. SMOOT] and myself the other day in respect to the ability, as it were, of the Reclamation Service engineers to construct dams within the estimates made by the department. I have before me the figures as to the dams which have been constructed. At that time it was asserted by the Senator from Utah that excepting in one instance the cost had always exceeded the estimates, and quite as vigorously as he asserted it I denied that that was the fact.

The facts are these: The American Falls Dam was estimated to cost $8,500,000 and was actually constructed for $7,300,000.

The Arrow Rock Dam was estimated to cost $6,250,000 and was actually constructed for $4,496,000.

The Avalon Dam was estimated to cost $162,000, but for various reasons, which are stated and that hereafter I shall put into the RECORD, the cost was $315,000.

The Belle Fourche Dam was estimated to cost $1,040,000 and cost $1,259,000.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. KING. Do the figures the Senator is now giving cover merely the cost of the dam or the cost of the entire project, including the laterals, canals, and so on?

Mr. JOHNSON. I am speaking solely of the dams. The Black Canyon Dam at Boise was estimated at $1,800,000, and the actual cost was $1,492,000.

The East Park Dam was estimated to cost $198,000, and the actual cost was $196,000.

The Echo Dam was estimated to cost $1,394,000, and the actual cost was $1,125,000.

The Elephant Butte Dam was estimated to cost $5,600,000 and actually cost $5,004,000.

The Gibson Dam was estimated to cost $1,826,000, while the actual cost was $1,566,000.

The Guernsey Dam was estimated to cost $1,780,000, and the actual cost was $1,700,000.

Without reading the figures as to all the dams, I ask permission to put in the RECORD, unless the Senator from Utah desires me to read it, the statement as to each one of them, with the estimated cost and the actual cost.

Mr. SMOOT. Mr. President, I could not follow satisfactorily the statement read by the Senator. I have no objection to having the figures put in the RECORD, but some of the dams to which the Senator has referred as costing less than the actual estimate have not been completed.

Mr. JOHNSON. I am reading the figures that have been given by the Reclamation Service.

Mr. SMOOT. I understand that, and I have no objection to the Senator doing so.

Mr. JOHNSON. Very well.

The VICE PRESIDENT. Without objection, the table will be printed in the RECORD.

The table entire is as follows:

Principal dams constructed or under contract by the Bureau of Reclamation

Name	Project	Estimated cost	Actual cost
American Falls [1]	Minidoka	$8,500,000	$7,300,000
Arrowrock [1]	Boise	6,250,000	4,496,731
Avalon	Carlsbad	162,000	[2] 315,989
Belle Fourche	Belle Fourche	1,040,416	[3] 1,259,515
Black Canyon	Boise	1,800,000	1,492,305
East Park	Orland	198,000	196,120
Echo	Salt Lake Basin	[4] 1,394,590	[5] 1,125,098
Elephant Butte [1]	Rio Grande	5,600,000	5,004,216
Gibson	Sun River	[4] 1,826,129	[5] 1,566,240
Guernsey	North Platte	1,780,000	1,700,351
Kachess	Yakima	712,000	661,000
Keechelus	do	[6] 1,069,000	[7] 1,892,778

[1] Dam and reservoir.
[2] Increase due to use of concrete core wall instead of sheet piling, two new tunnels to increase spillway capacity, and an additional spillway of reinforced concrete. These changes cost over $100,000.
[3] Failure of contractors delayed work two years, and this, together with additional construction of a gravel berm and installation of auxiliary valves, increased the estimated cost.
[4] Engineer's estimate of cost of principal construction. Does not include gates, cement, or other accessories and materials furnished by the United States.
[5] Contractor's bid.
[6] Modified by board report of Dec. 16, 1913, to $1,337,000.
[7] Difficulty of obtaining suitable material increased cost by $240,000. Other changes which greatly increased the original estimate were riprapping, inclusion of concrete cut-off wall, changes in tunnel scheme, increased excavation for spillway and heavier concrete lining, additional road construction and clearing and logging reservoir—the latter item alone costing $290,000.

Principal dams constructed or under contract by the Bureau of Reclamation—Continued

Name	Project	Estimated cost	Actual cost
Laguna	Yuma	$972,455	[8] $1,980,462
McKay	Umatilla	2,500,000	2,116,828
Pathfinder [1]	North Platte	[9] 1,000,000	[10] 1,794,366
Roosevelt	Salt River	[11] 3,750,000	[12] 3,806,277
Shoshone	Shoshone	[13] 1,000,000	1,439,135
Stony Gorge	Orland	[4] 609,524	[5] 518,904
Tieton [1]	Yakima	4,020,000	3,756,256
		44,184,180	42,422,571

[1] Dam and reservoir.
[4] Engineer's estimate of cost of principal construction. Does not include gates, cement, or other accessories and materials furnished by the United States.
[5] Contractor's bid.
[8] The surface of the dam was paved with concrete instead of rock as originally intended, due to poor quality of rock obtainable. Notwithstanding predictions of geologists, the rock uncovered in the quarries was found unsuitable for such paving, and its use had to be abandoned in favor of concrete. Sluiceways were also paved with concrete for the same reason. There was considerable waste in quarrying, at times 50 per cent, due to poor quality of rock, thereby greatly increasing excavation quantities. Use of sheet piling had to be considerably increased. The river break into Salton Sea increased transportation difficulties by rendering the river unnavigable. There was a large increase in cost due to increase in price of labor and materials.
[9] No detailed estimate found, but early board reports show $1,000,000 allowed for Pathfinder Reservoir.
[10] Increase partly due to the building of an additional outlet tunnel, and changes made in north tunnel, both together amounting to $641,000.
[11] 190-foot dam.
[12] 220-foot dam.
[13] No detailed estimate found, but early correspondence gives $1,000,000 as the preliminary estimate.

Mr. JOHNSON. I have a letter, which I will read, from the Commissioner of the Reclamation Service. It is dated as late as December 6 and is addressed to me. It is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, December 6, 1928.

Hon. HIRAM JOHNSON,
United States Senate.

MY DEAR SENATOR JOHNSON: In reply to your telephone request of yesterday, I am having a compilation made showing a comparison of the engineer's estimate with the actual construction cost of the major dams constructed by this bureau. In addition to the list of 19 dams contained in the table on page 87 of the Reclamation Era for June, 1928—

It is that page of the Reclamation Era which I have just asked to have printed in the RECORD, and for which consent has been granted—

we have had time this morning to look up only the following:

Strawberry Dam, Strawberry Valley project

Estimated cost	$262,000.00
Actual cost	271,724.08

This dam overran the estimate due to difficulties encountered in excavating the trench for the concrete core wall and increase in the price paid for teams during construction.

Gerber Dam, Klamath project

Estimated cost	$341,000
Actual cost	336,241

Willwood Dam, Shoshone project

Estimated cost	362,000
Actual cost	352,948

OWYHEE DAM, OWYHEE PROJECT

Contract was recently awarded for this dam, which is to be higher than any existing dam, involving 490,000 cubic yards of concrete. Bids were received from seven contractors, the prices bid ranging from $295,000 below the engineer's estimate to $1,214,000 above. On the basis of the contract as awarded to the General Construction Co., the comparison of actual and estimated costs is as follows:

Estimated cost	$5,242,513
Actual cost	4,947,716

Figures on other dams constructed by this bureau are being compiled and will be furnished you as soon as they can be assembled.

Yours very truly,

ELWOOD MEAD, *Commissioner.*

Mr. PITTMAN rose.

Mr. JOHNSON. Mr. President, I understand that the Senator from Nevada [Mr. PITTMAN] desires to proceed at this time.

Mr. PITTMAN. I will say to the Senator from California that I have a short analysis of the report of the commission appointed to investigate the Boulder Dam which I desire to read at some convenient time.

Mr. JOHNSON. I yield the floor to the Senator from Nevada.

Mr. PITTMAN. Mr. President, a favorable report as to the safety and the economic and engineering feasibility of the proposed Boulder or Black Canyon Dam on the Colorado River has been submitted to the United States Senate by the special commission appointed by the Secretary of the Interior, with the approval of the President, under Senate Resolution 164. As to the engineering feasibility of the project, the commission reports that—

> The engineering feasibility of the proposed dam across the main stream of the Colorado River at Black Canyon or Boulder Canyon is basic.

I take it that that settles all of the doubts which may have been created with regard to the engineering feasibility of the project.

Mr. ASHURST. Will the Senator pardon me if I request him to read that again? There was so much confusion in the Chamber that I could not well hear the statement.

Mr. ROBINSON of Arkansas. Mr. President, let us have order.

The VICE PRESIDENT. The Senate will be in order.

Mr. PITTMAN. Mr. President, I have simply prepared a short analysis of the report of the commission appointed by virtue of a resolution of the Senate to report upon the engineering, geological, and economic feasibility of the proposed Boulder Dam. The reason I have done that is that a statement has appeared in one of the daily newspapers, attributed to the senior Senator from Utah, questioning the economic soundness of this proposed structure. As I recollect, in his speech at the last session he questioned not only its economic soundness but its engineering and geologic feasibility.

Mr. SMOOT. As reported to the Senate at that time and as reported by Mr. Weymouth.

Mr. PITTMAN. At that time the Senator from Utah spent considerable time trying to prove the site was within an earthquake belt. The commission also discussed that question.

I think it is well to have a brief analysis and synopsis of that commission's report, as undoubtedly it will have a tremendous bearing upon the action to be taken by the Senate.

As to the engineering feasibility, the commission reports that—

> The engineering feasibility of the proposed dam across the main stream of the Colorado River at Black Canyon or Boulder Canyon is basic.

That ends that question.

The commission favors the Black Canyon site. This is the dam site recommended by the Department of the Interior and adopted in the pending legislation. In selecting the Black Canyon site the board declares—

> The board is of the opinion that the Black Canyon site is suitable for the proposed dam and is preferable to that of the Boulder Canyon.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Yes, sir.

Mr. ROBINSON of Arkansas. How far removed is the Black Canyon site from the Boulder Canyon site?

Mr. PITTMAN. I will answer that now, as I anticipated that the question would be asked.

Mr. ROBINSON of Arkansas. Very well.

Mr. PITTMAN. It will be remembered that these two dam sites are only 30 miles apart, and are both situated in what is generally known as Boulder Canyon. The Department of the Interior first examined Boulder Canyon before selecting Black Canyon, and therefore the name "Boulder" was continued to be used as descriptive of the dam to be built at Black Canyon.

In speaking of the geological formation, the commission says:

> It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

An effort was made to arouse doubt in the minds of Senators and others as to the safety of the proposed dam by reason of dangers from earthquakes. As to this the commission reports that—

> The district is recognized as having comparative freedom from present-day earth movements, and the conclusion is that danger from local earthquakes of enough violence to threaten a properly constructed dam in Black Canyon is negligible.

So that ends the earthquake scare.

Again, in connection with the proposed dam, the board gives its conclusions as follows:

> The board is of the opinion that it is feasible from an engineering standpoint to build a dam across the Colorado River at Black Canyon that will safely impound water to an elevation of 550 feet above low water.

The pending legislation provides for the building of a dam approximately 550 feet in height.

As to flood control looking to the protection of lands on the lower Colorado River in Arizona and California against flood menace and the destruction of Imperial Valley, which is imminent, the report of the commission is of vital importance. In fact, flood control is the primary purpose of such construction and imposes upon Congress the duty of immediate action. With regard to this matter, the commission reports that—

> A dam of 550 feet above low water, across the Colorado River at Black Canyon, impounding 26,000,000 acre-feet of water, will be adequate, in the opinion of the board, to so regulate the flow of the lower Colorado as to control ordinary floods, to improve the present navigation possibilities, and to store and deliver the available water for reclamation of public lands and for other beneficial uses within the United States.

In discussing the necessity for a large reservoir capacity to impound the waters of extraordinary floods the commission says:

> The high-water flow of the flood of 1884 is reported to have been 380,000 second-feet. Such a flood, or one of greater magnitude, is to be expected. * * * A flood of this magnitude could be so controlled at the dam as to limit the flow in the river below to about 160,000 second-feet.

It is evident that the commission considers that any lesser control of the floods of the Colorado River will fail to remove the dangers of flood menace. This decision eliminates further consideration of Topock or other reservoir sites further down the river as totally impracticable, because the reservoir sites below are not of sufficient magnitude to anywhere near impound the amount of water that the commission states it is essential to impound. In other words, the commission states that the flow on certain occasions has been as high as 380,000 second-feet of water. That means a cubic foot of water passing a given point in a second. It maintains that to be safe the flow must be controlled to 160,000 second-feet below the dam. In other words, it is necessary to control 220,000 second-feet of water, to restrain it in a reservoir. There is no other reservoir down the river from that dam that will impound any such quantity of water at all. I think the Topock Dam was mentioned, but it would not impound one-half of the water required, according to this report.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. KING. Are there any figures in the record—and, as the Senator knows, the record is very voluminous—showing exactly or substantially what may be impounded at Topock?

Mr. PITTMAN. The plan that they had on foot was to impound 10,000,000 acre-feet.

Mr. KING. Yes; I appreciate that; but I was wondering if the engineering reports, including Mr. Kelly's and Mr. Weymouth's and all, had indicated the height to which the dam might be built at Topock, and the ultimate capacity or the maximum capacity of any dam at Topock.

Mr. PITTMAN. As I recollect the Weymouth report and the others, the maximum economic dam—that is, reasonable cost dam—at Topock would impound 10,000,000 acre-feet of water, which is only about one-third of what will be impounded by the dam proposed in the legislation. The banks are low at that point; the hills are low and wide apart and slope off very rapidly. For every acre-foot that you increase the capacity you more than quadruple the cost; and no report has ever found that they could impound at that place over 15,000,000 acre-feet of water, which is only about one-half the amount proposed to be impounded in the present reservoir at Boulder Canyon.

Mr. KING. The Senator will recall that a number of the reports indicate that the amount which is to be impounded for flood control need not exceed 5,000,000 acre-feet. It has always seemed to me, however, that those reports did not deal with all of the factors involved, and that they were rather baseless as a foundation for any development of the river.

Mr. PITTMAN. They seem to be. This commission places a greater factor of safety not only in the dam but in the capacity of the reservoir. You will notice that the commission states that it will control the water below the dam in all of those exceedingly high floods to 160,000 second-feet. It has been held by some engineers that to control it to 50,000 second-feet would give substantial safety, taken into consideration with levees that might be erected. On the other hand, however, that is the lowest estimate. The engineers, for the sake of safety, have found it necessary not to consider the ordinary spring freshets but to consider the maximum flood, because it is the maximum flood that will cause the destruction when it comes, if it does come. Therefore they have stated the maximum safety point for the control of the flood below the dam in freshet season at 160,000 second-feet. In other words, they would have to hold back in the spring over half of the flood waters that come

down, over half of the 380,000 second-feet that in the past have come down and may come down again; and, in fact, there is evidence that there was 500,000 second-feet on one occasion. They must have a reservoir that will impound over half of that flood and stop it so as to let down only enough for safety.

Mr. KING. May I say to the Senator at that point, that if there is to be a repetition of floods of the magnitude just indicated, in view of the recommendation by the commission, that it would be unsafe and unwise to permit the floods to overflow the dam, it is obvious that unless there are proper spillways and sufficient tunnels to dispose of a flood of this magnitude, the dam would be jeopardized by permitting overflows.

Mr. PITTMAN. The commission recognizes that fact, takes it into consideration, and, through tunnels, doubles the spillway capacity provided by the Secretary of the Interior. The Department of the Interior provided spillways for 100,000 second-feet, while this plan provides for 200,000. In other words, the diversion tunnel around the dam will have twice the capacity that was estimated in the plan of the Department of the Interior. It is that and the strengthening of the dam that causes the increased cost in this matter.

Now we have disposed of the engineering and the geological features; we have disposed of what is essential to flood control, and of course that is the primary purpose of this legislation.

Mr. OVERMAN. Mr. President, I should like to know whether the report of the commission shows the character of the foundation upon which this great dam is to be erected, and whether it is the character of rock necessary to hold such a dam. I think that is very important.

Mr. PITTMAN. I will turn back and read what I had just read before the Senator entered the Chamber, because it is exceedingly important.

In the first place, the board says:

> The board is of the opinion that the Black Canyon site is suitable for the proposed dam and is preferable to that of the Boulder Canyon.

Then it goes on again to say:

> It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

The board also goes on and discusses the question of liability to earthquakes. I will read that again for the benefit of the Senator.

Mr. OVERMAN. I heard that.

Mr. PITTMAN. I have read that portion of the report—I am giving only a synopsis of it—which discloses the necessity for a large reservoir that will capture over half of the enormous freshet floods on that river. I thoroughly agree with them.

Now, let us get down to the economics of the situation. There has been more misunderstanding with regard to the economics affecting this than one can imagine. I have heard it estimated that this dam would cost as high as $250,000,000. Let us see what the commission says.

The commission, in a spirit of conservatism and to eliminate any possible danger of destruction of life or property by reason of possible insufficient strength of structures, has recommended certain structural changes in the dam, as well as enlarged spillways, which will entail a greater expense for such construction. This increased expense will not prevent the economic success of the project. I mean that, taking the cost of this new plan of the commission, the power sold at three-tenths of a cent per kilowatt-hour will pay for this whole dam project, the whole cost of the dam and the reservoir together, with interest on it at 4 per cent, in less than 25 years. Now, let me go on and prove that.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. I did not hear all the Senator said. The report indicates that in order to make the undertaking economically feasible, the cost of the all-American canal must be eliminated, and the cost that might be attributed to flood control would also be eliminated from the capital. So that the amount which would finally be a charge, and which would have to be repaid to the Government, would be only a fraction, of course a large fraction, of the cost of the entire enterprise.

Mr. PITTMAN. You will have to construe the language of the commission in that regard, which I am now about to quote, in connection with their figures; you can not get at anything until you do that. But as far as the all-American canal is concerned, the all-American canal is an entirely separate enterprise, as far as the repayment to the Government is concerned. Mind you, when this commission's report was undertaken, they were requested to consider the House bill, not the Senate bill, because the House bill had passed one body.

What was the difference between the House bill and the Senate bill? The House bill grouped the entire cost, not only of the dam and reservoir, but of the all-American canal, and primarily made the revenues from power derived from the waters impounded in this dam responsible not only for the payment to the Government of the cost of the dam and the reservoir, but also of the all-American canal.

Mr. KING. Mr. President, if the Senator will further yield, I concede the accuracy of the Senator's statement, but in the mind of the public, and I am sure in the minds of most of the Senators, this project has not been divided and segregated; it has been treated in its entirety, and the impression has been given out that the revenues to be derived from power, power alone, would pay for the entire project, which meant, according to the impression which many received, not only the construction of the dam and the power house, or the power machinery, but also of the all-American canal. But the report of this commission indicates that that is not true, that it would not be economically feasible, and, indeed, the report says that if you eliminate the all-American canal, and eliminate the cost of that part of the dam which might be attributable to flood control, and then call for returns only upon the residue, which would be something like eighty or ninety million dollars, possibly it might be economically feasible.

Mr. PITTMAN. I will have to read it later on, to get the Senator's language exactly correct. But, as a matter of fact, we are not considering the House bill; we are now considering the Senate bill, which has been accepted as an amendment to the House bill.

As I said before, the report was based on the House bill, which required sufficient revenue from power not only to pay for the dam and reservoir, but to pay for the all-American canal. The Senate bill does not do that. The Senate bill expressly provides that the cost of the all-American canal shall be borne exclusively by the land to be benefited, the same as on any other reclamation project. That is the bill we are considering.

What does the commission give as the cost of building this dam and reservoir? What are their estimates?—

> Dam and reservoir (26,000,000 acre-feet capacity), $70,600,000.
> One million horsepower development, $38,200,000.

Let me call attention to the facts. Let us see what the estimates of the Department of the Interior with regard to that same dam and that same electrical development are—

> Dam and reservoir (26,000,000 acre-feet capacity), $41,500,000.
> One million horsepower development, $31,500,000.

Both the commission and the Secretary of the Interior also made estimates as to the cost of the building of the all-American canal intended to supply water to the Imperial and adjacent valleys in California. The estimates were originally so made because the House bill, and the Department of the Interior originally, made revenues derived from the sale of hydroelectric energy primarily responsible for the amortization of the money invested by the Government, not only in the construction of the dam and reservoir but in the construction of the all-American canal.

This is what I want to call attention to: There was not any question in the minds of the commission that the Department of the Interior was right in its estimate of revenues to be received from power, because there is no question that a reservoir of that capacity and a dam of that size will provide 3,600,000,000 kilowatt-hours of power.

The total cost of the dam—mind you, the total cost—under the plans of the Department of the Interior, and of the all-American canal, and the power development, together with interest on the entire investment, would have been $125,000,000. They hold that that $125,000,000 could be paid back in less than 25 years from the sale of electric power at three-tenths of a cent per kilowatt-hour. There is no question about that being in the minds of the commission. If it is true that that power alone, at three-tenths of a cent, would pay $125,000,000 in 25 years, why will it not pay for the dam and reservoir, under the commission's report, because that is only $120,000,000?

Let me give the compiled figures. Here is the report of the commission on this proposed dam, which I say is stronger, which has greater spillway capacity. This is the estimate of the commission:

> Dam and reservoir (26,000,000 acre-feet capacity), $70,600,000.
> One million horsepower development—

That means the power house—

> $38,200,000.
> Interest during construction of above, $11,682,000.
> Total, $120,482,000.

That is less than the $125,000,000 which the Secretary of the Interior estimated could be reimbursed to the Government in 25 years from the sale of power. Now, let us see what the Department of the Interior said that power would pay in 25 years. This is what they said it would pay:

Estimated gross revenues from sale 3,600,000,000 kilowatt-hours power, at three-tenths cent, $10,800,000.

That is the gross receipts annually from the sale of that power.

Storage and delivery of water for irrigation and domestic purposes, $1,500,000.

That includes, mind you, what they might receive from the lands under the all-American canal. That makes a total of $12,300,000.

Estimated fixed annual charges for—
Operation and maintenance, storage, and power, $700,000.
Operation and maintenance, all-American canal, $500,000.
Interest on $125,000,000, at 4 per cent, $5,000,000.
Total, $6,200,000.
Estimated annual surplus, $6,100,000, sufficient to pay the entire cost in 25 years.
It will be observed that the allowances he makes for operation and maintenance are extremely liberal. The testimony points to costs being more favorable than thus indicated.

Mind you, as the Senate bill now under consideration eliminates the cost of the all-American canal as a burden upon the revenues received from power, therefore we must adjust the estimates as follows:

Annual receipts from the sale of power, $10,800,000.

Estimated fixed annual charges for operation and maintenance, storage, and power, $700,000.

Interest on the above expenditures—that is, the total amount estimated by the commission for the dam and power house—$2,920,000.

In other words, the annual net receipts on the investment, as provided by the commission, will be $7,180,000. That is the net.

The Secretary has held that $6,200,000 would amortize $125,000,000 in 25 years. Consequently it must be obvious that $7,180,000 will amortize $120,000,000, the estimated cost of dam and reservoir proposed by commission, in 25 years. Those are the figures. Those figures are not questioned by the commission at all, except in one particular.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Idaho in the chair). Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I yield.

Mr. NORRIS. I hope the Senator will pardon me. I was listening with great interest until the Senator had reached the point where he was giving the amortization period from the commission's estimate when I was interrupted, and I did not hear what the Senator said after that. Will he be good enough to repeat that last sentence?

Mr. PITTMAN. I will be very glad to repeat it. The Department of the Interior found that the annual revenues from the power alone would be $10,800,000 a year. That is the gross. That figure is not disputed by the commission, except that they throw doubt on it in the way that I will read later. The computation is not questioned.

Leaving out the all-American canal, either receipts from the land or expenditures, the cost annually for operation and maintenance, storage of water, and so forth, is $700,000 a year. The interest on the amount estimated by the Department of the Interior to build the dam and the reservoir, during the period of construction, would be $2,920,000, giving a total annual cost under the estimates of the Department of the Interior, leaving out the all-American canal, of $3,620,000. That would leave an annual profit of $7,180,000. What would that do, according to the estimates of the Department of the Interior? Leaving the all-American canal in, the Department of the Interior says the annual net profits would be only $6,100,000, but taking out the all-American canal the net profits will be $7,180,000. But the Department of the Interior reported that the annual returns of $6,100,000 would amortize the full loan or advance by the Government, the full $125,000,000 which includes the cost of the all-American canal, in 25 years. If $6,100,000 would amortize the total cost of $125,000,000, as estimated by the Department of the Interior, within 25 years, certainly the larger sum of $7,180,000 would pay off in 25 years $120,000,000 estimated by the commission as the total cost of the dam, reservoir, and power development according to their plans.

How do we get the $120,000,000? We get it by taking the estimated cost of the dam as prepared by the commission, which they say is $70,600,000. We take the cost of the power plant estimated by the commission, which they say will be $38,200,000. We compute interest on that amount at 4 per cent during the period of seven years that the commission say will be required for construction, and we find it amounts to $11,682,000. The total cost is $120,482,000. That is the total cost according to the plan of the commission. Of course, we admit that the estimate is enlarged by the commission for the sake of safety. We admit that they have doubled the spillway capacity as a safety factor. We admit that they have increased the cost enormously. But notwithstanding that, they have not increased the cost of the dam and the reservoir and the power house up to the cost of the total project, including the canal, which the Government expected to pay for from power under the House bill. Consequently, there is no doubt about it.

But let me read something else.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield to the Senator from New Mexico.

Mr. BRATTON. Neither has the commission questioned the capacity of the project to develop the amount of power to which the Senator has just referred nor the cost of operation, so that by mathematical calculation it is definite that the income and operating expense will be just what the department estimated it to be.

Mr. PITTMAN. The Senator is correct except in this way——

Mr. BRATTON. And that by mathematical calculation it is definite that the sum can be amortized within 25 years based upon the figures given by the commission and department.

Mr. OVERMAN. Mr. President, I would like to inquire whether the cost of the transmission lines has been computed and included in the cost of the dam?

Mr. PITTMAN. They have not, because there is no authority in the bill to construct transmission lines.

Mr. OVERMAN. But they have to construct them, do they not?

Mr. PITTMAN. Yes; municipalities, corporations, or others, to get the use of the electricity.

Of course, I want it understood that while the statement which has just been made by the Senator from New Mexico [Mr. BRATTON] and also by myself is true, it is subject to qualifications which the Senate is entitled to have in all fairness. There is no doubt that a reservoir of that capacity, having the fall of water that it will have, because it is the same according to both the commission plan and the Secretary's plan, the only change being in the structure of the dam and spillway, will create 3,600,000,000 kilowatt-hours. It will be the same under both plans. There is no doubt that the cost attached to it, meaning $700,000 for operation and maintenance, and the interest are substantially the same under both plans. There is no question about that. There is no doubt that the net receipts are accurately stated as $7,180,000. There is no doubt that $7,180,000 annually would amortize the $125,000,000 in 25 years. If it would amortize that amount in 25 years, it would amortize the cost of the dam and the power house, according to the reports of the commission, with interest, which is only $120,000,000.

But here is what I want to call attention to in all justice and fairness. The commission said this:

Within a 30 or 40 year period, even with the regulated reservoir, the power output may be reduced five-tenths or six-tenths of the capacity of the proposed plant during a long period.

In other words, during a period of 30 or 40 years there may be cycles of dry years which will reduce the water and the power probably one-half, we will say, during that particular dry period of time. But we will assume, for instance, that half of the time or half of the 50 years during which the amortization is to be taking place, it is such a dry period as they say. What would be the result? We would have five-tenths of its full capacity during, we will say, 25 years, and during the remaining 25 years of the 50-year amortization period we would have ten-tenths capacity. But in that event the figures will demonstrate that it will amortize entirely in 50 years because it would only be twenty-five one-hundredths or three-tenths reduction of the whole, and twenty-five one-hundredths or three-tenths reduction during 50 years would still leave an ample margin for amortization in 50 years.

But that is only a supposition of the commission that there might be dry years, so that even if that occurred the desired object would no doubt be accomplished. There is nothing in the last 20 or 30 years to indicate any such dry period. They go back to that time, however, and state there are evidences of periods of dry years before that time. So it is perfectly evident, I say, from this report, which I wish every Senator would read carefully for himself, that the commission has approved in toto the construction to be made under this legislation as economical, sound, and feasible; that from an engineering standpoint, as

well as from a geological and scientific standpoint, they have found feasible the dam site provided for in the bill; that they have found the elimination of the all-American canal as a burden on the power and transferring it as a burden on the land, as the bill does, is economically feasible. There is no question about it. They may recommend that a certain part of this expenditure shall be made by the Government, as in other flood-control projects, without cost to the project, but to be borne, as under flood-control measures such as on the Mississippi River, by all the taxpayers of the country. That may be a very fine thing to do, it may be a just thing to do, it might be in accordance with the policy of the country, but as far as being necessary to enable the Government to get its money back with interest from the hydroelectric power generated at the dam, as estimated and recommended by the commission, it is not necessary, and that is all there is to it. So we may eliminate that.

I am glad that the commission has reported. I am glad the commission was appointed. I am glad there is some definite authoritative report here. It was a disagreeable thing to stand on the floor of the Senate and hear estimates of $250,000,000 for the dam and power house. As a matter of fact, the commission has not questioned the estimate of the Department of the Interior as to the dam and power house which it proposed. All the commissioners have done is to say, in order that there may be no danger whatever, that they would strengthen the dam a little more than provided by the plan of the Secretary of the Interior; that they would give a larger spillway through tunnels, so there will never be any danger of the water flowing over the top of the dam. They doubled the spillway capacity and strengthened the dam, so there will be only 30 tons pressure to the square foot.

I do not blame them. Safety of life can not be estimated in dollars. The commission has been appointed for the purpose of assuring the Congress of the United States that when the dam is built it will stand substantially forever; that there will be no danger, if it can possibly be eliminated, of it washing out and destroying human life. They have taken all that into consideration and naturally have increased the cost for that work; but that cost only runs to $120,000,000, interest and all, and that is less than the total construction cost under the plan of the Department of the Interior, that had to be paid for out of power, and that power the Department of the Interior estimated would pay for it in 25 years.

But we do not have to consider the cost of the all-American canal, because under the bill it must be exclusively paid for as reclamation projects are paid for, by the lands to be benefited. Now we have come in this proposition to the point where we can pass a bill. There is nothing to consider here now whatever except justice to the seven States involved in the development of the Colorado River. That is all there is now left.

It is the duty of Congress to build the dam. It is a duty that is imposed upon them exclusively by the Constitution of the United States. It is the same duty that caused the Senate and the House of Representatives to appropriate out of the Treasury of the United States an enormous sum of money for flood control on the Mississippi River without a single direct or indirect charge against those living in the flooded area. We have to-day a greater danger in Imperial Valley from flood destruction than we ever have had on the Mississippi River or ever can have on the Mississippi River.

Tremendous destruction of property and life took place on the Mississippi River, but when the flood had receded the water flowed back off the land into the channel. If, however, there is ever a break into Imperial Valley—and all engineers agree that such a break may come during any spring freshet—a great flood will run down into that valley, which is from 200 to 300 feet below sea level and below the bed of the Colorado River. Do Senators realize that heretofore breaks on the Colorado River have occurred below the south rim of the valley, below the rim which separates the valley from the Gulf of California?

Of course, that area is almost flat, but it is below the rim, and when the river broke there, small levees would keep it from backing into the Imperial Valley, but in the last two years, where the reclamation diversion has been made, large willow weirs have been placed in the river to dam up and divert the water into the canals that carry water to irrigate the Imperial Valley. Now, the silt in the river has built up to the top of those weirs and extends for hundreds of miles up the river; in other words, the bottom of that river has been raised by those weirs up to the diversion point of those canals. If there is ever a break in such a neighborhood as that, if there is ever a break on the side of that river toward the Imperial Valley, the water will go down into that valley with a fall of 2½ feet to the 100 feet, and nothing on earth could stop it. Think, for instance, of 380,000 second-feet of water leaving the bed of a stream that is above its banks and flowing down into a valley below sea level where the fall is 2½ feet to the 100 feet. Senators must realize that it would be almost impossible for the people themselves to escape. Of course, there would be nothing saved.

There is a sacred obligation on the Congress of the United States under the Constitution to do this work. We have a report by an independent commission which shows that it is geologically, scientifically, engineeringly, and mechanically sound. If, however, it were not economically sound, if there were not a dollar to come back from this expenditure, it would still be the duty of Congress, as it was the duty of Congress with reference to the Mississippi River, to render the necessary protection. In this case, however, fortunately the power developed at three-tenths of a cent a kilowatt-hour will pay it all back, certainly, in 50 years and probably in 25 years, with the water flowing normally as it has in the last 10 or 15 years.

What is the difficulty? We have only minor questions involved here. There is practically nothing involved except a dispute between the States of Arizona and California with regard to the division of the increased water that will be impounded behind the proposed dam; that is all. An agreement has been entered into between the seven States interested in this river by which half of that water is retained to the four upper States and half of it let down to the three lower States. The four upper States have ratified the agreement. The question is now for Arizona to ratify the agreement. Arizona, as I understand, will ratify the agreement whenever there shall be a provision in the bill or a separate agreement between Nevada and Arizona and California dividing the water let down to the three lower States. Of the 7,500,000 acre-feet of water let down that river they have gotten together within 400,000 acre-feet. They have got to get together, and if they do not get together Congress should bring them together.

Mr. JOHNSON. Mr. President, there are some few things in relation to the distribution of the water of the Colorado River which I desire to place in the RECORD, and concerning which I also desire to take a very few moments in presenting to the Senate. Much has been said by the Senator from Arizona [Mr. HAYDEN] concerning the attitude of Arizona and the attitude of California respecting the division of water, and repeatedly, as I understood the Senator from Arizona, he said that Arizona had been very willing, indeed, to accept what the governors' conference had determined in regard to the distribution of water between the two States. I do not understand that that is at all accurate.

At the conference of the governors and the commissioners of the Colorado River Basin States in Denver, in 1927, in the consideration of the division of water among the lower basin States, there was disagreement. There never was, as I understand, an acceptance by the State of Arizona of the proposition made by the governors.

The governors and commissioners of the upper basin States, Wyoming, Colorado, Utah, and New Mexico, allotted 4,200,000 acre-feet to California, 3,000,000 acre-fee to Arizona, and 300,000 acre-feet to Nevada. The Senator from Arizona again and again has iterated and reiterated that this was accepted by Arizona, but rejected by California. The fact of the matter is that Arizona attached to her acceptance certain conditions which were not approved even by the upper basin States or the governors thereof. On this point, sir, in order that there may be no misunderstanding on the part of the Senate and that the State which I represent in part may not be charged with recalcitrancy, I read the testimony given by Governor Emerson, of Wyoming, and Mr. Francis C. Wilson, commissioner for New Mexico, who participated in the Denver conference, and whose testimony in this regard has never been questioned or disputed by any representative of the State of Arizona.

Governor Emerson testified regarding the matter before the House Committee on Irrigation and Reclamation on January 13, 1928, in answer to questions from Representative DOUGLAS of Arizona as follows:

Mr. DOUGLAS. Is it not a fact that the State of Arizona agreed to terms submitted by the upper basin States with reference to the allocation of water and further agreed that development should proceed on the Colorado River provided there was no power project constructed until the agreement relative to power had been consummated and effected?

Governor EMERSON. You have asked two questions.

Mr. DOUGLAS. That is true.

Governor EMERSON. I will try to answer them in order. Arizona did not agree to the division of water in all details.

Mr. DOUGLAS. It is true that there were certain interpretations of terms upon which there was no committal.

Governor EMERSON. There was one important feature upon which no agreement was reached, and that was in regard to the tributaries of the Colorado River in the State of Arizona. Arizona agreed to accept the specified division of water at Lee Ferry.

That is quoted from page 310 of the printed and bound records of the hearings on House bill 5773.

Before the same committee Commissioner Wilson testified:

A good deal has been said with reference to the fact that California would not agree and said that their minimum was 4,600,000 acre-feet. The mistake that California made, in my estimation, was not to have come there with a trading margin. They came there with an irreducible minimum, prepared to support it as such, but they gave themselves no trading margin. On the other hand, Arizona came there with a cross section of the State. They had their conservatives, their radicals, their independents on their commission, and while we could not see what was going on behind their closed doors, we could imagine, but when it came to a showdown they always came through together some way or other. Now, as to this 3,000,000 acre-feet, they said that they were not satisfied but they would accept it, placing upon it certain conditions. We met those conditions in the main, but the condition which they attached, that their tributaries should be released from the burden of the Mexican allocation which might be arrived at by treaty, that their tributaries should be free from that burden, we could not consent to, because in the compact there is no such distinction; the entire system, divided as I have read it to you, is subject to that burden when the United States reaches the point of determining by treaty with Mexico what Mexico's allotment or allocation should be.

That is quoted from page 292 of the printed and bound record of hearings on House bill 5773.

Commissioner Wilson on January 19, 1928, testified on the same subject before the Senate Committee on Irrigation and Reclamation as follows:

At the Denver conference Arizona accepted the proposals of the governors of the upper basin States on the allocation of water, but attached a condition to the effect that the tributaries of Arizona must be released and relieved from the burden which might be hereafter impressed upon them by virtue of any treaty between the United States of America and the Republic of Mexico.

* * * * * * *

The upper basin governors gave the matter considerable consideration and rejected Arizona's condition in this connection * * *.

That is quoted from page 193 of the printed and bound record of the hearings on Senate bill 728.

The Arizona Colorado River Commission, in reply to the proposal of the upper States, submitted in writing a document entitled "Response of Arizona to Proposal of the Governors of the Upper Division, Colorado River Basin States, Which Was Submitted to the Lower Division States Under Date of August 30, 1927," copy of which is found on page 349 of the printed and bound record of hearings on Senate bill 728.

In such response the Arizona Colorado River Commission, referring to conditions attached to Arizona's acceptance of the proposal submitted by the four upper basin States, including the condition for the exemption of Arizona's tributaries from any charge in meeting Mexican water demands. It is stated in reference to these conditions:

It must clearly be understood that it is only upon condition that they are resolved affirmatively that we will accept the first item of the proposal relating to the allocation of water.

The condition attached by Arizona to its acceptance of the proposal of the four upper basin States as to the division of water was rejected by those States, and therefore Arizona's so-called acceptance neither occurred nor could occur under the circumstances.

Now, Mr. President, just a word or two in respect to water. It is a sad thing to me that in speaking of a division of the water of the Colorado River we speak of division between the States. I think, unfortunately perhaps, in terms of peoples. There is no difference to me between the man who resides at Yuma just across the line between California and Arizona and the man who resides in the State of California just across the line between Arizona and California. They are men, human beings after all, and they are all entitled to some part of the water that may be necessary in order that they may follow that which has been their chosen vocation. These people are the ones that we want to keep in mind, in my opinion, rather than the impersonal entities to which we are constantly referring in discussing the division between the States. It may be unfortunate, too, Mr. President, that there are more people in the State of California utilizing water from the Colorado River than there are in the contiguous territory in the State of Arizona.

It may be unfortunate, also, that the first and the earliest and by far the most extensive developments have been in the State of California, and that these developments in the State of California, particularly in the Imperial Valley, have become a pride not alone to the particular State of which they are a part, but a pride, too, for all the Nation; for down into the Imperial Valley, Mr. President, went a certain hardy class of pioneers originally who typified the highest and the best that there is in American life and American manhood. These men treked down there into the Imperial Valley when it was a barren waste. By their effort, by their work, by their constant striving they have made there of what was a sandy and a desert waste one of the fairest and most fruitful parts of all this world, and these people in the Imperial Valley have but one means of sustenance, namely, water, and water from the Colorado River.

When these gentlemen speak of division of water between the States it seems to me they forget that there are in their State over at Yuma just the same sort of people as those in the State of California in the Imperial Valley; that those men and those women just across the line in Arizona are as much entitled to consideration as those across the line in the State of California. I never forget that fact, nor that those who have come there, who have, indeed, the prior right by virtue of life's effort, are the people that we must protect in a division of water; and it is perfectly useless to say that you will divide water into halves when half of that water can not by any possibility—I speak advisedly—be used within any generation that is now existent or will be three generations hence in the State of Arizona, and when, on the other hand, in the State of California it is necessary for the very life of the pioneers who have gone there and who built up that great territory. It is useless, therefore, to say that you will divide waters in halves. That can not be done. You must divide your waters in accordance with necessities and in accordance with the actually existing rights that have been perfected by these various communities and these different peoples.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. HAYDEN. I am very much interested in the Senator's last statement—that necessity is the basis of the California claim for water.

Mr. JOHNSON. Oh, I do not say anything of the sort. I say that when you divide waters you must divide in accordance with necessities of peoples and their acquired and perfected rights.

Mr. HAYDEN. Does the Senator contend that the acquired and perfected rights that exist in the State of California to-day are perfected to such an extent that they cover the demand made in Denver for 4,600,000 acres of water?

Mr. JOHNSON. Substantially so; and as I proceed I think I will demonstrate that even to my distinguished friend from Arizona.

I recognize, of course, my friend's viewpoint. That is all right. I stand here just as strongly in defense of people in the State of Arizona as I trust I stand here in defense of people in the State of California. I would not deprive those who required it of what might be a necessity for their existence in your State, sir, any more than I would wish you to deprive the people who exist in the State that I represent in part of what is an absolute necessity for them.

You gentlemen from the West are familiar with Western law. You understand, I think, what the mode of appropriation is of water in the West. You realize, of course, that the prior right exists in the individual who has appropriated water to a beneficial use, and that that water having been put to beneficial use by an individual, gives to the individual a title and a right that of course neither equity nor law would under any circumstances take from him.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. Yes.

Mr. KING. The Senator is making an interesting and a very eloquent address.

Mr. JOHNSON. Do not say "eloquent," please.

Mr. KING. It is eloquent, because it is descriptive of the pioneers of Imperial Valley, their rugged character, and their achievements. Those things lend themselves to eloquent persons, even though their tongues might, upon other subjects, be rather silent.

Mr. JOHNSON. I wish I had the facility of expression of the Senator from Utah. Then I should indulge, possibly, in some eloquence; but now in only matter-of-fact fashion do I endeavor to present this situation.

Mr. KING. Waiving the compliments of the Senator—and I am sure they are sincere, as mine were in his behalf—may I

say to the Senator that there is no disposition upon the part of those representing the States in what has been denominated the upper basin to interfere with the rights of the people in Imperial Valley.

Mr. JOHNSON. I am sure of that.

Mr. KING. I sympathize with them in the vicissitudes through which they have passed and appreciate the flood menace to which they are subjected. However, it is a fact which I think the Senator recognizes that the Imperial Valley under the appropriation which has been made and the conditions under which such appropriation is exercised can not achieve the standard of development which is desired and which is possible. Indeed, some of the lands which have been heretofore irrigated find during some years an inadequate water supply. So Imperial Valley, if left to her own devices, could not further materially develop and could not irrigate all the lands which have been irrigated. Therefore the inhabitants of the valley are interested in securing more water—water which has not been appropriated and which can be used in Imperial Valley, unless reservoirs are built either at Boulder Canyon or Glenns Ferry or some other place on the Colorado River.

I rose, however, merely to emphasize the fact that there is no disposition upon the part of the upper States to interfere with the rights of the pioneers of Imperial Valley.

Mr. JOHNSON. I am very certain of that.

Mr. KING. But let me say to my dear friend, he is familiar with the fact that because of rather tragic conditions in our agricultural life we have been unable in Colorado, Utah, New Mexico, and Wyoming to develop lands which are as valuable intrinsically and inherently as the lands in Imperial Valley. We see the water which comes from the springs and from the melting snows in our States carried down the river into Mexico and into the Imperial Valley. The upper-basin States are not in a position to develop agriculturally as rapidly as is California and to improve and irrigate the great areas which will in time become the homes of thousands. If the Senator represented the fine people of the upper States—and we have pioneers there, too—he would look with deep anxiety upon the appropriations now being attempted by the lower States and he would regard them as a menace to such States. If we do not do something to protect our States, California, because of her superior advantages, because of her situation upon the lower stretches of the river, may appropriate or claim to have appropriated substantially all the waters of the river not heretofore appropriated as a result of which the future development of the upper States would be arrested.

We must in all fairness, it seems to me, visualize the situation not alone of California but of all other States embraced within the Colorado River Basin and approach this question in a fair, dispassionate, and just manner, protecting not only the rights of the people of Arizona and California, but recognizing the rights of the people of Utah, Wyoming, Colorado, and New Mexico. The upper States must have a part of the Colorado River waters.

They supply us 80 per cent of the entire flow. We do not want the water of the river and they are entitled to their "place in the sun" and to the chance to make future appropriations of the river flow. California must not strip them bare. Within a few years, when the upper States are ready to irrigate new lands, when economic conditions have changed and agricultural development is warranted, the upper States must be permitted to take from the river a portion of the flow and must be protected in the right to use such portion, regardless of the time of appropriation. They must be so protected that they will not be met at the threshold with the claim that all the water has been seized and used by the lower basin; that the water which flows through our States we may not touch, nor may we divert a single acre-foot for the development of our arid domain.

I know that my good friend, in a spirit of justice, must recognize that we have rights in the upper States which should be respected and protected. We should approach the consideration of this problem in a spirit of justice and with absolutely no desire to advantage one State at the expense of others.

Mr. JOHNSON. Mr. President, I quite agree with what has been said by the Senator from Utah. I insist that the upper basin States shall be protected, and protected to the full. Not only that, sir, but this measure has been written around the Colorado River compact; and for the benefit of those who may not be familiar with the subject, let me say what has been said again and again, that when the commissioners met some years ago in relation to the waters of the Colorado River they divided the States into two distinct entities—the entity that they called the upper-basin States, consisting of Wyoming, Colorado, Utah, and New Mexico, and the entity they called the lower-basin States, consisting of Nevada, Arizona, and California.

When they made their division of water at Lees Ferry, I believe, that division of water was made not as among seven States that were a part of the Colorado River Basin, nor were allotments given to individual States at all; but the division was made as between these four States constituting the upper basin and the three States constituting the lower basin; and when this bill was written it was submitted to many of those of the upper-basin States in the desire and with the design and the purpose to protect the upper-basin States—one of which is so ably represented by the Senator who has just spoken—to the full in every right that they have, and in every division and every decree that had been made by the commissioners concerning the Colorado River. In my opinion—it may not be shared entirely by others—in my opinion, and in the opinion of the legal minds that have subjected the bill to the test, this bill, written around the Colorado River pact as it is, protects to the full, and in the amplest fashion, every State in the upper basin.

What I was endeavoring to do, however, was not to descant upon the merits of one State or the merits of the other, but to show, in response to what has been said by the Senator from Arizona yesterday, why his suggestion of a division was not a reasonable one nor a just one as between Arizona and California, so far as California was concerned. Let me at the beginning and at the end of it say, protect your upper-basin States just as everybody wishes to do who is connected with this measure. Protect them fully. Give to Arizona all the water that it is within the realm of possibility that Arizona may use; but do not take from the State of California, which is practically using it to-day, and which within a brief period will put infinitely more water to use, the rights that are hers, through an unjust or an unfair division of that water.

There is actually being used in California to-day, by actual measurement, 2,159,100 acre-feet of water per year. The Imperial Valley appropriation was made in 1898 and at that time was made for 10,000 cubic feet per second "for the purpose of developing power and irrigation of lands in San Diego County, Calif., and in Lower California, Republic of Mexico."

At that time what is now Imperial Valley was San Diego County. Senators will recall that. Under this appropriation canals were constructed and are now in use for 515,000 acres in California, to which will be added 193,000 acres of known feasibility, requiring a use of 3,115,200 acre-feet per year upon a water duty of 4.4 acre-feet per acre.

The water was appropriated for the Yuma project in 1906. I have spoken before only of Imperial Valley. Sixty-four thousand five hundred acre-feet per year is now being used on the Yuma project in California.

Senators will bear in mind, please, that the Yuma project embraced a part of Arizona as well as a part of California.

Mr. FLETCHER. Mr. President, may I interrupt the Senator so as to get him to enlighten us on that subject?

Mr. JOHNSON. Yes.

Mr. FLETCHER. The Senator alludes to the canals built in the Imperial Valley. Were those canals built by the Federal Government?

Mr. JOHNSON. Oh, no. The largest irrigation district that there is in the world is the Imperial irrigation district, and the Federal Government has built none of the canals. They have all been paid for, and the district is bonded; I can not from memory state the sum, but for a very large sum of money.

Mr. SMOOT. Seventeen million dollars.

Mr. JOHNSON. Let me put one point, by way of illustration, that will indicate their hazardous position there. That is the only place in America that I know of where the farmer, with fruits and production beyond those of any other place on earth, can not borrow a dollar from a Federal farm loan bank because of the jeopardy in which he exists and the fear of flood that is ever impending. Not a penny can he get. He is in a position more hazardous and more difficult than his brethren in any other part of the country. The testimony is here if anybody queries my statement in that regard.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. JOHNSON. Yes.

Mr. KING. The Senator refers to additional lands in Imperial Valley, nearly 200,000 acres. I wanted to inquire whether those were entirely public lands, or whether some of them were in private ownership.

Mr. JOHNSON. If I answer the Senator offhand, I should say both; but I do not wish to have him take my answer as absolute, because I am not entirely clear. The information I will obtain for him.

Mr. KING. May I ask one further question?

Mr. JOHNSON. Certainly.

Mr. KING. Do the data which the Senator now has before him indicate the extent of the public lands that may be irrigated in the Imperial Valley?

Mr. JOHNSON. I think so.

Mr. KING. I have heard the statement made, and some of the data I have indicate that there are three or four hundred acres yet of lands which may be irrigated, and other information which I have limits it to 150,000 acres.

Mr. JOHNSON. I have divided them into two classes, and when I stated 193,000 acres a moment ago as that which might be added, I stated that that was 193,000 acres of known feasibility.

Mr. KING. Yes.

Mr. JOHNSON. There is another class of lands of doubtful feasibility.

I have just stated the needs of the Imperial Valley. I stated the needs of the Yuma project, situated in the State of California.

The Palo Verde Valley appropriation was made by Colonel Blythe away back in 1859. Much of that area has already been irrigated, and that for which the water was appropriated, and of known feasibility, under the canal system, amounts to 234,000 acre-feet per year.

The city of Los Angeles, on behalf of itself and other cities, made its appropriation of 1,095,000 acre-feet per year in 1924. We may eliminate, if you wish, whether or not ultimately against the Government or anybody else there could be a legal enforcement. There exists the claim that is made. There has been done everything that is required by the law to be done, and upon this the city of Los Angeles has expended up to to-day more than $1,000,000.

Do not think that this is any light project that is undertaken by the coastal cities of southern California for domestic water for that territory. It is estimated—and unquestionably it will be true—that to take this water at Blythe out of the Colorado River, as is contemplated by these coastal cities of southern California, will require, in the construction of the aqueduct there and in the pump lift of some 1,200 feet over the hill, an expenditure by the city of Los Angeles of something over $150,000,000.

When gentlemen talk about what California gets from this scheme at Boulder Dam sometimes I have little patience, for after all, sir, it is this territory that pays through the nose for everything that it gets out of Boulder Dam or the dam that shall be built at Black Canyon.

The city of Los Angeles has made its filings; it has expended its millions now in the endeavor to make its way over the hill and prepare for the water to be given to the coastal cities of southern California in conjunction with Los Angeles.

The other day at the election there was presented to the people of southern California—to all of the municipalities there—the question of whether they would join in a great municipal water district. I think that with the exception of one city every city there voted to join that metropolitan district. The need for domestic water in that territory is such that it must be accorded in some fashion, if it be possible to do it, and must be accorded within a very, very limited time. I break no confidence, I am sure, when I say that unless there be some place from which southern California coastal cities may obtain domestic water their progress, within a reasonable period, will be halted, and their prosperity for a time will be stayed.

Mr. Roosevelt said once that the highest purpose to which water could be put was for domestic use. All of us realize that fact, and all of us understand that when any man, any community, any city, or any State craves from the National Government that which must be had to sustain life—domestic water—the National Government has ever been ready to respond and anxious to do its part.

All this water can be obtained from just one place for these cities in southern California—just one place—the Colorado River. It can be obtained in just one way—by a high dam and great storage capacity at the Black Canyon. Who shall deny it? Who shall say, under these circumstances, where two and a half million people hold out in supplication to this Congress merely the prayer that they may give that which is accorded ever to those who seek it—who shall say that this water, in order that some State or locality may make a little more money, shall go rolling in waste to the sea?

I am certain that our friends here who represent the various States will be very glad, indeed, to unite in the necessities that exist in these coastal cities, in order that they may have their fair share of the potable water that may be accorded them through a high dam and by large storage, without harm to any people or to any State or to any locality.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Everyone will agree with the senior Senator from California that domestic use is the highest use of water, and that if that water is needed by the municipalities of southern California, of course they should have it. But if there is not water enough to go around, if there is not water enough to irrigate all the land that can be irrigated in California and in Arizona, and it is necessary that certain areas of desert land be designated to remain forever as desert land, and not developed, our contention is that, in that event, the burden of leaving undeveloped the desert in order that the cities may have the water should fall equally upon California and upon Arizona. As I understood the figures presented to the Senate by the Senator from California, he laid claim to water now appropriated for use for the irrigation of additional areas of land now desert, and water for domestic purposes.

Mr. JOHNSON. I am going to take up the needs of Arizona in a moment as best I can.

Mr. HAYDEN. I want to inquire of the Senator whether he believes it is fair to impose the entire burden of supplying domestic water to the city of Los Angeles upon the State of Arizona by forever dedicating to the desert areas of land that can be irrigated?

Mr. JOHNSON. I answer with the utmost frankness; by no means, and I would not do the State of Arizona, were I cognizant of the fact, a particle of injustice in relation to the division of water, or in any other thing, so far as that is concerned. I would be delighted to unite in anything that means well for the State of Arizona, and in this instance I am insisting that the State of Arizona neither needs nor requires nor can use the water that it says it desires, and that that water already is under appropriation by various individuals and organizations in the State of California.

The appropriations to which I have adverted are in good standing, and the water requirement indicated is the minimum requirement for lands of known feasibility. They equal a total of 4,508,700 acre-feet per year for use in California. These appropriations are ahead of nearly all of the appropriations on the river, and there is no doubt about their validity and standing.

Under Senate Document 142, Sixty-seventh Congress, second session, under the all-American canal, within the area for which the Imperial appropriation was made, may be added 97,000 acres of what is classed as "doubtful feasibility" land. This doubtful land consists of land that is rough, either cut up by washes, or covered by hummocks. Those of us who have watched developments in Imperial Valley know that some of our finest land there was the last to be reclaimed, on account of the difficulty of leveling the same. We, therefore, have every confidence that much, if not all, of this doubtful land will be reclaimed. It is all under the Imperial Valley appropriation, and would add 416,800 acre-feet per year to the Imperial Valley rights or requirements.

It will be borne in mind, please, that we have been speaking only of lands for which appropriations have long since been made, with the appropriation for domestic use.

I presume that Senators who are not familiar with western law will understand that when an appropriation like 1896 is made from the Colorado River by a particular organization, district, individual, or the like, for the irrigation of a certain territory, if that water is put to beneficial use with reasonable diligence the amount may continue to be withdrawn for the irrigation or the use of all the land that has been included in the original filing. Thus it occurs that a filing like that of the Imperial Valley made in 1896, covering a certain prescribed territory used constantly and yearly and continuously for beneficial purposes in that territory, may continue to increase the amount of water to which legally Imperial Valley may be entitled and the increased use will constitute a perfected right.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Arizona?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Can the Senator tell me how many acres are now being irrigated in Imperial Valley?

Mr. JOHNSON. Approximately 400,000.

Mr. HAYDEN. The district comprises a larger area?

Mr. JOHNSON. Very much larger.

Mr. HAYDEN. I understood the Senator to say 476,000 acres.

Mr. JOHNSON. The Senator may be right. Under the appropriation the canals constructed and now in use provide for about 515,000 acres.

Mr. HAYDEN. The reason why less than the total area under the canal is irrigated is, as I understand it, because with

the present unregulated flow of the river there is not water enough to irrigate those lands.

Mr. JOHNSON. That is true in large measure.

Mr. HAYDEN. So that it could not be reasonably expected that there would be any material increase in the area of land irrigated within the present limits of the Imperial irrigation district unless Boulder Canyon Dam were built.

Mr. JOHNSON. To a large extent that is true.

Mr. HAYDEN. So that whatever these water rights may be, although they may date back to 1896, there is no way in which the water to supply those lands can be obtained except by the construction of Boulder Canyon Dam.

Mr. JOHNSON. Adequate water, I will say. I think that is quite so. There are constant accretions and constantly new land, as the Senator knows, is being put under irrigation, but to take a large area I think we would need the storage capacity in order to accomplish the desired results.

Mr. HAYDEN. Warning in that respect has come to the farmers of Imperial Valley on more than one occasion, because they have suffered a shortage of water and have lost large sums in perishable crops.

Mr. JOHNSON. Quite so. In one year there was a drought, which, I think, caused a loss of $5,000,000.

Mr. HAYDEN. I am merely bringing out the fact to illustrate that however far back this water right may date—and it may go back to 1896, indeed—it is not a perfected water right in the sense that it supplies all the water necessary for the irrigation of the land in the Imperial Valley and that something must be done to perfect it, to wit, secure appropriations from Congress, build a dam and impound the water. It is the contention of the people of Arizona that under those circumstances it shall not be urged that the maximum amount applied for in 1896, which can not be obtained from the river's natural state, is the limit of California's water right.

Mr. JOHNSON. That is a very natural contention, too. I am not going to quarrel with the Senator about his contention in that regard. In fact, I would rather not quarrel with him at all. But the difficulty is that I think he makes it necessary. He thinks I make it necessary, and so there we are.

It will be borne in mind that we have been discussing only the lands for which appropriations have long since been made, together with the appropriation for domestic use. This, by no means, comprises the land susceptible of irrigation in California. To those amounts will be added all of the lands in the Coachilla Valley, of which 72,000 acres will be irrigated on the all-American canal by gravity, 18,000 acres in the Palo Verde Mesa, 44,000 acres in the Chucawala, besides many thousand acres in scattering tracts.

Mr. SHEPPARD. Mr. President, will the Senator tell us, if he can, how much land in Mexico is irrigated by water from the Colorado River?

Mr. JOHNSON. My information is that it is a little over 200,000 acres.

Mr. SHEPPARD. At present?

Mr. JOHNSON. Yes; and they are feverishly using water down there in order to get such rights as they think they may obtain.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. JOHNSON. Certainly.

Mr. BRATTON. Will the Senator tell us how rapidly the irrigated area in Mexico is being increased?

Mr. JOHNSON. Infinitely more rapidly than the irrigated area in the United States, but I have the tables, and I will submit them later, showing by years just how much has been the increase in our country and how much in Mexico; but it is proceeding more rapidly in Mexico.

Mr. BRATTON. I think the Senator from California and I are in accord that this is one of the dangers confronting all of us in the Colorado River Basin. It is one of the urgent reasons why we should put forward serious efforts to solve the problem now.

Mr. JOHNSON. The Senator is entirely right. It is a terrible situation that confronts us. It is an intolerable situation that confronts us. To solve that situation we have provided in the bill for the all-American canal. The unfortunate part of it is that in yielding to the insistence of my brethren upon the committee we have made that canal payable out of the lands that shall be benefited by it, which are already overcharged and overburdened. The landowners think they can do it; but, of course, before they can undertake it it has to be submitted at an election and they have to agree to undertake that additional expense. The all-American canal, it is hoped and believed, will solve this intolerable Mexican situation and enable us to control the waters of the Colorado for the United States without, indeed, doing injustice to Mexico.

Mr. BRATTON. May I say that the seven States as among themselves have different problems. We in the upper basin have a common interest in preserving the title to the water allocated to us under the Colorado River compact. The States in the lower basin have a common interest in using beneficially the water that is allocated to them under the compact. But we all have a common interest in protecting and preserving for the United States a heritage which belongs to us not to permit, through acquiescence and inactivity, another people to acquire a prior right to that which naturally belongs to us. In that regard we are all commonly situated and should unite our efforts. To me that is one of the grave dangers lurking in the whole problem which should concern all of us.

Mr. JOHNSON. I quite agree with the Senator. One of the unfortunate things that we did in the committee, concerning which I do not complain and by which I stand, was to charge this all-American canal to the reclaimed lands and therefore make much more difficult its construction than if the United States Government, dealing with an international situation and an intolerable one, had taken hold of it and built it itself.

Mr. BRATTON. Personally I have no criticism to make of those people south of the international border if they go forward and outstrip us and acquire prior equitable rights to the water. If we permit them to continue doing so we should criticize ourselves. To me it is one feature of the situation that should be persuasive to all of us in the basin to compose our differences and legislate upon the question in our common interest and defense as early as possible.

Mr. JOHNSON. I quite agree with the Senator.

Mr. SHEPPARD. Mr. President, may I ask the Senator another question?

Mr. JOHNSON. Certainly.

Mr. SHEPPARD. Will the tables which the Senator will place in the RECORD show how much land can possibly be irrigated in Mexico from the Colorado River?

Mr. JOHNSON. The tables do not show it. My recollection is that the testimony given before our committee was that there were over 400,000 acres of land immediately contiguous to the Imperial Valley susceptible at once of reclamation. I ask the senior Senator from Arizona if that is not what was testified?

Mr. ASHURST. Mr. President, I think the Senator is substantially correct in his statement that that was testified before the committee.

Mr. SHEPPARD. That is, in Mexico?

Mr. JOHNSON. Yes. In 1926 the total irrigated acreage in Mexico was 217,000 acres.

The peculiar situation that confronts us, of course, in Imperial Valley is so well known that I do not wish to take time in detailing it again; but it is a situation that cries to high heaven for relief just exactly as the Senator from New Mexico has said. What a horrid thing it is that our people in Arizona, our people in California, and the people in territory adjacent to both, who are seeking to do the best that can be done in life and to follow that which has been their vocation during all the time that they have been upon this earth, are placed in such a position. What a shame it is that there are others who go over the American line and buy tracts equaling 850,000 acres of land and while appropriating water which is the water of an American river flowing through the United States of America seek to impede or defeat legislation of this character. We seek by the all-American canal to remedy that situation and to make a canal that will be all in the United States and control the water that hereafter shall go to Mexico.

In saying this I do not want to be misunderstood, and I do not want to be put in the position of denying that which any Mexican landowner may be entitled to by virtue of law, even by virtue of morals. But I do say that such a bill as this presents a policy we all ought to uphold, and that we ought to end forthwith the policy of permitting American water to go over onto Mexican soil, so that whenever there is an acre irrigated there there is an acre of land denied that irrigation in the United States of America. It is, from the American standpoint, a situation with which we ought not to dally or delay and which we should be swift to remedy.

In the case of Winters *v.* United States (207 U. S. 564) it appears that an appropriation for the use of Indian lands is unnecessary, and that the United States will take the water where it finds it for the purpose of serving those Indian lands. There are about 15,000 acres of such land in California, which would add about 66,000 acre-feet to the water rights. In other words, California has a vested water right which can not be taken away to the amount of 5,091,500 acre-feet per year. This includes the Indian land and the so-called doubtful land, but

does not include many thousands of acres of irrigable land for which no appropriation has so far been made.

Mr. ASHURST. Mr. President, from what is the Senator from California reading?

Mr. JOHNSON. I am reading from notes of my own.

Mr. ASHURST. I beg the Senator's pardon.

Mr. JOHNSON. When I say "notes of my own," I might qualify that by saying notes of my own that have been thoroughly checked by certain gentlemen who are familiar with the situation.

This amount of 5,091,500 acre-feet per year is for actual use based upon water duty of 4.4 acre-feet per year as found by the Bureau of Reclamation to be necessary and set out in Senate Document 142. This does not include any waste. In a recent study by the Geological Survey of Salton Sea and its relation to use of water in Imperial Valley they found that 1.5 acre-feet per year is a reasonable amount of waste for ordinary maintenance purposes. This is approximately the amount that has heretofore been wasted. If that is a reasonable waste, then Imperial Valley appropriation would include 918,000 acre-feet per year for that purpose, or making a total aggregate now appropriated and with rights fully established to 6,009,500 acre-feet per year.

On the Arizona side we find approximately 135,500 acres of Indian land, a considerable portion of which is irrigable. The exact amount we do not know, so for the sake of fairness we class it all as irrigable. The only other appropriation is the Yuma, made in 1906, total area of 120,000 acres. While much of that will never be irrigated, for sake of fairness we will class that as irrigable land. With these assumptions, we find vested rights in Arizona to the amount of 922,500 acre-feet per year.

When California offered to make a compact on a basis of 4,600,000 acre-feet per year plus one-half of the surplus excess and allocated water, it was well recognized that California would be perhaps one and one-half million acre-feet short of its requirements unless a large amount of the surplus water should be available. In other words, California was willing to take a chance on obtaining surplus water and on the further chance that Arizona would not use the water allocated to her. She would, indeed, be surrendering established rights and substituting therefor simply a chance to obtain water.

In making the studies at Denver for the purpose of ascertaining the requirements in Arizona and California domestic water for the coastal cities was not considered at all. These studies were placed only upon irrigation requirements.

On a basis of supplying water to the two States by gravity, plus a pump lift of 50 feet, it was found that California had 944,300 acres and Arizona had 334,300 acres or of the total in both States, California has 73.8 per cent of the land and Arizona has 26.2 per cent of the land.

On a basis of supplying the lands in the two States by gravity, plus a pump lift up to and including 150 feet, it was found that California has 1,171,650 acres and Arizona has 463,000 acres, or of the total lands in the two States under a 150 foot pump lift, California has 71.7 per cent and Arizona has 28.3 per cent.

At Denver, California made the lowest offer she could make. Arizona made an offer of dividing the main stream equally between the two States and the upper basin governors, in effect, split the difference. There was no reason given for the figures used by the governors. If the water were divided on an economic basis, then California should have about three-fourths of the water of the main stream and Arizona about one-fourth. In other words, on an equitable basis of supplying the lands, California should have 71.7 per cent of water, but the proposal of the upper basin is to give California 58 per cent of the water.

There is another very interesting thing in that regard that must be taken into consideration, and that is the question in regard to tributaries. Far be it from me to advocate taking from them any water that Arizona might wish to use, but the tributaries of the Colorado River are in reality a part of the main stream, and in every computation that Arizona has made concerning her water demands from the Colorado River the tributaries she omits. When Arizona says, "Let us divide the water of the main stream that is remaining," when she has but a small acreage that really could be subjected to irrigation under that main stream, while half of the water would not be sufficient to irrigate the land actually under irrigation in California, it may sound like a fair proposition, because it would look as if Arizona might be accorded as much water under the circumstances as California.

Mr. HAYDEN. If I may interrupt the Senator, do I understand him to say that half of the water in the main stream would not be sufficient to irrigate the lands actually under irrigation in California?

Mr. JOHNSON. It would not be sufficient to supply the rights that now exist.

In the discussions relating to the use of water in California, in Denver, and, indeed, here and elsewhere, it is only the main stream, Senators will recall, that has been discussed. The tributaries of the Colorado River in Arizona have a flow of at least 3,500,000 acre-feet. Arizona has claimed in writing on some occasions that it amounts to as much as 6,000,000 acre-feet. So when it is proposed that California take 4,200,000 acre-feet and Arizona 3,000,000 acre-feet, plus one-half in each instance of the surplus water, it means in reality that California shall be accorded 4,200,000 acre-feet, plus one-half of the surplus water, and that at least 6,500,000 acre-feet, plus one-half of the surplus water, shall go to Arizona.

Mr. HAYDEN. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Does the Senator contend that the State of California now possesses the right to use any of the water of the tributaries of the Colorado in the State of Arizona?

Mr. JOHNSON. As to the Gila, which is one of the main tributaries, I think there may be a very grave question, but I am speaking now of the waters of the Colorado. You may make the argument, if you please, that the tributaries which are all in Arizona belong to Arizona, and that may be a legitimate argument, though not entirely sound, but when you begin to think of the waters of the Colorado and take into consideration all of the waters of the Colorado you must consider the tributaries as well as the main stream, and that is exactly what I am doing.

Arizona endeavors to make it appear that she has been abundantly fair in dividing the waters of the river, but considering the figures of the division in the manner that I have just indicated it is anything but fair, and when you consider as well the perfected rights and the actual lands irrigated in the State of California as compared with those in Arizona it is less than equitable in any aspect.

Now, as a matter of fact, the Imperial Valley's diversion is below the Gila, and the Imperial Valley's appropriation covers the Gila water very likely, and is very likely senior to Arizona uses. To divide the main stream, 4,600,000 acre-feet to California and 2,600,000 acre-feet to Arizona, still gives Arizona more than 60 per cent of the water from the Colorado River or nearly two-thirds thereof.

So much for that, sir. On the question of water I have before me the studies of the State engineer of the State of Nevada. I do not wish to indulge in the reading of the tables concerning the lands that are now under irrigation and those which are susceptible of irrigation, but I do wish to put them in the RECORD, because they demonstrate conclusively, I think, that the water for which Arizona now asks, if accorded her, can not be used by Arizona at all. These figures are made not by a Californian; they have come to me only incidentally; they are made by a disinterested individual, the State engineer of the State of Nevada, Mr. George W. Malone. I ask permission, without reading, to put in the RECORD three of the tables that are here before me in respect of water.

Mr. HAYDEN. Mr. President, has the Senator had an opportunity to examine the study of the same situation made by the State engineer of the State of Utah?

Mr. JOHNSON. I have not; I am not familiar with it.

Mr. ODDIE. Mr. President——

Mr. JOHNSON. Mr. President, have I been given permission to put the tables to which I have referred in the RECORD?

The PRESIDING OFFICER. Without objection, permission is granted.

The tables referred to are as follows:

TABLE 10.—*Most feasible projects in California and Arizona*

[Net for United States irrigation use required for projects under way and projects not under way but of most feasible character]

Project	Arizona	Area		Water	
		California	Arizona	California	Total
Bullshead	500		1,500		1,500
Hardyville	2,300		6,900		6,900
Mohave Valley	24,000		72,000		72,000
Parker Valley [1]	110,000		330,000		330,000
Palo Verde		79,000		237,000	237,000
Yuma	93,000	15,000	396,000	63,750	459,750
Imperial Valley [2]		685,000		3,014,000	3,014,000
Coachella Valley [3]		72,000		306,000	306,000
Total	229,800	851,000	806,400	3,620,750	4,427,150

[1] Indian project.
[2] All-American, with Coachella Valley pumping area and West Side Mesa omitted.
[3] Coachella Valley, 72,000 acres, includes only gravity loads according to later surveys information furnished by Imperial Irrigation District.

NOTE.—Nevada's gravity lands, 11,000 acres—46,750 acre-feet.

TABLE 15.—*Colorado River projects below Boulder Canyon Reservoir*

Project and tract	Average pumping lift	Irrigation area	Acre-feet acreage	Total acre-feet	Arizona		California	
					Irrigation area	Consumptive use	Irrigation area	Consumptive use
	Feet							
Bullshead to Mohave Valley	80	9,000	3	27,000	9,000	27,000		
Mohave Valley	None.	25,000	3	75,000	24,000	72,000	1,000	3,000
Parker Reservation	None.	104,000	3	312,000	104,000	312,000		
Parker-Gila Valley project:								
Parker Valley	None.	12,000	3	36,000	12,000	36,000		
Blythe area	None.	50,000	3	150,000			50,000	150,000
Palo Verde Mesa	None.	12,000	3	36,000			12,000	36,000
Do	90	43,000	3	129,000			43,000	129,000
Chucawalla Valley	90	136,000	4.35	592,000			136,000	592,000
Gila Valley	235	632,000	3	1,896,000	632,000	1,896,000		
Palo Verde Valley	None.	79,000	3	237,000			79,000	237,000
Cibola Valley	None.	16,000	3	48,000	16,000	48,000		
Miscellaneous tracts	25	3,000	3	9,000	2,000	6,000	1,000	3,000
Yuma project (Valley)	None.	64,000	3	192,000	48,000	144,000	16,000	48,000
Yuma project (Mesa)	72	44,000	3	132,000	44,000	132,000		
Imperial irrigation district [1]	None.	515,000	4.35	2,240,000			515,000	2,240,000
All-American canal	None.	211,000	4.35	918,000			211,000	918,000
Do	80	59,000	4.35	257,000			59,000	257,000
City of Los Angeles				1,000,000				1,000,000
Total		2,014,000		8,286,000	891,000	2,673,000	1,123,000	5,613,000

[1] According to later surveys, by Imperial Valley, additional California lands: West side, 10,000 acres; West Mesa, 23,000 acres.

NOTE.—Nevada lands available for irrigation:

	Acres	Acre-feet
Gravity	11,000	46,750
Pump	69,000	293,250
Total	80,000	340,000

TABLE 16.—*Most feasible acreage*

State	Acres	Acre-feet
California	851,000	[illegible], 620, 750
Arizona	229,800	806,400
Nevada	15,000	63,730
Total	1,095,800	4,490,880

TABLE 17.—*Total irrigable acreage*

State	Acres	Acre-feet
California	1,123,000	[1] 5,613,000
Arizona	891,000	2,673,000
Nevada	80,000	340,000
Total	2,094,000	8,626,000

Includes 1,000,000 acre-feet domestic water.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to the Senator from Nevada.

Mr. ODDIE. I should like to call the attention of the Senator from California to the fact that on May 29 of last year I put some very valuable data prepared by Mr. George W. Malone in the RECORD. I will add that he is chairman of the Association of State Engineers in the Western States and is a particularly able man. Before this discussion shall have ended I expect to put some more data of his in the RECORD which have recently been gotten together and which I consider will be particularly helpful in the consideration of the pending legislation.

Mr. BRATTON. Mr. President, will the Senator from California yield to me for a question?

Mr. JOHNSON. Certainly.

Mr. BRATTON. Does the engineer of the State of Nevada give the acreage under actual irrigation in the upper basin States and the acreage susceptible of irrigation in those States?

Mr. JOHNSON. No; the comparison is between Arizona and California.

Mr. BRATTON. Entirely?

Mr. JOHNSON. Yes; the upper basin States are not touched at all.

Mr. President, there is only one other thing to which I wish to devote a moment or two. Yesterday some question was raised concerning the amendment which was inserted in the Senate bill by which an option was given to the Government of the United States, in case the Government deemed it essential, to erect a generating plant at Boulder Dam. I stated the genesis of that amendment then, and I stated it accurately. I have somewhere before me here—and I shall obtain it in order that it may be read—various communications in regard to that amendment which passed between the Committee on Irrigation and Reclamation and the Secretary of the Interior.

It was the Secretary of the Interior, I insist again—and I can not iterate and reiterate it too often—under the present administration that inserted in this bill the provision regarding the right of the United States Government to build a generating plant at Boulder Dam. When, sir, a certain part of the press of this land assailed this bill, when certain aggregations of wealth in the city of Washington are attacking it in every conceivable fashion, and when there are others who, representing interests outside of this Chamber, endeavor to put upon those who sponsor this bill what they deem the stigma of Government ownership, I beg you, sir, and I beg the Members of this body to remember that the man who put in this bill the amendment by which the Government was accorded the right to build a generating plant at Boulder Dam was the Secretary of the Interior under the President of the United States, and that this bill with this amendment represents the attitude of the present administration of the Government of the United States in that regard.

To me, sir, it is a compliment rather than the reverse for some one to assail me for a desire to give unto people who require it one of the necessities of life, or even one of the comforts of life, by virtue of governmental activity. But in this instance, sir, even though I gladly plead guilty to the fault, the fault is not mine. The fault, sir, is that of the present Republican administration of the United States of America; and it is upon this bill, sir—this bill, with this option to the Government of the United States to erect this generating plant—it is this bill, sir, which is approved by the present President of the United States and the gentleman who has been elected by the people of this country to be the next President of the United States.

So, sir, when I am assailed, or those who stand with me are assailed, because it is insisted that we enter a realm that is forbidden by a great power trust, let me recall to you, sir, that we do not enter this realm ourselves of our own volition. We but follow Mr. Calvin Coolidge, the President of the United States, and Mr. Herbert Hoover, who has just been elected President of the United States; and when any gentlemen in this Chamber, as some of them do—absent now, perhaps—assail the activities in this respect that are ours, they are assailing not the authors of this bill nor its sponsors, not the gentlemen who are a part of it over on the other side of this Chamber; they are assailing the present administration of the Government of this country, and the administration that will assume its government on the 4th day of March next. Keep that in mind,

please; keep it in mind in the days to come, because the Government itself insisted that we insert this optional clause in this bill, and at the Government's instance it was so done.

Secretary Work, in writing to the Senator from Oregon [Mr. McNARY], the chairman of this committee, so distinctly demanded, and in writing to the chairman of the committee in the House likewise so demanded; and the bill which before that time, sir, had no such optional clause was amended to meet the requirements of the present administration concerning that very matter.

Now, of course, yesterday and day before, with an innocent expression that did him infinite credit, and that made us all wish to put around him the protecting arm of this great body, our friend from Arizona said that he was seeking, by prohibiting the Government of the United States from ever erecting a generating plant, to carry into effect the wishes of the President of the United States in his last message. What a charming thing for the Senator from Arizona to do. He stands here, sir, like a lion in the path, standing here in behalf of the present President of the United States and the President that is yet to be, and asking that the bill be amended only so that he might conform to the wishes of the President of the United States; and then subsequently, the innocent expression vanishing for the moment from his very comely countenance, in a very few moments our friend naively said, "Well, I wish to have private enterprise erect these plants, in order that Arizona may get some taxes out of the plants that are thus erected by private enterprise."

So take which you wish of the sides he presents. He is acting for the President of the United States in endeavoring to preserve intact and unsullied the favorite policy that now obtains with some gentlemen or he is acting for the purpose of obtaining a little more revenue for the State of Arizona by private power interests erecting, in opposition to the wishes of this administration, private power-generating plants at Boulder Dam.

Mr. President, I ask leave to insert in the RECORD, so that they may be with my remarks, the letters of the Secretary of the Interior relating to the particular subject matter to which I have adverted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON subsequently said: Mr. President, I have found some of the letters of Secretary Work, and I should like to read into the RECORD a paragraph from one of them. This is a letter of January 12, 1926:

> The building of a unified power plant by the Federal Government in the place of allocating power privileges, as proposed in the bill, is regarded as more efficient and cheaper. It will obviate controversies between applicants and long delays in their adjustment. In the end the results will, I believe, be superior to those possible under an allocation of privileges. The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided, and which a unified development will avert.

Mr. HAYDEN. Mr. President, in connection with the assertion that an appropriation of water for domestic purposes has been perfected by the city of Los Angeles, I desire to read extracts from certain documents that have been printed in support of the Swing-Johnson bill.

Many Senators have all observed in one of the entrances to the Senate Office Building a contour relief map which represents the situation in the vicinity of Boulder Dam, and thence on down the Colorado River. I saw that map for the first time last summer at an exposition in Long Beach, Calif. At that time there was handed to me, by a gentleman who was explaining the nature of the map, a pamphlet entitled "Boulder Dam Legislation," and in it I find these words:

> DOMESTIC WATER SUPPLY
>
> The water supply of Los Angeles and more than 30 other cities, with populations from 1,000 to over 1,300,000, is limited, and their future growth and development demands a new source of supply. No other than the Colorado exists! These cities are overdrawing the underground natural reservoirs of the region and immediate start of construction is necessary. If the water that is now wasted into the ocean is not held back by Boulder Dam—

I repeat those words:

> If the water that is now wasted into the ocean is not held back by Boulder Dam for domestic uses of our cities, they must stop growing and get along on an insufficient water supply.

Thus, the literature issued by the proponents of this legislation proves upon its face that the so-called appropriation of water for domestic use to which the senior Senator from California has referred is utterly vain and useless unless the Boulder Dam is built.

The Boulder Dam is to be constructed by appropriations out of the Treasury of the United States. It will be the property of all of the people of the United States. It is not to be built primarily to care for the citizens of southern California who may need a domestic water supply. For that reason, it appeals to us in Arizona that our State has just as much interest in that dam as the State of California. Arizona stands in the Union upon an equality with that State. We suffer no disability as a State in the Union as compared with the State of California. Under such circumstances, it seems to me that it is a very far-fetched statement to say that citizens of Los Angeles, represented by their authorities who have made a water filing on the Colorado River, have a vested right to the water of that stream which their own publications admit they could never obtain unless this great dam were built.

The document continues:

> Southern California cities are willing to pay for the cost of an aqueduct from the Colorado River, and have already voted $2,000,000 of bonds for that purpose for preliminary surveys and investigations. One million dollars has already been spent and the project has been found feasible and financially sound, and as soon as Congress authorizes the construction of Boulder Dam, to provide the water, and the power to pump it, $150,000,000 more will be spent on the aqueduct by the cities.

As soon as Congress authorizes the construction of Boulder Dam, to provide the water, and the power to pump it!

It seems to me that in no court could it be held that the kind of an alleged appropriation of water which the senior Senator from California has referred to—an appropriation of 1,095,000 acre-feet of water out of the Colorado River—would be considered a valid appropriation if it were dependent entirely upon the action of the Congress of the United States in building the dam to provide the water. The statement that I have read to you admits that the water does not now exist in the Colorado River to supply that appropriation.

I have here a more recent piece of propaganda issued by the proponents of this bill. Every Member of the Senate within the last few days has received a copy of this new argument in favor of the passage of the Swing-Johnson bill. From this document, entitled "The River of Destiny: The Story of the Colorado River," issued by the department of water and power of the city of Los Angeles, the author being Don J. Kinsey, I read:

> So rapid, in fact, has been the development of these great centers of population that we now find many of southern California's cities outgrowing their local water supplies. If they are to continue their expansion in the future, they must secure at once additional water to support the endless stream of home seekers moving westward.
>
> * * * * * * *
>
> As planned by Mulholland, the Colorado River Aqueduct will be by far the largest domestic water-supply system in the world. It will be 260 miles long and will be capable of delivering 1,000,000,000 gallons of water a day to the cities of southern California—enough to meet the domestic and industrial needs of 7,500,000 people.
>
> Construction of the Colorado River Aqueduct is to be financed directly by the cities benefited. It is not included in the river development work provided for in the Boulder Canyon project. Nevertheless, the building of Boulder Dam is a vital necessity so far as the aqueduct is concerned.

If I understood the senior Senator from California, he claims, as the reason why the State of California should have allotted to it 4,600,000 acre-feet of water in any division of water between the States of the lower basin, that there is now in existence a perfected, valid water right for 1,095,000 acre-feet of water, to be used for domestic purposes in the city of Los Angeles. Yet here again, in a pamphlet issued by the department of water and power of that city, it is freely confessed that the water could never be obtained from the Colorado River unless the Federal Government shall make the expenditures for the building of the Boulder Canyon Dam that are provided for in this bill. I again say that this is proof which clearly demonstrates that the city does not possess a perfected water right which could be sustained in any court as valid. And the evidence to sustain what I have said comes from the Los Angeles department of water and power, which probably made the very filing upon which the Senator from California relies.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. HAYDEN. I yield to the Senator.

Mr. SHORTRIDGE. Is it the Senator's contention as a matter of law that the water rights of California are perfected or not? Is it his contention that they are not perfected rights?

Mr. HAYDEN. I do not contend that there are no such rights in California. There are perfected water rights in California, but this is not one of them.

Mr. SHORTRIDGE. If they be perfected—and I have reference, of course, to the rights involved in this discussion—is it contended that the Congress can divest the State or its people of those rights?

Mr. HAYDEN. I insist that the Congress of the United States, in building the proposed Boulder Dam, should do so with a thorough understanding that the Secretary of the Interior will impound water that is now unappropriated and goes waste to the sea, and that therefore the Federal Government will have complete jurisdiction over the stored water. The Secretary of the Interior will be under no obligation to anyone, so far as that water is concerned, to deliver it to one person as against another, upon the basis of some alleged filing made years ago.

I shall place in the RECORD more than one statement from California sources to fully demonstrate that this alleged appropriation of water for domestic use does not consist of a perfected right. I read now from a pamphlet issued by the proponents of the Swing-Johnson bill during the last session of Congress, entitled "Boulder Canyon Project: Excerpts from Hearings Before the Committees on Irrigation and Reclamation of the Senate and House of Representatives." Here is a quotation from the testimony of Mr. Mulholland, the chief engineer of the city of Los Angeles. The heading is Any Plan for the Development of the River Must Include the Desilting of the Water. Mr. Mulholland's statement is as follows:

> One of the points in favor of the Boulder Canyon and in favor of our enterprise is this: That river has got to be desilted. The silt is the main cause of the trouble in the shifting qualities of this river. The water itself is a very important thing, * * * but the silt causes the trouble.
>
> A dam at Boulder Canyon would bring it down below the last muddy tributary that has any permanence. The Virgin River is the last one. As you go below that you get nothing but summer flashes of cloudbursts and torrents that are very fleeting things. They carry nothing into the river but very coarse material—gravel and bowlders and things of that kind—and would have no effect for any length of time.

This is from the testimony of Mr. Davis, at one time chief engineer of the United States Reclamation Service:

> One of the important functions to be fulfilled by a reservoir is the desilting of the river to relieve the heavy expense of cleaning irrigation canals, and especially to fit the water for domestic use, for which it will soon be required by the cities of southern California.

I read that testimony, Mr. President, to point out that if the Boulder Canyon Dam were not built, and if the filing made by the city of Los Angeles were a perfected water right, the water would have to be obtained from the Colorado River at a time when that stream is in flood, and carries tremendous quantities of silt. The effect would be that instead of pumping out clear water from the Colorado River to deliver to the municipalities in California, large quantities of silt would be pumped into the conduits. To avoid that it would cost a very large sum of money to desilt the water and make it available for use by the people within those cities.

Therefore, the Federal Government will perform two services to the cities of southern California which are essential to the success of their enterprise in conveying water from the Colorado River over the mountains to those cities. First, impound the water and make it available. Second, the impounded water will be cleared of its burden of silt as it leaves the reservoir. So that the domestic water-supply scheme, for which this filing was made, will not be a success unless the Boulder Dam is built.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Assuming all that to be true, is that any reason why this bill should not pass?

Mr. HAYDEN. It is a reason why the State of California should not make an exaggerated claim to perfected water rights as a basis for demanding a larger share of the water allocated by the Colorado River compact to the lower basin.

Mr. SHORTRIDGE. May I suggest to the learned Senator that if his argument be true that certain of these claims to perfected water rights are not valid, would not the misfortune fall upon California? And if that be so, why should it disturb the Senator or the Congress?

Mr. HAYDEN. It would not disturb the Senator from Arizona, and it would not disturb the Congress, but for the fact that there is pending as an amendment to this bill a provision which in fact allows the State of California to obtain 4,600,000 acre-feet of water out of the Colorado River, out of the main stream. The people of Arizona feel, and justly so, that that is a larger quantity of water than the State of California is entitled to receive.

If the Senate were merely considering a division of water of the Colorado River, based upon the needs of the lands that were to be irrigated in Arizona and California, there would be but little difficulty, but, superimposed upon the irrigation needs of California is a new demand, to wit, for 1,095,000 acre-feet of water for domestic purposes. In order to meet that demand it is essential that some land which would otherwise be farmed and made fruitful, which would be reclaimed by irrigation to become the homes of happy and contented people, either in Arizona or in California, for the land exists in both States, must be condemned forever to remain a desert, in order that the city of Los Angeles and the other municipalities of southern California may have water for domestic purposes.

We in Arizona say we have no objection whatever to granting all the water that the city of Los Angeles and the other municipalities in California need so long as it comes out of the quantity of water apportioned to the State of California. If it is necessary to deprive lands of water that would otherwise be irrigated in order to supply water for domestic needs, that land should be located in the State of California and not in the State of Arizona.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator another question?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. It is not my custom frequently to interrupt Senators when they are making forceful addresses, but does the Senator have a fear that Arizona will be deprived of any necessary water for irrigation or for domestic purposes, in view of the topographical, physical situation of things? Does the Senator have a present fear that his great State will ever suffer because of the assertion of rights on the part of California to certain waters from that great stream?

Mr. HAYDEN. I do possess that fear, and that is exactly why I am objecting to the passage of this bill in the form in which it is reported to the Senate. What the bill does is to give to the State of California, by allocating to that State 4,600,000 acre-feet of water, a quantity of water sufficient to irrigate all of the lands susceptible of irrigation in that State from the Colorado River and on top of that supply more than a million acre-feet of water for domestic use. To do that it will be necessary that lands in Arizona which otherwise would be irrigated shall remain a desert.

Mr. SHORTRIDGE. I assumed the Senator took that position; but where are these lands in his great State that are susceptible of profitable reclamation? Where are they?

Mr. HAYDEN. They are located adjacent to the Colorado River.

Mr. SHORTRIDGE. Where, if the Senator will be good enough to be a little more specific?

Mr. HAYDEN. Principally in Yuma County, Ariz. The proposed diversion from the Colorado River below Boulder Canyon, as far as Arizona is concerned, would be at or in the vicinity of Parker, on the Colorado River Indian Reservation. Within that reservation itself there are more than 100,000 acres of land capable of irrigation with comparatively slight expense.

Mr. SHORTRIDGE. Around about Parker?

Mr. HAYDEN. That would be the commencement of a large irrigation project in Arizona.

Mr. SHORTRIDGE. Pardon me, and I will not interrupt much more. Do I understand the Senator to claim that it would be feasible and economic, from an engineering and practical business standpoint, to divert water from the Colorado River for irrigation of lands around about Parker, Ariz.?

Mr. HAYDEN. I so assert, and base that statement upon a very careful engineering investigation that was made by a bureau of the Department of the Interior, which I have had an opportunity to examine; and I believe it represents a feasible scheme of reclamation.

Mr. SHORTRIDGE. And there are other lands in the State——

Mr. HAYDEN. Vast areas of excellent land crossed by a transcontinental railroad—the Southern Pacific—lands not alkaline in character, lands well drained, lands with a wonderful winter climate, lands that will produce lettuce and winter vegetables, lands that will produce citrus fruits, lands

that will produce every crop that can be produced in the Imperial Valley.

Mr. SHORTRIDGE. In order to bring about that situation in that section of the State just mentioned, has not Arizona contended that the dam would have to be erected above the Grand Canyon?

Mr. HAYDEN. That is not at all necessary.

Mr. SHORTRIDGE. I have heard such a contention made here repeatedly.

Mr. HAYDEN. There have been various suggestions of that kind, but I am speaking solely of lands feasible of irrigation within the State of Arizona below the Boulder Canyon Dam, lands that would be irrigated with water impounded in the Boulder Canyon Reservoir. I say that if all of the demands of the State of California are granted with respect to the quantity of water which that State shall receive from the Colorado River, the inevitable result will be that lands below the Boulder Canyon Dam, lands susceptible of irrigation from that reservoir within the State of Arizona, will be prevented from becoming reclaimed.

Mr. SHORTRIDGE. Finally, referring to a point which was brought up, if these "perfected water rights," asserted by California, are invalid, as the Senator from Arizona contends, can not the fact of their invalidity be hereafter determined, and hence the danger which the Senator thinks overhangs his State be removed?

Mr. HAYDEN. The danger that overhangs my State is not that these alleged water rights will ever be validated by any court. It is that they are now being used as an argument for granting, under the terms of the bill, a larger quantity of water to the State of California than that State is entitled to receive.

If I may be permitted, I want to follow up the evidence from California sources, which I am placing in the RECORD to show that the claim that the city of Los Angeles has a perfected right to water is not well founded. I read now from another pamphlet issued by the proponents of this legislation, entitled "The Federal Government's Colorado River Project," issued by the Boulder Dam Association of Los Angeles, Calif. On page 19 we find, under the heading Domestic Water Supply, the following:

> Cities in Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, in southern California, owing to a very large and rapid increase in population, are feeling the necessity of seeking additional water supplies for the domestic needs of their inhabitants. Investigations have shown that about 1,500 second-feet or about 1,000,000 acre-feet per annum of water will be required for these communities and that the only possible source is the Colorado River. Among these cities is Los Angeles, having a population of more than 1,000,000. The people of that city have already authorized a bond issue of $2,000,000 for preliminary investigation and construction.
>
> In order to carry through this great water project, it is proposed to incorporate the interested cities and communities into a municipal district and to build an aqueduct 260 miles in length, tapping the river at some convenient point below Black Canyon.
>
> The Boulder Canyon development, because of its large storage, opens the way for these cities to secure, at their own expense, of course, a supply of domestic water from the conserved flood waters of the river.

Is it not perfectly obvious from what I have just read that there never was any intention and there never could be any intention that the filing made by the city of Los Angeles for the right to divert 1,095,000 acre-feet of water from the Colorado River would ever be satisfied from the normal flow of that stream? It would be a useless expenditure of money for the city of Los Angeles to build an aqueduct to the Colorado River without the construction of Boulder Canyon Dam. During the major portion of the year the water would not be there to fill the aqueduct. During times of flood, as I have said, there would be water present, but it would carry such a large burden of silt that it would be a wholly impractical matter to attempt to transport it through the aqueduct to the city of Los Angeles. It would make necessary a vast expenditure for desilting work, and as soon as the flood subsided there would be no water available for the city of Los Angeles in the Colorado River, because prior appropriators in Imperial Valley and elsewhere would demand it for the needs of their crops.

It seems, Mr. President, unnecessary for me to offer much more evidence in this regard, but there is one more statement from a California source that I think I ought to put in the RECORD. That statement is from the Boulder Dam prosperity edition of the Evening Los Angeles Herald. I read from the issue of that paper of March 31, 1928, as follows:

> A high dam in Boulder Canyon will provide a domestic water supply for Los Angeles and a number of smaller southern California cities, which have united in forming a water district to erect an immense aqueduct from a point near Blythe to Los Angeles. This water will be seriously needed before the great enterprise can be completed.

That statement is predicated upon the fact that the city of Los Angeles can not obtain a domestic water supply unless a high dam is built at Boulder Canyon. If that is the truth, then this alleged filing, this claim to a perfected water right for 1,095,000 acre-feet of water, is utterly worthless and of no more value than any other kind of a paper filing made by anyone who might be seeking to promote some wildcat scheme of irrigation or reclamation elsewhere in the West.

Mr. PHIPPS. Mr. President, I do not intend to discuss the measure at length to-day, but I am now in receipt of a communication from the mayor of the city of Denver, in which he transmits a memorandum on the subject of the high dam on the lower Colorado River prepared by the special counsel for the city of Denver. I do not consider it necessary to read these communications at length, but do regard them of importance and therefore request that they be printed in the RECORD, including the letter from Mayor Stapleton and a copy of my acknowledgment, and the counsel's report.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The documents referred to are as follows:

CITY AND COUNTY OF DENVER,
December, 1928.

Hon. LAWRENCE C. PHIPPS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As mayor of the city of Denver, I ask a moment of your time respecting the Boulder or Black Canyon bill of Senator JOHNSON, being S. 728.

I want to let you know that while, of course, the primary purpose of the proposed high dam is flood and silt control for the benefit of the Imperial Valley and neighboring areas in California, and to some extent for certain of the lowlands of Arizona lying along the river, yet the bill, in solving the flood problem, would serve as a most important step in the solution of the Colorado River controversy. This controversy has been raging for years among the seven Colorado River States. Indeed, unless this bill or an equivalent bill providing for a high dam somewhere on the lower Colorado should be passed there would be no way under the peculiar interstate water law of our part of the country by which with legal certainty the upper States of the Colorado River Basin—Colorado, New Mexico, Wyoming, and Utah—with whose interests the city of Denver is identified, could secure a segregation of part of the water of the river for their future growth and expansion.

There is a rather common impression that the proposed project is of no advantage except to the flood areas above referred to, whereas the bill is needed almost as much, although for reasons different from those of flood control, by the upper States and their cities as well. I am aware that this bill does not follow in all respects the corresponding bill that has passed the House, but undoubtedly the differences would be adjusted in conference committee.

I inclose copy of memorandum filed by the city of Denver with the Colorado River Board showing, as its title indicates, "Why a high dam at some point on the lower Colorado is needed by the upper basin and by the city of Denver."

With thanks for your brief consideration, I am,

Sincerely yours,

BENJ. F. STAPLETON.

DECEMBER 7, 1928.

Hon. BENJAMIN F. STAPLETON,
Mayor, Denver, Colo.

MY DEAR MAYOR STAPLETON: Acknowledgment is made of your recent letter, without date, urging the enactment of S. 728, the bill for the construction of the Boulder Canyon project.

As a member and later chairman of the Senate Committee on Irrigation, I have studied this matter for many years and agree with you that satisfactory legislation for the construction of this dam, which would also bring about the ratification of the Colorado River compact, would be of substantial aid toward securing water from the stream for Colorado and other upper-basin States. From the start I have been most anxious adequately to safeguard Colorado's future, as well as present water rights, and have studied the problems involved always with that thought in mind.

I shall take pleasure in calling your indorsement of the proposed legislation to the attention of my colleagues in the Senate, and sincerely trust that a satisfactory bill for this purpose will be enacted during the present session of Congress.

Cordially yours,

LAWRENCE C. PHIPPS.

DENVER, COLO., *November 17, 1928.*

COLORADO RIVER ENGINEERING COMMISSION
(Maj. Gen. William L. Sibert, Chairman).

GENTLEMEN:

MEMORANDUM ON WHY A HIGH DAM AT SOME POINT ON THE LOWER COLORADO IS NEEDED BY THE UPPER BASIN AND BY THE CITY OF DENVER

(By L. Ward Bannister, special counsel for city of Denver)

* * * * * * *

DENVER'S INTEREST

Colorado's principal source of water supply to serve her future expansion is the Colorado River. Denver does not want to be left to the fate of being the capital city of a State forever limited in its economic development by shortage in water supply. Furthermore, Denver itself has initiated rights for transmountain diversion from the headwaters of the Colorado along several different routes for use of the waters within the city. Denver's interests in the Colorado River are identical with those of the upper States generally.

THE DANGER

The danger to which the upper States, including the city of Denver, are exposed arises from the nature of the law governing interstate streams and from the nature of the present and prospective uses of the water of the river. This combination of law and fact puts in jeopardy the chance of the upper States to increase their present uses of water unless a high dam should be built at some point on the lower Colorado.

THE LAW

The case of Wyoming *v.* Colorado (259 U. S. 419), which is the latest of the decisions of the United States Supreme Court, lays down the rule, with certain modifications which for purposes of a margin of legal safety need not be noticed here, that waters are to be divided between States which maintain the appropriation system of water law, as distinguished from the riparian system, according to seniority of use regardless of State lines. Under this rule the earliest users in the order of their seniority and no matter where situated have the first right to the waters to the extent of the necessities of their respective uses as originally established and the later users get what is left. Whether the latest users get anything at all depends upon whether anything is left after the water is supplied first to the satisfaction of the uses which are older than theirs. Since this rule works regardless of State lines, it would follow that if only the water uses in one State were early enough and the water scarce enough, the other State would go without water in the absence of special remedies to obviate such an unfortunate result. A high dam and the Colorado River compact ratified would constitute such remedies.

THE FACTS

Roughly speaking about one-third of the waters of the Colorado system have been put to use and the four upper States are using about the same quantity that the three lower States are using. The remaining two-thirds have not been put to use. During the period of low water each year the volume of the water in the river is no more than sufficient to take care of the present uses in the different States, and there have been several years lately when it was insufficient; in other words, when the natural low flow was overappropriated.

In the upper States there are no new water projects of great draft upon the river in sight for the near future. There are none of such significance for agricultural purposes among the lower States, except with proposed Government aid. There are power projects, however, proposed for the lower States and to be licensed by the Federal Power Commission sufficient in size to use all of the now unused waters of the Colorado River. Applications for these projects are pending already. If these projects should be licensed by the Federal Power Commission and built, they would be entitled, if the rule of priority, regardless of State lines, is to be applied, as contended by the lower States, to have all of the now unused waters of the river go down forever to the lower States to satisfy the requirements of those projects; in which event the upper States could not hold such waters back for use within their own limits, and in consequence the economic development of those States as far as depending upon the Colorado River would be at an end, unless special remedies are to be adopted to circumvent such a disaster. A high dam would be such a remedy.

According to a memorandum issued to me, under date of December 9, 1927, by Engineer E. B. Bebler, of the Reclamation Service, it appears that the low flow of the river is exhausted to a degree more serious to the upper States, if this memorandum is correct, than generally supposed. The head gate of the Imperial Valley ditch is below Yuma, and the capacity of that ditch is said by Mr. Debler to be 6,500 second-feet, with a water claim therefor of 10,000 second-feet. Yet it also appears that for 32 days in 1915 the flow dropped as low as 2,700 second-feet, and that the average flow for the same period was 4,400 second-feet; that for 24 days in 1919 the flow dropped to as low as 2,300 second-feet, with the average flow for the same period at 4,000 second-feet; that for 73 days, in the summer of 1924, the flow dropped as low as 1,200 second-feet, with the average flow for the same period at 3,300 second-feet; that for 35 days, in the summer of 1926, the flow dropped as low as 2,440, with an average flow for the same period of 4,600 second-feet. When I say that during any of these periods mentioned the flow dropped to a certain minimum I do not mean that this was true for the entire period, but only at some period of time within the period. The average flow for each period as a whole I have given.

The California priorities, including those for the Imperial Valley ditch, are, Mr. Debler informs me, old ones, dating for the most part back to 1900. He tells me that the same thing is true of many of the Arizona priorities. It is said that most of the priorities in the upper basin in point of aggregate of water are more recent. Assuming this situation to be true, it follows that if priorities regardless of State lines were to be strictly applied, the upper States, in default of some special remedy, such as interstate compact and the building of a high dam under act of Congress, would be obliged to allow some of the waters represented even by their existing priorities to go down to satisfy earlier priorities of California and Arizona. Of course, if some of the existing priorities in the upper States would be obliged to surrender water to earlier priorities in California and Arizona, it would be all the more true that such a surrender could be imposed upon priorities in the upper States not yet created but which are sure to come into existence as the upper States continue their development.

As far as present consumptive uses of the waters are concerned, California is more of a rival of the upper States than is Arizona. Under date of December 16, 1927, the same engineer, Mr. E. B. Debler, informs me by a letter that nearly all of the California and Arizona rights out of the main river, so far as volume of water claims is concerned, are older than 1900, and that of the water thus claimed, Arizona has 823,500 acre-feet per annum and California 4,917,000 acre-feet; and that in terms of peak flow per second of time Arizona's claims aggregate 3,633 cubic feet and California's 11,567 cubic feet. Clearly California's claim in terms of acre-feet being over five times that of Arizona, and in terms of second-feet being over three times that of Arizona, it follows that California is many times more dangerous, so far as existing rights in the main stream are concerned, than is Arizona and must be dealt with by upper States.

REMEDIES, INCLUDING THE HIGH DAM

Immense projects are in the offing for the lower States to be built under licenses to be sought from the Federal Power Commission, and with no projects of corresponding magnitude in sight for the upper States in the immediate future, and with the low flow of the river already overappropriated, and with some of the existing water rights of the upper States already in jeopardy because of the contentions which earlier appropriators in the lower States are making for a preference, it follows that the upper States must seek, if they would protect themselves, some remedy which, while affording a fair amount of the water to both groups of States, will not sacrifice the economic future of either group as it might be sacrificed under the rule of priority regardless of State lines without intervention of any kind.

The best remedies are those of interstate agreement, such as the Colorado River compact, and a high dam built under authority of the Congress at some point in the lower States, and with the validity of the compact reinforced as far as the Congress may have power to reinforce it by appropriate provision to that end inserted in the bill authorizing the dam.

The upper States can not get California to ratify the Colorado River compact unless a high dam be provided. Furthermore, if a high dam were built, the existing early irrigation rights in California and Arizona could be satisfied out of the flood flow of the river, leaving the low flow to be retained for use in the upper States.

California argues that while she would be glad to enter into a compact with the upper States for a division of water between the two groups of States, yet she can't do it with safety without a high dam, for the simple reason that the bulk of her existing priorities are earlier than the bulk of the priorities in the upper States, and therefore preferred, and that she would be sacrificing them by entering into an agreement to divide the waters unless a high dam were provided in order to supply them. The interest, therefore, of the upper States themselves requires that a high dam be built in order that they may obtain California's signature to the interstate agreement, and that the normal flow of the river may be retained more largely in the upper States and the flood flow used more largely in the lower States.

It does not matter to the city of Denver where the high dam is built, whether at Boulder Canyon or Black Canyon or elsewhere, as long as one is built. It does not matter whether the power at the dam is generated by the Government or by private enterprise. It does not matter whether royalties be paid to the States in which the dam is situated or not, although justice to these States would require some provision for income. From the standpoint of the city of Denver all of these questions, while important, are minor compared with the greater question of bringing about a division of the waters between the two groups of States through the building of a high dam and ratification of the Colorado River compact.

There have been proposals of a low dam instead of a high dam. A low dam would afford flood control, it is true, but it would not solve the Colorado River controversy, because it would not provide for the satisfaction of existing water priorities in the lower States the quantity necessary to induce California to enter into an interstate agreement. Indeed, the upper States would be compelled in their own interest to fight any congressional proposal for a low dam, because as the waters would be released they would be put to additional use in the lower States and additional rights would be claimed in the lower States by reason of this additional use, and the upper States would find themselves without any interstate agreement by which the additional use could be compensated by an increased use to the upper States.

The city of Denver is prepared to accept a project for a high dam, even though the Colorado River compact should not be ratified by more than six States, but hopes that interstate differences may be adjusted, so that all seven States may be included, thus satisfying all States and increasing the certainty of the legality of the division of water between the two groups of States.

I do not know with accuracy just what questions your commission will consider in reaching conclusions. But in behalf of the city I want to get before you the attitude of the city, as maintained by its mayor, the Hon. B. F. Stapleton, toward the proposed Boulder Canyon project, knowing that you will consider any points material to your labors and recognizing fully that all others will be disregarded.

Respectfully,

L. WARD BANNISTER,
Special Counsel for the City of Denver.

Mr. PHIPPS. Mr. President, I do not know of any Senator who has not been convinced of the necessity for the construction of a dam on the lower Colorado River, particularly for the purposes of flood control. The differences that have arisen center about the advisability of making it a high dam, and the arguments pro and con have been under consideration by your Committee on Irrigation and Reclamation for a term of years, including in its studies personal visits to the neighborhood and the site of the proposed dam, and the taking of testimony which now comprises almost a library in itself.

Personally I have found it one of the most interesting, but at the same time the most intricate and difficult, questions that I have been called upon to consider since becoming a Member of the Senate. There are so many ramifications, there are so many different points of view; and even with a bill that is presumably perfected, when we come to reread it we discover some point that has not been properly adjusted and an amendment is proposed to correct that situation, and we find again that that involves additional changes in some other feature of the bill.

I have gone on record heretofore as not only favoring a dam for flood control, but also a dam as high as could be constructed with safety in order that hydroelectric power might be produced there with a view to deriving a revenue that would, at least in part, pay for the cost of the structure and which would at the same time provide waters for irrigation and also for domestic use, need for which in the last two or three years has become more than ever apparent in the cities of the coastal plains.

Mr. President, I am not quite in accord with the view of the author of the bill in that he believes a certain power trust has been fighting the measure and that the power companies are opposed to it. His evidence may be satisfactory to him, but personally I will say frankly that nothing of that nature has ever come to me. I do know a little something about the business of the power companies serving that territory. I know that they are under the control of a properly constituted State utilities commission, whether known by the name of utilities commission or railroad commission. All power companies have their rates not only regulated, but fixed, at hearings by those commissions. On complaint by consumers of power, hearings will be ordered and rates will be considered and rulings made by the commission which the power company must observe. Over and above that, their properties are valued according to the investment, and on the showing of the value invested alone the companies are limited in their earnings to a fixed rate per annum which I believe in no case exceeds 8 per cent per annum. Considering the risks incident to the business, I do not think anyone would regard that an exorbitant ratio of earning when it is known that the same companies, in order to finance themselves, find it necessary to sell bonds for a certain proportion of property cost on which they have had to pay from 5 to 6 per cent for interest, and in times of money stringency have had to pay even higher rates.

Personally I believe that the power companies, which are experienced in the business and have their organization and managements that have grown up in years of service, are far more competent to erect to-day a large power plant such as would be required for this enterprise than would any set of employees we could find among the governmental forces of the United States at the present time. I stated just a day or two ago and I desire to repeat that the economies that can be effected by construction by private enterprise will more than exceed a difference in interest rates of, say, 1 per cent or the difference between Government money at 4 per cent and private money at 5 per cent.

The provisions of the Senate bill, which has been offered as a substitute for the House bill, would give first to the States, municipalities, or political subdivisions of States the right to construct a power plant; second, to private enterprise or corporations; and third, to the Federal Government. It seems to me that in that form the bill should be unobjectionable. I think that those provisions of the bill are wise, although perhaps unnecessary as regards the Federal Government; but there I think the judgment of the Senate should be the deciding factor. In other words, I believe that Senators should vote in accordance with their own view and opinion in the matter rather than accept the dictum of the Senate Committee on Irrigation and Reclamation.

Mr. President, the power companies which are now supplying the territory that could be served from plants at the Boulder Dam before building a line into new territory have to make a showing before the utilities board to the effect that it is a matter of convenience and necessity. Where one company has its lines in service and is supplying consumers in a district no other company may obtain permission to invade or enter into that same territory unless the new company can show that it is necessary for the convenience of the community to have the additional lines and service. These regulations have grown up out of years of experience, though they are at some times considered onerous by the power companies. It has sometimes happened that where a power company has extended its lines so as to serve a new development, such as mining, and then the project fails or is not a financial success, it has absolutely lost its line, had to tear it down and get what salvage it could out of it. So there are risks in the business; there is no doubt about that.

It would seem to me when this legislation shall have been perfected and the project can be gone ahead with, as I hope it may in the near future, the natural development of the power end of the project can be readily brought about through combinations of the companies now serving portions of the territory, by municipalities or other political subdivisions, or water users forming organizations, which would become political entities. I see no insurmountable difficulty in the way. All of those interests could get together, and each could figure what amount of power it required. Given the cost to produce, it is very easy to arrive at a percentage and to apportion the cost of the plant necessary to produce the amount of power required by the subscribers or contributors or partners. So it is just as easy to divide the expense of operation, including repairs and everything that goes with it.

Again, I notice the reading of the letter from the Department of the Interior—which was dated about January 12, 1926—in which it was endeavored to point out the difficulties that might arise in allocating the power privileges to different applicants and to different companies. Mr. President, I do not believe that the possibilities under the proposed dam would be developed piecemeal after any such manner. I believe the units in the unified system that would be adopted by those who know the business would be constructed one at a time as the demand for power would need to be met, and as the power demand increased additional units would be added.

It is estimated that it would require seven years time in which to construct the dam. Incidentally some of the work in connection with the power plant could be proceeded with, but the construction of the plant, with the exception, possibly, of the first unit, would, in my opinion, have to be deferred until the dam was well along toward completion. So I do not believe that power would be available other than for incidental use, partly in the construction of the dam itself and partly in the construction of the aqueduct lines if that work were far enough along to justify it, but there would be a rapidly increasing demand from time to time.

There would also be the necessity for the erection of transmission lines, which is no small undertaking. Eventually, when the new plants at the Boulder Dam were put into service, there would then be the opportunity of exchange or interchange of power as between that produced at Boulder Dam and that produced at seaboard or at some place in the high Sierras.

I do not regard as insurmountable the problems incident to the department contracting with those who could put to use the hydroelectric power that might be produced. In fact, I do not believe that they will be found very difficult. Given the fact that there is demand for and will be increasing demand

for power, particularly when we have in mind the very large block of power that will be required for the proposed Los Angeles aqueduct for pumping the water, the entire program should go along without very much friction; it should not prove to be a problem more difficult than many that have heretofore been met, worked out, and solved by the Federal departments.

The quantity of power that may be produced under the dam, I am pleased to note, has been found by the Colorado River Commission, headed by Major General Sibert, to be just the figure we have always been given; in other words, the new commission confirms and indorses the finding of the Reclamation Bureau of the Department of the Interior; that is to say, 550,000 horsepower, which would be considered as firm horsepower, or on a 55 per cent load factor, 1,000,000 horsepower. The quantity, of course, is large, and yet, with the rapid development and growth in California, particularly in southern California, and taking into consideration that eventually from 300,000 to 350,000 horsepower will be required for aqueduct pumping purposes, there is no question that any surplus produced there will be utilized to advantage and there will be a demand for it.

The question of the cost of production naturally enters into the problem. Arguments have recently been advanced to the effect that modern methods of production by steam, utilizing oil, coal, or coal dust or natural gas as fuel, have progressed to the point that hydroelectric power can not compete.

Mr. President, here we have the Colorado River, here we have a dam and power plants, and right near by a customer requiring over one-half of the normal output of the plant. To say that natural gas or coal dust or coal or oil at the seaboard—that is, at Long Beach or Huntington Beach—could compete with the hydroelectric power at Boulder Canyon Dam, or at the points where the power would be used for the aqueduct, does not appeal to me to be a reasonable proposition. I think that there is room for hydroelectric development. I believe it can be utilized at a cost at least equally as low, if not lower, than electricity produced by steam power could be delivered at the point of consumption.

It seems to me, Mr. President, that the adoption of the resolution under which the Colorado River Commission was appointed, and under which it has served and submitted its report, was a very wise move on the part of the Congress. It has cleared up several matters of doubt, in the minds of some of us, at least, and I think in the minds of many. The feasibility of the project is indorsed by the commission. It is declared to be not only feasible but safe, under precautionary conditions and measures. There, I believe, the commission has certainly gone to the extreme limit in order "to make assurance double sure" and to play on the safe side. The report necessarily was based upon House bill 5773, because that was the only piece of proposed legislation which had been adopted by one branch of the Congress. That bill as passed by the House differs from the Senate measure in one or two important particulars, one of them being as to the provision for the all-American canal, which, under the language of the House bill, is included with the dam and the power-producing plant so as to comprise one project. The Senate bill, however, separates the all-American canal from power and from the dam itself in that it definitely puts the all-American canal under the reclamation act as part of a reclamation project, the Government to be reimbursed not out of revenues derived from the power plant but from contributions from the lands that will be benefited by the all-American canal; so that necessarily in its findings the commission hesitated to say that the project would be self-supporting out of power revenues, because it conceived that the revenues would not be great enough to take care of the all-American canal as well as the dam structure and the power plants.

The estimates made by this commission are materially higher than those which had been made by the Department of the Interior, particularly with reference to the all-American canal. The information that I had on that subject is limited. I wish I might be in position to be more certain of my own views with reference to the all-American canal. I think it is a project that will be justifiable, that will come along in time. Whether or not we are ready for it to-day, whether or not the lands to be benefited could assume the burden of taxation that would be necessary to repay the Government for the project, is quite a problem. It might be that by the time the dam had been completed conditions would have changed to the point where it would be found really a necessity, and the work would be justified and should be done.

When it is gone ahead with, I have a strong feeling that we shall be able to avoid the very difficult, expensive route through the sand dunes not far from the Colorado River. I have been informed, although I have not had the opportunity really to check up on this information, that preliminary lines of survey are being made from a point higher up the river than the Laguna Dam which would give a canal line or aqueduct heading into the Coachella Valley that would put all of the water into both the Coachella and Imperial Valleys by a gravity flow. It would not be a very much longer line; it would certainly be a much less expensive line to construct than the one which has always been figured on through the sand dunes; not only less expensive to construct, but much less expensive in upkeep.

Mr. President, because I am not convinced that the commission's estimate of cost should have included an additional $11,000,000 to provide for the extension of the canal into the Coachella Valley, I have, in offering an amendment, adopted a total figure of $165,000,000 rather than the $176,000,000 suggested by the commission.

The indication given by the commission that the Federal Government might contribute something for the purposes of flood control tended to confirm a feeling I have had for some time in dealing with this bill, and that is that the main reason for the Federal Government treating with this problem at all is the obligation resting upon the Government to provide flood control for the territory in the lower reaches of the Colorado River. That obligation is just as strong, just as binding on the Federal Government as any that rests upon it to provide flood control in the Mississippi Valley. Estimates of the cost of flood-control dams have been made. The Topock Dam, for instance, came to a certain figure, on top of which very large additional allowances would have to be made for the destruction of property which would be inundated. Other estimates have been made. The most reliable one, and the one which probably would be nearer the mark in case a flood-control dam alone were under consideration, is, as I recall, $28,000,000.

In the amendment which I have had printed I suggest that out of the advances to be made by the Federal Government the amount of $25,000,000 be assigned to flood control, to be repaid only after the other advances made by the Government have been repaid. I think that is an allowance which could be properly accorded to this enterprise.

I think the Government, although it has already expended some money, time, and effort on this problem, is responsible for safety along the lower reaches of that river. I feel that the amount suggested, which is approximately what it would cost if the dam were constructed for flood control alone, is not out of line, and that that concession could be made, particularly in view of the fact that the revenues derived from the power, from the storage of water, or from other sources, would eventually repay the Government for the entire advances, including the $25,000,000.

Eliminating the repayment of the cost of the all-American canal, and assuming that the Government will contribute something, either the total amount or part, for flood-control purposes, the river commission expresses the view that the project would be self-supporting and the investment would be repaid within the term of 50 years. Of course, 50 years is quite a length of time; but the original estimates were that the cost of this entire project could be repaid within a period of 25 years. So, again, I feel that the commission in expressing its views has been at least conservative. I believe that the commission has given us a fair expression of opinion based upon at least six months of very arduous labor; and, as I said before, it has relieved some of the doubts that have been in the minds of Members of the Senate. We can go ahead with the project now with the assurance that it is not only justified from every standpoint but that it is worthy, and will in the end pay out for the expenditures incident to it.

Mr. President, there seems to be an unfortunate difference of opinion between two of the States, the two that are chiefly interested in this enterprise; the two to which it is most important, much more important than it is to the other five States of the basin. California and Arizona are not very far apart in the matter of water allocation. That difference should be composed. Personally I have tried to extend any assistance that I could to bring about that desirable result. I shall continue to do so; but it seems to me that the time has now come when those two States should get together. Frankly, I do not feel that the State of Arizona should stand off and say, "Well, if we get the water allocation fixed we will not consent until California and the Senate yield, and say that these power plants may not be constructed by the Federal Government."

In my judgment, with the alternative stated in the Senate bill, the right of the Federal Government to construct will be nothing more than a safeguard.

I believe that private enterprise, municipalities, and the Southern California Water Users' Association, or whatever it may be termed, can participate jointly in the construction of

the power plant and the division of the power to be produced. I do not see any great difficulty in the way of it. Therefore, I feel that Arizona should not make a definite objection to that provision of the Senate bill.

As to the upper basin States, naturally we are interested. I put in the RECORD to-day the expression of views of those representing the city of Denver, my home city; and I am in accord with the views expressed in those communications. The upper basin States are at the present time using something like two and three-quarter million acre-feet of water. The possibilities are such that those uses can be at least trebled. Experience has shown that taking the water out of the stream to any extent like that means that at least 50 per cent will return to the stream; so that the use for irrigation does not mean that if the upper basin States take out an additional 5,000,000 acre-feet during the period of a year, the flow into the lower basin will be diminished by that figure. As a matter of fact, it will hardly be diminished to the extent of 2,500,000 acre-feet, according to our best experience.

Mr. KING. Mr. President, will the Senator yield?

Mr. PHIPPS. Certainly.

Mr. KING. That depends entirely on whether the water is taken to another watershed. If it is used in the same watershed, and it finds its way back into the stream by percolation, then I think the deduction of the Senator is correct. But the Senator knows that if he takes the water to Denver, as we have taken it to Utah, into another watershed, then obviously it will not return to the Colorado River.

Mr. PHIPPS. The Senator is no doubt quite right about that. The fact is that Denver, as the Senator is aware, has her filings and absolutely will require water from the western slope of the mountains for her own domestic uses. She will be in just as great need of that water as Los Angeles will be of the water from the Colorado River. The amount to be diverted for domestic use, however, is relatively so small that I will be pardoned for having allowed it to escape my memory for the moment, because, as I recall it, it is only 100,000 or 120,000 acre-feet.

Mr. KING. Think of the fact that Denver is going to grow into a great metropolitan city some day!

Mr. PHIPPS. I appreciate the Senator's remark. I have that hope, because Denver has climatic advantages that are comparable with those of Salt Lake City or Ogden, and our communities, as the States, have not only always been neighborly but we have been really friendly. Now, we are hoping to make our contact even closer, because through this same tunnel that will bring water for the domestic supply of the city of Denver runs the Denver & Salt Lake Railroad, which, within a short period of time, we hope to see connected up by a short line or cut-off with the Denver & Rio Grande Western, which will give us a more direct entrance to Utah. In other words, we cut off from 125 to 175 miles of distance, and that, too, will mean something for transcontinental travel.

The upper basin States—perhaps I might more properly speak for Colorado alone—have only this selfish interest in the Boulder Dam proposal, other than a naturally friendly one. Their selfish interest is that, coincident with the authorization of the dam, must be an agreement under the compact of the seven States for division of the water of the Colorado River, which will prevent, for all time, discussions, disputes, and lawsuits which would go to every court up to the Supreme Court of the United States before they were determined. There are so many points which come in that even one lawsuit as between Colorado and Kansas does not decide all of the points involved, and, as the Senator from Kansas who sits before me [Mr. CURTIS] knows, our two States are to-day in the Supreme Court of the United States, and have just argued another case involving a water dispute.

We have had our differences with Wyoming, unfortunately, and while we have come into compact for division of the water of one of the streams that is interstate, and are endeavoring to cover the waters of another stream that flows through Colorado, through Wyoming, and into Nebraska, we have not yet been able to get together in an amicable settlement as to that river.

We are also endeavoring to arrange and have progressed in arranging for agreed divisions of water of the interstate streams flowing between Colorado and New Mexico. On one stream we have already agreed. As to others we are in negotiation.

It does seem reasonable, fair, and proper that where there is this God-given opportunity to use the waters of a stream to the best advantage, the States should use every endeavor to get together and agree amicably upon the division of those waters, rather than resort to struggles in the courts of the United States to settle their differences.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. PHIPPS. Certainly.

Mr. KING. I would like to supplement the observation just made by my distinguished friend. I think that, in relation to the Colorado River controversy, wisdom would have dictated that in the beginning there should have been a compact entered into by the States interested, and a Colorado River commission appointed, having plenary power to deal with the entire subject in a comprehensive way. New York, Pennsylvania, New Jersey, and perhaps Delaware, have recently exhibited a vast amount of wisdom in dealing with the waters of the streams in which they are mutually interested, and they have created a corporation to deal with those streams, which has quasi-governmental powers, and that corporation, in the New York case, has authority to issue bonds and to contract obligations.

It seems to me that as to these interstate streams there should be commissions created with authority to deal with the streams, to allocate the water, to determine the conflicting claims, to create obligations through a corporation, to borrow money, and to provide for the development of the streams.

If the Colorado River situation had evolved a plan of this character, and the upper States and the lower States had created a commission 10 or 15 years ago, and divided the water, and made provision for the building of dams, all of these controversies would have been avoided, and this question, instead of becoming so intricate, and involving so much of the time of the Federal Government, would have been solved long ago, and solved by the States themselves, as the States ought to solve these questions.

The States have rights in the rivers and in the waters of the rivers. Particularly that is true in those States where we have the law of appropriation, in contradistinction to the riparian doctrine, and where they do have those priorities, and there will be priorities that will be conflicting, there ought to be commissions created for the purpose of solving all the questions.

I hope that before this question shall be finally disposed of provision will be made for the creation of a commission, a Colorado River commission, to complete any work that will be left incomplete by the passage of this bill, because there will be other problems in connection with the river that will not be solved by the passage of the bill which is now before us.

I want to agree with the Senator in saying that the States themselves ought to have commissions for the purpose of controlling these interstate streams and avoiding conflicts that will take them into the courts, and involve litigation for a long period of years.

Mr. PHIPPS. Mr. President, I find myself pretty generally in accord with the views of the distinguished Senator from Utah. It is, of course, a difficult matter to persuade any State legislature to delegate to some inferior body its power to negotiate or to appropriate money or to incur obligations. The necessity for working out these problems of a division of water, however, is very important, very apparent, and I quite join with the Senator in expressing the hope that there may be some means devised that will avoid getting into the disputes that have been so interminable, so costly, and even so disastrous to our interests in the arid-land States.

Mr. President, at some future time I may desire to say something further before this bill comes up for final passage. Certainly I expect to discuss some of the amendments, including the one now pending, before it shall come to a vote.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock p. m.) took a recess until to-morrow, Saturday, December 8, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 7, 1928

COAST AND GEODETIC SURVEY

To be aides with relative rank of ensign in the Navy

Laurence Wilbur Swanson.
Gilbert Rolland Fish.
Franklin Rice Gossett.
Ernest Bane Lewey.
John Clarence Mathisson.
Harold Joseph Oliver.
George Edward Morris, jr.

To be junior hydrographic and geodetic engineer, with relative rank of lieutenant, junior grade, in the Navy

Leonard Carl Johnson.
Emil Herman Kirsch.

UNITED STATES COAST GUARD

To be temporary ensigns

Raymond B. Newell.
William D. Wilson.
Petros D. Mills.
Frank E. Miner.
Leonard T. Jones.
Richard A. Haines.
Henry F. Garcia.

To be lieutenant commanders

Charles W. Dean.
Walfred G. Bloom.
Roderick S. Patch.

To be lieutenants, junior grade

Gaines A. Tyler.
Ira E. Eskridge.
Harry W. Stinchcomb.
Harold C. Moore.
Richard M. Hoyle.
Morris C. Jones.
Miles H. Imlay.
Francis C. Pollard.
Stanley J. Woyciehowsky.
Kenneth K. Cowart.

POSTMASTERS

ARIZONA

James H. McClintock, Phoenix.

ARKANSAS

Mamie L. Glasco, Bigelow.

CONNECTICUT

Martin M. Hansen, Mansfield Depot.
John R. MacLean, Pineorchard.
Mary L. VanCamp, Somersville.
James Service, jr., South Willington.

HAWAII

T. G. S. Walker, Kahuku.
H. Blomfield Brown, Lanai City.

IDAHO

John D. Wright, Homedale.
Spencer H. Lawson, Spencer.

KANSAS

Lloyd T. Erickson, Cleburne.
Albert H. Selden, Clyde.
John A. Dimmitt, Culver.

MAINE

Albert A. Marr, Hartland.
Henry W. Park, Mexico.
Joe S. Stevens, Millbridge.
Albert R. Michaud, St. Agatha.

MICHIGAN

Harry C. D. Ashford, Big Bay.
Marian A. Cleary, Clawson.
Fernando D. Petermann, Kearsarge.
Lempi M. Wertanen, Mass.
Elizabeth Riggs, Munith.
Jens H. Wester, Sawyer.
Louis J. Braun, South Range.
Hilda Webber, Trenary.
Arthur M. Gilbert, Wakefield.

OHIO

Zetta B. Shufelt, Bascom.
Joseph A. Link, Carthagena.
James R. Geren, Columbus.
Ensign C. Newby, Eaton.
Cora A. Emery, Gates Mills.
Bertram A. Bell, Genoa.
Elvah E. Unger, Gettysburg.
Clifford B. Hyatt, Killbuck.
Herbert L. Emerson, Kirkersville.
Jesse W. Huddle, Lancaster.
Franklin S. Neuhardt, Lewisville.
George C. Bauer, Maderia.
Ross E. Powell, Middleport.
Charles E. Phillips, Moscow.
George L. France, Powell.
Lloyd B. Folk, Rawson.
Ora M. Elliott, Twinsburg.
Worth D. Westenbarger, Wadsworth.
Alan R. Branson, Wellington.
Arthur C. Oberlitner, Whitehouse.

OREGON

Lewis B. Baird, Bend.
John Q. Buell, Chiloquin.
Jesse A. Crabtree, Tigard.

PORTO RICO

Felipe B. Cruz, Vieques.

TEXAS

Edward D. Fiero, Acme.
Carter H. Miller, Baytown.
William T. Reid, Blooming Grove.
George W. Dennett, Brownsville.
Robert G. Gribble, Crowell.
Lucile H. Pape, Gregory.
John W. McKee, Haslam.
Curtis Stewart, Hull.
Mattie Randolph, Iraan.
Edgar Lewis, Mesquite.
Carrie L. Thomas, Odell.
Hattie E. Eaton, Peacock.
Pennie S. Langen, Premont.
Guy G. Goodridge, Robstown.
Violet J. Polyak, Roxana.
Winnie Everitt, Shepherd.
Beatrice L. Paquette, Skellytown.
Nettie M. Farber, Sunset Heights.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 7, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of love and Father of mercy, how unsearchable are Thy riches; and they are past finding out. The whole realm of truth reechoes with the praise of our God. We thank Thee for the glory of the morning and for the radiance with which the firmament is filled, but especially do we bless Thee that in the glory of that light we discern the presence of the Lord. We ask that we may ever have the spirit of reverence by which these wonders may be opened to our gaze. Thou Merciful One, to whom all power, space, and wisdom belongeth, possess our minds and hearts to-day, that our conduct may be ordered by purposes that are pure, by aspirations that are uplifting, and by acts that are just. Let Thy Holy Spirit, dear Lord, harmonize our very beings with the best conceptions of truth and duty. In Thy blessed name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEETINGS OF THE COMMITTEE ON WAYS AND MEANS

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution which is at the Clerk's desk.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report, and asks unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 252

Resolved, That the Committee on Ways and Means is authorized to sit during the sessions and recesses of the present Congress; to employ such expert, clerical, and stenographic services and to gather such information, through Government agents or otherwise, as to it may seem fit, in connection with the consideration and preparation of a bill or bills for the revision of the tariff act of 1922 and other customs laws; to purchase such books and to have such printing and binding done as it shall require, in addition to requiring the attendance of the committee stenographers; and to incur such other expenses as may be deemed necessary by the committee. All expenses of the committee incurred for any such purposes shall be paid out of the contingent fund of the House on the usual vouchers submitted by the chairman of the committee and approved by the Committee on Accounts.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, $15,000; Undersecretary of the Treasury, $10,000; three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, $146,275; in all, $171,275: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment of personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C., pp. 65–71, secs. 661–673, 45 Stat., pp. 776–785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law.

Mr. LAGUARDIA. Mr. Chairman, I could not follow the reading of the bill by the Clerk, and I ask unanimous consent for permission to offer an amendment to the first section, just previous to line 9.

The CHAIRMAN. On what page?

Mr. LAGUARDIA. On pages 2 and 3.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, strike out all of lines 6 to 25, both inclusive, and on page 3 all of lines 1 to 8, inclusive.

Mr. LAGUARDIA. Mr. Chairman, this proviso is what is known as the average of salaries and it is a system that has brought about a great deal of confusion and has resulted in dissatisfaction among the employees in all of the departments of the Government.

The former distinguished chairman of the Committee on Appropriations, the lamented Mr. Madden, at whose feet I sat for many years to absorb some of his wisdom and knowledge of governmental finances, recommended the repeal of this proviso in appropriation bills. In fact, he predicated his recommendation on a bill which he introduced, H. R. 47, and which is now, I believe, pending before the committee. This general average system is so involved and complicated that it has brought stagnation into the departments and has literally blocked the putting into execution of any salary bill that Congress has passed.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. I would be interested to know under what circumstances Mr. Madden recommended the repeal of this proviso, which has been carried in every bill reported out under the chairmanship of Mr. Madden, and always with his approval, so far as I ever knew.

Mr. LAGUARDIA. Is the gentleman familiar with Mr. Madden's bill, H. R. 47?

Mr. CRAMTON. I am asking under what circumstances Mr. Madden ever recommended the repeal of this proviso, which was carried in every appropriation bill reported out by the committee under his chairmanship after the enactment of the classification law?

Mr. LAGUARDIA. If the gentleman is familiar with the bill which Mr. Madden introduced, H. R. 47, and his feeling toward this average proviso in recent years, I am sure it would make his question unnecessary. If the gentleman from Michigan can explain or give any sound, logical reason for this provision, perhaps it will assist not only Congress but it may assist in giving it intelligent interpretation. I believe it was put in during the war in the hope that it would keep down expenditures.

Mr. CRAMTON. It was not put in during the war at all. It was put in the first bill reported out by the Appropriations Committee after the classification act was enacted.

Mr. LAGUARDIA. Well, was it not put in for the purpose of trying out that classification act? Will the gentleman say this average proviso is necessary?

Mr. CRAMTON. It was put in for the purpose of retaining in the hands of Congress some control over the expenditure of funds under these salary rolls in order that it would not be possible for them to put everybody up at the top of the grade and give them an indiscriminate and wholesale salary raise.

Mr. LAGUARDIA. It has had exactly the contrary effect. It has permitted the placing of a few individuals in the higher grade and thereby keeping down all of the rest of the employees in the division.

Mr. CRAMTON. Oh, no.

Mr. LAGUARDIA. That is just what it does. It is not carrying out the original intent of Congress at all, and I am sure that anyone familiar with the subject will agree that it ought to be abolished, and the quicker it is abolished the better and easier will be the administration of the law and the more equitable and proper will be the expenditure of the money which Congress appropriates.

Mr. CLARKE. Will the gentleman from New York permit a question?

Mr. LAGUARDIA. Yes.

Mr. CLARKE. When was the bill H. R. 47 introduced?

Mr. LAGUARDIA. December 5, 1927.

Mr. CLARKE. By Mr. Madden?

Mr. LAGUARDIA. Yes; on the first day of the Congress, I believe.

Mr. CLARKE. And the purpose was to accomplish what the gentleman wants to accomplish by his amendment?

Mr. LAGUARDIA. Yes. Of course, I will say that if my amendment were adopted it would be necessary to enact the bill H. R. 47 at this session of Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, in order that there may be no misunderstanding about the purpose of this amendment, I desire to call the attention of the members of the committee to what happened when this classification act was first passed.

The first thing that was done was to advance all the bureau chiefs to the maximum, and if this amendment is adopted we will see everybody being advanced to the maximum instead of going through the grades as they should go through them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The Clerk read as follows:

BUREAU OF PROHIBITION

For expenses to enforce the provisions of the national prohibition act, as amended, and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914 (U. S. C., p. 742, sec. 211), as amended by the revenue act of 1918 (U. S. C., pp. 784–787, secs. 691–708), and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922 (U. S. C., pp. 635, 636, secs. 171–184), known as "the narcotic drugs import and export act," and for carrying out the applicable provisions of the act approved March 3, 1927 (U. S. C., Supp. I, p. 9, secs. 281–281e), including the employment of executive officers, attorneys, agents, inspectors, chemists, assistant chemists, supervisors, gaugers, storekeepers, storekeeper-gaugers, clerks, and messengers in the field and in the Bureau of Prohibition in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts; the cost of chemical analyses made by others than employees of the United States; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; cost of seizure, storage, and disposition of any vehicle and team or automobile, boat, air, or water craft, or any other conveyance, seized pursuant to section 26, Title II, of the national prohibition act, when the proceeds of sale are insufficient therefor or where there is no sale; cost incurred by officers and employees of the Bureau of Prohibition in the seizure, storage, and disposition of property under the internal revenue laws when the same is disposed of under section 3460, Revised Statutes (U. S. C., p. 546, sec. 1193); hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; and for rental of necessary quarters; in all, $13,500,000, of which

amount not to exceed $713,420 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed $1,411,260 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922, and the Secretary of the Treasury may authorize the use, by narcotic agents, of motor vehicles confiscated under the provisions of the act of March 3, 1925 (U. S. C., p. 858, sec. 43), and pay the maintenance, repair, and operation thereof from this allotment: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws, shall be used to pay for storage in any private warehouse of intoxicating liquor, or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Prohibition and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bonds covering distilled spirits in internal-revenue bonded warehouses, and in transit between such warehouses: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit.

Mr. LAGUARDIA. Mr. Chairman, I first reserve a point of order to the proviso on page 21 and I would like to have that pending while I am offering an amendment.

The CHAIRMAN. The Chair thinks the gentleman would better make his point of order before offering his amendment.

Mr. LAGUARDIA. If the Chair pleases, I would like to hear some discussion on the point of order, and if this can be distinguished from the general fund I would be inclined to withdraw my point of order, and therefore in the interest of good legislation I would like to reserve the point of order.

The CHAIRMAN. If the gentleman is going to offer an amendment, the Chair thinks he should first make his point of order, because if the language should go out on a point of order the amendment would not be necessary.

Mr. LAGUARDIA. My amendment is not related to the point of order. It relates to language before this.

The CHAIRMAN. The general procedure is that a point of order should be disposed of first where it affects a paragraph of the bill.

Mr. LAGUARDIA. Then I make the point of order that the proviso on page 21 is legislation; that it is not authorized by any existing law and would create a very dangerous precedent.

Mr. WOOD. I will say to the gentleman from New York that I believe when I explain the purpose of this proviso the gentleman will withdraw his point of order. The committee had its choice of two propositions, either to appropriate directly $60,000 or to permit the use of this $60,000 in the manner prescribed by the proviso; namely, that the moneys expended for the purpose of narcotics and subsequently recovered instead of being deposited in the Treasury under miscellaneous receipts may be turned back to the appropriation of the Prohibition Unit for the enforcement of the narcotic law.

To my mind and to the mind of a majority of the committee this is the most businesslike way of handling this proposition and will possibly result in the saving of money to the Treasury.

In the event this proviso is not adopted an amendment will have to be put on the bill providing for the $60,000 included in the proviso, and with this proviso in the bill there is an incentive to recover this money which they would not have if we made a direct appropriation of the same amount of money.

The CHAIRMAN. Will the gentleman from Indiana answer the question of the gentleman from New York as to whether this is new legislation or whether this is a new direction with respect to the disposition of certain money?

Mr. WOOD. I would say to the Chair that it does change the law solely with reference to the disposition of this money.

The CHAIRMAN. That is the only point before the committee at the present time, that it does change existing law, which is the point of order made by the gentleman from New York. Does the gentleman insist upon his point of order?

Mr. LAGUARDIA. Yes; I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BACON. Mr. Chairman, may I ask the gentleman from New York [Mr. LAGUARDIA] to withhold his insistence upon his point of order for just a moment, so that I may further explain the matter?

The CHAIRMAN. The Chair has already ruled on the point of order.

Mr. LAGUARDIA. Now, Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 19, line 25, after the word "Columbia," insert: "*Provided*, That the money herein appropriated for the enforcement of the provisions of the national prohibition act shall be proportionately expended in each of the several States of the Union, such proportion to be fixed by the Secretary of the Treasury, based on the population area of the several States."

Mr. WOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Chairman, I shall not take any time in the discussion of the point of order, because I shall have an opportunity to do that when it is pressed. This is a national law, as I pointed out yesterday, and should be enforced in all of the States of the Union. They should not single out the cities of New York, St. Louis, Chicago, and San Francisco—five or six points in the United States—for the sole purpose of making grandstand plays, building up cases which will not hold in the courts, for that is not an honest attempt to enforce the law.

Now, gentlemen, you can increase this appropriation as much as you like and I will vote for it. If none of the dry champions move to increase the appropriation, I shall do so; but in all fairness and honesty you should stand for an honest enforcement in your own State and not single out New York for the expenditure of the greater amount of this money. Try to enforce the law equally in all of the States.

My amendment provides that the Secretary of the Treasury shall take the population and area of each State as a basis and allocate a proportionate amount of the money for the purpose of enforcement in each of the 48 States. Surely no "dry" can take exception to that. My amendment will make for national enforcement and make the law applicable to all of the States of the Union. In order to show that I am in absolute good faith, that I am not doing this solely for the purpose of dissipating the appropriation, I will, as I say, vote for any increase in the appropriation that may be asked. I am convinced that the law can not be enforced, but if some of our people still believe in prohibition, let us try it out for a while at least. When so-called dry States, where its representatives vote for enforcement and pretend to be dry, get a taste of enforcement in your district you will soon realize and be forced to admit that a change in the present system of prohibition is necessary. You will soon see the necessity of placing under strict regulation all traffic in alcohol.

Mr. McKEOWN. Would it not be fairer to distribute the money according to the violations of law?

Mr. LAGUARDIA. If that were true, the gentleman's State would receive a greater proportion than would the State of New York. When it comes to violations of law, let me say that there is less liquor consumed in the State of New York than in any other part of the United States proportionate to the population.

Mr. McKEOWN. Oh, no.

Mr. LAGUARDIA. Also remember that a great many people of your State and other States come to New York and drink it up. [Laughter.] I care not what State you come from, one can go into your district and find all the liquor one wants, and every man on the floor of this House who wants to be fair must admit that that is the truth.

I am in earnest about this. Here is an opportunity for you to show that Congress means business. Here is an opportunity to transform this law into something national, and here is an opportunity for every dry champion to stand up and vote for enforcement in his own State. Let enforcement commence at home.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMTON. Mr. Chairman, of course the amendment of the gentleman from New York is subject to a point of order, but I think the RECORD ought to carry a little comment on the amazing proposition offered by the gentleman from New York. His amendment, of course, would be disruptive of the effective use of the Federal funds. His amendment is based upon an entirely wrong theory of the problem of enforcement of prohibition in the country. It is based on the theory that the enforcement is the problem of the Federal Government alone, whereas the eighteenth amendment makes it very clear that the respon-

sibility resting upon the States is equal to the responsibility on the Federal Government. It is specifically provided that the States and the Congress have the authority to pass appropriate legislation for the enforcement of the amendment.

The State of New York, from which the gentleman comes, has repealed its only enforcement act. It has lain down on the job of enforcement. Furthermore, the city of New York, from which the gentleman comes, administering its affairs under the dictation of Tammany, also lays down on the job of enforcing this law. It is desirable for effective use of that money that it be distributed as needed, that it be used where most needed to carry out the Federal obligation. What is the Federal obligation?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield.

Mr. CRAMTON. When I have finished. The Federal obligation primarily is to take care of those things of a Federal nature. For instance, to stop smuggling on the borders, and we have done that pretty well on the oceans through the increase of the Coast Guard; also, to stop the unlawful diversion of alcohol issued under permits for use in industry. Those are Federal problems, and the gentleman ignores all of those matters in his amendment. As a matter of fact, the gentleman from New York [Mr. LAGUARDIA], who protests that he is for enforcement, has offered an amendment that will hamstring enforcement.

I want to make this suggestion for the consideration of the gentleman from New York, and it is something that is worthy of the consideration of all you gentlemen from great cities. In making pets in the cities of the lawbreakers who violate the eighteenth amendment you have permitted them to multiply, to increase in number, to increase in financial resources, to organize, until there is coming upon the cities the curse of loss of life through gunmen and bandits and all of the racketeering, and so forth. All of those curses are coming upon the great cities of New York and Chicago and others and are the direct outgrowth of a policy of nonenforcement of the law against this one class of lawbreakers. In carrying out that policy you have brought about a general lawbreaking in your communities.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. If I have the time.

Mr. LAGUARDIA. Does the gentleman know that the city of Detroit, in the gentleman's State, is the funnel through which millions of gallons of liquor come into this country?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. And will the gentleman start enforcement in his own State?

Mr. CRAMTON. I will answer the gentleman. I do not want to cripple the Treasury Department so that the forces of enforcement can not be directed to the point on the border where there is need of money, and need of personnel. I want them to be able to use it, and not force them to send the money to some dry county in Oklahoma or in Kentucky.

Mr. LAGUARDIA. Then will the gentleman vote with me to give the Government sufficient funds to stop the leak in the city of Detroit?

Mr. CRAMTON. Anything the Federal Government needs, but I do not want the States and the cities relieved of their plain responsibility.

Mr. WOOD. Mr. Chairman, I insist upon the point of order.

Mr. SABATH. Will the gentleman not withhold it for a moment?

Mr. WOOD. No; we have had enough of this.

Mr. LAGUARDIA. What is the point of order.

Mr. WOOD. My point of order is that it changes existing law. The prohibition act provides and gives authority to the Secretary of the Treasury to enforce this law where enforcement is needed. If this amendment should prevail, it would take the discretion away from the Secretary of the Treasury, and instead of using his discretion and sending the money where it is most needed for the purpose of enforcement he will be compelled to send it where it may not be needed.

Mr. LAGUARDIA. Mr. Chairman, may I be heard upon the point of order?

The CHAIRMAN. Does the gentleman want further time on the point of order?

Mr. LAGUARDIA. Certainly. The Secretary of the Treasury is charged with the enforcement of the law in all of the States of the Union. The appropriation herein is for the purpose of enforcing the provisions of the national prohibition act, not the New York act or the Massachusetts act. There are plenty of precedents under the allocation of public funds for administrative and enforcement purposes. We have it in the matter of roads, and we have it in the matter of public buildings, and the statutes are replete with instances where appropriations are limited so as to compel expenditure in accordance with the population or the size of the various States. My amendment brings in no novel feature. It simply facilitates and puts a limitation upon the money herein appropriated to be expended by the Secretary of the Treasury under the provisions of the existing law.

Mr. WOOD. Mr. Chairman, I say in answer to the precedent which the gentleman has mentioned, public buildings and public roads, that the allocation provided there is found in the act creating the authority. It is not found in the appropriation bill.

Mr. LAGUARDIA. How about the corn borer?

Mr. WOOD. The same thing is true with reference to the corn borer. The prohibition act specifically provides that the enforcement of this act shall be lodged with the Secretary of the Treasury, and in consequence it would be a foolish thing to compel the Secretary of the Treasury to send this money into a State where perhaps a dollar of it would not be needed.

Mr. LAGUARDIA. It might be a good thing to send some of it to Indiana.

Mr. WOOD. I expect it might, but it would be far better to send most of it to New York.

Mr. LAGUARDIA. Of course, from the Indiana point of view. That is fine for you fellows.

Mr. WOOD. If all of the administrators of State governments had defied the prohibition act as New York has done, and if the governors of all the States had defied it as the Governor of the State of New York has done, we would have ten times more violation of law than we have to-day.

Mr. BLACK of New York. Will the gentleman yield? What has happened to the last two Governors of Indiana?

Mr. WOOD. Oh, our governors are getting along pretty well. They are all out now. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from New York states that the money used under the enforcement provision shall be expended in each of the several States of the Union, such proportion to be fixed by the Secretary of the Treasury based on the population and area of the several States. This amendment definitely takes away from the Secretary of the Treasury all discretion in enforcing the prohibition act and gives him definite instructions as to what he shall do and such instructions or duties that have not heretofore been authorized by law. There is no doubt in the mind of the Chair that this is new legislation on an appropriation bill and the point of order is sustained.

Mr. SABATH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: On page 19, line 23, after the word "of," strike out the figures "$13,500,000" and insert in lieu thereof "$14,500,000."

Mr. SABATH. Mr. Chairman and gentlemen, as you observe, I am not trying to reduce the appropriation; I am trying to increase it, and I hope that the increase, if that amount will be agreed to, will be utilized as requested and advocated by the gentleman from New York notwithstanding the objection and opposition of the gentleman from Michigan [Mr. CRAMTON]. For several years I have been listening nearly every week to the gentleman from Michigan upon violations of the prohibition law, and if there is one State in which there is a larger number of violations than his State I would like to know. Invariably he starts referring to the State of New York or city of New York and pays his compliments to the city of Chicago. The trouble with the gentleman is that he does not realize that most of these violations are due to the fact that nearly ninety times as much alcohol such as he has been advocating and pleading for here yesterday is being used to-day than before prohibition days.

In those days we used about 1,000,000 gallons of alcohol for manufacturing purposes, and the report shows that last year 90,000,000 gallons of alcohol was withdrawn for manufacturing purposes. Now, have our industries increased ninety times in the last few years? They might have increased some, but the use of alcohol since prohibition has increased ninety times. What is this alcohol being used for? I know that most of that alcohol is being used for the manufacture of beverages, and those gentlemen who have succeeded in convincing the gentleman from Michigan that it is absolutely necessary to have this alcohol I am sure have failed to prove to him for what purposes all this alcohol is being used. I know that most of the violations are due to the unusual withdrawal of alcohol that is being used after it is poisoned by the Government or under Government instruction by people to manufacture all kinds of concoctions for beverage purposes. So I say to him that notwithstanding the publicity which Chicago has been receiving at his hands that there are less violations in the city of Chicago, notwithstanding the Republican administration that

we have, than in the outlying districts and in the towns and in the counties, not only adjoining but all over the State, and that applies all through the United States. Now, I have traveled quite a bit, and I know that there is no enforcement of the prohibition laws in the small towns, in the villages through the country. In any place I would stop, whether it would be in my own State or in the State of Michigan or any State in the West or South, I could obtain all the beverages and all the drinks I could possibly wish for. During these visits I made inquiries as to enforcement, and invariably I would be informed that the prohibition law is being looked upon as a joke. Yes; here and there we hear about indictments.

For instance, in McHenry County, which is about a hundred miles from the city of Chicago, some time ago there were about 27 people indicted, but that is the only effort made that I know of in our State outside of Chicago, and I feel when and if placed on trial that the jury will find them not guilty. That grand jury in every county in my State and every other State if so inclined and desired could secure enough information to indict a majority of the people of their respective counties, but they do not do so, because they recognize that a trial jury will not convict.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. May I have five additional minutes? I have not taken up much time.

The CHAIRMAN. Is there objection?

Mr. TARVER. I object, Mr. Chairman.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order the objection is not properly made, inasmuch as the gentleman did not rise to his feet and make the objection.

Mr. TARVER. I have risen, and I object.

Mr. LAGUARDIA. That is the way to do it.

Mr. LUCE. Mr. Chairman, I desire to rise in opposition to the amendment chiefly to correct the RECORD in the matter of a statement made yesterday by the gentleman from Missouri [Mr. LOZIER] which appears on page 193 of the RECORD of this morning.

He then said that the great State of Massachusetts—and I do not demur to the use of that adjective "great"—had never enacted a State enforcement law. On the contrary, what we know familiarly as the "baby Volstead Act," unless my memory is wrong, was adopted by a referendum. We do have an enforcement law in Massachusetts; and, apropos of what the gentleman who has taken his seat [Mr. SABATH] has said, I would inform him that there are many communities in my part of the country where the prohibition law is enforced just exactly as well as it was enforced when the same places voted "No" under local option. The gentleman from Missouri is wrong in his information, and the gentleman from Illinois is wrong in his observation.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. LOZIER. Mr. Chairman and gentlemen, my distinguished friend from Massachusetts [Mr. LUCE] has called attention to what he claims is a misstatement made by me yesterday in debate, to the effect that the State of Massachusetts had never adopted a State enforcement law.

My colleague from Massachusetts stated that his State by a referendum adopted a prohibition enforcement provision. The gentleman is a distinguished citizen of Massachusetts and of course is prepared to speak with authority and I accept his statement. However, I am quite confident the State of Massachusetts was very tardy in enacting laws to supplement and aid in the enforcement of the eighteenth amendment and the Volstead Act. I recall having found in one of the cyclopedias published in 1925 a statement as follows:

> Connecticut and Rhode Island are the only States which have not ratified the prohibition (eighteenth) amendment. Massachusetts and Maryland are the only States which have not enacted codes to enforce national prohibition concurrently with the Volstead law.

Within the last few months I read an article in one of our periodicals which discussed the extent to which the several States had enacted State enforcement laws in aid of the eighteenth amendment and the prohibition enforcement act, and in which article reference was made to a note accompanying the opinion of Justice Brandeis in the case of Jacob Ruppert *v.* Caffey (251 U. S. 264), in which note the statutes of the several States in reference to intoxicating liquor were collated, and at that time the laws of Massachusetts defined intoxicating liquor as any beverage which contains more than 1 per cent of alcohol by volume, and certain other liquors were deemed intoxicating without regard to alcoholic content. I realize that this note was prepared shortly after the Federal enforcement act went into effect, but it seems that the Legislature of Massachusetts for years failed to pass a State enforcement statute, and finally the people of Massachusetts had to invoke a state-wide referendum to secure a State enforcement act. The statement I made yesterday in debate was based on articles in a standard periodical and cyclopedia of well-recognized authority, and was no doubt correct when these publications were issued, but I understand from my colleague from Massachusetts, that in comparatively recent years enforcement acts were adopted in Massachusetts by the direct vote of the people in a state-wide referendum, and not by the Legislature of the State of Massachusetts. I am glad to modify my statement of yesterday as I have just indicated. I am glad the people of Massachusetts finally enacted this legislation, although it would seem that they took this action with extreme reluctance.

But I want to emphasize the argument I made yesterday to the effect that our Federal Government had shamefully and shamelessly failed to enforce prohibition and, in fact, made no worthwhile effort to enforce this provision of the Constitution. As one who, in an humble yet earnest way, helped to create and crystalize the sentiment that resulted in the adoption of the eighteenth amendment, and as a consistent and lifelong advocate of prohibition, I wish to assert what is an obvious fact that in the last seven years no honest, aggressive, sincere, wholehearted effort has been made by the Federal Government to enforce the provisions of the eighteenth amendment and acts of Congress in support of this constitutional provision.

On the other hand, probably more than three-fourths of all prosecutions initiated in the United States in the last seven years for the violation of liquor laws have been initiated and prosecuted by local, State, and county officers, under State statutes, and not initiated or carried to a consummation by Federal enforcement officers under the eighteenth amendment or under the Volstead Act.

The time has come for the National Government to discharge the responsibility which it assumed when the American people committed to it the enforcement of the eighteenth amendment of the Constitution. That law has never had a fair trial. Its pretended enforcement has never been in friendly hands. Its pretended enforcement has been so half-hearted, sporadic, insincere, and inefficient that prohibition has in reality not had a fair trial in the United States. Mr. Hoover was probably justified in saying that prohibition was "an experiment," because those in charge of our great Government had been faithless in its enforcement. If the Harding and Coolidge administrations had given us efficient enforcement, many of us believe prohibition would not be "an experiment," but an established fact. By allowing the Constitution to be flouted and ignored, these administrations have done the cause of prohibition irreparable injury, and until the Federal Government is as industrious, efficient, and aggressive in enforcing national prohibition as the various States in the Union have been in enforcing State prohibition laws, national prohibition will never have a fair test or a real trial; and with such half-hearted, insincere, and inefficient enforcement as we are getting from the Federal Government, national prohibition will be a serious disappointment to its friends and ultimately a failure. The men appointed to enforce national prohibition have in a majority of cases been unfriendly to prohibition and have made no honest effort to enforce it, although I concede that a small minority of the enforcement officers and agents have honestly tried to efficiently enforce the law. My colleagues certainly remember that President Harding, in one of his messages to Congress, denounced prohibition enforcement as a national scandal.

I appeal to the dry forces of this Nation to place criticism and blame where criticism and blame are due, namely, upon the national administration, which under our form of government is charged with the solemn responsibility of enforcing all laws and which has stood for seven and a half years with folded arms and looked with complacency upon the flouting of this law and the trampling under foot of these constitutional mandates.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. LAGUARDIA. But the gentleman did not take that attitude yesterday.

Mr. LOZIER. Yes; I did.

Mr. LAGUARDIA. Not in his speech.

Mr. LOZIER. Oh, yes, I did; most emphatically.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. COCHRAN of Missouri. Is it not true that Federal prohibition agents assigned to Missouri never visit the gentleman's congressional district?

Mr LOZIER. That is largely true. Federal enforcement officers seldom visit the eight counties in my district, where

99 per cent of prohibition enforcements is under State laws, by local, county, and State officials, in State courts. Out of 114 counties in Missouri, the presence of a Federal enforcement officer in 110 of them is a rare occurrence. Federal enforcement officers seldom visit the rural districts of Missouri, or the rural districts of Michigan, or the rural districts of Pennsylvania or Kansas, or the rural sections of other States. Their activities in Missouri are confined almost exclusively to St. Louis, Kansas City, St. Joseph, and a few smaller cities.

And throughout the Nation their activities are largely confined to the great cities of New York, Philadelphia, Boston, Chicago, Cincinnati, and other great centers of population, and they seldom visit the rural districts of any of the States, and practically all the enforcement of liquor laws we get in the rural districts of America is from the local, county, and State officers operating under State laws in State courts. The time has come for the dry forces of America to point their finger at the distinguished and well-meaning gentleman who occupies the White House and, in the language of the prophet, Nathan, say, "Thou art the man" on whom rests the responsibility for the nonenforcement of national prohibition. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from Illinois.

Mr. SABATH. Mr. Chairman, may the Clerk again report the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

Mr. WOOD. Mr. Chairman, all I wish to say in answer to the argument made by the gentleman from Illinois—and he did not say anything about his amendment—is to beware of Greeks bearing gifts.

Mr. SABATH. Mr. Chairman, I have voted for every appropriation that the gentleman's committee—— [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. BLACK of New York:

"Page 18, line 9, after the word 'of,' strike out all down to the words 'the act' in line 10.

"Page 18, line 24, after the word 'act,' strike out all down to the words 'the securing' in line 6, page 19.

"Page 19, line 12, after the semicolon, strike out all down to the words 'hire' in line 20."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee: I have always had a great deal of respect for the shrewdness of the gentleman from Michigan, and I never could understand why he always was so highly excited on this prohibition question, because to me he always seemed a most practical gentleman, too practical to be a fanatic on anything, when lo and behold, I read the hearings on this bill and I found that his State, the State of Michigan, is the spray of the United States, and here he stands on the floor of the House with his right hand not knowing what his left hand is doing. With his right hand he introduces poison into domestic alcohol and with his left hand he says to the leading city of his State, Detroit, go to it. In other words, he has created by the infusion of poison into alcohol a poison tariff for the protection of Michigan's leading industry, the importation of Canadian alcohol into the United States.

The hearings on this bill indicate that Detroit is the great offender of the United States. It is the great threshold of alcoholic sensation in the United States, and it is in his State, the State of the gentleman from Michigan, Mr. CRAMTON.

Now, on the State of New York Doctor Doran testifies that he has had a great deal of help from the State troopers. Well, I do not give the State troopers anything for that myself. He has had a great deal of help, he said, from the New York City police in minor cases, and then he says, "It is no use bringing any more cases into court, because we have not enough courts to try the cases."

Let us look the facts in the face. It is quite evident on this prohibition question that we have reached a stalemate. The drys will not stop hoping and the wets will not stop drinking.

The United States is now spending about $30,000,000 a year to please the drys and to make liquor more expensive for the wets. This money is of little effect in enforcement and amounts to an indirect subsidy to bootleggers.

The Volstead Act, according to Doctor Doran, is the law that made Detroit famous. [Laughter.]

Doctor Doran testified that for Federal enforcement we should need $300,000,000 a year and Federal police courts. I suggest to the drys that they back him up on this, unless they would be called nullificationists.

President Coolidge, by Executive order, tried to make village, city, and State police Federal agents, and there was such a protest over this that he dropped his Executive order like a hot flapjack.

It seems to me we must spend one-half a billion dollars a year on enforcement or make the eighteenth amendment a dead letter. Considering the loss of revenue, this would make prohibition cost over a billion dollars a year and would be entirely too extravagant an outlay to enthrone fanaticism in the land of the free.

There is no use appropriating $30,000,000. That is just so much waste. Doran says the courts can not handle any more cases. I believe that instead of devoting to prohibition the money in this bill for that work that we should switch this money to enforce the laws against narcotics. There is unanimity of opinion in this country on the narcotic question, and the money used in that way would not be wasted.

The gentleman from New York [Mr. LAGUARDIA] succeeded in his point of order against establishing a revolving fund for antinarcotic work. It seems now that the narcotic bureau can not function because it has not money for evidence. It was clearly the purpose of the committee by the legislation in this provision to help the narcotic bureau. The gentleman from New York [Mr. LAGUARDIA] was within his rights, I think, in making his point of order.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of New York. Surely.

Mr. LAGUARDIA. My point of order was simply that the money recovered should go into the general fund of the Treasury in accordance with law, and not permit any bureau to build up its own fund.

Mr. BLACK of New York. I understand perfectly the position of the gentleman from New York; but because of the way this has been presented, and because of his insistence on observing the rules of the House, unless this appropriation is increased——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Unless this appropriation for narcotic enforcement is increased the narcotic bureau is going to be hampered.

My amendment takes all the money away from prohibition and sends it into narcotic enforcement, and I believe, and I honestly believe, that this should be done. There is no question at all about how we feel in this country about narcotic enforcement. There is a sharp division on the question of prohibition enforcement. There is a confession on the part of the drys that prohibition can not be enforced. There is a statement in the record here that if they had the money the Narcotic Bureau could function 100 per cent, and I propose that we give the money to them.

The position of the gentleman from Michigan this morning, the position of Doctor Doran, indicates that there has been a retreat on the part of the drys. Now, let us end the farce. Let us get down to business, let us stop the nonsense, let us stop the waste, and let us put this money where it can do something in the interest of the American people and have the American public opinion back of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 19, line 23, strike out the figures "$13,500,000" and insert in lieu thereof "$250,000,000."

Mr. LAGUARDIA. Mr. Chairman, this amendment is not subject to a point of order and is not a pro forma amendment, neither do I claim any originality nor do I claim any pride of authorship for it.

This is less than the amount suggested by the Director of Prohibition, Doctor Doran, in the hearings before the Committee on Appropriations if the National Government is to make a real, honest effort with respect to enforcement and the police duties incidental thereto.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. In a moment. Neither is the amendment hastily submitted, because when this amendment is adopted, if the sincere drys of the House will vote to agree to it, it must be followed in the appropriations for the Department of Justice by appropriations for at least 100 more judges, for at least fifteen hundred more assistant district attorneys, for at least 3,000 additional deputy marshals.

Now, gentlemen, we were all impressed by the splendid, sincere statement made by the gentleman from Arkansas [Mr. WINGO]. If all drys were to take that attitude, there would be no trouble in going through with this experiment, and then if it was found to be a failure, getting together on what is the best thing to do. The present condition of partial enforcement in a few spots, while the greater part of the country has no Federal enforcement is manifestly unfair, discriminatory, and has proved to be a complete failure.

If prohibition is to be tested, let it be tried effectively all over the United States, and it will take over $250,000,000 to commence an attempt at enforcement.

As pointed out by my colleague from New York [Mr. BLACK], the dry champions get unduly excited when the failure to enforce is shown up, and every year we go through the same performance in the consideration of this appropriation. I submit that never in the history of the whole world has it been witnessed that the sponsors, the champions of a principle of law will run away from it, and that is exactly what you are doing. If you stop to consider the habits of the people, if you stop to consider the existing conditions, if you stop to consider the conditions on the border line of Canada and the Mexican border, if you consider the size of the country and the fact that we have a population of 120,000,000 people, you must necessarily have to admit that an appropriation of only $13,500,000 to enforce the law is not only ridiculous but a legislative evasion of the law.

Now, champions of the drys, here is an opportunity to stand up and be counted, or else forever refrain from taking a drink. [Laughter.] If you are going to be for enforcement, stand up and vote for the necessary funds to employ the men required to stop the flood of liquor coming over the borders, from the Pacific coast, from the Atlantic coast, and send prohibition agents into such regions as the gentleman from Missouri says exists in his State, where there are only four counties that have prohibition agents, and send an army into the city of Detroit, the Nation's funnel, where millions of gallons pour in from across the border.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. O'CONNELL. Does the gentleman think that $250,000,000 would enforce the law?

Mr. LAGUARDIA. No; but it will demonstrate to the American people that the law can not be enforced, that it is impossible to enforce it. Prohibition can not be brought about by legislation until fermentation can be stopped by an act of Congress.

Mr. O'CONNELL. And change the habits of the people.

Mr. LAGUARDIA. Yes; and wipe out the hypocrisy of the prohibitionists.

Mr. GREEN. Mr. Chairman, I rise merely to call upon my Republican colleagues to keep faith with the American people on prohitition. When we reflect on the submission of this question to our people recently, and see their acclaim for prohibition, then we turn over another page and see the personnel that has the enforcement of prohibition in charge—I refer to the Secretary of the Treasury—it seems to me that on one side you have the vice and on the other side the virtue. What I would like to see my Republican colleagues do is to clean out, if there exists bribery and graft in this department, to clean it out. If you have wet men undertaking to enforce the dry law you are not keeping faith with the American people. When your next President undertakes to appoint the Secretary of the Treasury to enforce prohibition, make it so imperative that he will appoint a dry man to do it.

If you have had, as the newspapers say you have in the past, an enforcement administrator who says that the enforcement would be helped by a law to allow the sale of wine and beer, I say that no such individual should represent the law enforcement of this Nation. You can not enforce dry laws with wet men. If you wanted to get a sheriff for your county you would not go to the penitentiary. If you wanted a constable for your precinct you would not go to the penitentiary. If you want the dry law enforced you need not expect wet people to enforce it. What I would like you to do is to bear in mind three-fourths to four-fifths of the people of this country are dry, not only by abstaining from the use of intoxicants as beverages but dry by law and dry by conscience.

I deny the statement that a large majority of the Members of Congress vote dry and drink wet. I deny the statement that a large majority of the people of the various States vote dry and drink wet. My friends, that is no more true with reference to prohibition laws than is the case with reference to other laws of our land.

I believe that a majority of our American people are law-abiding. I believe that they think that laws should be enforced. I believe that our people are a moral people; that they are conscientious and are religious. I believe they are tired of mockery if same has existed heretofore in the enforcement of our prohibition laws. It is a part of the law of the land, the same as our other laws; and you fail to keep faith with your constituents, my friends on the Republican side, when you fail to see to it that individuals are placed in high positions who will enforce the prohibition laws. I call upon you as representatives of the party in power to see to it that these things are brought about. The dry forces of the Nation demand and expect rigid enforcement.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SABATH. Mr. Chairman, I introduced my amendment for the purpose of increasing the appropriation, realizing that the prohibition law is not being enforced, as has been stated by the gentleman from Missouri, in most parts of the United States. The prohibitionists on this floor whenever they wish to attack, select the city of New York or the city of Chicago, and fail to pay attention or call the country's attention to the violations throughout the entire United States. You can pick out any newspaper from any section of the country outside of Chicago or New York and you will find in every issue notice of violations in these respective sections of the country. I believe that the department should have all of the money that it requests. Notwithstanding the statement of the gentleman from Indiana [Mr. WOOD], I say that I have voted for every appropriation during the last seven years to give the department a chance to enforce the law, feeling, as the gentleman from New York [Mr. LAGUARDIA] and others do, that it is impossible to bring about a real enforcement of the law. Many of you are under the impression that it has not had a fair chance. I am willing that it should have an additional two years, and I am willing to vote an additional $10,000,000, $25,000,000, or even $50,000,000. I would like to see the law enforced to the same extent in small towns and in the country sections as it is enforced in the large cities such as New York and Chicago. I think it is manifestly unfair to the people residing in large cities to make the public believe that violations are being committed only in the large cities, when it is a fact that can not be truthfully denied that there is just as much violation going on in every hamlet of the United States in proportion to population as there is in the cities of Chicago, New York, or Detroit.

You can visit any small town or small city and within a few minutes you are invited to have a drink. You can have all of the drinks that you want, and you can not attend a luncheon or a dinner, whether it is by this organization or that society or club, without your first being asked to join in a drink or two. We must concede that prohibition is not being enforced, that it can not be enforced, but in view of the conditions, I am willing, and I pledge myself to vote for any appropriation that any gentleman feels we should have to bring about the real, honest enforcement of the law. I know what the result will be. The moment we start to enforce the law in the State of Michigan or in the State of Ohio or in Pennsylvania or in the South or along the coast, as it should be enforced, or as some of these gentlemen advocate, that very moment the people will rise up in arms and demand a modification or a repeal of this law which has done more harm to the American people than any other law ever enacted by the Congress.

Mr. SABATH. Mr. Chairman, in accordance with the unanimous consent and leave granted me I herewith insert the following editorial from the Chicago Tribune of December 6 on that question, which I feel might be of interest to the prohibitionists:

Mrs. Mabel Willebrandt, the firebrand of the Attorney General's office, in charge of prohibition enforcement, wrote the section of the annual report of that office relating to this enforcement. She gives the figures of export from Canada to the United States as obtained from the Canadian Department of Trade and Commerce. This admit-

tedly is not the total of liquor shipped into the United States. Much of it is not declared in the customs. In 1925 the declared trade amounted to 665,000 gallons. Last year it was 1,169,000 gallons.

In the attempts at enforcement of Volstead to stop this import of illegal intoxicants the Government employs reckless and lawless coast guards and agents from the Prohibition Unit. They kill citizens, innocent or not, and shoot up boats. They have made life unsafe along the border. They have been encouraged by the Government to disregard all normal considerations of prudence, discretion, and ordinary humanity.

In spite of this, in spite of the brutality of enforcement, and probably because of the corruption of it, the trade in contraband beverages increases by great leaps from year to year.

Prohibitionists have been allowed to write their own ticket as to the methods of enforcement. They have been allowed virtually to select the chiefs in charge of it. Congress responds to their demands by giving appropriations in the sums asked. It has cost $300,000,000. The consequences are as reported by Mrs. Willebrandt.

Enforcement becomes more expensive, more brutalized, and less able to control the traffic. As the agents become more lawless, as the punishment becomes more severe when there is punishment, and as Congress appropriates more money, more liquor comes in and is consumed by the American people.

Each year proves that this is a disastrous and not a noble experiment. It does not have that consent of the people which law in a democracy requires. What does the country propose to do about it? Continue to become more savage in futile efforts to fasten the will of some citizens on the lives of others? Or repeal the Volstead Act and return to sanity and moderation in government?

We know what the prohibition zealots want. It is more savagery. They are as fanatical people have always been. As resistance to them becomes more stubborn they become more frantic in their search for repressive measures of greater cruelty. This is illustrated in Michigan, which has a law sending liquor law violators to the penitentiary for life under a habitual criminal act. Two men have been so sentenced and now a woman faces that possibility in court.

The zealots want more and longer prison sentences. More shooting by the Coast Guard. More boats sunk on the suspicion that they might be carrying liquor. More victims added to the 200 already shot. By such procedure the Government of the United States will be still further brutalized and corrupted. Its people will become more resentful, violent, and lawless. And more liquor will be brought in and used, law will fall further in the esteem of the citizens and the sorry spectacle of a Nation guided by unreason will continue.

As a footnote to the record there may be added that prohibitionists in Virginia have asked that special agents be assigned to the University of Virginia, the school founded by Thomas Jefferson to promote ideas of individual liberty, to restrain the students, regulate their habits, and keep them away from the bootleggers, possibly a small irony, but a stinging one.

As a dominant clique goes to its downfall it becomes more hysterical in its attempts at repression, just as the New England clericals did, just as the old federalist aristocrats did, and just as the slave traders did.

Repeal the Volstead Act. It is the cause of national demoralization and the enemy of sobriety of thought and habit in American life.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment.

The amendment was rejected.

Mr. PALMISANO. Mr. Chairman, I move to strike out the paragraph. In the last Congress on several occasions I spoke on this question. In my remarks I asked this House to investigate the conditions under the prohibition administrator in Maryland. I find that in the hearings Doctor Doran says that he gets no cooperation from Maryland, and that Maryland, and Baltimore city, in particular, is more or less an outlaw. In Baltimore city, although we do not enforce the eighteenth amendment by the police department, yet we do not have the condition that exists to-day in Chicago and in Pennsylvania, where the police enforce the Volstead Act. We do not want that sort of thing in Maryland, and that is one reason why we do not have the enforcement of that law by the police department of the city of Baltimore. In Baltimore city whenever a police officer is indicted for committing a crime, whether it is a misdemeanor or a felony, he is suspended immediately, pending the trial of that charge.

Under the prohibition administrator when a man in his department is charged with murder, that man is continued in office and may go on in his effort to enforce the Volstead Act. In the State of Maryland when a man is indicted and sentenced to the Maryland penitentiary for robbery he is not permitted to go free, armed, about the streets, but under the Federal Government that man is permitted to put into his pocket a blackjack and a gun in order that he may proceed in continuing his robbery and to enforce the Volstead Act. That is the reason that we in Maryland can not tolerate this law. In the last Congress I offered an amendment to eliminate from the benefit of the appropriation all men in the department who have been convicted of a felony or who have been indicted for a crime or a felony, and where were the dry Members then, and where was Doctor Doran and his friends? Where were the dry Members at that time? Not a one voted for it, and unless, Mr. Chairman and members of the committee, you eliminate the criminals in that department you can not ask the American people to have respect for the law. During the campaign I was attacked on my maiden speech in this House because I suggested, and I say it now, if the Members of this House are sincere—the dry Members, I am speaking of—if you are sincere, put an amendment to the law that any man who represents the Government in a judicial capacity and who is convicted of violating the eighteenth amendment or acquiesced in a violation of that law, be impeached—and I say that applies also in the rooms of an embassy—I proposed at that time that every Member of Congress, every district attorney, and every judge who is convicted of a violation of the law or acquiesces in a violation of the law, shall be impeached and for 10 years thereafter shall hold no office under the Federal Government.

I say, Mr. Chairman, that is the proposition which Congress ought to consider, because the working-class people consider that the Volstead Act was enacted to prevent them from obtaining a drink as the rich are able under the present law to obtain any liquor that they were able to obtain prior to the eighteenth amendment and the Volstead Act, and that accounts for the lack of respect for a law which is considered by a vast number of the American people to be class legislation.

Mr. LAGUARDIA. Mr. Chairman, I have two amendments to offer, and because I have taken a good deal of time, I shall only take five minutes on them.

The CHAIRMAN. The question is on striking out——

Mr. PALMISANO. Mr. Chairman, I ask unanimous consent to withdraw it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment. Page 19, line 23, I move to strike out the figures $13,500,000 and insert in lieu thereof the figures $13,600,000.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Amendment by Mr. LAGUARDIA: Page 19, line 23, strike out "$13,500,000" and insert "$13,600,000."

Mr. LAGUARDIA. Mr. Chairman, my purpose in offering this amendment is to provide the fund which the chairman says may be necessary by reason of the proviso which was stricken out on the point of order. I do not want in any way to impair the enforcement of the narcotic law, but I do not want to establish the vicious precedent of having revolving and special funds, and that is the reason I pressed my point of order.

Mr. WOOD. Mr. Chairman, I hope this amendment will not prevail for this reason. In all probability, the proviso stricken out by the gentleman from New York will be inserted on the other side. If the amendment prevails which is now offered by the gentleman from New York, we will not only have an additional $100,000 but we will also have the proviso stricken out also in the bill, so we have not got what the committee desires they should get but will have $100,000 in addition.

Mr. LAGUARDIA. I think in orderly legislation, we can not anticipate what another body will do, especially when something is written in an appropriation bill which is clearly improperly there, and I think the prudent and unwise thing to do is to provide this additional fund so that a proper enforcement of the narcotic law can be carried on. Surely, I do not want the responsibility to rest on my shoulders.

Mr. WOOD. If that is the case, the gentleman ought to have withdrawn the point of order.

Mr. LAGUARDIA. No; but we have the law and rules of the House which must be followed, and there is not a Member in this House who approves of a situation where separate funds are created in various departments of the Government to be used without the usual and proper check up. Now, here is an opportunity to provide the funds for the very purpose suggested by the gentleman in his provisio, which was clearly improperly in the bill. I am not going to permit any undercover system to be reestablished, no matter how carefully it may be camouflaged. My amendment provides the fund for doing the work lawfully.

Mr. BLACK of New York. Mr. Chairman, I would like to be heard on the amendment. I hope Members will understand

what is about to be done in the amendment. This is a very serious proposition. The record is replete that the Narcotic Bureau can not function in the detecting of the big narcotic criminals; that they can not break up the big conspiracies to sell narcotics because they are hampered by a lack of funds. There is no more serious crime committed in the country than the illegal distribution of narcotics, and the gentleman from New York [Mr. LAGUARDIA] has very wisely and in the most orderly fashion offered an amendment to provide the Narcotic Bureau with adequate funds. I wonder if this House at this time is going to think more of throwing away money on prohibition enforcement than of providing sufficient money for the Narcotic Bureau.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. I yield to the gentleman.

Mr. BYRNS. I certainly agree with the gentleman as to the importance of the enforcement of the narcotic law. The Committee on Appropriations is inserting an item in this bill which was requested by the Prohibition Department and the gentlemen in charge of the narcotic law, an item which they said would give them additional funds for its enforcement. That provision is inserted at their request. I do not think it lies within the powers of the gentleman, after striking it out on a point of order, even if it is justified under the rules of the House, to then get up and say we want to increase this appropriation.

Mr. LAGUARDIA. If money is required, it goes into the general fund, and the money is lost by striking out the proviso. The gentleman himself has on many occasions taken exception to this suggested proviso; he has done it on other occasions.

Mr. BYRNS. The gentleman knows that when it goes into the general fund it must be reappropriated. Here was a proposition to throw it into the narcotic board, where he claimed they could enforce this law to a better and greater extent than before. Of course, it was entirely within his rights to strike it out.

Mr. BLACK of New York. Mr. Chairman, the situation is plain. No matter how you feel about that point of order, if this bill passes without the LaGuardia amendment the Narcotic Bureau will be hampered. We are not giving them proper funds, adequate funds, to enable them to function. The duty of this House is to provide proper funds for the Narcotic Bureau. It is idle to wait on the Senate. We waited for the Senate to act on a deficiency bill for a year, and then nothing happened. It is up to us to say whether or not this Congress wants to enforce the provisions of the narcotic act. It is the usual way of providing legislation of this kind.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LAGUARDIA. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded. The question is on agreeing to the amendment.

The question was again taken, and there were—ayes 4, noes 27.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 19, line 25, after the word "Columbia," insert: *"Provided,* That none of the money herein appropriated shall be used for the payment of services, transportation, or disbursements to persons not in the employ of the United States Government."

Mr. LAGUARDIA. Mr. Chairman, the House will recall that two or three years ago this country was shocked at the system then in vogue and in practice in the Prohibition Department in their so-called "under-cover" system of engaging irresponsible people to go out and entrap persons into the violation of the law. That system was stopped on a point of order which I made on a proviso in the appropriation bill which permitted the use of public lands for such purposes.

As I informed the House yesterday a bill was introduced at the time to legalize the spy—under-cover—system and went before the Committee on Ways and Means. When that committee went into the question they refused to report out the bill. Now, under the practice in the department, agents are encouraged to use their wives as decoys; and we have had instances, as I learned from testimony given in the Federal courts, where agents in distant cities were ordered to incur transportation and expenses for their wives, which expenses were paid out of this fund, and the wives were used as decoys to induce persons to violate the law in an attempt to make a case of conspiracy.

Now the appropriation you have is so small that you can not afford to expend any funds in such joy rides and orgies as agents and their wives have indulged in during the past year. The law is specific on the point and provides that no service shall be accepted by any person not employed by the United States.

The persons employed as decoys under the present system are not responsible to anyone. They are not sworn officers of the law. They are hired for the job and given public funds to squander. They are simply hired mediums to send out and encourage the violation of the law, and they have been spending large amounts of money which deplete to a large extent the appropriation long before the fiscal year is over.

Now again I appeal to the chairman of this subcommittee that if he is really anxious to carry out the suggestion made by the Director of Prohibition in the hearings had before his own committee, the time is ripe now to prevent such things as took place not many months ago in the city of New York, by the adoption of my amendment.

It is simply disgraceful for Government agents to go out and be able to employ their own wives or other irresponsible people and send them into hotels and give them public funds to buy liquor and expect any jury to believe the testimony of such people. Mr. Chairman, every case that has gone to a jury, where evidence was obtained under the conditions I have now related, has been thrown out; and not one single, solitary conviction has been obtained.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this amendment and on the paragraph close in five minutes.

The motion was agreed to.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I want to make an observation with reference to the standing vote on the LaGuardia amendment to enforce the narcotic law which, I hope, will be taken in good part by the House. It was no surprise to me that those who voted to enforce the narcotic law were largely the well-known wets of the House while those who voted against the enforcement of the narcotic law were largely the drys of the House.

In commenting on this amendment, let me call your attention to the fact that there is nothing in the Constitution of the United States which permits a Federal officer to buy orchids for Texas Guinan. We in New York realize that Texas Guinan has done a great deal to make New York celebrated as well as the United States, but there is no reason in the world why prohibition agents should use Federal funds to decorate the lady with the latest in orchids. It took them a long, long while to get evidence against the comfortable night clubs of New York. They can get it in a little while against a little speak-easy, but they had to play around a little bit in the night clubs in order to get evidence.

Now, the gentleman from Michigan criticizes the New York State officials. What about the Federal officials in New York? What about the Federal prohibition administrator? Why do they have to bring orchid-buying agents from outside the jurisdiction of New York into New York City to get evidence? What was the matter with the prohibition enforcement agents in New York?

Mr. McKEOWN. Will the gentleman yield?

Mr. BLACK of New York. I will yield in about two minutes.

Mr. McKEOWN. I just wanted to ask what had become of all these wet votes in the last election? I looked for them.

Mr. BLACK of New York. There were 16,000,000 wet votes in the last election and we are appropriating to-day $13,000,000 to enforce the prohibition law or about 75 cents a vote.

Mr. LAGUARDIA. A year.

Mr. BLACK of New York. A year. The gentleman from Michigan spoke about the racketeers and bandits. They are the collateral creation of prohibition. They say that politics makes strange bedfellows, but what about prohibition? We have a dry in bed with a racketeer. The dry has under his pillow a vial of poison and the racketeer has a gun. But they do not drink out of that bottle, although there is a little bottle on the table out of which they both drink.

Mr. HUDSON. Will the gentleman yield?

Mr. BLACK of New York. I always am glad to yield to the gentleman from Michigan.

Mr. HUDSON. Does the gentleman make the observation here that the 16,000,000 votes he spoke about a moment ago represented violators of the eighteenth amendment?

Mr. BLACK of New York. Oh, no. I think the other 22,000,000 were the violators, as a rule. They have been trying out this noble experiment day after day and they rather like it.

The amendment offered by the gentleman from New York [Mr. LAGUARDIA] ought to prevail. There is no reason in the world why the wives of Federal agents should be used as an enticing force to entrap violators of the law. If you refused to pass—I am getting to be LAGUARDIA's second lieutenant, I guess—the LaGuardia amendment for the enforcement of the narcotic law, and thus made yourselves ridiculous before the country, at least redeem yourselves a little bit and raise your general standard before the public by accepting the amendment he has just offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

MINTS AND ASSAY OFFICES

For compensation of officers and employees of the mints at Philadelphia, Pa.; San Fancisco, Calif.; Denver, Colo.; New Orleans, La.; and assay offices at New York, N. Y.; Boise, Idaho; Helena, Mont.; and Seattle, Wash., and for incidental and contingent expenses, including traveling expenses, new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed $500 for the expenses of the annual assay commission, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, $1,635,500.

Mr. LEATHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEATHERWOOD: On page 34, line 14, after the word "Montana," insert "Salt Lake City, Utah."

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I assume when the committee left out the Salt Lake City assay office it was upon the theory of economy. With reasonable economy I am in full accord, and if I can be led to believe that it is to the best interest of my Government to leave this office out I shall make no complaint.

I am not offering this amendment, Mr. Chairman, simply because if it should be granted it may furnish employment for two people in Salt Lake City. I am offering it, Mr. Chairman, because I believe it is of vital importance to a great industry in my State, and if I shall fail to bring forth reasons for that statement then the action of the committee should prevail.

I regret that it was not possible for those of us who come from the mining States to be here at the hearings when this matter was taken up. Let me say that I am not offering this amendment, and nothing that I shall say will be in criticism of the action of the committee. With the facts that were before the committee, its action might be justified by those unfamiliar with mining conditions.

It seems that this office, as I read the hearings, was eliminated upon the theory of importance and that it was deemed unimportant because there had been a comparatively small amount of bullion deposited in the office for mint purposes. Another reason, it seems, that was urged as to its not being an important office, was that it would be just about as easy for the people in Utah to do this business in San Francisco or in Denver as it would be at home.

In the hearings I find that my good friend, the Director of the Mint, again falls into error with reference to the geography of our country out there, and I understand he claims to be a westerner. He speaks of San Francisco as being a night and a day from Salt Lake City. I do not know why he did not translate it into moons and say it was so many moons from Salt Lake City.

As a matter of fact, the director, if he is a westerner, knows that San Francisco is 800 miles from Salt Lake City; and, as a matter of fact, if he is a westerner and a Coloradan, he knows that Denver is more than 600 miles by rail from Salt Lake City.

Mr. Chairman, the importance of one of these assay offices is not measured by what is deposited there or by what is expended.

If it is because the outlay in this office is greater than the income, then I ask why did not the Director of the Mint, in all fairness, come before the committee and ask to have the New York office abolished, the New Orleans office abolished——

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, it is very seldom I claim the time of this House. I ask unanimous consent that I may at this time be permitted to proceed for 10 minutes to present this matter, probably for the last time.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LEATHERWOOD. I say, if it is on the question of the deficit, why should not the Director of the Mint come in and call attention to the condition at New York, where they ran behind $54,672; New Orleans, $12,491; Carson City, $5,000; Boise, $6,518; Helena, $5,785; Seattle, $23,559; Salt Lake City, $3,492. So far as that comparison is concerned, the Salt Lake City office is the lowest in the list.

I do not want any of my friends from these other States to get nervous. I am not going to make any invidious comparison or to urge that their offices be taken away from them, but I do ask them to treat us with the same degree of fairness and consideration which they claim for themselves.

I said a moment ago that these offices are not measured by what comes into the office or by what goes out of the office. These offices are created as an incentive and as an inducement in the promotion of the great industry of mining. The picket men, the outposts of all the great mining properties in the West, are the fellows who go out and prospect, and it is to these assay offices that many of these men come with their samples, and it is in this way that many great properties have been built up.

I would like to know why the Director of the Mint is so concerned about the abolition of the office at Salt Lake City when he takes into consideration the importance of that district.

Within a radius of 100 miles, Mr. Chairman, of the Salt Lake City office there is mined a greater tonnage of ore bearing the precious metals than in any other given area of the United States. There is smelted within a radius of 30 miles of the Salt Lake City assay office a tonnage of ore bearing precious metals greater than any other district in the United States or any other point in the world at the present time. Then you tell us out there in that country that it is an unimportant matter and does not mean anything!

If, Mr. Chairman, we measure this question simply by the dollars and cents handled in the office, as a business matter it might not justify itself; but let us note what is at stake and what the development of this great industry is doing for the country. I pause and would like to have an opportunity to interrogate, if it were possible, the Director of the Mint as to why he has never asked to have the Boise office abolished. We are not asking to have it done, but it has never made a much better showing than the Salt Lake City office, and why does he come asking that our office be abolished and yet he has never raised his voice against the Boise office or the Helena office? And I am informed by one of the most responsible citizens of Salt Lake City that only within the past few months the Director of the Mint came to Salt Lake City and professed to be a great friend of the Salt Lake City office, and said it would be too bad to abolish it, and yet he comes back here and says things which would damn it in the sight of this committee. Does Utah's lack of representatiion on the Appropriations Committee enter into this question?

I ask the attention of the Appropriation Committee for a minute. You are are perfectly willing to leave the assay office at Helena, Mont. What does Montana contribute to the wealth of the Nation through her mines? In 1927 the value of her contributions was $48,078,000. What does the State of Idaho contribute to the wealth of the Nation? You are leaving an assay office at Boise. She contributed $28,469,000 from her mines. What does Utah contribute, where you now seek to strike down this little office which costs the Government the gigantic sum of $4,200 a year? What did she contribute in 1927, from her mines? She contributed $74,348,000, and from that there was paid throughout the United States to the people of the country in dividends between eighteen and twenty million dollars. I had the pleasure only a few months ago of showing one of my friends from the House where he got his dividends from on Utah copper stock.

Mr. BACON. Will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. BACON. If you are doing so much business why do you not use the assay office more? There were only 43 deposits last year, less than one a week.

Mr. LEATHERWOOD. I will answer the gentleman in a minute, and I hope he will not let me get away from it. In addition in 1927 we produced 7,700,000 ounces of silver—more than the next higest State, which was Montana. In other words, we were first in production of silver.

I have been asked by the gentleman from New York, whom I take it is a member of the committee, why the showing of the assay office in Salt Lake City is so low. I invite his attention

to the fact that in 1925 the Salt Lake City assay office was taking a march forward. There was deposited at that time during that fiscal year bullion for minting purposes to the amount of over $112,000. I invite the gentleman's attention to the fact that the production of gold—and that is what this is based on—varies from time to time throughout the mining country. I am coming now to the real answer to the gentleman's question, which is a fair question and ought to be answered fairly.

In 1925 the Director of the Mint had set his heart on killing this little assay office. When the director came before your committee he could tell you how many days and nights it was from Salt Lake City to San Francisco, but he could not tell you how many miles. He did not know that Boise was much nearer, he did not know that Helena was much nearer. He did not tell you in this hearing why he is adverse to the Salt Lake City office.

I will tell you. The cold and unsympathetic hand of bureaucracy reached out with a view to striking down our assay office. I speak advisedly. I have in my possession the paper which shows that in order to break down and make a poor showing from this assay office the Director of the Mint practically doubled the assay charges, and yet in spite of all that, and in the face of all that, I invite your attention to the fact that we had 452 deposits last year. We assayed 1,065 samples coming from 31 States.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Utah asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LEATHERWOOD. The Salt Lake office received 452 samples and made 1,065 assays last year for nonmintable purposes. What did Boise do—and you leave her assay office in? She had 843 samples and 1,408 assays. What did Helena, Mont., do? She had 485 samples and 1,299 assays.

So I say that the avowed purpose after partaking of our hospitality and telling us what good people we were, and that it would be too bad to take the office away from us, was to destroy the office by raising the assay fees. That accounts for the showing that we made last year.

Now, gentlemen, in all fairness do you think it is just the thing to take this little agency of the Government away from the people of my State?

We have never had much from the Government. We went over the top every time you called us during the war, and we went over ahead of time. You took our money and spent it elsewhere. The Government never has maintained very many of its agencies in my State. This is an agency which is vital to a great industry which turns back to the country from $18,000,000 to $20,000,000 in dividends, and that added last year to the wealth of the country $89,000,000. Why do you leave out the Boise office? The great bulk of the tonnage of Idaho is in the panhandle country, which is practically inaccessible to Boise except for three or four months of the year. We think in all justice, in all fairness, gentlemen of the Committee on Appropriations, that it is not right to take from us this little help which the Government is giving us, and I ask the members of this committee in all fairness to treat this matter as a business proposition.

I am not making this appeal as a pro forma matter, or to preserve any record. I am making a plea for an industry of my State that produces three times more wealth from our mines than is produced from the mines of any other of the intermountain States.

Mr. WOOD. Mr. Chairman, in answer to the very eloquent and earnest plea of the gentleman from Utah [Mr. LEATHERWOOD], the only purpose this committee has in abolishing this office is based on the fact that the office is not needed. The gentleman from Utah stated himself that if we were to consider this purely as a business proposition, no defense could be made in its behalf.

Mr. LEATHERWOOD. With the facts before you.

Mr. WOOD. Yes; with the facts before us.

Mr. LEATHERWOOD. And I tried to give you some facts.

Mr. WOOD. It was on the basis that the Deadwood office in Dakota was not needed that we abolished it at the last session of Congress. These institutions were established many, many years ago when the means of transportation were not what they are to-day, and when there was more necessity than there is to-day for their existence, and after once more being established, the communities, of course, are loath to give them up. Since I have been a Member of this House we had to fight three or four different sessions to get rid of the subtreasuries, when it was admitted by the Treasury Department, as it is admitted now, that they were not needed; but they were establishments that had a few employees and they added a little bit of business interest to the community and were a little bit representative of the affairs of Government, and the various communities wanted to retain them. I remember very well when we used to have some 17 or 18 pension commissioners scattered around over this country. They might have been needed at one time, though that was doubtful, but the time came when they were not needed, and yet every State that had one of them, on this floor fought to maintain them because they did have them. If we are to proceed in this way, then we are going to be constantly confronted with just criticism by the public for paying out money for useless agencies.

The gentleman from Utah stated that this territory is producing some $78,000,000 of national wealth, but it does not go into that mint. There were only $34,000 that went into that mint last year, and there were less than three and a half samples there in a month—only 40 through the entire year. The only defense that can be made for the further maintenance of this office is that they have it there and they want to keep it there. None of the ore that goes into this office is minted there. It goes from there to San Francisco. It necessitates a reshipment, expensive both to the Government and to the producer of ore, so why not send it directly to San Francisco in the first place? It is not sufficient to say that we have not abolished these other offices. We will abolish them as the showing comes, or attempt to abolish them, against the opposition, of course, always, of the States that have them. There is no pleasure, I assure the gentleman, so far as this committee is concerned, to recommend the abolishment of this office, but we would be entirely derelict in our duty if we did not bring to the attention of this House the fact that this is a useless thing and we are paying out more than $3,000 a year in excess of the money that comes in. Only about $750 comes into this office in the course of a year, and from a business viewpoint it is absolutely indefensible. If this Congress, with the facts before it, wants to keep this office merely as a sort of accommodation to the gentlemen out there, merely because of the fact that they have enjoyed it throughout these years and hate to give it up, all well and good, but we can not justify ourselves in keeping it because it is a useless expense to the Government and adds nothing to the efficiency of the service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. LEATHERWOOD) there were—ayes 11, noes 27.

So the amendment was rejected.

Mr. WELCH of California. Mr. Chairman, I move to strike out the last word.

The gentleman from Indiana [Mr. WOOD], who has referred to the bill which bears my name as a "monstrosity," has clearly overlooked the fact that to repeal the bill in accordance with his suggestion, while it might take away one or two million dollars from the higher-paid employees, will at the same time deprive the lower-paid employees of from eighteen to twenty millions of dollars from their already inadequate pay. He offers no substitute to improve existing conditions. It is well known that many inequalities existed prior to the passage of the Welch bill, but these inequalities can be corrected only by a thorough classification of the entire service as provided in section 2 of my bill, a report on which is expected to be filed with Congress about January 1. In the meantime my bill was designed to grant some temporary relief. First, the House leaders drastically reduced the rates from those carried in the original bill and would not permit the bill to come to a vote except under suspension of the rules, which prevented any liberalizing amendments. Next, the decision of the Comptroller General reduced the benefits for the lower-paid employees and increased those for the higher-paid employees. Lastly, the department heads denied to the lower-paid employees the relief which they were authorized to grant, and in some instances the effective date of the application of the act was deferred. I will willingly join with the gentleman from Indiana in the repeal of my bill if he will guarantee to secure the enactment of a bill which will contain rates as carried in my original bill, before the emasculation of it by the President of the United States, the House leaders, the Comptroller General, and the department heads charged with its administration.

The bill which I had the honor to introduce at the last session of Congress after consultation with the officers of the National Federation of Federal Employees had for its purpose the in-

crease of the compensation of Government workers, particularly those in the lower salary ranges. The bill as finally enacted into law materially reduced the rates as originally presented and was not satisfactory to me nor to its proponents. As finally enacted it represented the best possible obtainable at the last session of Congress, in view of conditions then existing.

Probably the most poorly paid group in the entire Federal service are the men and women known as custodial employees, who make up the maintenance forces in public buildings throughout the country. In spite of the slashing of the rates proposed in my original bill, the bill as finally enacted into law did carry uniform increases in all of the lower grades in the custodial service of $180 per annum, notwithstanding which we find, on page 1045 of the President's Budget as transmitted to Congress at the opening of the present session, House Document 375, a striking illustration how even the inadequate relief clearly intended in the Welch bill as enacted into law was further reduced by administrative action. For the fiscal year ended June 30, 1928, 1,286 firemen received an average of $1,211 per annum.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELCH of California. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WELCH of California. For the current fiscal year, with the increases obtained in the Welch bill, as applied by the Treasury Department, which has jurisdiction over these employees, 1,327 firemen received an average of $1,311 per annum, indicating an average increase of only $100 per annum, notwithstanding the provisions of the bill calling for an increase of $180 per annum, and there is a still gloomier outlook for the next fiscal year, the estimate for which calls for 1,344 firemen with an average salary of $1,299 per annum, forecasting an average decrease of $12 per annum. The table referred to further shows that during the fiscal year ended June 30, 1928, there were 2,199 laborers receiving an average salary of $1,112 per annum. For the current fiscal year 2,301 laborers, with an average salary of $1,198 per annum, showing that the increase to this group under the Welch bill amounts to only an average of $86 per annum, with an average cut of $4 per annum forecasted in the estimates for the next fiscal year.

Charwomen, a group of employees whose work is laborious, and whose pay is always meager, have apparently received even less consideration. During the fiscal year ended June 30, 1928, 1,131 of these employees received an average wage of $634 per annum. For the current fiscal year, with such increase as was allowed them by the department, 1,149 charwomen are receiving an average of $679 per annum, showing an average increase of only $45 per annum, and the prospect for the next fiscal year is for an average decrease of $1 per annum from the miserable pittance now being paid them. To make a bad matter still worse, it was the original intention of the Treasury Department to deprive the custodial employees of any increase under the Welch bill on July 1, 1928, and to delay the effect of the act until July 15. The situation of these employees was called to the attention of the Treasury Department by Mr. Luther C. Steward, president of the National Federation of Federal Employees, under date of July 30, 1928, and I desire to include in my remarks copies of Mr. Steward's letter, together with reply thereto from one of the Assistant Secretaries of the Treasury.

I feel that it is clearly the duty of the House of Representatives to take steps during the present session of Congress by the enactment of amendatory legislation which will grant a fuller measure of justice to the lower-paid Federal employees.

JULY 30, 1928.

The SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

DEAR SIR: Confirming our personal interview had on the 28th instant, we desire to cite for your consideration reasons which in our judgment demonstrate the clear intent of Congress to substantially increase, as effective July 1, 1928, rates for custodial employees in effect prior to that date.

The rates for the lower grades in the custodial service receive a larger increase under the terms of the Welch Act than the rates contained in the lower grades of the other services enumerated in the classification act of 1928. The decision rendered by the Comptroller General under date of June 2, 1928, also bears out this statement.

With respect to the field service, the Comptroller General, under date of June 21, 1928, ruled as follows:

"The heads of the several executive departments and independent establishments are authorized to adjust the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by this act for positions in the departmental services in the District of Columbia.

"The act of December 6, 1924 (43 Stat. 704, 705), specifically applied to the Interstate Commerce Commission. Said act provided as follows:

"'The appropriations herein made may be utilized by the heads of the several departments and independent establishments to accomplish the purposes of this act, notwithstanding the specific rates of compensation and the salary restrictions contained in the regular annual appropriation acts for the fiscal year 1925 or the salary restrictions in other acts which limit salaries to rates in conflict with the rates fixed by the classification act of 1923 for the departmental service.'

"This act has been extended through each subsequent fiscal year. For the fiscal year 1929, see section 2 of the act of March 5, 1928 (Public, No. 93). These statutes have heretofore been construed and applied as authorizing the administrative office to adjust the compensation of positions the salary of which had theretofore been specifically fixed by other statute. (4 Comp. Gen. 582; id. 625.) The provisions of the act of May 28, 1928, do not automatically increase the rates of compensation of any field position, whether the rates were or were not specifically fixed by other law, but there is for administrative consideration such action, if any, as may be necessary to adjust the rates of compensation for field positions 'to correspond, so far as practicable, to the rates established by the classification act of 1923 for positions in the departmental services in the District of Columbia,' as amended by the act of May 28, 1928, fixing the new schedule of salary rates."

The relation of employees in the field services to employees in the District of Columbia remains the same under the Welch Act as it was subsequent to the passage of the classification act of 1923 and the special appropriation act of December 6, 1924. Section 3 of the Welch Act authorizes heads of departments to adjust the compensation of field employees to correspond, so far as may be practicable, to the rates established for positions in the District of Columbia. Where a differential was established for field positions under the act of December 6, 1924, and where, in the judgment of the head of the department, certain field positions were, under the act of December 6, 1924, paid more than similar positions in the District of Columbia, it necessarily follows that under the provisions of section 3 of the Welch Act the same differential in favor of certain field positions should be maintained.

During the entire time that the Welch Act was under discussion in Congress the custodial group, and a need for adjustment upward of the rates of compensation paid to the members of this group, received a greater amount of attention at the hands of the Members of Congress than any other feature of the bill. Since the passage of the act and the issuance of the Comptroller General's decision of June 2, all departments and independent establishments, with the exception of the Supervising Architect's Office, have taken steps to apply the terms of the Welch Act, effective July 1. In the War Department and the Interior Department, where there are substantial numbers of maintenance employees who are comparable to the custodial employees of the Treasury Department, the terms of the Comptroller's decision of June 2 have been applied in toto.

It is with sincere regret that we have to point out to you the very painful impression that will be created by the Supervising Architect's Office standing alone; first, as the only bureau in the Government which has failed to grant its employees increases authorized by the act, reinforced by the terms of the Comptroller General's decision of June 2, and, second, that the Supervising Architect's Office should be the only bureau in the entire Government that failed to apply the terms of the Welch Act as of July 1, 1928, thereby depriving the lowest-paid employees of small sums, which deprivation creates friction out of all proportion to the amount involved.

In certain bureaus where the actual increase of field employees will be contained in the pay for August, official notification has already been sent to field offices that the effective date of the increases was July 1. As to the effective date as to the applying of provisions of section 3 of the Welch Act, effective July 1, 1928, desire to call your attention to decision of the Comptroller General issued under date of January 3, 1925, appearing in volume 4, Decisions of the Comptroller General, commencing at page 582, in which discussing the effective date of the application of the act of December 6, 1924, he holds that there can be no doubt that the rates of compensation to be fixed were intended to apply for the entire fiscal year.

We are receiving in substantial volume, particularly from metropolitan centers, a demand that the action of the Supervising Architect's Office, in respect of the application of the Welch Act to custodial employees, be taken up at once with the entire membership of Congress while they are at their homes, and we fully recognize the interest in this subject by Members of both Houses, but before proceeding any further we desire to place the entire matter before you, feeling sure that with the additional information above set forth action will be taken to bring about the adjustment contemplated by the Welch Act.

Fraternally,

LUTHER C. STEWARD, *President.*

TREASURY DEPARTMENT,
CUSTODIAN SERVICE,
Washington, July 31, 1928.

Mr. LUTHER C. STEWARD,
President National Federation of Federal Employees,
Labor Building, 10 B Street SW.,
Washington, D. C.

SIR: The receipt is acknowledged of your communication of the 30th instant relative to the application of the Welch bill to employees in the custodian service assigned for the care, maintenance, and repair of Federal buildings.

Action on your letter must be held in abeyance pending the return of the Undersecretary of the department and the Assistant Secretary in charge of the Office of the Supervising Architect.

The department has reconsidered its action in authorizing increases in compensation of the custodian force effective July 16, and instructions will be given to custodians authorizing same as effective July 1, 1928.

Respectfully,

S. LOWMAN,
Assistant Secretary of the Treasury.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. ARENTZ. Mr. Chairman, I have offered an amendment, which is at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 14, after the word "Montana," insert "Carson City, Nev."

Mr. ARENTZ. Mr. Chairman, all that has been said relative to the Salt Lake City office can also be stated about the Carson City assay office. I need not go into the details of the necessity for the retention of this office, except to say in regard to the $6,000 appropriation last year for this purpose, that I believe a similar amount should be appropriated this year, and it will be necessary within the next year or two to appropriate three or four times this amount to carry on the cooperative work with the State in the exploration of new ore deposits, a question that has been very seriously considered by the United States Geological Survey and Bureau of Mines. And when the question of the Carson City assay office came up, Mr. THATCHER, a member of the Committee on Appropriations, asked Mr. Grant, the Director of the Mint, if there was any reason over and above that given for the retention of the assay office in Salt Lake City that could be applied to the Carson City office, and the answer given by Mr. Grant to the committee was that there were many more reasons why the Carson City office should be retained.

Mr. BYRNS. If the gentleman will permit, my recollection is that the director stated that a bill had been introduced in Congress which sought to turn over that building for a Federal prison. Is that correct?

Mr. ARENTZ. At the present time, Mr. BYRNS, there are Federal prisoners from many points in the United States who are sent to Nevada prisons, both county jails and State penitentiaries, for retention. And I will also say if the Federal Government continues to send prisoners to our State prisons and county jails, it is going to be necessary for the Federal Government to do something to prevent the overcrowding of those places.

Mr. BYRNS. I was just wondering whether the gentleman or either of the two Senators from Nevada, had introduced a bill, as I understood the director to say, to turn over this assay building for a Federal prison?

Mr. ARENTZ. I will say, if there is any kindly disposition on the part of members of the Appropriations Committee, to change this institution to a jail or a Federal penitentiary——

Mr. BYRNS. That is not my question. It was whether the gentleman, or one of the Senators, had introduced a bill.

Mr. ARENTZ. I do not know at the moment what the Senators have done relative to this matter. I do recollect having introduced a bill to that effect, and I will say I think this assay office, a thick-wall stone structure, if it is going to remain unused through the action of your committee in cutting off this appropriation, would be a good place to put Federal prisoners if they continue to send them to Nevada.

Mr. BYRNS. Does not the gentleman think, in view of the statement made by the director as to the loss incurred in the retention of this office, that it could be put to a better advantage, under the circumstances stated by him, than continued as an assay office?

Mr. ARENTZ. I will say, in view of the production of precious minerals in the State of Nevada and the mining industry, that the small amount of $6,000 is a trifle when it comes to the consideration of the benefits which will accrue to my State through its retention. The Committee on Appropriations could well afford to continue the assay office at Carson City even if for a year or two its receipts may be insufficient to cover the expenditure made by the Government, because I can assure the gentleman from Tennessee in a year or two we may be receiving millions of dollars in bullion in this assay office. I heard the gentleman from Utah here on his feet make a plea—and a splendid plea—for an appropriation of $4,500. I am now pleading for $6,000, and surely the merits will justify a great deal larger appropriation than this insignificant amount. I hope the committee will favor this amendment and adopt it.

Mr. WOOD. I desire to say a word in reference to the Carson City office and furnish some facts for the consideration of the gentleman.

Carson (Nev.) Mint has functioned for some time only as a minor assay office. The amount eliminated from the appropriations on that account is $6,440, which covers the salaries of three employees and the incidental expenses of running the office. During the fiscal year 1928 the business of the office consisted of 209 deposits, and the coining value of the gold and silver received was $234,811.70. The income received at the office was $460.48, and the expense amounted to $5,847.56, an excess of expenses over income of $5,387.08.

Carson is only 12 hours from San Francisco, where the Government has a very large mint and assay facilities. As it is now, all of the gold that comes into Carson now is reshipped to San Francisco. The business of the office is not sufficient to justify its continuance and the Director of the Mint has told the committee in the hearings this year that the assay office at Carson was not of sufficient benefit to the State or to the Government to keep it running for the amount that it costs and that no hardship would result through the abolishment of the office.

Carson City is distant a day and a night from San Francisco. There the Government has a very fine mint and assay facilities. The condition of the office at Carson City is not such as to satisfy the judgment of the Director of the Mint, and we were told in the hearings that the best interests of the Government and the Treasury in the transaction of its business would be subserved by the elimination of this office.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman be gracious enough to yield?

Mr. WOOD. Certainly.

Mr. LEATHERWOOD. I notice in the hearings that the Director of the Mint seems to hold out some hope to the people of Nevada that if the office at Carson City is abolished it will be converted into a jail. I wonder if we in Utah can have such a prospect?

Mr. WOOD. If the people in Utah need a jail, I am in favor of it.

Mr. LEATHERWOOD. I thought perhaps we might get a recommendation of that from the head of the committee. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Baltimore, Md., post office, etc., continuation.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, you know that for a long time I have been disappointed in the matter of appropriations for public buildings. I feel that Oklahoma has not received what she is entitled to have appropriated to her.

I had a talk with the gentlemen who have this matter in charge, and they convinced me that they were doing the best they could to fairly locate these buildings. But it will be of interest to you to know that in this bill there are 12 States that are getting 1 building each, 13 States that get 2 buildings, 8 States that will get 3 buildings, 3 States that will get 4 buildings, 4 States that will get 6 buildings, and 1 State that will get 10 buildings.

I am hoping that the department will make a survey of the State of Oklahoma for this reason: Oklahoma is a new State. It had no Representatives in Congress except for a short time, and during all the years in which public-building programs had gone forward in the past Oklahoma had received but scant consideration because she was not then a State. Now Oklahoma is pouring into the National Treasury large sums of money from the revenues derived from oil and other great resources

that are being developed. Oklahoma is one of the States whose Federal income and whose Federal taxes are greatly increased each year.

We are limited in this bill to only one small building, and Oklahoma people do not understand why she is not given more consideration. In my district there are two small public buildings, although we have a number of good cities, some of which are designated as United States court towns. We have at least nine cities in my district which comply with the requirements authorizing them to have a public building. They are growing, prosperous cities. They are not merely boom towns, places that have grown overnight, that will disappear to-morrow. They are substantial places. My own city is a United States court city, a city of 15,000 people. We are growing every day. Oil fields are developing and land values in these cities are growing. We feel that those in charge of these buildings ought to bear in mind the fact that the real estate which I could have bought when the House was good enough to pass a bill once to give us $10,000 to buy a site—that site sold a few days ago for $25,000, and if the United States Government waits a long time it will have to pay a greater price for suitable locations for buildings. These are the cities in my district that ought to have public buildings, namely: Sapulpa, Holdenville, Ada, Wewoka, Drumright, Bristow, Okemah, and Seminole.

Our citizens go through the other States and see the fine public buildings located at almost every crossroad and they come back to their home State and can not understand why their Congressmen can not secure for them public buildings in keeping with the growth of their cities.

Mr. BACON. Are they first-class cities?

Mr. McKEOWN. They are first-class cities in every respect.

Mr. BACON. Have they first-class post offices?

Mr. McKEOWN. I have got cities down in my district that have no post-office building, and yet they have over $50,000 postal receipts.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Washington, D. C., Department of Agriculture buildings: For continuation of the construction of the central part of the administration building.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the subcommittee a question concerning a statement he made yesterday. My understanding of the matter is that this simply lists the towns where, in accordance with legislation already passed, buildings have either been constructed or are about to be constructed and work carried on. They are in process.

Mr. WOOD. They are in process, and there may be some of them for which even a site has not been secured.

Mr. KETCHAM. But in no case is there a new project that has not already been included in a previous act.

Mr. WOOD. No. They have all been passed upon heretofore.

Mr. KETCHAM. My further understanding is that the new projects which are contemplated in the next year are to come in a subsequent report from the Budget Bureau, and that they will be included in a deficiency bill.

Mr. WOOD. Either in a deficiency bill or in a separate bill.

Mr. KETCHAM. In a separate bill or in a deficiency bill later on.

Mr. WOOD. That is correct.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Washington, D. C., Archives Building: Toward the construction of building and acquisition of site, and the Secretary of the Treasury is authorized to enter into contracts for the entire estimated cost of such building and site, including stacks, for not to exceed $8,750,000, in lieu of $6,900,000 fixed in act of July 3, 1926.

Mr. BLACK of Texas. Mr. Chairman, I make a point of order against the paragraph, and I will state to the Chair that the act of July 3, 1926, fixed a limit of cost of $6,900,000 for this particular structure and that the present paragraph undertakes to raise that limit of cost $1,850,000, making the total limit of cost $8,750,000. I make the point of order that there is no authorization of law for that increase.

Mr. WOOD. Mr. Chairman, I will call the gentleman's attention to the Elliott bill, which gives us the very authority he is denying we have:

Provided further, That unless specifically provided for in the act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget.

The act to which the gentleman refers, the act of July 3, 1926, is an appropriation act.

Mr. BLACK of Texas. Yes; but it fixes a limit of cost for this particular building and site of $6,900,000.

Mr. WOOD. Under the Elliott bill, if the gentleman listened to what I was reading——

Mr. BLACK of Texas. I listened.

Mr. WOOD. We have a right to fix the limit of cost ourselves.

Mr. BLACK of Texas. I doubt if the language is broad enough to give the Appropriations Committee that right, and that is the point of order I make.

Mr. WOOD. It was certainly the intention of Congress to give it. If the language means anything it means that the Appropriations Committee has that right.

Mr. BLACK of Texas. Under the general rule of the House the Appropriations Committee has no right to bring in a provision of law that changes existing law, and I do not believe that the language in the Elliott bill is sufficient to change that rule.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana if this is within the limit as suggested or brought in by the Bureau of the Budget?

Mr. WOOD. It is.

The CHAIRMAN. From a direct reading of that law it is the Chair's opinion that the Committee on Appropriations is within its rights, and he overrules the point of order.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. I want to make some inquiry about this archives building. I noticed in one of the Washington papers that the site chosen for the archives building was bounded by Ninth, Tenth, C Streets, and Louisiana Avenue. I went down there the other morning and I do not see how you are going to put a big building on that little piece of land. It is almost a triangular section; and I wondered whether the newspaper account was incorrect.

Mr. WOOD. That is the location.

Mr. DALLINGER. Then I do not see how you are going to put a $9,000,000 building on that small site, and evidently there will be no chance for expansion. It seems to me that an archives building, of all buildings, should be constructed on a lot that would permit of expansion. I am heartily in favor of an archives building, and I was one of those who tried to get one authorized years ago, but if we are going to have one it ought to be built, it seems to me, on a lot large enough to house the archives of the Government and permit of further expansion as necessity requires.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. BLACK of Texas. Originally the plans called for two blocks, and they would have cost the Government $700,000. Now they have changed that and propose to erect the structure on one block and pay $1,325,000 for that one block, thereby getting much less land in area and paying $625,000 more for it.

Mr. DALLINGER. May I ask the chairman if he has any map showing the size of the lot?

Mr. WOOD. I have no map here showing the size of the lot, but I will say to the gentleman that the Public Buildings Commission itself changed the location. They now propose to acquire block 381, located between Ninth and Tenth Streets, C, and Louisiana Avenue, and they propose to acquire 38,000 square feet.

Mr. DALLINGER. It seems to me that 38,000 square feet is altogether too small, and it is out of proportion to the other buildings they are erecting.

Mr. WOOD. That is pretty nearly an acre of ground, and you can put up a fair-sized building on an acre of land.

Mr. REED of New York. The Congressional Library is on a lot containing 4 acres.

Mr. DALLINGER. May I ask the gentleman from Indiana if he knows what disposition is to be made of the square lot farther to the south and whether this will be left open so they

could bridge across Louisiana Avenue and extend this building if necessity required it?

Mr. WOOD. I would say to the gentleman that I suspect that would be possible, for the reason that the Government owns all the land around this proposed site in the triangle.

Mr. DALLINGER. Then they are not contemplating putting any other Government building between the site and the Mall?

Mr. WOOD. I do not think so.

The pro forma amendment was withdrawn.

Mr. BLACK of Texas. Mr. Chairman, on page 46, line 1, I move to strike out the figures "$8,750,000" and insert in lieu thereof "$6,900,000" and to strike out the balance of the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 46, line 1, strike out the figures "$8,750,000" and insert in lieu thereof "$6,900,000" and strike out the remainder of the paragraph.

Mr. BLACK of Texas. Mr. Chairman, the act of July 3, 1926, authorized this archives building to be constructed at a total cost, including the cost of the site, of $6,900,000, and the Public Buildings Commission in looking about for a site selected a site that was to cost $700,000. It was to be located on blocks 294 and 295.

It is now proposed to change the site and acquire another block, block 381, and pay $1,325,000 for this one block, an increase in this item alone of $625,000.

It is also proposed to increase the cost of the building by something more than $1,000,000, and yet according to the testimony of the Supervising Architect himself it is not known now just what this building will be used for and just what sized building will be needed.

On page 601 of the hearings Mr. WOOD asked the Supervising Architect this question:

What is it proposed to do with this archives building? What is its purpose?

Mr. Wetmore, the Supervising Architect, said:

That is difficult to say, because Congress has not designated yet just what class of archives should go into that building and just how it is to be operated.

Now, we have the testimony of the Supervising Architect himself that we are asking Congress to increase the limit of cost by $1,850,000 for a building that Congress has not yet designated just what class of archives should go into it and just how it is to be operated. If that is good business policy, then I have an inadequate understanding of what it takes to constitute good business policy.

The Supervising Architect, continuing, said:

But the idea of the Treasury officials is that the character of the archives that go into the building should be limited to those that have a permanent value or some historic interest; that it should not be used simply as a storehouse for old archives. With that in view we have circularized all the departments to find out what their requirements are, and the cubage that is given here would accommodate the archives of the various departments.

Mr. Chairman, I submit, in view of the uncertainty of the situation and in view of the fact that the Government can acquire two blocks at a valuation of $700,000, we ought to insist on the original limit of cost and that is the purpose of my amendment. I can see no justification for increasing the limit of cost of this building by $1,850,000. If the proper economy is used, I believe that the original limit of cost of $6,900,000, is every cent that is necessary to purchase the site and construct this archives building. President Coolidge, in his message, talked a great deal about economy and the savings of the Bureau of the Budget, but here is an instance where some of this economy might well be put into effect.

Mr. WOOD. Mr. Chairman, I desire to say in answer to the gentleman from Texas that the very question the gentleman has raised here, was raised in my own mind, and I asked the Supervising Architect what would be the advantage of putting this building on the new site rather than putting it where it was originally to be located, and he said that it would not fit in at all with the triangle plan as worked out by the architects who were engaged by the Secretary of the Treasury to lay out that whole triangle development. The improvement there is according to a plan which they think is not only one of utility but also artistically what it should be with reference to not only this improvement, but to the other proposed improvements, and the additional cost is not all for the difference in the price of the ground.

The testimony shows that the proposed building under the $6,900,000 estimate contemplated a stone-faced structure containing approximately 7,980,000 cubic feet, which, together with the cost of stacks, had been estimated to cost $6,200,000. Revised data from the several departments show additional requirements, bringing the total to approximately 11,312,100 cubic feet, which at the rate of 64½ cents per cubic foot will increase the probable cost of construction, including stacks, from $6,200,000 to $7,425,000, a difference of $1,225,000.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLACK of Texas. And yet, according to the admission of the Supervising Architect, those increased figures are all made without any knowledge whatever of what kind of records Congress shall direct to be kept in this building.

Mr. WOOD. With reference to the character of the records, there is a diversity of opinion in the various departments with respect to the records that should be kept there. Some are insisting that all records, whether of any consequence or not, should be kept in this archives building. Others are insisting that only those of a historic or otherwise of a practical value should be kept there. But here is something that we should not overlook. This building is not only going to be built for present needs but, I trust, it will be built for the needs of a future of 150 years.

I have long been an advocate of an archives building. Some of the most valuable records we have in this Government are to-day stored in cellars. They are not protected at all. They are all in danger, if you please, to destruction by fire.

I do not think we should hamper the gentlemen who have the building of this structure in their charge. The Public Buildings Commission and the committee of architects that were appointed for the purpose of making this triangle improvement are of the unanimous opinion that the blocks that were originally selected would not be suitable at all for this archives building and would materially interfere, so far as their scheme of improvement is concerned, with what their desire is with reference to the whole improvement in the triangle.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLACK of Texas. I realize that aside from the increased cost of the site that the provision in the bill authorizes an increase of more than a million dollars in the building on account of the increase in size, but would it not be the sensible thing to do to defer the consideration of this building until Congress by some law has decided what records shall be preserved? According to the testimony of the Supervising Architect himself he has no adequate data upon which to figure, because Congress has made no affirmative declaration as to what records shall be kept in this Archives Building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to return to page 14, line 8, for the purpose of correcting a date.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows.

Amendment by Mr. WOOD: Page 14, line 8, strike out "1929" at the end of the line and insert in lieu thereof the figures "1930."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, it is expected that the Committee on Rules to-morrow may report out some rules for the consideration of certain business on Monday next. In the event that the House does not meet to-morrow, I ask unanimous consent that I may file those rules with the Clerk of the House in lieu of reporting them from the floor while the House is in session.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have the privilege of filing certain reports with the Clerk of the House rather than introducing them in the regular way. Is there objection?

There was no objection.

THE PRESIDENT'S ARMISTICE DAY ADDRESS

Mr. WINGO. Mr. Speaker, on last Armistice Day the President of the United States delivered a very remarkable and able address. I ask unanimous consent to extend my remarks in the RECORD by publishing that address.

The SPEAKER. Is there objection?

Mr. TILSON. Mr. Speaker, I am informed that the Senator from Kentucky placed that in the RECORD to-day.

Mr. WINGO. Very well; I shall withdraw my request. I just wanted to have it embalmed in the RECORD.

LEAVE OF ABSENCE

Mr. DRIVER. Mr. Chairman, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. TILLMAN, on account of serious illness.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, December 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 8, 1928, as reported by the clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

State, Justice, Commerce, and Labor Departments appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the Marine Corps (H. R. 13685).

For Monday, December 10, 1928

APPROPRIATIONS COMMITTEE

War Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

649. A letter from the Secretary of the Navy, transmitting draft of a proposed bill, "Authorize an increase in the limit of cost of two fleet submarines"; to the Committee on Naval Affairs.

650. A letter from the Secretary of the Navy, transmitting draft of a proposed bill, "To amend the act of May 4, 1898, as amended by the act of March 3, 1899, relating to the number of acting assistant surgeons in the Navy to be appointed by the President"; to the Committee on Naval Affairs.

651. A letter from the chairman of the Federal Radio Commission, transmitting the Second Annual Report of the Federal Radio Commission for the year ended June 30, 1928, together with a supplemental report for the period from July 1, 1928, to September 30, 1928; to the Committee on the Merchant Marine and Fisheries.

652. A letter from the chairman of the National Advisory Committee for Aeronautics, transmitting a copy of the Fourteenth Annual Report of the National Advisory Committee for Aeronautics for the fiscal year 1928; to the Committee on Military Affairs, Naval Affairs, and Interstate and Foreign Commerce.

653. A letter from the chairman of the United States Board of Mediation, transmitting copy of the Second Annual Report of the Board of Mediation to the Congress; to the Committee on Interstate and Foreign Commerce.

654. A letter from the Secretary of the Interior, transmitting information, that under the terms of a joint resolution approved June 7, 1924 (43 Stat. 688), the Secretary of the Interior was authorized and directed to submit to Congress, reports on several projects in Natrona County, Wyo., but as other investigations have been undertaken, reports from the above resolution can not be made at this time; to the Committee on Irrigation and Reclamation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 340. A joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1930). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14687) granting a pension to Martha B. Beldin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14851) granting a pension to Cornelia A. Parsons; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARNER of Texas: A bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: A bill (H. R. 15007) to regulate the construction of bridges over navigable waters of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: A bill (H. R. 15008) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Indiana: A bill (H. R. 15009) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids on the Wabash River, Ill. and Ind.; to the Committee on Rivers and Harbors.

By Mr. McSWAIN: A bill (H. R. 15010) to provide for the retirement of disabled nurses of the Army and Navy; to the Committee on Military Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 15011) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15012) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. STALKER: A bill (H. R. 15013) to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State Camp for Veterans at Bath, N. Y.," approved May 26, 1928; to the Committee on Military Affairs.

By Mr. McLEOD: Joint resolution (H. J. Res. 341) authorizing the President to call a conference on questions relating to the construction of an inter-American highway; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 15014) granting an increase of pension to Roena Matteson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15015) granting an increase of pension to Mary M. Geist; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 15016) granting a pension to Julia Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15017) granting an increase of pension to Margaret Mekeel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15018) authorizing the Secretary of War to award a Congressional Medal of Honor to John E. Andrew; to the Committee on Military Affairs.

Also, a bill (H. R. 15019) granting an increase of pension to Nancy Jane Lockwood; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 15020) granting a pension to Augustus W. Nohe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15021) for the relief of William S. McWilliams; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 15022) granting a pension to Ruth Moseley; to the Committee on Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15023) granting a pension to Charles H. Nason; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15024) granting a pension to Esther Dibble; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 15025) granting a pension to Daisy Andrews; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 15026) granting a pension to William A. Ott; to the Committee on Pensions.

Also, a bill (H. R. 15027) to renew and extend certain letters patent to Frank White; to the Committee on Patents.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15028) granting a pension to Chester Shartzer; to the Committee on Pensions.

Also, a bill (H. R. 15029) for the relief of Edward A. Burkett; to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 15030) granting a pension to Jonh Stoll; to the Committee on Pensions.

By Mr. GREEN: A bill (H. R. 15031) to provide a preliminary survey of the Suwannee River in Florida and Georgia with a view to the control of its floods; to the Committee on Flood Control.

By Mr. GUYER: A bill (H. R. 15032) for the relief of the Smith-Leavitt Coal Co.; to the Committee on Claims.

Also, a bill (H. R. 15033) for the relief of the Smith-Leavitt Coal Co.; to the Committee on Claims.

By Mr. HALE: A bill (H. R. 15034) providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant, on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. HASTINGS: A bill (H. R. 15035) for the relief of Frank J. Boudinot; to the Committee on Indian Affairs.

By Mr. HOGG: A bill (H. R. 15036) for the relief of George Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 15037) granting an increase of pension to George C. Keller; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 15038) granting a pension to Mrs. L. D. Farler; to the Committee on Invalid Pensions.

By Mr. LEECH: A bill (H. R. 15039) for the relief of Winston W. Davis; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 15040) granting a pension to Lillian Fessant; to the Committee on Pensions.

Also, a bill (H. R. 15041) granting a pension to George K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15042) granting a pension to James A. Shelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15043) granting a pension to America E. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15044) granting a pension to M. S. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15045) granting a pension to Nancy Shatto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15046) granting a pension to Louisa Goodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15047) granting a pension to Lydia A. Mock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting a pension to Laura Coulson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15049) granting a pension to Julia Miller; to the Committee on Invalid Pensions.

Also, a bill (15050) granting a pension to Clara V. Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting an increase of pension to Susan Lovell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Louisa Ridgell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15053) granting an increase of pension to Comfort E. Booher (Elizabeth Booher); to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to Nettie Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15055) granting an increase of pension to Eliza Oster; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 15056) granting a pension to Harry L. Dye; to the Committee on Pensions.

Also, a bill (H. R. 15057) granting a pension to Elizabeth Francis; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 15058) granting a pension to Victoria Merritt; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15059) granting an increase of pension to Elizabeth Conaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15060) to reinstate Charles Robert Conroy in the West Point Military Academy; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 15061) for the relief of Mrs. A. K. Root; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15062) granting an increase of pension to Harmon E. Deck; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 15063) granting an increase of pension to Martha C. F. Blankenbeker; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 15064) for the relief of Isaac F. Skelton; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 15065) granting a pension to William F. Buckley; to the Committee on Pensions.

By Mr. WOLFENDEN: A bill (H. R. 15066) for the relief of Thomas J. Parker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7892. By Mr. COCHRAN of Pennsylvania: Petition of Bessie Bilby and 30 residents of Ridgway, Elk County, Pa., urging the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78); to the Committee on the District of Columbia.

7893. Also, petition of C. S. Crawford and 22 residents of Ridgway, Elk County, Pa., urging the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78); to the Committee on the District of Columbia.

7894. By Mr. ENGLEBRIGHT: Petition of American Federation of Labor, indorsing Dale-Lehlbach retirement bill (S. 1727); to the Committee on the Civil Service.

7895. Also, petition of California Dairy Council, favoring $100,000 appropriation for the United States Bureau of Animal Industry; to the Committee on Agriculture.

7896. By Mr. FITZPATRICK: Petition of the Star Democratic Club of the Bronx, requesting immediate and favorable consideration of the Dale-Lehlbach retirement bill; to the committee on the Civil Service.

7897. By Mr. LETTS: Petition of citizens of Davenport, Iowa, requesting the enactment of House bill 78, the Lankford Sunday bill; to the Committee on the District of Columbia.

7898. By Mr. McCORMACK: Petition of Boston Branch Railway Mail Association, W. E. Bradley, secretary, 60 Ainsworth Street, Roslindale, Mass., protesting against enactment of Senate bill 860; to the Committee on the Post office and Post Roads.

7899. By Mr. O'CONNELL: Petition of the International Association of Machinists, Arsenal Lodge No. 81, Rock Island, Ill., favoring the passage of the Letts bill, to permit one Government department to submit fixed bids for supplying such material as may be required by another Government department; to the Committee on Military Affairs.

7900. By Mrs. ROGERS: Petition from Lewis J. White and 38 ex-service men, now railway-mail clerks, of 1703 Northampton Street, Holyoke, Mass., opposed to Senate bill 860 and House bill 10422 as they now read; to the Committee on the Post Office and Post Roads.

7901. By Mr. YATES: Petition of Pyle-National Co., of Chicago, Ill., urging that the railways be allowed to charge the "Pullman surcharge"; to the Committee on Ways and Means.

7902. Also, petition of Branch 2759 of National Association of Letter Carriers, by Willard Dorset, its president, and Julius B. Isaak, secretary, urging passage of Senate bill 3027, to increase letter-carriers' pay; to the Committee on the Post Office and Post Roads.

7903. Also, petition of Mrs. (W. C.) Henrietta Adams Starck, Springfield, Ill., chairman Home Economics of the Illinois Congress of Parents and Teachers' Association, urging passage of the George-Menges Agricultural home economics bill; to the Committee on Agriculture.

7904. Also, petition of Gardner & Co., Chicago, Ill., protesting against Senate bill 2751, because it helps only a few manufacturers of candy; to the Committee on Ways and Means.

7905. Also, petition of Chicago Trades Union Label League, urging passage of Dale retirement bill; to the Committee on the Civil Service.

7906. Also, petition of Central Council of American Legion Auxiliaries, of Cook County, urging that Congress indorse the President's request for cruisers, and that House bill 11526 be passed promptly; to the Committee on Naval Affairs.

7907. Also, petition of Frank Morrison, secretary American Federation of Labor, urging early action on the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

7908. Also, petition of Margaret Hopkins Worrell, League of the American Civil Service, Washington, D. C., urging amendment of the Welch Act; to the Committee on the Civil Service.

7909. Also, petition of R. G. Tonne, secretary Chicago & North Western Railway Employees' Club, of South Pekin, Ill., urging that Congress should regulate all transportation, including motor busses; to the Committee on Interstate and Foreign Commerce.

7910. Also, petition of John L. Harrison, 3353 Ogden Avenue, Chicago, urging passage of postal clerks bill, the 44-hour bill; to the Committee on the Post Office and Post Roads.

7911. Also, petition of Ladies Auxiliary No. 57, G. N. A. L. C., urging passage of Senate bill 1727; to the Committee on Naval Affairs.

7912. Also, petition of Mrs. E. W. McNick, 500 Diversey Parkway, Chicago, Ill., urging legislation to exempt dogs from vivisection; to the Committee on the Judiciary.

7913. Also, petition of Timothy Hennessy, 1421 East Sixtieth Street, Chicago, Ill., urging passage of the bill giving credit for military service to ex-service men in the Postal Service; to the Committee on the Post Office and Post Roads.

7914. Also, petition of Cigarmakers Union No. 14, 166 West Washington Street, Chicago, Ill., protesting against the Cuban parcel post bill (H. R. 9195) amending sections 3402 and 2804 of the Revised Statutes, because it would throw many cigarmakers out of work; to the Committee on Ways and Means.

7915. Also, petition of Daisy Sandridge, 1510 Church Street, Evanston, Ill., urging prompt ratification of "the multilateral treaty"; to the Committee on Foreign Affairs.

7916. Also, petition of Chester W. Church, lawyer, 77 West Washington Street, Chicago, Ill., protesting against some of the provisions of bill (S. 2751) concerning slot machines, etc., urging that the law is now ample as to lotteries; to the Committee on the Judiciary.

7917. Also, petition of National Federation of Federal Employees, protesting against construction given to Welch bill by Director of Veterans' Bureau, based upon decision of Comptroller General; to the Committee on Labor.

7918. Also, petition of Mrs. W. E. Foster, of Auburn, in Sangamon County, Ill., protesting against any change in the Army promotion law, and urging that Congress vote for the Reed furlough bill and against the Black-McSwain bill; to the Committee on Military Affairs.

7919. Also, petition of Chicago Post Office Clerks' Union, No. 1, by P. H. Seegard, chairman legislative committee, urging passage of civil service retirement bill (S. 1727), a more liberal retirement act for the old employees than the one now existing; to the Committee on the Civil Service.

7920. Also, petition of Chicago Trades Union Label League, by John P. Hoff, secretary, urging defeat of House Resolution 9195, because this bill if adopted will cause a great harm to the organized cigar makers in the United States; to the Committee on Ways and Means.

7921. Also, petition of John W. Engen, 954 East Fifty-fifth Street, Chicago, Ill., urging passage of following bills: The McKellar bill, giving employees credit for military service; the Dale retirement bill; and the La Follette 44-hour bill; to the Committee on the Civil Service.

7922. Also, petition of Mrs. Maurice C. White, secretary Old Fort Hall Chapter, Daughters of American Revolution, Blackfoot, Idaho, urging passage of Resolution 11, known as "Our flag code"; to the Committee on the Judiciary.

7923. Also, petition of Bristol Chapter, Daughters of American Revolution, Bristol, R. I., indorsing Resolution 11, joint resolution to adopt an official flag code; to the Committee on the Judiciary.

7924. Also, petition of Thomas E. Gill, lawyer, Rockford, Ill., urging that to do away with the surcharge by railroads on Pullman passenger traffic would be a foolish step, because it would reduce railroad earnings by $40,000,000, which deficit would have to be made up by other rates—passenger or freight; to the Committee on Ways and Means.

SENATE

SATURDAY, *December 8, 1928*

(Legislative day of Friday, December 7, 1928)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. JONES. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Locher	Simmons
Barkley	Frazier	McKellar	Smith
Bayard	George	McMaster	Smoot
Bingham	Gerry	McNary	Steck
Black	Gillett	Metcalf	Steiwer
Blaine	Glass	Moses	Stephens
Blease	Glenn	Neely	Swanson
Borah	Goff	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tyson
Capper	Harrison	Phipps	Vandenberg
Caraway	Hawes	Pine	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Dale	Jones	Sackett	Watson
Deneen	Kendrick	Schall	Wheeler
Dill	Keyes	Sheppard	
Edge	King	Shipstead	
Fess	Larrazolo	Shortridge	

Mr. NORRIS. I desire to announce the junior Senator from Nebraska [Mr. HOWELL] is detained from the Chamber by illness.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Athenaeum Study Club, of Kansas City, Mo.,

favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. EDGE presented the petition of Mrs. Claudia W. Thompson and sundry other members of the Women's Republican Club, of Elizabeth, N. J., praying for the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a resolution of the Highland Park Browning Club, of Dallas, Tex., favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition from the board of directors and members of the Young Women's Christian Association, of San Antonio, Tex., praying for the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of sundry citizens of North Weare and vicinity, in the State of New Hampshire, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Nashua-Milford Ministers' Association, in the State of New Hampshire, favoring the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

LEAH FRANK, CREEK INDIAN

Mr. THOMAS of Oklahoma. Mr. President, I desire to submit three reports from the Committee on Indian Affairs on House joint resolutions which are similar in character. I am sure there will be no objection to them, and I will ask unanimous consent for their immediate consideration. If any objection should be interposed, of course, I would withdraw the request.

First, from the Committee on Indian Affairs I report back favorably without amendment the joint resolution (H. J. Res. 76) for the relief of Leah Frank, Creek Indian, new born, roll No. 294, and I submit a report (No. 1335) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas Leah Frank, Creek Indian, new born, roll No. 294, having lost the allotment of land which the United States attempted to assign her and having received from the tribal funds no payments for the satisfaction of such rights: Therefore be it

Resolved, etc., That there is authorized to be appropriated the sum of $860, out of the tribal funds of the Creek Nation, in full satisfaction of her rights to an allotment of Creek tribal lands: *Provided*, That from the said amount there shall be deducted any equalization payment that may have heretofore been made to Leah Frank.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ELOISE CHILDERS, CREEK INDIAN

Mr. THOMAS of Oklahoma. From the Committee on Indian Affairs I report back favorably without amendment the joint resolution (H. J. Res. 260) for the relief of Eloise Childers, Creek Indian, minor, roll No. 354, and I submit a report (No. 1336) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas Eloise Childers, Creek Indian, minor, roll No. 354, having lost the allotment of land which the United States attempted to assign her and having received from the tribal funds no payments for the satisfaction of such rights: Therefore be it

Resolved, etc., That there is authorized to be appropriated the sum of $1,213.24, out of the tribal funds of the Creek Nation, in full satisfaction of her rights to an allotment of Creek tribal lands.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EFFA COWE, CREEK INDIAN

Mr. THOMAS of Oklahoma. From the Committee on Indian Affairs I report back favorably without amendment the joint resolution (H. J. Res. 261) and I submit a report (No. 1337) thereon. I ask unanimous consent for immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Whereas Effa Cowe, Creek Indian, new born, roll No. 78, having lost the allotment of land which the United States attempted to assign her and having received from the tribal funds no payments for the satisfaction of such rights: Therefore be it

Resolved, etc., That there is authorized to be appropriated the sum of $1,101, out of the tribal funds of the Creek Nation, in full satisfaction of her rights to an allotment of Creek tribal lands.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The VICE PRESIDENT. The question is on the amendment proposed by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

Mr. ODDIE. Mr. President, I want it to be known that I am a strong supporter of the Boulder Dam legislation and that I favor the present bill as presented by the Senator from California [Mr. JOHNSON] in its amended form. I hope an agreement will be reached between the various lower-basin States involved which will result in the withdrawal of opposition to the passage of the bill. I think the various States are so nearly in agreement now that we may hear the good news shortly.

There are certain fundamentals connected with the legislation that have been mentioned in various ways that will bear repeating. I feel sure that the Members of the Senate will study the problem seriously when it comes to the final vote. When we consider the question of the great Imperial Valley in California, with many millions of dollars of property constantly menaced by the danger of flood and the thousands of people in that valley who are in danger of losing their lives and their property, I think we should make a special effort to waive technical points here and there in order to get the legislation through. The Colorado River problem has been studied carefully for many years by some of the very ablest engineers in the United States, by technical experts, business men, and economists. I am confident the legislation is sound.

We have heard much about the menace of the Colorado River, how it is flowing several hundred feet above the Imperial Valley and the Salton Sea, and how the river bed is being raised almost a foot a year by the deposit of silt. We know that that is creating every year a greater menace than has existed before, and that the torrent which may come down in any year during the flood season is liable to break the banks of that river and cause a calamity such as we have never known in the country.

It has been estimated that enough silt comes down the river every year in solution to cover 110,000 acres 1 foot deep if the silt were allowed to settle in one place. This amount of silt is equivalent in weight to the material that was taken out of the entire Panama Canal excavation. The proposed Boulder Dam will create a reservoir nearly 100 miles in length, which will collect and hold the silt, which will settle to the bottom, so the water that leaves the dam will be clear. Part of this silt is now being deposited over the Imperial Valley, causing serious loss every year. The canals and ditches in the valley have to be dug out frequently, and the result is that in places the piles of silt along those ditches are 12 to 15 feet high. The limit has almost been reached, and we can not afford to allow technicalities to prevent the passage of this legislation.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. ODDIE. I am glad to yield.

Mr. FESS. Would the Senator yield for a very brief statement from one who is not in that particular locality but who is greatly interested in the possibilities of the legislation?

Mr. ODDIE. Yes.

Mr. FESS. I have gone into the proposition as fully as the exigencies of the case would permit. I am thoroughly convinced that in the matter of flood control it is not only necessary but it might be regarded as more or less an emergency and ought to have attention at an early day. I do not agree

with the opposition that I have heard in the matter of the power. I think that can be adjusted. It should not extend to the point of defeating the problem. I am not especially interested in the additional matter of the increased tillable area. That could wait. It would seem to me, however, from statements which have been made on this floor and elsewhere, that we ought to do something especially with reference to flood control.

What is a Member of the Senate who comes from the State of Ohio or from the East and who is interested in this legislation to do when the men who are right on the ground and who know the facts are controverting the position? When the doctors differ what are Senators coming from other sections of the country and interested in the general welfare and development of the country to do? I should like to vote for this measure, but I am constantly being "left in the air" after listening to this controversy; and I think I am speaking the sentiments of a great many Members on this floor.

Mr. ODDIE. Mr. President, I am glad the Senator from Ohio has asked me that question and has made those comments. In reply, I will state that the problem is so large and the benefits to the entire country will be so great from the passage of this proposed legislation and the danger of terrible havoc being wrought to human life and property will be to such an extent averted that I consider the questions of difference, the questions in dispute, infinitesimal in comparison with the advantages that will be gained from the enactment of this legislation. I fully believe that our friends from Arizona and from California will in a short time be in complete agreement; and I know that Nevada stands ready to help and encourage any fair and practical effort looking to an agreement. I believe when such an agreement is reached the opposition will be so materially reduced that the bill may be put through. The question of power, I think, has been pretty clearly defined. I will not discuss that at this time.

Mr. WATERMAN. Mr. President, will the Senator from Nevada yield for a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. ODDIE. I yield.

Mr. WATERMAN. Since the so-called high water of 1884 in the Colorado River how many breaks have there been through the levees or banks into the Imperial Valley?

Mr. ODDIE. I can not give the Senator any definite information on this point except as to the break that occurred a number of years ago, which was in a large degree responsible for the forming of the Salton Sea.

Mr. WATERMAN. That break, which occurred in 1905 or 1906, was an artificial one, was it not?

Mr. ODDIE. I can not go into that question with the Senator in detail, but the break occurred, and I have seen the tremendous chasm caused by the flow of the river down through that break into the Imperial Valley and the Salton Sea.

Mr. WATERMAN. If the Senator will bear with me, I want to get at the vital propositions in connection with the question of so-called flood control. The break in 1905 was artificial, was it not, because the upper reaches of the ditch had filled with silt, the water was low in the river; people went down and broke through the levee in order to take water out of the river in Mexico and lead it into the Imperial Valley. The flood came from the Gila River during that process and it was not stayed for two years. Is not that correct?

Mr. ODDIE. I can not answer the Senator definitely as to whether or not it was an artificial break; I would rather not go into the question as to how the break occurred at this time; but the fact is that the break occurred and the harm was done; and I want to prevent the danger of another break.

Mr. WATERMAN. We can not avert artificial breaks unless we can control the people who make them. What I want to get at is the exact fact with reference to the so-called danger of floods. As I understand, if the Senator will permit me——

Mr. ODDIE. Certainly.

Mr. WATERMAN. The flood of 1905, which was closed by the Southern Pacific in 1907 or 1908, the river flowing into the Salton Sea, so-called, during that period, did not drown anybody; did not destroy any property in any particular proportion. That is the only break, and even if we include the flood of 380,000 second-feet in 1884 there never has been a break into the Salton Sea or the Imperial Valley except this artificial break and the break into Volcano Lake in about 1916.

I want to get at this menace of flood; and during this debate I am going to try to do it; and I want the Senator to help me; that is all. If he can throw any light upon this proposition as to the so-called flood menace I should like to have it come forth promptly.

Mr. ODDIE. Mr. President, in answer to the Senator's inquiry and comments, I will state that great amounts of money are being expended every year on the levees above the valley to hold the river within its banks and from breaking out. I have personally been over those levees, and I have seen the trainloads of rock being dumped into them to prevent a break in the future. That menace exists; otherwise this large sum of money would not be expended in protecting the Imperial Valley from a break which would cause a disastrous flood. That is a well-known fact.

Mr. NORRIS. Mr. President, may I interrupt the Senator on that point?

Mr. ODDIE. I am glad to be interrupted.

Mr. NORRIS. I should like to call the Senator's attention to the fact that the menace of a break and damage by floods from the Colorado River into the Imperial Valley is, I think, conceded by every student of the subject. Not only have millions been spent in building levees to prevent the break but the danger is acknowledged in the financial world, and to-day a farmer in the Imperial Valley can not borrow a dollar, even from a Federal loan bank created by Congress, because of the menace of floods from the Colorado River, recognizing that unless something is done the entire valley, being below sea level, will eventually become part of the Pacific Ocean.

Mr. ODDIE. I agree with the Senator in his statement. I can not see the object of spending enormous sums of money on those levees every year, as is spent, unless there is a peril there from floods. I have been over that region myself and I have seen that river, though not in an extreme flood, and, Mr. President, it is an ugly-looking river; and when one considers that the floor of the river is being raised something like 10 inches a year and that the Imperial Valley lies several hundred feet below it, the menace is apparent and serious. It has been recognized by the whole country for years. The question has been discussed by engineers, and I think all of the engineers who have reported, so far as I know, have covered that question. I am not going into that any further at this time, but I do feel that serious danger exists, and if we put this bill over to another year we may have to stand here and take the blame for a tremendous loss of life and property. I reiterate the personal hope that the Senate will look favorably on this proposed legislation.

Certain facts have been presented at various times, showing that the river is something like 1,750 miles in length and that it drains an area of 242,000 square miles, which is an enormous area. Careful measurements taken over a 27-year period show an annual discharge of nearly 17,000,000 acre-feet. The river varies in flow from year to year. For instance, in 1902 the run-off was about 9,000,000 acre-feet, while in 1909 it was over 25,000,000 acre-feet. The seasonal variation of the river is also sharply marked, the flow ranging from more than 200,000 cubic feet a second, when the river is in flood, to as low as 1,250 feet a second during low water.

The Boulder Canyon Dam site has been the cause of confusion in the public mind to a certain extent for the last week because of the engineers' report which has recently been published. The committee has accepted the Black Canyon site as the proper site, and that is what this bill is based on, although it is called the Boulder Canyon site. The original Boulder Canyon site is a few miles from it, but both sites are located in what is called Boulder Canyon. The physical aspects of the work have been gone into thoroughly, and there is no question as to safety of this site for the proposed dam. The rocks rise almost perpendicularly to a great height in the canyon, and the location is an ideal one for a dam.

I expect within a few days, Mr. President, to put some tables in the RECORD compiled by the State engineer of Nevada, Mr. George W. Malone, which I believe will throw some additional light on this subject. I am not going into details now.

Mr. FESS. Mr. President, before the Senator concludes, will he allow me to ask him a question?

Mr. ODDIE. Certainly.

Mr. FESS. Are we to infer from the colloquy between the Senator from Nevada and the Senator from Colorado [Mr. WATERMAN] that there is no serious danger from floods along the Colorado River?

Mr. ODDIE. I think, Mr. President, that the Senator from Colorado will recognize that there is a danger from flood there; otherwise the work would not have been done which has been done in building and repairing the levees and which is being done every year to prevent the waters of the river from breaking through.

Mr. FESS. The suggestion that there was no such danger was rather a shocking bit of information to me.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield to me?

Mr. ODDIE. Yes.

Mr. JOHNSON. I have here the data showing that there is imminent danger, and therefore that this proposed legislation is of an emergent character. It is shown how the silt comes down this river in such a way as to fill up the bottom of the river and that the shifting sands washed from the levees that have been built there to protect it are a dangerous menace, constantly and continuously, to the Imperial Valley.

I am sorry I did not hear what was said by the Senator from Colorado, but I gather from what has been related to me since he spoke that he indicated there was no flood menace.

Mr. FESS. That was the inference which I drew.

Mr. JOHNSON. That is the first time in the history of this legislation—and it has been pending for eight years—that any soul either for it or against it has ever suggested such a thing, and this is the first occasion when any man in an official position has indicated that there was even a doubt of the menace of flood or the imminent danger of disaster to the people of the Imperial Valley.

As was cited by the Senator from Nebraska [Mr. NORRIS] a moment ago, and as I cited in speaking yesterday upon this subject, the menace is so acute that this is the only area in the United States I have ever heard of where the Federal farm loan bank will not lend a single dollar to the farmers because of the constant danger and constant threat of floods and inundation.

Mr. FESS. That statement was the one made yesterday that impressed me that there was some element of emergency in the legislation.

Mr. JOHNSON. Certainly.

Mr. FESS. If the Senator will permit me again, while it is true that it is impossible to tell when a flood will come, all insurance goes on the basis that it may come. It may be next year; it may be deferred. As I recall the history of the Mississippi Valley there was a flood in 1847 that was 5 feet higher than the flood of last year; and yet it did not do very much harm, because at that time people did not live in the inundated region. This year, however, a flood 5 feet less in height put 600,000 people out of their homes.

The Imperial Valley is quite densely populated. If there is any danger there, it seems to me that on the basis of insurance we ought to take action, and early action. If there is not any danger, the whole thing is changed so far as I am concerned. The matter of power is one that we can handle later on. The matter of irrigation can be handled later on. That is not emergent; but on the question of flood it seems to me we ought to have definite information, and if what I have understood is true it ought not to be delayed.

Mr. ODDIE. I am very glad to hear the Senator make that statement.

Mr. JOHNSON. Mr. President, will the Senator yield to me for just a moment?

Mr. ODDIE. Yes.

Mr. JOHNSON. I simply desire to read a very brief excerpt from our opponents in this legislation.

Governor Hunt, in his message to the Sixty-sixth Legislature of Arizona, said:

> The danger of the loss of life and destruction of property which hangs over the Yuma and Imperial Valleys, due to the menace of the uncontrolled flood waters of the Colorado River, makes it imperative that this menace be removed at the earliest possible time.

And the senior Senator from Arizona [Mr. ASHURST] and the junior Senator from Arizona [Mr. HAYDEN] have repeatedly and continuously expressed their view in common with mine, and that view has been echoed by every single, solitary man familiar with the situation, that an emergency exists in reality in reference to flood control, and that the flood danger to Imperial Valley and to Yuma is one that is ever pressing and hangs like a pall over the people there. I am shocked and astounded that any Member of this body should have indulged, if it has been so indulged, in the statement that there is no danger of flood in the Imperial Valley and at Yuma. Such a statement has never before been made in the history of all this legislation.

Mr. ODDIE. Mr. President, in addition to concurring fully in what the Senator from California has just said, I will state that I am glad to have the Senator from Ohio [Mr. FESS] make the comments that he has made. They show that he has studied this matter carefully. But there is a difference between the flood situation in the Mississippi Valley and that in the lower reaches of the Colorado River. Harm can come to an enormous extent from floods in the Mississippi River Valley, but it is a comparatively low and flat country. In case of a flood, the country will be covered over a few feet at most. Farms and homes will be damaged; people will be driven from their homes temporarily and great damage and suffering will result; but in the case of the Colorado River the danger is infinitely greater, because that river, if it breaks through again, will tear down with a drop of several hundred feet into the valley below it, and will wash a great chasm down to the valley, and will do damage that we dare not try to compute.

Mr. JOHNSON. Mr. President, will the Senator yield again?

Mr. ODDIE. Yes.

Mr. JOHNSON. May I explain and amplify what the Senator has said so very eloquently now?

The Colorado River runs as if upon the rim of a saucer. Down beneath is the Imperial Valley. It is the one place in America farthest below sea level; and the Colorado River gradually having risen, because of its silt deposits and the constant building of levees to hold it together and to hold it in check, flows up above the Imperial Valley around the rim of this saucer. All of the engineers and all of the experts are agreed that the limit of safety has been reached in levee construction.

I do not know that the Senator realizes just exactly what silt in a river does. I was born in the city of Sacramento, and for 35 years of my life I lived on the banks of the Sacramento River. In the mountains above us hydraulic mining was practiced. Down into that river came what we called débris. As a youth I saw the levees of the Sacramento gradually rise because the bottom of the river was gradually filled with the débris; and in some parts of our river channel now, where formerly the largest ships in the world could come, the channel is maintained only by virtue of the work that the Government does constantly, in conjunction with the State, in reference to that river.

The Colorado River, vagrant and meandering as it is, has made different channels during the time of its progress to the sea, and it has filled up gradually with the silt brought down. The levees which have been constructed for the protection of the people every engineer is agreed have reached the limit of safety.

No informed person can deny the danger of flood to the Imperial Valley, and none heretofore has ever been heard to deny it.

Mr. ODDIE. Mr. President, in this connection I should like to have placed in the RECORD a statement before the Committee on Irrigation and Reclamation of the Senate made on December 10, 1925, by Mr. Herbert Hoover, page 599 to page 605.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF HON. HERBERT HOOVER, SECRETARY OF COMMERCE, WASHINGTON, D. C.

Secretary HOOVER. Mr. Chairman, I have the conviction that the committee, due to the many hearings that it has held in the Colorado River Basin and the large knowledge that the members of the committee possess of the problems outside even of that, probably do not wish me to traverse the whole complex of the Colorado River; and I am a little in doubt as to the points upon which I could be of assistance to the committee on.

But I prepared and have here before me a brief note as to one or two questions. I am not at all certain as to whether they are germane to matters on which I possibly can be of service.

I may say that the Colorado River problem does not lie in the lack of enormous resources in water, in arid land, and in power, or of private or public capital to develop it. The difficulties are the sharp conflicts of opinion of the people in the basin on a multitude of questions as to their rights, their interests, and the method of development of the river. And these conflicts have been in course of discussion, to my knowledge, for some 15 years. They have resulted in innumerable conferences, discussions, and appeals to legislation and to the courts.

The first of these conflicts, and the one that overrides all others, is the conflict over water rights between the seven States. The four States in the upper basin have, naturally, opposed any development in the lower basin until such time as they could have assurance of some fixed assurances of their water rights. As the committee is well aware, the application to beneficial use will give priority in water rights as between States, and, as the development of the Colorado River will take place in the lower basin long before any large development in the upper basin, therefore the upper-basin States have justifiably been resolute in their demands for some fixation of the rights before there shall be construction and thus extension of beneficial use down below.

In an attempt to solve this proposal some years ago a compact commission, representing the seven States and Federal Government, was established, and, as you are aware, I acted as the chairman of that commission. Hearings and sessions of the commission extended over a

matter of over 18 months, and the commission was composed not only of delegates from each of the States but the most of the sessions were attended by their attorneys general, and a number of the sessions by all but one of the then governors of the States.

After a great deal of discussion and negotiation a compact was arrived at subject to ratification by the State legislatures and by the Congress.

The compact did not attempt to solve any problem on the Colorado River except water rights, and it limited its action to a division of the water between the upper basin and the lower basin. It furthermore limited its action to a division of only a portion of the water of the river adjoining a further apportionment of the water to a considerable number of years in the future to await the character of development.

The compact commission believed that if progress could be obtained that far it would at least take the block off of the development in the lower basin and would reduce all other conflicts to purely local questions, which could be more easily settled with time.

The compact was ratified without reservation by six legislatures, the Arizona Legislature passing the compact with some reservations but approval was refused by the governor.

Subsequently, in order to try and lift the block on development in the lower basin, some of us suggested a six-State compact, or, rather, a ratification of the compact among six States as being sufficient to satisfy the upper-basin States. Under that proposal the compact was ratified by five States, and California made reservations which the northern States declined to accept. Due to the action of California, that proposal has failed in any practical result, so that at the present time we are still in the midst of the conflict over water rights.

One thing that I have been impressed with in all the discussion that has gone on for nearly three years since the compact was signed is that there has been very little substantial criticism as to the equities of the proposals in the compact. Colorado, Utah, Wyoming, New Mexico, Nevada, and California accepted them in full. The Arizona Legislature ratified the compact with reservations that did not again challenge the equities of the compact seriously. The quarrels over the compact have been due to attempts to force extraneous questions. I believe I can say that the commission arrived at an extraordinarily successful document when you consider the tremendous conflict and feeling over this question.

There have recently been conversations between California and Arizona in an attempt to agree upon their differences. A committee, partly appointed by the California Legislature and partly informal, has drawn up a pro forma compact to be signed between California, Arizona, and Nevada.

The main compact provides that the interstate rights between the States in the different basins shall be subsequently settled by further compacts. This action of the folk in the southern basin is entirely in line with the purpose of the main compact, and in their proposed lower basin compact they, of course, stipulate that it is subject to acceptance of the main Colorado River compact itself.

I am rather hopeful that that negotiation will succeed. They are starting on very sound lines as far as I can observe, and a settlement of that conflict might make it possible to reconvene legislatures and secure early ratification of the compact all along the lines. We would, in case of success of those negotiations, have practically settled what I regard as the most difficult of the conflicts.

The next most important line of conflict is over the character and location of the first works to be erected on the river. I believe the largest group of those who have dealt with the problem, both engineers and business folk, have come to the conclusion that there should be a high dam erected somewhere in the vicinity of Black Canyon. That is known usually as the Boulder Canyon site, but nevertheless it is actually Black Canyon. The dam so erected is proposed to serve the triple purpose of power, flood control, and storage. Perhaps I should state them in a different order—flood control, storage, and power, as power is a by-product of these other works.

There are theoretical engineering reasons why flood control and storage works should be erected farther up the river and why storage works should be erected farther down the river; and I have not any doubt that given another century of development on the river all these things will be done. The problem that we have to consider, however, is what will serve the next generation in the most economical manner, and we must take capital expenditure and power markets into consideration in determining this. I can conceive the development of probably 15 different dams on the Colorado River, the securing of 6,000,000 or 7,000,000 horsepower; but the only place where there is an economic market for power to-day, at least of any consequence, is in southern California, the economical distance for the most of such dams being too remote for that market. No doubt markets will grow in time so as to warrant the construction of dams all up and down the river. We have to consider here the problem of financing; that in the erection of a dam—or of any works, for that matter—we must make such recovery as we can on the cost, and therefore we must find an immediate market for power. For that reason it seems to be that logic drives us as near to the power market as possible, and that it therefore takes us down into the lower canyon.

The dam there is recommended by the reclamation engineers, and I believe their latest view is 540 feet in height. This would, I believe, serve the triple purpose of flood control, storage, and power, so far as we can see ahead, for the development of irrigation, domestic water supply, and need of power for a good many years to come.

I do not believe that construction at that point is going to interfere with the systematic development of the Colorado River for storage and power above and below. As I have said, I think the time will come when a storage dam should probably be erected below Boulder Canyon and that storage dams and flood-control dams will be erected far above. Those of you who have looked into the engineering problems involved will recognize that the operation of a single dam for the triple purpose is rather difficult and will not give the maximum power results. For instance, such a dam must be partly empty in anticipation of the spring flood and hence the power possibilities will be much diminished, and beyond this it will be necessary thereafter to lower the head for irrigation purposes. Thus the power production from such a dam will be rather irregular.

But, in any event, I do not believe that we can not now contemplate the expenditure of the several hundreds of millions of dollars necessary to carry out the theoretical plan; we should confine ourselves to what we can afford to spend now, and I do not believe we will destroy the possibilities of the river for systematic development by this course. We must await a settlement of population and their demands to create a need for the future development.

The proposed Black Canyon Dam of 540 feet, as estimated by the reclamation engineers, would cost about $41,000,000 or $42,000,000. The cost of an electrical generation plant to go with it would be about another $33,000,000. And the transmission lines to the power market would be somewhere about $27,000,000 more, or a total of from $110,000,000 to $115,000,000 for dam and equipment. The loss of interest during construction would be $10,000,000 more. The alternative plan of a 606-foot dam would require something like $20,000,000 more.

Now, the 540-foot dam would apparently develop, theoretically at least, about 550,000 primary horsepower and another 450,000 secondary horsepower. No engineer could say at the present moment what the actual power development will be, because none of us know until we have had experience how much the electrical power will need to be made subjective to flood control and irrigation in the manner I have referred to but in any event these theoretic figures are possibly near enough.

Now, a large part of the power developed will be needed to pump the water for the proposed domestic water supply plan for southern California and both the manufacturers and private power companies will need the surplus power. It seems to me we need some consideration here of making a settled financial plan if we are to expedite this very urgently needed development. The people of southern California have recognized that the folk in the Eastern and Central States will probably not be anxious for the Federal Government to find the whole of the $115,000,000 for this development, and they have already expressed their willingness to make a substantial contribution to it, both from the municipalities and from the private power companies. It seems to me that the Federal Government has a very substantial obligation in this matter. It has been traditional to provide flood control in the protection of our people at the cost of the Federal Government, and we, of course, have the reclamation funds for the development of arid land; so that here is a problem of the proper contribution from municipalities, irrigation districts, private power companies, and the Federal Government.

All this leads me to the belief that somebody ought to be given authority to negotiate a definite financial compact which could be laid before Congress for approval in connection with the construction of these works. It does not seem to me it would take long to do that, and it could possibly be laid on the table here before this session of the Congress expires. I believe that we should do all we can to expedite this matter. It is true that our path would have been smoother if we could have had more success in the ratification of the compact, but so long as we have these great conflicts and differences of view that I have mentioned we must expect difficulties. And in this connection I would remind you that it required, I believe, 10 or 11 years to secure a ratification of the Federal Constitution, and I doubt if there was as much emotion connected with that proposition as there is with water rights between seven States. So we may make progress more speedily than was made by the original thirteen States of this Union.

Now, Mr. Chairman, if there are any further points that I can help the committee on I shall be glad to have them brought to my attention.

The CHAIRMAN (Senator MCNARY). On the point you have been discussing, do you see any conflict, in the purposes discussed by you in connection with Boulder Canyon, that might prevent private capital from participating in this matter?

Secretary HOOVER. Pardon me, Mr. Chairman, but my attention was distracted and I did not catch your question.

The CHAIRMAN (Senator MCNARY). You spoke of the different purposes—flood control, irrigation, and power development. Are these

functions in which private capital would be interested, or is there a conflict, one with the other?

Secretary HOOVER. Some of them are functions in which private capital would not be interested. In the development of dams outside of Boulder Canyon there is not necessarily any question of Federal finance, the other developments of the river below the upper basin are predominantly power developments and could be carried out by private capital under Government control. You have a problem here of working out that relationship at Boulder Canyon. I think there have been some discussions in southern California as to the possibility of some arrangement between a municipal electrical power establishment and the private power companies distributing in southern California for mutual participation in the Boulder Canyon project. I do not know how far they have got, but in any event it ought to be possible to bring some conclusion out of that, and, through such arrangement, to secure financial support to the Boulder Canyon development. I do not think the Federal Government will ever want to build the electrical power works there, or the transmission lines, and get into the power business. But it is through the power side of the question that the Federal Government can secure a large contribution to the development and hope recovery of its own investment.

The CHAIRMAN (Senator MCNARY). Is it your opinion that the Government obligation consists only in the matter of erection of a dam for the purpose of flood control?

Secretary HOOVER. No; I think the Government can go further than that. While, of course, you can not very well say our reclamation policy is an obligation, yet it is a sound financial policy, and the proposed dam would be a very large contribution to the reclamation of arid lands. Therefore some contribution on that score would be in order.

The CHAIRMAN (Senator MCNARY). But, Mr. Secretary, you must bear in mind that there is a special fund for that purpose, under a specific act, which does not come out of the Treasury of the United States but from the resources of the States, while in this case the funds would come under a different plan.

Secretary HOOVER. My suggestion made here was that some sort of authority might be set up to make a plan and to negotiate out the contribution of all these different elements, even including the reclamation fund. I have no detailed plan in mind, but it does seem to me that we are in this position: Here are four or five sources which are willing or should contribute to the work, and we ought to get some sort of definite relationship established to it.

The CHAIRMAN (Senator MCNARY). Is it in your mind that there is a sufficient demand for electrical power to justify the erection of a dam at this time from that viewpoint alone?

Secretary HOOVER. The probable primary horsepower is something like 550,000. While I can not state precisely, yet it is my belief that the domestic water supply into Los Angeles will absorb about 200,000 horsepower for pumping purposes and which they will need to provide for; that would leave 350,000 horsepower, which I think could be absorbed in that market long before these works could actually be built. This offers a basis also for contribution to cost. I doubt whether there would be a kilowatt of power transmitted for five years if you should start to-morrow on this enormous work of construction. I do not know how far these contributions would go to the total cost. My proposal is that we should find it out.

The CHAIRMAN (Senator MCNARY). Have you looked into the matter of the domestic supply of water for southern California in regard to whether it should be taken from the Colorado River here or there, whether by lift as mentioned at Black Canyon, or by gravity system some place up the river?

Secretary HOOVER. I am not competent to speak of that. All I know about that matter is what I have read in the newspapers as to statements of various engineers.

The CHAIRMAN (Senator MCNARY). What sort of suggestion have you to make, or can you detail it a little more to the committee, that a commission should be designated to look into this matter? Do you mean to have it confer with the various States in order to get an allocation of water and power?

Secretary HOOVER. I have not gone into it in detail. My own thought was that we could expedite this whole development, and expedition is what we all want, by having some sort of commission with authority to make a financial plan and who could be helpful in bringing the States together in the matter of the compact.

Such a commission could lay out a financial plan with all the groups involved, and thus have some definite contract—subject, of course, to approval by Congress—then you gentlemen would have some finished thing to act upon. It seems to me pretty difficult for Congress to negotiate a thing of that kind, and the administration has no power to do it.

Mr. ODDIE. In this statement Mr. Hoover says very clearly that the primary purpose of this legislation is flood control; and he advocates a high dam, 545 or 550 feet high, primarily for the purpose of flood control. He states that the question of power is incidental to flood control, but he recognized the danger from floods, and he has been a student of this problem for many years. He was appointed chairman of the Colorado River Commission something like eight years ago. He has given a great deal of his time to the study of the matter and has brought his great engineering ability to bear on it. Those of us who admire Mr. Hoover—and I know that we all admire him as a man as well as his great ability—will recognize the strength of his statements on this matter.

I shall not discuss this question any further at this time, Mr. President, because I intend to make some more brief remarks later on when I introduce some technical data prepared by our State engineer. I do hope this legislation will pass promptly, and I feel that Congress will make no mistake in passing it, and that it will be doing a most humanitarian as well as necessary act if it passes this bill.

Mr. ODDIE subsequently said: Mr. President, I would like permission to make a statement in answer to the statement of the junior Senator from Colorado [Mr. WATERMAN] regarding the flood menace in the Imperial Valley and to have it follow my remarks heretofore made this morning.

As the danger from flood involves the lives of 100,000 American citizens and about $200,000,000 worth of property it becomes particularly important. The dam authorized, with the consequent large storage, will permit of the regulation and stabilization of the river's flow and completely solve the flood danger. Unless prompt action is taken, any year may witness a flood of very serious and possible disastrous consequences.

I have obtained certain information on this subject from the report of the committee to the Senate, and I ask now unanimous consent that further statements in regard to this matter may be incorporated in the RECORD at this point, as they completely answer the statements heretofore made by the junior Senator from Colorado [Mr. WATERMAN] regarding the danger from floods from the Colorado River.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The statements are as follows:

Mr. F. E. Weymouth, formerly chief engineer of the Reclamation Service, in his 1924 report recommending the project, stated in the plain and conservative language of the engineer, the physical conditions causing the acute flood menace which exists:

"In its present state of partial development, however, the river is a menace no less than it is a benefit. Each spring the snows accumulated on the mountain slopes of the upper basin melt with the advancing season until by the end of May the lower river has become a raging torrent. This flood usually reaches its peak in May or June, after which it ordinarily subsides; the floods have been known to continue into August.

"Annually the river carries past Yuma an average of 200,000,000 tons of silt. When the river is not in flood, this silt burden is largely carried to the gulf, but in times of flood when the river spreads beyond its banks, it drops its load of silt not only at its mouth but wherever along its course the velocity of the water is checked. Especially does this deposition of material occur along and near the banks of its low-water channel. These banks are thus built up by successive floods until they hold the waters to such an elevation that the main current of the stream eventually breaks through and finds a new channel in lower ground.

"In the delta region below Yuma, being less restricted by natural lateral barriers, this tendency finds widest scope. Here the river has built a conical fan-shaped ridge cutting off what formerly was the upper end of the Gulf of California. Along the crest of this flat delta ridge runs the river; one slope toward the south terminates at sea level at the present head of the Gulf of California, the other extending northerly on a much steeper slope reaches a depression 250 feet below sea level at the rim of the Salton Sea. The portion of the ancient gulf thus cut off constitutes the Salton Basin, the irrigated area of which, lying largely below sea level along the northward delta slope, is known as Imperial Valley."

Again referring to temporary means adopted by Imperial irrigation district for flood protection the report proceeds:

"Within a few years at the most the silt deposits will raise the elevation of this latter area to a point where the main current of the floods will again be thrown to the west and north, at which time the assaults of the river on the Volcano Lake Levee will be renewed, with assurance that sooner or later another break into the valley will occur.

"The menace in case of such a break is not limited as at Yuma and above to the loss of crops and improvements and the cutting away of a few or many acres of valuable land, serious as that menace is. Besides all this, the greater danger here is that the levee once breached and the river at flood turned into Salton Sea, the steep gradient of its course will induce the cutting through the soft alluvial soil of a gorge in which the flow may not be checked until a large part of the valley has become submerged beneath the waters of an inland sea." (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 711, 712.)

It should further be pointed out that, in addition to destroying crops and damaging lands, the Imperial Valley has the decided disadvantage of being below sea level and having no outlet for the water. Ordinarily, the flood waters from any stream finds its way back into the stream as the flood subsides. This is not the case in Imperial Valley. There the flood waters remain in the basin until taken out by the slow process of evaporation.

DANGEROUS SHIFTING CHANNELS

In 1905 the river turned northward from its channel on the crest of the delta and flowed into the Imperial Valley for nearly two years before the break could be closed, thus forming a lake of some 300 square miles known as the Salton Sea. Through heroic efforts on the part of the Southern Pacific Railroad Co., at the request of President Roosevelt, the break was closed in 1907 and the river returned to its channel. The United States then expended approximately $1,000,000 in the building of what is known as the Ockerson Levee to prevent another such disaster as that of 1905. This levee was barely completed, however, when in 1909 the river washed much of it away and turned westward into what is known as Bee River to Volcano Lake, still in Mexican territory, but in a lower depression on the delta. The river flowed on this course for 10 years and was kept there by means of an extensive levee system built by the people of Imperial Valley. By 1919, through its immense silt deposit, the river had filled the bed of Volcano Lake and Bee River to such an extent that it was again flowing on a ridge and the levees could no longer be made to hold it. The Imperial irrigation district then at an expense of approximately $700,000 constructed an artificial channel from Bee River to what is known as Pescadaro River and turned the river southerly into a triangular depression between Volcano Lake on the west and the old channel on the east. This is the area referred to by Mr. Weymouth in his report from which quotation is made.

This is the last remaining depression on the delta.

SILT AGGRAVATES FLOOD DANGER

The river has an annual discharge at Yuma of more than 100,000 acre-feet of silt. This silt greatly aggravates the flood menace. No temporary works can be built to hold it. It was the silt deposit that built the deltaic ridge on which the river now flows. It was the silt deposit that filled the Bee River and Volcano Lake, so that the river could no longer be held at that point, and the same silt deposit will quickly fill the depression where the river now flows.

The gradient to the north into Imperial Valley is much greater than that to the south into the gulf, and when the depression is filled there is no means known which, at any cost within reason, can prevent the river from again flowing into the Imperial Valley.

The dam proposed in this bill will catch and hold the silt. Most of the silt finding its way onto the delta is from and above the canyon section. If no other dams were provided on the river, the one proposed in this bill would retain all of the silt finding its way into the reservoir for a period of 300 years and for more than 100 years before its storage capacity and usefulness would be seriously interfered with. As other dams are constructed on the river they will catch and retain the silt, thereby further extending the usefulness of the Boulder Canyon Reservoir.

PAST FLOODS ABOVE IMPERIAL VALLEY

The Colorado River is subject to periods of great floods and great droughts. It has been known to reach a maximum discharge of more than 200,000 cubic feet of water per second and a low flow at the headworks of the Imperial system of 1,250 cubic feet of water per second.

This causes extremely serious flood situations all along the lower river. Floods above Imperial Valley, were they not overshadowed by the exceptional flood danger to Imperial Valley, would attract attention and call for remedial measures. In 1916 the water stood 2 feet deep in the streets of the town of Yuma and threatened its destruction. In 1922 the river inundated a large part of Palo Verde Valley and the water stood several feet deep in the town of Ripley in that valley, destroying much property and otherwise causing a large amount of damage. Other floods have submerged the Parker Valley and also done serious damage to the city of Needles.

The greatest flood danger, however, is to the Imperial Valley, lying far below the river's channel and with no outlet for flood waters once they enter the valley.

PAST FLOODS THREATENING IMPERIAL VALLEY

In 1914 the Volcano Lake Levee was breached and 10,000 cubic feet of water per second flowed through the levee into the Imperial Valley for many days before the levees could be repaired. More serious results were avoided by means of hundreds of men placing bags of earth on top of the levee.

In 1918 the Ockerson Levee, which had been rebuilt by Imperial irrigation district, was breached in two places. The flood water was successfully turned westward to Volcano Lake by other levees, but not until after several thousand acres of land had been inundated and the workmen and a Southern Pacific train marooned. In a course of two days the men were removed, but the train was held until the flood subsided some three months later.

In 1919, before the river was turned into Pescadaro Cut, the levees were again breached and 4,000 acres of land inundated before the opening could be closed. The river was so high and the water-soaked earth so soft that maintenance work could not be carried on by the usual means of dumping rock from trains operated for that purpose. This was found to be the case after a locomotive and cars had been lost in the attempt. Numerous smaller breaks have occurred. In 1925, with only 50,000 second-feet of water, the river turned against the levees and in two different places undermined and destroyed them for distances of several hundred feet. This again occurred in 1926. These smaller breaks are of annual occurrence and serious results have been prevented only by constant vigilance. Telephone communication is maintained throughout the entire length of the levees and numerous watchmen are constantly on patrol. Strings of dump cars are kept loaded with rock and during high water locomotives kept under steam for immediate use.

LEVEE SYSTEM

The Imperial irrigation district has about 78 miles of protective levees in Mexico. The Yuma project has about 30 miles in Arizona and California, built and maintained by the Government, and Palo Verde irrigation district has several miles of similar levees for the protection of Palo Verde Valley. These levees are of necessity built of loose silt upon a foundation of similar material. They are faced with rock, hauled long distances by dump cars upon standard-gauge tracks, maintained on the levees for that purpose. Levees thus constructed afford only partial protection. When the river strikes the levee it is not its overtopping that is so much feared, but the water will quickly eat away the loose material and the levee simply settles down and virtually disappears.

EFFECT OF FLOOD MENACE

Four hundred and sixty thousand acres are now being served with water by the Imperial irrigation district. There is not only the possibility of this land being inundated but there is a constant knowledge that a comparatively small break in the levee system could destroy irrigation works and cut off water for irrigation and domestic purposes. This creates a constant feeling of uncertainty. Property values are less than half of what its income would justify. Capital for full development can not be had, and where money is obtained it is obtained at an excessive rate of interest. The Federal farm-loan banks refuse to lend any money in Imperial Valley because of these conditions.

The happiness of the people, the security of their property, and the proper development of this highly productive area depend largely upon adequate flood control.

UNANIMITY OF VIEW AS TO FLOOD DANGER AND NEED OF QUICK RELIEF

An outstanding feature of the testimony before the committee was the unanimity of view respecting the existence of the flood danger, its seriousness, urgent need for quick action, and that storage up the river was the solution. Engineers like A. P. Davis, F. E. Weymouth, Gen. George Goethals, and William Mulholland joined with responsible executive officials like Mr. Herbert Hoover in voicing this idea. Admittedly and concededly, storage at Boulder Canyon as here authorized will effect the greatest measure of security against the river's floods which may be obtained.

NONENFORCEMENT OF PROHIBITION LAW

Mr. BLEASE. Mr. President, I desire to have printed in the RECORD five articles on the question of the nonenforcement of the so-called prohibition law.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the Fort Mill (S. C.) Times, Thursday, November 8, 1928]

COMMERCIAL LIQUOR STILLS FLOURISH IN SOUTH CAROLINA

By John K. Aull

COLUMBIA, November 7.—That there are at least 1,500 commercial liquor stills in South Carolina making liquor every day for sale to retailers, and that there are at least from 5,000 to 7,000 or 8,000 retail liquor joints in South Carolina selling liquor every day to consumers of it is a conservative estimate, based upon an actual survey of the various counties of the State, in the light of information given by those who know what they are talking about, because there is no doubt they themselves are engaged in the traffic. They have not said they were engaged in the traffic, and the writer didn't ask them, because for the purposes of this article he didn't want to know. They were giving the information with the knowledge that its sources would not be divulged.

By commercial liquor stills is not meant coffeepot stills and tin-can stills, but liquor stills engaged in regular business, under regular management, with a regular force of hands, and turning out, some of them, liquor at the rate of 2 gallons a minute, while others have considerably less capacity. Small stills that folks run for their own use or

for the use of two or three families are not included. By retail liquor joints is meant not hip-pocket blind tigers (the latter meaning those who keep a pint or two under the mattress), but people selling liquor day in and day out by the pint or half pint, or whatever quantity you want, and many of them by the drink—people who are making a living out of the sale of liquor, and some of whom are putting by considerable money.

This is the situation in South Carolina, in the face of the most vigorous enforcement program which the State has ever had. Governor Richards has used and is using the utmost powers of his office to check the violation of the prohibition law. Without his strenuous, uncompromising efforts the State would be running wet with a stream many times as broad and many times as deep. Federal officers are assisting. But with it all, and through it all, violations of the prohibition law in South Carolina have been on the increase—and a considerable increase at that—during the past year.

Some three months ago the writer asked a man whom he believes to be largely engaged in the illegal liquor business in this State as to just what the situation is.

"You don't know that I am having any dealings with liquor, do you?" this man inquired.

"No; I do not know it," was the response.

"Well, then, all right," he said; "I know you won't divulge the source of your information, and I will get it up for you. Have you ever seen how they deliver liquor here in Columbia?" he asked.

The writer never had seen it delivered—that is, to the retailers in bulk quantities, and so stated. He was asked to come down to a certain place the following night, at about 7.30 o'clock, for a purpose not stated. He went. Shortly after he reached the place the telephone rang, and he heard one end of the telephone conversation. "Yes; O. K.," was all the conversation at that end. Within 10 or 15 minutes a truck drove up, backed around a little, turned and departed.

"See that?" asked the man who will be designated as X.

"Yes; what about it?"

"Well, he left 80 gallons of liquor here. He brought 400 gallons into Columbia with him for three places. This place took only 80 out of the 400. He had already delivered to three other places. He telephoned on the road before coming into Columbia, and was told that it was O. K. Well, now, you have seen how it is delivered."

"But where did it come from?" X was asked.

"That came from another county in this State," he said. "We—they, I mean—used to get a good deal from Georgia, but they are making better liquor in South Carolina now, and they can sell it now as cheap as they can in Georgia."

The price of that particular load to the retailer, the writer was informed, was $2.75 per gallon delivered, $2.60 at the still, and 15 cents per gallon for the trucker, who that night had made $60 for hauling 400 gallons some 25 miles. Really, X stated, he thought the truckman had received $100 for the evening's work, his belief being that the man at the still had contributed 10 cents a gallon.

The liquor was to be sold by the retailer at 50 cents a half pint, $1 a pint, and $2 a quart—$8 a gallon, retail price—though if a customer wanted 2 or 3 gallons, or even as little quantity as 1 gallon, a discount was given. All transactions, from still to consumer, are cash—all transactions all the way through, except the consumer's doctors' bills and funeral expenses.

In and around the city of Columbia, X stated, there were some 300 places handling liquor. The quality of the liquor was all about the same, and the prices remained steady and stable. Some of the places made deliveries to homes or places of business between 10 o'clock in the morning and 12 o'clock at night.

Orders were taken by telephone, he said, and delivery was made anywhere in the city, without extra charge. Most of the sellers, he said, however, did not deliver. The consumer had to call or send for it. Of course the consumer or his agent had to be known to the seller. Even in Columbia it is sometimes difficult for a stranger to walk into a liquor place and make a purchase without being identified.

"Not a great deal of beer is handled in Columbia," he said, for sale. When it was sold its price was usually 20 to 25 cents a pint bottle. He pointed out that it was too easy to make beer in the home; that no cooking was necessary, with the preparations which can be bought in a grocery store; that after the paraphernalia, costing between $3 and $5, was secured, 50 bottles could be brewed for $2 or $3, and beer drinkers preferred to make it themselves. Lots of it was made in Columbia, he said.

"Now," continued X, "when you have the time, I will go over the situation in the State with you, and maybe take you around a little that you can observe for yourself how it is handled, and to what extent, in other cities and towns, and out on the country roads. And I will show you and tell you some more about Columbia. You will be surprised," he said. And the writer was considerably surprised, as he will relate hereafter in a series of articles dealing with the liquor situation in South Carolina in the face of the most vigorous, uncompromising prohibition law enforcement administration which the State has had.

[From the South Carolina Gazette, Columbia, S. C., Wednesday, November 14, 1928]

BOOTLEG LIQUOR BY SIP OR JUG—RETAIL JOINTS SAID TO AVERAGE ONE TO THE MILE ON SOME SOUTH CAROLINA ROADS

(This is the second of a series of articles dealing with the liquor situation in South Carolina from a careful survey of that situation in the various counties of the State.)

Sitting in a room near the geographical center of one of the smaller towns of the State, a citizen of that town, who knows his town and county well—a reputable, substantial citizen, and a law-abiding citizen, but one who knows conditions—was asked about the liquor situation in his county.

"Take up the town first," he said, "and let me count a little." Counting on his fingers and calling names—unfamiliar to this writer—as he went along, this citizen finally announced:

"Well, I can count 11 people within two blocks of where we sit who are selling liquor. There may be others I don't know about, but not many. Say there are 12 in town. They sell it at the same prices at which it is sold in Columbia. In the county there must be 75 places making liquor—75 commercial stills. Of course," he reflected, "the average is probably higher in this county than in most of the counties of the State. I understand that liquor is mighty scarce in Newberry."

Looking out the window, he said:

"I see somebody; come on and I will show you something."

Going outside the writer met one of the governor's constables, accompanied by another officer. Getting into the native citizen's automobile we drove on the outskirts of the town and stopped in front of a place of business.

"Anything doing?" the citizen asked.

"Not now," the proprietor answered. "A constable is in town and I have got all my stuff hid."

"But how did you know?" is asked.

"Oh, we always get information when they get to town or are coming this way," he said. "All of us are on the lookout and I got a phone message before the officer got to town."

The writer learned afterwards that all the places in that immediate vicinity were closed tight until 5 o'clock that afternoon. The State constable was there on other business, but the bootleggers were not taking chances.

The governor's constabulary does the best it can. Governor Richards has a good constabulary force. But in this particular county this citizen, who knew what he was talking about, estimated there were at least seven or eight commercial stills for every member of the governor's force. "Of course," he said, "all the liquor is not sold or used in this county. Most of it goes to various cities and towns in the State. Some of the 'stillers make the deliveries themselves, but in most cases the liquor is sent for by the retailers."

"How do they get tipped off?" he was asked.

"Oh, their friends do that when they see the officers coming, and then they notify each other—some of them."

It may be noted that this was not Berkeley County, which has been so much in the limelight recently, on account of the liquor situation over there, and where the sheriff was removed by Governor Richards on Saturday.

Newberry County will be mentioned by name, for the reason that there is little to tell about Newberry, except that it is remarkable for the small amount of illegal traffic. Liquor can be bought in and around Newberry, but the places handling it are comparatively few and far between. And there it is surrounded with a pall of secrecy. A stranger going to Newberry who wants a drink while he is there had better take his liquor along with him. By this it is not meant that liquor can not be procured in Newberry County. It can be. But, by comparison, Newberry is almost a desert. Liquor is drunk up there, but most of it is brought in from other counties and is delivered direct to the consumers. This is, of course, as stated, comparatively speaking.

Nor is there so much of the traffic in Edgefield County, though Edgefield is not as free of it as Newberry is.

Mr. X, referred to in a former article as having agreed to help in the survey of the situation in South Carolina, was told about the experience in the other county. "That," he said, "is pretty much the way it is in most of the counties, though the average of commercial stills will not reach 75 to the county, or anything like it. In some of the counties they are few; in some of the counties they are many."

He was asked about the country districts—about the facility with which liquor can be purchased along the country roads.

"Well," he said, "I know one road in South Carolina where the retail bootleggers will average one to the mile for some several miles; and I know another road where there is probably not a bootlegger, selling in a place of business along the road, for 40 miles."

Referring again to the city of Columbia he was asked if it was possible to buy any imported liquor here, or if any liquor from Government warehouses ever seeped through this way.

"You can get Irish and Scotch here," he said. "Irish at $5 a pint and Scotch at $8 and $10 a quart—sometimes cheaper. There will be a good deal of this fine liquor in here between now and Christmas. Orders will be taken ahead of time, and the liquor will be brought in and delivered direct to the consumers, or to them through their regular bootleggers. Possibly there will be some 5,000 quarts delivered in Columbia of this fine liquor between now and Christmas. Some folks take a case and some take only a quart. An order would not be taken for a quart, probably; but several will go together and form a pool.

"No; most of the regular bootleggers don't deal in anything but the homemade stuff—that is, I mean in corn liquor. Of course here and there one may be found who carries Irish or Scotch or rye liquor, but this is largely from those who make special trips here, or are passing through to the East."

"What proportion of the joints are selling liquor by the drink?" he was asked.

"Very few in Columbia," he said. "Out on the country roads you can find a good many places selling by the drink. But it is so much easier and quicker to deliver a package than a drink—and so much safer. And then there is no drinking on the premises, and no possible boisterousness to attract the attention of the officers or of the prohibitionists who might want to report to the officers."

"Talking about prohibitionists," he was asked, "Do they sell much of it to prohibitionists—or any at all?"

"We went into this thing with the understanding that I was not talking of my own personal knowledge," he said, "but my information is that a good deal of it goes to prohibitionists. It is also not frequent, my information also is, that a good deal of it is ordered over the phone by ladies, and delivered to their homes upon their order. Places out in the country can sell by the drink lots easier than places in town. And in the summer time, where they have ice-cold beer as a chaser, selling the liquor at 25 cents a drink and the beer at 20 cents a bottle, the profit is large for the seller and the effect is immediate for the purchaser, and everybody is satisfied. Of course, the profit by the bottle is large. The risk has to be figured in. They have got to make over 100 per cent. Most of them make 200 per cent, or at least a hundred and fifty.

"Most of the bootleggers are white men—that is, most of them dealing in it to any extent. There are a good many negroes engaged in it in a small way. The way they buy it, it costs them about $5 a gallon, and the profit is small. They deal mostly in half-pint or pint sales—hip-pocket or mattress blind tigers."

There was also being brought back, gradually, in some of the larger cities, he said, the old situation of women and liquor—vice joints accompanied with liquor sales. It was mighty hard for the officers to do anything about this, he said, unless rowdyism and boisterousness and disorderly conduct that would create a disturbance should call attention to a place of this kind. He said there were a very good many such places in Columbia, and that they were very quietly conducted.

"So far as women are concerned, however," he said, "they drift around among the hotels, for that matter, and more and more their presence in hotels is coming to be taken for granted. I am not speaking particularly of Columbia," he said, "but of the State at large. I don't know of any hotels in the State that are themselves handling liquor; in fact, I don't know of any where the management has any knowledge of either women or liquor in their hotels; but in many of the hotels in the State it is an easy matter to get all the liquor you want, at double the price you can walk down street or across the street, may be, and get it for."

"In what general sections of the State—not to bring in too close to names and places—is the most flagrant violation of the law, and in what general localities are the most stills and the most retail joints?" he was asked.

Mr. X went into some details, which will be published in a subsequent article.

[From the South Carolina Gazette, Columbia, S. C., Wednesday, November 21, 1928]

CAN'T BAIL OUT THE OCEAN WITH SPOON—BOOTLEGGER TELLS WHY GOVERNOR'S CONSTABLES ARE INADEQUATE TO STOP ILLICIT LIQUOR TRAFFIC—DEMAND IS TOO GREAT—"BEST CITIZENS" RESERVE RIGHT TO BUY FIRE WATER AND ARE WILLING TO PAY BIG PRICES FOR THE FORBIDDEN SPIRITS

By John K. Aull

(This is the third of a series of articles by Mr. Aull on the liquor situation in South Carolina. The fourth and final article on this subject will appear in an early issue. It will be a general résumé.—EDITOR'S NOTE.)

Mr. X, source of much of my information, who permits me to say that I am convinced he is largely interested in the big liquor traffic in South Carolina, on condition that I also state that I do not know this to be a fact, his information and the other information being given with the knowledge that its sources will not be divulged, was shown several newspaper comments upon the two preceding articles.

As to the suggestion of the Greer Citizen, that "it looks to us as if his (the governor's) hands are tied by political followers who select the constables, directly or indirectly," he said, "I know nothing about that. I believe the governor's constables are doing the best they can. But what can 12 men do?

"If the governor had two hundred times that many trained officers, the business could not be stamped out. And why? Because the best citizens of the State demand their liquor and they are willing to pay for it. And because the prohibitionists—even some of the most fanatical of them—do not regard it as wrong to keep a little illegal liquor in their own homes for 'sickness,' though it be against the law. Even the bootleggers respect Governor Richards for his earnest and Herculean efforts to enforce the law—the most rigid program of enforcement the State has ever had; but the illicit traffic will thrive so long as thousands of citizens demand their liquor and are willing to pay for it—and the bootleggers have no better friends than the dyed-in-the-wool prohibitionists who want absolute enforcement for the other fellow, with the right always to keep a little at home for themselves in cases of 'emergency.'"

The Spartanburg Journal and the News and Courier editorials interested Mr. X very much. "Maybe the News and Courier is correct," he said, "when it says that 'in fact Mr. Aull's estimates are ultraconservative—at least 1,500 commercial stills in operation in the State turning out liquor every day, and at least from 5,000 to 8,000 retail liquor joints handling the products—when measured by the public statement a few months ago by a Federal prohibition agent in Greenville that about 1,500 persons are employed in the business in and around that city and that from it 3,000 gallons of whisky are distributed a week.' I am now getting up for you," continued Mr. X, "a little list of the number of stills by counties and the number of retail liquor joints by counties, which I will give you in a day or two. That will be the number, as near as I can estimate them, and we will see then what the totals are."

Mr. X said the Greenwood Index-Journal was about right in its size-up of what would be necessary to stop the passing of liquor cars through Greenwood when it says: "It would take a force of not less than 25 men in Greenwood County alone at a cost of $50,000 annually, salary and expenses combined. This would be about $2,000,000 annually for the whole State, probably more instead of less."

"Talking about being ultraconservative," said Mr. X, "the Greenwood paper, now, is ultraconservative when it thinks 25 men might do the job in that county. Why, the people want the stuff, though they vote against it, and they are going to have it. What did the Calhoun Times, neighbor to Orangeburg, say about the Orangeburg Fair and the Carolina-Citadel game? Listen to this: 'The law was either suspended at the Orangeburg Fair or it was unknown to be existent to both the officers who were in evidence and to those who openly indulged in strong drink. Liquor was almost everywhere in evidence. Flasks were openly passed from one to another during the Carolina-Citadel football game. Drunks were everywhere about. * * * Their antics were a most disturbing factor,' * * *."

"The young folks at the colleges, and particularly the colleges located in the cities," continued Mr. X, "are drinking more liquor than was ever drunk by young people at colleges before. No reputable bootlegger will sell to them if he knows it," he said, "but there are lots of them that are not reputable. There was a very regrettable incident at one of the State colleges only a few days ago, as the result of a liquor party, staged not so much because the participants wanted to drink the liquor as because they wanted to be 'smart.' I will tell you about it, and you can print it if you want to. So far as I am concerned, I think these students who did the tattling ought to have gone along with those who were tattled on, if any had to go—but everybody to his own opinion as to the amenities of life."

(The writer will content himself with Mr. X's comment, so far as publication is concerned. The details are somewhat too intimate.)

"I am a little curious to know," I asked Mr. X, "how the liquor fellows felt toward the candidates in the last presidential election."

"Here in South Carolina," he said, "they didn't take much interest one way or the other. Whether Smith or Hoover should be elected, they felt there was no possibility of a change in the liquor laws during their lifetime, and they are very well content with these laws; they are making their living and putting by, most of them, considerable money. And it is a business which they do not care to hand down to their children, though a few of them make a family matter out of it, and a good many of them have their wives associated with them in the handling of liquor, and a lesser number have their sons engaged in it along with them—and a few of them, God help them, have their daughters assisting."

"Do you know anything about the mix-up down in Berkeley, which has been the subject of so much investigation, resulting in the dismissal of the sheriff from office?" he was asked.

"Yes; I know about it," he said, "and I will tell you, but that is not for publication. That is a mess you had better leave alone."

(I am taking the advice, absolutely and positively. I do not think the Spanish inquisition could drag from me the information I get along this line, and I trust that I will not talk in my sleep.)

"Of course, it is a dirty business," said Mr. X. "If Governor Richards had the support of the otherwise law-abiding citizens of the State he could stamp it out without Federal assistance. But he hasn't got it and that is what he is up against.

"By next week I will have for you the list, by counties, which will show the totals I have referred to, both as to stills and retail joints, home-made stuff, gooseberry brandy and beer, and you can use as much or as little of them as you have the nerve to use. And you can ask me all the questions you want at that time, and I will tell you what I know, or believe, and then I am through. One more article will be enough of the stuff anyway. There is getting to be entirely too much comment about it. And our next talk will have to be in some other town, too."

And he named the date and the place.

[From the Fort Mill Times, December 6, 1928]

LITTLE AID FOR GOVERNOR IN ENFORCING LIQUOR LAW

By John K. Aull

COLUMBIA, December 5.—Figures given by Mr. X, by counties, total 2,400 stills in South Carolina regularly making liquor, with a total of some 7,500 people engaged. (Mr. X is the writer's informant, upon condition that the source of the information be not divulged, and with the understanding that the writer has no knowledge that X is engaged in the liquor business, though the writer believes he is.)

"Recent activities of the officers in Newberry County," he said, "indicate that there is more of the illegal traffic up there than I thought there was." In fact, he had given Newberry County almost a clean sheet. "I have not figured in," he said, "what are known as coffeepot stills, where the owners are making liquor for personal use or the use of their friends. I have figured in only the commercial stills."

The figures were given by counties, but the counties will not be enumerated here. The number ran from 85 in one county on down the line to 2 or 3, and in one or two of the counties no stills were marked up. "I reckon there may be one or two of them," he said, "but my information is not definite."

"If there are 2,400 commercial stills in South Carolina, then how many retailers are there and how many people who make their living out of the liquor business?" was the all-important information which the writer wanted.

"I told you in the beginning," he said, "there were some 1,500 commercial stills and some 5,000 to 8,000 people engaged in handling liquor in the State and making their living out of it," he said. "I have revised my estimate since compiling the figures. With nearer 2,400 stills regularly engaged in making liquor, that gives about 7,500 people making their entire living, or part of it, by manufacturing liquor. There must be 10,000 retail liquor joints in the State at least where the selling of liquor is the main source of livelihood. There must be at least two people, on an average, connected with these 10,000 joints. That gives you 20,000, and add your 7,500 to it and you have 27,500 people, according to my estimate, who are making their living, or part of their living, dealing in liquor. Of course the 2,400 stills would supply more retail joints than that, but of these 2,400 stills there are several hundred of them that sell the stuff to consumers at the stills, and more of them that sell at the stills to picked consumers who they know will not drink liquor or become boisterous around the stills. You know the drinking of the stuff does not go along with handling it with any degree of success. The best and most successful handlers of liquor do not drink the stuff to any extent, and never while on duty. Of course a good many of the liquor fellows drink, but they don't last long. They are either soon caught and put out of business, or ruin their reputations as bootleggers by becoming common liquor heads."

"What's the way to enforce the law in South Carolina?" he was asked.

"I don't agree to try to figure out a way to put these fellows out of business," he said. "It's bad business, but think of the thousands of prohibitionists that are buying the stuff and demanding the best quality and are willing to pay the cash, and you will know why the business goes on. If everybody in South Carolina who votes prohibition and talks prohibition, one or both, would assist in the enforcement of the law, by example, if nothing else, it would be an easy job to enforce it. But there is just as much likelihood of that as there was of a lightwood knot blocking Sherman's march to the sea.

"The fellows don't have much to guard against except the efforts of Governor Richards. Now, really, what else is there? If it were not for his honest efforts—give him the credit—there is no telling what conditions would be in this rock-ribbed prohibition State. People talk a lots, and 'reformers' draw down salaries, but now, just honest to goodness, what stands between the bootlegger and his drinking constituency, including lots of prohibitionists, except the efforts of Governor Richards, and some of the local officers, of course?

"Now," concluded Mr. X, "judging from some of the newspaper clippings you have showed me, maybe I have talked too much already. Anyhow, for the present I am done. I can take care of myself. I reckon you can, too. Good-by; good luck. Have a drink? No? All right; glad you won't."

In this series of articles the people of South Carolina have been given the facts. There is no suggestion to be found in the facts that conditions are as bad as they were in saloon days. The only suggestion is that liquor flows freely, and that the Governor of the State has mighty little cooperation in the enforcement of the law.

[From the Greenville News, December 7, 1928]

FEDERAL AGENTS FIND 49 STILLS—OFFICERS CONFISCATE AND DESTROY OVER $10,000 WORTH OF PROPERTY IN MONTH

Federal agents during the past month destroyed 49 distilleries and arrested 51 persons for alleged violations of the Federal prohibition law, according to a report of activities during November made by Deputy Administrator J. A. Clifton, jr.

During the month 566 gallons of liquor were destroyed by the officers and seven automobiles were captured. They also destroyed 17,250 gallons of beer.

The total value of the property destroyed and confiscated is valued at $10,202. This work was done despite the interruption of courts attended and two men absent by reason of resignations from the force, it was said.

ADDRESS BY HON. ROY MILLER RELATIVE TO THE MISSISSIPPI RIVER SYSTEM

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD an address delivered by Hon. Roy Miller, of Corpus Christi, Tex., before the Mississippi Valley Association at St. Louis, Mo., on November 26, 1928, together with a statement of the projects comprising the Mississippi River system, their authorized depths, the funds expended on or allotted to each, and the amounts required to complete them, as compiled by the office of the Chief of Engineers, United States Army.

There being no objection, the address and accompanying matter were ordered to be printed in the RECORD, as follows:

LET'S FINISH THE JOB

If I sense correctly the temper and disposition of this gathering, it is a fixed determination that the purpose we seek to accomplish shall be achieved without further delay. This is the tenth annual convention of a great organization which represents the commercial, industrial, and agricultural interests of an empire—the great Mississippi Valley, comprising approximately one-half the area of the richest and most powerful Nation in the world, and representing considerably more than half of its productive resources. For nearly a decade this organization has fostered and promoted an idea. Before its birth there were other movements of somewhat similar character seeking the same end. Indeed, for a quarter of a century there have been organizations of a more or less local character which have striven to improve local conditions by their advocacy of local projects.

But it remained for this splendid organization—the Mississippi Valley Association—to visualize the possibilities of a vast system in which each local project, coordinated and corelated, would have its proper place and render its full measure of service as an essential part of what, when it is completed, will be the greatest inland waterway system in the world.

WHAT HAS BEEN ACCOMPLISHED

While the progress we have made in the past has not always been as rapid as we should have liked, we find gratification in the fact that this great idea of a coordinated system of waterways that will serve every part of the Mississippi Valley has at last captured the imagination and inspired the vision of the American people, and that its final completion has become the adopted policy and fixed purpose of the Congress of the United States.

Under these circumstances it should be interesting as a matter of information and helpful as a basis for determination and decision respecting our plans and purposes to take stock, so to speak, of what has been accomplished toward the construction of this great waterway system in which we are interested.

I am indebted to the office of the Chief of Engineers and its talented and efficient personnel for the data which is here presented. It has been supplied to me in such interesting and extensive detail that time does not now permit a presentation of more than a general summary. For the information of those who may be interested, however, I have assumed the liberty of putting the entire statement in pamphlet form which is available for those who desire it.

THE CORPS OF ENGINEERS

In this connection I may be pardoned a brief digression. Because of my interest in certain Texas projects I have been permitted to enjoy close contacts with officers of the Corps of Engineers of the United States Army for many years and therefore to become familiar with their methods of procedure and the manner in which they discharge the obligation placed upon them by law in respect to river and harbor works. All of us will recall the days when river and harbor appropriations were in bad odor and when the cry of "pork barrel" was abroad in the land because of occasional ill-advised legislation authorizing the improvements of projects lacking in merit. Then Congress placed upon the Corps of Engineers the responsibility of reporting upon the commercial possibilities and economic justification of waterway projects as well as their engineering feasibility and construction cost. That marked the dawn of a new day in river and harbor work in this country. Service now is balanced against cost, and unless a project can stand the test of real service to commerce it need expect no consideration at the hands of the Government engineers. Congress, of course, may do as it pleases, but the record fails to disclose a single instance in recent years where it—the Congress—has authorized the construction of a waterway project which the engineers have said was not justified from the standpoint of its possible service. This is as it should be. The river and harbor development of the Nation is now on a sound business basis. It is in the hands of highly trained experts, selected from the most efficient group of engineers in this or any other country, who, because they are officers of the United States Army, can and do apply to the tasks to which they are assigned a character of service which is at once impartial and disinterested and always patriotic. Any effort to change the present method of executing and administering our river and harbor activities should be resisted by those who have the best interests of the Nation at heart.

THIRTEEN THOUSAND THREE HUNDRED AND NINETY-FOUR AND FORTY-TWO ONE-HUNDREDTHS MILES OF WATERWAYS

But to return to the "Mississippi river system": The data referred to show that it consists of approximately 70 projects with a total mileage of 13,394.42 miles. The system is made up, of course, of the great Mississippi and its various tributaries, which in turn are served by numerous feeders. Almost every State in what we call the Mississippi Valley is touched and served by the trunk line, its tributaries, or feeders. They cover the vast area from the Alleghenies to the Rocky Mountains and from the Great Lakes to the Gulf as the veins that pulsate through and vitalize the human body.

AMOUNT ALREADY EXPENDED

The tremendous sum of $452,270,217 has already been expended or allotted (to June 30, 1928) to make this great system available for navigation. This takes no account of $181,219,568 spent in flood control on the Mississippi, of which amount it is estimated that approximately $22,000,000 has been of benefit to navigation. It is also stated that approximately $30,000,000 of the $311,000,000 authorized by Congress at its recent session for further flood-control work on the Mississippi will be in the interest of navigation.

FUNDS REQUIRED FOR COMPLETION

So much for what has been spent on the projects comprising the Mississippi system. What will be required to complete them? Only the comparatively insignificant sum of $96,129,500. I say insignificant, since it represents only a little more than 20 per cent of what has already been expended or allotted, and until it is spent and the projects completed this great waterway system will be able to render but a fractional part of the service of which it is capable.

STANDARDIZATION NECESSARY

A study of the system with respect to the various and varying project depths reveals an interesting situation. One is at once struck with the lack of uniformity and standardization. While the main trunk lines, the Mississippi from New Orleans to St. Louis, the Ohio from Cairo to Pittsburgh, the intracoastal canal from New Orleans to Corpus Christi, and the Illinois River which, with the sanitary canal, will provide a through waterway from the Mississippi to Chicago, have an authorized project depth of 9 feet, we find that practically all of the other projects listed, except where no depth at all is specified, have depths ranging from 4 to 8 feet.

Attention is not directed to this situation for the purpose of urging standardization at this time of the entire system on the basis of 9 feet but merely to point out the advisability of a careful consideration of the system in its entirety with a view to a possible increase in channel depths in the case of certain projects which are a part of the system. Pending survey authorizations will provide the remedy in some instances. For example, the survey of the Mississippi River between the Missouri River and Minneapolis "with a view to securing a channel 9 feet deep, with suitable widths," if favorably reported and adopted by Congress, will not only complete the essential north and south trunk line but will give an outlet on the basis of a standardized depth of 9 feet to Chicago. Likewise, the similar survey of the Missouri River to Kansas City "with a view to a 9-foot channel" will, if favorably reported and authorized, complete the east and west trunk line from Pittsburgh to Kansas City.

It should be patent to anyone who views the matter in a business way and from the standpoint of a completed standardized system that these two improvements, namely, a 9-foot channel to Minneapolis and St. Paul and a like depth to Kansas City, are absolutely essential as a basis for and as a part of an adequate and fully serviceable system of waterways for the Mississippi Valley. Of course, the time will come when the entire system, with its various tributaries and feeders, should be standardized on the basis of an equal depth throughout, but it appears self-evident that the main arteries of the system should be standardized without delay.

THROUGH BARGE SERVICE

The barge which loads at Minneapolis or Kansas City with wheat, carrying the largest possible cargo (and the economy of water transportation exists in quantity of movement), should be able, utilizing the maximum of draft available, to move through to New Orleans, Houston, Galveston, or Corpus Christi. Likewise the barge loaded with steel products at Pittsburgh to the maximum draft available on the Ohio should be able to go through without breaking bulk and discharge its cargo at the Twin Cities or Kansas City. And so the barge loaded with sulphur at the mines in Texas on the intracoastal canal, or with petroleum products from the great refineries which line that waterway, with its 9-foot depth, ought to be permitted to enjoy the maximum economies of water transport by having a 9-foot channel to all of the great consuming and distributing centers in the valley territory, such as New Orleans, St. Louis, Pittsburgh, Cincinnati, Chicago, Minneapolis, St. Paul, and Kansas City. Why favor some and penalize others?

The benefits of water transportation are no longer a matter of conjecture or debate. Even though the question of economy in cost did not enter into the equation, none would doubt the advisability, indeed the necessity, of making our waterways available for transportation service in order that the progress and development of our country may continue apace. That transportation constitutes our greatest national problem is conceded by all who are cognizant of the facts. That at our present rate of progress our railroad facilities, which are not now being augmented to any appreciable extent, will shortly be inadequate, is admitted by leading railroad executives everywhere. That substantial decreases in transportation costs constitute the surest and safest measure of farm relief is nowhere disputed. That water transportation of heavy, bulky commodities, consisting largely of raw materials, will increase the profits of the producer and lessen materially the burden of the consumer is universally recognized.

ECONOMIES IN THE LONG HAUL

Permit me to illuminate these observations, which, I take it, are now generally accepted as truisms. The greatest economies in water transportation are realized in the "long haul." It is for that reason that the entire Mississippi River system should be completed as speedily as possible, for the longer the haul the greater the saving in transportation charges.

I live in Texas, a great State of almost limitless potentialities and indescribable possibilities, which through the Intracoastal Canal will participate in the inestimable benefits resulting from the completion of this wonderful waterway system. Corpus Christi, my home town, is approximately 2,500 miles from Pittsburgh, about 1,800 from St. Louis, 2,200 from Kansas City, and 2,500 miles from Minneapolis. These distances are by water via the Mississippi River system, of which the Intracoastal Canal is a part. The distances to Houston and Galveston are approximately 200 miles less.

CUTTING TRANSPORTATION COSTS IN HALF

Texas consumes 800,000 tons of steel products annually. The steel manufacturers themselves estimate that half of that, or 400,000 tons, will move into Texas by the Mississippi River system when it is completed, at a saving of $8 a ton, or a total of $3,200,000 annually.

Texas now produces all of the sulphur produced in the United States and about 80 per cent of the world's supply. The mines are located immediately on the Intracoastal Canal. In the territory served by the Mississippi River system 652,000 tons of sulphur were consumed last year. With short connecting railroad hauls every pound of it could be handled by barge on the Mississippi River system. The present rail rates range from $7.50 to $13.50 per ton. The barge will handle it at from $3 to $5 a ton. The consumer buys the sulphur at the mine and pays the freight. The completion of the Mississippi River system, including the Intracoastal Canal, will save the sulphur consumers of the Mississippi Valley territory (and there are 113 different uses of sulphur) not less than $2,500,000 annually. The cost of production of chemicals, insecticides, paper, automobile tires, rubber goods, steel products, etc., will be proportionately reduced.

The great oil refineries of Louisiana and Texas will use the system to reach the distributing centers of the valley territory. An official of one of the large companies, testifying before the Rivers and Harbors

Committee a year ago, stated that his company was planning to use the Intracoastal Canal, the Mississippi and Ohio Rivers to reach the Pittsburgh district, and that it expected to carry its products by barge from its refinery in Texas to Pittsburgh for less than one-half the present rail rate from Philadelphia to Pittsburgh.

One of the large steel companies is now transporting its products by barge from Pittsburgh to New Orleans, a distance of approximately 1,800 miles by water, for less than half the rail rate from New Orleans to Houston, a distance of 362 miles.

THE INTRACOASTAL CANAL

Congress has authorized the construction of the Intracoastal Canal from New Orleans to Corpus Christi on the basis of a 9-foot depth and a 100-foot bottom width, a distance of about 700 miles, at an estimated cost of $16,000,000. We are now seeking an authorization to extend it to the Rio Grande on the border of our sister Republic of Mexico, 140 miles south of Corpus Christi. An investigation of present transportation costs has revealed some startling facts. For instance, automobiles from St. Louis into the Rio Grande Valley now carry a rate of $2.485 per 100 pounds, or 43.10 mills per ton-mile. Agricultural implements from this territory pay a rate of 22.30 mills per ton-mile; machinery, 23.10 per ton-mile; coal from Cincinnati, 21.70 per ton-mile; pipe from Pittsburgh, 11.43 per ton-mile.

Compare these excessive charges with the average rates by water on the Mississippi, as shown in the annual report of the United States Inland Waterway Corporation, of 4.3 mills per ton-mile for the lower river and 4.78 for the upper river. Better still, the statement made to me recently by an official of one of the steel corporations now using water transportation on the system that their costs, including interest, depreciation, and terminal charges, are less than 2½ mills per ton-mile.

Is there any wonder that the people I represent, the substantial interests of the coast country of Louisiana and Texas, are so intensely concerned in the early completion of this great waterway system?

What is the conclusion of the whole matter? Is it not so clear as to be entirely self-evident that the system in its entirety should be completed at the earliest possible moment? Is it not also equally obvious that the system should now be considered in its entirety, that the many and varied projects which compose it should be coordinated, that the main trunk lines should be standardized on the basis of uniform channels, and that the whole should be henceforth regarded and provided for as one great system of transportation?

A NEW AND PROGRESSIVE LEADERSHIP

I believe the time has come when that will be done. I believe we stand on the threshold of a new era of progress and development so far as our internal resources are concerned, when, under the inspiration and guidance of a far-seeing and progressive leadership, we may look with confidence and assurance to the speedy realization of that splendid vision which for so many years has led us on.

We find that assurance in the stirring words of the President elect, uttered in the course of an address delivered at Seattle, Wash., more than two years ago:

"The time has come when we must take an enlarged vision of the future. We have arrived at a new era in this development. We have need that we formulate a new and broad national program for the full utilization of our streams, our rivers, and our lakes.

"Water is to-day our greatest undeveloped resource. Our streams and rivers offer us a possible total of 55,000,000 horsepower, and of this less than 11,000,000 has been developed. Of our 25,000 miles of possible inland waterways probably less than 7,000 are really modernized, and the utility of much of these 7,000 miles is minimized by their isolation into segments of what should be connected transportation systems. We still have 30,000,000 acres of possible reclaimable and irrigable lands.

"True conservation of water is not the prevention of use. Every drop of water that runs to the sea without yielding its full commercial returns to the Nation is an economic loss, and that loss in all its economic implications can be computed in billions."

Yes; the time has come to finish the job. The adopted projects should be completed without delay. Enlargements and extensions of the system should be made as rapidly as necessity may require. Above all, the surveys for navigation, flood control, power, and irrigation, authorized in the rivers and harbors act of January 21, 1927, which comprehend practically all streams in the Mississippi Valley, should be completed as soon as possible in order that this splendid waterway system which constitutes America's greatest natural resource may render its full measure of service to the Nation and to the world.

When these things have been accomplished, this mighty empire we call the Mississippi Valley will become not only the most populous and productive portion of this great Nation but the abiding place of a happy, prosperous, and contented people in whom, because of the beneficent endowments of a generous Government, will reside those virtues of citizenship which are the sole guaranties of the perpetuity of this Republic.

Projects comprising the Mississippi River system

Name of project	Project length (miles)	Project depth (feet)	Amount expended or allotted to June 30, 1928	Amount required to complete
Black Warrior, Warrior, and Tombigbee Rivers, Ala	460	6	$10,759,136	$235,000
Southwest Pass, Mississippi River, La	19.8	35	21,434,453	1,000,000
South Pass Channel, Mississippi River, La	13	35	12,939,350	
Examinations and surveys, South Pass, Mississippi River			537,685	
Mississippi River between Baton Rouge and New Orleans, La	132	35	14,057	
Lake Pontchartrain, La	4	8	58,139	
Chefuncte River and Bogue Falia, La	14.5	(1)	51,578	
Bayou Bonfouca, La	7	10		
Pass Manchac, La	7	(1)	5,804	
Ticfaw, Natalbany, Pontchatoula, and Blood Rivers, La	45.5	(1)	25,096	
Amite River and Bayou Manchac, La	30	7	84,418	
Bayou Plaquemine, Grand River, and Pigeon Bayous, La	64	10	2,161,586	
Bayou Grossetete, La	29	5	45,864	
Bayou Teche, La	106.5	6.8	888,834	123,000
Operating and care Plaquemine Lock			477,731	
Operating and care Keystone Lock, Bayou Teche			64,159	
Atchafalaya River, Morgan City to the Gulf of Mexico	15.75	20	654,728	
Louisiana-Texas intracoastal waterway:				
New Orleans-Sabine River section	456.17	9	2,341,272	7,870,000
Sabine River-Corpus Christi section	300	9	1,575,238	8,243,000
Operating and care Harvey Canals and Locks	5.5	6.5	683,268	
Operating and care Hanson Canal, La	4.1	5	84,041	
Red River below Fulton, Ark	475	(1)	3,156,800	
Ouachita and Black Rivers, Ark. and La	360	6.5	5,881,604	
Operating and care Ouachita and Black Rivers			1,515,380	
Tensas River and Bayou Macon, La	250	(1)	109,500	15,500
Boeuf River, La	166	(1)	124,169	15,000
Bayou Bartholomew, La. and Ark	182	(1)	88,731	
Saline River, Ark	135	(1)	39,692	
Bayous D'Arbonne and Corney, La	57	(1)	54,100	
Yazoo River, Miss	178	(1)	645,896	
Tallahatchie and Coldwater Rivers, Miss	155	(1)	200,320	
Big Sunflower River, Miss	171.4	4.5	747,590	150,000
Operating and care, lock and dam, Big Sunflower River, Miss			112,552	
Steele and Washington Bayous and Lake Washington, Miss	60	(1)	27,050	40,000
Mouth of Yazoo River, Miss	9.3	6.5	1,260,296	
Arkansas River, Ark. and Okla	465	(1)	4,112,799	
White River, Ark	301	(1)	862,381	
Black River, Ark. and Mo	213	(1)	408,554	
Current River, Ark. and Mo	94	(1)	117,083	
St. Francis and L'Anguille Rivers and Blackfish Bayou, Ark	160	(1)	248,547	
White River locks and dams	4	21	1,701,163	
Mississippi River between Ohio and Missouri Rivers	200	(2)	29,341,131	10,850,000
Removing snags and wrecks from Mississippi River below Missouri River and from Old and Atchafalaya Rivers			4,680,784	
Mississippi River between Missouri River and Minneapolis, Minn	664	6	44,455,812	4,783,000
Operating and care lock and dry dock at Keokuk, Iowa			1,756,868	
Operating and care lock and dam at Moline, Ill			210,824	
Operating and care of Le Claire Canal, Iowa			36,995	
Operating snag and dredge boats on upper Mississippi River and tributaries			1,481,137	
Illinois and Mississippi Canal, Ill.:				
Construction	75	7	7,547,278	
Operating and care			2,908,813	
Mississippi and Leech Rivers, Minn	92	(3)	317,229	
Reservoirs at headwaters of Mississippi River			1,661,647	
Operating and care reservoirs			808,020	
Twin City Lock and Dam, Mississippi River	5	5	2,685,625	
Operating and care			204,310	
Gauging Mississippi River and tributaries at or near St. Paul, Minn			12,082	
St. Croix River, Wis. and Minn	52	(4)	164,265	
Minnesota River, Minn	25.6	4	145,829	
Missouri River:				
Kansas City to the mouth	398	6	25,919,347	17,500,000
Kansas City to Sioux City	409	6	3,312,892	11,400,000
Sioux City to Fort Benton	1,478	(1)	3,594,456	
Osage River, Mo	109	3	1,182,109	250,000
Operating and care, lock and dam, Osage River			141,367	
Gasconade River, Mo	62	2	228,263	
Ohio River:				
Lock and dam construction	968.5	9	109,760,901	2,256,800
Operating and care			20,358,369	
Open channel improvement			12,404,314	
Operating snagboats			1,358,515	

Projects comprising the Mississippi River system—Continued

Name of project	Project length (miles)	Project depth (feet)	Amount expended or allotted to June 30, 1928	Amount required to complete
Cumberland River, Tenn. and Ky.	433	6	$8,978,622	$6,860,000
Operating and care, locks and dams, Cumberland River			1,904,139	
Tennessee River:				
Below Riverton, Ala.	226.5	6	1,987,977	80,000
Above Chattanooga, Tenn.	188	(2)	2,586,053	5,750,000
Chattanooga to Hales Bar lock and dam	33	6	378,962	
Survey of			806,072	
Cove Creek Dam site			179,964	
Hales Bar to Browns Island	293	5 and 6	2,193,486	8,775,000
Browns Island–Riverton	67.1	5–7	6,704,786	500,000
Dam No. 2 (Wilson Dam), Muscle Shoals		(3)	46,810,461	
Dam No. 1			989,215	
Operating and care			2,340,344	
Monongahela River, Pa. and W. Va.:				
Construction	131	7	13,012,257	3,439,200
Operating and care			15,663,321	
Allegheny River, Pa.:				
Open-channel work	214	(1)	317,862	
Lock and dam construction		(7)	6,045,485	1,941,500
Operating and care			2,075,976	
Youghiogheny River, Pa.	1.2	9	12,290	
Muskingum River, Ohio:				
Lock and dam construction	91	5.5	307,185	
Operating and care			3,302,334	
Little Kanawha River, W. Va.:				
Locks and dams	48	4	494,418	
Operating and care			453,486	
Kanawha River, W. Va.:				
Locks and dams	90	6	4,294,612	
Operating and care			3,592,323	
Big Sandy River and Levisa and Tug Forks, W. Va. and Ky.:				
Locks and dams	57	6	1,649,594	1,052,500
Operating and care			753,104	
Kentucky River, Ky.:				
Locks and dams	280	6	4,175,639	
Operating and care			5,355,175	
Wabash River, Ill. and Ind.			914,455	
Green and Barren Rivers, Ky.:				
Construction	358.5	5	670,988	
Operating and care			3,191,651	
Rough River, Ky.:				
Construction	29.5	4	105,500	
Operating and care			44,895	
Illinois River, Ill.:				
Construction	230	9	3,105,941	3,000,000
Operating and care			602,280	
Mississippi River flood control	(8)	9	[9]181,219,568	
Total	13,391.42		452,270,217	96,129,500

[1] No depth specified.
[2] 9 to St. Louis, 6 to mouth of Missouri.
[3] 8 at bank full stage.
[4] 6 for 24 miles, 3 for 28 miles.
[5] 6 for 24.6 miles, 3 for remainder.
[6] 9.5 for 14.7 miles, 9.5 for 2.5 miles.
[7] 7 for 24 miles, 8 for 37 miles.
[8] 933 navigation projects.
[9] For flood control, not included in total spent for navigation.

SURVEYS PENDING

Red River, Ark. and La., from Fulton to the mouth.

Black River, Ark. and Mo.

Arkansas River and tributaries, Ark. and Okla.

Mississippi River between Missouri River and Minneapolis, Minn., with a view to securing a channel 9 feet deep with suitable widths.

Headwaters, Mississippi River, view to maintaining a minimum fixed head of water in all channels of system at all times.

Missouri River from Quindaro Bend to mouth, view to securing channel 9 feet deep with suitable widths.

Allegheny River, Pa. and N. Y., with a view to enlarging the present project.

Youghiogheny River, Pa., from Fifteenth Street, McKeesport, to West Newton.

Kiskiminitas and Conemaugh Rivers, Pa.

Little Kanawha River, W. Va.

Kanawha River, W. Va., from Lock 5 to its mouth.

Canal connecting Lake Erie with Ohio River, via the Miami and Erie Canal or other routes, including branch canal connecting Lake Michigan.

Waterway from point at or near Erie Harbor, Pa., by way of French Creek and Allegheny River, to the Ohio River.

Green and Barren Rivers, Ky.

Surveys for navigation, flood control, power, and irrigation, covering practically all streams forming a part of the Mississippi River system were authorized by the river and harbor act approved January 21, 1927, in accordance with House Document No. 308, Sixty-ninth Congress, first session, and as further modified by the flood control act approved May 15, 1928.

MILITARY DETAILS TO LATIN-AMERICAN COUNTRIES

Mr. KING. Mr. President, I offer a bill for the repeal of an act entitled "An act to authorize the President to detail officers and enlisted men of the United States Army and Navy to Latin-American countries." The act which is sought to be repealed reads as follows:

That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Republics of North America, Central America, and South America, and of the Republics of Cuba, Haiti, and Santo Domingo in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States.

If the interpretation which has been placed by some persons upon this act is correct, then it should be promptly repealed. The power of the President of the United States under the Constitution is very great. Indeed, his authority exceeds that of kings and rulers in many countries. He is the Commander in Chief of the Army and Navy and the executive head of the Government. Many thoughtful students of our Constitution and the workings of the Federal Government believe that too much power is lodged in the President, and that danger is to be apprehended to our political institutions by reason of the great authority possessed by the Chief Executive of our country. Persons familiar with our history perceive the gravitational forces operating in the Federal Government which result in devitalizing the States and drawing them more and more within the influence of the National Government. As the authority of the Federal Government increases its arm becomes longer and more powerful. There is less talk of democracy and the rights of local self-government and a growing desire to increase the power of the National Government and multiply bureaucratic organizations.

The eyes of the people are being turned to the Federal Government, to the President of the United States, and away from the States and the people themselves. And as the executive power is magnified there seems to be a growing purpose to strengthen its authority, to exercise material influence and physical power beyond the confines of our own country.

The enactment of the measure which I have read may not have been with the design to respond to this tendency, but it seems clear that under this law the President may project the United States into the affairs and concerns of other nations, perhaps to their disadvantage and probably to the disadvantage of our own country. Under the provisions of this law the President is authorized, upon application from either of the governments mentioned in the act, to send officers and enlisted men of the Army, Navy, and Marine Corps to the applying nation; and the officers and enlisted men so sent are to "assist the government" to which they are sent in "military and naval matters." There is no limitation upon the number of officers or men that may be "detailed" by the President for such purpose, nor are there any restrictions upon the character of assistance they may render the government to which they may be sent. They are "detailed" to "assist the government" to which the President may order them and to aid in "military and naval matters." The request for American officers and enlisted men may come from a revolutionary government, from a de facto or a de jure government. The President is to determine whether the application comes from a "government," and he may determine that certain factions constitute the "government" and order our officers and soldiers to assist such recognized government in "military and naval matters."

In the Republics to the south of us there have been instances where the United States has supported or recognized the revolutionary government as against the de jure government. It is thought by many that the United States erred in its recent Nicaraguan policy; that it recognized a faction which did not truly represent the will of a majority of the people of Nicaragua, and supported such faction as the legal and constitutional Government of Nicaragua. It is believed by many Americans that the course of our Government in intervening in

Santo Domingo, Haiti, and Nicaragua was unauthorized and unwarranted.

It may be that the act in question was not intended to authorize the President, "in his discretion," to send troops to any of the countries enumerated to assist in "military and naval" operations, but its terms would seem to indicate that he may do so upon "request" of either of said governments. It may be that the intent of the act was merely to authorize the President to supply to certain countries officers and men belonging to our military and naval forces to assist in training the military forces of such countries. If so, the language of the act is not sufficiently restricted and the purpose is not sufficiently indicated.

As I have stated, quite recently a "government" came into power in Nicaragua which many believe was illegal. The United States supported that Government and sent officers, soldiers, and sailors by the thousands to assist the recognized Government in its military and naval operations. Many of our naval vessels anchored in Nicaraguan waters and thousands of our marines engaged in military activities, carrying on war against military forces upon foreign soil. Many Americans believed that the act of our Government was an act of war, and that the United States waged war against a foreign power. In my opinion, our Government was not warranted in landing military forces in Nicaragua, Haiti, or Santo Domingo; and if the law which I suggest should be repealed authorizes the President of the United States to send officers and enlisted men to foreign countries upon request of any faction or government which he may recognize, to assist it in "military and naval matters," then such law may not be defended and its repeal should be immediate.

Mr. NORRIS. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I did not hear the first part of the Senator's statement, and I shall be glad if he will briefly outline the particular law he seeks to repeal.

Mr. KING. If the Senate will pardon me for repeating, I shall briefly refer to the law in question.

The act provides that the President is authorized upon application from foreign governments in South and Central America and in the Caribbean region to detail officers and enlisted men of the Army, Navy, and Marine Corps to "assist" such governments in "military and naval matters." As I have heretofore stated, the government may be a revolutionary one. It may represent a political faction. The President is to determine whether it is a "government," and he may, upon application by such government, detail officers and soldiers to "assist" in "military and naval matters."

I repeat when I say that it may be a de facto or de jure government; it may be a Sacasa government in Nicaragua or a Chamorro government, or any other factional organization which the State Department or our Government recognizes as the government of such country.

Mr. NORRIS. Or it may be a government which we ourselves have set up.

Mr. KING. Exactly. It may be a government such as that we set up in Haiti, and which we buttressed by our military forces. It is not too much to say that the government which we recognized in Nicaragua was not a government of the people of Nicaragua, but one which existed only because of our marines and naval forces.

The act also provides that the officers and enlisted men so ordered to a foreign country may receive from the government of such country such "compensation and emoluments as may be first approved by the Secretary of War or by the Secretary of the Navy of the United States." By the act in question they may also receive the "pay and allowances" to which they are entitled by law when serving with the forces of the United States. In other words, the officers and men will receive "compensation" from the United States and "emoluments and compensation" from the countries to which they are sent.

Mr. WALSH of Montana. When was the act approved?

Mr. KING. May 19, 1926.

Mr. WALSH of Montana. I suppose the occasion for it was the sending of one of these advisory commissions to one of the South American or Central American countries. We have sent commissions, consisting of officers of the Army, to advise with them concerning military matters. We have sent naval commissions, and military commissions, as well, and I understood at the time—perhaps it was not this act, but some other—that we especially authorized them to accept compensation from the countries to which they were thus assigned. I think perhaps the Senator will agree that if that is the case, we ought to reserve the right to send officers, in an advisory capacity, or something of that kind, to the South American countries.

Mr. KING. I indicated a few moments ago that perhaps some Senators take the view that the act in question merely permits the President upon request to send officers, soldiers, and sailors to give expert advice to other countries in connection with the reorganization of their armies or navies or marine corps.

Mr. WALSH of Montana. I have some kind of a faint recollection of legislation of that character having been presented and some such explanation being made. I fully agree with the Senator that the policy of that act is indefensible, but if it were to be repealed the other matter, it seems to me, should be taken into consideration.

Mr. KING. I think the position of my friend is correct.

Mr. NORRIS. Mr. President, has the Senator read the entire act?

Mr. KING. Yes.

Mr. NORRIS. Has the Senator looked up the history of it?

Mr. KING. No.

Mr. NORRIS. I have inquired of Senators about me here and no one seems to have any knowledge that there was in existence such a law.

Mr. KING. I have a vague recollection of some measure being considered by the Senate authorizing the President to permit a limited number of Army and Navy officers to advise with foreign countries in training their military and naval forces. My understanding was, although, as stated, my recollection is indistinct, that we were to "loan" for a short time a limited number of officers to friendly nations to help them in the technique of organization and the training of their military forces.

Mr. WALSH of Montana. But, Mr. President, it never was contemplated that they should take part in actual military movements in such country.

Mr. KING. The Senator is absolutely correct.

Mr. WALSH of Montana. They were really to be teachers and advisers.

Mr. KING. Exactly, and a measure going no further than that might be entirely proper, although I confess that I am not greatly impressed with the view that the United States must be a military school-teacher and schoolmaster for the nations in the Western Hemisphere or in other parts of the world. I prefer that if we are to supply teachers to other nations, they teach the arts of peace. I should like to see our professors, scientists, and great educators find increased opportunities to carry to other nations the wealth of learning and knowledge which they possess, and I welcome the movement which contemplates the exchange of professors, teachers, and educators by the various nations. The cultural and educational advantages resulting from this course will be of incalculable benefit to all participating nations.

Mr. President, I ask that the bill which I have offered be referred to the Committee on Military Affairs.

The bill (S. 4792) to repeal the act entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters," approved May 19, 1926, was read twice by its title and referred to the Committee on Military Affairs.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

A bill (S. 4785) for the relief of Charles E. Byron, alias Charles E. Marble; to the Committee on Naval Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 4786) to amend section 47c, national defense act, as amended, relating to military training required to entitle members of the Reserve Officers' Training Corps to receive commutation of subsistence; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 4787) to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 4788) granting a pension to Robert Martin; and

A bill (S. 4789) granting a pension to Thomas M. McDonell; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 4790) for the relief of Elma Schneider; to the Committee on Claims.

A bill (S. 4791) to extend the benefits of the United States employees' compensation act to Melvin J. Oppenheim; to the Committee on Claims.

By Mr. TYSON:

A bill (S. 4793) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Wilson and Trousdale Counties, Tenn.; to the Committee on Commerce.

By Mr. THOMAS of Oklahoma:

A bill (S. 4794) granting an increase of pension to Jotham J. Bebout; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4795) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. BARKLEY:

A bill (S. 4796) for the relief of Jesse J. Britton; to the Committee on Military Affairs.

AMENDMENTS TO BOULDER DAM BILL

Mr. BRATTON submitted two amendments intended to be proposed by him to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

COL. HARRY BURGESS, CORPS OF ENGINEERS, UNITED STATES ARMY

Mr. BINGHAM. As in open executive session I ask unanimous consent that the Committee on Territories and Insular Possessions may be discharged from the consideration of the nomination of the Governor of the Panama Canal submitted by the President and that this nomination may be referred to the Committee on Interoceanic Canals.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

PRESIDENTS' PLAZA AND MEMORIAL AT NASHVILLE, TENN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, which were, on page 1, line 5, to strike out the word "part"; on page 1, line 5, after the word "contribution," to insert "on the part of the United States"; on page 1, line 8, to strike out "or monuments, or statues"; on page 1, to strike out all after the word "States" in line 10 down to and including the word "Tennessee" in line 13, page 2, and insert:

SEC. 2. There is hereby established a commission, to be known as the Nashville Presidents' plaza commission (hereinafter referred to as the commission), and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; 3 Senators by the President of the Senate; 3 Members of the House of Representatives by the Speaker of the House; the Governor of the State of Tennessee; the judge of the county court of Davidson County, Tenn.; the mayor of the city of Nashville, Tenn.; and 3 persons to be appointed by the Governor of the State of Tennessee. The commissioners shall serve without compensation, select a chairman from among their number, and appoint a secretary at such salary as the commission may fix.

SEC. 3. No part of the contribution on the part of the United States shall be appropriated until there has been raised within the State of Tennessee by private subscription and/or by public appropriation an additional sum of $300,000 as a contribution to the payment of cost of said memorial, and plans and specifications for the location and design of said memorial shall have been approved by the Joint Committee on the Library, with the advice of the National Commission of Fine Arts.

Mr. TYSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PERMITS AND LICENSES UNDER FEDERAL WATER POWER ACT

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a statement showing permits and licenses issued under the Federal water power act during the fiscal year ended June 30, 1928, the parties thereto, the terms prescribed, and the moneys received during that fiscal year on account of permits and licenses, which, with the accompanying document, was referred to the Committee on Commerce.

CASPER-ALCOVA IRRIGATION PROJECT, WYOMING

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, submitted pursuant to law, stating that investigation of the Casper-Alcova irrigation project, Wyoming, has not as yet been undertaken and that report thereupon can not be made at the present time, which was referred to the Committee on Irrigation and Reclamation.

REPORT OF THE UNITED STATES BUREAU OF EFFICIENCY

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1927, to October 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

FRANCHISES GRANTED BY PORTO RICAN PUBLIC SERVICE COMMISSION

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies of each of 15 franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

ERECTION OF MEMORIALS, ETC., ARLINGTON MEMORIAL AMPHITHEATER

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on the Library:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ending June 30, 1928. The attention of the Congress is invited to the renewal of the recommendation of the commission that the Tomb of the Unknown Soldier be completed and that the balance of the $50,000 authorized for the completion of said tomb, $47,500, is carried in the Budget estimates for the fiscal year 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

REPORT OF SURGEON GENERAL OF PUBLIC HEALTH SERVICE

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year 1928, which was referred to the Committee on Finance.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, and for the approval of the Colorado River compact, and for other purposes.

Mr. ASHURST. Mr. President, the junior Senator from Arizona [Mr. HAYDEN] spoke at length upon the pending bill, and with special reference to his amendment proposing some equitable division of the waters of the Colorado River. During the course of his able address he was interrogated by the Senator from Idaho [Mr. BORAH] as follows:

As a proposition of law, let us assume the Senator is correct; but, if that is true, are not the advocates of the bill taking the risk here and not the State of Arizona?

To which my colleague made reply:

Mr. HAYDEN. That is a correct assumption; but the last thing that the State of Arizona wants to do, and the last thing that the people of any of the seven States want to do, is to throw this controversy into long-drawn-out litigation in the courts.

Mr. President, my colleague, in giving expression to such sentiments, reached a high peak of statesmanship, and I join with him in the sentiment that the last thing Arizona desires to do is to resort to the courts. But if Arizona's constitutional rights and her valuable resources are to be taken from her without her consent and without due compensation, she has no other course to pursue except to retire behind the ramparts of the Federal Constitution and in the courts secure that meed of justice which the Congress would deny if it passed this bill in this form.

Some misconception exists as to what rights, if any, the Republic of Mexico has in or to the waters of the Colorado River. The United States has no treaty with Mexico respecting a division or a distribution of any of the waters of the Colorado River, and the United States would not be an independent sovereign power, but would indeed be a vassal nation if any other nation could compel the United States, in the absence of treaty, to send to such other nation any of the waters originating in the United States.

Down through the years, down through the centuries, from the earliest writers on law to this day, it is agreed that a nation would not be an independent, sovereign nation, but would be a vassal nation, if it were required, in the absence of treaty commitments, to send any of its water to a foreign nation.

I shall now read an opinion delivered by Attorney General Judson Harmon on this question. It is dated Washington, D. C., December 12, 1895.

The opinion of the Attorney General is as follows:

THE ATTORNEY GENERAL TO THE SECRETARY OF STATE

DEPARTMENT OF JUSTICE,

Washington, D. C., December 12, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th ultimo, in which you refer to the concurrent resolution of Congress passed April 29, 1890, providing for negotiations with the Government of Mexico with a view to the remedy of certain difficulties mentioned in the preamble of such resolution which arise from the taking of water for irrigation from the Rio Grande above the point where it ceases to be entirely within the United States and becomes the boundary between the United States and Mexico. I have also the copy which you inclose of the note of the Mexican minister to yourself, dated October 21, 1895, in which he states at length the position taken by his Government.

You say:

"The negotiations with which the President, acting through the Department of State, is charged by the foregoing resolution can not be intelligently conducted unless the legal rights and obligations of the two Governments concerned and the responsibility of either, if any, for the disastrous state of things depicted in the Mexican minister's letter are first ascertained."

I have the honor, therefore, to call your attention to the legal propositions asserted in Mr. Romero's letter and to inquire whether, in your judgment, those propositions correctly state the law applicable to the case. In other words—

(1) Are the provisions of article 7 of the treaty of February 2, 1848, known as the treaty of Guadalupe Hidalgo, still in force so far as the River Rio Grande is concerned, either because never annulled or because recognized and reaffirmed by article 5 of the convention between the United States and Mexico of November 12, 1884?

(2) By the principles of international law, independent of any special treaty or convention, may Mexico rightfully claim that the obstructions and diversions of the waters of the Rio Grande in the Mexican minister's note referred to are violations of its rights which should not continue for the future and on account of which, so far as the past is concerned, Mexico should be awarded adequate indemnity?

I reply as follows:

(1) Article 7 of the treaty of Guadalupe Hidalgo, while it was declared to have been rendered nugatory for the most part by the first clause of article 4 of the treaty concluded December 30, 1853, and proclaimed June 30, 1854, was, by the second clause thereof, reaffirmed as to the Rio Grande (now Rio Bravo del Norte) below the point where, by the lines as fixed by the latter treaty, that river became the boundary between the two countries. Said article 7 is recognized as still in force by article 5 of the convention concluded November 12, 1884, and proclaimed September 14, 1886.

So far, therefore, as it affects the subject now in hand, said article 7, in my opinion, is still in force. I am unable, however, to agree with the minister in the interpretation which he gives it.

His statement is that the city of El Paso del Norte has existed for more than 300 years, during almost all of which time its people have enjoyed the use of the water of the Rio Grande for the irrigation of their lands. As that city and the districts within its jurisdiction did not need more than 20 cubic meters of water per second, which was an almost infinitesimal portion of the volume of water, even in times of severest drought, they had sufficient water for their crops until about 10 years ago, when a great many trenches were dug in Colorado, especially in the St. Louis Valley, and in New Mexico, through which the upper Rio Grande and its affluents flow, so greatly diminishing the water in the river at El Paso that except when rains happen to be abundant there is scarcity of water from the middle of June until March. In 1894 the river was entirely dry by June 15, so that no crops could be raised, and even fruit trees began to wither. The result has been to reduce the price of land and cause great hardships to the people, whose numbers in Paso del Norte, Zaragozza, Tres Jacalles, Guadalupe, and San Ignacio diminished from 20,000 in 1875 to one-half that number in 1894.

The minister further states that from a report of the assistant quartermaster general, addressed to the general in chief of the United States Army, dated September 5, 1850, it appears that Captain Lowe (meaning Love), United States Army, ascended the river in a vessel to a point several kilometers above Paso del Norte, showing that it was then navigable at that place. The minister has been misinformed. The original report, which is before me now, shows that Captain Love was instructed to carry "to the highest attainable point in the Rio Grande" his small keel boat, which "drew, with her crew, provisions, arms, etc., on board, 18 inches of water." He found this point at some "impossible falls" which he names "Brookes Falls." Carrying around them "the skiff which had accompanied his boat," he rowed 47 miles farther to other falls, which he named "Babbitts Falls." Beyond this point he "found it impossible to proceed with the skiff, either by land or water," and it was "about 150 miles by land below El Paso."

The minister contends that the irrigation ditches in Colorado and New Mexico, which result in diminishing the flow of water at El Paso, come within the treaty prohibitions of "any work that may impede or interrupt, in whole or in part, the exercise of this right" (of navigation), because, as he says, "nothing could impede it more absolutely than works which wholly turn aside the waters of these rivers." But Article VII is limited in terms to "the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico." Article IV of the treaty of 1853 continues the provisions of said Article VII in force "only so far as regards the Rio Bravo del Norte below the initial of said boundary provided in the first article of this treaty." It is that part alone which is made free and common to the navigation of both countries and to which the various prohibitions apply. It is plain that neither party could have had, in framing these restrictions, any such intention as that now suggested. The fact, if such it were, that the parties did not think of the possibility of such acts, as those now complained of would not operate to restrain language sufficiently broad to include them; but the terms used in the treaty are not fairly capable of such a construction. They naturally apply only to the part of the river with which the parties were dealing and to such works alone as either party might construct on its own side if not restrained. Though equally divided, in theory, between the two nations, where it is their boundary, the river is, in fact, a unit for purposes of navigation, and therefore the treaty required the consent of both for the construction of "any work that may impede or interrupt" navigation, even though it should be "for the purpose of favoring new methods of navigation." (Art. VII.) Up to the head of navigation no such work could have been constructed save by one of the two Governments or by its authority. The prohibition was, therefore, appropriately made applicable to them alone and not to the citizens of either, "neither shall, without consent of the others, construct, etc." Above the head of navigation, where the river would be wholly within the United States, different rules would apply within the United States, different rules would apply and private rights exist which the Government could not control or take away save by exercise of the power of eminent domain, so that clear and explicit language would be required to impose upon the United States such obligation as would result from the construction of the treaty now suggested.

Moreover, the only right the treaty professed to create or protect with respect to the Rio Grande was that of navigation. The claim now made is for injuries to agriculture alone at places far above the head of navigation. Captain Love, in the report referred to, said, "The mouth of Devils River, which is about 100 miles below the mouth of the Puerco (Pecos) and 617 above Ringgold Barracks, is the head of steamboat navigation," and that "with some difficulty" navigation by keel boats was possible "to a point 56 miles above the 'Grande Indian Crossing,' or about 283 miles above the mouth of Devils River." So far as appears, the large and numerous tributaries below El Paso supply a sufficient volume of water for the needs of navigation.

In fact, the part of the treaty now under consideration merely expresses substantially the same rights and duties which international law would imply from the fixing of the middle of the river as the boundary, viz, free navigation of the entire stream below the point where it becomes common to both nations without any levy or exaction or the

construction of any work which might impede navigation without the consent of both.

In my opinion, therefore, the claim now made by Mexico finds no support in the treaty. On the contrary, the treaty affords an effective answer to the claim by the well-known rule that the expression of certain rights and obligations in an agreement implies the exclusion of all others with relation to the same subject.

It is not necessary, in order to bring this principle into play, that it shall appear that either party, or both, actually thought of the particular matter whose exclusion is asserted, although that fact, when it appears, may serve to emphasize the inference. I am not advised whether the subject of the use of the water of the Rio Grande for irrigation was mentioned during the negotiations or not, but it is stated that such use had long been made by the Mexicans, and it was known that agriculture could not be carried on in that region without it. It was known, too, certainly to Mexico, that this necessity existed also throughout the entire region watered by the upper Rio Grande and its tributaries; for, as a Province of Spain and then as an independent nation, Mexico had included both New Mexico and Colorado, and from the independence of Texas in 1836 down to the treaty of 1848 Mexico's eastern boundary was the Rio Grande to its source. By this treaty Mexico ceded to the United States the territory west of the Rio Grande and north of the southern boundary of New Mexico, just as she had abandoned to Texas all the territory east of that river, without any reservations, restrictions, or stipulations concerning the river except those above mentioned.

Settlements had long existed in the region of Santa Fe, and the probability of the ultimate settlement of the entire territory along the Rio Grande must have been apparent to both parties. Yet the treaty made no attempt to create or reserve to Mexico or her citizens any rights or to impose on the United States or their citizens any restraints with respect to the use of water for irrigation, although rights of property in the territory were secured to all Mexicans, whether established there or not. (Art. 8.)

The treaty of 1848 was a treaty of peace, and a different rule for the construction of such treaties is laid down by some writers. (Vattel, Law of Nations, Chitty's edition, p. 433.) If it be suggested that the circumstances under which this treaty was made bring its terms, as against the United States, within the operation of such rule, it is a sufficient answer that, even if the existence of the rule be acknowledged, it simply subjects provisions in favor of the United States to strict construction. Like all rules of construction, it has no application except in cases of doubtful meaning of language used and can not be made the means of introducing new terms. Moreover, the United States paid $15,000,000 for the territory acquired by the treaty (art. 12); and by the treaty of 1853, which was not a treaty of peace, Mexico ceded further territory in consideration of $10,000,000 (art. 3), repeating without enlarging the stipulations of the former treaty as to rights on the Rio Grande.

(2) I have given my opinion of the construction and effect of the treaty, because it is responsive to your general request, though not to your specific questions. That opinion, perhaps, in strictness makes it unnecessary for me to consider your second question; but as that question is not put alternatively or conditionally, I proceed.

An extended search affords no precedent or authority which has a direct bearing.

There have been disputes about the rights of navigation of international rivers but they have been settled by treaty. (For a list of such treaties see Heffter, Droit Int., Appendix VIII.) The subject is fully discussed by Hall (Int. Law, sec. 39), who denies that the people on the upper part of a navigable river have a natural right to pass over it through foreign territory to its mouth. Now, if such right be conceded, no aid is afforded for the present inquiry, because use for navigation, being common, would not curtail use by the proprietary country, while in the case now presented, there not being enough water for irrigation in both countries, the question is which shall yield to the other.

It is stated by some authors that an obligation rests upon every country to receive streams which naturally flow into it from other countries, and they refer to this as a natural international servitude. (Heffter, Droit Int., sec. 43; 1 Phillemore, Int. Law, p. 303.) Others deny the existence of all international servitudes apart from agreement in some form. (Letters of Grotius quoted 2 Hert., p. 106; Kluber, Droit des Gens Moderne, sec. 139; Bluntschli, Droit Int. Cod.; Woolsey's Int. Law, sec. 58; 1 Calvo, Droit Int., sec. 556.)

Such a servitude, however, if its existence be conceded, would not cover the present case or afford any real analogy to it. The servient country may not obstruct the stream so as to cause the water to back up and overflow the territories of the other. The dominant country may not divert the course of the stream so as to throw it upon the territory of the other at a different place. (See authorities, supra.) In either of such cases there would be a direct invasion and injury by one of the nations of the territory of the other. But when the use of water by the inhabitants of the upper country results in reducing the volume which enters the other it is a diminution of the servitude. The injury now complained of is a remote and indirect consequence of acts which operate as a deprivation by prior enjoyment. So it is evident that what is really contended for is a servitude which makes the lower country dominant and subjects the upper country to the burden of arresting its development and denying to its inhabitants the use of a provision which nature has supplied entirely within its own territory.

Such a consequence of the doctrine of international servitude is not within the language used by any writer with whose works I am familiar and could not have been within the range of his thought without finding expression.

Both the common and the civil law undertake to regulate the use of the water of navigable streams by the different persons entitled to it. Neither has fixed any absolute rule but leaves each case to be decided upon its own circumstances. But I need not enter upon a discussion of the rules and principles of either system in this regard, because both are municipal and, especially as they relate to real property, can have no operation beyond national boundaries. (Creasy, Int. Law, p. 164.) So they can only settle rights of citizens of the same country interesse. The question must therefore be determined by considerations different from those which would apply between individual citizens of either country. Even if such a question could arise as a private one between citizens of the country and those of another, it is not so presented here. The mere assertion of the claim by Mexico would make it a national one, even if it were of a private nature. (Gray *v.* U. S., 1 C. Cls. R. 391–392.) But the use of water complained of and the resulting injuries are general throughout extended regions, so that effects upon individual rights can not be traced to individual causes, and the claim is by one nation against the other in fact as well as form.

The fundamental principle of international law is the absolute sovereignty of every nation as against all others within its own territory. Of the nature and scope of sovereignty with respect to judicial jurisdiction, which is one of its elements, Chief Justice Marshall said (Schooner Exchange *v.* McFadden, 7 Cranch p. 136):

"The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restrictions.

"All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source."

It would be entirely useless to multiply authorities. So strongly is the principle of general and absolute sovereignty maintained that it has even been asserted by high authority that admitted international servitudes cease when they conflict with the necessities of the servient State. (Bluntschli, p. 212; see criticism by Creasy, p. 258.) Whether this be true or not, its assertion serves to emphasize the truth that self-preservation is one of the first laws of nations. No believer in the doctrine of natural servitudes has ever suggested one which would interfere with the enjoyment of a nation within its own territory of whatever was necessary to the development of its resources or the comfort of its people.

The immediate as well as the possible consequences of the right asserted by Mexico show that its recognition is entirely inconsistent with the sovereignty of the United States over its national domain. Apart from the sum demanded by way of indemnity for the past, the claim involves not only the arrest of further settlement and development of large regions of the country, but the abandonment, in great measure at least, of what has already been accomplished.

It is well known that the clearing and settlement of a wooded country affects the flow of streams, making it not only generally less, but also subjecting it to more sudden fluctuations between greater extremes, thereby exposing inhabitants on their banks to increase of the double danger of drought and flood. The principle now asserted might lead to consequences in other cases, which need only be suggested.

It will be remembered that a large part of the territory in question was public domain of Mexico and was ceded as such to the United States, so that their proprietary as well as their sovereign rights are involved.

It is not suggested that the injuries complained of are or have been in any measure due to wantonness or wastefulness in the use of water or to any design or intention to injure. The water is simply insufficient to supply the needs of the great stretch of arid country through which the river, never large in the dry season, flows, giving much and receiving little.

The case presented is a novel one. Whether the circumstances make it possible or proper to take any action from considerations of comity is a question which does not pertain to this department; but that question should be decided as one of policy only, because in my opinion the rules, principles, and precedents of international law impose no liability or obligation upon the United States.

Very respectfully,

JUDSON HARMON,
Attorney General.

Having conclusively established, at least to my own mind, that the United States is not bound under any rule of international law or custom, in the absence of treaty commitments, to send into another country waters which originate wholly in the United States, the question arises, Have we any treaty obligations or commitments which would require us to send any of the waters of the Colorado River into Mexico? I answer positively there is no treaty requiring the United States to send into Mexico any of the waters of the Colorado River.

I now read a letter from the Department of State of the United States, dated July 17, 1919, signed by Hon. Frank L. Polk, Acting Secretary of State, and addressed to Hon. M. P. Kinkaid, sometime chairman of the House Committee on Irrigation:

DEPARTMENT OF STATE,
Washington, July 17, 1919.

MY DEAR MR. KINKAID: I acknowledge receipt of your letter of July 10, 1919, in which you state that the House Committee on Irrigation of Arid Lands desires for use in connection with the consideration of H. R. 6044, introduced by Mr. Kettner, for the relief of the Imperial Valley irrigation district, to be furnished with copies of any treaties which this country may have with Mexico bearing upon the question of the use of waters taken from the Colorado River for the reclamation of lands in the respective countries, and also copies of any official correspondence pertaining to the subject matter. I am advised that in a telephonic conversation with the solicitor's office of the department you have modified your request for information as to official correspondence, and have explained that your principal desire is to obtain copies of pertinent treaties, and that for the present you would be satisfied to receive merely brief reference to correspondence in the matter.

In reply you are informed that the United States and Mexico have never concluded an agreement relative to the distribution and use of the waters of the Colorado River for irrigation purposes. In 1912 this Government proposed to the Government of Mexico the concluding of a convention providing for the appointment of a commission "to study, agree upon, and report" the bases of distribution and appropriation of the waters of this river, the findings of the commission, if and when approved by the two Governments, to be embodied in a treaty. After an exchange between the Governments of several draft conventions a form of convention seems to have been practically agreed upon in May, 1913, but apparently because of the strained relations between this Government and the so-called Huerta administration in Mexico the convention was never signed, and the matter has since been in abeyance.

As having some possible bearing upon this question, in which your committee is interested, I inclose herewith copies of the following treaties between the United States and Mexico:

The treaty of Guadalupe Hidalgo, of 1848, inviting attention to the provisions of articles 5, 6, and 7.

The treaty of 1853, known as the Gadsden Treaty, inviting attention to the provisions of articles 1 and 4.

The boundary convention of 1884.

The boundary convention of 1889, together with the conventions of 1895, 1896, 1897, 1898, 1899, and 1900, extending the provisions of the said convention of 1889.

As of further interest to your committee there is also inclosed herewith a copy of a note from the Mexican Embassy, dated November 27, 1901, in which complaint is made of the alleged diversion of water from the Colorado River by the Imperial Canal system, of Los Angeles, Calif. It will be observed that this complaint is based on alleged contravention of the provisions of the said treaties of 1848 and 1853. The department's records appear to show that this complaint was communicated to the Attorney General, and that the conditions therein complained of formed the basis of a report made by Mr. Marsden C. Burch, a special attorney of the Department of Justice, which report was forwarded to this department by the Department of Justice on September 28, 1903, with the suggestion that because of the nature and bearings of the subject thereof, and because of the interest of various departments of the Government in that subject, it might be desirable to print the report for the information and use of the departments concerned. Accordingly, the report was transmitted to the Director of the Geological Survey on October 14, 1903, with the statement that it was so transmitted because the subject thereof appeared to be connected with the work of his bureau and in the hope that he might find it desirable to print it for the information and use of the departments concerned. The Director of the Geological Survey replied, on October 17, 1903, that it was proposed to embody the report in the Second Annual Report of the Reclamation Service.

I am, my dear Mr. Kinkaid,

Sincerely yours,

FRANK L. POLK, *Acting Secretary of State.*

Mr. President, such waters of the Colorado River as are used to irrigate lands in Mexico are those waters that flow into Mexico by amity, comity, and as a matter of grace. If the United States were to-day to take such action as would deprive the Republic of Mexico and the lands irrigated in that republic by the waters of the Colorado, of every drop of such water, Mexico, in the forum of international law, would not be heard to complain, because, I repeat, the United States would not be an independent sovereign nation if it were required to send into Mexico waters that originated wholly within the United States.

Several Senators have read extracts from the report of the Colorado River board on the Boulder Dam project. The report is dated Denver, Colo., November 24, 1928. Some Senators have put their own construction or interpretation upon the report. I ask consent to print all of the report in the RECORD as a part of my remarks.

In passing let me say that the report, in substance, states that every acre of land in Mexico irrigated by the waters of the Colorado River means that a like area in California or Arizona must forever remain arid. It is refreshing to find that the board recognized that fact, and with courage pointed out that for an acre of land irrigated in Mexico by the waters of the Colorado River, an acre either in California or Arizona must remain arid forever. I ask this so that the Senate and the country may have access to the entire report instead of excerpts therefrom. I do not fear to have the country read the entire report of the engineering board, and a careful scrutiny of this report will disclose that it fully sustains some of the criticisms of this proposed legislation, made by Representative DOUGLAS of Arizona, in the last session of Congress.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD at this point.

The report is as follows:

[H. Doc. No. 446, 70th Cong., 2d sess.]

REPORT OF THE COLORADO RIVER BOARD ON THE BOULDER DAM PROJECT

Letter from the Secretary of the Interior transmitting report of the board of engineers appointed by the Secretary of the Interior, with the approval of the President, under authority of the joint resolution approved May 29, 1928, "To appoint a board of engineers to examine and report upon the dam to be constructed"

LETTER OF TRANSMITTAL

THE SECRETARY OF THE INTERIOR,
Washington, December 3, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a copy of the report of the board of engineers appointed by the Secretary of the Interior, with the approval of the President, under authority of the joint resolution approved May 29, 1928, "To appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill" (S. J. Res. 164).

Very truly yours,

ROY O. WEST.

LETTER OF SUBMITTAL

DEPARTMENT OF THE INTERIOR,
COLORADO RIVER BOARD,
Denver, Colo., November 24, 1928.

Hon. ROY O. WEST,
Secretary of the Interior, Washington, D. C.

SIR: The Colorado River Board has the honor to forward herewith five copies (one by air mail) of its report on the Boulder Canyon project, made in accordance with the requirements of Public Resolution 65, Seventieth Congress.

Very respectfully,

WM. L. SIBERT,
Chairman Colorado River Board.

REPORT OF THE COLORADO RIVER BOARD ON THE BOULDER CANYON PROJECT

The board of engineers and geologists appointed in accordance with Resolution 65, Seventieth Congress, approved May 29, 1928, has the honor to submit the following report as to the matters enumerated in said resolution that were to be reported on prior to December 1, 1928.

The duties of the board, in so far as this report is concerned, are:

"To examine the proposed site of the dam to be constructed under the provisions of H. R. 5773, Seventieth Congress, first session, and review the plans and estimates made therefor, and to advise him (the Secretary of the Interior) prior to December 1, 1928, as to matters affecting the safety, the economic and engineering feasibility, and adequacy of the proposed structure and incidental works."

The structures proposed in H. R. 5773, Seventieth Congress, are:

"A dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water and a main canal and appurtenant structures located entirely within

the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California."

The "incidental works" at the dam are construed to be a power house with its equipment of turbines, generators, and all appurtenant appliances needed in the generation and control of electric energy.

The "appurtenant structures" for the main canal are construed to be a higher dam at Laguna, an enlargement of the headworks and desilting basin, together with the necessary flumes, bridges, culverts, and other incidental structures along the line of the canal.

THE COLORADO RIVER

The Colorado River, one of the large rivers of the country, drains an area of about 244,000 square miles and has a total length from source to mouth of about 1,700 miles.

Its total fall is over 7,500 feet, or an average fall of about 4.5 feet per mile. The average rainfall on the drainage area is about 10 inches, over thousands of square miles less than 5 inches, and the average annual run-off is less than 1½ inches. Its main flow is derived from the melting of snow on the mountains of the upper basin. The principal characteristics of its flow are low waters during the autumn and winter months, with a normal flood from the melting snows, usually beginning late in April, reaching its maximum in June, and ending by the middle of August. This flow is modified and intensified by torrential floods of short duration, which come in general from its southern tributaries, and may occur during almost any month of the spring, fall, or winter. Its flood flows afford by far the greater quantity of water produced by the stream, and must be conserved and impounded in order to be successfully utilized for water supply and power production. Floods of 200,000 second-feet are not unusual, and much larger ones have occurred.

ENGINEERING FEASIBILITY

The engineering feasibility of the proposed dam across the main stream of the Colorado River at Black Canyon or Boulder Canyon is basic.

Selection of site

The board examined both sites in question, studied the available data concerning them, the geological formations surrounding them, and the seismic history of the region. Conclusions concerning these dam sites are embodied in the following statement:

Boulder Canyon site

The site in Boulder Canyon is about 40 miles distant from the nearest railway line passing through Las Vegas, Nev. The railway approach is comparatively easy to the vicinity of the canyon, where extremely rugged topography adds considerable, though not insurmountable, difficulties.

The canyon walls at this site rise to 1,000 feet above the river and the rock gorge is at least 150 feet deep below low-water level. It is 420 feet wide at the low-water line and approximately 1,020 feet wide at the crest of a dam that would impound 26,000,000 acre-feet of water.

The foundation rock is granite and associated granitic rock of excellent quality. Regular joints and more irregular fractures are very numerous, and there is an occasional fault zone. These weaknesses are prominent on the weathered surface, but test tunnels prove that they are of little consequence to within a few feet from the surface. On the whole, the rock is strong, substantial, durable, and the whole mass is essentially tight. It will stand well in tunneling. There is no danger of the rock failing to meet requirements as a dam foundation.

The rock of the vicinity is suitable for construction material, and there are local sources of good gravel.

If no other site were available, the Boulder Canyon site could safely be used so far as geological conditions are concerned. In comparison with the Black Canyon site, however, the latter has certain advantages.

Black Canyon site

The most favorable location in Black Canyon is about 40 miles distanct from Las Vegas, Nev., and the Union Pacific Railroad. The approach is comparatively easy to the vicinity and not particularly difficult to the site itself. A construction railway from Las Vegas would pass near available gravel deposits and the best quarry sites lie immediately adjacent to the dam site on the same line of approach. Despite the ruggedness of the surrounding country and the depth of the gorge, the terrain above the 1,500-foot contour, where the quarries, railway yards, shops, and camps would be located, is open, and its development into such use at reasonable cost is entirely practicable.

The canyon walls at this site rise to about 900 feet above the river and the central part of the rock gorge at this location is 110 to 127 feet deep below low water. The cross section of the gorge at the dam site is 350 feet wide at the low-water line and 880 feet wide at the crest of a dam that would impound 26,000,000 acre-feet of water.

The foundation is a volcanic breccia or tuff, originally an accumulation of fragments of many kinds derived from volcanic eruptions, and now transformed into a well-cemented, tough, durable mass of rock standing with remarkably steep walls and resisting the attack of weather and erosion exceptionally well. The whole rock mass is essentially impervious.

The rock formation is somewhat jointed and exhibits occasional fault displacements, which are now completely healed. It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

The associated rock formations at higher levels, more advantageously situated for development for construction uses, are also volcanic in origin, including both andesite flows and indurated andesitic tuffs, and are of excellent quality for that purpose. Near by there are deposits of angular gravels that have been proven by test to be suitable for use in construction.

Comparison of the two sites

In general, geologic conditions at Black Canyon are superior to those at Boulder Canyon. The Black Canyon site is more accessible, the canyon is narrower, the gorge is shallower below water level, the walls are steeper, and a dam of the same heights here would cost less and would have a somewhat greater reservoir capacity. The rock formation is less jointed, stands up in sheer cliffs better, exhibits fewer open fractures, is better healed where formerly broken, and is less pervious in mass than is the rock of the other site. The Black Canyon rock is not so hard to drill as that of Boulder Canyon, and it will stand better in large tunnel excavations with less danger to the workmen.

There is no doubt whatever but that the rock formations of this site are competent to carry safely the heavy load and abutment thrusts contemplated. It is well adapted to making a tight seal and for opposing water seepage and circulation under and around the ends of the dam. It insures successful tunneling and, so far as the rock is concerned, the general safety and permanence of the proposed structures.

The board is of the opinion that the Black Canyon site is suitable for the proposed dam and is preferable to that of the Boulder Canyon.

DANGER FROM EARTHQUAKES AND DEFORMATION

In former geologic times this district was subjected repeatedly to volcanism and deformation. These events must have been accompanied by earthquakes. Such evidence as there is, both to be observed in the field and to be gathered from records, indicates that these geological activities ceased long ago and that the region has been virtually undisturbed for a very long time. The district is recognized as having comparative freedom from present-day earth movements, and the conclusion is that danger from local earthquakes of enough violence to threaten a properly constructed dam in Black Canyon is negligible.

REVIEW OF PLANS AND ESTIMATES

The dam and incidental works

The board is of the opinion that it is feasible from an engineering standpoint to build a dam across the Colorado River at Black Canyon that will safely impound water to an elevation of 550 feet above low water. The cost, however, will be greater than that contemplated in the project authorized in H. R. 5773.

The dam: The dam proposed by the Bureau of Reclamation and assumed to be the one referred to in H. R. 5773 is of the gravity type, curved in plan, with allowable stresses as high as 40 tons per square foot.

It is the opinion of the board that a dam of the gravity type is suitable for the site in question, and that such a dam built across Black Canyon would be safe, provided the maximum stresses allowed do not exceed those adopted in standard practice.

The proposed dam would be by far the highest yet constructed and would impound 26,000,000 acre-feet of water. If it should fail, the flood created would probably destroy Needles, Topock, Parker, Blythe, Yuma, and permanently destroy the levees of the Imperial district, creating a channel into Salton Sea which would probably be so deep that it would be impracticable to reestablish the Colorado River in its normal course. To avoid such possibilities the proposed dam should be constructed on conservative if not ultraconservative lines.

Maximum foundation and structural stresses have until late years been limited, in the best practice, to about 20 tons per square foot. Until perhaps 20 years ago this practice was regarded as standard. The demand for high dams at reasonable expense has, however, induced more economical designs, and such stresses have been increased to 30 tons per square foot in numerous structures which have been in use a sufficient period to cause this practice to be considered conservative. Stresses in excess of 30 tons can not be considered conservative in a structure of this unprecedented magnitude and importance, failure of which would result in such an overwhelming disaster.

In consideration of these facts and possibilities, it is the judgment of the board that the dam should be designed for maximum calculated stresses not exceeding 30 tons per square foot. This will add materially to the cost of the dam, which increase will be included in the estimates.

Cofferdam construction and river diversion: To control the flow of the river during construction, the proposed plans contemplate the diversion of 100,000 second-feet of water around the dam site by means of tunnels through the canyon walls. The upper cofferdam height was planned to be such that water could rise against it until sufficient head was created to force this amount of water through three tunnels 35 feet in diameter.

The proposed work in this connection comprised:

The building of two rock-fill cofferdams, one upstream 79 feet high, the other downstream 29 feet high, above low-water level, involving the placing of 164,000 cubic yards of earth, the quarrying and placing of 757,000 cubic yards of rock; the making and unwatering of open excavations in the river bed about 125 feet below low water, involving 531,000 cubic yards of material (sand, gravel, and bowlders), with an uncertain amount of water; the preparing of foundations and placing of 235,000 cubic yards of concrete in the heel and toe of the dam in such a way as to form permanent cofferdams to protect the remainder of the work; all of the foregoing operations to be accomplished in one low-water season of less than nine months.

The board is of the opinion that it is not feasible, without undue risk to the men working in the excavations and on the dam, and to the inhabitants of the valley below, to carry out the plan as proposed. It is further of the opinion that the proposed diversion is inadequate and that provision should be made for diverting round the dam site, through tunnels, a flow of at least 200,000 second-feet. It is also the opinion of the board that the height of the water against the upper cofferdam should be ordinarily limited so as not to impound a volume which, if added to the flood waters, would, in the event of failure of the cofferdam, endanger life and property down the valley. This would limit the elevation of the water surface against the upper cofferdam to about 55 feet above low water, or 700 feet above sea level.

These modifications would not only add essential elements of safety but also would enable operations to proceed continuously through a normal flood season.

It is the opinion of the board that it is feasible to construct cofferdams of suitable height at this locality and make them reasonably tight.

Permanent spillway: The spillway capacity planned in connection with the proposed dam was about 110,000 second-feet without overtopping the dam. Floods reaching a maximum flow of 380,000 second-feet have been reported, and old high-water marks are said to indicate a possible flood flow of as much as 500,000 second-feet. The board is of the opinion that water in quantity should not be permitted to flow over a dam of this height.

A permanent spillway utilizing the increased capacity of the diversion tunnels provided in the revised plans will make it practicable to prevent any expected flood from overtopping the dam.

Excavation for the main dam: The purpose of the revised plans for cofferdams and river diversion is to avoid probable interruption and to insure the safety of the earlier stages of the work, including the excavation for the foundations of the main dam, through a mixed deposit of sand, gravel, and bowlders, which fills the lower section of the gorge to a depth of more than 100 feet.

The chief factor which may affect the progress of the work is that of water seepage into the excavation through the river fill under the cofferdams. Seepage into the excavation is to be expected. Its amount and rate can not be foretold.

The effect of water would be twofold. It would involve pumping to keep the pit unwatered and it would add to the difficulties and amount of excavation by causing the slopes to ravel and slump. If the flow of water is sufficient to cause excessive raveling and slumping, it may be necessary to intercept this underground flow by wells or galleries or by other means. In the event of extreme difficulties it may be necessary to use caissons to carry the excavation down to the rock bottom in the deepest portion of the section.

It is the judgment of the board that it is feasible to make the required excavation for the permanent dam, but it is their opinion that plans and estimates of cost should include provision for the control and handling of a considerable volume of water.

The power plant: While a power house must be fitted to a particular site and its equipment must be designed and selected for the particular conditions which obtain at such site, the entire installation will nevertheless be largely standard and offers no particular difficulties.

The board is of the opinion that the plans proposed are feasible from an engineering standpoint. Questions of cost will be considered in another part of the report entitled "Estimates."

The main canal and appurtenant structures

The bill provides for the construction of a canal connecting the Laguna Dam with the Imperial and Coachella Valleys, whereas the original estimate of $31,000,000 applies only to a canal reaching the distribution system of the Imperial Valley. The revised estimate will include the cost of constructing that portion of the canal leading to the Coachella Valley.

The Imperial Valley receives its water for irrigation and domestic purposes from the Colorado River by means of the Imperial Canal. The water is diverted from the river at Rockwood Gates, about 1 mile north of the international boundary, and is thence carried in a canal through Mexican territory and back into the United States to the Imperial Valley, thus avoiding the high mesa and sand-hill country north of the international boundary. In most of its 50-mile course in Mexico this canal follows the Alamo River Channel, which formerly led into the Salton Sea.

The main canal is to be entirely within the United States. Under the proposed plan the water is to be diverted from the river at Laguna Dam, the present intake of the canal for the Yuma irrigation project, 23 miles by river above the intake of the Imperial Canal. This will allow water to be taken from the river at the higher elevation necessary to permit the canal to serve its purposes.

From the intake the proposed line of the main canal leads southwest to a point near the river just north of the international boundary, thence west approximately parallel to that line, to a point about 10 miles west of Calexico, a total length of 75 miles, making connections with the Imperial Valley system. At a point on the east mesa a canal branches off and leads to the Coachella Valley.

Between the Colorado River and Imperial Valley the canal location, for a length of 10 miles, crosses a region of sand dunes, some of which reach a height of about 150 feet above the canal bed. For much of this distance the canal cut will be over 50 feet deep. The grade of this section of the canal is such that the water surface will be below the mesa level and hence below the bases of the sand dunes. Winds above a velocity of 10 miles an hour cause a movement of the surface sand, which increases with the velocity of the wind, and special provision should be made to prevent undue silting of the canal by the "blow sand" as well as for the removal of the sand that will drift into the canal prism. In order to observe conditions, the board visited the sand-dune belt several times, once during a sandstorm. Although it is clear that difficulties are presented by the drifting sand, it is the opinion of the board that it is feasible to construct, maintain, and successfully operate the canal. The overcoming of these difficulties will affect the cost, which has been allowed for in the estimates.

The board believes that the canal should be lined with concrete through the sand-dune region and should be given a slope sufficient to carry the in-blown sand to a suitable place for deposit and removal.

Estimates

The board in its review of the estimates for the proposed structures has reached the conclusion that such estimates should be modified so as to provide as follows:

Estimated cost

Dam and reservoir (26,000,000 acre-feet capacity)	$70,600,000
1,000,000 horsepower development	38,200,000
The all-American canal	38,500,000
Interest during construction on above	17,700,000
Total	165,000,000
In this revision stresses in the dam have been limited to a maximum of 30 tons per square foot, and a diversion capacity of 200,000 second-feet is provided. Should the canal to Coachella Valley be considered a part of the main canal, the above estimates would be increased by the sum of	11,000,000
This would make the total estimated cost for all items in H. R. 5773	176,000,000

These estimates are based on a construction period of seven years.

ADEQUACY OF PROPOSED STRUCTURES

A dam of 550 feet above low water, across the Colorado River at Black Canyon, impounding 26,000,000 acre-feet of water, will be adequate, in the opinion of the board, to so regulate the flow of the lower Colorado as to control ordinary floods, to improve the present navigation possibilities, and to store and deliver the available water for reclamation of public lands and for other beneficial uses within the United States.

The high-water flow of the flood of 1884 is reported to have been 380,000 second-feet. Such a flood, or one of greater magnitude, is to be expected. The flood of 1884 is the highest concerning which there is fairly definite information, and as far as can be ascertained, such a flood has occurred but once in the last 50 years. A flood of this magnitude could be so controlled at the dam as to limit the flow in the river below to about 160,000 second-feet. Should such a flow sweep down the lower Colorado River, following a long period of normal regulated flow, with the consequent encroachment of vegetation on the flood plain and the probable neglect of flood-protection works, it would be more destructive than a 160,000 second-foot flood under present conditions. It should be noted that the Boulder Dam project in no way affects the flood discharge of the Gila River. In the event of flood damage in the lower river valley from either river, regulation at the dam would permit repairs to be made on the return of a controllable flow.

The adequacy of the proposed hydroelectric plant to generate sufficient power to make the project authorized a self-supporting and financially solvent undertaking is treated in the section on economic feasibility.

THE WATER SUPPLY OF THE COLORADO RIVER

The flow of the Colorado River is one of the fundamental factors on which the success of this project depends. On the stream flow depends the amount of land that can be irrigated and the amount of power that can be generated. The information on which this flow has been estimated is inadequate to furnish an accurate or sound estimate on which to base an important project without using factors of

safety sufficiently great to make such estimates conservative and safe. Since the water supply is such a vital element in the problem, the board has inquired into the subject as thoroughly as the limited time would permit.

The estimates of flow on which this project has been predicated are the measurements of the flow of the river made at Yuma continuously since 1902. The methods used in gauging at Yuma were those common at the time the measurements were begun, and while improved methods of gauging were adopted at other gauging stations, these old methods were continued in use at Yuma until 1918, and with little improvement until 1926.

To determine the flow in the Colorado River above Laguna Dam there was subtracted from the Yuma gaugings the estimated flow of the Gila River, which joins the Colorado between Yuma and the dam. The flows of the Gila are based on information of very doubtful value and can be considered as little better than fair guesses, whether too large or too small can not be determined. To the reduced flow as arrived at above, the flow through the Yuma Canal was next added, to get the gross flow above Laguna Dam. The measurements of flow of the Yuma Canal are approximately correct.

From Black Canyon to Laguna Dam there is a loss in flow due to irrigation, evaporation, and possibly to seepage. Comparison of flow of the Colorado River at Topock and Laguna Dam gives some idea of the amount of this loss, but for most years it is so unsatisfactory as to be of little value. The gaugings, however, for 1926 and 1927, both at Yuma and Topock, are believed to have been fairly correct and give a reasonable basis for such an estimate. The figure used in the original flow calculations to represent this loss was 1,200,000 acre-feet per annum, and the addition of this amount to each yearly flow at the Laguna Dam gave the estimated depleted flow (or the normal flow of the river for that year less the water used for irrigation) at Black Canyon.

The information desired was the flow for each year at Black Canyon brought down to present conditions. To calculate this required that to each year's flow, estimated as above, should be added the amount of water used for irrigation that year, after which the amount of water used for irrigation at the present time was deducted. Neither of these quantities was known, and they had to be estimated. These estimates were based on the assumption that the net use or "consumptive use" of water per annum was 1½ acre-feet per acre irrigated. This is as good an approximation as can be made. The amount of irrigation from year to year was calculated on the basis of the census returns for 1902, 1909, and 1919.

In consequence of these methods, the net results arrived at in the original estimates for the flow at Black Canyon are exceedingly uncertain, and in the opinion of the board are too high.

YUMA GAUGINGS

The Yuma gaugings, covering the period from 1902 to 1922, have been used as a basis for the original estimate of water supply for the Boulder Canyon project, and were apparently considered to be applicable to the average annual flow for at least the 50-year period of amortization.

The average annual flow at Boulder Canyon is estimated by the Reclamation Bureau at about 16,200,000 acre-feet, with a corresponding annual flow at Laguna Dam of 15,000,000 acre-feet. These figures do not seem to have been questioned in any reports that have come to the attention of the board, except in the memorandum of Herman Stabler, United States Geological Survey, to the Secretary of the Interior, dated March 17, 1924, in which the average flow at Laguna Dam was estimated for the period 1878–1922 at 13,600,000 acre-feet, or about 10 per cent less than the amount estimated by the Reclamation Bureau.

A record of gauge heights for the river at Yuma is continuous from April, 1878, but no actual current meter gaugings were made at the station until 1902. In 1902 the Hydrographic Branch of the United States Geological Survey established a gauging station at Yuma which was maintained until the close of 1906, when the station was taken over for operation by the United States Reclamation Service in connection with the operation of the Yuma irrigation district.

In 1909 the Yuma gaugings were estimated by an engineer of the United States Geological Survey as probably too large, varying from nothing to 15 per cent, and he suggested improved methods, which were, however, not adopted until 1918, and the best modern methods were not installed until January, 1926. The opinion was also expressed to the board by officials at Yuma in charge of the gauging work that the measurements made prior to 1926 were in error and resulted in too high an estimate.

An estimate of the excess of the calculated flow at Yuma above the actual flow of the river could be approximately determined only by paralleling the present more exact methods of measurement with the methods formerly used, through two or more seasons of high-water flow, and thus determine the error involved. Any estimate without such determination is uncertain. In the opinion of the board the results of the Yuma gaugings are at least 10 per cent too high. These corrections would reduce the estimate made by the United States Reclamation Bureau of the average annual flow at Laguna Dam for the period 1902–1922 to about 13,500,000 acre-feet.

In this connection the estimates of Mr. Herman Stabler should be noted. His estimates, made from the long record of gauge heights and the measured flows at Yuma, were based on the assumption that the measurements at Yuma were correct. If the Yuma flows were corrected and reduced, Mr. Stabler's estimate would also be reduced. Since the board finds that the Yuma gaugings for the period 1902–1922 are at least 10 per cent too high, Mr. Stabler's estimate, based on these gaugings, should be correspondingly reduced. Thus modified, his estimate for the average flow of the period 1887–1904 of 10,420,000 acre-feet is reduced to 9,360,000 acre-feet.

One of the most important facts shown by these estimates is the existence of a long dry period in the Colorado River flow prior to 1906. This low period is clearly shown by an inspection of the Yuma gauge heights for that period. Further investigation of this matter has convinced this board that the flows of the Colorado River as determined by the gaugings from 1906 to 1927 are materially higher than the flow for the preceding 20 years, and that a long period of equally low flows must be expected to recur at any time.

STREAM FLOW RECORDS

The evidence on which the above conclusion is based is contained in the following records:

Green River

The average flow of the Green River at Green River Station, Utah, for the period 1906–1917 was 125 per cent of its average flow for the period 1895–1905, and about 143 per cent of its average flow for the 6-year period 1900–1905.

Grand River

The average flow of the Grand River at Palisade for the period 1906–1922 was 122 per cent of its average flow for the period 1897–1905, and 135 per cent of its average flow for the 6-year period 1900–1905.

Great Salt Lake

The average flow of the tributary rivers into Great Salt Lake, corrected for evaporation and depletion from irrigation, as given in the Weymouth Report, volume 4, for the period 1906–1922 was 134 per cent of the flow for the period 1889–1905 and 146 per cent of the 6-year period 1900–1905.

Rio Grande

The average flow of the Rio Grande at Del Norte, Colo., for the period 1906–1921 was 141 per cent of the flow for the period 1890–1905, and 178 per cent of the 6-year period 1899–1904.

The Colorado at Lees Ferry

The estimate of E. C. LaRue, United States Geological Survey, of the average flow of the Colorado River at Lees Ferry for the period 1906–1922 is 130 per cent of the average flow for the period 1886–1905, and 142 per cent of the average flow for the 6-year period 1900–1905.

The Colorado at Laguna

The estimate of Herman Stabler, United States Geological Survey, for the average flow of the Colorado River at Laguna Dam for the period 1905–1922 is 161 per cent of the flow for the period 1887–1904.

Salt River

The average flow of Salt River below the Verde River for the period 1905–1920 was 180 per cent of the average flow for the period 1889–1904, and 371 per cent of the average flow for the 7-year period 1898–1904.

RAINFALL RECORD

These foregoing several estimates showing deficient flow in the earlier period are in part confirmed by the following rainfall records:

The Great Salt Lake drainage area

The rainfall on the Salt Lake area at Corrine, at Ogden, and at Salt Lake City averaged for the years 1890–1905 13.92 inches, and for the period 1906–1922 16.78 inches, or 21 per cent in excess of the earlier period.

The Upper Colorado drainage area

On the upper Colorado River drainage area the average rainfall at Durango, at San Luis, and at Grand Junction for the period 1895–1905 was 11.83 inches, while for the period 1906–1918 it was 14.92 inches, or 20 per cent above the earlier period.

CONCLUSIONS AS TO STREAM FLOW

The estimated future flow of the Colorado River must be based on the flows of the past with the justifiable assumption that they will recur. Unfortunately, there are no actual measurements of the flows of the river for a longer period than 26 years, and these were made at Yuma. The use of these measurements for estimating the flow at Boulder Dam involves the necessity of considering various intervening gains and losses of water, the amounts of which are based on insufficient data, and result in final estimates which are unsatisfactory.

It is also known that the period from 1905 to 1927 was one of relatively high flow in the Colorado and also in neighboring streams, and that this period was preceded by about 20 years of flow much below the average of the whole period of measurement. Records also show that periods of high and low flow occur in cycles of very uncertain magnitude and duration. A low period similar to that which occurred from 1886 to 1905 is sure to recur, and may be expected at any time. It follows that, in addition to the 10 per cent reduction already referred to, the measured flow in the 26 years of record must be further materially reduced to care for climatic variation in order to arrive at a conservative estimate of the amount of irrigation and power that can be successfully maintained during a 50-year period by Boulder Dam.

The records of past performance of the Colorado River and of such other streams in this vicinity as seem pertinent furnish no basis for an exact estimate of long-past flows in the Colorado River. There is naturally considerable leeway in the interpretation of these data, and estimates based thereon may differ materially. The board, however, realizes that in determining the economic feasibility of this project its estimates should be on the safe side and it has consequently adopted the following figures for the flows at Black Canyon, without further depletion:

	Acre-feet
Average low flow for a period of 15 to 20 years	10,000,000
Average high flow for a similar period	14,500,000
Average of high and low periods	12,250,000

It is estimated that the present flow is depleted by water taken for irrigation in the upper basin by approximately 2,750,000 acre-feet, which amount, if added to the above estimated average flow, would increase it to about 15,000,000 acre-feet. This is the amount apportioned by the 7-States compact for division at Lees Ferry.

MINERAL SALTS IN THE RESERVOIR

The waters of the Colorado are normally high in dissolved mineral salts, chiefly carbonates, sulphates, and chlorides of calcium, magnesium, sodium, and potassium. The amount is well within the limits of accepted practice for irrigation purposes.

For domestic use the salt content is high, several times as high as it is in the water supply of Chicago, Boston, or New York. It is not an ideal water for such purposes, but the fact that it is usable is demonstrated by its use in the cities of the Imperial Valley and in Yuma and in other communities along the lower Colorado.

The waters impounded in the Black Canyon Reservoir will overflow, to a limited extent, lands in the Virgin Valley that contain beds of soluble salts, chiefly sodium chloride, sodium sulphate, and calcium sulphate. These salt beds will be dissolved at their outcrops, where submerged, and this will add appreciably at first to the salt content of the lower Colorado River waters. Much trouble of this kind, however, is not anticipated because most of the outcrops of these deposits lie either above the flow line or within the flood portion of the reservoir and in the backwaters of the Virgin Valley. They will be flooded only a small portion of the time, and all of the source formations below the water line will gradually be sealed off. This effect will be produced both by the silt deposited by the inflowing waters and by the slumping of the overlying shale beds.

It is the opinion of the board, in view of these controlling conditions, that the actual salt content will not be increased to an injurious amount, even in the beginning, and that in a comparatively short time the incoming silt will be so effective in blanketing the salt deposits that the salt content of the river waters will be reduced to about the present amount.

SILTING OF THE RESERVOIR

The Colorado River carries a heavy load of silt. This has enabled it to build the great delta which now constitutes the fertile lands of the Imperial Valley of California and the adjacent districts of Yuma, Ariz., and of Mexico.

If a great dam is built, all of the silt normally carried past its site will be deposited in the reservoir created, thus progressively reducing its capacity.

The best determinations available indicate that silt deposition in the proposed reservoir would be at the rate of approximately 137,000 acre-feet per year.

Silt will be deposited at all depths in the reservoir from the very beginning, thus continuously modifying the volumes set aside as silt, irrigation and power, and flood-control reserves. Probably the bottom portion, below the 940-foot contour, intended primarily for silt reserve, will receive and retain the largest quantity, and the top portion set aside for flood control will retain the least; but all will be affected.

When due allowances are made for distribution in the various reserve portions of the reservoir, it appears that approximately three-fourths of the effective reserve capacity for irrigation and power will still be available at the end of the first 50-year period and that a slightly larger proportion of the flood-reserve capacity will still be available.

Ultimately if there is no additional upstream reservoir development resulting in reduction of the rate of silt delivery, all of the remaining unoccupied portions of the reservoir would also be filled with the accumulating silt. To reach such an end would probably take about 190 years.

RIVER SILT BELOW THE DAM

The river below the dam, virtually throughout its course, flows on silt. A comparatively large amount of silt, with associated sand and gravel swept down by the river, is accumulated on the more open valley bottoms. Some of this, of course, is available for transportation on any favorable opportunity. When the dam is built and clear waters issue from the reservoir a new load of silt will be picked up along its course through these deposits. In the beginning this load is certain to be about as heavy as it is normally at present, but with the continuous regulation of river flow and the virtual elimination of high flood waters a tendency to silt stabilization will follow as the river becomes more deeply entrenched and develops a paved bed. As soon as this stage is reached along the larger part of the course above the diversion dam at Laguna, silt conditions will have improved. This improvement is certain to increase with time.

It is quite impossible to estimate the rate of improvement or the time it will take the river to reach such a condition of stability as to eliminate the silt burden. The quantities of silt along the river, however, are limited. Assuming that these silt beds will be attacked vigorously enough so that the river will carry its normal load for a few beginning years, it appears probable that so large a proportion of the immediately available supply will have been removed and the bed of the river will be so effectively paved with the residual coarser material that thereafter an increasingly smaller load will be carried. Ultimately the silt content will be virtually eliminated. We believe that marked improvement will be shown within the first 10 years, especially in reduction of the amount of extremely fine suspended silt which at present causes most damage to irrigated lands. Thereafter improvement will be gradual, though erratic, on account of occasional floods.

POWER

Based on the foregoing estimates of the variation of flow of the Colorado River, it is believed that under present conditions of irrigation a continuous output of 550,000 horsepower, or 1,000,000 horsepower on a 55 per cent load factor, could be maintained even during the years of normal low flow.

A fairly rapid irrigation development is, however, to be expected in the entire Colorado River Basin, provided the 7-States compact is consummated, and if the Boulder Canyon project is undertaken preparations for such development may be expected in both the upper and lower basins during the construction of such project.

As the use of water for irrigation increases the amount of water available for power will decrease, and a time will arrive when, during periods of low water, the full estimated amount of power can not be maintained. Within a 30 or 40 year period, even with a reregulating reservoir, the power output may be reduced to five-tenths or six-tenths of the capacity of the proposed plant during a long dry period.

This whole matter is further complicated by the proposed 7-States compact. It is quite probable that the compact attempts to apportion more water than the actual average undepleted flow of the river. The situation is still further complicated by the fact that the upper States are authorized to take more than an equitable proportion of the flow of the river, for any one or more of a series of dry years, provided they permit a total of 75,000,000 acre-feet to flow down the river in a period of 10 consecutive years.

In any event the upper basin has, by virtue of its location, first call on the water of the river. The withdrawal of the allotted share of the annual flow during any series of years of low flow may make it impossible to carry out the terms of the compact during the latter part of a low 10-year period. If the low flow continued for a considerable term of years, the proposed storage at Boulder Dam would be inadequate to provide sufficient water for the lower valley through such a period. The power output would also be seriously affected and might be reduced below the estimated minimum previously stated.

A 1,000,000-horsepower hydroelectric plant fully loaded and operating continuously on a 55 per cent load factor would generate annually 3,600,000,000 kilowatt-hours of current. In actual practice this theoretical output might be reduced by approximately 10 per cent.

With the uncertainties of the flow at Boulder Dam it is impossible to estimate closely the average annual output of power which would obtain during a 50-year period.

ECONOMIC FEASIBILITY

The time available for the investigation in preparation of this report has not been sufficient to permit the board to go into all phases of this subject in the detail necessary to fix its findings with the degree of exactness which might otherwise be practicable.

The board believes, however, that it has been able to review the available data with sufficient thoroughness to warrant the conclusions expressed in this report.

In considering the economics of this project the board recognizes the importance, among others, of the following factors:

1. While much land has already been brought under irrigation on the Colorado River delta in Mexico, it is evident that such development has been retarded by the lack of water available from the river during low-water periods. The storage of flood water in the Black Canyon Reservoir and its release during low-water seasons will make more water available in Mexico and will invite immediate expansion in irrigated acreage in that country. With the limited water supply available from the Colorado River, every acre permanently irrigated in Mexico will mean that an acre in the United States can not be irrigated. Such a limitation on lands would result in a corresponding limitation on possible income. It is the opinion of the board that it is of much economic importance in this project that an agreement limiting the amount of water assignable to Mexico should be made prior to the completion of the Boulder Canyon project.

2. The board believes that the growing demand for power in southern California, when considered on a conservative basis, will be sufficient to absorb the probable power output of the proposed hydroelectric plant.

3. As a sound basis for estimating the probable power output of a stream, it is necessary to know the flow of the stream for a long term of years covering periods of high and low flow of sufficient duration to furnish the low, average, and high flows for which the plant must be designed. Any less complete data throw doubt on the estimates, which becomes serious in proportion to the uncertainties in the data and the magnitude of the investment.

When this project was first proposed the cost of steam power in southern California was such as to leave a reasonable margin of profit above the probable cost of hydroelectric power generated at the proposed power plant. With the reduction in costs of power generated by steam, this margin has been greatly reduced.

The operation, maintenance, interest, and sinking fund for the Boulder Canyon project must be paid from the sale of power and of storage services, which latter has been estimated at $1,500,000 per annum by the Secretary of the Interior.

Based on the foregoing and the shortage of power which will occur at low flow, the board is of the opinion that if the Boulder Canyon project is completed and put in operation, carrying as it does the costs of flood-protection works and the all-American canal, it will be impossible to meet operation, maintenance, interest, and a sufficient sinking fund to retire the cost of the project within a 50-year period.

4. It is obvious that the power which can be generated from Boulder Dam is a valuable resource. If the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction for all or a part of the cost properly chargeable to flood protection, it would be possible to amortize the remaining cost with the income from power.

COLORADO RIVER BOARD.
Maj. Gen. WILLIAM L. SIBERT, *Chairman.*
CHARLES P. BERKEY.
DANIEL W. MEAD.
WARREN J. MEAD.
ROBERT RIDGWAY.

DENVER, COLO., *November 24, 1928.*

Mr. ASHURST. Mr. President, the region known as the Colorado River Basin, drained by the Colorado River and its tributaries, embraces over 242,000 square miles.

The following table shows an interesting comparison of areas:

COMPARATIVE TABLE

Gross area in Colorado River Basin

	Square miles
Wyoming furnishes to basin	19,000
Colorado furnishes to basin	39,000
Utah furnishes to basin	40,000
New Mexico furnishes to basin	23,000
Nevada furnishes to basin	12,000
California furnishes to basin	6,000
Arizona furnishes to basin	103,000
Total area of Colorado River Basin	242,000

This area compares with the gross area of—

Maine	33,040
New Hampshire	9,341
Vermont	9,564
Massachusetts	8,266
Connecticut	4,965
Rhode Island	1,248
New York	49,204
New Jersey	8,224
Pennsylvania	45,126
Delaware	2,370
Maryland	12,327
South Carolina	30,989
West Virginia	24,170
Total	238,834

The Colorado River proper is formed by the junction of the Green and the Grand; the name of the Grand was, by act of Congress approved the 25th day of July, 1921, changed to the Colorado. The Green River from its source to its junction with the Grand is 700 miles long. The Grand River from its source to its junction with the Green is about 450 miles long.

Green River heads near Fremont Park in the Wind River Mountains, Wyo., in a group of alpine lakes fed by perpetual snows. The source of the Grand is in Colorado. Like the Green, it is fed by small alpine lakes that receive their waters directly from snow banks. Including the Green, the Colorado River is about 1,700 miles long and empties into the Gulf of California in latitude 31° 53′ and longitude 115°.

The Colorado River Basin—that is to say, the region traversed by the Colorado River and drained by its tributaries—is a land which embraces all the various diversities of topography and geology; it is a land of extreme variations in rainfall, in elevation, and in the character of the country. The northerly part of the basin is a land of cold winters, of deep snowfall, a region that stores up the snows of winter and pours them forth in the summer.

The middle section of the Colorado Basin is a territory of low rainfall, of high plateaus, and vast canyons. In no other place in the world are there such deep, marvelously colored, and beautiful gorges and canyons.

The southern portion of the basin is relatively low in elevation, with a scanty rainfall and of tremendous summer heat, 115° to 120° being not unusual temperatures over much of this southern area in the months of June, July, and August. The normal annual flow of the Colorado River is about 17,000,000 acre-feet, extreme years ranging from 9,000,000 to 25,000,000 acre-feet. Storage of water is therefore vitally essential, as irrigation is of tremendous importance to the proper development of the basin.

The Colorado River Basin contains mountains reaching to a height of 13,500 feet, belted at the base by forests of vivid green, and capped with gleaming snow; it contains playas and inland lakes below the level of the sea; it contains vast plateaus of rugged, black scoria; immense forests of pine, cedar, and pinion, and in these forests are hundreds of small parks, bowl-like gems of exquisite scenery; it contains the largest area of recent volcanic action to be found on the continent, "recent" being employed in its geological sense.

In the southwestern portion of the basin there is a real desert where the raw and scorching sun comes down as a pitiless flail, where the sand reflects the heat and glare and distresses the eye of the traveler, and where little dew or moisture is deposited, but where a wind, hot as a furnace blast, sometimes blows from the south.

Before a railroad was built through it a journey over this desert was at times dangerous and always fraught with discomfort. Day after day nothing was to be seen but an expanse of hot sand, with now and then a cactus lifting its thorny arms into the brazen heat. The loneliness of the pioneer pilgrim there seemed to sever him from human things and to remove him an infinite distance from the world, with its interests and its occupations, but nature, in one of her capricious moods, also placed in this same basin the richest agricultural lands in the Western Hemisphere.

In some parts of this basin, which were populous before the pyramids were built, ancient people builded cities not wholly lacking in grandeur. These peoples of antiquity wove and spun cotton and flax into gaudy tapestries before Romulus and Remus were suckled. They melted gold and silver into chieftains' ornaments and queens' girdles before Cæsar's legions brought tribute back to imperial Rome.

Centuries before the Knickerbocker set foot on Manhattan Island tribes of men now vanished irrigated the fertile sands of the lower basin of the Colorado River from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete. The origin of this people is enwrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than speculate and form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization, and whither and why they went.

Within this basin and in Arizona is the Petrified Forest, whose trees lived their green millenniums and put on immortality in Triassic time, 7,000,000 years ago. The trees were of several kinds, most of them being related to the Norfolk Island pines. A small amount of iron oxide is distributed through the logs, which gives them their beautiful yellow, brown, and red tints.

Within the region traversed by the Colorado River and drained by its tributaries is the Painted Desert, in which at a distance you perceive the "sea of jasper" and the face of cliffs that gleam like jewels; you seem to descry fortifications with flags flying on their ramparts, and walled towers on conical hills amidst an admixture of light and shade.

Within this basin and in Arizona is the Grand Canyon, of wondrous colors, of bold escarpments, pyramids, swelling domes, mosques, minarets, and isolated mesas through which rolls and tumbles the Colorado River.

On the 5th day of January, 1886, in the Forty-ninth Congress, the first bill to make the Grand Canyon a national park was introduced in the Senate by Benjamin Harrison, then a Senator from Indiana, and subsequently President of the United States. This bill failed to become a law, and the project was presented to the Congress from time to time.

In the Sixty-fifth Congress I introduced a bill to make the Grand Canyon a national park.

The bill passed both Houses of Congress and was approved by President Wilson on the 26th day of February, 1919.

The Grand Canyon National Park represents an area of approximately 950 square miles, a greater part of which is within the walls of the canyon.

FUTURE OF THE COLORADO RIVER BASIN

What is to be the future of the Colorado River Basin, a country larger in area than the tract of land which Virginia, with princely liberality, ceded to the General Government in 1787, out of which five States were erected?

Of course, its forests will be utilized, its mineral wealth will be sought, its scenic beauties will be unfolded; but its greatest development, however, must come from its water resources, upon which the development of its other resources must largely depend. Without the water afforded by Colorado River and its tributaries, vast tracts of its land would remain unproductive and practically useless; but the Hand that formed this land, cleft its mountains in twain, filled their caverns with precious metals, painted its landscapes in colors warranted never to fade, and that replenishes this river, left it feasible for man not only to construct large irrigation systems and to build towns, cities, and prosperous agricultural communities within this basin, but to generate hydroelectric power for lighting, heating, industrial uses, and the transportation of freight and passengers.

I know the generosity of Senators will pardon me if I now presume to solicit their attention while I make a reference personal to myself. My forebears were members of that bold advance guard of pioneers who 50 years or more ago explored the Colorado River Basin. From the time of my youth to the present day I have wielded ceaselessly what strength was mine, which was modest and small enough, to bring about the development of the potentialities of the Colorado River. If the voice of justice and truth and the accuracies of science instead of greed and partisanship were to control, there would ultimately be brought forth within the United States the inland empire of the Colorado River Basin, an empire wealthier than that which Pizarro added to the dominions of Charles V and more splendid and more durable than that of the Cæsars. Unfortunately, however, the legislation now proposed by the Senator from California [Mr. JOHNSON] for development of the Colorado River is sectional in character, is wholly in the interest of California, and disregards the rights of Arizona.

In discussing the broader possibilities and problems of the Colorado River Basin there are hundreds, even thousands, of minor yet important possibilities of expansion that I necessarily must leave unmentioned, although these future minor auxiliary developments will have much local importance and in the aggregate true national significance. In general, such minor or auxiliary projects do not preclude the larger use of the river, but must be undertaken as part of that larger use.

Irrigation has enriched the American people. Irrigation projects charm the imagination with their wizardry. Their power to transform barren deserts into grain and cotton fields, into orchards and vegetable and flower gardens, makes the lamp of Aladdin and the purse of Fortunatus seem tame and prosaic. The wildest hyperbole would not overestimate the strength, wealth, beauty, comfort, and public order that would be added to this Nation were all the potentialities of the Colorado River scientifically utilized with scrupulous regard for and observance of the legal rights of each State within the Colorado River Basin.

It is a thousand pities that this bill, so narrow in its conceptions, so devastating to Arizona in its results, so flagrant in its disregard of the Constitution, has failed to rise to the grand opportunity of the hour, but I do not entirely despair; I realize that the active protagonists of this bill have fallen victims to that imponderable which inheres in those public men who surrender the good of the future to the expediency of the hour.

The alluring temptation to bring to existing constituents some temporary advantage; to placate those who can vote to-day; to achieve something immediate and tangible, which apparently is beneficial, although it be at the cost of sacrificing durable benefits and vital rights which could easily be preserved if justice instead of expediency were made the guide, has always been the Circean spell that has down through the ages distracted the mind, deflected the purpose, and weakened the fiber of statesmen.

TECHNICAL TERMS

In the discussion of the bill I shall be obliged to use many technical terms, and, therefore, at this juncture it may be helpful to translate some of these technical terms into common expressions:

One second-foot of water is a flow of 1 cubic foot of water per second.

One second-foot of water is approximately 7.5 gallons.

A flow of 1 second-foot for 24 hours would approximate 648,000 gallons. (There are 86,400 seconds in 24 hours.)

A flow of 1,500 second-feet of water daily approximates 3,000 acre-feet.

A flow of 1,500 second-feet daily would approximate 972,000,000 gallons daily.

The city of Los Angeles is now demanding and insists that it requires 1,500 second-feet daily of the waters of the Colorado River for potable purposes. Fifteen hundred second-feet daily of potable water would supply a city of 2,430,000 persons with 400 gallons daily per capita, or to employ Chicago's consumption of water as a basis of comparison, the 1,500 second-feet (972,000,000 gallons) would supply a city of 3,400,000 persons with 285 gallons per capita daily, and the highest present daily consumption of any city, so far as I know, is the city of Chicago, which is about 285 gallons per capita daily.

One acre-foot is a volume of water sufficient to cover 1 acre 1 foot deep; 16,400,000 acre-feet of water would submerge the District of Columbia over 400 feet.

A horsepower is a rate of work equal to lifting 33,000 pounds 1 foot per minute. Originally based on observation of dray horses, it greatly exceeds the average performance of an ordinary horse.

The combined peak demand on all power plants in the District of Columbia in 1920 was 95,000 horsepower.

The total development at Niagara in 1916 was 575,000 horsepower.

The installed substation capacity on the Chicago, Milwaukee & St. Paul Railway electrification is 180 horsepower per mile.

At 200 horsepower per mile, 4,800,000 horsepower would serve 24,000 miles of electrified railroad, which roughly approximates the total railroad mileage in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

POWER

A vast amount of power is dissipated in the fall of the Colorado River. Imaginative France calls water power "white coal," and this brilliant characterization suggests a coal free from dust, cheaper, easier handled, a supply inexhaustible, which after used flows on to the projects below and may be used again and yet again.

Thus on the main stream of the Colorado River, below the junction of the Green and the Grand, known power sites on the river have 6,000,000 potential horsepower, and of this 6,000,000 potential horsepower 4,000,000 thereof would be developed and generated in the State of Arizona.

The percentage of water which the States within the Colorado River Basin contribute, respectively, to the Colorado River is about as follows:

	Per cent
Arizona	28
California	0
Colorado	53.7
Nevada	.3
New Mexico	1
Utah	7
Wyoming	10
Total	100

I now read the following letter, which is self-explanatory:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 2, 1926.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR ASHURST: In response to your letter of March 31, I am inclosing a statement in tabular form which I believe will supply the information you desire respecting the flow of Colorado River at Lees Ferry and points below. Attention is called to the fact that the averages for the stations at Bright Angel Creek and Lees Ferry are based on records extending over but three and four years, respectively, and are probably below a long-time average inasmuch as the years 1924 and 1925 were years of low run-off in Colorado River Basin.

Flow in second-feet may be converted into acre-feet by multiplying by the number of days that the flow existed and that product by 1.98. If

the rate of flow of a stream is 15,000 second-feet the run-off in one day will be 29,700 acre-feet; in a 30-day month it will be 891,000 acre-feet; and in one year 10,840,500 acre-feet. The computations may be reduced and results obtained within 1 per cent by using 2 as the factor instead of 1.98.

Yours very cordially,

GEORGE OTIS SMITH, *Director.*

Annual flow of Colorado River at points in Arizona

Gauging station	Years of record [1]	Second-feet			Acre-feet		
		Maximum year	Minimum year	Average	Maximum year	Minimum year	Average
Lees Ferry	1922-1925	22,300	15,800	19,400	16,100,000	11,400,000	14,000,000
Bright Angel Creek	1923-1925	23,500	16,100	19,200	17,000,000	11,700,000	13,900,000
Topock	1918-1925	29,800	16,200	22,900	21,500,000	11,700,000	16,600,000
Yuma	1903-1924	36,000	13,600	23,700	26,100,000	9,870,000	17,200,000

[1] Years ending Sept. 30.

The Colorado River is our most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used, either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such opportunity for the use of waters for both irrigation and generating electrical energy.

In approaching the problems of a river so pregnant with possibilities for development it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore, in any plan of developing that river extreme care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

MAGNITUDE OF THE PROPOSED PROJECT

The project authorized by this bill is majestic in its proportions. The figures involved are stupendous.

The proposed dam will be 675 feet high from bedrock to its crest; 125 feet below and 550 feet above the present water level, or nearly twice as high as any other dam in existence.

It is stated in the Twenty-fifth Annual Report of the Bureau of Reclamation that the total capacity of all of the reservoirs at storage dams authorized by Congress to be constructed by the Bureau of Reclamation, and including reservoirs at dams on Federal reclamation projects which were financed and constructed by agencies other than the Reclamation Bureau, when completed will be only 13,863,123 acre-feet of water. The hydroelectric power now installed by the Bureau of Reclamation is 55,000 horsepower.

The Boulder Reservoir, when full, will hold 26,000,000 acre-feet of water and store 20,000,000 acre-feet. It is proposed to install machinery to develop 1,000,000 horsepower, of which 550,000 horsepower will be firm power; in other words, this dam will create a reservoir which will store approximately twice as much water as all the Reclamation Service reservoirs combined and will represent an electrical installation of ten times as much as that now installed by the Bureau of Reclamation.

The total construction cost of all of the projects constructed by that bureau as of June 30, 1916, was $166,532,562.36. The estimated cost of a portion of this project will be $125,000,000.

ARIZONA

Ninety-three per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 28 per cent of the waters of the Colorado River. The population of Arizona residing within the Colorado River Basin and dependent entirely upon its waters is equal to, and probably exceeds, the combined population furnished to the Colorado River Basin by the other Colorado River Basin States.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin, seven-eighths thereof is in Arizona, but the Boulder Canyon plan of development, as proposed in S. 728, would deprive Arizona of the benefit of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, practically all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows through Arizona on a meandered line 315 miles to the Arizona-Nevada State line, in Iceburg Canyon. From this point the river on a meandered line forms the western boundry line of Arizona for a distance of 400 miles to the point where it intersects the boundary line between Arizona and Old Mexico.

CALIFORNIA

Only 2½ per cent of the Colorado River drainage basin is in California.

California contributes practically no water to the Colorado River.

The Boulder Canyon plan of development allots to California 38 per cent of the estimated constant water supply of the Colorado River.

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of the potential hydroelectric energy, California has 9,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

This bill sedulously and intentionally proposes to sever Arizona's jugular vein.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

STATEMENT OF SPECIFIC OBJECTIONS

I oppose this bill for the following reasons:

First. Because the bill authorizes an invasion of the State of Arizona without its consent and over its protest; it is a trespass upon the sovereignty of Arizona and is therefore unconstitutional.

Second. Because the bill proposes to deny to Arizona her right to use the public lands within that State for the purpose of building canals or other works, to enable citizens of that State to use the water which falls upon the soil and which runs in the brooks, creeks, washes, and rivers of Arizona, for domestic and agricultural purposes, and also proposes to deny to Arizona the use of public lands for the building of transmission lines for the purpose of delivering electrical energy developed on streams which are within the State, and also proposes to deny to Arizona the right to obtain a permit from the Federal Power Commission to build dams on streams wholly within Arizona, to utilize water for the development of electrical energy to which the citizens of Arizona have already acquired the right to the exclusive use thereof.

Third. Because if the bill were passed in its present form it would plunge the State of Arizona into expensive and protracted litigation. Because it denies the authority of Arizona to amend her own constitution.

Fourth. Because Arizona joins with the upper-basin States in asking (quoting Governor Dern, of Utah, Senate hearings on S. 728, p. 132) "that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agencies before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such an agreement between the seven States."

Fifth. Because the construction of any large storage project on the main Colorado River in the absence of a specific allocation of water to Arizona will make water available for use in Mexico and thereby ultimately deprive the lands in Arizona of its use.

Sixth. Because the bill proposes the invasion of the State of Arizona by the Federal Government and the usurpation of the use of the bed of the Colorado River, its banks and the lands within the State, for the construction of a dam for the storage of water and the delivery of this water to another State to the detriment of Arizona. The water in question is a natural resource over which the State of Arizona claims the exclusive right (except as it affects navigation) to control within its own boundaries, and to share the control of its use where the river forms the boundary between Arizona and another State, subject only to the limitation that the water shall not be depleted in such an amount as to deprive a prior and beneficial user in another State, of the water appropriated by him. (Boquillas Cattle Co. *v.* Curtis, 213 U. S. 339, and Colorado *v.* Wyoming, 259 U. S. 419.)

Seventh. Because under the terms of the bill, Arizona will be deprived of the use of water essential for her future growth and

prosperity which could be made possible by the development of power and the irrigation of her lands.

Eighth. Because of the misleading language in the bill which, whilst declaring that a large irrigation project in California shall bear the cost of the canal and of appurtenant structures necessary to irrigate the lands in California, the provisions of the bill, in truth and in fact, will require the power resources of Arizona and Nevada to underwrite the repayment of the cost "of the main canal and appurtenant structures connecting Laguna Dam with the Imperial and Coachella Valleys in California," including operation and maintenance charges.

Mr. President, this morning some debate was had respecting flood control. The sentiment of Arizona, the constituency which my colleague and I represent, demands that we shall vote for any appropriation within reason looking toward flood control for Imperial Valley and Yuma Valley. I trust that I am not disclosing any secrets of the committee when I say that in the Committee on Irrigation and Reclamation during its sessions last February and March I offered an amendment proposing to appropriate $30,000,000, nonreimbursable, for flood control on the Colorado River.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ASHURST. I yield to the Senator from Ohio.

Mr. FESS. Earlier in the debate the junior Senator from Colorado [Mr. WATERMAN] raised the point, or intimated at least, that there was not any danger of flood. I do not know that I ought to go to the extent of saying that he hinted to us that there was not any danger, but that was the inference I got. The question was whether there had been evidence at times that there was any danger of flood, except when it was artificial, and it left the impression in my mind that there is no danger. I would like to have the Senator explain about that.

Mr. ASHURST. I have respect for the two Senators from Colorado. They are men of judgment and ability. But naturally Senators reserve the right to differ among themselves. Although my respect for those two Senators is great, I have always been of opinion, and my opinion was formed after repeated visits to that section of the country, that in Imperial Valley and Yuma Valley that there exists a real necessity for flood control on the lower reaches of the Colorado River.

Mr. FESS. I will say to the Senator that if there is no danger from flood much of my interest in this project is gone.

Mr. ASHURST. I would say that I refer to that section of the Colorado River from Laguna Dam to the place where the river debouches into the Gulf of California.

Mr. PHIPPS and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. The Senator from Colorado rose first; therefore, I yield to him.

Mr. PHIPPS. Of course, my colleague can speak for himself. Unfortunately I did not hear all of his statement this morning as I was called from the floor. I desire to say for myself that were it not for what seems to me a very evident necessity for flood control, I would have taken the attitude from the beginning that the United States Government should never consider the construction of a dam of its own accord, but it should be left to the people who might desire to develop the water for power purposes and incidentally for purposes of irrigation and domestic use.

Mr. FESS. The Senator from Colorado states my view of it.

Mr. PHIPPS. The danger may not be imminent to-day, but it has not been removed by any means. The evidence our committee has had would tend to show that the danger increases as time goes on because of the fact of the river depositing tons and tons and acres of silt annually, raising the level of the river bed itself, and it means that if the water should come at the same time out of the main stream and the Gila River that no revetment or levee could be constructed that would prevent the breaking down of the dikes that have been constructed or that could be constructed.

I believe the Government is fully justified in providing flood control, and in a project such as this I do not think the Government should hesitate to set aside a reasonable amount of money, such as I have indicated in the amendment offered by me, $25,000,000, which shall be repaid only after the other moneys advanced for the project have been repaid out of power receipts—receipts for the use of water and other uses. I think to-day the Colorado River in its lower reaches is an absolute menace to the 60,000 or more people who are residents of the Imperial Valley and who, after years of effort, have made a real paradise out of that wonderful section of our country.

It is a problem such as other nations have had—the Netherlands and Denmark, for instance—where in order to preserve their lands it was necessary to build and maintain enormous works. Here the problem may be met more easily and more readily than like problems with which some of the foreign nations have had to contend and which they have succeeded in surmounting.

Mr. FLETCHER. Mr. President——

Mr. ASHURST. I yield to the Senator from Florida.

Mr. FLETCHER. May I suggest, if the Senator from Arizona will allow me, that the Senator from Ohio [Mr. FESS] spoke about the "danger of flood control." There is a little confusion in my mind. I presume he means the danger of floods, whether there is danger of floods in this region, and not, as he said, "danger from flood control." In other words, the danger is in the possible occurrence of floods and the necessity arises for flood control. I presume that is what the Senator had in mind.

Mr. FESS. I am not certain whether the Senator is speaking with levity or not, but it is not flood control that I am afraid of, but the lack of flood control.

Mr. FLETCHER. That is what I really thought the Senator had intended to say, but he alluded to the "danger of flood control." The Senator from Arizona now, as I understand it, suggests that there is danger in the lower reaches of the Colorado. I would be glad if he would specify what he means by the lower reaches.

Mr. ASHURST. When I referred to "lower reaches," I meant that portion of the Colorado River from Laguna Dam, which is a dam in the Colorado River some 14 miles above Yuma, down to the point where the river debouches or trickles (as the case may be) into the Gulf of California. Is that clear now to the able Senator from Florida

Mr. FLETCHER. Yes; and I thank the Senator.

Mr. ASHURST. But, Mr. President, the vice of this bill—the devastating vice of this bill—is that its advocates have seized upon the need of flood control and have used that need of flood control to cover and screen their efforts to grasp large energies of hydroelectric power and to take enormous quantities of the waters of the Colorado River. They have shrewdly and inveterately spoken and written of the perils confronting Imperial Valley, and they go on to argue that those perils may not be obviated unless and until this project goes through in its entirety and Arizona despoiled of her rights in and to certain potentialities of the Colorado River. The blunder is that they have rejected the hand of friendship and amity extended by Arizona, which State was and is willing to support flood-control legislation.

Ninth. Because the amount of water apportioned to California is not warranted in equity, law, justice, or morals.

Tenth. Because the bill provides that when the canals, power plants, and structures in California are paid for they be turned over and delivered to the districts which use them in that State. But the bill does not provide that the dam and power plants be turned over to or inure to the benefit of the States of Arizona and Nevada when the Government is repaid.

Mr. PHIPPS. Mr. President, will the Senator from Arizona suffer an interruption?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Colorado.

Mr. ASHURST. I do.

Mr. PHIPPS. My understanding of the bill now before the Senate as to reversion to California, pertains to the proposed canal and incidental power plants which might be built along the canal by the people who are responsible for the repayment of the money to the Government. They are the only properties that would revert to the California owners when the United States Government had been repaid in full for money advanced for those purposes. As against that, the situation regarding the dam proper and power plant built by the United States Government, is that after repayment in full with interest at 4 per cent, the Congress of the United States shall determine what shall be done with the dam and the power plant built in connection therewith.

Mr. ASHURST. Eleventh. Because the bill provides that the Imperial irrigation district and other California districts may be given rights in the Laguna Dam which they do not now possess and which are the property of the Yuma County Water Users' Association, for which the Secretary of the Interior is acting as trustee, and an arbitrary action by the Secretary as authorized under this bill would force the Yuma County Water Users' Association to engage in costly litigation to protect its interests.

Mr. President, I am willing to trust the present Secretary of the Interior, Mr. West; I have formed a favorable opinion of his talents and character, and I might be willing to trust the rights of the Yuma project in Arizona to him; but no man has a mortgage on the future; no man knows whom will be Secretary of the Interior a few years hence; and I would be recreant

to the people who have honored me so repeatedly and so highly if I failed to point out that this bill proposes to give to some future Secretary of the Interior the power arbitrarily to deprive the thriving community of Yuma, Ariz., and Yuma project of water if such Secretary should see fit to do so.

It may be answered that no Secretary of the Interior would do so wicked an act, but my reply is we can not conjure with the dice of destiny; no man knows what is in the future. I do not propose to have it said in the future when such thing might be attempted that the people of Arizona at that time had Senators who were so somnolent that they did not put forth an effort to point out what might come, and I shall later in this address discuss in some detail the rights of the Yuma project.

12. Because the bill proposes to authorize the Federal Government to become a party to a conspiracy to impose a boycott upon Arizona and to enforce against her the terms of the Colorado River compact, when approved by six States, as it affects the upper-basin States, and to impose upon Arizona the conditions of a subsidiary compact to be made by two States, affecting the lower basin, and to enforce these compacts against Arizona under terms of the bill.

13. Because the bill authorizes the expenditure of millions of dollars of Federal funds to irrigate lands owned largely by private-land speculators in California in units in excess of 160 acres. The records show that of the 785,400 acres of land in Imperial Valley, one corporation alone owns 47,000 acres of these lands and only 167,100 acres are Government lands. (S. Doc. 142, 67th Cong., 2d sess., p. 80.) This report was made in 1922, and the Government acreage has probably decreased since that time.

14. Because the bill authorizes California, which comprises only 2½ per cent of the Colorado River Basin and contributes no water, to appropriate over 38 per cent of the estimated constant water supply available in the main Colorado River for all seven States in the basin and for Mexico.

Mr. President, the very life of this Republic depends upon the preservation of the sovereign rights of the States. Local self-government is the basis of democratic institutions. If the rights of States are destructible the Union is destructible. If the Federal Government, under the thin guise of irrigating public land, may seize the property of Arizona over her protest, and by exploiting Arizona's property, embark upon a project to supply electrical energy and municipal water to California cities and irrigate privately owned lands in that State, then there is little left of the rights of the individual States.

The erection of a State and its entry into the American Union is the most symmetrical and the most beautiful creation of political authority known to mankind. Let us not, however, whilst contemplating the beauty of the entry of a State into the Federal Union, forget that States existed anterior to and created the Federal Union. Some of our States were flourishing in their authority, majesty, and strength before the Federal Union was created. Indeed, in order to have a Union the States voluntarily surrendered a portion, but not all, of their authority, jurisdiction, and power. Therefore, much as I am inclined to eulogize the Federal Union, whose great dome fills and glorifies the world, I never forget that the Union's strength, permanency, and endurance rest upon the States themselves.

Mr. SHORTRIDGE. Mr. President——

Mr. ASHURST. I yield to the able Senator from California.

Mr. SHORTRIDGE. I assume that the Senator claims that Arizona is a sovereign or a quasi-sovereign State, the equal in all its powers with any other State in the Union.

Mr. ASHURST. Yes.

Mr. SHORTRIDGE. I invite the Senator's thoughts, if he cares to disclose them, to paragraph 10 of Article XX of the Constitution of the State of Arizona and also to paragraph 7 of section 20 of the act admitting Arizona into the Union, which I believe was passed on June 20, 1910. I do not now express my own views, but I should be very glad, if it does not break the thread of his discussion, to have the Senator state whether he thinks those provisions impose any limitation upon the power of Arizona in respect to water rights.

Mr. ASHURST. The able Senator from California——

Mr. SHORTRIDGE. May I introduce the excerpts to which I have referred into the RECORD?

Mr. ASHURST. I have no objection.

Mr. SHORTRIDGE. Will the clerk kindly read paragraph 7 of section 20 of the act admitting Arizona into the Union, and then the tenth paragraph of Article XX of the constitution of that State?

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

[Copy of paragraph 7 of section 20 of act admitting Arizona (June 20, 1910)]

Seventh. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a Territory.

[Constitution of the State of Arizona—Article XX]

Tenth paragraph. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

Mr. SHORTRIDGE. Mr. President, I beg pardon of the Senator if my interruption has served to disturb the course of his address. I wished to get the matter which has just been read into the RECORD for possible future comment. I do not call upon the Senator now to turn away from his argument to make answer.

Mr. ASHURST. I am willing to attempt to reply to the thoughtful interrogatory propounded by the able Senator from California.

I assert that the State of Arizona did not forfeit any rights, authority, or sovereignty by its acts, nor did the Government acquire any new right, power, or authority over the Colorado River, its bed, and banks, and waters that it did not already have and possess.

The Congress of the United States in disposing of the public lands has consistently acted upon the theory that those lands, whether in the interior or on the coast, above high-water mark, may be taken up by actual occupants in order to encourage the settlement of the country; but that navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways and, being generally valuable for public purposes of commerce, navigation, and fishery, and for improvements necessary to secure and promote those purposes, shall not be granted away during the period of Territorial government; but, unless in case of some international duty or public expediency, shall be held by the United States in trust for future States and shall vest in the several States when organized and admitted into the Union, with all powers and prerogatives appertaining to the older States in regard to such waters and soils within their respective jurisdictions; in short, shall not be disposed of piecemeal to individuals as private property, but shall be held as a whole for the purpose of being ultimately administered and dealt with for the public benefit by the State after it shall become a completely organized community.

Grants by Congress of portions of the public lands within a territory to settlers therein, though bordering on or bounded by navigable waters, convey of their own force no title or right below high-water mark and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution of the United States. (Withers *v.* Buckley, 61 U. S., 20 How. 84.)

It must logically follow that if a grant by Congress of portions of the public lands within a Territory to settlers convey of their own force no title or right on navigable streams below high-water mark, the reservations made by the Secretary of the Interior, by virtue of the act of Congress, of public lands on a navigable stream above high-water mark do not of their own force reserve rights to the Federal Government below high-water mark.

It will be noted that section 28 of the Arizona enabling act reserves to the United States lands solely, and that nothing but land was so reserved or excepted from the operation of the act. But admitting for the sake of argument—which I do not concede or admit to be a fact—that the Federal Government did reserve certain rights in the bed and banks of the Colorado River, and that the State of Arizona did grant certain authority and rights to the Federal Government in the bed and banks of the Colorado River, Ariz., nevertheless, asserts and contends, and the record discloses, that so far as it relates to those por-

tions of the Colorado River mentioned in the Swing-Johnson bill, in which it is proposed to build dams and hydroelectric power plants, that the Federal Government gained no right, as a result of the reservations in the Arizona enabling act, in those sections of the river, because it did not exercise such right and authority by designating lands at the Black Canyon Dam site prior to February 14, 1917.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator whether the record does not disclose that the Federal Government did exercise that right? My recollection is that I caused to be introduced into the record of the hearings the acts of the Government in respect to that very matter.

Mr. ASHURST. California and the Federal Government assert—I now use an expression that savors more of the nomenclature of the race track than of the Senate—that the Federal Government "got under the wire" a few days within the time. Arizona asserts that such is not the case. Of course, that question can be settled only by a judicial tribunal; and in a judicial tribunal my learned friend the Senator from California, like MacGregor, is eligible to sit at the head of the table.

Mr. SHORTRIDGE. Then the Federal Government undertook to do something to exercise its rights with respect to this matter?

Mr. ASHURST. I do not deny that it made an attempt.

Mr. SHORTRIDGE. My recollection was, if I may complete the statement, that the Government took the appropriate action some time before the expiration of the time limit. It may be well to insert in the RECORD at this point the official documents issued by the Government in respect of this matter. Those documents are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 23, 1914.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: By Executive order of September 5, 1914, the hereinafter-described lands in Arizona, involving, with other lands not in your district, approximately 40,000 acres, were withdrawn from settlement, location, sale, or entry and reserved for water-power sites as power-site reserve No. 446, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910 (36 Stat. 847 as amended by the act of August 24, 1912 (37 Stat. 497)).

GILA AND SALT RIVER MERIDIAN, ARIZONA

All lands within a quarter of a mile of Colorado River within the following unsurveyed townships:

T. 33 N., R. 5 W.	T. 32 N., R. 17 W.
T. 34 N., R. 5 W.	T. 30 N., R. 18 W.
T. 32 N., R. 16 W.	T. 31 N., R. 18 W.
T. 33 N., R. 16 W.	T. 31 N., R. 19 W.
T. 30 N., R. 17 W.	T. 32 N., R. 19 W.
T. 31 N., R. 17 W.	

All lands located on the north or west bank of Colorado River within a quarter of a mile thereof in the following unsurveyed townships and portions of townships:

T. 36 N., R. 5 E., N. ½ of T.	T. 42 N., R. 9 E.
T. 37 N., R. 5 E.	T. 33 N., R. 6 W.
T. 37 N., R. 6 E.	T. 32 N., R. 7 W.
T. 38 N., R. 6 E.	T. 33 N., R. 7 W.
T. 39 N., R. 6 E.	T. 32 N., R. 8 W., S. ½ of T.
T. 39 N., R. 7 E.	T. 31 N., R. 9 W.
T. 40 N., R. 7 E.	T. 32 N., R. 9 W.
T. 40 N., R. 8 E.	T. 31 N., R. 10 W.
T. 41 N., R. 8 E.	T. 31 N., R. 15 W.
T. 41 N., R. 9 E.	T. 32 N., R. 15 W.

All lands on the south or east bank of Colorado River within a quarter of a mile thereof and not within the Hualpai Indian Reservation, within the following unsurveyed townships:

T. 32 N., R. 6 W.	T. 31 N., R. 15 W.
T. 33 N., R. 6 W.	T. 32 N., R. 15 W.

Note the withdrawals upon your records and advise this office of such action.

Very respectfully,

C. M. BRUCE,
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 17, 1914.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: By departmental order of July 16, 1914, the lands in the hereinafter-described areas located along the Colorado River, involving approximately 38,000 acres, were withdrawn from location, sale, entry, allotment, or other appropriation, and reserved for water-power sites as power-site reserve No. 447, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress approved June 25, 1910 (36 Stat. 855), and it was directed that no trust patents issue.

ORDER OF WITHDRAWAL—POWER-SITE RESERVE NO. 447, COLORADO RIVER, ARIZ.

It is hereby ordered that the following-described lands, valuable for power sites, be, and the same are hereby, reserved from location, sale, entry, allotment, or other appropriation, in accordance with the provisions of sections 13 and 14 of the act approved June 25, 1910 (36 Stat. 855, 858), and that no trust or fee simple patent be issued as regards the lands until further orders.

GILA AND SALT RIVER MERIDIAN

All lands in the Hualpai and Navajo Indian Reservations within a quarter of a mile of Colorado River and within the following unsurveyed townships:

T. 36 N., R. 5 E.	T. 32 N., R. 9 W.
T. 37 N., R. 5 E.	T. 27 N., R. 10 W.
T. 37 N., R. 6 E.	T. 28 N., R. 10 W.
T. 38 N., R. 6 E.	T. 29 N., R. 10 W.
T. 38 N., R. 7 E.	T. 30 N., R. 10 W.
T. 39 N., R. 6 E.	T. 31 N., R. 10 W.
T. 39 N., R. 7 E.	T. 27 N., R. 11 W.
T. 40 N., R. 7 E.	T. 28 N., R. 11 W.
T. 40 N., R. 8 E.	T. 27 N., R. 12 W.
T. 41 N., R. 8 E.	T. 28 N., R. 12 W.
T. 41 N., R. 9 E.	T. 28 N., R. 13 W.
T. 42 N., R. 9 E.	T. 29 N., R. 13 W.
T. 33 N., R. 6 W.	T. 29 N., R. 14 W.
T. 32 N., R. 7 W.	T. 30 N., R. 14 W.
T. 33 N., R. 7 W.	T. 31 N., R. 14 W.
T. 32 N., R. 8 W.	T. 31 N., R. 15 W.
T. 30 N., R. 9 W.	T. 32 N., R. 15 W.
T. 31 N., R. 9 W.	

Make proper notations upon the records of your office and advise this office of such action.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

STATE LIEU SELECTIONS

The State land department advises that the State of Arizona has selected lands in lieu of the lands withdrawn by the Secretary of the Interior for power-site purposes along the Colorado River as follows:

Power-site reserve No. 446:
- T. 30 N., R. 17 W., sec. 32.
- T. 37 N., R. 6 E., secs. 2, 16, 32, 36.
- T. 38 N., R. 6 E., sec. 36.
- T. 39 N., R. 7 E., secs. 2, 16, 32, 36.
- T. 40 N., R. 7 E., sec. 36.
- T. 40 N., R. 8 E., secs. 2, 16, 32, 36.
- T. 41 N., R. 8 E., sec. 36.
- T. 41 N., R. 9 E., secs. 2, 32, 36.
- T. 33 N., R. 6 W., secs. 32, 36.
- T. 32 N., R. 7 W., secs. 2, 16, 32, 36.
- T. 33 N., R. 7 W., sec. 36.
- T. 31 N., R. 9 W., secs. 32, 36.
- T. 31 N., R. 15 W., sec. 16.
- T. 32 N., R. 6 W., secs. 2, 16, 32, 36.
- T. 33 N., R. 6 W., secs. 32, part 36.
- T. 31 N., R. 15 W., sec. 16.

Power-site reserve No. 447:
- T. 37 N., R. 6 E., sec. 36.
- T. 38 N., R. 6 E., sec. 36.
- T. 39 N., R. 7 E., secs. 2, 16, 32, 36.
- T. 40 N., R. 7 E., sec. 36.
- T. 40 N., R. 8 E., secs. 2, 16, 32, 36.
- T. 41 N., R. 8 E., sec. 36.
- T. 41 N., R. 9 E., secs. 2, 32, 36.
- T. 33 N., R. 6 W., sec. 32.
- T. 32 N., R. 7 W., secs. 32, 36.
- T. 33 N., R. 7 W., sec. 36.
- T. 32 N., R. 8 W., sec. 36.
- T. 27 N., R. 10 W., secs. 2, 16, 32, 36.
- T. 28 N., R. 10 W., secs. 2, 32 (208 acres).
- T. 27 N., R. 11 W., secs. 32, 36.
- T. 27 N., R. 12 W., secs. 16, 32, 36.
- T. 28 N., R. 13 W., sec. 16.

Mr. ASHURST. I do not deny that the Federal Government, through the General Land Office, attempted to take action within the time, and some evidence exists indicating such attempted action.

Whether the necessary steps were actually taken within the specified time or the record was made up nunc pro tunc is a question that can be settled only by the courts.

The Black and Boulder Dam sites in the Colorado River will utilize, as nearly as may be approximated, lands which when surveyed will be in townships 29, 30, 31, and 32 north, range 23 west, and in townships 29 and 32 north, range 22 west.

The only one of these sections designated and reserved, prior to February 14, 1917, by the Secretary of the Interior, was township 32 north, range 22 west. Therefore, even though the assumption be granted that the Federal Government acquired certain rights under the provisions of the Arizona enabling act and the designation of land by the Secretary of the Interior, in other sections along the river, it did not obtain any of these rights at the Black Canyon Dam site in which it is proposed to construct the proposed dam and power plants.

Any filings made by the Reclamation Service or any other agency of the Federal Government subsequent to February 14, 1917, are on the same basis and subject to the same conditions and reservations as filings of a similar nature in any of the other States.

The Federal Government has no special right to utilize the bed and banks and the water of the Colorado River at Black Canyon by virtue of any filings made on the said river under the provisions contained in paragraph 7, section 20, and paragraph 5, section 28, of the Arizona enabling act.

It is contended that by virtue of certain reservations in the enabling act which granted statehood to Arizona and which were accepted by Arizona that that State consented to certain conditions which will permit the Federal Government to ignore the lack of consent by Arizona, and over the protests of that State to construct a dam at Black Canyon under the provisions of the Swing-Johnson bill, which purports to be an amendment to the Federal reclamation act.

The provisions of the Arizona enabling act, which it is claimed gives this authority to the Federal Government, are as follows:

SEC. 20, par. 7. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplemental thereto, to the same extent as if said State has remained a Territory.

SEC. 28, par. 5. * * * The said State, at the request of the Secretary of the Interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such Government project.

The power to acquire territory, either by conquest or by treaty, is vested by the Constitution in the United States. The territory which constitutes the States of Arizona and Nevada was obtained from the Republic of Mexico.

The land grants from Mexico to the United States of the vast tract of territory which constitutes the State of Arizona vested in the United States every shred of proprietary and sovereign title that the most favored nation—under like circumstances—could acquire. It was, nevertheless, never a part of our scheme of government that such conditions should be perpetual.

When Arizona was formed out of the territory acquired from Mexico and statehood was granted to her, the State was admitted into the Union on an equality with all of the other States. The law so provides and the proclamation of the President so states.

When a part of the territory of the United States is included within a State the relation of the State to that territory becomes that of a sovereign antecedent and superior to proprietary right. The sovereign right of dominion, which temporarily resided in the United States, is assumed by the State, not transferred to it. This sovereign right of dominion over persons and property exists in every State without qualification, except as modified by the limitations of the Federal Constitution.

The authority of the United States to acquire and to hold land within a State is that granted by clause 17, section 8, Article I, and clause 2, section 3, Article IV, of the Constitution.

The power over the territory or other property of the United States is a granted power and the question, therefore, is not so much what does the Federal Government possess, but what did the people and the States intend to give. Did the people and the States surrender jurisdiction and control of those elements of material prosperity without which State development would be arrested and State ambitions defeated? Did Arizona, when she consented to the provisions in the enabling act which granted statehood to her, agree to divest herself of the control of these elements and resources within the State upon which the very life of the State depends? Arizona declares she did not so intend.

The United States Circuit Court of Appeals for the District of Idaho, in the case of the Twin Falls Canal Co. (Ltd.) *v.* Foote et al. (192 Fed. 583, quoting from p. 594), states:

In the construction of works for the irrigation of arid public lands under the reclamation act, June 17, 1902, chapter 1093, Thirty-second Statutes 388 (U. S. Comp. St. Supp. 1909, p. 596), the United States is not exercising a governmental function nor even a strictly public function, but is promoting its proprietary interests, and such advantage as arises therefrom to the public at large is material, and not governmental.

The reservations made by the Congress, in the Arizona enabling act, if valid, relate solely to the use, by the Federal Government, of lands within the State of Arizona, both public and State, for the sole purpose of enabling the Government to protect its proprietary interests in the public lands under the authority vested in Congress by clause 17, section 8, Article I, and clause 2, section 3, Article IV of the Constitution of the United States.

The United States Supreme Court, in discussing the control vested in the Federal Government over public lands in the case of Kansas *v.* Colorado (206 U. S. 46), stated:

The full scope of this paragraph has never been definitely settled. Primarily, at least, it was a grant of power to the United States of control over its property. * * * But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over property belonging to the United States within their limits. * * * The powers affecting the internal affairs of the States not granted to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States.

Arizona contends that the reservation in section 20, paragraph 7, of the Arizona enabling act, must be construed in accordance with the provisions of the reclamation act as it was on February 14, 1912; that it does not apply to the projects authorized in the Swing-Johnson bill; and that even if the projects, authorized by the Swing-Johnson bill, are determined to be reclamation projects, that the Federal Government must comply with the provisions of the reclamation act; that the provisions of section 28, paragraph 5, of the Arizona enabling act, relate solely to lands, and was not intended to and does not affect the control of the water and of the bed and banks of the Colorado River by the State of Arizona.

Arizona contends that she did not barter away any of her constitutional and sovereign rights when she accepted the provisions of the enabling act; that the reservations are limited by the provisions of the reclamation act as of February 14, 1912; and that any rights which the Government may have reserved in the Arizona enabling act must be predicated upon the provisions of the reclamation act as of that date.

One of the provisions in the Federal reclamation act reads:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any rights of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right.

If the reservations made by Congress in the Arizona enabling act are valid, they retain the right to the Federal Government to utilize the bed and banks and the waters of the Colorado River at Black or Boulder Canyon subject to and in accordance with the provisions of section 8 of the reclamation act.

We have 48 sovereign States, each one a giant column supporting the Union. Destroy one of the States, or weaken its power, and the same thing will happen to the Federal Union that happens to a temple when one of the columns distributing the temple's weight is removed or weakened. Remove, destroy, impair one of the columns and the whole structure is in danger of falling into disrepair and finally into ruin.

Therefore we should remember that it is the State of Arizona and not the Federal Government that is furnishing the potentiality of this mysterious thing we call electricity, and that fur-

nishes the fall of the river. Electricity, the great white horse of eternity, which is always on the road and which never grows weary; electricity, that invisible, mysterious, and powerful force, will be furnished by the State of Arizona and not by the Federal Government.

Mr. President, the Colorado River is an interstate stream and by a fiction of law is a navigable stream; its navigability has been destroyed. The water in the river originates wholly in the United States, but the mouth of the river is in a foreign country. The strict application of the doctrine laid down by the United States Supreme Court in the case of Wyoming *v.* Colorado (259 U. S. 419) would probably result in the appropriation of the water of the river by the States best able to put it to immediate use, and this would be extremely detrimental to the interests of the upper basin States. It would also probably inspire a race for competitive development of agricultural lands, which economic conditions do not warrant.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. SHEPPARD. How much of the Colorado River is in Mexico?

Mr. ASHURST. I ask the Senator from Texas to step to the map which hangs on the wall, and in answer to his question I will say that this line [indicating] on the map is the boundary line between the State of California and Lower California, Lower California being in Mexico. This [indicating] is the line between Arizona and Mexico. It is approximately 100 miles from the international line to where the Colorado River debouches into the Gulf of California. In a meandered line, as the river flows, it is probably 150 miles.

Mr. SHEPPARD. About 150 miles of the river in a meandered line is in Mexico?

Mr. ASHURST. Approximately.

Mr. SHEPPARD. I thank the Senator.

Mr. ASHURST. I may be a little high in the mileage of the meandered line, but it is something approximating that.

STATES ARE ENTITLED TO EQUALITY OF RIGHT UNDER THE CONSTITUTION

The Constitution of the United States provides and the United States Supreme Court in a long line of decisions has consistently upheld the theory upon which our Union of States is founded—that each of the States is sovereign, is entitled to the use of its natural advantages, and stands on an equality with all of the other States.

The United States Supreme Court has declared in the case of Kansas *v.* Colorado (206 U. S. 97) that—

> One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none.

In Hudson Water Co. *v.* McCarter (209 U. S. 357), the court stated:

> It (a State) finds itself in possession of what all admit to be a great public good, and what it has it may keep and give no one a reason for its will.

In Trenton *v.* New Jersey (262 U. S. 185) the court stated:

> The State undoubtedly has power and it is its duty to control and conserve the use of its water resources for the benefit of all its inhabitants.

In Coyle *v.* Oklahoma (221 U. S. 559, 573) the Supreme Court stated that—

> Equality of constitutional right and power is the condition of all States of the Union, old and new.

In Kansas *v.* Colorado (206 U. S. 92) the court stated:

> The powers of the National Government within the semiarid States are the same—no greater and no less—as those within the limits of the original thirteen.

In Hammer *v.* Dagenhart (247 U. S. 273) the court stated:

> There is no power vested in Congress to require the States to exercise their police powers.

The cases which have been cited leave no room for doubt that the State of Arizona is entitled to the same protection and to the application of the same principles of law which the other States in the Colorado River Basin are afforded by any legislation authorized by Congress.

If the present and existing laws which govern the appropriation and use of water in the Colorado River Basin—as they are interpreted and enforced by the decision of the courts, and particularly, if the laws as they relate to an interstate stream, as they are defined by the United States Supreme Court in the case of Colorado *v.* Wyoming (259 U. S. 419)—are to be repealed, Arizona's demand is merely for equality of right with the other States. Arizona insists that the other States of the Colorado River Basin have no right to determine their own needs, reserve an adequate supply of water to care for their needs, then impose their will upon Arizona and decline to be bound by the same rule they seek to apply to Arizona.

If Arizona unreservedly consented to and ratified article 4 (a) of the Colorado River compact, she would thereby renounce sovereign and valuable rights which she now possesses in the bed and banks of that river.

Arizona is asked to surrender rights which she now possesses and to enter into a compact with the other six States in the Colorado River Basin.

The Colorado River compact is primarily an instrument to apportion the beneficial consumptive use of the waters of the river among the several States.

Arizona agrees, in the main, with the principles upon which the proposed compact is based, and declares that when an equitable portion of the water is reserved for her use, she will then enter into the compact in so far as it relates to a division of the water.

The compact, however, contains a provision (art. 4 (a)) which is of transcendental importance to Arizona and to which the State can not agree without a reservation.

The article referred to makes a formal declaration in which the States agree—and Congress is asked to ratify the proposal—"that the Colorado River has ceased to be navigable for commerce." This might be construed to be tantamount to a renunciation by Arizona of sovereign and valuable rights which the State now possesses and a declaration that they shall become extinct.

I think it does no credit to the candor of gentlemen when they propose as one of the reasons for this bill the improvement of navigation.

Mr. SHEPPARD. Mr. President——

Mr. ASHURST. I yield.

Mr. SHEPPARD. As a matter of fact, the river is navigable for some distance from its mouth, is it not?

Mr. ASHURST. I will say in reply to the Senator that there are periods when the river from Yuma to the Gulf of California might be navigable for small craft; but for practical purposes navigation ceased 40 or more years ago, and sometimes the river below Hanlon Heading is not a stream at all, but a mere trickle, and persons and animals may walk dry-shod across the channel or bed of the river. The whole volume of the water below Hanlon Heading is at times necessarily absorbed in applying it to irrigate the thirsty soils. So, in answer to the Senator's question, I must say that at times the river would be navigable by small craft. Fifty years ago a vast amount of the supplies of the pioneers in Arizona were carried on a small steamer from California ports and brought around Cape of St. Lucas into the Gulf of California and thence up the Colorado River to Yuma, to Ehrenberg, and old Calville. But for practical purposes the river has not been navigable for years.

Mr. SHEPPARD. Is it not a fact that there are a number of fishing vessels on the lower river?

Mr. ASHURST. At times some fish from the Gulf of California do proceed some short distance up the river, but the real attractions that appeal to those who delight in piscatorial recreation are to be found in the gulf itself, and I might say, in passing, that the varieties of the fish in the Gulf of California probably rival those found in any other waters.

Mr. SHEPPARD. Is it not true that there are fishing fleets that go down into the gulf for purposes of fishing, rendezvousing within the United States in the river?

Mr. ASHURST. They rendezvous rather on the northeastern gulf coast, but not in the river.

Mr. SHEPPARD. What is the distance from the mouth of the river to the Laguna Dam?

Mr. ASHURST. The distance from the mouth of the river to the Laguna Dam, in a meandered line, would be about 164 miles, and in a direct line, over 100 miles. Of course, those distances are not absolutely accurate; they are approximate.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. SHORTRIDGE. I think it would be fair to those who made this compact to have subdivision (a) of article 4 read into the RECORD.

Mr. ASHURST. I have no objection. The Senator may ask for that.

Mr. SHORTRIDGE. The Senator will observe that the provision proceeds to say that—

> The use of its waters for purposes of navigation shall be subservient to the uses of such water for domestic, agricultural, and power purposes.

Mr. ASHURST. Much as we may quarrel with the compact, I do not believe we quarrel with that expression. Navigation on the Colorado River is practically extinguished.

Mr. SHEPPARD. Mr. President, will the Senator yield for one more question?

Mr. ASHURST. Certainly. I always with pleasure yield to the able Senator from Texas.

Mr. SHEPPARD. I appreciate that very much. What is the average depth of the river from the mouth to the international boundary line?

Mr. ASHURST. At flood tide the river would have a depth of 20 feet or more, probably 30 feet, and be two or three hundred feet wide.

Mr. SHEPPARD. At ordinary low water stages, what would be the depth from the mouth of the river to the international boundary?

Mr. ASHURST. There would be periods when it would be 1 foot, some periods when it would be 2 feet, some when it would be 5, some 10. It all depends on the stream flow. The Colorado River is our most flashy, most uncertain, most temperamental river.

Arizona agrees, in principle, that a higher use can be made of the water of the Colorado River than to require its use for the purpose of navigation. The State, however, desires to retain sovereign and valuable rights which she possesses in this navigable stream, and insists that before Arizona will agree to ratify the provisions of article 4 (a) of the compact the agreement must provide that Arizona's right to retain and control—as a sovereign, for the use and benefit of her citizens—the bed and banks and the use of the waters of the stream, while they are within her borders, for the development of hydroelectric power. One of the sovereign rights which Arizona desires to exercise as a result of her ownership of the bed and banks of the Colorado River and her rights in the waters of the stream is to derive revenue for public purposes from the development of hydroelectric power.

It is contended that Arizona would have no right to tax a power project constructed by the Federal Government. Arizona agrees that if the United States Government, when it constructs the projects, were exercising a strictly governmental function or even a strictly public function and possibly even in promoting its own proprietary interests, it would not be subject to taxation upon its projects, but Arizona insists that the projects authorized in the Swing-Johnson bill do not meet this test.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. ASHURST. I yield to my friend from California.

Mr. SHORTRIDGE. There might be an argument made that the construction and operation of a power plant was not within a Federal governmental function. If that were so, as a matter of law, the State of Arizona could tax the power plant; could it not?

Mr. ASHURST. I think it worthy of further thought before replying.

Mr. SHORTRIDGE. Does the State of Arizona take the position that the building of the dam is not within governmental power or Federal power?

Mr. ASHURST. The Federal Government has plenary power and authority to do practically whatever the Government wishes to do with respect to a navigable stream and to regulate interstate commerce. The Federal Government has plenary power to impound flood waters in order to protect the lands of the Federal Government; yea, more, it is the duty of the Federal Government to build dams to impound waters to protect the lives and the property of citizens from waters of wrath which would overwhelm the property of citizens, take their lives, and sweep away their property; it is not only the right, but it is the duty of the Government to construct flood-control works or dams to control the floods where there is danger of destroying life and property.

When we get into a question of the right and authority of the Federal Government to enter "into business" we learn apparently that the Constitution was written on rubber and not on concrete. The Constitution has been stretched until it has protected every dollar in this land, and those who have stretched it to protect every dollar must not complain if some others stretch it to protect human life. Moreover, the Constitution is a document in keeping with the progressive thought of our country. Some propositions that would be declared constitutional now would not have been declared constitutional 40 or 30 years ago, because this is a living, moving, breathing world. I have no doubt if the question were taken to the Supreme Court of the United States as to the right and authority of the Federal Government to generate hydroelectric power at a dam built by the Government to protect the lives and property of its citizens, the court would declare that, as an incident and as a by-product of the project, under the general-welfare clause of the Constitution authority would be found to permit the governmental agencies to develop hydroelectric energy.

How far the Government should go into such "business" is a matter more for the political than the judicial forum, but it seems to me—and this is the fact upon which we predicate much of our opposition to the bill—that if the Government goes into the business of generating hydroelectric power and the business of furnishing potable water to cities, the Government ought to furnish and distribute its own waters and not the waters of Arizona. The Government in its attempts to generate hydroelectric power and sell the same, ought not to capture the potential rights and potential wealth which belong to a State.

The authorized representatives of Arizona have stated repeatedly that they are willing to accept and enter into a compact with the other States in the Colorado River Basin, provided the State of Arizona is given the protection under these new laws equal to that which is given to all the other States. Or, stated in another way, Arizona is asking that if the law of prior appropriation is to be set aside and water is to be apportioned by a compact among the States, that Arizona be given the same protection against Mexico and California that Colorado, Wyoming, Utah, and New Mexico are asking for themselves.

This is the infrangible point or pivot upon which the question revolves. If the law of prior appropriation, which has obtained in the Western States for 60 years is to be repealed, and this bill does repeal such law pro tanto, then Arizona asks that a compact be entered into by all the basin States distributing the water so that each State will know exactly how much each State will receive in the future, because I do not need to say to the Senators from those States of high temperature and low rainfall that water at times is as precious as molten silver. At times an acre-foot of water might mean as much as an acre-foot of molten silver would mean. So Arizona has contended that if the law of prior appropriation, under which the West has grown and prospered for 60 years, is to be repealed, we must know how much water we are to obtain for our State and the amount must come without default.

Mr. SHORTRIDGE. Mr. President, will the Senator pardon me again?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield to the Senator.

Mr. SHORTRIDGE. I understand from the remarks of the Senator that many agree that the lower basin States have acquired or may acquire certain vested rights in and to water which might very materially affect the upper basin States; wherefore it has been suggested by many that the upper basin States should speedily join in the passage of this bill, for otherwise their rights might be impaired.

Mr. ASHURST. First let me say that in my opinion the normal stream flow of the Colorado River has been appropriated in the lower basin.

Mr. SHORTRIDGE. May I ask the Senator by whom?

Mr. ASHURST. By municipalities and citizens in the Senator's State and in Arizona.

Mr. SHORTRIDGE. And they can not be divested?

Mr. ASHURST. The upper States must send down to the lower States enough water to cover all the prior appropriations.

Mr. SHORTRIDGE. And from that flows the proposition that the upper States could be enjoined from interfering with us in the use of our water?

Mr. ASHURST. The normal flow of the stream, having been appropriated and turned to a beneficial use, we know there are floods which send down enormous quantities of water that rush wildly to the sea. Those floods it is now proposed to conserve, and of course the question arises as to the division and the distribution of the flood waters.

Questions were asked by the able Senator from Texas [Mr. SHEPPARD] about navigation.

Mr. NORRIS. Mr. President, may I interrupt the Senator before he leaves the subject he has been discussing, as he is apparently about to do?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. Certainly.

Mr. NORRIS. If I understand the Senator correctly, then, we have already reached the time when the people in the so-called upper basin could be enjoined from taking any water out of the river.

Mr. ASHURST. They could be required to send down water to satisfy prior appropriators.

Mr. NORRIS. Oh, yes; and I intended to include that in my question. The Senator has said that the normal flow of the stream has already been appropriated.

Mr. ASHURST. That is in the so-called lower basin.

Mr. NORRIS. The upper basin must let enough water go down to keep up the normal flow?

Mr. ASHURST. Yes.

Mr. NORRIS. So they have really reached their limit so far as taking out water is concerned and, of course, it would not do them much good to take out only at flood time, because that would be the time when they would not need it. The time when they would need it most would be in the time of low water. So, for their practical purposes, they have reached the end of irrigation unless Congress provides or in some way there is a high dam built that will hold the flood waters.

Mr. ASHURST. I have much respect for the Senator's opinions and conclusions, and I am trying to bring home to Senators the importance of the idea that Arizona has valuable rights in these waters and that unless she has some agreement, understanding, or modus vivendi guaranteeing her a reasonable amount of water she would be handicapped because of the superior opulence of California, which would play an important part in any competitive development.

Mr. NORRIS. It seems to me, however we may disagree on the distribution of the surplus waters, practically everybody does agree that a dam to hold back the flood waters is necessary for those who live on the river in both the upper and the lower basins.

Mr. ASHURST. I never disputed that.

Mr. NORRIS. And particularly the upper-basin people have reached the time already when, even if they were ready to use more water for irrigation, they could not get it unless there should be such a dam built.

Mr. ASHURST. I will say that the upper-basin States, through their Senators and Representatives, are about as nervous over this question as over any problem in America to-day.

Mr. NORRIS. I should think it would be. They are not interested in the quarrel, if there is a quarrel, between California and Arizona and Nevada about the division of the surplus water——

Mr. ASHURST. Not at all.

Mr. NORRIS. That will come down after the dam shall be built; but it seems to me that probably, second to the people of the Imperial Valley, whose very lives depend on a dam of this kind, the people in the upper-basin States are next interested in this proposed dam, although it does not appear on the face of things that they are so directly interested, because their future development, as they claim—and I presume correctly—depends to a great extent upon the use of water that they can get from the Colorado River. The only way by which it would be possible for them to get it under the law would be to store the flood waters so as to give them an opportunity to use some of them.

Mr. ASHURST. The able Senator from Texas [Mr. SHEPPARD] asked a number of questions regarding navigation.

The history of exploration of the basin of the Colorado is replete with accounts of interest and romantic incidents, with discoveries, starvations, battles, massacres, and lonely, dangerous journeys. A brief outline of the more important events, arranged in chronologic order, is here presented:

1531. As early as 1531 vague rumors were current of a large river, the mouth of which was closed by a cable stretched across from side to side.

1539. Francisco de Ulloa sailed from Acapulco July 8, 1539, with a fleet of three vessels, and after many difficulties reached shallow water at the head of the Sea of Cortes (now known as the Gulf of California). This seems to have been the first visit of Europeans to the mouth of the Colorado. Ulloa did not see the river but surmised that one might be there.

1540. Hernando de Alarcon sailed in May, 1540, to explore the region north of New Spain, and at last reached the head of the Sea of Cortes. He says: "And it pleased God that after this sort we came to the very bottom of the bay, where we found a very mighty river, which ran with so great fury of a stream that we could hardly sail against it" (spelling modernized). Here began the acquaintance of Europeans with the river now known as the Colorado of the West. Alarcon proceeded up the Colorado in small boats to a point about 100 miles above the mouth of Gila River.

I might say that the Gila River flows across Arizona and enters into the Colorado River a little above the city of Yuma.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield to my friend from California.

Mr. SHORTRIDGE. I understood the position of the Senator's colleague [Mr. HAYDEN], as revealed in his proposed amendment, to be that, notwithstanding what the Senator has just now said, Arizona is not willing to contribute any of the waters of the Gila toward satisfying any demands of Mexico under any future treaty that may be entered into.

Mr. ASHURST. I think my colleague spoke clearly upon that point.

Mr. SHORTRIDGE. I wanted to know as to that.

Mr. ASHURST. When Mexico's demands, if she has any, would need satisfaction and the time when she would need water would be, of course, during the dry season, and there would be little or no waters of the Gila to come down to Mexico.

Mr. SHORTRIDGE. Then, the language of the proposed amendment, I take it, might be said to be an act of supererogation, surplusage, something which is not needed at all.

Mr. ASHURST. No; it is an act of good faith.

Referring further to navigation and explorations of the river:

Melchior Díaz in the fall of 1540 explored the Colorado and surrounding country in the vicinity of the Chocolate Mountains. At about the same time (1542) Don López de Cárdenas discovered the Grand Canyon. The canyons of the river, however, remained unexplored for 329 years thereafter—until 1869.

1605. Don Juan de Oñate, governor of New Mexico, made a trip from the village of San Juan on the Rio Grande to the Colorado in the vicinity of Williams River and went down the Colorado to the Gulf.

1618. Zalvidar with Padre Jimínez and 47 soldiers went out to Moki and thence to the Rio de Buena Esperanza (Colorado River), but they evidently encountered Marble Canyon and soon returned.

1680 to 1711. Padre Eusibio Francisco Kino (spelled also Kühn, Kühne, Quino, and in several other ways. Dellenbaugh (op. cit., p. 80) says that Kühn or Kühne is probably the correct form, but long usage gives preference to Kino), an Austrian by birth and a member of the Jesuit order, made many journeys over the whole of northern Sonora and the southern half of Arizona, then comprising the Pimeria Alta, the upper land of Pimas, and Papagueria, the land of Papagos. His base of exploration was the mission of Dolores, which he established in Sonora in 1687. For some 30 years Kino labored in this field with tireless energy.

1744. Padre Jacobo Sedelmair went down the Gila from Casa Grande to the great bend and thence across to the Colorado at about the mouth of William River, but his journey was no more fruitful than those of his predecessors in the last two centuries.

1768–1776. Francisco Garcés made five expeditions. The first was made in 1768 and the second in 1770, but in these journeys he did not reach the Colorado. In the third, in 1771, he went down the Gila to the Colorado and descended the Colorado along its banks, possibly to the mouth. In the fourth, in 1774, he went with Captain Anza to the Colorado and to the Mission of San Gabriel in California near Los Angeles. In his fifth and most important expedition, in 1775–76, he again accompanied Captain Anza, who was bound for the present site of San Francisco, there to establish a mission. At Yuma Garcés left the Anza party, went down to the mouth of the Colorado, and then up along the river to Mohave, and after another trip out to San Gabriel he started on the most important part of all his journeys, from Mohave to the Moki towns, the objective point of all expeditions eastward from the Colorado. Leaving Mohave June 4, 1776, Garcés struck eastward across Arizona and passed near the rim of the Grand Canyon, though he did not then see it. Garcés found his way down to the Little Colorado by means of a side canyon, and got up again on the other side in the same way. On July 2 he arrived at the Pueblo of Oraibi. The natives refused to allow him to remain at Oraibi, and he left on July 4. He reached the Colorado again July 25, his journey having proved absolutely fruitless so far as missionary work was concerned, and he arrived at his mission of Bac September 17, 1776.

1776. On July 29, 1776, another even greater expedition was begun at Santa Fe by the Fray Padre Francisco Silvestre Vélez Escalante in his search for a route to Monterey. Escalante believed a better road existed to Monterey by way of the north than by the middle route, and a further incentive to journey that way was probably the rumors of large towns in that direction.

The party went by way of Abiquiu and Chama River and reached the San Juan about where it first meets the north line of New Mexico; thence they crossed several tributaries to the head of Dolores River, which they descended for 11 days. The party made its way across Grand River, the Book Plateau, and White River to the Green (called the San Buenaventura), which was forded apparently near the foot of Split Mountain Canyon. Following the course of the river down some 10 leagues, they went up the Uinta (now called Duchesne) and finally crossed the Wasatch Range, coming down the western side, evidently by way of what is now known as Spanish Fork, to Utah Lake, then called by the natives Timpanogos. Here they heard of a greater lake to the north, but instead of seeking it they turned southwesterly in what they considered the direction of Monterey through Sevier River Valley, calling

the Sevier the Santa Isabel, and kept down along the western edge of the high plateaus. It was by this time the 7th of October, and Escalante concluded that it would be impossible to reach Monterey before winter set in; he therefore persuaded his companions that it would be best to strike for the Moki towns in Arizona.

Going on southward past what is now Parowan, they came to the headwaters of a branch of the Virgin, in Cedar Valley, and this they followed down to the main stream, which they left flowing southwesterly. The place where they turned from it was probably about at Toquerville. Trying to make their general course southeast, they passed over the country now known as Kanab, Ninemile Valley, Kaibab Plateau, Horse Rock Valley, and Vermilion Cliffs, and at length struck the Colorado at Marble Canyon. Twice they succeeded in descending to the river, but were unable to cross. On November 8, 1776, they reached the ford now known as the Crossing of the Fathers, about 35 miles north of Lee Ferry, a few miles north of the Utah-Arizona State line. From this crossing to the Moki towns Escalante had a plain trail, and on reaching Santa Fe he and his party had completed a circuit of more than 1,500 miles, mainly through unknown country. This is one of the most remarkable explorations ever carried out in the West.

1779–1781. The authorities, importuned by Captain Palma, the Yuma chief, whose devotions and piety had so delighted Garcés, had decided to establish on the Lower Colorado two nondescript settlements, a sort of cross between mission, pueblo, and presidio. Garcés therefore went to Yuma again in 1779 to prepare the way, and in 1780 two of the hybrid affairs were started. One, at what is now Fort Yuma, was called Puerto de la Purísima Concepción, after the little canyon near by which had been so named by Garcés, a canyon 50 feet deep and 1,000 feet long; the other, about 8 miles down, was called San Pedro y San Pablo de Bicuner. There were four padres, Garcés and Barraneche at the upper station and Diaz and Moreno at the lower. Each place had 8 or 10 soldiers, a few colonists, and a few laborers. The Spaniards were obliged to appropriate some of the best lands to till for the support of the missions, and this fact, together with the general poverty of the establishments when he had expected something fine, disgusted Palma and exasperated him and the other Yumas. In June, 1781, Captain Moncada, lieutenant governor of Lower California, arrived with soldiers and recruits en route for California settlements and encamped opposite Yuma. After some of these people had been sent forward or back, as the plans demanded, Moncada remained at the camp with a few of his soldiers. On the 17th of July, without a sign preliminary to the execution of their wrath, Captain Palma and all his band threw piety to the winds and annihilated with clubs Moncada's camp and most of the men in the two missions. Garcés, who had never been to Palma and his people anything but a kind and generous friend, and his assistant, Barraneche, were at first spared, but the rabble declared these two were the worst of all, and under this pressure Palma yielded. The military expeditions sent to avenge the massacre were unsuccessful and the missions on the Colorado were ended. Nearly half a century passed before the face of the white man was again seen at the mouth of the river.

1808. Two years after the return of the famous Lewis and Clark expedition Andrew Henry crossed over the South Pass into the valley of Green River in Wyoming.

1824. Gen. William Henry Ashley having previously organized a fur-trading company in St. Louis, then the center of all western commerce, had established himself in Green River Valley with a large band of expert trappers.

1825. In 1825 Ashley had established a camp at the mouth of Henrys Fork, near Flaming Gorge. During this year Ashley and his party constructed boats to go down the Green for the purpose of trapping beaver. The trip was successful through Flaming Gorge and Horseshoe Canyon, but in Red Canyon their boats were wrecked in a cataract now known as Ashley Falls. Ashley and his party left the river at Browns Park. This was, no doubt, the first attempt to navigate Green River.

1825 to 1839. During this period the Colorado Basin was visited by many trappers and explorers. Some of the most prominent were James O. Pattie and his father (1825); R. W. Hardy (1826); Jedediah Smith (1826); Kit Carson, one of the greatest scouts and trappers (1826); Ewing Young, trapper (1827); William Wolfskill (1830); Captain Bonneville (1832); and Thomas J. Farnham (1839).

By the time the third decade of the nineteenth century was fairly begun the trappers were crossing in considerable numbers from the headwaters of the Missouri and the Platte into the valleys of the Colorado and the Columbia.

1840. By the year 1840 the great western wilderness had been traversed throughout by Americans. Only the canyons of the Colorado remained, at least below the mouth of Grand River, almost as much of a problem as before the fur trade was born.

1842. In 1842 Frémont came up the North Platte and Sweetwater Branch, crossing from that stream by the South Pass over to the headwaters of the Colorado. Frémont's explorations of the Colorado and the West covered the period 1842 to 1846.

1847 to 1852. In 1847 the Mormons crossed the Colorado River Basin and settled in Salt Lake Valley. In 1849 the discovery of gold in California led many emigrants to cross the Colorado River Basin. In 1851 Fort Yuma was established. According to Lieutenant Hobbs, the first steamboat came up the Colorado to Yuma in 1850, frightening the Yumas so that they ran for their lives, exclaiming that the devil was coming, blowing fire and smoke out of his eyes and nose and kicking back with his feet in the water. This was the stern-wheel steamboat *Yuma*, which evidently antedated the *Uncle Sam*, usually credited with being the first steamboat on the Colorado. In 1851 George A. Johnson came to the mouth of the Colorado on the schooner *Sierra Nevada*.

1857. Lieutenant Ives with the steamboat *Explorer* and Captain Johnson with the steamboat *Colorado* navigated Colorado River to a point called "the head of navigation." The highest point reached by Lieutenant Ives was Vegas Wash; Captain Johnson took his boat to a point several miles above Vegas Wash.

1859. During the year 1859 Captain Macomb was sent to examine the junction of the Green and Grand. For a considerable distance he followed from Santa Fe almost the same trail that Escalante had traveled 83 years previously. Dr. J. S. Newberry, the eminent geologist, who had been with Lieutenant Ives, was one of this party. Macomb and Newberry succeeded in forcing their way within 6 miles of the junction, there to be completely baffled and turned back.

1866. In 1866 another attempt was made to navigate the Colorado above Mohave. Captain Rogers, who for four years had been on the lower Colorado, took the steamboat *Esmeralda*, 97 feet long and drawing 3½ feet of water, up as far as Callville, near the mouth of the Virgin, which was several miles above the highest point attained by Ives in his skiff, but little, if any, farther than Johnson had come with his steamboat.

1868. During the winter of 1868 and 1869 Maj. John Wesley Powell made several important journeys in connection with his purpose of exploring the great walled river; one was southward as far as Grand River; a second followed White River to its junction with the Green; and a third went northward around the base of Uinta Mountains, skirting the gorges afterwards named Lodore, Whirlpool, and Red Canyon. In these travels he formed his plans for an attempt to explore fully the remarkable string of chasms. Funds for the proposed expedition were furnished by the State institutions of Illinois and the Chicago Academy of Sciences—none by the Federal Government, so that this was in no way a Government expedition, except that Congress passed a joint resolution authorizing him to draw rations for 12 men from western Army posts.

1869. On May 24, 1869, Major Powell and his party left Green River, Wyo., on their voyage down the Green and the Colorado to the mouth of the Virgin. There were 12 men in the party; three of the four boats were of oak, 21 feet long, and one was of light pine, 16 feet long. During the last week in August, Powell reached his goal, the mouth of Virgin River. Here he left the party, but the others continued down the river to the Gulf, which they reached before the end of September, 1869. Although Powell had demonstrated the possibility of passing alive through the 1,000-mile stretch of canyons on the Green and the Colorado, the scientific results of his hazardous voyage were not what he desired. Owing to numerous disasters many instruments had been lost and he had been prevented by this and many other circumstances from fully accomplishing his intentions. For this reason he determined to make another descent if he could obtain pecuniary aid from the Government. Congress appropriated a sum for a second expedition.

1871. On May 22, 1871, Powell left Green River, Wyo., on his second voyage down the Green and the Colorado. This voyage of exploration of the canyons on the main stream and its tributaries was completed to Lee Ferry in the second week of October. Lee Ferry is at the mouth of Paria River, at the head of Marble Canyon, in Arizona. Here the boats were cached and the party spent the winter in the vicinity of Kanab.

1871. While the Powell party was making its second voyage down the Green and the Colorado another expedition was being made up the Colorado. Lieutenant Wheeler, topographical engineer of the War Department, started from Fort Mohave September 16, 1871, to explore the Colorado to the mouth of Diamond Creek, which he reached October 22. It required four weeks of extremely hard work to make the voyage up the Colorado from Fort Mohave to the mouth of Diamond Creek, whereas members of the party made the trip from the mouth of Diamond Creek to Fort Mohave in five days.

1872. On August 17, 1872, Major Powell returned to his boats at the mouth of the Paria and started on his second voyage through the Grand Canyon. On reaching the mouth of Kanab Creek, Powell decided to end the river work on account of the extreme high water, which made the rapids in the second graphite gorge impassable. The topographic, geologic, and geodetic work of the survey did not cease with his departure from the river but was continued in the territory adjacent to the Grand Canyon.

1877. The Southern Pacific Railroad was completed to the Colorado at Yuma, Ariz., in 1877.

1883. The Atlantic & Pacific Railroad crossed the Colorado at Needles in 1883. The Rio Grande Western crossed the Green in

Gunnison Valley, Utah, in 1883; the Union Pacific had been constructed to Green River, Wyo., in 1869.

1889. A new railroad was proposed from Grand Junction, Colo., down the Colorado through the canyons to the Gulf of California, a distance of 1,200 miles. At that time it was difficult to procure coal on the Pacific coast and it was thought that this "water-level" road, crossing no mountains, would be profitable in bringing the coal from Colorado to the Golden Gate.

A company was organized with Frank M. Brown as its president, and surveys were started as the preliminary to the construction of the Denver, Colorado Canyon & Pacific Railway. Brown and his party started from Green River, Utah, on May 25, 1889, to continue the railroad survey down the Colorado, the survey down the Grand having been completed to its mouth. The chief engineer of the proposed railroad was Robert Brewster Stanton. The difficulties encountered in conducting the surveys through Cataract Canyon were enormous. The line was carried to the mouth of the Paria. Boats were not suitable for the river work, and it was decided not to attempt to carry the railroad survey into Marble Canyon. A reconnaissance investigation of this canyon, however, was attempted, and just below the Soap Creek Rapids, in Marble Canyon, Brown, the president of the railroad company, was drowned. A few days later two other members of the party were lost in the river. This second disaster caused Stanton to resolve to leave the river. The remaining members of the party climbed from Marble Canyon at the point known as Veseys Paradise. On July 19, 1889, the party reached the surface of the country, 2,500 feet above the river. By November 25, 1889, Stanton had organized a new party to continue the railroad survey. The trip through the lower canyons on the Colorado was completed March 17, 1890.

1891–1894. Since the Stanton party several successful and unsuccessful descents have been made. The first was the "Best party," representing the Colorado, Grand Canyon & Improvement Co., with eight men and two boats similar to those used by Stanton on his second voyage. The expedition left Green River, Utah, July 10, 1891. The trip was successful to Lee Ferry. No men were lost. The expedition was abandoned at this point.

In 1891 the steam launch *Major Powell*, 35 feet long, equipped with two 6-horsepower engines driving twin screws, was brought out in the summer from Chicago by way of Rio Grande Western Railway to the crossing of Green River and was launched in September of that year. A screw was soon broken and the attempt to go down the river abandoned. In 1892 another effort was made, which was also given up after a few miles, but in 1893 the *Major Powell* was taken down to the junction of the Green and Grand and back, making a second trip in April. Several other steamboats were later put on the river, the *Undine* being the most pretentious. She was wrecked trying to run upstream on Grand River above Moab. In 1894 Lieut. C. L. Potter made a successful voyage from Diamond Creek to the mouth of the Virgin.

1895. September 20, 1895, N. Galloway and William Richmond started from Green River, Wyo., and made the trip to Lee Ferry in flat-bottomed boats. In September, 1896, they started again from Henry Fork, Wyo., and went to the Needles, reaching there February 10, 1897. Since that time Galloway has made several successful descents.

1896. In August, 1896, George F. Flavell and a companion left Green River, Wyo., and successfully descended the Colorado to Yuma, Ariz., in flat-bottomed boats, reaching there December, 1896.

1907. In 1907 three miners, Charles Russell, E. R. Monett, and Albert Loper, with three steel boats, each 16 feet long, left Green River, Utah, September 20, to make the descent. Loper and one damaged boat were left at Hite, near the mouth of Fremont River, while Russell and Monett proceeded. In the beginning of the Grand Canyon they lost a boat, but with the remaining one, after various disasters, finally made their exit from the Grand Canyon January 31, 1908. Their boats of steel were unsuited to the river work.

1909. Julius F. Stone and N. Galloway left Green River, Wyo., September 12, 1909, making a successful descent through the many canyons of the Green and the Colorado.

1911. September 8, 1911, Ellsworth and Emery Kolb left Green River, Wyo., on a photographic trip down the Green and the Colorado. The trip was a complete success. Interesting pictures were obtained, many of which showed the party shooting various rapids. The Kolbs landed at Needles January 18, 1912.

Although many successful descents have been made through the canyons of Green and Colorado Rivers the dangers of such a trip must not be overlooked. In making this trip at the present time it is necessary to take every precaution to make sure that the equipment is complete. No pains should be spared in providing the proper kind of boats. Life preservers should be provided, and care should be taken to provide sufficient food.

THE GOVERNMENT MAY BUILD A DAM ON THE COLORADO RIVER TO IMPROVE NAVIGATION

Considered merely from the point of view of rules of law, clearly established by the highest court of our land, there appears to be no doubt, if the Congress of the United States determines that it is expedient to take such measures as are necessary to promote the Government's interests in the Colorado River under the commerce clause of the Constitution, that there will be little question of the right of the Government to proceed to improve navigation.

Indeed it may be admitted, for the sake of this discussion, that the right of the Federal Government to improve the river for navigation is incontrovertible. The Supreme Court in United States *v.* Chandler-Dunbar Co. (229 U. S. 53), Mr. Justice Lurton speaking for the court (on page 62) says:

> It is subordinate to the public right of navigation, and however helpful in protecting the owner against third parties, is of no avail against the exercise of the great and absolute power of Congress over the improvement of navigable rivers. That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation and subjects every navigable river to the control of Congress. * * * If, in the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation.

In Scranton *v.* Wheeler (179 U. S. 144, at page 815) the court said:

> If the title had remained in the State, the conclusion would be the same. The State would hold subject to the public use and its property right in the submerged soil of the navigable stream would be subservient to the power of Congress to regulate navigation, and the use of such soil as a support for a structure in aid of navigation would not have been the taking of the private property of the State, within the meaning of the constitutional provisions inhibiting it without compensation.

It is contended, however, by the State of Arizona that by this bill it is not the intention of Congress to control the Colorado River for the primary purpose of making it available as an artery of commerce to facilitate the transportation of persons and goods; but that the whole purpose and intent of the bill is to authorize the division of the water of the Colorado River among the seven basin States; to authorize the States to consume the waters allocated to them and to divert a portion of the water entirely outside the drainage area of the Colorado River and to destroy navigation on the Colorado River.

It is further contended by Arizona, if the Government undertakes to build a dam at Boulder or Black Canyon under the authority of the commerce clause, that the dam must have some real and substantial relation with commerce. The improvement of navigation is not the primary purpose of the projects authorized by the Swing-Johnson bill. No Member of Congress would be so disingenuous as to assert that the primary purpose of this bill is to improve navigation.

BOULDER DAM IS PRIMARILY FOR POWER

The dam authorized by the Swing-Johnson bill is primarily for the purpose of obtaining a water power to lease to States, subdivisions of States or to private individuals, and thereby make available certain incidental benefits. In substantiation of this statement, attention is called to the substance of the following provisions of the bill S. 728:

1. No dam shall be constructed and no work be performed unless power revenues are adequate to pay for the interest and amortization and the operation and maintenance of the entire project. (Sec. 4 (b) p. 5.)

2. No charges are to be made for the storage, use, or delivery of water for domestic purposes. (Sec. 1, p. 2, lines 15 to 17.)

3. No charges are to be made for the storage, use, or delivery of water for agricultural purposes. (Sec. 1, p. 2, lines 15 to 17.)

4. Priorities to use of water from the reservoir shall be in the following order:

(a) Water for use of lands under "a canal connecting Laguna Dam with Imperial and Coachella Valleys." (Sec. 1, p. 2, lines 10 to 13.)

(b) Domestic use.

(c) Agricultural use.

(d) Power.

(e) Navigation.

Sections 4 (a), 5, 6, 8 (b), 12, and 14 of the act and Article IV of the Colorado River compact. (See especially sec. 12 (b) of the bill.)

5. If there be any surplus revenues, Nevada and Arizona are each to receive 18¾ per cent of such excess revenues. (Sec. 4, p. 5.)

6. Leases on power are not to be for longer than 50 years. (Sec. 5 (a), p. 7.)

7. Preference to the use of power is given to States, subdivisions of States, and private agencies in the order given. (Sec. 5 (c), p. 9.)

8. Any agency making a contract for 100,000 horsepower is required to reserve one-fourth of its transmission line for the use of other power contractees. (Sec. 5 (d), p. 10.)

LAWS PASSED BY CONGRESS MUST COME WITHIN THE AUTHORITY AND SCOPE OF THE POWERS DELEGATED TO THE UNITED STATES BY THE CONSTITUTION

The powers which the people and the several States have given to the General Government are named in the Constitution, and such powers as are not therein named, either expressly or by necessary implication, are reserved to the people and to the States. (Turner *v.* Williams, 194 U. S. 295, Justice Brewer's concurring opinion.) The Federal Government would have authority to erect a dam at Black Canyon or Boulder Canyon in the Colorado River for the purpose of the improvement of navigation and the regulation of commerce.

If the Federal Government undertakes under the authority of the commerce clause of the Constitution to build a dam in the Colorado River at Black or Boulder Canyon, the purpose for building the said dam must have some real or substantial relation to or in connection with the commerce regulation. The Supreme Court, in Adair *v.* United States (208 U. S. 178), said:

> Manifestly, any rule prescribed for the conduct of interstate commerce in order to be within the competency of Congress under its power to regulate commerce among the States must have some real or substantial relation to or in connection with the commerce regulation.

Storing water so that the same may be available for domestic purposes and leasing the use of water for developing hydroelectric power may be desirable purposes in themselves, and assuming for the purposes of argument only that they are within the scope of the powers possessed by the Federal Government, surely these activities have nothing to do with interstate or foreign commerce as such. If these purposes are not commerce, clearly the Government may not invoke the commerce clause of the Constitution as granting and sustaining the right to build a dam at Black or Boulder Canyon.

The National Government has the authority to store flood waters for the purpose of irrigating public lands, to develop hydroelectric power, to aid in the development of public lands, and, incidentally, to sell the surplus water for the irrigation of private lands or for other purposes, and to sell the surplus power; but this authority is derived from another provision of the Constitution, and in so far as the States of Arizona and Nevada are concerned the consent of these States must be obtained before these projects can be undertaken at Black or Boulder Canyons.

Other than the implied right conferred upon Congress to promote, preserve, and control navigation, all sovereign powers, property rights, and interests in navigable streams within the borders of the States are reserved to the States. (Pollard *v.* Hagen, 3 How. 229.)

The Supreme Court, in Adair *v.* United States (180 supra), stated:

> We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as this power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution.

The Supreme Court, in Hammer *v.* Dagenhart (247 U. S. 274), said:

> The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

Commerce embraces navigation, but commerce does not embrace the irrigation of lands, the development and sale of hydroelectricity, or the sale of water for domestic purposes.

The Supreme Court, in Hammer *v.* Dagenhart (272 supra; citing Delaware, Lackawanna & Western Railroad Co. *v.* Yurkonis (238 U. S. 439), and other cases), stated:

> The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce, making their production a part thereof.

A statute must be judged by its natural and reasonable effect. (Collins *v.* New Hampshire, 171 U. S. 30, 33, 34.)

The control by Congress over interstate commerce can not authorize the exercise of authority not intrusted to it by the Constitution. (Pipe Line cases, 234 U. S. 548, 560.)

The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters intrusted to the Nation by the Federal Constitution. (Hammer *v.* Dagenhart, 275.)

The purposes intended (by Congress) must be attained consistently with constitutional limitations and not by an invasion of the powers of the States. (Ibid. 276.)

It is argued that the right to control navigation as an incident to the regulation of commerce implies that when necessity demands the control of flood waters of a river in order to protect agricultural lands and the towns dependent upon them from inundation that the Federal Government has the authority to provide such flood control, even though the agencies employed by the Government to control such waters will invest in the Federal Government, the control of the use, of the water. Arizona contends that any dams or other works in the Colorado River must be constructed in conformity with the laws of the States particularly involved.

EXCEPTING ONLY A DAM FOR THE PURPOSE OF IMPROVING NAVIGATION—THE CONSENT OF THE STATES OF ARIZONA AND NEVADA IS REQUIRED TO ERECT A DAM AT BLACK OR BOULDER CANYON

The several States of the Colorado River Basin are primarily the proprietors of, and have sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the commerce clause of the Constitution.

The Federal Government has no special rights in these States, because the common-law rule of riparian rights is not recognized, so that no riparian rights exist.

In the case of Martin *v.* Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The same doctrine was laid down by the court in the case of Pollard *v.* Hagan (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public land and the power of Congress to make all needful rules and regulations for the same and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of Barney *v.* Keokuk (94 U. S. 324) Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

> These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S. 1).

Now the Senators proposing this bill rise and say that the stream is navigable, and they insert a provision to make it more truly navigable. If they wish to proceed upon the hypothesis that this river is navigable, then the bed of the stream and the banks of the stream belong to Arizona, and Arizona must be consulted.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I do.

Mr. SHORTRIDGE. Would the Senator object to the Federal Government cleaning out the river below the dam?

Mr. ASHURST. You are cleaning us out.

Mr. SHORTRIDGE. Well, perhaps; but I am asking about cleaning out the river first. Then we will take on Arizona. Would the Senator object to cleaning it out so that you might send craft of two or three feet draft from Yuma up the river at certain periods of the year? It has been done in the past. It might be done in the future. Do I understand that Arizona would object to the Government appropriating the necessary funds for the purpose of improving the navigability of the river?

Mr. ASHURST. Frankly, I do not believe that there is any thought of improving or creating any navigation between Yuma and the proposed Boulder Dam. It may be that after the dam is built, and the reservoir is created, pleasure craft might float upon the bosom of the reservoir created by the dam; but the commerce would be relatively insignificant.

Mr. BARKLEY. Mr. President, does the Senator think that whatever we do about the Boulder Dam bill will have any material effect on the climate of Yuma?

Mr. ASHURST. Let me say that the able Senator from Kentucky did the city of Yuma the honor to pay it a visit and he delivered a speech there which for eloquence is still remembered. He is invited to return to that hospitable city and those who visit Yuma in the summer time always receive a warm reception.

The States of Arizona and Nevada have rejected in toto the common-law rule of riparian rights. As the ownership of the beds of fresh-water streams navigable in fact is one of the riparian rights, it follows that these rights were also rejected, and that the ownership of the bed of the Colorado River at the Boulder Canyon or the Black Canyon Dam site is in the States of Arizona and Nevada, under whose jurisdiction these waters flow. These States have prescribed or may prescribe how the use of the beds and banks and waters of the Colorado River may be obtained.

The acquisition of the lands and waters of the States of Arizona and Nevada at Black Canyon or Boulder Canyon by the Federal Government by any method or for any purpose—other than for the improvement of the navigation facilities of the Colorado River, incidental to the regulation of commerce thereon—or in accordance with the laws of those States, as is required by the reclamation act and the Federal water power act, is a transgression of the limitation of its power, and is, ultra vires, the Federal Government.

Consent or ratification by the States of Arizona and Nevada is necessary to the acquisition of exclusive jurisdiction over the dam site at Black Canyon or Boulder Canyon, if the dam site is to be used for any purpose other than the regulation of the waters of the Colorado River for navigable purposes, as an incident to the regulation of commerce on said river and such incidental purposes as might arise as a result of the construction of the dam for this primary purpose, and any attempt by Congress to accomplish such a purpose at the Black or Boulder Canyon Dam site by the authority of the Swing-Johnson bill is a pure nadum pactum.

It is to be noted, however, that the Colorado River is not now being used for the transportation of persons or property or for the purchase, sale, and exchange of commodities, nor is there any demand at this time from any source that the river be made navigable for this purpose, and there is nothing to indicate that if the river was made navigable that it would be used for commerce.

The primary purpose of the Swing-Johnson bill is to apportion among the States of the Colorado River Basin the waters of the Colorado River and completely to exhaust the same for beneficial purposes and, in fact, to regulate the use of the water so that its flow shall be increased at certain seasons of the year, when the demand for domestic and irrigation purposes is highest, and to decrease the flow of the river at other seasons of the year so that the water may be conserved for domestic and irrigation purposes, even though such regulation were to render navigation on the river wholly impracticable. In order to accomplish this purpose the Colorado River compact in article 4 (a) provides:

The Colorado River has ceased to be navigable for commerce.

Mr. President, it is now nearly 4 o'clock. I can finish on Monday but can not finish to-day.

Mr. CURTIS. I had intended at a quarter of 4 to move an executive session, if the Senator will yield now for that purpose.

Mr. ASHURST. Yes; I thank the Senator.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions, heretofore received from the House of Representatives, were referred to the Committee on Printing:

H. Con. Res. 37. Concurrent resolution to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities; and

H. Con. Res. 40. Concurrent resolution to provide for the printing of additional copies of the hearings held before the Committee on Education of the House of Representatives on the bill to create a department of education.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until Monday, December 10, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 8 (legislative day of December 7), 1928

DIRECTOR OF THE MINT

Robert J. Grant, of Denver, Colo., to be Director of the Mint. (Reappointment.)

POSTMASTERS

ARIZONA

Frank A. Rhodes to be postmaster at Gila Bend, Ariz., in place of C. C. Rockwell, not commissioned.

CALIFORNIA

Nella Carl to be postmaster at Encanto, Calif. Office became presidential July 1, 1928.

Margaret A. Robison to be postmaster at Kelseyville, Calif., in place of W. E. Hunt. Incumbent's commission expired February 9, 1927.

COLORADO

Ira R. Wood to be postmaster at Ramah, Colo., in place of I. R. Wood. Incumbent's commission expires December 12, 1928.

CONNECTICUT

Robert DeF. Bristol to be postmaster at Guilford, Conn., in place of R. D. Bristol. Incumbent's commission expires December 10, 1928.

Gordon B. Smith to be postmaster at Saybrook, Conn., in place of J. A. Ayer, deceased.

ILLINOIS

Mary H. Hrdlicka to be postmaster at Cary, Ill., in place of M. H. Hrdlicka. Incumbent's commission expires December 10, 1928.

Fred Frazier to be postmaster at Viola, Ill., in place of Fred Frazier. Incumbent's commission expires December 10, 1928.

INDIANA

Harley Secor to be postmaster at Akron, Ind., in place of Harley Secor. Incumbent's commission expires December 12, 1928.

Alfred V. Reschar to be postmaster at Anderson, Ind., in place of A. V. Reschar. Incumbent's commission expires December 12, 1928.

Louis W. Otto to be postmaster at Crawfordsville, Ind., in place of L. W. Otto. Incumbent's commission expires December 12, 1928.

John C. Chaille to be postmaster at Otwell, Ind., in place of J. C. Chaille. Incumbent's commission expires December 12, 1928.

Manda Neet to be postmaster at Rosedale, Ind., in place of Manda Neet. Incumbent's commission expires December 12, 1928.

William M. Willmore to be postmaster at Vincennes, Ind., in place of W. M. Willmore. Incumbent's commission expires December 12, 1928.

IOWA

Bernard E. Fraley to be postmaster at Albion, Iowa, in place of B. E. Fraley. Incumbent's commission expires December 9, 1928.

Earl E. Silver to be postmaster at Center Point, Iowa., in place of E. E. Silver. Incumbent's commission expires December 9, 1928.

Charles A. Norris to be postmaster at Eldora, Iowa, in place of C. A. Norris. Incumbent's commission expires December 12, 1928.

George T. Stauffer to be postmaster at Garrison, Iowa, in place of G. T. Stauffer. Incumbent's commission expires December 9, 1928.

William C. Moon to be postmaster at Greene, Iowa, in place of W. C. Moon. Incumbent's commission expires December 12, 1928.

Gilbert Jones to be postmaster at Hawkeye, Iowa, in place of Gilbert Jones. Commission expires December 12, 1928.

Mollie Daley to be postmaster at Parnell, Iowa, in place of Mollie Daley. Incumbent's commission expires December 9, 1928.

Edward M. Bratton to be postmaster at Shellsburg, Iowa, in place of E. M. Bratton. Incumbent's commission expires December 12, 1928.

KANSAS

Clara G. Williams to be postmaster at Elgin, Kans., in place of F. E. Williams, deceased.

KENTUCKY

Levi Brooks to be postmaster at Blue Diamond, Ky., in place of G. S. Greear, resigned.

Hugh B. Gross to be postmaster at Dawson Springs, Ky., in place of C. A. Niles, deceased.

LOUISIANA

Albert A. Thoman to be postmaster at Monroe, La., in place of A. A. Thoman. Incumbent's commission expires December 11, 1928.

Lillie Vaughan to be postmaster at Sellers, La., in place of Lillie Vaughan. Incumbent's commission expires December 11, 1928.

Thomas C. Reagan, sr., to be postmaster at Winnsboro, La., in place of T. C. Reagan, sr. Incumbent's commission expires December 11, 1928.

MASSACHUSETTS

Fred A. Tower to be postmaster at Concord, Mass., in place of F. A. Tower. Incumbent's commission expires December 12, 1928.

Lester G. Lathrop to be postmaster at Orange, Mass., in place of L. G. Lathrop. Incumbent's commission expires December 12, 1928.

MICHIGAN

Jesse G. Wilbur to be postmaster at Belding, Mich., in place of J. G. Wilbur. Incumbent's commission expires December 12, 1928.

Thomas Watson to be postmaster at Birch Run, Mich., in place of Thomas Watson. Incumbent's commission expires December 12, 1928.

Ralph C. Hubbard to be postmaster at Hartford, Mich., in place of R. C. Hubbard. Incumbent's commission expires December 12, 1928.

Merrill F. Fitch to be postmaster at Mattawan, Mich., in place of M. F. Fitch. Incumbent's commission expires December 12, 1928.

George L. Runner to be postmaster at Shelby, Mich., in place of G. L. Runner. Incumbent's commission expires December 12, 1928.

Mary M. Smith to be postmaster at Thompsonville, Mich., in place of M. M. Smith. Incumbent's commission expires December 12, 1928.

Moses O. Champney to be postmaster at Traverse City, Mich., in place of M. O. Champney. Incumbent's commission expires December 12, 1928.

MINNESOTA

Sadie A. Lane to be postmaster at Sherburn, Minn., in place of S. A. Lane. Incumbent's commission expires December 12, 1928.

MISSOURI

Albert L. Brady to be postmaster at Oran, Mo., in place of A. L. Brady. Incumbent's commission expires December 11, 1928.

Lizzie A. Rademaker to be postmaster at Parma, Mo., in place of L. A. Rademaker. Incumbent's commission expires December 11, 1928.

NEBRASKA

Walter I. Farnham to be postmaster at Merna, Nebr., in place of W. I. Farnham. Incumbent's commission expires December 11, 1928.

Margaret Bolan to be postmaster at St. Columbans, Nebr., in place of Margaret Bolan. Incumbent's commission expires December 11, 1928.

NEW HAMPSHIRE

Hugh C. Young to be postmaster at Sunapee, N. H., in place of H. C. Young. Incumbent's commission expires December 10, 1928.

NEW YORK

Richard J. Higgins to be postmaster at East Rockaway, N. Y., in place of R. J. Higgins. Incumbent's commission expires December 11, 1928.

Edwin W. Cushman to be postmaster at Keuka Park, N. Y., in place of E. W. Cushman. Incumbent's commission expires December 11, 1928.

James Agnew to be postmaster at Lake Ronkonkoma, N. Y., in place of James Agnew. Incumbent's commission expires December 11, 1928.

Loie C. Husted to be postmaster at Woodhull, N. Y., in place of L. C. Husted. Incumbent's commission expires December 11, 1928.

NORTH CAROLINA

Alfred A. McDonald to be postmaster at Parkton, N. C., in place of A. A. McDonald. Incumbent's commission expires December 12, 1928.

NORTH DAKOTA

John E. Nelson to be postmaster at Litchville, N. Dak., in place of J. E. Nelson. Incumbent's commission expires December 12, 1928.

OHIO

Frances Dunham to be postmaster at Fayetteville, Ohio, in place of Frances Dunham. Incumbent's commission expires December 12, 1928.

Veeda F. Stevens to be postmaster at Holloway, Ohio, in place of H. E. Graham, resigned.

Blanche M. Lauer to be postmaster at Lower Salem, Ohio, in place of B. M. Lauer. Incumbent's commission expires December 10, 1928.

OKLAHOMA

John J. Gayman to be postmaster at Chandler, Okla., in place of J. J. Gayman. Incumbent's commission expires December 12, 1928.

Anna H. Figley to be postmaster at Hastings, Okla., in place of A. H. Figley. Incumbent's commission expires December 12, 1928.

Katherine Anderson to be postmaster at Ninnekan, Okla., in place of Katherine Anderson. Incumbent's commission expires December 10, 1928.

PENNSYLVANIA

Allie L. Keyes to be postmaster at Lake Ariel, Pa., in place of E. D. Keyes, resigned.

Wallis G. Detrick to be postmaster at Milford, Pa., in place of W. V. Dingman, removed.

Donald A. Whoolery to be postmaster at Smithfield, Pa., in place of F. A. Allmon, removed.

Bessie Havlichek to be postmaster at Smock, Pa., in place of M. H. Thomas, removed.

SOUTH CAROLINA

Thomas S. Armour to be postmaster at Eastover, S. C., in place of E. C. Rye, removed.

Andrew R. Barrett to be postmaster at Rock Hill, S. C., in place of A. R. Barrett. Incumbent's commission expires December 12, 1928.

Rebecca Wimberly to be postmaster at St. Matthews, S. C., in place of Rebecca Wimberly. Incumbent's commission expires December 12, 1928.

John C. Luke to be postmaster at Summerville, S. C., in place of J. C. Luke. Incumbent's commission expires December 12, 1928.

George H. Hart to be postmaster at York, S. C., in place of G. H. Hart. Incumbent's commission expires December 12, 1928.

SOUTH DAKOTA

Ezra J. F. Lamkee to be postmaster at Avon, S. Dak., in place of E. J. F. Lamkee. Incumbent's commission expires December 11, 1928.

Loretta M. Stromme to be postmaster at Garretson, S. Dak., in place of L. M. Stromme. Incumbent's commission expires December 11, 1928.

Adam F. Glaser to be postmaster at Herrick, S. Dak., in place of A. F. Glaser. Incumbent's commission expires December 11, 1928.

Oscar D. Hanson to be postmaster at Irene, S. Dak., in place of O. D. Hanson. Incumbent's commission expires December 11, 1928.

Leland K. Stoddard to be postmaster at Parker, S. Dak., in place of L. K. Stoddard. Incumbent's commission expires December 11, 1928.

Joseph W. Gibson to be postmaster at Salem, S. Dak., in place of J. W. Gibson. Incumbent's commission expires Decem- 11, 1928.

VERMONT

Hiram E. Rowe to be postmaster at Barnet, Vt., in place of H. E. Rowe. Incumbent's commission expires December 11, 1928.

William H. C. Whitcomb to be postmaster at Forest Dale, Vt., in place of W. H. C. Whitcomb. Incumbent's commission expires December 11, 1928.

Ethel E. Churchill to be postmaster at Quechee, Vt., in place of E. E. Churchill. Incumbent's commission expires December 11, 1928.

Otis B. Dauchy to be postmaster at Townshend, Vt., in place of O. B. Dauchy. Incumbent's commission expires December 11, 1928.

Kenneth A. Foster to be postmaster at Wolcott, Vt., in place of K. A. Foster. Incumbent's commission expires December 11, 1928.

WEST VIRGINIA

Pearl L. Hughes to be postmaster at Keystone, W. Va., in place of P. L. Hughes. Incumbent's commission expires December 12, 1928.

A. Ewell Riley to be postmaster at Thorpe, W. Va., in place of A. E. Riley. Incumbent's commission expires December 12, 1928.

Harry E. Ewing to be postmaster at War, W. Va., in place of H. E. Ewing. Incumbent's commission expires December 12, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8 (legislative day of December 7), 1928

COMPTROLLER OF THE CURRENCY

John W. Pole to be Comptroller of the Currency.

POSTMASTERS

ARIZONA

Orrin H. Perry, Somerton.

COLORADO

Richard A. Gifford, Hesperus.
Ralph H. Weekly, Yuma.

CONNECTICUT

George W. Fairgrieve, Bantam.
Frank S. Merrill, Bristol.
George L. Rockwell, Ridgefield.

DELAWARE

William A. Wagner, jr., Viola.

KANSAS

Emil Dolecek, Holyrood.
Pearl M. Mickey, Zurich.

MASSACHUSETTS

Walter P. Abbott, Baldwinsville.
Francis K. Irwin, Cataumet.
Walter B. Morse, Danvers.
Arthur R. Merritt, Egypt.
Josephine M. Connell, Forge Village.
Walter K. Hadselle, Hancock.
Ella M. Harrington, Jefferson.
Julius D. Miner, Monterey.
Elizabeth C. Kelley, Thorndike.
Mary E. Joseph, Truro.

MICHIGAN

Edna M. Park, Alden.
George W. Paton, Almont.
June L. Oliver, Beaverton.
Euphemia Hunter, Cass City.
Alpheus P. Decker, Deckerville.
Willard A. Hilliker, Dryden.
John Anderson, Gwinn.
Edwin W. Klump, Harbor Beach.
Herbert E. Gunn, Holt.
Norman E. Weston, Kent City.
Ernest L. Storbeck, Kinde.
David J. Doherty, Marlette.
Noel H. Allen, Maple Rapids.
Grace L. Riker, Millington.
Clinton E. Aukerman, Montgomery.
M. Adele Zinger, Ruth.
Fred Alford, Vulcan.
Willa A. Ruggles, Whitehall.

MISSISSIPPI

Noah D. Robinson, Columbus.

NEW HAMPSHIRE

William W. Russell, Center Sandwich.
Fred W. Sanborn, New Hampton.
Esther F. Bragg, Seabrook.

NEW YORK

Irving S. Sears, Hamilton.
Charles F. Brandt, Liverpool.
Albert N. Cobb, Norwich.

OHIO

Maurice M. Murray, Bluffton.
John W. Keel, Bolivar.
William H. Fellmeth, Canal Fulton.
Albert A. Sticksel, Newtown.
Glenn B. Rodgers, Washington Court House.

OREGON

George C. Peterson, Bay City.
Amy L. Morand, Boring.
Albert N. Johnson, Estacada.
Emma M. C. Breshears, Lexington.
Sadie B. Jones, Oakridge.
Erle N. Hud, Seaside.
Eva M. Stewart, Westfir.
Mary F. Melvin, West Linn.
Arthur W. Hodgman, Westport.

PORTO RICO

Leonor G. Rodriguez, Guayanilla.
Arturo G. Molina, Juncos.
Teodoro M. Lopez, Vega Baja.

TEXAS

Jefferson F. House, Bridgeport.
Ralph B. Martin, Camden.
Dewitt T. Cook, Centerville.
John W. Claiborne, Charlotte.
William R. Dickens, Eden.
William E. Barron, Iola.
Edmund A. Giese, Lagrange.
John L. Vaughan, Lubbock.
Henry O. Wilson, Marshall.
Marion Zercher, Mount Vernon.
John R. Ware, Nederland.
Millard H. Edwards, Nixon.
Robert L. Mobley, Santa Anna.
Pearl B. Monke, Weinert.
Hugh F. Skelton, Wylie.

UTAH

Nell L. Abbott, Fort Douglas.

WYOMING

Arnold P. Libby, Cody.
John Hurley, Lavoye.
Alma M. West, Medicine Bow.
Willis L. Eaton, Wolf.

SENATE

MONDAY, *December 10, 1928*

Rev. Jason Noble Pierce, D. D., pastor of the First Congregational Church of the city of Washington, offered the following prayer:

O Thou, in whom we live and move and have our being and all work is begun, continued, and finished, grant Thy presence not only in this place but in our minds and hearts, that we may accomplish Thy holy will to the glory of Thy name.

ARTHUR R. ROBINSON, a Senator from the State of Indiana, appeared in his seat to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 13824) authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg., and it was signed by the Vice President.

SENATOR FROM MINNESOTA

Mr. SCHALL. I present the credentials of my colleague, Mr. SHIPSTEAD, which I ask may be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
St. Paul.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HENRIK SHIPSTEAD was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His excellency our governor, Theodore Christianson, and our seal hereto affixed at St. Paul, this 30th day of November, A. D. 1928.

THEODORE CHRISTIANSON,
Governor of Minnesota.

[SEAL.] MIKE HOLM,
Secretary of State.

PETITIONS

Mr. EDGE presented a letter in the nature of a petition from Mrs. Catharine B. Lippincott, of Moorestown, N. J., praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the faculty and students of the Madison High School, of Madison, N. J., praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented the petition of Miss Cora L. Hartshorn and 993 other citizens of Short Hills, Millburn, Wyoming, Newark, Maplewood, South Orange, East Orange, Basking Ridge, Summit, and Model Park, all in the State of New Jersey, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. ROBINSON of Arkansas presented a resolution of the Beta Delphian Chapter, of Jonesboro, Ark., favoring the prompt passage of the so-called Gillett resolution (S. Res. 139), suggesting a further exchange of views relative to the World Court, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Men's Bible Class of Vesta Methodist Sunday School, of Charleston, Ark., favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

PRIVATE EMPLOYMENT BY SPECIAL COUNSEL IN OIL CASES

Mr. WALSH of Montana. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. J. Res. 167) limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States, and I submit a report (No. 1338) thereon. A few days ago I explained to the Senate the nature of the joint resolution; it is a matter requiring some expedition, and I ask unanimous consent for the immediate consideration of the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That nothing in sections 198 or 203 of title 18 of the Code of Laws of the United States (sections 109 and 113, Criminal Code) or any other act of Congress forbidding any person in the employ of the United States or acting in any official capacity under them from acting as agent or attorney for another before any department or branch of the Government, or from receiving pay for so acting, shall be deemed to apply to counsel serving under the provisions of S. J. Res. 54, Sixty-eighth Congress, first session, approved February 8, 1924.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 4797) granting a pension to Alvin L. Hagood; to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4798) granting a pension to Frank V. Griffith (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4799) granting an increase of pension to Lester L. Karns; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4800) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 4801) for the relief of C. E. Briggs; and

A bill (S. 4802) for the relief of Robert Wilson; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4803) granting an increase of pension to James K. Ferguson;

A bill (S. 4804) granting an increase of pension to Rebecca Neal; and

A bill (S. 4805) granting an increase of pension to Ulysses G. Snodgrass; to the Committee on Pensions.

By Mr. CAPPER (for Mr. HOWELL):

A bill (S. 4806) for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army (with accompanying papers);

A bill (S. 4807) to authorize an appropriation to cover damages to an automobile of William H. Baldwin (with accompanying papers);

A bill (S. 4808) for the relief of the Western Electric Co. (Inc.) (with accompanying papers);

A bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger;

A bill (S. 4810) for the relief of A. C. Elmore (with accompanying papers);

A bill (S. 4811) for the relief of C. J. Colville (with accompanying papers);

A bill (S. 4812) for the relief of John T. Lennon and George T. Flora (with accompanying papers);

A bill (S. 4813) for the relief of Johnson & Higgins (with accompanying papers);

A bill (S. 4814) for the relief of Madrigal & Co., Manila, P. I. (with accompanying papers);

A bill (S. 4815) for the relief of the members of the crew of the transport *Antilles* (with accompanying papers);

A bill (S. 4816) for the relief of F. M. Gray, Jr., Co. (with accompanying papers);

A bill (S. 4817) for the relief of the Federal Construction Co. (Inc.) (with accompanying papers);

A bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex. (with accompanying papers); and

A bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.) (with accompanying papers); to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 4820) granting a pension to Carlota Padilla de Martinez; to the Committee on Pensions.

A bill (S. 4821) extending the benefits of the World War veterans' act, 1924, as amended, to Charles Mebane Fullwood; to the Committee on Finance.

By Mr. THOMAS of Idaho:

A bill (S. 4822) granting a pension to Sarah Farmer (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4823) to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park; to the Committee on Public Lands and Surveys.

By Mr. WAGNER:

A bill (S. 4824) for the relief of Francis X. Callahan; to the Committee on Military Affairs.

By Mr. HAYDEN:

A bill (S. 4825) for the relief of August R. Lundstrum; to the Committee on Military Affairs.

A bill (S. 4826) granting a pension to Cedenia Willis; and

A bill (S. 4827) granting a pension to Thomas R. Myrick; to the Committee on Pensions.

AMENDMENTS TO BOULDER DAM BILL

Mr. KING submitted sundry amendments intended to be proposed by him to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which were ordered to lie on the table and to be printed.

BRAZOS AND COLORADO RIVERS, TEX.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 14801, the Treasury and Post Office Departments appropriation bill, which was referred to

the Committee on Appropriations and ordered to be printed, as follows:

On page 35, line 11, strike out the figures "$23,040,000" and insert in lieu thereof the figures "$23,155,000."

On page 40, line 9, insert the word "courts" between the word "office" and the word "and."

On page 40, line 10, strike out the words "except for the courts."

On page 40, line 10, strike out the figures "$220,000" and insert in lieu thereof the figures "$335,000."

Strike out the proviso beginning in line 11 and continuing through all of lines 12 and 13.

SAMUEL J. D. MARSHALL

Mr. REED of Pennsylvania. Mr. President, I have two requests for changes of reference. The first is as to the bill (H. R. 11422) for the relief of Samuel J. D. Marshall, which is now before the Committee on Claims. This bill was considered in the House by the Committee on Military Affairs and I am advised by Senator HOWELL's secretary that he is satisfied it should be referred to the Military Affairs Committee of the Senate.

The PRESIDENT pro tempore. Without objection, the Committee on Claims is discharged from further consideration of the bill and it will be referred to the Committee on Military Affairs.

RAYMOND NELSON HICKMAN

Mr. REED of Pennsylvania. The second bill, Mr. President, is House bill 8464, for the relief of Raymond Nelson Hickman, which has been referred to the Committee on Military Affairs. It involves, however, a naval matter, and I ask that it may be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. Without objection, the Committee on Military Affairs is discharged from the further consideration of the bill and it will be referred to the Committee on Naval Affairs.

CAPT. WILLIAM CASSIDY

Mr. SMITH. Mr. President, last Friday I introduced a bill (S. 4756) for the relief of Capt. William Cassidy, an officer in the military service. Inadvertently a wrong reference was made. I ask unanimous consent to have the bill, which involves legislation, withdrawn from the Committee on Claims, to which it was inadvertently referred, and referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, that order will be made.

INAUGURATION OF PRESIDENT ELECT

Mr. WATSON. Mr. President, I submit a concurrent resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 24), as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator if this is the usual resolution?

Mr. WATSON. It is the usual resolution.

Mr. ROBINSON of Arkansas. I have no objection to its consideration and adoption.

The concurrent resolution was considered by unanimous consent and agreed to.

INVESTIGATION OF TOLL BRIDGES AND FERRIES

Mr. ODDIE submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That a joint select committee is hereby created, to be known as the Select Joint Committee to Investigate Toll Bridges on the Public Highways and Ferries, which committee shall consist of three Senators who are members of the Committee on Post Offices and Post Roads, to be appointed by the Vice President, and three Members of the House of Representatives who are members of the Committee on Roads, to be appointed by the Speaker, said appointments to be made from among those who are Members of the Seventy-first Congress.

SEC. 2. Said committee shall investigate and report to the Seventy-first Congress during its first session upon the following subjects:

1. Whether existing congressional legislation authorizing private companies or persons to build toll bridges upon the public highways of the United States adequately provides for the safety and permanence of such structures erected or to be erected and for their adequate inspection during construction.

2. Whether, since all such bridges will ultimately become the property of the public, it is in the public interest that it have control over their initial construction and future maintenance.

3. Whether, in view of the fact that under existing Federal highway legislation Congress has required the States to agree that the roads shall be free from tolls, which requirement the States have accepted, it be just and reasonable to grant franchises permitting a revival of a system of toll gates in the form of toll bridges.

4. Whether, as currently reported, franchises granted by Congress for the building of private toll bridges have been sold, offered for sale, or made the subject of trafficking.

5. Whether there has been an excessive and extravagant capitalization of toll-bridge structures, which is reflected in the tolls paid by the public and in the value of the securities purchased by it.

6. Whether the public has demonstrated its willingness and ability to finance the construction of large bridges on as favorable or more favorable terms than private interests, and whether in such cases the use of such structures ultimately is made free to the public at an earlier period than when constructed by private capital, although a toll charge for their immediate use may have been temporarily necessary.

SEC. 3. Said committee shall also make investigation with respect to existing toll bridges on the public highways and ferries connecting therewith, such investigation to include the original investment therein, present value, outstanding securities, rate of tolls, dividends, salaries, traffic carried, and other related and pertinent matters; also the status of franchises granted, including the activities of agents in procuring such franchises, together with the disposition of such franchises by sale or otherwise.

SEC. 4. Said committee or any subcommittee thereof is authorized to sit during sessions, recesses, or adjournments of the Seventy-first Congress in the District of Columbia or elsewhere in the continental United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee or any subcommittee thereof, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution. Such expenditures, which are hereby limited to the sum of $25,000, shall be paid from the contingent funds of the Senate and House of Representatives in equal proportions, upon vouchers approved by the chairman of said committee.

LILLIAN T. OYSTER

Mr. TYDINGS submitted the following resolution (S. Res. 278), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lillian T. Oyster, widow of Guy H. Oyster, late an assistant clerk in the office of Hon. MILLARD E. TYDINGS, a Senator from the State of Maryland, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 332) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., in which it requested the concurrence of the Senate.

ANNIVERSARY OF FIRST AIRPLANE FLIGHT

The joint resolution (H. J. Res. 332) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., was read twice by its title and referred to the Committee on Military Affairs.

Mr. BINGHAM subsequently said: From the Committee on Military Affairs I report back favorably House Joint Resolution 332, being a joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.; and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. From the Committee on Appropriations I report back with amendments the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1339) thereon. I shall undertake to call the bill up immediately after the routine morning business on Wednesday.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Meanwhile the bill will be placed on the calendar.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as first in order.

Mr. BLAINE. Mr. President, I understand that my colleague [Mr. LA FOLLETTE] is interested in that bill.

Mr. ROBINSON of Arkansas. I think it had better go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. JONES. The Senator from South Dakota [Mr. MCMASTER] is not here, and inasmuch as he is interested in the joint resolution I suggest that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

The VICE PRESIDENT. A motion is pending by the senior Senator from New York [Mr. COPELAND] to recommit the bill to the Committee on Agriculture and Forestry.

Mr. CURTIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing postmasters in the classified service was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be a discussion of the bill. I have no objection to its consideration if Senators want to proceed with it, but I would not be willing to act upon the bill without an explanation of its provisions. I suggest that it go over. The Senator from Vermont [Mr. DALE] is not present, nor does it appear that the Senator who reported the bill is present.

The VICE PRESIDENT. The bill will be passed over.

COLUMBIA BASIN RECLAMATION ACT

The bill (S. 1462) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes, was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. JONES. Mr. President, there was considerable opposition to the bill at the last session of Congress, and those who are interested in the bill have decided to abandon the measure in so far as adopting a project is concerned and to provide instead for the surveys that were suggested in the last Congress. I take it there will be no objection to the bill in that form. I have talked with several Members who were opposed to the bill and they all said they have no opposition to a bill providing for the surveys. Therefore I propose an amendment striking out all after the enacting clause and providing for surveys, which amendment I send to the desk.

Mr. ROBINSON of Arkansas. I believe the Senator told me that the junior Senator from Washington [Mr. DILL] concurs in the suggestion.

Mr. JONES. Yes; I present the amendment in his behalf as well as my own.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Strike out all after the enacting clause and insert in lieu thereof:

That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Columbia Basin reclamation project, and to determine definitely and recommend the best source of water supply for said lands, and which of the two proposed plans of placing water on said lands—the gravity system or the pumping plan—is the most practicable, feasible, and desirable, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes."

DIVISION OF SAFETY IN DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

CIVILIAN ASSISTANTS FOR GOVERNOR GENERAL OF PHILIPPINE ISLANDS

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 29 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, is amended to read as follows:

"SEC. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $25,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, $15,000; chief justice of the supreme court, $10,500; associate justices of the supreme court; auditor, $10,000; one assistant auditor, $7,500; one assistant auditor, $6,000: *Provided, however*, That no officer whose salary is so paid under this section shall receive either from the treasury of the Philippine Islands or from any other source whatever any additional salary unless specifically provided by law."

SEC. 2. That a new section is hereby inserted between sections 29 and 30 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as follows:

"SEC. 29½. That from and after the passage of this act all taxes levied, collected, and paid in accordance with law upon articles, goods, wares, or merchandise brought into the United States from the Philippine Islands shall, as heretofore, accrue intact to the general government of the Philippine Islands, and of the amounts so accruing the Governor General may, with the prior approval of the Secretary of War, expend not to exceed $125,000 per annum, without the necessity of further appropriation, for salary, travel, and other expenses of such civilian assistants and technical advisers, not exceeding seven in number, as he may see fit to employ on contracts calling for whole-time or part-time service."

The bill had been reported from the Committee on Territories and Insular Possessions with amendments.

Mr. BINGHAM. Mr. President, there is an amendment on the desk which I desire to have read at this time.

The VICE PRESIDENT. Does the amendment of the Senator from Connecticut affect the committee amendments? There are several committee amendments.

Mr. BINGHAM. Very well; let them be acted on first.

The first amendment of the Committee on Territories and Insular Possessions was, on page 2, line 18, after the word "court," to insert the numerals "$10,000," so as to make the clause read:

Associate justices of the supreme court, $10,000.

The amendment was agreed to.

The next amendment of the committee was, on page 2, line 18, after the word "auditor," to strike out the numerals "$10,000" and insert in lieu thereof the numerals "$15,000," so as to make the clause read:

Auditor, $15,000.

The amendment was agreed to.

The next amendment of the committee was, on page 3, line 15, after the word "advisers," to strike out the words "not exceeding seven in number" and insert in lieu thereof "or such emergency assistants."

Mr. BINGHAM. Mr. President, this last amendment will not be necessary providing the amendment which I have sent to the desk several days ago is agreed to. In view of the fact that the Philippine Legislature has met the situation by providing for what is provided for in section 2, it will not be necessary to adopt the amendment. The amendment which I propose is to strike out all of section 2.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

FRANCIS J. YOUNG

The bill (S. 2859) for the relief of Francis J. Young was considered as in Committee of the Whole, and as heretofore amended was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francis J. Young, father of Wallace J. Young, late consul at Bradford, England, $4,500, being one year's salary of his deceased son, who died of illness incurred in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate as amended and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products—namely, flours, semolina, hominy, grits, and meals—and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think we should have an explanation of the bill.

Mr. TYSON. I ask that the bill go over.

Mr. CURTIS. At the last session the Senator from Tennessee [Mr. TYSON] asked that it go over. I believe it is desired to discuss the amendments, so I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. DENEEN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. HEFLIN. Mr. President, I think that there ought to be some action taken now. I understand the President of Nicaragua has been elected and there is no occasion for keeping our troops there any longer. I would like to have the Senator from Idaho [Mr. BORAH] give us some light on the subject.

Mr. BORAH. Will the Senator permit the joint resolution to go over to-day until I can get the facts as they are now? I will then submit a statement to the Senate.

Mr. HEFLIN. Very well.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

The VICE PRESIDENT. A motion is pending, entered by the senior Senator from Wisconsin [Mr. LA FOLLETTE], to reconsider the vote by which the bill was passed.

Mr. BLAINE. Mr. President, my colleague [Mr. LA FOLLETTE] is interested in the measure, and I understand that he will be here in a day or two. I therefore ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5773) to provide for the construction of works for the protection of the development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

The VICE PRESIDENT. That being the unfinished business, it will be passed over temporarily.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. REED of Pennsylvania (and others). Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BAYARD. Over.

The VICE PRESIDENT. The bill will be passed over.

HOWARD UNIVERSITY

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Over. However, I will say to the Senator from Virginia [Mr. GLASS] that I am perfectly willing to do anything he desires with reference to the consideration of the measure.

Mr. GLASS. I am perfectly willing to discuss it if the Senate wants to discuss it now.

Mr. BRUCE. I ask that the bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of

the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that bill go over.

The VICE PRESIDENT. The bill being objected to, will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

HELEN F. GRIFFIN

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order. The bill had been reported adversely by the Committee on Claims.

Mr. KING. I move that the bill be indefinitely postponed.

Mr. McNARY. Mr. President, that is a bill of which I have some knowledge, and I will appreciate it if the Senator from Utah will not move its indefinite postponement to-day. I should like to look into the bill.

Mr. KING. I withdraw my motion indefinitely to postpone the bill and merely ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

PROPOSED AMENDMENT OF PROHIBITION ACT

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION AND SURVEY FOR NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan Canal was announced as next in order.

Mr. BLAINE. Let that joint resolution be passed over.

Mr. EDGE. Mr. President, if the Senator will withdraw his suggestion for a moment, I should like to offer two technical amendments to the joint resolution in order to perfect it so that it will be in the final form in which at some time I propose to press for its passage. Will the Senator permit me to perfect the joint resolution so as to have it in the form in which it should be?

Mr. BLAINE. Very well.

Mr. EDGE. If there is no objection, I should like to offer, and with the acquiescence, I may say, of the Senator from Tennessee [Mr. McKELLAR], who originally prepared them, two short technical amendments to the joint resolution.

On page 5, line 1, after the word "authorized," I move to strike out the comma and insert the word "and"; and in the same line, after the word "empowered," to strike out the comma and the words "and directed."

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey being an amendment to that proposed by the Senator from Tennessee [Mr. McKELLAR] and agreed to by the Senate on May 29 last, the vote agreeing to the latter amendment will, without objection, be reconsidered, in order that the amendment of the Senator from New Jersey may be in order.

Mr. EDGE. Again, in line 6, on page 5, after the word "having," I move to strike out the comma and insert the word "incorporated"; and in line 7, before the word "ratification," to insert the words "resolution advising and consenting to a"; and in line 7, after the word "aforesaid," to insert the words "a declaration."

Mr. ROBINSON of Arkansas. What draft of the joint resolution is the Senator from New Jersey using in suggesting his amendments? The draft that I have evidently does not correspond to the one which he is employing.

Mr. EDGE. The draft I am using is the final draft that was adopted the last day of the previous session of the Senate. If the Senator will permit me to finish offering the amendments the joint resolution will then be in proper and better form.

Mr. ROBINSON of Arkansas. Certainly, I am willing to do so. All I desire is to ascertain just what the Senator is proposing.

Mr. EDGE. In line 8 I move to strike out the words "inserted the words 'It is declared by the Senate.'"

Mr. WALSH of Montana. We are unable to follow the Senator from New Jersey, because the text of the joint resolution before us is not in the form apparently of the one from which the Senator is reading.

Mr. EDGE. I appreciate the objection of the Senator, but I can assure him that if he will permit these technical amendments to be printed, he will then have a reprint of the joint resolution in such form that Senators can give it very much better consideration.

Mr. WALSH of Montana. But the Senator is asking us to agree to amendments the purport of which we do not know.

Mr. ROBINSON of Arkansas. Does the Senator from New Jersey ask to have the amendments which he is proposing acted on now?

Mr. EDGE. I was going to ask to have the amendments adopted and then ask to have the joint resolution lie over.

Mr. NORRIS. I should like to suggest to the Senator from New Jersey that he offer his amendments and let the joint resolution be reprinted with the amendments as offered. That will give every Senator an opportunity to understand the amendments.

Mr. EDGE. I shall be very glad to accept the Senator's suggestion.

I will repeat the last amendment which I suggested. It is, on line 8, to strike out the words "inserted the words 'It is declared by the Senate.'"

There is one more amendment desired. I move also, in line 15, to strike out the word "directed," and to insert the word "empowered" in lieu thereof.

Now, following the suggestion of the Senator from Nebraska [Mr. NORRIS], I will ask that the joint resolution be reprinted with the amendments I have offered incorporated therein, and that the joint resolution lie over.

The VICE PRESIDENT. Without objection, it is so ordered.

BILL PASSED OVER

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

RESERVE DIVISION OF WAR DEPARTMENT

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

The bill had been reported from the Committee on Military Affairs with amendment, on page 3, after the numerals "1922" and the period, to insert "No reserve officer shall be called to active duty for such purpose more than once or for a longer period than four years."

Mr. ROBINSON of Arkansas. Mr. President, will the Senator in charge of the bill explain its purpose and provisions?

Mr. REED of Pennsylvania. Yes, Mr. President. The sole purpose of the bill is to create in the War Department a division to which the reserve officers and the reserve authorities can resort as a center of information, exactly like the Militia Bureau which is there to-day. The Army consists now of the Regulars, the National Guard division, and the reserve division. At the present time the affairs of the reserve division and the officers in the reserve division are scattered about in a number of different offices. This bill will not add any appreciable amount of expense. It merely involves the detailing of officers of some other branches to this particular division.

Mr. ROBINSON of Arkansas. Is it intended to promote efficiency in administration?

Mr. REED of Pennsylvania. It is intended to promote efficiency in administration.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. BROOKHART. I ask that the bill may go over.

Mr. KING. Mr. President, I should like to ask a question. Does the bill provide for promotion which otherwise would not be obtainable?

Mr. REED of Pennsylvania. No; it does not.

Mr. KING. Does it advance officers from one grade to another?

Mr. REED of Pennsylvania. No; I do not think so.

Mr. KING. Is it intended to accomplish that end?

Mr. REED of Pennsylvania. It certainly is not. It is intended that there shall be a chief of the reserve division to whom recourse may be had in connection with affairs concerning the reserve, exactly as the Militia Bureau takes care to-day of the National Guard.

Mr. KING. The Senator knows that many measures innocent on their face have been offered by which promotions have been obtained from one grade to another and advancement from one rank to another.

Mr. REED of Pennsylvania. I quite understand that; but that is not the purpose of this bill. The acting chief of the bureau will have the same right as the Chief of the Militia Bureau while he is so acting; that is all.

I should like before anything is done in the way of putting the bill over to offer two further amendments.

Mr. BROOKHART. Mr. President——

Mr. REED of Pennsylvania. If the Senator from Iowa will permit me to do that and then make his request, I shall be obliged to him.

Mr. BROOKHART. Very well.

Mr. REED of Pennsylvania. I inquire if the amendment recommended by the committee has been acted upon.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. REED of Pennsylvania. I move on page 2 to strike out all of line 11 after the word "reserves," the first word in the line and to insert a period; and to strike out also all of line 12 down to the word "camps."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Again on page 2, line 18, I move to strike out the word "reserve," the last word in the line, and all of line 19.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Again, on page 2, line 22, I move to strike out all of that line after the words "Organized Reserves," and on line 23 to strike out the words "citizens' military training camp."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I might say that those amendments have been requested by the Reserve Officers' Association and have been agreed to by the National Guard Association, with whom they have been in consultation.

Mr. OVERMAN. Mr. President, as I understand this new division can be established without providing additional appropriations?

Mr. REED of Pennsylvania. That is the expectation, Mr. President.

Mr. BROOKHART. Mr. President, I have a fundamental objection to the policy of this bill, and I therefore request that it go over.

The VICE PRESIDENT. The bill will be passed over.

SALARIES OF DISTRICT COMMISSIONERS

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Mr. President, I objected to the consideration of this bill at the last session of Congress, and I would object to it now and shall do so if it is necessary, but I am told that the Welch bill, notwithstanding the action of the Senate in refusing to pass this bill, has advanced the salaries of the officials in question and given them the compensation provided in this bill. So indirectly there has been accomplished what this bill sought directly to bring about. Nevertheless, I object to it.

The VICE PRESIDENT. The bill will be passed over.

FEDERAL AID FOR RURAL POST ROADS

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes," was announced as next in order.

Mr. KING. Let that bill go over for the time being; it will require some discussion.

The VICE PRESIDENT. The bill will be passed over.

DETAIL OF PUBLIC ROAD ENGINEERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Mr. President, the purpose of this bill undoubtedly is commendable, and anything that would bring about more cordial relations between the United States and Latin America meets my hearty approval. However, we are building roads here at the present time for which our engineering staff will be required. For the moment, until we have further opportunity to examine it, I suggest that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this appears to be a very important bill. I have no objection to taking it up, but I think it ought to be discussed and given adequate consideration.

Mr. BORAH. Mr. President, I have just come into the Chamber. I realize the bill can not be disposed of this morning, so I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. BLAINE. I ask that the bill go over.

Mr. DILL. Mr. President, I wish to say that I have objected to this bill heretofore and I shall continue to object to it unless there shall be incorporated in it an amendment giving the proposed authority to the official in charge of the Capitol only in the event Congress is not in session. I am opposed to allowing him to have the power when Congress is in session.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

Mr. JONES. Mr. President, I had very much hoped that this bill might be passed. It has been reported unanimously by the Commerce Committee and is in accordance with the Democratic platform adopted in the last campaign.

Mr. KING. The Democrats did not win.

Mr. SMOOT. I shall have to ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. MOSES. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

Mr. WHEELER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ENGINEER FIELD CLERKS WITH THE AMERICAN EXPEDITIONARY FORCES

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps of the United States Army, when honorably discharged, was announced as next in order.

The VICE PRESIDENT. This bill was adversely reported.

Mr. KING. I move that it be indefinitely postponed.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion to postpone indefinitely was agreed to.

BILL PASSED OVER

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

FREDERICK D. SWANK

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. JONES. Mr. President, who asked that the bill go over?

Mr. OVERMAN. I did, Mr. President; but after the explanation which has been made to me by the Senator from Washington I withdraw my objection.

Mr. ROBINSON of Arkansas. Mr. President, some others of us would like an explanation.

Mr. JONES. Mr. President, I will state that the chairman of the committee who reported this bill went into the facts very carefully. In brief, it is a bill in regard to the removal of a wreck, the facts in regard to which developed very differently from what the War Department or the Navy Department alleged in the first instance. The committee went into the matter very carefully.

Mr. ROBINSON of Arkansas. I note that the original claim presented in the bill was for $91,000 plus.

Mr. JONES. Yes.

Mr. ROBINSON of Arkansas. And that the committee reduced the amount to $22,000 for extra services and materials and for furnishing lights on the wreck while the claimant was removing it.

Mr. JONES. That is for a definite amount about which the committee had no doubt. Then they have recommended referring the rest of the claim to the Court of Claims to study and investigate and ascertain the amount that may be due.

Mr. ROBINSON of Arkansas. Why was not the entire claim referred to the Court of Claims?

Mr. JONES. The Senator from Oregon [Mr. STEIWER] went into the matter very carefully.

Mr. STEIWER. Mr. President, I think possibly I can answer the Senator's question. The claim was made up of several items, the aggregate amount of which is covered in the original bill. Some of those items were in dispute, and some were not. The items that were conceded by the War Department and evidently were sustained by every consideration, the committee believed, should be accepted.

Mr. ROBINSON of Arkansas. May I ask the Senator why the War Department did not pay the part of the claim that it admitted to be due?

Mr. STEIWER. They desired to pay it, but felt that they were not authorized to do so under the law. They recommended that it should be paid.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. STEIWER. The Budget Director, too, has given his sanction to that part of the bill. The rest of the claim is in dispute. The committee, therefore, preferred that it be referred to the Court of Claims.

Mr. ROBINSON of Arkansas. The committee included in the authorization for appropriation no part of the claim that was objected to by the War Department?

Mr. STEIWER. No; none at all.

Mr. ROBINSON of Arkansas. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick D. Swank, his heirs or assigns, the sum of $22,000 for extra services and materials furnished by him in removing oil residue from the wreck of the oil tanker *Alden Anderson*, and the sum of $250 for services and materials furnished in maintaining lights upon the wreck during the period of his contract with the United States for the removal of such wreck. The acceptance of such sums shall be in full satisfaction of all claims against the United States with respect to such removal of oil residue and maintenance of lights.

SEC. 2. Jurisdiction is hereby conferred upon the District Court of the United States for the Northern District of California, to hear, determine, and render judgment upon the claim of said Frederick D. Swank against the United States for the reasonable value of all services and materials (other than the services and materials specified in section 1 of this act) furnished by him in connection with the removal of the wreck of the oil tanker *Alden Anderson;* except that there shall be deducted from any such judgment all sums paid prior to the approval of this act to said Frederick D. Swank with respect to such removal. Such claim shall be instituted within six years after the right accrued for which the claim is made. Appeals from any judgment rendered upon such claim shall be had as in the case of claims over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended.

Mr. JONES. Mr. President, in justice to the chairman of the committee, the Senator from Nebraska [Mr. HOWELL], I feel that I should say before the bill is passed that the Senator from Nebraska has insisted upon the whole amount being referred to the Court of Claims, but with the specific limitation, as I understood him, that the adjudication should be confined to the express terms of the contract. I am frank to say that if that should be done none of the equities and none of the real matters in controversy would have any consideration. The committee, aside from the chairman, was unanimously in favor of the measure as reported by the Senator from Oregon [Mr. STEIWER].

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES. Yes.

Mr. KING. Does the Senator mean, then, that this matter will go to the Court of Claims, and the Court of Claims can make a new contract between the United States and this man?

Mr. JONES. Not exactly a contract; but much of this work really was done outside the terms of the contract. As a matter of fact, I understand that if the contract had been strictly adhered to the cost to the Government would have been possibly several hundred thousand dollars more than the contractor now claims. The situation, however, was such that the contractor felt that the interests of the Government really required that the work should proceed, even though not strictly under the terms of the contract; but he is perfectly willing that the matter shall be referred to the Court of Claims and that his contention shall be passed upon by that body. It seems to me that his attitude has been extremely fair to the Government and that the action of the committee is fair to the Government and reasonably fair to the contractor, so I hope the bill may pass.

Mr. KING. Mr. President, I move to strike out, in line 20, on page 2, of the amendment, the words "six years." Before doing so, may I inquire when it is claimed that the right of action accrued? Why would it not be better to provide that suit should be brought within a certain time after the passage of this act?

Mr. ROBINSON of Arkansas. Within one year.

Mr. KING. Within one year or six months.

Mr. JONES. I have no objection to an amendment of that kind.

Mr. KING. I move to strike out the words "such claim shall be instituted within six years after the right accrued for which the claim is made" and in lieu thereof to insert the words "action shall be instituted within one year after the passage of this act."

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. ROBINSON of Arkansas. Mr. President, I wonder if that joint resolution can not be taken up and disposed of now. Is the Senator who objected willing to withdraw the objection?

Mr. COUZENS. I think it ought to go over to the next Congress. That is my judgment as a result of reading the joint resolution.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. TYSON. Let that go over.

Mr. ROBINSON of Arkansas. Mr. President, I call the attention of the Senator from Pennsylvania [Mr. REED] to this bill. I do not believe it would be advisable to take up a bill of this importance under this order of business.

Mr. REED of Pennsylvania. I think not. I understood some Senator to ask that it go over.

Mr. ROBINSON of Arkansas. I did not know that.

The VICE PRESIDENT. The bill will be passed over.

STREETS AND ALLEYS WITHIN GROUNDS OF WALTER REED HOSPITAL

The bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. BRUCE. Mr. President, I hope the Senator will not object to the consideration of the bill. It was reported favorably to the Senate during the Sixty-ninth Congress, and passed by the Senate, and went over to the House. That was after the very fullest deliberation was had in committee with reference to the bill, and after the bill had been agreed upon in conferences between the District Commissioners, members of the Senate and House District Committees, and the authorities in charge of the Walter Reed Hospital.

Mr. REED of Pennsylvania. Mr. President, I have tried to make a careful study of the measure. I have taken up the matter with the War Department and with the authorities of the Walter Reed Hospital, and if that street should be extended as the bill provides I am convinced that it will work a very serious injury to the Walter Reed Hospital and that that injury would be irreparable.

You can not put a busy street through the middle of the hospital reservation without serious injury to convalescent patients who are using the grounds, and who, on many days, would be unable to get from one part of the grounds to the other because of the traffic. I am sure it would be a mistake, and I am objecting now because I shall want to be heard at length upon the bill before it passes. I shall not try to prevent the Senator from getting up his bill for consideration by making it the unfinished business at some time when we can put a couple of hours on it.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment? Apparently the Senator did not hear me make the statement that the Walter Reed Hospital had agreed to the passage of this bill and it is so stated in the report of the committee to the Senate. If that is true, I can not see why the Senator should entertain so much tenderness for the Walter Reed Hospital when the Walter Reed Hospital does not entertain any great tenderness for itself.

Mr. REED of Pennsylvania. I am glad to answer that question. I have in my desk a letter from the Acting Secretary of War, dated November 28 of this year, calling attention to the statement in the report of the committee which says that the bill has been agreed to by those in charge of Walter Reed Hospital. The letter goes on to say:

> The above-quoted statements were true as to S. 2477, Sixty-ninth Congress, * * * and are quoted from the report on that bill. * * * However, the War Department no longer favors such legislation, as further study of the conditions at Walter Reed indicate that it is undesirable for the following reasons:

Does the Senator wish me to give the reasons now?

Mr. BRUCE. No. I was not aware of the existence of any such communication. Of course, that gives the matter a different aspect, so I will not ask for the consideration of the bill at this time.

Mr. REED of Pennsylvania. I ask unanimous consent to put the letter in its entirety in the RECORD at this point.

The VICE PRESIDENT. Without objection, that order will be made.

The letter is as follows:

WAR DEPARTMENT,
Washington, D. C., November 28, 1928.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: It is noted that on May 12, 1928, the Committee on the District of Columbia, United States Senate, made a favorable report on S. 3440, "A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street."

The report as made contains the following statements with respect to the attitude of the War Department:

"The bill hereby reported has been agreed upon in conferences between the District Commissioners, the members of the Senate and House District Committees, and those in charge of Walter Reed Hospital. It permits traffic through the hospital reservation on Fourteenth Street extended except as to street cars and solid-tire trucks, which are prohibited. The grade of the street through the hospital reservation shall be subject to the approval of the Secretary of War, and regulation and control of traffic within the limits of the reservation is to be under the supervision of the hospital authorities."

The above-quoted statements were true as to S. 2477, Sixty-ninth Congress, a similar bill which was passed by the Senate April 29, 1926, and are quoted from the report on that bill as being applicable to S. 3440. However, the War Department no longer favors such legislation, as further study of the conditions at Walter Reed indicates that it is undesirable for the following reasons:

If a hospital is to best serve its purposes it should be located in as quiet a zone as it is possible to secure.

Every precaution should be taken to remove all danger to the sick and disabled, and unrestricted traffic would be a menace to the patients going from ward to ward as is necessary in reaching the various clinics involved in their examination and treatment.

The present grounds are being developed into a park for the convalescents, and putting through a street will seriously interfere with such development and curtail the amount of ground available for that purpose.

Increased traffic through the grounds is undesirable as it constitutes a danger to the patients, increases the noise and dirt, and renders traffic control difficult.

In the opinion of the War Department the extension is not required in order to furnish transportation facilities for people living north of Walter Reed, as Sixteenth Street and Georgia Avenue will accommodate such traffic.

The chief interests behind this movement are believed to be the result of real-estate exploitation, and this reservation should not be sacrificed to such interests.

The building program already started will be seriously interfered with if Fourteenth Street is to be opened, as important and substantial buildings are scheduled for locations which would not then be available. One of these—"the nurses' quarters"—has already been authorized and money appropriated for its construction.

In view of the facts as presented above, it is requested that your committee take such action as may be possible to prevent the passage of S. 3440.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

Mr. NORRIS. Mr. President, the Senator has read part of the letter. I wish he would read the rest of it.

Mr. BRUCE. I hope the Senator will allow me to call his attention to the fact that, of course, this bill prohibits the use

of solid-tire vehicles on the thoroughfare that is to pass through the hospital grounds, and also provides, of course, that the War Department shall have the power to fix the grades of the thoroughfare where it passes through those grounds.

Mr. REED of Pennsylvania. Mr. President, it will not take long to give the War Department's reasons, and I know that a number of Senators are interested in the matter. They state that the bill is opposed for the following reasons:

If a hospital is to best serve its purposes, it should be located in as quiet a zone as it is possible to secure.

Every precaution should be taken to remove all danger to the sick and disabled, and unrestricted traffic would be a menace to the patients going from ward to ward, as is necessary in reaching the various clinics involved in their examination and treatment.

The present grounds are being developed into a park for the convalescents, and putting through a street will seriously interfere with such development and curtail the amount of ground available for that purpose.

Increased traffic through the grounds is undesirable, as it constitutes a danger to the patients, increases the noise and dirt, and renders traffic control difficult.

In the opinion of the War Department, the extension is not required in order to furnish transportation facilities for people living north of Walter Reed, as Sixteenth Street and Georgia Avenue will accommodate such traffic.

The chief interests behind this movement are believed to be the result of real-estate exploitation and this reservation should not be sacrificed to such interests.

The building program already started will be seriously interfered with if Fourteenth Street is to be opened, as important and substantial buildings are scheduled for locations which would not then be available. One of these—"the nurses' quarters"—has already been authorized and money appropriated for its construction.

I might add that the foundation excavation for the nurses' quarters has been made. It lies right across the line on which it is proposed to extend this street, and I believe that some little work has been done on the foundation already.

The extension of that street would result in tremendous injury to the hospital. I feel that very deeply, and I would like to be heard at length before the bill passes.

Mr. BRUCE. Now, Mr. President, in view of the fact that the Senator has stated in detail his objections to the bill, I wish to say that under the provisions of the bill street cars and solid-tired trucks would not be permitted to pass through the hospital reservation. Moreover, what is contemplated is a subway under the reservation. The grade of the street would be subject to the approval of the Secretary of War, and the regulation and control of traffic within the limits of the reservation would be under the supervision of the hospital authorities. So it seems to me it is perfectly manifest that every possible safeguard, as far as the hospital is concerned, would be thrown around the street extension that could be thrown around it.

I move that the bill be taken up for consideration.

Mr. REED of Pennsylvania. A point of order, Mr. President. Is that motion in order before 1 o'clock?

The VICE PRESIDENT. The motion is in order at the present time.

Mr. JOHNSON. Mr. President, may I ask the effect of taking up this particular bill?

The VICE PRESIDENT. It would not affect the unfinished business.

Mr. REED of Pennsylvania. I ask for the yeas and nays on the motion of the Senator from Maryland.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

Mr. BRUCE. I desire to announce that the senior Senator from New York [Mr. COPELAND] is detained at his home by illness in his family.

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from Louisiana [Mr. BROUSSARD], the senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from North Carolina [Mr. OVERMAN], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are necessarily absent on official business.

The result was announced—yeas 19, nays 56, as follows:

YEAS—19

Ashurst	Dill	Hayden	Swanson
Bayard	Fletcher	Heflin	Tydings
Black	Glass	King	Tyson
Blease	Harrison	Locher	Walsh, Mass.
Bruce	Hawes	Ransdell	

NAYS—56

Barkley	Gillett	Metcalf	Shipstead
Bingham	Glenn	Moses	Smoot
Blaine	Goff	Neely	Steck
Borah	Gould	Norris	Steiwer
Bratton	Greene	Nye	Stephens
Brookhart	Hale	Oddie	Thomas, Idaho
Capper	Harris	Phipps	Thomas, Okla.
Caraway	Johnson	Pine	Trammell
Couzens	Jones	Reed, Pa.	Vandenberg
Curtis	Kendrick	Robinson, Ark.	Walsh, Mont.
Deneen	Keyes	Robinson, Ind.	Warren
Fess	McKellar	Sackett	Waterman
Frazier	McMaster	Schall	Watson
George	McNary	Sheppard	Wheeler

NOT VOTING—20

Broussard	Edwards	McLean	Reed, Mo.
Copeland	Gerry	Mayfield	Shortridge
Dale	Howell	Norbeck	Simmons
du Pont	La Follette	Overman	Smith
Edge	Larrazolo	Pittman	Wagner

So Mr. BRUCE's motion was rejected.

Mr. SACKETT. Mr. President, the bill in regard to which a vote has just been taken has been only before the Committee on the District of Columbia, which has taken up the question of the streets, and I think it should be committed to the Committee on Military Affairs, as it is a matter in which the War Department is vitally interested. I so move.

Mr. BRUCE. Mr. President, I did not hear all of the Senator's remarks. What is the motion?

The PRESIDENT pro tempore. The motion is to commit the bill to the Committee on Military Affairs.

Mr. BRUCE. I have no objection.

The motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The resolution (S. Res. 113) favoring the restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal land and intermediate credit bank of Columbia, S. C., was announced as next in order.

Mr. BLEASE. I am ready to take up the resolution now, but I have no objection to its going over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion waters of the North Platte River and construction of Casper-Alcova reclamation project was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5527) to prevent deception or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, the bill really ought to be discussed at some length before it is passed, and therefore I will have to ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE PULLMAN SURCHARGE

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. ROBINSON of Arkansas. Mr. President, this is a bill eliminating the Pullman surcharge. It provides that after the passage of the act it shall be unlawful to collect what is known as the Pullman surcharge. Senators will remember that an identical bill has three times passed the Senate, but has failed in the body at the other end of the Capitol.

Mr. SMOOT. Mr. President, I would like to have the bill go over for the present.

Mr. ROBINSON of Arkansas. The Senator states he desires that the bill shall go over for the present. I have no objection, although I am ready to take it up.

Mr. SMOOT. I will ask the Senator to let it go over for a day or two.

Mr. ROBINSON of Arkansas. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

COTTON FUTURES CONTRACTS

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. JONES. Mr. President, may I inquire if this is a unanimous report from the Committee on Agriculture and Forestry?

Mr. RANSDELL. I think it is.

Mr. ROBINSON of Arkansas. The Senator from South Carolina [Mr. SMITH], who reported the bill, appears to be absent this morning.

Mr. McNARY. I think, in view of the statement of the Senator from Arkansas, I shall ask that the bill go over.

Mr. ROBINSON of Arkansas. I believe it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

STATISTICS OF TOBACCO

The bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture was announced as next in order.

Mr. SWANSON. Over.

Mr. BARKLEY. Mr. President, I would like to ask the Senator from Virginia if he does not think the bill should be considered at this time? It passed the House unanimously and there is a unanimous report from the committee.

Mr. SWANSON. My information is that the tobacco associations in my State are opposed to it. I have been unable to learn of any demand from a single individual in my State for the passage of any such measure.

Mr. KING. Mr. President, I want to look into the bill myself, and therefore ask that it may go over.

Mr. BARKLEY. May I ask the Senator from Virginia——

The PRESIDENT pro tempore. Does the Senator from Virginia withhold his objection?

Mr. SWANSON. I do not.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

STANDARDIZATION OF COTTON BALES

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Louisiana if the terms of the bill could be carried out successfully? Suppose cotton was baled in Louisiana and shipped to Boston, Mass.; would the cotton increase in weight by virtue of a change from a warm, dry climate to a cold, wet climate?

Mr. RANSDELL. Will the Senator make his point a little clearer to me? I am not sure that I understand it.

Mr. SMOOT. If I bought a bag of wool and the contents weighed 250 pounds and it was shipped from a real dry, warm climate to Boston, where there is a wet, cold climate, and if the wool should lie untouched for a couple of weeks, or even a week, the wool content would increase in weight and not decrease. Is that the case with cotton?

Mr. RANSDELL. No; I do not think it is; but I will state that that is not the idea or purpose of the bill. The purpose of the bill is to require cotton to be sold by the true net weight of the lint rather than by the gross weight, as it is now sold.

Mr. SMOOT. Yes; the bill states that. I would not want to enact a law which we know beforehand could not be enforced. The true net weight of a bale of cotton in Louisiana on the 1st day of July would be one thing, but in Boston it might be another thing. We do not want to enact a law requiring 500 pounds of actual net weight in a bale of cotton when it is shipped from a warm, dry climate, because by virtue of a change in climatic conditions there would probably be an increase in weight, if I am correctly informed. I called attention to the fact that wool will increase when shipped from a dry climate to a wet climate by reason of absorption from the atmosphere. What I asked the Senator was whether that is the case with cotton. I am not so familiar with cotton as I am with wool. If it is the case with cotton, I hardly see just how we could pass the bill without bringing trouble to those interested.

Mr. RANSDELL. I do not understand that is the case with cotton, but I will say to the Senator that even if it were the case it would not militate against the passage of the bill. The bill is to correct an archaic custom that has been in existence for many, many years, under which the cotton is sold by the gross weight of the bale, and there are usually about 25 to 26 pounds of bagging and steel ties which have no value at all. We simply want to do away with that practice. We want to sell the net cotton or fleece that can be marketed. As it is now it really puts a premium on and almost requires people to use this bagging. We want to do away with that practice and let a man cover his cotton with anything he desires. Answering directly the Senator's question, I do not think there is any such trouble as that.

Mr. SMOOT. I am in full sympathy with what the Senator states. There is no difference between us. The only question in my mind is whether cotton, when shipped from a moist section of the country to a drier atmosphere, would weigh less in the drier atmosphere than in the more moist atmosphere.

Mr. RANSDELL. I do not think so. Cotton is so tightly pressed that after it once goes into the bale it can not asborb any moisture.

Mr. ROBINSON of Arkansas. Mr. President, I would like some explanation in justification of the bill. It seems to me the bill would impose a hardship on the producer of cotton. At present the price per pound comprehends not only the net pounds of lint actually embraced within the bale but also the weight of the wrapping, including the bagging and the ties. The Senator proposes to make it a criminal practice to use any other than the standardized form for the purpose of eliminating the weight of the bagging and ties. I must object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. KING. Mr. President, I should like to ask whether or not there is a report on this bill?

Mr. BRUCE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. JONES. Let that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

Mr. METCALF. Let that joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, I should like to have some explanation of the manner in which this bill proposes to amend section 227 of the Judicial Code.

Mr. McNARY. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

STANDARDIZATION OF COTTON BALES

Mr. RANSDELL. Mr. President, I understand that the Senator from Arkansas [Mr. ROBINSON] is willing to withdraw his objection to Senate bill 872, which was before the Senate a few moments ago.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. HEFLIN. Mr. President, I want an opportunity to look into the bill. I am not satisfied to proceed with its consideration to-day.

Mr. ROBINSON of Arkansas. Let me state to the Senator from Alabama that I am willing to withdraw my objection to the consideration of the bill. I am, however, in the same attitude of mind that he seems to be. I want to know something about the bill before it shall be passed.

Mr. HEFLIN. I ask that the bill go over until we can look into it.

The PRESIDENT pro tempore. The bill will be passed over.

ALTERATIONS AND REPAIRS TO NAVAL VESSELS

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. KING. Let that bill go over.

Mr. HALE. Mr. President, if the junior Senator from Utah will permit me, I desire to state that this is not the so-called cruiser bill, but is merely a bill to modernize two battleships. It is in line with what has been done in the naval program for the last three or four years. It is desirable to have this authorization out of the way so that appropriations may be made when the naval appropriation bill comes up later on in the session.

Mr. KING. Mr. President, I think it might be a good idea to consider the two bills together. That may be done, of course, by unanimous consent.

Mr. HALE. There is no connection of any kind between this measure and the bill for an addition to the Navy. This is simply a bill to authorize the altering and repairing of two of our older battleships, and is in line with what we have been doing for the last few years.

Mr. KING. I know; but we wish to discuss the naval policy of the United States, and a discussion of the naval policy and the enormous appropriations which are made for the Army and for the Navy for ordinary expenses, and for what might be denominated extraordinary expenses, may take place in the consideration of both bills.

Mr. HALE. I take it the Senator from Utah does not mean to give up the Navy altogether?

Mr. KING. There is no such suggestion, but, as the Senator from Maine knows, I have been very much opposed to the reactionary policy of some persons who are connected with the Navy when they insisted upon building 18 capital ships at a cost of more than a billion dollars, instead of building some airplanes, airplane carriers, and submarines. I think that some of the policies of the Navy Department are not consistent with an up-to-date, modern, scientific Navy.

Mr. HALE. Mr. President, we have 18 battleships in our Navy, and we have already modernized 8 of them, providing deck protection and blisters and a few other changes in connection with them. I hope the Senator from Utah will allow this bill to go through. I repeat it is merely carrying out the policy which we have already inaugurated.

Mr. KING. I shall be very glad to join with the Senator in taking this bill up when we can have a little discussion of it, as some criticism has been made in regard to this measure.

Mr. HALE. The Senator has a right to object.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. HALE and Mr. KING asked that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

HOWARD P. MILLIGAN

The bill (H. R. 13440) for the relief of Howard P. Milligan was announced as next in order.

Mr. REED of Pennsylvania. I think that is the same as the bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of infantry in the Regular Army, and I ask that the bill go over.

Mr. FLETCHER. Should the bill not be referred to the Committee on Military Affairs?

Mr. REED of Pennsylvania. I do not understand why the bill was placed on the calendar instead of being referred to that committee.

The PRESIDENT pro tempore. The bill came over to the Senate the last day of the last session and some Senator objected to it.

Mr. REED of Pennsylvania. Then I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

S. L. ROBERTS

The bill (S. 3741) for the relief of S. L. Roberts was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$2,469.99" and insert "$1,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to S. L. Roberts, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, as full compensation for services rendered in 1919 to the Alien Property Custodian by the firm of Crandall & Roberts in auditing the books of the Columbia & Northern Fishing & Packing Co.

Mr. KING. Mr. President, I desire to ask the Senator from Oregon, who reported this bill, whether the appropriations which have been made for the Alien Property Custodian are not sufficient to meet this expenditure?

Mr. STEIWER. Mr. President, the difficulty respecting this little claim was that the Alien Property Custodian turned over the corpus of the trust; that is, the property held, and he has no funds from which to pay the item. It is not disputed, and the Alien Property Custodian himself recommends the payment. He would make the payment out of his funds if that were possible and it could be so made. I hope there will be no objection.

Mr. KING. May I ask the Senator whether or not the service rendered merited such a large appropriation?

Mr. STEIWER. Oh, yes; and there was an agreement made for the payment of $1,500. The services were rendered in accordance with that agreement, and in addition to that further services were rendered. The bill, therefore, was drawn for something more than $1,500; but some dispute grew out of the matter, and the Alien Property Custodian recommended merely that we pay in accordance with the original agreement. The bill, therefore, has been amended to that effect and is in the sum of $1,500 instead of the original amount.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF FIRST-CLASS POSTMASTERS

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDENT pro tempore. May the Chair say to the Senator from Utah that this is a House bill which came over while a Senate bill of similar purport was then pending? By agreement the two bills were consolidated and the amendments agreed to; but at a later stage of the proceedings objection was made and the bill, therefore, went to the calendar. The Senate, however, had already agreed as to the subject matter of the bill.

Mr. KING. Well, objection is made now.

The PRESIDENT pro tempore. The objection is now insisted upon, and the bill goes over.

Mr. JONES. Mr. President, according to the statement on the calendar, this bill has never been before a Senate committee.

The PRESIDENT pro tempore. A similar Senate bill, the given number of which the Chair does not now recall, was introduced, as he remembers, by the Senator from New Jersey. That bill was heard and acted upon in the committee. Then the House bill came over when the Senate bill was on the

calendar. The record, in the opinion of the Chair, in the last column of the calendar should be substantially the same as for Calendar No. 1366, where a substitution was made upon motion of the Senator from California.

Mr. JONES. The calendar certainly should be corrected so as to show the state of affairs as disclosed by the chairman of the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. The bill will be passed over.

BOULDER DAM

The bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. That is the unfinished business, and will be passed over.

TRAVEL PAY AND ALLOWANCES TO CERTAIN SOLDIERS

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. KING. Mr. President, I understand there is some objection to that bill and that it will lead to some discussion. So I suggest that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

DISPOSAL OF LIGHTHOUSE RESERVATIONS

The bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer to the Colonial Dames of America in Virginia the following-described portion of the Dutch Gap Lighthouse Reservation, Va.: Beginning at a stone marked "A" on blue print No. 5624, on file in the office of the Superintendent of Lighthouses, Baltimore, Md., which is designated as the point of beginning in deed dated November 12, 1889, from the city of Richmond to the United States and recorded among the land records of Henrico County, Va., in deed book No. 128–A, page 301, etc., running thence south 40° west 122.98 feet to B, thence south 50° east 228 feet to C, thence north 40° east 160 feet to D, thence north 50° west 60 feet to E, thence north 40° east 162.98 feet to F, thence north 50° west 118 feet to G, thence south 80° west 78 feet to H, thence south 40° west 140 feet to A, the point of beginning, containing 1.43 acres, which includes all of the land conveyed from the city of Richmond to the United States by aforementioned deed, and all of first parcel described in deed of May 30, 1873, from city of Richmond, Va., to the United States recorded in deed book No. 92, page 72, etc., except plots D, E, F, J, which is retained by the Lighthouse Service. The property shall be used and maintained by the Colonial Dames of America in Virginia for historical purposes only. If at any time for a period of one year it should not be so used and maintained, it shall revert to the United States without notice, demand, or other suit or proceeding. The United States reserves the right to locate and maintain upon the property so transferred any aids to navigation and in any locations thereon the Secretary of Commerce may deem necessary and to enter and leave the property by the most convenient routes for this purpose.

SEC. 2. The Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Ann Arbor Railroad Co., having its principal place of business at Toledo, Ohio, a tract of land lying south of the harbor entrance connecting Lake Michigan and Lake Aux Bocs Sucs, at Frankfort, Mich., deeded to the United States by warranty deed on August 1, 1908, from Charles T. Parker administrator de bonis non com testamento annexo of Henry Day, deceased, said deed being recorded February 23, 1909, in the register's office of Benzie County, Mich., in liber 39 of deeds, pages 57 and 58, described therein by metes and bounds, as follows:

"Begininng at a point on the fence situated on the west side of the buildings of the life-saving station 70 feet measured on said fence from the southerly boundary of the life-saving station reservation; running westerly 150 feet parallel with the south boundary of the reservation; thence true north 150 feet, more or less, to the face of the revetment; thence easterly along the face of the revetment to its intersection with the fence aforesaid; thence in a southerly direction along the line of said fence 150 feet, more or less, to the place of beginning, being an area of land approximately 150 feet square, which land is situated in the southeast quarter northeast quarter section 28, township 26 north, range 16 west, Benzie County, Mich.; excepting perpetual easements for life-saving purposes granted to the United States of America in certain conveyances bearing dates, respectively, November 4, 1883, and June 3, 1889."

The said tract of land to be given in exchange for and dependent upon the Ann Arbor Railroad Co. conveying to the United States the fee-simple title, as evidenced by a warranty deed and abstracts acceptable to the Attorney General of the United States, to the following tract of land lying northerly of the said harbor entrance and described by metes and bounds, as follows:

"Starting at the common corner between sections 21, 22, 27, and 28, township 26 north, range 16 west, State of Michigan, running due west along the section line a distance of 690 feet; thence running due south a distance of 1,160.38 feet, to a stake, thence north 86° 36′ west, a distance of 291 feet to the place of beginning.

"Thence running south 3° 24′ west, a distance of 80 feet to a stake; thence north 86° 36′ west, for a distance of 281 feet to a stake; thence north 3° 24′ east, for a distance of 80 feet to a stake; thence south 86° 36′ east, for a distance of 281 feet to the place of beginning of the land hereby conveyed, containing one-half acre, more or less."

SEC. 3. The Secretary of Commerce is hereby authorized to transfer to the control of the Secretary of the Navy the parcels of land hereinafter described and forming portions of the Parris Island Lighthouse Reservation, S. C.:

Parcel No. 1. The tract of land, together with all buildings and appurtenances, which was formerly the site of the Parris Island Range Front Light, described as follows in a deed of July 26, 1878, from James C. Snyder to the United States, recorded June 12, 1879, in book No. 11, page 511, of Beaufort County register's office:

"All that piece or parcel of land being a part of a tract of land formerly known as the 'Means Plantation' and numbered according to a map of a survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., as lot 23, section 20, township 2 south of Beaufort base line and 1 west of the St. Helena meridian in the county of Beaufort and State of South Carolina, to wit:

"'Commencing at a point on the shore of a creek known as "Means Creek" north 28° 41′ west, 206 feet from the southeast corner of lot 23 of the aforesaid map and running thence north 77° 30′ west, 558 feet; thence north 72° 15′ east, 710 feet to Means Creek; thence southerly along the shores of Means Creek to the place of beginning, the whole containing 2¼ acres, more or less, and including the water privileges of the front on Means Creek, and * * * a right of way of sufficient width for the construction of an earthen causeway and for the procuring of the material to construct and keep in repair the same across the land lying between the aforesaid piece or parcel of land and an earthen causeway across the marsh to the southerly end of Parris Island.'"

Parcel No. 2. The tract of land, on which the Parris Island Range Rear Beacon is now located, described as follows in a deed of February 28, 1879, from Silas E. Taylor to the United States, recorded November 14, 1879, in book No. 11, page 576, of Beaufort County register's office:

"All that piece and parcel of land situated, lying, and being on Parris (or Parry) Island in the county of Beaufort and State of South Carolina, to wit:

"'All of the NE. ¼ NE. ¼ SE. ¼ section 18, township 2 south, range 1 west, of Beaufort principal meridian, according to a plat of the United States survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., and numbered according to the said plat, lot 33, of the aforesaid section, containing 10 acres, more or less.'"

The Parris Island Range Rear Beacon shall be allowed to remain in its present position until removed or relocated by or with the permission of the Department of Commerce Lighthouse Service. The Department of Commerce Lighthouse Service shall also retain the right of ingress and egress by the most convenient route across the above-described parcel No. 2, for maintenance, relocation, or removal of the said rear beacon of this range.

SEC. 4. The Secretary of the Treasury is hereby authorized and directed to transfer to the Department of Commerce for lighthouse purposes an additional strip of land 6 feet in width, extending in a southerly direction from Jefferson Avenue a distance of 150 feet, parallel and contiguous to the easterly line of the portion of the old Marine Hospital Reservation, Detroit, Mich., which was transferred to the Department of Commerce by authority of the act of Congress approved May 18, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF WINNEBAGO INDIANS

The bill (H. R. 7346) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1855 (10 Stat. 1172), and the act of February 21, 1863 (12 Stat. 658), or arising under or growing out of any subsequent act of Congress, Executive order, or treaty which said Winnebago Tribe of Indians, or any band thereof, may have against the United States, which claims have not heretofore been determined and adjudicated on

their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within three years from the date of the approval of this act, and such suit shall make the Winnebago Indians, or any band thereof, party plaintiff and the United States party defendant. The petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Winnebago Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Winnebago Indians as hereinafter provided. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Winnebago Indians to such treaties, papers, correspondence, and records as they may require in the prosecution of any suit instituted under this act.

SEC. 3. In said suit or suits, the court shall hear, examine, and adjudicate any claims which the United States may have against said Winnebago Indians, and any payment, including gratuities, which the United States may have made to said Indians prior to the date of adjudication, shall not operate as an estoppel but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, the damages therefor shall be confined to the value of the money or other property at the time of such appropriation or the disposal thereof; and with reference to all claims which may be the subject matter of the suit herein authorized, the decree of the courts shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Winnebago Indians in and to such money or other property.

SEC. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend in the interest of the United States in such case.

SEC. 7. Upon final determination of such suit the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in any event not more than $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribe or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 8. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the said Indians and shall draw interest at the rate of 4 per cent per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians. The costs incurred in any suit hereunder shall be fixed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual cost necessary to be incurred by the Winnebago Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Winnebago Tribe in the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASEMENTS ON NEZ PERCE INDIAN RESERVATION, IDAHO

The bill (H. R. 11983) to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue perpetual easement to the department of fish and game, State of Idaho, to the following-described lands, all situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho:

Commencing at a point on the east and west center line of section 14, township 35 north, range 4 west, Boise meridian, 885 feet west of the east quarter corner of said section 14, which point of beginning is also on the easterly right-of-way line of the Camas Prairie Railroad; thence north 3° 10′ west along said right-of-way line a distance of 1,646 feet; thence east a distance of 1,158.5 feet to a point on the westerly right-of-way line of the county road; thence south 3° 27′ west along said county road right-of-way line a distance of 1,648 feet to a point on the east and west center line of section 13, township 35 north, range 4 west, Boise meridian, which point is 83.6 feet east of the west quarter corner of said section 13; thence north 89° 58′ west along the east and west center lines of said sections 13 and 14, a distance of 968.6 feet to the point of beginning. Lying partly in the northwest quarter section 13 and partly in the northeast quarter section 14. All in township 35 north, range 4 west, Boise meridian, containing 40.22 acres, more or less.

Said lands to be used by the department of fish and game, State of Idaho, for the propagation of fish and game: *Provided*, That should the land herein granted cease to be used by the department of fish and game, State of Idaho, for the propagation of fish and game, the easement shall cease, the grantees be permitted to remove structures and equipment that they may have added, and the land described revert to the grantors herein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUSSELL WHITE BEAR

The bill (H. R. 13606) for the relief of Russell White Bear was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Russell White Bear, Crow allottee No. 822, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L., p. 751), and designated as homestead.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HUNTS ALONG

The bill (H. R. 12312) for the relief of James Hunts Along was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place to the credit of James Hunts Along the sum of $2,000, out of any money in the Treasury not otherwise appropriated, to be expended for his use and benefit under the supervision of the Secretary of the Interior to cover in full reimbursement and compensation for injuries incurred and resulting from his being attacked and severely beaten by Indians while engaged in the performance of his official duties as Indian policeman on the Fort Berthold Indian Reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE PULLMAN SURCHARGE

Mr. ROBINSON of Arkansas. Mr. President, some time ago when Calendar No. 1287 amending section 1 of the interstate commerce act, being a bill to prevent the collection of the Pullman surcharge, was called the Senator from Utah [Mr. SMOOT], whom I do not now see in the Chamber, stated that he desired that the measure go over for the present. I did not understand whether his request was that the bill should go over for the day or merely for a few moments.

Mr. KING. Mr. President, I understood that the bill was to go over for the day. I know that some representations have been made from the West, and I would feel constrained to object if my colleague did not, in view of the information which I have received. So I ask that the bill go over.

Mr. ROBINSON of Arkansas. The senior Senator from Utah is not present, and I shall not insist on taking it up.

The PRESIDENT pro tempore. The bill will be passed over.

NOMINATION OF JOHN W. POLE

Mr. GLASS. Mr. President, I note from the RECORD of Saturday that the nomination of John W. Pole to be Comptroller of the Currency was confirmed. I wish to call attention to the fact that the reference of this nomination was totally wrong. It should have been referred to the Banking and Currency Committee, and I give notice, as in open executive session, of my intention to move a reconsideration of the vote whereby the nomination was confirmed so that a proper reference of the nomination may be made. I do that in the absence of the chairman of the Committee on Banking and Currency, who felt very much irritated at a similar occurrence during the last session of Congress, and I am sure if he were here he would want this nomination to take the course required by the rules of the Senate.

The PRESIDENT pro tempore. The Chair understands the Senator from Virginia to ask unanimous consent that the Senate

resolve itself into open executive session for the purpose of presenting the notice which he has given?

Mr. GLASS. Yes; if that is the proper proceeding.

The PRESIDENT pro tempore. Without objection, that course will be followed.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment proposed by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

Mr. KING. Mr. President, I offer a number of amendments to the pending bill, which I ask to have printed and lie upon the table.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, in the absence of my colleague [Mr. ASHURST], who gave notice that he would desire to conclude his remarks to-day, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Simmons
Barkley	George	Metcalf	Smith
Bayard	Glass	Moses	Smoot
Bingham	Glenn	Neely	Steiwer
Black	Goff	Norris	Stephens
Blaine	Gould	Nye	Swanson
Blease	Greene	Oddie	Thomas, Idaho
Borah	Hale	Overman	Thomas, Okla.
Bratton	Harris	Phipps	Trammell
Brookhart	Harrison	Pine	Tydings
Broussard	Hayden	Pittman	Tyson
Bruce	Heflin	Ransdell	Vandenberg
Capper	Johnson	Reed, Pa.	Wagner
Caraway	Jones	Robinson, Ark.	Walsh, Mass.
Couzens	Kendrick	Robinson, Ind.	Walsh, Mont.
Curtis	Keyes	Sackett	Warren
Deneen	King	Schall	Waterman
Dill	Locher	Sheppard	Watson
Fess	McKellar	Shipstead	
Fletcher	McMaster	Shortridge	

Mr. WAGNER. I desire to announce the necessary absence of my colleague [Mr. COPELAND] on account of illness in his family.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS

Mr. ASHURST. Mr. President, discussing the title of the States in and to the beds, banks, and waters of navigable streams, the several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate commerce clause of the Constitution (Art. I, sec. 8, par. 3) and to the rights of the Federal Government as owner of the riparian lands (Art. IV, sec. 3, par. 2), which rights will hereafer be discussed.

In the case of Martin *v.* Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The same doctrine was laid down by the court in the case of Pollard *v.* Hagan (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively; second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; third, the right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of Barney *v.* Keokuk (94 U. S. 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

> These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S. 1).

In United States *v.* Holt State Bank (70 Law Ed. 213) the Supreme Court stated:

> The United States early adopted and constantly has adhered to the policy of regarding lands under navigable waters in acquired territory, while under its sole dominion, as held for the ultimate benefit of future States, and so has refrained from making any disposal thereof, save in exceptional instances when impelled to particular disposals by some international duty or public exigency. It follows from this that disposals by the United States during the Territorial period are not lightly to be inferred and should not be regarded as intended, unless the intention was definitely declared or otherwise made very plain.

There is nothing in the enabling act, which granted statehood to Arizona, or in any legislation which was passed during the time that Arizona was a Territory which disposed of any of the rights of the State of Arizona in the bed and banks and the use of the waters of the Colorado River at Boulder or Black Canyons.

CONGRESS GAVE ITS CONSENT TO THE STATES IN THE COLORADO RIVER BASIN TO DEPLETE THE FLOW OF THE RIVER AND RENDER IT NONNAVIGABLE IN THE UNITED STATES

The Congress of the United States first recognized the necessity for local customs to govern the use and appropriation of water in the semiarid Western States when it adopted section 9 of the act of July 26, 1866 (14 Stat. 266; sec. 2339, Rev. Stats.). This section reads:

> That whenever, by priority of possession, right to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed.

Congress later adopted another provision (16 Stat. 217; sec. 234, Rev. Stats.), which reads as follows:

> All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

Under the terms of the United States reclamation law, the United States is required to obtain the consent of the States to use the lands and waters of the States before it may proceed with the erection of any dam for the purposes of utilizing the water for domestic, irrigation, or power purposes.

Section 8 of the United States reclamation act, Thirty-second Statutes, page 388 (1902), reads:

> That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate streams of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The Federal water power act approved June 10, 1920, contains the following provisions:

> 9. (b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located, with respect to beds and banks, and to appropriate diversion and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to affect the purposes of a license under this act.
>
> SEC. 27. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the

respective States relating to control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

It is contended, however, that Congress, when it passed these laws, did not surrender the authority to regulate commerce and navigation, and it is argued that in the case of the United States *v.* Rio Grande Irrigation Co. (174 U. S. 690), the Supreme Court, in passing upon the certain statutes relating to the use of water for mining and irrigation purposes, makes the declaration:

To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable water course, and so destroy the navigability of that water course in derogation of the interests of all the people of the United States, is a construction which can not be tolerated. It ignores the spirit of the legislation and carries the statute to the verge of the letter and far beyond what under the circumstances of the case must be held to have been the intent of Congress (pp. 706–707).

Arizona contends that the decision is not applicable to the Colorado River because the use of the water for irrigation and navigation is incompatible on that river. The State contends that the destruction of navigation is exactly what was authorized and what has occurred in the Colorado River, and is what is proposed to be ratified by the Swing-Johnson bill.

The States have authorized the use of and are now using the entire normal low flow of the river for irrigation, mining, and domestic uses. It has been established that, four times during recent years, the entire low flow of the Colorado River has for several consecutive weeks been diverted for irrigation and domestic use and that the bed of the river has been dry.

The Government of the United States has constructed dams on the main river and the tributaries for the diversion of water for irrigation purposes, which have contributed to the destruction of navigation on the Colorado River.

The States of Utah and Colorado have authorized, and the Government has consented to, the present annual diversion of 234,000 acre-feet of water in those States, from the Colorado River drainage basin, into other drainage basins. (See p. 173, S. Doc. No. 142; 67th Cong., 2d sess.)

The Government has constructed on the Colorado River and its tributaries the Strawberry and Gunnison tunnels, the Green River, and the Laguna Dams, and it is also diverting water from the river and its tributaries for the irrigation of Indian lands, and for other uses.

Numerous State and private irrigation projects have been constructed upon, and diversions have also been made for domestic, mining, and other uses from the Colorado River and its tributaries.

During the year 1902 the Secretary of State of the United States, in response to a communication from the Department of Justice, requested the International Water Boundary Commission, representing the United States, to investigate the subject to the alleged diversion of the waters of the Colorado River for irrigation purposes. The basic reason for the investigation was that protests had been filed which involved questions of treaties between the United States of America and the United States of Mexico respecting the navigation of the Colorado River.

The investigation made at that time established the fact that the river had been navigated but that if the proposed diversion of water was made for the use of irrigation in the Imperial Valley the river would be rendered nonnavigable below the point of diversion, which was located within the United States, between the States of Arizona and California.

Following the investigation the irrigators in California were permitted to construct a system to divert water from the Colorado River and to send the same into Mexico and into the Imperial Valley in California.

On October 23, 1918, the Secretary of the Interior of the United States entered into a contract with the Imperial Valley irrigation district to permit that district to use the Laguna Dam, which was constructed by the United States Bureau of Reclamation in connection with and for the benefit of the Yuma project, Arizona-California, to divert the waters of the Colorado River for use in the Imperial and Coachella Valleys in California. These valleys are outside of the drainage area of the Colorado River Basin, and such diversion would cause the Colorado River below Laguna Dam to be practically dry.

The Swing-Johnson bill ratifies all of these diversions of water and ratifies the Colorado River compact, which declares that—

Inasmuch as the Colorado River has ceased to be navigable for commerce, and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

The Colorado River compact authorizes the States of Colorado, Wyoming, Utah, and New Mexico to appropriate and to have the annual consumptive use of 7,500,000 acre-feet of water from the Colorado River system in perpetuity.

Article III (d) of the compact provides that the annual flow of the stream in the upper basin may be depleted entirely, provided that from the return flow:

3 (d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

The Colorado River compact authorizes the lower basin States, viz: Arizona, California, and Nevada, to appropriate and consume 8,500,000 acre-feet of water. The Swing-Johnson bill will enable California to take and consume at least 4,600,000 acre-feet of the waters apportioned by the compact to the lower basin and one-half of any water available for use which is not apportioned by the Colorado River compact.

It is therefore established that if navigation has not already been destroyed, the Colorado River compact, if applied, would destroy it, and the works authorized by the Swing-Johnson bill, if operated in conformity with all of the provisions of the bill, would render the stream nonnavigable.

NO RIPARIAN RIGHTS

A contention has been made that the Federal Government, in its capacity as the owner of public lands bordering on the Colorado River, has as the riparian owner the right to build a dam at Boulder or Black Canyon, use the water to develop power, and to control the appropriation of the waters of the river for the benefit of the public lands over the protest of Arizona.

The Supreme Court of the United States has stated:

The technical ownership of the beds of navigable rivers in the United States is either in the States in which the rivers are situated, or in the riparian owners, depending upon the local law. (Chandler-Dunbar *v.* United States, 229 U. S. 53.)

The Supreme Court of the United States in the case of Harden *v.* Jordan (140 U. S. 371) has determined that—

the limits and extent of the riparian ownership is governed by the law of the State in which the land is situated.

Justice Bradley, who delivered an opinion in this case (supra, 384) after discussing the question and citing numerous authorities, concludes as follows:

We do not think it necessary to discuss this point further. In our judgment the grants of the Government for lands bounded on streams and other waters, without any reservation or restriction of terms, are to be construed as to their effect according to the law of the State in which the lands lie.

The case of Shively *v.* Bowlby (152 U. S. 1) approves of and adheres to this rule, and the following cases indorse and adhere to the rule: Barney *v.* Keokuk (94 U. S. 324); St. Louis *v.* Myers (113 U. S. 566); Packer *v.* Bird (137 U. S. 661); St. Louis *v.* Rutz (138 U. S. 226); Mitchell *v.* Smale (140 U. S. 406); Grand Rapids *v.* Butler (159 U. S. 87); Water Power Co. *v.* Water Commissioners (168 U. S. 349); Kean *v.* Calumet Canal Co. (190 U. S. 452); United States *v.* Chandler-Dunbar Co. (209 U. S. 447).

A declaration contained in the bill of rights adopted by the Territory of Arizona in 1864 recognized that local customs and laws, in addition to the decisions of the courts in the semiarid States of the West, should govern the appropriation and use of water. The section of the Territorial act follows:

All streams, lakes, and ponds of water capable of being used for the purpose of navigation or irrigation are hereby declared to be public property and no individual or corporation shall have the right to appropriate them exclusively to their own private use, except under such equitable regulations and restrictions as the legislature shall provide for that purpose.

The State of Arizona has never recognized the common-law rule of riparian rights. The constitution of the State of Arizona contains the following provision:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. 17, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 2.)

The United States Supreme Court and the Supreme Court of Arizona, respectively, have sustained this principle in Boquillas Cattle Co. *v.* Curtis (213 U. S. 339) and in Clough *v.* Wing (2 Ariz. 371).

In Boquillas Land & Cattle Co. *v.* Curtis (213 U. S. 339) wherein the controversy was a question as to whether the owner of a tract of land in Arizona acquired by a Mexican land grant which had been confirmed by treaty was entitled to the use of water as a riparian right. Mr. Justice Holmes, for the court, decided against the riparian rights and said:

It is not denied that what is called the common-law doctrine of riparian rights, does not obtain in Arizona at the present date. (Rev. Stat., Ariz., 1887, sec. 3198.) But the plaintiff contends that it had acquired such rights before that statutory declaration, and that it can not be deprived of them now. * * * They (the provisions relating to priority) simply follow what has been understood to be the law for many years (Clough *v.* Wing, 2 Ariz. 371). The right to use water is not confined to riparian proprietors * * *. Such a limitation would substitute accident for the rule based upon economic considerations, and an effort, adequate or not, to get the greatest use from all available land.

No State in the Colorado River Basin, with the exception of California, either in its capacity as a Territory or as a State, has ever recognized the common-law rule of riparian rights. California has never recognized the riparian doctrine as it relates to that portion of the State bordering upon the Colorado River. The provisions of the constitutions of the several States relating to the appropriation and use of water, together with court decisions sustaining them are as follows:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. XVII, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. XVII, sec. 2.) (Boquillas Cattle Co. *v.* Curtis, 213 U. S. 339; Clough *v.* Wing, 2 Ariz. 371.)

New Mexico: The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and subject to appropriation for beneficial use. In accordance with the laws of the State, priority of appropriation shall give the better right. (Sec. 2, Art. XVI.) (Trombley *v.* Luterman, 6 N. Mex. 15.)

Wyoming: Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channel, its control must be in the State which, in providing for its use, shall equally guard all the various interests involved. (Art. I, sec. 31.)

The waters of all natural streams, springs, lakes, and other collections of still waters within the boundaries of the State are hereby declared to be the property of the State. (Art. VIII, sec. 1.) (S. 728 and S. 1274, p. 482.) (Farm Investment Co. *v.* Carpenter, 9 Wyo. 110.)

Colorado: The waters of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided. (Art. 14, sec. 5.) (S. 728, S. 1274, p. 484.) (Yernker *v.* Nichols, 1 Colo. 551; Coffin *v.* Hand Ditch Co., 6 Colo. 443.)

California: The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be a public use and subject to the regulations and control of the State in the manner to be prescribed by law. (Art. 14, sec. 1.) (S. 728 and S. 1274, p. 476.)

Utah: All existing rights to the use of any of the waters of this State for any useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 1.) (S. 728 and S. 1274, p. 481.) (State *v.* Xalio (4575), Nov. 25, 1927; Stowell *v.* Johnson, 7 Utah, 215; 26 Pac. 290.)

The constitution of the State of Nevada is silent upon the use of public water, but the State Water Code of Nevada contains the following provision:

Nevada: All natural watercourses and natural lakes and the waters thereof which are not held in private ownership belong to the State and are subject to appropriation for beneficial uses. (Reno Smelting, Milling & Reduction Works *v.* Stevenson, 20 Nev. 269; 21 Pac. 317, 4 L. R. A. 60, 19 Com. St. Rep. 364.) (Walsh *v.* Massey, 26 Nev. 327.)

In the case of Walsh *v.* Massey (26 Nev. 327) Chief Justice Massey said:

And it has been held by this court that the doctrine of riparian rights is so unsuited to the conditions existing in this State of Nevada and is so repugnant in its operation to the doctrine of appropriation that it is not a part of the law and does not prevail here.

As the ownership of the beds of fresh-water streams, navigable in fact, is one of the riparian rights, it follows that this right was rejected and the ownership of the bed of the Colorado River at Boulder Canyon and Black Canyon is vested in the States of Arizona and Nevada. It must necessarily follow that the United States has no right to the use of the bed and banks of the Colorado River at Boulder or Black Canyon as a riparian owner of public lands.

The State of Arizona has never conveyed the title to the bed and banks of the Colorado River at Boulder or Black Canyon and has never granted a permit for the use of the water at either site to anyone.

If the Federal Government did own riparian rights, the Supreme Court, in Barney *v.* Keokuk (944 U. S. 324) has held that—

with respect to such rights, we have held that the law of the State so declared by the Supreme Court, has control, as a rule, of property.

In Kansas *v.* Colorado (206 U. S. 92) the Supreme Court intimated that the National Government would not be able to interfere with the flowing waters on a navigable stream for purposes of irrigation because of the ownership of lands within the limits of the State, and the court said:

We do not mean that its (the National Government's) legislation can override State laws in respect to the general subject of reclamation.

PAYMENTS TO STATES IN LIEU OF TAXES

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located.

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided,* That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

In addition the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

SEC. 35. That 10 per cent of all moneys received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902, and for past production 20 per cent and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions as the legislature of the State may direct: *Provided,* That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other

charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

To sustain the right of the Federal Government to dispose of water and surplus power incidentally created in the course of improving the navigability of a stream, reliance is placed upon three decisions of the Supreme Court; i. e., in the cases of Kaukana Water Power Co. *v.* Green Bay & Mississippi Canal Co. (142 U. S. 254); Green Bay, etc., Co. *v.* Patten Co. (172 U. S. 58); and Chandler *v.* Dunbar (229 U. S. 53).

The case first cited is not in point. The right of the Federal Government to sell or dispose of incidentally created surplus electrical energy or water power was not involved.

Briefly, the facts in this case were: Congress granted public lands to the future State of Wisconsin for the improvement of the navigation of the Fox and Wisconsin Rivers. The State accepted the grant and undertook the work of improving the Fox River, reserving to itself all water powers created and appurtenant to such improvement, "subject to future action of the legislature." Unable to complete the work, the State incorporated and transferred to an improvement company the incomplete work, vesting in the company complete title to all the improvements, water powers to be created, rights, powers, and franchises. The improvement company mortgaged the property, was unable to meet its indebtedness, the mortgage was foreclosed, and complete title passed under foreclosure sale to the Green Bay & Mississippi Canal Co., the appellee.

This company in turn became seized in fee of all the improvements and all the appurtenant rights, powers, and franchises. Finding the operation of the dam and canal unprofitable, this company in turn sold the improvements to the United States Government, reserving, however, to itself the water power created by the dam and the use of surplus waters not required for purposes of navigation. Another company, claiming the right as a riparian owner, thereafter attempted to draw water from the pond formed by the dam, and thus deprive the Green Bay Co. of its use, control, and dominion over it. The Supreme Court of Wisconsin directed an injunction against the intruding company, and the case went to the Supreme Court of the United States on the ground that it involved the validity of a State statute, because repugnant to the Constitution of the United States. Mr. Justice Brown, for the court, among other things, said (p. 272):

> With respect to such rights (riparian rights) we have held that the law of the State, as declared by its supreme court, is controlling as a rule of property. (Barney *v.* Keokuk, 94 U. S. 324, etc.)

Upon the question as to the validity of the State statute he said (p. 273):

> But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such an improvement.

There is indeed no sound reason for denying such a right to the State. Such a right is entirely consistent with the doctrine of the State's dominion and sovereignty over the flowing waters of the navigable streams within its borders. But there is no word in the entire opinion in regard to the power of the Federal Government to assert and reserve such a right, and certainly there can be no parity in application of the construction of a rule dealing with the reserved rights of the State to the limited constitutional grants to the Federal Government. What there is sound reason for conceding to the State, there is, under the circumstances, equally as sound reason for denying to the Federal Government. The first proposition from the report quoted supra gains no support from the case cited.

The other case, that of Green Bay, etc., Canal Co. *v.* Patten Paper Co. (172 U. S. 58), is another suit against the same company as above. In this suit the right of the United States to control and dispose of the surplus waters created by the improvement to navigation heretofore described was brought directly into question. As said by Mr. Justice Shiras for the court (pp. 68–69):

> Whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purposes of navigation in Fox River, is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.
>
> Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

The court then reviews the history of the whole enterprise, namely, the granting of land by act of Congress to the future State of Wisconsin for the express purpose of the improvement of the navigation of the river; the acceptance of the grant by the legislature of the State and the accompanying express reservation of title in the State to the water power incidentally created "subject to the future action of the legislature"; the act authorizing the relinquishment of such water powers to the persons undertaking the work of improvement; the act creating a corporation authorized to undertake the work and take all the powers, rights, and franchises possessed by the State; the failure of the company so created, foreclosure of the mortgage, and acquirement of all its property, rights, and powers at the sale by purchasers, who were incorporated under another act of the legislature, specifically investing them with such rights, powers, franchises, and so forth; the sale by this last company (appellant in this case) of all the property to the United States Government, under an act of the Legislature of Wisconsin authorizing the sale and an act of Congress providing for the purchase, and the reservation by the company in its conveyance of title to the personal property, water powers, and appurtenances. With reference to this reservation by the company the court said (p. 80):

> The substantial meaning of the transaction was that the United States granted to the canal company the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works, and that the United States were credited with the appraised value of the water powers and appurtenances and the articles of personal property. The method by which this arrangement was perfected, namely, by a reservation in the deed, was an apt one, and quite as efficacious as if the entire property had been conveyed to the United States by one deed and the reserved properties had been reconveyed to the canal company by another.
>
> So far, therefore, as the water powers and appurtenant lots are regarded as property, it is plain that the title of the canal company thereto can not be controverted; and we think it is equally plain that the mode and extent of the use and enjoyment of such property by the canal company fall within the sole control of the United States. At what points in the dam and canal the water for power may be withdrawn, and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which owns and controls that navigation. In such matters there can be no divided empire.

Evidently questioning the inherent right of the National Government under the Constitution to dispose of this surplus water power by virtue of its ownership of the dam, the court adopted the fiction of transfer and retransfer, so that the chain of title might be complete and a foundation laid for the Government's claim of authority to dispose of the surplus water. An abstract of the title would begin then with the acknowledged ownership by the State of the entire property, including the right to control and dispose of the surplus water power, and continuing, through the transfer by the State of its title and all appurtenant rights and powers to the first company; the foreclosure sale under mortgage and purchase by the second company, vesting it in turn with the complete title and all appurtenant rights and powers; the transfer by the second company to the national company of its title and all appurtenant rights and powers, all these transfers being duly authorized by acts of the Wisconsin Legislature; and finally the retransfer of the right to the use and enjoyment of such water powers by the Government to the second company, but a retention of all other property conveyed, including whatever power of control may have vested in the company by the State. As Mr. Justice Shiras says (p. 76):

> We have here the case of a water power incidental to the construction and maintenance of a public work and, from the nature of the

case, subject to the control of the public authorities, in this instance the United States.

And, at page 79:

The legal effect and import of the sale and conveyance by the canal company were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the Fox River as a navigable river.

In other words, the United States bought the right to dispose of this surplus water power. It never possessed it under the commerce clause of the Constitution giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Wisconsin. The National Government always had the right under the Constitution to prevent the State of Wisconsin, or its successors in title to this dam and appurtenances, from destroying or impairing the navigability of the river by an improvident diversion of the flowing water, but it never had the right, until it acquired it by purchase, of disposing of the surplus water power so created, and the court does not say it did. The State had such a right, and the court in the first case, supra, specifically recognized not only its right but its power to dispose of it.

So far as the authority of the National Government in the premises is concerned, what this case really does decide, and that is not now an open question, and was not so then, is, that the National Government has plenary power to maintain the navigability of streams uninterrupted, and further, that in the exercise of that power, it can determine at what points in its dams erected in aid of navigation water may be withdrawn, the quantity that may be withdrawn so far as it affects the question of navigability, and all other matters affecting that question solely. As is said by the court (p. 80): "In such matters there can be no divided empire." The power to sell surplus water incidentally created by improvements in aid of navigation is not given the National Government, in terms at least, by the Constitution.

The sole and exclusive right of the States to control the disposition of the flowing waters within their boundaries, limited only by nonimpairment of the riparian rights (under the State system) of the Government as an actual owner of the lands, and noninterference with the maintenance and improvement of the navigation of streams, has been too repeatedly and too strongly confirmed by the Supreme Court to be now questioned, and this reserved and valuable right would be seriously impaired—sometimes, perhaps, entirely destroyed—if the National Government, under the guise of aiding navigation, could exercise a precisely similar but paramount right at will. Here, too, there should be "no divided empire." The National Government has the undoubted power to see to it that the navigability of streams is maintained when they are in fact navigable, and that right is granted to it by the Constitution of the United States. The State has the undoubted right to control the disposition of the waters within its limits, subject only to the limitations stated, and that right has been repeatedly confirmed by the Supreme Court. Neither should seek to invade the province of the other. In Kansas *v.* Colorado (206 U. S. 88) Mr. Justice Brewer said:

Yet while so construed—that is, broadly—it still is true that no independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress.

The power to seize upon and dispose of the flowing waters of a State would be both independent and unmentioned. Assertion of the existence of such power under the second paragraph of section 3 of Article IV of the Constitution, providing "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," and so forth, was made by counsel for the United States Government intervening, apparently, upon the theory that the National Government, being a large owner of arid lands in the Western States, might enter into a general scheme of reclamation, and, consequently, had an interest in the controversy between the States as to the disposal of the waters of the Arkansas River, the boundary between them. The contention of the Government met with no favor, the court stating emphatically that no such power had been granted and none could be exercised. Conceding, however, that so far as its own lands were concerned, the National Government had power to make all needful rules and regulations, the court materially qualified this decision by adding:

We do not mean that its legislation can override State laws in respect to the general subject of reclamation. (Ib. p. 92.)

THE CHANDLER-DUNBAR CASE

In the United States *v.* Chandler-Dunbar Co. (229 U. S. 53), the act of Congress, March 3, 1909, declared that a public necessity existed for the absolute control of the waters of the St. Marys River for purposes of navigation.

The ownership in fee simple absolute, was acquired by the United States of all lands and property of every kind and description throughout the entire length of the St. Marys River, within the State of Michigan, a riparian State, necessary for the purposes of the navigation of the waters of the river and the United States Government compensated the owners for this property.

The State of Michigan, when it was admitted into the Union, acquired title to the bed of the St. Marys River. Under the law of that State conveyance of a tract of land upon a navigable river carried the title to the middle thread. The technical title became vested in the Chandler-Dunbar Co. and included the bed of the river opposite its upland on the bank to the middle thread of the stream, which was the boundary line at that point between the United States and the Dominion of Canada. The Federal Government when it acquired, by purchase, the property of the Chandler-Dunbar Co., became the proprietor of and acquired all of the rights of that company in the property in question.

The court in the Chandler-Dunbar case stated:

The main purpose of the act of 1909 was to clear the way for generally widening and enlarging facilities for the ever-growing commerce of the Great Lakes. The act, therefore, looks to the construction of one or more canals and locks paralleling those in use and directs a survey "to ascertain and determine the proper plan * * * for constructing in the rapids * * * a filling basin or forebay from which the ship locks may be filled" (p. 67).

That Congress did not act arbitrarily in determining that "for the purposes of navigation of said waters and the waters connected therewith," the whole flow of the river should be devoted exclusively to that end, is most evident when we consider the character of this stream and its relation to the whole problem of lake navigation (p. 66).

The court then analyzed the character of the stream, the fall of the river, the turbulent nature of the water, the influence of the outflow upon Lake Superior, the necessity of maintaining water levels, and directed attention to the fact—

that millions of public money have already been expended in the construction of canals and locks by this Government upon the American side and by the Canadian Government upon its own side of the rapids, as a means by which water craft may pass around the falls and the rapids in the river. The commerce, using these facilities, has increased by leaps and bounds. The first canal had hardly been finished before it became inadequate. (Ibid. p. 67.)

In the Chandler-Dunbar case the court was careful to determine the findings of fact and law regarding the development of the river which was undertaken by the Federal Government. The court, with great pains, set out in detail the importance of the improvement of the navigation facilities of the river as an aid to the growing and important commerce thereon.

The court also at great length traced the title and ownership of the bed of the river and of the adjacent lands, and it determined that when the United States became the riparian owner, in a riparian-law State, of the shore and appurtenant submerged land, by right of purchase, the United States owned in fee the property right in the river as a rule of law of the State of Michigan.

The United States constructed works in connection with navigation on the St. Marys River which made available surplus water which could be used for the development of hydroelectric power, which the Government leased to private consumers.

Mr. Justice Lurton, speaking for the court (Ibid, p. 73) on the question of the rights of the Government to deal with property of the character here under consideration, said:

If the primary purpose is legitimate, we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments. In Kaukauna Co. *v.* Green Bay, etc., Canal (142 U. S. 254, 273), respecting a Wisconsin act to which this objection was made, the court said:

"But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation but between the riparian owners themselves as to the proper proportion each was

entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties and thus reimburse itself for the expenses of the improvement."

The court did not find that the Government had authority to engage in the production and sale of hydroelectric energy for commercial purposes. It acquired the right to dispose of this surplus power as the proprietor of the riparian lands. It will be observed that the court specifically stated that the rights of the Government must rest upon the fact that "the primary purpose was legitimate," namely, navigation.

The legal effect of the sale and conveyance by the riparian owners was to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the St. Marys River as a navigable river.

In other words, in addition to the unquestioned right of the Federal Government to improve the river to aid the rapidly increasing commerce thereon, the United States bought the right to dispose of the surplus water power. It never possessed it under the commerce clause of the Constitution, giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Michigan. The court did not recognize any right in the Federal Government to engage in the development and sale of hydroelectric power for commercial purposes, even in its capacity as a proprietor. It simply recognized the right of the Federal Government as a proprietor to dispose of certain surplus power which is developed as incidental to the primary development—the improvement of the river for navigation as an incident to facilitating commerce thereon.

RIGHTS OF YUMA PROJECT

Any analysis of this legislation would be incomplete that failed to recognize the avidity with which its authors have availed themselves of every opportunity for advantage. No point has been overlooked where advantage might be reaped, at whatsoever cost to others, for the interests it is designed to enrich.

A striking illustration of this may be found in section 10, supplemented, extended, and enlarged by the provisions of section 7.

Section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The projection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

YUMA PROJECT INTERESTS NOT RECOGNIZED

It may be asserted that the Secretary of the Interior will naturally consult the interested project members, or their representatives, before modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human, and humanity is beset with frailty. The water users of Yuma project might indeed be consulted but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, viz, The Imperial irrigation district, to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water Users' Association was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10, it would be removed by turning back to section 7. Taking time and authorization by the forelock, this section, in vital particulars, itself modifies the contract in question.

By the agreement entered into on October 23, 1918 (appendix to House hearings on All-American Canal in Imperial County, Calif., 1922, p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures, and divert water," the district agrees to pay the sum of $1,600,000; that "the United States shall have and retain perpetually the title to and the complete control, operation, and management of said Laguna Dam, auxiliary works, and enlarged main canal from the dam to and including the Siphon Drop * * *, including the diversion works at Siphon Drop for the diversion and delivery of water to the Yuma project and the district"; that "the United States reserves the right to develop power * * * down to and including Siphon Drop; that all other power possibilities * * * down to * * * Pilot Knob shall be developed by the United States * * * for the joint benefit of the Yuma project and the Imperial irrigation district," and the cost of joint canal and headworks alterations and of power plants and accessories is definitely apportioned to the United States "for the Yuma project" and to the Imperial irrigation district; that "the preference right to purchase power developed" (between Siphon Drop and Pilot Knob) "shall be given over other users of power to the requirements of the Yuma project for power to be used in pumping irrigation water."

Other provisions highly important to Yuma project, relating both to power and to water, are embodied in the contract, which the Secretary of the Interior, with the consent of Imperial irrigation district, is to be given authority to modify. Imperial irrigation district, by the permission heretofore given to it to use the Laguna Dam, thereby gained no proprietary interest in the dam, "auxiliary works and enlarged main canal from the dam to and including the Siphon Drop." The Yuma project, it should be borne in mind, is not solely an Arizona project, but an Arizona-California project. Down to and including Siphon Drop, at which point the proposed main canal of the Imperial irrigation district is to take off from the Yuma project canal, the district, for the considerations named, obtained simply the right to use, but the title to the dam, appurtenant works, and canal to the point described is not affected by any capital investment therein necessary to be made by Imperial irrigation district in order that it may use Laguna Dam and divert water therefrom for the irrigation of Imperial Valley.

MUSCLE SHOALS

The construction of the Wilson Dam at Muscle Shoals was authorized by the President of the United States on February 23, 1918, pursuant to the act of Congress of June 3, 1916, chapter 134, section 124, Thirty-ninth Statutes, pages 166 and 215 (see U. S. C., title "War," sec. 79), known as the national defense act. Under the terms of this act the President was empowered to make investigation for the purpose of determining the—

best, cheapest, and most available means for the production of nitrates and other products for munitions of war * * * to designate for the exclusive use of the United States * * * such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and * * * to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment * * * necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Section 124 of the national defense act of June 3, 1916, supra, relates not only to national defense and the production of materials needed in time of war, but provides for the improvement of navigation. Either is, of course, a national purpose. Legislation of this character would be expected to be broad and comprehensive. The act is so.

It gives the President large discretionary powers in the designation of suitable places for the erection of such plants as in his judgment are necessary in the effectuation of the purposes of the act. It gives authority to construct, maintain, and operate dams, locks, improvements to navigation, power houses, and other plants and equipment for the generation of electric or other power, and for the production of nitrates and other products needed for munitions of war. Paragraph 3 of section 124 reads:

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall deem is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The Muscle Shoals legislation is not a case where the Government has entered upon the business of generating power for commercial uses. It is a case where the Government, under its constitutional powers, has entered upon the prosecution of a work of national concern, in a time of war, relating to national defense and the improvement of navigation, in which a surplus product is created in time of peace which can be disposed of to aid agriculture.

Whether the State of Alabama reserved any rights in the surplus water power at Muscle Shoals has not as yet been determined by the Supreme Court. That State, however, contends that it has a right to derive a revenue from power developed at Muscle Shoals which is sold for commercial purposes.

THE TAXATION BY THE STATES OF HYDROELECTRIC POWER PRODUCED AT THE BOULDER DAM

The Federal Government has no authority under the Constitution to generate electric current primarily for commercial uses. It is assumed for the basis of this discussion that, because of the many and complex questions which are involved in Senate bill 728, that the States of Arizona and Nevada would waive the question of the right of the Government to generate and sell power for commercial purposes at Black Canyon or Boulder Dams on the Colorado River, if the interests of those States are recognized and protected in the pending bill.

The States of Arizona and Nevada have a twofold interest at Black and Boulder Canyons. First, they own the bed and banks of the river. Second, they have the sole authority to grant an easement or usufruct, for water-power purposes, to and in the water, which will be stored at that site, for the development of power. These States would have authority to impose a tax upon the usufruct to and in the water.

The United States Supreme Court, in Van Brecklin *v.* Tennessee (117 U. S. 150, 155), stated:

All subjects over which the sovereign power of a State extends are objects of taxation, but those over which it does not extend are upon the soundest principles, exempt from taxation. The sovereignty of a State extends to everything which exists by its authority or is introduced by its own authority or which is introduced by its permission, but it does not extend to those means which are employed by Congress to carry into execution power conferred upon that body by the people of the United States.

The sovereign power of the States extends to the appropriation, the use, and control of the public waters and lands underlying navigable waters and the banks thereof, except as to the paramount right of the Federal Government to control the stream for navigation as an incident to facilitating commerce on the stream, and there is no evidence that anyone has attempted to justify the development of the stream for navigation.

The taxing power of a State is one of its attributes of sovereignty, and where there has been no compact with the Federal Government or cession of jurisdiction for the purpose specified in the Constitution this power reaches all the property and business within the State which are not properly denominated the means of the General Government. (Van Brocklin *v.* Tennessee, 117 U. S. 176, quoting Nathan *v.* Louisiana, 8 How. 73, 82; see also Society for Savings *v.* Coite, 6 Wall. 504, 605; State Tonnage Tax cases, 12 Wall. 204, 224; Ward *v.* Maryland, 12 Wall. 418, 427; Transportation Company *v.* Wheeling, 99 U. S. 273, 279; see also South Car. *v.* United States, 199 U. S. 437, in particular, the minority opinion; Husler *v.* Thomas Collory Co., 260 U. S. 245; Oline Iron Works *v.* Lord, 262 U. S. 172; Lake Superior Mine Co. *v.* U. S., 211 U. S. 577.)

The Supreme Court in United States *v.* Bridge Co. (6 McLean 515, pp. 531, 532) stated:

In the admission of any States into the Union compacts were entered into with the Federal Government that they would not tax the lands of the United States. This implies that the States had power to tax such land if unrestrained by compact.

In United States *v.* Bridge Co. (ibid. 532) the court stated:

Within the limits of a State, Congress can, in regard to the disposition of public lands and their protection, make all needful rules and regulation, but beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchased a site for a military post, a customhouse, and other public buildings; and if this mode be not pursued, the jurisdiction of the State over the ground purchased remains the same as before the purchase. This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions of constitutional law.

The States have authority to establish such rules of property for themselves as they deem expedient, relative to the ownership of the beds and banks of navigable streams subject to the authority of Congress to control navigation in the interest of commerce. (27 R. C. L. 1369, 1072, and cases cited.)

That for the purpose of its policy, the State has legislative control, exclusive of Congress, within its territory, of all persons, things, and transactions of strictly internal concern. (Bowman *v.* Chicago & N. R. Co., 25 U. S. 465, 493.)

Assuming that a State may divest itself of its control and dominion over the bed and banks and the use of the waters of the stream, and that the United States may acquire a property right in the bed and banks of a stream and the use of the waters by such action on the part of the State; the States of Arizona and Nevada, which are nonriparian States, have not so divested themselves of the property at Black Canyon Dam site in the Colorado River. (See Kaukana Water Power Co. *v.* Green Bay & Mississippi Canal Co., 142 U. S. 254; Green Bay & Mississippi Canal Co. *v.* Patten Paper Co., 172 U. S. 58; 9 Corpus Juris, 185 in re opening West Farm Road, 213 N. Y. 325; Fulton Light Co. *v.* State, 116 N. Y. S. 1000, sec. 10570, et seq., Code of Alabama, 1923.)

The State of Arizona and the State of Nevada are not riparian States and, in any event, they have not conveyed to any person or to the Federal Government title to the banks and beds and the use of the water of the Colorado River at Black or Boulder Canyon. This is one distinction between this issue and issues decided in the Green Bay cases, the Economy Light & Power Co. cases; or at Muscle Shoals. At each of these dam sites the State had voluntarily divested itself of the title to the bed and banks of the streams and the United States had acquired the same.

The right to use the bed of navigable streams, for purposes other than the improvement of navigation, can only be acquired by legislative grant.

A franchise or license to build dams, locks, or other structures in a navigable stream does not create any interest in the land.

The legislation which is proposed in Senate bill 728 would result in the National Government acquiring, by subterfuge, the absolute control of over 90 per cent of the water of the Colorado River and would enable the Federal Government to lease, sell, or give it away. The bill would create a Federal monopoly in 90 per cent of the flowing waters of the Colorado River and in exercising the authority vested in the Federal Government by this act it may dispose of the water under rules, regulations, and upon terms different from, and in actual conflict with, the rules, regulations, and terms established by the State of Arizona for the appropriation and use of waters within its borders. This legislation is in direct conflict with the opinion of the Supreme Court in Kansas *v.* Colorado (206 U. S. 92) in which case the court stated:

We do not mean that its (National Government) legislation can override State laws in respect to the general subject of reclamation.

That power to tax is the power to destroy is the principle exempting the property of the Federal Government from taxation by the States and likewise exempting the property of the States from taxation by the Federal Government. No one will deny that as a legal proposition any property held by the Federal Government necessary or useful in performing the functions vested in the Federal Government by the Constitution is exempt from State taxation. A wholly different question arises when the Federal Government goes into a private business such as the production and distribution of hydroelectric power either directly or through leases. It was held in South Carolina *v.* United States (199 U. S. 437) that where a State assumed to conduct a private business, the performance of which did not fall within the ordinary and usual functions of a State, the business was not exempt from taxation by the Federal Government merely because it was conducted by the State. It was said by the Supreme Court in Hammer *v.* Dagenhart (247 U. S. 275) that the maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as the conservation of the supremacy of the Federal power in all matters intrusted to the Federal Government by the Federal Constitution.

This being the case it would seem to follow since the Federal Government may tax private business conducted by the States the States may also tax private business conducted by the Federal Government, and that such will be the rule is asserted in the dissenting opinion in the case of South Carolina *v.* United States (199 U. S. 437).

We are at present concerned, however, not with what is the strict right of the United States in this respect but rather with what is the equitable thing that Congress should do in the matter. The exemption of Federal property from taxation by the States may be waived by Congress. Both the legality and good policy of such waiver are firmly established. Thus, Congress permits the taxation of national banks by the State at the same rate as other State property is taxed and with the consent of Congress such taxation is legal. (Owensboro National Bank *v.* Owensboro, 173 U. S. 664; Bank of California *v.* Richardson, 348 U. S. 476, 483.)

So also with certain lands granted to railroad companies. (Central Pacific Railroad Co. *v.* Nevada, 162 U. S. 512, 521; Northern Pacific Railroad Co. *v.* Myers, 172 U. S. 589, 597.)

Such taxation is also permitted under certain conditions by acts of Congress of lands in irrigation districts, and of lands held in trust for certain Indian tribes in Oklahoma.

As a matter of fair dealing between States, Congress should permit the taxation by Arizona and Nevada of the power produced at Boulder Canyon Dam. The dam will be situated wholly in Arizona and Nevada. So will also be the reservoir. It is expected that but little land in Nevada will be irrigated from the reservoir. Only an insignificant strip of California lies in the Colorado River Basin. It is proposed to build a canal for Imperial Valley lands at a cost of $31,000,000; another canal to irrigate the lands in Coachella Valley, also in California, is also authorized by the bill which is estimated to cost $12,000,000; and to pay the interest for a long term of years and perhaps also the principal of the cost of such canal from the proceeds of the sale of the power produced at the dam. It is proposed to pump a vast quantity of water over the mountains to supply the California coastal plains cities with water by means of the power that will be produced at the dam. Most of the remaining power will be conducted by transmission lines to Los Angeles. This water and this power will create billions of dollars of taxable wealth in California out of the construction of a dam and reservoir on the soil of Arizona and Nevada and from the use of water that nature has placed in Arizona and Nevada.

It is thus a case of where Arizona and Nevada resources are to be used to transfer other Arizona and Nevada resources to the State of California. California realizes that without the aid of the Federal Government she can not accomplish her purpose. As a State on an equality with any other State she can not enter into Arizona to build dams or create power. Without such dams or power she can get no more water of the Colorado River than she has now appropriated. Furthermore, if Arizona did permit her to enter and build a dam and other works she would certainly be subject to taxation by Arizona. California therefore comes to Congress and says: Use for our benefit the powers vested in you for the benefit of the Nation and build for us a dam on Arizona and Nevada soil. Produce hydroelectric power by the use of Arizona and Nevada resources to make a profit that will help build our all-American canal and that will pump the water that by nature belongs to Arizona over the mountains to our coastal plain and employ your power of exemption from taxation to our benefit, so that we may have cheap power for our industries and domestic water for our coastal cities.

We have heard it stated that in no event should Congress consent to the distribution of any revenues created by a Government-constructed dam until the construction cost is paid. That principle is correct where the dam is constructed for the benefit of the State and with the consent of the State where the dam is situated, because in such case the State collects taxes from the taxable wealth created by the Government investment. But where the dam is built in one State against its wishes and for the benefit of another State that principle does not apply. In the latter case for the Federal Government to insist on its exemption from taxation is simply robbing one State for the benefit of another. It is said that we are one Nation and State lines should be disregarded in the development of resources. But since State lines are regarded in imposing a large part of the burdens of Government they can not be disregarded in the development and distribution of resources without stripping the poorer States for the benefit of the more opulent States. But it is said that the project will not stand the extra cost of taxation. If it is worth so little to California that taxes can not be paid thereon, it should not be presently undertaken but should be left to Arizona to utilize in her future development.

NAVIGATION ON THE COLORADO RIVER AND THE EFFECT OF IRRIGATION THEREON

The Boulder Canyon project act is the consummation of the plan for the development of the Colorado River as outlined in the Fall-Davis report (S. Doc. 142, 67th Cong., 2d sess.). This bill in the main conforms to the recommendations in that report, which are found on page 21 of the report. These recommendations are as follows:

1. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a high-line canal from Laguna Dam to the Imperial Valley, to be reimbursed by the lands benefited.

2. It is recommended that the public lands that can be reclaimed by such works be reserved for settlement by ex-service men under conditions securing actual settlement and cultivation.

3. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a reservoir at or near Boulder Canyon, on the lower Colorado River, to be reimbursed by the revenues from leasing the power privileges incident thereto.

4. It is recommended that any State interested in this development shall have the right at its election to contribute an equitable part of the cost of the construction of the reservoir and receive for its contribution a proportionate share of power at cost, to be determined by the Secretary of the Interior.

5. It is recommended that the Secretary of the Interior be empowered, after full hearing of all concerned, to allot the various applicants their due proportion of the power privileges and to allocate the cost and benefits of a high-line canal.

6. It is recommended that every development hereafter authorized to be undertaken on the Colorado River by the Federal Government or otherwise be required in both construction and operation to give priority of right and use—

First. To river regulation and flood control.
Second. To use of storage water for irrigation.
Third. To development of power.

It will be noted that the "improvement of navigation" is not mentioned in the report and that the project is an irrigation and power project.

The Chief of Engineers of the Army prepared a memorandum on navigable waters, as defined by the Supreme Court of the United States. The memorandum is found on page 298 of the hearings of the House of Representatives on H. R. 2903, Sixty-eighth Congress, first session, February 27, 1924, and is as follows:

The Daniel Ball (10 Wall. 557): A river is navigable in law when it is navigable in fact, and it is navigable in fact when it is used or is susceptible of being used in its ordinary condition as a highway for commerce over which trade and travel may be conducted in the customary modes of trade and travel on water.

A river or other waterway that lies wholly within the limits of a State and has no navigable connection with any waters outside the boundaries of the States is a navigable water of the State, subject to regulation and control by State laws, and does not come within the jurisdiction of Congress nor of the laws enacted by Congress for the preservation and protection of navigable waters of the United States.

A river or other waterway constitutes a navigable water of the United States, within the meaning of the aforesaid acts of Congress, when it forms by itself or by uniting with other waters a continuous highway over which trade and travel is or may be conducted between the States themselves or between the States and foreign countries.

The Montell (20 Wall. 430): The true test of the navigability of a stream does not depend upon the manner or mode by which commerce is or may be conducted nor upon the difficulties attending navigation. If this were so, the public would be deprived of the use of many of the large rivers of the country over which rafts of lumber of great value are constantly taken to market. It would be a narrow rule to hold that in this country unless a river was capable of being navigated by steam or sail vessels it could not be treated as a public highway.

The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river rather than the extent and manner of that use.

If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, whether in vessels propelled by steam, wind, cars, or poles, the stream is navigable in fact, and becomes in law a public highway.

21 Pickering, 344: It is not to be understood, however, that every ditch or inlet in which the tide ebbs and flows, nor every small creek in which a fishing skiff or gunning canoe can be made to float at high

water, is a navigable highway; but to give it the character of a navigable stream it must be generally and commonly useful to some purpose of trade or agriculture.

DECISION BY UNITED STATES CIRCUIT COURT OF APPEALS

Harrison *v.* Fite (148 Fed. 781): To meet the test of navigability as understood in American law a watercourse should be susceptible of use for purposes of commerce or possess a capacity for valuable floatage in the transportation to market of the products of the country through which it runs. It should be of practical usefulness to the public as a public highway, in its natural state and without the aid of artificial means. A theoretical or potential navigability, or one that is temporary, precarious, or unprofitable is not sufficient. While the navigable quality of a watercourse need not be continuous, yet it should continue long enough to be useful and valuable in transportation; and the fluctuations should come regularly with the seasons, so that the period of navigability may be depended upon. Mere depth of water, without profitable utility, will not render a watercourse navigable in the legal sense, so as to subject it to public servitude nor will the fact that it is sufficient for pleasure boating or to enable hunters or fishermen to float their skiffs or canoes. To be navigable a watercourse must have a useful capacity as a public highway of transportation.

Gen. Lansing H. Beach, Chief of Engineers of the United States, War Department, testified before the Colorado River Commission (first meeting). He said:

While the lower Colorado River did have some navigation on it in the seventies, there is nothing on it to-day to justify navigation being regarded as of foremost importance.

Col. William Kelly, former chief engineer of the Federal Trade Commission, on April 15, 1924, testified (H. R. 2903, 68th Cong., 1st sess., p. 1228) as follows:

The physical conditions on the Colorado River Basin make it fairly simple to outline what form the complete development should take. In the upper region, above the junction of the Green with the Colorado, there are possibilities for both irrigation and power development. Below the junction of the Green and Grand, through the canyon section, irrigated development is practically impossible, except for a few very small intercanyon areas.

Power in this section can be developed to an amount of probably 4,000,000 horsepower, and that development can be made without interference with irrigation.

In the lower basin irrigation is by far the most important development. Such power as will be developed there will be relatively small, and will be incidental to irrigation developments. In some of the irrigation developments there will undoubtedly be opportunities to develop a small amount of power; and such developments will take care of themselves, because they help to carry the financial burden.

There are two things which I think stand out on the Colorado River:

One is that there is sufficient land to use all the water in the river, and perhaps more than enough land available for irrigation. Consequently, there should be no waste of water by unnecessary evaporation or by diversion which does not give full efficiency.

The second point is that the Colorado River constitutes the only big remaining source of power in the southwestern section of this country; and every kilowatt-hour that can be developed from the Colorado River will be needed. Consequently, no development should be permitted on the river which will reduce the ultimate supply of water or the ultimate amount of power that can be taken out of the river.

Those are the two basic principles on which the outline of a general scheme of development must rest.

(Page 1240)

According to the Reclamation Service figures, which check with those of the Geological Survey and those that have been made in my office, 3,200,000 acre-feet of storage, if placed at Laguna Dam, would control the floods in the worst flood season of record, so that the maximum flow would not exceed 75,000 second-feet. If that dam be moved upstream, certain additional storage must be provided in order to compensate for the storage that exists in the valley now during those high floods.

(Page 1244)

On the ultimate development as proposed by the Reclamation Service, in order to get the maximum power output from this Boulder Canyon Dam, a dam is to be built at Bullshead which would have a storage capacity of 1,600,000 acre-feet.

(Page 1258)

In the upper basin, and that the consumption of water for irrigating these lands will lie somewhere between 1 and 1½ acre-feet per acre per year. If we take it at slightly over 1 foot, the consumption for upstream lands becomes ultimately 4,500,000 acre-feet. If we take it at 1½ feet, it becomes 6,500,000 acre-feet.

(Page 1259)

The available water supply is still somewhat in doubt. The Reclamation Service, based on the records at Yuma over the past thirty-odd years, figure that the average annual run-off amounts to about 16,000,000 acre-feet. The Geological Survey, going back and figuring since 1878 to what the probable run-off has been, placed the usable annual run-off at somewhere around 12,000,000 acre-feet. Now, the figure lies somewhere between there. It is impossible to get at it with precision.

(Page 1262)

In addition to the above acreage, the reclamation report states that there are 800,000 acres in Arizona that might be feasible under the Parker-Gila project which were not included. If we include them, the water required on the same basis for the lower basin becomes 13,360,000 acre-feet per year. The total water required, therefore, from the Colorado River on the minimum basis stated is 14,460,000 acre-feet per year.

On the maximum basis, which includes the 800,000 acres of the Parker-Gila project and a slightly larger consumption in the upper region, it amounts to 20,400,000.

Now, the average run-off of the river, as I stated, taken from the reclamation records at Yuma gauge, is about 16,000,000 acre-feet per year. The average as deduced by the Geological Survey may run as low as 12,000,000 acre-feet per year. With the records available it is impossible to tell with precision just where the average will come, but it will lie somewhere between those figures.

(Page 1271)

Mr. RAKER. The States of the upper basin will not cause the flow of the water to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 years, reckoned in continuing progressive series, beginning with the 1st of October next succeeding the ratification of this compact. Now, what does that mean?

Colonel KELLY. Well, that means any consecutive 10-year period that you might take. That is, if you went over the record you would pick out the worst 10 years with respect to flow, and the average flow during that time would have to amount over the 10-year period to 75,000,000 acre-feet, although it might at some time have been less than * * * 75,000,000 acre-feet.

(Page 1272)

Mr. RAKER. All right. I will put it this way, Colonel: From the mouth of the river, the Gulf of California, up, say, to Lees Ferry, have you made any investigation to see how many obstructions there are in the river that would have to be removed to clear it for navigation if you put in locks, if you kept the flow of the stream in shape, and there was not to be permitted to be taken out the water that has been taken and is contemplated?

Colonel KELLY. Well, the river is obstructed in its natural condition for navigation in many places. Of course, through several months of the year below Yuma there is practically no water in the river. The Laguna Dam is an absolute obstruction to the passage of boats up and down the river, but boats have passed up as far as Old Coleville.

(Page 1273)

Mr. RAKER. The Laguna Dam has assisted in obstructing the navigability of the river?

Colonel KELLY. It is a complete obstruction.

Mr. RAKER. And also the diversion of the Imperial Valley has been another means of obstruction?

Colonel KELLY. Yes, sir.

Mr. RAKER. So what has been done has been done to obstruct the navigation rather than to expedite navigation?

Colonel KELLY. What has been done practically puts navigation out of possibility except on certain stretches of the river.

Mr. Arthur P. Davis, former Director of the Reclamation Service, testified before the Colorado River Commission, first meeting, page 43 and page 44, Department of Commerce, Washington, January 26, 1922, as follows:

It [Laguna Dam] was authorized by the act of Congress due to the fact that the river was navigable and it actually stopped navigation. It is not possible to navigate past the dam. At that time there were, I believe, three boats plying on the lower Colorado River and it had been for a long time a navigable stream and the commerce had been considerable at one time. It is gradually declining on account of the railroads tapping many points and being much more accessible for the transportation necessary, and now Laguna Dam is a stop to navigation. Navigation is possible above and below, but not through the dam. * * * As a practical fact Laguna Dam is the diversion for the Yuma project and the Imperial Valley project, and it has destroyed practical navigation below. Every use of the water for irrigation depleted the supply. The navigation of the river was one of the problems that we had to meet, and following the act of Congress all trouble was overcome by the purchase of the steamboats on the river by the Government. The operation of these boats had become unprofitable, for there had been no profit in navigation for a good many years; the boats were old and no new ones were put into commission. They are used for construction purposes and finally were put out of service—Colorado River Commission, first meeting, etc.

Many years ago the navigation of the Colorado River was possible and was actually carried on from the mouth of the river to points in what is now the State of Nevada. As late as 1904 there were still some boats engaged in transportation upon the lower reaches of the river. In 1901 the first large diversion from the lower stream system, that to the Imperial Valley, began; and this, with other development in the basin, necessarily depleted the supply for navigation below that point.

In 1904 Congress passed an act (33 Stat. 224, sec. 25) authorizing the Secretary of the Interior to divert the waters of the Colorado River for the irrigation of lands now constituting the Yuma irrigation project. Under this authority there was constructed shortly thereafter what is known as the Laguna Dam, a large dam across the channel of the river a short distance above Yuma. This dam now effectually prevents any navigation of the river between points above and below. Prior to the construction of this dam the operation of boats on the river had become unprofitable, there having been no navigation for several years. The boats then in service were old. They were purchased by the Government, used in connection with the construction of the dam, and then put out of service. While there is an occasional period of high water when navigation may be physically possible, this would continue for only a few months in ordinary years. There is no commercial navigation upon the river at present.

Mr. L. Ward Bannister, a Denver attorney, who has appeared before the committees of Congress numerous times in support of amendments to the Boulder Dam bill, in a letter to Congressman E. O. LEATHERWOOD, who was a member of the Committee on Irrigation and Reclamation, April 7, 1924, which is found beginning on page 900 in the hearings of H. R. 2903 (68th Cong., 1st sess., 902), in discussing the question of navigation, stated:

In the case of the Colorado River the Federal Government is not intending to protect navigation, if, indeed, the river can be said to be navigable, but joins the States in the intention that the waters shall be withdrawn for purposes utterly inconsistent with navigation, such, for instance, as irrigation. When, therefore, the course of development is to be one which has no bearing upon navigation except to destroy it, the course of development and the water rights gained must be under the power of the State and not under that of the Federal Government. In States where riparian rights exist as to nonnavigable streams riparian rights also exist as to navigable streams, except in the latter case they are subject to the paramount public right of navigation. Except for the extent required for the public right of navigation, riparian rights exist with respect to navigable streams in States where they exist as to nonnavigable streams. In the seven States of the West, however, riparian rights exist neither as to nonnavigable nor as to navigable streams.

The construction of a dam at Boulder Canyon by the Federal Government is not an act for the purpose of promoting or protecting navigation. The very purpose is to gather water in order later to withdraw it from the stream for use on land and also in order to generate electric power. These acts by the Government are not connected with navigation, and therefore can not be justified by the interstate commerce clause of the Constitution, which is the clause under which the Congress has the implied right to protect navigation on an interstate stream.

It (the Federal Government) has no rights of ownership. Under the commerce clause its power is to protect navigation, if the river is navigable, and not to enter into schemes for withdrawing water from the river, for that would be destructive of navigation.

We know that the development of the Colorado River, whether undertaken by the States or by the Federal Government, is going to proceed without any regard for the protection of navigation; in fact, the whole scheme from the Gulf to Wyoming contemplates the withdrawal of the water. Even if Congress has the power to prohibit withdrawal by reason of the stream being navigable, the Congress is not going to exercise it, and therefore it may well say that the stream has ceased to be navigable and that navigation uses are subservient to other uses. The meaning of article 4 of the compact as to navigability is not as clear as it might be with respect to whether or not there is a declaration to the effect that the stream is not navigable, but this is not of practicable importance.

Mr. President, if the advocates of the Swing-Johnson bill had exercised energy and good judgment, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill have preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant.

California seeks not only flood control but hydroelectric power. Flood control may be the excuse, but power is the substance of the demand for this bill. Arizona has never stood in the way and does not now stand in the way of ample appropriations for flood control on the Colorado River. * * *

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation had labored for Imperial Valley along flood-control lines, success would have long ago abundantly crowned such efforts.

If the sword of Damocles is suspended over Imperial Valley and if the waters of wrath are held in check only by a tricky guard of sand, let the California delegation but ask for appropriations and the relief prayed for will be promptly granted by Congress.

The great point at issue is whether the States are sovereign over their waters subject only to the right of Congress to legislate for the improvement of navigation.

Arizona can not, under any circumstances, yield her right to an equitable share of the waters of the Colorado River available for use in the lower-basin States. This water is absolutely essential to Arizona's development. It represents the only possibility of the reclamation of a large tract of her arid but exceedingly fertile and otherwise highly favored land. It means, at some time in the not remote future, population, homes, taxable wealth, prosperity, and the subsisting of peoples. Aside from the question of the rights of States and of geographical boundaries, the deprivation of this land of an opportunity for development would mean a tremendous economic waste, both in the production of crops and in the duty of water.

Arizona has 1,500,000 acres of land, easily susceptible of irrigation from the main stream of the Colorado River. It is land highly favored both by soil and climatic conditions and lies adjacent to the Colorado and Gila Rivers in the southwestern portion of Arizona. It requires only water to make it tremendously productive of crops of a highly valuable character, and which can be produced only to a limited extent in the United States. This land drains back into the Colorado and Gila Rivers and its irrigation will therefore result in a return flow, and in an important saving of water over the irrigation of land having no drainage, where the water actually used on the land as well as the surplus flowing in the canal is forever lost. Through engineering feats of the greatest proportions all of the water of the Colorado River might be placed by gravity upon Arizona land, but no questionable engineering feat is involved in the utilization of Arizona's fair division of the water available for use in the States of the lower division. This is Arizona's claim, which she presents for the consideration of all who are fairly disposed toward the principle of equity and justice. It may be true that with only one-half of the water in the lower basin at her disposal, some of California's desert land could not be watered. If so, no hardship would be suffered by that State, which would not likewise be visited upon Arizona. If some acreage must be forever arid, there is no sound reason why Arizona should be singled out to bear the burden and the loss.

I now read to you from the Saturday Evening Post an article written by a gentleman who is not friendly to Arizona's attitude, judging from the whole article; but this is what, in part, he says:

Wealth and population are small in Arizona as compared with California. But the percentage of growth has been very remarkable, indeed. The State has been settled by white men and free from Indian disturbances a short time, comparatively speaking. All things considered, it is doubtful if any other State has such just cause for pride. Great mining industries, large farming areas, unequaled scenic attractions, good roads, excellent schools, a large State university, flourishing cities, famous health resorts—all these have been established or rendered accessible in an amazingly short period of time.

This is not from some orator who speaks as a friend of Arizona, but it is from a man writing in the Saturday Evening Post from the viewpoint of an antagonist of Arizona's position. Arizona has done these things within 20 years. This bill would destroy our opportunity for and stifle our hope of future growth.

I should say at this juncture that those who are foremost in promoting this legislation do not understand this bill; I say this not in criticism of their ability, but to do justice to their morality, for if they understood the consequences of this bill they would not be found supporting the same.

This bill is a reckless and relentless assault upon Arizona. It may indeed appeal to some as a project of superb magnitude, but the bill is ruthless and cynical. It swarms with cryptic phrases. It is not the voice of compromise or an extension of the hand of amity and friendship.

I denounce it in the name of the Federal Constitution, which it violates; I denounce it in the name of Arizona, whose sovereignty it violates; I denounce it in the name of that fair play, which most bullies and all pugilists respect.

Mr. BRATTON obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator from New Mexico yield to me to suggest the absence of a quorum.

Mr. BRATTON. I beg the Senator not to do that.

Mr. JOHNSON. I should infinitely prefer to do it, because I assume that the Senator from New Mexico, as one of the representatives of the upper States, is about to present, from his State's viewpoint, this bill. I should be very glad, therefore, if he would permit me to suggest the absence of a quorum.

Mr. BRATTON. Very well.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McNary	Shipstead
Barkley	Glass	Metcalf	Shortridge
Bayard	Glenn	Moses	Smith
Bingham	Goff	Neely	Smoot
Black	Greene	Norris	Steiwer
Blaine	Hale	Nye	Swanson
Blease	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Trammell
Brookhart	Hayden	Phipps	Tyson
Broussard	Heflin	Pittman	Vandenberg
Bruce	Johnson	Ransdell	Wagner
Capper	Jones	Reed, Mo.	Walsh, Mont.
Caraway	Kendrick	Reed, Pa.	Warren
Couzens	Keyes	Robinson, Ark.	Waterman
Curtis	King	Robinson, Ind.	Wheeler
Deneen	Locher	Sackett	
Fess	McKellar	Schall	
Fletcher	McMaster	Sheppard	

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is necessarily absent because of illness in his family.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. PHIPPS. Mr. President, will the Senator from New Mexico yield to me for a moment for the purpose of presenting an amendment?

Mr. BRATTON. I yield to the Senator.

Mr. PHIPPS. I understand that the pending amendment is the one offered by the junior Senator from Arizona [Mr. HAYDEN]. I desire to offer an amendment to that amendment, which I believe is permissible under the rule in force.

The PRESIDING OFFICER. The Chair will ask the Senator from New Mexico whether he has submitted his amendment? Is it pending?

Mr. BRATTON. It has been printed and is lying on the table, but has not been formally proposed.

The PRESIDING OFFICER. Then the amendment of the Senator from Colorado to the amendment will be in order.

Mr. PHIPPS. I ask to have my amendment to the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 5, strike out all of lines 1 to 18, inclusive, and insert in lieu thereof the following:

"SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower-basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact."

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 4 of this act. No person shall".

On page 12, after line 14, add the following paragraph to section 6:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. PHIPPS. I thank the Senator from New Mexico.

Mr. BRATTON. Mr. President, the Colorado River system, with which we are dealing in the pending measure, is one of the largest to be found anywhere in the Nation. Indeed, its length is about 1,700 miles, with a drainage area of approximately 242,000 square miles. Its fall aggregates almost 7,500 feet, or an average of 4½ feet per mile. Seven States are directly affected, because a part of the territory of each of them is within the drainage area of the river.

It is an interstate navigable stream, thus making it a national problem, concerning all of the country generally. The stream crosses the international boundary, enters the Republic of Mexico at a point below Yuma, Ariz., and finally discharges into the Gulf of California, thus injecting an international feature into the equation.

Title to water, with the right consumptively to use the same in a beneficial way, is a matter that has concerned the Western or so-called arid States most vitally. Because of the importance of this river system, its extreme magnitude and its potential possibilities, both for irrigation and power purposes, the seven basin States, joined by the Federal Government, set about in 1921 to effectuate an agreement adjudicating the title and allocating the use of the water. An act of Congress was passed authorizing the designation of a representative of the Government to participate in a conference to be held for that purpose. Hon. Herbert Hoover was duly designated. Each of the seven States passed a statute providing for the appointment of an agent or commissioner to act for and on behalf of the State. The several representatives so named convened at Santa Fe, N. Mex., negotiated at length, considered every phase of the situation, and then mutually agreed upon the terms of a compact. It was finally signed by all of them at Santa Fe, November 24, 1922. It has been and is commonly called the Colorado River compact. I ask leave, Mr. President, to have it printed in the RECORD at this juncture.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Is there objection?

There being no objection, the compact was ordered to be printed in the RECORD, as follows:

COLORADO RIVER COMPACT, SIGNED AT SANTA FE, N. MEX., NOVEMBER 24, 1922

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America approved August 19, 1921 (42 Stat. L., p. 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel for the State of Arizona, W. F. McClure for the State of California, Delph E. Carpenter for the State of Colorado, J. G. Scrugham for the State of Nevada, Stephen B. Davis, jr., for the State of New Mexico, R. E. Caldwell for the State of Utah, Frank C. Emerson for the State of Wyoming, who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies, and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends, the Colorado River Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them with the provision that further equitable apportionments may be made.

ARTICLE II

As used in this compact:

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the

United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming within and from which waters naturally drain into the Colorado River system above Lee Ferry and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lee Ferry.

(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV

Priority: (a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio—

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lees Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State, the governors of the States affected, upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

ARTICLE VIII

Perfected rights.—Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

W. S. NORVIEL.
W. F. MCCLURE.
DELPH E. CARPENTER.
J. G. SCRUGHAM.
STEPHEN B. DAVIS, Jr.
R. E. CALDWELL.
FRANK C. EMERSON.

Approved.

HERBERT HOOVER.

Mr. BRATTON. Under the terms of the compact, the system was divided into two entities, designated as the upper basin, composed of that part of the States of Colorado, New

Mexico, Utah, and Wyoming lying within the basin from which waters naturally drain into the Colorado River system above Lee Ferry, as well as all parts of said States located without the drainage area of the river system which were then or should thereafter be beneficially served by water diverted from the said system at any point above Lee Ferry; the other being denominated as the lower basin, composed of those parts of the States of Arizona, California, Nevada, New Mexico, and Utah from which waters naturally drain into the river system below Lee Ferry, as well as all parts of said States situated without the drainage area of the system which were then or thereafter should be beneficially served by water diverted at points below Lee Ferry. Colorado, New Mexico, Utah, and Wyoming are generally referred to as upper-basin States, and Arizona, California, and Nevada as lower-basin States. For convenience they will be so denominated in this discussion.

Under the terms of the compact 15,000,000 acre-feet of water per annum was apportioned, 7,500,000 acre-feet thereof to the upper basin, and 7,500,000 acre-feet to the lower basin, with the additional provision that the lower basin was given the right to increase its beneficial consumptive use of water from said stream system to the extent of 1,000,000 acre-feet per annum. The agreement contains a further provision that if, under the doctrine of international comity, the Government shall be required to furnish any water to Mexico, it shall be supplied from the surplus water of the river system above the allocations thus made and, if such surplus is insufficient for that purpose, then the burden shall be borne equally by the upper and lower basins, each contributing one-half of the water thus exacted.

The compact was submitted to the several States for ratification. Without entering into a discussion of the details, it is sufficient to say that all of them, except Arizona, ratified it. Following Arizona's refusal or failure to act favorably, and as an alternative, efforts were put forward to make the agreement effective upon its ratification by six of the States and the Government. This plan has not been effectuated, thereby allowing the title to the water of this immense river system to remain undetermined and the subject matter of much disputation.

The seven States in particular, and the Government in general, have a common interest in the international feature of the situation. As previously stated, on leaving the United States, the river enters Mexico. We have no treaty with Mexico in respect to the river. People residing in Mexico and owners of property situated there have for many years diverted water from the river for irrigation of their lands situated within the Republic. According to my best information, there are about 400,000 acres of land susceptible of irrigation situated adjacent to the river. I am told that of this, more than 200,000 acres are now actually in cultivation, and that the area is being steadily and rapidly enlarged, thus correspondingly increasing the amount of the diversion from the river.

Discussion of how or where the matter might be determined aside, it is my firm belief that so long as we remain idle and permit those in Mexico to increase their prior application of this water to beneficial use, a serious question will be presented regarding our duty to respect their rights as being superior to our own. In making this assertion, I am not unmindful of the views entertained by some that, within the purview of international law, there is no obligation on the part of one nation to deliver any water to another nation through the channel of a stream which traverses their separating boundary line. This conclusion rests upon the concept that every nation is an unlimited sovereign, and that to exact such an obligation would constitute a restriction upon sovereignty. The duty of a nation in the lower reaches of an international stream to accept such water as may flow into its territorial confines, burdened with the possibility that it may be either diminished or discontinued by use in the upper nation, is frequently called servitude. While not taking issue with the advocates of such doctrine in respect to its technical existence, I maintain that if we remain inactive and allow more and more water to be placed to beneficial use in Mexico, we shall be confronted with a question fraught with difficulties and dangerous possibilities.

It may be profitable here to quote from an editorial which appeared in the Washington Post yesterday:

> Although the board of engineers reporting upon the Boulder Dam project recommended that an agreement be reached with Mexico before appropriating the water of the Colorado River, the bill now pending in Congress makes no provision whatever for Mexico's rights. If the bill should become law and the dam should be built, Mexico would be deprived of most, if not all, of the water in the Colorado River. The 240,000 acres of irrigated land in Mexico now depending upon the Colorado River would be subject to destruction.
>
> Apparently international law gives no nation the ownership of water flowing into it from another country. The United States, therefore, can take every drop of water out of the Colorado River. But can it do so with honor and with decent regard to the natural rights of Mexico?
>
> The board of engineers may not be expert in international law, but it has given a hint to the United States Government that should not be disregarded. The construction of a project monopolizing all the water of the Colorado, to the great damage of Mexico, would inevitably be followed by a protest from that country. Failing to reach an agreement through diplomatic negotiations, Mexico would ask for arbitration of the question. How could the United States honorably refuse to arbitrate? Yet the arbitral award might be such as to destroy the value of the Boulder Dam project as a source of supply for Los Angeles.
>
> Before the United States commits itself too deeply to the Colorado River project it should, in all fairness, reach an agreement with Mexico.

While I am unable to bring my views into accord with those expressed in the editorial with respect to the manner of solving the problem, I do agree that the situation presents a problem upon which we should look with deep anxiety. So that, if we fail to take appropriate steps to discontinue the enlargement of these rights in Mexico, no one but ourselves will be responsible for the possibly permanent loss of our own birthright. The plan contemplated in the bill is designed to obviate this danger by way of the construction of the so-called all-American canal, through which the water to be used in the Imperial and Coachella Valleys in Southern California will be diverted at a point within the United States and carried exclusively through California to said valleys, thus discontinuing the flow of the water into Mexico, and consequently making it no longer available for consumptive use there. Moreover, we then shall have sufficient water stored for the discharge of any obligation to furnish water in Mexico during dry years, thereby making the entire natural flow of the river during those years available for consumptive use, particularly in the upper basin.

The importance of this can not be overstated. Without storage facilities, substantially as contemplated in the bill, the duty to furnish water to Mexico, either under present rights or those hereafter created prior in point of time to our own, must be met and discharged, if done at all, with water from the natural flow of the river. This flow, in the very nature of things, will be inadequate to supply all of the demands during dry years in the future, so that users of water in the river basin will be constantly overshadowed with the danger of an inadequate supply during such years. On the contrary, if the bill is enacted and the dam constructed with storage capacity of 26,000,000 acre-feet, sufficient flood water will be stored with which to meet our obligation to Mexico during dry seasons, thereby insuring to us the full use of the natural flow in the basin States. The same principle applies as between the upper and lower basins. For the present, however, I am discussing it with respect to the international aspect of the problem. It seems to me that this feature of the situation is sufficiently grave and urgent to move the Senate to act.

That the Government possesses the constitutional power to construct the dam, store the water, and equate and stabilize the flow of the river, seems clear. The stream affords a constant danger to the people residing and the property situated within the Imperial Valley of California. This danger is a shadow which continuously overhangs them in respect to their lives and property. The seriousness of danger occasioned during flood periods seems to be generally admitted, although some question was raised in the course of our debate within the past few days. As is well known, the Committee of the Senate on Irrigation and Reclamation made an exhaustive study of the subject matter. The members traveled extensively in the area of the river system, viewed the physical situation, and received a vast amount of testimony and data. Thereafter a report was made upon the measure, in which the following was said respecting the danger to life and property:

> Storage above and the regulation of the flow are now recognized as the only means of protection from floods, not only for the Imperial Valley but for a part of Arizona, a part which by reason of its development has become a productive, valuable, and beautiful territory. The flood danger so far as the Imperial Valley is concerned, is unlike that which exists in any other part of the United States. In other localities destructive floods may occur with untold losses, and yet the waters subside and the territory affected ultimately recover. In the Imperial Valley, floods mean water entering the basin of the saucer-shaped land with no possible outlet. Millions of dollars have already been expended, not only by the localities affected but by the Federal Government, in the attempt to protect the lower basin of the Colorado River from floods. Levees at times have no sooner been built than they have been washed away.

Mr. F. E. Weymouth, formerly chief engineer of the Reclamation Service, in his 1924 report recommending the project, stated in the plain and conservative language of the engineer the physical conditions causing the acute flood menace which exists:

"Within a few years at the most the silt deposits will raise the elevation of this latter area to a point where the main current of the floods will again be thrown to the west and north, at which time the assaults of the river on the Volcano Lake Levee will be renewed, with assurance that sooner or later another break into the valley will occur.

"The menace in case of such a break is not limited as at Yuma and above to the loss of crops and improvements and the cutting away of a few or many acres of valuable land, serious as that menace is. Besides all this the greater danger here is that the levee once breached and the river at flood turned into Salton Sea, the steep gradient of its course will induce the cutting through the soft alluvial soil of a gorge in which the flow may not be checked until a large part of the valley has become submerged beneath the waters of an inland sea." (Hearings on H. R. 2903, 68th Cong., 1st sess., pp. 711, 712.)

The Colorado River is subject to periods of great floods and great droughts. It has been known to reach a maximum discharge of more than 200,000 cubic feet of water per second and a low flow at the head works of the Imperial system of 1,250 cubic feet of water per second.

This causes extremely serious flood situations all along the lower river. Floods above Imperial Valley, were they not overshadowed by the exceptional flood danger to Imperial Valley, would attract attention and call for remedial measures. In 1916 the water stood 2 feet deep in the streets of the town of Yuma and threatened its destruction. In 1922 the river inundated a large part of Palo Verde Valley and the water stood several feet deep in the town of Ripley in that valley, destroying much property and otherwise causing a large amount of damage. Other floods have submerged the Parker Valley and also done serious damage to the city of Needles.

The greatest flood danger, however, is to the Imperial Valley, lying far below the river's channel and with no outlet for flood waters once they enter the valley.

In 1914 the Volcano Lake Levee was breached and 10,000 cubic feet of water per second flowed through the levee into the Imperial Valley for many days before the levee could be repaired. More serious results were avoided by means of hundreds of men placing bags of earth on top of the levee.

In 1918 the Ockerson Levee, which had been rebuilt by Imperial irrigation district, was breached in two places. The flood water was successfully turned westward to Volcano Lake by other levees, but not until after several thousand acres of land had been inundated and the workmen and a Southern Pacific train marooned. In a course of two days the men were removed but the train was held until the flood subsided, some three months later.

In 1919, before the river was turned into Pescadaro Cut, the levees were again breached and 4,000 acres of land inundated before the opening could be closed. The river was so high and the water-soaked earth so soft that maintenance work could not be carried on by the usual means of dumping rock from trains operated for that purpose. This was found to be the case after a locomotive and cars had been lost in the attempt. Numerous smaller breaks have occurred. In 1925, with only 50,000 second-feet of water, the river turned against the levees and in two different places undermined and destroyed them for distances of several hundred feet. This again occurred in 1926. These smaller breaks are of annual occurrence and serious results have been prevented only by constant vigilance. Telephone communication is maintained throughout the entire length of the levees and numerous watchmen are constantly on patrol. Strings of dump cars are kept loaded with rock and during high water locomotives kept under steam for immediate use.

Desilting the water is another element of safety to the Imperial Valley. It must be borne in mind that the annual discharge of silt at Yuma—not the volume carried by the river, but the discharge—is 100,000 acre-feet annually. In this respect the committee said in its report:

The river has an annual discharge at Yuma of more than 100,000 acre-feet of silt. This silt greatly aggravates the flood menace. No temporary works can be built to hold it. It was the silt deposit that built the deltaic ridge on which the river now flows. It was the silt deposit that filled the Bee River and Volcano Lake, so that the river could no longer be held at that point, and the same silt deposit will quickly fill the depression where the river now flows.

The gradient to the north into Imperial Valley is much greater than that to the south into the Gulf, and when the depression is filled there is no means known which, at any cost within reason, can prevent the river from again flowing into the Imperial Valley.

The dam proposed in this bill will catch and hold the silt. Most of the silt finding its way onto the delta is from and above the canyon section. If no other dams were provided on the river, the one proposed in this bill would retain all of the silt finding its way into the reservoir for a period of 300 years, and for more than 100 years before its storage capacity and usefulness would be seriously interfered with. As other dams are constructed on the river they will catch and retain the silt, thereby further extending the usefulness of the Boulder Canyon Reservoir.

In aid of flood control and navigation, it is the plain duty of the Government to act. It should take appropriate steps to control the flow of the river, and in that manner discharge its solemn obligation and protect the people residing in lower California. This seems to be so clear that argument upon it would be a waste of time. Every Member of the Senate readily concedes the duty of the Government to protect its citizenry against danger from floods upon interstate streams of this character. In the instant case, this seemingly can only be done by the construction of a dam for storage purposes, so that the flow of the river may be equated, stabilized, and controlled. The desired ends can not be accomplished otherwise.

The consensus of opinion is that the most desirable site for the dam is at Black or Boulder Canyon, the two locations being near together, each situated at a point where the river traverses a narrow, deep canyon, with adequate rock foundation and other natural conditions for the construction of the dam with safety. The commission recently appointed, under an act of Congress for the purpose of making a scientific study of the situation, has recommended the Black Canyon site as being more desirable because of better natural conditions. This commission reported emphatically that a dam can be constructed there, approximately 550 feet in height, with storage capacity of 26,000,000 acre-feet, with perfect safety. It is assumed, therefore, that this site will be adopted. When the dam is constructed, the reservoir, with this immense capacity, will equalize and stabilize the flow of the river, protect the people and property in the Imperial Valley in that way, and discharge the duty of the Government in that respect. It will be of vast benefit to all of the States within the basin.

About 84 per cent of the water of the Colorado River rises in the upper basin States. The law of prior appropriation, in its strictest sense, as distinguished from the doctrine of riparian rights in respect to the use of water, obtains in six of the States affected. California has a system partaking in some aspects of each system. It is my opinion that it is so closely akin to the theory of prior appropriation that, as to the Colorado River system, it may safely be called a prior appropriation State. Consequently we may say that all of the States affected hold to the doctrine of prior appropriation in regard to claims to water of intrastate streams. Under this system the one who is prior in point of time in applying water to beneficial consumptive use is superior in point of right. This is true, regardless of their relative positions on the stream. One living down the stream may acquire a superior right to one living above if he is prior in point of time in putting water to beneficial consumptive use. Such a right is effectuated from the time the purpose to make it is definitely formed and actual work to carry it into effect is begun, provided the necessary things to complete it are done with reasonable diligence or dispatch. This was the holding in the case of Wyoming *v.* Colorado (259 U. S. 419). The same thing being held in numerous decisions by State courts. The question naturally arises as to the applicable rule where the stream traverses State lines and is interstate in character.

This question has been before the Supreme Court of the United States, notably in the cases of Kansas *v.* Colorado (206 U. S. 46), just referred to, and Wyoming *v.* Colorado (259 U. S. 419). It already has been stated that the doctrine of prior appropriation obtains in Colorado and Wyoming. The rule of riparian rights was enforced in Kansas at the time the case first mentioned herein was decided. Therefore, in the contest between Colorado and Kansas, the court considered the respective rights of the States where the same system does not apply, one being riparian and the other prior appropriation. It may be said that in that case the court decided that, under such circumstances, it would disregard State lines and determine the question upon principles of equity. In the latter case, it was definitely decided that in a case involving two or more States where each holds to the doctrine of prior appropriation, that rule would be applied regardless of State lines. Consequently, as to the Colorado River system, the rule of prior appropriation is in force regardless of State lines. From this it is perfectly obvious that a State situated in the lower basin, by reason of its more rapid growth and development, may put an undue proportion of the water to beneficial, consumptive use prior in time to any or all of the upper basin States, and thus acquire a superior right to such water. Indeed, if the more rapid growth were extended upon a sufficiently large scale, the entire volume of water in the river not now applied to beneficial use could be acquired by one or more of the lower basin

States, thus depriving all of the States in the upper basin of any part thereof, regardless of the fact that about 84 per cent of the entire volume of the system arises in the upper basin. It is no secret that California is growing vastly more rapidly than any other State in the entire basin. For this she is to be commended rather than criticized. In the very nature of things, she will increase her consumptive use of water from the stream system for domestic purposes in disproportion to any of the other States, and thereby will acquire a steadily increasing prior right to the water. At the same time, power sites of immense potential possibilities are located in Arizona and Nevada. By putting the water to beneficial use for the development of power, prior rights of stupendous proportions may be acquired by these States. Mr. President, on last Saturday I secured from the Federal Power Commission complete data in respect to the number of pending applications for permits for proposed water-power projects on the Colorado River and its tributaries, with the enormous quantities of water sought to be used for such purposes. These applications are suspended by reason of the joint resolution passed during the recent session of the Congress. I ask that these data with the letter of transmittal accompanying them may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

FEDERAL POWER COMMISSION,
Washington, December 8, 1928.

Mr. F. O. ROTH,
Secretary to Senator Bratton,
Room 444, Senate Office Building.

DEAR SIR: In accordance with your telephonic request to Mr. Merrill this morning, I am sending you herewith a list of water-power projects on the Colorado River and its tributaries for which applications for preliminary permits and/or licenses have been made.

Very truly yours,

GLEN E. EDGERTON,
Chief Engineer in the absence of the Executive Secretary.

SUSPENDED APPLICATIONS FOR POWER DEVELOPMENT IN COLORADO RIVER WATERSHED, INCLUDING DATA REGARDING WATER RIGHTS

I. PROJECTS ON THE COLORADO RIVER

Project No. 30: Beckman & Linden Engineering Corporation. Parker site on Colorado River. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water to be diverted on Arizona side of river. Application made to State of Arizona for 50,000 second-feet.

Project No. 59: Edward L. Beyard. Nine dam sites on Colorado River from Echo Peaks just below mouth of Paris River to point 20 miles below mouth of Virgin River. Preliminary permit applied for. Estimated installed capacity, 1,800,000 horsepower. No rights applied for and quantity of water to be used not mentioned.

Project No. 111: Southern California Edison Co. Glen Canyon storage site and Marble Canyon, Bright Angel, and Diamond Creek plants. Preliminary permit applied for. Estimated installed capacity, 3,300,000 horsepower. Applications for water rights to be filed later in Arizona and Utah; amounts not stated.

Project No. 121: James B. Girand. Diamond Creek site. Preliminary permit issued. License applied for. Estimated installed capacity, 200,000 horsepower. On December 22, 1920, filed application for 10,000 second-feet under new law without waiving rights claimed in earlier filings; appropriation made in August, 1913, under then existing law.

Project No. 230: James B. Girand. Colorado River at Andrus Canyon. Preliminary permit applied for. Estimated installed capacity, 130,000 horsepower. Application filed with State water commissioner of Arizona December 22, 1920, without prejudice to rights previously acquired.

Project No. 231: James B. Girand. Colorado River at Pierces Ferry. Preliminary permit applied for. Estimated installed capacity, 130,000 horsepower. Water right application same as No. 230.

Project No. 238: City of Los Angeles. Colorado River at Boulder Canyon. Preliminary permit applied for. Estimated installed capacity, 800,000 horsepower. Application filed with State water commissioner of Arizona July 18, 1921. Amount not given, but plans indicate 15,000 second-feet.

Project No. 258: Southern California Edison Co. Colorado River at Boulder and Pyramid Canyon sites. Preliminary permit applied for. Estimated installed capacity, 1,200,000 horsepower. Water-right applications to be filed in Arizona and Nevada. Amounts not stated.

Project No. 265: Guy P. Mohler. Colorado River at Pyramid and Black Canyon sites. Preliminary permit applied for. Estimated installed capacity, 400,000 horsepower. No statement regarding water applications or amounts to be appropriated.

Project No. 301: Clare N. Stannard. Kremmling site on Colorado River. Preliminary permit applied for. Estimated installed capacity, 57,000 horsepower. Preparing to file application for water right when power application was made; 1,080,000 acre-feet of storage proposed.

Project No. 391: G. Henry Stetson. Colorado River at Bull's Head site. Preliminary permit applied for. Estimated installed capacity, 168,000 horsepower. Entire flow of river to be controlled to maximum of 42,000 second-feet. "The water rights along this section are controlled by the Federal Government, and it is not the intent of the applicant to change their status in any way, but to utilize the waters as they may be released under regulations to be issued by the Reclamation Service."

Project No. 392: G. Henry Stetson. Colorado River at Boulder Canyon site. Preliminary permit applied for. Estimated installed capacity, 1,600,000 horsepower. Same statement regarding water rights as under No. 391.

Project No. 647: City of Los Angeles. Colorado River at Parker site. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water-right application filed in Arizona September 2, 1925; also filed in California, but date not given. Amount of flow to be used not given, but plans indicate 15,000 second-feet.

Project No. 660: Fred T. Colter, for and in behalf of the State of Arizona. Colorado River at Glen Canyon and Bridge Canyon sites. Preliminary permit applied for. Estimated installed capacity, 750,000 horsepower. Application made to State of Arizona for 20,000 second-feet, diversion at a point 4 miles below mouth of Spencer Canyon; 22,500,000 acre-feet storage at Spencer Canyon; 52,000,000 acre-feet storage at Glen Canyon; 10,000,000 acre-feet storage at Bridge Canyon.

Project No. 661: Board of directors of State institutions, State of Arizona. Colorado River at Bridge Canyon site. Preliminary permit applied for. Estimated installed capacity, 1,000,000 horsepower. "Water rights to be determined by priority and State sovereignty." Amount to be appropriated not given.

Project No. 668: Southern California Edison Co. Colorado River at Topock or Mojave Canyon site. Preliminary permit applied for. Estimated installed capacity, 180,000 horsepower. Application to Arizona and California for water rights not made, but "alleges that the license, if and when issued by the Federal Power Commission, will carry with it the riparian rights of the United States incident to the public lands occupied and used under such license, and that such rights will entitle applicant to the use of the water necessary for the operation of said project." Will acquire by purchase or condemnation all private water rights that may be necessary. Proposed appropriation not stated.

Project No. 770: Board of directors of State institutions, State of Arizona. Colorado River at Glen Canyon. Preliminary permit applied for. Estimated installed capacity, 750,000 horsepower. Water-rights statement same as for 661.

Project No. 808: Board of directors of State institutions, State of Arizona. Colorado River at Parker site. Preliminary permit applied for. Estimated installed capacity, 200,000 horsepower. Water-rights statement same as 661; 1,900,000 acre-feet storage to be provided, diversion on Arizona side.

Project No. 875: Board of directors of State institutions, State of Arizona. Colorado River above Grand Wash. Preliminary permit applied for. Estimated installed capacity, 340,000 horsepower. Water rights "will be determined by priority and sovereignty of State of Arizona."

II. PROJECTS ON THE TRIBUTARIES OF THE COLORADO RIVER

Project No. 158: Utah Power & Light Co. Rattlesnake site on Green River, 27 miles above Green River, Utah. Preliminary permit applied for. Estimated installed capacity, 100,000 horsepower. Water-right application made October 20, 1917, in name of J. Kimball Smith for 5,000 second-feet flow and 150,000 acre-feet storage.

Project No. 165: Utah Power & Light Co. Flaming Gorge site on Green River. Preliminary permit issued. License applied for. Estimated installed capacity, 125,000 horsepower. Water-right application filed July 31, 1922, with Utah authorities. Amounts not stated, but plans call for 1,542,500 acre-feet storage and use of entire flow through this regulation.

Project No. 190: Uintah Power & Light Co. Uintah River and Pole Creek, Utah. Preliminary permit issued and expired. License applied for. Estimated installed capacity, 2,425 horsepower. Application filed July 12, 1918, for 150 second-feet on Uintah River. Application filed January 25, 1919, for 20 second-feet on Pole Creek.

Project No. 279: Utah Power & Light Co. Swallow Canyon, Echo Park, Island Park, Split Mountain, Minnie Maud, and Rock Creek sites on Green River; and Juniper Mountain, Maybell, Lily Park, and Blue Mountain on Yampa River. Preliminary permit applied for. Estimated installed capacity, 800,000 horsepower. Plans call for use of 11,000 second-feet on Yampa River and from 2,700 to 7,000 second-feet on Green River. Filings to be made in Utah and Colorado as required.

Project No. 306: Joseph Wittman. Hassayampa River at old Walnut Grove site and at Box Canyon. Preliminary permit applied for. Estimated installed capacity, 5,500 horsepower. Permit from State water commissioner of Arizona, March 6, 1924. Covers right to use all flow at these points except prior appropriations, aggregating approximately 5 second-feet.

Project No. 400: The Western Colorado Power Co. Animas and San Miguel Rivers. License applied for. Estimated installed capacity, 15,770 horsepower. Constructed works and old water rights of 20 to 40 years' standing. Appropriations include 70,500 acre-feet storage in Cascade Reservoir, in San Miguel drainage, and 480 second-feet flow therefrom; also approximately 560 second-feet flow from South Fork of San Miguel and its tributaries.

Project No. 425: John L. Fish. Salt River, Ariz., at Walnut Canyon. Preliminary permit issued and expired. License applied for. Estimated installed capacity, 24,000 horsepower. Original application for water rights made in 1923. Renewed application (without prejudice to previous rights) filed February 17, 1928, to appropriate water for power purposes only. Rights for irrigation use expressly waived. Amounts not stated.

Project No. 524: A. E. Humphreys and J. H. and Mary E. Ratliff. Green River at Split Mountain Canyon site. Preliminary permit applied for. Estimated installed capacity, 60,000 horsepower. Water-right application filed August 28, 1923, for 5,500 second-feet. No storage.

Project No. 630: Mrs. Ida M. Butts. Eagle Creek, Colo. Small mining development. License applied for. Estimated installed capacity not stated. Application returned for revision in compliance with rules. Data as to water rights not available.

Project No. 730: Arizona Sodium Production Co. Aravaipa and Turkey Creeks, Ariz., in Gila watershed. Preliminary permit applied for. Estimated installed capacity not stated. Water rights not yet applied for and amount not mentioned.

Project No. 733: The Western Colorado Power Co. Uncompahgre River at Ouray, Colo. License applied for. Plant built in 1902–1904. Installed capacity, 650 horsepower. No water rights described in application. Hydraulic capacity of plant, 18.5 second-feet.

Project No. 741: Joseph Wittmann. Sabino, Bear, and Sycamore Canyons, near Tucson, Ariz. Preliminary permit applied for. Estimated installed capacity, 1,200 horsepower. Water-right application filed with State water commissioner in 1926. Amounts not given.

Project 767: Joseph Wittmann. Kirkland Creek, Santa Maria River, and Bill Williams River between Kirkland Valley and Colorado River. Preliminary permit applied for. Estimated installed capacity, 8,000 horsepower. Water-right application filed with State water commissioner March 10, 1926. Has priority except on William River. Amounts not given.

Project No. 784: R. H. Woods. Five sites on Gila River in Hidalgo and Grant Counties, N. Mex. Preliminary permit applied for. Estimated installed capacity, 50,000 horsepower. Water-right application to be made for flood waters. Amount of appropriation not stated, but plans propose 5 reservoirs with total storage of 362,000 acre-feet and 500 second-feet regulated flow.

Project No. 788: A. Frederickson. Salt River, Ariz. Preliminary permit applied for. Estimated installed capacity, 12,000 horsepower. Purchase of existing water rights arranged for. Amount not given, but plans propose use of 300 second-feet.

Project No. 837: Arizona Edison Co., Gila River near Clifton, Ariz. Preliminary permit applied for. Estimated installed capacity, 19,000 horsepower. No application made for State water rights, it being erroneously assumed by applicant that the Federal permit would cover power rights in public land.

Project No. 842: R. D. Webb, Lake Fork of Gunnison River, Colo. Preliminary permit applied for. Estimated installed capacity, 3,300 horsepower. Application for 30,000 acre-feet of storage made and filing approved by State engineer September 9, 1927. Filing to cover natural flow to be made later.

Project No. 854: A. E. Humphreys and J. H. and Mary E. Ratliff. Big and Little Brush Creeks, near Vernal, Utah. Preliminary permit applied for. Estimated installed capacity, 11,500 horsepower. Application to appropriate water for power approved by State engineer June 2, 1927.

Project No. 857: R. D. Webb. Henson Creek and Lake Fork of Gunnison River. Preliminary permit applied for. Estimated installed capacity, 3,300 horsepower. Application for 300 cubic foot-seconds approved by the State engineer October 27, 1928.

Project No. 924: Board of directors of State institutions, State of Arizona. Little Colorado River, Tolchico site. Preliminary permit applied for. Estimated installed capacity not stated. Will "use the heretofore unappropriated and unused water of the Little Colorado River above Tolchico dam site."

Mr. KING. Mr. President, I would like to ask the Senator whether all of the applications have been made for the appropriation of all the water within the State of Arizona, or have applications been made for appropriation in other States? If the Senator has that information, I shall be glad to be advised.

Mr. BRATTON. I speak from memory. My recollection is that most of the water applied for is in Arizona—some in Utah, but the vast majority in Arizona.

Mr. KING. Mr. President, will the Senator suffer a further interruption?

Mr. BRATTON. I yield.

Mr. KING. I am interested in trying to ascertain the annual irrigation of lands in the Imperial Valley. My recollection is that some of the testimony showed, and, indeed, one of the committees reported, that whereas it is claimed there have been irrigated in the Imperial Valley between 400,000 and 500,000 acres, and probably that number of acres have been irrigated, yet that annually not to exceed more than 300,000 acres are irrigated. Some of the land is summer fallowed. Some owners, appreciating that they can not get the full water supply because it is not in the river, irrigate only a portion of their lands each year, and yet in totaling the aggregate lands irrigated they give the entire area which has been irrigated in all the years rather than the annual irrigation.

It is quite important in the consideration of the bill to know whether 500,000 acres of land are irrigated annually or 300,000 acres of land are irrigated annually. Assume, for the purpose of illustrating the point which I am trying to make, that each acre requires 5 second-feet of water for irrigation during the season. If there are actually irrigated only 300,000 acres each year, that would be a net appropriation, which would be subject to the claim of vested rights, of 1,500,000 acre-feet. If, upon the other hand, the 500,000 acres of land are irrigated annually, taking the consumptive use of 5 second-feet per acre, that would mean 2,500,000 acre-feet. My information is that the number of acres irrigated annually one year with another in the Imperial Valley does not exceed 300,000 acres, and yet the claim is made here for 500,000 acres annually.

I wonder if the Senator has any information to show just what the facts are in this matter.

Mr. BRATTON. Mr. President, I do not have the information desired by the Senator from Utah. One day last week the senior Senator from California [Mr. JOHNSON] inserted some tables in the RECORD respecting the amount of land in irrigation in California. I wonder if the Senator from California is in position to give the Senator from Utah the desired information?

Mr. JOHNSON. Mr. President, I am compelled to apologize to the Senator from New Mexico and the Senator from Utah. My attention was engrossed upon another matter at the moment, and I do not know exactly what it was the Senator from Utah desired.

Mr. KING. Will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. In reading the hearings—and I have read thousands of pages—I find that the testimony is somewhat uncertain as to the quantity of water used in the Imperial Valley. There are statements that between four and six hundred thousand acres of land have been cultivated, but as I read the testimony the annual acreage cultivated and irrigated is much less. My recollection is that there is testimony tending to show that the lands upon which crops are grown and which are annually irrigated do not exceed 300,000 acres. It is important for us to know what the annual consumption of water is in the Imperial Valley; to know how many acres are actually cultivated and irrigated each year; it is not sufficient to be told that five or six hundred thousand acres have been irrigated and cultivated. We know that agriculturists allow some of their farm lands to lie fallow. They cultivate a part of their farms one year and another portion the following year, using the same water right for the second year which they used the first year. This is particularly true in those districts where there is irrigation, and the owners of land do not have sufficient water for the irrigation of all their lands each year. Indeed, their experience demonstrates that they can not profitably cultivate all of their lands each year. In most irrigated sections the aggregate area of land which is subject to irrigation and at various times has had water applied thereto is approximately double the area which is annually cultivated and irrigated. If, in the Imperial Valley, only 4 acre-feet of water are necessary for each acre cultivated and irrigated, and only 300,000 acres are annually irrigated, then the appropriation and the so-called "vested right" would be twelve hundred thousand acre-feet, although within the valley there were more than 300,000 acres of land which had been cultivated.

Mr. JOHNSON. Mr. President, I am very frank to say to the Senator from Utah that it is an utter impossibility for me to tell him what lands are summer fallowed and what are not, and whether or not the irrigation is applied to the entire acreage in any one year.

I have before me, for instance, the tables that were presented in the report of Governor Scrugham in relation to the irrigated area in the State of California, but, of course, that does not segregate as between that which is actually under reclamation and irrigation and that which may for a very brief period be permitted to lie fallow for a particular reason. Therefore it is impossible for me to answer the Senator's question, except

to say that in this report it is stated that by gravity in the Imperial Valley in California there are now irrigated 462,000 acres of land; at Yuma—that is, on the California side, not upon the Arizona side—13,000 acres of land; in Palo Verde, 36,000 acres; and then by pumping, miscellaneous, 1,000 acres. The total land irrigated by gravity is 512,000 acres. If it be possible to obtain for the Senator a segregation such as he suggests, I will obtain it. I am unable, however, at the moment, myself, to make that segregation.

Mr. KING. Mr. President, I regard this matter as one of importance, because if the quantity of water used in the Imperial Valley has been only sufficient to irrigate 300,000 acres of land in any one year, then no rights have been acquired to the waters of the Colorado River for a larger area during any one year. The measure of the rights of the Imperial Valley are not the claims of the people of the valley but the amount of water actually applied to beneficial purposes. The question is: How many acre-feet or second-feet of water have been diverted from the river and conveyed to the Imperial Valley and there applied for irrigation and other beneficial purposes? This question is not determined by the aggregate area of land which might have been irrigated, because, as stated, a small quantity of water may be applied upon a parcel of land for one or two years and then used to irrigate a different parcel of land the third or fourth year. Perhaps the fifth year the same quantity of water obtained under the same right may be devoted to irrigating a parcel of land which has laid idle and uncultivated for several years. I repeat the water right is determined not by the area of land cultivated but by the quantity of water actually put to a beneficial use.

Mr. JOHNSON. I think I have given that to the Senator, but as to what might not be utilized of this acreage in a particular period I am unable to say. I will get those figures, if it is possible to get them, for the Senator.

Mr. KING. Mr. President, I am only seeking to ascertain the quantity which has been annually used in the Imperial Valley.

Mr. JOHNSON. It is not difficult to state the amount of water used, but I was stating it in acres. I thought it was acreage for which the Senator from Utah asked.

Mr. KING. I asked for both, because if we know the number of acres of land irrigated and the duty of water—and I have no doubt that the duty of water is well established—it would be easy to determine the annual consumption.

Mr. JOHNSON. Speaking in round numbers, the annual consumption of water that is constantly, continually utilized is 2,100,000 acre-feet, I think, in the Imperial Valley; but I will segregate the figures as best I can if the Senator desires them.

Mr. KING. Mr. President, the hearings disclose that the volume in the Colorado River often is less than 1,200 second-feet, and, as I read the record, I am inclined to believe that the quantity of water used in the Imperial Valley is less than that indicated by the Senator from California. The Senator knows that even if I had the power I would not deprive the people of Imperial Valley of a single drop of water to which they are entitled. The quantity of water which they have used from year to year they are entitled to have in the future. If they have actually applied to beneficial use 2,000,000 acre-feet, then they should in the future have the same amount.

As I have indicated, in view of the claims of the Senator from California that his State should have 4,600,000 acre-feet, and in addition 500,000 acre-feet of a claimed unappropriated 1,000,000 acre-feet, and in view of the fact that the necessity for the 4,600,000 acre-feet partly rests upon the assumption that the Imperial Valley has used 2,000,000 acre-feet, then it is important to determine just what amount the Imperial Valley has used.

If but 300,000 acres have been cultivated annually and twelve or fifteen hundred thousand acre-feet are all that have been actually applied and all that are actually necessary to cultivate the lands which annually have been irrigated, then it would seem that there is sufficient reason for the contention of Arizona that California should not receive the 4,600,000 acre-feet as claimed.

Mr. JOHNSON. I do not know whether the Senator is speaking from the legal standpoint now or from an equitable standpoint that ultimately he would like to see adopted. From the legal standpoint they are entitled under their filings to water for the purpose of irrigation that they put to beneficial use in the territory covered by the particular filing. There is no question on that score.

Mr. KING. I am not certain that I understand the Senator, but if I interpret his position correctly there would be some question. To illustrate my meaning, if the people of Imperial Valley have made filings for 5,000,000 acre-feet of water and have used only 1,000,000 acre-feet annually, that would be the measure of their vested right for which Congress should legally and equitably provide.

Mr. JOHNSON. No; as I understand, the filings are made for the use of water for a particular designated territory, and then the water is appropriated for beneficial use for that particular designated territory.

Mr. KING. Mr. President, if pursuant to the filing for a particular designated territory, water is used upon that territory, and a right acquired, then there would be no disagreement between my friend and myself. If, however, there is a filing by the Imperial Valley corporations or by individuals or corporations in Arizona or California which is not followed by actual physical appropriation upon the lands in question, that would not be the basis of a vested right so far as we desire to provide for vested rights in the bill which is under consideration.

Mr. JOHNSON. No, Mr. President—and I hope the Senator from New Mexico will pardon me, for this will be my last interruption upon that subject, and only in response to my friend from Utah do I trespass upon the time of the Senator from New Mexico—when an appropriation is made for a particular territory, if the water is put to beneficial use and then reasonable diligence is exercised in utilizing additional water in that territory for additional land, the right is a perfected right under the water law of the West.

Mr. BRATTON. Mr. President, as bearing upon the interests of the upper-basin States, it may well be said that, according to figures furnished by the Bureau of Reclamation in 1922, the following amounts of land were actually in irrigation in the respective upper-basin States in 1920:

	Acres
Colorado	740,000
New Mexico	34,000
Utah	359,000
Wyoming	367,000
Total	1,500,000

And that the following amounts were susceptible of irrigation in those States, respectively:

	Acres
Colorado	1,018,000
New Mexico	483,000
Utah	456,000
Wyoming	543,000
Total	2,500,000

Mr. KING. Mr. President, I dislike to interrupt the Senator.

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. BRATTON. I do.

Mr. KING. The Senator has stated that the number of acres susceptible of reclamation or irrigation in Utah, pursuant to the figures which he has given, was 456,000. I do not want to sit quietly by and agree that that is the maximum area which is susceptible of reclamation in the State of Utah from the waters of the Colorado River. As a matter of fact, the number of acres which can be irrigated, land which is valuable and which when water is supplied thereon will produce valuable agricultural crops, is between 750,000 and 1,000,000 acres.

Mr. BRATTON. I am conscious, Mr. President, that it is contended by those residing in each of the States referred to that the respective amounts of new acreage which may be irrigated are vastly larger. According to these data, however, about 2,500,000 acres of land located in the upper basin will be ready at some time in the future for irrigation. The area in New Mexico thus referred to lies in the San Juan Basin. According to a recent investigation made by the State engineer of that State, approximately 600,000 acres of land there, instead of 517,000 acres, is susceptible of reclamation. This would bring that vast area into intensive production, with possibilities beyond the comprehension of any of us. I do not desire to be selfish in the matter, but I am anxious in my efforts to protect these important interests in the State which I have the honor to represent in part here, so that when by reason of changed economic conditions development through agriculture and perhaps generation of power is ready to go forward we shall not be confronted with the asserted claim by those in the lower basin that our share of the water of the stream system has been lost through prior seizure and beneficial use in that region.

If the compact is ratified, title to the water for purposes of irrigation and the development of power will become safe. Without it uncertainty will prevail, investments delayed, and growth retarded. There are only two ways known to me through which title to water of an interstate stream, either for purposes of irrigation or development of power, may be adjudicated. One is by a compact or agreement—the method sought to be followed in this case—and the other is by a

decree rendered in a suit instituted originally in the Supreme Court of the United States. In this case such a suit would involve the seven States affected. Obviously, the former course is infinitely better than the latter. Litigation of this character would be vexatious, interminable, and without limit as to expense. It doubtless would require many years' time for hearings, investigation, and submission of evidence before the first decree could be entered. If the full supply of water were not then needed for beneficial consumptive use, new or additional rights would thereafter arise from time to time respecting the unadjudicated surplus, in connection with which controversies inevitably would be presented, thus necessitating supplemental hearings, more trials, and further decrees. It must be perfectly obvious that this course of procedure would disadvantage everybody connected with this enormous stream system and its limitless possibilities for useful service to the people of all the States in both basins. Each State in the interest of orderly procedure and well-regulated government should urgently and earnestly seek to avoid it.

I have no doubt that there is sufficient water in the river system to satisfy the allocations made under the terms of the compact. In making this declaration, I have not overlooked the statements contained in the report recently made by the commission. That the commission did not have sufficient time to make an exhaustive study of the situation is apparently reflected from the report. I quote the following from it:

The flow of the Colorado River is one of the fundamental factors on which the success of this project depends. On the stream flow depends the amount of land that can be irrigated and the amount of power that can be generated. The information on which this flow has been estimated is inadequate to furnish an accurate or sound estimate on which to base an important project without using factors of safety sufficiently great to make such estimates conservative and safe. Since the water supply is such a vital element in the problem, the board has inquired into the subject as thoroughly as the limited time would permit.

The estimates of flow on which this project has been predicated are the measurements of the flow of the river made at Yuma continuously since 1902. The methods used in gauging at Yuma were those common at the time the measurements were begun, and while improved methods of gauging were adopted at other gauging stations, these old methods were continued in use at Yuma until 1918, and with little improvement until 1926.

To determine the flow in the Colorado River above Laguna Dam, there was subtracted from the Yuma gaugings the estimated flow of the Gila River which joins the Colorado between Yuma and the dam. The flows of the Gila are based on information of very doubtful value and can be considered as little better than fair guesses—whether too large or too small can not be determined. To the reduced flow as arrived at above, the flow through the Yuma Canal was next added, to get the gross flow above Laguna Dam. The measurements of flow of the Yuma Canal are approximately correct.

However, predicated upon the estimates thus made—obviously, not entirely accurate and dependable—the commission reached the following conclusions respecting the flow of the river at Black Canyon, the point at which it is proposed to construct the dam:

The records of past performance of the Colorado River and of such other streams in this vicinity as seem pertinent, furnish no basis for an exact estimate of long-past flows in the Colorado River. There is naturally considerable leeway in the interpretation of these data, and estimates based thereon may differ materially. The board, however, realizes that in determining the economic feasibility of this project its estimates should be on the safe side and it has consequently adopted the following figures for the flows at Black Canyon without further depletion:

	Acre-feet
Average low flow for a period of 15–20 years	10,000,000
Average high flow for a similar period	14,500,000
Average of high and low periods	12,250,000

It is estimated that the present flow is depleted by water taken for irrigation in the upper basin by approximately 2,750,000 acre-feet, which amount if added to the above-estimated average flow would increase it to about 15,000,000 acre-feet. This is the amount apportioned by the 7-State compact for division at Lees Ferry.

In the interest of emphasis, I direct the attention of the Senate to the fact that this commission estimates that the average annual flow of the Colorado River at Lees Ferry during the past 15 or 20 years is 15,000,000 acre-feet per annum, the exact amount apportioned and allocated under the terms of the Colorado River compact.

I desire to emphasize the fact that the measurements upon which the above conclusions were predicated were taken at Yuma, a point far below the Black Canyon site, with nothing more than estimates regarding the loss by seepage, evaporation, and otherwise in the reaches of the river below Black Canyon and above Yuma. This uncertain factor was clearly suggested in the report made by Water Supply Paper 556 of the Geological Survey, of which report E. C. La Rue, a recognized authority of note upon such subjects, is the author. In it he said:

Estimates of the water supply available in this section of the river must be based on stream-flow records obtained in the upper basin or the record of discharge obtained by the Bureau of Reclamation at Yuma, Ariz. The short-time records obtained at Lees Ferry and Bright Angel have proved very useful in connection with the work of estimating the inflow to the river in the canyon section.

The Yuma record is continuous from the year 1902, the date of the beginning of construction on the Yuma project of the Bureau of Reclamation. The chief difficulty in applying this record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost. A more accurate estimate of the water supply for the canyon section can be obtained from the records of the flow of the main stream and its tributaries in the upper basin.

The lowest gauging station on the Colorado above the Green at which a continuous record has been obtained is that at Fruita, Colo. This station, however, is above the mouth of Dolores River. Stations have been maintained for periods of a few years near Cisco and Moab, all the run-off from the basin of the Colorado above the mouth of Green River. The records at Cisco and Moab, extended by comparison with the continuous record at Fruita, have therefore been used to represent the discharge of Colorado River above Green River from 1911 to 1923. This record is presented in column 3, Table 2.

Green River has been measured continuously at Little Valley, near Green River, Utah, from 1910 to 1923. San Rafael River, which is the only considerable tributary of the Green below Little Valley, has been measured near its mouth from 1909 to 1918, and stations were being maintained in its upper basin in 1923. By comparing the record of discharge of the San Rafael at its mouth with the sum of the records of its three largest tributaries—Huntington, Cottonwood, and Ferron Creeks—the figures for the San Rafael have been extended through the years 1919 to 1923.

Mr. President, I call attention to the fact that the estimates made by the commission are based upon the measurements taken at Yuma, far below the canyon region, and I emphasize what was said by Mr. La Rue, that the chief difficulty in applying that record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost; but, even allowing for that factor of uncertainty, the commission agreed that the mean annual flow of the river at the Black Canyon site is 15,000,000 acre-feet, less 2,750,000 acre-feet that is now used for irrigation in the upper basin States. Without the deduction, the mean flow is 15,000,000 acre-feet, the exact amount that is allocated under the Colorado River compact, allotting 7,500,000 acre-feet to the upper basin States, and requiring the upper basin States to let 75,000,000 acre-feet pass at Lees Ferry during a period of 10 years, or an average of 7,500,000 acre-feet per annum.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from Utah.

Mr. KING. My understanding of the report of the commission is that an allowance was made of 1,200,000 acre-feet for evaporation, seepage, and otherwise, between Black Canyon and Laguna Dam, and that would probably measure the loss to which the Senator has referred by reason of the sandy condition at the point he referred to; and the commission have taken into account this 1,200,000 acre-feet, and have deducted that from the aggregate, and then have found the amount of water in the river at considerably less than that stated by the Senator.

Mr. BRATTON. But the point I make, Mr. President, is that the conclusions reached by the commission are based upon estimates rather than exact measurements actually made above Lee Ferry, whereas the figures furnished by Mr. La Rue, to which I shall address myself presently, account for substantially more water than the commission estimated; and I propose to show that his figures are more dependable. That is the point I now have in mind. If the Senator will bear with me, I shall give the La Rue

figures, and undertake to show that they are more dependable than are the figures of the commission.

Mr. KING. I hope the Senator will comment upon the findings of the commission based upon computations between the years 1887 and 1904, when, according to certain figures which they submit, the estimated average flow was 10,420,000 acre-feet, which, reduced by reason of the inaccurate measurements at Yuma, would bring the total to 9,360,000 acre-feet.

Mr. BRATTON. The Senator from Utah will keep in mind that the commission based its conclusions upon the measurements taken at Yuma, far below Lees Ferry, and that conditions obtain in the intervening section that make it impossible to determine accurately except by actual measurements taken above that point the amount of water that passes Lees Ferry.

Mr. McKELLAR. Mr. President, may I ask the Senator why the commission did not make its examination at Lees Ferry, but made it away down the river at Yuma? Was any explanation ever offered as to why it did so?

Mr. BRATTON. No. I will read from the report. I read it a while ago. Perhaps the Senator was out of the Chamber.

Mr. McKELLAR. I was not in the Chamber. I was in the Committee on Appropriations.

Mr. BRATTON. The commission said this:

The flow of the Colorado River is one of the fundamental factors on which the success of this project depends. On the stream flow depends the amount of land that can be irrigated and the amount of power than can be generated. The information on which this flow has been estimated is inadequate to furnish an accurate or sound estimate on which to base an important project without using factors of safety sufficiently great to make such estimates conservative and safe. Since the water supply is such a vital element in the problem, the board has inquired into the subject as thoroughly as the limited time would permit.

The estimates of flow on which this project has been predicated are the measurements of the flow of the river made at Yuma continuously since 1902. The methods used in gauging at Yuma were those common at the time the measurements were begun, and while improved methods of gauging were adopted at other gauging stations, these old methods were continued in use at Yuma until 1918, and with little improvement until 1926.

To determine the flow in the Colorado River above Laguna Dam, there was subtracted from the Yuma gaugings the estimated flow of the Gila River, which joins the Colorado between Yuma and the dam. The flows of the Gila are based on information of very doubtful value and can be considered as little better than fair guesses—whether too large or too small can not be determined. To the reduced flow as arrived at above, the flow through the Yuma Canal was next added to get the gross flow above Laguna Dam. The measurements of flow of the Yuma Canal are approximately correct.

In that connection I desire to reread, for the information of the Senator from Tennessee, what was said by Mr. La Rue, a recognized authority on such matters, in what is called Water Supply Paper 556, of the Geological Survey. He said this:

Estimates of the water supply available in this section of the river—

Referring to the canyon section—

must be based on stream-flow records obtained in the upper basin or the record of discharge obtained by the Bureau of Reclamation at Yuma, Ariz.

The latter being the record relied on by the commission. He continued:

The short-time records obtained at Lees Ferry and Bright Angel have proved very useful in connection with the work of estimating the inflow to the river in the canyon section.

The Yuma record is continuous from the year 1902, the date of the beginning of construction on the Yuma project of the Bureau of Reclamation. The chief difficulty in applying this record to the canyon section lies in the fact that there is a large and variable loss of water by evaporation from the stream channel, especially from the overflowed lands in the valleys between Yuma and Pierces Ferry. These lands are submerged and saturated by the annual summer floods. The area thus flooded varies from year to year, and the considerable amount of water passing into the dry, heated desert air by evaporation and transpiration from the rank growth of vegetation also varies. It is impossible to estimate accurately the amount of water thus lost. A more accurate estimate of the water supply for the canyon section can be obtained from the records of the flow of the main stream and its tributaries in the upper basin.

I shall now give the Senator the figures obtained by Mr. La Rue, taken from gaugings made in the upper reaches of the river—that is, above Lees Ferry.

Mr. KING. Before the Senator proceeds to that, if he will pardon me, it seems to me that neither Mr. La Rue nor the commission has taken into account the accretions to the stream between Lees Ferry and Yuma. The Senator knows that the Virgin River, flowing through Utah and Nevada, furnishes a considerable amount of water, which is a tributary to the Colorado, and which enters the Colorado just above the proposed site of the Boulder Dam.

Mr. BRATTON. The Senator will keep in mind that the point at which the upper basin States must furnish water to the lower basin States is Lees Ferry. Therefore it is important to determine the volume of water that passes Lees Ferry during an average year, or the mean flow. What occurs in the lower reaches of the river, or at any point below Lees Ferry, is a loss which the lower basin States must bear by reason of natural conditions. So it is important to determine what the mean flow of the river is at Lees Ferry.

Mr. KING. Mr. President, I appreciate that fact; but the point I was making was that the commission, in determining the flow at Yuma, apparently have failed to take into account the additions to the stream from the Virgin River and other sources.

Mr. BRATTON. Probably so.

Mr. KING. They have allowed a variation of 1,200,000 because of evaporation, seepage, and what not, and have failed to take into account the additions from the sources to which I have referred.

Mr. BRATTON. That may be true.

Mr. KING. So that the flow at Yuma would be greater by reason of these additions than if there were no additions from these sources.

Mr. BRATTON. Turning, now, to the figures furnished at the gauging stations in the upper basin—that is, those above Black Canyon, as shown by the so-called La Rue report—it is reflected that the mean flow of the river at Lees Ferry from 1895 to 1922, both inclusive, was 15,200,000 acre-feet per annum.

Mr. McKELLAR. How does that compare with the flow at Yuma?

Mr. BRATTON. Does the Senator inquire about the flow at Yuma or the flow at Lees Ferry, according to the report of the commission?

Mr. McKELLAR. I want to know how they compare, both at Yuma and Lees Ferry, according to the report of the commission.

Mr. BRATTON. I do not have the data as to the flow at Yuma. I can give the Senator the commission's figures as to Lees Ferry.

Mr. McKELLAR. How do they compare?

Mr. BRATTON. The average low flow for a period of 15 to 20 years was 10,000,000 acre-feet. The average high flow for a similar period was 14,500,000 acre-feet. The average high and low for the period was 12,200,000 acre-feet. The commission then estimated that the present flow is depleted by water taken for irrigation in the upper basin by approximately 2,750,000 acre-feet, which amount, if added to the estimated average mean flow, would increase it to about 15,000,000 acre-feet. This is the amount apportioned by the compact for division at Lees Ferry.

Mr. McKELLAR. There is a very great difference between the figures.

Mr. BRATTON. Yes. Now, turning again to the figures furnished at the gaging stations in the upper basin; that is to say, Black Canyon, as shown by the so-called La Rue report, it is reflected that the mean flow of the river at Lees Ferry from 1895 to 1922, both inclusive, was 15,200,000 acre-feet per annum; also, that the mean flow at said point from 1911 and 1923, both inclusive, was 16,000,230 acre-feet per annum.

These figures seem to be reasonably accurate. They are based upon actual measurements taken above Lees Ferry. The losses from evaporation and seepage in that area are negligible. They are not comparable with those occurring below Bulls Head dam site and above Yuma. But, even considering solely the estimates made by the commission, there seems to be enough water to satisfy the allocations made by the compact.

It is estimated that the average high and low flow periods covering 15 to 20 years past is 12,250,000 acre-feet per annum. To this should be added approximately 2,750,000 acre-feet, being the quantity now in use for irrigation in the upper basin. We have 15,000,000 acre-feet, the exact amount divided and allocated by the compact.

It must be apparent that a vast quantity of water is furnished by the river system; that it constitutes a grave menace to life and property; that it contains wonderful potentialities for consumptive use for irrigation, development of power, and potable purposes; that the title to it should be set at rest in the quickest and most satisfactory manner, and that this is through ratification of the compact; and that the Government should act with diligence and dispatch in controlling and stabil-

izing the flow of the river in the protection of life and property. All of this will be promoted through the passage of the pending bill.

Before departing from the subject of ratification, the bill as reported from the committee provides for construction of the dam as and when six of the States have ratified. The pending amendment advanced by the Senator from Arizona provides that nothing shall be done until all seven of the States have ratified. It is my belief that a middle-ground position is preferable to either provision. I think the bill should provide that nothing shall be done under its terms until all seven of the States have ratified, provided that is done within a prescribed period. I suggest one year as a reasonable time, and that thereafter the dam should be constructed and the other provisions effectuated as and when six States have ratified. I think, however, that if we proceed upon a 6-State ratification basis, California should be required to provide in her act of ratification that she irrevocably disclaims any and all interest in and to the water of the river in excess of a prescribed amount, to be fixed at some figure between 4,200,000 and 4,600,000 acre-feet per annum; also that she renounce any claim to more than one-half of the surplus waters belonging to the lower basin. This will give to California the just and fair share of the water to which she is rightly entitled, and also will protect the other States against any encroachment or diminution of their heritage.

These observations are made by one who entertains the most cordial feeling toward both Arizona and California. These two States have been unable to compose their differences in the past. It is much to be desired that they do so without further delay. If they can not do so, it seems to me to be the plain duty of the Senate, as one branch of the Congress charged with the duty of legislating in the premises, to formulate and pass a measure which we think is equitable and fair to both States and which will best discharge the duty resting upon the Government.

Mr. President, I presented and had printed last Saturday an amendment carrying out the observations just expressed, and providing that we shall proceed only upon the basis of a 7-State ratification if that can be obtained within one year after the passage of this bill, and upon a 6-State basis thereafter, with the provision that in her act of ratification the State of California should limit herself to 4,400,000 acre-feet annually of the allocated water and one-half of the surplus waters of the lower basin. In that connection the senior Senator from Colorado [Mr. PHIPPS] previously had introduced and had printed a similar amendment, fixing the maximum at 4,600,000 acre-feet. Otherwise the two amendments are quite similar.

As I understand, California holds to the belief that 4,600,000 acre-feet is an irreducible minimum. Arizona contends that a maximum of 4,200,000 acre-feet is the largest that she will consider. Personally, I am not wedded to either figure. The thing that is uppermost in my mind is to do equity and justice as nearly as can be done toward both States, and, at the same time, pass a bill that will be effectuated, and will secure the results which we all desire.

I think we should adopt that course. The two States have exchanged views, they have negotiated, they have endeavored to reach an agreement, and until now have been unable to do so. This controversy does not affect those two States alone. It affects other States in the Union and the Government as well.

Without undertaking to express my views either way upon the subject, I do think that if the two States are unable to agree upon a figure then that we, as a disinterested and friendly agency, should pass a bill which, according to our combined judgment, will justly and equitably settle the controversy. I suggested 4,400,000 acre-feet with that in view. I still hold to the belief that somewhere between the two figures we must fix the amount, and that this difference of 400,000 acre-feet should not be allowed to bar and preclude the passage of this important measure dealing with the enormous quantity of 15,000,000 acre-feet of water and involving seven States as well as the Government.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. I will ask the Senator if it is not a fact that at the time when the governors' conference considered the matter and recommended a settlement upon a basis of 4,200,000 acre-feet to California there had not been fully discussed and fully appreciated the fact that there was probably a million acre-feet subject to capture which, under the compact, was allocated to Arizona and to California, so that if 4,200,000 acre-feet were awarded out of the 7,500,000 there would be an additional 500,000 acre-feet out of this 1,000,000 acre-feet which, under the compact, was to be allocated to the two States, so California in the aggregate would get 4,700,000 acre-feet?

Mr. BRATTON. That is true if the estimated surplus actually exists. At the same time, Arizona would get her 3,000,000 acre-feet agreed to by the governors as her just share of the allocated water, plus 500,000 acre-feet, being one-half of the unallocated surplus, so that while California would get 4,700,000 acre-feet Arizona would get 3,500,000 acre-feet. The surplus to which the Senator from Utah refers would be equally divided between Arizona and California. Neither State would get an advantage by reason of the division of the surplus.

So much, Mr. President, in regard to the technique of the compact, the urge for its ratification, and the beneficial results which will emanate from ratification. I turn now to the economic features of the bill. This phase of the situation has been discoursed upon so frequently and completely that any discussion at length by me would be utterly superfluous. Treating the matter briefly, it is well known that the Department of the Interior estimated that the entire development, including the construction of the dam, power plant, and all-American canal, will cost $125,000,000. This sum is composed of the following items:

Reservoir (26,000,000 acre-feet capacity)	$41,500,000
Power plant (1,000,000-horsepower capacity)	31,500,000
All-American canal	31,000,000
Interest during construction, 5 years, 4 per cent	21,000,000
Total	125,000,000

It was the further estimate of the department that the gross annual returns from the completed project will be $12,300,000, composed of the following items:

Sale of 3,600,000 kilowatt-hours, at three-tenths cent	$10,800,000
Storage and sale of water for irrigation and domestic use	1,500,000
Total	12,300,000

and that the annual charges for operation will be $6,200,000 annually, as follows:

Operation and maintenance of storage and power	$700,000
Operation and maintenance of all-American canal	500,000
Interest on $125,000,000, at 4 per cent	5,000,000
Total	6,200,000

So that after deducting the operating expense from the gross income, the net annual returns on the project, according to the estimate of the department, would be $6,100,000. This would be sufficient to amortize the development on the basis of 25 years.

The commission determined that, in the interest of safety, the dam, spillway, and diversion facilities should be larger, and that the all-American canal should be lined with concrete. With these changes, the commission estimated that the cost of the entire project will be $165,000,000 without the canal to the Coachella Valley included. The total sum thus fixed was arrived at as follows:

Dam and reservoir (26,000,000 acre-feet capacity)	$70,600,000
Power plant (1,000,000-horsepower capacity)	38,200,000
All-American canal	38,500,000
Interest during construction, estimated at 7 years	17,700,000
Total	165,000,000

In considering these figures, it must be kept in mind that the commission based their estimates upon the House bill which included the cost of the all-American canal as one part of the project on the same basis as the other parts thereof, both as to cost and repayment of the investment.

In considering the rapidity with which the money so invested will be repaid and the burden to be borne by the revenue from the power, the cost of the canal, with the interest charge thereon, must be eliminated because under the Senate bill that charge is to be made and repaid in accordance with the reclamation law, which means that it must be repaid by the lands benefited. So the actual cost of the canal with interest thereon at 4 per cent for seven years, that being the estimated period of construction, should be deducted. The original cost is fixed at $38,500,000. The interest is $10,780,000. These two sums aggregate $49,280,000. After making this deduction from the estimated cost of the project—$165,000,000—the balance remaining is $126,720,000. This is the amount to be repaid out of the revenues derived from the sale of power. The commission does not question the correctness of the estimates made by the Department of the Interior with respect to the income to be derived from the sale of the power. This has been fixed at $10,800,000 and no dispute about it has been raised by anyone so far as I know. Neither has anyone questioned the estimate of the department with regard to the cost of operating the power plant, which has been fixed at $700,000 annually. The annual interest at 4 per cent on the cost of the dam and power plant is $4,352,000. This interest and cost of operation

aggregate $5,052,000. This deducted from the annual gross income from power—$10,800,000—leaves a net balance of $5,748,000. This sum will amortize the investment within about 25 years.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. I think the Senator did not mean that the commission attributed the income solely to power. My recollection is that the commission reported that there would be $1,500,000 at least as the result of the income derived from it. Certainly it is not intended that Los Angeles or the coastal cities, or anybody else for that matter, shall have the benefit of the storage water without paying for it.

Mr. BRATTON. That perhaps is true, but it would merely lower the burden of the revenue to be derived from power and would shorten the period of amortization rather than otherwise.

Mr. KING. Obviously; but the Senator does not intend to convey the idea, does he, that the only revenue shall be from power?

Mr. BRATTON. No. Confining the discussion to power alone, I am undertaking to show that the plan is feasible because the power sold at the rate of three-tenths of 1 cent per kilowatt-hour will amortize the investment within 25 years. When we consider the income which may reasonably be expected from storage and sale of water, the revenue will be increased and the period of amortization decreased, thus making the plan more feasible from the standpoint of the Government.

Mr. KING. I hope the Senator, before he concludes, will call attention to this statement by the commission:

> It is obvious that the power which can be generated from Boulder Dam is a valuable resource. If the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction for all or a part of the cost properly chargeable to flood protection, it would be possible to amortize the remaining cost with the income from power.

Mr. BRATTON. If the canal to the Coachella Valley is constructed, the total cost of the entire project must be increased $11,000,000, that is to say from $165,000,000 to $176,000,000, but this will not be a burden upon the power because that money will be repaid in the same manner as the cost of the all-American canal and therefore will not affect the amortization of the cost of the dam and power plant. When the sale price of the electric energy, namely, 3 mills per kilowatt-hour, is kept in mind and that the plan will thus amortize itself in about 25 years, it seems to me that the feasibility of the project should give little anxiety to any of us.

Mr. President, my attention was called to-day to an article appearing in the Washington Herald. It was written by Mr. Joseph Timmons and contained some comments made by Mr. E. E. Weymouth, a distinguished engineer, who directed the investigation of the Bureau of Reclamation into the Boulder Dam project. This appeared in this morning's issue of the paper referred to. On account of Mr. Weymouth's reputation and the direct applicability of his comments to the report made by the commission, I ask that the article be inserted in the RECORD at this juncture.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, it is so ordered.

The article is as follows:

[From the Washington Herald, December 10, 1928]

SIBERT REPORT FIGURES HIGH, EXPERT AVERS—BOARD FAILS TO SUPPLY FACTS ON WHICH IT BASES PROBABLE COST, ENGINEER SAYS

By Joseph Timmons

F. E. Weymouth, distinguished engineer who directed while in the Government service, the planning of Boulder Dam, gave out yesterday a critical analysis of the report on that project made a week ago by the Board of Engineers headed by Maj. Gen. William L. Sibert.

Pointing out with satisfaction that the Sibert board selects the Black Canyon site as the best, as he himself did four years ago, and declaring a 550-foot dam can be built there safely, with no earthquake menace existing, Weymouth took sharp issue, however, with the board's recommendations of charges and increases of cost estimates.

LEANING BACKWARD

"This board has leaned over backward in its ultraconservatism in reference to a pressure in the proposed dam," declared Weymouth.

Continuing, Mr. Weymouth pointed out that in showing this same ultraconservatism in cost estimates, the board protected itself by not supplying any of the facts and figures on which it based its cost increase except in those instances in which the board recommended changes in plans.

For instance, the board added $6,700,000 to the cost estimate for the great power plant, without the slightest indication why. It admits that job is simple, without any difficulties.

In the same way, about $15,000,000 is added to probable cost of the dam for which no explanation is given. The board has access to all of Weymouth's data; no one has access to the data which supports the board's opinions as to large costs.

"The board has approved the site and has asserted that a high dam can be built in Black Canyon that will be safe," commented Weymouth. "The only effect of the report otherwise has been to raise the estimate of cost.

NOT TO AFFECT COST

"Fortunately the board's estimate will not in any way affect the actual cost when the dam is built.

"Some of the ablest, best equipped, most experienced, and responsible dam contractors have stated that they are willing to build the dam within the estimate contained in the Weymouth report, and in less than the estimated time."

This reference points especially to Lynn Atkinson, builder of the new Coolidge Dam in Arizona, who has wired to Senator JOHNSON that he will furnish bond to do so. His message does not cover changes that would add about $15,000,000 to the cost, but it does apply to Weymouth's plans and estimates, to which the board has added about that much more without any explanation.

"Why does the Sibert board think the power plant will cost $38,200,000 instead of $31,500,000? Why does it with a stroke of the pen add $15,000,000 to the cost of the dam? No one knows; probably no one ever will know.

"Fortunately that opinion will not affect the actual cost when the dam is built," was Weymouth's caustic comment.

As to the board's adding $7,500,000 to the cost of the all-American canal, to carry out its recommendation for lining with concrete the section of the canal through the sand dunes, Weymouth said he sticks to his official declaration that to line that section with concrete will not increase its cost. A much smaller canal, with much sharper fall, is made possible by that plan, saving as much in excavation cost as the concreting will add.

NOW IN WASHINGTON

Mr. Weymouth was chief engineer of the Bureau of Reclamation when plans for Boulder Dam were embodied in the famous "Weymouth report." He is now engineer in Mexico for the White Engineering Co., planning and building irrigation dams. He is at present in Washington.

Mr. BRATTON. Mr. President, I shall not enter upon a more prolix discussion of this feature of the subject. I have endeavored to analyze as concisely and clearly as possible.

Mr. President, it is my personal belief that a system should be devised and written into legislation providing that the Government shall construct and operate the power plant and give to States and subdivisions thereof preference right to purchase the power directly from the Government at the switchboard without toll or tribute to any intervening agency. This would not be putting the Government in business in the ordinary and accepted sense of the term. The primary purpose of the development is flood control. That can be accomplished only through storing the water. The generation and sale of electric energy is merely an incident to the primary object sought to be accomplished.

But I construe the message of the President delivered last week to mean that such a measure would not meet with his approval. Also, according to the declarations of the President elect, he, too, would look with disfavor upon such a plan. This simply means that no law can be enacted during the next several years which fails to embrace an alternative plan; that is, one for Government operation and the other by private interests under lease or contract, leaving the exercise of the alternative to the Secretary of the Interior. The present proposed act contains such a plan and leaves it with the Secretary of the Interior to determine which shall be adopted. All of this means that we shall have an act of this kind or none during several years in the immediate future. I hope it is definitely understood that no legislation would be decidedly inimical to the welfare and best interests of all the States affected, and so I shall yield my desires in the interest of the passage of the very best measure that is possibly obtainable under the circumstances.

Mr. President, in conclusion, I address myself to another contention that has been advanced. It has been strenuously urged by some that, under the terms of the proposed legislation, the rights of Arizona and Nevada, particularly Arizona, are being disregarded. It will be remembered that the dam is to be located at a point where the river forms a boundary line between said States. The advocates of this theory urge that the power site is the common property of the two States and that they should have the right to tax or otherwise receive tribute from the pro-

posed development for power purposes. Personally, I am unable to share this view. The Government has the indisputable power to control the river in aid of navigation. It may take all needful steps in that behalf. That power is expressly granted in the Constitution. It was granted by the several States. Hence, if the proposed development contemplated merely a dam for the purpose of storing water and thereby stabilizing the flow of the river, there doubtless would be no argument with respect to the Government acting within its scope of authority. At the expense of repetition, allow me to say that it appears from the face of the bill that this is the primary object of the legislation. The generation of power is an incident thereto. I think it is the uniform holding of the courts that so long as a governmental agency acts within the scope of its power as to the primary objects of an undertaking or function, all things incident thereto in carrying the function to its full fruition may legally be done. Accordingly, the generation of power being an incident to the exercise of a legitimate function, namely, flood control in aid of navigation, it seems to me that the Government is not transgressing upon the rights of the State. On the contrary, if the States were permitted to interfere, such action would constitute a limitation upon the exercise of a constitutional prerogative of the Federal Government. I shall not undertake to discuss this phase of the matter further at this time. I may address myself to it later in the course of the debate.

Mr. PHIPPS. Mr. President, in checking up prints of the Hayden amendment and the amendment offered by myself to-day as an amendment to, or as a substitute for the Hayden amendment, I find on account of the fact that reprints have been made of the bill, that, in the case of both amendments, the language stricken out has been improperly stated. In other words, both amendments should read, on page 4, to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, instead of the form in which the amendments are printed as they now read, namely, on page 5, strike out all of lines 1 to 18, inclusive. So far as the amendment offered by myself is concerned, I ask that the record be changed so as to give the proper point at which the proposed new language should be inserted.

The PRESIDING OFFICER (Mr. FESS in the chair). Has the Senator from Colorado the amendment in corrected form?

Mr. PHIPPS. I have.

The PRESIDING OFFICER. The Senator will please send the amendment to the desk and the correction will be made.

The question is on the amendment now offered by the Senator from Colorado [Mr. PHIPPS] to the amendment of the Senator from Arizona [Mr. HAYDEN].

Mr. PHIPPS. Mr. President, so far as I have been able to ascertain, none of the Senators who have been interested in this discussion care to make any general remarks regarding the bill at this time. It seems to me we have had this topic up for such a length of time that we should begin voting on the amendments. Therefore I should be pleased to have a vote on the pending amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the amendment of the Senator from Arizona.

Mr. KING. Mr. President, let the amendment to the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The LEGISLATIVE CLERK. On page 4 it is proposed to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, and to insert in lieu thereof the following:

SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the State of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 4 of this act. No person shall."

On page 12, after line 14, add the following paragraph to section 6:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. HAYDEN. Mr. President, what the Senator from Colorado has stated is correct respecting the improper references in my amendment to the pages and lines of the substitute for the House bill now pending before the Senate. It will, therefore, be necessary for me likewise to make a correction in the amendment which I have offered. I shall do that at an early opportunity.

As I understand the situation, the Senator from Colorado offers his amendment as a substitute for the amendment which I have offered.

Mr. PHIPPS. As an amendment or a substitute, which is practically the same thing under the ruling at the time of the agreement which was made.

Mr. HAYDEN. There will be a vote on his proposal before there will be a vote upon my own?

The PRESIDING OFFICER. The Senator is correct.

Mr. HAYDEN. Under the circumstances I should like to inquire of the Senator from Colorado how he arrives at the figure 4,600,000 acre-feet of water instead of 4,200,000 acre-feet as proposed in my amendment?

Mr. PHIPPS. It was just about as difficult for me to arrive at 4,600,000 acre-feet as it would have been to arrive at 4,200,000 acre-feet. The arguments pro and con have been debated in the committee for quite a period of time. The contentions made by the Senators from Arizona have not been conclusive to my mind. For instance, I will refer to the fact that Arizona desires to eliminate entirely all waters arising in the watershed and flowing out of the Gila River.

Mr. HAYDEN. There is nothing of that kind in the Senator's amendment.

Mr. PHIPPS. There is nothing of that kind in the Senator's amendment, but that has been one of the arguments advanced by California as being an offset to the amount to which Arizona would try to limit California.

Mr. HAYDEN. If the Senator thought there was force in that argument, I should think that he would have included in his amendment a provision eliminating the waters of the Gila River and its tributaries, as my amendment does.

Mr. PHIPPS. I do not consider it necessary because the bill itself, not only the present substitute measure but every other bill on the subject, ties this question up with the Colorado River compact.

Mr. HAYDEN. My amendment does that.

Mr. PHIPPS. Yes; that is true, but under estimates of engineers—one I happen to recall being made, I think, by Mr. La Rue—notwithstanding all of the purposes to which water of the Gila may be put by the State of Arizona, at least 1,000,000 acre-feet will return to the main stream. Yet Arizona contends that that water is not available to California; whereas to-day and for years past at least some of the waters from the Gila River have come into the canal which is now supplying the Imperial Valley.

It is not a definite fixed fact that with the enactment of this proposed legislation the all-American canal is going to be built within the period of seven years; as a matter of fact, it may not be built at all; we do not know as to that. But I do not think that the water from the Gila River, one of the main tributaries of the Colorado, should be eliminated from consideration. I think that California is entitled to have that counted in as being a part of the basic supply of water.

Mr. HAYDEN. I will state to the Senator that the primary reason why the Colorado River compact was not approved by the State of Arizona was that the Gila River and its tributaries were included in the Colorado River Basin. The people of Arizona felt—and justly so—that they had appropriated and put to beneficial use all of the waters of that stream, and that by

remaining out of the compact under no circumstances could the waters of that stream be burdened with furnishing any water to Old Mexico, while by entering the compact they would assume a liability that does not at the present moment exist. Such being the case, since the Gila River is the very lifeblood of our State and the great majority of the people of Arizona live within its drainage, they felt that they were asked to do more than they should be required to do in approving that interstate agreement.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I do.

Mr. PITTMAN. I think it is true, as stated by the Senator from Colorado, that Mr. La Rue has estimated that even after all of the water of the Gila that may be put to beneficial use by every means, even including pumping, is taken out, the return flow will still supply 1,000,000 acre-feet at the mouth of that river where it flows into the Colorado.

Mr. HAYDEN. No; the Senator from Nevada is mistaken. If the Senator will examine Mr. La Rue's report, he will find this to be the fact: That if three or more million acre-feet of water were diverted out of the main stream of the Colorado River and conveyed into the lower Gila Valley, and there used for irrigation, after a water table was established in irrigating some 800,000 acres of land, the return flow from that land would provide a very substantial amount of water for Mexico, because it could be used at no other place. Originally, however, that water must be diverted from the main Colorado River, diverted out of the Colorado River for irrigation of lands in the Gila Valley, and would not represent but little, if any, water from the watershed of the Gila River in Arizona.

Mr. PITTMAN. Does the Senator know what he figured the present return flow is to the Colorado from the Gila?

Mr. HAYDEN. The figures that Mr. La Rue used must have been derived from the record of stream measurements made by the United States Geological Survey. Over a long period of years the Geological Survey records will show an average run-off into the Colorado River of somewhere in the vicinity of a million acre-feet. That record goes back over a long period of years. The record will show a continual diminution of the run-off, first, because of the construction of the Roosevelt Dam; second, other uses for irrigation in the drainage area of the Gila; and, more recently, the construction of the Coolidge Dam. So that as reservoirs are constructed on the Gila and its tributaries, the quantity of water that will run out of that stream into the Colorado River will be reduced. The only way in which the water discharged from the mouth of the Gila River can be increased is by diverting water from the Colorado as proposed in the plan of irrigation which the State of Arizona has recommended, using that water to irrigate lands in the lower Gila Valley.

Mr. PITTMAN. I think I understand the Senator.

Mr. HAYDEN. Let the Senator thoroughly understand that so far as the State of Arizona is concerned, it lays no claim to and seeks no exemption from any and all return waters that pass out of the mouth of the Gila into the Colorado. That is exactly what I am sure is going to happen in the delta of the Colorado River just as it did happen on the Rio Grande. The Senator will remember the controversy between the United States of America and the United States of Mexico with respect to water for certain lands in the vicinity of El Paso, Tex. I can state the nature of that controversy very briefly.

In President Cleveland's administration the Government of Mexico submitted a claim for many millions of dollars damages because the flow of the Rio Grande had been so diminished by use within the United States that certain lands in Mexico had been deprived of their water supply. Judson Harmon was then the Attorney General of the United States. Mr. Harmon rendered an opinion to the effect that the United States was under no obligation to furnish any water to Mexico, and therefore that there was no basis for the claim. Then Congress passed the reclamation act of 1902, and under that act the Federal Government built the Elephant Butte Dam. When the time came to construct that dam a treaty was negotiated with Mexico, stating that whereas certain lands in Mexico needed a supply of water, the United States would impound in the Elephant Butte Reservoir a sufficient quantity of water to irrigate those lands upon condition that Mexico, in the treaty, would recognize that the American Government did it as an act of grace and comity, that our Government was under no obligation to furnish any water, and that the treaty would not be a precedent for any other treaty.

The treaty was ratified. The water was impounded. Water from that dam was further used to irrigate lands in the United States in the Rio Grande Valley; and what happened? The lands were irrigated and became waterlogged. To-day, from the drainage and return waters from the El Paso-Elephant Butte project in New Mexico and Texas, there is more water going into Old Mexico than the United States is required to deliver under the treaty, so that no water need be furnished to Mexico directly from the Elephant Butte Dam. They are not only irrigating all the land that was once irrigated in Mexico, but they are irrigating new and additional areas in that country. On top of that, from the return waters they are irrigating additional lands below El Paso on the American side of the river in Texas.

What happened on the Rio Grande will happen on the Colorado River. Every acre of land that is irrigated in the United States above the mouth of the Gila will serve as an underground reservoir for water, and the return flow from all such lands will be available to Mexico. Nobody objects to that after the United States has first made use of the water.

Mr. ASHURST. And we could not prevent Mexico from getting it if we wanted to.

Mr. HAYDEN. Nothing could prevent the return and drainage water from passing into Mexico.

But there is another side of the story. What I have stated is true of every acre irrigated in Colorado, Wyoming, New Mexico, Utah, Nevada, or Arizona, because in each case when the water is applied to the land some part of it can return to the stream, and ultimately go down to Mexico. In the Imperial Valley, however, there is no chance there for any return flow. There you are at the bottom of the bowl, with the result that from a broad national point of view it is uneconomic to irrigate lands in the Imperial Valley.

An acre-foot of water used in Colorado will probably return 50 per cent to the stream. An acre-foot of water used in Arizona will return at least 25 per cent to the stream for additional use; but an acre-foot of water diverted for use in the Imperial Valley is gone forever. There is no place where any part of it can be used again. Therefore, when the Californians appear before the Congress of the United States they set up not the highest use of water, not the most economic advantage that could be taken of a national asset. That is not the basis of their claim. The basis of their demand is that of necessity, that they must have so much water. The senior Senator from California [Mr. JOHNSON] himself in his remarks the other day, stated that the Imperial irrigation district claimed the right to waste 900,000 acre-feet of water into the Salton sink. If that water were used in the upper basin, if it were used in Arizona, it would irrigate more than 200,000 acres of land. Its use in the Imperial Valley, where there is no land below that the water can be again applied to beneficial use, means a loss to the Nation of farms and homes for thousands of American citizens.

Let me make it perfectly clear to the Senator from Nevada that if that is all the objection any one has to the amendment I have offered—that it lays a claim to return waters of the Gila River passing out of the mouth of that stream into old Mexico—we can very readily change the amendment to cure that fault without difficulty.

But I return to the question that I addressed to the Senator from Colorado [Mr. PHIPPS]. He states that the State of California shall be allowed 4,600,000 acre-feet of water. The only basis there is for fixing that figure is that the State of California has demanded that much water. The State of California has said that her necessities are such that she must have that much water to irrigate lands within the State and to furnish water for domestic use in the State of California.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Suppose it is agreed that California shall have that quantity of water. In view of the physical facts, will not Arizona have ample for all her purposes and uses? Will there not be plenty left for her?

Mr. HAYDEN. I am sorry that there will not. That the total quantity of water is so limited is the basis of the controversy between Arizona and California.

Mr. SHORTRIDGE. Including, of course, all your tributary waters, which you claim to own, I take it, in fee simple, absolutely?

Mr. HAYDEN. The State of Arizona claims the waters of her tributaries to no more or no less extent than any other State would claim the tributaries of the Colorado River within its boundaries. If the water has been placed to beneficial use, then a right has been acquired to use it. If it has not been placed to beneficial use, of course the water will pass into the

main stream of the Colorado River and become part of the body of water which is divisible.

Mr. SHORTRIDGE. Arizona does not claim title to the water after it has passed into the stream on its way to the gulf?

Mr. HAYDEN. Not at all.

Mr. SHORTRIDGE. I did not know but that her claims went even to that extent.

Mr. HAYDEN. The claims of the State of Arizona have been very grossly misrepresented in that respect as in other respects in connection with this legislation. The claims of the State of Arizina are reasonable. They are based upon the long-acknowledged and well-established water law of the West.

Mr. PITTMAN. Mr. President——

Mr. HAYDEN. I yield to the Senator from Nevada.

Mr. PITTMAN. I started to say once or twice that I thought I understood the position of Arizona with regard to the Gila River. My understanding of the matter has been partially explained by the Senator from Arizona. I will now explain it in my own way.

The chief development for irrigation in Arizona is on the Gila. The large population of the State is on that river. The people of Arizona should be excused by reason of a fear that some of its development may in the future be interfered with by reason of a demand for water in Mexico. I do not believe that it is the intention of any Senator here to allow a bill to be passed that will interfere with the actual consumptive use of the waters of the Gila by Arizona on account of any demands from Mexico.

What the Senator has said with regard to return flow is undoubtedly correct. There is not any doubt whatever that the irrigation along the Colorado River, from the top to the very bottom, has the effect of equating the flow of that river. At the present time that river has enormous floods in the spring, while in the fall and in the winter it is sufficiently dry in many places to walk across it. There is very little water to irrigate with during the low season, of course; and during the high season they have a desperate time, not using it, to prevent it from destroying everything.

I think there has been too much fear manifested with regard to the demands of Mexico. That fear has not been limited to Arizona with regard to the Gila River. All of the States have been actuated by that fear, and they are to-day, in the division of this water. It is the bugaboo which more than anything else has prevented an agreement with regard to the distribution of this enormous quantity of water. Every time we approach the necessities of the State and the use of the water the ghost of Mexico instantly rises up.

The testimony that was given before the committee is printed. It stands practically undisputed. Mexico is irrigating only about 200,000 acres of land. The senior Senator from Arizona says that it is 240,000 acres. I will admit that 240,000 acres are irrigable.

The testimony also shows that practically the only means they have of irrigating is the present canal which supplies Imperial Valley and Mexico with water. The water goes through that canal. That canal has not been able, in dry years, to supply the Imperial Valley with sufficient water to irrigate the land they now have under irrigation. There has not been any very large increase in the irrigated land of Mexico, for the simple reason that they had to get their water from that canal, and that canal has been almost dry during certain dry seasons. There is no place where Mexico could place a dam to conserve water at all. When the Colorado River gets down into Mexico, it is so flat that there is hardly a flow at all. They have pumped some water recently. They are irrigating a little land by pumping the subsurface flow of that river. But when we are dealing with diversion works and irrigation we are not dealing with subsurface flow in a flat country like Mexico, because it can not be handled. It can be pumped, that is all.

The natural flow of that river to-day will not irrigate any more than 240,000 acres of land in Mexico. That is all it will irrigate. I think it is the recognized policy of Congress—certainly it is recognized in the very opening paragraph of this bill—that the comity between nations does not call upon the United States to furnish to Mexico any water that has accumulated in the United States through expenditures made in the United States. If this dam is never built, if there is no water impounded on that river, Mexico a thousand years from now will be where Mexico is to-day with regard to irrigation in Mexico.

Mr. HAYDEN. Mr. President, will the Senator yield at that point?

Mr. PITTMAN. Just a moment; I am not quite through with this. Undoubtedly this Government, if it can prevent it, will not permit Mexico to be wronged by any action we take in the United States with regard to that river. It will not reduce the amount of water they can obtain from the natural flow, and have obtained before we have. But to say that Mexico is unable to increase her supply from impounding because there is no place to impound it, and then to say that if the United States for the benefit of its own citizens increases the flow, Mexico shall take any benefit of it, is contrary to any principles of justice or equity as between nations.

You would think that there was some possible way by which Mexico in the next few years could put under cultivation several million acres of land. You would think that they could use the whole 15,000,000 acre-feet of that river. If they could have done that, if it had been physically possible, they would have done it, of course, but they have not done it. They can not do it. That river during the irrigation season is practically dry with the exception of the small amount that goes through the present canal, and that will not irrigate in Mexico over 300,000 acres of land. So, limit it to 300,000 acres of land, give them the water benefit if you want to, of even 4 acre-feet to the acre, which, in a country like that down there, is totally unnecessary, and what would you have? You would have only 1,200,000 acre-feet of water as a maximum.

Mr. HAYDEN. That is, to supply the irrigation of lands at present under irrigation in Mexico.

Mr. PITTMAN. Yes; or up to whatever they could irrigate from the natural flow. All on earth a treaty could ever deal with would be their rights under the natural flow. We can not deal with over 1,200,000 acre-feet. La Rue says to-day there is 1,000,000 acre-feet running out of the Gila River, the return flow above the line going into Mexico. That water to-day alone, within 200 feet, would supply their total demand.

It is totally impossible to capture all of the water that may go down into Mexico and the Imperial Valley for irrigation. It is not humanly possible to capture it. You have not the bedrock on which to capture it. You have silt thousands of feet deep that saturates with water down to base rock. There would not be any possible way of preventing from 10 to 15 per cent of the flow that is let down going into Mexico as a subsurface flow.

As a matter of fact, the very argument the Senator has made, the very argument which the Senator from Wyoming [Mr. KENDRICK] made with regard to the flow, all goes to prove that there would be no physically possible way in which you could keep out of Mexico over 2,000,000 feet of return flow.

It is more than she can use. It is more than is necessary for their present irrigation. The only way they can possibly use it would be through pumping, because the only other way is through the present canal, where the water is turned in the United States and carried into Mexico. They can not build a dam in the United States. They can not divert water in the United States. They have reached the limit of irrigation in Mexico from the Colorado River, except by pumping, and if they want to pump, as I have said, the subsurface flow will be over 2,000,000 acre-feet, no matter what on earth we try to do.

We have scared ourselves to death every time we started in to negotiate a settlement with regard to Mexico, by reason of not thinking both of the physical conditions and of the law that governs nations with regard to water rights. If we can ever get away from that foolish fear in this matter, we will find that we have plenty of water for everybody.

Mr. KING. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. KING. I suggest to the Senator from Nevada the fact that there is fear. Whether there are ample grounds for fear or not may be the subject of controversy. That fear found expression in a memorial adopted by the Governors of Arizona, California, Nevada, New Mexico, Utah, and Wyoming. In the memorial this language is used:

> Now, therefore, and to the end that no unfortunate misunderstanding may arise between the United States of America and the United States of Mexico, and that no false encouragement may be given to present or future developments along the Colorado River in the United States of Mexico, we, the governors of all seven of the Colorado River States, with our interstate river commissioners and advisers in conference assembled in the city of Denver on this 26th day of August, 1927, do hereby in great earnestness and concern make common petition that a note be dispatched to the Government of the United States of Mexico calling attention of that Government to the fact that neither it nor its citizens or alien investors have any legal right as against the United States of America or its citizens to a continuance of the flow of the Colorado River for beneficial purposes and that the United States of Mexico can expect no such continuance except to the extent that as a

matter of comity the two Governments may declare hereafter by treaty and that especially under no circumstances can the United States of Mexico hope to use water made available through storage works constructed or to be constructed within the United States of America, or hope to found any right upon any use thereof. We believe, too, so great are the water necessities of our States that any adjustment made with the United States of Mexico concerning the Colorado River should be based upon that river alone. We further earnestly suggest that a special commission be created by act of Congress for the Colorado River alone, a majority of the commission to be appointed from citizens of the Colorado River States, or that by act of Congress the present commission already referred to be enlarged to contain two additional members to come from the Colorado River States.

It is only by such precautionary measures, promptly taken, that our seven States with their millions of people can be given a basis of economic certainty, adequate protection, and a feeling of security pending the negotiation of an early treaty between the two Governments.

And your memorialists will forever pray.

Mr. PITTMAN. What is the date of that prayer?

Mr. KING. The 26th of August, 1927.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. HAYDEN. I yield.

Mr. PITTMAN. I wish to call attention to the fact that since that memorial the Johnson bill was reported out by the Senate Committee on Reclamation, and that bill is now the one under consideration, as it has been offered as an amendment to H. R. 5773. Here is the statement at the very start of the bill:

That for purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and delivery of the waters thereof for reclamation of public lands and other beneficial uses within the United States.

The committee added those words "within the United States" for the very purpose of declaring the policy of Congress and of this Government if and when this legislation becomes a law. There is no question as to what Congress will mean by that if they pass the bill. They will mean exactly the same thing those governors desire.

A treaty may never be necessary with regard to this. Whenever a treaty is necessary with regard to this matter, the burden of applying for that treaty will be on Mexico, not on the United States.

When we use this water which we store, it will be used before it can possibly get to Mexico, except such of the return as may go there. If Mexico maintains that she is being deprived of water from the Colorado River to which she is entitled, she has only one known legal remedy, and that is, through the State Department of Mexico, to protest to the State Department at Washington, to see if a harmonious adjustment can not be brought about.

We might seek to enter into a treaty with regard to what water could be used in Mexico. In the first place, you would have a question as to whether, if it was already being used, any treaty could take away any vested right. We know no statute can, and I hold that a treaty is only a statute.

We will assume, however, as a violent conclusion, that the Secretary of State of the United States would enter into a treaty with Mexico, giving them many times the amount of water to which they were entitled, from the natural flow of this river, and, to do so, should attempt to injure some vested rights in this country, to take away from people the use of water they had been legally using for irrigation.

That treaty would have to come to this body for ratification before it would ever be a treaty. It would take two-thirds of this body to ratify it. It is totally inconceivable, if we pass this bill, which states that all of the impounded water above the natural flow shall be used exclusively in the United States, that they would ratify any such treaty. They would have just as much right to say to Mexico then, as they would have if we would pass just such a resolution as the Senator from Utah has read: "You never had any right under the comity of nations to the stored waters of our country. Your rights were solely limited to the natural flow and the use to which you put the natural flow. Then, in addition to that, the Congress of the United States passed a public act in which they stated to you and the rest of the world that all of this impounded water was to be used exclusively in the United States. You and your citizens had notice of it. You can not complain that you are now injured because you took no notice of it."

There is not a chance in the world of Mexico ever getting anything except that which she is morally entitled to under the comity of nations, and we know just what that is.

Mr. KING. Will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. KING. The Senator from Nevada may be right, viewing the proposition from a strictly legal standpoint. But there are other factors to be considered. There is a situation which can not be ignored. The record before Congress reveals the fact that not only the upper States but the lower-basin States are not free from apprehension because of the Mexican situation. One of the strongest reasons urged for prompt action by Congress in dealing with the Colorado River was based upon the claim that lands in Mexico were being brought under cultivation and that rights to the waters of the Colorado River were being acquired. There is much testimony tending to show that below the international boundary there are thousands of acres of arable land, some of which can be irrigated from the waters of the Colorado River. Rights, it is asserted, may be acquired which will be injurious to the residents of the Colorado River Basin. It is stated in reports made during the hearings that every acre of land irrigated in Mexico deprives an acre of land in the United States of water needed for its reclamation. And the record tends to show that if a dam is constructed in the Colorado River and the flow of the stream is equated, several million acre-feet of water will annually flow into Mexico.

If 500,000 primary horsepower are developed, a large part of the flow of the river will be required for the generation of power, and this will increase the quantity of water which will pass out of the United States into Mexico. The upper States, as the Senator knows, are not in a position to immediately appropriate the 7,500,000 acre-feet allocated to them in the Santa Fe compact. It may be a number of years before the economic and agricultural situation will permit the bringing under cultivation of lands in the upper basin, which can only be reclaimed by the use of waters from the Colorado River. Until the upper States are ready to appropriate that to which they are entitled, it will flow down the river and a portion of it may pass into Mexico.

In the meantime, if this bill shall become a law and proceedings under it shall be carried forward, the dam and the power plant will be built. Perhaps 10,000,000 acre-feet will flow over the dam, a portion of which will be required for power purposes. As stated, the upper-basin States are not prepared to use the 7,500,000 acre-feet to which they are entitled, and a part of it will find its way into Mexico. Mexico may bring additional lands under cultivation. Suppose that for 15 or 20 years Mexico shall use the water which flows from the upper States and large areas are made productive and valuable under cultivation, and properties are developed. What will be the result when the upper States are ready to take from the river the 7,500,000 acre-feet and apply the same to beneficial purposes? Will Mexico seek relief in some international tribunal, claiming that the United States has slept on its right for years and has thus permitted Mexico to develop valuable properties which would be rendered valueless if deprived of water?

There may be some ground for fear if unused waters of the river flow for years to Mexico and are there put to beneficial use.

Mr. PITTMAN. Would a resolution stating that they could not have it in the future cover it?

Mr. KING. I do not say that it could cover it. I am merely stating the situation. Perhaps there should be a legislative declaration that the United States claims all of the waters of the Colorado River. It is thought by some that the word "exclusively," found in the bill, will answer the purpose. It may be deemed sufficient. I have, however, prepared an amendment, consideration of which I shall ask later, declaring, in effect, that Mexico shall have no right to any of the stored water, that the United States and the States on the Colorado River have appropriated and are taking steps to use all of the water of the river, and notice is given to Mexico that she shall take cognizance of the claims of the United States and the States of Wyoming, Utah, Colorado, New Mexico, Nevada, Arizona, and California.

Mr. PITTMAN. Suppose it is possible, though I say it is not physically possible, for them to use this water and they do use it for about 20 years and build up those towns and a large population and they came in under all those grounds the Senator said they would——

Mr. KING. I said they might.

Mr. PITTMAN. Suppose they might do it, would not they have the same grounds to say there was no treaty between us limiting it and that they did not have notice of all this?

Mr. KING. I am suggesting no remedy. I was merely answering the proposition of my friend from Nevada and calling atten-

tion to the fact that though he asserts there is no ground for fear, the fear nevertheless exists, as is evidenced by the declaration of the governors in the memorial to which I just referred.

That fear does exist and the people of the upper States look with some concern upon the results which will follow the building of a dam and equating the flow. As stated, one of the results will be that for some years a large amount of water belonging to the upper basin will flow into the lower basin and thence into Mexico, and Arizona will not be able for several years to use all the flow to which she is entitled. What rights Mexico will acquire, if any, I am not discussing. I am merely saying that a situation may arise which will cause concern.

As a legal proposition I think the Senator is right, and we could say to Mexico, "You have no right to water stored in the United States. You knew when you used water flowing from the dam that there was a compact between the States, ratified by them and concurred in by the United States, under the terms of which 7,500,000 acre-feet were allocated to the States above, and that they have claimed and still assert title to the same.

It may be they were not prompt in applying the water to which they were entitled, but it is theirs and no claim of laches or delay or prescription may be asserted to deprive them of their rights.

I hope there is no ground for the fear. Of course, if this bill shall pass and a dam shall be built and the water equated and Mexico shall, for a considerable length of time, use water which the upper States or Arizona are entitled to, when we are ready to use the water we will take it regardless of any claim upon the part of Mexico.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Is the amendment offered by the senior Senator from Colorado [Mr. PHIPPS] subject to amendment?

The PRESIDING OFFICER. It is not at this stage.

Mr. BRATTON. That is the inquiry I wanted to propound. In view of that, if the Senator from Arizona will permit me——

Mr. HAYDEN. Certainly.

Mr. BRATTON. I suggest to the Senator that on page 2, line 18, following the word "agree," there should be inserted the words "irrevocably and unconditionally."

Mr. PHIPPS. Will the Senator give me a reference to the substitute bill, the Johnson bill, now before the Senate?

Mr. BRATTON. I refer to the amendment offered by the Senator himself as a substitute.

Mr. JOHNSON. Will the Senator state again the line and page?

Mr. BRATTON. It is the amendment of the senior Senator from Colorado, page 2, line 18. Following the word "agree," insert the words "irrevocably and unconditionally."

Mr. PHIPPS. Mr. President, it had not occurred to me that should be necessary. An agreement on the part of a State by its legislature may be looked upon as binding upon the State as a moral obligation. However, I do not see that any harm would be done by making the modification the Senator suggests; therefore I will ask permission——

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his amendment?

Mr. PHIPPS. No. I was about to ask permission to perfect my amendment by adding the words which have been suggested by the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Colorado modifies his amendment by adding the words suggested by the Senator from New Mexico.

Mr. PHIPPS. I desire to perfect my amendment by adding, after the word "agree," in line 18, on page 2 of my amendment, the words "irrevocably and unconditionally." Then the amendment would stand in that form.

Mr. President, at this point I want to make the request that I be further permitted to make another change in the pending amendment and that is to make the term for agreement under the 7-State compact, the time during which the 7-State compact may be entered into before a 6-State compact shall become effective, six months instead of one year. It seems to me that one year is perhaps longer than necessary in which all of the seven States might, if they are going to at any time, agree to a 7-State compact.

The PRESIDING OFFICER. The Chair will state that the Senator has a right at any time before his amendment is acted upon to modify it as he desires.

Mr. PHIPPS. I was aware of that, but I desired that those who are deeply interested in this amendment should know my reasons and the modus, and then I desire to perfect my amendment by changing "one year" to "six months."

Mr. ASHURST. Mr. President, will the Senator from New Mexico yield to me for a moment on the question of procedure?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield.

Mr. ASHURST. Of course, no one would deny the right and power of the Senator from Colorado or any other Senator to perfect his own amendment in such form as he pleased, but I am quite disturbed about a ruling just made by the Chair. I am not at this moment questioning the ruling; in fact, I am seeking light and information. When the Senate began the consideration of the bill on December 5, if Senators will advert to the RECORD, on page 67, the right-hand column, it will be discovered that my worthy colleague, with much thoughtful prevision, horoscoped just what might happen here. He asked the question as to whether or not amendments in this degree would be in order. It is quite important that that question should be settled. Let me see if I understand the situation.

The PRESIDING OFFICER. The Chair will state to the Senator that inquiry was made as to whether the amendment of the Senator from New Mexico could be offered and the decision was that it could not be.

Mr. ASHURST. I understand. Now, let us explore the situation. I want to be correct and I want to find out just what the RECORD discloses. The bill is pending before the Senate; my colleague offered an amendment; that amendment was in order; the Senator from Colorado [Mr. PHIPPS] proposed an amendment to the amendment of my colleague [Mr. HAYDEN]. That is true, is it not?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. Then it seems to me that it was understood, if I read the RECORD correctly and my memory serves me right at this time, that the amendment proposed by the Senator from New Mexico to the amendment offered by the Senator from Colorado would be in order.

The PRESIDING OFFICER. No; it would not be.

Mr. ASHURST. I yield with great deference to the present occupant of the chair, the Senator from Ohio [Mr. FESS]. I think that Senator is one of the few who has given very close study to the Senate rules. I wish more Senators would do so, and I should apply myself also in that direction. However, I still insist that a reading of the RECORD will indicate or seem to show that we attempted to reach an agreement whereby and whereunder amendments of this nature might be offered. I will ask the clerk to read from page 65 of the RECORD of December 5, if the Senator from New Mexico will pardon me.

Mr. BRATTON. Certainly.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

Mr. HAYDEN. Mr. President, reserving the right to object, the Senator from California appreciates that the Senators from Arizona have offered a number of amendments to the Senate bill which they, at least, consider to be worthy of consideration by the Senate. The substitution of the House bill for the Senate bill will automatically require, I believe, under the rules of the Senate, that those amendments shall be reoffered, and that is a matter which we desire to have considered. Could the Senator suggest any way?

Mr. JOHNSON. Yes; I think I can suggest a way which will protect the amendments referred to by the Senator. For instance, let us assume that the House bill is substituted here. Let us assume that, after the substitution of the House bill, all succeeding the enacting clause is stricken out of the bill and the Senate bill inserted. Let us assume that that is done upon the agreement that the amendments heretofore presented by the Senators from Arizona shall be considered as having been presented and may be taken up in due course and in regular parliamentary fashion. Does not that answer the requirement?

Mr. HAYDEN. It would seem to me in addition that we should have assurance that the amendments which have been read should preserve the same status that they now possess.

The VICE PRESIDENT. The amendments would have to be reoffered to the House bill.

Mr. HAYDEN. That was the labor I was seeking to avoid.

The VICE PRESIDENT. They have never been offered to the Senate bill formally, because the Senate is now acting on committee amendments to the Senate bill.

Mr. ASHURST. Passing further on to page 68, with the permission of the Senator from New Mexico, I will ask the clerk to read a part of the discussion of the question by the Senator from Utah [Mr. KING], beginning with the words:

Mr. BRATTON. Do I understand that the Senator now offers the Senate bill in the form in which the committee recommended it?

I ask the clerk to read from there down to the end of the column, on page 68.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

Mr. BRATTON. Do I understand that the Senator now offers the Senate bill in the form in which the committee recommended it?

Mr. JOHNSON. Yes, sir.

Mr. ROBINSON of Arkansas. Mr. President, I think it ought to be understood, in view of what has taken place, that when the substitution is made the bill shall be subject to amendment and that the amendments which have been submitted to the Senate bill shall be considered as pending to the House bill. That was the understanding.

Mr. FESS. Not as pending.

Mr. ROBINSON of Arkansas. As having relation to the House bill. Of course they could not be pending until they are actually offered.

Mr. JOHNSON. Very well. I accept the statement of the Senator from Arkansas.

The VICE PRESIDENT. Is there objection? Without objection, it is so agreed and the Senator from California has offered the following amendment, which will be stated:

The CHIEF CLERK. The Senator from California proposes to amend House bill 5773 by striking out all after the enacting clause and inserting in lieu thereof the language of the Senate bill (S. 728).

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. KING. If amendments shall be offered now, if the motion of the Senator from California——

The VICE PRESIDENT. Amendments should be offered now before the agreement is had. The bill should be amended now before the unanimous-consent request is agreed to.

Mr. KING. The inquiry I was about to propound was this: If we have before us the Senate bill——

Mr. JOHNSON. That is before us now, as I understand it.

Mr. KING. That is the inquiry I was about to make. If we have the Senate bill before us, then of course amendments to amendments may be offered and should not be subject to challenge that the latter amendment was subject to a point of order, being in the third degree or the second degree.

Mr. JOHNSON. I think not.

The PRESIDING OFFICER. The Chair will explain the situation to the Senator from Arizona.

Mr. BRATTON. Let me inquire of the Chair, if I may, in connection with the observation made——

The PRESIDING OFFICER. May the Chair make a statement as to the status of the situation at this time?

Mr. BRATTON. Certainly.

The PRESIDING OFFICER. We are regarding the Senate substitute to strike out all after the enacting clause of the House bill and insert the Senate bill as the original bill, just as if it had been originally reported in that form. Then, it is subject to amendment and an amendment so offered is subject to another amendment. That is the situation we now have. The Senate bill is an amendment, but we are considering it as the original text. The junior Senator from Arizona [Mr. HAYDEN] offered an amendment, which is in the first degree; the Senator from Colorado [Mr. PHIPPS] offered an amendment to that amendment, which is in the second degree. Any other amendment to the amendment of the Senator from Colorado, of course, would be out of order as being in the third degree.

Mr. BRATTON. That is the point I had in mind as to whether the Chair in making the ruling regards the substitute bill as occupying the same status that the original Senate bill occupied.

Mr. KING. I will say that it was my intention merely to put the Senate bill in the position of the original bill so that it would not be subject to challenge when an amendment was offered as being in the second degree. While I should be very glad to have it extended further, I must be honest with the Chair and say that that was my intention, and I think that the ruling of the Chair is correct.

Mr. ASHURST. I am not caviling or quarreling with the Chair, but I think it important that we know that the Senate bill substituted for the House bill on motion of the Senator from California shall not be considered as an amendment to the original text. Now, let me see if I perceive correctly the situation. My colleague has offered an amendment to the original bill which is in the first degree.

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. And the Senator from Colorado has offered an amendment to my colleague's amendment, being, therefore, in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I will have to confess that the amendment of the Senator from New Mexico might be in the third degree.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions, and they were signed by the Vice President:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 11, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 10, 1928

COMMISSIONER OF IMMIGRATION

Thomas B. R. Mudd, of Maryland, to be Commissioner of Immigration at the port of Baltimore, Md.

UNITED STATES DISTRICT JUDGES

Samuel H. West, of Ohio, to be United States district judge, northern district of Ohio, to succeed D. C. Westenhaver, deceased.

Justin W. Harding, of Alaska, to be district judge, division No. 1, district of Alaska, to succeed Thomas M. Reed, deceased.

POSTMASTERS

CALIFORNIA

Jay K. Battin to be postmaster at Angwin, Calif., in the place of J. K. Battin. Incumbent's commission expires December 17, 1928.

Jeremiah R. Brown to be postmaster at Arcata, Calif., in place of J. R. Brown. Incumbent's commission expired January 31, 1928.

Joseph C. Beard to be postmaster at Burlingame, Calif., in place of J. C. Beard. Incumbent's commission expires December 17, 1928.

Wallace B. Sawyer to be postmaster at Galt, Calif., in place of W. B. Sawyer. Incumbent's commission expires December 17, 1928.

Felix B. LaCrosse to be postmaster at Half Moon Bay, Calif., in place of F. B. LaCrosse. Incumbent's commission expired June 5, 1928.

Josephine C. McCabe to be postmaster at Imola, Calif., in place of J. C. McCabe. Incumbent's commission expires December 17, 1928.

John E. Nolan to be postmaster at Jamestown, Calif., in place of J. E. Nolan. Incumbent's commission expires December 17, 1928.

Frank B. Clark to be postmaster at Mount Lowe, Calif., in place of F. B. Clark. Incumbent's commission expires December 17, 1928.

Ora Lester Dunn to be postmaster at Quincy, Calif., in place of I. G. Moody, resigned.

Charles J. Funk to be postmaster at Redondo Beach, Calif., in place of C. J. Funk. Incumbent's commission expires December 17, 1928.

William J. Martin to be postmaster at Salinas, Calif., in place of W. J. Martin. Incumbent's commission expires December 17, 1928.

Grace E. Patterson to be postmaster at Samoa, Calif., in place of G. E. Patterson. Incumbent's commission expired April 21, 1928.

COLORADO

Thomas N. Wayne to be postmaster at Edgewater, Colo., in place of T. N. Wayne. Incumbent's commission expires December 13, 1928.

Nellie M. Mickey to be postmaster at Evergreen, Colo., in place of N. M. Mickey. Incumbent's commission expires December 13, 1928.

Lewis W. Kennedy to be postmaster at Hot Sulphur Springs, Colo., in place of L. W. Kennedy. Incumbent's commission expires December 13, 1928.

Fannie E. Arnett to be postmaster at Peetz, Colo., in place of F. E. Arnett. Incumbent's commission expires December 13, 1928.

Charles J. Funk to be postmaster at Sterling, Colo., in place of C. J. Funk. Incumbent's commission expires December 13, 1928.

CONNECTICUT

Mary A. Tracy to be postmaster at Central Village, Conn., in place of M. A. Tracy. Incumbent's commission expires December 13, 1928.

John J. O'Neill to be postmaster at Killingly, Conn., in place of J. J. O'Neill. Incumbent's commission expires December 13, 1928.

George E. Dickinson to be postmaster at Rockville, Conn., in place of G. E. Dickinson. Incumbent's commission expires December 13, 1928.

William Krause to be postmaster at Westport, Conn., in place of William Krause. Incumbent's commission expires December 17, 1928.

Hal R. Kellogg to be postmaster at Woodmont, Conn., in place of H. R. Kellogg. Incumbent's commission expires December 17, 1928.

GEORGIA

Edith A. Herrington to be postmaster at Millen, Ga., in place of E. A. Herrington. Incumbent's commission expires December 17, 1928.

IDAHO

Robert R. Coon to be postmaster at Emmett, Idaho, in place of R. R. Coon. Incumbent's commission expires December 17, 1928.

Joseph B. Newbury to be postmaster at Mullan, Idaho, in place of J. B. Newbury. Incumbent's commission expires December 17, 1928.

ILLINOIS

David A. Howard to be postmaster at Glasford, Ill., in place of D. A. Howard. Incumbent's commission expires December 13, 1928.

Charles Jackson to be postmaster at Joy, Ill., in place of Charles Jackson. Incumbent's commission expires December 10, 1928.

Rex C. Bliss to be postmaster at La Fayette, Ill., in place of R. C. Bliss. Incumbent's commission expires December 10, 1928.

George E. Carlson to be postmaster at Moline, Ill., in place of G. E. Carlson. Incumbent's commission expired December 9, 1928.

Harry C. Smith to be postmaster at New Windsor, Ill., in place of H. C. Smith. Incumbent's commission expires December 10, 1928.

Alice Murray to be postmaster at Oneida, Ill., in place of Alice Murray. Incumbent's commission expires December 10, 1928.

Oscar B. Harrauff to be postmaster at Princeton, Ill., in place of O. B. Harrauff. Incumbent's commission expires December 10, 1928.

John Hudson to be postmaster at Valier, Ill., in place of John Hudson. Incumbent's commission expires December 13, 1928.

Oscar B. Park to be postmaster at Wapella, Ill., in place of W. A. Graham, resigned.

INDIANA

George P. Crabtree to be postmaster at Clay City, Ind., in place of G. P. Crabtree. Incumbent's commission expires December 12, 1928.

Lewis Debolt to be postmaster at Claypool, Ind., in place of Lewis Debolt. Incumbent's commission expires December 12, 1928.

Charles E. Barracks to be postmaster at Frankton, Ind., in place of C. E. Barracks. Incumbent's commission expires December 12, 1928.

IOWA

Elizabeth Summers to be postmaster at Fort Atkinson, Iowa, in place of Elizabeth Summers. Incumbent's commission expires December 12, 1928.

Estella Griffin to be postmaster at McIntire, Iowa, in place of Estella Griffin. Incumbent's commission expired December 9, 1928.

KENTUCKY

Howard C. Lewis to be postmaster at Morehead, Ky., in place of W. E. Proctor, removed.

Raymond H. Heskamp to be postmaster at St. Matthews, Ky., in place of E. F. Fravert, resigned.

Elbert W. Beers to be postmaster at Van Lear, Ky., in place of A. M. Gibson, removed.

John Lafferty to be postmaster at Wheelwright, Ky., in place of F. F. Gearhart, removed.

LOUISIANA

Rena F. Eckart to be postmaster at Natalbany, La., in place of R. F. Eckart. Incumbent's commission expires December 13, 1928.

MASSACHUSETTS

Robert A. Clark to be postmaster at Sharon, Mass., in place of J. L. McGrath, deceased.

James P. Smith to be postmaster at Springfield, Mass., in place of W. K. Kaynor, resigned.

Ethel V. Cook to be postmaster at Wenham, Mass., in place of W. P. Porter, resigned.

MICHIGAN

Clifford L. Kenney to be postmaster at Milford, Mich., in place of F. W. Holmes, deceased.

MINNESOTA

John V. Barstow to be postmaster at Brownsdale, Minn., in place of J. V. Barstow. Incumbent's commission expires December 13, 1928.

John L. Christianson to be postmaster at Harmony, Minn., in place of J. L. Christianson. Incumbent's commission expires December 13, 1928.

Laura Z. Cairns to be postmaster at Rice, Minn., in place of A. J. Rajkowski, resigned.

MISSOURI

Ida A. Sack to be postmaster at Bosworth, Mo., in place of I. A. Sack. Incumbent's commission expires December 17, 1928.

Delph C. Simons to be postmaster at Grant City, Mo., in place of D. C. Simons. Incumbent's commission expires December 17, 1928.

Delphia Johnson to be postmaster at Jerico Springs, Mo., in place of Delphia Johnson. Incumbent's commission expires December 17, 1928.

Mattie A. Campbell to be postmaster at King City, Mo., in place of M. A. Campbell. Incumbent's commission expires December 17, 1928.

J. Frank Wilson to be postmaster at Palmyra, Mo., in place of J. F. Wilson. Incumbent's commission expires December 17, 1928.

Clyde S. Jones to be postmaster at Polo, Mo., in place of C. S. Jones. Incumbent's commission expires December 17, 1928.

George R. Hendricks to be postmaster at Rutledge, Mo., in place of G. R. Hendricks. Incumbent's commission expires December 17, 1928.

Joseph A. Davis to be postmaster at Waynesville, Mo., in place of J. A. Davis. Incumbent's commission expires December 17, 1928.

MONTANA

George P. Huddleston to be postmaster at Whitetail, Mont., in place of G. B. Cameron, resigned.

NEBRASKA

Maude Pontius to be postmaster at Harrison, Nebr., in place of L. P. Rice. Incumbent's commission expired May 14, 1928.

NEW HAMPSHIRE

John E. Horne to be postmaster at Milton Mills, N. H., in place of J. E. Horne. Incumbent's commission expires December 10, 1928.

Maude B. Duston to be postmaster at Plaistow, N. H. Office became presidential July 1, 1928.

NEW JERSEY

Robert E. Torrance to be postmaster at Arlington, N. J., in place of R. E. Torrance. Incumbent's commission expires December 13, 1928.

Ralph E. Liddle to be postmaster at Fords, N. J., in place of R. E. Liddle. Incumbent's commission expires December 13, 1928.

James L. O'Donnell to be postmaster at Hammonton, N. J., in place of J. L. O'Donnell. Incumbent's commission expires December 13, 1928.

Walter G. Barber to be postmaster at Millville, N. J., in place of W. G. Barber. Incumbent's commission expires December 13, 1928.

Walter E. Walling to be postmaster at Port Monmouth, N. J., in place of W. E. Walling. Incumbent's commission expires December 13, 1928.

Harry W. Mutchler to be postmaster at Rockaway, N. J., in place of H. W. Mutchler. Incumbent's commission expires December 13, 1928.

Hiram H. Shepherd to be postmaster at South Boundbrook, N. J., in place of H. H. Shepherd. Incumbent's commission expires December 13, 1928.

NEW MEXICO

John H. York to be postmaster at Las Vegas, N. Mex., in place of J. H. York. Incumbent's commission expires December 13, 1928.

NEW YORK

Leslie E. Daniels to be postmaster at Chaumont, N. Y., in place of L. E. Daniels. Incumbent's commission expires December 16, 1928.

William L. Fuller to be postmaster at Ellenville, N. Y., in place of W. L. Fuller. Incumbent's commission expired February 8, 1928.

Harmon A. Ranous to be postmaster at Minetto, N. Y., in place of H. A. Ranous. Incumbent's commission expires December 16, 1928.

Perry Deyo to be postmaster at New Paltz, N. Y., in place of Perry Deyo. Incumbent's commission expired May 19, 1928.

Edith L. Kent to be postmaster at Tuxedo Park, N. Y., in place of E. L. Kent. Incumbent's commission expires December 11, 1928.

Daniel Van Alst to be postmaster at Wallkill, N. Y., in place of H. B. McHugh, deceased.

NORTH DAKOTA

Redmond A. Bolton to be postmaster at Jamestown, N. Dak., in place of R. A. Bolton. Incumbent's commission expired April 19, 1928.

OHIO

Elizabeth F. Kelley to be postmaster at North Olmsted, Ohio, in place of E. F. Kelley. Incumbent's commission expires December 17, 1928.

Will B. Maynard to be postmaster at Olmsted Falls, Ohio, in place of W. B. Maynard. Incumbent's commission expires December 17, 1928.

OKLAHOMA

Henry A. Ravia to be postmaster at Bessie, Okla., in place of H. A. Ravia. Incumbent's commission expired December 10, 1928.

Burton A. Tyrrell to be postmaster at Fargo, Okla., in place of E. T. Hull, removed.

Earl C. Moore to be postmaster at Forgan, Okla., in place of T. L. Ogilvie, resigned.

Benjamin F. Rarick to be postmaster at Guymon, Okla., in place of W. T. Bratton, resigned.

Helen Whitlock to be postmaster at Maramec, Okla., in place of Helen Whitlock. Incumbent's commission expires December 13, 1928.

OREGON

Howard C. Getz to be postmaster at Coquille, Oreg., in place of H. C. Getz. Incumbent's commission expires December 13, 1928.

Elbert Smith to be postmaster at Cottage Grove, Oreg., in place of Elbert Smith. Incumbent's commission expires December 13, 1928.

Frederick D. Gardner to be postmaster at Forest Grove, Oreg., in place of F. D. Gardner. Incumbent's commission expires December 13, 1928.

J. Clyde Martin to be postmaster at Grants Pass, Oreg., in place of J. C. Martin. Incumbent's commission expires December 13, 1928.

Gaylord G. Godfrey to be postmaster at Independence, Oreg., in place of G. G. Godfrey. Incumbent's commission expires December 13, 1928.

Willis E. Everson to be postmaster at Waldport, Oreg., in place of W. E. Everson. Incumbent's commission expires December 13, 1928.

PENNSYLVANIA

Clarence G. Young to be postmaster at Bristol, Pa., in place of C. G. Young. Incumbent's commission expires December 13, 1928.

Harold C. Fry to be postmaster at Camp Hill, Pa., in place of H. C. Fry. Incumbent's commission expires December 16, 1928.

Margaret E. Warnock to be postmaster at Darlington, Pa., in place of M. E. Warnock. Incumbent's commission expires December 17, 1928.

H. George Marburger, to be postmaster at Denver, Pa., in place of H. G. Marburger. Incumbent's commission expires December 13, 1928.

Carey W. Huff to be postmaster at Durant City, Pa., in place of C. W. Huff. Incumbent's commission expires December 17, 1928.

Laura E. Rich to be postmaster at Enola, Pa., in place of L. E. Rich. Incumbent's commission expires December 17, 1928.

Samuel Y. Wissler to be postmaster at Ephrata, Pa., in place of S. Y. Wissler. Incumbent's commission expires December 13, 1928.

William Irey to be postmaster at Glenmoore, Pa., in place of William Irey. Incumbent's commission expired January 8, 1928.

Edwin H. Cliff to be postmaster at Glen Olden, Pa., in place of E. H. Cliff. Incumbent's commission expires December 17, 1928.

John M. Kurtz to be postmaster at Honey Brook, Pa., in place of J. M. Kurtz. Incumbent's commission expires December 13, 1928.

Grant Umberger to be postmaster at Langhorne, Pa., in place of Grant Umberger. Incumbent's commission expires December 13, 1928.

Florence G. Hibberd to be postmaster at Lenni Mills, Pa. Office made presidential July 1, 1928.

Joseph G. Cassidy to be postmaster at Markham, Pa. Office made presidential July 1, 1928.

Elmer R. West to be postmaster at Malvern, Pa., in place of Warren Ruth. Incumbent's commission expired January 8, 1928.

Claude S. Yeager to be postmaster at Orwigsburg, Pa., in place of C. S. Yeager. Incumbent's commission expires December 16, 1928.

William K. Pearce to be postmaster at Rutledge, Pa., in place of W. K. Pearce. Incumbent's commission expires December 16, 1928.

Eli H. Shockey to be postmaster at Stoyestown, Pa., in place of E. H. Shockey. Incumbent's commission expires December 17, 1928.

David L. Bly to be postmaster at Watsontown, Pa., in place of D. L. Bly. Incumbent's commission expires December 16, 1928.

Annie Smith to be postmaster at Waverly, Pa., in place of Annie Smith. Incumbent's commission expires December 16, 1928.

Norman H. Koch to be postmaster at Weatherly, Pa., in place of N. H. Koch. Incumbent's commission expires December 16, 1928.

Boies M. Boyer to be postmaster at Weissport, Pa., in place of B. M. Boyer. Incumbent's commission expires December 16, 1928.

RHODE ISLAND

William F. Caswell to be postmaster at Jamestown, R. I., in place of W. F. Caswell. Incumbent's commission expires December 16, 1928.

SOUTH CAROLINA

Lawrence D. Hagan to be postmaster at Due West, S. C., in place of L. D. Hagan. Incumbent's commission expires December 17, 1928.

Carolyn M. Venters to be postmaster at Johnsonville, S. C., in place of W. H. Meng, removed.

Paul G. Barnett to be postmaster at Westminster, S. C., in place of P. G. Barnett. Incumbent's commission expires December 17, 1928.

George R. Hudson to be postmaster at Williston, S. C., in place of G. R. Hudson. Incumbent's commission expires December 13, 1928.

SOUTH DAKOTA

Harry K. Sanborn to be postmaster at Hurley, S. Dak., in place of H. K. Sanborn. Incumbent's commission expires December 11, 1928.

TENNESSEE

Sandy A. Greenwell to be postmaster at Butler, Tenn., in place of R. C. Laws, resigned.

VIRGINIA

Mary E. Gregory to be postmaster at Drakes Branch, Va., in place of G. C. Collins, resigned.

Thomas J. Crickenberger to be postmaster at Emporia, Va., in place of T. J. Crickenberger. Incumbent's commission expired February 8, 1928.

Florence E. Priest to be postmaster at Scottsburg, Va., in place of E. P. Lacy, resigned.

WEST VIRGINIA

Mary B. Carman to be postmaster at Bethany, W. Va., in place of M. B. Carman. Incumbent's commission expires December 16, 1928.

WYOMING

Frank A. Beard to be postmaster at Chugwater, Wyo., in place of F. A. Beard. Incumbent's commission expires December 13, 1928.

John H. Mantle to be postmaster at Kemmerer, Wyo., in place of J. H. Mantle. Incumbent's commission expires December 13, 1928.

Louis E. Eaton to be postmaster at Torrington, Wyo., in place of L. E. Eaton. Incumbent's commission expires December 13, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 10, 1928

EXAMINER IN CHIEF UNITED STATES PATENT OFFICE

Walter Leffingwell Redrow, to be examiner in chief, United States Patent Office.

POSTMASTERS

COLORADO

George H. Felton, Cragmor.
Dwight K. Foster, Paonia.

DELAWARE

John W. Dimes, Bridgeville.
Alexander R. Abrahams, Wilmington.

IDAHO

William R. Ogle, Glenns Ferry.
Clara H. Dunn, Hazleton.
Albert T. Moulton, Victor.
Marie E. Roos, Weippe.
Arthur N. MacQuivey, Wendell.

KENTUCKY

Walter C. Engle, Berea.
Tillie York, Bond.
Cicero S. Gentry, Dixon.
Floyd Arnett, Dunham.
Lawrence E. Ratliff, Lookout.
Lou M. Thompson, Lyndon.
G. Russell Ireland, Upton.
Fannie Winstead, Wheatcroft.

MARYLAND

William H. Medford, Cambridge.
John R. Watson, Cardiff.
Emma J. Wilson, Colora.
Mary J. Johnston, Fort Washington.
Florence C. Lambie, Mount Savage.
George E. Snyder, Randallstown.
George C. Logan, Rowlandsville.

MISSOURI

George J. C. Wohlschlaeger, Affton.
George H. Bathe, jr., Argyle.
George C. Blackwell, Breckenridge.
A. B. Williams, Campbell.
Joseph C. Muellersman, Festus.
Emma J. Lehman, Fortuna.
William A. Jenkins, Hardin.
Rhoda K. Ward, Patterson.
George D. Harris, Slater.

NORTH DAKOTA

Irene Tiller, Burlington.
Lena L. Hintz, Dunn Center.
Henry G. Stenson, Fort Totten.
George A. Swen, Gilby.
Alfred S. Duntley, Grandin.
Gilbert I. Ryan, Landa.
Harry H. Roberts, Tower City.

WASHINGTON

John A. Doyle, Berne.
William Scales, Centralia.
Frank G. Moran, Moran School.
Birdie L. Crook, Nespelem.
Lloyd Purdy, Prescott.
Edward V. Pressentin, Rockport.
Ida Jacklin, Woodinville.

WEST VIRGINIA

Lawrence M. Huddleston, Burnwell.
Robert Y. Henley, Caretta.
George H. Meredith, Dehue.
Otta K. Wigner, Ellenboro.
Oscar Sipple, Fort Gay.
Merrick D. Robertson, Glen Morrison.
Melvin W. Combs, Northfork.
James W. Bee, Parkersburg.
Harry M. Watson, Pine Grove.
Benjamin C. Wetzel, Sun.

HOUSE OF REPRESENTATIVES

MONDAY, *December 10, 1928*

The House met at 12 o'clock, noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, all our days, with their opening light and their evening shade, demand our successive praise. We would begin the week with a devout thanksgiving to the infinite Creator of us all. Whatever our fortune or birth, let us rejoice in the possession of life. Not how long, not years, but how well, secures the treasure of time and forever. God help us to be just to ourselves. Oh, shine on our pathways, light them up with the reflection of the upper world. Make of them spiritual highways and thoroughfares for our climbing souls. Always and ever persuade us to keep far, far away from the moral subways, and may we never lose our sky line. Hold us to a beautiful and glorious vision from which we shall hear the voice and the call of our Father in Heaven. Amen.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3171) entitled "An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States."

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were presented to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President did approve and sign bills and joint resolutions of the House of the following titles:

On December 5, 1928:

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor.

On December 6, 1928:

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. R. 9710. An act for the relief of the State of South Carolina.

On December 7, 1928:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 6432. An act for the relief of James E. Moyer; and

H. R. 3844. An act for the relief of Myra Madry.

On December 8, 1928:

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time

served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. R. 7236. An act for the relief of James M. Long;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property; and

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor.

AIRPORT FOR THE CITY OF WASHINGTON

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of an airport or air field for the city of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, for several years Congress and the Government officials, as well as the commissioners and civic and commercial bodies of the District of Columbia have been perplexed by the problem of securing for the Capital of this great Nation an airport large enough to meet the requirements of the fastly developing science of aerial navigation.

The subject has been the topic of many special meetings of Government officials, aeronautic authorities, civic and industrial bodies, and of numerous editorials in Washington papers. It has been referred to in a presidential message, and during the past month was the cause of a mass meeting at which about 2,000 people, including Senators and Representatives, were present. The unanimous consensus of opinion was that Washington needs a large airport, and that we were facing a critical situation on account of lack of a large enough area to afford adequate runways for the large air liners that are certain to come in the near future, and the space required to accommodate the hundreds of planes that would come to the Capital, but can not do so because of lack of airport facilities. On such occasions as Lindbergh's reception at the Capital the planes were actually forbidden from the District because they could not be accommodated.

To solve this problem, the authorities state that an airport of a thousand acres is required. Cleveland, with an airport of that size, finds it necessary to provide additional airports, and all the other cities that have smaller airports, including Chicago, which spent $3,000,000 on airport facilities, are complaining that their airport area is inadequate. The only city that is not worrying over the future needs is Richmond, the capital of Virginia. Up to two years ago Richmond was facing the same problem that is worrying the District of Columbia, that of lack of suitable land for a large airport within the city limits. For that reason they could not have the air mail and were humiliated through being passed by aerial developments.

Then, in October, 1926, Mr. Henry Woodhouse, president of the Aerial League of America, and Col. A. A. Anderson, the New York capitalist, came to Richmond, acquired 1,268 acres of land at Seven Pines, about 8 miles from the city, and in 60 days they had a landing place. The city officials felt that the city should have control of its own municipal airport and bought 300 acres, which Messrs. Woodhouse and Anderson promptly agreed to sell at the same price they had paid, refusing the profit which was offered to them.

The result is that Richmond has a suitable airport, with ample land in reserve to take care of future needs. The directors of the Richmond Air Junction Association, the organization that solved that problem were A. A. Anderson, Henry Adam Ashforth, Stanley W. Eakin, C. Tiffany Richardson, and Henry Woodhouse.

Having in mind how quickly and thoroughly Richmond's problem was solved, I know that it will be gratifying to this body and to the Government and District officials to know that plans have been completed by these gentlemen and the Aerial League of America to give the Capital a great air and scientific center, the greatest in the world, with an area of over 2,000 acres.

In a letter transmitted to-day to the Board of District Commissioners of the District of Columbia, officials of the Aerial League of America and associated organizations announced the acquisition of over 2,000 acres of George Washington land and other historic estates for establishing the world's greatest air junction and scientific center at the Capital's gates, to be known as the Washington air junction, which is ideally located and ready for immediate use.

The letter to the Board of District Commissioners is signed by Henry Woodhouse, who succeeded Admiral Peary as president of the Aerial League of America, and who, with Col. A. A. Anderson, the New York capitalist, solved Richmond's problem of getting adequate airport facilities by establishing the 1,268-acre Richmond air junction two years ago.

Mr. Woodhouse offers the use of the air junction to the Government and District free of charge and emphasizes that no support whatsoever is sought or expected from the Government or the District.

The public-spirited group undertaking this huge project are represented by Mr. Edward Stafford, the Washington attorney, son of Mr. Justice Wendell P. Stafford, of the Supreme Court of the District of Columbia, who was selected because he was associated with Admiral Peary in the latter's pioneer aeronautic activities. He married the daughter of the discoverer of the North Pole, Miss Marie A. Peary, who was born in the Arctic, who has been a director of the Aerial League of America for a number of years.

Mr. Woodhouse's letter to the commissioners follows:

BOARD OF DISTRICT COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

GENTLEMEN: 1. Having noted from the statements of President Coolidge and of officials of the Post Office, War Department, Department of Commerce, and District of Columbia, and of officers of the Chamber of Commerce, Board of Trade, and Merchants and Manufacturers' Association of the District that an airport is needed, and that Washington may lose its place as a relay point on the New York-Philadelphia-Richmond-Atlanta air mail line, because it will require from three to five years to fill the Potomac area at Gravelly Point and converting it into an airport; and appreciating the importance of giving to the Capital of the United States airport facilities equal to the world's best. The Aerial League of America and associated organizations have arranged for the acquisition of the only large tracts of level lands suitable for a large airport near the Capital, consisting of historic estates of Gen. George Washington and George Mason, on the Washington-Richmond Highway, aggregating over 2,000 acres and many buildings.

Steps are being taken to convert this huge tract into a great center of aeronautic and scientific activities, to be known as the Washington air junction, but planes have been landing on these grounds for two years, therefore planes can be accommodated immediately, while the improvements that will be made in the coming month will make it possible to accommodate the hundreds of planes that may come on Washington's Birthday, February 22, and Inauguration Day, March 4.

2. It was felt that it would be most appropriate that the world's greatest airport and scientific center should be established on the ancestral homelands of George Washington, at the gates of the Capital of the land which Washington first molded into a nation, and that such a great air and scientific center should be named the Washington air junction because George Washington was the first father of American aeronautics and the first American patron of applied sciences.

When the aeronaut Blanchard made the first balloon ascension ever made on the Western Hemisphere, which was made at Philadelphia on January 9, 1793, President Washington went to the place used as balloon park at 9 in the morning to witness the inflation, and personally issued to the intrepid air pioneer a passport in which he urged "all to whom these present shall come" to aid Blanchard, "with that humanity and good will which may render honor to their country, and justice to an individual so distinguished by his efforts to establish and advance an art, in order to make it useful to mankind in general."

3. An exhaustive search has confirmed the fact that President Washington was the first head of a nation in the world's history to express the belief that the art of aeronautics could become useful to mankind.

4. History's records show, likewise, that Washington was foremost in his age in supporting scientific institutions. He was the first head of a nation to urge such support in an official public message, which he did in his farewell address to the American people, in which he said:

"Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."

5. Washington's extensive estates, located between the city of Washington and Mount Vernon, which he had defined in his will and delineated on maps, had been divided and were owned by close to 30 owners, and in the process of locating them we found that the War Department, during the World War, had made an extensive survey of the tracts of land in the District of Columbia and surrounding country with a view of establishing a military aviation field, and had determined that the only ideal site, affording runways of from 1 to 2 miles in length, was the huge plateau bounded by the Richmond Highway and Gravel Road and Telegraph Road. This site was surveyed by the War Department and plans were made for the buildings to be erected and other improvements to be made, but the ending of the war stopped this plan.

6. This and other tracts of land, aggregating over 2,000 acres, have been acquired for the Washington air junction, including the extensive tracts of land mentioned in Washington's diaries as having been cultivated by him, on which he planted oak, walnut, maple, hickory, and other stately trees, and cherry, pear, plum, and other fruit trees recorded in his diaries as having been planted by him, and on which he and his kinsmen and friends and guests went hunting.

The whole forms the large quadrangular tract located about 3 miles southwest of Alexandria, bounded for over 2 miles by the Washington-Richmond Highway, and on the northwest sides by the Telegraph Road and Gravel Road, also for over 2 miles, and has been pronounced ideal by the highest Government and civilian aeronautic authorities who have been consulted about the plan to convert this land into the Washington air junction.

7. This will make the Washington air junction nearer to the city of Washington, and better in many ways, than the famous Croydon Airport is to London, the LeBourget Airport is to Paris, the Roosevelt Field and the Curtiss Field are to New York; and the acreage of the Washington air junction alone is greatly more than the total acreage of these four noted airports and the Templehofer Field, Berlin's airport, combined. It is also twice the size of the Richmond, Va., air junction, which had been the world's largest since we established it in October, 1926, in honor of Commander Richard E. Byrd, the first man to fly to the North Pole.

8. Having a frontage of over 2 miles on the Washington-Richmond Highway, and 2 miles on the Telegraph Road and Gravel Road, and being close to the Richmond, Fredericksburg & Potomac and Southern Railroads and within sight of the Potomac River, the Washington air junction is ideal from the standpoint of accessibility and transportation.

9. In addition, it has electric power, electric light, several large springs of healthful water, famous since Washington's days, and other facilities not to be found at any of the world's airports. To these will soon be added the improvements necessary to make it a great air junction and scientific center.

10. The advisability of having 2,000 acres for the Washington air junction, to provide for the future demand for space for air traffic, was determined upon after a study of the world's 5,000 airports made by the airways council of the Aerial League of America, which included the following authorities on aeronautics, traffic, and public safety: Col. Jefferson de Mont Thompson, chairman of the Aviation Commission of the State of New York; Col. A. A. Anderson, president of the Richmond Air Junction Association and former Commissioner of Traffic and Public Safety of the City of New York; Alan R. Hawley, member of the Aviation Commission of the State of New York and holder of the American long-distance balloon record; Murray Hulbert, president of the Amateur Athletic Union, former Member of Congress, and president of the Board of Aldermen of the City of New York; Rear Admiral Colby M. Chester, noted scientist; Henry Woodhouse, president of the Aerial League of America, chairman of the International Science Forum, and member of the Federal city committee of the American Civic Association; Capt. Robert A. Bartlett, noted Arctic explorer; and A. Leo Stevens, the pioneer aeronaut who built the United States Army's first airship in 1908, with the late Capt. Thomas S. Baldwin, and was the Army's instructor and expert on lighter-than-air and parachutes during and after the war.

11. Having been pioneers in aviation, automobiling, and other branches of human endeavor, these experts looked into the future and visioned the possible aeronautic developments of the city of Washington, and they saw enormous possibilities, depending greatly upon having an extensive air junction where these activities can be centered, coordinated, and stimulated.

The site selected has all the necessary qualifications, besides holding the priceless distinction of being part of the ancestral homelands of the Father of this Country, who was also the father of American aeronautics and the first head of a nation to officially urge a nation to support scientific effort. Equally historic is the balance of the land, being the estates of George Mason, neighbor and friend of Washington, and author of the Nonimportation Resolutions, Fairfax Resolves, Virginia Bill of Rights, and other documents that opened the way for the Declaration of Independence.

12. It will interest you to know that we visited and surveyed over 60 large cities and have ascertained that not one affords such ideal facilities for a great air center as we have here at the gates of the Nation's Capital. In most cases they have difficulties in supplying a few hundred acres of suitable land for an airport from 10 to 30 miles away from the city, and they are all worried over the fact that they are too small and planes must be kept in the air from 10 to 15 minutes waiting for the runways to be cleared for landing. During a recent air survey of Chicago in which Lincoln Ellsworth and the writer participated, we were advised that their $2,000,000 airport was already so inadequate that planes often had to be kept flying overhead for 10 minutes waiting for runways to be cleared for landing.

13. Few cities have a thousand acres available for a substantial air junction, so they will be confined to having only airport facilities for local needs. An air junction must be a central place where air lines, airways and air routes meet and air traffic and air travelers may change from one mode of transport to another, and must be central in relation to the route of future national and international airways and accessible to many centers of commerce, in addition to supply the airport facilities for a city.

The site of the Washington air junction is so favorably and centrally located as to make it a natural air junction for 40 airways connecting with the centers of commerce of the United States and the future trans-Atlantic and trans-Pacific airways, as well as for making train and motor-bus connections for all points. The Washington and Richmond busses stop at the air junction entrance.

14. Having over 2,000 acres, the Washington air junction has ample space to accommodate large airships, and for general experimentations with lighter-than-air and parachutes, which will be in charge of the noted pioneer, A. Leo Stevens who, with the late Captain Baldwin, built the first airship used by the United States Army 20 years ago and had charge of lighter-than-air equipment and training during the war. Mr. Stevens was the inventor of the parachute pack adopted by the United States Army.

The highest authorities agree that preliminary training in lighter than air is necessary to teach pilots of planes the ways of the winds. Many accidents to pilots of planes are due to the pilots undertaking to fly without knowledge of the ways of the winds, which can best be learned with lighter-than-air craft. Such a school will be established at the Washington air junction.

15. A section of the Washington air junction appears to be especially adapted for making gliding flights with motorless planes. It is away from the runways to be used by the planes and from the section to be used for lighter-than-air craft, and has a hill suitable for launching gliders. This is important, as pilots of planes should be trained in the art of gliding to aid them in landing their planes when the motor stops or is shut off. Such training will prevent many of the accidents that take place on making landings.

16. It is also planned to have a section of the air junction for testing and demonstrating all sorts of devices and inventions tending to improve aircraft and promote safety and economy in flying. Manufacturers and inventors have suggested that if such tests and demonstrations are made on Saturday afternoon their experts will be able to attend them every week, whereas on other days it would not be so convenient. Therefore it has been decided to hold such tests on Saturdays, on which occasions the International Science Forum will hold conferences at which experts will discuss the vital problems that must be solved to make air travel safe and economic.

17. Thus the city of Washington will have the world's best airport and a scientific center without cost. It has been suggested that the District of Columbia may desire to have a section of the air junction as a municipal airport for the air mail, therefore we assure you that we shall stand ready to do here as we did in Richmond. There, as in this case, the postal authorities served notice that the air mail would be sent by another route unless the city provided a municipal airport, but the city did not have then the funds required for such an undertaking. Thereupon Col. A. A. Anderson and Mr. Henry Woodhouse acquired the best site available, a tract of 1,268 acres located near Seven Pines, and within 60 days sufficient land was conditioned for planes to land and take-off. The use was extended free to the Post Office Department, the War Department, Navy Department, and the Department of Commerce. Subsequently, when the city made provision for acquiring 300 acres, it was made available at the same price at which it had been bought, as Messrs. Anderson and Woodhouse declined to profit from the transaction.

The same policy will be applied in the case of the District of Columbia. We shall make available the facilities without expectation that the District will purchase any of the land, but if it is desirous of owning its own municipal airport, then we shall gladly make the land available at purchase price, as we do not desire to make any profits, but only to aid in supplying the Nation's Capital with a suitable airport.

18. Besides its importance as the Nation's Capital, Washington has great importance from an aeronautic standpoint on account of having a permanent population of 528,000, with approximately another 100,000 from neighboring communities—Alexandria having 18,000 inhabitants, Fairfax County 22,000. This means that aerial transportation facilities must be supplied for 600,000, besides a large transient population.

The special needs for speedy communication and transportation of officials and representatives of States, cities, and industrial establishments having interests in Washington are many, since it is here that the business of running the Nation is conducted, which includes the spending of appropriations which amount to $4,328,000,000 in 1929, and handling almost as large a sum in receipts, making a round turnover of $8,000,000,000 annually!

Since this enormous sum is collected from and spent throughout the Nation, hundreds of cases arise daily where aircraft can be used to advantage to gain time in the transportation of people, bids, contracts, remittances, statements, and so forth. So we may anticipate that hundreds of aircraft will fly to Washington on such missions, which will use the air junction as their terminal.

19. Army and Navy officers, to whom we have stated that the use of the Washington air junction will be extended to different Government departments, have advised us that the air junction will solve a serious

problem with which they have been confronted on account of Bolling Field being flooded or fog-bound from 50 to 100 days of the year, when flying is impossible. Their study and the data furnished by the Weather Bureau show that the Washington air junction site will be free of flood or fog when the Bolling Field is flooded or fog bound. Therefore the Army, Navy, Marine Corps, Department of Commerce, and other Government aviators will be able to fly on those days by using the air junction, which is outside of the flood and fog zone.

20. Having level runways of over one mile length, the air junction will be able to solve the difficult problem created by the limited space available at Bolling Field, which does not allow sufficient runways and clear surroundings for large, heavily loaded planes. These can use the air junction and no charge will be made for the use.

21. One aspect which adds to the desirability of using the air junction as the Capital's central airport is that the planes need not fly outside of the 2,000 acres when taking off, or flying in tests, as is the case in smaller airports, and in parachute tests there is no danger of the parachutes drifting outside of the safety zone.

22. A preliminary survey has shown that all these activities can be conducted without the necessity of cutting any of the beautiful trees that form attractive groves on the north and south ends of the Washington air junction. This is most gratifying because these are the groves mentioned by George Washington in his diary, in which he gives accounts of the occasions when he and members of his family and notables of his time went hunting in those groves.

These historic groves will be carefully preserved, but will be open to the public.

23. In making the preliminary surveys we found evidence of plenty of animal life, including quails, foxes, rabbits, and smaller game. One of the surveys through these beautiful groves was made while airplanes were flying over the trees and we noted that the quails and animals were not disturbed by the flying. Therefore a sanctuary for birds and animals can be established by forbidding hunting.

24. We shall be glad to show you the detailed plans for the Washington air junction and to escort you through these historic lands whenever it is convenient to your experts to inspect them.

25. While the decision to carry out the plan ourselves on such a gigantic scale is recent, the planning of this project goes back many years, and represents the thought and opinion of many Washington officials as well as civilian experts. The first proposal to have a flying field for Washington was made by Mr. Henry Woodhouse in December, 1916, at the city planning conference of the American Civic Federation at which he was a delegate, appointed by the Governor of the State of New York.

Thereafter Rear Admiral Robert E. Peary, discoverer of the North Pole and founder and president until his death of the Aerial League of America, Rear Admiral Colby M. Chester, the first admiral to fly, and other pioneers consulted with members of the Commission of Fine Arts, Institute of Architects, the Office of Public Buildings and Grounds, the Municipal Architect, the District surveyor, the Highway Commission, the Federal City Committee of One Hundred, the Capital Park Commission, the Committee on Plan of Washington and Environs, the Senate and House Committees on the District of Columbia, the Federation of Citizens Association, the War, Navy, Treasury, Post Office, and Commerce Departments, the District Commissioners, the engineer commissioner, the Director of Public Buildings and Public Parks, and other departments and bodies having possible interest in the subject, including the business organizations. The project is the outcome of all these authoritative opinions.

26. The fact that planes have been landing on the air junction site for the past two years—therefore aircraft can be accommodated immediately—is important in view of the pressing need for airport facilities for the District.

However, work will be started at once to make the improvements necessary to accommodate the hundreds of planes that may come on Washington's Birthday, February 22, and Inauguration Day, March 4. Therefore the hundreds of planes that were kept from flying to the Capital in recent celebrations because there were no landing places for them may now come to the air junction.

In view of the fact that Washington was first to express belief that aerial navigation would be beneficial to mankind, it will be most appropriate to have air pilgrimages from different cities to the Washington air junction and to Mount Vernon on Washington's Birthday.

Assuming that only 5 per cent of the 400,000 people who have been visiting Mount Vernon annually will use aircraft now that facilities are provided for landing at the air junction, there will be from 2,000 to 4,000 planes landing here in the course of the year in addition to the regular air traffic.

27. Assuring you that we and the public-spirited groups who will cooperate with us in realizing this great project appreciate the privilege of contributing toward making the Nation's Capital the world's greatest center of air and scientific activities, and of building another worthy monument to the memory of George Washington, I remain

Sincerely yours,

HENRY WOODHOUSE,
President of the Aerial League of America,
Chairman of the International Science Forum.

PRICELESS GEORGE WASHINGTON MEMORABILIA WILL BE EXHIBITED AT AIR JUNCTION

In addition to being a great center of aerial and scientific activities, the Washington air junction will be a shrine where there will be assembled and exhibited thousands of original letters and documents of the founders of this great Nation.

I have seen part of one of these priceless collections, owned by Mr. Henry Woodhouse, and have marveled at the wealth of precious memorabilia. It takes you back to the beginnings of the career of this Nation as if it were but yesterday and includes documents about all the important events up to the very latest, Commander Byrd's plan to fly to the South Pole.

The Hon. Wm. Tyler Page, of this House, who is the executive secretary of the United States Commission for the celebration of the Two Hundredth Anniversary of the Birth of George Washington, has considered another part of the collection of Washington memorabilia to be exhibited at the Washington air junction and has stated that he does not know of any other such collection in existence, at least in private hands.

Likewise, Prof. Albert Bushnell Hart, the eminent historian of the commission, who has traveled to different countries during the past two years to inspect Washingtonianas, stated that there is not the duplicate of this collection anywhere in the world, and Mr. W. Lanier Washington, the hereditary representative of the family of George Washington, after inspecting this collection wrote to Mr. Woodhouse as follows:

WESTPORT, CONN., *October 15, 1928.*

MR. HENRY WOODHOUSE,
280 Madison Avenue, New York City, N. Y.

DEAR MR. WOODHOUSE: As the hereditary representative of the family of George Washington, I have had the opportunity during the past 40 years to examine, read, or consider the most important historical collections of the Washington and allied families; but I never believed that there was in private hands such a monumental collection of documents, records, surveys, etc., concerning the Washington, Lawrence, Lee, Fairfax, Fitzhugh, Byrd, Mason, Madison, Monroe, Penn, Franklin, and other families of the founders of this Nation as you have shown me.

Despite the efforts of many capable investigators it appears to never before have been possible to discover historic evidence establishing the identity of the Washingtons and their associations and the part they played in the outstanding events in continuity for about 10 centuries. You have accomplished it; and you have discovered so much regarding these historic personalities that you actually can present them in their proper relation to the events in which they participated.

With congratulations for your splendid achievement, I am,

Very faithfully yours,

W. LANIER WASHINGTON.

We get an insight into the wide research conducted, and the thousands of records secured and what we may expect to see at the air junction from the following letter from Admiral Chester:

JUNE 18, 1928.

MR. HENRY WOODHOUSE,
280 Madison Avenue, New York.

DEAR MR. WOODHOUSE: I have read the first chapter of your monumental work entitled "The Washingtons and Their Associations and Times Through Ten Centuries," and marvel at the wealth of historic documents you have discovered, not only about the Washingtons of a thousand years ago, but also about that period in the history when the British Isle was not yet an English speaking nation, but was the melting pot of races.

Your foresight in having had the originals of thousands of important documents and records photostated and in having bought sets of ancient histories and original records and documents whenever you had the opportunity, has given you the largest amount of data ever possessed by a historian. And your ability to read the original documents, whether in ancient Latin, Norman-French, or primitive English or Italian, enables you to discover historic facts that have escaped less fortunate historians.

I shall be glad to read the chapters and collaborate with you, making additions as they may occur to me. Accordingly, I would add to the part which tells how Britain was, at various times, under Roman, Celtic, French, Saxon, Anglain, Jute, Danish, and Norman rule, the following:

Thus the native Britons became the vassals and serfs of different foreign invaders in the first 10 centuries of our era because they lacked naval defenses, while the invaders had fleets.

The Romans subdued Britain and held it as a province for over five centuries because they had fleets. The Danes came near converting Britain into a Danish settlement, and ravaged it for many years, until Alfred the Great, who was the Washington of his time, built a navy and proceeded to attack the invaders at sea, giving them no opportunity to land. Thereafter he kept peace with a navy to ward off further invasion, a powerful system of national defense to prevent resident alien tribes from continuing their plundering, and by fostering of

industries to keep the people busy and prosperous, by the enactment of just laws, enforced without bias or favor, and by guiding the people to the understanding of literature, especially poetry and art.

It is well to mention that the first American frigate, commissioned in 1775, was named *Alfred* in honor of Alfred the Great.

Yours very sincerely,

C. M. CHESTER,
Rear Admiral, United States Navy, Retired.

KENMORE RECORDS TO BE ASSEMBLED AT AIR JUNCTION

Another patriotic act of these public-spirited groups has been their effort to assemble and secure for the Nation the records and memorabilia of Kenmore, the romantic home of Betty Washington, George Washington's sister, at Fredericksburg, Va.

After spending some years of her girlhood with George Washington, who was then a little tot, at their father's home on Little Hunting Creek, on a site which is now part of the Washington air junction, when this home burned the Washingtons moved to Fredericksburg, and Betty Washington, while still in her teens, married Col. Fielding Lewis and they lived on the beautiful Kenmore estate, happily, with a distinctive family, until their patriotism during the Revolution exhausted their resources. Col. Fielding Lewis financed the manufacture of guns and ammunitions for the Revolution, and as the Colonies were poor he and his family gave and gave of their own wealth and resources until they had nothing more to give. The beautiful Kenmore home was sold, and the family possessions, including the family records, were sold.

In true Washington spirit they sacrificed themselves so that the newly born Nation might survive! Therefore Kenmore is an emblem of that true patriotism that is the safeguard of nations, and everything that belonged to it should be preserved with care as a part of a sacred shrine.

As President Coolidge has aptly stated:

Kenmore should be saved for its own sake; it must be saved for patriotic America.

Kenmore was saved through the untiring efforts of the Kenmore Association and its leaders, Mrs. V. M. Fleming and her daughter, Mrs. H. H. Smith, and their associates, Mrs. Thomas H. Taliaferro, president of the Washington branch of the Kenmore Association, and the eminent sponsor, which include Gov. Harry F. Byrd, ex-Governor Trinkle, of Virginia, Col. David B. Devore, Dr. Charles Moore, Mrs. Anthony Wayne Cook, Mrs. J. Taylor Ellyson, Mrs. Percy Goodsell, Messrs. John Stewart Bryan, Mark Sullivan, Garr Melchers, James A. Emery, Arthur Meeker, Charles M. Lewis, Frank C. Baldwin, Miss Anna Marshall Braxton, Mrs. Robert M. Littlejohn, Mrs. W. A. Bell, Mrs. Benjamin A. Morton, Mrs. James Starr, Mrs. Harris B. Childs, Mrs. Oscar McKenzie, Mrs. Charles Metcalf, Mrs. Benjamin D. Heath, Mrs. P. L. Mann, Mrs. R. H. Caldwell, Mrs. Tunstall Smith, Mrs. Marshall Terry, Mrs. Leroy Habenicht, Miss Anne C. Jordan, Mrs. William H. Alexander, Mrs. C. O'Conor Goolrick, Miss Elsie W. Lewis.

Their inspiring appeals brought the donation from Mrs. Wylie Moore of the table which once belonged to the beautiful Nellie Custis and contributions from many patriots, among them $1,000 from Mrs. Alfred Dupont, $1,000 from Col. I. N. Lewis, and $2,000 from Mr. E. G. Heflin.

But the priceless Kenmore records, bearing the signatures of Betty Washington, Colonel Lewis, and their sons, three of whom were aides of George Washington during the Revolution, had been lost, and it was as if the soul of this national shrine had been lost.

But they have been found. They had been sold and scattered among collectors, and no one knew where any one could be had. A number of these precious documents are owned by Mrs. William A. Bartlett, whose patriotic activities during the World War as chairman of the aviation committee of the National Special Air Society were recorded at pages 701 to 708 of the hearings before the Subcommittee on Military Affairs of the United States Senate, Sixty-fifth Congress.

Mrs. Bartlett, whose collateral ancestors included the illustrious signer of the Declaration of Independence, Josiah Bartlett, and the esteemed Member of this House, Jonathan Hunt, of Vermont, has agreed to make available these records, to be assembled first at the Washington air junction with the other Washingtoniana and ultimately to make them available to Kenmore.

Therefore the Washington air junction will have the additional importance that it will be the assembling place of the most precious historic memorabilia that can be assembled in this country.

COMMANDER BYRD AND LINCOLN ELLSWORTH RECORDS

The fact that George Washington was first in expressing belief that aerial navigation would become beneficial to mankind and that Commander Richard E. Byrd, the first man to fly to the North Pole, who is now on his way to the Antarctic, and Mr. Lincoln Ellsworth, who financed and was a party in the first crossing of the Polar Sea, are descendants of the Byrds, who had been friends of the Washingtons since the early colonial days, and of Chief Justice Oliver Ellsworth, friend of George Washington, makes the past and the present interchangeable terms.

It makes it quite appropriate to have the hundreds of photographs and records bearing the signatures of these intrepid heroes of our generation side by side with the records of the Washingtons, Lees, Masons, and other patriots of those days when this great nation was in its teens.

As stated to this House in my address printed in the RECORD for February 25, 1927:

The first flight to the North Pole and the first crossing of the Polar Sea, from the Atlantic Ocean to the Pacific Ocean, via North Pole, are major achievements that will live in history through the ages, ranking with the historic accomplishments of Marco Polo, Columbus, da Gama, Vespucci, Magellan, Ross, Sir John Franklin, Peary, and Amundsen's discovery of the South Pole.

They represent a new epoch in the triumph of man's indomitable spirit over the forbidding elements.

We would be proud of these heroes of our generation, regardless of their ancestry; but we are doubly proud that their ancestors were friends of Washington and that they are demonstrating what Washington prophesied, that aerial navigation would be beneficial to mankind. It is inspiring to know that Washington's lands are to be used to aid in carrying out the substance of his vision and to solve the problem of giving an airport to the city which he founded and which bears his name!

SPEECH OF HON. JOHN Q. TILSON BEFORE THE YALE CLUB OF MONTCLAIR, N. J.

Mr. GARRETT of Tennessee. Mr. Speaker, it is the custom of the Yale Club, of Montclair, N. J., and vicinity, to give an annual dinner to the Yale football club, at which dinner it is also their custom to present to one of the distinguished alumni of Yale a present. It will be, I am sure, gratifying to the House of Representatives to know that at the annual 1928 meeting held last Saturday evening the one who received that present was our very eminent and worthy colleague, the majority floor leader, the Hon. JOHN Q. TILSON. [Applause.]

It is a very beautiful present presented to him, the famous Yale Bowl, and I violate no confidence in saying that it is now in the office of the majority leader, and I am sure Members will enjoy looking upon it.

It bears a most appropriate inscription, as will appear from its reading.

Upon the presentation of this gift Mr. TILSON made a most appropriate address, filled with wisdom, couched in most excellent English, discussing the philosophy of public life; and I am sure it will be not only interesting to all of us here but of wide public interest, and I ask unanimous consent to extend in the RECORD my remarks by inserting the invitation, which is quite unique, that was extended to Mr. TILSON, the inscription on the bowl, and the remarks made by Mr. TILSON on that occasion. [Applause.]

The SPEAKER. Without objection, the request of the gentleman from Tennessee will be agreed to.

There was no objection.

The matter referred to is as follows:

INVITATION

Beacon of truth uplifted
Set in the northern sea
While yet they live
Thy sons shall give
Honour and love to thee
—Brave Mother Yale

JOHN QUILLIN TILSON '91
is invited to attend the annual smoker and barn party of the YALE CLUB of montclair and vicinity in honor of CAPTAIN EDDY and his 1928 team—the party will be held saturday evening december 8th, at 8:30 p. m. in nick roberts' old yale barn at 87 high street—montclair—n. j. _____
mal stevens, tad jones, winnie lovejoy, bill webster and many other distinguished yale grads will be present. _____
presentation of the montclair yale bowl for 1928 to _____
JOHN QUILLIN TILSON '91
"He has made his Y in Life"

INSCRIPTION

Rich in His Toil—Proud of His Deeds
The Yale Club of Montclair and Vicinity
Has Awarded the
Montclair Yale Bowl of 1928
to
JOHN QUILLIN TILSON '91
"He has made his Y in Life"

SPEECH OF THE HON. JOHN Q. TILSON, REPUBLICAN FLOOR LEADER OF THE HOUSE OF REPRESENTATIVES, DELIVERED AT THE ANNUAL SMOKER AND BARN PARTY OF THE YALE CLUB OF MONTCLAIR, N. J., AND VICINITY, IN HONOR OF THE YALE FOOTBALL TEAM, ON SATURDAY EVENING, DECEMBER 8—THE MONTCLAIR YALE BOWL IS PRESENTED ANNUALLY TO SOME ALUMNUS OF YALE WHO "HAS MADE HIS Y IN LIFE"

Mr. Toastmaster and fellow Yale men, I should be less, or more, than human if I did not respond with a feeling of appreciation to your generous act in picking me out from the great Yale brotherhood for this signal mark of honor and distinction as a Yale man who has won his Y after leaving college. It has taken me somewhat longer to earn my Y than it did these husky youths here to-night who wear the varsity letter so worthily, but I am all the more rejoiced to receive it now in what may possibly prove to be the last quarter period of the game. However, I can assure you that even though it should prove to be the last quarter, there is going to be some hard playing done before the final whistle blows.

Having at last made my Y in a particular field of activity, it may be expected of me to tell you something about how I did it, or at least tell you something of how the game in which I have won my Y is played. There is some risk in doing this, because, as you are well aware, other people always know so much more about the game than you know. Did any of you football men ever notice how many fellows there are comfortably seated in the grandstand who always know very much more about every play than you know? It is the same way in public life.

All the college professors and tutors, all the preachers, all the hack-writers for newspapers and magazines, all the barbers, bootblacks, and even the street-corner loafers know more about legislation and how the affairs of the Government should be conducted than I know after nearly a quarter of a century in the public service. I know this to be true, for they have told me so many times. I, therefore, have a feeling of hesitation in attempting to carry coals to Newcastle to enlighten you, who, by all the rules of the political game, already know more than I can tell you. Were I an entertainer it would be easy for me, for in the service of the public I have encountered many things humorous and some ridiculous, but entertaining is not in my line. I never could tell a story successfully. In fact, I have often found difficulty, as perhaps some of the rest of you have, in making even my own wife believe some of my best ones. As a last refuge I am thrown back upon the necessity of either saying something about my work, or of exposing the committee who selected me for this honor, to the charge of misfeasance in office for not dropping me from the squad instead of giving me my Y.

For 22 years I have served my State and Nation in a legislative capacity, the last four years as floor leader of the House of Representatives at Washington. During this time I have seen several thousand men come and go, and thus have had opportunity for forming a judgment as to why they came and why they went, and what are the qualities that caused them to go or to stay. The popular idea of a successful career in politics pictures a man of no fixed ideals, infirm of character, an opportunist, quick to catch every passing breeze that blows, and thus to retain his hold on popular favor. Nothing could be farther from the truth or more inaccurate as a characterization of the man in public life who arrives and abides. Character is the sine qua non of the useful, effective public servant. High ideals are necessary—ideals so lofty that no prize, however great, is worth giving them up. With a genuine love for one's fellows, and an earnest desire for their approbation, the true servant of the people must be ready and willing to earn their displeasure, if necessary, in order to hold to what he thinks is right.

Men possessing the high qualities just described usually find their true place in positions of responsibility and trust and there serve well their day and generation. Such a man now serves this fortunate land of ours in its highest office, while another such man, fully measuring up to the specifications, stands called ready to take his place on March 4 next. These are conspicuous examples; but in places less exalted, though of great importance and responsibility, all the way down the line, stand those possessing in some measure the same qualities, to whom public service is a matter of the highest trust as well as a sacred duty. Such public servants, possessing character and fidelity to their high trust, maintain their ideals, however arduous and difficult the given task may be, and these are the ones upon whom the most responsible tasks usually devolve. These are they who in the last analysis make our Government and its institutions something in which all its citizens may well feel a just pride.

There are, of course, the other kind of public men. Like Athene, springing from the brain of Zeus, they usually burst forth full grown, or at least they rarely grow larger, but, seeking front-page notoriety, for a season display themselves in the spotlight whenever possible, and then pass off the stage, usually unhonored, unwept, and unsung.

Yale has always stood for the finest spirit of devotion to the public service. For this reason it has seemed fitting for me to dwell for a moment upon the type of public servant which a Yale man has found to prevail among his fellows in public life, and which I believe to be the type that fitly represents the spirit of our alma mater. I wish you, as fellow Yale men, to get the idea that our Government at Washington, including the present Congress which convened last Monday, is in the last analysis, in spite of what jokesters and wise-crackers may say, dominated and in large measure controlled by such men as I have described, who do their work—the work of serving the welfare of the entire country—in what we rejoice to believe is the true Yale spirit. The men who are charged with the gravest responsibility at Washington need the support, backing, and constructive criticism of such men as are gathered here to-night to represent old Yale. They are only hindered in their task by unjustifiable criticism and abuse, but are greatly heartened by the encouragement of thoughtful people.

A number of difficult problems confront the Congress as we meet. No one more keenly realizes their difficulty and their importance than I as leader of the responsible majority in the House. The most difficult problem always for any Congress is to prevent raids upon the Treasury. I do not mean this in any sinister sense. There is no danger of crookedness or corruption in this connection, but there is always present the temptation to yield to the clamor and insistence of interested minorities for larger and ever larger expenditures of public funds for real or fancied needs.

For a number of years the farm-relief problem, like the poor, seems to be always with us. The greatest difficulty in reaching a solution is to agree upon the remedy to be applied and to be reasonably sure that the remedy is not worse than the disease it is sought to cure. My own belief is, and has been for some time, that there is no complete panacea that will cure all the ills of agriculture, but that helpful measures may be agreed upon as the special need for them may develop, and that these might well be acted upon without delay even at the present session. As to this being done, however, I am none too hopeful so far as the present short session is concerned.

Somewhat closely related to farm relief and as a part of it is the demand for a revision of our tariff laws. It has been seven years since our present tariff act was written. Conditions in some industries have changed, and our tariff laws should be changed to meet the changed conditions. It need not be a drastic revision or one that will in anywise disturb legitimate business. In fact, it should encourage business to know that protection to American industries has been at last accepted by all political parties as the permanent tariff policy of the country. Plans are already under way to go forward with the preliminary work necessary for such a revision, and I am glad to say that a fine spirit seems to prevail in connection with this work, so that there is a possibility of seeing the tariff revised with more of constructive study of the facts and less of partisan rancor and play for party advantage than ever before in tariff history.

Another effort will be made to reapportion representation in Congress on the basis of the 1930 census, in accordance with the letter and spirit of the Constitution. For eight years this solemn duty has been neglected because of the unwillingness of certain States to lose in their congressional representation. I now have hopes that the effort soon to be made may this time be successful.

The subject of the national defense is always an important one. At this session of Congress the principal contention will probably center around the proposal for additional cruisers. It seems to be agreed that our Navy is lacking in this regard; but the real controversy will probably be between those on one side who believe that all Navy construction should cease as an example to other nations, regardless of their action, and on the other side those who believe that prudence and common sense demand a Navy adequate for our own purposes. As for me, there is no trouble whatever in giving my adherence to the latter view.

Two special problems have arisen growing out of the development of hydroelectric power and flood control. The development at Muscle Shoals in the Tennessee River was entered upon as a war measure to procure nitrates from the air. Much money has been expended there, but the net result is an incomplete power possibility, unprofitable to the Government in its present state and very difficult to dispose of satisfactorily. If a suitable offer should be forthcoming the legislation necessary to its disposition would probably be enacted.

A proposition to erect a high dam in Black Canyon to control the flood waters of the Colorado River, provide for a future water supply for the cities of southern California, and the incidental development of water power was embodied in a bill that passed the House at the last session and is now pending in the Senate. A special commission appointed for the purpose made a study of the matter during the recess of Congress, and it is hoped that during the present session some satisfactory disposition may be made of this matter, with due regard to

the rights of the States most immediately interested and without putting the Government into the power business.

There are, of course, a number of other matters to which Congress must and will give attention during the present session, but most of the principal ones have been mentioned. The Senate has additional work to do in the consideration of the Kellogg peace pact and other treaties, the Constitution having given to that body the control over all foreign relations.

On the whole it looks now like an interesting short session of Congress, and probably an extra session some time next spring to deal with the tariff and farm-relief questions. I believe that the best interests of the country would be served by such a program, but whether this particular plan is carried out, or some other, I look forward to the immediate future with a feeling of confident optimism. Our Government is and will continue to be in good hands. I call upon you as good Yale men, loyal to the traditions of our great university, to give your best to uphold the hands of those who for the time being are charged with the responsibility of administering the affairs of our great Nation, for though we may be partisans—and I, myself, am a loyal party man—we are first, foremost, and always patriots.

To you, Mr. Roberts, and to your fellow members of the Yale Club of Montclair and vicinity, I wish to express my deep appreciation and heartfelt thanks for a most delightful evening, and especially for this handsome silver bowl bearing its flattering legend to the effect that I have made my Y in life. I shall treasure it as long as I live and hand it down to my dear boy in the hope that it may serve as an added stimulus to him to make in due time his own Y in life.

RESIGNATION OF A MEMBER FROM COMMITTEES

The SPEAKER laid before the House the following letter:

DECEMBER 10, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as member of the Insular Affairs Committee, Election Committee No. 3, and Committee on Territories, the same to take effect immediately.

HEARTSILL RAGON.

The resignation was accepted.

Mr. GARNER of Texas. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

House Resolution 256

Resolved, That HEARTSILL RAGON, of Arkansas, be, and he is hereby, elected a member of the standing committee of the House on Ways and Means.

The resolution was agreed to.

CONGRESSIONAL COMMITTEE TO ATTEND TWENTY-FIFTH ANNIVERSARY OF THE FIRST AIRPLANE FLIGHT, KITTY HAWK, N. C.

Mr. SNELL. Mr. Speaker, I am sending to the Clerk's desk House Joint Resolution 332 and ask to have it read, and I will state that I intend to prefer unanimous-consent request for its immediate consideration.

The Clerk read as follows:

House Joint Resolution 332, Seventieth Congress, second session

Joint Resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

Whereas on December 17, 1903, Wilbur and Orville Wright astounded the world by making the first successful airplane flight at Kill Devil Hills, Kitty Hawk, N. C.; and

Whereas the Congress of the United States has passed an act authorizing the erection of a memorial at Kitty Hawk, N. C., to commemorate this great epoch in history, the corner stone of which is to be laid on December 17, 1928, the twenty-fifth anniversary of the first flight; and

Whereas the delegates attending the International Aeronautical Conference called by the President in Washington will attend in a body the exercises to be held at Kitty Hawk, and the National Aeronautic Association will unveil a tablet to commemorate same, Orville Wright, the surviving brother, being the guest of honor; and

Whereas it is both fitting as well as the desire of the Congress to be represented on said occasion: Now, therefore, be it

Resolved, etc., That a committee composed of six Members of the House of Representatives and three Members of the Senate shall be appointed by the Presiding Officer of each House to attend said celebration at Kitty Hawk on December 17, 1928, the necessary expenses of said committee to be paid out of the contingent funds of the House and Senate.

Mr. SNELL. Mr. Speaker, there is just one line in this resolution that takes it out of the privileged class; but knowing there was no objection, or believing there was none, on the part of the House, and after consulting with members of the Accounts Committee, to which the expense account usually would be referred, I thought it best to try to get this up by unanimous consent, and I now ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from New York asks unanimous consent for the immediate consideration of the resolution. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

The SPEAKER. House Joint Resolution 342 will lie on the table.

Mr. SNELL. I was going to ask that House Joint Resolution 342 lie upon the table.

SETTLEMENT OF INDEBTEDNESS OF THE HELENIC REPUBLIC TO THE UNITED STATES

Mr. SNELL. Mr. Speaker, I now present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolution 254

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10760, to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker and gentlemen of the House, the resolution itself needs no explanation. It does provide for the consideration of a most important matter. As far as the resolution itself and a consideration of the measure at this time I do not understand there is any opposition from either side of the House, although there is opposition from certain quarters to the settlement as proposed under the conditions of this bill. I think it is most important that the Members of the House fully understand all the provisions of this settlement and know well all the conditions that lead up to the present time. It is natural at first blush for anyone of us, and I am frank to say that was my original opinion, that we do not want to send any more money abroad, and we do not want any more foreign loans.

While I do not intend to discuss the detailed merits of the claim I do want to present in a very limited way the facts that led up to the condition that confronts us at this time. In the fall of 1917 the combined allied forces appreciated the fact it was necessary to put additional fighting forces on the eastern front, and after a meeting with the Greek people the representatives of the Greek Government—and the Greek Government at that time was friendly to the allied cause—they entered into a tripartite agreement on February 10, 1918. That agreement roughly is this: That if the Greek Government would put nine complete divisions in the field on the eastern front, would spend 750,000,000 francs for ammunition, salaries, and the feeding of these divisions, that the countries of the United States, Great Britain, and France would furnish a definite credit to the Greek Government in the amount of 750,000,000 francs. To show that that was a definite complete agreement that was made at that time the Greek Government gave to each one of the members of the tripartite agreement their definite promise to pay 250,000,000 francs each. That definite agreement on the part of the Greek Government to pay the United States that amount of money is now in the Treasury of the United States, and there was at that time upon the books of the Treasury of the United States a definite credit to the Greek Government, or, in other words, it was practically the same situation as if an individual member discounted his note at a bank and the bank credits his checking account in the sum of 250,000,000 francs.

The reason we made that agreement with the Greek people at that time was for the purpose of their putting these additional forces in the field. That was the reason for making this agreement, and while there may be opposition at the present, no one has ever doubted the fact that Greece, so far as putting those divisions in the field and protecting the eastern front, has ever been criticized. Greece actually delivered the goods

we agreed to pay for at that time, and the United States has received full compensation for the money there promised. The only opposition comes from the fact of some legal matters corollary to the main agreement which have not been strictly lived up to by the Republic of Greece. As I look at the whole situation, it is a moral obligation, and in the present world affairs the Government of the United States can not afford in any way to quibble or back out of its original agreement. This is a very important matter and will be discussed thoroughly by different Members of the House, and it is very important each Member should stay here and listen to the entire argument.

It is important in connection with our foreign affairs. We have remained isolated to a certain extent; but, on the other hand, we can not afford, while we are trying to collect our ten billions of foreign loans, to be negligent as to this claim from a weaker nation or in any way give foreign nations an opportunity to criticize our fairness or honesty. To a large degree there is a moral responsibility in collecting all our foreign loans, and we can not afford to quibble, so far as our position is concerned, on this very important agreement with the Greek Republic, which involves a matter of about $12,000,000, especially when the main question of the agreement is beyond dispute.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. ABERNETHY. Since the Debt Commission has ceased to function, I assume that all these matters are now carried out by the Treasury Department. Is that correct?

Mr. SNELL. The Treasury Department has had informal meetings with the commission, and the commission are practically united. They all agree except the gentleman from Georgia [Mr. CRISP]. That is the reason why the matter is referred back to Congress for settlement.

Mr. ABERNETHY. Can the gentleman tell us whether any effort has been made by the Treasury Department in reference to the payment of the indebtedness of France to this country?

Mr. SNELL. I can not give any information on that at this time. So far as I know, there is no opposition to the adoption of the rule or to the consideration of this bill at this time, and unless the gentleman from North Carolina [Mr. POU] wants time, I will move the previous question on the resolution.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. GARNER of Texas. I would like to make the request that each Member of the House, if he finds the time, will send and get a copy of the report on this bill. It is very exhaustive and gives all the facts.

Mr. SNELL. I think that suggestion is very timely. I move, Mr. Speaker, the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; and pending that, I make the point of no quorum.

The SPEAKER. The gentleman from Oregon moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760. The question is on agreeing to that motion.

The motion was agreed to.

Mr. HAWLEY. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Michigan, Mr. CRAMTON, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10760, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918

Be it enacted, etc., That the Secretary of the Treasury, with the approval of the President, is hereby authorized to conclude an agreement for the settlement of the indebtedness of the Hellenic Republic (hereinafter referred to as Greece) to the United States of America under the terms and conditions as set forth in Senate Document No. 51, Seventieth Congress, first session. The general terms of the agreement shall be as follows:

(1) The existing indebtedness amounting to $18,125,000 shall be funded over a period of 62 years. The computation of this indebtedness is set forth below:

Principal amount of obligations to be funded	$15,000,000.00
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent per annum	744,333.79
Total principal and interest accrued and unpaid as of Dec. 15, 1922	15,744,333.79
Interest thereon at 3 per cent per annum from Dec. 15, 1922, to Jan. 1, 1928	2,383,588.88
	18,127,922.67
To be paid in cash by Greece upon execution of agreement	2,922.67
Total indebtedness to be funded	18,125,000.00

(2) The bonds aggregating in face amount $20,330,000 (the existing indebtedness, as computed above, together with the interest to be paid in respect thereof) shall be paid in annual installments beginning July, 1928, up to and including January 1, 1990, on a fixed schedule, subject to the right of Greece to make such payments in 3-year periods, any postponed payments to bear interest at 4¼ per cent per annum, payable semiannually. The amount of the first annual installment shall be $40,000, the annual installment to increase to $350,000 in the eleventh year, which shall be the amount of each remaining annual installment.

(3) In addition to the payment of the bond maturing on January 1 or July 1 of any year, Greece shall have the right on such dates to make payments on account of any unmatured bonds of this series under such conditions as to notice or otherwise as the Secretary of the Treasury may prescribe.

(4) Any payment may be made at the option of Greece in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

(5) To assist in the completion of the work of the Greek Refuge Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation "Purchase of obligations of foreign governments," established under authority of the Liberty bond acts, the sum of $12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years.

(6) Greece shall, in accordance with the exchange of notes, dated January 18, 1928, between the United States and Greece and as set forth in Senate Document No. 51, Seventieth Congress, first session, furnish as securities for the loan referred to in paragraph (5), the excess of revenues under the control of the International Financial Commission, and shall procure the assurance of the service of the loan by that commission.

(7) Greece shall forego all claims for further advances under the tripartite loan agreement, dated February 10, 1918, and such agreement, so far as the United States and Greece are concerned, shall terminate upon the date on which the agreement authorized by this act becomes effective.

Mr. HAWLEY rose.

The CHAIRMAN. The gentleman from Oregon is recognized as in charge of the time for 1 hour and 30 minutes.

Mr. HAWLEY. There was a commission appointed in this country known as the Debt Funding Commission which had charge of the settlements between this country and our former allies. A Member of this House, the gentleman from Ohio [Mr. BURTON], was a member of the Debt Funding Commission and sat through all its sessions, including that which had to do with the Greek debt. He heard all the evidence at first hand, and since the expiration of the term of that commission he has sat with other members as a voluntary committee on the same subject. I yield to the gentleman from Ohio 30 minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for 30 minutes.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, both the House of Representatives and the country have reason for sincere congratulation because the settlement of debt from foreign countries arising out of the World War has come so near to a conclusion. When we realize the vastness of those transactions involving more than $10,000,000,000, the intricacy of the transactions, the delicacy of negotiation which must be maintained in dealing with foreign countries, and the further fact that payments are being made on most of the settlements, and that there has been no demur from responsible officials of any foreign country with which we have made agreement, I think the country and the House are to be congratulated.

The Debt Commission have completed practically all settlements except with Armenia, which has disappeared from the map, and with Russia, which has repudiated the obligation; and while the House passed provisions for settlement with France, action in the Senate was delayed and France has thus far refused to agree to the terms agreed upon by her minister. There must be a further settlement with Austria. But that is merely a modification of an agreement already made.

But there remains a settlement with Greece, and that is the subject of our discussion to-day. And I can say to the House that, having been a member of the commission for four years, from April, 1922, to May, 1926, and participating in all the agreements, there is none for which I am more anxious to obtain the approval of the House than this proposed settlement with Greece. To reject it would be, in the first place, unbusinesslike and in violation of not only a moral but a legal agreement, in my judgment. It would be altogether unworthy of this country, because the agreement is fair in its terms to the United States and is in fulfillment of obligations upon which we solemnly entered.

Now what are the circumstances? Up to 1917 there was an alternation in Greece of friendship for the Allies and friendship for Germany.

Her sovereign, King Constantine, a relative of the Kaiser, was altogether friendly to the cause of the Central Powers and even went so far as to allow the occupation of Greek territory by those who were acting on their behalf. But in 1917 the administration was friendly to the Allies. Our own country had entered the war, and it was suggested that one of the very best areas in which to make a drive upon the Central Powers was from Greece, against Bulgaria, which was in alliance with Germany and Austria. Negotiations were conducted, which lasted for a considerable time. Our commissioners abroad, General Bliss and Mr. Crosby, recommended that we give financial support to this drive. France and England agreed to furnish 600,000,000 gold francs for the equipment of a Greek army, which it was proposed should be increased from three to nine divisions.

That amount of 600,000,000 francs, approximately $116,000,000, was furnished by France and England, and there does not seem to this day to have been any repayment. Concurrently with this advance by England and France an agreement was entered into, which was solemnly approved by our Government and had the especial approval of President Wilson, that the three powers—Great Britain, France, and the United States—should each advance 250,000,000 gold francs, in all 750,000,000, for the support of this army in the field. The 600,000,000 francs were virtually for equipment and preparation, the 750,000,000 for maintenance while engaged in military operations. Greece was at that time entirely solvent, and the drachma, equivalent to the French franc, was as good as gold. It was agreed that these amounts so promised should be advanced by the Bank of Greece, but that when their balances with foreign powers—that is, of the Greek Government and the Bank of Greece—should fall to 100,000,000 francs they might call on the respective Governments for the advance of a part of the 750,000,000 francs, and that six months after peace was declared the balance should be due.

Let me call attention to the fact that while a great deal has happened since that fateful year of 1918 I wish you to concentrate your attention on what was done then in pursuance of that agreement which was agreed upon on the 10th of February, 1918. Greece complied with the agreement; the amounts were advanced by the Bank of Greece; she increased the number of her divisions to nine, and in conjunction with the French and others she marched upon Bulgaria and won a very notable victory.

On this subject I wish to read briefly from the account of historians who have described the part of Greece in the war. The agreement was made, as I have said, February 10:

Throughout the winter and spring of 1918 the Greek Army was reorganized and reequipped, and on the Macedonian front Greek troops gradually replaced British and French troops recalled to the western front—

Where they were sorely needed—

until the new Greek Army had been so greatly increased that it represented the largest allied contingent.

The Greek nation, having at that time slightly less than 5,000,000 people, raised 250,000 soldiers for this expedition, and on the 30th of May they won a preliminary battle. Now comes the great fight.

September 16, 1918: Beginning of the allied offensive on the Macedonian front, which culminated in the decisive allied victory. The allied armies were composed of 9 Greek divisions, 8 French, 5 Serbian, 4 British, and 1½ Italian. Both Franchet d'Esperey (commander in chief of the allied armies in Macedonia) and General Milne declared that the Greek Army had proved a decisive factor in the victory. The British general said: "Without the aid of the Greek forces, the present victory could not have been obtained."

September 29, 1918, barely two weeks after this victory, Bulgaria, crushed and humbled, sued for an armistice, and it is no exaggeration to say that was the beginning of the end. General Ludendorff in his memoirs, wrote:

There were no illusions about the seriousness of the situation created by the collapse of Bulgaria.

Count Burian, Minister for Foreign Affairs for Austria-Hungary, declares: "Fate took its course. When the Balkan Army with the newly enrolled Greek troops developed a strong offensive, the Bulgarian troops fled. A terrible experience for the veteran army accustomed to victory, it was a shattering blow, not only to the weakening morale of the other armies in the field, but also to the morale of the people at home.

"In dealing with the military situation, the Central Powers took steps to establish a new shortened front against the advance of the Entente troops through Serbia. In this they were not successful, as the following days soon showed. Nothing could now check the unrestrained development of events within the monarchy and Germany, which now took their headlong course, under the influence of a kind of panic that everything had been lost."

October 30, 1918: Armistice signed between the Entente Allies and Turkey.

I have described this at some length to show how much the Allies and how much the United States owe Greece for the conclusion of the terrible struggle. That comparatively small country put 250,000 troops in the field and, according to the military authorities and the admissions of their allies, without them this decisive victory, which was the entering wedge for the final conclusion, could not have been gained.

So I say it is not for us to quibble over technicalities in reaching a conclusion.

Now, what is the record? The six months after the conclusion of peace had not expired, indeed, when the Greek delegation came to see us they conceded that peace, so far as the United States was concerned, was in July, 1921, when President Harding issued his proclamation with regard to the close of the war, but the amount of Greek balances abroad which had sustained the exchanges gave them, under their agreement, the right to call upon the United States, which they did.

The total amount which was to be lent to Greece, 250,000,000 francs, by the United States was entered on the books of the United States Treasury as a credit and that entry remains to-day as a credit to the Greek Government. The Greeks presented their obligations to the United States for these amounts and those obligations, over against the entry, are in the Treasury Department to-day. We began by making advances to them of $5,000,000 in three separate installments. I will give in my remarks the exact dates and, Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BURTON. I have the exact dates here. The first was on December 5, 1919; the next on January 30, 1920, and the next on September 11, 1920. There was a supplemental agreement, which I think, however, has little to do with this, to the effect that the advances should be made on purchases in the United States. It does not seem that either our Government or that of Greece has ever insisted upon the fulfillment of this agreement, and it must be conceded that the minutes in regard to purchases have not been taken care of by either country.

Now, the course of Greece has been along a stormy road. There was the difference between Constantine and Venizelos, leading to the abdication of Constantine. Then, with that reaction or alternation, which is characteristic of some popular governments and not entirely absent in our own, there was a reaction against Venizelos, and Constantine was called back to the throne. He came to Athens on the 19th of December, 1920, and assumed the crown. Immediately, France and England refused to recognize his government.

Naturally, negotiations in regard to these balances due Greece were suspended during the time of an unrecognized government, which lasted from December 1920, until January, 1924.

Our own Government, following the course of France and Great Britain, also refused to recognize the government of King Constantine, and that refusal continued during military dictatorships following his rule, and we did not resume relations until, as I have said, January, 1924.

In the meantime a compromise was made with Great Britain, under which she recognized her obligation for the payment of

this 250,000,000 francs. France, however, has not recognized her obligation nor paid any part of the amount agreed upon by her.

Now, the argument will be made that because Great Britain and France did not fully comply with this, we are released. I want to say to my colleagues that I do not think this argument should prevail with the Government of the United States. The agreement was several rather than joint. Each was to advance 250,000,000 francs. It may be said, without fear of contradiction, that we are much more able to comply with the agreement to pay the amount than either England or France, and with all due respect to these countries, I do not think that in the settlement of obligations with foreign peoples, we should pattern after any other country. We should rather have a standard of our own which should be characterized by the strictest regard for our engagements, and added to that, a spirit of generosity to a suffering people.

The officials of the Wilson administration, even after the coming of King Constantine, recognized our obligation. On this I will read briefly—and I do this in part as an appeal to my democratic friends—what was the attitude of the Wilson administration as to our obligation to meet this promise to Greece.

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley, of the Treasury Department, who had charge of foreign loans:

> The President was informed by letter dated December 25, of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos Government (referring to the credit of $38,000,000) should be considered as still binding on this government and that the chargé d'affaires, on proper application, should be recognized as representing the government of King Constantine.

Undersecretary of State Norman H. Davis, January 10, 1921, wrote:

> If and when this Government extends recognition to King Constantine, or establishes relations with the Greek Government, I do not see how the Treasury can legally or morally cancel its obligation to complete the advance to Greece under the terms stipulated.

Under date of January 14, 1921, Undersecretary of State Davis, wrote to Mr. Kelley:

> You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918.

There are two propositions in this bill which has been read in the hearing of the House. One is a provision for the repayment of the $15,000,000 advanced to Greece, with interest at 4¼ per cent to December 15, 1922, and at 3 per cent from that time to January 1, 1928.

I do not understand there is any objection to this part of the settlement. It involves a very considerable concession, but that has been true of our settlements with other countries.

Computed on a basis of 4 per cent we receive in present worth 34½ per cent of our advances to Greece; the Italian Government, 26½ per cent; Yugoslavia, 33 per cent.

The proposed agreement provides that there shall be paid, first, installments of $20,000 each semiannually—and I wish to say here that there is an omission in the bill, and the word "semi" should be included on the second page before the word "annual." These amounts increase to $25,000 semiannually, then $30,000, $110,000, $130,000, $150,000, and, finally, $175,000.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Texas. What amount of reduction, if any, is made in this indebtedness under the settlement as proposed? In other words, do we reduce the principal amount of the indebtedness?

Mr. BURTON. We do not reduce the principal amount.

Mr. JOHNSON of Texas. It is the interest on which the reduction is made.

Mr. BURTON. Yes; the principal is paid and $2,105,000 more.

Mr. JOHNSON of Texas. In dollars and cents, how much do we discount the interest?

Mr. BURTON. I think that is a matter which has not been computed by the Treasury Department.

Mr. JOHNSON of Texas. Well, approximately.

Mr. BURTON. And I do not want to give even an approximate statement because I am afraid it would be too much of a guess; but 34½ per cent is the present worth on a basis of 4 per cent.

Mr. GIFFORD. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. GIFFORD. To what extent, if any, does Greece participate in the reparations paid by Germany?

Mr. BURTON. I do not think at all. I am not sure on that; but, at any rate, in a very small amount. My attention has never been called to that question before.

I think if there are any reparations, they are from Austria.

Mr. GIFFORD. I have noted the statement on page 5 of the report to which the gentleman referred, that the obligations of the Greek Government bearing 5 per cent interest were received by our Government and are still held by us, although the money has not been paid. If the money has not been paid, they must be out of date. Why are they still held by our Government and why have they not been returned to Greece?

Mr. BURTON. Because the settlement has not been completed and because we have no agreement with Greece canceling the proposed agreement and our obligation under it.

I would like now to proceed until I am through with this statement.

The commission received a delegation from Greece and stated to them that for three reasons, the fact that Great Britain and France had not complied with the promise of February 10, 1918, the fact that they had not paid interest as they had agreed, and the fact that there was a certain guarantee of a loan due to Canada for food purchased, we were released from our agreement.

Mr. GARNER of Texas. Will the gentleman yield? Did you not give one other reason, and that was that they had not kept their promise to spend all the money in this country?

Mr. BURTON. That was not stressed.

Mr. GARNER of Texas. I do not know whether it was stressed or not, but that was one of the reasons, as I understood it.

Mr. BURTON. I can not allow any of these reasons to wipe out what Greece did in 1918. She passed through an era of woe. There was a time when her government was not recognized by the powers that had been her allies. There was a military dictatorship; a revolution after the World War. To insist upon a fixed accountability as in the case of a country in which there are settled conditions is, in my judgment, altogether unjust and I might say unworthy of the American people. I never was very proud of the answer the commission made to the Greek Government.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Chairman, I yield to the gentleman from Ohio 10 additional minutes.

Mr. BURTON. The commission was not like judges; they did not act in a judicial capacity; they were like advocates, seeking to get the best agreement they could for their country, hoping that the Greeks would withhold or waive all claims for an additional amount—thirty or more million dollars. That was our hope at the time.

We stated our case, as it was our duty to do, perhaps, in the best shape we could, but I question whether if it had been left to the commissioners as arbitrators they would have made such an answer. I question very much whether if left to our Supreme Court it would have reached such a conclusion.

Here let me make a point of vital importance. The Greeks all the while, to-day, and in every time, have offered to leave the whole matter to arbitration. What kind of position would this great Government be in on a financial obligation of this kind if we refused, and still refuse, to leave the matter to an impartial tribunal? Do we wish to take that stand before the world?

Another thing, not only to our Government, but to private individuals enormous sums are due in the way of debts; some of them from countries inferior in financial capacity. Do we by seeking through technicalities want to afford them an excuse, either for their debts to the United States or to private individuals to repudiate the billions that they owe to us?

There are two sides to this question. Now, we can not agree, and Greece proposes that we loan them the sum of $12,167,000. That would be placing the settlement between the United States and Greece on a par with the settlement that Great Britain made with Greece, a compromise in both cases. That is, we refuse to advance the rest of the $250,000,000 francs, and they refused to pay the $15,000,000 we advanced to them, unless we advanced the whole amount they claim. That created an impasse.

Now it is proposed to settle this by advancing to them the sum of $12,167,000. You call it a loan, and it is in its form a loan. But what is it in reality? It is a settlement of this controversy between the two countries, as a substitute for paying the whole amount which we clearly obligated ourselves to pay and for the payment of which Greece has very strong claims, and it is proposed to more than cut the balance that would be due from us in two, nearly down to one-third, making it $12,167,000 at 4 per cent for 20 years.

Mr. SIROVICH. What does Greece propose to do with the $12,000,000?

Mr. BURTON. I am coming to that. What does Greece propose to do with it? It was by international agreement that there should be shifted the population of 1,500,000 Greeks and approximately that number have come into Athens from Asia Minor and other places under Turkish rule. In addition 150,000 Armenians have come to Greece. This immigration has imposed upon Greece an almost unbearable burden, a burden which brought the League of Nations to provide a loan to help them in caring for the refugees who came there with food and clothing to last them but a day. What does Greece propose to do with the $12,167,000? It is to be applied, every dollar, to the comfort of these refugees—under the control of a commission, the chairman of which I may say is an American and the controlling interest is American. Can we refuse under such circumstances as these?

Mr. GREEN. About what percentage in the settlement does this give us?

Mr. BURTON. I have stated that, 34½ per cent.

Mr. GREEN. We all recognize that the gentleman has made a very great study of this matter, but does not the gentleman feel, in view of the fact that America's natural resources are undoubtedly being depleted, exhausted, and her population is increasing, that it is time America should quit canceling these debts and giving to our foreign creditors these huge amounts, which has been going on now for several years?

Mr. BURTON. Mr. Chairman, the gentleman from Florida [Mr. GREEN] could have made that argument very much more appropriately when we settled with Italy at 26½ per cent, 8 per cent less than this; when we settled with Yugoslavia at less, and I want to say that I stand here to justify those settlements, every one of them. True, we have a great population; but my, how we do abound in wealth! America, the golden wonder of the world, richest of them all, growing in wealth! Shall we say to any people under the sun, poor, struggling, "We refuse you aid out of our abundant resources"? When we do that, then I say America will be taking a stand which will lower her position among the nations of the earth.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. Would the conditions attached to this agreement prevent the Greek Government from floating a general loan without limit as to amount? I ask that for the reason that it has been stated very reliably that the present Prime Minister of Greece, who came in on the 4th of July, 1928, M. Venezilos, is making an effort to negotiate such a general loan.

Mr. BURTON. So far as the $12,167,000 is concerned, that is paid from definite sources. I am satisfied that our Treasury Department would not agree to conclude this loan if that were done, and the figures that have been made by the experts show that there will be from Greek revenues a surplus of $28,000,000 a year beyond any commitments on prior loans. I may say, as regards the repayment of the amount advanced by us, that is paid in general from the Greek treasury, and there is no assignment of revenues for that purpose; but as far as the $12,167,000 is concerned, I do not think any question can be raised but that we have ample security. [Applause.]

Mr. GARNER of Texas rose.

The CHAIRMAN. Does the gentleman from Texas desire to control the time in opposition to the bill?

Mr. GARNER of Texas. I should like to do so.

The CHAIRMAN. The Chair understands the gentleman from Texas is supporting the bill.

Mr. GARNER of Texas. No; I am not supporting the bill.

Mr. CRISP. Mr. Chairman and gentlemen of the committee, it is with genuine regret that I find myself, from a sense of duty, compelled to differ with my former colleagues on the American Debt Funding Commission as to this settlement. I have whole-heartedly supported all other settlements made by the commission and have borne my full share of the brunt of battle in this House to have them ratified, but in this case I find myself unable to go along with them. I regret especially that I have to differ with the distinguished gentleman from Ohio [Mr. BURTON]—and it may interest you to know that we are really cousins—in his position on this matter. I think his case was so poor that he made the poorest speech I ever heard him make since he has been in the House. [Applause.]

Now, I am going to discuss the matter in a dispassionate way. I shall not attempt to appeal to your passion or prejudice, but I am going to endeavor to lay before you this whole picture, and when I have done so and have cast my vote against it I shall have discharged my full duty as a former member of the Debt Commission and as a Member of this House, and you should vote as your consciences dictate.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. WAINWRIGHT. May I ask the gentleman if he will not, if he thinks well of it, discuss the original agreement.

Mr. CRISP. I am going to make my own speech and the gentleman from Oregon [Mr. HAWLEY] and other gentlemen can make their own speeches.

Mr. WAINWRIGHT. I assure the gentleman I am only asking for information.

Mr. CRISP. I am going to try to discuss this case from its inception.

Mr. WAINWRIGHT. That is what I mean.

Mr. CRISP. And give the House the whole picture. This bill before us contains two substantive propositions. One is to fund an old indebtedness owing the United States by Greece of $15,000,000, and interest on it, making the total $19,500,000 due January 1, 1928. The settlement proposes to fund and settle that indebtedness over a period of 62 years on the basis of 34 cents on the dollar, and the only justifiable excuse or reason why we, representing the taxpayers of the United States, should be willing to take less than 100 cents on the dollar is the inability of Greece to pay more. All of these settlements have been made on the capacity to pay, and I think I can show before this discussion is over that the capacity of Greece to pay exceeds 34 cents on the dollar.

There is due under the old advance of $15,000,000, $19,500,000. It is proposed to cancel it for $6,500,000 on a present cash value, or a cancellation of $13,000,000 of the indebtedness. Now, if Greece were not able to pay more I would not cavil at that, and I have supported all of the other settlements, convinced that the settlements were up to the capacity of the debtor nations to pay, but I think the capacity of Greece to pay is greater than that. It is proposed in the second part of this bill for the Treasury of the United States to loan this debtor that is settling the old debt for 34 cents on the dollar, $12,000,000 more for a period of 20 years, and under a part of the settlement international bankers have loaned to Greece during this year $33,000,000 at 6½ per cent interest. Greece sold to international bankers in London and New York her bonds of $100 denomination for $91, and the bonds bear 6 per cent interest, but on account of the sale at $91 the investor gets a yield of 6½ per cent.

Under this agreement, and as a part of the scheme for the selling of those international bonds, the Treasury of the United States is to loan Greece $12,000,000 at 4 per cent interest, a saving of 2½ per cent interest to Greece. Now, if Greece is able to sell her bonds at $91 I am constrained to believe that her capacity to pay is greater than 34 cents on the dollar.

Mr. MANSFIELD. Will the gentleman yield?

Mr. CRISP. Please let me go on for a while. I want to be courteous, but I think if you will give me a chance I will anticipate your questions and answer them.

What is the history of this transaction? During the World War Greece announced neutrality and she had a force to maintain her neutrality, but it was common knowledge that the King, brother-in-law of Emperor William, and the officials of the government, were pro-German. Bulgarian troops and Austrian troops occupied large parts of the territory of Greece. The activity of Greece became so pronounced in favor of the Central Powers that the Allies landed troops in Athens. They were fired on and killed by the Greek troops. Then the Allies had warships anchor off Piræus. They bombarded the palace and forced the King to abdicate and required the Greeks to reduce their army from a large number of divisions down to three. After this the Government changed and in June, 1917, Mr. Venizelos became the head of the Government and the Government became friendly to the Allies. Then Venizelos issued a proclamation to the Greek people saying that:

> We will enter the war on the Allies' side for the purpose of driving our enemies from our midst and for the purpose of having a voice at the peace conference, where we will get larger territory and we will have a Greece that you have always dreamed of.

They entered the war for self-defense. That was what actuated Greece in going into the war and not to help us.

In February, 1918, there was made between Great Britain, France, and the United States a tripartite agreement that under certain conditions and covenants to be kept by Greece these three Governments would extend a credit to Greece to aid in the prosecution of the common war to the extent of 750,000,000 francs. I contend that was a joint war-time agree-

ment and that the only authority this Government had for making loans was under the Liberty loan act, that authority being to make loans to aid in the prosecution of the common war. Under that agreement Greece was to pay interest, and she obligated herself not to obtain any loan from any foreign country nor to pledge her securities or credits therefor without the consent of the United States. At this time the Greek Government was friendly to the United States. These credits were not made to Greece for any specific purpose—the organization of an army—but were to be used by Greece to aid her in financing her military operations. Greece was fighting to expel invaders from her territory, and when Greece was in the war it was her duty to use her resources to carry it on, just as it was the duty of the United States, and we expended over $30,000,000,000 for that purpose.

In the fall of 1918 the Greek troops did participate in battles on the Macedonian front and they participated by driving Bulgarians and Austrians from their own territory. They discharged themselves with ability, and as soldiers were the peers of the Allies operating with them, and I have the profoundest respect for them; but they were fighting in self-defense and the only battles they participated in were on the Macedonian front. When the armistice was signed the Greek drachma was at par, the finances of Greece, the economic conditions of Greece, were splendid, and Mr. Venizelos went to the Peace Conference and requested from the delegates that certain territory be granted Greece. The Peace Conference failed to give Greece the territory she asked and then Venizelos obtained permission for Greek troops to occupy Smyrna and this resulted in the Turco-Greek war, which resulted in the debacle of Asia Minor. This caused the downfall of economic conditions in Greece, caused the drachma to depreciate, but the United States had nothing in the world to do with it.

These credits were assigned by the Greek Government to the Bank of Greece to guarantee an issue of drachmas, and these credits were made on the books of the Treasury of the United States in the late fall of 1918, and no advance was asked for by Greece against these credits until November, 1919, after she was in the war with Turkey.

I am rather illogical in presenting this thought before I go back to certain other matters, but in November, 1919, diplomatic negotiations were entered into between the Greek Government and the Government of the United States as to these advances and a new agreement was made. The United States agreed that she would advance the $15,000,000 upon condition that the full amount was to be expended in the United States and the Greek Government was to furnish semimonthly itemized statements of the expenditures, and this agreement was to take the place of the original tripartite agreement so far as we were concerned, and under this new agreement, which wiped out so far as the United States was concerned the tripartite agreement, this $15,000,000 was advanced, and Greece breached it by not furnishing the itemized monthly statements of how the money was expended in the United States.

Gentlemen, I contend that the original tripartite agreement was a joint war-time undertaking and that the consideration was to aid a friendly government, and when the government changed and instead of being friendly to the United States became pro-German, the consideration of the agreement failed.

I take the further position that it was a joint undertaking that France was to advance $48,000,000, Great Britain $48,000,000, and the United States $48,000,000. France advanced nothing, the United States advanced $15,000,000, Great Britain advanced $31,000,000, and after that advance Greece privately released Great Britain from advancing the rest of the money, without the knowledge or the consent of the United States. Therefore, as a lawyer, I say that if it was a joint war-time agreement, when Greece privately released England from her part of the undertaking, without the knowledge and consent of the United States, this released the United States.

Now, my distinguished cousin says we should not pattern after any foreign country, but should pursue an American policy. I thoroughly agree to this, and that is exactly what I am doing in this case. The great reason urged by the majority in this report for the advance of the $12,000,000 is to make us advance to Greece the same amount that England advanced; therefore they urge that we pattern after England; England advanced, before the Government changed and when it was still friendly, $31,000,000. England has not advanced one cent since the Government became unfriendly, but the majority say that we should advance out of the Treasury $12,000,000 to make our advance to Greece equal to that which England advanced. I can not consent to this suggestion.

I would like for them to return us our $15,000,000 and let us be on a parity with France, who advanced nothing.

If this was a joint war-time undertaking and France failed to perform her part of the covenant and Greece released England from a part of hers without our knowledge and consent, and if the consideration of aiding a friendly nation failed, we are under no legal or moral obligation to advance anything else.

But Greece says this was not a joint, war-time undertaking. Greece says it was a several undertaking. Admit that for the sake of the argument, and we are also released. Greece failed to pay the interest. Greece without the knowledge or consent of the United States in 1923 obtained a loan in Canada of $8,000,000 and pledged certain of her revenues to the payment of that loan, and we only learned of it sometime afterwards, and to show that Greece did know that she had no right to obtain these loans without the consent of the United States, she did make other loans and did apply and did obtain the consent of Great Britain, France, and the United States to make these loans; but she did not do this as to Canada, and she thus breeched the agreement. Greece also covenanted to pay us 100 cents on the dollar, and under this settlement she is only agreeing to pay 34 cents on the dollar, another breech on her part.

Under the new agreement, which was to take the place of the tripartite agreement, she breeched that by failing to furnish the itemized statements of account as to how the money was expended in the United States.

Gentlemen, in January, 1926, after repeated urgings, Greece sent a commission over here to meet with the American Debt Funding Commission to see if they could fund and settle this indebtedness of $15,000,000. We met at the Treasury Department, and after conferences the Greek delegates blandly told us that the United States owed them $33,000,000 more; that if we would advance the $33,000,000 they would fund the $48,000,000 practically on any terms on earth we desired. They were not sticklers for rates of interest or details, but they were ready to fund on our terms if we would just advance them this $33,000,000.

The members of the American Debt Commission connected with the Federal Government were Secretary Kellogg, Secretary Mellon, President-elect Hoover, Senator SMOOT, Senator BURTON, and myself. There were also Mr. Hurley and Mr. Olney, but I am talking now of those connected with the Government.

That was the commission. The American commission unanimously in writing gave the Greek commission an answer that the United States was not under legal obligations to advance Greece another cent, and that we would not recommend to Congress legislation to authorize it. Here is a copy of the written report that the American Debt Commission furnished the Greek commission. You will also find a copy of this printed in the hearings before the Ways and Means Committee.

The Greek commission said they would not fund the 15,000,000 unless we advanced them 33,000,000 more, which we refused to do.

Upon that the Greek commission returned to Greece. In 1924 Secretary Hughes—I think one of the greatest lawyers of the world and one of the greatest Americans—as Secretary of State had taken the position that the United States was not legally liable to advance further sums after that agreement and instructed the minister at Greece so to notify the Greek Government. The Greek commission, when we refused to recommend the further advance refused to pay the $15,000,000 and went home.

Some months afterwards I read in the press that the Greeks were going to get $33,000,000 more from the United States. The American Debt Funding Commission's life expired a few months after we had the conference with the Greeks. It went out of existence in May, 1926. Further negotiations were conducted between the Greek Government and the Treasury Department.

As I said, I read in the press that they were going to get $33,000,000. I knew the power of the international financiers, because before us the Greek commission had contended that the $33,000,000 belonged to the Bank of Greece, and I have often wondered in this settlement why it was proposed to send the $12,000,000 to the Near East relief fund—I presume it was more appealing to the American Congress and the American people to furnish this money for humanitarian purposes rather than for an international bank.

But the Greek commission returned home. Last January I was courteously invited by Mr. Mellon to a meeting at the Treasury Department with the former members of the Debt Commission. He stated that the Treasury Department had tentatively made the agreement set out in the bill which you are called upon to vote on, and desired to submit it to us to see if we approved it. I found myself unable to agree, and

frankly stated that I could not agree to it. Now, gentlemen, as a member of the Debt Commission, in January, 1926, I took the position that the United States was not morally or legally obligated to advance any more funds to Greece. Nothing in the world has transpired to change the legal obligation, from that day in January, 1926, to January, 1928, when this agreement was made. If the Debt Commission was correct in 1926, that there was no legal liability on the part of the United States, there was no legal liability on the part of the United States in 1928, when this agreement was made.

Now my friends, the majority say this is a compromise. It is an attempt to compromise a bare claim on the part of Greece, a claim which the officials of the United States Government said was not legal. If there was no legal liability on us then it is unsound and illogical to attempt to compromise it, and in peace times to loan to a foreign government out of the Treasury of the United States, money for 20 years at 4 per cent interest, when we are funding and settling the old debt with them at 34 cents on the dollar.

I take the further position—the gentleman from Texas [Mr. GARNER] made part of my speech—that if we owe Greece $33,000,000 and she needs the money we should advance that $33,000,000, and not compromise. If the only excuse to compromise a financial obligation is inability to pay in full, no one can question the ability of the United States to pay in full every dollar she owes. I believe in the sacredness of international as well as individual obligations—I believe they should be sacredly kept. If I believed that the United States were legally obligated to Greece under this tripartite agreement, I would stand here and advocate letting her have the $33,000,000. But I do not believe there is a moral or legal obligation resting upon us, and I can not support the settlement. The compromise is based upon the idea of quieting or settling a dispute. I can not approve of this policy on the part of the United States, under all the facts of this case.

Gentlemen, this credit was assigned to the Bank of Greece. Greece issued drachmas on it. All during 1918, until after the armistice, the drachma was at par. The economic condition of Greece was good all during 1918, and the drachma depreciated, not because England furnished only $31,000,000, not because the United States furnished only $15,000,000, not because France advanced nothing, but as a result of her war in Asia Minor with Turkey. She brought on the debacle and that reduced the drachma, and if you want to appeal to the equity side of the court, to-day a million and a half dollars will buy and retire all of the drachmas that the Bank of Greece issued, based on this credit.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GIFFORD. Did Greece, depending upon this credit of $38,000,000 or $48,000,000, expend that money expecting it from us for the purposes upon which it was agreed to make the loan?

Mr. CRISP. I do not think so. Greece declared war on Germany in June, 1917, as her prime minister said, to expel the enemy from her territory and to have a greater Greece by being allocated new territory at the peace conference. She engaged in the war, and these credits were made only in February, 1918, after she had been in the war for months, and they were loaned to her as a friendly government to aid in carrying on the common war.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. JOHNSON of Texas. When the gentleman from Ohio [Mr. BURTON] was speaking he was asked what he thought was expected to be done with this additional $12,000,000. He said it was to be expended for the benefit of refugees. From what the gentleman from Texas [Mr. GARNER] said, he seems to think that the $12,000,000 would have something to do with a loan that was obtained in New York from the National City Bank. Has the gentleman any information on that question?

Mr. CRISP. After the American Debt Funding Commission had refused to recommend any further advances to Greece and the Greek commission went home, Greece desired to obtain some money. So the Greek Government invited the kind officers of the Council of the League of Nations, and after negotiations the Council of the League of Nations approved a loan of this character to aid Greece. Seventeen million dollars of that loan was to be sold in London and $16,000,000 in New York at 6½ per cent to the purchaser, and the United States Government was given the kind privilege of loaning $12,000,000 for 20 years at 4 per cent, while the international bankers were selling their $33,000,000 at 6½ per cent; and under this bill—I think it is a sugar-coated pill, because they are generally more palatable when sugar coated—it is proposed, if this loan is made, that its entirety shall go to the Near East relief fund instead of to the Bank of Greece.

Gentlemen, let me say that I thoroughly approve of the splendid charity of the Near East relief fund. I think it is commendable. I rejoice that many of our philanthropists have contributed to it and I hope others will contribute to it, but I do not believe that you as a legislator have the right under the wildest stretch of imagination under the Constitution of the United States to vote money from the people's Treasury for any charitable or relief measure, no matter how worthy.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. When, after the armistice, if ever, did the Greeks ask for further advances on this credit?

Mr. CRISP. The first advance that Greece asked after the armistice was when Greece was at war with Turkey, in 1919, and she was advanced in the latter part of 1919 and in 1920 the $15,000,000, and the advance was made under the new contract I referred to, that we would advance it to her provided she would agree to expend it in the United States and furnish semimonthly itemized statements to how it was expended, which she did not do.

Mr. HASTINGS. Mr. Chairman, right at that point, if the gentleman will permit, what do the hearings disclose as to where it was expended? The gentleman says there is no report upon it, but do the hearings disclose where the $15,000,000 was expended?

Mr. CRISP. No, they do not; at least I have never seen it.

Mr. BURTON. The report of the military commission is that an amount not quite up to the 750,000,000 francs, but near to that, was expended for military purposes, without which Greece could not have kept her army in the field.

Mr. CRISP. Is that report of the military commission in our hearings?

Mr. BURTON. I am not so sure that it is.

Mr. CRISP. That was the gentleman's question and I said that, so far as I know, it was not in the hearings.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. JOHNSON of South Dakota. Does the gentleman know of any legal or equitable obligation upon the part of the United States to advance this money for these refugees? Was any promise ever made by anyone in authority? What reason is assigned for it?

Mr. CRISP. None whatever; and I shall have to let one of my brothers in the majority who are supporting this bill explain it to the gentleman. It just struck me as a little queer that, when the Greek debt commission was here, it was urged by them that this credit belonged to the Bank of Greece, that it had been assigned to the Bank of Greece, upon which she had issued drachmas, and in this settlement, lo and behold, the claim of the Bank of Greece has vanished, and it is proposed that the $12,167,000 shall all go to the Near East relief.

Mr. JOHNSON of South Dakota. That proposition was not presented to the Debt Commission of which the gentleman was a member at the time. It is a new matter?

Mr. CRISP. When the Debt Commission was conferring with the Greek commission not a word was said about making any advance on account of the Near East relief fund.

Mr. GIFFORD. Will the gentleman yield?

Mr. CRISP. Yes, sir.

Mr. GIFFORD. I am a little troubled about the authority as given on the first page of the minority report; but is it customary in making loans to a foreign country to stipulate as to the methods for which the money shall be used? After six months the money was to be used by the Bank of Greece without restriction. Is not this really a new loan, this 20 years at 4 per cent, and has this any relationship to the loan previously made for 62 years like the others? The question is, Is it not customary to make restrictions as to how the money is to be used before the money is loaned?

Mr. CRISP. I will say to my friend from Massachusetts I am just a mere country lawyer, without any experience whatever as to international banking or customs between foreign countries, and I do not know, but I think really this is a new loan of $12,000,000 and has nothing in the world to do with the other.

Mr. GARNER of Texas. If the gentleman will permit. I know the gentleman from Georgia is familiar with the history of the country. Does the gentleman know of a loan made by this country to a foreign country except in time of war?

Mr. CRISP. Except for Austria and Russia—a humanitarian purpose.

Mr. GARNER of Texas. That is the aftermath of the war.

Mr. GIFFORD. Will the gentleman yield again?

Mr. CRISP. I will.

Mr. GIFFORD. One more question. I do not like the gentleman to say that I do not approve this $12,000,000 loan. I think when we hold in the Treasury of the United States $48,000,000 in securities, there must be some adjustment pending. In view of the fact that France and England have not lived up to the letter of their agreement, an adjustment can be made on our part at this particular time.

Mr. CRISP. I disagree. I would return to Greece all the obligations except $15,000,000, that is what I would do, because I do not believe there is any legal or moral obligation on our part to pay more.

Now, gentlemen, I think it would be a bad policy for the United States Government to embark in making loans to foreign countries in peace time. The Government of the United States will not loan out of its Treasury a dollar to an American citizen, no matter how good the security is. They will not loan on United States bonds, and I know the distinguished Secretary of the Treasury would not favor making this loan, except to compromise the claim of Greece growing out of the tri parte agreement. I do not believe it is a legal obligation, and therefore I am not in favor of compromising it, but if you ratify this bill and authorize this loan, I fear in the future some other European countries who are friendly to us might seek to get the United States Government from its Treasury to loan them money at a lower rate of interest than they would have to pay to get it in the market, and if we refused, it might bring about discord and unfriendliness between those nations and our Nation where at present our relations are cordial. It is a dangerous precedent in peace time unless there is a legal obligation made during war time. I do not believe such obligation exists. I know constitutionally you have no authority to do it, and I call upon you to think well before you set this precedent.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CRISP. I will.

Mr. COOPER of Wisconsin. As I understand it, the principal objection of the gentleman from Georgia to the making of this loan is that it is in time of profound peace and unconstitutional for the Government of the United States to take the taxpayers' money and loan it to the government of any nation?

Mr. CRISP. The gentleman states my position correctly. And I may say further that I take the position that we are under no legal obligation to do it, because Greece breached all the contract.

Mr. COOPER of Wisconsin. During the war the money loaned by our Government to the foreign nations was obtained from private individuals and at the same time private corporations in the United States were advancing the money and taking their bonds?

Mr. CRISP. Yes.

Mr. COOPER of Wisconsin. Now, then, does the gentleman hold that for the Government of the United States to take the place of these private money lenders, bond buyers, and corporation bond buyers, would be putting the Government of the United States into business?

Mr. CRISP. Yes; I think actively into the business of international banking and buying bonds at 2½ per cent less than the international bankers receive for the same service.

Mr. JOHNSON of South Dakota. Would the gentleman from Georgia favor this act if section 5 on page 3 were eliminated from the bill?

Mr. CRISP. The gentleman from South Dakota has asked me a question that I have thought about a good deal. I have advocated other settlements on a far less than 100-cents-on-the-dollar basis acting upon the best information I could get, that the settlement was up to the capacity of the debtor nations to pay. I have always taken the position that they should pay to the limit of their ability, considering their economic condition. All these previous settlements I have favored because I believed they were the best settlements we could get, and I thought it was to the best interests of the American taxpayers to accept them.

Now, does it seem that 34 per cent is the full capacity of Greece to pay, when she has just floated through international bankers her own bonds at 91 cents on the dollar? It seems to me she can pay more.

Mr. JOHNSON of South Dakota. If this section were eliminated it would eliminate many objections?

Mr. CRISP. Yes. But if within this year she had a $33,000,000 bond issue oversubscribed, selling at 91 cents on the dollar at 6 per cent, I do not believe 34 per cent on the dollar is her full capacity to pay.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Certainly.

Mr. WHITTINGTON. Something has been said about the settlement providing for the return of the security. What security does the United States hold on the $15,000,000 advanced to Greece?

Mr. CRISP. As I understand, when these credits were made in February, 1918, the credits were entered on the books of the United States, and Greece furnished her I. O. U. to the amount of them.

Mr. WHITTINGTON. None of those securities are held by the Government?

Mr. CRISP. No. Only the notes that were given at the time that the loan was made.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Certainly.

Mr. WILLIAMSON. Is the settlement of 34 per cent on the dollar on the basis of 6½ per cent?

Mr. CRISP. Oh, no. Greece borrowed from us $15,000,000. The settlement figures interest on this at 5 per cent up to January 1, 1928, so the total due us on that date, including principal and interest, is $19,659,836. This amount is to be amortized over a period of 62 years. Future interest from January 1, 1928, is negligible—for a few years no interest, then one-half of 1 per cent, then for a number of years 1 per cent, then 2 per cent, and the highest rate of interest ever to be paid is 3½ per cent, and this only to be paid on the last amortization payments.

It appears that financiers will take a debt due 62 years off and reduce it down to the present cash value and see how much that claim is worth to-day, and therefore they compute the present cash value. On the basis of 4 per cent interest the present cash value of this settlement is 34 cents on the dollar. In other words, about one-third of the $19,500,000, or $6,500,000 in cash to-day would pay the $19,500,000. Under this settlement you are canceling $13,000,000 of the debt due us to-day by Greece.

Mr. WILLIAMSON. Is 34 per cent based on $6,000,000? Is it $4,500,000 or $6,000,000?

Mr. CRISP. I can not answer the gentleman from North Dakota accurately as to the interest, but I think some of this will run at one-half of 1 per cent, and some at 1 per cent a year, and some at 2 per cent. It is practically no interest. But this $12,000,000 proposed to be loaned now is to bear 4 per cent.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. If we loan them this $12,000,000, they are willing to pay $2,922.67 in cash upon the execution of the agreement?

Mr. CRISP. Yes. Small favors thankfully received. [Laughter.]

Mr. GARNER of Texas. The loan is to be made to-day at 4 per cent, and the Treasury last week borrowed about $5,000,000 from the American people and agreed to pay 4½ per cent?

Mr. CRISP. Yes. Our President, in a very able message to Congress a few days ago, urged strict economy, adding that if new legislation was enacted our surplus of $37,000,000 will be dissipated.

If you vote for this bill, $12,000,000 of your $37,000,000 surplus is gone.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. WHITTINGTON. What evidence or testimony was presented to the committee or may be found in the hearings as to the ability of Greece to pay?

Mr. CRISP. Well, now, I do not know what information my other friends on the commission may have, but I want to say this for the Treasury Department, the State Department, and everyone connected with the Debt Commission: They did everything in the world they could to collect every dollar they could for the United States in the funding of our war debts. They were earnest; they were active; they were zealous; and they obtained all available data as to the economic condition of those various countries; and I have nothing but admiration and praise, though of a different political party, for the way they discharged their duties. But as to this case, I myself have no information as to the economic condition of Greece, because there was an impasse at the beginning. Greece said she would not fund the $15,000,000 unless we were willing to recommend a further advance, and that we refused to do. Therefore, I myself have never had any data as to the economic condition of Greece.

Mr. COX. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. COX. Except as to her ability to sell her bonds at 91.

Mr. CRISP. Yes; and I have already referred to that.

Mr. FREAR. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. FREAR. The gentleman has referred to the other members of the commission repeatedly. Is it not a fact or is it a fact that all the other members of the commission and those interested in the settlement of the debt are agreed and approve of this settlement?

Mr. CRISP. Yes. I am the only hard-headed member of the jury, if that is what the gentleman is driving at; but I am reinforced in my position by this, that in January, 1926, every member of the commission took the same position I am now taking, and nothing in the world has transpired between then and now to change the legal status of the case, nor change me from standing pat, but they have changed. [Applause.]

Now, gentlemen, I have talked long enough; but let me sum up.

Mr. SIMMONS. Will the gentleman yield?

Mr. CRISP. I yield to the gentleman from Nebraska.

Mr. SIMMONS. Has the Greek Government refused to refund the indebtedness unless this loan is included in the settlement?

Mr. CRISP. I have repeatedly stated and can only repeat that in the conference I attended as a member of the funding commission with the Greek commission they took that position. Now, what has been done since the American Debt Commission went out of existence I know not.

Mr. PERKINS. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. PERKINS. Is the gentleman aware of the saying "Beware of Greeks bearing gifts"?

Mr. CRISP. I have used that same saying. In June, 1926, when I saw in the press that the Greek Government was going to get a loan of $33,000,000 from the United States Treasury I made a speech on the floor of the House calling attention to that, and I said: "Beware of Greeks bearing gifts." [Laughter.]

Now, gentlemen, I have tried to present the facts as best I could. I do not believe there is any legal or moral obligation for the United States to advance this money. Why? In the first place, it was a joint war-time agreement, the consideration being to aid a friendly government. Venizelos was overthrown; Constantine returned and the government was unfriendly. We were released because France failed to fulfill her part of the contract. We were released because the Greeks privately, without our knowledge and consent, released England from furnishing a part of her contribution. We were released because Greece did not pay the interest. We were released because Greece, contrary to her covenant and agreement, without our consent, obtained a loan of $8,000,000 in Canada. We were released under the new agreement because Greece failed to carry out her covenant to furnish a semiannual itemized statement.

Mr. Chairman, I ask unanimous consent to extend my remarks by printing at the conclusion of them the minority report, which I wrote, in this case.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The minority report is as follows:

Mr. CRISP, from the Committee on Ways and Means, submitted the following minority views on H. R. 10760, Seventieth Congress, entitled, "A bill to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918":

We are opposed to the passage of this bill. It contains two substantive provisions: First, authorizing the funding of the principal sum of $15,000,000 and interest thereon, said sums representing advances made to Greece by the United States of $5,000,000 on December 15, 1919, $5,000,000 on January 16, 1920, and $5,000,000 on September 24, 1920 (all of said advances being made subsequent to the armistice of November 11, 1918), under the tripartite war agreement dated February 10, 1918. Second, authorizing a new loan out of the Treasury of the United States to the Republic of Greece of $12,167,000 for a period of 20 years at 4 per cent interest.

Our objections to the bill are principally against the provision of it authorizing a new loan out of the Treasury to Greece. The present cash value of the settlement with Greece as to the $15,000,000 due the United States is only 34 per cent of the amount due us as principal and interest. This proposed settlement, which would entail a great loss to the taxpayers of the United States, is based on the inability of Greece to pay the debt in full owing to her economic condition. The only justifiable reason for the United States to settle the debt of Greece for less than 100 cents on the dollar is the fiscal incapacity of Greece to pay in full. We, representing the taxpayers of the United States, can not get our consent to make a further advance to Greece of $12,167,000 at 4 per cent interest for a term of 20 years when the best obtainable settlement of her old debt was on a present cash-value basis of only 34 cents on the dollar, the payments extending over a period of 62 years. We do not believe there is any constitutional authority for the Congress of the United States in peace time to authorize a loan out of the Treasury to a foreign government. We do not believe the widest stretch of the general welfare clause of the Constitution of the United States would legally authorize such an act.

During the negotiations between the Greek Debt Commission and the American World War Debt Commission, having in view the funding of Greece's indebtedness to the United States, Greece contended that, under the tripartite agreement, the United States was obligated to advance her approximately $33,000,000 in addition to the $15,000,000 already advanced, and she refused to make any agreement as to the funding of the $15,000,000 except on condition of further advances. The American Debt Commission unanimously took the position that, under the tripartite agreement, the United States was not legally obligated to advance Greece any further sums whatever and the Greek Commission was so advised in writing. The negotiations ended and the Greek Commission returned to Greece.

Notwithstanding this position of the American Debt Commission in 1926 (and nothing has transpired since to change the legal status of the case), the agreement which this bill asks Congress to ratify proposes to advance Greece the additional sum of $12,167,000 on the theory of compromising the bare claim of Greece that the United States is under obligation to make her a further advance. We agree with the Debt Commission that, under the tripartite agreement, the United States is not legally obligated to make any further advance to Greece. Therefore we believe it illogical and unsound to compromise a supposed liability of the United States which does not in fact exist. We believe in the sacredness of international fiscal agreements, and we believe that individuals and nations should rigidly live up to the letter of their contracts and that the only equitable basis for compromising a financial obligation should be the inability of the debtor to pay in full. If the United States were legally obligated to advance Greece $33,000,000, with her great wealth, it would be inexcusable for her not to advance the full amount due by her. A compromise would be inexcusable. But we are thoroughly convinced that there is no liability whatever on the part of the United States to make any further advance to Greece.

Greece being affiliated with the Allies in the prosecution of the World War, on February 10, 1918, representatives of the United States, France, and Great Britain signed at Paris the tripartite agreement, whereby these nations agreed to make advances to Greece by equal shares during the year 1918 of 750,000,000 francs. It will be seen that the United States' proportion of this advance would have been 250,000,000 francs, then of the value of $48,236,629. This was a war-time agreement to aid in the prosecution of a common war against the Central Powers. The only authority under the Liberty loan act to make loans out of the Treasury to our allies was for "the national security and defense and for the purpose of assisting in the prosecution of the war." This was the only consideration moving the United States in making the agreement. Article 4 of the tripartite agreement expressly provided that the advances should be evidenced by obligations of the Government of Greece and that the Government of Greece, until the redemption of the aforesaid obligations, should not use any new security for an exterior loan without the assent of the Governments of the United States, France, and Great Britain. Greece also covenanted to pay the interest on the advances. It will be observed that this tripartite agreement was a joint war-time undertaking on the part of the United States, Great Britain, and France. Under the agreement Great Britain advanced Greece approximately $31,000,000, the United States advanced fifteen millions, and France advanced nothing. On December 22, 1921, without the knowledge or consent of the United States, Greece entered into an agreement with Great Britain releasing her from obligation to advance any further sums under the tripartite agreement, the consideration of releasing England being that she consented for Greece to obtain private loans in Great Britain.

As before stated, France advanced nothing. The failure of France to perform her part of the joint undertaking and the releasing of Great Britain without the consent of the United States from obligation to make further advances had the legal effect of releasing the United States from further obligation under the tripartite agreement. At the time the agreement was made Venizelos was the head of the Greek Government, and the Government was friendly to the allied cause. On December 19, 1920, the Greek Government changed, Venizelos fled, and King Constantine, the brother-in-law of Emperor Wilhelm, returned to Greece as its King, and the Government was no longer friendly to the Allies. On December 12, 1920, the American minister to Athens, Mr. Capp, wired our State Department that Great Britain and France had notified the Greek Government that they would not make further advances to Greece on the unused balances under the tripartite loan agreement in case of the return of King Constantine. King Constantine did return, and thereafter Great Britain and France made no advance. At this time, so far as we have been able to learn, the United States gave no instructions to Minister Capps in the premises. Upon the return of King Constantine the

United States Government severed all diplomatic relations with Greece, which condition obtained until 1924. When the tripartite agreement was made the United States covenanted to make advances to a friendly nation to aid in the prosecution of a common war. When the Greek Government changed and became unfriendly to our cause, the consideration of the war-time agreement failed and we were under no moral or legal obligation to make further advances.

It is interesting to note that during this period when no diplomatic relations existed between the Greek Government and the United States the Greek Government retaliated for not receiving further advances from the United States by very greatly raising the tariff duties on goods imported from the United States (on oleomargarine to the extent of 300 per cent). It is contended by the majority that the United States should advance from our Treasury this additional $12,167,000 to Greece because England advanced approximately $31,000,000 and we should advance to Greece a similar amount, and this advance of $12,167,000 and interest on the $15,000,000 already advanced would make our advance to Greece the same as England's. We see no merit whatever in this argument. England did not advance Greece any sum whatever after the Greek Government became unfriendly, and there is no moral nor legal reason why we should do so. This is especially true, as France has never advanced anything, though France was just as much a party to the tripartite agreement as the United States and England. But it is contended by Greece that the tripartite war-time agreement was not a joint but a several agreement. Even if this were conceded, the United States would have a complete defense against any liability under the agreement to make advances to Greece, owing to the failure of that Government to perform her covenants in the agreement, first, by failing to pay interest due the United States on the $15,000,000 already advanced her, and, second, contrary to her expressed covenant that she would not make another exterior loan without the assent of the United States, France, and Great Britain, she did in December, 1923, contract a loan in Canada in the sum of $8,000,000 without the knowledge or consent of the United States, pledging her surplus revenue for the services of the loan, thus clearly violating the terms of the original tripartite agreement and releasing the United States from further legal obligation under it.

Upon the completion of the war-time tripartite agreement of 1918 the Treasury of the United States opened on its books a credit for the amount the United States agreed to advance Greece under the joint war-time agreement, but no advance was requested by Greece until September 3, 1919 (at which time she was at war with Turkey), when diplomatic correspondence was conducted between the two Governments relative to advances.

That Greece did not request these advances for World War purposes is shown by a letter from M. Tsamados, chargé d'affaires of Greece, to Hon. Robert Lansing, Secretary of State, under date of September 3, 1919, in which he makes the statement: "However, the United States being the country having suffered least from the ravages of the war, as well as the country producing everything required by the allied nations, it is to her, very naturally, that Greece turns to procure all that she needs to feed her population, to run her factories, and to provide for the needs of her economic life." This diplomatic correspondence resulted in a new agreement and understanding between the two Governments, assented to by both in writing, that the United States would make advances to Greece with the distinct agreement that all the money advanced should be expended in the United States and that the Greek Government, through its embassy, should furnish itemized semimonthly statements to the United States Government showing the purposes for which such sums were used and expended. Under this new agreement the United States advanced to Greece the fifteen millions on the basis hereinbefore mentioned. Greece again failed to comply with her obligation and has never furnished the United States the semimonthly itemized statements showing the manner of expenditure of said $15,000,000. Therefore the United States is under no liability under this new agreement to make further advances to Greece.

In 1924 the United States resumed diplomatic relations with Greece. Some of our former officials of the Treasury Department took the position that the United States was obligated to make further advances to Greece under the tripartite agreement. Hon. Norman Davis, a previous Undersecretary of State, held that view. Hon. Charles E. Hughes, recognized as one of the greatest legal authorities of the United States, while Secertary of State, took the position that the United States was not obligated legally under the tripartite agreement to make any further advances to Greece, as evidenced by the fact that the American minister at Athens, under instructions from the Department of State, Mr. Hughes being Secretary of State, informed the Greek Government in 1924 "that the Government of the United States did not consider itself obligated to make any further advances under the terms of the 1918 agreement."

The American World War Debt Commission frequently urged the debtor nations to send commissions to the United States to negotiate the funding of their indebtedness to the United States, but, following the 1924 pronouncement of the State Department that the United States was not obligated to make further advances to Greece, Greece declined to take any steps toward the funding of her old indebtedness until January, 1926. At that time, during negotiations between the Greek Debt Commission and the American Debt Commission, the Greek commission insisted that the United States was obligated under the tripartite agreement to advance Greece $33,000,000 additional, and that Greece would not fund the $15,000,000 of her old indebtedness unless a further advance was made. The Greek commission insisted on the further advance, contending that this $33,000,000 of uncollected credit had been assigned and transferred to the Bank of Greece and that the Bank of Greece had issued drachmas on it, which drachmas were used by Greece for military purposes, and that the Bank of Greece was entitled to have this amount advanced out of the Treasury of the United States to protect it for having issued the drachmas.

Let us briefly consider the history of Greece during the World War: King Constantine, its ruler, was the brother-in-law of Emperor Wilhelm of Germany. The king, his counselors, and a majority of the Greek people were friendly to Germany. A minority of the population under the leadership of Venizelos were friendly to Serbia and the allied cause. The Greek Government officially declared itself neutral and maintained a large army for the purpose of enforcing its neutrality. It was common knowledge, however, that the official Government of Greece was secretly actively aiding and abetting the cause of Germany. Important parts of the territory of Greece were occupied by the Bulgarian allies and friends of Germany. Austrian troops occupied part of the Greek territory. The conduct of Greece became so threatening to the Allies that the Allies landed troops in Greece, who were fired upon by Greek troops and many of them killed. On September 1, 1916, an allied squadron, consisting of 23 warships and 7 transports, anchored 4 miles outside of Piræus. The Allies demanded of King Constantine satisfaction for the assault on the allied troops, and finally the Greek palace was bombarded. After months of negotiations, in June, 1917, Constantine abdicated in favor of his son, Alexander, and left Greece. The Allies forced the Greek Government to salute the allied flags and to demobilize their army to only the number required to maintain order.

In June, 1917, Venizelos became premier and the head of the Government of Greece, and a few days thereafter Greece formally entered the war on the side of the Allies. At this time part of Greece was in possssion of Bulgarian and Austrian troops, she had lost a large part of her territory, and Premier Venizelos made the following statement to the Greek people: "In taking part in this World War we shall not only regain the national territory we have lost, we shall not only reestablish our honor as a nation, we shall not only effectively defend our national interests at the peace conference and secure our national future, but we shall also be a worthy member of the family of free nations which that conference will organize, and we shall hand down to our children such a Greece as generations past have dreamed of." Greece entered the war for the purpose of self-defense, to expel invaders from her territory, and her course at this time was most honorable and commendable. The national security and honor of Greece demanded that she use all of her resources to conduct her military operations, just as the United States expended $30,000,000,000 in her military operations, and we received at the conclusion of the war neither territory, property in kind, or reparations, while the other Allies, including Greece, did obtain material and financial advantages.

At the time Greece joined the allies on June 29, 1917, her financial condition was good; the drachma was at par, and this condition continued until after the armistice of November 11, 1918. Under the Venizelos régime, upon her declaring war, her army, which had been demobilized, was recruited and reorganized.

During the spring of 1918 Greek troops did take part in battles of the Macedonian front, defending her own territory and expelling invaders. The army conducted itself with valor and great credit. The Greek soldiers were the peers of the allied troops fighting with them, and we have great admiration for them. After the signing of the armistice on November 11, 1918, Venizelos, representing Greece, attended the peace conference in Paris. He insisted that certain territory formerly belonging to the Central Powers be awarded Greece, but the peace conference failed to pass upon his demands. On May 5, 1919, he obtained consent of the peace conference for the Greek Army to occupy Smyrna, which resulted in a war between Greece and Turkey and in military operations of Greece in Asia Minor, which operations resulted in large financial expenditures by Greece, the impairment of her economic condition, and the depreciation of the drachma. The United States was not a party to this war. The reverses of the Greek Army in Asia Minor resulted in the overthrow of the Venizelos government, and King Constantine, upon the death of his son, King Alexander, returned to Greece as king on December 19, 1920. Thus the Government of Greece became again unfriendly to the allied cause. The allied governments refused to recognize the new régime in Greece and refused to make further financial advances under the tripartite agreement, for the consideration of it had failed. Thus it will be seen that it was not for the purpose of the prosecution of a common war that Greece in 1919 desired further advances from the United States, but because of financial necessities and reverses sustained in Asia Minor. I quote from page 390 of Doctor Gibbons's "Venizelos":

"Greece was in sore need of money for military expenses in Asia Minor, especially if she hoped to match the armaments the Turks were receiving openly from Russia and surreptitiously from Italy and France. But the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure. About $30,000,000 was thus suddenly rendered unavailable. At the same time France, invoking the pretext that the Constantinist Government was illegal, refused to pay back to the Bank of Greece the large sums of money advanced to the French Army at Saloniki when the rate of exchange had been unfavorable to the conversion of francs into drachmas."

As before stated, the whole contention of the Greek Debt Commission in urging additional funds from the United States Treasury was that the credit belonged to the Bank of Greece because it had issued drachmas on it which were used by the Greek Government in prosecuting its military operations as an integral part of the allied forces. Even if this were true, owing to the depreciation in the value of the drachma, to-day $1,500,000 would purchase and retire all the drachmas issued by the Bank of Greece on this credit. If $1,500,000 would make the Bank of Greece whole, under what stretch of the imagination should the taxpayers of the United States loan Greece $12,167,000? Even conceding for the sake of argument that there is a liability on the part of the United States under the tripartite agreement, in equity the greatest amount Greece could claim under it would be $1,500,000, or a sufficient amount to retire and cancel the drachmas issued by the Bank of Greece based on the credit.

The American Debt Commission combated and denied all of the contentions of the Greek commission and insisted that there was no liability on the part of the United States to make further advances to Greece and that they would not fund on that basis; neither would they recommend to Congress that additional advances be made to Greece out of the United States Treasury. Negotiations ended and the Greek commission returned home. A few months thereafter we read in the press a statement sent out from Athens, Greece, to the effect that Greece was going to get $33,000,000 from the United States Treasury. Shortly thereafter the public press contained the statement that the Secretary of the Treasury of the United States had appeared before the Finance Committee of the Senate in reference to the Greek indebtedness. If this bill becomes a law the Greek press notice will be partially verified at the expense of the American taxpayers.

It is interesting to note that under the proposed bill it is not proposed to turn over the $12,167,000 to the Bank of Greece, but to the Greek Near East refugee settlement. Why this change? Can it be that it will be more appealing to the American Congress and the American people to advance money out of the Treasury for humanitarian purposes than to advance it to an international bank? We sympathize with and approve of the humanitarian activities of Greece in caring for her needy and we rejoice that charitable Americans have largely contributed to this noble work, and we commend it to our philanthropists as a most deserving cause, but we do not believe that the Congress of the United States can appropriate from the Treasury for this deserving charity. Charity begins at home, and if the Government of the United States is to deal in such gratuities there is great distress among our own people that has first call on the United States Treasury. The Pennsylvania coal fields, the distress of the Mississippi flood sufferers, and the financial needs of thousands of American citizens out of employment, it seems to us, have a claim on the charity of the United States prior to that of the Greek refugee settlement.

When Greece failed to obtain the $30,000,000 out of the United States Treasury she then sought to obtain private loans. It may interest the House to know that the aid of the League of Nations was invoked for this purpose. On September 15, 1927, at Geneva, the Council of the League of Nations approved a loan of £9,000,000 (approximately $45,000,000) for the Republic of Greece. Under the approval of the League of Nations $17,000,000 of the loan is to be offered in London, Italy, and Sweden; $12,167,000 is to be loaned out of the Treasury of the United States at 4 per cent, provided Congress consents to it, and the remainder is to be offered in New York and Switzerland. Under the terms of the loan Greek bonds of $100 par value are to be sold to private bankers in London, New York, and elsewhere at $91, these bonds bearing interest at 6 per cent, thus netting the purchasers a yield of practically 6½ per cent; while the $12,167,000 to be loaned of the people's money out of the United States Treasury is to bear only 4 per cent interest. These statements are taken from an advertisement of international bankers in the London Telegraph, dated January 31, 1928, offering the bonds for sale in London and setting out in detail the activities of the League of Nations in connection with the approval of the loan.

We are advised that the bond issue offered by Greece through private bankers was oversubscribed. Therefore Greece is able to borrow money from private sources by paying 6½ per cent for it. The practical effect of the loan out of the Treasury would be to let Greece borrow $12,167,000 from the United States Treasury at 4 per cent, thus saving Greece on the loan 2½ per cent interest at the expense of the American taxpayers. This we consider unconscionable, unfair, and inequitable to the taxpayers of the United States.

We believe it a dangerous and unwise policy for the United States to make loans direct from the Treasury to any foreign nation. The Treasury will not make loans to American citizens, no matter how well the loans may be secured. If this loan is authorized, it will become a precedent and we fear that many of the European nations now friendly to us will request financial aid from the United States Treasury, and, if the applications are declined, that our present friendly relations with some governments may become impaired. In our judgment, the wise course for this Government to pursue is to refuse to make this loan and thereby let all nations of the earth know that the Treasury of the United States will not perform the function of a private international bank.

Summing up, we do not believe there is either a moral or a legal obligation on the part of the United States to make any advances whatever out of the Treasury of the United States to the Greek Government, for the following reasons: The agreement to make advances to Greece was entered into during the war for our national defense purposes when that Government was friendly to the Allies and the consideration of the agreement was negatived when the Greek Government became unfriendly upon the return of King Constantine; the United States was released from its joint war-time undertaking because France advanced nothing under it and England advanced 31,000,000 and was released by Greece from further advances without the consent of the United States; Greece breached the contract by failing to pay the interest due on the advances she had received; Greece further violated her expressed agreement by obtaining, without the knowledge or consent of the United States, a loan of $8,000,000 in Canada; and Greece violated the terms of the new agreement entered into between her and the United States in 1919 that she would expend within the United States all sums advanced and furnish semimonthly itemized statements of her expenditures, which she failed to do.

CHARLES R. CRISP

Mr. GARNER of Texas. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman from Texas has 19 minutes remaining and the gentleman from Oregon [Mr. HAWLEY] has 50 minutes remaining.

Mr. HAWLEY. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman, in confirmation of the statement I made, that there had been an expenditure of the 250,000,000 francs, I want to quote from the hearings on pages 3 and 4. This statement has not been contradicted and it is also contained in another public document:

Advances were to be subject to the approval of an Interallied Financial Commission, composed of one representative from each of the signatory governments, and the use of funds was to be controlled by this commission and by a military commission similarly established. The reports of the American consul general at Athens, who represented the United States on this commission, showed that Greek expenditures under the agreement reached the total of 682,134,693.54 drachmas. One-third of that amount expressed in dollars aggregates $43,883,998.62. Actually, Greece spent the full 750,000,000 francs, though owing to the failure of the Interallied Financial Commission to meet, the balance of these expenditures was not formally checked.

I state this in confirmation of the statement I made that the amounts which were to be paid by us were used by the Greeks in the campaign against Bulgaria.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, the reason I have been asked to speak on this bill is because of the fact that last summer I went through the Greek refugee settlements a few miles out from Athens, near Piræus, and saw the condition of the work being performed there by the Greek Refugee Commission, of which Charles Eddy, a citizen of this country, is chairman. I was with Sir John Simpson and others who went with Mr. Eddy and myself over all this work to show what they were doing and how they were accomplishing their task.

If you could only know the facts or if I had time and could present them to you as they ought to be presented, I am sure I would answer very much that my good friend, the gentleman from Georgia, Mr. Crisp, has said.

The gentleman has asked why loans were made by the international bankers and to whom. They were made to Greece primarily for these refugees, particularly the loan of 1924.

As everyone knows who is at all familiar with the subject, over £9,000,000 were realized from the 1924 sale of bonds and that amount, reaching over $45,000,000, was expended by the Greek Refugee Commission. That was a 7 per cent loan, made through the international bankers of the world to anyone who would buy the bonds—they are to-day quoted at 98—and this money was lent Greece to save the lives of hundreds of thousands of refugees in these Greek refugee camps. I can bring

you all kinds of evidence of this, which no one will question because the reports made by the commission to the League of Nations, that helped finance the loan, accounts for every dollar so used.

I was out there and saw the little hovels where these people were gathered in a great camp near Piræus. Originally 1,400,000 of these poor refugees were driven out from Smyrna, from Turkey, and from many other places, and they were suddenly thrown upon a little war-stricken country of 5,000,000 people. It was the same as though we were forced to provide for 30,000,000 destitute people after we had just passed through a disastrous war. That is the proportionate burden placed on Greece to-day.

The Greek commission, under the League of Nations, of which an American, Mr. Eddy, is chairman, has put 143,000 families out on farms to date. This is about one-half of the total number of refugees. Nearly 700,000 men, women, and children are thus taken care of. About 700,000 refugees are still in the camps—old men, women, and children who are cared for by the commission.

Now, what is the moral obligation and what is the legal obligation? My good friend, the gentleman from Texas [Mr. GARNER], who is a very able man, has not touched on the moral obligation, in my judgment, although he discussed the subject at some length. He asks what is the moral obligation on the part of our Government.

The moral obligation is that the Greeks saved the American Nation hundreds, yes, thousands of lives of American boys. How did they do this?

Mr. GARNER of Texas. Will the gentleman yield?

Mr. FREAR. In just a moment, when I have finished my statement.

In this agreement, entered into between the United States and Greece in February, 1918, they said they would put on the front nine divisions, or 250,000 men, one man for every 20 people that lived in Greece, and they did this, on the understanding they were to be financed by whom? By France, by Great Britain, and by the United States. A total of 750,000,000 francs was to be advanced. Our share was 250,000,000, or about $48,000,000. Did Greece perform her share of the agreement?

The statement has been made here, and I wish I could answer it in detail, that France did not pay her 250,000,000 francs. France and Great Britain had just spent 600,000,000 francs to finance Greece during the war. France contributed 300,000,000 francs of the amount. France put eight divisions, or 200,000 men, along with nine divisions of the Greeks, in the fighting on the Macedonian front. The combined force finally crushed Bulgaria and, on September 29, Bulgaria signed an armistice, only six weeks before the armistice that was signed in Paris on November 11, thus ending the war. That was the beginning of the end for the Central Powers. To Greece, as much as any small nation, goes the credit of breaking the morale of Germany. Let us get this moral and legal obligation clearly in mind, and I again repeat that 10 months after we entered the war the United States, Great Britain, and France agreed with Greece to finance Greece if she would raise nine divisions and start the Bulgarian campaign. I can not do better than quote from the report, which says:

In the winter of 1917 Great Britain, France, and the United States considered it urgently necessary that Greece should greatly increase her fighting strength in order to bring pressure to bear on the Central Powers along the eastern front. To enable Greece to lend the required assistance the United States, Great Britain, and France concluded with Greece the tripartite loan agreement of February 10, 1918. Under the agreement Greece was to expend immediately 750,000,000 francs of its own resources for the payment of soldiers, sailors, and other local military expenses. The United States, France, and Great Britain were to open on their books, in equal shares, credits to the Greek Government amounting to 750,000,000 francs, which were to support the bank notes issued by the National Bank of Greece for these war expenditures. This promised advance of 750,000,000 francs for soldiers, sailors, and local military expenses was in addition to an advance by France and Great Britain to Greece of 600,000,000 francs for munitions and supplies. During the war the United States, Great Britain, and France were not to make actual advances of the credits unless the foreign balance of the Greek treasury and the National Bank of Greece fell below 100,000,000 francs, but six months after the conclusion of peace the balance of these credits was to be available to Greece without any restriction. Thus the agreement expressly provides for advances to Greece subsequent to the conclusion of peace.

Relying upon the undertaking of the United States, Great Britain, and France, Greece actually spent the full 750,000,000 francs for the purposes specified in the tripartite loan agreement. She was thus enabled to put 250,000 men in the field, increasing her army from three divisions to nine, and, as shown by the following time table of events, secured the urgently desired victory on the eastern front, which played such an important part in the ultimate success of the allied cause:

1. February 10, 1918. Agreement by the United States, Great Britain, and France to loan 750,000,000 francs to Greece.

2. Throughout the winter and spring of 1918 the Greek Army was reorganized and reequipped and on the Macedonian front Greek troops gradually replaced British and French troops recalled to the western front, until the new Greek Army had been so greatly increased that it represented the largest allied contingent.

Mr. Chairman, now coming to the moral obligation that involves the honor and respect for this Government's word before the world: Relying upon our pledge made when we were unable to get American soldiers to the front equipped and trained for battle, Greece secured credit and hastily equipped an army, which in proportion to our own population would have meant 6,000,000 men for us, or 1 out of every 20 people in Greece; and then Greece fought with the courage of the early Spartans. Let me again quote from the high military officers who were in that offensive or who have measured its effect on the war. From the report we again learn:

3. May 20, 1918. The new Greek Army was successfully tested out in battle in the attack on Skra-di-Legen.

4. September 15, 1918. Beginning of the allied offensive on the Macedonian front, which culminated in the decisive allied victory. The allied armies were composed of 9 Greek divisions, 8 French, 5 Serbian, 4 British, and 1½ Italian. Both Franchet d'Esperey (commander in chief of the allied armies in Macedonia) and General Milne declared that the Greek Army had proved a decisive factor in the victory. The British general said: "Without the aid of the Greek forces the present victory could not have been obtained."

5. September 29, 1918. Armistice signed between the Entente Allies and Bulgaria.

Says General Ludendorff: "There were no illusions about the seriousness of the situation created by the collapse of Bulgaria." (Ludendorff's Own Story, Vol. II, p. 369.)

Count Burian, Minister for Foreign Affairs for Austria and Hungary (1915–1917 and 1918) declares:

"Fate took its course. When the Balkan Army with the newly enrolled Greek troops developed a strong offensive, the Bulgarian troops fled. A terrible experience for the veteran army accustomed to victory, it was a shattering blow, not only to the weakening morale of the other armies in the field but also to the morale of the people at home. * * *

"In dealing with the military situation, the Central Powers took steps to establish a new shortened front against the advance of the Entente troops through Serbia. In this they were not successful, as the following days soon showed. Nothing could now check the unrestrained development of events within the monarchy and Germany, which now took their headlong course, under the influence of a kind of panic that everything had been lost." (Austria in Dissolution, Burian, p. 395.)

October 30, 1918. Armistice signed between the Entente Allies and Turkey.

As a legal proposition how can any man contend that this Government is not bound to loan the full $48,000,000 to Greece which we agreed to pay on February 10, 1918, if called for? Did we not receive full consideration from Greece for the 1918 agreement? Did not Greece advance the money and did she not fight our battles as well as her own? If she had lost in that offensive our legal obligation would have been the same, but she won and shortened the war so that within six weeks it was ended. The moral obligation, far greater than any bare legal proposition, lies in the fact that not only did she perform her part of the agreement, but by shortening the war Greece saved this Nation a hundred million dollars for every day so saved in war expenses. Far greater to a hundred million Americans by winning the offensive and crushing Bulgaria, thousands of young American soldiers were saved and returned home to become good American citizens. To say we can welch out of our liability by any weasel words that Greece was to spend money for equipment with American munition makers lends color to the frequent charge that they were behind the war. Greece won whether the guns were bought in America or in France. To say that we can dodge our responsibility by saying that Greece afterwards negotiated a loan for necessary Government purposes is equally indefensible, because, when we failed to promptly pay our $48,000,000, Greece could not wait for us to decide whether we would keep our pledge to her. She had to get money somewhere and when we refused her bread she had to get it wherever civilization would offer it.

Greece has offered to leave it to arbitration but we refuse, and adding insult to injury, we refused to pay a just debt or arbitrate. Let us see if this is not so. Practically every

official authority in the Wilson administration that made the agreement has so declared. This Government has pledged itself to make the loan agreed to on February 10, 1918, of $48,000,000.

Again I quote from the report:

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley of the Treasury Department:

"The President was informed by letter dated December 25 of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos government (referring to the credit of $38,000,000) should be considered as still binding on this Government, and that the Greek chargé d'affaires, on proper application, should be recognized as representing the government of King Constantine."

Under date of January 10, 1921, the Undersecretary of State, Norman H. Davis, wrote Senator Williams:

"If and when this Government extends recognition to King Constantine or continuous relations with the Greek Government, I do not see how the Treasury can legally or morally cancel its obligation to complete the advance to Greece under the terms stipulated."

Under date of January 13, 1921, Assistant Secretary of the Treasury Kelley wrote to the State Department:

"I understand from Mr. Merle-Smith's reply of the 3d ultimo that the President has expressed his concurrence in the recommendation made by the Department of State that the financial arrangements made with the Greek Government early in 1918 should be considered as still binding on this Government."

Under date of January 14, 1921, the Undersecretary of State, Mr. Davis, wrote to Mr. Kelley:

"You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918."

On March 3, 1921, the last day of the Wilson administration, there was prepared by Assistant Secretary Kelley, who had been in charge of all foreign loans, a memorandum intending to inform the incoming administration as to the exact situation in respect of these loans, the policy of the department, and the obligations of the Government as viewed by the outgoing administration. In respect of the Greek loan, the memorandum of Mr. Kelley reads in part as follows:

"The Treasury is not in a position to complete any arrangements for further advances to Greece until the Department of State officially advises the Treasury that the present chargé d'affaires of the Greek Legation in Washington is the authorized person in charge of the legation with whom the Treasury may officially deal as having been accredited to this Government by the present King Constantine. After these advices are received the Treasury is, in my opinion, bound to make advances to Greece in accordance with the agreement of 1918, and it would be wise, unless the Department of State shows reason to the contrary, for the Treasury to continue in accordance with the arrangements set out in Mr. Davis's letter of November 23, 1919, to the Greek Minister in Washington to make advances in installments as requested by the Greek Government."

Thus these officials expressed themselves on the performance of Greece of her promise to raise her army and fight all in pursuance of the agreement of which I quote Wilson's approval:

I am disposed to feel that, in view of the joint recommendation of Colonel House, General Bliss, and Mr. Crosby, that this be done, we should join with Great Britain and France and advance one-third of the 750,000,000 francs to Greece, although this does involve expenditures outside of our country. If you approve, may I ask that you indicate your approval upon this letter, carrying as it will the establishment of a credit for Greece of 250,000,000 francs, or approximately $44,000,000 at the current rate of exchange.

Cordially yours, W. G. McADOO, *Secretary.*

The PRESIDENT,
The White House.

THE WHITE HOUSE, *December 10, 1917.*

Approved.

WOODROW WILSON.

Again I quote from the committee report to show the confidence which governed all parties in these negotiations:

There is no doubt but that Greece expended for war purposes under the 1918 agreement an amount largely in excess of the advances she has since received.

Upon the recommendation of the American delegate on the Inter-allied Financial Commission, the Secretary of the Treasury, with the approval of President Wilson, established on the books of the Treasury the following credits in favor of Greece for which the Treasury holds the obligations of that Government:

	Amount
June 20, 1918	$15,790,000.00
Dec. 3, 1918	23,764,036.00
Mar. 25, 1919	3,858,930.00
July 31, 1919	4,823,663.05
	48,236,629.05

Against these credits the Treasury made cash advances as follows:

	Amount
Dec. 15, 1919	$5,000,000
Jan. 16, 1920	5,000,000
Sept. 24, 1920	5,000,000

All told, we advanced $15,000,000, leaving credits amounting to $33,236,629.05 remaining on the books of the Treasury.

Greece financed this undertaking and put in every dollar, raised her army and fought our battles, expecting, of course, to get this loan. The loan to be paid by us was to be one-third of 750,000,000 francs, or $48,000,000.

This is the moral obligation that we owe her, because we agreed to finance Greece when she raised the army.

I now yield to the gentleman from Texas.

Mr. GARNER of Texas. We agreed to give her $33,000,000 more than we have given her; why does not the moral obligation carry us to that extent?

Mr. FREAR. That is just the question I wanted to answer, and I am very glad the gentleman has asked it.

If I wanted to borrow from the gentleman from Texas $33,000,000 or only $33, which would be nearer our capital, and I came to you and said, "Twelve dollars, John, will be sufficient to finance me; I do not need to borrow any more, because I can not pay the interest on the old debt and I can not pay interest on a new debt of $33, and I do not need the rest of the money," then there would be no moral obligation on your part to loan more, even though you had agreed to do so; but if you owed that to me and I did not ask you to reduce it, it would be a different matter. I am speaking in dollars where these Governments during the war and since speak in millions.

Now, my friends, this is the situation——

Mr. GARNER of Texas. Will the gentleman yield once more?

Mr. FREAR. I have answered the gentleman and my time is limited. The moral obligation is incurred because Greece performed her work; she fought our battles; Greece financed what she agreed to finance,. and we never did, although we finally loaned her $15,000,000 of the $48,000,000 we had agreed to pay and which she expended in raising her army.

Let me add that the statement of my friend, Mr. CRISP, that, he alone of all the reparation commissioners, opposes this settlement carries its own argument.

Now, I do not claim my good friends are playing politics, although the lines drawn sound largely on this side of the aisle. I would stand with them if I thought they were right, but is it not interesting to note what Senator BURTON has just read showing that practically every official of the Government—every Democratic official in the State Department, every official in the Treasury Department—with President Wilson agreed to this pledge made with Greece in 1918. The $15,000,000 loaned on the agreement and the credit of $48,000,000 stands against this Government in favor of Greece.

This is stated on page 18 of the hearings on the Greek debt settlement, and the only one against it to-day, or the one leading the fight against it, is one member of the Debt Funding Commission, my good friend from Georgia.

The Republican administration, let me say, is doing something that the Democratic administration morally and legally bound us to do in past years, and now we can not afford to welch on it, particularly since the action by Greece probably saved hundreds and thousands of lives of American boys, because Greece broke the line at that time and all authorities quoted show the effect of that offensive.

My friends, I have three or four different propositions which I would like to discuss briefly.

The $15,000,000, with interest added, means a total of $19,000,000. It is proposed that this $19,000,000 shall be refunded as we refunded the Italian and the other debts. I think the Italian debt was funded on the basis of 26 cents on the dollar, while this is at 34 cents, its cash value of more than one-half of the 65-cent cash basis of the British settlement. Certainly Greece could not be asked to do more.

We only paid $15,000,000 on the $48,000,000 that we agreed to put up to finance the war at that time. President Wilson and the entire war administration agreed to the full amount. Greece at that time borrowed the money wherever she could get it and financed the offensive, and now Greece asks not for $33,000,000, the balance, but for practically $20 per capita, to take care of these 700,000 refugees that they have in the camps and are practically destitute. Remember 700,000 in round numbers have been cared for, and about the same number remain, that the commission is providing for as rapidly as possible.

I went through these camps last summer with the commission, and, as I have said, the refugees live in little hovels. They live in places that are not as wide as this path between

the aisles, where you can hardly pass each other, but they are very clean. They sweep out their little places with the dirt floors and they look as happy and as well as they possibly could. The Greek Refugee Commission has established hospitals for them, and has cared for them in a hundred different ways, buying seed grain to start them, building homes at a cost of $200 in many cases, supplying medicine, food, and clothes when necessary, and in every way expending as carefully as possible the $50,000,000 in round numbers so far raised through the aid of the League of Nations. But remember that that amount of money used to relieve 1,400,000 destitute refugees during four or five years is small indeed.

Every dollar of this money is going to the Greek refugees, and every dollar of the bonds issued, of which I have spoken, has gone to the refugees. Greece is under a tremendous burden. I can not express it—you know what a small government it is—and they have a tremendous burden placed upon them. Greater than any other government in the world, according to her size. The commissioners are to care for them. I would not hesitate to give the $12,000,000 to them outright. We did so with Russia, with Austria, and other countries, why not to Greece that has helped us win the war? Out of the $4,700,000,000 appropriated this year, 75 per cent of it is going for wars, past and future. That is the history of our war activities—caring for our debts, interest, veterans, and for our Army and Navy. Now, we can not quibble where we owe a just debt of this kind, and we certainly owe it—it is a moral obligation and a legal obligation—not to be paid in cash but to loan Greece and to be repaid with interest. We had the benefit of the sacrifice of the Greeks. They put 250,000 men, nine divisions, into the field. They did exactly what they guaranteed to do. We have done nothing except to give the $15,000,000, and we did it grudgingly.

Now, I can not think of anything that is a greater humanitarian work, a better work for this Government to do, than to pay this comparatively small amount for the protection of these women and children, these old men that I saw there without any of the comforts of life. They have put about 700,000 out on the farms, as stated. I saw them working there, selling little carpets, mats, things that they had made. Many of them were without any furniture, only boxes. I am sorry that the gentleman from Florida [Mr. GREEN] said what he did. He has come into Congress asking for favors. He is entitled to ask for favors. Just as you gentlemen came last session and asked for $325,000,000 for flood control, and we gave you what we could, and the taxpayers are meeting these amounts, but this is to be a small loan that we have promised to make.

Mr. GREEN. They referred us to the Red Cross.

Mr. FREAR. But the Red Cross can not work over there; nor is it a matter for the Red Cross here. I believe that this Government ought to keep its promise even in this slight degree and should loan the money promised for the relief of these people.

Bear in mind again that the Greeks put 250,000 men under their agreement into the war and broke the Macedonian front; that we agreed to loan them $48,000,000, and we can not get behind the skirts of other countries if they failed to do their duty. Great Britain and France had given Greece 600,000,000 francs long before this last agreement. They gave many divisions of men to help Greece. We gave nothing but empty agreements, and later $15,000,000 on account.

My friends, $12,000,000, as the gentleman from Ohio has well said, will not crush this Government in paying its honest obligations. If we refuse to pay this $12,000,000 it will put us in the eyes of the world in a contemptible light—the richest Government that has had the benefit of the lives of these Greek soldiers, and that is a position that we can not afford to take.

I am willing to vote $100,000,000 or $300,000,000, if necessary, for my people here for floods or other needs; but this is not a gift; it is a loan of money to take care of the lives of women and children who are there now in the refugee camps.

Now I have concluded, and I am ready to answer any question that may be asked.

Mr. PERKINS. Under the terms of the original agreement to lend the money to Greece, was there any time set for repayment?

Mr. FREAR. There was no time fixed for the repayment of the Greece loan any more than there was to the loans given to Great Britain and France. When I was on the committee I discovered that we had not any evidence of any of these debts except memorandums from the ambassadors.

Mr. PERKINS. Then, if there was no time limit in which they were to make a repayment we could demand it at once as a moral obligation?

Mr. FREAR. We could do that with every loan during the past 10 years. But we could not have collected on our loans.

As I say, Greece gave the lives of her soldiers and we promised to help them. Now they need the money to care for these refugees.

When France was doing her share and Great Britain was doing hers, can we sit back and say, "We do not owe you anything because you did not demand it"? I am sure the House will not so decide.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAWLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman and gentleman of the committee, when the matter of settling this loan, with the inclusion of a provision for a further advance to Greece of $12,000,000, or any other sum, first came to my attention I was inclined, as I think many Members of the House have been, to question and to doubt first the wisdom and then the necessity for any advancement of money by our Government to one of our allies so long after the termination of the war. In fact, I was in my own mind opposed to it, unless it could be demonstrated that it was a proper and necessary thing to do. I have studied this situation quite carefully. I have read everything that I have been able to find upon it and I am prepared to vote for this settlement. I think it is just, fair, reasonable, and based not only upon a moral but upon a legal obligation upon the part of our Government.

The history of the participation of Greece in the World War has to some extent been recited. The Allied Powers needed the assistance of Greece in 1917 for the purpose of making attacks on Bulgaria and Turkey who were allied with the Central Powers. Our own representatives, General Bliss, Mr. Crosby, and Colonel House, an unofficial representative of the President, were upon the scene. They, with representatives of Great Britain and France, held a conference with representatives of the Greek Government, and it was then agreed that in consideration of certain military operations to be performed by Greece, the three Governments of the United States, Great Britain, and France would advance moneys to the Greek Government. The British Government and the French Government were to advance 600,000,000 francs in the first instance for the raising of troops, and these two Governments, together with the United States, were to advance 750,000,000 francs thereafter for the maintenance of these troops, and it was specifically agreed that Greece should increase her three divisions in the army to nine divisions for the purpose of engaging in the war on the eastern front. This money was to be placed to the credit of Greece upon the accounts of the three Governments of the United States, Great Britain and France. A financial commission was appointed to handle the money end of the proposition, and a military commission was appointed to handle the military operations. This military commision was to report to the financial commission when Greece had complied with the terms of the agreement, so that Greece would get the credits upon the books of the three countries.

So far as the United States is concerned, the military commission did report to the financial commission, and a statement as to this report is found on page 4 of the hearings, the same statement mentioned a while ago by the distinguished gentleman from Ohio [Mr. BURTON] to the effect that—

> The reports of the American consul general at Athens, who represented the United States on this commission, showed that Greek expenditures under the agreement reached the total of 682,134,693.54 drachmas. One-third of that amount expressed in dollars aggregates $43,883,998.62. Actually, Greece spent the full 750,000,000 francs, though owing to the failure of the Interallied Financial Commission to meet, the balance of these expenditures was not formally checked.

An examination of the war operations in Greece shows that Greece kept her part of the agreement so far as the manning and providing of the troops on the eastern front was concerned. The reports made to our own Government showed that the money had been expended with the approval of the two commissions and, as a result, upon the books of the United States Treasury, with the approval of President Wilson, there will be found in favor of Greece the following credits: As of June 20, 1918, $15,790,000; December 3, 1918, $23,764,036; March 25, 1919, $3,858,930; July 31, 1919, $4,823,653.05; or a total of $48,236,629.05. These are credits shown on the Treasury accounts of the United States to be due to Greece by reason of her fulfillment of her part of the tripartite agreement of February 10, 1918. The money was not actually paid to Greece. The original agreement provided, and some one asked that question a moment ago, I think the gentleman from New Jersey [Mr. PERKINS], that this money should be paid by the three Governments whenever the foreign balances of Greece amounted to less

than 100,000,000 francs and in any event within six months after the peace following the war.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SIMMONS. It is my understanding that the money was not actually paid to Greece until during the war with Turkey.

Mr. CHINDBLOM. Subsequently the arrangement was changed, as in all other cases, so that instead of paying money to Greece we gave her credit upon purchases made by her in the United States. In fact, that is the way the whole war was financed, so far as these foreign debts and loans are concerned.

Mr. SIMMONS. Am I correct in understanding that the money was not actually used by Greece, or the credit, until after the World War was over and when Greece was at war with Turkey?

Mr. CHINDBLOM. The war with Turkey has been brought in here but has nothing to do with this situation at all.

Mr. BURTON. Mr. Chairman, if the gentleman will permit, the Bank of Greece advanced these amounts under the agreement that when their foreign credits fell below 100,000,000 francs, or within six months after the close of the war, the amount was to be repaid. Their credit was good.

Mr. SIMMONS. It is the statement in the minority report that I want checked up.

Mr. CHINDBLOM. I will say to the gentleman that he will find no reference to the war between Turkey and Greece anywhere in the hearings, in the documents, or in any of the reports, except in the minority views of the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Oh, I am sure that my friend desires to be accurate. If he will take the majority report, he will see that it states all about the participation of Greece on the Macedonian front.

Mr. CHINDBLOM. Oh, yes.

Mr. CRISP. I injected that in the minority report to answer the argument of the majority that brought in the Greco-Turkish War.

Mr. CHINDBLOM. But nowhere else is there any statement that this money was to be used in any way in connection with the Turkish War.

Mr. SIMMONS. In the minority report on page 27 there is one sentence—

> But no advance was requested by Greece until September 3, 1919, at which time she was at war with Turkey.

Does that mean Greece did not actually get $15,000,000 in credit or cash until some time after the 3d of September, 1919?

Mr. CHINDBLOM. The actual payments to Greece were made as follows: December 15, 1919, $5,000,000; January 3, 1920, $5,000,000; and September 11, 1920, $5,000,000. These payments would have been continued had it not been for the fact that King Constantine returned to the throne of Greece, and we thereafter refused to have any diplomatic relations with the Government of Greece.

Mr. FREAR. The old government.

Mr. CHINDBLOM. In the combined annual reports of the World War Foreign Debt Commission, page 325, it will be found that there is nothing strange in the fact that the payments to Greece were delayed until a proper adjustment and audit of the accounts between the two countries could be made. The last payments on loans to various governments by our Government were made as late as the following dates:

May 29, 1922, to Czechoslovakia	$717,834.36
Mar. 30, 1921, to Italy	16,695,063.91
Sept. 28, 1920, to France	10,000,000.00
Sept. 24, 1920, to Greece	5,000,000.00
Sept. 17, 1920, to Czechoslovakia	732,165.64
Aug. 31, 1920, to France	10,000,000.00
Aug. 26, 1920, to Belgium	10,469,467.89
Aug. 5, 1920, to France	10,000,000.00
July 28, 1920, to Czechoslovakia	1,000,000.00
July 6, 1920, to France	10,000,000.00

It will be observed that Czechoslovakia, Italy, and France all received payments on account of loans later than the last payments to Greece.

Mr. NEWTON. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. NEWTON. Am I to understand it was the change in the Government of Greece that delayed further payments after the three $5,000,000 installments?

Mr. CHINDBLOM. Yes. I had intended to quote, and will quote, statements by the heads of the last administration, the Wilson administration, on the question of the obligation of our Government, and I will say that some of us find ourselves in the very unusual position of standing up here to defend the action of that administration and insisting that its obligations and commitments shall be performed:

Under date of December 31, 1920, the Department of State wrote to Assistant Secretary Kelley, of the Treasury Department:

"The President was informed by letter dated December 25, of the inquiry made by the Treasury. He has expressed his concurrence in the recommendation made by this department that the credit obligation negotiated with the Venizelos Government (referring to the credit of $38,000,000) should be considered as still binding on this Government, and that the Greek chargé d'affaires, on proper application, should be recognized as representing the Government of King Constantine."

Under date of January 10, 1921, the Undersecretary of State, Norman H. Davis, wrote Senator Williams:

"If and when this Government extends recognition to King Constantine or continuous relations with the Greek Government, I do not see how the Treasury can legally or morally cancel its obligation to complete the advance to Greece under the terms stipulated."

Under date of January 13, 1921, Assistant Secretary of the Treasury Kelley wrote to the State Department:

"I understand from Mr. Merle-Smith's reply of the 3d ultimo that the President has expressed his concurrence in the recommendation made by the Department of State that the financial arrangements made with the Greek Government early in 1918 should be considered as still binding on this Government."

Under date of January 14, 1921, the Undersecretary of State, Mr. Davis, wrote to Mr. Kelley:

"You are correct in your understanding of the President's views in respect of the financial arrangement with the Greek Government early in 1918."

On March 3, 1921, the last day of the Wilson administration, there was prepared by Assistant Secretary Kelley, who had been in charge of all foreign loans, a memorandum intending to inform the incoming administration as to the exact situation in respect of these loans, the policy of the department, and the obligations of the Government as viewed by the outgoing administration. In respect of the Greek loan, the memorandum of Mr. Kelley reads in part as follows:

"The Treasury is not in a position to complete any arrangements for further advances to Greece until the Department of State officially advises the Treasury that the present chargé d'affaires of the Greek Legation in Washington is the authorized person in charge of the legation with whom the Treasury may officially deal as having been accredited to this Government by the present King Constantine. After these advices are received, the Treasury is, in my opinion, bound to make advances to Greece in accordance with the agreement of 1918, and it would be wise, unless the Department of State shows reason to the contrary, for the Treasury to continue in accordance with the arrangements set out in Mr. Davis's letter of November 23, 1919, to the Greek minister in Washington to make advances in installments as requested by the Greek Government."

Therefore, the Wilson administration, up to the very hour of 12 o'clock noon on the 4th day of March, 1921, when it went out of office, held consistently and persistently that Greece was entitled to receive advances in full up to the amount of $48,000,000; and well it might.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURTON. I yield to the gentleman one additional minute.

Mr. CHINDBLOM. I want you to examine, if you will, the reasons given by my distinguished friend from Georgia [Mr. CRISP] why this $12,000,000 advancement should not be made now. His objections may fairly be classed as technicalities.

The objection based on the Canadian loan is a technicality, and the charge that the interest was not paid is a technicality. Greece did pay some interest on its loan and in that respect was different from some of our other creditors. The substance of the agreement was that this advance should be made in consideration of the fact that Greece enlarged her military forces on the eastern front.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HAWLEY. I yield to the gentleman one minute more.

Mr. CHINDBLOM. This in conclusion: It is said that because we will not allow Greece the whole $33,000,000, we should not loan the $12,000,000. Greece is satisfied now to accept $12,000,000. This is a compromise between the two governments, and, inasmuch as we have insisted that foreign countries shall pay their obligations to us, I trust America will carry out all the obligations she has incurred, including proper and necessary compromises. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, under the leave to extend by remarks, I will merely add that I deem it unfortunate that this settlement with the Hellenic Republic has been so long delayed. If it had been undertaken soon after the close of the war, I am sure an amicable arrangement would easily and speedily have been reached. The people of Greece suffered great losses and made great sacrifices, under very unhappy conditions, during the World War, and they are now engaged in a great humanitarian enterprise in caring and providing for the million and a half of refugees whose only hope for future welfare, aye, for their very existence, rests with the people and Government of Greece. We should rejoice that, in compromising and settling an international dispute, we are also privileged to contribute something to the promotion of so noble a cause.

Mr. CRISP. Mr. Chairman, acting for Mr. GARNER, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. BLANTON. Mr. Chairman, I am against the provisions of this bill to lend more money to Greece. The minority report of the gentleman from Georgia [Mr. CRISP] has been on file in this House and printed since the 15th day of last March. The gentleman from Wisconsin [Mr. FREAR] urges that this is a matter of great importance and a matter of urgent necessity; that this money is to be used in advances to Greek refugees. Why was he not so insistent during the last 15 days in March and during all of the month of April and during all of the month of May if this $12,000,000 should have been advanced?

Mr. FREAR. Like the influence of my friend from Texas, my influence in the House is very modest, indeed.

Mr. BLANTON. Yes; but the influence of the gentleman from Wisconsin is growing rapidly with the Republican administration, and has been growing after the election.

Mr. FREAR. This is following the Democratic recommendations all the way through.

Mr. BLANTON. The fact is that this minority report of the gentleman from Georgia is unanswerable, and his speech here to-day and that of my colleague from Texas [Mr. GARNER] are unanswerable. And if there were such a great and urgent necessity as the gentleman from Wisconsin would indicate, then it was a matter of sufficient importance that the Rules Committee of this House during the last days of March and all of April and all of May should have brought in a rule to bring up this bill and pay an honest obligation of this Government. That is unanswerable.

Mr. FREAR. There is no doubt about it.

Mr. BLANTON. But there was no hurry about it then. We should keep this $12,000,000 in the Treasury. I shall vote against lending it.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. GREEN].

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. GREEN. Mr. Chairman and members of the committee, I am glad to have this opportunity to register my protest against the passage of the bill. It has been with considerable interest that I have listened to the eloquent remarks of the gentleman from Ohio, the gentleman from Georgia, and others. In my opinion there is neither a moral nor legal obligation upon the part of the United States to Greece. I do not agree with the gentleman from Wisconsin when he states that there is a moral obligation on our part. I can not see where it is our duty to have paid great bills for army and navy which were incurred by the Greek soldiers and sailors.

The gentleman from Ohio stresses the fact that he has voted for the cancellation of the war debts of other foreign nations. I am glad to say that it gave me pleasure to register my vote and protest against the cancellation of the foreign debt owed by Italy and some of the other nations to the United States, and may I remind my colleagues that this man Mussolini, who is now carrying on such a high hand in the political history of Europe, is, in my opinion, bound to bring the next serious trouble to the United States. I predict that if this man should live 15 years longer he will make trouble for us, and I believe it is time that America should cease playing Santa Claus for Europe.

No nation is more generous to its friends or more merciful to its enemies than is America, but our generosity and mercy has gone far enough relative to the European nations. It is bad practice to, as a Government, continue to donate and pour American money into the coffers of European nations. The manner in which the present Republican administration has canceled foreign war debts owed us by foreign nations, and thus make room for private American loans in foreign nations, is astounding. It is not good policy to cancel public debts owed our Nation by foreign nations in order that a few millionaire banks in America may make safe their 6 per cent loans to these foreign nations. I believe in safeguarding American public funds just the same as if they were individual funds. I do not believe in shirking one inch from any just debt or obligation which our Government owes. I should uphold the integrity of our Nation should it take every dollar in the Federal Treasury, but this continual donating of American funds to foreign governments should cease, and I for one shall do my part toward culminating it by voting against the passage of this bill.

The nations which are supposed to have lost the war—Germany, for instance—is now profiting more by the war than any nation which was the victor. The victorious nations are maintaining large armies and navies and going to various other expenses in collecting reparations from the Central Powers. These reparations are costing the Central Powers far less than it would cost them to maintain a large army and navy. It has been argued by the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Ohio [Mr. BURTON] that our Nation is so rich and that it should look with generosity upon the less fortunate European nations, and may I remind these gentlemen and others of the Republican faith that while the United States is a rich Nation to-day, this condition can not long exist if they continue to deplete and squander the American resources, sending them to these foreign nations as they have been doing in the recent past. The resources of America are being rapidly consumed. Many millionaires have grown up in America overnight almost, and these few touting millionaires have about taken possession of our Government and would use it as a means by which public debts may be canceled and private loans may be negotiated. This practice, if continued, will soon reduce the financial condition of America to a level with that of foreign nations. The American population is rapidly growing while her natural resources are becoming less and less. The very best business practice should be exercised by our Government in safeguarding the wealth of America for Americans.

We may not expect friendly turns and friendly favors from foreign nations of Europe as we have had heretofore, because they look upon us with jealous and envious eyes, therefore we must make America safe for her own people. It is not unusual to see in the press, almost daily, of great donations being made by American millionaires to foreign countries or to citizens of foreign countries. It is not unusual to read almost daily of American heiresses exchanging their fortunes in matrimony for some foolish European title, thus selling the wealth of America for useless, pompous European titles. This is a splendid system used by so-called royalty of Europe to drain from America millions of dollars annually. I look upon such practice with disgust and contempt and for me the title of plain American citizen is all that I should have and all that I ever desire. It is good enough for me. These millionaire individuals who are sending our money to Europe are doing that as a result of a drain from the American common people, either directly or indirectly. For instance, when the Rockefellers and other oil magnates make a big donation to some foreign country or foreign individual, you will probably in the immediate future pay 1 cent per gallon more for the gasoline consumed in your automobile, thus showing that these millions are drained from the American public and lavishly squandered on foreign governments or foreign individuals. And may I admonish my colleagues that the bill which is now before the House has a tendency to cause our Government to do as these few millionaires are doing and I for one am not willing to give my sanction to any such legislation. I refuse to vote for a bill which will indirectly tax my own people for moneys which go for the benefit of foreigners and foreign governments when obligation on the part of my Government to said individual or government does not exist.

The gentleman from Wisconsin [Mr. FREAR] referred to the necessity of Federal aid for Florida. I grant you, my colleagues, that we should have Federal aid for control of floods in the Everglades, Suwannee River Valley, and other sections of our State, but when we called upon our Government to come to our aid we were respectfully referred to the American Red Cross. The Red Cross, that great auxiliary of humanity, came to our relief, but we now expect our Government to authorize moneys by which future floods may be prevented in these areas, so the gentleman from Wisconsin would extend to the Near East relief such moneys as have been denied our own American people in Florida. I refuse to subscribe to such doctrine. I will go as far for charity as an individual or for my Government as is possible or consistent, but I refuse to help to cancel by my vote the debt which is due my Government from a nation which is able to pay. I refuse to squander American

public funds because American individual banks desire to make safe loans to that country. I shall vote against the passage of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I want to talk about this case exactly as it is for a few minutes without straying outside and discussing matters that might seem more or less irrelevant. I may say by way of preface that I have voted for all of the debt settlements negotiated by the Debt Funding Commission. But I can not vote for this bill, which proposes a settlement of a debt due the United States, and proposes something else, because I do not believe the facts as I understand them to exist are sufficiently clear to justify the support of the latter proposal. I would have no hesitation at all in acquiescing in the portion of the bill which provides for the refunding of the indebtedness of Greece, but when I come to the other portion of the bill I find myself unable to give it my approval.

Now, it is a curious sort of a case. It is said that an obligation accrued to Greece in 1918 to receive from this Government a very large amount of money. It is rather a strange circumstance if the Government and its advisers did not doubt the obligation that during the period of a decade since the initial transaction Greece, always needing money, money has never been paid. That is certainly one fact of significance, which indicates at least the doubt in which the entire matter was shrouded in the estimation of those who have been conducting our Government.

Now, my friend from Illinois [Mr. CHINDBLOM] undertook to give the attitude of the Wilson administration. When the report came from the Ways and Means Committee last spring I addressed an inquiry to Mr. GLASS, who was the Secretary of the Treasury under Mr. Wilson in 1919 and who certainly has a high sense of any legal or moral obligation under which the Government may be placed, and here is what Mr. GLASS said in reply:

> Responding to yours of March 19, there is little I can say about the proposed loan to Greece of $12,000,000 at 4 per cent beyond my recollection of the fact, now confirmed by inquiry of former Treasury officials intimately identified with the transaction, that the Treasury suspended payments to Greece on the original commitment when King Ferdinand was reenthroned and Venizelos practically exiled. We were notified that England had discontinued payments for this reason and that France had refused to make any payment at all under the tripartite commitment. The feeling was, as I remember, that Greece, having recalled its pro-German sovereign, all moral obligation to extend further loans was obliterated, and for this reason payments on the original commitment were stopped.

Now, if any moral obligation was extinguished there are certainly no gentlemen here who will deny that any legal obligation was likewise extinguished.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CRISP. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. MOORE of Virginia. That is an expression from one of the ablest and most responsible officials under President Wilson with reference to this matter.

Now, something else. During the Harding administration there was not a dollar paid, though Greece was in need of money, and during that administration the Secretary of State, who is not surpassed by anybody in this country in his ability and experience as a lawyer and who certainly has as keen a conception of the effect of obligations as any of us, said emphatically that in his judgment no liability remained.

Mr. FREAR. No legal obligation?

Mr. MOORE of Virginia. No legal obligation; and if so, how can there be any moral obligation? It is pretty difficult in a case of this kind to separate legal and moral obligation.

Then something further. In 1926, in the Coolidge administration, no payment was made, as there had been none made under the Harding administration, and in 1926 the Debt Funding Commission, after full and meticulous consideration of the matter, came to the conclusion that no obligation rests upon the Government.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, during the war, and for many years thereafter, I heard many attacks from the Republican side on the Democratic administration for the broad and liberal aid it gave to the allied nations. Therefore I am, indeed, pleased to see some of my Republican colleagues to-day approve, as they have been forced heretofore by facts, of the acts of the Democratic administration during and since the war.

The bill under consideration provides as follows:

> The existing indebtedness, amounting to $18,125,000, shall be funded over a period of 62 years. The computation of this indebtedness is set forth below:
>
> | | |
> |---|---|
> | Principal amount of obligations to be funded | $15,000,000.00 |
> | Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent per annum | 744,333.79 |
> | Total principal and interest accrued and unpaid as of Dec. 15, 1922 | 15,744,333.79 |
> | Interest thereon at 3 per cent per annum from Dec. 15, 1922, to Jan. 1, 1928 | 2,383,588.88 |
> | | 18,127,922.67 |
> | To be paid in cash by Greece upon execution of agreement | 2,922.67 |
> | Total indebtedness to be funded | 18,125,000.00 |
>
> (2) The bonds aggregating in face amount $20,330,000 (the existing indebtedness, as computed above, together with the interest to be paid in respect thereof) shall be paid in annual installments beginning July, 1928, up to and including January 1, 1990, on a fixed schedule, subject to the right of Greece to make such payments in 3-year periods, any postponed payments to bear interest at 4¼ per cent per annum, payable semiannually. The amount of the first annual installment shall be $40,000, the annual installment to increase to $350,000 in the eleventh year, which shall be the amount of each remaining annual installment.
>
> To assist in the completion of the work of the Greek Refuge Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation "Purchase of obligations of foreign governments," established under authority of the Liberty bond acts, the sum of $12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years.
>
> Greece shall, in accordance with the exchange of notes, dated January 18, 1928, between the United States and Greece, and as set forth in Senate Document No. 51, Seventieth Congress, first session, furnish as securities for the loan referred to in paragraph (5) the excess of revenues under the control of the International Financial Commission, and shall procure the assurance of the service of the loan by that commission.
>
> Greece shall forego all claims for further advances under the tripartite loan agreement dated February 10, 1918, and such agreement, so far as the United States and Greece are concerned, shall terminate upon the date on which the agreement authorized by this act becomes effective.

The fact that France has not met its obligations and that Great Britain has in a measure failed to meet its obligations does not excuse us from fulfilling ours. It has been stated that we should look at this adjustment from the American and not from the Greek point of view, and that is what I am doing. I look upon it from the American point of view, that our Nation should at all times, under all conditions, meet its obligations even though not legally bound when, however, it is morally bound.

Though there may be a question about our legal obligation surely no one can justly disclaim our moral obligation under the agreement which we have entered into with the Hellenic Government. The mere fact that due to unwise influences the overthrow of the Venizelos government was brought about, the people of that historic nation should not be deprived of their rights.

Under the Venizelos government Greece entered the war on the side of the Allies, not only for the purpose of self-defense, to expel invaders from her territory, as has been charged, but to aid the Allies and thereby comply with the wishes—yes, the persistent—appeals of the Allies, and her course at that time was considered as a great accomplishment and achievement on the part of our diplomatic representatives.

A few days after the agreement was signed by Premier Venizelos, at that time the head of the Greek Government, he made the following statement to the Greek people:

> In taking part in this World War we shall not only regain the national territory we lost; we shall not only reestablish our honor as a nation; we shall not only effectively defend our national interests, but we shall also be a worthy member of the family of free nations.

Mr. Chairman, I recognize that at that time the Bulgarian and the Austrian troops were in possession of a large area of her territory, but on September 16, 1918, due to the bravery of nine Greek battalions, which it had placed in the field on the Macedonian front, in accordance with the agreement, the Bulgarian forces were defeated, yes crushed, and within a few

days thereafter Bulgaria was eliminated from further activity in the war and within two weeks pleaded for peace.

No one can truthfully deny that this great victory could not have been attained on the Macedonian front without the heroic, brave, and courageous Greek forces. The Greek Army conducted itself with valor and honor. It began the allied offensive on the Macedonian front, which culminated in the decisive allied victory. Both Franchet d'Esperey, commander in chief of the Allied armies in Macedonia, and General Milne, declared that the Greek Army had proved a decisive factor in the victory. The British general said:

> Without the aid of the Greek forces, the present victory could not have been attained.

Says General Ludendorff:

> There were no illusions about the fighting seriousness of the Greek Army.

And no one can successfully deny that this victory did bring about an earlier ending of the World War, which in all probability might have lasted for weeks—yes, perhaps months longer. But if it shortened it only a day, it was worth the amount that this bill provides, not only to give but to loan to Greece. From the day that great statesman, Venizelos, became its leader, the Hellenic Government and a great majority of its people demonstrated their sympathy and friendship, not only for the Allies but especially for United States.

Unfortunately, came the war with Turkey. The reverses of the Greek Army in Asia Minor resulted in the overthrow of the Venizelos Government and King Constantine, upon the death of his son, King Alexander, returned to Greece as King on December 19, 1920. The allied governments and the United States refused to recognize the new régime in Greece and refused to make further financial advances. I quote from Doctor Gibbon's "Venizelos":

> Greece was in sore need of money, but the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure. About $30,000,000 was thus suddenly rendered unavailable. At the same time, France, invoking the pretext that the Constantinist government was illegal, refused to pay back to the Bank of Greece the large sums of money advanced to the French army at Saloniki, when the rate of exchange had been unfavorable to the conversion of francs into drachmas.

It is worthy of note that up to March 4, 1921, both the State Department and the Treasury Department were definitely of the opinion that our Government was under a strong moral and legal obligation to make further advances to the Greek Government and that our agreement expressly provided for advances to Greece subsequent to the conclusion of peace.

Relying upon the undertaking of the United States, Greece actually spent the entire amount for the purposes specified in the loan agreement. She was thus enabled to put 250,000 men in the field, increasing her army from three to nine divisions, and secured the urgently desired victory which played such an important part in the ultimate success of the allied cause. No one denies that the agreement was entered into in good faith on the part of our Nation in conjunction with the other nations and Greece.

For the sake of argument let us concede that Greece violated, as argued, some provision of the agreement. If they did, it was only a technical violation. For that reason I feel that it would be unfair for a great Nation like ours to take advantage of technicalities to evade our responsibility, because if we are not legally we are morally bound to carry out the agreement we had influenced Greece to enter into in those trying days, in the midst of that great conflict and at a time when conditions did not look any too favorable.

It is true that Greece did not request or draw any part of this loan until two years after the agreement was made and after they had expended tremendous sums of money in fitting out the additional battalions, providing and maintaining them during the war. This is to her credit and proves conclusively that she did not seek the American dollar, and were it not for the unfortunate war with Turkey, in all likelihood she would never have asked for a single dollar which her agreement called for, but that war, and her humanitarian spirit, in taking care of and providing for 1,400,000 Greek and over 100,000 Armenian Christian suffering refugees, has taxed her financial resources to such an extent that she was obliged to insist that the agreement to make her the loan, as agreed upon, be fulfilled, agreeing, however, to accept twelve in place of thirty million which we obligated ourselves to loan her on condition that early action be taken on the reduced amount.

There is no question in the mind of anyone who has studied or read the committee hearings or the record of her achievements on the front that Greece played its part; that it performed its obligation.

In view of the recommendations that were made at that time by Secretary McAdoo, Secretary Houston, Mr. Crosby, Mr. Norman Davis, and approved by the late President Woodrow Wilson, I feel that this bill should receive our approval, because justice demands it, and we should not at this late date disregard the recommendations of those great Democrats.

In conclusion I wish to call your attention to the fact that the bill provides that this loan be turned over and used by the Refugee Settlement Commission for the purpose of providing for the unfortunate refugees that are being cared for by the Greek people, which is more than much stronger financial nations have done.

I feel that this bill should pass not only because of the moral responsibility of our great Republic but because of the deep appreciation we owe to that heroic, younger sister nation, the Hellenic Republic. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield the gentleman from Ohio [Mr. BURTON] nine minutes.

Mr. BURTON. Mr. Chairman, I have already covered most of the ground in regard to this controversy. I will take up briefly the arguments made on the other side.

First, I can not agree that this is a joint agreement or, as has been said by the gentleman from Georgia and the gentleman from Texas, that it is a joint agreement.

Let us note the illogical result of such a conclusion. If it is a joint agreement, the United States would be responsible for the whole 750,000,000 francs and not for the 250,000,000 francs alone. Again, the wording of the agreement shows that, while three nations joined, each had a separate obligation to perform, to wit, the payment of 250,000,000 francs. Still further, all the dealings between the parties were on the theory that the United States had its obligation to perform, France had its obligation, and Great Britain its obligation, and thus I come to the conclusion that the failure of France or the compromise with Great Britain is no excuse for us to say that we will not comply with that which was a clear agreement to advance 250,000,000 francs. Indeed, to the very close of the Wilson administration that obligation seems to have been recognized by our diplomatic officials.

Now, another point, that Greece has failed to pay interest. Greece did pay interest until the 2d of October, 1921, in amounts aggregating some $2,000,000. By that time there was an impassé between the two Governments, and Greece could very well maintain the position that we had failed in our agreement, that if she were to pay any more it would be in the form of a credit on the 250,000,000 francs that had been promised to her.

There is another claim, that an agreement was made by Greece with Canada. On this subject there was a technical discussion, the Greeks maintaining that the language used, gage affecté, did not mean the ordinary security such as contemplated in the security for which the 750,000,000 francs was to be advanced.

I have given a good deal of attention to this, and while I do not want to contradict the American contention on the subject, I say that at least it is a very close question whether the agreement with Canada was in any degree a violation of the agreement not to give security to another country. A fact that throws very strong light on the whole situation is that when a further loan for the refugees was proposed, Greece did ask the acquiescence of the United States. In the other case, which was a debt for food, she claims, and certainly with a vestige of more than plausibility of right, she was under no obligation to do this.

I pass by, as hardly worthy of notice, that if we owe anything we owe all. When the other side in a controversy says that we only desire such and such sums, we can not say, "At one time we agreed to pay $50,000,000 and now you are asking to settle for $25,000,000. We will not settle for $25,000,000. We will not settle under any circumstances unless we pay you $50,000,000." It does not lie in our mouths to make that kind of argument.

The argument is made that private investors have received a much larger rate of interest.

Mr. BEEDY. Before the gentleman discusses that, will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. BEEDY. In the spirit of one who likes to follow the gentleman, would he be good enough to explain to the House why the gentleman and the other members of the commission have reversed themselves on the question of whether there is any legal or moral obligation on the part of our Government.

Mr. BURTON. Partly because we saw a new light on the subject; partly because we recognized that a long-standing controversy was bound to result and that we would get nothing for our advances. So it was desired that we make a compromise

such as this is. It was the unanimous opinion of the commission [Mr. Hurley and Mr. Olney were away], with the exception of my good friend and kinsman, Mr. CRISP, with whom I so much dislike to disagree, that we should make this settlement.

It has the recommendation of the President, the Secretary of State, the Secretary of the Treasury, and is very strongly supported by our diplomatic representatives in Greece.

I may say in this connection that we have a great interest in Athens. We have a school there and large contracts for public improvements. The Greeks like to deal with America. They say that we are fairer than other countries. I have recently received a letter from our minister to Greece, who strongly recommends, and even insists, on this settlement.

One thing further. I do not think there was any agreement with the United States to which Greece was a party that all of the money should be expended in the United States. It is clearly the case that they did spend much more money in the United States than the proposed loan, but a statement was neglected and not insisted upon by either side.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BURTON. I will.

Mr. GARNER of Texas. In connection with the statement that private bankers were willing to pay a larger rate of interest, this bill was drawn six or eight months ago, and the rate of interest was placed at 4 per cent. We are now refinancing the deficit at 4¼ per cent. What would the gentleman say as to increasing the rate of interest to 4¼ per cent?

Mr. BURTON. The difficulty about that is that it would involve a great amount of further negotiations, and it is our hope that the higher interest will soon be diminished.

Mr. CHINDBLOM. Within a short time the United States may be able to finance loans at less than 4¼ per cent.

Mr. BURTON. I think so. If I had a longer tenure in the House, I might have some remarks to make on the conditions in Wall Street.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. I yield to the gentleman from Ohio two minutes more.

Mr. BURTON. I refer briefly to the friendly relations between Greece and the United States. Our country has one of its most notable monuments of foreign relations in the friendliness of this country to Greece. In this House Daniel Webster and Henry Clay made an appeal to Congress for Greece which rose to the highest standards of American eloquence. We have always had a certain friendliness for that country. We rejoiced in their freedom from Turkish misrule in 1829. They look to us for friendship. I do not believe that a country that has gone through such horrible experiences as Greece has in the last 10 or 12 years—a country that has taken upon itself to support 1,500,000 refugees, a work of charity, a work involving a large amount of money—when they ask us now not to pay all that we promised to pay, but say that if we pay a part they will even see that it is expended for the refugees and offer adequate security, I say, let us as a generous nation agree upon this settlement at once. [Applause.]

Mr. HAWLEY. Mr. Chairman, we are proposing this settlement with the Hellenic Republic under the premiership of Venizelos, the very man with whom the original undertaking was made. We offered to various countries in the world money to assist them in the prosecution of the war to a total amount of some $10,000,000,000. It became necessary in the conduct of the war to destroy all the relations of the interior allies with the East. For the accomplishment of that purpose an arrangement was made between three leading allies to assist Greece if she would put into the field additional men with proper equipment to make a fight to break the eastern enemy front. She increased her divisions from three to nine and provided them with munitions of war from the 600,000,000 francs that France and England had theretofore supplied.

The Greeks have been noted in history for their ability to fight, and in that decisive battle it was Greece that broke the eastern front, the aid rendered by Greece was the material factor. It is the consensus of the opinion of the military authorities and the historians that that activity and that breaking the eastern front of the enemy meant the collapse of the activities of the interior Allies and brought the war to an early close, saving us from a possible loss of millions more of expense on the western front and uncounted lives and suffering.

Greece now, in cleaning her slate, finds that she can, on account of previous advances made by England and France, excuse them from further loans; but she does need some more money. She is not asking all that she might, under at least public obligations, if not legal obligations. She says to the United States: "We are in a very serious condition, under circumstances not anticipated heretofore, by reason of the million and a half refugees coming into Grecian territory, for whom we must provide, and for 700,000 of whom we have already provided. We will settle our indebtedness of $15,000,000 on terms similar to those that you have agreed to with other countries; but we ask you, out of consideration of our present need and your agreement, your promise, the promise of a great American people, supported by the administrations of both of the great parties, to help us at this time by giving us a further loan of a little over $12,000,000, for which we will promise payment in 20 years at 4 per cent, and we pledge the revenues in the hands of the International Finance Commission, over which we have no control, for the payment of the interest and the principal as accrued."

Mr. Chairman, this will be the safest loan that we have made, or the best settlement that we have made; and I say I think the money we have advanced Greece did more toward an early termination of the war than any similar amount that we advanced to any other country.

In conclusion, I have time only to say that the gentleman from Georgia [Mr. CRISP] was in error, perhaps, because he was asked the question on the spur of the moment; and that we have loaned to other countries since the war for their relief a sum that approximates, outside of the loans for war material purchased by them, over $86,000,000 out of the revolving fund of $100,000,000 created for that purpose. The American Relief Association loaned $86,000,000 of that revolving fund, and $56,000,000 more was loaned for a similar purpose on a different account. I believe the national honor requires the passage of the pending bill.

The CHAIRMAN. The time of the gentleman from Oregon has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk proceeded to read the bill.

Mr. GARNER of Texas (interrupting the reading). Mr. Chairman, would it be proper to wait until the conclusion of the bill, or should amendments be offered as these various paragraphs are read?

The CHAIRMAN. The bill consists of but one section, and amendments will necessarily be offered at the completion of the bill.

The Clerk concluded the reading of the bill.

Mr. BURTON. Mr. Chairman, I offer the following amendment which I send to the desk, which is a perfecting amendment.

The Clerk read as follows:

Amendment by Mr. BURTON: Page 2, line 7, strike out the word "annual" and insert the word "semiannual."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARNER of Texas. Mr. Chairman, I move to strike out paragraph 5.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARNER of Texas: Page 3, line 7, strike out paragraph 5, as follows:

"(5) To assist in the completion of the work of the Greek Refuge Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation 'Purchase of obligations of foreign governments,' established under authority of the Liberty bond acts, the sum of $12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years."

Mr. GARNER of Texas. Mr. Chairman and gentlemen of the committee, the principal controversy in this proposed legislation is the question of making a loan of $12,167,000 to Greece. The purpose of this amendment is to strike that out of the bill and settle the Greek indebtedness to the United States upon the basis of 34 cents on a dollar. If you strike out of the bill the proposed loan to Greece, then the Congress of the United States will propose to settle with Greece her present indebtedness of nineteen million and a half dollars in round numbers for six and a half million dollars in round numbers. I am willing to go along in that direction. All other countries have been settled with upon the basis of from 26 per cent plus to 64 per cent plus.

Mr. CRISP. I think Great Britain paid a little more than that.

Mr. GARNER of Texas. From 26 per cent to Italy to something like 65 per cent, which England agreed to pay. It comes

now to the proposition of settling the indebtedness which Greece owes the United States. How shall we settle it? It is proposed to take nineteen and a half million dollars that they now owe us and settle for it in round numbers for six and a half million dollars. In addition to that it is proposed to loan them $12,167,000 in order to secure such a favorable settlement. I think 34 per cent is too low, but since the commission in 1926—and the honorable gentleman from Ohio [Mr. BURTON] advocates this legislation as a member of it—stated to the Greek Government that they owed them nothing and would contribute nothing toward the settlement of this matter other than the reduction of their indebtedness, since the Secretary of State at that time, Mr. Hughes, said to the Greek Government through our ambassador, or minister, "We owe you nothing; we are under no obligation to you, legally or morally"; it seems to me that Greece could very well accept a settlement based on 34 cents on the dollar. The question was asked the gentleman from Ohio why he had changed his position since 1926, and he said because of a new light, but what light that was he did not reveal to the House, whether it came from the city of New York, or the National Co., whether it was a white light, a blue light, or even a red light. The gentleman from Ohio did not take the House into his confidence in that respect. The present administration took the position in 1926 that it was wholly unnecessary to insert section 5 in any law that had for its purpose the settling of the indebtedness that Greece owed the United States.

No one has given a single reason that has developed since 1926 as to why it should be changed. Every effort has been made to find out if there has been any change in facts or conditions since 1926 up to the present time that caused this Commission or the Secretary of State or the administration to change its views, and we have not a single iota, not one fact or suggestion, except the mere statement of the Senator from Ohio [Mr. BURTON] that he had a new light. Now I submit that that new light is not a sufficient fact to justify a change or condition existing in 1926 or 1928, especially when it involves an expense of $12,167,000.

Gentlemen, I was impressed with what the President of the United States said to Congress in reference to a deficit. I agree with him, in a certain way, with his reflection on the Congress, if not the administration—I would say it was more on Congress than the administration—should we have a deficit on July 1. Two months more——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER of Texas. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. He says we will have $37,000,000 as a surplus on July 1. And there are more than two months in which Congress will be in action. Just what emergency there may be I do not know, but one thing is certain—if this legislation becomes a law there will be less than $25,000,000 surplus on the first day of July, 1929. Now, I submit, if you are concerned about that surplus at all, you must take into account the amount of money we appropriate and the very first bill brought in proposes to invade that surplus and take money out of the Treasury and send it to a foreign country. I do not believe it is good public policy to do that.

Mr. BURTON. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. BURTON. The gentleman has challenged me to state what new light I have seen and plays upon the different colors of red and white. This is the answer. I, together with the rest of the commission, with the exception of Mr. CRISP, after a more careful consideration upon our conclusions were led to doubt if they were correct. Another reason in regard to it was this: There was in any event a certain amount of equity on behalf of the Greek claim that was emphasized by the tremendous services that the Greek troops rendered in bringing the war to a close, and they suggested a compromise more favorable than formerly, so that we came to the conclusion that it was not only generous but just and fair to meet the Greeks.

Mr. GARNER of Texas. I am surprised that such men as Mr. Mellon, Senator BURTON, CHARLEY CRISP, and others who considered these matters, who fully understood every reason it was possible to think of when they came to the conclusion in 1926—and Mr. Hoover, the President elect, who was a member in 1926, and it is understood he generally understands a subject before he comes to a conclusion—I repeat, I am surprised that after they came to a full conclusion they should turn around and conclude the other way. [Laughter.]

Mr. TILSON. Mr. Chairman and gentlemen, we ought to understand the parliamentary effect of the adoption of the amendment offered by the gentleman from Texas. It is not the usual case where you can strike out one paragraph and leave the remaining paragraphs a completed whole. Striking out this paragraph 5 entirely destroys the agreement. The whole bill as presented here is an agreement. To remove any essential feature of the agreement destroys the agreement itself, so that a vote for the pending amendment is exactly equivalent to voting to defeat the bill. That there may be no misunderstanding as to the effect of the pending amendment, I repeat that if we strike out paragraph 5 we destroy the bill.

I am one of those who believe that when we make an agreement, whether a good bargain or a bad bargain, we ought to abide by it. [Applause.]

I believe further that this should apply, whether it be an agreement between individuals or between nations. The fact remains and it has not been disputed that we did enter into an agreement with Greece back in the days when we needed everything in the way of help that we could get to end the war. Greece on her part entered into the agreement with us and two other countries, all greatly interested in the outcome of the war. She agreed to put nine divisions in the field. She did put nine divisions in the field, and those extra divisions were influential upon the result, possibly decisive. Certainly the action of Greece in putting those nine divisions in the field caused the Macedonian front to crumble, and that was the beginning of the end. As one gentleman this afternoon has suggested, if it shortened that conflict by one single day, it would mean far more in money alone than the amount here involved, to say nothing of the saving in human life.

I consider that there is not only a moral obligation here, but that there is a legal obligation as well. The fact that the obligation was not fully complied with by France, and only partially by Great Britain, does not in any respect release us from our obligation. We made the agreement and in good faith we ought to abide by it. The administration which made the agreement for the excellent purpose of ending the war contended until the very last day of its official life that this obligation should be complied with. In 1921 a new administration came into power, of opposite political faith, and whatever changes in views anyone representing the new administration may have had, the present administration, as did its predecessors in power, believes that this settlement with Greece should be made and asks us as the legislative branch of this Government to authorize it and thus comply with the agreement made in the time of stress and war. We should not place ourselves in the position of failing to meet a war-time obligation.

If the agreement made with Greece is not a legal obligation, why is there an unwillingness on our part to arbitrate this question? I understand that Greece at all times has been ready and willing to submit this matter to arbitration. We believe in arbitration. We advocate the settlement of disputes by arbitration. Why are we unwilling to go into a court of arbitration and arbitrate this settlement? Because it is believed that such a court would decide against us. If we refuse to agree to a reasonable settlement and are unwilling to arbitrate the matter we are like the proverbial big bully, insisting that the only way in which a little fellow can get satisfaction is to resort to a physical contest. In the interest of friendly relations with all nations great and small do we wish to place ourselves in such a position? [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HASTINGS. Mr. Chairman, I want to offer an amendment to the amendment offered by the gentleman from Texas [Mr. GARNER] to strike out paragraph 6. Paragraph 6 relates to paragraph 5, and it would perfect that amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment. The Chair understands its purpose is to strike out subdivisions 5 and 6.

Mr. HASTINGS. Yes. They both relate to the same thing.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS to the amendment offered by Mr. GARNER of Texas: Page 3, line 7, strike out all of paragraphs 5 and 6.

Mr. HASTINGS. Mr. Chairman, I have not voted for any of these debt settlement bills, and I am not going to vote for this one. I refuse to stand on the floor of the House and vote to place increased burdens upon the taxpayers of my country for the benefit of foreign governments. I feel absolutely certain that not 1 per cent of the American people understand upon what basis these various debt settlements have been made.

In looking over the RECORD I find that the foreign debts heretofore funded aggregate $11,522,354,000. It is represented that the principal in each case has been paid, but the people do not know how much we have lost in these various settlements. All

of them have been extended over a period of 62 years. If we had gotten 4¼ per cent interest on the settlements instead of the interest we are to receive, we have lost $10,705,618,006.90.

It is urged that we are settling on the "capacity to pay" of each government. The hearings disclose that no economist will hazard an opinion as to the capacity of any government to pay during a period of 62 years.

Secretary Mellon, in the hearings on the French debt settlement—page 5—on the question of capacity to pay, said:

> I appreciate, as all reasonable men must, that it is not possible for any set of men to determine with mathematical accuracy the future capacity of a great nation to tax itself and to transfer the avails of taxation to another nation. We are forced to look at the present and to estimate the future.

In connection with the Italian debt settlement Secretary Mellon said:

> The capacity of a nation to pay over a long period of time is not subject to mathematical determination. It is and must be largely a matter of opinion.

Everyone appreciates, of course, that the capacity to pay, of a government in Europe, under present conditions, is very speculative and that no one has any good grounds upon which to base an opinion. No one could base an opinion upon an unsecured obligation of an individual over that period, and surely with conditions such as they are in Europe, no one is justified in venturing an opinion as to the capacity of any European government to pay, extended over a period of 62 years.

We fund the $15,000,000, owing to the United States by Greece, in this bill. At the rate of 5 per cent per annum, to January 1, 1928, it amounts to $19,659,836. By extending it over a period of 62 years, without interest, the present value of the payments to be received, under the proposed settlement, on a basis of 4 per cent interest per annum, payable semiannually, amounts to $6,787,000, or about 34½ per cent of the original amount due. In other words, we are to receive obligations which, if ultimately paid, only amount to 34½ per cent of the amount Greece owes the United States. We cancel or remit 65½ per cent of the debt.

We received 26½ per cent of the debt in the Italian debt settlement and 49 per cent in the Belgian debt settlement. In the French debt settlement, which has not yet been ratified, we received approximately 50 per cent and remitted the balance.

This is perhaps the worst of all the settlements except that the amount involved is not so large. In addition to extending the amount to be funded, over a period of 62 years, without interest, we agree to loan to this government, without capacity to pay, an additional sum of $12,167,000, at 4 per cent interest, payable in 20 years.

It is stated in the debate, and not denied, that international bankers recently made a loan to Greece at 6 per cent interest and sold it on a basis of 91, which makes the loan cost the Greek Government approximately 6½ per cent.

I have but little patience with the argument advanced as to capacity of a government to pay extended over a period of 62 years. If Greece can float a loan through international bankers, that Government, over a period of years, can pay the comparatively small amount owing to the United States.

All of these settlements are made in the interest of international bankers. In each case it is found that loans have been floated to all of these governments. That is true of the Austrian Government and I am not going to vote for that debt settlement bill.

We remitted 73½ per cent of the amount due our Government by Italy on the theory that the Italian Government has not the capacity to pay, when Mussolini has found funds to maintain a large army and to increase Italy's navy to menace the peace of Europe.

I agree that in each case perhaps time should be given to these foreign governments to repay these loans, but I do not favor the remission or cancellation, either principal or interest, of any of the sums due by any foreign government to our Government. Every dollar remitted or canceled, either principal or interest, is an additional burden upon the taxpayers of our country. How can we stand on the floor of the House and argue that we are in favor of economy and refuse to make adequate appropriations for the various activities of our Government, under the plea of economy, and at the same time remit $10,705,618,006.90 to foreign governments? The people of our country are demanding more public buildings to house the various activities of our Government throughout the country. They demand more Federal appropriations in aid of road building. When increased appropriations are urged for these purposes we are met with the argument that our present revenues will not justify these expenditures.

I think our generosity should commence at home. The depressed farmers of the country have been urging that relief be granted to them, and a bill has been pending before Congress for the past two years authorizing an appropriation of $400,000,000 as a revolving fund to be used to aid the farmers in marketing their surplus products. This appropriation is criticized and denounced by those who are voting for these debt settlements.

I favor the internal development of our country and the expenditure of our revenues for the benefit of the people of the United States. The amount of money remitted in these settlements would gridiron the entire country with a network of highways. It would build adequate public buildings in every city of 2,500 people. It would connect every county seat in the United States with a concrete road. It would provide for the reclamation of arid lands and would make them productive. It would permit the deepening and dredging of our larger streams and would make them navigable and lessen freight rates and enable us to build reservoirs to impound waters and prevent disasters which go with great floods, and the money could be used in many other ways for the general prosperity of our country. If this question were left to the people as to whether the money should be expended for these purposes or remitted or canceled in favor of foreign governments, is there any doubt as to what the decision would be?

Everyone expected when these loans were made that they would be collected in full, applied to a reduction of our public debt, and that our interest charge would be lowered, and we could further reduce the tax burdens on our people. Following this settlement we may expect the press to advise of large loans by eastern bankers, as in the Italian case, with large commissions and interest. Thus are the interests of the people betrayed. I am one of the trustees of the people, and I am not justified in giving away the money of the people to foreign governments.

I am inserting an official table prepared by the Treasury Department showing (1) the countries with which settlements have been made, (2) the date of agreement, (3) the amount of debt funded, (4) interest to be received, (5) total amount to be received, (6) the amount that would have been received on a British basis (3–3½ per cent interest), (7) total amount that would have been received on a 4¼ per cent interest basis, (8) total amount canceled on a 4¼ per cent interest basis, and (9) total aggregate amount, being $10,705,618,006.90, canceled, lost, or remitted in all of the settlements:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis (3–3½ per cent interest basis)	Total that would be received on 4¼ per cent interest basis	Total canceled on a 4¼ per cent interest basis
Belgium	Aug. 18, 1925	$417,780,000.00	$310,050,500.00	$727,830,500.00	$1,041,597,000.00	$1,191,052,000.00	$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	[1] 197,811,433.88	312,811,433.88	252,890,000.00	327,854,000.00	15,042,566.12
Estonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	[1] 33,331,000.00	39,428,000.00	6,096,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	[1] 21,695,000.00	25,658,000.00	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000.00	11,474,900,000.00	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	[1] 11,105,965,000.00	13,114,172,000.00	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	[1] 4,693,000.00	5,538,000.00	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000.00	5,821,552,000.00	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	[1] 13,959,000.00	16,464,000.00	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	[1] 14,532,000.00	17,191,000.00	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	[1] 435,688,000.00	509,058,000.00	73,370,450.00
Rumania	Dec. 4, 1925	44,590,000.00	[1] 77,916,260.00	122,506,260.05	107,488,000.00	127,122,000.00	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000.00	179,179,000.09	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000.00	32,849,158,000.00	10,705,618,006.90

[1] Settlement made on British basis.

This table is official. The figures prepared by the Treasury Department can not be disputed. We lose, cancel, forgive, or remit on the settlements with the 13 countries, based on 4¼ per cent interest, the amount we pay on our Liberty bonds, the proceeds from which we loan these Governments, $10,705,618,006.90.

On the basis of the British settlement, 3 per cent for the first 10 years and 3½ per cent interest thereafter, we cancel or lose $5,675,474,006.10.

Surely this is a large burden for the taxpayers to bear to appease the greed of the bankers who are making loans at high rates and upon large commissions. The people, when they know the truth, will withhold their approval of these settlements. [Applause.]

Mr. BEEDY. Mr. Chairman, I rise in opposition to the amendment. Gentlemen of the committee, I confess I have been very much exercised about the measure now pending before the House, and while following the debate carefully have at times been led to the conclusion that I could not support it. However, upon mature consideration I should like to explain to the committee my mental attitude at the moment. If this were a single proposition of making another foreign loan, I should oppose it with all the power at my command. I am sincerely exercised over the tremendous amounts that have been loaned abroad through intermediaries known as private bankers. Vast sums of the money thus loaned are to be invested in the upbuilding of industries which compete with industries of this country. In the pending resolution, however, are the terms of a possible international agreement which have been agreed upon by the representatives of two great nations. The agreement must either be voted up or voted down just as it stands.

I hesitate to make the statement which I am about to make, yet I think I owe it to the House, for it makes more clear, perhaps, my view of this situation. In 1923 Lausanne, Switzerland, I had the privilige and honor of an hour's interview with Venizelos, the great leader and patriot of the Greek Nation. For the greater part of that hour this very subject was under discussion. Mr. Venizelos and the Greek officials are just as sincere and earnest in their belief that from the outset—and that that same situation continued down to the moment, or, at least, until 1923—there was an obligation on the part of the American Government to advance every dollar of the $48,000,000 which it originally obligated itself to advance. But the American Debt Funding Commission in 1926, having reviewed all the facts, and under the advice of our then Secretary of State, said there was then no such obligation on our part to Greece. The facts in the matter have not changed at all. But here is the situation: Two nations being equally sincere on an issue, the one being at direct odds with the other, what is to be done about it? The gentleman from Oklahoma [Mr. HASTINGS] says he can not stand here and vote to give away his country's money.

I can not stand here and vote in a manner that would lead other nations to say that I was a party to voting away my country's honor. [Applause.]

The Greek nation says, "Let us submit this to arbitration." The United States of America says, "We can not afford to do it," the reason, I apprehend, being that we fear the outcome. What shall we then do? We must determine what constitutes a sound course of international policy.

We should do, I submit, with nations just as we would do with individuals. When there is a decided difference of opinion as to rights and obligations, we must get together on a compromise.

Here in the resolution before us are the terms of the possible compromise agreed upon by the representatives of both nations. From the high viewpoint of our country's honor, which ought not on any plausible grounds to be brought in question, when we would not arbitrate we should compromise. I urge the Members of the House to vote for this resolution and maintain the honor of the United States of America. [Applause.]

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

Mr. GARNER of Texas. Mr. Chairman, it seems to me that is going a little bit fast. Here is a bill that has just one section, with a number of paragraphs. A number of other amendments may be offered. Gentlemen on each side of the aisle may want to offer some amendments. Does the gentleman propose to cut off all debate on the bill? I think this is a little unreasonable.

Mr. HAWLEY. Mr. Chairman, then I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD at this point certain correspondence with reference to this matter by Mr. Henry Morgenthau, former ambassador to Turkey.

Mr. CHINDBLOM. Mr. Chairman, reserving the right to object, and I shall not object, did the gentleman state the nature of the correspondence?

Mr. O'CONNOR of New York. In favor of the Greek debt settlement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW YORK CITY, *December 8, 1928.*

Dr. WILLIAM I. SIROVICH,
House of Representatives, Office Building,
Washington, D. C.

MY DEAR DOCTOR: I am inclosing you herewith a copy of the letter that I wrote last spring to CORDELL HULL, which, I think, states the case very clearly.

I am very interested in this matter, because some of these funds will go to the Greek Refugee Settlement Commission to enable them to complete their task, and it is generally admitted now that there never has been a finer piece of philanthropic work undertaken than the one of helping these poor, forlorn Greek refugees.

I thank you in advance for anything you may do for this great cause for humanity.

With kindest regards.

Yours very sincerely,

H. MORGENTHAU.

NEW YORK, N. Y., *March 29, 1928.*

Hon. CORDELL HULL,
Washington, D. C.

DEAR SIR: Having given some study for the past five years to the matter of the obligations of the United States to Greece under the war-credits agreement of February 10, 1918, and with the cooperation of some others who have been in close touch with the situation, I beg to submit a few brief observations on the report of the minority members of the Ways and Means Committee on H. R. 10760, which is a bill to compromise the questions arising out of the war-time agreement and to fund the indebtedness of Greece to the United States.

I cite the principal objections made by the minority. Those objections are as follows:

1. That the representatives of the United States have taken the position in the negotiations running over eight years that the United States has been absolved from the obligations of the 1918 agreement.

It will appear that, until politics came into the case, the opposite was true. The brief written in controversy with Greece has no more merit than the further points I am about to mention.

2. That the advances called for by Greece under the agreement were not for war purposes; that this will be a peace-time loan, and not within the welfare clause of the Constitution.

This is not a new loan, but the settlement of a war-time obligation. Greece's part of the contract was performed during the war when she mobilized her entire resources of men and material and broke the Macedonian front. In order to do this she issued bank notes of the National Bank of Greece in the amount of 250,000,000 drachmas against the promised United States credit of $48,236,629 which was intended to be the "cover" for the bank note issue. Receiving $15,000,000 from the United States she retired 77,337,500 drachmas, but there remained outstanding 172,262,500 drachmas corresponding to the balance of the credit of $33,236,629 granted by the United States. The failure of the United States to make good this credit was a main cause of the collapse of the drachma.

The Greek expenditures were all for war-time purposes and precisely within the four corners of the 1918 agreement:

a. The American financial representative at Athens, Mr. Weddell, so certified after examination of the vouchers.

b. The Treasury representative, Mr. Rathbone, directed the opening of the credit on Mr. Weddell's certification.

c. Mr. Norman Davis, in the Department of State, expressed himself in writing to the effect that the Treasury can not "legally or morally cancel its obligation to complete the loan to Greece under the terms stipulated."

d. The Department of State and the President on December 31, 1920, formally expressed the opinion "that the credit obligation negotiated with the Venizelos Government should be considered as still binding on this Government," and on January 19, 1921, the Secretary of the Treasury confirmed this opinion by letter to Senator John Sharp Williams.

3. That the loan was a joint one on the part of Great Britain, France, and the United States; that France advanced nothing; and

that this had the legal effect of releasing the United States "from further obligation under the tripartite agreement."

The answer is that the loan was not joint. There was not to be a series of combined advances by the three governments but separate advances; the advances were to be "in equal shares" in the language of the agreement. The advances were made separately. No one of the three great powers in making its advances paid any attention to what the others were doing, the United States no more than the others. Each of the three opened a credit on its treasury books for its equal share. The United States advanced $15,000,000 over a period of a year, taking no account of the fact that France had advanced nothing. Great Britain more than doubled the advances of the United States without waiting to see what France was doing or the United States. Greece similarly subdivided the loan on her books and made a separate account for each country.

If the thing had not been done this way, if the agreement were for a joint loan and had been so handled by the three great powers, then Greece had the legal right—the author of the minority report is too good a lawyer not to know this—to demand the full 750,000,000 francs of the entire loan from any one of the three lenders; could now demand it from the United States, leaving the one which bore the whole burden to collect from the other two their respective thirds by what the law calls "the right of contribution." The objection is tantamount to offering Greece a check of the United States for the whole unpaid balance of 750,000,000 francs, leaving us to collect from France and Great Britain.

Neither the language of the agreement nor the acts of the parties under it afford the slightest ground for any such interpretation. Each of the three great powers had a separate policy in regard to its own advances. Great Britain and France made heavy advances in material in which the United States did not share. The United States on its part negotiated some new terms in 1919 as to a part of its own advances, which it would have had no right to do if it had been jointly bound with the other two lenders. (This is referred to on page 27 of the print of the minority report.)

4. That the loan being joint, a release by Greece of Great Britain from her obligation to continue her advances released the United States as a matter of law.

Answer:

a. I have shown that the obligation was not joint, but several; the rule of law cited does not apply.

b. There was no release by Greece of Great Britain. Great Britain gave Greece permission to negotiate a £15,000,000 loan on the London market, in return for which Greece was to release the British Government from its separate obligation under the 1918 agreement, but the £15,000,000 loan was never made.

c. This arrangement required the assent of the Greek Parliament or Boule, the equivalent of an act of Congress, and that was never given. There was never in law anything more than a negotiation between Greece and Great Britain.

5. That Greece obtained a loan of $8,000,000 in Canada in December, 1923, "contrary to her expressed covenant that she would not make another exterior loan without the assent of the United States, France, and Great Britain."

There is no such provision in the agreement. The provision is that "no new security may be used for an exterior loan without the assent of the Governments of the United States of America, France, and Great Britain."

When Greece borrowed in Canada she gave no new security at all; there was nothing faintly resembling a breach of the 1918 agreement. The "security" for the "exterior loans" of Greece is all in the hands of an International Financial Commission sitting in Athens. Whenever Greece gives "security" for an "exterior loan" she and the lender agree that the International Financial Commission shall hold certain Greek revenues, which are under their direct control, as security for the loan and that the International Financial Commission shall "serve" the loan by paying interest and amortization direct to the lenders out of the revenues. Greece is the pledger, the International Financial Commission a pledgee-trustee for the lender who is the beneficiary of the pledge.

The word "security" in the agreement of 1918 was used in its exact legal sense. In the French text the phrase was "aucun gage nouveau ne pourra être affecté a un emprunt extérieur." "Un gage affecté" is the precise equivalent of the English "pledged security." In the Canadian loan agreement Greece gave no "security," "pledge," or "lien." She agreed that out of the surplus revenues coming to her own treasury from the International Financial Commission she would guarantee the payment of the Canadian loan. This is no more than an agreement by a debtor to pay his debt out of his own revenues; it is neither "security" nor a "pledge" nor a "lien" nor a "gage affecté."

6. That Greece broke the agreement by failing to pay interest on the $15,000,000 already advanced.

Greece paid interest until the spring of 1922, two and a half years after the last of the United States advances, and would have gone on paying interest had not the representative of the Greek Government, sent to Washington expressly to obtain the continuance of the advances, found that neither the Secretary of the Treasury nor any other American official was prepared to go on with the agreement by continuing the advances. On this basis it is unfair to charge Greece with a breach of the agreement. Per contra, it would appear that if Greece had paid interest, notwithstanding the refusal of the United States to go on with the advances, Greece would have recognized that the obligation of the United States had come to an end.

7. That Greece did not come forward to fund her war debt of $15,000,000.

This is a political not a legal objection, for there is no provision on this subject in the agreement. The objection becomes absurd when it is known that Greece was the first to send a commission to the United States to settle a war debt. The Greek commission arrived in Washington in the winter of 1921 and remained until the midsummer of 1922; it left because the United States was at that time not ready to discuss the Greek debt, and the commission was never officially received.

8. That the drachma is now worth 1.33 cents, and that to-day $1,500,000 "would purchase and retire all the drachmas issued by the Bank of Greece on this credit."

As the fall of the drachma is largely due to the failure of the United States to continue the advances which were to be "cover" for Greece's increased note issue, this objection of the minority amounts to saying that the United States may take advantage of its own wrong; that having arranged for the note issue and having failed to protect it, the United States should now have the advantage of buying in the notes at the market price to which they have fallen, owing to the unsecured inflation for which it is responsible.

9. That the agreement was made when Greece was friendly to the Allies and that the "consideration of the agreement was negatived when the Greek Government became unfriendly upon the return of King Constantine."

There is nothing in the agreement about the kind of government Greece is to have for the indefinite future. Greece loyally complied with the terms of the agreement by putting all her resources into the war. Her effort was largely responsible for the success of a major operation and the collapse of Bulgaria in September, 1918. King Constantine returned to Greece in December, 1920, two years after the war was over. Since then several Greek elections have been held, going one way or the other, and Greece has become a republic. None of these internal affairs of Greece has the slightest bearing on her war-time effort. It is extraordinary that the minority report should quote Mr. Gibbons on this subject, for as he says, "the United States used the change of government as an excellent pretext for not allowing Greece to draw further upon the credit granted her as a war measure." The position of the United States on this point is exactly what Mr. Gibbons calls it—pretext is another word for subterfuge, an effort to find a way out of the situation where no clear ground of escape exists.

Very sincerely yours,

H. MORGENTHAU.

Mr. CRISP. Gentlemen, I shall detain you but a moment, because I have already fully discussed the case. I simply desire to say that I agree fully with what the majority leader, the gentleman from Connecticut [Mr. TILSON] has said, that if this amendment should be adopted, the effect of it, of course, would be to kill the agreement as made with the Government of Greece; but the effect would also be that the United States Government, so far as this House is concerned, would say to Greece that we are willing to fund the $15,000,000 at 34 cents on the dollar if Greece is willing to do that. Of course, it would require further action on the part of Greece to bring about this settlement of her indebtedness.

I only desire to say in further answer to the majority leader that I believe as firmly as he does in the sacredness of international obligations. I would do anything to maintain the honor of our beloved country, and I would not take any position in this House that I thought in any way violated the solemn obligations of this country, no matter whether the trade was a hard or a good one.

I am firmly convinced, in my own mind, that there is no legal or moral obligation under existing conditions for us to make further advances. Therefore, I can not vote for a bill appropriating $12,000,000 out of the Treasury for this purpose.

I believe in arbitration. I am not a spokesman for the administration, but as an American citizen and as a Member of this Congress, I would be perfectly willing for this claim to be arbitrated. I prefer it to be arbitrated rather than to pay $12,000,000 out of the Treasury under existing conditions, and if it is arbitrated and the arbitrators say that the United States Government owes the Greek Government $33,000,000, I will vote to pay it. [Applause.]

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, ever so much has been said in this debate about loyalty to our obligations to the Government of Greece. I just want to touch on that subject ever so briefly and call the

attention of the House to that one master obligation that we owe to our own men who served in the late war, whether on the eastern front or on the western front.

Mr. Chairman and gentlemen, in my capacity as a member of the World War Veterans' Committee, I recall that we had before our committee last year a bill proposing additional hospitalization for the disabled men of the late World War and we could not get all the hospitals that we wanted, because a great, big, nasty word stood in the pathway—"economy." And here you come to-day proposing to take a sum of money which would build all of the new hospitals we need and give it away for the amelioration of the condition of people over the sea.

My own heart beats in sympathy, I think, with the poor, with the oppressed, with the unfortunate everywhere, but I challenge the attention of the Members of the House now that we are much in need of hospitalization in behalf of our own disabled men of the World War, and we ought to hesitate before we vote to give this $12,000,000 to a foreign nation.

I am quite sure if you could go with me—and I know that many of you have been there—to the different hospitals and to the different branches of the Veterans' Bureau you would discover the vast need in which we stand for a greater amount of money to properly care for our injured soldiers of the war.

The Veterans' Bureau is doing all it can do, I think, considering the legislation under which it functions, but I feel that if we could broaden the powers of General Hines to some extent and give him this $12,000,000 which we are now sending to Greece, by the aid of it he might carry relief to thousands of disabled ex-service men.

I offer nothing further in defense of my own action in opposition to this bill than the suggestion that my own people and your own people, the soldiers of the late World War, need this money for their care and comfort, and I deem that a sufficient reason for opposing this entirely unnecessary appropriation to be sent beyond the seas. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HASTINGS] to the amendment offered by the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. Mr. Chairman, I will accept that amendment if it will facilitate the matter.

The CHAIRMAN. It will require a vote.

The question was taken; and the amendment of Mr. HASTINGS to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GARNER].

The question was taken; and on a division (demanded by Mr. GARNER of Texas) there were 117 ayes and 119 noes.

So the amendment was rejected.

The CHAIRMAN. If there is no further amendment, the committee rises automatically under the rule.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10760 and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GARNER of Texas. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 155, not voting 104, as follows:

[Roll No. 2]

YEAS—171

Ackerman	Butler	England	Hancock
Aldrich	Campbell	Englebright	Hardy
Allen	Carss	Estep	Hawley
Andrew	Carter	Fish	Hersey
Arentz	Chalmers	Fisher	Hickey
Bacharach	Chase	Fitzgerald, Roy G.	Hoch
Bachmann	Chindblom	Fitzgerald, W. T.	Hoffman
Bacon	Clancy	Fort	Hogg
Barbour	Clarke	Foss	Holaday
Beedy	Cochran, Pa.	Frear	Hooper
Beers	Colton	Freeman	Hope
Bloom	Cooper, Ohio	French	Houston, Del.
Bohn	Cramton	Furlow	Hughes
Bowles	Crosser	Gibson	Hull, Morton D.
Bowman	Crowther	Gifford	Hull, Wm. E.
Boylan	Culkin	Glynn	Irwin
Brand, Ohio	Dallinger	Goodwin	James
Brigham	Darrow	Guyer	Kahn
Britten	Douglas, Ariz.	Hadley	Kearns
Browne	Dyer	Hall, Ill.	Kelly
Burtness	Eaton	Hall, Ind.	Ketcham
Burton	Elliott	Hall, N. Dak.	Kiess
Kindred	Michaelson	Sears, Nebr.	Tilson
King	Michener	Seger	Timberlake
Kopp	Miller	Shreve	Tinkham
Korell	Monast	Sirovich	Treadway
LaGuardia	Morgan	Smith	Underhill
Langley	Murphy	Snell	Vestal
Lea	Nelson, Me.	Speaks	Vincent, Iowa
Leavitt	Newton	Spearing	Vincent, Mich.
Leech	Niedringhaus	Sproul, Ill.	Wainwright
Lehlbach	O'Connor, La.	Sproul, Kans.	Wason
Letts	O'Connor, N. Y.	Stalker	Watres
Luce	Parker	Stobbs	White, Me.
McLaughlin	Pratt	Strong, Kans.	Wigglesworth
MacGregor	Ramseyer	Strong, Pa.	Williams, Ill.
Maas	Ransley	Summers, Wash.	Winter
Magrady	Reece	Swick	Wolfenden
Manlove	Reed, N. Y.	Swing	Wolverton
Mapes	Rogers	Taber	Wood
Martin, Mass.	Rowbottom	Temple	Woodruff
Mead	Sabath	Thatcher	Wyant
Merritt	Sanders, N. Y.	Thompson	

NAYS—155

Abernethy	DeRouen	Kent	Rankin
Adkins	Dickinson, Mo.	Kerr	Rayburn
Allgood	Dominick	Kincheloe	Robinson, Iowa
Almon	Doughton	Knutson	Romjue
Andresen	Douglass, Mass.	Kvale	Rutherford
Arnold	Drane	Lampert	Sanders, Tex.
Aswell	Drewry	Lanham	Sandlin
Auf der Heide	Driver	Lankford	Schafer
Ayres	Edwards	Larsen	Schneider
Bankhead	Eslick	Lowrey	Selvig
Berger	Fulmer	Lozier	Shallenberger
Black, Tex.	Gambrill	Lyon	Simmons
Bland	Garber	McCormack	Sinclair
Blanton	Gardner, Ind.	McDuffie	Steagall
Box	Garner, Tex.	McKeown	Stedman
Brand, Ga.	Garrett, Tenn.	McMillan	Steele
Briggs	Garrett, Tex.	McReynolds	Stevenson
Browning	Gasque	McSwain	Sumners, Tex.
Bulwinkle	Gilbert	McSweeney	Swank
Busby	Gregory	Major, Ill.	Tarver
Bushong	Green	Major, Mo.	Taylor, Colo.
Byrns	Hare	Mansfield	Vinson, Ga.
Canfield	Harrison	Martin, La.	Vinson, Ky.
Cannon	Hastings	Milligan	Ware
Cartwright	Hill, Ala.	Moore, Ky.	Warren
Chapman	Hill, Wash.	Moore, Va.	Weaver
Christopherson	Howard, Nebr.	Moorman	White, Colo.
Clague	Howard, Okla.	Morehead	Whitehead
Cochran, Mo.	Huddleston	Nelson, Mo.	Whittington
Cole, Iowa	Hull, Tenn.	Nelson, Wis.	Williams, Mo.
Collier	Jeffers	Norton, Nebr.	Williams, Tex.
Collins	Johnson, Ill.	O'Brien	Williamson
Connally, Tex.	Johnson, Ind.	Palmisano	Wilson, La.
Connery	Johnson, Okla.	Parks	Wilson, Miss.
Cooper, Wis.	Johnson, S. Dak.	Patterson	Wingo
Cox	Johnson, Tex.	Perkins	Woodrum
Crisp	Jones	Quin	Wright
Davis	Kading	Ragon	Yon
Deal	Kemp	Rainey	

NOT VOTING—104

Anthony	Dickstein	Kendall	Quayle
Beck, Pa.	Doutrich	Kunz	Reed, Ark.
Beck, Wis.	Dowell	Kurtz	Reid, Ill.
Begg	Doyle	Leatherwood	Robsion, Ky.
Bell	Evans, Calif.	Lindsay	Sears, Fla.
Black, N. Y.	Evans, Mont.	Linthicum	Somers, N. Y.
Boies	Faust	McClintic	Strother
Buchanan	Fenn	McFadden	Sullivan
Buckbee	Fitzpatrick	McLeod	Tatgenhorst
Burdick	Fletcher	Menges	Taylor, Tenn.
Carew	Free	Montague	Thurston
Carley	Fulbright	Mooney	Tillman
Casey	Golder	Moore, N. J.	Tucker
Celler	Goldsborough	Moore, Ohio	Underwood
Cohen	Graham	Morin	Updike
Cole, Md.	Greenwood	Morrow	Watson
Combs	Griest	Norton, N. J.	Welch, Calif.
Connolly, Pa.	Griffin	O'Connell	Weller
Corning	Hale	Oliver, Ala.	Welsh, Pa.
Crail	Hammer	Oliver, N. Y.	White, Kans.
Cullen	Haugen	Palmer	Wurzbach
Curry	Hudson	Peavey	Yates
Davenport	Hudspeth	Peery	Zihlman
Davey	Igoe	Porter	
Dempsey	Jacobstein	Pou	
Denison	Jenkins	Prall	
Dickinson, Iowa	Johnson, Wash.	Purnell	

So the bill was passed.

The following pairs were announced:

Mr. Watson (for) with Mr. Pou (against).
Mr. Hudson (for) with Mr. Hammer (against).

General pairs:

Mr. Connolly of Pennsylvania with Mr. O'Connell.
Mr. Curry with Mr. Hudspeth.
Mr. Davenport with Mr. Goldsborough.
Mr. Free with Mr. Dickstein.
Mr. Dowell with Mr. McClintic.
Mr. Hale with Mr. Fletcher.
Mr. Reid of Illinois with Mr. Bell.
Mr. Purnell with Mr. Griffin.
Mr. McFadden with Mr. Casey.
Mr. Kendall with Mr. Mooney.
Mr. Moore of Ohio with Mr. Black of New York.
Mr. Porter with Mr. Peery.
Mr. Denison with Mr. Doyle.
Mr. Taylor of Tennessee with Mr. Carew.
Mr. Faust with Mr. Montague.
Mr. Griest with Mr. Corning.

Mr. Yates with Mr. Linthicum.
Mr. Jenkins with Mr. Buchanan.
Mr. Zihlman with Mr. Carley.
Mr. Wurzbach with Mr. Morrow.
Mr. Golder with Mr. Combs.
Mr. Fenn with Mr. Moore of New Jersey.
Mr. Dickinson of Iowa with Mr. Sears of Florida.
Mr. Begg with Mr. Kunz.
Mr. Kurtz with Mr. Underwood.
Mr. Welsh of Pennsylvania with Mr. Lindsay.
Mr. Johnson of Washington with Mr. Tillman.
Mr. Robsion of Kentucky with Mr. Weller.
Mr. Menges with Mr. Igoe.
Mr. Beck of Pennsylvania with Mr. Greenwood.
Mr. Burdick with Mr. Tucker.
Mr. Crail with Mr. Fulbright.
Mr. Dempsey with Mr. Sullivan.
Mr. Evans of California with Mr. Davey.
Mr. Haugen with Mr. Jacobstein.
Mr. Doutrich with Mr. Reed of Arkansas.
Mr. Buckbee with Mr. Somers.
Mr. Leatherwood with Mr. Evans of Montana.
Mr. McLeod with Mr. Fitzpatrick.
Mr. Strother with Mr. Oliver of Alabama.
Mr. Welch of California with Mr. Quayle.
Mr. Tatgenhorst with Mr. Cole of Maryland.
Mr. Graham with Mr. Cohen.
Mr. Morin with Mr. Oliver of New York.
Mr. Thurston with Mrs. Norton.
Mr. White of Kansas with Mr. Cullen.
Mr. Peavey with Mr. Prall.
Mr. Palmer with Mr. Celler.

The result of the vote was then announced as above recorded.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, by direction of that committee, reported the bill H. R. 15089 (Rept. No. 1938), making appropriation for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARRETT of Tennessee reserved all points of order.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to make an announcement. It is expected that to-morrow at the close of the disposition of matters on the Speaker's desk, the Austrian debt settlement bill will be taken up, and that will be followed by the Interior Department appropriation bill.

ST. LOUIS POST-DISPATCH

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and ladies and gentlemen of the House, I rise to call your attention to a special edition of the St. Louis Post-Dispatch, one of the great newspapers of the world, which has just arrived and can be found in the reading room.

This edition celebrates the fiftieth anniversary of the establishment of the St. Louis Post-Dispatch by the elder Joseph Pulitzer. It probably represents the most ambitious effort ever made by a newspaper in producing a single edition. It contains articles by more celebrated contributors than have ever before been assembled in one place, and in addition it contains also cartoons by the most celebrated of American and European artists. Among the outstanding contributors to the edition are President Coolidge, Chief Justice Taft, Foreign Minister Stresemann, of Germany, H. G. Wells, Dean Inge, Bertrand Russell, Count Keyserling, Prof. Albert Einstein, B. S. Haldane, Commander Byrd, Henry Ford, Owen D. Young, Maxim Gorky, Senators Borah, Thomas J. Walsh, and Norris, and numerous others. The illustrators include such famous artists as Max Beerbohm, Louis Raemaekers, Frank Brangwyn, Boris Epimov, and Daniel R. Fitzpatrick.

An interesting feature of the edition is a facsimile of the first number of the Post-Dispatch. This 4-page paper was issued December 12, 1878, and its brevity and crude typographical appearance forms an extraordinary contrast with the anniversary edition of which it is a part; the latter consisting of 232 pages, including seven sections printed in rotogravure style on smooth white paper.

Among the interesting features contributed to the edition by the members of the paper's own staff are an intimate history of the elder Joseph Pulitzer by his former companion, a history of St. Louis in the last 50 years, and a history of the Post-Dispatch since its founding.

As an illustration of the elaborate pains and expense which attended the production of this remarkable edition it may be observed that it was sold on the streets of St. Louis at the regular price of 10 cents whereas the white paper on which it was printed cost more than twice that amount and the cost of mailing copies as first-class postage from St. Louis to Washington was $2.32 each.

The handsome character and extraordinary content of this edition thoroughly illustrates the character which the paper has consistently maintained in the past.

The Post-Dispatch's platform found daily on the editorial page written by Joseph Pulitzer, sr., at the time of his retirement, April 10, 1907, is as follows:

I know that my retirement will make no difference in its cardinal principles; that it will always fight for progress and reform, never tolerate injustice or corruption, always fight demagogues of all parties, never belong to any party, always oppose privileged classes and public plunderers, never lack sympathy with the poor, always remain devoted to the public welfare, never be satisfied with merely printing news; always be drastically independent; never be afraid to attack wrong, whether by predatory plutocracy or predatory poverty.

In concluding I might say that 34 years ago, at the age of 14 years, I secured my first job, that of office boy in the editorial department of this newspaper.

ADDRESS OF HON. JOHN M'DUFFIE

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by the gentleman from Alabama [Mr. MCDUFFIE] before the Mississippi Valley Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by the gentleman from Alabama [Mr. MCDUFFIE] before the Mississippi Valley Association:

OUR INLAND WATERWAYS

Mr. MCDUFFIE. After listening to a vast array of experts with all their convincing logic and pleasing eloquence in dealing with the subject of waterways, it is with great diffidence yet with some degree of temerity that I assume a place on this rostrum. Any effort of mine to add anything to this remarkable program is to me seemingly as futile as trying to "paint the lily" or "gild refined gold." It is a great privilege, however, to stand in this presence and greet those who are giving of their time and means for the proper development and full utilization of those unlimited natural resources to be found in our wonderful system of waterways. No organization has done more than the Mississippi Valley Association to fasten the public mind upon the necessity for the conversation and utilization of the Nation's natural resources. Under its progressive leadership during a long period of years, together with

that of the National Rivers and Harbors Congress and similar organizations, the American people have come more and more to recognize the potentialities of our inland waterways for the creation of vast wealth and the multiplication of taxable values. Recognizing such possibilities, the people of this country are now so determined to make use of our waterways we can write into law any reasonable program desired for the consummation of such a purpose. Within recent years Congress has laid new and definite plans to be promptly executed with a view of ending the long delay which has handicapped water transportation and prevented the proper usage of our water courses. In the working out of the country's waterway program the name of one man stands out boldly upon the record. With farseeing vision and untiring zeal he has given many of the best years of his life to the great problems of conservation.

The American people owe a debt of gratitude to that noble "Old Roman," that fine, courtly gentleman, James E. Smith. Verily, he has been the Lindbergh of waterway development in the United States, representing not only the spirit of St. Louis, but indeed the spirit of America.

The American frontiers have disappeared as the courage and genius of our people have planted our civilization on every hilltop and in every vale. The United States, especially since the World War, with all her energy and marvelous resources, is setting a new pace in the onward march of the world's progress and development. No longer here can we say East is East and West is West, but to-day East is West and West is East. In the Rivers and Harbors Committee, this has always been so, for there we have no section or partisan politics. Only a few days ago, however, I also learned with some degree of consternation that, not only economically but politically speaking, South is North and North is South. Surely we have more and more become one large family with interests more mutual than ever before. Though we have our family rows, after all, we are a great, proud, and patriotic people, working together for the common weal and predestined progress of a great Nation. What a privilege to live in the most progressive age of American history, as well as in the history of the world. It would seem man has conquered the earth, the heavens above, and the waters beneath the earth. The "tick" of the telegraph, the "hello" of the telephone, the use of electricity, not only turning the wheels of countless industries, but flashing instantaneous communication from continent to continent has made neighbors of distant peoples and brought to the human family marvelous advantages and comforts of life.

Despite the boasted progress of our people with their vast national wealth we can not escape the fact that this Nation has moved at a snail's pace in the development of our inland waterways as compared to many of the older and smaller nations of the world. In the development of harbors there never was a division of the sentiment of all our people, but the development of inland waterways has heretofore met with opposition from the railroads. This is but natural in the light of possible competition. In the words of Commissioner Taylor of the Interstate Commerce Commission, "It is as natural for the rail to fight the water as for a dog to fight a cat."

In answer to this indictment of delay in developing our waterways we might set up the plea of "confession and avoidance" in that we have on the American Continent the most magnificent system of railways in the world, which until recent years were probably capacitated to adequately transport the commerce of the Nation. However, with the cessation of railroad building and the normal increase of our population; with the building up everywhere of new industries and their mass production; with the multiplication of the Nation's tonnage, which, according to Mr. Hoover, who is, in my judgment, most excellent authority on this subject, trebles itself every 30 years, our transportation system is facing new burdens which must and can only be solved by the proper coordination of the rail lines with the waterways. Realizing this, it is gratifying to know that several of our largest railroads are to-day lending their cordial, sympathetic, effective, and satisfactory cooperation. The time is at hand, or will soon come, when all rail lines must assume the same attitude of cooperation. Inland water transportation has come back. It is here to stay, and the American people will give it every protection needed for its success. It is just as futile to deny the necessity of inland waterway transportation as it would be to deny the necessity for an adequate highway system if the products of our fields and factories are to move with quick dispatch and less cost to all the busy markets of the world. The Congress, recognizing the necessity for the use of our river system in the general scheme of transporting the Nation's commerce, sought a director to demonstrate their value. We wisely selected a man who has shown to America beyond peradventure that transportation on our inland rivers is feasible, successful, and an economic necessity. Though hedged about more or less with that red tape which is incident to government operation of any business, the American people are happy to learn of the success of the Inland Waterway Corporation under the splendid management of Gen. T. Q. Ashburn.

In addition to transportation, especially since the coming of the alternating electric current, we have found new uses for our water courses. After many years of expending public funds for navigation, we have come to forcefully recognize the fact that the water which floats barges and boats on many streams can be used for the generation of power to turn the wheels of industry, and with the impounding of headwaters and flood tides behind high dams the control of floods naturally follows, while swamp and arid lands are reclaimed for the production of food and raiment for mankind. The act of Congress authorizing and directing the study of all our inland streams with a view of their development for navigation, power, and the control of their flood hazards, was the greatest step forward which has ever been undertaken for conservation in America. On the Cumberland River the Congress authorized many years ago a series of low navigation dams, reaching from South Fork to Burnside, to be constructed at an enormous cost to the Public Treasury. Studies of this stream by expects have revealed that within this stretch of many miles there can be constructed at less cost, three high dams instead of nine low ones, with the result that we can secure better navigation channels and at the same time generate annually millions of kilowatt-hours of hydroelectric power. You are familiar with the possible power development on the Tennessee River, which is one of the world's most remarkable waterways. In 1920 a study of the Tennessee was authorized by the Congress with a view of ascertaining its potential power. Up to that time no one even guessed that more than 1,900,000 horsepower was possible to be developed. Yet a careful survey by the Army engineers, which is just now concluded, discloses 130 dam sites and 7,000,000 horsepower available on the Tennessee River and its tributaries.

In America we have entered the electrical age. Electricity has become the "hewer of wood and the drawer of water," and has destroyed the drudgery of the work in the home. It is turning more wheels of industry than steam itself, while its marvelous flash has carried the comforts of the city to the countryside and has brought the country into town. Through its mystifying processes nitrates for death-dealing instrumentalities of war and food for plant life are snatched from the air, while experiments are daily being made which actually promise enrichment of depleted soils by passing through them electric currents. Blessed as we are in this Nation with coal, gas, and oil, we are not assured that our supply of these important energy-producing commodities is unlimited, therefore the American people must of necessity conserve, for development to their maximum capacity, the power possibilities of every water course throughout the Nation.

Belonging to that school of thought which does not teach that the Government, as a policy, should enter the field of ownership and operation of all public utilities, I would not urge the construction of power dams on all streams where only power possibilities exist for the production and distribution of electrical energy by the Government. Where power is incident to navigation and flood control, however, the Federal Government should construct such dams as will serve both purposes. Market demands for power are daily increasing and at no distant day would it be difficult, by lease or otherwise, to realize such a return on the cost of construction as would more than pay for the navigation and flood control improvement, and eventually amortize the cost of power dams. It is nothing less than neglect, if we refuse to follow such a course. It is not only unsound, but wasteful, if we fail to serve our people and conserve our resources in this way in our programs for the improvement of our navigable streams.

On some of our smaller streams improvement for navigation alone has been deemed impractical because the immediate benefit to the commerce of the Nation is not commensurate with the cost. Likewise the improvement for power alone might not appear feasible, because of the lack of a reasonable return on large investments, yet if such streams were developed as joint navigation, power, and flood control projects, the element of excessive cost for either purpose might be eliminated. In certain instances if such a policy could be carried out jointly by the Government and private capital interested in power development, the Government assuming that portion of improvement costs chargeable to navigation and flood control and private capital that portion incident to power development, such projects would be rendered feasible and more immediately available for transportation, as well as for the building up of additional industries. Such a policy, satisfactorily evolved, wherein the welfare of the public is thoroughly safeguarded, and the interests of private capital likewise protected, would hasten the development of many streams now susceptible of quick development really needed in our waterway system. In Seattle sometime ago, Mr. Hoover announced the need for such a policy in one of the most comprehensive and best considered speeches ever delivered upon the subject of waterway development in America.

Definite plans for carrying out such a policy must be worked out and the quickest way to work them out is for the Mississippi Valley Association and similar organizations to take up the subject, study it, analyze it, define the plans, and submit them to Congress. Navigation development and flood control should not be delayed because power interests are not ready in every instance to construct power dams, and, whether or not political and business genius combined formulate the definite plans I have mentioned, the time will soon come when the people will demand that Congress improve certain of these projects, even though the whole cost comes from the Public Treasury. On many streams, if the Government builds high dams, sooner or later private capital interested in power will use them. In this electrical age the power available on

many of our streams should give us in the immediate future adequate channels at a minimum cost, with the possibility that within a period of years even that minimum cost will be amortized.

A detailed survey by the United States engineers is now being made of the proposed Bear Creek cut-off canal to join the waters of the Tombigbee with those of the Tennessee, an example of such projects as I have described. This improvement has been the dream of a century, but as a navigation project exclusively our engineers in the years gone by did not approve it because of the estimated excessive cost. Water-power development, however, having become so extensive and having assumed such large proportions in the growth of the Nation's commerce, it is now declared by many expert engineers that this project is feasible. The construction of a power dam below the mouth of Bear Creek would raise the waters of the Tennessee practically one-half the elevation of the crest between the two streams. The cutting of a short canal and construction of a series of power dams down the Tombigbee, which is already canalized from its mouth to Demopolis, would afford a 9-foot channel to the Gulf at Mobile. This project would shorten the waterway mileage from Cairo to the Gulf more than a hundred miles, from points above Paducah on the Ohio, 200 miles, and from points east of Riverton on the Tennessee 650 miles. Let me respectfully commend this project to the membership of this association in the hope that it will have your careful and sympathetic consideration upon the completion of its study by the engineers. The Arkansas and Coosa Rivers might also be classed with the type of development just mentioned.

The program committee of this association has been kind enough to me, even though inconsiderate of those who hear me, not to confine me to any one subject for discussion, incidentally suggesting, however, that with your permission I might discuss for a few moments some of the many advantages of one of the major ports of the Gulf coast. In doing so, briefly, may I express the hope that I am not breaching the proprieties of this occasion. The waterway advocates of Alabama and especially of Mobile are quite proud and appreciative of the privilege accorded us in recent years of being associated with and becoming a part of this organization. As new members, more or less, you will, with patience I am sure, pardon our overweening enthusiasm, as we grasp every opportunity to tell you of ourselves and our section.

A new day is dawning for the South as we rapidly become an industrial section. There we have the raw material, climate, soil, an abundance of cheap power, and all the forces of nature so ready to respond to the intelligent and scientific touch of man. In only two States, namely, Mississippi and Arkansas, and possibly Florida, does the value of the annual agricultural production exceed the value of the annual mineral and other industrial production. We are highly pleased with the statement of Mr. Schwab, that great captain of industry and pioneer steel producer, who on a recent visit to the Gulf coast, predicted an unprecedented development of the Gulf territory. Recognizing the South's industrial growth, and its proximity to our Latin-American neighbors, Congress has wisely provided in recent years vast sums of money for harbor development, as well as for the canalization of the inland and coastwise waterways of the Gulf States. Our major ports have sufficient depth to accommodate, with few exceptions, the largest freight-carrying steamers that ply all the seven seas. The possibilities of trade with Latin America are attracting the captains of industry everywhere. With approval I quote him who said, "Trade is the magic which opens the door to good will and friendship and makes for the peace of the world."

The American people are to be congratulated that our President elect, with his keen perception and thorough understanding of world affairs, has set sail upon a good-will tour amongst our South American neighbors. We can but believe that a better international understanding, a broader vision, a more friendly feeling, and a closer communion between North and South America will result from the timely visit of our next President of the United States, Herbert Hoover.

With an abiding faith in the future, and realizing the possible expansion of our commerce with Latin-American nations, the far-visioned people of Alabama, by their vote, in 1923, determined to build at Mobile the most modernized port in America. Under the direction of Maj. Gen. William L. Sibert, an outstanding figure in the building of the Panama Canal, and one of the world's greatest engineers, $10,000,000 have been expended in the construction of a new port at old Mobile. In a spirit of friendly rivalry, with no intention to discredit New Orleans, the "Queen City," in which all the Nation takes a just pride; with no purpose to discount the great cotton and grain ports of Houston and Galveston, or the other major ports of the Gulf, with whom we are to-day joining hands in an effort to have the tonnage from this section, and the primary markets of the Mid West, flow its natural course "downhill" to deep water for export, the port of Mobile, the most conspicuous land-locked harbor from Hampton Roads to the mouth of the Amazon River, now offers to the commerce of the world an open port, with the most modernly equipped terminal facilities on the entire American coast line. Since the beginning of operation of the first unit our tonnage has increased from approximately 3,000,000 to approximately 5,000,000. A belt-line railroad of 37 miles, including switching and pier trackage, connects the terminals with our five trunk-line railroads assuring receipt and delivery at a minimum of time and cost. A vast equipment specially provided for handling cargoes of flour, and coal-handling facilities, with a capacity of 1,000 tons per hour, Pier B, occupying 20 acres—with 14 acres under shed—is the largest steamship pier of its kind in the world.

In the harbor of Mobile we have the largest and best shipbuilding industries south of Newport News. Nearer the Panama Canal, the west coast of South America, nearer St. Louis, Chicago, and Cincinnati than any other major Gulf port; connected with the Intracoastal Canal; situated at the mouth of 1,500 miles of navigable rivers, reaching with an 8-foot channel into the coal and iron district of Birmingham—the Pittsburgh of the South, where steel is manufactured at less cost than anywhere else in America—Mobile, Alabama's only seaport, is inviting and attracting commerce from all parts of the world. Still possessing its old-time hospitality, charm, and romance, historic Mobile is moving forward with renewed life and quickened pace, inviting capital everywhere to come and share her opportunities and advantages, while her deep, safe, and new port is beckoning to the world's commerce.

To those who seek locations for industries we offer ideal sites free of charge for a period of years, or at nominal cost on a deep industrial canal connected with the new terminals; to those capitalists who would build up trade and venture their fortunes in the development of the marvelous resources of Central and South America we now give assurance that the quickest route, the most available gateway, for their products is through the port of Mobile. To those who would play she invites you to come to the land of azalias, magnolias, and the sweet-scented blossoms of her orange groves, where you may bask in the sunny clime of the center of America's Riviera, listen to the songs of birds mingling with those of children all the year round, and enjoy the gentle breezes of Mobile Bay.

REPORT OF BUREAU OF EFFICIENCY

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Expenditures in the Executive Departments.

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1927, to October 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

ARLINGTON MEMORIAL AMPHITHEATER

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the Annual Report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ending June 30, 1928. The attention of the Congress is invited to the renewal of the recommendation of the commission that the Tomb of the Unknown Soldier be completed and that the balance of the $50,000 authorized for the completion of said tomb, $47,500, is carried in the Budget estimates for the fiscal year 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

PUBLIC SERVICE COMMISSION OF PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies each of 15 franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. HUDSON, at the request of Mr. MAPES, for two days, on account of official business.

Mr. O'CONNELL, for three days, on account of illness in family.

Mr. TATGENHORST, for 10 days, on account of important business.

Mr. HUDSPETH, indefinitely, on account of sickness.

Mr. DENISON, indefinitely, on account of official business.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 11, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 11, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

For the relief of Porto Rico (H. J. Res. 333).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

655. A letter from the Secretary of the Treasury, transmitting draft of a bill to amend Public Law No. 543, Sixty-eighth Congress, approved March 3, 1925, which provides for the restoration of Fort McHenry, in the State of Maryland; to the Committee on Military Affairs.

656. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1929 (H. Doc. No. 346); to the Committee on Interstate and Foreign Commerce.

657. A letter from the Secretary of War, transmitting statement showing permits and licenses issued under the authority of the act (41 Stat. 1063) during the fiscal year ended June 30, 1928; to the Committee on Interstate and Foreign Commerce.

658. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $60,000 for the fiscal year 1929, to enable the Secretary of Agriculture to continue the operation of the Center Market at Washington, D. C., from February 1 to June 30, 1929 (H. Doc. No. 459); to the Committee on Appropriations and ordered to be printed.

659. A letter from the Secretary of War, transmitting annual report of the American National Red Cross for the year ending June 30, 1928; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

[*Submitted December 8, 1928*]

Mr. SNELL: Committee on Rules. H. J. Res. 342. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.; without amendment (Rept. No. 1931). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 254. A resolution providing for the consideration of H. R. 10760, a bill to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; without amendment (Rept. No. 1932). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 255. A resolution providing for the consideration of H. J. Res. 340, a joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1933). Referred to the House Calendar.

[*Submitted December 10, 1928*]

Mr. BRITTEN: Committee on Naval Affairs. H. R. 13249. A bill to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; without amendment (Rept. No. 1934). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14660. A bill to authorize alterations and repairs to the U. S. S. *California;* with amendment (Rept. No. 1935). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14922. A bill to authorize an increase in the limit of cost of two fleet submarines; without amendment (Rept. No. 1936). Referred to the Committee of the Whole House on the state of the Union.

Mr. DARROW: Committee on Naval Affairs. H. R. 13685. A bill to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes; with amendments (Rept. No. 1937). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON: Committee on Appropriations. H. R. 15089. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1938). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8205) granting a pension to Benjamin Bothwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14886) granting a pension to Dena Phillips; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14945) granting an increase of pension to Sarah O'Neill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 15067) to authorize the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 15068) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: A bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 15070) to provide for the construction of a retaining wall at Fort Moultrie, S. C.; to the Committee on Military Affairs.

Also, a bill (H. R. 15071) to authorize an appropriation of $2,500 for the erection of a marker or tablet in memory of Col. Isaac Hayne over his grave in Colleton County, S. C.; to the Committee on the Library.

By Mr. SPROUL of Illinois: A bill (H. R. 15072) granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: A bill (H. R. 15073) to authorize an appropriation for the construction of 2 barracks buildings, 1 hospital wing, and 2 sets of double quarters for doctors at the Western Branch, National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mf. BLAND: A bill (H. R. 15074) to authorize an appropriation of $630,000 for construction of additional hospital facilities and doctors' quarters at Southern Branch of National Home for Disabled Volunteer Soldiers at Hampton, Va.; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 15075) to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HADLEY: A bill (H. R. 15076) to aid in the survey and location of a low-level tunnel under the Cascade Mountains,

between Skykomish and Leavenworth, in the State of Washington; to the Committee on the Public Lands.

By Mr. HILL of Alabama: A bill (H. R. 15077) declaring Armistice Day to be a legal public holiday; to the Committee on the Judiciary.

By Mr. HILL of Washington: A bill (H. R. 15078) to aid in the survey and location of a low-level tunnel under the Cascade Mountains, between Skykomish and Leavenworth, in the State of Washington; to the Committee on the Public Lands.

By Mr. HOUSTON of Hawaii: A bill (H. R. 15079) to amend the act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States"; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 15080) to amend section 319 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois: A bill (H. R. 15081) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 15082) to amend section 47c, national defense act, as amended, relating to military training required to entitle members of the Reserve Officers' Training Corps, to receive commutation of subsistence; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 15083) for postal employees longevity; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 15085) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. VESTAL: A bill (H. R. 15086) to authorize the President of the United States to effect and proclaim the adhesion of the United States to the convention for the protection of works of literature and art signed at Rome on June 2, 1928; to the Committee on Patents.

By Mr. HOWARD of Oklahoma: A bill (H. R. 15087) to compensate the Delaware Indians for services rendered by them to the United States in various wars; to the Committee on the Public Lands.

By Mr. NELSON of Maine: A bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park, in the State of Maine, and for change of name of said park to the Acadia National Park; to the Committee on the Public Lands.

By Mr. CRAMTON: A bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. DAVILA: A bill (H. R. 15090) to authorize the acquisition for forestry purposes of lands within the Territory of Porto Rico; to the Committee on Agriculture.

By Mr. CRAMTON: A bill (H. R. 15091) exempting certain Indian lands from taxation for a period of 25 years; to the Committee on Indian Affairs.

By Mr. SWING: A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 15093) to increase the pensions of certain soldiers of the Civil War and widows of Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. NEWTON (by request): A bill (H. R. 15094) to create a board for the safety and betterment of the people; to the Committee on Interstate and Foreign Commerce.

By Mr. DRANE: A bill (H. R. 15095) for the improvement of the Caloosahatchie River, Fla., for purposes of navigation and flood control; to the Committee on Flood Control.

By Mr. HASTINGS: Joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians, to June 30, 1931, and for other purposes; to the Committee on Indian Affairs.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 344) to authorize the Secretary of War to expend not to exceed $50,000 for the protection from glacier-stream floods at Valdez, Alaska; to the Committee on the Territories.

By Mr. WOODRUM: Joint resolution (H. J. Res. 345) proposing a location in Virginia for temporary White House; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ALLEN: A bill (H. R. 15096) granting a pension to Anna Tuck Sapp; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 15097) granting an increase of pension to Emma P. Ripley; to the Committee on Pensions.

By Mr. BACHMANN: A bill (H. R. 15098) granting an increase of pension to Margery Guy; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15099) granting an increase of pension to Loretta R. Heck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15100) granting an increase of pension to Mary E. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15101) granting a pension to Minnie Maud Sweezy; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 15102) granting an increase of pension to Maggie M. Wolf; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 15103) granting an increase of pension to Walter T. Ponton; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 15104) granting an increase of pension to Nannie A. Highland; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 15105) granting an increase of pension to Guss Hughes; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 15106) granting a pension to Nancy J. Harris; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 15107) for the relief of Hedwig Grassman Stehn; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 15108) granting an increase of pension to Francis Draper; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 15109) granting an increase of pension to Alice M. Fowler; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 15110) granting a pension to Reuben R. Sanchez for injuries received while employed in the Quartermaster Corps at Tampa, Fla., during the Spanish-American War; to the Committee on Pensions.

Also, a bill (H. R. 15111) granting a pension to George W. Ross, of Zephyrhills, Fla., for injuries received while serving on the U. S. S. *San Diego* at the time of her sinking during the World War; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 15112) granting an increase of pension to Frank T. McDougall; to the Committee on Pensions.

Also, a bill (H. R. 15113) granting an increase of pension to Frank B. Torlay; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15114) granting an increase of pension to Susannah Dibble; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 15115) for the relief of George B. Marx; to the Committee on War Claims.

By Mr. HILL of Alabama: A bill (H. R. 15116) granting a pension to Benjamin Robinson; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 15117) for the relief of Leslie E. Drake; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 15118) granting a pension to William Glover; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15119) granting an increase of pension to Mary A. Farrell; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15120) granting an increase of pension to Elizabeth Yeates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15121) granting an increase of pension to Melise Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15122) granting an increase of pension to Martha Merchant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting an increase of pension to Emma Collard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15124) granting a pension to Wilda Ross; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15125) granting an increase of pension to Sarah E. Morris; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15126) granting an increase of pension to James G. Voris; to the Committee on Pensions.

Also, a bill (H. R. 15127) granting an increase of pension to Scott Oder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15128) granting a pension to Milton Frits; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 15129) granting a pension to Catherine Krips; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 15130) granting a pension to Jennie Ferguson; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 15131) providing for the examination of Manitowoc (Wis.) Harbor; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15132) providing for the examination and survey of Two Rivers (Wis.) Harbor; to the Committee on Rivers and Harbors.

By Mr. LANHAM: A bill (H. R. 15133) for the relief of Don A. Spencer; to the Committee on Claims.

Also, a bill (H. R. 15134) granting a pension to Charlotte C. Lace; to the Committee on Invalid Pensions.

By Mr. LARSEN: A bill (H. R. 15135) granting an increase of pension to Paul O. Brownlee; to the Committee on Pensions.

By Mr. LEA: A bill (H. R. 15136) granting an increase of pension to Mattie E. Ormsby; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 15137) granting an increase of pension to Catherine J. Cooper; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15138) granting a pension to Andrew J. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15139) granting a pension to Mary Jane Trotter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15140) granting a pension to Rachel E. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15141) granting an increase of pension to Elizabeth Erdle; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 15142) granting a pension to Samantha E. Hunter; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15143) granting a pension to Louisa Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15144) granting an increase of pension to Katherine McDonald; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 15145) for the relief of Henry E. Williams; to the Committee on Military Affairs.

By Mr. McMILLAN: A bill (H. R. 15146) for the relief of D. M. Campbell; to the Committee on Naval Affairs.

Also, a bill (H. R. 15147) for the relief of Spring Street Methodist Episcopal Church South, of Charleston, S. C.; to the Committee on War Claims.

Also, a bill (H. R. 15148) granting a pension to George Rivers; to the Committee on Pensions.

Also, a bill (H. R. 15149) to correct the naval record of George Rivers; to the Committee on Naval Affairs.

By Mr. MORGAN: A bill (H. R. 15150) granting a pension to Elnora M. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15151) granting a pension to Margaret E. Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15152) granting a pension to Charlotte N. Thacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15153) to authorize the erection in Chickamauga Park of a monument to Maj. Gen. George H. Thomas; to the Committee on the Library.

By Mr. MURPHY: A bill (H. R. 15154) granting an increase of pension to Annie R. Twaddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15155) granting an increase of pension to Rebecca Lash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15156) granting an increase of pension to Amanda G. Dew; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15157) granting an increase of pension to Eliza Ann Abrams; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15158) granting an increase of pension to Charlotte Bredenkamp; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 15159) granting an increase of pension to Mary Gerardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15160) granting an increase of pension to Sarah A. Hutchison; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 15161) for the relief of Jessie L. Kinsey; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 15162) granting a pension to Lulu A. Davis; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting a pension to Thomey J. Willis; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 15164) granting an increase of pension to Emma Calb; to the Committee on Pensions.

Also, a bill (H. R. 15165) granting an increase of pension to Carrie Brooks; to the Committee on Pensions.

Also, a bill (H. R. 15166) granting an increase of pension to Julia O. Allen; to the Committee on Pensions.

Also, a bill (H. R. 15167) granting an increase of pension to S. Amanda Clark; to the Committee on Pensions.

Also, a bill (H. R. 15168) granting an increase of pension to Calista Ealy; to the Committee on Pensions.

Also, a bill (H. R. 15169) granting an increase of pension to Kate Griffith; to the Committee on Pensions.

Also, a bill (H. R. 15170) granting a pension to Maggie Groves; to the Committee on Pensions.

Also, a bill (H. R. 15171) granting an increase of pension to Anna Hafey; to the Committee on Pensions.

Also, a bill (H. R. 15172) granting an increase of pension to Adella Harper; to the Committee on Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to Elizabeth Heise; to the Committee on Pensions.

Also, a bill (H. R. 15174) granting an increase of pension to Victoria Huddle; to the Committee on Pensions.

Also, a bill (H. R. 15175) granting an increase of pension to Mary E. Jaco; to the Committee on Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to Althear S. Jones; to the Committee on Pensions.

Also, a bill (H. R. 15177) granting an increase of pension to Carrie Miller; to the Committee on Pensions.

Also, a bill (H. R. 15178) granting an increase of pension to Laura C. Monfort; to the Committee on Pensions.

Also, a bill (H. R. 15179) granting an increase of pension to Mary E. Ryerson; to the Committee on Pensions.

Also, a bill (H. R. 15180) granting an increase of pension to Laura B. Pleukhart; to the Committee on Pensions.

Also, a bill (H. R. 15181) granting an increase of pension to Adelphia L. Weaver; to the Committee on Pensions.

Also, a bill (H. R. 15182) granting an increase of pension to Sarah A. Williams; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 15183) granting an increase of pension to Rosette I. Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15184) granting an increase of pension to Margaret Rhinehart; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 15185) granting a pension to William A. Finley; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15186) for the relief of John H. Moore; to the Committee on the Civil Service.

By Mr. SWING: A bill (H. R. 15187) for the relief of Nelson K. Holderman; to the Committee on Military Affairs.

Also, a bill (H. R. 15188) granting an increase of pension to Margaret Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15189) for the relief of Lieut. Commander Heber Butts, Medical Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15190) granting six months' pay to Annie Bruce; to the Committee on Naval Affairs.

Also, a bill (H. R. 15191) granting an increase of pension to Margaret Ferlin; to the Committee on Pensions.

Also, a bill (H. R. 15192) authorizing Paul H. Goss, immigration inspector; and Roy B. Newport, Ralph V. Armstrong, Charles T. Klinkee, Emmet D. O'Connor, and R. H. Wells, patrol inspectors in the Immigration Service of the United States, to each accept a gold watch presented to them by the governor of the northern district of Lower California, Mexico; to the Committee on Foreign Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 15193) granting an increase of pension to Ollie S. Truax; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 15194) granting an increase of pension to Florence Connerly; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15195) granting a pension to Berta Weterick; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 15196) granting a pension to George Ann Swartz; to the Committee on Invalid Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 15197) for the relief of Alna Rawson; to the Committee on Claims.

By Mr. WILLIAMS of Missouri: A bill (H. R. 15198) awarding a medal of honor to Joseph S. Withington; to the Committee on Naval Affairs.

By Mr. WELCH of California: A bill (H. R. 15199) for the relief of Yosemite Lumber Co.; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 15200) for the relief of the Interocean Oil Co.; to the Committee on War Claims.

By Mr. MACGREGOR: A resolution (H. Res. 257) authorizing payment of six months' salary and funeral expenses to Elizabeth Mary Smith, on account of the death of John M. Smith, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7925. By Mr. DICKINSON of Missouri: Petition of Mrs. Richard Smith and others, of Lockwood, Mo., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7926. By Mr. GARBER: Petition of the National Dairy Union, urging enactment of House bill 10958, a bill providing for an amendment to the oleomargarine law; to the Committee on Agriculture.

7927. Also, petition of the Ed. S. Vail Butterine Co., Chicago, Ill., urging opposition to House bill 10958, a bill to amend the oleomargarine law; to the Committee on Agriculture.

7928. Also, petition adopted by conference held at the Kansas State Agricultural College, Manhattan, Kans., in regard to the improvement and safeguarding of the hard winter wheat industry of the southern Great Plains; to the Committee on Agriculture.

7929. Also, petition of the Patriotic Order Sons of America, Pennsylvania State Camp, urging the rigorous restriction of foreign immigration from Mexico, Central and South America; additional and better naturalization and alien deportation legislation; the nationalization of the Star Spangled Banner; Federal aid to our public schools; and increased appropriations for more adequate enforcement of restriction, alien deportation, prohibition, and narcotic drugs laws; to the Committee on Immigration and Naturalization.

7930. Also, petition of members of the Beaver County Rural Carriers' Association, in meeting assembled at Beaver, Okla., urging passage of the Dale retirement bill; to the Committee on the Civil Service.

7931. Also, petition of the Baltimore Butterine Co., urging opposition to House bill 10958, a bill to amend the oleomargarine act; to the Committee on Agriculture.

7932. Also, petition of W. L. Blanton, captain, Nineteenth Infantry, secretary of Association of Officers, opposed to change in promotion list, urging opposition to Senate bill 3089 and House bill 13246; to the Committee on Military Affairs.

7933. By Mr. HOWARD of Oklahoma: Petition of Keetoowah Society of Indians of Oklahoma, favoring the passage of House bill 15035; to the Committee on Indian Affairs.

7934. By Mr. LAMPERT: Petition of employees of the Fred Rueping Leather Co., Fond du Lac, Wis., requesting protective tariff on calf leather; to the Committee on Ways and Means.

7935. By Mr. MEAD: Petition of Veterans of Foreign Wars, Department of the State of New York, supporting House Joint Resolution 213; to the Committee on the Judiciary.

7936. Also, resolutions adopted by Veterans of Foreign Wars, Department of New York, re the naturalization of aliens; to the Committee on Immigration and Naturalization.

7937. Also, resolutions adopted by the New York State Association, Letter Carriers, supporting the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7938. Also, resolutions adopted by the Pennsylvania State Camp, Patriotic Order Sons of America, re immigration and naturalization; to the Committee on Immigration and Naturalization.

SENATE

TUESDAY, *December 11, 1928*

(Legislative day of Monday, December 10, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM INDIANA

The VICE PRESIDENT laid before the Senate the credentials of ARTHUR R. ROBINSON, chosen a Senator from the State of Indiana for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF INDIANA,
EXECUTIVE DEPARTMENT.

To all to whom these presents shall come, greeting:

Whereas it has been certified to me by the proper authority that ARTHUR R. ROBINSON has been elected to the office of Senator of the United States from the State of Indiana:

Therefore, know ye, that in the name and by the authority of the State aforesaid I do hereby certify that the said ARTHUR R. ROBINSON was duly elected for the term of six years from the 4th day of March, 1929, until his successor shall have been elected and qualified.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 27th day of November, A. D. 1928, the one hundred and eleventh year of the State, and of the independence of the United States the one hundred and fifty-second.

By the governor:

ED JACKSON.

[SEAL.] F. E. SCHORTEMEIER,
Secretary of State.

SENATOR FROM ARIZONA

Mr. HAYDEN presented the credentials of HENRY F. ASHURST, chosen a Senator from the State of Arizona for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that in accordance with the provisions of chapter 20, Laws of Arizona, 1925, results of the official canvass of the returns of the votes cast at the general election held in the State of Arizona on November 6, 1928, as certified to by all the boards of supervisors of the several counties, show that HENRY F. ASHURST, who was the Democratic candidate for the office of United States Senator, received the highest number of votes cast for any candidate for this office, and having complied with all the provisions relating to the filing of statements of campaign expenses and having complied with all other requirements imposed by law upon candidates for office is therefore declared elected, all of which is shown by the original returns on file in this department.

In witness whereof I have hereunto set my hand and affixed the great seal of Arizona.

Done at Phoenix, the capital, this 26th day of November, A. D. 1928.

[SEAL.] JAMES H. KERBY,
Secretary of State.

VISIT OF PRESIDENT-ELECT HOOVER TO PERU

The VICE PRESIDENT laid before the Senate a cablegram from the President of the National Chamber of Deputies of Peru, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Translation]

DECEMBER 5, 1928.

His Excellency Mr. CHARLES E. DAWES,
President of the United States Senate,
Washington, D. C.:

The National Chamber of Deputies of Peru in its session of yesterday, at the instance of the Chair, unanimously approved the following motion on the order of the day:

The National Deputies, who sign below, considering

That the good-will voyage which the President elect of the United States of North America is making to the republics of the continent evinces the interest felt by that distinguished statesman in familiarizing himself with the conditions and problems of the different peoples of America:

That this laudable effort to acquire in person a clear vision and correct conception of our true conditions in order to base thereon the international action of his Government and the influence of his people is an augury of efficiency as well as an example ever worthy of imitation by all statesmen who assume the responsibility of governing a people such as that of the United States;

That the interdependence of peoples is growing ever stronger and closer through the effect of modern means of communication which by eliminating all differences have overcome even geographical frontiers;

That the postulates of the new jurisprudence, in establishing the necessity of harmony and cooperation, require, together with that respect for justice which is absolutely necessary, knowledge of the special means and resources of each people for the accomplishment of its ends;

That these ideals, on which Peru has always based her international life, constitute the permanent essence of the ideal of liberty which presided over the birth of our countries, and determine, on the free soil of America, the providential destiny in accordance with which a new human civilization is rising on its soil, which is free from stain;

Have the honor to submit to the consideration of the Chamber the following motion on the order of the day;

The National Chamber of Deputies resolves

To express to His Excellency Mr. Herbert Clark Hoover, President elect of the United States of North America, its high appreciation on the occasion of his visit to this country;

Applauds the praiseworthy purposes inspiring his tour through the other republics of the continent; and

Resolves at the same time to express to the people of the United States, through their national representatives, the satisfaction of Peru at this tour, which can not fail to be of advantage for the solidarity and greatness of America.

C. MANCHEGO MUNOZ,
FRANCISCO GRANA,
CARLOS A. OLIVARES,
GUILLERMO REY,
LAMA MARIANO ALVAREZ,
EDUARDO C. BASADRE.

LIMA, *December 3, 1928.*

In carrying out the resolution of the Chamber of Deputies, I take pleasure in conveying to the Federal Senate of your great Republic the sentiments of cordial friendship which animate Peru toward your great Nation, the champion of democracy, and to express to it our sincere admiration for the gigantic effort with which she contributes to the well-being and the progress of the world.

I feel it an honor to offer to your excellency, on so significant an occasion, the assurance of my highest consideration.

C. MANCHEGO MUNOZ,
President of the National Chamber of Deputies of Peru.

PETITIONS

Mr. EDGE presented the petition of Albert W. Harrison, jr., and sundry other members of the Broad Street Park Methodist Episcopal Church, of Trenton, N. J., praying for prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution unanimously adopted by the Kiwanis Club, of Atlantic City, N. J., favoring the ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. McLEAN presented a letter in the nature of a petition from the Department of Connecticut Woman's Relief Corps, Danielson, Conn., praying for the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented petitions and letters in the nature of petitions from the Connecticut League of Women Voters, of Hartford; the League of Republican Women, of Meriden; the Connecticut Woman's Christian Temperance Union, of Bristol; and sundry citizens of Portland and Wilton, all in the State of Connecticut, praying for the passage of the so-called Gillett resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented petitions and papers in the nature of petitions from the Northwest Child Welfare Club, of Hartford; the Woman's Foreign Missionary Society, of Meriden; the Republican Woman's Club, of Westport; the Connecticut League of Women Voters; the Connecticut section of the National Committee on the Cause and Cure of War; the State Federation of Men's Bible Classes; the Current Events Club, of Hartford; the faculty of Wilby High School and the Bunker Hill Literary Club, both of Waterbury; and members of the Church of the Holy Trinity, of Middleton, and the Community Congregational Church, of Eastford, all in the State of Connecticut, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4739) authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H., reported it without amendment and submitted a report (No. 1340) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the joint resolution (S. J. Res. 172) for the relief of Porto Rico, reported it with amendments and submitted a report (No. 1341) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on December 11, 1928, that committee presented to the President of the United States the enrolled bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 4828) to grant relief to those States which brought State-owned property into the Federal service in 1917; to the Committee on Claims.

By Mr. HALE:

A bill (S. 4829) granting an increase of pension to Susan I. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 4830) granting an increase of pension to Clarence E. Carpenter; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4831) to exempt officers and employees of Alaska and Hawaii from the payment of income tax; to the Committee on Finance.

By Mr. BAYARD:

A bill (S. 4832) granting an increase of pension to Maggie Albert (with accompanying papers); and

A bill (S. 4833) granting an increase of pension to Amanda E. Gray (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 4834) authorizing appropriations for demonstrating plants in the utilization of waste products from the land; to the Committee on Manufactures.

By Mr. NEELY:

A bill (S. 4835) granting an increase of pension to John J. Hughes; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4836) for the relief of John P. T. Davis (with accompanying papers); to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 4837) granting a pension to Annie Benton (with accompanying papers);

A bill (S. 4838) granting a pension to Albert Schrank (with accompanying papers); and

A bill (S. 4839) granting an increase of pension to Emilie Sipple (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 4840) to recognize commissioned service as active commissioned service while on the retired list in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4841) establishing a fund for the propagation of salmon in the Columbia River district; to the Committee on Commerce.

By Mr. BLACK:

A bill (S. 4842) to provide for the suspension of immigration of aliens into the United States; to the Committee on Immigration.

By Mr. JOHNSON:

A bill (S. 4843) granting employees' compensation to the next of kin of R. E. Covert (with accompanying papers); to the Committee on Claims.

A bill (S. 4844) granting compensation to Charles C. Terry; to the Committee on Finance.

A bill (S. 4845) for the relief of Hobart M. Hicks (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4846) granting an increase of pension to Carrie S. Baxter (with accompanying papers); and

A bill (S. 4847) granting an increase of pension to Katherine French (with accompanying papers); to the Committee on Pensions.

RECONSTRUCTION OF SENATE WING OF THE CAPITOL

Mr. McNARY. I ask unanimous consent to introduce a Senate joint resolution, and ask that it be referred to the Committee on Appropriations and read at the desk by the clerk.

The VICE PRESIDENT. Without objection, the joint resolution will be received and read.

The joint resolution (S. J. Res. 176) to suspend the operation of the provisions of the legislative appropriation act for the fiscal year ending June 30, 1929, authorizing the reconstruction of the Senate wing of the Capitol was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Architect of the Capitol is directed to report to the Senate at the beginning of the first regular session of the Seventy-first Congress upon the efficacy of the air-conditioning apparatus installed in the Hall of the House of Representatives. Until January 1, 1930, no further action shall be taken under the provisions of the second paragraph under the caption "Capitol Buildings and Grounds" in the act entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929,

and for other purposes," approved May 14, 1928, authorizing the rearrangement and reconstruction of the Senate wing of the Capitol and making an appropriation therefor, except that the appropriation made by such paragraph shall remain available for payment for work done and materials furnished prior to the approval of this resolution and for payment of damages, if any, suffered by reason of the suspension of the work under any contract made pursuant to such paragraph prior to such approval.

Mr. SMOOT. Mr. President, I desire to ask if there was a reference made of the joint resolution?

Mr. OVERMAN. What was done with that joint resolution?

Mr. SMOOT. I am just asking what action was taken by way of reference of the joint resolution.

The PRESIDING OFFICER (Mr. McNARY in the chair). Inasmuch as the original legislation came from the Committee on Appropriations, it is the opinion of the present occupant of the chair that it should be there referred.

Mr. OVERMAN. I move that the joint resolution be referred to the Committee on Rules, inasmuch as this whole question is now before our committee. It had the matter up on last Saturday, and is to consider it again next Saturday. The subject is before that committee, and I move that the joint resolution be sent to the Committee on Rules.

The PRESIDING OFFICER. If there is no objection, the joint resolution will be referred to the Committee on Rules.

COLORADO RIVER INVESTIGATIONS (S. DOC. NO. 186)

Mr. ODDIE. Mr. President, I have here a document that has been prepared by Mr. George W. Malone, of whom I spoke a few days ago.

This work has been prepared at great expense to the Nevada Colorado River Commission, with the assistance of prominent officials of the Bureau of Reclamation and United States Geologic Survey, and represents a compilation of authentic data that has been accumulated over a period of years.

This is a review of all of the reports up to the present time, and is a reference work so that for any statement made the supporting data can be found without loss of time, and really represents a "brief" of the entire proceedings in this important matter from the beginning to the present time.

The Fall-Davis report, the E. C. La Rue report, the Weymouth report, consisting of nine volumes, upon which the Government expended nearly $400,000, the Arizona Engineering Commission report, the various congressional hearings, and lastly the Colorado River Board report, only recently rendered to the Secretary of the Interior, have been reviewed and referenced, not with an idea of supporting any particular set-up but so that all of this important data may be immediately available to the Members of Congress working on this important piece of legislation.

Mr. Malone is, as I have previously said, State engineer of Nevada and president of the Western Association of State Engineers, comprising 17 Western States, and is a particularly able man in matters of this kind.

Mr. President, I therefore request that this work, entitled "Colorado River Investigations, Water Storage and Power Development, Grand Canyon to Imperial Valley," be printed as a Senate document, with illustrations, so that the Members of this body may have the benefit of the referenced work.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the papers will be printed as a Senate document.

PROHIBITION ENFORCEMENT

Mr. BLEASE. Mr. President, I find the following clipping in this morning's Washington Post.

I desire to have it printed in connection with article inserted on page 158 of the CONGRESSIONAL RECORD of December 6.

Also, I desire to have inserted a clipping from the Greenville (S. C.) News of December 10, 1928.

It seems while the United States Government is protecting the Christmas whiskies of foreigners the South Carolina officials are endeavoring to enforce the law against home folks.

Why not enforce the law impartially to all the people?

I favor a strict enforcement of the Volstead Act and eighteenth amendment by both Government and State officials.

There being no objection, the clippings were ordered to be printed in the RECORD, as follows:

[From the Washington Post, December 11, 1928]

LIQUORS FOR ENVOYS RESCUED IN HOLDUP—DRIVER FIGHTS TWO HIJACKERS AT BALTIMORE—TWO CAPITAL MEN ARRESTED

Christmas cheer for half a dozen diplomatic missions here was imperiled yesterday when four hijackers tried to steal a truck load of rare liquors and wines destined for embassies and legations, as it was being transferred in Baltimore from the pier to the customhouse.

Two of the three alleged hijackers who were arrested later said they were from Washington. They were John Herbert, who said he lived at 1708 Good Hope Road SE., and Howard Dublen, who refused to give police his street address.

The cargo of the truck was valued at about $10,000 and was saved by Carroll Poole, the driver, who, after he had been beaten over the head with a pistol, continued to fight the hijackers until a crowd of citizens gathered and frightened them off.

[From the Greenville (S. C.) News, December 10, 1928]

SEVEN HUNDRED AND FIFTY-ONE STILLS CUT BY GOVERNOR'S FORCE

COLUMBIA, December 9.—Seven hundred and fifty-one stills were destroyed by the detectives operating under the governor's office between January 1 and November 1, according to a report issued from the office of Governor Richards yesterday, covering the activities of the State constabulary for the first 10 months of the year.

The report also shows the following facts: Beer destroyed, 1,066,470 gallons; whisky poured out, 36,222 gallons; home brew destroyed, 16,529 gallons; automobiles confiscated, 61; arrests made, 1,376; investigations made, 1,342; slot machines confiscated, 124; wagons confiscated, 21; mules or horses confiscated, 22; cases made against offenders, 1,329; convictions secured, 769; cases pending, 196.

The report does not, it says, cover the activities of two of the governor's constables who have worked on murder and arson cases almost exclusively.

MESSAGE FROM THE HOUSE

A message fom the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by title and referred to the Committee on Finance:

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. PHIPPS] to the amendment of the Senator from Arizona [Mr. HAYDEN] to the substitute amendment of the Senator from California [Mr. JOHNSON].

Mr. WALSH of Montana. Mr. President, may the clerk state the various amendments, starting with the amendment of the Senator from California?

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. On December 5 the Senator from California [Mr. JOHNSON] moved to substitute the House bill for the Senate bill, which was done, and thereafter offered as a substitute amendment the Senate bill (S. 728) as printed. To that amendment the Senator from Arizona [Mr. HAYDEN] offered an amendment to section 4–A, and on yesterday the Senator from Colorado [Mr. PHIPPS] offered an amendment to the amendment of the Senator from Arizona to the substitute offered by the Senator from California.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McMaster	Shortridge
Barkley	Gillett	McNary	Simmons
Bayard	Glass	Metcalf	Smith
Bingham	Glenn	Moses	Smoot
Black	Goff	Neely	Steck
Blaine	Greene	Norris	Steiwer
Blease	Hale	Nye	Stephens
Borah	Harris	Oddie	Swanson
Bratton	Harrison	Overman	Thomas, Idaho
Brookhart	Hawes	Phipps	Trammell
Broussard	Hayden	Pine	Tydings
Bruce	Heflin	Pittman	Tyson
Capper	Johnson	Ransdell	Vandenberg
Caraway	Jones	Reed, Mo.	Wagner
Couzens	Kendrick	Reed, Pa.	Walsh, Mass.
Curtis	Keyes	Robinson, Ark.	Walsh, Mont.
Deneen	King	Robinson, Ind.	Warren
Edge	Larrazolo	Sackett	Waterman
Edwards	Locher	Schall	Watson
Fess	McKellar	Sheppard	Wheeler
Frazier	McLean	Shipstead	

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained by illness.

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily detained by illness in his family.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. HAYDEN. Mr. President, I should like to have the attention of the Senate, that I may discuss the parliamentary situation as it exists and what I may do, if possible, to remedy it, in order that the amendment offered by the Senator from Colorado [Mr. PHIPPS] may be perfected.

As I understand the situation, the amendment offered by the Senator from Colorado [Mr. PHIPPS] is an amendment in the second degree, an amendment to the amendment which I have offered, and therefore not subject to amendment. The Senator's amendment contains three substantive propositions, upon which there is a difference of opinion between the States of Arizona and California, and we must vote upon all of them as one if his amendment is not subject to amendment. But if the Senator's amendment could be made subject to amendment the Senate could vote upon the various propositions separately. For example, the Senator has taken from another part of the bill a provision that the State of California shall have 4,600,000 acre-feet of water on the Colorado River. Arizona agrees that the State of California shall have 4,200,000 acre-feet of water.

I desire it arranged so that the Senate may vote upon the question of whether it shall be one figure or the other.

I should like to inquire of the President of the Senate, whether, if I should withdraw the amendment which I have offered, would then the amendment offered by the Senator from Colorado be an amendment in the second degree and subject to amendment?

The VICE PRESIDENT. Will the Senator state his question again?

Mr. HAYDEN. If I should withdraw the amendment which I have offered, to which the amendment of the Senator from Colorado is a substitute, will his amendment then be an amendment in the first degree and subject to amendment?

The VICE PRESIDENT. The amendment of the Senator from Colorado would have to go along with the amendment of the Senator from Arizona if the Senator from Arizona withdraws his amendment.

Mr. HAYDEN. Would it not then be possible for the Senator from Colorado to immediately reoffer his amendment?

The VICE PRESIDENT. The Senator from Colorado could do that.

Mr. HAYDEN. I want to state to the Senate that what I am trying to accomplish is to get a vote on the one particular question of whether the quantity of water which the State of California may divert from the Colorado River should be 4,200,000 acre-feet or 4,600,000 acre-feet. I can state in 15 or 20 minutes all the reasons why Arizona favors the lesser figure, and then the Senate may have a vote upon that question.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. PHIPPS. I desire to call attention to the fact that 4,600,000 acre-feet was the figure adopted by the Senate committee and was written in the substitute bill offered by the Senator from California [Mr. JOHNSON]. Therefore it seems to me that the point comes right down to the question of 4,600,000 acre-feet as recommended by the Senate committee and 4,200,000 acre-feet as written in the amendment of the Senator from Arizona.

Mr. HAYDEN. And upon that particular issue and upon nothing else I desire to have a vote of the Senate at this time.

Mr. PHIPPS. The other item that is in the amendment to which the Senator calls attention, as I understand, is the provision regarding the Federal Power Commission. That is the only other matter, is it not?

Mr. HAYDEN. My amendment as originally offered provides for a 7-State ratification of the Colorado River compact. The Senator from Colorado in his amendment provides for a 6-State ratification. That is another question upon which I should like to have the Senate take a vote. If the Senate will bear with me for a moment, I desire to say that it is only fair to the State of Arizona that the several substantive propositions which are contained in the amendment of the Senator from Colorado and in my amendment be voted upon, each upon its own merits by the Senate, and not grouped together in one particular amendment. If I am privileged to do so, Mr. President, I withdraw, without prejudice, the amendment I have offered.

The VICE PRESIDENT. The Senator has that right. The amendment of the Senator from Arizona to the so-called Johnson amendment is withdrawn.

Mr. HAYDEN. Now, if the Senator from Colorado [Mr. PHIPPS] will again offer his amendment just as it is, we can proceed to debate it, to amend it, and to vote upon it.

Mr. PHIPPS. Mr. President, I understand the Senator from Arizona has withdrawn his amendment. I desire again to offer my amendment as it is now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PHIPPS].

Mr. HAYDEN. I offer the following amendment to the amendment offered by the Senator from Colorado.

Mr. SMOOT. Let the amendments be now read.

The VICE PRESIDENT. The clerk will state the amendment of the Senator from Colorado and the amendment of the Senator from Arizona to the substitute amendment.

The CHIEF CLERK. On page 4 it is proposed to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, and to insert in lieu thereof the following:

SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the work or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 4 of this act. No person shall."

On page 12, after line 14, add the following paragraph to section 6:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. HAYDEN. I have offered an amendment to amendment proposed by the Senator from Colorado, which I ask the clerk to read.

The VICE PRESIDENT. The Chief Clerk will state the amendment to the amendment.

The CHIEF CLERK. The amendment of Mr. HAYDEN to the amendment offered by Mr. PHIPPS is, on page 3, line 2, to strike out the words "four million six" and to insert "four million two."

Mr. HAYDEN. Mr. President, I shall now explain the reasons why my amendment to the amendment should be adopted. When I shall have made that explanation the Senate may vote upon the question, so far as I am concerned.

The amendment I have offered is predicated upon a finding made by four governors—the Governors of Colorado, New Mexico, Wyoming, and Utah—at a conference held in the city of Denver during the summer of 1927. At that conference, which was called in the kindliest spirit by the governors of the States of the upper basin in a sincere effort to bring about an amicable adjustment of the dispute which has existed between the States of Arizona and California in the lower basin with respect to water and other issues, the governors requested each State to put down upon paper how much water it desired to receive from the Colorado River.

The State of Nevada advised the governors that out of the 7,500,000 acre-feet allocated to the lower basin by the Colorado River compact that State desired only 300,000 acre-feet.

The State of Arizona then said that she was perfectly willing that Nevada should have 300,000 acre-feet and that she would divide equally with the State of California the remainder of the water. A division of that character would give to California 3,600,000 acre-feet and to Arizona 3,600,000 acre-feet.

The State of California advised the governors that its necessities were such that it must have 4,600,000 acre-feet of water, and, based upon the plea of necessity—and that was all the argument presented—they asked for that quantity of water.

The four governors took the three proposals under advisement, and, after careful and mature consideration, proposed that the quantity of water requested by the State of Arizona be reduced from 3,600,000 acre-feet to 3,000,000 acre-feet. They made that decision after a careful study of the total quantity of water now in use in each of the States of Arizona and California. They found that vested rights had to be respected, and came to the conclusion that California was now using 600,000 acre-feet more water than Arizona. Therefore they recommended that Arizona's demand be reduced by 600,000 acre-feet and that California be allotted an additional 600,000 acre-feet. So the finding of the governors was—and there is no dispute about it—that the State of California is only entitled to 4,200,000 acre-feet of water out of the Colorado River; that that is the quantity which she should receive. All other questions relative to tributaries and all other issues raised have no relation whatever to that one finding of fact by four governors, who, after weeks of study and after careful consideration of all of the evidence, arrived at that conclusion.

Be it remembered by all Senators that the State of Arizona accepted that finding and agreed to take only 3,000,000 acre-feet of water out of the Colorado River instead of 3,600,000 acre-feet which was its original demand, whereas the State of California refused to accept that finding and still insists upon 4,600,000 acre-feet of water.

The State of Arizona asserts in this presence that the Governors of the States of Wyoming, Colorado, Utah, and New Mexico were better advised than the Senate of the United States can ever possibly be, and knew more about the entire situation than the Senate can ever know. They were interested in a proper solution of the controversy; it affected their State; they were anxious to bring the States of the lower basin together. They made that finding, and upon that finding the State of Arizona stands here to-day and asks that it be approved by the Senate of the United States.

The argument which has been advanced as to why the State of California should be given 4,600,000 acre-feet of water instead of 4,200,000 acre-feet, as recommended by the four governors, is that the State of California needs that much water. For what purpose does that State need it? There can be only two purposes, namely, irrigation and domestic use. I shall concede every figure that the Senator from California [Mr. JOHNSON] has placed in the RECORD with respect to irrigation uses in California; every figure of that kind may be conceded; but I do not concede that the city of Los Angeles and the municipalities in southern California, who are asking for 1,095,000 acre-feet of water, need that much water or will need it for a hundred years.

I shall prove that statement by pamphlets which have been presented to every Senator in this body, issued by the bureau of water and power of the city of Los Angeles. That is the bureau which proposes to build a great aqueduct to carry water from the Colorado River to the city of Los Angeles. In a pamphlet entitled "The River of Destiny," issued this year by the department of water and power of the city of Los Angeles, we find this statement:

> As planned by Mulholland—

That is the city engineer—

> the Colorado River aqueduct will be by far the largest domestic water-supply system in the world. It will be 260 miles long and will be capable of delivering 1,000,000,000 gallons of water a day to the cities of southern California, enough to meet the domestic and industrial needs of 7,500,000 people.

There is in Los Angeles and vicinity now a population of less than 2,000,000. It is proposed to provide a water supply for seven and one-half million people in addition thereto.

From another pamphlet issued by the bureau of water and power of the city of Los Angeles entitled "The Romance of Water and Power," a pamphlet which was issued very recently, I find this statement:

> When Los Angeles in 1913 completed its Owens River aqueduct the people of this city confidently believed they had solved their domestic water problem for generations to come. This great artificial waterway is capable of supplying the needs of 2,000,000 people.

In other words, the city of Los Angeles now has a water supply for 2,000,000 people, and there are not a total of 2,000,000 people drawing water from that supply to-day. I understand that the number is approximately one million and a half.

This pamphlet further states:

> With a capacity of 400 second-feet, the Owens River Aqueduct is capable of meeting the water needs of 2,000,000 people—

That is the present water supply—

> the Colorado River carrier will have a capacity of 1,500 second-feet and will be able to supply 7,500,000 people with domestic water.

The evidence, therefore, is undisputed that what the city of Los Angeles is seeking to obtain is a water supply for seven and a half million people. The population of the city of Los Angeles in the past 15 years has increased 1,000,000, and if it should increase at the same rate it would require over 100 years for seven and a half million more people to live in that locality. In this bill the city of Los Angeles is asking to be guaranteed a water supply for the next century and more, because if the rate of growth is the same as it has been in the past 15 years it will take 112 years for seven and one-half million more people to move to Los Angeles.

If the amount of water provided in this bill is reduced by 400,000 acre-feet, as my amendment proposes, it will still leave an adequate water supply for 5,000,000 people in addition to the number of people who now live in Los Angeles. We in Arizona say that that is enough. According to the present rate of growth, it will take at least 75 years for that increase of population to be accomplished. If the quantity of water is reduced, as proposed in my amendment, the city of Los Angeles will still have guaranteed to it under the terms of the Colorado River compact and by this bill enough water for 5,000,000 more people than now live in that city. Then, 50 or 75 years from now, if the question should arise as to a need for domestic water in the city of Los Angeles, that city would be faced with the same situation that it has once before met. It would be necessary somewhere, at some place, for the State of California to acquire water rights that are used for irrigation and apply them to domestic use.

The city of Los Angeles constructed an aqueduct to the Owens River Valley, an irrigated valley. Water was needed by the city for domestic use. That is a superior use to that of irrigation. The city acquired water rights there by purchase and by condemnation. It now uses that water, conveying it through an aqueduct from the Owens River Valley to the city of Los Angeles. If, 50 or 75 years from now, after 5,000,000 more people have gone to live in Los Angeles, they arrive at a similar situation, the city must again condemn some irrigation water rights for domestic use. They will be met with the same situation after they have an additional seven and a half million people in Los Angeles.

If the city continues to grow and becomes the greatest metropolis in all the world—greater than the combined population of London and New York, as some of the enthusiastic citizens of that locality believe it may—they will be compelled, in order to obtain water for a city of that great magnitude, to condemn irrigation water rights, because that is the only place where water can be obtained.

The effect of this bill is, by taking 400,000 acre-feet of water away from the State of Arizona and reserving it for 50 or more years for the city of Los Angeles, that a hundred thousand acres of land which otherwise could be irrigated in Arizona will

be compelled to remain a desert. Arizona can use the water. We have the land. We can place it to beneficial use and provide homes, farms, for American citizens for use for 50 years at least before the city of Los Angeles needs the water. We can use it to excellent advantage. The city of Los Angeles insists that the water shall be reserved for it. Arizona says that if the time comes, after more than 5,000,000 people have been added to the population of the city of Los Angeles, when the city needs more water, let it condemn irrigated land in the State of California, as it has a right to do under the laws of that State, and acquire that water, and not in advance condemn an area of a hundred thousand acres in the State of Arizona to remain a desert.

That is the simple proposition that is presented to the Senate by this amendment.

In reply to the argument made by the senior Senator from California [Mr. JOHNSON] that the State of Arizona could not use the total quantity of water which it asks to secure, let me state that the Senator's statement is a bald assertion, and that I assert, just as the Senator asserted, with equal vehemence, that the State of Arizona can use it, and that back of my assertion I have just as good engineering authority as the Senator has.

The Senator was very careful in his remarks to limit the pump lift for irrigation in Arizona or California to 150 feet; and yet the Senate yesterday passed a bill for an investigation of the Columbia Basin project, which contemplates as one alternative the lifting of water 450 feet out of the Columbia River at Grand Coulee. I have here a report by Gen. George W. Goethals, who examined into the two projects, and he did not find $10 an acre difference in the cost between the pumping scheme at Grand Coulee and the delivery of water to the Columbia Basin project by gravity. In addition thereto, a majority of a board of engineers appointed under authority of the Federal water power act has found that the pumping scheme at Grand Coulee to lift water over 400 feet is more economical and more feasible than to deliver water to lands within the Columbia Basin project by gravity.

Will anyone say that lands in the State of Washington are more fertile than those in the State of Arizona? Will anyone say that in the State of Washington they have a longer growing season than we have in Arizona? It takes two things to produce crops in an irrigated country—water and sunshine. Everyone knows that there are more days when the sun shines in Arizona than anywhere else in the American Union.

That is the reason why, every month in the year, crops can be produced from the ground in the State of Arizona.

So there is no merit at all in the argument made by the Senator from California that the State of Arizona can not use this water. We can use it. Arizona can use all of the water of the Colorado River. Arizona has never asked for more than half of it; and then, at the insistence of the governors of the upper-basin States, Arizona agreed to accept less than half. Therefore we ask the Senate not blindly to follow the mere demand of the State of California, but to be guided by the advice of the governors of four States intimately familiar with irrigation conditions, who have found that the State of California was not entitled to more than 4,200,000 acre-feet of water, as stated in my amendment. That is the position of Arizona on this issue, and I submit it to the Senate.

So far as I am concerned, the Senate may vote now on that question.

Mr. PHIPPS. Mr. President, I merely want to say one word, so that the position of the Committee on Irrigation and Reclamation may be understood.

All of the points referred to by the Senator from Arizona [Mr. HAYDEN] were given full consideration by that committee. As Senators know, the hearings extended over three or four years at least, and months of study were given to this very problem; and the figure of 4,600,000 acre-feet awarded to California is the figure recommended by that committee.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arizona [Mr. HAYDEN] to the amendment of the Senator from Colorado [Mr. PHIPPS].

Mr. BRATTON. I call for the yeas and nays on the amendment of the Senator from Arizona.

Mr. KING. Mr. President, I do not desire to discuss the question just presented, and ably presented, by the Senator from Arizona [Mr. HAYDEN]. I rise rather for a parliamentary inquiry, if I may have the attention of the Senator from Colorado.

The inquiry is this: What parliamentary procedure may be resorted to, in view of the parliamentary status now, in order to secure a vote upon the single proposition that the ratification shall be by the seven States, with no alternative?

Mr. HAYDEN. Mr. President, if the Senator will yield to me, I think the parliamentary situation is perfectly simple.

I have withdrawn my amendment; and the amendment which the Senate now has under consideration is the amendment of the Senator from Colorado [Mr. PHIPPS], which has been reoffered, and is subject to amendment. I have offered an amendment to that amendment changing the quantity of water that shall be apportioned to the State of California. That is all I have done at this time. There are other propositions in that amendment that are subject to amendment, of course.

Mr. KING. I thought the Senator had offered an amendment which would preclude a vote upon the one proposition as to whether or not the compact should be ratified by seven States.

Mr. HAYDEN. I have distinctly stated to the Senate that I desire a vote upon that issue when we reach it.

Mr. ASHURST. I call for the yeas and nays.

Mr. HEFLIN. Mr. President, as I understand, the vote now is on the amendment of the Senator from Arizona [Mr. HAYDEN] to the amendment of the Senator from Colorado [Mr. PHIPPS].

Mr. HAYDEN. Yes, sir.

Mr. ASHURST. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. FESS]. If he were present and permitted to vote, he would vote "nay." If I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unable to be present to-day. He is paired with the Senator from Mississippi [Mr. HARRISON].

Mr. MCMASTER. I desire to announce that my colleague [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. HARRISON. On this vote I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If he were present, I understand he would vote "nay." If permitted to vote, I would vote "yea."

Mr. ROBINSON or Arkansas. I desire to announce that the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate on account of illness in his family. He is paired on this amendment with the senior Senator from Rhode Island [Mr. GERRY].

I also desire to announce that the senior Senator from Florida [Mr. FLETCHER] and the junior Senator from Florida [Mr. TRAMMELL] and the junior Senator from Washington [Mr. DILL] are necessarily absent on official business.

The result was announced—yeas 29, nays 48, as follows:

YEAS—29

Ashurst	Glass	McKellar	Swanson
Barkley	Harris	Neely	Tyson
Black	Hawes	Overman	Wagner
Blease	Hayden	Reed, Mo.	Walsh, Mass.
Broussard	Heflin	Robinson, Ark.	Waterman
Bruce	King	Smith	
Caraway	Larrazolo	Smoot	
Edwards	Locher	Steck	

NAYS—48

Bayard	George	Moses	Sheppard
Bingham	Gillett	Norris	Shipstead
Blaine	Glenn	Nye	Shortridge
Borah	Goff	Oddie	Simmons
Bratton	Greene	Phipps	Steiwer
Brookhart	Hale	Pine	Stephens
Capper	Johnson	Pittman	Thomas, Idaho
Couzens	Jones	Ransdell	Vandenberg
Curtis	Kendrick	Reed, Pa.	Walsh, Mont.
Deneen	Keyes	Robinson, Ind.	Warren
Edge	McMaster	Sackett	Watson
Frazier	McNary	Schall	Wheeler

NOT VOTING—18

Copeland	Gerry	McLean	Trammell
Dale	Gould	Mayfield	Tydings
Dill	Harrison	Metcalf	
Fess	Howell	Norbeck	
Fletcher	La Follette	Thomas, Okla.	

So Mr. HAYDEN's amendment to Mr. PHIPPS's amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Colorado [Mr. PHIPPS] to the substitute amendment of the Senator from California [Mr. JOHNSON].

Mr. BRATTON. Mr. President, I offer an amendment in the nature of a substitute to the amendment offered by the Senator from Colorado, and ask that it be read.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On line 2, page 3, of the amendment offered by the Senator from Colorado [Mr. PHIPPS], as modified,

strike out the word "six" and insert in lieu thereof the word "four," so as to read:

SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within six months from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of the water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,400,000 acre-feet of the waters apportioned to the lower basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

Mr. BRATTON. Mr. President, I propose to amend the amendment of the Senator from Colorado by striking out the word "six" in line 2, on page 3, and inserting in lieu thereof the word "four," so that the language will read "shall not exceed 4,400,000 acre-feet."

Mr. President, it is perfectly obvious to all of us that we have an immense project here, respecting which the two States, California and Arizona, can not agree. The dispute has narrowed itself primarily to 400,000 acre-feet of water, California saying that 4,600,000 acre-feet is her irreducible minimum, and Arizona insisting that California shall be limited to 4,200,000 acre-feet.

If this legislation shall be effectuated, the dam constructed, and the river controlled, and the benefits designed to be accomplished by the measure given full fruition, these States must ratify the compact. In my judgment that will never be accomplished if we give to one all that she asks and deny to the other everything she seeks.

It seems to me, therefore, Mr. President, that in justice to the two States, they having been unable to agree, we should tender our offices by dividing the difference and requiring California to limit herself in her act of ratification, irrevocably and unconditionally, to a maximum consumptive use of 4,400,000 acre-feet. That divides the difference and is the amount fixed in the amendment I have proposed. It differs from the proposal of the Senator from Colorado by reducing California's claim 200,000 acre-feet. It differs from the amendment of the Senator from Arizona by increasing California's consumptive use by 200,000 acre-feet.

I believe this is an equitable solution of the problem. It may not be entirely satisfactory to either State, but in my judgment it is the best compromise that is available at this time.

Mr. ASHURST. Mr. President, for years, in some portions of the press and on the floor of the Senate, Arizona has been accused of being unwilling to extend the hand of amity, compromise, and friendship on this bill. The accusation is false. Arizona scorns all bribes and wears no chains.

I am going to vote for the amendment just offered by the Senator from New Mexico, and by so doing Arizona makes another step looking toward a compromise of the differences surrounding this legislation. In making this advance looking toward some composition of our differences, and in hope of reaching some modus vivendi, I trust that Arizona shall no longer be accused of stubbornness.

Mr. JOHNSON. Mr. President, the offer that has been made by the Senator from New Mexico [Mr. BRATTON] is, I take it, an offer by way of compromise. The Senator from New Mexico represents one of the States of the upper Colorado River Basin. He, of course, is intensely interested in what shall be done with the waters of the Colorado, just as the States of the lower basin are equally interested in what shall be done with the waters of the Colorado.

It is a fact, sir, that in the State of California there are rights perfected to-day and those which may be perfected in the near future, rights indeed that under the law no human agency can take from the people who reside in the State of California, that far exceed the amount of water that is fixed as the maximum in the amendments that California ever shall use. Were I here in disinterested position, Mr. President, were the dire necessity of Imperial Valley not so clearly before me, sir, if I did not understand as few men upon this floor understand the absolute necessity of legislation of the character that has here been proposed, never for one instant would I assent to an amendment such as has been presented by the Senator from Colorado or that which has now been presented as an amendment by the Senator from New Mexico.

I venture the assertion, and I call upon men whose vision is greater perhaps than a mere limited territory that they may represent, that never in the history of legislation has there been written into a law such a drastic provision as that which is suggested by the Senator from Colorado and that which is in part suggested by the Senator from New Mexico.

Do Senators realize what this provision is? In order that its citizens may be protected from flood, in order that its citizens may have what God gives even to the birds of the air and the beasts of the field, which is potable drinking water, it compels the State of California, before it shall consider even legislation of this sort, by act of its legislature "irrevocably and unconditionally"—and I read the language of the amendment itself—to agree with the United States and for the benefit of the other States of the Colorado River Basin—

as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet.

More than that and within a brief period by perfected rights, that the law can not touch in this particular territory that is thus assured, can be obtained. Talk to me of taking water from the State of California? Not a bit of it! Not a bit of it! All the expert testimony—and I have put in the RECORD that of the distinguished engineer of the State of Nevada—is that if we give to the State of Arizona the water that the State of Arizona now asks, she can not by any possible process of irrigation use that water to the full or utilize all of it. All of the testimony that has been adduced reaches that conclusion, save that, of course, of some of the gentlemen connected with the State of Arizona.

But that is neither here nor there. I want Senators to understand what the amendment is. It is the most drastic amendment that was ever written into a law against the people of a State, the most drastic thing that was ever asked of them. I would stand here and never tolerate it if I did not know that 60,000 people are in jeopardy in the Imperial Valley who demand and who ask and who beg and who pray that they may have the consideration of the Congress.

I say to the gentlemen from Arizona, "You say that California shall have but 4,200,000 acre-feet." We say, and the testimony of Mr. Francis Wilson is the best upon that subject, that the irreducible minimum of the State of California is 4,600,000 feet. You say to us, "You must bind your people for all time in the future never to go beyond it by this amendment." The amendment does not divide the water between Arizona and California. It fixes a maximum amount beyond which California can not go. I say to the gentlemen from Arizona, though I think it is a wicked amendment, though I think it is an amendment that harnesses the State of California and its people as they never should be harnessed in the days to come, though I believe it to be an injustice against those who reside in California and in its southern part to-day and those who may reside there in the future—I say to you that if 200,000 acre-feet of water will settle this controversy with them, whatever the wrong, whatever the injustice, whatever may be the yoke that is put upon our people, I will take that as a compromise and a settlement of the differences that exist.

But unless it be by compromise, this injustice ought not to be put upon us and the compromise should be that the amendment as written, with the permanent amount of water that the Senator from New Mexico [Mr. BRATTON] offers, shall be adopted, and then that the bill shall be passed without further delay and without any filibuster at all. If we can compromise, let it be done upon that basis, but do not require us to do what

is unnecessary and what ought not to be crowded down our throats unless it be actually by way of compromise.

Mr. PITTMAN. Mr. President, I want to say that the amendment of the Senator from Colorado [Mr. PHIPPS] now offered is substantially recommended by the committee. The bill as originally introduced by the Senator from California [Mr. JOHNSON] had no reference in it to water at all, but it became evident to the committee that there had to be some reference with regard to water because not only were the States of California and Arizona interested in this larger supply of water but the four upper States were interested as well. This amendment was offered in committee by the Senator from Wyoming [Mr. KENDRICK] for the purpose of protecting the water rights of the four upper States. In other words, there are only 15,000,000 acre-feet in the river. Seven million five hundred thousand are forever to be retained in the upper States, to be put in use some time in the future.

Now, unless there was an agreement as to exactly how much water should go to the lower States out of the 7,500,000 acre-feet that went down to them, what might be the result? If Arizona stays out of the agreement, she would have her legal right to appropriate as much water as she could put to beneficial use. On the other hand, California would only be restricted by the 7,500,000 acre-feet that went down, with the result that there would be nothing in the compact to prevent California from using the entire 7,500,000 acre-feet and there would be nothing in the compact to prevent Arizona from using the 7,500,000 acre-feet if she never went into the compact.

So the upper States said: "We have got to be assured that there is not used in the lower basin more than the 7,500,000 acre-feet, because, if there is more used, then when we get ready to use it in the future it will not exist under the law of appropriation that applies in that section of the country." Consequently, in view of the fact that Arizona might never go into the compact, might never be bound by the compact, might be perfectly free to exercise her equal right and put to use as much as she could put to beneficial use, it was said in the committee, "If Arizona does not come in and if it is limited to six States only, then we must be assured that California will not take the full 7,500,000 acre-feet and then Arizona take some more." So the Senator from Wyoming [Mr. KENDRICK] offered an amendment in committee, to which the committee agreed, and that amendment provided that California should never consumptively use of the Colorado River over 4,600,000 acre-feet.

The Phipps amendment does not do anything else except that it states how California shall ratify. The Congress of the United States could not impose it upon California unless California assented to it, because California already has sovereign rights over the water, and the law recognizes her right to use as much as she can put to beneficial use. Consequently the Senator from Colorado [Mr. PHIPPS] has simply taken the amendment which was recommended by the committee and put it in legal language and provided a legal method for California to ratify it. I do not think it is any harder on California than it was before.

Let me now call attention to the fact that the committee adopted the Kendrick amendment. They adopted the amount that California demanded, which was 4,600,000 acre-feet. I voted for that amendment. Why? I voted for it because otherwise Arizona would not participate in the compact and would not participate in the division of water. In other words, it was apparent to me that California was so dissatisfied with it that we had to treat without Arizona. We treated without Arizona in the committee, and we put the amount in there that California demanded before the four governors at Denver.

I participated as a representative of Nevada for four weeks in the hearing at Denver, where the governors of the seven States met. Those governors decided that California was entitled to only 4,200,000 acre-feet of that water. They may have been right or wrong. The dispute has been going on for a long time. On the other hand, California contended that she had to have 4,600,000 acre-feet.

Now, we have this situation: We have the committee, which adopted the Kendrick amendment, standing for 4,600,000 acre-feet. We have the four governors of the upper States who arbitrated, standing for 4,200,000 acre-feet. We have a difference of just 400,000 acre-feet out of a total of 7,500,000. I think the proposition of splitting that in two is going to accomplish more good and get rid of more disputes than anything else that can possibly be done. I believe that if the two Senators from Arizona vote for 4,400,000 acre-feet, in accordance with the amendment of the Senator from New Mexico [Mr. BRATTON], they will be able to go before their legislature and sustain that position, and I believe if they do go before their legislature and sustain the proposition, that Arizona will ratify the 7-State agreement.

Mind you, this 6-State agreement is only an expedient. It is not what any of the seven States want. All of the seven States want a fair treaty between the seven States, and we have been striving to that end for several years. It looks to me as though we are on the eve of getting an agreement. I do not believe it is possible for the two Arizona Senators to pledge what the Arizona Legislature will do in this matter, but I believe that they have influence with it, and I believe when they go before the legislature and say "We stated on the floor of the Senate that this was a fair compromise, and we were representing the sentiment of the people of the State," the legislature will ratify it.

I think it would be a terrible mistake when everyone has reached the point of compromise as we have here. If California's allotment is reduced 200,000 acre-feet out of 7,500,000 and Arizona concedes 200,000 acre-feet to California for the purpose of compromise, we should vote for it, because if we do not bitterness is bound to exist between these States. If we do not, there have got to be a number of other provisions in the bill to satisfy the other States, because there is fear in the four upper States with regard to any kind of a ratification except by all the States. That fear does not exist in my mind; I think it is perfectly groundless. I think it is as groundless as is the fear of Mexico getting any more water than she is getting now. However, I plead with the Senators to allow us to make the first compromise that has ever been made in seven years with regard to this matter, and vote to split these 400,000 acre-feet and make the quantity that California will receive 4,400,000 acre-feet.

Mr. JOHNSON. Mr. President, I thought I made myself plain upon this matter, but I want to make it doubly so. If we are compromising on the question of water, I will submit to what I think is an injustice; if we are compromising our controversy, I am willing to accept it; but I want to know first whether we are settling the controversy and whether or not we are settling the matters of difference. The junior Senator from Arizona [Mr. HAYDEN] has been very active, and I ask him if that is the situation?

Mr. HAYDEN. Mr. President, I have been very active submitting various suggestions of compromise to those who spoke for the State of California. I have had no response to those offers. The only thing that I could do was what I have done this morning, to submit the issues separately to the judgment of the Senate, and that is what we are doing now. We are taking up the question of the quantity of water that the State of California shall receive, and let the Senate vote on it. When we come to other issues we shall again ask the Senate to vote on those. That is all we can do.

Mr. ROBINSON of Arkansas. Mr. President, if I may ask a question, are there other issues in the bill than the mere division of water?

Mr. HAYDEN. Yes.

Mr. ROBINSON of Arkansas. Is it the position of the Senator from California [Mr. JOHNSON] that all issues in the bill must be compromised if a compromise shall be made respecting the division of water?

Mr. JOHNSON. I do not know what other issues there are.

Mr. ASHURST. There is the power issue.

Mr. ROBINSON of Arkansas. I can not state them, but I understood there were a number of other issues involved in the some 50 amendments which have been offered to the bill.

Mr. JOHNSON. Yes; but I thought they were offered at the last session for various other reasons than because the bill required them. However, that is neither here nor there.

Mr. ROBINSON of Arkansas. It occurred to me, I will say frankly to the Senator from California, that, perhaps, by settling the pending controversy relating to the distribution of water it might facilitate the final disposition of the measure.

Mr. JOHNSON. I should like very much to do it, but I want to know that we are settling something. Do Senators realize what this amendment requires? Just see the safeguards that we have given the upper basin States. We are considering a bill every feature of which is written around the 7-State pact. Then the amendment requires that the seven States, Arizona among them, shall ratify the compact. Further the amendment provides that if the seven States shall not ratify the compact within six months, six States may ratify it, with this addendum concerning California's water. What is the position of Arizona?

Mr. HAYDEN. Mr. President, I have repeatedly stated to the Senate that there are three fundamental differences between the State of Arizona and the State of California. One was the question of the division of water in the lower basin; another was whether or not the Colorado River compact should be ratified by seven States; and the other was whether Arizona should receive some income from power in lieu of taxes.

The Senator from California continually refers to some one item and wants to know if we are pleased with it, and if he agrees to that item it will settle the others. We have been unable to arrive at any conclusion in that regard. So I shall state frankly to the Senator that if this amendment be adopted, the next proposal that the Senators from Arizona shall offer to the Senate will be whether there shall be a six or a seven State ratification of the Colorado River compact. Let the Senate settle that issue, and so on down, until the Senate itself has determined what the legislation shall be.

Mr. ASHURST. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield to the senior Senator from Arizona.

Mr. ASHURST. Mr. President, I agree with what my worthy colleague, the junior Senator from Arizona [Mr. HAYDEN] has said. Arizona desperately needs votes at this time in the Senate, as to the division of the waters under discussion, but I am not going to seek or receive one vote upon this amendment under a misapprehension. If the Senator from California [Mr. JOHNSON] beguiles himself into the belief that because of the adoption of this amendment, opposition will relax as to other features of this bill, he is sadly mistaken. The adoption of this water division amendment will by no means remove the thorns and blades of injustice that would yet remain in the bill respecting power and other subjects, and we shall contend to the last, indeed we shall retire into the rocky passes of the Senate rules and there fight until we secure a bill which will, amongst other features, require a 7-State ratification of the so-called Santa Fe—or Colorado River—compact. Is there any misunderstanding about this language?

Mr. JOHNSON. No; and I am very much obliged indeed, to the Senator from Arizona for what he has said. It is a demonstration that the accomplishment of this injustice will accomplish absolutely nothing. I ask those who favor this legislation, therefore, to defeat this particular amendment, and I trust we will go forward with the measure with such rapidity as we may. I am grateful to the Senator from Arizona for his frankness; that is the way we ought to speak; and, feeling that way, it is obvious, sir, that this is nothing at all in the nature of a compromise, nothing at all in the nature of a settlement of the controversy that has existed.

Mr. BRATTON. Mr. President, I think both Senators are unduly alarmed or aroused. The Senator from Arizona says that there are three questions involved. One is the division of water; another is whether there shall be a seven or a six State ratification. If this amendment shall be adopted it will settle those two questions. It will divide the water and it will cover the subject of ratification by providing that a 7-State ratification shall be had if it can be obtained within six months and a 6-State ratification thereafter. So if this amendment shall be adopted the question of the division of water and the question of ratification both will be settled. That leaves the single question of whether Arizona will be permitted to tax the output from the operation of the power plant. It seems to me that the Senate will expedite this measure upon the most equitable basis by adopting this amendment, and then leaving the question of revenue to be derived by or paid to the State of Arizona to be determined later.

Mr. ROBINSON of Arkansas. When that amendment is reached we will vote on that, and after that question shall have determined the principal issues will have been disposed of.

Mr. BRATTON. The principal issue will be determined by this amendment. I repeat for emphasis that we will expedite the legislation on the most equitable basis by adopting the amendment in the form in which it now stands.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. BARKLEY. Whether we agree to this compromise or do not agree to it, what effect will the action have upon the question as to whether Arizona shall have the right to tax the power?

Mr. BRATTON. None at all; that is a separate question that we will discuss and decide later.

Mr. BARKLEY. So that those who favor the principle of the bill as a whole may consistently support this amendment without in any way embarrassing themselves as to the right of Arizona to tax the power?

Mr. BRATTON. Emphatically, yes. This amendment relates to the division of water. Then when we turn to the subject of power, whether Arizona shall tax it or whether she shall accept 18¾ per cent of the surplus revenue provided in the bill is an entirely separate and distinct question.

SEVERAL SENATORS. Vote!

Mr. ASHURST. Let the question be stated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico [Mr. BRATTON] to the amendment of the Senator from Colorado [Mr. PHIPPS].

Mr. BRATTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If he were present and free to vote, he would vote "nay." If I were permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. JONES. I desire to announce that the Senator from Ohio [Mr. FESS] is necessarily absent from the Senate. He is paired with the Senator from Maryland [Mr. TYDINGS]. If present, the Senator from Ohio would vote "nay" on this question.

I also desire to announce that the Senator from South Dakota [Mr. NORBECK] is paired with the junior Senator from New Mexico [Mr. LARRAZOLO]. If the Senator from South Dakota were present he would vote "nay," and if the junior Senator from New Mexico were present he would vote "yea" on this question.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Mississippi [Mr. STEPHENS] are necessarily detained from the Chamber on official business.

I also desire to state that the senior Senator from New York [Mr. COPELAND] is detained by illness in his family. On this amendment he has a pair with the Senator from Rhode Island [Mr. GERRY].

The result was announced—yeas 48, nays 29, as follows:

YEAS—48

Ashurst	Edwards	King	Simmons
Barkley	Fletcher	Locher	Smith
Bayard	George	McKellar	Smoot
Bingham	Glass	Metcalf	Steck
Black	Glenn	Moses	Swanson
Blease	Hale	Neely	Trammell
Bratton	Harris	Oddie	Tyson
Broussard	Hawes	Overman	Wagner
Bruce	Hayden	Pine	Walsh, Mass.
Caraway	Heflin	Pittman	Walsh, Mont.
Couzens	Kendrick	Ransdell	Waterman
Edge	Keyes	Robinson, Ark.	Watson

NAYS—29

Blaine	Gillett	Nye	Shortridge
Borah	Goff	Phipps	Steiwer
Brookhart	Gould	Reed, Pa.	Thomas, Idaho
Capper	Johnson	Robinson, Ind.	Vandenberg
Curtis	Jones	Sackett	Wheeler
Deneen	McMaster	Schall	
Dill	McNary	Sheppard	
Frazier	Norris	Shipstead	

NOT VOTING—18

Copeland	Harrison	Mayfield	Tydings
Dale	Howell	Norbeck	Warren
Fess	La Follette	Reed, Mo.	
Gerry	Larrazolo	Stephens	
Greene	McLean	Thomas, Okla.	

So Mr. BRATTON's amendment to Mr. PHIPPS's amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. PHIPPS], as amended.

Mr. HAYDEN. Mr. President, as the senior Senator from California is well aware, there have been other issues in controversy between the States of California and Arizona with respect to the apportionment of water, one issue being whether or not the States of Arizona and California should share equally the burden of furnishing water to Mexico. Another was whether the Gila River, one of the principal tributaries of the Colorado River in Arizona, should be completely reserved for use in the State of Arizona.

In offering my original amendment I provided for both of those matters. I have had conferences with some gentlemen from California, and they have suggested some changes in that part of my proposal. I intend to submit it now, so that it may be printed for the information of the Senator from California and the entire Senate, in order that we make take it up for consideration later.

I now send the amendment to the desk and ask the clerk to read it for that purpose. I shall offer it later.

Mr. JOHNSON. Mr. President, has the amendment been printed?

Mr. HAYDEN. My original amendment was printed. I have made some changes in it.

Mr. JOHNSON. The original amendment that the Senator refers to is the one we passed upon, is it not?

Mr. HAYDEN. No, sir. The Senator will remember that I offered an amendment which was pending, which comprised——

Mr. JOHNSON. Why not have the amendment printed and lie on the table?

Mr. HAYDEN. I desire to have it read and printed and lie on the table.

Mr. HEFLIN. Let us have it read.

Mr. JOHNSON. Let us dispense with the reading of it for the moment and go on with the bill. Of course, the Senator has that right if he wishes.

Mr. HAYDEN. I prefer to have it read, so that the Senate may understand what it contains.

Mr. JOHNSON. All right.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The legislative clerk read the amendment, as follows:

Amendment by Mr. HAYDEN to the amendment offered by the Senator from Colorado [Mr. PHIPPS]: On page 3, after line 7, insert a new paragraph, as follows:

"The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water which can not reasonably be applied to domestic and agricultural uses and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact."

The VICE PRESIDENT. The amendment will be printed and lie on the table.

The question is on the amendment of the Senator from Colorado [Mr. PHIPPS], as amended.

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 2, lines 7 to 17, it is proposed to strike out the words:

if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further——

Mr. HAYDEN. Mr. President, the amendment I have offered to the amendment offered by the Senator from Colorado strikes out that part of his amendment which states that the Colorado River compact may be ratified by six instead of by seven States.

The Colorado River compact, as originally written, contemplated that the seven States of the Colorado River Basin would enter into an agreement apportioning 7,500,000 acree-feet of the waters of that basin to the upper basin, 7,500,000 acre-feet to the lower basin, and reserving to the lower basin the right to increase its beneficial consumptive use of water by an additional 1,000,000 acre-feet. The compact was not to go into effect until ratified by all of the seven States and until it was subsequently approved by Congress.

The compact was ratified without qualification by the States of Wyoming, Utah, Colorado, New Mexico, Nevada, and California.

Subsequently the State of California withdrew its unqualified ratification of this interstate agreement and ratified it upon the condition that there should be constructed upon the Colorado River, at or near Boulder Canyon, a dam which would impound at least 20,000,000 acre-feet of water. The enactment of this legislation would comply with the California reservation.

The State of Arizona has never approved the Colorado River compact—would not ratify it, as I have previously explained to the Senate—primarily because it provided merely for a division of water between the two basins and did not provide specifically the quantity of water which each State in the respective basins might receive. When the time came to make the compact, although the acts of all the State legislatures and the act of Congress contemplated that there would be a division and apportionment of water to each one of the seven States, specifically providing just how much water they should receive, Mr. Hoover and the seven State commissioners found it impossible to carry out that intention. They therefore divided the water between the upper and the lower basins of the Colorado River.

So far as the upper basin of the Colorado River is concerned, there is no immediate hurry about any division of water, because the agricultural development of that region will be long delayed. In the lower basin, however, both in Arizona and in California, particularly in the latter State, there is immediate prospect that the water will be placed to beneficial use. So, with an apportionment to the lower basin as a whole, and without any division of water between the States in the lower basin, the State of California could immediately appropriate and put to use the major portion of the water. We were greatly alarmed in the State of Arizona to learn that the State of California had made filings, had given notice to the world that they intended to appropriate out of the Colorado River all of the water apportioned to the lower basin, which would leave absolutely no water from the main stream for the State of Arizona.

If the filings made by the State of California have the value assigned to them by the senior Senator from California, if they do establish perfected rights as he has asserted, then, without an agreement between the States of Arizona and California, if those filings are valid, there would be absolutely no water left in the Colorado River for the State of Arizona. So, when the Colorado River compact was submitted to the Arizona Legislature the question was immediately raised, If we approve this general division of water does it follow that there will be a supplemental agreement apportioning certain waters in the lower basin to the State of Arizona and certain waters to the State of California; the other waters to Nevada? In the absence of any such agreement the Legislature of Arizona, after very mature deliberation, decided not to approve the compact.

The demand in my State has been, ever since that time, for a supplemental agreement between the States of Arizona and California, before the compact be approved. The failure of the State of Arizona, however good the reason might be, to approve the Colorado River compact, resulted in resentment among the other States of the Colorado River Basin. They felt that the State of Arizona should have approved the compact first, and then have taken the chance as to whether a supplemental agreement could be reached with the State of California. As the result of that resentment it was proposed that the Swing-Johnson bill, then pending in Congress, be modified to provide that the Colorado River compact should be approved by the Congress of the United States and should go into effect when ratified by six States instead of by seven States.

So we find in the pending bill and in the amendment offered by the Senator from Colorado, who merely transposes words from the bill itself into his amendment, the proposal that if all of the seven States fail within six months to ratify the compact, then it shall go into effect when ratified by six States.

The State of Arizona is compelled to object most seriously to any such proceeding. The Colorado River compact proposes to divide the waters of the Colorado River among seven States. It is conceded that if the compact is legally sound the water in that river and its tributaries belongs to the seven States and not to the Federal Government. If the seven States own the water of the Colorado River and its tributaries, if they have a common interest in it which they are seeking to divide by a compact, how can an agreement be made effective dividing the property of seven States merely with the consent of six of them and without the consent of the seventh State?

I want to seriously inquire of the Senator from Colorado upon what theory he justifies the proposal that the Colorado

River compact shall go into effect if approved by six States only?

Mr. PHIPPS. Mr. President, the time that has been afforded the States in which to indicate their assent to the 7-State compact has continued to such an extent that many of us have given up hope of eventually arriving at a 7-State compact.

As I understand it, the States of the upper basin much prefer a 7-State compact, but they desire a compact of some kind, and with a provision under which one of the lower basin States—California—practically steps into the position of guarantor, so that the upper basin would be reasonably assured that its requirements of practically 7,500,000 acre-feet would not be infringed upon, that they then could go ahead safely in developing their irrigation enterprises and taking water for domestic use.

It seems to me that if the Congress should go through the motion of passing this bill, authorizing these works—the dam, the power plants, and so on—predicated upon the unconditional ratification by all the seven States of the compact, it might be an interminable length of time before all seven would agree to come in.

The upper-basin States desire to be assured of their rights to the use of water, and, as they see it, the means of accomplishing that is to have the States in control of the waters going into the lower basin protect them to the extent that they are assured of their own water uses.

Mr. HAYDEN. Mr. President, let me see if I understand the Senator. It is due to the fact that the States of the upper basin fear development by California, and do not fear development by Arizona, that they are willing to subscribe to a 6-State compact, rather than to a 7-State compact, provided the State of California makes one of the six States.

Mr. PHIPPS. Not rather than. As I have stated, the preference is decidedly for a 7-State compact, and it is to be hoped that a 7-State compact will become effective. It is also felt, however, that, in view of the time which has passed during which one of the seven States has definitely refused to come in, having allowed a reasonable length of time for that State to come into accord with the others, and accept the compact, the upper-basin States would be reasonably safe in going ahead with the concurrence of the six States.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. I hope the Senator from Colorado, in making that statement, is not attempting to speak for the State of Utah.

Mr. PHIPPS. I was speaking in general terms. The State of Utah, I believe, has declined to assent to a 6-State compact. The conditions of this bill I believe to be such that the State of Utah would again decline to assent to a 6-State compact.

Mr. KING. May I ask the Senator from Colorado if he thinks it will be conducive to securing the assent of the State of Utah to a 6-State compact, or to a 7-State compact for that matter, if the provisions of the bill, after it shall become a law, leave Arizona and California in a controversial condition with respect to a division of the water? In other words, if the rights of each of these States is not defined, will not there be a prolonged dispute as to the rights of each in and to the waters of the Colorado River?

Mr. PHIPPS. But the provision in the bill would protect the upper basin States in that California agrees that there shall be a limitation on the quantity of water which she may take and use.

Mr. KING. Does California agree there shall be a limitation if there is a 7-State compact?

Mr. PHIPPS. If there is a 7-State compact, in the terms of this amendment, yes. May I ask the Senator from California if I am correct?

Mr. JOHNSON. My impression is that the amendment provides, first, for a 7-State compact and, secondly, for a 6-State compact, in which event the Legislature of the State of California pledges itself never to use a greater amount than 4,400,000 acre-feet.

Mr. PHIPPS. The Senator is quite correct. With the 7-State compact, then, of course, the States of the upper basin are protected, in that the provision allows them to use 7,500,000 acre-feet, or, putting it the other way, their only obligation is to send down during the course of 10 years not less than 7,500,000 acre-feet of water.

Mr. KING. But it would leave California and Arizona, if there were a 7-State compact, to divide the water between themselves, and they might reach no agreement, and with California's superior strategic situation to use the waters of the river, Arizona's share, or claimed share, might be taken by California.

Mr. PHIPPS. To agree upon a division of the waters.

Mr. KING. And there is no assurance that California would be satisfied with the division prescribed in the amendment which has just been adopted.

Mr. PHIPPS. And no assurance that Arizona would be satisfied.

Mr. KING. Is there any assurance that California would consent to be limited to that amount?

Mr. PHIPPS. No; and there is no assurance that Nevada would be willing to take her 300,000 acre-feet which she is now willing to accept. That is to say, the whole thing would be thrown open for negotiation. If the States could come into agreement among themselves as to a division of the water, that agreement naturally would have to be ratified by the United States Government.

Mr. KING. May I ask the Senator if he should not be interested in getting a bill which would contain provisions that will permit Arizona to ratify? It seems to me that if we pass a bill which does not settle the controversy between Arizona and California in the matter of a division of the water there is danger that Arizona may not feel disposed to ratify the compact.

Mr. PHIPPS. I have always understood the principal bone of contention to be the division of the water. Now, by vote of the Senate, if it is carried into effect by concurrence of the House, that figure is fixed. The maximum to California would be 4,400,000 acre-feet. There is every reason to believe that would be acceptable to California.

Mr. KING. But, as I understand the statement just made by the Senator, the limitation of 4,400,000 acre-feet is based solely upon the 6-State compact, and if there is a 7-State compact there is no limitation.

Mr. PHIPPS. That is correct.

Mr. KING. Then if there is no limitation what advantage is there to Arizona if she does ratify the compact? California is in a superior position to appropriate the water and Arizona might get no water. California might then appropriate all of the 7,500,000 acre-feet allocated to the lower basin and Arizona, when ready to appropriate water from the river, and finding her share used by California might come to the upper basin States and make demands upon them.

Mr. PHIPPS. Arizona is ready to say that California shall put the water to beneficial use. Arizona has about 350,000 acres of land which can not be reached by gravity flow from the proposed dam, as our committee was informed.

Mr. KING. But the Senator must know that the statement has been made in the committee and on the floor of the Senate that neither Arizona nor the upper States are in a position to immediately appropriate the waters allocated to the upper States, or the share of the waters allocated to the lower States which Arizona thinks she is entitled to appropriate. If there is in the bill no division among the lower basin States of the water allocated to them, then Arizona might be unwilling to ratify the compact. She might say, "If we ratify, California is not restricted in the quantity which she may appropriate, and being in a position to appropriate all or most of the 7,500,000 acre-feet allocated to the lower States less what Arizona now uses, she may assert a claim to the entire flow." In this situation Arizona might feel constrained when ready to appropriate her share of the 7,500,000 acre-feet to make demands upon the upper States.

It seems to me that the Senator from Colorado is jeopardizing the rights of his own State, as well as the upper States, by assenting to a policy——

Mr. PHIPPS. I prefer that the Senator in speaking would not use the personal pronoun.

Mr. KING. I referred to the Senator as the Senator from Colorado.

Mr. PHIPPS. He should refer to me definitely as one member. I am only one member of the committee. I have my views as to what is the best procedure and the best form of legislation that can be adopted or carried out. I am perfectly willing to hear the Senator's argument from his viewpoint, but I hope he will not charge me with being the sole proponent of any feature of the bill or the amendment.

Mr. KING. I have not credited the Senator with being the sole proponent. He has defended the 6-State compact. I was merely calling attention to the fact that a compact which does not provide for a final division of the waters between Arizona and California will leave the upper States in a situation where they may not be fully protected, because if the allocation of water which has been provided in the amendment just adopted is not to apply in the event of a 7-State compact, then that may be regarded by Arizona as sufficient for objecting to ratifying the compact. If Arizona fails to ratify the compact the Senator must, it seems to me, appreciate the fact that the upper States are in jeopardy, because if Arizona does not ratify the

compact and California in the meantime should appropriate water which should go to Arizona, the latter, when ready to appropriate her just portion of the 7,500,000 acre-feet, and finding it used by California, might demand from the upper States sufficient to supply her needs. This danger might be increased if at the time of such demand the upper States had not applied to beneficial use the 7,500,000 acre-feet allocated to them. It seems to me that is vital for the protection of the upper States that the compact be ratified by the seven States.

I am more interested in securing a 7-State compact than in any other feature of the bill. If the compact is ratified and if the ratification and the provisions of the bill are of such character as to compose the differences between Arizona and California, then the upper States may go forward with a good deal of assurance, having only the apprehension that may arise from the fact that some of the water of the river may reach Mexico and be the basis of a claim by that country for a share of the river beyond that which may have been used prior to this time.

Mr. PHIPPS. Mr. President, will the Senator from Arizona yield further to me?

Mr. HAYDEN. Certainly.

Mr. PHIPPS. Just in a word, I wish to state that my understanding of the effect of the pending amendment is that under it or under a 7-State compact, the upper States would be compelled to send down 7,500,000 acre-feet of water in 10 years; or, to put it the other way, they would have for their own uses 7,500,000 acre-feet annually. If the 7-State compact is entered into, it settles that question so far as the upper basin States are concerned.

If we enact this legislation without providing for a 6-State compact, the discussions and the differences between the lower basin States may continue indefinitely and the upper basin States have no assurance that they are going to be protected in what they conceive to be their rights. The language of the amendment providing for a 6-State compact has incorporated in it the engagement upon the part of California that she will not take for her consumptive use more than 4,600,000 acre-feet—or now 4,400,000 acre-feet—of water out of the estimate 7,500,000 acre-feet annual flow.

Mr. HAYDEN. Mr. President, the State of Arizona feels that a gross injustice would be done to that State by the passage of an act of Congress which would provide that six States may divide the waters of a stream which belong to seven States without the consent of the seventh. No such bill should be introduced in Congress unless it were upon the assumption that Congress had the right and the power to divide the waters of the stream. Let me point out, Mr. President, a parallel instance to the one that we now have under consideration.

The States of Pennsylvania, New York, and New Jersey are using the waters of the Delaware River for domestic purposes. In the present unregulated condition of the Delaware River a shortage of water for cities in New York, New Jersey, and Pennsylvania has developed. Competent engineers have examined the stream and have determined that by the construction of reservoirs, either on the Delaware River itself or upon its tributaries, water may be conserved to satisfy the needs of all the cities which require it for domestic purposes. In order to arrange for an equitable apportionment of the waters of the Delaware River commissioners were appointed under authority of the legislatures of the three States. They drafted a compact allocating a quantity of water to New York, an equal quantity to New Jersey, and a larger quantity to Pennsylvania, because the larger part of the drainage of the Delaware River is in the State of Pennsylvania. That compact was very promptly ratified by the States of New York and Pennsylvania. The Legislature of the State of New Jersey, on examining the terms of the compact, decided that the references therein to vested rights might give title to certain riparian land, the ownership of which the State disputed, and therefore failed to ratify the compact.

Now, if the California procedure had been followed in that instance the States of New York and Pennsylvania would have appealed immediately to Congress and would have urged that because the three States interested in the Delaware River were unable to come to an agreement with respect to an apportionment of its waters. Congress should pass a bill approving the compact as ratified by the Legislatures of New York and Pennsylvania, and let it go into effect by virtue of an act of Congress, even though the Legislature of New Jersey has not approved of it.

That is what this bill does with respect to the Colorado River compact. It states that, whereas the legislatures of all of the seven States have not approved of the compact, nevertheless the Congress shall approve it and measures shall be taken to put that compact into effect whether the seven States have approved it or not.

The States of New York, New Jersey, and Pennsylvania, being of the original thirteen States of the Union, never thought of coming to Washington to ask that a compact which had been negotiated by the commissioners appointed by three of them, and which had been approved by two of them, should be put into effect by an act of Congress. They knew that that could not be done; that the waters of the Delaware River belonged to the three States; that those States alone could enter into an agreement to apportion the waters, and that it was wholly beyond the power of the Congress of the United States, by an act approving an agreement which two of the States had ratified and which the third had not, to place that agreement into effect. No such proposal was made.

The only interest the Federal Government has in the Delaware River is that if by reason of the reservoirs proposed to be built in New York or New Jersey or Pennsylvania the flow of that stream were interfered with to an extent that shipping could not enter the port of Philadelphia, then a Federal interest would be violated. But so long as interstate and foreign commerce were not interfered with, those three States might divide the water as they saw fit. So we say that the same is entirely true in the Colorado River, that the States alone, and all seven of them—because all seven of them own the river just as much as the three States of New York, New Jersey, and Pennsylvania own the Delaware River—the States and the States alone, and only by a unanimous agreement, can divide the waters of that river. Therefore an assertion in this bill that the compact shall be approved, not when ratified by seven States but when ratified by six States, is a wrong and a wholly improper procedure for the Congress of the United States to follow. Therefore I have moved to strike out of the amendment offered by the Senator from Colorado the provision that the Colorado River compact shall be approved by the Congress of the United States to go into effect when ratified by six States and not by seven States.

It seems to me, Mr. President, that the proposition is so simple that it does not need much argument. Here is a river that belongs to seven States. Each one of the seven States appointed commissioners to work out an arrangement whereby the waters of that stream would be divided. Six of the States approved that agreement, but the seventh State, for good and substantial reasons, declines to approve it until a supplemental compact shall have been made between that State, which is Arizona, and the State of California further apportioning the waters that are allocated to the basin in which they lie.

The State of Arizona insists that as a condition precedent to her ratification of the main Colorado River compact the State of California shall agree with her upon a division of the water of the lower Colorado River Basin.

Mr. BORAH. Mr. President——

Mr. HAYDEN. I yield to the Senator from Idaho.

Mr. BORAH. I merely wish to ask a question. Does the Senator from Arizona contend that the passage of this bill will affect any rights which Arizona has as a State or her citizens have by reason of being citizens of the State? Does he contend the passage of the bill could take away those rights, notwithstanding she has not entered into the pact?

Mr. HAYDEN. We do not know. We look upon the passage of the bill as an assault upon the sovereignty of the State of Arizona. It could be based upon no other theory than that Congress has the right to apportion the waters of the Colorado River and its tributaries in accordance with a certain document, regardless of the wishes of the State of California. It seeks to impose the terms of the Colorado River compact upon the State of Arizona without the consent of that State. Therefore we resist it. Whether all that we fear could be accomplished or not we do not know. I think the Senator from Idaho would be inclined to take the view that such a thing could not be done; the Supreme Court of the United States would not permit anything of that kind. To pass a bill of this kind, however, places the burden upon the State of Arizona of filing suit and of arguing it before the Supreme Court of the United States. No one can tell in advance what the decision of the Supreme Court will be. Therefore we feel justified in opposing the passage of any proposed legislation that in any manner may seek to divide the waters of the Colorado River, in which the State of Arizona has an interest, without the consent of that State.

Mr. BORAH. Mr. President, I do not desire to argue the question, but lest I may be misunderstood in the future—because this question is likely to come back here in another form with reference to some other bill—when I shall vote for

this bill I shall vote for it upon the supposition that a mere act of Congress can not take away any rights of the State of Arizona.

Mr. HAYDEN. Mr. President, in connection with the remarks just made by the Senator from Idaho, I wish to say that one can not blame the Senators from Arizona for being as persistent in the defense of the rights of their State as the Senator from Idaho has been as to the rights of his State. When the Columbia Basin project was under consideration by the Senate the Senator from Idaho offered an amendment which I shall now read:

Provided, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project.

The senior Senator from Arizona [Mr. ASHURST] has offered an amendment to this bill in almost the identical language of the amendment offered by the Senator from Idaho which I have just read, except that he struck out the name of the State of Idaho and inserted the name of the State of Arizona. If an amendment of that kind were adopted to this bill, the rights of the State of Arizona would be protected.

Mr. BORAH. My opinion is, though I may be in error, that while that amendment was attached to the Columbia Basin project bill, the law was just the same and would have so remained without the adoption of the amendment. It was quite proper for me to add the amendment and it is quite proper for the Senators from Arizona to take such action as will preclude any presumption of acquiescence, but I think the law to be as I have stated. I do not see how we can, by an act of Congress, take away the rights which belong to a State or to its citizens by virtue of their being citizens.

Mr. HAYDEN. The Senator from Idaho may remember the position of the office of the Attorney General of the United States which has been asserted in briefs filed before the Supreme Court of the United States in the famous cases of Kansas against Colorado and Colorado against Wyoming. In one instance the brief was filed by John W. Davis, the then Solicitor General, and in another instance, more recently, by Mr. Beck, as Solicitor General; but in each instance it was asserted that, while it may be true that the doctrine of appropriation exists in the Western States, it exists only by the sufferance of the Federal Government, and that the Federal Government could at any time, as the owner of the riparian land in the West, reassume jurisdiction and entirely wipe out the doctrine of appropriation, so that it would be no longer applicable in the West. In other words, the Attorney General's department asserts that the Federal Government has absolute and complete jurisdiction and control of all the streams which flow through the public lands.

Mr. BORAH. If streams flow through lands owned by the Government, the Government has a proprietary interest the same as any other proprietor, but not as a sovereign.

Mr. HAYDEN. Whatever interest that may be, whether as sovereign or as proprietor, the Federal Government has no such interest under the laws of the State of Arizona and of other Western States, of which, I believe, the State of Idaho is one. The simon-pure appropriation States of the West assert that the doctrine of riparian rights does not exist, and that the right to appropriate water may be only acquired under the law of the State. Therefore we are menaced by the attitude of a department of the Federal Government, the Attorney General's office, asserting that the States have no right to control the waters of streams where they flow through public land, an instance of which we have before us here. On each bank of the Colorado River at Boulder Dam the lands belong to the United States and are not in private ownership.

Mr. BORAH. The Supreme Court did not follow the brief of the respective Attorney Generals, did it?

Mr. HAYDEN. It did not. The representations thus made were entirely ignored. In the opinion in the case of Colorado against Wyoming, the Supreme Court held that the doctrine of appropriation was common to both the State of Colorado and Wyoming, and therefore it was applicable to the entire stream, and that an earlier appropriator lower down on the stream in Wyoming was entitled to receive his water as against a subsequent appropriator higher up on the stream in Colorado.

Mr. WATERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Arizona yield to the Senator from Colorado?

Mr. HAYDEN. I yield.

Mr. WATERMAN. In the Elephant Butte Dam case, in 174 United States, where there was an attempted intervention in the Rio Grande River, the Supreme Court of the United States held, did it not, that the only control or influence of the United States in connection with the flowing of the waters of an interstate stream was predicated exclusively on the commerce clause of the Constitution of the United States? Is not that correct?

Mr. HAYDEN. The Senator is correct.

Mr. WATERMAN. And that was reaffirmed in the Kansas-Colorado case, was it not?

Mr. HAYDEN. The Senator is again correct in his statement.

Mr. WATERMAN. If that be so, how is it possible for the Congress of the United States to legislate in such a manner as to hamper in any way Arizona or my State with reference to the waters that are within or contiguous to it unless they exercise the power in relation to navigation? How can it be done?

Mr. HAYDEN. It has always been the contention of the State of Arizona that the rights of the United States in and to the Colorado River or any other stream in the State were limited to navigation.

Mr. WATERMAN. Exactly. Take the 6-State compact, so called, which purports to put into effect, without the consent of Arizona, the provisions of the 7-State compact, how can Congress by the passage of this bill in any way hamper or limit Arizona in the utilization of the waters that pass through that State?

Mr. HAYDEN. It is evidently the idea of the authors of this bill that the works to be erected under it would be operated in some manner to carry out the terms of the Colorado River compact, and that the practical effect of the legislation would be to prevent the State of Arizona from enjoying any benefit from that structure that was not in accord with a compact which that State had not approved.

Mr. WATERMAN. If, then, the 6-State compact is impressed by this legislation upon this river, and Arizona is left out of it, does not ratify it, does not approve it, does not become a party to it, what is to prevent Arizona from going into the stream where she owns both banks of the river and appropriating water for power purposes, assuming that there is no prohibitive legislation, and in that way getting title to the waters of that river, and depriving my State—which furnishes 70 per cent of the water that passes down through and into the Gulf—of the use of any of the waters that flow in the river there? How can it be done; and can not Arizona, by that method, deprive my State of her rights in that respect?

Mr. HAYDEN. If the State of Arizona had not approved the Colorado River compact, it would undoubtedly have the right to do just what the Senator has suggested.

Mr. WATERMAN. That is where the interest of the people of my State comes into this question. I believe that they must insist upon the ratification of the 7-State compact by the seven States in order to settle the controversy which may arise, and undoubtedly will arise, among the States with reference to the partitioning out of the waters of that stream. That is a vital question, and I am intensely interested in it; and I must stand for such legislation in this body as will protect the interests of my State in the waters of that stream which flow out of it, so that they can not be taken away. The 7-State compact, in my judgment, will do it; and that is why I stand for that compact.

Mr. HAYDEN. The Senator from Colorado will understand that each and every reason ever alleged by the State of Arizona for failure to ratify the compact was not because of a desire in any way to deprive the State of Colorado, which the Senator so ably represents, or the other States of the upper basin, of the share of water allocated to them by the compact; that Arizona's failure to ratify the compact was due solely to the refusal of the State of California to enter into a supplemental agreement dividing the water in the lower basin.

Mr. WATERMAN. I may say to the Senator that I did not intend to intimate anything of that kind. The time may come when I shall say something about that proposition.

Mr. BORAH. Mr. President——

Mr. HAYDEN. I yield to the Senator from Idaho.

Mr. BORAH. I can see how Arizona might lose her rights, not by reason of this legislation, but by reason of acts of appropriation going on in carrying out the terms of this bill in case Arizona did not assert her rights in court. If she stood by and water were appropriated to beneficial use in other States, she might lose her rights. She would not lose them, however,

by reason of this legislation, but by reason of the acts of appropriation.

Mr. HAYDEN. That is exactly what we fear—that if, subsequent to the passage of this legislation, a great dam is erected in the Colorado River without the consent of the State of Arizona, the water impounded behind that dam will be claimed and controlled by the Federal Government, and the State of Arizona will have no jurisdiction over it. The Secretary of the Interior may then enter into contracts to permit the use in California of a much larger quantity of water out of that dam than is fair to the State of Arizona. The State of Arizona will be helpless unless it does proceed, as the Senator suggests, by filing a suit in the Supreme Court of the United States to determine its rights.

Mr. KING. Mr. President——

Mr. HAYDEN. I yield to the Senator from Utah.

Mr. KING. I desire to suggest to my friend from Idaho this situation:

By this bill the Federal Government is asked to appropriate more than $100,000,000 to construct a dam in the States of Arizona and Nevada particularly for the purpose of generating power. The bill requires that the Secretary of the Interior shall make contracts for the sale of power and stored water. It is obvious that Arizona, not being ready to utilize all of the water of the river to which she believes herself entitled, may lose her right largely because of the acts of the Federal Government. The construction of the dam and the use of a portion of the water for the generation of power places the Government in the position of aiding California in appropriating water which Arizona claims.

By this bill the Government is aiding California, by taking money out of the Treasury of the United States, to appropriate a part of the river flow for power, irrigation, and domestic purposes. This appropriation may be, and probably is, a part of the stream to which in all justice Arizona is entitled. Under the terms of the bill we are requiring contracts to be entered into by the Secretary of the Interior to raise sufficient sums to annually meet the expenditures made by the Government. These contracts will require that power be developed by utilizing a portion of the water claimed by Arizona. Contracts are to be made requiring that a portion of the waters of the river be diverted therefrom and taken to Los Angeles and other coastal cities for domestic and other purposes; so that the United States is asked to become a party to a policy which may deny to Arizona the future consumptive use of her just share of the waters of the Colorado River.

Arizona is vitally interested in this proposed legislation, and in securing an agreement with California as to a division of the water; doubtless she feels that before she can vote to ratify the compact there should be an agreement dividing the water of the river. She may feel that if no agreement is entered into, and she is not in a position to utilize her share of the water for some time, California, with the aid of the Government, will use for power and other purposes water which is justly hers. In this situation, when Arizona is in a position to require the water, and it is claimed by California, a demand might be made upon the upper States for a portion of the quantity allocated to them.

It will be observed that there are serious problems involved in the proposed legislation which we are considering.

Mr. BORAH. Mr. President, of course it would have been extremely satisfactory to all Members of the Senate if the seven States could have agreed. They have been unable to agree, however; and we must, therefore, make our choice of whether we will do nothing, or whether we will pass such legislation as is now proposed.

Then, again, here is a river some 1,700 miles long, I think, national and international in its scope, affecting immediately seven States, and indirectly as many more. There is no one except the Government of the United States who can deal with that river so far as flood control and such matters are concerned. No one else is able to do it; no one else could do it; no one else really has the authority to do it; and, fundamentally, the flood-control proposition is what most immediately concerns me.

Undoubtedly, if Arizona stands idly by and does not protect her rights, either by appropriation or by such action in the courts as will protect them, she will lose her rights ultimately. That is one of the penalties of living under the doctrine of prior appropriation. If an individual has a farm or ranch, and the water is running by it, if he does not use it, his neighbor below him or above him can appropriate it and take it away from him, ultimately. So here, I presume, if Arizona should not act, she perhaps would be prejudiced by this legislation in the sense that the acts carrying it out would result in appropriations by others. It would not be the act of Congress which took away her rights, however, but the acts of appropriation following as a result of it.

Mr. HAYDEN. Mr. President, that is why we oppose the passage of a bill which authorizes large appropriations of money to construct a dam and other works which will inevitably lead to appropriations of water which are adverse to the State of Arizona, unless and until there is an agreement between Arizona and California apportioning those waters. We desire an agreement so that if Arizona is not in position to use her share of the water immediately, it will be reserved for her. In other words, Arizona's position in this matter is exactly and identically on all fours with the position of the States of the upper basin. We ask no more and no less in the way of protection from immediate development in California than do the States of the upper basin.

I understood the senior Senator from Colorado to say that the reason why he was willing to abide by a 6-State agreement, provided California was one of the six States that entered into the agreement, was because they feared California, and they did not fear immediate development in Arizona.

Mr. WATERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Colorado?

Mr. HAYDEN. I yield.

Mr. WATERMAN. In view of what the Senator from Idaho has just stated with reference to flood control I will say that that proposition, as I understand, is not fettering this legislation at all. I imagine that if this bill were framed for the purpose of flood control and flood control only, Arizona would not refuse to support that sort of legislation. When, however, you go in there and propose to put in this dam 550 feet high and propose to give the State of California 4,600,000 acre-feet of water out of the seven and a half million under the 7-State compact, Arizona says, "No; we are entitled to a greater proportion of the 7,500,000 acre-feet than that will allow." So what the Congress is doing is departing from the proposition of flood control as such and going to the basis of creating a great reservoir for storage and power purposes, with all the things that will follow the construction of power plants, and there is where the trouble arises.

Nobody, I presume, wants to oppose any legislation which will protect the situation from the menace of floods. While I know of no constitutional provision which warrants the Government in entering into the field of flood control, it has been practiced so long and has remained so long unquestioned that probably fundamentally the Congress has the power to do it. At any rate, it has been doing it all the time and nobody is complaining about it. So if we come back to the proposition of flood control and erect a dam in that river which will prevent floods or injury from floods, I imagine we will have no trouble with this legislation.

Mr. HAYDEN. There would be no objection at all on the part of the State of Arizona to the construction of a mere flood-control dam in the Colorado River to perform the Federal function of improving navigation or regulating interstate commerce. We have said consistently that to do that alone would be a waste of public funds; that it would be much better to combine with it the other advantages that could be obtained by building a larger and better dam which would furnish an income to the Federal Government from the sale of power.

We have had no major quarrel with the things that are proposed to be done so far as they are physical facts, but we quarrel with the ways and the means with which the dam itself would be operated, or the power plant would be operated, to the detriment of the State of Arizona. We have insisted that there must be some agreement with our sister State of California before the works at Boulder Canyon are constructed the operation of which would be detrimental to the State of Arizona and in violation of her rights.

Mr. FLETCHER. Mr. President, may I inquire of the Senator, as a practical matter, if it is proposed that these contracts shall be made with reference to the disposition of the water and the power, and whether the theory is that out of those contracts there shall arise a fund which will liquidate the amount which the Federal Government may put into the enterprise?

Mr. HAYDEN. That was the theory of the proponents of this bill in the beginning. That theory will have to be modified if the bill carries out the recommendations made by the Sibert engineering board, which reviewed the original plan. That board found that the original proposal was to have the receipts from power pay not only for the dam but for an irrigation canal, known as the all-American canal. Owing to the increased costs, the Sibert board found that such a plan would be economically unsound, and the Federal Government could not be reimbursed in the time specified in the bill. The

board reported that if the irrigation enterprise in the Imperial Valley and the Coachella Valley were eliminated, and it made to carry itself, and if a share of the cost of the dam were appropriated by Congress as a Federal contribution for flood control, then the remainder of the cost of the dam could be reimbursed within the 50-year period specified in the bill.

Mr. FLETCHER. Is it contemplated under the bill that the Federal Government will also construct the power plant or have anything to do with the plant itself?

Mr. HAYDEN. The bill as it passed the House authorizes and directs the Secretary of the Interior to build a power plant; he has no other alternative than to build a power plant. After it is once constructed the Secretary may lease the power plant or he may enter into contracts for the sale of power from the plant. Those are the provisions of the House bill. The Senate committee has proposed to amend the bill by a third alternative, that the Secretary of the Interior may lease the privilege of generating power from the water at the dam and allow somebody else than the Federal Government to build the power plant.

Mr. FLETCHER. The situation now is, though, that we have substituted the Senate bill for the House bill.

Mr. HAYDEN. We have stricken out all after the enacting clause of the House bill and are now perfecting the Senate bill as a substitute for the House bill.

Mr. FLETCHER. So that it would seem that if the bill passes this appropriation will amount to a contribution by the Federal Government of some hundred million dollars, which it never expects to get back.

Mr. HAYDEN. The only amendment which has been offered has been proposed by the Senator from Colorado [Mr. PHIPPS], who suggested $25,000,000, not to be reimbursable. Am I correct in that assumption?

Mr. FLETCHER. If California is limited as to the amount of water she is to have, that necessarily limits the proceeds that could be derived from contracts disposing of that water, so that we could not expect to get revenue beyond a certain amount from the sale of water.

Mr. HAYDEN. Let me say to the Senator from Florida that there is absolutely no connection between the quantity of water which may be used for irrigation or for domestic purposes in California, as limited in this bill, and the amount of power which may be produced at Boulder Dam. All the water available would be utilized at the dam for power, and at another point lower down the stream the water would be divided between the States of Arizona and California and diverted for irrigation and domestic uses.

Mr. FLETCHER. Exactly; but, as I understand it, there will be some revenue derived from the sale of that water by contract.

Mr. HAYDEN. Only a nominal sum. The largest estimate I have seen is very much smaller than that of the revenue expected to be derived from power.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. PHIPPS. The estimate of receipts from the use of water, aside from power, is $1,500,000 per annum, and from the power, $10,800,000 per annum. As to the definite contribution which I have proposed to be made by the Government for purposes of flood control, my suggestion was to designate $25,000,000 of the advances as being for flood-control purposes, to be reimbursed after the other advances have been returned to the Government with interest. The Senate bill does not contemplate paying for the construction of the all-American canal out of power receipts. The Senate bill provides that that should be a burden upon the land to be benefited by irrigation. If the power plants were to be constructed, as proposed by the Senate bill, by the States, municipalities, or other political subdivisions, or private enterprise, that would eliminate another $38,000,000, plus interest, or about $45,000,000 altogether. So that the amount to be advanced by the Federal Government initially would not exceed perhaps $75,000,000, of which $25,000,000 would be allocated initially for purposes of flood control, to be repaid after the other amounts are repaid.

Mr. FLETCHER. May I ask the Senator if that has been agreed to, or is that still a matter that has to be determined by a vote of the amendment?

Mr. PHIPPS. The amendments which have been offered, cover all of those points. As to one, as to the all-American canal, nothing is required, because we are considering the Senate bill as recommended by the Senate committee. On the question of power, the Senate bill—and I think it requires slight amendment in form—has a power alternative, and by eliminating those two, and by providing the $25,000,000 as an advance fund on account of flood control, we get down to a comparatively small figure to be repaid out of power proceeds.

Mr. HAYDEN. Mr. President, I want to make it perfectly clear to the Senate, so that there can be no misunderstanding of the attitude of the State of Arizona with respect to this legislation, that if a bill were passed based upon a 7-State compact the State of California might with propriety say, "Well, we are right back where we were before," and nothing would be done. But such is not the case. In the time intervening between the date when the Legislature of Arizona refused to ratify the original compact and the present time many important events have occurred. There have been conferences between the States, conferences particularly at Denver, under the kindly auspices of the governors of the upper basin States, and our differences were narrowed down until to-day the Senate, by a compromise, has suggested a settlement which brings the States within 200,000 acre-feet of their difference so far as the water in the main stream is concerned.

The question of whether the State of Arizona shall receive revenue equivalent to the taxes that would be paid if power were developed at the Boulder Canyon site by a private power company is conceded by those who represent the city of Los Angeles to be a just contention. The representatives of that city have stated to us frankly that, so far as the city of Los Angeles is concerned, if that city goes outside of the State of California to construct a power plant at this Government dam, it would expect to pay taxes upon that plant and upon the power generated there just as a private power company would. So that we are not far apart on principle. The same principle has been agreed to by every State in the basin except California. When the Pittman resolution was adopted at Denver that resolution stated that the States were entitled to compensation for the use of their lands and their waters if used to generate hydroelectric energy. So that it is not fair, it is not just, to say that if this bill passed with provision for a 7-State compact the State of Arizona would not ratify the compact.

Conditions have materially changed, and changed in such a manner that if the bill is a fair measure, a bill which represents the best judgment of the Congress of the United States, the State of Arizona will look upon it with favor. Although we are not in complete accord, we are close to an accord, and there is much more reason to expect that the State of Arizona would approve the Colorado River compact and put it into effect than there would be if accommodations had not been made on both sides in the intervening time.

I say to the Senate in all seriousness, in all sincerity, that the people of Arizona are as tired of this Colorado River controversy as the Senate itself may be. A controversy among seven States that lasts for seven years should be brought to an end. There can be no reason to doubt that all the parties to it are equally anxious to bring it to a close.

I know that the people of Arizona—and I have a right to speak for them on this occasion—are just as anxious to see that great natural resource, the Colorado River, brought into development as are the people of any other State in the Union, even though not a kilowatt-hour of power were ever transported over a transmission line into the State of Arizona; even though not an acre of new land were ever brought under irrigation by the water from the Colorado River. Nevertheless, if this bill will accomplish the wonderful results which its proponents claim will occur, if it will add not only a million but seven and a half million more to the population of Los Angeles; if it will add, as the chief of the bureau of power and light of the city of Los Angeles has said, ten to twelve billion dollars to the wealth of southern California; if that is to be the effect of this legislation, certainly we who live as neighbors to southern California could not fail to share in some way in their prosperity. Although we might not benefit directly, but indirectly, Arizona is bound to be benefited. Therefore, so far as the people of Arizona are concerned, the only way they can gain any advantage from the now wasted resources of the Colorado River is to have those resources put to use; to be developed.

We are not in disagreement about the main principle here involved. We are not in disagreement that the Colorado River is a flood menace. We do not disagree with the claim that power can be developed on that stream. We agree that water may be impounded and placed to beneficial use for the reclamation of arid lands. Our disagreement with the State of California is about details of the plan, and not upon the principle which underlies it.

Mr. FLETCHER. Mr. President, may I ask the Senator to state briefly, if he will, what, if any, has been the experience with reference to floods in that valley? Will he not give us an idea about the importance of flood control? Has there been any great devastation, any great trouble, arising from floods heretofore on the Colorado River? If so, I will ask the Senator to state when and where.

Mr. HAYDEN. The Colorado River on more than one occasion has broken out of its banks and entered the Imperial Valley. At no time has any considerable area of the Imperial Valley, particularly any cultivated part of that valley, been overflowed in the manner with which the Senator is familiar in streams in the southern part of the United States. When the stream broke the levee and entered the Imperial Valley it followed an old river channel which led into the Salton Sea. The only immediate effect of the break was, first, to increase the level of the Salton Sea very gradually by backing up the water, so that some farming land was, after a considerable length of time, covered with water.

Mr. FLETCHER. But that break in the levee occurred in Mexico, did it not?

Mr. HAYDEN. Yes; beyond the Mexican boundary line. A further effect of the break was to scour out the channel and prevent water from being diverted into the canal used in irrigating lands in the Imperial Valley, and that would be the most serious effect of a new break in the river.

The truth is, and it is a fact that is wholly unappreciated by many Senators, that the chief injury that would occur to the Imperial Valley by reason of a break in the levee would be a change in the channel of the Colorado River, so that instead of flowing into the Gulf of Mexico it would flow into the Salton Sea. There would be no reason for any person or any number of persons to lose their lives, nor would it be necessary for the people immediately to leave their homes. The effect would be that by scouring the channel below the level of the head gates of existing canals, water would cease to be available for cultivation of the crops by irrigation, and it would be a drought and not a flood that would drive the people now residents of Imperial Valley from their farms.

Mr. FLETCHER. Would the remedy be the building of the proposed dam?

Mr. HAYDEN. The dam would remedy that situation. In fact, it is the only remedy. There is no other way in which the flood waters of the Colorado River could be controlled except to impound the same at this point or some other point in the canyons of that stream above. That is the advice of all engineers who have reported to Congress upon the subject.

Mr. President, I think I have as fully explained the opposition of the State of Arizona to the 6-State ratification of the compact as time will permit. Unless some other Senator desires to address the Senate upon the subject I am willing that we shall have a vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona [Mr. HAYDEN] to the amendment of the Senator from Colorado [Mr. PHIPPS].

Mr. ASHURST. I demand the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The CHIEF CLERK. The Senator from Arizona [Mr. HAYDEN] proposes to strike out of the amendment of the Senator from Colorado [Mr. PHIPPS] the following words:

> if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further,

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shortridge
Barkley	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gillett	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Blease	Glenn	Neely	Swanson
Borah	Goff	Norris	Thomas, Idaho
Bratton	Hale	Nye	Trammell
Brookhart	Harris	Oddie	Tydings
Broussard	Harrison	Overman	Tyson
Bruce	Hawes	Phipps	Vandenberg
Capper	Hayden	Pittman	Wagner
Caraway	Heflin	Ransdell	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ark.	Waterman
Deneen	Kendrick	Robinson, Ind.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	
Edwards	Locher	Sheppard	

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Arizona to the amendment of the Senator from Colorado. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WAGNER (when Mr. COPELAND'S name was called). My colleague the senior Senator from New York [Mr. COPELAND] is detained from the Senate by illness in his family.

Mr. KING (when his name was called). The Senator from Minnesota [Mr. SHIPSTEAD] was called away from the Senate on business in connection with his official duties. I am paired with that Senator and by reason of that fact withhold my vote. If the Senator from Minnesota were present and voting, I think he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and vote "nay."

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. FESS]. I understand that if he were present he would vote "nay." If I were permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. If he were present, he would vote "nay."

The result was announced—yeas 17, nays 53, as follows:

YEAS—17

Ashurst	Edwards	Hayden	Tyson
Blease	Fletcher	Heflin	Waterman
Broussard	Glass	Smith	
Bruce	Harris	Steck	
Caraway	Hawes	Trammell	

NAYS—53

Barkley	George	Metcalf	Sheppard
Bingham	Gillett	Moses	Shortridge
Black	Glenn	Neely	Simmons
Blaine	Goff	Norris	Steiwer
Borah	Hale	Nye	Swanson
Bratton	Harrison	Oddie	Thomas, Idaho
Brookhart	Johnson	Phipps	Vandenberg
Capper	Jones	Pittman	Walsh, Mass.
Couzens	Kendrick	Ransdell	Walsh, Mont.
Curtis	Keyes	Reed, Pa.	Watson
Deneen	Locher	Robinson, Ark.	Wheeler
Dill	McKellar	Robinson, Ind.	
Edge	McMaster	Sackett	
Frazier	McNary	Schall	

NOT VOTING—25

Bayard	Greene	Mayfield	Smoot
Copeland	Howell	Norbeck	Stephens
Dale	King	Overman	Thomas, Okla.
Fess	La Follette	Pine	Tydings
Gerry	Larrazolo	Reed, Mo.	Wagner
Gould	McLean	Shipstead	Warren

So Mr. HAYDEN'S amendment to Mr. PHIPPS'S amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado as amended.

Mr. ASHURST. I now propose an amendment to the amendment proposed by the Senator from Colorado.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 17, after the word "tributaries," it is proposed to insert the words "except the Gila River."

Mr. ASHURST. I shall read the paragraph of the amendment which I now propose to amend. It is the paragraph commencing in line 14 of the amendment proposed by the Senator from Colorado and reads as follows:

> The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein.

The adoption of my amendment will be notice to the Federal Power Commission that it may, in its discretion, issue permits or licenses under the water power act upon the Gila River and the Gila tributaries.

Naturally, Senators may ask why I make an exception of the Gila River and its tributaries. In reply, let me say that the practical effect of the amendment of the Senator from Colorado in its present form is to penalize Arizona. The Senator's amendment is construed throughout the State of Arizona as an at-

tempt to force and coerce the Legislature of Arizona into ratifying the Colorado River compact.

If Senators will bear with me, I shall try to indicate by the map on the wall at the rear of the Chamber just the course of the Gila River.

The Gila River debouches into the Colorado River about a mile above the city of Yuma [indicating on map]. The Gila River, as Senators will see from the map [indicating], has its earliest sources and upper reaches in the mountains of east central Arizona, although some of the waters of the Gila River rise in New Mexico. Probably 15 per cent of the waters of the Gila come from New Mexico.

This [indicating] is a rugged, a rough country, and the Gila River [indicating] is formed by small alpine springs fed by snows and rains on the mountain tops.

At the town of Clifton, in Arizona, two important streams come together as tributaries of the Gila, whereupon the river proceeds across Arizona. It passes through the Gila Valley [indicating], where for more than 50 years industrious settlers have cultivated land by building irrigation ditches and using the waters of the Gila. Thus the thriving town of Safford, the county seat of Graham County, and the towns of Pima, Solomonsville, Thatcher, and Central and other communities have been built up.

The river then passes on, fed by other important tributaries, as may be perceived from the map, and enters the Box Canyon of the San Carlos. This arrow on the map [indicating] indicates the Coolidge Dam, which, Mr. President, was completed not over 20 days ago.

The reservoir created by the building of the Coolidge Dam is filling with water, and from the waters of this reservoir 100,000 acres of land, indicated by the green on this map, will be irrigated. Over half of that area is Indian land.

I digress at this juncture to say that the building of the Coolidge Dam was one of the wisest, most beneficent acts that the Government has lately performed. The Indians there—Pimas—never had a war or even a quarrel with the Federal Government. The Congress may, therefore, congratulate itself that it enacted legislation that takes care of the Indian rights and at the same time irrigates approximately 50,000 acres of other land.

The Gila River then flows on and forms a junction with the Salt River. This green tract [indicating] is the irrigated portions of the Salt River Valley. But, Mr. President, by the time these Gila River waters have done their duty and have served the various appropriations, the Gila River is at times so reduced in volume that when it debouches into the Colorado River it is sometimes nothing more than a trickle or small stream.

Now, it is proposed by the amendment of the Senator from Colorado that there shall be no power permits or licenses issued upon these little mountain streams making up the Gila and the Salt. To do that, Mr. President, would be an act of injustice to Arizona and to the Indians, and would not be of any help in leading to any early ratification of the compact, because the Gila River is going to make no contribution—it is impossible for it to do so—to the main stream of the Colorado River except in flood tide, and that is when the Colorado River least requires such contributions.

Although Arizona is rich in agriculture, livestock, and in minerals—indeed, in her hills and caverns there is more wealth than Ophir had to burden the mighty fleets of Solomon and Arizona produces one-sixth of the copper of the world—we do not as yet produce any coal or oil. We are hopeful of producing those fuels, but so far we have not done so. If our citizens and communities could be free to appeal to the Federal Power Commission to issue permits and licenses for the generation of hydroelectric power upon these little streams, it would be of immense benefit to Arizona.

I respectfully submit that this present provision in the bill would be construed merely as a threat, and an attempt to penalize Arizona, and would lead to no good result. I do not say that such is the intention of the protagonists of the legislation; but that would be its effect. Anything touching our waters in Arizona is like the most delicate nerve center of a human being. As I said the other day, there are times in our State when an acre of water is worth more than an acre of molten silver.

Members of the Senate Committee on Indian Affairs will recall that we had up this very question last winter, and it was discussed at length before the committee. I do not wish to appear vain or presumptuous, but I believe I convinced the Committee on Indian Affairs that it should, and it did, favorably report a bill which I introduced, permitting the Federal Power Commission to issue permits on these little streams.

What reason is there to deny us the right to ask the Federal Power Commission for licenses or permits to generate hydroelectric power upon streams that originate wholly within Arizona, and never reach Arizona's external boundaries?

Arizona is entering, indeed has entered, upon a great era of expansion and development. We have doubled our population since we were admitted into the Union. We have gridironed the State with good roads. Commodious, yea palatial, hotels are numerous. We have built school houses, a great university, and other similar evidences of growth. We are only asking power permits upon streams that originate wholly within Arizona, and the waters of which, except at flood tide, never reach the Colorado River; and when they do reach the Colorado River are an unwelcome visitor.

Mr. McKELLAR. Mr. President——

Mr. ASHURST. I yield to the Senator from Tennessee.

Mr. McKELLAR. Are those streams that are wholly within the Senator's State navigable?

Mr. ASHURST. No; Mr. President.

Mr. McKELLAR. Then what possible authority or jurisdiction would the Federal Water Power Commission have over such little streams, wholly within the State of Arizona?

Mr. ASHURST. That question was argued ably for three or four years here in the Senate when we were considering the water power act. A large number of Senators and Members of the other House of Congress argued that the Congress had no authority to interfere, but, be that as it may, the Federal water power act does give the Federal Power Commission the authority to issue permits.

Mr. McKELLAR. They may assume the authority, but I do not think they have it.

Mr. FLETCHER. Mr. President——

Mr. ASHURST. I yield to the Senator from Florida.

Mr. FLETCHER. The Senator mentioned, I think, two dams on the Gila River.

Mr. ASHURST. Yes.

Mr. FLETCHER. Is there no power generated there?

Mr. ASHURST. Yes; power is generated there. We will take first the Coolidge Dam, which, as I say, was completed not a fortnight ago and is now filling. Power will be generated there, because it would be uneconomical, unstatesmanlike, and a waste of energy to allow the water to pour over the dam and not generate such hydroelectric energy as could be there generated.

Mr. WHEELER. Does the Senator say they are generating it now?

Mr. ASHURST. No; they propose to do so.

Mr. NEELY. Mr. President, I beg the able and eloquent Senator from Arizona not to say "Salt River" again. It is a turbulent and turbid stream upon which some of us have just made a melancholy voyage. Therefore, in order that the Senator's words may, as usual, be like apples of gold in pictures of silver, let him avoid the repetition of the irritating name of Arizona's briny river. [Laughter.]

Mr. ASHURST. No one regrets more than I that the handsome and able Senator from West Virginia [Mr. NEELY] has taken an involuntary voyage upon the briny bosom of that stream—Salt River—upon whose crest so many statesmen have floated to the ocean of oblivion.

Mr. WHEELER. We all hope the Senator from West Virginia will come back.

Mr. ASHURST. Mr. President, on the Salt there is the Roosevelt project. I shall not pause to go into any extended description of it, more than to say that it is possibly one of the greatest irrigation projects in the United States. We in Arizona think it is the greatest. The power generated there is enormous. It is sold to adjacent mining companies and some is sold to the city of Phoenix.

Mr. McKELLAR. Is it a Government project?

Mr. ASHURST. The Government, under the reclamation law of 1902, advanced the money; but that project is paying back to the Government, without delay and without default, every penny the Government has advanced. The project has been turned over to the water users' association. It is not now controlled by the Federal Government but is controlled by the water users' association, and every year, or whenever the payments fall due, they are promptly made.

Mr. SMITH. Who compose that association?

Mr. ASHURST. The water users' association is an organization or corporation formed by the water users in which each acre has 1 vote; and they elect a 2-chambered legislature and elect a governor, which legislative body and executive control the destiny of the project.

Mr. McKELLAR. The Government, though, still owns the plant, does it?

Mr. ASHURST. The Salt River Valley Water Users' Association operate it, but it may be said to be hypothecated for the amount due to the Government, and the payments are being made without default and without delay.

Mr. SMITH. Do I understand the Senator, then, to say that those who use the water for irrigation purposes and for other pertinent purposes will be the owners of the plant when it shall have been liquidated?

Mr. ASHURST. Yes, sir; absolutely.

Mr. FLETCHER. Mr. President, may I ask the Senator why it is that you wish to except that river from this provision in the amendment, if in fact you are already using it for the development of water power, as you say?

Mr. McKELLAR. What is the language of the Senator's amendment?

Mr. ASHURST. The provision reads in this way:

The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries—

I propose to insert "except the Gila River."

Mr. ROBINSON of Arkansas. Mr. President, will the further development of power on the Gila River, or on the small streams tributary to it, interfere with the consummation of this project?

Mr. ASHURST. Not in the slightest degree; and I thank the able Senator for that question. It will at once occur to Senators, that the pouring of the water over the wheel, and the generation of hydroelectric energy, does not diminish the flow or deplete it, or deteriorate the waters.

Mr. BROOKHART. Mr. President, are there any power sites on the Gila River over which the power commission would have jurisdiction that are not now utilized?

Mr. WHEELER. Do they not have that right now, under the Federal water power act?

Mr. ASHURST. Yes; but this amendment would deprive the water power commission of the power to issue permits.

Mr. SMITH. Mr. President, before the Senator leaves that point about the Roosevelt Dam, as I understand, the water users are gradually getting control.

Mr. ASHURST. Yes, sir.

Mr. SMITH. Do I understand the Senator to say that the power incident to the dam erected for the purpose of irrigation is controlled by them and sold by them for the purpose of liquidating their indebtedness?

Mr. ASHURST. Yes, sir.

Mr. SMITH. So that they own all the power that is generated?

Mr. ASHURST. Yes, sir.

Mr. SMITH. They have the use of the water?

Mr. ASHURST. Yes, sir.

Mr. SMITH. And from such revenues as they receive they are liquidating the amount of the Government loan; and when they shall have canceled that, then they own it in fee?

Mr. ASHURST. Absolutely.

Mr. McKELLAR. Now, Mr. President, I want to ask the Senator if the land upon which run these little streams flowing into the Gila River are public lands or private lands?

Mr. ASHURST. A very small percentage of the land is private. A vast deal of it is public land or is some sort of a reservation, such as a forest reservation or an Indian reservation.

Mr. McKELLAR. Of course, under those circumstances the Government would have absolute control.

Mr. ASHURST. Absolute; yes, sir.

Mr. McKELLAR. And therefore the Senator's amendment would be proper.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Arizona yield to the Senator from Wisconsin?

Mr. ASHURST. I yield.

Mr. BLAINE. Am I mistaken in the suggestion that has been made that Congress passed an act that placed an embargo upon the issuing of permits on the Colorado River, including the Gila, which will not expire until March, 1929?

Mr. ASHURST. The Senator is not mistaken.

Mr. BLAINE. The purpose of this is to continue that prohibition until one year after the act comes into effect?

Mr. ASHURST. Yes; that would be the effect of this provision offered by the Senator from Colorado.

Mr. BLAINE. Then am I right in this conclusion that the same reason for Congress passing an act imposing the embargo for two years would apply for imposing the embargo for another year in view of the adoption of this measure?

Mr. ASHURST. The same reasons, I presume, motivating those who wished the embargo would apply; but although Arizona has opposed—and thinks she is correct in opposing—an embargo on the main stream, she realizes the futility of now attempting to make the correction in that regard.

We have not particularly quarreled with that. But it so happens that in the application of the embargo they have worked, and they continue to work, a great injustice on an innocent part of the State, hampering, seriously hampering, the progress of the State.

Suppose the Federal Power Commission were to grant permits to generate power on these little streams. The Boulder Dam project need fear no competition, because it is 400 or more miles away. So you need not fear competition.

Mr. WHEELER. On what theory do they want to prevent you from doing it?

Mr. ASHURST. I suppose there is the thought in their minds that it might come into competition with the power generated at Boulder. In reply to that, that power would not be ready for delivery at Boulder for four years.

Mr. REED of Missouri. Suppose it did come into competition with power generated at Boulder; what harm would that do to the public?

Mr. ASHURST. Not the slightest.

Mr. BROOKHART. Are there not some power sites on the Little Colorado?

Mr. ASHURST. Yes.

There has been a vote to-day in which the Senate increased Arizona's supply of water 200,000 acre-feet. You reached that conclusion in the belief that it might lead to a composition of the difficulties, and, gentlemen of the Senate, believe me when I say that if you have grown impatient with the Senators from the seven Colorado River Basin States, if they have vexed you and have split the ears of Senators, remember that the Colorado River Basin is an empire larger in extent than that which Pizarro gave to Peru, and richer than all the empires of the Cæsars. If, therefore, four or five years' delay has occurred, that is only natural. You are dealing not with millions but you are dealing with an inland empire that within its bosom has billions of dollars of wealth of all kinds.

If the bill in bald and harsh terms says, "You are not going to be allowed to apply for power permits on the upper reaches of the Gila River," when every well-informed person in the United States knows that the waters of the Gila can never in a practical way become involved with the waters of the Colorado River, except as a menace, it looks to a wayfaring man as if there is some sort of reprisal, some sort of coercion or threat, although you and I know such is not intended.

Therefore not pledging myself as to what I shall do on other features of the bill, even if you should adopt this amendment, because we can not bargain on such an important matter, I do say, adopt this amendment and you have ameliorated and you have softened the situation somewhat.

I will ask the Secretary to read a telegram from the Governor of Arizona on this subject, and my colleague has received a like message.

The PRESIDING OFFICER. The Secretary will read.

The legislative clerk read as follows:

PHOENIX, ARIZ., *December 8, 1928.*

Senator HENRY F. ASHURST,

United States Senate, Washington, D. C.:

Press reports that Congressman TAYLOR has introduced resolution to bar Federal Power Commission from granting permits for development on Colorado River and its tributaries until 7-State compact is ratified. We have no objection to this resolution so far as it applies to the Colorado River above the mouth of the Gila. Attempt to apply it to the Gila can only be construed as harassment of Arizona. As matters now stand New Mexico and Arizona are only States concerned in development of Gila. Arizona Legislature has appropriated money to meet Federal appropriation and New Mexico appropriation for exploration of Upper Gila. Waters of Gila River are now overappropriated. Litigation is being carried on concerning return flow. Forbidding develoment power on Gila would result in curtailing development projects already started, and using water already appropriated to its maximum efficiency, Gila and its tributaries, particularly the Agua Fria and Verde and the Salt, should not be prevented from development as proposed in Taylor resolution.

GEO. W. P. HUNT, *Governor.*

Mr. PHIPPS. Mr. President, the language of that telegram is not new to me; I was favored with a copy of it, which, I believe, came in yesterday. But that action in the other body, in the House of Representatives, by Congressman TAYLOR, from my own State, has nothing really to do with this measure before us, nor did I have his proposal in mind when this amendment was introduced.

Mr. President, the purpose of this amendment is merely to continue the existing embargo against the granting of power per-

mits by the Federal Power Commission from the time of the expiration of the embargo, March 4 next, until this bill can become effective.

There was no attempt to distinguish as between the States of the basin or between the particular rivers or the tributaries; they are all taken in. So that the division of water, the flow of the stream, the appropriations, would not be affected by any new permits until the States came into agreement, if this legislation were adopted. The language is the same and the purpose is the same.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. PHIPPS. I yield.

Mr. NORRIS. I would like to inquire of the Senator what possible effect it would have upon this legislation to build a dam particularly in a stream that flows into the Colorado River below this dam?

Mr. PHIPPS. I was about to come to that point. The claim that the Gila River should be considered separately from other tributaries of the Colorado River is because the waters can not be used by any other State. As a matter of fact, they are utilized to-day because the Gila flows into the Colorado main stream about 1 mile above Yuma and above the intake of the Mexican canal which irrigates the Imperial Valley.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PHIPPS. I yield.

Mr. McKELLAR. Can dams be built below where the Gila flows into the Colorado?

Mr. PHIPPS. Not a permanent structure that would be considered safe, on account of the depth of the soil.

Mr. McKELLAR. Then, if that is so, the water would just flow over the dam and there would be no particular loss of water, or at least it would be inconsequential?

Mr. PHIPPS. The Senator is anticipating the point I wanted to make. As a matter of fact legislation was under consideration and was pending last year and, as the Senator from Arizona stated, our Committee on Indian Affairs approved a bill that would allow a diversion and a use of the water of one of the tributaries of the Gila River.

Mr. ASHURST. Mr. President, will the Senator permit an interruption?

Mr. PHIPPS. Certainly.

Mr. ASHURST. The Senator of course is trying to be fair. The diversion was not for agricultural or domestic use, but just for the water to go over a wheel and return to the stream, not in any way to deplete the stream.

Mr. PHIPPS. To lay this tributary of the Colorado, the Gila River, open to further development while this dispute is on means that Arizona could perfect her rights, could institute a new irrigation project, and that inevitably affects the claims of Arizona as against California for the amount of water that is being put to a beneficial use. When the first embargo was put on over two years ago the purpose was to hold matters in statu quo until an agreement could be arrived at with reference to a division of the water.

Mr. NORRIS. I can see how it might have some effect. We ought not, while this legislation is pending, permit the building of a dam above this dam or so close below it that it would interfere with its operation or so that it might back the water up and interfere with the land we are going to irrigate with this dam. I can see how that would be appropriate, but I can not understand why we should say, if Arizona or anybody in Arizona wants to build a dam on the Gila River or any other stream that flows into the Colorado below the place where this dam provided in the bill is to be erected, that they should not be permitted to do it. Suppose Arizona does take out water even for irrigation from the river, what harm does that do? Why should we interfere with that? What has that to do with this pending legislation?

Mr. PHIPPS. It has something to do with it. The Gila River rises in Arizona. Some of the tributary streams and small creeks rise in Arizona, but some of them rise in New Mexico. New Mexico also has projects which she desires to develop on the Gila River.

Mr. NORRIS. Suppose she does develop them.

Mr. PHIPPS. That would affect the balance of the water appropriations between New Mexico and Arizona. This would affect the appropriations of water as between Arizona and California.

Mr. NORRIS. The Senator is now talking about irrigation schemes, but the amendment only applies to water power.

Mr. PHIPPS. It is possibly limited by the amendment to water power, but I do not think there is any question that the ultimate object is to use the water for purposes of irrigation. If we give permission to erect a dam in the stream any place where there are irrigable lands lower down under tributaries to it, beyond any question of doubt it is only a matter of time until that water will be utilized for purposes of irrigation.

Mr. NORRIS. Personally I do not see any objection to using it in that way, but this legislation would not apply to that situation. Here it is proposed merely to build a dam and let water flow over it to generate electricity. It does not contemplate depleting the waters. The waters are there just the same. Any person who has a right farther down stream has not been injured in any way.

Mr. ROBINSON of Arkansas. The water goes on down and irrigates the land.

Mr. NORRIS. The Gila River flows into the Colorado River many miles below where it is intended to build this dam. This dam can not affect the waters of the Gila River. That is an impossibility.

Mr. PHIPPS. If it were only a question of one dam and the water were to be used for power purposes alone, that would be a different question.

The other States have streams which they desire to develop. There is at least one enterprise in Utah that is being held in abeyance pending the settlement of this question. There are one or two small projects in Colorado that I have heard of. There is a case where a deal was pending for the sale of land, and when it was found that this embargo existed all negotiations were called off. There is no thought of singling out the Gila River or any other stream in writing this provision into the amendment. It was simply to continue the law we have been living under for the last two years until the bill can become effective.

Let me say further with reference to the Gila River that there were people of my own State who recommended that the appropriations for the Coolidge Dam on the Gila River should be withheld until this water controversy between Arizona and California could be settled. There are many people to-day—and there may be some Senators—who feel that if we had refused to go ahead with the Coolidge Dam or had withheld the appropriation until the question of Boulder Dam could have been settled, Arizona would have been a signer of the 7-State compact to-day.

Mr. HAYDEN. Mr. President, if the Senator will yield to me——

Mr. PHIPPS. Certainly.

Mr. HAYDEN. I can assure him that the State of Arizona would have used no such coercion.

Mr. PHIPPS. Arizona was asking really more than she was entitled to when she put forth so strenuously her claims for governmental appropriations to build that great structure on the Gila River while at the same time she was fighting the construction of Boulder Dam. It affected many other States as well as Arizona.

Mr. HAYDEN. I can assure the Senator that the authorization for the construction of the Coolidge Dam has changed public opinion in Arizona and made it much more favorable to the ratification of the Colorado River compact and the approval of the plan proposed in this bill than any other single act that has taken place. In other words, the State of Arizona would not be coerced. On the other hand, if treated justly it would be glad to meet the situation.

Mr. PHIPPS. I think the development of the Gila River can well afford to wait for another six months until this bill has become effective as a law. I could not agree to accept the amendment offered to my amendment.

Mr. SMITH. Mr. President, I should like to ask the Senator from Arizona [Mr. HAYDEN] a question. According to the showing made by the water users and power users at the Roosevelt Dam, handed to me to-day by the Senator from California [Mr. JOHNSON], it is only a question of a short time until the water users will have liquidated the amount that the Government put into the Roosevelt Dam. In the meantime they will have had the beneficial results accruing from irrigation and the profits accruing from the sale of power to help them liquidate. It seems to me if the showing made there is correct, including something over $700,000 in the last few days in one check, that that should go largely toward allaying the fears of the people of Arizona that a Government project and a people's project can not be a success.

Mr. HAYDEN. I thoroughly agree with the Senator.

Mr. BRATTON. Mr. President, we are dealing with the Colorado River system; that is to say, the main stream and its tributaries. A joint resolution was passed by Congress and approved March 4, 1927, in this language:

Resolved, That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provisions of the act of Congress approved June 10, 1920, known as the Federal water

power act, upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until and unless the Colorado River compact, signed at Santa Fe, N. Mex., November 24, 1922, pursuant to the act of Congress approved August 19, 1921, has been approved by the Congress of the United States or in the event said compact is not sooner approved until March 5, 1929.

So that two years ago, anticipating the many confusing and complicated angles of the problem confronting us, we enacted a joint resolution suspending the operation of the water power act as to the Colorado River and all of its tributaries, including the Gila River. We decided then, that it was conducive to a just resolution of the whole problem to suspend the granting of additional power permits in order that the status quo might be preserved until a final solution was offered. We did that two years ago. The embargo is in effect now. It expires March 4 of next year.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BRATTON. Certainly.

Mr. HAYDEN. The Senator will remember that that action was taken by unanimous consent of both Houses, and that neither the senior Senator from Arizona nor the Congressman from Arizona at that time objected.

Mr. BRATTON. Yes. That emphasizes that if it was sound then, it is sound now.

Mr. HAYDEN. Only to this extent, if the Senator will pardon me, that in the meantime under the operation of that joint resolution, we found a legitimate power development in Arizona interfered with in a manner that we thought to be unfair, and now we are willing, so far as the main objection is concerned, to have the same embargo applied.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BRATTON. Certainly.

Mr. NORRIS. The Senator said in substance, that if it was good to have this embargo two years ago it is good now; but I think he will have to concede that the fact that we passed such a joint resolution is not conclusive evidence that it was good even then.

Mr. BRATTON. Oh, no.

Mr. NORRIS. If my attention had been called to it——

Mr. ROBINSON of Arkansas. And the further fact that we placed a limitation in it is almost conclusive that it was not the intention of Congress that it should be continued indefinitely.

Mr. NORRIS. It seems to me that way. So far as I am concerned, I should like to say to the Senator from New Mexico that I think I am consistent in supporting this legislation. However, I do not want to take any action or to put anything in the bill that to my mind is unjust. I can not see the justice of the provision that is in the amendment offered by the Senator from Colorado. So far as I am able to see, I would support an amendment to that proposed amendment that would exclude every stream that flows into the Colorado River below the proposed site of this dam. I can not see how that would interfere with it or how it could have any connection with it. The Senator from Arizona said that he thought those who were behind it fear that it would get into competition with the power generated at the Boulder Dam. I can not see how any Senator could sustain a proposition of that kind.

So far as I am concerned, while I want to build the dam and should like to see the Government do it and do it right away, I do not mean by that action that I want to prevent anybody else from building a dam anywhere else on earth. The more competition we can get the better it will suit me. I do not suppose the Senator from New Mexico bases this amendment on any ground of that kind. I do not know whether any other Senator does, and I would not have mentioned it if it had not been suggested by the Senator from Arizona. I wish the Senator would tell us how the building of a power dam on any of the tributaries below can possibly have any effect upon the dam that is proposed in this bill to be built on the Colorado River.

Mr. BRATTON. Mr. President, so far as competition with the power generated at the Black Canyon site is concerned, I can assure the Senator from Nebraska that I have no interest in that whatever—no more than has he. I am not moved in my opposition to the proposed amendment by any such consideration.

If the Senator will permit me to continue, this is an interstate stream; about 20 per cent of its water rises in my State. We have power sites in my State, and we think it is unjust to let Arizona have the opportunity to acquire prior rights upon a stream that is interstate in character when we contribute a part of the water and are willing to have other streams in our State, interstate in character, a part of this system, remain under the embargo.

Mr. NORRIS. I should like to say to the Senator that I agree with him entirely that we ought not to give an advantage to the power sites in Arizona over those in New Mexico, but does not the amendment to the amendment permit the building of a power dam in New Mexico on the Gila River just as it does in Arizona?

Mr. BRATTON. Yes.

Mr. NORRIS. Then, it seems to me the States are on an equality.

Mr. BRATTON. But this is a part of the system, and I think that if we are going to apply the embargo until the bill goes into effect it should apply to the whole.

Furthermore, let me call the attention of Senators to the fact that last May we passed an act authorizing an appropriation of $12,500 to be used by the Secretary of the Interior in making a survey of this very stream system for the purpose of determining its possibilities for irrigation and other purposes in the States of New Mexico and Arizona, and we provided that a like sum should be furnished from local sources.

Following that, the two States have entered into negotiations looking to raising the other $12,500, so that when we match the appropriation of the Federal Government thus made a survey of the stream system will be made by the Secretary of the Interior to determine the best uses to which the water of the stream can be put. We have embarked upon that program in developing the Gila River. That law was passed during the last session of the Congress. It was approved on May 25, 1928. Nothing has been done under it because the legislatures of the two States have not met to make their appropriations.

Mr. HAYDEN. Will the Senator pardon an interruption?

Mr. BRATTON. Let me continue——

Mr. HAYDEN. I should like to advise the Senator that the Legislature of Arizona is in session and it has appropriated Arizona's share of that fund.

Mr. BRATTON. I thank the Senator for that information, and I modify my statement by saying that the Legislature of New Mexico has not yet met, but will meet next January, and it is expected that New Mexico's share of the money will then be appropriated, so that the survey of the river may be made.

In view of the fact that it is a part of the system that is giving rise to so much controversy, that it is an interstate stream, with the two States possessing power possibilities and irrigation possibilities, the principle of embargo for power purposes applies. One State may advance more rapidly than the other for purposes of reclamation and irrigation and acquire prior rights; one State may advance more rapidly than the other for power purposes and acquire prior rights under the doctrine of prior appropriation. I can not see why this stream should be exempted if the other tributaries are to go with the main stream and to share the burden placed upon the main stream under the compact.

Furthermore, this will constitute an abrogation of the compact to that extent, because so long as one State declines to ratify and stays on the outside she can acquire prior rights both for irrigation and power and assert them against other States that have ratified. If we are proceeding upon the theory of a compact settling the whole question, we should continue the present situation as nearly as possible until that can be done.

Far be it from me to pursue a course which I think is unfair to Arizona, a neighboring State to the west, but we are jointly interested in the whole system and the embargo should be continued until the compact is put into force. It should not be released as to an interstate stream of which one State produces 20 per cent of the volume of water and has power sites and applied as to the other tributaries of the stream. If an unusual situation should arise such as the Senator from Arizona referred to a while ago, where some of the power could be used in behalf of the Indians, it easily and quickly could be dealt with through a special act lifting the embargo as to the particular project; but that we should not single out this system and make an exception of it and release it from the terms of the embargo.

Mr. ASHURST. Mr. President, I ask for the yeas and nays upon my amendment.

Mr. BRATTON and Mr. PHIPPS. Let us have the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona [Mr. ASHURST] to the amendment proposed by the Senator from Colorado [Mr. PHIPPS], on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. SMITH. May the amendment to the amendment be stated before the vote is taken?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed by the Senator from Arizona [Mr. ASHURST] to amend the amendment offered by the Senator from Colorado [Mr. PHIPPS], on page 3, line 17, after the word "tributaries," by inserting the words "except the Gila River," so as to read:

The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries except the Gila River in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair for the afternoon with the Senator from Minnesota [Mr. SHIPSTEAD]. Not knowing how he would vote upon this question, I withhold my vote.

Mr. OVERMAN (when his name was called). As before announced, I have a general pair with the senior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from South Dakota [Mr. NORBECK], and will vote. I vote "nay."

Mr. WHEELER (when the name of Mr. WALSH of Montana was called). My colleague [Mr. WALSH of Montana] is unavoidably absent. If he were present, he would vote "yea."

The roll call was concluded.

Mr. TYDINGS. I have a general pair with the senior Senator from Ohio [Mr. FESS]. I transfer that pair to the senior Senator from Montana [Mr. WALSH], and will vote. I vote "yea."

Mr. JONES. The senior Senator from Kansas [Mr. CURTIS] is necessarily absent. He is paired on this question with the Senator from Kentucky [Mr. BARKLEY]. If the Senator from Kansas were present, he would vote "nay" on this amendment.

I also desire to announce the following pairs on this amendment:

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Tennessee [Mr. TYSON];

The Senator from New York [Mr. COPELAND] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from New Mexico [Mr. LARRAZOLO] with the Senator from Mississippi [Mr. STEPHENS].

Mr. ROBINSON of Arkansas. Mr. President, I desire to announce that the senior Senator from New York [Mr. COPELAND] is necessarily detained by illness in his family.

I also desire to announce that the junior Senator from Arkansas [Mr. CARAWAY], the junior Senator from Mississippi [Mr. STEPHENS], the senior Senator from Mississippi [Mr. HARRISON], and the junior Senator from Tennessee [Mr. TYSON] are detained on official business.

The result was announced—yeas 33, nays 28, as follows:

YEAS—33

Ashurst	George	Pine	Trammell
Black	Glass	Ransdell	Tydings
Blaine	Glenn	Reed, Mo.	Wagner
Borah	Harris	Robinson, Ark.	Walsh, Mass.
Brookhart	Hayden	Simmons	Waterman
Broussard	Heflin	Smith	Wheeler
Bruce	McKellar	Smoot	
Dill	Neely	Steck	
Fletcher	Norris	Swanson	

NAYS—28

Bingham	Johnson	Moses	Schall
Bratton	Jones	Nye	Sheppard
Capper	Kendrick	Oddie	Shortridge
Couzens	Keyes	Phipps	Steiwer
Frazier	McMaster	Reed, Pa.	Thomas, Idaho
Goff	McNary	Robinson, Ind.	Vandenberg
Hale	Metcalf	Sackett	Watson

NOT VOTING—34

Barkley	Edwards	King	Shipstead
Bayard	Fess	La Follette	Stephens
Blease	Gerry	Larrazolo	Thomas, Okla.
Caraway	Gillett	Locher	Tyson
Copeland	Gould	McLean	Walsh, Mont.
Curtis	Greene	Mayfield	Warren
Dale	Harrison	Norbeck	
Deneen	Hawes	Overman	
Edge	Howell	Pittman	

So Mr. ASHURST'S amendment to Mr. PHIPPS'S amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado, as amended.

Mr. PHIPPS. Mr. President, a parliamentary inquiry. I understand that the junior Senator from Arizona [Mr. HAYDEN] has presented another amendment to the pending amendment which he desired to have printed and go over until to-morrow. As I take it, it is an important part of the pending amendment. I desire to know if it would be in order to ask that this amendment be passed over temporarily until to-morrow, and in the meantime that other amendments be proceeded with?

The VICE PRESIDENT. It would be in order.

Mr. PHIPPS. I then make that request; and I send to the desk an amendment which I should like to have considered at this time.

Mr. McKELLAR. Mr. President, I did not hear the Senator's request. What was it—to postpone action on this amendment?

Mr. PHIPPS. To postpone action on the pending amendment until to-morrow, so that the further amendment offered by the Senator from Arizona may be printed.

Mr. HAYDEN. I greatly appreciate the courtesy of the Senator from Colorado in that matter.

Mr. PHIPPS. Do not mention it. I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The Senator from Colorado offers an amendment, which will be stated.

The CHIEF CLERK. On page 3, line 11, it is proposed to strike out the figures "$125,000,000," and to insert the following:

$165,000,000. Of this amount the sum of $25,000,000 shall be allocated to flood-control, and shall not be repaid to the United States except out of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization as provided in section 4 of this act.

On page 4, line 21, strike out the figures "$125,000,000" and insert "$165,000,000."

Mr. PHIPPS. Mr. President, if I may state briefly my views about this matter, repeating in part what I told the Senate a day or two ago when this amendment was proposed, instead of adopting the total figure of $176,000,000, the full authorization indicated by the report of the commission that has been presented to the Senate, the best information I could get convinced me that it would not be necessary to go beyond the figure of $165,000,000, for the reason that there are possib lities of the adoption of an alternative route for the all-American canal, and in all probability action on that would be delayed for some time. So, following this amendment, I have another which would give to the department the authority to proceed with the main construction work—that is to say, the dam proper—so soon as the department had satisfied itself that it would come within the provisions of the act for repayment.

The further amount estimated for the power plants, if constructed by private enterprise, would not have to be advanced by the Federal Government; so, assuming that the power plants would be built by private enterprise or by the States or municipalities, and that the work on the all-American canal, which will be a charge against the properties when constructed, would in all probability be deferred for a time at least, I figure that the amount which might be required for expenditure during the construction of the dam proper would be, in round figures, about $75,000,000.

I have given my reason for believing that the amount of $25,000,000 included in that figure should be considered as a deferred payment, namely, that the Federal Government certainly has an obligation resting upon it to provide flood control for the lower reaches of the Colorado River territory; and the figure of $25,000,000 is a little less than the figure which has been estimated as the cost of a dam located at the most convenient and available point for the purposes of flood control alone.

Mr. President, I believe this to be a proper amendment, in proper form. I have consulted many of the Senators interested, and I trust the amendment will receive the approval of the Senate.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. HAYDEN. My understanding from reading the report of the board of engineers who examined the estimates for this project is that they recommended a Federal appropriation in the nature of a contribution for flood control. The Senator's amendment does that.

Mr. PHIPPS. True.

Mr. HAYDEN. But the amendment goes on and says that if there should be some excess revenues, then the Federal Government should be reimbursed for its contribution toward flood control. There is no reimbursement to the United States for flood-control appropriations on the Mississippi River or any other river in the United States. Why is it necessary to add the words that the Senator adds in his amendment—

except out of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization as provided in section 4?

Upon what theory does the Senator suggest the addition of those words?

Mr. PHIPPS. If there is more than necessary in the way of receipts from the revenues, why should it not be devoted to reimbursement to the Government for its advances? Otherwise, what would become of the money?

Mr. HAYDEN. But if there were excess revenues, where could the money go, otherwise than in the Treasury of the United States? Of course it would go into the Treasury of the United States. It could not go anywhere else.

Mr. PHIPPS. That is true.

Mr. HAYDEN. So it is not necessary to specify it in this bill.

Mr. PHIPPS. I do not see that there could be any objection to it. It seems to me to be a proper phrase to use. I think it gives a different appearance to the picture. In one case you make the flat contribution, and those who look at it say, "Well, there is no hope of ever getting back this money." This does, perhaps, afford some little hope that it will be returned. Personally, I believe that in time it will be returned from the revenues from that dam structure.

Mr. HAYDEN. But as the bill is now drafted there is a provision that if there are excess revenues, 37½ per cent of the excess revenues shall be divided between the States of Arizona and Nevada. The remainder of the excess revenues must be deposited in the Treasury of the United States. That is the only place where the money could go.

Mr. PHIPPS. The language of this amendment would not diminish the percentage that is provided in one clause of the bill for the States of Nevada and Arizona.

Mr. HAYDEN. It seems to me that the way to handle the matter is to provide that the $25,000,000 allocated to flood control shall not be repaid to the United States, and stop right there. Congress would not then be setting up any policy that is different from any other flood-control appropriation in the United States. To do otherwise would establish a precedent that may prove to be embarrassing on some other river.

Mr. JONES. Mr. President, I think it is hardly correct for the Senator from Arizona to say that there is no contribution to flood control on the Mississippi. There was no provision in the bill that we passed at the last session to that effect, but that was based squarely upon the proposition that the people affected had already contributed something like $200,000,000 toward flood control, and the act itself reaffirmed expressly the doctrine of contribution.

Mr. HAYDEN. In this instance there will be a contribution paid out of the pockets of the consumers of power generated at this dam, paid out of the pockets of farmers who use water from the dam if there is a charge for irrigation water, and paid out of the pockets of the citizens of Los Angeles and other municipalities in southern California who may use domestic water from this dam in case there is a charge for service of that kind. So there is a contribution from other sources, and the only part of it not reimbursable is $25,000,000 out of a total of $165,000,000.

Mr. JONES. I made that statement because the statement the Senator made a moment ago seemed to be very broad, that there should be no contribution for flood control, and that there was no contribution required on the Mississippi, when, as a matter of fact, it was set out that the people down there had already contributed $200,000,000.

Mr. HAYDEN. I thank the Senator from Washington for correcting me, because I want to be accurate in my statements.

In this case there is to be reimbursement, and, according to the plan of the senior Senator from California, certain reimbursement for the construction cost of this dam. The part of the cost of the dam required to be repaid will be repaid from power and from other sources. That amount will be repaid, and it will not be any ultimate expense to the Government of the United States. So that out of a total appropriation of $165,000,000 the Federal Government will contribute only $25,000,000. Why not make the appropriation as a Federal contribution for flood control and stop right there?

Mr. PHIPPS. Mr. President, I do not take the same view the Senator has expressed with regard to the effect of this language. I do not believe it will increase at all the rates that will be charged for hydroelectric power, the storage charge that will be made for desilting and conserving the water in the dam, or the charge for water for potable or irrigation uses. Those matters will have to be figured on what competition means in the power business, in the first instance, which is the largest item. The other charges will have to be made on a reasonable basis, and be what the users of the water can stand and afford to pay.

Of course, I can realize that any amendment or any bill which the Senator might draft I could go over and perhaps frame in different language, but, as the Senator admits, the effect in the long run is the same. It will not affect the amount of charges for power produced or for the storage of water or anything else, in my judgment.

Mr. HAYDEN. In making that statement the Senator has raised a second objection that I have to the incorporation of those words. The first objection is that if his premise is sound they mean nothing; without them nothing would be done more than would otherwise be done, because the excess revenues would be deposited in the Treasury, and that is all there is to it. But if including these words would have the effect of causing the Secretary of the Interior, in making a contract for the sale of power, to feel it incumbent upon himself to acquire excess revenues, if possible, then the consumers of power in southern California will be required to pay more for their power than otherwise.

Mr. JOHNSON. Do I understand the Senator to display a tender solicitude for the consumers of power in southern California?

Mr. HAYDEN. I have, indeed. We consider them our best customers.

Mr. JOHNSON. I can not tell the Senator how much I appreciate that solicitude! It does infinite credit not only to the smiling countenance of the Senator from Arizona but to his desire to be eminently fair and just to southern California.

Mr. HAYDEN. I thank the Senator.

Mr. PHIPPS. Mr. President, it seems to me that it was advisable to have that repayment provision in the amendment, but that it should be conditional, so that if the money were to be returned it would be out of surplus revenues. That refers to revenues over and above the amounts required to amortize the other portion of the advances.

Mr. HAYDEN. In all seriousness, it seems to me to be objectionable to retain the language, because so long as this language is in the bill it will be construed to mean that an effort will be made to obtain greater revenues in order that the United States may be reimbursed for the expenditures made for flood control.

Mr. PHIPPS. If so, the net result would be that the revenues to the States of Nevada and Arizona would be increased proportionately, because they would take down 37½ per cent of those surplus revenues; so that the Senator is rather hoist on his own petard, it seems to me.

Mr. HAYDEN. If I were quite certain that that were the fact I would not object.

Mr. PHIPPS. I do not see how it can be construed otherwise. This does not provide that before revenues are paid to Arizona and Nevada the return must be made to the Federal Government. It says, out of surplus revenues, and if in the bill as it now provides there is to be an allocation of 37½ per cent of the surplus revenues to the States of Arizona and Nevada, it seems to me that that is clear.

Mr. PITTMAN. If it means that, why do you not say it?

Mr. PHIPPS. It is not necessary.

Mr. PITTMAN. "To meet periodical payments, including revenues allocated to Arizona and Nevada."

Mr. PHIPPS. In that case you would be allocating the first payment of surplus revenues to Nevada and Arizona.

Mr. PITTMAN. Exactly.

Mr. PHIPPS. They get 37½ per cent.

Mr. PITTMAN. But we do not get 37½ per cent before a payment is made on the $25,000,000.

Mr. PHIPPS. The language the Senator suggests would mean that, it seems to me.

Mr. PITTMAN. What I mean is this, that the allocation does not benefit Arizona and Nevada at all, for the simple reason that the committee have recommended that out of surplus revenues, if there are any above the periodical payments, Arizona and Nevada shall have 37½ per cent of them. If you wish to say that they shall be paid out of the surplus, if any, over and above that, that is a different question. In other words, if the periodical payments must include the allocation of the $25,000,000 before there is any surplus, it is just taking a chance away of there ever being any surplus.

Mr. PHIPPS. Let me suggest this to the Senator: There seems to be some difference of opinion about this. I am quite willing to defer further consideration of this for the moment.

Mr. JOHNSON. Mr. President, I want to make a statement upon this amendment, if the Senator will permit me. I do not want to take the floor from other Senators or to proceed, unless they have concluded.

The amendment that is presented by the Senator from Colorado alters fundamentally, in my opinion, the original scheme of this bill. Because of that fact, and because of the discussion which has been quite general in the country, I want to make very plain my attitude respecting it.

One of the alluring things, from the financial standpoint, in connection with this great enterprise has been that we have ever favored, and we have sedulously always provided, for the payment of every penny which might be expended by the United States Government out of the earnings or the profits from the power generated at this dam.

Mr. President, the bill, from the time that it was introduced by me until now, has contained a provision that before there is a shovelful of earth turned, or a single dollar expended, the Secretary of the Interior should have in his possession executed contracts by which every penny, including interest, could be by the United States Government recovered, and to the United States Government from the project repaid.

We have always proceeded, from the inception of this enterprise until now, upon the single theory that we would not go into the Treasury of the United States for a dollar, or ask the taxpayers of the United States to contribute a single cent to this great enterprise. I stand to-day just where I have stood from the beginning of this design and this plan upon that principle.

I recognize what may be said and the justice of it: That flood control is a duty devolved upon the Government, and that to allocate to flood control a part of the money that will be expended upon the dam is something that is done in other sections of the country. I recognize that the amendment, therefore, is by no means inequitable. But I recognize, too, that in every place where this bill has been discussed, at every time that I have lifted my voice in its behalf, there has always been the one thing asserted that I assert to-day, that financially sound is the enterprise, and that out of the dam itself may be paid every penny that may be expended.

I say that this is so either under the original financial set-up of the Secretary of the Treasury and the Secretary of the Interior or under the set-up that was made recently by the board of engineers appointed during the interim between these two sessions of Congress.

I insist, sir, that either under the one plan or the other the original purpose of this measure financially can be consummated and can be carried out, and that sufficient revenues may be derived from the structure to enable us to do exactly what originally we contemplated, and what up to this moment we have sought to do.

Therefore it is with some regret that I see the basic and the fundamental idea of this measure now about to be altered. I recognize, of course, the reason for it, I repeat, and I understand full well just exactly the position that is assumed by my brethren in that regard.

Lest there be misunderstanding in respect to it, let me refer to it: That not only in this bill have we provided for the amortization of the full amount which might be expended before there should be in reality any money at all taken from the Treasury, but we have provided as well, as was deemed appropriate by the committee, for profits, to be given out of any profits which might be made, to the two States of Arizona and Nevada. Thirty-seven and one-half per cent—18¾ to each—were to be awarded to those two States out of profits that might be made from the project, and it is obvious, of course, that as you lessen the capital cost you increase the profits, and it is obvious, of course, therefore, why some of our brethren should feel not only the justice of allocating money to flood control in various enteprises but particularly in the enterprise that is before us.

Mr. President, let me recall the figures of the Secretary of the Interior concerning this particular matter. The Secretary of the Interior originally figured a 26,000,000 acre-feet reservoir at $41,500,000; 1,000,000-horsepower development, $31,500,000.

Mr. REED of Pennsylvania. Does that mean the building of an electric power plant?

Mr. JOHNSON. That means the building of the plant, $31,500,000. Senators will see the importance of that in a moment when I come to it.

The all-American canal in the original estimate was $31,000,000; interest, $21,000,000; total, $125,000,000.

The estimated gross revenue from sales of 3,600,000 kilowatts at three-tenths of a cent, $10,800,000; storage and delivery of water for irrigation and domestic purposes, $1,500,000; total, $12,300,000.

Estimated fixed annual charges, operating and maintenance, storage and power, $700,000; operation and maintenance, all-American canal, $500,000; interest on $125,000,000, at 4 per cent, $5,000,000; total, $6,200,000. Estimated annual surplus, therefore, $6,100,000, sufficient to repay the entire cost in 25 years.

Now, let me turn to the report of the board of engineers that recently was submitted, the Sibert report, as it has been designated, and let me recall in that connection that these engineers, in a period of a very few months and with what I might term a cursory examination, have endeavored to check and go over the reports of the reclamation engineers to which more than three years were devoted and in which forty-odd engineers of the very highest character and greatest attainments in the Nation were employed. The Sibert report says—and I may say that in the report these engineers say that they are ultraconservative and that their estimates are made, because of the magnitude of the project, in ultraconservative fashion—that the cost of the dam and reservoir would be $70,600,000; 1,000,000-horsepower development, $38,200,000; all-American canal, $38,500,000; interest during construction, $17,700,000; total, $165,000,000.

Now, the total of $165,000,000 is made up, first, of the all-American canal, $38,500,000. Under the pending bill the all-American canal is to be paid for, under the reclamation law, out of the lands which are to be benefited by the all-American canal. It is not to be paid for out of the power sales, but out of the lands; so that we might first deduct, and that can not be gainsaid, that $38,500,000.

In the bill that is before the Senate now, which was approved by the Senate committee and upon which I stand, the only obligation that rests upon the Government in relation to the construction of the power plant is—and "obligation" is not the appropriate word; the only reference in relation to the Government constructing a power plant is in exact terms that the Government has the option only to erect a plant if it sees fit.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. JOHNSON. Yes, indeed; because we are going to come very shortly to one of the most important parts of the bill, and it is well that I might take a moment or two upon it.

Mr. REED of Pennsylvania. I am afraid my question will betray my ignorance on the subject. I do not understand why the construction of a power plant is left optional. If, as a matter of fact, it is not essential to the success of the project, why put it in at all?

Mr. JOHNSON. Because they were options that were accorded alternatively under the bill. The Government can lease the water.

Mr. REED of Pennsylvania. Sell water power instead of electric power, in other words?

Mr. JOHNSON. Exactly. The Government could erect a power plant and lease it or the Government could lease units of power or units of the power plant. The only reason for inserting in the bill the option to the Government to erect a power plant—I will not say the only reason, because it ought to be done, in my opinion; but that is another story, as Kipling has said. But the manner in which it happens that that option was accorded the Government was this: The original bill did not contain that option at all, but the Secretary of the Interior in his wisdom and justice reached the conclusion that it was necessary for the protection of the people of that territory, the protection of the project, and the protection of the United States Government that it have the power to erect a generating plant if the Government deemed it wise. The topography of the country was such that probably the only one successfully to operate a generating plant there, if accorded the right to construct one, would be accorded a privilege that would place him at a great advantage against any other individual. The topography, added to the economic situation, induced the Secretary of the Interior to request an amendment to the bill by which the Government should be accorded that particular privilege.

Mr. REED of Pennsylvania. Which Secretary requested that, if I may ask?

Mr. JOHNSON. Secretary Work.

Mr. REED of Pennsylvania. What I can not understand is, if a power plant is essential to the success of the scheme why it should be optional at all, and if it is not essential to the scheme why should it be permitted at all? It would seem to me the Government might sell water power as an incident to this other activity.

Mr. JOHNSON. In the Senate bill it was left with the Government for ultimate determination, the matter of administration being for the Government finally to determine. In the House bill there is a different sort of situation, because when the House bill came upon the floor of the House, at the instance of Congressman DAVENPORT, the option for leasing a part of the plant was stricken out, so that the bill is left as it comes from the House, with the Government having the command of Congress upon it to construct a power plant or generating plant at the dam. Those are the differences in that respect between the House bill and the Senate bill.

Let me return now to the figures, because the purpose I had was not, indeed, to discuss at this moment the power phases, but to demonstrate that what I said respecting the amortization of this large sum expended for this great constructive work was very easy, indeed.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Certainly.

Mr. WATSON. Is the erection of a power plant essential to the project?

Mr. JOHNSON. The Secretary of the Interior, after investigation, and most of us who are interested in it, deemed it essential that the Government should have the right to erect a power plant.

Mr. WATSON. But that does not, of course, directly answer my question.

Mr. JOHNSON. It answers the question because it answers it half way. After this measure shall have been adopted the consensus of view was that in order to protect the people from a monopoly, in order to protect the enterprise, in order to have the financing in the hands of the Government of a great enterprise in which we would expend $125,000,000, the Government ought to be in a position where it could protect itself, if essential, by the erection of a generating plant.

Mr. REED of Pennsylvania. Does the Senator concur in that view?

Mr. JOHNSON. I do.

Mr. REED of Pennsylvania. Where the Government has the power of regulation—where the Government has the power to write any terms it pleases in the contract for the sale of the water power—it seems to me that it has every opportunity to protect its people from imposition.

Mr. JOHNSON. No; I think not.

Mr. REED of Pennsylvania. Of course, it is a monopoly, as all of these things are natural monopolies, like street railways; but with the power to regulate, with the power to cease the sale, and the power to limit the period of the same and to fix the price of resale, it seems to me the Government has every power it could want.

Mr. JOHNSON. I disagree with the Senator, but that was not a subject I was intending to go into until we reached the question of power.

Mr. KING. Mr. President, will the Senator permit me to recur to a statement he made a moment ago?

Mr. JOHNSON. Certainly.

Mr. KING. It is important in the discussion of the question of amortization. The Senator stated that under the plan suggested by the commission the all-American canal would be constructed under the reclamation project and therefore nothing would be a charge under the terms of the bill. The Senator forgot for the moment, I think, that the interest would have to be borne by the Government for the advances which were made for the construction of the all-American canal.

Mr. JOHNSON. The Senator is right, but it would be only the interest which would have to be borne.

Mr. KING. But it would be several million dollars.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. JOHNSON. Certainly.

Mr. SACKETT. In speaking a moment ago the Senator said something about the difference between the House bill and the Senate bill. What is the position of the bill to-day? Have we the House bill substituted for the Senate bill?

Mr. JOHNSON. Yes; but we have as well what is termed an amendment in the nature of a substitute which I have offered, being the entire Senate bill to be substituted for the House bill.

Mr. SACKETT. Then it comes back again to the option on the part of the Government, whether they will build a power plant or not?

Mr. JOHNSON. The Senate bill having a mere option and the House bill having a mandatory provision.

Mr. SACKETT. Then, if we pass the Senate bill——

Mr. JOHNSON. Then the Government has a mere option that may or may not be exercised.

Mr. SACKETT. I simply wanted to get that straight in my mind.

Mr. JOHNSON. That is correct. We have not yet adopted my substitute.

Let me return again to my figures, because I want to show how easily this project can be amortized.

The commission's total is $165,000,000. The all-American canal is estimated by the commission at $38,500,000. I have just explained that the all-American canal will be paid for by the land and, therefore, it should be deducted from the $165,000,000.

The power plant is estimated at $38,200,000. Of course, it has to be included in the set-up, but if the option shall not be exercised by the Government the $38,200,000 would be deducted. It is now desired to allocate to flood control $25,000,000, of that amount, according to the amendment.

Adding these three items together, $38,500,000, $38,200,000, and $25,000,000, we have a total of $101,000,000 to be deducted from the $165,000,000, leaving $64,000,000, when under every estimate of profit that has been made from this enterprise we can go far beyond any such sum. With that sort of a set-up it is perfectly plain that there is going to be no difficulty in paying out this enterprise. If we leave the entire cost of this structure without any allotment for flood control it seems to me that it is equally obvious that we can pay out. We could pay $125,000,000 in 25 years under the statement of the Secretary of the Interior, and I have telegrams from the experts in the State of California to that effect. One of them is Mr. Ready, who is perfectly assured that there will be no question whatsoever of paying out from the power either under one scheme or under the other scheme.

That is what is presented. I am not, of course, going to oppose the allotment for flood control. It is immaterial to me that there should be greater profit to one State or to another from this enterprise. I want, if it be possible, as I have said again and again, to have this great constructive work undertaken and completed, but I want the Senate to understand that when I stood originally for a bill that would by its very terms not take a single, solitary dollar from the United States Treasury, I stood upon firm ground, and I stand upon the very ground to-day that I have stood upon during the years that have passed since this bill has been a matter of debate and a matter that has come before our people.

I wanted to make that plain before we took up this particular amendment of the Senator from Colorado. I now yield to the Senator from Washington.

Mr. SACKETT. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Yes, sir.

Mr. SACKETT. In the statement from which the Senator read, the first estimate of total cost being $125,000,000 and the commission's estimate being $165,000,000, what are the amounts included for interest?

Mr. JOHNSON. In the first statement $21,000,000 and in the second $17,700,000.

Mr. SACKETT. With a larger cost, the question I wanted to ask is, Why should not the item of interest in the case of the second estimate be considerably larger than in the first?

Mr. JOHNSON. I should think it would be, but it is not.

Mr. PHIPPS. Mr. President, may I answer that question?

Mr. SACKETT. Is it because of a difference in the period of time computed?

Mr. PHIPPS. It is. The original estimate was based upon an expenditure extending over a 10-year period of time, whereas the commission that has considered the project during the present year estimates that it can be completed within a 7-year period.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. JONES. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 12, 1928, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate December 11 (legislative day of December 10), 1928

FOREIGN SERVICE

To be secretary in the Diplomatic Service

George F. Kennan, of Wisconsin, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

MEMBERS OF THE MISSISSIPPI RIVER COMMISSION

Brig. Gen. Thomas H. Jackson, Corps of Engineers, United States Army, for appointment as member and president of the Mississippi River Commission provided for by the act of

Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of Passes near its mouth to its headwaters," vice Brig. Gen. Charles L. Potter, retired.

Maj. Ernest Graves, retired, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of Passes near its mouth to its headwaters," vice Col. Charles W. Kutz, relieved.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11 (legislative day of December 10), 1928

SECRETARY OF THE DEPARTMENT OF COMMERCE

William F. Whiting.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA

Ralph Given.

POSTMASTERS

ALABAMA

John G. Bass, Birmingham.
Eva M. Ellison, Empire.
Paul B. Curtis, Glenwood.
Archie A. Frazee, Grand Bay.
Minnie W. Simpson, Hurtsboro.
James W. Balkcom, Newton.
Ernest P. Forsman, Silverhill.

ARIZONA

Frank A. Rhodes, Gila Bend.

ARKANSAS

Charley Jones, Calico Rock.
Dwight B. Witherspoon, Hunter.
Ruth Slaton, Joiner.
John A. Borgman, Jonesboro.
Myrtle D. Reed, Lincoln.
John W. Seaton, Luxora.
Julius T. Garner, Nashville.
Lena Hodges, Sulphur Springs.
Olga C. Roberts, Tuckerman.

CALIFORNIA

Herbert A. Barber, Blue Lake.
Katherine H. McLernon, Culver City.
Thomas S. Mackin, Duarte.
Henry A. Craig, Gazelle.
Clay E. Ivins, Hetch Hetchy Junction.
Bessie I. Metcalf, La Canada.
Myrtle M. Seymour, Linden.
Lillie A. Anderson, Morro Bay.
Milton P. Moeser, National City.
Morris L. Williams, Pacoima.
Kittie Pennington, Pico.
George W. Megrew, Rancho Santa Fe.
Alice C. Elmore, Sequoia National Park.
Clara C. Hornsyld, Solvang.
Zenope P. Melcon, Storrie.
Charles L. Hoffman, Sugar Pine.
Isabelle S. Bowman, Vista.

CONNECTICUT

Robert DeF. Bristol, Guilford.
Gordon B. Smith, Saybrook.

KANSAS

Clara G. Williams, Elgin.

MAINE

Charles W. Abbott, Albion.
George H. Williams, Alfred.
Emily E. Pynes, Sangerville.

MICHIGAN

Jesse G. Wilbur, Belding.
Thomas Watson, Birch Run.
Ralph C. Hubbard, Hartford.
Merrill F. Fitch, Mattawan.
George L. Runner, Shelby.
Mary M. Smith, Thompsonville.
Moses O. Champney, Traverse City.

NEW HAMPSHIRE

Hugh C. Young, Sunapee.

OHIO

Frances Dunham, Fayetteville.
Veeda F. Stevens, Holloway.
Blanche M. Lauer, Lower Salem.

RHODE ISLAND

John J. McCabe, Pontiac.
Henry Schwab, Washington.

WYOMING

John G. Bruce, Lander.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 11 (legislative day of December 10), 1928

PROMOTION IN THE ARMY

To be captain

First Lieut. Hobart Dean Belknap, Medical Corps, from July 1, 1928.

[NOTE.—This officer resigned from the Army December 7, 1928.]

HOUSE OF REPRESENTATIVES

TUESDAY, *December 11, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy glory, our Father in Heaven, is revealed in its power to invade our lives and touch them to noble issues. When Thou dost remember and gratify the innocent loves of childhood, the roots of our souls are thrust more deeply into the soils of the good, the beautiful, and the true. Thou art a great God and greatly to be praised. Before the mountains were brought forth, or ever Thou hast formed the earth and the world, even from everlasting to everlasting, Thou art God. Manifest unto us the wonder of the Great Name that stands for peace and pardon. Aye, may we show forth His character in the home, in the office, in this Chamber, and everywhere we are called to go, and Thine shall be the glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12312. An act for the relief of James Hunts Along;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; and

H. R. 13606. An act for the relief of Russell White Bear.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 584. An act for the relief of Frederick D. Swank;

S. 1462. An act providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes;

S. 2859. An act for the relief of Francis J. Young;

S. 3741. An act for the relief of S. L. Roberts;

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States; and

S. Con. Res. 24. Concurrent resolution providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on March 4, 1929.

JOINT RESOLUTIONS AND BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the

United States, for his approval, bill and joint resolutions of the House of the following titles:

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; and

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Mills, Kitty Hawk, N. C.

LEAVE OF ABSENCE

Mr. BROWNE. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. BECK of Wisconsin, on account of sickness.

The SPEAKER. Without objection, the leave will be granted.

There was no objection.

NAVAL AFFAIRS COMMITTEE

Mr. BRITTEN. Mr. Speaker, I desire to make a unanimous-consent request that I may address the House for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Speaker, in line with the suggestion of the majority leader last Wednesday on the floor that when the Committee on Naval Affairs has its usual Calendar Wednesday the chairman of the committee should indicate to the House the bills he expected to call up from that committee. In line with that suggestion, I would like to say these bills will be called up in the order I shall indicate:

Priority list of bills on House calendars

Bill No.	Title	Remarks
H. R. 13249	To authorize an increase in cost of alterations and repairs to certain naval vessels.	Hearings, pp. 2395, 2865; Report 1934.
H. R. 14660	To authorize alterations and repairs to the U. S. S. California.	Report 1935.
H. R. 14922	To authorize an increase in the limit of cost of two fleet submarines.	Report 1936.
H. R. 13685	To regulate the distribution and promotion of commissioned officers of the Marine Corps.	Hearings, p. 2927; Report 1937.
H. R. 12032; S. 3692	To amend the joint service pay act of June 10, 1922 (warrant officers pay bill)	Pending before Budget since Jan. 2, 1928; hearings p. 2477; Report 1560; Senate Report 998; Union Calendar 487.
H. R. 13414	To authorize appointments of acting chaplains to maximum age limit of 35 years.	Hearings, p. 3021; Report 1858; House Calendar 489.
H. R. 5713	To permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers.	Hearings, pp. 79, 2325; Report 1299; Union Calendar 417.
H. R. 5491	To permit transfer of used or obsolescent ordnance material by other bureaus or departments.	Hearings, pp. 93, 2305; Report 1298; Union Calendar 416.
H. R. 5617	To limit the date of filing claims for retainer pay	Hearings, pp. 52, 2255, 2265; Report 1347; Union Calendar 431.

As I say, these bills will be called up substantially in the order here presented on Wednesday.

Mr. BLANTON. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. BLANTON. Has the gentleman in mind the modernizing of the U. S. battleship *Maryland* so as to conform to modern uses?

Mr. HASTINGS. Mr. Speaker, I would like to inquire whether or not the whole of Calendar Wednesday will likely be consumed?

Mr. BRITTEN. Yes.

Mr. HASTINGS. In other words, the whole of Calendar Wednesday is likely to be consumed in the consideration of these bills?

Mr. BRITTEN. Yes.

EXTENSION OF REMARKS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement on the consent decree as viewed by Mr. M. W. Borders, jr., attorney for the National Farmers' Union.

Mr. UNDERHILL. What did the gentleman say he wished to insert?

Mr. STRONG of Kansas. It is a statement concerning the consent decree of the packers, of which the gentleman, no doubt, has heard.

Mr. UNDERHILL. The attorney referred to has no connection with this House or with Congress, so far as I know.

Mr. STRONG of Kansas. The House is considering this matter before a subcommittee.

Mr. UNDERHILL. If we distinguish at all, we can not draw the line unless we object to them all.

The SPEAKER. Does the gentleman from Massachusetts object?

Mr. UNDERHILL. Yes.

The SPEAKER. Objection is heard.

AUSTRIAN DEBT SETTLEMENT

Mr. SNELL. Mr. Speaker, I offer a resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 255

Resolved, That upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 340, to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States. That after general debate, which shall be confined to the House joint resolution and shall continue not to exceed one and one-half hours, to be equally divided and controlled by those favoring and opposing the House joint resolution, the House joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the House joint resolution for amendment the committee shall arise and report the House joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the resolution just presented provides for an authorization to the Secretary of the Treasury to settle what is commonly referred to as the Austrian debt.

I think in beginning the consideration of this measure, the House should understand that this debt is on an entirely different basis and different in every respect from any settlement of any other foreign debt that arose out of the prosecution of the late World War. As Members will remember, in the years 1920 and 1921, the Government of Austria had entirely fallen down, and the Austrian people were starving by millions. Nine separate governments, of which the United States was one, loaned Austria $120,000,000 to buy food supplies to keep the inhabitants of Austria from starving. Of that amount, about 20 per cent came from the United States, or about $24,000,000.

As you will remember, the Grain Corporation had on hand an excess of flour. It was a coarse flour and there was no immediate market for it in the United States at that time, and before it could have been used or sold in home market it would have deteriorated to a considerable degree. We sold that under authorization by Congress to the Austrian people, and Congress well knew at that time that it would at least be a great many years before we could even expect any pay. Under the terms of the Lodge resolution of 1922 they were not to be requested to pay anything on that until 1943. Now Austria finds itself in this shape: In order to improve its economic condition and to continue the rehabilitation of its industry, which is being carried on with quite marked success, it is absolutely necessary to have in the vicinity of $100,000,000 of foreign capital. At the present time the Austrian food relief bonds—and those are what the American people hold at the present time—are the first claim on certain assets and income of the Austrian Government. They are asking us at this time to subordinate these Austrian relief bonds to the new loan that they desire to make.

As I understand the situation, the other seven governments that hold these relief bonds, together with the United States, have all agreed to the subordination asked by the Austrian Government; also that the reparations committee have agreed to subordinate their claims to this new loan, and the only thing that is holding up the whole situation is action by the American Congress.

This bill authorizes the Secretary of the Treasury to make such subordination of our original claims, as above stated, and

further provides for the funding of the total debt that Austria owes us at the present time.

In considering this claim at this time we must understand that the original loan was made to Austria more as a humanitarian proposition, or a charitable proposition, than anything else, and that at the time we made the original loan there was very little hope of ever getting any definite pay on the principal, so that we are not giving up very much by granting this request, and, personally, I believe we are more liable than otherwise to get our claim paid. We are not asked for any additional loans. But there is reason to believe that if Austria can float a new loan from private bankers and rehabilitate itself and improve its railroads, its telegraphs, and telephone systems, and get itself in an economic position to go to work and earn money, there is a possibility that some day Austria will pay us the money we loaned her to buy foodstuffs after the war. So that this is in no way on a similar basis with other foreign settlements. This is simply another example of America's interest in a distressed sister nation.

So far as the Committee on Rules is concerned, this is a unanimous report, and I doubt if there is any serious opposition at this time from Members of the House to authorizing, as the Committee on Ways and Means recommends, the enactment of House Joint Resolution 340.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 340.

The SPEAKER. The gentleman from Oregon moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 340. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas, Mr. HOCH, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 340, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 340, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States

Resolved, etc., That in order that the United States may cooperate with the Governments of Denmark, France, Great Britain, Italy, the Netherlands, Norway, Sweden, and Switzerland in making it possible for Austria to obtain by means of a loan the additional funds necessary in the furtherance of its reconstruction program, the Secretary of the Treasury is hereby authorized, if he determines that substantially similar action has been taken by each of such Governments in respect of the Austrian relief bonds held by it and that the Reparation Commission has given an appropriate release in respect of such loan, to subordinate the lien of the United States upon the assets and revenues of Austria pledged for the payment of the Austrian relief bond held by the United States (but without prejudicing the priority over costs of reparation stipulated in the relief bond) to a lien upon such assets and revenues as may be pledged for the payment of one or more loans floated by Austria in an aggregate net amount of not more than 725,000,000 Austrian schillings and for a period of not more than 30 years from July 1, 1929; and the Secretary of the Treasury, with the approval of the President, is hereby authorized to conclude an agreement, as set forth below in general terms, for the settlement of the indebtedness of Austria to the United States: *Provided, however,* That the terms and conditions of such settlement shall not be less favorable than the terms and conditions granted by Austria to any of the other relief creditor Governments, and should more favorable terms or conditions be granted by Austria to any of the other relief creditor Governments, the Secretary of the Treasury, with the approval of the President, is authorized to amend the proposed agreement so that the United States may enjoy a corresponding benefit.

The amount of the indebtedness to be funded is $34,630,968.68, which has been computed as follows:

Principal amount of obligation to be funded	$24,055,708.92
Interest accrued and unpaid thereon to Jan. 1, 1928, at the rate of 6 per cent per annum	10,575,259.76
Total principal and interest accrued and unpaid as of Jan. 1, 1928	34,630,968.68

In full and final settlement of this indebtedness Austria shall pay 25 equal annuities of $1,337,140 beginning on January 1, 1943.

Austria, however, shall have the option of paying instead of the aforesaid annuities 40 annuities as follows: Five annual payments of $287,556, beginning on January 1, 1929; 10 annual payments of $460,093, beginning on January 1, 1934; and 25 annual payments of $743,047, beginning on January 1, 1944.

If Austria shall exercise this option to pay in 40 annuities beginning January 1, 1929, the obligation of Austria to pay annuities during the years 1929 to 1943 will in the case of each annuity not arise if the trustees of the reconstruction loan of 1923 prior to the preceding December 1 have raised objection to the payment of the annuity in question on the due date. To the extent, if any, that any such annuity is not paid by reason of such objection on the part of the trustees, the amount thereof, together wih interest at 5 per cent per annum compounded annually to December 31, 1943, shall be repaid, together with further interest at 5 per cent per annum, by 25 equal annuities on January 1 of each of the years 1944 to 1968, inclusive.

The bonds to be issued under the agreement to be concluded under authority of this resolution shall enjoy the same security as the relief obligation of Austria now held by the United States (relief series B of 1920) except to the extent that the lien enjoyed by this obligation has been released by the Secretary of the Treasury under authority of the joint resolution of Congress approved April 6, 1922, and also to the extent that it may be further released by the Secretary of the Treasury under the authority of this resolution.

Austria shall make no payment upon or in respect of any of its obligations issued to the relief creditor nations, to wit, Denmark, France, Great Britain, the Netherlands, Italy, Norway, Sweden, and Switzerland, before, at, or after maturity, whether for principal or for interest, unless a similar and proportionate payment shall simultaneously be made upon the relief indebtedness of Austria to the United States.

Any payment to be made under the agreement may be made at the option of Austria in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

The CHAIRMAN. The rule provides for an hour and a half of general debate, to be equally divided between those favoring the resolution and those opposed to it. The Chair recognizes the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, there is a member of the Committee on Ways and Means, the gentleman from Georgia [Mr. CRISP], who was also a member of the former Debt Commission, and has heard all the hearings before the committee and inspected the documentary evidence before the Funding Commission and heard all the discussion before that body. I yield 25 minutes to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Chairman and gentlemen of the committee, the chairman of my committee, the gentleman from Oregon [Mr. HAWLEY], was a little inaccurate in his statement that I had heard, as a member of the Debt Commission, all the facts relative to the economic condition of Austria. This loan was made for humanitarian purposes in 1920 and was authorized by act of Congress. It was later by act of Congress postponed as to its maturity until 1943. I have to the best of my opportunity given careful consideration to the whole subject matter and have posted myself to the extent of my ability as to the economic condition of Austria, and I am wholeheartedly supporting this settlement. This settlement was made by the Treasury Department after the Debt Commission ceased to exist.

What is the history of it? In 1919 and 1920, just after the World War, the Austrian Empire was dismembered. Its most valuable possessions, its richest territory, and its manufacturing centers had been taken from it and given to other governments set up under the peace conference, and the economic condition of Austria was deplorable. The Ways and Means Committee in 1920 had before it testimony as to the condition of suffering in Austria. Before the act of Congress was passed authorizing this indebtedness it was shown that women and children were dying by the hundreds in Austria from starvation; that mothers and infants, mere skeletons, were seen everywhere, their condition brought about by the want of food, and sickness and death were prevalent throughout Austria. The suffering and hunger there appealed to the heart of the world. The former enemies of Austria carried out the teaching of the lowly Nazarene when He said, "If your enemy hunger, feed him." So Great Britain, France, Italy, the United States, Czechoslovakia, Sweden, Norway, and other countries responded to the needs of the women and children and others in Austria by furnishing them with food, because Austria needed the food but did not have the money to pay for it. These other countries had food.

The United States had food, accumulated in the Grain Corporation, which had been accumulated for war purposes, and Congress, on the 30th of March, 1920, passed a law authorizing

this Government to sell to Austria on credit $24,000,000 worth of foodstuff to feed its people. The other countries I have mentioned also sold to Austria foodstuff, as a humanitarian proposition, on credit, and the total amount of food and essentials to human life that was furnished to Austria in 1920 by these governments amounted to $120,000,000. Great Britain furnished $44,000,000; France, $17,000,000; Italy, in the neighborhood of $21,000,000; and the United States, $24,000,000. The amount of principal due us by Austria is $24,000,000 plus, and that indebtedness was not for money furnished Austria; it was not a commercial proposition; it was a humanitarian proposition to feed the dying, and when Congress authorized it, Congress, in my judgment, was not cavilling as to whether it would ever be paid back.

We had the bond of Austria for this amount of $24,000,000, due in five years. Yet the economic condition of Austria still continued deplorable and it was essential for her to obtain some capital to develop her meager resources, so as to endeavor to furnish employment and support to her population. She could not obtain the capital in Austria, and Austria has committed her revenues to the payment of the food-relief loan of $120,000,000, so that all of the other relief creditors—Great Britain, France, Czechoslovakia, Italy, Belgium, Denmark, Holland, and Sweden—agreed to waive their prior liens in order to enable Austria to obtain a reconstruction loan of $125,000,000 for the purpose of restoring her economic condition. The nations I have mentioned not only waived their liens but guaranteed the payment of this reconstruction loan of $125,000,000, Great Britain guaranteeing the payment of 24½ per cent of it; France, 24½ per cent; Czechoslovakia, 24½ per cent; Italy, 20½ per cent; Belgium, 2 per cent; Denmark, 1 per cent; Holland, 1 per cent; and Sweden, 2 per cent. The United States was requested to waive its prior lien on the revenues of Austria to enable her to float this loan of $125,000,000, and under the act of Congress known as the Lodge resolution, which was passed April 6, 1920, Congress did waive its prior lien and postponed the maturity of the debt until 1943, but Congress and the Government of the United States did not guarantee the payment of this loan of $125,000,000. We were less generous in that respect than the former enemies of Austria, who waived the lien and guaranteed the payment of a certain part of the reconstruction loan. We simply waived our priority in order to permit Austria to obtain this loan of $125,000,000 from private bankers or other private lenders of money. That is the situation up to now.

Mr. SNELL. Will the gentleman yield for a question?

Mr. CRISP. Yes.

Mr. SNELL. Do I understand that these other governments are going to guarantee the payment of the loan which the Austrian Government now intends to obtain?

Mr. CRISP. No. The economic condition of Austria has so improved with this new capital they received of $125,000,000 that they now believe they can float this new loan of $100,000,000 on its own strength and standing alone without the guarantee of any of the governments which guaranteed the reconstruction loan of $125,000,000. As I have said, the first reconstruction loan of $125,000,000, made in 1922, was guaranteed by these countries.

Mr. SNELL. The one that is already in existence?

Mr. CRISP. Yes. That is the situation up to now. Austria owes the United States the principal for this food, $24,000,000 plus. Figuring interest on it at 6 per cent to January, 1928, she owes $34,000,000 plus. The other creditors have reduced their rate of interest to January to 5 per cent instead of 6, and if the United States reduces her interest from 6 to 5 up to this time the amount due on the indebtedness to us, both principal and interest, is $33,911,000.

Austria has about 6,500,000 people. One-third of those people reside in the city of Vienna. Her richest agricultural territory and industrial sections have been taken from her, so that about the only resources of value Austria has are her forests. She has some iron, and she has splendid water powers, but no capital to develop them. About one-third of the entire area is agricultural, but it is made up of poor, nonproductive land. Austria does not produce a sufficient amount of foodstuff to feed her people and she is compelled to import large quantities of foodstuffs to provide for her population. Austria has no coal and she has to import her coal, and the importation of coal and food supplies makes the balance of trade very largely against Austria. In 1926 the balance of trade against Austria was $156,000,000, and in 1927 the balance of trade against her was $155,000,000.

The condition in Austria by the use of this new capital has greatly improved and by economies she has practically balanced her budget, though she has no surplus revenue for any purpose. Austria is compelled to send out of Austria about $30,000,000 a year for the payment of interest and other charges on her foreign indebtedness, and about the only way she is able to get this foreign exchange to meet these obligations is from what are called invisible items, the money expended there by tourists and remittances from immigrants in different countries.

The most valuable economic asset Austria has is its central location in Europe and its railroads, its telephones and telegraph lines. These railroads and telegraph lines are nominally owned by separate corporations, but the Austrian Government owns all of the stock of these corporations. Therefore the Austrian Government itself owns the railroads and telegraph lines, just as the United States owns all of the stock of the Panama Railroad, which owns the railroad across the Canal Zone and the ship line plying from the Canal to New York. The railroads in Austria have run down. They are compelled to use unsafe bridges, the rails are light, and it is impossible for them to operate a through train to care for the through traffic, and it is proposed, if she obtains this loan, to use it in modernizing her railroads and her telegraph lines and to develop water power, which will stop the importation of much coal.

It is figured and believed with this new capital some of the 200,000 unemployed in Austria will be given employment and the economic situation of the Republic will be improved; that her productive capacity will be increased; that she will obtain more revenue and will thus be better able to meet her indebtedness to her creditors at home and abroad, and that the influx of this new capital will go a long way toward insuring her ability to pay the United States and all the other countries the amount she owes them for food furnished her in 1920.

My friends, if you have an insolvent debtor and the debtor's business is not producing sufficient revenue to meet his fixed charges, interest account, and so forth, you would be very pleased for that debtor to obtain some new capital from some one else to put in his business to be used for productive purposes, hoping his financial condition would be improved so that he could repay your indebtedness.

Let me say right here that this bill does not propose for the United States to advance another cent to Austria. It does not propose to take one penny now out of the Treasury and give it to Austria; neither does it propose for us in any way whatever to become financially liable or responsible for this new loan of $100,000,000. We are not guaranteeing it; we have no responsibility whatever in connection with it, and all that this bill proposes is for us, in cooperation with the other eight creditors, to waive the first lien we have on the revenue of Austria for the repayment of what she owes us in favor of this new rehabilitation loan of $100,000,000 to enable them to get new capital.

Mr. ROBSION of Kentucky. Will the gentleman yield for a question at that point?

Mr. CRISP. Yes.

Mr. ROBSION of Kentucky. If we did not waive this prior lien, what chance would there be for us to collect our debt now, anyhow?

Mr. CRISP. When this credit was extended it was for humanitarian purposes. It was to feed the hungry and the dying, and we did not consider, in my judgment, the question of repayment. I think to-day it is very doubtful whether we could get the money back. In my judgment if this new capital is obtained, it will enable Austria to become economically stable and economically able to pay it, and she will pay the debt. Therefore I think this act on our part is a step toward making more certain repayment to the United States of what is now owing to us.

Mr. O'CONNELL. And will give Austria ample time within which to pay it?

Mr. CRISP. Yes.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. LAGUARDIA. Is not this very much like a man having a second mortgage on a piece of property and subordinating his claim in order to permit of the property being put in shape in the hope of increasing its value and the revenue from it?

Mr. CRISP. That is all in the world this does.

Mr. TARVER. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. TARVER. I may not understand the gentleman's presentation of the matter fully——

Mr. CRISP. I am very unfortunate. That is my fault.

Mr. TARVER. I want to ask this question in order to clarify the matter in my own mind. The gentleman has stated, as I understand it, that the only question involved is that of relieving the existing prior lien consisting of the debt now existing in favor of this Government. I have noticed provisions of the bill which carry with them a settlement also of that existing indebtedness and providing, in the first place, for payment of 25 equal

annuities of a certain amount, and I desire to inquire of the gentleman what is the present cash value of those annuities; in other words, how much are we shaving the debt?

Mr. CRISP. I will discuss that very frankly. When I made the statement that the waiving of our prior lien was all that was involved by the bill, I was discussing then the first subject of the bill, to wit, the waiving of the lien for the new rehabilitation loan of $100,000,000. There is a second part of the bill, about which the gentleman has inquired, and when I reach that I will discuss it fully.

Mr. HASTINGS. Will the gentleman yield there for a question?

Mr. CRISP. Yes.

Mr. HASTINGS. The statement has been made that in 1920, when this food was sold to Austria upon credit, that it was perhaps not anticipated it would ever be repaid. Why was not the condition of Austria discussed at that time and taken into consideration, and why did we not make them at that time an absolute gift?

Mr. CRISP. If I mistake not, the gentleman was in Congress at that time as well as myself, and the gentleman had the same information that I had. I think one of them was that Austria did not ask that it be given to her. She asked, in her extremity, that we lend a kindly hand by selling this food to her on credit.

Mr. HASTINGS. The gentleman now states that Austria is in a much better condition than she was in 1920?

Mr. CRISP. There is no question whatever about it, and I think the new capital of $125,000,000 that she has had is largely responsible, if not entirely responsible, for the improvement; and I think if she obtains this new capital she will be still better off, and I think that will go a long way toward insuring repayment of this amount.

Gentlemen, I have been courteous and have yielded to everyone who has asked me any questions. I do not want to consume all of the time and I would much prefer to try to run through my statement of the case and then I will gladly answer all questions to the extent of my ability.

Now, seven of these relief creditors have already consented to the provisions of this bill, that they will subordinate their liens in favor of this new rehabilitation loan. The United States has not yet acted on it and the bill is before you to-day requesting your consent. Italy has not yet acted on it. All of the other governments have acted and have consented to it.

This bill proposes that the Secretary of the Treasury, with the approval of the President, shall be given authority to make this waiver provided all of the relief creditors consent to it; and with the further limitation that if Italy or any other country obtains better terms of settlement than the settlement enumerated in the bill, the United States is to have the same preferential treatment; that all of these relief creditors are to be put absolutely on a parity, each to have the same rights, no one to have superior preferences over any others, and this bill safeguards that by so providing.

Under the terms of the bill this $33,000,000 due the United States is to be amortized over a period of years.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GARNER of Texas. Mr. Chairman, I yield to the gentleman 15 minutes more.

Mr. CRISP. This indebtedness that is to be amortized over a number of years under the terms of the bill becomes due in 1943, and under existing law Austria owes us no payment until 1943, for the act of Congress postponed the due date until 1943. So, under the terms of this settlement commencing January 1, 1943, Austria is to pay annually for 25 years $1,337,140 to the United States, and she is to make, commencing at that due day payment to the other relief creditor nations on the same basis.

Austria reserves the option, and it is in this bill, that instead of waiting until 1943 to commence her payments she may make annual payments commencing January 1, 1929. She will commence payments on her old indebtedness. That she reserves the option to do instead of waiting until 1943. She will have the option of paying 40 annuities as follows: Five annual payments of $287,556, beginning on January 1, 1929; 10 annual payments of $460,093, beginning on January 1, 1934; and 25 annual payments of $743,047, beginning on January 1, 1944.

Austria has notified all governments that if this settlement is made she expects to exercise this option and commence paying next January instead of waiting until 1943, which she has a right to do now under the law. I think that a very material gain and benefit to the United States—if you can have payments commence on this debt next year instead of waiting until 1943.

Now, Austria is bound up to this extent—that the trustees of the restriction loan of 1922 of $125,000,000 has a right to object to Austria's making any foreign payment on new debts that would disrupt the currency or the exchange. Austria says she will make this payment commencing next year, but if the trustee of the reconstruction loan made in 1922 objects to the payment of the annuity in any one year on the ground it will destroy Austria's economic stability or currency, Austria is to give her bond for that payment with interest at 5 per cent compounded annually and they are to be amortized over a number of years, subsequent to 1943.

Now, the second provision in the bill, which deals with the question that my colleague, Judge TARVER, asked me about, proposes the settlement of the indebtedness of Austria, amortized over a period of years just as this Government settled and amortized the debts with all our debtor nations over a period of years. It would be impossible for Austria in her economic condition to maintain herself as a going government and pay at once in one sum the amount of money owing the other relief creditors and the United States the amount of which to-day is $178,000,000.

Austria's total indebtedness is about $330,000,000, and her total revenue is $185,000,000, and she has very high income taxes, both individual and corporation.

So this bill proposes to amortize this debt over a period of years as set out in the bill, either to wait until it is due and commencing in 1943, making annual payments of a million three hundred and thirty-seven thousand one hundred and forty dollars plus, or exercise the system of payments which she says she will do, commencing payment next year.

The present cash value of either plan, whether the 25 annual annuities or the payment commencing next year are exactly the same. The principal owing to us is $24,000,000, which with interest computed the 1st day of January, 1928, makes principal and interest $33,911,000. The present cash value of either one of these settlements is 30.2. So there is a scaling of the indebtedness reducing it to the present cash value of 70 per cent.

Italy's indebtedness was settled on a present cash value of 24 per cent. Czechoslovakia present cash value of 30 per cent; and most of the smaller nations were settled with on about the same reduction as to the present cash value.

If this agreement is carried out and complied with over a period of years, the United States will receive back the $33,000,000 with $9,372,792 interest.

But I would not, if I could, mislead any of my colleagues, and I frankly say that this settlement of this indebtedness does scale the amount due the United States if the principal and all interest was paid, for as I say, the present cash value is 30.2 per cent. But I do not believe it possible for us to collect from Austria 100 cents on the dollar plus interest. I believe this the best settlement obtainable at this time.

Gentlemen, you can not collect blood out of a turnip, you can not collect money from an insolvent debtor, and every one of our foreign debt settlements have been made on capacity to pay. While I concede capacity to pay is an uncertain thing, not capable of being reduced to mathematical certainty, yet there are certain fundamental things that give some idea as to the capacity to pay. As I have stated to you, Austria has no manufacturing plants, and of her agricultural land, one-third of all her territory, is not very productive. It does not produce food to sustain her people. Two hundred thousand people are out of employment. The weekly wage of brick masons in Austria is $9.99, while in Philadelphia it is $78. The average per capita income of the people of Austria is $157 a year. Out of Austria's 6,500,000 people, 2,100,000 pay income taxes, while in the United States, out of 120,000,000, only 2,471,000 pay income taxes.

In Austria a citizen has an exemption for the purposes of income tax of $200 a year. Of those paying income tax in Austria, 610,000 report an income of $286 a year or less, 525,000 an income of $430 a year or less, 462,000 an income of $686 a year or less, 357,000 an income of $1,460 or less, 105,000 an income of $3,100 a year or less, and 42,000 report incomes in excess of $3,100. Those are the taxes that the people of Austria are bearing. That gives you some idea as to their economic situation, and I am constrained to believe, in view of the situation there, in view of the settlements that have been made with other nations, that 30.2 per cent fairly represents the amount of her capacity to pay; but be that as it may, considering the history of this loan, considering that all of the debtor nations, the nations who owe us millions of dollars, nations whose economic condition and whose wealth are not comparable with ours, have agreed to the terms of this settlement, I do not believe the United States Government, the greatest Government, the richest Government in the world, can afford to alone stand up and block it. If you do not agree to this, the effect of it will be to destroy the agreements and put us

in the position of being the only one of nine nations who for humanitarian purposes sold on credit food to Austria who now objects to this agreement.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. MILLER. If Austria makes this settlement in 25 equal payments, commencing in 1943, which is 15 years in the future, will any interest be paid on this loan during that period of 15 years before the payment commences?

Mr. CRISP. No; and that is where the reduction of the debt comes. There is no scaling of the principal, and there is no scaling of the interest computed at 5 per cent up to last January.

Mr. MILLER. Six per cent.

Mr. CRISP. It is 6 per cent, but the others scaled it down to 5 per cent, and this bill authorizes a scaling down to 5 per cent, so this bill provides that the principal and interest up to January, 1928, at 5 per cent is paid. Where you have the scaling, and where you reduce the debt from 100 cents on the dollar down to its present cash value of 34 per cent is the failure to get interest during the future years and not having the money right now available for use.

Mr. HASTINGS. There is no interest at any time.

Mr. CRISP. No.

Mr. HASTINGS. For the 25 years after 1943?

Mr. CRISP. You will get only the $33,000,000 under this payment.

Mr. HASTINGS. Divided up into 25 payments.

Mr. CRISP. Yes; under the latter option.

Mr. BRAND of Georgia. Has the gentleman any information as to the amount of interest Austria has paid on the first reconstruction loan?

Mr. CRISP. I have no information as to the amount, but it is undisputed that Austria has made every payment due on all her foreign indebtedness. She has paid the entire interest due on it, and I may add that the Reparation Commission, interested in war reparations, has also consented to the terms of this bill. If we object, we will be the only nation objecting.

Mr. BRAND of Georgia. They have in good faith made payments on the interest?

Mr. CRISP. Yes; absolutely.

Mr. HASTINGS. I would like to ask about the cost of Austria's military establishment at the present time.

Mr. CRISP. I can not answer the gentleman. I do not know.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing at the conclusion thereof a statement prepared by the Undersecretary of the Treasury, Mr. Mills, going more into details as to this transaction than I have gone, and also to print a copy of the bond of obligation that Austria will make if this agreement is settled. I do that so that in the future, if anyone is examining the record as to what transpired and the nature of the bond, he can have the whole matter before him by examining the CONGRESSIONAL RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

STATEMENT BY UNDERSECRETARY OF THE TREASURY MILLS BEFORE THE WAYS AND MEANS COMMITTEE FRIDAY, DECEMBER 7, 1928, SUBMITTING A PROPOSED AGREEMENT FOR THE SETTLEMENT OF THE RELIEF INDEBTEDNESS OF AUSTRIA TO THE UNITED STATES

At the last session of Congress, in response to a message from the President, House Joint Resolution 247 was introduced by Mr. BURTON and reported by the Ways and Means Committee to the House. Under the terms of the resolution the Secretary of the Treasury is authorized, in cooperation with the other so-called relief creditor governments, to subordinate the lien of the United States upon the assets and revenues of Austria pledged for the payment of the Austrian relief bond held by the United States to a lien upon such assets and revenues as may be pledged for the payment of one or more loans floated by Austria in an aggregate net amount of not more than 725,000,000 Austrian schillings and for a period of not more than 30 years; and the Secretary of the Treasury is further authorized, with the approval of the President, to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

At the time of the hearing before the Ways and Means Committee on House Joint Resolution 247, in April, 1928, negotiations for the settlement of the Austrian debt with the relief creditors were proceeding, but inasmuch as there are nine relief creditors, and Austria is obligated to settle with them all on the same basis, until an agreement with other creditors was actually reached the Treasury Department was not in a position to submit to the Congress the terms of a proposed agreement for the settlement of the relief indebtedness to the United States.

Now, however, the settlement proposed by the Austrian Government has been accepted by seven of the nine creditor nations, namely, Denmark, France, Great Britain, the Netherlands, Norway, Sweden, and Switzerland. Negotiations with Italy, to whom Austria makes a similar offer of settlement, are now being carried on. So that the Secretary of the Treasury is at the present time enabled to submit to the Congress the agreement for the settlement of the relief indebtedness of Austria to the United States, which he is prepared to execute should the Congress grant him the authority.

The committee will remember that all of the relief bonds are of similar tenor and contain the following clause:

"The Government of Austria agrees that no payment will be made upon or in respect of any of the obligations of said series issued by the Government of Austria before, at, or after maturity, whether for principal or for interest, unless a similar payment shall simultaneously be made upon all obligations of the said series issued by the Government of Austria in proportion to the respective obligations of said series."

The terms of settlement, therefore, offered the United States are the precise terms offered the other creditor Governments and already accepted by seven of them.

The principal of the indebtedness of Austria to the United States amounts to $24,055,708.92. The bond matures by extension in 1943 and bears 6 per cent interest. With interest at 6 per cent the total indebtedness as of January 1, 1928, is $34,630,968.68. However, the other relief creditors reduced the interest rate to 5 per cent on January 1, 1925. If we make a corresponding adjustment in our interest rate, the total indebtedness, principal and interest, as of January 1, 1928, amounts to $33,911,904.39.

In settlement of this indebtedness Austria offers to pay, beginning on January 1, 1943, 20 yearly annuities of $1,337,140, reserving the option, however, to substitute the following schedule of payments: 5 yearly payments of $287,556, beginning January 1, 1929; 10 yearly payments of $460,093, beginning January 1, 1934; and 25 yearly payments of $743,047, beginning January 1, 1944.

On a basis of 5 per cent the present-day value of the smaller payments to be begun on January 1 next under the alternative schedule is the same as that of the larger and postponed payments to be begun January 1, 1943.

I may add that the Austrian Government has informed us it means to exercise the option.

In this event the payments are to be subject to the following provision:

"*Provided, however,* That if Austria shall exercise this option the obligation of Austria to pay annuities during the years 1929 to 1943 will in the case of each annuity not arise if the trustees of the reconstruction loan of 1923 prior to the preceding December 1 have raised objection to the payment of the annuity in question on the due date. To the extent, if any, that any such annuity is not paid by reason of such objection on the part of the trustees, the amount thereof, together with interest at 5 per cent per annum compounded annually to December 31, 1943, shall be repaid together with further interest at 5 per cent per annum by 25 equal annuities on January 1 of each of the years 1944 to 1968, inclusive. Austria shall issue its bonds to the United States for each of the 25 annuities similar in form to the bonds first to be issued hereunder, but dated January 1, 1943, bearing interest at the rate of 5 per cent per annum and maturing serially on January 1 of each succeeding year."

This provision is made necessary by the fact that under the terms of the so-called Lodge resolution priority over the lien which the United States holds was granted to the bonds of the so-called reconstruction loan of 1923, which matures in 1943.

On a basis of 4¼ per cent the present-day value of the payments proposed under the option is 30.2 per cent of $33,911,904.39. This total is reached, you will remember, by figuring interest at 6 per cent to January 1, 1925, and 5 per cent to January 1, 1928. This compares favorably with the present-day value of 24.6 per cent of the amount due provided for in the debt-settlement agreement with Italy and of 30.3 per cent in that with Yugoslavia. If, however, we figure past interest on the basis, let us say, of the Belgian settlement, the total amount owed is $30,383,562.70 and the present-day value of the proposed payments is 33.7 per cent of this amount.

The Treasury feels that Austria's offer of settlement is a fair and reasonable one. Austria is a small country with very limited resources. Her economic system was dislocated and torn apart by the dismemberment of the old Austrian Empire. What was previously a large, self-sufficient economic entity became a number of independent units separated by political frontiers and trade barriers. About one-third of a population of some 6,500,000 is concentrated in the city of Vienna. About one-half of the total area of Austria is used for agricultural purposes. The rest consists of forests and unproductive land. While progress is being made in agricultural development, Austria does not produce enough for her own needs and has to import large quantities of foodstuffs. There is iron ore in the country, but the development of

the steel and iron industry is handicapped by the entire lack of coal. This shortage of coal is a serious handicap to industry and the large coal imports exercise an adverse effect on trade balances. Austria has two important assets, extensive forests, which have led to the building up of paper and paper-products industry, and abundant water power, which, however, needs capital for development.

The trade balance has been consistently adverse. In 1926 imports exceeded exports by $156,000,000; in 1927 by $155,000,000. This, of course, makes foreign payments over a term of years difficult, if not impossible, were it not for the so-called invisible items, such as tourists' expenditures, emigrant remittances, traffic receipts, etc., which up to the present time have been sufficient to offset the adverse trade balance, to which must be added about $30,000,000 a year which Austria has to send abroad to cover the service of her foreign debts, including the reconstruction loan but not the relief debts.

Unemployment is a serious problem. At the end of 1925, 1926, and 1927 there were over 200,000 unemployed. How low the standard of living must be is indicated by an estimated per capita income of only $157 and the following table of wages:

Wages of bricklayers and masons per week as of July, 1928:	
Vienna	$9.99
Berlin	16.25
London	20.20
Philadelphia	78.00
Wages of metal workers in Vienna:	
Skilled workers, per week	10.00
Auxiliary workers, per week	9.00
Unskilled workers, per week	7.00
Relative real wages as of July, 1928, taken from the International Labor Review, which uses the London figures as the standard, are:	
London	100
Philadelphia	179
Prague	48
Vienna	48

The revenue of the Federal Government as estimated in the 1929 budget amounts to $187,000,000, of which $38,000,000 are to be transferred to the Provinces and towns. Approximately $46,000,000 are derived from direct taxes and approximately $141,000,000 from indirect taxes. The maximum income-tax rate on individuals is 45 per cent and the exemption $200. The corporation income-tax rate is 25 per cent. Out of a population of some 6,500,000 there are 2,100,000 individuals paying income tax as compared with 2,471,000 in the United States out of a population of 120,000,000. Of those paying income tax, 610,000 report an income of $286 or less, 525,000 an income of $430 or less, 462,000 an income of $686 or less, 357,000 an income of $1,460 or less, 105,000 an income of $3,100 or less, and 42,000 people report an income in excess of $3,100.

The public debts of Austria are as follows: Reconstruction loan, $139,000,000; pre-war debts, $33,000,000; relief creditors, $178,000,000; owed to the national bank, $16,700,000; or a total of $366,700,000, to which must be added the debts of the Provinces and towns, amounting to $72,000,000.

The cost of the debt service amounts to $29,700,000 a year, of which $22,700,000 must be paid abroad, to which foreign payments the payments on the debts of the Provinces and towns, amounting to about $8,000,000, should be added.

The budget has been balanced for the last three years, if we exclude the amounts set aside for capital investments. Thus in 1927 the total revenue amounted to $157,000,000, current expenditures amounted to $141,000,000, but $20,000,000 in addition was spent on so-called productive investments such as railroad reconstruction. The currency has been stabilized and the position of their national bank has been improving steadily.

The problem of payment of Austria's foreign relief debt is not primarily a budgetary but an economic one. As already stated, in so far as current expenditures are concerned, the budget can fairly be said to be balanced. The difficulty is that, as explained to the committee last spring, Austria needs to expend a very considerable sum for the rehabilitation of her physical plant, more particularly her railroad, telephone, and telegraph lines. The Austrian budget is not adequate to furnish the necessary funds. The private capital available for investment in Austria is totally inadequate. It is necessary, therefore, for Austria to borrow the needed capital abroad, and this can not be done unless the investments are productive and secondly unless the character of the investments themselves is such as to furnish the means of meeting interest and sinking-fund payments abroad in foreign currencies. Austria must increase her productive capacity. In order to increase her productive capacity she must have new capital from abroad. She can not obtain that new capital from abroad unless the relief creditors are willing to enable her to do so by making a reasonable settlement of the existing indebtedness. From which it follows that an unreasonable and exacting attitude on the part of her creditors may well impair their own ability ultimately to collect their debt when it falls due in 1943.

No one knows better than the members of this committee how impossible it is to estimate with any exactitude capacity to pay. The facts and figures presented are not conclusive, but they do serve to outline the general situation and indicate clearly enough that Austria is not in a position to meet heavy payments.

In this connection it can not be overlooked that the European creditors, who presumably are more familiar with Austria's capacity than we are and whose own needs are certainly greater than ours, have agreed that this is all that Austria can fairly be asked to pay. Taking this as well as all other circumstances into consideration, the State and Treasury Departments are strongly of the opinion that Austria's offer should be accepted.

The proposed settlement has been submitted to the former members of the Foreign Debt Commission who are in Washington and met with their unanimous approval.

I submit herewith the proposed agreement and the proposed terms of renewal bonds, together with a list of relief creditors, the amounts owed each, and the amounts they will receive under the terms of the settlement:

Relief debt (in dollars)

	Original debt	Debt on Jan. 1, 1928[1]	Settlement			Total
			1929–1933	1934–1943	1944–1968	
Denmark	321,618	476,833	19,032	60,998	246,278	326,337
France	17,607,331	26,072,503	1,042,260	3,335,256	13,466,090	17,843,610
England	44,024,618	65,011,610	2,598,868	8,316,415	33,577,511	44,492,795
Netherlands	6,720,974	9,689,425	387,340	1,239,494	5,004,455	6,631,289
Norway	415,186	635,995	25,424	81,358	328,483	435,265
Sweden	19,889	29,059	1,161	3,717	15,008	19,887
Switzerland	4,639,898	6,893,338	275,565	881,812	3,560,315	4,717,692
Italy	22,210,897	31,427,617	1,256,307	4,020,200	16,231,550	21,508,057
United States	24,055,709	35,966,461	1,437,780	4,600,950	18,576,175	24,614,175
Total	120,016,120	174,202,841	7,043,737	22,540,200	91,005,865	120,589,107

[1] Interest included on basis of the rate of 6 per cent per annum, compounded semiannually to Jan. 1, 1925, and thereafter of the rate of 5 per cent per annum, compounded annually.

Agreement made the — day of ———, 1929, at the city of Washington, District of Columbia, between the Federal Government of the Republic of Austria, hereinafter called Austria, party of the first part, and the Government of the United States of America, hereinafter called the United States, party of the second part

Whereas Austria is indebted to the United States as of January 1, 1928, upon an obligation designated as bond No. 1, relief series B of 1920, in the principal amount of $24,055,708.92, together with interest accrued and unpaid thereon; and

Whereas Austria desires to liquidate said indebtedness to the United States, both interest and principal, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Austria upon the terms hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Amount of indebtedness: The amount of indebtedness to be liquidates is $34,630,968.68, which has been computed as follows:

Principal of relief obligations	$24,055,708.92
Accrued and unpaid interest from Sept. 4, 1920, to Jan. 1, 1928, at 6 per cent per annum	10,575,259.76
Total indebtedness as of Jan. 1, 1928	34,630,968.68

2. Payment: In order to provide for the liquidation of the indebtedness, Austria agrees to pay and the United States to accept the sum of $33,428,500, to be paid in 25 equal annual installments of $1,337,140 each, on the 1st day of January, 1943, and on the 1st day of January of each of the subsequent years to 1967, inclusive. In lieu of these 25 payments Austria may, at its option, issue to the United States, at par, bonds of Austria in the aggregate principal amount of $24,614,885, dated January 1, 1928, and maturing serially on the several dates and in the amounts fixed in the following schedule:

Jan. 1—	
1929	$287,556
1930	287,556
1931	287,556
1932	287,556
1933	287,556
1934	460,093
1935	460,093
1936	460,093
1937	460,093
1938	460,093
1939	460,093
1940	460,093
1941	460,093
1942	460,093
1943	460,093
1944	743,047
1945	743,047
1946	743,047
1947	743,047
1948	743,047
1949	743,047
1950	743,047
1951	743,047
1952	743,047
1953	743,047
1954	743,047
1955	743,047
1956	743,047
1957	743,047
1958	743,047
1959	743,047
1960	743,047
1961	743,047
1962	743,047
1963	743,047
1964	743,047
1965	743,047
1966	743,047
1967	743,047
1968	743,047
Total	24,614,885

Provided, however, That if Austria shall exercise this option, the obligation of Austria to pay annuities during the years 1929 to 1943 will in the case of each annuity not arise if the trustees of the reconstruction loan of 1923 prior to the preceding December 1 have raised objection to the payment of the annuity in question on the due date. To the extent, if any, that any such annuity is not paid by reason of such objection on the part of the trustees, the amount thereof, together with interest at 5 per cent per annum compounded annually to December 31, 1943, shall be repaid, together with further interest at 5 per cent per annum, by 25 equal annuities on January 1 of each of the years 1944 to 1968, inclusive. Austria shall issue its bond to the United States for each of the 25 annuities similar in form to the bonds first to be issued hereunder, but dated January 1, 1943, bearing interest at the rate of 5 per cent per annum, and maturing serially on January 1 of each succeeding year.

Austria agrees that no payment shall be made upon or in respect of any of its obligations issued to the relief creditor nations, to wit, Denmark, France, Great Britain, Holland, Italy, Norway, Sweden, and Switzerland before, at, or after maturity, whether for principal or for interest, unless a similar and proportionate payment shall simultaneously be made upon the relief indebtedness of Austria to the United States as set forth above.

3. Form of bond: All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Austria by its duly authorized representative. The bonds to be dated January 1, 1928, and maturing January 1, 1929, and annually thereafter to January 1, 1943, inclusive, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be issued in 15 pieces with maturities and in denominations as herein above set forth, and shall bear no interest except that in the event that any bond is not paid on the date of its maturity interest shall be paid as specified in paragraph 2 above. The bonds to be dated January 1, 1928, and maturing January 1, 1944, and annually thereafter to January 1, 1968, inclusive, shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit B," and shall be issued in 25 pieces, with maturities and in denominations as herein above set forth, and shall bear no interest.

4. Method of payment: All bonds issued or to be issued hereunder shall be payable as to both principal and interest in United States gold coin of the present standard of value, or, at the option of Austria, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Austria on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States shall be made at the Treasury of the United States in Washington or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of maturity, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. Exemption from taxation: The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Austria or any political or local taxing authority within Austria.

6. Security: Austria represents that the Reparation Commission, pursuant to the powers conferred upon it, has recognized that the bonds to be issued under this agreement shall enjoy the same security as the bonds of relief series B of 1920, and shall be a first charge upon all the assets and revenues of Austria, and shall have priority over costs of reparation under the treaty of St. Germain, or under any treaty or agreement supplementary thereto, or under any arrangements concluded between Austria and the allied and associated powers during the armistice signed on November 3, 1918, and the Austrian Government agrees that nothing in this agreement shall prejudice or affect the provisions contained in the bonds of relief series B of 1920 constituting such bonds a first charge upon all the assets and revenues of Austria (without prejudice, however, to the lien enjoyed by the reconstruction loan of 1923), so that if the Government of Austria should at any time without the assent of the holder of this bond pay or attempt to pay any sum whether in respect of reparation or by way of compensation for any nonfulfillment of the obligations of Austria under article 184 of the said treaty, the amount owing under the terms of bond No. 1, relief series B of 1920, for principal moneys and for any arrears of interest thereon at 6 per cent per annum, compounded semi-annually from September 4, 1920, to January 1, 1925, and thereafter at 5 per cent per annum, compounded annually, shall forthwith be paid in cash by the Austrian Government in priority to any such payments under the said treaty.

7. Compliance with legal requirements: Austria represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized, and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Austria and in conformity therewith.

8. Cancellation and surrender of obligations: Upon the execution of this agreement the delivery to the United States of the principal amount of bonds of Austria to be issued hereunder, together with satisfactory evidence of authority for the execution of this agreement by the representative of Austria and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Austria at the Treasury of the United States in Washington the relief obligation of Austria now held by the United States.

9. Notices: Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Austria at Washington or at the office of the Ministry of Finance at Vienna; and any notice, request, or election from or by Austria shall be sufficient if delivered to the American Legation at Vienna or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States, in its discretion, may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. Counterparts: This agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

In witness whereof, Austria has caused this agreement to be executed on its behalf by its duly authorized representative at Washington, and the United States has likewise caused this agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to the act of Congress approved ——— ——— all on the day and the year first above written.

THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA,

By ——— ———

THE GOVERNMENT OF THE UNITED STATES OF AMERICA,

By ——— ———

Secretary of the Treasury.

Approved.

———— ————, *President.*

EXHIBIT A

(Form of bond 1929–1943)

THE REPUBLIC OF AUSTRIA

[Series B–1920, No. —. (Renewal bond)]

The Republic of Austria, hereinafter called Austria, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on January 1, ——, the sum of $———. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Austria, upon not less than 30 days' advance notice to the United States, in any obligations of the

United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder. Nevertheless, the obligation of Austria to pay this bond shall not arise if the trustees of the League of Nations loan have, prior to the 1st day of December preceding the maturity date of this bond, raised objection to the payment of this bond on the due date. If this bond is not paid on its due date by reason of such objection on the part of the trustees, the amount thereof, together with interest at 5 per cent compounded annually to January 1, 1943, shall be repaid, together with further interest at 5 per cent in 25 equal annual installments on the 1st of January of each of the years 1944 to 1968, inclusive.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other charges, present or future, imposed by or under authority of Austria or its possessions or any political or taxing authority within Austria. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This obligation is one of a series of obligations of similar tenor, but in different amounts and payable in different currencies, designated as "Relief Series B of 1920 (renewal bonds)."

Austria agrees that no payment will be made upon or in respect of any of the obligations of the "Relief Bond Series B–1920" due on January 1, 1925, or upon or in respect of any of the obligations "Relief Series B of 1920 (renewal bonds)," or of any other obligations issued by Austria in renewal of the said "Relief Bonds Series B–1920" before, at, or after maturity, whether for principal or for interest, unless a similar payment shall simultaneously be made upon all the obligations of "Relief Series B of 1920 (renewal bonds)" issued by Austria in proportion to the respective obligations of said series.

The payment of this obligation is secured in the same manner and to the same extent as the obligation of Austria in the principal amount of $24,055,708.92, designated as bond No. 1, Relief Series B of 1920.

Austria agrees that if at any time it should pay or attempt to pay any sum whether in respect of reparation or by way of compensation for any nonfulfillment of the obligations of Austria under Article 184 of the said treaty, the amount owing under the terms of bond No. 1, Relief Series B of 1920, for principal moneys and for any arrears of interest thereon at 6 per cent per annum, compounded semiannually from September 4, 1920, to January 1, 1925, and thereafter at 5 per cent per annum, compounded annually, shall forthwith be paid in cash by the Austrian Government in priority to any such payments under the said treaty.

This bond is issued under an agreement, dated ——— ———, between Austria and the United States, to which this bond is subject and to which reference is made for a further statement of its terms and conditions.

In witness whereof Austria has caused this bond to be executed in its behalf at the city of Washington, D. C., by its duly authorized representative at Washington.

THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA.

By ——— ———.

Dated January 1, 1928.

EXHIBIT B

(Form of bond 1944–1968)

THE REPUBLIC OF AUSTRIA

[Series B–1920, No. —. (Renewal bond)]

The Republic of Austria, hereinafter called Austria, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on January 1, ——, the sum of ——— dollars ($———). This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Austria, upon not less than 30 days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable without deduction for, and is exempt from, any and all taxes and other charges, present or future, imposed by or under authority of Austria or its possessions or any political or taxing authority within Austria. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D. C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This obligation is one of a series of obligations of similar tenor but in different amounts and payable in different currencies, designated as "Relief Series B of 1920 (renewal bonds)."

Austria agrees that no payment will be made upon or in respect of any of the obligations of the "Relief Bond Series B–1920" due on January 1, 1925, or upon or in respect of any of the obligations "Relief Series B of 1920 (renewal bonds)" or of any other obligations issued by Austria in renewal of the said "Relief Bonds Series B–1920" before, at, or after maturity, whether for principal or for interest, unless a similar payment shall simultaneously be made upon all the obligations of "Relief Series B of 1920 (renewal bonds)" issued by Austria in proportion to the respective obligations of said series.

The payment of this obligation is secured in the same manner and to the same extent as the obligation of Austria in the principal amount of $24,055,708.92, designated as bond No. 1, Relief Series B of 1920.

Austria agrees that if at any time it should pay or attempt to pay any sum whether in respect of reparation or by way of compensation for any nonfulfillment of the obligations of Austria under article 184 of the said treaty, the amount owing under the terms of bond No. 1, Relief Series B of 1920, for principal moneys and for any arrears of interest thereon at 6 per cent per annum, compounded semiannually from September 4, 1920, to January 1, 1925, and thereafter at 5 per cent per annum, compounded annually, shall forthwith be paid in cash by the Austrian Government in priority to any such payments under the said treaty.

This bond is issued under an agreement dated ———, between Austria and the United States, to which this bond is subject and to which reference is made for a further statement of its terms and conditions.

In witness whereof Austria has caused this bond to be executed in its behalf at the city of Washington, D. C., by its duly authorized representative at Washington.

THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA.

By ——— ———

Dated January 1, 1928.

Mr. HAWLEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, it seems that in considering the funding or settlement of these various debt settlements we are apt to lose sight of the fact that they are simply unavoidable and inevitable incidentals of the tremendous cost of war. One can not help being impressed with the fact that we are able to extend help of this kind to nations, not only nations with which we were associated in the war but even enemy nations, only as a war measure, while in peace time, as has been many times repeated, the same kind of help, regardless of the benefits that might be brought about, would be clearly unconstitutional. We could not do as much even to prevent a war. It does seem strange that what might well be done for world peace—what is generally necessary after every war—can only be brought about after actual warfare has taken its terrible toll.

In considering the amounts involved here to-day and the amount involved yesterday in the Greek debt the committee might get an idea of what a trifling matter it is after all if you stop to consider that a 2-hour barrage laid down by an artillery division of an army corps would cost more than the amount here involved. Two hours of scientific, wholesale murder and destruction costs more than an amount necessary for the construction of a new republic—the use of the money to be enjoyed by a whole nation for a generation.

The cost of peace is so little in comparison to the cost of war that one can not help to wonder why there are so many limitations and prohibitions to the spending of public funds for humanity in time of peace and none for war purposes.

One of the very few hopes realized out of the war is the elimination of the Hapsburg dynasty and the Hohenzollern dynasty and the creation of the Republics of Czechoslovakia, Poland, Austria, Lithuania, and Germany.

Mr. O'CONNELL. And Ukrainia.

Mr. LAGUARDIA. And Ukrainia as an independent state. Now, what I desire to bring out at this time is this, gentlemen: That when two private individuals enter into an agreement it is optional with them whether they will make that agreement binding on the heirs, assigns, or successors of the contracting parties. The same is true in an agreement of this kind, a debt settlement between two nations. I desire to state at this time that it is our intention to make this agreement with the Republic of Austria, and to declare that it is not our intention to pass any of the benefits in this bill contained to any dynasty that might succeed to the present republican form of government. The Austrian Republic, let us hope, is permanent. We know it is stable and has been most successful. There has been more real reform, more welfare legislation, more security for the workers in five years of the Austrian Republic than in a century under the Hapsburg dynasty.

There is a tendency in Europe, not very strong, I am pleased to say, but there is a tendency on the part of a few, a minority, to return to monarchial form of government. There is an underground, secret movement in Bavaria to bring back a Hohenzollern. There is a decided, open movement in Hungary, formerly a part of the dual empire of Austria-Hungary, to restore on the throne of Hungary one of the despised Hapsburgs.

Gentlemen, I feel that the whole purpose of our assistance to these countries, the whole purpose of our interest in the welfare of the people of these countries, would be absolutely lost if a Hohenzollern or a Hapsburg were to be returned to power. I think I may say that it is the sense of the House, as well as that of the American people, that they would look with disfavor on the return of a Hapsburg to the throne of Hungary or the return of a Hohenzollern to the throne of any part of the present Republic of Germany. Let the people of these new republics know that the people of the United States are with them heart and soul and will continue our help for the permanency of free government based on equal rights. We know that the peace of the world is safe in the hands of the people. It is not safe when in the keeping of kings and emperors. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, I shall devote myself only to the last suggestion of the gentleman from Texas, my good friend, Mr. GARNER, in which he said that the people and the Government of Austria should pay the indebtedness which they have already incurred for food, clothing, and other relief; in other words, for the necessities of life, before they incur an indebtedness for other purposes. I do not recall just how the gentleman characterized "the other purposes," but his meaning was that the obligations already incurred by Austria, amounting, as I recall it, to about $120,000,000 to various governments under the so-called relief loans, are of a higher character and more appealing and more essential, more sacred, perhaps, than the indebtedness which it is proposed Austria may be enabled to incur under the postponement arrangement in this bill.

The fact is that Austria finds herself in probably the most difficult situation of all of the new countries of Europe. Her entire economic, industrial, and commercial structure was established prior to the war upon the basis of the various constituent parts of the former empire. To-day, Austria is composed only of a very small part of what was formerly the territory of the Austro-Hungarian Empire and it has little diversification of industry such as is necessary for the successful operation of the business activities of a people.

One of the important sources of revenue for Austria to-day, I am told, is the flood of tourists who go there for the purpose of seeing her marvelous collection of treasures of art. In order that Austria may be attractive to the world and in order that Austria may receive the income from this source of tourists which would righthfully belong to her, it is necessary that she have proper communciations with the countries surrounding her. It has therefore become absolutely essential that Austria shall be enabled to rehabilitate her railroad system. In addition, her railroad system is a part of the transcontinental line across Europe, and if the Austrian portion of that transcontinental line is not rehabilitated and maintained not only available, but advantageous, for usage, it will follow that the transcontinental railroad will take some other route and Austria will lose the benefit and advantage which it has always had from this source.

Austria's telephone system, her telegraph system, and all the means of communication during the years following the war have necessarily been neglected so that it is now necessary that she secure money in order to rebuild and reconstruct these facilities. Without these facilities, her future is quite hopeless, and therefore it has been proposed that the nations of the world who have liens upon the revenues of Austria on account of the relief loans shall make it possible for Austria to borrow money elsewhere for the rehabilitation, principally, of these communication facilities.

In addition to this, if this arrangement is made, Austria will be able to borrow this money upon much better terms than it would be possible for her to obtain it in the event this arrangement was not made.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. CHINDBLOM. Those who have studied the map of Europe as it appears since the war, and who have studied the history of the development on the Continent since the war, will readily realize that Austria, situated in the very heart of Europe, cut off from sea communication, separated from most of the territory which formerly was a part of the empire, deprived of much of the material resources, and especially of the raw materials which belonged to the empire before the war, confined to a small strip of territory, a considerable portion of which consists of a large city, will have great difficulty in readjusting her finances, her industries, and her economic development to the new situation.

It is for the purpose of making it possible for Austria to obtain money to rehabilitate its economic and industrial structure, make it possible for Austria to become self-supporting and retain some of the revenues to which it is naturally entitled, that this bill has been proposed, and it is a part of a large international arrangement. All of the other countries, which are European nations, have agreed to this plan. It can not be put into effect without the consent of the American Government. Of the $120,000,000 of relief loans, we advanced, as I recall it, $24,000,000, and that is a considerable part of the indebtedness, and our position in the world to-day in both domestic and international finance is such that unless we consent to this arrangement, it can not and will not be made.

Of all the proposals which have come to us for the settlement of loans with countries in Europe, I think this is the most deserving. To me it is the most appealing. I believe the situation of Austria following the war has been the most unhappy of all of the countries whose internal conditions were disturbed by that great catastrophe. It would be very appropriate, indeed, if this bill could pass with practical unanimity. [Applause.]

Mr. HAWLEY. Mr. Chairman, I think it is not necessary to restate the arguments in behalf of this measure that have been so well presented, and will only say that I think this proposal is for the distinct advantage of the United States and Austria. I understand that there is no more general debate desired and I ask that the bill be read for amendments.

The Clerk read the bill.

Mr. BLANTON. Mr. Chairman, I move to strike out the last paragraph.

Mr. Chairman, it is a strange fact to me that the credit of the city of Vienna is reputed to be stronger and greater and better than the credit of the entire Austrian Government. I am with my colleague Mr. GARNER on this bill and shall vote against it. It is a new kind of doctrine to me—that which our colleague from New York [Mr. O'CONNOR] preaches—that the credit of the city of New York is better and more substantial than the credit of the Federal Government of the United States.

Mr. O'CONNOR of New York. It is about 20 years ago when the credit of New York City was better than the credit of the Nation—the revenue was greater and the budget bigger.

Mr. BLANTON. It has not been many months since that same kind of doctrine was preached in this House and Nation that the interest and appetite of the great city of New York were paramount to the interests of the people of the United States—to the detriment of many of us, the people have passed on that question.

Mr. O'CONNOR of New York. Of course, some things happened in primaries before that.

Mr. BLANTON. Oh, yes; but the Houston convention took place before most of the primaries.

Mr. O'CONNOR of New York. The gentleman started out with the city of Vienna, and it is a long way to Houston.

Mr. BLANTON. I deny that the credit of any city in this Nation is better than that of the Nation itself.

Mr. BURTON. If the gentleman will yield; does he not recognize that the comparative credit of a nation and an integral part of it—the comparative credit of Austria and Vienna—depends very largely upon the indebtedness of each.

Mr. BLANTON. Yes; the stability of the credit of the city of New York affects the United States in a way, but it is not greater and is not better than the credit of the Government itself.

Mr. BURTON. I do not think the gentleman understood my point. Suppose the indebtedness of Austria is $200,000,000 and the indebtedness of Vienna is $5,000,000. Would not that be an important factor in the question of whether the credit of the city of Vienna was better than that of the Republic of Austria? Is not the determinate question the comparative amount of indebtedness of the two; and I ask again, can the gentleman from Texas state what the indebtedness of Vienna is and what the indebtedness of Austria is?

Mr. BLANTON. I want to answer the gentleman from Ohio by asking him a question. Does he agree with the statement made by my friend from New York [Mr. O'CONNOR] that the credit of the city of New York is better than the credit of this Government? Does the gentleman from Ohio agree with that statement?

Mr. BURTON. That would depend entirely upon circumstances.

Mr. BLANTON. The United States Government can look to the assets of any State or city in the country.

Mr. O'CONNOR of New York. I am not so sure of that.

Mr. BLANTON. It can and will do it if the necessity for it ever comes.

Mr. O'CONNOR of New York. The revenues of the city are sometimes more than the revenues of the State.

Mr. BLANTON. I can not forget in this Chamber 12 years ago the speeches made by these self-same gentlemen urging a declaration of war on a certain country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Then they were thinking more about the rights of the people of the United States than they were of the needs of the Austrian Government, and it was the act of that Government that caused this country to declare a state of war to exist. We have done our part; we are not called upon, as my colleague [Mr. GARNER] has argued, to reduce our debt to 31 cents on the dollar, and also release our first lien securing the loan in order that international banks may be secured in their loans.

I think we have gone far enough. I did not vote for the settlement passed yesterday, which proposed to lend Greece $12,000,000 to try to collect back $6,000,000 of old debt. I did not vote for that, and I shall not vote for this one. I do not think any argument has been advanced yet that would show the soundness of the proposition of passing this bill. Of course, it can not be defeated, but I shall be one who will vote against it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. Under the rule, there being no further amendments, the committee will automatically rise.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 340, to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the resolution pass?

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 140, noes 26.

So the joint resolution was agreed to.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes. Pending that, I ask unanimous consent that the time for general debate be equally divided between the gentleman from Colorado [Mr. TAYLOR] and myself.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Interior Department appropriation bill, and pending that asks unanimous consent that the general debate be divided equally, to be controlled by the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Colorado [Mr. TAYLOR]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15089, the Interior Department appropriation bill, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, this is the eighth time that I have had the privilege of bringing into this House the Interior Department appropriation bill. The gentlemen associated with me on the subcommittee in charge of the bill, the gentleman from Ohio [Mr. MURPHY], the gentleman from Idaho [Mr. FRENCH], the gentleman from Colorado [Mr. TAYLOR], and the gentleman from Oklahoma [Mr. HASTINGS], have nearly all of them been engaged for nearly that long upon this bill. I might state also that a majority of that subcommittee comes from States where they have been for many years in their daily lives in contact with the problems of this department, which particularly concern the West. We have all been impressed this year in the preparation of this bill with the difficulty under the rules of the general Committee on Appropriations in framing a bill entirely satisfactory to us. Since the adoption of the Budget system it has been the policy of the general Committee on Appropriations to keep each bill reported to the House within the total recommended by the Budget.

Without cooperation effectively between the legislative and the executive branches of the Government there could not be any useful and beneficial operation of a Budget system. Congress has given effective support to the Executive in his effort to hold down expenditures, so that each year since we have had the Budget system the total of appropriations made by the Congress has been somewhat lower than the figures estimated by the Budget. It has been our effort to cut below the Budget where it was possible, but in no case to report a bill that was higher in its total than the Budget. After these several years of paring and scaling down on the Interior Department appropriation bill, a bill that was not inflated in the war period, but that has been reduced in the period of deflation since that time, a pretty lean proposition came to the Congress this year from the Budget for the Interior Department. I think there are many more items which the committee felt should be increased, if it were possible, if the financial resources permitted it, than there are items that could well be decreased.

HON. ROY O. WEST, SECRETARY OF THE INTERIOR

In the preparation of this bill we have had the full cooperation of the Department of the Interior and the new Secretary of the Interior, Hon. Roy O. West. He appeared before the committee. I had not had acquaintance with the new Secretary prior to his appointment, but have had an excellent and full opportunity to learn of his work as Secretary and to learn of his general attitude toward the problems of his department and the policies of his administration through some 10 days of travel with him in the field and through various conferences pertaining to matters of policy affecting the department. In my judgment, the new Secretary is destined, if he is given the opportunity by length of service, to become one of the great Secretaries of the Interior, and I personally believe the best interests of the department would be served thereby. Secretary West, handicapped by his residence in the East and a consequent lack of contact with the problems before he entered upon his office, has made use of every opportunity to acquire the necessary personal knowledge by examination of the problems in the field and has the capacity to absorb the material facts of a situation very rapidly.

In addition he has an attitude toward the public interest that is clearly uninfluenced by any personal or sectional or private interest that has commended him very highly in my regard, and I am sure the regard of the committee. The department under his administration has been making splendid progress, with a strengthening of morale in all branches of the department.

In my remarks to-day it will not be my effort to speak in detail of the provisions of the bill; that is manifestly impossible, because it is a bill of 118 pages, with a multitude of items.

I will leave the discussion of most of these matters under the 5-minute rule when the bill is read for amendment, and in the main I speak to you now only of the general policies that govern the framing of this bill.

SALARY INCREASES BY REALLOCATIONS BY CLASSIFICATION BOARD

There is an item early in the bill that should be called to your attention. It is on page 3 of the bill, where you will find a provision which reads:

When specifically approved by the Secretary of the Interior, transfers may be made between the appropriations in this act under the respective

jurisdiction of any bureau, office, institution, or service, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

That matter is deemed necessary because of the situation that was called to the attention of the committee by Governor Spry, Commissioner of the General Land Office, a very capable, independent, and efficient executive as our committee has come to know. He explained to the committee the difficulty that confronts any bureau in the event that a number of appeals for reallocation are granted in that bureau by the Federal Personnel Classification Board in case of any items where the money had already been entirely allocated, the law requiring those increases of salary to be immediately effective upon the action of the Federal Classification Board. The only way that those increases of salary could be paid—if the item had been absorbed under the previous allocation—the only way those increases of salary could be paid would be to furlough some other employees of that particular unit without pay. That would not be required in many instances. It would not be required in a large item where there is always slack caused by vacancies, and so forth.

It would probably not be required in an appropriation item covering other things than salaries where money would be held in hand during the year in some degree. But in a comparatively small item devoted entirely to salaries it is very possible that that could happen. If those increases were brought about in the early part of the year, a deficiency could be brought to the attention of the Congress and relief granted; but if the situation should develop after the 4th of March, then the only way apparently to meet the situation would be to furlough other employees without pay. That would not be fair, and I would not want to advocate that. It would be not only unfair to the individual furloughed but it would be highly destructive to the efficiency of the unit.

Mr. O'CONNELL. But is that right?

Mr. CRAMTON. No; and we seek to correct it. I will ask unanimous consent to revise and extend my remarks by inserting such extracts from the hearings or other papers or comment as I may think desirable.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks by inserting extracts from hearings, pamphlets, and so forth, and such comment as he may think desirable. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. And in doing it I desire to include the statement of Governor Spry which inspired the thought of the committee on this proposition:

For instance, on October 10, 1928, this bureau was advised through the department of the amount of the approved estimates therefor. Three days later the bureau was notified that nine employees had been reallocated to a higher grade on appeal, as of October 1. Later several other reallocations on appeal were allowed. These reallocations increase the pay roll $2,700 per annum, and the cost for the remaining months of this fiscal year is $2,008. There are still a number of appeals pending before the Personnel Classification Board, and, while we believe that some will be denied, we are fairly certain that several others (including several members of the law division and two employees of the division of surveys whose appeals for reallocation from professional 3 to the new vacant professional 4 have received favorable indorsement) will be allowed. Some of the recent reallocations, involving employees in the mineral division, will no doubt lead to appeals by employees in other divisions of the bureau, perhaps to the number of about 40.

If any considerable number of reallocations are made in addition to those recently received, and they are made, say, for instance, on March 5, effective as of March 1 according to the practice, there is no tribunal to which the bureau can submit a deficiency estimate, Congress having adjourned. It can not incur a deficit to be met by an appropriation the following winter and it is faced with the necessity of resorting to dismissals or furloughs. As a business proposition the rendition of adequate service to the public would suggest the maintenance of the force at existing salaries rather than the reduction of the force in order to pay those remaining higher rates of pay.

There is an erroneous impression among the employees that a reallocation carrying a higher rate of pay automatically brings about a deficiency appropriation if there are insufficient funds to meet the added expense. Other employees who do not entertain that misconception are reported to entertain the belief that the bureau is negligent in securing funds adequate to meet such emergencies, little realizing that the bureau at every opportunity endeavors to secure adequate appropriations.

I am venturing these few remarks not by way of criticism of any other agency of the Government but merely to emphasize the need for a little leeway to take care of the financial embarrassment that results by reason of the fact that another agency can create an additional charge upon our appropriations. The matter is one which sooner or later will require attention, not only as concerns our bureau but other bureaus and offices throughout the Government service.

What the committee will propose to do is to permit in such a case as that a transfer of funds from some other appropriation of that bureau or service. Of course, that takes care of the increases without these furloughs or any disruption of business. I do not believe it is a provision that will be used often, but in a few cases it will be highly beneficial. There are four safeguards around it. In the first place the emergency arises because of the action of an outside agency, the classification board. Secondly, the bureau must find the money in some other appropriation of that bureau. In the third place, it can only be done with the specific approval of the Secretary of the Interior. In the fourth place, it must be reported to the Congress in the annual Budget, and will, of course, have the scrutiny of the Committee on Appropriations.

BILL COMPARED WITH 1929 AND WITH ESTIMATES

The estimates upon which this bill is based were submitted by the President in the Budget and will be found in detail in Chapter V of that document, pages 485 to 773, inclusive, aggregating $285,245,045.78.

In addition to the regular annual appropriations, the estimated permanent and indefinite appropriations for the fiscal year 1930 aggregate $25,712,000, making the total of the estimates for the Interior Department for the fiscal year 1930, $310,957,045.78.

The permanent annual appropriations are those which occur automatically each year without annual action by Congress, having been created specifically by Congress in previous years and continuing as such until modified or discontinued.

The total regular annual appropriations for the Interior Department for the fiscal year 1929, including $522,500 in the second deficiency act, 1928, amounted to $273,178,539.

The amount recommended to be appropriated in this bill is $283,287,963.02. This sum, compared with the regular annual appropriations for 1929 and the estimates for 1930 is as follows:

It is $10,109,424.02 more than the 1929 appropriations and $1,957,082.76 less than the Budget estimates for 1930.

REVIEW OF APPROPRIATIONS, 1922 TO 1930

Under the leave granted now I will insert in my remarks, as I did last year, a review of appropriations for this department, beginning with the year 1922 by bureaus, so that anyone who is interested in following the growth or the diminishing of these appropriations in the different bureaus year by year may have the figures available.

Appropriations for Department of the Interior, 1922–1930

Year	Secretary's office	Land Office	Indian Bureau	Pension Bureau	Reclamation Bureau	Geological Survey	National Park Service	Bureau of Education
1922	$2,131,070.00	$3,125,015.00	$10,342,304.00	$266,830,920.00	$20,277,000.00	$1,614,340.00	$1,433,220.00	$586,960.00
1923	1,572,920.00	2,954,550.00	10,134,852.00	254,246,191.00	14,800,000.00	1,450,940.00	1,446,520.00	621,960.00
1924	1,461,020.00	2,942,660.00	11,317,655.00	254,774,660.00	12,250,000.00	1,670,190.00	1,689,730.00	644,260.00
1925	1,693,240.00	2,940,820.00	11,276,220.00	224,616,000.00	12,867,500.00	1,706,482.00	2,880,535.00	702,380.00
Field classification		259,180.00	1,653,061.00		373,020.00	28,941.00	102,122.00	72,735.00
Total, 1925		3,200,600.00	12,929,281.00	224,616,000.00	13,240,520.00	1,735,423.00	2,982,657.00	775,115.00
1926	797,585.00	2,633,590.00	11,918,270.00	199,095,000.00	9,999,000.00	1,879,310.00	3,218,409.00	794,495.00
1927	803,000.00	2,342,300.00	12,901,160.00	193,921,000.00	7,556,000.00	1,819,440.00	3,698,920.00	864,100.00
1928	865,600.00	2,297,550.00	16,421,486.00	268,816,000.00	11,953,800.00	1,807,880.00	4,874,685.00	921,220.00
1929	850,200.00	2,138,050.00	14,284,509.00	231,753,000.00	12,829,000.00	1,816,080.00	4,659,700.00	941,300.00
1930	917,000.00	2,189,000.00	16,268,103.02	243,211,000.00	6,449,000.00	2,040,800.00	7,340,940.00	1,071,940.00

Appropriations for Department of the Interior, 1922–1930—Continued

Year	Territories, government in	St. Elizabeths Hospital	Columbia Institution for the Deaf	Howard University	Freedmen's Hospital	Miscellaneous	Total	Total, exclusive of Pensions and Reclamation	Total, exclusive of Pensions
1922	$4,028,950.00	$1,114,500.00	$106,000.00	$280,000.00	$116,020.00		$311,986,299.00	$26,709,299.00	$46,986,299.00
1923	4,618,620.00	1,100,000.00	104,000.00	190,000.00	118,555.00	[1] $8,016.00	293,367,124.00	26,567,124.00	41,367,124.00
1924	2,150,540.00	1,146,500.00	107,000.00	232,500.00	172,800.00	[2] 2,845,309.00	293,404,824.00	31,154,824.00	43,404,824.00
1925	1,314,310.00	1,008,000.00	109,000.00	365,000.00	174,700.00		261,541,687.00	24,170,987.00	39,534,146.00
Field classification	6,600.00						2,608,459.00	2,122,639.00	
Total, 1925	1,320,910.00	1,008,000.00	109,000.00	365,000.00	174,700.00		264,150,146.00	28,409,626.00	41,650,146.00
1926	1,912,237.00	1,023,000.00	113,400.00	591,000.00	202,950.00		234,178,246.00	27,179,246.00	37,178,246.00
1927	1,995,708.00	924,000.00	113,400.00	218,000.00	166,390.00		227,323,418.00	27,767,418.00	35,323,418.00
1928	1,620,200.00	929,000.00	113,400.00	368,000.00	188,000.00		311,176,821.00	32,223,021.00	44,176,821.00
1929	1,599,200.00	1,313,000.00	130,000.00	390,000.00	474,500.00		273,178,539.00	[3] 28,596,539.00	[3] 42,425,539.00
1930 [4]	1,419,600.00	1,430,000.00	120,000.00	600,000.00	260,180.00		283,287,963.02	[5] 33,627,963.02	[5] 40,076,963.02

[1] Miscellaneous relief acts.
[2] Increase of compensation.
[3] Does not include $19,950,000 appropriated to the civil service retirement fund.
[4] Proposed in accompanying bill.
[5] Does not include $20,500,000 appropriated to the civil service retirement fund.

INDIAN AFFAIRS

A subject of prime importance which has had particularly careful study on the part of the committee in connection with this bill is the budget for the Bureau of Indian Affairs.

The appropriations recommended from Government funds are $2,187,594.02 greater than such appropriations for 1929. The committee figure is $312,987.24 above the Budget estimate. Of these proposed appropriations the amount reimbursable by the Indians is $1,685,261, as against $2,060,689 for 1929. The nonreimbursable appropriation from Government funds for 1929 was $12,223,820.29 and for 1930 was $14,786,842.02. This increase of $2,563,022.02 in expenditure of nonreimbursable public funds is chiefly devoted to health and education.

REIMBURSABLE ITEMS

And in that connection let me say that it has been the policy of this committee in the last two or three years to treat reimbursable items in this way. It had been fashionable for a number of years to make appropriations from the Treasury for the benefit of the Indians and to provide that they should be reimbursable by the Indians. In many cases that has been done when the Indians were known to have no money, and when it was known that there was no likelihood that they would ever have money to pay it; but it made it look nice and rather sugar-coated the pill.

It seemed to the committee that we should not provide for reimbursement unless there was reasonable ground that reimbursement would sometime come. It seemed as if Uncle Sam should get credit for being generous when he is generous and not carry a lot of dead accounts. In other cases it has been the custom, when the Indians had a large amount of money on hand, to let it be reimbursable. It seemed to us that if the Indians had the funds and it was a proper expenditure of that money, then instead of entering the reimbursable charge against the books, we should appropriate the money and close the transaction. The amount of nonreimbursable appropriations from Government funds for 1929 was $12,223,820 and for 1930 they are $14,696,842.02. This is an increase of $2,473,022 in the expenditure of nonreimbursable funds, and this increase is chiefly devoted to health and education.

CONSERVATION OF HEALTH

The appropriation for such funds for conservation of health in 1929 was $1,489,500; for 1930 it is $2,699,600, or an increase of $1,210,100, and an increase of $366,600 above the Budget estimate; and those increases with reference to health come largely through the continued construction of hospitals for the care of Indians.

I will insert in my remarks a statement of the appropriations for health purposes in years past. Mr. FRENCH, of the committee, brought out this information, as I recall, that beginning in 1910 there was an appropriation of $10,000. So recent as that was the appropriation of money for the first time directly for the benefit of health among the Indians. I do not doubt that before that time considerable expenditures were made incidental to the work of administration and otherwise concealed in other items; but that was the first item exclusively for that purpose. In the past six or seven years our committee has followed carefully a policy of a somewhat rapid increase in that item. We have not thought it was desirable, and it was not possible suddenly in one year to build all the hospitals that one might think were needed. We did not think the best results would be accomplished in that way; but constant investigation has been made, and each year new institutions have been provided, and the total has increased each year, and of course the expenses for maintenance have been increased thereby as well. So the item has been growing up rapidly. The table since 1910 is as follows:

Statement of appropriations for health purposes and hospital facilities from 1910 to 1928

Year	Appropriation	Hospitals [1]	Capacity	Patients treated
1910	[2] $5,000 + [2] 12,000	[3]	[3]	[3]
1911	40,000	50	1,268	8,408
1912	60,000	[4] 53	1,256	9,515
1913	90,000	48	1,358	9,775
1914	200,000	[5] 51	1,432	11,590
1915	300,000	74	2,045	12,201
1916	300,000	81	2,283	15,666
1917	350,000	81	2,273	16,940
1918	350,000	87	2,511	17,440
1919	375,000	88	2,474	19,107
1920	350,000	85	2,190	16,954
1921	350,000	85	[3]	[3]
1922	370,000	73	2,411	[3]
1923	370,000	77	2,518	[3]
1924	370,000	80	2,475	[3]
1925	500,000	82	2,573	28,748
1926	750,000	87	2,750	30,606
1927	756,000	88	2,852	29,439
1928	948,000	89	3,069	[6] 34,100
1929	1,440,000	[7] 92	3,186	

[1] "Hospitals" includes Canton Asylum, tuberculosis sanatoria, sanatorium schools, school infirmaries, and other converted or improvised housing facilities where bed patients were quartered and given treatment.
[2] $5,000 for vaccinations and $12,000 for trachoma work.
[3] Data not available.
[4] Includes rooms in dormitories used for ill pupils.
[5] Does not include rooms in dormitories used for ill pupils.
[6] Figures incomplete.
[7] Hospitals in actual operation. Nine additional hospitals are under construction and in process of being made ready for operation.

This year there is a greater increase than in any year before, going from $1,489,500 in 1929 to $2,699,600 proposed in this bill.

Further, the committee have found that in other years the pressure for funds has been so acute and the effort to spread the money around so strenuous that sometimes an institution was planned and constructed which was not adequate to the needs it was to meet when it was constructed. For instance, I visited a reservation this past summer where they have a great deal of tuberculosis and a great deal of venereal disease. The tribe has large funds to its credit, and their funds were being used to build a new hospital, but I found that the money appropriated last year for the construction of that hospital was not sufficient to include an isolation ward where contagious diseases might be cared for properly, and that they would not have sufficient room for desirable tuberculosis wards. This bill carries a supplemental item for that.

In an endeavor to avoid that error in the future we have, as to each new hospital proposed in this bill, asked the head of the Indian Health Service, Doctor Guthrie, a very distinguished and capable man who is on loan to the Indian Service from the Public Health Service—we asked him to indicate to the committee whether the Budget item in each case of new construction was sufficient to build the kind of an institution that was needed at that point, and on his advice most of these Budget estimates for new hospitals have been increased.

The following will be of interest as demonstrating the definite advance that is being made in the two years, 1929 and 1930, in additional hospital facilities:

New construction authorized for 1929

Fort Defiance Sanatorium, 80 to 100 beds	$55,000
Soboba Hospital, 30 beds	30,000
Fort Berthold Hospital, 20 beds	20,000
Claremore Hospital, 34 beds	50,000
Total	155,000

New construction requested for 1930 in estimates

Colorado River Hospital, 30 beds and cottage	$40,000
Oraibi Sanatorium, 50 beds	60,000
Fort Belknap Hospital, 30 beds	35,000
Tongue River Hospital, 30 beds and connecting with water and sewer systems	45,000
Turtle Mountain Hospital, 30 to 35 beds	40,000
Pine Ridge Hospital, 40 or more beds	60,000
Total	280,000

Bed capacity of new hospitals authorized for 1929

	Beds
Fort Berthold	20
Claremore	34
Fort Bidwell	25
Soboba	30
Fort Defiance Sanatorium	80–100
Santa Fe School	60
San Carlos (Rice Station)	30
Total beds	279–299

NOTE.—Soboba Hospital is a replacement with same capacity; Santa Fe School Hospital will add 25 beds; and San Carlos Hospital will add 18 beds to present total. In other words, these new hospitals will provide a net increase of 202 to 222 beds.

Increases in bed capacity by enlargements authorized at existing hospitals for the fiscal year 1929

	Beds
Hoopa Valley Hospital	10–12
Winnebago Hospital	10–12
Sac and Fox Sanatorium	20
Total	40–44

The bed capacity at the end of the fiscal year 1928 was 3,069 beds, and at the end of 1929 will be 3,531 to 3,555 beds, a net increase of 462 to 486 beds. This increase is due to the opening of new hospitals since July 1, hospitals to be opened, new construction, and enlargements, as follows:

	Beds
Fort Apache, new hospital added	24
Western Navajo, new hospital added	25
Albuquerque School, new hospital added	25
Tohatchi Hospital	15
Chin Lee Hospital	15
Havasupai Hospital (infirmary)	6
Taos Hospital	12
Yakima Sanatorium	40
Kayenta Sanatorium (converted school plant)	50
Cheyenne and Arapaho Hospital (roofs of wings raised during reroofing operations)	28
New construction above noted	202–222
Enlargements above noted	40–44
Total beds to be added	482–506
Southern Pueblos, temporary trachoma hospital discontinued	20
Net increase in bed capacity	462–486

To the above are to be added the committee items:

	Beds
Cheyenne River and Standing Rock Sanatorium	50
Pawnee and Ponca Hospital	40
Total	90

Altogether making a net increase of at least 552 beds in the two years' program.

All of the above is in the form of gratuity appropriations from the Treasury for the benefit of the Indians. In addition, much health work is being done with tribal Indian funds where such funds are available. In 1928, $191,810 was expended, in 1929, $250,000 is estimated, and for 1930, $275,000 is proposed.

When we had finished the consideration of the Budget estimates we asked Doctor Guthrie to call to the attention of the committee the most urgent property needs of the health service among the Indians. We explained to him that we realized the full measure of his needs would run into a much larger sum than we could consider, but for him to suggest the items most needed that would come within a reasonable limit.

As the result of that two other hospitals were inserted in the bill—the Pawnee and Ponca, in Oklahoma, and the Cheyenne River and Standing Rock Sanatorium, in South Dakota. In addition, as the result of his appeal and response to that request, provision was made for several additional field nurses.

I am trying to emphasize that the matter of health among the Indians has been having careful consideration by the committees of Congress as well as by the department, and this bill before you is one that is very generous and is far-reaching in its provisions with reference to that subject.

EDUCATION

For education the expenditure from Government funds for 1929 was $7,317,000 and that proposed for 1930 is $7,994,000, which is an increase of $677,000 above the current year. It appears to be a decrease of $65,000 below the Budget, but that is caused by the transfer of $94,600 that was in the Budget for the further operation of the nonreservation boarding school at Rapid City, S. Dak., and which, in accordance with the approval of the department, is in this bill transferred to the health item, and is to be operated as a sanatorium school where children having tuberculosis may receive treatment and also some education at the same time. I may say that is only in harmony with the policy for some time to provide those sanatorium schools for Indian children.

To-day there are 81,620 Indian children between the ages of 6 and 18 years, 76,491 of whom are eligible for school attendance. During the fiscal year 1928, 9,777 Indian pupils were enrolled in nonreservation boarding schools, 10,584 were enrolled in reservation boarding schools, 672 in tribal boarding schools, 4,141 in Government day schools, 7,547 in mission boarding schools, 74 in mission day schools, and 34,163 enrolled in the public schools of the various States where Indian reservations are located. There are 19 nonreservation boarding schools, 7 tribal boarding schools, 49 reservation boarding schools, and 129 day schools, or a total of 204 schools maintained by the Government for the education of Indian pupils. In addition there are 81 mission, private, or State schools maintained for the benefit of the Indians.

THE AMERICAN GOVERNMENT AND THE INDIAN

I have studied this Indian problem to the best of my ability ever since I have had the responsibility as a member of this committee. It was with a feeling of great reluctance that I accepted the chairmanship of the Interior bill when that bill was first organized after the adoption of the Budget system. Our late chairman and splendid leader, who was the beloved friend of every member of the committee, Mr. Madden, asked me to take that chairmanship, but I was reluctant to do so, because I realized my lack of familiarity with the problems of the West. However, having accepted it in response to his urging, I felt it my duty to study the problems involved, and I have taken every opportunity that the busy life of a Congressman permits to come in contact with those problems in the West, and, of course, have been unhampered by personal considerations or political considerations that might have obtained if the problems affected my district in any great degree.

I have been impressed by this fact, which I want to emphasize to the House, because every American has a right to have the truth told to him about his Government. Anyone who gives an American distorted facts or misinformation which causes that American to have less of confidence in his Government and less of admiration for its institutions than the facts justify and warrant does a very sorry thing. I want to emphasize to you that notwithstanding in the public press day by day there are stories carried about the treatment of the Indians by the American Government, and notwithstanding the fact that frequently some magazine, desiring to appeal, apparently, to those who are affected most by that which attacks and to those who are more interested in that which tears down than they are in that which seeks to build up, prints these stories and statements about the terrible treatment of the American Indian by this Government, that, as a matter of fact, in all the history of the world there has never been a government in any country that has sought to do as much or has been as generous with any aboriginal race as America has with the American Indian. There is no question about it.

If you will in our hearings read the statement of Assistant Commissioner Meritt as to what has been done for the Pueblos of New Mexico in the last few years, you will find that I am not making any overstatement. Mr. Meritt made that statement to those Pueblos, and if it were not true it would have been readily challenged, and another statement which Mr. Meritt made a few weeks ago to the Navajos of Arizona and New Mexico. Much has been said about the wrongs done to those peoples by the white men and by this Government, but if you will read those statements you will find a listing of the generous acts of this Government toward those Indians, and there are many others that might be mentioned. A statement appears in the hearings showing the things that have been accomplished in the interest of the Indians in the last seven or eight years, and that is a record of which any American may be proud.

The Indian population at the present time is 355,901, and the total value of Indian property, including lands, timber, oil, gas,

coal, and other mineral deposits, funds on deposit in the Treasury, and individual holdings of livestock and other property, is approximately $1,648,075,274. The State of Oklahoma has the largest Indian population, which totals 119,335. Arizona, South Dakota, and New Mexico all have populations of more than 20,000 Indians. The following table shows the distribution of the Indian population of the United States.

Alabama	405
Arizona	46,901
Arkansas	106
California	18,912
Colorado	835
Connecticut	159
Delaware	2
District of Columbia	37
Florida	506
Georgia	125
Idaho	3,865
Illinois	194
Indiana	125
Iowa	397
Kansas	1,541
Kentucky	57
Louisiana	1,066
Maine	839
Maryland	32
Massachusetts	555
Michigan	7,607
Minnesota	15,310
Mississippi	1,496
Missouri	171
Montana	13,734
Nebraska	4,323
Nevada	4,920
New Hampshire	28
New Jersey	100
New Mexico	22,786
New York	4,419
North Carolina	12,309
North Dakota	10,390
Ohio	151
Oklahoma	119,335
Oregon	6,731
Pennsylvania	337
Rhode Island	110
South Carolina	304
South Dakota	23,124
Tennessee	56
Texas	2,109
Utah	1,574
Vermont	24
Virginia	824
Washington	13,573
West Virginia	7
Wisconsin	11,427
Wyoming	1,963

The average American is interested in the Indian. He looks on him as a romantic figure. It appeals to his imagination and he likes to stand as a champion of the rights of that figure. As a matter of fact, the Indian in person is not always the romantic figure he appears to be when you are told about him in the magazines, on the lecture platform, or read about him in fiction. He is very much like the white man. He has very generally the same impulses and the same traits as the white man. With a population of 350,000 living in 20 or more scattered States under all sorts of differing conditions, some having tremendously large revenues, much larger than is good for them, and some of them poverty stricken; some of them who were originally agriculturists and irrigationists before the white man came on this continent; skilled in agriculture, some of them who were hunters and warriors in the old days—with all these diversities in their surroundings, in their tastes, in their training, in their financial conditions and their resources naturally nothing can be said as a generality that is true of all of them. They differ, of course, with their differing conditions.

THE AGITATOR AND THE INDIAN

It is unfortunate that the enthusiasm of the average American for the Indian is so often played upon by the agitator and the selfish man who wants to build a job for himself or the man who is just constitutionally so opposed to his Government that he can only be happy when he is picturing that Government as selfish, inefficient, and, perhaps, corrupt.

The Indian problem has been brought to the front in the last few years through several channels. In this propaganda and publicity, that has served to bring the problem prominently to public attention, there has been prominent one John Collier and his principal organization, the Indian Defense Society, which I have mentioned heretofore in this Chamber and do not need to emphasize further. Perhaps it may not be out of the way to emphasize to you that that organization played its part in the recent political campaign. With no desire to touch upon partisan subjects but to emphasize the extremes to which those who are as irresponsible and malignant as are Collier and those he controls—and in that I am not speaking of the many well-meaning people who contribute to his organization, keep it afloat and give it an air of respectability, but I am speaking of Collier and those like him who live upon the organization and seek to destroy the work that is going on. For instance, a letter was sent to one of the presidential candidates which stated:

> That the governmental bureau to which we have intrusted our guardianship is ignorantly or willfully annihilating its 250,000 wards through starvation enforced by the waste and misapplication of their income, through the creation of centers for the spread of disease, and through the denial of the health service that might serve, in some measure, to counteract the effects of the other activities.

Such a statement is an absurdity, a tissue of unreality and misrepresentation; but when it goes to the good people of the country carrying the signature of a professor of one of the great eastern universities they do not realize that in the letter such a professor is only handing on to the country that which he himself evidently knows nothing about but for which he accepts the word of John Collier, and that accuracy is entirely foreign to his nature.

Furthermore, another statement that was sent out in the campaign and illustrates the character of propaganda that is used to poison the judgment of the country toward their own Government is this from the National Council of American Indians:

> According to an Indian's statement and from my own personal observations, the Indians are very poor and hungry. They have no voice in their affairs. They are neglected. Whether sick or well, whether young or old, most of them or nearly all of them live in bad houses, wearing rags, and with little or no food. Their complaints to Government officials go unheeded. Agents' offices are locked against the Indians most of the time.

And so forth, ad nauseam.

Another organization that spreads this propaganda but is not quite as smooth in covering all of its tracks is the Indian Board of Cooperation.

It will emphasize the extent to which not only are the well-meaning people of the East victimized and exploited by such organizations but the poor Indian himself is victimized and exploited by the very ones who claim to be the only virtuous friends that the Indian has.

For instance, in the last Congress there was passed a bill introduced by the gentleman from California, Mr. LEA, which he pressed here with a great deal of vigor and with final success.

The gentleman is on the floor and can correct me if I am in error in my statement that that bill became law in the last session of Congress, on the 18th day of May, 1928; and it became law because it had the approval of the Indian Office, it had the cordial and effective support of the gentleman from California, and there was a case back of it that commended it to Congress. But notwithstanding the fact that this bill became a law on the 18th day of May, 1928, and notwithstanding the fact that Frederick G. Collett, the executive representative, so called, of the Indian Board of Cooperation (Inc.)—notwithstanding he knew of it, on the 1st day of June, 1928, a circular letter was sent out to these Indians in California, these poverty-stricken and needy Indians, asking them to contribute money to this organization in order that they might secure the passage of a law that was already on the statute books.

These people parade themselves as the only friends of the Indians and are always condemning their Government.

Let me quote from this letter. I will put it all in the RECORD. I should say that it is signed, apparently, by J. W. Henderson, but following that is a small letter "c," as is customary by Mr. Collett when he signs the name of Mr. Henderson, the president of that organization. The letter says:

> Having received many inquiries from all parts of the State with regard to the present standing of the Court of Claims bill, it seems desirable to send out a letter of general information.

They claim to be in a position to tell what the present standing of that bill is. Further the letter says:

> You will see that no effort is being spared to gain the passage of the bill and you may reasonably hope it will become a law this year.

It had already become a law.

> We know that you realize the value of gaining this legislation—

And so forth.

> The work should not be delayed for lack of the comparatively small amount of money required for our operating expense. Every expense has been reduced to a minimum, but we are now considerably in arrears in our office rent and we must, of course, meet current expenses

The letter in full follows:

INDIAN BOARD OF COOPERATION (INC.),
San Francisco, Calif., June 1, 1928.

To auxiliary officers:

Having received many inquiries from all parts of the State with regard to the present standing of the Court of Claims bill it seems desirable to send out a letter of general information. We are addressing this letter to auxiliary officers and leaders, and would ask that you try to get your people together for a meeting at an early date so that you may give them the following report:

BILL PASSED BY HOUSE OF REPRESENTATIVES

The California Indians Court of Claims bill, known as H. R. 491, has passed the House of Representatives. Previous to its passage by the House, the bill had, of course, been favorably reported on by the House Committee on Indian Affairs. We quote herewith from statements made by Congressman CLARENCE F. LEA and Congressman ENGLEBRIGHT, sponsoring our bill, during the hearings before the House Committee on Indian Affairs:

CONGRESSMAN LEA

There has been an unquestionable failure to do what the simplest demands of humanity require for those Indians in California. The * * * sum probable under this bill can be applied to their essential needs. * * * There is every reason to believe that with such aid as this bill will make possible * * * the Indian problem could be solved.

CONGRESSMAN ENGLEBRIGHT

* * * It is my belief that this matter should not be postponed further; that justice should be given to these unfortunate people and they should be compensated for their lands so as to place them in a position to take care of themselves and their descendants.

In the report of the hearings referred to above the provisions of the bill are set forth in detail, together with a statement of such offsets as will be recognized because of previous expenditures made for California Indians by the Federal Government. In our opinion, the bill has been very well framed. Every precaution has been taken to safeguard the interests of California Indians and at the same time to anticipate congressional policies on legislation involving Government expenditures. We consider the bill in the best shape that it has yet been and have every hope that this year will see its enactment into law.

The board is deeply appreciative of the splendid work which Congressman LEA has done for the bill. His message to the Committee on Indian Affairs shows his understanding of the problems of California Indians and his sincere interest in gaining relief for them.

The excellent work done in past years through the efforts of our executive representative, Mr. F. G. Collett, was of inestimable service in furthering the interests of the Indians this session.

You will see that no effort is being spared to gain the passage of the bill and that you may reasonably hope that it will become a law this year. We know that you realize the value of gaining this legislation; you should also realize that the completest cooperation of your people is necessary if we are to achieve this result. When you give them this message explain to them that we must concentrate all our efforts on the passage of this bill by the present Congress. The work should not be delayed for lack of the comparatively small amount of money required for our operating expense. Every expense has been reduced to a minimum, but we are now considerably in arrears on our office rent and we must, of course, meet current expenses.

We know that you will do your best to give your people a clear understanding of the present situation. Will you also tell them that the board stands ready at all times to answer any questions they may have and to give them the fullest information about the work, both as to the progress we are making toward gaining a settlement for them and as to the board's program and its expenditures of money received?

Very truly yours, INDIAN BOARD OF COOPERATION,
By J. W. HENDERSON, *President.*

I have also a letter from an Indian of Usona, Mariposa County, Calif., who wrote in to know about this organization. He states:

These people are collecting money from the Indians on the pretext of bringing a suit to recover damages—

And so forth.

This letter was written after the bill had become a law. You will see that some Indians are getting pretty well up-to-date, because he states:

I wondered if it was the bunk and if they were afraid to keep on using the mail.

[Laughter.]

And he was entirely accurate, although "bunk" is a much politer term than ought to be used.

Mr. LEA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEA. The gentleman has stated the facts in reference to the matter. As soon as I heard of this letter I protested against its publication and insisted that methods be pursued to inform these Indians that they had been misinformed through the letter, and I was advised subsequently that an effort had been made to overcome the misinformation that had been given by the letter, which was entirely unjustified.

Mr. CRAMTON. The man, Mr. Collett, was under indictment for using the mails to defraud. I have a letter here in which he says that that is not necessarily evidence of guilt; that many unconscionable people are likely to indict an innocent fellow like himself. I have not information as to whether the indictment is still pending or whether it has been dismissed. I sought to get that information to-day, but did not succeed, but understand the indictment is still pending. A new one might well have followed the above vicious attempt to get money from the Indians to secure passage of a bill already law.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. I think it should be in the RECORD at this point that when the gentleman from California [Mr. LEA] had his bill before the Committee on Indian Affairs Mr. Collett and his organization had no influence whatever in the hearings, took no part in the passage of the bill, and it was passed entirely on its merits through the committee through the representations made of the facts by the gentleman from California [Mr. LEA] and in the same way was passed by the House.

Mr. LEA. In that connection I might state that the Indian Board of Cooperation was not represented at the hearings on this bill at the last session of Congress.

Mr. CRAMTON. But they were so busy at home raising money to put the bill through that they did not have time to come here.

Mr. LEA. They were not present at the hearings at the last Congress.

Mr. RANKIN. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. RANKIN. Is it not a fact that these Indians as well as the American people are being exploited by representatives of the Indian Bureau to a large extent?

Mr. CRAMTON. I would have to let that be the statement of the gentleman from Mississippi. I have no information of that kind, and my belief is quite to the contrary. Our committee has made every possible effort to check up and develop anything of that kind.

Mr. RANKIN. I will say that I have evidence, which has been put in the record, of such attempts of exploitation.

Mr. CRAMTON. Well, I would be glad if the gentleman would do that in his own time.

Mr. RANKIN. Will the gentleman permit another question with reference to the General Land Office?

Mr. CRAMTON. I would prefer to have that taken up when I reach that matter, if the gentleman will remind me when I reach that point in the bill.

These organizations are undesirable. But we have many worthy people in their membership, but those who get the salary and carry on the work I fear are not of this character.

There has been the past few months an investigation of the Indian affairs going on, and I came in contact with the work of that while I was in the West in August or September. I found in many cases people who did not have much to commend their responsibility, sometimes people with more responsibility, but in some cases representatives who did not have much to commend them, who were bearing credentials of a governmental character going upon the Indian reservation, spending three or four weeks there, without any contact with the superintendent of the agency, consorting with everyone who had a grievance, accumulating all sorts of complaints, trivial or otherwise, and then that sort of stuff being spread out nationally in committee hearings, gets in to the public press and goes uncontradicted because the hearing is only on one side, and is sensationally carried by the newspapers and magazines when really the truth in many cases is not developed. I know from personal observation that such doings have been destructive of the efforts of the Government in behalf of the Indians in many cases.

SOME VERY WORTHY ORGANIZATIONS

There is another kind of an organization—I want it understood that there are different kinds of organizations doing this work—there are other organizations that sincerely want to do something to help the Indians. Sometimes their enthusiasm or haste to come to a conclusion before they develop the facts leads them to erroneous conclusions, and puts them in a position that gives more credit to their enthusiasm and zeal than to their judgment.

COST OF FEEDING CHILDREN IN BOARDING SCHOOLS

I am frank to say that I would put in this other class the Indian Rights Association, which is a historic association, and its membership and officers are all of high character. They are about to hold a conference, and I have here before me a letter which they put out addressed to the Budget in connection with the pending bill in which they say, in speaking of the undesirable character of the care of the Indians by the Government:

For instance, at present, the Indian Bureau is expected to feed the thirty thousand and odd Indian children in Government boarding schools on an average allowance of 11 cents a day. Manifestly that can not be done, and if continued it will result in undermining the health of the children and become a national scandal.

That organization is not the author of that statement, though it ought to know better because of its own long contact with the field. They have accepted the statement put out by some one that has gone all over the Nation through the newspapers and magazines. The statement is not true that the average per diem food cost has been 11 cents. In the hearings, on page 662, you will see that is developed, and it is demonstrated in detail, that eliminating the salary and fuel, and so forth, and these are material items in the food cost, the average of food supplies alone is 20.4 cents and not 11 cents. The Indian Bureau statement shows:

Cost of food supplies purchased	$362,892.51
Transportation of purchased supplies	33,094.56
Value of supplies produced and consumed	194,006.00
Total value of food supplies	589,993.07
Cost of fuel used for cooking, including transportation	31,177.65
Salaries of cooks and dining-room matrons	85,800.00
Total expense of feeding pupils	706,970.72
Average daily attendance of pupils at the 28 schools	10,680
Pupil days, based upon 270-day school year	2,881,600
Average cost per pupil per day (cents)	24.7
Average cost per day of food supplies alone (cents)	20.4

I do not feel justified in loading up the RECORD with the full itemized statement, but you will find it all in the hearings at about pages 661 and 662. That statement in detail shows that the amount per pupil per day is 24.7 cents.

There is talk also about Indian children starving in these schools. I have visited many of those schools, and I have always given particular attention to their menu and to the care of the children. I have never seen any evidence of the children suffering from lack of food or from an undesirable character of food. Quite the contrary. It is true that oftentimes children will be seen in those schools who give evidence of lack of proper nutrition, but you must remember where these children have come from, the primitive sort of homes that they have come from to the schools. Give them a while in the school, and that look of malnutrition passes away, and they are very much different looking children after a time.

SURVEY BY INSTITUTE FOR GOVERNMENTAL RESEARCH

I say that statement came from a reputable source. The publication that has probably had the most influence and that attracts the most attention is the report of the Institute for Governmental Research, a report made after an investigation upon the request of former Secretary of the Interior, Doctor Work. It was made by the Governmental Research Bureau, financed by private funds. A very extensive investigation was carried on, and the report is a sizeable volume. It has in it much that is helpful, and I think the general effect of the report will be helpful in challenging public attention. It is not always reliable, as witness the 11-cent story, which it originated. There are also these things to be considered in connection with the report in order to get a fair picture of the situation. As to anything that the Indian Service needs and as to anything that the Indians need to bring them up to a desirable plane, I think it must be in that report. I presume nothing has been omitted there that the Indians or that the bureau needs in order to serve them. To get a fair picture of the situation there should be considered in connection with it some record of what has been done for the Indians and what progress the Indian has made, what money has been expended by the Government in his behalf.

Also you should consider this. When you read of the great prevalence of tuberculosis or of trachoma and other diseases among them, it must be remembered that the Indian himself must bear a share of the responsibility for those conditions. Many years ago, and not long ago, many Indian tribes did not take readily to treatment by the white man's physician. To-day there are some places where they still rate the advice of their medicine man much higher than that of the skilled physician. That has to be overcome.

THE PRESENT HAS MUCH OF HOPE

In my judgment within the last few years a great change has come over the situation. There is much more of hopefulness in the situation as to the Indians than there ever has been before, and I look for the next 20 years to do more for the Indian than you can dream of, in the line of health, because the Indians are more and more making use of these facilities which we are providing, constantly in greater measure. Also, in the matter of education. In the old days the Indian boy when he went home from the Indian school woke up in the morning and put on the blanket, because his father and mother did not approve of his wearing the American clothes, and they stole the clothing and burned it and he had nothing but the blanket to put on; but that boy having grown up is more sympathetic with his boy who comes home from school now, and there are more other boys in the neighborhood who have been to school, and so the new education is taking on more and more among them. I give this to you not as my judgment, but as the judgment of those most in contact with the Indian, in whom I have great confidence.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. Is it not also a fact that much of this so-called medical neglect of children is due to the parents themselves, who have withheld information from the proper authorities when their children were sick?

Mr. CRAMTON. Absolutely. I have mentioned health and also education. There is a third factor and that is with reference to their industrial condition. The Indians are showing a rapid increase of desire to improve their industrial situation. Time does not permit us to go into those things as much as I should like, but I believe that the Government, with reasonable effectiveness, not without mistakes, not without occasional wrongdoing on the part of a representative of the Government, not without the mistakes of judgment, but with reasonable effectiveness and with a wholly commendable generosity, is doing more for this primitive people than any other nation in the world ever did for its people.

THE BUDGET AND THE INDIAN

When it is suggested that not enough money is asked for by the Indian Service and not enough is appropriated by Congress, it is well to remember the situation in which the Indian Service finds itself and the situation confronting the Federal Government with such a multitude of demands upon the Treasury. The following extract from our hearings, sets forth this situation:

Mr. BURKE. We have been assailed repeatedly—and when I say "we" I mean the Indian Bureau—with not asking for sufficient money to meet the needs of the Indian Service. I want to say to this committee that the estimates as transmitted do not represent the amounts that we originally ask for; that our estimates, both last year and this year, have been very materially reduced by the Bureau of the Budget, and therefore, when they were presented here, they were not in accordance with what we asked for. I say this without any criticism of the action of the Budget, because it has its responsibility and is governed by the funds that are available for the administration of the different departments of the Government. Recognizing that situation, we accept the estimates without protest. I simply wanted to be on record as saying that the statement that we do not ask sufficient is not true.

Mr. CRAMTON. Mr. Commissioner, in connection with that, for the information of anyone who reads this statement, I think that this further section of the picture ought to appear.

When the estimates come before this committee the Indian Bureau, under the general policy of the President, is forbidden to ask for anything that has not been approved by the Budget. This committee, however, has made its own personal investigations, and it became satisfied a number of years ago that the medical service, the educational facilities, and the items for industrial assistance should be expanded more rapidly than were being expanded. So, whenever this committee has felt it desirable to do so, we have asked the Indian Bureau to give us information as to needs not fully covered by the Budget. That request being made by this committee, the bureau has a perfect right to give the information, and always has responded very fully. So, on numerous occasions, with the full indorsement of the Indian Bureau, this committee has recommended appropriations, particularly for those purposes, in excess of what was recommended by the Budget.—

This committee, however, has responsibilities much wider than merely the Indian question. We have to do with all the problems of the Interior Department, and we are members of the General Committee on Appropriations, which has to do with the entire conduct of the Government of the United States in its financial aspects. That committee, in its enlarged membership and consolidated authority, following the adoption of the Budget, adopted a policy that was absolutely essential to the successful operation of the Budget system when it adopted the rule that while we would decrease items of the Budget wherever we felt it safe

to do so, and while we might also increase items here and there, as seemed to us desirable, we would not report a bill with a total higher than the total of that bill in the Budget.

The successful operation of the Budget system could only be secured by the cooperation of the executive and legislative branches, and that cooperation on the part of Congress was tied up with that rule that we would not, in the period of retrenchment, exceed the Budget totals. If we started in exceeding them, it was hard to tell where the end would be.

For the past eight years the welfare of the country has been pretty well tied up with the success of the Budget system, because a reduction of taxation by the Federal Government was imperative to our industrial recovery. That reduction of taxation could only come through the success of the Budget policy.

Therefore this committee is not always able to let its enthusiasm or its good judgment influence it to increase items, even where we think such increases may be justified. As a matter of fact, I am satisfied that the bill before us, in the items affecting the Indian Service and other branches of the Interior Department could very easily be increased $5,000,000 or $10,000,000 for purposes that would seem entirely justifiable to this committee. There are instances where the money would be used to excellent advantage. But if the same rule were followed as to all the branches of the Government service, the increase in the appropriations for this year could easily be $1,000,000,000. It is not the belief of the Appropriations Committee or the administration that the country wants the expenditures of the Government increased $1,000,000,000 with the consequent necessity of increased Federal taxation.

Therefore, we, in handling this bill, can not just look at the needs of one service alone, or of one branch of that service alone. We have to keep in mind the limitations as to the total, just as a man who has a salary of $50 a week must plan his budget on a basis of not more than $50 a week. And so, even though, as we go through this bill, there are certain items that we might like to see increased perhaps more than they will be increased, we must keep within certain limitations.

But it is only fair to the Government of the United States and its general treatment of the Indians to say that in my own judgment—and I think probably the judgment of this committee—while not as much money is given as you could use to good advantage in the Indian Service, there are no such serious results following from the failure to get those increases as the propagandists and the enthusiastists are apt to picture. Certainly no children are starving from the laxity of the Government in caring for them.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

REOPENING OF WHITE EARTH SCHOOL FOR CHIPPEWAS

Mr. KNUTSON. I was detained in a committee meeting this afternoon and was not in the Chamber when the gentleman opened his statement. Has the gentleman explained the necessity for reopening the school at White Earth, Minn., and what I consider a very large appropriation taken out of the tribal funds for that purpose?

Mr. CRAMTON. No; and I shall answer that question and in connection with it refer to a matter of policy that is actuating the committee with reference to the use of tribal funds. First, as to the White Earth School. That was a school built with Chippewa funds, a boarding school, with a number of buildings, as I recall, large enough to accommodate 200 or 250 pupils. I visited the school this summer. It was closed about 1918 or 1919, and closed very carelessly.

I do not criticize the policy that closed the schools as much as I do the carelessness shown in its closing, so far as the protection of property was concerned. They simply went out and left it and did not even remove the water from the plumbing, with the result that the water froze in the wintertime, and when it is reopened new plumbing must be placed all through it. It is, however, a collection of excellent brick buildings, placed on granite foundations, with high ceilings in the rooms, hardwood floors, a well-equipped group of buildings, with an excellent dairy farm and good dairy barns adjacent, with a hospital right at hand. The Indian Service, following a visit of Mr. Meritt to the institution, recommended its opening, and we have been glad to second that suggestion.

The CHAIRMAN. The gentleman from Michigan has consumed one hour.

Mr. CRAMTON. Mr. Chairman, I shall have to ask unanimous consent to be recognized for 20 minutes additional.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 20 minutes additional. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, the Chippewa Indians are sending many of their children to nonreservation schools, schools off the reservations, to the Wahpeton school in North Dakota, and to others.

Some of them could just as well be taken care of in the reservation schools. Some of the Chippewa children, Chippewa orphans, and illegitimate children are not properly cared for in the reservation schools, and of course many of them go to the public schools. Now, there may be some division of sentiment as to this reopening on the part of the Chippewas. I think it is very easy to find a division of sentiment there on most any question, and it is probably natural it should be on this question, but I believe those who are away from the reservation and who have no children to send there would not be as interested as others, and the correspondence which appears in the hearings seems to be good evidence of the feeling of a great many of them. Clearly those removed from the locality, not having to do with the institutions for the benefit of the Indians and those who do have to do with it have different views. The money carried in the bill—$40,000—is for repair and equipment and $70,000 for the maintenance of the boarding school.

Mr. KNUTSON. The thing I wanted to bring out is we will assume there are 500 children——

Mr. CRAMTON. There will not be that many in this institution. It is my recollection there are about 240, but I am not sure.

Mr. KNUTSON. That would make nearly $300 per capita.

Mr. CRAMTON. I am speaking without definite recollection.

Mr. KNUTSON. Does the gentleman think the children could be taken care of in another way at less expense than sending them to such a school?

Mr. CRAMTON. It has not been suggested as yet; I do not know.

Mr. KNUTSON. I think the gentleman's figures are probably correct. Has it been the gentleman's observation these children are developed much more rapidly if they are placed in white schools along with white children?

Mr. CRAMTON. The particular item can be taken up under the 5-minute rule, and I do not want to dwell too long on this item. It touches also a question of policy.

The committee agrees entirely with the department that where it is possible we should put Indian children in the public schools with white children. But when the condition is such that it does not lend itself to that, something else has to be done. Sometimes it is by having a day school exclusively for Indians in that vicinity and sometimes by having a boarding school on the reservation, and sometimes the Indians have homes not accessible to a school, the children must be sent away to some Government reservation school. But the best place when the conditions permit is a day school, public school, where they mix with the white children.

PROPER EXPENDITURE OF INDIAN MONEYS

On the question of policy I might mention this: Where the Indians have accumulated a good deal of money from leases, from oil, and so forth, there is a problem of what to do with that money. This man, Collett, in his letter to the Indians in California has advised these people that while the bill passed by the gentleman from California [Mr. LEA], which provided that the judgment acquired under that bill should not be used in per capita payments but used in health and educational activities for the benefit of the Indians and Indian children, does not mean anything. He said in a circular of July 25, 1928, signed by Collett:

> Section 6 of the bill was amended by the congressional committees to provide how the money, when won, should be spent, and to provide that the Indians shall not receive per capita payment. Although these amendments seem to bar the Indians from sharing, and sharing alike, in any amount that shall be won, it does not do so. By the time the court shall decide how much is due the Indian, there will be many changes among the Members of Congress. A new Secretary of the Interior has gone into office since this bill was passed. The time to work for a per capita payment is not now but after the court has made its decision. Then Congress will have to make an appropriation for the amount that the court has found due. How this money will be spent and to whom paid is a decision which will be made by Congress after the court's decision.
>
> The Indians, through their efforts, should raise the money needed for attorney fees and for their general organization work. Please call a meeting for your auxiliary members for August 4 or 5, or as soon thereafter as possible, and read this bill and letter to them. Your auxiliary leaders should begin at once to collect membership dues. Expense money is greatly needed.

Collett, in July, asks money from these poor Indians for attorney fees, impliedly to prosecute their claims before the Court of Claims, although he knew that May 18 the jurisdictional bill became law and provided that the attorney general of California should handle the case.

He says after they get judgment they will get the per capita payment all right. The way for the agitator to make a friend of the Indians is to tell the Indians they are going to get immediate possession of their money and it will be distributed among them. If it is done, in two weeks they will have dissipated it and after recovering from his blow-out the Indian is back where he was. In regard to these Indians we are responsible for the proper expenditure of their money, and it is all foolishness to say we must expend it in accordance with their mood or whim.

Mr. LEA. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. LEA. I would like to place myself on record as agreeing with the gentleman with reference to the question of per capita payments to Indians in California. I think it is a waste of money. The money should be spent in a proper manner for their development instead of paying it out cash and having the Indians waste it.

Mr. CRAMTON. That is our responsibility, to try to figure out how best it can be used for their benefit, to their best advantage. It does not do them any good to let them waste it through per capita payments any more than it does to pile it up in the Treasury to their credit. It is desirable for us to study how to utilize that money for the best interests of the Indians in the years to come.

In one item in the bill we have reflected that view when we have given $869,000 from their funds for use in industrial assistance, the item reading—

Industrial assistance: For the construction of homes for individual members of the tribes; the purchase for sale to them of seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support, payable from tribal funds on deposit in the Treasury, reimbursable, to be expended in the discretion of the Secretary of the Interior, and to enable Indians to become self-supporting, as follows: Colorado River, Arizona, $25,000; Fort Apache, Arizona, $50,000; Southern Ute, Colorado, $50,000; Ute Mountain, Colorado, $50,000; Fort Hall, Idaho, $50,000; Consolidated Chippewa, Minnesota, $50,000; Red Lake, Minnesota, $50,000; Flathead, Montana, $50,000; Fort Peck, Montana, $50,000; Pyramid Lake, Nevada, $19,479.60; Jicarilla, New Mexico, $50,000; Mescalero, New Mexico, $25,000; Klamath, Oregon, $50,000; Warm Springs, Oregon, $25,000; Cheyenne River, South Dakota, $50,000; Pine Ridge, South Dakota, $50,000; Uintah, Utah, $50,000; Colville, Washington, $25,000; Menominee, Wisconsin, $50,000; Shoshone, Wyoming, $50,000; in all, $869,479.60, to be immediately available: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1935, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior.

We have for a long time made provision for advances from Government funds to individuals for the purchase of stock, tools, seed, and so forth, and they have made a splendid repayment. Of $3,632,000 advanced, there has been repaid $3,184,890. I do not know of any white outfit in this country that has a better record for repaying their loans to the Government than those Indians. This year we have extended that policy somewhat to make such advances from tribal funds when available to be advanced by the tribe to the individual Indians; and then, when it has done its work, to repay it to the tribe.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. KNUTSON. This bill, I see, carries $15,000 out of the Chippewa tribal funds for indigent Indians. In a conference had with the Commissioner and Assistant Commissioner the other day they expressed the opinion that they could use $30,000 to good advantage. There are a number of indigent Indians up there, and it is my understanding that the per capita payment is a thing of the past. That is up to the gentleman's committee.

Mr. CRAMTON. I would not say that. We are opposed to per capita payments and have left out one item which had a per capita provision.

Mr. KNUTSON. If that is to be the future policy, to do away with the per capita payments, it seems to me we should make greater provision for the care of the Indians. This bill carries, as I say, only $15,000 for the Chippewa. When that item is reached I am going to assume the responsibility of moving to make that $30,000. Of course, the money may not all be expended.

Mr. CRAMTON. I am glad the gentleman mentioned that. I have visited the Menominee Indians recently. Some of the chief men are thoughtful men and they have urged that such a thing be done. Under the policy of not dividing up their funds, when these men are old they will have no use of that fund, and so these Indians said that those old people are entitled to have some of that money—not as a charity, but as a sort of advance on their undivided share. The bill does carry an increase for that purpose, the money to be distributed not as a ration but as a sort of a pension to the indigent Indians who can use it to advantage.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. WILLIAMSON. The gentleman said a moment ago that something like 85 per cent of these funds loaned to American Indians had been repaid. Have those repayments been made from their earnings in industry and farm operations or from individual funds credited to the Indians?

Mr. CRAMTON. My impression would be that very generally it was the result of their investments. The general idea brought out in our committee was that there had been a great increase in the flocks and herds in recent years and that they have made a notable advance.

SURVEYS OF PUBLIC LANDS

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. RANKIN. I notice one item as to public lands. The appropriation for 1929 for surveying public lands was $750,000, and the estimate for 1930 is $780,000, while the amount recommended in the bill is $762,500. It seems to me that it is an unusual amount for just surveying public lands belonging to the United States in comparison with other items.

Mr. CRAMTON. I am sure the gentleman from Mississippi, if he will consult the hearings, will find a very full exposition of just what work is carried on under that and of the use that will be made of the money in years to come.

Mr. RANKIN. I have not had a chance to read the hearings, which I understand were largely taken during vacation.

Mr. CRAMTON. I think the hearings as to those items are as full as could be expected in any hearings, and I am sure the gentleman will be satisfied if he will consult them.

Mr. RANKIN. Here we are asked to appropriate three-quarters of a million dollars for the survey of public lands. Now, the salaries of the General Land Office amount of $675,000, and the salaries in the solicitor's office amount to $116,500, while the contingent expenses are $118,000, and printing and binding $256,500.

Mr. CRAMTON. I would rather the gentleman would just ask a question than make a speech.

Mr. RANKIN. Yes; and if the gentleman is going to give us information on this subject, I would like to get the information that is desired now.

Mr. CRAMTON. If the gentleman will ask me any specific question, I shall be glad to answer. In the progress of the bill under the 5-minute rule I shall be glad to answer any questions I can.

Mr. RANKIN. I was merely going to ask the gentleman as to these figures that I have quoted here. Those figures amount to something like $850,000 for the General Land Office, and aside from that it seems that we expend $750,000 for the survey of public lands, and the question is what all that money goes for?

Mr. CRAMTON. That is work in the field, which involves considerable expense. There are thousands and thousands of acres where it is demanded that we furnish surveys.

I am sorry I can not give the gentleman out of my head the exact figures as to how many acres were surveyed during the current year or how many remain to be surveyed, but it is a very large amount, and under the 5-minute rule I will have the figures at hand and can give the information.

Mr. FRENCH. If the gentleman will permit, this item ought to be considered more definitely under the 5-minute rule, but in the hearings, on page 99, it appears from a statement made by Governor Spry, Commissioner of the General Land Office, that—

The General Land Office has on hand approved requests for surveys and resurveys covering 739 townships (17,026,560 acres), which will cost approximately $1,478,000.

Then that is divided up by States, and we are carrying here a rather sizable item because the demand is large.

Mr. RANKIN. Let me ask the gentleman from Idaho if he does not think that is about as much as this land is worth?

Mr. CRAMTON. Let me say this: I know that no bureau in the Government has made a more strenuous effort than has been made by Governor Spry in the Land Office to cut down the expenses of administration, and I do not know of any bureau that has been more successful in doing it. I can not say offhand, but I think the overhead expense of that office has been decreased at least 20 per cent, and possibly more, in the last three or four years.

Mr. RANKIN. Of course, the gentleman understands this is not overhead expense.

Mr. CRAMTON. I was speaking of the other items. Of course, this is constructive work in the field. It used to be done under contract and now it is done by the Government itself. When it was done under contract it was done in such a slovenly fashion that now much of it has to be done over again, and I have never had any suggestion of any undue cost in the work of surveying, and I am sure any of these gentlemen from the West in touch with the public-land situation will agree it is a necessity that those lands be surveyed if we are to proceed with any development through mineral leases or otherwise.

Mr. COLTON. Will the gentleman yield for a statement?

Mr. CRAMTON. Yes.

Mr. COLTON. There can be no revenue derived from our public lands until they are surveyed, which means that if the work is to go forward at all this item has to be taken care of.

Mr. CRAMTON. It must be taken care of.

Mr. LEAVITT. I would like to add a brief observation along that line, that until these lands are surveyed they can not pass into private ownership, under the homestead or mineral laws, or in any other way, and can not be placed on the tax rolls of the western country until they are surveyed. So this work is greatly in the interest of the development of that country.

Mr. CRAMTON. I will be glad in that connection to insert a statement showing the revenue the Treasury is receiving from the public lands. I do not dare trust my recollection to give it offhand.

Mr. RANKIN. May I ask the gentleman from Michigan another question, and I will say to him that I shall be glad to have all possible information on this subject because the information given by the two gentlemen is hardly full enough. I see on page 33 of the report an item for the Alaskan Railroad, $1,300,000. I want to know if that is the excess of the expenses of running the Alaskan Railroad over the revenues derived from it?

Mr. CRAMTON. That is the figure for the current year, as I recall, $1,300,000, and for the next year the amount is $1,200,000.

Mr. RANKIN. Yes.

Mr. CRAMTON. The amount carried for 1929 was $1,300,000 and for 1930 the amount carried is $1,200,000. That is the estimated operating deficit. That is a deficit which has been reduced gradually and still being reduced. The pending bill proposes a reduction of $100,000 for next year as compared with this year in the operating deficit.

Under permission given to extend my remarks, I give the following comparison of annual expenditures of the General Land Office:

Annual expenditures for conduct of business of General Land Office, office and field, fiscal years 1922 to 1928, inclusive

Fiscal year ending June 30—	Total expenditures, office and field
1922	$3,200,168.86
1923	2,985,715.95
1924	2,936,238.29
1925	2,909,095.35
1926	2,370,170.19
1927	2,284,020.33
1928	2,187,042.72

In 1928 there were 3,744,690 acres surveyed and 1,470,900 acres resurveyed.

As to this work, Governor Spry, Commissioner of the General Land Office, said in our hearings:

The cadastral survey of the General Land Office is a constituent factor in the material development of the public domain. Under it agricultural settlement, and private enterprise founded on the natural resources, enjoy not only the benefits of the orderly processes of acquisition and lease but the practical advantages of systematic location under "Physical boundaries on the ground."

Survey expansion and restoration are not administratively optional but are regulated largely, both as to location and extent, by congressional authorization and direction to meet the legitimate demands of settlers and claimants, the States, land-grant railroads, and of mineral development, timber use and protection, stock raising, and other interests. They are also undertaken to further the operation of the mineral leasing act approved February 25, 1920, to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium, and to serve as a contributory factor in the consummation of certain types of field projects executed in cooperation with other Federal agencies.

The General Land Office has on hand approved requests for surveys and resurveys covering 739 townships (17,026,560 acres), which will cost approximately $1,478,000.

* * * * * * *

All of these surveys and resurveys can not, of course, be completed during the next or the following fiscal year, but the figures are given for the purpose of showing that the public lands, including those lands within the exterior boundaries of national forests, are being surveyed in response to demands for such service.

* * * * * * *

The wider uses made of the public lands to-day through settlement, by private enterprise under the mineral leasing act, and by the Government in scientific investigation and research work, call for cadastral surveys to meet the requirements of title, lease, location, and administration.

Original surveys and resurveys under the rectangular system were executed in 22 States and Alaska under 257 groups, 109 of which, in 20 States, were of resurveys. So much of this work as may still be gauged on a mileage basis aggregated 19,317 linear miles, surveyed at an average cost of $20.87 per mile.

Miscellaneous surveys included 89 field investigations, largely of erroneous and fictitious survey conditions, in 16 States; investigation of the Cimarron base line, Oklahoma; the location of section boundaries for the State Highway Commission of Montana; and corrective surveys of faulty older surveys in Montana and New Mexico. Surveys to determine riparian conditions resulting from accretions and avulsions, to define swamp and overflow lands, and to return lands erroneously omitted at the time of the original survey, were made in New Mexico, Oregon, Louisiana, Wisconsin, Minnesota, and Arkansas. Also under this head surveys related to but not essentially a part of the rectangular system include 57 islands in Alaska, California, Idaho, Wyoming, Louisiana, Illinois, Mississippi, Wisconsin, Minnesota, and Florida; 7 town sites in Alaska including forest eliminations from the towns of Wrangell, Ketchikan, Cordova, and Juneau, as well as 16 lighthouse reservations, 16 isolated homesteads, 2 cemetery sites, and the Fort Liscum Military Reservation. This diversified class also embraces 14 mineral segregation surveys; special tract surveys in New Mexico, Wyoming, and Florida; field investigations along the east boundary of Rancho Santa Ana y Quien Sabez, Calif.; and surveys of the Ortiz Mine grant and Mora grant, New Mexico; Flag Island Military Reservation, Gulf of Mexico; and of St. Andrews Sound Military Reservation and Oyster Key, Fla. A gravel pit for the Santa Fe Railroad was surveyed, a town lot in Pensacola, Fla., was identified, and the position of Antelope Springs, Ariz., determined.

Original surveys of lands deemed valuable for oil were continued throughout the year in eastern and southeastern Utah, and initiated during June in western Wyoming, while the resurveys of oil-shale areas in western Colorado were steadily carried forward with a view to completing all authorized projects of this character at an early date.

Surveys and resurveys for and in cooperation with other governmental agencies are steadily increasing in volume and broadening in scope. Upon application by the Forest Service surveys were executed in all Western States and in Alaska, Florida, and Michigan. For the National Park Service surveys in and of a part of the boundaries of the Glacier National Park, Mont., and resurveys in the Rocky Mountain National Park, Colo., were continued, while the survey of boundaries of the Grand Canyon National Park, Ariz., was initiated. Surveys to identify coal-leasing units in Utah and resurveys for oil-leasing units along the east boundary of the Navajo Treaty Reservation, N. Mex., were made for the Bureau of Mines. Field investigations for the Federal Power Commission were carried on in California, and the rectangular net in the Great Salt Lake Basin, Utah, was extended in cooperation with the Geological Survey.

Surveys on Indian reservations were made under various appropriations. In Montana practically the entire field corps of that district was engaged during the latter part of the year on surveys on the Northern Cheyenne Reservation, payable under special act. In Arizona investigations in 14 townships covered by the San Carlos irrigation project, which includes the Coolidge Dam, were paid for from the general appropriations, while the subsequent resurvey of these townships was executed under both Indian and regular appropriations, the division of cost being made on a basis of 68 per cent and 32 per cent, respectively. Surveys were also completed in Arizona of the boundaries of the Theodore Roosevelt Indian School and the Mojave Reservation. Other surveys on Indian lands include subdivisions, resurveys, allotments, and segregations on the Hoopa Valley Reservation, Calif.; Flathead Reservation, Mont.; San Felipe Pueblo, N. Mex.; Cheyenne River Reservation, S. Dak.; Kiowa, Comanche, and Apache Reservations, Okla.; Leech Lake Reservation, Minn.; the Pyramid Lake Reservation, Nev.; and extension surveys and resurveys involving riparian rights as a basis for court action on the Iowa and Winnebago Reservations, Nebr. Special surveys relating to Indian lands, but payable from the regular appropriation, were made on the east boundary of the Navajo Reservation, N. Mex.; south and west boundaries of the Shoshone Reservation, Wyo.; various Indian allotments within the Klamath National Forest, Calif., and three townships in Utah in which Indian allotment applications had been filed under the act of February 8, 1887. (24 Stat. 288.)

He sets forth in detail the proposed expenditures for 1930 which are along the same general lines. The item consists of the following:

Agricultural lands surveys	$275,000
Mineral lands surveys	65,000
Cooperative surveys	35,000
Miscellaneous surveys	120,000
Resurveys	130,000
Office personnel and maintenance	155,000
Total	780,000
Total field	625,000
Total office	155,000
Total field and office	780,000

MEDICAL EXAMINATIONS UNDER BUREAU OF PENSIONS

I feel I must take the time to call attention to two or three matters which, in justice to the House, I think should be mentioned, and especially in view of the fact that the gentleman from Minnesota [Mr. KNUTSON], chairman of the Committee on Pensions, is present. Under the Pension Office there is an item for examining fees for surgeons.

The Budget proposed an estimate of $450,000. In our examination of that we found that the physician receives a fee of $3 for each examination, whether there is one or a great number of examinations in one day. There are three men on a board and if the full board meets and it has as many as 30 examinations a day, as they do in some of the larger cities, it runs into a lot of money. At the same time the Bureau of Pensions is very positive, and it is the view not only of the commissioner, as expressed to our committee, but the view of the other heads of the service, including the head of the medical investigation bureau, that the examination is not always as good an examination as it ought to be. While the board acts, one man is pretty likely, of course, to dominate the board and to make the examinations. It is quite a job although not particularly difficult. Here is one of the reports required and there is quite a bit of it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for 30 additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 30 additional minutes. Is there objection?

There was no objection.

Mr. CRAMTON. The American Medical Association and other medical organizations have a rule that the minimum fee for such an examination must be $5, and that is their arrangement with the life-insurance societies, all of them paying $5 for an examination by one physician. The result is that we are not always able to get for their examiners as good a physician as we ought to have, and when we do get a physician he is subject to some criticism by his fellows for working for less than the union scale, so that he does not always make as careful an examination as he would if he were getting what they consider the proper fee. So the committee has recommended this language, which I bring particularly to the attention of the House for its consideration:

That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any physician making such examination, alone or otherwise, shall be $5 for each examination, foreign or domestic.

Under the operation of this provision the old boards are continued. The commissioner will designate a certain member of that board to make a certain examination, or if he feels it desirable he can designate an examination by the full board. Naturally, he will designate the member of the board who resides most conveniently to the pensioner. These physicians are likely to be in different towns and perhaps meet for board meetings at the county seat, but instead of the pensioner having to go to the county seat as now, or instead of his having to wait until the pension board day, he will step into the doctor's office, perhaps in his own town, at his own convenience, and at the convenience of the doctor, and have his examination, a more thorough examination and report than before.

The statement of the Bureau of Pensions is that under the business done this year the saving financially to the Government, in addition to these benefits to the Government and to the pensioner, would have been $177,113, even with the increase of fee from $3 to $5. The committee has therefore recommended the adoption of this language, and by reason of that have been able to recommend a reduction of $150,000 in the item.

Mr. KNUTSON. Will the gentleman permit a parliamentary inquiry? Is not that legislation?

Mr. CRAMTON. It is within the Holman rule.

Mr. KNUTSON. As a limitation on an appropriation?

Mr. CRAMTON. No; not as a limitation, but that which effects a saving on the face of the bill is in order.

I will say to the gentleman, frankly, in my judgment it is not subject to a point of order; but I think the committee would not want to press it if there should be any strong opposition to it on the part of the gentleman's committee.

Mr. KNUTSON. It would seem that is a matter that should have been considered by the Pension Committee.

Mr. CRAMTON. If it is a matter that the committee would feel strongly about or if there should be strong opposition to it, I think the committee would not be disposed to press it. Of course, our immediate responsibility is the reduction in the face of the bill, and this does make possible a reduction of $150,000, and to be entirely frank, there were very few reductions that could be made in the bill and there were so many things where some more money could be used to advantage that it put a very strong pressure upon the committee to avail ourselves of a reduction where one could be made, especially when we felt assured that the service both to the Government and the pensioner would be improved thereby. I will be glad if the gentleman will give it his further consideration.

Mr. KNUTSON. I may say to the gentleman that where a saving of $150,000 to the Government comes in conflict with the jurisdiction of another committee, we will waive the question of jurisdiction, I think.

Mr. CRAMTON. I really have had that judgment of the gentleman from Minnesota.

CONSTRUCTION ON NEW RECLAMATION PROJECTS

I must condense to the utmost, but I would not be fair to the House if I failed to call its attention to one or two matters in connection with the reclamation fund.

In the first place, we have cut out the proposed appropriations for the further construction of two reclamation projects, the Vale project in Oregon and the Kittitas division of the Yakima project in Washington. The total reduction is something over $2,000,000.

This was done because of the showing that the Reclamation Service made before our committee. The conditions obtaining on these two projects as to probable land settlement, development and use of the projects after construction are so uncertain and unsatisfactory that we thought it best to have construction suspended until the situation might improve, and hope of improvement would come through two agencies: First, through a better cooperation on the part of the communities and the landowners affected thereby; and secondly, through the hope of some legislation by the Committee on Irrigation and Reclamation which might improve the situation.

As to one of these projects, the Kittitas division of the Yakima project, since the committee acted—in fact, this morning—our committee met with a representative of that project and a representative of the Northern Pacific Railroad that is greatly interested, and with the gentleman representing that district, Doctor SUMMERS, a further showing of facts was made; and the committee will very possibly have some amendments to offer for the consideration of the House when this item is reached.

As to the Vale, there is no further information presented, and that situation, so far as the committee view it, urgently demands the suspension of construction there until there is a better and more certain prospect of the necessary cooperation in putting that land in the hands of settlers at a reasonable price following the construction of the project.

There is a suggestion by the Commissioner of Reclamation that the situation there could best be worked out by purchase of the private lands by the Government and that that could be done at less than the appraised cost. In my judgment, if the Government should seek to buy those lands, the cost would at once go up. The situation as we now see it is very dubious for that project, and nothing further in the way of construction should follow until better conditions as to development prevail.

POWER REVENUES ON RECLAMATION PROJECTS

The committee has attempted in two or three cases to provide definitely with reference to the power revenues following in each case the facts of the particular situation, doing the fullest justice to the individual project and at the same time fully safeguarding the reclamation fund.

PURCHASE OF PRIVATE LANDS IN NATIONAL PARKS

There is an item that had consideration by the committee, and which we understood was and is now pending before the Budget Office, and we had been in hopes that a supplemental estimate would come to Congress in time for its inclusion in this bill. Much to our regret that estimate has not yet come, and hence the item is not in the bill. We still entertain the hope that a supplemental estimate for this purpose may come to Congress. In view of the consideration that our committee has given to it I feel that I should call it to the attention of the House, and I shall insert here the language the committee has had under consideration to put the House on notice that if a supplemental estimate does arrive before completion of the consideration of the bill I will offer a needed amendment. This item is an item of $1,000,000 to be used, when matched by at least an equal amount of private funds, for the elimination of privately owned lands in the national parks.

There has been a survey of this situation made and just completed within the last two or three weeks, which indicates that the amount necessary to eliminate these private holdings will run to a rather large figure. The item considered by our committee reads as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, $1,000,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the existing national parks and national monuments not exceeding a total of $2,000,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government: *Provided further*, That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further*, That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further*, That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber.

The situation is especially acute in the Yosemite National Park. Some of that is heavily timbered, and the timber is about to be cut off where it is privately owned. About a million and a half dollars will be required for that. A contribution from one source of a million dollars has been offered as a private fund to match an equal amount to be appropriated by the Federal Government for that purpose. The situation is so acute in the Yosemite that this generous offer by the private individual should be accepted and matched by a Government fund.

The elimination of privately owned land is important for two reasons. In the first place, when privately owned there is a possible development out of harmony entirely with the public use and enjoyment of the park, and, secondly, we can not carry on and develop it as we desire with the land that we do not own.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. How far is this policy going to extend of buying property within the Government-owned forests?

Mr. CRAMTON. This is not as to forests; it is as to national parks.

Mr. BLANTON. Do you expect to buy all the privately owned land within the national parks?

Mr. CRAMTON. My view is that it is imperative that we buy as fast as possible privately owned lands in every national park or monument.

Mr. BLANTON. Has the gentleman from Michigan in mind the amount that will be required?

Mr. CRAMTON. Yes; there has been a survey made and it will be between five and six million dollars.

Mr. BLANTON. Then why take five bites at a cherry?

If it is necessary to do this, why not do it all at once? Why appropriate a million now, a million next year, and a million at some other time; if it is a good thing, and that is the governmental policy, why not buy all of it at one time?

Mr. CRAMTON. That is a reasonable question and I am glad to give my view of it. It is a matter I have had in mind for four or five years.

Mr. BLANTON. One other question.

Mr. CRAMTON. I have not answered the gentleman's first question yet. One million dollars has been offered from private sources, and this appropriation is based on the matching of the contribution of these private individuals. Our committee inaugurated the policy two years ago by putting in an item of $50,000, not approved by the Budget, for this general purpose when matched by private funds. The Budget accepted that idea and in the 1929 bill estimated the second $50,000.

A survey resulted and that report is in our hands. One million dollars has been offered, particularly for the Yosemite situation. To acquire all of these lands will take some time—we do not know how much. There will be negotiations, there may be condemnation suits; and so it is not believed that even if the money is in hand it could all be spent in less than two or three years.

We have been offered this million dollars of private funds, and we believe that when the Government manifests a policy that is proposed in the language I have in mind, providing for the authorization of the purchase of the balance, we will have assurance of the full amounts of private funds needed.

Mr. BLANTON. The gentleman knows that if we put it off the privately owned land will increase in value. The gentleman will remember when this policy was first inaugurated, when the million-dollar mountain-top amendment was adopted in the House, and the worthless mountain tops were put off on the Government for $1,000,000.

Mr. CRAMTON. I do not remember the Mountaintop case. One reason why I was desirous of having the Government expenditure hooked up with the contribution from private funds was that these contributions will undoubtedly come from business men of the greatest good judgment and experience, and we would feel sure that their investigation as to the price and cost, and so forth, would be thorough and we could be satisfied to put our money up to match theirs.

QUARTERS FOR OFFICIALS AND EMPLOYEES AT ST. ELIZABETHS

Mr. BLANTON. Mr. Chairman, will the gentleman yield for another question?

Mr. CRAMTON. Yes.

Mr. BLANTON. Inasmuch as the gentleman has very liberal time——

Mr. CRAMTON. But I am afraid that I am outstaying my welcome.

Mr. BLANTON. I notice that the gentleman and his committee have put quite a number of items of legislation in this bill.

Mr. CRAMTON. Not so many of legislation.

Mr. BLANTON. A good many of them.

Mr. CRAMTON. The gentleman will recognize some of those listed are limitations.

Mr. BLANTON. But there are some legislative items. For instance, I will name one. The gentleman in the last session helped to pass the Welch bill, which it is claimed permits the already too large salary of Doctor White, of the St. Elizabeths Insane Asylum, to be raised from $7,500 to $9,000. The Comptroller General has held, however, that the $11,000 extra which the director was getting for his quarters——

Mr. CRAMTON. Oh, will the gentleman please condense his question? I am familiar with that matter.

Mr. BLANTON. It can not be condensed, because it embraces quarters and lights and coal and gas and food and servants, and everything, for him. The gentleman is seeking in this bill to make that the law.

Mr. CRAMTON. Yes.

Mr. BLANTON. So that Doctor White shall get not only his $9,000 under the Welch bill but shall get extra this $11,000 allowance each year.

Mr. CRAMTON. And if the item does not stay in the bill as we have proposed it, then those who are charged with the responsibility of administering the insane asylum, and who are required by the nature of their duties to be there 24 hours a day, to live there—and I refer not only to the superintendent but to 50 or 100 others—and if the opinion of the Comptroller General, which I do not understand to be final——

Mr. BLANTON. Oh, yes; it is final, for I have talked with him personally about it.

Mr. CRAMTON. I repeat my statement, notwithstanding. If the opinion of the Comptroller General, which I do not

understand to be final but has been suggested, is made final, the result will be that Doctor White will get $9,000 a year salary and be charged $11,000 a year for living in quarters where he and his family must come in daily contact in the corridors with the insane. I do not believe that even Doctor White, even though everything that the gentleman from Texas thinks about Doctor White were true, ought to work for nothing and be charged $2,000 a year for the privilege of administering one of the greatest insane asylums of the country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Just for a question.

Mr. BLANTON. This item is going out of the bill because it is legislation, and I intend to make the point of order against it when it is reached.

Mr. CRAMTON. Oh, I hope the gentleman will not.

Mr. BLANTON. And as to the other chiefs of the Government whose salaries have been raised by the Welch bill from $7,500 a year to $9,000 a year, does the gentleman expect to give them each $11,000 a year for maintenance?

Mr. CRAMTON. Doctor White's salary and his quarters are not connected questions. He is required to live where he does by the nature of his duties, and when the gentleman from Texas makes this point of order that item will go out and the gentleman from Texas will take the responsibility and I am acquitted of it.

Mr. BLANTON. Oh, I am going to take the responsibility for it.

Mr. CRAMTON. Very well, but I ask the gentleman not to brag about it so much, because I do not think it is worth it. So far as this increase of salary is concerned, I want to answer the gentleman's question fairly and squarely. I think the gentleman was not here last week, much to our regret, but the matter of those salary increases has heretofore been brought up. Our committee feels that those salary increases that were brought about under the ruling of the Comptroller General, should not have been granted in such wholesale fashion.

Mr. BLANTON. And what is the committee going to do about it?

Mr. CRAMTON. The full committee has that matter under consideration, and any action to be taken by the full committee will come probably in a deficiency appropriation bill, where it would be equally applicable to all of the departments, and not to one alone.

Mr. BLANTON. Then the gentleman does have in mind some proper legislative enactment that would stop this sort of thing?

Mr. CRAMTON. I have not that responsibility. I say the committee has it under consideration, and any action that is taken——

Mr. BLANTON. I think it was an infamous outrage upon the people.

Mr. CRAMTON. Oh, do not put too strong language into the middle of my speech.

Mr. BLANTON. I refer to the wrongful construction of the Welch Act which would permit all of those chiefs' salaries to be raised from $7,500 to $9,000.

Mr. CRAMTON. Whatever action is taken must come in a general bill affecting all departments.

Mr. BLANTON. The gentleman knows that that was never contemplated by the Congress when the bill was passed.

Mr. CRAMTON. In my judgment it was not contemplated, but I do not adopt any of the gentleman's language.

Mr. BLANTON. No; but it was an outrage, was it not?

Mr. CRAMTON. I have just one more thing here and then I shall have finished.

ACQUIRING PARK LANDS

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. MORTON D. HULL. Reverting back to the lands to be acquired, the gentleman said somebody was offering a million dollars. Is the name of the donor public?

Mr. CRAMTON. I am not in a position to give it out.

Mr. KNUTSON. What steps are being taken to save the Sequoia Forests?

Mr. CRAMTON. Does the gentleman mean the redwoods of California, outside of the park?

Mr. KNUTSON. Yes.

Mr. CRAMTON. The gentleman might have in mind the timber in the Yosemite. It is not Sequoia, but it is beautiful timber greatly needed for the park. That, of course, is involved in this million for the Yosemite. There are other holdings in California that I am not entirely familiar with. I think they call them the redwoods. They are outside of any park area.

Mr. KNUTSON. Has the committee had that up at all?

Mr. CRAMTON. It is not before us in any way, of course, as they are not in a park.

DEPARTMENTAL COOPERATION

I have taken more time than I had intended, but I am not entirely responsible for that. In the course of the study of this bill one need became apparent to our committee, and that was the need of a greater cooperation between the different agencies of the Government. We ought not to have to set up in each department an organization to do the same thing. If the Department of Agriculture is carrying on certain studies of land and certain work in connection with the teaching of the best methods of agriculture we ought not to have to set up in the Interior Department the same kind of an organization.

I have a statement here from Doctor Meade which says when they are trying to develop reclamation projects and they call on the Department of Agriculture for information which that department has they are likely to be told they will have to wait until the information is published and printed, so that they can read it as the general public would and do not get the extracts they ought to have. The Indian Service are gentle in what they state, rather careful in their criticism of their friends in the other departments, but it is my judgment also they do not get the cooperation from the Department of Agriculture that they should with reference to teaching agricultural methods to the Indians. It all comes from the same Treasury, and they ought to be as willing to use the money Congress gives them to teach agriculture to the wards of the Nation as to teach them to your constituents and mine. Furthermore, thought has been given with reference to the work of the Geological Survey. That survey is carrying on, among other features, a topographic map of the United States.

It is contemplated it will be finished in 30 years, but it can not be done in that time. We are carrying that on under cooperation of State and Federal funds, half and half. Forty-seven per cent has now been done and 53 per cent is to be done. It is urgently needed. It is the foundation, carried on by Federal, State, and municipalities, and it ought to move as rapidly as possible. The work is a much needed work, and still, when Dr. George Otis Smith asked the War Department, with all their many planes, when he asked them to use some of their planes to make some air maps much needed they made all kinds of excuses. When he asked them to make aerial photographs the War Department said they would not make them for them unless they would first find, after advertising, that they could get it done by a private concern as cheaply as they can do it, and then the Comptroller General said you can not advertise for private bids, because you have no authority to ask for them under the law. So they were up against it. It illustrates the kind of legislation we have to put in the bill where it ties right into the expenditure in such a way it makes it imperative and directly related to it. We have this provision:

During the fiscal years 1929 and 1930, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for topographic mapping projects, in so far as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army and Navy flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, and the Department of the Interior is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the War or Navy Department is unable to furnish such photographs in time to meet the needs for which they are requested, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs.

It is a question whether the War Department will have excuses to prevent them from doing the work. These things are not so easy to force, but Congress owes it to the country to require these various departments to work in harmony and work efficiently, and that always means close cooperation of the various departments.

HOWARD UNIVERSITY

This bill carries an increase in the item for salaries at Howard University. That money, we are assured, is not to be used for salary increases but for greatly needed additional personnel.

It will interest the House to know that after many years, with annual points of order in the House against these items for this great national university for the colored race, a law is about to be placed on our statute books that will authorize such appropriations. That legislation was suggested by me several

years ago and was drafted by me and first introduced by me in the House in December, 1924, in the following language:

A bill to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

A bill in that identical language, as first suggested by me in 1924, passed the House in the last session and yesterday was passed by the Senate and has gone to the President. I trust it will soon become law. That will make possible a more definite and orderly consideration of the needs of that growing institution. I feel that the contributions by the Federal Government should be on a well-thought-out plan of permanent physical improvements.

Mr. WAINWRIGHT. Will the gentleman yield for a brief question?

Mr. CRAMTON. I will.

Mr. WAINWRIGHT. Does not the gentleman's remark in regard to the lack of cooperation rather suggest the plan sometimes to the gentleman that we might have a coordinator in reference to the various activities which the gentleman has indicated?

Mr. CRAMTON. Well, he would have a busy job to do this. It is not a situation that can always be remedied, a situation where everything required can be obtained. I think possibly a strongly expressed sentiment on the part of Congress would be very helpful. It seems to me it is a very short-sighted policy on the part of the Army or the Department of Agriculture or any other department to fail to take advantage of any opportunity to render a useful service to another branch of the Government that would result in the saving of money.

Mr. WAINWRIGHT. Of course, that occurred to me with a very much broader significance than the situation existing merely between two departments. There must be many other cases where the activities and functions of the different departments should coordinate more than they do to-day.

Mr. CRAMTON. I would not want it to be thought that any of the matters I referred to are impossible. I think great things have been done by the Budget Office. Their interdepartmental conferences accomplish many good things.

Mr. WAINWRIGHT. I am speaking now in regard to the functions of the various departments.

Mr. CRAMTON. Personally, I may say that while it is not on this bill, I think we could well have only one department of national defense.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. KNUTSON. One department wants an aeronautical conference called. Did it ever occur to you to call the Chief of Aeronautics of the War Department before the committee and inform him that we have had only a certain amount of money to spend for aviation, and ask him if he could contrive to cooperate with the Geological Survey in making aerial surveys, because that would have to come out of the War Department appropriation?

Mr. CRAMTON. My inquiry was directed as far as it was reasonable to go.

Mr. LEAVITT. Some progress has been made through the activities of offiicals of the Bureau of Efficiency.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. O'CONNOR of Louisiana. There is a widespread impression among Members and Federal employees that the Committee on Appropriations is engaged in trying to work out something that is expected to be a cure to the Welch bill in so far as it has failed to provide for the underpaid and poorly paid employees.

Mr. CRAMTON. Yes. I have spoken of that. Whatever action is taken on that will be brought in by the chairman of our committee, the gentleman from Kansas [Mr. ANTHONY], and will reach all the departments.

Mr. O'CONNOR of Louisiana. This proviso, on page 2 of this bill, has nothing to do with that? I mean the proviso which is apparently a limitation with regard to the payment of salaries and which I think was carried in all of the appropriation bills last year in the same phraseology.

Mr. CRAMTON. No; it has nothing to do with that.

The CHAIRMAN. The gentleman from Michigan has consumed 1 hour and 50 minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, I am not going to discuss the bill at this time. But as a member of this committee from the West it seems to me appropriate to say that the entire West should and does have a very great appreciation of the exhaustive and painstaking investigation, the conscientious self-denial, diligence, and industrious hard work that the chairman of this subcommittee has devoted to this bill.

As you all know, the Interior Department appropriation bill is a western measure. It is a bill that pertains very little to either the East or North or South. The constituents of the gentleman from Michigan or his State have little concern about the thousands of items carried in this bill or the nearly $300,000,000 that it appropriates. But this bill is of tremendous importance to the welfare and development of all the arid mountainous West, and when a man from the northern middle part of this country gives many years of his life, including his vacations, to an earnest research and study of the conditions of the over 200 Indian tribes and schools and reservations, and about 20 national parks and about 30 irrigation reclamation projects, many national monuments, public-land matters and Government surveys, and many other western activities and masters all those thousands of details, and presents them to the House as intelligently and clearly as he does every year, he is not only rendering a great service to the West but also to the entire country generally. I feel that he is entitled at least to an expression of appreciation from the western Members of this House, and I am very glad to utter it on their behalf. [Applause.]

I yield 15 minutes to the gentleman from Minnesota [Mr. KVALE].

The CHAIRMAN. The gentleman from Minnesota [Mr. KVALE] is recognized for 15 minutes.

Mr. KVALE. Mr. Chairman and gentlemen, undoubtedly a great many people in the United States were disappointed when the news dispatches conveyed the intelligence that our Quaker President elect had selected a military officer to be chairman of the inaugural committee. And far greater and keener was the disappointment when, this morning, we read that in a cablegram from the President elect outlining his desires, the program carried out for Calvin Coolidge's inaugural four years ago is to be used as a model by Col. U. S. Grant, 3d. Hoover, Doctor Work announces, informed him that he desired an inaugural modeled after his program carried out in the inauguration four years ago of Calvin Coolidge.

In May of this year, I spoke briefly on the coming inauguration parade. I do not wish to repeat in toto what I said on that occasion. But in view of what has transpired the last few days, and because of the news items carried in the papers this morning regarding the plans for the next inaugural, I deem it fitting and proper to renew my protest and my appeal of last spring. Instead of referring you to what I said at that time, I am taking the liberty of repeating portions of it here, in order, if possible, to bring the subject more forcibly to the attention of the inaugural committee, which is holding its first meeting this very afternoon.

Those of you who witnessed the inauguration parade in 1925, will agree with me that it might well have been a war parade back in 1914 under Kaiser Wilhelm or the French militarists instead of a parade celebrating the inauguration of a President of a nation whose citizens are supposed to be devoted to peace and peaceful pursuits.

I said at the time, and I say it again, that I grew sick at the sight of all those war paraphernalia. There were two troops of Cavalry as escort to the President, the Twelfth Infantry Regiment, an Engineer band, a battalion of Engineers, the Fifty-sixth Regiment Air Service, the Third Cavalry Band, the First Battalion of the Sixteenth Field Artillery, the Sixth Field Artillery Band, Tank Corps personnel with 48 tanks.

The marine and naval contingent comprised a regiment of naval men from Hampton Roads naval base, the Navy Band, the Fifth Regiment of marines from Quantico, Va., the Marine Band, a detachment of troops from Marine Barracks and the navy yard in the District of Columbia.

The whole parade seemed nothing but a display of uniforms, guns, machine guns, caissons, tanks, and all the accessories of war.

And worst of all, there were 48 rumbling, trundling tanks. Not one, mind you, but 48 of them. If guns and swords, bayonets, machine guns, tanks, and all the man-killing and man-maiming instruments of modern warfare are to be exhibited to

the gaze of a patriotic throng in attendance at the inauguration of their Chief Executive, why not complete the picture and satisfy the morbid, bloodthirsty beings hungry for such a spectacle by exhibiting as a part of the parade a few more of the instruments used in times past for taking human life?

In other words, if the inauguration of a President of the United States in a time of peace—at a time when the clamor of the whole civilized world is for the ending and the outlawry of war, when the multilateral treaty, the so-called Kellogg treaty, in my estimation more rightfully designated the Borah treaty, for the outlawry of war, has been signed by the governments of nearly all the civilized nations of the world, just now when the Pan American Conference on Arbitration and Conciliation is holding its meeting in our Capital—if the inauguration features planned by the committee in session these days are to be overshadowed by a parade glorifying the wholesale murder and slaughter called war, why not make it complete, why not show it up in all its barbaric, satanic bestiality and gruesomeness?

Let some one impersonate Socrates drinking the hemlock.

Give us an arena with real lions, and animals dressed in the clothes of human beings torn to pieces by them.

Erect a replica of the Roman instrument of torture and killing, and have some soldiers nailing a human form to the cross and hoisting it in the air.

Let forms representing human bodies be dragged at the end of triumphant chariots.

Let there be a Procrustean bed and something representing a living human being stretched to conform to the size of the bed or have its limbs sawed off for the same purpose.

The picture would be decidedly incomplete without a human torch in effigy. There must be a burning at the stake.

Of course, the gallows must have a place in the procession. The trapdoor and all, with something representing a human form dangling in the noose.

Naturally we must have a float showing some one being roasted alive over a real fire.

And by all means let us have the modern version of that hellish torture, the electric chair, in which we roast and toast people alive in our would-be Christian civilization.

Also, there must be a platform 12 feet square with a guillotine and a human head rolling into the basket.

But the real features are neglected in the modern warfare exhibit. Let us have it in all its hideousness. We see the rifles, machine guns, artillery, and tanks; why have the barbed wire, the shattering grenades, the poison gases, the flame throwers, the trench daggers with metal knuckles, the numerous other death and torture dealing weapons and instruments been omitted from the spectacle? Give us a large float with a miniature city populated by mice and guinea pigs, so that we may have a hint of what lethal gas can do and will do in the next war. Let us see war in its hideousness, with the wire, trenches, lice and vermin, reek and stench, disfigurement and gore, instantaneous death, lingering death, even living death.

In short, if the parade at the inaugural ceremonies is to portray war instead of peace, let it not be simply glorification of war by giving us a picture of beautiful uniforms, gleaming ornaments, shining weapons giving off the sunlight's glint, prancing steeds with sleek coats and polished hoofs, medals and insignia, salutes, and martial music. Let us have a true picture, an honest portrayal of man's inhumanity to man, in the hundred different ways of torturing and killing our fellow humans.

I have cited but a few examples. I might insert a list of more than 2,000 instruments of torture and killing employed by punitive groups from antiquity down to the present time. The vast majority of them, and the most inhuman among them all, the most devilishly devised, have had their origin in a so-called Christian civilization. And there are devices and instruments, methods, and plans now being perfected which challenge our very imagination and our conception of wholesale death, which, if ever used, will make the World War shambles dwindle into insignificance.

In the name of decency, in the name of humanity, in the name of every Christian in this Nation, in the very name of the Prince of Peace, I solemnly protest against making our festive events and ceremonies—and especially the inauguration of our Presidents—the occasions for glorifying war and the taking of human life. If we want the world to believe us even half civilized, let the instruments of killing, of wholesale murder and slaughter be banished forever from our public parades.

O Mr. Chairman, I am not protesting against any and all participation in such ceremonies and parades by representative groups and detachments from each arm of our national defense. Certainly our well-drilled, well-equipped, well-disciplined troops are to us as citizens a matter of pride; we recognize their proper place in our scheme of government, and any parade might well be considered incomplete without their rhythmic, swinging march.

And certainly those aged heroes of the more distant wars, who constituted the President's guard of honor, belonged in the position of honor which they were accorded in conformity with the President's wish. But, mind you, they did not exhibit the weapons and instruments they used in their war to inflict death and torture.

Nor do I protest against the military and naval bands which participated in the cavalcade. Our Army, Marine, and Navy Bands are admittedly in the forefront of such musical organizations, and their stirring strains of marches and national airs could not well be dispensed with. My protest is not directed against the participation in the parade of the men of our Army, our Navy, and the marines. My protest is against the gruesome spectacle of war and the glorifying of war being paraded before the eyes of the Nation instead of utilizing such an impressive and colorful spectacle in the interests of peace.

Had I the time I could easily point out a hundred different ways in which the parade could exemplify the pursuits of peace instead of war; in which it could be representative of all the departments in the Chief Executive's branch of our Government, instead of a War Department field day. It should not be necessary. Visualize a parade showing the marvelous advance and progress in science, in art and invention, in all fields of endeavor which make for progress in human liberty, mercy, and brotherhood. What limitless, endless opportunities for showing not instruments for the taking of human life, typical of the inhuman cruelty and hatred and revenge that finds its expression in the ghastly horror of modern war, but devices for conserving and prolonging human life; enhancing and furthering the pursuits of peace and the spirit of brotherly love between man and man.

If President-elect Herbert Hoover, the first Quaker to be elected President of the United States, sanctions the carrying out of plans for an inauguration parade as disgraceful as the one we witnessed in 1925, then I submit that the proper thing for him to do will be to send to his Quaker church a letter of withdrawal.

I here and now appeal to him, I adjure him—I believe I do so in the name of liberty-loving, peace-loving Christian men and women in the Nation—I appeal to him to make his inaugural parade not a messenger of war but a message of peace; so to arrange and order it that it shall conform to the views and opinions of the Christian civilization which he is chosen to represent and yet shall give fullest expression to the citizens who set aside that day in which to pay their respects and to honor their new President. [Applause.]

The CHAIRMAN. Does the gentleman from Minnesota yield back the balance of his time?

Mr. KVALE. Yes; I yield it back.

The CHAIRMAN. The gentleman from Minnesota yields back one minute.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen of the committee, in the last Congress there was a bill passed known as the Welch bill, the design of which was to give a living wage to the small wage earners of this Government, the ones who had not been taken care of in previous legislation.

There were numbers of employees who worked for the Government for less than a thousand dollars a year. There were many of them with wives and children to support. They were unable to furnish them with the proper necessities of life. That situation appealed to Congress. The committee having the matter in charge had hearings, the purpose of which was to remedy that condition, and a bill was passed designed to meet the situation.

But after Congress adjourned "the powers that be" here in Washington, in construing that bill, wrongfully construed it to mean that the higher positions could take all the money, all of the increases, and instead of any relief being granted to these poorly paid employees most of the money was exhausted in raising the already too high salaries of bureau chiefs.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. O'CONNELL. While the gentleman from Texas was absent the distinguished gentleman from Indiana [Mr. WOOD] called that interpretation of Mr. McCarl a monstrosity. It gave all the increases to the higher-bracket men.

Mr. BLANTON. Yes; and that is the only thing that has ever been put over the Comptroller General since he has been in office. That was put over by this other board here in Congress.

Mr. O'CONNELL. Did not the Comptroller General put it over on us?

Mr. BLANTON. No. He simply acquiesced in it being put over by another board. In other words, bureau chiefs who used to get $5,000, and who had their salaries raised by Congress to $7,500, by this interpretation now can draw $9,000, which was never intended by Congress at all.

Now, during the recess the Comptroller General has called attention to the fact that the superintendent of St. Elizabeths Insane Asylum, Doctor White, in addition to the $9,000 that he will draw under this wrongly interpreted Welch bill, is getting from this Government, in addition to his salary, the following, and here is the report of the Comptroller General of the United States, J. R. McCarl. He calls attention to the fact that Superintendent White is furnished by this Government with a residence with 19 rooms. Is there a Member of Congress out of the 435 occupying a more spacious habitation? If there is, show him to me. Here is what McCarl says this residence of 19 rooms embraces: 2 parlors, 1 library, 1 studio, 2 dining rooms, 6 bedrooms, 1 board room, 1 trunk room, 2 bathrooms, and 3 kitchen rooms. He estimates the value of the furniture which the Government is giving this superintendent free at an enormous sum. Then he shows that he is getting from the Government free laundry service worth $300; that he is getting telephone service worth $48; that he has a housekeeper who is paid $1,020; that he has one waitress for his home who is paid $960; that he is furnished one cook at $1,380 and an assistant cook at $1,080. Understand, this is not for the institution. They have numerous cooks and assistants. This is for his own private family residence, if you please. Then the Comptroller General says he is furnished his food free by the Government and that that food every year costs this Government $2,676. That he is furnished coal for his family kitchen that amounts to $195 a year; that he is furnished his cash salary and then other perquisites.

He is furnished with a fine limousine to ride around in and servants to take care of his residence, yards, and things. And this $11,000 a year the Comptroller General of the United States says he has no right by law to receive from the people's exchequer, and he has directed the Secretary of the Interior to stop it, but not a single step has been taken to stop it. On the contrary, we find our frugal friend from Michigan, the economist of the Appropriations Committee, the one who carries out the Budget policy of the President on the floor—we find him coming in to get around the McCarl decision with an item of legislation in this bill to make it the law that all of these things should be furnished this superintendent of St. Elizabeths. Thank God, we can stop this, because it is subject to a point of order, and I intend to make it when we reach the item and knock it out; and I hope this committee will not let the Senate or any of the other friends of the Department of the Interior who are taking care of this superintendent put it back into the bill; and if they do, I hope this House, when it comes to a vote, where we have to vote it up or down, will vote it down when the time comes.

It has been very opportune that on last Sunday morning—not in a Washington paper but in New York—there was published a foolish article from the former commissioner of this District, Frederick A. Fenning. I hate to disinter the dead, but he needs attention. He said the District had been hamstrung and he wanted to know who had hamstrung it. He asked the question, "Who has hamstrung the District of Columbia?" Now, there was a time when this commissioner thought that when he walked the District of Columbia walked. He imagined he was the District of Columbia.

There was a time in Washington when he was invited to every important function, but lately he can hardly find anyone who will sit by him at a public banquet. He is now conspicuous by his absence at the functions which he used to attend. He condemns Congress individually and as a whole in his article. I must read you something about this gentleman. He was investigated before our Gibson committee, composed of three Republicans and two Democrats, and I conducted the investigation and introduced the evidence against him, and here is what the Gibson committee found unanimously about him. Let me read it to you:

> The manner in which Mr. Fenning secured his business, the gross amount of fees he charged and received out of estates of insane veterans under his care, his continuance in the practice of the law and in the handling of estates of more than a hundred wards since he became commissioner, his method of writing his own bonds and receiving a portion of the premium and still charging the same to the estate of his wards, his attitude toward the enforcement of laws passed by Congress relative to the District of Columbia, and the consequent loss of confidence in him on the part of the public, makes his continuance in office incompatible with the best interests of the District.
>
> E. W. GIBSON, *Chairman.*
> FRANK L. BOWMAN.
> ROBERT G. HOUSTON.
> THOMAS L. BLANTON.
> RALPH GILBERT.

That is signed by E. W. GIBSON, of Vermont, chairman; FRANK L. BOWMAN, of West Virginia; ROBERT G. HOUSTON of Delaware; THOMAS L. BLANTON, of Texas; and RALPH GILBERT, of Kentucky. It was the unanimous report of the committee that investigated him. He was also investigated by the Judiciary Committee of this House, and I conducted same and presented the evidence, and after a long, patient hearing, a hearing by men who had been his personal friends, a hearing by men one of whom had been his neighbor in their summer homes up in Maine, a hearing by men who felt kindly toward him hitherto—here is what the majority of that committee said with respect to him. Let me quote from the Judiciary Committee report.

The majority said:

> The practice which Mr. Fenning followed of acting as agent for a bonding and surety company, writing his own bond as committee and charging the estate of his ward for the premium and receiving from the bonding company a commission upon his bond or surety is illegal and contrary to law. * * * by reason of the great number of his wards his guardianship became impersonal and he could not and did not give to his wards that personal care and supervision which after all is the more important function of a guardian or committee, and which service was doubtless considered by the court as an element in allowing his compensation. We believe legislation should be promptly enacted which would in the future preclude any one person or corporation from acting as committee for more than a limited number of patients, in order that the committee may give to the ward that personal supervision so essential to his welfare. We further believe that in the first instance a near relative should be selected for this service, if a suitable person can be found, but if not, then provision should be made for a committee to be selected by the court. * * * the business relations of Mr. Fenning with these officials were of such a close nature and extended over so many years as to suggest that Mr. Fenning was given the preference in seeking clientage among the patients confined in that institution. The practice which seems to have grown up in this District, extending over a period of some 23 years, whereby Mr. Fenning was able to become the committee of hundreds of insane patients, many of them veterans of wars to whom the Government was making liberal allowances, and from which allowances Mr. Fenning was enabled to collect commissions, which commissions during the high tide of his committeeship amounted to approximately $20,000 per year, is a practice which can not be too severely criticized and condemned, and Congress should forthwith and without delay enact legislation which will forever correct this evil and prevent anyone in the future from profiting from the misfortunes of others who in times of distress sacrificed in behalf of our country.
>
> There was evidence submitted upon the question of Mr. Fenning's connection with a certain banking institution and with a certain undertaking establishment, but taken in connection with the practice Mr. Fenning pursued in becoming committee for a large number of patients, the large amount of money coming into his hands because of such activities, points to the building up of a system through which all the profits accruing might go to Mr. Fenning or to some corporation, and is a further argument against one person acting as committee for so many unfortunates.
>
> Where insane ex-soldiers, sailors, and marines are concerned the United States Government should have officials designated to look after, without charge, the estates of such persons, and that no part of said estates should be expended in commissions or fees; but that the whole of the estates should be for the sole benefit of the veterans and their dependents.
>
> The committee should not accept pay, directly or indirectly, while occuping a fiduciary relation, other than by direct allowance by the court, and even then we think that in no case should the allowance exceed 10 per cent of the estate of the ward.
>
> It appears from the evidence that officials of the District of Columbia transact business with the District through corporations in which they are directly or indirectly interested. This is a practice which is subject to severe criticism and condemnation, and if continued necessarily leads to favoritism, and officials who follow this practice can not give impartial service to the District of Columbia. The practice should not be allowed.

Not only was he thus condemned by a majority of the committee, but I want to read you some excerpts from what certain individuals on the Judiciary Committee saw fit to put into the report themselves as their individual views. Never before in

the history of this Congress have so many members of the great Judiciary Committee filed individual opinions concerning any matter that had been under investigation by them. Let me read you just a few of them.

This is from our distinguished colleague, SAM C. MAJOR, a member of the Judiciary Committee:

I wish to say that I feel convinced that the usefulness of this commissioner in the District is at an end and that the interests of this Government and of the District can be best subserved by his immediate removal by the only authority that can remove him—the power that created him—the President of the United States.

SAM C. MAJOR.

Here is one from a former governor of the great Commonwealth of Virginia, our present colleague, Hon. A. J. MONTAGUE:

1. The evidence discloses that the respondent became the committee of an astounding number of insane patients in the St. Elizabeths Hospital, and that he in the main secured these fiduciary positions through improper and reprehensible methods which he has employed with a diligence and ingenuity worthy of a better cause.

2. That respondent was energetic and resourceful in securing improper commissions, premiums, and compensations out of his wards' estates or by reason of his relations and associations growing out of or connected directly or indirectly with these fiduciary trusts.

3. That his monopoly of these trusts, and his methods of charging them with all the law allowed, and in some instances with more than the law allowed—for example, his unlawful collections of premiums on fiduciary bonds issued by a corporation of which he was agent—evince a sordid sense of duty, resulting in unjustifiable practices.

4. That in consideration of the foregoing reasons and facts, together with the general standard of fiduciary conduct of the respondent, as shown by the evidence, I am compelled to conclude that he is unfit for any official position of high trust and responsibility.

A. J. MONTAGUE.

That was signed by a former governor of the great Commonwealth of Virginia, our distinguished colleague, Hon. A. J. MONTAGUE.

Let me quote conclusions from other members of the Judiciary Committee. Here is one from HENRY ST. GEORGE TUCKER, of Virginia, descended from a family of statesmen in this country, a former president of the American Bar Association, if you please, and here is what HENRY ST. GEORGE TUCKER says about Frederick A. Fenning:

On a review of the whole evidence in this case we feel that the practice which has existed in the District of Columbia by which one man had secured practically a monopoly of the business involving the guardianship of unfortunates, among whom are very many veterans of the late war, is to be strongly condemned. Commissioner Fenning's organization seemed to lack no element of completeness. When he determined to enter upon this line of practice, he notified the judges of the District, his fellow members of the bar, of his intention. But where were his clients to come from? He naturally casts a longing eye toward St. Elizabeths Hospital, with its spacious buildings and hundreds of inmates that might amply satisfy his ambitions; and so a friendship speedily arose between the superintendent, Doctor White, and himself, during which they became partners in a real-estate concern, and St. Elizabeths soon was sending forth her insane veterans to his door, whose estates, if not their personal care, were to rest securely in the hands of Mr. Fenning. The coming of groups of shell-shocked veterans to the hospital was fittingly celebrated always by Mr. Fenning's presence, and his entrée to the papers of these unfortunates was recognized practically as his exclusive privilege.

Feeling that the tide of business that was flowing from St. Elizabeths might not be sufficient to fill the full measure of his ambition, the Veterans' Bureau arose on the horizon as a fitting adjunct to St. Elizabeths in supplying his needs and from this source soon flowed a stream of World War veterans to complete his success.

But should these two sources of clientage be exhausted, as they might be, he was not unmindful of the Laurel Sanitarium, near by, in the State of Maryland, which offered ample fields to add to those who might be under his tutelage and care, and so he became a director in that institution.

But even these did not seem to satisfy his ambition; for finding that the undertakers who bury the dead soldiers often had to go into court for the appointment of an administrator that they might secure from the estate of the deceased their burial fees, it was soon found that he had become a stockholder in the Joseph Gawler's Sons (Inc.), an undertaker's establishment, and a director in the same concern and also counsel, and the evidence discloses that a number of bodies of these unfortunates were sent to this establishment for burial at a cost largely in excess of that provided by the Government.

The result of this campact and orderly organization for the practice of the law could have but one result, and that is, that as his income increased by the number of cases that came to him, by just that much was his care of these unfortunates under his charge diminished, for as the number increased his capacity for attention to them was thereby diminished. The greater his success attained by and through their estates, the greater necessarily was their neglect. His rise was their downfall. From the lofty peaks of his financial success, brought to him by his wards, he was forced to see in the depths below him, day by day, the halting, faltering footsteps of men bereft of reason, whose "martial drumbeat encircling the earth," in serried ranks had wrested liberty for the world from the greatest military autocrat of the ages. The dire results to the veterans as thus seen naturally followed from the character of his business.

His fees and commissions in a few years amounted to $100,000, in round figures, without his wards receiving that attention which was their rightful due. We unqualifiedly condemn this practice, and recommend that in all cases a relative should be secured as committee for these unfortunates, if it is possible to find one, and if not, that a public guardian be established by law, whose duty it shall be to care for the welfare, health, and advancement of their condition.

We heartily condemn the practice which has been carried on by Mr. Fenning for years in which, as agent for a bonding company, he wrote his own bonds, charging the expense of it to his ward's estate and receiving for himself one-fourth of his commission on each bond instead of giving it to his ward's estate.

Reviewing the whole evidence in this case in its many ramifications, and especially in relation to the welfare of the people of the District of Columbia, we are brought to the reluctant conclusion that Commissioner Fenning's usefulness as an officer of the District is at an end. Holding these views, we recommend that a copy of the evidence in these proceedings be sent with our report, if adopted by the House, to the Attorney General of the United States, that that high officer, in fulfillment of his constitutional obligations, may take such measures as will meet the requirements of the case.

H. ST. GEORGE TUCKER.

Note the foregoing was signed "H. ST. GEORGE TUCKER," who is one of the leading lawyers of the United States.

Is it any wonder that Frederick A. Fenning has finally realized that "he has been hamstrung"?

Here is another one from our distinguished friends, FRED H. DOMINICK and ZEBULON WEAVER, signed jointly by them as members of the Judiciary Committee:

We feel that the facts in this case, instead of calling for some mild rebuke and very general recommendations, demand some action by Congress looking to the removal of Mr. Fenning from office as a Commissioner of the District of Columbia, either by impeachment or otherwise, and for the relief of the unfortunate World War veterans whose estates he has been handling.

It is shown that he received more as fees and commissions from each one of these cases than he allowed the ward for clothes and spending money. He is shown to be a stockholder and director in an undertaker's establishment through which these boys were buried when they died.

He was his own bonding agent and collected and appropriated to his own use out of his wards' estate 25 per cent commissions on the premiums on said bonds, in violation of law.

It can not be disputed from the facts developed in this record that there is an unholy collusion between White and Fenning to exploit the insane wards of St. Elizabeths for pecuniary profit.

Upon all the facts in this case, as developed by this record, we think that positive action by the House is imperative, and we therefore recommend his impeachment and removal from office, and that proceedings be instituted at once by the proper authorities to remove him from his present position as guardian for these unfortunate wards and have all their estates audited; also to recover back to them the funds which he has wrongfully collected from them, and that the Department of Justice be directed to institute proper proceedings to punish him for his unlawful misconduct.

Respectfully submitted.

FRED H. DOMINICK,
ZEBULON WEAVER.

Now, listen! This man White is the man to whom our friend from Michigan is asking this House to give, in addition to his salary of $9,000 a year, this 19-room residence, if you please, and all of these other things which I have mentioned. Listen to what these gentlemen say about him:

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. SCHAFER. Perhaps Doctor White needed a house with 19 rooms, so he could entertain his friend Fenning when he visited him in the style to which Fenning was accustomed. A man who obtained wealth even by robbing the insane soldiers of the late war as Fenning did would demand lavish entertainment.

Mr. BLANTON. No; he would not need but one back room if Fenning visited him, because nobody else of any standing would be there.

Mr. SCHAFER. As a lawyer, does not the gentleman think the testimony before the different committees of the House revealed such crimes as would have justified the internment of Mr. Fenning in the Atlanta Penitentiary?

Mr. BLANTON. He ought to be there for the rest of his natural life.

Mr. SCHAFER. I agree with the gentleman on that.

Mr. BLANTON. Here is what they said about this director of St. Elizabeths Hospital, Dr. William A. White, being a joint conspirator in wrongdoing with Fenning:

It can not be disputed from the facts developed in this record that there is an unholy collusion between White and Fenning to exploit the insane wards of St. Elizabeths for pecuniary profit.

This is signed by FRED H. DOMINICK and ZEBULON WEAVER.

Here is another conclusion from members of the Judiciary Committee signed by our distinguished colleague from Texas [Mr. SUMNERS] and our distinguished colleague from Alabama [W. B. BOWLING]:

In our view, as a central fact it has been clearly established that Mr. Fenning, having determined that he would become a professional committee or guardian for insane persons as a matter of revenue to himself, set about procuring himself to be designated as such committee. That he established such contract with St. Elizabeths Hospital for the Insane. That he received preferential opportunities for appointment as committee. That he was instrumental in procuring judgments of commitment in many cases in which he was appointed. That he charged against the estates of his wards, over and above the amount paid by him, the agent's commission, when as a matter of fact he held the agency himself. And in specific instances, as developed during the hearings, was guilty of conduct toward his wards utterly at variance with the obligations resting upon him as a guardian of this class of unfortunates.

In our view, the selection of this means of making money and the methods resorted to as disclosed by the records of the hearing before the Judiciary Committee of the House, show that Mr. Fenning is a person unfit to hold the office of Commissioner of the District of Columbia.

HATTON W. SUMNERS.
W. B. BOWLING.

That was signed by HATTON W. SUMNERS and W. B. BOWLING. But here is the climax.

After these hearings were concluded, and after we had brought the evidence against him before the people of the country, the Washington Post, which up to that very moment had defended him every step of the way, and when the resolution was first offered to investigate him had said that the resolution ought to be thrown in the wastebasket and condemned me for introducing it—here is what the Washington Post said after the investigation was over. I quote this from an editorial of the Post of June 13, 1926:

The protracted inquiry into the affairs of District Commissioner Frederick A. Fenning has resulted in a report by the House subcommittee on the District of Columbia severely criticizing that official and stating that his continuance in office is incompatible with the best interests of the District.

The people of Washington have noted with chagrin the revelation of one fact after another which, when assembled, have destroyed their confidence in Mr. Fenning and convinced them that his usefulness as a commissioner is at an end. They have reached this conclusion with reluctance, and after giving Mr. Fenning the benefit of every doubt.

Mr. Fenning has fallen short of the requirements of his high office. His retirement is desirable and necessary.

Is it any wonder that Frederick A. Fenning has at last concluded himself that "he is hamstrung"?

But I want to take my hat off to the Washington Times and the Washington Herald.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman from Texas 10 minutes more.

Mr. BLANTON. I thank the gentleman.

I want to take off my hat in this instance at least to the Hearst publications, and this is the first time I have ever done it in my life.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. It is not a Hearst publication that Fenning is an "editorial" writer for—the New York World is not a Hearst paper.

Mr. BLANTON. No; but I was speaking of Hearst's papers in Washington.

Mr. SCHAFER. Is Fenning a member of their staff?

Mr. BLANTON. I do not think so, but I want to take my hat off to the Hearst publications in Washington for rendering the people of this country a signal service. When the distinguished Judiciary Committee—and it is one of the most important committees of this House, presided over by my good friend from Pennsylvania—when this committee spent its time investigating this case and digesting all the evidence I had brought out, the Times and the Herald, which had been as reluctant to believe it as the Post, were convinced that he was unfit for office; here is what the Herald the next morning, and the Times that evening, said in great, big, box-car letters an inch long:

"Get out!" in great big letters an inch high. Who were they talking about? This same Fenning who is called up out of his grave to write articles in the New York World about Congress hamstringing the District. He asks the question, "Who hamstrung the District?" Well, if he is the District I want him to understand that I am one of those who helped to do it, and I am proud of it. We do not want any of his kind of cattle handling the business of the Government.

Here is what the Times said editorially on June 7, 1926:

GET OUT

To Commissioner FREDERICK A. FENNING:

Get out!

Resign!

As a member of the Board of District Commissioners you are an embarrassment to the President of the United States, who appointed you to office.

You are an embarrassment to the other members of the board, who are forced to serve with you.

You are a thorn in the side of the Republican Party, whose legislators approved you.

You are a disappointment to the District politicians who suggested you for office.

You are an official eyesore to America's sons who served in the war; and

The people of the District of Columbia don't want you as commissioner!

Your practices are condemned by even your political supporters.

Last-minute trickery saved you from congressional action demanding your removal from office.

You are a hard fighter. You proved your courage and your astuteness in your battle to save your job.

But the battle is over and you have lost.

If the voteless people of Washington had the right to choose their officials you would probably never have been made commissioner.

If Washingtonians had the right of recall you would have been ousted when you arbitrarily "broke" a respected police officer without giving him a hearing in his own defense.

You made a mistake when you accepted office.

You made another mistake when you continued your private practice while acting as a public official.

You make another mistake if you fail to realize that the people of Washington want you to resign. Apparently the only person who wants you to continue in office is Frederick A. Fenning.

The vote is more than 500,000 to 1 against you, Mr. Fenning.

In behalf of the residents of the District of Columbia, the Washington Times demands that you

Get out!

Well, he got out. Naturally he feels hamstrung. What caused him to be resurrected? A New York paper did. He speaks of a policeman whom the entire board here crucified, and he said that a certain Congressman ought to be condemned for having defended him.

Well, in conclusion I want to say that we have many moral duties to perform that are unpleasant. For instance, I had a duty to perform to my party. I believe in party government. I am a party man. Why, party responsibility is the only safeguard on God's earth that the people have against improper government officials. If one party does wrong the people have the right to kick it out and put in another. It became my duty recently to my party, from whom I have received favors for 20 years, to support a nominee that I did not believe in and whose policies I never believed in and whose main platform I was against—but I had to support him. I made a great personal sacrifice when I did, politically and otherwise. I had to make a personal sacrifice to defend the policeman. But it was my moral duty to do it. There was a policeman who had rendered a certain subcommittee of which I was a member a signal service in the matter that we were investigating. I would have been an ingrate, I would have been without any feeling of gratitude, if I had not stood by him. He helped us in another investigation, which showed that there were 3,000 bootleggers in Washington selling whisky unlawfully.

Mr. SCHAFER. Will the gentleman yield?

Did the gentleman support Al Smith with a view to doing away with these 3,000 whisky places? [Laughter.]

Mr. BLANTON. I did not notice that Mr. Hoover's Cabinet had stopped any of these 3,000 bootleggers from selling liquor, or that they had stopped the green-hat man, Cassidy, from operating in the House Office Building. He operated just as well after he was arrested as before. I did not notice that they ever closed up any "joint" in the District. I have not noticed that Mr. Hoover or his Republican administration has ever done one single thing substantially to enforce the liquor law of the United States other than to expend money and once in a while give a fellow a $30 fine, which is a cheap license to do the very thing the law says it shall not do.

Mr. SCHAFER. Did the gentleman from Texas vote for the amendment of the gentleman from New York [Mr. LAGUARDIA] increasing the prohibition appropriation?

Mr. BLANTON. Oh, that was not a prohibition amendment; that came from a "wet." [Laughter.]

Now here is what your distinguished chairman, the lawyer from Vermont, Mr. GIBSON, of the subcommittee of the District of Columbia, said when interrogating the foreman of the grand jury:

Chairman GIBSON. It appears, Mr. McQuade, in the testimony given before this committee, that there are 3,000 persons selling liquor in the District of Columbia. Are we to take that as an indication that the law is not being enforced?

Mr. MCQUADE. I should not say so.

Chairman GIBSON. That is quite a large number for the National Capital, is it not?

Mr. MCQUADE. Yes, sir.

Mr. GILBERT. The grand jury has been in session going on three months, with 3,000 bootleggers so plying their trade, as to be matter of public knowledge, and the grand jury, of which you are foreman, has not returned a single indictment.

Mr. MCQUADE. There have been no cases presented to the grand jury.

Now, because we put the grand-jury foreman through a course of rubbing in the committee he concluded that it was this young policeman who gave him away. When we showed that the grand-jury foreman was in collusion with the gambling houses and that he had told the policemen who had warrants in their pockets not to serve them, and thus kept gambling joints from being closed up, he concluded that this young policeman had given him away. So in the home of his brother-in-law a few nights thereafter some ridiculous charges with no foundation therefor whatever were hatched up to frame him.

Then they framed him, this brave young policeman, who had helped our committee. Do you think that I was not going to stand by him? It was a moral obligation that I owed him, and I do not regret it. They framed him and they put him out of office, but if this Congress knew all of the facts that I know about that frame-up, the Congress would require that police board to put him back. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired. There being no further debate, the Clerk will read the bill for amendment under the 5-minute rule.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES

Secretary of the Interior, $15,000; First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $369,000, in all, $384,000: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C. pp. 65–71, secs. 661–673, 45 Stat. pp. 776–785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which is a perfecting amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 2, line 14, after the word "act," insert the words "as amended."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

For contingent expenses of the office of the Secretary and the bureaus and offices of the department; furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, including personal services of temporary or emergency telephone operators, street-car fares for use of messengers not exceeding $150, expressage, diagrams, awnings, filing devices, typewriters, adding, addressing, and check-signing machines, and other labor-saving devices, including the repair, exchange, and maintenance thereof; constructing model and other cases and furniture; postage stamps to prepay postage on foreign mail and for special-delivery and air-mail stamps for use in the United States; traveling expenses, including necessary expenses of inspectors; fuel and light; examination of estimates for appropriations in the field for any bureau, office, or service of the department; not exceeding $500 shall be available for the payment of damages caused to private property by department motor vehicles; purchase and exchange of motor trucks, motor cycles, and bicycles, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks, motor cycles, and bicycles to be used only for official purposes; rent of department garage; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the department, its bureaus and offices; expense of translations; not exceeding $500 for newspapers, for which payment may be made in advance; stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the department and its several bureaus and offices, and other absolutely necessary expenses not hereinbefore provided for, $110,000; and, in addition thereto, sums amounting to $71,000 for stationery supplies shall be deducted from other appropriations made for the fiscal year 1930, as follows: Surveying public lands, $2,000; protecting public lands and timber, $1,000; contingent expenses, local land offices, $2,500; Geological Survey, $4,000; Indian Service, $42,000; Freedmen's Hospital, $1,000; St. Elizabeths Hospital, $2,500; National Park Service, $4,000; Bureau of Reclamation, $12,000, any unexpended portion of which shall revert and be credited to the reclamation fund; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $110,000, the total appropriation for contingent expenses for the department and its several bureaus and offices for the fiscal year 1930.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word in order to ask a question. What is this item of "$2,500, St. Elizabeths Hospital," for?

Mr. CRAMTON. That is one of several items there authorizing transfers from appropriations elsewhere in the bill for the institutions named, to be used for the purchase of stationery.

Mr. BLANTON. It does not permit its use for any other purpose?

Mr. CRAMTON. No. The gentleman will see that it reads—

and, in addition thereto, sums amounting to $71,000 for stationery supplies, to be deducted—

And so forth.

Mr. BLANTON. But this $2,500 could not be used to pay any of Doctor White's maintenance charges?

Mr. CRAMTON. No. Those are amply provided for elsewhere under the bill.

Mr. BLANTON. I wanted to be sure that he could not get any part of this $2,500.

Mr. CRAMTON. This item has to do only with stationery supplies.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

For expenses necessary to the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $600,000: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

Mr. BLANTON. Mr. Chairman, I make the point of order against the proviso.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

Mr. BLANTON. I want the point of order pending, if we are going to rise now.

Mr. CRAMTON. Let us have the gentleman state his point of order.

Mr. BLANTON. I reserve it, so as to ask a question.

Mr. CRAMTON. I withdraw the motion to rise until I know what the point of order is.

Mr. BLANTON. I reserve it to ask a question.

Mr. CRAMTON. Very well.

Mr. BLANTON. Under the present law are they given one year in which to file an account? Does this not give them a longer time than they have by law?

Mr. CRAMTON. No. The situation is this: That proviso has been in the bill for two or three years. Before that, bills came in for these freight charges two or three of four years after the service was rendered. That seemed highly undesirable to our committee. It is a purpose for which a deficiency may be incurred——

Mr. BLANTON. If that is the case I withdraw the reservation.

Mr. CRAMTON. The agent that did the business might be off the job.

Mr. BLANTON. Why not amend by offering to insert the word "hereafter"? "*Provided*, That hereafter." If it is good, let us make it permanent right now.

Mr. CRAMTON. There is something in what the gentleman says, but he would have to make more of a change than that. As I understand it, the Clerk has read the paragraph, but not the next one. I move that the committee do now rise. We can consider then whether or not we want to amend it when we meet again.

The CHAIRMAN. Is the gentleman's point of order reserved?

Mr. BLANTON. I withdraw it. I think it is a good piece of legislation.

Mr. CRAMTON. It is not really legislation. We would not want to admit that. I move that the committee do now rise. I suggest to the gentleman from Texas that the question of amending the paragraph we can consider at the next meeting.

The CHAIRMAN. The gentleman from Texas withdraws his reservation of the point of order?

Mr. BLANTON. Yes; but it leaves the paragraph subject to amendment when we next meet.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15089, the Department of the Interior appropriation bill, and had come to no resolution thereon.

UNITED STATES COURT OF CUSTOMS APPEALS

Mr. GRAHAM. Mr. Speaker, I have been requested by the Committee on the Judiciary of the House to ask unanimous consent that the bill (H. R. 6687) be taken from the Speaker's desk, the Senate amendments disagreed to, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent——

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to ask what it is about. Our two leaders have gone from the House and they have requested me to look after unanimous consents, with the understanding that there would be no business.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. TAYLOR of Colorado. Could not the gentleman just as well present this to-morrow morning?

Mr. SNELL. This is only to send the bill to conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Mr. GRAHAM, Mr. HICKEY, and Mr. MAJOR of Missouri.

HUNTER LIGGETT AND ROBERT L. BULLARD, MAJOR GENERALS, UNITED STATES ARMY, RETIRED

Mr. FURLOW. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock to-night to file a report on the bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals of the United States Army, retired.

The SPEAKER. Is here objection?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, that report is by direction of the committee?

Mr. FURLOW. By direction of the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and referred to the appropriate committees, as follows:

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America; to the Committee on Public Buildings and Grounds.

S. Con. Res. 24. Concurrent resolution providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on March 4, 1929; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles, when the Speaker signed the same:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easements to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12312. An act for the relief of James Hunts Along;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; and

H. R. 13606. An act for the relief of Russell White Bear.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 12, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, December 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

A hearing of the subcommittee to consider H. R. 10741—a bill for the relief of J. F. McMurray.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To consider the bill proposing plans for a new House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

660. A communication from the President of the United States, transmitting record of a judgment rendered against the

Government by the United States District Court for the Eastern District of Virginia in special cases, amounting to $6,363.98 (H. Doc. No. 460); to the Committee on Appropriations and ordered to be printed.

661. A communication from the President of the United States, transmitting schedule covering certain claims allowed by the General Accounting Office, as shown by certificates of settlement transmitted to the Treasury Department for payment, in the sum of $69.33 (H. Doc. No. 461); to the Committee on Appropriations and ordered to be printed.

662. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury (H. Doc. No. 462); to the Committee on Appropriations and ordered to be printed.

663. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, which require an appropriation for their payment (H. Doc. No. 463); to the Committee on Appropriations and ordered to be printed.

664. A communication from the President of the United States, transmitting proposed draft of legislation affecting an existing appropriated fund, the Navy pension fund, under control of the Navy Department, authorizing payments therefrom in the amount of $42.40 (H. Doc. No. 464); to the Committee on Appropriations and ordered to be printed.

665. A communication from the President of the United States, transmitting list of judgments rendered by the Court of Claims, amounting to $897,096.89 (H. Doc. No. 465); to the Committee on Appropriations and ordered to be printed.

666. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years for refunding internal revenue and taxes illegally or erroneously collected, $75,000,000 (H. Doc. No. 466); to the Committee on Appropriations and ordered to be printed.

667. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1928 and prior years, amounting to $179,195.15, and a supplemental estimate of appropriation for the fiscal year 1929 amounting to $19,000, in all $198,195.15; also a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 467); to the Committee on Appropriations and ordered to be printed.

668. A communication from the President of the United States, transmitting schedules of claims amounting to $939,092.75, allowed by various divisions of the General Accounting Office as covered by certificates of settlement, and for the service of the several departments and independent offices (H. Doc. No. 468); to the Committee on Appropriations and ordered to be printed.

669. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of Mrs. Thelma Phelps Lester against the United States; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOYLAN: Committee on Military Affairs. H. R. 14152. A bill to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; without amendment (Rept. No. 1939). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 14153. A bill to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch; without amendment (Rept. No. 1940). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14154. A bill to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes; without amendment (Rept. No. 1941). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 14155. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 1942). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 14156. A bill to authorize an appropriation for the construction of a cannon powder blending unit at Picatinny Arsenal, Dover, N. J.; without amendment (Rept. No. 1943). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 14813. A bill to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; without amendment (Rept. No. 1944). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 15013. A bill to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928; without amendment (Rept. No. 1945). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 13990. A bill to authorize the President to present the distinguished flying cross to Orville Wright; with amendment (Rept. No. 1946). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired; with amendments (Rept. No. 1947). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7603) granting an increase of pension to Phoebe R. Weaver; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14063) granting a pension to Rachel Caroline Pardoe; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14497) granting an increase of pension to Mary J. Darling; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14632) granting a pension to Carrie E. Baldwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROY G. FITZGERALD: A bill (H. R. 15201) to extend the time for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHEAD: A bill (H. R. 15202) granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: A bill (H. R. 15203) providing for a revolving fund for the enforcement of the narcotic acts; to the Committee on the Judiciary.

By Mr. BOYLAN: A bill (H. R. 15204) to provide for the refitting of the frigate *Constitution;* to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 15205) to amend the act of May 4, 1898, as amended by the act of March 3, 1899, relating to the number of acting assistant surgeons in the Navy to be appointed by the President; to the Committee on Naval Affairs.

Also, a bill (H. R. 15206) to provide for advancement in rank of certain officers on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 15207) to declare the 11th day of November, celebrated and known as Armistice Day, a legal public holiday; to the Committee on the Judiciary.

By Mr. FISHER: A bill (H. R. 15208) to amend section 259 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HOFFMAN: A bill (H. R. 15209) to grant relief to those States which brought State-owned property into the Federal service in 1917; to the Committee on Military Affairs.

Also, a bill (H. R. 15210) to authorize promotion upon retirement of officers of the Army in recognition of World War service; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 15211) to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, as amended; to the Committee on Education.

By Mr. KINDRED: A bill (H. R. 15212) to establish a national institute of health, to authorize increased appropriations for the Hygienic Laboratory, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 15213) to authorize the Secretary of the Interior to develop power and to lease for power purposes structures of Indian irrigation projects, and for other purposes; to the Committee on Indian Affairs.

By Mr. PEAVEY: A bill (H. R. 15214) providing aid for Indians who are blind or blind and deaf; to the Committee on Indian Affairs.

By Mr. HOUSTON of Hawaii: A bill (H. R. 15215) to extend for a period of two years the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, as amended, in so far as they apply to the Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Indiana: A bill (H. R. 15216) to provide for the return of unused premiums collected on policies issued on the lives of seamen during the World War; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 15217) to amend section 3 of the act of July 17, 1914, entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals"; to the Committee on the Public Lands.

By Mr. MAPES: A bill (H. R. 15218) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK of Pennsylvania: A bill (H. R. 15219) for the relief of Margaret Thomkin; to the Committee on Military Affairs.

By Mr. BOYLAN: A bill (H. R. 15220) for the relief of Francis X. Callahan; to the Committee on Military Affairs.

By Mr. BRIGHAM: A bill (H. R. 15221) granting an increase of pension to Ednah Augusta Chappel Ross; to the Committee on Pensions.

By Mr. BROWNE: A bill (H. R. 15222) granting a pension to Edwin H. Tarbox; to the Committee on Pensions.

Also, a bill (H. R. 15223) granting an increase of pension to Elizabeth Wright; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 15224) for the relief of Upson-Walton Co.; to the Committee on Claims.

By Mr. CHRISTOPHERSON: A bill (H. R. 15225) authorizing the President to reappoint Capt. James Day Edgar, United States Army (retired), to the position and rank of captain, Medical Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 15226) for the relief of Edith Cook; to the Committee on Claims.

Also, a bill (H. R. 15227) to extend the benefits of the United States employees' compensation act to R. W. Dickerson; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 15228) granting to Edward Everett Sherrard a commission as captain in the Medical Corps, United States Army, as of July 1, 1918, and an honorable discharge as of November 11, 1918; to the Committee on Military Affairs.

Also, a bill (H. R. 15229) granting a pension to Warren L. Raynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15230) granting an increase of pension to Alice French; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15231) granting a pension to Margaret Bartlett; to the Committee on Pensions.

Also, a bill (H. R. 15232) to correct the military record of Louis Miner; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 15233) for the relief of James W. Walters; to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 15234) granting a pension to Emanuel Caywood; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 15235) granting a pension to George E. Rodgers; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 15236) granting a pension to Mark Y. Judd; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 15237) granting a pension to Urtilla N. Schroeder; to the Committee on Pensions.

By Mr. KURTZ: A bill (H. R. 15238) granting a pension to Anna N. Carson; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 15239) authorizing the President of the United States to present in the name of Congress a medal of honor to Lieut. Lester P. Maitland, Air Corps, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 15240) authorizing the President of the United States to present in the name of Congress a medal of honor to Lieut. Albert F. Hegenberger, Air Corps, United States Army; to the Committee on Military Affairs.

By Mr. McDUFFIE: A bill (H. R. 15241) for the retirement of James Floyd North, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. McLEOD: A bill (H. R. 15242) for reimbursement to Charles C. Kellogg; to the Committee on Claims.

By Mr. McSWEENEY: A bill (H. R. 15243) granting a pension to Emmor Burris; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15244) for the relief of Henry P. McMaster; to the Committee on Military Affairs.

By Mr. NELSON of Wisconsin: A bill (H. R. 15245) to refund Edgerton Creamery Co., Edgerton, Wis., income tax erroneously and illegally collected; to the Committee on Ways and Means.

By Mrs. NORTON of New Jersey: A bill (H. R. 15246) granting an increase of pension to Mary E. Fox; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 15247) granting a pension to Matilda Cranmer; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15248) granting an increase of pension to Mary A. Ford; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 15249) granting a pension to Etta F. Penrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15250) granting a pension to Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15251) granting an increase of pension to Emma Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15252) granting an increase of pension to Mahala Ann Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15253) granting an increase of pension to Sarah C. Rambo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15254) granting an increase of pension to Hattie McKeever; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15255) granting an increase of pension to Alice Keck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15256) granting an increase of pension to Martha Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15257) granting an increase of pension to Mary Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15258) granting an increase of pension to Margaret Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15259) granting an increase of pension to Phoebe E. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15260) granting an increase of pension to Caroline Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15261) granting an increase of pension to Victoria E. Boring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15262) granting an increase of pension to Addie Fishpaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15263) granting an increase of pension to Ellen McCabe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15264) granting an increase of pension to Ellen McQuade; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7939. By Mr. BLOOM: Petition of United States Customs Inspectors' Association of the Port of New York, indorsing the

Dale-Lehlbach retirement bill (S. 1727); to the Committee on the Civil Service.

7940. Also, resolution adopted by the Trustees and Superintendents of the Schools for the Blind in the United States, expressing appreciation to Congress for the increased appropriation for books and tangible apparatus and disapproving the diversion of these funds for the purpose of furnishing books free to the National Library for the Blind or to any other library; to the Committee on Appropriations.

7941. Also, petition of officers and members of County Cork Men's B., P. & P. Association, indorsing the Dale-Lehlbach retirement bill (S. 1727); to the Committee on the Civil Service.

7942. By Mr. CRAIL: Petition of American Legion Post 46, Culver City, Calif., favoring additional hospital facilities at Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

7943. Also, petition favoring additional hospital facilities at Soldiers' Home, Pacific Branch, Los. Angeles County, Calif.; to the Committee on Military Affairs.

7944. Also, petition favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

7945. Also, petition of John A. Martin Post, No. 153, Grand Army of the Republic, of Sawtelle, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

7946. By Mr. CRAMTON: Resolutions of the Michigan district of the Evangelical Lutheran Synod at its meeting held at Saginaw, Mich., June 20 to 26, 1928, protesting against the passage of legislation proposing a Federal department of education; to the Committee on Education.

7947. By Mr. ENGLEBRIGHT: Petition of California Forest Protective Association, urging the United States Department of Agriculture to take steps to prevent spread of European larch canker disease; to the Committee on Agriculture.

7948. By Mr. KINDRED: Petition of the Central Union Label Council of Greater New York, protesting against the passage of the Cuban parcel post bill (H. R. 9195), amending sections 2804 and 3402 of the Revised Statutes, as being a measure that would, if enacted, throw out of employment many cigar makers in the United States, and urging the United States Congress to defeat this legislation; to the Committee on the Post Office and Post Roads.

7949. Also, resolution of the County Cork Men's B., P. & P. Association, approving and indorsing the Dale-Lehlbach retirement bill (S. 1727) and petitioning the United States Congress to do all in their power to bring this bill to a vote at the earliest possible moment during the present session of Congress; to the Committee on the Civil Service.

7950. By Mr. LINDSAY: Petition of County Cork Men's B., P. & P. Association, in a resolution approving and indorsing the Dale-Lehlbach retirement bill and requesting that the bill be brought to a vote at an early date; to the Committee on the Civil Service.

7951. By Mr. O'CONNOR of New York: Resolutions of the American Printing House for the Blind, expressing appreciation of the attitude of Congress toward blind pupils in the schools of the United States; to the Committee on Appropriations.

7952. Also, a resolution of the County Cork Men's B., P. & P. Association, New York City, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7953. By Mr. O'CONNELL: Petition of the New York Institute for the Education of the Blind, thanking the Congress for the increased appropriation to $75,000 for books and tangible apparatus from $50,000; to the Committee on Appropriations.

7954. Also, petition of the County Cork Men's B., P. & P. Association of New York City, favoring the passage of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7955. Also, petition of the United States Customs Inspectors Association of the Port of New York, favoring the passage of the Dale-Lehlbach bill; to the Committee on the Civil Service.

7956. By Mr. QUAYLE: Petition of County Cork Men's B., P. & P. Association, urging the passage of the Dale-Lehlbach civil service retirement bill; to the Committee on the Civil Service.

7957. Also, petition of United States Customs Inspectors' Association of the Port of New York, member National Association United States Customs Inspectors, and member Civil Service Forum, New York State, urging the passage of the Dale-Lehlbach civil service retirement bill; to the Committee on the Civil Service.

7958. Also, petition of Central Union Labor Council of Greater New York, against the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on the Post Office and Post Roads.

SENATE

WEDNESDAY, *December 12, 1928*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Heavenly Father, lover of our souls, whose Spirit greets us at the threshold of the dawn, make us friends of all the world as we touch the hands and lives of men. Suffer us not to bruise the rightful self-respect of any by our malice or contempt. Help us by our sympathy to cheer the suffering, by our hopefulness to freshen those who droop in sorrow, by our striving on the heighths of great endeavor to strengthen in all the wholesome sense of the worth and joy of life, and bring us to the eventide free from conscious wrong and grateful for this day of serving Thee. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PROHIBITION ENFORCEMENT

Mr. BLEASE. Mr. President, on yesterday I presented two newspaper clippings with certain remarks in connection therewith and asked that they be printed in the RECORD, because I was very anxious that they should follow certain statements made previously. I would like to have printed in to-day's RECORD another short article from yesterday evening's Star, which I send to the desk.

The VICE PRESIDENT. Without objection, it is so ordered.

The clipping is as follows:

[From the Star, Washington, D. C., December 11, 1928]

THREE MEN HELD IN HIJACK EFFORT—FUTILE ATTEMPT IS MADE TO CAPTURE CARGO OF BOTTLED GOODS

Baltimore police and Federal agents are investigating a futile attempt last night by four men to "hijack" a $10,000 truck load of imported whiskies consigned to Spanish, Swiss, Italian, Honduran, and Haitian embassies here, and to-day were holding three men for questioning in the affair. They gave their names as George Martin, Howard Dublen, and John Herbert.

A truck in charge of Carl Poole had just received 217 cases of bottled goods from the British steamship *Davisian* and was proceeding to the United States appraiser's warehouse when a small coupé containing four men pulled abreast and crowded the truck to the curb.

Poole said the newcomers leaped from their machine and ordered him to return to the pier with the liquor.

Poole asked them to show their authority, whereupon, Poole said, they flourished guns, hauled him from his truck, and applied the butt end of an automatic to his skull.

But a crowd gathered quickly, according to the driver, and the men, becoming frightened, leaped into their coupé and drove away.

As a result of the hold-up attempt, Charles H. Holtzman, collector of customs, to-day ordered that future truck loads of whisky for transportation through the streets be attended by two armed guards in addition to the driver.

WORLD PEACE

Mr. SHEPPARD. Mr. President, I send to the desk a telegram which is in the nature of a memorial and ask that it may be read.

There being no objection, the telegram was referred to the Committee on Foreign Relations and was read, as follows:

HOUSTON, TEX., *December 11, 1928.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

We lend our heartiest indorsement to the Scripps-Howard "Kellogg antiwar treaty before Christmas" movement.

Mrs. LOUISE MASTERSON,
President of Houston League of Women Voters.
L. PEARL PERKINS,
Executive Secretary.

Mr. BRUCE. I should like to ask the Senator from Texas whether the communication which he has just sent to the desk reached him after Paraguay and Bolivia renounced war under the Kellogg peace pact and before they practically entered on war?

Mr. SHEPPARD. The telegram reached me this morning.

The VICE PRESIDENT. The telegram will be referred to the Committee on Foreign Relations.

A COUNTRY WHITE HOUSE

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter of the President which appeared in the St. Louis Post-Dispatch on December 9, together with an editorial on the subject therein discussed.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

A SUGGESTION CONCERNING THE PRESIDENCY

By Calvin Coolidge, President of the United States

THE WHITE HOUSE,
Superior, Wis., August 10, 1928.

Mr. JOSEPH PULITZER,
Editor the Post-Dispatch, St. Louis, Mo.

MY DEAR MR. PULITZER: Your message advising me that the Post-Dispatch is planning on celebrating its fiftieth anniversary with a special edition containing contributions from various people and requesting me to send you an article dealing with some phase of the presidential office has been received. A half century is an exceedingly respectable age for a newspaper in our country. That period has seen the development of the community which you serve from a thriving town to a great metropolis, in which your publication has taken an important part. Your distinguished father, Joseph Pulitzer, was for many years one of the leading figures in the journalism of the United States and left his publications strongly marked with the force of his own character when he handed them down to those who are worthily carrying on the various enterprises which he had built up. Those who like myself have known him by reputation and his successors by personal contact may well join you in celebrating your coming anniversary.

As a President about to retire, I feel at liberty to write of certain phases of that office which one who was entering upon its duties might feel some hesitation in discussing. I shall briefly express my opinion concerning a subject which is often broached, but about which nothing is ever done, although it is recognized by everyone as a matter of the gravest importance. I refer to the health and physical condition of the President, not so much for my own sake as for my successors. I have often remarked that at least I had one distinction. I have been the healthiest President that the country has ever had.

My ability to keep well has not been due to a particularly robust constitution or any extraordinary efforts in physical exercise. My habits have been regular. It is seldom that I have been late at meal time and I have avoided keeping late hours. Very little work has been done before breakfast, but usually I have taken a short walk, and during the winter season a more extended walk before dinner, which has been my chief mode of exercise. I have kept a couple of vibrating machines in my room, which I found helpful. It will be seen that in the matter of exercise my efforts have been toward a conservation of time. Such activities have been adopted as could be put into operation at once without the necessity of a change of clothing or travel to some other location before exercise could begin.

At the time I took office there was considerable discussion of what could be done to remove all unnecessary burdens from the President. Some legislation was proposed. I did not look upon that with much sympathy, perhaps because unconsciously I may have felt it would be a declaration of weakness, but certainly because my experience in public office made me know that whether I was to be overburdened with work and broken down in health depended more on myself than any act of Congress. The duties of the Presidency are exceedingly heavy. The responsibilities are overwhelming. But it is my opinion that a man of ordinary strength can carry them if he will confine himself very strictly to a performance of the duties that are imposed upon him by the Constitution and the law. If he permits himself to be engaged in all kinds of outside enterprises, in furnishing entertainments and amusement to great numbers of public gatherings, undertaking to be the source of inspiration for every worthy public movement, for all of which he will be earnestly besought with the inference that unless he responds civilization will break down and the sole responsibility will be on him, he will last in office about 90 days. There are certain addresses which the President must make, certain appeals to which he may respond, like this one which you have made to me. But in the vast majority of cases he must and should decline.

It is of course obvious that the President should not burden himself with details. These should be attended to by his departments and his office staff. He should not do any work that he can have done by others. Such energy as he has should be directed not so much toward doing work as making certain that the work is being well done.

There is, however, one thing which the Government could do, which I think would be of great physical assistance to the President. Washington is practically at sea level. Its climate is an exceedingly good all the year round climate, but at times the humidity is high and unrelieved it becomes monotonous. The only avenue of escape for the President is the naval boat *Mayflower*. This is a regular naval craft used for the training of seamen, like any other craft, but it is kept stationed in the navy yard in Washington and is fitted up for the use of the President whenever he may desire to go aboard. The handicap about the *Mayflower* is that it must necessarily go down the Potomac, which is a change of view and of considerable relief, but affords no change in altitude and very little in climatic conditions.

The movements of the President are a very ponderous operation. Other officers of the Government can travel with a considerable degree of freedom. If they wish to spend a week-end at a hotel or club, they can do so without difficulty. They also have greater liberty in accepting private hospitality. When the President moves it is an event. A large retinue follows and extensive preparations have to be made in advance for his reception and care. The only place he can enter without considerable preliminary disturbances is the White House.

For these reasons it seems to me that some place should be provided in the hills within easy striking distance of Washington where the President might go for two or three days at a time when he was so disposed with conveniences for entertaining members of the Government and other guests, where he could have that freedom of action which he has only at the White House, and where he could get a complete change of atmosphere.

While I have made no mention of the mistress of the White House, she is of course to be considered. The public little understands the very exacting duties that she must perform and the restrictive life that she must lead. Fully as much as the President, she needs an opportunity for a change and some place where she can have the seclusion of the White House without a constant reminder of its obligations.

Three or four years ago some thoughtful-minded person left a legacy of $200,000, which I should judge would have been ample to provide a place of this kind within 60 or 75 miles of Washington. It had a proviso that it should be accepted by the Congress. I did not give the matter any thought at the time and the Congress never paid any attention to it. Had it been accepted, a country house would now be available.

Such a residence would not be in a strict sense a summer White House, but if such a place had been provided I should not have desired to leave Washington so early in the season or return so late. Being distant from the Capital for a considerable length of time each summer is attended with a good many inconveniences, even when we have the use of the airplane for mail purposes and a special wire running into the White House. It is desirable for the President to stay for some time in different sections of the country, but a month or six weeks at the most is ample for him to make such observations and acquaintances as are required for him to understand something of the problems of various localities.

It is not too much to hope that the press of the United States can bring about this desired result. I am certain that if you would take it up and pursue it with the vigor which always marks the advocacy of any cause in which you believe, you could undoubtedly prove an important factor. If this could be done, future Presidents and future mistresses of the White House would have a great deal for which to thank you, and you would have the satisfaction of knowing that the celebration of your fiftieth anniversary has been an opportunity for a real service to our country.

Very truly yours,

CALVIN COOLIDGE.

[Editorial from the St. Louis Post-Dispatch]

FOR A COUNTRY WHITE HOUSE

In more ways than one, Mr. Coolidge's suggestion for a country White House, published in this edition, is an extraordinarily interesting document. Throughout Mr. Coolidge's long tenure as President, he has rarely relaxed his official personality. His rigid conception of the proprieties of the presidential office has debarred us from such familiar glimpses of the man as we had during the administration, for example, of Theodore Roosevelt. Only now, on the eve of his retirement, does Mr. Coolidge feel at liberty—as he himself explains—to write of certain phases of the office "which one who was entering upon its duties might feel some hesitation in discussing."

It need not be said that he does so with tact, modesty, and charm, and no one can read his message without feeling that the American people have been grossly remiss and even cruelly negligent in their provision for the President's comfort and health. It is true there was considerable discussion of the subject at the time Mr. Coolidge entered the White House, and some legislation was proposed to relieve the President of unnecessary burdens. But Mr. Coolidge, with that quality of New England ruggedness which has come to be associated with him, declined to look upon it with favor. He desired no supporting crutch which might be furnished by an act of Congress, preferring to rely upon himself to safeguard his health. How he did so by conserving every possible moment is a story which must quicken our realization of the exactions of the presidential office.

Mr. Coolidge can thank himself that he emerges from the White House in splendid condition. As he puts it, with a flash of dry

Coolidge-ian wit: "I have often remarked that at least I had one distinction: I have been the healthiest President that the country has ever had."

Out of his experience, however, Mr. Coolidge has a suggestion to make by which the lot of his successors may be made easier. It is that a country White House be provided in some location within 60 or 75 miles of Washington, where the President might escape from the humid sea-level climate of the capital. As it is, there is only the yacht *Mayflower*, providing small relief, since it affords no change of altitude and very little in climatic conditions. Such a country White House might be placed in the lovely hills of Maryland or Virginia. To it the President might go at any time of the year without the irksome ceremony that now attends any departure from White House routine. It would not necessarily be a summer White House, rather a kind of week-end refuge.

The Post-Dispatch is certain that the American people will not default much longer in making such a provision for the President. No expense or care should be spared in seeking a suitable site or in making the country White House a gem of architecture. It must be borne in mind that in time it will become as rich in historical value and national significance as Mount Vernon, Arlington, and Monticello, three gorgeous examples, incidentally, of the possibilities of a country White House.

This newspaper is prepared to do everything in its power to see that Mr. Coolidge's suggestion is carried out, and it thanks him, on behalf of the American people, for so graciously reminding us of a way in which we may temper, to some degree, the overpowering demands of the Presidency.

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shortridge
Barkley	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gillett	Metcalf	Smoot
Blaine	Glass	Moses	Steck
Blease	Glenn	Neely	Steiwer
Borah	Goff	Norris	Stephens
Bratton	Gould	Nye	Swanson
Brookhart	Greene	Oddie	Thomas, Idaho
Broussard	Hale	Overman	Thomas, Okla.
Bruce	Harris	Phipps	Trammell
Capper	Harrison	Pine	Tydings
Caraway	Hawes	Pittman	Tyson
Couzens	Hayden	Ransdell	Vandenberg
Curtis	Heflin	Reed, Pa.	Wagner
Dale	Johnson	Robinson, Ark.	Walsh, Mass.
Deneen	Jones	Robinson, Ind.	Walsh, Mont.
Dill	Kendrick	Sackett	Warren
Edge	Keyes	Schall	Waterman
Edwards	King	Sheppard	Watson
Fess	Locher	Shipstead	Wheeler

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. This announcement may stand for the day.

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is unavoidably detained from the Senate owing to illness in his family.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

REPORT OF THE LIBRARIAN OF CONGRESS

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, submitting, pursuant to law, his annual report, together with that of the register of copyrights, for the fiscal year ended June 30, 1928, which, with the accompanying reports, was referred to the Committee on the Library.

REPORT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the United States Employees' Compensation Commission, transmitting, pursuant to law, a report of the operations of the commission for the fiscal year ended June 30, 1928, which was referred to the Committee on Education and Labor.

CLAIM OF MRS. THELMA PHELPS LESTER

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Mrs. Thelma Phelps Lester against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

GASOLINE TAXES COLLECTED BY THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a special report relative to gasoline taxes collected by the District of Columbia on gasoline purchased for use by the United States, which, with the accompanying paper, was referred to the Committee on Claims.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of PHILLIPS LEE GOLDSBOROUGH, chosen a Senator from the State of Maryland for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

THE STATE OF MARYLAND,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

I, Albert C. Ritchie, Governor of the State of Maryland, and having control of the great seal thereof, do hereby certify that on the 6th day of November, 1928, Hon. PHILLIPS LEE GOLDSBOROUGH was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

In testimony whereof I have hereunto set my hand and have caused to be hereto affixed the great seal of the State of Maryland, at Annapolis, Md., this 30th day of November, 1928.

By the governor:

ALBERT C. RITCHIE.

[SEAL.] DAVID C. WINEBRENNER, 3d,
Secretary of State.

Mr. NORRIS presented the credentials of R. B. HOWELL, chosen a Senator from the State of Nebraska for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF NEBRASKA.

CERTIFICATE OF ELECTION

At an election held on the 6th day of November, A. D. 1928, Hon. R. B. HOWELL was elected to the office of United States Senator for a term of six years, beginning March, A. D. 1929, and ending in March, 1935.

ADAM MCMULLEN, *Governor.*

Attest:

[SEAL.] FRANK MARSH,
Secretary of State.

Mr. GLASS presented the credentials of CLAUDE A. SWANSON, chosen a Senator from the State of Virginia for the term commencing on March 4, 1929, which were read and ordered to be placed on file, as follows:

COMMONWEALTH OF VIRGINIA.

To all to whom these presents shall come, greeting:

This is to certify that at a meeting of the board of State canvassers, held at the office of the secretary of the Commonwealth the fourth Monday in November, 1928, on an examination of the official abstract of votes on file in that office it was ascertained and determined that at the general election held on the first Tuesday after the first Monday in November, 1928, for United States Senator from the State of Virginia CLAUDE A. SWANSON was duly elected United States Senator from the State of Virginia for the term prescribed by law.

Given under my hand and seal of office, at Richmond, this 26th day of November, 1928.

[SEAL.] M. A. HUTCHINSON,
Secretary of the Commonwealth.

Mr. FESS. I present the certificate of election of Mr. BURTON, Senator elect from Ohio. The Senator elect will be here on Saturday next to take the oath of office.

The credentials were read and ordered to be placed on file, as follows:

THE STATE OF OHIO.

CERTIFICATE OF ELECTION OF THEODORE E. BURTON TO THE OFFICE OF UNITED STATES SENATOR

This is to certify that at the general election, held in the State of Ohio, on the 6th day of November, A. D. 1928, THEODORE E. BURTON was duly elected United States Senator, unexpired term, and that he is entitled to all the rights and privileges of such office.

Given under my hand and seal at Columbus, Ohio, this 6th day of December, A. D. 1928.

VIC DONAHEY, *Governor.*

Countersigned:

[SEAL.] CLARENCE J. BROWN,
Secretary of State.

Mr. LOCHER presented the credentials of SIMEON D. FESS, chosen a Senator from the State of Ohio for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

THE STATE OF OHIO.

CERTIFICATE OF ELECTION OF SIMEON D. FESS TO THE OFFICE OF UNITED STATES SENATOR

This is to certify that at the general election, held in the State of Ohio on the 6th day of November, A. D. 1928, SIMEON D. FESS was

duly elected United States Senator, full term, and that he is entitled to all the rights and privileges of such office.

Given under my hand and seal at Columbus, Ohio, this 6th day of December, A. D. 1928.

VIC DONAHEY, *Governor.*

Countersigned:

[SEAL.]

CLARENCE J. BROWN,
Secretary of State.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions unanimously adopted by the General Sunday School Council of the Methodist Episcopal Church, South, favoring the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. STECK. I present a resolution in the nature of a memorial relative to the Boulder Dam bill, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas there is now before the United States Senate for consideration a bill popularly known as the Boulder Dam bill, which is designed to produce power and water supply for a comparatively local area, and which will bring under water and into production a large amount of irrigated land which will compete with the agricultural areas of the Middle West; and

Whereas this project is intended to be built with public money, a large portion of which must come from taxes assessed against the agricultural interests of the Middle West; and

Whereas the Boulder Dam project as now conceived goes far beyond the needs for flood protection in the Imperial Valley:

Resolved, That the Ottumwa Chamber of Commerce requests the United States Senators from Iowa, in the interest of the agricultural industry of this State, to vote and work against this bill.

OTTUMWA CHAMBER OF COMMERCE.
C. G. BAKER, *Secretary.*

Signed December 5, 1928, Ottumwa, Iowa.

Mr. CAPPER presented a resolution adopted by the annual convention of the Kansas State Bar Association, at Hutchinson, Kans., favoring the passage of the so-called Gillette resolution suggesting a further exchange of views relative to the World Court, which was referred to the Committee on Foreign Relations.

Mr. JONES presented petitions numerously signed by sundry citizens of Goldendale, Aberdeen, Kirkland, Des Moines, Everson, Sumas, Marietta, Lynden, Seattle, Olympia, Bellingham, Tacoma, Raymond, Spokane, Lowell, Everett, Tukwila, Montesano, Menlo, Lebam, Hoquiam, Cosmopolis, South Bend, and Bremerton, all in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

UNEMPLOYMENT CONDITIONS

Mr. WAGNER. Mr. President, I have some letters on the subject of unemployment which I have received from a number of distinguished citizens. I ask to have the letters printed in the RECORD and then referred to the Committee on Education and Labor, before which is pending some legislation I have introduced on the subject of unemployment.

There being no objection, the communications were ordered to be printed in the RECORD and referred to the Committee on Education and Labor, as follows:

DENNISON MANUFACTURING CO.,
Framingham, Mass., August 17, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR: Your letter of August 10 was sent to me under the misconception that I am a professor. I am a mere manufacturer, professing to nothing except the usual line that our company is the best in the world and the goods it makes and the service it renders are incomparable. I am not sure that you want just now a layman's answer to your letter; but if not, it is a very easy matter for you to drop the rest of this in the wastebasket.

I am keenly interested, and have been for a long time, in the unemployment problem and am delighted that you put in these bills.

With respect to 4158, I have only to say that it seems as if the sum of a hundred thousand dollars was pretty small. I recognize, of course, that it may be the best you felt could be gotten and approve always of getting a start, even if insufficient. But these figures are getting to be of greater and greater importance. The controversy of last winter as to whether we had any considerable unemployment or not amply proves the complete inadequacy of our information on this subject, and it is important, not only from the point of view of social management but it is important to employers from the point of view of industrial management also.

I believe that valid figures will be pretty difficult to get and should expect a considerable number of partial failures on the road toward finally getting them. I should hope, then, that the facilities for getting them would be made as liberal as possible to meet difficulties not now suspected.

On 4157 I have been for a long time in considerable doubt. It is not that I am afraid the Government can not do a good job of running employment offices. I believe that most of the talk against Government management is heavily biased and the Government can and has very effectively undertaken things there was a special reason for it to undertake. I recognize also, being on the inside, that private management isn't so confoundedly efficient as its advertising and publicity matter would lead one to believe. But I wonder if the customers will come, under the relatively moderate pressures in this country; if either employees or employers will sufficiently patronize a State employment office; in fact, whether they will patronize any employment office at all to a significant extent. The tradition has been to run around from door to door, and the pressure hardly seems great enough to change this habit. I haven't, therefore, been able to stand very strenuously for employment offices; but the chance that, started in a relatively small way, they will provide for a need which may grow very serious in the future would prevent my standing against them. I should, therefore, be neutral on this bill and give it Godspeed if it didn't in any way stand in the way of the other two.

Bill 4307 goes very properly further than the bill which received the approval of Senator JONES'S committee, and in favor of which I appeared last winter before them. I favored the Jones bill for the same reason that I should your 4158, on the principle that it is a great deal better to get something than nothing, and I have been interested with Otto Mallery ever since the unemployment conference of 1921, working at one time with Senator Kenyon to try to get the beginnings of some such measure on the books.

As between the two, yours is very much more thoroughgoing and should be favored. You will find me, if you should care to, very willing and ready to go further yet. I should like immensely to get States and cities interested in a similar scheme. Since it would be immensely expensive to do it seriatim, I wonder if a standard form of law could not be prepared at Washington by Congress or otherwise and proposed to the minor divisions of the Government for their edification.

A really serious determination to withhold something of public works during booms and a letting loose during bad times would have a marvelous effect. It would be an example set for business, and I believe through its reverberative effects would so damp the swings of the cycle that we should very rarely have in this country a first-class problem arising from them. Nothing quite cures unemployment so fully as employment.

There is one specific point in your bill that I should like to comment upon. On page 6 there does not seem to be sufficient provision made for the necessary preliminary engineering work with the blue prints and all. Perhaps the customs of the departments are such that a lot of this is done, but I remember in Massachusetts in 1914, on the State committee, we found lots of things that could very properly be done to reemploy men, but about four to six months' civil engineering work, with a lot of blue printing and a lot of scientific discussion, had to take place before a shovel could be stuck in the ground.

Of course, it is asking a great deal of human nature to prepare a lot of plans and discuss projects and not force them through immediately, but the very essence of the conquest of the business cycle as a social evil lies in social self-control. If we can't control ourselves, we can't win anyhow, and no law will help us.

Shouldn't there be, then, on page 6, more specific provision for the advance preparation of plans so that work can be undertaken immediately? You have provided for an excess annual authorization of projects, and if this includes all considerable time-consuming engineering work that is enough; but if not, I hope that specific provisions to this end can be put in.

On the off chance that you have read this far, I should say that I hope you will not trouble yourself to acknowledge or comment upon this letter. You must be getting plenty of responses and will have to find something to say in answer to each one. Please don't bother with mine.

Yours very truly,

HENRY S. DENNISON.

HOLLYWOOD, N. Y., *August 20, 1928.*

DEAR SENATOR WAGNER: I have your letter and inclosed bills relating to the unemployment problem. I am greatly pleased to find that some one is thinking and planning with reference to the problem. It is about time. I have glanced over the bills and feel sure you are on the right track. I shall try to study them carefully and write you again as to details.

* * * * * * *

Sincerely yours,

W. W. COOK,
Of the Institute for the Study of Law,
Johns Hopkins University.

WASHINGTON BRANCH, INTERNATIONAL LABOR OFFICE,
Washington, D. C., September 4, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Senate Office Building,
Washington, D. C.

MY DEAR MR. SENATOR: I appreciate very much your having sent me for comment the three bills respecting unemployment which you are introducing in Congress.

For the moment I am addressing myself exclusively to S. 4157, which has to do with the establishment of a national employment exchange system through State cooperation.

May I say at once that the international labor organization, which I happen to represent in this country, embodied in one of its first draft labor treaties adopted at the Washington conference in 1919, the principle of a nationally coordinated system of employment exchanges. Since that year, 23 countries have ratified that treaty and enacted legislation for maintenance of such a system; some are still amending or improving their system. In other words, it can be said to be the judgment and experience of the principal industrial countries of the world that public employment offices are the necessary instrumentalities of a nationally coordinated labor market. The problem of placing a willing worker in an offered job is about the same the world over, and reasonable men have readily agreed upon the answer to that problem.

Anything I have to say in what follows will be little more than amplification of that very important and solid fact of experience. What I have to say will be based upon study of the national system in vogue in this country during the war years, and upon examination of this foreign experience.

The most important suggestion I wish to offer is for the provision of advisory commissions of employers and workers to advise in matters of administrative policy of the national system headed up, as proposed, in the Department of Labor. There is suggested both a general advisory commission for the national system, as a whole, and State commissions, if and when States accept conditions of the bill and are prepared to match their money against the contributions of the Federal Government. Such advisory commissions of employers and workers have been found helpful for three reasons: First, they tend to guarantee the impartiality and neutrality of the exchanges; second, they secure for the system the interest and support of the two parties most concerned in the successful operation of any system of employment exchanges; and, thirdly, they prevent the system from becoming a political bureaucracy, as the interest of both parties will be in service for them rather than for creating a vested political interest. These points could easily be amplified, but space in a letter scarcely permits of that.

In connection with this point of preventing political and personal use of the machinery of the system, it seems to me the bill, if it does not already do so, should contain a definite statement that appointments to the staff should be through the civil service. While it is true that the present Department of Labor is a civil-service department, it would do no harm to specify policy in this respect. The task of finding jobs and moving workers to jobs is a technical expert's job, once general policy is established. Experience shows that State employment exchanges have too frequently been rendered useless, if not means of exploitation, by being made the instruments of persons with selfish interests to serve.

A second comment is this: If I read the bill aright, it does not contain any declaration of policy as respects notifying jobs to points of strikes or lockouts. This, it seems to me, is a question of public policy, and one, therefore, that should be declared by Congress and not left to administrative discretion. I may point out that legislation abroad has come to a reasonable degree of agreement respecting the most desirable policy to observe in this matter. Obviously, an employment exchange should be neutral as between employer and worker. That neutrality has come to be expressed by giving notice to an applicant that a dispute (strike or lockout) has arisen at a point where labor is demanded. Employers are required to inform every exchange to which they apply as to whether or not a strike or lockout is in progress. Everyone is thus informed, and decision is left with the applicant. Foreign legislation on this matter differs only as to the certainty with which that information shall be imparted to the applicant, whether by mere posting of a notice in a labor exchange or by the definite placing of such notice under the eyes of the applicant, to be read by or to him.

A third but not less important suggestion, it seems to me, relates to a declaration of policy in the bill respecting the organizing of the exchanges in such a way as to meet the needs of specialized occupations. While that can be left to detailed administrative regulation for proper handling, it seems to me that the bill should contain a recommendation to that effect. That kind of specialization is, of course, what is taking place in private agency practice—teachers' agencies, engineers' agencies, the special trade-union agencies, the seamen's offices, etc. All too commonly in the past also the public employment offices have come to be known only as places for unskilled-labor hiring. There has been about them an atmosphere of charity rather than of upstanding, respectable social service. Such specialized service of the agencies as suggested should prove very helpful in dissipating that attitude and should make them able to meet the actual requirements of industrial specialization.

The International Labor Office, in summarizing the legislation and the experience of employment exchanges in various countries, came to the following conclusion with respect to general principles. I take this statement from the International Labor Review of July, 1922, observing, incidentally, that time is not an element which in any way detracts from these general conclusions:

"The organization of public employment exchanges can not be left solely to the local authorities. The State must intervene to coordinate the exchanges in a national system. It is, however, undesirable to make the employment exchanges a centralized bureaucratic organization. If they are to carry out their work in a satisfactory manner, they must enjoy a large measure of autonomy. They should be supervised by joint committees consisting of authorized representatives of the workers' and employers' organizations invested with considerable administrative powers.

"The employment exchanges, although State institutions, should belong less to the system of political administration than to the industrial organization. It is therefore desirable that they should, as far as possible, be subdivided into branches dealing with particular occupations or industries, and that these branches should in turn enjoy sufficient autonomy to adapt themselves to the various requirements of the occupations and industries with which they deal.

"The public employment exchanges should not be diverted from their proper functions by other dutes of a purely administrative nature. They can and should, however, play an important part in the application of other means of preventing or palliating unemployment. Such means include unemployment insurance and the organization of relief work or the establishment of a systematic policy aiming at reserving public works, as far as possible, for periods of industrial depression.

"The public employment agencies should adopt a strictly neutral attitude toward the interests of employers and workers, respectively. The attitude adopted may, as has been shown, vary in different countries, and may be modified in order to conform to the observed relations existing between the employers' and workers' organizations at any particular time.

"In so far as these conditions are fulfilled, the public employment exchanges are already, and may progressively become, the mainspring of all the institutions which have been set up in order to organize the labor market and thus to mitigate the evil of chronic unemployment."

Perhaps I may seem to have made suggestions which complicate the unity and simplicity of the system of coordinated employment exchanges outlined in your bill. My intention has been quite the reverse. I am sure you will find that these complexities are not real but only apparent. They have arisen in the attempt to point out how Congress might well anticipate as many problems of policy as possible in order that the administrative authorities, upon whom will fall the onus of enforcement, may be left free to concentrate on matters of efficiency rather than to embroil themselves in controversial issues. In other words, by anticipating decisions of policy, Congress simplifies rather than complicates the difficult problems of administration.

I inclose a memorandum showing the present progress of employment exchange legislation in various countries as gathered from the publications of the International Labor Office, but more particularly from the annual report of the director of that office to the annual International Labor Conference.

I am glad to be of service, and hope you will not hesitate to call on me for further information and elucidation as you may think necessary.

Respectfully and sincerely yours,

LEIFUR MAGNUSSON, *Director.*

WASHINGTON BRANCH, INTERNATIONAL LABOR OFFICE,
Washington, D. C., November 2, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Senate Office Building,
Washington, D. C.

MY DEAR SENATOR WAGNER: Sometime ago I had occasion to send you a letter and memorandum with respect to the functioning of employment exchanges abroad. I have now made a further analysis of the offices in 16 countries, showing the distribution of employment agencies in relation to the population and area of those countries. Such a quantitative statement reflects in a measure the efficiency with which the system is likely to be functioning in the different countries. Thus, a country which shows that there is an employment agency for every 1,000 square miles or less in territory, for example, is probably more efficient than a country which has only an agency for several thousand square miles. While it might be desirable to compare the distribution of the exchanges with respect to the industrial population rather than the population as a whole, the basic figures for the former are not available, and hence it has been necessary to confine the comparison to the population as a whole.

I inclose a table which I have prepared to show the distribution of employment exchanges.

It may be interesting to add that an analysis of the nationally coordinated systems which existed in the United States during the war showed an average of one exchange for every 4,000 square miles of area, and for every 136,000 of population. The analogous data for the 16 countries in my table shows an employment exchange for approximately every 2,500 square miles of area and for every 106,000 of population. There are, of course, great variations from Great Britain, with an employment exchange to every 76 square miles and 37,000 population, to Russia with an employment exchange to every 29,000 square miles and 521,000 population. The range in population averages employment exchanges for every 26,000 in South Africa to 1,716,000 in Jugoslavia.

Trusting this may be of some interest to you, I am,

Sincerely yours,

LEIFUR MAGNUSSON, *Director.*

Distribution of employment exchanges in 16 countries, by area and population, 1927

Country	Number of employment offices	Population	Area (square miles)	Average population per office	Average area per office
Czechoslovakia	437	13,613,172	54,877	31,151	126
Denmark	89	3,419,056	17,144	38,416	193
Finland	24	3,526,000	149,641	142,750	6,235
Germany	1,293	62,348,782	180,976	48,220	140
Great Britain	1,162	42,767,530	88,745	36,850	76
Hungary	8	8,368,273	35,901	1,046,034	4,488
Japan	232	59,138,000	148,756	254,905	641
Netherlands	40	7,416,419	13,205	185,410	330
Norway	48	2,649,775	124,964	55,204	2,603
Poland	20	29,160,163	149,140	1,458,008	7,457
Rumania	37	17,393,149	122,282	470,085	3,305
Russia	281	146,304,931	8,187,253	520,658	29,136
Serb-Croat-Slovene Kingdom	7	12,017,323	96,134	1,716,760	13,733
South Africa	268	6,928,580	472,347	25,853	1,762
Sweden	36	6,053,562	173,157	168,154	4,810
Switzerland	35	3,936,330	15,976	112,466	456
Total	4,017	425,041,045	10,030,498	105,810	2,497

AMERICAN ASSOCIATION FOR LABOR LEGISLATION,
New York City, September 13, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: Upon my return from several weeks' study of labor legislation in England I find your letter of August 10. I am, of course, deeply interested in and strongly in favor of the legislative purposes indicated by the three bills you have inclosed—S. 4158 and S. 4157 in detail and S. 4307 in principle.

It will always be a pleasure to work with you and to be of any possible service in getting the right kind of a constructive labor legislation program passed by Congress.

Sincerely yours,

JOHN B. ANDREWS, *Secretary.*

RYDE HOTEL,
Ryde, Calif., August 19, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: Thank you for sending me a copy of the labor bills proposed by you; also for the letter. I was particularly struck by the last sentence of your letter:

"I am convinced that the elimination of unemployment far transcends in importance the attainment of any immediate ends."

We of the teaching profession get pretty well disgusted with politics, because a politician is apt to have "an ulterior motive" behind his declarations of opinion.

There is no question about the fact that a national unemployment exchange would go far toward alleviating the unemployment problem in this country. England and Germany, as you know, both have a comprehensive system of employment exchanges. As we become more highly industrialized and our population presses upon subsistence we shall be compelled to shed more and more of our frontier individualism and take measures to make provision for the hazards that labor must face in a highly industrialized society.

The next step, which goes right along with "national unemployment" exchanges, should be a bill introducing "national unemployment insurance." Then you will have reduced unemployment by your "public works" and "unemployment exchange" idea. And you will also have made provision for those who do not happen to have been provided for by these two acts, or in periods of general unemployment (depression period of the cycle) when jobs are scarce everywhere.

The public works proposal is sound, according to my way of thinking, if the type of work to be done during a period of depression is carefully planned ahead of time and not suddenly trumped up for a particular occasion.

I believe that your progressive measures will win the support of economists regardless of their or your political affiliations. I should be pleased to read and comment upon any more bills which you believe I should be interested in.

Very sincerely yours,

DONALD ANTHONY.

New address: Department of Economics, Lehigh University, Bethlehem, Pa.

THE CRESTWOOD,
Cresco, Pa., August 18, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have read with interest the three bills you sent to me. With the proposals to collect statistics in regard to changes in employment and to establish a national system of public employment offices I am in complete accord. You are doing a useful piece of work in presenting these matters and ought to have the support of all thinking people. It will be something of a problem to administer such offices in a way that will keep the confidence of both employers and employees, but it ought to be done.

In regard to emergency work to relieve hard times, my point of view is somewhat different from yours. You will find it presented in the reprint from the Annalist which is inclosed. You may care to read it.

You will note there that, in our judgment, the trouble begins with so-called "prosperity." By beginning there to use correctives we would make it easier to take care of depression. Prevention is better than cure. There is a great chance for some statesman to do a piece of work comparable to the establishment of the Federal reserve banking system. I think there is a real possibility of reducing the industrial swings of the business cycle just as we have taken the financial panic out of it. I hope you are the man to press toward that goal.

Yours sincerely,

C. C. ARBUTHNOT,
Western Reserve University, Cleveland, Ohio.

NEW YORK UNIVERSITY,
DEPARTMENT OF ECONOMICS,
New York, August 15, 1928.

The Hon. ROBERT WAGNER,
United States Senate, Washington, D. C.

MY DEAR MR. WAGNER: I wish to thank you for the copy of your bill introduced April 20, 1928, on the subject of unemployment.

I do not hesitate to say that the subject of unemployment in my mind far transcends the importance of over 90 per cent of the subjects which come before Congress. Unemployment and the fear of it through the operation of forces beyond the control of the individual worker explains much of the misery and resentment that are present in industry or threaten to arise at any moment.

The first step in controlling the problem is to know exactly the extent to which it exists and where it exists. As a member of the teaching profession I have found myself constantly unable to get information adequate enough for an intelligent discussion of its significance or what can be done about it.

Your bill, therefore, seems to me to be addressed to a particularly fitting subject of inquiry, and I can not but voice a very hearty approval of its purpose.

Sincerely yours,

WILLARD E. ATKINS.

PHILADELPHIA RAPID TRANSIT CO.,
Philadelphia, August 14, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: I have read your three proposed bills for unemployment relief with considerable interest. I am quite in favor of the provisions in bills 4158 and 4307, but I am very dubious concerning the feasibility of extending a national employment system, for I fear that it can be subject to much abuse, and I believe that in most industrial centers at least there are fair employment agency facilities.

It seems to me that the gathering of data by the Department of Labor would be very vital, for there is a close relationship between business conditions in general and the variations of employment and earnings.

I wish you success in your endeavors.

Very truly yours,

EUGENE J. BENGE,
Chief Statistician.

INDUSTRIAL ARBITRATION,
New York City, September 5, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Senate Chamber,
Washington, D. C.

DEAR SIR: I have your letter of August 10, inclosing copies of three bills introduced by you during the last session of Congress, such bills

being designed to meet some phase of the unemployment situation. You invite comment and criticism of said bills.

In bill (S. 4157) creating the United States Employment Service, in section 4, page 5, of the bill as printed, I would suggest that in the paragraph commencing line 4 there should be set up some system or method of ascertaining just how State offices are being run and their rules and regulations. My experience is that it would not do to accept in all cases the report of the State director as to just how he was running the State offices. What I am asking for here is that there should be briefly named a method of obtaining first-hand information regarding the way the offices are run and their rules and regulations.

In bill S. 4307, which is cited as "unemployment emergency act, 1928," you seek to establish a board to be known as the Federal unemployment stabilization board. May I suggest that in naming this board the syllable "un" be omitted? It occurs to me that this board is for the purpose of stabilizing employment and therefore should not be called an unemployment stabilization board.

Very truly yours,

CHARLES B. BARNES.

UNIVERSITY OF CINCINNATI,
COLLEGE OF ENGINEERING AND COMMERCE,
Cincinnati, Ohio, October 29, 1928.

The Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR: Acting President Herman Schneider, of the University of Cincinnati, has asked me to make such comments as came to mind on the three bills which you sent a while back dealing with the employment situation.

After going over the bills carefully, I am of the opinion that, were they passed, Congress would have provided some much-needed legislation.

Any serious student of the labor situation of this country would point out that one of the outstanding problems which needs attention is that of a better handling of the employment situation. Your bill S. 4158 provides that the Department of Labor shall set about to collect reliable employment statistics. At the present time there is no adequate machinery for gathering these data. How can the country cope with the unemployment situation which it has to face every few years unless it has facts? This bill provides for the first step in a constructive employment program—the continuous collection and publication of reliable statistics.

Your bill S. 4157, which would establish and maintain a national system of public employment offices, if passed, would put into effect legislation which has been urged by those familiar with present conditions for a long time. It seems to me that your bill is drawn along the right lines. I would particularly indorse the policy of granting Federal aid to the public employment offices in each State which comply with the rules and regulations and the standards of efficiency prescribed by the Director General. This should tend to bring about the uniformity of practice among State public employment offices which is now lacking.

In order to coordinate the activities of the various State public employment offices it is necessary that they be operated according to the same administrative principles throughout the country and that an accurate and standard system of record keeping be installed so as to provide for uniform and dependable reports. Further, there should be standard methods of selecting the personnel to man these offices so that the temptation to make political appointments will be removed. It appears to me that your bill as drafted would bring about the removal of some of the defects in the present administration of our public employment offices to the advantage of everyone concerned.

Your bill S. 4157, which provides for the collection of employment statistics by the Department of Labor, ties right in, of course, with the bill under discussion. If both bills were passed, I take it that the Secretary of Labor would have ample authority to coordinate the employment statistics gathering activities.

I am confident that your bill S. 4157 is drafted along practical lines because the same principles are applied that have been working out successfully in the administration of the Canadian employment offices' coordination act of 1918. There is one provision in the Canadian act, however, which seems to be working out very well which has not been incorporated in your bill, and I am wondering why it has been omitted. I refer to the Employment Service Council of Canada. This is an advisory committee to the Federal Minister of Labor made up of representatives of employers and employees and of the railroad companies. Mr. A. J. Odam, statistician of the employment service branch of the Department of Labor at Ottawa, stated at a recent meeting of the International Association of Public Employment Services that this council had contributed largely to the success of the service and the harmonious relations existing between the different Provinces, employers, and employees with regard to employment service work. He made the following statement: "The annual meetings of this council permit of a full discussion of all employment and unemployment problems by representatives of those most concerned, and the free exchange of ideas which is so helpful in promoting that degree of coordination which is essential in the operation of an efficient employment service. Many of the recommendations of the council to the Minister of Labor have been brought to fruition as a result of action taken by him on account of advice received.

In this country I know that the operation of the State public employment office at Milwaukee has been materially aided because of the practical suggestions and cooperation of an advisory committee representative of local employers and employees which was established for the purpose.

Your bill S. 4307, which provides for the emergency construction of certain public works to relieve employment during periods of business depression, fits in properly with the other two bills. Business cycles appear to be inevitable under our modern industrial system and they will continue to bring with them peaks and valleys in employment. It is quite generally agreed by those who have studied the problem that the Federal Government could well undertake the emergency construction of public works to take care of those who are thrown out of industrial establishments during a period of depression. This would tend to benefit the employees by lessening the hardships which they undergo when their earning power is cut off and benefit the business man by stabilizing the purchasing power of those who constitute their mass buyers. If this bill became a law it would set up definite machinery to plan ahead for these employment emergencies and do away with our present hit-or-miss methods of attempting to deal with employment crises after they are upon us.

Here again your bill S. 4157, which provides for the collection of employment statistics, dovetails in with your bill S. 4307, which provides for the preparation of an index of employment. Adequate machinery for the nation-wide collection of reliable employment statistics is basic to the whole employment program which you have in mind in these three bills.

If these bills pass, you will have done much to benefit both the employers and employees of the United States.

Yours truly,

FRANCIS H. BIRD,
Professor of Commerce.

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
SCHOOL OF BUSINESS,
September 19, 1928.

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: Your letter of August 10, inclosing copies of S. 4157, S. 4158, and S. 4307, reached me in due course.

I have examined the three bills which you inclosed with a great deal of interest. First of all let me congratulate you on your enterprise and public spirit in pushing a project which is, in my opinion, of such great public importance. I think that the three bills which you are sponsoring are well calculated to improve at its weakest points existing machinery for the stabilization of employment. The need for long-time planning of public works has for years been obvious enough, but despite this fact practically nothing has been done about it, at any rate by the Federal Government.

I take it that S. 4158 is intended to make it possible for the United States Bureau of Labor Statistics to extend and improve its monthly statistics on the volume of employment. Such an extension would, I think, be very useful.

In connection with the index of employment to be utilized by the proposed Federal stabilization board, and referred to at the top of page 3 of S. 4307, I am wondering whether you might not find it desirable to consider the use, for the same purpose, of ratios between the number of applicants for jobs and the number of jobs available as reported by a number of the State employment exchanges. When and if the United States Employment Service is recreated on something like its war-time scale its statistical records would, of course, make possible the utilization by the proposed stabilization board of similar ratios for the whole country. It is my opinion that the ratio of applicants for jobs to jobs available is a more reliable index for this purpose than the ordinary index of employment.

In respect to S. 4157, I should like to suggest the need for some means of preventing the new system from being operated in any way which would give justification for the charge (so often made by employers concerning the United States Employment Service of the war period) that the employment service is operated as an adjunct of the labor unions and staffed chiefly by partisans of the unions. Would this purpose be accomplished by the insertion of a clause putting the whole personnel under civil service? I know that you fully realize the importance of assuring that the director general of the United States Employment Service be a person generally representative of the public interest and free from partisanship either to associations of employers or associations of employees.

In closing let me express the hope that these bills may receive favorable action in the coming session of Congress.

Yours very sincerely,

PAUL F. BRISSENDEN.

MONTEVALLO, ALA., *August 14, 1928.*

Hon. ROBERT F. WAGNER,
United States Senate.

DEAR SIR: You communication addressed to me at Brookwood Labor College has been forwarded here where I am teaching for the summer.

Your three bills dealing with unemployment are absolutely sound and should meet with universal approval. The advance planning should ultimately be carried further, but you have gone as far as could be expected for a start.

The only suggestion I have is that the secretary of the unemployment stabilization board ought to be in the Department of Labor, but if opposition is disarmed by putting him in the Commerce Department, probably the issue may rest.

Yours truly,

ARTHUR W. CALHOUN,
Teacher of Economics, Brookwood Labor College.

HARVARD UNIVERSITY,
DEPARTMENT OF ECONOMICS,
Cambridge, Mass., August 13, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I have read the three bills which you were kind enough to send me with your letter of August 10. I gather from my reading that the bill to provide for the emergency construction of certain public works for the relief of unemployment during the periods of business depression, is more important, at least, it is the one which proposes something new. The other two, as I understand them, merely clear the way or help to provide the machinery for this one. I shall therefore confine my remarks to this bill.

Why not add a provision to the effect that whenever the United States Employment Service finds that there is an abnormal number of unemployed in the country, the President shall, upon the advice of the Secretary of Labor, suspend all immigration of laborers into the country. Unless something of this kind is done, there would be nothing in the bill to prevent a positive acceleration in immigration from the non-quota countries whenever this bill becomes operative; that is, whenever large numbers of laborers are taken off the labor market and set to work on these public improvements. Even at the present time when there is an abnormal amount of unemployment in the country, we are still importing large numbers of laborers. They are presumably getting jobs or they would not continue to come. By no circuitous reasoning, can one avoid the conclusion that this has something to do with unemployment.

By far the most important piece of legislation we have ever had bearing on the subject of unemployment was the restriction of immigration. The chief weakness in the restriction act is that it did not apply the quota basis to the American Continent. By far the most needed piece of labor legislation at the present time is one which will extend the quota basis, especially to Mexico and the West Indian Islands.

Aside from the effect on wages in this country of the wholesale importation of labor with a low standard of living, the rapid increase in the number of Mexican peons and the future increase already beginning of the importation of West Indian negroes will create new race problems in this country. The Mexican peon is already beginning to create a race problem quite as difficult as the Chinese or the Japanese problems ever were in California and will in time create a problem quite as difficult as the negro problem now is in the South.

I wonder how many of us realize the extent to which the unevenness of business, sometimes miscalled the business cycle, are due to the wholly unnecessary industrial reserve army which we have always had and which some seem to think necessary. I have made this point in a recent book entitled "This Economic World," pages 340–341:

"It is coming to be realized that something is needed to act as a drag or a brake upon the overexpansion of business in boom times. If business is permitted, with no hindrance or retarding factor, to expand as rapidly as it wants to, it will overdevelop at one time, and this overdevelopment will be followed by a period of excessive stagnation.

"The only effective check that works automatically is an increase in the cost of production. If, when orders are coming in rapidly, every manufacturer can increase his production without having to pay a higher price for any of the things he needs—raw materials, labor, loans, etc.—there is no effective drag. That is, if he can hire increased numbers of workers at the same wages, buy increased quantities of raw materials at the same prices, borrow increased sums of working capital at the same rates of interest, there is no drag on the expansion of his business. But if a boom, anticipated or potential, finds him unable to get more labor without offering higher wages for it to buy increasing supplies of raw materials without bidding higher prices to get it or to borrow more working capital without paying higher rates of interest, these things act as a drag and prevent excessive booms. Again, if a depression should begin, if all these wages, prices, and interest rates tend to fall, this would stimulate the profit makers to increased activity and thus smooth out the depression.

"In the past we have had to rely mainly upon variations in the rate of interest to act as a repressant in boom times and a stimulant in times of depression. Lately the Federal Reserve Board has acted in a rather positive manner to increase the efficiency of the depressant and the stimulant. But the principal item of cost is not interest on loans but the wages of labor. So long as there is a large labor reserve there need be no increase in wage cost in boom times and decrease in times of depression to act as a depressant and a stimulant. But if there were no reserve labor army, then when every employer wanted to expand his business to take advantage of an active market, he could not get indefinite supplies of new labor by merely hanging out a shingle saying 'men wanted.' In fact, he could not get extra help at all in a real boom. All employers would be wanting extra help at the same time and they would merely bid against one another for the help that was already employed. This would put a more effective drag on a business boom than a mere rise in the interest rate could possibly do."

Please understand that I am positively in favor of your plan for the expansion of public works in times of unemployment, but I think, however, that your plan will not be very effective unless something is done at the same time to control the labor supply. In other words, the plan proposed in your bill is only a part, though an essential part, in a much larger program.

Very sincerely,

T. N. CARVER.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., October 3, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: During the summer you kindly sent me three bills which you had drawn to help remedy the unemployment situation. I am very glad that you are working at this, for I have always felt that unemployment was the weakest spot in our present economic system. It seems to me that this weakness must be removed if that system is, as I hope, to endure.

Unfortunately I am not able to afford you much assistance since the problem lies outside the field in which I work. So far as I could judge, your three proposals were sensible and likely to help. With reference to S. 4157 on public employment offices, I venture one suggestion. Some of my manufacturing friends expressed a good deal of dissatisfaction with the public employment offices which were in operation during the war because of the strong unionist bias, as they regarded it, of the Government agents in charge. While it would not be fair, of course, to select only men without unionist affiliations for the positions under your system, it would probably be necessary to convince open-shop manufacturers that the offices would be administered without such a bias. I realize that the problem is very difficult, but mention it because your plan will work much more successfully if you are able to obtain the hearty support of the considerable group of manufacturers in the East who favor an open shop. I am not sure myself that these gentlemen are right, but their opinion is an important factor which has to be reckoned with.

* * * * * * *

Yours sincerely,

Z. CHAFEE, Jr.

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
FACULTY OF POLITICAL SCIENCE,
August 28, 1928.

Senator ROBERT F. WAGNER,
Washington, D. C.

MY DEAR SENATOR WAGNER: I have just collected my university mail and found your letter inclosing copies of three bills dealing with unemployment. The aims of these three bills—better statistics, a national employment system, and scheduled public works—represent eminently sound remedies urgently needed by the Nation. I shall examine the bills as soon as practicable, and if I find any specific points on which I feel qualified to make suggestions I shall be glad to do so.

Sincerely yours,

J. M. CLARK,
Department of Economics.

WALWORTH CO.,
Chicago, Ill., August 17, 1928.

Hon. ROBERT F. WAGNER,
Senate Building, Washington, D. C.

MY DEAR SENATOR: Your letter of August 10, with its inclosures, was handed to me as I was boarding the train for a trip through the Central West. I have read carefully the three bills introduced by you and am giving you my frank reaction.

I am heartily in favor of an arrangement whereby Congress will make its appropriations for expenditure at a time of unemployment. There is no step that I can conceive would be more effective in a balancing of our employment. I, therefore, am heartily in sympathy with the provisions of S. 4307.

I do not feel so definitely in sympathy with the other two bills except as they provide for a study of the trend of employment throughout this country. It seems to me we already have sufficient employment bureaus. What we need is an accurate and intelligent reporting instrument which would give the employers in general and the Government in particular the background for carrying out the provisions of S. 4307. I assume that you are aware that at the present day many of the progressive manufacturers are working under a budget system which very definitely takes into consideration the equalization of employment throughout the year. Next to the plan of carrying out Federal, State, and municipal work during periods of lessened activity this step on the part of the manufacturers is the most helpful.

Very sincerely yours,

HOWARD COONLEY, *President.*

YALE UNIVERSITY,
DEPARTMENT OF ECONOMICS, SOCIOLOGY, AND GOVERNMENT,
New Haven, Conn., September 3, 1928.

The Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I must first of all thank you very much for your letter of August 10, 1928, with the inclosed bills. I have not the technical equipment to make any useful comment on the administrative and similar details of the bills. I can simply record my complete approval of the broad general principles of economic theory and practice which they embody.

I read the account of (I believe) your "maiden speech" in the press and clipped it for my files as one of the most encouraging signs of a growing and sensible interest in the problem. I have since followed your Senate career fairly closely.

I find bills S. 4157, S. 4158, and S. 4307 so interesting and sensible that I should very much like to use them in my classes here in labor problems. Would it be possible for you to have sent to me 125 copies of each, addressed, W. J. Couper, Departmental Library of Economics, Kent Hall, Yale University?

I am not yet an American citizen, and therefore should not wish to be quoted in anything that I now say. It may interest you slightly to know that if I get citizenship before the election I shall vote for your party chief, among many other reasons, specifically in order that if these bills should ever be passed they might have the fair chance that would come from his excellent administration.

Very sincerely yours,

W. J. COUPER.

NEW YORK, *September 10, 1928.*

Mr. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I appreciated your courtesy in sending me with your letter of August 10 copies of the three bills introduced by you in connection with the subject of unemployment. I have just found opportunity to read over these bills, but I do not think I have any important comments or suggestions.

The bill in relation to statistics of unemployment seems to me to fill a need, since the lack of statistics of this kind was a serious handicap in the discussions of unemployment last winter and spring.

The bill for the establishment of a national employment system seems to me sound in principle, although naturally there would be many difficulties in organizing and administering the proposed system in a way that would be effective and that would avoid the building up of cumbersome bureaucracy.

I am not quite sure whether it is the intention in the bill for the emergency construction of public works to add to the total construction program over a period of years or to plan the work so that contracts will be held back during periods of business activities and released during times of depression. I think I should favor the long-time planning of public works with the latter idea in view. I would not favor the authorizing of additional public construction simply to make work during periods of unemployment, as I do not think that would be sound either economically or governmentally.

I am much interested in this whole subject and am glad to have an opportunity of reading your three bills. Incidentally, I assume that you are familiar with the report of the industrial transference board appointed by the British Minister of Labor. This report gives the most vivid account that I have seen of the unemployment situation in England.

Yours very truly, E. S. COWDRICK.

MANOMET, MASS., *August 16, 1928.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have read with interest the bills, copies of which you have sent me. I am not an expert in such matters, but as a lawyer and citizen am concerned about them.

S. 4158 seems to be subject to no criticism. There should be available at frequent intervals accurate information collected by an official agency showing current employment and unemployment in different industries. For example, it would help to an understanding of the coal problem if we knew how many more miners there are than can expect full-time employment under normal industrial conditions. Of course, the figures given out by an administration bureau would be regarded as untrustworthy because from a partisan source, but it seems to be the best organization to do the job now obtainable. Perhaps the board in charge should be made bipolitical or biparty.

S. 4157 presents a large question of federalization of what is in many respects a local problem. The ideal situation for labor is a permanent family domicile in a community, not a shifting about like freight cars to meet demands here and there. It seems to me that States and communities should be encouraged to deal with this problem, so far as possible, by the establishment of employment agencies, and the Federal Government confine itself to collecting and distributing information about the supply and demand for labor. Yet it must be recognized that agriculture presents a seasonal demand for transient labor which must be filled from outside the State in many cases, and so we have a national problem.

S. 4307 is admirable in the plan for a drafting of projects for public works a long time in advance and the execution of the plans when business generally is slack. I imagine the trouble is that when a locality can show an improvement is needed, like flood-relief construction, and there is money in the Treasury due to large tax returns from prosperous business, then is the time for Congressmen to see that the people of the home community are taken care of and at the maximum cost to the Government. It ought to be possible to prepare plans for worth-while improvement not of an extremely urgent nature but recognized as in the public interest and execute them at times when the purchase of materials and employment of labor is a relief to a stagnant market, and not a competitive enterprise which booms or inflates prices.

It is a strange coincidence that just before receiving your letter I was reading some of G. B. Shaw's observations on this matter in The Intelligent Woman's Guide, etc., pages 281–282. He would probably note the difficulties of getting Congress to agree on the Boulder Dam and Muscle Shoals projects as showing the impossibility of planning any large-scale enterprise in detail.

I am sorry I am not well enough informed to contribute anything constructive, but I can assure you of my interest and the hope that you succeed in doing something to alleviate our recurrent troubles from unemployment. As a national problem, it seems to me to be of greater importance than farm relief or compulsory total abstinence, which seem to absorb attention at present.

Very sincerely yours,

JUDSON A. CRANE.

UNIVERSITY OF MICHIGAN,
DEPARTMENT OF ECONOMICS,
Ann Arbor, September 18, 1928.

Senator ROBERT F. WAGNER,
Washington, D. C.

MY DEAR SENATOR WAGNER: Your letter of August 10 was forwarded to me during my summer-school work on the Pacific coast, but I have been so busy traveling that I could not answer sooner. I agree with you entirely on the importance of the unemployment problem and believe that economists generally will be glad to give you their views freely without fear of partisan manipulation. Naturally, all your bills contain numerous details about which there will be reasonable differences of opinion, but I assume that what is wanted now is merely comment on the general procedures proposed.

S. 4158: First of all, undoubtedly, we need more data concerning fluctuations in unemployment. I believe our Department of Labor can well be intrusted with more funds for this purpose. Measurement in fluctuations of employment is well known to be more easily feasible than the measurement of a state of unemployment; nevertheless, I think our Federal bureau should make a start toward the systematic collection of other data reflecting the number of unemployed—such as volume of work handled by social agencies, applications for jobs, and so on.

S. 4157: I favor also the development of a national system of employment offices, developed in cooperation with States and municipalities so that local initiative is stimulated. I have been receiving the New York State Industrial Bulletin for several years and judge that the State employment offices in that State and elsewhere in our country have done a good deal of the necessary pioneering. On the other hand, your bill appears to me as a promising means of developing the comprehensive system that we need.

S. 4307: I am not very favorable to the construction of public works for the relief of unemployment, in the present state of our economic knowledge and political skill. No doubt something can be done in this direction, but I should prefer to see the new machinery for the present limited to study and recommendation. I think that if our highway funds, public utilities, etc., had the matter brought more explicitly to their attention by a continuing body of specialists

they would manage to regulate their construction in the desired manner of their own initiative. At any rate this type of project appears to me decidedly more in the experimental and theory state than projects embodied in the other two bills.

Faithfully yours,

Z. C. DICKINSON,
Associate Professor of Economics.

UNIVERSITY OF ILLINOIS,
Urbana, Ill., November 19, 1928.

Hon. R. F. WAGNER,
United States Senator from New York,
Washington, D. C.

DEAR SENATOR: My hat comes off to you for the speech of April 20—An Affirmative Policy Toward Unemployment. Any economist would be proud of such an intelligent, scientific analysis of this great problem facing our country.

In my thesis you will note frequent reference to the fact that it was limited to factory employment, because of inadequacy of statistics in other fields. If I can help you in getting bills (S. 4157, S. 4158, S. 4309) passed, let me know. Your efforts are worthy of the greatest praise.

Yours very truly,

FRANK G. DICKINSON.

LASALLE EXTENSION UNIVERSITY,
Chicago, August 13, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I appreciate your sending me copies of the three bills which you introduced during the last session of Congress for my comments and criticism.

With regard to S. 4158, I would insert after the semicolon, on line 10, the following: "data with regard to the number of employees and compensation are to be reported under the following classifications:

"1. Productive or operative workers classified by leading trades or occupations.

"2. Clerical workers classified by leading occupations.

"3. Technical workers classified by leading occupations.

"4. Workers engaged in selling or distribution.

"5. Workers engaged in administration or supervision."

Heretofore, instead of giving a complete employment and economic cross section, our data and interests have been confined to trade workers. In recent years the Government has interested itself to some extent, also in the matter of shifting and placement of common labor and farm labor.

Owing to the simplification of administrative, accounting, and clerical methods, however, and the lack of organization of this class of employees, they have not received the attention to which they are entitled as citizens of United States. The so-called "white-collar class" has suffered in the last eight years a loss in the purchasing power of their income, whereas trade workers have been able to secure a considerable increase in the purchasing power of their income.

What is true of ordinary clerical workers is equally true of technical workers, such as college-trained engineers. It is also true of men engaged in the administrative departments and on whom the actual burden of management usually falls, such as men in charge of personnel work, production control, cost control, and office management.

The statistics above mentioned would be particularly desirable as they would give a complete cross section of American economic conditions of workers of all classes and not merely those belonging to organized trades.

With regard to bill S. 4157, I would add a section between lines 3 and 4 of page 8, as follows: The facilities of the United States Employment Service are to be extended to workers in all classes of employment, including not only the organized trades but also to clerical workers and workers in the sales, technical, and administrative departments of business and industry.

Bill S. 4307, for emergency construction during periods of business depression, is wholly desirable and I have no suggestion to offer.

I should appreciate your comments on my communication. The steps I have advocated have been suggested as desirable in conversations I have had with members of various national engineering and management organizations.

That Member of Congress who will undertake the leadership in the movement to widen the scope and utility of the services heretofore applicable only to organized trades, so as to make them available to all classes of workers, will make a place and reputation for himself as an outstanding statesman who can command any gift within the power of the American electorate to bestow.

Very truly yours,

HUGO DIEMER,
Director Business Management Courses and Personnel.

NEW YORK, *September 29, 1928.*

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: On my return to the city I find your letter of August 10 asking me to express my opinion on three bills introduced by you at the last session of Congress to meet different aspects of the unemployment situation.

In principle I approve each one of them. They are all integral parts of meeting various phases. The particular mechanics may leave much room for debate. For example, it is not free from doubt whether the policy of having the employment service a bureau of the Department of Labor is a wise one or not.

Again, it is open to question whether the particular method suggested for concentrating the expenditure of money for public works at certain periods in order to mitigate unemployment is adequate. Whether the problem is not a more fundamental one and whether a board with broader powers that could accelerate Government work before the depression would not be a more adequate procedure. But a beginning should be made and some such board as is suggested would doubtless be a useful first-stage experiment.

As I have said, I am in principle emphatically in favor of the program that you suggest.

Yours very truly,

SAM A. LEWISOHN.

FIFTEENTH DECENNIAL CENSUS

Mr. JONES. Mr. President, from the Committee on Commerce I report back favorably with amendments the bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses, and I submit a report (No. 1342) thereon.

Three of the amendments recommended by the committee propose to change the time for beginning the census from May, as provided in the House bill, to November 1. We have done that because the Secretary of Agriculture wrote a very strong letter insisting upon the change. This measure was before the House committee, and that committee in its report says that after very carefully considering the matter they fixed the 1st of May. The Senate committee, however, acceded to the request of the Secretary of Agriculture. We thought that the wise thing to do in the interest of time and expedition was to get the matter into conference, where these different dates could be very carefully harmonized and we could reach a satisfactory conclusion.

The other amendment is an amendment providing an authorization for an appropriation to carry on the census, that provision not having been incorporated in the House bill. Those are the only amendments, and I ask unanimous consent that the bill may be considered at this time. I do not think it will take much time.

Mr. SMOOT. What is the bill?

Mr. JONES. A bill providing for the fifteenth decennial census.

Mr. ROBINSON of Arkansas. Is the report of the committee unanimous?

Mr. JONES. The report is unanimous, on the theory that I have stated, that we would save much time and much controversy by taking the matter to conference, where it could be very carefully considered and an attempt made to harmonize the different views.

Mr. ROBINSON of Arkansas. I understood from the Senator that he would probably report the bill this morning, but I believe, considering the importance of the measure, that it should go over until to-morrow for consideration.

The VICE PRESIDENT. The bill will go to the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4848) for the relief of T. L. Young and C. T. Cole; to the Committee on the Judiciary.

A bill (S. 4849) to authorize an appropriation for the construction of 2 barracks buildings, 1 hospital wing, and 2 sets of double quarters for doctors at the Western Branch of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. TYSON:

A bill (S. 4850) to give credit for longevity pay and retirement to warrant officers of the United States Army for services rendered in all other departments of the United States Government; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4851) for the relief of George Parker; and

A bill (S. 4852) for the relief of Thomas M. Hopkins; to the Committee on Claims.

By Mr. BORAH:
A bill (S. 4853) granting a pension to Charles L. Shaeffer (with accompanying papers); and
A bill S. 4854) granting a pension to James A. Jordan (with accompanying papers); to the Committee on Pensions.
By Mr. NEELY:
A bill (S. 4855) granting a pension to Isaiah Nixon; and
A bill (S. 4856) granting a pension to Lydia M. Hunt; to the Committee on Pensions.
By Mr. GREENE:
A bill (S. 4857) granting an increase of pension to Ella I. Fisher; to the Committee on Pensions.
By Mr. KEYES:
A bill (S. 4858) granting an increase of pension to Ida Annette Dixon; to the Committee on Pensions.
By Mr. BRATTON:
A bill (S. 4859) granting a pension to Gertrude E. Reid; to the Committee on Pensions.
By Mr. NORRIS (for Mr. HOWELL):
A bill (S. 4860) granting a pension to Fannie D. Abbott; to the Committee on Pensions.
A bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Commerce.
By Mr. ROBINSON of Indiana:
A bill (S. 4862) granting a pension to Robert J. Chapman;
A bill (S. 4863) granting an increase of pension to Clinton F. Henderson;
A bill (S. 4864) granting a pension to Florence Crane;
A bill (S. 4865) granting a pension to Canada M. Wing;
A bill (S. 4866) granting a pension to Eliza Howes;
A bill (S. 4867) granting an increase of pension to Margaret Treadway;
A bill (S. 4868) granting a pension to Elizabeth Huron;
A bill (S. 4869) granting a pension to Martha A. Mohler;
A bill (S. 4870) granting a pension to Susan Dill;
A bill (S. 4871) granting an increase of pension to William B. Harrison (with accompanying papers);
A bill (S. 4872) granting a pension to Mary E. Browne (with accompanying papers);
A bill (S. 4873) granting a pension to Samuel Porter Conway (with accompanying papers);
A bill (S. 4874) granting a pension to Rachel Featherston (with accompanying papers);
A bill (S. 4875) granting a pension to Nellie R. Goodman (with accompanying papers);
A bill (S. 4876) granting a pension to Mary A. Blue (with accompanying papers);
A bill (S. 4877) granting a pension to Ella L. Anderson (with accompanying papers); and
A bill (S. 4878) granting an increase of pension to Nancy J. Graves (with accompanying papers); to the Committee on Pensions.
By Mr. BROOKHART:
A bill (S. 4879) granting a pension to Mary A. Long (with accompanying papers); and
A bill (S. 4880) granting an increase of pension to Laura B. Pogue; to the Committee on Pensions.
A bill (S. 4881) granting a pension to Gorfey Orland Laughlin (with accompanying papers); and
A bill (S. 4882) granting a pension to George W. Preigel (with accompanying papers); to the Committee on Finance.

AMENDMENTS TO THE BOULDER DAM BILL

Mr. HAYDEN, Mr. JOHNSON, and Mr. PHIPPS each submitted an amendment intended to be proposed by them to House bill 5773, the so-called Boulder Canyon Dam bill, which were severally ordered to lie on the table and to be printed.

AMENDMENTS TO TREASURY, ETC., APPROPRIATION BILL

Mr. BRUCE submitted an amendment proposing to change the appropriation for enforcing the provisions of the national prohibition act, etc., from $13,500,000 to $270,627,384, intended to be proposed by him to House bill 14801, the Treasury and Post Office Departments appropriation bill, which was ordered to lie on the table and to be printed.

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 14801, the Treasury and Post Office Departments appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 18, line 7, after the word "each," to strike out the period and insert a comma and the following:

"Said reports to be made at each regular session of the Congress after May 29, 1928, and no part of the appropriation herein made for tax refund shall be paid out until said report is filed."

Mr. BLEASE. Mr. President, I wish to present an amendment which I propose to offer to the Treasury Department appropriation bill, and ask that it may be printed, printed in the RECORD, and lie on the table.

There being no objection, the amendment intended to be proposed by Mr. BLEASE to House bill 14801, the Treasury and Post Office Departments appropriation bill, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amend on page 14, providing for Federal farm loan bureau, by adding at the end of line 24, as follows:

"That the said board shall instruct the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. HICKEY, and Mr. MAJOR of Missouri were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University, in the District of Columbia," approved March 2, 1867;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indans may have against the United States, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easements to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12312. An act for the relief of James Hunts Along;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; and

H. R. 13606. An act for the relief of Russell White Bear.

UNITED STATES COURT OF CUSTOMS APPEALS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH of Montana. I move that the Senate insist upon its amendments, comply with the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. NORRIS, Mr. WATERMAN, and Mr. WALSH of Montana conferees on the part of the Senate.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolution and act:

On December 7, 1928:

S. J. Res. 131. Joint resolution providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea; and

On December 10, 1928:

S. 4402. An act authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

REPORT OF THE PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was

read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Seventy-ninth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 12, 1928.*

STUDY OF BATTLE FIELDS FOR COMMEMORATIVE PURPOSES (S. DOC. NO. 187)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with section 2 of the act of Congress to provide for the study and investigation of battle fields in the United States for commemorative purposes, approved June 11, 1926, I transmit herewith a report by the Secretary of War of the progress made under the said act, together with his recommendations for further operations.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 12, 1928.*

FREDERICK D. SWANK

Mr. NORRIS. Mr. President, on behalf of my colleague, Mr. HOWELL, who is detained from the Chamber by illness, I enter a motion to reconsider the vote by which the bill (S. 584) for the relief of Frederick D. Swank was passed on Monday. I do not ask for a vote now, but it becomes necessary under the rules of the Senate, as I understand it, to ask the House to return the bill to the Senate, and that motion has to be voted on at this time. I have talked with the Senator from Washington [Mr. JONES] about the matter, and he makes no objection to this step. I desire to say, as I have already stated to the Senator from Washington, that I know nothing about the merits of the bill, but my colleague is chairman of the committee from which the bill was reported, and I enter the motion in his behalf.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator moves that the House be requested to return the bill to the Senate?

Mr. NORRIS. I make that motion.

Mr. JONES. I wish to say that much as I regret this action as a matter of courtesy it is due to the junior Senator from Nebraska, and I make no objection to it.

The PRESIDING OFFICER. Without objection, the motion is agreed to, and the House will be requested to return the bill to the Senate.

CUMBERLAND FALLS

Mr. BORAH. Mr. President, there is a controversy going on in the country with reference to what is going to become of Cumberland Falls. I think this matter is of more than local interest, and I ask to have printed in the RECORD a statement in regard to it by one of the leading papers of the country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPAGANDA ON TRIAL

By Tom Wallace, Chief of the Editorial Staff of the Louisville Times

The case of Cumberland Falls, which was called for a hearing by the Federal Power Commission for November 14, is to be more than the case of Cumberland Falls alone.

The effectiveness of utilities propaganda is on trial in Washington, which has been the scene of an investigation of utilities financing and publicity by the Federal Trade Commission, in response to the Walsh resolution, and in the United States.

The effort of utilities propagandists, in Kentucky and elsewhere, to convince the public, and officers of the Federal Government sitting as judges, that a power plant below Cumberland Falls and an impounding dam above the falls, would not mar the scenery in the vicinity of the falls, or injure the cataract itself, has spanned several years.

Maj. Harold Fiske, a Federal engineer who attempted to persuade Gov. William Jason Fields—predecessor of the present Kentucky executive, Flem D. Sampson—that the power plant would be beneficial to the State denied the assertion of a newspaper that he had said the dam would improve the falls, stating that he had said it would be an improvement to the falls region.

O. C. Merrill, executive secretary of the Federal Power Commission, says: "The only effect upon the falls, or the area immediately adjacent, would be reduction in the amount of water passing over the falls."

Some persons might say reducing Niagara to a dribble would be injurious to its grandeur, but utilities propagandists and Secretary Merrill do not feel that way about Cumberland Falls.

The water of Cumberland River would be conveyed, through a tunnel above the falls, to a point below the falls, where it would operate turbines. A limited artificial waterfall, between a power dam and a power plant, is proposed as a substitute for the natural falls. The licensee would own the land and exercise rights over it which would make any individual visiting the falls, or its surroundings, except by permission of the licensee, a trespasser, subject to expulsion.

The argument of propagandists is that, in these circumstances, a State park, quite as desirable as the unmarred tract, which Senator T. Coleman du Pont, a former Kentuckian, has offered to buy, and present to the State, could be made.

The power company has indicated that it would cooperate in making a park in these circumstances. I have no doubt that it would whitewash the trees on the land allotted to the State, and place iron greyhounds here and there to ornament it.

But there would not be any water on the ledges over which Cumberland River's water now plunges, as I shall show by quoting the text of Mr. Merrill's proposal:

"That except when water is wasted past or over the dam, or is released by the licensee for its own purposes, at rates in excess of 100 cubic feet per second, the licensee shall release, for the purpose of the maintenance of the falls, such an amount of water, not in excess of 100 cubic feet per second, as may be fixed by the State park commission, or other appropriate authority of the State of Kentucky."

It will be noted that this provision of the contract which Mr. Merrill proposes would protect the licensee from running more than 100 cubic feet per second over the falls. The licensee might run any amount less than 100 cubic feet which might satisfy the State park commission "or other appropriate authority." For example, a pint a week.

Governor Sampson, in his message to the 1928 legislature, recommended enactment of a law giving the State park commission power to condemn land, that the du Pont gift might be accepted without mentioning Senator du Pont's name.

After the power lobby had read his message, and had sent its best men to Frankfort to deal with the situation, Governor Sampson, apparently, underwent a change of heart. The condemnation bill was killed without the hand of the administration appearing in its favor. The governor procured control of the State park commission by removing Vance Prather, who had advocated the du Pont gift and appointing in his place a woman, who is a prodam member. The head of the utilities lobby was indicted on a felony charge and convicted of misdemeanor, as a result of his activities on the floor of the legislature.

Subsequently Mr. Merrill returned his report, favoring the power plant, without mentioning the circumstances in which propark legislation had been defeated. Governor Sampson came out publicly for the power plant in August representing the State park commission as being unanimously for it. The statement was untrue. Dean Thomas D. Cooper, of the State College of Agriculture, ex officio a member of the State park commission; a statutory member whose vote Governor Sampson can not control and whose removal he can not accomplish, stands steadfastly for the State park, and no power plant.

Mr. Merrill's report provoked from Dr. Wilbur Nelson, head of the geological department of the University of Virginia and secretary of the Southern Appalachian Power Conference, an interview in which he said it was "exceedingly biased in favor of the power applicants," and that it omitted mention of Senator du Pont's offer, which was undoubtedly known to the Federal Power Commission.

The power company drive in Kentucky in behalf of the sacrifice of Cumberland Falls to the greed of a private interest is a part of the nation-wide utilities drive which, as revealed in the Federal Trade Commission's investigation, presented itself to a leading conservationist, Gifford Pinchot, as being "wholesale debauchery amazing even in this age of propaganda."

"Subsidized writers, editors, converted to 'sane views,' planted news, and canned editorials broadcast by sweetened news syndicates are successive chapters in the sordid story of wholesale civic debauchery which is unrolled from day to day," says Mr. Pinchot.

Features of the Kentucky drive include also submitting to weekly newspapers "for free publication" matter prepared by a Louisville advertising agency.

The entire State has been propagandized extensively, and in some of the mountain cities, where the fight to control local opinion has been especially hot, many business men and salaried men are afraid to express their views, lest business in the one case, and in the other case positions, be lost as a result.

The trifling 40,000 horsepower which can be developed at Cumberland Falls is by no means the whole stake involved in this effort to control public opinion. The effort is to create the impression, popularly, that the power makers should be looked upon as benefactors to whom even the State's greatest scenic asset should be surrendered, willingly, because they will develop industrially the territory in which they create current.

The Kentucky case is a "cause celebre" in the outcome of which all utilities propaganda bureaus and every utilities contract man, every lobbyist throughout the country is interested. If Cumberland Falls can be grabbed and destroyed, what scenic asset can present an

obstacle to "development"? What argument against letting power companies have their way in all matters will be considered valid?

The cause of conservation throughout America will be to some extent affected by the ultimate fate of Cumberland Falls. With hundreds of millions of dollars behind them, the propaganda bureaus of more than two score utilities companies are making a drive to control national education and the press in the interest of getting what they want in the way of scenic assets and, what is more important, in the way of rates. In the effort schools, universities, newspapers, and magazines are being honeycombed with propaganda.

Because the opposition to the ruin of Cumberland Falls has been such as to give the controversy national prominence, the drive to win the case is out of all proportion to the value of the falls to the power company. There is more horsepower in the propaganda drive than there would be in the Cumberland Falls plant.

HOWARD UNIVERSITY

Mr. TRAMMELL. Mr. President, on Monday, when we were considering the calendar under the rule, as is usually the case, we proceeded very rapidly. There is but little or no consideration often given to bills appearing on the calendar, unless some Senator happens to notice objectionable features and objects to their passage, working as we do under that limited rule for the purpose of expediting legislation.

On Monday House bill 279, providing for the establishment of a policy for making appropriations for Howard University, was passed practically without any consideration and really, I think, without the knowledge of many Senators. That bill brings up a question of policy which I think should be considered by the Senate—that is, the policy of having a law providing that appropriations shall be made to private educational institutions. That is the sum and substance of the policy of the bill and what it means.

I desire to make a motion to reconsider the vote by which the bill was passed on Monday, and with that to make a request that it be returned from the House. I should like very much to have it further considered by the Senate. The bill has been sent to the House.

Mr. BRUCE. Mr. President, ought not the motion to recall the bill from the House to precede the motion to reconsider?

Mr. TRAMMELL. Under the rules, the two motions are embraced together.

The VICE PRESIDENT. The question will be on the motion to request the House to return the bill.

Mr. BRUCE. Does the Senator propose to ask for a vote on that motion now?

Mr. TRAMMELL. I desire to ask for a vote on having it returned from the House.

Mr. BRUCE. Yes; but I mean now?

Mr. TRAMMELL. Under the rule, we take a vote on returning the bill.

The VICE PRESIDENT. The bill will have to be returned from the House before the vote is taken on reconsideration.

Mr. TRAMMELL. Of course, I do not want to take the vote on reconsideration now.

Mr. BRUCE. I simply desire to say that I am opposed to its reconsideration and its return.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida that the bill be recalled from the House.

The motion was agreed to.

Mr. TRAMMELL. Now I make my motion for reconsideration.

The VICE PRESIDENT. That motion is out of order until the bill is returned. The motion will be entered.

Mr. TRAMMELL. I do not want to lose my privilege of making it to-day, because this is the last day, under the rules, on which that motion can be made.

The VICE PRESIDENT. The Senator's rights are preserved when the motion to reconsider is entered.

APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

Mr. HEFLIN. Mr. President, before the Senate adjourned in May it adopted Senate Resolution 154, giving authority to a committee appointed by the Vice President to investigate the civil service. Under the terms of that resolution the committee was required to finish its work and report within 60 days. Senators will recall that the campaign was on, and Members of this body all went home, and we were unable to have more than two short meetings. I now ask unanimous consent that the authority granted by the resolution may be continued during the present session of Congress.

The VICE PRESIDENT. Is there objection?

Mr. CURTIS. May the resolution be read? I was out of the Chamber when the Senator from Alabama stated the object of his request.

The VICE PRESIDENT. The clerk will read the resolution, as requested.

The Chief Clerk read the resolution (S. Res. 154), as follows:

Whereas William C. Deming, president of the Civil Service Commission, admitted in an article published in the Washington Post of March 6, 1927, that the Civil Service Commission has appointed in excess of quotas over 10,000 persons from the District of Columbia, Maryland, Virginia, and other States; and

Whereas many legally appointed civil-service employees from States whose quotas are in arrears, and many ex-service men and women have been illegally separated from the service, and much suffering and hardship caused thereby, terminating in some cases in commitments to St. Elizabeths Hospital, and in other cases in suicide; and

Whereas the morale and efficiency of many of the executive departments and independent establishments of the Government have been completely broken down by the injustice, discrimination, intimidation, and illegal dismissals in the civil service and much loss to the Government caused by the resulting maladministration of the laws: Therefore be it

Resolved, That there is hereby created a special committee of the Senate, to consist of five members appointed by the President of the Senate, three of whom shall be from the majority party (including one Progressive Republican), and two of whom shall be from the minority party. The committee is authorized and directed to investigate illegal appointments and dismissals in the civil service since July 1, 1919. The committee shall meet and organize within five days from the date of appointment and immediately thereafter shall begin hearings upon this resolution. Within 60 days after the adoption of this resolution, the committee shall report to the Senate concerning such illegal appointments and dismissals in the civil service, and shall include in its report such recommendation for legislation and suggested action for the removal from office of any parties to such illegality, as it deems advisable to correct abuses in appointments and dismissals in the civil service.

For the purposes of this resolution the committee is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witness and the production of such books, papers, and documents, including the records of the Civil Service Commission, the Bureau of the Budget, the Bureau of Efficiency, the Personnel Classification Board, and the several executive departments and independent establishments, to administer such oaths and to take such testimony and to make such expenditures, as it deems advisable. The expenses of the committee shall not exceed $2,500, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. SMOOT. Do I understand that the resolution is void now on account of the time having elapsed?

Mr. HEFLIN. The time has expired. The committee was required to report back, as I said a moment ago, within 60 days; but Senators all went home and we were unable to have meetings during the recess. The work is not completed. We had just started the investigation. The committee was composed of five Senators—the Senator from Vermont [Mr. DALE], the Senator from Iowa [Mr. BROOKHART], the Senator from Oklahoma [Mr. PINE], the Senator from Georgia [Mr. GEORGE], and myself. We desire authority to go on with the hearings. There are quite a number of employees in the Government service who have been to see me since the Congress reconvened asking that they be permitted to testify and get their statements before the committee. I told them it would be necessary to have the resolution continued or to have the authority which I now seek granted by the Senate. That is what I am asking for.

Mr. SMOOT. The only object I had in rising on the question was this: If the resolution is dead, there will have to be some other action rather than simply unanimous consent granted to continue it, although I suppose that has been done in the past; and I have no objection to the request of the Senator.

Mr. HEFLIN. I investigated that question somewhat, and the parliamentarian seemed to think that unanimous consent could be asked, as I have done; and if the Senate granted it, it would be the same as having the resolution passed again.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to extend the time within which the committee may report.

Mr. HEFLIN. For the remainder of the present session.

Mr. ROBINSON of Arkansas. Mr. President, that is a perfectly proper request. If the committee has not completed its work, it is appropriate to extend the time in which it may do so.

Mr. JONES. I should like to ask the Senator from Alabama whether or not under his request the committee would be required to report prior to the end of the present session.

Mr. HEFLIN. I ask that the time may be extended through this session, a report to be submitted by the committee before the Senate shall adjourn finally on the 4th of March.

Mr. JONES. If the Senator will modify his motion so as to require a report by the committee on or before the 4th of March, that will be satisfactory.

Mr. HEFLIN. I include that in my request, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

RELIEF OF CONDITIONS IN PORTO RICO

Mr. BINGHAM. Mr. President, on account of the great need for haste and the emergency existing in Porto Rico, with over a hundred thousand people being fed every day by the Red Cross, and the necessity of providing money as soon as possible to enable planters to employ labor, I ask unanimous consent that Senate Joint Resolution 172, reported by me from the Committee on Territories and Insular Possessions on yesterday, as it appears on the calendar, may be taken up and considered at this time.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. What is the calendar number?

Mr. BINGHAM. It is the last measure on the calendar.

Mr. SMOOT. I ask that the joint resolution be read.

The Chief Clerk read the joint resolution (S. J. Res. 172) for the relief of Porto Rico, as follows:

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047 of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed, and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, That there is hereby created a commission, to be known as the Porto Rican hurricane relief commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants, and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan shall be 5 per cent per annum but the commission may, in its discretion, waive the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of $10,000,000, of which $5,000,000 shall be made immediately available, $3,000,000 shall be made available on January 1, 1930, and $2,000,000 shall be made available on January 1, 1931. Any money received as repayment of any loan made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on Territories and Insular Possessions with amendments. The first amendment was, in section 2, on page 3, line 12, after the word "Agriculture," to insert "and may request and accept the cooperation of the insular and municipal governments of Porto Rico."

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 4, after the word "loan," to insert "beginning with the fourth year."

Mr. ROBINSON of Arkansas. Mr. President, apparently the joint resolution provides that no interest shall be charged on these loans until the fourth year?

Mr. BINGHAM. That is correct.

Mr. ROBINSON of Arkansas. If I remember correctly, in the flood-relief work that was carried on by the agencies of the Government interest was charged on loans—a small rate of interest—from the time they were made. Why is interest deferred for the period of three years on these loans in the case of Porto Rico?

Mr. BINGHAM. For the reason that the committee was given evidence to show that the coffee plantations could not begin to come back until the fourth or fifth year and the coconut plantations until the sixth or seventh year, and there will be no money whatever with which to pay interest during that period.

Mr. ROBINSON of Arkansas. The destruction was such that it will be necessary to replant the coffee plants?

Mr. BINGHAM. More than half of the coffee plants and 62 per cent of the shade trees were destroyed.

Mr. ROBINSON of Arkansas. It is noted, also, that the commission is authorized to defer permanently the payment of interest, or for such time as the commission may see fit.

Mr. BINGHAM. The reason for deferring the payments was that in the case of planters whose plantations were so wiped out that it would be five or six years before they could have any income, their interest might be deferred after the third year until such time as they could sell a crop.

Mr. ROBINSON of Arkansas. What has been done by the Porto Rican government itself in connection with this relief work?

Mr. BINGHAM. Within three days after the hurricane occurred word was sent out to employ just as many people as could be employed on the roads, and all available money was used in keeping people employed on the roads to the extent of about half a million dollars. The Porto Rican government has about reached the end of its resources, and its taxes will be very seriously crippled. The board of equalization and relief has had to cut down the assessments of the coffee plantations to a nominal sum in order to enable the planters to continue.

Mr. ROBINSON of Arkansas. The Porto Rican government, then, is not participating in loans to its own planters?

Mr. BINGHAM. It is impossible for it to do so at present.

Mr. ROBINSON of Arkansas. It is noted that all funds received during the period of five years after the date of the approval of the act from loans or other arrangements effected under the act shall be treated as a revolving fund. What is it estimated will be the total amount of funds applied in that way during the period of five years for this relief work?

Mr. BINGHAM. Very little will come in, Mr. President, because of the fact that it is not estimated by any of the experts

in coffee that there will be any income from the coffee plantations for the first five years; but with regard to the citrus fruit growers, and with regard to some of the other plantations, there will be payments that can be made. It was also brought out in the hearings that a great deal more than $10,000,000 was needed, but it was not felt wise to ask for it; and it was hoped that the Congress might be willing to permit any principal or interest that might be returned to be used as a revolving fund for the first five years.

Mr. ROBINSON of Arkansas. The bill, I presume, has the approval of the several departments whose heads are made members of the commission?

Mr. BINGHAM. It has their approval; and in the report the Senator will notice that it has the approval of the Bureau of the Budget, and is not in conflict with the President's financial policy.

Mr. KING. Mr. President, in view of the amendment which has just been read, found on line 4, the amendment "beginning with the fourth year," may I inquire of the Senator whether he thinks it is wise to give to the commission the discretion to defer interest after that period? I ask more for information than by way of criticism; but it would seem to me that if the payment of interest is deferred for four years there ought not to be a provision for further waiver of interest or deferring payment.

Mr. BINGHAM. There was no divergence of opinion among the specialists, including the manager of the farm-loan bank and the auditor and the commissioner of agriculture, that it would be impossible for a good many of the planters to pay any interest at all for five years; and the burden of having interest accumulate for the first two or three years would be so great as to make it seem advisable to waive all interest for the first three years in lieu of any grant. At the time of the great hurricane of 1899 we made a direct grant to the people. This time the people are not asking for a direct grant but only for a loan to the planters without interest for the first two or three years. This will affect only the small individual planters and not the corporations or large planters.

Mr. FLETCHER. Mr. President, may I ask the Senator a question? There is a Federal land bank established in Porto Rico, is there not?

Mr. BINGHAM. Yes, Mr. President.

Mr. FLETCHER. Does the Senator know how much their loans have amounted to up to this time?

Mr. BINGHAM. Their loans are about $12,000,000.

Mr. FLETCHER. Already?

Mr. BINGHAM. Yes, sir.

Mr. FLETCHER. And the planters can not get accommodations through those banks for these purposes?

Mr. BINGHAM. No, sir. It is impossible for the banks to extend further credits, because they have already loaned up to their limit on these plantations. As a result of the hurricane of two years ago and the hurricane of six years ago, it has been necessary for the planters to borrow up to the full extent of 50 per cent of the value of their plantations; and the Federal land bank is not permitted to loan any further to them.

Mr. FLETCHER. I understand that; but I did not know whether there were other applications that might be made and other accommodations they might extend. If they have about covered the field, of course, that source is exhausted.

Mr. BINGHAM. One of the best witnesses who appeared before the committee was the manager of the local bank, who has been there for nearly six years and is thoroughly familiar with the whole situation.

Mr. ROBINSON of Arkansas. Mr. President, what was the amount of relief work done or assistance extended through the instrumentality of the Red Cross and other kindred organizations?

Mr. BINGHAM. The Red Cross has set aside $2,750,000 for relief, which is about the same amount or a little less than was set aside for relief to the sufferers in Florida from the same hurricane.

Mr. ROBINSON of Arkansas. The Senator says "set aside"; what does that expression imply?

Mr. BINGHAM. That amount has been already spent or has been allocated, as we used to say during the war.

Mr. ROBINSON of Arkansas. It is expected that it will be expended, then?

Mr. BINGHAM. All of it and more, Mr. President.

Mr. ROBINSON of Arkansas. And more, probably?

Mr. BINGHAM. They will have to continue on through the winter.

Mr. TRAMMELL. Mr. President, will the Senator from Connecticut permit a question?

Mr. BINGHAM. Certainly.

Mr. TRAMMELL. Are the coffee, coconut, and citrus-fruit industries there carried on mostly by natives or by American capital?

Mr. BINGHAM. Almost entirely by natives, Mr. President. American capital is invested in the large sugar plantations, which are not asking for any aid whatever, and in the citrus-fruit industry, which will need aid perhaps for a few months or one year; but for the most part they are taking care of their own needs and necessities.

Mr. TRAMMELL. I was under the impression that American interests have engaged rather extensively in the citrus-fruit industry in Porto Rico.

Mr. BINGHAM. That is true.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on Territories and Insular Possessions was, on page 4, line 6, after the word "discretion," to strike out "waive" and insert "defer," so as to read:

but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "made," to insert "by the commission itself or," so as to read:

All such loans shall be made by the commission itself or through such agencies as the commission shall designate.

The amendment was agreed to.

The next amendment was, on page 4, line 15, after "1931," to strike out "Any money received as repayment of any loan made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts" and to insert:

All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter, as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 7, after the word "labor," to insert "and the purchase of materials," so as to make the section read:

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of school houses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

The amendment was agreed to.

Mr. KING. Mr. President, may I ask the Senator, in view of the words "revolving fund," if it is the purpose to perpetuate this fund after the period indicated in the joint resolution? In other words, if moneys are paid back by those to whom they may be lent, may the commission loan those moneys again on such terms as they see fit?

Mr. BINGHAM. Only for five years, Mr. President. The revolving fund is to terminate at the end of five years. The object of that was to diminish the amount of relief which will be provided by the United States.

Mr. KING. The obligation, then, might be a great deal more than the $10,000,000. That is to say, suppose the $10,000,000 should be loaned within the next few years, and $5,000,000 of that should be paid, say three or four or five years from now, into this revolving fund, and loans made again, that would constitute, then, a loan probably of $15,000,000 instead of $10,000,000.

Mr. BINGHAM. No; the Senator will realize that if the money is paid back, the loan is not continuing. It was believed by a great many of those who have studied the situation, that $20,000,000 would more nearly represent the actual needs, in view of the destruction of about $80,000,000 worth of property; but it was believed by the committee that it was wise not to ask for a larger loan than $10,000,000 over the period of three years.

Mr. SMITH. Mr. President, I have been very busy with other matters, and was not aware that this Porto Rican relief measure would come up to-day.

I am not personally posted on the condition of Porto Rico as the Senator who has the joint resolution in charge is; but I should feel derelict in my duty to American citizens if I did not call the attention of the Senate to the fact that the situation in my State has been investigated by officers of the Government connected with the Agricultural Department, Federal officers both in the State and here in Washington, and I am informed that the same thing is practically true of a section of Georgia, where from identically the same storm, with a precedent weather condition that made it intensely effective, those sections have suffered perhaps as disastrously as Porto Rico.

It is true that we are in direct touch with and a part of the great American continent; but there is a section of my State—almost one-half of it—that suffered severely from preceding storms, perhaps the worst in the history of my State, and then the disaster reached its climax in this terriffic hurricane that swept up from Porto Rico, entered Florida at Palm Beach, recurved from its northwesterly direction, took a course right up the Atlantic coast, and practically wiped out all that the farmers in that section had. The hay crop, the corn crop, the cotton crop, the tobacco crop, were practically wiped out; and there is a section of my State and of Georgia and a part of North Carolina larger in extent than Porto Rico that has suffered a devastation equal to that which occurred in Porto Rico so far as the crops are concerned. There was not the destruction of buildings that occurred in Porto Rico.

Mr. SIMMONS. Mr. President, the Senator might state, so far as North Carolina is concerned, that that was the condition with reference to probably one-half of the farms in the eastern section of the State.

Mr. SMITH. That is true. We are appointing a commission here to go to a semiforeign region to extend what ought to be extended—the helpful hand of America—and passing right over a section of our own country whose people individually are suffering to-day as intensely as the Porto Ricans are so far as resources are concerned.

As I said before, there was not the destruction of houses that there was in Porto Rico, but my colleague [Mr. BLEASE] will bear me out in the statement that the crops and all that the people have to depend on for a living were practically wiped out. The sheriffs and our fiscal agents in the counties are reporting to us that not only have the people nothing with which to pay taxes but they have nothing with which to meet the obligations incurred in their efforts to make a crop.

Our land banks and intermediate credit banks and local banks are feeling the terriffic strain of the wiping out of this rich section of our State. Bank failure after bank failure has occurred because of the destruction of the cash crops, the tobacco and the cotton crops. That in itself was bad enough, but in addition the food crops have been destroyed.

The feed for animals has been destroyed, and a large number of the animals themselves have been destroyed. I do not think I, at least, am justified in standing here and joining in extending this necessary aid to Porto Rico; but overlooking the distress and suffering, bankruptcy and poverty, that have been visited upon an equal if not a greater number of American citizens.

Before we take action on this resolution I would like to have time enough to provide for similar relief for those people. I like the terms of this measure. I like the manner in which we are going to extend aid to these helpless individuals in Porto Rico, and I would like to amend the resolution so that the world at large may know that in extending aid to these people in other countries we have included along with that aid to our own people.

I would like to have an investigating committee, such as is provided here, visit the stricken sections of the four States of Florida, Georgia, South and North Carolina, and let them, under the provisions of this resolution, include our own people in the provision that we are so splendidly making for others.

I have not conferred with the Senator; I did not think this matter would come up. But he can appreciate the fact that perhaps there has not been as spectacular portrayal of our distress as there has been of the distress in Porto Rico. The fact is that the destruction of dwellings and peoples' homes is an aggravation in Porto Rico that does not exist in the section of the country to which I have referred, but, so far as the possibility of paying debts, so far as their having anything left, is concerned, the individual farmers are stripped of resources, with no possible way to meet their obligations. In fact, there is actual suffering there now, as far up as my own farm, in Lee County, which is in the central part of the State.

I am sure the Senate would not be willing to extend this liberal aid to the Porto Ricans without at least investigating to see whether or not the statements I have made are within the bounds of accuracy and that our people are entitled to the same consideration we are about to extend to the Porto Ricans.

I had in my office our fiscal officials and those dealing with our banking institutions, and they are fully aware of and keenly alive to the fact that the condition there parallels the condition in Porto Rico.

The destruction in both cases was caused by the same identical storm, and we might not be called upon to change the terminology in reference to the commission to be appointed and to relieve a condition brought about by the Porto Rican storm, if we wish to give it that name. But I think it is the duty of the Senate to include in the provisions of this relief American citizens, and I want to ask the Senator if he will not give us time to prepare and offer amendments, or at least to include in the measure a provision that the committee set up shall investigate the storm-stricken region of the South Atlantic, and let them make a recommendation as to the amount that is necessary, as has been provided in this measure as to Porto Rico. Make it as applicable to that stricken region as to Porto Rico.

Mr. BINGHAM. Mr. President, when I called this matter up this morning I had no idea that it would lead to debate. I know there is an appropriation bill about to come before us. I have felt that the relief for the States mentioned, which suffered very severely and for which the Red Cross is also working, would be provided for in a separate measure, which I should be very glad to favor, and which measure would probably go to the Committee on Agriculture, and not to the Committee on Territories and Insular Possessions.

In view of the statement just made by the Senator from South Carolina, I ask for the regular order, and under the regular order the bill will go back to the calendar.

Mr. TRAMMELL. Mr. President, I would like to offer an amendment to the pending resolution before we proceed to the regular order. I desire to offer the amendment which I send to the desk.

Mr. SMITH. Mr. President, before I take my seat I want to state to my colleagues that this is not a mere matter of injecting something that is not pertinent. I know the Senator understands, and the Senate understands, that I could not sit here, knowing the distressed condition of the people in my own immediate vicinity, and allow this relief and then wait for the exigencies of a separate measure. It may be that when we get the committee together and confer on this matter it may seem wiser to introduce a separate measure, but I for one can not vote for the relief for the Porto Ricans until I have the assurance that the suffering Americans will be relieved.

The VICE PRESIDENT. The clerk will read the amendment offered by the Senator from Florida.

The CHIEF CLERK. The Senator from Florida offers the following amendment to Senate Joint Resolution 172: On page 4, line 10, after the word "designate," insert:

That the said commission shall also assist in the rehabilitation of agriculture in that area of the State of Florida which suffered from said hurricane on September 15 and 16, 1928, and shall make and extend to farmers and fruit growers within said area in the State of Florida loans upon similar terms and conditions as herein provided for the purpose of the rehabilitation of agriculture in Porto Rico.

Mr. TRAMMELL. Mr. President, in view of the request of the Senator from Connecticut that we proceed with the regular order, I want to state that I shall discuss my amendment when we return to a consideration of the joint resolution.

The VICE PRESIDENT. The amendment will be printed, and lie on the table.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. Mr. President, I ask unanimous consent that we proceed to the consideration of House bill 14801, providing appropriations for the Post Office and Treasury Departments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14801), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Treasury Department, office of the Secretary," on page 2, line 3, after the word "Treasury," to strike out "$10,000" and insert "$12,000," and at the end of line 5, to strike out "$171,275" and insert "$173,275," so as to read:

Salaries: Secretary of the Treasury, $15,000; Undersecretary of the Treasury, $12,000; three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, $146,275; in all, $173,275.

Mr. KING. Mr. President, this seems a very small item, yet it is establishing a precedent which will involve demands for additional compensation. If the compensation of the Undersecretary of the Treasury is increased to $12,000 per annum, the demand will be made for every assistant secretary in every department of the Government, and there is no reason why a similar raise should not be made to others.

Mr. SMOOT. Mr. President, I want to call my colleague's attention to the fact that this is not for an Assistant Secretary.

Mr. KING. It is for the Undersecretary.

Mr. SMOOT. It is for the Undersecretary, and I want to say again that the Undersecretary has pass through his hands all that is done by the Assistant Secretaries. He is responsible for all the reports made from those Assistant Secretaries, and the labors of those men.

Mr. KING. I appreciate that fact. The same may be said, with some slight modification, perhaps, of the Assistant Secretaries in many of the departments. They have burdens and responsibilities almost as great as those of the Undersecretary. Because a man is labeled "Undersecretary," one whose duties heretofore were performed by others, perhaps not with so high-sounding titles, is no reason why we should increase the compensation. He took the position knowing what the salary was. I submit that if we increase the compensation of the Undersecretary, whoever he may be, a demand will come that we increase the compensation of all Assistant Secretaries, the Assistant Secretaries of War, of the Navy, and of the Department of Commerce, and other departments. There is a responsibility, of course, in all of the executive officers. I think this attempt little by little to increase the salaries of persons in high positions in the Government is very unwise.

Mr. SMOOT. The committee has felt that it was nothing more than right to take care of the two men in the Treasury Department, whose labors are so arduous and so responsible. One is the Undersecretary and the other is the Director of the Budget. The committee has made the amendment to the bill making the $12,000 salary apply to those positions, and that is all, as far as any increase in salaries is concerned. I can not see why we should ask a man to fill the most responsible position there is in the Treasury Department at a salary of less than $12,000.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. DILL. When was this position created?

Mr. SMOOT. Years ago, I will say to the Senator.

Mr. DILL. How long has it been since the salary was made $10,000?

Mr. SMOOT. As I remember, it was that in the beginning.

Mr. DILL. What reason is there that the Undersecretary should be given a larger salary than Representatives and Senators are given?

Mr. SMOOT. That is for the Representatives and Senators to decide for themselves. I will say this, however: That Senators do not have the particular responsibilities in detail or work as many hours, perhaps, as the Undersecretary.

Mr. DILL. No; Senators must get their positions by going to the people; these men get their positions through political favoritism, by appointment from the President.

I want to call the Senator's attention to this: The message of the President talks about the necessity of holding down expenditures, and we have learned from the operation of the Welch law that a lot of poorly paid clerks are not receiving the increases that it was expected they should receive. We are told also that the attempt to increase those salaries to where it was intended they should be by those who fathered the act will be opposed because of the condition of the Treasury, and with these facts in our faces the committee comes in with an increase of $2,000 a year for a man who is already receiving $10,000 a year. The only excuse given is that he has a great many duties and that they are important duties.

The condition of the Treasury is continually cited as a reason why other matters can not be considered. It seems to me this is an increase in salary that might well await increases of salary of the poorly paid clerks in the different departments of the Government who, it was thought, were being taken care of when we passed the Welch bill at the last session of Congress.

Mr. SMOOT. I have no doubt but that the Welch bill will be amended at this session of Congress.

Mr. DILL. Yes; I understand the Senator wants to amend it to increase the pay of some of the highly paid employees.

Mr. SMOOT. The Senator has no right to have any such understanding, and I think it comes from his own brain and not from any other source.

Mr. DILL. I only read it in the newspapers. Perhaps the Senator was misquoted.

Mr. SMOOT. The Senator has misquoted me entirely. Of course, I never take any notice of what the newspapers say about me. I want to say to the Senator that no expression have I ever made, and no attempt on my part will ever be made, to carry out what the Senator now charges me with.

Mr. DILL. Then I am very sorry I made the suggestion. I simply took the statement of the newspaper.

Mr. President, it seems to me this is very important as a precedent. I make the point of no quorum. I want the Senate to know about it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shortridge
Barkley	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gillett	Metcalf	Smoot
Blaine	Glass	Moses	Steck
Blease	Glenn	Neely	Steiwer
Borah	Goff	Norris	Stephens
Bratton	Gould	Nye	Swanson
Brookhart	Greene	Oddie	Thomas, Idaho
Broussard	Hale	Overman	Thomas, Okla.
Bruce	Harris	Phipps	Trammell
Capper	Harrison	Pine	Tydings
Caraway	Hawes	Pittman	Tyson
Couzens	Hayden	Ransdell	Vandenberg
Curtis	Heflin	Reed, Pa.	Wagner
Dale	Johnson	Robinson, Ark.	Walsh, Mass.
Deneen	Jones	Robinson, Ind.	Walsh, Mont.
Dill	Kendrick	Sackett	Warren
Edge	Keyes	Schall	Waterman
Edwards	King	Sheppard	Watson
Fess	Locher	Shipstead	Wheeler

Mr. BRATTON. My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is absent from the Chamber due to illness. This announcement may stand for the day.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, as I understand it, the pending amendment is a proposal on the part of the Committee on Appropriations to increase the salary of the Undersecretary of the Treasury from $10,000 to $12,000 a year. It seems to me, in the face of the advice the Congress has just received from the Chief Executive, that this would be a very unwise thing for us to do, not alone because it is uneconomical, but because it would have a tendency to endanger the bill, if we should pass it, when the President comes to act upon it. I have no doubt from his official message that he would feel it his conscientious duty to veto the bill if we should increase this salary in this way.

Mr. WHEELER and Mr. WARREN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from Montana, who, I think, rose first.

Mr. WHEELER. In view of the fact that the bill likewise provides for an increase in pay for the Director of the Bureau of the Budget, I have no doubt he will probably hold that the increase in the salary of the Undersecretary of the Treasury is not in conflict with the economy program of the President.

Mr. NORRIS. I am sorry that I can not agree with my friend, the Senator from Montana, because I think the President will probably criticize both of these officials. The President is in favor of economy and I am going to read from his message to show the dangerous ground upon which we are treading if we violate his instructions. I have no doubt that he will take the Director of the Bureau of the Budget and the Undersecretary of the Treasury both in hand and administer the proper punishment to them for attempting to violate his own official directions.

However, before I read from the message of the President, the Senator from Wyoming [Mr. WARREN] wanted to interrupt me a moment ago and if he still desires to do so I shall be glad to yield to him now.

Mr. WARREN. Mr. President, I will not detain the Senator.

Mr. NORRIS. Very well.

In the message of the President I find, after talking about economy and referring to it very properly in a commendatory way, that the President said:

That is constructive economy in the highest degree. It is the corner stone of prosperity. It should not fail to be continued.

This is the very corner stone of the prosperity which the country enjoys.

This action began by the application of economy to public expenditure.

The item in question before us now is a public expenditure.

If it is to be permanent, it must be made so by the repeated application of economy.

It is necessary—

Continued the Chief Executive—

therefore during the present session to refrain from new appropriations for immediate outlay, or if such are absolutely required to provide for them by new revenue; otherwise, we shall reach the end of the year with the unthinkable result of an unbalanced Budget. For the first time during my term of office we face that contingency. I am certain that the Congress would not pass and I should not feel warranted in approving legislation which would involve us in that financial disgrace.

So, in addition to the reasons I have given, I want to call attention of the Senate to the reasons given by the President. It is approaching the point where it will involve us in "financial disgrace." It seems to me, Mr. President, that we ought to heed these words of wisdom that have come down to us from our President. We ought to be willing to obey his injunction; we ought to be willing to follow his advice. Particularly is that true when the proposition is to increase a large salary even though it may not be sufficient, as the world looks upon those things, to compensate for the difficult duties of the official position. If we must increase salaries, it ought to be the salaries of those officials whose salaries are so low that it is difficult under present living conditions for them to make both ends meet. That can not be said of a salary of $10,000 a year where there are no expenses or campaign involved in securing the office; where it comes without any expense of time or money.

Therefore, Mr. President, it seems to me that we ought to be willing and glad to apply the rules of economy and follow the advice of the President and his views and decline to pass legislation which, as he has stated, may involve us in "financial disgrace." Would not the great Undersecretary rather work for $10,000 a year than to get $12,000 a year if by doing so he brought his country into "financial disgrace"? Even if it is necessary to expend all that money, would he not be willing to sacrifice that much and perform his patriotic duty by saving this great country of ours from such a terrible dilemma as "financial disgrace"?

We ought to steer clear of such a danger, and the danger the President points out in his message is close at hand. In this message the President states: "The present indications are that there will be a surplus of only $37,000,000 at the close of this year." And I have noticed in the newspapers in the last few days—I can not vouch for the correctness of the statement—that there has been discovered a new item, amounting to $55,000,000, about which the President did not know when he prepared this message and which was not included in making his calculations—an expenditure of $55,000,000 to refund to taxpayers amounts which they have paid over those which they legally owed under the law. So that even as we now stand we are in terrible danger of being confronted with "financial disgrace."

If there is anything that we can do to avert such a calamity we ought to do it, it seems to me, even to the extent of cutting salaries down temporarily. If we cut this salary down below $10,000 per annum, with the understanding that when we pass the turn in the road where "financial disgrace" exists the salary will again be increased and that the amount now deducted will be repaid in the future, it seems to me we could well do that rather than now, in the face of the record, fly into this terrible predicament.

I am also wondering, Mr. President, if the amendment is not subject to a point of order? I submit the parliamentary inquiry to the Presiding Officer as to whether it is not subject to a point of order under the rules?

The PRESIDING OFFICER. The Chair would like to know upon what the Senator bases the suggested point of order.

Mr. NORRIS. It is an increase of salary in an appropriation bill and legislation on an appropriation bill. I may be wrong, but my understanding is that the salary of this official is fixed by law at $10,000 a year, and it is now proposed to pay him $12,000 per annum. If I am incorrect in my statement in regard to the law, I should like to be corrected.

Mr. WARREN. No point of order could lie against the amendment.

The PRESIDING OFFICER. The Chair will state that the amendment is in accordance with the recommendation of a standing committee of the Senate, which makes it in order.

Mr. NORRIS. Then, does the Chair mean to say that a standing committee does not have applied to it as to any amendments it may bring in the same rule that applies to individual Members of the Senate.

Mr. OVERMAN. Mr. President, my understanding is that if this salary were fixed by law, then the amendment would be subject to a point of order. As I recall, the salary was originally $7,500 and then it was increased to $10,000, and now, without rhyme or reason, it is proposed to increase it to $12,000. There was no statement before the committee as to why that should be done, or any justification being shown for it or any reason given for it. It is simply in the nature of a Christmas gift. Against my opposition the subcommittee and the full committee increased it to $12,000. Why should that be done, when such a condition of affairs exists as has been adverted to by the Senator from Nebraska? Why should the Senate undertake to increase a salary when the increase has not been asked for or any reason shown why it should be increased? The official is now receiving as much as Senators receive, namely, $10,000 a year, and now it is proposed to give him $12,000 a year, when he does not even ask for it.

Mr. WARREN. Mr. President, on the point of order——

The PRESIDING OFFICER. The point of order is overruled.

Mr. NORRIS. Mr. President, I did not make a point of order; I merely made a parliamentary inquiry.

Mr. WARREN. Mr. President, while I am on my feet, I merely wish to say to the Senator from Nebraska that he was a Member of the Senate when the idea was suggested that the Committee on Appropriations should be prevented from having the power that other committees have. The question was settled then and settle for all time by the Vice President who then presided over the Senate and who gave the question due consideration. The Committee on Appropriations has no more and no less power in this regard than other committees have. They have recommended the amendment in their report of the bill, but back of that recommendation, of course, is the Budget estimate, which of itself makes the amendment in order.

Mr. KING. Before the Chair finally rules on the point of order, although he may have done so, let me say that where there is an existing law which determines appropriations, as, for instance, there is an existing law with respect to the amount which shall be contributed or paid by the Federal Government annually to various bureaus and to various agencies of the Government, it seems to me that the action of a standing committee of the Senate in making a recommendation that such existing law shall be changed, even though that recommendation comes from the Appropriations Committee, would not remove the subject from the forum of controversy or, at least, from the forum in which it might be challenged on the ground that it changed existing law. If we have a fixed statute providing for an annual appropriation for a given purpose, I submit that the Appropriations Committee may not change that existing law or, rather, that their recommendation that it shall be changed will not remove the question from the forum of controversy and prevent us from challenging it upon the ground that it is legislation upon an appropriation bill.

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. KING. I merely support the point of order which has been made.

The PRESIDING OFFICER. There has been no point of order made. If the Senator makes the point of order, the Chair will rule.

Mr. KING. Well, I make the point of order, Mr. President.

The PRESIDING OFFICER. The Chair overrules the point of order and will read the rule. It is as follows:

1. All general appropriation bills shall be referred to the Committee on Appropriations, * * * and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate.

This amendment has been moved by direction of a standing committee.

Mr. KING. I do not think that it was ever intended by the Senate that the Appropriations Committee or any special com-

mittee might report a measure changing existing law on an appropriation bill without it being subject to a point of order.

The PRESIDING OFFICER. The Chair agrees with the Senator as to that.

Mr. KING. I submit to the ruling of the Chair, of course.

Mr. McKELLAR. Mr. President, I want to say just a word about this matter. The Senate will recall that three or four years ago, when an appropriation bill came before the body and we were appropriating for Assistant Secretaries of the Treasury, the word "undersecretary" appeared for the first time in an appropriation bill. I objected to it very strenuously on a number of grounds, stated at that time, which need not be here repeated. One of those grounds was that the very thing that is now happening would happen, namely, that as soon as this official received a different title, that of Undersecretary, there would be a movement set on foot to increase his salary. It was replied by Senators on that side then that that would not be the case; that the proposal was merely to change the title; that it was not intended to change the salary of the official; but at the next session there was a movement to change his salary, when it was increased from $5,000 to $7,500, and then later on—I think it was last year or year before—the salary was increased to $10,000, and now it is proposed to increase it to $12,000.

Mr. SMOOT. The Senator is not correct in his statement.

Mr. McKELLAR. When the committee acted yesterday I voted against the amendment, and I am against it now. I do not think this increase in salary ought to be made. So far as I know as a member of the committee, I never heard any witness testify in favor of the salary being increased; there was no application before the committee, so far as I know, that it should be increased; there was not a scintilla of reason given why it should be increased; and I see no reason why the Senate should agree to the increase.

It is true that it is a very small matter over which to take up the time of the Senate—a $2,000 increase in salary for an official of the Government—but it is a thing that ought not to be done. We have increased this salary in the last four or five years from $5,000 to $10,000. The official who performed the duties five years ago then received but $5,000 for his services; he is now receiving $10,000 for his services, and that is enough; his salary ought not to be increased, and I hope the amendment will be voted down.

Mr. SMOOT. Mr. President, this office was created eight years ago by the Congress. When it was created the salary was fixed at $10,000, and there has been no change in the salary of the Undersecretary from that day until this. It is now proposed, if this amendment shall prevail, to increase it to $12,000. At that time the Assistant Secretaries were receiving $7,500; their salaries have been increased to $9,000. The Secretary of the Interior was receiving $12,000 and his salary has been increased to $15,000. The only official in the whole department whose salary has not been increased is the Undersecretary, who does the work.

Again, Mr. President, I want to say, so that the Senate may know the facts, that on the Shipping Board there are seven commissioners who are paid $12,000 per annum.

Mr. McKELLAR. Yes; and the Senator will recall the fight that a lot of us made to prevent the fixing of those high salaries in the Shipping Board. They ought not to have been agreed to. That is just another illustration of what I have said, that whenever we increase one salary it is given as a precedent for increasing others, and we ought not to do it.

Mr. SMOOT. All I am doing is answering a statement that was made in relation to the salaries in other departments.

There is the Board of Mediation. There are five members of that board. They get $12,500 a year each. This body agreed to that salary; and I will ask the Senator from Virginia [Mr. GLASS] if the responsibilities of the Board of Mediation compare with those of the Undersecretary of the Treasury. The Senator from Virginia has been in that office, and he knows the responsibility that is placed upon the Undersecretary.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. I do.

Mr. GLASS. Inasmuch as I voted for this increase in the committee, I should not like to have the Senate think that the action was based upon a mere whim. The Senator from Tennessee [Mr. McKELLAR] says no reason was given.

Mr. McKELLAR. I will say to the Senator that none was given while I was present.

Mr. GLASS. Perhaps the Senator from Tennessee did not regard my reason as a valid one; but I took the ground, and I reassert it here, that the position of Undersecretary of the Treasury is the most responsible position in the Treasury Department. The Undersecretary has the responsibility and burden of the whole department when the Secretary of the Treasury happens to be absent for any reason; and perhaps I might with a large degree of accuracy say that he has the responsibility of the whole department when the Secretary of the Treasury happens to be present. He does infinitely more work than any two Assistant Secretaries of the Treasury combined. His office is the clearing house for the fiscal operations of the Treasury Department.

As I understand, the incumbent of that office does not need the increase. He does not need the salary that he gets. I voted the salary for the position and not for the man who occupies the position; and I did it because I think, as I have already indicated, that it is the position of the greatest responsibility and infinitely a greater amount of labor than any other position in the Treasury Department.

Mr. SMOOT. I quite agree with the Senator from Virginia.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment on that subject?

Mr. SMOOT. Yes.

Mr. REED of Pennsylvania. I desire to say that I agree with everything that has been said by the Senator from Virginia and the Senator from Utah; but I think we ought to bear in mind the fact that we have not treated these Undersecretaries uniformly. I do not believe we ought to pass on this question without remembering that we are going to have a State Department bill here; that the Undersecretary of State, who carries tremendous responsibilities, is at the present time receiving only $9,000, and his salary ought to be increased to $12,000, just as this ought to be increased to $12,000.

Mr. McKELLAR. Mr. President, that just carries out my statement, made a while ago, that when we increase one salary it immediately becomes a precedent for increasing others. The Senator from Pennsylvania is right. If the salary of this Undersecretary is increased to $12,000, naturally the other Undersecretaries holding similar positions ought to have their salaries increased likewise, and then the others will come along.

Mr. REED of Pennsylvania. Just a word further, if the Senator from Utah will indulge me.

It was because of what the Senator from Tennessee has said that I rose to speak at all on this matter. I had been intending all along to call attention to the contrast, to call attention to the very great responsibility of the Undersecretary of State, and to ask that whatever their salaries be, they be made uniform. There are only two Undersecretaries. All the other departments get along with Assistant Secretaries; but those two Undersecretaries carry a burden of responsibility which is not equaled by anyone excepting officers of Cabinet rank.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. ODDIE. I should like to ask the Senator from Utah a question, because he is a man of large experience in these matters. Does not the Senator believe that the Government would have to pay several times this proposed salary to the Undersecretary of the Treasury in order to secure a man of equal ability to fill this position?

Mr. SMOOT. If we were looking only at the salary the man could receive outside; yes. Many men accept positions in the Government service at a lower salary than they would ever think of accepting outside. I will say to the Senator, however, that in the case that is referred to, that of the Undersecretary of State, he is getting less than many of the Assistant Secretaries themselves receive to-day under the ruling of the department. It is not right, and the Senator knows that it is not right. That, however, is a matter that is not up here now. It is not to be discussed at this time.

Mr. GLASS. Mr. President, if I may answer the Senator from Nevada, the man who occupied the position when I was there is now getting about ten times the salary that he got as Undersecretary of the Treasury; and his successor, Mr. Gilbert, I think, is now getting five times the salary that he got as Undersecretary of the Treasury.

Mr. ROBINSON of Arkansas. Mr. President, what conclusion is argued from that state of facts? I can not understand the relevancy of such statements. The Secretary of the Treasury probably could make a hundred million dollars a year in private life. I have heard that he has done it.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Nevada?

Mr. SMOOT. I do.

Mr. ODDIE. I wish to comment on the statements which have been made by saying that the incumbent of this office has demonstrated his ability to such an extent that he could secure many times the amount that is proposed in this amendment if he were seeking a position in private life.

Mr. ROBINSON of Arkansas. Is not that true of hundreds, perhaps thousands, of persons employed by the Government who choose to perform public service because of the distinction that attaches to that service, rather than to engage in private business? Is it the Senator's theory that we should pay every employee of the United States service, including Senators, what they could earn if they chose to enter into spheres of private business; or is it the Senator's theory that salaries should be reduced in cases where employees of the Government could not on the outside earn as much as they do on the inside?

No such principle as that has ever been incorporated in the Government of the United States. Men like the Undersecretary of the Treasury who have large fortunes, who have business connections of great importance, could unquestionably, if they chose to enter spheres of private business, earn much more money than the Government pays them, or than any Senator here would think of paying them. It is a question of proportion. We raise one salary, and then we are asked to raise other salaries on the theory that the increase which we granted in the first instance has created a situation of disproportion as to other offices. What ought to be done, of course, is to consider all these places at one time, and bring into the Senate a legislative bill increasing the salaries of the Undersecretary of the Treasury and the Undersecretary of State.

The statement made by the Senator from Virginia convinces me that the position of Undersecretary of the Treasury is a very important position. Statements have been made by others that the Undersecretary of State occupies a very important position, and he is receiving less than the Undersecretary of the Treasury is now receiving; so why does not some one who is interested in this subject bring these matters in here at a time when they can be considered with reference to their relative importance?

Mr. SMOOT. We are trying now to correct the present condition.

Mr. OVERMAN. Mr. President, for a hundred years we did not have any Undersecretaries. We had a First Assistant, a Second Assistant, and a Third Assistant. The Senator from Tennessee [Mr. MCKELLAR] predicted that putting the word "under" there would necessarily mean hereafter that we would have to consider the question of how much increase of salary we would give him over the Assistant Secretaries.

When the next Congress assembles, an Assistant Secretary in some other department may come in and want to be called an Undersecretary. This practice started in the Department of State, when Secretary Root came here and asked for an Undersecretary because he said foreign governments had Undersecretaries, and we ought to have one, too. That was the reason given then. We gave the Department of State an Undersecretary, and since that time we have put the word "under" in the law in order to give a man an increased salary over the First, Second, and Third Assistants.

Mr. McKELLAR. Mr. President——

Mr. SMOOT. One moment; then I will yield to the Senator.

That is hardly a fair statement for the Senator from North Carolina to make. Before the office of Undersecretary was created, all of the Assistant Secretaries, five or six of them, were on an equal footing. It was deemed best, Mr. President, that an Undersecretary should be appointed to do work that it was a physical impossibility for the Secretary himself to do. The work of all the other Assistant Secretaries passes to the Undersecretary, and it passes finally to the Secretary of the Treasury himself; and I think 90 per cent of it is work that it would be impossible for the Secretary to consider.

Mr. OVERMAN. How was that work done for 75 or 100 years of the existence of this Government? How was it done then?

Mr. SMOOT. Oh, Mr. President, the duties and responsibilities of the Secretary of the Treasury and the employees of the Treasury Department 75 years ago were nothing compared with what they are now.

Mr. OVERMAN. I am talking about 10 years ago.

Mr. SMOOT. Or 10 years ago, for that matter.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. SMOOT. I yield.

Mr. McKELLAR. The Senator will recall that at the first meeting of the subcommittee I was not present. There was another committee meeting that it was necessary for me to attend; so I am asking for information. At whose request was this salary raised, and at whose request was the salary of the Director of the Bureau of the Budget increased? I never heard anybody request it until I found it in the bill, and I just want to know at whose request it was done.

Mr. SMOOT. The request came originally from the Bureau of the Budget, which estimated the amount of the increase.

Mr. McKELLAR. The Bureau of the Budget estimated it. The House turned it down?

Mr. SMOOT. The House turned it down.

Mr. McKELLAR. And the Senate committee reported it favorably, after a vote?

Mr. SMOOT. They did.

Mr. McKELLAR. I did not know how it came about.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I want to call the attention of the Senator from Nevada [Mr. ODDIE] to his argument in favor of an increased salary here and have it apply to himself. If we should apply this principle to a hard-working Senator like he is, and carry it out, we would have to fix the Senator's salary at at least $25,000 a year. We would have to give the Senator from Utah [Mr. SMOOT] $50,000 a year. They work just as hard as this Undersecretary ever worked.

There was a time, Mr. President, when the Assistant Secretary did not have half or one-third of the employees under him that he has now. Senators talk about his duties now being greater than they were years ago. I suppose there was a time when he did not even have a stenographer.

We can not afford to put these offices up and sell them to men who will say, "I can get this much or that much in private business, and therefore you must pay me that much more." Nobody ever made that application to a salary.

Some of our forefathers advocated that Members of the House and of the Senate ought to serve without pay. There are many good men who would be willing to serve in Congress without pay. There are same who pay more for the office, if you consider it on a financial basis, than they ever get in salary. That does not apply to the Undersecretary. He is not required to make any campaign. But he draws $10,000 a year. He devotes all his time, I presume, to the duties of the office.

It is true, perhaps, of the particular individual who is now Undersecretary that on account of his standing in the financial world he might get $100,000 a year in private business. He would not know what to do with it if he did. He has all those things which he can possibly enjoy, as far as money is concerned. This salary does not mean anything to him. It does mean something to the taxpayers of the country. It does mean something when we are trying to apply the rule of economy which the President asks us to apply, and if we apply it we can not start out to increase these salaries, especially of officials who are drawing as high as $10,000 a year.

The salaries to which the Senator from Utah refers as being $12,000 are perhaps too great, but they were fixed at a different time. We did not have before us then the official message of the President, in which he even threatened a veto if any such thing as that occurred. We were not told officially from the Chief Executive that we were nearing the point where we would bring our country into financial disgrace and have a deficit instead of a surplus at the end of the year.

We are confronted now with that condition. So that as far as conditions are concerned they are entirely different now from what they were when these $12,000 salaries were fixed. There may come a time—and I hope it will come—when it will be perfectly appropriate to increase this salary, but it seems to me under the conditions that have been so well pointed out to us by the official word of the President we should not now, under these conditions, start out to increase salaries of men who are already drawing $10,000 a year. We are already notified in this debate that if this salary is increased there are other undersecretaries whose salaries must be increased, and the same reason can be given that is given now in this case.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ODDIE. We should consider this question more from the broad standpoint of service than from the standpoint of bookkeeping. I will make a comment on our governmental system which I believe should be taken into consideration and given serious consideration.

The question of service is not always paramount in our discussions on these matters. I believe the question of service is far more important to our Government and the people than the question of dollars and cents—the question of bookkeeping. I for one am not fearful of a possible small deficit. I would prefer reorganizing many of the branches of our Government so that we could have a little more money to spend for essentials, and in employing more technical and economic experts. I believe that with the expenditure of a few extra thousand dollars in this way we could save the taxpayers of this country many millions, and I venture to say several hundred millions. Before this session is over I intend to bring certain questions before the

Senate which I hope will receive its favorable consideration, which will mean the expenditure of a few extra thousand dollars, thereby saving our people many, many millions of dollars.

Mr. NORRIS. I commend the Senator very highly for his determination to do just what he has said he will do before this session is closed. That only brings back to me the fact that I was right when I said that he ought to be paid $25,000 a year. If he does the thing he has just announced he is going to do, we will increase his salary to $100,000 a year without any question. He only demonstrates in his very able discourse upon this subject that we have now the cart before the horse. He wants to take these matters up and consider them, so that we can put the right kind of salaries behind the various kinds of offices. We are not doing that here. We are doing it on an appropriation bill. If he wants to revolutionize the Government in the economic way he speaks of before this session is closed, then we should not commence it piecemeal now and raise this salary. Let us wait until a little later in the session, when the Senator brings in his proposition and puts it through the Senate at this session. Let us give him an opportunity to do what he said he can do, and not undertake now to increase this one salary.

Will we get any better service out of the incumbent in the office if we pay him $12,000 than if we pay him $10,000? Would we get any better service if we paid him a million dollars a year? A man is only a human being. He can work only 24 hours a day, and there are many men who are getting less than $3,000 who are doing that for their country and for their Government, and the same applies to private business. That is true the world over. We are not going to increase the efficiency of this department by increasing this salary and then using that as a precedent to increase all the other $10,000 salaries that exist throughout the mechanism of this Government.

Mr. ODDIE. Mr. President, I do not want the Senator from Nebraska to think that I intend to take on too much territory. I refer to certain specific things in certain departments of our Government which I hope to bring before the Senate.

Mr. NORRIS. All right; I commend the Senator for it. I am in earnest about that. I hope he will do it. But we are not going to accomplish it by this kind of a checkerboard proposition to increase salaries on appropriation bills, especially salaries of this size.

Mr. KING. Mr. President, my opposition to the amendment offered by the committee rests upon no personal grounds. I have consistently opposed increasing salaries, and particularly those measures increasing the compensations of persons filling higher positions in the Government. During the past eight years there has been a perfect mania upon the part of Congress to multiply bureaus, create new offices and Government agencies, and increase the salaries of Government officials. My recollection is that there are more than 800,000 persons upon the Government pay rolls and whose compensation for this fiscal year will total nearly $800,000,000. This stupendous sum is more than the entire cost of running the Federal Government in 1913 or 1914. It is nearly as much as the total expenses for the year ending June 30, 1917.

President Coolidge has repeatedly spoken about economy, but his party has supported measures increasing Federal expenses. Indeed, in the interest of accuracy, it should be stated that the executive Budget which, as Senators know, constitutes the President's recommendation for appropriations, has, during the past five or six years, called for larger appropriations than Congress, extravagant as it has been, has been willing to make.

It is sometime since I have examined the records, and, speaking from recollection, the aggregate appropriations made by Congress during the past five years have been more than $300,000,000 below the Budget recommendations of the President. The leaders of the party in power have boasted of their economies, and the country has been led to believe that the Chief Executive has affected great reforms in the executive departments and brought about important economies.

The fact is that there have been no administrative reforms, but upon the contrary the machinery of the Government has been increased and its activities have been more cumbersome, confused, and complicated. The duplications in the departments and Federal bureaus and agencies have multiplied and the operations of the executive branches of the Government have become more difficult to understand. After the Republicans obtained control of Congress in 1919 they promised to consolidate Federal agencies and to bring about drastic reforms in administrative matters. It was promised by President Harding in his campaign and by Republican leaders that following the election there would be departmental and executive reforms that would reduce the operating expenses of the Government and effect greater efficiency in all administrative activities. These promises were soon forgotten, and instead of consolidating Federal agencies and improving the Government service and bringing about reforms and economies the opposite course was pursued.

And to-day, after nearly eight years of control of the executive and legislative branches of the Government, the number of bureaus is greater and the personnel larger. There is more duplication and overlapping of governmental agencies and departmental functions than in any time of the history of this Republic.

Because appropriations have receded from the high peak of the war and the period immediately following the war, when war obligations were to be met, the claim is made that the party in power has practiced economy and reduced governmental expenses. The fact is that during the war enormous revenues were needed to meet the expenses of the war, including the loans made to those nations associated with the United States in the prosecution of the war. High taxes were levied, and they were heavy burdens upon the people. But war always increases the burdens of the people.

In May, 1919, President Wilson came before Congress and called attention to the fact that legislation was required to remove war burdens, to reduce taxes, and to bring the country back to a peace status. His recommendations in the main were unheeded by an adverse House and Senate. There should have been, during the years 1919 and 1920, legislation to meet the recommendations of President Wilson. After the party now in power obtained the Presidency, it slowly and haltingly addressed itself to revenue legislation and to measures for the reduction of the tax burdens. Instead of enacting a sound and wise revenue measure, an imperfect, unsatisfactory, and inadequate tax law was passed. Later another measure was passed and still later another measure of a similar character was passed. Indeed, four tax reduction measures were passed, following upon the heels of each other and synchronizing with approaching elections.

This unsound policy resulted in imposing larger taxes than the situation required and, of course, in increasing the burdens resting upon the country. And now, after these eight years of Republican legislation and executive control, we are confronted with demands which will, in my opinion, result in appropriations for the next fiscal year of approximately $5,000,000,000. In 1916 the total expenses of the Federal Government were approximately $1,000,000,000. They have been so increased that, as suggested, for the coming year they will be about five times as great.

A considerable portion of this stupendous sum is required to meet the salaries of Federal employees. It will only be a year or two under the present policies of the party in power, when the pay roll of the Federal Government will be $1,000,000,000. Appeals are made at every session of Congress for larger appropriations to meet the increased salaries of an increased number of Federal employees. And these appeals are accompanied by vehement declarations that employees of the Government, particularly in the higher grades, are so important to the service and their abilities are of such a high order that their compensation must be greatly increased. And frequently an increase is made in one branch of the service and that becomes the basis for similar increases in all other branches of the Government, particularly if there is any appreciable relation or similarity in the character of the work performed or the responsibilities imposed throughout the various branches of the Government.

Generally speaking, the increases in salaries during the past five or six years and in the higher grades of service have been from 25 to 100 per cent. Much of the time of Congress is taken up in investigating the character of the work performed and the salaries paid to employees of the Government, and in enacting legislation dealing with these matters. And as soon as one increase is made another is demanded. It was contended that a reclassification of salaries would end, at least for a considerable length of time, these persistent appeals for increases, and prevent the step-ladder method of making increases in salaries and classifications. A reclassification act was passed but it did not halt the demands for readjustments of compensation, increases in salaries and legislation to meet the demands made. Undoubtedly in some of the groups, particularly in the lower and intermediate grades, there are inequalities and injustices, but in my opinion there has been too great eagerness upon the part of Congress to respond to demands for increases in the higher grades and in the very many important executive positions. It is a fact that the compensation paid by the Government, take it by and large, and considering the benefits and advantages connected with such service, is greater than that received by the overwhelming majority of the wage earners of the United States.

The earnings of the farmers of the United States do not average a thousand dollars a year. The average earnings of the lawyers of the United States are less than $1,200 a year. Thousands and tens of thousands of professional men earn less than $3,000.

There are to-day millions of wage earners in the United States without employment, and millions whose earnings are considerably less than $1,000 per annum. I am not opposing adequate wages or fair and just compensation. I do not think it a sound public policy, however, to make Government positions so inviting that there are hundreds of applicants for every position.

Too many people are accepting the fallacy that the earnings of the employee and wage earner are measured by the number of dollars received, rather than by what the dollar will procure, and so we are inclined to follow a circle which calls for more dollars and higher prices of commodities. And too often commodity prices rise more rapidly than wages increase.

Mr. President, unless Congress acts with wisdom and applies the knife to appropriation bills, there will be a deficit in the next fiscal year. Indeed, the indications are that a deficit is just "around the corner."

With the enormous revenues of the Government it seems incredible that there should not be a balancing of our national budget. Indeed, the billions collected should yield a considerable surplus to be applied to the reduction of our national debt. Appropriation bills should receive careful scrutiny at the hands of Congress. There should be no demand that they be rushed through under whip and spur. We have before us an appropriation bill carrying considerable more than $1,000,000,000, and yet impatience is exhibited because it is not rushed through the Senate without reading and without consideration.

Mr. President, recurring to the amendment calling for an increase in the salary of the Undersecretary of the Treasury. No one doubts the ability of the present Undersecretary. I pay tribute to his genius, his fine character, and his high executive ability. Of course, his services are valuable, and measured by the standards which obtain in the financial world $12,000 per annum might be an inadequate compensation. There are many men in public life who could earn very much more if they devoted themselves to business pursuits. I see facing me on the other side of the aisle a distinguished Senator who is patriotically serving his State and country for $10,000 per year. He made millions in his business career, and undoubtedly if he were to devote himself to business pursuits he could make a very large sum annually.

Mr. ROBINSON of Arkansas. Every Senator on the other side thinks the Senator from Utah is looking at him.

Mr. KING. Of course, I do not desire to identify the Senator, although I am willing that each Senator shall think that I am looking at him. There are eminent lawyers in the United States whose earnings were very large and who accepted positions upon the bench when the salaries were but $5,000 per annum. Many of the governors in the United States, some of whom are men of large business capacity and whose salaries were, perhaps, many thousands of dollars, are serving as chief executives of their States for three, four and five thousand dollars a year. The Secretary of the Treasury is one of the great business men of the world. It would, perhaps, not be inaccurate to say that in active business he could make one or more millions of dollars annually.

I have been wondering as the debate has been proceeding what is the standard by which the worth of an individual is determined. Shall it be measured solely by the number of dollars which he may have received or might receive in business activities and pursuits? I am told that some brokers and some individuals connected with large institutions have made, during the past year, enormous sums.

The heads of some great financial institutions receive very large salaries. The compensation of some has resulted from fortuitous circumstances, and many persons who are receiving very large salaries may possess no greater ability than hundreds, if not thousands, of others. But I submit that we are not to determine the worth of individuals by the amount of dollars and cents which they may receive at a given time or under particular circumstances. Moreover, I think that in determining the worth and value of an individual to the Government or to society the dollar mark should not be the standard of measurement. There are educators and professors and philosophers and persons engaged in scientific research who are rendering invaluable service not only to their country but to humanity. If the value of their services were measured by money, they would receive many thousands of dollars annually. The compensation of hundreds of these noble men and women is far below the compensation of many of the employees of the Government. Who can measure the worth of a man like Doctor Milliken, the discoverer of the yellow-fever germ, or Doctor Dewey, the great educator and philosopher?

There are those who seem to think that as soon as a person gets a Federal commission, as if by magic, he is endowed with some supernatural power and must immediately receive increased compensation. I repeat, Mr. President, that I have a very high regard for the Undersecretary and for his faithful, efficient, and valuable services in the position which he occupies. I have opposed salary increases upon other occasions. I have voiced my opposition to increases in the salaries of other officials of the Government, so it can not be said that my opposition to the committee amendment is directed against any person or this particular position. I would offer similar objection to an increase in other branches and departments of the Government.

Mr. McKELLAR obtained the floor.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. WARREN. Mr. President, I shall not ask at this time, as we sometimes do, for the laying aside of the unfinished business. I thank the Senator from California [Mr. JOHNSON] for his kindness heretofore. We do not undertake, so far as members of the committee in charge of the bill are concerned, to proceed further with it at this time to delay the Boulder Dam bill; but I wish to say, considering the progress we have made this morning from 11 o'clock to 1 o'clock, and if we do not make better progress, that unless the Senator from California begins night sessions for the consideration of the Boulder Dam bill I shall be compelled to ask for night sessions for the consideration of appropriation bills, because the supply bills must be passed.

Mr. MOSES. Mr. President, may I ask the Senator from Wyoming what is his purpose with reference to the appropriation bill?

Mr. WARREN. The Senator has a right to ask and I should have said before that I shall expect to call up the appropriation bill at any moment to-day, should there be a final vote on the Boulder Dam bill. Otherwise I shall expect to call it up to-morrow during the morning hour.

Mr. SACKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. For what purpose, may I ask the Senator?

Mr. SACKETT. I wish to make a short statement.

Mr. McKELLAR. I yield to the Senator for that purpose.

Mr. SACKETT. I just want to state for the RECORD that when the committee on order of business suggested that certain bills be given a preferred status, it was with the understanding, and so appeared in the RECORD at the time, that appropriation bills should have the right of way whenever they came into the Senate. I have no objection to this procedure being taken, but I simply want to make that fact a matter of record.

Mr. JOHNSON. Mr. President, if the Senator from Tennessee will permit me——

Mr. McKELLAR. Certainly.

Mr. JOHNSON. The Senator from Kentucky is entirely correct about the original situation and the conditions that originally existed, but what exists to-day in reference to the Boulder Dam bill is that in the last day of the preceding session the Boulder Dam bill, by the order of the Senate, not by virtue of the fact that the steering committee had made any rule of one sort or another, but by the order of the Senate was made the unfinished business.

I make that statement because if there were any obligation resting upon me to set aside the Boulder Dam bill for a brief period to consider the particular appropriation bill I would, of course, meet my obligation at once. I do not so regard it in this particular instance, and I think that if the Senate will recall what transpired on the last day of the preceding session the Senate will remember that it was by virtue of the insistence of the Senate itself that the Boulder Dam bill was made the unfinished business.

Mr. SACKETT. I do not dispute the statement of the Senator from California except in so far that at the time of the final adjournment of the last session the matter was taken up with the committee on order of business and it was suggested that if the present status quo at that time be allowed to remain, the Senate would then adjourn. I do not feel that that changes the obligation necessarily. It was agreeable all, and I think

the Senator ought to feel that, when appropriation bills come into the Senate, they should have the right of way because that is the necessary business of the Government.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I yield.

Mr. KING. I agree with the statement made by my friend from California [Mr. JOHNSON] that the understanding was that the Boulder Dam bill should be taken up on the Tuesday following the convening of the Senate and should be kept before the Senate until it was disposed of. I shall support the Senator from California in all reasonable efforts to keep his bill before the Senate until a vote is had.

Concerning the appropriation bill, I do not think our friends should be so much concerned about appropriation bills. They will be presented and will be duly considered. We had laid before us last night—and none of us have had an opportunity even to read it until this morning—a bill carrying appropriations of more than $1,000,000,000.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The entire time this morning has been consumed in a discussion of an amendment which constitutes legislation on an appropriation bill. It is only possible to consider that amendment by reason of the fact that the committee itself reported it. If any Senator had offered the amendment, the point of order made by the Senator from Utah [Mr. KING] would have been sustained.

I want to suggest to the committee that the present salary of $10,000 is a living salary. No one believes that there is any emergency involved in the increase of this particular salary. There are thousands of employees of the Government who are working for very meager salaries—for less than living salaries. No proposal is made here to readjust their salaries. A single official or two officials are selected by the Committee on Appropriations, and that committee reports amendments proposing legislation on a general appropriation bill.

Mr. OVERMAN. When the House had rejected it?

Mr. ROBINSON of Arkansas. Yes; when the House of Representatives had rejected the proposal and when no suggestion for the incorporation of the amendment was made either by any Senator or anyone outside of the Senate save as the suggestion was embraced within the original estimate for the increase in the appropriation. If that course, a very unusual course, had not been taken by the Appropriations Committee, the bill in all probability would have passed the Senate by this time.

It is questionable, in my mind, whether the committee ought not to recede from its attitude, and let some one prepare a bill readjusting salaries, including the salary of the Undersecretary of the Treasury if the matter is of such emergent importance that it ought to be permitted to hold up a general appropriation bill. None of us are deceived as to what is taking place. An act of favoritism is occurring, and it is occurring through the cordiality of the Committee on Appropriations for this particular officer. It is admitted that the Undersecretary of State, who is drawing a less salary than this particular officer, is in the same class and should have his salary increased. Why not do the fair thing and let the appropriation bill pass without these amendments, and then let these salaries be readjusted, and such other salaries as ought to be increased, by being incorporated in one bill so that every increase we make here will not be used as a precedent for the increasing of these higher salaries.

It is embarrassing to me to interpose any expression of opinion on this subject. I realize that the Committee on Appropriations has the power.

Mr. WARREN. It rather embarrasses the chairman of the Committee on Appropriations that he has not been allowed to say a word this morning.

Mr. McKELLAR. Of course I am glad to yield to the Senator from Wyoming at any time.

Mr. WARREN. I want to assure the Senator from Arkansas that the committee had before it as to other parts of the bill, the estimates that came from the Budget and which had had the action of the House upon them. Those matters had to come under the consideration of the Senate committee. They were taken up and voted on by the committee and it was determined to put the item in the bill.

Furthermore, the bill which will follow shortly, making provision for the Department of State, will contain an item providing that the Undersecretary of State shall likewise receive $12,000. There is only one other place in this entire bill now before us, carrying $1,119,000,000, where an amendment of the same nature appears. It appears in the same way with the action of the committee as a committee after the approval of the Budget. We think it should go to conference, if it is adopted here, of course.

Mr. ROBINSON of Arkansas. Frankly, considering the history of this position and considering the admitted fact that no emergency is involved in this increase of salary, that the distinguished gentleman who performs the duties of the office is entirely independent of the salary or of any salary, and considering the further fact that there are numerous officers and employees of the Government who are not receiving a living salary, I think it is a questionable policy for this great committee to make such a display of favoritism, even though the facts and circumstances, considered apart from the other cases, justify the increase, as I believe they do. We would pass the appropriation bill without delay if we were dealing with appropriations, but we are dealing now with legislation.

The PRESIDING OFFICER. The Senator from Tennessee will proceed.

Mr. McKELLAR. Mr. President, a few moments ago the senior Senator from Utah [Mr. SMOOT] challenged a statement I made that this legislation first came on an appropriation bill. I shall first read from the CONGRESSIONAL RECORD of June 8, 1921, when a Treasury appropriation bill was before the House of Representatives. It was then that this matter was first offered, and it was offered on an appropriation bill. There was no legislation ever offered about it before that, and there has been no general legislation about it, though I think it had been several times offered before. Whatever has been done in reference to the Undersecretary and his salary has always been done in an appropriation bill.

The raising of the salary has been just as I stated. In 1921 the Secretary of the Treasury had four assistants—first, second, third, and fourth assistants—and he paid each one of them $5,000 a year. That is undisputed. In 1921 the first effort was made both to create in the appropriations bill the office of Undersecretary and to increase the salary from $5,000 to $7,500. A tremendous fight was made on that proposal both in the House and in the Senate. I want to call attention to what was then said by one of my colleagues from Tennessee in the House.

Mr. SMOOT. The Senator said "increase the salary." There was no salary for an Undersecretary at that time, so there could not be an increase in the Undersecretary's salary.

Mr. McKELLAR. What was done was simply to substitute the word "Undersecretary" for the words "First Assistant" in the appropriation bill and to pay that official $7,500, increasing the salary of the man who was the "First Assistant" and was continued as "Undersecretary."

Mr. SMOOT. Of course, the responsibilities were entirely different after the reorganization of the department.

Mr. McKELLAR. The Senator said we had legislation creating the office and fixing the salary at $10,000. The Senator was wholly mistaken about it. It was legislation on an appropriation bill and it increased the salary from $5,000 to $7,500 just as I stated.

Mr. SMOOT. Mr. Mills, in his testimony before the subcommittee of the House Committee on Appropriations, made this statement in regard to the matter. The question was asked by the chairman:

> As I understand it, all the other salaries were raised automatically?
>
> Mr. MILLS. They were; but of course the salary of the Undersecretary is statutory. It was placed at $10,000 when the office was created in 1921. At that time the salary of the Secretary of the Treasury was $12,000, while the Assistant Secretary received $7,500 per annum. The salary of the Secretary is now $15,000 per annum, and the assistant secretaries receive $9,000. There has been no change, however, in the salary of the Undersecretary, which still remains at $10,000, the same as when the office was first created eight years ago.

Mr. McKELLAR. Mr. Mills was entirely mistaken about it. He was not correct. It had not been fixed by statute except or unless fixing it in an appropriation bill might be called a statutory enactment and a fixing of the salary.

Mr. President, a little while ago I made the statement that this office was created under an amendment to an appropriation bill, that before it was created the place filled by this official paid $5,000 a year and it was first increased to $7,500. I quote from the RECORD of June 8, 1921, House proceedings. Mr. BYRNS, the distinguished Congressman from my own State, long a member of the Appropriations Committee of the House, and one of the best posted Members of Congress on all matters of appropriations, spoke then as follows:

> Mr. BYRNS of Tennessee. There is no reason on earth for it if this amendment is adopted. And I wish to say to the gentleman from South Carolina that if this Congress is consistent, when it comes to preparing the next appropriation bill it will increase the salaries of other secretaries in the various departments. You can be very certain that this will be taken for a precedent, and you will be met by the

demand that other secretaries be increased from $5,000 to $10,000 a year.

Now, gentlemen, there was a hearing on this proposition before the committee. The Secretary of the Treasury, for whom I have great admiration and respect, appeared and strenuously presented his claims for the need of an undersecretary of the Treasury. I must confess I never understood just why they wanted to call him "undersecretary." Some question was raised. The only suggestion I heard in reply was that Great Britain has an undersecretary of finance, or some position of that sort. But what I oppose is not so much the name but the salary you are undertaking to fix for this new position, a salary of $10,000—over and beyond any sum Congress has ever appropriated for any position of this particular kind. You only pay your Undersecretary of State, if I remember correctly, $7,500 a year. Why pay the Undersecretary of the Treasury $10,000 a year? The Secretary of the Treasury now has an Assistant Secretary at $5,000 and three Assistant Secretaries at $5,000 each. You here propose an undersecretary at $10,000, and you will soon give him another assistant at $10,000.

By the way, that year the Undersecretary was paid $7,500. The next year the recommendation was made that the Undersecretary be continued and be paid $7,500. That was the report of the committee to which Mr. Frelinghuysen on January 19, 1922, offered an amendment, which I shall read in order to correct the RECORD as stated by the Senator from Utah [Mr. SMOOT]:

The first amendment of the Committee on Appropriations was, under the head of "Office of the Secretary," on page 2, line 2, after the numerals "$12,000," to insert:

"Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall receive compensation at the rate of $7,500 per annum and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, $7,500."

That was the report of the committee. Thereupon Mr. Frelinghuysen offered an amendment which proposed to increase the salary from $7,500 to $10,000 per year, which was then voted down; but a year or two afterwards, as I stated a while ago, again in an appropriation bill, as this provision is in an appropriation bill, the salary that had been fixed in 1922 at $7,500 per year was increased to $10,000. Now it is proposed to increase the salary to $12,000; and the reason given for another increase is that we will later increase the salary of the Undersecretary of State to $12,000 and the salary of the Undersecretary of the Treasury should be made to accord with it; in other words, these positions are merely being used to prize each other up.

In the first place, these positions ought never to have been created. They have not been legally created. There has never been an act under which they have been legally created. They have been put in on appropriation bills each time. I say this salary ought not to be increased; and I hope that the chairman of the committee will be willing to agree that the two items—one increasing the salary of the Undersecretary of the Treasury and the other increasing the salary of the Budget Director—shall be withdrawn and that the Senate adopt the provision as it passed the House.

Mr. SMOOT. Mr. President, just a word for the RECORD. I wish to call attention to the Revised Statutes of the United States to which the Senator from Tennessee has not called attention. I shall now read what is there stated. This position, I will say to the Senator from Tennessee, is a statutory position.

Mr. McKELLAR. But the statute was passed as a part of an appropriation bill.

Mr. SMOOT. It makes no difference as to whether or not it be a mere yearly appropriation; it is a statutory position, and it is made so by the law, just as much so as any other statutory position which has ever been created. The quotation is as follows:

Salaries: Secretary of the Treasury, $12,000; Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall hereafter receive compensation at the rate of $10,000 per annum and hereafter perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law.

Mr. OVERMAN. From what is the Senator reading?

Mr. SMOOT. From the statutes.

Mr. OVERMAN. That provision was in the appropriation bill, was it not?

Mr. SMOOT. Yes, it was; of course.

Mr. OVERMAN. That is what the Senator from Tennessee said.

Mr. McKELLAR. That is exactly what I said. It was contained in an appropriation bill that comes before the Senate every year. I really think the amendment is subject to a point of order, with all due respect to the Chair.

Mr. SMOOT. This is not a yearly appropriation. The statute says "hereafter."

Mr. McKELLAR. No.

Mr. SMOOT. Well, I know that it does so provide.

Mr. McKELLAR. Has the Senator the statute there?

Mr. SMOOT. I have it here and will let the Senator read it himself.

Mr. McKELLAR (after reading). The Senator is right. The word "hereafter" is incorporated in the provision. It is in an appropriation bill, however, just as I stated.

Mr. SMOOT. It is not a question as to what bill it is in.

The PRESIDING OFFICER. The question is on the amendment——.

Mr. McKELLAR. I desire the yeas and nays on the amendment.

Mr. ROBINSON of Arkansas. Mr. President, this matter is not now before the Senate.

Mr. McKELLAR. I thought the Senator from California had agreed that it might be considered.

Mr. JOHNSON. Mr. President, the unfinished business is before the Senate at the present time.

The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. WARREN. Mr. President, I wish to say in connection with what has just been said regarding the steering committee that the Committee on Appropriations does not propose to surrender any of the rights of that committee under the rules. On the other hand, it will be my endeavor, and I think that of the other members of the committee, to respect the rights of all other committees.

The unfinished business is now before the Senate, and it will remain before the Senate until disposed of, unless displaced by consent or motion, and will come up as the unfinished business every day at 1 or 2 o'clock, according to the hour when the Senate may assemble. Hence, I said a few moments ago that unless it is the pleasure of the Senate to hold night sessions for the consideration of the unfinished business and unless—I should not like to call it a "filibuster," but the consideration of the bill shall be shortened—we will have to undertake something along the line of night sessions on behalf of the Committee on Appropriations in order that the measures reported by it may be considered and acted upon. I wish the members of the committee to prepare themselves accordingly at any time.

Mr. ROBINSON of Arkansas. I want to give notice that, so far as I am concerned, there will not be any night sessions before the holiday season. I want to give that gratifying information.

Mr. KING. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. KING. I wish to say to the Senator from Wyoming what I started to say this morning when my good friend from Arkansas very properly asked for recognition, that the Senator from Wyoming need not be concerned about the appropriation bills. A bill carrying more than a billion dollars is laid before us; many of us never had a chance to look at it until this morning at 11 o'clock. The Senator from Wyoming can not expect to rush through, in a few minutes, a bill carrying $1,000,000,000 and more, especially when there is legislation attached to it. The Senator knows that the appropriation bills in the Senate under his management—and he has been a very able and efficient manager of this character of legislation—have been passed with great expedition. There never has been any purpose upon the part of any Senator to filibuster or to delay the passage of appropriation bills. If a bill of this magnitude should not pass within three or four hours—and it will pass within less time than that, in my judgment—that condition ought not to provoke criticism or resentment upon the part of my friend from Wyoming. I repeat he need not be concerned or anxious about getting the appropriation bills through. They will be passed with great expedition, perhaps with greater expedition than they should be; but, in view of the enormous appropriations they contain, they ought to be subjected to some scrutiny and some criticism.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDING OFFICER. The pending amendment is that offered by the Senator from Colorado [Mr. PHIPPS].

Mr. JOHNSON. Mr. President, I should like to have the attention of the junior Senator from Arizona for a moment. I ask that the amendment which we were discussing last evening, submitted by the Senator from Colorado [Mr. PHIPPS], relating to the application of certain sums to flood control be laid aside temporarily and that we return to the amendment of the Senator from Colorado relating to water, to which is pending the amendment of the Senator from Arizona.

Mr. HAYDEN. I have not as yet offered that amendment, but I intend to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. PHIPPS. Mr. President, just a moment. Reserving the right to object, I wish to say to the Senator from California that after a consideration of the points raised last evening in the debate and after conference with Senators to-day, I felt that a modification of the amendment which we were discussing last night might well be made and that it would then meet the objection which had been raised. I desire to perfect the amendment by the changes that I have written in the draft which I send to the desk, and I should like to have the amendment as modified now read. Then we can determine whether or not to proceed with that amendment and to complete it or to revert to the one the consideration of which was suspended.

Mr. JOHNSON. I prefer, if the Senator has no objection, to revert to the other amendment, the one he has offered to be subsequently considered.

Mr. PHIPPS. I would be perfectly willing to do that, but I should like to have the amendment as I have now modified it read, with the permission of the Senator.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be read, as requested.

The Chief Clerk read as follows:

On page 3, line 11, strike out the figures "$125,000,000" and insert the following: "$165,000,000. Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder."

On page 4, line 21, strike out the figures "$125,000,000" and insert "$165,000,000."

Mr. PHIPPS. If the author of the bill prefers to take up the amendment which was passed over in some part of the proceedings yesterday, the one relating to the division of water and the power provisions, I have no objection.

Mr. HAYDEN obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Arizona yield to me to suggest the absence of a quorum?

Mr. HAYDEN. I yield.

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Locher	Shortridge
Barkley	Fletcher	McKellar	Simmons
Bingham	Frazier	McMaster	Smith
Black	George	McNary	Smoot
Blaine	Gillett	Metcalf	Steiwer
Blease	Glass	Neely	Stephens
Borah	Glenn	Norris	Swanson
Bratton	Goff	Nye	Thomas, Idaho
Brookhart	Hale	Oddie	Thomas, Okla.
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Phipps	Tyson
Capper	Hawes	Pine	Vandenberg
Caraway	Hayden	Pittman	Wagner
Couzens	Heflin	Ransdell	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Walsh, Mont.
Dale	Jones	Robinson, Ark.	Warren
Deneen	Kendrick	Robinson, Ind.	Waterman
Dill	Keyes	Schall	Watson
Edwards	King	Sheppard	Wheeler

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is necessarily detained from the Senate because of illness in his family.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Seventy-six Senators having answered to their names, a quorum is present. The junior Senator from Arizona is entitled to the floor.

Mr. PHIPPS. Mr. President, will the Senator from Arizona yield to me for a moment?

Mr. HAYDEN. I yield.

Mr. PHIPPS. Referring to the amendment which is now before the Senate, in order to remove any possible misunderstanding regarding the 4,400,000 acre-feet of water, I desire to perfect the amendment by inserting, on page 3, line 4, after the word "by," the words "paragraph (a) of article 3 of," so that it will show that that allocation of water refers directly to the seven and one-half million acre-feet of water that are mentioned in paragraph 3.

Mr. HAYDEN. I will state that I have no objection to the amendment offered by the Senator from Colorado to his own amendment, because it makes it even more in conformity with the amendment that I now offer.

The PRESIDING OFFICER. The Chair will state that the Senator from Colorado has the right to modify his amendment.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I yield.

Mr. KING. If I may have the attention of the Senator from California and the Senator from Colorado, I direct attention to line 5, page 3, of the amendment offered by the Senator from Colorado. Let me read back a few words:

plus not more than one-half of any excess or surplus waters unapportioned by said compact.

I was wondering if there might not be some uncertainty as to what surplus waters were therein referred to. I think it was the intention to refer to the surplus waters mentioned in paragraph (b) of article 3 of the compact, being the 1,000,000 acre-feet supposed to be unappropriated.

Mr. JOHNSON. No; that is not quite my understanding. It is by no means certain that there is any other, and it is by no means certain that there is the 1,000,000; but the language referred to any other waters.

Mr. KING. Speaking for myself, I have no objection; but I was under the impression that the purpose was to link it with paragraph (b) so as to be sure that California was to receive one-half of the 1,000,000 acre-feet.

Mr. JOHNSON. Not necessarily. This gives one-half of the unapportioned water, and I think it is a better way to leave the matter.

Mr. KING. If it is sufficiently certain to suit the Senators of the lower basin, I have no objection.

Mr. JOHNSON. I think it is.

Mr. HAYDEN. Mr. President, I ask the clerk to read the amendment which I offered.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

Amendment proposed by Mr. HAYDEN to the amendment offered by Mr. PHIPPS to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 3, after line 7, insert a new paragraph, as follows:

"The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact."

Mr. HAYDEN. Mr. President, an examination of the amendment offered by the Senator from Colorado [Mr. PHIPPS] will

disclose that it proposes that the State of California shall agree with the United States, for the benefit of the States of Arizona and Nevada, that the aggregate annual consumptive use of water from the Colorado River by the State of California shall not exceed 4,400,000 acre-feet. Further, that the State of California may have one-half of any excess of surplus waters unapportioned by the Colorado River compact.

The first part of my amendment is a mere corollary to the amendment offered by the Senator from Colorado. It provides that of the remainder of the seven and one-half million acre-feet there shall be apportioned to the State of Nevada 300,000 acre-feet, and to the State of Arizona 2,800,000 acre-feet, which, combined, with 4,400,000 acre-feet which the State of California will use, completely exhausts the seven and one-half million acre-feet apportioned in perpetuity to the lower basin.

The second proposal in my amendment is that the State of Arizona may annually use one-half of the surplus or unapportioned water, which is likewise a corollary to the proposal made by the Senator from Colorado, which likewise disposes of the total quantity of surplus or unapportioned waters in the lower basin.

Mr. KING. And that is provided in the compact, is it not?

Mr. HAYDEN. Yes; and the compact has been so interpreted. If the Senator from Utah is interested in an interpretation of the meaning of surplus unapportioned water, I might well read to him an answer to a question I addressed to Mr. Hoover shortly after the compact was written. I asked Mr. Hoover:

What is the estimated quantity of water which constitutes the undivided surplus of the annual flow of the Colorado River and may the compact be construed to mean that no part of this surplus can be beneficially used or consumed in either the upper or the lower basins until 1963, so that the entire quantity above the apportionment must flow into Mexico, where it may be used for irrigation and thus create a prior right to water which the United States would be bound to recognize at the end of the 40-year period?

Mr. Hoover's answer to that question was:

The unapportioned surplus is estimated at from 4,000,000 to 6,000,000 acre-feet, but may be taken as approximately 5,000,000 acre-feet.

He referred to the unapportioned surplus in both basins.

The right to the use of unapportioned or surplus water is not covered by the compact. The question can not arise until all the waters apportioned are appropriated and used, and this will not be until after the lapse of a long period of time, perhaps 75 years. Assuming that each basin should reach the limit of its allotment and there should still be water unapportioned, in my opinion, such water could be taken and used in either basin under the ordinary rules governing appropriations, and such appropriations would doubtless receive formal recognition by the commission at the end of the 40-year period.

There is certainly nothing in the compact which requires any water whatever to run unused to Mexico, nor which recognizes any Mexican rights, the only reference to that situation being the expression of the realization that some such right may perhaps in the future be established by treaty. As I understand the matter, the United States is not "bound to recognize" any such rights of a foreign country unless based upon treaty stipulations.

So Mr. Hoover, who was the chairman of the commission which made the compact, expresses it as his opinion that surplus and unappropriated waters above the allocation in the compact are unaffected by the compact, and are subject to appropriation in any State. I think that is not only a very important interpretation of the compact, but it is a sane, logical, and legal conclusion.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. Does the Senator interpret the compact to mean that if there is any unappropriated water in addition to the 1,000,000 acre-feet referred to in the compact, that that is subject to the same disposition or division as the 1,000,000 acre-feet?

Mr. HAYDEN. There is no question about it, in the light of the statement I have just read, which was written to me in answer to a specific question which I propounded to Mr. Hoover.

Now, I direct the attention of the Senate—and Senators will find on their desks a copy of my amendment—to the fifth and sixth items of it. The fifth item, beginning in line 22, reads:

That the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

That is a mere repetition of language which appears in the Colorado River compact. In section (e), Article III, of the Colorado River compact, are found these words:

The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

I will state frankly that I placed that provision in my amendment after conferences with gentlemen representing the State of California, who thought it proper that there should be the same pledge as between the three States in the lower basin as is contained in the original compact with respect to the upper and the lower basins. I could see no harm in it; on the contrary, it might, in time, be a valuable provision for the benefit of some State which might otherwise be injured. If a provision of that character is found in the original compact, it would therefore be well to repeat it in any supplemental agreement between Arizona and Nevada.

The sixth provision in my amendment is:

That all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact.

That provision conforms to a similar provision in the Phipps amendment, which states that such uses, that is, by the State of California, shall always be subject to the terms of said compact. So that as to five of the substantive propositions that are contained in my amendment, as numbered in it, there can be no controversy. I have mentioned these matters first so that we may get down to the gist of my amendment.

Proposal No. 3 in my amendment is—

That the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State.

The fourth provision is—

that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency.

Let me read the portion of the compact to which reference is made in my amendment. It is paragraph (c) of Article III:

If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b).

That is, over and above the seven and a half million acre-feet apportioned in perpetuity to each basin, a total of 15,000,000 acre-feet, and over and above the 1,000,000 acre-feet additional which the lower basin is given the right to use. From that surplus of unapportioned water Mexico must first be satisfied.

Continuing the reading of paragraph (c) of Article III of the compact:

And if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

In paragraph (d) the upper basin is required to deliver 75,000,000 acre-feet during the course of any 10-year period, but, in addition to that, the upper basin assumes the duty of supplying one-half of any water that may be demanded by Mexico under any treaty, in the event that the surplus waters are not sufficient to meet the Mexican demand.

My proposal is that as far as the lower basin is concerned the State of Nevada shall be exempt from furnishing any water to Mexico under any conditions. The State of Nevada has been so modest in its demands, asking for only 300,000 acre-feet of water, which quantity of water is so small that we have felt in Arizona that there should never be any question but that the State of Nevada should have all of it.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. Does the Senator interpret the compact to mean that if there should be, for instance, 16,000,000 acre-feet of water in the river, and by any treaty negotiated between the two Governments Mexico should be allocated a million acre-feet, that that million acre-feet should be taken from the million surplus; that is, the 16,000,000 and not any part of the 15,000,000 be called upon to meet that payment?

Mr. HAYDEN. The compact, from a literal interpretation of its words, means that the upper basin and the lower basin shall meet that deficiency equally, regardless of how much water is apportioned to each basin.

In further answer to the question of the Senator from Utah, the compact states that any water must first be supplied to Mexico out of the surplus or unapportioned water; but if it is necessary to supply Mexico with any water out of that water which is apportioned in each basin—that is to say, the 7,500,000 acre-feet apportioned to the upper basin and the 8,500,000 acre-feet apportioned to the lower basin—then the upper basin is burdened with furnishing one-half of the water, and these words, I think, should convince the Senator:

> And if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

Mr. KING. I am not quite sure yet, in view of the statement of the Senator. My understanding is that if there should be, as an illustration, 18,000,000 acre-feet in the river, and the upper States should subtract from the stream 7,500,000 acre-feet and there should flow down the difference between 7,500,000 acre-feet and 18,000,000 acre-feet, and by treaties Mexico should be allotted 3,000,000 acre-feet, 500,000 acre-feet more than that surplus, then the upper States would be called upon to furnish one-half of that 500,000 acre-feet and the lower States one-half of that 500,000 acre-feet. But suppose Mexico should be allocated only 2,000,000 acre-feet, and that quantity of water was there plus the 7,500,000 acre-feet allocated to the lower basin, then that unappropriated 2,000,000 acre-feet—unappropriated because it is above the 7,500,000 acre-feet—would be taken from the lower basin States and there would be left 7,500,000 acre-feet and the upper States would not be compelled to contribute anything.

Mr. HAYDEN. I do not so interpret the Colorado River compact. The compact is perfectly clear to me not only because of the specific reference to the 7,500,000 acre-feet apportioned to each basin but also to the additional 1,000,000 acre-feet:

> Such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b).

That is, over and above the 7,500,000 acre-feet plus the 1,000,000 acre-feet, and then in addition thereto, if it is necessary to furnish water to Mexico, each basin shall share the burden equally.

All that my amendment seeks to accomplish is to follow the same rule that was laid down as between basins, which is an equality of obligation to furnish water to Mexico under any treaty, of which each basin must furnish an equal amount. My amendment seeks to establish the same principle with respect to that part of the water which must be furnished by the lower basin to Mexico by requiring California and Arizona to share that burden equally.

Mr. McKELLAR. How would they do it under the bill as now proposed?

Mr. HAYDEN. The bill does not cover the subject at all.

Mr. McKELLAR. This, then, is an addition to the bill?

Mr. HAYDEN. Yes; and I want to make that certain. The effect of my amendment would be, if carried out by the tri-State agreement that is contemplated under it, to use round figures, in the event that a million acre-feet of water must be furnished to Mexico under some treaty, 500,000 acre-feet of that amount would be furnished by the upper basin, 250,000 by Arizona and 250,000 by California. Arizona and California would each assume one-quarter of the burden devolving upon the lower basin. I would relieve Nevada from furnishing any water at all, because of the very small amount of water allotted to that State under the tri-State agreement. It seems to me if it is fair to divide the burden between the basins equally, then likewise it is fair to divide the burden equally between Arizona and California.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. The Senator's position is that the States of Arizona and California shall contribute equal amounts quite regardless of whether one or the other has used or needs the water to be delivered to Mexico. Is not that the position of Arizona? So that if that contingency should arise, a treaty having been entered into and a demand having been made upon the United States for a certain quantity of water, California must contribute as much as Arizona contributes.

Mr. HAYDEN. No more and no less.

Mr. SHORTRIDGE. No more and no less, even though California has not the water to deliver, having devoted it to beneficial uses, and Arizona not having devoted its portion to such uses.

Mr. HAYDEN. In that event, if Arizona had not used her water, of course it would be surplus water and there could be no question about calling upon California for any water. It is only in the contingency that both States are using all of their water, having made valid appropriations of it by applying it to their lands. Then the question comes that there will be a shortage of water in order to supply Mexico under the treaty. Who is going to bear the shortage? It means that certain farm lands in both States will not receive as much water as they otherwise would. In that event Arizona says that California and Arizona should bear that burden equally.

Let me point out to the Senator the other side of the picture. The time when the demand would be made would be during a period of drought. The Senator is well aware that we have long cycles of dry years in the West. The record of a study of the flow of the Colorado River will show that for a period of years by reason of lack of rainfall there is a great reduction in the flow of that stream. For another period of years we may have floods that will greatly increase the average flow of the river. During periods of flood or rainy years Mexico would have all the water she would want, and everybody else would, too. The pinch comes only during a period of drought. Then by reason of the decreased flow of the river there would not be delivered to Mexico all the water she was entitled to receive under the treaty.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. Taking it as of that condition of affairs and as of that time—Arizona is not then using her water, but California is using her water—does the Senator still think that California should contribute one-half of the waters demanded by Mexico?

Mr. HAYDEN. If Arizona were not using the water, it would not disappear. It would remain in the channel of the Colorado River and would go down to Mexico, and Mexico would be supplied without any demand upon California at all. If Arizona were not using the water, out of Arizona's share of that water Mexico would be fully supplied. It is only in the contingency that both States are using the full allotment of water provided in the bill, and in that event, if a demand comes from Mexico for water, what is the situation? A period of drought has arrived. Mexico has certain rights to water under a treaty. The water is taken out in the upper basin and in California and Arizona and Nevada, and diverted to such an extent that there does not cross the Mexican border line the quantity of water Mexico has a right to receive. Under the terms of the treaty, the Mexican Government would request of our Government that there be delivered at the boundary whatever shortage existed. Where should that water be obtained? Only in the main stream of the Colorado River.

Mr. SHORTRIDGE. May I ask the Senator a further question?

Mr. HAYDEN. Certainly.

Mr. SHORTRIDGE. Does the Senator construe the compact and the proposed amendment to make it necessary for either California or Arizona to discontinue the use of waters which it may have put to beneficial use in order to meet the demands of Mexico?

Mr. HAYDEN. Certainly. A treaty would be the supreme law of the land.

Mr. SHORTRIDGE. Certainly.

Mr. HAYDEN. And if the treaty provided that a certain quantity of water should be delivered to Mexico, the compact contemplates that then and in that event, out of the waters appropriated and used in both States, if there were a shortage, the upper basin would be compelled to let down half of the quantity necessary to supply Mexico. Under my amendment California would furnish one-quarter and Arizona the other quarter until the total quantity was furnished to Mexico, and it would then of necessity deprive land of irrigation water.

Mr. SHORTRIDGE. Does not that excite some fear in the mind of the Senator as applied to his own State?

Mr. HAYDEN. That is exactly what it does; and it was fear which prevented the Legislature of the State of Arizona from ratifying the Colorado River compact when first presented to it. The Legislature of the State of Arizona viewed the mat-

ter in this light. It was said that by the inclusion of the Gila River and its tributaries in the Colorado River system and then placing upon that system in its entirety the burden of furnishing water to Mexico under any treaty, if Arizona ratifies and approves the compact, she takes on an obligation which may in time to come interfere with the proper irrigation of land now under existing irrigation projects on the Gila River or its tributaries. If anyone does not approve the compact the only place that water can be obtained from Mexico is out of the main stream of the Colorado River, because, as I have said a number of times to the Senate, this demand would be made during a time of drought, during a time when the tributaries were diminished by reason of a long dry season; and anyone who is acquainted with the Gila River knows that during such a period it is absolutely dry.

I have here a statement from the United States Geological Survey which will well illustrate that fact. I asked the Director of the United States Geological Survey this question:

During what part of the year is there usually no water flowing from the Gila into the Colorado River?

His answer was that the Reclamation Service had recorded the Gila as having been dry at its mouth during entire months, as follows: During the month of May in 8 years; in June of 13 years; in July of 11 years; in August of 6 years; in September of 8 years; in October of 9 years; in November of 8 years; and in December of 8 years.

That was from a record comprising some twenty-odd years, so that the Senator thoroughly understands that during the dry season, at the only time when a demand would be made by Mexico, the Gila River would be dry at its mouth; in fact, that river would be dry for nearly 200 miles above its mouth. Therefore, even if the water had been impounded in great reservoirs like the Roosevelt Dam or the Coolidge Dam and had been carried over from a wet season, it would be a futile and foolish thing to open the gates of such reservoirs and attempt to deliver any water to Mexico. Water would have to flow down a dry river bed for over 200 miles, and it would be evaporated and lost in the sand. So the only place that Mexico could obtain water would be from the main stream of the Colorado River.

What is the situation with respect to the main stream? By the amendment which the Senate has adopted there has been apportioned in perpetuity to the State of California 4,400,000 acre-feet of water, and there remains for the State of Arizona but 2,800,000 acre-feet of water; yet the State of Arizona is willing to pay the price of having her water rights on the Gila River left clear, unobstructed, and unimpaired in any respect by signing this compact and agreeing that, notwithstanding the State of Arizona has but 2,800,000 acre-feet of water which is available for delivery to Mexico, where California has 4,400,000 acre-feet, Arizona will, out of the lesser amount, assume the burden of supplying an equal quantity of water to Mexico.

I submit to the Senators from California and to the Senate that that is a fair proposal. It is a proposal based upon the same idea as is contained in the original compact. It is true that there is by the Colorado River compact a larger quantity of water allocated to the lower basin than to the upper basin; an additional million acre-feet are allocated to the lower basin, yet the compact places the Mexican burden upon the upper basin and the lower basin equally.

Our concern in Arizona over this question is that we want every State in the basins to have an equal interest in seeing that the Senate of the United States shall not ratify a treaty which grants to Mexico any more water than that country is justly entitled to receive. Our friends from California want the matter arranged in this way: They propose to leave it nebulous, leave it without any definite understanding. Then when the demand comes from Mexico it will be possible for California to assert that this burden is upon the whole Colorado River system. So far as the lower basin is concerned, California would have it apply to every stream and every body of water in the lower basin. If Arizona has 2,800,000 acre-feet of water in the main stream and should also at that time happen to have any quantity of water stored in any reservoir anywhere in the State, two or three hundred miles, perhaps, away from where it could be delivered to Mexico, for the purposes of computation the water in those reservoirs would be added to the quantity of water allocated to Arizona in the main stream, and thereby bring Arizona's proportion of the water to be delivered to Mexico to a higher ratio than that required to be delivered by California. Instead of being upon a 50-50 basis, as we propose, it might be 40 per cent for California and 60 per cent for Arizona.

Nobody knows what the ratio would be; it is an uncertain quantity. It is Arizona's desire to get away from that uncertainty, to make the entire arrangement firm and definite. Arizona is willing, notwithstanding the fact that she is allocated less water in the main stream of the Colorado than is California, out of that lesser quantity, to supply one-half of any deficiency which may be occasioned by a demand from Mexico.

This Mexican question came up very early in the consideration of the Colorado River compact. That interstate agreement was signed in Santa Fe on the 24th day of November, 1922. Very shortly afterwards members of the Arizona Legislature, which was called upon to ratify the agreement, inquired of me as to what it meant. Their questions were directed to the Mexican issue more than to any other one subject. I knew of no better place to go to find out what the Colorado compact meant than to inquire of Mr. Herbert Hoover, who served as the Federal commissioner when the compact was negotiated.

Senators will remember that each of the seven States, by act of their legislatures, appointed commissioners, and under the authority of an act of Congress President Harding appointed Mr. Hoover as the Federal representative to arrange for the negotiation of the Colorado River compact. Mr. Hoover was elected chairman of the commission. Meetings were held in Washington, at Phoenix, in Imperial Valley, in Nevada, in Utah, in Wyoming, in New Mexico, and in every one of the seven States in the Colorado Basin. At those meetings appeared men thoroughly familiar with the Colorado River and all of its tributaries. Mr. Hoover was present and listened to the testimony, with the result that before the compact was negotiated there was no one here in Washington better informed upon that subject and to him is due the credit, when it was impossible to apportion water to each one of the States, of suggesting that the first step was taken by apportioning the water between the upper and the lower basins. Therefore, when these questions were addressed to me by members of the Arizona Legislature, asking what the compact meant in its reference to a treaty with Mexico, I went to Mr. Hoover in order to find out what it did mean.

I addressed a series of questions to him and later I printed the questions and answers in the CONGRESSIONAL RECORD. To show Mr. Hoover's thorough familiarity with the subject, permit me to read some of the questions and the answers. Question 9 was:

Does paragraph (c) of Article III contemplate a treaty between the United States and the Republic of Mexico under which one-half of a deficiency of water for the irrigation of lands in Mexico shall be supplied from reservoirs in Arizona?

That charge was made in Phoenix during the session of the Arizona Legislature, and I wanted an answer to it. Mr. Hoover's reply was:

No. Paragraph (c) of Article III does not contemplate any treaty. It recognizes the possibility that a treaty may at some time be made and that under it Mexico may become entitled to the use of some water, and divides the burden in such an event, but the quantity to which that country may become entitled and the manner, terms, and conditions upon which such use may depend can not be foreseen. It is a certainty that no such treaty will be negotiated and ratified which is unfair to the United States or any State or detrimental to their interests.

Later Mr. Hoover repeated the same statement:

There is no reference in the compact to any rights of any persons in Mexico; none are created and none are recognized. The entire question, if it ever arises, must be dealt with by the Federal Government in the exercise of its treaty-making power.

I asked Mr. Hoover a further question:

Is there any possibility that water stored by dams in the tributaries of the Colorado River in Arizona, such as the Roosevelt Reservoir, on Salt River, or the San Carlos Reservoir, on the Gila, might, under the terms of such a treaty, be released for use in Mexico to the injury of the water users of the projects for whose benefit such dams were constructed?

Mr. Hoover's answer was:

I can not conceive of the making or the ratification of a treaty which would have such an effect. If it were possible to believe that the Federal Government would treat its own citizens with such absolute disregard of their property and rights, I presume that they would receive ample protection even as against the Government, under the provisions of the Federal Constitution.

It must be remembered that the United States now has a large financial interest in the projects already constructed. It is not to be presumed that action will be taken detrimental to these interests. Furthermore each of the seven States directly concerned has two Members of the Senate, by which any treaty proposed must be ratified.

On the strength of that recommendation I advised the Arizona Legislature to approve the Colorado River compact. The legislature declined to do so. The Arizona Legislature considered the Mexican menace to be so serious that, rather than approve the Colorado River compact, they insisted that there be a supplemental agreement with the State of California wherein the State of California would agree to assume one-half of any burden imposed by any such treaty. As I have said, the compact was not ratified by the Arizona Legislature, and the failure to come to an understanding upon that point had more to do with the failure of Arizona to approve the compact than any other one thing. But I can say to the Senate in all seriousness that if an arrangement can be made following the lines of the amendment that I have submitted here, or if this amendment be adopted, and subsequent to that the States of Arizona and California agree so far as the Gila River is concerned that no water from that stream shall be required to be delivered to Mexico, but Arizona will deliver one half of any demand made from Mexico under any treaty out of the main stream of the Colorado River, upon condition that California will deliver the other half, it would solve one of the knottiest problems connected with the entire Colorado River controversy and place it upon such a plane that the Legislature of Arizona, I am sure, would cheerfully ratify the Colorado River compact, and thereby satisfy all of the States of the Colorado River basin with respect to their water rights in the future.

I have read to the Senate these extracts from my questions and the answers made by Mr. Hoover in order that Senators may understand that Mr. Hoover has a thorough and intimate knowledge of this particular issue which I have raised on the floor of the Senate to-day. In that connection I want to advise the Senate that last August at the El Tovar Hotel at the Grand Canyon, in the State of Arizona, where Mr. Hoover met a large number of the most influential citizens of the State of Arizona the question of whether the tributaries of the Colorado River in Arizona should be required to furnish water to Mexico was thoroughly discussed, and Mr. Hoover stated to those Arizona citizens that it was never contemplated that water from the tributaries of the Colorado River should be used for delivery to Mexico, and that he felt sure, if there were any doubt about it, that the States which negotiated the Colorado River compact would be glad to correct it so that there could be no doubt about it.

I read to the Senate a statement published in newspapers throughout the State of Arizona shortly after that time, entitled "Hoover and the Colorado":

> Respecting that great question, it is Mr. Hoover's position that the Colorado River compact was never intended to provide that any of the water that might go to Mexico should come from Arizona tributaries; and he feels sure that other States will agree on a proper amendment to the Colorado River compact to make this plain.

If there is any greater authority than Mr. Hoover on what the Colorado River compact means, I do not know who it is. He made it. He was the chairman of the commission that negotiated it. He spent many months working to bring about the formulation of that document and to secure its approval by the States.

It is his opinion, deliberately stated, that it never was intended by the compact that any tributaries of the Colorado River in the State of Arizona should be required to furnish any water to Mexico.

If that statement were taken literally, and followed out to its logical conclusion, California would be required to furnish more water to Mexico than the State of Arizona, because California has more water in the main stream, under the amendment proposed by the Senator from Colorado [Mr. PHIPPS] than does Arizona. California has been allocated 4,400,000 acre-feet of water, whereas Arizona is to have but 2,800,000 acre-feet. California is to have 1,600,000 acre-feet of water in the Colorado River in excess of the amount that Arizona shall have.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. The Senator is speaking of the 7,500,000 acre-feet allocated under the compact?

Mr. HAYDEN. I am.

Mr. SHORTRIDGE. In addition to that quantity, a vast quantity may flow into the main stream from Arizona. Is not that so? Millions of acre-feet will flow into the Colorado River from the tributaries in Arizona?

Mr. HAYDEN. Oh, no; not millions of acre-feet, by any means. If the Senator wants accurate information on that subject, I can give it to him.

The flow of the Gila River——

Mr. SHORTRIDGE. There are other rivers than the Gila that flow into the Colorado.

Mr. HAYDEN. I could tell the Senator about all of them.

In 1923 I addressed a question to the Chief of the United States Geological Survey on that very subject:

> What part of the total flow of the Colorado comes from the Gila River?

That, the Senator will understand, is the only tributary that I am seeking to have made exempt from the Mexican burden.

The answer is:

> Records showing the flow of the Gila River near the mouth are fragmentary. The Reclamation Service, however, has made an estimate of the total flow for the years 1903 to 1920 (a period of 17 years), based on the available records and measurements of the Gila at or near Yuma. These estimates indicate an annual run-off of the Gila during 1903 to 1920 varying from less than 100,000 to 4,500,000 acre-feet, with a mean of about 1,100,000 acre-feet, which is about 6 per cent of the mean annual flow of the Colorado at Yuma.

So the Gila River, which the Senator will observe upon the map, furnishes on the average less than 6 per cent of the total flow of the Colorado River at Yuma, and the average annual discharge over that 17-year period was a little over a million acre-feet.

I will say to the Senator that in the meantime, since 1920, during the past eight years, a great reservoir was completed on the upper Gila at San Carlos; another reservoir was completed on the Agua Fria, a tributary of the Salt River, and the Roosevelt Reservoir has been enlarged. With all of those improvements less water has gone down to the mouth of the Gila on the average during the past eight years than before. As the years go on there will be less and less water flowing from the Gila into the Colorado, because other reservoirs are contemplated.

The other side of the picture, however, is interesting.

I hold in my hand a report by Mr. E. C. La Rue, a hydraulic engineer of the United States Geological Survey, entitled "Water Power and Flood Control on the Colorado River Below Green River in Utah," published in 1925. In that report Mr. La Rue takes into consideration the proposal that there be diverted from the Colorado River in the vicinity of Parker 2,844,000 acre-feet of water and carried around into the lower Gila River to irrigate the area marked in red upon this map. It is a coincidence that the Senate has fixed 2,800,000 acre-feet of water as the quantity that might be used in that manner. Mr. La Rue estimated only 44,000 acre-feet more. Mr. La Rue finds that if that quantity of water were applied to that land, and a water table established, the return flow from that land emptying into the Colorado at the mouth of the Gila would be 948,000 acre-feet, a quantity of water sufficient to supply all of the demands that Mexico could make for the irrigation of lands in that country which have been put into cultivation up to the present time. In other words, if Arizona were given the privilege of diverting 2,800,000 acre-feet of water from the Colorado River at Parker, and applying it to the lands in the lower Gila Valley, the return flow would be sufficient to take care of all the legitimate demands of Mexico.

Mr. SHORTRIDGE. Mr. President, that never would be done; would it?

Mr. HAYDEN. It will be done, beyond question.

Mr. SHORTRIDGE. You will get the water from other sources, will you not?

Mr. HAYDEN. There is no other source than the Colorado River from which to obtain it.

Mr. SHORTRIDGE. How about the dams in the upper Gila?

Mr. HAYDEN. The dam in the upper Gila at the San Carlos site, known as the Coolidge Dam, will irrigate the area indicated in green in the vicinity of Florence and Casa Grande. The Senator will observe upon the map that it is 150 miles from where that land is irrigated to the area proposed to be irrigated from the Colorado River on the lower Gila. There is no other known source of water supply than the Colorado River for the irrigation of that most excellent tract of land in the lower Gila Valley. If the water is not obtained from that source, the land must forever remain a desert.

It has been asserted that it is impossible to carry out any such plan in the lower Gila Valley by reason of the pump lift, but I beg to direct the attention of the Senate to the fact that the maximum pump lift under that Arizona project is not over 250 feet. The Senate last Monday passed a bill authorizing engineering investigations for a reclamation development on the Columbia Basin where the pump lift averages 450 feet. No one will deny what has been stated by General Goethals and by a board of engineers authorized to make a report upon it under the terms of the Federal waterpower act, that the

pumping scheme on the Columbia Basin project is feasible. General Goethals testified that there was not $10 an acre difference in the cost between the pumping development at Grand Coulee and the delivery of water by gravity on the Columbia Basin project.

The pump lift on the Columbia Basin project is 450 feet. The maximum pump lift under this Arizona plan is 250 feet. Great water-power resources exist on the Columbia River and with that power they expect to lift the water 450 feet and irrigate an enormous quantity of land, more than a million acres of land in the State of Washington. We have enormous hydroelectric resources in Arizona on the Colorado River. More than 4,000,000 horsepower will be generated on that stream above Boulder Dam. It is merely a question of transmitting the power within a reasonable transmission distance to lift the water to irrigate these lands in the lower Gila Valley.

No one who has examined into the project can deny that within a reasonable time, within a generation as the limit, if the prices of agricultural products in the United States justify the reclamation of any additional arid land, it will be just as feasible to irrigate 800,000 acres of land in the lower Gila Valley as it is to irrigate the 1,000,000 acres of land that it is proposed to irrigate in the State of Washington. The projects are upon a parallel, except that the pump lift in Arizona is approximately one-half what it would be in the State of Washington.

Furthermore, while I know that comparisons between States are odious, nevertheless we insist that we have more days of sunshine in Arizona than they have in the State of Washington; and there are only two things required to grow crops—water and sunshine.

Mr. KING. And land.

Mr. HAYDEN. And land—land of a most excellent quality, land well drained, a sandy loam, with a gentle slope toward the Gila River, crossed by two main tracks of the Southern Pacific Railroad, one of the great transcontinental railroad systems in the United States. The transportation facilities are excellent. The climatic conditions are such that any crop that can be grown in the Imperial Valley can be grown upon the area of land which we propose to irrigate in the State of Arizona.

But to get back to the point that I desire to impress upon the Senate, which is that if the State of Arizona carries out the plan that I have indicated, and we should divert 2,800,000 acre-feet of water out of the Colorado River and apply it to beneficial use on this land, according to the estimate of an expert of the United States Geological Survey, Mr. E. C. La Rue, who has devoted his life to studies of conditions on the Colorado River, there will be a return flow from that area sufficient to take care of every demand for water that Mexico now has.

The Senate, I fear, does not appreciate what happens in any irrigated region. The Senator from Wyoming [Mr. KENDRICK] has pointed out many, many times that the use of water in the upper basin means that practically one-half of it returns to the stream. They have lands with good drainage, underlain with gravel beds. The water applied to the surface percolates down through the soil and comes back into the stream. That happens over and over and over again, so that the water may be used more than once. The compact defines the use of water to be a consumptive use—that is, the net use of water—not the quantity diverted from the stream, but the quantity diverted from the stream less the return flow. Anyone can see what an important item it is to take into consideration the return flow that will come from the irrigation of these lands in Arizona.

I have specified in the amendment which I have offered that the State of Arizona lays no claim to that return flow. We do not ask to have any credit for it after it arrives in the main stream of the Colorado River. It will be surplus and unappropriated waters which Arizona can not use, and that water, and that alone, will be sufficient to supply any demand for water to meet the existing uses in Mexico.

Mr. SHORTRIDGE. That would depend upon the carrying out of your gigantic scheme of bringing water from near Parker down to that area of the lower Gila; but suppose you do not carry out that scheme?

Mr. HAYDEN. Then the water will remain in the main Colorado River and go down to Mexico, and that is all there will be to it. Mexico will have all the water she needs in that event.

The Senator thoroughly understands, I hope, that under the set-up to which the senior Senator from California has so often referred, there will be available at Boulder Dam on the average about nine and one-half million acre-feet of water. There are varying estimates, but they all arrive at about that conclusion.

The bill itself provides that a million acre-feet may be used in the vicinity of Los Angeles, and some three and one-half million acre-feet through the all-American canal to irrigate the Imperial Valley. Then there is another half million acre-feet which may be used in the vicinity of Yuma and the Paloverde Valley, leaving about 4,000,000 acre-feet of water unused, and which can not go anywhere else except to Mexico, unless the State of Arizona undertakes this very plan of development which the Senator from California seems to indicate is impossible of accomplishment.

Mr. President, yesterday my colleague the senior Senator from Arizona [Mr. ASHURST], in presenting his amendment showing why the Gila River and its tributaries should be exempt from any interference with development under the Federal water power act, made an argument that is equally convincing with respect to the amendment I now offer. His amendment was adopted because he convinced the Senate that the Gila River and its tributaries are so remote from the project proposed to be constructed in this bill that, whether a power plant were erected in that part of Oregon or not, it could in no manner influence the main project at Boulder Dam.

That is true with respect to water also. Under the terms of this bill the Secretary of the Interior is directed—let me read just exacly what he is directed to do:

> To construct * * * a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California.

Every report and every plan made by the United States Reclamation Service contemplates that the present point of diversion for the Imperial irrigation district, which is at Hanlon Heading, about a mile above the Mexican border, shall be changed and moved upstream to Laguna Dam, about 12 miles above the mouth of the Gila River. Thereafter no water flowing in the Gila River, either in time of flood or by return flow or otherwise, can ever be used in the State of California. There is no way it could be done, because the California point of diversion is always to be above the mouth of the Gila.

The reason for moving the point of diversion from Hanlon Heading to Laguna Dam is that the Laguna Dam site is the first site where there is a rock abutment on each side of the Colorado River. It is the lowest point down the stream where a dam can be firmly fastened so that the river could not go around one end or the other of it. It is a great advantage, in being able to insure a water supply, that that dam will not wash out.

The second advantage is that by going that much farther upstream the water is taken out at a higher level, and can be carried around on that level through the sand dunes to irrigate a larger area of land in the Imperial Valley and extended on to irrigate lands in the Coachella Valley.

If it were necessary to continue the point of diversion at Hanlon Heading, if that were the level at which the water were taken out of the Colorado River, then the area to be irrigated in the Imperial and Coachella Valleys would be greatly reduced. So, from every point of view, it is desirable to do away with the present heading just above the Mexican boundary line and remove it to Laguna Dam, above the mouth of the Gila.

I may state further that the privilege of diverting water from the Colorado River at Hanlon Heading, which the Imperial irrigation district now exercises, is but temporary. There is pending in the courts a proceeding for an injunction to restrain the Imperial irrigation district from diverting water at that point by reason of the fact that the maintenance of a diversion weir there is a menace to the Federal reclamation project at Yuma. Each year the Imperial irrigation district is required to post a bond that if any temporary diversion works are not removed, and the levees on the Arizona side of the river should break, the Yuma project shall be held safe from any damages that may occur. So nobody in California wants to continue to obtain water from the Colorado River at Hanlon Heading.

The people under the Yuma reclamation project want that menace to their project removed. The people under the Imperial irrigation district want to find a firm heading for their canal. Now, only one end of their head gate is attached to bedrock. The other extends out into the silt of the Colorado River Delta.

To be assured of a water supply, it is necessary to go up the river at least to Laguna Dam. To irrigate the maximum quantity of land in Imperial Valley and in the Coachella Valley, it is necessary to go up the river and obtain the advantage of tapping the stream at a point higher up, conveying the water at a higher level for purposes of irrigation.

Under the plan contemplated by the Swing-Johnson bill, once it is put into effect, neither the State of California, nor any other State for that matter, would ever obtain any water out of the Gila River. That would be ended. So we in Arizona say that if that is the case, what interest has the State of California in the Gila River? Her wants and needs will be completely supplied by the water impounded at Boulder Dam. The Gila

River has never been anything but a menace to the State of California. Senators who are familiar with the facts will remember that the original break in the levee, which inundated a part of the Imperial Valley, was caused by a flood which came down the Gila River. The Gila River broke the levee and the Colorado River entered the break and kept it open. That was what happened. At all times the flash floods of the Gila, which vary tremendously in their volume, are a greater menace to the Imperial irrigation district than the floods of the Colorado River, so far as breaking the levee is concerned.

In addition to that, talk with any farmer in the Imperial Valley, and he will tell you that the muddy, silty flood waters of the Gila River—and that is the only kind they ever get out of that stream—are a positive detriment to their land and they will be most happy when they can escape from the necessity of accepting any water from the Gila River.

Under the new scheme the Colorado River water will be desilted at Boulder Dam and will come down relieved of a great burden of silt which now fills the canals or is deposited upon the lands of the Imperial Valley farmers.

In fact, under the plan proposed in this bill the State of California, once the Boulder Dam is built and once the all-American canal is connected with the Laguna Dam, will have no further interest in the Gila River, and can have none. Whatever water can flow in that stream will be of use not to California but to Mexico and to Mexico alone.

Such being the case, the people living on the Gila River in the State of Arizona feel that they should not have their present rights burdened by any demand that may be made by Mexico. They are willing that the State of Arizona shall assume one-half of the burden of furnishing water to Mexico under any treaty that may be made, notwithstanding the fact that in the main stream, which is the only place where the water can be obtained, Arizona will be allocated but 2,800,000 acre-feet and California 4,400,000, a difference of 1,600,000 acre-feet in favor of California. Yet, notwithstanding the fact that Arizona has 1,600,000 acre-feet of water less than California in the main stream, Arizona will equally assume the burden. We will pay that price in order that there may be no cloud upon the water rights of the existing irrigation projects on the Gila River.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Arizona yield to the Senator from Utah?

Mr. HAYDEN. I yield.

Mr. KING. Suppose there should be a treaty with Mexico which would allocate to her 2,000,000 acre-feet, though I can not conceive of any treaty ever containing such terms. Would Arizona, in meeting her share of the treaty demands made upon the Colorado River's waters, claim any credit for any of the flow from the Gila River which finds its way into the Colorado River and thence down into Mexico?

Mr. HAYDEN. No; and I have so specified in my amendment. There could be no question about that at all.

Mr. KING. So that Arizona would make its contribution, then, out of the limited amount which is awarded it under the amendment adopted yesterday?

Mr. HAYDEN. Exactly so. Let me read my amendment upon that point:

> That the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to a diminution whatever by any allowance of water to Mexico.

I have pointed out to the Senate that estimates made by Mr. La Rue are that if we take out 2,800,000 acre-feet from the Colorado River and use it for irrigation of lands in the lower Gila Valley, 900,000 acre-feet of that water will return to the Gila and thence into the Colorado River and that it can not be used anywhere else except in Mexico. That statement I can verify by figures from the tables which Mr. La Rue prepared and which appear upon pages 122 and 123 of the report that I have cited.

Mr. KING. Nevertheless I take it that, under a proper interpretation of any treaty that might be entered into, Mexico would have to credit the United States with the return flow of the Gila River, whatever that was, as a part of the award made by the Government under the treaty.

Mr. HAYDEN. Yes. I have talked to gentlemen very familiar with irrigation conditions in Mexico. All of them are convinced that if the maximum irrigation development takes place in Utah, Wyoming, Colorado, New Mexico, and Arizona the net result can not fail to be otherwise than that there will be available at all seasons of the year a greater quantity of water for use in Mexico than now exists under the unregulated and undeveloped condition of the Colorado River, so Mexico is bound to benefit under any circumstances. So far as we in the United States are concerned, after we have once supplied our own land to the fullest extent we have no further use for the water, and, of course, would allow it to pass on down to Mexico.

Mr. President, I have noticed the senior Senator from California [Mr. JOHNSON] listening to my remarks, and I want to address myself to him for just a moment in order to point out to him, if I may, the immense advantage it would be to both of our States to arrive at a complete settlement of the Colorado River controversy.

A complete settlement of that controversy means immediate development of the stream, without question. The State of Arizona, once satisfied that her rights are recognized and protected, would, I assure the Senator, join heartily in bringing about the development, which in the end means so much to both of our States. To Arizona it would mean very little immediately. There might be a comparatively small demand for power for mining purposes in Mojave County, Ariz.

The bill as it is now before us does not carry any provision for the construction of any irrigation works in Arizona.

To determine the feasibility of the projects we have in mind in Arizona will require much engineering study of a detailed nature to determine just where the canals should be located and just what lands should be benefited. So that so far as the State of Arizona is concerned at the present moment, the enactment of this legislation means little or nothing. To the future of the State it means a great deal, and it is for the future that Arizona is making a fight and not for immediate benefits. The immediate benefits will come to the State of California so ably represented by the two Senators who are now listening to me.

The effect of the passage of the bill so far as the Imperial irrigation district is concerned would mean that immediately after it becomes a law it would add at least $50 an acre to every acre of land in that valley. It would mean that there will be held out a certainty that the flood menace and the drought menace will be removed in the course of the next seven or eight years when the dam is completed. It means that there will be assured for all time to come an ample water supply for irrigation of the land in the Imperial Valley. It means that additional areas almost as large will be brought under cultivation in the State of California. On top of that it means that there will be a certain water supply in the Colorado River for domestic use in the city of Los Angeles.

If I have stated the comparative benefits to the two States, certainly the Senators should agree with me that the thing to do is to compose our differences in a manner that will make that outcome certain.

I say to them in all seriousness that if the arrangement I have proposed, whereby the two States will assume equally the burden of supplying any deficiency of water that may be occasioned by treaty with Mexico, may be entered into, if the two States will agree to do that, if the State of California will surrender to the State of Arizona any claim or demand upon the waters of the Gila River which that State can not use under this project, then in my judgment ratification of the Colorado River compact may be assured and development may proceed.

May I inquire of either one of the Senators from California what fault they find with the plan I have outlined?

Mr. JOHNSON. Mr. President, has the Senator concluded?

Mr. HAYDEN. I shall be glad to yield to the Senator for the purpose of reply.

Mr. JOHNSON. When the Senator concludes, my colleague will present his views or I will present mine very briefly.

Mr. HAYDEN. For that purpose I yield the floor at this time.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Arizona if this is the only remaining or the remaining point of difference or controversy between Arizona and California touching the bill?

Mr. HAYDEN. There are other items that I consider to be of importance that will have to be disposed of by the Senate in the same manner in which we have disposed of such matters when we come to them.

Mr. SHORTRIDGE. They were not disposed of to my satisfaction.

Mr. HAYDEN. Nor to mine, either. Nevertheless the Senate, under the arrangement under which we are now proceeding, must determine those questions.

Mr. SHORTRIDGE. And its wisdom will rule.

Mr. HAYDEN. The issues must be disposed of one at a time.

Mr. JOHNSON. Mr. President, it is due perhaps entirely to a mental strabismus on my part that I have been unable, in the hour and 50 minutes I have listened to the junior Senator from Arizona, to understand just upon what he predicates the

pending amendment and the reasons which he advances in behalf of it. I am unable utterly to comprehend why, if the condition exists, which he has asserted, upon the Colorado River, anything at all is necessary of the character that he indicates to be written into the bill. I am unable to determine, sir, after listening very attentively to everything that has been said of my distinguished friend from Arizona, whether he is endeavoring to do something extremely generous for California or to assume a new and onerous burden in behalf of Arizona.

However that may be, there are certain reasons, it seems to me, why the amendment should not be adopted. The vice of it is, first, in the exemption of the tributaries of the State of Arizona, particularly the one to which he has just adverted, the Gila River, and, secondly, in the endeavor to divide, in the fashion which he says is a perfectly plain and perfectly frank and perfectly open division, the burden that may come to the Colorado River in relation to Mexican lands. He is quite right in one thing. The desideratum that ought to be a desideratum of everybody connected with this bill, whether he represents a State or whether he represents some outside influence, should be entirely the ratification of the Colorado River compact, and anything that will enable us to reach the ratification of that compact that is within reason I am very glad indeed to undertake and very glad indeed to accept.

The argument to me has grown somewhat stale, in relation to every amendment that is presented, that if we would accept that particular amendment then we may at some time in the future accomplish the desideratum that is ours and ratify the Colorado River pact. I need but refer to the very frank statement of the senior Senator from Arizona [Mr. ASHURST], for which I thanked him yesterday, in that regard, where he said, and said without equivocation in the slightest degree:

> If the Senator from California [Mr. JOHNSON] beguiles himself into the belief that because of the adoption of this amendment, opposition will relax as to other features of this bill, he is sadly mistaken. The adoption of this water division amendment will by no means remove the thorns and blades of injustice that would yet remain in the bill respecting power and other subjects, and we shall contend to the last, indeed we shall retire into the rocky passes of the Senate rules and there fight until we secure a bill which will, amongst other features, require a 7-State ratification of the so-called Santa Fe—or Colorado River—compact.

That was a statement frankly made by the senior Senator from Arizona yesterday. When upon every amendment it is insisted that if that particular amendment should be adopted we may reach a conclusion and a compromise, I confess, with the eloquence of the Senator from Arizona ringing in my ears, I receive such assurance with a wee bit of skepticism.

Let us see what the Colorado River compact relates to. I read first from the purposes of the Colorado River compact, Article I:

> The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system.

Now, what is the Colorado River system? The Colorado River system then, with meticulous care, is described in the compact in Article II:

> As used in this compact (a) the term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

Again, sir, we find in Article III the reference to the Mexican situation, and I read it because I have in my hand at the present time the compact itself. We find in paragraph (c) of Article III the following:

> If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantity specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

We find, therefore, that the compact toward which we are all devoting our efforts in order to get everybody satisfied and to unite in agreeing upon it provides for a division of the water of the Colorado River basin, and we find, sir, that in this compact the Colorado River basin embraces not alone the main stream, but embraces the tributaries of the main stream as well.

Sir, the distinguished Senator from Arizona [Mr. HAYDEN] read remarks that were made in answer to queries of his in writing of Mr. Herbert Hoover, who is to be inaugurated soon as President of the United States. He laid great stress upon Mr. Hoover's ability. He said Mr. Hoover knew more about the Colorado River and its intricacies and all the technical aspects of it than probably any other one man, and read to his purposes, as was his right, certain questions that he had propounded in writing to Mr. Hoover and answers which Mr. Hoover had in writing made to him.

But, Mr. President, in reading the queries that thus the Senator put in writing to Mr. Hoover, and which he says were answered so elaborately, so well, so intelligently, and so accurately, the Senator omitted to read one of the very first of the queries that thus he propounded to President-elect Hoover. This is one of the queries that he then propounded to Mr. Hoover that Mr. Hoover in writing answered to him:

> Question 4. Why was the term "Colorado River system" used in paragraph (a) of Article III, wherein 7,500,000 acre-feet of water is apportioned to the upper and lower basins, respectively?

That is the question propounded in writing by the junior Senator from Arizona to Mr. Herbert Hoover, who at that time was the president of the Colorado River Commission, and here is the reply that was made by Mr. Hoover to the distinguished Senator from Arizona:

> This term is defined in Article II—

I have just read Article II to Senators—

> as covering the entire river and its tributaries in the United States. No other term could be used, as the duty of the commission was to divide all the water of the river. It serves to make it clear that this was what the commission intended to do and prevents any State from contending that, since a certain tributary rises and empties within its boundaries and is therefore not an interstate stream, it may use its waters without reference to the terms of the compact. The plan covers all the waters of the river and all its tributaries, and the term referred to leaves that situation beyond doubt.

What is the Senator asking by this amendment? He is asking, indeed, that we amend the Colorado River compact by the action of the Congress of the United States; and then, followed to its logical conclusion, what must occur? Every State must in like fashion take up the amendment of the Colorado River compact, possibly, and thereafter amend it in conformity with this particular amendment.

Mr. HAYDEN. Mr. President, if the Senator from California will be kind enough to yield, I am sure he does not want to overstate my position. I am not asking that the Colorado River compact be amended in any particular.

Mr. JOHNSON. I am stating the effect of the Senator's amendment.

Mr. HAYDEN. I am asking that this effect be secured: That the State of California, which has and will have no interest in the Gila River, waive any claim to the waters of that stream.

Mr. JOHNSON. The Senator from Arizona is asking, in effect, sir, that the Colorado River compact be amended. I stand by that statement because it is entirely accurate. That would be the effect of the Senator's amendment if adopted, that the Colorado River compact shall be amended. No one here ought to wish that to be done, and when the definition is made by the compact itself as to what the Colorado River system means, we ought not to be required here to take as a condition precedent to legislation by the Congress of the United States another definition entirely. That in reality and in effect is what is sought by the amendment that is submitted by the Senator from Arizona.

There is, however, another thing in this amendment, too. It sounds well; how fair it is smilingly to say to us, "Why, we will divide this water into two parts, and each of us will bear a like burden." It is all well enough to say that the Gila River is this and the Gila River is that; that no water of the Gila River comes down under certain circumstances and too much water comes down under other circumstances; it is all well enough to say when the all-American canal ultimately shall be constructed that that all-Amercan canal will be above where the Gila River runs into the Colorado River and that there will be no occasion for differences at all; all those things may be well enough as matters of speculation; but the fact is, sir, that there comes from the Gila River 3,500,000 acre-feet, all of which is claimed by the State of Arizona—every drop of it. When Arizona says that she has but 2,800,000 acre-feet of water, to that must be added the Gila River with its 3,500,000 acre-feet, and it will then be found that Arizona has in reality two-thirds of the water of the Colorado River itself. If we should exempt, as possibly we may should this amendment be adopted, the Gila River from any burden or any servitude that might thereafter attach because of water to Mexico, we should then exempt a

large proportion of the water of the stream from bearing its part at all, and say the rest of the stream, owned in equal shares, shall bear the burden equally, so far as California is concerned and so far as Arizona is concerned.

Mr. HAYDEN. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. HAYDEN. Taking the statement that there are three and one-half million acre-feet of water in the Gila River in Arizona, if Arizona obtains 2,800,000 acre-feet, from the Colorado the combined sum amounts to 6,300,000 acre-feet. The State of California has allocated to it——

Mr. JOHNSON. California has allocated to it 4,400,000 acre-feet of water.

Mr. HAYDEN. Is it the Senator's contention that when the time comes to supply water to Mexico the proportion borne by Arizona and California should be in that ratio?

Mr. JOHNSON. By no means; I am not asking that at all, because we hope by the storage in this dam to control Mexican water; and if the Senator from Arizona will follow the testimony of Mr. Hoover, which he has read to-day, he will find that that is one of the designs; but what I do not wish to do is to exempt the Gila River at this time and put the whole burden upon the two States subsequently in the proportion the Senator has indicated.

Mr. HAYDEN. The Senator is unwilling that California should divide the burden equally with the State of Arizona?

Mr. JOHNSON. Not a bit; but there would not be an equal division under the system the Senator proposes. It is a division, on the one hand, by which it is proposed to exempt from the stream, first, 3,500,000 acre-feet—and sometimes the people of Arizona have said that there were 6,000,000 acre-feet in that stream, as the Senator is well aware, but taking the lower figure, 3,500,000 acre-feet—the Senator is seeking to deduct that first and then have a division made of the waters that are in the main stream itself.

There is not any necessity for any action in this regard at all. It is an uncertain thing to do to-day; it is a thing from which no man can tell what the consequences may be; and it ought not to be done. Particularly, it ought not to be done in view of the definitions that are found in the Colorado River compact, and which I have read here. Sufficient it is, for us to accomplish that purpose subsequently when the dam shall have been erected. Into this bill write, if you desire, any notice to Mexico that you wish—and I want no water to go down there in excess of that which any law permits Mexico to have to-day—do anything in regard to international comity that you desire, but do not write into this measure in this fashion an exemption which would destroy in one aspect, the definitions that are contained in the Colorado River compact and would put an additional burden on the waters that are to bear the burden of Mexico. That is unjust and unfair from our standpoint.

Mr. HAYDEN. Mr. President, if the Senator will yield to me, I want to find out what he thinks is just and fair.

Mr. JOHNSON. I think it is just to do nothing in relation to that portion of this amendment. It has no place in this bill at all. What are the reasons why the Senator wants this amendment?

Mr. HAYDEN. The reason I want this amendment is that I may say to the people of Arizona that the State of California has agreed with them to furnish one-half of any water that may be demanded by Mexico.

Mr. JOHNSON. But the Senator does not say anything of the kind in the amendment. He says after exempting the tributaries in the State of Arizona that then the State of California agrees out of the main stream to bear one-half of the burden.

Mr. HAYDEN. Would the Senator be willing to have incorporated in this bill the simple proposition that California shall accept one-half of that burden?

Mr. JOHNSON. I do not want anything to interfere with the compact at all. There should be no interference with the compact.

Mr. HAYDEN. There would be no interference with the compact. The compact provides for an equal division.

Mr. JOHNSON. No; I am speaking as to the exemption of the tributaries in Arizona. Let them alone; let the situation remain as it is. We will bargain with Arizona ultimately or agree with her ultimately, as the case may be, but this is neither the time nor the place to alter the compact that is now the desideratum of everybody connected with this enterprise.

Mr. HAYDEN. If the Senator will permit me to say so, I am not seeking in any manner to interfere with the compact. The only effect that the compact can have upon his State is that that State will be bound to furnish one-half of the water which Mexico may receive under any treaty. Beyond that the State of California has no interest in the matter.

Mr. JOHNSON. Very well. The Senator's argument is that we are already bound, is it not?

Mr. HAYDEN. That any State approving the compact is bound.

Mr. JOHNSON. That it is already bound?

Mr. HAYDEN. Any State that has approved the compact is bound.

Mr. JOHNSON. Very well. The Senator has made it a condition precedent to this bill that we approve the compact, has he not?

Mr. HAYDEN. Yes.

Mr. JOHNSON. Very well. Then we are bound, are we not, just exactly as the Senator desires?

Mr. HAYDEN. You are bound; that is true.

Mr. JOHNSON. Very well. Then, what is the purpose of this amendment?

Mr. HAYDEN. The purpose of the amendment is to have my State also bound by the compact.

Mr. JOHNSON. It is a matter as to which the Senator wishes to put a burden upon his State?

Mr. HAYDEN. I want to be sure what that burden is.

Mr. JOHNSON. I leave to the Senate that argument.

Mr. HAYDEN. I want to be perfectly certain what the burden is. If it is to be a burden requiring my State to furnish more than one-half of the water that may be demanded by Mexico, my State will not accept that burden. If it is clearly understood that the burden shall be shared equally, my State will be willing to accept it. If the Senator from California is willing to make it certain that the State of Arizona and the State of California shall equally share the Mexican burden, just as that burden is equally shared between the upper and lower basins——

Mr. JOHNSON. That is provided for by the compact.

Mr. HAYDEN. Yes; but the compact divides the water between basins.

Mr. JOHNSON. That is true.

Mr. HAYDEN. It does not follow down and divide it between States. The State of Arizona refused to ratify the Colorado River compact, "because" it said, "the State of Arizona needs the same protection against the State of California as does the upper basin."

Mr. JOHNSON. Does not Arizona get that protection when the compact is ratified by California?

Mr. HAYDEN. No; because——

Mr. JOHNSON. It does not? Is not the Senator in error there?

Mr. HAYDEN. I am not in error at all.

Mr. JOHNSON. The moment that California ratifies this compact does not Arizona get every particle of protection that it is possible to accord; and, not only that, but is there not put upon California the burden of enacting legislation by which it may never be permitted in the future to utilize more than 4,400,000 acre-feet of water for its people, no matter how great a space of time may elapse?

Mr. HAYDEN. The Senator fails to understand that there are two elements in this water controversy. One is how the seven and a half million acre-feet shall be divided in the lower basin. The Senate has settled that by a vote—that California may have 4,400,000 acre-feet of that water. It follows logically that if that demand is to be conceded, as everybody agrees, the remainder is 2,800,000 acre-feet for Arizona. That settles that part of the controversy.

Mr. JOHNSON. How much from the Gila?

Mr. HAYDEN. Whatever there is in it. That is ours anyhow.

Mr. JOHNSON. It is yours anyhow?

Mr. HAYDEN. Yes.

Mr. JOHNSON. Then your amendment still is of no value. If it is yours anyhow and you already own your tributaries, what is the use of an amendment exempting them?

Mr. HAYDEN. I want to be sure to keep it free from any burden or claim by Mexico, and I want to be sure in connection therewith——

Mr. JOHNSON. But you just said that there could be no claim upon it, did you not?

Mr. HAYDEN. There is no claim as between the States signatory to this compact.

Mr. JOHNSON. There is no claim by the States signatory to this compact. Can there be any other claim upon the waters of the Gila?

Mr. HAYDEN. Yes; there can be.

Mr. JOHNSON. Claims from what?

Mr. HAYDEN. From Mexico. That is the only place.

Mr. JOHNSON. All right. Now, you want to relieve the Gila from that?

Mr. HAYDEN. I do.

Mr. JOHNSON. How much water does Arizona get from the Gila?

Mr. HAYDEN. Let us take the Senator's own figures.

Mr. JOHNSON. No; I am asking you. My figures are, at the minimum, 3,500,000 acre-feet.

Mr. HAYDEN. Yes.

Mr. JOHNSON. All right. Now, in the division of water that the Senate saw fit to impose yesterday Arizona had 2,800,000 acre-feet, and 3,500,000 acre-feet from the Gila, did it not?

Mr. HAYDEN. Correct.

Mr. JOHNSON. Making 6,300,000 acre-feet. California was given, with its claims and its perfected rights, 4,400,000 acre-feet. That is correct, is it not? All right. Now, you wish to deduct from the burden that is imposed by water that goes to Mexico, first, 3,500,000 acre-feet, do you not?

Mr. HAYDEN. I do.

Mr. JOHNSON. Then you wish to put upon California and Arizona—one of them having then 2,800,000 acre-feet and the other 4,400,000 acre-feet remaining—the burden in equal shares, do you not?

Mr. HAYDEN. I do.

Mr. JOHNSON. All right. That is just what I wanted to demonstrate.

Mr. HAYDEN. The Senator is unwilling to do that?

Mr. JOHNSON. Of course I am unwilling to do that.

Mr. HAYDEN. The Senator is unwilling, notwithstanding the fact, which everyone should recognize, that it would be utterly impossible in time of drought to deliver to Mexico any water out of the Gila River or any other Arizona tributary—but I am confining myself to the Gila—to comply with the demands of the treaty. Therefore the Senator wants to place into the calculation of what water shall go to Mexico three and a half million acre-feet of the Gila River, when it is not subject to division and could not be delivered to Mexico; but he adds it in for what purpose? For the purpose of saying that the main stream, which can be divided, shall be divided in the ratio of 6,300,000 acre-feet to Arizona and 4,400,000 acre-feet to California.

Mr. JOHNSON. Let us say, just by way of example, that 2,000,000 acre-feet would be utilized by Mexico. I am unable to say how much it would be; but a while ago some Senator upon the floor used that as an example—that 2,000,000 acre-feet might be ultimately allotted to Mexico. Under your plan, then, 1,000,000 acre-feet would have to be borne by California and 1,000,000 acre-feet by Arizona, would it not?

Mr. HAYDEN. Yes.

Mr. JOHNSON. That would leave, then, for California 3,400,000 acre-feet.

Mr. HAYDEN. And for Arizona, in the main stream, 1,800,000.

Mr. JOHNSON. Yes; with 3,500,000 added thereto from the Gila.

Mr. HAYDEN. It could not be added thereto. It is physically impossible.

Mr. JOHNSON. Wait a minute. What would be California's allotment of water, then? It would have, then, 3,400,000 acre-feet upon any such proposition. Now, the Senator knows, and he knows just as well as I do, that not only are there perfected water rights exceeding that, but that it is an utter, absolute impossibility for us to go on with the plan that is ours in relation to Imperial Valley and in relation to water for domestic purposes for the coastal cities with that quantity of water.

Mr. HAYDEN. I want to say to the Senate that I have offered this amendment in the hope that the State of California would be willing to do as the two basins did—equally divide this burden. The State of California is unwilling to do that. The State of California insists that the ratio shall not be half and half, but shall be on the basis of 6,300,000 to 4,400,000—60-40 instead of 50-50. That is all the difference that there is between us on this issue.

Mr. PITTMAN obtained the floor.

Mr. JONES. Mr. President, will the Senator from Nevada yield to me for just a moment to enable me to give a notice?

Mr. PITTMAN. I yield.

Mr. JONES. I desire to give notice while there are so many Senators present that when we adjourn to-day we shall move to adjourn until 11 o'clock to-morrow.

Mr. JOHNSON. Mr. President, in that connection permit me to say that that is done for the purpose of enabling the appropriation bill to be taken up at 11 o'clock to-morrow. After to-morrow, and after a long session to-morrow if it be necessary, we shall, if I am able to have the assent of my colleagues in that regard, recess only from day to day until this matter be concluded.

Mr. PITTMAN. Mr. President, the Senate is apt to forget that any States are interested in this legislation except the States of Arizona and California. As a matter of fact, one of the reasons that started this whole compact was the realization of four States on the upper Colorado River that unless this impounding of water at Boulder Dam was regulated, when they got ready to use the water of the Colorado River in the future there would not be any; it would all be appropriated in the lower basin. Consequently, we started out in 1921, with the aid of Congress, which authorized the seven Colorado River States to try to agree on the distribution of water and the terms upon which it would be used.

Now we come down to this proposition:

The Senate has already determined upon the division of water between those States. How? It has determined how much water California may use, and the rest of it is subject to use by Nevada and Arizona. Nevada has already admitted that it can use only an insignificant quantity, 300,000 acre-feet. That leaves the rest of it to Arizona. As the bill now stands it is just as much divided as if they had mentioned Arizona and Nevada and the amounts they are to get; but there is just one other phase to the matter. The amount that either one of those States is entitled to under this legislation may be reduced if at some future time it is agreed, by treaty or contract or otherwise, that a certain amount of this water should, in justice, be used in Mexico.

Personally, as I have said before, I think the amount that can be used in Mexico is insignificant. I think, also, that under the comity that exists between nations the only water that Mexico could claim would be water that she has appropriated from the natural flow of the stream, and that she could claim none of the benefits of the water increased by our own impounding works. That, however, is not the question. The question is one of satisfying the States.

Why should we satisfy the States? Because if you do not satisfy a State as to the exact thing that is going to happen to it under legislation, it will oppose the legislation.

As a matter of fact and as a matter of law, I do not believe that the Gila River is in any danger whatever from any demands for water in Mexico for two reasons: In the first place, there is bound to be enough overflow or return flow to satisfy that demand. In the second place, the Congress of the United States has no constitutional authority through the passage of any act to take away a vested water right. If the people of Arizona on the Gila River have put to beneficial use the water of that stream—and they claim that they have—then there is no power in Congress to take it away from them, nor would there be any power by treaty to take it away from them. A treaty certainly is nothing more than a statute; and in my opinion we could not make a treaty that would violate the Constitution of the United States any more than we could a statute. That, however, is not the question. The question is, Are we going to reach a settlement with Arizona?

A majority of the people of Arizona believe that there is danger of their vested rights in water, of the water that they are actually using, being taken in part to supply Mexican demands. As I have said before, I do not think there is any ground for that belief; but if that is the belief of the majority of the Legislature of the State of Arizona and their governor, then we have, if possible, to remove that fear before we can get their ratification.

Do we want their ratification? Is their ratification necessary to this legislation? I think it is. Why?

This bill provides that no construction shall take place—nothing shall be done until six of the seven States, including California, ratify. Where are we going to get the States to ratify? We had six States that ratified the 7-State agreement; but since that ratification the Legislature of Utah has solemnly annulled its ratification. Now we stand in the position that there are no six States in the humor at the present time to ratify. Utah has refused to ratify the agreement and is out of it. Arizona has refused to ratify it. We must get one of those States to ratify in order ever to work under the bill if we pass it—one of them. We must either get Utah back or we must get Arizona.

As a matter of fact, there have been rumblings in the State of Colorado against the safety of a 6-State compact. Personally, I do not agree with them. I do not think there is any ground for any fear. I think the 6-State compact protects the upper basin; but there is a fear there, nevertheless, and a fear expressed by some very able lawyers in Colorado.

Colorado might pull out of a 6-State compact. It would be a splendid consummation if we could get all seven States to agree with regard to this whole legislation.

Let us see what we are up against. There is no question but that we have settled satisfactorily to all States the water question. Now we have gotten down to the question of liability to Mexico, which, while to my mind it amounts to nothing, arouses a great deal of fear in the minds of some people in Arizona.

Admitting that all of the water of the Gila is now being put to use, except the return flow—and in this amendment the return flow is subject to the demands of Mexico—if it is all put to use, as a legal matter, that can never be disturbed. The Senator says, "Why mention it if it can never be disturbed?" There is only one reason I know of, and that is to overcome the fears of the people who do not believe as I do, that the fears are groundless.

Our engineer in Nevada, Mr. Malone, agrees with Mr. La Rue with regard to the return flow of the river. At the present time it is at least five or six hundred thousand acre-feet. It will undoubtedly be increased greatly with further irrigation from the Colorado River water. The Department of the Interior has estimated that there never can be, from the waters of the Colorado, over three or four hundred thousand acres irrigated, and that not by subsurface pumping but by diversion. There is such a limit on it.

As I understand this amendment, Arizona to-day has practically allocated to it 2,800,000 acre-feet of water in the main Colorado River. It is there for their use. As I understand it, they are willing to give up any amount that may be necessary to meet the demands of Mexico from that 2,800,000 acre-feet, provided it is matched by an equal amount of water out of California's allocation of 4,400,000 acre-feet.

In the circumstances, I am exceedingly anxious to bring about a condition that will cause the Legislature of Arizona to ratify the 7-State agreement. I am afraid if we do not make that possible, we may go on trying to get a 6-State agreement for a year or so and maybe find we will have to come back here and try to get legislation for a 5-State agreement or something else.

I would not ask of California to bear any additional burden over what Arizona bears. I can not see that it does. I can not see that there is any danger. But there is one thing in this amendment—and I want the attention of the Senator from Arizona to this—which I do not like. I do not like the form of it. I do not like the method of getting at it. It provides:

> The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree.

That does not seem to be the regular form of entering into an agreement, to have California first proceed to limit herself as to what she will do as a consideration for the passage of this measure. I think it should be a mutual agreement between the three States. I do not think we should bind up this tri-State agreement with ratification. I did believe that it was essential to have California limit herself as to the amount of water she would take in a ratification, in view of the fact that possibly Arizona would never ratify. But this is attempting to have the State of California in advance, as a condition of the taking effect of this measure, state that she will enter into certain agreements with Arizona. In other words, it is coercive.

Mr. HAYDEN. Is it any greater coercion, if the Senator will permit me, than for the State of California to insist that, as a condition to her ratification of the main contract, Congress shall do certain things, to wit, provide storage to the extent of 20,000,000 acre-feet of water in the main stream?

Mr. PITTMAN. I do not consider that coercion.

Mr. JOHNSON. It was impossible to hear what the Senator from Arizona said. All I heard was, "the State of California."

Mr. HAYDEN. I withdraw the remark, because I do not want to have any remark I might make misinterpreted.

Mr. PITTMAN. I do not think that the demand on the part of California that there should be a storage of at least 20,000,000 acre-feet of water is coercion. I think it is essential, as shown by the report of the commission. A demand for what is essential is not coercion.

This is what I suggest, that we provide for an agreement between the three States, and let them enter into it if they want to, but if they do not want to, let them stay out of it. That is not coercing a State.

This is what I propose, to strike out all of the Hayden amendment down to and including the word "agree," on page 1, in line 6, and in lieu thereof insert the following:

> The States of Arizona, California, and Nevada are authorized to enter into an agreement, which shall provide.

Then go ahead and put down the provisions of the Hayden amendment, and at the end of the Hayden amendment put in a seventh paragraph, which shall read:

> Said agreement to take effect upon the ratification of the Colorado River compact by Arizona, California, and Nevada.

The Constitution requires that before States may enter into an agreement they shall be authorized by Congress to enter into the agreement. I start out by having Congress, by this act, authorize an agreement. I make the agreement specific by reason of the fact that otherwise it might be held that they would have to come back to Congress for approval of the agreement they entered into. They approve a specific agreement in advance and authorize it. The terms are set out. It does not take effect unless all three States ratify the Colorado River compact.

Mr. HAYDEN. It should not.

Mr. PITTMAN. It should not. It does not require California to enter into that agreement. It does not require Arizona to enter into that agreement. It does not require Nevada to enter into that agreement. If they do not enter into that agreement, then we have the bill as it stands. Whatever States do not ratify are not bound by this measure. That, then, becomes an optional matter and not a coercive matter.

I am confident, however, that if the State of Arizona were willing to enter into such an agreement she would, of course, ratify the Colorado River compact, and if she were not willing to ratify the Colorado River compact she would not want California bound by these conditions, because she would not be in the 7-State compact, and would have nothing to do with it.

Therefore I say that the fair and practical way is to set out the terms of an agreement which the Congress of the United States would be satisfied for the States to enter into, and say that if they see fit to enter into it they may, but it shall not become effective as a subsidiary agreement to the main 7-State compact until those three States do ratify the 7-State compact.

I offer that as a suggestion. I do not want to interfere with the vote on this amendment, but I would like very much to have it in a voluntary agreement, rather than impose it upon California as a condition of the ratification.

Mr. HAYDEN. Mr. President, I am not at all insistent that my amendment be adopted in the exact language in which it is offered. The suggestion made by the Senator from Nevada is entirely satisfactory to me.

Mr. PITTMAN. Then I offer it.

The PRESIDING OFFICER. The amendment would be an amendment in the third degree, and it would not be in order.

Mr. HAYDEN. Have I the privilege of perfecting my amendment so as to carry out the suggestion of the Senator from Nevada?

The PRESIDING OFFICER. The Senator can do that.

Mr. HAYDEN. Then I am pleased to do that.

Mr. PITTMAN. I will bring the amendment to the desk.

Mr. BRATTON. May I inquire of the Senator from Nevada, if I may, what he thinks of establishing the precedent of Congress consenting to and approving an agreement which is not in existence, and which we have not seen, and of which we do not know the contents? Some dispute might arise as to the interpretation of the agreement that was executed. As I understand, the proposal of the Senator from Nevada is twofold; first, to consent in advance that the three States may enter into this agreement, and to provide that it shall become effective when it has been entered into and the States have ratified the compact.

Mr. HAYDEN. If the Senator will pardon me, I think on reflection the Senator from Nevada will agree that the point made by the Senator from New Mexico is sound. The Constitution of the United States provides that States may not make compacts without the consent of Congress. Congress must necessarily, then, have the compact before it in order to consent to it.

Mr. PITTMAN. That is just exactly the reason why I put the exact terms in the measure, because it might be held, as the Senator is now arguing, that if they did not know what the compact was going to be, they might have to come back for approval. But when you put the exact terms in it—which I have attempted to do, because I have put the exact language in, and if the terms are not sufficiently clear they should be made so by the Senator from Arizona—when you authorize two States to enter into a contract to divide 7,500,000 acre-feet of water, "as follows, to wit," and mention the amount, you can not say that the Congress of the United States has not consented to that agreement.

Mr. BRATTON. There might arise some controversy as to the interpretation of the agreement when and as it is executed.

Mr. PITTMAN. That would be a matter for the courts and not for Congress. When Congress uses certain language, there may be a vast difference of opinion among Senators as to what the courts will construe it to mean; but when they use the exact language which the Congress of the United States says they may use in an agreement, then the Congress is supposed to know what the agreement means.

Mr. BRATTON. But if the Congress consents in advance that the three States may enter into an agreement, and they enter into an agreement, and it is submitted back for the Congress to approve, then it is for each Senator to determine for himself what he thinks is in the agreement and not what some court may thereafter determine. Each individual Senator must exercise his own judgment as to what the agreement is and what its results will be.

Mr. KING. He exercises that judgment now.

Mr. PITTMAN. We are just interpreting right now a constitutional provision. That provision simply states that the States may not enter into an agreement with each other without the consent of Congress. I admit, for instance, that if Congress should pass a particular bill saying that the States of Arizona, California, and Nevada might enter into an agreement, it might be held that that agreement would not be effective until subsequently approved by Congress. But when the Congress of the United States consents that the States of Arizona, California, and Nevada may enter into an agreement, "as follows, to wit," and sets out in haec verba the agreement, it would in my opinion seem absurd to say that they had to come back to Congress for approval in doing exactly what the Congress had already decided they should or might do. It would be an absolute absurdity.

I have simply changed the form of the amendment. Instead of making it a condition of ratification on the part of California, I have simply provided that the States of Arizona, California, and Nevada may or may not enter into an agreement "in the following words, to wit," and so forth; that if they do enter into that agreement it shall take effect when each of those States has ratified the Colorado River compact. The only legal question involved is whether or not Congress passing a bill and setting out the agreement into which they must enter, they would have to come back and have Congress say it was all right.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. Let me read the constitutional provision:

> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in times of peace, enter into any agreement or compact with another State—

And so forth.

If a State wanted to keep troops, it would have to get consent, not after it had the troops there, but in advance. If two States want to make a compact to enter into an agreement, they certainly can get the consent of Congress in advance, and if Congress is advised as to the character of the agreement, just as the Senator from Nevada has stated, I interpret this language to mean that they can get the approval of Congress in advance just as well as subsequently.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SHORTRIDGE. I understand the position of the Senator from Nevada to be that the Congress may grant terms, if it consents to the entering into of a given contract, when that contract is specifically described or set out, or it may subsequently give its ratification or consent to that contract either before or after it has been entered into by the several States.

Mr. PITTMAN. Undoubtedly that is correct.

Mr. SHORTRIDGE. I fully agree with the Senator.

Mr. PITTMAN. For instance, Congress, when it authorized the seven States to enter into what we call the Colorado River compact, did not know what they were going to enter into, so it was expressly provided in the consent that the Colorado River compact should not take effect until after it was submitted to Congress and approved. The reason for that is apparent. Congress did not know what it would be, but authorized them in advance to enter into the agreement, not to take effect until approved by Congress, realizing that unless they had incorporated that provision it might be questioned whether or not the consent has not already been given.

But in this case that is unnecessary, because the Senator from Arizona [Mr. HAYDEN] in his amendment has set out the exact terms of any future tri-State compact between Arizona, Nevada, and California. He has set it out in exact language so that we can determine right now whether it is to the interest of the United States Government or not. We can determine now every fact we could determine after it was entered into. Consequently the necessity for coming back for ratification does not appear.

What I objected to, as I said once before, was that these conditions or terms of an agreement, involving her ratification of the 6-State compact, were imposed upon California as a condition of the going into effect of this legislation. I contend that it is not a matter that should be imposed upon any State as a condition of ratification of this legislation. I believe that it is a very proper statement of an agreement between these States when we leave it to the States to adopt or not as they see fit. I think it is entirely proper to provide, as a condition of such an agreement coming into effect, that the three States shall have ratified the 7-State compact before it comes into effect, because the main object of the agreement is to bring about an agreement among the seven States.

It is supposed to be a subsidiary agreement to the general agreement among the seven States, and no subsidiary agreement, taking the benefits of another agreement, should be permitted until those getting the benefits of the subsidiary agreement have become parties to the main agreement. So that is in the amendment as it is now accepted and modified by the Senator from Arizona himself.

Mr. WATERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I yield.

Mr. WATERMAN. Is it not true that the entire controversy now pending in this body arises out of the fact that the three States of the lower basin can not agree as to the subsidiary arrangement under the 7-State compact?

Mr. PITTMAN. That is entirely correct.

Mr. WATERMAN. Then, ought we not to use every effort and ever endeavor to so bring about legislation that there is a reasonable probability that Arizona and California may come into accord?

Mr. PITTMAN. I think it is our duty. I have not anything further to say. I have explained my ideas. The amendment is in its present form because it has been modified by the Senator from Arizona. I can not see wey any one of the three lower States should object to such an amendment. It is not imposed as a condition of ratification. It is purely optional with them whether they want to agree to it or not.

Mr. BRATTON. Mr. President, I want to ask the Senator from Nevada whether, in his opinion, it is good policy, assuming that we have the power so to do, to provide in advance what shall be embodied in an interstate or tri-State agreement? In other words, the Federal Government is a sovereign government. Each State is a sovereign State. I seriously doubt the wisdom of the Congress embarking upon the policy of consenting in advance to the execution of an agreement or compact between States with such conditions, provisions, or limitations implied. In other words, I think what the Constitution contemplates is that when States desire to negotiate and agree among themselves, the Congress shall give its consent in advance that they may do so, and when they have done so and submit the agreement here, the Congress shall either approve or disapprove what the States have done.

But I seriously question the wisdom of the policy. No one in this body is more anxious than I am to see the three States in the lower basin agree mutually among themselves, but I doubt whether we can afford to embark upon such a policy in order to secure that result and that outcome. Unless the suggestion is mutually satisfactory to the three States I doubt very much the wisdom of our doing such a thing.

I simply suggest that. I do not want to delay action on the bill. I want to expedite it in every way. But I am unwilling to have us take the step without pointing out the inherent danger that I believe I see in the establishment of such a precedent. We ought to consent that the three States treat among themselves, unhampered and unrestricted by the Federal Government. Then when they have reached an agreement let them submit it here for the consent of the Federal Government. It partakes too much of hampering the States in the exercise of sovereignty. That alone would cause me to vote against the amendment, because I shall never give my consent to the Federal Government undertaking to control the States in negotiating with each other by saying, "We point out in advance what you must do; you must put this and that in your agreement; you must embody this and that in your agreement."

When we are dealing with sovereignties we should be exceedingly careful to keep within the scope of our authority. So far as I know, the Federal Government has never done such a thing. I may be in error about it, but I think the usual course is to

consent that the States may enter into a compact without even indicating what shall be contained in the agreement, and then when it has been executed and reflects the combined agreement of the parties thereto and is submitted to Congress, we either approve or disapprove it. To say that they may negotiate and agree under limitations of this kind, in my judgment, transcends the proper functions of the Federal Government. This alone would control my vote upon the amendment if all other considerations were waved aside. I do not believe we can afford to pay this price in order to bring the three States into agreement.

Mr. PITTMAN. Mr. President, this question has been here now for seven years. The seven States have been attempting to reach an agreement. Apparently the Senate of the United States is about to reach an agreement as to what ought to be done. The Senate has already stated exactly what it thinks about the water. That might have been an imposition on some States. Why do we not leave it to California to say how much water she shall take out of the river or leave it to Arizona to say how much water she shall take out of the river? It is because it happens to become a duty of the United States Senate to settle this matter, and that is the reason.

Has the State of California or Arizona or Nevada asked for any different kind of an agreement than the one that is here? Does the State of New Mexico desire that there should be a different agreement between California, Arizona, and Nevada than the one that has been suggested? If so make another suggestion. Why be so fearful with regard to the imposition upon Nevada, Arizona, and California when the representatives of neither one of those States so far have got up here and raised such an objection? California has not asked for any particular form of agreement between the States; Nevada has not asked for any particular form of agreement between the States; Arizona has not asked for any particular form of agreement between the States.

Arizona, however, has stated that unless certain things are agreed to by California this bill shall not go into effect. I objected to that. I do not think that California alone should be made to agree to anything. I think, however, that if we have in mind a certain agreement that might be entered into by the three of them, if something better shall be submitted we ourselves ought to submit it. That is all that is happening here.

We have already decided as to the division of the water, and we say that if the States wish they can enter into a subsidiary agreement confirming that. We have already agreed that the 7-State pact shall be binding.

Mr. JOHNSON. Mr. President, may I inquire of the Senator whether with or without the qualifying words, which the Senator has courteously inserted at the beginning of his amendment, the States could not do exactly what is suggested?

Mr. PITTMAN. The States could do just exactly what is suggested, except that they would have to come back for ratification unless the terms of the agreement were stated. I understand the constitutional provision as a safeguard to the Federal Government and as a safeguard to the Union to prevent the States from entering into agreements that are contrary to the spirit of the Union.

Mr. JOHNSON. Let me see if I have the words of the Senator's amendment. I simply took them down when the Senator was reading them:

The States of Arizona, California, and Nevada are authorized to enter into an agreement which shall provide—

Is that the beginning of the amendment?

Mr. PITTMAN. Yes.

Mr. JOHNSON. That is accurate, is it?

Mr. PITTMAN. Yes.

Mr. JOHNSON. Why does not the Senator make the language a little elastic?

Mr. PITTMAN. In what way would the Senator suggest that that be done?

Mr. JOHNSON. I would not confine the agreement to the specific words of the amendment.

Mr. PITTMAN. In that event, it is possible that the Senator from New Mexico [Mr. BRATTON] is right, that if we give a general power to two States to contract with regard to a certain matter it will be necessary for them to come back to Congress after they have contracted to ascertain whether or not the terms of the agreement are in conflict with our form of government.

Mr. BRATTON. If the Senator from Nevada will allow me, I would yield to no man more quickly upon a question of that kind than I would to him. If there is any man in the body who would dissuade me from the opinion formed and expressed, it would be the Senator from Nevada; still, notwithstanding his observations, I repeat with emphasis that I am not persuaded.

Mr. PITTMAN. I am merely trying to facilitate this matter.

Mr. JOHNSON. What is the concluding sentence of the amendment of the Senator from Nevada?—

that "said agreement shall take effect upon ratification."

Mr. PITTMAN. Upon ratification of the Colorado River compact by the States of Arizona, California, and Nevada.

Mr. KING. That is the agreement between the three States.

Mr. PITTMAN. It is not to take effect until that shall happen.

Mr. JOHNSON. I am merely curious. I have not any objection to the amendment, as I understand it. My understanding is that the States have the right to do this without any authorization.

Mr. PITTMAN. I do not think they have, but there may be a difference of opinion as to that.

Mr. JOHNSON. I am under the impression that the States could get together at any time and reach an agreement and then come to Congress for the ratification of such agreement.

Mr. PITTMAN. Yes; I think that is true.

Mr. JOHNSON. If they could meet at any time and reach an agreement, they could reach an agreement on the terms of this amendment or otherwise and come back to Congress for ratification.

Mr. PITTMAN. Undoubtedly.

Mr. JOHNSON. Then the States simply being authorized to enter into the agreement, the amendment means merely that they are authorized to do that which they are already competent to do without such authorization.

Mr. PITTMAN. The authorization would not be complete. My view is that if the Congress of the United States shall authorize the States of Nevada, California, and Arizona to divide 7,500,000 acre-feet of water in a certain way, and they agree to do that, such agreement would end it; they would not have to come back here. On the other hand, my thought is this, I will say to the Senator from California: Assume that we pass this bill this week, which as I hope we may; we shall adjourn on March 4; we shall probably not again meet until sometime in the fall, if we have a special session, but in the meantime the legislatures of these States will be in session.

If we could confer on those States the authority to enter into this particular agreement, and the legislatures of those States, being in session, should approve it, and the Legislature of Arizona should then ratify the 7-State pact, construction work on the dam could be started as fast as they could get machinery out there. On the other hand, if we wait until after we adjourn to have an agreement between these States and they have to come back six months from now and submit that agreement to ascertain whether it will be ratified or not ratified, for the Congress would not know what was in it, then the work could not start, and the States in question would have to have their legislatures meet again for the purpose of ratifying the 7-State agreement. I think that we would save months of time by this amendment. If California and Nevada and Arizona do not like this agreement, they do not have to approve it. If they want to amend it they can do so, and ask approval of the amended agreement.

Mr. JOHNSON. Is it not possible so to word the authorization that amendments may be made?

Mr. PITTMAN. The only reason I have for not doing so is that suggested by the Senator from New Mexico [Mr. BRATTON], that if the Congress of the United States merely gives authority to enter into a contract without knowing what the contract contains, it would then become necessary to send it back to Congress for ratification. I do not know as to that. I know that it is a general proposition that when consent is given to do something there must be something definite and certain.

Mr. JOHNSON. Yes.

Mr. PITTMAN. Otherwise the consent is only a permit to start in, and then it is necessary to come back and have it approved. That is all I have in mind. I am trying to save six or seven months' time. I may not be accomplishing anything; but Arizona seems to be wedded to a certain plan. If the California Legislature does not like it, it does not put us in any worse fix than we are in if we do not adopt it.

Mr. JOHNSON. Would we not be, though?

Mr. PITTMAN. I think not, because if the legislatures of the three States adopt it, they could start acting on the 7-State ratification instantly.

Mr. JOHNSON. Here is the difficulty which strikes me in the matter: First of all, we are authorizing the doing of something that already the States have the right to do. Secondly, we are stating the things that the three States are to do, and we are making a sort of Procrustean bed upon which they must

lie in the determination of matters that are suggested within this amendment, without any elasticity, without any opportunity to alter phraseology or possibly terms. What is done by the amendment is to put the impress of the Federal Government upon the necessity of agreement, and, if one of the States should not agree, leave that State in a position which would not be particularly enviable.

With the distinct understanding that this authorization is one that is after all an authorization that is wholly unnecessary, because the parties may, in any fashion they desire, meet together and contract and subsequently come to Congress for ratification of that contract; that there is no impress of the Congress upon the terms, which might be considered coercive to any one of those States, I am perfectly willing to accept the amendment.

Mr. PITTMAN. There is nothing necessary at all, of course, so far as the adoption of this amendment is concerned, unless the element of time is considered valuable. If it should happen, mind you, that two weeks from now the legislatures of the three States, being in session, should be perfectly satisfied with the terms of this proposed agreement and should ratify it, they could on the next day also ratify the 7-State agreement. On the other hand, if we do not adopt this amendment now, but allow the three States to meet together and agree and they should agree, then it will be necessary for them to come to Congress next fall; and we might find that Congress next fall would not ratify the agreement entered into by the three States, might we not?

Mr. JOHNSON. That is possible.

Mr. PITTMAN. Suppose, for instance, a majority of the Senate found there were certain things in the agreement it did not like.

Mr. JOHNSON. That is all right; but what I want to make clear is that this amendment shall not be construed hereafter by any of the parties to it or any of the States as being the expression of the will or the demand or the request of the Congress of the United States.

Mr. PITTMAN. Exactly, not.

Mr. JOHNSON. Very well, then.

Mr. PITTMAN. It is not the request of Congress.

Mr. JOHNSON. I accept the amendment, then.

Mr. TRAMMELL. Mr. President, I desire to make a privileged motion.

Mr. KING. May we not dispose of the amendment first, if the Senator will permit?

Mr. TRAMMELL. I have not occupied more than a very few moments and the matter I have in mind is one of importance.

Mr. KING. I withdraw the request that we have a vote on the motion.

Mr. TRAMMELL. I will take but a moment or two, if the Senator will pardon me. If, however, I can be recognized afterwards, I will be very glad to have the amendment disposed of.

Mr. PITTMAN. Very well; I think we are ready to dispose of it. The Senator from California has accepted it.

Mr. PHIPPS. Mr. President, as I understand, this amendment is to the one offered by myself and which is now the pending amendment. I desire to say that I am willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona, as modified, to the amendment of the Senator from Colorado.

The amendment as modified to the amendment was agreed to.

Mr. KENDRICK. Mr. President, I desire to present a request for a unanimous-consent agreement and ask for its immediate consideration.

Mr. ASHURST. Let it be read.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That after the calendar day of Wednesday, December 12, 1928, no Senator shall speak more than once nor longer than 15 minutes upon the bill H. R. 5773, the so-called Boulder Dam bill, or upon any amendment proposed thereto.

Mr. JOHNSON. What date is fixed there?

The VICE PRESIDENT. After the calendar day of Wednesday, December 12, 1928.

Mr. PITTMAN. I should like to add to that one thing.

Mr. JOHNSON. Is not that to-day?

Mr. PHIPPS. To-day; yes. It takes effect after to-day.

Mr. ASHURST. Mr. President, let the proposed agreement be read once more.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be restated.

The Chief Clerk restated the proposed agreement.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. SHORTRIDGE. For the moment I object until advised how it will affect proposed amendments.

Mr. McKELLAR. Mr. President, may I make a suggestion to the Senator from Wyoming? Will he not hold this over until to-morrow?

Mr. KENDRICK. If it seems desirable to delay the matter for one day, I will do so. I think we have had sufficient time to discuss this measure, and I believe that we ought to agree to some limitation on the discussion.

Mr. JOHNSON. The Senator from Ohio [Mr. FESS] suggests that we make it take effect to-morrow—say, at 2 o'clock to-morrow.

Mr. KENDRICK. I have no objection to that.

Mr. ASHURST. Let the proposed agreement be read as modified.

The VICE PRESIDENT. The Secretary will state the amendment.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That after the hour of 2 o'clock on the calendar day of Thursday, December 13, 1928, no Senator shall speak more than once nor longer than 15 minutes upon the bill H. R. 5773, the so-called Boulder Dam bill, nor upon any amendment proposed thereto.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. JONES. Mr. President, may I give a notice while there are so many Senators here? I announced a short time ago that when we adjourned to-day I should move to adjourn until 11 o'clock to-morrow; but in view of this agreement I see no necessity of that. So, when the time comes for adjournment, we will adjourn until 12 o'clock to-morrow.

Mr. McKELLAR. Mr. President, the objection to that is that if that is done it would have been just as well to enter into the agreement for to-day. It will give no time to-morrow for the consideration of the Boulder Dam bill.

Mr. JONES. If it is desired to meet at 11 o'clock to-morrow, I am perfectly willing to do it.

Mr. McKELLAR. I think we had better do that.

Mr. WALSH of Montana. Mr. President, unless there is some imperative reason for that, I hope we will not meet to-morrow until noon. There is an important hearing going on.

Mr. HEFLIN. Mr. President, I understood the unanimous-consent agreement to be that we should meet at 12 o'clock and transact other business, if necessary, until 2 o'clock.

The VICE PRESIDENT. The amendment can be modified so as to read "3 o'clock."

Mr. JONES. I have no objection to meeting at 11 o'clock.

Mr. GOFF. Mr. President, I should like to indorse what the Senator from Montana has said. If the Senate meets at 11 it will interfere with many of our important committee meetings. We shall be unable to hold them. Unless there is some pressing matter before the Senate, I do not see the necessity of meeting before 12 o'clock.

Mr. SMITH. Mr. President, I should like to state that on account of the committee meetings that must be attended to if we are to expedite business the hour between 11 and 12 can be more advantageously used in committee rooms than in discussing this matter. I think the Senate thoroughly understands what is practically agreed on now, and that the unanimous-consent agreement has done away with the necessity of meeting at 11 o'clock; and I hope we will meet at 12 o'clock.

Mr. KING. Mr. President, may I make one suggestion, if I may have the attention of my good friend from Wyoming? In view of the fact that we will perhaps consume the two hours to-morrow in the consideration of the appropriation bill, if the unanimous-consent agreement should go into effect at 2 o'clock it would allow no opportunity for general debate. If it meets the approval of all, I suggest that instead of making the hour 2 o'clock the agreement go into effect at 3 o'clock.

Mr. KENDRICK. That is agreeable to me.

Mr. KING. I ask unanimous consent, then, to amend the unanimous-consent agreement by striking out "2" and inserting "3."

Mr. ASHURST. That is all right.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is so modified.

The agreement, as finally entered into, is as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock on the calendar day of Thursday, December 13, 1928, no Senator shall

speak more than once nor longer than 15 minutes upon the bill H. R. 5773, the so-called Boulder Dam bill, or upon any amendment proposed thereto.

Mr. PHIPPS. Mr. President, as I understand, the pending amendment has now been completed by alterations and additions. Therefore I hope we may have a vote on it without any delay. I think it is thoroughly understood by all interested.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado, as amended, to the substitute bill.

The amendment as amended was agreed to.

Mr. PHIPPS. Now, Mr. President, I desire to call up the amendment which was discussed last evening, which we attempted to perfect this morning, and which would now be the pending amendment; and I ask that the Secretary state the amendment so that it may be understood.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 11, it is proposed to strike out "$125,000,000" and insert the following:

$165,000,000. Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. KING. Mr. President, may I have the attention of the Senator from Colorado? As I understand, this proposition now calls for a remission of $25,000,000 in the sense that that is to be deducted from the capital, and no returns are to be paid to the Government on account of that amount.

Mr. PHIPPS. No, Mr. President; I suggest an amendment to the Senator's language. I say it is a deferred payment, meaning that out of the total advances that the Government will be called upon to make $25,000,000 will be set aside as having been allocated to flood control, to be repaid out of any surplus receipts from the enterprise to the extent of 62½ per cent of such surplus receipts. The reason for that division is, as the Senator is aware, the fact that under the amendment which the committee approved, the States of Nevada and Arizona are to receive 37½ per cent of the excess revenues over and above the amounts required for amortization of the loans or advances, that being in line with the amounts that are remitted on oil leases.

Mr. KING. Then the Senator expects that this amount will be repaid to the Government?

Mr. PHIPPS. That is the expectation, and I will say to the Senator frankly that it is my belief that it will be repaid in full; but I would not care to make an estimate of the time that would be required to return the amount in full.

Mr. KING. If the Senator expects that it is to be returned to the Government, why segregate it from the general amount which is to be returned to the Government, the amount, for instance, that would be appropriated for the construction of the dam?

Mr. PHIPPS. Mr. President, I will say to the Senator that it affords a very definite idea of the plan and the purpose of the allocation of that fund; that is to say, if we simply set it aside as an amount allocated for flood control, the general impression might prevail that it was never expected to derive a revenue from the project, or to reimburse the Government for its advances. That is really the only thing that is accomplished by setting this out in that language; that is to say, the requirements as to repayment. If the provision were not there, the money would go into the general fund, as the Senator suggests. That is perfectly true.

Mr. KING. Mr. President, I have an amendment which I have had printed, and which I shall ask the Senate to consider to-morrow——

Mr. PHIPPS. Mr. President, the hour is not late, and I was hoping we could dispose of this amendment now. Then it was my intention to call on the Senator to present his amendment. I think I know the one he has in mind.

Mr. KING. Let me complete my sentence, which bears directly on the amendment which the Senator is now offering. I am not sure I am in favor of the amendment which the Senator offers. I want to consider it in connection with the amendment which I expect to offer to-morrow, not this afternoon. I have no objection to letting this be accepted to-night, with the understanding that if to-morrow, upon further consideration, I desire to move to reconsider——

Mr. JOHNSON. If it is to be put over, put it over until to-morrow. I have some remarks I wish to make upon this that will be very brief, indeed.

Mr. KING. I do not desire to interfere with my friend from Colorado, and yet I should feel constrained to make some observations now, with a view to having it go over; but I do not desire to do that if it may be understood that to-morrow, if I move to reconsider, the Senator will consent.

Mr. JOHNSON. I think the Senator from Michigan is interested in this amendment and desires to be heard upon it.

Mr. KING. Then I suggest to my friend from Colorado to let the amendment go over until to-morrow morning, and I will aid him in every way to get the matter disposed of.

Mr. PHIPPS. I am willing to have it go over; and while I am on my feet, may I ask the Senator from Utah if he is now ready to ask consideration of an amendment which he has had printed, one which I also had in mind—that is, to strike out the clause exempting from storage charges waters stored for irrigation or potable use?

Mr. KING. I should be ready to take that up except for the fact that two or three persons from California who are very much interested in it desire to confer with me, and I have promised that I would confer with them before I pressed it.

Mr. JOHNSON. Because of the charge we have made upon the lands that are contiguous to the all-American canal, by reason of the fact that upon them we have put the burden of the all-American canal, I want to eliminate those lands from the charge——

Mr. ASHURST. For potable water.

Mr. KING. All charges.

Mr. JOHNSON. All charges. If the canal is built, with the additional burden that is put upon them, they ought to be relieved, because they are solving an international situation, and that, as I recall it now, was the reason why in the Senate bill we put in the amendment we did. We can strike out the question of potable water entirely, and we can leave to the Secretary of the Interior, in the administration of the bill, such charge as he may deem appropriate in reference to potable water that is returned. I do not like the adjective.

Mr. ASHURST. It is a good adjective because I supplied it.

Mr. JOHNSON. The Senator supplied the adjective. Let us concede, then, that it is a glorious bird of its color. I am perfectly willing to eliminate that; but the rest of the amendment I think ought to be retained.

Mr. PITTMAN. Mr. President, the bill provides that the cost of the all-American canal shall be paid for under the provisions of the reclamation act.

Mr. JOHNSON. Exactly.

Mr. PITTMAN. The reclamation act fixes the charge for the delivery of water.

Mr. JOHNSON. Yes.

Mr. PITTMAN. At a sufficient amount to pay for the canal.

Mr. KING. And the dam.

Mr. JOHNSON. That is all right.

Mr. PITTMAN. So, as a matter of fact, what they do charge for under the reclamation act is water.

Mr. JOHNSON. That is quite so, but you can not make the additional charge if the water right already attaches, and it ought not to be made.

Mr. PITTMAN. The only thing I have in mind is that under the reclamation act the measure of the charges is the amount of water delivered, and it is not a tax on land. They do not tax land.

Mr. JOHNSON. But the building of the canal is a big expense. That burden is to be put upon these people.

Mr. PITTMAN. In what way?

Mr. JOHNSON. It is to be put on them under the reclamation law.

Mr. PITTMAN. That is, they have to pay so much for water.

Mr. JOHNSON. Oh, yes; but they have to amortize the payment for the entire canal. I do not want to put on any charge in addition to that.

Mr. PITTMAN. No, that is right; I agree with the Senator. The Senator does not want to say that the land has to pay and that the water has to pay.

Mr. JOHNSON. Exactly.

Mr. KING. Let me say to the Senator from Nevada, to be entirely frank, that my amendment goes further than the Senator is willing to go. I have felt, and yet I have not made up my mind definitely, that because of the immense advantage that will flow to these lands in the Imperial Valley, lands which have been irrigated in the past, and lands which will be irrigated in the future, by reason of the construction of the storage reservoir and the certainty of obtaining water, and the fact that it has been declared upon the floor of the Senate here, and no one disputes it, that the moment this bill goes through the lands will enhance in value $50 an acre, that there would be no injustice in providing——

Mr. JOHNSON. Mr. President——
Mr. KING. Let me finish.
Mr. JOHNSON. Spare me any real estate talk.
Mr. KING. The Senator has had so much of it in his State I do not blame him.
Mr. JOHNSON. No; I live in San Francisco.
Mr. KING. I was about to observe, if my friend had not interrupted me, that it seemed to me that there would be no injustice in providing, particularly for some of the new lands, that there should be a reasonable charge, based upon the cost of the dam. I may be in error, and I am willing to talk that matter over.
Mr. JOHNSON. Not on the cost of the dam.
Mr. KING. That is to say, that the lands in Imperial Valley should not only pay for the all-American canal but, in view of the advantages resulting from having a certain flow, having the flow equated, having a dam so that they would not year by year have an inadequate supply of water, there would be no injustice in providing that they should make a reasonable contribution to the cost of the dam.
Mr. JOHNSON. They are going to make a contribution that is extraordinarily excessive, according to the recent engineering report. But if we get into a discussion to-night, we will violate the 15-minute rule, unquestionably, that we have fixed for to-morrow. So we will defer it until to-morrow.
Mr. President, I wish to offer an amendment, which may be printed and lie on the desks of Senators. It is to add a new section to be known as section 15.
Mr. ASHURST. Let that be read, Mr. President.
Mr. JOHNSON. It is as follows:

Nothing in this act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Mr. HAYDEN. Mr. President, I offer an amendment which I ask to have read and printed and lie on the table.
The VICE PRESIDENT. The amendment will be read.
The CHIEF CLERK. The junior Senator from Arizona offers the following amendment: On page 11, line 22, after the word "apply," to insert the following:

Provided further, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets of any lessee or contractee.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.
The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Thursday, December 13, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 12, 1928

POSTMASTERS

ALABAMA

Minnie V. Compton to be postmaster at Pine Apple, Ala., in place of M. V. Compton. Incumbent's commission expires December 18, 1928.

ALASKA

Martin Conway to be postmaster at Skagway, Alaska, in place of Martin Conway. Incumbent's commission expires December 20, 1928.

CALIFORNIA

Carolyn M. Orcutt to be postmaster at Niles, Calif., in place of C. M. Orcutt. Incumbent's commission expires December 17, 1928.

COLORADO

Beulah J. Wright to be postmaster at Estes Park, Colo., in place of B. J. Wright. Incumbent's commission expires December 12, 1928.

GEORGIA

Julien V. Frederick to be postmaster at Marshallville, Ga., in place of J. V. Frederick. Incumbent's commission expires December 12, 1928.

ILLINOIS

George A. Bowen to be postmaster at Lake Bluff, Ill., in place of T. E. Cahill, resigned.
Lloyd Ritzenthaler to be postmaster at Prairie View, Ill., in place of C. T. Mason, deceased.

INDIANA

Myrtle A. Schreiber to be postmaster at New Palestine, Ind., in place of M. A. Schreiber. Incumbent's commission expires January 6, 1929.

KANSAS

Robert E. Chapman to be postmaster at Belle Plaine, Kans., in place of R. E. Chapman. Incumbent's commission expires December 20, 1928.
William T. Venell to be postmaster at Bird City, Kans., in place of V. O. Booth, removed.
Clitus B. Hosford to be postmaster at Lawrence, Kans., in place of C. B. Hosford. Incumbent's commission expires December 19, 1928.
Theodore C. Conklin to be postmaster at Mulvane, Kans., in place of T. C. Conklin. Incumbent's commission expires December 20, 1928.
Clarence G. Hart to be postmaster at Perry, Kans., in place of C. G. Hart. Incumbent's commission expires December 20, 1928.
George E. Crawford to be postmaster at Whiting, Kans., in place of G. E. Crawford. Incumbent's commission expires December 20, 1928.

KENTUCKY

Herbert E. Dixon to be postmaster at Scottsville, Ky., in place of T. Y. Oliver. Incumbent's commission expired June 6, 1928.

LOUISIANA

Johnnie D. Stagg to be postmaster at Longville, La., in place of J. D. Stagg. Incumbent's commission expires December 20, 1928.

MICHIGAN

Samuel Perkins to be postmaster at Norway, Mich., in place of Samuel Perkins. Incumbent's commission expires December 20, 1928.
Joseph D. Norris to be postmaster at Turner, Mich., in place of J. D. Norris. Incumbent's commission expires December 20, 1928.

MINNESOTA

Fred E. Logelin to be postmaster at Belleplaine, Minn., in place of F. E. Logelin. Incumbent's commission expired December 9, 1928.
Nelson S. Erb to be postmaster at Faribault, Minn., in place of N. S. Erb. Incumbent's commmission expired December 9, 1928.
Carl A. Qvale to be postmaster at Farmington, Minn., in place of C. A. Qvale. Incumbent's commission expired December 9, 1928.
Alfred L. Mallery to be postmaster at Lakeville, Minn., in place of M. J. Rowan. Incumbent's commission expired December 19, 1927.
Emil C. Ernst to be postmaster at Lester Prairie, Minn., in place of E. L. Benjamin, resigned.
Carl A. Ecklund to be postmaster at Marine on St. Croix, Minn., in place of C. A. Ecklund. Incumbent's commission expired January 4, 1927.
James H. Pelham to be postmaster at Menahga, Minn., in place of J. H. Pelham. Incumbent's commission expired December 9, 1928.
Peter W. Gorrie to be postmaster at Morristown, Minn., in place of P. W. Gorrie. Incumbent's commission expired December 9, 1928.
Ernest E. Meyer to be postmaster at Norwood, Minn., in place of E. E. Meyer. Incumbent's commission expired December 9, 1928.
Albert W. Knaak to be postmaster at Waterville, Minn., in place of A. W. Knaak. Incumbent's commission expired December 9, 1928.

MISSOURI

Fred Fielder to be postmaster at Clarksville, Mo., in place of E. C. Hunt, resigned.
Maurice V. Smith to be postmaster at Laddonia, Mo., in place of H. E. Christrup, deceasel.
Amos E. Jennings to be postmaster at Miami, Mo., in place of A. E. Jennings. Incumbent's commission expires December 17, 1928.
Thomas M. Fowler to be postmaster at Nelson, Mo., in place of T. M. Fowler. Incumbent's commission expires December 17, 1928.

MONTANA

Alice L. Cory to be postmaster at East Helena, Mont., in place of A. L. Cory. Incumbent's commission expires December 19, 1928.

NEBRASKA

Jesse G. Fountain to be postmaster at Dunning, Nebr., in place of H. E. Poole, not commissioned.

Roy L. Ericson to be postmaster at Stromsburg, Nebr., in place of J. A. Presson. Incumbent's commission expired June 4, 1928.

Mabel E. Bigelow to be postmaster at Ulysses, Nebr., in place of M. E. Bigelow. Incumbent's commission expired December 11, 1928.

NEW JERSEY

Berta Baker to be postmaster at Leonardo, N. J., in place of Berta Baker. Incumbent's commission expires December 18, 1928.

Philip E. Rockafellow to be postmaster at Stockton, N. J., in place of P. E. Rockafellow. Incumbent's commission expires December 20, 1928.

Louis Meretta to be postmaster at Zarephath, N. J., in place of Louis Meretta. Incumbent's commission expires December 18, 1928.

NEW MEXICO

Charles E. Anderson to be postmaster at Roy, N. Mex., in place of Earl McMinimy, removed.

NEW YORK

Charles E. Hardy to be postmaster at Hudson, N. Y., in place of C. E. Hardy. Incumbent's commission expires December 19, 1928.

Chris Fox to be postmaster at St. Johnsville, N. Y., in place of Chris Fox. Incumbent's commission expires December 19, 1928.

OHIO

George P. Foresman to be postmaster at Circleville, Ohio, in place of G. P. Foresman. Incumbent's commission expires December 20, 1928.

Alsina E. Andrews to be postmaster at Risingsun, Ohio, in place of A. E. Andrews. Incumbent's commission expires December 20, 1928.

Horace G. Randall to be postmaster at Sylvania, Ohio, in place of H. G. Randall. Incumbent's commission expires December 20, 1928.

OKLAHOMA

John R. O'Connell to be postmaster at Willow, Okla., in place of J. R. O'Connell. Incumbent's commission expires December 13, 1928.

OREGON

Thurston V. Morgan to be postmaster at Cochran, Oreg., in place of J. B. Wheeler, resigned.

PENNSYLVANIA

Edward J. Fleming to be postmaster at Cochranton, Pa., in place of E. J. Fleming. Incumbent's commission expires December 19, 1928.

Minnie E. Lewis to be postmaster at Covington, Pa., in place of M. E. Lewis. Incumbent's commission expires December 19, 1928.

Robert Kirkpatrick to be postmaster at Folcroft, Pa., in place of D. W. Shaw, removed.

Charles H. Lapsley to be postmaster at Glassport, Pa., in place of C. H. Lapsley. Incumbent's commission expires December 19, 1928.

Grace S. Albright to be postmaster at Hyndman, Pa., in place of G. S. Albright. Incumbent's commission expires December 19, 1928.

Samuel L. Boyer to be postmaster at Library, Pa., in place of S. L. Boyer. Incumbent's commission expires December 19, 1928.

Charles H. Heller to be postmaster at Morrisville, Pa., in place of C. H. Heller. Incumbent's commission expires December 20, 1928.

Albert R. Morgan to be postmaster at Nemacolin, Pa., in place of A. R. Morgan. Incumbent's commission expires December 19, 1928.

Samuel S. Ulerich to be postmaster at New Florence, Pa., in place of S. S. Ulerich. Incumbent's commission expires December 19, 1928.

Clarence E. Grim to be postmaster at Windsor, Pa., in place of C. E. Grim. Incumbent's commission expired December 9, 1928.

Jenny Paterson to be postmaster at Yukon, Pa., in place of Jenny Paterson. Incumbent's commission expires December 19, 1928.

SOUTH CAROLINA

John W. Willis to be postmaster at Lynchburg, S. C., in place of J. W. Willis. Incumbent's commission expired December 9, 1928.

SOUTH DAKOTA

Fred Engelbrecht to be postmaster at Elkton, S. Dak., in place of Fred Engelbrecht. Incumbent's commission expired July 25, 1925.

Harry O. Starksen to be postmaster at Hetland, S. Dak., in place of H. O. Starksen. Incumbent's commission expired December 11, 1928.

VERMONT

Charles H. Stetson to be postmaster at Enosburg Falls, Vt., in place of C. H. Stetson. Incumbent's commission expires December 20, 1928.

Ernest W. Gates to be postmaster at Morrisville, Vt., in place of E. W. Gates. Incumbent's commission expires December 20, 1928.

Avery G. Smith to be postmaster at St. Albans, Vt., in place of A. G. Smith. Incumbent's commission expires December 20, 1928.

Charles E. Hall to be postmaster at Swanton, Vt., in place of C. E. Hall. Incumbent's commission expires December 20, 1928.

Archie S. Haven to be postmaster at Vergennes, Vt., in place of A. S. Haven. Incumbent's commission expires December 20, 1928.

WEST VIRGINIA

Mary Allen to be postmaster at Filbert, W. Va., in place of Andrew Smith, resigned.

Minnie Ratliff to be postmaster at Yukon, W. Va., in place of G. C. Smith, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 12, 1928

PANAMA CANAL

Harry Burgess to be governor.

UNITED STATES ATTORNEY

Edmond Earl Talbot, of Louisiana, to be United States attorney, eastern district of Louisiana.

POSTMASTERS

COLORADO

Sarah W. Boyden, Mack.

CONNECTICUT

Mary A. Tracy, Central Village.
John J. O'Neill, Killingly.
George E. Dickinson, Rockville.
William Krause, Westport.
Hal R. Kellogg, Woodmont.

GEORGIA

Edith A. Herrington, Millen.

KENTUCKY

Levi Brooks, Blue Diamond.
Hugh B. Gross, Dawson Springs.

MASSACHUSETTS

Robert A. Clark, Sharon.
James P. Smith, Springfield.
Ethel V. Cook, Wenham.

MICHIGAN

Clifford L. Kenney, Milford.

MONTANA

Andrew M. Lodmell, Brockton.
Joshua E. Patterson, Edgar.
Fred Schoensigel, Fairfield.
Myrtle C. DeMers, Hot Springs.
Lawrence E. Osness, Huntley.
Carroll W. Marsh, Sheridan.
George P. Huddleston, Whitetail.

NEW HAMPSHIRE

John E. Horne, Milton Mills.
Maude B. Duston, Plaistow.

NEW MEXICO

John H. York, Las Vegas.

NEW YORK

Fred W. Ravekes, Ardsley on Hudson.
Medose J. Robert, Au Sable Forks.
Charles B. Franklin, Canaeadea.
Ella E. Lewis, Clarkson.
Jay E. Swartwout, Clayton.
Ormond M. Berrington, Clinton Corners.
Elsie J. Moss, Collins.

May Griffin, Dryden.
Herbert A. Roselle, Halesite.
William E. Rogers, Harmon-on-Hudson.
Gretchen V. Lawson, Helmuth.
Milton J. McGibbon, Liberty.
H. Greeley Brown, Otego.
Albert Pinfold, Point Pleasant.
Ernest E. Ridout, Purchase.
Marie L. Wolfe, Sherrill.
Edward A. Cronauer, Skaneateles Falls.
Alfred E. Butler, Suffern.
August P. Lenz, Thendara.
Mary E. Harring, West Nyack.

NORTH DAKOTA

John E. Nelson, Litchville.

OKLAHOMA

Frank O. Parker, Cement.
Pearl E. Hughey, Cleo Springs.
Boze H. Deck, Lima.
Clifton J. Owens, Mill Creek.
Elmer A. Plunkett, Porum.
Homer Tilley, Randlett.
Donald F. Bredbeck, Southard.
Judge Griffin, Valliant.
Harry C. Brickel, Washington.
Powell C. Singleton, Webbers Falls.

SOUTH DAKOTA

Ezra J. F. Lamkee, Avon.
Harold F. Brewer, Camp Crook.
Carl Gammon, Farmingdale.
Loretta M. Stromme, Garretson.
Charles J. Carlson, Hermosa.
Adam F. Glaser, Herrick.
Harry K. Sanborn, Hurley.
Oscar D. Hansen, Irene.
Leland K. Stoddard, Parker.
Fred W. Hink, Raymond.
Donald C. Brown, Redfield.
Joseph W. Gibson, Salem.
John J. Kostel, Tabor.
Henry O. Ramynke, Toronto.
Axel Nelson, Trent.

TENNESSEE

James M. Yokley, Baileyton.
Sandy A. Greenwell, Butler.
James O. Massey, Finger.
Lizzie Roney, Fountain Head.
John L. Law, Maryville.
Roy T. Campbell, Newport.
Hattie B. Huskins, Petros.
James O. Jennings, Rives.
Clara B. Tate, South Pittsburg.
R. Burrel Ketchersid, Spring City.

VIRGINIA

John O. Scott, Carrsville.
George E. Douglas, Elkwood.
Harvey P. McCary, Esmont.
Richard L. Griffith, Hague.
Henry H. Elswick, Jewell Ridge.
Cletus F. Harmon, McGaheysville.
Audrey M. Snodgrass, Meadowview.
Thomas R. Cocks, Prospect.
George B. Jones, Ridgeway.
Summerfield Baber, Shipman.

WITHDRAWALS

Executive nominations withdrawn from the Senate December 12, 1928

POSTMASTERS

CALIFORNIA

Martin Aarhaus to be postmaster at Calpine, in the State of California.

NEW YORK

Henry H. Meinken to be postmaster at Islip Terrace, in the State of New York.

SOUTH CAROLINA

Thomas S. Armour to be postmaster at Eastover, in the State of South Carolina.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 12, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our merciful God, we thank Thee for the secrets of Thy breast, which have been unveiled in the words of the Galilean Teacher. Reaching forth for their prize, which is the high calling of God, is the task of every man; herein is the problem of human life. In the rush and hurry of the days, oh, do Thou lift our souls, by broader view, to the things that are more grandly true; make our lives better than is just necessary. Grant that Thy providence, with its enfolding care, may protect and return to his native shore our President elect. By his message and mission may brotherhood and good will be strengthened within the realms of earth. Our country we bear to the altar of prayer. Be with it as it sets out upon higher ventures and richer disclosures of the real and lasting truth of our holy faith, which is the divine fatherhood of all men. Amen.

The Journal of the proceedings of yesterday was read and approved.

PAYMENT OF DECEMBER SALARIES

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent for the consideration of this joint resolution which I submit.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 346) authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1928, on the 20th day of that month.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

BULLETINS CONCERNING INFLUENZA

Mr. TILSON. Mr. Speaker, I desire to make an announcement to the effect that Dr. George W. Calver, designated under a resolution passed a few days ago, has been assigned from the Navy Department to attend in the Capitol and be ready for any emergency in case of sudden illness here. He will issue bulletins from time to time on subjects such, for instance, as the progress of influenza in the country, and these will be posted on the bulletin board in the Speaker's lobby. One such bulletin will be posted to-day. I simply wish to call the attention of Members to it, so that they may not miss these bulletins when they are posted.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. SNELL. Where is the doctor's office?

Mr. TILSON. I do not know just where it is located.

Mr. SNELL. I was wondering if some place had been assigned to him.

Mr. TILSON. I think some place will be found for him if it has not already been found.

Mr. CLARKE. Will this necessitate Senator COPELAND'S articles to be still published in the newspapers? [Laughter.]

Mr. TILSON. The gentleman himself can find out about that from some other source of information.

LEAVE TO ADDRESS THE HOUSE

Mr. SWING. Mr. Speaker, I ask unanimous consent that on Friday morning, following the reading of the Journal, I may be afforded opportunity to address the House for 30 minutes on the subject of the engineers' report as to Boulder Dam.

The SPEAKER. The gentleman from California asks unanimous consent that on Friday morning, following the reading of the Journal and the disposition of business on the Speaker's table, he may address the House for 30 minutes on the subject of Boulder Dam. Is there objection?

Mr. CLARKE. Reserving the right to object, Mr. Speaker, has the gentleman from Arizona [Mr. DOUGLAS] been consulted upon this proposition?

Mr. SWING. He has not been consulted, but he will have notice.

Mr. CLARKE. I object, then, until he is consulted.

The SPEAKER. Objection is heard.

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to submit a unanimous-consent request that I may be allowed to address the House for 15 minutes to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I am wondering if the gentleman will not defer that until Friday morning. The Interior Department appropriation bill is up and we would like to complete it to-morrow. In addition to the gentleman from Nebraska, two other gentlemen have spoken to me about speaking for 30 or 40 minutes each, and I told them just what I have now stated to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. I would grant any request made by my friend the gentleman from Michigan, and so I think I would now prefer my request for this morning.

Mr. CRAMTON. I would favor that.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House now for 15 minutes. Is there objection?

There was no objection.

FARM RELIEF

Mr. HOWARD of Nebraska. Mr. Speaker, I have asked this privilege for the purpose of discussing a sort of tripartite text. I apprehend that it will deal somewhat with a subject with which the average Member is not as well acquainted as he ought to be. It is the problem of farm relief. In the discussion of that subject there may appear some reference to the subject of Kansas, and in the conclusion perhaps I may talk a little bit about a large, long-haired, shaggy dog.

The inspiration for my address this morning was given to me last evening down at the Raleigh Hotel, where I was privileged to be the guest of the distinguished Senator from Kansas, who had brought from his own State 10 master Kansas farmers. I do not know what a master farmer is, but I know that some of these master farmers who talked down there talked very magnificently with reference to what they thought might be accomplished here in Washington for the welfare of the American farmer.

We had a number of distinguished gentlemen there, of whom I was one. [Laughter.] But I did not speak on that occasion. It seemed to be a sort of an administration program. The first speaker on the list was the distinguished Senator from Ohio. He told, oh very beautifully and very pathetically, of the sad state of agriculture, and how that sad state must be transformed into a state of beauty, and he wound up with the conclusion that it ought to be done, but that it could not be done now.

Then came our lovable colleague, the gentleman from Michigan [Mr. KETCHAM], whom we have all heard with delight many times with reference to the subject of agriculture. He pictured the vast needs of farm relief at the hands of Congress, but my interpretation of him was that he also concluded that it could not be done now.

Then came several other gentlemen speaking on this same subject, with reference to the grandeur and glory of agriculture in general and Kansas agriculture particularly, and all of them pleaded for something in the nature of legislative relief here at Washington in behalf of the farm, but unhappily, with one lone exception, they also concluded that it could not be accomplished now. Then one of the master farmers spoke and, oh, Mr. Speaker, I wish that every Member of this House might have heard that master farmer speak. He told the story of the success he had had in growing wheat in Kansas, and he pictured the grandeurs and the glories of that marvelous wheat zone more beautifully than I have ever heard them pictured before. He admitted he was a master farmer and that he had done fairly well, but he also admitted that Kansas was sadly in need of something that it does not have to any large extent, and that was the need of money. He had been traveling down through the East, and he marveled at the vast expenditures of money he witnessed in the Pullman dining cars and all along the route. He came over here to Philadelphia and he went down, he told me, to the banks of the Delaware River. He did not say it was where George crossed, and I do not know just where it was, but he said the river was full of American battleships. Now, he said he did not come down here to give Congress any advice, and he did not have a word of advice to give to any of his fellows from Kansas, but he did tell us what he would do if he were sitting here in our capacity. He told, after looking at those battleships, how he concluded that if he were a Member of Congress he never would vote for another one of them, and he said that was the voice of Kansas; and I believed it true, because I have talked with a number of Kansas people and that sounded very much like their voice.

Finally, to make the picture complete about the vast need of agriculture and to clearly depict the attitude of the average Kansas Member of the Congress with reference to legislation, with the exception of one of them—and I almost forgot to speak about him—there was one brave Member from Kansas there, and he declared that as far as he was concerned, although he did not claim to speak the voice of Kansas, he was in favor of agricultural legislation, and he was in favor of it right now. [Applause.] That was the only voice I heard from Kansas and elsewhere in favor of legislation now. Do not go away, STRONG, because I am just going to tell them you were the one in favor of action now. [Laughter.]

Mr. BLANTON. He is out of harmony with his party, is he not?

Mr. HOWARD of Nebraska. A little. He is a little bit of an insurgent, but a good one, and I hope his insurgency will spread in Kansas. I think the best part of the program came finally when a fellow by the name of Jesse Johnson, who was a master farmer, spoke. When I first knew Jesse I heard him on the prairies of Nebraska, and I think at that time he was a nonpartisan league organizer, or something of that kind, and he was a good one in his game, too.

I distinctly recall hearing him making a plea to the farmers to get ready for that day in which the American farmers would organize and agree among themselves—not for the purpose of distressing anybody, but for the purpose of making the farm profitable—that they would confine their efforts to the raising of enough food to feed the farmers themselves for a year or so, and that possibly might augment the price of the farmers' products. Jesse at that time came pretty near getting before the council of defense, and yet Jesse was well within his rights when he was making that argument, because I discovered very recently, in the message delivered to the House through our masterful Clerk of the House, that the President of the United States took exactly the same position with reference to potatoes that Johnson took in the long years ago with reference to general farm produce. What position did our President take with reference to potatoes? He said the trouble with the price of potatoes was that the acreage was too large, and I did not hear anybody suggesting that our good President be called before the Council of Defense to answer for that awful charge.

Well, finally, it came the turn of Jesse Johnson to talk, and Jesse told a story, and it was a very applicable story, and I am quite sure it will be interesting to all of our administration friends who are still pleading under their breath for farm relief, "but not now."

Jesse said that once upon a time there was a little boy who had some older brothers, and the older brothers owned a great, shaggy dog, and when the warm days came the boys got hold of some horse clippers and clipped the dog until they made him resemble a lion. Soon after the clipping had been done the dog was resting out on the front porch and this little boy called to his mother and said, "Mother, come and look out the window. There is a lion on the front porch." The mother went out and recognized the lion in the guise of the family dog. She did not enjoy the facetiousness of the little fellow, and she told him he had been very wicked, and that he must go upstairs and go into the closet and close the door, and there, where it was all dark, confess his sin to God, and stay there until God had forgiven him. The little fellow did as directed, but he did not stay in the closet very long. He came out and his mother asked him if he had been forgiven and he said, "Yes, mother." And the mother asked, "Did God forgive you for your sin?" And he said, "Yes, mother; He told me that was all right, that the appearance of the dog so much resembled a lion that it almost fooled Him." [Laughter.]

My administration friends may make the application of the story as they like. I am making my own application of it. [Laughter and applause.]

Mr. GARNER of Texas. Mr. Speaker, I offer a resolution, which I send to the desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 258

Resolved, That LAFAYETTE L. PATTERSON, of Alabama, be, and is hereby, elected a member of the standing committee of the House on Insular Affairs.

Resolved, That JOHN W. MCCORMACK, of Massachusetts, be, and is hereby, elected a member of the standing committees of the House on Territories and Elections No. 3.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWING. Mr. Speaker, I renew my request for permission to address the House on Friday. I have been assured by the gentleman who objected that he will not now object.

The SPEAKER. The gentleman from California asks unanimous consent that upon Friday, after the reading of the Journal and the disposition of matters on the Speaker's table, he may be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that on Friday, after the reading of the Journal and the disposition of matters on the Speaker's table, following the address of the gentleman from California, I may be permitted to address the House for 40 minutes on the subject of the necessity of a revision of our shipping laws.

The SPEAKER. The gentleman from New York asks unanimous consent that following the address of the gentleman from California he may be permitted to address the House for 40 minutes. Is there objection?

There was no objection.

DENATURANTS IN ALCOHOL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend remarks which I made in the House on the 6th instant with reference to denaturants in alcohol, and in so doing would like to include a brief extract from an eminent chemist that carries some information in response to the question that the gentleman from New York, Doctor KINDRED, asked me at that time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, under the leave granted I desire to call attention to a statement by Dr. Lewis H. Marks, executive secretary of the Industrial Alcohol Institute, which touches directly on the questions asked by the gentleman from New York, Doctor KINDRED. The statement is found in a letter from Doctor Marks to Capt. James P. McGovern, and I quote it, as follows:

> The writer has gone over with considerable interest the congressional debate, during which Mr. CRAMTON introduced the Chatfield letter into the RECORD. I have been particularly interested in the question put by Mr. KINDRED, which appears on page 183 of the RECORD. If you have not already done so, I would suggest that you inform Mr. CRAMTON of the vast amount of effort expended during the past 30 or 40 years to find better, more satisfactory denaturants. It would interest him to know that nothing better has ever been found, although a tremendous amount of work has been put into this problem by many and very capable men. As I understand it, many years ago the Russian Government offered a large prize for a denaturant better than wood alcohol, and the German Alcohol Monopoly has repeatedly offered prizes in an effort to stimulate scientific work along these same lines. Mr. CRAMTON should know that the Mellon Institute, under our financial support and scientific direction, have also devoted over two years' time now to this very problem without any tangible progress. In view of all this, Mr. KINDRED'S suggestion is entirely out of order.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

MODERNIZATION OF CERTAIN NAVAL VESSELS

Mr. BRITTEN (when the Committee on Naval Affairs was called). Mr. Speaker, by direction of the Committee on Naval Affairs I call up the bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. HOOPER, will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13249, with Mr. HOOPER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost for the alterations and repairs to the U. S. S. *Oklahoma* and *Nevada*, authorized to be modernized by the act of March 2, 1927 (44 Stat. L. p. 1343), in accordance with the limitations prescribed in the treaty limiting naval armaments ratified August 17, 1923, is hereby increased from $13,150,000 to $13,600,000 in all.

Mr. BRITTEN. Mr. Chairman, the two first-line battleships affected by this kind of legislation have been undergoing general modernization and repair in two Government navy yards, the battleship *Oklahoma* being in the Philadelphia yard and the battleship *Nevada* being in the Norfolk yard.

The purpose of the bill is very evident from its reading. It is the intention to increase the authorized cost of modernizing these two ships $450,000. Four hundred and fifty thousand dollars if taken by itself seems like a large amount of money and seems like a big variance from the original estimates, but when based on the original request of $13,150,000 the increase desired to-day is only about 3 per cent, and when Members of the House ponder for a moment over the intricacies that go with modernizing a battleship they will realize that the entire superstructure, practically the entire insides of the ship are torn out in order to provide various changes, the character of which I will detail to you.

Almost a year ago the Chief of Operations of the Navy and his various bureau chiefs under whose jurisdiction this modernization is made came before our committee with a request for an increased authorization of $450,000. After being questioned at great length by the gentleman from Georgia [Mr. VINSON] and other members of the committee, the committee concluded that the department had not made a clear case that it would require all of the $450,000. They could not tell us just where the $450,000 was going to be spent, because up to that moment the decks had not been torn off the ship. They could not tell what obstacles would be presented when the decks did come off. But after seven months the department comes back and requests the amount requested last April—$450,000.

Much criticism from time to time has been directed against the Navy Department's estimates for not only doing modernization work but also for new work, in original estimates for building ships, and particularly in Government navy yards.

So I thought it might be opportune to call the attention of the House to the original estimates made by the department a couple of years ago and the subsequent estimates made last April, and finally their estimates of to-day, which will show that they shot high in some directions and low in others. In the general estimates the discrepancy of 3 per cent is not very wide of the mark.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. O'CONNELL. I am glad to see that this work is being done in the Government yards. I am informed, and the papers so State, that the Shipping Board is insisting that most of the work be done in private yards.

Mr. BRITTEN. Most of the repair work that goes on Shipping Board vessels is of a character that can be reasonably estimated in advance, and therefore the Shipping Board can get a lot of competition on repairs. That is hardly possible with major battleship repairs. Another reason why battleships ought to be modernized in the navy yard is because they have an enlisted personnel of 1,200 men, most of whom remain with the ship in repair. They are housed there and do a great deal of the repair work.

Mr. O'CONNELL. And the Government shipyards have the equipment.

Mr. BRITTEN. They have the equipment to do the modernizing work on battleships, but whether they have it for repair jobs on a merchant ship is quite another matter.

Mr. WINGO. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. WINGO. Is this increased cost of modernization mostly labor or material?

Mr. BRITTEN. The larger part of it is labor. When they rip out the deck they find that pipes are damaged, certain conduits are rusted out, and they find things that they have not contemplated; and generally I would say that 85 per cent is labor.

Mr. WINGO. In their estimates do they give the number of labor hours?

Mr. BRITTEN. No; that is not done in the navy yard in advance. Generally the repairs of modernization are specifically named and the labor takes care of itself.

Mr. WINGO. They do not undertake to tell how many labor hours it will take except by guess for estimate purposes?

Mr. BRITTEN. No; that would be impossible.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. BANKHEAD. I have not seen the report on this bill; do I understand that the sum of thirteen and a half millions was appropriated for the modernization of these ships?

Mr. BRITTEN. Thirteen million one hundred and fifty thousand dollars.

Mr. BANKHEAD. And this is additional?

Mr. BRITTEN. Four hundred and fifty thousand dollars.

Mr. BANKHEAD. How long since these ships were put in commission?

Mr. BRITTEN. About 12 years ago. The *Oklahoma* and *Nevada* are the two first battleships to be thoroughly overhauled and modernized to meet the new condition of warfare which have arisen within the last 10 years—submarine attack and air attack, and spotting at 30,000 yards—all these have come to us within the last 10 years.

Mr. WINGO. If they do not estimate the number of labor hours, how do they arrive at the labor cost?

Mr. BRITTEN. In many instances the estimates will show so many hundred tons of steel, and they estimate that to cut and erect a ton of that kind of steel will cost so much. That is one way they do it.

Mr. WINGO. They estimate so many labor hours to a ton of steel?

Mr. BRITTEN. That is it—or it may be on the percentage basis of the cost of the material.

If it is 500 tons of steel of a certain character to go into a certain job, they say that that 500 tons ought to be done for so much per ton.

Mr. WINGO. They use the method of per cent of material in estimating labor costs?

Mr. BRITTEN. They use both ways, because very often you can not apply percentage. The amount of material going in would be limited, and the amount of labor be very large.

Mr. WINGO. That is the thing that I could not understand.

Mr. BRITTEN. Let me present to the House the items that are cared for in this bill. Under the original estimates for submarine and air attacks, in other words, to put these great big blisters on the bottom of a ship, and ripping off the decks on top, and putting in a heavy superstructure to guard against airplane attacks, the amount estimated was $2,600,000 for both ships. Last April their estimate was $2,364,000, and this year their estimate is $2,250,000. So that they have been dropping all of the time. Then take the question of reboilering. The estimate for that was $2,250,000 originally. It was $2,272,000 last year and $2,461,000 this year. There is an increase of $211,000 for the boilers alone. Those of us who have had something to do with a boiler around our own houses occasionally, know that we have not the slightest idea of the condition of our boilers until we start to tear them out and then we find all sorts of corrosion and rust and a necessity for improvement.

Next there is fire control. Fire control aboard modern ships is so superior to fire control of 15 years ago, that they can not be talked about in the same breath. We are shooting at 35,000 yards now, and hitting. A shot goes away over the horizon. It is impossible to see the target, and yet the gunner down in the turret regulates the gun and hits the target a reasonable percentage of the time. That is done by spotting from airplanes.

The airplane immediately communicates with the ship and says, "Your shot was short so many yards; it was to the left or the right so many yards." They then shoot again and the report comes back that the shot was high and so many yards to the left or right, and the next shot would come mighty near hitting the target. The gunner would know that he is shooting approximately 30,000 to 35,000 yards; he would not see his target.

Mr. WINGO. I think I understand the gentleman, and I think the gentleman has gone far enough. There is no change proposed, but this is simply revising the estimate of the cost of doing the things that were intended to be done under the first authorization.

Mr. BRITTEN. That is correct.

Mr. WINGO. Does the gentleman know of any opposition to this bill? Why not go on to these other bills? A little thing like $400,000 will hardly keep our friend from New York [Mr. LAGUARDIA] awake.

Mr. BRITTEN. Oh, I shall be glad to take my seat right now.

Mr. WINGO. The reason I make that suggestion is because I was afraid the gentleman had misinterpreted my question, and thought that I desired to have the thing more in detail. Of course, in making the suggestion I speak only for myself.

Mr. BRITTEN. I thank the gentleman. I do not think there should be the slightest opposition to the bill, and that is all I have to say for the present.

Mr. LAGUARDIA rose.

The CHAIRMAN. Is the gentleman from New York in opposition to the bill?

Mr. LAGUARDIA. Yes.

The CHAIRMAN. Does any member of the committee want to take time in opposition to the bill? [After a pause.] The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, I want to assure my colleague from Arkansas [Mr. WINGO] that I shall not take very much time, but I think it is wise to keep the RECORD straight so that it will indicate that these naval appropriations are not receiving the unanimous vote of the House. Only a week ago we provided for the modernization of two battleships, the *Arizona* and the *Pennsylvania*, and that bill carries an authorization for the appropriation of about $14,800,000. We had theretofore passed an authorization for the modernization of the *Oklahoma* and the *Nevada*. That matter comes before us now for a slight increase of $450,000. Every Member of the House who has the slightest experience or who has watched the authorizations for naval construction, for naval appropriations, knows that the cost is always above the original estimate and always above the amount first authorized. I remember distinctly the lamented gentleman from Pennsylvania, Mr. Butler, for many years the distinguished chairman of the Committee on Naval Affairs, admitting before the House that the estimates were all the way from 25 per cent to 75 per cent off the actual cost before the vessel was completed. This $450,000 means very little to-day, yet you can be assured that we will again meet the *Oklahoma* and the *Nevada* in a deficiency bill some day. There is no doubt about that.

Following this bill we have another increasing the authorization for the modernization of the *California* by $350,000, and then we have another bill for an increase in the cost of two fleet submarines. It seems to me that the positions we are assuming are quite irreconcilable. We find the great Secretary of State now appearing and appealing before another body of this Congress and urging the ratification of the multilateral treaties outlawing war. It is quite difficult, as I say, to reconcile the two schools of thought.

The Secretary of State, speaking for the administration, and voicing, I believe, the sentiments of the vast majority of the American people, assures the country that this country has assumed leadership in the peace movement of the world, and he brings before it something tangible, something real in the way of the multilateral treaty known as the Kellogg pact, solemnly entered into and signed by nearly all the nations of the world, and declaring as a matter of national policy that war is outlawed, and that none of the countries signing these treaties will resort to war; that they will all use every known means of reconciliation and arbitration in order to adjust differences between the countries. At the same time, at the same session of Congress, we find another school of thought speaking, through the Secretary of the Navy, and going before the Naval Affairs Committee and urging appropriations for more vessels of war and more appropriations for naval armaments, such as modernizing more battleships, more new cruisers, more money for additional costs on submarines. We are placing ourselves in a very peculiar position before the whole world. I pointed out the other day that, assuming that these bills authorizing the expenditure of money for the modernization of these five battleships—two of them last week and three to-day—and the two fleet submarines were passed by the other body, it would be impossible to commence any of the work before July 1, 1930. By that time it is to be hoped that these expenditures may be not at all necessary. These continued appropriations can not continue. The people of this country want disarmament; the people of all countries are demanding disarmament; it must come before very long.

That being so, I believe that it would be prudent and to the best interest of the peace movement to defer action on these bills at this time. Now, I will concede I am powerless to stop the passage of these bills in this House to-day. When committees come before the House on Calendar Wednesday it seems almost an unwritten law that it is the day to pass any bill it desires. Rare is the exception when a committee bill is defeated on the calendar day. I will concede that the committee gives very careful thought and study to the legislation before it. Often it is swayed by the wishes of the particular department under its jurisdiction. I want to say this concerning the great Committee on Naval Affairs—I want the attention of the distinguished chairman—that the only exception, and I believe it is the greatest thing the distinguished gentleman from Illinois ever did, and that was his unique stand on the desire to bring the representatives of the people of two countries together, and with that one exception the Naval Affairs Committee, it would seem, at least to me, permits the Navy Department to outline

the naval policies of this country. Under our form of Government, as I understand it, the reverse should be true. It is for Congress to define the naval or military policy of this country and not for the Army or the Navy.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. In a moment. The committee, unintentionally perhaps, is under the influence of the Navy Department. That has been so for a great many years. Now I have a particular instance in mind. You gentlemen who are interested in the Navy I am sure want to see the morale of the Navy at the very highest point. I will say now that the morale of the Navy has been shot to pieces; that there is a great deal of dissatisfaction in the Navy; that there is a great deal of discontent among the officers of the Navy owing to a very unscientific pay bill, as I pointed out last week, a situation where a senior officer commanding a battleship, with the longest years of service and the highest rank on the ship, the captain of the U. S. S. *Maryland*, with 33 years of service, the senior officer on that ship, and yet there are three other officers under him on that ship receiving more pay with junior rank and with less years of service.

Mr. BRITTEN. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BRITTEN. I would like to say at this time in connection with the gentleman's remark that the Navy is shot to pieces, that man for man, ship for ship, morale being considered, the United States has the greatest Navy on earth.

Mr. LAGUARDIA. I agree with the gentleman.

Mr. BRITTEN. So it can not be shot to pieces.

Mr. LAGUARDIA. I will agree this far, confronting an enemy, of course, the present dissatisfaction would disappear at once. We know the personnel of the Navy well enough to know that the dissatisfaction would disappear with an enemy confronting it, but the gentleman must admit there is a great deal of dissatisfaction and discontent among the commissioned personnel of the Navy owing to the pay bill.

Mr. BRITTEN. If the gentleman will yield, the gentleman, of course, knows in any organization of 85,000 men, whether it be in a factory, industrial organization, or whether it be in the Government, with an organization of 85,000 men there is bound to be some dissatisfaction, but not only in the presence of an enemy, but I am speaking of the American Navy in maneuvers at sea, from what I have seen and read, the American Navy, man for man and ship for ship, is the greatest in the world.

Mr. LAGUARDIA. That being so, I do not see the necessity for such a vast expenditure of money. I know in organizations of this country having 85,000 men, in large organizations you will not find an organization where men in command doing important work are receiving less pay than the man who is doing less important work.

Mr. WINGO. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. WINGO. What particular phase of this modernization of these two ships does the gentleman think is unwise and unnecessary?

Mr. LAGUARDIA. I will not pick out any one item, I will say——

Mr. WINGO. Is the gentleman opposed to replacing them?

Mr. LAGUARDIA. I am as a matter of policy——

Mr. WINGO. Is the gentleman opposed to replacing them?

Mr. LAGUARDIA. Yes; at the present time, of any battleship.

Mr. WINGO. The gentleman is aware of the fact that everything proposed will barely keep up the replacement status?

Mr. LAGUARDIA. I may be wrong, but I firmly believe we will never construct another new battleship. That is my belief.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BRITTEN. Is it the gentleman's belief or his hope?

Mr. LAGUARDIA. Both. As a matter of tactics, as a matter of the functions and use of battleships in the face of new weapons of warfare, such as aviation and submarines, I do not believe that any of these battleships will ever get into any more action than they were during the World War.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. Does the gentleman believe that other nations will abandon battleships too?

Mr. LAGUARDIA. Yes; I do.

Mr. WINGO. You think the millenium is coming?

Mr. LAGUARDIA. No. I am talking about battleships as a class of naval vessels. If we do not come to some understanding, I believe other nations will build other types of warships, but not battleships.

Mr. WINGO. Is the gentleman's conviction induced by the season of Christmas and his belief in Santa Claus?

Mr. LAGUARDIA. Oh, no. I am not losing hope that the people of the world will have their say, because the people do not want for war. But assuming that we do not come to an understanding about naval disarmament, assuming that the nations of the world will continue to build armaments, then, even then, I contend that the countries will not spend money in the construction of new battleships.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. Does the gentleman believe that the Kellogg peace pact itself would justify us in going ahead?

Mr. LAGUARDIA. It would certainly justify us at this time. Taking into consideration the condition of the Navy, as well described by the chairman of the committee [Mr. BRITTEN], that man for man, and ship for ship, and the morale and everything else considered in comparison with other countries, I should say yes.

Mr. WINGO. What is there in the Kellogg peace pact to justify a man in thinking that we should abandon our naval armament? What is there in it, as a practical proposition, that is not in the existing treaties?

Mr. LAGUARDIA. You will find in no other treaty such a definite outlawry of war as in this Kellogg peace treaty.

Mr. WINGO. Does the gentleman think that the millennium has arrived, so that battleships will not be used?

Mr. LAGUARDIA. The gentleman should not construe my attitude as contending that a millennium has arrived. It is my conviction that the millennium has not arrived. But the voice of the majority of the people of the world indicates that they have arrived at that stage of thought where they desire this millennium to be brought about by the termination of the insane policy of competitive armaments.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. I wonder if the gentleman thinks these treaties for the outlawry of war should be construed as indicating that we should not keep up our Army and Navy?

Mr. LAGUARDIA. I do not want to belittle the Kellogg treaty. I think it is the greatest achievement for the cause of peace that has ever been accomplished in the history of the world. It is one step in the right direction.

Mr. WAINWRIGHT. I think most of us will go as far as that. Nevertheless, there is a duty resting upon us that we can not ignore.

Mr. LAGUARDIA. Another duty rests upon us, and that is: Taking our financial position into account and our industrial position in the world, and taking into account the present position and strength of the Navy, I think we should not do anything that may be construed as the United States starting a race in competitive armaments.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. Carried to a logical conclusion, the gentleman's logic is that the house of the millionaire does not need police protection as much as the hovels of the poor.

Mr. LAGUARDIA. The gentleman does not correctly follow what I am contending for. He has the right to put any construction he desires on my attitude, but he can not draw conclusions for me.

Mr. WINGO. I asked the gentleman what there is in the proposed treaty that would cause our abandonment of adequate defense as a nation?

Mr. LAGUARDIA. Why should we take leadership in a competitive race for armament when that is not the desire or will of the American people?

Mr. WINGO. Does the gentleman insist that the mere replacement of battleships already in existence is entering into a competitive race for armament?

Mr. LAGUARDIA. I insist that the building of new cruisers is, yes; but I will give you my reasons as to the new battleships.

Mr. WINGO. By the time the new cruisers are completed we shall be further behind than we are now.

Mr. LAGUARDIA. The gentleman says we would be far behind, but there are other factors entering into the question of naval defense. You have got to take into account the mission of the Navy and the possible use of the Navy, and you have got to take into account the natural resources of the country back of the Navy; and, taking all these matters into consideration, I insist that we need not now build the new cruisers. The

President in his message well says that we should eliminate the time clause in the cruiser bill if it is passed.

Mr. WINGO. The gentleman says that the 5-5-3 treaty is not being carried out.

Mr. LAGUARDIA. The gentleman understood me correctly, but he does not apply it correctly.

Mr. GILBERT. What is there about the Kellogg peace treaty that gives the gentleman such hope?

Mr. LAGUARDIA. It is a forward-looking declaration, and it is translating into a treaty the desire of the people of the world to prevent and avoid war.

Mr. GILBERT. It does, but as Lloyd George said last week, it is just singing "hallelujah" while the world proceeds to arm.

Mr. LAGUARDIA. Yes; and we seem to be headed toward that movement of proceeding to arm. I desire to prevent just that.

Mr. GILBERT. For that reason I have not any great hopes of accomplishing great results through the Kellogg peace treaty. I desire to see the people get together. I want to see a disarmament conference—with all the cards on the table—conducted by representatives of the people and not by military and naval experts.

Mr. O'CONNELL. We must have advice, and how are we to act on these things without the advice of experts?

Mr. LAGUARDIA. We have had their advice in the past, and where has it led us? To more ships, more armaments—as the bills now before Congress bear witness.

Mr. BRITTEN. I hope the gentleman will pardon me, but I suggest he is not confining his remarks to the bill. We have seven or eight other bills before us, and I hope the gentleman will confine his remarks to this bill so that we may get on with the matter.

Mr. LAGUARDIA. I think the gentleman's observation is correct.

Mr. BRITTEN. I do not desire to take the gentleman off the floor, but under the rules of the House he should confine his remarks to the bill.

Mr. LAGUARDIA. I think the gentleman is well within his rights. I am seeking to oppose a question of policy, and I can not get away from the fact that there is no need at this time for the United States, situated as it is, to engage in a program of naval building such as we are now following. I believe that the President of the United States in his message, when he suggested the elimination of the time clause in the present cruiser bill, said just that much. Perhaps he might have said it in clearer language. He might have said there was no necessity for the cruisers now, but, knowing the activity of the big Navy people and knowing the desire on the part of some who are personally interested in the selling of armaments, his recommendation is couched in rather diplomatic terms. But the very recommendation to eliminate the time clause justified the position that some of us in the House have taken in opposition to these vast expenditures. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I do not think anything is going to be gained in the progress toward the attainment of universal peace by having it insisted that every time a Member of the House states that he believes in maintaining, solely for peace and defensive purposes, a proper Navy for the United States, that he is in favor of a great competitive race among the nations of the earth and that he is opposed to peace. There is not a more peace-loving man in this House than I. I have had some sad moments in my life, and I think the heaviest hearted moment of my life was when I had to vote for war. I do not mean I am apologizing for it or regretting the vote. I regret the necessity for the vote, and I want to tell you there were two things, I am firmly convinced, which forced us into the World War more than any other two factors. One was the belief on the part of Germany that we would not resist her unwarranted aggressions upon the high seas, and the second was that we were not prepared to resist them. I think if she had believed that we either had the desire or that we had the ability to resist her aggressions she never would have indulged in them. If she had believed those things, peace would have come earlier and we would never have been dragged into the war.

I should have contempt for myself, as I would for any other man, if I did not profit by the lessons of experience. So, when I face the problem of national defense, especially the proposition of what we shall do with the American Navy, the first thought that comes to my mind is that fateful moment when I voted for war with the realization of two possible mistakes that had been made in the past. One of those mistakes I had been a party to by being a small Navy man in this House.

What is there in the Kellogg peace treaty that would justify this House in neglecting its constitutional duty? I am in favor of ratifying it and that is not the question. What is there in that declaration on the part of the nations of the earth to abandon war as a policy which would justify this House in neglecting its constitutional duty and saying that not only will we stop this work of reconditioning and modernizing these two vessels, upon which we have already spent millions, but that we shall abandon the cruiser program? I insist, with a great deal of deference for the opinion of the naval expert from New York [Mr. LAGUARDIA] that even when all of those cruisers shall have been completed we will still be slipping backward and that they will not represent a complete replacement of our strength for the Navy as a whole for the capital ships. I am perfectly willing to stand for the 5-5-3 ratio. I think the 5-5-3 ratio was not only the maximum but was accepted as the maximum because it represented the minimum of the defense requirements of the three nations that were mainly the ones whose requirements for defense purposes were taken as a standard.

It will be a sad day for this Nation when the people busy in the shop, in the factory, and on the farm are misled by the appeal to discharge the policemen and saying we all sincerely believe that by a great declaration of peace purpose we have purged the hearts of the children of men of all criminal intent and that policemen are not necessary any more. I say, it will be unfortunate when we become such a silly people as that. Let us urge peace. Let us take the leadership for peace in the world, but let us at all times maintain not only the means that are necessary for our defense but maintain that military condition which will command, when the time comes, the necessary fear of some criminal nations as well as the respect of all. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LAGUARDIA. Mr. Chairman, in reply to what the gentleman has stated as to the necessity of being prepared, permit me to remind him that just before the World War the Imperial Government of Germany had the greatest military machine ever known in the history of the world, perfect in every detail, and yet we saw that great military machine crushed. At the same time, the English Empire had the greatest fleet ever known in the history of the world. It was then following a two-to-one policy. It had the greatest fleet of battleships that ever flew the flag of one nation, and yet we saw that battle fleet impotent against the raids of the submarines and the British Isles on the verge of starvation when the United States went to their rescue. So great armanent is not your answer to permanent peace.

Mr. GIFFORD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. GIFFORD. The gentleman in his previous speech said that the President, having in mind the desires of the sellers of armament, made a gesture, as he suggested. For one I believe that message contained the sincerest sort of message to the House.

Mr. LAGUARDIA. The gentleman misunderstood me.

Mr. GIFFORD. I think not. The gentleman said, "Having in mind the wishes of the sellers of armament."

Mr. LAGUARDIA. That he couched his sincere statement in diplomatic language.

Mr. GIFFORD. I trust when the gentleman edits his speech he will cut out that particular statement.

Mr. LAGUARDIA. I trust the gentleman will read my speech just as I delivered it, and he will see that he is in error.

I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I am unable to share the view of the gentleman from Arkansas [Mr. WINGO] that it was either the belief upon the part of Germany that we would not fight nor yet our "naval unpreparedness" that called us into the World War. The former I think may be dismissed without discussion.

So far as our alleged naval unpreparedness was involved, Germany had already been excluded from the surface of the sea. All of her surface vessels were in hiding in her ports and did not dare to venture out. Great Britain, without our help, was in complete control, and Germany's only activity was reduced to furtive submarine expeditions. Had we been able to match equal naval strength with that of Great Britain it would have

had little, if any, additional menace for Germany. It would not have influenced Germany to the slightest extent in the submarinings which caused America to declare war.

WHY AMERICA WENT TO WAR

The gentleman should look for the cause of our becoming involved in the war to something much more direct and obvious than our alleged lack of preparedness on the sea. We had allowed Great Britain to change the rules of war to suit her convenience. She had declared innocent merchandise, intended for civilian populations, to be contraband of war. She had arbitrarily marked out areas upon the sea and declared a "paper blockade" upon them. She had ordained that our ships must not travel upon what hitherto had been the highways of the world. She had captured our merchant ships upon the high seas and taken them into her ports for search. In this and many other instances we had, with merely a formal protest, allowed Great Britain to change international law to suit her convenience. We had permitted her to deny our traditional freedom of the seas. In addition, our manufacturers were furnishing to Great Britain and her allies vast quantities of war material and supplies. We had permitted our bankers to finance both Great Britain and France for war purposes.

Germany's attitude was that as Great Britain had been allowed to change the laws of war and of the high seas to suit her convenience she—Germany—should also be allowed to make changes which suited her. Germany said that as Great Britain had been allowed to delimit areas on the high seas and forbid nations to sail on them in carrying on trade, she—Germany—should also be permitted to set off certain sea areas in which our vessels should not be permitted to go. We refused to recognize any such right upon the part of Germany. We went into the areas forbidden by Germany, and there she sank our vessels, such as the *Essex*, and thereupon America declared war.

This was what brought us into the war. Back of it, of course, was our sympathy with the British cause. Our sentiments were on that side, and our dominant classes had the will to make war on Germany. Many had been shouting for war for months before the actual affront was given.

We could not insist upon our right to sail the seas as the highways of the world and to go wherever we chose, as against Germany, and yet acquiesce in the assumption of Great Britain to limit that right to suit her convenience. Our position was inconsistent, and upon it we stumbled and so entered into the war.

It was not the military weakness or unpreparedness of the nations which went into it that caused the World War. On land Germany was incomparably the strongest nation of the world and yet she "was dragged" into the war. Great Britain was incomparably the strongest nation on the sea and yet she "was dragged" into the war. It was not the weakness of either that caused them to go into the war. Influences such as that do not cause war in these times.

THE FUNDAMENTAL CAUSE OF ALL WAR

The real cause of all war, its fundamental cause, is "the will to make war," the disposition to go to war, the reliance upon force instead of being willing to rely upon justice. Given "the will to make war," and nations will always find a cause for war and a means of waging war. After all, the issue of peace or war is always one of national psychology. The way for us to have peace is really to desire peace and not to assume a pharisaical attitude that we are the only righteous nation and that all the others are governed by selfish motives. We have ourselves to fear more than any other people in the world so far as our danger of war is concerned. [Applause.]

Given the will for war there will always be war, and let me say to the gentleman from Arkansas that the very best way in the world to promote the will for war is to be ready and able to make war. The man who goes down the street with a pistol in his pocket will take very few affronts; he will be far more willing to engage in encounters than if he went weak and unarmed. He may believe that he is looking for peace but in reality he is hunting for a quarrel.

If a man wants to have peace, let him prepare his own heart for peace. [Applause.] If he wants strife, let him be prepared for strife and he will find occasion for it; he will find enemies, he will find excuses, and he will find the means.

"PREPAREDNESS" IS PREPAREDNESS FOR WAR

When we have created a great navy and army we have not prepared for peace, we have prepared for war; we are not marching toward peace, we are marching toward battle. The "preparedness" of which men prate is not preparedness for peace; it is preparedness for war. Do not forget that it is upon ourselves that great armaments will have their greatest effect.

With the power to make efficient war, to meet any and all nations in arms, there grows up in the hearts of a people a willingness to resort to arms and a disposition to rely upon force. There is no influence in the lives of men that will do so much to cause them to rely on force as the consciousness that a resort to force will find them triumphant.

There you have the cause of the World War, you have the reason why both Germany and Great Britain entered that war. Neither was "dragged" into it—both went voluntarily for their selfish, national purposes. Either could have prevented the war had she sincerely desired to do so. Both went into the war with shouting and acclaim because they felt the consciousness of power created by the possession of great military and naval strength.

Great Britain had incomparably the greatest navy the sun had ever shown upon. She knew it; she relied upon it; she was willing to accept the gage of battle.

Germany felt the consciousness of her might upon land. She knew the efficiency of the German Army; she knew what she could do upon the battle-field. Feeling that consciousness, the German Government and people came to rely upon that power, came to rely upon force instead of the justice of their cause. They rejoiced to put their strength to the test.

And are we different from the people of Germany or the people of Great Britain? Is there any inherent and substantial difference between the people of the United States and the people of the civilized nations of Europe?

Such differences as there are are wholly superficial. They are our blood brothers. They have the same hopes and dreams and are moved by the same impulses as we. Their ideals and standards are as high as ours. Do not let us be narrow, pharisaical, and self-righteous. Any assumption that we are inherently superior is based on ignorance and chauvinism; it is provincial and unworthy.

We have within our national life the same influences that led Great Britain and Germany into the World War. We should profit from their awful mistake. We should avoid the pitfall of reliance upon arms and the instrumentalities of wholesale murder instead of justice. Let us not think that the history of other nations has been different from what ours will be. The way to get peace is to love peace; to love righteousness; to be willing to deal justly by all nations, both great and small. We must restrain selfish impulses and avoid the things that bring the spirit of conflict throughout the world.

THE MYTH OF THE "ROBBER NATION"

We need not fear that there is a "robber nation" which will assail us because we are weak. That is merely the oft-repeated propaganda of those who want big armies and navies. It is the patter of those who trust in might instead of justice, those who lack faith in the honor of other men and faith in their own courage and fortitude. Let us trust others, their motives and impulses, and let us trust ourselves to do that which it is right to do. [Applause.]

THE VALUE OF TREATIES

The so-called Kellogg treaty among the nations for the outlawing of war is of immense value. Its chiefest value lies in the appeal which it makes to the imagination of mankind, in its appeal to the love of peace inherent in all men, in its appeal to the enlightened opinion of the thoughtful people of all the world. But let us not delude ourselves. Treaties alone do not secure peace. Without the will for peace back of a treaty, it becomes a mere "scrap of paper." Nations with the disposition to violate treaties will do so. Nations have always done so, even our own when we had not the will to keep the contract.

A mere treaty, no matter how binding its covenants nor how broad its compact, will not alone keep the peace. It must be buttressed by the earnest and sincere desire for peace, the will for peace. Wars are caused by the will for war. Peace is insured by the will for peace.

And so I say that the real cause of all war is the will for war. With it a nation will always find cause for war and means to wage war, and will inevitably submit its issues to the decision of arms.

And the way to have peace is to have the will for peace, to really want peace, and be unwilling to accept war as a substitute. No lasting peace was ever gained by war, or was ever founded upon might. No lasting peace was ever secured through preparedness—the ability to fight. Armies and navies are no insurance of peace. Rather are they incentives toward war. But, without treaties and without military power, in this age and time, that nation which wants peace and will not entertain the will for war—that nation which places its reliance, not upon might, but upon justice and the principles of humanity and brotherhood, need have no fear. [Applause.]

Mr. BRITTEN. Mr. Chairman, before I yield the next five minutes I would like to call the attention of the House to the

fact that we are drifting very far afield from the bill under consideration, and I hope that we may get the House back to the questions under consideration.

I now yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I think the admonition of the chairman is wise, and that is the chief object of rising again to remind the House of the fact which I tried to stress before, that there is nothing in the so-called Kellogg peace treaty, and there is nothing in the honest desire of this Nation to do justice that would justify us in refusing to pass the pending bill for reconditioning and modernizing these two battleships; nor is there anything in the peace treaty or in the history of the world, or indeed in human nature, that would justify us in saying that we will build no more cruisers, or fail to replace the cruisers that are becoming obsolete.

The speech of my friend from Alabama, for whom I have respect and admiration, illustrates what I tried to drive home a moment ago, and that is that it would be unfortunate if you accepted the dictates of these gentlemen; if you are in favor of a policeman, or one battleship, then you are a militarist. You are a great military nation or else you are one of these——

Mr. CROSSER. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. CROSSER. Will the gentleman tell me where you stop in order not to be a militarist and how far you can go?

Mr. WINGO. I suspect I would not stop where the gentleman from Ohio would. If the gentleman had not interrupted me I would have come to it. I think it is unfortunate that you have to take one or two extremes. If you believe in a middle course of maintaining only such a navy as is necessary for defense purposes, avoiding the two extremes, one of competitive armaments and the other of absolute disarmament, you are scornfully denounced as a militarist. These gentlemen wrap the cloak of their own superiority about them, denounce everybody else as military, and they alone are full of the love of peace. [Applause.] Those of us who are a little bit apprehensive by reason of our experience and who want to maintain a navy for defense purposes they cast into outer darkness. They excommunicate us from the temple of our fathers and say, "Begone with you, your heart is too impure to undertake to fix policies for us self-righteous people who alone should be trusted with the custody of the peace of the world."

Mr. Chairman, I decline to be forced into any such position. I still am going to be a practical man and say that I am proud that we do represent the only real peace-loving people on the earth. The nations of Europe, torn by prejudices that are unfortunate, alarmed by the experiences of a thousand years, view each other with suspicion. We are fortunate in that we are over here by ourselves. We can avoid the mistakes of Germany and the mistakes of England and maintain a navy solely for defense purposes, but because we do that, we ought not to be denounced as being a military people and not truly desirous of peace.

The gentleman from Alabama [Mr. HUDDLESTON] met himself coming back. In the first part of his speech he said that England and Germany had great military establishments, but they were dragged into the war.

Mr. HUDDLESTON. Oh, I said they were not dragged into the war.

Mr. WINGO. And in the last part of his speech the gentleman said that they went into it willingly, that they were not dragged into it.

Mr. HUDDLESTON. I said in the beginning that they were not dragged into it.

Mr. WINGO. Oh, I think if the gentleman will refer to the transcript of his remarks he will find that in the first part of his speech he said they were prepared, but that did not prevent them from being dragged in, and in the last part of his speech he said that they went into it voluntarily. I think they did. I do not believe that the peoples of Europe have been made over during the last few years. I do not believe that the old jealousies and the old animosities have been dissipated from the souls of those miserable people of Europe by the mere fact that their foreign ministers have signed a peace treaty which says that we all love peace and will not deliberately go to war. No, Mr. Chairman, human nature is the same. Let us maintain a defensive Navy, but do not let us be like our friend from Alabama, who would have us, in order to show that we really love peace, sink every battleship and cruiser and fire every policeman and just say, "God protect us, because we will not protect ourselves." [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on December 11, 1928, the President did approve and sign a joint resolution and bills of the House of the following titles:

H. J. Res. 332. Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright, on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C.;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L., p. 437); and

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 6687) entitled "An act to change the title of the United States Court of Customs Appeals, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORRIS, Mr. WATERMAN, and Mr. WALSH of Montana, to be the conferrees on the part of the Senate.

The message also announced that the Senate requests that the bill (S. 584) entitled "An act for the relief of Frederick D. Swank," be returned to the Senate by the House of Representatives.

ALTERATIONS AND REPAIRS OF U. S. S. "CALIFORNIA"

Mr. BRITTEN. Mr. Speaker, I call up the bill H. R. 14660, to authorize alterations and repairs to the U. S. S. *California*.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Michigan, Mr. HOOPER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14660) to authorize alterations and repairs to the U. S. S. *California*, with Mr. HOOPER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That alterations and repairs are hereby authorized to the U. S. S. *California* at a total cost not to exceed $650,000. The alterations herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armament ratified August 17, 1923.

With the following committee amendment:

Line 5, strike out "$650,000" and insert "$350,000 in addition to the sum of $300,000 authorized to be expended under existing law."

Mr. BRITTEN. Mr. Chairman, I call to the attention of the House the fact that this bill in its intent is distinctly different from the bill that we have just considered. The battleship *California*, affected by this legislation, is intended to

be one of the two flagships of the United States Navy. The *California* and the *Pennsylvania* are to be rigged up as flagships, to be commanded by the admiral who is in command of the fleet in or out of action. Under existing law the *California* may any year go into an extensive repair, costing not to exceed $300,000. The Navy Department has felt—and I think their suggestion is one of good sound business tactics—that as long as the *California* is going into an overhaul, costing anywhere under $300,000, it would be good business to change the antiaircraft protection aboard ship and install some 5-inch antiaircraft batteries, a new gun, very effective, intended to destroy enemy planes. That improvement on this one ship will cost $258,000. It ought to be made. These 5-inch guns should be installed on the *California* when she is put into the navy yard for her general overhaul, which will be done under existing law.

Mr. O'CONNELL. Is the ship going to be repaired at one of the Government yards?

Mr. BRITTEN. Yes. All of these repairs will be done at the Government yards, because it is impossible to make complete plans and specifications on which bidders could compete.

Mr. O'CONNELL. And is this cost necessary because the ship is going to be made a flagship?

Mr. BRITTEN. Yes. Two hundred and seven thousand dollars of the total amount is occasioned on that account. The *California* when remodeled will have the same character of equipment now on the *West Virginia*, the *Colorado*, *Maryland*, and *Tennessee*, the same kind of equipment that is going on the *Oklahoma* and the *Nevada*, and the same character of equipment that will go on the *Pennsylvania* and the *Arizona* under bill passed last Wednesday.

I reserve the remainder of my time.

The CHAIRMAN. The Clerk will report the bill.

The Clerk again reported the bill.

The amendment was read as follows:

Committee amendment: Page 1, line 5, strike out the figures "$650,000" and insert in lieu thereof the following: "$350,000 in addition to the sum of $300,000 authorized to be expended under existing law."

The amendment was agreed to.

Mr. BRITTEN. Mr. Chairman, I move the committee do now rise and report the bill (H. R. 14660) with the amendment to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 14660, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BRITTEN a motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING AN INCREASE IN THE LIMIT OF COST OF TWO FLEET SUBMARINES

Mr. BRITTEN. Mr. Speaker, I desire to call up the bill H. R. 14922.

The SPEAKER. The gentleman from Illinois calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14922) to authorize an increase in the limit of cost of two fleet submarines

Be it enacted, etc., That the limitation of $5,300,000 each imposed in the naval appropriation act for the fiscal year ended June 30, 1926, on construction and machinery expenditures on account of two fleet submarines is hereby increased to $6,650,000 each.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. HOOPER, will resume the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14922, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14922) to authorize an increase in the limit of cost of two fleet submarines.

Mr. BRITTEN. Mr. Chairman, the bill now before the House is again different from either of the two which have been passed, in that this bill provides an increased authorization for two new ships. By new ships I mean ships designed by the department that have been under construction for several years, and the original estimates of the department and original estimates of the navy yard all having been in error, the department now comes to Congress for an increased authorization.

Mr. BANKHEAD. Will the gentleman yield in that connection?

Mr. BRITTEN. Yes, sir.

Mr. BANKHEAD. It is rather interesting for Members on the floor of the House to see the number of bills brought in by the gentleman's committee authorizing an increase in estimates for the construction for naval vessels. Bill after bill is brought here and it has occurred not only in reference to these bills which have been brought forward to-day, but in reference to airplane carrier ships and others increasing the original estimates by the Navy Department by millions and tens of millions of dollars. I would like to know why it is that time after time the officers of the Navy Department, whose duty it is to make these estimates, fail so badly in making estimates for these vessels. The gentleman will, of course, recall that his committee brings in a number of bills authorizing an increased estimate for these constructions, and somebody must err very badly in making these estimates in the department. Can the gentleman give a satisfactory explanation?

Mr. BRITTEN. I will try to do so.

Mr. BANKHEAD. I wish the gentleman would, if he can.

Mr. WOODRUFF. Will the Chairman permit me——

Mr. BRITTEN. I will yield to my distinguished colleague.

Mr. WOODRUFF. I will say in response to the gentleman's question that in regard to the airplane carrier this was something new in naval construction.

Improvements were being made continuously, even after the work on the ship had been begun and before the ships originally intended for cruisers were transformed into airplane carriers. As I said before, this is a new type of ship, a new type of construction. Constant improvements are being made on the design and in the type of ship itself. That, in a great measure, was responsible for most of the increases in the cost of the ships over the estimate submitted to the Committee on Naval Affairs originally.

Mr. BANKHEAD. Of course, I understand that that relates peculiarly to these airplane carriers. But my inquiry as to the increases of the estimated cost was addressed particularly with reference to the ordinary type of ship.

Mr. WOODRUFF. I shall be very glad to give my opinion in regard to that also. Anyone who understands ship construction will realize that when you go below a ship's deck to overhaul or remodel a ship you will occasionally find conditions that you do not expect to exist when the remodeling begins. We find frequently in the remodeling of these different ships that when they get the ship opened up, much more than was expected is found to be needed. I have no doubt of the ability or the integrity of these splendid men down in the Navy Department when they submit their estimates to Congress. I think they are giving the best service to the Government and to the country that can be given in the United States to-day.

Mr. BANKHEAD. I had no intention of impugning the character or ability of these experts, but I thought it was somewhat remarkable when you consider the number of instances where you have brought in bills to increase the original estimates, involving millions and millions of dollars. I do not recall any case where the original estimates were found to be too high.

Mr. WOODRUFF. I have stated the reasons why these conditions have existed in the past and why they now exist. I have no doubt that in the future we shall find from time to time that it is necessary to increase the limit of cost on work of this character.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. O'CONNELL. Is it not a fact that these increases do not pertain alone to the Navy, but to probably all other departments of the Government after work is given out?

Mr. WOODRUFF. Yes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. Was not the real reason for these increases in cost clearly given by Admiral Magruder, for which, of course, the Navy spanked him? Was it not given by him some time ago?

Mr. BRITTEN. Not at all.

Mr. BLANTON. About the excessive expense in our own Government navy yards over the lesser cost in industrial yards?

Mr. BRITTEN. He did complain about the overhead expense in the navy yards.

Mr. BLANTON. And was not that sound?

Mr. BRITTEN. In a way he was right.

Mr. BLANTON. Yes; in a way.

Mr. BRITTEN. But the House has frequently gone on record by voting in favor of building ships in Government navy yards. I have always voted to the contrary.

Mr. BLANTON. Yes. The House has gone on record lots of times one way and another.

Mr. BRITTEN. Yes; usually one way or another. [Laughter.]

Mr. BLANTON. But that does not detract from the soundness of the position taken by Admiral Magruder, and instead of spanking him, if the Navy had paid some attention to what he contended for along that line we would not have this condition.

Mr. MILLER. It was the same Magruder who claimed that the Battle Fleet of 1907 was the superior of the Battle Fleet of 1927.

Mr. WOODRUFF. I do not think the gentleman from Texas will contend that anything Admiral Magruder has said about our navy yards has reflected on the ability or the worthiness of men who do the actual physical work of our navy yards.

Mr. BLANTON. We keep the navy yards in the various districts because the representatives of those districts want them there, and the men must be employed there under certain rules not in accordance with sound industrial principles.

Mr. WOODRUFF. Let the gentleman from Texas enumerate some of those yards.

Mr. BLANTON. I can enumerate four or five of them, but I do not want to embarrass my colleagues.

Mr. WOODRUFF. The gentleman should state which ones are not properly conducted or kept up.

Mr. BLANTON. If you will read again Admiral Magruder's report you will see that he explains the pork-barrel feature.

Mr. MILLER. Perhaps some of the Members have read those reports. He was commandant of the League Island Navy Yard over at Philadelphia.

Mr. BLANTON. Yes; he was. Since he made his plea for economy the Navy Department has removed him and placed him where he can not do them any harm any more.

Mr. BRITTEN. Mr. Chairman, I would like, in answer to the statement of the gentleman from Alabama [Mr. BANKHEAD], in addition to what my colleague from Michigan [Mr. WOODRUFF] has said, to say it is true, as the gentleman from Alabama has pointed out, that in the past the committee has come before each Congress requesting an increase in the limit of cost of ships. But that has been brought about largely by the World War and the conditions following the war, where it was impossible to make accurate estimates with regard to labor and material. It has been the same in every walk of life since then. Every man who has built a house since the war knows that he has had to pay more for that construction than he should have paid and more than he would have to pay to-day.

Mr. BLACK of New York. And we have to pay more for Congressmen.

Mr. BRITTEN. I was wondering whether the gentleman from New York would say that since we are to have a Republican delegation to come from Texas that condition will then no longer prevail.

Mr. BLANTON. We have no Republican delegation to come from Texas. All elected this time are Democrats.

Mr. BRITTEN. We may have a Republican Cabinet officer.

Now, Mr. Chairman, with reference to fleet submarines; we have no fleet submarines. We have a large mine-laying submarine. The minority leader on our committee, the gentleman from Georgia [Mr. VINSON], went into this thing about as thoroughly as any district attorney in any State in the United States would go into a case in an endeavor to locate the responsibility for what the gentleman from Alabama designates as the continual increase in these estimates of cost.

Here is what developed on these two fleet submarines. Away back in February, in 1925, the department came to Congress with the request for an authorization to build these ships at $5,300,000 each. We had never built that kind of a ship and no other nation had. The department made the best estimate it could for the construction of that type of a ship, and let me suggest to my friend from Alabama that since 1925 various devices—sounding devices, detection devices—the installation of big guns on submarines, came into being, something heretofore unheard of. Imagine carrying a 6-inch gun, 25 feet long, two of them, on a submarine and diving with those guns on the upper deck. Those conditions did not prevail in 1925 when their estimates were made and they requested an authorization of $5,300,000. One year later, and after they had been digging into plans and specifications and devising the best means for constructing this type of ship, heretofore unknown, they requested estimates from the navy yards of the country, the Government yards, on certain plans and specifications. That was in February, 1926, practically a year afterwards. The yardmasters, with all the help they could get, went into those plans and specifications as thoroughly as they could. They got into competition with each other with the view of getting those contracts in their respective yards. They did everything possible to determine the cost, and their estimates were in accord with the estimates of the department, that these ships could be built in navy yards for $5,300,000 apiece. Now, what has developed? One is being built at Mare Island and the other is being built at Portsmouth, N. H., both Government yards, and it is now determined that the ships can not be completed for the original authorized price. So the department has requested the increase that is called for in the bill. That is all there is to this proposition, gentlemen.

We are building something no other nation has and will not have unless they follow our example. It is a new machine, patterned along new lines, because of the new methods of warfare of to-day. I think the department has done its best, and I do not think any other navy department in England, Germany, France, or Japan could have done any better, and probably would not have done as well.

Mr. O'CONNELL. And they have received the approval of the Director of the Budget.

Mr. BRITTEN. Oh, yes; they have the approval of the Director of the Budget.

Mr. Chairman, I reserve the balance of my time.

Mr. BLANTON rose.

The CHAIRMAN. Does the gentleman from Texas rise in opposition to the bill?

Mr. BLANTON. I do.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I predict with the present administration remaining in power that within the next 10 years we are going to have the biggest, strongest, and most expensive navy that floats the high seas. We have now one of the ablest and most influential men in the House at the head of the Naval Affairs Committee and he stands for the biggest navy that money can buy, and he has a way of putting his convictions over, not only on his committee but on the House itself, and he is going to have a navy that is going to infringe upon our naval disarmament and every other treaty and agreement for the limitation of arms that we could enter into.

Mr. BRITTEN. Will the gentleman yield for a statement?

Mr. BLANTON. Yes.

Mr. BRITTEN. The gentleman knows that the present chairman of the Committee on Naval Affairs recently made an endeavor to promote another naval limitation conference?

Mr. BLANTON. Because he believes we got the worst of it in the last one, and he wants some limitations taken off that will not hamper us in the future. [Laughter.]

Mr. BRITTEN. No; the gentleman is entirely mistaken. I might say to the House now that the committee is on record as being in favor of another limitation conference just as quickly as possible with the view of doing the very thing the gentleman is in favor of, an actual limitation of naval armaments and reduced Navy expenditures.

Mr. BLANTON. Well, I am going to prove what I said, that the gentleman has a way of putting things over on the House when he makes up his mind to do it. I am going to prove to him that he has done it. You take the first bill we passed to-day for an increased cost in modernizing certain battleships. Do you remember the history of that bill? When that bill in its original form years ago first came upon this floor it was a bill embracing only $6,500,000 to modernize certain ships.

Mr. BRITTEN. I know the gentleman desires to be correct?

Mr. BLANTON. Yes.

Mr. BRITTEN. The bill which the gentleman has in mind was one providing for the elevation of turret guns?

Mr. BLANTON. I am going to get to that.

Mr. BRITTEN. No; the gentleman is not. That bill provided for the elevation of turret guns on 13 ships at $500,000 apiece, which amounted to $6,500,000. It did not provide for modernizing the *Oklahoma* and *Nevada*, which were included in the bill just passed.

Mr. BLANTON. I am getting to that.

Mr. BRITTEN. The gentleman is getting at it from the wrong end.

Mr. BLANTON. I am getting at it from the beginning. That bill was brought upon the floor authorizing the ex-

penditure of $6,500,000 for the so-called modernization of 13 battleships. When we looked into it it was to raise the elevation of the guns on those ships. That was the main item. That was sponsored by our distinguished friend from Illinois [Mr. BRITTEN] as the spokesman of the Navy.

This was one of his particular pets, but at that time the distinguished gentleman from Pennsylvania, who was chairman of the committee, at first was against him. He did not think it was necessary. He thought it was in violation of our treaty, and stood against the bill, but through persistent hammering finally agreed to it. But opposition did not stop our friend from Illinois; it only made him more insistent, and he finally brought the bill on the floor and I raised the point of order against it at that time that it was in violation of our 5–5–3 treaty, and I read the provisions of the treaty which said that that sort of change could not be made in our ships, but my point of order was overruled. And as the gentleman has said, the House votes either one way or the other, and it voted with the gentleman from Illinois and passed the bill.

Mr. BRITTEN. Will the gentleman yield right there, please?

Mr. BLANTON. Certainly.

Mr. BRITTEN. The Committee on Naval Affairs reported that bill out favorably and, I believe, unanimously.

Mr. BLANTON. Finally it did so, but in the beginning the chairman of the committee was against it. The gentleman from Illinois won the chairman over.

Mr. BRITTEN. It was sponsored by the then chairman, our very distinguished and dear friend, Mr. Butler.

Mr. BLANTON. I am talking about the first time it came up.

Mr. BRITTEN. That is what I am talking about. It was then passed, and the following year the legislation was repealed on motion of the chairman of the Committee on Appropriations, Mr. Madden, because of certain testimony which had subsequently been given before the Committee on Appropriations about the elevation of guns and did not refer to the general modernization of certain ships.

Mr. BLANTON. That is part of its history I was going to relate. There will not be any disagreement between us about the matter. I am going to convince the gentleman against his will that what I have said is true—when he makes up his mind to do a thing he puts it over. [Laughter.]

Here is what stopped the spending of that money. Certain naval officers had appeared before the committee and testified that England was raising the elevation of her guns in violation of her treaty, and that Japan was doing it in violation of her treaty, and that we should do it likewise, and this was the argument that our friend from Illinois made upon this floor, that if they had violated the treaty we had the right to do it.

Mr. BRITTEN. Now will the gentleman yield?

Mr. BLANTON. I will yield in just a moment.

Mr. BRITTEN. The gentleman can have all the time he desires but I want to have the RECORD correct and in proper order.

Mr. BLANTON. Yes; I yield to the gentleman, if he desires to deny what I have said.

Mr. BRITTEN. And just at this point I would like to say that testimony came to the House from naval officers to the effect, if you please, that England had elevated her guns from 15 degrees to some other elevation and that Japan was elevating her guns——

Mr. BLANTON. Yes; the gentleman is simply admitting what I have said.

Mr. BRITTEN. Well, not quite; the presumption being that in elevating their guns they were not violating the spirit of the Washington treaty and that we could do likewise without violating that treaty. We then passed the legislation, and it developed that England was not elevating her guns, for it was not necessary that England elevate her guns, because they already had a high degree of elevation before the 1922 conference; but Japan was elevating her guns, or since the conference had elevated her guns, and no one——

Mr. BLANTON. I hope the gentleman will allow me to make my own speech.

Mr. BRITTEN (continuing). And no one has said that she violated the treaty.

Mr. BLANTON. We will get to that feature of it later. Notwithstanding the fight I made against it, the gentleman passed his bill to spend the $6,500,000 in raising the elevation of our guns.

The Congress adjourned, and the distinguished Secretary of State took that matter under consideration and decided with my contention, and made a recommendation to the President, if you please, that just what I had contended for in the point of order on the floor was true; that it was in spirit a violation of the terms of our Washington treaty; and Mr. Madden, that distinguished chairman of the Committee on Appropriations, than whom there never will be a more valuable one to the country, stopped the spending of that money; and just as soon as the Congress met he brought a resolution in here attached to one of the appropriation bills to repeal that provision in the law and to put that money back into the Treasury; and he saved that $6,500,000 for the people of the United States. At least he saved it for a time.

And what did Mr. Madden say on the floor of this House at that time? My friend from Illinois will not deny this, because I can reproduce it from the RECORD. Mr. Madden came upon this floor and said that the naval officers of this Government had lied to the committee about the elevation of these guns. Did he not say that?

Mr. BRITTEN. No; he did not.

Mr. BLANTON. What did he say?

Mr. BRITTEN. He said that the naval officers who came before the committee had misrepresented or misunderstood the situation.

Mr. BLANTON. Is not that lying?

Mr. BRITTEN. No; had misrepresented the situation with respect to the elevation of guns by other foreign governments. That is what he said.

Mr. BLANTON. That is the legal difference between tweedledee and tweedledum. If the gentleman will get the RECORD, he will see where I asked Mr. Madden the question. I said, "The gentleman then means to tell us that these naval officers lied to us?" and Mr. Madden said, "Yes; they did."

This was the situation, and Mr. Madden said it had come to a pass where you could not believe the officers of the Navy with respect to the expenditure of the people's money.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I will yield to the gentleman in a moment.

This did not stop our friend from Illinois. He kept hammering away on the matter until he again passed his bill, and I think instead of simply embracing the $6,500,000 he raised the ante and got it up to about $13,000,000 so as to embrace further modernization, and so on, and passed the bill. It became a law and is the law to-day, and the money has been spent.

Then he comes in to-day and gets an authorization for an additional amount. Remember what Admiral Magruder said about it. He said if you would take the pork barrel out of the Navy business, take it out of the navy yards in the districts of prominent Congressmen, take away the incentive to spend money when there was no necessity for it, you would save the people of the United States many millions.

The minute I read this statement in the press I knew what was going to happen to Admiral Magruder. It is just what happens to any man of the Army or the Navy or in any other department of Government who makes a suggestion for economy when it does not go through the regular channels.

They want everything submitted first to the Secretary to see whether he wants it given to the public; and poor Admiral Magruder instead of being commandant of the Philadelphia Navy Yard, where is he now? He has lost his special standing in the position in which he used to preside, he has no standing now with the Navy.

Mr. BRITTEN. Yes; he is now occupying a desk in the Navy Department, like hundreds of others.

Mr. BLANTON. That is because they could not get rid of him. That is just the point that Admiral Magruder made; that if you take the desk away from these idle officers doing unimportant nothings that are unnecessary, you would be saving millions.

Mr. BRITTEN. Admiral Magruder was writing stories for newspapers and magazines for pay and the Navy Department gave him a desk to make his work more agreeable.

Mr. BLANTON. He did just what many other Government officials do—write for money. But what he wrote was worth while.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. Would it not be better to take the admiral away from his desk and put him in command of a Coast Guard vessel to chase the rum runners?

Mr. BLANTON. If he went after the rum runners with the same energy he was trying to stop waste in the Navy, he would stop a lot of this stuff that is coming in here for Christmas. [Laughter.]

We know that there is waste at every turn in the Government navy yards. Every one of us knows that the Government can not build a ship or renovate or modernize a ship in any of its navy yards as cheaply as they can in an industrial yard. They can not do it as cheaply as they can under industrial competition. We ought to get competitive bids for every

piece of such work. We ought to maintain certain navy yards to keep us independent of the industrial yards. We ought not to be put in the position where they could ruin us.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. WOODRUFF. I suggest that it would be impossible to secure bids on the modernization of these battleships by reason of the fact that before they open up the ship they can not tell what things they will have to do when they get at it.

Mr. BLANTON. Does the gentleman think that the New York Ship Building Corporation would not be in a position to make a proper estimate?

Mr. WOODRUFF. They could not, for the very good reason that there is no possible way in which they can look through a steel hull.

Mr. BLANTON. The gentleman from Michigan does not mean to assert that there is not a great deal of waste in our navy yards?

Mr. WOODRUFF. I have not said anything about that. We have at least one navy yard just as efficient as any industrial yard, and that is the Mare Island yard.

Mr. BLANTON. Does the gentleman recollect what former Assistant Secretary Franklin D. Roosevelt reported at one time, and the New York business men think that he is pretty good authority. He said that under our system of business that controls our navy yards we did not get more than 67 per cent efficiency on any work that was done in the Government-owned yards. If we are only getting 67 per cent efficiency in the Government navy yards, then does the gentleman think that we ought to be confined to them?

Mr. WOODRUFF. I am not disposed to accept the figures of Mr. Roosevelt, because I happen to know something about the navy yards in this country.

Now, I am one of those who regret the passing of the gentleman from Texas from this House. I want to say that he has been a mighty useful Member of the House.

Mr. BLANTON. I thank the gentleman.

Mr. WOODRUFF. I want him after he leaves the House to pay a little attention to naval affairs, and after the cruisers now being built, some in private yards and some in naval yards, are completed, I want him to compare the cost of the cruisers built at Mare Island with those built in the industrial yards.

I think he will find that the comparison will result in great credit to the Navy in that particular navy yard.

Mr. BLANTON. Oh, I do not want to do away with all of our navy yards. I want to keep enough to protect the Government, but I want to do away with the pork-barrel end of it, and there is a pork-barrel end of it, and I hope the Congress some of these days will wake up and put a stop to it.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; but I am through.

Mr. JAMES. I am also one of those who are sorry to see the gentleman from Texas leaving us, although he has objected to a good many bills that have come out of our committee, but I know that he did what he thought was right.

Mr. BLANTON. I was merely following my convictions.

Mr. JAMES. I know that, and I so stated. Did I understand the gentleman to state that he thought that the members of the Army would be punished if they called attention to extravagance?

Mr. BLANTON. Yes. Let any general in the Army, I do not care how high his position, make a recommendation publicly that does not come through the Secretary of War's office, and he will be punished just as sure as the gentleman is standing on this floor.

Mr. JAMES. I do not believe that any general in the Army or any officer of the Army needs to be afraid of telling the truth about anything he finds because he fears being punished for it. He will not be punished so far as the House Military Affairs Committee is concerned.

Mr. BLANTON. If the gentleman will cite me to one instance where any general of the Army or any high officer in the Navy has ever made a recommendation that has not come through official channels, when he has not been punished for it, I shall take back every position that I have taken on this bill.

Mr. JAMES. But nobody in the Army needs to be afraid of being punished.

Mr. O'CONNELL. How about General Mitchell?

Mr. BLANTON. General Billy?

Mr. O'CONNELL. Yes.

Mr. BLANTON. He was not punished much. He just had his position taken from him. That was all.

Mr. JAMES. I am not talking about General Mitchell. He was punished and should not have been. I am talking about the last two or three years.

Mr. BLANTON. Oh, I could name the gentleman many big officers in both the Army and the Navy who have been punished in the last 20 years.

Mr. JAMES. Name one in the Army.

Mr. BLANTON. Gen. Billy Mitchell.

Mr. JAMES. Outside of him.

Mr. BLANTON. And then there is Admiral Magruder of the Navy.

Mr. JAMES. Outside of them.

Mr. BLANTON. I will later give the gentleman a list half as long as his arm. I wish it were so that they could make proper recommendations, but neither the Army nor the Navy will permit any one of them to do it except through official channels.

Mr. BLACK of New York. Only a short while ago General Summerall pointed out the bad housing conditions in the Army, and he was not punished. Instead of that there was an investigation made and his recommendations were carried out. And Admiral Plunkett of the Navy, time and time again called attention to the needs of the Navy, and he was not punished.

Mr. BLANTON. The recommendation made by General Summerall was in the interest of carrying out the Army spending plans, so as to get possession of all of the money that they received from the sale of Government property, which they wanted to get within their control without any strings on it held by Congress. He was carrying out the policy of the Secretary of War. He was carrying out the policy of the Army War College. He was helping along the General Staff. He was getting money for them to spend, and that is their sole objective in peace times. They want millions to spend. He was not trying to economize for the people.

Mr. BLACK of New York. The gentleman voted for that money?

Mr. BLANTON. No; I fought on this floor to retain our control of these proceeds from sales.

Mr. BLACK of New York. Did not the gentleman vote for the money spent on Army housing?

Mr. BLANTON. I have voted to spend money for all legitimate housing.

Mr. BLACK of New York. That is all that he asked for.

Mr. BLANTON. If the gentleman will look back through the RECORD for 12 years he will find that every vote that I have cast in this House has been for this Congress to hold the purse strings and for this Congress to pass on every million dollars that comes out of the people's Treasury. That is what ought to have been done in that case. We turned them over $100,000,000 without any strings on it, and they were back the very next month asking for more.

Mr. SCHAFER. Is the reason that the gentleman did not vote for the LaGuardia amendment providing sufficient funds to enforce prohibition because he was looking after the Treasury purse strings?

Mr. BLANTON. Oh, my friend knows that if there is a fundamental wet in this House it is the gentleman from New York [Mr. LAGUARDIA], and that gentleman was trying to hamstring prohibition when he offered that amendment.

Mr. BRITTEN. Oh, Mr. Chairman, I rise to suggest that we are getting away from our bill.

Mr. BLANTON. I am straying from the subject by reason of questions asked, however.

Mr. JAMES. The gentleman speaks about our turning over $100,000,000 to somebody. What hundred million dollars was that?

Mr. BLANTON. From the sale of Government-owned property that had been held by the Army and was sold by it.

Mr. JAMES. We never turned over any hundred million dollars. We gave to the Navy and the Shipping Board and other people over a hundred million dollars' worth.

Mr. BLANTON. We turned over to the Army all of the proceeds from the sale of Government property it no longer had need of, and it was estimated at $100,000,000, and we thus lost our hold on it, and we ought to keep our hold on every dollar of money that comes out of the people's Treasury. Congress should pass on all expenditures. [Applause.]

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limitation of $5,300,000 each imposed in the naval appropriation act for the fiscal year ended June 30, 1926, on construction and machinery expenditures on account of two fleet submarines is hereby increased to $6,650,000 each.

Mr. BRITTEN. Mr. Chairman, I move the committee do now rise and report the bill (H. R. 14922) to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 14922, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE MARINE CORPS

Mr. DARROW. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill H. R. 13685.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. HOOPER, will resume the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13685, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes.

Mr. DARROW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DARROW. Mr. Chairman, it is not my desire or purpose to enter into any lengthy discussion in an explanation of this bill except to say it has been most thoroughly considered by the Committee on Naval Affairs and unanimously reported with amendment.

Let me say the bill provides a system of promotion by selection, combined with a system of transferring automatically to the retired list each year a certain number of officers from the grades of colonel, lieutenant colonel, and major who have been passed over by the selection board. Promotion by selection, combined with this system of elimination, will accomplish several very desirable results. First of all, it will materially speed up the advancement of the most efficient officers of the Marine Corps in the grades of colonel, lieutenant colonel, and major. It will also raise the standard of efficiency in those grades by transferring a certain number of the least efficient officers each year from the active list.

Mr. O'CONNELL. Will the gentleman yield right there?

Mr. DARROW. I will.

Mr. O'CONNELL. Is not it along the line of the bill which came in the other day for line officers of the Navy, following the same idea?

Mr. DARROW. I was going to allude to that; it follows exactly the same line as the bill we passed last week for the line of the Navy.

Mr. O'CONNELL. And comes with a unanimous report of the committee?

Mr. DARROW. With the unanimous report of the committee. I just want to say here in connection with the lieutenants that it will also, by reason of the increased number of vacancies caused by transfers from the active list of the least efficient officers, speed up the promotion of the officers in the grades of captain and first lieutenant. The bill provides for the promotion of second lieutenants to the rank of first lieutenant after three years' commissioned service, bringing the young men who are appointed in the corps from the Naval Academy and from other sources on an equality in that respect with their brother officers of the same classes at the Naval Academy who are appointed in the line of the Navy, the Supply Corps of the Navy, and the Construction Corps of the Navy. The bill changes the percentages of the various grades but those in this bill are identical with the percentages in the bill we passed last week for the line of the Navy. It increases the number of major generals by two, making five in all, which includes the Major General Commandant of the Marine Corps.

Mr. O'CONNELL. The real commandant.

Mr. COLLIER. Will the gentleman yield?

Mr. DARROW. I will.

Mr. COLLIER. My attention has been directed to a Senate bill that really accomplishes for the most part the same purpose.

What I wish to find out from the gentleman from Pennsylvania is, Is this bill similar to the Senate bill?

Mr. DARROW. I think the gentleman from Mississippi is referring to the warrant officers' bill, is he not, instead of this?

Mr. COLLIER. No. It is to equalize the difference in the rank between the Navy and Marine officers; and from the title and from what I heard of this bill, it would apparently accomplish just what the Senate bill is endeavoring to accomplish. If that is so, I shall be glad to support this bill.

Mr. DARROW. The purpose of this bill is to make it in accord with the naval bill as it passed the House in every particular, so far as it would be applicable to the Marine Corps.

Now, Mr. Chairman, there is one other point that I would like to bring out. The bill completes the amalgamation of the permanent staff officers with the officers of the line. This was commenced under the law of 1916 and is carried to completion now if the provisions of this bill prevail. This is done by revoking their permanent staff commissions and issuing in lieu thereof commissions in the line, so that hereafter staff duties will be performed by the temporary detail of line officers who have specialized in the duties that pertain to the staff.

The bill applies to general officers the same provision that prevails and which has prevailed in the Navy for the past 12 years in reference to admirals, creating two classes of flag officers in the Navy. There are two classes, the upper and lower half of admirals, one receiving the pay and allowances of a major general and the other the pay and allowances of a brigadier general. That is exactly the provision here in reference to general officers.

Now it will, of course, to a certain extent increase the cost of officers in the Marine Corps. In the first year the increase will probably be $121,000, but by eliminating a certain number of the least efficient officers each year, and as the pay of officers in the service depends more upon their longevity than it does upon their rank, this will gradually decrease the amount, so that in a few years it will balance, and thereafter it will save the Treasury additional sums.

Mr. BLACK of Texas. I would like to be recognized against the bill after the gentleman from Pennsylvania gets through.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. DARROW. Certainly.

Mr. FRENCH. The report does not indicate whether or not this bill has the support of the department. It was reported by the committee yesterday and made available to Members in print for the first time to-day. I think we ought to be advised as to the opinion of the department and of the Bureau of the Budget, and I would like to have the gentleman indicate to the House the attitude of the Budget and of the department, if he has the information.

Mr. DARROW. I would answer that question by reading a letter from the Director of the Budget addressed to the Secretary of the Navy. It is as follows:

BUREAU OF THE BUDGET,
Washington, May 10, 1928.

The honorable the SECRETARY OF THE NAVY.

MY DEAR MR. SECRETARY: I have your letter of May 9, 1928, inclosing a draft of proposed legislation to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, which draft is a substitute for the draft submitted with your letter of November 23, 1927.

I have again taken this matter up with the President, who has instructed me to advise you that this last draft of proposed legislation is not in conflict with his financial program.

Very truly yours,

H. M. LORD, *Director.*

Mr. FRENCH. Is that the bill that we now have before us?

Mr. DARROW. It is the bill that we now have before us.

Mr. FRENCH. It likewise has the support of the Navy Department?

Mr. DARROW. It has the support of the Marine Corps and the Navy Department, as well as the support of the Director of the Budget.

Mr. FRENCH. Let me make this observation: Generally speaking, I think the criticisms that my colleague has directed attention to ought to be corrected by law, but I am not happy that the bill should be available to Members—a bill as important as this—only upon the day when we consider it.

Mr. VINSON of Georgia. Does not that frequently happen with the Committee on Appropriations?

Mr. FRENCH. Would the gentleman draw a parallel here with the practice on an appropriation bill? If he did, he would have a vote on this bill perhaps to-morrow or several days thereafter, whereas, as I understand it, he expects to have a vote now. Upon appropriation bills we usually begin discussion upon the day they are reported to the House, but it is a rare thing that a vote is had until several days later.

Mr. O'CONNELL. This bill does not increase the number of officers at all, does it?

Mr. DARROW. No. The number remains the same as now, practically 1,020. It merely changes the percentages to conform to the present organization, and that is exactly like the percentage that is in the bill that passed the House the other day for the line of the Navy.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania reserves 45 minutes of his time. The gentleman from Texas [Mr. BLACK] is recognized.

Mr. BLACK of Texas. Mr. Chairman, the report of the Naval Affairs Committee, filed on the 10th of December, says of this bill that its main purpose is to equalize the opportunities of all officers of the Marine Corps, subject to their individual ability in their progress through the service.

Now, I take it that there would not be any opposition from any Member of the House if the sole purpose of the bill was to correct an injustice that had been done to some particular individual Marine Corps officer or to some particular class of Marine Corps officers.

But there is one thing I have noticed, and that is that the effect of all of these so-called equalization bills that are brought in—and I may say that the Committee on Naval Affairs is probably the most prolific source of these so-called equalization bills of any other committee of the House—is to increase the charge upon the Treasury of the United States. The naval officers who draw these bills, the Army officers who draw similar ones when they come from the Committee on Military Affairs, and the Marine Corps officers always manage to draw them in a way to increase their pay, both active and retired. Now, the effect of this bill, according to the report of the committee, is to add an additional charge upon the Treasury of the United States of $121,759 per annum. I would like to know why it is the Committee on Naval Affairs can not protect the Treasury of the United States, or at least show some effort to do it. When these so-called equalization bills are brought up why can they not be amended so that they will not impose additional costs upon the Treasury? If there has ever been one brought up of that nature I do not recall it during my entire membership of this House. I would like to witness, before I retire from Congress, one of these so-called equalization bills which does not impose additional charges upon the Treasury.

Mr. DARROW. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. DARROW. As a matter of fact, this bill is in the interest of the Treasury, and after a few years it will mean much less in cost.

Mr. BLACK of Texas. Oh, yes; after a few years it is claimed there will be economies resulting, but the gentleman can rest assured that before those few years arrive the gentleman's own committee will have brought in another equalization bill that will make certain that there will be no decrease in the charge upon the Treasury. The day for the so-called economy which is to be effected never comes.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Would my friend from Texas deny the officers in the Marine Corps the opportunity of obtaining promotions or looking forward to better conditions in the life they have adopted for the benefit of the Nation?

Mr. BLACK of Texas. The gentleman from Texas believes in justice both to the taxpayers and officers of the Marine Corps, and because he believes in justice is the reason he is opposing this bill. What does this bill propose to do? It proposes to set aside the law of promotions by seniority and adopt the method of selection by a board, which is a most certain way that favoritism will creep into the service. Men will doubtless be promoted because of their social relations and because of their intimate acquaintance with certain officers. What method of promotion do we have upon our own committees in the House of Representatives? So far as I know, and as far back as I have any knowledge, the House of Representatives promotes by one rule, and that is the rule of seniority. This rule has its imperfections, and it is doubtless true that there are times in the House of Representatives when, under the rule of seniority, men of mediocre ability become chairmen of important committees. That may be true, but would the House of Representatives think of adopting any other method but the rule of seniority? What other method would work better? Now, you undertake here to set up in the Marine Corps the so-called method of selection in lieu of the rule of seniority.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. VINSON of Georgia. Is not that due to the fact that that principle is applied both in the Army and the Navy?

Mr. BLACK of Texas. So far as I know, there is no law in the Army comparable to the one the gentleman has here to-day.

Mr. VINSON of Georgia. Is it not a fact that in the Army promotion from colonel up is by selection and that promotion in the Navy from lieutenant commander up is by selection and in the under grades by seniority? Promotion in the Marine Corps in the grades of lieutenant and captain is by seniority and the balance by selection.

Mr. BLACK of Texas. What is the purpose of this bill? Is it not to do away with promotion by seniority in the Marine Corps and adopt the board-selection method?

Mr. VINSON of Georgia. In the upper grades it is and in the lower grades the same law applies. The purpose is to have the selection board take the records of the officers in the higher grades, consider them, and promote those best fitted for the next higher command and eliminate those who are not best qualified. Now, the weakness of the seniority system is that regardless of a man's ability he is promoted.

Mr. BLACK of Texas. Let me ask the gentleman is it not a fact that before a man is commissioned in the Marine Corps he must pass the tests that are prescribed?

Mr. VINSON of Georgia. That is true of all the services. Of course, they must pass an examination.

Mr. BLACK of Texas. Is it not true that in order to retain that commission he must pass certain other tests?

Mr. VINSON of Georgia. That is true; in other words, the men qualified professionally, and one of the benefits of the selection system——

Mr. BLACK of Texas. And he would not be commissioned if he had not shown his qualifications?

Mr. VINSON of Georgia. If you had the seniority rule he would go up regardless of his qualifications professionally, whereas under the selection system if he can not qualify professionally after having been selected he goes out of the service.

Mr. BLACK of Texas. And under the selection system is it not a fact that many complaints have been made of favoritism?

Mr. VINSON of Georgia. I grant you that the personal equation necessarily enters into it.

Mr. BLACK of Texas. And more than that, while the gentleman is on his fect let me ask him, has not the Committee on Naval Affairs many times brought in bills to grant promotions to naval officers by congressional enactment because, as was stated to the House, the selection board had not done justice to the particular officer affected by the bill?

Mr. VINSON of Georgia. Never in the history of the 12 years I have been on the Naval Affairs Committee has the Naval Affairs Committee——

Mr. BLACK of Texas. If the gentleman will permit, I think I can insert the titles of certain bills that will show that the committee has brought in bills of that character.

Mr. VINSON of Georgia. The gentleman has asked a question, and I would like to answer it. There is one thing the Naval Affairs Committee regards as something that should not be interfered with, and that is the matter of the selections of the selection board. It is true that on two occasions the Naval Affairs Committee has brought in a bill recommending promotion after the officer had retired and gone on the retired list, but never in the history of the 12 years that I have been on the committee have we disturbed the selections of the selection board.

Mr. BLACK of Texas. Moreover, is it not the fact that the Committee on Naval Affairs, of which the gentleman is a distinguished member, has brought in bills to restore men to the active list who have been dismissed because of their so-called inefficiency, found by this rating board?

Mr. VINSON of Georgia. He may be dismissed from the active list for various reasons, because of physical disability, for instance.

Mr. BLACK of Texas. I mean because of so-called inefficiency.

Mr. VINSON of Georgia. No, sir; only on two occasions has the Congress ever restored an officer to the active list who was dismissed from the active list on account of inability to pass examinations.

Mr. BLACK of Texas. The gentleman admits that has been done on two occasions?

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BLANTON. The gentleman from Georgia has admitted the point in this kind of legislation which makes it expensive, and that is whenever a man who comes up for promotion, if they decide not to promote him, the only alternative is to retire him.

Mr. BLACK of Texas. Certainly.

Mr. BLANTON. And that is an expense to the Government, because another officer takes his place.

Mr. BLACK of Texas. And not only that, I will say to my colleague, I have no doubt that many men are retired right at the peak of their usefulness and ability.

Mr. BLANTON. Men who are physically and mentally efficient in every respect.

Mr. BLACK of Texas. Surely, and are rendering splendid service to the Government of the United States.

Mr. JAMES. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. JAMES. The War Department, from the Secretary of War down, for several years has appointed several boards and has made recommendations to our committee to get rid of the so-called "hump" in the line of promotions by kicking competent officers out of the Army.

Mr. BLACK of Texas. Yes; they want to do that.

Mr. JAMES. Even going so far as to be willing to get rid of 2,000 competent officers in order to reduce the "hump." Our committee has taken the attitude that it will never recommend any legislation coming out of our committee which would retire a single competent officer.

Mr. BLACK of Texas. I am glad to hear the gentleman say that, because that is welcome assurance.

Mr. VINSON of Georgia. If the gentleman will permit, let me say to the gentleman that there is nothing in this bill that retires any competent officer unless he reaches the age limit, when, under the law, he has to be retired.

Mr. BLACK of Texas. If the gentleman will read his own bill he will find he is providing for the forcible retirement of men who under the present law do not have to retire, and for that very reason the effect of this bill will be to increase our already burdened retired list and force out of the service men who are trained, men who are competent, men who are physically able to render the very best service of their career. It is not going to be done with my vote. [Applause.]

Mr. DARROW. Mr. Chairman, I ask that the Clerk may read the bill.

The Clerk read the first section of the bill.

Mr. BLACK of Texas. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLACK of Texas. Mr. Chairman, I do not wish to take any time of the committee to make any further argument against the bill in addition to what I have already said. I simply submit the motion to the committee to strike out the enacting clause.

Mr. McSWAIN. Will the gentleman yield to me within his five minutes?

Mr. BLACK of Texas. Yes.

Mr. McSWAIN. Mr. Chairman, I have been unable to read this bill until the last minute, because I have not been very well. I submit this is a revolutionary measure. It is a radical measure and in my humble judgment, if it is passed and becomes the law, it will mark the beginning of the end of that fine espirit de corps and quality that has marked the Marine Corps. They are known now as a set of "Devil Dogs," a large majority of whose officers have risen from the ranks.

The 45-year limit that has been set up here will pluck these fellows who have risen from the ranks and will reduce the officer personnel of the Marine Corps to an exclusive social circle. Mark my words. [Applause.]

Mr. VINSON of Georgia. I will state to the gentleman from South Carolina that the very reason the 45-year limit is put in here is to take care of the men who came up from the ranks.

Mr. McSWAIN. Of course, and they will take care of them by putting them out of the Marine Corps too. [Applause.]

The CHAIRMAN. Is the pro forma amendment withdrawn?

Mr. BLACK of Texas. Mr. Chairman, I moved to strike out the enacting clause in all good faith. It was not a pro forma motion.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 17, noes 62.

So the motion was rejected.

The Clerk read the committee amendments to section 1, which were agreed to.

The Clerk read section 2 of the bill, with the committee amendments, which were agreed to.

Mr. BEEDY. Mr. Chairman, I move to strike out the last word. I rise to get information from the gentleman having the bill in charge. I would like to ask him upon whose original urge this legislation was considered; by whom was it first proposed to the committee to make the change in the law?

Mr. DARROW. This has been under consideration for the last two or three years by the Secretary of the Navy, and the commandant, Major General Lejeune.

Mr. BEEDY. What evidence was there before the committee on the part of the officers themselves that the change was desired? Did the committee hear from officers in all the different grades?

Mr. DARROW. A board was appointed some time ago representing every grade of officer and the entire proposition was gone over to see how it would be possible to improve the morale and efficiency of the Marine Corps, and the result was reported to the Secretary of the Navy, who recommended this.

Mr. WOODRUFF. If the gentleman will yield, is it not a fact that the board communicated the contents of this bill to every officer in the Marine Corps and asked comment on it and that no objections were received from any source whatever?

Mr. BEEDY. That is what I was going to ask. I have an intimation from my district that this legislation was proposed by a few officers and would result in the promotion of a few to the detriment of others, and I wondered if that was correct.

Mr. DARROW. Every officer has recommended this bill with possibly a few exceptions in one grade.

Mr. O'CONNELL. Mr. Chairman, it is impossible to hear the private conversation that is going on on the other side.

Mr. BEEDY. I was not egotistical enough to believe that the gentleman from New York was interested in my conversation. [Laughter.]

Mr. O'CONNELL. I am very much interested in it.

Mr. BEEDY. I was trying to find out whether there had been any representation concerning the proposed legislation in a general way by the officers, and the information is that all the different grades were notified of the proposed changes and that few objections have ever been made to the committee.

Mr. WOODRUFF. No serious objection. There were not objections by half a dozen in the entire Marine Corps.

Mr. BLACK of Texas. If the gentleman from Maine will yield, I want to ask what is the custom as to officers of the Marine Corps if called upon by the committee—would they be permitted to write letters of protest?

Mr. DARROW. I think they were all invited to discuss this matter freely.

Mr. BLACK of Texas. Is it not a fact that if you asked a captain about this bill he would have a hesitancy in raising an objection, unless you summoned him as a witness before the committee?

Mr. DARROW. In this case I think that is not correct. I think many suggestions have been made by officers in reference to it.

Mr. BEEDY. Did any officer after being notified of the contents of the bill send to the committee any representative to voice his objections?

Mr. DARROW. Absolutely none.

The pro forma amendment was withdrawn.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to insert in the RECORD a letter from Gen. John A. Lejeune in reference to this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

DECEMBER 11, 1928.

Memorandum

From the most reliable information, which has been obtained from a large number of sources, I am of the opinion that practically all of the captains, all of the first lieutenants, and all of the second lieutenants of the Marine Corps are sincerely, earnestly, and enthusiastically in favor of the Marine Corps personnel bill, and that, in addition, all of the general officers and about 75 per cent of the colonels, lieutenant colonels, and majors desire its enactment into law.

All of the company officers above mentioned appreciate fully the hopeless nature of the promotion situation so far as they are concerned. Under existing law there is no future for them, except one of stagna-

tion, as nearly all of their commissioned service would be spent in the lower grades. I have been informed that unless the proposed bill becomes a law a large number of our most efficient young officers will resign from the service. In this event we will keep the least efficient and lose the most efficient. On the other hand, if this bill should become a law, we will keep the most efficient and lose the least efficient. All efficient officers of all grades are in favor of the bill, the only officers in opposition being those who, by reason of their records, realize that they, as individuals, will probably be adversely affected by it. Some of those, in all probability, have communicated their opposition to Members of Congress. On the other hand, it is probable that few, if any, of the officers in favor of the bill have communicated with Members of Congress on the subject, as these officers rely on their commandant and on the Naval Committee and Congress to see that relief and justice are afforded to them by the enactment of the proposed law.

JOHN A. LEJEUNE,
Major General Commandant.

The Clerk read sections 3, 4, 5, 6, 7, and 8, with the committee amendments, which were agreed to.

Mr. BLACK of Texas. Mr. Chairman, I move to strike out the last word in order to ask something about section 7 of the act approved March 4, 1925, which this particular section of the pending bill now repeals. I note that section 7 of the bill that we are now considering repeals that section with certain exceptions, but the report of the committee fails to inform us what the effect of the repeal would be. We should have some information on that point.

Mr. DARROW. With reference to section 7, the existing law that this section amends prescribes a certain method for the disposal of officers who have failed on reexamination for promotion. This bill otherwise disposes of all such officers except captains and first lieutenants under 45 years of age, and of less than 20 years' service, and the existing law is amended by this section to exclude all other officers except those in this statute.

Mr. BLACK of Texas. In other words, the purpose of this section is to repeal section 7 of the act of 1925, which provides the method for the disposal of certain officers and to substitute the method provided in the section.

Mr. DARROW. Exactly.

The committee amendments were agreed to.

The Clerk concluded the reading of the bill.

Mr. DARROW. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DARROW. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DARROW, a motion to reconsider the vote by which the bill was passed was laid on the table.

READJUSTING PAY OF COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, ETC.

Mr. ANDREW. Mr. Speaker, on behalf of the Committee on Naval Affairs, I call up the bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended.

The SPEAKER. The gentleman from Massachusetts calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Michigan, Mr. HOOPER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12032, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for one hour.

Mr. ANDREW. Mr. Chairman, this bill readjusts the pay and allowances of warrant officers and commissioned warrant officers of the Navy, Marine Corps, and Coast Guard, but does not propose any considerable increase in the pay of any of these officers. The average increase for all concerned is just about 5 per cent. It is intended, however, to remedy certain discrepancies and inequalities which were left in the joint act of 1922 concerning these groups of officers. I need not explain to the Members of the House what are the warrant officers and the commissioned warrant officers in these various branches of the services. You all know, I assume, that they are the officers who have come up from the ranks in the Navy in eight different types of service—boatswains, gunners, electricians, radio electricians, machinists, carpenters, pharmacists, and pay clerks. Ordinarily a man can not become a warrant officer until he has served for 10 years as an enlisted man, and having become a warrant officer he is under the law required to serve for six years more before he can take examination for a commission and become a commissioned warrant officer, so that when he becomes a commissioned warrant officer in all likelihood he is about 16 years older than the man entering the Navy through the Naval Academy. There are to-day about 300 warrant officers in the Navy and about 1,150 commissioned warrant officers. There are about 130 commissioned warrant officers in the Marine Corps also affected by this bill.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. ABERNETHY. I am very much interested in this great service of our country, the Coast Guard. If I understand this bill, it takes care of a large number of these warrant officers who have come up from the ranks. Is that correct?

Mr. ANDREW. Yes; in the Coast Guard, as well as in the Navy. There are about 63 commissioned warrant officers in the Coast Guard and 833 warrant officers, boatswains, gunners, and machinists.

Mr. ABERNETHY. I am glad to see that the Naval Committee is branching out to take care of some of these worthy men.

I only wish it would branch out long enough to take care of some of the temporary men who are now serving in the Coast Guard. That I think is one of the things that ought to be attended to. I am very delighted to know that this great committee, headed by the distinguished gentleman from Illinois [Mr BRITTEN], is taking care of these worthy men who go down to the sea in ships as well as the men serving the Navy.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. GREEN. About what is the increase in pay in the Coast Guard?

Mr. ANDREW. The average increase in pay during the whole period of the warrant officer's career is about 5 per cent—a small fraction over 5 per cent.

Mr. GREEN. I would like to say to the gentleman that several officers in my district have written to me in reference to this matter, and it is my desire to support the legislation.

Mr. BRITTEN. Following the suggestion of my friend on the other side, I will say this is one of the most popular bills the Committee on Naval Affairs has ever reported out.

Mr. GREEN. I have had numerous inquiries with reference to this matter, and I am in favor of it.

Mr. BRITTEN. It is repeatedly said that the Committee on Naval Affairs and Congress seem to favor commissioned officers because of their social position and their advanced education, but this bill does not include those officers at all, merely taking men in the lower grades.

Mr. LAGUARDIA. If the gentleman will yield, of course this is simply an amendment to the pay and allowances of the enlisted personnel in the act of 1922.

Mr. FRENCH. Mr. Chairman, the chairman of the committee has just said that this bill is popularly supported. Undoubtedly he means supported actively by those to whom it refers, for they are the ones who are very earnest in pressing upon Congress the merits of the measure. May I ask the gentleman in charge if the bill has been reported upon favorably by the Navy Department?

Mr. ANDREW. It was reported upon favorably by them and drafted by them.

Mr. FRENCH. Was it reported upon by the Bureau of the Budget?

Mr. ANDREW. So far as I know no report has actually come from the Bureau of the Budget.

Mr. WOODRUFF. If the gentleman will yield, I do not believe I have observed at any time any bill being before our committee and asked for by the Navy Department that is opposed by the Budget Bureau. I take it for granted that the Secretary of the Navy would certainly prohibit any officer appearing before our committee in favor of a bill unless the Bureau of the Budget did not think it was in conflict with the President's policy.

Mr. ANDREW. And it is presented by the Navy Departments, supported by the Treasury and the officials of the Navy Department, so it could not be contrary to the President's policy.

Mr. FRENCH. I do not understand that that is the policy followed at all before legislative committees. I understand that officers of the Government are called upon and testify as to what they believe. However, it is fair that the Bureau of the Budget be called upon for advice and opinions by legislative committees. I have just sought to have the House advised of the attitude of the Bureau of the Budget and particularly since large amounts of money are involved.

Mr. GARNER of Texas. If the gentleman will permit, unless the policy has been changed by the administration, when a bill is referred to the Navy Department as to its advisability and merit as a charge on the Treasury, as I understand, the President refers it to the Bureau of the Budget.

Mr. FRENCH. That is true.

Mr. GARNER of Texas. I am not saying that is right. I am saying that the President delegates his powers in that respect.

Mr. FRENCH. May I just follow that up by saying I was not directing my statement to that which is in the mind of the gentleman from Texas. I think that is the procedure that is followed. The point I was directing my attention to was the suggestion made that because of the fact that the Navy Department has been represented by officers before the committee that therefore the Budget Bureau was necessarily not opposed to a bill. I do not think that is a correct statement.

Mr. WOODRUFF. If the gentleman would attend some of the meetings and hearings of the Committee on Naval Affairs of the House I think he would change his mind about that particular proposition.

Mr. FRENCH. I am not a member of the committee. Let me ask the gentleman whether or not he is able to tell the House that the Bureau of the Budget is in favor of this bill?

Mr. WOODRUFF. I am not saying about that, but I am speaking of the method of procedure. So far as I am concerned it does not make any difference to me whether the Bureau of the Budget approves it or not.

Mr. FRENCH. That is not the point. I simply raised the question whether or not it had been so reported, and to call attention to a few matters involved in the particular bill.

A few days ago it was called to the attention of Congress that the Welch Act, which was also a popular measure and which was passed by this Congress less than a year ago, has been so construed in its administration as to add possibly two millions or more to the expenses of our Government, and in a manner that is not approved generally by the Congress, and that it was not in the minds of Members of the Congress at the time it was enacted.

A few years ago there was a great deal of criticism on account of the inequality in pay of the very men referred to in the pending bill, and of officers of one kind and another under various names in the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; and at that time there was a joint committee appointed, made up of Representatives of Congress from the different committees having charge of the several types of legislation, for the purpose of working out a pay bill that would do the right thing by all those involved, including the ones that are involved in this particular bill. In other words, we had gotten to the point where the different committees legislating upon the immediate subjects before them, doing what each committee thought was equitable and just, and the Congress, considering the report from each committee apart from other reports bearing upon bills referring similar matters arising in other bureaus, and doing what it thought to be the wise thing, had brought about a lack of harmony in the pay and allowances and conditions of men and officers doing comparable work in these different services.

Now, it may be that we have made a mistake in some instances. It may be that a mistake was made as to these particular warrant officers referred to here. In my opinion, their case does need attention, but the condition that exists has been going on ever since that common bill that I referred to was passed, applying to all of these different services. It seems to me that the Members of Congress ought to refer this bill and kindred matters to another joint committee, and that now we ought not pass this particular bill. If all the Members of this Congress could serve at some time upon the Appropriations Committee, they would come to realize that the most favorable conditions allowed and the largest pay drawn by any group are used as a fulcrum for increasing the pay and emoluments of officers and men in other departments doing similar work regardless of the name of the office or the grade or rank held.

If we should pass this bill to-day, we do not know what the effect will be upon other officers doing comparable work. The Naval Committee has not had opportunity to go into the matter and advise the House. The committee has only heard the evidence from the officers of the departments that have to do with the particular service referred to in this bill. The act that this bill amends refers to officers under the War and Treasury Departments as well. I want to tell you gentlemen of the House that in all probability, if this measure shall pass, the committee having to do with the Army in another year will be called upon to bring in a bill for a similar purpose to remove an inequality, and the main argument that will be advanced will be the provisions of this bill.

Other committees will have to do with other branches of the service which were within the jurisdiction of the joint committee a few years ago, and they will be called upon to do the same thing. It seems to me the statesmanlike thing to do is for us to refuse to pass bills of this particular type one at a time. We should refer all bills of this common character to a committee including gentlemen from the committee that has reported this bill and gentlemen from all the committees having the same problem.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. Does the gentleman say there is a joint committee now having joint jurisdiction to do things of this kind and pass a similar pay bill?

Mr. FRENCH. No. I say the House has the power to create such a joint committee for the time being, such a committee as we had a few years ago to handle the subjects pertaining to these particular services.

Mr. VINSON of Georgia. Then the gentleman is asking the Committee of the Whole to defeat this bill in the hope that in the future the House may appoint a joint committee similar to the one he mentioned?

Mr. FRENCH. That, in substance, is what I believe, but we should act promptly. Does the gentleman know how much of expense is involved in this bill?

Mr. VINSON of Georgia. Exactly.

Mr. FRENCH. It is stated to be $350,000, which we will be called upon to appropriate if the bill shall pass.

Mr. VINSON of Georgia. But if the Navy Department and the Comptroller General had put the proper construction on the pay act of 1922 it would have done justice to these officers. It was never intended to penalize these men by the act of 1922.

Mr. FRENCH. I am not referring to that. I am referring to the matter of piecemeal legislation touching measures of this kind. This bill, as the gentleman admits, carries authorizations and requirements that will add $350,000 every year to the burden of the Treasury for the purpose indicated in the bill. I think it is the observation of every Member here that these estimates which are made are usually underestimates rather than overestimates. It seems the departments in submitting estimates of costs usually underestimate the costs. Their figures are rarely too high.

The House this afternoon has passed several bills—at least three—increasing the limit of cost of certain work that was estimated for by the department. Here, now, is an estimate of $350,000 which the department says will be entailed on the Treasury if you pass the measure. Maybe that is correct, and maybe the conditions worked out in the bill ought to be cared for. But I want to call the attention of the House to this fact, that when you say that the amount that will be entailed on the Treasury is $350,000 every year you are not considering the question of the burdens that will be added year after year by different services under the Government, who will point to this bill as a reason for relieving them.

Mr. ANDREW. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. ANDREW. I want to ask the gentleman if he has any particular criticism against the bill as presented, or does he believe that the discrepancy now in the law should be left until the time when there is again a joint committee appointed? Has the gentleman any particular objection in regard to this bill?

Mr. FRENCH. The gentleman does not know, and I do not know, how the conditions set forth in this bill will act and react upon the different services that are provided for in the common bill that was passed a few years ago.

Mr. ANDREW. The gentleman knows there are no other warrant officers or commissioned warrant officers in any other branch of the service except those that are comprised in this bill?

Mr. FRENCH. Oh, no; but this is what I also know; there are men in the other services who have ranks and ratings of comparable character. The gentleman knows that, and we do not need to say that we must carry the name "warrant officer" in some other service in order to find comparable work. We do have, as I say, comparable ranks and ratings in other departments and other services, and it is because of this that we ought to give consideration to the whole thing as one subject.

May I just follow that up with this suggestion? The very last paragraph, section 4, provides:

> That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits, including the benefits of the act of June 10, 1926 (44 Stat. L., p. 725), that any person now in the service is receiving at the date of the passage of this act.

Mr. ANDREW. The gentleman, of course, knows that a similar saving clause appears in every such pay act?

Mr. FRENCH. That is precisely what I wanted to emphasize, but the gentleman's interruption makes it unnecessary for me to do so. This saving clause will be used as a fulcrum to lift up everyone else who may be discovered to be below the highest paid. In other words, you put what you call a most favored provision in here that no one, if you change the law, is going to have his condition made worse by anything that may be passed subsequently. I am glad the gentleman interrupted me to say that that same clause is carried in all bills of this character. Of course it is, and that is the vice of it. It ought not to be carried.

Mr. ANDREW. The gentleman understands this is not permanent legislation and that it only refers to possible isolated cases of men at the present time in the service who might, perhaps, be receiving something more than is provided by this act but that it lapses when these men have passed on.

Mr. FRENCH. Of course it does; but as long as these persons are in the service this language will be pointed to as an element of a contract made by the Government, made by the Congress, with every person who is a beneficiary under the act.

Mr. ANDREW. And so far as the department knows there are very, very few who would possibly be affected by that provision, and they would be affected only temporarily.

Mr. BLANTON. Will the gentleman from Idaho yield?

Mr. FRENCH. Yes.

Mr. BLANTON. Is this a real or just a sham battle that is going on over there across the aisle?

Mr. FRENCH. I do not know what it is on the other side, but from my standpoint it is a very real one, and from my standpoint I think this House would make a most serious mistake if it passed this measure and did not provide now or at some near time that a joint committee should consider any inequalities that exist in the measures that were the result of the work of the joint committee.

Mr. BLANTON. When the gentleman from Idaho starts a real fight they usually do not sit him down so quickly; but I did notice that the gentleman from Massachusetts sat him down.

Mr. FRENCH. The gentleman from Idaho was not aware of that, and I want to say to the gentleman from Texas that I am tremendously in earnest in urging this thought upon the Congress. It is going to plague this Congress and succeeding Congresses if this measure shall become a law.

Mr. BLANTON. And that is so as to all these other bills that have come from the committee.

Mr. GIFFORD. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GIFFORD. I wish to say that I sympathize with the gentleman in his remarks—that some time later on we might find other services comparable with these warrant officers. However, I have lying on my desk—and most of us have them—instances of inequalities brought to our attention, and we must dig into all activities of this great Government in order to see whether these complaints are justifiable from a comparative standpoint. We must study grades P–4 and P–5, and so forth, and all other things that might possibly be comparable with these grades.

Our experience thus far has been that these general classification propositions have done much injustice to many by wrong interpretation as to their grades. Now, is not your proposition altogether too large for us to be expected to follow up in order to get justice for a constituent who may be in the Government service?

Mr. FRENCH. Just a word in reply to what the gentleman has said. The gentleman knows that the very way in which this Congress functions is an answer in itself to the question as to whether or not we ought to refer to everything that is kindred every time an inequality exists in the Government service. On the other hand, it is the experience of this Congress, it is the experience of all Congresses, that when we attempt piecemeal to adjust the salaries and living conditions and the emoluments of people doing somewhat similar work in different services or in different departments with a different presentation of the subject matter to the House we do an injustice against some, we overcare for some, we probably undercare for others, and the result is a lack of harmony, a lack of unity, that in itself calls for new legislation to be proposed to right an alleged wrong.

Mr. BRITTEN. Will the gentleman yield?

Mr. ANDREW. I yield to the gentleman.

Mr. BRITTEN. Mr. Chairman, I think in part at least, and in a goodly part, the suggestions that have just been made to the House by the gentleman from Idaho [Mr. FRENCH] are very well taken, and the Committee on Naval Affairs has followed his ideas within the past 48 hours. We have before us a pay increase bill affecting certain officers in the line of the Navy which would increase their pay approximately $800,000 a year.

Upon looking into this bill—and it is a very good and a very just bill affecting the unmarried officers—we found also, as the gentleman from Idaho has just suggested, that this bill would affect line officers of corresponding relationship in the Army, the Coast Guard, Coast and Geodetic Survey, the Public Health Service, and one other service, and would entail a considerably greater expense on the Treasury than was indicated in the bill before us. The suggestion was immediately made by several members of the committee that the thing to do was to introduce a resolution providing for a joint committee, as suggested by my friend from Idaho, with a view to revising all of the pay schedules in the various services affected by the 1922 pay act, which is under discussion right now.

But, my good friends, that joint board or joint committee should not necessarily take charge of a condition like the one presented to the House to-day, a specific condition where the 1922 act, by inadvertence if you please, or by decision of the comptroller, if you please, did an injustice to a certain group of men in the lower ranks.

This has been going on for six years. These men have been discriminated against for six years. Surely no one will suggest in all seriousness, unless their sole desire is to defeat this legislation, and I do not attribute that desire to the gentleman from Idaho, that we do nothing with this bill until a joint committee has been authorized. They would meet some time in 1929, report some time in 1930 or 1931, and then these injustices may be remedied.

Mr. GREEN. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. GREEN. If such a joint committee happened to be appointed after the passage of this bill, it could still go into the matter. I do not see why we should hold up our bill, because if the joint committee wants to act later, it can act.

Mr. BRITTEN. Of course. This bill is not on all fours with the suggestion for a joint committee at all.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BRITTEN. I yield to the gentleman.

Mr. ABERNETHY. As I understand, what the committee is now doing is to take care of the men who have come up from the ranks.

Mr. BRITTEN. And are still in the ranks.

Mr. ABERNETHY. Men who have worked their way up from the ranks.

Mr. BRITTEN. They are men who have been in the enlisted service for 12 or 15 years and have become warrant officers.

Mr. ABERNETHY. I will ask the gentleman if he did not file his report on this bill in May and if the matter has not been on the calendar of this Congress since May, and has not the committee gone into the matter thoroughly?

Mr. BRITTEN. Yes.

Mr. JOHNSON of South Dakota. Will the gentleman yield to me for a statement rather than a question.

Mr. BRITTEN. I would rather yield for a statement when I have finished my statement.

Mr. JOHNSON of South Dakota. Very well; I will ask for recognition then.

Mr. BRITTEN. How does this bill happen to be before us? The Navy Department itself has recognized the injustice to these men. The Navy Department prepared this bill. It sent the bill to the Speaker of the House, who transmitted it to the Committee on Naval Affairs, where it was printed and where hearings were held. Subsequent to that the Secretary of the Navy—and he is a part of the administration just as much as the Director of the Budget—sent a copy of this bill to the Director of the Budget with a view to getting his report on it, just as the gentleman from Idaho says reports are received on all legislation affecting the Treasury. We are still waiting a reply from the Bureau of the Budget. We do not know what that report will be, but we do know that the Navy Department is anxious to remedy a mistake. We do know that the Navy Department has promoted certain legislation to do that very thing. What difference does it make, if a mistake has been made, whether we have a report from the Bureau of the Budget or not? I say that is unimportant.

I think I have covered the subject pretty thoroughly, Mr. Chairman. A mistake has been made. These men have been getting the worst of it for six years, and it is now up to the House to remedy the situation without waiting for a so-called joint committee to go into the entire pay question again, which may take three or four years.

Mr. ANDREW. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, in 1924 I happened to have as acquaintances two commissioned officers of the Navy. One of them was a graduate of Annapolis. Another one had come up through the ranks. They held the same commissions. I found to my intense surprise that the graduate from the Naval Academy was receiving a great deal more pay than the one who had come up from the ranks as a warrant officer.

Therefore, in 1924, I introduced the first bill looking to correct this inequality. I knew these two men personally and I knew that such a situation did not exist in other branches of the Government. For instance, if two men are officers in the Army and one of them secures his commission, not going through West Point but coming up from the ranks, he gets exactly the same pay as any other officer of equivalent rank and grade, and the Navy is the only part of the military or armed forces of the Government, so far as I know, where this distinction which this bill will correct is made.

The law as it now exists is manifestly unfair. I happen to have been a Member of the House at the time we passed this pay revision act in 1922, and I know perfectly well, as everyone here knows, that this matter was never called to the attention of the House or the Senate. It is not the intention of the Congress that men should have the same rank and receive different pay because they have come into the service in different ways.

It is just as absurd as if a Member of Congress who came in through a primary and another through a caucus were to receive different amounts of pay—paid on a different basis. The Navy Department in the beginning did not favor the bill that I introduced in 1924. But the equities of the case were such that the Navy Department has indorsed this bill, because it knows that justice is not being done between the two classes of men. It is not right that one who fights his way up to a position and another who gets in by appointment to Annapolis and gets his education should be paid different compensation. I think that is all that can be said concerning the bill.

I yield back the balance of my time.

Mr. JAMES. Has the Committee on Naval Affairs taken any action on the Hale bill?

Mr. VINSON of Georgia. Last Thursday the committee took up the bill, but the gentleman was sick, and the question now is before the committee whether it shall be considered by a joint committee.

Mr. JAMES. The committee has taken no action whatever?

Mr. VINSON of Georgia. No.

Mr. JAMES. Does not the gentleman think that any proposition affecting both the Army and the Navy should be considered by a joint committee of the Committee on Military Affairs and the Committee on Naval Affairs?

Mr. VINSON of Georgia. That was the thought in my mind when I suggested to the committee that a joint committee consider the question of pay between the Army and the Navy.

Mr. BRITTEN. Will the gentleman from Massachusetts yield me a minute?

Mr. ANDREWS. I yield to the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, I desire to correct for the RECORD the remarks I made a moment ago. I have just talked with the Judge Advocate General with a view of refreshing my memory as to the statement I made about the bill. I find that it was drawn in the Navy Department by line officers and warrant officers. It was sent to the Bureau of the Budget by the Secretary of the Navy and has not been transmitted to the Speaker of the House by the Secretary of the Navy, as I stated a moment ago. I desire to make that correction, because in the past, during the 15 years of my service on the committees we have enjoyed the utmost confidence of the House. The committee is going to deal frankly with the House on every question. As suggested by the gentleman from New York [Mr. SNELL], we are not going to have "any niggers in the woodpile." We welcome free and open debate on every bill.

Mr. GARNER of Texas. What did the Budget report?

Mr. BRITTEN. The Budget has not yet reported to the Secretary of the Navy.

Mr. ANDREW. Mr. Chairman, I yield two minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, in anything I have said I want a distinct understanding that I did not reflect on the confidence that the House has in the Committee on Naval Affairs. I have perfect respect for that committee. On the other hand, my criticism goes to the matter of considering this type of legislation by piecemeal. I do not think the subcommittee, of which I am chairman, ought to do it; and I do not think the subcommittee of the Committee on Military Affairs, of which the distinguished gentleman from Pennsylvania [Mr. MORIN] is chairman, ought to consider similar bills. I think the whole subject is one that ought to be handled by a joint committee.

Mr. BRITTEN. I appreciate the gentleman's feelings, but I do not consider this as piecemeal legislation at all; I consider it as remedial. It corrects a mistake. It is not piecemeal legislation at all.

Mr. WOODRUFF. I would like to ask the gentleman a question. Are there any comparable ranks in other services which are discriminated against as in this?

Mr. BRITTEN. Not as far as I know.

The CHAIRMAN. The time for debate has expired, and the Clerk will report the bill for amendments.

The Clerk read as follows:

SEC. 2. That section 7 of said act is hereby amended by substituting a colon for the period, volume 42, Statutes at Large, page 629, line 4, and adding the following proviso at the end of said paragraph:

"Provided further, That when the total base pay, pay for length of service, and allowances for subsistence and rental of quarters authorized in this act for any commissioned warrant officer shall exceed $5,000 a year the amount of the allowances to which such officer is entitled shall be reduced by the amount above $5,000, and the pay and allowances of a commissioned warrant officer receiving the pay and allowances of the second pay period shall not exceed $3,158 a year for the first three years of commissioned service, $3,258 a year for the next three years of commissioned service, $3,358 a year for the next three years, and $3,458 a year for from 9 to 10 years' commissioned service."

Mr. FRENCH. Will the gentleman yield for a question? I do not know that this language is wholly clear where it provides that the amount paid to warrant officers shall be $5,000.

Mr. ANDREW. It says that the pay and allowances shall not exceed $5,000.

Mr. FRENCH. What is the effect of the language following:

The amount of the allowances to which such officer is entitled shall be reduced by the amount above $5,000—

And so forth.

Mr. ANDREW. That is to say that he shall have his successive increases in longevity pay as they approach the $5,000, and the reduction shall be in the allowances, so that in the aggregate—and this is only possible in the last 10 years of a commissioned warrant officer's service—his total pay and allowances would not exceed $5,000. Under the longevity system every three years his pay increases by 5 per cent of the base pay of that period.

Mr. FRENCH. Then, notwithstanding what the longevity might suggest, the total amount of pay and allowances shall not be in excess of $5,000.

Mr. ANDREW. Shall never be in excess of $5,000.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That section 10 of said act is hereby amended by striking out, in paragraph 1, lines 1, 2, 3, 4, and 5 of said paragraph, volume 42, Statutes at Large, page 630, the following:

"That on and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service at sea, $153; on shore, $135; during the second 6 years of service at sea, $168; on shore, $147; after 12 years' service at sea, $189; on shore, $168," and inserting in lieu thereof the following:

"That hereafter the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service, $153; during the second 6 years of service, $168; after 12 years' service, $189."

With the following committee amendment:

Page 3, line 23, add a new section, as follows:

"SEC. 4. That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits, including the benefits of the act of June 10, 1926, Forty-fourth Statutes at Large, page 725, that any person now in the service is receiving at the date of the passage of this act."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, add the following:

"SEC. 5. That hereafter officers of the Navy and Marine Corps, without dependents, on sea duty shall receive the same pay and allowances as are paid officers of the same rank and service with dependents."

Mr. BRITTEN. Mr. Chairman, I make the point of order against the amendment that it is not germane. This affects line officers of commissioned rank, and the bill before the House does not affect them at all. It affects only the warrant grades.

Mr. LAGUARDIA. Mr. Chairman, I do not think it is necessary to be heard at length in reply to the reasons urged by the gentleman from Illinois [Mr. BRITTEN]. The purpose of this bill is to amend the pay act of 1922. My amendment is likewise in effect an amendment to one of the provisions of the act of 1922. The bill before the House amends not less than four provisions of the act of 1922. Therefore this being a bill generally for the amendment of the pay act of 1922, an amendment offered from the floor which would amend another section of that law is clearly germane.

Mr. CHINDBLOM. Mr. Chairman, I think the precedents of the House will bear out the proposition that the test is not what is the scope of the law which is amended, but what is the scope of the amendments that are proposed by the committee or by Members offering them from the floor. In other words, the fact that this bill amends an act which covers a large number of subjects would not make germane an amendment covering subjects other than those actually included in the amendments proposed to the act by the bill under consideration.

Mr. LAGUARDIA. The gentleman may be right when he says an act containing various subjects, but an act containing one subject having to do solely with the pay of the Navy and Army surely can not be said to be an act containing many subjects.

Mr. BRITTEN. Mr. Chairman, the gentleman from New York cites the pay act of 1922. The only place where that is used in this bill practically is in the caption. This bill itself does not have any effect upon the salaries, pay, and allowances of line officers of the Navy. The bill provides only for pay and allowances for warrant officers in the Navy. The amendment suggested by the gentleman deals with an entirely different set of officers. It is true that they all came under this act of 1922, but no one would reason that an amendment to this bill providing for certain increases in pay for Coast Guard officers of the line would be in order. An amendment to this bill affecting Army officers would be out of order, and yet the pay act of 1922 takes in not only all of these various corps but takes in the line as well as the warrant officers and every character of commissioned and noncommissioned officers. I make the point of order.

The CHAIRMAN. The Chair feels constrained to hold, though not having any considerable time to examine the precedents, that the amendment offered by the gentleman from New York is not germane. It seeks to bring within a certain class others than the class which is contemplated in the bill, which refers to warrant officers. The Chair, therefore, sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I have no quarrel with the ruling of the distinguished chairman, and while the decision may be very close, I can see the danger of confusing a bill by inserting amendments perhaps that are not as closely related as the main purpose of the bill. But again I want to call the attention of the House to the conditions existing in the Navy, brought about by the pay act of 1922, which provides for certain allowances in case of sea duty and discriminates against officers who do not happen to have dependents of record. It has created a great deal of dissatisfaction. There is discontent in the Navy now, and even the officers who benefit by this law feel that there is this discrimination against their brother officers and are in favor of removing any such discrimination. It was suggested by the chairman of the committee on Naval Affairs that a joint committee would take this matter up.

But permit me to suggest that a joint committee moves very slowly and necessarily so, and before it would be possible to get the joint committee to function it may be necessary to wait for the convening of the next Congress before we can get any legislation to remove existing conditions in the Navy, and it may be 1931 or 1932. Now, you gentlemen who have the interest of the Navy at heart, and whatever Navy we have we want the personnel of the Navy treated properly and the morale to be as high as it can possibly be brought. I say this matter ought to be corrected, that the attention of the Committee on Naval Affairs ought to be given to the removal of this discrimination, and it should not be necessary to wait for a report of a joint committee. I am sure when all the facts are brought to the attention of the leadership of this House, when it is shown that men in command of ships, with the greater number of years of service, with higher rank, are receiving less pay than their subordinates on the ship, you will have no trouble to bring about a change during this session of Congress.

Mr. MAAS. What is a dependent not of record?

Mr. LAGUARDIA. I can tell the gentleman; not what the gentleman has in mind at all. There are officers of the Navy who have dependents, relatives, but still not a dependent of record within the meaning of the comptroller, but for whom they are responsible nevertheless.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. ANDREW. Mr. Chairman, I move that the committee do now rise and report the bill with the committee amendment with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12032, had directed him to report the same back to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ANDREW. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ANDREW, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPOINTMENT OF CHAPLAINS IN THE NAVY

Mr. WOLVERTON. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill H. R. 13414.

The SPEAKER. The gentleman from New Jersey calls up a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy

Be it enacted, etc., That section 1396 of the Revised Statutes of the United States is hereby amended by striking out the words "A chaplain" in the first line thereof and substituting therefor the words "An acting chaplain," so that said section will read as follows:

"An acting chaplain shall not be less than 21 nor more than 35 years of age at the time of his appointment."

Mr. WOLVERTON. Mr. Speaker, the purpose of this act is to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy.

It is sought to strike out the words "a chaplain" and insert in place thereof the words "An acting chaplain," so that said section will read as follows:

An acting chaplain shall not be less than 21 nor more than 35 years of age at the time of his appointment.

This change has been considered by the Naval Affairs Committee and received its approval and also has the approval and recommendation of the Navy Department.

The necessity, or at least the advisability, of this change arises from the fact that at the present time there is no provision in the law fixing the age limit for appointment to acting chaplain.

The original act of 1862 provided for the appointment of chaplain only and fixed the age limit as 21 to 35 years.

In 1914 an act was passed providing for the appointment of acting chaplains, but not fixing any age limit, but requiring three years' sea service before he could be appointed to chaplain and advanced in rank with his line running mate.

These latter requirements often resulted in an acting chaplain not reaching the time for advancement to chaplain until after he had passed the maximum age of 35 years, and beyond which he could be appointed chaplain, and therefore must continue an acting chaplain or drop out of the service.

Since the original intention of Congress was undoubtedly to fix a maximum age limit for entry into the Corps of Chaplains and in view of the fact that all applicants for appointments must now enter in the grade of acting chaplain, a grade not in existence at the time of enactment of the original law, it seems both natural and proper that the original intention fixed 66 years ago should likewise apply to the appointment of acting chaplain.

Mr. McKEOWN. Mr. Speaker, I want to be recognized in opposition to the bill.

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Oklahoma?

Mr. McKEOWN. I desire to be recognized in my own right.

The SPEAKER. The gentleman from Oklahoma is not entitled to recognition. This is a House bill. The gentleman from New Jersey is entitled to an hour.

Mr. WOLVERTON. How much time does the gentleman desire?

Mr. McKEOWN. Not over 10 minutes.

Mr. WOLVERTON. I have no objection to the gentleman using 10 minutes.

The SPEAKER. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, I have no serious objection to this bill, because I know very little about the question of the appointment of chaplains in the Navy. The thing I want to call to the attention of the House is this, that I am opposed to fixing an age limit of 35 years for gentlemen who are to be appointed as acting chaplains in the Navy. I oppose the tendency in America to establish an age limit where men, however efficient, are not longer eligible to be appointed to positions under the Government.

I stood on a vessel returning from the war carrying New Zealand troops, and I met a man who was 55 or 60 years of age who was the chaplain of a regiment. He had taken his four sons over to France. He was bringing three of them back, and he had left another one over there. Why put an age limit on the appointment of men who look after the spiritual welfare of our boys in the Army and our jackies in the Navy? When men have reached mature ages they are, in my judgment, all the better fitted to fill positions of this kind.

To-day, industry, when it sees a man 45 years of age, says, "We do not want you." We are throwing our aged people into the discard. America ought to awaken to the fact that we are not giving due consideration and proper opportunity to the men who are growing older. The industries are casting out the old men. A man goes into the oil field of Oklahoma to-day, for example, and asks for but a small employment. The first question they propound to him is, "What is your age?" His answer may be, "I am 46 years old." The reply will be, "We can not use you."

In other industries it is the same. Why, my friends, I am not able to say whether industry is wise in that or not, because they are doubtless trying to make as much money as they can. But I wanted to call your attention to the fact that in this country we are fast neglecting our old men, and it is a most distressing sight to me to see old men going about the streets with a little push-cart or a little peanut-roasting stand or a popcorn stand trying to make a living.

You ought to do either one of two things. You either ought not to shut the door on the man able and willing to work, giving him opportunity to make a living, or you ought to make some wise provision, such as other civilized countries throughout the world make, to take care of our older men.

I am calling attention to this because we are passing along now in a hurry in America. We might look to China and to some other countries that we do not call fully civilized and there find some very fine examples of how to treat the aged. I take the opportunity on this bill to call your attention to the situation of these old men in America who are ready and willing and anxious to work, and who need the work, and yet who, because they have reached a certain age limit, are cast aside and discarded. It is true in all employments under the National Government. We have a civil-service rule to the effect that a man past 45 years of age can not be appointed in the civil service; and yet some of the most efficient men in the Government service to-day are men who are past 45 years of age and are rendering better service to-day than many men under that age.

If a man who is past 45 years of age, and is in the employment of the Federal Government, can render magnificent service and better service, why is not a man who is 45 years of age capable of being put into the service?

I just wanted an opportunity to make this statement, and I thank the gentleman from New Jersey [Mr. WOLVERTON] for his courtesy in yielding me time to call attention to the fact that an arbitrary age limit of 35 years for the appointment of a chaplain is all wrong and that we ought not to continue to shut the door to men because they have passed a certain age limit. A man's ability to work and his capability ought to be the measure by which you could employ him. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WARRANT OFFICERS

Mr. MILLER. Mr. Speaker, on behalf of the Naval Affairs Committee I call up H. R. 5713, to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy or as warrant or commissioned officers in the United States Naval Reserve Force for purpose of promotion to chief warrant rank, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of computing the six years' service required for promotion from warrant to chief warrant rank, all active service, for purposes other than training heretofore rendered during the period from April 6, 1917, to December 31, 1921, under a temporary appointment as a warrant or commissioned officer in the United States Navy, or as a warrant or commissioned officer in the United States Naval Reserve Force, shall be counted.

With the following committee amendment:

On page 2, line 2, after the word "counted," strike out the period, insert a colon, and add the following proviso:

"*Provided*, That officers who have heretofore been commissioned chief warrant officers shall for all purposes be regarded as having been so commissioned from the date of completion of such six years' service, including the service authorized to be counted by this act: *Provided further*, That no back pay or allowances shall be held to have accrued prior to the passage of this act."

Mr. MILLER. Mr. Speaker and gentlemen of the House, this is another of those bills that will remedy injustices to warrant officers and commissioned warrant officers, the backbone of the naval service. About 30 years ago we passed a law providing that there should be six years of active service in the rank of warrant officer before a man could be promoted to the rank of commissioned warrant officer. During the war many of these men were placed in the service as commissioned officers and they served in other ranks superior to the rank they held in the regular service in peace time. The purpose of this bill is to allow that service to apply on the six years' service that they have to serve before they are eligible for promotion under the act of March 3, 1899. It is a bill which the Navy Department urgently recommends to the Congress in order to remedy this discrimination against these officers. It is approved by the Director of the Budget and comes before the House with the unanimous report of the Committee on Naval Affairs.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO THE NAVAL APPROPRIATION ACT FOR THE FISCAL YEAR ENDING JUNE 30, 1922

Mr. WOODRUFF. Mr. Speaker, by direction of the Committee on Naval Affairs I call up H. R. 5491, to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, Union Calendar No. 416, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso under the heading "Contingent, Bureau of Ordnance," contained in the naval appropriation act approved July 12, 1921 (42 Stat. L., p. 128), is hereby amended to read as follows:

"*Provided further*, That hereafter no money appropriated for ordnance or ordnance material or material purchased therewith shall be used for any other purpose than that for which the appropriation was made, except that this provision shall not apply to used or obsolescent material which is no longer needed for the purpose for which originally acquired."

Mr. WOODRUFF. Mr. Speaker, this bill is to amend the naval appropriation act of 1921, which provided that materials purchased for ordnance purposes in the Navy could not be disposed of or used for any other purposes except those stated in the bill. The purpose of the bill which is before the House at this time is to permit the transfer of such used or obsolescent material as the Navy may have to some other department of the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS FOR RETAINER PAY

Mr. MILLER. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up H. R. 5617, to limit the date of filing claims for retainer pay, Union Calendar 431, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That no claim for retainer pay which accrued to enrolled members of the Naval Reserve Force or Marine Corps Reserve prior to July 1, 1925, shall be allowed unless such claim shall have been filed with the General Accounting Office within one year from the date of this act.

SEC. 2. No advance payment to assigned members of the Fleet Naval Reserve or Marine Corps Reserve, no payment of compensation for the performance of drills, equivalent instruction or duty, appropriate duty or for administrative functions, nor any payment for uniform gratuity accruing to members of the Naval Reserve or Marine Corps Reserve subsequent to July 1, 1925, shall be made upon any claim unless such claim shall have been filed with the General Accounting Office within three years from the expiration of the quarter in which the right to such payment accrued.

SEC. 3. The provisions of this act shall not apply to members of the Fleet Naval Reserve or Fleet Marine Corps Reserve, transferred, thereto after 16, 20, or more years' service in the regular Navy or Marine Corps.

With the following committee amendment:

Page 2, line 7, after the word "accrued," strike out the period, insert a colon, and add the following proviso: "*Provided*, That no claim shall be debarred if submitted within one year from the date of the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DEPENDENTS OF OFFICERS AND MEN ON THE SUBMARINE "S-4"

Mr. WOODRUFF. Mr. Chairman, by direction of the Naval Affairs Committee I ask unanimous consent to take from the Private Calendar the bill (H. R. 13542) to authorize the payment of the sum of $2,500 to the dependents of the officers and men who lost their lives on the submarine *S-4*, and consider the same.

The SPEAKER. The Chair will ask the chairman of the committee whether all the bills mentioned yesterday have been considered.

Mr. BRITTEN. Mr. Speaker, all the bills referred to yesterday have been called up and passed.

The SPEAKER. And this is the last bill intended to be called up to-day?

Mr. BRITTEN. Yes.

The SPEAKER. This bill is on the Private Calendar, and its consideration will require unanimous consent.

Mr. WOODRUFF. The bill is on the Private Calendar, and for that reason I ask unanimous consent for its present consideration, Mr. Speaker.

Mr. FRENCH. Mr. Speaker, may the bill be reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in recognition of the hazardous service performed by the officers and men of the submarine *S-4*, which services were of a character which has since been recognized as worthy of increased compensation, the Secretary of the Treasury of the United States is authorized and directed to pay, from any money in the Treasury, not otherwise appropriated, the sum of $2,500 to the widow or widowed mother, or other dependent provided the dependency be satisfactorily established, of the officers and men who lost their lives in the sinking of that vessel on December 17, 1927.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FRENCH. Mr. Speaker, reserving the right to object, it is a difficult thing for a Member to impose an objection or even suggest anything that is not in harmony with this bill, but I would like to ask the gentleman, a member of the committee, if the committee has gone into the question of other accidents and disasters of this kind where dependents are left, and whether the gentleman knows what the practice has been in the past with regard to them.

Mr. WOODRUFF. I do not think there has been another accident of exactly this character in the Navy. It would be well for the Members to remember that the sinking of the *S-4* was due to a collision between two Government ships. In the case of the sinking of the *S-51*, it resulted from a collision between a submarine and a commercial vessel. In the latter case it is possible for the dependents of the men who lost their lives to take the corporation owning the particular ship into court and secure damages. Obviously, inasmuch as the sinking of the *S-4* was due to a collision between two Government ships, that door is not open to the dependents of the men who lost their lives. There are only 40 men involved. Dependency must be proven and the money can go only to a man's mother, wife, or dependent child. The bill has been given very careful consideration by the Naval Affairs Committee and it is the unanimous opinion of the committee that the bill should pass. I hope no one will object.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. VINSON of Georgia. I will state to the gentleman from Idaho, following the statement of my colleague, the gentleman from Michigan [Mr. WOODRUFF], that his bill has the indorsement of the committee, that the theory upon which the Naval Affairs Committee acted in reporting this bill is based upon the fact that Congress, immediately after the accident of the *S-51*, saw fit to increase the compensation of the officers and men in the submarine service on account of the hazardous service. This accident occurred some time previous to the accident of the *S-51*. Therefore all officers and men in the submarine service now receive a larger allowance than heretofore on account of the hazards of their occupation, so the committee felt that in view of the position which the Congress had taken with reference to increasing the compensation of all

others in the submarine service, that the dependents of those who were killed by the accident of the *S–4* should be compensated. Of course, the officers and men of the *S–4* did not receive the additional compensation and the committee felt that inasmuch as Congress had established this policy on account of the risk of submarine operation, and inasmuch as these men lost their lives before we adopted the policy, their families should have the benefit of the legislation now proposed. This is the theory of the bill.

Mr. GARNER of Texas. May I make a suggestion to the gentleman from Idaho? The gentleman is a guardian of the Treasury, and very properly and very efficiently so. If this bill is not passed and a bill goes before the Claims Committee and they report such a bill for five or ten thousand dollars, I doubt whether the Congress would turn down a bill of that character, and there would be a number of such bills because there were 40 men involved.

Mr. SCHAFER. The Claims Committee would not report out such a bill for five or ten thousand dollars when we consider the precedents of that committee.

Mr. GARNER of Texas. I can not speak for the Claims Committee like the gentleman, but I know some bills have been reported that I do not think had any more merit than one of these bills would have, and in the interest of economy, as well as justice to these people, it seems to me that $2,500 would be a proper compensation.

Mr. BRITTEN. If the gentleman will permit, what the gentleman has just stated has already occurred, with the exception that the matter has not gone to the Claims Committee. We have pending before our committee now a bill for the relief of Hattie Harris, one of the dependents of one of the boys on the *S–4*, carrying $10,000. We have another bill calling for $10,000 for the benefit of Blanche Burkhart Strange. There will be others that will follow, all involving $10,000, and I agree with the gentleman from Texas [Mr. GARNER] that this bill is very largely in the interest of economy in addition to being a very humane measure.

Mr. DOMINICK. Mr. Speaker, reserving the right to object, I want to add to what has been said by the gentleman from Texas and the gentleman from Illinois, that I am the author of the private bill for the relief of Hattie Harris, and at the hearing it was suggested by the Committee on Naval Affairs that possibly all were entitled to relief, and I concur in that suggestion.

I am satisfied, as suggested by the gentleman from Texas, that had my bill gone before the Committee on Claims they would have allowed at least $7,500, which is the usual amount allowed in death claims. There is no doubt of negligence somewhere on the part of the Government in this matter.

These men were in the submarine, where they not only had a right to be but where they were required to be, and while the findings of the court of inquiry as to this accident were not approved in toto by the naval board, yet the actual findings of the court-martial stated that that accident on the *S–4* was caused by the negligence of both the captain commanding the submarine and also the commanding officer of the Coast Guard cutter which rammed the submarine.

The facts are set out and it is clearly a case of negligence as I read the summary of the report; and the only reason it was not approved by the Secretary of the Navy was that he did not want to pass an aspersion on the commander of the submarine that had gone down with the boat.

Mr. SCHAFER. If one of the marines engaged in the war in Nicaragua was shot and killed, he would be just as dead as any member of the crew of the submarine, and his dependent wife would receive $12 a month pension and his minor children would receive $2 a month under the general pension law, because that is the only law applicable to that case. I think that instead of bringing in this bill the Naval Affairs Committee should bend their efforts toward raising the rates under the general pension law so as to give equal and proper relief in all cases where members of the Army, Navy, or Marine Corps are killed or injured in line of duty. I shall not object to this bill, but I want to call the attention of the House to the injustice of the existing general law pension rates.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. WELSH of Pennsylvania. Do the dependents of these unfortunate men know that by this bill they are estopped from further claim?

Mr. WOODRUFF. I do not know that there is anything in the bill that would estop them from making further claim. I think that they will be well satisfied. If they make a claim which is referred to the Naval Affairs or Claims Committees, it will be two or three years before they can get action.

Mr. TILSON. How much would they get before the Committee on Claims in the ordinary procedure?

Mr. WOODRUFF. I can not state that.

Mr. GARNER of Texas. Five thousand dollars.

Mr. SCHAFER. Any claim for relief by these dependents would not go to the Committee on Claims.

Mr. WOODRUFF. It would go to the Committee on Naval Affairs.

Mr. WELSH of Pennsylvania. Mr. Chairman, I object to the present consideration of the bill.

Mr. FRENCH. Mr. Chairman, I also object to the present consideration of the bill.

THE PANAMA RAILROAD CO.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Seventy-ninth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 12, 1928.*

INVESTIGATION OF BATTLE FIELDS

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with section 2 of the act of Congress to provide for the study and investigation of battle fields in the United States for commemorative purposes, approved June 11, 1926, I transmit herewith a report by the Secretary of War of the progress made under the said act, together with his recommendations for further operations.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 12, 1928.*

INAUGURATION OF THE PRESIDENT

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules, on arrangements for the inauguration of the President elect of the United States on the 4th of March next.

The report was referred to the House Calendar and ordered printed.

CELEBRATION AT KITTY HAWK

The SPEAKER. Under the authority of House Joint Resolution 322, to appoint a committee to attend the celebration at Kitty Hawk, the Chair appoints the following Members:

Mr. PARKER, of New York; Mr. FREAR, of Wisconsin; Mr. GUYER, of Kansas; Mr. KINDRED, of New York; Mr. WARREN, of North Carolina; and Mr. CHAPMAN, of Kentucky.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. W. T. FITZGERALD, indefinitely, on account of illness.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1462. An act providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 3741. An act for the relief of S. L. Roberts; to the Committee on Claims.

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

ADJOURNMENT

Mr. BRITTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, December 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, December 13, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

For the relief of the Gilpin Construction Co. (S. 1530).

DISTRICT OF COLUMBIA COMMITTEE—INVESTIGATING SUBCOMMITTEE

(10.30 a. m.)

To consider prohibition enforcement in the District of Columbia.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

670. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to authorize the transfer to the line of the Navy of certain officers of the Construction Corps who are employed on aeronautical duties; to the Committee on Naval Affairs.

671. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Dennis Creek, N. J.; to the Committee on Rivers and Harbors.

672. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Schuylkill River, Pa., with a view to devising methods whereby the source of pollution caused by the settling of coal dust or culm may be removed (H. Doc. No. 469); to the Committee on Rivers and Harbors and ordered to be printed.

673. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Galena River, Ill.; to the Committee on Rivers and Harbors.

674. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Dry Pass, Alaska (H. Doc. No. 470); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

675. A letter from the Acting Secretary of Commerce, transmitting report that field officers of the Steamboat Inspection Service have reported the sale of 940 pounds of useless papers listed in House report No. 1714, Seventieth Congress, and the revenue received from the same was $3.15; to the Committee on Disposition of Useless Executive Papers.

676. A letter from the Comptroller General of the United States, transmitting special report relating to gasoline taxes collected by the District of Columbia on gasoline purchased for use by the United States; to the Committee on the District of Columbia.

677. A letter from the secretary of the United States Employees' Compensation Commission, transmitting report of the operations of the United States Employees' Compensation Commission for the fiscal year ending June 30, 1928 (H. Doc. No. 379); to the Committee on the Judiciary.

678. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1929, for an additional amount for the purchase of a site for a building for the Supreme Court of the United States, $268,741 (H. Doc. No. 471); to the Committee on Appropriations and ordered to be printed.

679. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1929, amounting to $3,305 (H. Doc. No. 472); to the Committee on Appropriations and ordered to be printed.

680. A communication from the President of the United States, transmitting record of a judgment rendered against the Government by the United States District Court for the Northern District of California, amounting to $11,556.60 (H. Doc. No. 473); to the Committee on Appropriations and ordered to be printed.

681. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1929, for the National Home for Disabled Volunteer Soldiers, for the construction and installation at the Pacific branch, Los Angeles County, Calif., of 3-story barrack buildings and utilities and appurtenances thereto, $1,050,000 (H. Doc. No. 474); to the Committee on Appropriations and ordered to be printed.

682. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1930, amounting to $198,300 (H. Doc. No. 475); to the Committee on Appropriations and ordered to be printed.

683. A letter from the Librarian of Congress, transmitting annual report of the Librarian of Congress, together with that of register of copyrights, for the fiscal year ending June 30, 1928 (H. Doc. No. 354); to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 14150. A bill to amend section 279 of the Judicial Code; with amendment (Rept. No. 1948). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. J. Res. 333. A joint resolution for the relief of Porto Rico; with amendment (Rept. No. 1949). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12897. A bill to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives; with amendment (Rept. No. 1950). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. S. Con. Res. 24. A concurrent resolution providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on March 4, 1929; without amendment (Rept. No. 1951). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 15265) providing a nautical school at the port of San Pedro, Los Angeles, Calif.; to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 15266) to amend the tariff act of 1922 in order to provide for a tariff on hides of cattle and horses; to the Committee on Ways and Means.

By Mr. GARBER: A bill (H. R. 15267) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. JOHNSON of Texas: A bill (H. R. 15268) amending the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. SANDLIN: A bill (H. R. 15269) to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H. R. 15270) to recognize seniority of service in promotions and assignments of clerks in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. KURTZ: A bill (H. R. 15271) authorizing the President of the United States to award in the name of Congress gold medals of appropriate design to Miss Amelia Earhart, passenger, and Wilmer Stultz and Louis Gordon, pilots; to the Committee on Coinage, Weights, and Measures.

By Mr. FISH: A bill (H. R. 15272) to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 15273) authorizing the Commissioner of Prohibition to establish a foreign intelligence unit to obtain information abroad which will lead to the apprehension of smuggled drugs, smugglers, and other violators of the Harrison Narcotic Act; to the Committee on the Judiciary.

By Mr. Black of New York: A bill (H. R. 15274) to amend the national prohibition act, the act supplemental to the national prohibition act, the Post Laws and Regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. DALLINGER: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KIESS: Resolution (H. Res. 260) providing for the consideration of H. J. Res. 333; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 261) amending clause 4 of Rule XI of the rules of the House of Representatives; to the Committee on Rules.

By Mr. LAGUARDIA: Resolution (H. Res. 262) favoring the ratification of the Kellogg peace pact; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15275) granting a pension to Margaret Adeline Douthit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to Nancy E. Stanley; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 15277) providing for the examination and survey of West Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: A bill (H. R. 15278) granting a pension to Rebecca A. Walter; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 15279) for the relief of the family of Wang Erh-Ko; to the Committee on Naval Affairs.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15280) granting an increase of pension to Mary J. Matha; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 15281) for the relief of Amos Gaul; to the Committee on Military Affairs.

Also, a bill (H. R. 15282) for the relief of Peter Guilday; to the Committee on Military Affairs.

Also, a bill (H. R. 15283) granting a pension to Emma C. Bragg; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15284) granting a pension to John S. McClanahan; to the Committee on Pensions.

Also, a bill (H. R. 15285) granting a pension to Mary Gallion; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 15286) granting a pension to John Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15287) granting an increase of pension to John H. Jackson; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15288) for the relief of Angelo Cerri; to the Committee on Claims.

Also, a bill (H. R. 15289) granting a pension to Alfred A. Abel; to the Committee on Pensions.

Also, a bill (H. R. 15290) granting an increase of pension to Conrad E. Nelson; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 15291) granting an increase of pension to Maria A. Finnegan; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla.; to the Committee on Claims.

By Mr. HILL of Alabama: A bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 15294) for recognition of meritorious service performed by Chief Gunner Clarence L. Tibbals; to the Committee on Naval Affairs.

By Mr. HUDDLESTON: A bill (H. R. 15295) granting an increase of pension to Allison D. McKinney; to the Committee on Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15296) granting a pension to Eliza Fox; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15297) granting an increase of pension to William McCrocklin; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15298) granting an increase of pension to Lucy J. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15299) granting an increase of pension to Tillie J. Smyser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) granting an increase of pension to Ella M. Reed; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15301) granting an increase of pension to Caroline Clements; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 15302) granting a pension to Americus Watt; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 15303) granting an increase of pension to Christopher C. Hamilton; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 15304) granting a pension to Sallie Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15305) granting a pension to Anna Mary Margaret Kerperin; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15306) granting a pension to Ida E. Russell; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 15307) granting an increase of pension to Robert J. Jones; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 15308) granting a pension to Catherine L. Lawrence; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 15309) granting an increase of pension to Ida Ballard; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 15310) granting a pension to Esther Spellman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15311) granting an increase of pension to Mary A. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15312) granting an increase of pension to Cora L. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15313) granting an increase of pension to Ruth M. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15314) granting an increase of pension to Sarah A. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15315) granting an increase of pension to Agnes R. Jacocks; to the Committee on Invalid Pensions.

By Mr. COHEN: A bill (H. R. 15316) granting an increase of pension to Isaac Adler; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 15317) granting an increase of pension to Snowden Jones; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 15318) granting an increase of pension to Barbara A. Stewart; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15319) granting an increase of pension to Cora E. Benadum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15320) granting an increase of pension to William Briney; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 15321) granting a pension to Dell Toy; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 15322) for the relief of Clara C. Talmadge; to the Committee on Claims.

By Mr. MACGREGOR: Resolution (H. Res. 259) to provide for a temporary assistant majority floor manager of telephones; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7959. By Mr. McCORMACK: Petition of New England Shoe and Leather Association, Thomas F. Anderson, secretary-treasurer, 166 Essex Street, Boston, Mass., urging early and favorable consideration of House bill 9195, providing for the removal of present quantity restrictions on imports of cigars and cigarettes from Cuba; to the Committee on Ways and Means.

7960. By Mr. WYANT: Petition of Jeannette Lodge No. 486, Benevolent Protective Order of Elks, favoring enactment of Senate bill 1727, providing for optional retirement after 30 years' service when age 63 years is attained; to the Committee on the Civil Service.

7961. Also, petition of Capt. George A. Cribbs Post, No. 276, Grand Army of the Republic, Greensburg, Pa., favoring pension legislation at the present session of Congress for the relief of aged and decrepit Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *December 13, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, fountain of life and light, whose tireless energy pervades the universe, enable us in our work to reflect some broken beam of Thy glory. Grant that we may accomplish our appointed tasks with a sense of ease and mastery, always conscious that we are greater than they, and so direct our efforts by Thy purpose that we may win for mankind that freedom and mutual trust which shall cause all nations, in the spirit of unity and abiding fellowship, to bring their honor and glory into Thy kingdom. Through Jesus Christ our Lord. Amen.

ROBERT M. LA FOLLETTE, Jr., a Senator from the State of Wisconsin, appeared in his seat to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy or as warrant or commissioned officers in the United States Naval Reserve Force for purpose of promotion to chief warrant rank;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13685. An act to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines; and

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month.

SENATOR FROM DELAWARE

Mr. BAYARD. Mr. President, I send to the desk a certificate of appointment from the Governor of the State of Delaware, designating Hon. DANIEL O. HASTINGS as a Senator from that State, which I ask may be read.

The VICE PRESIDENT. The clerk will read the certificate.

The certificate was read and ordered to be placed on file, as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known that I, Robert P. Robinson, Governor of the State of Delaware, according to the form of the act of the general assembly of said State, have appointed DANIEL O. HASTINGS to be a Senator of the United States, to serve as such Senator until the electors of the said State shall fill the vacancy caused by the resignation of Coleman du Pont, lately Senator from said State, in the Senate of the United States.

Given under our hands, in obedience to the said act of the general assembly and of the act of Congress, this 10th day of December, A. D. 1928, and of the independence of the United States of America the one hundred and fifty-third.

ROBT. P. ROBINSON.

By the governor:
[SEAL.]
CHARLES H. GRANTLAND,
Secretary of State.

Mr. BAYARD. Mr. President, Mr. HASTINGS is present, and I ask that he be sworn in at this time.

The VICE PRESIDENT. The Senator designate will present himself at the desk and receive the oath.

Mr. HASTINGS, escorted by Mr. BAYARD, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, his annual report covering activities of the Currency Bureau for the year ended October 31, 1928, which was referred to the Committee on Banking and Currency.

ANNIVERSARY OF FIRST AIRPLANE FLIGHT

The VICE PRESIDENT. Under the terms of the joint resolution (H. J. Res. 342) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., the Chair appoints the junior Senator from Connecticut [Mr. BINGHAM], the senior Senator from North Carolina [Mr. SIMMONS], and the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SIMMONS. Mr. President, much as I regret it, I find that I would not be able to attend the celebration, and I ask the Chair to appoint some one in my place.

The VICE PRESIDENT. The Chair will appoint in place of the senior Senator from North Carolina the junior Senator from South Dakota [Mr. MCMASTER].

Mr. OVERMAN. Mr. President, it will be a very great occasion and I should like to go, but it is impossible for me to do so at this time. As I desire the Senate to be represented on the occasion, I ask the Chair to appoint some one in my place.

The VICE PRESIDENT. The Chair will appoint the junior Senator from Alabama [Mr. BLACK] in place of the junior Senator from North Carolina.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13685. An act to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;* and

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines; to the Committee on Naval Affairs.

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Mr. BLEASE. Mr. President, I present resolutions adopted by the Wardens' Association of America meeting with the American Prison Congress, at Kansas City, Mo., in opposition to the Hawes bill with reference to prison-made goods, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *December 12, 1928.*

Senator COLE L. BLEASE,
Senate Office Building, Washington, D. C.

The Wardens' Association of America, meeting with the American Prison Congress, at Kansas City, Mo., in October, 1928, unanimously adopted the following resolution:

Whereas idleness in penal institutions is destructive of the physical, mental, moral and spiritual welfare of their inmates; and

Whereas productive labor under normal sanitary working conditions in penal institutions is a controlling factor in prison reformation, discipline, and order; and

Whereas there have been introduced, from time to time, bills in Congress and in the State legislatures, the effect of which, if enacted into law, would be to destroy or cripple the marketing of products of penal institutions and farms: Therefore be it

Resolved, That we are opposed to any and all State or Federal legislation that would directly or indirectly interfere with the production, manufacture, sale, or transportation of products of penal institutions; that we believe such legislation is unnecessary, unwise, and unfair to the penal institutions, and their inmates; be it further

Resolved, That a committee be appointed to keep in touch with all such proposed legislation and to protest to Congress and the State legislatures against its enactment.

We respectfully petition the Senate not to pass the Hawes-Cooper bill, H. R. 7729. We ask that it be referred to a committee and that we be permitted to appear before that committee.

Committee Wardens' Association of America:

E. J. Fogarty, chairman, superintendent Cook County Jail, Chicago, Ill.; R. M. Youell, superintendent Virginia State Prison, Richmond, Va.; A. H. McCauley, chairman board of directors South Carolina State Prison, Chester, S. C.; J. J. Sullivan, warden Minnesota State Prison, Stillwater, Minn.; T. P. Hollowell, warden Iowa State Prison, Fort Madison, Iowa; Elmer Greenn, warden Illinois Penitentiary, Joliet, Ill.; Archdeacon B. M. Spurr, chaplain West Virginia State Prison, Moundsville, W. Va.; John J. Hannan, chairman board of control, Madison, Wis.; George Jameson, superintendent South Dakota Penitentiary, Sioux Falls, S. Dak.; H. K. W. Scott, superintendent Connecticut State Prison, Wethersfield, Conn.; J. F. Thames, Mississippi Prison Commission, Jackson, Miss.; John Snook, warden Federal Prison, Atlanta, Ga.; P. J. Dugan, warden New Mexico State Prison, Santa Fe, N. Mex.; Lewis D. White, warden United States Federal Prison, Leavenworth, Kans.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Mrs. Blanche La Du, member Minnesota board of control, St. Paul, Minn.; Miss Margaret Elliott, superintendent Women's Prison, Indianapolis, Ind.; Warden Davis, Utah State Prison, Salt Lake City, Utah; F. E. Crawford, warden Colorado State Prison, Canon City, Colo.; Homer K. York, member of board of trustees, Marion, Ind.; Mrs. William Harrison Cade, board of welfare, 2506 Aubert Avenue, Chicago, Ill.; Ralph Howard, superintendent of Indiana State Farm, Putnamville, Ind.; William H. Harrison, director of penal institutions, Jefferson City, Mo.; John J. Burnet, industrial director, Jefferson City, Mo.

Mr. BLEASE. I also present a letter from the president of the South Carolina American Legion Auxiliary in reference to the so-called Kellogg treaty, which I ask the clerk to read and that it be referred to the Committee on Foreign Relations.

There being no objection, the letter was read and referred to the Committee on Foreign Relations, as follows:

AMERICAN LEGION AUXILIARY,
DEPARTMENT OF SOUTH CAROLINA,
Charleston, S. C., December 10, 1928.

Senator COLE BLEASE,
Washington, D. C.

DEAR SENATOR BLEASE: Representing 3,000 women (the American Legion Auxiliary, Department of South Carolina), I am writing protesting against the ratification of the Kellogg multilateral treaty or any other treaty until after the naval bill has been passed.

Please let me have an expression from you on these subjects for the information of my department.

With best wishes, I am very sincerely,

(Mrs. J. S.) WILLIE B. RHAME,
President Department of South Carolina,
American Legion Auxiliary, 58 Rutledge Avenue.

Mr. BLEASE. I also present resolutions adopted by Charleston Post, No. 10, of the American Legion, Department of South Carolina, which I ask may be read and referred to the Committee on Military Affairs.

There being no objection, the resolutions were read and referred to the Committee on Military Affairs, as follows:

Resolution duly adopted at regular meeting Charleston Post, No. 10, the American Legion, Department of South Carolina, November 14, 1928

Whereas in the preamble to the Constitution of the United States of America it is stated that one of the objects of the establishment of the Constitution is to "provide for the common defense"; and

Whereas the members of this post believe that this object is of as much importance to-day as it was when the Constitution was adopted: Now, therefore, be it

Resolved, That a copy of this resolution be sent to the Senators and Department of South Carolina, earnestly urges the Senators and Congressmen from South Carolina to exert their best efforts to see to it that we have an Army adequate for the defense of this country and that we have a Navy second to none in the world; be it further

Resolved, That a copy of this resolution be sent to the Senators and Congressmen from South Carolina, to the newspapers of the city of Charleston, all posts of the American Legion, Department of South Carolina, and all departments throughout the United States.

AUBREY E. DAVIS, *Adjutant.*

CHARLESTON, S. C., *November 14, 1928.*

Mr. FESS. Mr. President, Mrs. Atlee Pomerene, whose husband was once a very distinguished Member of this body, handed me a resolution adopted by the Women's Council for the Promotion of Peace. I ask unanimous consent that the clerk may read the resolution, and that it be referred to the Committee on Foreign Relations.

The resolution was read and referred to the Committee on Foreign Relations, as follows:

Whereas during the past 10 years the dominant desire of all thoughtful people has been to discover some means whereby permanent peace may be established; and

Whereas various efforts to democratize justice among the nations have culminated in the Kellogg multilateral treaty whereby "the high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another," and "agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means":

We, therefore, the women of the Women's Council for Promotion of Peace, appeal to you, Senator SIMEON FESS, our representative in the United States Senate, to adopt the multilateral treaty and work for its passage in the Senate.

MARY D. PRESCOTT, *President.*

Mr. JONES presented papers in the nature of petitions numerously signed by sundry citizens of Tacoma and South Bend, in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by Riley County (Kans.) Farmers Union, No. 45, favoring the passage of legislation making the tariff on agricultural products more effective, and also providing for the early completion of an inland waterway system, which was referred to the Committee on Finance.

Mr. DENEEN presented resolutions adopted by Peoria Post, No. 2, the American Legion, Department of Illinois, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

PEORIA POST, NO. 2 (INC.),
THE AMERICAN LEGION,
DEPARMENT OF ILLINOIS,
Peoria, Ill.

Resolved by Peoria Post, No. 2, the American Legion, District of Illinois, at a regular meeting assembled this 15th day of November, 1928, That we are in unanimous accord with the national organization and stand squarely behind the national committee on matters of national defense as particularly exemplified by the following editorial appearing in the Peoria Journal under date of Saturday, November 10, 1928, which in words and figures next follows:

"The American people have frequently shown a profound respect for the man who knows his business. Babe Ruth is acclaimed on the baseball diamond, but not on the political rostrum. What Lindbergh says about aviation is respected because of his consistent and triumphant conquests of the air. Thomas A. Edison is an authority on electricity, but his views on college education cause a smile. Henry Ford probably has made a deeper impression in his time than any of his contemporaries, but he excels as an industrialist, not as an editor.

"The American Legion is composed of men who offered their lives for their country. In the aggregate they represent a body of American public opinion deemed competent to discuss national defense. It is a matter of no immediate importance whether they got into the war as volunteers or as conscripts. It is they who risked and suffered. It is they who saw their comrades fall in the dark days of the war.

"The American people will soon be inundated with pacifist propaganda. They will be told that the pact of Paris, renouncing war as an instrument of national policy, must be ratified by the United States Senate in December, and later they will be told that having consented to the renunciation of war it is their moral duty to refrain from making preparations for war. The pact of Paris is a good gesture. If it promotes peace, it is deserving of enthusiastic support. There is not the slightest doubt that the Senate will ratify it. But if it is seized upon as a pretext for abandoning naval construction and weakening our national defenses while European states continue to strengthen their own, the result will be disastrous.

"The American Legion is peculiarly fitted to deal concretely and authoritatively with problems of national defense. We have had in this country one year of war for every five years of peace and we have entered every war unprepared. Had it not been for the British Navy Germany would have won the World War. Britain is still realist; so are France and Italy. It was Mussolini who signed the Locarno pact on behalf of Italy. Il Duce is also a realist, and as a realist he is commanding respect for his unique policies. The obligation rests upon the United States not only to defend its homeland but to protect its investments and its citizens in all parts of the world.

"National defense, in the light of modern conditions and involvements, is a meaningless term. There is no such thing apart from defense of everything that is American everywhere. That is national defense, or there is none. The American Legion is barred from participation in all controversies in which its membership is divided on racial, religious, political, or sectional grounds. But on a national-defense policy it should speak with one voice.

"The pacifists are coming; fall in."

And be it further Resolved, That this post of the American Legion memorialize the Congressman from this district, the Senators from Illinois, and Congressmen at large, RUTH HANNA MCCORMICK and RICHARD YATES, and exert exert all possible collective and individual effort to the carrying out of the proposition enunciated in the above editorial.

PEORIA POST NO. 2,
JAMES M. SHUTE,
Commander.

Official:

N. C. CATION, *Adjutant.*

Mr. REED of Pennsylvania presented resolutions which were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Ellwood City Council, Fraternal Patriotic Americans, No. 182, Ellwood City, Pa.

ELLWOOD CITY, PA., *December 11, 1928.*

To the Congress of the United States:

Whereas it has come to our notice that large numbers of immigrants are entering the United States by the way of Canada and Mexico and that many of them remain in the United States permanently: Therefore be it

Resolved, That legislation be speedily enacted to apply the quota law to Canada and Mexico, and also that an alien registration law be adopted and that all aliens who are now in the country illegally be deported; and be it further

Resolved, That Congress pass an alien deportation bill and that sufficient money be appropriated to make such a law effective, and that the "national origins" provision of the present law be put into effect without any further delay.

ELLWOOD CITY COUNCIL, FRATERNAL PATRIOTIC AMERICANS, NO. 182,

[SEAL.] G. S. MOOK, *Secretary.*

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLENN:

A bill (S. 4883) granting a pension to Annie Robins (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4884) granting an increase of pension to Melissa F. Morris; to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4885) for the relief of Paul D. May; to the Committee on Claims.

A bill (S. 4886) granting a pension to Julius Perkins; and

A bill (S. 4887) granting an increase of pension to Adaline E. Draper; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 4888) providing for the establishment in the Department of State of a board of foreign affairs and a Foreign Service school; to the Committee on Foreign Relations.

By Mr. BRATTON:

A bill (S. 4889) to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex.; to the Committee on Public Lands and Surveys.

A bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians; to the Committee on Indian Affairs.

By Mr. METCALF:

A bill (S. 4891) granting an increase of pension to Ella Reynolds (with accompanying papers); to the Committee on Pensions.

A bill (S. 4892) granting an increase of pension to Ellen F. Richards (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4893) granting a pension to Clara Belle Mathews (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 177) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Rules.

AMENDMENT TO PORTO RICAN RELIEF RESOLUTION—STRICKEN AREAS OF SOUTHEASTERN UNITED STATES

Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 172) for the relief of Porto Rico, which was ordered to lie on the table and to be printed.

AMENDMENTS TO BOULDER DAM BILL

Mr. HAYDEN submitted two amendments, and Mr. KING and Mr. PITTMAN each submitted three amendments, intended to be proposed by them to House bill 5773, the so-called Boulder Canyon Dam bill, which were severally ordered to lie on the table and to be printed.

PRISON-MADE GOODS

Mr. HAWES and Mr. STEPHENS each submitted two amendments intended to be proposed by them to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the proper place in the bill, under the Bureau of Reclamation, the following:

"That such portion as may be necessary of the unexpended balance of the appropriation of $50,000 for the survey and examination of water-storage reservoir sites on the headwaters of the Truckee and Carson Rivers, made available under the provisions of the second deficiency act, 1928 (Public, No. 563, Session Laws, 1st sess., 70th Cong., p. 902, Newlands project, Nevada), shall also be available for the boring of test wells in the Truckee Meadows, Washoe County, near the city of Reno, Nev."

ORDER OF BUSINESS

Mr. WARREN. Mr. President, I ask that we may now resume the consideration of House bill 14801, making appropriations for the Treasury and Post Office Departments.

Mr. TRAMMELL. Mr. President, is morning business yet concluded?

The VICE PRESIDENT. Morning business is not yet concluded.

Mr. TRAMMELL. I object, then, to the consideration of the appropriation bill before the morning business is concluded.

The VICE PRESIDENT. If there are no further bills and joint resolutions, the introduction of concurrent or other resolutions is in order.

HOWARD UNIVERSITY

Mr. TRAMMELL. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (S. Con. Res. 26), as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be, and the same is hereby, rescinded.

Mr. SMOOT. Mr. President, in my opinion the concurrent resolution ought to go to a committee.

Mr. TRAMMELL. Mr. President, on yesterday I made a motion to reconsider the vote by which the bill in question (H. R. 279) was passed on Monday. I made that motion within the time required under the rule, but it was necessary also to couple with it a request that the bill be returned from the House. It now develops that the bill had been signed by the Speaker of the House of Representatives and the Vice President.

In view of the fact that I made the motion within the time I was required under the rule to make it, it seems to me that we should have the privilege of having the signatures canceled and the bill returned from the House. I do not think it is advisable to have it delayed because if it is delayed then necessarily the bill would go to the President for his approval.

Mr. SMOOT. It being a concurrent resolution which the Senator has now introduced, it ought to go to a committee. The motion the Senator made yesterday has not been disposed of by the Senate. Therefore it seems to me the pending matter

constitutes a piece of legislation. If the committee want to do so, they can report it out this afternoon.

Mr. TRAMMELL. Mr. President, of course, that would go into the question of the merits of the whole proposition. I am trying to make effective the privilege which a Senator has under the rules, within two days after the passage of a bill, to make a motion that it may be reconsidered. That is the whole question involved—as to whether or not there is merit in having the privilege of making a motion and enjoying the benefits of the rule which provides that a Senator may make such a motion.

Mr. SMOOT. Under the rules, the concurrent resolution ought to be referred to the committee, and I ask that that be done.

The VICE PRESIDENT. The Chair will state that the pending concurrent resolution is not legislation in the sense that it calls for the expenditure of any money, and should, therefore, be referred to a committee.

Mr. SMOOT. If the Senator desires a vote right now, I have no objection to a vote upon the resolution.

The VICE PRESIDENT. It is in order to move a reconsideration of a bill within the time allowed by the rule, and to take the necessary steps to that end.

Mr. SMOOT. I myself think that the concurrent resolution ought to go to a committee, but if the Senator wants a vote I am ready to vote now on the resolution.

Mr. TRAMMELL. I should like to have it disposed of. The bill involved is a very important bill and it passed through the Senate with practically no consideration.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution submitted by the Senator from Florida.

Mr. MOSES. Mr. President, what the Senator says as to the importance of the bill is true; but, as a matter of fact, it has been here for a long time and has been objected to for well-understood reasons from time to time whenever it has come up. The sole purpose of the legislation is to relieve the Senate of a continuance of the farcical proceeding through which we have to go every time the appropriation bill containing the item for Howard University comes to us for consideration.

Mr. SMOOT. Let us have a vote on the resolution.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state his parliamentary inquiry.

Mr. FESS. Mr. President, is the pending question a motion to reconsider?

The VICE PRESIDENT. No; the question is on the adoption of the concurrent resolution offered by the Senator from Florida.

Mr. MOSES. Mr. President, I am entirely willing that the concurrent resolution shall be voted upon now. It can not be after the Senate's repeated performances in reference to the legislation involved that it will now take the action which the Senator from Florida demands.

The VICE PRESIDENT. In further reply to the inquiry of the Senator from Ohio, the Chair will state that the concurrent resolution merely authorizes the cancellation of the signatures of the Speaker of the House and the President of the Senate to the enrolled bill.

Mr. FESS. The effect of that would not be to reconsider the vote by which the bill has been passed. I understood the Senator from Florida to enter a motion to reconsider. So if we should adopt the resolution we would still have the motion to reconsider pending.

The VICE PRESIDENT. The next action would be that of the House on the request of the Senate to return the bill.

Mr. SMOOT. We might just as well have a vote now and dispose of it.

Mr. MOSES. That is what I understand the Senator from Florida desires, namely, to have the concurrent resolution acted on.

Mr. TRAMMELL. I entered the motion to reconsider yesterday.

Mr. HEFLIN. Mr. President, I have spoken to a number of Senators about this matter. I do not think as many as six Senators in this body knew what was passing at the time the bill was hurriedly passed. I want to ask the Senate why should this particular institution be singled out and the Congress committed to an appropriation for it from time to time while leaving out other educational institutions in the city of Washington? What is the purpose of it and where is the justification for it? I do not think if Senators had known what was in the bill at the time of its passage that it would have been passed. Why should Congress commit itself in advance to payments to this negro institution for years and years to come? If you are going to appropriate for this particular institution, why not let Congress decide at each session what it will do regarding the matter?

Mr. MOSES. Mr. President, if I may inject the statement, let me say that for 40 years or more each Congress has decided in the affirmative on this proposition, but we always have to go through the farcical proceeding of having the item stricken out in the House of Representatives on a point of order and coming here and being reinserted. The reason has been stated over and over again on the floor of the Senate why this institution receives Government aid. It is because it was, in the first instance, established by the Government, and gradually as the Freedmen's bureau went out of existence the Government took over the charge of the university.

Mr. HEFLIN. Then, the Senator proposes, it seems to me, to tie the hands of Congress in both branches, so that neither one of them or both of them can hereafter prevent an appropriation even if they desire to do so.

Mr. MOSES. No; any Congress which desires to repeal the act which has been passed could do so.

Mr. HEFLIN. I do not like the principle, Mr. President.

Mr. MOSES. And any Congress could withhold the appropriation, because if Congress is authorized to make an appropriation that does not mean that Congress must make it. We know of hundreds of cases in every session of Congress where ample authorization exists but an appropriation is not made.

Mr. HEFLIN. It is a piece of class legislation, singling out a particular institution, showing partiality above all other institutions in the District of Columbia, to this one institution, and it is committing the Congress now for all time hereafter to continue appropriations to this particular institution. It ought not to be done.

Mr. SMOOT. Mr. President, as the Senator from New Hampshire has stated, we have this question up every year on the appropriation bill in which the item for Howard University appears. I should like to have the Senate now express itself upon this question definitely and for all time so far as this matter is concerned. If some other Congress wants to repeal the law, it is just as easy to repeal it as it is to fight over the item every time it comes up.

Mr. TRAMMELL. I desire to say a word further. Howard University is not a public institution; it is a private institution, and was incorporated as a private institution. I do not like the idea of amending the law so as to commit the Congress to making appropriation to a private institution, whether it be Howard University or any other university. That is the reason why I desire to have the bill recalled and considered upon its merits. I would appreciate the opportunity of having the resolution considered at the present time.

Mr. BLEASE. Mr. President, I was in the Chamber when this bill was passed, and I knew exactly what was being done. I have on several occasions heretofore objected to the passage of the appropriation when it was reached, but this Congress and other Congresses have, regardless of the Constitution and regardless of whether it was right or wrong, by a considerable majority, voted to include the item in appropriation bills. When it has been objected to in the House and has been objected to in the Senate, the conference committee has replaced it and brought it back and the report has been adopted.

My opinion is that the people of this Nation just a few weeks ago indorsed the Republican Party very whole-heartedly. This has been a part of the Republican Party's policy and administration in the past. The people have indorsed that party, and I hope its action in this matter will stand. However, I shall vote for the reconsideration as that courtesy is due the Senator from Florida.

Mr. BRUCE. Mr. President, I desire to say that I for one fully understood the intent and purpose of this measure when it was passed by the Senate. I think that there ought to be some university in this country to which promising young colored men may go and without any social discrimination, obtain the requisite degree of professional training as lawyers, as doctors, and as dentists. The Howard University is such an institution, and, therefore, I trust that this bill will be enacted into law, and that the motion of the Senator from Florida will not prevail.

Mr. HEFLIN. Mr. President, there is an institution in this city known as the American University. White boys are working their way through college there; they are doing all manner of work in the District of Columbia in order that they may get degrees in law and in other professions. Does the Senator from Maryland want to discriminate against those white boys in favor of the negroes who are attending school at the Howard University? That is exactly what this measure does. There is no recognition of the American University for white boys, but the Senate is singling out this particular institution for its special favor.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. Then, why does not the Senator offer an amendment including to some extent the other institutions which he has in mind?

Mr. HEFLIN. I prefer that we have an opportunity to work this matter out, take it before the Committee on Education, and prepare a general plan for the District of Columbia, rather than to pick out one institution for special favors of the Congress. I hope the motion of the Senator from Florida will prevail.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution submitted by the Senator from Florida.

Mr. MOSES and Mr. WATSON asked for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Let the concurrent resolution be read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the concurrent resolution (S. Con. Res. 26) submitted by Mr. TRAMMELL on December 13, 1928, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be, and the same is hereby, rescinded.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution. On that question the yeas and nays have been ordered. The roll will be called.

The Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a pair upon this vote with the senior Senator from South Dakota [Mr. NORBECK], and therefore withhold my vote.

The roll call was concluded.

Mr. FESS. On this question I have a pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from Massachusetts [Mr. GILLETT] and will let my vote stand.

Mr. MOSES (after having voted in the negative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and will permit my vote to stand.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. BAYARD (after having voted in the negative). Has the Senator from Pennsylvania [Mr. REED] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BAYARD. I have a pair with the Senator from Pennsylvania. In his absence, I withdraw my vote.

Mr. JONES. I desire to announce that the Senator from Pennsylvania [Mr. REED] is detained on official business. If present, he would vote "nay."

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is detained by illness in his family.

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is detained by illness.

Mr. HARRISON. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Arkansas [Mr. ROBINSON], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from Virginia [Mr. SWANSON] are detained on official business.

The result was announced—yeas 14, nays 54, as follows:

YEAS—14

Black	George	Overman	Stephens
Blease	Harris	Sheppard	Trammell
Bratton	Harrison	Simmons	
Fletcher	Heflin	Smith	

NAYS—54

Ashurst	Frazier	Metcalf	Steiwer
Barkley	Glenn	Moses	Thomas, Idaho
Bingham	Goff	Neely	Thomas, Okla.
Blaine	Gould	Nye	Tyson
Brookhart	Hale	Oddie	Vandenberg
Bruce	Hawes	Phipps	Wagner
Capper	Jones	Pine	Walsh, Mass.
Caraway	Kendrick	Ransdell	Walsh, Mont.
Couzens	Keyes	Robinson, Ind.	Warren
Curtis	La Follette	Sackett	Waterman
Deneen	Locher	Schall	Watson
Dill	McKellar	Shortridge	Wheeler
Edge	McMaster	Smoot	
Fess	McNary	Steck	

NOT VOTING—27

Bayard	Gillett	King	Reed, Mo.
Borah	Glass	Larrazolo	Reed, Pa.
Broussard	Greene	McLean	Robinson, Ark.
Copeland	Hastings	Mayfield	Shipstead
Dale	Hayden	Norbeck	Swanson
Edwards	Howell	Norris	Tydings
Gerry	Johnson	Pittman	

So the concurrent resolution was rejected.

ADDRESS BY SENATOR JOHN J. BLAINE ON FEDERAL INJUNCTIONS

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD a speech delivered by the junior Senator from Wisconsin [Mr. BLAINE] at Plankinton Hall Auditorium, Milwaukee, Wis., Friday night, November 16, 1928, on the subject of Federal injunctions.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

FEDERAL INJUNCTIONS

I have been invited on this occasion to address you on the subject of injunctions in labor disputes from the standpoint of what ought to be the public policy within the legislative domain.

The occasion that gives rise to the invitation extended me no doubt grows out of the fact that I am a member of the subcommittee of the Senate Judiciary Committee having under consideration and investigation this subject. I have sat for weeks on the hearings at Washington, and as the facts at those hearings developed there grew upon me the conviction that we are fast approaching a menacing system of government—government by injunction instead of government by law.

In the so-called courts of equity, or, rather, through the procedure within the equity jurisdiction of the courts, there has developed what has so well been termed "discretionary government by the judiciary." This discretionary power naturally grows, for when men are given discretionary power it is in the very nature of things that they seek more power.

Thus the discretionary power in the equity courts has been constantly extended until to-day it is invading the domain of government by law and until practically all men and women who work must live under a government by discretion, and without the protection of the law and the Constitution that hedges about the constitutional liberties of other classes of individuals.

These observations, however, in no way imply that the fault is with the judiciary alone. The substantive law of the land must come from the legislative branch. That department of government determines the public policy, and the responsibility for the enactment of laws or the failure to enact laws is a legislative responsibility.

The growing menace of government by injunction, or discretionary government by men must be laid to the door of the legislative branch of Government as well as to that of the judicial branch of Government.

Men in exercising discretion may act wisely or they may do a grave injustice, for after all, whatever the act may be, it is an act flowing from discretion. Therefore, if courts continue to extend the use of this discretionary power, it will be because the legislative branch of Government has failed to circumscribe and limit this discretionary power, called equity power.

It is said that this is a Government of checks and balances, and when the judiciary undertakes to abuse its discretionary power, such abuse should be challenged in the legislative halls of our Government until men and women shall be governed by law, and whose rights and liberties shall not depend upon the discretion of a single individual.

A government by a king is a government by individual discretion. It may be by a benevolent king or a despotic king. That theory of government was rejected on the birth of this Republic.

The injunctive process does not involve a question of excessive use of injunctions. The question involved, as I see it, is the existing evils of injunctions. It is not a question of numbers, it is a question of the character of injunctions. It is that question that the legislative branch of our Government is called upon to solve.

The hearings before our committee led to the inevitable conclusion that there is growing up in the United States, in the Federal judiciary, the theory that a human being, sitting upon the bench under life appointment, may take unto himself, if, in fact, it has not been granted to him by legislation, through the injunctive process, power to enforce criminal laws; powers that set aside the constitutional guaranties of free speech, free assembly, and trial by jury; power to control the lives and destiny of millions of working men and women, without giving them any adequate remedy at law. If this power is not restricted, and if the practice now prevalent in the Federal judiciary longer prevails, there will be brought about a judicial tyranny, grave and dangerous in its consequences.

Therefore the major political parties in the recent campaign have promised legislative action to correct existing abuses and to restore the structure of our Government to its foundation, into which was built the Declaration of Independence and the Constitution of these United States. To that task the legislative branch of Government is pledged.

It has been the consensus of opinion in this country that there should be legislative action. Congress is now applying itself to the solution of these problems. The Senate Judiciary Committee selected a subcommittee which had under investigation a solution at the last session of Congress. That committee has prepared a tentative bill.

The reasons that have given rise to the demand for a solution of the problems I have, in general terms and without specific reference to any case, outlined. I will now proceed to analyze the remedy proposed.

It is impossible to discuss within the limits of the time allotted me the proposed bill in any great detail. The committee has not attempted to destroy the judicial power to grant injunctive relief in labor dis-

putes, for two reasons: First, because if relief against wrong in one class of cases is withheld and relief against the same wrong in another class of cases is permitted, the legislative act would be unconstitutional and therefore futile. Second, it must be understood that there is an infinite variety of wrongs that may be done and irreparable injuries committed with respect to which injunctive relief may be the only adequate remedy.

In considering legislative and judicial reform we must take note of the revolution in industry that has taken place in less than a quarter of a century. Great combinations of capital are thrown together, combined under a corporate entity which has destroyed the last vestige of association of the workman with his employer. In the larger industrial plants the workman seldom ever goes by name, and is known only by a number. There is no intimate relationship between the workman and his employer in the vast multitude of cases.

The corporation by whom he is employed is often owned by stockholders who are absentees, many hundreds of miles distant from the industry, and who do not know the workmen nor do the workmen know them. The machine has further complicated the industrial world. The individual workman, therefore, no longer occupies a position of equal opportunity with his new employer, the soulless corporation.

There are other elements which I have not time to discuss which have changed the relationship between employee and employer, and all of which make the struggle an unequal one, with the overwhelming balance against the workman.

Therefore in the application of the so-called equity power, embracing the injunctive process, there is reasonable ground for classification where limitations upon the judicial power may be imposed, and such classification will find justification in the social and economic aspects of this industrial age.

The committee, having that classification in view, proposes to divide its tentative bill into two parts: First, the declaration of public policy, and second, injunctive procedural reform. The bill is not a complete labor code. It does not set forth all of the laws applicable to injunctions in labor disputes. It does not repeal the labor section of the Clayton Act, but merely supplements these provisions and clarifies the intent of Congress.

It is drawn upon the theory that Congress has authority to define and limit the jurisdiction of the Federal courts, other than the original jurisdiction conferred by the Constitution upon the Supreme Court. All inferior courts are creatures of the law, and it is within the power of Congress to prescribe their jurisdiction. The proposed bill limits this jurisdiction both with reference to the situations in which injunctions may be issued and the procedure which must be followed.

The bill recognizes that under "prevailing economic conditions developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual, unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor and thereby obtain acceptable terms and conditions of employment." That economic condition is a fact and, in my opinion, will be recognized by the courts as a fact.

To assure the workman an equality of opportunity the bill declares that the public policy of the United States is to grant to workmen full freedom of association, self-organization, and designation of representatives of his own choosing to negotiate terms and conditions of employment; and it further provides that he shall be free from the interference, restraint, or coercion of his employers or their agents, and under such freedom he may exercise the power of collective bargaining for mutual aid and protection.

To make that right something more than mere lip service and a mere abstract right as heretofore "yellow-dog contracts" are outlawed. One of the gravest abuses existing to-day in industrial relations, and one that has the most alarming development, is the so-called "American plan" of organization of workmen, which is nothing more or less than the employer's organization. The question is not one of the open shop, necessarily, but under the "American plan" employers may dictate every phase of the life of their employees and enforce the "yellow-dog contract" through injunctive process. As I said, the bill outlaws the "yellow-dog contract" and makes effective in actual practice the doctrine laid down by the Chief Justice of the United States in the American Steel Foundries case.

While it may be impossible for Congress to absolutely prohibit "yellow-dog contracts," what the committee proposes to do and which Congress has the power to do is to provide that such contracts shall not be enforcible, nor shall they afford any basis for the granting of legal or equitable relief.

You know what the "yellow-dog contract" is. It is a contract which prohibits the workingman from joining or becoming or remaining a member of any labor organization. It is a contract which, when once executed, in effect entirely destroys every vestige of freedom of association.

Under section 4 of the bill the general scope of said section provides that in cases involving and growing out of labor disputes no person or persons participating and interested in such dispute shall be enjoined from striking or from making strikes effective by methods not involving fraud or violence.

It also prohibits interference with labor unions in supporting strikes, again by methods free from fraud or violence. It does not provide that the acts enumerated are always lawful, but only that these acts shall not be prohibited by injunction. It is a limitation upon the use of injunctions in labor disputes to prevent such orders from being used to prohibit or cripple strikes in cases in which there is a bona fide dispute in which the participants have an economic interest, direct or indirect.

The right to strike is a necessary part of the freedom of association and self-organization. The right to strike is often the only way labor has of making effective the rights declared in the bill. No responsible labor leader advocates resort to strikes when other methods of gaining labor ends will prove effective; but in the last analysis working people must be free to strike or their freedom of association and self-organization is meaningless.

The section expressly permits collective action in the payment of strike benefits, unemployment insurance; permitting union members to aid other members, individually or collectively, in protecting their rights in the courts.

The proposed bill also permits the workmen to give publicity to strikes and to use persuasion and peaceful picketing. The right of peaceful assembly, the right to give notice of a contemplated strike, and the right of labor unions and officers and agents to give advice, to call a strike, and to support a strike, individually or collectively, are protected.

In the exercise of these rights no injunctive process can be used to defeat the workingman in these rights.

Most complaints in labor injunction cases are drawn upon the theory that the defendants have conspired to injure the property of the complainants or to restrain interstate commerce, or for some other unlawful purpose. While in the orders issued by the courts this conspiracy theory does not figure in every case, it is resorted to for the purpose of justifying sweeping injunctions and to give the Federal courts jurisdiction in those cases where there is no diversity of citizenship.

Conspiracy, as alleged in such cases, is a mere fiction. The individuals, acting as individuals, may follow a certain course, perfectly proper, involving neither fraud nor violence, and yet, if two or more persons do the same thing a conspiracy is alleged.

To prevent the use of the conspiracy theory, section 5 of the bill prohibits the Federal court from granting an injunction where workmen in concert perform the same acts that individuals may rightfully do; for example, an individual workman may pay toward strike benefits. No one can say that it is wrong to contribute money to the support of a fellow man who is out of employment. Therefore the law should say there is nothing wrong in two or more persons, in concert, paying aid toward the support of their fellow men who may be in distress.

Another very important provision, and a very necessary provision, is to extend the law of agency in labor cases. It is unjust to hold all members of a union responsible for every conceivable act of its officers and other members, merely because of membership in a union. It is also unjust to hold the officers responsible for everything that occurs during a strike, merely because they have general charge and direction. It is to estop abuses of this kind that an attempt is here made to apply the well-recognized rules of the law of agency to labor cases.

Turning now to procedural reform, the bill provides that no Federal court shall issue an injunction in labor disputes except after hearing the testimony of witnesses in open court with opportunity for cross-examination. Under the present practice, complainants go before a Federal judge, and upon the complaint and affidavits, at chambers—sometimes at the judge's home—obtain a temporary order, without any opportunity for cross-examination or defense. Under the bill, before a temporary restraining order may issue the court, from such public hearing and testimony, must find that unlawful acts have been committed and will be continued unless restrained, that substantial and irreparable injury to complainant's property will follow, that complainant has no adequate remedy at law, and then two other important findings, namely, that the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection, and these public officers must have an opportunity to appear before the Federal judge. The other proposition is comparative relief, and complainant must show that greater injury will be inflicted upon him by the denial of relief than will be inflicted upon defendants by the granting of relief.

This hearing can not be held until after due and personal notice has been given to all persons against whom relief is sought and to all public officers charged with a duty to preserve the peace.

It is provided, however, that a temporary restraining order may issue without notice in cases where substantial and irreparable injury will be unavoidable, but such temporary restraining order must be supported by testimony under oath that would justify the courts in issuing a temporary injunction upon a hearing. Such temporary restraining order, however, shall be effective no longer than five days, and thereafter void.

Under the present practice a temporary restraining order may be issued upon affidavits, without full hearing, and the merits of such order may not actually be determined for many months, long after the

occasion for the order has ceased. But under the provision of the proposed bill a temporary restraining order expires at the end of five days. It can not be renewed.

Moreover, no restraining order or injunctional relief can be granted unless the complainant comes into court with clean hands, showing that he has complied with all obligations imposed by law, and that he has made every reasonable effort to settle the dispute, either by negotiation or through available governmental machinery of mediation or arbitration.

Whenever a temporary restraining order or temporary injunction is issued, the court must make a finding of fact and file its finding prior to the issuance of such order or injunction.

Whenever a Federal court has entered judgment granting or denying a temporary injunction, the court shall, upon the request of any party to the proceedings, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the Circuit Court of Appeals for its review. The Circuit Court of Appeals must give precedence to that case over all other matters except older matters of the same character. That provision will hasten final judgment and prevent the interminable delays under the present procedure.

The bill guarantees to every person accused of an indirect criminal contempt for violation of a restraining order or injunction the right to a speedy and public trial by an impartial jury, the exception being as to contempts committed in the presence of the court or so near thereto as to interfere with the administration of justice, or as to misbehavior, etc., of officers of the court.

The bill includes other technical matters with reference to definitions, etc., which I shall not discuss.

As I see this proposition, the bill, if enacted into law, will prevent the abuse of the injunctional process, whether that abuse comes through the misguided discretion of Federal judges or through the past failure of Congress to enact proper laws.

There is one grave omission in the bill. I shall call your attention to that omission and also the committee's attention to that omission.

I am sure there will be a unanimity of opinion that the law respecting punishment for contempt should be modified. Under our Federal judicial code, where a person has been found guilty of a contempt, judgment shall be entered prescribing the punishment, either by fine or imprisonment or both. The law presently provides: "Such fine shall be paid to the United States or to the complainant * * * but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall imprisonment exceed the term of six months."

You will note that where the fine is to be paid to the United States, the maximum fine is $1,000 and the maximum term of imprisonment is six months. Where the fine is to be paid to the complainant there is no limit upon the amount of the fine nor is there a limit upon the term of imprisonment.

In other words, under the present law, if the dignity of the court is violated, if there is willful, contemptuous conduct with respect to the authority and dignity of the court, if an arm of Government, in its governmental capacity, is held up to ridicule and disrespect, and if that arm of Government is paralyzed through force and coercion or intimidation, then the offender can be punished with a fine of not exceeding $1,000 or imprisonment not exceeding six months. That is one side of this peculiar law. Now let us look at the other side of it.

If a private complainant has obtained an injunction prohibiting picketing, we will say, within certain circumscribed area or prohibiting grimaces at strike breakers or poking fun at the family of strike breakers or calling such strike breakers "scabs," then the law permits a court to assess a fine without limit and to impose a prison sentence without limit or to prescribe both a fine and imprisonment without limit, in the discretion of the court.

The mere statement of the facts is sufficient condemnation of the present law. That part of the judicial code should be amended. In my opinion, the right of a court to impose a fine payable to the complainant, as provided under the present judicial code, should be repealed.

If any damage is done to a complainant, he has an adequate remedy at law, and he should be required to pursue that remedy as all other persons, under all other circumstances, are now restricted to the remedy at law.

Therefore it is not that the court is to blame in the exercise of the power conferred by law where the law is wrong in conferring such power. Whether a judge has abused the exercise of that power or abused his discretion becomes a debatable question in each particular case. There should be no such power in any case and then there would be no debatable question.

The bill which I have discussed may not be a perfect bill. It may not accomplish all that is claimed for it, but if that bill, with the suggested amendment and some other minor amendments relating to formal, technical matters, becomes a law, in my opinion it will effectually strip the Federal courts of their power to misuse and abuse the injunctional process in labor disputes.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The VICE PRESIDENT. The morning business is closed.

Mr. WARREN. Mr. President, I ask that the appropriation bill be taken up, and that the item under discussion when we adjourned yesterday be laid aside for the present.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. McKELLAR. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Wyoming asks unanimous consent to take up the appropriation bill, and that the item under discussion at the end of the session of yesterday be temporarily laid aside.

Mr. DILL. Why lay it aside? Why not decide the matter now?

Mr. McKELLAR. I hope the Senator from Washington will defer the matter for the present. Just let it be laid aside.

Mr. DILL. I do not want this item to be brought up at some later time without notice to Senators.

Mr. McKELLAR. I assure the Senator that it will not be. I assure him that there will be a roll call.

Mr. SMOOT. If the Senator desires, I will assure him that before any action is taken on it he or his office will be notified.

Mr. DILL. I think the Senate ought to be notified by a quorum call if it is going to be laid aside.

Mr. WARREN. The chairman of the committee, of course, would much prefer an immediate vote, but in order to get along with the bill I have asked consent to lay aside that particular matter; and it is not proposed to take it up in the absence of Senators without proper quorum call to bring about their presence.

Mr. DILL. May I have the assurance that Senators will be notified by a quorum call when the item is taken up?

Mr. SMOOT. Yes; that will be done if the action taken in regard to it is not satisfactory to the Senator.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WARREN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 14, after the word "act," it is proposed to insert "as amended," so that it will read:

compensation rates specified for the grade by such act as amended, and in grades in which only position is allocated—

And so forth.

Mr. McKELLAR. May I ask the chairman of the committee whether that is a committee amendment?

Mr. WARREN. I prefer that the Senator look at it. It amounts to nothing except that it includes the act as amended; that is all.

Mr. McKELLAR. May the proposed amendment be stated again?

The VICE PRESIDENT. The amendment will be restated.

The CHIEF CLERK. On page 2, line 14, after the word "act," it is proposed to insert the words "as amended."

Mr. McKELLAR. That is all right.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

THE COTTON CROP

Mr. HEFLIN. Mr. President, a few days ago, when the Government's estimate of this year's cotton crop was made public, I wired to the commissioners of agriculture of the various cotton-growing States to give me their opinion as to the number of bales remaining to be ginned in their respective States. I was of the opinion that the Government's estimate was too large, and the Senators from the cotton-growing States with whom I talked agreed with my position in the matter. I wired the commissioners, and the telegrams that I have received from the commissioners of agriculture in the cotton-growing States show that the Government's estimate of the 1928 cotton crop is too large by at least 500,000 bales. The Government's estimate placed the number of bales of this year's crop at 14,373,000 bales. The Government's gin report of cotton ginned prior to December 1 was 12,561,000 bales. In order for this cotton crop to reach the Government's estimate of 14,373,000 bales it would necessitate the ginning of 1,812,000 bales after December 1 to the end of the season. Everybody familiar with cotton production knows that cotton is matured and practically all of it gath-

ered and ginned before December 1. And this year more nearly than any other year recently the cotton crop was nearly all gathered and ginned by December 1. The boll weevil did a great deal of damage in some States, and in some others the wet weather caused a vast number of cotton bolls to rot; and on top of that there was no top crop this year.

The average number of bales ginned after December 1 for the last eight years is 1,576,000 bales, and the number of bales ginned last year after December 1 was 1,044,000 bales; and, I repeat, that in order to reach the Government's estimate it would be necessary to gin after December 1 this year 1,812,000 bales. And, Mr. President, the cotton is not there to be ginned. I have received telegrams from the commissioners of agriculture in the following cotton-growing States, giving, in their opinion, the amount of cotton remaining to be ginned after December 1 this year:

Alabama	46,000
Arkansas	None.
Florida	None.
Georgia	40,000
Mississippi	126,000
North Carolina	100,000
South Carolina	40,000
Louisiana	12,000
Oklahoma	230,000
Texas	500,000
Total	1,094,000

If we should allow 100,000 for Arkansas—and I do not think there will be half that much there remaining to be ginned—the total will be 1,194,000 bales.

The total amount remaining to be ginned, according to the opinion of these commissioners in the cotton-growing States, is 1,194,000 bales, allowing 100,000 bales for Arkansas. That is 718,000 bales less than the Government's estimate of cotton remaining to be ginned after December 1.

Mr. President, I contend, as do hundreds and thousands of others in the cotton-growing States, that the Government estimate is too large by at least half million bales, and I believe that the final gin reports will justify this contention.

Mr. President, I wanted to put these facts in the RECORD, and I want to read in that connection a statement from the Government regarding the production of cotton all over the world in 1927 and the consumption of cotton in the world for 1927 and up to August 1, 1928. I do that because when the Government's estimate of the cotton crop was made public it broke the price of cotton about four or five dollars a bale. There was no occasion on earth for it, because the statistical position of cotton justified an advance in price.

I will read the Government's statement:

The estimated world production of commercial cotton, exclusive of linters, grown in 1927, as compiled from various sources, is 23,370,000 bales, counting American in running bales and foreign bales of 478 pounds, while the consumption of cotton, exclusive of linters, in the United States for the year ending July 31, 1928, was approximately 25,285,000 bales.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14801), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDENT pro tempore. The clerk will report the next amendment of the Committee on Appropriations.

The next amendment of the committee was, on page 13, line 8, in the items for the Bureau of the Budget, after the word "Director," to strike out "$10,000" and to insert in lieu thereof "$12,000."

Mr. McKELLAR. I understand that goes over.

The PRESIDENT pro tempore. The Chair understands that this amendment is to be passed over, as is also the second amendment on the same page, line 15, where in the total the committee proposes to strike out "$171,000" and insert in lieu thereof "$173,000."

The reading of the bill was continued.

The next amendment was, under the subhead "Office of Treasurer of the United States," on page 15, at the end of line 4, to strike out "$1,170,000" and insert "$1,176,000," so as to read:

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, $1,176,000.

The amendment was agreed to.

Mr. BLEASE. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. Is it an amendment to a committee amendment?

Mr. BLEASE. No; it is an amendment to the section itself.

The PRESIDENT pro tempore. That can not be considered under the unanimous-consent agreement until the committee amendments have been agreed to.

Mr. BLEASE. Then I move to strike out the entire section under the head of "Federal farm loan bureau."

Mr. McKELLAR. On what page is that?

Mr. BLEASE. Page 14.

The PRESIDENT pro tempore. That amendment will not be in order until the committee amendments have all been disposed of.

Mr. BLEASE. My motion is to strike out the entitre section under the head of "Federal farm loan bureau."

The PRESIDENT pro tempore. The Chair can not permit the Senator's motion to be entertained under the unanimous-consent agreement already entered into.

Mr. BLEASE. That motion can be entertained, and I make that motion. I move to strike out the whole section.

The PRESIDENT pro tempore. Of course, the Senator can be heard, but the Chair can not entertain his motion under the unanimous-consent agreement.

Mr. BLEASE. Then, Mr. President, I will be heard awhile.

At the last session of Congress I introduced a resolution in the Senate asking that the Federal Farm Loan Bank at Columbia, S. C., be investigated. I went before the Committee on Banking and Currency, and there was a person there said to be Mr. Eugene Meyer. I left the committee room because I saw very plainly that I was not going to receive the proper consideration, as I considered it, from the members of the committee present. I then came upon the floor of the Senate and insisted upon an investigation of the Farm Loan Bank at Columbia, S. C.

I know that Mr. Arnold, the man who is at the head of that bank, was sent from the Atlanta (Ga.) penitentiary, in some position, to Columbia, S. C., to that bank. Two years ago, when the losses which have since been found to exist in that bank were made known, Arnold came to Washington, went before the Federal board, and acknowledged the losses, said that there were other losses yet to come, and stated that he did not want anyone else to blame for it, that it was entirely his fault.

The board endeavored to get him a first-class banker to help him in his work. He absolutely refused to do so, and tendered his resignation. The board saw that to accept his resignation would lead to a conflict which would not be beneficial to the Government interests, between the board and the directors of that bank. Consequently the board gave in.

Arnold passed personally on the different claims coming into his bank for loans, declined to consult anybody, and made loans on property which was perfectly worthless, and declined loans in several instances which would have been perfectly secure, and by which no loss could have come to the Government.

Arnold had had no banking experience up to the time he was put into that position, knew absolutely nothing about the details of running a bank, but was simply stubborn, even in his dealings with the Federal Farm Loan Board.

I am informed that no one around the bank could get along with him unless he simply bowed to his arbitrary rule and manner.

That information came from a member of the Federal Farm Loan Board, for whom I asked the committee to send, and to let testify before them, but which they did not do.

Mr. President, the committee made a report, and the resolution is now on the calendar, No. 1165. In their report they made statements which on examination have proved to be absolutely incorrect.

When I saw that I could not get this examination made, and when the farmers of my State were being deliberately robbed by the Government of the United States through its agents, a set of men calling themselves experts and bookkeepers, and three secret-service men, were sent to Columbia, S. C., and went into the examination of these banks.

The head of that detective agency, I am told, the chief man now making the investigation, is a Mr. Thomas, whose headquarters are at Charlotte, N. C. I want to state facts. I want the Senate to know the facts. That is why I call these men's names.

I am reliably informed that they have discovered millions of dollars of losses. I am reliably informed that there was one mortgage actually accepted that was given on the big road that belonged to the State of South Carolina, and still belongs to them, included in the boundary in order to make out the acreage necessary to get the money.

Without any investigation, without properly looking into the matter, this man loaned the bank's money indiscriminately to friends, pets, favorites. Then the Committee on Banking and Currency reported. This man, Meyer, who, I knew by his

conduct before that committee, was a tyrant, and who, I knew, did not know what he was talking about, appeared before the committee. I had information in my possession then that the statements made by Meyer before the committee were absolutely false. If he did know the condition, he attempted to falsify the record; if he did not know it, he is too ignorant to be a member of this board. He should have known it.

The committee make other statements in this report which I do not care to take up the time to read.

Mr. WHEELER. To what Meyer has the Senator reference?

Mr. BLEASE. They told me his name was Eugene Meyer. I have seen him but once, but they told me who he was. I do not know whether that is his name or not. I know that if you can judge by a man's general make-up and appearance, that man has no business dealing with money matters at all. I do not know whether he could discriminate between another man's money and his or not, if he were handling both.

The investigation was refused. After one of the cashiers had gone into court and plead guilty and had gone to the penitentiary—and he is there now, in Atlanta; after another one in a branch bank in Columbia committed suicide; and after some other transactions were made known here, then somebody decided that they would send down and investigate this bank.

Any board that runs its business as the record shows this board looked after the affairs of that bank in Columbia, and its subsidiary, is not fit to be in office. I do not know who composes the board.

When I came into the Senate and asked the Senate, on behalf of the farmers of my State, to make that investigation, this committee not only refused to recommend that it be made but they came here with a report disapproving it. Then, after this rascality and fraud were uncovered, now investigators are down there. If you do not believe it, wire to Columbia and ask if there are bookkeepers and experts and Secret Service men right there at this time in these two banks investigating just what I asked the Senate to investigate a year ago.

I am not surprised at the conditions.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BLEASE. I yield.

Mr. WHEELER. Most of this took place, however, before Eugene Meyer came on the board, did it not?

Mr. BLEASE. I hope so. I would not like to know that he is what I think he is. If he did, I would have a better opinion of him than I have. I have a poor one of him now, publicly expressed and privately thought. I know he came before that committee and prevented this investigation.

Mr. President, when that banking law was up for discussion I was not a Member of the Senate, but I held a position in my State. I made the statement then, which is in writing and in print, that that law would be used so as to be a detriment to the farmers of my State, just as all other such like laws of the National Government along this line are—for the benefit of favorites—and that the banks which received the money would lend it in their respective communities to their favorites and friends. Just as I predicted then, the investigation to-day has shown to be the fact beyond a doubt.

I have made this motion. Of course, I realize that the Senate is not going to strike this section out. I realize that the amendment which I am going to offer probably will not be adopted. It is an amendment to give relief to the poor people whose property is being sold under mortgages to-day, whose wives and children are being turned out into the road. I want to know what the Government is going to do about it; who is going to occupy these lands? These people, as my colleague said here yesterday—and he did not overdraw the picture one word—are not able to pay these mortgages. They could not pay them. If they were going to be beheaded in 10 days or pay these debts, they could not pay them unless some friend would come to their rescue.

The Government has put a good deal of this land on the block, and there is more to follow. They bid it in, and the Government is becoming a large landholder in my State. Who is going to occupy it, and what are they going to do with it?

I take the position that if these people were encouraged, if they were given more time until their crops could be harvested, they would be able to take care of the situation. But some one says, "Oh, yes; if they made a big cotton crop, but that is too uncertain." In the upper part of the State of South Carolina they ask no favors of anybody, but in the storm-stricken section, of which my colleague, the senior Senator from South Carolina [Mr. SMITH] spoke on yesterday, the people can not help themselves. It is a fact that they are selling everything on their farms that they can get their hands on that is salable to buy meat and bread. Some of them are going so far as to have to kill the last chicken on their farms in order to get meat to eat. Some of the people in that part of the State will go to bed to-night, as children went to bed last night, without sufficient food.

Mr. WHEELER. Are they enjoying the Coolidge prosperity?

Mr. BLEASE. Yes; they are enjoying the Coolidge prosperity very much, and I suppose the Senator has noticed by their votes that they did not appreciate the Hoover chocolates.

Mr. President, I say that if this land bank is in the condition which will be shown by the Government's report itself, it is not right to push these people to the wall and sell their property and turn them out in the streets and let the land lie idle because there is no one to use it.

Mr. CARAWAY. Mr. President, may I ask the Senator from South Carolina a question?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. BLEASE. I yield.

Mr. CARAWAY. Has the Senator a resolution for an investigation?

Mr. BLEASE. I did have, but I did not get very far with it and I did not get anything out of it.

Mr. CARAWAY. Has he introduced it again?

Mr. BLEASE. No. I am now trying to get something to help my farmers.

Mr. CARAWAY. The whole system, it strikes me, might very well be inquired into.

Mr. BLEASE. I thank the Senator for the suggestion. I think so myself, especially if Eugene Meyer is going to stay on the board.

Mr. CARAWAY. I know that the situation with reference to the farm land bank in St. Louis is such that it is becoming absolutely impossible for some communities to do business with it at all. I would be very glad to see the entire system inquired into to find out if it is not possible to make it serve the farmers instead of serving the salary drawers. If the Senator contemplates introducing his resolution again, I would be very glad.

Mr. BLEASE. I will state to the Senator that the resolution is now on the calendar with an unfavorable report.

Mr. CARAWAY. Let us get a vote on it.

Mr. BLEASE. This is the amendment which I am now submitting:

That the said board shall instruct the officials of banks under its control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.

I have in my hand a letter from the sheriff of Clarendon County, S. C., which I will not read, but I would like to have it inserted in the RECORD as a part of my remarks. I also have a letter from Hon. Phillip H. Arrowsmith, and attached thereto certain correspondence with him, including the reply of the Department of Agriculture, in which Mr. Marvin, who seemed to be the Acting Secretary at the time, said he could not be of any assistance as matters now stand; also a letter from the chairman of the board of county commissioners of the county of Horry, in South Carolina, inclosing a copy of a resolution passed by the county commissioners of that county, all of which I ask may be printed in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents referred to are as follows:

OFFICE OF J. EDWARD GAMBLE,
Manning, S. C., December 10, 1928.

Hon. COLE L. BLEASE,
Senator for South Carolina, Washington, D. C.

MY DEAR SENATOR: I notice that Congressman H. P. FULMER has introduced in Congress a bill to provide aid for the farmers of the stricken area of South Carolina. As you are somewhat familiar with general conditions in this section, I feel that the bill will have your sympathy and support. I desire to furnish you with the following information.

As sheriff of Clarendon County I am in a position to realize the dire need of the farmers in this county. Within the past three months I have sold under foreclosure 51 tracts of land and over 400 homes and tracts of land for delinquent taxes. I now have on hand several thousand tax executions against personal property. In addition to this I understand that several hundred foreclosures against homes and farms are now pending.

I know of my own knowledge that literally hundreds of small farmers are compelled to sell their grain, poultry, and livestock, which is badly needed on the farms, in order to exist from day to day. It is also a fact that hundreds of farmers have no funds with which to buy seeds

and fertilizer, and it will be utterly impossible for them to produce a crop unless they immediately receive aid from such a source as is proposed in the bill.

With kindest personal regards, I am,

Sincerely yours,

J. E. GAMBLE,
Sheriff of Clarendon County, S. C.

FLORENCE, S. C., *October 13, 1928.*

Hon. COLE L. BLEASE,
Pendleton, S. C.

MY DEAR SENATOR: I inclose copy of letter which I have just received from our county demonstration agent and copy of letter which I have written to Doctor Lewis, the State veterinarian.

My investigation and observation leads me to the conclusion that a widespread distress throughout the overflow areas which constitute a very large part of the county can not be overstated. There are many families now whose entire crops have been wiped out. They have no potatoes, peas, corn, or any fall vegetables, and, of course, no money crop. Just at present they are going about from field to field picking cotton in the higher sections of the county, out of which they are living from day to day. In 30 days this opportunity to work will be over and God only knows what is going to happen to them. In this flooded area there are a large number of hogs. The farmers for the most part are illiterate and have never appreciated either the value of a hog or the necessity of inoculation against cholera. But this year, when the hog is a vital cog in the cycle of life, he has awakened to this necessity from the prevalence of cholera as an epidemic only to find that he is deprived of its benefit through his inability to pay for the serum.

The county and Federal Governments combining are spending substantial sums to carry on this educational work, and the opportunity is present to bring it to a splendid climax, but the funds to accomplish this result and to save the remaining vestige of food to these flood sufferers is absent. It would probably not cost more than $15,000 to buy all the serum necessary to inoculate all of the hogs in the county which have not been inoculated. The county hasn't the funds because every available fund has been utilized to make the roads and bridges passable, and it is a conservative estimate, I believe, that the county will not collect more than 50 per cent of the taxes this year. Therefore, you see that the county is helpless. The State, as you know, has no appropriation out of which to give aid in this situation. I am appealing to you, and I know in advance that I will have your heartiest cooperation in presenting this matter to the Department of Agriculture or the Bureau of Animal Industry to supply us with the serum so that our State veterinarian, in conjunction with our county demonstration agent, can immediately embark upon the execution of this program. What with pellagra, tuberculosis, hog cholera, and attendant ills, it just seems that we are almost overwhelmed. We must have help, and I know of no one that I can appeal to in behalf of my people other than you with any foundation to hope for success.

I know that you will help us if you can.

Believe me.

Sincerely and cordially yours,

P. H. ARROWSMITH.

WASHINGTON, D. C., *October 17, 1928.*

Hon. PHILIP H. ARROWSMITH,
Attorney at Law, Florence, S. C.

DEAR MR. ARROWSMITH: Senator BLEASE has your letter of the 13th instant, together with inclosed copy of letter received by you from the Florence County demonstration agent, and copy of letter which you have written to Doctor Lewis, the State veterinarian.

In reply I am pleased to advise you that this matter is to-day being placed before the United States Department of Agriculture, and that Senator BLEASE will be glad to do all that he can for the relief of his constituents affected by the trouble you mention.

You will be further advised immediately upon receipt of word from the department. Hoping that this office may be of service in this emergency and with assurances of the Senator's good wishes and high personal esteem, I have the honor to be, sir,

Very respectfully,

JOHN D. LONG, *Secretary.*

WASHINGTON, D. C., *October 17, 1928.*

Hon. WILLIAM M. JARDINE,
The Secretary of Agriculture, Department of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: Senator BLEASE is advised that there is a widespread distress throughout overflow areas from recent floods in Florence County, S. C. Crops have been generally destroyed and there is actual want and suffering.

In this flooded area there are a large number of hogs. Heretofore the farmers do not appear to have appreciated the value or the necessity of inoculation against cholera. This year he has awakened to this necessity from the prevalence of cholera in the proportion of an epidemic only to find that he is deprived of its benefit through inability to pay for the serum.

The county and Federal Governments combining are spending substantial sums to carry on educational work, and the opportunity is present to bring it to a splendid climax, but the funds to accomplish this result and to save the remaining vestige of food to the flood sufferers is absent.

It would probably not cost more than $15,000 to buy all the serum necessary to inoculate all the hogs in Florence County which have not been inoculated.

The county has not the funds, because every available fund has been utilized to make roads and bridges passable, and it is a conservative estimate that the county will not be able to collect more than 50 per cent of the taxes this year. Therefore the county is helpless, and the State has no appropriation out of which to give aid in this situation.

The Senator will, therefore, appreciate all the cooperation and assistance that the Department of Agriculture and the Bureau of Animal Industry can furnish to supply this county with serum, so that the State veterinarian, in conjunction with the county demonstration agent, can immediately take steps to save the situation.

Inclosed for your information are the copies of two letters relative to this matter, which the Senator will thank you to kindly return for his files upon the completion of your investigation.

Thanking you for your courtesy and with assurances of the Senator's high esteem, I have the honor to be, sir,

Very respectfully,

JOHN D. LONG, *Secretary.*

FLORENCE, S. C., *October 13, 1928.*

Dr. W. K. LEWIS,
State Veterinarian, Columbia, S. C.

DEAR SIR: I am taking the liberty of addressing you in connection with hog cholera in Florence County. You are probably aware that our farming population has labored under tremendous difficulties and against overwhelming circumstances during this entire year, all of which reached its climax in the storm of September 17, which has left a large part of this county in the worst condition that I have ever known; and, as I am advised by some of the older farmers, the worst that they have ever experienced.

As a concomitant of the excessive rains and flood conditions to add to their distress, there seems to be an epidemic of hog cholera prevalent, particularly in the flooded areas of the county.

It was my information that pellagra was on a rapid increase and, in order to check up on this situation, I wrote to the chairman of each board of school trustees in the county, asking them to make a survey of the conditions of their district and report to me at a meeting which was held on yesterday afternoon in the courthouse. Thirty-eight of the 57 chairmen attended. A general discussion of conditions was engaged in, and I learned for the first time the extent of the distress and the alarming magnitude of the loss from hog cholera. Under existing conditions every hog possible should be saved for its food or money value. In order to save the hogs they must be inoculated. In the areas where inoculation is most needed the farmers haven't the money with which to pay for the serum. I have conferred with our county agent, Mr. J. Ward McLendon, who manifests the keenest interest in this situation and who has written me, as per copy inclosed. His own information and observation corroborates the extent of the ravages from cholera and the vital necessity of prompt and effective action. In our dilemma we, naturally, turn to you for help. I am exceedingly anxious to know if there is any way for your department to supply the quantity of serum necessary to carry on an intensive, intelligent, county-wide hog-inoculation campaign, with the school district as the unit; and, if this quantity of serum is available, how many men you can put in the field to do this work for us. I understand that we have to pay for the serum, but that you furnish the veterinarians without cost. In addition to the immediate and vital needs in this direction, the opportunity is apparent for an educational campaign that will be of untold value in the future. Of course, I expect nothing less than your heartiest and most sympathetic cooperation.

I am sending a copy of this letter to Doctor Sikes and Doctor Long at Clemson College, inclosing copies of Mr. McLendon's letter, and am also writing to Senator BLEASE, inclosing to him copies of the record and urging his assistance in the financing of this undertaking.

Will you please let me hear from you at your earliest possible convenience.

Very truly yours,

PHILIP H. ARROWSMITH.

FLORENCE, S. C., *October 13, 1928.*

Hon. P. H. ARROWSMITH,
Florence, S. C.

DEAR SENATOR ARROWSMITH: I regret very much that I was unable to attend your meeting on yesterday of the chairmen of the 57 school dis-

tricts board of trustees in this county. I was unavoidably prevented from attending.

I learned with interest the reports that were made to you as to the hog cholera condition in this county. I do not think that it has been overstated and I feel sure that it is true that a high percentage of the farmers who have hogs that are not inoculated haven't the money with which to buy the serum at this time. I hope that you will continue your interest in this matter and make some arrangement whereby the needy farmer with hogs which have not been inoculated may be assisted. I am convinced that the hog crop is an important factor in the life, health, and welfare of our farming population. The ravages from cholera are tremendous and are the greatest drawback that we face in putting over our livestock program. If there is anything that I can do, do not hesitate to call upon me.

In this connection, I suggest that you write to Dr. W. K. Lewis, Columbia, who is the inspector in charge of this department of Clemson College Extension activities. Of course you know that where a State veterinarian can be obtained he makes no charge for inoculating, the farmer having only to pay for the serum and the cost of the serum is dependent upon the size of the hog, ranging from 50 cents to $1.

Very truly yours,

J. WARD MCLENDON, *County Agent.*

DEPARTMENT OF AGRICULTURE,
Washington, October 24, 1928.

Hon. COLE L. BLEASE,
United States Senate.

DEAR SENATOR BLEASE: Receipt is acknowledged of letter from your secretary of October 17 asking that the department arrange to furnish the necessary serum to inoculate the hogs of Florence County, S. C., so as to protect them from cholera.

While the department is very sympathetic with the citizens of the county in their present condition, there is, as you are probably aware, no fund available from which it could pay for serum to be used for the purpose suggested. The appropriation act for this department specifies the uses to which the moneys provided therein are to be put, and it is not legal to use any of those funds for any other purposes than the ones stipulated in the law. I am sorry, therefore, that the department is powerless to aid the citizens of Florence County in the manner outlined.

The two letters inclosed with your secretary's communication are returned as requested.

Sincerely yours,

C. V. MARVIN, *Acting Secretary.*

(Copy mailed October 25, 1928. John D. Long.)

COMMISSIONERS' OFFICE, HORRY COUNTY,
Conway, S. C., October 5, 1928.

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SIR: I herewith send you a copy of resolution passed by the county commissioners at their last meeting asking your cooperation in securing relief for the sufferers from the recent West Indian hurricane.

We feel assured that you will do all you can to help in this cause.

Yours respectfully,

GEO. OFFICER, *Clerk.*

OFFICE OF COUNTY COMMISSIONERS, HORRY COUNTY, S. C.,
Conway, S. C., October 2, 1928.

STATE OF SOUTH CAROLINA,
County of Horry:

Whereas it has been called to the attention of the county board of commissioners that several sections of Horry County have been flooded during the recent flood and many farms have been completely overflowed with water still standing on same, and all of the crops and provisions of many of the people in the county have been completely destroyed and lost; and

Whereas it appears that this condition has existed along the Waccamaw, Lumber, and Little Pee Dee Rivers and in a part of Socastee Township and over a great part of Bucks Township; and

Whereas several families are now homeless by reason of the flood and many families where the water has receded are left destitute and without provisions; and

Whereas it is necessary that some immediate relief be given to those in this condition: Now, therefore, be it

Resolved by the county board of commissioners, That the honorable Senators from South Carolina in the United States Senate and the honorable Congressman from the sixth congressional district of South Carolina be, and they are hereby, requested and petitioned to render such assistance and secure such relief from the Government as they may be able to secure; be it further

Resolved, That the press of Horry County be requested to render such assistance as it may in securing this relief; be it further

Resolved, That the Red Cross of Horry County be requested and petitioned to render such assistance and aid as it may be able to render in securing provisions for needy families and those suffering in this calamity.

G. W. KING,
Chairman County Commissioners,
S. C. DAVIS,
Commissioner, Horry County.
J. F. HARPER,
Commissioner, Horry County.

Attest:

GEO. OFFICER, *Clerk of Board.*

I, George Officer, clerk of the county board of commissioners of Horry County, do hereby certify that the foregoing resolution is a true copy of the resolution duly adopted by the county board of commissioners of Horry County on the 2d day of October, A. D. 1928.

[SEAL.] GEO. OFFICER, *Clerk of the Board.*

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. BLEASE. I yield.

Mr. WHEELER. If the Senator will pardon an interruption, I would suggest, as the Senator from Arkansas [Mr. CARAWAY] suggested, that he should push his resolution to investigate the bank in South Carolina. If he does so, I will gladly join with him, and I would like to see it include also the Federal land bank in Spokane, as well as the one which the Senator from Arkansas suggested, the Federal land bank in St. Louis.

Mr. BLEASE. I will assure the Senator from Montana that as soon as the resolution is reached on the calendar I shall certainly ask the Senate for a vote on it and shall be glad to accept any amendment that the Senator from Arkansas or the Senator from Montana or any other Senator might see fit to offer.

The PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment of the Committee on Appropriations was, on page 15, lines 2 and 3, to strike out the words "Assistant Treasurer" and insert in lieu thereof "two Assistant Treasurers," so as to make the sentence read:

Salaries: For Treasurer of the United States, two Assistant Treasurers, and for other personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Internal Revenue," on page 16, line 23, after the word "agents," to strike out "$34,500,000" and insert "$34,703,870," so as to read:

Collecting the internal revenue: For expenses of assessing and collecting the internal-revenue taxes, including the employment of a Commissioner of Internal Revenue at $10,000 per annum, a general counsel for the Bureau of Internal Revenue at $10,000 per annum, an assistant to the commissioner, a special deputy commissioner, three deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, clerks, janitors, and messengers in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia and not to exceed $219,250 for rental of quarters in the District of Columbia, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses including stenographic reporting services, and the purchase of such supplies, equipment, furniture, mechanical devices, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents, $34,703,870, of which amount not to exceed $8,904,860 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

Mr. WARREN. I send to the desk a committee amendment for which I ask consideration at this point.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 21, line 7, after the word "warehouses," to insert a colon and the following additional proviso:

Provided further, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit.

The amendment was agreed to.

The next amendment was, under the subhead "Mints and assay offices," on page 34, line 12, after the name "Louisiana," to insert "and Carson City, Nev."; in line 14, after the name "Montana," to insert "Salt Lake City, Utah"; and at the end of line 23, to strike out "$1,635,500" and insert "$1,646,440," so as to make the paragraph read:

For compensation of officers and employees of the mints at Philadelphia, Pa., San Francisco, Calif., Denver, Colo., New Orleans, La., and Carson City, Nev., and assay offices at New York, N. Y., Boise, Idaho, Helena, Mont., Salt Lake City, Utah, and Seattle, Wash., and for incidental and contingent expenses, including traveling expenses, new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed $500 for the expenses of the annual assay commission, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, $1,646,440.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Supervising Architect—Public buildings, construction, and rent," on page 40, line 9, after the words "post office," to insert "courts"; in line 10, after the word "offices," to strike out "except for the courts"; in the same line, after the word "of," to strike out "$220,000" and insert "$335,000"; and in line 12, after the figures "1928," to strike out the colon and "*Provided*, That the building shall be so constructed that accommodations for the courts may be added later," so as to read:

Lubbock, Tex., post office, etc.: For continuation under an estimated total cost for site and building for the accommodation of the post office, courts, and other Government offices, of $335,000, in lieu of $160,000 fixed in act of May 29, 1928.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "of," to strike out "$1,600,000" and insert "$1,950,000," so as to read:

Portland, Oreg., courthouse, etc.: For continuation, under limit of cost of $1,950,000 in lieu of $1,500,000 fixed in act of March 5, 1928.

The amendment was agreed to.

The next amendment was, on page 65, line 21, after the word "service," to strike out "$19,300,000" and insert "$19,500,000," so as to read:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen wagon and city delivery and collection service, $19,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 67, at the end of line 18, to strike out "$59,000,000" and insert "$59,500,000," so as to make the paragraph read:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents at large, 1 assistant superintendent in charge of car construction, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, $59,500,000.

The amendment was agreed to.

The next amendment was, on page 68, at the beginning of line 18, to strike out "$23,000,000" and insert "$23,250,000," so as to read:

For transportation of foreign mails by steamship, aircraft, or otherwise, including the cost of advertising in connection with the award of contracts authorized by the merchant marine act of 1928 (45 Stat., pp. 689–698), $23,250,000.

The amendment was agreed to.

The next amendment was, on page 68, line 19, after the word "exceed," to strike out "$4,000,000" and insert "$4,400,000," and in line 22, after the words "excess of," to strike out "$4,800,000" and insert "$5,200,000," so as to make the proviso read:

Provided, That not to exceed $4,400,000 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1931 in excess of $5,200,000.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. Are there any other amendments from the committee?

Mr. WARREN. There were two committee amendments passed over.

The PRESIDENT pro tempore. Two committee amendments were passed over. Is it the desire of the Senator in charge of the bill that the two amendments be taken up and considered now?

Mr. WARREN. I think so. My colleague on the committee the Senator from Utah [Mr. SMOOT] wishes to address the Senate on the matter of the two amendments that were passed over. Before any vote is taken I think we should summon a quorum, however.

Mr. SMOOT. Mr. President, the two committee amendments passed over were on page 2 and page 13.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the Senate returns to the consideration of the amendment on page 2, which will be stated.

The CHIEF CLERK. On page 2, line 3 strike out "$10,000" and insert "$12,000," so as to read:

Undersecretary, $12,000.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Smith
Barkley	Frazier	Metcalf	Smoot
Bayard	George	Moses	Steck
Bingham	Glass	Neely	Steiwer
Black	Glenn	Oddie	Swanson
Blaine	Greene	Overman	Thomas, Idaho
Blease	Hale	Phipps	Thomas, Okla.
Borah	Harris	Pittman	Trammell
Bratton	Hastings	Ransdell	Tyson
Brookhart	Hawes	Reed, Mo.	Vandenberg
Bruce	Hayden	Reed, Pa.	Wagner
Capper	Heflin	Robinson, Ark.	Walsh, Mass.
Caraway	Johnson	Robinson, Ind.	Walsh, Mont.
Couzens	Jones	Sackett	Warren
Dale	Kendrick	Schall	Watson
Deneen	Keyes	Sheppard	Wheeler
Dill	King	Shipstead	
Edge	La Follette	Shortridge	
Fess	McKellar	Simmons	

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment of the committee passed over, which is on page 2, line 3. The Senator from Utah is recognized.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. SMOOT. What amendment is now pending?

The PRESIDENT pro tempore. The amendment on page 2, the first amendment.

Mr. SMOOT. I ask that the Senate disagree to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is the demand seconded?

Mr. FLETCHER. I suggest to the Senator from Tennesese that the Senator from Utah has asked that the amendment be disagreed to.

Mr. McKELLAR. Very well.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. Without objection, the amendment proposing to increase the total on line 5, on the same page, will also be disagreed to. The Senate now recurs to the amendment on page 13, line 8, which will be stated.

The CHIEF CLERK. Under the subhead "Bureau of the Budget," on page 13, line 8, after the word "Director," it is proposed to strike out "$10,000" and insert "$12,000," and at the end of line 15 to strike out "$171,000" and insert "$173,000," so as to make the paragraph read:

Director, $12,000; for the Assistant Director, and all other necessary expenses of the bureau, including compensation of attorneys and other employees in the District of Columbia; contract stenographic reporting services, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street-car fares, $161,000; in all $173,000.

The PRESIDENT pro tempore. The question is on the amendment in line 8. Does the Senator from Utah request that that amendment be disagreed to?

Mr. SMOOT. Mr. President, I hardly feel like doing so. The amendment refers to the salary of a man who gives more hours to his work than does any other man in the Government service, and he holds a most responsible and important position. It does seem to me the amendment should be adopted,

and I ask Senators to allow it to be agreed to, in order to put this official on a footing with many others to whom I have called attention.

The same thing could not be said of General Lord that was said of Mr. Mills. General Lord is not a wealthy man; all he has is what he gets from his position here. I hope that the Senate will agree to the amendment. I ask the Senator from Montana, in all fairness, not to object to the amendment but to allow it to be adopted, for if there is any man in the Government service who earns this amount of money it is General Lord, the head of the Budget Bureau.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. WHEELER. Mr. President, I am going to oppose an increase of the salary of this official. In the first place, I feel that increases in salary should not be made in this manner. While there are men in the Government service, as has been suggested by the senior Senator from Utah [Mr. SMOOT], who are not, in my judgment, earning their salaries, and probably their salaries should be diminished, yet there are many other men holding positions in the Government who are not getting anywhere near the compensation they should be receiving for the work which they are doing. We have in this instance the head of the Budget Bureau, who is the dictator of all governmental expenses, the great economist who is making all the savings for the Government, as he claims, and objecting to every single solitary bill that comes up which does not meet with his approval, on the ground that it is not in accordance with the economy program of the President, coming in here and approving, of course, an increase of his own salary by $2,000 a year. It seems to me it places him in a very ridiculous position when he is advocating cutting down other salaries or keeping someone else from getting an increase in salary to be himself coming here and asking for an increase in salary.

I know that my friend, the senior Senator from Utah, will say that General Lord is not asking for this increase, but the fact of the matter is that it had to be approved by the Budget Bureau; otherwise it would not be in order and it could not be here; yet we have this man constantly coming here and telling the committees of the Senate and House of Representatives, "You must not do this, you can not pass this law, because of the fact that it is not in accord with the economy program of the administration." I say, therefore, that we certainly should not increase his salary to $12,000 a year.

The Senator from Utah has suggested that General Lord is a very hard-working man, and I have not any doubt at all about it; but there are many other very hard-working men who are in the service of the Government of the United States and yet who are not receiving $10,000 a year. Some of the commissioners of the Interior Department and some of the commissioners of other departments work just as hard, in my judgment, as General Lord, and yet are not receiving one-half the salary that he is receiving at the present time. I feel that it would be a mistake for us to increase General Lord's salary. I think also that he is the last person who should come before the Senate of the United States asking for an increase of his own salary while at the same time putting a veto on the request of every other person who desires an increase in salary from the Government of the United States.

It is all right, of course, for General Lord to come here and say, "I want an increase of salary," and for us to give it to him, and many Senators may not want to vote against the proposition because of the fact that they know he is absolute dictator at the Budget Bureau; and whenever they have a bill coming before the Senate involving an appropriation it has to go before General Lord, and he has to say as to whether or not it accords with the economy program of the administration. As a matter of fact, the committees of the Senate and the Senate itself have abdicated, so to speak, and allowed General Lord to tell us what legislation we may consider here and what legislation we may pass here and what legislation we may not pass. When, for instance, the Indians on some of the reservations came here with claims against the Government of the United States, it was General Lord who said that they should not even be permitted to go into court to have their claims adjusted, not on the ground that they were unjust claims, not on the ground that they were not proper, but on the ground that it was going to cost the Government too much to try their cases. So on the ground that it was against the economy program of the administration, this dictator, to whom the committees of Congress have abdicated, refused to approve the legislation giving those poor unfortunate Indians an opportunity to go into court. Then we find him coming here and asking for an increase of his salary to the extent of $2,000 for a Christmas present from the Government of the United States.

In the first place, I am opposed to the raising of salaries in this fashion; and, secondly, I am opposed to this official getting an increase until the salaries of all other employees of the Government shall have been adjusted in a proper manner.

Mr. WARREN. Mr. President, the Senator from Montana evidently has much feeling regarding this case. I am not certain that the Senator was a Member of the Senate at the time when we were called upon to pass the Budget law. At that time I, with some other members of the Appropriations Committee, felt that the enactment of such a law would restrict that committee too closely, and we failed to support it. Since that time, however, I have been very glad that the law was enacted, as it has had great effect in way of damming back the great stream of requests which have been coming to Congress from day to day ever since the war. The war gave everyone the idea of billions, because we appropriated billions—at one time twenty-eight billions and some odd millions, almost at one sitting—for the expenditures of one year.

The head of the Budget is the President of the United States. The director is merely, as we might say, a secretary to him in a sense. I dare say that the Director of the Budget will, as he has done in the past, confer often with the President. It was the thought of the Congress, and especially was it the thought of the Senate, that by placing the President at the head of the Budget Bureau the responsibility would be lodged in the highest possible place, and that then the President, as head of the Budget, in cooperation with the Director of the Budget, might lay before Congress measures which were worthy of consideration, and at the same time Congress would be protected in doing what was right without going too far in expenditures.

I have no idea that this Budget request for $2,000 additional for General Lord originated with him at all. I do not know that he is even aware at this day that the item is here. It is a matter of form. He has a very large number of men operating under him, some of whom formerly were our employees. The Director of the Budget is quite the hardest worked man in the employ of our Government, and he has the hardest and most unpopular job, I think, of any officer of the Government, in Washington or elsewhere.

I do not believe and can not believe that there is foundation for the assertion that the Director of the Budget decides matters according to his own liking in the case of one Senator or another Senator as favors may have been received or may be expected. I have no idea that the Director of the Budget is not as fair as any man could be, as fair as would be the Senator from Montana himself, who, I am sure, would undertake to decide on the law and the circumstances surrounding a particular case without regard to who might be hit.

I think it is a matter of knowledge with us that the Budget Bureau has been very popular. I think it has taken from every Senator and every Member of the House of Representatives more or less subtle and pressing solicitations for various items of appropriation. Instead, they have occupied the time of the Director of the Budget. The Budget Bureau has accomplished in that direction much of what has been accomplished by the Civil Service Commission. I imagine there is no institution in the Government, perhaps, which is more unpopular at times than is the Civil Service Commission, but when we talk to Senators, especially those from the larger States, we find that they are greatly pleased that there is a governmental organization able to stop some of the flood pointed toward them whenever Congress is in session. I refer, of course, to the flood of requests and demands for Government positions. Prior to the time of the establishment of the Civil Service Commission positions under the Government were supposed to change with the change of administration. If a Republican administration was replaced by a Democratic one, the Republican employees would go out; and if a Democratic administration was succeeded by a Republican administration, the Democrats would go out.

The Director of the Budget, as the Senator from Montana undoubtedly recognizes, and as I have heretofore said, has one of the most difficult and arduous places in the Government service. The very fact that he has to decide against Members of the House and Senate who may have items of appropriation which they desire but which do not meet with approbation is, in a way, a tribute to his ability.

He has before him and his assistants, continuously, the estimates coming from the various department heads, which are studied by the director all during the year. There is not at the Budget Bureau quick action such as sometimes occurs in the Senate in the case of legislation. We are oftentimes too quick about legislative action, and perhaps we legislate too much.

Under the present system estimates, of course, go to the Bureau of the Budget and the Budget is then made up. For-

merly the estimates were often taken to the President and the President might say, "Cut it in two; give them half, or give them a quarter." Of course, I am speaking merely in a general way as to that. Under the present conditions the estimates of the department, through their appointive heads—the Cabinet officers—and all other items from other sources are presented to the Budget Bureau early, and that bureau spends the entire season considering them before submitting a report to Congress. Then the Budget estimate comes before us for approval or disapproval. Sometimes we disapprove, and probably we shall continue to do so. Perhaps as to every bill which may pass at this session we shall disapprove of some of the items; but such action can hardly be construed as disapproval of the head of the bureau.

Mr. President, since the action which the Senate has taken in regard to the one matter in dispute—and the only one, I believe, so far—and because of certain amendments which are going to be offered on the floor of the Senate, and which I feel we ought to deal with and conclude before the hour when the Boulder Dam bill shall be taken up, if I may be permitted to do so, I ask to withdraw this amendment entirely from this bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. Without objection, similar action will be taken regarding the second amendment in the same paragraph, on page 13, line 15.

The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. EDGE. Mr. President, I understand that the committee amendments have been disposed of.

The PRESIDENT pro tempore. They have been.

Mr. EDGE. I desire to offer an amendment and make a brief explanation of it.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, line 8, it is proposed to strike out "$21,415,000" and to insert in lieu thereof "$21,736,000."

Mr. EDGE. Mr. President, this is an amendment to the section providing appropriations for the employees of the Bureau of Customs. It raises the total amount appropriated by $321,000.

The justification for the presentation of the amendment may be summed up in a very few words.

At the last session we passed what was known as the Bacharach bill. It passed each House, as I recall, unanimously. The bill was the result of an investigation on the part of a subcommittee of the Committee on Ways and Means of the House into the status of salaries of custom employees. The chairman of that committee was the Congressman from New Jersey, Mr. BACHARACH, and the bill afterwards was introduced by him and bears his name.

The bill passed as a result of this investigation provided slight increases in the salaries of, I think, six classes of employees. In other words, it was the will of Congress, as evidenced by the passage of the bill, that these employees should be paid this slightly increased salary. The Budget Director, in estimating for the increases under the Bacharach bill—and I believe, at the same time, increases called for by the Welch bill, which was subsequently passed—allowed a sum which it is estimated is $321,000 under the amount called for by the terms of the Bacharach bill.

It appeals to me that these men in the Customs Service are entitled to the full salaries that have already been awarded to them through the action of Congress a few months back. I realize that under the increased appropriation a portion of the employees provided for under the Bacharach bill have been taken care of; but, I repeat, they are not all fully included in the sum that has been appropriated. My understanding is that but two classes have been given the average salary, while some of the classes have been given only the minimum salary.

My amendment will provide that all classes shall receive the average salary permitted under the Bacharach bill rather than a few of them the average salary, and others only the minimum salary. The amendment appeals to me as simply carrying out the intention of Congress, and I trust it may be permitted to go to conference.

Mr. WARREN. Mr. President, I feel that we can not permit this amendment to be adopted without further consideration of the matter. I should think, from observing what has been done, as a matter of fact, that the House has undertaken to provide for the 60 per cent that was provided for, just before the close of Congress last year, by the Bacharach bill. It has also proposed to go as far as it can go under the Welch law, so that every one of those left, included in the 40 per cent, is also provided for.

I will read from the report. This is the language of the House committee:

The amount for the collection of customs is increased from $19,483,560 to $21,415,000, or by $1,931,440. Of this sum $1,468,912 is brought about by increases in compensation of employees under the provisions of two acts passed at the last session—the act of May 28, 1928 (Welch Act), and the act of May 29, 1928 (Bacharach Act). Subdividing this sum, $926,489 is due to the Bacharach Act covering approximately 60 per cent of the force and $542,423 is due to the Welch Act affecting 40 per cent. The remainder of the increase covers $3,360 on account of reallocations of positions in the Washington bureau, $329,390 to provide 4 additional employees in Washington and 150 additional employees in the field, and $129,778 of increase very largely accounted for by cartage at New York in connection with the new appraisers' stores. The general increase in force is specifically accounted for in detail to the committee but in the main is created by the increase in customs business, the maintenance of 24-hour inspection service at a number of new international bridges and highways, and the opening of new airports of entry.

I must make the point of order against the amendment as not having been estimated for, which fact I regret.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. MCKELLAR. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, line 7, after the word "each," it is proposed to strike out the period and insert a comma and the following:

Said reports to be made at each regular session of the Congress after May 29, 1928, and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

Mr. MCKELLAR obtained the floor.

Mr. WARREN. Mr. President, I desire to make a point of order against that amendment on the ground that it is legislation.

The PRESIDENT pro tempore. The Senator from Tennessee was recognized.

Mr. WARREN. I beg pardon. I hope the Senator will allow us to complete the bill before the expiration of the morning hour.

Mr. MCKELLAR. I will do my best. It will not take long.

I desire to call the attention of the Senate to page 17 of the bill, under the head of "Refunding taxes illegally collected":

For refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1930 and prior years, $130,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat., p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

My amendment simply adds to that:

Said reports to be made at each regular session of the Congress after May 29, 1928, and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

The reason for that amendment is found in the act approved May 29, 1928, which I shall now read:

SEC. 3. Section 3220, Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended, is amended to read as follows:

"Refundments; taxes and penalties: The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expense of suit; also all damages and cost recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress, by internal-revenue districts and alphabetically arranged of all refunds in excess of $500, at the beginning of each regular session of Congress of all transactions under this section."

I call special attention to this language:

Shall make report * * * at the beginning of each regular session of Congress of all transactions under this section.

Mr. President, since that act was passed another session of Congress has convened. Reports have been made by the Commissioner of Internal Revenue and by the Secretary of the Treasury, but that law has not been complied with in such reports; and yet, without complying with that law, they come in and ask for $130,000,000 for tax refunds for the year 1930. Besides that, there is an additional report——

Mr. WARREN. Mr. President, I understand that those reports were presented, and were examined and passed upon.

Mr. McKELLAR. There are no reports here. There are no reports before Congress. This law has not been complied with.

Mr. WARREN. The report came, of course, in the recess of Congress, as expected.

Mr. McKELLAR. If the report is here then the amendment can be agreed to without any further trouble, because as soon as it is done they can use this money.

Mr. SMOOT. Mr. President, do I understand the Senator's amendment to apply to 1929?

Mr. McKELLAR. Oh, yes; every session of Congress after the passage of the law in 1928 is specifically included, of course.

Mr. SMOOT. Of course for 1929, under the existing law, they are to file the report before June 30, 1929.

Mr. McKELLAR. I know; that is under another provision of law, but what is required by this act is that these reports, setting out certain specific facts, shall be filed, and that bill was passed for the very purpose that I am urging now—namely, that Congress should have some knowledge of these claims in excess of $500.

Mr. SMOOT. That report can not be filed until the close of the year because these appropriations are made from July 1 to June 30.

Mr. McKELLAR. Yes; it can be filed for the year. The law specifically requires it. This appropriation applies not only to this year but to previous years, and there is no reason in the world why they can not give the Congress the facts as required by this act.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. Mr. President, I am very anxious to get through by 2 o'clock. I hope I may be allowed to continue.

Mr. SMOOT. So am I.

Mr. McKELLAR. There are some things to which I want, very briefly, to call the attention of the Senate and the attention of the country.

We have, according to the newspapers, the greatest Secretary of the Treasury since Alexander Hamilton.

Mr. SMOOT. And it is true.

Mr. McKELLAR. The Senator says it is true. I am not passing on that question now. I am not here now to gainsay it, and I am not going to argue it with the Senator; but I find that the "greatest Secretary of the Treasury since Alexander Hamilton" has made mistakes in the collection of taxes during the eight years that he has been Secretary of the Treasury in the enormous sum of $1,180,612,356.33. I say that any financier who, in the course of eight years, collects from the people by mistake or accident $1,180,612,356.33 is not infallible. Surely the paying out of such an enormous sum is in itself sufficient to challenge the attention of the Congress, and especially so when there is now no real supervision by anyone over the Treasury Department's acts in paying out these enormous sums of money. Every dollar paid out may have been properly paid out or refunded; on the other hand some, or much, may have been improperly refunded. We should have the facts.

Mr. WHEELER. Mr. President, does not the Senator know that that is what makes him great in the eyes of our Republican friends across the aisle?

Mr. McKELLAR. That may be so. I am not going to discuss that question now; but here is what I want to call attention to, namely, that these refunds are increasing by leaps and bounds. I have been calling attention to it all during the last two administrations, because I want to show how these refunds are mounting up.

Mr. WHEELER. Will the Senator pardon a further interruption?

Mr. McKELLAR. Yes.

Mr. WHEELER. Does not the Senator know that that is why all the great newspapers of the country are afraid of the present Secretary of the Treasury—because he can make these mistakes?

Mr. McKELLAR. I am not advised as to that; and just now, in the short time that I have—because I want this bill to pass, and if this amendment is agreed to it can be passed instantly; if they will accept this amendment, I am perfectly willing to let the bill be passed so far as I am concerned, but I want to call attention to what is being done under this administration of the tax laws in reference to tax refunds.

In 1917 the refunds of the Government amounted, in round numbers, to $887,000.

In 1918 they amounted to $2,000,000.

In 1919, $8,000,000.

In 1920, $15,000,000.

In 1921, $28,000,000.

In 1922, $48,000,000.

In 1923, $123,000,000.

In 1924, $137,000,000.

In 1925, $151,000,000.

In 1926, $174,000,000.

In 1927, $103,000,000.

In 1928, $142,000,000.

In 1929 they have amounted to $37,000,000 already. This appropriation carries $130,000,000 and another request for an appropriation has already been submitted by the Budget Director and the President for $75,000,000 more, making a total, in round numbers, at the present session of Congress of $262,000,000 of refunds of taxes by clerks in the Department of the Treasury, with no supervision from the outside at all, with no knowledge upon the part of Congress as to why these tremendous refunds are made, with no facts before the Congress.

Mr. President, these figures are taken from a table placed in the hearings on the Treasury Department appropriation bill before the Committee on Appropriations of the House on November 30 of this year. The table is as follows:

Statement showing total internal-revenue receipts, total amount of additional assessments and collections resulting from office audits and field investigations, and total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1928, inclusive, and first three months of the fiscal year 1929

Fiscal year	Total internal-revenue receipts	Amount of additional assessments and collections resulting from office audits and field investigations	Amount of refunds of taxes illegally collected
1917	$809,393,640.44	$16,597,255.00	$887,127.94
1918	3,698,955,820.93	29,984,655.00	2,088,565.46
1919	3,850,150,078.56	123,275,768.00	8,654,171.21
1920	5,407,580,251.81	466,889,359.00	15,639,952.65
1921	4,595,357,061.95	416,483,708.00	28,656,357.95
1922	3,197,451,083.00	266,978,873.00	48,134,127.83
1923	2,621,745,227.57	600,670,632.00	123,992,820.94
1924	2,796,179,257.06	577,710,044.00	137,006,225.65
1925	2,584,140,268.24	312,667,876.00	[1] 151,885,415.60
1926	2,835,999,892.19	404,537,468.00	[2] 174,120,177.74
1927	2,865,683,129.91	383,965,350.00	103,858,687.78
1928	2,790,535,537.68	368,565,764.00	142,393,567.17
First quarter 1929	662,586,273.02	93,442,457.91	37,695,158.41
Total, 12 years 3 months	38,715,757,522.36	4,061,769,209.91	975,012,356.33

[1] Includes $17,777,642.45 refunded taxes under provisions of section 1200 of the revenue act of 1924 (25 per cent refunds of 1923 individual income taxes).

[2] Includes $206,115.29 refunded taxes under provisions of above section of law.

We have been coming up here blindly every year, and sometimes twice a year—because they come up on deficiency bills also—appropriating these enormous sums of money, this session amounting to $262,000,000, and there is not a man in the Senate, there is not a man in this country, outside of some of the employees and officials of the Treasury Department, who can tell where a dollar of it has gone and whether it has been justly and fairly expended or not.

Mr. DILL. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. DILL. Are the mistakes which make necessary these refunds the same kind of mistakes each year?

Mr. McKELLAR. So far as known, they are. So far as is known, they are mistakes of this kind, that taxes are refunded, but an error was made by the taxpayer, and he finds he has paid too much.

Mr. SMOOT. Mr. President, I know the Senator wants to be correct in the matter.

Mr. McKELLAR. Indeed, I do; and I am going to be correct. Under no circumstances would I want to be incorrect or make an incorrect statement.

Mr. SMOOT. That is all right. I want to say to the Senator that during the early years there were jeopardy assessments put upon many of the big concerns, and the Treasury Department, in placing those jeopardy assessments, did not know what the taxes would be; there was no examination; but they did determine that the amount would be enough so that it would cover every emergency. The taxpayer paid the tax, and if he had not, under the law he would have had to pay interest. When the final adjustment has taken place, if the assessment is shown to have been more than was actually

owing by the company, the excess is refunded. That is what the refunds are.

Mr. DILL. But it is over such a long series of years.

Mr. SMOOT. Certainly; from the beginning of the war, when there had to be valuations of the property. There were excess profits, there were all of the complications in the tax bills, such as had never before been experienced in the history of this country or of any other country. It is very natural that it should be so.

Mr. McKELLAR. Mr. President, if it is very natural, if it is very fair, if it is very honest, if it is very just, why can not the Congress have the facts? Why are the facts withdrawn from the scrutiny of the Congress? This body and the body at the other end of the Capitol have passed a solemn law providing that where the tax refund amounts to more than $500 the Secretary must give all the facts to the Congress at the beginning of the session. That law was passed last May. It has not been complied with, and, notwithstanding the fact that that law has been treated with the utmost disrespect by the Secretary of the Treasury, he blandly comes in, and messages are here demanding $205,000,000 to be continued to be paid out without any knowledge on the part of Congress at all.

Senators, we should not permit it; it should not be done; it is not the right method of legislation. We are not acting up to our duty as trustees of this Government. We should not permit it for a moment. The amendment I have to offer would do nothing but require the Treasury to comply with the law. I will read it, and I ask Senators to adopt it. It simply provides that—

Said reports to be made at each regular session of the Congress after May 29, 1928—

The date the law was passed—

and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

Is there anything unfair or unjust about that? If these claims have been properly paid, is there any reason why we should not have the Secretary of the Treasury comply with that law? Is he above the law? Is he to treat the laws we pass with disrespect, and are we to continue to appropriate these vast sums without his complying with the law? I say that if we do we are violating our duty as trustees of the Government, and I for one do not intend to do it.

Mr. President, I ask that there may be printed as a part of my remarks a communication from the President and the Director of the Budget on the matter of these refunds, and an article appearing December 12, 1928, in the New York Times under the caption "President asks $75,000,000 more."

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

REFUNDING OF TAXES

Communication from the President of the United States transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years for refunding internal-revenue taxes illegally or erroneously collected, $75,000,000

THE WHITE HOUSE,
Washington, December 11, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal-revenue taxes illegally or erroneously collected, $75,000,000.

The purpose of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, December 10, 1928.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years for refunding internal-revenue taxes illegally or erroneously collected, as follows:

INTERNAL REVENUE SERVICE

For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, $75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each, $75,000,000.

The amount already appropriated for this purpose for the fiscal year 1929 and prior years is $130,000,000. This supplemental estimate is intended to provide the Bureau of Internal Revenue with the necessary additional funds to refund to taxpayers all overassessments or erroneous payments of internal-revenue taxes which it is expected will be allowed by the Commissioner of Internal Revenue under the provisions of section 3220, Revised Statutes, as amended, up to and including June 30, 1929, or to the close of the present fiscal year. The amount of the supplemental estimate submitted at this time is also intended to cover the necessary funds to pay during the remainder of the present year judgments rendered by the Federal courts against the United States, or against an internal-revenue officer where taxes are involved, such judgments being payable from current appropriations for "Refunding taxes illegally collected" in accordance with a decision of the Comptroller General of the United States dated December 31, 1925 (A–12287).

The above estimate is required to meet contingencies and conditions which have arisen since the transmission to Congress of the Budget for the fiscal year 1929.

I recommend the transmission of the estimate to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

Supplemental estimate of appropriation required for the service of the fiscal year ending June 30, 1929, and prior years, by the Treasury Department

INTERNAL REVENUE SERVICE

Refunding taxes illegally collected:	
For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, $75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat., p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each (U. S. C. p. 1014, sec. 602; p. 1963, sec. 149; p. 1964, sec 157; p. 2003, sec. 1065; p. 2015, sec. 1120; p. 2032, sec. 284; acts Mar. 5, 1928, vol. 45, p. 169; May 29, 1928, vol. 45, p. 996; May 29, 1928, vol. 45, pp. 861–862, 865–866, 871, 874, 876–878, 882)------	$75,000,000
Amount appropriated for the fiscal year ending June 30, 1929----------	130,000,000

[From the New York Times, December 12, 1928]

PRESIDENT ASKS $75,000,000 MORE—TELLS CONGRESS THE ADDITIONAL SUM IS NEEDED FOR PAYMENT OF TAX REFUNDS—AGAIN WARNS OF DEFICIT—LORD SAYS THAT THE ESTIMATED SURPLUS MAY NOW SHIFT TO SHORTAGE OF $18,000,000

(Special to the New York Times)

WASHINGTON, December 11.—President Coolidge to-day sent a recommendation to Congress for an additional appropriation of $75,000,000 for tax refunds, which, if acted upon at this session, would create an actual deficit of more than $18,000,000 in the current fiscal year ending June 30. He expressed fear to-day that unless the revenues increased greatly in the tax payments next March and June the incoming administration would begin with a deficit facing it.

The additional amount, the President explained, became necessary because of court decisions and unexpected adjustments in the last few months.

The Treasury originally estimated that $130,000,000 would be sufficient for tax refunds. Including this additional estimate of $75,000,000, the amount sought for tax refund in this fiscal year would be $205,000,000. Since the Budget Bureau in forecasting the probable surplus estimated that $150,000,000 might be required, the supplemental estimate to-day would swell the estimated expenditures $55,000,000 above the total estimates.

General Lord, Director of the Budget, informed the President to-day that the estimated surplus at the end of this fiscal year, exclusive of this supplemental estimate, was $36,990,000. Therefore, if the entire amount of $205,000,000 is appropriated by this Congress, he pointed out to the President that the paper deficit would be around $18,000,000.

An actual deficit, General Lord said, might be averted by heavy income-tax payments on March 15 and June 15 next before the end of the fiscal year.

However, the income-tax payments may fall below the estimates and there is a possibility that the deficit may be greater than the paper figure of $18,000,000.

PRESIDENT SEES WAY OUT

President Coolidge to-day discussed the situation at length in his conference with newspaper men. He observed that some fears were ex-

pressed that the Government's revenues would be too small next year adequately to run the Government. This, he thought, was impossible as reductions could be made to overcome such a contingency.

He said that the difficult problem the incoming administration would face might be a deficit which now, with the tax refund demands, was becoming more real than speculative.

In order to prevent a deficit the President suggested that Congress should proceed with the utmost scrutiny over appropriations this session. He thought that some of the tax-refund money perhaps need not be expended in this fiscal year and that this procedure might avert a deficit.

In his comments to-day he emphasized several times that Congress should cooperate with the executive departments and reduce expenditures wherever possible so that the deficit, if one appears, would be so small as to be easily handled.

In submitting his recommendations to the House the President did not mention the possibility of a deficit. This discussion occurred subsequently in his biweekly conference with the newspaper men.

TEXT OF PRESIDENT'S LETTER

The President's letter to Speaker LONGWORTH was as follows:

THE WHITE HOUSE,
Washington, December 11, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriations for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal revenue taxes illegally or erroneously collected, $75,000,000.

The purpose of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

GENERAL LORD'S LETTER

General Lord's letter to the President reads as follows:

BUREAU OF THE BUDGET,
Washington, December 10, 1928.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriations for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal revenue taxes illegally collected by the Internal Revenue Service.

For an additional amount for refunding taxes illegally or erroneously collected as provided by law, including the payment of claims for the fiscal year 1929 and prior years, $75,000,000; provided, that a report shall be made to Congress by internal revenue districts and alphabetically arranged of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each—$75,000,000.

The amount already appropriated for this purpose for the fiscal year 1929 and prior years is $130,000,000. This supplemental estimate is intended to provide the internal revenue for the necessary additional funds to refund to taxpayers all overassessments or erroneous payments of internal revenue taxes which it is expected will be allowed by the Commissioner of Internal Revenue under the provisions of section 3220, Revised Statutes, as amended, up to and including June 30, 1929, or to the close of the present fiscal year.

The amount of the supplemental estimate submitted at this time is also intended to cover the necessary funds to pay during the remainder of the present year judgments rendered by the Federal courts against the United States or against an internal revenue officer where taxes are involved, such judgments being payable from current appropriations for "refunding taxes illegally collected," in accordance with a decision of the Comptroller General of the United States dated December 31, 1925 (A-12287).

The above estimate is required to meet contingencies and conditions which have arisen since the transmission to Congress of the Budget for the fiscal year 1929. I recommend the transmission of the estimate to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

Mr. McKELLAR. Mr. President, we collect, all told, something more than $2,000,000,000 of income taxes, and we are paying out one-tenth of it in tax returns, without the Congress having any knowledge as to whether those refunds are just or not.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wyoming?

Mr. McKELLAR. I will yield in a moment. Under what facts could the Secretary of the Treasury pay back one-tenth of all that is collected in tax refunds, why or how we know nothing about?

I now yield to the Senator.

Mr. WARREN. Will the Chair rule?

Mr. McKELLAR. The Senator certainly has not interrupted me to get a ruling on a point of order he has not made. I will proceed until I finish, and then I will yield.

Mr. WARREN. I wanted to know if the ruling of the Chair on my point that this is legislation is against me. If so, I wanted to know if the Senator is ready to have a vote without taking any further time.

The PRESIDENT pro tempore. The Chair holds the point of order made by the Senator from Wyoming not valid. The Chair holds that the amendment presented by the Senator from Tennessee is in the nature of a limitation upon an appropriation and is in order.

Mr. McKELLAR. Mr. President, I ask for a vote on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that the totals may be corrected by the clerks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLEASE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, line 24, under the heading "Federal farm loan bureau," add the following:

That said board shall instruct the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.

Mr. WARREN. Mr. President, I am sorry, but I shall have to make the point of order against the amendment as being legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BARKLEY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The clerk will report the amendment.

The CHIEF CLERK. In the item for study of rural sanitation, on page 32, line 23, strike out the figures "$215,000" and insert in lieu thereof the figures "$247,825."

Mr. WARREN. Mr. President, will the Senator allow this amendment to come to a vote and let the matter go to conference, or does he desire to address the Senate?

Mr. BARKLEY. I do not desire to address the Senate if the Senator will agree to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRUCE. Mr. President, did the Treasury appropriation bill pass?

The PRESIDENT pro tempore. The bill has just passed.

Mr. BRUCE. Mr. President, I move a reconsideration of the vote by which the bill was passed. I called the attention of the chairman of the committee to the fact that I had an amendment on the table which I desired to offer. He will recollect that fact. I happened to leave the Chamber for a moment.

Mr. WARREN. I had assumed that the Senator had abandoned the idea because he was not here to offer the amendment.

Mr. BRUCE. I happened to be out of the Chamber for a moment. I did not suppose the bill would come to a vote so quickly. I took pains to tell the Senator that I proposed to offer the amendment. I ask unanimous consent for a reconsideration of the vote.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for a reconsideration of the vote by which the Treasury and Post Office Department appropriation bill was passed. Is there objection?

Mr. WARREN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BRUCE. I move that the vote be reconsidered.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate reconsider the vote whereby the appro-

priation bill for the Post Office and Treasury Departments was passed. The question is on the motion of the Senator from Maryland.

Mr. KING. Is that debatable?

The PRESIDENT pro tempore. Oh, yes.

Mr. KING. I appeal to the Senator from Wyoming, and to others who may feel constrained to vote in the negative, to change their attitude. It does seem to me that when a Senator in good faith is here during the progress of discussion, when a bill is under consideration, waits here for perhaps hours for the purpose of offering an amendment, and mentions to the chairman of the committee that he purposes offering an amendment, but steps out of the Chamber for a moment, and during his absence the bill is passed, the chairman of the committee ought, upon the facts being presented, voluntarily move to set aside the action of the Senate and permit the Senator to offer the amendment. I beg the chairman to do that. It will be a bad precedent if he does not. The Senator will not make anything by objecting.

Mr. WARREN. Is the Senator from Utah undertaking to accuse me of intentional discourtesy?

Mr. KING. Nothing of the sort. I am appealing to the Senator.

Mr. WARREN. Then please appeal respectfully.

Mr. KING. I have done so.

Mr. WARREN. If I may do so, I ask that the bill be reconsidered and that the amendment be now put to a vote.

The PRESIDENT pro tempore. Without objection, the vote by which the bill was passed will be reconsidered, and the order that the amendments be engrossed and the bill read a third time vacated. The bill is now in the Senate and open to amendment. The Senator from Maryland proposes the following amendment, which will be read.

The CHIEF CLERK. On page 19, on the last line, under the item "Bureau of Prohibition," strike out "$13,500,000" and substitute therefor "$270,627,384."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Colorado [Mr. PHIPPS], on page 3, line 11, to strike out "$125,000,000" and to insert in lieu thereof "$165,000,000."

Mr. JOHNSON. I ask the Senator from Colorado if he will not separate his amendment, so that the first part of it and the last part of it may be first considered, and then the portion allocating a certain sum to flood control may be considered. On page 3, line 11, he moves to strike out the numerals "$125,000,000" and insert "$165,000,000," and on page 4, line 21, to strike out the numerals "$125,000,000" and insert "$165,000,000." I ask the Senator if he will first take up those two items.

Mr. PHIPPS. Mr. President, it seems to me that there are two questions involved, and Senators might be favorable to one proposition and object to the other. Under the circumstances, they are not necessarily coupled together in one amendment. I am perfectly willing to have a separate vote on those two portions of the amendment printed, as suggested by the Senator from California.

Mr. JOHNSON. So far as I am able, I accept those two amendments.

The PRESIDING OFFICER (Mr. FESS in the chair). Any Senator can ask for a division of the amendment.

Mr. KING. Let the clerk state the amendment.

The PRESIDING OFFICER. The clerk will report the amendment as divided.

The CHIEF CLERK. On page 3, line 11, strike out "$125,000,000" and insert "$165,000,000."

Mr. JOHNSON. That is the end of that part of the amendment.

Mr. KING. Mr. President, I confess I do not understand the proposed amendment now. Is it an amendment to the amendment offered by the Senator from Colorado?

Mr. JOHNSON. I am asking, if the Senator from Utah will permit me, the segregation so that we may first pass upon the authorization and subsequently pass upon the proposed allocation of a sum to flood control.

Mr. McKELLAR. It is simply an increase in the authorization from $125,000,000 to $165,000,000.

Mr. JOHNSON. That is all; a mere authorization.

Mr. ASHURST. Mr. President, there are some Senators absent from the Chamber who are very much interested in this question. I have sent for one or two of them, and my colleague has likewise sent for others. However, I think we should have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Smith
Barkley	Fletcher	McNary	Smoot
Bayard	Frazier	Metcalf	Steck
Bingham	George	Moses	Steiwer
Black	Glass	Neely	Swanson
Blaine	Glenn	Nye	Thomas, Idaho
Blease	Goff	Oddie	Thomas, Okla.
Borah	Greene	Overman	Trammell
Bratton	Harris	Phipps	Tyson
Brookhart	Hastings	Pittman	Vandenberg
Bruce	Hawes	Ransdell	Wagner
Capper	Hayden	Reed, Pa.	Walsh, Mass.
Caraway	Heflin	Robinson, Ind.	Walsh, Mont.
Couzens	Johnson	Sackett	Warren
Curtis	Jones	Schall	Watson
Dale	Keyes	Sheppard	Wheeler
Deneen	King	Shipstead	
Dill	La Follette	Shortridge	
Edge	McKellar	Simmons	

Mr. WALSH of Montana. I desire to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Colorado [Mr. WATERMAN] are detained from the Senate on committee work.

Mr. WAGNER. I wish to announce that my colleague [Mr. COPELAND] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present. The question is on the first part of the amendment submitted by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the second part of the amendment, which the clerk will report.

Mr. JOHNSON. It is on page 4, line 21. Was that included in the question just stated? The segregation which I proposed included lines 1 and 2 to the period on line 2, and then lines 11 and 12 of the printed amendment of the Senator from Colorado.

The PRESIDING OFFICER. The Chair will state the question again.

Mr. ROBINSON of Arkansas. Mr. President, let us have a statement explaining the amendment.

Mr. JOHNSON. The suggestion I have presented, if the Senator from Arkansas will permit me, is to the amendment of the Senator from Colorado segregating the two distinct portions thereof, the first segregation being of lines 1 and 2 increasing the authorization, and lines 11 and 12, with a like increase of authorization, leaving the remainder of it then as a separate amendment to be determined subsequently.

Mr. ROBINSON of Arkansas. The question is now on which amendment?

Mr. JOHNSON. On the two, lines 1 and 2 to the period in line 2, and lines 11 and 12.

Mr. ROBINSON of Arkansas. I observe that there is an increase of $40,000,000 proposed in that item.

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. I think a statement should be made explaining the necessity for it.

Mr. JOHNSON. The reason for it is because in the report of the board of engineers appointed under the resolution adopted by the Congress at the last session, endeavoring to be overconservative as to the amount which might be required for the entire project, that amount was increased, and that increase constitutes the $40,000,000 to which the Senator has just adverted. It is an authorization alone, and therefore, in order to meet the computation of the board of engineers, we increased the authorization accordingly.

Mr. ROBINSON of Arkansas. How is so great a difference in the estimate accounted for?

Mr. JOHNSON. The difference is, first, in the cost of the all-American canal; and, secondly, in the cost of additional improvements, as it were, to the construction of the dam.

Mr. ROBINSON of Arkansas. Has the committee considered the amendment and reported it?

Mr. JOHNSON. No; the committee has not considered the amendment, because the report was only handed to the Congress at the beginning of the present session.

Mr. ROBINSON of Arkansas. The report was received after the committee had reported?

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. There was no reference of the amendment to the committee?

Mr. JOHNSON. No.

The PRESIDING OFFICER. The Chair will ask the Senator from California to read that part of the amendment of the Senator from Colorado which constitutes the first segregated part of the amendment.

Mr. JOHNSON. On page 3, line 11, strike out the numerals "$125,000,000" and insert "$165,000,000."

The PRESIDING OFFICER. That has been voted on and agreed to.

Mr. JOHNSON. The other portion is on page 4, line 21, to strike out the numerals "$125,000,000" and insert "$165,000,000."

Mr. ROBINSON of Arkansas. Does not that follow from the adoption of the first amendment?

Mr. JOHNSON. In the bill in two different places those figures are used.

Mr. ROBINSON of Arkansas. Yes; I understand.

The PRESIDING OFFICER. Without objection, the second part of the amendment is agreed to. The question now is on the remaining part of the amendment of the Senator from Colorado.

Mr. KING. Mr. President, the questions asked by the Senator from Arkansas are timely. The amendment before us corroborates the statements heretofore made by some Senators that the estimates made by the Reclamation Service as to the cost of the enterprise are inadequate and inaccurate.

The engineers in the Reclamation Service have been referred to by some Senators and by organizations which have supported the pending measure as almost infallible. Efforts have been made to prove that the reclamation projects have been wisely selected, and that they will prove successful. The fact is that a number of such projects have been failures, and millions of dollars have been wasted in attempts to develop irrigation projects which never can be made successful. The report of the fact-finding commission, appointed by the Secretary of the Interior several years ago, is a challenge to the statements concerning the efficiency of the Reclamation Service. Many of the projects inaugurated under the reclamation law have cost a great deal more than the estimates called for, and thousands of individuals have entered upon the lands with such projects, relying upon the statements of reclamation officers as to the feasibility of the enterprises and the maximum cost which would have to be paid to the Government. There have been many sad experiences in the lives of some who have gone upon reclamation projects and whose sacrifices have been too great to be described.

Reports made by some of the engineers of the Reclamation Service as to the cost of the Boulder Dam project have been, in my opinion, misleading, and have failed to state all the facts. The estimates have been imperfect and far below what the project will cost. I can not believe there has been a conscious purpose upon the part of some of the engineers and some of the officers of the Government to color the facts or to overemphasize various factors. It is certain, however, that factors have not been considered in the estimates submitted and that difficulties and problems certain to be encountered have either been overlooked or their seriousness minimized. Of course, in a project so stupendous, and one involving so many considerations, it is to be expected that in the preliminary studies and in the plans formulated every contingency could not be anticipated, and that errors of judgment would arise and mistakes of fact would occur.

There have been sharp conflicts between some of the reclamation engineers and engineers of the Army and the Federal Power Commission. My recollection is that some of the engineers of the two branches of the Government last referred to stated that the cost of the project would be at least $200,000,000. That was the statement made by Mr. W. Kelley, chief engineer of the Federal Power Commission.

Various figures have been submitted from time to time by engineers of the Reclamation Service as to the cost of the completed project provided for in the pending bill; but finally the Interior Department settled upon $125,000,000 as the total cost of the Boulder Dam, the power plant, and the all-American canal.

Upon a number of occasions I have stated that these figures were entirely too low; that the project might, and probably would, cost more than $200,000,000. So unsatisfactory were the reports submitted by the Government and so contradictory and confusing was the testimony which has been given before the two committees of Congress with respect to this project, that just before Congress adjourned in June, of this year, a resolution was passed directing that a board be appointed to examine the proposed site of the dam to be constructed and review the plans and estimates made therefor. Unfortunately, the authority of the commission appointed under the action of Congress was limited to an examination of the proposed dam at Boulder and Black Canyons. A number of other sites have been suggested by engineers upon which to construct dams, and the advantages of some of these sites have been urged with zeal and ability. We are denied the opinion of the commission referred to as to the advantages, whether superior or otherwise, of these various sites, and as to the feasibility and wisdom of selecting some other site upon which to build a dam.

It is to be observed that the commission or board of engineers appointed by the Secretary of the Interior, with the approval of the President, did not approve of Boulder Canyon as a site for the building of the dam, but gave the preference to Black Canyon. The estimates of the Interior Department and its engineers were not followed by the board, who state that the project will cost $165,000,000; and, further, that if the all-American canal should be completed to the Coachella Valley, $11,000,000 additional should be added to the cost, making the total $176,000,000. The report, however, does contain reassuring features and will remove from the minds of many some of the doubts and fears heretofore entertained. If the report is sound and may be relied upon there is reason to believe that a dam at Black Canyon is feasible and can be so constructed as to be safe. That is an important finding, particularly in view of the many fears felt and expressed both in Congress and throughout the country, that a dam of the height contemplated was not feasible and presented many elements of danger.

I think an impartial examination of the report justifies the view that a reasonably safe dam can be constructed, and that it will be effective in controlling the floods and will materially diminish the amount of silt carried to the lower regions of the Colorado River and to the canal which conveys water to the Imperial Valley. While it confirms the statement that an all-American canal can be constructed, the report demonstrates that the cost will be much larger than estimated.

The report of the commission, however, is not in harmony with the views of the Interior Department and the advocates of the bill before us with respect to the revenue to be derived from power and the sale of storage water. It has been contended by Government officials and organizations in California, that the revenue to be derived from the sale of power would repay the cost of the project within 25 years. The bill calls for the amortization of the entire $125,000,000 within 50 years. The commission, however, reports that—

> if the income from storage can be reasonably increased and the capital invested reduced by the cost of the all-American canal, together with a reduction of all but a part of the cost properly chargeable to the flood protection, it will be possible to amortize the remaining cost with the income from power.

My recollection is that the Secretary of the Interior estimated that the receipts from storage service would be $1,500,000 per annum. I repeat when I state that the bill, following the recommendation of the Interior Department, provides for the construction of the all-American canal and the dam and the power plant, the aggregate cost being $125,000,000, and that the entire cost is to be met from the sale of power and storage water from the reservoir, presumably to the coastal cities of California. We are told by the report, that the cost of the all-American canal must be eliminated and a portion of the cost of the dam charged to flood protection, and subtracted from the amount of capital invested; and that with these two important deductions made from the total cost of the enterprise, it is possible that the residue can be amortized from the income from power.

Mr. President, we are not quite frank in invoking the reclamation act and seeking to bring the all-American canal within all of its terms. Reclamation projects are built from reclamation funds, and are not obtained from the Treasury of the United States. The reclamation fund is a revolving fund produced from the sale of public lands, oil royalties, and so forth. By this bill we propose to appropriate directly from the Treasury of the United States the entire amount necessary for the construction of the all-American canal which the commission estimates to be $38,500,000, not including the interest and not including the continuation of the canal to Coachella Valley at a cost of $11,000,000. It is true that the Secretary of the Interior is required to make contracts with those whose lands are to be irrigated from the canal for the repayment to the Government of the cost of the canal, covering a period of 40 years, but without interest. It seems, therefore, that the Government derives no interest whatever from the $38,500,000, or the $11,000,000 should the canal to the Coachella Valley be constructed.

If we should follow the commission's recommendations, it would be necessary to determine what would be a reasonable and fair proportion of the cost of the dam to be allocated to

flood control, and deduct that amount from the cost of the dam which the commission declares will be $70,600,000. I would be very much gratified if the estimates of the reclamation engineers are found to be correct; and if the revenues to be derived from the sale of power and stored water are as great as estimated by the champions of this bill, then there will be additional grounds for satisfaction.

It is to be hoped that the project will prove a success and that the Government will be almost wholly reimbursed for the costs of the enterprise and that profits will be realized from the sale of power and stored water which may be devoted for the further development of the Colorado River and for the construction of irrigation projects in the upper basin. If the theory of this bill is to be adopted and is to govern in dealing with this most important part of the Colorado River system, then provision should sooner or later be made for the comprehensive development of the river and the utilization of its resources. If the Federal Treasury is to be called upon to develop the lower part of the river and principally for the benefit of California, then, in justice to the upper States which furnish more than 80 per cent of the flow of the river, plans should be formulated and executed for the development of the water and power resources of the river and its tributaries in New Mexico, Utah, Colorado, and Wyoming.

The Government should, in cooperation with the States, investigate the feasibility of erecting water-storage projects and related problems in the upper Colorado River Basin, with the object in view of developing a plan under which the waters of the Colorado River can be put to the greatest possible beneficial use.

If this bill shall become a law the seven States within the Colorado River Basin should enter into a compact or agreement, supplemental to and in conformity to the Colorado River compact, in order to form a comprehensive plan for the development of the river, and to accomplish this end they should authorize the creation of an interstate commission and, perhaps, the creation of corporations or other agencies to carry out the terms of the compact.

The PRESIDING OFFICER. The clerk will state the second part of the amendment.

The CHIEF CLERK. The second part of the divided amendment reads as follows:

Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. JOHNSON. Mr. President, I promised at this point to yield for a brief ceremony which it is desired to hold.

RECEPTION TO LADY HEATH, OF ENGLAND

Mr. JONES. Mr. President, I move that the Senate take a recess for five minutes in order to receive Lady Heath, of England.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was unanimously agreed to, and the Senate took a recess for five minutes.

The Senate being in recess,

Lady Heath, escorted by Mr. JONES and Mr. CARAWAY, entered the Chamber, and Mr. JONES said:

Senators, I introduce to you Lady Heath, the celebrated woman aviator of England. She will be glad to meet Senators if they will pass by and shake hands with her.

Lady Heath having been introduced to the Vice President, she stood in front of his desk and greeted the Members of the Senate as they were introduced to her by the Vice President.

At the expiration of the recess the Senate reassembled.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, the amendment that is now presented becomes of some importance to those who have sponsored this measure, and for that reason a personal attitude respecting it I desire to express.

The amendment allocates the sum of $25,000,000 to flood control. It provides:

Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

The reason for that insertion, I assume, of 62½ per cent of the revenues is because in the bill 37½ per cent of what I may term the excess revenues or what I think might be designated as profits are allotted to the two States of Arizona and Nevada in equal shares; and I assume the purpose of the amendment is, out of the remainder of this 62½ per cent, to pay, if it can be paid, the allocation of $25,000,000 for flood control.

Mr. President, I speak in personal vein, as I have already indicated. I have lived with this bill now for some years; I have lived with the bill because I deem the structure that is provided for by this proposed enactment to be the greatest constructive work of our generation, and because I believe that great constructive work can be accomplished without in any way burdening the Treasury of the United States.

From the inception of this endeavor upon our part to erect the Boulder Dam there has never been a time when its proponents have not insisted that no raid upon the Treasury ever could be predicated upon the provisions of this bill; that it was an impossibility, indeed, for the charge so often hurled at us to be substantiated, that we were seeking to tax the rest of the United States in order that the Colorado River might be harnessed and this monumental work might be consummated. During the acrimonious discussion concerning this bill outside of the Chamber, in which for some years I have participated, I have been berated by a portion of the press of the United States for endeavoring to take for southern California and for a part of Arizona, indeed, a large sum from the Treasury of the United States, and I have been accused of the desire to go into the Public Treasury and take from the taxpayers of this country money for the particular benefit of a small section of the country. I have ever answered, within the absolute facts, that there was not a word, a scintilla, of truth in that charge; and I pointed always with pride to the provision of the bill found upon page 5 which justified me in the continuous assertion that never under any circumstances would we go into the Treasury for this project, that meant so much to us, and under no circumstances would it ever cost the taxpayers of this land a single penny. I read to you, sir, that provision. It is to me one of the strongest provisions in the bill, and one of the provisions upon which any man could stand in any section of this Nation and answer any criticism of any character leveled against the great expenditure contemplated.

On page 5 of the substitute bill it is provided:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon, made reimbursable under this act.

Thus, sir, in plain import we have said to the people of the United States, "Before a shovelful of earth is turned, before a single dollar shall be expended in behalf of this project, there shall be in the hands of the Secretary of the Interior the means by which every contemplated expenditure shall be repaid, with interest upon this expenditure."

This, sir, has been my position from the beginning to the end. It is my position to-day. I neither ask nor want any allocation to flood control or for any other purpose that will fall upon the Treasury of the United States or upon the taxpayers of the United States of America. I repeat that. As the author of this substitute bill, I neither ask nor want any moneys to come from the Treasury of the United States, save in the manner provided by the bill, and from which repayment is provided under the very terms of the bill, as I have just indicated.

I feel, sir, and I know, that out of the revenues from this project there can be sufficient realized to meet by amortization in the period of 50 years—every penny, no matter whether it be computed under the estimates of the reclamation engineers or under the estimates of the Board of Engineers which has just reported to the Congress. I care not what others may do, nor do I ask anyone to follow in my footsteps; but for me, sir, to stand here and take any other position after the contest that I have waged and the theory upon which I have wage it during all these years would seem, sir—although, of course, it is not—a species of bad faith of which I can not, and I will not, be guilty. I repeat that either under the esti-

mates of the reclamation engineers or under the estimates made by the engineers recently reporting to the Senate and to the Government, the full sum can be readily met. These figures in remarks to the Senate a couple of days ago I presented; and then I demonstrated, I think, and demonstrated conclusively, the fact of what I say.

If it shall be desired that there be any further elucidation in that regard, the figures are before me, and that elucidation can be made; but I assume that what has been said in that regard in the Senate heretofore and what I said the other night respecting it is more or less familiar to the Members of this body, and that they understand that there is no difficulty in the amortization of the full amount under either the one estimate or the other.

So, sir, I feel constrained personally to vote against the particular amendment.

Mr. PHIPPS. Mr. President, the Sibert report, made in accordance with a resolution adopted by the Congress, shows very careful work on the part of the most competent men in their professions. Some attention should be given to their findings. The amendment now under discussion is one which I proposed, predicated in part upon the recommendations of the Sibert commission. I thought it my duty as chairman of the committe which reported the bill to bring to this body the points that had been suggested by that commission.

Personally, I had always felt that there was a duty resting upon the Government to provide flood control in the Colorado River, particularly in the lower reaches, just as it provides flood control on the Mississippi River. I based the figure of $25,000,000 upon estimates that had been made by engineers as to the cost of proposed flood-control dams on the lower reaches of the Colorado River. One figure I had in mind, which is the one for a dam located at the most appropriate site on the river, showed a total of $28,000,000 for the purposes of that dam construction. I therefore used the figure of $25,000,000.

It seemed to me that the Government could at least waive the interest on that amount of money until it had been repaid. Of course, interest is charged on the moneys to be advanced unless exceptions are made thereto. This is an exception which in my judgment would apply only to the matter of interest, because eventually, granted that this amendment were adopted, of the $165,000,000, if it were all expended—which I do not believe it will be—$25,000,000 is set aside, leaving $140,000,000 to be repaid with interest. After that had been repaid the $25,000,000 would be repaid; but concurrently, out of excess earnings, 62½ per cent of such earnings would be applied to the repayment of this allocation. Assuming that there were no surplus earnings, however, after the $140,000,000 had been repaid with interest, then this $25,000,000 would be repaid out of earnings.

I desire to point out that the difference is one merely of interest. If the project earns, as I believe it will, a sufficient amount over a period of time to repay its cost of installation and upkeep, then the money would be returned. No other provision being made, the surplus revenues go into the Treasury of the United States.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. PHIPPS. I do.

Mr. KING. Is not the Senator in error in stating that the Government receives interest upon the entire amount of $140,000,000? According to the amendment of the Senator, $25,000,000 is deducted for the moment. Then the Government makes the advancement for the construction of the all-American canal, and that is not to draw interest. That is to say, we are to pay it out of the fund, but the Government does not get back interest for the amount which is utjilized in the construction of the canal.

Mr. PHIPPS. No; that would come under the reclamation act under the provisions of this bill.

Mr. KING. The Senator knows that while we label it as coming under the reclamation act, as a matter of fact the amount needed for the construction of the all-American canal does not come from the reclamation fund, but comes from this $165,000,000, and no payment is made to the Government of interest upon the advance. In other words, the all-American canal will be constructed with moneys taken from this fund, and no interest whatever will be paid to the Government by those who get that enormous sum.

Mr. PHIPPS. The Senator is correct.

Mr. KING. So that the $140,000,000, then, does not draw interest.

Mr. PHIPPS. No; it does not all draw interest. The Senator is correct in that regard.

Mr. President, I hope my statement has been clear, so that there is no misunderstanding. I think it is a matter for the Senate to consider and decide. Of course, this provision is not in the House measure, and necessarily it would have to meet with the approval of the House if adopted here.

Mr. VANDENBERG. Mr. President, I feel bound to submit an observation at this point.

While the primary interest affected by this great structural project are exclusively localized in the West, there has been a distinct and an emphatic interest in the project in the East and the Middle West, and there has been an emphatic discussion revolving primarily around this fundamental question, namely, Is this a self-contained project financially, as the distinguished Senator from California has insisted from the moment the project was born?

We have had that discussion in Michigan; we have had it in Illinois; we have had it all through that area of the Nation; and we have persistently answered that under the terms of the bill the Treasury of the Nation is called upon for not one single penny in order to produce this great flood-control result.

As the situation stands up to the moment that the amendment of the distinguished Senator from Colorado appears, this still is the warrant in the proposed law. As a matter of factual net result, even if the amendment be adopted, the Treasury still will be reimbursed for every penny that is involved in the project. It is the testimony of the distinguished Senator from Colorado, although he is the author of this pending amendment, that in his judgment the Treasury will be fully reimbursed in spite of the latitude in his amendment; and it is the emphatic testimony of the Senator from California, who knows more about this measure than any other Senator, and who unhesitatingly declares that the Treasury will be reimbursed, and who presents eloquent and decisive figures to prove it. Therefore, we confront this option—either to leave the warrant for the payment of the whole sum in the bill or to remove the warrant upon the last $25,000,000, although we fully expect the payment to be made whether the warrant is there or not.

Mr. President, in view of the nature of the discussion up and down America upon this bill, and in view of the promise that has been made to millions and millions of people who are not related primarily to the project but emphatically are related to the tax rolls of the Nation, and in view of the promises that have been made to them that this bill does not involve a drain upon the Treasury, I respectfully submit that at this final moment, when this great enterprise is finally coming to fruition, it is tragic that the warrant should be withdrawn in any degree and any loophole or chance left for anybody to say that the bill has ceased to live up to its original prospectus and now does involve a drain upon the Treasury. Such action would seem to deny that we possess the courage of our convictions. I refuse to accept any such misleading classification. It but invites still more misunderstanding.

I feel that the amendment of the Senator from Colorado should be defeated in the interest of consistency with the theory upon which this entire project has been erected and in consistency with the theory upon which it has been defended up and down this Nation by Senators who have no relation to the States that are involved, who are willing and eager to assist in the great enterprise that is entailed but who want to remain in the same position they always have occupied, namely, that of defending a project which is fiscally self-contained and which continues to be fiscally self-contained even though the warrant be partially withdrawn.

I hope the warrant will stay in the bill.

Mr. PITTMAN. Mr. President, I think that under the report of the commission there may be some doubt in the future, not at present, but in the future, as to whether this power could pay the costs, including the $25,000,000. It is true that it has been estimated by the Department of the Interior, and I think the estimates are largely sustained by the commission, that within 50 years, by selling the power at the switchboard at 3 mills per kilowatt-hour, the cost could be amortized in 50 years. But suppose that, considering the competitive price of steam in Los Angeles, you can sell it for but 2 mills per kilowatt-hour. Two mills per kilowatt-hour would not amortize the total amount in 50 years, according to the report of the commission. So you are taking chances as to whether they can sell it at the switchboard for 3 mills, and if, peradvanture, the competitive price of steam power in Los Angeles reached a figure so that no one could afford to pay over 2 mills per kilowatt-hour for electricity at the switchboard, then you could not pay.

This is the situation: If you do not believe it is the duty of the Congress of the United States to protect the Imperial Valley and western Arizona against floods, you have no right

to vote for this bill under any consideration. This is not a power scheme, because we have a law regulating that. This is not a reclamation scheme, because we have a separate law covering that. There is but one excuse for this bill in this form, and that is that it is the constitutional duty of Congress to regulate interstate commerce, to protect and improve navigation on rivers, and so on.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. VANDENBERG. Admitting that the only justification for this act is in its flood protection character, what is the justification for linking a power project with a flood project, except for the purpose of making the power project finance the flood project?

Mr. PITTMAN. The Senator is entirely right; that is the only excuse for it. But the question is, suppose the power that can be generated there can not pay back all this money in 50 years. Then does the Senator think we should not have any flood control because of that fact.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SHORTRIDGE. Indulging that supposition, suppose that after 50 years have come and gone and the Government has not been fully, as of that remote time, reimbursed, should it cause us to hesitate to pass this bill?

Mr. PITTMAN. No; it should not cause us to hesitate to pass this bill. I do not think the duty of Congress to provide for flood protection should be affected by the consideration of whether the Government is going to lose any money or not. It is an obligation that has been imposed on Congress by the Constitution of the United States. It is an exclusive power of Congress that has been taken away from the States. There is no body except the Congress of the United States that can protect against flood destruction in such a case as now confronts us in southern California and western Arizona. It is no use discussing whether or not the power from that dam will pay the cost in full or not. The question is, should the dam be built, and at what price can the power be sold? The bill now provides that it shall be sold at a competitive price.

This is the trouble: This amendment of the Senator from Colorado does not provide that the $25,000,000 shall not be paid. All it provides is that the Government may commence this work when they have contracts that will insure the repayment of all except $25,000,000 in 50 years, and that the $25,000,000 will either be paid during the 50 years or after the 50 years. That is all there is to it.

I think we are careless, very careless, if we state that this dam shall not be built if the Department of the Interior can not contract for the sale of this power at a price that will return $140,000,000 in 50 years. All we do by this amendment is this, we say that if the Government can contract for the disposal of power that will pay back all of this advancement for the dam in 50 years, then it can start to build; and then, if there is any surplus during the period of amortization 67½ per cent will apply to the $25,000,000, and if it is not all paid off during the period of amortization, then 67½ per cent of all net revenues after amortization shall be applied.

What will be the net revenues after amortization? After amortization the net revenues will be nearly $10,000,000 a year. That would pay off in three or four years after amortization the whole $25,000,000 if it had not already been paid off before the end of the time. There is only one thing in this. It does not excuse the repayment of the $25,000,000; it provides that the $25,000,000 shall not be considered in the contract as a factor in determining when this dam shall be started.

I think we are taking serious chances, very serious chances, when we require that the Secretary of the Interior has to find that the returns from power within 50 years will pay the larger sum. It should be only based on the sum less $25,000,000, with the same provision the Senator has made, that payment will be during amortization if possible, and if not possible, that it will be after amortization. I think it is very careless to take a chance on that.

The PRESIDING OFFICER. The question is on agreeing to the second division of the amendment offered by the Senator from Colorado, which the clerk will report.

The CHIEF CLERK. On page 3, line 11, after the figures "$165,000,000," insert the following:

Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the junior Senator from Maryland [Mr. TYDINGS], who is absent. Not knowing how he would vote if present, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, and I being unaware as to how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON] is necessarily absent. He has a pair on this question with the Senator from South Dakota [Mr. NORBECK].

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate by illness in his family. On this question he has a pair with the junior Senator from New Jersey [Mr. EDWARDS].

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is detained from the Senate by illness.

Mr. EDGE. I wish to announce that my colleague the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate. I will let this announcement stand for the day.

The result was announced—yeas 49, nays 19, as follows:

YEAS—49

Ashurst	Fletcher	McNary	Steck
Barkley	George	Oddie	Steiwer
Bayard	Glenn	Overman	Stephens
Bingham	Goff	Phipps	Swanson
Blaine	Hale	Pittman	Thomas, Idaho
Bratton	Hastings	Ransdell	Tyson
Brookhart	Hawes	Reed, Pa.	Wagner
Capper	Hayden	Robinson, Ark.	Walsh, Mass.
Caraway	Jones	Robinson, Ind.	Walsh, Mont.
Couzens	Kendrick	Sheppard	Watson
Curtis	Keyes	Shortridge	
Dill	King	Simmons	
Edge	McKellar	Smith	

NAYS—19

Black	Harris	Metcalf	Schall
Borah	Heflin	Neely	Shipstead
Deneen	Johnson	Norris	Vandenberg
Frazier	La Follette	Nye	Wheeler
Glass	McMaster	Sackett	

NOT VOTING—27

Blease	Gerry	Locher	Smoot
Broussard	Gillett	McLean	Thomas, Okla.
Bruce	Gould	Mayfield	Trammell
Copeland	Greene	Moses	Tydings
Dale	Harrison	Norbeck	Warren
Edwards	Howell	Pine	Waterman
Fess	Larrazolo	Reed, Mo.	

So the second division of Mr. PHIPPS's amendment was agreed to.

The VICE PRESIDENT. The Chair calls the attention of Senators to the fact that the hour of 3 o'clock having arrived, debate is now limited to 15 minutes under the unanimous-consent agreement.

Mr. PHIPPS. Mr. President, I call the attention of the Chair to an amendment which I have had printed and lying on the table, and which I now offer.

The VICE PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 2, line 22, after the word "purposes," strike out the period and insert a colon, and the following:

Provided, That such hydroelectric plant and incidental structures shall not be constructed by the Secretary of the Interior if a satisfactory contract or contracts can be entered into with a State or States, or public subdivisions thereof, or individuals, associations, or corporations, in the order of their priority, for the construction of such plant and for the fullest economic development of electrical energy.

Mr. PHIPPS. Mr. President, I desire to say that this proposal was discussed and considered by the Committee on Irrigation and Reclamation, and it was left out on a very close vote. Since that time expressions from the President of the United States indicate his very strong opposition to a project in the form provided for in the House bill, which would be limited to construction by the Federal Government alone.

The proposed amendment would put it in the alternative so that in the event that the States themselves, municipal governments, or political subdivisions of a State, or private enterprise,

did not present to the Secretary of the Interior a proposal which, under the terms of the bill, he considered satisfactory in that it would insure return of the investment within the time and within the terms prescribed in the bill, then the Secretary of the Interior would have authority to construct at Government expense, with Government money, the power plant, provided he could satisfy himself that contracts made for the sale of the power or the leasing of the plant would bring the terms which would reimburse the Government for the outlay.

Mr. President, I do not care to speak and can not speak more than once on the bill, but I shall be glad to answer any questions Senators may desire to propound.

Mr. BORAH. Mr. President, I would like to ask the Senator a question.

Mr. PHIPPS. I shall be glad to answer the Senator if I can.

Mr. BORAH. Do I understand the Senator's amendment is to strike out certain portions of the bill?

Mr. PHIPPS. No; it is to add to the clause which authorizes the Secretary of the Interior to construct a plant at Government cost, a proviso that will authorize him to contract with States or municipalities or political subdivisions or with private enterprise for the construction of such plant.

Mr. BORAH. Does it leave it discretionary with the Secretary of the Interior as to which he shall do?

Mr. PHIPPS. It does, in the order of their priority.

Mr. JOHNSON. Mr. President, if the Senator will yield to me, I think I can put it in a word.

Mr. PHIPPS. I yield.

Mr. JOHNSON. This is one of the most important amendments presented to the bill and determines the much-discussed question in reference to power and possibly determines the policy which the United States Government shall now determine to be the policy of the Government in reference to works of this sort where power may be generated. The amendment of the Senator from Colorado postpones, as I understand it, the rights of the Government to erect a generating plant until every other conceivable possibility may have been exhausted. That is correct, is it not?

Mr. PHIPPS. I do not think it goes quite to that extent.

Mr. JOHNSON. We will not put it that broadly; but it postpones the right of the Government to construct a generating plant until there shall have been exhausted all efforts with the State, with the political subdivisions thereof, with individual associations, and with corporations in the order of their priority. Here is one of the controversial questions in relation to the bill and in relation to the policy which shall be pursued by the United States hereafter in the development of its water power. When the Senator from Colorado has concluded I desire to be heard.

Mr. BORAH. I will wait until the Senator gets through.

Mr. JOHNSON. I did not mean to interrupt the Senator from Colorado, but I thought perhaps I could make the situation clear in a word.

Mr. McKELLAR. Mr. President, I want to ask a question of the Senator from Colorado.

Mr. PHIPPS. I yield.

Mr. McKELLAR. The amendment provides:

> If a satisfactory contract or contracts can be entered into with a State or States, or public subdivisions thereof, or individuals, associations, or corporations, in the order of their priority.

What priority is referred to?

Mr. PHIPPS. The priority there would be between political entities and private enterprise.

Mr. McKELLAR. Which would have the prior right? I do not understand that expression.

Mr. PHIPPS. A State would have priority over a municipality, for instance.

Mr. McKELLAR. Does the Senator mean in the order of the priority as stated in the amendment?

Mr. PHIPPS. It could be so construed.

Mr. McKELLAR. It ought to be stated clearly if that is so. I do not agree with the Senator's amendment at all.

Mr. BORAH. As I understand the amendment, in the first place no construction of the power proposition is to be made by the Government until the Government has undertaken to have it done either through the State, a municipal organization, or private association. Secondly—and this is a very important part of it, it seems to me—it is provided—

> That such hydroelectric plant and incidental structures shall not be constructed by the Secretary of the Interior if a satisfactory contract or contracts can be entered into—

And so forth.

Who is to determine whether it is a satisfactory contract?

Mr. PHIPPS. The Secretary of the Interior. In the paragraph referred to we give him the power to construct, and this is a proviso amending that authority.

Mr. BORAH. In all probability that is the same as if there was no authority at all to construct on the part of the Government.

Mr. PHIPPS. No; I do not agree with the Senator in that, because it does not take away from the Secretary of the Interior his authority. It simply gives the Secretary the authority to determine for himself whether or not the works can be satisfactorily constructed through contracts with a State or private enterprise before he resorts to construction out of the funds in the Public Treasury.

Mr. EDGE. Mr. President, as I understand the amendment, in effect it expects the Secretary of the Interior to exhaust all other possible efforts to construct before the Government itself constructs.

Mr. PHIPPS. In other words, to satisfy himself that the provisions of the bill for repayment and other things can not be met by a contract with a municipality or private enterprise. Have I given full answer to the Senator's question?

Mr. EDGE. Not entirely. I have not compared the amendment with the section it proposes to amend, so I am not entirely familiar with the authority granted there. As I analyze the amendment, whatever the power given in the section which it proposes to amend, that power is waived or temporarily laid aside until the Secretary of the Interior exhausts any one of these possibilities to have a power plant constructed.

Mr. PHIPPS. That is substantially correct. He must determine first whether or not his authority to construct can be complied with through these various sources before he resorts to expenditure of Federal money.

Mr. BORAH. The Secretary of the Interior is to be the sole judge of whether it is to be more satisfactory to construct privately than publicly?

Mr. JOHNSON. That is quite true.

Mr. BORAH. Yes; it is true. It can not be otherwise under the proposed amendment.

Mr. BRATTON. Mr. President, I had intended to ask the Senator from Colorado a question, but I think it has been answered by the statements just made. The power of the Government to construct a plant is completely suspended and inert until the Secretary of the Interior negotiates with the State first. If he fails there, then it is with the subdivision; if he fails there, then it is with the private concerns; and if he fails from any of those sources to get an offer that he considers satisfactory, until that time the power of the Government to act is completely suspended.

Mr. PHIPPS. With reference to the power plant.

Mr. BRATTON. Yes; and the operation of it.

Mr. PHIPPS. Yes.

Mr. JOHNSON. Mr. President, I hope the Senate will give me its attention for just a few moments, so that there may be a thorough understanding of exactly what the situation is with reference to power. The Senate bill contains three options. Necessarily the matter has been left in an elastic state because of the size of the project and because of the necessity for financing such a tremendously enormous sum; but the three options provided by the Senate bill are, first, that the Government may lease the water at the dam for power purposes; secondly, that the Government may erect a generating plant and wholesale the power; and, thirdly, that the Government may erect a generating plant and lease units of power of such generating plant.

We have sought to arm the Government in every way that it is possible for the Government's protection and for the protection of our people. Originally, before this bill crystallized into its present shape, there were not the three options embraced within it, but the Government itself, after considering the bill and considering it at length and with great care, finally suggested the matter respecting the construction of a generating plant. I read the language of the Secretary of the Interior under which the amendment was made which authorizes the Government to erect that generating plant. He said:

> The building of a unified power plant by the Federal Government in the place of allocating power privileges as proposed in the bill, is regarded as more efficient and cheaper. It will obviate controversies between applicants, and long delays in their adjustment. In the end, results will, I believe, be superior to those possible under an allocation of privileges. The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided and which a unified development will avert.

In pursuance of that direction the bill was amended, in order that the Government might have all three of the options, which

might be exercised as the situation developed and as the circumstances demanded.

Now, what is proposed by the Senator from Colorado [Mr. PHIPPS]? That the Government be postponed in doing the very thing that the Government demanded of the proponents of this bill until every other method has been exhausted in the matter of the allocation of power or the making of contracts for power. The question arises, then, whether we shall now tie the hands of the Government of the United States in this bill in relation to the generation of power by others than the Government, or whether we shall leave the Government free to protect the people. That is the point that is involved. It is not a question of Government ownership at all; it is not a question of Government operation at all; it is not a question of the Government distributing power, nor a question of the Government retailing power, nor of the Government going into business in the slightest degree. The only question is whether we shall take from the Government the right, where power is generated in an amount greater than ever before contemplated by any works, to protect itself and its people and relegate it to the postponement of its right and its duty.

Mr. PHIPPS. Mr. President, will the Senator from California yield for a question?

Mr. JOHNSON. I yield.

Mr. PHIPPS. I wish fully to understand whether the Senator from California is opposed to having in this bill a clause which will permit construction by the States, by municipalities, or by private enterprise?

Mr. JOHNSON. Of course not. The bill so provides. I am saying that the Federal Government shall have the power—that is all—to protect itself if it shall be necessary, and the option and the right to erect a power plant, and that that option and that right shall not be taken from the Government by any act of Congress.

Mr. PHIPPS. Mr. President, I ask the Senator if he will be good enough to indicate the section and line in the bill where that is made clear?

Mr. JOHNSON. Where what is made clear?

Mr. PHIPPS. Where it is made clear that these plants may be constructed by States, by municipalities, or by private enterprise.

Mr. JOHNSON. The leasing clauses make that clear. The fact that the Secretary of the Interior has the right under the provisions of the bill either to lease the power, to lease the water, to lease units of power, or to construct a generating plant. That is where and how.

Mr. PHIPPS. I call the Senator's attention to the fact that the only place in the bill where, I believe, he will find that a lease is provided for is on page 11, beginning in line 16, where the language reads:

> or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Is not that correct?

Mr. JOHNSON. But the entire proviso reads:

> The Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Mr. PHIPPS. That relates to the main dam itself beyond question.

Mr. JOHNSON. Of course, it relates to the main dam itself.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nevada?

Mr. JOHNSON. I yield.

Mr. ODDIE. I should like to ask the Senator a question. He referred to the statement made by the Secretary of the Interior in regard to the clause on which he just commented. Does not the Senator believe that the President had knowledge of and sanctioned that statement of the Secretary of the Interior?

Mr. JOHNSON. Most assuredly I do. On what theory can it be maintained that one of the distinctive arms of the Government in a matter of grave consequence and great importance adopts a policy and then that the head of the Government is at variance with that policy? I can not for a moment tolerate any such suggestion.

Mr. FESS. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. FESS. I understand from the Senator's interpretation, that the Government can under the amendment offered by the Senator from California—that is, under the original Senate bill—proceed to contract for the erection of a plant by private enterprise?

Mr. JOHNSON. Certainly, or erect it itself. The elastic power is given to the Secretary of the Interior. It is necessary in the administration of the bill.

Mr. FESS. I should like to say if the Senator will permit me——

Mr. JOHNSON. Certainly.

Mr. FESS. That I should like to vote for a measure that will give the authority to the Government to contract with private enterprise. I should not like to vote for a bill that would make it compulsory and leave no other option except the Government doing the work itself. Yet, at the same time, I would not want the bill defeated because of an incident such as that.

Mr. JOHNSON. The difference between the House bill and the Senate bill is exactly what has been indicated by the Senator from Ohio. The House bill was amended upon the floor so that under the House bill which is before the Senate, as well as the substitute Senate bill, by what is known as the Davenport amendment the erection of a generating plant is made mandatory upon the Government, while under the Senate bill it is not made mandatory; it is merely an option which the Government may exercise as the circumstances may determine or warrant. The reasons presented for the Davenport amendment were cogent and persuasive.

Mr. FESS. As I understand the interpretation of the amendment of the Senator from Colorado, the Government might say, "We are not satisfied with the proposals and therefore will never construct the plant; we are wating to be satisfied by the proposals of various agencies."

Mr. JOHNSON. That may be so, but I think that it postpones any right of the Government until every other means has been exhausted.

Mr. FESS. That appears to be the case to me.

Mr. BORAH. It not only postpones, but it prohibits until the party in power in the Interior Department has made up his mind that it is better to go into it as a Government operation than as a private enterprise. It is left absolutely with him.

Mr. JOHNSON. That is true.

Mr. EDGE. Is not that true under the bill without the amendment?

Mr. BORAH. If we get a chance to vote on the so-called Davenport amendment, it may not be so.

Mr. EDGE. I am speaking of the bill as described by the Senator from California.

Mr. JOHNSON. In the Senate bill the matter is left optional with the Government, that is, with the Secretary of the Interior, who is the administrative officer under this plan; it is left optional with him whether or not he, for the Government, will build the plant, lease the units or wholesale the power.

Mr. ROBINSON of Arkansas. It is optional with him whether the plant shall be built by private or public effort.

Mr. JOHNSON. Yes, sir.

Mr. ROBINSON of Arkansas. That was not comprehended in the statement which the Senator made.

Mr. JOHNSON. Yes, sir; that is so.

Mr. ROBINSON of Arkansas. Under the Senate bill the Secretary of the Interior would have the power to determine whether the power plant shall be constructed by private or public agencies.

Mr. JOHNSON. Exactly; and if the Senator will turn to the bill, the Davenport amendment, in order to make it mandatory on the part of the Government, struck out in line 16, page 11, the words:

> or alternatively to enter into contracts of lease for the use of water for the generation of electrical energy.

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. STEIWER. May I ask the Senator from California if the authority to permit private enterprise to build hydroelectric works is to be found in the language just alluded to on page 11 of the substitute bill commencing in line 13?

Mr. JOHNSON. Yes, sir.

Mr. STEIWER. Further answering the question just propounded by the Senator from Arkansas [Mr. ROBINSON], it occurs to me that I should call attention to the language there used. It is there provided—

> That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant.

Mr. JOHNSON. Yes.

Mr. STEIWER. With the right to do certain things. Is it not worthy a moment's consideration of the Senator from California as to whether the words "Government-built plant" shall remain in the bill?

Mr. JOHNSON. They ought to remain. There follows, however, the alternative, if the Senator will read a little further, which is:

or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy.

Mr. BORAH. If this amendment should be defeated, then the Senate bill would be before us?

Mr. JOHNSON. Yes, sir.

Mr. BORAH. And if we chose to do so we could offer the Davenport amendment, which would raise the question directly?

Mr. JOHNSON. Exactly.

Mr. PITTMAN. Mr. President, I think the objection, if there is any, to the language in the bill as it now stands is this:

In one place in the bill it provides that the Government may construct this plant and contract with regard to the sale of electricity at the switchboard, or that it may contract for the use of the water for the generation of electricity. But, sir, on page 2, at line 16, we find this apparently contradictory statement:

Also to construct and equip, operate, and maintain at or near said dam a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir.

I think if we were to insert, on line 17, after the word "dam," the words "or cause to be constructed" the whole bill would then be in perfect harmony.

Mr. JOHNSON. The Senator may be correct in that; but, at the same time, I deem it wholly unnecessary, because the authorization on page 2 is a mere authorization—that is all—for the construction of a plant. It is nothing more than that. If you will observe, the Secretary of the Interior is hereby authorized to do thus and so—to construct, equip, operate, and maintain. After he is authorized to construct a plant he is authorized to enter into contracts for the lease of a unit or units of any Government-built plant, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy. It is merely that he is given an authorization to erect a plant, then to lease it wholesale, to lease it in units, or, alternatively, to lease the water; but he does not have to construct the plant at all.

Mr. PITTMAN. No; he may not. He is only authorized to build a dam, but it is taken as an instruction that he shall build it.

Mr. JOHNSON. No; he is only authorized to build the dam and he is only authorized to build the plant. That is quite so.

Mr. PITTMAN. And he is authorized to build the plant.

Mr. JOHNSON. Exactly.

Mr. PITTMAN. Now, at a later place in the bill it states that he may, if he sees fit, lease the water instead of building the plant.

Mr. JOHNSON. Certainly. What is the provision that the Senator suggests? If it will make it any plainer, I have not the slightest objection to it.

Mr. PITTMAN. I would suggest inserting, after the word "dam," on line 17, page 2, the words "or cause to be constructed."

Mr. JOHNSON. All right.

Mr. PITTMAN. I think if that is done, even from the viewpoint of the Senator from Colorado, his amendment is entirely unnecessary.

Mr. JOHNSON. If there is no objection I will accept the amendment of the Senator from Nevada and insert it. Is there any objection to that?

Mr. KING. Mr. President, has the Senator from California the floor? I do not desire to take him from the floor.

Mr. JOHNSON. No; I want to dispose, first, of the suggestion of the Senator from Nevada. I accept it; and if there is no objection, Mr. President, I ask that the amendment be made as suggested—that is, that after the word "dam" in line 17, page 2, there be inserted the words "or cause to be constructed."

Mr. KING. That is to say, as I understand the Senator from California, we are not considering in the suggestion just made by him the amendment offered by the Senator from Colorado [Mr. PHIPPS].

Mr. JOHNSON. It came up in conjunction with the consideration of that amendment, of course.

Mr. KING. I ask so that there may be no misunderstanding; I have no objection to that amendment.

Mr. PHIPPS. Mr. President——

Mr. KING. I yield to the Senator from Colorado.

Mr. PHIPPS. This being a separate amendment from the one we are talking about in a sense, and yet virtually the same thing, it seems to me that with his usual facility the able Senator from Nevada has found a solution for a difficulty. The bill was inconsistent, to my mind and to the minds of some others, in that the first section does not correspond with the language of the later section to which I called attention. If it is satisfactory to accept this amendment, which the author of the substitute amendment now under consideration is willing to do, that will be acceptable to me, and I shall thereupon ask permission to withdraw the amendment I have offered.

Mr. JOHNSON. All right, sir.

Mr. BORAH. Mr. President, that makes it interesting to know what the effect of this amendment will be if it is accepted. Does it accomplish the same thing that the amendment of the Senator from Colorado will accomplish?

Mr. PHIPPS. No; it does not.

Mr. JOHNSON. I do not so understand it at all. I do not understand that the amendment in the slightest degree alters the options to which I have adverted, which the Government has; and that, I take it, is the understanding of the author of the suggestion.

Mr. PITTMAN. That is the idea, except that it makes it harmonious in both places.

Mr. KING. Mr. President, I think I have the floor; and I will conclude what I have to say.

Mr. JOHNSON. Mr. President, will the Senator yield for a question? Do I understand that the Senator from Colorado now has withdrawn his amendment?

Mr. PHIPPS. That is what I was about to ask leave to do. That is predicated, of course, upon the acceptance of the amendment of the Senator from Nevada.

Mr. JOHNSON. That is adopted.

Mr. PHIPPS. If that is adopted, then I desire to withdraw my amendment.

Mr. KING. Mr. President, let me ask the Senator from Colorado, then, in view of his statement, whether he understands that the amendment which has just been accepted compels the Secretary of the Interior, before the Government shall construct the power plants, to afford to municipalities or to the States or to private individuals the opportunity to build the plant?

Mr. PHIPPS. No; it does not. It does not impose any order of priority in which proposals may be considered.

Mr. KING. Does it require him to make the offer at all? Does the bill, as it is now perfected by the acceptance of the amendment offered by the Senator from Nevada, compel him to seek any outside agency for the construction of the dam; or may he not, in the exercise of authority conferred upon him, proceed and build the dam without giving any opportunity to Los Angeles or to any municipality or to any State to bid upon the project?

Mr. PHIPPS. That is my understanding.

Mr. KING. That is my understanding; and if the Senator is under the impression that there is any obligation upon the part of the Secretary of the Interior as the bill now stands, without the Senator's amendment, to make the offer to Los Angeles or any municipality or any corporation or individual to enter into a contract for the construction of the power plant, then the Senator would be mistaken, for no such requirement exists now.

Mr. PHIPPS. No.

Mr. KING. And he may, as I say, construct a power plant without giving to any organization or city or State the option to construct it.

Mr. PHIPPS. I am perfectly aware of that. The Senator is correct.

Mr. EDGE. Then, Mr. President, may I ask why the Senator from Colorado withdraws his amendment?

Mr. PHIPPS. I withdraw it because I believe we can safely leave the matter to the department. I do not believe the department is going to resort to the expenditure of Federal money for the purpose of constructing a power plant without finding out whether or not the requirements may be met by private enterprise. I believe private enterprise will ask for the opportunity to present proposals or offers to construct and use this plant.

Mr. ROBINSON of Arkansas. In all probability the head of the department, following the suggestion of his chief, would prefer to have the plant constructed at private expense if a satisfactory arrangement could be made.

Mr. PHIPPS. That is my belief.

Mr. PITTMAN. Mr. President, I wish to correct an error. At least, as I understood both the Senator from Utah and the Senator from Colorado, they have made a misstatement with regard to the effect of this bill.

The bill expressly provides, in subdivision (c) of section 5, commencing on the bottom of page 8:

Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal water power act as to conflicting applications for permits and licenses—

Under the Federal water power act, States and municipalities are given a priority over corporations and individuals in the event of conflicting applications.

The bill goes on further to say:

Except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as such applicants.

I mean to say that no matter which of the options the Secretary of the Interior sees fit to utilize, the priority of States and municipalities to license rights or to buy the power at the switchboard is still maintained in the bill.

Mr. JOHNSON. I want to make that emphatically plain—that the preferential rights that are accorded at the present time under the law are preserved by this act, and that those preferential rights are exactly as indicated by the Senator from Nevada.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to the substitute bill.

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. JOHNSON. Mr. President, that vote was on the amendment suggested by the Senator from Nevada?

The VICE PRESIDENT. Yes. The Senator from Colorado withdrew his amendment, as the Chair understands.

Mr. PHIPPS. Yes; I withdraw my amendment.

Mr. PITTMAN. Mr. President, are amendments now in order?

The VICE PRESIDENT. The amendment of the Senator from Colorado having been withdrawn, the original amendment, in the nature of a substitute, is now open to further amendment.

Mr. PITTMAN. Mr. President, I desire to offer two amendments. I should like to have them read first together; then I will offer them separately.

The VICE PRESIDENT. The amendments will be stated.

The LEGISLATIVE CLERK. On page 5 it is proposed to strike out all of subdivision (b) and to insert:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Also insert, at the bottom of page 5:

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, for the storage of water in said reservoir and for the delivery thereof through said main canal for irrigation, in accordance with the provisions of the reclamation law, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

Mr. PITTMAN. Does the Senator from California desire to have that printed and that it go over?

Mr. JOHNSON. This is the first time I have heard it. The latter amendment is one which I do not think ought to be adopted, but I say that only after listening to the reading of it. These have just been offered?

Mr. PITTMAN. Yes; just offered.

Mr. JOHNSON. They have not been printed?

Mr. PITTMAN. No.

Mr. JOHNSON. I desire that they shall be printed, so that I may look at them hereafter.

Mr. PITTMAN. Let me say this to the Senator: On page 6 is subdivision (b), which is in the same language as each one of these amendments, except that in that are grouped not only the dam and the power house but the all-American canal; and it is required that no appropriations can be made, or any construction work started, on the dam or the power house or the canal, or anything, until contracts have been obtained to repay the cost not only of the dam and the power house but the canal.

I have just separated them; that is all. In one case I state that no appropriation shall be made and no construction started on the dam or power house until contracts have been obtained that will guarantee the repayment of the cost of the building of the dam and the power house within 50 years. Then I provide exactly the same thing with regard to the canal. I require in that amendment that no appropriation shall be made or construction started on the all-American canal until the Secretary of the Interior has made provision by contract or otherwise for the repayment of the expenses incurred in building that canal by the sale of water.

Mr. JOHNSON. I ask that those amendments be printed so that we may have them before us.

Mr. PITTMAN. I will present one other amendment and have it printed. I will not offer it to-day. I ask that it be read and then printed. I call the particular attention of the Senator from California to this amendment.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 2, line 13, after the word "law," insert the words "and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy or for water for potable purposes outside of the Imperial and Coachella Valleys."

Mr. PITTMAN. My reason for that, of course, is that, as has been stated by the Senator from California and others familiar with this bill, there is no tax upon the hydroelectric power for the building of the all-American canal.

Mr. JOHNSON. Let it lie upon the table and be printed, please.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from California.

Mr. KING. Mr. President, I invite the attention of the Senator from California and the Senator from Nevada, as well as the other Senators who are interested in this bill, to the first page and the concluding part of the first sentence on the next page. I will read it, so as to make relevant the amendment which I shall offer.

That for the purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and for the delivery of the stored waters thereof for reclamation of public lands and other beneficial uses exclusively within the United States—

I emphasize these words—

and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking.

The Secretary of the Interior, subject to the terms of the Colorado River compact, is authorized to undertake certain steps. It would seem that this language is somewhat contradictory to the general purpose as explained by the Senator from California and conceded by all, namely, not only to make the enterprise solvent but for the purpose of obtaining revenue from the sale of water and from the sale of power. I am not so sure that the words which I have just read would not limit the Secretary of the Interior if he saw fit to charge such rates only for the sale of power and the sale of water as would make it financially solvent.

What is a financially solvent enterprise? It may be financially solvent if it pays its debts. I think, perhaps, it may be said, technically speaking, that an institution is solvent financially though there are no profits derived from the execution of the purposes for which it was organized, and in view of the fact that there is no difference of opinion as to the object of the project, and no difference of opinion as to the desire that it shall not only be a solvent institution, in the sense of its capacity to pay its debts, but that it shall produce some revenue, I think the limitation expressed in the words which I have just read should be modified, and that may be done very readily by adding, after the word "energy" and before the word "as," on line 6, page 1, the words "together with revenues from the sale of power," so that it will read:

and for the generation of electrical energy, together with revenues from the sale of power, as a means of making the project herein authorized a self-supporting and financially solvent undertaking, and in order that it will yield reasonable profits.

I shall not ask a vote upon those two amendments, but I shall offer them for the consideration of the Senate to-morrow, and, if necessary, I shall have them printed. I believe that the words of the bill, without modification, would require the Secretary of the Interior only to make the enterprise solvent and would not require of him to make contracts that would meet the obligations of the Government and obtain profits, as I am sure it is desired shall be done from the power and from the sale of water.

Mr. HAYDEN. Mr. President, I have just listened to the reading of an amendment proposed by the Senator from Nevada [Mr. PITTMAN]. I have prepared an amendment of my own that will accomplish the same purpose, which I intend to offer now and ask to have printed. I think we are in entire accord and also in accord with the author of the bill, that the all-American canal should be considered a separate and distinct enterprise from the dam and the power plant.

As the bill now stands, the funds for three purposes are included in one lump sum, money to build the dam, money to build the power plant, and money to construct the all-American canal. The terms of repayment for the dam and the power plant, if constructed by the Federal Government, would be different from the terms of repayment in the case of the building of the all-American canal, which the bill specifies shall be repaid under the terms of the reclamation law. To make the distinction perfectly clear, I shall offer this amendment, which I ask to have read, and to have it lie upon the table.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 6, line 23, after the words "section 4," insert the following:

Provided, That all such contracts to insure the repayment of all amounts advanced for the construction of the canals and appurtenant structures authorized by this act, and to insure the payment of all expenses of operation and maintenance of said canals and appurtenant structures incurred by the United States, shall conform to the requirements of the reclamation law and shall attach and relate solely to the lands coming under and benefited by such canals and appurtenant structures, and no obligation or burden for the repayment of the amounts advanced for the construction of such canals or appurtenant structures or for the payment of expenses of the operation and maintenance thereof shall be imposed upon the revenues derived from the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy and/or the sale of hydroelectric power and/or the storage of water as provided for in this act.

Mr. HAYDEN. There is another item to which I should like to direct the attention of the Senate at this time. The all-American canal is to be connected with the Laguna Dam. The Laguna Dam was originally constructed for the benefit of a Federal reclamation project, partly in California and partly in Arizona, the major portion of it being in the vicinity of Yuma, Ariz. The pending bill contemplates that the main canal leading from that dam shall be enlarged, and shall be jointly used by the Yuma project and the Imperial irrigation district and other lands to be served under the all-American canal.

The water users of the Yuma project are fearful of certain terms in the bill which authorize the Secretary of the Interior to transfer the title of the canal and appurtenant works to the districts which use it in proportion to their investment. It is felt by the people of the Yuma project that title to the Laguna Dam and the main canal, so far as they are jointly used, should remain in the United States.

There is also in existence a contract between the Imperial irrigation district and the United States authorizing a connection with the Laguna Dam, which contains, among its terms, a provision that power may be developed at a point known as Pilot Knob, and that the Yuma project shall enjoy a share of the advantage of the development of power at that point.

In order fully to protect the interests of the Yuma reclamation project, I offer the following amendment, which I ask to have read and to have it lie upon the table.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 13, line 11, insert the following:

Provided, That title to the Laguna Dam and auxiliary works and the main canal from said dam down to and including the Syphon Drop shall remain in the United States until otherwise provided by Congress and all power possibilities on said main canal below Syphon Drop down to and including Pilot Knob shall be developed for the joint benefit of the Yuma reclamation project and districts or other agencies having a beneficial interest therein.

Mr. JOHNSON. Let that be printed and lie on the table, so that we may get it to-morrow.

Has the Senator from Arizona presented all of the amendments he desires to be heard upon?

Mr. HAYDEN. At this moment; yes. I have an amendment pending relating to power that we shall want to take up a little later.

Mr. JOHNSON. There is one pending in relation to taxation, is there not?

Mr. HAYDEN. Yes.

Mr. JOHNSON. Is the Senator ready to proceed with that?

Mr. ASHURST. Mr. President, I have an amendment which I present at this time.

Mr. JOHNSON. I suggest, if the amendment has not yet been presented, that it may be printed.

Mr. ASHURST. It has been printed. It is my amendment No. 35, and is as follows: On page 16 of the substitute, H. R. 5773, after the word "district," on line 23, insert the following language: "and the express consent of the Yuma County Water Users' Association."

Mr. President, section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The protection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

It may be asserted that the Secretary of the Interior will consult the interested project members, or their representatives, before modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human and humanity is beset with frailty. The water users of Yuma project might, indeed, be consulted, but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, namely, the Imperial irrigation district, to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water Users' Association, was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10, it would be removed by turning back to section 7.

By the agreement entered into on October 23, 1918 (appendix to House hearings on all-American canal in Imperial County, Calif., 1922, p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures, and the maintenance and operation thereof."

Mr. SHORTRIDGE. Mr. President——

Mr. ASHURST. I yield to the Senator from California.

Mr. SHORTRIDGE. The provision of section 10 speaks of the contract between the United States and the Imperial irrigation district, to which contract the Yuma irrigation district was not a party.

Mr. ASHURST. On the face of the paper—that is, on the face of the bill, it might appear that the Senator is correct; but the fact is the Secretary of the Interior acted as umpire or referee for the Yuma County Water Users' Association.

Amity and friendship have always existed between the Imperial Valley irrigation district and the Yuma County Water Users' Association and I respectfully insist that it is not fair, it is not just in legislation, when there is a contract existing between two parties, to say that the contract may be modified at the behest and suggestion of or upon the consent of but one of the parties thereto.

Senators, I simply propose that the contract shall not be modified without the consent of both irrigation districts. I appeal to the sense of fairness in men, that the contract should not be changed at the behest of one of the parties thereto.

It would be a grinning bit of irony if one of the counties in the State of Arizona, which has always been for this bill, should be singled out and penalized by the bill.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is upon agreeing to the amendment submitted by the senior Senator from Arizona.

Mr. JOHNSON. Mr. President, may I suggest that I will take this up with the Imperial Valley people to-night and that we let it rest until to-morrow.

Mr. ASHURST. That is a sensible suggestion. Let it go over until to-morrow.

Mr. SHORTRIDGE. Mr. President, this is a contract entered into by two parties, the Government on the one side and the Imperial irrigation district on the other. The observations of the Senator seem to have been prompted by the thought that somebody is hostile to the Yuma County Water Users Association. It is new doctrine that a party not a party to a given contract must be consulted before that contract is modified. Of course, the Government in entering into this contract had a very lively regard, a kindly, sympathetic regard, for the people of Arizona; and if the Government was so actuated and had that regard for the people of Arizona, may not the Senator assume that the Government would not so modify the contract as to injure the people so directly interested?

Mr. ASHURST. Mr. President, I will say that I have no fear that the present Secretary of the Interior would do any injustice. I have imbibed a respect for the character and attainments of Mr. West, the present Secretary of the Interior, but we have had Secretaries of whom I could not say that.

Mr. SHORTRIDGE. Just this word, then, in conclusion: We did trust our Government, speaking through the Secretary of the Interior, in respect to entering into the contract in question.

Mr. ASHURST. May I interrupt the Senator?

Mr. SHORTRIDGE. Pardon me just a moment. I am perfectly willing to trust the present or future Secretary or Secretaries of the Interior. What the Senator from Arizona asks, out of his ardent love and devotion for his people, is that we must rely in the future upon the Yuma County Water Users' Association, and if they should be unreasonable, or what not, the Government nevertheless could not and the Imperial irrigation district nevertheless could not in any wise modify, even to any extent, the existing contract. In other words, the Senator is asking us to place implicit, irrevocable confidence in certain of his constituents, and for all time. However, let the matter rest, so far as I am concerned, until to-morrow.

Mr. ASHURST. I am willing that it may go over until to-morrow.

Mr. JOHNSON. Mr. President, the Senator from Utah [Mr. KING] has a number of amendments that I think can be disposed of very readily. If he will do me the kindness to offer them, we can take them up one by one and, I think, dispose of them within a very few minutes.

Mr. KING. Mr. President, I offer the following amendment, which has been printed and lying on the table.

Mr. JOHNSON. I am speaking of the printed amendments.

The PRESIDING OFFICER. Let the amendment be reported by the clerk.

The CHIEF CLERK. On page 20, after line 20, insert the following:

SEC. 15. In furtherance of any comprehensive plan formulated hereafter for the control, improvement, and utilization of the resources of the Colorado River system and to the end that this act may be administered as a unit in such control, improvement, and utilization, any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 4, 5, and 14 of this act, and shall have at all times access to records of all Federal agencies empowered to act under said sections, and shall be entitled to have copies of said records on request.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. KING. I offer the amendment which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, line 14, strike out the words "disposed of as may" and insert the words "kept in a separate fund to be expended within the Colorado River Basin as made," so as to make the paragraph read:

After the repayments to the United States of all money advanced, with interest, charges shall be on such basis and the revenues derived therefrom shall be kept in a separate fund to be expended within the Colorado River Basin as may hereafter be prescribed by the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. KING. Mr. President, I ask the attention of the Senator from Colorado to the amendment which I am about to send to the desk. I am inclined to think that it is at variance with an amendment which I have heretofore offered. Let the amendment be read, and then I shall explain it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The CHIEF CLERK. On page 2, line 15, it is proposed to strike out the words "irrigation or water for potable purposes," and to insert "use in Imperial Valley, or in said valley and additional areas served by said canal."

Mr. KING. Mr. President, when I first approached this subject it seemed to me that the lands in the Imperial Valley which are to receive such great benefit from the construction of the storage reservoir should be subjected to a reasonable payment annually for the benefit derived from the storage. I, therefore, offered an amendment proposing to strike out the provision which would exempt them from the payment of rentals for the use of the storage water. Upon consideration and upon further explanations made by persons living in the Imperial Valley, and by gentlemen representing what might be called the California side of the case, I reached the conclusion that perhaps it might not be just, in view of the fact that the Imperial Valley people would have to construct the canal, to impose upon them burdens for storage purposes and levy a charge upon them annually for water received from the reservoir. I reached that conclusion in part for the reason that the lands in the Imperial Valley which have been irrigated have, perhaps, a vested right, and it might be questionable whether we would have the power to impose a charge upon them for the use of water. At any rate, I gave them the benefit of all doubt, and I have offered this amendment, the effect of which, if adopted, will be that the Imperial Valley and the Coachella Valley will not be required to make payment for storage waters.

Mr PHIPPS. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. KING. I yield.

Mr. PHIPPS. Did the Senator hear read the amendment bearing on this same feature of the bill that has been proposed by one of the Senators, I believe the Senator from Arizona? The amendment was read and ordered to be printed and lie on the table.

Mr. KING. No; I did not hear the amendment read.

Mr. PHIPPS. I think the two amendments relate to the same feature of the bill. I will ask the Senator from Utah if the particular amendment he is now discussing has been printed?

Mr. KING. It has been printed in a different form.

Mr. PHIPPS. But not in the form in which it is now presented by the Senator.

Mr. KING. No.

Mr. PHIPPS. I will suggest to the Senator from California that it might be wise to allow this amendment to be printed and lie over with the others.

Mr. JOHNSON. If there is any objection to the amendment or any desire that that shall be done, it will be agreeable to me.

Mr. HAYDEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. KING. I yield.

Mr. HAYDEN. Mr. President, there is no land under the all-American canal which should be required to pay any charge

for storage of water in the proposed Boulder Canyon Reservoir. One serious objection that those of us who speak for the State of Arizona have had to this bill in its original form has been removed by segregating the all-American canal from the power and the dam project.

It is quite obvious that the landowners in the Imperial Valley under the new arrangement are to be required to assume a very serious financial burden. It is my best judgment, from a knowledge of irrigation conditions in the Southwest, that the burden they are asked to assume is all that they should be required to bear. For that reason I heartily favor the suggestion made by the Senator from Utah that it be made perfectly clear in this bill that no charge for the storage of water shall be imposed upon any land within the Imperial Irrigation District or any other district which derives water from the all-American canal.

Mr. PHIPPS. Mr. President, will the Senator from Utah yield in order that I may ask the Senator from Arizona a question?

Mr. KING. I yield.

Mr. PHIPPS. I should like to ask the Senator if he is aware of the fact that many of the Senators have called attention to the practice under the reclamation law whereby every project that has been so far instituted has been required to pay not only for all canals for transporting the water but also for the dams which retain the water for storage purposes? To leave the matter open might, perhaps, be satisfactory in that the department could determine whether or not the lands to be irrigated could bear a burden in addition to their proportionate cost of the canals necessary to be constructed. Now, to write into a bill a declaration whereby lands to be irrigated under this project will be exempted from ever being taxed for any portion of the cost of the dam or for storage of water that is desilted might be establishing a precedent which should be very carefully considered before being finally adopted.

Mr. HAYDEN. I may say to the Senator that I have given very careful consideration to the matter. In the instance of the Salt River project the Federal Government constructed a dam. Later, with money obtained from the water users, power plants were developed. The water users' association uses the proceeds from the sale of power to aid in reimbursing the Government for the cost of the project.

There the storage of water and the development of power are all in one project, while in this instance the dam is located many, many miles above the point of diversion on the Colorado River, and the bill contemplates that the receipts from the sale of power will reimburse the United States for the cost of that dam. If the United States is to be reimbursed for the cost of the dam at Boulder Canyon from power, what is the necessity for securing a revenue from farmers in the Imperial and Coachella Valleys who, it is true, are benefited by the dam, but who likewise are required to expend large sums of money in the development of their own project?

Mr. PHIPPS. Mr. President, if the department is in position and finds itself able to enter into contracts that will guarantee the return of those advances, that is one thing; but suppose it is unable to do that unless it is in position to figure that revenue may be derived from waters that are stored for use on irrigation projects or for domestic supply as potable water, as expressed in one item of the bill?

Mr. HAYDEN. Mr. President, as to revenue from the latter source I think it is entirely feasible to obtain it and entirely proper that it should be obtained, because an essential service is to be rendered to the municipalities in southern California not only in impounding but in desilting potable water. In the second place, a charge of that kind would be spread so thinly over the consumers of domestic water that they would never notice it; but when there is added a substantial charge for storage on top of the other reclamation charges the cost would be made so high that the farmers in the Imperial and Coachella Valleys could not bear it. That is my judgment upon this subject.

Mr. JOHNSON. Does the Senator from Colorado object to the consideration of the amendment?

Mr. PHIPPS. I would prefer that it go over until to-morrow, because I think there are other Senators interested in that feature who would like to consider it.

Mr. JOHNSON. Let the amendment go over until to-morrow, then.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. KING. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 20, line 16, it is proposed to strike out the word "headwater."

Mr. JOHNSON. There is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment, and I will say in explanation that undoubtedly in the committee in following the language of another bill, a power bill, there was left out the word "recapture." I present this amendment in order to conform to the language in the other bill which has been followed in this bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 6, after the comma following the word "profits," it is proposed to insert the words "recapture and/or."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 2, before the word "Colorado," it is proposed to strike out the word "lower."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, at the beginning of line 13, it is proposed to strike out the words "others similar" and to insert the words "any other."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JOHNSON. That constitutes all the amendments the Senator from Utah has to offer, does it not?

Mr. KING. I have presented one which has only been printed to-day and Senators have not had an opportunity to examine it. Then, I have suggested two other amendments which have not been printed and which are very brief.

Mr. JOHNSON. The one to which the Senator refers as having been printed to-day relates to what matter, may I inquire? I do not ask the Senator to reply in detail.

Mr. KING. I hope the Senator will permit me to read it, because I regard it as very important, and I think that is in the interest of the constructive development of the river and the bringing together in harmonious relations of all the States. If I may be permitted in my own time, I will read it. It is as follows:

That the consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. President, may I say, perhaps repeating what I said a moment ago in a little different phraseology, that it looks as though the dove of peace is going to rest upon those who have participated in this long struggle. I think that it is eminently wise for the States to enter into a compact that will draw them more closely together for the comprehensive development of the river and for the purpose of utilizing all of its potentialities. That will not, of course, interfere with this project. It may be denominated as supplemental to it; and I am sure that, upon examination of this amendment, it will commend itself to the judgment of all Senators interested as well as to the judgment of other Members of this body.

Eastern States, such as Pennsylvania, New Jersey, and New York, have recently entered into a compact for the division and utilization of the waters of the Delaware River. I am sure that that will be productive of amicable relations between the States. More and more, because of the character and importance of interstate streams, the States are going to form

compacts and enter into agreements dealing with the rights of States, respectively; and this is in harmony with the development of interstate arrangements with regard to matters connected with themselves, and for the purpose of relieving them of Federal bureaucracy and the intrusion of the Federal Government into matters that ought to be determined and handled solely by the States.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Utah.

Mr. PHIPPS. The Senator from Utah did not ask for its present consideration.

Mr. KING. I should be glad to have it adopted, but Senators will want to give it more thought.

Mr. JOHNSON. I shall be very glad to study it; but I confess that personally I shrink from making another compact.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Utah will be passed over for the day.

Mr. HAYDEN. Mr. President, I should like to inquire of the Senator from California whether he prefers that I give notice of an intention to move to strike out subsection (c) of section 8 of the bill, which relates to the constitution of Arizona, and do that to-morrow, or whether we can dispose of it this evening.

Mr. JOHNSON. The constitution of Arizona is a rather bulky tome, and it is a very important matter. I shall be very glad to listen to an exposition concerning it to-night if the Senator desires. I leave it with him whether he would like to present his constitution to-day or save it for another day, for our delectation and pleasure then.

Mr. HAYDEN. The Senator is in charge of his own bill. I am willing to proceed or I am willing to wait another day, just as he pleases.

Mr. KING. Let it go until to-morrow.

Mr. CURTIS. Mr. President, it is desired to have an executive session; but we are perfectly willing to stay a half hour longer if the Senator wishes.

Mr. KING. We have made such good progress that I suggest we proceed with the executive session and take up that matter to-morrow.

Mr. JOHNSON. I shall be very glad to do that because I have the assurance of all of our brethren here that we probably may conclude the consideration of the bill to-morrow; and all of us are striving to that end.

PAYMENT OF SALARIES OF OFFICERS OF CONGRESS

Mr. WARREN. From the Committee on Appropriations I report back favorably House Joint Resolution 346, providing for payment of compensation to the employees of Congress for the current month on the 20th instant; and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 346) authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month, which was read, as follows:

Resolved etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1928, on the 20th day of that month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 14, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 1928

POSTMASTERS

ALABAMA

Virgil V. Cornelison, Akron.

COLORADO

Thomas N. Wayne, Edgewater.
Nellie M. Mickey, Evergreen.
Lewis W. Kennedy, Hot Sulphur Springs.
Fannie E. Arnett, Peetz.
Ira R. Wood, Ramah.
Charles J. Funk, Sterling.

IDAHO

Robert R. Coon, Emmett.
Joseph B. Newbury, Mullan.

INDIANA

Harley Secor, Akron.
Alfred V. Reschar, Anderson.
Darold W. Grossman, Argos.
Alvy Jay, Bridgeport.
Russel W. Carey, Carmel.
George P. Crabtree, Clay City.
Lewis Debolt, Claypool.
Louis W. Otto, Crawfordville.
Sadie B. Fairchild, Demotte.
Glen P. Witherspoon, Francisco.
Charles E. Barracks, Frankton.
Ernest R. Newman, Greens Fork.
Olin J. Gibson, Hanna.
Elmer D. Finke, Holland.
William W. Lucas, Huntington.
Sidney E. Stever, Mecca.
John C. Chaille, Otwell.
Adelma R. Horn, Pennville.
Manda Neet, Rosedale.
Grace Kramer, Speed.
John M. Hill, Whiteland.
Mark Broadwater, Yorktown.

IOWA

Bernard E. Fraley, Albion.
Howard Darland, Barnes City.
Della Douthit, Braddyville.
Earl E. Silver, Center Point.
William H. Randolph, Chapin.
Charles O. Shearer, Collins.
Earl P. Patten, Danbury.
Perry E. Rose, Earlham.
Charles A. Norris, Eldora.
Harry E. Blomgren, Fort Dodge.
George T. Stauffer, Garrison.
Franklin E. Morrison, Garwin.
William C. Moon, Greene.
Gilbert Jones, Hawkeye.
Avery R. Sanderson, Lorimor.
Mollie Daley, Parnell.
Amelia Sondag, Portsmouth.
Arthur W. McIsaac, Rockwell City.
Richard L. Logan, Ruthven.
William H. Ward, Ryan.
Edward M. Bratton, Shellburg.
Harry O. Day, Shenandoah.
Frank E. Lundell, Stratford.
William Stevens, Templeton.

NEBRASKA

Maude Pontius, Harrison.
Walter I. Farnham, Merna.
Margaret Bolan, St. Columbans.

NEW JERSEY

Jennie M. Parker, Ashland.
Lawrence K. Peacock, Dahlialand.
A. Franklin Wayne, Haddonfield.
Alice L. Hassey, Iselin.
Viola L. Van Note, Oakhurst.
Robert J. Stell, Pompton Plains.
Hilding W. Hammarlund, Ridgefield.
Edward A. Steward, Robbinsville.
Edward T. Sherwood, Rosemont.
Harry Green, Singac.
Irwin D. Harris, Union.
Stanley C. Potter, Woodbridge.

NORTH CAROLINA

Alfred A. McDonald, Parkton.

OHIO

Elizabeth F. Kelley, North Olmsted.
Will B. Maynard, Olmsted Falls.

OKLAHOMA

John J. Gayman, Chandler.
Anna H. Figley, Hastings.
Katherine Anderson, Ninnekah.

OREGON

Howard C. Getz, Coquille.
Elbert Smith, Cottage Grove.
Frederick D. Gardner, Forest Grove.
J. Clyde Martin, Grants Pass.
Gaylord G. Godfrey, Independence.
Willis E. Everson, Waldport.

RHODE ISLAND

William F. Caswell, Jamestown.

WEST VIRGINIA

Mary B. Carman, Bethany.
Pearl L. Hughes, Keystone.
A. Ewell Riley, Thorpe.
Harry E. Ewing, War.

WYOMING

Frank A. Beard, Chugwater.
John H. Mantle, Kemmerer.
Louis E. Eaton, Torrington.

HOUSE OF REPRESENTATIVES

THURSDAY, *December 13, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Once more, our blessed Heavenly Father, Thou hast dispelled the thickened shadows and brought us to a new day, which tells of Thy mercy that never fails. Yes, it is a glad new day, with its stretch of open sky, its golden light, and its crystal air. For every embrace of Thy love the doors of our hearts are thrown open in gratitude. Upon all peoples, from sea to sea, let Thy blessing come. Bring them closer and closer together. O gather them about one altar, that they may worship one Father and live together as brothers. Unite all lands and inspire them to make the old earth a happier dwelling place for all Thy children. With ready hearts may we do Thy will and love the greater truths of God. We pray in the name of Jesus, the world's Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SPEARING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by R. P. Putnam, lieutenant colonel, United States Marine Corps, at the Broad Street Methodist Church, Richmond, Va., on Armistice Day, November 11, 1928. There are a great many historical facts stated in the address, and I think it would be of general interest.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I think it is due my colleagues to know why I have offered some objections to encumbering the RECORD with matters which are not of particular concern, or which do not have their origin in or any connection with the Congress. When the late Hon. James R. Mann was a Member of the House, and up to the time of his death, he had the task, self-imposed, I suppose, of protecting the RECORD. After his death we began the practice of inserting in the RECORD so many editorials, speeches, magazine articles, and even advertisements, that those of you who are Members of long standing will remember that it soon reached such proportions as to become a scandal. As the practice of ignoring the rules, which are very clear on the subject of extraneous matter in the RECORD, I felt that somebody might take a position which would not be unwelcome or embarrassing to those who were burdened with the responsibility of conducting the affairs of the House, so I have objected from time to time to my colleagues' requests for unanimous consent for leave to print in the RECORD. I recognize that this is a very disagreeable task, that it brings me no friendships or credit, but I feel that somebody ought to do it even at a sacrifice. If I am going to be consistent, I have got to be fair; I shall have to object to those on my own side of the House as well as to those on the other side of the House placing in the RECORD matters which have no connection whatever with the Congress, although they may sometimes be very interesting, sometimes informative, sometimes entertaining. I do not know otherwise just where the line can be drawn.

In justification of my position, I feel that this explanation is due to the Members of the House, and also the notice that I shall, whenever I am on the floor, object to such matters as have really no business in the CONGRESSIONAL RECORD. [Applause.]

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE INTERNATIONAL CIVIL AERONAUTICS CONFERENCE

Mr. WARREN. Mr. Speaker, I ask unanimous consent to insert in the RECORD as a part of my remarks the very excellent speech delivered by the President of the United States yesterday before the International Civil Aeronautic Conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. WARREN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the very excellent speech delivered by the President of the United States yesterday before the International Civil Aeronautics Conference, which is as follows:

Members of the conference: This year will mark the first quarter century of the history of human flight. It has been a period of such great importance in scientific development that it seems fitting to celebrate it with appropriate form and ceremony. For that purpose this conference has been called, and to the consideration of the past record and future progress of the science of aeronautics, in behalf of the Government and people of the United States, I bid you welcome.

Twenty-five years ago, at Kitty Hawk, N. C., occurred an event of tremendous significance. It was the first extended flight ever made by man in a power-driven heavier-than-air machine. How more appropriately could we celebrate this important anniversary than by gathering together to consider the strides made throughout the world in the science and practice of civil aeronautics since that day, and to discuss ways and means of further developing it for the benefit of mankind.

Others, whose names will long be remembered, had done much to solve the problem, but it remained for the able, persistent, and modest brothers from Dayton to demonstrate completely the possibility of a machine raising itself by its own power and carrying a man in sustained flight.

Human flight with wings, which had intrigued the imagination since the beginning of time, became a practical reality on the day that the airplane of Wilbur and Orville Wright rose from the wind-swept dunes of the Atlantic coast. The elder brother lives with us only in memory, but Orville Wright, who piloted that first plane, is still actively interested in that science. We are glad to have him as one of our delegates to this conference.

CITES RAPID EXPANSION

No achievement of man in the progress of civilization has had a more rapid expansion. In the early days the ability to fly was ascribed to gods and demigods, to spirits and supernatural and mythical beings, both of the human and animal family.

Pegasus, the winged horse, and Daedalus and Icarus are two of the innumerable examples which come readily to mind. The yearning to fly probably always has been in the human breast. But for centuries its fulfillment was considered as visionary, unattainable. Even within our memory utter impossibility was expressed by saying "Might as well try to fly."

There is a wide difference between the romance of flying and aeronautics as a science. Archytas, Greek mathematician and mechanician of the first half of the fourth century B. C., made a flying pigeon. This seems to be the earliest authentic record of mechanical flying.

Leonardo da Vinci, artist and scientist extraordinary, who lived in Italy over 400 years ago, left some interesting treatises and drawings on the principles of human flying. It was not until 1783, however, that a man was actually lifted from the ground and carried along in the air for a considerable distance. The vehicle was a hot-air balloon, devised by the Montgolfier brothers, paper makers of Auvergne, France.

One of them was invited to address the Royal Academy of Science, and ascents were made for the King and Queen. In 1852 a Frenchman built a dirigible balloon propelled by steam, but further progress was delayed until the development of the internal-combustion engine. Alberto Santos Dumont, brilliant young Brazilian, began in Paris in 1898 to construct a navigable balloon. About the same time, in Germany, Count von Zeppelin started to work out his rigid airship. Only recently have we welcomed here the latest example of his skill.

In the meantime—beginning with Cayley, Englishman and "father of aerodynamics," who died in 1857, and continuing down through Henson and Stringfellow, Maxim, Ader, Lilienthal, and Langley (of Washington)—scientists were gradually, with gliders and other devices, working out the problem of a heavier-than-air machine.

LAUDATION FOR WRIGHTS

With genius, indomitable perseverance, and a will to overcome obstacles, the Wrights, mindful of what had gone before, applied themselves to the solution of the problem. They experimented at Kitty Hawk for three seasons, and in the fourth, on December 17, 1903, success crowned their efforts. I understand the delegates to this conference will visit this historic spot on Monday, the exact day of the anniversary, to pay tribute to their achievement. The first flight lasted only 12 seconds.

Three more were made the same day. One of 59 seconds carried the plane a distance of 852 feet. It was wrecked by the wind and tests ended for the time. Further experiments were made in Dayton in 1904 and 1905.

In the latter year a Wright plane traveled for 24 miles at the rate of 38 miles an hour. Three years later one was bought by the War Department, our Government being the first to utilize this new device.

Other countries took up the idea and for a period rather outstripped us in flying. The crossing of the English Channel by the Frenchman Bleriot, considered an astounding feat, was made in 1909. Demands of the World War brought about the rapid advance in both the science and the practice, and in the production of equipment. After the armistice one after the other came the daring flights to annihilate space and time, including the thrilling and solitary journey from New York to Paris by our own Lindbergh in 1927.

It is to the development of aeronautics as an aid to the peaceful pursuits of transportation, of commerce, and of trade that this conference is to direct its attention. We are making a reality of the wonderful vision of Tennyson, who, in his Locksley Hall, wrote in 1842:

"For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales."

After the war European nations began to develop aeronautics as a part of their transportation systems. Passenger lines with heavy government subsidies were established between principal cities.

In America, during the war, 10,000 pilots were taught to fly; hundreds of aeronautic engineers and designers were trained; nearly 17,000 planes were manufactured by thousands of artisans who became skilled in aircraft production in many new factories.

All of this was an important foundation for building up of civil aeronautics. Prior to this period our attention had been directed to the use of the airplane as a carrier of mail. From 1912 the Postoffice Department sought money to establish air-mail lines, but not until 1918 was a special appropriation secured.

GROWTH OF MAIL ROUTES

In May of that year, between Washington and New York, the first regular route was established. This service has been rapidly expanded, until now we have more than 22 mail routes with a daily mileage of nearly 31,000 miles. The air-mail poundage for January, 1926, was 23,000 pounds. In October, this year, 467,422 pounds were carried, as compared with 423,838 in the previous month. Reduction in the postal rates last July doubled the amount carried inside of 30 days.

In 1926 this Government officially recognized the importance of flying by establishing the post of Assistant Secretary for Aeronautics in each of the War, the Navy, and the Commerce Departments. Since then we have made remarkable progress. Then the value of the aeronautic industry in the United States was placed at less than $5,000,000.

To-day it is said to be in excess of $150,000,000. In 1925 the production of aircraft was valued at about $13,000,000; for 1928 the estimate is over $50,000,000.

For the air activities of the Department of Commerce, we spent in 1927 more than $800,000; this year over $3,500,000; and the estimate for 1929 is just under $5,500,000.

Aeronautics have been rapidly advanced in other parts of the world as well. Nearly half of the 70,000 miles of air routes regularly operated in the world are in international air services connecting important cities. Approximately 10,500 are in Latin America, and about 5,000 in Australia. Some have been in operation for several years.

Among the new services opened in 1928 are the Peruvian Navy line over the 6,000 miles between Lima and Iquitos, between Lima and Talara, and the Barranquilla-Guayaquil, Nueve-Laredo, Dakar-Buenos Aires, and Montreal to New York lines. Additional routes are being planned between the United States and the West Indies, South America and Mexico, and Australia and Canada. Important routes being considered are between the Netherlands and the Netherland East Indies and between Great Britain and Australia.

From incomplete reports, it is indicated that about 15,000,000 miles were flown on European air services alone in 1927, more than 200,000 passengers carried, and 10,000,000 pounds of luggage and goods and 3,000,000 pounds of mail. An average of nearly 75,000 miles daily were flown.

It is estimated that these figures will be increased from 25 to 33 per cent for 1928. Most of the European lines have government subsidies. The efficient way in which they are operated has resulted in increasingly better financial reports.

Regular flying in the United States, beginning with a short mail line, has increased, until this year there are approximately 15,500 miles of airways, on which during the first six months of the year nearly 3,250,000 miles were flown on regular schedule.

The daily mileage is estimated at 52,000 miles. We have three important international lines—New York to Montreal, Seattle to Vancouver, and Miami to Habana. Plans to extend the latter to the Isthmus and South America are under way. The transportation companies have been taxed far beyond their equipment. A recent and important development has been the linking of the airplane and the transcontinental railways, providing a rapid journey between distant points. The airplane is used for fast day travel, with a transfer to a railroad for the night journey.

AGE OF AIR TRANSPORT

The nineteenth century was the railroad and steamboat age. The twentieth century will be known for the development of aeronautics and air transport. The airways of the world now have a greater mileage than the railways did in 1850, the twenty-fifth anniversary of the opening of the first railroad built by Stephenson.

Attention has recently been called to the safety of air passenger service, compared with that of railroads in the early days. In 1927 the Imperial Airways (Ltd.) carried 52,000 passengers over 2,500,000 miles without injury to a single passenger. In 1842, 8 English railways, carrying 10,503 passengers over 3,562,338 miles, killed 22 and injured 34 others.

The country-wide tour of Lindbergh in the United States, following his wonderful and spectacular flight to Paris, did much to make America air-minded. A large amount of civil flying is now being done here, and the civilian-owned aircraft number over 6,000.

The aeronautic branch of our Department of Commerce is vigilant, resourceful, and progressive. It has inaugurated a comprehensive system of regulation and control of aircraft manufacture as well as operation. Airways are laid out over the best flying country, and aids to flying, such as beacons and weather reports, are furnished.

Our transcontinental airway from New York to San Francisco is over 2,600 miles long. More than 5,000 additional miles of airways are under the jurisdiction of the Department of Commerce.

An air-information service is maintained and aeronautic research carried on through the Bureau of Standards.

COOPERATION ON AIRPORTS

Valuable cooperation is rendered in the establishment and equipment of airports. On October 1, 1,387 ports were available for the use of the Army, Navy, and commercial flyers. Municipalities and communities in all parts of the country, realizing that air contacts mean more and better business, are planning airports. Nearly 900 more are now in prospect.

Air transport means much to the United States, divided as it is in the west by lofty mountain ranges and deserts. In the early days it took six months to go from Missouri to the Pacific coast. An airplane has traveled across the continent in less than 24 hours.

We are stretching out our arms through the air to Canada and to our other friends and neighbors in the South.

All nations are looking forward to the day of extensive, regular, and reasonably safe intercontinental and interoceanic transportation by airplane and airship. What the future holds out even the imagination may be inadequate to grasp. We may be sure, however, that the perfection and extension of air transport throughout the world will be of the utmost significance to civilization. While the primary aim of this industry is and will be commercial and economic, and the prosperity of the world will be immeasurably advanced by it, indirectly, but no less surely, will the nations be drawn more closely together in bonds of amity and understanding.

This conference, I know, will have far-reaching results in the advancement of a science and industry which appeals both to the spirit and the reason of man and which as the years go by will cement more and more firmly the bonds of international brotherhood.

PRESENTATION OF DISTINGUISHED FLYING CROSS TO ORVILLE WRIGHT

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13990, to authorize the President to present the distinguished flying cross to Orville Wright, which I send to the desk and ask to have read.

Mr. GARNER of Texas. Mr. Speaker, before the Clerk begins the reading of the bill, reserving the right to object, does this come with a unanimous report from the gentleman's committee?

Mr. JAMES. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, who met and overcame the earliest dangers in aviation and as its pioneer made possible the achievements which are now stirring the emotions and pride of our people.

With the following committee amendments:

Page 1, line, 4, after the word "Wright," insert "and to Wilbur Wright, deceased," and in line 6, strike out the words "its pioneer" and insert "pioneers."

Line 8, after the word "people," insert: "The posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate."

Amend the title.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TILSON. Mr. Speaker, reserving the right to object, I wish to say that usually the Speaker has refused to recognize for bills to be called up under unanimous consent except on those days when such requests are in order and has adhered to that policy except where there is an emergency. I think the nature of this bill—that is, its application to the subject matter of the aviation conference being held here this week, and the important anniversary that is coming next Monday—puts it in the class of an emergency and makes it very appropriate that it should be considered and passed at this time.

Mr. JOHNSON of Washington. Mr. Speaker, further reserving the right to object, I suggest to the chairman that he further amend the bill by striking out the word "pioneers" in the proposed amendment. As it would read now if amended it would be:

That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers—

And so forth.

I would like to suggest the advisability of striking out after the word "aviation," in line 18 down to the period in line 8, and I so move.

The SPEAKER. Consent has not been given yet for the consideration of the bill. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I could not hear the amendment offered by the gentleman.

Mr. JOHNSON of Washington. I am only proposing an amendment; consent has not yet been given. The bill as amended reads:

Authorized to present the distinguished flying cross to Orville Wright, and Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers made possible the achievements which are now stirring the emotions and pride of our people.

I think this bill should read, "Who met and overcame the earliest dangers in aviation."

Mr. COOPER of Wisconsin. And leave out the word "pioneers"?

Mr. JOHNSON of Washington. Yes.

Mr. COOPER of Wisconsin. Why?

Mr. JOHNSON of Washington. Well, it calls upon Congress absolutely to recognize the Wrights as the pioneers.

Mr. BLANTON. Were not they?

Mr. JOHNSON of Washington. Overlooking the efforts of the then distinguished Secretary of the Smithsonian Institution, who was himself a pioneer.

Mr. COOPER of Wisconsin. I object to that amendment if there is a request for unanimous consent. The Wright brothers were the inventors and pioneers.

Mr. JOHNSON of Washington. I shall not object to the consideration of the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, who met and overcame the earliest dangers in aviation and as its pioneer made possible the achievements which are now stirring the emotions and pride of our people.

The committee amendments were read as follows:

Page 1, line 5, at the beginning of the line insert the words "and to Wilbur Wright, deceased."

Page 1, line 6, strike out the words "its pioneer" and insert in lieu thereof the word "pioneers."

Page 1, line 8, after the word "people," insert the words "the posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate."

The committee amendments were agreed to.

Mr. JOHNSON of Washington. Now, I move an amendment to the bill as amended on line 6, after the word "aviation," strike out the words down to the period in line 8 and put a period after "aviation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the word "aviation," insert a period and strike out the remainder of the sentence.

Mr. JAMES. Mr. Speaker, I would like to talk on this.

Mr. MAPES. May we have the language read as stricken out?

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

and as pioneers made possible the achievements which are now stirring the emotions and pride of our people.

Mr. JOHNSON of Washington. As read by the Clerk, the word "its" was dropped.

The SPEAKER. And as amended by the committee amendment it reads "and as pioneers."

Mr. JOHNSON of Washington. In that case I withdraw the amendment offered by me.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague Mr. ROMJUE, who has been called to his home on account of the serious illness of his son.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry, if it is in order. In this vicinity we did not understand what was done with the amendment offered by the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I withdraw that, finding that the word "its" was stricken out by the committee amendment.

LEAVE TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House next Thursday for one hour, immediately after the reading of the Journal and the disposition of business on the Speaker's desk.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have the privilege of addressing the House next Thursday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, for one hour. Is there objection?

Mr. CLARKE. Reserving the right to object, Mr. Speaker, on what subject?

Mr. SIROVICH. On the subject of old-age pensions.

Mr. TILSON. Mr. Speaker, reserving the right to object, it is quite possible that on next Thursday an appropriation bill will be taken up, on which there will be general debate. Thus far, I believe, that every request that has been made for time under general debate has been granted. General debate is the vehicle which the House furnishes for such discussion of public questions as my friend from New York wishes to make, and it is much to be preferred to the practice of getting unanimous consent to address the House.

Mr. O'CONNELL. Does the gentleman say that all the time has been allotted?

Mr. TILSON. No; on the contrary, such time as has been asked for on general debate has been granted, so far as I know, in full measure. I believe that all the time asked for thus far on general debate has been granted. I think there will be no difficulty whatever in the gentleman from New York getting time, but it is much preferable to have it granted under general debate than under leave to address the House. The latter practice is rather dangerous at the short session when a number of special orders of this kind are made for time that may be sorely needed for something else. I shall be glad to see the gentleman from New York get such time as he may wish, but I wish he would take it under general debate.

Mr. O'CONNELL. The gentleman from New York says that will be satisfactory to him.

Mr. TILSON. Very well.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1930

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois, Mr. CHINDBLOM, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill for 1930, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15089) making appropriations for the Interior Department for the fiscal year 1930, and for other purposes.

The CHAIRMAN. When the House rose on Tuesday the first paragraph on page 12 had been read.

Mr. BLANTON. Mr. Chairman, with the assurance of the chairman in charge of the bill that it will not be objectionable to him, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 12, line 5, after the sum "$600,000," strike out the balance of the line and lines 6, 7, and 8 and insert in lieu thereof the following: "*Provided*, That hereafter no appropriation for this purpose shall be used in payment for any service except bill therefor is rendered within one year from the time the service is performed."

Mr. BLANTON. Mr. Chairman, I ask for recognition.

Mr. STEVENSON. Mr. Chairman, I want to reserve a point of order on it.

Mr. BLANTON. The committee thought it was a salutary provision.

Mr. STEVENSON. That may be; but we have no right to enact legislation on an appropriation bill. I make the point of order on the amendment.

Mr. BLANTON. I want to be heard on the point of order.

Mr. STEVENSON. I also wish to be heard on the point of order. I reserve it.

Mr. BLANTON. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will first hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the point of order, except for one reason, would be good, because it is legislation. But the point of order is not good in this particular instance for the reason that the proviso already in the bill is legislation itself, and it was passed for amendment without any point of order having been made against that proviso. The proviso being itself legislation without a point of order being made against it, it is subject to amendment. That has been held time and time again in this House. It has been held by such parliamentarians as our distinguished floor leader, the gentleman from Connecticut [Mr. TILSON], and numerously by our distinguished Speaker, and by other distinguished parliamentarians.

Mr. CRAMTON. Mr. Chairman, if I may be recognized on the point of order, although I may get a little outside the scope of it, I would not want to admit that the language in the bill is subject to a point of order. In my judgment it is a limitation. The language proposed by the gentleman from Texas, I would feel sure, is clearly subject to a point of order because it relates to all the future, while the language of the bill, even if subject to a point of order, is confined to one year. I wish particularly to have the position of the committee understood.

The language in the bill has been carried for several years and, in my judgment, is a proper limitation and in order. The committee has no objection to the suggestion of the gentleman from Texas, that instead of carrying it in the bill each year it be disposed of as he suggests, so that it will not have to be repeated hereafter. The committee is satisfied whichever way the matter goes.

Mr. STEVENSON. Mr. Chairman, the proviso in the bill is a limitation and, as I understand, is not subject to a point of order—that is, the proviso that is in the bill itself—but this is general legislation attempted to be engrafted upon the proviso, which proviso is at least questionable, but I think is defensible. I object to that kind of legislation. The proposition that we sit here and allow them to legislate for all time on these appropriation bills is one that is attempted to be guarded against by every rule of this House, and especially since the adoption of the Budget system. Therefore I insist upon my point of order.

The CHAIRMAN. The Chair is of the opinion that no matter whether the proviso in the bill originally was subject to a point of order or not, the amendment offered by the gentleman from Texas [Mr. BLANTON] goes beyond the scope and purpose of the proviso in the bill itself. The proviso in the bill itself refers only to the appropriation contained in the bill, while the amendment offered by the gentleman from Texas will operate as a permanent limitation upon all appropriations of this character. It therefore goes beyond the purport of the bill. The Chair will merely refer to a well-known decision by Chairman Frederick C. Hicks, of New York, on January 8, 1923. The Chair believes that decision is ample authority in the present situation, and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to return to the bottom of page 6 of the bill, a paragraph having to do with the making available of other appropriations in the bill for the purchase of books for the various services in order that I may offer an amendment to increase the allowance for that purpose for the Reclamation Service. In explanation of this request to return I would say that Tuesday, while I was engaged on the floor in the discussion of the bill, a letter from the Assistant Secretary of the Interior was handed to me, and glancing at it hurriedly I thought it had to do with the reclamation appropriation much later in the bill. Then when I had more leisure I examined it and found the item in question had really been passed.

Mr. WINGO. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WINGO. The gentleman suggests that we return to the bottom of page 6. I can not understand the gentleman's discussion with reference to the bottom of page 6.

Mr. CRAMTON. It is the top of page 6. It begins at the bottom of page 5 and the amendment will be offered to the top of page 6.

Mr. WINGO. I suggest that the amendment be reported.

Mr. CRAMTON. It is to increase the allowance for the Bureau of Reclamation from $1,500 to $2,000.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to the paragraph in the bill beginning on page 5, line 19. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan offers an amendment to that paragraph which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 6, line 3, after the word "Reclamation," strike out "$1,500" and insert in lieu thereof "$2,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

For pay of Indian police, including chiefs of police at not to exceed $70 per month each and privates at not to exceed $50 per month each, to be employed in maintaining order, and for purchase of equipments and supplies, $163,000.

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against that paragraph for the purpose of making an inquiry of the chairman of the committee. I would like to ask the chairman if there is any law authorizing this appropriation. I note in Cannon's Procedure there is a precedent cited where a point of order made against this item was held to be good because there is no legislation authorizing such an appropriation.

Mr. CRAMTON. I will say to the gentleman from Alabama that that was probably several years ago and before the Snyder Act was passed. Congress in 1921 passed the Snyder Act which included this provision in its terms for the appointment of inspectors, supervisors, and so forth, Indian police, Indian judges, and so forth. So there is specific authority.

Mr. BANKHEAD. But the employment of inspectors and supervisors does not necessarily mean that there is provision for the employment of police.

Mr. CRAMTON. I will read the entire subsection.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

Mr. BANKHEAD. Well, if the chairman is satisfied that it is covered by legislation I will withdraw the reservation.

Mr. CRAMTON. It is clear that it is specifically covered.

Mr. BANKHEAD. Then I will withdraw the reservation.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman from Michigan [Mr. CRAMTON] a question. Going back to the preceding paragraph with respect to the pay of judges of Indian courts where tribal relations now exist and the rates to be fixed by the Commissioner of Indian Affairs, $18,000, how many judges are there?

Mr. CRAMTON. There are quite a number. The salaries are quite low.

Mr. COOPER of Wisconsin. But these are left entirely to the discretion of the Commissioner of Indian Affairs, who may discriminate very greatly. He can, in his discretion, give one judge two or three times as much as another.

Mr. CRAMTON. I may say to the gentleman from Wisconsin that until two or three years ago these Indian judges were all paid the same, and while I may be a little inaccurate, it seems to me it was only something like $15 or $20 a month. At the suggestion of this committee, this was changed and I think the language of the item was changed so as to make it possible to do just exactly what the gentleman from Wisconsin says is possible, and that is to vary the pay, for this reason. As the gentleman from Wisconsin knows, the conditions surrounding these Indians vary greatly. One Indian judge, we will say, is in a Hopi village in Arizona, where all of his people are gathered within a little space and where his work is limited and is performed on his own doorstep without inconvenience or any great amount of time. On the other hand, up in South Dakota on a Sioux Reservation that is many miles in extent, where the Indians are large in number and greatly scattered, where the State laws do not reach many crimes, and where there is no other provision for maintaining order, those judges have to travel maybe 50 miles or 75 miles to get to the place where they hold court and have to spend a considerable amount of time and clearly they are entitled to more pay than a judge giving a limited amount of his time. Still, none of them gets what seems to be a high salary.

The gentleman will be interested in the detailed information which has just been handed me. There are at present, it is stated by Mr. Meritt in the hearings, 32 Indian judges employed at a compensation of $30 per month and 36 at $15 per month. It is not a large amount in any event.

Mr. COOPER of Wisconsin. No; but on general principles it seems to me wrong to give to an executive officer like the Commissioner of Indian Affairs a lump sum of $18,000 to expend absolutely in his discretion in the appointment and compensation of judges for Indians. We would not do that for judges for white people.

All of the conditions spoken of by the gentleman from Michigan, which in some localities differ very materially from those in others, were known to the committee reporting this bill; and the Congress could by law provide that the judges shall receive so much as salary and so much as allowance for transportation, depending upon the locality. We should not give to an executive officer thousands of dollars to spend in his discretion absolutely as to the number of persons he may employ and the compensation each is to receive, and thus afford an opportunity for the greatest sort of discrimination.

Mr. CRAMTON. Mr. Chairman, there are many items in various bills where even greater discretion is given to executive officers. I think it is very possible that there is no other place where the pay of a judge is left in the discretion of a bureau. If Congress were to act and fix their pay formally, it would probably be a good deal larger than it is. It would certainly be larger if we are to judge by the pay of the judges of the whites.

But so far as any danger of abuse of discretion is concerned, the gentleman should understand that the Indian Bureau comes before our committee, which is an appearance before Congress, and states exactly what it is going to do with the money; and there is a moral understanding that the bureau has made with Congress because when we hold these hearings, it is not as much, perhaps, for the committee's benefit as it is for the benefit of the House, and a statement is made in that hearing that the money will be spent in a certain way and that certain salaries will be paid, and then a report comes to us a year later as to what has been done, and if there is a difference then the committee takes action.

It does not seem feasible to itemize all of these details. We accomplish the same results by trusting the officials to carry out their statements.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for three minutes to reply to that statement.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to address the committee for three minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. It does not seem to me that the taking of money out of the Public Treasury to be paid to Government employees should be left to the discretion of an executive officer except in most extraordinary circumstances. These are not extraordinary circumstances. The committee knows what each of these employees ought to receive, because the witnesses come before the committee and say so. This could be put into the law, and, in my judgment, it ought to be done.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors and deleterious drugs, including peyote, among Indians, $22,000.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment to strike out "$22,000" and insert in lieu thereof "$100,000."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 12, line 22, strike out "$22,000" and insert in lieu thereof "$100,000."

Mr. LAGUARDIA. Mr. Chairman, I would like to refer to page 716 of the hearings, in which Mr. Meritt appeared before the committee and stated definitely that he needed at least $100,000 to partially control the traffic in liquor among the Indians. He received a very attentive hearing from the distinguished chairman of the subcommittee, the gentleman from Michigan [Mr. CRAMTON], more than whom no one is drier.

Formerly $150,000 was allotted for this service, and Mr. Meritt made a plea, stating that $22,000 was insufficient.

Now, this is typical of the feeble efforts for the control of the traffic in alcohol.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNELL. Why was not this item put in the Treasury Department bill that we passed several days ago, which provided several million dollars for the enforcement of prohibition?

Mr. LAGUARDIA. The control of alcoholic traffic among the Indians dates way back, previous to the eighteenth amendment being adopted.

Mr. O'CONNELL. Fire water?

Mr. LAGUARDIA. Yes; and it was easier to control in pre-prohibition days than it is to-day.

Mr. O'CONNELL. Much easier, I would say to my colleague.

Mr. LAGUARDIA. I would like to know why there has been this letting down. Mr. Meritt made a complete case. The evidence stands uncontradicted. In the hearing the distinguished gentleman from Michigan did not see the necessity of appropriating the sum of $100,000, and I submit they ought to have the amount asked for by Mr. Meritt, and there is no reason why the amount should be reduced.

Mr. SCHAFER. Perhaps the gentleman from Michigan is not so strongly in favor of the enforcement of the law now as in the past. Otherwise he would be in favor of the amendment.

Mr. LAGUARDIA. The gentleman from Michigan did not vote with us the other day.

Mr. CRAMTON. Mr. Chairman, I was about to say—and I did not say it sooner because the gentleman from Wisconsin would have been deprived from displaying his wit—but I have no objection to the amendment.

Mr. LAGUARDIA. Fine! Let it go. [Laughter.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes, and I would like to use some of that time.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

RECEPTION TO LADY HEATH

Mr. TILSON. Mr. Chairman, in response to a request from representatives of the National Woman's Party, I have the honor to present to the House to-day a distinguished representative of a foreign nation. We are honored to-day by having in the Speaker's row in the gallery Lady Heath, one of the world's famous flyers. [Applause.] My information is that Lady Heath holds the altitude record for light planes of all flyers, men and women, although she has been a licensed flyer only since 1925. Last year she flew alone without mechanic or passenger over 11,000 miles from Cape Town, South Africa, to London.

She has made two parachute jumps in England, and was the first person to visit all four countries of the British Isles by air in one day and return to London. She holds the Olympic high-jump record of all women of all nations and the altitude record for light seaplanes in all-metal boat for all persons. Lady Heath is regarded as the leading exponent of the usage of light planes. Finally, she is the only woman delegate to the International Aeronautical Conference. [Applause.]

I ask unanimous consent to extend my remarks regarding Lady Heath in the RECORD by inserting therein a brief statement prepared by her manager setting forth more in detail the achievements of this distinguished aviatrix and some of her impressions of this country.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks by the insertion of the matter referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

Lady James Heath comes to America as delegate from the Air League of the British Empire (she is chairwoman of the woman's section) to attend the International Aviation Conference at Washington, D. C., on December 12.

Although only learning to fly in 1925 Lady Heath has one or two interesting flights to her credit. She has put in about 1,200 flying hours since that date. On May 19, 1927, she put up the first world's record in the light airplane class on an Avro Avion with her pupil the Hon. Lady Bailey as passenger. On July 19 of that year she flew in the same machine solo 1,300 miles in one day between dawn and dusk, making a landing on every airdrome in England, to draw public attention to the need for more municipal airdromes. Two days later she made a landing in one day in England, Ireland, Scotland, and Wales. In May this year she completed an 11,000-mile flight from Cape Town to London, this being the first solo flight organized in any overseas colony or dominion to any mother country, and it is the longest solo flight ever done by any woman with one machine. She proposes to lecture in America on this flight and also to technical bodies on the light aircraft of Great Britain and the light airplane club movement, which is so well developed in that country.

Lady Heath holds the British seaplane altitude record and also the British altitude record open to any land planes. She was the first woman in the world to hold a commercial license for seaplanes and land planes, it being owing to her efforts that the international law on this subject was changed.

Lady Heath hopes to learn a great deal from America in aviation during her stay in which she will demonstrate and use for her transport between towns a British light airplane, the Moth which is being constructed under license by the Moth Aircraft Corporation of New York. This machine is awaiting her. Her personal maid, who comes from her own home county, Limerick, will accompany her, and she will act as her own mechanic.

She also hopes to connect up with the woman's branch of the National Amateur Athletic Federation, as she is vice president of the international body controlling woman's athletics, and looks forward to renewing the pleasant friendships she made with the officials and members of the American Olympic team at Amsterdam this year, where she acted as referee.

These games were the first international meeting since the inception of women's athletics in Europe in 1922 in which she has not taken part as an active athlete having represented Great Britain each year in track and field events. Until 1926 she held the world's record for the high jump, together with Miss Voorhees, an American athlete.

Lady Heath proposes to make a prolonged stay in the States, as her visit fulfills a long-felt ambition.

Lady Heath, who is 31, is southern Irish, and after a number of years of war work in Great Britain and France she took a degree in agriculture in Dublin in 1921. Thereafter she lectured on that subject, leaving this to undertake voluntary organization of women in athletics and other sporting movements of national importance. Her knowledge of agriculture was put to practical use from 1922 onwards on her coffee farm in Kenya Colony, East Africa, in which country she has done considerable big-game shooting.

She is strongly opposed to any stunt flying (except the ordinary acrobatics and parachute descents, which she considers should be a part of every pilot's training), especially long-distance flights over water in anything except a multiengined flying boat or seaplane.

In Europe her work has been in every country to bring flying to an every-day level and within the reach of all classes. With this end in view she has devoted, in the past two years, her commercial earning to founding 10 scholarships for women with the light airplane clubs of Great Britain and South Africa. Much of these earnings have been obtained in air racing, which Leady Heath is very fond of, and in the light airplane competitions, in which she has been very lucky. In August, this year, she took first place in the international light airplane competitions in Holland with a Moth airplane and fourth place out of 26 competitors in French international competitions with an Avro Avion.

Lady Heath is the author of the first textbook on women's athletics, How to be an Athlete and Why, which has been translated into many languages, and also of a small volume of poems, East African Nights, which has had a large sale in Europe and Africa. The proceeds of the sales of these books have been given to aviation and to charities.

During her many visits to Africa Lady Heath has covered well over 50,000 miles of sea transport in every type of vessel from the small native thew upwards, and she feels that she can honestly say she has never had such a pleasant voyage or such a comfortable one as this trip to America. If America is going to be half as good as the United States Lines seem to promise, she does not see how she can get away.

Lady Heath believes very forcibly in the future of women in aviation, not alone for their own sakes but also for the good of the industry. Any woman can look after, manage altogether, a light airplane of the moth type, which in England costs about $3,250 and about $100 a month for all upkeep, garage, and insurance charges.

Women make excellent teachers and good demonstrators of aircraft; they learn to fly a little more slowly than men, as they have less confidence in themselves, due, probably, to their heritage of house and home work rather than business and active sport.

Lady Heath is strongly against trans-Atlantic flying in the present stage of airalun, although she gives a great deal of herô worship to those who have made this gallant effort. She believes that our job now is to "make airalun safe for democracy."

She landed on November 9 and is already in love with this country. She hopes to extend her prearranged 6 months' visit into 12 months. Everyone is so amazingly kind and there is so much to be learned about American aviation.

She is specially interested to find that, although fewer individuals fly habitually in this country, there is much more general knowledge among the public about aviation than in Europe, so that she predicts a huge future for the industry in this country, where modern aviation had its birth (once it has been consolidated and made a necessity instead of the luxury it is to-day).

Women's entry into any sport or business is the hall mark on it and shows that not alone has it come to stay but it is safe, easy, and reliable.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1930

The House in Committee of the Whole House on the state of the Union resumed consideration of the Interior Department appropriation bill.

Mr. CRAMTON. Mr. Chairman, the gentleman from Arkansas [Mr. WINGO] himself has set up quite a bit of discussion. I agree with nearly everything that he said except when he put in my mouth theories that I have not expounded myself and do not believe in. We have not time in the consideration of these appropriation bills to go over the recent campaign or even to solve the question of national prohibition. Suffice to say that I have never said that the Federal Government should confine itself to those limited activities that have been mentioned. I did try to emphasize the fact that the States and the cities can not put the whole responsibility upon the Government. There must be cooperation.

As to the particular item before us, there is this to say: In handling these appropriation bills we are not influenced by partisan consideration. Republicans and Democrats work together. I am not going to indulge in any partisanship. The item before us had particularly careful consideration by our committee.

We were interested; otherwise the statement would not have been in the hearings that has been read as to the need for more money. That statement came on the invitation of the committee because of our interest and we discussed the item, but did not see our way clear to including the increase. We have been glad to yield to the manifest sentiment of the Committee of the Whole and accept the amendment.

Just one more observation that applies to this bill and to every appropriation bill. The responsibility is on every Member of the House alike. Our committee are but the servants of the House. We are working under a rule of the Committee on Appropriations that every appropriation bill shall be kept within the total submitted by the Budget. Working within that rule on this bill it has not been possible for the committee to recommend all of the increases in various items that we think ought

to be provided. We have done the best we know how and keep within the Budget total.

And so as the bill goes along we can not always raise the items as we would like, and the House can not always raise the items as the House may want to do unless you are prepared to overrule that policy of keeping within the Budget estimates. Under the present pronouncement of the President as to the relationship between probable revenues and expenditures it is not going to be safe to overthrow that policy and make these bills greater than the Budget estimates—I mean the totals of the bills. I now yield to the gentleman from Massachusetts.

Mr. LUCE. Does the gentleman desire to have the committee understand that when in the judgment of the Committee on Appropriations, who represent the law-making body of this country, a larger appropriation should be made he believes it is consistent with the Constitution that the committee subordinate its judgment to that of an official of an executive department?

Mr. CRAMTON. Not at all. The law-making body itself has the right under the Constitution to go above the Budget or below the Budget, and it has therefore the right to say as a matter of policy "We will change the estimates within the bill as we like, reduce some, increase others, but we will not increase the total above the Budget." There is in that no abdication of authority, but simply the exercise of the authority in the manner desired so as not to overrun or embarrass the Executive.

Mr. LUCE. Has not the House the right to an honest judgment of every committee that it creates?

Mr. CRAMTON. And it will always get ours to the best of our ability. But a man who has a salary of $40 a week can not spend $50 or $60 a week without coming to grief, and while there may be many an expenditure that he and his family would like and which could be used to good advantage, if they are not going to run him into bankruptcy he will not make the expenditure. So when the President, from the gentleman's own State, says we are facing a deficiency for the current year, then it is time for us to heed that warning.

Mr. LAGUARDIA. But the committee has accepted the amendment, I understand.

The CHAIRMAN. All debate upon this paragraph and amendment has expired under the consent agreement. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $175,000; for construction of physical improvements, exclusive of hospitals, $75,000; in all, $250,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges on Indian reservations and other lands devoted to the Indian Service: *Provided further*, That no money shall be expended for new construction at any one agency except as follows: Not to exceed $30,000 for an additional water supply, Southern Navajo Agency, Ariz.; not to exceed $7,000 for water and sewage disposal systems, Turtle Mountain Agency and Hospital, N. Dak.; not to exceed $13,100 for water-filtration plant, with storage reservoir, at the Standing Rock Agency, N. Dak.; for two employees' cottages, Chotaw Agency, Miss., $5,500; for employee's cottage, Blackfeet Agency, Mont., $3,500; for office building, Rosebud Agency, S. Dak., $7,500; for employee's cottage, Warm Springs Agency, Oreg., $3,500; for office building, Tomah Agency, Wis., $3,500. for electric system, Consolidated Ute Agency, Utah, $2,500.

Mr. CRAMTON. In line 17 is a misspelled name—the word "Choctaw"—and I ask unanimous consent that the Clerk be authorized to correct any misspelled words and typographical errors.

The CHAIRMAN. And also the totals?

Mr. CRAMTON. Yes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent the Clerk have authority to correct misspelled words, wrong titles, and typographical errors in the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word. I rise to my feet for the purpose of calling to the attention of the chairman an item at the bottom of page 13, line 22, for the electric system, consolidated Ute Agency, Utah, $2,500. Now, I have no objection in the world to this item. I think it is justified. I have gone through the hearings and find this electrict-light plant is needed. Take the case of the Walker River Reservation at Schurz, Nev. Those Indians live 28 miles from a town. They are at least that far from an electric-light system. The Indians there are working hard trying to develop their allotments. They have an area of land under cultivation. The church there is absolutely bare of any apparatus for the entertainment of these Indians. At night in driving through this agency everything appears dark, except a few lighted lamps here and there. I think if there is any agency or any reservation within the confines of the United States that deserves consideration in the way of electric lights it is the Walker River Reservation. We have reached a point in our civilization where electric lights are a plain necessity. I have risen on my feet for the purpose of calling to your attention not only this Consolidated Ute Reservation electric lights but other Indian reservations scattered through the West that should have the same thing, because I think you have got to give the Indians on the reservations some of the things which the rural white settlers have in their communities, such as weekly or semiweekly moving pictures, electrically lighted homes, and so forth. They ought to have the same means of civilization and consideration in the way of electric lights which other communities have.

I hope the subcommittee of the Committee on Appropriations will take this into its consideration. I also want to draw their attention, while I am on my feet, to another consideration, and that is the condition of these allotted lands. The superintendent of the Walker River Agency could bring in Indians from different sections of the States of Nevada and California and sell to them allotments. Indians, full-bloods and half-breeds, would come with their families and buy these allotments if there were not piled against the allotments an ever-increasing sum of back payments for operation and maintenance.

This is an important thing, gentlemen of the committee, and serious consideration should be given to it, so that a certain amount of accumulated operation and maintenance and construction charges could be stricken off these allotments to bring the price down to a point where the buyer would have some assurance of paying out in due time from crops raised. If something can be done toward wiping out the operation and maintenance charges most of these allotments can be sold.

The CHAIRMAN. Without objection, the proforma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, $34,500: *Provided*, That no part of this appropriation shall be available for the payment of attorneys or other employees unless appointed after a competitive examination by the Civil Service Commission and from an eligible list furnished by such commission.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. HOWARD of Oklahoma. I want to ask the gentleman from Michigan if that item concerning competitive examinations by the Civil Service Commission and appointments from an eligible list furnished by the commission has been carried out? It has been carried in this bill, I think, several times.

Mr. CRAMTON. They have been under the Civil Service Commission for several years, ever since that has been in the bill.

Mr. HOWARD of Oklahoma. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act entitled "An act to provide for the allotment of lands in severalty to Indians," approved February 8, 1887 (U. S. C., p. 711, sec. 331), and under any other act or acts providing for the survey or allotment of Indian lands, $35,000: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Dakota moves to strike out the last word.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, this bill carries the most liberal appropriations for the education, health, and industrial training and development of the Indians of any bill reported or passed since I became a Member of Congress. If the Indians are to be brought to a state of self-support within a reasonable length of time, even

more liberal appropriations must be provided, and the intensive campaign for their advancement already under way must be augmented.

Since my earliest recollection the Indian Bureau has always been the target for criticism, sometimes by honest people who were trying to do something constructive, and not infrequently by dishonest rogues who were seeking to exploit the Indians. Honest criticism, though sometimes unjust, should be welcomed. Dishonest criticism is always unjust and rarely constructive. There are some half dozen Indian welfare societies organized in the United States, and many societies and clubs maintain sections or divisions that specialize on Indian welfare. All but a few of these societies and units carry on helpful and constructive work. Two or three, however, under the cloak of friendship for the Indians, have for the past few years carried on a most vicious, mendacious, and abominable propaganda, wholly destructive in character and which has greatly hampered a proper functioning of the Indian Bureau. This propaganda has been directed not only at the Indian Bureau but at Members of Congress whose only offense has been their refusal to join in the hue and cry against the bureau and to carry out the pet schemes and projects of the proponents.

Some of the proposals advanced have been of the most visionary and impractical character and such as would make of the Indians paupers and public charges in a short time. A number of these pseudo friends of the Indians, by means of false representations, have induced Indians, already pitifully poor, to part with their money in order to enable the recipients to protect the donors against some great wrong which has its existence solely in the brain or tongue of the money collectors. Not only that but while acting in the presumptive capacity of special investigators these artists have seized the opportunity to carry on political propaganda against the Bureau of Indian Affairs and Members of this House.

There has been much talk of the investigation of lobbyists and their activities, both in and outside of Washington. Nothing could be more wholesome than the appointment of a committee fully empowered to make a thorough and searching examination into the activities of some of these self-constituted Indian welfare lobbyists and the character of their propaganda. Such an investigation would enable Congress to give proper weight and consideration to their activities and establish the necessary facts upon which to base remedial legislation.

For the past eight years there has been at the head of the Indian Bureau Hon. Charles H. Burke, one of the distinguished citizens of my own State. For some 14 years he was a Member of Congress. During that time he was a member of the Indian Affairs Committee and for several years its chairman. He knows and understands the Indian problem as few know it. His friendship for the Indians is deep and sincere. During his years of service he has done his best to improve their condition. His efforts have not satisfied himself nor many of the friends of the Indians, but, considering the appropriations available, he has accomplished much. Despite all criticism, I am confident that the discriminating and impartial student of Indian matters will say that his administration has been characterized by fidelity to the Indians and ability and vigor in defending their rights. That errors have been made few will deny, but that he has conducted his difficult task with the best interests of the Indians as his constant goal will be admitted by those who have the most intimate knowledge of Indian affairs and who are honestly seeking to aid in working out a practical program.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. O'CONNELL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNELL. Why does not the gentleman disclose the source of this propaganda, if it is malicious?

Mr. WILLIAMSON. If the House will authorize a committee of investigation, I shall be pleased to furnish not only the source of the propaganda but the names of the individuals involved. [Applause.]

Mr. LEATHERWOOD. Would it not be well for the committee of Congress in appointing a committee of investigation to have it go out and investigate both sides?

Mr. WILLIAMSON. Certainly. Some of the "investigations" that have come to my attention have been decidedly one-sided. I am not referring to investigations made personally by Members of Congress.

A most interesting résumé of accomplishments during his term as Commissioner has been prepared by Assistant Commissioner E. B. Meritt, and I ask leave to insert it as a part of my remarks. I also ask leave to insert an editorial from the Daily Santa Fe New Mexican under date of December 5, 1928, which, I believe, will be of interest to the Members of this House and the country.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Following is the statement and editorial referred to:

OUTSTANDING CONSTRUCTIVE ACCOMPLISHMENTS DURING COMMISSIONER BURKE'S ADMINISTRATION OF INDIAN AFFAIRS

Statement by E. B. Meritt, Assistant Indian Commissioner, before the Appropriations Committee of the House of Representatives, November 19, 1928

It seems a proper time to bring to the attention of your committee some of the more important accomplishments of the Indian Service during the administration of Commissioner Burke. For more than seven years he has served as Commissioner of Indian Affairs, and, notwithstanding the fact that during that time the service has been greatly handicapped because of inadequate funds, much has been done for the advancement of the Indians and the improvement of the Indian Service.

The entire wealth of the Indians of this country in the fiscal year 1921 was estimated to be $716,705,500. For the fiscal year 1928 the estimated Indian wealth is $1,648,075,274.

The Indian population in 1921 was 340,838. The Indian population compiled from data during the fiscal year 1928 is 355,901, an increase of approximately 15,000.

Over the period of seven years between 1921 and 1928 consolidations of jurisdictions have been made throughout the service resulting in estimated savings under such consolidations of $300,000. The consolidations were made as follows:

The Salt River and Camp Verde Agencies in Arizona were placed under the jurisdiction of the Phoenix nonreservation boarding school.

The Bishop Agency in California was consolidated with the Walker River Agency with headquarters at Schurz, Nev.

The Digger Agency in California was placed under the Reno Agency in Nevada, this latter agency being transferred subsequently to Sacramento Agency in California.

The affairs of the Indians of the Greenville, Tule River, and Round Valley Agencies in California are now being handled under the direction of the Sacramento Agency.

There were in California two jurisdictions known as the Northern and Southern Mission Agencies, and these have been combined into what is known as the Mission Agency.

In Colorado the Ute Mountain and Southern Ute Agencies have been combined into what is now the Consolidated Ute Agency.

The Potawatomi Agency, Kans., has been placed under the direction of the superintendent of Haskell Institute.

In Minnesota the Leech Lake and White Earth jurisdictions have been consolidated, and the affairs of these two agencies are now being handled by the Consolidated Chippewa Agency, with headquarters at Cass Lake, Minn.

In Nebraska the Omaha and Winnebago Agencies have been consolidated, with headquarters now at Winnebago, Nebr.

The Moapa River Agency in Nevada was made a subagency under the Paiute Agency (formerly the Kaibab), with headquarters at Cedar City, Utah.

The Nevada and Fort McDermitt Agencies in Nevada were also placed under the Reno Agency, and with the abolishment of the latter agency the handling of the affairs of these two jurisdictions were taken over by the Carson nonreservation boarding school.

The Fallon Agency in Nevada has been placed under the Walker River Agency, with headquarters at Schurz, Nev.

The Seger and Cantonment jurisdictions in Oklahoma were placed under the Cheyenne and Arapaho Agency, with headquarters located at Concho, Okla.

The affairs of the Indians of the Ponca Agency in Oklahoma are now being handled under the direction of the Pawnee superintendent.

The Seneca School in Oklahoma has been placed under the direction of the superintendent of the Quapaw Agency.

The Siletz Agency in Oregon was placed under the jurisdiction of the Salem nonreservation boarding school.

In South Dakota the Lower Brule Agency is now under the direction of the superintendent of the Crow Creek Reservation.

The Goshute and Shivwitz Agencies in Utah have been consolidated with the Paiute Agency.

The Spokane Agency in Washington has been consolidated with the Colville Agency.

In Wisconsin the Grand Rapids jurisdiction has been placed under the Tomah nonreservation school, and the Laona and LaPointe Agencies in Wisconsin and the Mackinac Agency in Michigan have been placed under the Lac du Flambeau superintendency.

To-day there are 104 superintendencies, which include nonreservation and tribal boarding schools.

Appropriations for the Indian Service for the fiscal year 1921 totaled $10,028,722.22. For the fiscal year ending June 30, 1928, the appropriations for the Indian Service totaled $12,654,685. The foregoing totals of appropriations are for the amounts contained in the annual appropriation bills and do not include the items which were provided for in deficiency appropriation acts. During the last session of Congress more than four and one-half million dollars were appropriated on account of the Indian Service in deficiency acts, $3,800,000 of which was for the construction of the Coolidge Dam in Arizona. Many of the other items provided in the deficiency act were in fulfillment of special authorizations by Congress.

Education: In 1921 the total number of Indian children in all schools was 62,764, of whom 33,250 were attending public schools. During the fiscal year 1928 there were 68,881 pupils enrolled in all schools, and of that number 34,163 were enrolled in the public schools.

The following improvements have been made at the schools classed as nonreservation boarding schools or schools receiving specific appropriations in the annual appropriation bills:

Albuquerque School, New Mexico: A new gymnasium and assembly hall have been constructed, the academic building has been enlarged, several sleeping porches have been added to dormitories, a new hospital has been constructed, the sewer system has been improved and enlarged, additional land is authorized to be purchased, and the capacity has been increased from 474 to 850, an increase of 376 pupils. The grades at this school have been increased from 10 to 12.

Bismarck School, North Dakota: The capacity of this school has been increased from 80 to 115; an employees' cottage has been provided, and through a deficiency appropriation additional land is being purchased.

Carson School, Nevada: The domestic and irrigation water supply have been improved, a new dining hall provided, an assembly hall and an employees' cottage constructed, additions constructed to the boys' dormitory and the school building, central heating plant has been enlarged, and during the fiscal year 1929 a new dormitory is being constructed. The capacity of the school has been increased by 100—from 375 to 475—and the grades have been increased from 8 to 9.

Charles H. Burke School, New Mexico: This school was formerly the Fort Wingate military post and was transferred to the Interior Department from the War Department for Indian educational purposes in 1926. Extensive repairs and improvements to the buildings and the construction of new buildings was necessary before the plant could be put into operation and Congress provided an appropriation of $334,000, which included $100,000 for the new school buildng and assembly hall, extension of water, sewer, and light systems. The capacity has been increased from 500 to 700, an increase of 200 pupils.

Cherokee School, North Carolina: Additional land has been purchased, a concrete reservoir has been constructed, a hydroelectric system has been installed, an annex has been constructed to the boys' dormitory, and a new school building and girls' dormitory provided. The dining room has been enlarged and the old school building converted into a dormitory. As a result of these improvements the capacity of this school has been increased by 200.

Chilocco School, Oklahoma: The water and engineering systems have been improved; an employees' cottage, new hospital, domestic science building, and barn have been constructed; and the gymnasium and shop building destroyed by fire have been constructed. The capacity of the school has been increased from 500 to 800 and the grades increased from 10 to 12.

Fort Bidwell School, California: A new school building and hospital are under construction at this school.

Fort Mojave School, Arizona: The school irrigation system has been developed; the dining hall enlarged, new electric-light plant installed; and a new school has been constructed. A steel water tank and tower and new water mains have also been provided. The capacity of the school has been increased by 50.

Flandreau School, South Dakota: A new central heating plant has been installed, a dairy farm constructed, and the old boys' dormitory remodeled. The capacity of the school has been increased from 360 to 375.

Haskell Institute, Kansas: The heating and power systems of this school, the water system and farm drainage, have been remodeled and improved. The teachers' quarters have been enlarged and remodeled and the office building has been enlarged. Further improvements to the sewer system are being made during the fiscal year 1929 and the boys' dormitories are being remodeled. The capacity of the school has been increased from 750 to 850, and the grades were increased September, 1921, from 10 to 12.

Genoa School, Nebraska: The water, light, and sewer systems have been improved, a gymnasium constructed, and a new heating and power plant installed. The capacity of the school has been increased from 400 to 500.

Mount Pleasant School, Michigan: A new heating and power system and water-softening system have been installed, an old building has been remodeled for use as a hospital, and the old hospital remodeled for dormitory purposes. The capacity has been increased from 350 to 400 and the ninth grade added.

Phoenix School, Arizona: Sleeping porches have been added, new buildings have been constructed, additional land has been purchased, and the heating plant has been enlarged and improved. The capacity of the school has been increased from 700 to 900 and the eleventh and twelfth grades have been added.

Pierre School, South Dakota: Through slight repairs and additions the capacity has been increased by 25 pupils, and the ninth grade has been added.

Pipestone School, Minnesota: The water and steam heating systems have been improved, a new bake oven installed, and the academic building and assembly hall have been enlarged. The capacity of the school has been increased by 88 and the eighth and ninth grades added.

Rapid City School, South Dakota: A new school building has been completed, an assembly hall has been constructed, the hospital has been enlarged and improved, a new laundry building has been constructed, the capacity has been increased by 15, and the ninth grade added.

Salem School, Oregon: The entire heating system has been remodeled and high-pressure steam installed. A new boys' dormitory, small girls' dormitory, dining hall, kitchen, and employees' quarters have been constructed; repairs have been made to the water system; and a new septic tank and improved sewerage facilities provided. The capacity has been increased by 250 and the eleventh and twelfth grades have been added.

Santa Fe School, New Mexico: Additional land has been purchased, the heating system has been enlarged and improved, sleeping porches have been added to buildings, the dining hall has been enlarged, a new dormitory has been constructed and one of the old dormitories remodeled, and a new hospital is now in course of construction. The capacity of this school has been increased by 100 pupils.

Sequoyah Orphan Training School, Oklahoma: A new school building and assembly hall, dining hall, and hospital have been constructed; a new water tower and tank erected; the school building has been enlarged; additional land has been purchased; and the primary schoolroom has been converted into dormitory space. The capacity of this school has been increased by 140 pupils and the ninth and tenth grades have been added.

Sherman Institute, California: Additional sleeping porches have been added, and this, together with other miscellaneous remodeling and repairing, has increased the capacity of this school by 250 pupils. Twenty-six acres of land were purchased; a new horse and dairy barn have been constructed. The grades have been increased from 10 to 12.

Theodore Roosevelt School, Arizona: This school was formerly the Apache military post and was secured by the Interior Department for Indian educational purposes in 1924. It has a capacity of 450.

Tomah School, Wisconsin: The barn and shops at this school have been rebuilt, the dining hall enlarged and improved, and additions made to the school building and the girls' building. The capacity has been increased by 50 pupils.

Truxton Canon School, Arizona: The capacity of this school has been increased by 85 pupils through the construction of a new dormitory and improvement of school space and the addition to the assembly hall. A new ice plant, laundry machinery, and pumping machinery for irrigation purposes have also been provided.

Wahpeton School, North Dakota: The capacity of this school has been increased by 125 pupils and the ninth grade added. A shop building and employees' cottages have been constructed; additions have been made to classrooms, dormitories, and dining hall; and the old school building has been remodeled into an employees' dining room and kitchen.

In addition to increasing the grades in a number of the reservation day schools, grades have also been added to the reservation boarding schools at Blackfeet, Mont.; Bloomfield, Cheyenne and Arapahoe, Euchee, and Eufaula, Okla.; Fort Belknap, Mont.; Fort Sill and Jones, Okla.; Keshena, Wis.; Leupp, Ariz.; Pawnee, Okla.; Pine Ridge, S. Dak.; Red Lake, Minn.; Rice Station, Ariz.; Rosebud, S. Dak.; Seneca, Okla.; Shoshone, Wyo.; and Standing Rock, N. Dak.

CONSERVATION OF HEALTH

Appropriations for health work for the fiscal year 1921 totaled $350,000, and for the fiscal year 1928, $948,000 was specifically authorized for this purpose. In addition to this amount, other funds have been allotted for conservation of health. The total number of hospitals in the Indian Service in 1921 was 81, with a total bed capacity of 2,411. This number has been increased over the period of seven years to 92, with a bed capacity of 3,150. The medical personnel of the service has been increased gradually, and in 1928 there were 195 physicians of all kinds, 170 nurses, 31 field nurses, and 31 field matrons, as compared with 174 physicians, 81 nurses, and 70 field matrons in 1921. The field matrons are being gradually replaced by graduate nurses trained in public-health work.

Between the seven-year period, 1921 to the close of the fiscal year 1928, the following new hospitals have been constructed or established:

Albuquerque School Hospital, with a capacity of 60 beds, the total cost of which was $65,000.

Pyramid Lake Sanatorium, Nevada, 84 beds were provided through the conversion of dormitories for sanatorium purposes at a cost of $30,000.

Charles H. Burke School Hospital, capacity 45 beds. This building was converted into a hospital at a cost of approximately $15,000.

At the Chilocco School, Oklahoma, a 50-bed hospital has been constructed at a cost of $24,750.

For the Choctaws, in Mississippi, a 25-bed hospital has been erected at a total cost of $14,567.

The Consolidated Chippewa Sanatorium, with a capacity of 82 beds, was provided through the conversion of school dormitories for sanatorium purposes.

A small 10-bed hospital has been provided at the Euchee School through the remodeling of an existing building.

A 60-bed hospital has been constructed on the Fort Apache Reservation, Ariz., at a cost of $50,000.

The superintendent's quarters at Fort Belknap, Mont., was converted into a 15-bed hospital.

A 14-bed hospital, costing $11,500, was constructed at the Fort Hall Agency, Idaho.

A small 6-bed hospital or infirmary has been constructed at the Havasupai Agency at a cost of $5,000.

The Keshena Hospital, in Wisconsin, which was destroyed by fire, is being replaced at an approximate cost of $44,000, with a capacity of 50 beds.

A 30-bed hospital, costing $43,000, has been constructed on the Klamath Reservation.

At Laguna, N. Mex., a 30-bed general hospital was added to the existing 36-bed tuberculosis hospital.

The Leupp Hospital, with a capacity of 50 beds, was constructed at a cost of approximately $25,000.

A new hospital at Soboba, under the Mission Agency in California, is in process of construction. This building will furnish approximately 30 beds and will cost $30,000.

A 12-bed hospital has been provided for the Taos Indians under the northern Pueblos Agency at a cost of approximately $15,000.

A 12-bed hospital has been constructed at the Sequoyah Orphan Training School at a cost of $10,000.

The boarding school at Shawnee, Okla., was converted into an 80-bed tuberculosis sanatorium at a cost of approximately $40,000.

Hospitals of 15-bed capacity each were provided at the Chin Lee and Tohatchi Schools in Arizona and New Mexico, respectively, at a cost of $15,000 each. An old officers' quarters at the Theodore Roosevelt School was converted into a 20-bed hospital.

An 18-bed hospital has been established through the conversion of employees' quarters on the Tongue River Reservation.

A 36-bed hospital has been constructed on the Western Navajo Reservation at a cost of $29,972.

A 60-bed tuberculosis sanatorium, costing approximately $40,000, has been provided on the Yakima Reservation, Wash.

The Zuni Boarding School plant, New Mexico, has been converted, at a cost of approximately $10,000, into an 80-bed tuberculosis sanatorium.

Aside from the hospitals above mentioned, new hospitals are now under construction at Fort Berthold, N. Dak.; Claremore, Okla.; San Carlos, Ariz.; and Southern Navajo, Ariz.

The former Marsh Pass Boarding School at Kayenta, Ariz., is being converted into a hospital to provide 40 beds for tuberculosis cases and 10 beds for general cases. The approximate cost of this conversion will be $7,000.

Hospital facilities have been improved and increased at a number of other points in the service; X-ray machines have been provided in a number of these hospitals. During the fiscal year 1928 over 34,100 patients were treated, with over 626,300 days of hospital treatment.

The death rate of Indians in 1921 was approximately 24.8 per thousand, and the death rate during the fiscal year 1928 has been reduced to 21.8 per thousand.

The Indian medical service has been reorganized and the country divided into four medical districts with a medical director in charge of each. Four medical officers of the United States Public Health Service were detailed to the Indian Service, one of whom was assigned to the position of chief medical director and the other three were assigned as district medical directors. The establishment of these positions of district medical director has been of material assistance in improving general health conditions throughout the service as to operation of hospitals, care and treatment of the sick, development of disease-prevention measures, and the better reporting of morbidity and mortality statistics.

Special efforts have been made to cure and prevent the spread of trachoma among the Indians. To this end the Navajo Boarding School at Fort Defiance, Ariz., with a capacity of 450 pupils, and the Tohatchi Boarding School at Tohatchi, N. Mex., with a capacity of 250 pupils, and the San Juan Boarding School, with a capacity of 200, have been designated as "trachoma" schools. The Chin Lee Boarding School in Arizona, with 160 capacity, the Charles H. Burke School in New Mexico, with 600 capacity, and the Theodore Roosevelt School in Arizona, with 450 capacity, have been designated as trachoma-free schools. By this method of segregation it is believed that much progress can be made in the elimination of this disease among the Indians. Trachoma clinics have also been held in various sections of the Indian country, and since the establishment of a more detailed campaign against trachoma in 1925—10,782 surgical and 11,485 medical treatments have been given for the amelioration of this disease and the incidence of trachoma has fallen from an estimated figure of 30 per cent in 1921 to 17.2 per cent at the end of March, 1928.

Efforts are being made also to check the widespread prevalence of tuberculosis among the Indian population, and to this end increased sanatorium facilities have been provided and special emphasis has been placed on preventive measures both in schools and in the ordinary reservation activities. Sanatorium schools for the benefit of children suffering from tuberculosis have a bed capacity of 874. There is not adequate provision for the care and treatment of this disease among the adult Indian population. As hospitals are enlarged, facilities are being provided for the care of adult Indians suffering with this disease, and some progress is being made in the fight against it. However, because of the unwillingness of the Indians to leave home for hospital treatment, it is not anticipated that there will be a considerable showing of results under this activity.

INDUSTRIAL ACTIVITIES

The outstanding work in connection with the individual development of the Indian has probably been the inauguration of what is known as the 5-year industrial program, which had its inception on the Blackfeet Reservation in Montana in 1922. This 5-year program proved to be quite successful, and industrial surveys were made on other reservations, and to-day these industrial programs have been inaugurated on 35 different reservations. The reservations are divided into farm chapters, and in 1928 there were 408 such chapters with a total membership of 6,761, in addition to 278 4–H Clubs, with a membership of 3,284. These chapters vie with each other in making and breaking records for work and production. Campaigns are put on along special lines to see which chapter can hold the record for the largest percentage of newly broken land and which chapter will have the largest number of members owning pigs, chickens, sheep, or cattle. As a result of these increased industrial activities Indians have been exhibiting their products in State and county fairs, and in the fiscal year 1928 the adult Indians won 281 prizes and the 4–H Club members won 198 county prizes and 101 State prizes in competition with whites.

During the fiscal year 1921 there were 47,191 Indians engaged in farming and stockraising. For the fiscal year 1928, 52,287 Indians are engaged in this work.

INDIAN LEGISLATION—JURISDICTIONAL ACTS

During the period between February 6, 1921, and May 18, 1928, 26 separate acts of Congress have been enacted authorizing the adjudication of claims against the United States by certain Indian tribes. The following is a list of these jurisdictional acts:

Conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, approved February 6, 1921 (41 Stat. 1097).

For the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington, approved March 13, 1924 (43 Stat. 21).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes, approved March 19, 1924 (43 Stat. 27).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes, approved May 20, 1924 (43 Stat. 133).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes, approved May 24, 1924 (43 Stat. 139).

To amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved May 24, 1924 (43 Stat. 137).

Authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims, approved June 4, 1924 (43 Stat. 366).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes, approved June 7, 1924 (43 Stat. 537).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Stockbridge Indians may have against the United States, and for other purposes, approved June 7, 1924 (43 Stat. 644).

Conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the red pipestone quarries, Minnesota, approved January 9, 1925 (43 Stat. 730).

Authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims, approved January 9, 1925 (43 Stat. 729).

To refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States, approved February 7, 1925 (43 Stat. 812).

For the relief of the Omaha Indians of Nebraska, approved February 9, 1925 (43 Stat. 820).

Authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise, approved February 12, 1925 (43 Stat. 886).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have, against the United States, and for other purposes, approved March 3, 1925 (43 Stat. 1133).

Authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, approved May 14, 1926 (44 Stat. 555).

Authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect, approved May 10, 1926 (44 Stat. 568).

To amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims, approved June 24, 1926 (44 Stat. 764).

Authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims, approved July 2, 1926 (44 Stat. 801).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, approved July 3, 1926 (44 Stat. 807).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, approved March 2, 1927 (44 Stat. 1263).

Authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, approved March 3, 1927 (44 Stat. 1349).

To grant the right and time for appeal to plaintiffs in suit numbered 33731 in the Court of Claims of the United States, approved March 4, 1927 (44 Stat. 1847).

For the relief of the Arapahoe and Cheyenne Indians, and for other purposes, approved March 29, 1928 (45 Stat. 380).

To confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 18, 1928 (45 Stat. 601).

Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California, approved May 18, 1928 (45 Stat. 602).

OTHER LEGISLATION

Other important acts enacted over a 7-year period cover the following:

To amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved March 3, 1921 (41 Stat. 1249).

Providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes, approved March 3, 1921 (41 Stat. 1355).

Amending section 26 of leasing act of June 30, 1919 (41 Stat. 31), to include leasing for additional minerals as "metalliferous minerals" on certain Indian reservations, approved March 3, 1921 (41 Stat. 1231).

To authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana, approved September 20, 1922 (42 Stat. 857).

To authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes, approved March 4, 1923 (42 Stat. 1448).

To provide for the payment of claims of Chippewa Indians of Minnesota for back annuities, approved April 14, 1924 (43 Stat. 95).

For the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash., approved April 28, 1924 (43 Stat. 111).

For the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes, approved May 19, 1924 (43 Stat. 132).

An act granting citizenship to all Indians, approved June 2, 1924 (43 Stat. 253).

Providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina, approved June 4, 1924 (43 Stat. 376).

For the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes, approved June 7, 1924 (43 Stat. 475).

Authorizing the Secretary of the Interior to investigate and report to Congress the facts in regard to the claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses, approved June 7, 1924 (43 Stat. 477).

To quiet the title to lands within Pueblo Indian land grants, and for other purposes, approved June 7, 1924 (43 Stat. 636).

To compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest, approved February 28, 1925 (43 Stat. 1052).

Appropriating money for the relief of the Clallam Tribe of Indians in the State of Washington, and for other purposes, approved March 3, 1925 (43 Stat. 1102).

To pay Chippewa of Minnesota $1,787,551.36 for lands taken under free homesteads act of May 17, 1900 (31 Stat. 179), approved March 3, 1926 (44 Stat. 173).

To authorize the leasing for mining purposes of land reserved for Indian agency and school purposes, approved April 17, 1926 (44 Stat. 300).

To provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes, approved June 3, 1926 (44 Stat. 690).

Amends the act of June 30, 1919 (41 Stat. 31), for leasing unallotted lands for metalliferous minerals to include nonmetalliferous minerals (exclusive of oil and gas) on Indian reservations in certain States, approved December 16, 1926 (44 Stat. 922).

To authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States, approved February 26, 1927 (44 Stat. 1247).

To authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, approved March 3, 1927 (44 Stat. 1347).

To amend the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes, approved March 3, 1927 (44 Stat. 1401).

Appropriates $463,732.49 to pay loyal absentee Shawnee Indians of Oklahoma for Civil War depredations, approved December 22, 1927 (45 Stat. 18).

To amend section 1 of the act of June 25, 1910 (36 Stat. L. p. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved March 3, 1928 (45 Stat. 161).

To provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, approved April 21, 1928 (45 Stat. 442).

Authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States, approved May 3, 1928 (45 Stat. 484).

Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, approved March 13, 1928 (45 Stat. 312).

To extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes, approved May 10, 1928 (45 Stat. 495).

To provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex., approved March 27, 1928 (45 Stat. 372).

In connection with the foregoing special mention should be made of the amount which has been obtained for the Chippewa Indians in Minnesota. One of their long standing claims was for the value of lands and timber taken by the Government for the Minnesota National Forest under the act of May 23, 1908. A commission was appointed pursuant to the provisions of this act and its finding was that the Indians were entitled to the sum of $1,490,195.58 as the value of this property. This finding was approved by the President and on May 31, 1923, the amount was placed to the credit of the Chippewa Indians in the United States Treasury, the same to draw interest at the rate of 5 per cent per annum. Another claim of these Indians was for the value of certain lands in the vicinity of the Red Lake Reservation in Minnesota, taken by settlers under what was known as the free homes act of May 17, 1900 (31 Stat. 179), and never paid for by the Government as provided for in the act. By the act of March 3, 1926 (44 Stat. 173), without the necessity of a suit in the Court of Claims, $2,091,669.03 was appropriated covering both principal and interest on this claim, and by the same act interest amounting to $422,939.01 was appropriated on the Minnesota National Forest claim. In all, the sum of $4,074,907.15 was added to the Chippewa in Minnesota fund in settlement of these claims without any charges accuring for attorney fees.

Another of the outstanding pieces of legislation enacted during this time was the act of June 7, 1924 (43 Stat. 363), authorizing the crea-

tion of the pueblo lands board for the purpose of adjusting controversies in connection with title to lands within the 20 pueblo grants. Approximately one-half of this work has been completed and more than $150,000 awarded to the Pueblo Indians by the action of this board.

In connection with the act authorizing the settlement of the affairs of the eastern band of Cherokee Indians in North Carolina, more than 16,000 person applied for enrollment and the tribe has initiated contests respecting the rights of 1,216 enrollees.

Under the act of February 26, 1927, authorizing the cancellation of fee patents, more than 200 patents have been canceled.

OTHER ACCOMPLISHMENTS

During the calendar year 1918 a disastrous fire swept the town of Fond du Lac, Wis., and destroyed a number of Indian homes. This fire had its origin, so it was alleged, in sparks flying from engines of the Great Northern Railway during the period of Government operation. The matter of damages for these Indians was taken up with the United States Railroad Administration, and in 1925 settlement for 245 claims, aggregating $222,968.77, was effected.

Over a period of seven years the receipts from timber sales have increased from approximately $1,400,000 to approximately $2,500,000 annually. The cost of timber sale administration has been less than 21 cents per thousand feet or 5⅛ per cent of the gross receipts.

A total of 4,894 allotments have been made on the Gila River Reservation in Arizona covering 97,880 acres. On the Blackfeet Reservation, Mont., 4,301 allotments were made covering 554,613 acres. Allotment work on the Flathead Reservation was completed and a total of 920 allotments made covering 123,457 acres. The act of June 4, 1920, authorized allotments on the Crow Reservation, in Montana, and 2,126 such allotments were made covering a total acreage of 1,654,412. On the Fort Belknap Reservation, in Montana, 540,000 acres were divided into 1,171 allotments. There were 1,402 allotments made on the public domain in different States embracing 208,817 acres.

In connection with the purchase of Indian goods and supplies, there has been established, through authority of Congress, the Indian Service supply fund, which has enabled the office to make prompt payments for goods purchased, thereby obtaining lower prices and taking advantage of discounts. Purchasing procedure has been improved wherever possible and a large amount of surplus property suitable for use in Indian schools and agencies has been obtained.

Between January 1, 1921, and January 1, 1928, 271 banks having deposits of $6,357,911 were closed by reason of insolvency. Recovery has been effected in all but four of these cases.

Legislation was obtained authorizing an appropriation of $5,500,000 for the construction of the Coolidge Dam in Arizona. Under this authorization, appropriations have been obtained and the dam has been completed, thus making it possible to irrigate 80,000 acres of additional lands, 40,000 of which are on the Pima Indian Reservation.

The foregoing are a comparatively few of the thousands of constructive accomplishments during the last seven years under the administration of Commissioner Burke. It will be noted that during this time the Indian population has increased approximately 15,000, the total wealth of the Indians has increased approximately $925,000,000, approximately $300,000 has been saved by consolidations of schools and agencies, appropriations for the Indian Service have been materially increased and there are over 6,000 more Indian children in school now than seven years ago.

The appropriation for health work for the fiscal year 1929 is $1,440,000, or four times the amount that was appropriated for this same work seven years ago. The number of doctors, nurses, and hospitals have been materially increased during the past seven years, there being now 17 more hospitals than we had in the Indian Service seven years ago. The medical service has been reorganized, the salaries of employees have been materially increased, the Indians are now doing more farming than ever before, there being 5,000 more Indians engaged in industrial activities now than at the beginning of the administration of Commissioner Burke.

There have been 26 jurisdictional bills passed during the administration of Commissioner Burke permitting Indians to go before the Court of Claims to adjudicate their claims against the United States. This is a larger number of jurisdictional bills than ever before passed in a similar period of time.

The Indian citizenship bill was passed by Congress during the administration of Commissioner Burke, extending citizenship to all Indians in the United States, and some of the most important legislation in the history of the Indian Service has been enacted during that time. For example, the passage of the act extending the trust period on the lands of the Five Civilized Tribes, which will save the property of at least 10,000 Indians of those tribes, which property is valued at millions of dollars.

I do not believe that there has ever been any other period of seven years in the history of the 100 years of the jurisdiction of the Indian Bureau over Indian affairs when so many constructive things have been accomplished as during the past seven years under the administration of Commissioner Burke.

However, I want to make it perfectly clear that many things need to be done that can not now be done with the limited appropriations available. While we are not asking for appropriations other than appear in the estimates, and we are not permitted to do so under the Budget system, it is my belief that instead of annual appropriations of between $12,000,000 and $15,000,000 as now authorized by Congress we need approximately $25,000,000 a year for several years to come if we are to meet the actual requirements of the situation. We need more doctors, more medical experts on trachoma and tuberculosis, more sanatoria and sanatorium schools, and at least 200 more nurses are needed at once for our field service. We need at this time at least 25 additional hospitals for Indians now without adequate hospital facilities.

We need better school facilities, with a minimum per capita allowance of $300, which amount is necessary for the conduct of our schools if we are to operate them along modern standards of education. Our present school dormitories, schoolrooms, and shops need better equipment, and we need an increased appropriation to provide dairy cows so that our school children can have more milk. Our present school system needs to be reorganized and placed on a more modern and efficient basis with college and university graduates trained along modern educational lines and with experience in educational work in supervisory educational positions, such as supervisors, principals, and principal-teachers.

We need a much larger reimbursable appropriation to improve bad home conditions among Indians. More money is needed to provide for at least 100 trained women with social service ideals as field demonstration agents to improve home and living conditions.

We need at least 50 more trained agricultural and industrial leaders to teach Indians to make better use of their industrial opportunities. We need more funds to provide a larger variety and better balanced food for our Indian school children.

We need an increased trained force of well-paid employees to bring the Indians generally to a better realization that after all the Indian problem is their problem and that it is the duty of the Indians of this country to become by their own efforts industrious, progressive, self-supporting, and law-abiding citizens of this great Republic.

While frankly acknowledging the foregoing needs of the Indian Service in order to bring about an ideal administration of Indian affairs, we recognize that these increased appropriations must be obtained gradually, but we are working to a definite aim and with the cooperation of the Bureau of the Budget, the Congress, and the friends of the Indians generally, which has been so generously extended in the past, we hope to reach this goal within the next three or four years. In the meantime, we have a feeling of pride in what has already been accomplished under the administration of Commissioner Burke, and we feel that the foundation has been laid for a more rapid progress in the promotion of the welfare of the American Indian during the next few years than has ever before been possible in a similar period of time in the history of the administration of Indian affairs by the Federal Government.

Much of the unprecedented progress of the Indians of this country during the last seven years is due to the able and wise leadership of Commissioner Charles H. Burke, who has made his home practically his entire adult life in South Dakota among the Sioux, who by reason of his long and close contact understands the Indians and has an intimate knowledge of their needs and problems, who spent 14 years in Congress representing their interests as a member of the House Committee on Indian Affairs, and part of the time as chairman of that important committee, and who for more than 7 years has served the Indians of this country honestly, faithfully, and well as their Commissioner of Indian Affairs. Commissioner Burke is recognized by practically all fair-minded people who know the Indian problem as the best informed and equipped and the most efficient Commissioner of Indian Affairs who has ever served in that high, responsible, and exceedingly difficult position. No honest man can or will question his integrity, his high Christian character, his sterling worth as a citizen or as an official of our Government, or his loyalty and devotion to the cause of the American Indian.

[From the Santa Fe New Mexican, December 5, 1928]

THE INDIAN BUREAU

The new Secretary of the Interior recommends a more definite and improved policy for administration of Indian affairs.

With all due regard to the well-known century of dishonor and the fumblings and inefficiencies and bureaucracies of the Indian Bureau, this moves us at this time to utter a word of defense. The New Mexican has done its full share of denunciation of the mistakes and injustices laid at the door of this bureau, and it would be highly unfair not to tender a few brief words of praise for the things it has been doing recently in the Southwest. Certainly it will not receive any such praise from the agencies of highly personal malice which chiefly motivate the present drive against the bureau.

It should be explained that there are two sets of organizations now concerning themselves with Indian affairs. The one has sought

by cooperation and stimulation to get things done, with very gratifying success. The other is out frankly and solely to get the scalps of the commissioner and his assistant by fair means or foul.

It may be that the Indian Bureau and its personnel are cruel, brutal, rapacious, oppressive, unscrupulous, dishonest, and thievish, as alleged, in Oklahoma, California, and other seaports where instances of alleged beating of boys with cats-o'-nine-or-more-tails are viewed with alarm.

However, in the States of Arizona and New Mexico we have seen the Navajos and Pueblos organize, at the suggestion of the bureau, into councils to have a voice in their own government and negotiate their grievances with Uncle Sam.

Santa Fe has had an opportunity to watch the village Indians discussing their affairs with the Government amicably and with satisfaction to themselves.

These two States have seen various expensive dormitories, hospitals, and other improvements built, have watched expert nurses hired by private organizations work with the approval and aid of the bureau, have seen world-noted experts called in to lead a fight on trachoma, have read lengthy recommendations by the assistant commissioner for a hundred reforms in educational methods, medicine, hospitalization, sanitation, and whatnot. The public knows such men as Faris, McCormick, Perry, Burton Smith, Crandall, and finds them more or less typical of the fine general run of local Indian officials. We find the assailants of the bureau making no mention of the monumental work of the Pueblo lands board or the record of Hagerman in putting the Navajos on a basis of semiautonomy. The Pueblo ceremonial dances are proceeding undisturbed, and the Pueblos themselves so far from being herded by an inhumane Government, are allowed the run of the whole country to such an extent that you see more dances in Los Angeles than in Tesuque.

Of course, the Indian Bureau has been steeped in an archaic point of view; it has been the apothesis of bureaucracy, the product of an ancient system. Knowing that fact, we should give it the greater credit for every progressive step. We say unhesitatingly that it is deserving of high praise for the improvement it has brought about in administration in the Southwest. Settling the Pueblo land controversy alone is a most remarkable achievement. Whoever deserves the credit for creating the machinery of settlement, it was done finally with the cooperation of the bureau.

This is no brief for the Indian Bureau in perspective or as a whole. It needs a new and broader human viewpoint. It got the way it is, incidentally, through the necessity of doing business with a Congress full of politicians. It has done petty and oppressive things inside its organization, and it has not been sufficiently responsive to public sentiment. Through habituation to bitter and often irresponsible attacks from every quarter, it has become too casehardened often to pay attention to constructive suggestions.

Yet in the past two or three years, we in the Southwest have seen it make an honest, earnest effort to meet constructive criticism, and have witnessed a tremendous improvement in policy and method.

We insist that this record be not excluded from the picture, and in particular that Assistant Commissioner Meritt receive a well-earned bouquet.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For purchase of additional land and water rights for the use and benefit of Indians of the Navajo Tribe, title to which shall be taken in the name of the United States in trust for the Navajo Tribe, $200,000, as authorized by the act of May 29, 1928 (45 Stat. 899), payable from funds on deposit in the Treasury of the United States to the credit of the Navajo Tribe: *Provided*, That in purchasing such lands title may be taken, in the discretion of the Secretary of the Interior, for the surface only.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Why is there an invitation here in the language of this proviso, in selling these lands, to retain the mineral rights?

Mr. CRAMTON. Is this the Navajo land item?

Mr. BLANTON. Yes; on lines 16, 17, and 18. In other words, in purchasing these lands for them with their funds, the Government is permitted to take for them title only to the surface. It occurs to me it is an invitation to owners selling the lands to retain the mineral rights. Frequently the mineral rights are most valuable.

Mr. CRAMTON. The Indians are very anxious to acquire those lands. They are not acquiring them for speculative purposes or the possibility of obtaining minerals, but in connection with their flocks and herds. They can be bought from the railroads. In one case they are owned by the railroads; and in other cases they are owned by companies. They can be bought for around $1.25 an acre if the mineral rights are not included; but if we insist on the mineral rights as well as the land the price will be materially greater.

Mr. BLANTON. Well, in selling land as between individuals the custom is now to have some limitation on the reservation. For instance, where parties reserve mineral rights, they frequently reserve them only for a number of years. Does the gentleman think it wise to cut these Indians off from all of mineral values?

Does the gentleman think it wise to cut these Indians off from all valuables that may be under their lands?

Mr. CRAMTON. It is within the discretion of the administrative authorities to make such contracts as they can, but we open the way so that if they can not get the lands at that low price they have authority to make any contract they think is desirable. I agree with the gentleman it is nicer to have the mineral rights with the lands, but if we required them to acquire the mineral rights it might increase very greatly the cost of the lands.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the purposes of preserving living and growing timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, and to educate Indians in the proper care of forests; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, including $50,000 for the employment of agricultural college graduates scientifically trained and qualified to direct the agricultural activities of the Indians, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $435,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose: *Provided further*, That not to exceed $100,000 of the amount herein appropriated may be used for the prevention of forest fires on Indian reservations: *Provided further*, That not to exceed $20,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits, and for producing and maintaining a supply of suitable plants or seed for issue to Indians: *Provided further*, That not to exceed $10,000 of the amount herein appropriated may be used for obtaining remunerative employment for Indians and when necessary for payment of transportation and other expenses to their place of employment, such expenditures to be refunded when practicable: *Provided also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912 (U. S. C. p. 692, sec. 58).

Mr. BLANTON. Mr. Chairman, I make a point of order against the last proviso as a change in the law unauthorized in an appropriation bill. It seeks to take the limitation off that was prescribed in the act of 1912.

Mr. CRAMTON. Mr. Chairman, I feel sure it is subject to a point of order, otherwise there would be no occasion for it. It is a proviso that has been carried for a number of years. I have forgotten just what the act of 1912 provides, and hence I do not recall how important this is.

Mr. BLANTON. It fixed the maximum of these payments, and to take the maximum limit off and just leave it to the discretion of the Indian Office I do not think is salutary. I think we ought to retain these limitations.

Mr. CRAMTON. I will read the section that this refers to. I will say to the gentleman it has been carried for a number of years, but my recollection is not clear as to the situation or what the effect would be if the point of order is sustained. However, I will admit it is subject to a point of order.

Mr. BLANTON. I will state to the gentleman that I intend to make it.

Mr. CRAMTON. I would like to make clear just what it is that we are doing.

Mr. BLANTON. We are taking these limitations off too frequently, in my judgment.

Mr. CRAMTON. Section 58 provides:

Not more than $15,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, except the Osage, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary

of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may be consolidated the expenditure of such consolidated agencies for regular employees shall not exceed $20,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

It appears that the purpose of the paragraph is to limit the amount of money that can be paid for employees within one reservation. It limits the amount that can be paid for certain classes of employees at one reservation. Now, the gentleman appreciates the great difference in reservations, and if this is stricken out it will limit the expenditure but not the salary of any employee. It limits the total amount that could be spent for matrons, foresters, farmers, physicians, nurses, and so forth, at any one reservation.

Mr. BLANTON. And very effectually thereby limit salaries.

Mr. CRAMTON. It is subject to a point of order if the gentleman insists on it.

Mr. BLANTON. I intend to make it.

Mr. COLTON. Will the gentleman withhold his point of order for a moment?

Mr. BLANTON. It will only waste time.

The CHAIRMAN. Gentlemen speaking in the committee should rise.

Mr. BLANTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman from Texas makes a point of order against the proviso. The point of order is conceded by the chairman of the subcommittee, and in the opinion of the Chair the point of order is well taken. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

In all, for irrigation on Indian reservations, not to exceed $160,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1929, which is hereby reappropriated, reimbursable as provided in the act of August 1, 1914 (U. S. C. p. 716, sec. 385): *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated: *Provided further*, That the costs of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word.

The last words read by the Clerk refer to just the things I tried to bring to the attention of the chairman of the committee a few moments ago—

any unpaid charges outstanding against such lands shall constitute a first lien thereon, which shall be recited in any patent or instrument issued for such lands.

I want the members of this subcommittee of the Appropriations Committee to bear in mind the fact that we have charged off on reclamation projects a large sum of money, and it is going to be necessary for this committee to do something toward charging off, for the same reasons, charges placed against these allotted lands of Indians. Who is going to do this unless this committee becomes cognizant of the fact that such conditions exist, and I hope when Mr. Meritt comes before this committee the next time you will ask him some questions along this line, because, surely, you do not want these lands burdened with these excess costs.

Some of these irrigation projects were constructed 15, 20, and 30 years ago, the woodwork has rotted, the ditches have filled up with sand, and water has not been through them for a generation. The lands that have been allotted to these Indians scattered over the project have never received water and the charges accumulated by this construction work are still pending against the lands.

I hope something will be done, and I am speaking of this to-day so that it will be brought to the attention of the officials of the Bureau of Indian Affairs.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. Gladly; yes.

Mr. CRAMTON. I am well satisfied there is a great deal in what the gentleman from Nevada is saying, and that there are places where some adjustments are very desirable. Of course, the gentleman realizes the danger that is always encountered when we start in to clean up a thing of this kind. It gets to be that everybody thinks they are entitled to an adjustment, and because you give it to A, for instance, B, C, D, and E are all on the job.

Mr. ARENTZ. A, B, C, D, and E, my friends, should all be heard. Every one of them should at least be heard.

Mr. CRAMTON. Yes; but just because A is given an adjustment, it does not follow that B is entitled to one. If this matter could be taken up and checked up carefully and the right thing done in each case standing on its own merits, it would be fine; but if we were to bring together a bill that would be a kind of pork-barrel adjustment, of course, that would be undesirable. I would be pleased to see a study made of the subject so that the desirable cases may be taken care of.

Mr. ARENTZ. And that is just exactly why I am bringing it to the gentleman's attention, so that justice will be rendered in each individual case and a study made of each individual case. Surely by suggesting an adjustment on the Walker River Indian Reservation, I am not suggesting you should include other reservations where such an adjustment is not necessary, and I hope the gentleman will bear this in mind when the time comes, and I hope that time may come soon and that an adjustment will be made so we can bring in the Indians from Inyo County, Calif., who have the money and would buy these allotments and settle this land.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To reimburse R. E. Hansen for destruction of crops, $2,480.65, payable out of funds received from the sale of stored water in the Blackfoot Reservoir, Fort Hall irrigation project, Idaho, as authorized by the act of May 29, 1928 (45 Stat. pt. 2, p. 327).

Mr. CRAMTON. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 32, after line 16, insert a new paragraph, as follows:

"For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, $114,000, reimbursable as provided for and subject to the provisions and conditions of such act."

Mr. CRAMTON. Mr. Chairman, I will only state that this is to carry out a recent act of Congress and is in accordance with a supplemental estimate that has just come to the Congress and was not before us when we made up the bill.

I ask unanimous consent to extend my remarks by putting in the RECORD a paragraph from the Budget statement in reference to it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

The act of May 29, 1928, authorized the Secretary of the Interior to enter into an agreement with drainage districts in Idaho for the drainage and reclamation of certain Kootenai Indian allotments at a cost of not exceeding $114,000. It is believed the act intended to provide for the completion of the drainage work at a relatively early date, with the cost of the work to be covered by an advance of funds from the Treasury, such advance of funds to be repaid to the Treasury from proceeds of leases in not less than 20 annual installments. The Budget for 1930 contains an estimate of $5,700, representing one-twentieth of the estimated cost of the work, which was submitted by the Department of the Interior in the thought that the act provided for the advance of funds, as well as for their repayment, in not less than 20 annual installments. The estimate of $108,300 now submitted by the department, together with the $5,700 carried in the 1930 Budget, is recommended by the department in order to provide the necessary amount to be advanced to the drainage districts for the early completion of the work as contemplated by the above-cited act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

EDUCATION

For the support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, $2,850,000: *Provided,* That not to exceed $10,000 of this appropriation may be used for the support and education of deaf and dumb or blind or mentally deficient Indian children: *Provided further,* That $3,500 of this appropriation may be used for the education and civilization of the Alabama and Coushatta Indians in Texas: *Provided further,* That hereafter all reservation and nonreservation boarding schools with an average attendance in any year of less than 45 and 80 pupils, respectively, shall be discontinued on or before the beginning of the ensuing fiscal year. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further,* That hereafter all day schools with an average attendance in any year of less than eight shall be discontinued on or before the beginning of the ensuing fiscal year: *Provided further,* That hereafter all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States: *Provided further,* That not more than $400,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient: *Provided further,* That not less than $6,500 of the amount herein appropriated shall be available only for purchase of library books.

Mr. BLANTON. Mr. Chairman, I make the point of order against the following words in this paragraph: In line 17, page 38, against the word "hereafter." On page 39, line 1, against the word "hereafter." On the same page, line 4, against the word "hereafter." On the same page, line 11, against the following language: "But formal contract shall not be required for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16) for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf, dumb, blind, or mentally deficient," all of the above being a change of existing law unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, the word "hereafter" where it occurs several times in this paragraph is, of course, subject to a point of order. It really is not very material whether the word goes out or remains in. The language putting a limitation on the continuation of certain schools requiring schools to be closed when less than a certain number of pupils are present has been carried in the bill ever since I have had anything to do with it, and I do not know how long before. By reason of that fact the Budget recommended this change that the gentleman objects to. I admit the point of order is good against the words "hereafter," and if the gentleman cares to insist upon the point of order I do not appeal to him to withdraw it.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. I was trying to keep the committee consistent. A while ago there was a very salutary amendment offered that prevented accounts from being filed against the Government, 3, 4, 5, or 10 years after the amounts had been expended. I offered an amendment and the chairman of the committee acceded to it, but the point of order was made, and the point of order was sustained. I am trying to keep the committee consistent. You have to carry the language every year when you can stop it by inserting the word "hereafter." I want the committee to be consistent.

Mr. CRAMTON. The committee has been consistent——

Mr. BLANTON. I mean the Committee of the Whole House on the state of the Union.

Mr. CRAMTON. I want the gentleman to distinguish carefully between the two.

Mr. BLANTON. I meant the Committee of the Whole House on the state of the Union as distinguished from the committee that handles the bill.

Mr. CRAMTON. The committee in charge of the bill has been consistent, and we favored the elimination of the language for two reasons. First, we think it is desirable, although not enough of importance to press it, to save a little in the cost of printing the bill; and then there is the other fact that when you have long paragraphs with a lot of provisos in the bill, repeated year after year, there is less likelihood of giving attention to other provisions. But it is subject to the point of order, and if the gentleman from Texas sees fit to join with the gentleman from South Carolina, who made the point of order, against his amendment, I do not appeal to him to withdraw it.

Mr. BLANTON. I will have to insist on it.

The CHAIRMAN. The Chair understands that the gentleman from Texas directs his point of order to the word "hereafter" where it occurs in the paragraph, page 38, line 17, page 39, line 1, and page 39, line 4, the point of order being directed against the word "hereafter." That word will be stricken out and the point of order sustained.

Mr. CRAMTON. Mr. Chairman, as for the other point of order, that language has also been carried for some time, and in the hearings will be found a statement from the Assistant Commissioner of Indian Affairs pointing out that better contracts are secured, and why, doing business with these public schools and other public agencies, it is desirable to free them from that provision of the statute. It is subject to the point of order. Personally, I hope the gentleman from Texas will not make the point of order, but if he insists upon it, I admit that it is good.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman is aware of the fact that the House has a very active legislative Committee on Indian Affairs and a very active chairman who works his members nearly to death all of the time keeping up with the business. Whenever the gentleman from Michigan wants a change of legislation affecting Indian affairs, I suggest that he take the matter up with our distinguished chairman of the Committee on Indian Affairs. I am sure that he can get the proper legislation and will not be compelled to have the Committee on Appropriations seek to take away all of the duties of the Indian Affairs Committee.

Mr. CRAMTON. If the gentleman will yield, I think this language referred to, although I can not speak positively, is language that the Committee on Appropriations inherited from the Committee on Indian Affairs when that committee had legislative jurisdiction. I think this proviso has been carried for probably 10 years.

Mr. BLANTON. But it does seek to change existing law.

Mr. CRAMTON. Yes.

Mr. BLANTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. How much of the language does the gentleman include in his point of order?

Mr. BLANTON. I make the point of order only to that language which seeks to change the law, beginning in line 11, page 39, with the words "but formal contracts shall not be required," and ending with the word "deficient" in line 16.

The CHAIRMAN. It stops at the colon.

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman from Texas makes the point of order against the language occurring on page 39, in lines 11 to 16, inclusive—

but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient:

The point of order is sustained. That language will be stricken from the bill. The Clerk will read.

The Clerk read as follows:

For lease, purchase, repair, and improvement of school buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $275,000; for construction of physical improvements, $275,000; in all, $550,000: *Provided,* That not more than $7,500 out of this appropriation shall be expended for new construction at any one school or institution except for new construction authorized as follows: Chimopovy day school, Hopi Reservation, Ariz.: For new schoolhouse, dining hall, kitchen, wash room, and toilet, $7,500; for electric-light plant, $1,000; in all, $8,500; Hoopa Valley school, California: For remodeling and improving girls' and boys' dormitories, $10,000; Choctaws in Mississippi: For day-school plant, $10,000; Kiowa (Fort Sill) school, Oklahoma: For additions to girls' and boys' dormitories, including heating, toilets, and baths, $15,000; Cheyenne and Arapahoe school, Oklahoma: For enlarging girls' and boys' dormitories, including equipment, $21,500; Uintah boarding school, Utah: For dining hall and equipment, $15,000; Tulalip boarding school, Washington: For new dining hall and kitchen, including equipment, $13,500; Western Navajo boarding school, Arizona: For construction and equipment of a boys' dormitory, central heating plant, and mess hall, $125,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 42, line 5, after the figures "$10,000" insert:

"Ignacio Boarding School, Colorado: For enlargement, including equipment, $90,000."

Mr. TAYLOR of Colorado. Mr. Chairman, this is in accordance with the supplemental estimate that was sent up by President Coolidge yesterday after we had written up the bill. The hearings at pages 1005 to 1010 described this matter fully. In connection with it I ask unanimous consent to extend my remarks by inserting the President's statement. This appropriation is for a new school building and auditorium and for a girls' dormitory at the Ignacio Indian school in my district in southern Colorado. I am providing for doubling the capacity of that school.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The statement of the Budget Bureau follows:

THE WHITE HOUSE,
Washington, December 12, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1930, amounting to $198,300.

The details of the estimates, the necessity therefor, and the reasons for their submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, December 12, 1928.

SIR: I have the honor to submit herewith for your consideration supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1930, as follows:

Reclamation of Kootenai Indian allotments, Idaho (reimbursable): For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat., p. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, $108,300, reimbursable as provided for and subject to provisions and conditions of said act (act May 29, 1928, vol. 45, p. 938)-- $108,300

The act of May 29, 1928, authorized the Secretary of the Interior to enter into an agreement with drainage districts in Idaho for the drainage and reclamation of certain Kootenai Indian allotments at a cost of not exceeding $114,000. It is believed the act intended to provide for the completion of the drainage work at a relatively early date, with the cost of the work to be covered by an advance of funds from the Treasury, such advance of funds to be repaid to the Treasury from proceeds of leases in not less than 20 annual installments. The Budget for 1930 contains an estimate of $5,700, representing one-twentieth of the estimated cost of the work, which was submitted by the Department of the Interior in the thought that the act provided for the advance of funds, as well as for their repayment, in not less than 20 annual installments. The estimate of $108,300 now submitted by the department, together with the $5,700 carried in the 1930 Budget, is recommended by the department in order to provide the necessary amount to be advanced to the drainage districts for the early completion of the work as contemplated by the above-cited act.

Enlargement, Ignacio School, Colorado: For enlargement of the Ignacio Boarding School, Colorado---------- 90,000

The Indian boarding school at Ignacio, Colo., near the border of the Navajo Reservation, accommodates 100 Navajo boys. With existing boarding-school facilities on the Navajo Reservation fully utilized, and with a considerable number of Navajo children unprovided with school accommodations, the Secretary of the Interior recommends an enlargement of the Ignacio School to accommodate 100 Navajo girls. The school is conveniently located for such pupils, possesses ample grounds for the additional buildings required, and has an excellent water supply. It is believed that accommodation for these girls can be secured at a lower cost through the enlargement of the Ignacio School than by building on a new location elsewhere. This estimate would provide for a girls' dormitory at a cost of $40,000 and for a new school building at a cost of $50,000.

Total---------- 198,300

The foregoing estimates of appropriations are to meet contingencies which arose since the preparation of the 1930 Budget, and their approval is recommended.

Very respectfully,

R. O. KLOEBER,
Acting Director of the Bureau of the Budget.

The PRESIDENT.

Supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1930, by the Department of the Interior

BUREAU OF INDIAN AFFAIRS

For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat. p. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, $108,300, reimbursable as provided for and subject to provisions and conditions of said act (act May 29, 1928, vol. 45, p. 938)---------- $108,300

Enlargement, Ignacio School, Colorado: For enlargement of the Ignacio boarding school, Colorado (submitted)-------- 90,000

Total---------- 198,300

The Clerk read as follows:

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, $250,000, to be expended in the discretion of the Secretary of the Interior, and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., p. 708, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. SCHAFER. Mr. Chairman, I make the point of order against the proviso beginning in line 24, page 49, and ending with line 4 on page 50. It is legislation unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, the proviso in question if stricken out will not affect the Treasury. There will be no money saved to the Treasury by striking out the proviso. It is subject to a point of order. Of course, there would be no occasion to put it in if it did not change the existing law. To what extent it is desirable to carry the proviso or to eliminate it I do not know. Nevertheless, I urge the gentleman not to make the point of order for this reason. There are two paragraphs in the bill that provide for the payment of tuition of Indian students in public schools. There is one which I think has already been read. That applies elsewhere than among the Five Civilized Tribes. The one now before us applies only to the Five Civilized Tribes. The rates of tuition paid out of this item are far lower apparently than the rates of tuition paid out of the other item. There has been some unrest about that in the State of Oklahoma. Our committee gave some consideration to that. Because 40 cents a day is paid in one place it does not mean that 40 cents a day is necessarily a fair rate in Oklahoma. It depends upon how many children in the district go to school and what the expense of education is in that locality. Just the fact that 40 cents is being paid in some other States and 10 or 15 cents is being paid in Oklahoma does not mean that the Oklahoma rate is unfair. Still our committee did not have before us all of the information that we would like to have before passing finally on that question. We went into the question very carefully and considered such information as was before us. As a result of that information we recommended an increase in this item from $150,000, as it was last year, to $250,000. That is an increase of $100,000 in this item above the current year, and $75,000 above the Budget estimate. That action of our committee was as far as we felt justified in going in the light of present information.

I may say we felt perfectly safe in going that far, but before going further, and how much further, we wanted more information. It is the purpose of the committee, and I want this of record, to make a real study of this problem of tuition for Indian children in Oklahoma during the coming year, so that when another bill comes in we may be in a position to say definitely what we ought to do.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. SCHAFER. Should not the legislative committee of the House handling Indian affairs make an inspection and bring forth legislation in regard to this matter if it may be required?

Mr. CRAMTON. If there is legislation required, that would be a question for the legislative committee. The bulk of the questions hereafter would not be of a legislative character and would be purely within our jurisdiction. Now, the questions that will come into that—and we work very closely in connection with the legislative committee—but the questions that will come into that, one of them is, How many children are now having their tuition paid for that ought not to be paid? How many of less than one-fourth Indian blood are the occasion of tuition, and what are the conditions to-day; and is it better to let those conditions stand now rather than change the situation? As for myself, I would rather let it stand until the Indian Affairs Committee or my committee have definite knowledge. There are

other questions, and one of them is, How many children are we paying tuition for who are not restricted Indians? If they are not restricted the lands they own, generally speaking, are subject to taxation. In Oklahoma they say there is a little complication even in that; but, generally speaking, the unrestricted Indian is subject to taxation, and hence there does not obtain the same reason for paying tuition as otherwise. Another question for consideration would be the amount of taxes that are to go to the State or its subdivisions as a result of oil leases of the Indians.

The restriction bill which just passed provided that certain leases should have the proceeds taxed, and so forth. Now, this is a matter of great importance to Oklahoma, and it ought to be settled fairly and squarely, and that can only be done by carefully developing the facts, and hence I urge the gentleman not just suddenly here to change the situation that has obtained for several years and let the matter go along for another year.

Mr. SCHAFER. In reserving the right to object, I just wanted to hear from some of the Members from Oklahoma as to whether or not in their judgment this proviso was proper.

Mr. HASTINGS. In answer to the gentleman from Wisconsin, whom I thank for permission to answer, let me say this in addition to what the gentleman from Michigan has so well said in reference to this item of appropriation. This provision is put in for the reason that we realize the situation is different from that of other Indian tribes in other States where a certain degree of blood makes the lands of Indians exempt from taxation. Now that is not correct in Oklahoma. Now permit me to say that the homesteads of Indians in the Cherokee Nation and the Seminole Nation, regardless of the degree of blood, regardless of whether restricted or unrestricted, are nontaxable. Now, Congress, by the act of May 27, 1908, attempted to make these homesteads taxable. The question went to the Supreme Court and the Supreme Court held that action on the part of Congress was unconstitutional and invalid. Now let me appeal to the gentleman from Wisconsin by further saying there are 16,000 Indian pupils in the public schools in Oklahoma. An appropriation has been made in aid of public schools in lieu of taxes not collected from lands exempt from taxes for a number of years. Under former appropriations the Government is only able to pay about 10 cents a day per pupil. The gentleman from Michigan well said the amount paid in other States is 40 cents a day. Now, the committee recognized that was an inequality. And the committee gave careful study to this question for the purpose of trying to do justice to the State of Oklahoma and be fair to the Indian pupils from other States. The record shows in excess of 16,000 Indian children in public schools in Oklahoma, some of whom are restricted and some are unrestricted, and the record further shows 7,900 restricted Indian children eligible to attend these public schools, and that there are actually 5,798 restricted Indian children in the rural public schools.

Now, as the gentleman from Michigan has said, if this proviso is knocked out it will not protect the Treasury; that is, it does not reduce the appropriation, because the amount will be expended anyway. The reason why I am appealing to the gentleman from Wisconsin to withdraw his point of order is that this appropriation is to supplement other funds of public schools in lieu of taxes not collected from lands exempt from taxation. The homesteads in the Cherokee and Seminole Nations are exempt under the law from taxation, regardless of the degree of blood. This item is very important to my State of Oklahoma.

Mr. CRAMTON. This item really originated with the Committee on Indian Affairs in connection with recent legislation for the extension of the restrictive period. Our action followed in consequence of the discussion in the Committee on Indian Affairs.

The CHAIRMAN. The Chair feels that he has sufficient information on the subject.

Mr. SCHAFER. Mr. Chairman, I withdraw the point of order, in view of the fact that the Committee on Appropriations takes the responsibility for the legislation.

Mr. BLANTON. Mr. Chairman, if this language remains in the bill, there is just one more restriction taken out of the law that Congress has placed around expenditures for the protection of the people's Treasury. I am not surprised that my friend from Wisconsin [Mr. SCHAFER] should be overwhelmed with the chairman firing at him from one side and his able lieutenant on this side of the Hall coming at him in the rear. I am not surprised at him; but I know of no other way to stop increasing appropriations than by retaining the restrictions that Congress places around expenditures.

This bill carries $283,000,000 plus. That is over $10,000,000 more than last year's bill carried. Yet last year's appropriation carried many million dollars more than the preceding bill, and so on back. Yet the members of the committee have already added to this bill from the floor $114,000 in one instance and $78,000 in another instance and $90,000 in still another instance, and in his hip pocket the chairman has an amendment, which he will offer pretty soon, to add another $250,000 to the bill. Now, if we do away with all of these restrictions, God knows what will become of the Treasury. Therefore I am going to make the point of order.

Mr. HOWARD of Oklahoma. Will not the gentleman withhold his point of order? He is not protecting the Treasury in this.

Mr. BLANTON. It removes a safeguard in behalf of the Treasury. I will not be blown hither and thither by arguments that can always be submitted by members of the committee in support of an item.

Mr. HOWARD of Oklahoma. In making this point of order the gentleman is not protecting the Treasury at all. He is bringing about a situation in Oklahoma where some school districts containing full-blood Indians will be paid for, while other school districts in the outskirts, having in them Indians of less than one-fourth blood, as homesteaders are exempt from taxation and will have no benefit from this appropriation. The gentleman is in no way helping the Government or limiting the amount of appropriations to be made by making this point of order, but is bringing a hardship on certain school districts in the State of Oklahoma that have the right to share in this appropriation by reason of the conditions that exist.

Mr. HASTINGS. I appeal to the gentleman from Texas to withhold for just one minute.

Mr. BLANTON. I am going to make the point of order.

The CHAIRMAN. Is the point of order made or is it reserved?

Mr. BLANTON. I have reserved it.

Mr. HASTINGS. I believe if I can have the gentleman's attention that he will withdraw his point of order. This is in aid of the common schools of Oklahoma in lieu of tax-exempt lands. The homesteads of the Cherokees, regardless of the quantum of Indian blood, are exempt from taxation by act of Congress; an act which the Congress has tried to repeal, and which the Supreme Court has held to be unconstitutional. But Congress itself did that, and the same is true as to the Seminoles. One may be only one-one hundred and twenty-eighth degree of Cherokee blood, and yet that homestead is not taxable. I am sure if the gentleman from Texas fully understood the provisions of these two agreements and knew what they were intended to cure—and this is not a new provision——

Mr. BLANTON. Here, with a bill carrying $283,000,000, we have only 60 Members attending here. That condition exists because the Committee on Appropriations has taken over the functions of the entire Congress and the Members will not stay any more. What good can they do if this committee is to do all the legislating?

The bills are all cut and dried. I am a member of the Committee on Indian Affairs. I will vote for the gentleman's amendment in the next meeting.

Mr. HASTINGS. This language is not new. It was carried last year and has been carried for a number of years past.

Mr. BLANTON. We just try to hold the gentleman and his committee to appropriation matters so that the legislative committees may function. You are going to have all the legislative committees dying of inactivity if you do not leave something for them to do.

Mr. HASTINGS. If the gentleman understood the conditions, he would not take the attitude he takes. This is intended to correct, as I have tried to explain, the situation and it does correct the situation in Oklahoma. I ask the gentleman to withdraw his point of order until next year.

Mr. BLANTON. I make the point of order now. I will not make it next year.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] makes a point of order against the proviso in the item on page 49, line 24, on the ground that it is legislation on an appropriation bill. The Chair sustains the point of order. The Clerk will read.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. O'CONNELL. Mr. Chairman, I want to ask the chairman of the subcommittee, who is very gracious, very patient, and always willing to give information, about this item on page 48, lines 21, 22, and 23. The gentleman from Oklahoma just

said there are 16,000 pupils in the schools provided for in this section of the bill.

Mr. HASTINGS. No; that provision begins with line 19, page 49.

Mr. O'CONNELL. Well, we are appropriating $3,850,000 in all for the schools hereinbefore enumerated in the bill, and it is provided that not less than $6,000 of this amount shall be available for library books. I want to ascertain how the committee reaches that particular figure and what kind of a library these schools can get for that amount of money?

Mr. CRAMTON. The item of $3,850,000 is the total for all the nonreservation boarding schools. I think there are 19 of them. As I have visited those schools I have been impressed by the lack of library facilities in many of the Indian schools, day schools, reservation boarding schools, and nonreservation boarding schools. Particularly, I had in mind the kind of books that children would like to read, and I found that at schools in which they did have a supply of books that the modern child cares to read the Indians made a great deal of use of them. So I made the suggestion to the Indian Service that we would like to apply some of this money to that purpose.

Mr. O'CONNELL. It is not limited to $6,000, though, is it?

Mr. CRAMTON. No. We provide that not less than $6,000 out of this item shall be for the purchase of books and not less than $6,500 is spent from the general education item that was up earlier in the bill. It is the minimum to require them to buy some of these books.

Mr. O'CONNELL. They ought to have reasonably good libraries.

Mr. CRAMTON. This was the amount the Indian Service suggested we put in as the minimum.

Mr. O'CONNELL. I know the chairman has practically been all over these places and knows their needs better than anybody else. I thank the chairman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat. p. 254), $310,000, of which amount $10,000 shall be immediately available.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, my good friend from Texas, for whom I have a great deal of admiration, in his point of order, of course, was seeking to conserve the Treasury of the United States, but my good friend by that action has done a very serious injustice to the people of the State of Oklahoma.

Seminole County and the Seminole Nation, where part of this money goes to reimburse them for their expenditures on schools, is pouring from 450,000 to 500,000 barrels of oil every day from sunrise to sundown, and from that property revenue comes into the Treasury of the United States to the extent of millions of dollars. The full-blood Indians or restricted Indians whose lands are being developed, pay no part of the tax and no part of the oil tax. Worse than that, the oil companies which take the oil out of the ground, under the claim of being instrumentalities of the United States, pay no tax. Yet the Indians' white neighbors in Oklahoma have to pay a tax. They are glad to have the Indian children in their schools. They are delighted to have them, and it has been proven beyond question that the greatest advancement made by Indian children is when you put them in the white schools. The full-blood Indian is a little reticent and backward. He does not push himself, but when you put him in competition with the children of his neighbors, when he goes to the same school and learns the English language, he makes advancement. And you do him a great injustice when you create a prejudice against the Indian in his white neighbor, because his white neighbor has to pay taxes on his horses and on his land, while the Indian who is wealthy in land and oil pays no tax. Yet the Indian children, whose parents pay no taxes, go to the same schools attended by white children whose parents do pay taxes.

Magnificent paved roads are being built throughout that county and they are being built alongside of restricted homesteads which pay no taxes. So I say to you, my friend, this is a just provision. It does, in a way, reimburse and give back to the State of Oklahoma and to the taxpayers of the State of Oklahoma a certain amount which they put up.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TAYLOR of Colorado. I call the gentleman's attention to the fact that we are only paying for the per diem teaching and education of children in Oklahoma about 10 cents a day, while in all the other States we are paying from 30 cents to 40 cents a day for the education of these children. So Oklahoma and the taxpayers of Oklahoma are getting the worst of this thing, and we are trying to put it in shape so that they will be treated fairly. That is the purpose of it.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. I want to call the committee's attention to the fact that a survey made by the Bureau of Education of the Department of the Interior disclosed that in 1924, if a school tax in Oklahoma had been collected against nontaxable Indian lands, that Oklahoma would have collected $1,200,000 that year, and this only calls for $250,000.

Mr. McKEOWN. I am not criticizing my good friend from Texas, because he and I have been good friends since we entered Congress together, but I am taking these few minutes to show him the justice of this proposition, because he is a pretty reasonable fellow. I just wanted to show him that he is doing my State and the people of my State a great injustice, no doubt unintentionally, but he is really doing my State a great injustice.

In my State where we pay these taxes we do not want any ill feeling between the Indians and the white citizens. We do not want the white man to feel that the Indian is getting the best of it. We want good feeling between them, and we want these children to go to the schools.

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. BLANTON. Does not the gentleman remember a few years ago when he stood on the floor of the House here with tears in his eyes and asked this committee to appropriate the small amount of $500 for something that every Member of the Congress wanted to give, and yet this hard-boiled committee said, "No; that is legislation and we will not let you put it in the bill." Does not the gentleman feel that the committee ought to be held to its own rulings and ought to be held to dealing with appropriations and not with legislative matters? This is what I have in mind.

Mr. McKEOWN. I agree with the gentleman relative to the procedure, but one wrong does not justify another wrong.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For aid of the public schools in Uintah and Duchesne County school districts, Utah, $6,000, to be paid from the tribal funds of the Confederated Bands of Ute Indians and to be expended under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

I want to ask the chairman of the subcommittee a question. I have been receiving quite a number of letters from those who are interested in the education of Indian children, and one society writes me that 11 cents a day only is allowed for food for the Indian children, and the writer further states if it is the purpose of the Government to starve these children in the schools it would be far better to close the schools and let the children die of natural starvation. It seems to me that in the interest of the public this matter should be cleared, and I do not know of anyone who is better able to make an explanation of the situation than the gentleman in charge of the bill.

Mr. CRAMTON. Mr. Chairman, in view of the gentleman's question, I am sure he would be interested in my statement on Tuesday when I presented this bill to the House, and when I devoted some time to charges and misrepresentations of the character the gentleman has referred to, and particularly my statement on page 433 of the RECORD.

The gentleman will find that I referred to this particular misrepresentation, namely, that we are starving the children in the schools and that the average per capita cost per day is 11 cents for food. That statement is absolutely unfounded and untrue. The amount is 24.7 cents.

As a matter of fact, no Indian children are starving in our public schools; as a matter of fact, no Indian children have been suffering from lack of sufficient food in our schools; as a matter of fact, further, no Indian children have been suffering from an undesirable character of food being given to them.

We have made provision for them and in a great many cases they are one hundred times better off in the schools than they

are when they are at home. Many cases that I have seen in the schools of Indian children suffering from malnutrition have been because the children have not long been in the school. As a matter of fact, we not only provide for them in the boarding schools but in many cases where day schools are conducted we provide for a hearty meal at noon, so that these children coming from homes where the food supply is limited and uncertain, get at least this one meal a day at the school.

Mr. WATSON. I thank the gentleman for such a forceful and correct statement as far as this matter is concerned, and I shall therefore send the gentleman's statement to my inquirer and I am quite sure he will be fully satisfied with it.

Mr. CRAMTON. I thank the gentleman.

Mr. KNUTSON. Mr. Chairman, will the gentleman state to the House what organization it is that is putting out all this false propaganda with reference to the care of the Indians?

Mr. WATSON. I have no objection to stating that this comes from the Indian Rights Association, Philadelphia, Pa.

Mr. CRAMTON. I will say to the gentleman from Minnesota that that statement appears to have originated, or at least has been given its widest currency, by the report of the Bureau of Governmental Research which has recently completed a desirable survey of the situation, and in many respects has performed an excellent work; but they did do a great injustice to their Government when they gave currency to that particular statement.

I am reminded by my colleague that this amount of 24.7 cents does not include any allowance for interest on the investment in our plant, machinery, stock, and all similar things.

Mr. WATSON. I have received quite a number of letters relative to the same subject, probably from members of this association, and I am grateful to the chairman of the committee for clearly explaining the matter.

Mr. CRAMTON. In my statement of Tuesday the gentleman will find further details in respect of the matter.

The pro forma amendment was withdrawn.

The Clerk read as follows:

CONSERVATION OF HEALTH

For conservation of health among Indians (except at boarding schools supported from specific appropriations other than those named herein), including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees, and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; not exceeding $3,000 for expenses (not membership fees) of physicians and nurses when officially detailed, in the interest of health work among the Indians, to attend meetings of medical and health associations; and not exceeding $1,000 for circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, $2,646,600, including not to exceed the sum of $1,508,100 for the following-named hospitals and sanatoria.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. I want to call the attention of the House to the fact that in this item the Appropriation Committee has increased by $1,206,600 the item for general relief and hospitalization, under the head of the conservation of health among the Indians, making the total $2,646,600.

That is in response to a thorough study made in the field by members of the committee under the leadership of the gentleman from Michigan [Mr. CRAMTON], and conforms closely to the opinion, I believe, of everyone who has made any study of Indian affairs—that the amount spent for health work has been inadequate and that constructive study would inevitably lead to a great increase in the appropriation.

It is proper for me to say that the study of the subcommittee has gone on in cooperation with the legislative Committee on Indian Affairs and those in authority in the Indian Bureau. And I am sure we shall certainly find that a similar increase is justified in connection with the appropriation for the industrial work among the Indians, teaching them ways of becoming self-supporting, and in addition there will prove to be a similar increase needed in the matter of education. I call this to the attention of the House that this committee has responded so well to the demonstrated need of increased appropriations for health work by almost doubling the appropriation available to meet the needs of the Indians.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Nevada: Carson Hospital, $18,100; Pyramid Lake Sanatorium, $28,000.

Mr. ARENTZ. Mr. Chairman, I rise again to call attention of the committee to another situation that I think deserves consideration. The Walker River Indian Reservation has a resident doctor located 28 miles away at Yerington. He lives there because there is no accommodation at the reservation for him. Strange as it may seem, after all these years that this reservation has been in existence, there is neither living quarters, an office, nor first-aid facilities for this doctor, who is primarily employed by the Government for the care of the Indians of this region. There is no place where first aid can be given or where a sick or injured Indian can be examined and placed upon a cot for attention or comfort. If an Indian working on the reservation happens to be hurt in any way, he is given such aid as possible without hygienic conditions and then carted off to a city 28 miles away where there is a hospital.

I am bringing this to your attention, gentlemen of the committee, for the purpose of acquainting you with the facts, and the Government officials as well, for I know how thoroughly read the RECORD is by officials of the Government. I am making this statement to-day with the hope that it will come under the scrutiny of the Commissioner of Indian Affairs and such officials in his bureau as have this in charge and whom I know have the welfare of the Indian at heart.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. Certainly.

Mr. CRAMTON. May I ask the gentleman if he has called the need of this matter to the attention of the Indian Office?

Mr. ARENTZ. Not this year, I have not; but it has been brought to the attention of the Indian Service many times. They have been out there many times. I trust that this will be sufficient to direct their attention to this vitally important thing, a humanitarian thing, something which certainly should be taken care of at the first opportunity, and I trust will be taken care of before this bill is enacted into law.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For construction of an addition to the hospital building, including refrigerating and other equipment; for employees' quarters; and for general repairs and improvements at the Kiowa Hospital, Lawton, Okla., $60,000, payable from funds on deposit in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians of Oklahoma.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 54, line 21, after the figures "$60,000," strike out the remainder of line 21 and all of lines 22 and 23 and insert in lieu thereof the following: "Out of the Federal Treasury."

Mr. BANKHEAD. Mr. Chairman, I reserve the point of order on that amendment. I do not know that I shall make the point of order, but I do this to inquire of the gentleman if such an amendment as that is authorized by law under the Indian statute?

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, I have offered this amendment for the purpose of protecting the rights of the Indians of my district whom I have the honor to represent. The purpose of the pending amendment is evident upon the face of it. I simply propose, gentlemen of the committee, that this item of $60,000, which you propose to take out of the tribal funds of these Indians for the improvement of the Kiowa Hospital at Fort Sill, Okla., be paid out of the Federal Treasury instead.

The CHAIRMAN. Let the Chair make this statement: The Clerk had read a little further than the paragraph which the gentleman from Oklahoma seeks to amend; in fact, he had read the succeeding paragraph; but the gentleman from Oklahoma was on his feet, and the Chair therefore recognizes him for the purpose of offering the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the purpose of the amendment, as I started to say, is to pay out of the Federal Treasury the sum of $60,000 for improvements to the Kiowa hospital at Lawton rather than to have it paid out of the tribal funds. I understand that the policy of the committee is to pay out of the tribal funds for all such improvements where the Indians are wealthy or are able to pay.

Permit me to say in this connection, Mr. Chairman, that these Indians do not have the wealth they are sometimes pictured. In fact, they are poor as compared with many other tribes over the country and it just seems to me a bit unfair to say to them that they must pay for this much-needed improvement for the purpose of caring for the many unfortunate Indians who are suffering at this time from ill health.

Mr. BANKHEAD. Mr. Chairman, if the gentleman will permit, I have no particular interest in this matter, but I thought it was rather an unusual procedure. I desire merely to ask the chairman of the committee if it meets with the approval of the committee from the standpoint of the validity of the amendment under the rules of the House.

The CHAIRMAN. The Chair understands the gentleman from Alabama reserved the point of order before the discussion began?

Mr. BANKHEAD. Yes.

Mr. CRAMTON. Mr. Chairman, if the gentleman from Oklahoma will yield, I am not sure that the amendment is properly drafted, but in so far as the authority is concerned to spend the money out of the Federal Treasury to build the hospitals, such an amendment is in order. The committee is not in accord with the amendment, but in my judgment it is not subject to the point of order.

Mr. BANKHEAD. Mr. Chairman, under that statement I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Oklahoma will proceed.

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, these tribes are not rich Indians. There are something like 4,000 of them on the reservation, and they have at this time considerably less than $1,000,000 to their credit. The item here is a desirable one, and I am very much in favor of it. The fact is, at the first session of the Seventieth Congress I introduced a special bill proposing to authorize the sum of $390,000 for this Indian hospital. This I did upon the request of many of the Indians and others interested in their welfare; so the item of $60,000 does not begin to take care of their immediate needs, in my opinion. The enlargement of their hospital is not only desirable but, if given them, will fill a pressing need.

It just occurs to me that my distinguished and very able colleague from Michigan [Mr. CRAMTON] has changed his policy somewhat with reference to these Indians. Last winter I secured the passage through this House of a most meritorious measure authorizing a small appropriation for a dormitory for the Riverside Indian School, which affects the same tribes of Indians. Permit me to suggest, gentlemen, that a hospital is just as meritorious, just as desirable as a dormitory. At that time the question was not raised concerning the money for school improvements being paid out of tribal funds, yet these Indians have less cash to their credit in the Treasury now than they had a year ago.

I know the Indians are much opposed to this raid on their sacred funds. I have to-day received a number of telegrams from some of their leaders over the reservation protesting against it. I believe in all fairness the amendment ought to be adopted, and I submit that it is the duty of the Government to take care of the health of our Indians, and that they should not be required to pay this item out of their tribal funds.

Permit me to add further that these funds are vanishing, and it will be only a few years before they will not have any money left at all and the Indians will be stranded if this policy is pursued. I urge you to accept the amendment and pay this out of the Federal Treasury, as our Government is doing in many other instances.

I desire to again impress on you, gentlemen, that the Kiowas, Comanches, and Apaches are not numbered among the wealthiest tribes of our State. I have been among these Indians. I know them personally, and I will say to you I feel that if you could see them in their poverty as I have, visit in their homes as I have done on many occasions, see the wonderful improvement they are making, and know their anxiety to have better homes and more desirable living conditions, you would not insist upon taking their money away from them to build hospitals. Unless these Indians' funds are protected there is no question but that their money will soon be entirely gone and they will be wards of charity upon the Government.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Chairman, simply because Uncle Sam seems to have been unduly generous with reference to the schools referred to, the gentleman from Oklahoma wants him to be unduly generous with reference to this hospital. The gentleman confirms the need of the hospital. Those Indians have to their tribal account in the Treasury, bearing interest at 4 per cent, $963,000. If we do not spend that money for some such wise purpose as a hospital, which will be for their exclusive use, and which they are asking for, one of these fine days the gentleman from Oklahoma will be coming in and wanting a per capita payment in cash distributing this $963,000, and when that has been distributed, those Indians will not have anything except a sore head, and then they will need this hospital for that purpose. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

GENERAL SUPPORT AND ADMINISTRATION

For general support of Indians and administration of Indian property, including pay of employees, $925,000: *Provided,* That a report shall be made to Congress on the first Monday of December, 1930, by the Superintendent of the Five Civilized Tribes, through the Secretary of the Interior, showing in detail the expenditure of all moneys from this appropriation on behalf of the said Five Civilized Tribes: *Provided further,* That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules.

Mr. BLANTON. Mr. Chairman, I make the point of order——

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order to the last proviso.

Mr. BLANTON. But I want to make the point of order.

Mr. BANKHEAD. No; I reserve it.

Mr. CRAMTON. I hope the gentleman will not make it.

Mr. BLANTON. I will make it, though.

Mr. CRAMTON. I have expressed the hope——

The CHAIRMAN. The gentleman from Texas is not recognized.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman from Alabama has made a reservation of the point of order.

Mr. BANKHEAD. I am assuming there is some good reason for this proviso. I do not want this incoming legislative program stripped of all appointments. I will withdraw the reservation.

Mr. BLANTON. I renew the reservation. I understood the gentleman to withdraw it.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. BLANTON. I did not want to lose the right to reserve the point of order.

The CHAIRMAN. The gentleman from Texas will not lose any right.

Mr. BLANTON. It is a new kind of rule where a man withdraws the reservation that another man can not renew it. I was just undertaking to preserve my right under the rule.

Mr. CRAMTON. As I understand, the gentleman from Texas has reserved the point of order.

Mr. BLANTON. Certainly.

The CHAIRMAN. The gentleman made the point of order.

Mr. BLANTON. I reserved it. I want to know who the gentleman from Michigan has in mind to displace by putting in this legislation?

Mr. CRAMTON. I will be glad to answer the question and I hope then I will have the entire approval of the gentleman from Texas. That position of Superintendent of the Five Civilized Tribes is a position of the highest importance, because those Indians—and there are a great number of them—have a great deal of money and property.

Mr. BLANTON. And it is now held by whom?

Mr. CRAMTON. The position is now vacant. I am not sure if it was the last one, but a recent superintendent was indicted or something of the kind.

Mr. BLANTON. Was he a Republican?

Mr. CRAMTON. He was a Republican——

Mr. BLANTON. I am not surprised.

Mr. CRAMTON. But so far as this committee is concerned we have not made any distinction as to party, as we do not regard that.

Mr. BLANTON. If there is a chance of getting a Democrat through the civil service, I will withdraw the point of order.

Mr. KNUTSON. Does the gentleman think he could get any that will pass?

Mr. BLANTON. Yes; if civil-service rules are observed. I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Oklahoma: Ponca (Otoe, $1,200; Ponca, $2,600; Tonkawa, $700), $4,500; Sac and Fox, $3,000; Kiowa, Comanche, and Apache, $60,000; Cheyennes and Arapahoes, $17,100; in all, $84,600.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 59, in line 23, after the figures "$84,600," insert "out of the Federal Treasury."

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, the purpose of this amendment simply proposes

for the Federal Government to pay for the upkeep of these Indian agencies rather than take the expense of their operation out of the tribal funds. You will note the Arapahoe and Cheyenne Indians are included, as well as Comanches, Kiowas, Apaches, and other tribes. I will tell you gentlemen, if there are any financially embarrassed Indians in Oklahoma, and there are many, the Arapahoes and Cheyennes are ahong those tribes. I would like for my good friend, the chairman of the committee, to tell us exactly how much money the Arapahoes and Cheyennes have to their credit, if he knows. I do not have the figures at this time, but I do believe it ought to be the policy of the Federal Government to pay for the upkeep of these agencies rather than call on these Indians, especially in case of those of so moderate circumstances as the 14 tribes who reside in the sixth congressional district in Oklahoma.

Mr. CRAMTON. I will say to the gentleman from Oklahoma that I have not those figures immediately at hand, but there is a tabulation in the hearings that shows the amount of money that there is in the Treasury for each of these tribes. I have not this particular item in mind, and have not that table right at hand, but I would be glad to call it to the attention of the gentleman. Otherwise this item would not have been placed here.

The gentleman will note that the paragraph in question is under the heading of the "General support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes." Preceding this is the paragraph that has to do with the expenditure from the Treasury for administrative purposes. The gentleman's amendment, providing it shall be paid from the Treasury, will not make any difference. It is in the Treasury, anyway, and the amendment would not accomplish what the gentleman desires. His amendment ought not to prevail, even if it did accomplish what he desires.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general support, administration of property, and promotion of self-support among the Chippewa Indians in the State of Minnesota, $65,000, to be paid from the principal sum on deposit to the credit of said Indians, arising under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stat. 645), to be used exclusively for the purposes following: Not exceeding $50,000 of this amount may be expended for general agency purposes; not exceeding $15,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior.

Mr. KNUTSON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 61, line 3, strike out "$65,000" and insert "$80,000"; in line 10, strike out "$15,000" and insert "$30,000."

Mr. KNUTSON. Mr. Chairman, I want to say in support of that amendment that I understood from the remarks of the chairman of this committee last Tuesday that hereafter there would be no more per capita payments made to the Chippewa Indians of Minnesota. If that is to be the policy, it would seem to be only the part of wisdom that we should increase the amount for the support of these indigent Indians to $30,000. I think that should be done.

Mr. CRAMTON. I would go so far as the gentleman does; I could not say what will be done by the Congress in the future. But I will say that our committee is strongly opposed to per capita payments, and will not recommend them to the House hereafter if there is any way of avoiding it.

Mr. KNUTSON. The gentleman knows that without the recommendation of the gentleman's committee we would never get into the House.

Mr. CRAMTON. I never feel as sure of that as I would like to feel; but the item that the gentleman offers can not do any harm, and it might do a great deal of good. I am very much in sympathy with that provision, under circumstances such as prevail there, to have a provision made to suitably care for the aged and helpless. If it is not needed, the money will not be expended.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Certainly.

Mr. SCHAFER. Does the Director of the Budget approve of this increase?

Mr. KNUTSON. He will when it is called to his attention.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

There is hereby authorized to be expended, out of any money now standing to the credit of the Choctaw and Chickasaw Nations of Indians, or to the credit of either of said nations, in the Treasury of the United States, the sum of not exceeding $30,000, to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Choctaw and Chickasaw Nations of Indians, or to the attorneys for either of said Indian nations, employed under the authority of the act approved June 7, 1924 (43 Stat. p. 537), the payments to be made in such sums as may be necessary to reimburse said attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Choctaw and Chickasaw Nations of Indians, or of either of said Indian nations, against the United States under the above-mentioned act of June 7, 1924: *Provided, however*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *Provided further*, That any sums allowed and paid under this act to the attorneys shall be reimbursable to the credit of the Choctaw and Chickasaw Nations of Indians, or to the credit of either of said Indian nations, as the case may be, out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the tribal claims and suits of the Choctaw and Chickasaw Nations of Indians, or of either of said Indian nations, under the above-mentioned act of June 7, 1924.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 63, after line 22, insert a new paragraph, as follows:

"There is hereby authorized to be expended, out of any money now standing to the credit of the Seminole Nation of Indians in the Treasury of the United States, the sum of not exceeding $5,000, to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Seminole Nation of Indians employed under the authority of the act of Congress approved May 20, 1924 (43 Stat., pp. 133–134), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Seminole Nation of Indians against the United States under the above-mentioned act of May 20, 1924: *Provided further*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *Provided further*, That any sums allowed and paid under this act to the attorneys shall be reimbursable to credit of the Seminole Nation out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the Seminole tribal claims and suits under the above-mentioned act of May 20, 1924."

Mr. CRAMTON. Mr. Chairman, that item is entirely parallel to the preceding item in the bill. The other item relates to the expenses for carrying amounts for the Choctaw and Chickasaw Nations. The item just read has been recommended by the gentleman from Oklahoma [Mr. MCKEOWN] and has been approved by the Indian Office. It makes a similar provision for the Seminole Nation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not more than $4,000 of the unexpended balance of the appropriation for repair and maintenance of the road on the Santa Clara Indian Reservation, N. Mex., leading to the Puye Cliff Ruins, contained in the act of March 7, 1928 (45 Stat. p. 212), shall be available for repayment to the Harvey Co. for cost of construction of said road: *Provided*, That

an admission fee of not less than 50 cents each for all persons 16 years of age or over for the Puye Cliff Ruins is authorized, and the proceeds from such fee of admission, less the cost of protection and administration of the ruins, shall be deposited in the Treasury of the United States to the credit of the Santa Clara Pueblo and shall bear interest at the rate of 4 per cent.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to return to page 39, line 18, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to return to page 39, line 18, for the purpose of offering an amendment. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the gentleman's amendment?

Mr. LEAVITT. The amendment is in connection with authorizing an appropriation not to exceed $10,000 of the amount appropriated in the bill. It does not increase the total amount. It makes it available for educating Indian youths in stock raising at the United States Range Livestock Experiment Station at Miles City, Mont.

Mr. BLANTON. Mr. Chairman, let us have the amendment read.

The CHAIRMAN. Without objection, the amendment will be reported for information.

Mr. BLANTON. With the reservation of a point of order.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 39, line 18, after the word "books," add *"And provided further,* That not to exceed $10,000 of the amount herein appropriated shall be available for educating Indian youth in stock raising at the United States Range Livestock Experiment Station at Miles City, Mont."

The CHAIRMAN. Is there objection to the request of the gentleman from Montana to return to this paragraph for the purpose of considering the amendment?

There was no objection.

The CHAIRMAN. Is there a reservation by the gentleman from Texas?

Mr. BLANTON. There is none.

The CHAIRMAN. The amendment has been read for information. Without objection, it will be considered as having been read for consideration. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, this is a matter which the committee had under consideration in the hearings and in view of further information the committee has no objection to the amendment.

The Clerk read as follows:

ANNUITIES AND PER CAPITA PAYMENTS

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831, 4 Stat. 442), $6,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. Will the gentleman from Michigan please explain the meaning of lines 15, 16, and 17, particularly the language appearing in line 16, "for permanent annuity in lieu of interest on stock (act of February 19, 1831)."

Mr. CRAMTON. That is carrying out a treaty entered into by which the Government agreed to pay in perpetuity $6,000 a year in lieu of our obligations as they then existed. The act of February 19, 1831, entitled "An act to provide hereafter for the payment of $6,000 annually to the Seneca Indians," reads as follows:

That the proceeds of the sum of $100,000, being the amount placed in the hands of the President of the United States in trust for the Seneca Tribe of Indians, situated in the State of New York, be hereafter passed to the credit of the Indian appropriation fund; and that the Secretary of War be authorized to receive and pay over to the Seneca Tribe of Indians the sum of $6,000 annually, in the way and manner as heretofore practiced, to be paid out of any money in the Treasury not otherwise appropriated.

I have not at hand any further information as to what that act of 1831 was based upon, and what that word "stock" refers to, I am frank to say, I can not state to the gentleman.

Mr. COOPER of Wisconsin. It is most unusual language, and I do not remember ever having seen it in any other bill, "permanent annuity in lieu of interest on stock."

Mr. CRAMTON. They evidently had some obligation against the Government and in lieu of that, in 1831, we agreed to pay them $6,000 a year. I can not, I am sorry to say, give the gentleman a more complete answer.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (art. 2, treaty of November 16, 1805, and art. 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (art. 13, treaty of October 18, 1820, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (art. 6, treaty of October 18, 1820, and art. 9, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), $600; for permanent annuity for education (art. 2, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (art. 9, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), $320; in all, $10,520.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I just want to ask the chairman of the subcommittee if the appropriation which was carried in the deficiency bill last year for the Alabama and Coushatta Indians for the acquisition of some additional land and equipment for them is being carried into effect.

Mr. CRAMTON. It is being carried into effect. The gentleman will find in the hearings a statement by Mr. Meritt that land has been acquired, and the Indian Service assured us it is desirable land and land which the Indians wish. The gentleman will find that was developed in the hearings.

Mr. BRIGGS. Is it also the purpose of the Indian Office to provide the additional equipment which is contemplated under the terms of the appropriation?

Mr. CRAMTON. That is in progress. As to the equipment I can not speak so definitely. They would necessarily need to make the investment in land first, because the balance is to go for the other purpose. They assured us that they sent their best expert there to study that land before making the purchase.

Mr. BRIGGS. And under the general agreement we had these Indians are now treated like other Indians.

Mr. CRAMTON. Well, the gentleman now is going into a more general field.

Mr. BRIGGS. I mean, they receive the same general treatment as other Indians receive.

Mr. CRAMTON. I doubt whether it was ever understood that these Indians were to receive the same treatment as other Indians, because that is a rather vague and indefinite field.

Mr. BRIGGS. What I understood the gentleman to say some time ago, when we had this matter before us, was that they would be placed upon the same basis as other Indians in their relationship with the Government.

Mr. CRAMTON. I do not think I have ever gone so far as to make that general and sweeping statement. However, we are showing a great deal of sympathy for them.

Mr. BRIGGS. That was my understanding, that they would share in certain general appropriations with reference to health and school matters.

Mr. CRAMTON. The best way will be for the gentleman to quote what I did say as shown by the RECORD. But I do not believe I ever made such a far-reaching and indefinite statement.

Mr. BRIGGS. That was my general understanding of the gentleman's assurance and that these Indians would be eligible to the general provisions of this bill and the appropriations which are made.

Mr. BLANTON. We have already passed the item in the bill providing for education.

Mr. BRIGGS. I know that.

Mr. CRAMTON. There was no assurance given that went to the extent that the gentleman suggests, so far as I know.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read down to and including line 23 on page 68.

Mr. HASTINGS. Mr. Chairman, we have concluded consideration of the items under the Bureau of Indian Affairs, and I ask unanimous consent to return to page 49 for the purpose of reoffering an amendment that was objected to a short time ago, being the proviso beginning with line 24, on page 49. I desire to reoffer that as an amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to page 49, line 24, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I offer that proviso as an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: On page 49, after line 23, insert: "*Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., p. 708, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF PENSIONS

PENSIONS

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $221,000,000, to be immediately available: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

I do this, Mr. Chairman, for the purpose of making an observation at this point in reference to the administration of our pension laws. The particular matter came to my attention just a few minutes ago.

The legislative power of the Government by the Constitution is vested in the Congress, but as our legislative work has increased and has become more complicated we have had to delegate, so to speak, what really amounts to legislative power to certain administrative officers who draw up regulations. These regulations amount to law. They are law.

Obviously, it ought to be the intent, thought, and purpose of the law officers in the department drafting these regulations not to circumvent the laws of Congress, but to promote them and to carry them out in their spirit and true intent.

When you go to the Commissioner of Pensions, a very fine gentleman, he tells you that he has nothing whatever to do with the drawing up of regulations; that that is a matter for the head of the department; and then, I presume, if I should go to the head of the department it will be entirely news to him that anybody has drawn up a regulation of such a character; and every now and then we find a regulation, here and there throughout the departments, that is perfectly absurd, and it is difficult to conceive the attitude or the state of mind upon the part of the individual drawing up the regulation.

I want to cite this instance showing the absurd steps which some of these regulations drafting officers will take. It is a man who served for over four years during the Civil War. At the close he received an honorable discharge. In 1866 he married. After 1890 he was given a pensionable status and received his pension. He died, and following his death his widow, who had been married to him since shortly following his discharge, received a pension as the widow of a Civil War veteran.

She received this pension for several years, and finally married again. She married a man who claimed to have been a Civil War veteran. After his death, which was some years ago, his widow, relying on her second husband's statements, endeavored to obtain a widows' pension by virtue of alleged service by him during the Civil War. He had done this work under an assumed name or something of that sort. Neither the soldier in his lifetime, nor his widow, was able to connect this service. So she was denied a pension from the marriage with the second husband.

Before my coming to Congress, a special bill had been introduced so that she might have a pensionable status. Some years passed and finally that bill became law, and she is now drawing a pension under a special law.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON. In just a moment, when I get through with my statement.

She is now somewhat past 80 years of age, and she thought, in view of the fact that her first husband had rendered four years of honorable service, she ought to have the same pension that comes by general law to other widows with whom she is acquainted. So application was made on her first husband's service, and it was denied. No one questions these facts at all, but it was nevertheless denied. They said this woman having originally tried to recover a pension by virtue of her second marriage on the military service of her second husband—she did not establish the fact, but having alleged that service—that notwithstanding that fact, before she could receive this pension she would have to disprove her allegation that her second husband had rendered military service. She had tried for years to prove that he had done so. The department turned her claim down and said she had not done so, and now, when she comes in to get what is due her, they say, "Now you have got to disprove that which for 10 years you have failed to prove." In other words, they are impeaching their own decision.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. BLANTON. What did the department do about the general law that holds that although when she remarried her pensionable status stopped, yet when that marriage ceased to exist at the death of her husband, her pensionable status could be resumed. That is the general law.

Mr. NEWTON. They brushed that aside. As I understand their position, and they say there is a possibility that she may be receiving a pension under an assumed name by reason of her having married the second time, and that because of that possibility, to save the Government from possibly paying her two pensions, she must establish the fact that her second husband rendered no military service and that she is receiving no pension from her second husband's service. Of course it is a perfectly absurd proposition to ask this woman to prove that her husband rendered no service, which would be proving a negative. Furthermore, they have already decided the other way.

I mention this at this time not only because it is interesting in connection with this particular bureau, but because it is illustrative of similar work elsewhere. You will find it in the Veterans' Bureau, you will find it in other departments and offices. Congress passes certain laws and then because some one in an administrative department of the Government thinks we ought not to have done that, we find them interpreting the law in their own way in the form of regulations.

Now, this particular regulation is an absurdity. Anybody who knows anything about pension legislation would not think of drafting a provision of that character if they wanted to carry out the will of Congress.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. KNUTSON. Has the widow that the gentleman speaks of applied for a pension on account of widowhood of the first husband?

Mr. NEWTON. Recently she has made it.

Mr. KNUTSON. I have a case on all fours with that of the gentleman.

Mr. GARBER. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. GARBER. Does the gentleman base his criticism on the law or a misconstruction of the law by the department?

Mr. NEWTON. Not on the law but a misconstruction of the law in drawing up regulations which the commissioner says bind him. The commissioner did not draw the regulation, but some one above him.

Mr. GARBER. It is not any maladministration on the part of the commissioner?

Mr. NEWTON. Not at all. I have the very highest regard for the commissioner. He disclaims responsibility. The regulations are evidently drawn in an utter disregard of the law as passed by Congress. It ought to be stopped.

The pro forma amendment was withdrawn.

The Clerk read as follows:

RETIREMENT ACT

To enable the Bureau of Pensions to perform the duties imposed upon it by the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended (U. S. C., p. 1887, secs. 706a, 707a), including personal services, purchase of books, office equipment, stationery, and other supplies, traveling expenses, expenses of medical and other examinations, and including not to exceed $2,200 for compensation of one actuary, to be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior, and actual necessary travel and other expenses of three members of the Board of Actuaries, $81,000.

For financing of the liability of the United States, created by the act entitled "An act for the retirement of employees in the clasified civil service, and for other purposes," approved May 22, 1920, and acts amendatory thereof (U. S. C., p. 1887, sec. 707a), $20,500,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Mr. SCHAFER. Mr. Chairman, I make the point of order against the two provisos on page 70, lines 8 to 17, inclusive, because they are legislation on an appropriation bill, a change of existing law not authorized.

Mr. CRAMTON. Mr. Chairman, I wonder if the gentleman from Wisconsin would be willing to make his points of order separately to each proviso. There are two provisos, and that will be easier to handle.

Mr. SCHAFER. All right. I make the point of order against the first proviso and a separate point against the second proviso. I reserve both points of order.

Mr. BLANTON. I reserve a point of order to the whole paragraph.

The CHAIRMAN. Let the Chair get the parliamentary situation straight. The gentleman from Wisconsin reserves the point of order to both provisos.

Mr. CRAMTON. Yes; they are reserved against two provisos separately.

The CHAIRMAN. And the gentleman from Texas reserves the point of order to the whole paragraph.

Mr. CRAMTON. May I say this: To the second proviso the point of order is good. I do not contest that. But the point of order against the first proviso is not good, for the reason that while the language is legislative in character it is in order under the Holman rule, because by reason of that language a reduction appears on the face of the bill.

The item that came to the committee was $450,000 for this purpose. By reason of the first proviso we have reduced that item $150,000. If it had not been for the second proviso we could have made a greater reduction than the $150,000, but in the judgment of the committee it was desirable to carry on the second proviso along with the first.

The situation is this, if the gentleman will reserve his point of order and permit me to make some statement with regard to it, and then I hope the gentleman will withdraw his point of order.

At the present time the law provides for a board of pension examiners. The examinations are held by a board of three examiners. The law provides a fee of $3 for each member, for each examination, however many there may be conducted in any one day. In some places the bureau mentioned that at Los Angeles, for instance, there were 30 or more conducted in one day. That would mean that each member of the board would get $90, or $270 for the board. Our committee took up that question in a desire to bring about economy.

The Bureau of Pensions brought to us this suggestion and it has the entire approval of the Commissioner of Pensions, the medical examiner's staff, and other heads of the bureau, as framed here with the increase from $3 to $5, and with one examiner instead of the whole board. On the basis of the amount of business done last year there would be a saving of $177,000. But the committee did not go quite that far.

We reduced the item only $150,000. The bureau urged this. First, I emphasize economy in the matter of the expenditure of the public funds which is a responsibility of our committee, and the Holman rule was enacted to meet that kind of a case.

Mr. SCHAFER. Then I suppose the gentleman could reduce the number of Interstate Commerce Commissioners by making a similar appropriation and use the same sort of an alibi.

Mr. CRAMTON. I do not want to defend anything except this one item just at this time. The Holman rule does mean this, that where legislation results in the reduction of expenditures upon the face of the bill, it is in order, even though it be of a legislative character.

As to the merits, our committee would not want to blindly approve an item to reduce expenditures without checking it very carefully. What would be the effect on the service rendered by that reduction? The Bureau of Pensions insists that much better service will be secured, and the convenience of the pensioners will be better served and the interest of the Government better safeguarded with an examination before one physician with a fee of $5 than with a $3 fee before the board.

Mr. SCHAFER. The hearings do not so indicate. It must be private information.

Mr. CRAMTON. We went into the question in the hearings, and it will emphasize to the gentleman how carefully we work on these matters. The hearings show that we developed this matter as to the conduct of the examinations, and we got the approval of the bureau to certain other suggestions. In the hearings, it is shown that we asked the bureau to consider the question and give us information, and the bureau did so. After the hearings were closed, and after they had been printed, the bureau gave us the information as to difficulties in the way of what we had in mind doing at the time the hearings were held, and did make this suggestion and brought to us the table that I have in my hand showing the financial effect of this amendment.

The American Medical Association has adopted resolutions providing that $5 shall be the minimum fee for examinations for life-insurance companies and things of that sort, and I think some of those organizations even have a provision for suspending the member who would give such an examination for less than $5. The bureau says that they find difficulty in getting physicians of the best caliber in all communities to do this work at what the physician regards as a cut rate price of $3. Hence the bureau is very desirous of an increase in the fee from $3 to $5. At the same time they state that a better examination will be secured from a physician who is getting the proper fee than if we are paying this $3, which is really inadequate. Furthermore, that a more efficient examination will be made by one physician just as the examinations are made for life-insurance companies by one physician than is now made by a board where the work is actually done by one and the rest just give their acquiescence. Furthermore, under the language here, we do not abolish the old boards. Nobody loses his position. The commissioner will designate each physician to conduct a certain examination. Under the present system the board meets probably at the county seat. The doctors live at scattered places. The pensioner may have to go a number of miles to the county seat on the particular pension board day, whereas if the language stays as it is in the bill reported by the committee, the pensioner can go to the designated physician who may live in his own town, and not the county seat, and he can go any day that that physician is in his office and not the board day that the board might meet. We are advised by those most familiar with the situation that in addition to economy in the public funds better service will result to the Government and greater convenience to the pensioners.

Just one other consideration I desire to give and that is this. Suggestions have been made on this floor where increases are to be made. One was made to-day. It was one that we had debated about but felt that we really did not have the money, but we accepted the judgment of the Committee of the Whole. There are some others where increases need to be made, but if you are going to increase some items, others must be reduced. This committee has searched very carefully to find some places in the bill where reductions could be made without injury to the public service in order that we may at the same time increase items where more money is needed. Here is a case where we have found a place where better service can be secured with less expenditure of money. Hence we report it. Our committee is not desirous of legislating. We are careful not to legislate, and nothing reported at any place of a legislative character in this bill unless it is tied right up with the expenditure of money involved, and in this case, under the Holman rule, the first paragraph is not subject to the point of order. The second one is, but if the change is to be made and the first one is to be retained, in justice to the operation of the system we ought to have both provisos.

Mr. SCHAFER. Mr. Chairman, I disagree with the gentleman from Michigan [Mr. CRAMTON]. Under the act of July 25, 1882, as amended by various acts, including the act of September 22, 1922, and under the act of May 28, 1908, as amended by various acts, including the act of September 22, 1922, Congress specifically directs the Commissioner of Pensions to constitute these medical examining boards. Here is some of the language of the act of July 25, 1882, as amended:

> The Commissioner of Pensions is authorized to appoint surgeons who, under his control and direction, shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board.

The act of May 28, 1908, specifically designates the fee of the board members. Said fee is $3 for each board member, who must be present and assist in the examination. The language to which the point of order is raised clearly repeals the section of the act of July 25, 1882, which I have just quoted, which requires the examinations by boards of three, and is new legislation.

If we would follow the argument of the gentleman from Michigan to its ultimate conclusion a point of order could not be raised against any legislation on these appropriation bills. Using the same argument he is using the Committee on Appropriations could report a bill which would reduce the membership of the Interstate Commerce Commission or any other board or commission by reducing the amount of the appropriation for such board or commission. The cases are parallel.

Mr. CRAMTON. If the gentleman will permit, the gentleman will be interested in the ruling which can be applied even to the Interstate Commerce Commission if he likes. Section 815 of the Manual says:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. SCHAFER. Since the gentleman from Michigan has also laid stress upon the merits of the amendment, I want to call the attention of the Members of this Congress to the fact that there is something else to consider besides saving these few thousands of dollars. Members of Congress are familiar with the pension examining boards. There is hardly a Member of this House who does not have an examining board in his district. It is ridiculous for any gentleman to state that, because there are three members of the board you are not going to have as good an examination as you would have if only one physician conducted the examination. A board of three physicians will conduct a fairer and more satisfactory examination.

The membership should not permit this drastic change to be made by an amendment from the Appropriations Committee. If this change is to be made the legislative Committee on Pensions should hold hearings on the proposition so that those interested, particularly the representatives of the veteran organizations, can be heard.

Mr. WILLIAMSON. If the gentleman will yield for a moment, gentlemen who are conversant with examining boards in a district know that a $3 fee for these examinations is not sufficient. I find in my district members of these boards frequently resign, and I find it difficult to get physicians to act on the board. This provision would preserve the boards and increase the compensation to $5.

Mr. SCHAFER. I believe the veterans want the examinations made by a board of three members. In one breath the gentleman from Michigan says you can not obtain competent physicians for $3, and in another breath he indicates that the members of many of the boards receive too much where they examine 30 or 40 and receive $3 for each examination.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SCHAFER. Yes.

Mr. BLANTON. Suppose they appoint one physician, and he is hard boiled?

Mr. SCHAFER. Yes. Or he may be prejudiced. That is one of the reasons why we have a board of three under the present law. The judgment of three physicians is also better than one, and in many cases will be nearer correct and the veteran better satisfied. If the point of order is not sustained, we shall have to have a quorum so that the full membership of the House can have an opportunity to approve or disapprove of this drastic legislative change in an appropriation bill. Mr. Chairman, I make a point of order against the proviso.

The CHAIRMAN. While the gentleman from Wisconsin is making his point of order the Chair desires to inquire if the gentleman from Texas insists on the point of order he himself has reserved?

Mr. BLANTON. I withdraw my reservation.

The CHAIRMAN. The Chair assumes, then, that there is pending only the point of order made by the gentleman from Wisconsin. The Chair would like to know if there is pending a separate point of order as to the proviso?

Mr. CRAMTON. That is my understanding. The question now before us is on the first proviso.

The CHAIRMAN. The members of the committee are all doubtless quite familiar with the provision of the Holman rule which has been quoted by the gentleman from Michigan [Mr. CRAMTON], referring particularly to the second clause in it, reading as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is a well-established principle that the reduction or retrenchment of expenditures by the reduction of the number or salaries of officials of the United States and by the other methods mentioned in the Holman rule must be apparent on the face of the bill. A point of order having been made, the Chairman of the Committee of the Whole must seek his information as to whether there would be a reduction or retrenchment of expenditures by examining the face of the bill.

In this instance it is clear, so far as the first proviso is concerned, that there will be some reduction in the fees paid where only one medical examiner is employed in each instance instead of three, as now required by the board of surgeons provided for under existing law. But the exception at the end of the proviso contains this provision—

except when in the judgment of the said commissioner the examination should be made by more than one.

It seems to the Chair that that leaves the matter entirely wide open so that the Commissioner of Pensions may operate under this proviso in such a way that he may save expenditures, and he may not.

Mr. CRAMTON. For the moment we are discussing but one proviso, just as if the second proviso were not there. Otherwise we could have a ruling of the Chair which would knock it all out, and then I would offer the first proviso again. So we are considering the second proviso as if the first one were not present. Under this amendment in some cases it would be doubtful how many the commissioner might order before a full board. It is uncertain. The bulk of them might be called before one. However, the rule does not distinguish as to the amount of reduction or stipulate how many are or are not called before the full board. To that extent there is to be a reduction in the expenditures, and the report of the committee shows that that reduction on the face of the bill is $150,000.

Mr. SCHAFER. Mr. Chairman, will the Chair allow another observation?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SCHAFER. According to the Chair's view in considering the language of the second proviso, looking on the face of the bill, there might not be one penny of reduction, because under the language of the first proviso the commissioner has discretionary authority to order every man before a board of three, and if he did there would be no reduction. There might possibly be an increase.

Mr. JOHNSON of Texas. Mr. Chairman, I would like to direct attention to the word "hereafter" and ask what effect that would have? Would it confine this rule to this appropriation, or would it extend the rule to subsequent acts of Congress? If so, would it not go beyond the scope of the Holman rule?

The CHAIRMAN. The Chair understands that the Holman rule relates specifically to legislation which is of a permanent character, providing that that legislation reduces expenditures. Before the remarks were made by the gentleman from Michigan and by the gentleman from Wisconsin, it seemed to the Chair that the last clause in the first proviso makes it very doubtful, at least, whether there would be any reduction or retrenchment of expenditures. The provision reads as follows:

Except when in the judgment of the said commissioner the examination should be made by more than one.

It might well be that a commissioner would take the position as a matter of policy that in all cases he would have an examination by the board of surgeons, and he could do that, it seems to the Chair, under that language.

Mr. CRAMTON. And if he did, the law in its effect has not been changed. But if in one single case he permitted the examination to be made by one instead of the board of three, the expenditure would be reduced.

The CHAIRMAN. As to that, the Chair would say that the retrenchment would be conjectural. It seems to the Chair that this language leaves it conjectural and problematical on the face as to whether there will be a permanent reduction of expenditures under this language. As the Chair understands the Holman rule there must be a definite reduction in the expenditures of the Government on the face of the legislation to bring the legislative proviso in an appropriation bill within the terms of that rule. The Chair can not hold that the first proviso with this language in it comes within the Holman rule. As to the second proviso, that raises the fees for ordinary examinations from $3 to $5, and the Chair thinks it clear that it is subject to the point of order, and the Chair therefore sustains the points of order as to both provisos.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 70, line 8, after the figures "$300,000," insert: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions."

Mr. CRAMTON. Mr. Chairman, with reference to that amendment, which the committee will recognize as the language of the bill, shorn of the language which the Chair pronounced not in order——

Mr. SCHAFER. Mr. Chairman, a point of order. We have no quorum here, and if we are going to adopt such a wide-sweeping proposition we should have a quorum.

Mr. WILLIAMSON. Will the gentleman from Wisconsin withhold his point of order?

Mr. SCHAFER. I will withhold it.

Mr. WILLIAMSON. Will the gentleman from Michigan yield for a question?

Mr. CRAMTON. If we are going to have a point of order made we might as well have it. We are not going to rise yet.

Mr. WILLIAMSON. I just wanted an explanation of what you are trying to do.

The CHAIRMAN. If the gentleman from Wisconsin makes the point of order of no quorum, proceedings will stop.

Mr. SCHAFER. Mr. Chairman, I make the point of order of no quorum.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order of no quorum. The Chair will count. [After counting.] Seventy-nine Members of the committee are present, not a quorum.

Mr. SCHAFER. Mr. Chairman, I withdraw the point of order of no quorum.

The CHAIRMAN. The Chair will say that the Chair having made the announcement of no quorum, the thing to do is to go through the form of rising and go back into the House, unless the roll is to be called.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 15089, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BLANTON. Mr. Speaker, I make the point of order that the committee found itself without a quorum and came back into the House. If I remember the rules correctly, there must be developed a quorum before we can proceed with other business. The Chairman reported to the Speaker that the committee found itself without a quorum. Until a quorum is developed, the House is without a quorum, if I remember the rules correctly.

The SPEAKER. The Chair thinks that the motion to go back into the Committee of the Whole House on the state of the Union is in order. Of course, a point of order of no quorum could be raised on that motion, but the Chair thinks that motion is in order.

Mr. BLANTON. Mr. Speaker, I shall not obstruct the proceedings of the House, and will not make a point of no quorum, but I was trying to get the opinion of the Chair as to whether or not we could find ourselves without a quorum and then proceed with business.

The SPEAKER. The House has not found itself without a quorum.

Mr. TILSON. The rules of the House assume that when the eloquent gentleman from Texas, myself, and others rise and address the House, after the committee has risen there will be such an attraction that Members will come rushing in during that time so that we may have a quorum of the House.

Mr. BLANTON. We certainly have a full House now.

Mr. TILSON. Certainly.

Mr. BLANTON. And I will not make any point of order.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose the reading of the bill had proceeded to line 8, page 70.

Mr. CRAMTON. Mr. Chairman, I desire to withdraw the amendment just sent to the desk and offer in lieu thereof another amendment.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw the amendment which was reported just before the committee rose and to offer in lieu thereof another amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I move to strike out the paragraph and insert the language I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRAMTON moves to strike out on page 70 the paragraph beginning on line 5 and ending on line 8 and insert in lieu thereof the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination shall be $5 for each examination, foreign or domestic."

Mr. BLANTON. Mr. Chairman, I renew the point of order, unless the gentleman from Wisconsin desires to make it himself.

Mr. CRAMTON. Mr. Chairman, that amendment was offered through a misunderstanding of the views of the gentleman from Wisconsin [Mr. SCHAFER]. It is, of course, subject to a point of order. I misunderstood the gentleman. I offer the amendment which I send to the desk as a substitute for it.

The CHAIRMAN. Without objection, the amendment just reported will be withdrawn and the Clerk will report the amendment now offered by the gentleman from Michigan.

There was no objection.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 70, line 5, strike out the paragraph and insert in lieu thereof the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1195, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions. The fee to be paid any such physician making such examination, alone or otherwise, to be $5 for each examination, foreign or domestic."

Mr. CRAMTON. Now, Mr. Chairman, the amendment I have offered is the same paragraph that was in the bill as reported except it strikes out the provision permitting the examination to be made by the full board. At the request of the gentleman from Wisconsin [Mr. SCHAFER] I ask unanimous consent that further consideration of this paragraph and the amendments thereto may be passed over until the committee sits again to-morrow.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that further consideration of this paragraph and all amendments thereto be deferred until to-morrow's sitting of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

For financing of the liability of the United States, created by the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts amendatory thereof (U. S. C., p. 1887, sec. 707a), $20,500,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information from the chairman. Referring to the last paragraph, and the sum appropriated, $20,000,000, will the chairman discuss that and tell us what that is supposed to do with reference to the total amount placed in the retirement fund, including contributions made by the employees?

Mr. CRAMTON. Last year an appropriation was made for the first time of $19,950,000 for the purpose of financing our liability under the retirement act. The amount this year is increased somewhat, because it is based upon a certain percentage of the salary roll, and that salary roll is now increased, both because salaries were increased and because positions that were not formerly within the purview of the act have been brought under it. My recollection is that it is about 2½ per cent.

Mr. KETCHAM. About what will be the amount of this item in future appropriation bills?

Mr. CRAMTON. It is to be carried for a number of years and emphasizes the fact that the retirement payment to these employees is not all paid by the employees, as many Members have the impression. That will be realized when you remember that every employee that puts in any money, whether he lives or dies, whether he continues in the service or resigns, is bound to take out every penny that he put in with interest thereon. If he dies his estate gets it; if he resigns from the service he draws it out, every penny that he put in, with interest.

But there are many employeee that will draw down more than they put in. For instance, every employee comes under its provision; if he were to retire in six months he would have contributed only a few dollars, but he draws down under this retirement act just as much money as if he had been making payments for 40 years. In that case, where an employee gets more money than he put in, some one must pay it. It is not paid by the employees, because every employee is guaranteed every penny he puts in, with interest. The Treasury of the United States must share that.

Mr. KETCHAM. What I want to cover is whether or not the amount of that appropriation would be anywhere near $20,000,000 for each succeeding year.

Mr. CRAMTON. I may not be exact, but it seems to me that that amount is to continue for something like 40 years at least.

Mr. KETCHAM. At approximately this figure?

Mr. CRAMTON. Yes. Some liability had accumulated before we started in to finance the obligation. We were using up the money that the employees paid. Of course, the employees were paying in, but the liability was piling up all the time. That is what this is to meet.

The CHAIRMAN. The time of the gentleman from Michigan has expired. Without objection, the pro forma amendment is withdrawn.

Mr. HARE. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question for information. I understood the gentleman to say that every employee who retires will receive the full amount that he has contributed to the retirement fund or more.

Mr. CRAMTON. Every employee receives, or his estate will receive after his death, every penny that he has contributed to the fund, with interest thereon.

Mr. HARE. I can best explain my question by an illustration. Suppose an employee has served 16 years and has contributed for 16 years and then retires. After retiring for one year, and drawing his allotted amount for that period, he dies, does his estate then draw or continue to draw the amount he would have been entitled to if he had lived?

Mr. CRAMTON. His estate gets the balance that he would have drawn. There is no contingency that the gentleman can imagine where the employee, or in the event of his death his estate, will not receive every penny he contributed, with interest thereon.

Mr. HARE. I thank the gentleman very much for that explanation. Just one more question, because there are many employees who do not understand or do not have the correct idea about this retirement fund. Does the $20,000,000 called for in this appropriation go into the general retirement fund, and is it a part of that fund, or is the retirement fund made up entirely of contributions by employees?

Mr. CRAMTON. This general retirement fund is made up of contributions from the employees and from the Treasury, and this $20,000,000 is a part of that fund. As I say, we have been using up the employees' money and obligations were being created that at some time would have to be met. So this money goes into that fund just as the employees' money goes into that fund, and that total fund, whether derived from the employees or from this appropriation annually by the Government, draws interest and that interest goes into the fund and the fund accumulates to meet these liabilities of the future.

Mr. HARE. Then the total retirement fund is not made up wholly of contributions from employees?

Mr. CRAMTON. This appropriation is to take care of the Government's share of that expense, and I might say in further answer to the gentleman from Michigan [Mr. KETCHAM], that in a statement in the hearings at page 1269 by Doctor Brown, a member of the Board of Actuaries to administer this act, he said:

> The question might be raised as to how long the Government will have to continue making these appropriations of 2.50 per cent of the pay roll in order to liquidate the accrued liability nearly $393,000,000? No definite answer can be made to that question. It will depend upon a number of things. The Board of Actuaries estimated last year that if the pay roll does not increase, contributions at the rate of 2.50 per cent of the pay roll may be expected to liquidate the accrued liability in about 71 years; if the pay roll increases by 1 per cent each year, the percentage will liquidate the accrued liability in about 42 years; if it increases by 2 per cent each year, about 35 years will be required to liquidate the accrued liability; while if the pay roll increases by 3 per cent each year, the period required to liquidate the accrued liability will be only about 28 years.

The fact is that the larger the pay roll the more rapidly will this mountain of liability be met, and so the gentleman can say that for from 35 to 70 years we must appropriate this amount of money.

Mr. KETCHAM. And that, of course, is based upon the theory that we do not increase the retirement allowance?

Mr. CRAMTON. Certainly.

Mr. KETCHAM. And if that should be, then we would have to multiply accordingly.

Mr. CRAMTON. Certainly. If we increase the retirement allowance or reduce the period of service required, then, of course, all this is thrown out of gear, and we will have to immensely increase our contributions.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

> Sun River project, Montana: For operation and maintenance, $20,000; continuation of construction, $213,000; in all, $233,000: *Provided*, That the appropriation for continuation of construction for the fiscal year 1929 shall remain available for the fiscal year 1930, for the purposes for which originally appropriated: *Provided further*, That on or before July 1, 1929, notice shall be given by the Secretary of the Interior requiring the water users to assume the control of the constructed works on January 1, 1931, and to commence payment of construction charges in accordance with the contract of June 22, 1926, between the United States and the Greenfields irrigation district.

Mr. BLANTON. Mr. Chairman, I reserve the point of order to ask a question. Is not this second proviso a change of the law in that it gives these water users until January 1, 1931, to make these payments that are required earlier under the law?

Mr. CRAMTON. No. It is not extending the time. It is making sure that they do not have any longer time than that.

Mr. BLANTON. But the law of June 22, 1926, required these payments earlier than January 1, 1931.

Mr. CRAMTON. No. The gentleman does not understand. It is not an act of June 22. It is a contract that they entered into.

Mr. BLANTON. But under a law. Is not this giving them an extension of time for making the payment?

Mr. CRAMTON. No; it is not.

Mr. BLANTON. Then I withdraw it.

The Clerk read as follows:

> North Platte project, Nebraska-Wyoming: Not to exceed $75,000 from the power revenues shall be available during the fiscal year 1930 for the operation and maintenance of the commercial system: *Provided*, That after the cost incurred by the Government in the construction of the North Platte project has been repaid all net revenues derived from the operation of the power system shall be covered into the reclamation fund, except that portion of said revenues which represents the part of said power system charged to and to be repaid by the water users of the North Platte project, which revenues shall be applied first on any operation and maintenance charges which may be due the United States, and thereafter as the water users may direct.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. CRAMTON: Page 77, line 18, after the word "system," strike out the colon, insert a semicolon, and strike out the balance of the paragraph.

Mr. CRAMTON. That strikes out the proviso. In connection with that I ask unanimous consent to extend my remarks in the RECORD by inserting a brief memorandum from the Commissioner of Reclamation with reference to that amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The memorandum referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington.

Referring to telephone conversation regarding the power situation on the North Platte project, the statement submitted, found on pages 494 and 495 of the hearings, I believe, gives a full explanation of the situation. You will note this statement expresses the belief that the situation is well covered by the present law. I believe this to be true and think that no material harm will be done should the special provision be omitted from the present bill.

ELWOOD MEAD, *Commissioner.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Rio Grande project, New Mexico-Texas: For operation and maintenance, $250,000, together with $125,000 of the unexpended balances of the appropriations available for continuation of construction during the fiscal year 1929.

Mr. CRAMTON. Mr. Chairman, in reference to this item the gentleman from New Mexico [Mr. MORROW] and the gentleman from Texas [Mr. JOHNSON], who is representing the gentleman from Texas [Mr. HUDSPETH], have made inquiries about this appropriation and express a fear. The only question is the amount available for reappropriation. The statement which I send to the Clerk's desk is from the Commissioner of Reclamation, and which I ask unanimous consent to insert as an extension of my remarks, makes plain that the question is under investigation, so for the present we hope to let the item stand as it is until further information is received.

Mr. JOHNSON of Texas. If the gentleman will yield, do I understand if this information is received and if it is too late for action here or if the amount is increased in another body——

Mr. CRAMTON. The purpose is not to reduce the available amount below $375,000.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

The appropriation available for continuation of construction, fiscal year 1929, is $168,000. There has been allotted for work in progress $75,000. However, since that allotment was made further changes have been made in the construction program, and the project superintendent was requested by telegram of December 12 to advise whether $125,000 of the $168,000 available in 1929 will be unexpended on June 30, 1928, under the present construction program.

As soon as reply is received from the project superintendent further information will be sent to Mr. CRAMTON.

ELWOOD MEAD.

The CHAIRMAN. The pro forma amendment will be withdrawn, without objection.

There was no objection.

The Clerk read as follows:

Baker project, Oregon: The unexpended balance of the appropriation for this project for the fiscal year 1929 is reappropriated and made available for the same purpose for the fiscal year 1930.

Mr. JOHNSON of Texas. Mr. Chairman, I move to strike out the last word. In connection with the item just mentioned by the gentleman from Michigan I want in my time to have read, in reference to this item concerning the Rio Grande project, New Mexico and Texas, the telegram I send to the desk.

Mr. CRAMTON. Will not the gentleman be willing to insert it in the RECORD?

Mr. JOHNSON of Texas. Certainly. I will put it in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting a telegram to Congressman HUDSPETH about this project. Is there objection? [After a pause.] The Chair hears none.

The telegram is as follows:

EL PASO, TEX., *December 11, 1928.*

Hon. C. B. HUDSPETH,
House of Representatives.

Have newspaper report Committee on Appropriations cut Rio Grande maintenance and operation budget for 1929 from $300,000 to $250,000. This year $350,000 was appropriated and spent, which sum proved insufficient for proper maintenance of irrigation and drainage systems, and $40,000 additional was raised locally as an emergency measure. The amount recommended will not permit proper maintenance and operation and will cause serious crop loss to farmers by reason of lack of service. These funds are repaid annually by the water users and there is no reason to fail to provide efficient operation of the works in conformity with existing contracts. Will you please endeavor to secure amendment prior to passage of the bill?

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1.

The Clerk read as follows:

Yakima project (Kittitas division), Washington: For operation and maintenance, $20,000.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15089, had come to no resolution thereon.

Mr. CRAMTON. I move that the House do now adjourn. I withhold that request.

LINCOLN'S EMANCIPATION PROCLAMATION

Mr. McLEOD. Mr. Speaker, in view of the fact that January 1 next will be the sixty-sixth anniversary of the actual liberation of the slaves, I ask unanimous consent to extend my remarks in the RECORD by inserting Lincoln's emancipation proclamation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McLEOD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the emancipation proclamation of President Lincoln, which is as follows:

Whereas on the 22d day of September, A. D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A. D. 1863, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by Members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall in the absence of strong countervailing testimony be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A. D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of 100 days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the 48 counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases when allowed they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States

to garrison forts, positions, stations, and other places, and man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

ABRAHAM LINCOLN.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easement to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12312. An act for the relief of James Hunts Along;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; and

H. R. 13606. An act for the relief of Russell White Bear.

ADJOURNMENT

Mr. CRAMTON. I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Friday, December 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, December 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Agriculture Department appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

A hearing of the subcommittee to consider H. R. 10741—a bill for the relief of J. F. McMurray.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON HEALTH, CHARITIES, AND HOSPITALS

(10.30 a. m.)

To amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" (13855) and other bills.

EXECUTIVE COMMUNICATIONS, ETC.

684. Under clause 2 of Rule XXIV, a letter from the Comptroller of the Currency, transmitting the text of the annual report of the Comptroller of the Currency covering activities of the Currency Bureau for the year ended October 31, 1928 (H. Doc. No. 361), was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 14659. A bill to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York; without amendment (Rept. No. 1952). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8830. A bill to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River in Oklahoma; without amendment (Rept. No. 1953). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 13988. A bill for the relief of Peter Shapp; with an amendment (Rept. No. 1954). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOHN: A bill (H. R. 15323) to provide for the establishment of a Coast Guard station at or near Grand Island, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. BULWINKLE: A bill (H. R. 15324) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; to the Committee on Naval Affairs.

Also, a bill (H. R. 15325) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 9,000 blankets (olive drab, No. 4), 5,000 pillowcases, 5,000 canvas cots, 5,000 cotton pillows, 5,000 bed sacks, and 9,000 bed sheets, to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 15326) to amend paragraphs 1003, 1008, 1018, 1019, 1582, and 1651 of the tariff act of 1922, and to add a new paragraph to Schedule 10, immediately following paragraph 1019, to be known as paragraph 1019–A; to the Committee on Ways and Means.

By Mr. HOLADAY: A bill (H. R. 15327) authorizing the erection of a sanitary fireproof hospital and doctors' quarters at the National Home for Disabled Volunteer Soldiers at Danville, Ill.; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal number of sections of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes; to the Committee on the Public Lands.

By Mr. McREYNOLDS: A bill (H. R. 15329) granting the consent of Congress to W. H. Monahan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 15330) authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia; to the Committee on Military Affairs.

By Mr. FULMER: A bill (H. R. 15331) to provide for the making of loans to drainage or levee districts, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LEATHERWOOD: A bill (H. R. 15332) to amend section 4 of the act of March 3, 1927, granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. CHINDBLOM: A bill (H. R. 15333) granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 15334) to regulate the sale of securities, to prevent gambling in the same, to prevent the sale of cotton and grain in so-called future markets, and for other purposes; to the Committee on the Judiciary.

By Mr. FISH: A bill (H. R. 15335) to amend the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. JEFFERS: A bill (H. R. 15336) to authorize the erection of a United States veterans' hospital in the State of Alabama, and to authorize an appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 15337) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 15338) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 15339) to combat and prevent influenza in the United States; to the Committee on Appropriations.

By Mr. WOODRUM: Joint resolution (H. J. Res. 348) proposing a location for use of the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: Joint resolution (H. J. Res. 349) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 15340) for the relief of John Arquet; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 15341) for the relief of the Consolidated Awning & Tent Co., of Newport News, Va., and the United States Fidelity & Guaranty Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. BOHN: A bill (H. R. 15342) for the relief of Ralph W. Daggett, former lieutenant, Finance Department, United States Army; to the Committee on Military Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 15343) to correct the military record of Clayton R. Miller; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 15344) granting a pension to James C. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15345) granting an increase of pension to Lucy A. Wilson; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15346) granting an increase of pension to Elida A. Zook; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15347) for the relief of Prof. William H. H. Hart, principal of the Hart Foreign School and Junior Republic for Dependent Children; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 15348) granting a pension to John W. Baker; to the Committee on Pensions.

Also, a bill (H. R. 15349) granting an increase of pension to Edward L. Schniedemann; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15350) granting an increase of pension to William Bartlett; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 15351) for the relief of Evelyn Harris; to the Committee on Claims.

By Mr. HALL of Indiana: A bill (H. R. 15352) granting an increase of pension to Mary C. Forlow; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 15353) for the relief of Samuel Irick; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill (H. R. 15354) for the relief of C. F. Beach; to the Committee on Claims.

Also, a bill (H. R. 15355) granting an increase of pension to Mary E. Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15356) granting a pension to Anna W. Udell; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 15357) granting a pension to Tessa Baugh; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15358) granting an increase of pension to Mary E. Priddy; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15359) granting a pension to Ellen Batters; to the Committee on Pensions.

By Mr. KVALE: A bill (H. R. 15360) for the relief of Henry G. Young; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 15361) granting an increase of pension to Susan T. Sailor; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 15362) granting an increase of pension to Huldah W. Lentz; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 15363) granting a retirement annuity to Frederick R. Sparks; to the Committee on the Civil Service.

By Mr. LOZIER: A bill (H. R. 15364) granting an increase of pension to Julia McConkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15365) granting an increase of pension to Martha A. Lawhorn; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 15366) granting an increase of pension to Lillian E. Plum; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 15367) for the relief of Henry M. Weiser, administrator of the estate of Cora H. Weiser; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 15368) granting a pension to Mary A. Reynolds; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 15369) granting a pension to Margaret C. Dougherty; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15370) for the relief of Anthony Marcum; to the Committee on Claims.

By Mr. SCHNEIDER: A bill (H. R. 15371) granting an increase of pension to Sarah Sanderson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 15372) for the relief of Nellie Barnard; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 15373) granting an increase of pension to Nancy J. Patton; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15374) granting an increase of pension to Etta Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15375) granting an increase of pension to Alida A. Marshall; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 15376) granting an increase of pension to Harriet E. Fowler; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15377) granting a pension to Luvina Crawford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7962. By Mr. BERGER: Memorial of Local No. 3, National Federation of Post Office Clerks, of Milwaukee, Wis., indorsing the proposal for a Saturday half holiday contained in Senate bill 3281 and in the La Follette-Mead Saturday short work day bill; to the Committee on the Post Offices and Post Roads.

7963. Also, memorial of Cigar Makers' Union Local No. 25, of Milwaukee, Wis., protesting in the name of the cigar makers, cigar manufacturers, tobacco-leaf growers, box makers, and tobacco strippers against the enactment of House bill 9195, known as the Cuban parcel post bill; to the Committee on Ways and Means.

7964. By Mr. CRAIL: Petition of American Legion Auxiliary, of San Pedro, Calif., urging appropriate legislation by Congress providing for 300 additional beds and an adequate appropriation for the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Appropriations.

7965. Also, petition of Better America Federation, of Los Angeles, Calif., protesting against repeal of national-origins provision of immigration law; to the Committee on Immigration and Naturalization.

7966. Also, petition of Stanton Post No. 55, Grand Army of the Republic, of Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

7967. By Mr. HALL of Indiana: Petition of Plainfield Quarterly Meeting of Friends, meeting in Indianapolis, urging the Congress to ratify the world treaties known as the "Pact of Paris"; to the Committee on Foreign Affairs.

7968. By Mr. HARRISON: Petition of Berryville Chamber of Commerce, in regard to Mount Weather as a summer White House; to the Committee on Appropriations.

7969. Also, telegram of Luray Chamber of Commerce, as to summer White House; to the Committee on Appropriations.

7970. By Mr. O'CONNELL: Petition of the Union Label Club of Kings County, Brooklyn, N. Y., opposing the passage of House bill 9195, Cuban parcel post bill, amending sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

7971. Also, petition of the Capt. Charles V. Gridley Chapter, No. 1, Dewey Congressional Medal Men's Association, San Francisco, Calif., favoring the passage of Senate bill 1265 and House bill 12247; to the Committee on Pensions.

7972. By Mr. ROBINSON of Iowa: Petition of Black Hawk Chapter, Daughters of American Revolution, Cedar Falls, Iowa,

in favor of the Kellogg multilateral treaty, submitted by Anna L. S. Wood, chairman of meeting, and Harriet S. Mentzer, secretary, Cedar Falls, Iowa; to the Committee on Foreign Affairs.

7973. By Mr. SWICK: Petition of Ellwood City Council, No. 182, Fraternal Patriotic Americans, G. S. Mook, secretary, Ellwood City, Pa., urging quota law for Canadian and Mexican immigrants, registration of all aliens, and enforcement of national origins clause; to the Committee on Immigration and Naturalization.

7974. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., protesting the enactment of legislation looking to the repeal of the so-called Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, *December 14, 1928*

(Legislative day of Thursday, December 13, 1928)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, in which it requested the concurrence of the Senate.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainments of the electors for President and Vice President at the election held November 6, 1928, from the States of Alabama, Arizona, Arkansas, Delaware, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Missouri, Oregon, and Vermont, which were ordered to lie on the table.

SENATOR FROM WISCONSIN

The VICE PRESIDENT laid before the Senate the credentials of ROBERT M. LA FOLLETTE, Jr., chosen a Senator from the State of Wisconsin for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, ROBERT M. LA FOLLETTE, Jr., was duly elected by the qualified electors of the State of Wisconsin a Senator of the United States from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929, as appears from the certificate of the State board of canvassers now on file and of record in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed.

Done at the capitol, in the city of Madison, this 11th day of December, A. D. 1928.

[SEAL.] FRED R. ZIMMERMAN,
Governor.

By the governor:

THEODORE DAMMANN,

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I present petitions from members of the faculty and hundreds of students of Smith College, of Northampton, Mass., praying for the prompt ratification of the multilateral treaty for the renunciation of war, which I request be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented petitions of sundry citizens of Detroit and Kalamazoo, in the State of Michigan, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of sundry citizens of Conway and vicinity, in the State of New Hampshire, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Mrs. Christine Elker and 40 other citizens of Surrey, N. Dak., praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented the memorial of R. D. Bagley and 44 other citizens of Minot, N. Dak., remonstrating against the passage of the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes, or any other legislation of similar character, which was referred to the Committee on Military Affairs.

Mr. JONES presented petitions numerously signed by sundry citizens of Tacoma, Winlock, Kelso, Sequim, Port Angeles, Kalama, Castle Rock, Longview, Spokane, Olympia, Vancouver, Bellingham, Monroe, Yakima, Pateros, Leavenworth, Ostrander, Centralia, Washougal, Menlo, Toledo, Tenino, Woodland, Goldendale, Chehalis, and Ryderwood, all in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. WAGNER. Mr. President, I present a memorial to the Senate, transmitted to me by one of the leading scholars of our State, Dr. Stephen S. Wise, and signed by distinguished Americans throughout the country in favor of the Kellogg peace pact, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MEMORIAL TO UNITED STATES SENATE—PEACE PACT AND CRUISER BILL INCONSISTENT

We, the undersigned citizens, being in hearty favor of the ratification by the United States Senate of the general pact for the renunciation of war, look with grave apprehension upon the possibility of the authorization of 15 additional cruisers in the present session of the Senate.

We believe that the wholesome effect of the general pact for the renunciation of war upon the sentiment of nations and peoples will be largely nullified if the nation which first proposed the general pact expresses lack of confidence in its efficacy by increasing its own armament. It seems to us idle to insist that the naval program has been conceived without reference to the program of any other nation, since the cruisers to be authorized are clearly in the class of vessels which were the bone of contention in the abortive Geneva naval limitation conference. Whatever may be the merits of the American position as to the question of naval disarmament, it must be clear to every observer that the initiation of a new building program at this time will inevitably imperil the wholesome effect of the general pact for the renunciation of war and will give other nations occasion to question America's sincerity. We therefore urge our representatives in the Senate to vote against the cruiser bill and for the general pact for the renunciation of war.

Cornelia S. Adair, vice president National Education Association; Jane Addams; Clifford W. Barnes, vice president Chicago Association of Commerce; Rev. S. Parkes Cadman; Carrie Chapman Catt; John H. Clarke, ex-justice Supreme Court of the United States; Rev. Henry Sloane Coffin, president Union Theological Seminary; W. H. P. Faunce, president Brown University; Harry Emerson Fosdick, pastor Park Avenue Baptist Church; Virginia C. Gildersleeve, dean Barnard College; John Grier Hibben, president Princeton University; Sidney Hillman, president Amalgamated Clothing Workers; Harvey Ingham, editor Des Moines Register; Rev. Burris Jenkins, Kansas City; David Starr Jordan, chancellor emeritus Leland Stanford University; Paul U. Kellogg, editor The Survey; Julia C. Lathrop, former chief of United States Children's Bureau; Henry Goddard Leach, editor the Forum; Ivy Lee, publicist; Clarence C. Little, president University of Michigan; Bishop F. J. McConnell, president Federal Council of Churches; Henry Noble McCracken, president Vassar College; Charles C. Morrison, editor the Christian Century; Evelyn Riley Nicholson, president Woman's Foreign Missionary Society of Methodist Episcopal Church; Kathleen Norris, writer, California; Rev. Robert Norwood, rector St. Bartholomew's Church; Right Rev. G. A. Oldham, diocese of Albany; Marion Edwards Park, president Bryn Mawr College; George Haven Putnam, publisher; Fleming H. Revell, publisher; Mary K. Simkhovitch, head of Greenwich House; Charles F. Thwing, president emeritus Western Reserve University; Bishop Herbert Welch, Methodist Episcopal Church, Pittsburgh; Rabbi Stephen S. Wise, Free Synagogue, New York; Mary E. Woolley, president American Association of University Women.

Alabama: Dr. John W. Abercrombie, assistant State superintendent of education; Walter D. Agnew, president Woman's College of Alabama.

Arkansas: Florence B. Cotnam, Woman's Civic Club, Little Rock; J. R. Grant, president Arkansas Polytechnic College; Rev. Paul W. Quillian, Little Rock; Mrs. E. R. Steel, president Little Rock Conference, Women's Missionary Society, M. E. Church, South; James W. Workman, president Henderson Brown College.

California: George A. Coe, author, Glendora; Rabbi Rudolph I. Coffee, First Hebrew Congregation, Oakland; Victor Leroy Duke, president University of Redlands; Right Rev. Edward L. Parsons, Diocese of California; Prof. Herbert Ingram Priestley, University of California; George W. Marston, business man, San Diego; Judge Jackson H. Ralston, Palo Alto; Dr. Aurelia Henry Reinhardt, president Mills College; Mrs. Seward Simons, Pasadena.

Colorado: Rev. Aaron Allen Heist, Grace Community Church, Denver; Judge J. C. Horn, Lamar; Prof. I. W. Howerth, Colorado State Teachers College; Nettie Kuhler, president Sixth District Women's Christian Temperance Union; Rev. Otterbein O. Smith, Pueblo; Frank L. Palmer, Labor Press, Inc.

Connecticut: Right Rev. Chauncey B. Brewster, Diocese of Connecticut; Prof. Clyde Olin Fisher, Wesleyan University; Prof. Henry W. Lawrence, Connecticut College; W. Douglas MacKenzie, president Hartford Theological Seminary; Charles G. Morris, New Haven; Rev. Roscoe Nelson, Windsor; Dr. Hannah G. Roach, Connecticut College, New London; Sanford Stoddard, attorney, Bridgeport; Mrs. Josepha Whitney, member board of aldermen, New Haven.

Delaware: Dr. Lloyd Balderston, Wilmington; Mrs. William P. Bancroft, Wilmington; Rev. Charles L. Candee, Westover Hills; Right Rev. Philip Cook, Diocese of Delaware; Mrs. Florence Bayard Hilles; Rev. B. M. Jones, Wilmington; Rabbi L. A. Mischkind, Wilmington; George A. Rhoads, Wilmington; Alice P. Smyth, Wilmington; Mrs. A. D. Warner, sr., Wilmington.

Florida: Rev. George Wesley Benn, St. Petersburg; Katherine Boyles, past chairman Florida League of Women Voters, Department of International Cooperation; M. P. Lockhart, principal Penney Farms Public Schools; Chester C. Platt, editor Labor Advocate.

Georgia: Rev. D. Witherspoon Dodge, Atlanta; John Hope, president Morehouse College; Rev. D. P. McGeachy, Decatur; Wm. F. Quillian, president Wesleyan College; Philip E. Shulhafer, Atlanta; J. C. Wardlaw, University of Georgia.

Idaho: Mr. and Mrs. Frank E. Johnesse, Boise; Curtis F. Pike, Boise; Rev. L. C. McEwen, Lewiston; Ray McKaig, Boise; Rev. Cyrus A. Wright, Boise.

Illinois: Zonia Baber, ex-professor geography University of Chicago; Rev. Norman B. Barr, Chicago; Rev. Raymond B. Bragg, Evanston; Dan B. Brummitt, editor the Northwestern Christian Advocate; Paul H. Douglas, professor University of Chicago; Charles W. Gilkey, dean university chapel University of Chicago; James A. James, Evanston, Ill.; Prof. David M. Maynard, Lake Forest University; Sidney B. Snow, president Meadville Theological Seminary; Rev. George Craig Stewart, rector St. Luke's Church, Evanston.

Indiana: David M. Edwards, president Earlham College; Ernest N. Evans, secretary Executive Committee of Church Federation of Indianapolis; Prof. Guy F. Hershberger, Goshen College; Rev. Henry B. Hostetter, secretary Synod of Indiana Presbytery; Dr. F. D. Kershner, dean of College of Religion, Butler University; Rabbi S. H. Markowitz, Fort Wayne; G. Bromley Oxnam, president DePauw University; Rev. Wm. F. Rothenburger, Indianapolis; Dr. Frank H. Streightoff, Extension Department Indiana University; Rabbi J. M. Taxay, Temple Israel, Terre Haute; Ray S. Trent, chairman Indiana Council on International Relations; James A. Woodburn, professor emeritus, Indiana University.

Iowa: Frederick F. Faville, justice Supreme Court of Iowa; Rabbi Eugene Mannheimer, Des Moines; H. L. McCracken, president Penn College; John S. Nollen, Dean Grinnell College; Prof. Benj. F. Shambaugh, State University of Iowa.

Kansas: Rev. W. Ernest Collins, Topeka; A. A. Hyde, manufacturer, Wichita; Rev. Robert Inglis, Emporia; John Walter Kliewer, president Bethel College, Newton.

Kentucky: Sarah G. Blanding, University of Kentucky; Mrs. Helm Bruce, Louisville; Rev. Lon R. Call, Louisville; Rev. Teunis Gouwens, Louisville; Reuben Post Halleck, author; Mrs. Reuben Post Halleck, Louisville.

Louisiana: Mrs. Julius Goldman, president New Orleans Section, National Council of Jewish Women; Rabbi Max. Heller, Rabbi Emeritus Temple Sinai; Rev. Carter Helm Jones, St. Charles Baptist Church, New Orleans; Josephine H. Kelly, general secretary Y. W. C. A.; Rev. J. S. Land, New Orleans.

Maine: Philip R. Bailey, business man, Portland; Helen N. Bates, Portland; Prof. Howard K. Beale, Bowdoin College; Prof. Charles T. Burnett, Bowdoin College; Charles H. Blatchford, general solicitor Maine Central R. R.; Prof. Wilfrid H. Crook, Bowdoin College; Allison P. Howes, Pittsfield; Mrs. B. Gilpin Smith, Brunswick; Rev. Morris H. Turk, Portland; William Penn Whitehouse, 2d, Portland.

Maryland: Prof. Gertrude Bussey, Goucher College; Dr. Molly Ray Carroll, chairman department of economics and sociology, Goucher College; Rev. Hugh L. Hodge, Baltimore; Prof. John H. Latane, Johns Hopkins University; Prof. A. O. Lovejoy, Johns Hopkins University; Prof. Mary W. Williams, Goucher College.

Massachusetts: Rev. Fred Winslow Adams, Trinity Church, Springfield; Rev. Raymond Calkins, Cambridge; Prof. Zachariah Chafee, jr., Harvard Law School; Rev. Carey W. Chamberlin, Beverley; Rev. H. Russell Clem, Fall River; Rev. A. Z. Conrad, Park Street Church, Boston; Albert C. Dieffenbach, editor Christian Register; Elizabeth Glendower Evans, Brookline; John H. Fahey, publisher Worcester Evening Post; Rev. Newton C. Fetter, Cambridge; Mrs. J. Malcolm Forbes, Milton; Rev. William E. Gilroy, D. D., editor The Congregationalist; Sarah S. Goodwin, Concord; Prof. Arthur N. Holcombe, Harvard University; Rev. Charles R. Joy, Lowell; Edwin D. Mead, Boston; Lucia Ames Mead, Boston; Prof. Francis B. Sayre, Harvard Law School; Rev. Henry K. Sherril, Trinity, Boston; John Van Schaick, jr., editor Christian Leader; Rev. Charles W. Squires, president Inter-Church Union, Lynn.

Michigan: Fred M. Butzel, lawyer, Detroit; E. Estelle Downing, Michigan State Normal College; Kathleen McGraw Hendrie, chairman Michigan Women's International League for Peace and Freedom; Charles M. Novak, principal N. E. High School, Detroit; Rev. Joseph A. Vance, president Board of National Missions, Presbyterian Church, U. S. A.; Mrs. Myron B. Vorce, Wyandotte.

Minnesota: Rev. David Bryn-Jones, Minneapolis; Rev. Noble S. Elderkin, Duluth; Alfred F. Hughes, president Hamline University; O. J. Johnson, president Gustavus Adolphus College; Right Rev. Frank A. McElwain, Diocese of Minnesota; Rev. E. R. Purdy, Minneapolis; Alice C. Webb, Minneapolis.

Missouri: Irvin E. Deer, secretary Council of Churches, Kansas City; Sterling E. Edmunds, attorney, St. Louis; Mrs. Henry N. Ess, Kansas City; L. A. Halbert, executive director Council of Social Agencies, Kansas City; Rev. M. Ashby Jones, St. Louis; Rev. John W. McIvor, St. Louis; Mrs. George G. Peeper, president Women's Interdenominational Missionary Council, Kansas City; Rabbi Samuel Thurman, St. Louis; Grace E. Williams, Young Women's Christian Association, Kansas City.

Montana: Rev. C. L. Clifford, district superintendent Methodist Episcopal Church, Kalispell; Rev. Jesse Lacklen, district superintendent Methodist Episcopal Church, Billings; Rev. Walter B. Spaulding, district superintendent Methodist Episcopal Church, Helena; Mr. and Mrs. Norman Winestine, Helena.

Nebraska: Rev. E. Merle Adams, Norfolk; Rev. Walter Aitken, Lincoln; A. L. Bixby, publisher Nebraska State Journal; Dr. O. W. Carroll, president Nebraska Central College; Clara C. Clayton, president Nebraska Woman's Christian Temperance Union; Margretta S. Dietrich, Hastings; H. C. Gossard, dean of men, Nebraska Wesleyan University; Rev. Ray E. Hunt, Lincoln; Frederick W. Leavitt, Congregational University pastor, Lincoln; I. B. Schrenkengast, chancellor Nebraska Wesleyan University; Mrs. Addison Sheldon, Nebraska Division, American Association of University Women; Rev. F. F. Travis, district superintendent Methodist Episcopal Church, Lincoln. Rev. W. A. Tyler, Lincoln.

New Hampshire: Almon W. Bushnell, superintendent of schools, Henniker; Mrs. Frederick M. Gilbert, Walpole; Prof. Everett W. Goodhue, Dartmouth College; Rev. George R. Hazard, Manchester; Prof. John C. Kirtland, Phillips Exeter Academy; Dr. Lewis Perry, principal Phillips Exeter Academy; Dr. George B. Rogers, Phillips Exeter Academy; Prof. Harold E. B. Speight, Dartmouth College.

New Jersey: Henry H. Albertson, Burlington; John Cotton Dana, librarian Newark Public Library; Rev. William Hiram Foulkes, vice president International Society of Christian Endeavor; Mrs. Ernest Lilienthal, chairman Plainfield Committee for World Friendship; Eugenie A. Rettinger, East Orange; Charles T. Stone, superintendent of schools, Long Branch; Roger W. Swetland, headmaster the Peddie School.

New York: Rev. A. W. Beaven, Rochester; Clement M. Biddle, Biddle Purchasing Co., New York City; Rev. Walter Russell Bowie, Grace Church, New York City; Rev. John Lyon Caughey, Glens Falls; Samuel M. Cavert, general secretary Federal Council of Churches; G. Sherwood Eddy, New York City; Raymond B. Fosdick, attorney, New York City; Robert A. Franks, retired steel manufacturer, New York City; Harold A. Hatch, treasurer Deering Milliken & Co.; Prof. Carlton J. H. Hayes, Columbia University; D. G. S. Hazard, Syracuse; Rev. John Haynes Holmes, Community Church, New York City; Rev. Finis S. Idleman, Central Church of Disciples, New York City; Right Rev. Paul Jones; Rev. Miles H. Krumbine, Parkside Lutheran Church, Buffalo; Frederick Lent, President Elmira College; Philip Littell, writer; Judge Julian W. Mack; Prof. Parker Thomas Moon, Columbia University; Rev. Reinhold Niebuhr, Union Theological Seminary; Kirby Page, editor The World Tomorrow; Gwyneth K. Roe, New York City; A. I. Shiplacoff, International Pocketbook Workers Union; Rev. Ralph W. Sockman, chairman peace commission of M. E. Church.

North Carolina: Joseph D. Cox, High Point.

North Dakota: Elizabeth Preston Anderson, President State Woman's Christian Temperance Union; Carl Nelson, editor Williston Farmers Press; Right Rev. John Doyntz Tyler, district of North Dakota; Mrs. Fred. M. Wanner, vice president at large, State Woman's Christian Temperance Union.

Ohio: Rev. Herbert S. Bigelow, People's Church, Cincinnati; Inetta Blackburn, New Waterford; Rev. Ferdinand Q. Blanchard, Cleveland; Rev. Dan F. Bradley, Cleveland; Dr. Abraham Cronbach, Hebrew Union College; Alice M. Doren, Dayton; Mr. and Mrs. J. H. Edgerton, Columbiana; Rev. Joel B. Hayden, Cleveland; Rabbi James G. Heller, Cincinnati; Prof. Cecil C. North, Ohio State University; A. C. Russell, President, Ashtabula Peace Society; Juliette Sessions, president State League of Women Voters; Frank D. Slutz, principal Moraine Park School; Dr. Ernest H. Wilkins, president Oberlin College; Myer Wise, attorney, Akron.

Oklahoma: Rev. Robert Samuel Satterfield, Methodist Press Association.

Oregon: Mrs. G. L. Buland, chairman international relations department Portland Federated Women's Organizations; Norman F. Coleman, president Reed College; Prof. Robert H. Dann, Oregon State Agricultural College; Bishop Titus Lowe, Portland; Julia Marquam, Portland; W. P. Walter, general secretary Y. M. C. A., Ashland.

Pennsylvania: William A. Allen, York; Mrs. David Alter, Pittsburgh; Frank Aydelotte, president Swarthmore College; Rev. Robert Bagnell, Harrisburg; Francis B. Biddle, attorney, Philadelphia; Rev. Philip David Bookstaver, Harrisburg; E. Lewis Burnham, Philadelphia; Mrs. Ralph S. Cannon, York; Prof. Edward P. Cheyney, University of Pennsylvania; W. W. Comfort, president Haverford College; Dr. Samuel Dickey, Oxford; Rev. W. W. T. Duncan, Pittsburgh; Francis Farquhar, York; Rev. Edwin N. Faye, jr., Altoona; Prof. Charles G. Fenwick, Bryn Mawr College; Rabbi William H. Fineshriber, Philadelphia; J. W. Gitt, editor Gazette and Daily York; Rabbi S. H. Goldenson, Pittsburgh; Rev. Frederick R. Griffin, Philadelphia; Prof. Hornell Hart, Bryn Mawr College; Rev. Walter J. Hogue, York; Ellen Gowen Hood, Philadelphia; Prof. Rufus M. Jones, Haverford College; David P. Klinedinst, attorney, York; Mrs. Edward G. McCollin, Philadelphia; Rev. Robert S. Miller, Juniata; Prof. Ernest M. Patterson, University of Pennsylvania; Alice Dunbar Nelson, executive secretary American Interracial Peace Committee; Rev. A. Ray Petty, Philadelphia; Rev. Charles D. Rockel, Altoona; S. Burns Weston, director Society for Ethical Culture, Philadelphia; Rev. W. I. Wishart, Pittsburgh.

Rhode Island: Rev. Arthur H. Bradford, Providence; Prof. Theodore Collier, Brown University; Mr. and Mrs. William H. Edwards, Providence; Rabbi Israel M. Goldman, Providence; Rabbi Samuel M. Gupp, Providence; Alice W. Hunt, Providence; Isabel Harris Metcalf, Providence; Margaret Morriss, dean Women's College, Brown University; Thomas Perry, Westerly; Dr. and Mrs. Henry A. Whitmarsh, Providence.

South Carolina: William J. McGlothlin, president Furman University.

South Dakota: Mrs. Arthur Boyce Fairbanks, Sioux Falls; Laura Clarke Gaffney, Aberdeen; A. Instanes Osborne, superintendent Lake Norden public schools; Dr. Earl A. Roadman, president Dakota Wesleyan University.

Tennessee: Prof. Paul E. Baker, Fisk University; Noah W. Cooper, Nashville; Dr. Charles Diehl, president Southwestern University; Mrs. J. W. Downs, secretary board of missions, M. E. Church South; Helen W. Eldredge, lecturer; Rabbi H. W. Ettelson, Memphis; Thomas E. Jones, president Fisk University; Mrs. B. W. Lipscomb, secretary of board of missions of M. E. Church South; Prof. Merl E. G. Miller, Lincoln Memorial University; Mrs. R. M. Mills, Nashville; W. W. Pinson, secretary board of missions, M. E. Church South; Bolton Smith, Memphis; W. D. Weatherford, president Y. M. C. A. Graduate School, Nashville; Grace Rowland, Y. W. C. A., Memphis; Rev. Edwin E. White, Pleasant Hill Community Church; Dr. George B. Winton, editor Methodist Advocate, Nashville.

Texas: S. P. Brooks, president Baylor University; L. H. Hubbard, president Texas State College for Women; Mrs. S. M. N. Marrs, president National Congress of Parents and Teachers; Bishop John M. Moore, M. E. Church South, Dallas.

Utah: Dr. and Mrs. John Aird, Provo; Feramorz Y. Fox, president Latter-day Saints College; Dr. Joseph Merrill, commissioner of education, Salt Lake City; Rev. Arthur L. Rice, Phillips Congregational Church, Salt Lake City.

Vermont: Right Rev. Arthur C. Hall, diocese of Vermont; Paul P. Jones, superintendent of schools, Windham; Prof. Edmund C. Mower, University of Vermont.

Virginia: Rabbi Edward N. Calisch, Richmond; Dr. Susan M. Lough, University of Richmond; Judge James Hoge Ricks, juvenile court; Roberta Wellford, Richmond.

Washington: Albert S. Goss, Seattle; Right Rev. S. Arthur Huston, Bishop of Olympia; Rev. Robert H. Lynn, Sixth Avenue Baptist Church, Tacoma.

West Virginia: Mrs. J. Walter Barnes, president West Virginia W. C. T. U.; S. Orestes Bond, president Salem College.

Wisconsin: Elise Bohstedt, Lawrence College; John Burnham, president Waupaca County Post; Rev. H. E. Peabody, Appleton; Lutie E. Stearns, Milwaukee.

REPORT OF THE IMMIGRATION COMMITTEE

Mr. HARRIS, from the Committee on Immigration, to which was referred the bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws, reported it with an amendment and submitted a report (No. 1343) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 4894) granting compensation to the next of kin of Carl E. Sturgeon; and

A bill (S. 4895) for the relief of Thomas Griffith; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 4896) for the relief of the heirs of Cristobal Ascarate; to the Committee on Claims.

By Mr. GREENE:

A bill (S. 4897) granting an increase of pension to Lucy Moulton; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4898) granting an increase of pension to Samuel A. Holt; and

A bill (S. 4899) granting an increase of pension to Lucy Queen; to the Committee on Pensions.

A bill (S. 4900) to amend section 259 of the Judicial Code; to the Committee on the Judiciary.

By Mr. SACKETT:

A bill (S. 4901) granting a pension to Nannie G. B. Cook (with accompanying papers);

A bill (S. 4902) granting an increase of pension to James L. Graham (with accompanying papers);

A bill (S. 4903) granting a pension to Emeline Riddle (with accompanying papers);

A bill (S. 4904) granting an increase of pension to James W. Melton (with accompanying papers); and

A bill (S. 4905) granting an increase of pension to Annie P. Mercer (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4906) granting an increase of pension to James H. Barber (with an accompanying paper); to the Committee on Pensions.

A bill (S. 4907) for the relief of August Mohr; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4908) for the relief of John W. Reardon; to the Committee on Naval Affairs.

By Mr. SHORTRIDGE:

A bill (S. 4909) to establish an aviation flag of the United States of America; to the Committee on Naval Affairs.

A bill (S. 4910) granting an increase of pension to William Casper; to the Committee on Pensions.

A bill (S. 4911) for the relief of Fred Helm;

A bill (S. 4912) for the relief of Robert E. Blair;

A bill (S. 4913) for the relief of Ira L. Duncan; and

A bill (S. 4914) for the relief of William M. Atchison; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 4915) granting the consent of Congress to the South Park Commissioners, and the Commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., and granting the consent of Congress to the Commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.; to the Committee on Commerce.

A bill (S. 4916) authorizing the President to appoint Edmund J. Engel a captain in the Regular Army of the United States;

A bill (S. 4917) providing for the appointment of Jacob M. Schollenberger as a warrant officer, United States Army; and

A bill (S. 4918) for the relief of James J. Lindsay; to the Committee on Military Affairs.

A bill (S. 4919) granting an increase of pension to Henry W. Kappes; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4920) granting a pension to Martha Eldora Arnett;

A bill (S. 4921) granting a pension to Eliza F. Moran (with accompanying papers); and

A bill (S. 4922) granting an increase of pension to Clarissa M. Heaston; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4923) granting an increase of pension to Mary V. Doyle (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4924) to provide for the advancement on the retired list of certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. KING:

A bill (S. 4925) to prevent the use of the mails and other communication facilities in furtherance of margin or bucket-shop transactions; to the Committee on the Judiciary.

By Mr. CARAWAY:

A bill (S. 4926) to provide for the transfer of certain criminal prosecutions from the District of Columbia to the United States District Court for the District of Maryland; to the Committee on the Judiciary.

By Mr. THOMAS of Oklahoma:

A bill (S. 4927) for the relief of Peter Shapp; to the Committee on Indian Affairs.

By Mr. CAPPER (for Mr. HOWELL):

A bill (S. 4928) for the relief of Thelma Phelps Lester (with accompanying papers); to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4929) to amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 4930) for the relief of H. L. Roberts & Co. and Thomas C. Edwards; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4931) for the relief of D. B. Heiner; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 4932) for the relief of Abe Blond; to the Committee on Naval Affairs.

By Mr. MOSES:

A bill (S. 4933) granting a pension to Annie M. Gibson (with accompanying papers);

A bill (S. 4934) granting an increase of pension to Catherine Ruddy; and

A bill (S. 4935) granting a pension to Lizzie K. Owens (with accompanying papers); to the Committee on Pensions.

By Mr. BLEASE:

A joint resolution (S. J. Res. 178) to instruct officials of Federal Farm Loan Board and subsidiaries not to foreclose any mortgage on real estate which is or will become due and payable prior to October 1, 1929; to the Committee on the Judiciary.

CHANGE OF REFERENCE

On motion of Mr. CAPPER, the Committee on Claims was discharged from the further consideration of the following bills, and they were referred to the Committee on Military Affairs:

H. R. 11181. An act for the relief of William Parish; and

H. R. 11343. An act for the relief of Frank C. Russell.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. JONES submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 79, line 23, after the name "Washington" and the colon, to strike out the remainder of line 23 and all of line 24, and insert the following:

"For continuation of construction and operation and maintenance, $1,500,000: *Provided*, That the unexpended balance of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for fiscal year 1929 (45 Stat. p. 227) shall remain available during the fiscal year 1930."

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 79, line 1, insert the following:

"Vale project, Oregon: For operation and maintenance, $6,000; continuation of construction, $644,000, of which amount not more than $130,000 shall be available for the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project; in all, $650,000: *Provided*, That the unexpended balance of the appropriation of $744,000 for the continuation of construction for the fiscal year 1929 shall remain available during the fiscal year 1930."

ORVILLE WRIGHT, AND WILBUR WRIGHT, DECEASED

The bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, was read twice by its title and referred to the Committee on Military Affairs.

Mr. BINGHAM subsequently said: Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers made possible the achievements which are now stirring the emotions and pride of our people. The posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had concurred in the concurrent resolution (S. Con. Res. 24) providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States, on March 4, 1929.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. THATCHER, and Mr. BYRNS were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the invitation of the House for a conference be accepted, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

INAUGURATION OF PRESIDENT ELECT

The VICE PRESIDENT. Under the terms of Senate Concurrent Resolution 24, providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States, on March 4, 1929, the Chair appoints the senior Senator from New Hampshire [Mr. MOSES], the senior Senator from Maine [Mr. HALE], and the junior Senator from North Carolina [Mr. OVERMAN] members of the joint committee on the part of the Senate.

CALL OF THE ROLL

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shortridge
Barkley	George	McLean	Simmons
Bayard	Gerry	McMaster	Smith
Bingham	Gillett	McNary	Smoot
Black	Glass	Metcalf	Steck
Blaine	Glenn	Moses	Steiwer
Blease	Goff	Neely	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Oddie	Thomas, Idaho
Brookhart	Hale	Overman	Thomas, Okla.
Broussard	Harris	Phipps	Trammell
Bruce	Harrison	Pine	Tyson
Capper	Hastings	Pittman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce that the Senator from North Dakota [Mr. NYE] is engaged in the Committee on Public Lands and Surveys.

Mr. EDGE. I wish to announce that my colleague the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SENATOR FROM UTAH

The PRESIDENT pro tempore laid before the Senate the credentials of WILLIAM H. KING, chosen a Senator from the State of Utah for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF UTAH,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, A. D. 1928, WILLIAM H. KING was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, A. D. 1929.

Witness his excellency our governor, George H. Dern, and our seal hereto affixed at Salt Lake City, Utah, this 1st day of December, A. D. 1928.

By the governor: GEO. H. DERN, *Governor.*
[SEAL.] H. E. CROCKETT,
Secretary of State.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I ask that the Senator from Arizona [Mr. HAYDEN] take up his so-called tax amendment and present it at this time.

Mr. HAYDEN. Very well. I offer the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 11, line 22, after the word "apply," insert:

Provided further, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets of any lessee or contractee of the United States.

Mr. HAYDEN. Mr. President, I have stated to the Senate the position of Arizona with respect to taxation on so many occasions and with such detail that it is unnecessary for me to repeat all the argument.

In brief, Arizona has no objection to the Federal Government engaging in the business of producing hydroelectric power provided that fact is not used as an excuse to deprive the State of a revenue that it would otherwise receive if the power development were undertaken by private enterprise.

The State of Arizona and her sister State of Nevada would not be so much concerned in this particular instance if the benefits to come from the development of power were to be largely realized within their own borders. If a power plant is constructed at Boulder Dam and a large quantity of hydroelectric power is generated at that point, more than 95 per cent of that power will be transported into the State of California. We have the testimony of many citizens of California that they expect, as a result flowing from that supply of cheap power, that it will add at least a million to the population of that State and from twelve billion to fifteen billion dollars to its wealth. If a part of the taxable wealth which will be created by cheap power from Boulder Dam were included in Arizona and Nevada, the two States would be benefited, but it is impossible under the present arrangement to have that benefit occur to the two States.

My original idea was to provide that power might be developed at Boulder Canyon Dam under the terms of the Federal water power act, but after consultation with many able Senators, who are also able lawyers, I became convinced that such a plan would not be practicable. We are told by representatives of the city of Los Angeles—and have been repeatedly so told—that the city of Los Angeles expects, under the terms of this bill, to construct a power house at Boulder Canyon Dam to generate power and to transmit the power to Los Angeles and to the cities of southern California associated with that municipality which are now selling power to their inhabitants.

Mr. ODDIE. Mr. President, will the Senator from Arizona yield for an observation at that point?

Mr. HAYDEN. I yield.

Mr. ODDIE. Mr. President, it should be borne in mind that the State of Nevada has industries which will require quite a large amount of this power to be developed at the Boulder Canyon Dam. The development of our mining industry will warrant the erection of a copper refinery at or near Las Vegas, Nev., the closest city to the dam, in order that the large quantity of copper produced in Nevada and in the surrounding States may be refined on the ground. Other industries requiring hydroelectric power will also be encouraged to start in Nevada. The city of Las Vegas, Nev., will become a manufacturing center of great importance to the whole western country because of the quantity of cheap electric power that will be available there and great wealth of the undeveloped resources in that section of the country. The production of this large quantity of power at this place will encourage the coming of new and important industries, for which we are in need and for which we will be particularly grateful.

Mr. HAYDEN. Mr. President, I hope the State of Nevada will prosper by reason of the fact that cheap power will be produced within the boundaries of the State from the Colorado River. Nevertheless, I have yet to see any set of figures prepared that showed anything different than that nine-tenths or more of this power will be transmitted into California.

Let me repeat that commissioners representing the State of Arizona conducting negotiations with the State of California have repeatedly been assured by the representatives of the city of Los Angeles, which expects to acquire the right to build the power house at Boulder Dam, that that city was perfectly willing to pay and expected to pay taxes upon the power plant, upon the transmission lines and upon the values thus created thereby by that city; there is no dispute about that; the record is complete from beginning to end that the city of Los Angeles has assured the State of Arizona that such is the intention of the city; yet whenever the time comes to put down on paper something that will make that assurance doubly sure, we can not get any agreement with anybody in California to that effect. What I am seeking to do is to make certain that no contractee or lessee of the United States generating power at Boulder Canyon Dam will assert that it is an instrumentality of the United States, and, therefore, not subject to taxation.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. HAYDEN. I yield.

Mr. SHORTRIDGE. As I understand, the amendment deals with "any rights which they may have"; that is to say, any

rights which the States may have. As a legal proposition, if the States have the rights claimed or asserted by them, can Congress divest the States of any of those rights?

Mr. HAYDEN. We desire an affirmative assertion by Congress that this bill will accomplish the purpose that I have stated. We know that when vast tracts of land were granted to the transcontinental railroads they immediately refused to pay taxes upon the land, claiming that there were certain conditions in the title that created a Federal interest. We know that the national banks, which were created under the national bank act, asserted that they were instrumentalities of the United States and not subject to taxation. In each instance the Supreme Court sustained those contentions, and in each instance an act of Congress was required to divest them of their right or authority to be exempted from State taxation.

Mr. SHORTRIDGE. An answer may be given categorically to my question. Does the Senator claim that the States referred to have certain rights? If so, does he maintain now that Congress could divest the States of those rights? What is the position of the Senator as a legal proposition?

Mr. HAYDEN. As a legal proposition we say that Congress should make it perfectly plain that, so far as concerns any contractees or lessees of the United States building a power plant at Boulder Dam, that they should not claim that they are instrumentalities of the United States and thereby escape taxation on the part of the States of Arizona and Nevada.

Mr. SHORTRIDGE. Could Congress divest them of any right if they have the right? What is the answer—if the Senator can answer it—yes or no?

Mr. HAYDEN. We do not know. There is so much vagueness about it. We want to make the right of taxation certain. We know that the city of Los Angeles has agreed that it would pay taxes; the city asserts that it will; but it will not agree to that on paper. What I have done, let me explain to the Senate very briefly, is to take a proviso found in section 32 of the general oil leasing act which reads—and I ask Senators to compare what I read from that act with the amendment which I have offered—

Provided, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

The only material change in the language I have read is that instead of using the words "output of mines," I use the words "output of electrical energy." In the instance of the oil leasing act the term "output of mines" was appropriate, because that act refers to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, and the general term, "output of mines," was necessary. In this instance the only difference is the use of the words "output of electrical energy."

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. HAYDEN. I have only 15 minutes, but I will be glad to yield.

Mr. SACKETT. I should like to ask why the Senator put in the words "or contractee"?

Mr. HAYDEN. The bill as now pending before the Senate contemplates that contracts shall be let. The term "contracts" rather than "leases" is used throughout the bill. So I use the term "lessee or contractee."

Mr. SACKETT. That adds to the oil leasing act that word, does it not?

Mr. HAYDEN. The contractee under this bill will be in exactly the same status as a lessee under the oil leasing act.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question before he passes from that?

Mr. HAYDEN. If the Senator will make his question brief, I shall yield. He understands, however, that the Senate is operating under the 15-minute rule.

Mr. SHORTRIDGE. I will take just a moment. According to the provisions of this bill, we have perhaps already conceded, if I may use that word, a great deal to the State of Arizona. I have understood that, in lieu of the right to tax, the State of Arizona was being given other considerable income derived from the operation of the electric power plant.

Mr. HAYDEN. That income may or may not exist; it will depend upon the profits of the business. What I am seeking to make fixed and certain here is the offer and assertion of the city of Los Angeles that if that city shall build the power plant at Boulder Dam it will be taxable. The city has said that it will agree to do that; it has assured us of that at all times; and I want to make that certain.

In connection with the amendment I have offered, I respectfully direct the attention of the Senate to these words from the message of the President of the United States, recently delivered to Congress:

It is unfortunate that the States interested in this water have been unable to agree among themselves. Nevertheless, any legislation should give every possible safeguard to the present and prospective rights of each of them.

The adoption of my amendment should satisfy the President of the United States that the rights of the States have been protected.

In respect to the right of the State of Arizona to receive an income of this nature, I desire to quote the statement made by the next President of the United States, Mr. Hoover, addressed to a representative gathering of citizens in Arizona at the Grand Canyon last August. At that time Mr. Hoover said:

He has no objection to the Federal Government agreeing that the State of Arizona might impose a tax on power produced on the Colorado River in the State of Arizona, and feels sure that the Federal Government will agree to the imposition of a reasonable tax of that kind.

Let me say further, so that the Senate may thoroughly understand Arizona's position, that the State of Arizona has never sought unduly to burden the project by excessive demands for revenue. Arizona has always agreed that the United States should be fully reimbursed during each and every year in which the payments are to be made, first, for the annual amortization payment of the construction cost; secondly, for interest on the money invested; third, for all operation and maintenance; and, fourth, for a reasonable payment into a reserve fund to meet emergencies. All of those things the United States of America is entitled to have first before Arizona receives any income; but we say that if the United States of America, after having made contracts—and contracts must be made or the dam can not be constructed—that will accomplish all of the four purposes, those who purchase the electrical current or who generate it at Boulder Dam should not be free of taxation by the State of Arizona with respect to any improvements or values which they may create at that place.

In the remarks which I have submitted to the Senate on previous occasions I have cited many instances where States have reimbursed localities for loss in taxes, such as by the creation of State parks. I have shown that the city of Los Angeles on all improvements owned by that city outside of its limits in the State of California now pays taxes the same as does any other taxpayer.

The VICE PRESIDENT. The time of the Senator from Arizona on the bill has expired.

Mr. KING. Mr. President, in my time, and for information, may I ask the Senator from Arizona—my attention was diverted while he was speaking, and I did not hear all that he said—whether the amendment offered by him contemplates that the provision for 18¾ per cent should not be operative?

Mr. HAYDEN. No.

Mr. KING. That is to say, if Arizona may tax the plant which may be constructed, or impose a reasonable license upon the power generated and transmitted beyond the State, then is the Senator asking that his State shall have, in addition to that, 18¾ per cent of the proceeds derived from the sale of power, and so forth?

Mr. HAYDEN. The State of Arizona and the State of Nevada should receive both incomes. We are advised by representatives of the city of Los Angeles that they expect to pay to the United States a price for power which will be in excess of the needs of the United States with respect to amortization, interest, operation, maintenance, and so forth, and that thereby the States may obtain some income from that excess profit. In addition to that, we are assured by the representatives of the city of Los Angeles that they will pay taxes upon any improvements erected by them at Boulder Dam. So that both propositions will be contained in the bill if my amendment is adopted.

Let me state to the Senator further that a precedent for that is found also in the general oil leasing act, which divides the royalties received by the United States by allowing the States to receive 37½ per cent of such royalties, and in addition thereto provides that the States may tax the oil in the hands of the private operator after it is severed from the ground. Every State operating under the oil leasing act obtains those two sources of revenue from oil produced upon the public domain.

Mr. KING. It is my view that States should be permitted to derive revenue from property within their borders acquired by the United States for industrial and business purposes and used for such purposes. If the United States should enter the State of Wyoming or the State of Utah and generate power which was used for business purposes, then those States should be permitted to derive revenue to the same extent just as if the business was owned and conducted by private persons. Governments enter-

ing into private business in competition with private persons should be subject to the same State regulations and burdens.

Mr. HAYDEN. The Senator is drawing the well-known distinction between governmental and nongovernmental activities.

In the instance of a State the most noted case is that of the State of South Carolina, which went into the liquor business by establishing dispensaries, and asserted that because the State was in that business it was not liable to pay the Federal revenue tax on liquor. The Supreme Court held that it was a nongovernmental function of the State, and therefore the Federal tax should be paid.

Mr. KING. I am familiar with that case.

Mr. HAYDEN. In that case I think the Chief Justice, in the dissenting opinion, very clearly pointed out that if the rule worked that way it should work the other way, and that if the United States engaged in a nongovernmental function the States should be entitled to their tax.

We are not asserting here so broad a doctrine as that at all. We are not asserting the right to tax Federal property. We ask that Congress make it clear and specific, so far as a licensee or contractee of the United States is concerned who goes to the Boulder Canyon Dam and builds a power plant and a transmission line, that that property—not of the United States but of the licensee or contractee—should be subject to State taxation.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me to ask a question?

Mr. KING. Yes.

Mr. McKELLAR. As I understand, this amendment is drawn directly within the case that has been decided by the Supreme Court of the United States, upholding a tax made under a similar provision?

Mr. HAYDEN. It is.

Mr. KING. Mr. President, I am not yet quite certain as to the position of the Senator. If I understand him correctly, it is that Arizona now is asserting the right to obtain 18¾ per cent of the revenues that may be derived from the sale of power and water after the Government shall have been paid, and, in addition to that, is asserting the right to tax property—for instance, a power plant—that may be constructed in connection with the dam, and also the right to levy a tax or to impose a license upon the power which is developed and transmitted from the State into some other State.

Mr. HAYDEN. Limited strictly by the amendment to the erection of such a power plant or development by a contractee, or licensee of the United States.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. DILL. Why the words "output of electrical energy"?

Mr. HAYDEN. Because in the oil leasing act, from which this amendment was copied, the term "output of mines" was used.

Mr. DILL. Does the Senator intend to tax the power? Is that the idea?

Mr. HAYDEN. We have been assured by the city of Los Angeles that we would have the right to levy, and they would be glad to pay, a tax upon any value created there. Now, it might be taxed in more than one way. It might be taxed by assessing the value of the power house and the transmission lines, or it might follow the California practice, and, instead of assessing the physical properties, assess the output from the properties.

Mr. DILL. That is, if they took 100,000 kilowatts—tax that amount of power?

Mr. HAYDEN. Yes. In other words, these are alternatives which may be applied in any other way. For example, I understand that private power companies in the State of California are subjected to a tax of either 6½ or 7½ per cent of their gross receipts, which is a tax upon the power, of course, because that is what they sell and obtain a revenue from.

Mr. DILL. Is not this, then, laying a burden on the private contractee or lessee as against the Government itself doing it?

Mr. HAYDEN. Will the Senator repeat his question?

Mr. DILL. I say, is not this amendment, therefore, laying upon the private contractee or lessee a burden—the right to tax—from which the Government is free; and does it not to that extent drive the Government to do this work, because it will not be on an equality with the private contractee or lessee?

Mr. HAYDEN. I do not think that would necessarily follow.

Mr. DILL. Well, you have the right to tax this electricity and these improvements if a private contractor or lessor handles the matter; but you could not do it if the Government did it, under this amendment.

Mr. HAYDEN. If the Government went in and extended its business to the construction of transmission lines and to the delivery of power to consumers, we would be estopped to the limit; but wherever the Government's function ceases, and the private contractor, or a municipality acting in that capacity, takes up the work, from there on we say that their business and their values and their property should be taxed.

Mr. DILL. The point I am trying to make is that the adoption of this amendment means that the Government would have an advantage that would not be had by any private contractor or lessor.

Mr. HAYDEN. It possesses that advantage by reason of the provisions of the Constitution of the United States which will not allow a State to tax any Government property.

Mr. DILL. But this amendment specifically makes that difference mandatory.

Mr. HAYDEN. Well, it should be.

Mr. KING. Mr. President, I am in favor of the States retaining the rights which they now have to impose taxes and liens upon the generation and distribution of power. If the Federal Government becomes a proprietor of business enterprises, and enters into competition with private enterprises, I see no reason why it should not be subject to taxation. If the Government takes money out of the Treasury and manufactures shoes or machinery, or engages in any other industrial pursuits, it seems to me that the States within which those activities are carried on ought to be permitted to derive revenue therefrom.

I can distinguish between the Government exercising sovereign and governmental power and the Government exercising what might be denominated proprietary powers. Where it becomes a business factor and engages in business pursuits in competition with private business, it seems to me that it ought not to hide behind its sovereignty and claim immunity from taxation.

I am not clear, though, that this amendment does not go further than that. I am entirely willing that Arizona should derive a reasonable revenue from the property which may be created as incidental to the building of that dam. If the amendment goes no further than that, I think it should be adopted. If it goes further than that, and in addition to conferring the right to tax confers authority to inhibit the transmission of power by the imposition of oppressive charges, then a different question is presented.

I confess, Mr. President, with the information which I now have that I have a good deal of dubiety as to how to vote upon this amendment. I shall be glad to have the question clarified by the senior Senator from Arizona [Mr. ASHURST] or by others who are familiar with its import and with the objects which are in view.

Mr. WALSH of Montana. Mr. President, if this amendment should prevail—and I think it should prevail—another feature should have some consideration; and I have put my views with respect to the matter in the form of an amendment or an additional paragraph.

As I understand the matter, this amendment purports to authorize only the taxation of private property constructed under contract with the United States. Obviously, that property should be subject to taxation; and I think everybody will agree that under established rules it would be subject to taxation by the States in which it was found. Some apprehension exists, however, lest it should be contended against the State authority that the property so constructed was an agency of the Government of the United States, a part of a general project of the United States to carry out governmental purposes; and so it would be the part of prudence and wisdom to enact that that contention could not be made.

The Government of the United States may grant to the States the right to tax its agencies. It has done so in the case of national banks. National banks are agencies of the Government of the United States; but the Government of the United States consents that the State shall tax those agencies. As has been suggested by the Senator from Arizona, when the leasing bill was passed, some apprehension was felt lest the works erected upon one of these leases by the lessee should escape taxation upon the ground that the lessee was a mere agency of the Government of the United States for the purpose of carrying out its purposes; and thus we forestalled any objection of that character by enacting the provision that the property should be subject to taxation.

Of course, so far as the property of the Government of the United States is concerned, it can not be made the subject of taxation; and whatever injustice there may be in that, I understand, is attempted to be corrected here by providing that the States of Arizona and Nevada shall get 37½ per cent of whatever profits there are in the operation. That, as I understand, is to take the place of taxation of so much of the property as belongs to the Government of the United States—the dam and other things of that character.

But, Mr. President, if this property should become subject to taxation, we would not want the taxes imposed upon the property by the State to be superior in character to claims of the Government of the United States under those contracts.

If the power plant, for instance, is constructed by a private corporation under a contract from the Government of the United States providing that it shall have water from the reservoir for the purpose of developing power, we do not want any tax imposed upon that property by the State of Arizona or the State of Nevada to take precedence over what is due from the power company to the United States under the contract which authorizes it to utilize these waters. So, Mr. President, an amendment of this character ought to be accompanied by another provision in the bill to the effect that the claims of the United States, under any contract authorized by the act, shall take precedence and priority over all other claims.

I think perhaps that such a provision is not absolutely in the bill, by reason of the provisions of section 191 of title 31 of the Code of Laws, giving priority to claims of the United States in case of insolvency and the administration of the assets of decedents. However, there might still remain the question as to whether that gives priority over the claim of a State for taxes. It might even then be asserted that it did not apply.

It has been held by one of the district courts that a claim of the United States for taxes is superior to another claim, but it has not been held yet that a claim of the United States not for taxes is superior to the claim of a State for taxes. And inasmuch as taxes usually rank higher than ordinary claims in distribution, it might still be contended that the claims of Arizona and of Nevada for taxes would be superior to the claims of the United States against the contractee for water delivered.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. HAYDEN. I will state positively that at no time and in no place, and by no one authorized to speak for the State of Arizona, has it ever been asserted that the State desires to collect taxes ahead of the payment to be made to the United States under these contracts.

Mr. WALSH of Montana. I desire to say in this connection, likewise, that I am not apprehensive that either of these two States is going to impose any confiscatory rates of taxation upon the property that thus is put upon the ground by a private corporation operating under contract with the United States, for the reason that if it imposes heavy burdens upon that particular property it must, under the rule of uniformity, impose exactly the same burden against every other producer of electricity in the State. So that is a reasonable safeguard as to that.

Accordingly, Mr. President, while this is not particularly appropriate to the amendment pending, I suggest that after line 20, on page 20 of the bill, there be inserted the following:

Claims of the United States arising out of any contract authorized by this act shall have priority over all others, secured or unsecured.

I put in "secured or unsecured" there because in all reasonable probability the private corporation, if one ever undertakes to build a power plant, will bond the property, and the claims of the United States for the water which the power company uses should be superior to any claim against that company, even though it is a secured claim.

The PRESIDENT pro tempore. Does the Senator submit that as an amendment to be printed and to lie upon the table?

Mr. WALSH of Montana. I will do so. So that if the pending amendment is adopted—and I hope it will be—I shall offer this amendment to the bill, to be inserted at the place indicated.

Mr. PITTMAN. Mr. President, there is another question; that is, the question of the uniformity of taxation of power companies. There is no doubt, under the report with regard to the Colorado River, that there will be a dam built at Bulls Head, about 50 or 60 miles south of the proposed dam. That, of course, will not be built by the United States Government, because there will be no necessity for it and no constitutional grounds upon which to build it. If built at all, it is bound to be built under the Federal power act. In that event, the lessee of the United States Government—that is, the lessee of the public land—will have to pay a tax not only on the dam, but a tax on its power house, or on the output of electricity, in whichever way the States impose the taxes. Therefore you would have this peculiar situation: You would have the company at Bulls Head paying a tax for the use of water under a license from the Federal Government, because both the dam and the power house would be private property, and a hundred miles above there you would have a power company not paying any taxes for the use of the surplus water of that dam. You would have unequal taxes in the very first place.

Mr. WALSH of Montana. Mr. President, let me inquire whether power plants generating electricity in all reasonable probability will not be constructed and have not been construted in various places throughout both States?

Mr. PITTMAN. They have been. Let me call attention to the fact now that in the State of Arizona the Salt River Water Users' Association, in the locality reclaimed by the Roosevelt Dam, has acquired title to all of the water that is impounded. They have acquired title by the district assuming to pay the Government's debt, and to-day the Salt River Water Users' Association is engaged in the business of generating and selling hydroelectric energy all over parts of Arizona.

The State will have to have uniform taxation with regard to power. Whether it be a taxation of the physical property of the power company or whether the tax be based, as it is now, I believe, in Alabama, upon the amount of electric energy that is generated, it will have to be uniform. They will not be able, for instance, if they should elect to tax hydroelectric energy, to tax the Salt River Water Users' Association one-fourth of a mill per kilowatt-hour and tax the power committee that uses the water from the proposed dam a half a mill per kilowatt-hour. That would be unconstitutional.

The result is that, protected by the constitutional provision as to uniformity of taxation, and there being every incentive of everybody in both States to keep down taxation—which is a fact—there can be no fear that there would be any discrimination in this case. But as affecting not only this particular transaction, but as affecting every State in the Union, that policy should be maintained.

When we had before us the general oil leasing bill that matter was subject to discussion for a long period of time in the committee, it was subject to discussion on the floor of this body, and it was determined that when the Federal Government marked a vast line around a lot of public land that was supposed to contain oil and proceeded to lease the right to mine that oil, while they served a great national purpose in the conservation of oil, at the same time they forever removed the power of the State to tax that land. If it had gone into private ownership it would have been subject to taxation.

It was also feared, as the Senator from Montana [Mr. WALSH] has said, that even the oil that was taken out under the lease, after it was put in tanks, would not be subject to taxation, under the theory that this private oil company was an agency of the United States Government, because it was operating under a lease; and it is feared here that if a private company does get the use of this water and builds this power house, although it will have nothing whatever to do with the primary purpose of flood control, but will be just a separate business, and will not use anything except the surplus waters behind that dam, which are not needed for the main purpose of this act; yet it might be held that that private company, selling power as it saw fit throughout the country, was still an agency and instrumentality of the Government and could not be taxed. If that were the case, you would have that company going free of taxation, and you would have another company, at a dam built under the Federal power act, below it or above it, utilizing the same waters, paying a tax.

In the steady growth of Federal operations throughout the United States through the various leasing acts we have through the possible extension of activities under the commerce clause of the Constitution of the United States, it is essential that taxing powers of the States be maintained so long as they do not interfere with the operations of the main purposes of the Government in its works.

I think as a general proposition a principle of this kind should be sustained. I have no objection whatever to the additions to this legislation which the Senator from Montana [Mr. WALSH] is going to offer. In fact, I think it is perfectly proper to maintain that policy which he now desires to initiate, that this right shall always be subject to the prior right of the Government of the United States to carry on its project.

Mr. SHORTRIDGE. Mr. President, the senior Senator from Arizona, in the course of his discussion of this bill, cited a great many cases, many of which were to this effect, that the Government of the United States acting in its sovereign capacity may be the owner of property which is not subject to State taxation. He also cited cases to the effect that where the Federal Government goes outside of or beyond its constitutional functions and becomes the owner of property, it becomes in a sense a private property owner, and its property is subject to taxation. Those are very well known principles or rules of law. Along with those two rules of law, recognized, I take it, by everybody, it has been held, further, that a State owning property is subject to the rules of equity and in a given case be estopped from asserting certain rights. I have in mind the case of the State of Iowa *v.* Carr.

I listened with respect, not feigned but genuine respect, to the argument made by the senior Senator from Arizona [Mr. ASHURST], and also by the junior Senator from Arizona [Mr. HAYDEN,] both of whom are thoughtful men and look far into the future, and have manifested that they are worthy champions and defenders of the rights of their great State. If I understood their argument, they fear that the State of Arizona will be deprived of certain of its claimed sovereign rights to tax the property concerning which we have devoted so much time in discussion. I am not now thinking of any other dam hereafter to be constructed by private parties or the rights of the State in respect to taxing that property. I am inviting close attention to this particular Boulder Dam which I am happy to say will be constructed.

I had understood up to this moment, or up to the time this amendment was urged, that in lieu of its right to tax, in lieu of the right to receive some revenue to come out of this great enterprise through taxation, the State of Arizona asked the Congress or the Nation to concede to it something in consideration of what it might lose, and I think we have done so.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Arizona?

Mr. SHORTRIDGE. I yield; certainly.

Mr. HAYDEN. Let me make it perfectly clear to the Senator that so far as any contact between the official representatives of the State of California and the State of Arizona appointed as commissioners to negotiate an agreement to settle the differences between the two States, there has never been any dispute. California's commissioners have always said they were willing that the States of Arizona and Nevada should receive a percentage of the gross profit; and, in addition thereto, that the city of Los Angeles, if it constructed a power plant, would pay taxes to Arizona and Nevada upon that power plant just as though it was private property.

Mr. SHORTRIDGE. I am not disputing as to what has heretofore been conceded or argued. I am now to be governed by what the Congress is called upon to do.

Mr. HAYDEN. The Congress has been informed of that fact many times.

Mr. SHORTRIDGE. Grant that; but I proceed to repeat that I thought, and I venture to say that practically every Member of this body thought, that when we were giving or conceding to Arizona 18.75 per cent of certain revenues to be derived from the operation of this great enterprise, that was in lieu of or in consideration of some rights to tax which Arizona was losing or might lose.

Mr. HAYDEN. If the Senator will yield further——

Mr. SHORTRIDGE. Certainly.

Mr. HAYDEN. I think the explanation made by the Senator from Montana [Mr. WALSH] on that point is perfectly clear, that the provision for the payment of 18.75 per cent of the excess revenues was in lieu of the right to tax property of the United States and had nothing to do with the right to tax property of the lessee.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Nebraska?

Mr. SHORTRIDGE. I yield.

Mr. NORRIS. I think a reading of the 18.75 per cent provision discloses that the 18.75 per cent is to be derived from the entire revenue, and if the Government leases to some private party a part of the electricity they will get a revenue from that. That is included, it seems to me, so if this is proposed in place of taxation, Arizona is going to get something in lieu of taxation and then tax the property afterwards just the same as though there was no such provision.

Mr. HAYDEN. If the Senator will pardon me, I am sure he would not want to make an incorrect statement. He said 18.75 per cent of all the revenue. It is 18.75 per cent of the excess revenue after the United States has been reimbursed.

Mr. NORRIS. It is a part of the revenue derived from electricity.

Mr. SHORTRIDGE. And ultimately, may I add, as we thought and as I now think, Arizona will receive an immense revenue under the provisions now in the bill. I do not wish to compare the demands made by Arizona with the demands made by my State. Much has been said touching California's demands, but I stand in admiration of the Senators from Arizona in their continuing fight for more revenue.

Finally, if this provision goes into the bill this is to be considered: Nothing is to be done under the bill until certain contracts shall have been entered into. Either the Government is to build, or private concerns, corporations, districts, or subdivisions of States are to build. Manifestly, when a private concern enters into negotiations looking far into the future, it will be greatly concerned over this very question whether the State can tax the property involved. I venture to say that that provision or such a provision, if put into the bill, will have a very deterring influence upon the entering into of perhaps very desirable contracts.

Mr. HAYDEN. Would it have a more deterring effect than the payment of taxes by any private power company if it engaged in business also? They would expect to pay their taxes, would they not?

Mr. SHORTRIDGE. I grant that. But finally, I submit that in this bill we have been more than just, we have been generous, to Arizona. We have provided that ultimately she shall receive an immense revenue from this great enterprise. What more does the State want? How far will she go?

Mr. JOHNSON. Mr. President, I think this is an amendment that is fraught with very great peril. I trust it will not be adopted. It is asserted, of course, that it is but the statement of an existing law and that it is confirmatory only of a right that the State now has. If that be true, then it is unnecessary. If, indeed, it seeks more than that, then it is worse than unnecessary; it is vicious and it ought not to be adopted. I am unable to say what "output of electrical energy" may mean or how it would be construed, but whatever the facts may be, to squint at least toward taxation of what may be done at that time by the Government is something that we ought not to do.

Our friend from Arizona quoted from Mr. Hoover again. He ought not to do that, because I think that he realizes just as I do that that is one of the things that never will be tolerated by the next President of the United States, and he has so said to representatives of the State of Arizona. I hate to say such things and indulge in that sort of talk upon the floor of the Senate, but it is only because of the reiterated statements that have been made by the junior Senator from Arizona [Mr. HAYDEN] that in self-defense I make that sort of statement now.

However that may be, it is a matter of indifference, so far as our legislation is concerned, and I want to make that perfectly plain. I do not care a rap whether some gentleman, even the next President of the United States, at some place in Arizona at some time in the past made some reference of the character that the Senator from Arizona has indicated, or that at some time subsequent to that he made the direct statement that I have attributed to him to representatives of Arizona just after the election. That is neither here nor there. The question is whether an amendment should be fastened upon this bill out of which difficulties and troubles might in the future arise. I trust that the Senate will not permit it to be done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. HAYDEN], which will be read.

The CHIEF CLERK. On page 11, line 22, after the word "apply" insert:

Provided further, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets of any lessee or contractee of the United States.

Mr. ASHURST. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). On this question I have a pair with the junior Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the senior Senator from New Jersey [Mr. EDGE] and vote "nay."

The roll call was concluded.

Mr. HARRISON. On this vote I am paired with the senior Senator from South Dakota [Mr. NORBECK]. If permitted to vote, I should vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If he were present, he would vote "nay."

Mr. JONES. I desire to announce that the senior Senator from Wyoming [Mr. WARREN] is paired with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is detained from the Senate by illness.

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate because of illness in his family.

Mr. ROBINSON of Arkansas. I desire to announce that on this question the junior Senator from New Jersey [Mr. EDWARDS] has a pair with the senior Senator from New York [Mr. COPELAND].

The result was announced—yeas 35, nays 42, as follows:

YEAS—35

Ashurst	Gerry	Oddie	Swanson
Barkley	Glass	Pittman	Thomas, Okla.
Black	Harris	Ransdell	Trammell
Blease	Hawes	Robinson, Ark.	Tyson
Broussard	Hayden	Sheppard	Wagner
Bruce	Heflin	Simmons	Walsh, Mont.
Caraway	King	Smith	Waterman
Fletcher	McKellar	Steck	Wheeler
George	Moses	Stephens	

NAYS—42

Bayard	Dill	Keyes	Schall
Bingham	Fess	La Follette	Shipstead
Blaine	Frazier	McMaster	Shortridge
Borah	Gillett	McNary	Smoot
Bratton	Glenn	Norris	Steiwer
Brookhart	Goff	Nye	Thomas, Idaho
Capper	Hale	Phipps	Vandenberg
Couzens	Hastings	Pine	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ind.	
Deneen	Kendrick	Sackett	

NOT VOTING—18

Copeland	Harrison	Mayfield	Reed, Mo.
Edge	Howell	Metcalf	Tydings
Edwards	Larrazolo	Neely	Warren.
Gould	Locher	Norbeck	
Greene	McLean	Overman	

So Mr. HAYDEN'S amendment to the amendment was rejected.

Mr. BROOKHART. Mr. President, a question has been raised concerning this bill by some of the farm organizations. It has been their claim that it will put new land under cultivation, and therefore produce new crops in competition with the production we already have, while at the same time we have the big problem of controlling the surplus. In order to get the record clear and distinct as to the amount of land to be put under cultivation by this project and the nature of the crops, I desire to ask the Senator from California about the probable increase. How much new land will be brought under cultivation by this project?

Mr. JOHNSON. Mr. President, it is a difficult thing to answer with any exactness concerning the amount of acreage, but I think I may say upon feasible irrigation areas in the Imperial Valley there may be lands brought under cultivation to the extent of about 150,000 acres. On areas that may be difficult a very considerable acreage more will be brought in. Did the Senator ask me about the crops?

Mr. BROOKHART. Can the Senator from California give something like an estimate of what would be possible?

Mr. JOHNSON. I think we could state as a possibility 300,000 acres, but upon immediately feasible schemes I think I have stated with fair accuracy the number of acres.

Mr. BROOKHART. I will call the Senator's attention to the fact that that means less than one ordinary county in the State of Iowa. Now, will the Senator state the nature of the crops which will be produced on this land?

Mr. JOHNSON. Mr. President, I am very glad the Senator from Iowa has asked that latter question, because there has been some little fear expressed about the crops raised in the Imperial Valley and contiguous territory, to the effect that they might come in competition with the products of already overburdened farmers. That fear has led some persons to look a little askance at this measure.

Let me say that the Imperial Valley may be regarded as a sort of greenhouse for America. What it produces in abundance, and that which makes that territory valuable from the standpoint of productivity, does not come in competition in reality with the production of any other part of the United States. Because of the singular situation of that territory, where there is no rain at all, its most important products come into market at a time when there are no other products of like character in the market in the United States.

So there can be never any of that competition that is feared by ordinary agricultural pursuits because of the bringing of more lands under ordinary agriculture.

In 1927, for instance, there were 17,764 carloads of cantaloupes shipped from that valley. There is not another place in the United States, save the San Joaquin Valley, in the State of California, probably, with which those cantaloupes could possibly come in competition.

Mr. BROOKHART. Is that because of the season of the year?

Mr. JOHNSON. It is because of the season of the year, and because, too, that is the one place where that particular kind of product is grown.

Likewise, 8,900 carloads of lettuce were shipped in 1927 during December, January, February, and March. That production at that time does not come in competition with the production in any other part of the country.

Three thousand five hundred carloads of watermelons were shipped in May and June, principally to the Pacific coast. The other shipments were beyond the confines of the State of California and to the East.

Mr. BROOKHART. Watermelons in my section of the country are not ready for shipment until August and September.

Mr. JOHNSON. Yes; while those produced in Imperial Valley are ready for consumption at the earlier period which I have indicated.

What is raised in the Imperial Valley most profitably—and, of course, the land is devoted to that which can be profitably raised—comes in competition with nothing that is raised in any other part of our country. I think that statement can not be gainsaid or denied.

Mr. PHIPPS. Mr. President, will the Senator tell us whether in any other section of this country dates and figs may be successfully raised? Dates are becoming an important product of the Coachella Valley.

Mr. JOHNSON. As to figs I am not advised, but I know of no other place in the country where dates are produced. I can not say as to figs at all.

Mr. BROOKHART. What proportion of this land available for cultivation is likely to be devoted to citrus orchards?

Mr. JOHNSON. This land in the main would not be devoted to citrus orchards. It would be devoted to the most profitable products, such as cantaloupes, lettuce, and vegetables.

Mr. BROOKHART. During the winter season?

Mr. JOHNSON. During the winter season.

Mr. FLETCHER and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). The Senator from Iowa has the floor. To whom does he yield?

Mr. BROOKHART. I will yield first to the Senator from Florida.

Mr. FLETCHER. I wish to say a word in order to clear up the Senator's statement a little: I think the Senator was somewhat mistaken about there being no competition between the Imperial Valley production and the production in other portions of the United States. Particularly in the case of lettuce my impression is that Florida lettuce moves about the same time as the dates given by the Senator.

Mr. JOHNSON. That may be.

Mr. FLETCHER. The winter production of lettuce, as well as celery, is important in Florida.

Mr. JOHNSON. The Senator may be correct as to that.

Mr. FLETCHER. I think that lettuce goes to market from Florida about the same time as the lettuce from the valley in California which has been referred to.

Mr. JOHNSON. Fortunately, the market for lettuce is constantly increasing.

Mr. FLETCHER. Yes.

Mr. McMASTER. Mr. President, according to the explanation of the situation given by the Senator from California, on the 150,000 acres of land or more which may be brought under cultivation, fruit and vegetables will be raised, and, since the products are raised at a particular time of the year, they will not come in competition with the products of other vegetable and fruit-producing areas.

Mr. JOHNSON. That is quite true.

Mr. McMASTER. And furthermore, as I understand from the Senator's explanation, when such fruits and vegetables are raised, at that particular time of the year, ordinarily there are importations of such fruits and vegetables from South American countries into California and the other Pacific Coast States.

Mr. JOHNSON. Yes; we do not supply our entire demand out there by any means.

Mr. McMASTER. As I understand, the Pacific coast has importations of vegetables and certain fruits from South American countries at certain times of the year.

Mr. JOHNSON. Yes, sir.

Mr. BROOKHART. May I ask the Senator a further question? These products are not exported beyond the United States?

Mr. JOHNSON. I think not.

Mr. BROOKHART. The products of which we do have an exportable surplus in this country are all different, like wheat and cotton?

Mr. JOHNSON. These products of the Imperial Valley are all consumed at home—that is, in the United States.

Mr. BROOKHART. In the United States?

Mr. JOHNSON. Yes, sir.

Mr. SHORTRIDGE. Mr. President, may I say a word?

Mr. BROOKHART. Yes, sir.

Mr. SHORTRIDGE. The wheat and corn of Iowa, North and South Dakota, Nebraska, and Kansas need have no fear of competition from the Imperial Valley. Corn, wheat, rye, oats,

and so forth, if raised at all in that valley, are raised in such small quantities as not at all to come in competition with the mentioned products of Iowa and other States.

Mr. BROOKHART. They raise sweet corn for local use, and things of that kind?

Mr. SHORTRIDGE. Yes.

Mr. BROOKHART. It seems to me, Mr. President, that a complete survey of this situation shows that these products are produced mainly at the time of year when the farmers of the country generally can not produce them. They like to buy some of these products themselves; and an increase of the production would be to the benefit of the farmers of the Northwest, rather than to their detriment.

Mr. JOHNSON. That is entirely so, sir.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, line 22, after the word "apply," it is proposed to insert:

Provided, That if the United States operates an electric-power plant in the States of Arizona and Nevada, or either of them, and sells said power to or for the use of the public, a percentage of the proceeds derived from the sale of such power shall be paid by the Secretary of the Interior to the State in which such power is generated, equal in amount to the general tax imposed by State law, if any, upon the generation or sale of power.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama.

Mr. BLACK. Mr. President, this amendment practically brings up in a different form the same proposition that has just been voted upon by the Senate. I imagine that the Senator from California would prefer not to wait to have this amendment printed because of the similarity of ideas involved.

Mr. JOHNSON. I shall be glad to take it up right now.

Mr. BLACK. That is what I thought.

I wish to state that this amendment is offered in the friendliest spirit to the purpose and object of the bill. Unless some amendments are placed upon the bill which prevent my doing so, I expect to vote for this legislation. Therefore I do not offer this amendment in order to encumber the legislation which the Senator from California is pressing. I offer it because I favor the object of his bill.

If the bill is so amended as to provide for the construction of the power plant by the Government, it will not prevent my voting for the legislation. I make that statement in the outset, so that it will be understood that this amendment is not offered with the idea of obstructing the bill.

Mr. NEELY. Mr. President, will the Senator from Alabama explain the difference between the amendment he has offered and the amendment which was just defeated offered by the Senator from Arizona?

Mr. BLACK. I will.

This amendment strikes directly at the proposition which was presented during the debate on the Muscle Shoals legislation last year. Assuming that the Government will construct and operate a power plant, the amendment would permit the States of Arizona and Nevada, one or both, to receive from the Government an amount of the proceeds equal to the taxes imposed by those States upon private power companies engaged in business in those two States, one or both. It is offered on the principle that if the Government engages in the business of generating or selling power in a State, the State should not from that cause be deprived of the revenue which the State would receive from taxation should a private concern engage in the same business.

One of the greatest problems of government, of course, is that of taxation. It is a question where the taxes shall be most heavily imposed. It is my judgment that already in this Government we impose unjust burdens on agricultural interests while releasing from their rightful proportion of taxation many industries and manufacturing enterprises. If it were possible for the Government to go into a State and take charge of the operation of every power plant along the navigable streams, and at the same time pay no taxes to the State while it operates such business, the State would thereby be deprived of one of its greatest natural assets, and the loss of tax on such generation of power on governmental projects would require that such burden be placed on some other source of taxation.

Those governmental employees who engage in the business of generating the power would necessarily use the public schools of the State. To that extent these employees would be beneficiaries of the State schools. They would use the public roads. They would utilize those necessities and comforts and conveniences provided by the State and paid for out of the common tax fund. If the Government can remove from any State a large portion of the potentially taxable assets, it has to that extent made necessary the shifting of the burden of taxation on to other properties of the State.

I take the position that a water site is an asset of the State in which it is located. It is not different in this respect from a coal mine. It should be subject to the same taxation as a farm. It should be subject to the same taxation as manufacturing enterprises.

While I will not vote against the bill on account of the fact that the Government is to construct or operate the power plant—on the contrary, it is my judgment that the Government should control its navigable streams even to the extent of constructing power plants—yet it does seem to me unjust and unfair to permit the Government thus to deprive the State of its taxable assets without imposing upon the Government the duty of replacing this tax.

Some have argued that Government operation of power plants is wrong on account of the fact that the Government is not compelled to contribute to taxation, and therefore has an unfair advantage over its competitors engaged in private business.

I take the position that the amount of taxation is so small, comparatively speaking, that the advantage thereby given the Government is infinitesimal, and it is not, therefore, on that broad ground that I especially urge the justice of this amendment. I do think, however, that if we can take away from a State its taxable assets in the way of water power, we can likewise take away from a State its taxable assets in the way of mines and manufacturing.

Many counties in this country have been impoverished and are to-day on the verge of bankruptcy because of the fact that the Government has bought blocks of thousands of acres of land in these counties which lands are tax free. Only a short time ago this body passed a road law, as I recall, for the benefit of the State of Nevada, providing that the Government should contribute its part toward the building of public roads through huge Government reservations. The statement was made on the floor of the Senate that without this assistance the State could not construct the roads.

This doctrine is somewhat new and novel; but, in view of the direction in which we are trending, sooner or later it must be met. For that reason I have offered this amendment, and expect to present it on every occasion where the opportunity affords. The law-making body of this Government, in my judgment, sooner or later must reach a conclusion on this question which is just. While it is not claimed to be right for the Government to pay State taxes upon its post offices, yet if the Government advances a step further and seizes an asset of the State or the locality and sells power for private distribution, then this advanced step makes it necessary and right that the State shall receive from the Government an amount equal to the taxes which would be imposed upon private companies. Whether this amendment is adopted or not, sooner or later we must get to that point if the Government does construct power plants on water sites and engage in the business of selling power for private consumption.

This amendment is offered with the belief that if the Government uses a State's natural asset for the purpose of supplying power to sell to and enrich the general public, simple and natural justice requires and demands that the State in which the business is located shall not on this account be deprived of taxes needful for the construction of schools, for the building of roads, for the maintenance of public order, and for the general expenses of organized society.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. HAYDEN. Does it not occur to the Senator that those who advocate Government ownership of power plants should welcome this amendment, rather than repel it?

Mr. BLACK. It seems to me that those who believe in the Government operation of power plants would be interested in thus striking down one of the arguments which is most persistently presented against the construction by the Government of power plants and the sale of power. It is an argument which, in my judgment, refers to a matter which is small in comparison with the assets and the receipts of business, yet it looms large in all the arguments which are presented anywhere against the operation by the Government of power plants.

For that reason I am of the opinion that those who believe that the Government should build power plants and generate power should welcome this as taking away an argument which heretofore has proven very effective against their idea of governmental operation of business.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK] to the amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. JOHNSON. Mr. President, there were a couple of amendments offered yesterday by the Senator from Arizona, and I invite the attention of the Senators from that State so that we may, I think, dispose of the amendments very readily. The first amendment to which I refer is that presented by the senior Senator from Arizona last night relating to section 10, found upon page 16.

I understand it will be satisfactory to the Senators from Arizona if there be stricken from that section line 22, and the first three words on line 23, "districts and also." I agree to strike out that particular portion beginning with line 22, to strike out all of line 22, and the first three words of line 23. The amendment, I understand, will then be withdrawn.

Mr. HAYDEN. The effect of that amendment, Mr. President, would be that the section as it remains would provide that nothing could be done to disturb the existing contract between the Secretary of the Interior and the Imperial irrigation district, but the district might enter into contracts with the Secretary for construction of the all-American canal. It eliminates the objection which was made on the Yuma reclamation project in Arizona, that the contracts might be modified without the consent of the Imperial irrigation district. I sincerely trust the amendment will be adopted if the Senator offers it.

Mr. JOHNSON. I ask that I may be permitted to strike out the words I have just indicated.

The PRESIDING OFFICER. Does the Senator from Arizona accept the amendment offered by the Senator from California?

Mr. HAYDEN. I accept it.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the substitute amendment, which will be stated.

The CHIEF CLERK. On page 16, line 22, to strike out the words "to modify the said contract, with the consent of the said district, and also."

The amendment to the substitute amendment was agreed to.

Mr. JOHNSON. I understand now that the amendment of the Senator from Arizona is withdrawn?

Mr. HAYDEN. Yes.

Mr. JOHNSON. All right. The Senator from Arizona had another amendment. Has he it before him?

Mr. HAYDEN. I have.

Mr. JOHNSON. Is that the amendment upon page 12?

Mr. HAYDEN. Page 12, line 19.

Mr. JOHNSON. Will the Senator state, please, how he is willing to modify that amendment?

Mr. HAYDEN. The proposal I made yesterday, Mr. President, was that the Laguna Dam and the all-American canal, down to and including Siphon Drop, should remain under the ownership of the United States. I have provided for that by a separate proviso. The suggestion has been made that, instead of following that procedure, on page 12, line 19, after the word "structures," we should insert the words "except the Laguna Dam and the main canal and appurtenant structures down to and including Siphon Drop." The adoption of the language I have just suggested will accomplish the purpose of my amendment as offered yesterday.

Mr. JOHNSON. I accept that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 12, line 19, after the word "structures," to insert the following words, "except the Laguna Dam and the main canal and appurtenant structures down to and including Siphon Drop."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JOHNSON. The amendment, then, that was the subject of discussion yesterday is withdrawn by the Senator from Arizona?

Mr. HAYDEN. Yes. In fact, it never has been offered.

Mr. JOHNSON. Were there any other amendments the Senator from Arizona had? I see the senior Senator from Arizona is now here.

Mr. ASHURST. The amendment No. 35, which I proposed last evening, has been disposed of satisfactorily.

Mr. JOHNSON. On that amendment we have just agreed, subject, of course, to the approval of the proponent of the amendment, on page 16, to strike out of section 10 all of line 22 and the first three words, "district and also," in line 23.

Mr. ASHURST. That is satisfactory.

Mr. JOHNSON. That has been done. Then I ask whether the Senator withdraws his amendment.

Mr. ASHURST. I, of course, formally withdraw the amendment which I offered last evening, which is amendment No. 35.

Mr. JOHNSON. I think the Senator from Arizona had some other amendments.

Mr. ASHURST. The junior Senator has.

Mr. HAYDEN. I desire to offer an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 17, after line 2, insert a new section, as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sums of money as may be necessary for the aforesaid purposes from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable, and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

Mr. JOHNSON. I appeal to the Senator from Arizona not to press the amendment on this bill. It is a most unfortunate thing to put a new project into the bill at this time.

Mr. HAYDEN. If the Senator will listen to me a moment, I think he will understand what I am seeking to accomplish. In that connection, I would like to direct attention——

Mr. JOHNSON. I simply made the suggestion. I withdraw the appeal.

Mr. HAYDEN. I would like to have the attention of the Senator from Washington [Mr. JONES]. The Senator from Washington and his colleague will remember that on last Monday the Senate passed an act authorizing engineering investigations to determine the feasibility of the Columbia Basin project in the State of Washington. The amendment I have just offered is modeled as closely as is possible upon the legislation which the Senate passed on last Monday.

Mr. President, my object in offering this amendment I can make clear in a very few moments. There will be impounded in the great dam to be constructed at Boulder Canyon on the average about nine and a half million acre-feet of water, and this bill contemplates the use within the United States of about five and a half million acre-feet of that water, four and a half million acre-feet for the irrigation of lands in California, and a million acre-feet for domestic use, leaving a very large volume of water to go to waste in Mexico, unless some use is made of it in the United States.

We have in the bill provided that the water should be used exclusively in the United States, but a means must be found whereby to use it. The object and purpose of my amendment is merely to authorize the Secretary of the Interior in the future to make studies of irrigation development that has attracted great attention in the State of Arizona.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FESS. I think the purpose of the Senator is justifiable, of course, but does he not think that if we take this step here, it opens up the way for further suggestions, and will load the bill down with questionable burdens? It would seem to me that with the machinery we have for reclamation we ought not to seek to do this in connection with this bill.

Mr. HAYDEN. The Senator from Ohio I know wants to do what is for the best interests of the United States of America.

Mr. FESS. Certainly.

Mr. HAYDEN. He does not want a volume of water impounded in a great dam, and then an arrangement made whereby that water will flow uninterruptedly into old Mexico and be placed to beneficial use to such an extent that in time to come the United States can not use it.

Mr. FESS. Would it not be better to make that a subsequent operation?

Mr. HAYDEN. On the contrary, I think it very essential that it be done now. It is in line with the recommendations of the seven governors of the States in this basin, who said in a formal resolution read to the Senate by the Senator from Utah that direct notice should be given to the Republic of Mexico that the waters of the Colorado River thus impounded would be used in the United States. This is in effect notice. The bill takes care of a little over half of the water. This is notice that the United States is pursuing a diligent course in determining

where the remainder of the water impounded on American soil, at the expense of the American Government, may be used.

Mr. FESS. The statement of the Senator would be an assurance that there would be consideration given later, but why should we load this bill down with this matter?

Mr. HAYDEN. It is not loading the bill down; it is simply providing in the bill for the complete utilization of the works to be constructed under it. Otherwise the bill is perfectly silent upon that subject. The bill provides for the construction of a great dam and then provides for the construction of the all-American canal in California, which would irrigate, under its entire scope, about 735,000 acres of land. That quantity of land will not utilize all the water impounded to-day, so what is to become of the remainder of the water?

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. PHIPPS. I will speak either in my own time or in the Senator's time, as circumstances may indicate to be best.

While I have no doubt that the Parker proposition is meritorious and should have consideration, I must say that in my opinion it is not proper to interject it into this piece of legislation. The Senator must remember that this bill will have to have consideration by the House, and I fear that we are going to have a sufficient number of matters to iron out with the representatives of that body without adding to them now.

The Columbia River basin recommendation was not made by the committee nor could a bill be passed here until very large expenditures had been made by the State and by individuals of the State of Washington to determine what the possibilities of the Columbia basin project might be. In fact, the bill came from the committee in such form that personally I had to object and to insist on limiting the authorization to the purposes of the investigation rather than the adoption of a project to which I am favorable.

I would say to the Senator that it would be a very simple matter to treat that question in an independent bill or resolution which the Committee on Irrigation and Reclamation, of which I have the honor to be chairman at the moment, will certainly give prompt and careful consideration and, I believe, favorable consideration from what I know of the situation with respect to the land. But I think it would be inadvisable to attach an amendment of that nature to the bill. It would only add to our difficulties and troubles. I assure the Senator that personally, I will do what I can to have the proposition given most careful and, if possible, favorable consideration by the committee, assuming that I am chairman at the time or a member.

Mr. HAYDEN. What the Senator from Arizona seeks to do is to paint a complete picture here. We can not do it when we only provide in the legislation for the use of a little over one-half of the water impounded.

Mr. PHIPPS. I submit there is ample time in which to prepare for that.

Mr. HAYDEN. Mr. President, may I reserve the balance of my time?

The PRESIDING OFFICER. The Senator has five minutes remaining.

Mr. HAYDEN. I reserve the balance of my time.

Mr. DILL. Mr. President, the bill provides for the irrigation of additional lands in California. The proponents of the bill, and particularly those from California who want the lands of Imperial Valley irrigated, did not go to the Committee on Irrigation and Reclamation of the Senate to get a provision in the bill as such, separate and apart, but they provided in the bill for the irrigation of lands in California. I can not understand why it is proper to provide for the irrigation of additional lands in California and not provide at least for studies and investigations later relating to the irrigation of lands in Arizona.

I have not voted with the Arizona Senators on many of their amendments, but I think the Senate ought to be fair to Arizona. The waters that flow over this dam will be largely waters that come down from the north and a large part of them from the State of Arizona. This is a proposal to cause the Secretary of the Interior, who will have charge of the building of the dam, who will have charge of the building of the all-American canal for the irrigation of lands in California, to study the possibilities of irrigating additional lands in Arizona, all a part of the same project. There would not be any possibility of irrigating those lands in Arizona that are proposed to be covered by this amendment if it were not for the proposal to build the dam. I, for one, want to be fair to the State of Arizona, so far as I can be without involving the principle of the building of the dam and the development of water power.

Mr. FESS. Mr. President, will the Senator yield?

Mr. DILL. Yes; I yield.

Mr. FESS. Does the Senator know whether this particular project has ever been recommended by the Department of the Interior or the Committee on Irrigation and Reclamation?

Mr. DILL. I understand it has not, and, so far as I know, neither has the all-American canal nor the irrigation of lands in Imperial Valley been recommended in a separate proposal.

Mr. FESS. The Senator knows that he and I think about the same way on a good many measures. I dislike very much to vote against a thing that might be worked, and yet I would not want to vote for it simply because some of the parties are using a situation to get favorable action when they have the opportunity. It appears to me it is hardly a rational method of legislation to put these projects on the pending bill.

Mr. DILL. Let me call the Senator's attention to another fact. The speed with which this project may be built and completed will depend in part upon the attitude of the State of Arizona. If Arizona is to give way, as her Senators have given way here in many of these proposals, we ought at least to show a spirit of fairness and say that we are willing to help the State of Arizona get something out of this dam, too. It seems to me that the placing of this provision in the bill is evidence that the Senate and the Congress as a whole desire to give Arizona the benefits that can be had from the impounding of this water as well as to give them to California. I can not see why it is improper to prepare for the irrigation of lands in Arizona from the waters that are impounded by this dam and still perfectly proper to take care of lands in California that could not be taken care of if it were not for the dam.

Mr. FESS. If the Senator will permit, it appears to me, and I think to the Senate, that Arizona has gotten a good deal out of this bill due to the tremendous influence and ability of the representatives from that State in this body. I think they have won pretty generally in their contentions. It seems to me hardly fair to say that they are making such a great sacrifice. I would be very glad to vote for the recommendation if it came in the regular way, so we would have the information, but I dislike very much to vote to load down a bill like this. If we do it in this case, why not do it in any other case?

Mr. DILL. I do not see how we are loading down the bill when we are simply providing for a method of use for this water. I want to say to the Senator from Ohio that as a member of the Committee on Irrigation and Reclamation I made a trip to Southern California and Arizona and into Old Mexico in studying the project. The one thing that impressed me with the claims of the citizens of Arizona was that the impounding of this water, which would necessarily flow into Old Mexico, because it could not be used by California, and the use of it in Mexico would result in claims on the part of Mexico to the permanent use of the water under the relations that exist between the countries with reference to the use of water. I was more bothered by that question than by any other.

Here is an opportunity to show the people of Arizona and to show the people of the country generally that we are protecting the States that seem to be entitled to the use of this water on the north side of the Mexican line rather than to allow it to flow across the line, and the right to attach there that certainly will attach by its use on the part of Mexico.

Mr. FESS. Does not the Senator agree with me that if the project is meritorious, a failure to put it on this bill will not result in its defeat but that it will come subsequently in the regular course of business?

Mr. DILL. It may come subsequently, but we are under some obligations, I think, to the people who live in that part of the United States. I come back again to the proposition that if we are going to take all irrigation proposals out of the bill, then we ought to take out that part which applies to California. Of course, I am not in favor of that. I want to leave the all-American canal in the bill, and I want to provide for the irrigation of California lands; but I also want to be fair to Arizona and provide that the Secretary of the Interior shall make an investigation looking to the use in Arizona of the surplus water not needed in California and to which Mexico should have no right. I hope the amendment of the Senator from Arizona will be adopted.

Mr. ASHURST. Mr. President, my colleague the junior Senator from Arizona [Mr. HAYDEN] has made a very able argument in support of this amendment. We are also grateful to the Senator from Washington [Mr. DILL] for his able although brief speech in support of the amendment. My colleague used a phrase that I must adopt. This amendment simply "completes the picture." This is not any excrescence of form. This is not an amendment which is not germane. This is an amendment proposed simply to carry out the natural and logical sequence and result of the bill.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. ASHURST. I yield, of course, to the Senator from New Mexico.

Mr. BRATTON. All that is contemplated is that the Secretary shall make a study of the proposed project.

Mr. ASHURST. Yes.

Mr. BRATTON. The only thing that can possibly be involved is the expense to be incurred in making that survey?

Mr. ASHURST. And this is only an authorization of the expense. We would have to appropriate the necessary sums of money later.

Mr. PHIPPS. Mr. President, if the Senator will pardon me, my understanding is that any such investigation must be paid for out of the reclamation fund at the disposal of the Department of the Interior; but that is a matter that I would not quibble about.

Mr. BRATTON. The only money that is involved is the expense of making the survey, regardless of whether it comes out of the reclamation fund or directly out of the Treasury.

Mr. PHIPPS. Yes. It might involve $25,000 or $150,000. We can not say in advance. For that reason I think the Committee on Irrigation and Reclamation should have an opportunity to have data before them as to the acreage and the possibilities, and so on. I think it should be taken up in the manner in which all requests for authorizations to investigate the possibilities of reclamation projects have been handled in the past rather than to be put on the bill in the form of an amendment offered on the floor of the Senate.

Mr. BRATTON. I agree with the Senator that probably it should be handled the other way; but we are approaching what seems to be a happy solution of a long drawn-out battle, and it occurs to me that we could well afford to put this amendment into the bill and let the Secretary make the investigation and secure data on the feasibility of the proposed project.

I appeal to the Senator from California to accept the amendment and let it go into the bill. It does not affect one State more than another. The expense comes out of the reclamation fund, in which the public-land States are jointly and similarly affected.

Mr. HAYDEN. If my colleague will permit me, I will point out one other fact. Any diversion dam constructed in the Colorado River for the irrigation of these lands in Arizona in which we are interested has one end in California, and I have yet to find anyone from California who knows the facts who is opposed to my amendment.

Mr. BRATTON. The item seems to me to be too small to delay action on the bill. I appeal to the Senator from California to forego his objection and let the amendment be adopted, and then let us press on with the bill.

Mr. JOHNSON. Mr. President, it is impossible, if the Senator is addressing me. I am sorry that is so. I would be glad to aid in this project, if it is a legitimate project, as I have no doubt it is, and to render such service as I could to pass a bill in respect to it; but it ought not to be a part of this measure. Certainly we ought not to have a part of the measure providing that appropriations in indefinite form may be made from time to time as may be essential.

Mr. BRATTON. I thank the Senator from Arizona for permitting me to use some of his time.

Mr. JONES. Mr. President——

Mr. ASHURST. I yield to the Senator from Washington.

Mr. JONES. May I suggest to the Senator from California that these appropriations made from time to time are to carry on a survey and not to carry on the actual project. It merely authorizes appropriations from time to time to carry on the survey.

Mr. BRATTON. That is what I was trying to point out to the Senator from California.

Mr. JOHNSON. To carry on surveys, investigations, and the like.

Mr. JONES. Yes; but not the construction of the project.

Mr. JOHNSON. No, I do not mean that; I did not intend to convey that it was to carry on the construction.

Mr. BRATTON. The cost of investigation will be so small that we can not afford to delay.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I have only a few minutes left, but I yield.

Mr. JOHNSON. No; I will not take the Senator's time. He may proceed.

Mr. ASHURST. Mr. President, it has been pointed out several times that this amendment is to authorize an appropriation, to give the Secretary of the Interior power and authority to investigate as to the feasibility of this Parker project. I do not wish to be dogmatic, but I do assert that this project, the feasibility of which is proposed to be investigated, is necessary—a logical thing and a physical necessity. To authorize the Boulder Canyon project without taking into consideration the Parker-Gila project would be just like Apollo with a front tooth out. You can not build the Boulder project and have it symmetrical and useful and employ all the agencies of water and power and land unless and until the Parker-Gila project shall be incorporated.

This amendment provides only, as I have stated, for an authorization. There has been a suggestion here—and I do not mean to be offensive—that it looks as though Arizona is attempting to get something "while the getting is good." We disclaim that the amendment improves this bill.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield.

Mr. SHORTRIDGE. The Senator apparently has overlooked section 14 of the bill.

Mr. ASHURST. Will the Senator read it for my edification?

Mr. SHORTRIDGE. That section gives full authority to the Secretary of the Interior to do what the Senator is now asking for.

Mr. ASHURST. I shall be glad to listen to the Senator from California read the section.

Mr. KING. Let me say to the Senator from California, if the Senator from Arizona will yield to me for that purpose, that section 14 does not specify this project at all. It proposes to appropriate $250,000 out of this fund—not out of the reclamation fund—for the purpose of making an investigation as to the potentialities of the entire river. It is not for the purpose of investigating per se the Parker-Gila project.

Mr. SHORTRIDGE. The section reads——

Mr. ASHURST. I have only a couple of minutes remaining, but I will ask the Senator from California to read the section.

Mr. SHORTRIDGE. The section reads as follows:

> The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Wyoming for the purpose of making such information available to said States and to the Congress, and of formulating a comprehensive scheme of headwater control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of $250,000 is hereby authorized to be appropriated from said Colorado River Dam fund, created by section 2 of this act, for such purposes.

If that is not ample authority, I would be glad to have the learning of the Senator from Arizona suggest other words.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. HAYDEN] to the substitute amendment.

Mr. ASHURST. That amendment is so important that I must ask for the yeas and nays thereon.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McMaster	Smith
Barkley	George	McNary	Steck
Bayard	Gerry	Moses	Steiwer
Bingham	Glass	Neely	Stephens
Black	Goff	Norris	Swanson
Blaine	Hale	Nye	Thomas, Idaho
Blease	Harris	Oddie	Thomas, Okla.
Borah	Harrison	Overman	Trammell
Bratton	Hastings	Phipps	Tyson
Brookhart	Hawes	Pittman	Vandenberg
Broussard	Hayden	Ransdell	Wagner
Capper	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	Keyes	Schall	Watson
Edge	King	Sheppard	Wheeler
Fess	La Follette	Shortridge	
Fletcher	McKellar	Simmons	

Mr. COUZENS. I desire to announce that the Senator from Oklahoma [Mr. PINE] is absent on business of the Senate in attendance upon the Committee on Interstate Commerce.

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the junior Senator from Arizona [Mr. HAYDEN] to the substitute amendment.

Mr. ASHURST. On that I request the yeas and nays.

Mr. ODDIE. Mr. President, I ask permission to ask a question of the junior Senator from Arizona before the roll is called.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ODDIE. Mr. President, I should like to ask the junior Senator from Arizona what the effect of the adoption of this amendment would be on possible action by the Legislature of Arizona in ratifying the 7-State compact, assuming that the bill shall pass?

Mr. HAYDEN. Mr. President, under the terms of this bill, there must be within six months a 7-State ratification of the Colorado River compact, which means that the Arizona Legislature, which will convene in January, will be called upon to pass upon that question. The ratification of the compact and the construction of the proposed project, as everyone knows, are very much involved together. Certainly it would be helpful to be able to say to the Legislature of the State of Arizona that, instead of Congress having passed a wholly California measure—that is, a measure which provides for the generation or enormous quantities of hydroelectric power to be used in California and which authorizes the construction of a canal for the irrigation of lands in California—in addition thereto Congress has authorized investigations looking to the use of the $2,800,000 acre-feet of water from the main stream of the Colorado River allocated to Arizona. There can be no question but that it would have a powerful effect in the State of Arizona and upon the legislature of that State in connection with the consideration and approval of the Colorado River compact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment.

Mr. PHIPPS. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 17, after line 2, it is proposed to insert a new section, as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary to determine the lands in the State of Arizona that should be embraced within the boundaries of a reclamation project, heretofore commonly known and hereafter to be known as the Parker-Gila Valley reclamation project, and to recommend the most practicable and feasible method of irrigating lands within said project, or units thereof, and the cost of the same; and the appropriation of such sum of money as may be necessary for the aforesaid purpose from time to time is hereby authorized. The Secretary shall report to Congress as soon as practicable and not later than December 10, 1931, his findings, conclusions, and recommendations regarding such project.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from Rhode Island [Mr. METCALF] and will vote. I vote "nay."

Mr. HARRISON (when his name was called). On this question I am paired with the senior Senator from South Dakota [Mr. NORBECK] and withhold my vote.

The roll call was concluded.

Mr. McMASTER. My colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that on this question the Senator from New York [Mr. COPELAND] is paired with the Senator from New Jersey [Mr. EDWARDS], and the Senator from Arkansas [Mr. CARAWAY] is paired with the Senator from Vermont [Mr. GREENE].

The result was announced—yeas 45, nays 29, as follows:

YEAS—45

Ashurst	Glass	Oddie	Stephens
Barkley	Goff	Overman	Swanson
Bingham	Hale	Pine	Thomas, Okla.
Black	Hawes	Pittman	Trammell
Blease	Hayden	Ransdell	Tyson
Bratton	Heflin	Reed, Mo.	Wagner
Broussard	Jones	Robinson, Ark.	Walsh, Mass.
Couzens	Kendrick	Sheppard	Walsh, Mont.
Dill	McKellar	Simmons	Wheeler
Fletcher	Moses	Smith	
George	Neely	Steck	
Gerry	Norris	Steiwer	

NAYS—29

Bayard	Fess	McNary	Thomas, Idaho
Blaine	Frazier	Nye	Vandenberg
Borah	Glenn	Phipps	Warren
Brookhart	Harris	Reed, Pa.	Waterman
Capper	Hastings	Robinson, Ind.	Watson
Curtis	Johnson	Sackett	
Deneen	La Follette	Schall	
Edge	McMaster	Shortridge	

NOT VOTING—21

Bruce	Gould	Larrazolo	Shipstead
Caraway	Greene	Locher	Smoot
Copeland	Harrison	McLean	Tydings
Dale	Howell	Mayfield	
Edwards	Keyes	Metcalf	
Gillett	King	Norbeck	

So Mr. HAYDEN's amendment to the substitute amendment was agreed to.

Mr. PITTMAN obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield for just a moment?

Mr. PITTMAN. Certainly.

Mr. JOHNSON. We have now concluded, have we not, the amendments of the Senators from Arizona?

Mr. HAYDEN. If I offer amendments they will be of a minor, perfecting nature. I have no major propositions to present.

Mr. PITTMAN. Mr. President, there are two important amendments remaining unconsidered, dealing with this whole project.

It has been understood that the cost of building the all-American canal will not be imposed as an obligation on the revenues derived from the power developed at the power house at the Boulder or Black Canyon Dam. I desire now to offer an amendment which will make that entirely clear. Although the bill already has a provision of that kind, it is not as yet sufficiently definite.

I therefore offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 13, after the word "law," it is proposed to insert:

and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy at the dam authorized to be constructed at said Black Canyon or Boulder Canyon, or for water for potable purposes outside of the Imperial and Coachella Valleys.

Mr. PITTMAN. Mr. President, I will state that I have been in consultation with representatives of the Imperial Valley and also with representatives of Los Angeles; and with the insertion of the words which have been read, that this cost will not be taxed against the power created by the dam at Boulder Canyon or Black Canyon, I know of no opposition.

Mr. JOHNSON. May I inquire whether that is satisfactory to the gentlemen with whom the Senator has conferred?

Mr. PITTMAN. It is; and I included in it the amendment they have just suggested, limiting it to the hydroelectric energy created at the power house at the dam at Black or Boulder Canyon.

Mr. JOHNSON. And, as amended, it is satisfactory to them?

Mr. PITTMAN. Yes, sir.

Mr. JOHNSON. I have no objection; and so far as I am able I accept the amendment, then.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I have another amendment in line with that.

On page 2, at the end of line 15, after the word "purposes," I desire to insert the words "in the Imperial or Coachella Valleys."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 15, after the word "purposes," it is proposed to insert "in the Imperial or Coachella Valleys."

Mr. PITTMAN. So that that paragraph will then read as follows:

That no charge shall be made for water or for the use, storage, or delivery of water for irrigation or water for potable purposes in the Imperial or Coachella Valleys.

I will state that originally I entered a motion to strike out that whole proviso. However, as the representatives of Imperial Valley desired to stay in, and are willing to limit its effects entirely to that valley, I defer to their wishes.

Mr. JOHNSON. I have no objection to the amendment that is suggested.

Mr. KING. Mr. President, may I inquire of the Senator from Nevada whether that is similar to the amendment which was offered yesterday? I have just entered the Chamber, and did not hear the entire statement of the Senator. The purpose, as I understand, of the amendment, is to relieve Imperial Valley from any charges whatever, except such as would be imposed under the reclamation act.

Mr. PITTMAN. That is the opinion of the representatives of Imperial Valley, and that is the reason why it is put in that

form. They feel that in some way that paragraph is more in harmony with the reclamation act. There is some doubt in my mind as to that; but, as they are willing to limit its effect entirely to their own valley, it is not a matter of such great concern to me.

Mr. KING. Let me ask the Senator, in my own time, if he does not have the time, whether in his opinion the new lands which it is expected will be brought under cultivation in the Coachella or Imperial Valleys ought to be exempted from contribution to the construction of the dam?

Mr. PITTMAN. There is no charge in this bill whatever on the Imperial Valley land or the Coachella Valley land for the construction of the dam or power house.

Mr. KING. I know that, but inquire whether the Senator believes the users of water should exempt. Under the reclamation projects, as the Senator knows, those who make contracts for the purchase of land or the purchase of water are required to pay for both water and the construction of canals and dams, and the amount which they pay includes all of the expenses of the Government. Here we are asking the settlers to pay only for the canal, and exempting them from paying anything whatever toward the construction of the dam.

Mr. PITTMAN. I admit this is an exception to the practice under the reclamation act in that it relieves this land from the payment of any part of the cost of the dam. It simply limits it to the cost of the canal. In this particular case the Senate has allocated $25,000,000 toward the cost of the dam. It is true that the $25,000,000 must be paid back, but the payment may be postponed until the end of the period of amortization. I think that in view of the fact that this dam has to be built for flood-control purposes, and in view of such allocation, we should exempt those lands in Imperial Valley from the payment of any part of the cost of that dam.

Mr. KING. Then it is apparent that the residents of Imperial Valley will have the benefits of flood control, storage water, the certainty of getting an equated flow, and will be required to pay for nothing except the cost of the all-American canal.

Mr. PITTMAN. That is the fact; but I think the circumstances warrant it.

Mr. KING. Does the Senator think there should be no distinction between those who have vested rights, who have already appropriated water in the Imperial Valley, and those who have no vested rights, and have never appropriated any water?

Mr. PITTMAN. No; I do not think we can have a successful reclamation project if we attempt to draw that distinction, because undoubtedly even those with the vested rights will have to pay a part of this cost if the Government is to be repaid——

Mr. KING. Does this bill attempt to award to the Imperial Valley any portion of the water which, under the tri-State agreement, might be allocated to California?

Mr. PITTMAN. This provision has no reference whatever to any allocation of water.

Mr. KING. Does the Senator think this bill ought to go into operation until and unless the water users of the Imperial Valley, speaking through their municipal or corporate authorities, shall consent to the terms of the compact?

Mr. PITTMAN. I do not think the reclamation district has anything to do with a tri-State compact.

Mr. KING. I agree with the Senator entirely. I am not referring to the tri-State compact but to the Santa Fe compact. I am trying to ascertain whether the Imperial Valley may not make a claim for a large quantity of water, which, together with that which is claimed by California for other purposes, and in other parts of the State, might exceed the quantity which might be allocated to California.

Mr. PITTMAN. I concede that is possible, because if the State of California makes the ratification that is provided it limits the amount of water that can be taken into that State out of the river to 4,400,000 acre-feet, and there is only a small portion of that at the present time that has been appropriated in the Imperial Valley.

Mr. KING. Does the Senator think that the State can speak for vested rights in the Imperial Valley and limit the amount which is to be allocated?

Mr. PITTMAN. No; it could not speak for them; but it could speak for the surplus between that and the 4,400,000 acre-feet, and that is a great deal.

Mr. KING. I think the last statement is correct. I desire to be sure that we are not to be embarrassed in the future by demands from the Imperial Valley that her rights, by prior appropriation or otherwise, are so great as to require a larger amount than the other users or proposed users of water in California might be willing to concede, because it might diminish the amount allocated to the coastal cities to a point below their necessities, or their claimed necessities.

Mr. PITTMAN. I think it would only be a controversy between residents of the State of California.

Mr. KING. If it could be limited to a controversy between residents of California, that would be all right; but controversies or claims that in any manner might jeopardize the rights of the upper States or of Arizona should be avoided. If Imperial Valley claims more than is conceded by the other California interests, her inhabitants might make demands for additional water from Arizona or Nevada or the upper States. We must be assured that Imperial Valley will be cared for from the quantity of water granted to California and may never seek an additional amount from other States.

Mr. PITTMAN. Personally, I see no chance of that under the amendment we have already adopted limiting their authority to 4,400,000 acre-feet.

Mr. KING. But, as I understand, that limitation of 4,400,000 acre-feet exists only in the event of a 6-State compact, not a 7-State compact. We hope, of course, that there will be a 7-State compact, because, if not, the upper States will not be fully protected.

Mr. PITTMAN. But now, under the so-called Hayden amendment, there is exactly the same apportionment of the water.

Mr. KING. Assuming that that shall be accepted by California and Arizona?

Mr. PITTMAN. Exactly.

Mr. KING. But, of course, we may not coerce either of those States into an acceptance of the so-called Hayden-Pittman amendment.

Mr. PITTMAN. If there is a 7-State compact, it will be in accordance with the treaty which the Senate consented to, which gives the same amount of water to California that she would get under a 6-State compact, and it provides also that the 6-State compact ratification holds, unless all three of those States do ratify.

Mr. KING. I concede that.

Mr. PITTMAN. I ask for a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Now, Mr. President, in order to make the bill harmonious, having segregated the all-American canal, the reclamation project, from the Boulder Dam, the Black Canyon Dam, and the power-house project, it is essential to make subdivision (b) in section 4, on page 5, conform to that.

Mr. KING. Will not the Senator state that again?

Mr. PITTMAN. I say that having separated the building of the all-American canal from the rest of the project, in other words, the building of the dam and the power house, it is also essential to make section (b) harmonious with that action. Subdivision (b) provides that no appropriation may be made and no construction started until the Secretary has by contract been assured of the payment for the construction not only of the dam and power house, but of the canal. Therefore, a delay in obtaining contracts would hold up the other. So, having separated the projects, we now have to take up subdivision (b), which reads as follows:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon, made reimbursable under this act.

That would mean that the $165,000,000 provided in subdivision (b), section 2, must be assured of repayment by contract before any work would start.

The dam and the power house are to be paid for out of revenue derived from the sale of power at the power house. The all-American canal is to be paid for, under the terms of the reclamation act, by the lands to be benefited by that irrigation. Consequently, I have separated that section, and I have offered the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 5, strike out all of subdivision (b) and insert the following:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the

Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Mr. PITTMAN. That, I take it, is exactly the same as the proposed section, except that I have placed in it provision for the dam and power.

Mr. JOHNSON. I have no objection to the amendment.

Mr. KING. Mr. President, I want to ask the Senator, because it would be a limitation or modification of this, if he has offered, or intends to offer, the provision that the power shall be upon a competitive basis?

Mr. PITTMAN. Not yet; that is another question.

Mr. KING. That will be offered.

Mr. PITTMAN. After this is adopted, I want to offer another one dealing purely with the canal.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. PITTMAN. Now I offer an amendment just exactly the same as the other, dealing with the repayment of money expended on the all-American canal.

The VICE PRESIDENT. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. Insert at the bottom of page 5 the following:

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

Mr. JOHNSON. As I followed the reading—and the Senator can confirm my view in that regard—lines 7, 8, and 9, concluding with the words "reclamation act," were omitted from the original amendment which he presented.

Mr. PITTMAN. Yes; commencing with the word "otherwise," on line 6. The Senator includes "for." The part stricken out starts on line 6 with the word and goes through the word "act," on line 9.

Mr. JOHNSON. Yes.

Mr. PITTMAN. Of course, I inserted the word "law" in the thirteenth line instead of "act."

Mr. JOHNSON. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. WATERMAN. Mr. President, some days ago the junior Senator from Arizona [Mr. HAYDEN] paid a glowing and merited tribute to a distinguished citizen of my State who was a member of the Colorado River Commission, Delph E. Carpenter. I had intended to discuss some of the phases which have arisen in connection with the progress of the pending legislation, but it seems to me that I should suppress any purpose I might have. Instead I now ask that a report and supplemental report made by Mr. Carpenter to the Governor and the Legislature of Colorado, which had great influence in bringing about the ratification of the so-called 7-State compact by my State, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report and supplemental report are as follows:

Report and supplemental report of Delph E. Carpenter, commissioner for Colorado, on the Colorado River Commission, 1923, with copy of the compact; also the historical memorandum and brief of the law respecting interstate compacts submitted to the Judiciary Committee of the House of Representatives, Sixty-seventh Congress, first session, at the hearing on June 4, 1921, in re H. R. 6821

(On same subject see Hearings in re H. R. 6821, Judiciary Committee, House of Representatives, June 4, 1921, serial 6, Sixty-seventh Congress, first session; extended remarks with attached memoranda, letters, etc., of Hon CARL HAYDEN, of Arizona, before the House of Representatives, Sixty-seventh Congress, fourth session, CONGRESSIONAL RECORD of January 30, 1923.)

REPORT OF DELPH E. CARPENTER, COMMISSIONER FOR COLORADO, COLORADO RIVER COMMISSION, IN RE COLORADO RIVER COMPACT

DENVER, COLO., *December 15, 1922.*

Hon. OLIVER H. SHOUP,

Governor of Colorado, Capitol Building, Denver.

SIR: I have the honor to report that a compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming providing for the equitable division and apportionment of the use of the waters of the Colorado River was signed at Santa Fe, N. Mex., November 24, 1922, by the commissioners for said States and was approved by the Hon. Herbert Hoover, Secretary of Commerce, representative for the United States of America upon said commission.

I signed the compact as commissioner for the State of Colorado, by your appointment, under authority of chapter 246, Session Laws, 1921, and the commissioners for the other States acted under authority of similar legislation. The Hon. Herbert Hoover approved the compact, as the representative of the United States, under authority of the act of Congress approved August 19, 1921 (42 Stat. L. 171).

The compact was executed in a single original, which has been deposited in the archives of the Department of State of the United States, and a duly certified copy has been forwarded to the governor of each of the signatory States. It shall become binding and obligatory upon the signatories when approved by the legislature of each of said States and by the Congress of the United States.

I transmit herewith a copy of the compact. It provides in substance as follows:

"All territory within the United States of America, to which the waters of the Colorado River and its tributaries are or may be beneficially applied, is designated as 'the Colorado River Basin.' The drainage area of the river consists of two great natural subdivisions, viz., the upper region, located above the head of the great canyon, and the lower region below the great canyon (including the territory drained by the Gila, Little Colorado, and other lower tributaries). Lee Ferry is situated at the head of the canyon, in the State of Arizona, a few miles southerly from the intersection of the Colorado River with the boundary common to the States of Arizona and Utah, and is the natural point of demarcation between the upper region and the lower region.

"All waters of the entire river system within the upper region (including those returning to the river from irrigated lands) unite to form a single stream at Lees Ferry, where the flow may be measured and recorded.

"The compact conforms to this natural division. The upper region, plus all lands outside the drainage area which may be beneficially served by waters diverted from the river, is designated as the 'upper basin.' The lower region is designated as the 'lower basin.'

"The seven States are grouped into two political divisions. Colorado, New Mexico, Utah, and Wyoming constitute the 'States of the upper division.' The States of Arizona, California, and Nevada constitute the 'lower division.'

"Seven million five hundred thousand acre-feet, exclusive annual beneficial consumptive use, is set apart and apportioned in perpetuity to the upper basin and a like amount to the lower basin.

"Any waters necessary to supply lands in the Republic of Mexico (hereafter to be determined by international treaty) shall be supplied from the surplus flow of the river. If the surplus is not sufficient, any deficiency shall be borne equally by the upper basin and the lower basin.

"By reason of development upon the Gila River and the probable rapid future development incident to the necessary construction of flood works on the lower river, the lower basin is permitted to increase its development to the extent of an additional 1,000,000 acre-feet annual beneficial consumptive use before being authorized to call for a further apportionment of any surplus waters of the river.

"No further apportionment of surplus waters of the river shall occur within the next 40 years. At any time after 40 years, if the development in the upper basin has reached 7,500,000 acre-feet annual beneficial consumptive use or that of the lower basin has reached 8,500,000 acre-feet, any two States may call for a further apportionment of any surplus waters of the river, but such supplemental apportionment shall not affect the perpetual apportionment of 7,500,000 acre-feet made to each basin by this compact.

"The States of the upper division shall not cause the flow of the river at Lees Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years (7,500,000 acre-feet average annual flow over any 10-year period) if necessary for use in the lower basin. This is approximately 50 per cent of the river flow at Lees Ferry during the lowest 10-year period of which we have a record.

"Navigation is made subservient to all other uses. Power is made subservient to domestic and agricultural uses.

"State control of the appropriation, use, and disposition of water within each State is left undisturbed.

"Present perfected appropriations of water are not disturbed, but such rights take their water from the apportionment to the basin in which they are located.

"All future controversies between two or more States of each group are specifically reserved for separate consideration and adjustment by separate commissions or by direct legislation, whenever such questions may arise, if ever they do.

"Records of the river flow at Lees Ferry are under the control of the State engineers of the seven States and two representatives of the United States, but the authority of such officials terminates with the ascertainment and publication of the facts.

"The compact may be terminated at any time by the unanimous agreement of the signatory States."

FURTHER COMMENT

I take the liberty of offering the following observations:

The upper basin constitutes the principal source of the water supply. All waters returned to the river from irrigated lands within the upper basin will pass Lees Ferry and be measured as a part of the water to be delivered to the lower basin. The upper States guarantee somewhat less than one-half the average annual flow of the river (at Lees Ferry) during the 10-year period from 1902 to 1911, inclusive, which was the period of the lowest recorded river flow. All water, both natural and return flow, which passes Lees Ferry will be credited to the delivery by the upper States. There is no minimum or maximum requirement for any particular year. The compact is satisfied by an aggregate delivery of 75,000,000 acre-feet of water during any 10-year period.

The topography of the upper basin limits the extent to which each of the upper States may go in its development and its corresponding consumption of river flow. As the various tributaries leave Colorado and Wyoming they have already entered into deep canyons and their waters are not available for diversion in Utah. The Utah development will be confined to tributary streams and the waters of such are no longer available to Utah lands after they have entered the Green or Colorado Rivers. The waters of the San Juan are no longer available for diversion in Utah after they have served lands in Colorado and New Mexico. These natural limitations upon the use of the waters within each of the upper States will always afford ample assurance against undue encroachment upon the flow at Lees Ferry by any one of the four upper States. Colorado can not divert 5 per cent of its portion of the river flow to regions outside the river basin.

All development in Utah and New Mexico, requiring diversion from streams in Colorado, shall be subject to separate adjustment with Colorado before construction occurs.

The term "beneficial consumptive use" is to be distinguished from the amounts diverted from the river. It does not mean head-gates diversions. It means the amount of water consumed and lost to the river during uses of the water diverted. Generally speaking, it is the difference between the aggregate diverted and the aggregate return flow. It is the net loss occurring through beneficial uses.

The apportionment of 7,500,000 acre-feet exclusive annual beneficial consumptive use to the upper basin means that the territory of the upper basin may exhaust that much water from the flow in the stream each year. The aggregate annual diversions in the upper basin are unlimited. The limitation applies only to the amount consumed, and all waters which return to stream are not "consumed."

The apportionment to the upper territory is perpetual. It is in no manner affected by subsequent development. It is not required that the water shall be used within any prescribed period. Further development on the lower river will in no manner affect this apportionment or impair the right of the upper States to consume their apportionment whenever their necessities require. Any immense reservoir hereafter constructed on the lower river can not be the basis of a preferred claim which will interfere with the future developmnt of the upper basin. The development in the lower basin will be confined to the apportionment made to that basin, with the permissible increase. Any excess of development can not infringe upon the reservation perpetually set apart to the upper territory. There can be no rivalry or contest of speed in the development of the two basins. Priority of development in the lower basin will give no preference of right as against the apportionment to the upper basin.

The 7,500,000 acre-feet annual beneficial consumptive use apportioned to each basin includes the water necessary to supply present perfected uses in each of the basins. Such present uses consume but a small part of the apportionments. By reason of a fear that further upper development might temporarily deplete the low flow of the river in the autumn and early winter of dry years, it is provided by Article VIII that present perfected appropriations upon the lower river shall not be precluded from protecting any such appropriations from encroachments upon their supplies until reservoirs have been constructed to store a definite part of the water apportioned to the lower basin.

There is no treaty between the United States and Mexico fixing any right in Mexico to the use of waters of the Colorado River. All such matters must depend upon future treaties. The compact provides that water, if any, necessary to supply the obligations of any such treaty shall be taken first from any surplus after meeting the apportionments—and right to increase—already made to the upper and lower basins. If the surplus is inadequate any deficiency shall be borne equally by the two basins.

If the time arrives when the development in either of the basins requires a supplemental apportionment—which probably will never occur—the water available for such purposes will be the surplus remaining after deducting the perpetual apportionments—and right to increase—now made plus any possible international burden. The supplemental apportionment will not disturb or impair the perpetual apportionment made by the present compact.

The repayment of the cost of the construction of necessary flood-control reservoirs for the protection of the lower river country probably will result in a forced development in the lower basin. For this reason a permissible additional development in the lower basin to the extent of a beneficial consumptive use of 1,000,000 acre-feet was recognized in order that any further apportionment of surplus waters might be altogether avoided or at least delayed to a very remote period. This right of additional development is not a final apportionment. This clause does not interfere with the apportionment to the upper basin or with the right of the States of the upper basin to ask for further apportionment by a subsequent commission.

The compact provides that the upper basin shall not be required to deliver any water to the lower basin which can not be beneficially applied to domestic and agricultural uses. Power claims will always be limited by the quantity of water necessary for domestic and agricultural purposes. The generation of power is made subservient to the preferred and dominant uses and shall not interfere with junior preferred uses in either basin.

Article VII, protecting the obligations of the United States to the Indian tribes, avoids necessity of conditional ratification of the compact by the Congress. Such rights are negligible and the apportionment to each basin includes all such necessary diversions.

Broadly speaking, from a Colorado viewpoint, the compact perpetually sets apart and withholds for the benefit of Colorado a preferred right to utilize the waters of the river within this State to the extent of our present and future necessities. It protects our development from adverse claims on account of any great reservoir or other construction on the lower river. It removes all excuses for embargoes upon our future development and leaves us free to develop our territory in the manner and at the times our necessities may require.

It affords me pleasure to call attention to the distinguished services of Ralph I. Meeker, engineering expert for the State of Colorado, whose comprehensive knowledge of the entire Colorado River Basin commanded the attention of the commission and facilitated its labors. I append hereto a table prepared by Mr. Meeker showing the estimated annual water supply of the Colorado River (including the amount at present consumed) and the disposition of such water by the compact.

I trust the compact will meet your favorable consideration, and I respectfully request that it be submitted to the legislature for its early approval.

Respectfully submitted.

DELPH E. CARPENTER,
Commissioner for Colorado.

DENVER, COLO., *December 15, 1922.*

Physical data, Colorado River Basin

TABLE 1

	Acre-feet
Estimated average annual water supply	20,500,000
Estimated average annual water consumption, 1921	7,000,000
Present unused surplus wasting to Pacific Ocean	13,500,000

TABLE 2

Upper basin water supply	17,500,000
Lower basin water supply	3,000,000
Total water supply of basin	20,500,000

TABLE 3

	Acre-feet	
Present unused surplus wasting to Pacific Ocean		13,500,000
Estimated future water requirements, upper basin	5,000,000	
Estimated future water requirements, lower basin (includes Gila)	4,000,000	
Estimated future water requirements		9,000,000
Approximate surplus		4,500,000

TABLE 4

Estimated average annual water supply		20,500,000
Upper division allocation, includes present consumption	7,500,000	
Lower division allocation, includes present consumption	7,500,000	
Lower division permissible increase in water consumption	1,000,000	
Total allocated or permitted		16,000,000
Unallotted surplus		4,500,000

TABLE 5

Upper basin water allotment		7,500,000
Estimated present consumption, upper basin	2,500,000	
Estimated future water requirements, upper basin, including transmountain diversions	5,000,000	
		7,500,000

TABLE 6

COLORADO RIVER AREA IN THE STATE OF COLORADO (WESTERN SLOPE)

	Acre-feet
Estimated average yearly water supply, western slope	12,100,000
Estimates present consumptive use per year on 859,000 acres irrigated land	1,100,000
Unused water passing out of Colorado, average yearly flow	11,000,000
Estimates future requirements all new lands western slope (1,500,000 acres) and future transmountain diversions	2,600,000
Average annual surplus water to main Colorado River	8,400,000

COLORADO RIVER COMPACT

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, having resolved to enter into a compact under the act of the Congress of the United States of America, approved August 19, 1921 (42 Stat. L., p. 171), and the acts of the legislatures of the said States, have through their governors appointed as their commissioners: W. S. Norviel, for the State of Arizona; W. F. McClure, for the State of California; Delph E. Carpenter, for the State of Colorado; J. G. Scrugham, for the State of Nevada; Stephen B. Davis, jr., for the State of New Mexico; R. E. Caldwell, for the State of Utah; Frank C. Emerson, for the State of Wyoming; who, after negotiations participated in by Herbert Hoover, appointed by the President as the representative of the United States of America, have agreed upon the following articles:

ARTICLE I

The major purposes of this contract are to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods. To these ends the Colorado Basin is divided into two basins, and an apportionment of the use of part of the water of the Colorado River system is made to each of them, with the provision that further equitable apportionment may be made.

ARTICLE II

As used in this compact—

(a) The term "Colorado River system" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River system and all other territory within the United States of America to which the waters of the Colorado River system shall be beneficially applied.

(c) The term "States of the upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.

(d) The term "States of the lower division" means the States of Arizona, California, and Nevada.

(e) The term "Lees Ferry" means a point in the main stream of the Colorado River 1 mile below the mouth of the Paria River.

(f) The term "upper basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming, within and from which waters naturally drain into the Colorado River system above Lees Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system above Lees Ferry.

(g) The term "lower basin" means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah, within and from which waters naturally drain into the Colorado River system below Lees Ferry, and also all parts of said States located without the drainage area of the Colorado River system which are now or shall hereafter be beneficially served by waters diverted from the system below Lees Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper division shall deliver at the Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the upper basin will not cause the flow of the river at Lees Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

(e) The States of the upper division shall not withhold water, and the States of the lower division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River system unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October 1, 1963, if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their governors, may give joint notice of such desire to the governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the governors of the signatory States and of the President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the upper basin and the lower basin the beneficial use of the unapportioned water of the Colorado River system as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River system may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use, and distribution of water.

ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey, shall cooperate, ex officio:

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption, and use of water in the Colorado River Basin and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lees Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) With respect to the waters of the Colorado River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the governors of the States affected, upon the request of one of them, shall forthwith appoint commissioners with power to consider and adjust such claim or controversy, subject to ratification by the legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative actions of the interested States.

ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

ARTICLE VIII

Present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this compact. Whenever

storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River system shall be satisfied solely from the water apportioned to that basin in which they are situate.

ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the legislature of each of the signatory States and by the Congress of the United States.

Notice of approval by the legislatures shall be given by the governor of each signatory State to the governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at the city of Santa Fe, N. Mex., this 24th day of November, A. D. 1922.

(Signed) W. S. NORVIEL.
(Signed) W. F. MCCLURE.
(Signed) DELPH E. CARPENTER.
(Signed) J. G. SCRUGHAM.
(Signed) STEPHEN B. DAVIS, Jr.
(Signed) R. E. CALDWELL.
(Signed) FRANK C. EMERSON.

Approved:

(Signed) HERBERT HOOVER.

HISTORICAL MEMORANDUM IN RE COLORADO RIVER AND BRIEF OF LAW OF INTERSTATE COMPACTS

(Submitted by Delph E. Carpenter to Judiciary Committee, House of Representatives, 67th Cong., 1st sess., on June 4, 1921, at hearing in re H. R. 6821)

HISTORICAL MEMORANDUM

The object of the pending legislation is to permit a settlement respecting the future utilization and disposition of the waters of the Colorado River, and of the streams tributary thereto, by compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

The object is to determine the respective rights of the States to the use and disposition of the waters of this great river prior to any further large construction or extensive utilization of these waters, in order that the rights of the States and the Government may be settled and determined in advance of construction and before interstate or other controversies may arise.

The pending bill was introduced pursuant to resolution adopted and signed by the governors of the seven States above named at Denver, Colo., May 10, 1921, wherein it is recited that each of the seven States whose territory includes in part the drainage of the Colorado River has already provided for adjustment respecting the future utilization and disposition of the waters of the stream and has appointed its commissioner to serve with commissioners from other interested States and with a commissioner to be appointed for the United States for this general purpose.

The resolution reads as follows:

"Whereas the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming have by appropriate legislation authorized the governors of said States to appoint commissioners representing said States for the purpose of entering into a compact or agreement between said States and between said States and the United States respecting the future utilization and disposition of the waters of the Colorado River and the streams tributary thereto; and

"Whereas the governors of said several States have named and appointed the commissioners contemplated by the legislative acts aforesaid: Now, therefore, be it

"*Resolved*, That the Congress of the United States be, and is hereby, requested to provide for the appointment of a commissioner on behalf of the United States to act as a member of said commission; and be it further

"*Resolved*, That the proposed draft of a bill for presentation to Congress, a copy of which is hereto attached, be offered as a suggestion for legislation for the purposes aforesaid; and be it further

"*Resolved*, That Gov. Thomas E. Campbell, of Arizona, and the governors of the other States in the Colorado River Basin, or such representatives as they may severally designate, be and they hereby are, authorized to present his resolution to the President and to the Congress of the United States."

We, the undersigned, do hereby certify that the foregoing resolution was adopted by unanimous vote at a meeting of the Governors of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, held at the capitol at Denver, in the State of Colorado, on the 10th day of May, 1921.

THOMAS E. CAMPBELL,
Governor of Arizona.
WILLIAM D. STEPHENS,
Governor of California,
By W. F. MCCLURE,
State Engineer.
OLIVER H. SHOUP,
Governor of Colorado.
EMMET D. BOYLE,
Governor of Nevada.
MERRITT C. MECHAM,
Governor of New Mexico.
CHARLES R. MAYBEY,
Governor of Utah.
ROBERT D. CAREY,
Governor of Wyoming.

HISTORY OF PROCEEDINGS BY COLORADO RIVER STATES LEADING TO INTERSTATE COMPACT LEGISLATION—COLORADO RIVER

SALT LAKE CONFERENCE

January 18–21, 1919, a conference between the representatives of the seven Colorado River States, to wit, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, was called by the Governor of Utah for the purpose of discussing questions relating to the utilization of the water supplies of the Colorado River and its tributaries, and especially in connection with a law then proposed by Secretary Lane relating to soldiers' and sailors' settlement.

Hon. W. J. Spry, ex-Governor of Utah, present Commissioner of the General Land Office, presided over the meeting and was made permanent chairman of a continuing organization.

The other Colorado River Basin States above noted were represented. The meeting of the seven States resolved itself into a permanent organization to be known as The League of the Southwest.

As a result of the sessions the following resolutions, inter alia, were adopted:

"The history of irrigation throughout the world has shown that the greatest duty of water is had by first using it upon the upper reaches of the stream and continuing the use progressively downward. In other words, 'the water should first be captured and used while it is young,' for it can then be recaptured as it returns from the performance of its duties and thus be used over and over again.

"Attention is further directed to the fact that many of these irrigation projects, of a magnitude to be developed only by the Federal Government, can be properly carried on without interfering with smaller developments which should be undertaken by individual and corporate initiative, and we therefore urge upon the Interior and Agricultural Departments the adoption of a liberal and sympathetic policy in the granting of rights of way for reservoirs and ditches upon the public domain, where the same are essential to the development of such private projects.

"We further urge the liberal administration of all land laws of the United States looking to the end of placing the lands of the United States in the actual possession and occupation of its citizens in order that the citizens may have a home and that the lands may go upon the tax rolls of the various States in which they may be located in order that they may bear their just portion of the expense of State administration.

"Along the lines set forth in these resolutions, we pledge ourselves to a hearty cooperation with the representatives of the Federal Government in order that the desired end may be attained at the earliest possible moment consistent with a wise administration of the affairs of the Nation and of States.

"In the carrying out of all reclamation projects in which the Federal Government may become interested, its activities should ever be in conformity with the laws of the State in which the project under development is located. In the arid States of the West the irrigation projects undertaken by or with the aid of the Federal Government should in every instance be based upon a full compliance with the laws of the State wherein the projects are located so far as the appropriation of water and other matters of purely State control are concerned."

Subsequent meetings of the league were held at Los Angeles, where resolutions of a similar character were adopted.

DENVER CONFERENCE

A subsequent meeting of the league was held at Denver August 25–27, 1920, at which the desirability of encouraging the construction of large reservoirs in the canyon of the Colorado River for purposes of flood control, power, and irrigation was discussed, and at which the Director of the Reclamation Service assured the representatives of the seven States that the construction of such reservoirs need in no manner interfere with the future development of the upper reaches of the streams within the States of origin of the waters to be impounded by the reservoirs situate in the lower States.

The following resolutions were unanimously adopted:

"*Be it resolved*, That the resolution, adopted at the conference of the league, held at Salt Lake City, January 18–21, 1919, and the proceedings of the third convention of the League of the Southwest, held at Los Angeles, April 2–3, 1920, be, and the same are, hereby ratified, approved, and reaffirmed.

"Whereas it is the understanding of this league, from information presented by Hon. Arthur P. Davis, director of the United States Reclamation Service, that the water supply of the Colorado River drainage is sufficient to supply the present and future necessities of all of the States whose territory is involved and that all present and future interference with development upon or from the upper reaches of the stream should be avoided: Now, therefore, be it

"*Resolved*, That the league favors the early development of all possible beneficial uses of waters of the stream upon the upper reaches of the stream and its tributaries along the lines set forth in the resolutions adopted at the Salt Lake conference of January 28–31, 1919, and that the present and future restrictions upon such development by withholding or conditional granting of applications for rights of way across public lands for irrigation works should be discontinued and that such applications should be granted with that degree of dispatch which will permit the construction of all such projects while financial and other means are at hand and opportunity for construction exists: Be it further

"*Resolved*, That it is the sense of this conference that the present and future rights of the several States whose territory is in whole or in part included within the drainage area of the Colorado River, and the rights of the United States, to the use and benefit of the waters of said stream and its tributaries, should be settled and determined by compact or agreement between said States and the United States, with consent of Congress, and that the legislatures of said States be requested to authorize the appointment of a commissioner for each of said States for the purpose of entering into such compact or agreement for subsequent ratification and approval by the legislature of each States and the Congress of the United States."

Pursuant to the last-quoted resolution, and at the request of the Governor of Arizona, president of the League of the Southwest, bills were drawn and submitted to the legislatures of the seven States involved and were thereafter enacted by all of said States.

Each of said bills provide for the appointment of a commissioner for each of said States by the respective governors for the purpose of formulating the compact or agreement provided for by the concurrent legislation.

The legislation by each of the States also provided for a representative of the United States to act on behalf of the Federal Government in the formulation of the interstate compact or agreement.

Pursuant to the above legislation, the governors of each of the States have appointed their respective commissioners.

May 10, 1921, the governors of the seven States, or their duly accredited representatives, met at the city of Denver and there formulated resolutions calling upon the President of the United States and upon Congress to provide for the appointment of a representative for the United States in harmony with the above-mentioned legislation by the States, and directed that the resolution so formulated be laid before the President and Congress by the governors of the States. The resolution adopted by the governors at Denver was presented by the governors, or their duly accredited representatives, to the Secretary of the Interior, at Washington, May 17, and to the President of the United States, May 19, 1921.

BRIEF ON LAW OF INTERSTATE COMPACTS—POWERS OF STATES TO ENTER INTO COMPACTS

Compacts or agreements between the States are recognized by Article I, section 10, paragraph 3, of the Constitution of the United States, which provides:

"No State shall, without consent of Congress, * * * enter into any agreement or compact with another State. * * *"

Interstate controversies and differences respecting boundaries, fisheries, etc., have been frequently settled by interstate compact.

Among the many boundary disputes so settled may be mentioned the following: Virginia and Pennsylvania, 1780 (11 Pet. 20); Virginia and Pennsylvania, 1784 (3 Dall. 425); Kentucky and Tennessee, 1820 (11 Pet. 207); Virginia and Tennessee, 1802 and 1856 (148 U. S. 503, 511, 516); Virginia and Maryland, 1785 (153 U. S. 155, 162).

Of the compacts between States respecting the taking of fish in rivers forming the boundary between the two disputant States may be mentioned Washington and Oregon, Columbia River; Maryland and Virginia, Potomac River (153 U. S. 155).

The States of New York and New Jersey settled their harbor differences by interstate compact.

While all compacts which would in any way involve the Federal Government or its jurisdiction, property, etc., must be made with consent or approval of Congress in order to be binding, it has been suggested by the Supreme Court that compacts made between two States respecting matters in which the States alone are interested might be taken as binding without consent or approval of Congress. (Stearns *v.* Minnesota, 179 U. S. 223, 245; Virginia *v.* Tennessee, 148 U. S. 503; Wharton *v.* Wise, 153 U. S. 155.)

For a full discussion respecting the rights of the States to enter into treaties or compacts, with consent of Congress, see Rhode Island *v.* Massachusetts (12 Pet. 657, 725–731).

In the case just cited the Supreme Court observed that when Congress has given its consent to two States to enter into a compact or agreement, "then the States were in this respect restored to their original inherent sovereignty; such consent, being the sole limitation imposed by the Constitution, when given, left the States as they were before, as held by this court in Poole *v.* Fleeger (11 Pet. 209); whereby their compacts became of binding force, and finally settled the boundary between them; operating with the same effect as a treaty between sovereign powers. That is, that the boundaries so established and fixed by compact between nations, become conclusive upon all the subjects and citizens thereof, and bind their rights, and are to be treated to all intents and purposes, as the true real boundaries. * * * The construction of such a compact is a judicial question," for the United States Supreme Court. (12 Pet. 725.)

See also discussion of the same subject in Stearns *v.* Minnesota (179 U. S. 223); Virginia *v.* Tennessee (148 U. S. 503, 517–528); Wharton *v.* Wise (153 U. S. 155).

In other words, the States of the Union, by consent of Congress, have the same power to enter into compacts with each other as do independent nations, upon all matters not delegated to the Federal Government.

INTERNATIONAL RIVERS

Controversies respecting international rivers have been settled by treaty. (Heffter Droit Ind., Appendix VIII; Hall, International Law, sec. 39.)

While the right of the United States to the use and benefit of the entire flow of the Rio Grande River irrespective of any former uses made in Mexico was upheld by the opinion of the Attorney General in 1895 (21 Ops. Atty. Gen. 274, 282), the rights of the two nations were settled by a "convention providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes" made May 21, 1906. (Malloy, Treaties, Vol. I, p. 1202.)

That the United States has a perfect right to divert the waters of the Colorado River at any point above the international boundary with Mexico irrespective of the effect of such diversion upon the flow of the river in Mexico or along that part of its course which forms the boundary between the two nations was held by the Attorney General, September 28, 1903. (Rept. to Atty. Gen. of U. S., Colorado River in California, p. 58; Opinion of Atty. Gen., Aug. 20, 1919.)

The above opinion is in harmony with the decision in the Rio Grande case, wherein it was held (quoting from syllabus):

"The fact that there is not enough water in the Rio Grande for the use of the inhabitants of both countries for irrigation purposes does not give Mexico the right to subject the United States to the burden of arresting its development and of denying to its inhabitants the use of a provision which nature has supplied entirely within its territory. The recognition of such a right is entirely inconsistent with the sovereignty of the United States over its national domain.

"The rules, principles, and precedents of international law imposed no duty or obligation upon the United States of denying to its inhabitants the use of the water of that part of the Rio Grande lying entirely within the United States, although such use results in reducing the volume of water in the river below the point where it ceases to be entirely within the United States." (21 Ops. Atty. Gen. 274.)

For a full discussion of international rights upon the Colorado River, see appendix, pages 318–343, part 2, Hearings Before Committee on Irrigation of Arid Lands, House of Representatives, Sixty-sixth Congress, first session.

While by all rules of international law the upper nation is entitled to make full use of the waters of an international stream rising wholly within the borders of the upper nation, nevertheless such matters are usually settled by treaty in the same manner as the settlement between the United States and Mexico respecting the use and benefit of the waters of the Rio Grande (above cited), wherein it is provided for an "equitable apportionment" of the waters of the stream between the two Governments.

The rule of equitable apportionment applies to the settlement by the Supreme Court of controversies between States over rivers common

to two or more States of the Union. (Kansas *v.* Colorado, 206 U. S. 46, 117.)

This equitable apportionment of the waters of an interstate river may be made by one of two methods:

(1) By interstate "compact or agreement" between the States, by consent of Congress; and

(2) By suit between the States before the United States Supreme Court.

The latter method is the substitute, under our form of government, for war between the States. In other words, were it not for the provisions of our Constitution the States might settle their differences over interstate rivers by resort to arms. But by the terms of the Constitution the right to resort to settlement by force was surrendered, and in lieu thereof was substituted the right to submit interstate controversies to the Supreme Court in original proceedings between the States. (Kansas *v.* Colorado, 206 U. S. 46; Rhode Island *v.* Massachusettes, 12 Pet. 657.)

A suit between the States is but a substitute for war. It is the last resort, and should not be resorted to until all avenues of settlement by compact have been exhausted. It has been suggested that the Supreme Court should announce the principle that no suit between States would be entertained without a preliminary showing that reasonable efforts had been made by the complaining State to compose the differences between it and the defendant State by mutual agreement or interstate compact. It would appear that the rule of settlement by treaty of international disputes over rivers common to two nations should likewise apply to settlements of controversies present or possible, between States of the Union.

The object of the present legislation is to follow the international principle of settlement.

INTERSTATE COMPACTS RESPECTING USE OF WATERS OF INTERSTATE RIVERS

While, as we have already observed, various of the States have settled their controversies respecting boundaries, fisheries, etc., by interstate compact or by concurrent State legislation, having the same effect, this method of settlement of pending or threatened controversies respecting the use and distribution of the waters of interstate streams for irrigation and other beneficial purposes, has not been availed of. The right of adjoining States to the use and benefit of the waters of the streams common to both States has been considered by the court in the case of Kansas *v.* Colorado (185 U. S. 125; 206 U. S. 46), in which case it was held that the respective States were each entitled to an equitable portion of the waters of the common river, the extent of the use in each State to be determined upon the facts and circumstances of each particular case.

In the above-mentioned case the right of the United States to the use of the waters of the western streams was also considered and determined (pp. 87–93).

An equitable apportionment or allocation of the use and distribution of the waters of western interstate streams may be best accomplished through the efforts of the States represented by commissioners fully acquainted with the facts and the surrounding conditions, as well as with the future possibilities of use of water from the streams.

Principles of international law are applicable to the use and distribution of waters of interstate streams, and as regards compacts between the States, "the rule of decision is not to be collected from the decisions of either State, but is one, if we may so speak, of an international character." (Marlett *v.* Silk, 11 Pet. 1, 23.)

The rights of the nation in whose territory an international stream has its rise to the use and benefit of its waters for the development of its territory, irrespective of the effect upon the territory of a lower nation through which the stream passes on its way to the sea, were fully considered by Attorney General Judson Harmon with respect to the claims made by the Republic of Mexico to damage by depletion of the waters of the Rio Grande, occasioned by uses in the United States. After exhaustive consideration of the various authorities upon the subject, he arrived at the conclusion that, while the United States had the right to utilize the entire flow of the Rio Grande in the necessary reclamation of the lands near the source of the stream, and while "precedents of international law imposed no liability or obligation upon the United States" to permit any of the water of the stream to flow to El Paso, nevertheless he advised that the matter be treated as one of policy and settled by treaty with Mexico. (21 Ops. Atty. Gen. 274, 280–283.)

It is safe to predict that most of the past controversies respecting the waters of western interstate streams could have been avoided had the matters in dispute been first submitted to competent compact commissioners. Friction between the Federal departments and the State authorities should be avoided by proper compacts between the States before construction proceeds upon rivers where such controversies may arise.

The Colorado River is still "young," as regards utilization of its wafer supply. Conditions look to enormous development during the next quarter of a century. Nature facilitates an easy allocation and settlement of all matters pertaining to the future utilization of the waters of this stream, if means to that end are taken prior to further construction and before friction develops. All apprehension of interference with the gradual and necessary future development upon the upper reaches of the stream by reason of earlier construction of enormous works on the lower river may be avoided by compact and agreement entered into prior to any future construction.

In fact, settlement of possible interstate controversies by interstate compacts is recommended by the United States Supreme Court. (Washington *v.* Oregon, 214 U. S. 205, 218.)

COMPACT BY "JOINT COMMISSION" BETWEEN STATES AND UNITED STATES

In another section we observe that the States, with consent of Congress, have full powers to make compacts with each other. Treaties between States are designated as agreements or compacts. (Art. I, sec. 10, par. 3, Constitution.)

The United States, in the exercise of its sovereign powers, may enter into compacts or agreements with one or more of the States, acting in their sovereign capacities.

The usual method of formulating such compacts or agreements, either between the States or between the States and the United States, is through the instrumentality of joint commissions thereunto duly constituted by legislative enactments and appointment by the executives of the State or the States and of the Nation. Such joint commissions are in all respects similar to the joint commissions constituted by separate governments for formulation of treaties between independent nations. The term does not refer to a joint commission consisting only of members of one sovereignty and created by joint action of two or more legislative branches, but refers to that character of commission formed by two independent powers for the purpose of joint action to a common end.

Of the available examples of settlements of controversies between the United States and one or more of the States through the instrumentality of joint commissions, the most convenient example is that of the attempts at settlement of the boundary between the United States and Texas. Here two joint commissions, duly constituted by the National and State Governments, sought to settle the boundary line. The history of these attempts is found in the reports of the United States Supreme Court in the case of United States *v.* Texas (143 U. S. 621; 162 U. S. 1).

Throughout the many pages of the reports covered by the decisions in this case, the representative of the Government of the United States, on the one hand, and that of the State of Texas on the other, are designated as commissioners, and the common agency for settlement of the controversy is designated as the joint commission or joint boundary commission.

Lest there be some question respecting the use of the term "joint commission" the following references to the opinions in the above case may be profitable:

By a treaty concluded August 25, 1838, between the United States and the Republic of Texas (8 Stat. 511) each of the contracting parties agreed to appoint "a commissioner" for the purpose of jointly agreeing upon the line between the two Republics.

By the act of June 5, 1858, chapter 92 (11 Stat. 310), enacted in harmony with the act of the Legislature of the State of Texas, February 11, 1854, it was provided that the President should appoint a representative to act in harmony with one from the State of Texas for the purpose of definitely locating the boundary between the Indian Territory and the State of Texas. The following references to the representatives so appointed and the name of the body so constituted appear in the decisions in the above case at the following pages: "A commissioner was appointed on behalf of the United States" (162 U. S. 1, 65); "the commissioners of the two Governments"—i. e., the Government of Texas and the Government of the United States (162 U. S. 1, 66); "a joint commission on the part of the United States and Texas commenced the work," etc. (143 U. S. 621, 635); "the commissioner on the part of the United States" (id.); "the commissioners of the United States and Texas" (id.).

By the act of January 31, 1885, chapter 47 (23 Stat. 296, 297), it was provided that the United States should appoint a representative who should work in conjunction with a representative to be appointed by the State of Texas, for the purpose of ascertaining the boundary. The following references appear as descriptive of the person and the agency:

"The two Governments (United States and State of Texas) appointed commissioners" (162 U. S. 1, 70); the joint body so constituted is defined as "the Joint Boundary Commission" (162 U. S. 1, 21); in the act by the Legislature of Texas authorizing the appointment of its commissioner, the combined representation of the two Governments (State and National) is designated a "joint commission" (162 U. S. 1, 73); by the act authorizing the suit between the United States and Texas (26 Stat. 81, 92, ch. 182, sec. 25) the commission formed under the act of 1885 with the State of Texas is designated as "the joint boundary commission under the act of Congress," etc. (143 U. S. 621, 622); and by the act of 1885 "a joint commission was organized" (143 U. S. 621, 636).

Without further multiplication of examples, it would appear that where two representatives of the United States and of a State are duly ap-

pointed for the purpose of settling a boundary or some other dispute, such persons are "commissioners" and are collectively a "joint commission," and as the court said (162 U. S., 76), "Under the act of Texas of 1882 and the act of Congress of 1885, the two Governments appointed commissioners," and the body so constituted was a "joint commission."

This exercise of the treaty-making powers of the two separate Governments (National and State) necessarily proceeds upon the fundamental fact that there are two separate and distinct Governments, each having its attributes of sovereignty. Of this we shall make mention in a separate memorandum.

COMPACTS BETWEEN STATE AND NATIONAL GOVERNMENTS

Controversies arising between two States or between the United States and a State or States may be settled by compact or agreement or by judicial determination by the United States Supreme Court. Diplomacy failing, the suit before the court is the substitute for war. In either event, the high contracting or litigating parties proceed upon the basis of sovereignties, each exercising independent and separate powers and each exclusive within its proper sphere. As said by Mr. Justice Harlan in United States *v.* Texas (143 U. S. 621, 646):

"The submission to judicial solution of controversies arising between these two Governments, 'each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other,' McCulloch *v.* State of Maryland (4 Wheat. 316, 400, 410), but both subject to the supreme law of the land, does no violence to the inherent nature of sovereignty. The States of the Union have agreed, in the Constitution, that the judicial power of the United States shall extend to all cases arising under the Constitution, laws, and treaties of the United States, without regard to the character of the parties (excluding, of course, suits against a State by its own citizens or by citizens of other States or by citizens or subjects of foreign States), and equally to controversies to which the United States shall be a party, without regard to the subject of such controversies, and that this court may exercise original jurisdiction in all such cases 'in which a State shall be a party' without excluding those in which the United States may be the opposite party."

The power to enter into compact between a State or States and the United States is founded upon the same principle as the power in the Supreme Court to settle controversies between States, as said by Mr. Justice Harlan in the foregoing case (p. 644), "We can not assume that the framers of the Constitution, while extending the judicial power of the United States to controversies between two or more States of the Union and between a State of the Union and foreign states, intended to exempt a State altogether from suit by the General Government."

The above statement followed an analysis of the position taken by Texas (p. 641):

"Texas insists that no such jurisdiction has been conferred upon this court, and that the only mode in which the present dispute can be peaceably settled is by agreement, in some form, between the United States and that State. Of course, if no such agreement can be reached—and it seems that one is not probable—and if neither party will surrender its claim of authority and jurisdiction over the disputed territory the result, according to the defendant's theory of the Constitution, must be that the United States, in order to effect a settlement of this vexed question of boundary, must bring its suit in one of the courts of Texas * * * or that, in the end, there must be a trial of physical strength between the Government of the Union and Texas."

The court decided that, inasmuch as the State and the United States did not settle their controversy by compact, the Supreme Court had the power to determine the controversy between the United States and the State.

The right to settle by compact proceeds upon the sovereignty of the State and the sovereignty of the Nation. As stated regarding another matter, "It is a matter between two sovereign powers." (U. S. *v.* La., 127 U. S. 182, 189.)

The following quotations bear upon this general subject of power and separate sovereignty:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." (Constitution of the United States, tenth amendment.)

"It must be recollected that previous to the formation of the new Constitution we were divided into independent States, united for some purposes, but in most respects sovereign." (Chief Justice Marshall in Sturges *v.* Crowninshield, 4 Wheat. 122, 192.)

"Reference has been made to the political situation of these States anterior to its (Constitution) formation. It has been said that they were sovereign, were completely independent, and were connected with each other only by a league. This is true." (Chief Justice Marshall in Gibbons *v.* Ogden, 9 Wheat. 1, 187.)

"The United States are sovereign as to all the powers of Government actually surrendered. Each State in the Union is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no claim to any authority but such as the States have surrendered to them. Of course, the part not surrendered must remain as it did before." (Chisholm *v.* Georgia, 2 Dall. 419, 435.)

"In America the powers of sovereignty are divided between the Government of the Union and those of the States. They are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other." (Chief Justice Marshall in McCulloch *v.* Maryland, 4 Wheat. 316, 410.)

"Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still all powers not delegated to the United States, nor prohibited to the States, are reserved to the States, respectively, or to the people. And we have already had occasion to remark at this term that 'the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence,' and that 'without the States in union there could be no such political body as the United States.' Not only, therefore, can there be no loss of separate and independent autonomy to the States through their Union under the Constitution but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States." (Chief Justice Chase in Texas *v.* White, 7 Wall. 700, 725, decided in 1868.)

"The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme, but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the General Government as that Government within its sphere is independent of the States." (Mr. Justice Nelson in Collector *v.* Day, 11 Wall. 113, 124, decided in 1870.)

"We have in this Republic a dual system of government, National and State, each operating within the same territory and upon the same persons, and yet working without collision, because their functions are different. There are certain matters over which the National Government has absolute control and no action of the State can interfere therewith, and there are others in which the State is supreme, and in respect to them the National Government is powerless. To preserve the even balance between these two governments and hold each in its separate sphere is the peculiar duty of all courts, preeminently of this—a duty oftentimes of great delicacy and difficulty." (Mr. Justice Brewer in South Carolina *v.* United States, 199 U. S. 437, 448, decided in 1905.)

"Each State is subject only to the limitations prescribed by the Constitution and within its own territory is otherwise supreme. Its internal affairs are matters of its own discretion." (Id. 454.)

"The powers affecting the internal affairs of the States not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States." (Justice Brewer in Kansas *v.* Colorado, 206 U. S. 46, 90.)

In the case of Kansas, *v.* Colorado, last above cited, the United States intervened, in effect claiming national control of the waters of western streams to be administered under the doctrine of prior appropriation. In answer to the primary question of national control, regardless of the rights of the States, inter sese, Justice Brewer, after observing that the United States had an interest in the public lands within the Western States and might legislate for their reclamation, subject to State laws, thus disposed of the claim of national control of western interstate streams:

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid land. * * * No independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress. * * * But it is useless to pursue the inquiry further in this direction. It is enough for the purpose of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. (Citing cases). * * * It may determine for itself whether the common law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. * * * One cardinal rule, underlying all the relations of the States to each other, is that of the equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none." (Kansas *v.* Colorado, 206 U. S. 46, 87–97.)

In concluding the above decision the Supreme Court dismissed the case without prejudice to the right of Kansas to institute new proceedings "whenever it shall appear that through a material increase in the

depletion of the waters of the Arkansas by Colorado * * * the substantial interests of Kansas are being injured to the extent of destroying the equitable apportionment of the benefits between the two States resulting from the flow of the river." (206 U. S. 46, 117.)

The United States has large interests in the form of public lands within the Colorado River area, and has already constructed large irrigation works near Yuma, Ariz., and is engaged in irrigation of large areas along the lower portion of the stream and in the vicinity of the Salton Sea. The seven Colorado River States have already enacted legislation authorizing a commissioner for each of the States, to meet with a representative of the United States, for the purpose of formulating and entering into a compact or agreement respecting the future utilization and disposition of the waters of the Colorado River and its tributaries. Any such compact will be of no binding force or effect until ratified by the legislatures of each of the States and by the Congress of the United States. The seven State sovereignties have legislated. The governor of each has appointed a commissioner pursuant to the legislation. The governors have collectively waited upon the President and presented their written request for national legislation authorizing the appointment by the President of a representative for the United States.

NOTE.—Since the foregoing memorandum was written the United States Supreme Court decided, in Wyoming *v.* Colorado, that in cases between two States both of which recognize the doctrine of prior appropriation as a matter of local law, the court will apply the fundamental principles of the doctrine in the allocation of the waters of a river common to the two States and will so apportion the dependable average annual flow between the States that the older established uses in both States will receive first protection. The doctrine so announced leaves the Western States to a rivalry and a contest of speed for future development. The upper State has but one alternative, that of using every means to retard development in the lower State until the uses within the upper State have reached their maximum. The States may avoid this unfortunate situation by determining their respective rights by interstate compact before further development in either State, thus permitting freedom of development in the lower State without injury to future growth in the upper.

By the attached compact the objectionable features of leaving the destiny of the States to a wild scramble in a contest of speed for first development are avoided. The future uses within the upper State, according to its growing necessities, are protected without interfering with a similar growth in the lower State. Each State may proceed in an orderly manner in pace with the normal course of events, free from any cloud of threatened penalties.

SUPPLEMENTAL REPORT OF DELPH E. CARPENTER, COMMISSIONER FOR COLORADO, COLORADO RIVER COMMISSION

Printed in full in Senate Journal (Colorado, 1923, pp. 888–895, inclusive, as a part of the proceedings in re second reading of Senate bill 410, "a bill for an act to approve the Colorado River compact." Original report printed in Senate Journal of January 5, 1923, pages 75–86, inclusive.

DENVER, COLO., *March 20, 1923.*

Senator M. E. BASHOR,
Chairman Senate Committee on Agriculture and Irrigation;
and
Hon. ROYAL W. CALKINS,
Chairman House Committee on Agriculture and Irrigation,
Denver, Colo.

GENTLEMEN: Pursuant to your request, I respectfully submit the following observations respecting certain provisions of the Colorado River compact:

First and foremost, it should be ever kept in mind that the intent of the compact is to be ascertained from a consideration of the entire instrument, and that each clause must be considered in connection with other clauses.

ART. III, PAR. (b). Paragraph (b) of Article III does not authorize a cumulative increase of beneficial consumptive use of waters to the extent of 1,000,000 acre-feet per annum. This paragraph means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more.

Paragraph (a) of said article permanently apportions to the lower basin the annual beneficial consumptive use of 7,500,000 acre-feet of water, which includes all water necessary for the supply of any rights which may now exist.

Paragraph (b) permits the lower basin to increase its annual beneficial consumptive use of water 1,000,000 acre-feet. The two paragraphs permit an aggregate annual beneficial consumptive use of 8,500,000 acre-feet, and no more. The words "per annum," as used in paragraph (b) are not synonymous with the word "annually." No cumulative increase is intended by that paragraph.

ARTICLE VIII

Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond or in addition to that made in paragraphs (a) and (b) of Article III.

The Imperial Valley project which diverts water below Yuma, Ariz., is said to have diverted the entire low flow of the river for a period of several days in October during 3 of the past 10 years. Those in control of that project feared that additional development in the upper basin (before storage facilities had been provided for the lower basin) would materially decrease the October flow of the river at Yuma. Storage facilities constructed in the great canyon of the river will care for the entire supply necessary for the Imperial Valley. While the Imperial Valley probably has no legitimate claim which it may enforce against the upper basin, it was urged, nevertheless, that whatever rights such users may claim should not be disturbed until time and opportunity may afford the building of storage works.

The apportionment to the lower basin by paragraph (a) of Article III provides that such apportionment "shall include all water necessary for the supply of any rights which may now exist." Any claims of the Imperial Valley therefore would be satisfied out of such apportionment of water. The storage of water in reservoirs, as provided in Article VIII, must be made "not in conflict with Article III." After storage is provided, water stored in harmony with Article III will be available to the Imperial Valley project and "present perfected rights" on the lower river shall thereafter be satisfied from the water stored in harmony with Article III and their claims, if any, against the upper basin are thereafter cut off by the substitution of stored water for direct flow.

Article I provides that "an apportionment of the use of part of the water of the Colorado River system is made to the upper basin and also to the lower basin with provision that further equitable apportionment may be made."

Paragraph (f) of Article III provides that "further equitable apportionment of the beneficial uses of the waters of the Colorado system unapportioned by paragraphs (a), (b), and (c) may be made * * * if and when either basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b)." The storage of water under Article VIII must be in harmony with paragraph (f) of Article III, as well as with paragraph (a), and the latter paragraph provides that the apportionment to the lower basin "shall include all water necessary for the supply of any rights which may now exist," and the second paragraph of Article VIII provides that all other rights (than present perfected rights) "shall be satisfied solely from the water apportioned to that basin in which they are situate."

Taking the compact as a whole and construing its provisions together, Article VIII does not authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs (a) and (b) of Article III.

It will be noted that Article VIII does not concede that "present perfected rights" in the lower basin have any claims against the upper basin, the language being "claims of such rights, if any, by appropriators or users of water in the lower basin against the appropriators or users of water in the upper basin." In other words any such claims are neither acknowledged nor denied and their legal status, whatever it may be, is temporarily left as it was at the time of the compact. But when the reservoir is constructed, any claims against the upper basin by such "present perfected rights" are thereafter cut off.

ARTICLE III, PARAGRAPH (E)

Paragraph (e) of Article III is reciprocal. It should be construed with paragraph (b) of Article IV. The States of the lower division can not require the delivery of water at Lees Ferry, by the upper division, which can not be reasonably applied to domestic and agricultural uses in the lower basin. The clause preserves the dominant rights of agricultural and domestic uses over power uses and only prevents the withholding of water for power development within the upper basin to the extent that such withholding may encroach upon the supply necessary for agricultural and domestic uses in the lower basin. In other words, the compact means that power claims by the lower basin can not compel the upper basin to turn down any water which can not reasonably be applied to domestic and agricultural uses in the lower basin. This permits the first use of the waters of the upper basin for the generation of power, limited only by the agricultural and domestic demands in the lower basin. All power uses in both basins are made "subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes" (referring to agricultural and domestic uses).

ARTICLE III, PARAGRAPH (F)

The compact reserves for future apportionment (between the two basins of the river) all of the waters of the river and its tributaries unapportioned by paragraphs (a), (b), and (c) of Article III. This is specifically provided in paragraph (f) of Article III. No such apportionment can occur (except by unanimous consent) until after October 1, 1963 (40 years). If at any time after 40 years either basin shall have reached its total beneficial consumptive use, as provided in paragraphs (a) and (b) of Article III, either basin may demand an equitable apportionment of the beneficial uses of the remainder of the water of the river. This does not prevent a diversion and use of water in either

basin in excess of the apportionment, but all such excess diversions will be made at the peril of the users. This applies to the excess uses made either before or after the expiration of the 40-year period. The apportionment of water to supply any such excess uses will be a matter entirely within the keeping and jurisdiction of the new compact commission and will require its unanimous approval.

By the compact the unapportioned waters are reserved for "further equitable apportionment" between the two basins. This negatives any suggestion that excess uses in either basin will be regarded as legal "appropriations." Any such excess uses will be by sufferance and without legal foundation, but such users will not be prevented from pressing their equitable claims in the future apportionment provided for in paragraph (g) of Article III. This will apply to all excess uses made by means of enormous reservoirs in the lower basin capable of storing and beneficially using (for power or other uses) all of the flow of the river which may pass Lees Ferry. All such uses, made by means of such structures, are and will be subject to the Colorado River compact and can perfect no claim which will prevent further "equitable apportionment" between the basins at any time after 40 years.

ARTICLE IV, PARAGRAPH (C)

Intrastate control of appropriations made within the apportionments provided by the compact is specifically reserved by paragraph (c), Article IV. This includes such regulations as each State may provide by its constitution and laws respecting the preference of one class of use over other classes of use. In other words the constitution and laws of Colorado control the details of appropriation, use, and distribution of water within the State. The compact does not attempt to invade such matters of local concern. When approved, the compact will be the law of the river as between the States. It deals wholly with interstate relations. The paragraph refers to intrastate control. Whatever the intrastate regulation and control may be it can not effect the interstate relations. No law of any State can have extraterritorial effect or interfere with the operation of the compact as between the States.

"BENEFICIAL CONSUMPTIVE USE"

In my original report (printed in the Senate Journal of January 5, 1923) I discussed and defined the term "beneficial consumptive use." In addition to the discussion there contained, I might add there is a vast difference between the term "beneficial use" and the term "beneficial consumptive use." A use may be beneficial and at the same time nonconsumptive or the use may be partly or wholly consumptive. A wholly consumptive use is a use which wholly consumes the water. A nonconsumptive use is a use in which no water is consumed (lost to the stream). "Consume" means to exhaust or destroy. The use of water for irrigation is but partially consumptive for the reason that a great part of the water diverted ultimately finds its way back to the stream. All uses which are beneficial are included within the apportionments (i. e. domestic, agricultural, power, etc.). The measure of the apportionment is the amount of water lost to the river. The "beneficial consumptive use" refers to the amount of water exhausted or lost to the stream in the process of making all beneficial uses. As recently defined by Director Davis of the United States Reclamation Service, it is the "diversion minus the return flow." (CONGRESSIONAL RECORD, January 31, 1923, p. 2815.) Water diverted and carried out of the basin of the Colorado River by the Strawberry, Moffat, or other tunnels or by canal into the Imperial Valley is wholly consumed as regards the Colorado River, because no part of it ever returns to that stream system.

AMOUNT OF FLOW AT LEES FERRY

The net measured flow of the Colorado River at Lees Ferry (after all uses above) was 16,000,000 acre-feet from September 30, 1921, to September 30, 1922, according to the report of the Director of the United States Geological Survey. The net flow of the whole river (after all uses above Yuma) has been measured and recorded at Yuma, Ariz. (below all tributaries, including the Gila River), since 1899. The mean or average flow at Yuma for the 20-year period 1903–1922 is 17,400,000 acre-feet per annum. The flow September 30, 1921, to September 30, 1922, at Yuma was 17,600,000 acre-feet. This was 200,000 acre-feet (1 per cent) greater than the 20-year average. (See CONGRESSIONAL RECORD, January 31, 1923, p. 2819.) In other words, the flow of the river for that period was 101 per cent of normal. The flow of 16,100,000 acre-feet at Lees Ferry therefore represents 101 per cent of the average annual net flow of the river at that point (after deducting all water consumed during uses in the entire upper basin). Assuming that 2,500,000 is now annually consumed during uses in the upper basin, we would obtain a "reconstructed river" by adding that amount to 16,100,000 acre-feet, making an aggregate of 18,600,000 acre-feet annual discharge, which is 101 per cent of the 20-year annual average.

It is evident that the States of the upper basin may safely guarantee 75,000,000 acre-feet aggregate delivery at Lees Ferry during each 10-year period. This would mean an average annual delivery of 7,500,000 acre-feet as against 15,940,594 acre-feet present net annual average flow (100 per cent) at Lees Ferry or 18,415,842 acre-feet natural average annual flow (100 per cent) on the basis of a "reconstructed" river.

I herewith attach for your information copies of certain telegrams which will be self-explanatory.

Very truly yours,

DELPH E. CARPENTER,
Commissioner for Colorado.

CAPITOL BUILDING,
Denver, Colo., February 10, 1923.

Hon. HERBERT HOOVER,
Chairman Colorado River Commission,
Washington, D. C.:

Do you concur with me that the intent of the commission in framing the Colorado River compact was as follows:

That paragraph b of Article III means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more?

That Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III?

DELPH E. CARPENTER.

WASHINGTON, D. C., *February 12, 1923.*

DELPH E. CARPENTER,
State Capitol, Denver, Colo.:

I concur with you, and shall so advise Congress in my report, that the intent of the commission in framing the Colorado River compact was as follows:

First, that paragraph b of Article III means that lower basin may acquire rights under the compact to annual beneficial consumptive use of water in excess of the apportionment in paragraph a of that article by 1,000,000 acre-feet and no more.

There is nothing in the compact to prevent the States of either basin using more water than the amount apportioned under paragraphs a and b of Article III, but such use would be subject to the further apportionment provided for in paragraph f of Article III and would vest no rights under the present compact.

Second. That article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III.

HERBERT HOOVER.

DENVER, COLO., *February 13, 1923.*

R. H. MCKISICK,
Deputy Attorney General, Sacramento, Calif.:

Do you concur with me that intent of commission in framing Colorado River compact was as follows:

That paragraph b of Article III means that the lower basin may increase its annual beneficial consumptive use of water 1,000,000 acre-feet and no more.

That Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III.

DELPH E. CARPENTER.

SACRAMENTO, CALIF., *February 13, 1923.*

Hon. DELPH E. CARPENTER,
State Capitol, Denver, Colo.:

Am of opinion that paragraph b of Article III permits increase of annual beneficial consumption use of water by lower basin to 8,500,000 acre-feet total, or 1,000,000 in excess quantity apportioned each basin in perpetuity by paragraph a, Article III, and no more. When both paragraphs are read together no other construction tenable. "Per annum" not synonymous with "annually."

Article VIII is not intended to authorize, constitute, or result in any apportionment of water to the lower basin beyond that made in paragraphs a and b of Article III, but means that if and when the water passing Lees Ferry as provided in paragraphs d and e, Article III, is impounded within specified storage, claims of lower-basin appropriators or users adverse to those of upper-basin appropriators or users shall be transferred to and satisfied from the water so stored.

R. T. MCKISICK.

SACRAMENTO, CALIF., *February 15, 1923.*

DELPH E. CARPENTER,
Denver, Colo.:

My interpretation of Articles III and VIII well expressed in McKisick's wire of the 13th.

W. F. MCCLURE.

The following is from the letter of February 16, 1923, of Arthur P. Davis, Director United States Reclamation Service, addressed to Clarence C. Stetson, executive secretary Colorado River Commission, interpreting paragraph (b), Article III and Article VIII, Colorado River compact:

"Article VIII provides that all of the rights of the lower basin shall be satisfied from the water apportioned to that basin. There is no indication that any portion of its needs shall be taken from the allotment to the upper basin. The assumption that the lower basin could claim priority for the appropriation of water in a reservoir is an assumption that the compact is invalid, for this is just the contingency which it was designed to meet. The proviso that a storage reservoir of 5,000,000 acre-feet or more shall take care of the perfected rights in the lower basin is designed to lift the ban upon the diversion of the low-water flow from the upper tributaries after the construction of such a reservoir, which will be filled from the flood waters, but which is to be charged against the allotment of the lower division as specifically provided in paragraph (a), Article III. This provides conclusively against the supposition that the stored waters are not to come out of the allotment to the lower basin.

"The assumption that paragraph (b) of Article III has no limit is its own refutation on account of the absurdity of that assumption. It would in a few years, if so construed, absorb more than the entire flow of the river, which reduces the assumption to an absurdity. Furthermore, the language is specific as the apportionment is for the consumptive use of 1,000,000 acre-feet per annum and can not be construed to mean 2,000,000 acre-feet per annum or any other amount."

[NOTE.—The Colorado Legislature also had before it, during the debates in re approval of Colorado River compact, the report of Herbert Hoover, representative for the United States, the same being Document No. 605, Sixty-seventh Congres, fourth session, House of Representatives; also extension of remarks of Congressman CARL HAYDEN, of Arizona. See CONGRESSIONAL RECORD, January 30, 1923, Sixty-seventh Congress, fourth session.]

Mr. WALSH of Montana. Mr. President, I now offer the amendment which I said I would offer following the offering and disposal of the amendment submitted by the junior Senator from Arizona [Mr. HAYDEN]. It is equally desirable notwithstanding the fact that his amendment was defeated.

Mr. JOHNSON. I have no objection to it if it is the amendment that was mentioned previously by the Senator from Montana.

The VICE PRESIDENT. The clerk will read the proposed amendment to the amendment.

The LEGISLATIVE CLERK. On page 20, after line 20, insert:

Claims of the United States arising out of any contract authorized by this act shall have priority over all others, secured or unsecured.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON. There is not.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question now recurs on the amendment of the Senator from California [Mr. JOHNSON] in the nature of a substitute as amended.

Mr. HAYDEN. Mr. President, I gave notice yesterday that I intended to move to strike out subsection (c) of section 8 in relation to the constitution of Arizona. I now move to strike out that subsection. Beginning on page 14, line 21, I move to strike out all of subsection (c) ending in line 5, page 15.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON. Yes, Mr. President, there is a very decided objection to striking it out.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arizona to the amendment.

Mr. HAYDEN. Mr. President, I offered this amendment in the hope that the Senator from California would accept it, by reason of statements made in the course of the debate last session, in which he stated that he considered the matter to be one of not very great consequence. I should like to have the clerk read the language which I propose to have stricken out.

The VICE PRESIDENT. The clerk will read, as requested.

The LEGISLATIVE CLERK. On page 14, beginning at line 21, strike out paragraph (c), as follows:

(c) Nothing in this act shall be deemed to waive any of the rights or powers reserved or granted to the United States by paragraph 7 of section 20 of the act providing for the admission of Arizona, approved June 20, 1910, and by the tenth paragraph of Article XX of the constitution of Arizona, but the Secretary of the Interior is authorized on behalf of the United States to exercise such of said rights and powers as may be necessary or convenient for the construction and use of the works herein authorized and for carrying out the purposes of this act.

Mr. HAYDEN. Mr. President, the two objects sought to be accomplished by this provision are, first, to take advantage of a certain section of the constitution of the State of Arizona which has since been repealed, and the other to take advantage of a provision in the enabling act reserving certain lands for water-power purposes in the State of Arizona if selected within a period of five years. I have here a letter from the Commissioner of the General Land Office which shows that none of the lands selected within that 5-year period are situated in the vicinity of the Black Canyon Dam, so that part of the enabling act, which might have been of value in the event that the dam was constructed at Boulder Canyon, is of no value at the present time. I ask that the clerk may read the letter from the Commissioner of the General Land Office.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 26, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR: In reply to your letter dated April 24, 1928, with reference to Tps. 29, 30, 31, 32 N., R. 23 W., and Tps. 29–32 N., R. 22 W., you are advised that the records of this office show that certain lands in T. 32 N., R. 22 W., were withdrawn for power purposes under the authority granted in the act admitting the State of Arizona into the Union, the date of said withdrawal being February 9, 1917. The other townships referred to are not affected by any withdrawal under said act. A carbon copy of this letter is inclosed herewith.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Mr. HAYDEN. Certain lands in the vicinity of Boulder Canyon, some 20 miles from the present site of the dam at Black Canyon, were withdrawn within the period specified in the enabling act. No lands in the vicinity of the dam now proposed to be built at Black Canyon were withdrawn. If the State of Arizona could claim those lands, which it could not under existing conditions, since they are withdrawn for water-power purposes under the general statute. Therefore there could be no advantage gained by the Secretary of the Interior under that provision in the enabling act.

The other provision with reference to the following section of the constitution of the State of Arizona which has subsequently been repealed by the people of the State is as follows:

There are hereby reserved to the United States with full acquiescence of this State all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction and irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

I do not believe there is a lawyer in the Senate who, after looking at the provision in the bill which I have asked to have stricken out, will say that it adds to or takes away any right or power or authority that the Secretary of the Interior would otherwise have. Any advantage which the Federal Government may have under the constitution of the State of Arizona and the enabling act under which Arizona was admitted into the Union must stand or fall regardless of any subsequent act of Congress.

The Supreme Court has passed upon that question completely in the case of Coyle against Smith. The State of Oklahoma, in its enabling act, was prohibited from moving the State capital from the city of Guthrie. Oklahoma, after the admission of the State, did move its capital, and the Supreme Court of the United States held that Congress had no power to place any such limitation upon the State, but the court went further and said that so far as the public lands were concerned, whether there was any mention made of such lands in the enabling act or not, Congress held control over them and could dispose of them regardless of any statement in the enabling act.

This item first appeared in the Swing-Johnson bill in 1926, about two years ago, and immediately created a most unfavorable reaction in the State of Arizona. The reaction went to such an extent that the legislature submitted an amendment to the constitution of the State of Arizona to a vote of the people and those provisions were repealed. No one in Arizona would ever have thought of doing anything of the kind if this provision had not been placed in the Swing-Johnson bill. It may be doubted whether the people of Arizona gained anything or lost anything by the action that they took. I do not think the proponents of the legislation can hope to gain anything by this provision in the bill. It is but a source of irritation; it is rubbing some more salt in the wound. In order to bring our States together in harmony, to have them exercise that amity and comity which should prevail between neighboring States in the Union, where they are interested in great projects such as the one contemplated in the bill now before us, there should be no attempt at any kind of coercion in the legislation. I am sure that if the lawyers

in the Senate will look at this provision they will say that what I have said is true.

Mr. PITTMAN. To what section does the Senator refer?

Mr. HAYDEN. Subsection (c) on page 14.

Mr. PITTMAN. I never had thought that the section had any legal effect whatever. It simply provides that—

Nothing in this act shall be deemed to waive or change any of the rights or powers reserved or granted to the United States by paragraph 7 of section 20 of the act providing for the admission of Arizona, approved June 20, 1910, and by the tenth paragraph of Article XX of the constitution of Arizona, but the Secretary of the Interior is authorized on behalf of the United States to exercise such of said rights and powers as may be necessary or convenient for the construction and use of the works herein authorized and for carrying out the purposes of this act.

Personally I never thought it had any effect one way or the other.

Mr. WALSH of Montana. Mr. President, will not the Senator from Arizona give us the provisions of the enabling act that are supposed to confer some rights upon the Government of the United States?

Mr. HAYDEN. I shall be glad to do so. They read as follows:

SEC. 28. There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State; and no land so reserved and excepted shall be subject to any disposition whatsoever of said State, and any conveyance or transfer of such land by said State or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants there be, and is hereby, granted to the proposed State an equal quantity of land to be selected from land of the character named and in the manner prescribed in section 24 of this act.

Reservations of that character were made and the State of Arizona has selected new lands for all reservations made within the 5-year period. I have here a list of the new lands selected. That transaction is consummated.

Mr. WALSH of Montana. That provision of the enabling act by the logic of events has become nugatory?

Mr. HAYDEN. Absolutely. The only question was whether some lands selected under that provision were needed for the construction of the proposed Boulder Canyon Dam. If the dam had been built at its original site, it would have come within certain lands withdrawn within the 5-year limitation by the United States. But, as it turns out now, the site where the dam is to be located is on other public lands reserved under other acts of Congress and to which the State of Arizona could lay no claim. Under no circumstances would the provision in the enabling act be of any benefit to the Secretary of the Interior or to the United States. The Federal Government would have no right that it would not otherwise have.

I ask to have printed in the RECORD at this point a list of the lands reserved by the United States and a list of the lieu lands selected by the State of Arizona.

The VICE PRESIDENT. Without objection, it is so ordered.

The lists referred to are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 23, 1914.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: By Executive order of September 5, 1914, the hereinafter-described lands in Arizona, involving, with other lands not in your district, approximately 40,000 acres, were withdrawn from settlement, location, sale, or entry and reserved for water-power sites as power-site reserve No. 446, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910 (36 Stat. 847 as amended by the act of August 24, 1912 (37 Stat. 497)).

GILA AND SALT RIVER MERIDIAN, ARIZONA

All lands within a quarter of a mile of Colorado River within the following unsurveyed townships:

T. 33 N., R. 5 W.	T. 32 N., R. 17 W.
T. 34 N., R. 5 W.	T. 30 N., R. 18 W.
T. 32 N., R. 16 W.	T. 31 N., R. 18 W.
T. 33 N., R. 16 W.	T. 31 N., R. 19 W.
T. 30 N., R. 17 W.	T. 32 N., R. 19 W.
T. 31 N., R. 17 W.	

All lands located on the north or west bank of Colorado River within a quarter of a mile thereof in the following unsurveyed townships and portions of townships:

T. 36 N., R. 5 E., N. ½ of T.	T. 42 N., R. 9 E.
T. 37 N., R. 5 E.	T. 33 N., R. 6 W.
T. 37 N., R. 6 E.	T. 32 N., R. 7 W.
T. 38 N., R. 6 E.	T. 33 N., R. 7 W.
T. 39 N., R. 6 E.	T. 32 N., R. 8 W., S. ½ of T.
T. 39 N., R. 7 E.	T. 31 N., R. 9 W.
T. 40 N., R. 7 E.	T. 32 N., R. 9 W.
T. 40 N., R. 8 E.	T. 31 N., R. 10 W.
T. 41 N., R. 8 E.	T. 31 N., R. 15 W.
T. 41 N., R. 9 E.	T. 32 N., R. 15 W.

All lands on the south or east bank of Colorado River within a quarter of a mile thereof and not within the Hualpai Indian Reservation, within the following unsurveyed townships:

T. 32 N., R. 6 W.	T. 31 N., R. 15 W.
T. 33 N., R. 6 W.	T. 32 N., R. 15 W.

Note the withdrawals upon your records and advise this office of such action.

Very respectfully,

C. M. BRUCE,
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 17, 1914.

REGISTER AND RECEIVER,
Phoenix, Ariz.

SIRS: By departmental order of July 16, 1914, the lands in the hereinafter-described areas located along the Colorado River, involving approximately 38,000 acres, were withdrawn from location, sale, entry, allotment, or other appropriation, and reserved for water-power sites as power-site reserve No. 447, subject to the limitations, provisions, exceptions, and conditions contained in the act of Congress approved June 25, 1910 (36 Stat. 855), and it was directed that no trust patents issue.

ORDER OF WITHDRAWAL—POWER-SITE RESERVE NO. 447, COLORADO RIVER, ARIZ.

It is hereby ordered that the following-described lands, valuable for power sites, be, and the same are hereby, reserved from location, sale, entry, allotment, or other appropriation, in accordance with the provisions of sections 13 and 14 of the act approved June 25, 1910 (36 Stat. 855, 858), and that no trust or fee simple patent be issued as regards the lands until further orders.

GILA AND SALT RIVER MERIDIAN

All lands in the Hualpai and Navajo Indian Reservations within a quarter of a mile of Colorado River and within the following unsurveyed townships:

T. 36 N., R. 5 E.	T. 32 N., R. 9 W.
T. 37 N., R. 5 E.	T. 27 N., R. 10 W.
T. 37 N., R. 6 E.	T. 28 N., R. 10 W.
T. 38 N., R. 6 E.	T. 29 N., R. 10 W.
T. 38 N., R. 7 E.	T. 30 N., R. 10 W.
T. 39 N., R. 6 E.	T. 31 N., R. 10 W.
T. 39 N., R. 7 E.	T. 27 N., R. 11 W.
T. 40 N., R. 7 E.	T. 28 N., R. 11 W.
T. 40 N., R. 8 E.	T. 27 N., R. 12 W.
T. 41 N., R. 8 E.	T. 28 N., R. 12 W.
T. 41 N., R. 9 E.	T. 28 N., R. 13 W.
T. 42 N., R. 9 E.	T. 29 N., R. 13 W.
T. 33 N., R. 6 W.	T. 29 N., R. 14 W.
T. 32 N., R. 7 W.	T. 30 N., R. 14 W.
T. 33 N., R. 7 W.	T. 31 N., R. 14 W.
T. 32 N., R. 8 W.	T. 31 N., R. 15 W.
T. 30 N., R. 9 W.	T. 32 N., R. 15 W.
T. 31 N., R. 9 W.	

Make proper notations upon the records of your office and advise this office of such action.

Very respectfully,

C. M. BRUCE,
Acting Commissioner.

STATE LIEU SELECTIONS

The State land department advises that the State of Arizona has selected lands in lieu of the lands withdrawn by the Secretary of the Interior for power-site purposes along the Colorado River as follows:

Power-site reserve No. 446:

T. 30 N., R. 17 W., sec. 32.
T. 37 N., R. 6 E., secs. 2, 16, 32, 36.
T. 38 N., R. 6 E., sec. 36.
T. 39 N., R. 7 E., secs. 2, 16, 32, 36.
T. 40 N., R. 7 E., sec. 36.
T. 40 N., R. 8 E., secs. 2, 16, 32, 36.

Power-site reserve No. 446—Continued.
T. 41 N., R. 8 E., sec. 36.
T. 41 N., R. 9 E., secs. 2, 32, 36.
T. 33 N., R. 6 W., secs. 32, 36.
T. 32 N., R. 7 W., secs. 2, 16, 32, 36.
T. 33 N., R. 7 W., sec. 36.
T. 31 N., R. 9 W., secs. 32, 36.
T. 31 N., R. 15 W., sec. 16.
T. 32 N., R. 6 W., secs. 2, 16, 32, 36.
T. 33 N., R. 6 W., secs. 32, part 36.
T. 31 N., R. 15 W., sec. 16.
Power-site reserve No. 447:
T. 37 N., R. 6 E., sec. 36.
T. 38 N., R. 6 E., sec. 36.
T. 39 N., R. 7 E., secs. 2, 16, 32, 36.
T. 40 N., R. 7 E., sec. 36.
T. 40 N., R. 8 E., secs. 2, 16, 32, 36.
T. 41 N., R. 8 E., sec. 36.
T. 41 N., R. 9 E., secs. 2, 32, 36.
T. 33 N., R. 6 W., sec. 32.
T. 32 N., R. 7 W., secs. 32, 36.
T. 33 N., R. 7 W., sec. 36.
T. 32 N., R. 8 W., sec. 36.
T. 27 N., R. 10 W., secs. 2, 16, 32, 36.
T. 28 N., R. 10 W., secs. 2, 32 (208 acres).
T. 27 N., R. 11 W., secs. 32, 36.
T. 27 N., R. 12 W., secs. 16, 32, 36.
T. 28 N., R. 13 W., sec. 16.

Mr. HAYDEN. I also ask to have printed in the RECORD the act of the Legislature of Arizona submitting to the people of the State the question of the repeal of that section of the constitution of the State to which I have referred and the section itself, so that the record may be made complete.

The VICE PRESIDENT. Without objection, it is so ordered.

The matters referred to are as follows:

(1927 session laws of Arizona, chapter 110, pp. 416–418)

Be it enacted by the Legislature of the State of Arizona—

SECTION 1. It is hereby proposed by the Eighth Legislature of the State of Arizona to amend the constitution of the State of Arizona, a majority of the members elected to each of the two houses of said legislature approving thereof and such approval having been entered on the journal of each house, together with the ayes and nays thereon, by amending the fifth paragraph of article 10 of said constitution to read as follows:

"Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated within this State belonging to residents thereof, and no taxes shall be imposed by this State on any lands or other property within an Indian reservation owned or held by any Indian; but nothing herein shall preclude the State from taxing, as other lands and other property are taxed, and lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress."

SEC. 2. It is hereby further proposed by the Eighth Legislature of the State of Arizona to amend the constitution of the State of Arizona, a majority of the members elected to each of the two houses of said legislature approving thereof and such approval having been entered on the journal of each house, together with the yeas and nays thereon, by abrogating, repealing, and striking therefrom the tenth paragraph of said article of said constitution, reading as follows:

"Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all the rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory."

SEC. 3. The said proposals to amend the constitution shall be submitted to the qualified electors in accordance with the provisions of law, of the constitution, and of this proposal at a special election hereby called and ordered by the eighth legislature, to be held on Tuesday, the 31st day of May, 1927.

Mr. HAYDEN. In connection therewith I should like to have included in the RECORD a statement of the reasons why the constitution of Arizona should be changed, made by Mr. A. H. Favour, an eminent attorney of the State of Arizona, who reviewed the various cases decided by the Supreme Court of the United States with respect to the right of Congress to limit a State in an enabling act passed by Congress upon admission of the State.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

REASONS GIVEN WHY CONSTITUTION OF ARIZONA MUST BE CHANGED FOR COLORADO RIVER RIGHTS

In the matter of the repeal of sections 5 and 10, Article XX of the Arizona constitution.

STATEMENT OF CASE

The only provision in the Constitution of the United States with reference to the admission of new States is found in Article IV, subdivisions 3 and 4. These sections read as follows:

"SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

"SEC. 4. The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."

The Congress of the United States passed an enabling act, approved June 20, 1910 (30 Stat. L. 557, ch. 310), wherein it was provided the terms and conditions upon which Arizona might become a member of the Union. Among other conditions was part of section which read as follows:

"The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

"And said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State—"

Thereafter were set out nine specific items which the State of Arizona were to include in their acceptance, among which was a part of subdivision second, which reads as follows:

"That the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe."

And subdivision seventh, which reads as follows:

"Seventh. That there be and are reserved to the United States, with full acquiesence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a Territory."

Subdivision ninth, the second paragraph, contains the following provision:

"All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall postively preclude the making of any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress."

The enabling act provided for a proclamation by the President, when all conditions were complied with: "The proposed State of Arizona shall be deemed admitted by Congress into the Union, by virtue of this act, on an equal footing with the other States." This is the usual condition that has been set out in practically every enabling act by which a State has been admitted into the Union.

Following the passage of the enabling act, and according to the procedure set out therein, a constitutional convention was held in Arizona and it adopted the constitution. The twentieth article of this constitution entitled "Ordinance," is practically a restatement of section 20 of the enabling act. Article XX starts out with the following language: "The following ordinance shall be deemed irrevocable without the consent of the United States and the people of this State." Then follow the 12 sections and ends with section 13, of which the language is as follows:

"Thirteenth. This ordinance is hereby made a part of the constitution of the State of Arizona, and no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress."

Now the question comes up, Can any one of these sections be repealed by the people of the State of Arizona as the constitution is amended or added to or repealed, and particularly sections fifth and tenth by the people without the consent of the United States? These sections read as follows:

"Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State upon lands or property situated in the State belonging to or which may hereafter be acquired by the United States or reserved for its use, but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any act of Congress, but all such lands shall be exempt from taxation so long and to such extent as Congress has prescribed or may hereafter prescribe."

"Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' approved June 17, 1902, and acts amendatory thereof or supplementary thereto to the same extent as if this State had remained a Territory."

LAW

A number of cases involving this same question have come before the United States Supreme Court. The leading case on this subject is that of Coyle *v.* Smith (221 U. S. 559, 55 L. ed. 853). In this case Oklahoma was admitted into the Union in very much the same method that Arizona became a member. In 1906 an enabling act was passed by Congress which laid down certain conditions which Oklahoma was to accept by irrevocable ordinance before it came into the Union. Among these conditions was one that the capital should be located at Guthrie, and no vote should be taken to change its location from that place until the year 1913. The constitutional convention by which Oklahoma became a part of the Union irrevocably accepted the terms and conditions of the enabling act, including this one about the capitol being located at Guthrie. The enabling act contained the usual provision that Oklahoma was to be admitted on an equal footing with the original States. After the constitutional convention the legislature met and, by proper legislation, moved the capital from Guthrie to Oklahoma City, prior to 1913, and in violation to this part of the enabling act and Oklahoma's acceptance. The question was brought before the Supreme Court of the United States by an appeal from the decision of the Supreme Court of Oklahoma upholding the said statute of removal as constitutional and abrogating the provision in the enabling act and the State's acceptance. There is an interesting parallel between this case and that of Arizona, in that we find subdivision sixth of section 20 of the Arizona enabling act provides that the State capital shall be located at Phoenix and that no election shall be taken prior to the year 1925 for the removal of said State capital therefrom, and in Article XX of the Arizona constitution the ninth section accepts that provision.

The State of Oklahoma claimed that the Constitution of the United States set out in Article IV, subdivisions 3 and 4, a manner in which a new State might be admitted and that Congress was without power to impose any other conditions by which the State might become a part of the Union. On the other hand, it was contended by the parties to that suit that this was a solemn contract entered into by the State of Oklahoma and it was bound thereby.

Mr. Justice Lurton, of the United States Supreme Court, in deciding that question, held that the provision of the enabling act was a nullity and, in effect, not binding upon Oklahoma, and that Oklahoma was within its rights when it moved its State capital. The decision was that these various conditions that have been imposed upon the States in the enabling act, were binding only in so far as Congress would have the right to control the subject matter in the State of Oklahoma after admission, as in any other State. That is to say, that the provision in section 20 of the enabling act of Arizona, which required in the fifth subdivision that a State shall never enact a law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, etc., is binding in Arizona, not from the fact that it was imposed on Arizona in the enabling act and accepted by the constitution, but rather from the fact it is a restatement of Section I, Article XV, amendments to the United States Constitution, and therefore it would be binding upon all States.

In discussing this matter, Judge Lurton set out the power of Congress with reference to the admission of new States, as follows:

"The power is to admit 'new States into this Union.'

"'This Union' was and is a Union of States, equal in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new States, might come to be a Union of States unequal in power, as including States whose powers were restricted only by the Constitution, with others whose powers had been further restricted by an act of Congress accepted as a condition of admission. Thus it would result, first, that the powers of Congress would not be defined by the Constitution alone, but in respect to new State, enlarged or restricted by the conditions imposed upon new States by its own legislation admitting them into the Union; and, second, that such new States might not exercise all of the powers which had not been delegated by the Constitution, but only such as had not been further bargained away as conditions of admission."

He then set out an analysis of the subject that was before the court for decision in the following manner:

"In considering the decisions of this court bearing upon the question, we must distinguish, first, between provisions which are fulfilled by the admission of the State; second, between compacts or affirmative legislation intended to operate in future, which are within the scope of the conceded powers of Congress over the subject; and, third, compacts or affirmative legislation which operates to restrict the powers of such new State in respect of matters which would otherwise be exclusively within the sphere of State power."

He then went on and reviewed the decisions that have been rendered since the first States were admitted to the Union, and their bearing on the present case, and finally summed it up in the following manner:

"But in every case such legislation would derive its force not from any agreement or compact with the proposed new State, nor by reason of its acceptance of such enactment as a term of admission, but solely because the power of Congress extended to the subject, and therefore would not operate to restrict the State's legislative power in respect of any matter which was not plainly within the regulating power of Congress. Willamette Iron Bridge Co. *v.* Hatch (125 U. S. 1, 9, 31 L. Ed. 629, 632, 8 Sup. Ct. Rep. 811; Pollard *v.* Hagan, supra.)"

In quoting the decisions from Nebraska, Judge Lurton summed up the net result of this acceptance in this way: "All that was meant by these words was the State acknowledged, as every other State has done, the supremacy of the Federal Constitution, and if the provisions set out were not within such powers, then they are not binding upon the State. He finally summed up the reasoning in the decisions in the quotation from Lane County *v.* Oregon (7 Wall. 76, 19 L. Ed. 104), as follows:

"The people of the United States constitute one nation, under one government; and this Government, within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence. The States disunited might continue to exist. Without the States in union there could be no such political body as the United States."

"To this we may add that the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized. When the equality disappears we may remain a free people, but the Union will not be the Union of the Constitution."

It was squarely decided in this case that Oklahoma had the right to ignore that provision of the enabling act and the acceptance, so far as that particular section was concerned. The principle set down would govern as to the others.

The same principle came up in the case of the United States against Sandoval (231 U. S. 28, 58 L. ed. 107) was reaffirmed. This case involved the same enabling act by which Arizona became a part of the Union, except that it applied to the section which affected New Mexico. Sections 1 to 18 of this act refer exclusively to New Mexico, but contain very many of the same provisions and conditions as those applying to Arizona. The act provided that New Mexico must accept by ordinance certain conditions, one of which was that no one should sell, barter, or give intoxicating liquor to Indians or to introduce it into Indian country. New Mexico adopted the Constitution and accepted by irrevocable ordinance, those provisions of the enabling act. Thereafter, Sandoval was convicted of introducing liquor into Indian country. The country into which Sandoval had introduced the liquor had been previously held by the New Mexico Supreme Court not to be Indian country and the indictment had been dismissed. An appeal was taken to the United States Supreme Court. The question was, Did the enabling act and the Constitution change the previously decided law of New Mexico?

The principle laid down in the Coyle case, supra, was restated by Mr. Justice Van Devanter in deciding the Sandoval case, on page 111, as follows:

"As was said by this court in Coyle *v.* Smith (221 U. S. 559, 574, 55 L. ed. 853, 860, 31 Sup. Ct. Rep. 688), 'it may well happen that Congress should embrace in an enactment introducing a new State into the Union, legislation intended as a regulation of commerce among the States, or with Indian tribes situated within the limits of such new State, or regulations touching the sole care and disposition of the public lands or reservations therein, which might be upheld as legis-

lation within the sphere of the plain power of Congress. But in every such case such legislation would derive its force not from any agreement or compact with the proposed new State, nor by reason of its acceptance of such enactment as a term of admission, but solely because the power of Congress extended to the subject, and therefore would not operate to restrict the State's legislative power in respect of any matter which was not plainly within the regulating power of Congress.' To the same effect are Pollard *v.* Hagan (3 How. 212, 224, 225, 229, 11 L. ed. 565, 571–574; ex parte Webb, 225 U. S. 663, 683, 690, 691, 56 L. ed. 1248, 1256, 1259, 1260, 32 Sup. Ct. Rep. 769).

"The question to be considered, then, is whether the status of the Pueblo Indians and their lands is such that Congress competently can prohibit the introduction of intoxicating liquor into those lands notwithstanding the admission of New Mexico to statehood."

In the Sandoval case the question was reviewed at some length as to just what was the power of Congress with reference to the legislation as to these Indians. It was held, that notwithstanding the enabling act and the acceptance, Congress had the right to determine this question, and it was a legitimate exercise of the power of Congress and within its jurisdiction, and the State of New Mexico never had any right to decide otherwise. The court directed that the judgment be reversed and to proceed on the indictment to prosecute Sandoval.

The Supreme Court of the United States decided in the Sandoval case that the part of the enabling act of New Mexico relating to the sale, barter, and the giving of intoxicating liquor to Indians, and the introduction of liquor into Indian Territory, was a subject which Congress had the right to control, or, as Judge Lurton said in the Coyle case, "solely because the powers of Congress extended to the subject."

The Coyle case and the Sandoval case set out the rule that all conditions in the enabling act and the acceptance are not of themselves binding on Arizona, except so far as the matters are within the power of Congress to control, irrespective of the enabling act and the acceptance. The subject matter of the fifth and tenth sections of Article XX of the Constitution must be examined with this rule in mind. If Congress has the right to control such subject matter in any State, a repeal would be of no avail; if not, then a repeal would be within the right and power of the people of Arizona.

APPLICATION

The Swing-Johnson bill makes the repeal of parts of Article XX important at this time. If for the benefit of a sister State—Arizona—the United States Government indirectly goes into the power business it should have the right to tax the physical property engaged in this power business within Arizona, although the title to the property may stand in the United States. That part of the fifth section of Article XX might be held to stop Arizona from making any such claim if Arizona should make the claim without repealing that part of the section.

The only part of the fifth paragraph which calls for repeal is that which reads as follows:

"No taxes shall be imposed by State upon lands or property situate in the State, belonging to or which may hereafter be acquired by the United States, or reserved for its use."

The remaining provisions in the paragraph are practically a reenactment of the fourteenth amendment to the United States Constitution, or relate to the reserved powers of the Congress of the United States as to the regulation of the Indian. It would therefore seem advisable to pass an act by the eighth legislature, submitting to the people at a special election, the fifth paragraph with the part deleted which is referred to above.

The tenth section of the twentieth article should be repealed in its entirety by an act and submission to the people at a special election. The Swing-Johnson bill refers to the section as part of the enabling act and our Constitution, and an attempt has been and will continue to be made to take advantage of the fact as binding Arizona into the conditions of that bill.

In conclusion, it would seem that it would be within the constitutional rights of Arizona, and would be within the moral rights to repeal these two sections for the following reason:

(1) The constitution of Arizona provides, section 3, Article II: "The Constitution of the United States is the supreme law of the land" and by the Constitution of the United States, Arizona is a sovereign State on a parity with every other State of the Union, at this time, except for the ordinance made a part of our Constitution as Article XX.

(2) When the enabling act was passed by Congress, Arizona was a Territory and she was not free to do otherwise than accept the conditions of the enabling act. It was forced on her as a Territory but is not binding on her as a State.

(3) Each provision of Article XX of the constitution of Arizona reenacting these particular mandates in the enabling act in so far as they are not supported by the Constitution of the United States are unconstitutional, not binding upon the State of Arizona, and Arizona has no more moral obligation to carry out than to enforce any other unconstitutional law, and lastly, whatever moral obligation there might be to carry out the provisions of this offer and acceptance as provided in the enabling act and in the constitution of Arizona, are of little weight, since a sister State, California, is attempting to take advantage of these facts to advance her own interests. When we weigh such equities, it calls for a repudiation of the binding effect of the section.

Respectfully submitted.

A. H. FAVOUR,
Senator from Yavapai.

Mr. SHORTRIDGE. Mr. President, the proposition may be very briefly stated. I caused to be published in the RECORD—Senators will find the matter on page 318—the provision in the act admitting Arizona into the Union, which was passed June 20, 1910. I also caused to be printed Article XX of the constitution of Arizona. I need not take up the time of the Senate to read them again. Thereafter, and within the time provided, the Government exercised its reserved right specifically mentioned in the enabling act and in the constitution of the State. Arizona rapped at the door and craved admittance into the Union. It was admitted upon certain terms and conditions, which took on the form of a contract, an agreement, honorable and proper. The Government of the United States has observed that agreement, that contract, which, I repeat, was honorable to both parties and just and prudent and wise.

Now, what is Arizona asking? What has it done? I regret to say that it has, I think, in the past attempted to violate that primary agreement, and I think it is now asking to be relieved from that agreement. Frankly, and with the respect due to that State——

Mr. ASHURST. Mr. President, I know the Senator has only a moment, but will he yield to me?

Mr. SHORTRIDGE. I will take some of my 15 minutes if it be necessary, but what is the question? The Senator will pardon me.

Mr. ASHURST. The able Senator has stated that Arizona has attempted to violate her agreement. On the contrary, we are certain that the Federal Government did not make the reservation within the five years and that the Federal Government is attempting to violate its own agreement and take advantage of its own laches. Of course, that can never be settled except by the court of last resort. We are not attempting to violate our agreement, but since the Federal Government did not make the reservation within the time, we are not bound by it. That is all. I thank the Senator. I will interrupt him no more.

Mr. SHORTRIDGE. Mr. President, the Senator from Arizona the other day made the same remark in substance. I caused to be printed in the RECORD the documents showing the official acts of the Federal Government, and it has always been claimed by the Government, I venture to claim to-day, that the Government took appropriate official action within the time provided by the constitution of Arizona and in the act admitting Arizona into the Union.

Mr. ASHURST. Mr. President, will the Senator from California again yield to me?

Mr. SHORTRIDGE. Certainly.

Mr. ASHURST. Of course, the Senator from California and every other Senator is justified in reposing reliance on the printed word of the Government, but in so far as the record says the Government "got under the wire" in time, the record is a forgery which was committed in the General Land Office. The date is not right; but after the Government had failed to come in within the time, it prepared a document and dated it back, so that it could say to the wayfaring man, "We got under the wire"—if Senators will pardon that expression—"within the time." Arizona has never "welched"—everybody here knows what that is—and Arizona is not attempting to get out of her agreements or contracts. The Federal Government, through its delay, its remissness, failed to reserve the lands within the five years. It then forged a document to make it appear and to pretend that it had gotten in within the five years. We do not yield any respect to forged documents.

Mr. SHORTRIDGE. Mr. President, I am not here now to defend the Government as against the charge made by the Senator from Arizona, but, as a Senator, I am warranted in presuming the truth of the official documents which are brought here to our official attention.

Mr. ASHURST. The Senator is justified in presuming that they are correct.

Mr. SHORTRIDGE. We are entitled to assume and presume their correctness. In point of truth, I am not able to enter into a controversy with the Senator as to the facts, but on behalf of the Government and on behalf of those who represented it, I respectfully deny—and without adjective or adverb—the statement or charge of the Senator from Arizona, more or less emotional for the moment. The contention is, however——

Mr. HAYDEN. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. Pardon me for just a moment. The contention now is that the Government never kept the agreement. The proposed amendment of the Senator, I presume, proceeded upon the theory that the Government had observed the agreement and that Arizona wanted to be relieved.

Mr. CARAWAY. Mr. President, may I ask the Senator from California a question?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. I am perfectly frank to say that I myself do not see the materiality of this matter, any way. What harm, if the amendment be adopted, would come to the project? I fail to understand that.

Mr. SHORTRIDGE. Out of abundance of caution, I say to the Senate, it was deemed wise to put this provision in the bill, a provision to the effect nothing in the act should be construed as a waiver by the Federal Government of any rights, whatever it might have, growing out of paragraph 7 of section 20 of the act for the admission of Arizona and by the tenth paragraph of Article XX of the constitution of Arizona.

Mr. CARAWAY. If the Senator will be patient with me, what I am trying to find out is this: Is there any contention that the Government is about to lose some tangible rights under this bill?

Mr. SHORTRIDGE. I will answer the Senator with perfect candor. I know of no rights which it could lose, if it has them, but it has been asserted here again and yet again that it would be prudent, it would be judicious specifically to set out that no right was waived by the passage of this bill.

Mr. CARAWAY. In the interest of harmony and since the Federal Government is the stronger of the two agencies, would it not be the wiser course to protect the State against some possible harm that might come to it by leaving the language as it is? It can not affect the construction of the dam or any activities that the Senator wants under it.

Mr. SHORTRIDGE. If I grasp the force of the Senator's question and observation, I think the language of the bill as it is now should remain; that it does not injure anybody, but preserves, out of abundance of caution, the status quo of rights which may exist.

Mr. CARAWAY. What I am trying to get at, though possibly not very happily, is this: The Senator from Arizona thinks that it affects the rights of Arizona.

Mr. SHORTRIDGE. Evidently he does.

Mr. CARAWAY. Yes. Of course the Senator from California does not think so, nor does he believe the rights of the Federal Government would be jeopardized if that language in the bill were stricken out. I heard him use the expression "out of abundance of caution." What I am trying to say—and I repeat perhaps I am not saying it very happily—is that where there is a possible right of a State and a possible right of the Federal Government, would it not be more generous and wiser to be certain to protect the right of the State in enacting legislation because the Federal Government is the agency which is enacting it? That is the way it appeals to me.

Mr. SHORTRIDGE. Theoretically, some preference might be given to the supposedly weaker of the two, but before a court, in my mind, they would stand equal.

Mr. CARAWAY. At least the Federal Government is exercising the authority to enact this legislation.

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. The State of Arizona is not asked to assent to it. It is the stronger, the centralized government, that is proposing to do it. Under those circumstances, if the question should arise whether the Federal Government or the State of Arizona would most suffer, would it not be the proper thing to do to guard the right of the State, which is not moving in the case at all?

Mr. SHORTRIDGE. There is another thought which with me is controlling. During the earlier hearings on this bill, some time ago, I caused this matter to be brought to the attention of the committee, and in the records of the committee these provisions will be found.

Mr. CARAWAY. I understand that, and the Senator, I am sure, actually sets forth the reasons that impelled the committee so to act. I have such a very great regard for the highly sensitive attitude of the Senator toward the rights of the people who may be affected by legislation that it appeared to me, inasmuch as Arizona is not moving and the Federal Government is moving in the matter, if the rights of either might be jeopardized, the rights of the State ought not to be, because it is not asking for the legislation.

Mr. SHORTRIDGE. My view, to sum up, is this, that here was a contract entered into between a State about to enter into the Union——

Mr. CARAWAY. And with all due deference, the Senator absolutely knows that it had to accept the conditions imposed by Congress.

Mr. SHORTRIDGE. I grant that.

Mr. CARAWAY. It is not a contract in the sense that it was voluntarily entered into.

Mr. SHORTRIDGE. It was very willingly entered into.

Mr. CARAWAY. That would be a conclusion.

Mr. SHORTRIDGE. It was very willingly entered into because the pioneer men and women of the then Territory of Arizona were anxious to have their form of government changed into that of a State and to become a member of the Union.

Mr. CARAWAY. They——

Mr. SHORTRIDGE. Pardon me for just a second.

Mr. CARAWAY. Certainly; and then I hope the Senator will pardon me.

Mr. SHORTRIDGE. Thereupon the act admitting Arizona contained this provision.

Mr. CARAWAY. And Arizona could get into the Union only by accepting it.

Mr. SHORTRIDGE. Arizona proceeded in good faith to adopt her constitution. The Government, I think, in good faith exercised its rights under the contract; and I think that, as of to-day, that State through her Senators is asking to be relieved from that contract——

Mr. CARAWAY. I think I understand the Senator.

Mr. SHORTRIDGE. And they couple it now with the charge of fraud on the part of the Nation.

Mr. CARAWAY. Here is what I am coming back to again: I entertain very decided opinions along this line. Where the Federal Government deals with a Territory that seeks admission, and it imposes conditions which are sometimes both harsh and unjust, the Territory must accept them to get into the Union. At one time we argued with the Government in my State. The North said we could not go out of the Union, and then they said we were out and we could not get back unless we would ratify certain amendments to the Constitution, which could only be done by States. They said at first that we could not go out, and then that we were out and could not get back.

Mr. SHORTRIDGE. I have always contended that you never were out, and I rejoice that you are in.

Mr. CARAWAY. We were compelled to ratify certain amendments to the Constitution before we could get back. The Senator will agree with me that sometimes the stronger of the two imposes upon the weaker unreasonable conditions. When we are dealing with such a situation I am always very tender, indeed, of the rights of a State, whether it be California or Arizona. I never saw either of those States; there have been so many places where I would rather go that I have never gone to either one of them——

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. SHORTRIDGE. On the amendment?

The PRESIDING OFFICER. On the amendment.

Mr. SHORTRIDGE. Then I will take a few moments on the bill itself.

The PRESIDING OFFICER. The Senator from California is recognized on the bill.

Mr. SHORTRIDGE. Solely to reply to my friend from Arkansas.

Mr. CARAWAY. I did not mean to consume so much of the Senator's time.

Mr. SHORTRIDGE. The Senator from Arkansas really consumed most of my time, and it was much better consumed than if I had been speaking.

No one, Mr. President, I venture to say, has more pronounced, definite, fixed notions in respect of the rights of the States of the Union than I have.

Mr. CARAWAY. I am conscious of that. I have a very great respect for the Senator.

Mr. SHORTRIDGE. I once advanced some views here with respect to the right of a State to choose its own Senators; and in other tribunals I have stood up for the rights of States to legislate in respect the ownership, the leasing their own land. But with me to-day the point is not a question of preferring the weak or favoring the strong. I think there was an honorable agreement entered into. I think it was wise. I see nothing in it that is unjust, nothing whatever; wherefore I think the bill should remain in the form in which it was framed and reported by the committee.

Mr. CARAWAY. I only interrupted the Senator because I thought he was departing from the doctrine he has so ably maintained heretofore, and I regretted to see him do so.

Mr. WALSH of Montana. Mr. President, I have before me now the provision of the enabling act, which reads as follows:

> There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State.

That was the right reserved to the United States. Grants of land were made; and although those lands were selected by the State of Arizona, yet the United States might, notwithstanding that selection, at any time within five years thereafter, reserve those lands for water-power development. Whether the State of Arizona did or did not exercise that right with respect to certain lands within the period of five years is entirely irrelevant now. Whatever right the United States had in the matter expired more than 10 years ago. What right has the United States now under that act that could possibly be waived by this bill?

Mr. SHORTRIDGE. Mr. President, the Federal Government may have so acted as to acquire rights which became vested and continue vested.

Mr. WALSH of Montana. Of course they continue vested. The Government of the United States has no more rights. It has withdrawn those lands, so that the State of Arizona did not get them, but got lieu lands in place of them. All of its rights are gone. There are not any more rights in the United States. It is expressly limited to the exercise of its rights within five years, so that this being an annoyance to the people of Arizona, apparently, and since there are no possible rights in the United States, why should we say here that the United States reserves some rights under that act?

Mr. SHORTRIDGE. The bill does not say so. The bill says, if the Senator will be good enough to turn to the language——

Mr. WALSH of Montana. It says:

> Nothing in this act shall be deemed to waive or change any of the rights or powers reserved or granted to the United States by paragraph 7—

And so forth.

Mr. SHORTRIDGE. All right. Then, if the United States has no rights, no harm is done; but, if she has rights, this provision is placed in the bill out of abundance of caution and to make it plain that she waives no rights.

Mr. WALSH of Montana. But let the Senator tell us what rights the United States has that could possibly be waived?

Mr. SHORTRIDGE. The rights which grew out of the exercise of the reserved power.

Mr. WALSH of Montana. But the right granted is the right to reserve these lands; and if the Government did not exercise that right within five years with respect to any lands, it has not any more rights under this act.

Mr. SHORTRIDGE. The Government did exercise the power, and made certain reservations.

Mr. WALSH of Montana. Exactly; so that it has those rights.

Mr. SHORTRIDGE. Why does the Senator insist, then, that the Government has no rights?

Mr. WALSH of Montana. It has no further rights under this act. It has exercised all the right it has. It has withdrawn lands, and the State of Arizona has lieu lands in place of them. The act is functus officio.

Mr. SHORTRIDGE. It may be quite unnecessary; but I do not follow the Senator's reasoning when he insists that the Government now has no rights. The Government had a right to do something.

Mr. WALSH of Montana. It had a right to withdraw the lands, and it did that. That ends it.

Mr. SHORTRIDGE. We wish nothing in this bill which will be construed as impairing the rights of the Government, rights which the Government acquired by the timely exercise of the right to withdraw certain lands.

Mr. WALSH of Montana. The rights of the Government have already been fixed. The right granted by this act is the right to withdraw lands.

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Montana. And we propose not to waive any rights that the Government has to withdraw lands; but it has not any rights to withdraw lands, and has not had for 10 years.

Mr. SHORTRIDGE. But it did withdraw lands, and it may be argued——

Mr. WALSH of Montana. I decline to discuss the thing further.

Mr. SHORTRIDGE. I did not provoke this discussion with the Senator. I did not start it, nor do I care to prolong it.

Mr. ASHURST. Mr. President, the question which has almost as much importance as the lands involved is as follows: Is Arizona attempting to escape from or avoid any of the provisions of the enabling act?

Mr. SHORTRIDGE. Yes.

Mr. ASHURST. Mr. President, I read from the enabling act the operative part of the provision in question:

> There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State.

Did the Federal Government, through its appropriate officers, within the five years from and after the date of the issuance of the President's proclamation, withdraw the lands in question?

Mr. SHORTRIDGE. That is a question of fact; is it not?

Mr. ASHURST. Yes.

I read from a dispatch to the Los Angeles Times. Let me say that whether we quarrel with the Los Angeles Times or not over its political philosophy, it is a very enterprising journal and makes a reasonable attempt to be accurate. Although it for more than 20 years has opposed my political pretensions, I am willing to say that it attempts to be accurate.

I quote from a dispatch to the Los Angeles Times dated December 18, 1924:

> In the United States Land Office there has been found an interesting error on the notation of the tract books covering the Colorado River area, this being a statement that withdrawal of water-power sites by the National Government has been made on February 19, 1917. The real date of withdrawal has been found to have been February 9, a matter of large importance as affecting Government ownership of all the Colorado River power dam sites. The President of the United States issued his proclamation February 14, 1912, and the 5-year limitation would have expired February 14, 1917.

The officials of the Government on February 19, or five days after the time expired, learning of their remissness, delay, and neglect to withdraw the lands in question within the time, erased the numeral "1," leaving the numeral "9"; and by the act of erasing the numeral "1" in front of the "9" they caused the record apparently to say that the withdrawal was made within the time. But by the erasure of the numeral "1" which was an improper, if not an unlawful act, the Federal Government claims that it withdrew the lands five days before the time expired.

It is of no utility to say that Arizona has failed to keep her agreements. I am not charging that the State of California, through its Senators and Representatives, knew of or had the slightest suspicion of this unlawful act; but it does not become those who base their title upon a fabricated entry to look at us and cry out "Welsher!" Clean your own hands of improper acts before you accuse others of not keeping their compacts with the Federal Government.

When the Federal Government failed to make the withdrawals within the five years, Arizona was no longer bound.

This dispatch says, further:

> The President issued his proclamation on February 14, 1912, admitting Arizona. The 5-year limitation expired February 14, 1907. The tract books would indicate that the reservation was made five days too late.

I am reading from page 238 of a work entitled "The Colorado River Compact," by Renel Leslie Olson.

Mr. WALSH of Montana. Mr. President, does the Senator agree that it does not make a bit of difference whether it was within or without the time, so far as this question is concerned?

Mr. ASHURST. I do; and if the Government did not make the withdrawal within the time, it is now too late.

Mr. WALSH of Montana. And if it did not, the time is gone?

Mr. ASHURST. If it did not, the time is gone.

Mr. WALSH of Montana. But is it material for this matter that is before us now?

Mr. ASHURST. No.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the amendment offered by the Senator from Arizona [Mr. ASHURST] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. JOHNSON. Mr. President, I believe the Senator from Utah [Mr. KING] has certain amendments to offer.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following paragraph:

Nothing herein shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement.

Mr. JOHNSON. Mr. President, with the understanding that the verb relates to the present—the rights they now have to do all of the things that subsequently follow—I have no objection to the amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Utah [Mr. KING] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, yesterday an amendment was agreed to, and inadvertently the words "have the right to" were omitted from the amendment. I recur to the amendment, and ask to insert those words, so that the amendment will read:

Any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act.

The words "shall have the right to" were omitted.

Mr. JOHNSON. There is no objection to that amendment.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent to reconsider the action by which the amendment on page 20, after line 20, was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is upon the modification stated by the Senator from Utah.

The amendment to the amendment was agreed to.

The amendment, as amended, to the amendment in the nature of a substitute was agreed to.

Mr. JOHNSON. The Senator from Utah has two other amendments, I think, upon which substantially we have agreed, and he can present them. While he is looking for them, however, I will present an amendment that was offered the other night that has perhaps little to it, but it is desired by certain parties.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. As a new section at the end of the bill insert the following:

SEC. 16. Nothing in this act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Mr. KING. My understanding has been that some amendment would be offered which would be an admonition to Mexico that the waters of the Colorado River are claimed and have been claimed by the United States, unless, perhaps, the limited quantity heretofore used for beneficial purposes in the Republic of Mexico.

Mr. JOHNSON. This amendment does not affect that matter. It would have to be covered by a different amendment entirely. No amendment of that sort has been offered, for reasons which I think confidentially can be conveyed to the Senator from Utah by the Senator from Colorado.

Mr. PHIPPS. May I call the attention of the Senator from Utah to the language in section 1 of the bill, which provides that the water shall be used exclusively within the United States.

Mr. KING. I am familiar with that. But let me ask the Senator from California, does not this amendment which he has just offered confirm, or is it not a recognition of, the claims of Mexico to water already used, or which she claims to have used in Mexico?

Mr. JOHNSON. Specifically, no.

Mr. KING. I would not be in favor of any amendment which would indicate that we concede any right to Mexico to use the waters of the Colorado River.

Mr. JOHNSON. I quite agree with the Senator from Utah. This is innocuous, in my opinion, but is desired by certain people who are interested in having it inserted in the bill.

Mr. WALSH of Montana. In view of this discussion, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. The proposed amendment is to add as a new section at the end of the proposed substitute:

SEC. 16. Nothing in this act shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

Mr. McKELLAR. Mr. President, I did not hear the word after "denial." Will not the clerk read the amendment to the amendment again?

The amendment to the amendment was again read.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the substitute amendment was agreed to.

Mr. KING. Mr. President, I offer the following amendment, which has been submitted heretofore and read.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. Add at the proper place in the proposed substitute the following paragraph:

That the consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this act for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

SEC. 2. Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. KING. I move the adoption of the amendment to the amendment.

Mr. JOHNSON. I have no objection.

The amendment to the substitute amendment was agreed to.

Mr. KING. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Utah offers another amendment, which the clerk will report.

The CHIEF CLERK. On page 8, line 2, after word "shall," insert the words "be made with a view to obtaining reasonable returns and shall."

Mr. JOHNSON. I have no objection.

The amendment to the substitute amendment was agreed to.

Mr. KING. Mr. President, the Senator suggested that in the amendment adopted a moment ago the sections should be indicated as "(a)" and "(b)" instead of using numerals. I have no objection to that being done.

Mr. JOHNSON. Mr. President, so far as I am aware, the amendments are concluded now.

Mr. REED of Pennsylvania. Mr. President, I send to the desk an amendment.

Mr. WALSH of Montana. Before that is considered, may I inquire what was done with the amendment offered by the Senator from Utah providing for further compensation?

The PRESIDING OFFICER. It was agreed to.

Mr. JOHNSON. It is purely permissive.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Pennsylvania to the substitute amendment.

The CHIEF CLERK. The Senator from Pennsylvania moves, after section 5, to insert a new section, as follows:

It is hereby declared to be the policy of this act that the construction of any plant for the generation of electrical energy shall be undertaken by the United States only in the event that satisfactory contracts for the construction and operation of such a plant or plants can not be made with States or governmental subdivisions of States or with private persons or corporations upon conditions prescribed by the Secretary of the Interior.

Mr. JOHNSON. Mr. President, first, I want to make the point of order that substantially that amendment was offered yesterday. As I recall it, however, it was subsequently withdrawn, was it not?

Mr. PHIPPS. That is correct.

Mr. JOHNSON. If it was withdrawn, I am not permitted to make the point of order.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania to the amendment.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	King	Sackett
Barkley	Gerry	La Follette	Sheppard
Bingham	Gillett	McKellar	Shortridge
Black	Glass	McLean	Simmons
Blaine	Glenn	McMaster	Smith
Blease	Goff	McNary	Steck
Borah	Gould	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norris	Swanson
Bruce	Harris	Nye	Thomas, Idaho
Capper	Harrison	Oddie	Thomas, Okla.
Caraway	Hastings	Overman	Trammell
Couzens	Hawes	Phipps	Tyson
Curtis	Hayden	Pine	Vandenberg
Deneen	Heflin	Pittman	Wagner
Dill	Johnson	Ransdell	Walsh, Mont.
Edge	Jones	Reed, Pa.	Waterman
Fess	Kendrick	Robinson, Ark.	Watson
Frazier	Keyes	Robinson, Ind.	Wheeler

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

Mr. JONES. Mr. President, I ask that the amendment be read again, so that everybody may understand what it provides.

The PRESIDING OFFICER. The clerk will read the amendment to the amendment.

The amendment to the amendment was again read by the Chief Clerk.

Mr. REED of Pennsylvania. Mr. President, I do not mean to take more than a few minutes in the discussion of this amendment. Recently, in questioning the proponents of the pending measure about the intention of the bill regarding the construction of this electric-power plant, we were told that the construction of the power plant is essential to the success of this entire project, and that therefore an option is given by the measure to enable the Government to build the plant in case satisfactory arrangements with the States or municipalities or private persons can not be reached, the idea being that that option is necessary in order to fortify the Secretary in his negotiations with the States or with the cities or with private individuals; in other words, that the Secretary could not drive a good bargain with them for the construction and operation of the plant unless he had reserved an option for the Government to do it itself. Having that option, we were told, better terms could be secured from the private interests or the States or the municipalities in the making of that contract.

Some of the supporters of the bill are frank enough to admit that it is their expectation and hope that the Government will at once plan to build this electric-power plant and generate electric power for sale without even trying to have it done for us by the States involved or by the cities involved or by any private organization.

All that this amendment proposes is to declare it to be the policy of the Government of the United States that if a satisfactory contract can be made with somebody else to take the water and operate the plant, that is a preferable solution to the expenditure of Federal money and the conduct of the business by the Federal Government. It in no way abbreviates the powers of the Secretary of the Interior as they stand in the bill now under consideration, but merely declares the preference of Congress for private operation of that industry or operation by the States or municipalities concerned, and declares it to be our policy that only as a last resort shall the Federal Government go into that industry.

Mr. NORRIS. Mr. President, I think the amendment is perfectly clear and that the statement of the Senator from Pennsylvania is equally clear as to the policy described and outlined in the amendment. So far as I am concerned, I am opposed to the policy the Senator has outlined. If the Government of the United States is going to spend the money to build this great dam, it seems to me it ought to build the entire thing. It ought not to be farmed out in piecemeal.

The real reason for this legislation, as I look at it—and it is one of the most impelling and forceful reasons that has ever moved me in my legislative experience—is to save Imperial Valley from damage by flood. I think that is the fundamental reason why the Government of the United States should back up the proposition. If we do not legislate for the building of a dam that will hold back the flood waters, then we ought to go into the Imperial Valley and buy all the property that is there for what it is worth and let that country become a part of the ocean. It is a mammoth undertaking beyond the capability of any municipality and perhaps most all private corporations. But if we are going to build the dam for flood control and know full well that incidental to that construction there is going to be a large amount of electric development, we would, of course, be foolish to build the dam and not utilize the electricity it develops. The question comes, How can it be done most economically, and how can this electricity get to the real consumers at the lowest possible price?

If the Government of the United States is going into this business at all and use the taxpayers' money to go into it, then it is the most economical thing, it seems clear to me, that we should build the entire work, for electrical development and everything else, as one great big unit. For that reason we ought not to use the money of the people, it seems to me, to construct the property and then let out to private people for private gain something that will come as an incident to the expenditure of public funds.

The provision in the amendment is that the work shall be undertaken by the United States only in the event that satisfactory contracts for the construction and operation of such plant or plants can not be made with States or governmental subdivisions of States or with private persons.

It seems to me it is perfectly clear that no State is so fixed that it can make this development. California can not do it. I presume they would have to have an amendment to their constitution first. They would have to go into two other States to construct the property. No State has shown a disposition to build the dam or to construct these works for the development of electricity. No division of a State can do it even if it were to be admitted for the sake of argument that a municipality is a division of a State. I suppose the Senator from Pennsylvania means to include municipalities although he does not name them as such, but I am assuming that is his object. The city of Los Angeles could not go in there and build the plant. It would be objected to, and I think properly so, by other States who are entitled to a part of the electricity. It would be the same thing if any State undertook it, and we would get down to the point where we would have to get a combination of all the States interested in order to do it.

So the amendment reduces itself, as I look at it, to the point that we have nothing left in it except private persons or corporations. In other words, it means that the Government of the United States shall not construct any works there to generate electricity if any private corporation will do it.

In the first place, I think that would be uneconomical. It is dividing the work into at least two units and perhaps more. It would not be efficient. In the next place, it would not give ultimately to the consumers of electricity the current as cheaply as they would get it if the Government built the generating plant. In the third place, it is using the funds of the Government of the United States to make the initial investment to build the dam that is necessary and essential if any electricity is to be generated there—building the dam by the use of public funds, the taxpayers' money, and the benefits accruing then to private corporations for private gain.

I am not finding fault with the private corporations or individuals who are engaged in this business, a perfectly respectable and perfectly honorable business, but it seems to me fair, if they are going to do it that their money ought to be invested. If the Government goes into the business of constructing the dam, it ought to construct the generating works which, as a matter of fact, will be a part of the dam itself if properly built. I take it that the generating works will probably be a part of the dam. It will be a part of it from the very beginning of the plans, and all work and everything else will revolve around that proposition.

The bill is constructed on the theory that out of the sale of electricity we are going to pay the taxpayers' money back to them, so that as a proposition it can not, for practical purposes and efficiency purposes, be divided. When the Government once has the generating plant built, at the same time and as a part of the dam itself, and comes to sell it, it ought to give the States and parts of States and municipalities the first opportunity to get the electricity that will be generated there by public funds. What does not go to them may be given to anybody who will take it, private corporations as well as others.

That being the case it strikes me that it would be the height of folly, it would be entering upon an inefficient and uneconomical venture to say, to begin with, that when we are building this mammoth dam that part of the dam which is going to generate electricity, that will have to be started soon as the dam is started, is going to be leased or turned over to private parties and to private corporations for their private gain.

It seems to me, for the various reasons I have given, that the amendment ought to be defeated and ought not to be engrafted as a part of this legislation.

Mr. REED of Pennsylvania. Mr. President, the difference between the Senator from Nebraska and myself——

Mr. NORRIS. Mr. President, I have no objection to the Senator from Pennsylvania speaking, but I want to give notice that I shall demand the same right if he speaks a second time.

Mr. REED of Pennsylvania. I might have notified the Senator from Nebraska in the same way when he began to speak.

Mr. NORRIS. But the Senator from Nebraska has spoken only once and the Senator from Pennsylvania has spoken once. I do not object to the Senator from Pennsylvania speaking again if that rule is going to be applied to all alike.

The VICE PRESIDENT. Under the unanimous-consent agreement under which we are working the Senator from Pennsylvania is not entitled to recognition at the present time.

Mr. REED of Pennsylvania. I did not understand that there was any such agreement.

The VICE PRESIDENT. The Senator from Pennsylvania can not proceed if there is objection.

Mr. PITTMAN. I object to violating the rule, of course; but I suggest that the Senator from Pennsylvania may take 15 minutes on the bill.

The VICE PRESIDENT. The Senator from Pennsylvania has exhausted his right to speak on the amendment, but he is entitled to 15 minutes on the bill.

Mr. REED of Pennsylvania. I did not know the terms of the unanimous-consent agreement, and I had no intention of taking more than three or four minutes.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 15 minutes on the bill.

Mr. REED of Pennsylvania. The difference between the views of the Senator from Nebraska [Mr. NORRIS] and those of myself is fundamental. He believes that it is better for the people of the United States that they should build and operate the generating plant. On the contrary, I believe that it is better for all the people of the United States if it can be done by private enterprise, and that it is wiser to do so. I respect the honesty of the Senator's views and know he respects mine.

We have no difference in our views as to the necessity for flood prevention and the erection of a dam out of public moneys for that purpose. I do not think we have any difference in our views as to the propriety of the storage of water for irrigation, although we must all realize that we are adding to agricultural lands, increasing agricultural surpluses, and increasing to that extent the problem of surplus crops which confronts us now in the farm problem. But we all concede that that surplus is a temporary thing and that in the last analysis America will be greater as the number of fertile acres is greater. So I am glad to see the irrigation project adopted as a part of this plan.

I am willing to agree that the supply of pure water for domestic use is a governmental function and though it is ordinarily done by municipalities, the situation here being of an interstate character, the problem justifies the expenditure of Federal money for the solution of the problem.

Mr. WALSH of Montana. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Montana. I should like to inquire of the Senator if he has any information concerning the practicability, from the standpoint of economy, of the construction of the dam by the Government and the power plant by some one else?

Mr. REED of Pennsylvania. In that regard I am depending on the proponents of the bill, who give the option to the Government, give an alternative right to the Government to do the work either by private operation or by public expenditure.

Mr. WALSH of Montana. But likewise, Mr. President, if the power plant is to be constructed as a separate proposition, of course, it would be owned under permit and occupied by the corporation if a corporation should construct it.

Mr. REED of Pennsylvania. No; I do not concede that.

Mr. WALSH of Montana. If it is built by a private company it must belong to the people who furnish the money.

Mr. REED of Pennsylvania. It might be built like a toll bridge, and become public property after it amortizes itself. That is left to the discretion of the Secretary of the Interior. He could make that a part of the contract if he wished to do so.

Mr. WALSH of Montana. Yes; but conceivably the power plant might be built in connection with the dam, and it would be impossible to segregate the two properties.

Mr. REED of Pennsylvania. That is conceivable but not necessarily impossible, and I accept the view that it is not impossible because the proponents of the bill themselves have stated it in the alternative as to whether Government shall or shall not spend its money for the construction of the plant. All I am trying to do in this amendment is to say that we prefer that this horn of the dilemma shall be taken instead of the other; that this solution between the two alternatives is preferable to Congress and leave it wholly to the discretion of the Secretary as to whether he shall impose such terms as may make it impossible to get any private bidder.

Mr. NORRIS. Mr. President——

Mr. REED of Pennsylvania. Just a word and I shall have finished.

Mr. NORRIS. Mr. President, I wanted to ask the Senator a question. I do not want to get the floor, but I should like to interrupt the Senator if he will permit me to do so.

Mr. REED of Pennsylvania. Certainly.

Mr. NORRIS. I want to ask the Senator if he thinks it is possible or practicable to construct a dam for the generation of electricity by water power and have, for instance, the water wheel that operates the machinery outside of the dam itself?

Mr. REED of Pennsylvania. Absolutely. It is done at Niagara Falls and it is done in perhaps a thousand other places.

Mr. NORRIS. There is not a plant at Niagara Falls or at other places, either public or private, which I have seen—and I have seen many of them—where the water wheel and apparatus for generating the electricity are not within the dam. In the Muscle Shoals Dam it is all inside one great structure. There is a building outside of that, it is true, where there is a lot of machinery and indicators, but I should like to have the Senator tell how as a practical, efficient, economical proposition it is possible to separate the two.

Mr. REED of Pennsylvania. It may be done very easily, Mr. President. If the Senator will think about the situation at Niagara it illustrates the situation. The electricity is going to be generated where the turbines are, at the foot of the chute of the water that produces the power that revolves those turbines. That may be in the dam itself, as at Muscle Shoals; it may be in a cliff a mile or more from the waterhead, as at Niagara Falls; it may be 25 miles from the dam, as in certain cases that I think of in California.

Mr. NORRIS. That is where a race, as it is called, is built; but does the Senator believe that where this dam is to be constructed at Boulder Canyon between massive walls on each side there will be any such thing?

Mr. REED of Pennsylvania. No; Mr. President——

Mr. NORRIS. I am satisfied that it will be like, for instance, the Muscle Shoals plant. There will not be any such thing as a mill race, but the water will go right down through the dam itself and the water wheel will be a part of the dam.

Mr. REED of Pennsylvania. Of course, I do not know the engineering decisions that will be reached.

Mr. NORRIS. Neither do I know.

Mr. REED of Pennsylvania. But we can make water flow down any hill. It just depends upon where the hill is made from which it shall flow; and it can go down through a chute or the side of a cliff 25 miles way. It is easily practicable.

But now, to finish what I was about to say, this amendment in no way would interfere with the discretion of the Secretary of the Interior in the imposition of any condition that his discretion might prescribe; and that would include a regulation of the rates to be charged, of the service to be rendered, of the method by which and rate at which the investment should be amortized and ultimately returned, as we provide in the case of toll bridges, to public ownership. Any safeguard that occurs to the Secretary of the Interior might be provided. All that the amendment does in effect is to say that we shall save $38,000,000—I think that is the correct amount—out of the Government's first expenditure; we will let that expenditure be provided out of State or county or city or private capital and not take it from the Federal Treasury; and we will regulate the business conducted there as we see best to regulate it, but not own it.

Those of us who believe that the utilities had better be operated by the Government than by private industry under regulation will doubtlessly vote against the amendment, but those of us who believe it is better to preserve private initiative, to use private capital, and to regulate it sternly in its relations to the public, will, I think, prefer to have this declaration of policy in the act.

Mr. JOHNSON. Mr. President, from one standpoint it is rather unfortunate that the question is raised and that the amendment has been presented by the Senator from Pennsylvania. I mean from the standpoint of the passage of the bill, for at the time this amendment was offered the bill was ready for passage; but much, sir, as I desire the passage of the bill, however my heart and my emotions may be enlisted in its behalf, I want to express my admiration for the Senator from Pennsylvania for asking that the Senate declare now, in connection with the greatest water-power development that the Government has ever undertaken, the policy which shall be pursued. The Senator from Pennsylvania has brought the issue before us; without his amendment the issue would not have

been before the Senate at all; but here it is. Men who have opinions and men who believe in policies for the Government that shall protect the people necessarily now upon the amendment of the Senator from Pennsylvania must take their stand.

I have not concealed from the Senator from Pennsylvania nor from this body my predilections, my inclinations, or my desires. I said the other day, when speaking here upon this subject late in the afternoon, just what was in my mind and just what I should like to see done. So far as I am concerned, sir, I would prefer that the Government of the United States, expending the enormous amount of money that will be expended for this dam, should from the standpoint of economy, from the standpoint of protection to our people, from the standpoint, indeed, of the welfare of every State that is contiguous to the Colorado River and is interested in its development, and from the standpoint of a rational and enlightened public policy—I would prefer that the Government of the United States building the dam build as well the generating plant. I desire, if that can be accomplished, that it may be done. I have never concealed this view. It is mine now, as it has always been in the past.

Now, it is sought by the amendment that is presented to declare upon the part of the Government of the United States, no matter what may be the surrounding circumstances, a policy which in the days to come shall constitute, so far as the Senate can constitute it, the definite and definitive national policy in relation to water power, its development, its distribution, and the like.

This is not a question, I make perfectly plain to you, of the Government going into business; this is not a question, I reiterate, of Federal public ownership as such. I would not care if it were, but that is apart from the particular proposition. The amendment which is now presented involves neither the one nor the other—the Government going into business or the endeavor to throttle in any degree private enterprise.

Whence came the desire for the Government of the United States to erect a generating plant at this dam? Who was it who proposed it? A radical from the Northwest or one from the Pacific coast? Not a bit of it. The idea of erecting a generating plant by the Government of the United States at Boulder Dam came first from the Federal Power Commission itself. It came next from the Secretary of the Interior, who, my friends upon this side will agree, has just conducted a magnificently successful political campaign in this Nation. It came, too, from all the officials of this Government who had examined the bill in question or who had rendered any opinion upon it. I call to witness in this behalf the letter originally written to Chairman MCNARY, of the Irrigation and Reclamation Committee, by Mr. Merrill, the secretary of the Federal Power Commission. No public-ownership man is he; he is not a gentleman who would interfere with private initiative or the right of private enterprise to generate power, but when he wrote upon this subject the views of his superiors, three Cabinet officers, remember, and himself, he said:

> If it is deemed desirable that the construction of the dam be financed by the United States, particularly if some such plan of financing as hereafter suggested is adopted, I believe it would also be desirable for the United States to finance and construct the power plant and the high-tension transformer and switching stations just as it has done at Muscle Shoals; to lease the works for operation when completed, and to require its lessee to build and operate the necessary transmission lines, substations, and distribution facilities. Such a procedure would, I believe, obviate many complications that might otherwise exist, make easier the problem of financing the work to be constructed by the lessee, and give more assurance of adequate and early utilization of the resources available.

We begin, therefore, with the Federal Power Commission in the history and evolution of a generating plant at Boulder Dam. We find that commission recommending that the Government build it. Then as we proceed the Secretary of the Interior, after consultation undoubtedly with his colleagues, renders his opinion in a writing expressing the desire of the present administration and the Government. This is what he wrote upon this bill and the construction of a generating plant:

> The building of a unified power plant by the Federal Government in the place of allocating power as proposed in the bill as regarded as more efficient and cheaper. It will obviate controversies between applicants, and long delays in their adjustment. In the end, results will, I believe, be superior to those possible under an allocation of privileges. The area—

And in this he is entirely accurate; all of us who have been there know that fact—

> The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided, and which a unified development will avert.

Every engineering commission that has undertaken to render its estimates concerning Boulder Dam, and the works that are to be a part of it, has made its definite estimate upon the construction of a generating power plant by the United States Government—every single one of them. All have taken it for granted that the Government would build it.

Of course, it is obvious to you, in a work of this kind, what will be the economic side.

Here is a dam 550 feet in height, with a storage capacity behind it of 26,000,000 acre-feet, a lake stretching backward nearly 100 miles. You realize how stations and substations, how culverts and caissons, ledges, and even railways, must be constructed in making that dam; how, during the progress of the work there, it is essential that there should be electric power and there should be electric lighting in order properly to do the work. Who can do it most cheaply? Why, the Government that is building the dam can, of course, build more cheaply the generating plant. As one witness once remarked before us—he was not in any degree a Government-ownership man or connected with any of those who were—"Who builds the dam should build the generating plant"; and from the economic standpoint there can be no question upon that score.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. JOHNSON. Surely.

Mr. REED of Pennsylvania. If that be so, why does the Senator in his own bill provide the option to do this by private enterprise?

Mr. JOHNSON. If the Senator will pardon a personal reference there, because there were so many people upon the committee and in this body who had views exactly like those of the Senator from Pennsylvania; and the only possibility that we had to get the bill agreed to in committee and through finally here upon the floor and ultimately passed was to put this in the alternatives.

Notwithstanding what has been said by the President of the United States in his last message, notwithstanding the attitude that has been maintained in speeches that have been made during the campaign, I feel an abiding certainty that when the time comes to construct this dam the generating plant will be constructed as well by the United States Government under the option that is accorded by the bill that is now before the Senate.

Mr. GLASS. Mr. President——

Mr. JOHNSON. I yield.

Mr. GLASS. I shall be interested to know how the Senator derives the impression that this amendment declares a general policy of the Government.

Mr. JOHNSON. That was my understanding as it was read.

Mr. GLASS. As I read it, it declares a specific policy with respect to this particular enterprise.

Mr. JOHNSON. That may be.

Mr. HEFLIN. Mr. President——

Mr. GLASS. I want that known, because I differentiate this enterprise from the Muscle Shoals enterprise, now owned by the Government.

Mr. REED of Pennsylvania. So do I, Mr. President.

Mr. HEFLIN. Mr. President——

Mr. JOHNSON. Pardon me just one second. In what way do the Senators differentiate?

Mr. REED of Pennsylvania. The Muscle Shoals project includes a power station already built and already owned by the United States. We can not change that. That is an existing fact. This is a new project that proposes to build and construct and operate still another one. I say it is better to do that with private money, under regulation, and keep down the cost of your Boulder Dam project. I would rather see the Government take that alternative.

Mr. JOHNSON. I realize the Senator's position.

Mr. GLASS. Likewise, Mr. President, the Muscle Shoals plant was acquired as a war emergency or necessity.

Mr. JOHNSON. Yes.

I yield now to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I agree with the Senator from California. If the Senate takes this action, if it indorses or approves the amendment offered by the Senator from Pennsylvania, it is going upon record as favoring the proposition that he submits, committing itself to that policy, and it will be a precedent on the subject.

Mr. JOHNSON. Mr. President, I think the Senator from Alabama is entirely correct. While it may be true that this

amendment relates simply to the particular bill that is now before us—my time upon the amendment having expired, I now speak upon the bill, Mr. President—nevertheless, with the question arising in the fashion that it has, it constitutes a declaration of policy by the Senate of the United States, and a declaration of policy that will be determined to be a very definite declaration of policy. So I do not think we can escape that, although the language of the amendment may make it applicable only to a particular bill.

When the Secretary of the Interior presented his financial set-up to the Senate, he provided for a million horsepower development, at a cost of $31,500,000. There never was a time but that he was contemplating the construction by the Government, from the figures that were presented, of the generating plant at the Boulder Dam—contemplating it so definitely that he provided in his financial set-up for the full cost of that generating plant, and then for the mode of meeting the payment thereof; and recently, in the Sibert report that was presented to this Congress on the 3d day of December, the same provision was made of $38,200,000 for a million horsepower development at the Boulder Dam. This, like in the former report, was to be an expenditure by the Government for the power plant.

So, all along the line, from just after the time when the bill was introduced and submitted to the Government and to the various heads of the departments, it has been apparently the set purpose of those in command of the Government, that the Government would erect a generating plant at Boulder Dam, and that in erecting that generating plant the Government would not be postponed until every other expedient had been exhausted.

On what theory, after all, should you say that the Government should not have the right to erect that generating plant if necessary? That is all that this bill does. Why should you declare a policy that the Federal Government must first give that right to a private corporation or to an individual, or even to a city or a State? If the Government sees the possibility of doing the job better, more efficiently, and more economically, on what theory, except to permit some private enterprise greater profit, should you deny your Government the right to do the thing that your Government might ultimately determine was absolutely necessary for the protection of its people?

I could understand the declaration of policy in reference to some undertakings; but I can not understand a declaration of policy that would deprive the Government of the right, the option, of hereafter doing what the Government under the circumstances might believe to be essential for the protection of its people; and every man within the sound of my voice knows that the people to-day must be protected in the matter of the generation of electric power.

To-day electric power has become king in our land. To-day electricity is just as much a necessity of life as, in days gone by, light was to us. To-day electricity enters into every vocation and into every activity of human kind. To-day electricity is an essential of every home, and every thinking man understands—it does not require a recital of the revelations of the Federal Trade Commission—that the people of the United States, in regard to this great necessity that has come into their lives, need the protection of the Government of the United States.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Yes.

Mr. WATSON. Do I understand that a vote for the proposition advocated by the Senator in opposition to the policy of the amendment proposed by the Senator from Pennsylvania means an announcement of a Government-ownersip policy of all power plants and of all electric plants doing an interstate business, henceforth and forever, as a governmental policy in the United States?

Mr. JOHNSON. If I were to answer that question, I fear I should indicate that I had not the admiration for the Senator from Indiana that I really have. He knows that there is no such design, that there can be no such legitimate conclusion drawn from any such vote. I do say that this Government must stand as the protector of its people in reference to electric power. This Government must stand—and if the Government as a whole will not stand or any part of it is timid or worse, the Senate should stand—as the protector of the people of this land in reference to electricity and the generation of electricity.

I prefer, I have told you—and I am perfectly frank in that—I prefer, if it were possible, to have the Government erect this generating plant at Boulder Dam, and for this consummation I am ready to act and to vote. I say to you, though, that all that is asked by this bill is that the Government be given the right and the option to protect its people, to erect a generating plant if it be necessary. Who should deny that small boon unto his Government?

Mr. PHIPPS. Mr. President, if I may have the attention of the Senator from Nebraska [Mr. NORRIS], I may be able to throw a little light upon a question or two propounded by the Senator as to the mechanical operation followed in these large hydroelectric plants in the matter of generating electric power.

Take, for illustration, the Roosevelt Dam on the Salt River in Arizona. You must have a dam structure or you must have an enormous flow following the contour of a mountain or following along the slope of a mountain in order first to obtain a drop.

The water may drop vertically, or at a very steep grade, or sharp angle, to actuate the wheel that revolves the main stem and transmits its revolutions to the generating dynamos.

I am not familiar with the method resorted to in the case of Muscle Shoals, but I believe the Pathfinder Dam is similar to the Roosevelt Dam. In both cases the power houses are built as adjuncts or extensions or are up against the dam structure.

The purpose of the dam itself, of course, is to retain the water. The water to operate the wheels that generate the power must drop from a high elevation, near the top of the dam, or, say, two-thirds up the height of the dam, in this case at Boulder Canyon, because water is to be preserved there for flood control.

In the case of hydroelectric plants, many examples of which will be found in the high Sierras, for instance, there is a flow line coming out, a slight drop along the side of the mountain for quite a distance. Then it comes to a place where the water is dropped down to the generating plant, and there you will have enormous pipes forming the pressure lines. In many cases there is merely one pressure line; in others there are two or three; and in some instances four or more. The power there is generated in the different units of the plant.

In the case of this proposed dam, undoubtedly as the requirements for power come into existence, the generating plants may be installed on the unit principle. It is not necessary at once to put in all the generating machinery to provide the output of 1,000,000 horsepower designed.

In my opinion there is no reason why various power companies now supplying that territory, the city of Los Angeles, if it so desires, and the city of Pasadena, having power plants of their own, can not combine and determine what their separate requirements are, agreeing upon a proportionate basis, and join in providing the funds necessary to build the power plants, given the dam, which would be built by the Federal Government.

Mr. NORRIS. Mr. President, may I interrupt the Senator now?

Mr. PHIPPS. Yes.

Mr. NORRIS. The Senator is familiar with the site, I suppose, that is proposed?

Mr. PHIPPS. I am; I have been there.

Mr. NORRIS. The Senator knows, then, that it will be a physical impossibility to take water out of the reservoir above the dam and carry it to some other locality and drop it down. Does not the Senator know that the power is going to be generated right at the dam, that there is not going to be a mill race?

Mr. PHIPPS. No; that is unnecessary. It is not impossible to do it, but it is not necessary to do it.

Mr. NORRIS. It may not be impossible, but it would be a terrible waste of money to undertake to do it. You would have to run it through solid rock, and when you get the dam built, and the water going over the dam, the pipes and the wheels are going to be in the bottom of it somewhere, and the pressure is going to be right there.

Mr. PHIPPS. Outside of the dam, not inside.

Mr. NORRIS. All right, outside; but it is going to be a part of it.

Mr. PHIPPS. Not necessarily.

Mr. NORRIS. How are you going to differentiate between the building of the dam and the water wheels? They will be in the dam, as a matter of fact, as they are at Muscle Shoals.

Mr. PHIPPS. Not necessarily.

Mr. NORRIS. You do down in there, where all the units are placed, and see them operating under the water. That would be the economy of the thing. If you should undertake to have a separate power plant a mile or two away, or 10 miles away, as the Senator from Pennsylvania suggests, you would have to build a race to carry the water through solid granite, all unnecessary.

Mr. PHIPPS. That was never contemplated by anyone who understands the proposition.

Mr. NORRIS. Then it is going to follow that the dam and the water-power proposition is all one. It will have to be.

Mr. PHIPPS. The dam structure itself would be provided with outlets, which would have gates similar to the gates that would be used to control the spillways that would be there.

Mr. NORRIS. Who is going to build the gates?

Mr. PHIPPS. They are built right into the dam structure.

Mr. NORRIS. Exactly, and that is where the water wheel is going to be. How are you going to differentiate between the private corporation that builds the power plant and the Government that builds the dam?

Mr. PHIPPS. I do not think that is a difficult problem at all, because the dam structure is given with the necessary outlets provided.

Mr. President, I think I should try to make my position clear in the matter. I do not care to repeat what I have said in the discussion on this bill to the effect that the consumers of hydroelectric power in California and Nevada are protected by their public utility commissions, which regulate the rates that shall be charged, which regulate the earnings of those corporations to a fixed figure on their invested capital, and all of that.

My belief is that private corporations and municipalities could combine, as I have stated, in order to utilize this power. The minute this bill becomes effective, these people who are interested and the municipalities are going to figure on what their requirements might be, what a plant would cost based on their experience in building plants, and, at the same time, undoubtedly the Government, in the proper department, would be figuring on what it would cost to build the power plants. They have already made this estimate, which has been boosted to $38,500,000. The department will then be in position to know what private enterprise would undertake, and what it would cost them as compared with what it would cost the Government. Also, undoubtedly, the point would be developed as to what power consumers could use; or I should say distributors, because I do not think anyone contemplates having the Government go to the expense of building the transmission lines and delivering the power to the ultimate consumer.

The Government could be furnished with bids in a competitive manner for power at the switchboard, or for the use of water at the dam, to be used for generating hydroelectric power.

Mr. President, I do not care to say anything further on this amendment, or to further discuss the bill, except to say this, that the flood menace to large tracts of land in Arizona and California is an ever-increasing one. Yet these dangerous waters are not now being put to beneficial use. When completed, this great project will remove that menace, and permit further development of a wonderful section of our country. Thus, flood waters now endangering life and property will become the greatest possible blessing to the States of the lower Colorado River Basin.

Mr. BORAH. Mr. President, I do not know whether the Senator in charge of the bill proposes to go to a vote this evening or not.

Mr. PHIPPS. May I answer for him? That is the intention, I believe.

Mr. BORAH. I have no desire to discuss the general question of public or private ownership under the 15-minute rule, or this late in the day. I doubt if we are prepared in this country yet to say what the ultimate policy of the Government is to be. I think that power development is in its infancy, and even if we desired to declare a permanent and final policy, I doubt if we are in a position to do so at this time. But even if I were for private ownership as a general policy, I would not apply the principle in these great projects, combining flood control, irrigation, and power. I would treat the project as a unit and as the Government must do part I would let it do all.

As I see this amendment, it would leave the bill precisely as it is now, except that Congress would have expressed its view as to what the policy should be. We are called upon, in other words, to declare not a policy but our view as to what the policy should be. We do not in any way change the bill.

It does not take away the option or the discretion of the Secretary of the Interior. He may yet go forward and do the two or three things, as he chooses to do them, specified in the bill. If we adopt the amendment, it is but an expression of Congress as to what the policy should do—no change in the bill, but simply a statement of our view as to our policy.

Mr. President, I do not look upon this bill as in any sense defining the general policy of the Government with reference to private or public ownership. I think in these projects, where the Government is going forward—and it is conceded that the Government must go forward and do the main part of the work—it should complete the job. So far as the development of electrical power is concerned, it is an incident to the enterprise; it ought to go with it to insure its success. It is in no sense like directing the Government to go out and build a power plant solely for the purpose of developing electric energy and selling it.

It is conceded here that the Government must do this work. One of the most dangerous and difficult rivers we have is to be controlled. Flood control is essentially the basis of this bill. The Government must do that work. When I go further and say that the Government must do all that is necessary in order to make it a success, I do not consider that I am defining the ultimate policy of the Government with reference to public or private ownership. We are simply proposing to make the matter a success if we can, and those who have studied it, and the Government itself, believe that the development of power is an essential part of the financial side of the enterprise. For that reason I shall vote for the bill, I hope with the Davenport amendment attached.

I think in all these enterprises where the Government is doing the work it should be authorized to do all. It is essential economically for it to do so.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. FESS. As I understand the bill, as it was originally written, or finally amended, we would give to the Government the option or the discretion whether it would lease the plant, or construct it by private enterprise or do it itself. That is all, as far as I was concerned, that I was seeking.

Mr. BORAH. The Senator was perfectly safe in that, because I have no doubt at all that ultimately his policy will prevail, if that option exists.

Mr. FESS. The amendment offered by the Senator from Pennsylvania in a way hinders the discretion that we intended to write into the bill.

Mr. BORAH. It might hinder it depending on who was Secretary of the Interior.

Mr. FESS. In other words, a vote for the bill without this amendment would not be to commit the Government either to Government ownership or to private ownership.

Mr. BORAH. No; but by my vote, for instance, would be an indication of what my policy was with reference to this particular enterprise. It would not change the terms of the bill; it would not bind the Secretary of the Interior. He might still go forward. But I would be going on record as expressing my view one way or the other as to what the policy should be.

Mr. FESS. That is, on the amendment.

Mr. BORAH. In other words, we are called upon here to express our view as to a policy; that is all.

Mr. FESS. That is, not speaking of the bill but of the amendment. Personally, I would prefer that the Government not go into this business; but I do not regard myself as voting that the Government shall go into this business unless it may seem to be the best policy for it to follow. My vote is not to compel it to do it. It would have the discretion to do it or not to do it. I refer to the bill, not the amendment.

Mr. BORAH. The fact is, Mr. President, that the bill gives an option to the Secretary of the Interior. If this amendment shall be adopted he will still have the option, the same as if the amendment were not adopted. That is the exact situation.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BORAH. Yes.

Mr. REED of Pennsylvania. Is not this a fact, that the bill as it stands leaves the option to the Secretary of the Interior without any expression by Congress as to which is the preferable solution of the situation, without any expression by us of preference between the two alternatives? It leaves complete discretion to the Secretary to determine the policy, Congress having refused or neglected to take that responsibility on itself.

If the amendment is agreed to, Congress assumes the responsibility of saying which alternative is preferable and does not leave that power to the Secretary.

Mr. BORAH. It either binds the Secretary or it does not. Whatever respect the Secretary pays to the judgment of Congress, of course, will have its effect when he comes to determine this question. If he does not care to respect the view of Congress, he has the authority to go ahead just the same as if we had not adopted the amendment. It may have a persuasive influence; it may have a moral influence upon him; but it does not change the terms of the bill. However, it does put me, or any man voting pro or con, upon record with reference to his view as to what the policy shall be, and that is all. It does not change the bill, and it does not, in my judgment, declare the general policy of public or private ownership. It simply declares what the view of Congress is in reference to this particular enterprise.

There is where it comes in conflict with my views. If it was declaring a general policy as to where the Government was going in solely for the purpose of building a power plant to develop electric energy, that would be a different proposition, but it is only declaring it with reference to this particular enterprise, into which particular enterprise the Government is going for the purpose of doing the work. That being true, I

think the Government ought to be authorized directly, as it is by the Davenport amendment, to build the power plant as a part of the general program which it is directed to carry out.

Mr. REED of Pennsylvania. I ask for the yeas and nays on agreeing to my amendment to the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. FESS (when his name was called). I have a pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). The junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. If he were present, he would vote "nay."

Mr. KING (when his name was called). I am paired with the junior Senator from Texas [Mr. MAYFIELD]. Not knowing how he would vote, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I was informed by him that he favors the amendment, and therefore I am free to vote. I vote "yea."

The roll call was concluded.

Mr. WAGNER. I desire to announce that on this amendment my colleague the senior Senator from New York [Mr. COPELAND] is paired with the junior Senator from New Jersey [Mr. EDWARDS].

The result was announced—yeas 24, nays 53, as follows:

YEAS—24

Ashurst	Gillett	Hale	Moses
Bingham	Glass	Hastings	Phipps
Blease	Glenn	Hawes	Reed, Pa.
Bruce	Goff	Hayden	Vandenberg
Caraway	Gould	Keyes	Waterman
Edge	Greene	McLean	Watson

NAYS—53

Barkley	Gerry	Oddie	Stelwer
Black	Harris	Pine	Stephens
Blaine	Harrison	Pittman	Swanson
Borah	Heflin	Ransdell	Thomas, Idaho
Bratton	Johnson	Reed, Mo.	Thomas, Okla.
Brookhart	Jones	Robinson, Ind.	Trammell
Broussard	Kendrick	Sackett	Tyson
Capper	La Follette	Schall	Wagner
Couzens	McKellar	Sheppard	Walsh, Mass.
Dale	McMaster	Shipstead	Walsh, Mont.
Deneen	McNary	Shortridge	Wheeler
Dill	Neely	Simmons	
Frazier	Norris	Smith	
George	Nye	Steck	

NOT VOTING—18

Bayard	Fletcher	Mayfield	Smoot
Copeland	Howell	Metcalf	Tydings
Curtis	King	Norbeck	Warren
Edwards	Larrazolo	Overman	
Fess	Locher	Robinson, Ark.	

So the amendment of Mr. REED of Pennsylvania to the substitute amendment was rejected.

MULTILATERAL PEACE TREATY

Mr. MOSES. Mr. President, in my own name and also for the senior Senator from Missouri [Mr. REED], I ask unanimous consent as in open executive session to submit a resolution, and I ask that it be read and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. It will be read.

The resolution was read, as follows:

Resolved, That the Senate of the United States declares that in advising and consenting to the multilateral treaty it does so with the understanding—

(1) That the treaty imposes no obligation on the United States to resort to coercive or punitive measures against any offending nation.

(2) That the treaty does not impose any limitations upon the Monroe doctrine or the traditional policies of the United States.

(3) That the treaty does not impair the right of the United States to defend its territory, possessions, trade, or interests.

(4) That the treaty does not obligate the United States to the conditions of any treaty to which the United States is not a party.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I offer what I hope is the last amendment. It has been submitted to the Senators from Arizona and to it they have no objection.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 2, line 9, following the words "Laguna Dam," insert:

or other suitable diversion dams, which the Secretary of the Interior is hereby authorized to construct, if deemed necessary or advisable by him upon engineering or economic considerations.

Mr. HAYDEN. Mr. President, in view of the adoption by the Senate of the amendment I offered, authorizing certain engineering investigations on the part of the Gila irrigation project in Arizona, I have no objection to the amendment just offered, because I believe the same consideration should be given to the State of California.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California to the amendment.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, I desire to offer an amendment in the nature of a motion to strike out. On page 11, beginning with the words "*Provided, however,*" in lines 12 and 13, I move to strike out the balance of the paragraph down to and including line 22, reading as follows:

Provided, however, That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

That is what is known as the Davenport amendment.

Mr. JOHNSON. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield.

Mr. JOHNSON. Permit me to call to the attention of the Senator from Idaho that if he is seeking to present merely the Davenport amendment, he has gone very much further, has he not?

Mr. BORAH. I included more than the Davenport amendment, but in my judgment it accomplishes what the Davenport amendment was intended to accomplish or, at least, what I would like to have it accomplish. The Davenport amendment began with the words "or alternatively." If the Senator would prefer to have it that way, I am willing to yield my views to that extent. But I prefer the amendment as I have proposed it.

Mr. JOHNSON. My feeling is if we strike out all immediately after the words "*Provided, however,*" we may deny the discretion to "enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy." Congressman DAVENPORT proposed to strike out the alternative that follows.

Mr. BORAH. Of course, it is the difference between the Government operating it after having built it, and somebody else operating it. If that is preferable, I will have my amendment begin with the words "or, alternatively," in line 16.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. Beginning in line 16, on page 11, after the word "energy," it is proposed to strike out the words:

or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

Mr. BRUCE. Mr. President, do I understand that is the amendment of the Senator from Idaho?

The VICE PRESIDENT. It is.

Mr. BRUCE. I will ask the attention of the Senator from Idaho a moment. I understand the effect of that amendment would make it mandatory on the Government to construct the dam and the electrical plant; that there would be no option to let the work out to private parties or anybody else?

Mr. BORAH. That is my understanding.

Mr. BRUCE. I suppose it is a matter of very little importance; but, I am sorry to say, that if the amendment shall be adopted it will cost this bill—I do not know that it is in need of any votes—but it will cost this bill two votes.

Mr. BORAH. Mr. President, I have no desire to debate the amendment; I merely wanted to state my position by offering the amendment.

Mr. EDGE. Mr. President, in addition to making it mandatory upon the Government to build the plant, in accordance with the answer which the Senator has already made to the question asked, do I understand further that it prohibits the Government from leasing the power to any private company or corporation?

Mr. BORAH. No.

Mr. EDGE. It does not?

Mr. NORRIS. Mr. President, I should like to call the attention of the Senator from Idaho to the fact that the language he undertakes to strike out, I think goes further than he desires. He strikes out more than he wants to strike out. The amendment ought to stop at the words "for the generation of electrical energy as herein provided." Then it would be necessary, if the amendment should be agreed to, to change one or two other words there, but the remainder of the provision which the Senator undertakes to strike out ought to remain and apply to the other part of that proviso.

Mr. BORAH. I presume that is true, since I waived lines 13, 14, and 15. The words to be stricken out I will read and the clerk may take them.

> Or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Mr. WALSH of Montana. Let me suggest to the Senator that he should also strike out the words "in either of which events," so as to make it read "in which event."

Mr. BORAH. That could be changed if the amendment should be adopted.

Mr. NORRIS. If the amendment should be agreed to, such an amendment could be offered subsequently.

Mr. REED of Missouri. Mr. President, I do not like to prolong this debate, but some of us have not been able to be here much of the time. Will the Senator tell us the effect of the amendment in a few words?

Mr. BORAH. The effect will be to take away the discretion of the Secretary of the Interior with reference to leasing this power plant to private enterprise, and will leave it obligatory upon him or upon the Government to develop and operate the project.

Mr. EDGE. Mr. President, that is exactly the question I attempted to ask the Senator a moment ago. Then it does, in addition to making it mandatory upon the part of the Government to construct a power plant, also make it mandatory that the Government shall operate the power plant and sell the power, as I understand?

Mr. BORAH. Yes.

Mr. EDGE. As the Senator from Maryland [Mr. BRUCE] has said, with some modesty, if this amendment shall be adopted, while perhaps it will make very little difference in the passage of the bill, it will prevent my voting for it, which I greatly regret. I wanted to vote for this bill, with the option in the hands of the Secretary of the Interior, but if it is made mandatory that the construction of the dam, the operation of the plant, and the sale of the power from the dam shall absolutely be in the hands of the Government for all time to come, I can not support the bill.

Mr. BORAH. The objection to the bill as I see it—and I merely desire to express my individual view—is that it leaves to the Secretary of the Interior the great power to declare the policy with reference to this project; it is entirely discretionary with him. The Congress, in other words, waives what I think is its duty to declare affirmatively, one way or the other, upon this proposition. My judgment further is that if the bill is left in its present form there will be no doubt about the policy which will be carried into effect.

Mr. WALSH of Montana. Mr. President, I think the Senator from Idaho certainly can not have expressed himself correctly in answer to the question addressed to him by the Senator from New Jersey. The Senator from New Jersey asked if this amendment shall be adopted whether it will not be mandatory upon the Secretary to construct the plant and then thereafter for the Government to operate the plant.

Mr. EDGE. Exactly.

Mr. WALSH of Montana. The Senator from Idaho said that he did.

Mr. BORAH. I did not understand the question. What I meant to say was that the Government, if that language were stricken out, would have no power to enter into contracts of lease for the use of water for the generation of electric power.

Mr. WALSH of Montana. That would certainly be the case if the Senator commenced his amendment with the word "or" in line 16.

Mr. BORAH. That is what I have done now.

Mr. WALSH of Montana. Exactly. If the amendment shall be adopted as now offered by the Senator from Idaho to strike out, commencing with the word "or" in line 16 and ending with the word "*Provided*" in line 18, then the Government will build the plant, but it will have the right to lease the plant to anyone to whom it can lease it, and the lessee will generate the power and sell it and operate the plant. If the Senator desires to follow the course he has indicated he should adhere to his original proposal to commence the amendment at the proviso, which would strike out the words:

> That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy.

Mr. BORAH. Of course, my view is expressed in my first offier; that is, to begin with the word "*Provided.*"

Mr. WALSH of Montana. I understand so; but I understand further that the Senator has receded from that position. It seems to me he should have answered the Senator from New Jersey in the negative, that it will not be obligatory upon the Government to operate the plant, but the Secretary will be authorized to lease the plant to a lessee, who will operate it and distribute the electrical energy.

Mr. BORAH. So far as this particular class of project is concerned, what I desire to do is to express the view that the Government ought to build the plant and operate it.

Mr. WALSH of Montana. Then, the Senator from Idaho will certainly adhere to his first proposal.

Mr. BORAH. That only includes this class of project where the Government is in the business.

Mr. WALSH of Montana. I understood the Senator yielded to the suggestion.

Mr. BORAH. I did, because I did not want to endanger the bill any more than I could help.

Mr. REED of Pennsylvania. Mr. President, I should like to ask a question of the Senator from Idaho. I wish to ask the Senator in what State he now leaves it; whether he wants this amendment to represent his views by striking out everything beginning with the word "*Provided*," from line 13 to line 22, or whether he wants to restrict it merely to removing the option of private construction of the electric plant?

Mr. BORAH. I am going to confine the vote in the first instance to the latter proposition beginning with the words "or, alternatively."

Mr. REED of Pennsylvania. The proposition now is to cut out the option which the Senator from California has very candidly told us was put in in order to secure the votes of those of us who do not believe in Government construction and operation.

Mr. JOHNSON. Oh, no, Mr. President; I will not submit to any such characterization as that. It was not put in for any such reason at all.

Mr. EDGE. Mr. President, the Senator from Montana may be correct—and I never question the accuracy of any statement he may make—but if I interpret the amendment correctly this is the language that is being stricken from the bill:

> *Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant.

Then, if that authority is denied him, he can enter into contracts——

Mr. WALSH of Montana. The motion is not to strike that out but to leave that in.

Mr. EDGE. I have just asked the Senator from Idaho, but he says that is the part he is moving to strike out.

Mr. BORAH. Beginning with the words "or, alternatively."

Mr. EDGE. And the Senator leaves in the part I have just read.

Mr. BORAH. Yes.

Mr. PHIPPS. Mr. President, I want to say just a word, and will take only a moment. If the bill goes to the Chief Executive without any provision whatever for the construction of plants by States, municipalities, or private enterprise, in my opinion, it will not meet with his approval. I base that statement merely upon the declaration in his latest message to the Congress. I think the bill would be defeated, and we would lose the opportunity to bring about this great development.

Mr. NORRIS. Mr. President, the Senator from Colorado has given expression to what has been whispered around over the Chamber for the last 24 hours, that if this provision shall be stricken out, the bill will meet with a veto. The Senator from Colorado includes in his suggestion that it is likely to bring a veto language that will permit municipalities, as well as private enterprise, to build this plant. As I said in relation to the amendment of the Senator from Pennsylvania [Mr. REED] some time ago, we might just as well abandon the idea of municipalities coming over from California to Nevada or Arizona and

building this plant. I understand they could not do it under their charters. The other States in the compact would object at once, because they are directly interested. So we get down to the fact that there is nobody left, if the Government of the United States does not do it, except private corporations, and that is the real reason why it is liable to bring a veto if we vote this language out.

Mr. PHIPPS. May I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. PHIPPS. Is the Senator not aware that the State of California has recently enacted a provision of law that permits the municipalities to do that very thing? That is my information.

Mr. NORRIS. Does the Senator think for a moment that if Los Angeles or the State of California went over into Nevada to build this power plant there would not be a rebellion in Arizona and in the other interested States—and, I think, with some degree at least of righteousness. It is an interested party in the transaction; it would have to be dealing with these other States. That provision might just as well be eliminated. As a matter of fact, everybody knows that neither California nor Los Angeles nor Arizona nor Nevada nor any of the other States is going to build this dam and the entire works connected with this project. It is perfectly out of the question.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. The Senator from Colorado has voiced what to my mind ought to be given some consideration. Other Senators have said that if this amendment shall be adopted they are going to vote against the bill. Of course, that is perfectly proper; they have a right to do that; but I have been somewhat chagrined at the whispering campaign that has been going on that if we do this thing that is now proposed the President is going to veto the bill. I am in favor not only of the amendment now pending, but was in favor of the amendment as the Senator from Idaho recently offered it. Even, however, if it had been offered and been defeated, or if the bill should come back with the provision now sought to be stricken out still in it, much as I should like to see it stricken out, I should not have it in my heart to vote against the bill. There is something greater than water power involved here, and, much as I should like to keep the Water Power Trust, as I believe it to be, from getting its fingers on this great project, and reaping private reward out of it, I would turn it over to them rather than see the Imperial Valley become a part of the ocean. I do not believe that the President of the United States, whoever he may be, would veto this bill if we put in this provision, because, by doing it, he would in effect say, "Unless you let the Power Trust gets its grip on the power part of this proposition we will turn Imperial Valley over to the fishes of the sea. We will not pay any heed or attention to the cry that is going up from 65,000 people to save their homes. Everything they have on earth we will not save. We will let them go to destruction unless a private corporation can make some money out of this great dam that you are going to construct."

That is the proposition when it comes to a veto message; and I do not believe anybody will do it. If we are going to submit now, and say that we will not put in this provision because of fear of a veto from the White House, or if we say that we are going to defeat this bill unless private parties can have the benefit of the electricity that shall be generated with public funds, we practically say that we put that fact in one side of the balance when the homes of 65,000 American citizens are put in the other side of the balance.

Why, Senators, there can not be any question but that it would be better to save those people, who have everything they have on earth, the savings of a lifetime, invested there, than to heed any other consideration that can be involved in the use of the waters that will be held back at this dam. It is only a question of time; it is as certain as the rising and the setting of the sun that Imperial Valley ultimately will become part of the Pacific Ocean unless somewhere there is built a dam that will hold back the flood waters of the Colorado River.

Nobody denies that. I believe that is admitted and conceded by every man. So far as I am concerned, I expect to vote for this bill if it still retains that provision in it, no matter how it may hurt in every other respect; and I would not be so cruel, so unreasonable, I think, as to impute to the President of the United States a motive that would induce him to veto this bill if he can not turn part of the water power over to private corporations. I do not believe any man with a heart or a soul would do such a thing.

Mr. BORAH. Mr. President, I can perhaps shorten this matter a little.

There is a feeling among the friends of the measure, it seems, that this amendment will imperil this bill. I certainly have no desire to do that. The fight has been a long one, and I certainly do not desire to defeat the bill. I want to say, however, that the amendment which I first offered states my view as to what the bill should be. I do not know whether there are enough votes to make it that way or not; but I think that in these projects where the Government is going in to do the work, the entire enterprise should go under the operation of the Government.

Having said that, however, and having stated my position, I withdraw the amendment, for the sole reason that I would not want to contribute to the defeat of the measure here or elsewhere. I feel that it would be almost criminal to postpone flood control and the protection of the people of Imperial Valley.

Mr. REED of Missouri. Mr. President, I have not been able to take any part in the discussion of this bill; but I regret that the Senator from Idaho [Mr. BORAH] withdraws his amendment. If his view is correct, it is an important one, and we ought to have an opportunity to vote upon it.

It does not do much good for one to express his private view with regard to a question of governmental policy. So far as I am concerned, I believe that when the Government takes the people's money and invests it in an enterprise the Government ought to continue to control that enterprise. I am not in a position to make the contention about it, because other duties have kept me from the Senate a great deal of the time during the last several days; but I hope the Senator will let us vote on his amendment.

So far as I am concerned, I am getting very tired of being told on the floor of the Senate, by gentlemen who first disclaim any authority to speak, that they know what the President is going to do; that they are intimately acquainted with his inner consciousness. I do not know what the President will do.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. PHIPPS. Is the Senator referring to my statement?

Mr. REED of Missouri. Yes.

Mr. PHIPPS. I based that, as I said, merely and solely upon the President's message, which no doubt the Senator has read.

Mr. REED of Missouri. Very well. We have all read it, and we can all put our constructions on it.

This much I want to say: There is a class of men in this country who think that the Government of the United States and its Treasury ought to be employed for the purpose of creating great works and carrying forward great enterprises; that as soon as they have become profitable or successful they should be turned over to some private interests that will realize the profits, if profits are to be realized; but that in case the venture is not a financial success the Government of the United States should sustain the loss. In other words, they approach every question from the standpoint of private and selfish interest. They may believe that they are doing a service to private capital; but I hesitatingly say that if private capital continues its marauding expeditions, if it continues to demand the right to monoplize every one of the great sources of wealth in the United States, private capital will some day awaken to a realization of the fact that it has gone so far as to have produced a sentiment which will be very inimical, perhaps, even to honest capital honestly administered.

The worst enemy of capital in the United States to-day is the man who insists that private capital shall be allowed to exploit itself and exploit the people without limit. It may proceed in that manner for a time; but the day will come, and it will come in the not distant future, when capital will find that public sentiment has been arrayed against it. It will face, then, not moderate and conservative measures but immoderate and extreme measures that will in the end be greatly to its detriment.

I hope the Senator from Idaho will permit us to vote upon his amendment as he originally offered it. I am eternally opposed to going into the Treasury of the United States—which is into the pockets of the people of the United States—and expending money, and then, when it is expended and an enterprise has been made successful, turning it over to exploiters who in turn capitalize it at eight or ten times its value and in turn put the stock upon the market and sell it to the people at exorbitant prices. The time for that sort of business has about ended in the United States. If it has not ended, it will be ended some day when the people feel the pinch of the vise upon them and resent it, and do it in a very forceful way.

The VICE PRESIDENT. The question is on the amendment of the Senator from California [Mr. JOHNSON] as amended.

Mr. KING. That means the substitute for the House text, I understand?

The VICE PRESIDENT. The Senator is correct.

Mr. PHIPPS. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. PHIPPS. Mr. President, so that there may be no misunderstanding, will the Chair state what the vote is on now?

The VICE PRESIDENT. The vote is on the substitute amendment of the Senator from California [Mr. JOHNSON] as amended.

Mr. PHIPPS. Which is the substitute bill?

The VICE PRESIDENT. The substitute bill.

The Secretary will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. KING (when his name was called). Upon this vote I am paired with the junior Senator from Texas [Mr. MAYFIELD]. I understand that if present the Senator from Texas would vote as I shall vote. Therefore I am permitted to vote, and I vote "yea."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is necessarily absent. He has been unable to secure a pair. If he were present and permitted to vote, he would vote "yea" on this question.

Mr. SHEPPARD (when Mr. MAYFIELD's name was called). My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before as to my pair with the senior Senator from Delaware [Mr. BAYARD], I vote "nay."

The roll call was concluded.

Mr. BRUCE. I desire to announce that my colleague [Mr. TYDINGS] is unavoidably detained from the Senate. If present, he would vote "yea."

Mr. FESS. On this vote I have a pair with the junior Senator from Maryland [Mr. TYDINGS]. I understand that if that Senator were present he would vote as I shall vote. I will therefore vote. I vote "yea."

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "yea."

Mr. OVERMAN (after having voted in the affirmative). Has the senior Senator from Wyoming [Mr. WARREN] voted?

The VICE PRESIDENT. The senior Senator from Wyoming has not voted.

Mr. OVERMAN. Then I withdraw my vote.

Mr. SWANSON. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is paired on this vote with the senior Senator from Delaware [Mr. BAYARD]. If present, the senior Senator from Florida would vote "yea," and the senior Senator from Delaware, if permitted to vote, would vote "nay."

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If my colleague were present and permitted to vote, he would vote "yea," and if the junior Senator from New Jersey were present and permitted to vote he would vote "nay."

The result was announced—yeas 64, nays 16, as follows:

YEAS—64

Barkley	Fess	McKellar	Shortridge
Black	Frazier	McMaster	Simmons
Blaine	George	McNary	Smith
Borah	Gerry	Neely	Steiwer
Bratton	Gillett	Nye	Stephens
Brookhart	Harris	Oddie	Swanson
Broussard	Harrison	Phipps	Thomas, Idaho
Bruce	Hastings	Pine	Thomas, Okla.
Capper	Hawes	Pittman	Tyson
Caraway	Heflin	Ransdell	Vandenberg
Couzens	Johnson	Reed, Mo.	Wagner
Curtis	Jones	Robinson, Ind.	Walsh, Mass.
Dale	Kendrick	Sackett	Walsh, Mont.
Deneen	Keyes	Schall	Waterman
Dill	King	Sheppard	Watson
Edge	La Follette	Shipstead	Wheeler

NAYS—16

Ashurst	Glenn	Hale	Norris
Bingham	Goff	Hayden	Reed, Pa.
Blease	Gould	McLean	Steck
Glass	Greene	Moses	Trammell

NOT VOTING—15

Bayard	Howell	Metcalf	Smoot
Copeland	Larrazolo	Norbeck	Tydings
Edwards	Locher	Overman	Warren
Fletcher	Mayfield	Robinson, Ark.	

So Mr. JOHNSON's substitute amendment as amended was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. NORRIS. Mr. President, I desire now very briefly to speak on the bill. In the roll call that has just been had I voted "nay." This indicated that I preferred the House bill to the Senate bill. The vote was taken on a motion to substitute the Senate bill for the House bill, though some Senators told me that they thought they were voting on the passage of the bill. That roll call was simply on the motion to substitute the Senate bill for the House bill. Believing as I did, and as I still believe, that the House bill was a better bill, from my viewpoint, than the Senate bill, I voted "nay."

The House bill contains, in effect, the amendment known as the Davenport amendment, which the Senator from Idaho offered and withdrew. In my view of it, that constitutes the principal difference now between the House bill and the Senate bill.

The Senate bill having been substituted for the House bill, it now becomes the pending bill. I take it for granted there will be a roll call on the passage of the bill, and when we come to that vote we shall be confronted with the question as to whether we will have any bill at all or not.

As I said before, Mr. President, I would accept almost any proposition if contained in it was the real reason why I feel an interest in this legislation, and that is, for the protection of the people of Imperial Valley, a fertile valley containing about 65,000 people, with cities and roads and homes, people who are as patriotic and as intelligent as any other part of our citizenship. Everything that they own, everything they have, their homes and everything, will be destroyed if the country is overflowed with water.

The Imperial Valley is below sea level; the Colorado River is above sea level. That river has been building itself higher and higher by the silt which it deposits, and the work of man in building dikes to keep the water back has about reached its limit. So that everybody knows that in the course of time nature itself will bring the water of the Colorado River to Imperial Valley, unless a dam is built that will hold back the flood waters, and because this bill contains provision for that I am going to vote for it, although I am very fearful that in its operation those who will have charge of it will, if they possibly can—and they can under the bill by sacrificing economy and efficiency—turn over to some representative of the Water Power Trust the generation of the electricity that can be generated at that dam.

Mr. SACKETT. Mr. President, I want to offer one more amendment to the bill in the Senate.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 3, line 11, after the figures "$165,000,000," strike out the following:

> Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. SACKETT. Mr. President, I offer that amendment because it brings up a question that was voted on here yesterday, which I felt the Senate probably did not understand when it voted, that of the total moneys that were to be paid for this improvement the sum of $25,000,000 should be allocated to flood control.

I felt that if the Senate did understand the bill thoroughly they would feel that a great natural resource of this kind, which was to be built by the Government, and which would provide a tremendous revenue, could well afford to be charged with the entire improvement of this great river; that to withdraw $25,000,000 and allocate it to flood control was to put that amount of the cost of this improvement upon the general taxpayers of the country, when the project itself could very well afford to pay for it.

That brings in a new principle of flood control which is not quite compatible with the principle adopted when we were dealing with flood control on the Mississippi. In the bill covering the Mississippi flood control we provided, in effect, for a large contribution from the citizens whose lands were particularly benefited. If this were left as it was originally in the bill, that difference between the Mississippi Valley proposition and the Colorado River proposition would not exist.

For these reasons I ask, with this explanation, for another vote upon this amendment.

Mr. PITTMAN. Mr. President, this matter was argued so fully yesterday and at such great length that I do not care to argue it now, but the statement the Senator makes that $25,000,000 is not to be paid back, but is to come out of the pockets

of the taxpayers, is erroneous, because there will be $10,000,000 annually after amortization to pay it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the substitute amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. NORRIS. On that I ask for the yeas and nays .

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. WAGNER (when Mr. COPELAND's name was called). I desire to announce that my colleague, the senior Senator from New York [Mr. COPELAND] is detained because of illness in his family. He is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If the senior Senator from New York were present, he would vote "yea." If the junior Senator from New Jersey were present, he would vote "nay."

Mr. FESS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. If he were present, he would vote "yea."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). The junior Senator from New Mexico [Mr. LARRAZOLO] is necessarily absent from the Chamber. If present, he would vote "yea."

Mr. SHEPPARD (when Mr. MAYFIELD's name was called). The junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. If present, he would vote "yea."

Mr. SACKETT (when Mr. METCALF's name was called). The Senator from Rhode Island [Mr. METCALF] is detained from the Senate by illness. If present, I am informed that he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. If that Senator were present, he would vote as I intend to vote. Therefore I am free to vote. I vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Florida [Mr. FLETCHER] is necessarily absent. If present, he would vote "yea." He is paired with the Senator from Delaware [Mr. BAYARD], who, if present, would vote "nay."

Mr. BRUCE. If my colleague the junior Senator from Maryland [Mr. TYDINGS] were present, he would vote "yea."

Mr. McMASTER. The senior Senator from South Dakota [Mr. NORBECK], if present, would vote "yea."

The result was announced—yeas 65, nays 11, as follows:

YEAS—65

Barkley	Frazier	Neely	Steiwer
Black	George	Norris	Stephens
Blaine	Gerry	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Phipps	Thomas, Okla.
Brookhart	Hastings	Pine	Trammell
Broussard	Hawes	Pittman	Tyson
Bruce	Heflin	Ransdell	Vandenberg
Capper	Johnson	Reed, Mo.	Wagner
Caraway	Jones	Robinson, Ind.	Walsh, Mass.
Couzens	Kendrick	Sackett	Walsh, Mont.
Curtis	King	Schall	Waterman
Dale	La Follette	Sheppard	Watson
Deneen	McKellar	Shipstead	Wheeler
Dill	McMaster	Shortridge	
Edge	McNary	Simmons	
Fess	Moses	Smith	

NAYS—11

Ashurst	Glass	Gould	Hayden
Bingham	Glenn	Greene	Reed, Pa.
Blease	Goff	Hale	

NOT VOTING—19

Bayard	Howell	Mayfield	Smoot
Copeland	Keyes	Metcalf	Steck
Edwards	Larrazolo	Norbeck	Tydings
Fletcher	Locher	Overman	Warren
Gillett	McLean	Robinson, Ark.	

So the bill was passed.

Mr. JOHNSON. Mr. President, I move to amend the title of the bill by striking out the word "lower" in the title as printed.

There being no objection, the title was amended so as to read: "A bill to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes."

PRISON-MADE GOODS

Mr. HAWES. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

PANAMA AND NICARAGUA CANALS

Mr. EDGE. Mr. President, I desire to give notice that on Monday next, after the disposition of morning business, I propose to address the Senate, if I may receive recognition, on the subject of the proposed Nicaraguan canal and the proposed increased facilities of the Panama Canal.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and the Senate (at 6 o'clock and 10 minutes p. m.) adjourned until to-morrow, Saturday, December 15, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 14 (legislative day of December 13), 1928

APPOINTMENTS IN THE REGULAR ARMY

ASSISTANT CHIEF OF BRANCH

To be Assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from February 2, 1929

Col. Winthrop Samuel Wood, Quartermaster Corps, vice Brig. Gen. William E. Horton, assistant to the Quartermaster General, to be retired from active service February 1, 1929.

MEDICAL CORPS

To be first lieutenants

First Lieut. John Larkin Gallagher, jr., Medical Corps Reserve, with rank from December 5, 1928.

First Lieut. Robert Eugene Bitner, Medical Corps Reserve, with rank from December 5, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants

Staff Sergt. Orion Victor Kempf, Medical Department, with rank from December 8, 1928.

Private Paul Estabrooke Zuver, Medical Department, with rank from December 8, 1928.

Staff Sergt. Kindrick Ownby, Medical Department, with rank from December 8, 1928.

Staff Sergt. Robert Lee Black, Medical Department, with rank from December 8, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. John Bryce Casseday, Cavalry (detailed in Quartermaster Corps), with rank from July 1, 1920.

First Lieut. Charles Franklin Fletter, Field Artillery (detailed in Quartermaster Corps), with rank from July 1, 1920.

FINANCE DEPARTMENT

First Lieut. James Robert Manees, Infantry, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE

Maj. Theodore Barnes, Cavalry (assigned to duty with Chemical Warfare Service) with rank from July 1, 1920.

FIELD ARTILLERY

Capt. William Wayne Murphey, Ordnance Department (assigned to duty with Field Artillery), with rank from April 8, 1928.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonels

Maj. Charles Bernadou Elliott, Infantry, from November 17, 1928.

Maj. John Bunyan Corbly, Infantry, from November 19, 1928.

Maj. Joseph Lybrand Topham, jr., Quartermaster Corps, from November 21, 1928.

Maj. Charles Lewis Sampson, Infantry, from November 26, 1928.

Maj. John Marshall True, Quartermaster Corps, from November 30, 1928.

To be majors

Capt. Richard Bruce Webb, Coast Artillery Corps, from November 17, 1928.

Capt. Moses Goodman, Coast Artillery Corps, from November 18, 1928.

Capt. Arthur Henry Truxes, Cavalry, from November 19, 1928.

Capt. Gordon Joseph Fred Heron, Cavalry, from November 21, 1928.

Capt. Thomas Seelye Arms, Infantry, from November 26, 1928.

Capt. Raymond Duffield Bell, Infantry, from November 27, 1928.

Capt. Archelaus Lewis Hamblen, Infantry, from November 30, 1928.

Capt. Paul Whitten Mapes, Infantry, from December 7, 1928.

To be captains

First Lieut. Frederic Bernard Wieners, Air Corps, from November 17, 1928.

First Lieut. Frank Richards, Coast Artillery Corps, from November 18, 1928.

First Lieut. Ralph Harry Woolsey, Quartermaster Corps, from November 18, 1928.

First Lieut. Richard Francis Lussier, Infantry, from November 19, 1928.

First Lieut. Jack Roy Gage, Infantry, from November 21, 1928.

First Lieut. Raymond Peter Lavin, Infantry, from November 23, 1928.

First Lieut. Henry Wyatt Isbell, Infantry, subject to examination required by law, from November 24, 1928.

First Lieut. Willis Stanley Bryant, Field Artillery, from November 25, 1928.

First Lieut. Harland Clayton Griswold, Infantry, from November 26, 1928.

First Lieut. Ralph Edmund Powell, Infantry, from November 27, 1928.

First Lieut. Perry Wainer, Air Corps, from November 30, 1928.

First Lieut. Krauth Whitson Thom, Infantry, from December 6, 1928.

First Lieut. Guy Malcolm Kinman, Infantry, from December 7, 1928.

PROMOTIONS IN THE NAVY

Commander Gordon W. Haines to be a captain in the Navy from the 6th day of November, 1928.

Lieut. Commander James R. Barry to be a commander in the Navy from the 6th day of November, 1928.

Lieut. Harrison Avery to be a lieutenant commander in the Navy from the 1st day of April, 1928.

Lieut. Thomas R. Cooley to be a lieutenant commander in the Navy from the 6th day of November, 1928.

Lieut. (Junior Grade) William B. Cranston to be a lieutenant in the Navy from the 10th day of January, 1928.

Lieut. (Junior Grade) Paul H. Wiedorn to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) Carl F. Espe to be a lieutenant in the Navy from the 3d day of July, 1928.

Lieut. (Junior Grade) Edward C. Metcalfe to be a lieutenant in the Navy from the 22d day of July, 1928.

Lieut. (Junior Grade) William F. Jennings to be a lieutenant in the Navy from the 1st day of September, 1928.

Lieut. (Junior Grade) John P. Whitney to be a lieutenant in the navy from the 12th day of October, 1928.

Lieut. (Junior Grade) Joyce C. Cawthon to be a lieutenant in the Navy from the 16th day of November, 1928.

The following named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Redfield Mason.	Herman E. Schieke.
Hubert T. Waters.	William H. Shahan.
Donald A. Bush.	

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 1st day of April, 1927:

George C. Rhoades.

John C. Parham.

Asst. Surg. John M. Woodard to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1928.

Paymaster Hervey B. Ransdell to be a pay inspector in the Navy, with the rank of commander, from the 1st day of April, 1927.

Pharmacist Maurice W. Throckmorton to be a chief pharmacist in the Navy, to rank with but after ensign, from the 19th day of November, 1928.

Chief Pay Clerk William D. Wilkinson to be a chief pay clerk in the Navy, to rank with but after ensign, from the 10th day of October, 1925, to correct the date from which he takes rank as previously nominated and confirmed.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, from the 3d day of August, 1928:

George Helms.	Tony L. Hannah.
Timothy E. Kiley.	Herbert Duthie.
John P. Yates.	James G. McPherson.
Thomas W. Richards.	Albert G. Merrill.
Joseph M. Simms.	Frederick B. Britt.
Frederick C. LePine.	Robert B. Pick.
Matthew B. Pollock.	John H. Jack, jr.
Walter W. Toles.	Clarence W. Chaddock.
William C. Hardie.	Thomas F. O'Brien.
William F. Hamberger.	Irving B. McDaniel.
John A. Lord.	George T. Paine.
William O'Neill.	William A. Sullivan.
Frederick M. Kirchmier.	Harold Larner.
George A. Lazar.	Carl B. Harper.
Lawrence A. Maaske.	Ralph S. Barnaby.
Harry E. Cooper.	Clem H. Congdon.
Albert Tucker.	Raymond D. MacCart.
Clifton Greenwell.	Walter S. Diehl.
Joseph Feaster, jr.	William F. Twitchell.
Harry T. Newman.	Michael C. Faber.
Peter Treutlein.	Lucien M. Grant.
James W. Costello.	Antonio S. Pitre.
Robert H. Lake.	Joseph M. Kiernan.
Brandt W. Wilson.	George V. Whittle.
Stuart P. Mead.	Hugh W. Gokey.
Joseph J. Redington.	Roland G. Mayer.
Francis X. Maher.	William W. Hastings.
Robert Velz.	George W. Henderson.
Louis Haase.	Gerald W. Thomson.
Caleb Whitford.	William Neidert.
Robert Morgan.	Cornelius V. S. Knox.
Joel A. Davis.	Virgil V. McKenna.
James P. Shovlin.	Wendell P. Roop.
Robert H. Neville.	Charles Hibbard.
John A. Price.	Karl Schmidt.

Assistant Civil Engineer Robert L. McLellan to be a civil engineer in the Navy, with the rank of lieutenant, from the 30th day of June, 1928.

The following-named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, from the 3d day of August, 1928:

Harold W. Johnson.	Robert R. Yates.
Charles L. B. Anderson.	Albert A. L. Ort.
Dow H. Nicholson.	Clyde W. Coryell.
Allen Hoar.	Edward D. Graffin.
Harry LeG. Hilton.	Robert E. Hancock.
Collins L. Macrae.	William W. Schneider.
Edmund B. Keating.	Thomas J. Brady, jr.

Commander John W. Wilcox, jr., to be a captain in the Navy from the 11th day of December, 1928.

Lieut. (Junior Grade) Thomas B. Dugan to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) John A. Hollowell, jr., to be a lieutenant in the Navy from the 4th day of December, 1928.

Ensign Julian B. Jordan to be a lieutenant (junior grade) in the Navy from the 4th day of June, 1928.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

James A. McNally.

Theodore Wolcott.

POSTMASTERS

ALABAMA

James C. Crim to be postmaster at Siluria, Ala., in place of B. L. Glasscock, resigned.

ARIZONA

Robert W. Wingfield to be postmaster at Camp Verde, Ariz. Office became presidential July 1, 1928.

ARKANSAS

Lovette J. Lee to be postmaster at Paris, Ark., in place of C. V. B. Harley, resigned.

COLORADO

Sadie Mear to be postmaster at Buena Vista, Colo., in place of L. W. Tomkins. Incumbent's commission expired December 18, 1927.

Ferd G. Smith to be postmaster at Kim, Colo., in place of V. L. Waters, removed.

IDAHO

Catherine J. Craig to be postmaster at Avery, Idaho, in place of C. J. Craig. Incumbent's commission expires December 17, 1928.

Golda O. Coy to be postmaster at Bovill, Idaho, in place of G. O. Coy. Incumbent's commission expires December 17, 1928.

Flossie G. Hill to be postmaster at Gooding, Idaho, in place of F. G. Hill. Incumbent's commission expired December 10, 1928.

ILLINOIS

Rufus D. Denton to be postmaster at Carthage, Ill., in place of R. D. Denton. Incumbent's commission expired December 10, 1928.

Anna B. Dorsey to be postmaster at Lovejoy, Ill., in place of A. J. Arthur. Incumbent's commission expired May 20, 1928.

IOWA

Ludwig C. Pedersen to be postmaster at Kimballton, Iowa, in place of R. P. Larsen, removed.

Elmer F. Walter to be postmaster at Manly, Iowa, in place of E. C. Reindl. Incumbent's commission expired June 5, 1928.

KANSAS

Robert W. Cyr to be postmaster at Aurora, Kans., in place of R. W. Cyr. Incumbent's commission expired December 12, 1928.

Enos F. Halbert to be postmaster at Chapman, Kans., in place of E. F. Halbert. Incumbent's commission expired December 9, 1928.

KENTUCKY

Stanley Byers to be postmaster at Horse Branch, Ky. Office became presidential July 1, 1928.

Jennie S. May to be postmaster at Stone, Ky., in place of Clyde Burton, resigned.

MARYLAND

Mary N. Yates to be postmaster at La Plata, Md., in place of W. O. Yates, removed.

MICHIGAN

Leon D. Corwin to be postmaster at Ashley, Mich., in place of L. D. Corwin. Incumbent's commission expired December 12, 1928.

MINNESOTA

Isaac R. Lamppa, jr., to be postmaster at Embarrass, Minn., in place of M. R. Hannula, removed.

MISSOURI

Henry L. Windler to be postmaster at Barnett, Mo., in place of H. L. Windler. Incumbent's commission expired December 10, 1928.

Joe W. Ralston to be postmaster at Clarksburg, Mo., in place of J. D. Reynolds, removed.

Hobart Lewis to be postmaster at Downing, Mo., in place of Hobart Lewis. Incumbent's commission expires December 17, 1928.

Stephen C. Accola to be postmaster at La Grange, Mo., in place of S. C. Accola. Incumbent's commission expires December 17, 1928.

John F. Burrell to be postmaster at Mountain View, Mo., in place of J. F. Burrell. Incumbent's commission expired December 11, 1928.

Charles E. Traylor to be postmaster at Richmond, Mo., in place of C. E. Traylor. Incumbent's commission expires December 17, 1928.

MONTANA

William G. Hunter to be postmaster at Boulder, Mont., in place of G. M. Eiselein, resigned.

Rollin T. Spaulding to be postmaster at Stevensville, Mont., in place of H. T. Eastridge, resigned.

NEBRASKA

Arthur F. Jarman to be postmaster at Ashland, Nebr., in place of A. F. Jarman. Incumbent's commission expired December 11, 1928.

Arnold J. Fiala to be postmaster at Brainard, Nebr., in place of A. J. Fiala. Incumbent's commission expired December 19, 1927.

Laura M. Baird to be postmaster at Cairo, Nebr., in place of L. M. Baird. Incumbent's commission expired December 11, 1928.

Leroy L. Ambler to be postmaster at Holbrook, Nebr., in place of L. L. Ambler. Incumbent's commission expires December 17, 1928.

Henry L. Nichols to be postmaster at Lebanon, Nebr., in place of H. L. Nichols. Incumbent's commission expired December 11, 1928.

George E. Barto to be postmaster at Wakefield, Nebr., in place of G. E. Barto. Incumbent's commission expired December 11, 1928.

Minnie M. Morrow to be postmaster at Winside, Nebr., in place of Jesse Witte. Incumbent's commission expired December 19, 1927.

George H. Holdeman to be postmaster at York, Nebr., in place of G. H. Holdeman. Incumbent's commission expired December 11, 1928.

NEW JERSEY

Vivian O. Walters to be postmaster at Franklin, N. J., in place of V. O. Walters. Incumbent's commission expires December 18, 1928.

NEW YORK

Roy M. Hackett to be postmaster at Hornell, N. Y., in place of R. M. Hackett. Incumbent's commission expired December 11, 1928.

NORTH DAKOTA

Alexander H. Allan to be postmaster at Walhalla, N. Dak., in place of W. A. Andrews. Incumbent's commission expired January 24, 1928.

OHIO

William C. Parks to be postmaster at Cadiz, Ohio, in place of W. C. Parks. Incumbent's commission expired January 5, 1927.

Guy G. Patchen to be postmaster at Columbiana, Ohio, in place of G. G. Patchen. Incumbent's commission expired May 17, 1928.

Elizabeth I. Grimm to be postmaster at Hopedale, Ohio, in place of E. I. Grimm. Incumbent's commission expired March 1, 1928.

Gertrude E. Lawson to be postmaster at Irondale, Ohio, in place of G. E. Lawson. Incumbent's commission expired March 27, 1928.

Walter L. Peet to be postmaster at Leetonia, Ohio, in place of W. L. Peet. Incumbent's commission expired February 8, 1928.

Perry A. Dickey to be postmaster at Rogers, Ohio, in place of P. A. Dickey. Incumbent's commission expired June 4, 1928.

Frank J. Eckstein to be postmaster at Salem, Ohio, in place of F. J. Eckstein. Incumbent's commission expired May 19, 1928.

OKLAHOMA

Joseph Beasley, jr. to be postmaster at Bowlegs, Okla. Office became presidential July 1, 1928.

Walter C. Campbell to be postmaster at Carnegie, Okla., in place of W. C. Campbell. Incumbent's commission expired December 12, 1928.

Minnie A. Eaton to be postmaster at Inola, Okla., in place of M. A. Eaton. Incumbent's commission expired December 12, 1928.

Madge Morris to be postmaster at Lyman, Okla., in place of Madge Morris. Incumbent's commission expired December 10, 1928.

Emmette R. Talley to be postmaster at Mangum, Okla., in place of E. R. Talley. Incumbent's commission expired December 12, 1928.

PENNSYLVANIA

Edna D. Scott to be postmaster at Dunbar, Pa., in place of W. E. Crowe. Incumbent's commission expired December 13, 1926.

Charles R. Batdorf to be postmaster at Fredericksburg, Pa. Office became presidential July 1, 1928.

Bayard L. Ilgenfritz to be postmaster at Woodbine, Pa. Office became presidential July 1, 1928.

SOUTH DAKOTA

Bernard P. Corrigan to be postmaster at Cavour, S. Dak., in place of B. P. Corrigan. Incumbent's commission expired December 12, 1928.

Mabel Gilger to be postmaster at Nisland, S. Dak., in place of H. S. Gartley, resigned.

TENNESSEE

Jesse L. Hope to be postmaster at Lenoir City, Tenn., in place of Arthur Taylor, removed.

Dana H. Wolfe to be postmaster at Sneedville, Tenn., in place of P. T. Livesay, resigned.

TEXAS

James M. Stratton to be postmaster at Blum, Tex., in place of J. M. Stratton. Incumbent's commission expired December 10, 1928.

Alphonse Boog to be postmaster at D'Hanis, Tex., in place of Alphonse Boog. Incumbent's commission expired December 10, 1928.

Sylvan S. McCrary to be postmaster at Joaquin, Tex., in place of S. S. McCrary. Incumbent's commission expired December 10, 1928.

William I. Witherspoon to be postmaster at McAllen, Tex., in place of W. I. Witherspoon. Incumbent's commission expired December 10, 1928.

Charles A. Reiter to be postmaster at Muenster, Tex., in place of C. A. Reiter. Incumbent's commission expired December 10, 1928.

Charles I. Snedecor to be postmaster at Needville, Tex., in place of C. I. Snedecor. Incumbent's commission expired December 10, 1928.

Lydia Teller to be postmaster at Orange Grove, Tex., in place of Lydia Teller. Incumbent's commission expired December 10, 1928.

Casimiro P. Alvarez to be postmaster at Riogrande, Tex., in place of C. P. Alvarez. Incumbent's commission expired December 10, 1928.

George M. Sewell to be postmaster at Talpa, Tex., in place of G. M. Sewell. Incumbent's commission expired December 10, 1928.

Charles F. Boettcher to be postmaster at Weimar, Tex., in place of C. F. Boettcher. Incumbent's commission expired December 10, 1928.

UTAH

Carlos C. Hansen to be postmaster at Midvale, Utah, in place of J. B. Wright, deceased.

VIRGINIA

James L. Humbert to be postmaster at Charlottesville, Va., in place of W. B. Murphy. Incumbent's commission expired February 24, 1927.

Byron Austin to be postmaster at Falls Church, Va., in place of V. T. Quick, resigned.

WEST VIRGINIA

John M. Stratton to be postmaster at Man, W. Va., in place of R. E. Gillespie, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14 (legislative day of December 13), 1928

COMPTROLLER OF THE CURRENCY

John W. Pole to be Comptroller of the Currency.

POSTMASTERS

ALABAMA

Minnie V. Compton, Pine Apple.

ALASKA

Martin Conway, Skagway.

COLORADO

Beulah J. Wright, Estes Park.

GEORGIA

Julien V. Frederick, Marshallville.

KANSAS

Robert E. Chapman, Belle Plaine.
William T. Venell, Bird City.
Clitus B. Hosford, Lawrence.
Theodore C. Conklin, Mulvane.
Clarence G. Hart, Perry.
George E. Crawford, Whiting.

KENTUCKY

Howard C. Lewis, Morehead.
Raymond H. Heskamp, St. Matthews.
Elbert W. Beers, Van Lear.
John Lafferty, Wheelwright.

MICHIGAN

Samuel Perkins, Norway.
Joseph D. Norris, Turner.

NEW JERSEY

Robert E. Torrance, Arlington.
Ralph E. Liddle, Fords.
George W. Karge, Franklinville.
James L. O'Donnell, Hammonton.
Walter G. Barber, Millville.
Walter E. Walling, Port Monmouth.
Harry W. Mutchler, Rockaway.
Marie M. Giroud, Sewaren.
Hiram H. Shepherd, South Boundbrook.

NEW MEXICO

Edward H. Hemenway, Carlsbad.
Frank P. Brown, Hachita.
John L. Augustine, Lordsburg.
Charles E. Anderson, Roy.
Louise N. Martin, Socorro.

OHIO

George P. Foresman, Circleville.
Alsina E. Andrews, Risingsun.
Horace G. Randall, Sylvania.

OKLAHOMA

Henry A. Ravia, Bessie.
Burton A. Tyrrell, Fargo.
Earl C. Moore, Forgan.
Benjamin F. Rarick, Guymon.
Helen Whitlock, Maramec.

SOUTH CAROLINA

John W. Willis, Lynchburg.

WEST VIRGINIA

Mary Allen, Filbert.
Minnie Ratliff, Yukon.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 14 (legislative day of December 13), 1928

POSTMASTER

ILLINOIS

Oscar B. Harrauff to be postmaster at Princeton in the State of Illinois.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 14, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We entreat the spirit of the Lord God to be upon us. Let this day be an open door to another opportunity for service. Bless us with ease of mind in disappointment and with victory over every fear. Give us beauty for ashes, the oil of joy for mourning, and the garment of praise for heaviness. Let the revelation of eternal love be our ideal. Thus equipped, may we toil for the extension of the good. Empty our hearts of all jealousy, pride, and covetousness, and all selfishness which creates the bitterness of the world. In the calendar of memory may we live as wise servants of the Republic and obedient children of Him who has opened the gates of mercy for all mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed without amendment a joint resolution and bill of the House of the following titles:

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; and

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

The message also announced that the Vice President had appointed Mr. BINGHAM, Mr. MCMASTER, and Mr. BLACK members of the committee on the part of the Senate as provided for in the joint resolution (H. J. Res. 332) entitled "Joint resolution to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C."

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who informed the House that on the following dates the President did approve and sign bills of the House of the following titles:

On December 12, 1928:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

On December 13, 1928:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; and

H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.

REREFERENCE OF A BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill H. R. 14670 be transferred from the Committee on Territories to the Committee on Ways and Means. I have consulted with the chairman of the Committee on Territories in regard to this.

Mr. GARNER of Texas. Mr. Speaker, what was the gentleman's request?

Mr. HAWLEY. I was asking for the transfer from the Committee on Territories to the Committee on Ways and Means of the bill H. R. 14670, introduced by the Delegate from Hawaii [Hon. V. S. K. HOUSTON], to amend section 495, title 48, chapter 3, of the United States Code, exempting salaries of officers and employees of the Territory of Hawaii from the Federal income tax, which was referred to the Committee on Territories.

The SPEAKER. Without objection, the transfer of the bill will be made.

There was no objection.

PRESENTATION OF A GAVEL TO THE SPEAKER

Mr. ALLEN. Mr. Speaker, it was with the greatest pleasure that I was able this morning to present to you a gavel fashioned from the wood of a tree which grew in the front yard of the Hoover home in Iowa. In this connection I should like permission to extend my remarks in the RECORD by inserting a short statement sent to me by Mr. Robert Reed Wallace, who sent the gavel to me for presentation to the Speaker.

The SPEAKER. Without objection, it is so ordered.

The statement referred to is as follows:

If this bit of wood could speak our language, it would tell of the beginning of the journey of a care-free little boy from a 2-room house on a frontier prairie in Iowa to the White House in Washington, D. C.—to the greatest office in the gift of men and women—to the greatest responsibility that can rest on any one man in the world.

* * * * * * *

A sturdy blacksmith set up his forge and shop on the west branch of a little stream on the western prairie, and across the ox-cart road he established his home, and in the front yard of that home he and his good wife planted a tree, and that tree grew in the rich soil and pure air of Iowa—a little boy came and played under the friendly branches of that tree—the scythe of time took the father and mother and the relatives took the little boy and taught him the ways of the farm, and the country school, on which there is no better foundation to build a man, and that man is now the President elect of the United States, the highest office in the gift of men and women, and the greatest possible responsibility that can rest on any man in the world.

This gavel was fashioned of wood out of the tree planted by Mr. Hoover's father and mother—intrinsically it has little value, while inspirationally it has immeasurable value if we will allow it to epitomize what can be accomplished by a boy who will apply the very best that is in him to every physical, mental, moral, social, political, and humanitarian problem that presents itself to him, and it is with that inspirational value in mind that the gavel is now presented to the Speaker of the House of Representatives.

The people of the United States and of the world are expecting much of Mr. Hoover and his accomplished wife, and I have faith that they will measure up as far as it is possible for human beings to measure up, and I know we will have for our President a man well born, well educated, well seasoned, and widely experienced, a diligent, conscientious, humble, Christian gentleman.

ROBERT REED WALLACE,
Hamilton, Ill.

INAUGURATION OF THE PRESIDENT ELECT

Mr. SNELL. Mr. Speaker, I present a privileged report (Rept. No. 1951) from the Committee on Rules on Senate Concurrent Resolution 24.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 24

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

Mr. SNELL. Mr. Speaker, I simply desire to state that this is the usual resolution that is passed once in four years preceding the inauguration of a new President. This resolution is considered to be an authorization for an appropriation which will be carried in the deficiency bill.

I think that is all that is to be said about that at this time. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Speaker appoints as members of that committee Mr. SNELL, Mr. DYER, and Mr. POU.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana calls up the bill H. R. 14800, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The bill was read.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 501. Rose A. Patten.
H. R. 510. Nancy J. Cain.
H. R. 512. Carrie H. Freelove.
H. R. 513. Mary E. Hanna.
H. R. 514. Naomi Johnson.
H. R. 515. Addie Pipes.
H. R. 520. Hulda A. Blake.
H. R. 521. Margaret M. Cunningham.
H. R. 524. Ellen Gebhart.
H. R. 525. Hannah Giffin.
H. R. 530. Sarah E. Shaferman.
H. R. 533. Barbara Bray.
H. R. 537. Sophronia Williams.
H. R. 538. Margaretta C. Feay.
H. R. 541. Rebecca E. Nuzum.
H. R. 543. Elcie Been.
H. R. 545. Rebecca Neal.
H. R. 546. Emma F. De Moss.
H. R. 550. Sallie Neidhardt.
H. R. 552. Sarah B. Ray.
H. R. 553. Sarah H. Miller.
H. R. 555. Gertrude Wiedebusch.
H. R. 557. Ary Shaw.
H. R. 559. Sivilla C. Moore.
H. R. 560. Sarah V. Merrifield.
H. R. 562. Rhoda McEldowney.
H. R. 563. Mary R. McIlvain.
H. R. 565. Mary E. Hohmann.
H. R. 566. Catharine Geldbaugh.
H. R. 568. Eva Coffman.
H. R. 580. Melara C. Abbott.
H. R. 581. Theresa Bingaman.
H. R. 582. Sarah C. Aunsbach.
H. R. 583. Rebecca Redcay.
H. R. 584. Mary C. Cooper.
H. R. 586. Margaret Reifsnyder.
H. R. 587. Emma L. Ermentrout.
H. R. 588. Sarah McCauley.
H. R. 589. Catharine McCloskey.
H. R. 591. Ellen Snyder.
H. R. 592. Susie C. Risheil.
H. R. 598. Catharine Leas.
H. R. 599. Amanda Wade.
H. R. 600. Eva A. Spear.
H. R. 601. Mary C. Calvin.
H. R. 602. Lucy Hock.
H. R. 603. Sarah Berheiser.
H. R. 604. Catharine Hoover.
H. R. 607. Emily V. Ressler.
H. R. 608. Josephine Butterweck.
H. R. 610. Anna M. Rode.
H. R. 611. Sarah Ulrich.
H. R. 613. Hannah A. Brittain.
H. R. 614. Elizabeth P. Weidner.
H. R. 615. Sarah Sauerwine.
H. R. 617. Tamsen A. Wells.
H. R. 618. Amelia Grosscup.
H. R. 619. Kate Grommis.
H. R. 620. Eleisie A. Kern.
H. R. 621. Lucy Kern.
H. R. 622. Anna Reyle.
H. R. 623. Emma S. De Gour.
H. R. 625. Helen Schaffer.
H. R. 626. Mary J. Seaman.
H. R. 627. Catharine A. Sellers.
H. R. 628. Ellen Seiders.
H. R. 629. Rebecca C. Betz.
H. R. 632. Annie Downs.
H. R. 633. Lavina Strohecker.
H. R. 634. Rebecca E. Patterson.
H. R. 635. Elizabeth Marks.
H. R. 636. Sarah E. Mason.
H. R. 638. Susan Dry.
H. R. 640. Katharine Flaig.
H. R. 641. Caroline Schwelmler.
H. R. 642. Anna Saul.
H. R. 643. Caroline C. Fehr.
H. R. 644. Cordelia Fisher.
H. R. 646. Emma R. Derr.
H. R. 647. Mary Dethample.
H. R. 648. Mary Platz.
H. R. 650. Mary B. Davis.
H. R. 652. Margaret Schlegel.
H. R. 655. Annie R. Trout.
H. R. 657. Isabella Hain.
H. R. 659. Anna M. Swavely.
H. R. 660. Margaret M. Power.
H. R. 662. Jennie S. Long.
H. R. 666. Catharine Michael.
H. R. 668. Ellen A. Williamson.
H. R. 671. Rebecca J. Reber.
H. R. 672. Amelia Reed.
H. R. 674. Catharine E. Hassler.
H. R. 675. Emma R. Hartline.
H. R. 676. Mary A. Hinnershitz.
H. R. 677. Ellen E. Yeager.
H. R. 679. Rebecca E. Stamm.
H. R. 680. Elizabeth Foos.
H. R. 681. Lavina Angstadt.
H. R. 682. Lovina S. Knoll.
H. R. 683. Sarah M. Orner.
H. R. 686. Louisa Aulenbach.
H. R. 687. Clara Geiger.
H. R. 688. Mary I. Flanagan.
H. R. 689. Susan Achenbach.
H. R. 691. Mary Ann Miller.
H. R. 693. Agnes F. Gibson.
H. R. 694. Lydia Gery.
H. R. 695. Catharine Rader.
H. R. 696. Sarah Ann Garnet.
H. R. 699. Lizzie H. Graul.
H. R. 701. Annie Boyer.
H. R. 702. Haneefa Boyer.
H. R. 703. Catharine Reeder.
H. R. 704. Susan Gehret.
H. R. 708. Elizabeth F. Miller.
H. R. 709. Martha Beamersderfer.
H. R. 710. Anna M. Rumford.
H. R. 711. Susan Griffith.
H. R. 712. Mary A. Kinch.

H. R. 713. Kittie A. Miltower.
H. R. 714. Hannah M. J. Myers.
H. R. 716. Emma M. Ebbert.
H. R. 717. Kate Winter.
H. R. 719. Elizabeth Graf.
H. R. 720. Mary E. Reeser.
H. R. 722. Ellen Smith.
H. R. 723. Emma L. Smith.
H. R. 724. Elizabeth Bressler.
H. R. 725. Sarah H. Cleaver.
H. R. 727. Hannah F. Hauck.
H. R. 728. Margaret L. Briner.
H. R. 729. Anna J. Bright.
H. R. 731. Maria Roth.
H. R. 733. Susan Shell.
H. R. 734. Rachel L. Shultz.
H. R. 735. Amanda Worley.
H. R. 737. Annie Snayberger.
H. R. 738. Mary L. Williams.
H. R. 739. Annie E. Mozingo.
H. R. 742. Anna B. Shaw.
H. R. 747. Hannah Clark.
H. R. 748. Mary Buchanan.
H. R. 756. Samantha A. Mewhinney.
H. R. 757. Fidelia E. Lane.
H. R. 758. Sarah E. Chandler.
H. R. 759. Mary E. McConnell.
H. R. 761. Fannie H. Buchanan.
H. R. 763. Mary A. Dorrel.
H. R. 764. Eva B. Frazier.
H. R. 765. Isabella A. Long.
H. R. 805. Mary A. McBride.
H. R. 806. Fredonia A. Lauder.
H. R. 808. Anna Fetsch.
H. R. 810. Mary Ann Leary.
H. R. 828. Emma A. Young.
H. R. 829. Anna Erwin.
H. R. 831. Susan D. Ralph.
H. R. 832. Bridget E. Lovejoy.
H. R. 835. Sarah J. McFarlan.
H. R. 837. Melissa L. Spader.
H. R. 840. Jeannette M. Sheldon.
H. R. 842. Alice Jordan.
H. R. 846. Beatries Murphy.
H. R. 869. Mamie E. Robinson.
H. R. 873. Sarah J. Brown.
H. R. 874. Christina Stein.
H. R. 875. Mary I. Courtney.
H. R. 877. Serena Swift.
H. R. 878. Mary F. Frame.
H. R. 881. Janette Stokes.
H. R. 882. Isabella Conner.
H. R. 884. Hannah J. Gibson.
H. R. 885. Caroline Uphoff.
H. R. 891. Ann E. Trampe.
H. R. 892. Emma Clark.
H. R. 893. Judith Ann Hay.
H. R. 894. Nancy T. Tyler.
H. R. 896. Susan F. Miller.
H. R. 899. Mary F. June.
H. R. 900. Mary L. Vance.
H. R. 901. Elizabeth Herring.
H. R. 902. Lidy Shaul.
H. R. 903. Cynthia A. Henderson.
H. R. 904. Sarah E. Sutton.
H. R. 965. Eliza E. Smith.
H. R. 983. Antoinette F. Cushing.
H. R. 987. Emma J. Turner.
H. R. 990. Virginia Pace.
H. R. 991. Susan V. Faucett.
H. R. 998. Mary A. Slater.
H. R. 1012. Frances A. Williams.
H. R. 1014. Clara B. Brown.
H. R. 1015. Annie Ritchie.
H. R. 1016. Amanda J. Cowan.
H. R. 1017. Laura A. Tarbell.
H. R. 1018. Susan Ingalls Nason.
H. R. 1031. Sarah E. Anderson.
H. R. 1032. Mary Drake.
H. R. 1033. Margaret I. Wehrly.
H. R. 1035. Margaret C. Tiedeman.
H. R. 1036. Martha E. J. Mifflin.
H. R. 1037. Matilda Misener.
H. R. 1038. Amelia Manco.
H. R. 1039. Lydia Miller.
H. R. 1041. Elizabeth Knott.
H. R. 1043. Mary E. Green.
H. R. 1044. Augusta Dawson.
H. R. 1045. Emma J. Hatfield.
H. R. 1046. Emma Callaway.
H. R. 1048. Clara E. Criswell.
H. R. 1050. Sarah R. Scott.
H. R. 1051. Alpha L. Dutter.
H. R. 1055. Martha J. Treesh.
H. R. 1056. Annie L. Shaffstall.
H. R. 1058. Elizabeth M. Richardson.
H. R. 1059. Bettie E. Rowsey.
H. R. 1060. Harriet Runion.
H. R. 1061. Mary Pritchard.
H. R. 1062. Isabel Pumphrey.
H. R. 1063. Nellie Misner.
H. R. 1064. Magdaline Hartman.
H. R. 1065. Mary D. Hatch.
H. R. 1068. Rebecca A. Babcock.
H. R. 1069. Frances A. Perkins.
H. R. 1070. Amanda D. Anderson.
H. R. 1074. Nancy L. Bell.
H. R. 1075. Margaret A. Curtis.
H. R. 1076. Harriet Daub.
H. R. 1081. Anna L. Tranbarger.
H. R. 1083. Mary A. Lantz.
H. R. 1084. Mary C. Blackburn.
H. R. 1085. Martha E. Maxfield.
H. R. 1090. Emma L. Howell.
H. R. 1091. Esther E. Lazelle.
H. R. 1093. Mary Van Wormer.
H. R. 1096. Mary J. Ansell.
H. R. 1098. Matilda M. Ballard.
H. R. 1099. Elizabeth Baty.
H. R. 1100. Isabel C. Bennett.
H. R. 1101. Annie H. Bills.
H. R. 1102. Caroline Boerodaile.
H. R. 1103. Eva E. Bowman.
H. R. 1107. Catherine Connor.
H. R. 1108. Edwina C. Cook.
H. R. 1109. Mary Jane Cooper.
H. R. 1111. Sarah A. Coyle.
H. R. 1112. Mary Crelly.
H. R. 1113. Charlotte V. Cruser.
H. R. 1114. Sarah R. H. Culbertson.
H. R. 1120. Oriana M. Farnham.
H. R. 1121. Emma J. Fogarty.
H. R. 1124. Ann Fox.
H. R. 1125. Frances L. Gamble.
H. R. 1129. Martha J. Heinold.
H. R. 1130. Lucy A. Hodges.
H. R. 1132. Abagail D. Hunt.
H. R. 1134. Josephine C. Jones.
H. R. 1142. Elizabeth McDowell.
H. R. 1143. Susie Mahoney.
H. R. 1145. Ida Milan.
H. R. 1146. Alice Montondo.
H. R. 1149. Mary Neff.
H. R. 1150. Margaret O'Leary.
H. R. 1154. Anne Parsons.
H. R. 1158. Nellie Regan.
H. R. 1165. Gertrude Siebert.
H. R. 1166. Frances E. Simpson.
H. R. 1167. Louise A. Smith.
H. R. 1168. Elizabeth J. Spencer.
H. R. 1169. Ida H. Stokes.
H. R. 1170. Margret A. Sutton.
H. R. 1172. Florence Tripp.
H. R. 1175. Ida M. Wheeler.
H. R. 1178. Mary A. Wilson.
H. R. 1180. Minerva A. Woodruff.
H. R. 1181. Mary E. Young.
H. R. 1184. Sophia M. Barth.
H. R. 1210. Nancy Bachor.
H. R. 1211. Frances Bicknell.
H. R. 1212. Annie Bowman.
H. R. 1213. Phebe Carlton.
H. R. 1214. Ella A. Coleman.
H. R. 1215. Mary E. B. Davidson.
H. R. 1216. Catherine Doran.
H. R. 1218. Virginia L. Grosvenor.
H. R. 1220. Annie Hastings.
H. R. 1223. Clarinda Johnson.
H. R. 1228. Arvilla Ours.
H. R. 1231. Delia D. Phillips.
H. R. 1233. Mary E. Rankin.
H. R. 1236. Nancy Ann Rouse.
H. R. 1237. Missouri F. Sanders.
H. R. 1239. Adaline B. Shiers.
H. R. 1240. Mary E. Small.
H. R. 1241. Elizabeth Stobert.
H. R. 1244. Josephine V. Walker.
H. R. 1247. Mary M. Wilson.
H. R. 1250. Hellen L. Ferguson.
H. R. 1251. Catherine Moore.
H. R. 1253. Victorena Rush.
H. R. 1256. Johanna Neugebauer.
H. R. 1260. Matilda Wilson.
H. R. 1261. Catharine Kinker.
H. R. 1263. Jennie Lindsey.
H. R. 1264. Jennie McDaniel.
H. R. 1266. Nancy S. Allen.
H. R. 1267. Edith V. Jones.
H. R. 1269. Emily D. Monk.
H. R. 1274. Mary Everhart.
H. R. 1275. Almira R. Graham.
H. R. 1281. Mary Hatfield.
H. R. 1282. Laura M. Julian.
H. R. 1285. Mary Pumpelly.
H. R. 1297. Eleanor E. Hugh.
H. R. 1299. Kate S. Hyatt.
H. R. 1300. Margaret A. Inks.
H. R. 1301. Carolin Johnson.
H. R. 1302. Nancy E. Keener.
H. R. 1304. Edith P. Kerr.
H. R. 1305. Amanda J. Keslar.
H. R. 1306. Margaret Kremer.
H. R. 1309. Margaret Martin.
H. R. 1310. Sadie McEwen.
H. R. 1311. Susan McLaughlin.
H. R. 1313. Sarah Morrison.
H. R. 1314. Mary Mostoller.
H. R. 1315. Donna M. Myers.
H. R. 1316. Rachel L. Pastorius.
H. R. 1318. Elizabeth S. Provance.
H. R. 1322. Carrie S. Richey.
H. R. 1323. Ellen Rininger.
H. R. 1325. Annie Arrington.
H. R. 1326. Margaret Artis.
H. R. 1328. Mollie M. Bell.
H. R. 1330. Martha J. Buttermore.
H. R. 1331. Margaret Byers.
H. R. 1332. Sarah E. Clouse.
H. R. 1335. Nannie Dively.
H. R. 1336. Hannah Ann Evans.
H. R. 1340. Malinda Gaumer.
H. R. 1341. Susan Handlin.
H. R. 1342. Rebecca Henry.
H. R. 1343. Emma Herring.
H. R. 1344. Jennie Rutter.
H. R. 1345. Barbara Rummel.
H. R. 1346. Rachel J. Schock.
H. R. 1347. Sophia Swaney.
H. R. 1348. Lavina P. Swaney.
H. R. 1352. Sarah J. Vaughan.
H. R. 1355. Annie V. Young.
H. R. 1356. Kate A. Zinn.
H. R. 1367. Luella E. Shaw.
H. R. 1371. Margaret L. Spencer.
H. R. 1373. Clemania Parker.
H. R. 1374. Helen S. Glidden.
H. R. 1375. Eliza Schutt.
H. R. 1376. Mary J. Hurley.
H. R. 1378. Albina D. Thom.
H. R. 1399. Lavinia M. Norton.
H. R. 1400. Mary E. Halsey.
H. R. 1414. Nannie L. Brand.
H. R. 1415. Mary E. Wooley.
H. R. 1416. Catherine Weltner.
H. R. 1423. Emily Raber.
H. R. 1434. Vina Herron.
H. R. 1435. Lydia Haven.
H. R. 1439. Mary E. Fellows.
H. R. 1440. Mariah Evans.
H. R. 1441. Sarah Doolin.
H. R. 1442. Fetney Jane Devore.
H. R. 1443. Mary A. Delay.
H. R. 1445. George Ann Cunningham.
H. R. 1446. Pauline E. Beals.
H. R. 1447. Anna Blue.
H. R. 1453. Louisa Reeves.
H. R. 1454. Eunice Morris.
H. R. 1458. Julia A. Crouse.
H. R. 1462. Rowena R. Coombs.
H. R. 1471. Fannie Hudson.
H. R. 1472. Sally Smith.
H. R. 1474. Martha F. Vanzant.
H. R. 1476. Susan J. Hendrick.
H. R. 1478. Margaret E. Wallace.
H. R. 1482. Mary E. Brooks.
H. R. 1513. Margareth E. Laux.
H. R. 1514. Amanda E. Rogers.
H. R. 1515. Amelia C. Burrows.
H. R. 1516. Mary L. Woodhull.
H. R. 1517. Amelia Conlon.
H. R. 1525. Mary McAndrew.
H. R. 1526. Mary Smith.
H. R. 1544. Eliza C. Greene.
H. R. 1545. Isabel R. Mayes.
H. R. 1565. Sarah Gochey.
H. R. 1566. Frances Somerville.
H. R. 1568. Georgie A. Wallace.
H. R. 1570. Ellen Drohan.
H. R. 1572. Nancy J. Hope.
H. R. 1573. Sarah J. Gott.
H. R. 1577. Martha M. Fairchild.
H. R. 1579. Elizabeth Lawton.
H. R. 1581. Julia A. Rosenberger.
H. R. 1592. Susan A. Whiting.
H. R. 1594. Elizabeth Gordon.
H. R. 1599. Harriet N. Crabb.
H. R. 1602. Charlietta A. Bloxsom.
H. R. 1603. Evelyn Reynolds.
H. R. 1605. Sarah E. Vining.
H. R. 1606. Margaret Gates.
H. R. 1607. Sarah E. Purdy.
H. R. 1608. Mary J. Dixon.
H. R. 1609. Sarah A. V. Pepper.
H. R. 1610. Ella S. Boomer.
H. R. 1611. Ellen Manchester.
H. R. 1612. Ella C. Daniels.
H. R. 1613. Mary B. Jennings.
H. R. 1614. Sara M. Hamilton.
H. R. 1652. Louisa A. Snow.
H. R. 1653. Mary E. Orth.
H. R. 1655. Huldah A. Hudson.
H. R. 1656. Sarah J. Driskill.
H. R. 1657. Hannah Dinsmore.
H. R. 1658. Margaret M. Mudgett.
H. R. 1659. Minty E. Spears.
H. R. 1660. Mary A. Nordyke.
H. R. 1661. Margaret A. Lincoln.
H. R. 1663. Mary A. McCaw.
H. R. 1665. Nancy J. Griffey.
H. R. 1666. Caroline S. Hunt.
H. R. 1671. Emma J. Combs.
H. R. 1672. Lelia E. Benham.
H. R. 1682. Elizabeth B. Fletcher.
H. R. 1691. Amanda Insell.
H. R. 1698. Anna Craft.
H. R. 1699. Theresa L. McCleary.
H. R. 1700. Delia Lockwood.
H. R. 1702. Fannie I. Lewis.
H. R. 1705. Valina Larose.
H. R. 1706. Mary Laport.
H. R. 1707. Ladora V. Lapham.
H. R. 1708. Julia Lackey.
H. R. 1712. Mary E. Hulet.
H. R. 1714. Emma W. Hays.
H. R. 1716. Abbie Hackett.
H. R. 1726. Damie Fuller.
H. R. 1728. Harriet S. Fellows.
H. R. 1730. Mary S. Norton.
H. R. 1733. Cornelia J. Wilson.
H. R. 1738. Flora L. Patterson.
H. R. 1740. Anna E. Pateman.
H. R. 1743. Mary Norton.
H. R. 1745. Helen Potter.
H. R. 1747. Jane Pelletier.
H. R. 1748. Phoeby Pecue.
H. R. 1749. Lottie Porter.
H. R. 1751. Mahala J. Millias.
H. R. 1752. Aceneath E. Miller.
H. R. 1754. Lucy E. Moulton.
H. R. 1755. Georgeannia Murray.
H. R. 1757. Francis M. Nelson.
H. R. 1761. Hannah McGuyer.
H. R. 1762. Ellen McKinty.
H. R. 1763. Anna E. Schermerhorn.
H. R. 1765. Celina P. Rose.
H. R. 1766. Mary R. Sheffer.
H. R. 1768. Maria Simpson.
H. R. 1769. Helen P. Smith.
H. R. 1770. Jane L. Smith.
H. R. 1773. Amelia H. Stone.
H. R. 1774. Julia A. Stimpson.
H. R. 1775. Louisa Taffe.
H. R. 1776. Katherine E. Tarbell.
H. R. 1778. Marcella Tetro.
H. R. 1779. Louise F. Thomson.
H. R. 1781. Mary J. Evans.
H. R. 1783. Clara J. Dwyer.
H. R. 1788. Electa J. Baker.
H. R. 1790. Anna Dunkley.
H. R. 1792. Julia Deridder.
H. R. 1794. Rosanna Cushing.
H. R. 1796. Hannah Cull.
H. R. 1797. Edith Crandall.
H. R. 1799. Mary Connor.
H. R. 1800. Rosetta Connelly.
H. R. 1802. Mary F. Case.
H. R. 1803. Elizabeth Fredericks.
H. R. 1805. Lucinda Bullock.
H. R. 1807. Lucy A. Brown.
H. R. 1808. Annie Brazier.
H. R. 1815. Angeline Davis.
H. R. 1820. Sarah E. Terwilliger.
H. R. 1823. Elizabeth Bogart.
H. R. 1824. Mary A. Lohnes.
H. R. 1826. Ollie Fye.
H. R. 1827. Nancy E. Mount.
H. R. 1828. Anna Mathews.
H. R. 1829. Permelia Gorham.
H. R. 1831. Mary J. Hardy.
H. R. 1834. Rebecca A. Grubbs.
H. R. 1835. Jane Ward.
H. R. 1839. Sarah A. Smith.
H. R. 1840. Melissa A. Anthony.
H. R. 1841. Lovina Wort.
H. R. 1845. Sarah E. Harrell.
H. R. 1846. Amanda A. Osborn.
H. R. 1847. Hariett M. Brown.
H. R. 1848. Salina Wilt.
H. R. 1849. Dora L. Coddington.
H. R. 1850. Eva Bless.
H. R. 1851. Susannah R. Daves.
H. R. 1852. Emily J. Flanigan.
H. R. 1853. Clarinda Curles.
H. R. 1854. Harriet M. Simmons.
H. R. 1855. Sarah M. Ferguson.
H. R. 1856. Anna Ambrose.
H. R. 1857. Liddy J. Beck.
H. R. 1858. Fostina Hatt.
H. R. 1859. Emma Stonebraker.
H. R. 1860. Abbie C. Britton.
H. R. 1861. Eliza McDaniel.
H. R. 1862. Adeline R. McCorkle.
H. R. 1863. Alice J. McClelland.
H. R. 1864. Lucy J. Swearingen.
H. R. 1870. Ida V. Spencer.
H. R. 1873. Lydia E. Chappelear.
H. R. 1874. Olive R. Chance.
H. R. 1877. Lucinda Barnes.
H. R. 1878. Louisa McMurtrey.
H. R. 1880. Fannie Blood.
H. R. 1881. Emily A. Casselman.
H. R. 1882. Rebecca J. McClure.
H. R. 1884. Emma D. Jones.
H. R. 1889. Sarah S. Lutes.
H. R. 1890. Caroline Maidel.
H. R. 1891. Eva H. Miller.
H. R. 1896. Mary A. Ruch.
H. R. 1898. Alice M. Simmons.
H. R. 1900. Eliza Snyder.
H. R. 1902. Louise Spade.
H. R. 1906. Janette L. Taylor.
H. R. 1907. Ida A. Tuller.
H. R. 1908. Mary J. Turner.
H. R. 1913. Emma B. Bush.
H. R. 1915. Carrie W. Christy.
H. R. 1917. Annie Donley.
H. R. 1918. Mary A. Ellsworth.
H. R. 1920. Phebe H. B. Starr.
H. R. 1922. Jenettie E. Evans.
H. R. 1923. Emma Greeley.
H. R. 1925. Mary M. Tinker.
H. R. 1956. Lizzie M. Aspinwall.
H. R. 1971. Martha Bosley.
H. R. 1981. Sophia E. Ball.
H. R. 1983. Mary Jane Cressey.
H. R. 1984. Mary A. Harrington.
H. R. 1986. Nancy A. Shields.
H. R. 2012. Laura Shaw.
H. R. 2020. Ida S. Braisted.
H. R. 2027. Margaret Eggleson.
H. R. 2028. Clara J. Eldredge.
H. R. 2032. Elizabeth W. Frank.
H. R. 2038. Frances L. Holmes.
H. R. 2047. Mary Murray.
H. R. 2048. Emma M. Myers.
H. R. 2050. Rosella Paukett.
H. R. 2052. Cynthia L. Piercy.
H. R. 2053. Jennie Platt.
H. R. 2060. Jane A. Shampine.
H. R. 2066. Sarah E. Wait.
H. R. 2109. Florence Whitney.
H. R. 2112. Abbie Cory.
H. R. 2117. Mary A. Taggart.
H. R. 2124. Louisa Denno.

H. R. 2125. Frances E. Mack.
H. R. 2128. Helena Sargent.
H. R. 2129. Ellen Shaughnessy.
H. R. 2130. Mary Strong.
H. R. 2147. Sarah Dickie.
H. R. 2148. Josephine Christopher.
H. R. 2149. Emma C. Wiley.
H. R. 2150. Margaret Crawford.
H. R. 2159. Kate R. Forrester.
H. R. 2161. Lyte R. Buxton.
H. R. 2168. Lucinda E. Smith.
H. R. 2171. Anselena Huffine.
H. R. 2172. Ann Eliza Bell.
H. R. 2177. Ida Bishop.
H. R. 2178. Mary J. Hinman.
H. R. 2179. Hettie A. Overmyer.
H. R. 2181. Anna J. Newton.
H. R. 2194. Ida M. Jones.
H. R. 2208. Cynthia A. Bozell.
H. R. 2214. Martha E. Lett.
H. R. 2216. Permelia C. Wilson.
H. R. 2218. Matilda Aldrich.
H. R. 2219. Esther A. Wilson.
H. R. 2224. Susan Bruce.
H. R. 2225. Martha J. Cook.
H. R. 2233. Florence Hadrich.
H. R. 2238. Cornelia D. Haslet.
H. R. 2239. Mary A. Connor.
H. R. 2248. Mary Stanfield.
H. R. 2249. Sarah E. Wirick.
H. R. 2251. Mary E. McGinnis.
H. R. 2252. Anna C. Barber.
H. R. 2256. Lucy H. Bishop.
H. R. 2258. Catherine Ely.
H. R. 2259. Agnes A. Brown.
H. R. 2260. Sarah A. Wood.
H. R. 2261. Alice Wolff.
H. R. 2262. Emeretta Wilson.
H. R. 2263. Alida E. Whipple.
H. R. 2264. Lillian Swainston.
H. R. 2265. Anna Sullivan.
H. R. 2266. Clara Stalker.
H. R. 2268. Edith Richardson.
H. R. 2269. Madge Quinlan.
H. R. 2271. Fannie C. Nauman.
H. R. 2273. Ella Mix.
H. R. 2275. Emma Lezotte.
H. R. 2276. Almina Letts.
H. R. 2280. Mary P. E. Hale.
H. R. 2281. Delilah Ballard.
H. R. 2282. Mary J. Barclay.
H. R. 2283. Agnes Rundel.
H. R. 2286. Josephine Bushey.
H. R. 2289. Nancy E. Davis.
H. R. 2291. Emma J. Fitz.
H. R. 2292. Hannah Francisco.
H. R. 2293. Ernestene Friebe.
H. R. 2297. Mary A. Chandler.
H. R. 2302. Elizabeth J. Fry.
H. R. 2306. Hester A. Lynes.
H. R. 2308. Nianna M. Ruckel.
H. R. 2309. Rebecca Patterson.
H. R. 2315. Jennie E. Allyn.
H. R. 2317. Orinda Carson.
H. R. 2320. Emma A. Briles.
H. R. 2322. Malinda Johnson.
H. R. 2341. Sarah M. Berkheimer.
H. R. 2343. Nancy Jane Baker.
H. R. 2346. Maria L. Long.
H. R. 2353. Caroline Leff.
H. R. 2354. Lydia A. Swope.
H. R. 2362. Barbara F. Funk.
H. R. 2363. Amelia A. Haiston.
H. R. 2364. Anna E. Humphrey.
H. R. 2365. Sarah E. Johnston.
H. R. 2366. Laura M. Kendig.
H. R. 2368. Annie Longabaugh.
H. R. 2371. Nancy Rohrback.
H. R. 2373. Luticia Seibert.
H. R. 2397. Amelia B. Glendening.
H. R. 2417. Eliza Gahrett.
H. R. 2418. Aravina M. Koons.
H. R. 2419. Sallie Chester.
H. R. 2443. Carrie H. Slingerland.
H. R. 2444. Ellen Van Kleeck.
H. R. 2446. Hannah S. Smith.
H. R. 2448. Cornelia B. Bacon.
H. R. 2449. Mary A. White.
H. R. 2450. Ella Mandigo.
H. R. 2452. Mary Kearsing.
H. R. 2454. Elizabeth Kissell.
H. R. 2455. Mary J. Powley.
H. R. 2458. Phebe J. Hammond.
H. R. 2460. Julia Baker.
H. R. 2461. Sarah A. Burt.
H. R. 2464. Eliza Parke.
H. R. 2465. Fannie Mainster.
H. R. 2466. Catherine Feily.
H. R. 2467. Martha Ball.
H. R. 2468. Elsie C. Nichols.
H. R. 2469. Mary S. Watt.
H. R. 2502. Hester E. Judd.
H. R. 2503. Joanna C. Palmer.
H. R. 2504. Mary Coggeshall.
H. R. 2505. Mary McGrath.
H. R. 2506. Levicy Sidner.
H. R. 2507. Ellen Wornum.
H. R. 2510. Phebe J. Bell.
H. R. 2512. Martha S. Allison.
H. R. 2513. Ann E. Bickett.
H. R. 2515. Amanda M. Litchfield.
H. R. 2516. Hattie McKeehen.
H. R. 2517. Angeline Mow.
H. R. 2518. Julia B. Potter.
H. R. 2537. Jeannette Twomey.
H. R. 2540. Rhoda A. Byers.
H. R. 2543. Rosa I. Post.
H. R. 2547. Cornelia Splawn.
H. R. 2548. Nancy A. Brown.
H. R. 2549. Mary A. Bassett.
H. R. 2550. Katherine Brandt.
H. R. 2551. Amelia A. Bunch.
H. R. 2552. Lucy A. Coffin.
H. R. 2553. Amyetta Kirk.
H. R. 2554. Ellen Thompson.
H. R. 2555. Lizzie M. Reynolds.
H. R. 2556. Mary C. Moyer.
H. R. 2560. Sarah H. Benedict.
H. R. 2562. Mary J. Diehl.
H. R. 2563. Lucia Furguson.
H. R. 2565. Etta E. Williams.
H. R. 2568. Francellia Frost.
H. R. 2591. Sarah J. Weidner.
H. R. 2593. Mary R. Thomas.
H. R. 2596. Melissa A. Schnock.
H. R. 2597. Theressa P. Hardy.
H. R. 2598. Mary J. Gothard.
H. R. 2599. Mary T. Eagy.
H. R. 2600. Ally Dice.
H. R. 2602. Margie Combs.
H. R. 2603. Esther Carpenter.
H. R. 2605. Mary E. Lawhead.
H. R. 2607. Emma J. Ebert.
H. R. 2608. Malinda J. Hollopeter.
H. R. 2626. Alice Holderman.
H. R. 2627. Thursey F. Knight.
H. R. 2630. Mary A. Rardin.
H. R. 2631. Alicia Ralston.
H. R. 2633. Martha Stockley.
H. R. 2634. Orpy E. Oldham.
H. R. 2636. Lella J. Moore.
H. R. 2637. Carrie J. McClure.
H. R. 2639. Lucy A. Johnson.
H. R. 2641. Maggie Keylon.
H. R. 2642. Hannah C. Lindley.
H. R. 2643. Lacey Ladd.
H. R. 2645. Hannah E. Bennett.
H. R. 2674. Berintha Hancock.
H. R. 2681. Mollie M. Struble.
H. R. 2682. Mary C. Rupert.
H. R. 2683. Fanny T. Tate.
H. R. 2684. Mary E. Miller.
H. R. 2686. Mary Moore.
H. R. 2687. Adaline F. Hoff.
H. R. 2690. Sarah R. Weimer.
H. R. 2691. Isabella Burkhart.
H. R. 2693. Sarah L. Rodkey.
H. R. 2694. Catharine Graffius.
H. R. 2696. Mary E. Dell.
H. R. 2697. Mary A. Smith.
H. R. 2698. Julia Diefenbacher.
H. R. 2699. Hannah Eckard.
H. R. 2700. Sarah Slick.
H. R. 2702. Rachel E. Heuston.
H. R. 2703. Mary F. Nicholson.
H. R. 2704. Rebecca Crofts.
H. R. 2705. Susan Nevitt.
H. R. 2706. Clara A. Smyers.
H. R. 2707. Malinda Vallance.
H. R. 2709. Sarah Baird.
H. R. 2710. Eliza J. Lower.
H. R. 2711. Alice Kiser.
H. R. 2714. Elizabeth Blackstone.
H. R. 2715. Anna M. Burchfield.
H. R. 2716. Mary Cameron.
H. R. 2717. Catharine S. Lloyd.
H. R. 2718. Fannie S. Gibboney.
H. R. 2719. Mary E. Gifford.
H. R. 2721. Emma Akers.
H. R. 2723. Sarah Over.
H. R. 2724. Mary C. Ellenberger.
H. R. 2725. Martha Palmer.
H. R. 2726. Laura Painter.
H. R. 2727. Juniata E. S. Pollard.
H. R. 2728. Sarah E. Moon.
H. R. 2730. Jennie E. Mosser.
H. R. 2731. Elizabeth A. Lytle.
H. R. 2732. Annie M. Miller.
H. R. 2733. Martha E. Corbin.
H. R. 2734. Harriet E. Hunt.
H. R. 2735. Sarah R. White.
H. R. 2737. Agnes A. C. Mahoney.
H. R. 2738. Anna Maria Stephens.
H. R. 2739. Anna M. Ross.
H. R. 2740. Annie E. Harrison.
H. R. 2741. Mary W. Sarvis.
H. R. 2743. Emma Hill.
H. R. 2744. Amanda J. Harvey.
H. R. 2745. Lillie D. Hartley.
H. R. 2746. Annie M. Lucas.
H. R. 2747. Ann E. Kissinger.
H. R. 2748. Mary C. Swisher.
H. R. 2750. Susannah Horton.
H. R. 2751. Hannah B. Irwin.
H. R. 2752. Mary C. Sparks.
H. R. 2753. Helen McCord.
H. R. 2755. Annah E. Hains.
H. R. 2757. Susan Hamilton.
H. R. 2758. Lucinda Hainley.
H. R. 2759. Mary List.
H. R. 2760. Martha J. Burkett.
H. R. 2761. Susannah M. Lynn.
H. R. 2763. Rebecca Horn.
H. R. 2764. Catharine Turnbaugh.
H. R. 2766. Annie I. Latherow.
H. R. 2767. Mary E. Lindley.
H. R. 2768. Bertha H. Lafner.
H. R. 2769. Sarah E. Bruner.
H. R. 2770. Leah D. Barger.
H. R. 2771. Catharine Lehman.
H. R. 2772. Alice Plunket.
H. R. 2773. Mary E. Feay.
H. R. 2776. Mary I. Gracey.
H. R. 2777. Sarah J. Rhodes.
H. R. 2778. Bettie S. Satterfield.
H. R. 2781. Lizzie S. Hight.
H. R. 2782. Eliza A. Rosebury.
H. R. 2783. Laura V. Perdew.
H. R. 2784. Hannah C. Foor.
H. R. 2786. Margaret E. Boyer.
H. R. 2789. Frances C. Mechen.
H. R. 2790. Emma J. Mills.
H. R. 2792. Hannah O. Cooper.
H. R. 2793. Elizabeth Hausman.
H. R. 2794. Mary M. Clossin.
H. R. 2804. Alice J. Selden.
H. R. 2814. Catherine Dorr.
H. R. 2824. Frederike Jones.
H. R. 2825. Amelia A. Green.
H. R. 2827. Margaret Schmall.
H. R. 2829. Amanda Phillips.
H. R. 2831. Priscilla A. Pinney.
H. R. 2832. Pauline Murray.
H. R. 2833. Bridget Marshall.
H. R. 2834. Augusta Engelhardt.
H. R. 2835. Mary Corcoran.
H. R. 2840. Sarah C. Heriford.
H. R. 2849. Margaret F. Morris.
H. R. 2860. Mattie R. Way.
H. R. 2861. Mary A. Tullis.
H. R. 2863. Maggie Stookesberry.
H. R. 2864. Lydia Smith.
H. R. 2869. Mary Nicholson.
H. R. 2871. Susan A. Morgan.
H. R. 2875. Sarah J. Kelley.
H. R. 2891. Frances E. Bolan.
H. R. 2892. Catherine M. Brown.
H. R. 2893. Nellie L. Burns.
H. R. 2895. Carrie E. Colcord.
H. R. 2897. Delia J. Dearborn.
H. R. 2898. Augusta M. Dolloff.
H. R. 2902. Mary A. Flye.
H. R. 2903. Lucy R. Hall.
H. R. 2904. Alice M. Hassell.
H. R. 2905. Florence M. Jewell.
H. R. 2906. Hannah M. Judkins.
H. R. 2907. Annie F. Kirkwood.
H. R. 2908. Emma J. Lent.
H. R. 2909. Jennie E. Litchfield.
H. R. 2910. Lizzie Meader.
H. R. 2911. Harriet M. Moore.
H. R. 2912. Lottie L. Noble.
H. R. 2913. Emma G. Morse.
H. R. 2917. Alice M. Spaulding.
H. R. 2918. Rose A. Stacy.
H. R. 2919. Emma P. Stephenson.
H. R. 2922. Harriet J. Sturdy.
H. R. 2923. Annette B. Thorne.
H. R. 2924. Celina Wedge.
H. R. 2925. Mary L. Whitcomb.
H. R. 2927. Alice M. Whitten.
H. R. 2928. Flora Williams.
H. R. 2930. Louise M. Wood.
H. R. 2942. Sarah C. Warthen.
H. R. 2952. Mary F. Osmun.
H. R. 2963. Elvine C. Eberhard.
H. R. 2969. Hannah Sutton.
H. R. 2970. Sarah M. York.
H. R. 2975. Elizabeth Inman.
H. R. 2978. Emeliza Barnhill.
H. R. 2979. Mary A. Bartley.
H. R. 2980. Rachel Belcher.
H. R. 2982. Elizabeth Burket.
H. R. 2983. Celia J. Cromer.
H. R. 2993. Rebecca J. Richmond.
H. R. 3003. Margaret J. Davis.
H. R. 3004. Rebecca Peace.
H. R. 3005. Mary A. Reeder.
H. R. 3012. Sarah E. Hargrave.
H. R. 3016. Sarah M. Mead.
H. R. 3017. Elizabeth Morrow.
H. R. 3018. Susan M. Burton.
H. R. 3019. Mary J. Cochran.
H. R. 3020. Sarah J. Pool.
H. R. 3022. Martha L. Petet.
H. R. 3023. Nancy V. Taylor.
H. R. 3024. Victoria E. Jacox.
H. R. 3025. Susan A. Hays.
H. R. 3028. Matilda J. Kellar.
H. R. 3053. Frances E. Harris.
H. R. 3054. Mary McKendree.
H. R. 3055. Margaretta T. McLaughlin.
H. R. 3056. Lydia E. Martin.
H. R. 3057. Adaline Neff.
H. R. 3058. Catharine Pollock.
H. R. 3060. Isabella Speedy.
H. R. 3061. Jennie E. Trultt.
H. R. 3076. Sarah L. Basore.
H. R. 3077. Susan E. A. De Witt.
H. R. 3078. Clara Elizabeth Le Forge.
H. R. 3079. Mary E. Williams.
H. R. 3088. Adaline A. Lawyer.
H. R. 3093. Jennie McCrady.
H. R. 3100. Mary H. Sharp.
H. R. 3115. Mary E. Vore.
H. R. 3128. Amelia Harvey.
H. R. 3131. Esther Shear.
H. R. 3133. Mary D. McCracken.
H. R. 3137. Charlotte Goodman.
H. R. 3140. Adelia A. Davidson.
H. R. 3141. Lucinda M. Lippy.
H. R. 3142. Almedia D. Warhurst.
H. R. 3151. Anna Maria Jacobs.
H. R. 3152. Mary A. Koch.
H. R. 3158. Johanna C. Clark.
H. R. 3172. Nancy A. Blakley.
H. R. 3173. Isabella M. Mehaffie.
H. R. 3174. Clotilda Snyder.
H. R. 3177. Caroline E. Girrel.
H. R. 3182. Mary Martin.
H. R. 3185. Anna M. Miller.
H. R. 3186. Alice A. Robb.
H. R. 3195. Amny L. Le Roy.
H. R. 3196. Mary A. Juengst.
H. R. 3207. Amelia Bauman.
H. R. 3208. Lavina Beatty.
H. R. 3209. Anna C. Broker.
H. R. 3210. Cynthia A. Johnston.
H. R. 3212. Elizabeth C. Wayne.
H. R. 3213. Permelia Mackey.
H. R. 3234. Clara E. Slaven.
H. R. 3235. Adell I. McKelvey Young.
H. R. 3236. Mary E. Eckert.
H. R. 3237. Mary J. White.
H. R. 3258. Jane L. Terbush.
H. R. 3276. Rose M. Green.
H. R. 3288. Clara G. Burtis.
H. R. 3289. Cynthia E. Dillard.
H. R. 3291. Theodosia Hammond.
H. R. 3294. Amanda L. Larabee.
H. R. 3297. Hattie M. Pay.
H. R. 3298. Anna E. Stucker.
H. R. 3300. Nancy E. Smith.
H. R. 3301. Ida S. Beauchamp.
H. R. 3302. Sarah E. Branson.
H. R. 3303. Ritty A. Davis.
H. R. 3305. Lumira Decker.
H. R. 3306. Margaret J. Greek.
H. R. 3307. Mary E. Grotts.
H. R. 3308. Emma A. Gustin.
H. R. 3309. Mary C. Owens.
H. R. 3310. Abbeline Mathis.
H. R. 3311. Louisa J. Skidmore.
H. R. 3313. Sarah A. Stites.
H. R. 3314. Mary E. Wey.
H. R. 3317. Prudence M. Grover.
H. R. 3319. Emma M. Hescock.
H. R. 3320. Sarah Simpson.
H. R. 3322. Nora I. Phelps.
H. R. 3323. Harriet A. Pratt.
H. R. 3325. Florence R. Shufelt.
H. R. 3329. Julia Roberts.
H. R. 3330. Henrietta V. Dale.
H. R. 3332. Jennie E. White.
H. R. 3333. Ellen H. Gile.
H. R. 3334. Eliza A. Sprague.
H. R. 3335. Gertrude G. Hunt.
H. R. 3337. Juliette Sturges.
H. R. 3345. Elizabeth M. Fox.
H. R. 3346. Ann Stevens.
H. R. 3349. Flora I. Eggleston.
H. R. 3350. Myra Marshall.
H. R. 3371. Susan M. Lysinger.
H. R. 3385. Martha E. Devore.
H. R. 3386. Anna E. Clark.
H. R. 3407. Sarah A. Gill.
H. R. 3410. Margarite Scholand.
H. R. 3412. Frances E. Whisker.
H. R. 3414. Matilda A. Eccles.
H. R. 3415. Martha Witman.
H. R. 3427. Catharine T. M. Bachman.
H. R. 3437. Martha Spraker.
H. R. 3438. Mary A. Houghton.
H. R. 3448. Rachel A. Shatto.
H. R. 3450. Mary E. Graham.
H. R. 3468. Kate V. Scheyer.
H. R. 3469. Alice Stebbins.
H. R. 3474. Sarah Harris.
H. R. 3477. Mary A. Hoffman.
H. R. 3478. Mary McCurdy.
H. R. 3479. Caroline Roth.
H. R. 3483. Susan B. Chapman.
H. R. 3485. Laura A. Chapman.
H. R. 3486. Rebecca B. Lewis.
H. R. 3489. Achsah E. Purinton.
H. R. 3490. Lucy E. Reynolds.
H. R. 3491. Jennie M. Moore.
H. R. 3492. Hattie G. Lunt.
H. R. 3493. Eva Stump.
H. R. 3504. Eliza F. Mankins.
H. R. 3520. Iona L. Clark.
H. R. 3523. Hattie Zeiher.
H. R. 3529. Mary E. Hall.
H. R. 3571. Mollie S. Henderson.
H. R. 3572. Dorothea Leimenstoll.
H. R. 3573. Martha M. Medcalf.
H. R. 3574. Catharine Williams.
H. R. 3575. Mary E. Ray.
H. R. 3576. Isabell Critser.
H. R. 3577. Sarah J. Williams.
H. R. 3579. Florence P. Johnson.
H. R. 3580. Katharine Beiling.

H. R. 3581. Celina J. Smith.
H. R. 3582. Mary S. Houghland.
H. R. 3583. Sarah E. Weigert.
H. R. 3585. Kate Lamb.
H. R. 3586. Anna Taylor.
H. R. 3589. Sarah Battle.
H. R. 3590. Sarah C. West.
H. R. 3593. Emma Parcell.
H. R. 3594. Julia Pfeifer.
H. R. 3595. Margaret J. Romans.
H. R. 3596. Barbara Roesner.
H. R. 3597. Eliza Richeson.
H. R. 3598. Anna E. Snyder.
H. R. 3599. Clara L. Snyder.
H. R. 3600. Clara E. Stevens.
H. R. 3601. Matilda A. Stevens.
H. R. 3602. Maggie Stanton.
H. R. 3604. Nancy A. Stephens.
H. R. 3606. Mary Skaggs.
H. R. 3607. Mary E. Thompson.
H. R. 3611. Christiana Tichenor.
H. R. 3612. Victoria Utley.
H. R. 3613. Nancy Ulen.
H. R. 3616. Parazetta Wilcox.
H. R. 3618. Lorinda Wester.
H. R. 3620. Isabel Williams.
H. R. 3622. Cordelia Niehaus.
H. R. 3623. Eliza J. Mathews.
H. R. 3625. Maria M. Mann.
H. R. 3627. Frances J. Moore.
H. R. 3628. Anna M. Kretchmar.
H. R. 3629. Katharina Korp.
H. R. 3630. Theodocia Kell.
H. R. 3631. Izella E. Kemp.
H. R. 3632. Mary A. Jackson.
H. R. 3633. Emer Jenkins.
H. R. 3635. Nancy A. Henrich.
H. R. 3637. Caroline Heidt.
H. R. 3640. Lelia Haines.
H. R. 3641. Nancy E. Hebb.
H. R. 3642. Maria Hile.
H. R. 3645. Anna E. Greenlees.
H. R. 3646. Virginia Gordon.
H. R. 3647. Eliza A. Griffin.
H. R. 3649. Mary E. Fleming.
H. R. 3651. Sallie Everly.
H. R. 3653. America A. Donaldson.
H. R. 3657. Alice Bishop.
H. R. 3658. Minnie Behagg.
H. R. 3660. Euphema Beasley.
H. R. 3662. Mary E. Anderson.
H. R. 3663. Margaret E. Bates.
H. R. 3666. Kate Zehler.
H. R. 3669. Cinda A. Ruggles.
H. R. 3700. Maud Sisley Boyd.
H. R. 3702. Julia Hackney.
H. R. 3703. Carrie Hosack.
H. R. 3706. Florence C. Moor.
H. R. 3708. Agnes A. Perry.
H. R. 3711. Dorothea C. Wicke.
H. R. 3713. Sarah E. Scott.
H. R. 3715. Ernestine Roberts.
H. R. 3734. Catherine M. Smith.
H. R. 3735. Mary J. Sheets.
H. R. 3736. Margaret Vanvlerah.
H. R. 3747. Henrietta Cope.
H. R. 3748. Jennie Roark.
H. R. 3752. Mary C. Campbell.
H. R. 3754. Mamie Hailey.
H. R. 3766. Julianna Bouchard.
H. R. 3768. Jennie A. Clifford.
H. R. 3769. Hannah M. Baker.
H. R. 3771. Jennie Barclay.
H. R. 3772. Mary J. Beamer.
H. R. 3780. Lidy Atcheson.
H. R. 3785. Clara Ziegler.
H. R. 3791. Eliza Tillery.
H. R. 3796. Maria E. Sager.
H. R. 3801. Isabel A. Story.
H. R. 3805. Rebecca Jane Shaner.
H. R. 3807. Euphemia J. Smith.
H. R. 3809. Gertrude Schachte.
H. R. 3810. Margaret R. Rorabaugh.
H. R. 3812. Mary Jane Ressler.
H. R. 3817. Mary G. Neighly.
H. R. 3818. Rachel R. Mitchell.
H. R. 3820. Sarah J. Mock.
H. R. 3822. Eliza R. McCauley.
H. R. 3823. Mary F. McNelly.
H. R. 3824. Mary C. McElwee.
H. R. 3825. Caroline Lutz.
H. R. 3828. Mary Leffler.
H. R. 3832. Rebecca Hill.
H. R. 3835. Rachel E. Henry.
H. R. 3836. Clarissa Good.
H. R. 3838. Annie Glunt.
H. R. 3841. Mary L. Deemer.
H. R. 3842. Jane Rannebarger.
H. R. 3843. Matilda Archer.
H. R. 3845. Susan J. Howard.
H. R. 3846. Mary J. Biles.
H. R. 3847. America Pilchard.
H. R. 3849. Mary E. Thompson.
H. R. 3851. Elvira J. Bartley.
H. R. 3853. Harriet C. Bruce.
H. R. 3855. Sarah A. Dinnel.
H. R. 3856. Susan F. Collensworth.
H. R. 3857. Jane Timmons.
H. R. 3858. Lucinda Foerster.
H. R. 3860. Mary J. Goodwin.
H. R. 3861. Nancy J. Hardwick.
H. R. 3863. Eliza A. Mills.
H. R. 3864. Dora Martin.
H. R. 3881. Margaret York.
H. R. 3885. Chanie A. Dailey.
H. R. 3889. Cecelia E. Hanes.
H. R. 3902. Rosellia Norton.
H. R. 3905. Marilda A. Watson.
H. R. 3906. Catherine Gilkesson.
H. R. 3908. Anna Lowe.
H. R. 3909. Daphne R. Irvine.
H. R. 3916. Celicia E. Feaga.
H. R. 3917. Mary J. Grimes.
H. R. 3919. Florence V. Gates.
H. R. 3930. Ida M. Spencer.
H. R. 3935. Virginia D. Combs.
H. R. 3957. Theresa S. Doane.
H. R. 3977. Elizabeth F. Groht.
H. R. 3978. Harriette Celler.
H. R. 3997. Jennie B. McPheron.
H. R. 4017. Agnes R. Goodnow.
H. R. 4018. Julia Horner.
H. R. 4020. Annie W. Jarvis.
H. R. 4021. Elizabeth Jameson.
H. R. 4022. Hattie A. B. Clary.
H. R. 4026. Aurelia Gauthier.
H. R. 4033. Helen M. Noble.
H. R. 4034. Mary K. Slocum.
H. R. 4037. N. Emeline Harrison.
H. R. 4038. Amanda W. Kegwin.
H. R. 4039. Mary C. Bishop.
H. R. 4040. Caroline Williams.
H. R. 4041. Mary A. Brayton.
H. R. 4042. Elizabeth W. Perkins.
H. R. 4043. Josephine Baton.
H. R. 4050. Josephine C. Bishop.
H. R. 4056. Alice Bosworth.
H. R. 4059. Emma G. Walker.
H. R. 4063. Alfaretta S. Quimby.
H. R. 4071. Loretto Roland.
H. R. 4072. Rose Humphreys.
H. R. 4073. Margaret H. Suydam.
H. R. 4133. Hannah E. Pemberton.
H. R. 4145. Annie Vandegrift.
H. R. 4148. Charlotte Samson.
H. R. 4154. Mary Ellen Jones.
H. R. 4155. Amy Ann Wilcox.
H. R. 4162. Clarisa Markham.
H. R. 4190. Meda Ann Andrews.
H. R. 4191. Mary E. Williams.
H. R. 4192. Olive H. Woods.
H. R. 4194. Mary E. De Groat.
H. R. 4195. Mary M. Tappana.
H. R. 4208. Ina Rathbun.
H. R. 4220. Julia A. Frazier.
H. R. 4227. Mary E. Dailey.
H. R. 4230. Sarah E. Huffine.
H. R. 4238. Mary Jones.
H. R. 4239. Eliza A. Freeman.
H. R. 4242. Mary J. Ramsdell.
H. R. 4248. Lydia Breard.
H. R. 4249. Charlotte Underwood.
H. R. 4251. Vianna R. Densmore.
H. R. 4252. Ellen M. Winn.
H. R. 4253. Ellen M. Burt.
H. R. 4254. Harriet L. Mero.
H. R. 4255. Abbie J. Phelps.
H. R. 4259. Mary E. Smith.
H. R. 4272. Mina Rinck.
H. R. 4273. Hannah Alstrum.
H. R. 4274. Sarah Weidle.
H. R. 4275. Martha E. Rollf.
H. R. 4276. Laura H. Day.
H. R. 4277. Mary E. Robinson.
H. R. 4278. Mary E. Condray.
H. R. 4279. Ollie E. Carnaghan.
H. R. 4282. Elizabeth Walton.
H. R. 4283. Esther J. Smith.
H. R. 4287. Emma M. Richards.
H. R. 4288. Sarah Hannon.
H. R. 4289. Bridget C. McGinn.
H. R. 4291. Fiana Snyder.
H. R. 4297. Elizabeth M. Snodgrass.
H. R. 4301. Julia A. McCluskey.
H. R. 4304. Nettie A. Packard.
H. R. 4306. Mary E. Tucker.
H. R. 4309. Mary J. Curtin.
H. R. 4318. Mary J. Cupp.
H. R. 4319. Margaret Hursey.
H. R. 4320. Mira O. McFarland.
H. R. 4321. Mary E. Rowe.
H. R. 4322. Abia McIntosh.
H. R. 4323. Frances C. Gaskill.
H. R. 4324. Sedona Beezley.
H. R. 4326. Elizabeth J. Graham.
H. R. 4329. Charlotte E. Fitch.
H. R. 4331. Mariah A. Sanders.
H. R. 4337. Alzira Smithers.
H. R. 4339. Sarah Williams.
H. R. 4341. Nancy Ridgway.
H. R. 4343. Marsolete Caskey.
H. R. 4345. Minerva J. Triplett.
H. R. 4370. Elizabeth Saunders.
H. R. 4371. Mary Jane Fasmer.
H. R. 4372. Anna W. Hawk.
H. R. 4375. Annie C. Brown.
H. R. 4386. Jennie Charlton.
H. R. 4401. Sarah J. Baker.
H. R. 4402. Mary E. Nighswander.
H. R. 4403. Harriet A. Decker.
H. R. 4409. Eliza A. Haywood.
H. R. 4424. Tillie C. Wood.
H. R. 4425. Mary L. Bennett.
H. R. 4426. Exie L. Stebbins.
H. R. 4427. Alice G. Lewis.
H. R. 4428. Adelia L. Brown.
H. R. 4429. Mary J. Anderson.
H. R. 4430. Mary Johnson.
H. R. 4431. Eliza G. Carr.
H. R. 4436. Anna M. Healy.
H. R. 4442. Margaret Ludwig.
H. R. 4443. Clara M. Kerr.
H. R. 4455. Ellen Kolb.
H. R. 4456. Kate W. McIntyre.
H. R. 4457. Mary McGuire.
H. R. 4459. Annora J. Noble.
H. R. 4460. Mary E. O'Daniels.
H. R. 4461. Elizabeth B. Little.
H. R. 4462. Mary E. McDavitt.
H. R. 4463. Margaret J. Cheeseman.
H. R. 4464. Virginia Stackhouse.
H. R. 4465. Mary M. Van Ness.
H. R. 4466. Antha Porter.
H. R. 4467. Julia O'Neil.
H. R. 4468. Annie Fox.
H. R. 4473. Hannah E. Haines.
H. R. 4474. Deborah Gaskill.
H. R. 4475. Ann Eliza Danberry.
H. R. 4476. Mary Abbott.
H. R. 4479. Mary M. Knowles.
H. R. 4480. Elizabeth Nutt.
H. R. 4481. Alice T. Cantwell.
H. R. 4482. Sarah Henry.
H. R. 4494. Caroline N. Starr.
H. R. 4495. Mary E. Carlow.
H. R. 4502. Minerva R. Peck.
H. R. 4505. Anna L. Millard.
H. R. 4506. Antoinette A. Ripley.
H. R. 4507. Theresa A. Charter.
H. R. 4508. Mary P. Smith.
H. R. 4510. Susan Nevins.
H. R. 4511. Mary Jeanette Stillman.
H. R. 4512. Nettie P. Slate.
H. R. 4515. Hannah M. Barlow.
H. R. 4521. Sarah M. McKain.
H. R. 4530. Susan A. Lautzenheiser.
H. R. 4534. Mary Flynn.
H. R. 4547. Vinnie Horn.
H. R. 4548. Margaret J. Sickman.
H. R. 4550. Mary E. Fisher.
H. R. 4587. Clara I. Mullen.
H. R. 4596. Eva A. Drury.
H. R. 4597. Laura H. Marshall.
H. R. 4628. Sarah J. Earl.
H. R. 4630. Lavinia Engler.
H. R. 4632. Mary L. Beardsley.
H. R. 4633. Francis M. Cook.
H. R. 4636. Margaret A. Hewitt.
H. R. 4639. Caroline E. Wright.
H. R. 4643. Rebecca A. Thomas.
H. R. 4646. Mary J. Bunker.
H. R. 4647. Jennie L. Ryon.
H. R. 4674. Mattie N. Wood.
H. R. 4676. Sarah A. Peterson.
H. R. 4678. Rosa B. Sloop.
H. R. 4690. Martha Magie.
H. R. 4695. Elizabeth Spear.
H. R. 4710. Rachel States.
H. R. 4716. Augusta Northcutt.
H. R. 4717. Maggie Morris.
H. R. 4718. Maud Hanna.
H. R. 4719. Elizabeth Wycuff.
H. R. 4720. Emma L. Bragg.
H. R. 4724. Amanda J. Worrell.
H. R. 4725. Elizabeth Walters.
H. R. 4728. Martha Witt.
H. R. 4730. Mary B. Peterson.
H. R. 4731. Effie Washington.
H. R. 4733. Caroline L. Winter.
H. R. 4736. Carrie A. Mendenhall.
H. R. 4737. Nancy Jane Snodgrass.
H. R. 4741. Lena Saxton.
H. R. 4742. Mary Jane Ream.
H. R. 4743. Sciota Barry.
H. R. 4744. Mary E. Beckley.
H. R. 4752. Sue E. Doner.
H. R. 4755. Elizabeth M. Patton.
H. R. 4756. Margaret A. Hargrave.
H. R. 4757. Emma L. Thomison.
H. R. 4760. Anna E. Dixon.
H. R. 4780. Harriet S. Johnson.
H. R. 4792. Annie Bricker.
H. R. 4793. Almira M. Taylor.
H. R. 4794. Sarah E. Butler.
H. R. 4801. Annie Warren.
H. R. 4803. Ella Hardin.
H. R. 4804. Susan J. Swigert.
H. R. 4829. Janie R. Stewart.
H. R. 4842. Martha Jane Sutton.
H. R. 4850. Annie L. Converse.
H. R. 4857. Elizabeth Martin.
H. R. 4862. M. Jennie Hull.
H. R. 4903. Mary Rogier.
H. R. 4905. Alice Eckert.
H. R. 4906. Elvira Louisa Kanady.
H. R. 4907. Mary A. Bottorff.
H. R. 4908. Julia E. Leming.
H. R. 4910. Sarah M. Clegg.
H. R. 4911. Nancy E. Wyant.
H. R. 4912. Caroline Batch.
H. R. 4913. Susan Waller.
H. R. 4914. Sarah E. Reck.
H. R. 4915. Sarah J. Adkins.
H. R. 4932. Maria J. Barnard.
H. R. 4933. Eva M. Cook.
H. R. 4936. Phebe W. Perry.
H. R. 4937. Emily Beausolell.
H. R. 4938. Mary A. C. Vanderhoop.
H. R. 4968. Adaline Ratlinggourd.
H. R. 4969. Arrena M. Garner.
H. R. 4971. Nancy A. Barnett.
H. R. 4975. Jennie Paniska.
H. R. 4977. Antonette J. Pethick.
H. R. 4978. Alice J. Benjamin.
H. R. 4979. Annie Wirick.
H. R. 4980. Margaret A. Chase.
H. R. 4981. Mary Cunningham.
H. R. 4982. Abegail Case.
H. R. 4983. Eliza A. Moore.
H. R. 4984. Ellen Henderson.
H. R. 4985. Sophia C. Hickok.
H. R. 4987. Jörgine Nielson.
H. R. 4992. Gorgonia Gaskey.
H. R. 5023. Mary A. McCune Brown.
H. R. 5024. Marge M. Bear.
H. R. 5025. Minnie A. Bennett.
H. R. 5026. Mary A. Eyster.
H. R. 5027. Luana Hoff.
H. R. 5030. Ella I. Rodearmel.
H. R. 5043. Evaline Carpenter.
H. R. 5044. Anna B. Barrett.
H. R. 5045. Mary M. Brewer.
H. R. 5046. Martha Rose.
H. R. 5047. Celia Sroufe.
H. R. 5048. Laura R. Markley.
H. R. 5063. Mary E. Berry.
H. R. 5069. Sarah L. Herrmann.
H. R. 5095. Catharine Tarbert.
H. R. 5096. Elizabeth Taylor.
H. R. 5098. Mary E. Taylor.
H. R. 5100. Anna M. Schlund.
H. R. 5102. Tillie Shilt.
H. R. 5103. Christine Snyder.
H. R. 5106. Catharine B. Swartz.
H. R. 5107. Catharine A. Smith.
H. R. 5108. Catharine Smyser.
H. R. 5109. Eliza J. Strasbaugh.
H. R. 5110. Annie E. Steinour.
H. R. 5112. Emma E. Rockwell.
H. R. 5114. Lucy A. Raffensperger.
H. R. 5115. Amanda Rickroad.
H. R. 5116. Caroline Robinson.
H. R. 5118. Millie C. Plowman.
H. R. 5119. Rebecca Poff.
H. R. 5120. Emma J. Poleman.
H. R. 5121. Emma Noel.
H. R. 5123. Mercy K. Monroe.
H. R. 5125. Margaret N. McAllister.
H. R. 5127. Mary J. Markley.
H. R. 5129. Emeline Maleborn.
H. R. 5130. Isabella Lauck.
H. R. 5131. Josephine Lapham.
H. R. 5132. Sarah E. Liggit.
H. R. 5133. Amanda E. King.
H. R. 5134. Elizabeth Kramer.
H. R. 5136. Sarranda J. Ilgenfritz.
H. R. 5137. Sarah C. Hikes.
H. R. 5138. Mary Gardner.
H. R. 5139. Adaline R. Elcock.
H. R. 5141. Eliza J. Drawbaugh.
H. R. 5142. Catherine D. Davis.
H. R. 5143. Mary Dorsey.
H. R. 5144. Rebecca Henry.
H. R. 5146. Sarah C. Henze.
H. R. 5147. Sarah J. Hartman.
H. R. 5148 Susan Horting.
H. R. 5149. Maggie A. Hughes.
H. R. 5151. Mary J. Herr.
H. R. 5153. Laura V. Eicholtz.
H. R. 5154. M. Lizzie Everhart.
H. R. 5156. Agnes M. Dinsmore.
H. R. 5158. Anna M. Dellinger.
H. R. 5159. Genevieve Foreman.
H. R. 5160. Sarah Hartman.
H. R. 5161. Emma Wilhelm.
H. R. 5163. Mary C. Smith.
H. R. 5165. Annie M. Campbell.
H. R. 5166. Emily E. Cassell.
H. R. 5167. Ann Jane Barton.
H. R. 5169. Sarah M. Basey.
H. R. 5170. Martha E. Biesecker.
H. R. 5171. Catharine Baughman.
H. R. 5172. Susy A. Anderson.
H. R. 5174. Annie Hoover.
H. R. 5175. Sarah M. Harbolt.
H. R. 5177. Catharine Fry.
H. R. 5178. Anna M. Bailey.
H. R. 5179. Margaret M. Burger.
H. R. 5180. Margaret E. Black.
H. R. 5181. Mary E. Dasher.
H. R. 5183. Maria A. Beitzel.
H. R. 5184. Emma Chenoweth.
H. R. 5185. Margareth Rebel.
H. R. 5186. Sarah A. Clingan.
H. R. 5187. Sarah A. Douse.
H. R. 5189. Mary J. Hake.
H. R. 5192. Maggie Sponsler.
H. R. 5193. Mary Shewell.
H. R. 5194. Ellen A. McCleary.
H. R. 5195. Margaret Knudsen.
H. R. 5197. Alice Stevens.
H. R. 5198. Mary L. Olmstead.
H. R. 5208. Ann Browning.
H. R. 5209. Clara M. Prentice.
H. R. 5212. Maggie E. Wake.
H. R. 5239. Eliza Brake.
H. R. 5241. Margaret A. Clark.
H. R. 5243. Tabitha E. Van Winkle.
H. R. 5244. Martha A. Regenhardt.
H. R. 5245. Ella J. Good.
H. R. 5246. Kate E. Putnam.
H. R. 5247. Martha P. Simpson.

H. R. 5251. Clara L. Biddleman.
H. R. 5254. Julia E. Wilson.
H. R. 5259. Mary M. Mason.
H. R. 5260. Alvira Hill.
H. R. 5276. Eliza B. Miller.
H. R. 5278. Mary M. Smith.
H. R. 5279. Mary C. Pierce.
H. R. 5281. Frances J. Nettleship.
H. R. 5282. Laura F. Carter.
H. R. 5302. Mahala Pugh.
H. R. 5332. Ida M. Bull.
H. R. 5334. Eva M. Tobin.
H. R. 5349. Emma Byers.
H. R. 5350. Ellen C. Fuller.
H. R. 5351. Maria Jane Garrett.
H. R. 5352. Mary E. Howell.
H. R. 5353. Hannah C. Bunch.
H. R. 5356. Walburga Fassnacht.
H. R. 5357. Helen Kennedy.
H. R. 5358. Bridget O'Connor.
H. R. 5360. Isabel W. Siler.
H. R. 5361. Lucy Rush.
H. R. 5362. Sophia C. Harrington.
H. R. 5363. Laura Conningore.
H. R. 5364. Mary S. McLean.
H. R. 5367. Martha R. Wilcoxan.
H. R. 5368. Elizabeth H. Crigler.
H. R. 5370. Deborah A. Toliver.
H. R. 5371. Mary N. Zufall.
H. R. 5372. Catherine Black.
H. R. 5374. Sarah F. Huff.
H. R. 5375. Charity Ann Utter.
H. R. 5410. Maria P. Flügge.
H. R. 5417. Laura O'Dwyer.
H. R. 5438. Virginia Morris.
H. R. 5443. Martha E. Butt.
H. R. 5444. Annie A. Little.
H. R. 5445. Susan V. Cornell.
H. R. 5447. Mary Smith.
H. R. 5448. Scottie E. Scofield.
H. R. 5449. Sarah A. Humbertson.
H. R. 5452. Martha Cherry.
H. R. 5453. Catherine McDermitt.
H. R. 5454. Laney M. Darkey.
H. R. 5455. Sarah C. Shilt.
H. R. 5457. Nancy E. Norris.
H. R. 5458. Catharine Sunburg.
H. R. 5461. Margaret B. Parker.
H. R. 5463. Sarah J. Ramsey.
H. R. 5876. Margaret Haney.
H. R. 5878. Mary Stafford.
H. R. 5880. Eliza A. Sears.
H. R. 5881. Delia Satterly.
H. R. 5882. Harriet J. Gaylord.
H. R. 5883. Julia Cramer.
H. R. 5884. Lydia J. Marchand.
H. R. 5886. Harriet Wentz.
H. R. 5888. Catherine Fitzpatrick.
H. R. 5889. Lillian E. Zoller.
H. R. 5891. Lorena Wample.
H. R. 5892. Rosetta Cleveland.
H. R. 5893. Sarah J. M. Cotton.
H. R. 5908. Mary F. Raymond.
H. R. 5911. Malinda Winship.
H. R. 5924. Jennie E. Daugherty.
H. R. 5936. Mary A. Reed.
H. R. 5957. Maria Austin.
H. R. 5959. Annie E. Slawson.
H. R. 5962. Sarah F. Garrison.
H. R. 5963. Mary Chilson.
H. R. 5965. Delia A. Lilerbridge.
H. R. 5979. Mabel L. Shumway.
H. R. 5991. Elvira A. Hale.
H. R. 5997. Cynthia A. Monroe.
H. R. 5998. Susan Hill.
H. R. 6000. Emma G. Heffner.
H. R. 6013. Gertrude Cissell.
H. R. 6014. Sarah E. Adams.
H. R. 6111. Louisa Roberts.
H. R. 6131. Sarah J. Hanna.
H. R. 6135. Mattie H. Meise.
H. R. 6139. Rachel Kline.
H. R. 6143. Oril L. Hunter.
H. R. 6177. Faustina B. Barton.
H. R. 6184. Mary B. Bush.
H. R. 6186. Emma J. Preble.
H. R. 6187. Lizzie M. Bird.
H. R. 6195. Delia Ham.
H. R. 6210. Mary J. Kenan.
H. R. 6219. Emma C. Clothier.
H. R. 6220. Ellen Russell.
H. R. 6221. Jennie Dooley.
H. R. 6222. Mary A. Bellows.
H. R. 6225. Clemenza A. Avery.
H. R. 6226. Elizabeth Ginder.
H. R. 6227. Catharine West.
H. R. 6229. Josepha A. Huffman.
H. R. 6230. Mary Whiteleather.
H. R. 6231. Harriett Oberlin.
H. R. 6237. Catharine Newlin.
H. R. 6238. Mary E. Bookhammer.
H. R. 6240. Ruth A. Jenkins.
H. R. 6241. Mary E. Conwell.
H. R. 6242. M. Carrie Ellis.
H. R. 6243. G. Annie Gregg.
H. R. 6244. Mary E. Young.
H. R. 6252. Nettie Hamill.
H. R. 6264. Sarah Bell.
H. R. 6269. Isadora B. Meadows.
H. R. 6270. Mary J. Corle.
H. R. 6273. William L. Wilson.
H. R. 6285. Jane E. Cave.
H. R. 6289. Friderike Pille.
H. R. 6293. Anna B. Leiter.
H. R. 6295. Emma A. Larue.
H. R. 6298. Curney G. Hill.
H. R. 6302. Alice Gormley.
H. R. 6303. Catherine Doupp.
H. R. 6305. Emma Davis.
H. R. 6306. Mary A. Dailey.
H. R. 6308. Jerusha H. Chase.
H. R. 6309. Margaret Belt.
H. R. 6314. Emma M. Alexander.
H. R. 6316. Mary E. Wright.
H. R. 6319. Mary J. Williams.
H. R. 6324. Jennie Stephens.
H. R. 6325. Sophia Slick.
H. R. 6328. Sarah E. Robinson.
H. R. 6333. Anna Adella Butler.
H. R. 6353. Mary Hiller.
H. R. 6354. Melvina Osborn.
H. R. 6355. Huldah Leedom.
H. R. 6356. Arriadne Stewart.
H. R. 6359. Ollie T. Miller.
H. R. 6371. Clara Swanson.
H. R. 6384. Nancy A. Dixon.
H. R. 6386. Nancy Jessee.
H. R. 6387. Caroline Pasley.
H. R. 6390. Rebecca McDowell.
H. R. 6403. Johanna L. Blish.
H. R. 6407. Margaret Crelley.
H. R. 6408. Anna E. Doty.
H. R. 6409. Jennie Page.
H. R. 6410. Mary E. Moss.
H. R. 6414. Annie Hagan.
H. R. 6417. Amanda E. Rogers.
H. R. 6428. Mary A. Miller.
H. R. 6433. Mary E. Rogers.
H. R. 6434. Lucinda Martin.
H. R. 6435. Minnie W. Hurlburt.
H. R. 6437. Mary A. Lewis.
H. R. 6444. Catharine Flori.
H. R. 6450. Elizabeth Jane Borlin.
H. R. 6457. Josephine Wallace.
H. R. 6533. Sarah A. Showalter.
H. R. 6535. Ivea R. Wood.
H. R. 6536. Mary Keen.
H. R. 6540. Mary A. Salsbury.
H. R. 6553. Nancy E. Baker.
H. R. 6556. Mary J. Hunter.
H. R. 6561. Harriette Marsh.
H. R. 6570. Mary A. Miller.
H. R. 6582. Eliza Ann Bottom.
H. R. 6584. Helena Hasenstab.
H. R. 6586. Sarah E. M. Miller.
H. R. 6587. Prissilla Storms.
H. R. 6589. Sarah A. Royer.
H. R. 6600. Lillie S. Armsted.
H. R. 6605. Nannie R. Harrison.
H. R. 6607. Annie H. Hooper.
H. R. 6608. Mabel Wright.
H. R. 6609. Harriet B. Bolser.
H. R. 6611. Laura M. Ellis.
H. R. 6615. Susan M. Hill.
H. R. 6620. Nancy C. Vanhoose.
H. R. 6625. Annie Perkins.
H. R. 6627. Elizabeth J. Smith.
H. R. 6628. Mary A. Howard.
H. R. 6632. Sarah A. Briggs.
H. R. 6635. Temperance Whittman.
H. R. 6636. Ella Koppisch.
H. R. 6725. Mary Hahn.
H. R. 6726. Catharine L. Foote.
H. R. 6729. Sarah E. Sutton.
H. R. 6769. Johanna E. Mouser.
H. R. 6772. Nellie B. Paddock.
H. R. 6784. Anna M. Hicks.
H. R. 6785. Margaret A. Dively.
H. R. 6800. Magdelena C. Beck.
H. R. 6808. Rhoda I. Woodruff.
H. R. 6809. Sarah A. Kelley.
H. R. 6812. Litia Mills.
H. R. 6818. Susan E. Smith.
H. R. 6822. Jane Christian.
H. R. 6825. Celia A. Brown.
H. R. 6828. Delia M. Storie.
H. R. 6831. Mary A. Wenner.
H. R. 6834. Mary De Rusha.
H. R. 6841. Reckel Mydlorsch.
H. R. 6866. Louisa E. McClinton.
H. R. 6867. Minnie Fliege.
H. R. 6868. Sarah E. Herron.
H. R. 6875. Mary Bruce.
H. R. 6880. Ellen Gavin.
H. R. 6882. Mary C. Young.
H. R. 6883. Hattie J. Jones.
H. R. 6886. Mary E. Brubaker.
H. R. 6891. Mary A. Longsworth.
H. R. 6900. Malinda Shroyer.
H. R. 6905. Phebe M. Apgar.
H. R. 6915. Charlotte E. Hammitt.
H. R. 6918. Mary Bentley.
H. R. 6932. Nettie S. Anderson.
H. R. 6940. Margret E. Arburn.
H. R. 6942. Mary Bayette.
H. R. 6945. Allie Mitcheltree.
H. R. 6949. Martha Ely.
H. R. 6951. Addie H. Gardner.
H. R. 7039. Fannie R. Parshley.
H. R. 7041. Harriet E. Randall.
H. R. 7047. Mary E. Sutton.
H. R. 7073. Cora E. Cox.
H. R. 7074. Elizabeth N. Perry.
H. R. 7114. Amy Hooper.
H. R. 7115. Jennie A. Ford.
H. R. 7117. Rosa Fosnight.
H. R. 7119. Elizabeth Swan.
H. R. 7128. Belle Stuart.
H. R. 7133. Sarah Hayes.
H. R. 7135. Leah J. Curtis.
H. R. 7136. Anna M. Kromer.
H. R. 7144. Emily L. Salkeld.
H. R. 7145. Hester Pollard.
H. R. 7146. Lucy Schoonmaker.
H. R. 7147. Fidelin Brecette.
H. R. 7154. Hermina A. Sturm.
H. R. 7164. Marietta A. Goodenough.
H. R. 7165. Sophia A. Brassfield.
H. R. 7237. Cynthia B. Lackey.
H. R. 7252. Laura Jones.
H. R. 7263. Jennie Guy.
H. R. 7264. Charlotte Edick.
H. R. 7270. Caroline Satter.
H. R. 7273. Lois Cramton.
H. R. 7274. Mary J. Heaney.
H. R. 7283. Susan Clark.
H. R. 7292. Mollie Orem.
H. R. 7294. Minerva E. Berry.
H. R. 7295. Lucy A. Blakeley.
H. R. 7296. Mary E. Browning.
H. R. 7297. Katharine K. Collins.
H. R. 7298. Mary E. Fountain.
H. R. 7300. Helen D. Jenkins.
H. R. 7302. Sarah J. Joslin.
H. R. 7304. Jennie McQueen.
H. R. 7305. Ella Moore.
H. R. 7306. Hettie Quigley.
H. R. 7307. Mary L. Richards.
H. R. 7308. Elizabeth O. Robertson.
H. R. 7310. Cora Young.
H. R. 7311. Deliah M. Zenor.
H. R. 7312. Annie M. Robb.
H. R. 7314. Sarah A. Welshymer.
H. R. 7317. Anna J. Cochran.
H. R. 7321. Josephine Thompson.
H. R. 7323. Martha A. Hodges.
H. R. 7377. Nannie J. Heinbach.
H. R. 7389. Carrie E. Viney.
H. R. 7391. Permelia Miller.
H. R. 7407. Elizabeth F. Belles.
H. R. 7413. Catharine Wood.
H. R. 7414. Nancy E. Carrington.
H. R. 7422. Alice Van Every.
H. R. 7423. Lucinda J. Hanna.
H. R. 7427. Emily Mapes.
H. R. 7429. Mary J. Pettit.
H. R. 7432. Jennie L. Storms.
H. R. 7440. Isabella Knapp.
H. R. 7441. Louisa H. Hand.
H. R. 7442. Sarah E. Hampton.
H. R. 7444. Frances Heath.
H. R. 7446. Jane Cooper.
H. R. 7482. Margaret Burris.
H. R. 7498. Bettie A. Baldwin.
H. R. 7499. Addie C. Page.
H. R. 7501. Mary E. Hertzler.
H. R. 7502. Margaretta Gloss.
H. R. 7507. Ida E. Fisher.
H. R. 7515. Almira Gill.
H. R. 7528. Frances J. Jackson.
H. R. 7536. Jeanette P. Merchant.
H. R. 7537. Cansady McDonald.
H. R. 7543. Susanna List.
H. R. 7544. Louisa E. Miller.
H. R. 7563. Emma L. Putnam.
H. R. 7564. Carrie P. Prentice.
H. R. 7566. Margaret A. Peterson.
H. R. 7569. Alida Parkhill.
H. R. 7570. Amelia Orr.
H. R. 7571. Louisa B. Newcomb.
H. R. 7572. Emma E. Nelson.
H. R. 7574. Sophronia A. Mettler.
H. R. 7575. Jessie McManus.
H. R. 7576. Jennie McGovern.
H. R. 7582. M. Frank Lantz.
H. R. 7584. Mary Landon.
H. R. 7586. Mary Alida Kilpatrick.
H. R. 7587. Lucy M. Kennedy.
H. R. 7590. Catherine E. Keck.
H. R. 7591. Isadora Judson.
H. R. 7592. Miranda Jenks.
H. R. 7595. Diana Tillyer.
H. R. 7596. Evaline R. Tuton.
H. R. 7597. Lillian M. Van Housen.
H. R. 7600. Frances C. Ward.
H. R. 7601. Temperance C. Ward.
H. R. 7602. Alice D. Washburn.
H. R. 7604. Elizabeth A. Weeks.
H. R. 7605. Anna M. Zwilling.
H. R. 7606. Helen E. Winship.
H. R. 7608. Lillian H. Wood.
H. R. 7609. Amanda A. White.
H. R. 7627. Jennie A. Howard.
H. R. 7628. Sylvia A. Hollenbeck.
H. R. 7630. Hattie A. Hill.
H. R. 7635. Emma Furey.
H. R. 7636. Eliza J. Freese.
H. R. 7637. Susan L. Fero.
H. R. 7638. Sarah Evland.
H. R. 7639. Sarah B. Drake.
H. R. 7640. Sarah C. Dixon.
H. R. 7641. Eunice M. Denmark.
H. R. 7642. Margaret A. De Coursey.
H. R. 7643. Mary E. Dawson.
H. R. 7644. Margaret Davis.
H. R. 7645. Sarah E. Cushing.
H. R. 7649. Lida M. Crane.
H. R. 7651. Prudence Bennett.
H. R. 7652. Martha J. Bennett.
H. R. 7653. Alice Bates.
H. R. 7655. Carrie A. Bailey.
H. R. 7656. Eliza M. Bagley.
H. R. 7657. Celestia A. Antes.
H. R. 7660. Maria E. Blossom.
H. R. 7661. Mary A. Ackley.
H. R. 7662. Cora E. Stuart.
H. R. 7665. Catherine B. Wilson.
H. R. 7666. Susan A. Ray.
H. R. 7668. Anna L. Richardson.
H. R. 7669. Margaret Sanford.
H. R. 7670. Hariet A. Sarlis.
H. R. 7672. Eliza A. Shepard.
H. R. 7677. Mary Strong.
H. R. 7678. Emma J. Swartwood.
H. R. 7679. Julia E. Taylor.
H. R. 7680. Anna Tharp.
H. R. 7681. Erselia Covert.
H. R. 7682. Mary J. Coon.
H. R. 7684. Mertella T. Clark.
H. R. 7685. Ida B. Chesebrough.
H. R. 7686. Addie Champion.
H. R. 7687. Emeline L. Carr.
H. R. 7688. Nellie F. Carey.
H. R. 7689. Mary L. Campbell.
H. R. 7690. Caroline S. Byam.
H. R. 7691. Orinda L. Burdick.
H. R. 7692. Julia M. Buchanan.
H. R. 7693. Mary P. Bruner.
H. R. 7694. Mary Brown.
H. R. 7695. Cynthia M. Brown.
H. R. 7698. Harriett E. Beary.
H. R. 7712. Frances J. Denney.
H. R. 7721. Annie L. Williamson.
H. R. 7760. Ruth Cooley.
H. R. 7762. Maria Smith.
H. R. 7763. Henrietta C. Dodge.
H. R. 7765. Julia Burkart.
H. R. 7768. Ethel L. Williams.
H. R. 7776. Mary Trouts.
H. R. 7783. Annie M. Barnhart.
H. R. 7788. Alice J. Williams.
H. R. 7790. Matilda M. Bear.
H. R. 7792. Elizabeth Jones.
H. R. 7793. Susan M. Kyle.
H. R. 7804. Lucinda C. Jacobs.
H. R. 7805. Martha J. Ingle.
H. R. 7806. Jadna Coward.
H. R. 7811. Lucy E. Russell.
H. R. 7816. Hulday Sanders.
H. R. 7822. Mary A. Smith.
H. R. 7826. Hattie Max.
H. R. 7829. Jennie L. Russell.
H. R. 7834. Alice Spence.
H. R. 7835. Rosa E. Postel.
H. R. 7843. Mary DeVos.
H. R. 7846. Margret Cansler.
H. R. 7847. Mary A. Reiber.
H. R. 7853. Phebe Hills.
H. R. 7854. Katie McDonald.
H. R. 7857. Mary J. Vernatter.
H. R. 7858. Lelia E. Brunker.
H. R. 7862. Sarah E. Taylor.
H. R. 7864. Eliza Tinkham.
H. R. 7865. Matilda F. Axline.
H. R. 7867. Sarah A. Gormley.
H. R. 7868. Julia Norris.
H. R. 7870. Emma McCameron.
H. R. 7872. Sarah E. Wallace.
H. R. 7873. Emma J. Field.
H. R. 7876. Josie Martin.
H. R. 7877. Mary E. Cooley.
H. R. 7879. Esther M. Bunn.
H. R. 7880. Maggie A. Shephard.
H. R. 7881. Johanna P. Miller.
H. R. 7886. Rachel Berkshire.
H. R. 7956. Henrietta Sumpter.
H. R. 7957. Elizabeth Sarah Taggart.
H. R. 7968. Matilda Lovey.
H. R. 7991. Susan E. Rodgers.
H. R. 7994. Maria Davis.
H. R. 8012. Helen A. Parker.
H. R. 8017. Mae E. Garrison.
H. R. 8021. Frances E. Bowers.
H. R. 8032. Abbie R. Raymond.
H. R. 8038. Mary Thompson.
H. R. 8044. Catharine J. Lynn.
H. R. 8049. Kate M. Wagner.
H. R. 8060. Magdalene Inglebirt.
H. R. 8061. Annie Malehorn.
H. R. 8063. Margaret Callahan.
H. R. 8065. Margaret Ring.
H. R. 8067. Martha E. Gear.
H. R. 8069. Adaline B. Hopkins.
H. R. 8083. Elizabeth Geyer.
H. R. 8090. Zachariah T. Davenport.
H. R. 8091. Clara Comer.
H. R. 8098. Jane C. Godfrey.
H. R. 8100. Eunice R. Rose.
H. R. 8103. Lucy McDonnell.
H. R. 8161. Elizabeth T. Kille.
H. R. 8170. California T. Myers.
H. R. 8173. Catharine J. Hall.
H. R. 8176. Hortense J. George.
H. R. 8177. Malissa F. Stayton.
H. R. 8182. Emma G. Miller.
H. R. 8184. Mary C. Barnes.
H. R. 8189. Melissa E. Gaines.
H. R. 8191. Sarah J. Bean.
H. R. 8196. Ruth E. Barton.
H. R. 8204. Rebecca Brewer.
H. R. 8209. Mary E. Walker.
H. R. 8238. Mary M. Renwick.

H. R. 8244. Hannah Wetherill.
H. R. 8246. Martha L. Palmer.
H. R. 8247. Ann A. Smith.
H. R. 8248. Annie Pecor.
H. R. 8258. Dianna Ricketts.
H. R. 8262. Jennie DuBois.
H. R. 8263. Annie M. Kelly.
H. R. 8390. Margaret B. Patterson.
H. R. 8391. Florence Brayton.
H. R. 8397. Florence B. Clark.
H. R. 8398. Ann E. Worrell.
H. R. 8399. Salina V. Allen.
H. R. 8403. Fannie J. B. Kelley.
H. R. 8404. Sarah Jane Evans.
H. R. 8406. Mary E. Hollopeter.
H. R. 8407. Emma E. Peters.
H. R. 8408. Mariah T. Howell.
H. R. 8416. Philippina Hopler.
H. R. 8418. Emily I. Lacy.
H. R. 8424. Alice J. Potter.
H. R. 8427. Maggie L. Burgess.
H. R. 8428. Harriet C. Hay.
H. R. 8429. Catherine Andrews.
H. R. 8430. Mary A. Williams.
H. R. 8431. Elizabeth Nash.
H. R. 8435. Hattie Sinclair.
H. R. 8436. Ida L. Clark.
H. R. 8438. Mary A. Butts.
H. R. 8448. Elizabeth Hastrich.
H. R. 8471. Elizabeth J. Martin.
H. R. 8472. Sarah Sullins.
H. R. 8476. Florence Bogart.
H. R. 8494. Dora A. Hart.
H. R. 8495. Almira Lalone.
H. R. 8503. Margaret Waugh.
H. R. 8513. Margaret Lawwill.
H. R. 8520. Jennette Horton.
H. R. 8573. Emily A. McLeran.
H. R. 8578. Edith Chase.
H. R. 8581. Mary C. Dennis.
H. R. 8583. Rebecca E. Lentz.
H. R. 8584. Helen A. E. Witman.
H. R. 8585. Elizabeth A. Bryan.
H. R. 8586. Mary A. King.
H. R. 8588. Alice Henry.
H. R. 8592. Hannah A. Harlow.
H. R. 8603. Martha Schmelzle.
H. R. 8604. Susan Piggott.
H. R. 8606. Chloe Wertz.
H. R. 8612. Phoebe Ely.
H. R. 8616. Maria L. Doughty.
H. R. 8619. Eliza A. Morrison.
H. R. 8624. Mary E. Reynolds.
H. R. 8626. Nancy J. Rider.
H. R. 8629. Emmer A. Ward.
H. R. 8634. Sarah E. Clark.
H. R. 8637. Elizabeth Boes.
H. R. 8639. Delia Lammers.
H. R. 8641. Jessie W. Le Clere.
H. R. 8649. Sarah A. Peters.
H. R. 8653. Alice Rose.
H. R. 8661. Alice O'Hearn.
H. R. 8666. Anna M. Frank.
H. R. 8667. Useba McMullen Byers.
H. R. 8669. Anna Houghtlin.
H. R. 8670. Mary Lum.
H. R. 8675. Nellie L. Hallock.
H. R. 8676. Lydia J. Goodsell.
H. R. 8677. Maggie M. Horton.
H. R. 8678. Ann S. Henderson.
H. R. 8681. Jennie S. Bennett.
H. R. 8684. Sarah Van Tuyl.
H. R. 8685. Delia L. Maricle.
H. R. 8689. Josie Duval.
H. R. 8693. Cinderella I. McCracken.
H. R. 8701. Mary A. Purvis.
H. R. 8703. Eliza A. Maxfield.
H. R. 8705. Rinda Wilson.
H. R. 8706. Sarah J. McDowell.
H. R. 8707. Mary Vanover.
H. R. 8756. Elizabeth Doxtater.
H. R. 8759. Martha S. Foster.
H. R. 8766. Serena B. Bray.
H. R. 8777. Rose Murphy.
H. R. 8780. Annie M. Burgner.
H. R. 8781. Mary E. Horner.
H. R. 8782. Rosana Keesey.
H. R. 8792. Mary L. Warrick.
H. R. 8800. Mary Boyles.
H. R. 8801. Margaret M. Pinkerton.
H. R. 8815. Anna Chaney.
H. R. 8816. Catharine J. Curry.
H. R. 8844. Lizzie Alice King.
H. R. 8856. Sittira Parent.
H. R. 8861. Mary E. O'Brien.
H. R. 8862. Mary E. Weston.
H. R. 8865. Mary Mulverhill.
H. R. 8866. Rose Rockenstyre.
H. R. 8867. Maria Lashway.
H. R. 8870. Elizabeth L. Millican.
H. R. 8871. Clarinda Shields.
H. R. 8874. Sarah J. Boyd.
H. R. 8879. Maggie L. Brown.
H. R. 8880. Catherine Shaffer.
H. R. 8881. Elizabeth J. McCreary.
H. R. 8882. Susie Burtner.
H. R. 8883. Mary E. Critchlow.
H. R. 8884. Mary Levenia Chambers.
H. R. 8885. Margaret Usselton.
H. R. 8893. Mary J. Cassady.
H. R. 8929. Sarah J. Shepard.
H. R. 8944. Amanda Shannon.
H. R. 8952. Dora P. Miller.
H. R. 8954. Ellen T. Croshier.
H. R. 8955. Sarah J. Harris.
H. R. 8959. Amanda Pope.
H. R. 8979. Susan L. Nichols.
H. R. 8990. Mary J. Mullet.
H. R. 8992. Mary A. Phillips.
H. R. 8993. Martha J. Smith.
H. R. 8994. Mary E. Dubbs.
H. R. 8997. Lydia A. Robinson.
H. R. 9004. Sarah J. Heiser.
H. R. 9007. Mary E. Banker.
H. R. 9016. Susan Goble.
H. R. 9067. Amelia A. Ellis.
H. R. 9068. Illinois Christie.
H. R. 9069. Christina Meyer.
H. R. 9079. Keturah E. Pierson.
H. R. 9081. Ellen J. Cartland.
H. R. 9088. Mary A. Hall.
H. R. 9092. Harriett L. Bowen.
H. R. 9103. Jane A. McDonough.
H. R. 9108. Harriet Knizely.
H. R. 9113. M. Alice Dimmick.
H. R. 9116. Diantha Dean.
H. R. 9122. Sarah E. Hooper.
H. R. 9158. Minnesota Rial.
H. R. 9169. Mary J. Corey.
H. R. 9171. Mary E. Faunce.
H. R. 9173. Amanda J. Harris.
H. R. 9178. Margaret A. Allison.
H. R. 9179. Susana Place.
H. R. 9181. Araminta M. Smith.
H. R. 9184. Emily L. Brown.
H. R. 9185. Anna H. Lowry.
H. R. 9216. Mary E. Flegal.
H. R. 9232. Wilhelmina H. Schwallier.
H. R. 9233. Ettie C. Smith.
H. R. 9234. Margaret Brown.
H. R. 9240. Margaret E. Gunter.
H. R. 9244. Lydia Reese.
H. R. 9246. Malinda Stevens.
H. R. 9253. Bridget D. Boland.
H. R. 9257. Emeline Isminger.
H. R. 9263. Emma J. Mawhirter.
H. R. 9264. Betsy E. McAdow.
H. R. 9267. Ellen A. Chappell.
H. R. 9268. Sarah Lytle.
H. R. 9302. Edgar M. Riggs.
H. R. 9306. Anna E. Castle.
H. R. 9316. Anna M. Drake.
H. R. 9323. Mary Adams.
H. R. 9324. Isabell Wilson.
H. R. 9327. Nettie C. Talbott.
H. R. 9328. Cathrine Taylor.
H. R. 9330. Elizabeth Smith.
H. R. 9331. Margaret E. Glenn.
H. R. 9332. Fidelia A. Gibson.
H. R. 9335. Eliza J. Merrill.
H. R. 9376. Nancy A. Cook.
H. R. 9393. Caroline Hoffman.
H. R. 9394. Martha J. Hite.
H. R. 9400. John S. Ashworth.
H. R. 9406. Eliza A. Diveley.
H. R. 9410. Marion L. Holvenstot.
H. R. 9414. Mary A. Glackin.
H. R. 9415. Elizabeth Gallagher.
H. R. 9420. Lutie Hannah.
H. R. 9422. Ellen J. Strain.
H. R. 9424. Jane A. Ford.
H. R. 9425. Harriet B. Gros.
H. R. 9437. Catharine Whitney.
H. R. 9445. Dora H. Emmens.
H. R. 9447. Emma C. Miller.
H. R. 9448. Emma Miller.
H. R. 9449. Rachel A. Mickler.
H. R. 9450. Martha A. Vroman.
H. R. 9467. Frederick Smith.
H. R. 9469. Elizabeth Guy.
H. R. 9470. Jane Miller.
H. R. 9474. Ruth L. Terrill.
H. R. 9479. Lisetta Howell.
H. R. 9506. Mary A. Biggs.
H. R. 9508. Sarah E. Sinnard.
H. R. 9514. Elizabeth Hess.
H. R. 9529. Mary E. Oliver.
H. R. 9531. Maria A. Towers.
H. R. 9533. Mary Hollopeter.
H. R. 9541. Arminda J. Orcutt.
H. R. 9548. Sarah E. Pearson.
H. R. 9550. Minnie Toner.
H. R. 9551. Louise Schuckmann.
H. R. 9555. Harriet Williams.
H. R. 9556. Sarah J. Hyatt.
H. R. 9557. Adelaide Tuthill.
H. R. 9558. Charlotte W. Stanley.
H. R. 9563. Mary R. Hill.
H. R. 9601. Elizabeth E. Matthews.
H. R. 9602. Christina B. Yaeger.
H. R. 9603. Alice V. Bellney.
H. R. 9608. Elizabeth B. Holmes.
H. R. 9616. Margaret Ovenburg.
H. R. 9617. Lucy M. Couse.
H. R. 9624. Bell Norris.
H. R. 9631. Hannah Cornelius.
H. R. 9636. Susie Bullock.
H. R. 9643. Eliza Hounchell.
H. R. 9645. Rachael Gamblin.
H. R. 9652. Emma C. Cotton.
H. R. 9653. Mary E. Miller.
H. R. 9655. Sarah E. Browning.
H. R. 9694. Rosa Vinton.
H. R. 9696. Livy Moser.
H. R. 9697. Julia A. Kresge.
H. R. 9704. Clara McCory.
H. R. 9706. Mary C. Adams.
H. R. 9707. Gertrude Ohmes.
H. R. 9717. Sarah A. Fleak.
H. R. 9718. Ella Howard.
H. R. 9724. Mary C. Rowe.
H. R. 9727. Sarah J. Jones.
H. R. 9728. Lizzie Butler.
H. R. 9738. Ellen B. Lasure.
H. R. 9739. Charilla Harbour.
H. R. 9742. Fannie Gordon.
H. R. 9744. Elizabeth B. Arnold.
H. R. 9752. Sarah Campbell.
H. R. 9753. Mary O'Neill.
H. R. 9755. Annie E. McFarland.
H. R. 9759. Mary E. Boseley.
H. R. 9790. Elizabeth Reed.
H. R. 9796. Sarah Jane Sherer.
H. R. 9800. Cynthia A. Culver.
H. R. 9801. Sarah J. Ober.
H. R. 9804. Ida Chilson.
H. R. 9819. Emma Martin.
H. R. 9820. Felicia B. Frew.
H. R. 9821. Margaret E. Shaffer.
H. R. 9822. Caroline E. Trumbull.
H. R. 9823. Emaline Sprinker.
H. R. 9824. Henrietta Stevenson.
H. R. 9825. Emma M. Paye.
H. R. 9875. Ellen B. Wurtz.
H. R. 9876. Mary T. Sturgel.
H. R. 9877. Emily J. McCollum.
H. R. 9882. Ellen Bott.
H. R. 9883. Mary H. Smith.
H. R. 9885. Emma J. Watts.
H. R. 9886. Margaret A. Church.
H. R. 9887. Mary A. White.
H. R. 9890. Maria Fluor.
H. R. 9891. Mary Dailey.
H. R. 9892. Sarah J. Stanbrough.
H. R. 9904. Elsie E. Tankersley.
H. R. 9911. Arminta M. Smith.
H. R. 9914. Margaret Kane.
H. R. 9915. Phoebe C. Austin.
H. R. 9920. Rebecca A. Bonesteel.
H. R. 9921. Mary A. Bailey.
H. R. 9923. Eulalie Charbonneault.
H. R. 9925. Margaret Newman.
H. R. 9926. Jennie S. Adams.
H. R. 9927. Julia Floyd.
H. R. 9930. Sarah E. Blanchard.
H. R. 9931. Sara Campbell.
H. R. 9937. Luscenia Duncan.
H. R. 9942. Marietta L. McNair.
H. R. 9969. Mary J. Connour.
H. R. 9970. Mary Beaudette.
H. R. 9976. Ada E. Dobbins.
H. R. 9979. Hettie A. Hendricks.
H. R. 9983. Caroline Andrew.
H. R. 9985. Nancy Lemons.
H. R. 9988. Mary B. Wallace.
H. R. 10003. Adaline Whinery.
H. R. 10004. Elizabeth A. Becker.
H. R. 10007. Anna M. McKain.
H. R. 10011. Mary Ryan.
H. R. 10017. Margaret Davidson.
H. R. 10029. Catharine Groff.
H. R. 10043. Melissa J. Sprague.
H. R. 10047. Dorothy Ott.
H. R. 10055. Mary E. Guliver.
H. R. 10056. Sarah Frances Vibbert.
H. R. 10064. Elizabeth W. Harris.
H. R. 10068. Mary A. Dial.
H. R. 10094. Jennie R. Jennings.
H. R. 10102. Florence J. Chapin.
H. R. 10109. Sesurea Rose Therrien.
H. R. 10114. Mary Short.
H. R. 10115. Harriet N. Gates.
H. R. 10120. Nellie M. Stern.
H. R. 10122. Phyletta Manning.
H. R. 10123. Mary L. Nickloy.
H. R. 10128. Rachel Clark.
H. R. 10129. Louise E. Van Norden.
H. R. 10134. Henrietta A. Forbes.
H. R. 10135. Ruth E. Hering.
H. R. 10175. Huldah Van Cleve.
H. R. 10176. Cornelia B. Atkinson.
H. R. 10177. Miranda Joste.
H. R. 10203. Hattie McKearnin.
H. R. 10206. Mary A. Odom.
H. R. 10219. Mary A. Reed.
H. R. 10222. Sarah Howe.
H. R. 10223. Louisa Burk.
H. R. 10229. Mary E. Akins.
H. R. 10243. Lucetta Sefton.
H. R. 10246. Florence R. Fuller.
H. R. 10249. Isabella Sweetser.
H. R. 10254. Ella M. Harding.
H. R. 10262. Hester Everard.
H. R. 10264. Caroline Jenkins.
H. R. 10266. Eliza A. Shaffer.
H. R. 10267. Anna French.
H. R. 10268. Susannah E. Young.
H. R. 10272. Hannah J. Porter.
H. R. 10273. Anna M. E. Moser.
H. R. 10277. Rebecca Copher.
H. R. 10312. Mary A. Longenhagen.
H. R. 10313. Kate Hardenstin.
H. R. 10315. Clara O. Horning.
H. R. 10322. Laura Barnes.
H. R. 10326. Susan O'Conner.
H. R. 10328. Etta A. Burke.
H. R. 10332. Anna T. Shaw.
H. R. 10335. Lucy Embler.
H. R. 10342. Joanna Gooch.
H. R. 10344. Hattie L. Hill.
H. R. 10345. Mary E. Moore.
H. R. 10346. Nancy M. Bailey.
H. R. 10348. Ida E. Saxbury.
H. R. 10379. Anna B. Morgan.
H. R. 10381. Louise W. Koch.
H. R. 10388. Etta D. Harrington.
H. R. 10389. Catharine Gooderson.
H. R. 10390. Lucinda Hoon.
H. R. 10391. Lucy P. Reagle.
H. R. 10393. Jennie Appleget.
H. R. 10395. Jessie Blair.
H. R. 10396. Hortense Bernardin.
H. R. 10400. Louanna Cross.
H. R. 10412. Julia Blanchard.
H. R. 10419. Susan A. Hatcher.
H. R. 10448. Jennie A. Raymond.
H. R. 10449. Susan Vaughn.
H. R. 10459. Henrietta Stackpole.
H. R. 10460. Eva M. Baker.
H. R. 10461. Elvira Young.
H. R. 10464. Annie E. Stauch.
H. R. 10465. Annie E. Parks.
H. R. 10468. Helen Gibbs.
H. R. 10470. Hattie N. Brown.
H. R. 10497. Sarah A. Lovelady.
H. R. 10504. Elizabeth Evans.
H. R. 10510. Ruth A. Hazzard.
H. R. 10512. Jennie Porter.
H. R. 10514. Sylvia S. Felmly.
H. R. 10523. Mary R. Gorham.
H. R. 10527. Lucetta Hayes.
H. R. 10531. Nancy Wolford.
H. R. 10537. Josephine Sullivan.
H. R. 10571. Isabella C. S. Gildersleeve.
H. R. 10581. Marion G. Webb.
H. R. 10583. Flora Seymour.
H. R. 10594. Mary E. McCoy.
H. R. 10597. Margaret A. Louthan.
H. R. 10598. Mary E. Lamb.
H. R. 10607. Callie M. Lyon.
H. R. 10610. Ellen V. Heiner.
H. R. 10612. Elizabeth A. Woodruff.
H. R. 10614. Hannah P. M. Dunham.
H. R. 10630. Bashaba A. Forshee.
H. R. 10632. Julie Friedrich.
H. R. 10634. Hannah C. Roberts.
H. R. 10660. Sarah E. Courter.
H. R. 10665. Anna M. Kennedy.
H. R. 10666. Malinda Peiffer.
H. R. 10667. Elizabeth Dies.
H. R. 10668. Eldorado Walker.
H. R. 10669. Matilda Michael.
H. R. 10670. Ann E. Miller.
H. R. 10682. Nancy R. Eaton.
H. R. 10685. Catharine Myers.
H. R. 10686. Gertrude Fisk.
H. R. 10691. Ella A. Knapp.
H. R. 10692. Rose A. Robinson.
H. R. 10693. Clara Alton.
H. R. 10694. Frances L. Prim.
H. R. 10695. Anna E. Gehrett.
H. R. 10698. Elizabeth J. Stoner.
H. R. 10699. Anna M. Black.
H. R. 10700. Sarah E. Johnson.
H. R. 10717. Susan Gentry.
H. R. 10745. Mary L. Wheeler.
H. R. 10753. Belle M. Jump.
H. R. 10772. Sarah M. Armstrong.
H. R. 10779. Susie E. Richards.
H. R. 10780. Nancy J. Wager.
H. R. 10787. Nettie S. Staples.
H. R. 10788. Susanna Dakin.
H. R. 10789. Alice E. Murphy.
H. R. 10790. Mary A. Schwartz.
H. R. 10792. Emma S. Rust.
H. R. 10793. Eliza J. Newton.
H. R. 10797. Mary L. Huff.
H. R. 10811. Isophene Ward.
H. R. 10818. Jennie M. Searle.
H. R. 10820. Ella Winchester.
H. R. 10823. Georgianna G. Thayer.
H. R. 10831. Bridget Mullins.
H. R. 10832. Samantha Snider.
H. R. 10833. Alice Black.
H. R. 10841. Catherine A. Curran.
H. R. 10844. Sarah Hubbard.
H. R. 10848. Louisa D. Warriner.
H. R. 10849. Susan F. Winchell.
H. R. 10850. Annie C. Walbridge.
H. R. 10852. Sarah Steward.
H. R. 10855. Sarah J. Roop.
H. R. 10893. Malinda Jack.
H. R. 10894. Haddie E. Laraway.
H. R. 10898. Sarah A. Sitts.
H. R. 10902. Isabelle Morris.
H. R. 10903. Mary E. Dunham.
H. R. 10909. Julia A. Gilbert.
H. R. 10911. Paulina B. Cruikshank.
H. R. 10914. Elizabeth Brinkley.
H. R. 10917. Caroline Bean.
H. R. 10918. Mary E. Best.
H. R. 10919. Maria C. Van Horn.
H. R. 10927. Mary L. Huron.
H. R. 10931. Sarah E. Hartley.
H. R. 10933. Lucy Wilkes.
H. R. 10934. Pheba A. Snyder.
H. R. 10936. Isabella Peters.
H. R. 10939. Annie M. Munson.
H. R. 10941. Isabel Reid.
H. R. 10948. Carrie Watson.
H. R. 10950. Rebecca A. McCauley.
H. R. 10971. Caroline Stahl.
H. R. 10983. Laura Heaton.
H. R. 10988. Jane Davis.
H. R. 10989. Mary A. Savidge.

H. R. 11004. Manda Harris.
H. R. 11005. Amanda Gilbert.
H. R. 11006. Mary L. Dunham.
H. R. 11008. Nancy J. Wilson.
H. R. 11031. Ellen H. Dilley.
H. R. 11034. Sarah M. Thompson.
H. R. 11037. Lydia A. Crosby.
H. R. 11057. Rosena E. Gordon.
H. R. 11059. Alice Sweeney.
H. R. 11063. Norah Sloan.
H. R. 11082. Maria Burley.
H. R. 11083. Lorena M. Hickman.
H. R. 11101. Sophia J. Lenix, known as Sophia J. Hyler.
H. R. 11111. Martha J. Haire.
H. R. 11112. Mary F. Johnston.
H. R. 11121. Polly Crum.
H. R. 11122. Charlotte A. Smith.
H. R. 11126. Kate A. Mann.
H. R. 11144. Mary M. Campbell.
H. R. 11145. Matilda E. Rider.
H. R. 11155. Augusta Hoecker.
H. R. 11164. Emma L. Nagle.
H. R. 11165. Mary J. Morrison.
H. R. 11170. Sarah C. Lutgen.
H. R. 11171. Sarah J. Penn.
H. R. 11173. Jennie H. Burford.
H. R. 11174. Ann Oldfield.
H. R. 11178. Mary Keeler.
H. R. 11179. Ellen A. Searles.
H. R. 11180. Emma L. Perry.
H. R. 11183. Katherine Tipple.
H. R. 11184. Adelaide W. Pumpelly.
H. R. 11222. Emma Schmolsmire.
H. R. 11223. Eliza F. Dixon.
H. R. 11236. Catharine A. Smith.
H. R. 11241. Frances M. Russel.
H. R. 11243. Mary Lefler.
H. R. 11249. Julia H. Van Buren.
H. R. 11252. Mary S. Roberts.
H. R. 11255. Margaret J. Bruner.
H. R. 11293. Dorothy J. Edgar.
H. R. 11294. Mary A. Schell.
H. R. 11296. Mary A. Strawn.
H. R. 11302. Elvira M. Barnefield.
H. R. 11316. Evaline Jenkins.
H. R. 11317. Lizzie S. Williams.
H. R. 11318. Eliza H. Raitt.
H. R. 11319. Maria C. Frazier.
H. R. 11320. Virginia G. Black.
H. R. 11324. Rebecca Lindsay.
H. R. 11326. Ida Custis.
H. R. 11327. Mary A. Evans.
H. R. 11328. Emma L. Myers.
H. R. 11329. Mary E. Hurley.
H. R. 11330. Mary Boylen.
H. R. 11345. Belle Garrett.
H. R. 11347. Julia M. Ford.
H. R. 11348. Esther C. Sawyer.
H. R. 11376. Carrie T. C. Brown.
H. R. 11379. Alice A. Jackman.
H. R. 11382. Mary Fallon.
H. R. 11386. Sarah J. Adams.
H. R. 11387. Hannah E. Odell.
H. R. 11390. Amelia Drake.
H. R. 11392. Matilda L. Hardman.
H. R. 11393. Mary P. Crawford.
H. R. 11395. Georgia G. Biggs.
H. R. 11419. Sarah E. Ward Goldsmith.
H. R. 11430. Sallie J. Courter.
H. R. 11437. Alice A. Kirkham.
H. R. 11445. Jennie S. Graham.
H. R. 11446. Mary Delige.
H. R. 11457. Florence Campbell.
H. R. 11486. Mary E. Halter.
H. R. 11490. Susan A. Hawk.
H. R. 11498. Mary E. Burtner.
H. R. 11504. Ella M. O'Bryan.
H. R. 11513. Sarah E. Thrasher.
H. R. 11514. Elvira Clotfelter.
H. R. 11540. Elizabeth S. Keim.
H. R. 11541. Catherine Rider.
H. R. 11552. Martha A. Budd.
H. R. 11553. Blenda C. Moore.
H. R. 11554. Rocelia Dennis.
H. R. 11555. Virginia A. Harris.
H. R. 11557. Nora B. Biesecker.
H. R. 11567. Alvira Byrum.
H. R. 11570. Mary E. Logel.
H. R. 11571. Fannie F. Wilson.
H. R. 11572. Sarah J. Edmonds.
H. R. 11576. Mary E. Boyd.
H. R. 11600. Sarah A. Nugent.
H. R. 11611. Margaret Steadman.
H. R. 11613. Mollie Tarvin.
H. R. 11615. Sarah E. Davis.
H. R. 11632. Katie Mulford.
H. R. 11636. Margaret A. Monahan.
H. R. 11638. Mary E. Hyatt.
H. R. 11640. Lydia M. Robinson.
H. R. 11644. Lizzie J. Grosvenor.
H. R. 11645. Harriet E. Ashbey.
H. R. 11646. Carrie Latham.
H. R. 11647. Elizabeth H. Shelley.
H. R. 11648. Helen M. Steward.
H. R. 11649. Annie E. Phillips.
H. R. 11650. Margaret W. Lathrop.
H. R. 11651. Martha J. Caryl.
H. R. 11652. Adelaide P. Sawyer.
H. R. 11653. Emma T. Barnes.
H. R. 11654. Sarah J. Green.
H. R. 11655. Mary J. Hayes.
H. R. 11657. Mary Britton.
H. R. 11660. Ella F. Paige.
H. R. 11668. Nannie E. Dunham.
H. R. 11677. Elizabeth Martin.
H. R. 11678. Lucinda B. Mitchell.
H. R. 11680. Catherine A. Miller.
H. R. 11695. Amelia O'Donnell.
H. R. 11696. Abby J. Scott.
H. R. 11700. Rebecca E. Hefright.
H. R. 11705. Matilda Towers.
H. R. 11709. Marie Emelie Allen.
H. R. 11712. Elzora Barnes.
H. R. 11713. Helen S. Cates.
H. R. 11717. William H. Gray.
H. R. 11745. Jennie Brothers.
H. R. 11748. Caroline Kincade.
H. R. 11780. Martilia Murrell.
H. R. 11781. Mariett McMillan.
H. R. 11782. Mary J. Orr.
H. R. 11789. Mary Beeler.
H. R. 11790. Mary J. Conkle.
H. R. 11791. Mary A. J. Lawhead.
H. R. 11792. Elizabeth Kirker.
H. R. 11794. Emma Cortright.
H. R. 11812. Eliza J. Johnson.
H. R. 11820. Mary A. Forbes.
H. R. 11821. Isabell Ilgenfritz.
H. R. 11825. Sarepta J. Edwards.
H. R. 11836. Jane Carpenter.
H. R. 11837. Belle Goddard.
H. R. 11839. Bertha Edmonds.
H. R. 11841. Mary Brown.
H. R. 11860. Joanna Burnett.
H. R. 11864. Lucinda Jarboe.
H. R. 11877. Mary Hansmeier.
H. R. 11891. Carrie A. Speck.
H. R. 11899. Letha Dickens.
H. R. 11910. Frany Rice.
H. R. 11913. Savilla Kelichner.
H. R. 11930. Mary E. Hicks.
H. R. 11931. J. Florence Bowers.
H. R. 11932. Kate C. Closson.
H. R. 11941. Caroline Allen.
H. R. 11942. Mary Henderlick.
H. R. 11943. Sarah Butterfield.
H. R. 11946. Sarah M. Law.
H. R. 11958. Arrena Rairdon.
H. R. 11966. Rebecca P. Clark.
H. R. 11967. Nancy G. Yancy.
H. R. 11970. Jennett McWade.
H. R. 11971. Mary L. Miller.
H. R. 12004. Josephine Chacey.
H. R. 12005. Rhoda J. Jenkins.
H. R. 12023. Louisa B. Smith.
H. R. 12024. Maria C. Garland.
H. R. 12027. Mary E. Elliott.
H. R. 12045. Emmaline Reed.
H. R. 12046. Hannah Lichstein.
H. R. 12055. Delphine Darling.
H. R. 12056. Lavonia F. Richey.
H. R. 12075. Mary J. Brown.
H. R. 12077. Matilda A. Millard.
H. R. 12080. Lizzie M. Bowersox.
H. R. 12088. Adeline C. Keenan.
H. R. 12090. Rebecca A. Brown.
H. R. 12092. Callie Jones.
H. R. 12094. Harriet A. Wiles.
H. R. 12097. Catherine Knoch.
H. R. 12114. Martha J. Burchfield.
H. R. 12119. Martha Ann Campbell.
H. R. 12120. Mary M. Headley.
H. R. 12124. Martha Grubb.
H. R. 12130. Emily Andrews.
H. R. 12132. Celinda E. Fox.
H. R. 12143. Celia A. Hackett.
H. R. 12148. Cornelia C. Hammond.
H. R. 12156. Margaret N. Gordon.
H. R. 12159. Frances E. Covel.
H. R. 12162. Martha A. Richey.
H. R. 12163. Jane Snyder.
H. R. 12164. Elizabeth B. Garvin.
H. R. 12165. Catherine J. Jones.
H. R. 12167. Sarah Smith.
H. R. 12181. Mary A. Wilson.
H. R. 12182. Phoebe J. Massey.
H. R. 12196. Nancy A. Bell.
H. R. 12209. Newton Loyd.
H. R. 12210. Lillie M. Wooster.
H. R. 12212. Mary L. Merchant.
H. R. 12214. Martha Studdard.
H. R. 12217. Amanda Koon.
H. R. 12221. Dorothy H. Grover.
H. R. 12222. Sarah J. Claypool.
H. R. 12223. Addie R. Bostick.
H. R. 12224. Jennie Nash.
H. R. 12226. Meltha M. Coss.
H. R. 12227. Eliza Wilson.
H. R. 12231. Lugenia Marquis.
H. R. 12263. Mary A. Millican.
H. R. 12266. Karine Knudson.
H. R. 12272. Elizabeth Flickinger.
H. R. 12273. Charity Dewey.
H. R. 12277. Lillie Beitler.
H. R. 12279. Grace E. Todd.
H. R. 12283. Centrilla L. Bailey.
H. R. 12285. Hattie Loring.
H. R. 12296. Mary Ellen Nelson.
H. R. 12298. Elizabeth E. Deputy.
H. R. 12300. Emma Gibbens.
H. R. 12301. Elizabeth M. Thomas.
H. R. 12302. Julia A. Frittz.
H. R. 12310. Nancy L. Many.
H. R. 12331. Evaline Zeliph.
H. R. 12332. Mary E. Jones.
H. R. 12340. Letitia Rutter.
H. R. 12363. Sarah L. Gaskill.
H. R. 12366. Margaret A. Hamblett.
H. R. 12371. Ella Myres.
H. R. 12374. Catharine Sage.
H. R. 12378. Julia A. Johnson.
H. R. 12388. Clara Dillon.
H. R. 12402. Ella Andrews.
H. R. 12403. Philancy J. Kirkendall.
H. R. 12417. Clara L. Dawson.
H. R. 12420. Rhoda Sprinkle.
H. R. 12422. Cornelia Ann Bailey.
H. R. 12430. Elizabeth I. Exceen.
H. R. 12455. Josephine E. Gorham.
H. R. 12462. Mary E. Stevens.
H. R. 12466. Harriet A. Owings.
H. R. 12468. Louisa Shaffer.
H. R. 12471. Roberta Salter.
H. R. 12474. Lora L. Davis.
H. R. 12478. Mary Brady.
H. R. 12493. Frances Getchell.
H. R. 12507. Addie Buss.
H. R. 12508. Mary Jane Bullock.
H. R. 12509. Charlotte Petty.
H. R. 12510. Emeline Nichols.
H. R. 12512. Margaret Cull.
H. R. 12513. Alice A. Harris.
H. R. 12516. Ella E. Deering.
H. R. 12536. Anna B. Ferris.
H. R. 12539. Mary C. Reed.
H. R. 12546. Martha Jane Kendrick.
H. R. 12550. Clarissa Bailey.
H. R. 12551. Nettie A. Reed.
H. R. 12553. Susie N. Bell.
H. R. 12554. Mary J. Knoderer.
H. R. 12555. Nancy J. Milliken.
H. R. 12556. Annis R. Payne.
H. R. 12557. Mina B. F. Davis.
H. R. 12581. Rebecca S. Bloom.
H. R. 12582. Jenuie C. Bennett.
H. R. 12585. Christine Abeling.
H. R. 12589. Frances M. Moon.
H. R. 12595. Anna B. Ellis.
H. R. 12598. Louisa C. Aggers.
H. R. 12611. Mary Munsell.
H. R. 12633. Mary E. Conley.
H. R. 12634. Mary E. Booker.
H. R. 12643. Addie A. Turner.
H. R. 12646. Jennie M. Jones.
H. R. 12654. Mary Wallace.
H. R. 12655. Annie M. Hollis.
H. R. 12665. Simon E. Riggleman.
H. R. 12699. Fannie Stevens.
H. R. 12700. Mary A. Booth.
H. R. 12703. Isabella Reedy.
H. R. 12716. Rebecca M. Spires.
H. R. 12719. Louis Annamiller.
H. R. 12721. Susan J. Kessinger.
H. R. 12726. Mary J. Jenness.
H. R. 12741. Emma Brown.
H. R. 12750. Jane Elizabeth Carr.
H. R. 12753. Anna Huls.
H. R. 12761. Ida L. Moore.
H. R. 12762. Rosamond T. Will.
H. R. 12787. Harry Bixler, known as Harry Bicksler.
H. R. 12788. Mary Ryder.
H. R. 12792. Hellen A. Sleigh.
H. R. 12800. Jennie M. Otto.
H. R. 12824. Fannie S. McMullin.
H. R. 12831. Jennie H. Owen.
H. R. 12836. Eunice J. Brooks.
H. R. 12839. Beckie E. Hyman.
H. R. 12861. Nancy Napier.
H. R. 12862. Nancy B. Stockton.
H. R. 12865. Nellie L. Cluff.
H. R. 12870. Catharine Browning.
H. R. 12874. Gertrude Schoeninger.
H. R. 12881. Mary McCoy.
H. R. 12887. Catharine E. Whyde.
H. R. 12888. Adelia M. P. Jackson.
H. R. 12889. Mary A. Crabbin.
H. R. 12921. Rhoda E. Sperry.
H. R. 12927. Joanna J. Reid.
H. R. 12936. Eliza Jane Brill.
H. R. 12939. Isabella Jones.
H. R. 12941. Martha E. Moffatt.
H. R. 12957. Minnie L. Sanders.
H. R. 12958. Rachel Croston.
H. R. 12959. Mary J. Hovey.
H. R. 12967. Christiana Taylor.
H. R. 12971. Carrie E. Klepper.
H. R. 12979. Sallie J. Mast.
H. R. 12982. Alice Keck.
H. R. 12997. Sarah E. Parrish.
H. R. 12999. Anna E. Walters.
H. R. 13003. Sarah E. Peabody.
H. R. 13004. Kate Krisher.
H. R. 13017. Sarah J. Scott.
H. R. 13020. Annie L. Lacey.
H. R. 13021. Martha J. Bennett.
H. R. 13028. Olive H. McMillan.
H. R. 13040. Lucy V. Buckingham.
H. R. 13045. Sarah J. Knight.
H. R. 13047. Anna J. Rourke.
H. R. 13059. Cordelia Childers.
H. R. 13075. Sarah E. Biggs.
H. R. 13081. Sarah F. Tighe.
H. R. 13090. Clara A. Thompson.
H. R. 13093. Norah M. Oberlender.
H. R. 13102. Thelda Hightower.
H. R. 13103. Nellie Barrows.
H. R. 13104. Countess B. Duffin.
H. R. 13118. Maria F. Shuman.
H. R. 13122. Jane Kinsey.
H. R. 13131. Aldyth L. Barnes.
H. R. 13133. Elizabeth Jones.
H. R. 13134. Elizabeth Ann Simpson.
H. R. 13136. Frances A. Blount.
H. R. 13139. Alice Allen.
H. R. 13162. Almeda L. McClosky.
H. R. 13166. Clara Henderson.
H. R. 13167. Ellen M. Terry.
H. R. 13170. M. Louise Holaday.
H. R. 13187. Mary B. Mappin.
H. R. 13188. Ellen Nance.
H. R. 13197. Mary E. Bond.
H. R. 13222. Alice L. Anderson.
H. R. 13223. Lucretia E. Bagby.
H. R. 13224. Clarinda Demaris.
H. R. 13225. Rosannah Lanham.
H. R. 13227. Harriet Partridge.
H. R. 13231. Susan McGuire.
H. R. 13232. Ella Oliver.
H. R. 13236. Jennie W. Ivins.
H. R. 13237. Anna M. Simmons.
H. R. 13238. Elizabeth Porch.
H. R. 13239. Kate Neville.
H. R. 13253. Mary I. Harwig.
H. R. 13261. Jennie Messer.
H. R. 13262. Alice R. Young.
H. R. 13280. Dulcena Jones.
H. R. 13283. Mary E. Hazzard.
H. R. 13284. Martha Huff.
H. R. 13286. Margaret Maneor.
H. R. 13287. Catherine Hays.
H. R. 13289. Emily E. Morley.
H. R. 13290. Delilah D. Kirkpatrick.
H. R. 13304. Belle F. Shideler.
H. R. 13308. Rachel McKinney.
H. R. 13324. Anna A. Curley.
H. R. 13325. Caroline A. Dubell.
H. R. 13329. Fannie M. Fisher.
H. R. 13332. Sarah A. Babb.
H. R. 13335. Sarah A. McFarland.
H. R. 13347. Edna L. Saxton.
H. R. 13350. Thomas A. Snyder.
H. R. 13352. Ann G. Bicknell.
H. R. 13354. Joanna D. Patrick.
H. R. 13360. Mary V. Thompson.
H. R. 13363. Susan E. Wilson.
H. R. 13369. Kate Fleming.
H. R. 13386. Hannah Connery.
H. R. 13387. Della Langdon.
H. R. 13390. Martha A. Harper.
H. R. 13393. Louella Simpson.
H. R. 13395. Mary Hughes.
H. R. 13398. Emma E. Sinnisen.
H. R. 13423. Ellen Poyner.
H. R. 13424. Annie Hanford.
H. R. 13426. Emma E. Price.
H. R. 13427. Johanna Meyer.
H. R. 13433. Clara A. Estry.
H. R. 13436. Mary J. Parker.
H. R. 13437. Caroline R. Raynor.
H. R. 13466. Susan J. Boston.
H. R. 13467. Blanche Holston.
H. R. 13468. Margaret Hayes.
H. R. 13470. Elizabeth K. Kershaw.
H. R. 13471. Fannie F. Marts.
H. R. 13472. Jennie N. Milliken.
H. R. 13485. Lizaetta Stuckey.
H. R. 13487. Elizabeth Ginn.
H. R. 13488. Bliss Evans Paul.
H. R. 13494. Ellen O'Neill.
H. R. 13497. Elizabeth Miller.
H. R. 13517. Edna Olney Chrisman.
H. R. 13520. Catharine Knudson.
H. R. 13523. Maranda F. Seals.
H. R. 13526. Rosa Meyer.
H. R. 13527. Sarah A. Fulkerson.
H. R. 13534. Elizabeth McLeister.
H. R. 13536. Arminna P. Rice.
H. R. 13543. Emily C. Mather.
H. R. 13545. Helen R. Godsoe.
H. R. 13551. Myzella Rowe.
H. R. 13558. Mary W. Ryan.
H. R. 13559. Rachel Goble.
H. R. 13561. Annie E. Toomey.
H. R. 13569. Martha Lamb.
H. R. 13570. Frances M. Lynch.
H. R. 13572. Martha E. Read.
H. R. 13574. Sarah A. Stephens.
H. R. 13575. Laura A. Eldred.
H. R. 13577. Katie M. Vandyke.
H. R. 13579. Jane Fortney.
H. R. 13581. Emma L. Bruce.
H. R. 13583. Isabel Simpson.
H. R. 13585. Dolly Matoxen.
H. R. 13588. Jessie L. Clark.
H. R. 13604. Emily C. Colvin.
H. R. 13605. Cora Nevil.
H. R. 13610. John T. Truax.
H. R. 13613. Phebie Hamilton.
H. R. 13628. Daniel B. Fitzpatrick.
H. R. 13629. Catherine D. Hyland.
H. R. 13631. Gertrude Williams.
H. R. 13634. Sylfinia Bryan.
H. R. 13641. Helen E. McCartney.
H. R. 13642. Sarah A. Cole.
H. R. 13657. Elizabeth C. Van Alstine.
H. R. 13661. Adeline Pitzer.
H. R. 13663. Kate Pomeroy.
H. R. 13670. Violet A. Williams.
H. R. 13675. Mary L. Emrie.
H. R. 13676. Martha M. Turner.
H. R. 13679. Mary A. McMican.

H. R. 13680. Eliza Goodell.
H. R. 13700. Elvira J. Ellison.
H. R. 13720. Annie M. Lovell.
H. R. 13726. Elizabeth A. Taylor.
H. R. 13735. Kisiah J. Hunefelt.
H. R. 13740. Anna L. Depp.
H. R. 13758. Mary Alderdice.
H. R. 13759. Ada E. Pattin.
H. R. 13760. Hannah Sayles.
H. R. 13761. Anne Corte.
H. R. 13762. Mary Ann Meeker.
H. R. 13765. Ambrose R. Cyrus, alias A. C. Cyrus.
H. R. 13774. Ellen J. Bergen.
H. R. 13775. Laura A. Nason.
H. R. 13791. Agnes W. Case.
H. R. 13804. Adelia Chilson.
H. R. 13805. Sarah Shoemaker.
H. R. 13806. Mary E. H. Smith.
H. R. 13807. Mary A. Blakely.
H. R. 13818. Jemima Robinson.
H. R. 13835. John Fitzwater.
H. R. 13836. Elizabeth Roberts.
H. R. 13839. A. Clark Rader, alias Clark Rader.
H. R. 13842. Annie Brooks.
H. R. 13844. Mary M. Miller.
H. R. 13859. Charlotte K. Vought.
H. R. 13860. Katherine Z. Bates.
H. R. 13863. Jennie L. Dockum.
H. R. 13864. Charles M. Barnes.
H. R. 13865. Bridget Deady.
H. R. 13891. Harriet J. Young.
H. R. 13892. Anna M. Shank.
H. R. 13894. Josephine M. Alexander.
H. R. 13896. Elizabeth J. Varner.
H. R. 13898. Minnie M. Smith.
H. R. 13903. Orpha A. Kilgore.
H. R. 13904. Talitha J. Todhunter.
H. R. 13906. Lydia D. Porter.
H. R. 13907. Nettie Bay.
H. R. 13910. Leona Healy.
H. R. 13911. Alwilda Vinyard.
H. R. 13915. Annie C. Rand.
H. R. 13916. Emily J. Williams.
H. R. 13920. Sarah B. Woodruff.
H. R. 13924. Sarah O. Acheson.
H. R. 13925. Rhoda Dixon.
H. R. 13926. Celestia A. Finks.
H. R. 13938. Kizziah S. Casey.
H. R. 13940. Hattie E. Lewis.
H. R. 13942. Leila Newell Smith.
H. R. 13943. Lydia A. P. Conover.
H. R. 13944. Hannah F. Dunn.
H. R. 13945. Matilda A. Storms.
H. R. 13946. Mary Livingston.
H. R. 13951. Ida Vancil.
H. R. 13952. M. Elizabeth (Isibell) Clevenger.
H. R. 13958. Uttie N. Grooms.
H. R. 13963. Sarah E. McHolland.
H. R. 13964. Nancy Elizabeth Armstrong.
H. R. 13969. Phila Cross.
H. R. 13970. Olive A. Baker.
H. R. 14008. Rebecca Parris.
H. R. 14018. Margaret A. Rockwell.
H. R. 14020. Naomi E. Glover.
H. R. 14024. Elizabeth Jarvis.
H. R. 14025. Lizzie Simpson.
H. R. 14026. Frank Simpson.
H. R. 14027. Pamelia Chaney.
H. R. 14029. Olive Kimmel.
H. R. 14041. Nancy G. Lemley.
H. R. 14042. Catharine Hoyt.
H. R. 14059. Dianna Wright.
H. R. 14060. Matilda D. Mason.
H. R. 14064. Elizabeth Gibson.
H. R. 14081. Sarah A. Williams.
H. R. 14086. Mary Parker.
H. R. 14094. Eliza D. Hughes.
H. R. 14098. Harriet J. Bishop.
H. R. 14099. Katie Randall.
H. R. 14100. William W. Cooper.
H. R. 14102. Rebecca A. Jordan.
H. R. 14105. Aria A. Underwood.
H. R. 14106. Lovisa Pierce.
H. R. 14108. Sarah Hall.
H. R. 14109. Sarah A. Kennedy.
H. R. 14138. Jane Hooker.
H. R. 14140. Alice Wilson.
H. R. 14198. Caroline Cless.
H. R. 14202. Lavina E. Moore.
H. R. 14203. Sarah Ann Moore.
H. R. 14204. Maggie Conley.
H. R. 14227. Martha B. Hood.
H. R. 14228. Medora L. Naramore.
H. R. 14233. Nettie A. Jackson.
H. R. 14238. Hulda Thompson Garner.
H. R. 14239. Sarah Scivally.
H. R. 14240. Eliza A. Brewer.
H. R. 14252. Minerva Guy.
H. R. 14253. Annie E. Whip.
H. R. 14254. Virginia C. Burns.
H. R. 14256. Nancy C. Lecklider.
H. R. 14287. Catherine E. Russell.
H. R. 14345. Nancy Ann Wright.
H. R. 14509. Elizabeth Junken.
H. R. 14517. Martha Willoughby.
H. R. 14522. Nancy J. Armstrong.
H. R. 14525. Sarrah E. McHobson.
H. R. 14646. Mary E. Savage.
H. R. 14648. Mary D. Heistand.

Mr. ELLIOTT. Mr. Speaker, I offer the following amendments.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendments offered by Mr. ELLIOTT: Page 59, strike out lines 13 to 16, inclusive, the proposed beneficiary, Carrie S. Richey, having died.

Page 88, strike out lines 3 to 6, inclusive, the proposed beneficiary, Nancy E. Mount, having died.

Page 106, strike out lines 24 and 25, and on page 107, strike out lines 1 and 2, the proposed beneficiary, Sarah E. Wirick, having died.

Page 128, strike out lines 8 to 12, inclusive, the proposed beneficiary, Lucy A. Johnson, having died.

Page 148, strike out lines 14 to 17, inclusive, the proposed beneficiary, Frances E. Bolan, having died.

Page 148, strike out lines 22, 23, and 24, and on page 149, strike out lines 1 and 2, the proposed beneficiary, Nellie L. Burns, having died.

Page 207, strike out lines 7 to 10, inclusive, the proposed beneficiary, Olive H. Woods, having died.

Page 207, strike out lines 15 to 18, inclusive, the proposed beneficiary, Mary M. Tappana, having died.

Page 211, strike out lines 1 to 5, inclusive, the proposed beneficiary, Mary E. Robinson, having died.

Page 218, strike out lines 16 to 21, inclusive, the proposed beneficiary, Mary J. Anderson, having died.

Page 234, strike out lines 6 to 10, inclusive, the proposed beneficiary, Janie R. Stewart, having died.

Page 267, strike out lines 19 to 22, inclusive, the proposed beneficiary, Julia Cramer, having died.

Page 286, strike out lines 15 to 18, inclusive, the proposed beneficiary, Helena Hasenstab, having died.

Page 286, strike out lines 23 and 24, and page 287, strike out lines 1 and 2, the proposed beneficiary, Prissilla Storms, having died.

Page 301, strike out lines 14 to 17, inclusive, the proposed beneficiary, Lucy A. Blakeley, having died.

Page 302, strike out lines 18 to 21, inclusive, the proposed beneficiary, Ella Moore, having died.

Page 351, strike out lines 21 to 24, inclusive, the proposed beneficiary, Elizabeth Doxtater, having died.

Page 454, strike out lines 24 and 25, and page 455, strike out lines 1 and 2, the proposed beneficiary, Meltha M. Coss, having died.

Page 483, strike out lines 4 to 7, inclusive, the proposed beneficiary, Dulcena Jones, having died.

Page 489, strike out lines 19 to 22, inclusive, the proposed beneficiary, Elizabeth K. Kershaw, having died.

Page 497, strike out lines 9 to 12, inclusive, the proposed beneficiary, Sylfinia Bryan, having died.

Mr. ELLIOTT. Mr. Speaker, these amendments reduce the estimated cost of the bill $2,640 per annum; the estimated annual cost of the bill as now reported is $415,524.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1930

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Treasury and Post Office appropriation bill, disagree to all the amendments of the Senate, and agree to the conference asked for.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, will the gentleman state to the House whether or not that is agreeable to the member of the Post Office Committee from this side of the House, who is ill?

Mr. WOOD. Yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to disagree to the Senate amendment and agree to the conference asked for. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. WOOD, Mr. THATCHER, and Mr. BYRNS.

NO QUORUM—CALL OF THE HOUSE

Mr. TILSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Connecticut makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CHINDBLOM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Auf der Heide	Denison	Jeffers	Parker
Beck, Pa.	Dickstein	Jenkins	Peavey
Beck, Wis.	Doutrich	Johnson, Wash.	Peery
Cooper, Ohio	Dowell	Kearns	Porter
Crosser	Doyle	Kelly	Prall
Bell	Evans, Calif.	Kemp	Quayle
Boies	Faust	Kent	Rainey
Bowles	Fitzgerald, Roy G.	King	Ransley
Boylan	Fitzgerald, W. T.	Kunz	Reed, Ark.
Britten	Fletcher	Kvale	Reed, N. Y.
Browne	Foss	Lea, Calif.	Reid, Ill.
Buckbee	Frear	Lindsay	Robsion, Ky.
Busby	Fulbright	Linthicum	Romjue
Bushong	Furlow	Lyon	Sanders, N. Y.
Butler	Gambrill	McClintic	Somers, N. Y.
Carew	Garber	McCormack	Sproul, Kans.
Carley	Garrett, Tenn.	Maas	Strother
Casey	Gibson	Menges	Sullivan
Celler	Golder	Montague	Tatgenhorst
Cole, Md.	Goldsborough	Mooney	Tillman
Combs	Graham	Moore, Ky.	Underwood
Connery	Griest	Moore, N. J.	Updike
Crowther	Hammer	Moore, Ohio	Weller
Cullen	Hare	Morgan	Welsh, Pa.
Curry	Hudspeth	Norton, N. J.	White, Kans.
Davenport	Hull, William E.	O'Connor, N. Y.	Wolfenden
Davey	Hull, Tenn.	Oliver, N. Y.	Wurzbach
Dempsey	Igoe	Palmer	

The SPEAKER. Three hundred and twenty-two Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

HON. THEODORE E. BURTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent that our distinguished and revered colleague the gentleman from Ohio [Mr. BURTON] be allowed to address the House out of order. [Applause.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BURTON. Mr. Speaker, ladies and gentlemen of the House, this is at the same time a most happy occasion for me and a melancholy one. I can not exaggerate my reluctance in leaving this body, and on the kind suggestion of the gentleman from Connecticut I prize most highly the opportunity to address a few words of greeting to my colleagues on this the last day of my service in the House of Representatives.

My membership in this House has lasted for 24 years, in three different periods. It commenced 40 years ago the coming 4th of March. There is no one else in House or Senate whose tenure of office commenced at so early a date except our distinguished colleague the gentleman from Virginia [Mr. TUCKER]. As I look over this body I recognize how many were born after I first came to this House, how many of the multitude with whom I have served have come and gone and how many have passed on. My association here has been with Presidents of the United States, with men who have occupied a most notable position not only in the legislative halls of the House and Senate but in the executive departments of the Government. I have been acquainted, with some degree of intimacy, with every President, beginning with Benjamin Harrison.

In this period of 40 years how wonderful are the changes that have occurred in our own country and this great world of ours. I feel sometimes as if I were moving in a different universe from that which existed when I first came to Congress, and I again refer to the many who have passed on with whom I have associated. I can say in the language of the great German poet:

> They hear not the following words
> The souls that listened to my first.

As one of long experience here I feel it perhaps a duty to offer certain words of advice and injunction to those with whom I have served. I do not wish that there should be forgotten the causes that I have advocated. In most instances the membership of the House has agreed with me; in some they have not, and I have accepted their dissent with the spirit of a genuine sport. I sincerely hope that no measure may be passed increasing the size of this House. [Applause.] When my membership commenced there were 325 only as against 435. On each occasion when there has been an increase it has been the distinct promise of those who favored it that there should be no further addition to the membership when the succeeding censuses were taken, but there was an increase in 1890, 1900, and 1910. I can not too strongly emphasize the disadvantages in the transaction of public business in a large House as compared with a smaller House, and I must again, with some delicacy, refer to the diminished prestige that belongs to the membership with every successive addition.

May I speak rather bluntly, my colleagues? You have served with me, so let me leave this injunction: Be courageous in voting upon all the questions coming before the House. There are some who in forgetfulness neglect to realize how much the average citizen prizes courage. Do not yield to the sudden impulses of an uninformed public opinion. Do not listen to the selfish propaganda of groups and different elements. If I leave the House with one disposition of regret it is that I have seen some Members, perfectly well intentioned and seeking to do their duty, overborne by propaganda in the advocacy of measures here or policies which mature consideration would have taught were not for the best interests of the people and of the whole people. The voice of conservatism is that not always the first but sometimes the second voice of the people is the voice of God, and while I would not advise you to adhere to any hide-bound conservatism, I would ask you to stand by the things which should not be shaken.

I have taken great interest here in our foreign relations, always with this one central idea: America first and patriotism our chiefest duty. [Applause.] But I have sometimes seen a spirit of distrust and unkindliness for other members of the great family of nations, which I regret. The world is becoming more and more one great social and economic republic, and to occupy our proper place in the sun we must harmonize with every other people. If we have that commercial supremacy which we desire we must be fair to every other people. If we have that respect which we earnestly wish we must show ourselves deserving of respect by fairness and even by generosity in our dealings with the other countries of the earth. If we assume that leadership which, I think, proudly our own America should assume, we must show that, by our disposition toward other peoples, by a constant spirit of justice, good will, and a desire for cooperation, we are worthy of that leadership.

> Let all the ends thou aim'st at be thy country's,
> Thy God's and truth's.

It is better to face defeat in an election than it is to swerve one iota from the path of principle and that which commends itself to the conscience of the individual Members.

I am sincerely hoping that in the very near future progress may be made in the cause of international peace. To speak to you freely, one reason why I sought to become a Member of the Senate was because it has so much larger a part in international relations, though we have tried here to do our best in that regard. I trust you may not be misled by the din of armies and by any pride about supremacy on the sea to adopt legislation which shall prevent us from taking that part we should as a peace-loving Nation and as one that deserves the support of other countries in assuming that leadership which we should enjoy. [Applause.]

The year is closing with two directly antagonistic facts in view, one the Briand and Kellogg treaties, which are more than a gesture. They are a declaration by more than 50 nations that war, as an instrument of policy, shall be condemned. I can not believe this declaration to be insincere or without the most salutary results. On the other hand, between two nations of South America there is a very bitter controversy. The whole framework of methods for conciliation and the avoidance of war is at stake in that controversy. Both countries are members of the League of Nations, and it is our earnest hope that the league will vindicate itself as an agency for peace in preventing armed collision between those two countries. Both are parties to treaties that promised, by conciliation, to avoid the outbreak of war. If in spite of these two facts war should break out, the question will be agitated the world over: Are your treaties for commissions of inquiry and are your memberships in the League of Nations any guaranty against nations flying at each other's throats and engaging in war, or is it true in the case of these two countries that they are less advanced in civilization and in the factors which make for world comity and for peace? We ask that question with the utmost deference.

I have sought to maintain here a rational economy. I have opposed extravagant measures. We must, on the other hand, realize that this is a great and expanding country, that the activities of the Federal Government are gaining larger volume year by year, and while public expenditures should be watched with the utmost care, it is only the most sanguine who can expect that their volume will be decreased.

I do not wish to detain you too long. I wish this parting to be without formality. I do not wish that anyone should feel called upon to respond to my remarks. I will only say good bye. I can not say farewell to many lifelong friendships, so large a number of pleasant associations. I shall hope to linger near you in the years of my life that are to follow. I shall make a constant study of your transactions. I hope at times to come in among you and see what you are doing. Health, happiness, prosperity to you all, every one.

I can not omit to state that the good will which has been manifested for me has been irrespective of party, irrespective of locality.

It is a wonderful responsibility you have to America and to the world. May your deliberations be with dignity, with the avoidance of petty squabbles or personal recrimination, with temperance in language used regarding those outside of this body, for these characteristics are worthy of a great body like this.

The future of our country, which we hope will be far better than the past, rests very much in your hands. Face this responsibility, I pray you, with courage, with wisdom, and while I would not decry partisanship, let not bitter partisanship be the motive which actuates any of you. It is with the highest hopes that I utter these words, with the hope that in the future this great House of Representatives may be worthy of its traditions in the past, that as I think of those who have gone before I am not like one speaking to a banquet hall deserted, but worthy successors are coming with each successive election, that those upon whose brow rests the dew of youth will gather with those of maturer age in the making of this House what it should be, a great factor for human betterment, for human progress, for equality of opportunity, for constant addition to the advancement and the glory of our own United States, which we have promised to serve. [Prolonged applause, all Members rising.]

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from California [Mr. SWING] for 30 minutes.

BOULDER DAM GIVEN FAVORABLE REPORT BY SIBERT BOARD OF ENGINEERS

Mr. SWING. Mr. Speaker and gentlemen of the House, opponents of the Boulder Dam project in this body, and in another body, profess great satisfaction with the recent report of

the board of engineers appointed under an act of Congress to investigate and report on this project. The contention of these people seems to be that the report of this board substantiates in every particular the contentions made against this project, and necessitates a scrapping of the pending legislation authorizing the project. Nothing could be further from the truth.

The report of the board resolves all major engineering disputes in favor of the Boulder Dam project. Practically every one of the controverted issues which were raised last session have been answered in favor of the proponents. I agree with the editorial comment of the Engineering News-Record of December 13, 1928, in which they say:

Public service of unusually high type is reflected in the report of the engineering board of review on the Boulder Dam project. Responding fully, sanely, and unequivocally to the queries placed before it, the report answers the major doubts with which Congress and the general citizen were disturbed last spring in the discussion of this contentious issue.

The Engineering News-Record holds, which I think is true, that "the board takes an extreme attitude of conservatism," although "this," it says, "can not reasonably be criticized, in a work of such character and magnitude."

The editorial then proceeds to list the answers which the report gives to the "major doubts" raised in the last session of Congress, as follows:

First. It declares that the proposed 550-foot dam is feasible, is capable of being safely and readily built.

Second. It finds that the project will be effective to carry out the specific combination of purposes for which it was devised—namely, flood control, silt removal, flow equalization for most efficient water supply, and power generation.

Third. It concludes that the canal into Imperial Valley can be built and maintained successfully, contrary to what has been claimed by many critics.

Fourth. It holds that the power by-product of the dam is needed and is valuable, and the project will pay, after due deduction (which, as we understand the last proceedings, has previously been contemplated) of flood-protection charges and the cost of the Imperial Valley canal.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. Let me first finish my statement, and then if I have any time I will be pleased to yield.

ENGINEERING BOARD APPROVES BLACK CANYON SITE IN EVERY PARTICULAR

Many people assumed that because the engineering board recommended the Black Canyon site that this was something new and different from what had heretofore been advocated as the Boulder Dam project. Such is not the case. Boulder and Black Canyon sites are only about 20 miles apart, and a dam in either place, of the same height, will accomplish practically the same results and will store the same amount of water in the identical reservoir basin. Both sites were thoroughly investigated by the Reclamation Service, but Black Canyon was considered the better site by them. The Swing-Johnson bill authorizes the construction of the dam at either of the two sites.

The Sibert Board recommends the Black Canyon site. This site is named in the Swing-Johnson bill, and is the one that was recommended in the Weymouth report for the reason that a dam can be built at that site at a lower cost than at Boulder Canyon, because—

(a) The canyon is narrower.

(b) The rock in the foundations and abutments is better suited for a high dam.

(c) More storage will be created for a dam of the same height.

(d) It is nearer the railroad.

(e) There is a better location for the construction plant, and so forth.

In approving the site the board made the following very favorable findings:

(a) The site is about 40 miles from Las Vegas, Nev., and the Union Pacific Railroad.

(b) The approach is comparatively easy to the vicinity and not particularly difficult to the site itself.

(c) A construction railroad from Las Vegas would pass near available gravel deposits and the best quarry sites lie immediately adjacent to the dam site on the line of approach.

(d) The terrain where the quarries, railway shops, and camps would be located is open, and its development into such use at reasonable cost is entirely practicable.

1. The rock gorge at this location is 110 to 127 feet below low water. The gorge at the dam site is 350 feet wide at the low-water line and 880 feet wide at the crest of the dam.

2. The foundation is a * * * tough, durable mass of rock standing with remarkably steep walls * * *. The whole rock mass is essentially impervious.

3. It is an almost ideal rock for tunneling, is satisfactory in every essential, and is suitable for use in construction.

4. The associated rock formations at higher levels, more advantageously situated for development for construction uses * * * are of excellent quality for that purpose. Near by there are deposits of angular gravels that have been proven by test to be suitable for use in construction.

5. There is no doubt whatever but that the rock formations of this site are competent to carry safely the heavy load and abutment thrusts contemplated. It is well adapted to making a tight seal and for opposing water seepage and circulation under and around the ends of the dam. It insures successful tunneling and, so far as the rock is concerned, the general safety and permanence of the proposed structures.

6. The board is of the opinion that the Black Canyon site is suitable for the proposed dam.

ENGINEERING BOARD NEGATIVES EARTHQUAKE DANGER

To many the most alarming and disturbing assertion made by our opponents the last session was that the proposed site was located in an earthquake area and that the dam might in this way be destroyed. This argument was urged following the failure of the St. Francis Dam, with the resultant disaster, although the St. Francis failed solely because of foundation weaknesses and not because of earthquakes.

The gentleman from Arizona in his address to the House last session said:

It has been stated by reputable engineers that Boulder Canyon is in an earthquake area. Two months ago there was an article in the Literary Digest showing the location of seismic disturbances throughout the world, and there was a large black dot over Boulder Canyon. (CONGRESSIONAL RECORD, May 23, p. 9860.)

This same gentleman in his minority views went even further in urging this supposed danger. On page 6 of his report he declares:

General Goethals testified that in a mass of masonry as large as the proposed Boulder Dam stresses and strains heretofore unknown would probably develop. Boulder Canyon Dam may fail because of such stresses and strains. The location of the dam site has been said to be in an area in which earth tremors occur. In the southwestern desert I personally have seen cracks in the earth many feet wide, caused by seismic disturbances. Should there during the course of years be such a disturbance in Boulder Canyon the dam will fail.

First, let me point out that my friend from Arizona was in error in his reference to General Goethals's testimony. General Goethals was before the committee in support of the proposal of Mr. W. G. Clark, to build a rock-filled dam 1,155 feet above bedrock at Boulder Canyon. His reference to unknown stresses was in connection with this proposed colossal height of dam and not in connection with the 550-foot dam proposed in my bill. Furthermore, General Goethals distinctly stated that the site was suitable for a masonry or concrete dam of the height proposed by us for Boulder Canyon. His testimony is found at page 747 of the 1924 hearings, as follows:

Mr. HAYDEN. Are you convinced that the danger from earthquakes is so serious that a rigid masonry type of dam should not be adopted at that site?

General GOETHALS. No. As between the masonry dam and the concrete, or the filled dam, going to that height, I would rather put in a rock-filled dam; that is all.

Mr. HAYDEN. And any type of dam if properly constructed would be a safe dam at Boulder Canyon?

General GOETHALS. I think so.

It thus appears that General Goethals did not support the contention of the opponents that the dam might fail because of stresses and strains or that it might be destroyed by earthquakes.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. SWING. I will.

Mr. DOUGLAS of Arizona. Will not the gentleman state to the House that in speaking of earthquakes on the floor of the House I said that the dam could be designed to withstand earthquake shock, but that the dam as designed by the Reclamation Service for a maximum of 40 tons was not safe?

Mr. SWING. Whatever the gentleman says that he said I will agree to.

Mr. DOUGLAS of Arizona. Does not the gentleman think it should be said that the Sibert Board recommended the dam designed for a maximum stress of 30 tons per square foot?

Mr. SWING. I am talking about earthquakes. The gentleman led the House to believe that there was great danger from earthquake.

Speaking before this House in support of my bill, I asserted there was—

no evidence of earthquakes in the vicinity.

I said:

True, there have been found some old faults in the surface of the earth near Boulder Dam site, but all the evidence, according to Doctor Ransome, "indicate some measure of antiquity." There has not been, he says, any movement along these faults since civilized man inhabitated North America.

Now, on this issue raised between my friend from Arizona and myself, what did the Sibert Board find the facts to be? They found that there was no danger whatever from earthquakes. In this they confirmed the positive views of Doctor Ransome contained in the Weymouth report.

The board of engineers reported:

In former geologic times this district was subjected repeatedly to volcanism and deformation. These events must have been accompanied by earthquakes. Such evidence as there is, both to be observed in the field and to be gathered from records, indicates that these geological activities ceased long ago and that the region has been virtually undisturbed for a very long time. The district is recognized as having comparative freedom from present-day earth movements.

The foundation is a volcanic breccia or tuff, originally an accumulation of fragments of many kinds derived from volcanic eruptions and now transformed into a well cemented, tough, durable mass of rock, standing with remarkably steep walls and resisting the attack of weather and erosion exceptionally well. The whole rock mass is essentially impervious.

The rock formation * * * is satisfactory in every essential.

And again:

There is no doubt whatever but that the rock formations of this site are competent to carry safely the heavy load and abutment thrusts contemplated. It is well adapted to making a tight seal and for opposing water seepage and circulation under and around the ends of the dam. It insures * * * so far as the rock is concerned, the general safety and permanence of the proposed structures.

I do not know what more could be said to more fully demolish the arguments of the opponents relative to the unsuitability of the site for a high dam. The board concludes with this final positive and all-embracing declaration:

The board is of the opinion that it is feasible from an engineering standpoint to build a dam across the Colorado River at Black Canyon that will safely impound water to an elevation of 550 feet above low water.

And—

A dam of 550 feet above low water, across the Colorado River at Black Canyon, impounding 26,000,000 acre-feet of water, will be adequate, in the opinion of the board, to so regulate the flow of the lower Colorado as to control ordinary floods, to improve the present navigation possibilities, and to store and deliver the available water for reclamation of public lands and for other beneficial uses within the United States.

ADDITIONAL FAVORABLE FINDING

The Sibert Board has cleared up a number of additional controversial questions which have clouded the main issue. They knocked into a cocked hat the bugabooed argument which has been bandied about for the past eight years about the quantity of salt in the reservoir which it was alleged would destroy the value of the water for irrigation and domestic purposes. The board finds that—

the actual salt content will not be increased to an injurious amount even in the beginning, and that in a comparatively short time * * * the salt content of the river waters will be reduced to about the present amount.

Of course, the present waters are the domestic supply of more than 100,000 people and is the source of the fertility of the Imperial and Yuma Valleys.

The board also settles the controversy that the dam will not desilt the river below it. It was asserted by the gentleman from Arizona [Mr. DOUGLAS], and by the gentleman from Utah [Mr. LEATHERWOOD], that the reservoir would not desilt, and that may be forever the water below would be so filled with silt that the benefits we have claimed for it, to wit, the removing of silt as a flood menace, because the silt now builds up the lower bed of the river and tends to make overflow possible, and if any quantity of silt is in the water it will make it bad for domestic uses.

Mr. DOUGLAS of Arizona. Will not the gentleman in fairness eliminate the word "forever" and say for a period of years?

Mr. SWING. The gentleman from Utah made the statement in his report—

the silt problem would not be solved for a period of many years, probably from 20 to 100, if indeed it is ever solved by this dam.

The silt problem is important, because, first, silt builds up the bed of the river in the lower basin and thereby adds directly to the flood menace. Silt also chokes up the channels, ditches, and latterals in all of the irrigation systems and makes the agricultural industry that much more difficult. Also any considerable quantity of silt in the water would of course depreciate its value for domestic uses.

However, the board makes a definite favorable finding upon this controversy. They say:

When the dam is built and clear water issues from the reservoir a new load of silt will be picked up along its course through these deposits. In the beginning this load is certain to be about as heavy as it is normally present. But, * * * a tendency of silt stabilization will follow as the river becomes very deeply entrenched and develops a paved bed. As soon as this stage is reached * * * silt conditions will have improved. This improvement is certain to continue with time * * * we believe that marked improvement will be shown within the first 10 years.

With reference to the amount of silt that will flow into the reservoir the board again took an "ultraconservative" position. They assumed the maximum quantity of silt that has ever been estimated for that point on the river, to wit, 137,000 acre-feet per year. The Reclamation Service has estimated the silt content of the river for a great many years. The Imperial Irrigation Service also has carried on studies of the same subject for over 10 years. The estimates of the Reclamation Service and the Imperial Irrigation Service are that the silt content at the Boulder Dam will not exceed on the average 88,000 acre-feet of silt per year. But, even on the basis of the board's estimate, they find that it will take 190 years to fill the reservoir. If there are any additional reservoirs built upstream in the intervening time, of course each additional reservoir would divide the silt burden with the Boulder Dam.

BOARD'S FINDINGS FAVORABLE ON THE SUBJECT OF THE ALL-AMERICAN CANAL

The board makes a definite, positive, and affirmative finding, as follows:

Although it is clear that difficulties are presented by the drifting sands, it is the opinion of the board that it is feasible to construct, maintain, and successfully operate the canal. The overcoming of these difficulties will affect the cost, which has been allowed for in the estimates. The board believes that the canal should be lined with concrete throughout the sand-dune region and should be given a slope sufficient to carry the inflowing sand to a suitable place for deposit and removal.

For this change the board adds $7,500,000 to the original estimated cost of the canal of $31,000,000. However, the board evidently overlooked the study of this same problem in the report of the all-American canal board, which went into the matter very thoroughly and in great detail several years ago. The board designed and estimated a concrete-lined canal throughout the sand-dune region and found that when this was done it would permit of a smaller cross section of the canal and that the cost in either instance would be about the same. The all-American canal board reported that the excavation of about 6,000,000 cubic yards would be saved by this construction, but the saving in cost from this reduction in yardage would be about offset by the cost of the concrete lining.

SUGGESTED CHANGES IN ENGINEERING PLANS

The opponents of this project hail the suggestion of the Seibert Board for certain changes in the Weymouth engineering plans as proof of their contention that there had been inadequate engineering to warrant Congress authorizing the project.

It was never contended that the Weymouth report constituted working plans and specifications on which a contract could be instantly let. His report was just what it purported to be, a report on a proposed project regarding its feasibility, practicability, and an estimate of its cost. Mr. Weymouth himself stated in the report that further studies would be necessary, which would no doubt suggest changes and improvements in the proposed plans. My bill, by an amendment inserted by myself, provided that before the work authorized should be undertaken the proposal should be reviewed by a board of eminent engineers. This is what the Secretary of the Interior would have done, anyway. This is exactly what he did in the case of the San Carlos or Coolidge Dam. It is his practice in the case of all important dams. It has never been the practice, however, that working plans and specifications should be prepared in advance of an authorization by Congress. What I said on this point to the House when my bill was under discussion was that—

the Weymouth report * * * is the most complete and exhaustive study ever made of any project in advance of its authorization by Congress. Certainly the engineering data is more complete than that for the Mississippi flood works recently authorized.

I stand on that statement to-day, and do not feel that there is any occasion to apologize for what I said regarding the Weymouth report.

It should be noted that the Sibert Board does not criticize the Weymouth plans for the Boulder Dam. Nowhere did they say that a dam such as he proposed could not be built or would be unsafe after it was built. What they did say is that in order to be conservative, yea, "ultraconservative"—that is their word—the foundations should be lengthened and additions made to the amount of cement put into the structure. This, of course, adds substantially to the cost of the work.

The board also suggests providing by-pass tunnels for the diversion of the water, with a capacity of 200,000 cubic feet per second instead of the 100,000 feet proposed in the Weymouth report. This adds $7,500,000 to the estimate.

And, again, to be "ultraconservative" the board suggests a higher unit price for all the work at the dam above the estimate determined by the Reclamation Service, based on actual bids for similar kinds of work.

I do not mean to criticize the action of the board of engineers. I, myself, desire the dam to be made as strong and safe as possible. Whether or not these additions are necessary to insure safety is a matter for the engineers to determine. There will, of course, have to be further studies, because there are not, even now, working plans and specifications on which a contract can be let. The final study will determine how much of this board's recommendations ought to be adopted.

In this connection, I quote A. P. Davis, former president of the American Society of Engineers, and former Chief Engineer and Director of the Reclamation Service, on the question of methods of construction to be used at Boulder Dam, and probable unit prices. He says:

The details of the suggested methods for diverting the river and unwatering the dam site are given in far greater detail in the Weymouth report than is usual in such reports. They were never intended as final, nor as more than suggestive of a basis for judging the feasibility and estimating the cost of such diversion. That is a problem ordinarily solved by the construction engineer or contractor who undertakes the work. Such temporary works usually involve some financial hazard, and the unit estimates are made high enough to cover the contingency of ill fortune. This was the program suggested in the Weymouth report.

If it be decided to increase the size of the tunnels and their number sufficiently to eliminate this risk the large allowance for contingencies to cover that risk becomes unnecessary. The heavy expenditure becomes certain instead of an improbable contingency. In this case, if the cost and number of diversion tunnels be increased, as recommended by the board, then the unit prices for the dam proper should be decreased accordingly.

The estimates of the Weymouth report are $7 per cubic yard for concrete. Six bids on the San Gabriel Dam, also a large concrete structure, awarded in November, 1928, showed prices of mass concrete, including everything except cement, ranging from $2.19 to $2.60 per cubic yard, averaging $2.365 per cubic yard. Adding the cost of cement will leave the total cost less than $5 per cubic yard for the concrete.

The Pardee Dam, a large gravity dam now under construction in the canyon of Mokelumne River, is being built at a cost of $5.85 per cubic yard, including everything.

It is reasonable to estimate that the concrete in Boulder Dam can be placed for about $6 per cubic yard, or less, if river control is separately provided for. This will largely offset the cost of the extra diversion works, recommended by the board.

Mr. COOPER of Wisconsin. Is that the Sibert Board?

Mr. SWING. The Sibert Board.

Permit me, also, to quote the comment of Mr. F. E. Weymouth, who is generally admitted to be the best construction engineer the Government ever had, and who built under the cost estimates, what was at the time, the highest dam in the world, the Arrowrock Dam. Regarding the changes in plans for the diversion of water while putting in the foundation, he says:

Many factors should be considered before making any definite decision regarding the type and size of the diversion works, such as the size and frequency of floods, the time required to unwater, excavate, and prepare the foundations, and the time required to build with concrete the permanent upper and lower cofferdams. The expenditures justified for the diversion works must be determined after careful consideration of the above factors. If there is a real probability of being able to unwater, excavate, and prepare the foundations and put in the upper and lower permanent cofferdams between floods, there is no justification for spending money for diversion works that will carry all yearly floods the highest of which occur each June and July. I contend that there is ample time to put in the above between floods and therefore believe there is no justification for building temporary diversion works to carry 200,000 second-feet as recommended by the board.

I believe that it is advisable to be conservative in this matter. I therefore suggested to the board on November 6, 1928, that it would be well to provide for temporary diversion works for 150,000 second-feet, but not more. The reason for not going above 150,000 second-feet is due to the fact that only two floods have exceeded that amount since records have been kept on the river.

In connection with this last statement, permit me to add that those two floods both happened in the year 1920. As to the increase in cost estimates, Mr. Weymouth says:

There would be some extra costs due to the increased diversion suggested, but this extra cost would be more than offset by the saving in the improvement in dam design that can be made and in the cost of placing the concrete in the dam. In my 1924 report $7 was allowed per cubic yard for concrete. This cost can easily be cut to $6 per cubic yard. Recent contracts made by the United States Bureau of Reclamation for the Owyhee Dam and by the county of Los Angeles for the San Gabriel Dam and by others justify the above statements.

ENGINEERING BOARD RECOMMENDS REDUCTION OF PRESSURE PER SQUARE FOOT BELOW PRESENT PRACTICE

The Sibert Board recommends that pressures be reduced in the proposed dam from 40 tons per square foot, as designed, to 30 tons, because the board seems to be of the opinion that 30 tons is as high a pressure as is allowable in the best practice. This opinion is not supported by recent engineering work in dam design, as shown by the following list:

List of pressures on foundations of dams designed or in service

Dam	Type	Material	Height	Pressure in tons
San Gabriel, Calif.[1]	Curved gravity	Concrete	492.5	40.8
Owyhee, Oreg.[1]	do	do	405	44.0
Arrowrock, Idaho	do	Rubble concrete	351	38.4
Exchequer, Calif.	do	Concrete	325	38.2
Horse Mesa, Ariz.	Constant angle arch.	do	305	46.8
Roosevelt, Ariz.	Curved gravity	Masonry	260	34.9
Coolidge, Ariz.	Multiple dome	Concrete	250	42.3
Pardee, Calif.[1]	Curved gravity	do	357	40.0
Melones, Calif.	do	do	210	37.8
Calles, Mexico	Constant single arch.	do	218	52.0
Big Bear Valley, Calif.	Arch	Masonry	64	60.1
Stevenson Creek, Calif.	do	Concrete	60	72.5

[1] Under construction.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. SWING. Please let me finish.

Mr. DOUGLAS of Arizona. The gentleman is repudiating the Sibert report.

Mr. SWING. I can not yield.

The designs for the Exchequer, 38.2 tons; Melones, 37.8; Pardee, 40; and the San Gabriel, 40.8, have been approved by the Federal Power Commission.

The Arrowrock Dam in Idaho was completed in 1915, and the reservoir has been filled every year since that date. The list shows that the practice during the past 15 years is to design high dams for pressures of 40 tons or more. None of them have shown any damage from such pressures.

The design of the Arrowrock, Owyhee, Exchequer, and Coolidge Dams was approved by Mr. A. J. Wiley, recognized by the engineering profession as being the foremost authority on high-dam designs in the world to-day. He has recently returned from India, where he went to advise British engineers on the design of dams over 500 feet high.

The San Gabriel Dam, now under construction near the city of Los Angeles, above a densely populated area, will be the highest dam in the world when finished—492.5 feet—and requires more concrete than the proposed Black Canyon Dam.

That dam has been designed with a pressure on the foundation of 40.8 tons. This design was approved by J. B. Lippincott and D. C. Henry, both of them engineers of international as well as national reputation in connection with dam design.

It is true that there has been a progressive increase in recent years in the pressures allowed in the concrete foundations of important structures, but this has not been due to a corresponding reduction in safety requirements. It is due mainly to improvements in quality and strength of concrete made possible by progress in scientific knowledge, and consequent improvements in methods and materials of manufacture. Due to finer grinding, greater uniformity, and other improvements, the quality of cement has gradually improved in the past 20 years. Due to extensive researches by Abrams and others in proportions and methods of mixing, and especially in the quantity of water used, much stronger concrete can be made with given materials than was the practice 10 years ago. Mathematical researches of Cain and others have made computed stresses more certain.

All this progress has been fruitful of results in rendering possible the construction of large works both safer and cheaper than formerly. This accounts for the recent increases in pressures allowed by the most experienced designers of high masonry dams, as shown in the preceding table.

This action is abundantly justified by current tests made during the progress of the work. For example, the concrete placed in the Pardee Dam, now under construction, shows crushing tests on 8-inch cylinders averaging over 180 tons per square foot. In larger masses its resistance would be much higher.

Should it finally be decided to build the dam with only 30 tons pressure on the foundation, as recommended by the board, instead of 40 tons as recommended in the Weymouth report, although 40 tons is well within modern practice, as shown by the many dams now in use with a greater pressure than 40 tons, the cost of the extra concrete and extra excavation could not exceed $7,000,000.

The extra tunnels recommended by the board to increase the diversion capacity from 100,000 second-feet to 200,000 second-feet could not cost more than $7,000,000, making an extra cost of $14,000,000 for these two features. If this extra cost is added to the $41,500,000 in the Weymouth estimate for the dam, an amount that Lynn Atkinson guarantees to build the dam for, the total cost of the dam would then be $55,500,000, instead of the $70,600,000 given in the board report.

At this point permit me to read the telegram of Mr. Lynn Atkinson:

GLOBE, ARIZ., *December 4, 1928.*

Hon. HIRAM JOHNSON,

United States Senator, Washington, D. C.:

Anticipating early passage of Boulder Dam legislation and construction, myself and associates have carefully studied details of Weymouth report and plans, data, and estimates of cost relating to Boulder Canyon Dam construction. Our independent analysis of the cost of constructing of Boulder Dam indicates that the engineers' estimate of cost as set forth in Weymouth report is adequate, and I assure you that myself and associates are prepared to submit a bid and enter into a firm contract covering the construction of the Boulder Canyon Dam as designed and specified in Weymouth report for less than the engineers' estimate as set forth therein. Due to probability of our bidding against other construction companies for this work, it is evident that we would not be justified in revealing our net estimate of cost at this time, and I simply say to you that the engineers' estimate is adequate and that we are prepared to submit a guaranteed bid for this construction work when bids are requested for less than the estimates set forth in the Weymouth report. Boulder Canyon Dam is a rather large project, but not particularly difficult, as gravity dams represent simply mass construction. Weymouth estimate was made several years ago, when prices were higher and labor efficiency lower. Construction methods have been improved upon since Weymouth's estimate was made, and we are constantly lowering our costs by improved methods. We would not adopt exactly the construction methods outlined in Weymouth's report, but our methods of equipment and operation and river control would result in lower costs. Myself and associates are just completing two of the largest dams, and we are thoroughly familiar with costs in both Arizona and California, where we have operated for years.

We are just completing construction of Coolidge Dam for United States Government. This contract was awarded to us less than the engineers' estimate against eight other bidders. Coolidge Dam is located on Gila River in desert locality in southeastern Arizona at a point where floods of over 90,000 second-feet have occurred. Gila River is very comparable to Colorado. We have handled river-control situation here without difficulty and completed contract considerably in advance of contract requirement established by Government engineers. We are also completing largest gravity dam built to date for city of Oakland in northern California on Mokelumne River, almost 400 feet high, known as Pardee or Lancha Plana Dam. Our bid for this work was considerably under engineers' estimate, and I secured contract against four other bidders; and we will complete Pardee Dam in less than two years, as compared with engineers' estimate and contract requirement of five years or over three years ahead of time. No difficulty with river control in spite of fact that we completed foundation work during winter flood season to expedite construction against maximum flow of over 30,000 second-feet. Satisfactory profit being made on this work. Our bids on this work were guaranteed by cash and our contracts guaranteed by corporate surety bond guaranteeing our undertakings to full value of contract price. We perform only public-works contracts and anticipate furnishing 100 per cent bonds to guarantee all of our undertakings as required by law. Working conditions in Arizona are not difficult and we are paying same wages in Arizona as in California, and in some instances less. Coolidge Dam is second dam I have built in Arizona and we are familiar with working conditions.

I recently bid on $25,000,000 San Gabriel Dam in California and was low bidder on two alternates although fourth bidder on basis on which job was awarded. Competition on San Gabriel contract on which six bids were received would indicate other firms are figuring lower costs than we do. As a piece of construction Boulder Canyon Dam presents no particularly difficult phases. Engineers' estimate of time of construction is ample. Believe we could build it in less than five years. Should not require over two years to complete foundation work and river control and pouring of concrete in superstructure would require less than two years to complete. We have poured over 60,000 yards of concrete per month in Pardee Dam with relatively small equipment and the plant we have designed for Boulder would be capable of placing over 200,000 yards of concrete per month. Telegram was received by me at Coolidge Dam site in Arizona and full details not at hand, but can advise further upon request.

LYNN ATKINSON,
Coolidge Dam Site.

It is believed that the board's estimate for the power plant and all-American canal is too high in about the same proportion.

COST OF POWER

It was asserted last session that recent improvements in steam turbine and other generating machinery have so reduced the cost of steam power when generated by large units as to make it lower than the estimated cost of hydroelectric power produced by the proposed Boulder Canyon Dam. These claims have been urged partly on the ground of low fuel costs in southern California where oil is abundant. Recent investigations, however, have disproved this claim.

In the Electrical World for October 27, 1928, is given the results of detailed investigations into 16 of the largest modern steam plants in the country. The following table—Table 1—condensed from the Electrical World, shows the total cost per kilowatt-hour of power generated in each of these 16 stations, from which it will be seen that the average cost in practice is 0.853 cent per kilowatt-hour, which is nearly double the cost of delivering the electric current from Boulder Canyon Dam to the cities of southwestern California. Even the cheapest of these shown in the table is substantially higher than the cost of Boulder Canyon power. The first plant in the list is the one that would be most directly in competition with Boulder Canyon power, and shows a cost nearly three times as great as the estimated cost of that power delivered to the same metropolis:

Summary of cost data on representative power stations

Capacity, kilovolt amperes	Number of generators	Dollars per kilovolt ampere			Cents per kilowatt-hour		Tota
		Station	Building	Equipment	Fixed charge	Total production	
+100,000	3	100	27	71	0.89	0.38	1.27
−50,000	1	128	25	71	.366	.382	.748
−100,000	2	85			.146	.366	.512
−100,000	2	142	39	101	.476	.275	.751
+100,000	3	132	21	71	.424	.227	.651
−100,000	2	130	38	90	.592	.421	1.013
+250,000	4	127	52	71	.436	.478	.914
+200,000	5	121			.613	.343	.956
+300,000	5	81	21	55	.431	.319	.750
+100,000	2	115	43	70	.458	.216	.674
−50,000	1	106.50	26	63	.576	.35	.926
−50,000	2					.417	
−100,000	2	81	19	46	.341	.337	.678
+50,000	2	110	22	53	.52	.37	.89
−100,000	3	112	30	80	.768	.546	1,314
+100,000	2	144	56	59	.442	.310	.752

Average cost per kilowatt-hour, 0.853 cent.

In this connection permit me to read a telegram from Lester S. Ready, one of the leading authorities on the Pacific coast, on this subject:

The value of electric power in southern California, determined by the cost of power from other sources, particularly steam power, would equal $8,265,000, for 3,600,000,000 kilowatt-hours of annual production, at 55 per cent load factor at Boulder Canyon switchboard, of proposed 1,000,000 horsepower plant. Based on the Colorado River board estimate, with interest during construction, approximating $122,000,000 for dam and power plant, the total annual cost for interest, amortization, operation, and depreciation, would equal approximately $7,255,000, assuming amortization during 41 years. This shows leeway of approximately $1,000,000 annually during amortization period, and nine years prior to the amortization period, for power absorption, which estimates show could be accomplished in approximately four years, by retarding other power developments in anticipation of Boulder power. The revenue from water for domestic purposes would add to the $1,000,000 leeway. Future possible and probably increase in price of fuel oil over $1 per barrel, considered herein, would further increase the leeway in the future. It should be noted, also, that hydroelectric power plant

installation costs on Pacific slope is thoroughly well established, and show previous estimate of $31,500,000, without interest during construction, ample for power plant and that increasing this to $38,000,000 appears entirely unnecessary.

LESTER S. READY,
Consulting Engineer for State Railroad Commission, formerly Chief Engineer of State Railroad Commission.

Referring to Mr. Ready's telegram in reference to Black Canyon power:

The $8,265,000 mentioned is the value of power on the switchboard of the Black Canyon Power Plant—that is, the value of the 3,600,000,000 kilowatt-hours at 2.3 mills. This power is worth around 4.3 mills in Los Angeles. The cost of transmitting the power from Black Canyon to Los Angeles has been deducted from the value at Los Angeles. The price of 2.3 mills is very low. It is very conservative. The Reclamation Service had assumed a price of 3 mills.

The $122,000,000 capital charge is made up as follows:

Cost of dam and reservoir	$70,600,000
Cost of power plant	38,200,000
Interest on the two above items during construction	13,200,000
Total	122,000,000

The cost of producing power, based on the engineer board's estimate, would be approximately $7,250,000. This amount is arrived at as follows:

4 per cent interest on $122,000,000 capital cost equals	$4,880,000
1 per cent amortization on the whole investment of $122,000,000	1,220,000
Operation and maintenance	700,000
Depreciation on the power plant, costing $31,500,000, at 1 per cent	315,000
Total	7,115,000
Mr. Ready seems to have added for good measure	135,000
Mr. Ready's total	7,250,000

Mr. Ready assumes that a period of nine years will accrue before all the power can be sold. This is very conservative. Other well-informed authorities estimate that all the power can be absorbed in five years at the most.

There is a difference of over $1,000,000 in the cost of production, namely, $7,250,000, and the sale value of the power, namely, $8,265,000, which makes the whole proposition very conservative. Also there will be some additional annual increase from the sale of domestic water.

Mr. Ready is of the opinion that the board estimate of $38,200,000 for the power plant is too high and that the Weymouth estimate of $31,500,000 is sufficient.

But even if the dam and power plant cost all that the board has estimated, both will be paid for in 41 years with power sold at 2.3 mills.

WATER SUPPLY IS UNDERESTIMATED BY BOARD

The board has expressed the opinion that "the results of Yuma gaugings are at least 10 per cent too high." No reason is given for this opinion except that the methods used in gauging in the early part of the record are less accurate than those later developed and now in use on the Colorado. Some of the improvements in methods of measurement tend to secure larger discharge, but some tend to secure smaller.

The tendency in general is for the errors of the early measurements in the long run to balance each other. The recent methods employed at Lees Ferry and Yuma, since 1921, together with a comparison of the Yuma record of former years with Lees Ferry discharges estimated—in the absence of actual measurements at that point—from upstream gauging stations, indicate that in general the results formerly obtained at Yuma are not too high. In a few years of extremely high discharge they appear somewhat high, and in years of extremely low discharge, too low. If this indication is a correct guide—and it is the best we have—the water conditions are more favorable to power development than those used by the Reclamation Service in the Weymouth report; just the reverse of the conclusions of the Sibert Board.

The board apprehends a cycle of lower flow of the Colorado River than that represented by the 26-year record now available, although this record includes two low stages of the river which are the lowest ever known.

In the spirit of extreme conservatism that is manifest throughout the report, the board concludes that the flow at Black Canyon under the present development is as follows:

	Acre-feet
Average low flow for a period of 15–20 years	10,000,000
Average high flow for a similar period	14,500,000
Average of high and low periods	12,250,000

This average added to the amount now consumed for irrigation in the upper basin, increases it to 15,000,000 acre-feet, the amount apportioned by the Colorado River compact—so that this is not affected.

Even this extreme conclusion, which is about 25 per cent lower than the indications of 26 years' measurement, does not impair the power output, estimated at 550,000 continuous horsepower, which requires only an average of less than 10,000,000 acre-feet of water, which is the average the board adopts for its mythical "low period."

On page 10 of the printed report the Sibert Board marshals the testimony on which it bases its pessimistic conclusions regarding water supply. This consists of nine estimates and averages in and near the basin. Every one of these nine comparisons indicates that the period from 1900 to 1905 was the driest ever known. This period was included in the table, No. 6, on page 5, of Senate Document No. 142, on which the plans for Boulder Dam were based, and so far as this evidence indicates anything it indicates that the period used by the Weymouth report was low and that more abundant supplies may be expected for the future. This is the opinion of such men as Davis, Weymouth, Debler, and others who have given years to the study of the water supply of the Colorado River.

The board, however, in addition to its extreme assumptions of low water, adds another assumption by concluding that rapid irrigation development is to be expected in the upper basin.

This expectation is unwarranted, because the physical and economic conditions are unfavorable for a rapid development in the upper basin. This fact is frankly recognized by people of the upper States, and was the chief reason for their desire to have a compact for the division of water, to protect their water rights for the future, instead of depending on the establishment of their rights by beneficial use, which is sure to be slow.

The board appears to have entirely overlooked the fact that the conditions of extreme drought they have assumed as possible would cause an acute shortage of water in the irrigated upper valleys now developed, and to be developed (the supplies of which are predicated on the records of the past 40 years), and in case of the hypothetical drought more severe and prolonged than any heretofore known, the tributary streams could not possibly furnish for irrigation the amount of water they furnish in normal years, and the subtraction from the flow of the river would be much less than assumed by the board. The shortage would thus be distributed throughout the basin, instead of being concentrated in the lower basin as assumed by the board.

Former Director of the Reclamation Service, Mr. A. P. Davis, believes that even on the extreme conditions of drought assumed by the board, there would be considerable surplus water at all times above that necessary for 550,000 horsepower, and even assuming the coincidence of the hypothetical drought with upstream development, there would be no power shortage, and at all other times there would be large surplus of water.

It should be remembered that the greater the probability of extreme and prolonged drought the greater is the need of a large reservoir capacity to hold the floods of abundant years for use during the drought.

It is interesting to compare the findings of the Sibert Board of Engineers with the findings of another body, the Colorado River Commission, presided over by Herbert Hoover.

The Sibert Board was appointed primarily for the purpose of passing upon engineering plans and were concerned with the quantity of water involved only as an incident to the question of the economic soundness of the project. On the other hand, the Hoover commission was appointed for the express purpose of ascertaining the amount of water which the river produced, because their purpose was to divide the water, and before they could divide it they had to ascertain how much there was to divide. The Hoover commission was made up of the leading water authorities of the seven Colorado River Basin States. They spent a much longer time in their investigations than did the Sibert Board, and the conclusions the Hoover commission arrived at, as expressed by him, were set forth in the House hearings in 1923. Mr. Hoover there said:

The unapportioned surplus is estimated at from 4,000,000 to 6,000,000 acre-feet, but may be taken as approximately 5,000,000 acre-feet.

This shows that the "ultraconservative" findings of the Sibert Board will in all probability never be realized.

The board throughout its report adheres radically to its announced policy of being conservative, even to the extent of being "ultraconservative." I do not criticize this, but I believe Congress should appreciate the rather extreme limits to which the board has gone in order to be ultraconservative.

The board assumes for construction purposes there will be in the next few years the highest water in the river of which we have any record, and yet for revenue purposes the board assumes that we are now entering a cycle of extremely dry years. The board estimates the run-off of the river in the past

26 years at less than what the actual records show it to be, and then in discussing the possible power output assume the future will be less productive of water than what they say has been in the river during the past 26 years. They assume further that there will be "relatively rapid development" in the upper-basin States, and not only that the upper-basin States will use their allotted share" but, more, that the upper States may even violate the terms of the Colorado River compact in the quantity of water abstracted from the river. I have already pointed out that the board adds to the cost and quantity of tunnels for by-passing water during construction and adds to the quantity and unit price of cement, and yet in the face of it all they find with certain modifications of the financial plan that the dam and power plant will pay for itself within the time limit named in the bill.

The board has estimated the cost at $165,000,000, but that does not necessarily mean that it will actually cost that amount.

However, it has been deemed advisable to amend the bill to cover the board's figure, and that has been done in the Senate.

But, if we assume that the price of $165,000,000 for the dam and power plant is what these structures are to cost, how does this compare with the earnest assertions of the opponents of the project last session?

I find that the gentleman from Arizona, on page 32 of his report, told the House—

that at the expiration of 50 years the Federal Government will have in the Boulder Canyon project a net investment of $322,585,644.

But as his report proceeds his figures mount because, on page 37 of his report, he says:

Even if the cost of this project be correct the Federal Government can not be reimbursed for its expenditures. * * * The Federal Government at the expiration of the 50 years of amortization will have upon its hands instead of an amortized project one in which the total net investment will have amounted to over one-half billion dollars.

This is as far removed from the figure of $165,000,000 declared by the board to be ultraconservative as the sun is from the moon.

If, however, on final review it is determined by the engineers in charge of the actual construction that 150,000 cubic second-feet capacity for tunnels would be a reasonable provision for the diversion of water during the construction of the foundation, and if it should be found that 35 tons pressure per square foot is safe conservative practice, then the suggested increase of $40,000,000 to the cost of the project will have by those two items alone been cut into half. Further, if the unit price of the cost of production is taken to be that which is being actually bid and contracted for to-day instead of the ultraconservative high unit price assumed by the board, then the remaining 20,000,000 addition will again be cut approximately in two.

But if, as has been suggested by the Sibert Board, the cost of the all-American canal is charged wholly and directly against the lands benefited and this provision has already been made by amendment in the Senate, then, even assuming the Sibert Board estimate of the cost of dam and power plants, still the project will pay out well within the time limit named in the bill, as was shown by the Ready analysis of the board's figures.

Under our bill the communities interested in the Southwest will put up contracts for $165,000,000, if it costs that much, and every dollar of it will be paid back to the United States. [Applause.]

To show that the Reclamation Service estimates on dam construction have been reliable, I insert the following table.

ESTIMATES OF COST

The following table gives the actual costs and estimates of cost made by the Reclamation Service for all the dams built by that service over 50 feet high:

Estimated and actual costs for all Bureau of Reclamation dams 50 feet or more in height

Dam	Project	Maximum height (feet)	Estimated cost	Actual cost
Owyhee	Owyhee	405	$5,243,000	[1] $4,947,716
Arrowrock [2]	Boise	349	6,250,000	4,327,710
Shoshone	Shoshone	328	1,021,000	1,439,135
Elephant Rutte [2]	Rio Grande	306	5,600,000	5,004,216
Roosevelt	Salt River	280	[3] 3,750,000	3,890,187
Tieton [2]	Yakima	222	4,020,000	3,756,256
Pathfinder [2]	North Platte	218	[4] [5] 1,000,000	1,794,366

[1] Based on contract prices—construction recently started.
[2] Dam and reservoir.
[3] Estimate was for dam raising water surface 190 feet; after construction began, plans were changed and dam built for 220-foot raise of water surface.
[4] No detailed estimate found, but early board reports show $1,000,000 allowed for Pathfinder Reservoir.
[5] Increase partly due to the building of an additional outlet tunnel, and changes made in north tunnel, both together amounting to $641,000.

Estimated and actual costs for all Bureau of Reclamation dams 50 feet or more in height—Continued

Dam	Project	Maximum height (feet)	Estimated cost	Actual cost
Black Canyon	Boise	183	1,800,000	1,243,889
Gibson	Sun River	179	[6] 1,826,000	[7] 1,566,240
McKay	Umatilla	160	2,500,000	2,116,828
East Park	Orland	139	198,000	196,120
Sun River Diver	Sun River	132	145,000	149,366
Hubbart	Flathead	131	308,000	362,653
Echo	Salt Lake Basin	130	[8] 1,395,000	[7] 1,125,098
Lahontan	Newlands	124	1,425,000	1,324,782
Belle Fourche	Belle Fourche	122	1,040,000	[9] 1,259,515
Stony Gorge	Orland	120	[6] 610,000	[7] 518,904
Guernsey	North Platte	100	1,780,000	1,700,351
Cold Springs	Umatilla	98	358,000	[9] 443,665
Minidoka	Minidoka	86	430,000	[10] 509,683
Gerber	Klamath	85	341,000	336,241
Clear Creek	Yakima	84	108,000	[11] 136,187
Sherburne Lakes	Milk River	83	400,000	[12] 359,683
American Falls [3]	Minidoka	78	8,500,000	7,300,000
Willow Creek	Sun River	73		[13]
Strawberry	Strawberry	72	262,000	271,724
Upper Deer Flat	Boise	70	329,000	325,675
Heeehelus	Yakima	70	[14] 1,337,000	[15] 1,892,778
Willwood	Shoshone	70	362,000	352,948
Jackson Lake [16]	Minidoka	67	800,000	782,046
Conconully	Okanogan	67	254,000	[17] 283,175
Easton [18]	Yakima	65	[6] $271,000	[7] $231,947
Minatare	North Platte	63	599,000	522,538
Kachess [3]	Yakima	63	712,000	661,000
Lake McDonald	Flathead	57	242,000	234,085
McMillan	Carlsbad	55		[19]
Ralston	Shoshone	50		[20]
Avalon	Carlsbad	50	162,000	[21] 315,989
Total, 38			55,378,000	51,782,696

[2] Dam and reservoir.
[3] Estimate was for dam raising water surface 190 feet; after construction began, plans were changed and dam built for 220-foot raise of water surface.
[6] Dam now under construction. Figures represent engineer's estimate of cost of principal construction. Do not include gates, cement, or other accessories and materials furnished by the United States.
[7] Contract price.
[8] Failure of contractors delayed work two years, and this, together with additional construction of a gravel berm and installation of auxiliary valves, increased the estimated cost.
[9] Original estimate did not include item for general expense, amounting to $55,600.
[10] Subsequent improvements, not included in original plans, have brought the cost up to $625,841.
[11] Change in location of dam due to conditions revealed after construction began occasioned increase in excavation and concrete quantities.
[12] Dam only, exclusive of outlet works and spillway.
[13] Actual cost of present structure, $235,537. Original estimate, $536,000, but this was for a dam 40 feet higher than was finally constructed. No estimate found for lower dam.
[14] Modified by board report of Dec. 16, 1913, to $1,337,000.
[15] Difficulty of obtaining suitable material increased cost by $240,000. Other changes which greatly increased the original estimate were rip-rapping, inclusion of concrete cut-off wall, changes in tunnel scheme, increased excavation for spillway and heavier concrete lining, additional road construction and clearing and logging reservoir—the latter item alone costing $290,000.
[16] Enlargement of existing reservoir.
[17] Beginning of construction disclosed unsatisfactory foundation conditions and dam was relocated 3,300 feet upstream, involving increase in volume and extensive changes in plans for outlet work and spillway. Subsequent enlargement brings total cost to $324,734.
[18] Including section of main canal just below dam.
[19] Dam purchased from Pecos Irrigation Co., repaired and enlarged; no estimates found.
[20] Dam was part of Garland Division canal system and no separate estimate for the dam appears to have been made.
[21] Increase due to use of concrete core wall instead of sheet piling, two new tunnels to increase spillway capacity, and an additional spillway of reinforced concrete. These changes cost over $100,000.

This table shows that on an average these structures have been built substantially cheaper than the estimated cost. Particulars are given in the footnotes.

It should be remembered that always the estimates preceded the construction, and in most cases this interval was several years. Also that estimates were necessarily based on experience of previous years, so that the construction always followed from 5 to 10 years after the experience on which estimates were based. Any change in prices in this interval would influence the ratio of estimate and cost.

The trend of prices from 1896 to 1926, the period involved in the operations covered by the table, was decidedly upward, the prices for 1926 being more than double those for 1896. This general rise of prices sometimes involves costs far above those of previous years on which estimates were necessarily based, and this largely accounts for the cases in which the costs exceeded the estimates. The fact that in general and on the average they did not shows that as a rule such estimates were liberal.

THE "VESTRIS" DISASTER AND THE SHIPPING LAWS

The SPEAKER pro tempore. Under the order of the House the gentleman from New York [Mr. LAGUARDIA] will be recognized for 40 minutes.

Mr. LAGUARDIA. Mr. Speaker and gentlemen and ladies of the House, it is my purpose this morning to talk about our shipping laws. I want to call attention to the confused, antiquated, obsolete, and ineffective laws that govern our Steamboat Inspection Service and the laws under which the Government of the United States derives its jurisdiction and power to inspect steamers and protect the safety of passengers at sea. I will also touch on the question of the limitation of liability of shipowners granted to them under an archaic law which should have no place in our statutes. Unfortunately, it requires a great disaster, the loss of many lives, or a tragedy of some sort, to arouse public opinion and perhaps even to move legislators into a study of the situation and the need of reform. At any rate, we should at least profit by the experience of the past and as some unforeseen tragedy or disaster happens, see to it if it can in any way be prevented in the future. Members will remember the sinking of the *Titanic* with the loss of over a thousand lives.

Many will remember that following several investigations, some legislation, and changes in ship inspection, regulations followed. I am sure that disaster also spurred naval architects to study and bring about structural changes in the building of big ships. The steamer *Eastland*, which sank right at the dock in Chicago, was another instance which brought home the necessity of bringing our Steamboat Inspection Service up to date. In that case the service did change or improve its work and revise its regulations, and although many recommendations were made to Congress very little of anything was done in the way of enacting necessary legislation.

Now we come to the last tragedy of the sea, the sinking of the British steamer *Vestris*. No accident at sea has ever been more shocking. Not a child was saved. Large percentage of the women passengers were lost. The percentage of the crew who were saved is out of all proportions of the percentage of the passengers saved. From the information that we have to-day obtained from witnesses, some of them officers of the ship, I believe it is universally agreed, that the handling of the ship and the seamanship displayed was far short of even an average standing. It is not my purpose to-day to go into detail concerning the sinking of the *Vestris*. It is not my purpose to fix the blame. That is not our function. It is my purpose to take the *Vestris* as a ship, her rights under the law, the inspection to which she was submitted, and the laws under which such inspections were made as an example to show the necessity of a complete revision of our laws on this subject. Not only the necessity of the revision of the law but the necessity of prompt action, prompt action as soon as a thorough study of this involved and technical subject will permit.

The *Vestris* was an old-type ship with a very low factor of safety. Although it might have been known that she was not a safe ship, I do not believe that under the existing law it would have been possible for United States officials to prevent her in engaging in the passenger trade. It is apparent that the ship lacked stability. A great deal has been said on the question of stability of late, and I find that the term is very often misunderstood. The matter of stability in a ship is fundamental in considering her safety. In fact, the entire consideration in the building of the hull is given to the principal point of stability. For this purpose I have brought here a model of a "one-compartment" ship similar in general construction to the *Vestris*. I have here the plans of the last type, I might say of the best type, of safe passenger steamers, the steamship *Malolo*. Just what is meant by "one compartment" I will take up in a minute.

To return to stability. The stability of a ship is not what is generally believed by a passenger. It does not mean that a ship with the greatest stability is the ship that rolls the least. Stability simply means the ability of a ship to right itself whenever she does roll or is listed to one or the other side. To take a simple illustration, a canoe has very little stability. While it glides along smoothly and rolls very little, once that a wave puts it over to one side or she rolls over she capsizes very easily. A raft has great stability. It is difficult to push it over, and if in choppy weather it will roll most uncomfortably but always comes back to an even keel. Now gentlemen, here is what is known as the keel of the ship [indicating]. This deck on the model [indicating] in this particular ship is the main or strength deck. The keel and the strength deck are the two principal units of a ship. They may be compared to the foundation and keystone of an arch building.

Stability is obtained by proper and correct proportions of the draft [indicating] which, as you know, is the portion of the ship under the water line, and the beam [indicating] of the ship at midship, naturally, everything being in proportion and accurately calculated. One rough way of determining the stability of a ship, assuming always that the center of gravity is correct and properly placed, is to take the square of the beam and divide it by the draft. The higher the quotient the higher the degree of stability. I need not point out, of course, that the superstructure on the deck and its general construction all enter in determining the center of gravity. I referred to this model being a "1-compartment" ship. That means that the ship is divided, as you can see, into several compartments. This model is made so that the inside of the ship may be seen. [Opens side of ship and indicates.] Here, gentlemen, are the bulkheads dividing the ship into several compartments. A bulkhead in the language of the landlubber is a crosswise partition dividing the ship into water-tight compartments. In other words, here [indicating] is a bulkhead. Here is another. This space in between is a compartment and supposed to be water-tight. The doors in between bulkheads, especially the doors in the midship section in modern ships, are closed by a main control from the bridge [indicating]. Now, if a ship collides or springs a leak in the case of a ship like this—1-compartment ship—that means that if one compartment is flooded she can still float. That is to-day a ship of very low safety. In fact, no 1-compartment ship should be permitted to carry passengers. The *Vestris* was a 1-compartment ship, and there is a question if she was even that. But I will return to that in a minute. Now, here, gentlemen, is the diagram of the last word in safety in passenger-vessel construction. It is the diagram of the American steamer *Malolo*. Here you have a sectional diagram and you will see that there are no less than 12 compartments. Right here [indicating] we have the diagram of the main deck.

I want to call your attention [indicating] to the structure of this main deck, as I will have occasion to refer to main-deck structure later on. This curve on this diagram here [indicating] will show you the floatability of the *Malolo*. She can be called a 4-compartment ship. Now should the ship collide or spring a leak anywhere around her midship section [indicating] this ship can float with no less than four compartments flooded. If she should break or spring a leak aft or in her bow [indicating], she can float with three compartments flooded. You can readily see by comparing the structures of the two ships the progress that has been made in the art of shipbuilding. Yet our law to-day on the subject was made when this old-type ship [indicating model] was the last word in shipbuilding construction and while all this improvement has been made and progress achieved from 1870 to date, nearly 60 years, we have not changed our laws at all. I want to point out, gentlemen, that the safety and floatability of the *Malolo* is not only theoretical. It so happened that on her trial trip she was rammed right square midship by a Norwegian barge. She was hit right here [indicating], right between her two boiler sections, a terrible gash put into her side under the water line. Both boiler rooms were immediately flooded and put out of commission. She could not generate a pound of steam, but there was no danger at any time, and she kept afloat as if nothing had happened. She was finally towed into port and the repairs necessary were only slight. Even that experience brought a lesson to naval architects and ships built in this country since then have the two boiler rooms separated with one water-tight compartment in between. Such up-to-date ships, for instance, as the steamships *California* and *Virginia*.

Having seen how important to the safety of the ship and to the security of her passengers are the proper construction of the hull and the stability of the ship, the necessity of proper supervision over such construction and proper stability backed by statutory requirements can not be denied. Yet, gentlemen, the law on this subject was enacted prior to 1870. The Steamboat Inspection Service, the Government agency charged with the inspection of all vessels, can only inspect a ship after she is completed. There is nothing in the law which permits a supervision of the plans or gives the Government any say as to the construction of the hull. The minimum requirements of the law read in this day and age is simply laughable. Let me read section 4490 of the Revised Statutes, and to say that that is the only section in the law governing the subject of hull construction and subsequent hull inspection. While the regulations, it is true, are written by the Secretary of Commerce, as everyone knows, they can not go beyond the scope or limit of the statute itself:

SEC. 4490. Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after the 28th day of August, 1871, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulkheads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

The Steamboat Inspection Service has repeatedly asked Congress to amend this section and to bring the law up to date. I am sorry to note that for 18 years Congress has ignored this plea. What happens now? A ship is inspected and entitled to a certificate if she can navigate the waters she sails. A mere reference to the statute referring to a ship built prior to 1870 as a requirement under the law shows the obsolescence of the statute. To require a minimum of three water-tight cross bulkheads indicates how far behind the law is to the present school of shipbuilding. Examinations are now conducted by local inspectors. There is no centralization. Local inspectors are practical men. They qualify as practical men, and they are paid as such. They are not technicians; they are not naval architects. Their qualifications are limited; their duties are limited, and on the whole they have performed their duties very well, and considering the limitation of the law, satisfactorily. The law as to boiler inspection is broader and gives the service greater jurisdiction and power of inspection, but even the boiler law is not centralized. The Steamboat Inspection Service has also called attention of Congress to the necessity of the revision of these sections of the law. Repeatedly, as I will read to you in a few minutes, has the Steamboat Inspection Service urged these changes, and again I will say Congress has not heeded and nothing has been done by Congress to provide the necessary legislation. Here I will read section 4418 of the Revised Statutes, and I want to call attention of the House that it was amended by an act approved March 3, 1905:

SEC. 4418. The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition, arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of sections 4430, shall be subjected to a hydrostatic test in the ratio of 150 pounds to the square inch to 100 pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor any of the connections therewith, shall be approved which is made, in whole or in part, of bad material or is unsafe in its form or dangerous from defective workmanship, age, use, or other cause.

It will be noted that in the case of the boilers—this, I believe, was brought about by the amendment of 1905—provides for an inspection and test of the boilers before they are used. It also defines specifically minimum requirements of boiler plates, the necessary pressure, all of which gives the Steamboat Inspection Service the right to make inspections and examinations not only of the boilers before they are used but of the material that goes into the making of the boiler. The regulations provide fully for the inspection of the plates and material at the factory and of stamping such material after it has been approved. But, gentlemen, even that is not sufficient. Under the law these examinations are entirely in the hands of the local inspectors. They carry on the examinations, inspections within their own districts. There is no centralization. There should be a central office properly equipped with a personnel of technically trained experts to pass upon the plans, construction, and material of these boilers in order to bring about uniformity of inspection throughout the country and also to have men who are qualified to pass upon these highly technical and specialized subjects. This suggestion for centralization of boiler inspection and hull inspection such as I have indicated is by no means original with me, or novel. It had been urged by the Steamboat Inspection Service for over 15 years. I am going to read, at the risk of boring you, extracts from the report of the Supervising Inspector General for the year 1915. In this report he not only urges revision and amendments to the law but he quotes from previous reports as far back as 1910, stressing the necessity for legislation on this subject. Kindly pay attention to the recommendations made in 1915 and to the review of previous recommendations from the Steamboat Inspection Service made to Congress, and which to date, I repeat again, Congress has failed to act. In 1915, Mr. Uhle, the then Supervising Inspector General of the Steamboat Inspection Service, in his annual report said:

HULL INSPECTION

Though occurring in the fiscal year ending June 30, 1916, it is not inappropriate to refer in this report to certain criticisms that have been made of the service in connection with the *Eastland* disaster. Despite the many untruths that have been told and the gross amount of misrepresentations made, either intelligently or through ignorance, hull inspection is something that has received the serious attention of this bureau. Under the provisions of section 4417, Revised Statutes, the local inspectors are required, once in every year at least, to carefully inspect the hull of each steam vessel within their respective districts, and satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, etc. Under authority conferred by this statute, the local inspectors have the right to refuse to certificate a vessel they do not believe is of suitable structure. Nevertheless, it has never been held that the board of supervising inspectors has authority to lay down in detail structural tests in the same manner as has been done in the case of boiler construction, express authority in the case of boilers having been conferred by certain statutes applicable thereto. It may be interesting to review in this connection certain remarks and recommendations that have been made by this office in previous annual reports in regard to hull inspection.

Attention is called to the remarks under the heading "Hull inspection," appearing on page 15 of the Annual Report of the Supervising Inspector General for the fiscal year ended June 30, 1910, which reads as follows:

"For some time it has been required that the manufacturers of boilers submit to the local inspectors blue prints showing in detail the proposed construction of the boiler or boilers which they are about to build. Inspectors have thereby been enabled to ascertain whether the boilers are to be constructed in conformity with the requirements of the general rules and regulations and of the United States statutes upon which those rules and regulations are based, and before approving such blue prints they frequently confer with the boiler manufacturers and point out to them the defects, if any.

"This service is of opinion that the time has now come when blue prints of hull construction should also be submitted, not with a view to imposing unnecessary burdens upon shipbuilders and the owners of steam vessels, but in order that the inspectors may know whether the hulls of the vessels proposed to be built are to be constructed in accordance with safe practice. At present the inspectors of hulls ascertain exactly whether the necessary life-saving and fire-fighting equipment is aboard the boat, whether the fire hose is in a good condition, whether the necessary life preservers are on board and in good condition, and other matters relating to the hull inspection of a vessel, but having ascertained all of this they are often still in ignorance as to the details of the original construction of the hull.

"An important item of information with which inspectors should be furnished when the hull of a steamer is built is the thickness of the material and the size and weight of the scantling used in the construction thereof, for it is well known that there is a general deterioration of hulls, with the result that as the years go by and the vessels go from one district to another, the inspectors really have to depend absolutely upon surface indications as to the condition of the hull. The condition of a steel or iron hull is ascertained by the hammer test and general indications, and of wooden hulls by boring, scraping, etc. Anyone familiar with hull construction knows that quantities of rust accumulate on the inside of the iron or steel hull, if not properly cared for, with the result that each year the material of such a hull becomes thinner, while the wooden hull softens and rots. If inspectors were furnished with detailed information regarding the original construction of a hull, they would then be accurately informed as to just how much the vessel had deteriorated since her construction. It is therefore proposed to submit to you for approval a bill which will make necessary a more detailed hull inspection than that heretofore prevailing."

While it was stated in the last sentence of the above quotation that it was proposed to submit to you a bill that would make necessary a more detailed hull inspection than that heretofore prevailing, it was finally decided when the matter came before the board of supervising inspectors for consideration that the first steps to be taken in this respect might better be in the form of a regulation requiring that the blue prints of the hulls of certain vessels be submitted to the inspectors, not for approval, but for their information.

Reference again was made to this matter in the paragraph headed "Effect of hull inspection," on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1911, which reads as follows:

"In my annual report to you for the fiscal year ended June 30, 1910, I recommended a more rigid and thorough hull inspection, and at the last meeting of the Board of Supervising Inspectors of Steam Vessels, in January, 1911, a rule was passed requiring vessels of a certain ton-

nage to submit blue prints showing their construction and other information of value to the inspectors, and it is believed that it will become more and more apparent that the rule above referred to is a good one, for prior to the passage of that rule inspectors of this service were in complete ignorance of many essential things they should know regarding the construction of hulls of vessels inspected by them."

Attention is also invited to the first paragraph appearing under the heading "Activities of the service," on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which reads as follows:

"In connection with the work of the service it may be interesting to note the manner of hull inspection. An examination of the Rules and Regulations Prescribed by the Board of Supervising Inspectors shows that there has been developed in great detail the matter of boiler inspection and construction, but it having become more and more apparent every year that the service must give more attention to hull inspection, at the annual meeting of the Board of Supervising Inspectors of Steam Vessels in January, 1911, a resolution was introduced requiring that the owners of every new vessel of over 100 gross tons when making application for the first inspection of the vessel must furnish the local inspectors of the district where the vessel is to be inspected a drawing or blue print, in plan and section, showing fully the general construction of the vessel, of wood, iron, or steel, including dimensions, spacing of frames, disposition of hull plates, outside and in, or of outside and inside planks, construction of decks, construction of transverse and longitudinal bulkheads and location of same, space between decks, and details of principal scarfs, and must also furnish a statement of the shapes, dimensions, and unit weights of all structural parts of the hull, and of the kinds of material of which made, including kinds of wood. The resolution also provided that a full description of the riveting of all parts of an iron or steel hull must be furnished. The result of that resolution, which was adopted by the Board of Supervising Inspectors, has been most beneficial, and now inspectors have in their possession certain valuable information of which they were in complete ignorance prior to the passage of the rule. It will thus be seen that even before a vessel is built the service makes an effort to see that it is in fact properly constructed."

Attention is also invited to the paragraph appearing under the heading "Classification for hull inspection," on page 17 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which reads as follows:

"It becomes more apparent each year that there should be some classification for hull inspection, and there is no reason why there should not be an American standard of construction. At the present time the American Bureau of Shipping, closely allied with and supported by shipowners, shipbuilders, and marine insurers, is the only standard that we have in this country. The Board of Supervising Inspectors should now examine the rules of the American Bureau of Shipping and suggest such changes as seem desirable and also suggest some basis of cooperation with this American standard of construction. It should be a matter of pride that America should have a standard classification for hull construction that may be spoken of as the standard authority in this country, and the Board of Supervising Inspectors is the body that should formulate the rules for that American standard. It is believed that under sections 4405 and 4417, Revised Statutes, the Board of Supervising Inspectors has ample authority to undertake this work."

While in the last sentence of the quotation above the statement is made that it is believed that under sections 4405 and 4417, Revised Statutes, the Board of Supervising Inspectors has ample authority to undertake this work, it was concluded by the Board of Supervising Inspectors after due deliberation and discussion that sufficient authority did not exist for the approval of hull construction and for requiring certain detailed tests in regard to construction.

The bureau desires to refer also to the first two paragraphs appearing under the heading "Hull inspection," commencing on page 16 of its annual report for the fiscal year ended June 30, 1914, which read as follows:

"Reference has been made to the fact that under the rules of the Board of Supervising Inspectors blue prints descriptive of the hull construction of certain vessels are required to be filed with the local inspectors having jurisdiction, but, as has already been pointed out, it is not at present required that these blue prints be approved by the local inspectors with whom they are filed. Some thought has been given the question of whether it would not be advisable to require these blue prints to be approved by the Steamboat Inspection Service, but such approval not to be given by the local inspectors. It is believed instead that there should be stationed in the office of the Supervising Inspector General a corps of experts whose business it would be to approve the proposed hull construction. This, it is thought, is necessary (1) because it would enable the department to employ experts who are more familiar with hull construction than the local inspectors and (2) it would result in that uniform administration of the law with which the Supervising Inspector General is charged.

"To adopt such a system as this might require the enactment of a statute that would give this express authority to the Steamboat Inspection Service, or if it should be determined that there is sufficient law to justify this action, certainly it would require a larger appropriation for the employment of experts for the purpose named. Furthermore, it would be a distinct departure from the principles that have heretofore governed the Steamboat Inspection Service in the matter of the approval of certain things by local inspectors, as it would place that approving power in the central office, thereby relieving the local inspectors of much responsibility, as well as obtaining more expert advice and a more uniform administration of the law. This is a matter requiring careful consideration. It is not one to be adopted without mature deliberation, but it is a question that faces this service to-day and which will as time goes on require more and more attention."

It will be noted that the idea which the bureau has had in mind has been to create in the office of the Supervising Inspector General a corps of experts, whose business it would be to approve proposed hull construction. In order to do this it will be necessary, in the opinion of the Supervising Inspector General, to amend certain statutes that at present exist that place in the hands of local inspectors original jurisdiction with regard to hull inspection. If the construction of a vessel could be approved by experts stationed in the office of the Supervising Inspector General, there would result not only safe conditions with reference to construction but there would also result more uniformity in the matter of correct inspection and construction, and it is to be recalled that the Supervising Inspector General is charged with a uniform enforcement of the law. It would also be necessary to have a much larger appropriation than at present, not only to pay the salaries of the experts to be employed but also to pay the salaries of many additional clerks required in the central office and for the salaries also of inspectors of construction, who should be stationed in all of the shipyards throughout the country.

Thus it will be seen that unfortunate as was the disaster to the steamer *Eastland* the matter of hull inspection and construction is one that has not been neglected, and it may be that as a result of this terrible disaster it will be possible to obtain a sufficiently large appropriation to pay for the additional expenditure above proposed, which would result in a larger and more effective service.

OVERLOADING OF PASSENGER STEAMERS

Closely connected with the proposition of hull construction is that of the overloading of passenger steamers. To one who gives this subject only superficial attention the first thought is, Has a steamer carried more passengers than she is permitted to carry by her certificate of inspection? It is believed, however, that violations of law in this respect are comparatively few, and the more important question to ask is, Have the local inspectors permitted a steamer to carry a larger number of passengers than she should be permitted to carry by her certificate of inspection? In this connection is to be borne in mind not only does the ship possess sufficient stability to carry the number of passengers allowed, but in giving the passenger allowance has due consideration been given to the possibility of panic and to the handling of the life-saving apparatus in the event of panic?

It will be interesting in this connection to refer to previous annual reports in regard to the question of overloading, and attention is called to the remarks appearing under the heading "Overloading of passenger steamers," commencing on page 19 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1912, which read as follows:

"The matter of the number of persons permitted to be carried on passenger steamers is one that has received the careful and constant attention of this bureau.

"Section 4464, Revised Statutes, requires inspectors to state in every certificate of inspection granted to steamers carrying passengers, other than ferryboats, the number of passengers that any such steamer has accommodations for, or can carry with prudence and safety. It will thus be seen that the local inspectors have exclusive jurisdiction in the matter of fixing the number of passengers that shall be carried on board steamers. This perhaps is as it should be, for as a result of varying local conditions the local inspectors are the ones who are presumably best informed as to the number of passengers a steamer can carry with safety. At the same time, however, if the local inspectors do not exercise good judgment, steamers will be permitted to carry more persons than they should be allowed. The bureau has persistently endeavored to have the local inspectors watch most carefully this situation, impressing upon them that the responsibility is theirs, and that in the event of disaster from this cause they will most surely suffer the punishment that is proper for any carelessness or neglect of duty. If it were possible or practicable to have a general and uniform rule by which the passenger allowance could be estimated, it would be most desirable, but at the present time I can not see how such a rule could be put into effect.

"It is believed, however, that the new rules in regard to the boating of vessels will very materially control the situation, for now that vessels are required to boat according to the number of passengers carried, and not according to tonnage, an unreasonably large number of passengers can not be carried because of the inability of the steamers to boat up to the requirements."

There was also issued in the year 1912 a very important circular letter, dated April 27, 1912, addressed to United States supervising local inspectors of the service in regard to this matter. Particular attention is invited to the last paragraph of this letter:

"As the season approaches when water travel will be at its height, you are directed to give particular and careful attention to the matter of the inspection and equipment of all steamers under your jurisdiction, especially those steamers accommodating a large complement of people. You must see that all of the life-saving apparatus, such as life preservers, lifeboats, and life rafts, is in first-class condition, a conclusion that must be reached only by actual personal examination on the part of the local or assistant inspectors.

"Hose, pumps, fire extinguishers, etc., must be carefully examined by a local or assistant inspector to determine that the fire-fighting apparatus is in good condition, and ready for immediate use.

"Another matter, to which most careful consideration must be given, and one that has had the attention of this bureau, is that of passenger allowances on excursion steamers. It is impossible to lay down any iron-clad rule as to how many passengers shall be allowed on a steamer, for some steamers, by reason of their construction and stability, are able to carry more persons than other steamers that may actually have more deck space. In arriving at the passenger allowance you should have in mind not only the stability of the ship but also the possibility of panic in case of disaster. If the passenger allowance of excursion steamers invites any doubt whatever, do not hesitate to cut down such allowance, for you are aware that you are responsible, and will be held responsible, in the event of disaster to such boats."

Reference is also made here to a part of the statement appearing under the heading "Precautions against overloading of passenger steamers," commencing on page 14 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1913, and reading as follows:

"The bureau has always made an earnest effort to prevent the overloading of steamers carrying passengers, and it is believed that it has succeeded in greatly reducing this practice. There are two factors to be considered in the matter of the number of passengers that steamers are permitted to carry. The first is, Have the inspectors permitted the vessel by her certificate of inspection to carry more passengers than she can safely accommodate? and second, Have the officers of the vessel permitted more passengers to be carried than is allowed by her certificate of inspection? Under section 4464, Revised Statutes, the inspectors are required to state in every certificate of inspection granted to steamers carrying passengers, other than ferryboats, the number of passengers of each class that any such steamer has accommodations for and can carry with prudence and safety, and thus it will be seen that local inspectors have exclusive jurisdiction in the matter of fixing the number of passengers that may be carried on board steamers. In a country such as ours, with so many varied local conditions and so many different types of vessels, this is probably the best arrangement that can be made; but the judgment of all men is not the same, and one inspector may err in permitting a steamer to carry more passengers than its capacity justifies, whereas another may err in not permitting a steamer to carry as many passengers as might be safely and prudently allowed. If it were possible to have a general and uniform rule by which passenger allowance could be estimated, it would be most desirable, but under the varying conditions it is practically impossible to put such a rule in effect. The bureau, however, has repeatedly warned local inspectors that the responsibility is theirs and that they would be held responsible in the event of disaster, and it is believed that these warnings and instructions have had a good effect. There is one factor, however, by which the allowance of passengers has been substantially controlled, and that is the rules at present in force in regard to lifeboat equipment, for where steamers are boated according to the number of passengers carried they are restricted in their passenger allowance by the extent of their equipment, and consequently can not carry a larger number of passengers than justified by their lifeboat capacity.

"The matter of preventing steamers from carrying more passengers than allowed by their certificates of inspection has received particular attention during the present season, and a system of having inspectors actually count passengers and submit reports direct to this office on small cards has been instituted and soon will be in general use by inspectors of this service and by customs inspectors. This will enable the department to be in immediate and close touch with the counting of passengers on steamers and do much to prevent overloading. It is believed that the counting of passengers should be entirely under the control of the inspectors of this service, which, of course, would require additional inspectors, because the small number at present available would not be able to take care of this very large and important business.

"In this connection I desire to call your attention to the recommendation of the bureau on page 18 of its annual report for the fiscal year ended June 30, 1905, as follows:

"'For the purpose of restricting the number of passengers that may be carried on motor vessels other than steam, I recommend that section 4464, Revised Statutes, be amended so as to read:

"'"The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

"'I would suggest that the word "steamer" in the first line of section 4465, Revised Statutes, be stricken out and the word "vessel" inserted in lieu thereof in order to meet the amendment to section 4464.'

"The same matter is again referred to in the annual report for the fiscal year ended June 30, 1906, on page 15 of which appears the following comment:

"'Sections 4463, 4464, and 4465, Revised Statutes, referred to in my previous report, should be amended without delay, and in the interest of the safety of the traveling public I beg to renew my former recommendations upon this subject, and earnestly request that you urge upon Congress the necessity of this legislation.'

"Again, in the annual report for the fiscal year ended June 30, 1907, page 27, this recommendation was renewed in the following language:

"'Under the present law there is no authority to restrict the number of passengers that may be carried on motor vessels other than steam, and for the purpose of correcting this condition I would recommend that section 4464, Revised Statutes, be amended to read as follows:

"'"SEC. 4464. The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety."

"'For the purpose of harmonizing with this proposed amendment, I would recommend that section 4465, Revised Statutes, be amended by eliminating the word "steamer" in the first line and substituting therefor the word "vessel."'"

Lastly, your attention is invited to the statement appearing under the heading "Transportation of persons," on page 25 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1914, which reads as follows:

"In the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1913, reference was made to the attention which had been given to precautions against the overloading of passenger steamers, showing, first of all, how this matter was taken care of by the certificates of inspection that are issued by inspectors, in which certificates the statement is made as to the number of persons that shall be carried on passenger steamers. The effort made in detecting the overloading of passengers after the issuance of the proper certificate was also pointed out. The inspectors of this service are giving their attention to the passenger-carrying allotment of these passenger and excursion steamers, and the number of passengers permitted to be carried to-day is relatively smaller than that permitted to be carried a few years ago. In any event, the original jurisdiction is placed by law in the hands of the local inspectors, and those are the officers who are responsible, and this bureau has impressed upon those officers that they will be held strictly accountable in this respect.

"During the past fiscal year there was put into use a new form for reporting the number of passengers carried. As these cards were received in the bureau they were carefully examined, and in every instance where it appeared that there was any overloading, or a suspicion of it, the matter received prompt and immediate attention. It is not the steamers subject to inspection that violate the law, or on which danger exists in the matter of carrying passengers; where danger exists is on motor vessels not subject to inspection, and on motor vessels in some instances subject to inspection.

"In this connection your attention is invited to the statement in the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1907, where, on page 27, it was stated that under the present law there is no authority to restrict the number of passengers that may be carried on motor vessels other than steam. For the purpose of correcting this condition it is recommended that section 4464, Revised Statutes, be amended to read as follows:

"'SEC. 4464. The inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodations for and can carry with prudence and safety.'

"It will be noted that the recommendation substitutes the word 'vessel' for 'steamer.'

"Under present conditions, so far as relates to motor vessels, the situation is partly met by the equipment of these vessels; that is to say, the vessels are boated according to the number of persons they carry, but it must be obvious to anyone that this is an attempt to control a dangerous situation by indirect methods that are never satisfactory. Will it be necessary that there shall be some great catastrophe in order to eliminate the danger of carrying too many persons on motor boats? A change should be made in the law before this occurs. It seems to be the history of human nature that no great progress has been made except by the shedding of human blood. In the light of the past why is it necessary that this historical condition should be required to repeat itself?

"Therefore, your attention is urgently called to the matter so that the proper legislation may be at once brought before Congress, with a view to correcting this very dangerous condition."

The conclusion of the whole matter is that the original responsibility rests upon the local inspectors in the matter of passenger allowance. This is a condition that has given the bureau much concern and worry lest the local inspectors may not always exercise good judgment in the matter of passenger allowances. The bureau has tried to devise some way by which the statutes could be amended, taking the authority out of the hands of the local inspectors entirely, but at the present time it is not seen how this authority can be taken from them and obtain satisfactory results. It might prove necessary to have every ship carrying passengers measured and tested by experts, with a view to ascertaining what the passenger allowance of these vessels should be, but under the provisions of law as they exist at present it is impossible to do this. The bureau has endeavored to impress upon the local inspectors the seriousness of this responsibility which rests upon them, and condemns in unqualified language any local inspector who exercises the great authority conferred upon him by section 4464, Revised Statutes, without fully appreciating its seriousness.

FIREPROOF CONSTRUCTION OF EXCURSION STEAMERS

While all eyes are turned in the direction of requiring stability tests of vessels, do not let us forget other perils that are as terrible as the unseaworthy ship. Reference is made to the danger of fire, and attention is called to certain recommendations that have heretofore been made in connection with that peril. In the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1905, under the heading "Experiments in fireproof river and excursion steamers," on page 21, the following statement appears:

"The question of the inflammability of the ordinary type of river and excursion steamer is one that should have the fullest consideration by the department, and while fire is one of the worst conditions that we have to meet, and the most appalling in its results, little or no effort has heretofore been made to design or construct these steamers upon any different plans than those in use for years. Paints, compositions, and various other compounds of a so-called fireproof character have been suggested and tried, but none seems to have met the purpose of its design. There is now in course of construction in one of the prominent shipyards of the country a river steamer nearly 300 feet in length that has been designed with a view of having her as nearly fireproof as utility will permit. Upon the success of this experiment will depend whether or not fireproof construction in this class of vessels may be demanded, and if so the Government should lose no time in enacting legislation that will make such construction imperative in this type of vessel.

"Every disaster carries with it a lesson, and not one of them should go unheeded. Each accident should be made the subject of a most thorough and searching investigation to determine the cause and remedy the defect. The annual inspection of a vessel is no guaranty that her equipment is maintained in serviceable condition throughout the term of her certificate of inspection, and for this reason I believe that intermediate inspections are not only important but that they are absolutely necessary and essential for safety. Accidents can never be totally eliminated from the risks of navigation, but a strict observance of wholesome laws and consistent rules will so reduce their number that confidence will be more firmly established, strengthening the public opinion that every precaution is being exercised to promote safety, so far as it is possible for rigorously enforced, well devised laws and rules to provide it."

Attention is invited also to the paragraph appearing under the heading "Fireproof construction of excursion steamers," commencing on page 15 of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1906, which reads as follows:

"In my last report I referred briefly to the experiment of a fireproof excursion steamer, and it gives me pleasure to report that this matter has now passed its experimental stage. The construction and operation of a fireproof excursion steamer has proven successful beyond the strongest hopes of those who conceived this type of construction, and I renew my recommendation that Congress enact such legislation as will imperatively demand that fireproof construction be required in all excursion steamers hereafter built or contracted for."

Attention is also invited to the last four paragraphs appearing on page 17, under the heading "Hull inspection," of the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1914, which reads as follows:

"The Steamboat Inspection Service inspects vessels in order to make travel by water safer, and while this service has done much to have lifeboat and fire-fighting apparatus provided, it nevertheless remains a fact that the most important thing to do is to make the ship itself as nearly unsinkable as possible. Having done this, it then becomes necessary to place on board the vessel the proper equipment to take care of those who travel on the ship, and to see that the vessel is properly manned. It is believed that the greatest peril which has to be met on board ship is fire, and in order to follow out the principle of making the ship itself as safe as possible before taking up the question of equipment, the Government should require that all excursion steamers be entirely fireproof.

"It may be claimed by some that it would not be practicable to make excursion steamers absolutely fireproof and yet be commercially successful, but attention is invited to a statement made in the annual report of the Supervising Inspector General for the fiscal year ended June 30, 1905. In that report it was stated that the question of the inflammability of the ordinary type of river and excursion steamer is one that should have the fullest consideration of the department, and that while fire is one of the worst conditions that we have to meet, and the most appalling in its results, little or no effort has heretofore been made to design these steamers upon any different plan than those in use for years. It was pointed out that paints, compositions, and various other compounds of a so-called fireproof character have been suggested and tried, but none seems to have met the purpose of its design. It pointed out also that at that time there was in course of construction in one of the prominent shipyards of the country a river steamer nearly 300 feet in length that had been designed with a view to having her as nearly fireproof as utility would permit. In the same report for the succeeding fiscal year it was stated that the construction and operation of a fireproof excursion steamer had proven successful beyond the strongest hopes of those who conceived this type of construction. The Supervising Inspector General therefore renews his recommendation, made in the annual reports of 1905 and 1906, that Congress enact such legislation that will demand this fireproof construction to be required on all excursion steamers hereafter built or contracted for.

"In the meantime, admitting that we do not have absolute fireproof construction on all excursion steamers now in use, the best precautions that we can take against loss of life and property is to maintain the very best fire-fighting equipment on these steamers, manned with crews well drilled and competent to fight fire should it break out.

"Until Congress requires fireproof construction of excursion steamers, it is believed that the use of the sprinkler system, already adopted by many passenger steamers, should be extended."

While we have been fortunate in not having any great fires recently on excursion steamers, it is a peril which none the less exists, and though we may have any number of regulations in regard to fire-fighting equipment, in order to prevent such another disaster as occurred on the steamer *General Slocum* the best way is to remove the cause for such a disaster and require absolute fireproof construction of excursion steamers. This can not be done until Congress acts, and the bureau most earnestly invites attention to the necessity for legislation in this respect.

I believe it is well worth while to have referred to this report as it covers the ground so fully and it surely, in view of what has occurred, will make a profound impression upon us all and spur Congress to action in providing the necessary legislation. In just a moment, I am going to refer to the last report of the Supervising Inspector General and call your attention to something which to my mind is startling to say the least.

In stating, emphasizing, and repeating what Congress has failed to do, it is only fair to say that Congress has done something in the way of compelling the building of first-class ships by the passage of the Jones-White Act at the last session.

Under the Jones-White Act, ships receiving mail contracts or receiving the benefits of the loans therein provided, are auxiliary vessels of the Navy, and as such, must be approved by the Navy Department. The plans of these ships are submitted to the Department of Navy and that gives the Government supervision and control in their construction. It is only fair to say that the Bureau of Construction of the Navy Department is attending to this work very seriously and in approving these plans, though the ships are auxiliary naval vessels, have not lost sight of the fact that they will in all probability spend their useful life in the merchant marine and must be made and constructed for commercial purposes. This becomes very important, gentlemen, because the safer a ship is made, the more precautions that are taken in building these water-tight compartments, in placing bulkheads running way up to the top deck without doors and entrances while they naturally increase the safety of the ship, it all has the tendency of reducing the serviceability of the ship as a merchantman. It is through the desire to make ships safe under unusual circumstances that has developed in this country an unusually high type of safe ships.

I want to pause right here to say that the highest-class ships we have in the way of safety happen to be engaged in the South American trade at this very moment in competition with the old British tubs of the Lampert & Holt Line, to which, as you know, belonged the *Vestris*. These ships with an unusual high degree of safety are the *American Legion*, the *Southern Cross*, *Western World*, and the *Pan American*. Another fine line of American ships are the *President Harding* and *President Roosevelt*, en-

gaged in the North Atlantic trade and operated by the United States Line. Then we have the so-called Merchant Line, with ships of unusual high degree of safety, as the *American Trader*, the *American Banker*, the *American Farmer*, the *American Merchant*, and the *American Shipper*. In the Pacific we also have the so-called President boats. The *President Grant, President Madison, President Jackson, President McKinley, President Cleveland, President Lincoln, President Pierce, President Taft*, and the *President Wilson*. Quite a formidable fleet of splendid, safe passenger steamers, all under the American flag. It is interesting to note that most of these steamers were built with the principal object in mind to make them safe. Many of them were built originally and most of them were designed as transport ships in time of war, when the submarine danger was very great. All the ingenuity that man could devise was put into these ships to make them safe. I refer to these ships and their present service in the mercantile trade as a complete answer to the argument that if too much safety is put into a ship her construction is such as to impair her commercial serviceability and reduce her earning powers. These ships prove that that is not so. I have already mentioned two latest ships of the American merchant marine, the steamer *California* and the steamer *Virginia*, which represent the finest type of ships for passenger service where nothing for the safety of the passengers was omitted.

But, gentlemen, it will not be very long before the provisions of the Jones-White Act will not be able to absorb any more ships. So that the present temporary and incidental control of hull construction now being carried on by the Navy Department is by no means permanent and does not in the slightest avoid the necessity of amending our shipping laws. Besides, there are many ships being built which require the supervision I have suggested before and which is so urgently being demanded by the Steamboat Inspection Service.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. I will be pleased to yield when I finish my statement.

I have spoken about the inspection and supervision over ships, and that was in reference to our own ships. As to foreign ships, we are governed mostly by treaty provisions. Countries having similar standards of inspection as ours have their ships exempt from our supervision and inspection. That exemption applies where such country's ships are plying between our ports and the ports of her own country. For instance, English ships plying between American ports and Great Britain do not come under our inspection. Passenger ships are required, however, to have certain life-saving equipment which our regulations require as a minimum. Foreign ships plying between American ports and ports not of their own country do come under our jurisdiction for supervision and inspection. The law on this point is likewise confused and inadequate. It is my firm belief that the law should be amended and provide definitely and specifically the extent of the supervisory jurisdiction and inspection of United States over such ships so engaged. Coming back to the *Vestris*, that was a British ship plying between New York and South American ports, and came within that provision of the law which required inspection by United States officials. It is my belief that if the *Vestris* were an American ship she would have long ago lost her certificate of seaworthiness. Why, gentlemen, up to this late date there is not a complete set of plans of the *Vestris* in this country. She was never submitted to what is known as inclining test or stability test. Every American ship is required to submit to such an inclining test. Section 16 of rule 7 of the General Rules and Regulations of the Steamboat Inspection Service provides for such stability tests. The rules also provide for a complete set of plans of the ship to be filed in order to determine mathematically the structural stability of the vessel. Again I want to point out that even this rule is local and under the jurisdiction of the supervising inspector and not of the central office.

I am advised by competent naval architects and reliable shipping men that if the plans of the *Vestris* had been examined and the vessel submitted to a stability test, it would have demonstrated that the vessel was utterly unseaworthy. The question arises now how far can we go on a foreign vessel in taking her out and submitting her to such tests. I hold that a foreign vessel engaged in the passenger trade between the United States and foreign ports not of her own country must submit to all the requirements, inspections, and tests that this Government may demand, and that it can not properly raise a legal, technical, or other objection and resist such inspection and tests. The sister ship of the *Vestris*, the steamer *Vauban*, is operated by the Lampert & Holt Line and engaged in the same service as the ill-fated *Vestris*. Sister ships, as you know, are built of the same design, from the same plans and specifications. I believe it is not only prudent but necessary to submit the steamer *Vauban* immediately to an inclining test. That will not only establish her condition but also test our powers under the law. If the owners resist an order for such inspection, the case should be taken to court immediately and the matter decided. As I said before, legislation should be enacted to leave no doubt as to our rights over such foreign vessels.

I have this day therefore addressed a request to the Supervising Inspector General asking for such an inspection. I will read the letter:

DECEMBER 14, 1928.

Hon. DICKERSON N. HOOVER,
Supervising Inspector General,
Steamboat Inspection Service Department,
Washington, D. C.

MY DEAR COMMISSIONER HOOVER: Under the law you have jurisdiction over foreign vessels plying between American ports and countries not their own. Just how far this jurisdiction goes and whether you have as complete jurisdiction over such foreign vessels and American vessels I believe there is a difference of opinion. It seems to me that foreign vessels engaged in the carrying of passengers from American ports to other countries are in no position to raise any technical objection to any inspection or test which may be required by your service. It has been impossible to date, I am informed, to obtain a complete set of the plans of the ill-fated steamer *Vestris*. That being so, it is indeed difficult to determine the stability of this ship. It is apparent from what took place that her stability was very low. I understand that the same company is operating a sister ship to the *Vestris* called the steamer *Vauban*, this ship being of the same construction and design of the *Vestris*. After what took place and the lack of complete set of plans, I would ask you to submit the steamer *Vauban* at her next call at an American port to a stability test such as is required of American vessels under section 16 of rule 7 of your regulation.

Such a test will be useful not only in providing necessary data in arriving at correct conclusions concerning the *Vestris*, but will also make it known to the owners of foreign vessels engaged exclusively in trade between the United States and other countries that that same degree of safety and high standard of construction and strict supervision required of our own vessels will be required of foreign vessels so engaged.

Very truly yours,

F. LAGUARDIA.

Mr. SIROVICH. What is a stability test?

Mr. LAGUARDIA. It is putting a vessel in an inclining position to establish by actual test her ability to right herself into normal position. It tests the structural strength of the vessel when placed in an abnormal position such as when a ship is listed to one side. Take this ship, if she is inclined, say, 5° [indicating] she would immediately come back to an even keel. Now, the great danger when a ship is rolling is that in a very high sea, a great many things might happen. If she is structurally weak and continues to roll, strain is placed on part of the ship that might be weak and something is bound to break. A ship having proper stability can easily take 15° to 20° lists [indicating] and must be constructed to absorb a list of 30° [indicating]. In the case of the *Vestris*, where perhaps cargoes shifted or water seeped in when she got into a list, she was unable to recover but continued over, taking in more water all the time until she sank. The listing of the ship in connection with her stability, of course, becomes of the utmost importance in time of distress. Gentlemen will recall the case of the *Lusitania*. The ship was torpedoed, but the direct damage of the torpedo was not necessarily fatal. The ship immediately took water and commenced listing. [Indicating on ship model.] Unfortunately all her air ports were open and water rushed in through the entire length of the ship so that her water-tight compartments were of no avail, water being taken through one whole side of the ship. The *Lusitania*, by the way, had longitudinal bulkheads and that raises another question that I will not go into to-day. The great ship *Titanic*, which was on her maiden trip west, it will be recalled, sank after hitting an iceberg. Steaming at full speed in an iceberg field she hit an enormous mountain of ice and tore her hull a great length, so that several of her compartments were immediately flooded. That great ship sank in less than two hours. I do not want to get away from the main subject, and that is the necessity of the revision of the law affecting merchant ships. I pointed out a few moments ago the recommendations made heretofore by the Steamboat Inspection Service.

The report of the present supervising inspector general of the service for 1928 was published on July 2 of this year. I want to say right here that Mr. Hoover, the present supervising inspector general, has come up from the ranks. I believe he spent most of his life in the Steamboast Inspection Service. He knows his job and he, too, ever since he took office has been urging Congress through his annual reports for legislation to bring

the service up to the requirements of the day. His 1928 report is most interesting and contains specific recommendations for legislation and suggests several amendments to the law. It continues the unheeded recommendations contained in the report of 1915. Gentlemen, I am going to read Captain Hoover's report. For some reason that I can not understand his report was deleted, blue penciled, and emasculated by some one in the Department of Commerce so that Congress has not the benefit of his views and recommendations if it reads only the report as it appears in the printed form issued by the Department of Commerce. In all likelihood the Secretary of Commerce did not see the inspector general's complete report. I am sure you will all agree that Congress is entitled to have the complete report unrevised, unabridged, and in full of every bureau head or chief of a department required by law to submit an annual report. Before I proceed reading Mr. Hoover's report I want to show the House the printed report which I hold in my hand and you will see that it contains one short paragraph on page 1 and all of page 2. From page 3 on are the tables and figures submitted in the original report. Here is the report as submitted by the head of the Steamboat Inspection Service and the recommendations made by him therein. I will read it as it is very interesting and instructive:

REPORT OF THE SUPERVISING INSPECTOR GENERAL STEAMBOAT INSPECTION SERVICE

DEPARTMENT OF COMMERCE,
STEAMBOAT INSPECTION SERVICE,
Washington, July 1, 1928.

THE CENTRAL OFFICE

Nothing could show more forcibly the awakening of interest in the American merchant marine than the volume of work passing through the office of the Supervising Inspector General. It might be interesting to know of the numerous requests that are received from people all over the country and in all walks of life for information concerning things maritime. These requests come from persons who are desirous of locating missing relatives, who may be licensed officers, members of the crew, or persons supposed to have been passengers on vessels. They come from students and instructors in high schools and colleges for information concerning the activities of this service. This is a healthy condition of public interest, for it shows that our people upon the seaboard as well as from the interior points in the Mississippi Valley are turning their eyes again to the sea.

The head of this service is a member of the executive committee of the American Marine Standards Committee, and has participated actively in the work of standardization which has been sponsored by you. The American Society for Testing Materials has been doing excellent work in connection with standardization of the testing of steel plates, and in this work this service has cooperated actively. Two years ago the head of this service had occasion to address the National Council of Safety at its annual meeting in Detroit, Mich., and again in October an appropriate address will be made before the same organization in New York City.

Reference is made to these activities that touch this service because they have their effect upon the volume of work constantly passing and are but incidents in the regular routine of work in connection with the direction of a large service like this, which covers the entire United States, Alaska, the Hawaiian Islands, and Porto Rico; and, because of this increased pressure of work, because of the awakening of the people concerning things maritime, and because of the necessity of improving methods, it has become quite apparent during the last three years, and markedly so in the last year, that there must be a larger force in the central office. You will recall that in the last annual report I pointed out the manner in which the work of the central office might be reorganized and was fortunate in obtaining the services of three additional traveling inspectors, who will take oath and assume duty on July 1, 1928. Those inspectors will be used largely in connection with the stability work, much of which is behind, and all of which is increasing in volume from day to day, in connection with the regular work of the service.

In the estimates for 1930 I must stress the necessity of the appointment of two additional traveling inspectors, with headquarters in this office, to be used in connection with the standardization of examination questions for licensed officers and in checking the work of inspectors in the crewing of vessels, equipment required, and the approval of boilers, all with a view to obtaining uniformity throughout the service. We have in this office valuable data relating to the operations of this service, but, valuable as this data may be, it also may represent many errors of procedure, because of inadequacy of force to check up the work of the districts; and, having in mind that the Supervising Inspector General is required, under the law, to obtain uniformity of procedure, and realizing that uniformity can only be obtained by constant supervision and review in order to carry out the requirements of the statute, it is necessary to have an expansion of force in the central office.

When it is considered that, at the present time, aside from the official direction of the Supervising Inspector General, there are six traveling inspectors attached to the central office, and this without any adequate increase in the number of clerks in that same office, it is obvious that this bureau must have additional clerical assistance, because the correspondence, reports, and investigations that are constantly being conducted by this trained technical personnel require the assistance of properly trained clerks to carry on this work.

Right here is a table of personnel which is included in the deleted printed report, and I will therefore omit it. The original report continues:

In what is truly a mechanical age, when we may be prone to stress things other than men, it is none the less apparent that what is needed, more and more, is men, and efficient men. This bureau has endeavored to carry out constantly the desire of the administration for economy, and its record will show that it has successfully done so. There comes a time, however, when it is absolutely necessary to have a larger number of inspectors so as to maintain the high standard of inspection that is insisted upon by this office. Accordingly, in the estimates for 1930 I will recommend the appointment of 12 additional assistant inspectors, 2 to be stationed at each of the following ports: New Orleans, Baltimore, Boston, San Francisco, Portland, Me., and Galveston. There are, in fact, other ports where additional assistant inspectors might be used, but those named above are the ones where the need is most pressing at the present time. By the act of May 22, 1928, there was created a board of local inspectors at Hoquiam, Wash., and in the estimates for 1930 I will cover items that will make it possible, if Congress makes the appropriation, for that board to commence active operations on July 1, 1929.

Another matter vitally affecting personnel is that of salaries, and the salaries paid by this service are too low. The Welch bill gave some relief, but it did not correct conditions. To the extent that that bill gave small promotions to employees who had for years not received proper compensation we are truly grateful, but this matter of salaries in the Steamboat Inspection Service can not be finally adjusted until it is adjusted according to principle and not according to amount alone.

It is not a question of how much money shall be paid to an employee, so much as that the proper amount shall be paid, taking into consideration the duties performed and the skill possessed, and when the salaries of the employees of this service are measured by that rule, it will be found that they are greatly underpaid, which must always result in dissatisfaction. For example, supervising inspectors have a range of salary from $3,800 to $4,400 when their range should be from $5,200 to $6,000, and assistant inspectors, who receive the lowest compensation of the inspectorships, have a range from $2,900 to $3,400, and should have a range from $3,200 to $3,700. The clerks in the field, too, are greatly underpaid and, having in mind that they are required to do expert court reporting in addition to difficult clerical work involving the application of the provisions of the general rules and regulations as well as the statutes, larger salaries should be allowed. No court or committee of Congress would be willing to pay such low salaries for the skill required in like work for them. Such a condition should not exist, and if the classification of the field employees is to be studied by the Personnel Classification Board, or any other governmental agency, I trust that it will be studied in a constructive sense—not with the thought of paring down salaries or of giving a certain amount of money as a stop-gap, but with the purpose of correcting salary injustices along constructive principles.

I have to stress again the desirability of placing the supervising inspectors of this service under the classified civil service. These officers are at present in the presidential class, but every one of them, including myself, are employees who have been promoted through successive grades to their present positions. This is a service that exists, primarily, for the purpose of making transportation by water safe, and that task can be best carried out by men who are not amenable to the vicissitudes of politics. For the first time in the history of the Board of Supervising Inspectors, every member of that board is an employee who has reached it by promotion, and in order to continue the good work that has been for so many years carried on, and the policy that has been respected by all administrations, regardless of party, I submit below a bill to amend section 4404, Revised Statutes (U. S. C., title 46, sec. 373), as amended by the act approved July 2, 1918:

"*Be it enacted, etc.*, That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"SEC. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 11 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 16, 1883, known as the civil service act. The supervising inspectors shall be entitled, in addition to his authorized pay and traveling allowances, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

"SEC. 2. That this act shall be effective on and after the date of its approval."

During the year I have kept in close touch with the work of the districts, and, while I have not been able to visit every district, I have visited every part of the United States, including the Pacific coast, and I anticipate being able to report for the next fiscal year, having visited again every local district. I hope that I may have the opportunity of going also to San Juan, Porto Rico; Honolulu, Hawaii; and the Alaskan districts. This service has nothing about it of a monastic nature. It is not away from the world but in it, and it must give service constantly. It can only do so by the maintenance of an efficient personnel, and the head of the service can only know how things are being done and what his employees are like by going into the districts and observing the effect of the operation of laws and rules and regulations and the efficiency of the personnel.

STABILITY CONDITIONS

I have referred to the fact that the stability work is behind. This is because we have been attempting to do with two men work that requires four. I hope that during the coming year we may be able to bring this stability work up to date. All that we have been able to do in connection with the stability tests has been to work out the one condition of stability that presented itself in connection with the particular ship that was being inclined. What we should be able to do, and will do with the increased force, will be to work out the five or six different conditions that properly should be considered in each inclining test. With the limited force that we have, should we be called upon to bring into court detailed information in regard to stability tests, while we could comply there would be considerable delay in working up the calculations. With the cases completed, requested information may be furnished at a moment's notice.

There seems to have been an impression abroad that it was the purpose of this office to standardize stability calculations. That impression is erroneous, and it undoubtedly grew out of a very praiseworthy effort in connection with the activities of the American marine standards committee. It is to be borne in mind that every vessel must be handled upon its merits, and, while there are certain general fundamental rules that are to be followed by all experts conducting inclining tests, yet the greatest rule of all must always be kept in mind, and that is that a rule that may apply to one ship would not necessarily be applicable on all fours to others. I believe that the United States Government was the first, and was alone for a number of years, in requiring stability tests. If my information is correct, the British Government now has similar requirements or is contemplating them. There may be some objection to the Government undertaking to require stability tests, but I would say to that objection that, while it may not be possible to lay down standardized rules, there is no expert but who must admit that the problem exists of being sure that a vessel possesses proper stability.

It may be true that much discretion must be left to the master, but our stability calculations have already shown that there are a number of vessels in which we have required fixed ballast that have undoubtedly been made safer by the requirement, and it can be shown that in the adjustment of disputes—and there have been some in regard to stability requirements—this office, while always keeping in mind safety, has proceeded in every instance as generously as possible, and has always applied the principle of settling each case upon its merits.

BOILER INSPECTION

For some time the proper technical committee of the American Marine Standards Committee has been working upon a tentative boiler code for this service. However, it is not to be forgotten that the legal responsibility rests with the Steamboat Inspection Service. If boilers are constructed according to rules that are dangerous, that responsibility is in this service, and it can not be avoided or side-stepped. Having in mind, however, the necessity of proceeding constructively and in accordance with best modern practice, I did, as you know, request the advice of the American Marine Standards Committee in connection with boiler construction, my thought being that we would take the best in all of the codes, including our own as it at present exists, and build from all of them one that may be considered the best and in advance of all others. In so proceeding, we must have no pride of opinion, and the controlling factor must be that which is the best in principle for the purpose to be met. I intend within the next fiscal year to move actively in this respect, and by that time I trust that I may have the suggestions of the committee above referred to.

In regard to boiler inspection, however, it must be remembered that many of the criticisms directed at this service, while they are justified, can not be charged against the work of the Board of Supervising Inspectors. It is to be remembered that in this respect, as in many others, the Board of Supervising Inspectors is controlled by statutory requirements of Congress. I submit below a suggested form of bill to amend sections 4433 and 4418, Revised Statutes (U. S. C., title 46, secs. 411 and 392), which, if enacted into law, will give the Board of Supervising Inspectors the authority that it needs:

"*Be it enacted, etc.*, That section 4433 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4433. The working steam pressure allowable on all boilers in vessels which are required to be inspected under the laws of the United States shall be determined under and in accordance with such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto."

SEC. 2. That section 4418 of the Revised Statutes of the United States as amended by the act of Congress approved March 3, 1905, be, and the same is hereby, amended so as to read as follows:

"SEC. 4418. The local inspectors, under such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto, shall also inspect the boilers subject to steam pressure and all the attachments, connections, equipment, apparatus, and appurtenances thereof, on all vessels required to be inspected before the same shall be used and at least once in every year thereafter. No local inspector shall approve any such boilers or the attachments, connections, equipment, apparatus, or appurtenances thereof unless in his opinion they meet the requirements of said rules and regulations and may be safely used in the service proposed. The local inspectors shall also subject all such boilers to hydrostatic tests in accordance with such rules and regulations as the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall hereafter establish in respect thereto."

SEC. 3. That this act shall take effect three months after its passage.

INTERNATIONAL CONFERENCE

The British Government has extended an invitation to the leading maritime powers to attend an international conference on safety of life at sea in London in the spring of 1929. As that conference has to do with safety of life at sea, manifestly this service is one that is vitally interested, and it is actively participating in the work of the Government incident to the preparation for that conference. The agenda submitted by the British Government covers suggestions with reference to subdivision of ships, life-saving appliances, wireless telegraphy, fire-extinguishing appliances, ice patrol, and collisions at sea. In connection with those suggestions this service is actively engaged in the work of the committees on life-saving appliances and fire-extinguishing appliances, the Supervising Inspector General acting as chairman of the committee on life-saving appliances, and the supervising inspector of the ninth district acting as chairman of the committee on fire-extinguishing appliances.

For the last three years this office has been actively engaged, with the assistance of that supervising inspector who is chairman of the fire-fighting committee of the Board of Supervising Inspectors, upon a study of fire-fighting apparatus, in connection with which particular attention has also been given to fire-indicating apparatus. In pursuing these studies the service has not proceeded in an ex parte manner, but it has invited to its conferences representatives of shipbuilders, underwriters, and owners of steamships, having in mind that, while safety must be had at all times, a business must not be regulated in such a manner as to destroy it. So far as the British suggestions for fire-extinguishing appliances are concerned, it is pleasing to note that this service has for a number of years been proceeding along modern lines, but there is progress yet to be made. Our thought has been to have apparatus that is powerful in the extinguishment of fire. That is good, but it is better when planning for construction to have a ship as nearly fireproof as possible when being built. This thought is consistent with that given in my last annual report concerning the desirability of excursion steamers being built of fireproof material.

While it has been contended that it is not practicable to build fireproof excursion steamers, or steamers other than of the excursion type, yet there are features of a safety nature that can be considered and that will doubtless be considered by the international conference. For example, in the building of vessels, our rules and regulations cover no provisions with reference to fire-resisting bulkheads, excepting in so far as reference is made to steel casings about boilers, metal-lined lamp lockers, oil rooms, etc. In speaking of bulkheads, I have reference to fire-resisting bulkheads, notably in the 'tween decks, and these bulkheads should be carried as high as may be necessary, and where such bulkheads might interfere with interior design, fire curtains could be substituted. While it is realized that the stairways of passenger ships are quite often selected by marine architects as one of the most beautiful features in a ship, they might well have in mind that something should be done toward protecting these stairways against draft in case of fire, as continuous stairways form a regular flue for draft.

In connection with the work of the committees on fire-extinguishing appliances and life-saving appliances, the service has prepared comparative statements showing the requirements under the convention of 1914, the present British proposals, and the present American practice, and it is believed that it will be found as the result of the compilation of this data that better and more constructive work will be accomplished in the study of the requirements so as to ably prepare the American delegates to the conference than in any other way.

Gentlemen, I would not have burdened you with this report nor would I encumber the RECORD with it had it been reported in full in the published printed report of the Department of Commerce. Having been deleted of most of its meat and substance, its recommendations having been blue-penciled, I deem it

proper to bring it to your attention and to have it appear in the permanent RECORD. I do hope that recommendations therein contained will be carefully considered by Congress.

Speaking of inspection, gentlemen, a great deal of criticism was directed a few weeks ago to the inspection of the *Vestris*, and in all fairness I want to say that under existing regulations, considering the conditions existing in our busy ports such as New York, San Francisco, and Seattle, it is absolutely impossible for an inspector to do his work according to regulations and hold his job. If he were to attempt to inspect in accordance with the requirements of his own regulations, gentlemen, the steamship companies would come to Washington, would get members of their delegation to go to the department, and that inspector would have to lay off or lose his job. There is no doubt about it. Let me give you an illustration. He is required under the regulations, not under the law but under the regulations, to take the lifeboats and lower them to the water on the one side and on the other side to the dock. Now, gentlemen, anyone familiar with dock conditions knows that it is physically impossible, if that ship is loading in a busy port, to lower those boats on the dock side, and 9 chances out of 10 on the off side she has coal barges and is coaling or has freight barges or the ship at the next dock has such barges, and it can not be done. Question: Is this inspection and test of lifeboats necessary? If so, we must write it into the law, and we must make provisions giving the inspector the right to order the boat freed from the docks and then have a real lifeboat inspection. One of two things must be done, gentlemen: Have the law specify and authorize the details of the inspection, or else not to expect the impossible from the inspector. There is no other way to aid the inspector. We must either do this or simply have regulations for window-dressing purposes, expect the inspector to make a perfunctory inspection, sign a certificate, and if everything goes all right, all right; or if anything happens, then blame him. We must decide definitely just what inspection is necessary, write that into the law, and back the inspector who is carrying out the law in the performance of his duty.

Now, gentlemen, as to foreign ships, I stated a minute ago that ships plying between American ports and home ports are not required to submit to any examination, assuming that the standards of their country equal ours. Ordinarily this ought to be sufficient. I am going to tell you of an instance where one of the largest ships afloat left the port of New York in the month of December, 1924, with a full complement of passengers in an absolutely unseaworthy condition. If it had so happened that that ship had encountered a storm, every marine engineer concedes that she might have broken apart. I am referring to the British steamer *Majestic*. The statement I have just made is very serious. I would not make it if I were not absolutely sure that it is correct. The case of the *Majestic* and her condition on that December trip in 1924 has been the discussion of naval architects all over the world. Strange as it may seem, nothing appeared in the press of either country giving the details or stating the extent of her damage and the great danger in sending her out on the eastbound trip with what is known in the parlance of the sea "her back broken." I am going to read to you gentlemen an article appearing in Marine Engineering, of August, 1925. It is written by one of the foremost naval architects in this country. Although the article is technical in its character, it is so well written that a layman can readily understand and realize the serious condition of the ship on that trip. The article is written by Commander Edward Ellsberg, formerly of the United States Navy, and a man in whom every Member of this House has confidence. [Applause.] I read the article:

It is an unfortunate truth that no shipowners will publish the facts concerning structural failures of their vessels. As a consequence, the naval architect is usually enabled to learn little or nothing from the defects found in operation on ships other than those belonging to his own company. A few rumors get about, conjectures are made—usually erroneous—but the actual facts ordinarily remain a secret and the designer can only guess at the faults.

A shining example of this nature was the accident to the *Majestic* last winter. This vessel was so damaged as to necessitate her withdrawal from service from late December until nearly May for repair. Her condition was extensively commented on in the British press at the time and her canceled passages were briefly noted in the American papers. What caused the damage, the extent of the trouble, and the adequacy of the means taken to remedy it were not made public. It was noted that even in the British shipbuilding press there was considerable criticism of this policy.

A knowledge of the facts in this case will lead to the conclusion that the damage, instead of being the result of general structural weakness or of any unusual strains peculiar to large ships, was due only to a local strain arising from a detail error in design which was in no way connected with the size of the ship.

WHAT HAPPENED TO THE "MAJESTIC"

Chronologically, the following was the sequence of events:

During the summer of 1924 it was discovered that the C deck of the *Majestic* was fractured at the midship section in way of the inboard lobby. The C deck is the strength deck of the vessel, forming the top flange of the ship girder. This deck at the sides is formed of two courses of plating, which doubling is carried inboard on each side for several strakes, but these doubled stringers are pierced both port and starboard by the uptakes which on this vessel come through near the sides instead of on the center line as in the ordinary ship.

Just inboard of these uptake openings the deck is still further cut away by an elevator shaft on each side. This construction results in leaving only about 25 per cent of the beam of the ship intact inboard of the elevators and uptakes. However, this inboard section of the deck was not intended to take any strain and was made only five-eighths inch thick as compared with the deck stringer plating which is about 2 inches thick at the side and about 1½ inches thick in the strakes next inboard.

It was the section of ⅝-inch plating between the elevators which was first discovered to have parted. The failure in this location was verified by taking down the ceiling underneath. At the time, little importance was attached officially to the fracture. As the light plating here was not the strength plating, the vessel was not considered weakened and, as it was then in the midst of the tourist rush, nothing was done to remedy the damage. It was apparently intended to defer repairs to some slacker period in the future. However, a little reflection, and a further investigation at this time as to how a light strake could ever get sufficient strain to let go when there were outboard of it heavy strakes intended to take all the strain, would have proved both illuminating and profitable.

There can be no doubt that such an investigation would have shown the deck stringers on both sides already fractured through a considerable portion of their width, so that the strains in working had been partly thrown on the light strakes inboard, with the consequences noted. But the C deck at the sides was a weather deck covered with wood planking; underneath, the stateroom ceilings sheathed it. If anyone connected with the ship had any doubts, they were not strong enough to cause the laying open to inspection of the deck stringers, and no examination of them was made.

Matters continued in this status until the westbound trip in December. Very rough weather was the rule on this trip. While still over a day out from New York, a loud report, likened by many to "a cannon shot," was heard. An investigation showed that the C deck had now cracked open all the way from the starboard to the port side, and that the port sheer strake had also let go, the crack in it extending down the side to the top of a circular porthole, where the crack stopped. The starboard sheer strake held.

The *Majestic* made her way to New York, and sailed as per schedule on her return voyage to Southampton. The crack in the C deck on the port side opened as the vessel worked, about one-half inch, but the damage did not extend further. On this eastbound trip the weather was apparently not bad. On arrival at Southampton, all future trips were canceled, and the ship laid up for an indefinite period for repairs by Harland & Wolff.

STRUCTURAL CONDITIONS OF THE DECK REVEALED

The wood decking was removed from the C deck and the staterooms underneath torn out. Structural conditions of the deck were revealed as follows:

At the forward outboard corner of each uptake hatch the plating of the deck was cut out on a right angle. There was no compensation fitted around the corners of the opening. Just outboard of the uptake corner, and about 8 inches from it, another rectangular hole about 12 by 20 inches was cut through the deck stringer for a ventilator trunk. Just outboard of this ventilator was a butt in the adjoining strake of the deck plating, with its consequent close-rivet spacing. About 18 inches forward of the uptake was an expansion joint in the superstructure, which commenced just above the C deck. Underneath the C deck, and in line with the edge of the uptake, was a girder which ended with a small bracketed connection to the uptake plating. Inboard of the uptake openings were the elevator shafts as already pointed out.

All the above factors produced a most obvious line of weakness, which happened to come right on the midship section. In addition, failure to compensate the heavy deck for the openings cut in it, especially at the forward outboard corners, resulted in concentrating at these sharp corners all the strain carried from forward by a much wider strake of heavy plating.

Due to this local strain, it is evident that the cracking first started at the square corners. From this point, the cracks ran outboard a short distance into the ventilator hole. From here the cracks continued outboard, along the line of closely spaced rivets in the butt strap, to the

2-inch deck stringer, through which they ran to the sheer strakes and down the port sheer strake at its weakest section into a porthole.

FRACTURE GRADUALLY EXTENDED ALONG WEAKEST SECTION

It will be seen that in this case the damage followed the weakest section. Considering the structure and nature of the fracture, it is clear that the fracture was progressive. From the port and starboard uptake corners (diagram) worked their way outboard, rivet by rivet, until enough of the deck was gone on both sides to make the light inboard plating take part of the strain. This light plating then let go, which damage was soon discovered, as in this location there is a central passage over this spot and the interior deck covering would crack with the deck. This was the condition in the summer of 1924.

The progressive rupture of the C deck continued through the fall, and when in December the vessel was finally exposed to heavy weather, there was so little of the top flange left that, under a real strain, the remaining metal let go with a bang. It is safe to assume that at this instant the vessel was rolled to the starboard side, so that the port sheer strake was also acting as part of the top flange, and, consequently, was partly torn through when the deck parted.

There have been numerous instances previously in ships, buildings, and machines where cracks have started in structures that were adequately strong generally, but where a local stress was excessive due to an error in detail design. A crack once started is bound to extend itself, especially in a structure subjected to alternating stresses, regardless of the strength of the section through which it is working. Recognizing this, the designer usually tries to prevent the start by making all points subject to excessive local strain considerably stronger than the remainder of the structure and by making all changes in shape take place gradually. To these ends the machine designer fillets his corners and thickens up his shoulders; the ship designer endeavors to avoid sharp corners, and compensates all openings by thickening up his plating. Both Lloyds and the American bureau rules require compensating plates around openings cut in strength members.

Just why the German designer of the *Majestic* failed to compensate his strength deck when he cut out an oblong section of it on each side with the uptakes is not known. It can only be assumed that the stresses were so low in the sections of the deck stringers left that the chance of local concentrations of stress at the corners was overlooked.

HOW REPAIRS WERE MADE

In repairing the damage, care was taken to insure its nonrecurrence. All fractured plates were, of course, replaced. The initial error was corrected by making the new plating around the uptake corners half an inch thicker than the adjacent deck plating. In addition, the ventilator opening near the corner was eliminated, the butt strap outboard of the corner was moved several frames away, and the girder underneath the deck was more securely fastened to the uptake bulkhead. The effect of all this was to eliminate the line of relative weakness and to reinforce the corner against local strain. Finally, in renewing the fractured deck plate inboard between the elevator shafts, the thickness was increased from five-eighths inch by laying a new doubling, several hundred feet long, over this section. This, however, appears a useless precaution. As there are no inboard longitudinal bulkheads to connect this plating to, it can never take a strain until the outboard sections of the deck, which, due to their connections to the shell, act as the flanges, give way. As means to prevent such a mishap to the outboard plating have been provided, the strengthening of the deck inboard was unnecessary, resulting only in needless expense and addition of weight.

As this structural failure on the *Majestic* was not one peculiar to large ships, it is hoped that a knowledge of the trouble in this instance will prove useful to naval architects in the future in designing anything from yachts to liners.

The importance of the main deck, which I attempted to explain a few moments ago, will readily be seen from the reading of Commander Ellsberg's article.

It will require but little argument to show the necessity of writing into the law provisions which would compel foreign vessels engaged in passenger traffic and not subjected to our inspection to report to the proper authorities of our Government accidents or any damage sustained by the ship in order to give American officials an opportunity to pass on her seaworthiness before American citizens are permitted to embark as passengers at the risk of their lives.

Now, I want to call attention to another phase of the law which is very interesting. The owners of the *Vestris* are not liable in one single cent of damages to the families of persons who lost their lives through their negligence. When the *Titanic* and the *Lusitania* sank the owners were not liable for one cent of damage to the families of the people who lost their lives. That is under the act of 1851, where the liability of owners are limited. This law of limited liability was first enacted in France in the sixteenth century, when imprisonment was the punishment for nonpayment of a debt or judgment. When small sailing ships, usually owned by one individual and often the master of the ship, there might have been some reason for the limited liability. It was adopted in England during the reign of George III, and was followed by the colonists. It was put into the Revised Statutes in 1851.

Not only that, but the owners of the vessel can pocket the money that the insurance companies pay and still raise the defense of limited liability as provided for in the statutes. That was held as far back as 1886. The Supreme Court of the United States held that the statute of limited liability gave owners full protection and that the money received from insurance companies for the loss of the vessel could not be made applicable for the payment of damages.

I will read section 4283 of the Revised Statutes, which perhaps is the most archaic provision of all our laws.

SEC. 4283. The liability of the owner of any vessel for any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

Gentlemen, that is the law to-day and exactly as it was in the sixteenth century when first enacted. The dangers of the sea at that time can not be compared with conditions of to-day. I do not mean that the sea is less violent or that the elements have changed at all. But when this law was first enacted there were only tiny sailing ships. Compare that with conditions today—steel construction, water-tight compartments, and, above all things, the radio, which has made the isolation of a ship a thing entirely of the past. So that the risks of the sixteenth century are not to be compared with the risks assumed by owners of ships in the twentieth century. Negligence of the owners, of course, should not be exempt by the statute. Oh, yes, I will concede that the statute specifically says "without the privity of the owners"; yet, gentlemen, that is absolutely no safeguard, as it is humanly impossible under the law and the decisions and the way the steamship business is conducted to ever prove the privity required by the statute.

I noted several of the Members shaking their heads when I referred to the limited liability law being applicable in the United States courts to foreign owners of foreign ships as against claims for losses suffered by American citizens. It was so held in the case of Oceanic Steam Navigation Co. *v.* Mellor (the *Titanic*) (233 U. S. 718). The case of the *Lusitania* will be found in 351 Federal, 715. I might say right here that England has modified the law and, while it has not entirely repealed the limited liability statute, it does impose a minimum liability on the owners, where the ship is a total loss, of £15 a ton for loss of life and £8 a ton for loss of freight. That is a total—let me see—of about $115 a ton.

A splendid and scholarly review of the history of the owners' liability law will be found in the case of *The City of Norwich* reported in 118 United States, 468. That was really the test case, and as I said before it was decided in 1886. Several like cases were considered by the court at the same time and the question of whether or not insurance was applicable to the payment of damages or could be pocketed by the owners came up in the case of the *Great Western*, reported in the same volume on page 521, and it is in this latter case that a strong dissenting opinion was rendered. The dissenting opinion was rendered by Mr. Justice Matthews, with whom concurred Justices Miller, Harlan, and Gray. In this case, like in so many other cases where a property right was placed above a human right, the court decided by a divided vote of 5 to 4. I just want to read the closing statement in the dissenting opinion referring to the insurance feature of the case. Mr. Justice Matthews closed the dissenting opinion in these words:

We can not bring ourselves to think that Congress intended by limiting the personal liability of the shipowner, in cases where previously his whole fortune was responsible for the wrongs committed through his agents and representatives, to the value of his interest in the ship, which was the instrument of the injury, to permit the innocent party suffering the damage to go entirely without redress, when the vessel in fault, by disaster subsequently happening during the whole period of the same voyage, has been totally lost, and the owner, by a contract in force when the wrong was done, receives full compensation by way of insurance for the loss he has incurred, and has thus restored to him the offending vessel, not indeed in specie but in value. It seems to us it is the meaning of the statute that the owner shall receive no pecuniary benefit from his interest in the vessel doing the wrong which shall not inure to the compensation of him who has suffered the loss which it has caused. And that meaning Congress has taken pains to express by the use of the word "interest" as the subject which, or the value of which, the owner must surrender and transfer or account for, as the price of his immunity from personal liability, because it is appro-

priate to convey the idea, being large enough to embrace, not the mere legal title to the vessel or the wreck and remnant of her which may be saved from the perils of the voyage but every claim and benefit which constitutes to the owner its substance and value, capable of measurement in money.

I am sure that we have outlived the necessity of limited liability and I am certain that a study of existing law and prevailing conditions will result in the repeal of the statute. I can think of nothing that will make ships safer than repealing the limited liability provision of the law. It certainly is cheaper under existing law for owners to lose the entire ship, pocket the insurance money, and escape the payment of all damages. Once the liability is removed we will have little trouble in making shipowners comply with all the safety provisions of the law.

I have introduced a bill to repeal the limited liability section of the law. The bill has been referred to the Committee on Interstate and Foreign Commerce. Personally, I believe that it belongs to the Committee on Merchant Marine and Fisheries. I intend to confer with the chairmen of these two committees so that proper reference may be made. I do hope to get some action on it.

I do not say that we can sit here and on the spur of the moment revise these laws. I do not believe that a congressional investigation would do any good, because other fact-finding agencies of the Government have already attended to that. But I do believe that we should give this matter serious study and consideration and do it speedily. I suggest in my resolution (H. J. Res. 329) a commission to take all of the available data, to take the experience of the past, to study the laws and the treaties existing, and to make specific recommendation to Congress for the revision of our shipping laws.

I provide in my resolution for a commission to consist of three Members of the House; two Senators; an officer from the Bureau of Construction of the Navy; the senior naval officer; a delegate to the Conference at London for the Revision of the Convention of 1914 for the Safety of Life at Sea—and I will tell why in a moment; the Supervising Inspector General of the Steamboat Inspection Service of the Department of Commerce; a naval architect from the Naval Architects' School of the University of Michigan, and one from the Massachusetts Institute of Technology; a representative from the American Shipping Bureau, and one from the Society of Naval Architects. That would be a well-balanced commission. They could take their time and would necessarily have to wait the result of the London conference and take the findings of the conference into consideration. That is why I include the senior naval delegate from the United States sitting in the conference as a member of the congressional commission. That would establish the necessary contact between the London conference and this commission.

Mr. Speaker, I believe it necessary that such a resolution be passed. I do not care whether it be mine or some one's else, because I have no pride of authorship, but I think it should be passed at this session of Congress.

To show how sometimes we act hastily, although in the particular instance to which I shall refer we acted on good advice, we appropriated $12,000,000 for the reconditioning of the *Mount Vernon* and the *Monticello*. Those two boats were built 26 years ago. They are of the old German school that departed from the accepted formula of beam and draft. They are very narrow. The Germans have gone back now to the old formula. Those ships have low stability. They are 26 years old. Each will be required to carry at least 1,300 tons of fixed ballast, besides their water ballast. Yet we appropriated $12,000,000 to recondition them.

There is conflicting thought as to the advisability of reconditioning those two ships, and it is hoped that the appropriation will not be expended on those two old hulls, because the traveling public will be loath to take passage on them.

Mr. WAINWRIGHT. Who has the discretion in respect to that?

Mr. LAGUARDIA. I think it is in the Shipping Board. I do not think that I am violating any confidence when I suggest that any Member who is interested should consult some of the experts in the Bureau of Construction of the Navy, and consult some of the practical men who advise against this. It will take about a year and a half to recondition them, while it would take only two years, perhaps, to build new ships. In these days of keen competition, in the face of the splendid ships we are building of the type of the *Malola*, the *California*, and the *Virginia*, and those other ships I mentioned, it is simply ridiculous to spend that money on those two ships, and put them in the North Atlantic trade and expect to compete with the ships of foreign countries that we find in that trade, seeking American passengers.

Mr. WOODRUFF. Is it not a fact that the $12,000,000 authorized and appropriated for the reconditioning of those two ships would build two new ships of the same capacity?

Mr. LAGUARDIA. Perhaps not entirely, but very nearly.

Mr. WOODRUFF. That is $6,000,000 a ship, and I would say to my friend that $6,000,000 even to-day will build a mighty fine ship.

Mr. LAGUARDIA. It would certainly be criminal waste to spend it on those two ships.

Mr. WOODRUFF. I agree entirely with the gentleman.

Mr. GREEN. The decision to which the gentleman referred awhile ago, I believe, was in 1886. Does the gentleman recall whether the owners of that ship were at fault?

Mr. LAGUARDIA. That makes no difference.

Mr. GREEN. I want to ask the gentleman about the *Malola*.

Mr. LAGUARDIA. Let me make that clear. As I said before, if you can establish privity between the owners and the accident, which is almost impossible, then, of course, the limitation does not apply, but in doing that you have to practically establish criminal negligence.

Mr. GREEN. That was just what I wanted. Is this *Malola*, which the gentleman mentioned here, of the type commonly known as the nonsinkable?

Mr. LAGUARDIA. As near nonsinkable as a passenger ship can be. You understand, of course, you can make a warship more resistible to sinking than a passenger ship, because you must provide space in a passenger ship for cargo and passenger accommodations, such as large dining rooms, smoking rooms, and the like, while on a warship you can put several longitudinal bulkheads besides the cross bulkheads. Of course, it would not be possible to do that in a merchant ship required to also carry freight. But she is as nonsinkable as a passenger ship could be.

Gentlemen, I sincerely hope that Congress will no longer delay giving this subject consideration and action. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. CRAMTON. Mr. Chairman, yesterday afternoon the item on page 70 referring to fees for examining surgeons, Bureau of Pensions, was passed over until to-day.

The CHAIRMAN. Does the gentleman desire to return?

Mr. CRAMTON. I desire to return to it.

The CHAIRMAN. The gentleman from Michigan desires to return to page 70 under the arrangement made at the last sitting of the committee.

Mr. CRAMTON. At that time there was pending an amendment to the paragraph which I had offered following the action on the point of order. Since our adjournment I have discussed this matter with the Commissioner of Pensions, and I have here a memorandum from him and I will be glad to have it read, if it is desired, suggesting the importance of the paragraph. I have discussed it with the gentleman from Wisconsin [Mr. SCHAFER], who has, as I understand, given it other study and made investigation. The gentleman from Wisconsin suggests a change in the language further to perfect the situation. That change in language is indorsed by the Commissioner of Pensions and is entirely satisfactory to our committee.

Mr. JOHNSON of Texas. Will the gentleman indicate what the change is?

Mr. CRAMTON. It is to perfect the situation as to the examinations already ordered. If permission is given me, I will withdraw the amendment, although perhaps I had better offer this as a substitute for the pending amendment.

The CHAIRMAN. The Chair will state there is an amendment pending offered by the gentleman from Michigan on page 70, line 5, striking out the paragraph and inserting certain language. Does the gentleman from Michigan ask permission to withdraw his amendment?

Mr. CRAMTON. No; I am offering this as a substitute for the other amendment.

The CHAIRMAN. The gentleman asks unanimous consent to offer a substitute for the amendment which he offered at the sitting of the committee on yesterday. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Substitute offered by the gentleman from Michigan [Mr. CRAMTON] to the amendment proposed on yesterday:

Page 70, line 5, strike out the paragraph and insert the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided,* That hereafter all necessary medical examinations of claimants or pensioners not heretofore paid shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194), secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further,* That the fee paid any such physician making such examination alone, or otherwise, shall be $5 for each examination, foreign or domestic."

Mr. BLANTON. I make a point of order against the amendment. It clearly violates the rule laid down by the Chair yesterday, in that it does not come within the provisions of the Holman rule. The Chair ruled on that yesterday, that where it gave the commissioner discretion to appoint more than one, he might appoint more than one in every case. It not only fails to come within the scope of the Holman rule on that but it clearly indicates that he can pay them $5 apiece hereafter, which will increase the expense instead of lowering it.

Mr. CRAMTON. Mr. Chairman, if I could explain the details of the matter to the gentleman from Texas [Mr. BLANTON], he would not be disposed to insist on the point of order. It would be very easy, I may say to the gentleman from Texas, to so draft the amendment as to avoid the point of order.

Mr. BLANTON. Yes. That is what I think. But now the gentleman comes and puts back into the bill the very thing against which the Chair ruled yesterday.

Mr. CRAMTON. I have endeavored to meet the views of the gentleman from Wisconsin [Mr. SCHAFER] and have offered the amendment in this shape. It is a complete rounded-out provision.

Mr. BLANTON. It is in effect exactly the same as the gentleman proposed yesterday.

Mr. CRAMTON. Not absolutely. The amendment which I offered yesterday, to which no point of order was raised, and which is now pending——

Mr. BLANTON. Because the Chair ruled it in order as coming within the Holman rule.

Mr. CRAMTON. If the gentleman will permit, the amendment which I offered yesterday and which is still pending was of a legislative character. It was exactly the provision reported by the committee, except that there was omitted the provision permitting the Commissioner of Pensions in his discretion, where desirable, to order an examination before the full board instead of before one member. That is the only difference between the amendment offered yesterday and now pending and the original recommendation of the committee. I am sure the gentleman from Texas would not be opposed to that being included, because the Commissioner of Pensions assured our committee that there will not be a great many cases where he would order pensioners before the full board. But there are some in which it is desirable by the commissioner to have an examination before a full board.

Mr. BLANTON. But in that case the applicant for pension can get it only when the commissioner sees fit to give it to him. I have in mind some of our hard-boiled physicians in the Veterans' Bureau who have made ridiculous decisions in regard to disabled soldiers. In the Pension Bureau you have no appeal. When you have a hard-boiled physician he turns a man down and the man has no appeal at all.

Mr. CRAMTON. The only thing in this controversy now seems to be that one clause——

Mr. BLANTON. Which takes it out of the scope of the Holman rule——

Mr. CRAMTON. And which I can get around if the Chair forces me to. But let us consider the matter on its merits and vote it up or down according to the merits. If not, of course, all that I have to do is to redraft that amendment——

Mr. BLANTON. To conform to the Chair's ruling.

Mr. CRAMTON. To get around the Chair's ruling——

Mr BLANTON. And the Chair will not let him do that.

Mr. CRAMTON. He will so long as I am parliamentary about it.

Mr. BLANTON. But the gentleman from Michigan comes back and offers the self-same amendment that the Chair has ruled out of order——

Mr. CRAMTON. With a provision in it that the gentleman from Wisconsin desired.

Mr. BLANTON. Fortunately for the country the Congress is composed of 435 Members, some of whom are from States other than Wisconsin, and all of whom ought to be heard in behalf of the people.

Mr. CRAMTON. Let me say to the gentleman from Texas that the amendment is one of very great importance to the good administration of the pension laws.

Mr. BLANTON. I am thinking about disabled soldiers obtaining a pension.

Mr. CRAMTON. And I am thinking about them, and also the Commissioner of Pensions is, and the commissioner emphasizes the need of this legislation. Of course, if my amendment carries as to this provision concerning these examinations before a full board—if it were to carry a provision to the effect that in no more than 10 or 20 per cent of the cases there should be such examinations before the full board, we would be keeping within the Holman rule, and we would be defeating the very thing the gentleman from Texas has in mind.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman stated yesterday that out in California, where one board made 30 examinations in a day, these physicians getting $90 under the law would be getting entirely too much money. He is fixing it so that one physician in California can make 30 examinations a day and get for it $150.

Mr. SCHAFER. Mr. Chairman, since this matter came before us yesterday I have made an investigation and have consulted the Commissioner of Pensions. It is not the intention to abolish the boards and give one member all of the examinations. The boards will be retained so that if their services should be required for a board examination they can be had. Under the proposed plan one physician will not make all the examinations which his board would make under the plan now in effect. The examinations will be assigned to various members of the present boards.

Mr. BLANTON. But this present commissioner may die or resign to-day and another commissioner may come in.

Mr. SCHAFER. I will say to the gentleman that from the standpoint of the pension boards in my district, which is a city district, perhaps the change is not necessary; but I have found upon investigation that in the rural communties there is a great hardship not only in having the board members travel many miles from their places of residence, but in having many of the veterans travel hundreds of miles to these boards; I have concluded after further investigation and consideration that it would be well to give the new plan a trial, and then if it does not work we can change it.

Mr. BLANTON. Mr. Chairman, I have not reversed my position. I make the point of order that it is in violation of the Chair's ruling.

Mr. CRAMTON. Mr. Chairman, in answer to that let me suggest this: There is pending now before the committee the amendment which I offered yesterday, which very clearly carries legislation in its last sentence, where it provides that the fee hereafter to be paid shall be $5 instead of $3. That is clearly legislation. It is true it could be sustained in an appropriation bill under the Holman rule, but the Holman rule does not take away its legislative character. It is still legislation. I am offering an amendment to-day that is also legislative, as the gentleman from Texas suggests, but it is germane to the amendment offered last night.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. That is the very position I took yesterday, and the Chair cited a decision rendered by the distinguished gentleman from New York, Mr. Hicks, which he showed does not sustain the gentleman.

Mr. CRAMTON. No; the gentleman from Texas is not following me, apparently.

Mr. BLANTON. Yes; I followed the gentleman. I took that position yesterday, and the Chair said——

Mr. CRAMTON. Mr. Chairman, I do not yield any further, because I want to complete my statement without taking too much time of the committee. The gentleman has not understood what I said at all. I am suggesting that because the amendment already pending is legislative in character the amendment which I now offer, which is germane, is in order.

Mr. BLANTON. Mr. Chairman, I want to be heard for just a moment. The Chair held this provision in order only because he said it came within the Holman rule and that on its face it showed it might bring about a curtailment in expenses, but the Chair would not rule to that effect until they cut out the provision which the gentleman from Michigan is now offering in this last amendment. Now, the Chair can not say that the last amendment will come within the Holman rule, because, as the Chair said the other day, the commissioner may appoint every single one of these three men on boards and may not save one single penny. The Chair can look only at the face of the bill, and the Chair has cited the decision made by Mr. Hicks, which answers the very contention made by the gentleman from Michigan, and I presume the rule which applies in committee one day will apply all the time as long as the same Chairman is in control.

Mr. JOHNSON of Texas. Mr. Chairman, I wish my colleague would not insist upon his point of order for this reason: If we are going to change this law, which it seems we are going to do, I think it preferable to give the commissioner discretion to have more than one doctor make examinations when deemed necessary, rather than the iron-clad rule that only one doctor should do so. I think the commissioner should have authority to exercise this right not only in behalf of the Government but in behalf of the applicants for pensions, so that if we should have a constituent who was examined and we were dissatisfied with the examination made by one doctor I feel sure the Commissioner of Pensions would, upon request, have him reexamined by the board of doctors. For that reason, I would prefer giving the commissioner discretion to appoint more than one physician to make an examination when he thought it necessary.

Mr. BLANTON. I would rather keep the law we have here than to be compelled to get down on our knees and beg the commissioner to do something which we can make him do by law.

Mr. JOHNSON of Texas. I do not think we would have to beg the present Commissioner of Pensions because I think he has been both courteous and fair in his treatment, not only of Congressmen but of applicants as well.

The CHAIRMAN. On yesterday the gentleman from Michigan [Mr. CRAMTON] offered an amendment which was pending at the time the committee rose and which reads as follows:

For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1195, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions. The fee to be paid any such physician making such examination, alone or otherwise, to be $5 for each examination, foreign or domestic.

The gentleman from Michigan [Mr. CRAMTON] thereupon made a short statement with reference to this amendment and it might be considered that that statement was debate and the Chair would hold that it was debate. To-day the gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to offer a substitute for the amendment which was pending and that consent was granted. The substitute reads as follows:

For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners, not heretofore ordered, shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination alone, or otherwise, shall be $5 for each examination, foreign or domestic.

This substitute is exactly like the amendment offered yesterday and pending to-day except that after the words "claimants or pensioners" in the second line of the proviso, this phrase is added, "not heretofore ordered," and also after the words "Commissioner of Pensions" in the phrase "duly designated for such examination by the Commissioner of Pensions," there is added this clause: "Except when in the judgment of the said commissioner the examination should be made by more than one."

The gentleman from Texas [Mr. BLANTON] makes the point of order that the substitute contains legislation and is therefore in violation of the rules of the House.

Whether the amendment offered yesterday by the gentleman from Michigan, for which a substitute was offered this afternoon, was itself out of order, it seems to the Chair is immaterial. The result, in the opinion of the Chair, will be the same. If the amendment offered yesterday was not subject to a point of order, the additions to that amendment in the substitute are clearly legislation and under the substitute repugnant to the rule. If the amendment offered yesterday came within the protection of the Holman rule, it contained legislation. The substitute offered to-day contains the same legislation and also additional legislation, in the opinion of the Chair. Both of the phrases added in the substitute are in the nature of additional legislation, but the Chair particularly calls attention to the second new matter in the substitute reading as follows:

Except when in the judgment of the said commissioner the examination should be made by more than one.

The Chair thinks that the rule laid down by the distinguished gentleman from Ohio [Mr. BURTON] in Hinds' Precedents, No. 4, page 563, states the condition of the rules and precedents of the House upon this subject.

Mr. BURTON, then Chairman of the Committee of the Whole House on the state of the Union, said:

The Chair will state that the general rule, apparently established, is as stated in the Digest:

"'A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment.'

"Now, it appears that a proviso was included here and passed without objection which would have been subject, the Chair believes, to a point of order. To that an amendment was proposed. There have been, as the Chair is informed, conflicting decisions, and it is desirable that a uniform rule be established. The rule has been applied that where a provision is inserted which changes existing law it may be perfected by an amendment (which is germane), even though not in accordance with existing law.

"The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order.

"So, if the amendment of the gentleman from California simply pertained to the proviso which was out of order—that pertaining to the Bertillon system of identification, which was allowed to enter the bill—it would be in order, but if it pertains to the whole paragraph relating to the enforcement of the Chinese exclusion act it is not in order."

The Chair, with some reluctance——

Mr. CRAMTON. Will the Chair permit an observation?

The CHAIRMAN. Yes.

Mr. CRAMTON. It is to be observed that both the changes that are proposed in the amendment now submitted and now before the Chair are changes that come more closely in harmony with existing law; that is to say, it exempts from the change all examinations heretofore ordered and that certainly leaves the existing law in effect as to examinations heretofore ordered. Secondly, the existing law provides for an examination before more than one, and the second provision refers to the examination before more than one in the discretion of the commissioner. Both changes are not getting further away from existing law, but are bringing the amendment more closely in harmony with existing law.

Mr. BLANTON. Will the Chair permit an observation?

The CHAIRMAN. Yes.

Mr. BLANTON. The Chair let the gentleman from Michigan bring in this legislation only upon the ground that it came within the Holman rule, and the Chair shut out that part which did not come within the Holman rule, and did so very properly; and the other day when the gentleman from South Carolina [Mr. STEVENSON] made his point of order on the word "hereafter," which was the only addition I had offered, and I made the very point that the gentleman from Michigan has now made, that where there is some legislation already, you can offer additional legislation, the Chair cited us to the decision by Mr. Hicks, of New York, which holds, just the same as Mr. BURTON'S decision, that if it goes further, it is still subject to the point of order, and takes it without the Holman rule. If the Chair were to let the gentleman from Michigan do now what he sought to do the other day, it would be a reversal of the decision of the Chair.

The CHAIRMAN. The amendment, offered by the gentleman from Michigan yesterday, changed the existing law and provided that hereafter all necessary medical examinations of

claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended, and duly designated for such examination by the Commissioner of Pensions.

This changed the existing law, took away the board of surgeons, deprived them of their authority, but provided that hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon. Perhaps, the Chair should not state it took away the board of surgeons, because it does not do that directly. The board of surgeons might still be appointed, but they would not make any examination, because under the amendment offered yesterday all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon.

The substitute offered this afternoon provides, first, that hereafter all necessary medical examinations of claimants or pensioners, "not heretofore ordered"—making therefore two classes—shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended, and duly designated, and so forth, except that when in the judgment of the commissioner the examination should be made by more than one, it may be made by more than one.

It seems clear to the Chair that this substitute goes beyond the scope of the amendment of yesterday and adds new legislation, and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, and to simplify matters——

The CHAIRMAN. The Chair will state there is now pending the amendment offered by the gentleman yesterday. The substitute has been ruled out of order.

Mr. CRAMTON. Yes; I offer this as a substitute for the paragraph or as a substitute for the pending amendment; it does not matter.

The CHAIRMAN. The pending amendment must be disposed of.

Mr. BLANTON. A point of order, Mr. Chairman.

Mr. CRAMTON. Mr. Chairman, I offer the amendment in the nature of a substitute as an amendment to the pending amendment.

Mr. BLANTON. In order to get a ruling from the Chair and merely for that purpose I make the point of order that a Member, even though he be in charge of a bill, can not himself offer an amendment and then offer a substitute for his own amendment. If he wants to offer a different proposition, he must withdraw his amendment. It is something unheard of since I have been here for a Member to offer a substitute to his own amendment.

The CHAIRMAN. The Chair would like to hear the gentleman from Michigan. The Chair does not recall any decision on that matter and does not recall the practice.

Mr. CRAMTON. It is frequently the case that a Member offers an amendment to his own amendment. He has the same right to do that that any other Member has.

Mr. BLANTON. By unanimous consent.

Mr. CRAMTON. It does not require unanimous consent. I am in the same position as to the pending amendment as any other Member of the House.

The CHAIRMAN. The Chair will state that the rule in the House is that a Member may withdraw an amendment which he offers.

Mr. CRAMTON. I am not withdrawing this.

The CHAIRMAN. But in Committee of the Whole that practice is not permitted.

Mr. CRAMTON. I am not withdrawing the amendment; the amendment is before the committee and eventually will have to be acted on by the committee. I am placing before the committee the consideration of an amendment to that amendment, and I have the same right as any other member of the committee.

The CHAIRMAN. The Chair finds no precedent on the subject, and the parliamentary clerk informs the Chair that he does not know of any. The Chair will therefore decide it as a question of first impression. Under general parliamentary principles the Chair overrules the point of order. The Chair thinks that in the absence of a prohibition against a Member offering a substitute or an amendment, he has the natural inherent right within decorous conduct.

The Clerk will report the substitute offered by the gentleman from Michigan.

The Clerk read as follows:

Strike out the paragraph on page —, beginning on line 5, and insert the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, $300,000: *Provided,* That hereafter all necessary medical examinations of claimants or pensioners not heretofore ordered shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further,* That the fee paid any such physician making such examination alone, or otherwise, shall be $5 for each examination, foreign or domestic: *Provided further,* That such examinations especially ordered by the commissioner before more than one shall not exceed 10 per cent of the total number of examinations."

Mr. BLANTON. Mr. Chairman, I make the point of order in good faith that this has in it more vice than the other amendment. This does not come within the Holman rule. If the Chair will notice, instead of being restricted to three surgeons, it is unlimited. If the commissioner wants to do so he could appoint 20 surgeons. He is not limited to any number; he could appoint 20 or 100. There is no limit whatever, and instead of paying them $3 apiece as they are restricted now, by this amendment the fee is increased from $3 to $5. The commissioner could enlarge the board and be within the provisions of the bill. Say he was to appoint 25 surgeons in one case at $5 each. The Chair can not determine upon its face that that would retrench expenses. I submit that it is an enlargement of the present law. It is a change of law on an appropriation bill unauthorized by law and does not come within the rule.

Mr. CRAMTON. Mr. Chairman, I insist, in so far as the amendment is different from the pending amendment, that taken as a whole it is in order under the Holman rule. The existing law provides for an examination by a board of three at $3 each, or $9. The bill proposes an examination by one at $5, except that the commissioner may in his discretion order an examination by more than one, but the total of those examinations by the board must not exceed 10 per cent of the total. Therefore, the reduction from $9 to $5 will more than overbalance the 10 per cent. The gentleman from Texas urges that the number is not limited. These are examinations before a board. This goes back to the existing law, and under the existing law there are only three physicians on the board. These boards are continued, these surgeons are all members of the board, and so an examination ordered by more than one is ordered before that board. It is possible, of course, if there is any ambiguity in the language to correct it.

Mr. BLANTON. The gentleman might offer another substitute.

Mr. CRAMTON. Possibly I may be forced to do that, but the ambiguity is not present because the existing law creates the boards and limits them to three.

The CHAIRMAN. The Chair is ready to rule. The existing law, to which reference is made in the substitute, being found in the United States Code, page 1194, sections 71 and 72, reads, in the beginning, as follows:

The Commissioner of Pensions is authorized to appoint surgeons who, under his control and direction, shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board.

In the proposed substitute it is provided that—

Hereafter all necessary medical examination of claimants or pensioners not heretofore ordered shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one.

The gentleman from Texas [Mr. BLANTON] makes the point of order that under the language just quoted the commissioner might order the examination to be made by more than the number now constituting the board of surgeons. The Chair thinks that would be a very strained and far-fetched construction of the language, although it does seem that the language might a little more clearly limit the number that could be selected. However, the Chair thinks that the language in connection with existing law is plain enough to warrant and probably require, and the Chair thinks it does require, the construction that not more than three, being the membership of the board of surgeons, could be called in by the commissioner to examine a single case. That situation furnishes the only possible difficulty in the substitute.

Mr. BLANTON. Mr. Chairman, to relieve the Chair of difficulty, I withdraw the point of order.

The CHAIRMAN. The Chair is not under any personal difficulty. The gentleman from Texas apparently observing the trend of the opinion of the Chair, withdraws the point of order.

Mr. CRAMTON. Mr. Chairman, the amendment before us is one that we have discussed at some length, and in which I have had some difficulty. Now that the gentleman from Texas and I seem to be pretty much in accord again, I desire to propound a parliamentary inquiry. I would like to have that amendment before the House without that last proviso upon it and if the gentleman from Texas will be reconciled to have it that way——

Mr. BLANTON. Mr. Chairman, the Committee on Appropriations, headed by the distinguished gentleman from Michigan, is going to have its way anyhow, and why not let them have it now. [Laughter.]

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to modify the amendment before the committee by omitting the last proviso. That is the one with reference to the limit of 10 per cent of the examination.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to modify the substitute offered by him and now before the committee by striking out the last proviso. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, since I am on my feet I offer a statement from the Commissioner of Pensions with reference to this legislation, which I ask to have read from the desk.

Mr. BLANTON. Why take the time up in that way? Why not extend the gentleman's remarks and print it?

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting that statement at this time.

The CHAIRMAN. Is there objection?

There was no objection.

The statement referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, December 14, 1928.

Memorandum for Hon. LOUIS C. CRAMTON

Of the 66,714 certificates of medical examinations made in the last fiscal year, 54,518 were made by boards of surgeons and 12,196 by single examining surgeons.

In the adjudication of pension claims, just as satisfactory conclusion was reached as to degree of disability on the findings of one examining surgeon as on findings of boards of three examining surgeons. In fact, the complaints of veterans and veteran organizations against the work of boards far outnumbered complaints against the work of single surgeons.

As constituted, boards have a president, a secretary, and a treasurer and much of the work devolves on the secretary who, as a rule, is the dominant factor on the board and his work is usually concurred in by the president and treasurer. Each doctor receives $3 for his services. This fee is not attractive to competent physicians who receive not less than $5 for examinations made for insurance companies or other concerns, and medical associations, local, State, and National, frown down upon a fee of less than $5 for medical examination work. On the present $3 fee basis the bureau is satisfied that it is not getting as good service as it would on a $5 fee basis, as the latter fee would attract to the Pension Office medical examination service a better class of physicians and result in more thorough and satisfactory work.

Other Government agencies having to settle medical questions, such as the Veterans' Bureau, Indian Office, Employees' Compensation Commission, Civil Service Retirement Division, do so, almost entirely, on the findings of single surgeons and the medical determinations on such examinations are satisfactory to both applicants and the Government.

Under the proposed single-surgeon plan on a $5 fee basis there will result a saving of $3.35, as under the present board system the average cost per examination is $8.35. In other words, as the average annual number of board examinations is 50,000, the total savings should, conservatively estimated, be something over $150,000 per year.

As the number of outstanding board orders at any given time is about 8,000, unless provision is made in the legislation for these examinations and at existing rates, the result would be confusion as to payment of fees and dissatisfaction among claimants with outstanding orders for medical examination, because otherwise every outstanding board order would have to be canceled and boards and claimants notified and new examination orders issued to conform to the new system of examinations. To take care of this situation the attached provision is suggested.

The present medical referee of the Pension Bureau and the Commissioner of Pensions have been closely observing the workings of the present board system of examinations, contacting with boards and veterans' organizations as to work of boards, and are satisfied that the proposed single-surgeon plan is bound to result in more complete examinations and a service more satisfactory both to the Government and the veterans.

WINFIELD SCOTT, *Commissioner.*

The CHAIRMAN. The Chair would like to know if the gentleman from Michigan desires his statement read as well as extended?

Mr. CRAMTON. No; in response to the sentiment it is not necessary that it be read.

The CHAIRMAN. The question is on the substitute to the amendment offered by the gentleman from Michigan.

Mr. SCHAFER. Mr. Chairman, I rise in favor of the substitute. I was one of those who opposed this change in existing law yesterday when it was before the House. I have made a further investigation and have consulted with the Commissioner of Pensions and found that this is a proposition which he has advocated since 1926. One of the reasons why I opposed this proposition yesterday was that after carefully reading the entire testimony before the Subcommittee of the Committee on Appropriations I could not find any clear and convincing language indicating that the Commissioner of Pensions had approved the change. While the district which I have the honor to represent is a city district and the examining boards are convenient for my constituents, I found upon investigation that under existing law in many communities, especially the rural districts, applicants for original pensions and increases have a great deal of inconvenience, as on many occasions they have to travel long distinces to an examining board. I have reached the conclusion that we should give this new proposition a trial, especially since I now know it has the whole-hearted approval of the Commissioner of Pensions.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan to his own amendment, the substitute being modified in accordance with his amendment.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now recurs upon the amendment as amended by the substitute.

The question was taken, and the amendment was agreed to.

Mr. KNUTSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KNUTSON. I rise for the purpose of submitting a unanimous-consent request. I ask unanimous consent to return to page 61.

The CHAIRMAN. To what point?

Mr. KNUTSON. Line 17.

The CHAIRMAN. For what purpose?

Mr. KNUTSON. To offer an amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to line 17 on page 61 for the purpose of offering an amendment.

Mr. CRAMTON. Mr. Chairman, I suggest the amendment be reported pending the request.

The CHAIRMAN. Without objection, the amendment will be reported for the information of the committee.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 61, line 17, after the word "Interior," change the period to a semicolon and insert the following: "*Provided*, That not to exceed $10,000 of the principal funds on deposit to the credit of the Chippewa Indians of Minnesota shall be immediately available for the purpose of aiding indigent Chippewa Indians upon the conditions herein named."

The CHAIRMAN. Is there objection to the unanimous consent? [After a pause.] The Chair hears none.

The gentleman from Minnesota has offered an amendment, which has been read, and, without objection, will not be reread. The question is on the amendment.

Mr. CRAMTON. Mr. Chairman, I will say the committee is quite in sympathy with the purpose and has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, there is pending before us, if I recollect correctly, the item at the bottom of page 79. I think it had just been read by the Clerk. Am I correct in that? Has the Kittitas item been read?

The CHAIRMAN. The reading stopped at the end of line 24 on page 79.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 79, line 24, after the figures "$20,000," insert the following: "Continuation of construction, $862,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

Mr. CRAMTON. I wish the gentleman would make the point of order.

Mr. BLANTON. Has this new $862,000 item been approved by the Budget?

Mr. CRAMTON. It has been.

Mr. BLANTON. Was an additional estimate sent in?

Mr. CRAMTON. No.

Mr. BLANTON. Has it been authorized by law?

Mr. CRAMTON. It is authorized by law.

Mr. BLANTON. Is there a law authorizing the expenditure of this $862,000?

Mr. CRAMTON. Yes. And besides, it is in continuation of a work already in progress.

Mr. Chairman, the Kittitas division of the Yakima project in the State of Washington is one of the most important projects now under construction. It has been under construction for perhaps a year or two. For the present year the work is under way. At the end of this fiscal year the main canal will be completed to the Yakima River; also the north branch will be completed to Jones Creek on the north side of the Yakima River. The south branch of the canal will also be completed.

The program which the Budget sent to Congress was for $1,500,000 for this project. That included an estimated cost of $500,000 for a siphon to go under the Yakima River, and then $500,000 for the construction of laterals subordinate to the north branch of the canal so far as constructed to Jones Creek, and then another $500,000 to extend that branch of the canal from Jones Creek to Johnson Creek.

The situation surrounding reclamation in the West is one that has depressed our committee very seriously, and it is due to the fact that as projects are being completed in several States and water is made available, so frequently no use is made of the land; the work of settlement and development of the land for which the water is made available proceeds so very slowly. Therefore our committee feel that we ought to study very carefully the situation of projects under construction. We ought to take every action possible to insure proper use of these lands after the construction is completed. Oftentimes it involves the highest degree of cooperation as between the Government and adjacent communities, railroads serving that region, and even the States involved.

When the Commissioner of Reclamation came before our committee he reported to us that conditions were not satisfactory with reference to this project leading up to its final settlement. By reason of the showing made by the department, the committee omitted any item for construction. Just before the bill was reported, really too late for us to give it consideration in the bill, a representative of that district, who did not come here for this purpose but was on his way, arrived and in company with the Representative from that district, the gentleman from Washington [Mr. SUMMERS], he placed the situation very fully before our committee. Conferences were held with these gentlemen and with the Reclamation Service.

As the result of those further conferences, our committee felt it was not desirable to suspend the construction work, but we still feel it is desirable to slow it down somewhat, in the belief that thereby, there will be brought about a more active interest on the part of all elements concerned and that in the long run the project will be better off by some slowing down this year. Therefore the amendment which I have offered, by direction of my subcommittee, provides for an appropriation of $862,000, plus a reappropriation of $138,000. That gives them $1,000,000 in cash for next year, which is $500,000 below the regular Budget estimate.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BLANTON. Then the gentleman ought to revise the remarks he made in first debating this bill under general debate and claiming to keep it within the Budget estimates, because in addition to $283,000,000 he first brought in, he has added from the floor already $114,000, $78,000, $90,000, and now this very enormous sum of $280,000 more, so that the gentleman is building up quite an enormous bill out of his committee, from the floor and otherwise.

Mr. CRAMTON. If the gentleman desires, I will state that the bill as reported to the House was, as I recall, $2,100,000, and a little more, below the Budget, and the $114,000 and $90,000 items are estimated for.

Mr. BLANTON. And yet $10,000,000 more than the bill last year, which in turn was larger than the bill of the preceding year, and increasing all the time.

Mr. CRAMTON. The gentleman is wrong. I will say to the gentleman that the bill this year is lower than the bill of two years ago. The bill of two years ago was for $311,000,000.

Mr. BLANTON. But it is $10,000,000 more than the bill of last year, is it not?

Mr. CRAMTON. I think so, and for very good reasons. The gentleman does not want the pensioners to go without their money, does he? Did the gentleman vote for the bill to increase the pensions of Civil War widows to $40?

Mr. BLANTON. Oh, yes.

Mr. CRAMTON. If so, that added $10,500,000 to the annual expense of the Bureau of Pensions.

Mr. BLANTON. And these additions here of $114,000, $78,000, $90,000, and $862,000 are coming pretty fast.

Mr. CRAMTON. I do not yield further until I can answer the gentleman. This Congress can not pass authorizations for the spending of money and then object to appropriations to take care of those authorizations, and the increase in pensions for Civil War widows amounts to over $10,000,000.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CRAMTON. The bill as reported to the House is $2,100,000 below the Budget, and the bill as it finally becomes law will not be one penny above the Budget unless this House takes it away from our committee. I will say to the gentleman from Texas that we knew when we reported the bill that we had under consideration this Kittitas item and that there would be some of it restored. When I spoke on Tuesday I discussed this subject and stated then that the committee would very possibly have some amendment to offer for the consideration of the House when the item was reached. The increases we have offered do not take up the reduction that the committee recommended in the bill, so if the House sees fit to accept such amendments as we are suggesting the bill will go out of this House very far below the Budget estimate.

The CHAIRMAN. The Chair desires to ask the gentleman from Texas whether he withdraws his reservation.

Mr. BLANTON. This is not subject to a point of order, and I withdraw it.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. I would like to say, in regard to the amendment, that we very much appreciate the further consideration the committee has given this item.

This does not make an additional draft on the Treasury. This amount is to be appropriated from the Federal reclamation fund. The project is in the course of construction; it has been duly authorized by Congress and there have already been large sums of money expended. However, water can not be put on very much of the land until further construction is accomplished. The money already expended can not be returned to the reclamation fund until construction proceeds and water goes onto the land.

The Director of Reclamation says:

Dealings with the Kittitas reclamation district have been satisfactory and the financial condition of the district is apparently favorable.

Again he said:

The principal immediate need of the project is the rapid continuation of construction to reach the main body of irrigable land in the lower end of the project.

And coming from the Budget, from the President, and from the Director of Reclamation was the suggestion that there should be $1,500,000 appropriated, besides the $138,000 of unexpended balance. However, the committee at this time has not seen proper to include that whole amount that was recommended by the Budget and by the Director of Reclamation. I hope the committee will decide after further consideration to

adopt the language suggested by the Budget, which is as follows:

Yakima project (Kittitas division), Washington: For continuation of construction and operation and maintenance, $1,500,000: *Provided*, That the unexpended balance of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for fiscal year 1929 (45 Stat. 227) shall remain available during the fiscal year 1930.

That is the quickest way of putting the project on a paying basis and securing repayment of funds already expended. Roughly speaking, two-thirds of the cost of the project has been expended, while only one-third of the land (and that the least-desirable land) can be put under water.

The Kittitas project of 72,000 acres lies in immediate contact with highly developed, settled lands that have been producing abundantly and profitably for 30 to 50 years. Many of the project's lands have been dry farmed or partially irrigated and farmed for many years. Railroads and highways traverse the tract. Ellensberg, the thrifty county seat, with a State normal school, banking facilities, and markets of every kind, is but a few miles distant. Thousands of reliable, responsible business and professional people and farmers are backing this project and are determined that it shall succeed. On further consideration, I believe the committee will approve the Budget's recommendation.

Mr. CRAMTON. Mr. Chairman, I should observe that I was in error in my statement of the amount the bill as reported is below the Budget. Instead of that amount being $2,100,000, it is $1,957,000.

Mr. BLANTON. That is close enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Secondary projects: For cooperative and general investigations, $75,000.

Mr. LEATHERWOOD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. On page 571 of the hearings this colloquy occurred between the gentleman and Doctor Mead with reference to secondary projects:

Mr. CRAMTON. For secondary projects, for cooperative and general investigations, you want continued the $75,000?

Doctor MEAD. Yes.

Mr. CRAMTON. You say you expect to spend all the appropriation for the current year?

Doctor MEAD. Yes. The expenses of the Colorado River Commission compelled us to drop everything else.

Is the gentleman able to state to the committee what Doctor Mead had in mind by that statement?

Mr. CRAMTON. As I recall, it was this special engineering commission or board of engineers with reference to Boulder Canyon Dam, which was authorized at the last session and was required to report at this session, and in their work the Reclamation Service, of course, cooperated and gave all the facilities that were requested.

Mr. LEATHERWOOD. That is the point I am getting at. Was there any money taken from the Reclamation Service and used for defraying the expenses of this commission?

Mr. CRAMTON. I can not answer that definitely.

Mr. LEATHERWOOD. The answer of Doctor Mead would imply that there was.

Mr. CRAMTON. Yes; I agree with the gentleman that would appear to be the case, and, of course, it would not be entirely improper if that proved to be the fact, for the reason that reclamation is involved in the Colorado River project. The item is reimbursible and if any money was expended for that purpose, it would be reimbursed from the Boulder Dam project; but I am speculating somewhat because I have no definite information.

Mr. LEATHERWOOD. I will say to the gentleman that the statement of Doctor Mead is so disconnected with anything that precedes or follows it that I was wondering if by some oversight something had been left out of the hearing.

Mr. CRAMTON. No; I think nothing of that kind happened. Our committee had before it the statement above in smaller type analyzing this $75,000 item, and the examination by our committee was not very thorough on this item, but everything that there was is in the record, according to my recollection.

Mr. LEATHERWOOD. I have gone over the statement very carefully and I can find no reason for the statement of Doctor Mead in anything that precedes or follows it, and I am just wondering what he had in mind, and thought perhaps the gentleman could enlighten me.

Mr. CRAMTON. I have given the gentleman my impression of it. I may not be entirely accurate, but it is the best I can do.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Whenever, during the fiscal year ending June 30, 1930, the Commissioner of the Bureau of Reclamation shall find that the expenses of travel, including the local transportation of employees to and from their homes to the places where they are engaged on construction or operation and maintenance work, can be reduced thereby, he may authorize the payment of not to exceed 3 cents per mile for a motor cycle or 7 cents per mile for an automobile used for necessary official business.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph to ask a question. I want to ask the gentleman from Michigan if he does not think that this provision authorizing 7 cents per mile as an allowance where a Government automobile is used is rather high. They can make 300 miles a day which would mean an allowance of $21 which they would be given for driving a Government automobile.

Mr. CRAMTON. It is their own automobile.

Mr. BLANTON. Oh, it may be a Reclamation Service automobile, and probably furnished most of the time.

Mr. CRAMTON. No, it is not. It is a privately owned automobile.

Mr. BLANTON. It does not say that, and the Reclamation Service has a number of automobiles. It can furnish a Government automobile and then allow an employee 7 cents a mile for maintenance, which is $21 a day, because they can easily make 300 miles a day.

Mr. CRAMTON. This never applies to a Government-owned machine. This only applies to a privately owned machine.

Mr. BLANTON. Even in the case of a privately owned machine, 7 cents a mile would mean $21 a day, and that is a high allowance for maintenance.

Mr. CRAMTON. And they, of course, pay the oil and gasoline expense.

Mr. BLANTON. They can drive a Chevrolet or Ford car of their own and pay for it in a short time if they are getting $21 a day from the Government.

Mr. CRAMTON. This includes the cost of gasoline, oil, and tires, and also includes depreciation.

Mr. BLANTON. Yes; but $21 a day would be a very high allowance for a Ford or Chevrolet.

Mr. CRAMTON. That would be an exceptional case in any event. There would not be much profit in driving your own automobile on this basis.

Mr. BLANTON. I think that is rather high and this simply sets a precedent.

Mr. CRAMTON. This is not a precedent. There are many of these cases. This is not a new item this year, and this is not the only place where this plan is followed. This is quite general in the Government service.

Mr. BLANTON. Of course, this paragraph is very adroitly drawn to come within the Holman rule, because it provides that only when he can decrease expenses can he make this allowance. What is the present allowance?

Mr. CRAMTON. This is what has been allowed for some time.

Mr. BLANTON. I know that; but what is the present allowance?

Mr. CRAMTON. This is the allowance now, and what the language about decreased expenses means is that they can travel in this way instead of some other way that is authorized by law.

Mr. BLANTON. There is no way of taking it out on a point of order because, unfortunately, it does not change existing law. I want, however, to file my protest against this allowance. I think it is exorbitant.

I withdraw the reservation of a point of order.

The Clerk read as follows:

For engraving and printing geologic and topographic maps, $107,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. I would like to ask the gentleman in charge of the bill if there was any discussion before the committee with reference to cooperating with the States in securing maps of forest reserves within the State with reference to fire protection? The State of Michigan would be willing to appropriate $50,000 provided there was an appropriation carried in the survey item that would allow the making of maps of forest and forest reserves.

Mr. CRAMTON. The questions are not necessarily so closely related as the gentleman has in mind. This item is in reference to topographical surveys.

Mr. HUDSON. I know that; but I was asking for general information.

Mr. CRAMTON. This item would not have anything to do with fire prevention. I expect that that would come under the Agricultural Department bill so far as the prevention of fire in national forests. I think I know what the gentleman has in mind. The Geological Survey makes topographical maps, and in that work the States cooperate, including the State of Michigan. A part of that work involves the use of air photography, and we have been working to get better cooperation between the War Department and the Interior Department in that matter. In that connection I think the director of the Geological Survey of Michigan has urged the other subjects, which so far as I know goes outside of the Geological Survey. The maps the gentleman speaks of, although it has been urged, I do not think will fit in with this work. I mean the fire prevention.

Mr. TEMPLE. The Geological Survey makes these topographical maps for every purpose. We have been trying as much as possible to get away from making special maps that serve only one purpose. A topographical map is a map for everything. I think the proper solution is to go on with the topographical maps for fire prevention and every other purpose.

Mr. CRAMTON. In so far as we have anything to do with it it is a topographical map. As far as it involves aerial photography our committee insists that the War Department shall cooperate and push the work more rapidly than heretofore. If the State of Michigan wants $100,000 worth of topographical work in one year, if they will appropriate $50,000 that will be met by $50,000 from Federal funds. In the last three or four years our committee has recommended sufficient money in topographical survey work to match the State contributions.

Mr. HUDSON. I feel sure that the gentleman from Michigan is ready to recommend the passage of such legislation as will provide funds that can be matched by Federal funds.

Mr. CRAMTON. The policy of our committee is not to force the work under the Temple bill, which provides for the completing of topographical maps in 30 years, but to appropriate enough money to match the State contributions so far as they can reasonably be forecast. It is not possible for the Survey to have a high peak one year and cut it down the next.

Mr. BLANTON. There are $270,000,000 in the Treasury bill that the two gentlemen from Michigan do not need, and you might use some of that for these topographical maps.

Mr. HUDSON. Yes; that might be for fire prevention.

Mr. BLANTON. Fire water.

The Clerk read as follows:

During the fiscal years 1929 and 1930, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for topographic mapping projects, in so far as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army and Navy flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, and the Department of the Interior is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the War or Navy Department is unable to furnish such photographs in time to meet the needs for which they are requested, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs.

Mr. CRAMTON. Mr. Chairman, with reference to this item, which ties in in a very important way with what my colleague from Michigan [Mr. HUDSON] has been discussing, the use of aerial photography, and our effort to get cooperation necessary between the departments, I ask unanimous consent to extend my remarks and therein to include one or two letters.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks and include therein some letters. Is there objection?

There was no objection.

Mr. CRAMTON. In our hearings, as well as in the hearings on the War Department bill, appears considerable concerning the effort our committee has been making to secure effective cooperation of the War Department in the making of aerial photographs in connection with the work of topographic surveying. Full cooperation in that way will greatly promote this important topographic work and save money, but such cooperation has not been secured in a way to be very helpful. Delays have frequently amounted to denial.

An illustration was last year in Yosemite National Park, where the photographs were to serve the purposes of the special Yosemite commission as well as the topographic survey. The following memorandum illustrates the delays and the haphazard compliance that has greatly weakened the value of the cooperation rendered by the Air Service of the Army in this work:

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington.

Memorandum for Hon. LOUIS C. CRAMTON

As per your verbal request, there are attached hereto copies of such letters as we have in our files relative to a photographic survey of the Tuolumne Meadows in Yosemite National Park, which we hoped to have made by the Air Corps of the War Department and the Geological Survey.

You will note that we initiated proceedings through the Geological Survey by conference on August 31, following up this by an official request on September 1, that the Director of the Geological Survey made a prompt request upon the Air Corps on September 4, and that we were advised that orders had been transmitted by the Air Corps to Crissey Field at San Francisco on September 17. Inquiry at the survey, however, reveals that these orders were not received until October 20. I also find, nevertheless, that a flyer from Crissey Field made a preliminary flight over Tuolumne Meadows on or about September 25 without waiting for specific orders in order to test out flying conditions and cameras. In this flight he took pictures of the Tuolumne Meadows area and also of Yosemite Valley, copies of which were delivered to the acting superintendent in Yosemite Valley in time for use by the Board of Expert Advisers, at the time of their meeting in Yosemite Valley on November 1. While these pictures, I believe, satisfactorily served the board in making tentative studies of a development program in Tuolumne Meadows, I am advised by the Geological Survey that they will not serve for making the topographic survey intended to be made by the use of aerial photographs, so that even yet, our request for pictures suitable for an aerial photographic survey has not been met. Furthermore, on account of the lateness of the season, the Geological Survey requested the Air Corps to abandon the project.

Officers of the Geological Survey tell me that the flying personnel of the Air Corps are enthusiastic over this type of work and prosecute the assignments vigorously once the assignments are made.

W. B. LEWIS,
Assistant to the Director.

I am sure that the matter can be worked out in a way to be helpful to both the Air Service and the Geological Survey, as well as the Federal Treasury.

The Clerk read as follows:

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Total, United States Geological Survey, $2,040,800.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word. I would not detain the House except for the purpose of expressing my very great appreciation for the laborious services which the chairman of the subcommittee [Mr. CRAMTON] has given to the preparation of this bill. With painstaking care he has scrutinized every paragraph in it and required those under whose supervision the money is to be expended to justify every item in it. He has protected the Government's interest in every item and has been just in the consideration of all of them.

He has exhibited sound judgment and splendid business ability in the preparation of every item in this bill. He and the other members of the subcommittee met a number of days prior to the convening of Congress to begin the preparation of the bill, and it is due to their efforts that this bill was prepared and reported for early consideration during the present Congress. I want to commend him particularly for his earnest consideration and fair treatment of the large number of Indian tribes scattered for the most part throughout the Western States.

All of the items in the bill present an interesting study. The Indians are wards of the Government. They have been under the supervision of the Interior Department since that department was created in 1849. It is estimated that there are approximately 350,000 in the United States. To deal fairly and justly with all of the members of the various tribes is not an easy matter. The treaties and agreements or laws respecting each tribe may and do differ in some respects. Some tribes are more advanced than others. Some members of a particular tribe need the close supervision of the Government.

I want to make this statement in order to impress upon you that all tribes could not be similarly dealt with, and for that matter there is a vast difference in administration between the individual members of the same tribe. Mr. CRAMTON and the other members of the subcommittee have given painstaking care in their study of the Indian question, and I want to express my very great appreciation on behalf of the Indians of

the Nation and of my State for the generous treatment given the many items in the bill. I can not too highly commend each one of them. In my judgment, by far the most important items for consideration are appropriations for education and health work among the Indians. Of course their property must and should be preserved. We are, however, greatly interested in the development of the individual Indian so far as we can to make him a self-sustaining, productive citizen of the Republic. To do this the Indian citizen must acquire a knowledge of the English language. He must not only be taught the English language but he must learn to think in it.

This bill makes generous appropriations for the education of the Indian. There is recommended for appropriation out of the Federal Treasury for educational purposes $7,994,000, and out of tribal funds $1,149,000, or a total of $9,143,000, being an increase of $855,000 over the amount appropriated for educational purposes for the year 1929. There are many splendid Indian schools in the United States. They are doing a great work. The boys and girls attending these schools are given an industrial education. As to boarding schools, there are what is known as "reservation" and "nonreservation," and the expenses of some of these are paid out of the Federal Treasury, while the expenses of others are paid from their tribal funds, the distinction being whether any tribe has sufficient of its own tribal funds for the maintenance of the schools. In addition to the boarding schools, tuition is paid for the attendance of Indian children in public schools throughout the Western States. In my State of Oklahoma there is an appropriation of $250,000 for the payment of tuition for Indian children, in lieu of taxes not collected from tax-exempt Indian lands, in the rural schools.

Before the convening of another session of Congress, it is the hope and expectation of the subcommittee to make a thorough study of this question with a view of determining the equitable amount that should be paid from the Federal Treasury in the support of rural schools in the several States, including my State of Oklahoma.

I am sure that a full and fair investigation will convince the subcommittee that larger appropriations should be made and that this amount will be increased at the next session of Congress. In Oklahoma 10 cents per day is paid for tuition for each Indian child attending rural schools. In other States the average is approximately 40 cents per day.

A number of boarding schools are maintained by both Federal and State funds for Indian pupils in Oklahoma, for which there is carried an appropriation in this bill, including the appropriation of $250,000 for tuition in rural schools, amounting to a total of $1,177,800.

The bill carries an appropriation for schools, both day and boarding schools, of $1,177,800; for Chilocco, $232,500; for the Sequoyah Orphan Training School, $93,000; for Bloomfield Academy, $52,600; for Euchee, $39,775; for Eufaula, $58,625; for Haskell Institute, $264,500. Of this amount, $105,800 is for the benefit of Oklahoma Indians, inasmuch as 40 per cent of the children in attendance at Haskell Institute are from the Five Civilized Tribes. For Seneca, $53,000, maintained from the lump-sum appropriation for schools. For the Osage Agency, $8,000, payable from tribal funds. Two hundred and fifty thousand dollars in aid of the common schools of the Five Civilized Tribes and $250,000 expended from the tribal funds of the Five Civilized Tribes, as follows: Seminole Nation, $33,000; Chickasaw Nation, $22,000; Choctaw Nation, $195,000. Of this latter amount $50,000 is for kitchen, dining hall, and auditorium at Wheelock Academy and $3,000 for employees' cottage at Jones Male Academy. For school at Fort Sill, in addition to maintenance, $15,000 is appropriated for additions to dormitories and $21,500 for Cheyenne and Arapahoe schools for enlarging dormitories in addition to maintenance. These and other schools are maintained out of the lump-sum appropriation for Indian schools.

The bill carries an appropriation of $120,000 for new hospitals in Oklahoma, as follows: For the Pawnee and Ponca Tribes, $60,000; for an addition to the Kiowa Hospital at Lawton, $60,000; and $150,000 for the maintenance of the following hospitals: Cheyenne and Arapahoe Hospital, $25,000; Choctaw and Chickasaw Hospital, $45,000; Shawnee Sanatorium, $48,000; Claremore Hospital, $25,000; and Seger Hospital, $7,000, or a total of $270,000 for new construction and maintenance.

The office of the Superintendent for the Five Civilized Tribes is provided for in the lump-sum appropriation of $925,000, out of which approximately $203,000 is allocated to this agency. This office is placed under the civil service, as it should be, to remove it from the influence of partisan politics.

The bill carries many other items for fulfilling treaty stipulations with the various tribes throughout the Western States, 33 of which are in Oklahoma. Of the approximately 350,000 Indians in this country, 123,000 are in my State of Oklahoma.

This bill authorizes for administrative purposes the expenditure of $180,000 for the Osage Agency out of tribal funds and $16,000 for the Quapaw Agency out of the Treasury.

There is carried in this bill an appropriation of $243,211,000 for pensions for the fiscal year ending June 30, 1930. This is an increase of $11,458,000 over last year.

There is appropriated for the Bureau of Reclamation, $6,449,000; for the Geological Survey, $2,040,800; for the National Park Service, which is being expanded and enlarged, $8,340,940; for the Bureau of Education, including expenses in Washington and in Alaska, $1,071,940. This bill carries an appropriation for the Federal expenses in the Territories and Alaska Railroad of $1,419,600; for St. Elizabeths Hospital, $1,430,000; for Columbia Institution for the Deaf, $120,000; for Howard University, $600,000; for Freedmen's Hospital, $260,180. In addition, appropriations are carried for the office of the Secretary of the Interior aggregating $917,000; for the General Land Office of $2,159,400. The total amount carried for the Indian Service is $16,472,103.02, which is an increase of $2,187,594.02 over the amount appropriated for the past year.

The hope is that we may give the Indian an industrial education and ultimately free him of all supervision of every kind and character.

In Oklahoma there were 101,508 enrolled allottees of the Five Civilized Tribes. Approximately 9,000 of these allottees are now restricted or under the supervision of the Federal Government.

It is important to each State that the Indians be taught to be productive citizens of the State and Nation. That is the object of the Indian Bureau. That is the purpose for which these appropriations are made. We are making rapid strides to that end. Within approximately 25 years the Indian question will be entirely solved. Many people do not understand why the expenses for the Indians increase instead of decrease. The reason is that the Government is now attempting to deal with the Indians individually instead of collectively as tribes. Formerly the Indians had large acreages of land and lived upon reservations, and those in charge of the administration of Indian affairs came in contact with the Indians as tribes and not as individuals. Now the Indian Service is attempting to come in close contact with every individual restricted Indian in the hope that through encouragement and the lending of a helping hand he may be lifted to a plane of equality in every respect with his white neighbor with whom he comes in contact and with whom he must in a large measure compete. To do this the Government must teach him either individually on farms or through industrial training in boarding schools the value of his property and how to handle it. This requires sympathy and patient study on the part of a large number of employees. The friends of the Indian, who have given this question long and painstaking study, are convinced that this is the proper solution of the Indian question. Develop him through giving each individual Indian a little more responsibility, make him appreciate the value of his property, train him industrially in boarding schools, on the reservation, and on the farm. Slowly but gradually enable him to take up all the duties of citizenship.

Rapid progress has been made during the past 25 years. Let us not be too impatient. Let us keep in mind and always remember that the Indians must overcome all handicaps and not only acquire a knowledge of the English language, but we must learn to think in it as well. There have been many notable Indians in the past 100 years who have contributed to the enrichment of the citizenship of this Nation. I have frequently expressed the thought that it was of far greater importance to develop the individual Indian into a productive and honored citizen of the State and Nation than through technicalities assist him in accumulating more property at the expense of paying his honest obligations, thereby losing his own self-respect and the confidence of the people with whom he associates. There is not a parent in the Nation who would not rather see his boy or girl brought up to manhood and womanhood fully equipped for the duties of citizenship than to conserve his property at the expense of his educational and moral development.

The Indians are the wards of the Government, and they should, as I believe they do, receive the generous, sympathetic consideration of the Nation.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment, to say just a word along the line of the remarks by the gentleman from Oklahoma [Mr. HASTINGS]. The gentleman from Michigan [Mr. CRAMTON], who has charge

of this bill, has not only performed a notable work in connection with the hearings and preparation of the bill but also by taking advantage of the information that he has thus gained has utilized it for the benefit of the House and the country by applying it to the consideration of other legislation. He diligently watches proposed legislation that would affect appropriations for the department which this bill provides for. What I have said regarding the gentleman from Michigan applies to other chairmen of subcommittees of the Committee on Appropriations. The gentleman from Idaho [Mr. FRENCH], for instance, who sits before me, the chairman of the Subcommittee on Appropriations for the Navy Department, in addition to his close attention to his own appropriation bill is always on the alert for bills affecting the department with which he has particularly to do on the Committee on Appropriations, and concerning which he is so well informed. Personally, I wish to thank these two gentlemen and the others who, like them, are doing this kind of work. It is work that ought to be genuinely appreciated by Congress and by the country.

The Clerk read as follows:

Bryce Canyon National Park, Utah: For administration, protection, and maintenance, $6,300; for construction of physical improvements, $19,800, including not exceeding $8,200 for the construction of buildings, of which $4,000 shall be available for an employee's residence and $3,600 for two comfort stations; in all, $26,100.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. This is the first time that the item for Bryce Canyon National Park has appeared in an appropriation bill. I rise to express appreciation for the work that has been done in bringing this great area into the national park system. A few years ago three different agencies had supervision over the lands embraced in Bryce Canyon National Park. The Forest Service supervised part of it, and did some excellent work, too, in developing the area; built many fine roads leading up to the canyon. The State of Utah had jurisdiction over a part of the land and leased a part to the Union Pacific Railroad Co. It was seen long ago that it would be greatly to the advantage of the area if it were all embraced in a national park, and I rise to express a word of appreciation for the men who have cooperated in bringing about this happy result. The Union Pacific officials did their part, the officials of the State of Utah did their part, and the Forest Service and park service have cooperated splendidly.

Also in connection with what has been said, permit me to express a word of appreciation concerning the work of the gentleman from Michigan [Mr. CRAMTON], chairman of this committee for the work he has done. In Utah we appreciate very much the spirit of cooperation that has characterized all who have been connected with the bringing about of the creation of Bryce Canyon National Park. It is a wonderful area and is now added to the family of parks under the supervision of the National Park Service. One may now leave Cedar City, Utah, and go to Zion National Park, thence to the north rim of the Grand Canyon of the Colorado through the beautiful Kiabab Forest and return via Bryce Canyon National Park and Cedar Breaks, and enjoy one of the most marvelous trips in the world. The Union Pacific system is spending millions to advertise and develop that whole area. With Bryce Canyon now a national park and with the completion of the Mount Carmel Road, we are looking forward to an era of great development. We appreciate this fine spirit of cooperation.

The Clerk read as follows:

Platt National Park, Okla.: For administration, protection, maintenance, and improvement, $16,200.

Mr. SWANK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SWANK: Page 94, line 21, strike out the figures "$16,200" and insert "$18,000."

Mr. SWANK. Mr. Chairman, this amendment increases this appropriation reported in the bill by $1,800, or up to $18,000, the amount appropriated for the present fiscal year.

Mr. CRAMTON. Mr. Chairman, the amount each year appropriated includes not only administration, but some improvements, and for the current year there was necessity for a little more than that here proposed for the next year. I am not sure what the item was. It seems to me it was something about the water supply, but I am not sure about that, but I do know in 1928, $12,096 was available at this park for administration and in 1929, $14,400, and for 1930 that same amount. It seems to be sufficient to continue the administration, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, since becoming a Member of Congress in 1921, I have worked at all times for an increased appropriation for Platt National Park, which is the only national park in Oklahoma. I am glad to say that these appropriations have been increased from $6,000 in 1920 to $18,000 for the present fiscal year, yet in this bill the Committee on Appropriations has recommended $16,200 for the next fiscal year. Many times have I called the attention of this House to the greatness and usefulness of this park. It is not a large park, but, in my judgment, does more good to our citizens than any of our other parks, and they should be judged largely for their usefulness and not altogether by their size and beauty.

The visitors are checked at Bromide Springs, where the record is kept. Previous to 1926, the National Park Service, in arriving at the number of visitors at this park, divided the number reported by the superintendent by four as an estimate of visitors, for the reason that some people visited the park more than once. While that is done, it is also true that thousands of people visit this park and are never counted as they do not go to Bromide Springs, where they are checked. There are many kinds of water in the numerous springs and many visitors go there for the hot sulphur baths, for the other water, and for pleasure without visiting the springs where visitors are counted.

The number of visitors at our leading parks for the past three years, as shown in the annual report of the Secretary of the Interior, is given in the following table:

Name of park	1926	1927	1928
Hot Springs (Ark.)	260,000	181,523	199,099
Yellowstone (Wyo.)	187,807	200,825	230,984
Sequoia (Calif.)	89,404	100,684	98,035
Yosemite (Calif.)	274,209	490,430	460,619
General Grant (Calif.)	50,597	47,996	51,988
Mount Rainier (Wash.)	161,796	200,051	219,531
Crater Lake (Oreg.)	89,019	82,354	113,323
Platt (Okla.)	124,284	294,954	280,638
Wind Cave (S. Dak.)	85,466	81,023	100,309
Sullys Hill (N. Dak.)	19,921	22,632	24,979
Mesa Verde (Colo.)	11,356	11,915	16,760
Glacier (Mont.)	37,325	41,745	53,454
Rocky Mountain (Colo.)	225,027	229,862	235,057
Hawaii (Territory of Hawaii)	35,000	37,551	78,414
Lassen Volcanic (Calif.)	18,739	20,089	26,057
Mount McKinley (Alaska)	533	651	802
Grand Canyon (Ariz.)	140,252	162,356	167,226
Lafayette (Me.)	101,256	123,699	134,897
Zion (Utah)	21,964	24,303	30,016
Total	1,930,865	2,354,643	2,522,188

During the years 1927 and 1928 but one national park had more visitors than Platt Park. This report shows that visitors in this park have increased from 27,023 in 1920 to 280,638 in 1928, and with adequate appropriations that number would be doubled. According to the reports of the Secretary of the Interior this year, Platt Park had more private automobiles entering it than any other park, with one exception. The automobiles entering the park have increased from 30,000 in 1922 to 70,000 in 1928. This place has been a noted health resort for many years, and long before Oklahoma Territory was opened to settlement. Before that time people went there for the medicinal properties of the water and get relief from their ailments. In Indian Territory days I have visited the section many times. In the more than 30 mineral springs you will find an abundance of sulphur, bromide, medicine, and pure water coming from the springs near each other. It is impossible to tell of the greatness and value of these waters in words. I wish you could see the many cures effected by these waters and hear the praise given by those who have been cured by their medicinal properties. People who visit the park find the waters an almost sure cure for all forms of digestive troubles, sleeplessness, skin diseases, and nervousness, and the black sulphur and hot sulphur baths are almost a sure cure for rheumatism. There are several fine swimming pools, excellently equipped and filled by pure sulphur water from deep artesian wells. This is not only a place where thousands are restored to health, but it is a place where people can enjoy themselves in other ways and by other sports. Near this park is the historic old Washita River that is not excelled by any river for fishing. The park is in the foothills of the Arbuckle Mountain Range and is a place of great natural beauty.

Adjacent to the park the State of Oklahoma erected its great soldiers' hospital for the care and treatment of our soldiers who were in the World War. The State has spent hundreds of thousands of dollars for the construction and maintenance of

this institution. The location was chosen by a committee of physicians after a most complete and thorough survey. Near the park is also located Oklahoma's School for the Deaf, which is one of the best of its kind in the country.

I wish the members of this committee could visit this park in the summer during the tourist season, and then you would be ready to provide more appropriations. It is not a local park but is national in its scope and in the good that it does. It is the duty of Congress to make adequate appropriations to maintain all our national parks, and Platt Park should be no exception. People of wealth visit this park, for they suffer with ailments as well as others. Most of the visitors are probably people of modest means, who can visit here and camp, if they like, free of charge in a healthy and sanitary location. Living conditions are reasonable and first class. It costs nothing to drink the water and bathe in the creeks entering the park. I favor a liberal program for our national parks for the benefit of our people who visit them.

Sulphur, the county seat of Murray County, where this park is located, is a community of energetic, Christian, law-abiding citizens, and they always extend a welcome to all visitors.

There is need of many improvements in this park in the way of additional bridges across the creeks, more improvement of the roads, extension of the sewer and water lines, more comfort stations, fencing, further improvements at the different springs, dams, drilling additional wells, improved camping grounds, and the erection of a new dwelling and office building for the superintendent and employees.

All that is needed to make this the most noted park in the United States and the largest in the number of visitors are adequate appropriations.

I have offered this amendment to only increase the appropriation for the next fiscal year to where it is for this year. The amount should not be reduced, and I sincerely hope that the committee will adopt my amendment.

The Clerk read as follows:

Rocky Mountain National Park, Colorado: For administration, protection, and maintenance, including not exceeding $1,300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $82,400; for construction of physical improvements, $13,600, including not exceeding $7,500 for the construction of buildings, of which not exceeding $2,000 shall be available for a stable, and $4,000 for employees' quarters; in all, $96,000.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. GILBERT. Mr. Chairman, I want to express my disapproval right now of the sentiments expressed by the gentleman from Colorado [Mr. TAYLOR].

We are rapidly following in the footsteps of monarchy. The strength and beauty of this country have always lain in its simplicity. It was not the intention of the framers of the Constitution that we should have castles in the mountains and at the seashore for our President, but it was the intention that we should have one simple home at the seat of government, the White House; and right now I want to seriously express opposition to any tendency to have a king or royal palaces or royal families in this country. The President has a palatial yacht lying in the Potomac and a traveling fund for any visits, and we have gone far enough in providing luxuries for our Presidents.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Yosemite National Park, Calif.: For administration, protection, and maintenance, including not exceeding $3,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding $3,200 for maintenance of that part of the Wawona Road in the Sierra National Forest between the park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and not exceeding $2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including not exceeding $10,000 for fire prevention and necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, $325,000; for construction of physical improvements, $87,360, of which not to exceed $4,000 shall be available for a ranger station and barn at Glacier Point, $14,100 for three employees' cottages, and not to exceed $4,000 for payment of balance of purchase price of electric transmission line constructed in the park in 1925 by the San Joaquin Light & Power Corporation under contract with the Department of the Interior, dated May 21, 1924, and payments heretofore made to said corporation toward purchase of said electric transmission line under the contract hereinbefore referred to by supplying surplus electric energy produced by the Government hydroelectric plant are hereby authorized and confirmed; in all, $412,360.

Mr. CRAMTON. Mr. Chairman, I offer an amendment. On page 96, in line 25, after the word "and," insert the word "including."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 96, in line 25, after the word "and," insert the word "including."

Mr. CRAMTON. Mr. Chairman, the fear has been expressed that as it stands the $10,000 would be held to include the expenses of that commission as well as the fire prevention. The intention is that the $10,000 is to be available for fire protection and then the expenses of the commission are taken care of out of the general amount.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Carlsbad Cave Monument, N. Mex.: For administration, protection, maintenance, development, and preservation, including not exceeding $800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general monument work, $59,500; for construction of physical improvements, $40,500, including not exceeding $1,500 for an addition to the office building, $4,000 for a power house, $12,000 for additional water supply and water storage, $12,000 for a sewage-disposal plant, and $500 for a garage to be constructed in Carlsbad, N. Mex.; in all, $100,000: *Provided*, That the Secretary of the Interior is authorized to accept that certain parcel of land in the town of Carlsbad, N. Mex., which has been tendered to the United States of America in fee simple, as a donation, for the site of superintendent's residence, and the appropriation of $5,000 for the construction of a superintendent's residence, contained in the Interior Department appropriation act for the fiscal year 1929 shall remain available until June 30, 1930.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. ABERNETHY. Mr. Chairman and Members of the House, the item carried in this bill to enable the Secretary of the Interior to carry out the provisions of the act of February 1, 1925, and also the act of May 22, 1926, which has to do with the establishment of the Great Smoky Mountain National Park in the States of North Carolina and Tennessee and the Shenandoah National Park of Virginia, is not a very large one, but it indicates that the department is getting ready to establish these two great parks. I was honored by the Public Lands Committee of the House by being put in charge of this legislation when it was passed by Congress. There were those of this body who felt that the Government was going into projects that would cost the taxpayers a great deal of money, but I am happy to inform the House and the country that large areas of land have been secured, and are about to be secured, to be turned over to the Government for these parks without expense. The park in which I am primarily interested is the Great Smoky Mountain National Park.

Out of an area of 704,000 acres lying within the boundary line selected and recommended by the Appalachian Park Commission after careful inspection of the area, in effect that a park of 427,000 acres should be established. The act prescribed that when title to lands within the area referred to shall have been vested in the United States in fee simple the park is established ready for administration, protection, and development by the United States. Under authority of the act, under the direction of the Secretary of the Interior, the National Park Service has made careful inspection of the area and pointed out to the States of North Carolina and Tennessee where the acquisition of 427,000 acres should lie.

The act further prescribes—

That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such land shall be secured by the United States only by public or private donation.

Based upon careful estimates prepared by the experts of the North Carolina and Tennessee Park Commissions it was figured

that the acquisition of the land for the park would require $10,000,000. The citizens of North Carolina and Tennessee had pledged $1,066,693. In addition the State of Tennessee had purchased about 76,000 acres which had been accepted at a valuation of $500,000 and authorized a bond issue of $1,500,000, making in all a contribution from these States in pledges of about $5,000,000, one-half of the amount considered necessary to acquire the park.

When the splendid efforts of the people and official representatives of the States of North Carolina and Tennessee became known to the Laura Spelman Rockefeller Memorial the memorial fund established by Mr. John D. Rockefeller, sr., in memory of his beloved wife, for purposes of general good, that memorial, of which Mr. John D. Rockefeller, jr., is president, pledged up to $5,000,000, matching dollar for dollar the funds made available in North Carolina and Tennessee.

The respective acts of the States of North Carolina and Tennessee prescribing the acquisition of the necessary land for this park by purchase, condemnation, or otherwise have been found constitutional in both States. The moneys authorized by both States are available, releasing an equal amount of donated funds. In both the Tennessee and North Carolina park areas some lumber cutting among the virgin timber is still going on, and strenuous efforts are being made by the respective park commissions to enjoin such further cutting in order that these scenic values may be saved. Considerable progress has been made in the acquisition of land by purchase. Every assistance possible under the laws has been given by the Interior Department, particularly through Col. Glenn Smith, who is a member and secretary of the Appalachian Park Commission, and Mr. Stephen Mather, Director of National Parks, and Mr. Cammerer, the Associate Director of the National Park Service, who have spared no time or effort to expedite this project.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. I ask unanimous consent, Mr. Chairman, to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. The splendid assistance of the donors of the contributed funds is outstanding in its inspiration to the two States.

It is hoped that it will be only a matter of months now before the entire area necessary for the establishment of this park may be acquired, so that it may be tendered to and accepted by the Interior Department under the authorities of the various acts involved, and that thereby the southern Appalachian Range will contribute its wonderful share in adding its outstanding scenic attraction to that galaxy of national scenic wonders comprised in our national park and monument system. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of the Interior to carry out the provisions of the act entitled "An act for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks," approved February 21, 1925 (43 Stat. 958–959), the act entitled "An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes," approved May 22, 1926 (U. S. C., p. 1936, sec. 403), and the act entitled "An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes," approved May 25, 1926 (U. S. C., p. 1936, sec. 404), including personal services in the District of Columbia and elsewhere, traveling expenses of members and employees of the commission, printing and binding, and other necessary incidental expenses, $3,000.

Mr. TEMPLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TEMPLE: Page 100, line 2, at the end of the line, strike out the period and insert a comma and the following: "And the unexpended balance of the appropriation for the above-mentioned purpose for the fiscal year 1929 shall continue available during the fiscal year 1930."

Mr. CRAMTON. Mr. Chairman, the committee has no objection to that amendment.

Mr. TEMPLE. If the chairman of the committee has no objection to it, I do not care to discuss it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. TEMPLE. Mr. Chairman, I would like to incorporate in my remarks a letter from the secretary of the Appalachian Park Commission bearing on the necessity of this appropriation.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing a letter from the secretary of the Appalachian Park Commission. Is there objection?

There was no objection.

The letter referred to is as follows:

RICHMOND, VA., *December 13, 1928.*

Hon. H. W. TEMPLE,
House of Representatives, Washington, D. C.

DEAR DOCTOR: I have just seen a copy of the Interior Department bill in which there is an item of $3,000 to provide for the clerks' hire for our commission and the traveling expenses for the coming year.

At the time I made this estimate for funds to be expended during the coming year I had expected to use all the funds that had been made available for the commission's use for the fiscal year ending June 30, 1929. Unfortunately, I was unable to secure the services of the Army Air Service to secure the photographs needed in connection with the establishment of the boundary line of the Shenandoah National Park. Therefore I have not expended any money for this work and have it available to expend when I can secure the services of the Army or, if necessary, contract with commercial firms for the work.

However, there is another complication which has arisen within the last few weeks in that it seems now necessary to actually survey the proposed boundary line of the Shenandoah National Park and mark it on the ground in accordance with the line as indicated by Mr. Cammerer on the map which we completed this year. This will necessitate our going into the field again and expending $1,000 or $1,500 to determine whether this would be the practical and feasible way to insure the State purchasing the land which has been designated as acceptable to the Government for national-park purposes.

To do this additional work it will take more money than the $3,000 requested for next year's appropriation, and I am writing you to ask if you will see Mr. CRAMTON and have inserted on the floor of the House when the Interior bill is considered an amendment making the unexpended balance of our appropriation for the Southern Appalachian Park Commission which remains unexpended on June 30 be made available for use during the fiscal year ending June 30, 1930.

With the expenses which we have in view between now and June 30, 1929, I do not believe there will be a balance of more than $1,500 on June 30 that will be available for the fiscal year ending June 30, 1930.

Yours very sincerely,

GLENN S. SMITH.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The total of the foregoing amounts shall be immediately available in one fund for the National Park Service: *Provided*, That the Secretary of the Interior shall not authorize for expenditure prior to July 1, 1929, any of the amounts herein appropriated except those for construction of physical improvements, for tree-disease and insect-control work in Crater Lake, Mesa Verde, and Lafayette National Parks, and for administration, protection, and maintenance of Bryce Canyon National Park: *Provided further*, That in the settlement of the accounts of the National Park Service the amount herein made available for each national park and other main headings shall not be exceeded, except that 10 per cent of the foregoing amounts shall be available interchangeably for expenditures in the various national parks named, and in the national monuments, but not more than 10 per cent shall be added to the amount appropriated for any one of said parks or monuments or for any particular item within a park or monument: *Provided further*, That any interchange of appropriations hereunder shall be reported to Congress in the annual Budget.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 101, after line 20, insert: "For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the

existing national parks and national monuments not exceeding a total of $2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractural obligations of the Federal Government: *Provided further,* That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further,* That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further,* That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber."

Mr. BANKHEAD. Mr. Chairman, I want to reserve a point of order against the amendment.

Mr. CRAMTON. If the gentleman cares to reserve it, I would like to make a statement on the merits of the question and then I am sure the gentleman will not care to press any point of order that might lie against the amendment. A great deal of it is not subject to a point of order but some provisions are.

Mr. BANKHEAD. I think it is patent, from the reading of the amendment, that it is subject to a point of order. I want to put this proposition to the chairman of the subcommittee, because it is a matter that has been raised here several times in debate. If I, as a member of the Committee of the Whole, were to offer an amendment of this sort, I have no doubt the chairman of the subcommittee would very promptly make a point of order against it and insist on it.

Does the gentleman from Michigan think that the chairman of the subcommittee is setting a very fair example to be followed by the ordinary member of the Committee of the Whole when he constantly presents amendments that are patently subject to a point of order and that constitute new legislation? That is the question I want to raise, because it seems to me it is a matter of some importance to protect the procedure and integrity of the rules of the House.

The CHAIRMAN. The gentleman from Alabama reserves a point of order against the amendment.

Mr. BANKHEAD. Specifically for the purpose of having the chairman of the subcommittee answer my inquiry.

Mr. CRAMTON. I am glad to do so, although, perhaps, not at as great length as I might some other time. The amendment has for its purpose the purchase of private lands in national parks. There is authority of law for that purpose. We could report here an amendment to spend $5,000,000 of cash for that purpose and it would not be subject to a point of order. The authority already exists for that. Now, to safeguard the Treasury, in making such an appropriation, this item has been worked out. In the main it is not subject to a point of order, but there are some provisions that are in themselves minor as compared with the paragraph as a whole, but rather essential to it in its complete working out.

Our committee does not recommend legislation as such, but sometimes, where an expenditure of money authorized by law is desirable, it is desirable also to safeguard the Treasury by having some safeguards thrown around it. I would be glad to have the gentleman see fit to withdraw the point of order and then I will proceed to discuss the merits of it. I am sure that in this case the gentleman from Alabama will be absolutely in accord with the committee.

Mr. BANKHEAD. Well, Mr. Chairman, in the beginning I said it was not my purpose to really make the point of order, but I will ask the gentleman this further question: In instances of this sort, where it is patent that a violation of the rules is indulged in and legislation is brought in that has no legislation to support it, is it the policy of the chairman of the subcommittee to recommend to the legislative committee, in instances of this sort, remedial legislation that might make impossible the constant violation of the rules of the House with reference to items of this sort?

Mr. CRAMTON. Where it is possible, I will say, our committee works in close harmony with the legislative committees, and at my request the chairman elect of the committee that would have this in charge is on the floor, the gentleman from Utah [Mr. COLTON]. He is thoroughly in sympathy with it and is prepared to support the amendment. It is not enacting far-reaching legislation.

The authority is already there to buy these lands and to spend exclusively Government funds, but we are trying to arrange, I will state to the gentleman, to allow private individuals to stand half of the expense, and some details had to be worked out to meet that extraordinary situation.

Mr. BANKHEAD. I am willing to follow the gentleman's judgment on the practical phases of the bill and my real purpose in rising was to have the gentleman make a statement along the lines I have suggested.

Mr. CRAMTON. Answering the last question propounded by the gentleman, I will say that if something is of a legislative character and there seems to be an emergency we consult with the chairman of the legislative committee involved.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation.

Mr. CRAMTON. Mr. Chairman, I feel this is of such far-reaching importance, and there are some reasons why there should be some record in connection with it, that I want to take about five minutes, and perhaps a few minutes more, to put this situation before you.

I am tremendously interested in this amendment. There is nothing of greater importance to our national-park system today than the program that is proposed in this amendment. In all our national parks our committee have found privately owned lands. We have found that those privately owned lands frequently get in the way of the desirable development of the parks. That can happen either because the people who own them make an undesirable use of them, as compared with the park use, or that we want to develop the lands and can not do it because we do not own them.

So three or four years ago our committee commenced its study of this matter. Two years ago an item of $50,000 for purchasing such lands was put in the bill without a Budget estimate, providing that private funds should match the Government appropriation for this purpose. Thereby we established what seemed to be a desirable policy with reference to this proposition. Last year the Budget accepted this policy and recommended $50,000 more, which was appropriated.

In the meantime a survey of the situation has been carried on by the park service, with the result that a report has been made that it will probably cost from $5,000,000 to $6,000,000 to acquire these private holdings in all of the national parks. This report appears in the hearing.

The most acute situation in the national parks is in the Yosemite National Park.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMTON. There is a very acute situation in the Yosemite National Park. Eight thousand five hundred acres of land within that park, bearing some of the very best sugar pine and other pine in California, is owned privately and the holdings have been consolidated in one owner, who is operating his lumbering operations in that vicinity. Within a few weeks, or within the coming summer at the most, he will begin cutting the timber in this tract. The most important roads in that part of the park will go through this 8,500 acres or 13 square miles of timber. The Big Oak Flat Road for four miles will traverse this section. All the Tioga Road travel as well as from the Stockton country will come into Yosemite this way. The new road, which the city of San Francisco is to build, from Mather Station to Harding Lake, will go through it for two or three miles. This road, running for four miles along the south rim of the Grand Canyon of the Tuolumne will give a view of half the great Yosemite Park area and will provide a wonderful scenic route. Where there is now this beautiful timber, if you delay a few months longer, there will be only stumps to line these highways for several miles. It is a situation that does not permit further delay.

We have therefore been delighted because private sources have offered a contribution of $1,000,000 to be matched by Government funds, particularly for this Yosemite situation, the balance to be used in other parks. We want to make available this $1,000,000 that has now been offered, so that the cutting of this timber this summer can be prevented.

At the same time, we have reason to hope that if the Government manifests its definite policy and purpose to go ahead with this program, the entire contribution of $3,000,000 from private funds will be forthcoming. This is the purpose of the amendment and the language of the amendment is sufficiently broad to accomplish the purpose. I would like to have offered an amendment here for $1,000,000, but we can not absorb that in this bill. We can absorb the amount that has been suggested.

This makes it possible for the private donor to acquire these lands and later for us to acquire them at half the price that he pays for them, and later appropriations herein authorized can probably be somewhat deferred.

I will ask unanimous consent to revise and extend my remarks in the RECORD, and, Mr. Chairman, in so doing, I will want to include a telegram from Francis P. Farquhar, of San Francisco, representing the Sierra Club of California.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The telegram is as follows:

SAN FRANCISCO, CALIF., *December 13, 1928.*

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.:

We are deeply concerned over threatened destruction Yosemite forests through cutting of private lands, which we understand likely to occur next spring unless purchased for Government ownership. Sierra Club at annual meeting last Saturday considered this most urgent problem confronting us and voted use every endeavor to arouse nation-wide action to prevent such disaster. We believe part of purchase funds can be raised by subscription, but task too large and time too short for accomplishment without Government aid. We have heard that appropriation is contemplated and hope this is true.

FRANCIS P. FARQUHAR.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Construction, etc., of roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks and monuments under the jurisdiction of the Department of the Interior, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, and the Grand Canyon Highway from the National Old Trails Highway to the south boundary of the Grand Canyon National Park as authorized by the act approved June 5, 1924 (43 Stat. 423), and including that part of the Wawona Road in the Sierra National Forest between the Yosemite National Park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and that part of the Yakima Park Highway between the Mount Rainier National Park boundary and connecting with the Cayuse Pass State Highway, to be immediately available and remain available until expended, $5,000,000, which includes $4,000,000, the amount of the contractual authorization contained in the act making appropriations for the Department of the Interior for the fiscal year 1929, approved March 7, 1928 (45 Stat. 237, 238): *Provided,* That not to exceed $18,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1930: *Provided further,* That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of $2,500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction of roads in national parks and monuments shall be considered available for the purpose of discharging the obligation so created.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. This item for the construction of highways in the national parks brings to my mind a question which I would like to propound to the chairman of the committee with regard to the plan for the completion of what is known as the Transmountain Highway through the Glacier National Park.

At the present time, as I understand it, somewhere in the neighborhood of $1,000,000 has been expended for the construction of this road from the western side of Glacier Park to the top of Logan Pass, and provision has been made for its completion on the eastern side as far as the Going-to-the-Sun Chalets, leaving about 7 miles not now provided for in the center of the park. The completion of that 7 miles is necessary to give the people of this country the full value of this tremendous expenditure on the part of the United States. I would greatly appreciate a statement as to the plans for its completion, and the reasons why the completion is not now provided for in this bill.

Mr. CRAMTON. Mr. Chairman, the Transmountain Road is one which the gentleman from Montana and I have visited on several occasions. We went over the proposed route of the road three years ago and went over the uncompleted portion of it this fall. At that time I think we suggested it should be named the Going-to-the-Sun Highway, a very attractive and very fitting name, because for miles it works around the Going-to-the-Sun Mountain, and in the main it is an east and west route. The west end of this road along Lake McDonald traverses land in the park which is almost entirely privately owned. As soon as this highway is completed there will be great travel over it of people going to the coast, and if we complete the highway and then proceed to buy the private holdings, we will have to pay a large amount additional because of the increased value caused by the construction of the highway.

It has been the position of the committee that we would not provide for the completion of the highway until we owned the private lands. It seems shortsighted business when we have use for the money for roads elsewhere to push up the price of these lands by rushing this road to completion.

This question emphasizes the importance of the amendment just adopted. If that goes through I am very hopeful that there will go along with the Yosemite provision a clean up of the situation around Lake McDonald. As soon as that is cleared up, we are in a position to go ahead and build the Glacier Road.

I think this should be said as to the road situation: The bill appears to be on an annual $5,000,000 basis. It is, in fact, on a basis of three million and a half this year, because while there is $5,000,000 cash appropriation, only $1,000,000 is free, and $4,000,000 is for previous contracts.

When we considered the matter last year, providing authority to contract for $4,000,000, and the question was gone over with the chairman of the Committee on Appropriations, Mr. Madden, that authority was given with the understanding that a supplemental estimate of one to two million dollars would come in this fall. That supplemental estimate has not come in, and so it is all to be be taken out of this appropriation; so this leaves only three million and a half dollars as a basis for this year, including the $1,000,000 of free cash and the new authority to contract for $2,500,000. I hope something can be done for the Glacier Park, together with the Going-to-the-Sun Highway, and it can be if the private-holding situation is taken care of.

Mr. LEAVITT. What is the plan this year so far as completing the road is concerned?

Mr. CRAMTON. It is my understanding that the road will remain in status quo until the private land situation is cleared up.

Mr. LEAVITT. Where does the initiative lie in clearing it up? Is there any legislation we have passed which makes an appropriation to be matched?

Mr. TAYLOR of Colorado. Mr. Chairman, may I make a suggestion to the gentleman from Montana? Of course, the gentleman from Montana, and no one else, wants the Government of the United States to be put in the attitude where it would be unconscionably held up. As the chairman intimated, if we go ahead and build a magnificent highway through these private lands when the Government comes to buy the land the price will be limited only by the blue sky. We feel that there ought to be something done by the State of Montana whereby we can know that these people would be rightfully and fairly compensated by the Government, but that the Government would not be imposed upon.

In one of the Government reclamation projects there is a large amount owned by a railroad company, and we are building a project which will make it enormously valuable. We have had the price fixed by an appraisement so that there will be no injustice or controversy about it. If something of that kind or some understanding could be had in Montana to protect the Federal Treasury it would have the appreciation of at least one minority member on the committee. I do not want to hold up the work and yet I do not like the idea of encouraging outrageous profiteering when we are rendering that country a wonderfully beneficial service.

Mr. LEAVITT. The position taken by the gentleman from Colorado and other members of the subcommittee would be much more tenable if it had been taken five or six years ago. As to expending money on reclamation projects bringing up the price of land it is true mistakes have been made in the past, but that gives no foundation for this.

In this particular case the Federal Government has already spent over a million dollars, if I am not mistaken. We have constructed that highway to the Continental Divide to Logan Pass on the west and have started it on the east side of the park. If we can add to the price of these lands by road construction, then we have already greatly added to that price. We are dealing here with a situation which to a great extent existed before we began the construction of that road.

I agree that as a matter of good general policy within the national parks there might well be an acquiring of private lands in order that the people of this country may be guaranteed national-park standards in the handling of those lands. I understand that law already exists giving to the Federal Government

power to condemn lands under situations of that kind, or perhaps to determine the character of the improvement and the way in which to a certain extent those lands should be handled within the national parks; but I believe that the construction of this highway, with this great expenditure of money already made, with the cost of maintaining a road already partly constructed, should not be unduly delayed, but that the Federal Government, having put itself in the position of already spending that tremendous amount of money, can not now come in and say to the State of Montana, we are not going to move until you do something which was not even considered at the time the road was started, or that private individuals in Montana must do something not then contemplated. The Federal Government ought to take the initiative along the line proposed in the amendment recently written in this bill, and we ought to give to the people who do now own lands on Lake McDonald some sort of protection and terms under which those purchases will be made, which will look to the future and allow them to use the land they now own for the purposes, within reasonable limits, for which they were acquired.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. From my personal contact I know of the continued, active, and effective interest the gentleman from Montana has in this highway and in the park generally. I first met him in that park in 1920. I am very hopeful that under the amendment just adopted a situation will work out that will satisfactorily take care of this proposition. The amendment just adopted provides for giving back a life lease to those who have cottages there, because the Government can afford to wait if no undesirable use is made of them. I hope the situation will work out satisfactorily. In the meantime, any money not spent on that road is being spent to splendid advantage on some other road.

Mr. LEAVITT. Would I be safe in assuming, then, that if under the law as it now exists these lands are purchased, the present owners as, for example, some who now use cottages as a protection for their lives from hay fever, would be protected in that use during the lifetime of the present owners and that the lands would be taken only after that use has been completed?

Mr. CRAMTON. If reasonable terms for the purchase can be arranged, there would be no difficulty about arranging for life leases for the same use that they have been making of the lands before that time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

ST. ELIZABETHS HOSPITAL

For support, clothing, and treatment in St. Elizabeths Hospital for the Insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster service of the Army, persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, and beneficiaries of the United States Veterans' Bureau, including not exceeding $27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed $150,000 for repairs and improvements to buildings and grounds, $955,000, including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding $1,500 of this sum may be expended in the removal of patients to their friends, not exceeding $1,500 in the purchase of such books, periodicals, and newspapers, for which payment may be made in advance, as may be required for the purposes of the hospital and for the medical library, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That during the fiscal year 1930 the District of Columbia, or any branch of the Government requiring St. Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the superintendent of St. Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the superintendent of St Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the superintendent of St. Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at St. Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of St. Elizabeths Hospital, upon the approval of the Secretary of the Interior: *Provided further*, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. p. 193).

Mr. BLANTON. Mr. Chairman, I make the point of order against the provision, beginning in line 15, page 114, which reads as follows: "*Provided further*, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. p. 193)," for the reason that it is legislation on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, I admit it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FRENCH. Mr. Chairman, would the gentleman from Texas withhold the point of order for a moment?

Mr. BLANTON. Does the gentleman want to defend this?

Mr. FRENCH. Not the point of order.

Mr. BLANTON. This proposition?

Mr. FRENCH. Yes.

Mr. BLANTON. I do not think we ought to stay here for that. It is after dark now.

Mr. FRENCH. Just let me have a couple of minutes.

Mr. BLANTON. Then I want to condemn this situation, so I shall ask for two or three more minutes after that. That prolongs the situation. Let it rest where it is. The paragraph giving allowances has gone out of the bill on my point of order. There are others who want to condemn this proposition also.

Mr. SCHAFER. I will need about half an hour to bring the facts to the House.

Mr. BLANTON. It would take an hour to properly condemn the situation.

Mr. FRENCH. I recognize the force of the point of order. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this point. I think the House ought to have the facts before it upon which the committee acted.

Mr. SCHAFER. Mr. Chairman, reserving the right to object, will the gentleman incorporate in his remarks the total amount of the people's money that has been used for four servants each year by the superintendent of the institution in violation of law?

Mr. FRENCH. The gentleman can make his own statement and his own remarks. I have my statement to make and I have asked to extend. I am not caring whether he objects to the extension or not.

Mr. SCHAFER. I do not object. I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The point of order is sustained. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner and upon the subject indicated. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin asks unanimous consent to extend his remarks upon the same subject. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, on page 112, beginning in line 20, I move to strike out the following language:

Including not exceeding $27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent——

Mr. CRAMTON. This is for the use not alone of the superintendent but the purchasing agent and general hospital business.

Mr. BLANTON. I will modify my amendment if the gentleman will permit and simplify the matter. I move to strike out the following words: In line 22 strike out "passenger-carrying," and in line 23 strike out "superintendent." That simplifies it.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

Mr. CRAMTON. That is logical even if it is not wise.

The Clerk read as follows:

Page 112, line 22, strike out the words "passenger-carrying," and in line 23 strike out the word "superintendent."

Mr. BLANTON. On that I ask for recognition.

Mr. MURPHY. The gentleman just asked Members to refrain from speeches. Be as good a sport as the rest.

Mr. BLANTON. That was something not before the House.

Mr. MURPHY. Be a good sport. The gentleman is complaining about time. It is now three minutes of 5; be a good sport.

Mr. BLANTON. I do not yield to the dry gentleman from Ohio.

Mr. MURPHY. The gentleman is speaking about being a good sport; be one.

Mr. BLANTON. I am going to use my own time in my own way. If you gentlemen will get the report on the investigation by Congress of one of our own House committees in reference to this institution and its superintendent more than twenty-odd years ago and read it, you will find this committee of ours then condemned this superintendent for the number of passenger-carrying vehicles he then had in his stables for his own use and the use of his own family.

I wish you would read just how many he had there and how many servants it took and what was paid by the people of this Government to take care and maintain them for his personal use. He was condemned then, and he has been condemned time after time for it. Go out there and see what he has for his own private use now, and here is $27,000 more you are giving him. If he wants to do it he can spend every single dollar of it for limousines in addition to the ones he has now. If you want to do it, go ahead. I am doing my duty when I call attention to it.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SCHAFER. Is any of this appropriation of $27,000 for passenger vehicles which are used to take the incompetent patients and veterans out riding?

Mr. BLANTON. No. The only thing I am seeking to do—I know the committee will not accept it; you will vote it down, but I am putting it up to you—the only thing I am trying to do is to take the passenger part out of it and let the appropriation stand for such use as the institution needs.

Go out there and look at his big limousines that he now uses and which are furnished to him for his own use. Look at the other elegant cars that are furnished to him. I do not want to see any part of this $27,000 to be used by him. I can not stop this, but I have the satisfaction of having knocked out of the bill the $11,000 sought to be given him for allowances, as the Chair sustained my point of order against same.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last word. The gentleman is recognized in opposition to the pending amendment.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I have not spoken upon this bill for the reason that I understood it was a western bill and that eastern and southern Members are not supposed to butt in. I do not fall under the denomination of a "sport," good or bad, and, consequently, I am going to speak for about two minutes.

A point of order, as I understand it, was made against the provision for quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital. I want to rise in opposition to the proposition urged here on the floor of giving employment in institutions like St. Elizabeths and then withholding laundry service and other expenses that are necessary in order to keep the employees in a satisfied state of mind. I am opposed to making them pay for those services. If the service over there is not what it should be, those employees ought to be dismissed from the service.

I do not know the superintendent. I have never been on the grounds, but I understand the employees there are competent and render efficiently a most exacting service.

I once heard the statement made in the Louisiana Legislature when I was a member years ago by a fellow member who subsequently gained a national reputation through a paper read before or at a meeting of the American Bar Association to the effect that subjects like these and the discussion of them was so trival as to resemble cracking nits and fleas, to use an inelegant but forceful expression. We should devote our attention to matters of larger import than the insignificant matter against which the point of order was made and the insignificant amount involved, and we should give relief to employees that are not overpaid, and give them a little light, and a little allowance for expenses. Employment in an insane asylum is not of the most desirable nature. The work calls for patience, understanding, and a God-given sympathy with the afflicted.

Mr. BLANTON. The gentleman has overlooked the point that we are furnishing to this man $19,000 worth of service.

Mr. SCHAFER. Does the gentleman think that the violation of existing law and the incurrence of illegal expenses are trifling matters?

Mr. O'CONNOR of Louisiana. I have heard of those things that are too small for the attention of able legislators like my distinguished friend from Texas [Mr. BLANTON] and my friend [Mr. SCHAFER] from Wisconsin.

If the superintendent is guilty of the offenses named, he should be incontinently fired. If the employees have not the ability, the sympathy, or the requirements, they should be released from a service that calls for the best that is in human nature. To cut off employees in this asylum from the only comforts that makes his position tolerable is not discipline. It is merely evidencing a lack of wisdom. Release the job holder if incompetent, but do not make the job so unattractive to competent men that they will not seek the position.

Many of the comptroller's rulings have been so drastic as to make them unreasonable and utterly at variance with common sense. The extreme of the law is the extreme of injustice. The laws of the Medes and Persians were so inflexible and inelastic and so rigidly construed that they became a synonym for injustice, intolerance, tyrrany, oppression, and brutality.

Mr. FRENCH rose.

Mr. SCHAFER. Mr. Chairman, I would like to have five minutes.

Mr. CRAMTON. I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 10 minutes; 5 minutes to be allotted to the gentleman from Idaho [Mr. FRENCH] and 5 to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. HASTINGS. This proviso is already out.

Mr. SCHAFER. Not at this point.

Mr. FRENCH. Mr. Chairman, I can not remain quiet when severe criticisms are made against an institution that you must care for in the pending bill and in such a way that they are criticisms of the committee itself in the work that it has done. If the superintendent and employees of St. Elizabeths Hospital are not what they ought to be, there are ways to get rid of them. If we must maintain St. Elizabeths Hospital, it should be maintained in a way that is worthy of the patients who are there and of the dignity of our country.

St. Elizabeths is one of the world's greatest institutions of its kind. Doctor White, the head of the institution, is recognized as one of the foremost psychiatrists.

When Rear Admiral Stitt, who for years has been the Surgeon General of the United States Navy and who is president of the board of visitors of St. Elizabeths Hospital, was before our committee he quoted Doctor Kraepelin, whom he characterized as "probably the most famous man in psychiatry in the world," as saying "of all institutions in the world that he had visited, St. Elizabeths was the most efficient."

Doctor White has been superintendent of that institution for more than 25 years.

Many years ago, and before Superintendent White took charge, the Congress, by law, provided that the superintendent should live upon the grounds of the institution. This is a policy that is followed by practically all of the institutions for mental cases within the United States and in foreign countries. It is not a pleasant place to live, but it is the place where the superintendent ought to live if he is to do the right thing by those under his charge. This being so, he is virtually upon duty, or must be ready for duty, 24 hours per day. Not only should the superintendent live at the hospital but other doctors and other employees, who have the care of patients, ought to live at the hospital if they are to render the most efficient service.

We have a plant at St. Elizabeths that is worth something like $5,500,000. We have a farm of more than 800 acres. Last year on that farm we produced for the institution food supplies worth more than $200,000.

At St. Elizabeths we are caring for men and women who are ill, who are broken mentally. Last year we cared for more than 4,700, with a daily average of 4,143.

To care for this institution, the patients as the objective, requires money, and we ought not to limit the administration of the institution by denying the money that the Department of the Interior tells us is necessary for motor-propelled vehicles and to which the gentleman's amendment is directed. These vehicles are for the use of the superintendent, the purchasing agent, and the general hospital business.

The gentleman who spoke just a moment ago referred to the home where the superintendent lives. May I say that the superintendent lives where he is required to live under the law. It is not of his own volition. It is not a very happy or attractive place to live. The superintendent, any superintendent, is required by law to "reside on the premises."

For many years, and before the present superintendent took charge, this officer was assigned quarters in one of the large buildings of the institution, a building used for hospital purposes. More than that, the quarters assigned to him are not assigned to him personally, but they are a part of the institution and are for official use. This institution is visited constantly by representatives of similar institutions throughout the country, and from foreign countries.

The institution is in a sense a laboratory where we are seeking out the best ways to relieve suffering human kind. What would you have the superintendent do; dismiss these many visitors who are interested in the care of those afflicted mentally?

What you call the superintendent's house is the quarters as well, provided for just such visitors. They occupy rooms there and they have their meals.

For St. Elizabeths we have provided a board of visitors. The members of the board are given by law responsible work. They visit the institution from time to time, and when they do they are officers of the institution.

The room that is the board's room and where their meetings are held is one of these same rooms that we are told belongs to the superintendent. Another is the superintendent's study, where he checks up on the experiences of the day. What critics have called the dining room of the family of the superintendent is where members of the board and visitors to the institution have their meals.

Again, that the doctors and nurses at this hospital may be abreast of the times, specialists are called in for discussions and lectures. These specialists are not the personal guests of the superintendent, they are the guests of the institution.

A situation exists here somewhat similar to that which exists at Annapolis and West Point, where we make special appropriations for the case of guests and visitors to these institutions. The situation is quite similar to that which exists in every university and educational institution of the country, where visitors and special lecturers are made the guests of the institution, though maybe being housed in the president's home and dining at his table.

Mr. CRAMTON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. CRAMTON. And even if the gentleman from Texas were correct in his estimate as to Doctor White personally and professionally, if he, as the head of this institution, were to leave the institution or be dismissed the effect of the point of order would make it quite impossible to get a physician of proper standing in his place.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

The question is on the amendment offered by the gentleman from Texas.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For completion of the medical and surgical building, $475,000, including cost of supervision of work and including the removal and reconstruction of the isolation building.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Idaho [Mr. FRENCH] who defends the committee in this matter, what is the proportion of employees to patients in St. Elizabeths Hospital?

Mr. FRENCH. The question is not involved here in so far as this particular paragraph is concerned.

Mr. GILBERT. The gentleman has the information?

Mr. FRENCH. I have the information here. The number of patients last year receiving treatment was 4,727 with an average number of 4,143. Then we have of physicians 33——

Mr. GILBERT. Give me the whole amount. The gentleman is taking up all my time.

Mr. FRENCH. Is the gentleman proposing to classify as one group the doctors and laborers who work in the gardens——

Mr. GILBERT. All the employees there, doctors and laborers of all kinds. What is the proportion of employees to patients?

Mr. FRENCH. Thirty-three doctors, 678 graduate nurses, other employees including some who are trained specialists, making a total of 1,238.

Mr. GILBERT. That brings out exactly what I wanted to bring out. That is 1 employee to 4 patients. Our hearings showed and it is the truth, that the general average throughout the United States is less than 1 to 7, under the same circumstances as here. The gentleman spoke of the farm. I have no personal animus in this matter at all, but they have there several times as many as are necessary and as are customary and usual to run a farm. They have 1 man to every 10 or 15 cows, when 1 man for 25 cows is enough. As I have said, I have no personal feeling in this matter at all. They have too many employees of every kind, they consume too much, their treatment is inhuman, they have killed patients in corrections and altogether this is the most expensively run and the most outrageously conducted hospital in the United States.

Their records are not kept correctly.

Mr. FRENCH. Does the gentleman know the average cost per patient in other institutions?

Mr. GILBERT. I had all that before me and this is by far the most expensively run hospital in the United States. The average cost is not $500 and here it is over seven hundred.

Mr. FRENCH. The average cost per patient per day for the current year will be less than $2, and for the fiscal year 1930 the estimate is $1.81 per day.

Mr. GILBERT. I want to make this further statement in summation: Public indignation caused former Commissioner Fenning to resign by reason of the fact that he was exploiting the shell-shocked veterans of the World War. If that was justifiable, then there is no reason why Doctor White is not subject to the same criticism, because he not only furnished the means but he furnished the cooperation in a vast majority of all those cases.

This man has been under the constant fire of Congress for more than 20 years. It is not a recent development of some special committee that the gentleman might feel has animus, but he has been under successful criticism for more than 20 years.

Two years ago I called attention by facts and figures to some inexcusable conduct in this institution—falsification of records and many other irregularities—that ought not to be permitted. Why his resignation is not called for and why he is continually defended in the face of sworn facts is more than I can understand.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. GILBERT. Yes.

Mr. BLANTON. Is it not a fact that not only the District Committee of 21 members but the Judiciary Committee both unanimously agreed that there was an unholy alliance between Fenning and Doctor White in all these matters?

Mr. GILBERT. Why, absolutely.

Mr. SCHAFER. Will the gentleman yield?

Mr. GILBERT. I yield.

Mr. SCHAFER. Is not the fact that the Comptroller General's decision clearly shows that he illegally expended the people's money for his own personal benefit, in the amount of thousands of dollars, sufficient justification to kick him out at this time?

Mr. GILBERT. The records further showed and it was admitted before our committee that they put opposite the names of men who had escaped and had never been found, "Cured; released." The whole thing is a falsification and a sham and the conduct of this hospital is inexcusable.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Howard University, $600,000.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and in doing so I wish to include the law which has just been signed by the President authorizing such appropriations.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The law which was signed by the President yesterday is as follows:

That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

By reason of this new law no points of order have been made to-day against proposed appropriations for Howard, and none are in order against appropriations for the "construction, development, improvement, and maintenance" of that institution. Because of the annual points of order, even though the items were later restored, no definite and constructive policy could be followed, and the financial support of that growing institution was very uncertain. By reason of the experience of our committee in this regard, I drafted a bill to authorize appropriations for Howard University and introduced it in the House in December, 1924, and each Congress thereafter. It now becomes law in the identical form in which I introduced it four years ago.

The future of Howard University as the great colored educational center for America is therefore now well assured, and its leadership of that race will have a far-reaching effect on our country in the years to come.

The Clerk completed the reading of the bill.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 14801) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House of Representatives; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. MOSES, Mr. HALE, and Mr. OVERMAN members of the joint committee on the part of the Senate, as provided by Senate Concurrent Resolution 24, providing for the appointment of a joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on the 4th of March next.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the following title was taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States; to the Committee on the Judiciary.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa, from the Committee on Appropriations, by direction of that committee reported the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. BUCHANAN reserved all points of order.

ADJOURNMENT FOR THE HOLIDAYS

Mr. TILSON. Mr. Speaker, I send the following resolution to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 45

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian Thursday, January 3, 1929.

Mr. TILSON. Mr. Speaker, I wish to say that the minority leader, the gentleman from Tennessee [Mr. GARRETT], before he went away agreed to this resolution. The gentleman from Texas [Mr. GARNER], now substituting for him, also agrees to it; and both the majority and minority leaders of the Senate have agreed to recommend the same resolution to the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WOLFENDEN (at the request of Mr. DARROW), indefinitely, on account of illness.

ENROLLED JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the House of the following title, when the Speaker signed the same:

H. J. Res. 346. An act authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, December 15, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 15, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

685. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture, amounting to $500,000 for the fiscal year 1930, for an additional amount for the eradication of tuberculosis in animals (H. Doc. No. 476); to the Committee on Appropriations and ordered to be printed.

686. A letter from the Secretary of the Treasury, transmitting recommendation that the act of Congress approved June 25, 1910, which authorizes and directs the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise a site and building for the accommodation of the United States Subtreasury and other governmental offices at New Orleans, La., be repealed; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 7031. A bill authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes; with amendment (Rept. No. 1955). Referred to the Committee of the Whole House on the state of the Union.

Mr. DICKINSON of Iowa: Committee on Appropriations. H. R. 15386. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1956). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Military Affairs was discharged from the consideration of the joint resolution (H. J. Res. 284) to authorize an appropriation to pay claims of parents of deceased and injured children killed and injured by an Army airplane landing in Patterson Park, Baltimore, Md., on or about August 14, 1919, and for other purposes, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 15378) to authorize the transfer to the line of the Navy of certain officers of the Construction Corps who are employed on aeronautical duties; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 15379) granting pensions and increase of pensions to widows of certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 15380) to establish, maintain, and operate a reforesting station in the first congressional district of Georgia; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 15381) to provide for the establishment of a light vessel at Grays Harbor, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15382) to legalize a trestle, log dump, and booming ground in Henderson Inlet, near Chapman Bay, about 7 miles northeast of Olympia, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 15383) to amend the first subdivision of section 4 of the naturalization act; to the Committee ou Immigration and Naturalization.

By Mr. BLACK of New York: A bill (H. R. 15384) making it a penal offense to refer to the religion of a candidate for public office; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 15385) to regulate the use of spray-painting compressed-air machines, and for other purposes; to the Committee on Labor.

By Mr. DICKINSON of Iowa: A bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. FISH: A bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. HOUSTON of Delaware: A bill (H. R. 15388) to amend the act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. SIROVICH: A bill (H. R. 15389) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," and the Welch Act, approved May 28, 1928, in amendment thereof; to the Committee on the Civil Service.

By Mr. RAGON: A bill (H. R. 15390) granting authority to the Secretary of War to relocate levee of Conway District No. 1, Conway County, Ark.; to the Committee on Flood Control.

Also, a bill (H. R. 15391) making an appropriation for improving the Arkansas River from Little Rock, Ark., to the point where it flows into the Mississippi River, for the purposes of navigation; to the Committee on Appropriations.

By Mr. HOCH: Joint resolution (H. J. Res. 351) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KIESS: Joint resolution (H. J. Res. 352) for the relief of Porto Rico; to the Committee on Insular Affairs.

By Mr. WHITE of Maine: Joint resolution (H. J. Res. 353) providing for a joint committee to investigate and report upon facts connected with the sinking of the S. S. *Vestris;* to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 263) providing for the printing of the Journal of the Thirtieth National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

By Mr. FISH: Resolution (H. Res. 264) favoring the ratification by the United States Senate of the Kellogg peace pact; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 15392) granting a pension to Elfred P. Graves; to the Committee on Pensions.

Also, a bill (H. R. 15393) granting a pension to Bridget O'Brien; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 15394) granting a pension to William Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15395) granting a pension to Grant E. Q. Leatherman; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 15396) granting a pension to Mary Jane Eagan; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 15397) for the relief of Floyd Dillon, deceased; to the Committee on Military Affairs.

By Mr. CULKIN: A bill (H. R. 15398) granting a pension to Mary Jane Chetney; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 15399) granting a pension to William Hecker; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15400) granting a pension to Martha F. Stigall; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 15401) granting an increase of pension to Abbie M. Stout; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15402) granting retirement annuity or pension to Hiram Elliott; to the Committee on the Civil Service.

Also, a bill (H. R. 15403) granting an increase of pension to Thomas A. Della; to the Committee on Pensions.

By Mr. HARE: A bill (H. R. 15404) to compensate Arthur Ashley Burn, sr., for the loss and death of his son, Arthur A. Burn, jr.; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 15405) to correct the military record of James Luther Hammon; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 15406) granting a pension to Emma A. Safley; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15407) granting an increase of pension to Catherine Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15408) granting an increase of pension to Clara A. Young; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 15409) granting an increase of pension to Agnes B. Earl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15410) granting a pension to Julia Fisher; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 15411) granting a pension to Edward G. Murton; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15412) granting a pension to Ann C. Guthrie; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 15413) granting a pension to Jesse Burnett; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 15414) granting a pension to Herman Lyons; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15415) granting a pension to Robert C. Baker; to the Committee on Pensions.

Also, a bill (H. R. 15416) granting a pension to Jesse A. Sparks; to the Committee on Pensions.

Also, a bill (H. R. 15417) granting an increase of pension to Floyd Lapton; to the Committee on Pensions.

Also, a bill (H. R. 15418) granting an increase of pension to Jacob Anderson; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15419) granting an increase of pension to Quessie Burns; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 15420) granting an increase of pension to Louise L. Pettengill; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15421) for the relief of D. B. Heiner; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15422) granting a pension to Rosetta B. Munsel; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15423) granting an increase of pension to Orpha Young; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 15424) for the relief of Dr. W. H. Parsons; to the Committee on War Claims.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 350) to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7975. By Mr. BEERS: Petition from citizens of Perry County, Pa., favoring the passage of House bill 11410; to the Committee on the Judiciary.

7976. By Mr. CULLEN: Resolution presented at annual meeting of the board of trustees of the American Printing House for the Blind, expressing the appreciation of the generous attitude of Congress toward the blind pupils in the schools in this country; to the Committee on Appropriations.

7977. By Mr. GARBER: Petition of the Dewey Congressional Medal Men's Association, urging support of House bill 12247 and Senate bill 1265, proposing a reward of $30 per month to the few surviving officers and enlisted men who served with Commodore George Dewey at his famous victory in Manila Bay; to the Committee on Pensions.

7978. Also, letter from F. D. Fant, chairman traffic department, United States Fisheries Association, Jacksonville, Fla., urging support of House Resolution 303; to the Committee on Interstate and Foreign Commerce.

7979. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, opposing further grants of public lands within State of New Mexico to Indians or Indian tribes, unless lands so granted to Indians or Indian tribes be put on the State tax rolls; to the Committee on Indian Affairs.

7980. Also, petition of New Mexico Cattle and Horse Growers' Association, indorsing and recommending the leasing of the public domain in New Mexico; to the Committee on the Public Lands.

7981. Also, petition of New Mexico Cattle and Horse Growers' Association, favoring the purchase of isolated tracts of Government lands for grazing purposes, minimum price at which such tracts of land, grazing in character, to be 50 cents per acre; to the Committee on the Public Lands.

7982. Also, petition of New Mexico Cattle and Horse Growers' Association, expressing appreciation for services rendered beef-cattle producers by Department of Agriculture, the National Live Stock and Meat Board, and the Better Beef Association, and favoring increase of 25 cents per car on all cattle sold, the funds to be used by the National Meat Board for increased advertising; to the Committee on Agriculture.

7983. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation for salary of Chief of Bureau of Animal Industry, and asking sufficient funds for the study and control of livestock diseases and pests; to the Committee on Agriculture.

7984. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation to the Forest Service for improvements upon the grazing lands in the national forests; to the Committee on Agriculture.

7985. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increased appropriation for the Bureau of Biological Survey for control of predatory animals; to the Committee on Agriculture.

7986. Also, petition of New Mexico Cattle and Horse Growers' Association, indorsing House bill 10021, by Mr. Morrow, providing for the establishment of an experiment station in Lea County, N. Mex.; to the Committee on Agriculture.

7987. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing the putting of Mexican labor on quota basis; to the Committee on Immigration.

7988. Also, petition of New Mexico Cattle and Horse Growers' Association, favoring duty on hides; to the Committee on Ways and Means.

7989. Also, petition of New Mexico Cattle and Horse Growers' Association, approving an advance in tariff on beef products; to the Committee on Ways and Means.

7990. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing Senate bill 4264, restricting the sale of livestock to places designated by the Secretary of Agriculture; to the Committee on Agriculture.

7991. Also, petition of New Mexico Cattle and Horse Growers' Association, approving House bill 490, to amend the packers and stockyard act; to the Committee on Agriculture.

7992. By Mr. O'CONNELL: Petition of the Immigration Study Commission, Sacramento, Calif., opposing the repeal of the national-origins clause of the immigration quota act; to the Committee on Immigration and Naturalization.

7993. Also, petition of the Cigarmakers Local Union No. 87, Glendale, Brooklyn, N. Y., opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

7994. By Mr. ROBINSON of Iowa: Petition of R. V. McKeever, Otley, Iowa, and O. M. Wilson, Monroe, Iowa, druggists, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7995. Also, petition of druggists and other business men of Bloomfield, Iowa, submitted by J. M. Bootsma, Bloomfield, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7996. Also, petition of H. T. Berry, Pulaski, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

7997. Also, petition of druggists and other business men of Sigourney, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11) submitted by Paul O. Weller, Sigourney, Iowa; to the Committee on Interstate and Foreign Commerce.

7998. Also, petition of druggists and other business men at Newton and Grinnell, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11) submitted by P. J. Jepson, Newton, Iowa; to the Committee on Interstate and Foreign Commerce.

7999. Also, petition of druggists and other business men of Oskaloosa, Eddyville, and New Sharon, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by G. E. Stephenson, Eddyville, Iowa; to the Committee on Interstate and Foreign Commerce.

8000. Also, petition of druggists and other business men of Albia, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by E. C. Armstrong, Albia, Iowa; to the Committee on Interstate and Foreign Commerce.

8001. Also, petition of druggists and other business men of Newton, Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by G. H. Nollen, Newton, Iowa; to the Committee on Interstate and Foreign Commerce.

8002. Also, petition of druggists and other business men of Iowa, in support of the Capper-Kelley resale price bill (H. R. 11), submitted by C. A. Burt, Delta, Iowa; to the Committee on Interstate and Foreign Commerce.

8003. Also, petition of druggists and other business men of Ottumwa, Iowa, submitted by C. A. Hill, Ottumwa, Iowa, in favor of the Capper-Kelley resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8004. By Mr. SWICK: Petition of Lawrence County Pomona Grange, No. 65, Patrons of Husbandry, New Castle, Pa., protesting the construction of more cruisers than actually needed for police protection, and urging the ratification of the Kellogg peace pact; to the Committee on Naval Affairs.

8005. Also, petition of congregation of the Union Reformed Presbyterian Church, of Mars, Pa., for a Christian amendment to the Constitution of the United States; to the Committee on Revision of Laws.

SENATE

SATURDAY, *December 15, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty Lord, to whom all things in heaven and earth do bow, be now and evermore the strong tower and defense of this Nation, that Thy people may be sober-minded, truthful, reverent in spirit, and pure in heart. Let no unhallowed words pollute the tongues which Thou hast made to praise and bless Thee, no evil action defile the bodies which Thou hast taught us are the temples of Thy presence. Thou hast crowned our country with vast and marvelous achievements; make us, therefore, worthy of the past and true prophets of the future, that Thy kingdom may come and Thy will be done on earth as it is in heaven. Grant this for the sake of Jesus Christ, Thy Son our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION—BOULDER DAM

Mr. SMOOT. Mr. President, yesterday afternoon I was suffering from a severe headache. I went home early and was not present in the Chamber when the Boulder Dam bill was voted upon. I want to take this occasion, however, to state that if I had been here I would have voted against the bill. I had no idea that it would be finally voted upon at that time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 45) providing that when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian, Thursday, January 3, 1929, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; and

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 346) authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Simmons
Barkley	Frazier	McKellar	Smith
Bayard	George	McMaster	Smoot
Bingham	Gerry	McNary	Steck
Black	Gillett	Moses	Steiwer
Blaine	Glass	Neely	Stephens
Blease	Glenn	Nye	Swanson
Borah	Goff	Oddie	Thomas, Idaho
Bratton	Gould	Overman	Thomas, Okla.
Brookhart	Greene	Phipps	Trammell
Broussard	Hale	Pine	Tydings
Bruce	Harris	Pittman	Tyson
Capper	Harrison	Ransdell	Vandenberg
Caraway	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ind.	Warren
Dale	Johnson	Sackett	Waterman
Deneen	Jones	Schall	Watson
Dill	Kendrick	Sheppard	Wheeler
Edwards	Keyes	Shipstead	
Fess	King	Shortridge	

Mr. JONES. I desire to announce that the junior Senator from Delaware [Mr. HASTINGS] is detained on official business.

I also wish to announce that the Senator from Nebraska [Mr. NORRIS] is necessarily absent at a meeting of the Committee on the Judiciary.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained on account of illness. I ask that this announcement may stand for the day.

Mr. GERRY. I desire to announce that the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate by reason of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

SENATOR FROM OHIO

Mr. FESS. Mr. President, on November 6 THEODORE E. BURTON, of Ohio, was elected a Member of this body to fill out the unexpired term of our late lamented colleague, Frank B. Willis. His certificate of election has already been received and accepted by the Senate. Mr. BURTON is now in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The Senator elect will present himself at the desk and take the oath of office.

Mr. BURTON, escorted by Mr. FESS, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him by the Vice President, he took his seat in the Senate.

RECEPTION TO ORVILLE WRIGHT

Mr. BINGHAM. Mr. President, yesterday the Senate passed a joint resolution granting the distinguished flying cross to Orville Wright and making a posthumous award to his brother, Wilbur Wright. Next Monday is the twenty-fifth anniversary of the first flight ever made by man. To-day we are so fortunate as to have in the anteroom Mr. Orville Wright himself. I am sure that Members of the Senate will want to meet him and extend to him their congratulations. Therefore, I move that the Senate take a recess for five minutes in order that Mr. Wright may be presented to Senators by the Vice President.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion was unanimously agreed to, and the Senate took a recess for five minutes.

The Senate being in recess,

Mr. Orville Wright, escorted by Mr. BINGHAM, entered the Chamber, and, having been introduced to the Vice President, stood with him in the area in front of the Secretary's desk and greeted the Members of the Senate as they were introduced to him by the Vice President.

At the expiration of the recess the Senate reassembled.

REPORT OF NATIONAL ACADEMY OF SCIENCES

The VICE PRESIDENT laid before the Senate a communication from the President of the National Academy of Sciences, transmitting, pursuant to law, the report of the academy for the fiscal year ended June 30, 1928, which was referred to the Committee on the Library.

PETITIONS AND MEMORIALS

Mr. FLETCHER presented a petition numerously signed by sundry citizens of Pensacola, Fla., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, without the signatures, as follows:

To Our Senators and Representatives in Congress:

GENTLEMEN: We, the undersigned friends and patrons of the St. Louis-San Francisco Railway Co., and its 30,000 employees, wish to bring to your attention a matter of the gravest importance to the people in general, to the various railroads of the country in particular, and also a matter of grave concern to numerous railroad employees who have spent a lifetime in their chosen profession.

The railroads of the country are the arteries of the lifeblood of the Nation. Upon their success, proper regulation, and efficient functioning depends our prosperity and economic welfare.

There has recently sprung up all over the country a competition on the part of unregulated companies, many of them irresponsible, undertaking to haul freight and passengers in interstate commerce for hire by means of busses, trucks, and publicly operated automobiles in direct competition with the railroad companies.

If this competition were for the public good and contributed to the economic welfare and development of the Nation, no fair-minded man could object. But such is not the case. This unregulated competition is not only seriously endangering the well-established, dependable, and permanent railroad service but endangers the lives and limbs of the public generally, and in case of serious accident, leaves the injured passengers or members of the public without financial protection.

It is not fair that the railroads should be destroyed or their service seriously impaired by such unregulated competition.

We, therefore, earnestly urge upon you the wisdom of Congress immediately taking charge of this situation under the commerce clause of the Constitution and passing an act strictly, justly, and fairly regulating the interstate transportation of freight and passengers by various companies using busses, trucks, automobiles, or similar vehicles for such service.

Such a bill should, among other things, require:

(a) Proper protection against financial irresponsibility.

(b) A fixed schedule upon which the public can depend to be furnished in season and out.

(c) A proper tariff of freight and passenger charges subject to the regulation of a proper commission.

(d) Careful inspection of all motor vehicles to make certain they are safe for the uses to which they are to be devoted.

(e) Proper investigation as to the mental and physical qualifications of the driver of such vehicle for such service.

(f) The provision for some regulatory body or bureau analogous in some respects to the Interstate Commerce Commission, which can see that such transportation companies are efficiently, fairly, conservatively, and dependably operated, and to the end that in serving the public no unnecessary damage or loss be inflicted upon other transportation companies.

(g) An adequate tax consistent with the value of the use of the public highways of the Nation by such transportation companies, such tax to be used first for the payment of the proper supervision; and, secondly, to assist in the maintenance of the highways.

(h) Proper regulations covering the weight, width, and size of such vehicles and prescribing safe speed regulations.

Other items may occur to you, but these are suggested with the idea that if railroad transportation is to be destroyed, that our legislative body make certain that there shall be substituted in lieu thereof, a system of transportation as reliable and efficient as the presently operated railroad systems of the country.

CITY OF PENSACOLA,
State of Florida.

(Signatures omitted.)

Mr. BLACK. Mr. President, I present a letter containing a resolution in reference to the so-called Kellogg peace treaty and ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

ALABAMA LEAGUE OF WOMEN VOTERS,
Birmingham, Ala., December 12, 1928.

Hon. HUGO BLACK,
United States Senate, Washington, D. C.

DEAR SENATOR BLACK: At a luncheon meeting held Tuesday, December 11, Southern Club, Birmingham, representatives of 15 women's organizations, who in turn represent about 25,000 women, passed a resolution indorsing the Kellogg peace pact.

In the resolution they urged that there be no reservations and that the treaty be ratified at the earliest possible date.

These women petition you as their elected representative in the Senate of the United States to vote for the ratification of the treaty.

Sincerely,

MARTHA DABNEY TOULMIN,
Chairman International Cooperation.
JEANNETTE M. ADAMS,
President Jefferson County League of Women Voters.

(Organizations represented: Federation of Women's Clubs, University Women, Council of Jewish Women, Missionary Societies, Woman's Christian Temperance Union, Young Women's Christian Association, Woman's Trade Union League, Business and Professional Women.)

Mr. HALE presented a petition of members of the Young Women's Christian Association, of Bangor, and sundry citizens of Portland, in the State of Maine, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. EDWARDS presented a letter in the nature of a petition from Miss Cora L. Hartshorn, of Short Hills, N. J., accompanied by a petition signed by 977 citizens of Trenton, Millburn, Short Hills, Wyoming, Orange, East Orange, South Orange, Newark, Succasunna, Maplewood, Jersey City, and Summit, all in the State of New Jersey, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. GILLETT presented petitions of the masters of Groton School, of Groton; members of the faculty and students of Smith College, of Northampton; women of the First Methodist Episcopal Church, of Westfield; members of the School of Religious Education of Boston University; Albert E. Pillsbury, of Boston; and sundry citizens of Bridgewater, Shrewsbury, and Cambridge, all in the State of Massachusetts, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. JONES presented petitions numerously signed by sundry citizens of Seattle, Ellisport, Everett, Auburn, Newcastle, Woodinville, Bryn Mawr, Pullman, Kettle Falls, Tumwater, Raymond, Spokane, Sumner, South Bend, Tacoma, Walla Walla, Yakima, Bellingham, Gig Harbor, LaConner, Tracytown, Bremerton, Annapolis, Silverdale, Manette, Parker, Sumas, Mount Vernon, Zillah, Parkland, Kennewick, Puyallup, Rosalia, Wauna, Burlington, and Kirkland, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

REPORTS OF THE COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy, reported it with an amendment and submitted a report (No. 1344) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., reported it with amendments and submitted a report (No. 1345) thereon.

He also, from the same committee, to which was referred the bill (S. 4640) to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes, reported it without amendment and submitted a report (No. 1346) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 7324) for the relief of Orla W. Robinson, reported it without amendment and submitted a report (No. 1347) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 11071) providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor, reported it without amendment and submitted a report (No. 1348) thereon.

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 1320) for the relief of James W. Pringle, reported it with an amendment and submitted a report (No. 1349) thereon.

PRINTING OF ANNUAL REPORT OF NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. SHIPSTEAD, from the Committee on Printing, reported the following resolution (S. Res. 280), which was considered by unanimous consent and agreed to:

Resolved, That the thirty-first annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1928, be printed, with illustrations, as a Senate document.

PRINTING OF MANUSCRIPT "THE APPOINTING AND REMOVAL POWER OF THE PRESIDENT OF THE UNITED STATES"

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the resolution (S. Res. 204), submitted by Mr. MCLEAN on April 20, 1928, reported it with an amendment and asked unanimous consent for its immediate consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendment was, in line 3, after the word "printed," to insert a comma and "as may be directed by the Joint Committee on Printing," so as to make the resolution read:

Resolved, That the manuscript entitled "The appointing and removal power of the President of the United States" by Charles E. Morganston, be printed, as may be directed by the Joint Committee on Printing, as a Senate document.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 4936) granting an increase of pension to Ada Beecher (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; to the Committee on Interstate Commerce.

By Mr. DILL:

A bill (S. 4938) granting war-risk insurance to the estate of Herbert Toll; to the Committee on Finance.

By Mr. BROOKHART:

A bill (S. 4939) granting compensation to Gorfey Orland Laughlin (with accompanying papers); and

A bill (S. 4940) granting compensation to George W. Priegel (with accompanying papers); to the Committee on Finance.

By Mr. TRAMMELL:

A bill (S. 4941) granting an increase of pension to Martin Padgett; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 4942) to authorize a preliminary survey of Rough River in Kentucky, with a view to the control of its floods; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 4943) granting an increase of pension to Emma D. Walker; to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 4944) granting a pension to Charles Watlington; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4945) granting a pension to Mtee Johnson (with accompanying papers); and

A bill (S. 4946) granting an increase of pension to John Lonergan (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4947) for the relief of James D. Poteet; to the Committee on Military Affairs.

A bill (S. 4948) for the relief of A. J. Morgan; and

A bill (S. 4949) for the relief of trustees of Mizpah Methodist Church South, located near Kingston, Ga.; to the Committee on Claims.

A bill (S. 4950) granting a pension to Frank Patty;

A bill (S. 4951) granting an increase of pension to George W. Vineyard;

A bill (S. 4952) granting an increase of pension to Stephen H. Green; and

A bill (S. 4953) granting an increase of pension to Joseph Hixon; to the Committee on Pensions.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 14066) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 91, line 3, after the word "mechanic," insert the following: "$6,000 for a residence for the United States Commissioner," and on page 91, line 8, strike out the amount "$214,400" and insert in lieu thereof "$220,400."

THE CUMBERLAND FALLS PROJECT

Mr. BORAH. Mr. President, I submit a resolution and ask that it may be read. Then I am going to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. 279), as follows:

Resolved, That the Federal Power Commission be, and the same is hereby, directed to send to the Senate:

First. A copy of Executive Secretary Merrill's report upon what is known as the Cumberland Falls project.

Second. A copy of any report relative to other or allied projects in the vicinity of the Cumberland Falls project.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

HOUSE BILLS AND CONCURRENT RESOLUTION REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War, and certain widows and dependent children of soldiers, sailors, and marines of said war; to the Committee on Pensions.

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution (H. Con. Res. 45) was referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian, Thursday, January 3, 1929.

PRISON-MADE GOODS

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, the Senator from Missouri [Mr. HAWES] is in charge of the unfinished business. I understand that he desires to present some documents for printing in the RECORD, and then, perhaps, we would save time by adjourning until Monday. If the Senator from Missouri is ready to present the documents now, I ask unanimous consent that that may be done, and then we can take an adjournment, or, if it is preferred, we can take an adjournment now.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Missouri is recognized.

Mr. HAWES. Mr. President——

Mr. SMOOT. Will the Senator from Missouri yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. HAWES. I yield.

Mr. SMOOT. I merely wish to know whether there is going to be any action taken to-day upon the bill, and I ask the Senator that question. If not, I should like to go to the Appropriations Committee and work there, but I am interested in the bill itself, and, if there is going to be any action taken on it, I desire to be present.

Mr. CURTIS. As I understand, the Senator from Missouri desires to present some documents, and then there will be an adjournment without action on the bill. Is that correct?

Mr. HAWES. That is correct.

The PRESIDENT pro tempore. The Senator from Missouri will proceed.

Mr. HAWES. Mr. President, in connection with the unfinished business, I ask permission to have printed in the RECORD at this point three briefs regarding the constitutionality of the bill, a report just issued by the Department of Commerce, and other documents. I make this request in order to economize time, so that the documents referred to may appear in the RECORD and be available on Monday.

Mr. LA FOLLETTE. Mr. President, it is impossible to hear the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent to insert in the RECORD certain briefs discussing the question of the constitutionality of the bill constituting the unfinished business of the Senate and also a report from the Department of Commerce and other papers. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF PRISON LABOR PROBLEM AS SHOWN BY REPORT OF SENATE COMMITTEE, FIRST SESSION, SEVENTIETH CONGRESS

[S. Rept. No. 344, 70th Cong., 1st sess.]

DIVESTING PRISON-MADE PRODUCTS OF THEIR INTERSTATE CHARACTER IN CERTAIN CASES

Mr. HAWES, from the Committee on Interstate Commerce, submitted the following report, to accompany S. 1940:

The Committee on Interstate Commerce, to which was referred the bill (S. 1940) to divest prison-made products of their interstate character in certain cases, having had the same under consideration, report favorably thereon with an amendment, and as amended recommend that the bill do pass.

After 30 days' notice, extensive hearings were held on the subject matter of this bill, beginning on February 7. Additional hearings were held on February 17, and voluminous testimony was taken. Every phase of the problem presented was considered. As a result of such hearings the following facts may be enumerated:

THE RIGHTS OF STATES

The penitentiary problem is a problem for the State. The factors that enter into its adjustment are so many and so varied as to make it essentially a State problem, and no Federal impediment should stand in the way of any State which seeks to determine its own prison affairs and the regulation of the sale of prison products.

Such impediment now exists, and it is only for the removal of the impediment that this legislation is designed.

SUPPORTED BY THREE GREAT ELEMENTS OF SOCIETY

Three distinct and powerful elements in American life earnestly indorsed this measure, each from a separate motive and different viewpoint.

The American Federation of Labor urged the passage of this bill through its properly constituted leaders, and has without exception indorsed the measure through its State organizations.

The viewpoint of labor is that under existing conditions the products of convicts are permitted to flow through channels that bring about a ruinous competition with the labor of free American citizens, 5,000,000 of whom the labor organization represents.

From an entirely different viewpoint manufacturers, representing more than $2,500,000,000 in investments and employing both union and nonunion labor, were heard by the committee urging the passage of the measure for the reason, they stated, that under existing conditions the continuous production of prison-made products in certain centralized industries creates a condition by which the entire competitive market is demoralized and under which the products of free manufacturers are forced into ruinous competition with goods made by convicts.

Wholly aside from these divergent reasons, the General Federation of Women's Clubs, through their properly constituted representatives, and speaking for some 14,000 affiliated branches in the 48 States, urged before the committee the passage of this act on the broad humanitarian ground that under existing conditions all attempts to bring about a proper reform in the prisons of the Nation were being frustrated by the legal impediment under which State laws are made ineffective through interstate commerce.

The blind also appeared, through properly authorized representative of the national organization looking to the betterment of conditions for the blind, in support of this measure. It was brought out that convict labor is dominating the broom industry, which industry is the best suited for those so afflicted.

In addition to these were representatives of the prison reform organization with branches in the States.

It is significant that all five of these elements declared that their ultimate object was the same, to wit, the continuous employment of the convict for the benefit of the State, for his own welfare and rehabilitation, and for the care of his family, and the removal of his products from the field of ruinous competition with both free labor and invested capital.

CHARACTER OF THE BILL

The bill does not represent a new legislative proposal. The measure in similar form has been before previous Congresses, and in identical form was presented to the last Congress, but in each Congress was subjected to such a delay in its consideration that a vote by both branches

of Congress at any session has never been possible. This bill, or a similar one, has been reported favorably three times by a committee of the House and has passed the House on three occasions. A similar bill was reported favorably by the Committee on Interstate Commerce of the Senate as early as 1914.

Briefly, the bill divests convict-made products of their interstate character upon their arrival in the State of their destination and permits the laws of that State to become operative with respect to the sale and distribution of such products within that State. It is simply an enabling act.

The bill does not prohibit the transportation of convict-made goods. It does not force the enactment of any State legislation. It does not alter or in any way interfere with any existing law in any State, nor does it interfere with the management of any State penal institution.

That prisoners must be employed is one of the principles upon which this bill is founded. As a result of the passage of this measure the prisoner of the future may not only be employed but may be employed in such a way as to bring about, through scientific methods, his possible rehabilitation for reentrance into society.

"STATE USE" AND "STATES' USE" PLANS

Testimony was given to the committee concerning the State-use system now in existence in some of the larger States of the Union, and in each case conditions under such system were found satisfactory.

The State-use system is that under which the products of convict labor are diversified with the view to the needs of State institutions, the thought being that under proper surveys as to such needs and under proper diversification of industry in the prisons the output of the penitentiaries will meet the needs of the institutions of the State.

But in addition to the thought underlying the State-use system there was outlined to your committee the States' use plan under which products of a prison in one State may be sold to the institutions of another State, and under a systematic prison management the industries of certain States would be diversified to meet the requirements of certain other near-by States. Such diversification would be based not only upon the needs of adjoining States but upon the proximity of raw materials as well. Such a system also takes into consideration the employment of prisoners in a given State in such industries as will prove most beneficial to the prisoners when paroled or released in that State. But whatever the State or groups of States may do is not the province of this bill, which simply enables them to do as they please.

THE PRISON CONTRACTOR

Opposition to this measure before the committee was significantly confined to prison officials and the directors of some penal institutions, many of them capable and conscientious men. In all but one instance the institutions represented were those in which prison-made products are manufactured by prison contractors or, if manufactured under what is known as the public-account system, are sold through a contractor.

The prison contractor was not present either in person or through his representatives so far as the open hearings were concerned.

His work is the remnant of a system discarded by a majority of the States.

It is significant that with but one exception the prison contract and the prison contractor were not defended even by the opponents of this legislation.

The passage of the bill will benefit the State and the prisoner. It will injure the prison contractor. His opposition will therefore continue and pressure to defeat the bill will be largely inspired by him, although he covers his determined opposition by absence and failure openly to appear, as his occupation can not be defended as beneficial either to State or prisoner. He is the middleman profiting both from the State and the prisoner. He should be eliminated as a factor in the prison problem.

UNCONTROLLABLE ABUSES

The testimony before your committee brought to light certain evils of present conditions.

It was shown that in one State where the people of that State, through their legislature, enacted a law requiring the labeling of convict-made goods, the prisoners in the penitentiaries of that State were engaged in the manufacture of shirts and shoes which were sent out into other States to be dumped on the competitive market bearing labels of misrepresentation.

In the same State the shield of the United States and the lettering "U. S." were fraudulently placed upon the shoes for the purpose of misrepresentation and deceit. Such false labels were being placed upon products by the prisoners themselves, and in one instance they were admittedly placed on products "at the direction of the warden."

State laws against such deception and fraud are ineffective. State labeling laws and similar legislation are unenforceable, and the objectionable conditions which exist are permitted to continue only because States can not enforce their own statutes.

The State, representing the public opinion of that State by enacting laws through its legislature to prevent the sale of convict-made goods, is powerless to enforce its own bill, because other States use its market as a dumping ground for surplus convict-made goods.

With the result that New York (for illustration) regulates the sale of convict-made goods, and the products of its own convicts are eliminated from the State market, but at present the prison contractor may dump upon the New York market the products of convicts from other States.

The State is rendered helpless, its own laws are defeated, and the prison contractor, in defiance of the public opinion of that State, secures a personal profit, first, from the State of origin; second, from the prisoner; and, third, from the market of the State, which is unable to protect itself.

The result is apparent. The products of convicts are not sold upon the market where State use is in force, and yet every other State where the contract system is used may do the thing that the law of that State prohibits.

The bill therefore does not interfere with the rights of States, but it does assist in preserving the right of self-determination for each State.

In certain States where the contract system is in effect, and even in States where the products are distributed through a contract selling agency, the work of the prisoner is under the supervision of a representative of either the so-called manufacturer or the selling agency.

However respectable such supervision may be, the theory is offensive to the principle that the control and direction of prisoners should not be delegated to anyone except responsible officials of the State, and no contractor or selling agency should have anything to do, directly or indirectly, at any time with the prisoners' supervision.

However desirous any State in the Union may be of putting an end of the contract system its efforts are futile, for the reason that it can not rid itself of misbranded and falsely labeled products sent into its borders by prison manufacturers who hold themselves out as legitimate manufacturers.

As a result of present conditions it is only natural that those who are profiting from the prison-contract system will seek to interfere with any movement in any State looking to the adoption of a different system.

The disparity in wages paid prisoners and those paid free labor need not be discussed, as the facts borne out by testimony are matters of common knowledge.

TWO YEARS GIVEN FOR READJUSTMENT

The committee is not unmindful of the practical problem presented in certain States of the necessity of changing present systems. It is this practical problem to which the conscientious wardens and prison officials who appeared before the committee will have to give their attention. It is much the simpler program to go on as at present. To change means the employment of time and study in the reorganization of prison management.

Realizing this the committee amended the bill as introduced by providing that it shall not take effect until two years from date of passage.

This amendment meets the desires of those who favor the principle of the bill, but who are anxious for time necessary to meet the practical problem in their own State.

The 2-year clause in the bill will make it possible for the prison management of any State to make such surveys and such reorganization as may be necessary.

This bill is a necessary step in a national program of prison reorganization which began some years ago with the abolition in a majority of States of the obnoxious contract system, but which has been delayed and hampered by the existence of the legal impediment to which reference has been made.

In those States where the more modern system of prison employment has been adopted through legislative enactment, prison officials reported to the committee that representatives of the General Federation of Women's Clubs, the American Federation of Labor, and the manufacturers had been cooperating to make the new system effective.

The same zeal and activity on the part of these three elements of American life may be confidently relied upon in the future to assist the Government of any State in which the people are desirous of putting into effect a new system of penal conduct.

Such cooperation, however, will only be necessary in those States where it is desired to change the present situation, and such cooperation will only be required when the State itself desires such cooperation, for there is nothing in this bill providing for any change in any State from the present order of things.

Partaking as it does only of the character of a divesting statute, the committee is satisfied as to the constitutionality of this bill. A brief ably setting forth its constitutionality will be found in the record of the hearing.

For the reasons herein set forth your committee recommends that the bill do pass with the following amendment:

In line 6 of page 2, after the word "otherwise," add a new section: "This act shall take effect two years after the date of its approval."

HOOVER CONFERENCE REPORT ON PRISON INDUSTRIES, DECEMBER 12, 1928

NEW YORK, N. Y., *December 12, 1928.*

Hon. HARRY B. HAWES,

United States Senate, Washington, D. C.

MY DEAR SENATOR: On December 3, 1924, a conference was held in Washington with Hon. Herbert Hoover, then Secretary of Commerce, on the subject of ruinous and unfair competition between prison-made products and free industry and labor, in which the interstate shipment of prison-made goods plays an important part.

As the result of this conference, Mr. Hoover authorized the establishment of an advisory committee on prison industries composed of 19 members, all of whom excepting two have approved the report prepared by Mr. Gorton James, of the Department of Commerce.

Thinking that possibly the information contained in this report might be useful in the discussion of the pending Hawes-Cooper, or convict labor bill, I send you my copy for such use as you may desire to make of it.

The report and the appendix covers some 175 pages. I merely send you the summarized views and conclusions contained in the first part of the report, and based upon the statistical and exhaustive details found in the balance of the report which in its entirety will be ultimately published as a public document.

Very sincerely yours,

ARTHUR T. DAVENPORT,
Chairman of Advisory Committee on Prison Industries.

[Inclosure]

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

PRISON INDUSTRIES

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

MY DEAR MR. SECRETARY: We take pleasure in submitting herewith the report on the survey, "Marketing of Prison Products" of which you asked us to direct the preparation.

The report was written by Mr. Gorton James, Chief of the Domestic Commerce Division, based on data secured by the Domestic Commerce Division. The work was supervised by the committee through frequent consultations of its several members, and the manuscript has been approved by members of the committee, who have authorized and signed this letter.

May we take this occasion to call your attention to certain conclusions which have been drawn directly from the facts presented in the report.

(1) Certain of the major factors in the normal cost of production which must be met by all manufacturers are entirely absent in the case of prison industries. If anything approaching normal efficiencies of operation can be attained with the use of prison facilities and labor, the total costs of production are obviously below those of the manufacturer who must meet large overhead expenses as well as employ free labor.

(2) It is the universal belief that prisoners should be usefully occupied whether as a part of their punishment or as a means of rehabilitation by teaching them habits of industry. To this end nearly every State has projects either under way or in contemplation for increasing their facilities for providing productive work for their prisoners. As a result, although many idle prisoners are reported, the percentage of those not usefully employed is being constantly diminished.

(3) The volume of goods produced by prison labor is already very large in some lines, but as more prisoners are put to work, and the industries become more efficient, the output of our prisons will be greatly increased.

(4) The effect of placing on the open market a volume of goods which have been produced below normal costs, is to lower prices and disorganize the market. While this practice tends at any time to bring about unfair competitive price conditions, the effect is more keenly felt when there is overproduction. The increase in prison production which is predicted will exaggerate this evil and make it difficult if not impossible for manufacturers employing free labor to exist in trades where the prison output becomes heavy.

(5) The solution of this problem, if prison production is to continue, and all agree that it should, would seems to be the elimination, in one way or another, of the direct price competition of the prison products with so-called "free" products. Only two methods have been proposed for the elimination of such direct price competition:

First, by identifying the prison products so that prices quoted on them would not directly affect market prices generally on similar goods. Differentiation obvious to the buyer would make it possible to sell similar goods in the same retail store with different prices for the prison products and the "free" made products.

Second, by removing the prison products entirely from the open markets.

(6) Foreign countries as well as the State have experienced difficulties in enforcing the identification of prison products, if they pass into commerce through private hands.

Solutions must be found for these problems. Otherwise either prison industries must cease and prisoners kept in idleness or the manufacture of products competing with the prison output will become impossible. Either of these developments would be disastrous, and we urge that legislators, prison authorities, and others involved in the situation give careful consideration to finding a solution.

In view of the fact that the problem is essentially a State problem because most of the output comes from State prisons, there is little that the Federal Government can do beyond upholding the States in the efforts which they make toward solutions.

Respectfully,

Arthur T. Davenport, chairman; A. F. Allison, secretary; Mrs. John F. Sippel, president, General Federation of Women's Clubs; Mrs. John D. Sherman, former president, General Federation of Women's Clubs; Mrs. Saidie Orr Dunbar, chairman department of public welfare, General Federation of Women's Clubs; Miss Julia K. Jaffray, chairman division of correction, General Federation of Women's Clubs; Mr. William Green, president American Federation of Labor; Mr. John J. Manning, secretary-treasurer union label trades department, American Federation of Labor; Mr. William Butterworth, president United States Chamber of Commerce; Mr. E. W. McCullough, manager Department of Manufacture, United States Chamber of Commerce; Mr. William J. Ellis, commissioner department of institutions and agencies, State of New Jersey; Mr. S. F. Dribben, director Association of Cotton Textile Merchants in New York; Mr. M. R. Alden, Joseph M. Hermann Shoe Co.; Mr. J. S. McDaniel, the Cordage Institute; Mr. E. E. Little, director, Eastern Broom Manufacturers & Supply Dealers' Association; Mr. George L. Barnes, Heywood-Wakefield Co.; Mr. E. S. Simpson, International Harvester Co.

MINORITY REPORT

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

MY DEAR MR. SECRETARY: Mr. Henry Pope, representing on the advisory committee the prison contractors' viewpoint, dissents from the majority approval of the report and has written the attached letter expressing his views, all of which is attached hereto and made a part hereof.

Very sincerely yours,

ARTHUR T. DAVENPORT, *Chairman.*
A. F. ALLISON, *Secretary.*

CHICAGO, ILL., *November 21, 1928.*

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

MY DEAR MR. SECRETARY: I take pleasure in submitting my observations on the prison-labor problem, the result of 30 years' experience. It is agreed by all students on the subject that useful employment should be furnished prisoners, and my observation is that to furnish this useful employment the work must be of a productive nature, with working conditions as near the same as conditions found in industries outside the prison.

To do this a useful product must be made and sold. Naturally, the price this article will bring depends upon the quality of the workmanship entering into it, whether same is sold with a similar product manufactured outside of prisons, and by people skilled in the marketing of this class of merchandise. If this is done, the product will bring its proper value on the market. However, if restrictions are made as to where the product of this labor is sold, or if the goods are specially branded as a prison product, you will immediately destroy the possibilities of selling at its full commercial value and eventually destroy the industry, bringing idleness to the prisoner as a result.

The total volume of prison labor compared to all labor outside of prisons is so small that it is hardly worth considering, but, even so, it is eminently unfair to confine a prisoner without occupation.

If the sale of the product of prison labor is limited to the State or its political division, it becomes at once impossible, owing to the limited market, to produce a satisfactory product to meet the price of similar products on the market. This is the result after repeated experiments, as tried by many States.

Under the most favorable conditions the chances of finding suitable employment for prisoners is most difficult. In selecting work for prisoners climatic conditions, character and age of prisoners, location of the prison, are all important factors. Consequently the widest possible field should be open for the employment of prisoners, whether confined within the walls or employed otherwise, as on parole or probation, working on farms, as can be done on a large scale and profitably in the southern part of the United States, and on a similar scale in the colder climates and more thickly populated countries.

The products of the farm, such as cotton, dairy products, etc.—in fact, any product to be sold at a fair value—must have a chance to

enter into interstate commerce, and be sold with and assembled with similar products wherever produced. To especially identify this product as prison made would, in many cases, destroy its possibility of profitable sale.

I think we all agree that the solution of this problem does not lie with the Federal Government except in so far as it may affect the Federal prisons. If the Federal Government can work out in their Federal prisons a satisfactory labor problem whereby its prisoners can be profitably and steadily employed on products sold to governmental departments, I am sure, if successful, the States will be glad to follow its lead. Until this is accomplished, I do not see where the Federal Government should interfere, and that each State should be left entire freedom as far as Government interference is concerned to work out its own prison-labor problems.

Yours very truly,

HENRY POPE.

MEMBERS OF ADVISORY COMMITTEE ON PRISON INDUSTRIES

Arthur T. Davenport, chairman Sweet-Orr & Co. (Inc.), 15 Union Square, New York City.

A. F. Allison, secretary International Association of Garment Manufacturers, 395 Broadway, New York City.

Mrs. John F. Sippel, president General Federation of Women's Clubs, 1734 N Street NW., Washington, D. C.

Mrs. John D. Sherman, former president General Federation of Women's Clubs, Olin Hotel, Denver, Colo.

Mrs. Saidie Orr-Dunbar, chairman department of public welfare, General Federation of Women's Clubs, 310 Fitzpatrick Building, Portland, Oreg.

Miss Julia K. Jaffray, chairman division of correction, General Federation of Women's Clubs, 730 Fifth Avenue, New York City.

William Green, president American Federation of Labor, Washington, D. C.

John J. Manning, American Federation of Labor, Washington, D. C.

C. L. Baine, Boot and Shoe Workers' International Union, 246 Sumner Street, Boston, Mass.

William Butterworth, president Chamber of Commerce of the United States, Washington, D. C.

E. W. McCullough, United States Chamber of Commerce, Washington, D. C.

S. F. Dribben, Association of Cotton Textile Merchants, New York City, representing the textile trade.

M. R. Alden, Joseph M. Herman Shoe Co., Millis, Mass., representing the shoe trade.

E. S. Simpson, International Harvester Co., Chicago, Ill., representing the twine and cordage trade.

George L. Barnes, Haywood-Wakefield Co., Wakefield (Boston), Mass., representing the furniture trade.

E. E. Little, New York Broom Supply Co., Brooklyn, N. Y., representing the broom trade.

Henry Pope, Bear Brand Hosiery Co., 336 West Madison Street, Chicago, Ill., representing the hosiery trade.

Sanford Bates, commissioner Department of Correction, Boston, Mass.

William J. Ellis, commissioner of State institutions and agencies, Trenton, N. J.

SUMMARY

The crux of prison manufacturing and marketing problems lies in the fact that other industries can not compete successfully on price with prison-made goods. History gives us constant examples of the fact that the selling of goods below market prices is provocative of ill feeling. This is true between nations and has resulted in such national devices as protective tariffs and antidumping legislation. In our own country the Federal Trade Commission receives many complaints arising from the selling of commodities below normal market levels.

On the other hand progress under the competitive system is gained through the elimination of the inefficient and the obsolete by the process of underselling their products. The new efficiency makes possible the lowering of price, and the old method is driven from the field. Those in business must keep up to date or give way. That is fair competition.

But when some one sells below the market he not only loses part of his own profit but breaks the market for others. Modern market mechanisms are so sensitive that in the case of most commodities, only one or a few sales below the prevailing price will bring the market price down to the new level. This is fair enough when efficiencies have made possible the lowering of price with still a fair margin of profit. When the cut in price is made because of some unfair advantage, however, the producers of competing goods see themselves being forced out of business in spite of their own efficiencies. The struggle is no longer a fair one.

Here lies the crux of the opposition to the distribution in the open market of prison-made goods. Such goods do not need to be sold at full market price. When the State conducts the industry there is no impelling necessity to make a profit. Some even question the ethics of taking any profit on prison products.

Furthermore many of the usual elements of costs of manufacturing are not present where prison labor under prison conditions is used. Wages are seldom paid on the full labor scale, and even where there is an attempt to use such a scale it is not subject to the usual competitive pressure which nearly always forces some wages in an ordinary factory above the normal. Then there are items of overhead, some of which are actually missing, like taxes and others, interest on borrowed capital, and others that are seldom included because they are difficult to separate from regular prison expenses for allocation to the factory.

In short, nothing but the arbitrary adding of estimated figures would bring prison factory accounts to a basis comparable with normal manufacturing accounts, and even on such a basis there would be many elements tending to upset and distort the figures.

Behind such arbitrary cost accounting, moreover, lies the fact that State moneys are actually spent for only part of the usual elements of cost. Regardless of the addition of arbitrary cost accounting elements in arriving at prices, such items would not become cash entries in the accounts of the prison and the books will show an actual profit to the State on factory operations if there is any return over and above the actual cash disbursements.

The reason that market prices are disturbed by the sale of prison products seems to lie in the fact that in the nature of things the prison goods can be sold to meet the lowest prices quoted in the market, and when the market is saturated a profit can still be made on the original actual cost of the prison-made articles while selling the goods at prices below the costs of other manufacturers. In short, the products of private factories operating with free labor can not compete, on a price basis, with prison-made products.

Evidence of the fact that prison-made goods can step into any market at will against products of free industries has been amply provided by the report on Convict Labor in 1923 issued in January, 1925, by the Bureau of Labor Statistics, United States Department of Labor. (Convict Labor in 1923, Bureau of Labor Statistics, Bulletin No. 372, U. S. Department of Labor, Government Printing Office, Washington, January, 1925; pp. 107–166.) Developments in the marketing of garments, which according to that report made up $18,526,686 of the $44,843,355 worth of prison products sold on the open market in 1923 (Convict Labor in 1923, Bureau of Labor Statistics, Bulletin No. 372, U. S. Department of Labor, Government Printing Office, Washington, January, 1925; pp. 107–166), furnish further evidence of the disturbance caused by contractors or State officials in charge of prison industries.

The broom industry reports a similar situation. Mr. Robert C. Norman, of New York City, testified before the congressional committee on convict labor March 5, 1926 (report of hearings before the Committee on Labor, House of Representatives, 69th Cong., 1st sess., on H. R. 8653 (interstate commerce in the products of convict labor), starting March 5, 1926, p. 84), that out of 50,000 tons of broom corn usually cut per annum, at least 12,500 tons are worked up in prisons. The binder twine and the chair industries report similar conditions. Other trades are affected, but not to such a large proportional extent.

The complaint is made that these goods are sold without identification, and the buyer does not know, in most cases, that he is buying prison-made products. The charge of unfairness arises from this lack of knowledge on the part of the buyer, and it is stated if, in all cases, the distinction between prison-made goods and the products of other factories was clear it would make an automatic distinction which would result in the selling of the two classes of goods in different markets, in the same way that differently priced automobiles reach different markets.

REMEDIES WHICH HAVE BEEN SUGGESTED

More frequently perhaps than any other suggested remedies are those which see in changes in systems of prison manufacturing the solution of all difficulties. The complete abolition of the lease, contract, and piece-price system—that is, the elimination of private interest or private profit from prison industry—is advocated by some. The complete alternative, however, that is, exclusively State-managed prison industries, has also resulted in unsatisfactory conditions either for the prisoners or for outside manufacturers and labor, or for both, and it appears that the fault may not be so much in the system of production as in the system of distribution of the products.

A brief review of the history and literature of prison industries presents many suggestions for solving the problem. It must be remembered that the goods are produced for the most part in State prisons containing prisoners supported by State money and incarcerated because of the breaking of State laws. The problem is primarily a State problem, not a national problem, except in so far as the marketing of these goods affects interstate commerce. The suggestions for remedies may be grouped under four main headings:

I. To stop the prisoners from manufacturing articles of commerce.

II. To remove the products of prison manufacturing from the market.

III. To insure fair competition when prison products enter the market.

IV. To reduce by means of diversification the amount of individual items produced in prisons to such a small percentage of the total production in outside industries of those items that the prison product becomes too small a factor to disturb the market.

I. To stop the prisoners from manufacturing articles of commerce: This is the oldest remedy historically which has been tried. This used to be accomplished by the deportation of convicts to penal colonies and the performing of hand-labor tasks (but see also ibid. p. 186, Illinois Stats., sec. 80; p. 189, Indiana Stats., sec. 9850; p. 203, Massachusetts General Laws, sec. 74) or penal labor only in prisons. This, of course, is no longer practical.

It must not be forgotten that one of the principal purposes of factory work in prisons is to teach the prisoners a useful trade which they can practice after their release. Such a desirable use is entirely lost if the prisoners are not employed in work of a nature which they can continue when they are free, or, in other words, in work which is fairly common in their State.

The use of prisoners on the so-called public works—that is, engaging them in road building and public construction—has been used successfully in certain States. Obviously there are limitations on the number of prisoners which can be used in this way and in many States such use is inconvenient. Furthermore, although there is involved no competition in the products of such prison labor, there is competition of the prison labor itself with free labor. An analogy might be drawn in the reluctance of France to accept German reparations in the form of labor, even where it is to be used on public works which otherwise would not be built, such as railroad construction in the colonies.

II. To remove the products of prison manufacturing from the market: The abandonment of certain industries to convict labor, though now and then proposed as the logical result of letting things take their natural course, has never proved constructive; similarly the selection of an industry for a prison because it does not compete with an industry in the State. Such a policy ignores the welfare of other States as well as the question of what the prisoners will do on their return to society.

The suggestion that industries not carried on in the United States be considered for prisons is of no practical significance, since these are so few and of such a specialized nature as not to be applicable to prisons at all. The exportation of convict-labor products, while it has been urged, has never been actively pressed. Import laws of some countries, such as the British Empire, prohibit prison products from entry, and customs duties or other laws of a retaliatory nature which could be invoked against such "dumping" by other countries prevent this suggestion from having practical value.

A method in use in some States which promises help toward the solution of the difficulty is the manufacturing of goods for State use. Although this plan fills needs which otherwise would be supplied by products from private industries, nevertheless the transactions take on the nature of paper transfers on books of the State and do not affect prices in the open market. Difficulty arises in States such as Rhode Island and Vermont, which would find it difficult to absorb the total possible output of their prisons themselves.

III. To insure fair competition when prison products enter the market: It has been suggested that legislative acts might prohibit the selling of prison products below the fair market prices. In the natural operation of markets this is hardly a workable proposition. Many attempts in industries have been made to determine what are fair market prices. One concern spent a good deal of time and money studying the question only to reach the conclusion that, even with a relatively small output, they could, within certain limits, set the market price merely by offering their goods at that price.

Others would be forced to conform if it was below the quotations they were making. It is recognized economic fact that if the market is glutted, prices will drop. The fact that the prison keeps on manufacturing in order to keep its prisoners busy, whether the market is saturated or not, will bring about this latter condition from time to time, no matter what efforts are made to maintain the market price. The effect, therefore, is not solely a matter of price, and "fair market price laws" would not remedy the situation.

Another suggestion is that prison-made goods should be identified. In certain places this is done by labeling prison-made products as such. (The prison labeling bill: The following States have on their statute books laws requiring that convict-made goods when offered for sale on the public markets shall be distinctly marked in words to the following effect, "These goods are convict-made": California, Colorado, Indiana, Louisiana (brooms), Kentucky, Maine, Montana, Nebraska (binder twine), New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Wisconsin, and Washington. The following States have on their statute books laws requiring that any persons offering convict-made goods for sale on the public market shall take out a license for such sale: Colorado, Indiana, New York, Pennsylvania.) There seems to be some fear that labeling would prevent the sale of prison-made products. This is undoubtedly true to a certain extent, but there is no proof that it would make an insurmountable difficulty. Binder twine is sold to the farmer in the Northwest and advertised as a prison-made product; as such it is sold below the market price of privately produced twine and in the region where it is sold it has competed successfully with the latter. In a certain large city one of the retail department stores is known to handle prison-made products. It has the second largest sales of any department store in the city because of its low prices. Apparently, however, in this instance its customers represent a different class of buyers than those of the higher-priced stores, and the executives of the latter do not think that it cuts materially into their sales any more than the sales of low-priced automobiles affect the market for higher-priced cars.

The hygienic conditions of prison shops have been improved in most States so that the public no longer would have occasion to object, as it might have in the past, to identified prison-made goods because of the fear of disease arising from unsanitary or unhealthy working conditions. It is an open question therefore how much effect labels might have on the sale of prison products.

IV. To reduce the amount of individual items produced in prisons to such a small percentage of the total production of those items in outside industries that the prison product becomes too small a factor to disturb the market: In other words the suggestion is for diversification. One of the primary purposes of factory work in prisons, from a penological standpoint, is to train the prisoners in a trade and fit him for a useful life after he is released. Diversification appeals to prison authorities so far as it can be introduced effectively. After all, the main purpose should not be to make a profit. Of course, a profit is desirable in so far as it relieves the taxpayer of some of the burden of the support of the penal institutions in his particular State, but the effect on the markets for the products of free labor must necessarily be subordinated to the general effect on society, on the amount of crime, on the number of criminals, and on the welfare of the great body of free citizens.

PRISON INDUSTRIES

Many different groups of people are disturbed over the present condition of prison industries. The greatest apparent difficulty in finding a solution is that different groups are affected in different ways by different phases of the problem; the interrelations have not been clearly seen, and what seem to be adequate solutions for individual parts of the problem have either been inadequate or altogether inharmonious with proposed solutions of other parts of the problem.

PRISON INDUSTRIES AS A STATE PROBLEM

The prison-industry problem is essentially a State affair. Since nearly all the prisons are State institutions supported, where necessary, by appropriations made by their legislatures, and since the punishment of crime is mostly the responsibility of the several States, the methods of care, of discipline, and of rehabilitation of prisoners must necessarily be in each State a State problem linked closely with its legal code and its organization for the administration of justice. This is particularly true because of the great differences in laws in the several States, differences in the methods of dealing with criminals, in the use of the parole, in the extent of segregation of the various kinds of convicts, and even in the legal and public attitude toward the problems of prison administration.

A STATEMENT OF THE PROBLEM

There has always been discussion as to the use of prisoners in productive pursuits, but there is a changing concept of the purpose of providing work for prisoners. The older concept, which is still retained in the law, is that work is a part of punishment; the criminal is sentenced for "three years at hard labor." The newer idea, which is gaining ground in some States, is first that enforced idleness to any man who has within himself the potentiality of reformation is a greater punishment than work, and second, that some criminals can be reformed, made into useful citizens, by being taught to do productive work. The first difficulty in arriving at a solution arises from the conflict of these two views. But aside from that controversy prison authorities and penologists agree that prisoners should be usefully occupied. Free industry and free labor accept this general principle but protest against what they contend is unfair competition resulting from such occupation. This situation has been intensified by lack of agreement on the first point.

The development of modern industry and the increasing competition in productive enterprise has added new difficulties. Certain industries have felt the competition and have objected to prison labor when its products are to be thrown on an already oversupplied market when there is unemployment in the ranks of free labor. Since the World War industry has found itself in a new phase in which the fighting ground of competition has shifted from production to distribution, and the effect of prison products on this new scene of conflict has been disturbed markets. The problem of prison labor is no longer confined within questions of administration of prisons. This governmental problem has become an industrial problem as well as penological and sociological.

THE FACTS

To serve as the basis for study, the facts regarding the prison industry problem may be briefly stated as follows:

It is accepted by prison authorities that prisoners should be given useful occupation. The skilled can usually be found special work about the prison along the lines of their ability or experience, whether it be as

carpenters or mechanics, in the repair work of the institution, as clerks in the office, as musicians in the prison band, or whatnot. For a typical list see report of the State of North Dakota. Such jobs are usually listed in prison statistics under "prison duties" and represent usually the most successful placing of prisoners in work best adapted to them. Other prisoners are sick, bodily or mentally, and can not do regular work. Such persons are listed in the "sick or idle" group. But there remains the large group of unskilled and semiskilled for which work must be provided. It is this last and usually largest group which, so far as possible, is set at "productive" work.

The methods of providing work for prisoners now used in different States are—

I. Road and construction work for the State either under the direction of State engineers or under private contractors. There are difficulties of supervision under this method which increase either with density of population or with distance from the prison.

A. Disposing the products: Work is for the State on State projects.

B. Problems: In some States the building-trades councils have objected on the ground that free labor has thus been deprived of opportunities to work. Road-building contractors and others have also objected on the ground of danger to the public of having criminals on the highways.

II. Manufacturing in the prison or work on State projects or in State-owned mines under the direction of prison authorities, or, if the work is on a large enough scale to justify, under an expert factory supervisor hired by the State working in collaboration with the warden.

A. Disposing the products: Products are the property of the State and are sold by the prison authorities. (a) Sometimes into the ordinary channels of trade through companies incorporated by the prison authorities with no identification in their name to indicate that they are not ordinary private companies. (b) In Minnesota and a few other States direct to retailers and farmers both within and outside the State borders by the prison authorities acting as such. The profits made on sales to the farmers are sufficient to pay the entire upkeep of the prisons so that no appropriations need be made out of taxes. (c) In some States, to State and municipal institutions only, on the theory that the State being charged with the expense of maintaining the prisoner, has the right to use his labor to reduce the general cost to all the taxpayers of such maintenance. It has been explained that if the prison is paid a profit on the work of its inmates, less money need be appropriated to run the prison, but if prices are lowered the State pays less for its purchases so that the taxpayers save in any case.

B. Problems: Unless there is a large enough group to justify hiring an expert director, the work in some instances has apparently been inefficiently organized and quality has not been up to market standards. Even where there is expert direction of the production, frequently there has been inadequate management of the sales of the products. Some prison administrations have organized companies with blind addresses and sold their goods through such companies under the belief that if it were known that the goods were prison made, sales would be more difficult to make. Actually wholesalers and many retailers know and can supply the names of these companies as prison-products jobbers.

In States where products are sold only to State institutions two kinds of difficulties have arisen:

(a) Small States, it is claimed by certain prison wardens (see statements of R. H. Walker, warden State prison, Montpelier, Vt., and Louis H. Putnam, director of State institutions, Providence, R. I., in hearings on convict labor before Committee on Labor, House of Representatives, 69th Cong.), can not absorb the total products of their prison if the prison specializes on one item, and if it does not specialize either quality drops or costs to the State increase beyond prices offered by private manufacturers for the same goods.

(b) There are difficulties in getting State, county, and municipal institutions to buy in any scheme of coordinated purchasing. Some States have found it necessary to enact laws requiring all institutions to submit their requisition first to the prison authorities and to get a statement from the latter that the goods can not be produced in the prisons before purchases are permitted outside. (The Massachusetts law, for instance, reads: "Sec. 53. The commissioner shall, so far as possible, cause such articles and materials as are used in the offices, departments, or institutions of the Commonwealth and of the several counties, cities, and towns to be produced by the labor of prisoners in the institutions named in section 51." Section 57, in part, is as follows: "No bill for any such articles or materials purchased for the use of said offices, departments, or institutions, otherwise than from a prison or from another institution, shall be allowed or paid unless it is accompanied by a certificate from the commissioner showing that a requisition therefor has been made and that the goods can not be supplied from the prisons. Provisions of any city charter contrary to this section shall be void.")

(c) Objections are raised by some because of the displacement in the market by prison products of a portion of the total volume of the goods which can be sold. This objection holds in an inelastic market, and the further question must be faced whether manufacturers and free labor are willing to forego that portion of the total business in order to provide work for prisoners. There is a further question, however, whether the volume of displacement is of as great consequence as the breaking of market prices if the goods are sold without identification in a highly competitive market.

III. Prisoners are sent out to near-by privately owned mines, lumber camps, and plantations under guard, and the employer pays the State for their labor at an agreed rate per head per hour of work.

A. Disposing the products: Products are sold without identification in ordinary channels of trade. The prisons in such cases are supported in part by payments for labor made by the contractors.

B. Problem: Supervision of the prisoners is difficult; the majority of prison wardens seem to be opposed because of the difficulty of controlling the methods of handling prisoners while they are at work outside direct prison jurisdiction even though the prison has its own guards with the men. It has also been found difficult to control the conditions under which the prisoners are required to work from the standpoint of health and safety.

IV. Manufacturing within the prison walls in buildings provided, heated, and lighted by the prison, but on machinery provided by a private contractor, under direction of his foreman and on materials furnished by him, the products being his property to dispose of in the general market. In this case the State is paid nominal piece-work rates for agreed upon standard products per prisoner. Bonuses for production above standard are paid to the prisoner's account to be made available in small amounts for his use or sent to his dependents. In some cases the State receives rental for the use of the factory space.

A. Disposing of the products: Products are often mixed by the manufacturers or contractors with other products produced by the same companies using free labor or from other prisons and sold without identification in ordinary channels of trade. The prisons in such cases are supported in whole or in part by rentals for space and payments for labor from the contractors.

B. Problem: Objections to this system again come from manufacturers and wage earners whose products come into competition with those of the contractors using prison labor. The latter are free of some of the normal overhead and part of the usual labor costs of manufacturing and can, therefore, undersell producers using free labor. There are few cases where products turned out by contractors are sold exclusively to State or governmental institutions. (In West Virginia the building of State highways has been done to a very limited extent by prison labor under the direction of private contractors.)

Penologists object to both III and IV systems on the ground that the main objective is profit rather than the rehabilitation of the prisoners. The American Federation of Labor and also the General Federation of Women's Clubs have gone on record as officially opposed to either the III or IV systems of providing work for prisoners.

V. Summary of the problem: The situation as it exists in spite of improvements already realized seems far from satisfactory to any of the elements involved. Different remedies are offered. The only point on which all seem to be agreed is that there is still room for great improvement. Proponents of various State legislative experiments to improve matters say they have been handicapped by the fact that the sale to the public of prison-made goods from other States is not subject to the rules established for the local prison products, and thus the purpose of the regulations have been nullified. Furthermore, they claim that requirements that products be sold only for State use have been made difficult and often impossible to carry out because of local pressure from manufacturers, contractors, or labor unions who were willing to have State use provided only the prison does not manufacture products which compete with them. Conditions are different in different States, moreover, so that rules which apparently work successfully in one State may not be applicable in another State, making it difficult to act in concert.

Five Angles of Approach to the Problem

The determination of what can be done to improve the situation involves the consideration of the problem from at least five different standpoints: Penological, administrative, political, industrial, sociological.

PENOLOGICAL

Under this head the prime consideration rests on the fact that the convicts have been put under restraint because of the commission of crime. Recent discussions indicate a growing number of persons who substitute for the old purpose of this restraint—punishment—a new purpose, that of rehabilitation where possible. With this changing conception a new examination is necessary of the effect of the various kinds of work and the various conditions under which that work may be done in relation to the primary purpose of rehabilitation of the prisoner. The extent to which prisoners actually can be taught trades depends on the administration and also upon the size of the prison and its location.

In connection with theories of rehabilitation there seems to be one point on which there is not unanimity of opinions. Many penologists consider that all that can be done is to train convicts in habits of regular work. Others would accustom them to selected kinds of work or actually teach them a trade which they can follow after their release from prison. An agreement between these two often conflicting ideas must be reached before it can be decided, for instance, whether

or not the making of work shirts by male prisoners is an effective aid toward rehabilitation, since this is an industry employing mostly women and there is little opportunity for men to find such work. In such cases the prisoners are not being taught a trade they can probably follow after their release.

The State of New Jersey, which operates its prison shops under the State-use system, has classified its prisoners, according to their grade of mentality, into five groups. The highest group is composed of persons already skilled in some occupation and so far as possible the prison arranges for such individuals to carry on the kinds of work at which they are expert. Members of the second group are graded as "superior" and an attempt is made to teach these persons some trade. The third group of men—those of average mentality—are found work as far as possible along lines they have followed in the past, while those of the fourth and fifth groups—the subnormal and moron grades—are merely provided with some regular work, whatever may be available and suitable to their physical ability. Diversification of employment has been worked out on a State program in which each different classification of prisoners is concentrated in one or more prisons and the industrial program is built to fit the groupings of the prisoners. (See description of the New Jersey systems, p. —.)

Of course, if there is a concentration of work on one trade, either under the contract system or any other system, such a differentiation of work is not possible. The larger the prison the more possible it becomes to arrange a diversity of occupations to fit the needs of the different groups. The problem in smaller prisons from which there is no interchange with other prisons of a State, comes down to the very practical question of how far the ideal diversification and classification can be carried out with the resources and the conditions of that particular prison.

From any standpoint, but especially from the standpoint of rehabilitation, to teach a prisoner to use questionable methods seems a matter of grave concern. Yet as an illustration there is a widely quoted description of work in a certain penitentiary by women prisoners who are making fur coats into which they sewed labels stating that the coats had been made in the studios of a New York furrier. (For another illustration, note the "Cease and desist order" of the Federal Trade Commission, in the matter of the Commonwealth Manufacturing Co., and Harry Dushoff, Docket No. 1367, June 25, 1927. (See p. —.) Do such practices conform to the modern conception of the reformation of the prisoners, is a question which is asked on all sides.

ADMINISTRATIVE

Practical limitations arising from the administrative problems of any plan must be recognized at each prison. If the prisoners are to be used in productive work effectively it is frequently necessary to have an expert in that industry, in order to teach the prisoners good technique and to secure the best quality. The greater the diversity the more difficult it becomes to get expert supervisors for each of the lines of work.

Good practices and efficient work in most lines require up-to-date machinery. Of course, it is easier to install kinds of work which require the minimum of machinery. As diversification is increased more machines are required, calling for additional capital investment, as well as more space. If the goal of making prisons self-supporting is held out as the primary aim, the pressure upon the prison authorities is to secure the greatest production with a minimum of investment, an aim which does not seem consistent with ideal penology. The easiest way out, when appropriations are not available for new machinery, might seem to be for the State to make a contract with a private concern to install its own machinery. Contractors, whose natural and proper object is profit, would be influenced in such arrangements by the assurance of a fairly large and steady supply of prisoners. This, however, again tends to defeat the ideal of diversification and in the smaller prisons especially may stand in the way of putting men at the various types of work which would be most helpful to them as individuals.

There are administrative difficulties, furthermore, in connection with the disposal of the goods. Successful managers of men are often poor salesmen. It is usually asking too much, whether in a private factory or a prison shop, to expect a production superintendent to act successfully also in the capacity of sales manager. An easy way out is for the prison management to turn the selling over to a private company, and the contract system therefore appeals in many such instances. Moreover, at this time, when industrial competition is shifting from the production end to the distribution end, the necessity for expert salesmanship has become greater than in past decades. It has been pointed out often that a system which removes the products from the open market relieves the extreme pressure for this selling ability.

POLITICAL

Any remedy or remedies which are suggested for the solution of the prison-labor problem must take into account the political factors involved. There are relatively few penal institutions which are under the control of the Federal Government. The main problem lies in the State institutions, which are subject in each case to the laws of their respective States. This fact makes it difficult, even if desired, to arrive at any standard solution which will fit all cases. Furthermore, experience seems to indicate that it is difficult for any one State to bring about the solution of its own marketing problems unless it can control prison products from other States when they enter its borders.[1] On the other hand, some States claim that they do not have sufficient market within their own borders for their own products and that any of the possible solutions must depend upon their products going into other States. Canada and many foreign countries prohibit the importation of prison-made goods, so that exporting generally is not open as a means of disposing of the goods.

There are also local political difficulties concerned with appropriations. Several States have made the prisons self-supporting. This is naturally desirable from the legislative standpoint. On the other hand, the question has been raised whether any State has a right to support its prisoners out of the profits realized on sales to the citizens of other States, received either directly or indirectly, through a private contractor.

INDUSTRIAL

Any prison product for use anywhere necessarily displaces a possible demand for the product of free labor. Unless prisoners are to be turned to work of a useless variety, that fact must be recognized; if prisoners are used on road building the job will not be available for a private contractor; if prisoners make hosiery the product will displace other goods in the retail stores somewhere; if prisoners make desks or other articles for State use some private manufacturer will be unable to make the sale of his goods to just that extent; if State printing is done in the prison it is not done by a private printer. The question has been raised whether prisoners should be allowed to work in a given trade in which there are free persons out of work. Whether or not the prison production is carried on as a profit-making activitity is a factor bearing on this question.

Arguments have been advanced that, with the exception of a few major items, the displacement of free goods in the market by prison products is so small in proportion to the total volume that it does not count. Looking at it merely from the standpoint of the volume of displacement, this is true of many prison products. It is not true, however, of all lines. For instance, the argument has been advanced that the total binder-twine production by prisons of the country in 1923 was given by the Bureau of Labor Statistics as $5,588,372. This was compared with the total value of twine and rope as reported in the United States census of manufactures of 1923, which was given as $86,309,404. It should be pointed out, however, that the census of manufactures figures include all kinds of twine and rope; prison production is confined almost solely to binder twine. Segregated figures are not available for this one item out of the total of twine and rope reported in the census.

Likewise the total prison production of work shirts given in 1923 by the Bureau of Labor Statistics was valued at $12,379,721. Persons have actually compared this figure in arguing this point before legislative committees with the production of men's shirts reported in the census of manufactures, although it should be obvious that the work-shirt production is only a small portion of the value of all men's shirts. Unfortunately, segregated figures are not available of free production of the identical lines for which figures are available for prison production.

Furthermore, testimony was offered before the Committee on Labor of the House of Representatives of the first session of the Sixty-ninth Congress, March 5, 1926, to the effect that 35 per cent of all the broom-corn sold in the United States went to prison factories. This would indicate that about that proportion of the brooms produced in this

[1] The following estimate of prison-made goods manufactured in other States and marketed annually in Illinois, without identification, made by the Illinois Federation of Labor, was submitted in testimony before the Committee on Labor, House of Representatives, Sixty-ninth Congress, first session, on H. R. 8653, March 5, 1926:

Convict-made goods shipped into Illinois

25,000 dozen brooms and whisks	$150,000
Harness, saddlery, and leather goods	50,000
Furniture, wood and willow ware	150,000
Clothing, shirts, overalls, etc	500,000
Shoes	500,000
Hollow ware, iron pots, kettles, etc., estimates	25,000
Shovels, picks, and farm implements	50,000
Baskets, split wood, willow, reed, and rattan	15,000
Clay products, brick, tile, etc., from all surrounding States	175,000
Textiles, sox, stockings, underwear, etc	125,000
Whips of all kinds, all such products used, made in prison	5,000
Brushes—scrub, floor, clothes, and paint brushes	10,000
Binding twine	100,000
Gloves and mittens	5,000
Iron and steel bolts, nuts, chains, etc	10,000
Cooperage	35,000
Mats and mattings	10,000
Picture moldings	3,000
Stoves	10,000
Tobacco and cigars	5,000
Turpentine and rosin	20,000
Umbrellas	3,000
Wire baskets and other wire products	5,000
Paper boxes	5,000
Baby buggies and gocarts	50,000
Total	2,018,000

country were produced in prisons. (See testimony of Will R. Boyer in hearings before the Committee on Labor, House of Representatives, 69th Cong., 1st sess., on H. R. 8653.)

But, aside from a few lines, the volume of displacement is not considered the most important effect of the marketing of prison products. The argument is advanced that, in the wholesale markets, especially when competition is keen for purchasers, any sale at less than the prevailing market price tends to depress the entire market, even though the sale is small. There are always some sellers who will meet the lower price by cutting their own prices. Even a very small volume of goods sold below market price, merchants point out, will, in this way, bring down all prices and reduce the profits to free industry. In so far as this is true, the fact that the volume of displacement of some prison products is small, therefore, does not necessarily mean that the effect on the market is negligible. But it is contended that it may be, and often is, a serious factor in demoralizing price levels and thus injuring the business and throwing free labor out of work.

SOCIOLOGICAL

Finally any proposal toward the solution of the prison labor problem must take into consideration the general sociological effects thereof. There seems to be a widespread feeling that the effect on the markets for the products of free labor must, necessarily, be subordinated to the general effect on society on the amount of crime, on the number of criminals, and on the welfare of the great body of free citizens. To reduce the number of recidivists is in the long run a matter of paramount importance in the problem of what to do with prisoners.

On the other hand the public at large benefits, (1) if the price of goods consumed by them is reduced; (2) by lowering the costs of their prisons; (3) by having prisoners come out less dangerous and more fitted to take their place in society. And the question to be determined is whether the injury to the specially interested classes, such as employers and laborers, is sufficient to offset these general advantages.

III. MARKETING CONVICT-LABOR PRODUCTS

The latest detailed statistical study of prison industries was made in 1923 by the United States Bureau of Labor Statistics. That report was the most complete that has been made on the subject in this country. The present study was not intended to replace the 1923 report but merely to bring the most important figures as nearly up to date as possible, to canvass the present state of opinion in all the various groups concerned or interested in the problem of prison industries and to sketch briefly the principal changes and experiences in the several States since 1923. There follows a brief summary of such items gathered by a special investigator in 1925 in the field of marketing prison products.

PRISON SALES PROGRAM

Few prison industries have developed an extensive advertising or sales program. A number of those visited employed a salesman for one or more industries. The prison farm machinery plant at Stillwater, Minn., maintains a corps of field men to sell and to give service to purchasers. These men are frequently used to address meetings of farmers to explain the prison industrial program. Advertising in most prison industries is limited to the publication of catalogues or price lists of prison products, and in some prisons such a list represents the total sales effort. Arkansas, Colorado, Illinois, Massachusetts, Wisconsin, and Wyoming, all have adopted legislation requiring the price of prison products sold on the open market to be "As near the market price as possible." It seems to be the concensus of opinion, however, based on experience that it is difficult to determine fairly what is "market price," especially when the prices offered in the market are often so sensitive that they may, within limits, conform to some offering slightly out of line with those that have been prevailing.

"DUMPING" AS A PRISON SALES POLICY

The case of the State of Missouri in releasing over $1,000,000 worth of garments on the market during the first three months of 1925, is illustrative. In 1917 the contract system which had been in vogue there for many years, was stopped by legislative enactment and public account substituted for it. In 1921 a revolving fund of $750,000 was established to maintain the prison industries and an additional $500,000 was advanced later.

On January 1, 1925, a new management took charge of the prison industries. After a complete reinventory and scrapping of unsalable items, the books showed $574,000 in accounts payable, $584,000 due for materials bought but not delivered, and practically nothing in the bank. An examination of stock and inventory on hand showed $1,300,000 worth of materials and goods made up, mostly in odd sizes, which could not be sold except at a sacrifice. Of approximately 2,600 prisoners in the institution 500 were employed in the prison factories and over 2,000 were either idle or engaged at the prison on maintenance jobs. A complete house cleaning in the prison administration resulted, and during the first three months of 1925 it is recorded that officers placed on the market over $1,000,000 worth of garments for whatever they would bring. During that period prison-made overalls, for example, which cost the outside manufacturer $12.50 to produce, were sold, it is alleged, at $9 a dozen. This sale, merchants contended, broke the price and disorganized the market so that it had not recovered its equilibrium a year and a half later, although the physical volume of goods sold was not a large portion of the annual national production.

PRICES FOR FARM SUPPLIES

Another announced policy of some prison industries is to offer prices regularly below those of free industry. A comparison between wholesale prices of a prison factory selling farm machinery and one of its outside competitors showed the following for 1924:

1924 wholesale prices

	Outside plant	Prison plant
6-foot grain binder, straight pole	$177.00	$125.00
6-foot grain binder, tongue truck	194.00	137.00
7-foot grain binder, straight pole	183.25	129.50
7-foot grain binder, tongue truck	199.00	144.50
8-foot grain binder, tongue truck	202.50	150.00
4½-foot mower	67.00	47.50
5-foot mower	68.00	48.50
5-foot giant mower	72.00	51.00
6-foot mower	74.00	52.00
Side delivery rake	96.00	67.00
10-foot 26-T sulky rake	37.00	27.50
10-foot 32-T sulky rake	38.50	28.50
12-foot 36-T sulky rake	44.25	31.00
Tongue truck for binder	26.00	19.00
Transport truck for binder	10.00	8.00

During the same year a firm of public accountants prepared a report with reference to the operations of this State prison farm-machinery plant for the years 1921, 1922, 1923, and 1924, based on figures taken from official records of the State board of control, reports of the warden of the State prison, and data prepared by representatives of the board of control and submitted to committees of the State legislature and of Congress. This report showed a loss on the farm-machinery operations for the 4-year period of $958,887.56.

Based on the percentage of total net loss to total net sales the actual loss on each sale of the three principal products sold by the prison plant—binders, mowers, and rakes—was estimated at 37 per cent of the net sales of these goods, or over one-third of the selling price.

With these facts in hand a legislative investigating committee said, in April, 1923:

"Your committee further finds that while the books of account kept at the said institution show a loss in the machinery department, still the profits of the industries carried on at said institution have been such that beside being self-sustaining it has accumulated a large revolving fund now on hand within a few years. It is evident that the alleged loss is one that does not in fact exist, but is due merely to the charges made for work of the inmates, which charges have never been paid to the inmates, but are rightfully retained in the funds of said institution."

According to the report of the accountants referred to above, wages credited to inmates in the farm-machinery plant for the four years, 1921–1924, totaled $90,054.87, and there was charged against the plant by the prison as a per diem charge for inmate labor during this period $438,083.55. The report also shows that while $958,887.56 was lost on farm machinery, there was a profit of $954,990.76 on binder twine sold during the 4-year period 1921–1924. The loss on farm machinery was therefore actually covered by the profits on binder twine.

In the discussion of State appropriation bills and other financial measures in the legislature, arguments have been offered in favor of maintaining the prison factories as they have been developed. The farmers need the help which lower-priced binder twine gives them is the explanation given by the officials.

INACCURATE UNIT-COST ANALYSES AS BASIS OF PRISON PRICE POLICIES

Accompanying are unit-cost analyses from several prison industries in various States and for various products. They are presented as actually used in determining prices.

An examination of these sheets shows three things—

1. Certain elements usually entering into costs, such as rent, many overhead items, selling costs, and sometimes factory labor, are absent.

2. Even when these elements are arbitrarily added in the analysis, frequently the amount charged is considered inadequate to bring them into a basis comparable with ordinary factory operations. This is particularly true of factory labor costs.

3. Few of the best managed prisons are making regular cost analyses of their products.

A comparison of the unit-cost analysis of a man's heavy work shoe at prisons A, B, C, D, E, F, G, compared with manufacturers H and I, illustrate some of these points. (See Exhibit VII.) Although there is some variation in the material costs, the shoes made by prisons A, B, D, and G and by manufacturers H and I are of the same general class. Prison factory labor costs are figured at 55 cents, 0 cents, 31 cents, and 36 cents; and free factory costs at 80 cents and 51 cents.

Comparing two prisons—E and F—manufacturing the same class of shoes, prison factory labor costs are 15 cents and 0 cents, respec-

tively, although in free factories labor costs in the same shoe are around 45 cents a pair. Note the variations: Prisons B, C, and F actually pay no wages—neither does prison A—but A arbitrarily uses a labor charge which brings its apparent costs to 55 cents, or 10 cents higher than the free factories whose average has been used for comparisons. Prison G pays only nominal wages to prison workers, but attempts the same kind of approximation by setting up a labor charge of 36 cents a pair.

Taking another example, that of the 50 inches by 32 inches quartered-oak flat-top desk (see Exhibit X) the prison factory shows a labor charge of $8.10 covering time of instructor as compared with the free factory charge of $4.89, an example of the difficulty of separating factory labor costs from costs of education, which is the primary object after all.

For binder twine (see Exhibit XIII) labor costs are figured at $0.0035 and $0.0044 per pound by two prison factories, as compared with a cost of approximately $0.01 per pound in free factories.

In work shirts the comparison is equally striking. (See Exhibit XVI.) Three prison factories operating under contract and public account figure labor costs at 75 cents, 90 cents, and 91.4 cents per dozen work shirts, as compared with $1.90 for one and an average of $2 per dozen for six free factories.

"Overhead charges" in unit cost analyses in prison industries are equally erratic. No prison industry was found paying workmen's compensation insurance. In only one prison visited in which work was under a contractor did the latter pay "rent," but usually he paid for light, heat, and power. There were nearly as many variations in contract terms as there were contract prison shops. Few prison industries operating under State account made charges for interest, depreciation, maintenance, and other overhead items, which can not be escaped by free industries.

But apart from natural variations in the actual costs there are further difficulties arising from the lack of records. Quoting from the report of certified public accountants engaged in 1920 to analyze cost and other records as a basis for sales prices in a certain State prison:

"The amount of detailed records of materials, costs, and prices kept in the several departments showed great variation, the ——— department being particularly noticeable for its lack of records. There were no records of the material used in this department during the year, the orders for which it had been used, the rates used during the year in pricing the outside sales, nor the estimated costs upon which the sales prices had been based.

"The ——— department has good perpetual inventory of its raw materials and a detailed basis for estimating the cost of manufacture. The other department selling extensively to the outside is the ——— department, but owing to the exceptional position held by the present foreman it seems inadvisable to make any changes at this time.

"The lack of records in the ——— department, as previously mentioned, is due to the fact that there is no clerk in this department, that the foreman in charge of the department is not familiar with such records and their use, and that the superintendent has not seen fit to take steps to remedy the trouble himself." (Subsequently, it should be said, changes and improvements were made at this prison to correct the defects brought out by this report. The report, nevertheless, is typical of accounting conditions in many prison industries operating under State control.)

In another State prison whose industries were run by the prison authorities, prices charged for prison products did not include any charge for rent, interest, maintenance, or depreciation on buildings used by industries doing nearly $1,500,000 worth of business annually. On May 29, 1925, out of a total of 3,690 prisoners, it was reported that only 620 were engaged in factory work, the rest being idle, only partly engaged, or doing "individual craft" work. The reason assigned for this condition was that no funds could be obtained with which to build new buildings to house additional industries. An annual report of the department in charge of these prisons for the year ending May 31, 1924, stated: "The accounting system has been completely revised under the direction of the department accountant." It evidently had not occurred to the accountant that a charge for rent on factory buildings or its equivalent, such as any free industry must include in its price policy, would provide the money with which an appropriation for new buildings could be funded in a comparatively few years.

Obviously too much can not be expected of prison accounting systems. Only a few have funds available to hire first-class accountants. Most use such accountants as come their way as prisoners to set up their books and can not be sure of continuous expert accounting.

IV. Public or Private Control of Prison Industries

Among the suggestions made for solving the difficulties arising out of the competition of prison industries with free industries, changes in "systems" of prison industries are most frequently advocated. The elimination of the prison contractor and the restriction of prison industries to State-controlled systems, as proposed by the garment industry and others, calls for an examination of the general effects of all systems of prison industries.

Systems of prison industries

According to the terminology in common use, there are six principal "systems" of prison industries, defined as follows (see Convict Labor in 1923, Bulletin No. 372, U. S. Bureau of Labor Statistics, pp. 3, 4):

Contract system: Under this system the State feeds, clothes, houses, and guards the convict. To do this the State maintains an institution and a force of guards and other employees. A contractor engages with the State for the labor of the convict, which is performed within or near the institution. The contractor pays the State a stipulated amount per capita for the services of the convict, supplies his own raw material, and superintends the work.

Piece-price system: This system differs from the contract system mainly in method of payment for the labor of convicts. The State maintains the institution and feeds, clothes, and guards the convicts. The contractor supplies the raw material and pays the State an agreed amount for the work done on each piece or article manufactured by the convicts. The supervision of the work is generally performed by a prison official, although sometimes by the contractors. The officials of the prison not only maintain discipline but also dictate daily quantity of work required.

Public-account system: So far as the convict is concerned, this system does not differ from the piece-price system, but for the institution it is entirely different. In the piece-price system the contractor finances the business and assumes all the changes of profit and loss. In the public-account system the State enters the field of manufacturing on its own account. It buys the raw material, manufactures and puts the product on the market, and assumes all the risk of conducting a manufacturing business. The State has the entire care and control of the convicts and with them conducts an ordinary factory. The institution may sell the product direct or through an agent.

State-use system: Under this system the State conducts a business of manufacture or production, as in the public-account system, but the use or sale of goods produced is limited to the same institution or to other State institutions. The principle of the system is that the State shall produce articles of merchandise for governmental supply requirements only and shall not compete on the open market with the business of manufacturers employing free labor.

Public works and ways system: This system is very nearly like the State-use system. Under this system the labor is applied not to the manufacture of articles of consumption but to the construction and repair of the prison or of other public buildings, roads, parks, breakwaters, and permanent public structures.

Lease system: Under this system the State enters into a contract with a lessee, who agrees to receive the convict, to feed, clothe, house, and guard him, to keep him at work, and to pay the State a specified amount for his labor. The State reserves the right to make rules for the care of the convict and to inspect the convict's quarters and place of work. No institution is maintained by the State other than a place of detention, where the convicts can be held until placed in the hands of the lessee and in which to confine convicts who are unable to work. In other words, the prisoners themselves are leased to the contractor.

States Tabulated According to Three General Classifications in Methods of Marketing Goods Manufactured in State Penal Institutions

Class I. States which restrict the sale of products manufactured by their prisoners to Federal, State, municipal, or county institutions.

Class II. States which manufacture convict-made goods for sale to the consuming public as well as for governmental use. Under this plan the prison-made goods are usually identified as such when sold to the consumer.

Class III. States which sell prison-made goods to private distributors or labor to contractors, who seek private profit in reselling these products to wholesale and retail dealers. Under this plan prison-made goods lose their identity before final sale is made to consumer.

Class I

Eleven States which manufacture prison goods for governmental use only. This classification does not include local sales of farm products:

Arizona (clothing, flour, shoes, road work). See Appendix A.

Georgia (farming, fruit, road work). See Appendix A.

Massachusetts (clothing, furniture, knitting). See Appendix A. (Massachusetts sold 15 per cent of the products of the State prison shops to jobbers in 1927.)

Montana (farming, tag, license plate, clothing). See Appendix A.

Nevada (farming, dairying). See Appendix A.

New Jersey (clothing, shoes, printing, auto tags, woodworking, foundry, knitting, farm, miscellaneous). See Appendix A.

New York (shoes, furniture, underwear, printing, construction, road work, etc.). See Appendix A.

Ohio (farms, clothing, bricks, quarrying, furniture, etc.). See Appendix A.

Oregon (shoes, clothing, printing, flax shop). See Appendix A.

Pennsylvania (hosiery, shoes, printing, clothing, license plate, brush, cannery, garden, miscellaneous). See Appendix A.

Washington (shoes, plate mill, tannery, farming, dairying, printing, cabinet making, miscellaneous). See Appendix A.

CLASS II

Thirteen States which sell their convict-made goods to brokers, wholesalers, retailers, and consumers in addition to manufacturing for governmental use:

Arkansas (clothing, flour, shoes, road work). See Appendix A.

California (grain bags, sold direct to farmers). See Appendix A.

Colorado (canned fruits and vegetables, sold through brokers). See Appendix A.

Kansas (binder twine, sold to farmers). See Appendix A.

Louisiana (farm work). See Appendix A.

Minnesota (farm implements and binder twine). See Appendix A.

Mississippi (cotton growing, farming, lime crushing). See Appendix A.

New Mexico (brick). See Appendix A.

North Dakota (binder twine). See Appendix A.

Rhode Island (work shirts). See Appendix A.

South Dakota (binder twine). See Appendix A.

Texas (cotton growing, farming, livestock). See Appendix A.

Utah (overalls, clothing). See Appendix A.

CLASS III

Twenty-four States which sell prison-made goods to private distributors or labor to contractors who seek private profit in reselling these products to wholesalers and retail dealers. Under this plan prison-made goods lose their identity before final sale is made to consumer. Many, if not all, of the States listed under Class III also operate prison industries in part under Class I or Class II:

Alabama (chambray work shirts, chambray and nainsook underwear). See Appendix A.

Connecticut (work shirts). See Appendix A.

Delaware (work pants). See Appendix A.

Florida (work shirts, athletic underwear). See Appendix A.

Idaho (work shirts). See Appendix A.

Illinois (chairs, furniture, hosiery). See Appendix A.

Indiana (furniture, athletic nainsook underwear). See Appendix A.

Iowa (shirts, aprons, chairs). See Appendix A.

Kentucky (work shirts, shoes, chairs, brooms, horse collars). See Appendix A.

Maine (work shirts). See Appendix A.

Maryland (pants, wire products, brooms, athletic underwear, foundry, clothing, upholstered furniture). See Appendix A.

Michigan (textile denims, chair and cot factory, cannery, brushes, stamp plant, work shirts, overalls). See Appendix A.

Missouri (work shirts, work pants, overalls, brooms, shoes, sisal twine, and fibercraft furniture). See Appendix A.

Nebraska (furniture, work shirts). See Appendix A.

New Hampshire (furniture). See Appendix A.

North Carolina (furniture, mattress factory, convict clothing). See Appendix A.

Oklahoma (work pants, work shirts). See Appendix A.

South Carolina (fiber furniture). See Appendix A.

Tennessee (foundry, stoves and hollow ware, hosiery, loop shop, shirts). See Appendix A.

Vermont (workman's shoes). See Appendix A.

Virginia (work shirts, overalls, chairs). See Appendix A.

West Virginia (brooms, whips, work pants, work shirts). See Appendix A.

Wisconsin (hosiery). See Appendix A.

Wyoming (work shirts). See Appendix A.

California, Colorado, Florida, Georgia, North Carolina, and Virginia have recently employed large numbers of prisoners in road construction. (Convict Labor for Road Work, U. S. Department of Agriculture Bulletin No. 414. Government Printing Office, 1916, pp. 24–57.) Alabama, Arizona, Idaho, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New York, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, and West Virginia have experimented with smaller numbers. (Convict Labor for Road Work, U. S. Department of Agriculture Bulletin No. 414. Government Printing Office, 1916, pp. 53–61.)

From an industrial point of view, and especially from the point of view of competition with free industry, the employment of prisoners on such work is merely a different form of State use. "The construction and repair of prisons or other public buildings, roads, parks, breakwaters, and permanent public structures" is simply one industry in which prisoners may be employed under the State-use system and is subject to the same general principles which are applicable to all industries under that system.

It should be noted, however, that the various headings in the classification are not mutually exclusive. Thus, West Virginia has had public-account work on roads done under the contract system. Bids were called for from road-building contractors, with the offer by the State of the free use of prisoners on the work by the successful bidder. All bids received contemplated thus using prison labor. In several States at least part of the work shirts produced under contract management are for State use. On the other hand, Rhode Island prisoners make work shirts under prison management which are sold through a private contractor.

In this report, therefore, the use of this terminology has been avoided, so far as possible. Instead two methods of prison labor management only have been recognized:

1. State operation: Management by prison authorities or by persons employed by the State.

2. Contract operation: Management of the work by private persons who use the labor of the prisoners on some contractual basis and who receive the profits derived from the sale of the products.

There have also been recognized in this report four methods of disposing of the products:

1. Sale of products exclusively to State, county, and municipal institutions or work done for them—that is, production of milk or farm products for State institutions, doing laundry work (frequent in women's reformatories), and construction work on roads or public buildings.)

2. Sale of the entire product of a prison industry to a contractor, who in turn sells to the jobbers.

3. Sale to jobbers or retailers in the general market, the goods being either identified as prison products or their identity concealed.

4. Sale to the general public direct—that is, Minnesota twine.

LETTER FROM WILLIAM GREEN, PRESIDENT AMERICAN FEDERATION OF LABOR, DATED DECEMBER 11, 1928, URGING SUPPORT OF HAWES-COOPER BILL

AMERICAN FEDERATION OF LABOR,
Washington, D. C., December 11, 1928.

Hon. HARRY B. HAWES,
Senate Office Building, Washington, D. C.

DEAR SIR: During the nearly half century existence of the American Federation of Labor it has persistently urged the enactment of legislation that would eliminate convict-labor competition with free labor. This competition seriously threatens the stability and security of many established industries, which employ thousands of working men and women.

The Hawes-Cooper convict labor bill, now awaiting action by the Senate, will make it possible for the several States to solve the convict-labor problem.

The bill passed the House by a vote of 303 to 39. We have been assured that at least three-fourths of the Members of the Senate are favorable to the bill and that all that is necessary for its passage is to permit it to come to a vote.

Permit me to urge you to consider the gravity of this issue, as it affects so many thousands of employees and at the same time many employers whose various lines of business are seriously menaced by the competition of goods made in prisons through the employment of convict labor.

In this request we are supported by 48 State federations of labor, 1,000 central labor unions, and 35,000 local unions. The fact that so many organizations have repeatedly and for so many years pleaded for protection from convict-labor competition will certainly appeal to the consciences and sound judgment of Members of the United States Senate.

In the hope that you will give careful consideration to the proposed measure, which I request of you in the name of 4,000,000 organized wage earners in the United States, I am

Respectfully yours,

WM. GREEN,
President American Federation of Labor.

LETTER FROM MRS. JOHN F. SIPPEL, PRESIDENT GENERAL FEDERATION OF WOMEN'S CLUBS, URGING SUPPORT OF HAWES-COOPER BILL

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D. C., December 13, 1928.

MY DEAR SENATOR: The General Federation of Women's Clubs strongly indorses and favors the passage by the Congress of the United States of the bill, known as the Hawes-Cooper convict labor bill (H. R. 7729) now pending before your body and passed by the House of Representatives at the last session by a vote of 303 to 39.

Interested on the one hand in the welfare of women wage earners and the blind workers, and on the other in the humanitarian work of rehabilitating the prisoner, we consider the enabling act now before you for action as a vital step toward the solution of the prison problem. Our attitude is based upon years of serious study of and experience in prison work.

Any assistance you may be able to give in bringing this measure to a prompt and favorable disposition will be greatly appreciated by our membership.

Sincerely yours,

Mrs. JOHN F. SIPPEL,
President General Federation of Women's Clubs.

LETTER FROM A. F. ALLISON, CHAIRMAN MANUFACTURERS' CONFERENCE ON PRISON INDUSTRIES, DATED DECEMBER 13, 1928, URGING SUPPORT OF HAWES-COOPER BILL

MANUFACTURERS' CONFERENCE ON PRISON INDUSTRIES,
New York City, December 13, 1928.

Senator HARRY B. HAWES,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR HAWES: On behalf of the Manufacturers' Conference on Prison Industries I am directed respectfully to call your attention to H. R. 7729, known as the Hawes-Cooper, or convict labor, bill now pending before your body and scheduled for an early vote. As was stated in the records of the hearings, our conference represents diversified industries in more than 38 States, employing large numbers of wage earners, men and women, with an estimated capital investment of more than $2,500,000,000.

Before indorsing this legislation and actively supporting its passage by Congress we had an exhaustive and careful study made both as to the constitutionality of the proposal and its economic merit. With respect to its constitutionality the opinons of our own counsel were fully sustained in the brief submitted by Mr. Donald Richberg, which you will find in the records of the Senate and House hearings. It is important to mention also that on the Senate committee reporting the bill there are 13 lawyers, and on the House committee 9 lawyers. Lengthy discussion of the legal phases of the bill, participated in by eminent legal minds in the House, was followed by passage of the measure in that body by a vote of 303 to 39.

As to the economic merit of the pending bill we may properly say this involves questions with which we must deal each day in the conduct of our own businesses. We now compete in markets which are only too often at the mercy of the prison contractor.

The production and sale of prison-made goods for private profit, as now encouraged or permitted by certain States, does not represent any development of superior method in the management of a factory or efficient distribution of merchandise. It is quite the reverse. It represents exploitation of cheap, nonvoluntary labor and the destruction of sound competitive markets without evidence of compensating advantages to the consumer.

In such a situation, we respectfully submit that the views of the manufacturers and the wage earners who support this convict labor bill may properly be given preference over the interests of the prison contractors.

We have indorsed that portion of the bill under which it does not actually become effective for three years, so that such readjustments may be made as may be necessary in any State in order to provide continuous and useful training in productive labor for prisoners under the State-use system.

In view of the fact that the bill was reported favorably to the Senate on February 21, 1928, and because of the shortness of the present session, we earnestly urge your support of this measure and trust you will discourage delays designed to prevent a Senate vote.

Very sincerely yours,

A. F. ALLISON, *Chairman.*

BANKRUPTCY FACING LARGE INDUSTRY

NATIONAL BROOM MANUFACTURERS' ASSOCIATION,
Chicago, Ill., December 12, 1928.

Hon. HARRY B. HAWES,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: At the direction of the National Broom and Allied Industries Association, in convention assembled, at Chicago, December 12, 1928, I am directed to call your attention to a measure, H. R. 7729, now pending before your body and known as the Hawes-Cooper, or convict labor, bill.

The facts related at our convention only strengthened the statements made to your honorable body at the hearings before the Interstate Commerce Committee in February, 1928, by Mr. Irwin Richard, our properly authorized representative. (P. 116, hearings.)

Bankruptcy is facing members of our industry and allied trades as the result of unfair competition in prison products. The blind are suffering from the same competition. The broom industry and allied industries are being wrecked slowly but surely by the inroads being made through the sale of convict goods. The blind are being robbed of the most suitable trade yet found for these deserving people. All the facts and figures have been set forth. Each day confirms the fear for the future.

The States are powerless to regulate the sale of prison products because one State can not regulate prison products shipped into its borders from another State. Capital and labor are suffering and the prisoner is not gaining anything meanwhile. The present situation impedes progress; it invites disaster.

In the name of every member of the industry and allied trades which I have the honor to represent, I urge you to give your speedy approval to the disposition of this measure pending before you and assure you that your interest and activity will be greatly appreciated.

Very sincerely yours,

R. M. MONTGOMERY,
President, Grove City, Pa.

JOINT STATEMENT BY THE GENERAL FEDERATION OF WOMEN'S CLUBS IN SUPPORT OF THE HAWES-COOPER BILL

Mrs. John D. Sherman, president; Mrs. Duncan S. Johnson, chairman department of legislation; Mrs. Walter McNab Miller, chairman department of public welfare; Miss Julia K. Jaffray, chairman division of adult delinquency.

The General Federation of Women's Clubs, nearly 20 years ago, became interested in prison labor, because a group of women shirt makers in Baltimore bespoke the interest of other women to help overcome the unfair competition resulting from the large quantities of work shirts being manufactured under the contract system in Maryland penitentiaries.

The Women's Clubs carried the problem to the New York State Department of Labor which made an investigation which disclosed the fact that New York State could not protect its markets against the products of the prisons of other States, even though New York sold no prison products on the general market.

This investigation led to the organization of the National Committee on Prisons and Prison Labor, representatives of the federation assisting in launching the organization with which the general federation has consistently cooperated.

By 1912 the federation was sufficiently interested and informed to adopt the following resolution:

"Whereas club women having discussed throughout the country, under the auspices of the industrial and social conditions committee, the problem of prison labor, and said committee having submitted to careful scrutiny the reports of investigations in this field by the National Committee on Prison Labor and kindred local committees:

"*Resolved*, That the General Federation of Women's Clubs declares itself as opposed to the contract system of prison labor, and to every other system which exploits his labor to the detriment of the prisoner, and that we urge upon the several States the advisability of establishing healthy outdoor work for able convicts, remedial care for the feeble and degenerate, and industrial education for all who have the potentiality for reform. And we further affirm that the products of convicts' labor should be consumed by the States, and that the profits therefrom, above the just cost of his keep, should be used to support such dependent family as he may have."

Since that time a consistent campaign of education has been carried on in all of the States, a strong resolution against the exploitation of prisoners being passed at the council meeting at Atlanta in 1923.

In 1926 the sentiment against this exploitation had strengthened to the point where the federation indorsed the principles of this Hawes-Cooper bill and issued the following statement in support of this bill:

"One hundred thousand men and women are to-day confined in the prisons and reformatories of the 48 States.

"All of these prisoners who are physically and mentally fit must work, not only for their own good and to help support their families but also for the good of the State and society. No State and no private individual has any moral right to reap profit from the labor of the prisoners.

"The contract system is to the prison official the easiest way to provide for the employment of prisoners. Under this system the labor of the prisoner is leased to a private individual or corporation which pays for this labor a sum far below the price paid for free labor and in addition receives free, or for a nominal sum, rent, light, heat, and other overhead charges."

Women workers suffer bitterly from the unfair competition which results from the prison contract system. To illustrate: Approximately 40 per cent of all work shirts now sold on the markets of this country are prison made; 35 per cent of the work pants are prison made; and 10 per cent of the overalls are prison made. Such garments are manufactured exclusively by women outside the prison and both their opportunity for steady work and their wages are seriously affected. Women workers are repeatedly appealing to club women for help against this unfair competition.

The blind also suffer from the commercial exploitation of the prisoners by private business interests. Broom making is the best industry for the blind, but unfortunately it is also a favorite industry of the prison contractor, and large quantities of prison-made brooms are sold on the public markets, destroying the opportunity for the blind.

The prisoner is another victim of the prison contract system as he does not receive training in a trade he can use when released and in many instances he has full knowledge of deceit and unfair practice used in selling the products of his labor—or as James J. Davis, Secretary of Labor, has stated:

"The prisoner who sews a false label in a prison-made garment, indicating that it was made by an outside manufacturer, knows he is forced to become a liar and a cheat. If our jails and penitentiaries teach a man to lie, what can we expect of that man when we set him free?"

To attempt to meet the objections of public-spirited citizens to the prison-contract system some of the States have resorted to what is known as the "public-account" system, under which the State operates the prison industries, furnishes the raw materials, and sells the products on the general markets, either directly or through an agent.

The situation that has resulted was summed up in the following way by Mr. A. F. Allison, who represented the manufacturers' viewpoint before the National Crime Commission in Washington, November, 1927:

"As to the present situation in some of the 25 States which have more or less commercialized their prison industries—poor business management; admitted lack of proper facilities and methods of vocational training; cut-throat competition with free industry apparently are characteristic of these governmental attempts to enter the field of private business."

STATE USE OF PRISON-MADE PRODUCTS OVERCOMES THESE OBJECTIONS

President Coolidge in his first message to Congress made the following clear and explicit statement of what should be done in regard to the employment of Federal prisoners, and which is equally applicable to State prisoners:

"The National Government has never given adequate attention to its prison problems. It ought to provide employment in such forms of production as can be used by the Government, though not sold to the public in competition with private business, for all prisoners who can be placed at work, and for which they should receive a reasonable compensation available for their dependents."

Massachusetts, New York, New Jersey, Pennsylvania, and Ohio employ their prisoners in the production of commodities for consumption in State institutions and departments, and it is noteworthy that these States are making real progress toward the rehabilitation of prisoners through honest work.

These States, however, are the dumping ground for the prison products of other States. To protect their markets from cheap prison products, New York, Ohio, and some 14 other States have enacted laws providing that prison-made goods must be branded "prison made" whenever offered for sale on their general markets.

These laws have been held unconstitutional whenever tested by the courts on the ground of their interference with the provisions of the interstate commerce law. The Hawes-Cooper bill will overcome this difficulty and give State rights to States which wish to enforce branding laws.

The branding or labeling laws are intended to insure to the consumer-buyer:

1. Right to choose between prison and free made goods.
2. Right to a fair buying price.

The prison contractors are opposed to the Hawes-Cooper bill for these two reasons. If it passes they will refuse to continue the contracts and the States will be forced to produce commodities for Government use.

The General Federation of Women's Clubs at the biennial convention at Atlantic City indorsed the principles of the Hawes-Cooper bill for the following reason:

"The passage of the Cooper bill will force prison authorities to a speedy cooperation along the lines already agreed on in the conferences on the allocation of prison industries, while the manufacturers and labor organizations are at present demonstrating that their advice and assistance can be secured toward the effective working out of this program."

THE RESPONSIBILITY OF ALL CITIZENS

The prison officials should not be held solely responsible for providing employment for prisoners. In the State of Pennsylvania it is being demonstrated that the way to solve the prison-labor problem is for manufacturers and representatives of organized labor to assist the managers of the prison industries in developing these industries so that conditions are as nearly as possible parallel to the conditions the prisoners will find in outside industries. The passage of the Hawes-Cooper bill will hasten the nation-wide development of a system of employing prisoners which is just to the State, the prisoner, the prisoner's family, and the free workingman and woman.

The constructive State-use program which must follow the passage of the Hawes-Cooper bill was approved by the following resolution adopted by the general federation in biennial convention assembled in Los Angeles in 1924:

RESOLUTION BY GENERAL FEDERATION OF WOMEN'S CLUBS AT SEVENTEENTH BIENNIAL CONVENTION HELD AT LOS ANGELES, CALIF., 1924

Whereas official representatives of the States of Colorado, Idaho, Montana, Nevada, New Mexico, Wyoming, Washington, and Utah held a conference on the allocation of prison industries, in Salt Lake City, Utah, April 9, 1924, and the representatives of the States of North Carolina, South Carolina, Georgia, Alabama, and Mississippi held a similar conference at Atlanta, Ga., May 28, 1924, and adopted the following resolutions:

1. That all able-bodied, physically fit, mentally competent male and female prisoners should be employed and not maintained in idleness.

2. That as soon as practicable all work-competent prisoners be employed under the State-use system, including public work, as the fairest method of employment alike to the taxpayers, to capital, to free labor, and to the prisoners themselves, it being recognized that the basic considerations that govern the selection of State-use industries are:

(a) The selection of those industries whose products will find a ready, stable, and adequate market among the State and local government agencies, within or without the State, and for which adequate materials are obtainable at reasonable prices.

(b) The selection of industries in which the class of prisoners in the institution can be most effectively employed.

3. That all prisoners should receive such compensation as their conduct and efficiency warrant, to be paid out of the earnings of the prison industries after all costs of prison maintenance have been deducted. That earnings be applied to families of such prisoners who are dependent on them.

4. That the services of the Association of Government Service (Inc.) be utilized whenever needed as a medium for the exchange of surplus products between the States.

5. That it is the sense of the Industrial Allocation Conference that the several States, with the United States Government, together constitute the State-use system: Be it

Resolved, That the General Federation of Women's Clubs, having thoroughly investigated the program of the allocation committee and the aims and purposes of the associates for Government service, indorse this program and extend to the governors of the States enumerated above its congratulations and its sincere hope that the prisons' industrial systems may develop along the lines contemplated and urges State federations to cooperate in every way; and be it further

Resolved, That State federations where similar conferences will be held at a later date are also urged to cooperate in making these conferences successful.

BRIEFS ON CONSTITUTIONALITY OF PROPOSED LAW

1. By Donald R. Richberg.
2. By Breed, Abbott & Morgan.
3. Statement of Hon. Albert C. Ottinger, attorney general, State of New York.

OPINION CONCERNING CONSTITUTIONALITY OF A BILL TO SUBJECT PRODUCTS OF CONVICT LABOR TO THE OPERATION OF STATE LAWS

The bill in question, introduced in the Senate by Mr. HAWES (S. 1940)—and an identical bill introduced in the House by Mr. COOPER (Ohio)—provides in full as follows:

"That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

In considering the validity of the proposed legislation, attention is naturally first directed to the law which, in almost the same terms, devested liquor shipments of their interstate character, which law was repeatedly sustained by the Supreme Court of the United States.

I

On August 8, 1890, an act of Congress was approved, since commonly described as the Wilson Act, which provided in full as follows:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise." (26 Stat. 313.)

The act just quoted is substantially the same in language and general purposes as the bill now under discussion. The constitutionality of the Wilson Act was approved by the Supreme Court of the United States in the case entitled Wilkerson *v.* Rahrer (or Re Rahrer) (140 U. S. 545). The Supreme Court held, in brief, that this act was not an attempt to delegate the power to regulate commerce, nor to grant a power not possessed by the States, nor to adopt State laws. But the court held that Congress "has taken its own course and made its own regulation applying to these subjects of interstate commerce one com-

mon rule whose uniformity is not affected by variation in State laws in dealing with such property." The court further ruled:

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which devests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so."

* * * * * * *

"The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge. The manner of that disposition brought into determination upon this record involves no ground for adjudging the act of Congress inoperative and void."

* * * * * * *

"Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction."

It will be borne in mind in reading the opinion of the Supreme Court in the Rahrer case that commerce in intoxicating liquors was, at this time, legitimate and that in this case the Supreme Court did not overrule, but, in fact, affirmed its opinion in Leisy *v.* Hardin (135 U. S. 100), wherein the court held that a State law which prohibited the sale of liquors in the original package was unconstitutional as an interference with the freedom of interstate commerce.

The doctrine of the Rahrer case was frequently affirmed by the Supreme Court in later opinions, among which the following may be cited:

Rhodes *v.* Iowa (170 U. S. 412).

American Express Co. *v.* Iowa (196 U. S. 133).

Pabst Brewing Co. *v.* Crenshaw (198 U. S. 17).

Rosenberger *v.* Pacific Express Co. (241 U. S. 48).

However, it was also held that the right to receive liquor by an individual purchaser for his own use was not affected by the Wilson Act. See Vance *v.* W. A. Vandercook Co. (170 U. S. 438). Therefore the so-called Webb-Kenyon Act was passed in 1913, prohibiting the shipment of intoxicating liquor into any State where it might be sold or used in violation of the law of such State.

The Webb-Kenyon Act was also sustained by the Supreme Court of the United States in the case entitled James Clark Distilling Co. *v.* Western Maryland Railroad Co. (242 U. S. 311). The court again affirmed the doctrine of the Rahrer case in the following language (p. 330):

"As we have already pointed out, the very regulation made by Congress in enacting the Wilson law to minimize the evil resulting from violating prohibitions of State law by sending liquor through interstate commerce into a State, and selling it in violation of such law, was to devest such shipments of their interstate commerce character and to strip them of the right to be sold in the original package free from State authority which otherwise would have obtained. And that Congress had the right to enact this legislation making existing and future State prohibitions applicable was the express result of the decided cases to which we have referred, beginning with Re Rahrer (140 U. S. 545)."

From the cases heretofore cited, it is clear beyond argument that, so far as the Wilson Act provides a precedent for the proposed act, the constitutionality of the Wilson Act has been repeatedly sustained. Therefore the doctrine is thoroughly established that, as a measure of regulation of interstate commerce, Congress may pass a law devesting goods of their interstate character upon arrival in a State in such manner as to subject those goods immediately to the operation of the laws of the State, whether still contained in the original package or not.

II

The conclusions reached in the first section of this opinion, based on the Wilson Act and the opinions of the Supreme Court sustaining the constitutionality of that act, might be presented as a sufficient answer to the question of the constitutionality of the act now under discussion. In addition, however, it may be well to anticipate a possible effort to distinguish the opinions heretofore cited on the ground that the regulation of the liquor traffic is not comparable with the regulation of traffic in other commodities. It should be freely admitted at once that the exercise of power in the regulation of commerce in intoxicating liquors has been justified by the courts at times upon reasoning which would not apply to the regulation of commerce in other commodities.

For example, in a case previously cited, James Clark Distilling Co. *v.* Western Maryland Railroad Co. (242 U. S. 311), the opinion of the court (p. 332) reads as follows:

"The fact that regulations of liquor have been upheld in numberless instances which would have been repugnant to the great guaranties of the Constitution but for the enlarged right possessed by Government to regulate liquor has never that we are aware of been taken as affording the basis for the thought that Government might exert an enlarged power as to subjects to which, under the constitutional guaranties, such enlarged power could not be applied. In other words, the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things which it may not consistently with the guaranties of the Constitution embrace."

When the regulation of the liquor traffic was cited in the Supreme Court as a basis for sustaining the Federal child labor law (the law prohibiting interstate transportation of certain child-labor products), the Supreme Court, in holding the child labor law to be unconstitutional, quoted the last sentence above quoted from the Clark Distilling Co. case and continued with the following comment:

"In each of these instances the use of interstate transportation was necessary to the accomplishment of harmful results. In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended." (Hammer *v.* Dagenhart, 247 U. S. 251, 271.)

On the basis of the principles announced in the two opinions last quoted it may be urged that convict-made goods are not in themselves evil and that Congress would not have the same power to prohibit absolutely the transportation of convict-made goods, as it was held in the Clark Distilling Co., case that Congress had to prohibit the transportation of intoxicating liquors. Therefore it may be urged that Congress may not devest convict-made goods of their interstate character by such legislation as now proposed.

There are two principal reasons why the argument above anticipated is not well grounded. These reasons may be considered under two hearings: First, the reason why the Wilson Act decisions do apply, and, second, the reason why the child-labor decision does not apply.

THE WILSON ACT DECISIONS SUSTAIN THE PROPOSED LEGISLATION

It was not until the Supreme Court was asked to sustain the Webb-Kenyon law that the court found it necessary to hold that on account of "the exceptional nature" of intoxicating liquors, Congress could exercise "the exceptional power" of completely prohibiting interstate transportation. The Webb-Kenyon law not merely subjected liquor to the operation of State laws as a matter of intrastate commerce, but it prohibited the interstate transportation of liquor from a State into a State which prohibited the sale or use of liquor. Therefore the court found it necessary to uphold the power of Congress to prohibit absolutely the interstate transportation of liquor. The previous law (the Wilson Act) was not sustained upon the ground of the power of Congress to prohibit interstate transportation of liquor. On the contrary, the law essentially authorized such transportation, but provided that upon arrival, the goods transported should be immediately subject to the operation of the laws of the State of consignment. As the Supreme Court held in the concluding paragraph in the opinion of Wilkerson *v.* Rahrer, supra, "Jurisdiction (of the State) attached not in virtue of the law of Congress, but because the effect of the latter was to place the property where jurisdiction could attach." In other words, by the Wilson Act Congress did not prohibit interstate commerce. Any person could order liquor goods transported to him for his personal use. Any merchant could order liquor goods transported to him for sale. The law merely provided that, after interstate transportation had ceased, intrastate commerce should begin at once and be subjected, as all other intrastate commerce, to the laws of the State. The law merely provided that because goods might remain in the original package they should no longer retain that protection of interstate commerce which would permit of commercial transactions in violation of the laws of the State.

It will be seen at once that a far different question was presented when Congress, in the Webb-Kenyon Act, specifically provided "that the shipment or transportation" of liquors into States for use in violation of the laws of such States "is hereby prohibited."

THE CHILD LABOR DECISION DOES NOT APPLY TO THE PRESENT QUESTION

When the Supreme Court considered the Federal child labor law it had presented to it a question similar to that under consideration in its review of the Webb-Kenyon Act. But the child labor law went further than the Webb-Kenyon Act, because the child labor law prohibited all interstate commerce in the products of child labor produced under certain conditions. The Webb-Kenyon law only prohibited interstate transportation into certain States where the goods were to be sold or used in violation of the State laws. The child labor law prohibited interstate transportation absolutely without regard to whether the resultant intrastate commerce would be in accord with or in violation of the State laws.

It was argued in the child labor case that Congress had absolutely prohibited interstate commerce in lottery tickets, in impure foods and drugs, and in the transportation of women for immoral purposes; and, that in the Clark Distilling Co. case, the power of Congress had been sustained to forbid the transportation of intoxicating liquors. But the court held that in all these instances the power of Congress rests on "the character of the particular subjects dealt with" and "that the authority to prohibit is, as to them, but the exertion of the power to regulate." Then the court held that the products of child labor were "of themselves harmless"; that they were legitimate subjects of com-

merce and that the evil sought to be reached lay in the processes of production, which were "a matter of local regulation."

The fundation of the opinion of the majority in the case of Hammer *v.* Dagenhart, supra, holding that the products of child labor could not be excluded from interstate transportation is found in the following two paragraphs:

"The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce, and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

"The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution."

Thus it will be seen, particularly from the quotations just made, that the opinion of the Supreme Court holding the child labor law to be unconstitutional proceeded on the ground that Congress was seeking to interfere with the operation of State laws and was attempting to regulate by Federal law matters wholly within the authority of the individual States. Such an opinion and decision clearly can have little application to the reverse situation which is here presented, where Congress is seeking to relieve the States of any impediment to their exercise of an admitted power to regulate and control commercial transactions within the State and to pass laws necessary and proper in the exercise of the State police power.

III

One further principle may be briefly discussed in support of the proposed legislation. It may be suggested that convict-made goods are of such an "exceptional nature" that perhaps the prohibition by Congress of all interstate transportation might be justified. In the first place, it should be pointed out that the Federal child labor law was held unconstitutional by a majority of five justices against the vigorous dissent of four justices, and it is not to be assumed that the principles of that case, if hereafter maintained, will be further extended. The evils to be reached by the Federal child labor law were regarded primarily as evils in manufacture; that is, the employment of children at too early an age in dangerous industries and at unhealthful hours. The dissenting opinion of Mr. Justice Holmes appeals to the present writer as better law than the majority opinion, because evil may be found not merely in the quality of a thing but in the use to which it is put; and the evil may also be found in a thing which in itself may be good, because of the manner of its production. So that anyone with a fine moral sense may desire not to use a thing, good in itself, for the purpose of discouraging an evil method of production. In its regulation of interstate commerce it seems, therefore, that Congress may well prohibit the interstate transportation of goods when such interstate transportation is an aid to an evil in the sale, or an evil in the production.

But in any event it is clear that the Federal child labor law dealt with a production of goods by labor which in itself was not proscribed by public policy.

When we consider the question as to whether the facilities of interstate transportation should be open to the products of convict labor, we are dealing with goods of "an exceptional nature," because the labor which produced them is not free labor and there are no inherent rights of men in such labor subject to the normal protections of the Constitution. The Constitution prohibits the existence of involuntary servitude except as a punishment for crime. The provisions against deprivation of life, liberty, or property without due process of law found in the fifth and fourteenth amendments do not preserve for the convict any liberty to contract, or any right of property in his labor or the products of his labor. Other persons can not contract with the convict for his labor and thereby acquire rights of property.

It could hardly be questioned, if the labor of convicts was so utilized as to destroy the property of free men in their labor, or the property of others in the products of free labor, that prohibitions upon the use of convict labor could be imposed by any governmental power established and functioning to preserve the freedom of labor.

"There is no more important concern than to safeguard the freedom of labor upon which alone can enduring prosperity be based." (Bailey *v.* Alabama, 219 U. S. 219, 245.)

Without going into the subject exhaustively, it may be suggested that Congress, in exercising its power to regulate interstate commerce, can exercise the power to prohibit, following the minority opinion in the child-labor case. Also, Congress has the power to prohibit interstate commerce in articles which in themselves may be harmless (such as lottery tickets), but which are used in the promotion of an evil business. (Champion *v.* Ames, 188 U. S. 321.) This last statement follows the doctrine of the majority in the child-labor case, from which it seems to follow that Congress may protect interstate commerce in the products of free labor from the demoralizing influence of the competitive products of convict labor and may utilize prohibition as a means of preventing the development of interstate commerce in the products of what Congress may regard as an evil business; that is, the sale of convict-made goods.

It is not necessary to pursue this line of reasoning further, because we are not here considering a law to prohibit all interstate transportation of convict-made goods. It is merely pertinent to point out that since the precedents favor the constitutionality of such a drastic law there is an additional ground thus presented for holding that the proposed legislation now under consideration is entirely within the constitutional powers of Congress.

CONCLUSION

Having reviewed, with some care, the leading cases concerning the extent and proper exercise of the authority of Congress in the regulation of interstate commerce, it is my opinion that the pending bill proposes a valid exercise of that authority. The precedents established in the Wilson Act and in the cases referred to, wherein the Supreme Court of the United States sustained the constitutionality of that act, seem to me to be conclusive upon the question. In further support of this opinion, quotation may be made from an opinion of the Supreme Court of the State of Ohio on precisely the question now under consideration.

In holding an act of the Ohio Legislature void, which sought to regulate the sale of foreign convict-made goods, the supreme court of that State in Arnold *v.* Yanders (56 Ohio State 422), held in part, as follows:

"It is not competent for a State legislature to declare that convict-made goods are not articles of traffic and commerce, and then to act upon such declaration, and discriminate against such goods, or exclude them from the State by unfriendly legislation. Whatever Congress, either by silence or by statute, recognizes as articles of traffic and commerce, must be so received and treated by the several States. There is no act of Congress declaring that convict-made goods are not fit for traffic and commerce, and it therefore follows that such goods are the subject of commerce, and when transported from one State to another for sale or exchange, become articles of interstate commerce and entitled to be protected as such; and any discrimination against such goods in the State, where offered for sale is unconstitutional. That convict-made goods are articles of traffic and commerce is not only shown by the failure of Congress to legislate on the subject, but is conceded by the act in question; * * * As the act in question provides that it shall not affect products of the prisons of this State, the license fee of $500 is a tax or duty imposed by this act upon such goods when imported from another State, and is clearly a regulation of commerce among the States, and an attempt to exercise a power which belongs to Congress alone * * *. The mere silence of Congress is not sufficient to authorize a State legislature to legislate upon a subject vested by the Constitution in Congress, but such silence is to be regarded as evincing the intention of Congress that the power shall remain where the Constitution has placed it. To give a State legislature power to legislate in such cases, requires an act of Congress to that effect. (Leisy *v.* Hardin, 135 U. S. 100, 10 Sup. Ct. 681; Welton *v.* Missouri, 91 U. S. 275.)"

* * * * * * *

"But if we are in a condition to acquire such protection, the appeal for relief must be made to Congress, which body alone has the power to legally grant such relief. In re Rahrer, 140 U. S. 545, 11 Sup. Ct. 685."

Respectfully submitted.

DONALD R. RICHBERG.

FEBRUARY 7, 1928.

(William C. Breed, Henry H. Abbott, George W. Morgan, Dana T. Ackerly, James McV. Breed, Sumner Ford, Paris S. Russell, William J. Quinn, and John B. Nash)

NEW YORK, *June 7, 1928.*

Mr. PERRY S. NEWELL,
Secretary Association of Cotton
Textile Merchants of New York,
70 Worth Street, New York City.

Re: Hawes-Cooper convict labor bill.

DEAR MR. NEWELL: We write in reply to your letter of May 28, requesting an opinion as to the constitutionality of the measure known as the Hawes-Cooper convict labor bill (H. R. 7729). After a careful examination of the pertinent decisions of the United States Supreme Court we have reached the conclusion that this bill is clearly within the constitutional powers of Congress.

That court, in the case of In re Rahrer (140 U. S. 545), had under consideration an act almost identical in language, relating to transportation of intoxicating liquors in interstate commerce, and held it to be a valid and constitutional exercise of the legislative power conferred upon Congress. That ruling was not based upon the fact that the commodity involved was of an inherently vicious character but was broad enough to apply to any subject of interstate commerce. At page 562 the court said:

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed

by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so."

And at page 564 the court said further:

"Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction."

That decision has been cited with approval in many subsequent Supreme Court cases and we do not find that its authority has been shaken in any way.

Another act of Congress in which substantially identical language was employed was the Lacey Act, which was designed to assist the States in *enforcing their* laws for the protection of game birds and animals and song birds. This act provided that the bodies of such birds and animals, when imported into a State, should become subject to the State laws upon arrival therein. The constitutionality of the act was attacked in a case which came before the New York Court of Appeals, and that court held it to be constitutional, which decision was affirmed by the United States Supreme Court, although the latter court did not find it necessary to pass upon the constitutional question. (People *v.* Hesterberg, 184 N. Y. 126; affirmed 211 U. S. 31.)

The only effect of a statute of this character, as was pointed out in Rosenberg *v.* Pacific Express Co., (241 U. S. 48, 51), is to subject the commodity in question to State control immediately after delivery to the consignee, instead of regarding it as still in the process of interstate commerce so long as it remains in the original packages in the hands of the consignee.

We think that this is clearly such a regulation of commerce among the several States as Congress is authorized to make under Article I. section 8, of the Federal Constitution, regardless of the character of the commodity affected, and that the Hawes-Cooper Act, if brought before the Supreme Court, would be held to be a valid exercise of the constitutional power of Congress.

Yours very truly,

BREED, ABBOTT & MORGAN.

STATEMENT OF HON. ALBERT C. OTTINGER, ATTORNEY GENERAL, STATE OF NEW YORK, 1928

The fact that large quantities of prison-made goods manufactured in the prisons of States adjacent to New York State are sold in the New York market despite the fact that none of our prison-made goods are sold on the open markets compels an official interest on the part of our State in the Hawes-Cooper bill now pending in Congress.

I consider as axiomatic the unfairness of this competition and the disastrous effect upon certain industries and many workers in our State from the dumping of these prisons' goods on the New York market. We have in this the precedent and the authority of what was formerly the department of labor of New York State which participated in the movement to bring similar legislation before Congress in 1910. Our State commissioner of labor at that time felt that he had an added sanction in participating in this movement in that the legislature in forming the bureau of labor statistics, out of which the department of labor grew, had had placed upon it as its primary duty the study and elimination of the unfair convict-labor competition, and it was as his advisor that Attorney General O'Malley was called in to assist in finding a legal solution to the problem.

Our participation at this time is to explain, first, the policy of New York State as enunciated by constitution and statute, and, second, to point out the bearing of this proposed legislation in the light of litigation which our department has conducted to ascertain the constitutionality of the statute requiring branding and licensing of convict-labor products.

The history of the provisions in the constitution and statutes of New York State is so comprehensive and in a way a basis for the consideration of the subject in other States that we take the liberty of submitting herewith a brief summary of such legislation.

This summary shows a continuous recognition of two somewhat conflicting principles which were ultimately harmonized into the present public policy of our State. The first of these is to attempt to provide work for the prisoners and revenue for the State for such work; the second, is the effort to prevent this work from interfering with or debasing free labor or free institutions. As early as 1808 we find that the legislature authorized the labor of convicts in the construction of fortifications. (Ch. 155, Laws 1808, 5 Webst. 336; and ch. 20, Laws 1809, 5 Webst. 445.) In 1822 it appointed a special committee to frame a comprehensive plan for convict labor. As a result of the scheme which was adopted by this committee, the mechanics of New York City, in 1831, complained of the construction of several buildings with stone from Sing Sing Prison where the polishing was done at a fraction of the cost of such work in the city. (Assem. Doc. 1831, No. 279.) By 1833 the State prison at Auburn, under its system of contract labor, was not only paying the expenses of its own maintenance but leaving a clear profit of over $8,000 to the State. (Assem. Doc. 1834, No. 352.) But this result was the cause of strenuous complaint from free labor, which took the form of petitions from associations of mechanics and manufacturers from every city and many other places in the State, showing the disastrous effects of competition with prison labor and submitting evidence in support of this contention. (Assem. Doc. 1834, No. 39.)

The result of these complaints was soon shown in legislation. In 1842 the legislature provided that when convicts were convicted and sentenced to State prisons, the court should ascertain whether they had learned any mechanical trades, and it was further provided that no convict should be permitted to work except at such mechanical trade as he had previously learned, or, "in the making or manufacture of articles for which the chief supply for the consumption of the country is imported from without the United States." (Ch. 148, Laws 1842.) This is an early recognition of the danger to free domestic labor from competition with convict labor.

By chapter 245, Laws of 1844, it was provided that a new State prison should be established for the purpose of employing convicts in mining and the manufacture of iron. This law contained the provision that there should be "no manufacture in said prison except of iron, and such articles therefrom as are imported from foreign countries, and not manufactured by mechanics of this State," with certain exceptions.

On the other hand, 20 years later, by chapter 458, Laws of 1866, it was provided that the inspectors of State prisons might employ convicts "in such manner and in such branches of industry and at such kind of labor as in the judgment of said inspectors shall be most advantageous to the interests of the State and not inconsistent with the health and welfare of said convicts or the good order and discipline of said prison." This seems to be a general grant of power to employ convicts in all branches of manufacture, subject only to the discretion of the inspector.

In 1876 a constitutional amendment was adopted creating the position of superintendent of State prisons, taking effect January 1, 1877 (Art. V, sec. 4, of the constitution). The duties of this official were specifically prescribed by the legislature in chapters 107 and 253 of the Laws of 1877, the latter chapter authorizing contracts for convict labor "at any kind of work or trade which shall be approved by the superintendent for the sale of property manufactured at the prisons," to be entered into by the agent and warden, subject to the approval of the superintendent. This was amended by the legislature by chapter 83, Laws of 1883, so as to provide that no contract for convict labor to be used for the manufacture or finishing of fur or wool hats should be made.

The next year, by chapter 21, Laws of 1884, the whole State policy was reversed by providing that no new contracts should be made and no old ones renewed or extended. In 1887, by chapter 323, the first act was passed requiring the branding of convict-made goods offered for sale. This law applied only to goods made in other States, but does not appear to have ever been attacked.

In 1888, by chapter 586, the policy of the State was again completely changed and all existing prison industries wiped out except where performed by hand labor. In the same law it was provided that the articles manufactured in the penal institutions of the State should be purchased by the other State institutions and that they should not be sold in the open market. A protected market for these goods was assured by providing that State institutions could not purchase from any other source articles which could be furnished by these penal institutions. The purpose of this law was apparently to prevent competition by prison labor with any of the organized free labor of the State, and this was sought to be accomplished by restricting the field of convict labor to hand labor in which women and children alone were largely engaged.

The very next year, by chapter 382, Laws of 1889, the entire plan was again overturned. It was provided by this law that although no contracts for letting out the labor or time of any prisoner at a price per day or any other period of time should be entered into, yet they should be permitted to labor either under the so-called public-account system or the piece-price system. Apparently no prohibition of the penal institutions to discontinue such employment if it appears that the total number of prisoners employed in such manufacture exceeds 5 per cent of the total number so employed within the State.

Following this, in 1894, a clause was inserted in the new constitution (art. 3, sec. 29, taking effect January 1, 1896) prohibiting the sale of prison-made goods in the State except for State institutions. The wording of this—

"SEC. 29. Prison labor; contract system abolished: The legislature shall by law provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the 1st day of January, 1897, no person in any such prison, penitentiary, jail, or reformatory shall be required or allowed to work while under sentence thereto at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for and that the products of their labor may be

disposed of to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political division thereof."

In the meantime, by chapters 698 and 699, Laws of 1894, two additional acts had been passed in reference to dealing with convict-made goods. By the former chapter it was made a misdemeanor to deal in goods made by convicts in any State other than New York without having the goods branded or marked with the words "convict made" and the date and place of making. Chapter 323, Laws of 1887, was repealed, this act being a substitute for its provisions.

By chapter 699, Laws of 1894, it was provided that the sale in this State of convict-made goods without a license constituted a misdemeanor. It contained almost the same provisions as continue to-day in the law, applying generally to all convict-made goods, and requiring an annual license fee of $500 to be paid to the State, which should be credited to the maintenance account of the State prisons.

In 1896 chapter 931 of the laws of that year amended the act requiring such goods to be branded or marked by leaving out the discrimination against other States and making it apply equally to the goods of this State. It had previously been held unconstitutional in the case of the People *v.* Hawkins (85 Hun. 43), and the amendment was intended to obviate the objections there held fatal by the court, to wit, the interference with interstate commerce.

In 1897, by chapter 415, the labor laws were codified and in section 50 the requirements of a license and the payment of a license fee were reenacted and amended so as to apply equally to goods manufactured within or without the State. These various laws have been incorporated in the consolidated labor law with virtually no further changes.

The purpose of this résumé of legislation has been to point out that throughout the century the State was confronted with two conflicting purposes—to earn revenue to support the penal institutions by the labor of convicts and to prevent such labor from competing injuriously with free workmen and free industries.

The statutes show a long-continued recognition by the legislature and the people of the State that a clear distinction exists economically between goods made by convicts and those manufactured by free labor and in free institutions. The nature of prison-made goods, as shown partly from an analysis of statutes already considered and partly from matters of judicial knowledge, is dangerous to the free manufacture of similar goods. Prison labor is a species of slave labor. By the fourteenth amendment to the Federal Constitution slavery and involuntary servitude are not prohibited when enforced as a punishment for crime. The economic situation, therefore, is identical with that which would arise in reference to slave-made goods. It is true that in many States now a system of remuneration for convicts is in vogue, but it is also true that this is not sufficient to make the products of their labor compete equally with those of free labor.

The principle, therefore, in the light of which all these statutes must be considered is that convict-made goods differ from similar articles manufactured by free labor not merely in that they have a different origin, but that they differ fundamentally in that they are virtually a product of slave labor. If this is borne in mind it will seem more justifiable than might appear at first glance that under the police power of the State the dealing in such goods should be limited and restricted for the protection of the labor of our free citizens and the capital invested in our free industries.

It will likewise be apparent that in the exercise of the taxing power of the State a proper classification would distinguish between dealers in these two classes of goods and compel those handling the products of the degraded labor to pay a license fee not charged to other dealers. The cost of production being so much lower, it is certainly only a fair classification which would impose a greater burden of taxation upon them.

In 1910 the Phillips-Raney case, reported in 198 New York 539, the court of appeals confirmed the lower court on the basis of conflicting with the interstate commerce clause of the United States Constitution. This judgment was affirmed upon the authority of People *v.* Hawkins (157 N. Y. 1) without passing on any of the other questions involved in such appeal.

The extension of the principles of the police power, according to the adjudications of our court of appeals during the last 20 years, has been marked, and it is possible that more weight would be given to the above argument if the case were tried to-day. But the precedent in our State remains against this contention. On the other hand, it is definitely pertinent to your consideration of the Hawes-Cooper bill, which is an enabling act to provide directly for the contingency above outlined, that the then attorney general of our State upon receiving the decision of the court of appeals in the Phillips-Raney case wrote the State commissioner of labor that in his opinion a Federal act similar to that which has been passed in reference to the sale of intoxicating liquors and the sale of wild game would go far, at least, toward rendering these sections of the labor law constitutional. Whether or not they would still be held unconstitutional on other grounds can, of course, not be determined in advance. It is probable that the passage of this bill would meet the difficulties presented in the Phillips-Raney case and make possible the enforcement of such restrictive provisions as are on the statute books of New York State. It was this informal opinion of the attorney general which impelled the New York State Department of Labor to be represented at a hearing before Congress in 1910 and advocate the passage of a similar enabling act.

We believe that in the light of these facts and in the hope of protecting the best interests of labor and manufacturers in New York State that it is proper for us to encourage now the passage by Congress of this enabling act as outlined in the Hawes-Cooper bill.

LEGALITY OF H. R. 7729 AS STATED BY CONGRESSMAN WILLIAM F. KOPP, CHAIRMAN OF THE LABOR COMMITTEE OF HOUSE OF REPRESENTATIVES, SUPPORTING THE HAWES-COOPER BILL

Mr. KOPP. Mr. Chairman, the Committee on Labor had full and complete hearings on this bill. Many manufacturers and representatives of labor appeared before the committee in favor of the bill. The Federation of Women's Clubs, through their representatives, also appeared before the committee on behalf of the bill. Special opportunity was given to the opponents of the bill to be heard. The committee was particularly anxious to hear every objection that could be urged. Most of those who appeared against the bill were connected in some manner with the management of prisons.

In the consideration of this bill we are confronted by two major questions. First, is the policy of the bill sound? Second, is the bill constitutional? On account of my limited time I shall confine myself to the second question.

It is no doubt true that this bill, if enacted into law, will be assailed in the courts on the ground that it is unconstitutional. It was urged before the committee that the bill was unconstitutional, and I presume a similar claim will be made here on the floor. In my judgment, however, this bill is constitutional, and I fully believe that if it ever comes before the Supreme Court of the United States it will be sustained by that high tribunal.

Before proceeding further, however, permit me to suggest that simply because some one questions the constitutionality of a bill is not a sufficient reason for voting against it. True, no Member should vote for a bill which he himself regards as unconstitutional, but if a bill embodies your convictions and you believe it is constitutional, you should not hesitate to vote for it, whatever others may do. Nothing is conjured up more often or more readily by those opposed to a bill than a doubt as to its constitutionality. Practically every progressive piece of legislation has been attacked upon that ground. Bear in mind also that if a bill is defeated here there is no way in which it can be brought before the Supreme Court of the United States to have its constitutionality determined.

You are all familiar with what is known as the commerce clause of the Constitution of the United States. This clause provides that Congress shall have power—

"To regulate commerce with foreign nations and among the several States."

Many learned dissertations have been written on this clause. Numerous decisions have construed it, but it is still open to discussion and probably will be debated as long as our Government survives. I do not claim that I can throw any new light on this important and much-discussed subject. All I can hope to do is to call your attention to a few important decisions and indicate to you the bearing that these decisions, as it appears to me, have upon the bill now under consideration. First, permit me to call particular attention to the terms of this bill. It defines no crimes and provides no penalties. No appropriation is required to carry it into effect. It simply divests prison-made goods of their interstate character and makes them subject to the laws of the different States to the same exent and in he same manner as though such goods had been manufactured in such States.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. KOPP. Yes.

Mr. GARBER. Does the gentleman make any provision to disclose the identity of the goods? Is there any machinery set up in the bill to reveal the character of the goods?

Mr. KOPP. No. That all depends on State legislation. This is simply an enabling act.

As you are well aware, by the tenth amendment all powers not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people. This amendment has often been invoked in attacking the constitutionality of an act of Congress. Again and again it has been claimed that Congress has trespassed upon the reserved powers of the States. No such claim, however, can be made here. Under this bill Congress instead of taking away the reserved powers of the States protects them most fully. While the bill does not delegate any powers to the States, it does, in fact, give certain State laws a broader application. This bill, if passed, will be an enabling act for the States.

Quite a number of States have passed laws regulating the sale of convict-made goods. The most common requirement has been the marking or branding of convict-made goods before offering them for sale. All of these laws have been held unconstitutional as to convict-made goods shipped in from other States. Thus the only effect of these laws has been to restrict the sale of those convict-made goods manufactured in the

State where sold. The States have been, and are to-day, helpless against the convict-made goods shipped in from other States. This bill will enable the States to regulate the sale of prison-made goods shipped in from other States, as well as those manufactured or produced within their own borders.

The history of the enabling act upon which this bill is based is an interesting one. The question as to its constitutionality came before the Supreme Court of the United States in passing upon the Wilson law, which went into effect on August 8, 1890. Iowa had adopted prohibition by statute, but the Federal courts held that as long as intoxicating liquors were in the original packages they could nevertheless be sold within the State. Senator Wilson, of Iowa, introduced a bill to remedy the situation and this bill after being vigorously attacked as unconstitutional was passed and became a law.

The terms of this bill were as follows:

"*Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

The Wilson law was quickly attacked in the courts. Kansas at the time also had a prohibitory law. A citizen of that State made a sale of intoxicating liquors in original packages shipped from Kansas City, Mo. He was arrested under the State law and immediately applied to the United States Circuit Court for a writ of habeas corpus. The case went to the Supreme Court of the United States and there the law was fully sustained. (In re Rahrer, 140 U. S. 545.) Said the court:

"It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State. This being so, it is urged that the act of Congress can not be sustained as a regulation of commerce. * * *

"Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

"The principle upon which local option laws, so called, have been sustained is that while the legislature can not delegate its power to make a law, it can make a law which leaves it to municipalities or the people to determine some fact or state of things upon which the action of the law may depend; but we do not rest the validity of the act of Congress on this analogy. The power over interstate commerce is too vital to the integrity of the Nation to be qualified by any refinement of reasoning. The power to regulate is solely in the General Government, and it is an essential part of that regulation to prescribe the regular means for accomplishing the introduction and incorporation of articles into and with the mass of property in the country or State. (12 Wheat. 448.)

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so."

The bill we are now considering was patterned after the Wilson law. All it seeks to do is to divest convict-made goods of their interstate character earlier than would otherwise be the case. If the Wilson law was constitutional, why is not this bill constitutional?

After the Wilson law had been enacted and had been held to be constitutional the prohibition States found that one important difficulty in enforcing the prohibitory laws still remained. By reason of the Wilson law it was no longer legal to sell liquor in the original package in prohibition States, but it was still legal to ship liquor in the original package to residents of prohibition States.

In order to make that impossible the Webb-Kenyon bill was passed during the closing days of the third session of the Sixty-second Congress. This law entirely prohibited the shipment of liquor into prohibition States.

At the time the bill was passed William H. Taft, now Chief Justice of the United States Supreme Court, was President, and George W. Wickersham was Attorney General. When the bill reached President Taft, Attorney General Wickersham submitted to the President a strong opinion against the constitutionality of the bill and President Taft, after very full consideration, vetoed the bill upon that ground. The bill was passed over the veto of the President and became a law. In due time it was brought to the attention of the Supreme Court of the United States. By that body, through Chief Justice White, it was held to be constitutional.

I shall refer to the opinion itself, but before taking that up let me refer to the veto of President Taft. In his veto he anticipated what the law would be in case the Webb-Kenyon law was sustained. You will find this language in his veto message:

"If Congress, however, may in addition entirely suspend the operation of the interstate-commerce clause upon a lawful subject of interstate commerce and turn the regulation of interstate commerce over to the States in respect to it, it is difficult to see how it may not suspend interstate commerce in respect to every subject of commerce wherever the police power of the State can be exercised to hinder or obstruct that commerce."

Attorney General Wickersham also recognized that if the Webb-Kenyon law was sustained it would broaden the powers of Congress beyond his previous conception. The closing paragraph of his opinion was as follows:

"The proposition begs the whole question under consideration and can only be conceded if it be held that Congress can abdicate entirely its power over interstate commerce in an article which it does not itself declare to be 'an outlaw of commerce,' but which it leaves to the varying legislation of the respective States to more or less endow with qualities of outlawry."

The decision sustaining the Webb-Kenyon law was rendered in Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311). I have not the time to quote at length from the opinion of the court, but I do want to call your attention to one statement. Said the court:

"Reading the Webb-Kenyon law in the light thus thrown upon it by the Wilson Act and the decisions of this court which sustained and applied it, there is no room for doubt that it was enacted simply to extend that which was done by the Wilson Act; that is to say, its purpose was to prevent the immunity characteristic of interstate commerce from being used to permit the receipt of liquor through such commerce in States contrary to their laws."

President Taft became Chief Justice Taft, and in Brooks *v.* United States (267 U. S. 432), decided in 1925, as Chief Justice, he referred to the decision in Clark Distilling Co. against Western Maryland Railway Co. and thus interpreted that decision:

"In Clark distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311) it was held that Congress had power to forbid the introduction of intoxicating liquors into any State in which their use was prohibited in order to prevent the use of interstate commerce to promote that which was illegal in the State."

To my mind, the real question to be determined, if this bill is enacted into law, will not be whether it is constitutional but whether the State laws in reference to convict-made goods are constitutional. We have 48 States. Many different laws may be passed in the regulation of convict-made goods. At this time there are quite a number of such laws on the statute books of the States. Some States require a license to sell convict-made goods; others that a merchant selling convict-made goods must put up a sign in large letters advising the public of such fact. One State, I believe, provides that the goods made by convicts must be sold for not less than the wholesale price of similar goods. The most general provision is the one that requires convict-made goods to be marked or branded before being offered for sale. The Wilson law, though sustained, did not give life to an unconstitutional State law. It only made State laws, that were valid as to intrastate liquors, valid and effective as to interstate liquors. This bill, if enacted into law, can never make valid and effective as to interstate shipments of convict-made goods any laws which are not valid and effective as to intrastate convict-made goods. No one need fear that by this bill we can breathe life into an unconstitutional State law. No such result can possibly follow, for if a State law is invalid as to intrastate goods it will also be invalid as to interstate shipments of goods. The very language of this bill says that interstate shipments of convict-made goods shall be subject to the laws of any State "to the same extent and in the same manner as if such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory." If this bill is passed the real battle will not be over its constitutionality but over the constitutionality of the different State statutes that may be passed on the subject of convict-made goods. If this bill is passed it will be held applicable to every constitutional State law and inapplicable to every unconstitutional State law.

It may be claimed that States can not pass any constitutional and valid statutes regulating the sale of convict-made goods and that, therefore, to pass this bill will prove to be useless and futile. I doubt whether anyone will take such an extreme position, but lest some one may do so I shall say a few words on this point.

That convict-made goods are a real problem has been recognized by Congress for many years. The importation of foreign convict-made goods is absolutely prohibited. Out statute on that subject provides that—

"all goods, wares, articles, and merchandise manufactured, wholly or in part, in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is prohibited."

Though protected by a high tariff, we yet provide that under no circumstances shall foreign convict-made goods be permitted to enter

our markets. Why? Because we recognize that they are a menace to our people.

In State *v.* Hawkins (157 N. Y. 1) the Court of Appeals of New York passed upon a statute requiring that all convict-made goods, including those shipped in from other States, be branded before being exposed for sale. The defendant was convicted under this statute and his case finally reached the court of appeals. The particular goods which this defendant had exposed for sale had been made by convicts in Ohio and had been shipped into New York from that State. The New York court held that the statute was in conflict with and repugnant to the commerce clause of the Federal Constitution, and for that reason invalid.

Judge O'Brien, who wrote the majority opinion, personally went further and also held the statute to be unconstitutional on the further ground that it was an unauthorized limitation of the freedom of the individual to buy and sell articles of merchandise. No other judge, however, concurred in the latter view. One of the dissenting judges was Alton B. Parker, who was chief justice at the time, and who afterwards, as you all know, became a candidate for President. Judge Parker, in referring to the statute requiring the branding of prison-made goods before being exposed for sale, said in his dissenting opinion:

"It simply requires that prison-made merchandise shall be so branded that our citizens shall know where the goods they are buying were made. This they have a right to know."

Judge Bartlett also rendered a dissenting opinion, and, among other things, said:

"The precise question, then, is whether it is competent for this State, in the exercise of the police power, in order to promote the public welfare and prosperity, to impose the restriction, already pointed out, upon the sale of convict-made goods.

"I am of the opinion that it is for two reasons: (1) It is self-evident that the protection of free labor from competition with convict-made goods in our domestic markets will promote the public welfare and prosperity; and (2) it is competent for the State to protect its citizen from fraud or deception when any such goods are offered for sale, by advising him of the fact that they are convict made, so that he may act with full knowledge in the premises."

Only one of the seven judges then serving upon the Court of Appeals of the State of New York regarded this statute as unconstitutional because it restricted the freedom to buy and sell.

There seems to be an impression that the decisions in the child-labor cases in some way have a bearing upon this bill and make it probable that this bill, if enacted into law, will not be held constitutional. An examination of the child-labor cases will clearly show to anyone that they have no application whatever in this case.

The first child-labor decision is found in Hammer *v.* Dagenhart (247 U. S. 251). An act had been passed by Congress prohibiting the transportation in interstate commerce of goods made at a factory in which, within 30 days prior to their removal therefrom, children under 14 years of age had been employed or permitted to work, or children between the ages of 14 and 16 had been employed or permitted to work more than 8 hours in any day or more than 6 days in any week, or after the hour of 7 p. m. or before the hour of 6 a. m. A bill was filed by a father upon his own behalf and as next friend for his two minor sons, who were within the age limit fixed in the law, to enjoin the enforcement of the act on the ground that it was invalid. The act was held unconstitutional because it invaded the powers reserved to the States. That decision can have no application to this bill, for this bill certainly does not invade the powers reserved to the States. The decision in Hammer against Dagenhart teems with defenses of the reserved powers of the States. I quote briefly from the opinion written by Justice Day:

"In interpreting the Constitution, it must never be forgotten that the Nation is made up of States to which are intrusted the powers of local government and to them and to the people the powers not expressly delegated to the National Government are reserved * * *. The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the general movement * * *. To sustain this statute * * * would sanction invasion by the Federal power of the control of a matter purely local in its character."

The court was divided. The majority held that the articles manufactured by child labor were not at the time a part of interstate commerce, but were simply intended for interstate commerce, and for that reason subject only to local regulation. The majority, however, clearly recognized the complete control of Congress over interstate transportation.

Let me quote further from Justice Day:

"Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the protection of articles intended for interstate commerce is a matter of local regulation."

The dissenting opinion, written by the venerable Justice Holmes and joined in by three other justices, also clearly recognized the power of Congress over interstate commerce. Said Justice Holmes:

"Congress is given power to regulate such commerce in unqualified terms. It would not be argued to-day that the power to regulate does not include the power to prohibit. Regulation means the prohibition of something, and when interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid."

What could be stronger than this language used by Justice Holmes?—

"When interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid."

The opinion in the second child-labor case, known as the Child Labor Tax case (259 U. S. 20), was rendered in 1922, and was written by Chief Justice Taft. In order to avoid the constitutional question raised in the first child-labor case, a new law was enacted in 1919 imposing a tax on the employment of child labor.

Chief Justice Taft said that in this case, as in the previous child-labor case, Congress undertook to pass a law on a matter purely within the authority of the States, and therefore declared the law invalid. There was no suggestion in either of these child-labor cases that Congress could not make State laws applicable to interstate commerce; but both of the decisions were based upon an entirely different proposition, namely, that Congress could not take away powers from the States that were reserved to them by the Constitution.

In conclusion, I again ask you to bear in mind that the only effect of this bill will be to divest convict-made goods of their interstate character at an earlier period than would otherwise be the case. I again call your attention to the opinion of the Supreme Court of the United States in the Rahrer case, in which that court, speaking through Chief Justice Fuller, said unequivocally and without limitation:

"No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so."

Congress can not reverse the Supreme Court; that body is the final authority on constitutional questions. It has spoken definitely and conclusively on the very matter now in issue here. Therefore I submit that this bill is constitutional and that it will be sustained if enacted into law.

Constitutional Argument of Congressman Hatton Sumners, of Texas, in Support of the Hawes-Cooper Bill

Mr. Sumners of Texas. Mr. Chairman, ladies, and gentlemen, it seems to me that there is considerable confusion as to just what is proposed by this bill. This bill does not deal with prison policy. It is not concerned with the working of prisoners at all, or with the policy which should control in the sale and use of prison-made goods. Congress has dealt with the subject in so far as the Federal prisons are concerned, and has provided that the products of Federal prisons shall be consumed by the Federal Government. The sole proposition contained in this bill is to give to each State the right to effectuate its policy with regard to prison-made goods by making prison goods shipped into each State subject to the same police regulation exercised by the State over its own prison productions. What is wrong with that? I agree with my friend from Wisconsin [Mr. Schafer] who has just spoken. I can not understand how one who, believing in the right and in the necessity of the State to govern in matters of domestic concern, can withhold his vote from a proposition which puts the power of control without discrimination within the States. If the State of Texas or the State of Alabama or the State of Massachusetts wants to admit convict-made goods, there is nothing in this legislation to prohibit it; but if a sovereign State, speaking through its legislature, fixes a domestic policy, I ask what right has citizens of another State, from beyond the borders of that State, to ship into the State and sell over the protest of the people of the State commodities which may not be sold under the same conditions if produced by citizens of that State? That is the proposition. All that ever could be asked under the home philosophy and the general plan of the Union is that no State discriminate in favor of its citizens against citizens of other States.

In my statements thus far I have been dealing with the question of governmental policy. The gentleman's question is addressed to the matter of power, and that is the next question that I want to discuss, the power of Congress to enact this bill into law. When we formed the Union there were 13 independent nations which had the power to do anything and everything within the province of government not prohibited by their respective constitutions. When those States met through their representatives in the Federal Constitutional Convention they created an agency, the Federal Government, to do certain things for them. All the legislative powers of government, including the broad police power of the States, are vested either in the legislatures of the States, the Congress, or reserved to the people.

No power now to be considered as related to that power is reserved to the people. All governmental power dealing with the transportation and the status of convict-produced articles lies either with the State legislatures or with the Congress. When the States in constitutional convention delegated certain powers to the Federal Government with reference to interstate commerce, a matter with reference to which the

States had full power before the delegation and which powers were to be exercised by the Congress they did not intend, nor did they, to use an expression, "hog tie" themselves or lose some of these powers in the transmission so that the will of the people of the States with regard to this matter can not be effectuated through the Congress and the legislatures of those States. We are dealing with the question of power now. This is not a naval proposition. Congress enacted the Wilson bill. When you examine the Wilson bill and examine this bill you will find that in principle, in policy, and in language they are almost identical. I shall incorporate the Wilson bill in my remarks at this point and also the bill under consideration.

"THE WILSON BILL—LAWS RELATING TO INTERSTATE SHIPMENT OF INTOXICATING LIQUORS

"Commerce in liquors between the States

"An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases

"*Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"Approved, August 8, 1890."

The bill under consideration:

"*Be it enacted, etc.*, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

"SEC. 2. This act shall take effect two years after the date of its approval."

I want now to direct your attention to the decision of the Supreme Court on the Wilson bill. There are just two passages in that decision that I wish to direct your attention to. The Supreme Court in passing upon the Wilson bill said, in regard to Congress enacting the legislation:

"In so doing Congress has not attempted to delegate the power to regulate commerce or to exercise any power reserved to the States, or to grant any power not possessed by the States, or to adopt a State law."

And here is another significant statement of the Supreme Court with reference to the Wilson bill, and this is common sense and good law:

"The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject matter specifically committed to its charge."

That is the point I make.

The court said further:

"The manner of that disposition brought into determination in this record involves no ground for adjudging the act of Congress inoperative and void."

If that was true as to the Wilson bill, it is true as to this bill.

The question here is not whether convicts should labor or not; it is not a question whether the several States should permit the labor of their own convicts to come into competition with free labor within their respective borders; it is not whether a sovereign State, willing to receive the products of the convicts of other States, may not do so if it wants to. It is solely a question as to whether a State shall be compelled to receive and have sold within its borders articles of commerce which its own citizens could not sell under the same circumstances. It is a question whether an outsider, over the protest of a sovereign State, shall be permitted to enter it with his goods and to defy and hold in contempt the public policy which the people of that State may have fixed for their government. The question is, Shall Members of Congress, professing to believe in the right of a State to govern its domestic affairs and fix its police policies, deny to the State the right to do it? That is the question. That is the only question.

REPORT OF THE FEDERAL TRADE COMMISSION AND CEASE AND DESIST ORDER OF THAT COMMISSION AGAINST THE COMMONWEALTH MANUFACTURING CO., A PRISON CONTRACTOR

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 25th day of June, A. D. 1927.

Present: C. W. Hunt (chairman), William E. Humphrey, Abram F. Myers, J. F. Nugent, Edgar A. McCulloch, commissioners.

In the matter of Commonwealth Manufacturing Co. and Harry Dushoff, doing business under the trade names and styles Harry Dushoff & Co. and Chicago Manufacturing Co. Docket No. 1367. Findings as to the facts and conclusion.

Pursuant to the provisions of an act of Congress approved September 26, 1914, the Federal Trade Commission issued and served an amended complaint upon the respondents Commonwealth Manufacturing Co., a corporation, and Harry Dushoff, doing business under the trade names and styles Harry Dushoff & Co. and Chicago Manufacturing Co., charging them with the use of unfair methods of competition in commerce in violation of the provisions of said act. Respondents having failed to file their answers herein to said amended complaint, hearings were had upon due notice thereof to respondents, and evidence and testimony were thereupon introduced in support of the allegations of said amended complaint before a trial examiner of the Federal Trade Commission theretofore duly appointed, upon which evidence and testimony respondents elected to stand without thereafter availing themselves of full opportunity which was given them to file briefs and present oral argument before the commission in opposition to the charges of said amended complaint.

Thereupon this proceeding came on regularly for decision; and the commission having duly considered the record and being now fully advised in the premises makes this its findings as to the facts and conclusions drawn therefrom:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Commonwealth Manufacturing Co. is a corporation organized in July, 1921, under and existing by virtue of the laws of the State of Illinois, with its branch office and place of business in the city of Chicago in said State. Its business is and has been the selling and distributing of prison-made products to wholesale and retail dealers and consumers throughout the United States. Said products and the respective periods during which respondent corporation marketed the same are as follows: Men's shirts, sold and distributed at all times since the date of respondent corporation's organization as aforesaid; binder twine, sold and distributed during the years 1921, 1922, and 1923; and shoes, sold and distributed for about three years next preceding July, 1925. In addition to carrying on business under its corporate name part of respondent corporation's shirt business is and for more than three years last past has been conducted under the trade name and style of "Chicago Manufacturing Co." The authorized capital stock of said corporation is $50,000, only $5,000 of which has been issued and is outstanding, all of which outstanding stock is held by respondent Harry Dushoff, its president, except two shares, one of which is held by each of two individuals for the purpose only of enabling them to qualify as directors of the corporation.

PAR. 2. Respondent Harry Dushoff is an individual having his office and place of business in the city of Chicago, State of Illinois, and has been engaged ever since prior to July, 1921, in the business of selling and distributing to wholesale and retail dealers and consumers throughout numerous States of the United States prison-made shirts; and during the years 1921 and 1922 prison-made binder twine. He also has since the date of its organization managed and controlled the affairs, business, and policies of respondent corporation, Commonwealth Manufacturing Co. Respondent Dushoff conducted his said unincorporated business of selling and distributing shirts and binder twine under the trade name and style "Harry Dushoff & Co." to and until June, 1922. Thereafter and for more than three years last past he conducted, and is still conducting, his said shirt business under the trade name and style "Chicago Manufacturing Co."

PAR. 3. At all times in the course and conduct of said businesses, respondents Commonwealth Manufacturing Co. and Harry Dushoff solicited trade and orders for their products through and by means of circular letters, price lists, and similar trade literature, which they mailed from time to time to their customers and prospective customers throughout several States; and also through and by means of traveling salesmen, about 10 in number, whom respondents employed on a commission basis, and who on behalf of respondents called upon and solicited trade from customers and prospective customers throughout numerous States and offered for sale and sold said products of respondents. In distributing and supplying said products to their customers, respondents caused said merchandise to be transported in commerce from Michigan City, Ind., the place of manufacture, through and into other States of the United States, to the respective purchasers thereof in such other States; and in so carrying on their business respondents are and were at all times herein mentioned in direct active competition with many other persons, partnerships, and corporations similarly engaged in selling and distributing similar products in commerce between and among various States, particularly those States into which respondents sold and distributed their products.

PAR. 4. Said businesses of respondent corporation, Commonwealth Manufacturing Co., and respondent Harry Dushoff are conducted jointly and as a single unit by and under the active management and control of respondent Harry Dushoff. The place of business, equipment, and employees of respondent corporation and of respondent Dushoff are identical. They occupy office space of about 15 feet by 20 feet and employ

two clerical assistants besides aforesaid traveling salesmen. Only one set of books is kept of the businesses of both respondents.

PAR. 5. Throughout the operation of their binder-twine business during the years 1921, 1922, and 1923, as aforesaid, respondents' combined sales of such binder twine amounted to 18,000 to 20,000 pounds per year, which was sold and distributed by them to dealers, farm organizations, and farmers throughout several States, particularly the States of Kansas and Minnesota. At all times in the offering for sale, selling, and distributing of said binder twine to their customers respondent Harry Dushoff, trading under the trade name and style Harry Dushoff & Co., and respondent Commonwealth Manufacturing Co., acting under the domination, management, and control of respondent Dushoff, used and carried on such business with order forms, letterheads, billheads, shipping tags, and other business stationery containing the following representations set forth in large and conspicuous lettering, to wit:

"Harry Dushoff & Co., manufacturers and distributors of binder twine. Manufacturers and distributors of standard and sisal twine. Mills, Michigan City, Ind.

"Commonwealth Manufacturing Co., manufacturers and distributors of binder twine. Manufacturers and distributors of standard and sisal twine. Mills, Michigan City, Ind. Buy direct. Commonwealth Manufacturing Co."

In truth and in fact neither of said respondents has ever manufactured binder twine, and in carrying on said binder-twine business they were in fact dealers or middlemen, and not the manufacturers thereof. Said binder twine was manufactured by the State of Indiana in the Indiana State Prison, Michigan City, Ind., and with the labor of the prisoners there incarcerated. Respondents purchased said twine from the State of Indiana and resold and distributed same to their customers. The aforesaid statements and representations on respondents' letterheads, order blanks, billheads, shipping tags, and other business stationery were and are false, and their use as set forth above had the capacity and tendency to mislead and deceive purchasers of said twine into the erroneous belief that said respondents were the manufacturers of said twine and that in buying from said respondents they were buying directly from the manufacturer and thereby eliminating and saving the costs and profits of middlemen; and to thereby cause said purchasers to purchase said twine in such belief.

PAR. 6. The shoe business of respondent Commonwealth Manufacturing Co. was carried on for the space of about three years next preceding July, 1925, under the management, domination, and control of respondent Harry Dushoff. Throughout said period respondent corporation's sales of said shoes were made in the name "Commonwealth Manufacturing Co." to jobbers, department stores, and so-called Army and Navy goods stores throughout numerous States of the United States at the rate of from 50 to 60 pairs per day. In offering for sale, selling, and distributing said shoes respondent corporation used letterheads, invoices, order forms, shipping tags, and other business stationery containing the following representations in conspicuous lettering, to wit:

"Commonwealth Manufacturing Co. Manufacturers and Distributors. Shoe Department."

Neither of the respondents has ever been the manufacturers of shoes. The shoes dealt in by respondent corporation as aforesaid were manufactured by the State of Indiana in the Indiana State Prison, Michigan City, Ind., and with the labor of prisoners there incarcerated by said State. Said shoes were sold by the warden of said prison to respondent corporation, which in reselling and distributing them to its customers as aforesaid was in truth only a dealer or middleman. The use by respondents of said corporate name Commonwealth Manufacturing Co. with or without said other representations and assertions, all as set forth in this paragraph above, was false and misleading and had the capacity and tendency to mislead and deceive the purchasing public into, and to cause said purchasers to buy said shoes in, the erroneous belief that respondent corporation was the manufacturer thereof and that in so buying from respondent corporation they were purchasing said shoes directly from the manufacturer and thereby eliminating and saving the costs and profits of middlemen.

PAR. 7. In carrying on and conducting said shirt business respondent Dushoff, trading under the name and style of Chicago Manufacturing Co., and respondent Commonwealth Manufacturing Co., acting under the management and control of respondent Dushoff, sold and are selling jointly from 40,000 to 50,000 dozen shirts per annum. At all times in conducting said shirt business both respondents held themselves out to their customers and prospective customers as the manufacturer of said shirts, and offered for sale, sold, and distributed said shirts in the corporate name "Commonwealth Manufacturing Co." and in the trade name "Chicago Manufacturing Co."; and in circular letters, pamphlets, leaflets, letterheads, billheads, invoices, and other business stationery respondents caused the following representations and assertions to be set forth prominently and conspicuously:

"Commonwealth Manufacturing Co. Manufacturers. Shirt department. Factory, Michigan City, Ind."

"Chicago Manufacturing Co. Not incorporated. Manufacturers of work shirts."

"Special offer of high-grade work shirts at a low price. Buy direct from the manufacturer, $6.50 per dozen, f. o. b. factory. Commonwealth Manufacturing Co."

Said shirts sold by respondents were manufactured by the State of Indiana in the Indiana State Prison, a penal institution of said State located at Michigan City, Ind. In a factory building owned by it, and within the walls of said prison, said State operates a shirt factory under its direct and absolute control and with the labor of the prisoners there incarcerated. Said State is and has been for many years last past engaged in manufacturing, in and by such factory and with such prison labor, large quantities of shirts. Said shirts are, in accordance with the laws of the State of Indiana, used primarily to supply the needs of the public institutions of the State of Indiana, numbering some 22. The surplus of the shirts so manufactured, above and beyond the requirements of said State institutions, is sold by the warden of said State prison in the open market, and the shirts dealt in by respondents are and were sold and supplied by said warden to respondents from such surplus. Respondents pay said State for their shirts a certain stated price in cash and furnish some sewing machines, which the State uses to augment its other manufacturing machinery, and also furnish some cloth and trimmings, which are manufactured by the State into shirts. Neither of respondents is nor has either ever been the manufacturer of the shirts sold by them as aforesaid. They do not own, control, or operate a shirt factory.

PAR. 8. Respondents' representations that they are the manufacturers of the shirts sold by them and their use of the names "Commonwealth Manufacturing Co." and "Chicago Manufacturing Co.," with or without said other statements and representations, all as set out in paragraph 7 hereof, are and were false and misleading and have and had the capacity and tendency to mislead and deceive the purchasing public into, and to thereby cause them to purchase said shirts in, the erroneous belief that respondents are and were the manufacturers of said shirts and that in buying from respondents they are buying and obtaining said shirts directly from the manufacturers thereof, thereby eliminating and saving the costs and profits of middlemen.

PAR. 9. The prison-made shoes dealt in and sold by or in the name of respondent Commonwealth Manufacturing Co., as aforesaid, were a type of heavy work shoe simulating in general appearance shoes which have for many years been used by and manufactured under the supervision and specifications of the War Department, a branch of the Government of the United States, large quantities of which were sold to the public by the Government after the close of the World War as surplus Government property, and which shoes so sold have been and still are quite extensively marketed as such among the trade and to the consuming public throughout the United States. Said shoes sold as surplus Government property are in great demand by the consuming public and are generally considered by the consuming public to be of high quality, sold at low prices, and to have been made for and under the supervision and specifications of the United States Government. Respondent corporation's shoes were never owned by or manufactured for or under the supervision or specifications of the United States Government but were greatly inferior to such shoes in quality and workmanship. Said shoes of respondent corporation when sold by it to its customers, and when purchased by the consuming public in the ordinary course of trade, contained branded and embedded on the soles thereof the letters "U. S." in large, conspicuous type surrounded by an outline of what is commonly known and recognized by the public as the shield of the United States, below which in smaller letters and less conspicuous appeared the brand "Munson Army Last." With the full knowledge and consent of respondents said brands and words were placed on the shoes under the direction of the warden of the Indiana State Prison, Michigan City, Ind., for the purpose of aiding the salability of said shoes to the consuming public. Said shoes were invoiced and billed by respondent to its customers as "United States Army Munson Last Work Shoes."

PAR. 10. The use by respondent corporation in connection with its shoes of the letters "U. S." under the circumstances and conditions set forth in paragraph 9 above was misleading and had the capacity and tendency to mislead and deceive the consuming public into, and to thereby cause them to purchase said shoes in, the erroneous belief that same were genuine Army shoes manufactured under the supervision and specifications of the United States Government. In selling its shoes with said brands, as set forth above, respondent corporation thereby placed in the hands of retailers the means by which such retailers could, with or without further representations, pass off said shoes to the consuming public as genuine Army shoes made under the supervision and specifications of the United States Government.

PAR. 11. Among the competitors of respondents mentioned in paragraph 3 hereof are many who manufactured and sold shoes, binder twine, and shirts in competition with respondents and who rightfully and truthfully represented themselves to be the manufacturers of such products. There are also many among said competitors who did not manufacture the shirts, binder twine, or shoes which they sold in competition with respondents and who in no wise represented themselves to be the manufacturers of said products. There are likewise many of said competitors who sold in competition with respondent corporation

and under truthful representations certain shoes which were and certain other shoes which were not owned by or manufactured for or under the supervision and specifications of the United States Government. The false and misleading practices indulged in by respondents as hereinbefore set forth tend to and do unfairly divert trade from and otherwise injure the business of said competitors and are to the prejudice of the public.

CONCLUSION

The acts and things done by respondents under the conditions and circumstances described in the foregoing findings are to the injury and prejudice of the public and respondent's competitors, and are unfair methods of competition in interstate commerce and constitute a violation of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

By the commission.

C. W. HUNT, *Chairman.*

Dated this 25th day of June, A. D. 1927.

Attest:

OTIS B. JOHNSON, *Secretary.*

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the commission, the testimony and evidence; and the commission having made its findings as to the facts with its conclusion that respondents have violated the provisions of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,"—

It is now ordered, (1) That respondent corporation, Commonwealth Manufacturing Co., its officers, directors, agents, and employees, and respondent Harry Dushoff, his agents, representatives, and employees, cease and desist from carrying on the business of selling shirts, shoes, binder twine, or other merchandise in commerce among the several States of the United States under a trade name or corporate name which includes the word "manufacturing," or a word or words of like import, and from making representations through advertisements, letterheads, order forms, billheads, or other business stationery, or by any other means whatsoever in connection with such business; that respondents, or either of them are the manufacturers of said products, unless and until such respondent actually owns and operates, or directly and absolutely controls a factory in which the products so sold and distributed by such respondent are manufactured.

(2) That respondent corporation, Commonwealth Manufacturing Co., its officers, directors, agents, servants, and employees cease and desist from selling and distributing in interstate commerce any shoes which are branded or labeled with the letters "U. S.," or with letters or words of similar import, or with a simulation of what is commonly recognized as the shield of the United States, or any other device of similar import, unless all of said shoes so sold and distributed were made for and under the supervision and specifications of the Government of the United States.

It is further ordered, That respondents Commonwealth Manufacturing Co. and Harry Dushoff shall within 60 days after the service upon them of a copy of this order file with the commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist hereinbefore set forth.

By the commission.

OTIS B. JOHNSON, *Secretary.*

STATEMENT OF SENATOR HARRY B. HAWES BEFORE THE AMERICAN PRISON ASSOCIATION FIFTY-EIGHTH ANNUAL CONGRESS, KANSAS CITY, MO., OCTOBER 10, 1928

REFORM OF PRISON CONDUCT IN FUTURE RESTS UPON OFFICIALS—PASSAGE OF BILL NOW BEFORE UNITED STATES SENATE GIVES EACH STATE THE RIGHT TO WORK OUT PENAL PROBLEM

As coauthor in Congress of what is known as the Hawes-Cooper bill (S. 1940), it is a great pleasure and a great opportunity for me to discuss pending national legislation.

Upon the prison officials rests a great responsibility. In many ways I know of no officials in our civic life who have a greater one. There is an emergency presented to your body in the facts as they exist to-day.

I predict that at the coming short session of Congress there will be passed by the United States Senate with an overwhelming vote a bill calculated to open the way for great national prison reform.

It is the impending passage of this bill which presents to the prison officials of the Nation the immediate necessity of looking to the future conduct of American penal institutions.

For some 30 years far-sighted men among prison officials, as well as legislators, have sought to bring about betterments in prisons. Steps have been taken and much advancement has been made in the last quarter of a century. The whipping post and the slave driver are largely memories in our penal institutions. To a large extent you have obliterated inhuman cruelties and have established civilized conditions for the unfortunate inmates of these institutions.

I am not unmindful of all these advances. I will not recount them, but during all the period that this work has been going on there has existed a legal impediment to the completion of your betterment work.

THE LEGAL SITUATION

Many years ago because of popular criticism, the contract system, as it was formerly known, was abolished in many States as the first great step in prison reform. The public objected to the exploitation of the unfortunate criminal for private profit. To a large extent, therefore, the inhumanities of the old contract system have disappeared, but the contractor himself has not disappeared. The exploitation of prisoners is an easy road to wealth. At least it has been so. Many men of reasonable affluence owe their success to this system of penal servitude. It is not an easy matter to get rid of them. In many instances they have power and influence. They have money, and there is always a legal loophole through which to crawl. And so it was discovered that while popular disgust with the old contract system made it necessary that the system be abolished, it was also determined that under the Federal Constitution the regulation of interstate commerce rests with Congress.

Progressive States enacted legislation under which the prisoners of these States were not permitted to manufacture articles to be sold upon the open market. Other States did not enact such laws. Some enacted regulatory laws. The public-account system was established in some; the piece-price system in others, and the more progressive enacted the State-use system.

It was immediately found that what one State might do in order to protect itself from the prison contractor by refusing its own prisoners the right to manufacture goods for public sale, did not end the system at all, even for that State.

In Ohio, New Jersey, and New York, for instance, the prisoners of these three States are not permitted to manufacture products for sale upon the open market. Nevertheless, prisoners of some other States may manufacture articles for public sale, and actually do manufacture articles for public sale, and these articles are sent into the markets of Ohio, New York, and New Jersey, and each of the three States is powerless to interfere. It is not a matter of opinion, it is a matter of court decision. The court has held that Congress alone can regulate the matter of interstate commerce in this regard. The result is that to-day over the entire United States we have prison contractors still growing wealthy out of the labors of criminals, contracting for the sale of articles made by prisoners, taking these articles at a ridiculously low figure and sending them into legitimate markets often misbranded, or not branded, to be sold at a price just enough below the market, destroying that particular market and the private industry attempting to serve that market.

A few years ago an attempt was made to change this situation, and it was proposed that Congress enact legislation divesting prison-made products of their interstate character under certain conditions.

PRISON ASSOCIATION ACTIVITIES

As far as I have been able to learn, the National Prison Congress was organized in 1870 by President Rutherford Hayes.

In the declaration of principles of the National Prison Congress of that year I find the following resolution:

"While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practiced in our country, as prejudicial alike to discipline, finance, and the reformation of the prisoner, and sometimes injurious to the interest of the free laborer."

This organization later became the American Prison Association.

I have found the following resolution as of the date of October 20, 1919:

"Whereas the question of prison labor seems as yet to be an unsolved problem, though showing progress by discussion and by practical experiments:

"*Resolved,* That the special committee on prison labor be continued and that we reaffirm our disapproval of the lease and contract system of employing prisoners; be it further

"*Resolved,* That we commend the advancement made by the war labor policies board by proposing a program for the sale of such prison-made goods to the Government as are manufactured or produced under State control by prisoners who are paid the prevailing rate of wages less maintenance. We recommend the continuance of this policy following the proclamation of peace as enunciated in our original constitution, in the following language:

"'While industrial labor in prison is of the highest importance and utility to the convict and by no means injurious to the laborer outside, we regard the contract system of prison labor as now commonly practiced in our country as prejudicial alike to discipline, finance, and the reformation of the prisoners and sometimes injurious to the interest of free labor.'"

And under date of October 21, 1926, is the following resolution adopted by this body:

"Idleness in prison, as elsewhere, is destructive of morality, discipline, and good administration. Prisoners should therefore be employed; this as much in the interest of the public as the prisoner. Every State should solve its own prison-labor problem. While systems

of prison industry must necessarily vary, from State to State, the following fundamental considerations should obtain in any system:

"1. The work should be such as to teach the prisoner some self-sustaining occupation.

"2. It should be so arranged as to interfere as little as possible with free industry.

"3. Supplying the needs of the State and its political divisions is a perfectly defensible utilization of the labor of State charges.

"4. While it is realized that the prisoners owe the State the products of their labor, it is nevertheless clear that better and more production can be secured, lessons of thrift, perseverance, and self-reliance more readily taught, and the public better protected through the training for citizenship of the prisoners if a wage system properly safeguarded be installed in the prisons.

"5. Prison industries should be conducted under the best modern business standards of supervision and direction, including cost accounting, up-to-date machinery and equipment, clean and healthful surroundings, and workmen's compensation.

"6. Due consideration should be given to colony care for certain classes of prisoners to afford out-of-door activities."

SITUATION IN A NUTSHELL

The members of your organization are too well versed in the facts in connection with prison labor to require any discussion by me at this time. There has been much misrepresentation of these facts. The contractor has not been idle during the years in which reform has been sought. Honest men have been misled. Facts have been distorted. Motives have been impugned, but not even the contractor with all his influence and power has been able to stem the tide in favor of this character of legislation.

Last year the Hawes-Cooper bill was introduced in the Senate by myself and in the House by Mr. COOPER of Ohio, and it was found that back of this measure there were three great elements in our American life: First, the American Federation of Labor, which sought to protect its members from competition with prison labor; second, the General Federation of Women's Clubs, interested only in removing from the conduct of the prisons the influence of the prison contractor and placing the prisoner under State control, so that his labor may be coordinated with his reform; third, the manufacturers of the Nation, representing private capital invested in legitimate business, which has suffered at the hands of the contractor through ruinous competition in prison-made goods.

THE RESULT SPEAKS FOR ITSELF

Extensive hearings were held in the House and in the Senate on this bill. Every opportunity was given the opposition to present its views. The prison contractor did not openly appear. Honest prison officials were there, who stated the bill would make it very difficult for them to conduct their penal institutions profitably because it would probably make impossible the sale of prison products in the open markets and result in idleness among the prisoners. Prison officials were heard by both committees, and the proponents of the measure, representatives of the American Federation of Labor, the General Federation of Women's Clubs, and the manufacturers were heard. The men on these committees represented some 25 States. In the House the bill was reported favorably with but one dissenting vote. In the Senate the committee did likewise.

Any man who examines the vote in the House of Representatives on this bill will understand the widespread approval of the measure. The vote appears in the CONGRESSIONAL RECORD. The bill was passed on May 10, 1928, by a vote of 303 to 39. An analysis of this vote discloses the following:

The Representatives of 32 States cast a solidly affirmative vote for the bill, and in some of these States prisoners are at work making products which are sold by prison contractors in the markets of other cities. Forty States in all supported this legislation. Only six delegations voted solidly against the bill. There were only two States in addition to those six where the majority of Congressmen voted against the bill. The population of the congressional districts of the 39 Congressmen who voted against the bill was 9,500,000 as against the 118,000,000 population of the United States.

In other words, those voting against the bill represented 8 per cent of the people of this country. Politics played no part in the passage of this bill by the House. Democrats, Republicans, Conservatives, and Progressives united in its support. In New England, where a great deal of opposition to this measure springs as a result of a large sale of products through prison contractors, the Representatives of States with a population of 4,620,000 voted for the bill, while those voting against the bill came from States with a population of 2,780,000. In other words, in the House vote on this measure, even in New England, where the opposition was really the strongest, 60 per cent of the population of New England was represented by men who voted for the bill.

SITUATION IN THE SENATE

This bill will pass the United States Senate and will be signed by the President.

There are not more than 20 dissenting votes in the United States Senate. There are more than 60 favorable votes. The public is aroused. The prison contractor must go. The present subterfuge under which he is working has been disclosed. The markets are suffering at his hands. The prisoners are not benefited by his services. The men and women who labor for a daily wage find themselves in competition with prisoners. The system is archaic; it is wrong; it must be stopped.

The bill would have passed at the last session were it not for a filibuster which began against it at the last moment and which was made possible by the congested Senate calendar. The opponents of the measure at the time frankly admitted that its passage could probably not be blocked at the coming session. The proponents have no doubt as to its passage.

WHAT THE BILL DOES

All sorts of things have been stated about this simple bill. It has been called unconstitutional, although no brief of a serious character has ever been presented against its constitutionality. It has been stated that it will result in idleness, although many great experts on criminology and penal conduct appeared before the committee to deny this. It has been stated that it does many things which it does not do and which the men from 25 States who heard the testimony in this case decided it did not do. The plain fact is that the Hawes-Cooper bill makes it impossible for the prison contractor to hide behind the legal technicalities of Federal legislation.

The bill simply says that when prison products are sold in any State they must be sold under the laws of that State. At the present time they are not sold under the law of that State, but in any way the prison contractor decides that they shall be sold. This bill does not interfere in any way with the legislation of any State. It does not coerce any State into the passage of any legislation. It does not invalidate any State legislation.

In Indiana, for instance, if prison officials and the Indiana Legislature decide that prisoners may be used in the manufacture of products to be sold on the open market, prisoners may be so employed. These products will not be denied the facilities of transportation. When manufactured they will be placed upon a railroad train and sent to any market in the United States, but when they arrive at that market they must be sold in accordance with the laws of the State in which they are sold. In other words, they must be sold just as any other product must be sold. They can not be misbranded, mislabeled, or subjected to any other form of deceit or fraud.

The mention of Indiana recalls a very interesting phase of the Senate hearings on this bill. It was disclosed that fake Federal stamps were being placed on shoes manufactured in the Indiana prisons. These shoes were sold in the open market of other States falsely branded, falsely labeled. The entire sale was a fraud and a deceit. It was so declared by the Federal Trade Commission. It was discovered that in the very State where these fraudulent practices were going on the State law of that State prohibited the sale of prison products on the open market. Of course, when we inquired concerning this we were told the law was what they called a "dead letter." Very naturally it was a "dead letter," and all such laws under conditions as they now exist are "dead letters," because no State under present conditions can protect itself from the prison products of another State, and therefore a law protecting a State from its own prison labor is useless.

OFFICIALS' RESPONSIBILITY

The entire record of the hearings before the House and Senate is available to every member of your prison organization. All the facts concerning prison labor are available to your organization. All of the theories of prison conduct under the Hawes-Cooper bill are available for your study and your consideration. The proponents of this legislation, the American Federation of Labor, the General Federation of Women's Clubs, and the manufacturers of the Nation, have openly and repeatedly stated that they will assist prison officials in bringing about the reform made possible by the Hawes-Cooper bill. You will have much aid and wise counsel is available. Your own experts and experts from other fields may be called in, and as the bill will pass with what is known as a 3-year clause, you will have ample time to readjust your prison affairs to meet the new order of things as established by this legislation.

You might just as well meet the situation squarely. The advisability of this legislation is no longer in question. This bill will become a law. The prison contractor, as at present constituted, is to be removed as a factor in our prison conduct. The prison contract system will be abolished. The day of subterfuge is at an end, and you who have the problem of the conduct of these institutions before you should take steps at once to meet the new responsibility and the new system.

In some States the problem will not be difficult. In others, readjustments will have to be made. New systems will have to be inaugurated. New industries established to meet State needs, and reorganization will have to take place in prison management.

This legislation has been before Congress for some 20 years; you are, of course, fully acquainted with what it will mean to you. In the respective States your prison officials will know their own problems and will know how to meet them. The public in those States will look to you for the proper reorganization of your institutions along the lines which the public, through Congress, has already approved.

The time has come for counsel, cooperation, and coordination. Opposition to the new system will be useless. As prison officials you should not be misled.

Mr. BRUCE. Mr. President, is there any proposition pending now? There is a subject with regard to which I should like to make a few observations.

The PRESIDENT pro tempore. The Senate is acting under general orders, discussing the calendar under Rule VIII. The Senator from Missouri was recognized to ask unanimous consent for the insertion of certain papers in the RECORD. That having been ordered, it is the pleasure of the Senate to determine what procedure it will follow.

Mr. BLEASE. Mr. President, on the subject now before the Senate to which the Senator from Missouri [Mr. HAWES] has referred, I ask unanimous consent to have printed in the RECORD a telegram from Leslie Rudolph, warden of the Missouri Penitentiary, a telegram from the Virginia State Prison Board, of Richmond, Va., a telegram from George C. Erskine, president of the American Prison Association, a letter from the Indiana Truck Corporation, of Marion, Ind., and a protest signed by the wardens and superintendents of numerous prisons, all in opposition to the bill. I ask unanimous consent that they may be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JEFFERSON CITY, MO., *May 23, 1928.*

Hon. COLEMAN L. BLEASE,
Senate Office Building, Washington, D. C.:

Missouri Prison Board earnestly protest against enactment of Hawes-Cooper prison labor bill and asks you to consider fact that abolition of prison industries will result from this law and will cost millions to taxpayers. Will increase Missouri taxes one and one-half millions per year and create serious problems of handling our 3,800 convicts.

LESLIE RUDOLPH,
Warden Missouri Penitentiary.

RICHMOND, VA., *May 20, 1928.*

COLE L. BLEASE,
United States Senate, Washington, D. C.:

Hawes bill 1940 defeat urgently requested. Bill detrimental to taxpayers, penal institutions, inmates, and their families. Proponents have not offered constructive plan to completely occupy all inmates. States that have had State use for number of years still have many idle. This bill will indirectly place many in idleness. Not humane thing to do. Believe, as public officials, our duty to express our strongest opposition.

VIRGINIA STATE PRISON BOARD.

CHESHIRE, CONN., *December 13, 1928.*

Senator C. L. BLEASE,
Washington, D. C.:

Practical penologists throughout the country believe passage Hawes-Cooper bill contrary to wise public policy, and will very likely be found unconstitutional.

GEORGE C. ERSKINE,
President American Prison Association.

INDIANA TRUCK CORPORATION,
Marion, Ind., May 19, 1928.

Senator COLEMAN LIVINGSTON BLEASE,
Senate Office Building, Washington, D. C.

DEAR SENATOR BLEASE: The passage of the Hawes-Cooper bill virtually stops the manufacture of prison-made goods, and from some angles might be good legislation.

The bill should not pass in its present form, however, as no consideration is given to the institutions now engaged in this work.

If it is the general opinion that these institutions should get over on the so-called State-use system, their goods and wares to be absorbed by other State units supported with taxpayers' money, it can not be done on a 2-year notice. It takes time to build up a distributing system in any business, and you should extend that time to five years, at least.

To turn these goods made in these prisons over to other institutions supported by taxpayers' money within the State would not absorb 10 per cent of the production ability of our present prison population, and it would therefore seem perfectly proper to permit the sale and distribution of these products to any institution in the United States that is supported with tax money.

As a matter of fact, this whole proposition should be surveyed by the Director of the Budget, a study made by his department on the various kinds of materials made in all our State prisons, and the various Federal Government departments should secure their supplies from these institutions.

By proper distribution of prison-made products to the Federal Government departments and to all other institutions throughout the United States supported with tax money, a program might be worked out whereby the men in all our prisons would be employed.

The prison population throughout the country has doubled during the past 10 years, and legislation to provide work for inmates should be instituted rather than legislation to stop what work is now going on. Stopping the work simply increases the tax burden. Furthermore, it is an economic loss to permit men to sit idly in a prison cell, to say nothing of the demoralizing effect on the men.

We are dealing with people serving sentences which sooner or later returns them to civil life, and they should go out of prison better fitted mentally to make good citizens. You can not help them in this respect except by providing legislation that keeps them employed.

Yours very truly,

INDIANA TRUCK CORPORATION,
H. K. YORK, *Vice President.*

A PROTEST AGAINST THE PASSAGE OF HAWES-COOPER BILL—HOUSE BILL NO. 7729 AND SENATE BILL NO. 1940

To Members of Congress:

We respectfully petition you not to pass Senate bill No. 1940, introduced by Senator HAWES of Missouri, nor H. R. No. 7729, introduced by Representative COOPER of Ohio.

In our deliberate judgment these acts are not only unnecessary, unwise, and unconstitutional, but if passed will destroy the penal system built up in a large majority of the States of the Union, after years of experimenting with different systems and after the expenditure of millions of dollars by the various States.

In the Southern States cotton, grain, sugar cane, and livestock are produced on penal farms; in others, turpentine and lumber are produced by convict labor; in others granite and marble are quarried and dressed, and agricultural limestone is quarried and crushed by convict labor; in Missouri and other Central States sheep, hogs, and cattle are raised and slaughtered on penal farms and the surplus sold; in Oregon flax raised on farms is processed by convict labor; in many States fruits and vegetables are raised and canned on penal farms and gardens; in the great wheat-growing States of Minnesota, Wisconsin, Kansas, Indiana, Oklahoma, Missouri, and the two Dakotas for a great many years binder twine and farm implements have been manufactured by convict labor and sold to the farmers of those States; in other States scrub brushes, rat traps, rag rugs, and rag carpets are made by the criminal insane; in others work shirts, work clothing, overalls, work shoes, brooms, and mops are made by convict labor; in a few States coal is mined from State-owned coal mines by convict labor.

In some States, juvenile offenders, male and female, are committed to houses of correction, schools of reform, orphanages, or convents, and are employed making knit goods, embroidery, baskets, books, and a variety of other wares.

The effect, if not the purpose, of the Hawes-Cooper bill is to utterly destroy the market for all these "goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, or in any penal or reformatory institutions."

THE HAWES-COOPER BILL UNNECESSARY

There have been practiced in the United States in the past 130 years, six systems of prison labor, namely: The lease system, the contract system, the piece-price system, the public account, the State-use system, and the public works and ways system.

Each system has and has had its advocates and critics, each system has both its advantages and disadvantages. The two systems which encountered the greatest amount of criticism have been the lease system and the contract system. The former in the earlier history of the Republic widely prevailed, but to-day it does not exist in any State; the contract system, which was formerly in extensive use, has gradually been superseded by other systems and now exists in but few States, as the following table compiled by the United States Bureau of Labor Statistics, Bulletin No. 372, January, 1925, page 17, shows:

Per cent of convicts that were employed at productive labor under different systems in different years as shown by reports of this bureau

System	Year				
	1885	1895	1905	1914	1923
Lease	26	19	9	4	
Contract	40	34	36	26	12
Piece price	8	14	8	6	7
Public account	[1] 26	[1] 33	21	31	26
State use			18	22	36
Public works and ways			8	11	19
Total	100	100	100	100	100
Per cent of all convicts that were employed at productive labor	75	72	65	(2)	61

[1] Public account, State use, and public works and ways were inseparably combined.
[2] Not reported.

The individual States can be trusted to correct any defect in their penal systems, as the above table shows, and it is unnecessary for the Federal Government to attempt to coerce the States to adopt a particular system of penal management or labor.

THE HAWES-COOPER BILL UNWISE

All but four States of the Union utilize a combination of several systems of labor to meet their prison problems and have found the practice satisfactory and in entire harmony with the public opinion and legislative policy of the respective States. To illustrate, most States utilize the State-use system in making clothing and shoes for inmates, the public works and ways system to build roads or public buildings, and utilize the surplus inmate labor under the public account, piece price, or contract system to manufacture binder twine, produce cotton or livestock, or clothing which is sold.

Under this system a great many penal institutions are self-sustaining, and many more are nearly so. Inmates are given a share of their earnings, which in many instances amounts for each inmate to as much as a dollar and a half a day, which he may use for the support of his family.

Under this combined system, which prevails in more than 40 States, idleness in prison has been reduced to a minimum, inmates have been trained to habits of industry and thrift, prisoners have been rehabilitated and restored to society to live normal lives, and the taxpayers' burden has been lessened.

If the pending bill is passed and the States are compelled to adopt exclusively the State-use system of convict labor, we believe it will produce idleness instead of employment in prisons, chaos instead of order therein, will entirely destroy our markets and prison industrial organization, and will necessitate huge annual appropriations in the respective States, which heretofore have been unnecessary.

THE OSTENSIBLE OBJECTIVE OF THE HAWES-COOPER BILL

The proponents of the bill contend that the product of convict labor should not be sold in competition with outside labor and that this competition is overcome by having convicts work for the State, or subdivisions thereof, or manufacture articles to be used by the State, its subdivisions, or State institutions. In other words, they seek to compel the adoption of the State-use system of convict labor in every State.

The fallacy of this position is obvious. Do not school desks, chairs, blackboards, public printing and book binding, road signs, and automobile tags made by convict labor compete with outside labor just as truly as binder twine, work shirts, or overalls? The question answers itself.

The Hawes-Cooper bill seeks to divest prison-made goods of their interstate character and to subject them to the law of the State into which such goods may be transported.

Many years ago there were passed in 10 or 15 States acts requiring all goods made in penal institutions or produced by convict labor to be labeled "convict made" before being exposed for sale, and, in addition to this, most of these acts required that a merchant handling convict-made merchandise must first obtain a license from the secretary of state before he be permitted to sell such merchandise, and the cost of the license varied from $100 to $1,000 per year. In addition to this, the merchants handling convict-made goods in some of these States were required to keep a list of the persons to whom such goods were sold and to file such lists with the secretary of state.

These acts applied to merchandise produced by convicts, whether in factory, on farm, in the dairy, or elsewhere. These acts were intended to make the selling of convict-made goods so burdensome and so expensive that no merchant could qualify to handle them.

In several suits brought to test the constitutionality of these acts, they were held unconstitutional, as in violation of the commerce clause of the Federal Constitution.

However, these old acts in these 15 or 20 States are still on the statute books and have not been repealed. The manifest purpose of the Hawes-Cooper bill is to revitalize these old acts and to make effective similar acts, the passage of which is to be pressed in several of the States with the same purpose and effect as the earlier statutes; that is, to destroy as far as possible all market for produce or merchandise created by convict labor.

If the Hawes-Cooper bill or any similar legislation is passed and held constitutional, each State might pass as unreasonable and as burdensome legislation affecting the sale of convict-made goods as the whims of any particular State legislature might dictate, with the result that the laws in all 48 States might differ very materially, so that any State producing or trying to sell its merchandise would have to know and comply with the law in 47 other different States.

THE HAWES-COOPER BILL UNCONSTITUTIONAL

Under the Constitution of the United States the power to regulate commerce between the States is lodged exclusively in Congress, and Congress has no power to delegate to the several States the right to regulate commerce among themselves.

The only right the several States have to interfere with or interrupt interstate commerce is in the exercise of the police power reserved to the States when the interstate commerce is immoral or fraudulent in its nature or dangerous to the public health.

The proponents of the Hawes-Cooper bill make no claim, and can not justly do so, that goods made by convicts are injurious to the morals or the health of the States.

The proponents of the Hawes-Cooper bill contend that the pending legislation is a copy of the Wilson Act of August 8, 1890, which divested intoxicating liquors of their interstate character and subjected such shipments to the laws of the State into which they should be shipped. If you will read the Wilson Act you will see that the pending bill is not a copy of it, but that the Wilson Act expressly provided, "All fermented, distilled, or other intoxicating liquors, or liquids, transported into any State or Territory * * * shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers."

We believe we express practically the unanimous opinion of prison wardens and prison boards in the United States in protesting against the passage of the pending bill or any legislation that inteferes with the respective States in handling their domestic prison problems.

There are approximately 100,000 convicts in the United States, and not more than 50,000 of them are engaged in productive labor whose products are sold on the open market. It is estimated that the amount of goods produced by convicts and sold represents not more than one-twentieth of 1 per cent of the products of outside labor—the amount of the competition is infinitesimally small.

We have the feeling that the pending bill was inspired by and its passage urged by a highly organized minority of manufacturers, who have adopted this method of stopping prison-made manufacture in only one or two lines.

We have spent years in the effort to handle the penal problems of our respective States, and we hope that our earnest opposition to this bill will arouse you to the seriousness of the situation which would result from its passage.

Very respectfully,

Louis H. Putnam, director State institutions, Providence, R. I.; R. M. Youell, superintendent Virginia Penitentiary, Richmond, Va.; Henry K. W. Scott, warden State prison, Wethersfield, Conn.; John B. Chilton, warden Kentucky Penitentiary, Eddyville, Ky.; J. W. Wheeler, warden State prison, Boise, Idaho; A. H. Harrison, director penal institution, Jefferson City, Mo.; George Ross Pou, superintendent State prison, Raleigh, N. C.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Joseph E. Robinson, chairman board of charities and correction, Frankfort, Ky.; Thomas P. Hallowell, warden Iowa State Prison, Fort Madison, Iowa; John J. Hannon, president board of control, Madison, Wis.; W. R. Bradford, director South Carolina Penitentiary, Columbia, S. C.; M. F. Conley, commissioner of prisons, Frankfort, Ky.; A. G. Macauley, director South Carolina Prison, Columbia, S. C.; Oscar Lee, warden, Waupua, Wis.; John L. Moorman, chairman of the board, Indiana Prison, Michigan City, Ind.; T. E. Lukens, board of prison administration, Boise, Idaho; Ralph Howard, superintendent Penal Farm, Greencastle, Ind.; Levin J. Chase, secretary board of trustees, New Hampshire; A. M. Scarborough, former president Warden's Association, Columbus, S. C.; A. L. Deniston, treasurer board of trustees, Michigan City, Ind.; H. M. Beard, superintendent Kentucky Reformatory, Frankfort, Ky.; James N. Pearman, superintendent South Carolina Penitentiary, Columbia, S. C.; J. J. Sullivan, warden, Stillwater, Minn.; J. S. Blitch, warden, Raiford, Fla.; Walter H. Daly, warden, Michigan City, Ind.; A. F. Roach, warden, Rawlings, Wyo.; James A. Lakin, chairman prison committee, Moundsville, W. Va.; J. N. Baumel, warden, Anamosa, Iowa.; P. J. Brady, warden, Baltimore, Md.; J. I. Burnett, superintendent, Jefferson City, Mo.; E. T. Westerfelt, board of control, Lincoln, Nebr.

Mr. CURTIS. Mr. President, I understand one of the Senators desires to make a short speech on this subject this morning. I therefore ask unanimous consent that the unfinished business may be laid before the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. KING. Mr. President, the Senator from Maryland [Mr. BRUCE], before we adjourn, desires the floor for a little while, and I hope there will be no objection.

MULTILATERAL PEACE TREATY

Mr. BRUCE. Mr. President, I desire to make a few preliminary observations in relation to the so-called Briand-Kellogg peace pact. The subject is, of course, intimately connected with the reservations which were offered yesterday by the present occupant of the chair.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Kansas?

Mr. BRUCE. I do.

Mr. CURTIS. I did not hear the opening remark of the Senator; but if his speech is on the peace treaty it necessarily should be made in executive session. I do not want to move an executive session.

Mr. BRUCE. Still, I should think that my remarks might take such a range as to exempt them from that requirement.

Mr. CURTIS. I merely wanted to make the suggestion, and hope the remarks of the Senator may not call for an executive session.

Mr. BRUCE. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Maryland will proceed.

Mr. BRUCE. Mr. President, if the face of grim-visaged war ever relaxes into a smile, it is, I am sure, when he reads some such empty, grandiose declaration as the Kellogg peace pact. As I see it, it is only in the great number of its signatories that it differs from the many treaties in which His Christian Majesty, His Most Catholic Majesty, or some other royal potentate has, in the past, plighted his solemn troth that he would never, so long as water ran or grass grew, wage war on some country with which his own country had lately been at war, and was soon to be at war again. To show how untrustworthy such engagements have ever been, we need go no further back than a few years ago, when one of the most powerful and enlightened countries on the globe—Germany—did not scruple, despite its explicit treaty obligation to respect the neutrality of Belgium, to open up with fire and sword, a pathway to France, across the violated soil of the former country. Then, as in a vast number of other similar instances, when a puissant and aggressive nation has found itself restrained by nothing stronger than treaty covenants from gratifying its lusts, the pact that was supposed to exempt Belgium from invasion was derisively tossed aside by Germany as a mere "scrap of paper."

If there is anything with which it would seem that the public conscience of the people of the United States should be sated, it is foolscap guaranties of peace between them and other nations. The benevolent instincts of the late William Jennings Bryan, when Secretary of State, fairly revelled in things of this sort, as we all know. Just as he fondly imagined that all that was necessary to keep men from drinking was to pass a law forbidding them to drink, so he appears to have thought that all that was necessary to keep nations from fighting was to induce them to enter into a little conciliation treaty with each other. He was not unlike the French poet, of whom Franklin tells us, who believed that if Franklin would only assist him to finish an epic poem against the English, General Howe would be off as soon as the poem appeared. Just how many conciliation treaties Mr. Bryan negotiated I do not remember; but it matters little, for a few dozen one way or the other would make no difference. I have, however, the authority of Mr. Kellogg, our present Secretary of State, for the statement that of these treaties 18 are still in force, and there is no reason why these 18 could not be multiplied at pleasure, for whoever heard of a modern nation declining to sign a peace pact that did not require it to disarm?

Even before Mr. Bryan became Secretary of State, his official predecessor, Mr. Knox, had tried his hand at a form of treaty which contained both conciliation and arbitration features, and, in 1923, the United States became a party to two conciliation treaties, one contracted at Washington on February 7, of that year, between it and the five Central American Republics, and the other contracted at Santiago on May 3, of that year, between it and 15 Latin-American countries. I might add the fact that the 21 American States, represented at the recent conference at Habana, of which 17 were members of the League of Nations, adopted a resolution unqualifiedly condemning war as an instrument of national policy in their mutual relations. Nor should we forget that France has recently reminded us that, in September, 1927, the members of the League of Nations adopted a resolution condemning aggressive war as an international crime; and this, notwithstanding the fact that all those nations had already, by becoming parties to the covenant of the league, even undertaken, under certain conditions, jointly to suppress aggressive warfare by force. In the light of all these international conventions and pronouncements, what real occasion is there for such a pacifist utterance as the Kellogg peace pact? If, after being visited with all this parchment opprobrium, the god of war is not by this time thoroughly ashamed of himself, there would seem to be but little likelihood of his ever being rendered so by another peace resolution. If the elemental passions that lurk in the human breast could be kept down by the benevolent aspirations merely of peace societies and foundations, if battles waged by international ambitions and animosities were fought with paper pellets instead of leaden bullets, he might grow weary of his calling, and betake himself to some more honest and useful field of employment. But, constituted as human nature is, and conducted as war is, it can be confidently predicted that he will never do this until men cease to believe that they can exorcise the fell spirit of war by sonorous peace vaporings, as vain, when unattended by punitive sanctions, as the fires and religious processions with which human beings, in the Middle Ages, sought to subdue the baleful breath of the black plague.

Not only has the United States become a party to innumerable conciliation and arbitration pacts already, but it can truly be said that there is not one of them that was, or is, not invested with a practical value of which the Kellogg pact is totally devoid. They, at least, sought by specific conciliatory and arbitral processes, which, within certain limits are by no means ineffective, to stay the uplifted hand of war. And, if the resolution of the recent Habana conference, condemning war as an instrument of national policy, in which 17 members of the League of Nations joined, and the 1927 resolution of the members of the League of Nations, condemning aggressive war as an international crime, do not render the Kellogg pact wholly superfluous, it is only because the United States is actuated by a selfish desire to ignore any steps taken by the league, or participated in by some of its members for the purpose of keeping war under the control of human civilization. The Kellogg peace pact contains no provisions designed to give practical effect to its condemnation of recourse to war for the solution of international controversies, its renunciation of war as an instrument of national policy, and its abjuration of all settlement or solution of international disputes or conflicts except by pacific means. It creates no court, arbitral commission, or conciliation agency. It contains no sanctions. It suggests no means by which its pacific intentions can be made good. It is a mere brutum fulmen, a stab in the air, a futile gesture, one of those things that begin and end in smooth words. Even if this were not so, and it could justly be claimed that the Kellogg pact has at least the moral value of an agreement between the parties to it that they will not go to war with each other under any circumstances, that value has been completely, or all but completely, destroyed by the reservations from the operation of the pact, insisted upon by signatories to it other than the United States, to which Mr. Kellogg has given his full assent; sometimes under circumstances which would appear to render this assent totally repugnant to the plain wording of the pact itself.

Let us take up the reservations in detail: In article 1 of the Kellogg pact, the high contracting countries, which now number 59 actual or proposed signatories, declare that they renounce war as an instrument of national policy in their relations with each other. In article 2 they agree that the settlement or solution of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise among them, shall never be sought, except by pacific means. Clearly, if literally construed, these sweeping, unconditional covenants against war include defensive as well as offensive wars, the obligations of such of the parties to the pact as are likewise parties to the covenant of the League of Nations, to resort to war under certain circumstances mentioned in the covenant for the enforcement of its objects and the obligations of such of the parties to the pact, as are likewise parties to the Locarno treaties, to resort to war, under certain circumstances, mentioned in those treaties for the enforcement of their provisions.

For illustration, the covenant of the league contemplates the possibility of recourse to war by its members in the event of an infraction of article 10 of the covenant, by which the members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league, or in the event of an infraction of certain obligations as respects arbitration or otherwise imposed upon the members of the league by articles 12, 13, and 15 of its covenant. For further illustration by the security pact, one of the Locarno treaties, Germany agrees with France and Belgium that they will mutually abstain from all armed aggression, and England and Italy guarantee this agreement.

By other Locarno pacts, France and Poland, in the one case, and France and Czechoslovakia, in the other, undertake to resist German aggression under certain circumstances. When pressed by France and other signatories to the Kellogg pact, Mr. Kellogg experiences no difficulty in saying that there is nothing in the pact which restricts or impairs in any way the right of self-defense, and that the nation whose territory is invaded is alone competent to decide whether circumstances require recourse to war in self-defense. Mr. Kellogg also finds no difficulty in saying that there is no incompatibility between the military obliga-

tions assumed by England and Italy, France and Poland, and France and Czechoslovakia in the Locarno treaties just mentioned, and the promise of each of those countries in the Kellogg pact to renounce war as an instrument of national policy.

Mr. Kellogg reasons that wars of self-defense are not embraced in the Kellogg pact because the right of self-defense is inherent in every sovereign and implicit in every treaty. He reasons that there is no inconsistency between the league covenant and the Kellogg pact, because the prevailing interpretation is that the military obligations imposed by the covenant are not mandatory but discretionary. And he reasons that there is no inconsistency between the Locarno treaties, just mentioned, and the Kellogg pact, because if all the parties to those treaties become parties to the Kellogg pact, resort to war by any one of them, in violation of one of those treaties, would, as matter of law, release the other parties to the Kellogg pact from their obligations under it and leave them free to carry out their Locarno commitments.

By such special pleading—I will not say quibbling—does that eminent lawyer, Secretary Kellogg, seek to prop up his pact as it staggers under its grievous load of crushing reservations. Another reservation from the operation of the Kellogg pact, to which Mr. Kellogg has apparently, if not actually, given his assent is the claim of Great Britain that there are—

> certain regions of the world the welfare and integrity of which constitute a special and vital interest for its peace and safety, and that their protection against attack is to the British Empire a measure of self-defense.

What those certain regions are our British brothers, whose morning drumbeat circles the globe with one continuous strain of the martial airs of England, do not think it worth while to tell us. I should also add that the idea of Mr. Kellogg that the effect of a violation of the Kellogg pact by one of the parties to it would be to release the remaining parties to it from their obligations under it, with respect to the treaty-breaking State, did not originate with him but was likewise first suggested to him in the form of a reservation by the French Government; and then accepted by him.

The total effect of all these reservations in making the Kellogg pact an even feebler thing than it would appear on its face to be is almost too manifest for comment. They are so irreconcilable with the avowed purposes of the pact itself that it is not surprising that Mr. Kellogg should be so loath to have them fished out of the diplomatic correspondence, from which the pact finally emerged, and annexed as provisos to its text. A pallid abstraction, even when standing alone, that pact takes on an even more sickly and impotent aspect when read in the light of such debilitating reservations.

Since the day of ruthlessly barbarous conquerors like Genghis Khan and Tamerlane it would be hard to find a case in which any nation has ever waged a war that it did not claim to be a war of self-defense. In the life of a nation, as well as of an individual, it is often essential to self-protection that it should strike the first blow. If ever a war appeared to be an unprovoked one, it was the war waged by Germany upon us and our allies. If ever a country seemed to be indisputably the aggressor in a conflict, it was Germany in that war. But, though coerced into admitting in the Versailles treaty that she was responsible for the World War, Germany still insists that in invading France she was but countering an anticipated blow; and be her claim in this respect sound or unsound, not a few disinterested individuals who are not Germans have become convinced, after a careful study of all the documentary evidence relating to the initiation of the World War, that the responsibility of Germany for it is by no means certain.

Exclude from the Kellogg pact wars of self-defense or wars adjudged by the countries which initiate them to be such, wars conducted for the purpose of enforcing the covenant of the League of Nations, or the Locarno treaties, and wars carried on by Great Britain for the protection of "certain regions" which she has never named, and there would seem to be very little international warfare for the Kellogg pact to operate on.

The lack of reality which marks it is also, I hardly need say, accentuated by the failure which, if I am not mistaken, has overtaken all disarmament propositions, except those adopted by the Washington Naval Conference of 1921, since the creation of the League of Nations. The treaty of mutual assistance, signed in 1922 under the auspices of the League of Nations, came to nothing; so did the Geneva protocol, signed in 1924 under the same auspices; and so did the Geneva Naval Disarmament Conference of 1927, in which Great Britain, Japan, and the United States took part. After the adjournment of the Washington conference it was supposed that the reduction of battleships and other results effected by it, as between the parties to it, namely, the British Commonwealth, France, Italy, Japan, and the United States, denoted a distinct gain for disarmament, but the ill feeling engendered between Great Britain and the United States by the miscarriage of the Geneva Naval Disarmament Conference demonstrated that, so far as the admirals and naval experts of Great Britain, the United States, and Japan at that conference were concerned, the Washington conference did nothing but shift naval rivalry from one field of activity to another.

Nor should we overlook the fact that the circumstances in which the Kellogg pact originated are well calculated to excite our distrust of its efficacy. It will be recalled that this pact began with a suggestion from M. Briand, the French Minister of Foreign Affairs, that France and the United States should enter into such a pact with each other only. The unbroken peace which for more than a century had existed between the two countries and the absence of all irritating contacts between them made one feel that M. Briand's proposal looking to eternal amity between France and the United States was not unlike an agreement between an elephant and a whale that they will never attack each other. How little France, in making M. Briand's proposal, was disposed to commit itself to anything but lip service in the cause of universal peace is not only shown by the fact that M. Briand's proposal was limited to France and the United States but by the fact that about the time that it was made France refused to take part in the Geneva Naval Disarmament Conference of 1927.

One of the most noteworthy of the reservations annexed to the Kellogg pact, of course, is that which declares that its violation by any one of the parties to it shall have the effect of releasing all the other parties to it from their obligations under it. This recalls the famous dialogue between Dogberry and the Watch:

> DOGBERRY. You are to bid any man stand in the prince's name.
> WATCH. How if a' will not stand?
> DOGBERRY. Why, then, take no note of him, but let him go, and presently call the rest of the watch together and thank God you are rid of a knave.

A covenant renouncing war as an instrument of national policy may not be a bad thing but a covenant between the parties to the Kellogg pact reducing, to some reasonable extent, instruments of war, such as ships, warplanes, rifles, ordnance, caterpillar tanks, and the like, would be a far better thing. The only way really to renounce war is to renounce the instruments of war. There is nothing, however, to evidence the fact that national disarmament is keeping pace with the millenial yearnings for unweaponed peace, of which the Kellogg pact is the most grandiloquent expression. On the contrary, all the unceasing palaver that has gone on about national disarmament since the end of the World War has accomplished practically nothing. The last Armaments Yearbook of the League of Nations contains a detailed and authoritative survey of the armaments of the world at the present time and their cost.

This survey shows that the world is spending annually $3,500,000,000, or about one-sixth of its aggregate annual income, on armies and navies; that it is keeping approximately 5,500,000 men under arms, or 1 soldier for every 300 civilians; and that it maintains 5,000,000 tons of naval shipping on the ocean, or 1 ton of naval shipping for every 13 tons of mercantile marine. Only a few days ago the United Press reported Mussolini as having just said to the Italian Parliament:

> The truth is that the whole world is arming. The number of cannon and bayonets is increasing.

On the same day the United Press reported Lloyd George as having just said:

> Chaotic international relations are leading the world toward war. Since we signed the Kellogg pact armaments are increasing.

Under these circumstances it is not surprising that Mussolini should also have sarcastically said in the course of the speech to which I have just referred, amid much laughter from spectators and deputies:

> We all favor peace, and all of us signed for peace, the Kellogg pact, so sublime that we could characterize it as transcendental. If tomorrow similar pacts were in sight, we would hasten to sign. We should not, however, delude ourselves if others speak of peace.

President Coolidge, in his recent utterances advocating the ratification of the Kellogg pact, has played his part with decidedly more consistent gravity than Mussolini, but if the President has any real faith in the pacific virtue of that pact, why, pray, when Mr. Kellogg was cooing like a gentle dove, did the President set up such a jungle roar about more cruisers in his address on last Armistice Day? As I speak Bolivia

and Paraguay are clutching at each other's throats. The whole truth of the matter, I shrewdly suspect, is that the various peace projects that have been proposed by the Republican Party since the Lodge reservations kept us out of the League of Nations have been formed by that party far more for the purpose of subserving its own selfish aims and necessities than of advancing the cause of world peace. Realizing that ever since the shipwreck worked by those reservations there has been a powerful and widespread sentiment in this country in favor of our entry into the league, it has periodically cheated this sentiment with one deceitful peace lure or another. During the Harding presidential campaign the lure was the spectral association of nations which, with the election of Harding, disappeared like a ghost at cockcrow.

Then followed a profuse spawn of conciliation and arbitration treaties between the United States and Central and South American countries, which served to divert public attention from the larger peace movements of the world. Then followed our adhesion to the protocol of the World Court statute, so instinct with the spirit of arrogant reservation that Great Britain and other foreign powers, eager as they were to draw us into the World Court, felt that they could not accept our overture without a loss of self-respect.

And now comes along this anemic peace pact of our able and amiable Secretary of State, Mr. Kellogg, which is about as effective to keep down war as a carpet would be to smother an earthquake, but which, nevertheless, has worked up all the unsophisticated humanitarians of both sexes to a high state of excitement. When it shall, in its turn, have served its purpose, the Republican Party can confidently be expected to contrive another peace device equally plausible. If it does not, it will, if we may judge from recent press reports, not be for the want of the assistance of Hiram Evans, the supreme wizard of the Ku-Klux Klan, who, vexatiously mindful of the obligations that the Republican Party owes to the klan for its rabid assistance during the recent presidential campaign, is now asserting its right to shape the international as well as the domestic policies of that party.

I reach the conclusion, therefore, that as a direct, immediate agency for the repression of war the Kellogg pact has no practical value whatever. It is, as a weapon for such a purpose, imbelle telum sine ictu—that is to say, roughly, a weapon without a punch. Moreover, all such sanctionless resolves are open to the objection that they tend to foster the idea that peace is attainable by merely willing it, or by simply donning white robes and repeating over and over again in plaintive accents, "Peace! Peace! Peace!" Such an idea, if honestly carried to its logical consequences, could have no result except that of giving additional point to the old saying that it makes no difference to the wolf how many the sheep are.

The truth is, as I have so often said, there is no peace in the world, not even in our own domestic households, that is not commanded. In the last analysis, all peace rests on force. The fatal infirmity of most of the peace proposals of our time is their lack of all virile provision for their enforcement in the event of their being dishonored by some faithless State. No reasonable man imagines that the peace and order of any American city can be maintained unless they are properly policed. The same thing is true of the peace and order of any American State, or of the United States as a whole. The gunman, the robber, the thief, found in the bosom of even the most highly civilized societies, the large groups of men who, even in such societies, are deeply infected with socialistic, communistic, or other revolutionary ideas render the employment of the constable, the policeman, and the soldier indispensable for the preservation of social peace and political stability. If a person were to suggest that New York, Philadelphia, or Chicago should disband its police forces and rely wholly upon moral restraints, in one form or another, for the regulation of the criminal agencies which have made those cities such scandalous seminaries of crime in many respects, he would be set down as a madman or a fond old fool. Yet thousands of American men and women seem to think that international peace, the kind of peace that is perpetually threatened by the inherited animosities, the greed, the passions, and the rivalries of embittered or emulous States, and is the most difficult of all kinds of peace to be kept inviolate, need not be policed by anything except biblical texts and toothless peace pacts. Such was not the thought of the great Americans, Republican or Democratic, who were the chief inspiration of the peace movement in this country which led up to the establishment of the League of Nations and its court. It was of the League to Enforce Peace, a league formed before the creation of the League of Nations, that ex-President Taft was president. It was also before the creation of the latter league that Theodore Roosevelt used these words so truly characteristic of his practical intellect:

> What is needed in international matters is to create a judge and then to put power back of the judge. The policeman must be put back of the judge in international law just as he is back of the judge in municipal law. The effective power of civilization must be put back of civilization's collective purpose to secure reasonable justice between nation and nation.

As we all know, Woodrow Wilson gave such a robust approval to all the provisions of the covenant of the League of Nations, including those which look to the exercise of military power in certain contingencies, that, on one occasion, he pronounced the guaranty in that covenant of the territorial integrity and existing political independence of all members of the league its very "heart."

Far removed indeed from the views of these great men are the pithless statements made by Mr. Kellogg in his address before the council of foreign relations, in the city of New York, on March 15, 1928:

> The United States can not obligate itself in advance to use its armed forces against any other nation of the world. It does not believe that the peace of the world or of Europe depends upon or can be assured by treaties of military alliance, the futility of which as guarantors of peace is repeatedly demonstrated in the pages of history.

That is to say, applied to a concrete case, now in a state of acute inflammation, the statements expressed by Mr. Kellogg come to this: Bolivia and Paraguay are signatories to the Kellogg peace pact, renouncing war as an instrument of national policy and binding all its signatories to the obligation never to seek the settlement or solution of any kind of dispute or conflict between them except by pacific means. A dispute or conflict between Bolivia and Paraguay comes to a head just as delegates from those two countries, along with the delegates from other South and Central American States, are settling down in their seats at the pending Pan American conference in this city over which the spirit of the Kellogg peace pact is supposed to be brooding like a tranquillizing halcyon.

War between Bolivia and Paraguay appears to be imminent. The Bolivian delegates, forgetting to renounce the renunciation of war as an instrument of national policy to which Bolivia subscribes in the Kellogg peace pact, withdraw from the conference. The League of Nations, the only international agency in the world which has any real power of arresting by military or other means impending war between two nations, takes up the situation. Is Mr. Kellogg, then, finding that his peace pact is a mere puff of wind to notify the League of Nations that the United States can not only not undertake itself to interpose in the quarrel between Bolivia and Paraguay for the purpose of bringing hostilities between them to an end, but that, because of its time-honored Monroe doctrine, it can not permit the league to do so? Can anything be plainer than that under such circumstances the United States not only refuses to assume its share of responsibility for world peace, but selfishly refuses to permit civilized powers with more sagacious and generous ideas of international policy than its own to do so?

If we are to recognize our duty to make an effort in concert with the other great civilized commonwealths of the world to keep the scourge of war in check, to avert the tragic necessity of again sending our youth overseas to die in the lousy and blood-stained trenches of France, or some other land, and to avoid an addition to the oppressive burden of debt and military compensations which now rests upon our shoulders, we must have the courage to share all the noble risks that the other confederated members of the family of nations are taking for the purpose of enabling humanity to execute its divinely appointed mission without the bloodshed and the moral and economic disasters produced by war. We must remember that in Bunyan's immortal allegory, without the protecting sword of Greatheart, the innocence of Christiana and Mercy, and Christiana's children, even though as blameless as that which the Kellogg pact assumes to exist in the breasts of nations, would never have sufficed to safeguard their journey through the dread perils and tribulations of the world to the Eternal City.

The United States must abandon the unreal make-believe policies of peace which find their supreme expression in the Kellogg peace pact. It must enter the World Court; it must enter the League of Nations, which, with the accession of its enormous wealth, power, and humanitarian fervor and prestige, would become even more conspicuously than now, the most promising agency that human history has ever known for the restraint of war and its monstrous crimes and ghastly terrors, and is even now engaged in a resolute movement to bring about general disarmament.

When Thales once said that death and life were the same, some one asked, "Why, then, do you not kill yourself?" "Be-

cause," said Thales, "it is all one." Convinced that many thousands of kindly, worthy men and women in the United States earnestly wish for the ratification of the Kellogg peace pact, but that it will never prevent a single war, I feel that it is really all one whether I vote in favor of its ratification or not. However, it seems to me that the joint participation in it of the United States and the other great civilized powers of the earth might, in at least some appreciable degree, tend to hasten the entry of the United States into the World Court and the League of Nations; and I shall, therefore, under the determining influence of this thought, vote in favor of ratifying the mighty, multilateral Kellogg peace pact, which may the prayers of the pious induce heaven to prosper far beyond my present expectations!

CONSTRUCTION OF CRUISERS

Mr. GILLETT. Mr. President, inasmuch as I shall not be able to be here when the bill for the construction of cruisers comes before the Senate, I wish to address the Senate now for about 15 minutes upon the bill.

When the naval bill was before us two years ago I voted against the appropriation for cruisers. I hoped that the naval conference then impending might make their construction unnecessary, or that at any rate it would result in some agreement under which we could project a definite and permanent mutual program. I thought England needed an economical and reduced program more than we did, and would probably agree to reasonable restrictions. Moreover, I felt that a breach with England was almost as improbable as it was baneful; that despite our polyglot population there was a general harmony of our aims and purposes and instincts with those of Great Britain which would make war with her very unlikely and which would lead the two nations to stand together as a common bulwark for the peace of the world. I felt great sympathy with her economic and industrial condition and with her outlook for the future, burdened with a heavier load of taxation than any nation ought to carry; and I thought, although she bore it with marvelous grit, she would welcome the opportunity which the naval conference offered for a great and permanent tax reduction.

But I was mistaken. Apparently her traditional impulse that Britannia shall rule the waves was stronger than her economic necessities, and she preferred to excite our rivalry rather than our cooperation. Perhaps that ought not to surprise us. When a nation has for generations been saturated with the conviction that her safety depended on a navy superior to any other power, when the glorious exploits of that navy had furnished the proudest records of her military annals as well as the surest bulwarks of her defense, thus winning the support both of national sentiment and national interest, and when this very generation has owed its salvation to that historic naval policy, it would not be easy to renounce it, and it would be dangerous for any administration to openly discard it. I make allowance for those conditions, and I do not mean to permit myself to be influenced by pique or affront or to be driven from one extreme to another; but in calmly considering the whole situation and the probabilities of the future, I have concluded that I must revise the fundamental principles which have governed me and must favor a more extensive and formidable force at sea than I had hoped would ever be necessary. Much is said about not engaging in competitive building, but building only for our own needs. But our needs depend on our competitors. If no other nation had any vessels which could be used for making war our safety would require none. And while it is disagreeable to contemplate any war, and much more a war with any particular nation, yet so long as other nations persist in preparing for it we can not lie a mere unresisting and helpless booty for the first well-armed aggressor.

How much, then, do we need? If we can not by agreement with our chief rivals make ourselves secure, we must accomplish the same result by building up to substantial equality. For we can not forget that the principal nations fancy that they have a grievance against us, they will all be our debtors for generations, and our wealth makes us an attractive prey. Moreover, with some of them, notably with Great Britain, we are sure to have keen trade rivalries. Large foreign trade is essential to her industrial life; it has also become a large factor in our prosperity, so that competition and friction is sure to develop and increase. Some of her prominent men seem willing to inflame it. The dean of St. Paul's recently said that in a certain contingency—

> it is more than possible that the nations of Europe, enraged by the bloated prosperity and airs of superiority of "the man who won the war," would combine to draw Shylock's teeth.

When a high dignitary of the English Church and a professional follower of the Prince of Peace parades such provocative and belligerent sentiments, we can hardly rely upon the pacific and friendly attitude of all the rest of the English people. Her statesmen have always been far-seeing men, never blind to the material interests of their country; so while I do not doubt the sincerity of their professions of friendship and kinship, while they can not fail to see the certain disaster to the British Empire in this hemisphere which a war with us would entail, yet if they are unwilling to reduce down to naval equality with us, when they seem to be secure against any other nation, I see no safe course for us except to increase our armament.

At the Washington conference we were the Nation whose naval program under way was the largest and who sacrificed the most ships by the final agreement. I hate to believe that that is the only condition under which we can attain a successful conference for limitation of armament, and that when it is some other nation that has the temporary preponderance no sacrifice will be made and no agreement secured.

England insists that as she depends on importations for her food and very life she must have a sea force adequate to protect her trade lines. We can provide our own food. And yet our foreign trade is indispensable. In amount there is no great difference between us. And while without it we could probably live, it would require new adaptations. Our transportation systems, both railroad and automotive, would break down, and our eastern cities, housing many millions, have only 48 hours' food. Yet manganese is requisite for the steel of our railroads and rubber for our automobiles. And there are innumerable other foreign products which, while not essential to our existence, have become necessary to our comfort and our habitual mode of life.

The ocean lanes they travel are as long and as subject to attack as those leading to England. Moreover, while she has, all over the world, harbors for safe refuge and supplies, we have but few. I always like an excuse to quote Webster's beautiful description of this phase of England's greatness—

> a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

This gives her stations for defense and coaling in every sea, while we have hardly any. Consequently, we need cruisers of large coal-carrying capacity, while smaller ones, which for us would be useless, meet all her needs. So there was a reason behind her willingness at the last conference to limit large, but not small, cruisers; and as England refuses any reductions or agreement which would make our cruiser strength comparable, I see for us no alternative except to build enough to be a safe protection. England has no navy in Europe to fear.

It is disagreeable to contemplate these hostile possibilities. It is still more disagreeable to speak of them. But it is dangerous to shut our eyes to them and lull ourselves with a false security. I thoroughly agree with the sentiment of the English statesmen who say that war between the two countries is unthinkable. It would be a crime against statesmanship, against humanity, against civilization, against self-interest. Indeed, according to Benjamin Franklin, all war is against self-interest. But all these arguments and reasons against war are sometimes forgotten and ignored in a sudden flame of passion. After the Revolution we had the strongest bonds of sentiment and interest with France, yet within 20 years the warships of the two countries were fighting each other, and a declaration of war was barely averted. I will stand for every rational effort to assure peace. By agreements against war, by agreements to arbitrate, or refer disputes to courts, which look now to be the most hopeful substitutes for war, I will seek to make war impossible. By reduction of armaments which both discourages war and saves expense and rivalry, I would strive for peace, but until our rivals will agree to limit their sea power, we must not be so far behind them as to be defenseless—and that is all, it seems to me, which this naval program contemplates.

But, it is said, why increase our Navy just as all the nations have agreed to renounce war? Are these peace pacts meaningless? Do they not enhance the prospects of peace and lessen the prospects of war? Ought they not to mean an increase of friendships instead of warships? Should they not be followed immediately by a large reduction instead of increase of armaments? With the spirit of these complaints and criticisms I am in hearty and complete accord. I think they are very natural and logical. To be sure, we have not yet ratified the Kellogg pact, but I am confident that we will.

It seems to me that, considering our station in the family of nations to-day, it is our plain and imperative duty to speedily

ratify that treaty as it stands, and I would take great risks before I would see my country reject or modify what all the rest of the world, under the sponsorship of the United States, seems likely to accept.

I consider these treaties a great achievement, a substantial step toward universal peace. They vastly reduce the chance that any dissatisfied or ambitious nation will dare to affront public opinion by resort to war. And it does seem inconsistent with one and the same breath to vote a renunciation of war and an increase of warships. A great reduction of armament should be the first fruit of these treaties. That would be the best evidence that the nations were sincere and earnest in their renunciation of war. And this country with its strength and isolation ought to be most forward and urgent in pressing such reduction. But it must be by joint action of the great powers. No nation will venture to abandon its defenses if its rivals give no evidence except by words of their purpose to disarm. For agreeing not to fight does not guarantee eternal peace. There have been many formal agreements of everlasting friendship which have not endured. This is, I think, the most hopeful and promising of such agreements ever made, because it voices the sentiment of peoples whose opinions and utterances have more weight in determining national action than ever before. But under stress it may be broken. No nation is yet so assured as to throw away its arms. That must come gradually, by mutual agreement, as confidence grows with experience and cooperation.

Indeed, I think one danger of the treaties is that the people will feel that they are self-executing, that we have done our full duty to the world by ratifying them, and will feel no responsibility for further effort toward peace. But we must still provide some substitute for war, although these treaties lessen its probability. They ought to facilitate and hasten disarmament agreements among the nations. That is the method by which we should seek a general and radical and progressive diminution of navies and not by an improvident and quixotic reduction by ourselves alone. With our wealth we ought to be most zealous in urging and adopting such agreements. We ought to be willing, as we were in 1921, to make the largest sacrifices.

But we ought to be met part way, and the mutual sacrifices ought to be discussed frankly and aboveboard. And until such disarmament can be consummated by compact with other nations we must continue to make the insurance of our national security by the navy commensurate with the risk, and I do not feel that we are exceeding that by the pending naval program. I hope agreements may soon be made under which it can be greatly retrenched.

I do not wish it to appear from these remarks that I belong to that not inconsiderable class of Anglophobists. The exact contrary is true. I confess to more sympathy and good will toward the British Empire than toward any other nation. I think our ideals, our spirit, and even our prejudices are much alike. I do feel that she snubbed our advances at the last disarmament conference, but I hope our offended pride will not prevent our renewing such advances, for I think our cooperation provides the best chance for the peace and progress of the world. We are not so engrossed in our material advancement as to leave no room for a spirit of altruism. The great body of our people are eager to do their share for the peace and prosperity of the whole world and are ready to make sacrifices for it and will demand that of their leaders. And while the two nations will often provoke each other, will often be keen trade rivals, will often feel envy and jealousy, and prominent spokesmen of both will often be indiscreet and irritating, yet I hope the genuine kinship and community of ideals which I believe permeates both will bring them constantly back into cordial amity and cooperation. But a Navy is our insurance. While there is risk we must insure. Yet our constant endeavor ought to be to reduce both the risk and the insurance. That certainly will be my aim, and the fact that we of late years have so increased in power and wealth—and as some nations think at their expense—instead of making us self-willed and arrogant, ought to make us the more considerate and yielding, so that this enormous outlay by all the nations for instruments of war, which everyone hopes will never be used, can by mutual agreement soon be radically abridged.

ARMY PROMOTIONS

Mr. BLACK. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Times of December 14, an editorial from the Washington Post of yesterday, and an editorial from yesterday afternoon's edition of the Washington Evening Star, all bearing on the subject of Army promotions.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Washington Times, December 14, 1928]

REVISION OF ARMY PROMOTION LIST TO CORRECT INJUSTICES

On the calendar of the present Congress are two measures, known as the Black bill in the Senate and the Wainwright-McSwain bill in the House, which provide for the revision of the Army promotion list to correct injustices done certain groups of World War emergency officers now in the Regular Army.

These injustices were caused by a War Department interpretation which, in effect, ignored the grades of captain, first or second lieutenants for which these officers had been recommended by examining boards and "scrambled" them together indiscriminately solely in accordance with length of commissioned service.

Both Military Affairs Committees of Congress, by their favorable action in reporting out the legislation, are agreed that the present arrangement is wrong, and the Times is in complete accord with such views.

The clause in question reads that "captains and lieutenants shall be arranged in accordance with length of commissioned service," and, as Maj. Gen. Peter C. Harris, former Adjutant General of the Army, testified, this was generally understood to mean that captains would be placed among captains, first lieutenants among first lieutenants, and second lieutenants among second lieutenants. Such was the method used in placing the colonels, lieutenant colonels, and majors appointed as a result of the examinations, but the War Department did not follow that procedure in the lower grades.

By its ruling, men found qualified for no grade higher than second lieutenant were, if they had one day's more service, moved ahead of others who had been found qualified for appointment as captains, and these second lieutenants were then immediately promoted to captains and took rank above the original captains.

Why the War Department made such a ruling is now immaterial, but the fact remains that with the present list every regular officer has a chance to be retired as a colonel, while less than 450 of the more than 2,500 former emergency officers in the lower grades have this opportunity. Likewise the questioned interpretation enabled the sudden elevation of over 1,000 Regular Army first lieutenants to the grade of captain and the placing of them ahead of hundreds of emergency officers appointed captains. This is particularly unfair, as these regular lieutenants average about 10 years younger than the emergency captains, and therefore will forever act as a block on promotion.

Of course, such an interpretation, general in its terms, included in its results some emergency officers who profited equally with the regulars at the expense of their emergency brethren, but the records show them to be in the minority.

The House Military Committee is convinced that a "grave injustice was done and that a correction of this error can disturb no vested rights"; further, that "the obvious remedy is to place officers on the promotion list as they should have been placed in 1920–21." This is the viewpoint of Representative FRANK JAMES, a recognized impartial expert on military matters, who stated that he never thought the law could be interpreted as it was.

[From the Washington Post, December 14, 1928]

ARMY PROMOTIONS

Two measures affecting the important matter of Army promotions are before Congress. Each seeks to provide a remedy for the so-called hump that stands in the way of the promotion of many able officers. Although there is some sentiment in the Army against changing the existing status of the promotion list, justice to a large group of officers and maintenance of morale demand that this legislation be enacted.

Only officers of the company grade—lieutenants to captains—are affected by the legislation. Following the World War, examinations were held to fill vacancies created by the national defense act, as a result of which former emergency officers were appointed to all grades from colonel to second lieutenant. Those appointed colonel, lieutenant colonel, and major were placed among Regular Army officers of corresponding grades, but captains, first lieutenants, and second lieutenants, by an arbitrary interpretation of an act of Congress, were listed in accordance with length of service. Thus a man found qualified by examination for a grade no higher than second lieutenant, if he had served one day longer than a man found qualified to be a captain, was jumped from second lieutenant to captain, and will be a major before the captain. As a result, at the present time every Regular Army officer has a chance to become a colonel before he is retired, but relatively only a few of the younger emergency World War officers who elected to follow Army careers have similar opportunities.

The legislation before Congress proposes that the Army promotion list be arranged as it should have been in 1920, with captains placed among captains, first lieutenants among first lieutenants, and second

lieutenants among second lieutenants as originally appointed. In general, older men will be placed above younger men, but those who profited by the War Department interpretation will not be deprived of the grade and pay benefits thus obtained. The list will be so arranged that former emergency officers will have equal opportunity with Regular Army officers to reach the rank of colonel before they are retired.

For eight years the question of Army promotion has been dragging along. Congress now has an opportunity to right a wrong. It should enact the bill clarifying the promotion situation.

[From the Washington Evening Star, December 14, 1928]

ARMY PROMOTION

Revision of the Army promotion list, coupled with an alteration of the present promotion system, forms the subject matter of the Black bill in the Senate and the Wainwright-McSwain bill in the House. These two measures, which have been reported favorably by both Military Affairs Committees, are designed to correct an injustice done to certain former emergency World War officers who are now in the Regular Army by the War Department's interpretation of a portion of the national defense act of 1920. It seems to the Star a matter of simple justice that this legislation be enacted into law without further delay.

After the World War Congress provided that all temporary officers could take examinations for appointment in the Regular Army in all grades from second lieutenant to colonel and set forth the method by which they would be placed among those who were already in the Army. No confusion arose in the placement of the colonels, lieutenant colonels, and majors, but when it came to the captains, first lieutenants, and second lieutenants the War Department proceeded, in effect, to disregard the grades to which they had been appointed and to arrange them solely on length of service. The effect of this was that men who had been found not fitted to hold a grade higher than second lieutenant were placed over men who had been appointed captain as a result of the same examinations, and such second lieutenants were at once promoted to captaincies, a grade for which they had just failed to qualify.

The portion of the national defense act which was misinterpreted to produce such an incongruous hodgepodge reads as follows: "Captains and lieutenants shall be arranged among themselves according to length of commissioned service." Certainly one at all familiar with military matters would be entitled to assume that this meant that captains would be arranged among captains, first lieutenants among first lieutenants, and second lieutenants among second lieutenants; and Maj. Gen. Peter C. Harris, who was The Adjutant General of the Army at that time, has testified that he was greatly surprised to find a contrary interpretation placed on the clause and that he believed that the overwhelming majority of the Army never anticipated such an arrangement as the War Department produced.

Not only was the ruling considered a peculiar one in Army circles but both Military Affairs Committees of Congress have determined that the action taken was contrary to the majority intent of Congress itself. Representative FRANK JAMES, who was on the military committee at the time of the passage of the law and who is a recognized unbiased authority on military matters, has said: "I never thought that that law could be so construed that the man who is incompetent to pass an examination for first lieutenant, incompetent to pass an examination for captain, should outrank a man by several thousand files who had passed before you gentlemen a very satisfactory examination for captain. Now, if members of the committee, like myself—Members of Congress, like myself—think the language was not interpreted by somebody in the War Department as we intended at that time, and think injustice was done, we would be justified in trying to remedy that condition and having the law interpreted as we thought it was to be interpreted at that time, would we not?"

The Star finds itself in complete accord with the House Military Committee, which stated in its report recommending passage of the bill, "because the committee is convinced that a grave injustice was done, it is the sense of the committee that a correction of this error can disturb no vested rights" and further that "having determined that a wrong has been done, the obvious remedy is to present interpretative legislation which will result in placing officers on the promotion list as they should have been placed in 1920–21."

ADDRESS BY HON. ANDREW W. MELLON, SECRETARY OF THE TREASURY

Mr. CAPPER. Mr. President, on October 18, 1928, the Secretary of the Treasury, Hon. Andrew W. Mellon, made a notable address at the Founders' Day celebration of the Carnegie Institute, in Pittsburgh, Pa.

The address dealt in a most interesting and enlightening way with the development of the National Capital from its very beginning in the administration of President Washington.

Every American citizen should be interested in the plans for the beautification and ultimate development of the National Capital, and this applies particularly to Members of Congress who are charged with the sole responsibility for legislating for the District of Columbia.

Washington, the National Capital, should represent all that is best and finest in the development and progress of the United States. Every American who reads Secretary Mellon's address will gain a better understanding of what the National Capital is and should be. I ask, therefore, that Mr. Mellon's address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEVELOPING THE NATION'S CAPITAL, AN ADDRESS BY SECRETARY OF THE TREASURY MELLON, OCTOBER 18, 1928, AT THE ANNUAL FOUNDERS' DAY EXERCISES OF THE CARNEGIE INSTITUTE, PITTSBURGH, PA.

Mr. MELLON. I want to speak to you on a subject somewhat different from those usually associated with the work of government at Washington. It has to do with the beautifying of the Nation's Capital and the carrying out of the original plan whereby the city of Washington shall become not only one of the most impressive capitals in the world but one which shall be representative of the best that is in America. The importance of the work was stressed by President Coolidge in his last annual message to Congress, in which he said:

"* * * If our country wishes to compete with others, let it not be in the support of armaments but in the making of a beautiful Capital City. Let it express the soul of America. Whenever an American is at the seat of his Government, however traveled and cultured he may be, he ought to find a city of stately proportion, symmetrically laid out and adorned with the best that there is in architecture, which would arouse his imagination and stir his patriotic pride. * * *"

Congress has made the necessary appropriation to initiate this work and to carry out the most important features of that long neglected plan of Washington and L'Enfant for the development of the city. The responsibility for carrying out this plan, by the purchase of sites and the erection of buildings, was placed by Congress on the Secretary of the Treasury and has become, therefore, an integral part of Treasury activities.

Before entering upon a discussion of what is to be undertaken, it is necessary to have a clear understanding of the historic background against which this work must be done. Washington, as you know, was founded for the express purpose of being the Nation's Capital. There have been only two other world capitals so founded—the former Russian capital of Petrograd and the newly created city of Canberra in Australia. To me there has always seemed something heroic about the early beginning of Washington. When we remember that at that time the entire country had a population of less than 6,000,000, that communication was difficult and the Government almost without financial resources, we marvel at the courage and vision of men who proceeded to build a city in a wilderness and to project it along lines so magnificent that even to-day we do not find it easy to carry their plans to completion.

The new capital was established in accordance with a provision inserted in the Constitution; and it thus became one of the first duties of the newly formed Government to carry this provision into effect. You remember how both the Northern and the Southern States desired that the Federal Capital should be located in their territory. The final decision was made in a way that settled another question then agitating the public mind. Alexander Hamilton, as Secretary of the Treasury, had succeeded in having the Federal Government assume the payment of all debts incurred by that Government in the prosecution of the Revolutionary War. But the assumption of the debts incurred by the States was another matter. The States with small debts felt that it was unfair to ask them to help discharge the larger debts incurred by other States, and opposed assumption by the Federal Government. As it happened, the States with small debts were mostly in the South, where it was ardently desired that the capital should be located. Hamilton felt that assumption of the debts was a vital part not only of his financial policy for establishing the public credit but of that larger purpose involved in tying the States together in a firm and indestructible union. He determined, as some one has remarked, to resort to the expedient of "giving a civility in exchange for a loaf of bread." He asked Jefferson, who represented the southern party, to give a dinner. At this dinner party, it was arranged that the capital city should be located in the South and in return the South agreed to support assumption of the State debts by the Federal Government.

Subsequently Congress authorized the capital to be established on the Potomac River and that President Washington be allowed to select the exact spot. He did so, with the aid of Jefferson and Madison; and these two with the three commissioners appointed to prepare the new seat of government, gave to the city the name of Washington and to the District the name of Columbia. Washington himself, throughout his life always modestly referred to the new capital as "The Federal City."

The President's next step was to secure the services of a man who should design the city. He chose Maj. Pierre Charles L'Enfant, a young French engineer officer, who had served in the Army during the Revolutionary War. L'Enfant was eminently suited for the task. He knew

Europe and was undoubtedly familiar with landscape architecture as practiced there by that greatest of all landscape architects, Le Nôtre, whose designs at Versailles and elsewhere have been followed throughout the civilized world.

L'Enfant threw himself into the work with enthusiasm. With Washington and Jefferson he worked out a plan for a splendid city, with a system of streets running from north to south and east to west. Superimposed upon this rectilinear arrangement were those diagonal avenues radiating from the Capitol and the White House, as do the spokes from the hub of a wheel. He sought to locate all public buildings in appropriate landscape settings and with especial regard to preserving the axial treatment, which is an outstanding feature of Le Nôtre's work. These buildings were to be grouped along a beautiful park a mile long, connecting the Capitol Building with the President's park south of the White House. A great avenue was to border this park, flanked on one side by public buildings; and at the point where the axis of the White House intersected the axis of the Capitol was to arise the monument to Washington already voted by the Congress. It was a noble plan, and if carried out will give to the city of Washington that sense of unity and grandeur which so impresses one to-day in Paris.

During the first hundred years the city of Washington suffered many vicissitudes. It struggled into existence as best it could with little regard for the plan of L'Enfant or any other plan. On the removal of the Federal Government from Philadelphia in 1800 the new city was almost as much of a wilderness as it had been a little earlier when the Indians of the Powhatan Tribe held their councils at the foot of Capitol Hill. Fortunately the Capitol Building and the White House had been started before the death of Washington, and so the main axes of the new city had been fixed. Both buildings were badly burned during the British raid on Washington in 1814, but were soon restored in accordance with the original designs, and in the case of the Capitol the wings and dome were added a few years later. During this same period of good taste the Patent Office was built and also the present Treasury Building, two of the architectural glories of Washington.

I would like to say a word about the Treasury. The building in which it was originally housed was destroyed by the British in 1814. The new building, erected in its place, was destroyed by fire in 1833, and finally in 1836 the present building was begun on the site designated by President Jackson. It was commonly reported that, becoming wearied of the delay in selecting the location, General Jackson planted his cane one morning at the northeast corner of the present site and said, "Here, right here, I want the corner stone laid." And it was laid there, notwithstanding the fact that, when finally completed in 1869, the south wing was interposed between the Capitol and the White House, and thus shut off the vista at that end of Pennsylvania Avenue.

Before leaving this subject I would like to say a word also about the White House. It is so perfect in proportion and design that it merits special comment. But what has seemed to me remarkable is that a building which was planned for a small and struggling Nation and situated in what was at that time a backwoods capital should have proved adequate for the needs of one of the greatest and most powerful nations in the world to-day. Such things do not come about by accident. It was surely due to the extraordinary foresight of some one, and that person, it is interesting to know, was Washington himself. Following the adoption of Hoban's plan for the White House, Washington directed that the size of the building be enlarged one-fifth over the original plan, notwithstanding the difficulty of meeting the increased cost involved. The President's reason shows his intensely practical mind. He said: "I was led to this idea by considering that a house which would be very proper for a President of the United States for some years to come might not be considered as corresponding with other circumstances at a more distant period; and, therefore, to avoid the inconvenience which might arise hereafter on that subject, I wished the building to be upon the plan I have mentioned." Washington's views were carried out; and so we owe one more debt to that great man, who, more than any other single individual, gave us not only our country but our National Capital as well.

Unfortunately, after his death there was no driving force, either in Congress or elsewhere, which could carry out his plans for the city's development. The end of the Civil War found it a badly built, straggling town, largely unpaved, with a few streets lighted by oil lamps, and the areas reserved for parks overgrown and neglected. Later President Grant induced Congress to give the city a Territorial form of government; and under Alexander R. Shepherd, a man of extraordinary energy, courage, and vision, who became commissioner of public works, the city was transformed. He succeeded in grading, paving, and lighting the streets; the old Tiber Creek was inclosed in a sewer; and thousands of trees were planted, thus laying the foundation for that growth of trees which is now one of the glories of Washington. During this period one great work, the half-built Washington Monument, was carried to completion in 1884. But the Mall, on which it was placed, had never been properly developed, and throughout the entire city the effect for which Washington and L'Enfant strove was entirely lacking.

Such was the condition of the Nation's Capital in 1900, when the one hundredth anniversary of the establishment of the seat of government in the District of Columbia was celebrated. At the invitation of President McKinley a meeting was held in the White House attended by many high officials of the Government and by the members of the American Institute of Architects then meeting in Washington. Interest in the L'Enfant plan was revived; and shortly afterwards Senator McMillan secured authority from Congress for the appointment of a special commission of experts, who should recommend a plan for the beautification and development of Washington.

That commission included Daniel H. Burnham and Charles F. McKim, architects; Augustus St. Gaudens, sculptor; and Frederick Law Olmsted, landscape architect. It was a notable group, such as has seldom been brought together in one undertaking. Burnham, McKim, St. Gaudens, and the father of Olmsted had brought about those beautiful architectural and landscape effects at the Chicago World's Fair in 1893, which gave an impulse to city planning and to the rebirth of beauty and good taste in this country.

After a careful study of Washington and its possibilities, these men presented a report, known as the plan of 1901. In it they recommended a return to the original plan of Washington and L'Enfant, with such extension of it as might be required to meet modern conditions and the city's growth. After submitting their report the commission passed out of existence, but its members were consulted unofficially by Presidents Roosevelt and Taft with regard to the location of public buildings and memorials. Later Mr. Burnham and Mr. Olmsted, who were the only members then living, were made members of the Commission of Fine Arts, a body created by Congress in 1910 to serve in an expert and advisory capacity regarding questions affecting the development of Washington. This commission, which was established during the administration of President Taft, owes much to the backing which he gave it and also to the interest and understanding of Mr. Root. Under the chairmanship of Mr. Charles Moore, it is now doing splendid work for Washington and the country.

The commission has adhered to the plan of 1901 as a restatement of the authority of the L'Enfant plan and has insisted that this plan must continue as fundamental in the development of Washington. In more than a quarter of a century since the plan of 1901 was presented much has been accomplished. The unsightly railroad tracks have been removed from the Mall; and, due largely to the cooperation and public spirit of a distinguished son of Pennsylvania, President A. J. Cassatt, of the Pennsylvania Railroad, a great Union Station has been built in accordance with the plans of the commission. The station and also the beautiful city post office adjoining it, have been placed in a position subordinate to the buildings on Capitol Hill, but in a harmonious and vital relation to them. In this way a traveler arriving in Washington gazes first across a beautiful plaza to the great dome of the Capitol and the Library of Congress beyond. To-day this station stands like a great city gate at the entrance to the city; and, while much remains to be done in clearing off the space intervening between it and the Capitol, the Union Station, itself, in its architectural and landscape treatment, has already helped to establish a precedent by which railroad stations in this country have come to be recognized as public buildings of the first importance.

The plan of 1901 considered the Capitol as the dominating feature to which all structures in the legislative group must be subordinated. The Library of Congress, facing the Capitol, had been built in 1897; but in the later structures, such as the white marble office buildings for the use of Senators and Congressmen, the principle of subordination in grouping has been observed. It will be carried out in the erection of a building for the Supreme Court in the vacant space facing the east front of the Capitol and flanking the Library of Congress.

At the foot of Capitol Hill, looking toward the Treasury and the White House, the plan of 1901 contemplates that there shall be a great open plaza with monuments and fountains somewhat like the Place de la Concorde in Paris. It was intended that this space should provide a dignified entrance to Pennsylvania Avenue and also into the Mall leading westward to the Washington Monument a mile away. The memorial to General Grant has been located in this space in accordance with these plans, but there progress has stopped.

The development of the Plaza and the Mall has been delayed until arrangements could be made for the removal of the Botanic Gardens to larger and more suitable quarters on land to be acquired on the west front of the Capitol. The State of Pennsylvania has erected a memorial to Gen. George Gordon Meade, as a companion to the Grant Memorial, and in doing so has also provided for suitable landscape setting in accordance with the Mall plan. Thus these two memorials will stand in the great Union Plaza at the head of the Mall and the way will be open at last, under plans now being made by the National Capital Park and Planning Commission, to complete the developments required to make the Mall into a beautiful park.

First, it will be necessary to demolish the temporary buildings and the smokestacks erected during the war. Then a great avenue of greensward, bordered by drives and lined with four rows of stately trees, will be projected through the Mall, leading westward from the Capitol and the Union Plaza to the Washington Monument and the Lincoln Memorial beyond. Along this avenue, at intervals, will be such buildings as the Agricultural Department, the Freer Gallery, the National Museum, and the Smithsonian Institute. This avenue will end at the Washington Monument; and, beyond the monument, at the point where the new axis meets the Potomac, has been placed that beautiful white marble structure, the memorial to Abraham Lincoln.

From the foot of the Lincoln Memorial a great bridge, commemorating the union of the North and South, is now in process of building. When completed it will lead across the Potomac to the slopes of Arlington, where, surrounding a mansion once the home of Gen. Robert E. Lee, are the graves of those who died in their country's service, including that newly erected national shrine, the Tomb of the Unknown Soldier. From Arlington a boulevard will stretch to Mount Vernon, the home of Washington; and all of this region and the section known as Potomac Park, with its river drives and famed cherry trees, will be joined, under plans now being carried out, with Rock Creek Park and that section of the city where the great Gothic cathedral is rising on the wooded heights of Mount St. Alban.

Now, I must ask you to return for a moment to a consideration of another vast project which will eventually realize L'Enfant's dream for a great avenue bordering the Mall and leading from the Capitol to the White House. You are familiar with the distressing spectacle which Pennsylvania Avenue presents to-day. It is perhaps our most important street, and certainly there is no avenue of corresponding importance in any capital which can compare with it in sheer ugliness or lack of architectural dignity. It is the street over which our great processions pass in triumph to the Capitol. Yet never, in the days of either the ancient or the modern world, has anyone seen before a great triumphal way bordered, throughout much of its length, by gasoline stations, lodging houses, and Chinese laundries.

This state of affairs, I am glad to say, will soon be remedied. Congress has determined that the Capitol shall be approached by an avenue commensurate in dignity with its importance. Senator SMOOT, who has such a clear conception of the future possibilities of Washington, has taken the lead in this work; and he has been ably seconded by Senator SWANSON, Senator BRUCE, Congressmen ELLIOTT, LANHAM, and others. An appropriation of $50,000,000 has been made, supplemented last winter by an additional $25,000,000, and other amounts will be forthcoming as the work progresses. The amounts already appropriated will be used to initiate the most important features of the plans for Washington's development, with special regard for the Mall and for improving Pennsylvania Avenue.

The Secretary of the Treasury was authorized to use this money in the purchase or condemnation of land and the erection of public buildings. It is intended to carry through, as rapidly as possible, the most pressing needs as regards housing of Government departments and activities. These will include a new and larger building for the increased activities of the Department of Commerce; a Supreme Court building; a building for the Bureau of Internal Revenue; an archives building; a building for the Department of Agriculture; another for the Department of Justice; still another for the Department of Labor; and several others besides. One of these buildings, that for the Supreme Court, will be placed on Capitol Hill for reasons already given; but, as regards the others, advantage will be taken of this opportunity to group them together in such a way as to contribute in the greatest measure possible to the beauty of Washington. The placing of these buildings is a great responsibility, for on the proper determination of this question largely hinges the city's future development.

Before coming to a decision, the Secretary of the Treasury consulted with Mr. Edward H. Bennett of Chicago, who has had so large a part in bringing to completion the extensive plans for beautifying that city. Mr. Bennett was appointed consulting architect to the Secretary of the Treasury; and, under his advice, and also in consultation with the Fine Arts Commission, Col. U. S. Grant, 3d, of the Office of Public Buildings and Public Parks, and Assistant Secretary of the Treasury Schuneman and Supervising Architect of the Treasury Wetmore, the general principle has been established that no large departmental buildings are to be placed in the Mall, as was at first proposed, but that the Mall is to be preserved for park purposes and as a site for buildings of a museum-like character.

Departmental buildings are to be placed along the south side of Pennsylvania Avenue from the Treasury to the Capitol. In addition to facing on Pennsylvania Avenue, these buildings will face also on a grand boulevard, which is to be cut through the city, bordering the Mall and stretching from the Capitol to the new Memorial Bridge on the Potomac near the base of the Lincoln Memorial. Plans are now being made to secure a comprehensive treatment of this entire area between Pennsylvania Avenue and the new boulevard both as regards the location and the grouping of the various buildings. A group of the leading architects of the country has been formed to study this problem and to submit designs for all the buildings in this area. It is intended that these buildings, while having each a separate and distinctive architectural treatment, shall be of harmonious design and grouped around two large interior courts or plazas somewhat after the arrangement of the Louvre in Paris.

It is easy to see what the effect will be. As one proceeds down Pennsylvania Avenue toward the Capitol, on the south side will be a succession of beautiful and harmonious buildings, all of a design in keeping with the semiclassical tradition so well established in Washington. On the north side vistas will be opened up, so that groups of buildings, such as the beautiful District of Columbia courthouse on John Marshall Place, shall be brought into the general plan of Pennsylvania Avenue. At the same time the Mall will present the spectacle of a great park bordered on one side by the new boulevard lined with beautiful buildings, and on the other side by a wide parkway of greensward with its four rows of trees, its drives and walks, statues, and reflecting pools, arranged in such a way that long vistas will be opened up for views of the Capitol in one direction and the Washington Monument and Lincoln Memorial in the other.

All of this will take time, of course. But Rome was not built in a day, nor for that matter was Paris. Paris has passed through many stages, each distinct from the other. The Gothic Paris is as different from the Paris of the Renaissance as the Paris of Louis XIV differs from that of Napoleon III. Go about in modern Paris and it is with difficulty that one can trace the landmarks of the past. Yet, somehow, in spite of her vicissitudes and of having no fundamental plan from the beginning as Washington had, Paris possesses that sense of unity and completeness so rare in any great and growing city. All its principal buildings seem to fit into the landscape and to be part of a general plan so magnificent in conception and execution that it makes one wonder whether an effect equally satisfactory and on a scale and design suited to our needs can ever be produced in Washington.

And yet, Washington has many advantages in so far as its future development is concerned. Its life centers around the Government, as those who planned the city intended it should do. There is no manufacturing; and the engineering and industrial problems, which have to be met at such expense and effort in great industrial centers like Pittsburgh and Chicago, are entirely absent. Washington is still a city of moderate size, notwithstanding the fact that its population has grown from 75,000 at the time of the Civil War to about half a million to-day. But so long as it remains chiefly a seat of government it will retain its unique character among the cities of the country. More and more it will be visited by people who will go to Washington because of its beauty and their feeling of pride and personal ownership in the Nation's Capital. With the rapid growth in the use of automobiles and of airplanes, larger and larger numbers will visit Washington each year. As it becomes more beautiful and its fame grows, people will visit it from all parts of the world and Washington will find, as Paris has done, that architectural and landscape beauty can be a source of profit, as well as pride and satisfaction, to a city.

But there are weightier reasons than these why we should give our support to the effort to rebuild our National Capital. Until recently, America has been in the frontier stage as nations go. We were too busy about the hard realities of existence to have much time for the amenities. But now we have the opportunity and we have also the resources to raise the standard of taste in this country; and the extent to which this is being done has no parallel at present in any country in the world. Nowhere are the arts of architecture and landscape engineering being practiced more extensively and successfully than in America.

It has been said that in evolving the skyscraper we have made the only original contribution to architecture since the Gothic. Certainly in adapting architecture to the needs of modern conditions and crowded spaces we have produced something that is expressive of human aspiration and human need. Judged by that standard, the Woolworth Building is a work of art, both because it is beautiful in itself and because it expresses the needs and aspirations of a great people. If we can give to our office buildings something of the beauty of Gothic cathedrals and model our banks and railroad stations after Greek temples we shall in time provide a magnificent setting for the requirements of modern civilization.

But we must remember that just as these things are architectural expressions of the Nation on its commercial side, so should the city of Washington, as President Coolidge has said, express the soul of America. We do well, therefore, to give to it that beauty and dignity to which it is entitled. In doing so we are not only carrying out those plans which Washington made so long ago for the city which he founded, but at the same time we are justifying that faith which he had from the beginning in the future greatness of America.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, December 17, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *December 15, 1928*

The House met at 12 o'clock and was called to order by Hon. William Tyler Page, its Clerk, who read the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C.

I hereby designate Hon. JOHN Q. TILSON to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

Mr. TILSON assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The House will be in order. The Chaplain will offer prayer.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Lord of life and light, conquering sin and doubt, sorrow and despair, we thank Thee that there is nothing that stands in the way of Thy perpetual care. In the days when winter cold blights the bloom of summer and we can no longer commune with field and flower, Thou dost blossom in the garden of the human heart and light up the firmament of the soul. At the turn of each day a bountiful Providence meets and greets us on the stairway of human need. There is no fartherest limit to the richness and the blessedness of our Heavenly Father. Way down beneath all finite measures, making as secure as time, the sleepers of the old earth, lie the loving, abiding purpose and plan of Almighty God. Oh, let the beauty of the Lord be upon us this day. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMENDMENT OF THE WORLD WAR VETERANS' ACT

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the administration of the Veterans' Bureau, incorporating therein a resolution by the American Legion of Oklahoma.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. UNDERHILL. What is the gentleman's request?

Mr. GARBER. To extend my remarks on the subject of the administration of the Veterans' Bureau.

Mr. UNDERHILL. The gentleman's own remarks?

Mr. GARBER. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following resolutions:

Resolutions

Whereas many disabled veterans of the World War are complaining of the unsatisfactory attitude and decisions of the claims and rating boards, and that the claims and rating boards are disregarding the spirit and the provisions of the World War veterans' act governing such boards; and, in view of the fact that the Veterans' Bureau rules provide that a claimant shall receive the benefit of a doubt existing it is alleged that the claims and rating boards in a great many instances fail to give the claimant any such benefits; and

Whereas regulation 74, of August 12, 1924, provides that the regional managers designate who the members of the claims and rating boards shall be, and it is provided further that such designation must be confirmed by the director; and

Whereas it has come to the attention of many ex-service men that this ruling or law of the bureau is entirely ignored by central office; and

Whereas the attention of the American Legion is directed to the fact that many claimants' folders are taken from the regional office to the central office without the claimants' knowledge, and many decisions are reversed without the claimants being given a hearing or a reason for the reversal; and

Whereas the American Legion's policy advocating decentralization is well known, in so far as it might expedite the proper adjustment of a disabled veteran's claim: Therefore be it

Resolved by the joint meeting of the post officers, American Legion, Department of Oklahoma, in session assembled, That we recommend to the Members of the Oklahoma congressional delegation that an amendment be made to the World War veterans' act providing that the director may appoint members of the claims and rating boards from a list submitted by the regional manager; and providing further that the assignment of such board members shall be made by the regional manager, and that any member may be removed by the regional manager where a disregard of Veterans' Bureau laws and rulings is shown; and be it further

Resolved, That a copy of these resolutions be immediately mailed to each Congressman and Senator representing the State of Oklahoma in Congress, and that a copy be immediately mailed to each of the members of the department executive committee of the American Legion of Oklahoma.

The above resolutions, approved by unanimous vote of Argonne Post, No. 4, Enid, Okla., and the contents of which were embodied in the resolution approved by a meeting of the officers of all American Legion posts in Oklahoma at Oklahoma City, December 3, 1928.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill passed by the House yesterday upon the subject of the Carlsbad Cave.

The SPEAKER pro tempore. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD upon the bill passed yesterday. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, I make reference to H. R. 15089, a bill making appropriations for the Department of the Interior for the fiscal year 1930, and for other purposes. This bill carries an appropriation for the Carlsbad Cave National Monument, N. Mex., in the sum of $100,000; the amount will afford the carrying on, development, and preservation of the caverns. The bill likewise carries the acceptance by the Secretary of the Interior of a parcel of land in the town of Carlsbad, N. Mex., which has been tendered to the United States of America in fee simple. This is the donation of a site for the construction of a residence for the superintendent of the monument. The bill also carries an appropriation of $5,000 for the construction of the home for the superintendent.

The $100,000 appropriation provides specifically the following improvements:

Operation of a motor-driven passenger car for the use of the superintendent and employees in connection with the work of the monument	$800
Construction and improvement of the caverns	59,000
Addition to the office building	1,500
Power house	4,000
Additional water supply and water storage	12,000
Disposition of sewerage	2,000
Construction of a garage	500

The people of New Mexico in general, and of Carlsbad in particular, should be very appreciative of the time given by, and the complete investigation made by, the subcommittee of the House Appropriations Committee for the Interior Department. This subcommittee made an inspection of the national monuments and other Government-controlled properties in my State in the summer of 1927. The possibilities for developing the Carlsbad Caverns were seen, and as a result the Appropriations Committee was most fair in its appropriation for the caverns for the fiscal year 1930. The personnel of the subcommittee [Mr. CRAMTON, of Michigan; Mr. TAYLOR of Colorado; and Mr. FRENCH, of Idaho] should have the appreciation of the State of New Mexico, and especially of the eastern part of the State. The broad view taken by the committee in permitting the fees received from the tourists who visit the caves, to be placed in a fund to be used for the development of the caverns, is indeed commendable.

Most assuredly a vast forward step has been taken by the Government in exploring and developing the Carlsbad Caverns, N. Mex. When the Interior Department appropriation bill for the fiscal year 1926 was being considered on December 6, 1924, I offered the first amendment in behalf of the Carlsbad Caverns. That bill carried an appropriation of $21,980 for all national monuments. The amendment I offered to that provision is of record, as follows:

Amendment by Mr. MORROW: Page 97, line 12, after the comma strike out the word "and" and in line 13, page 97, after the comma insert "and $20,000 for constructing a tunnel into Carlsbad Caves, N. Mex.," and change the figures "$21,980" to "$41,980."

Let us note the appropriations for Carlsbad Caverns from the year 1924 to the fiscal year 1930 and we will see how the subcommittee has realized the importance and grandeur of the caverns. Figures from the National Park Service show the following appropriations:

1925	$5,000
1926	25,000
1927	15,000
1928	30,000
1929	70,000
1930	100,000

At the time I offered the first amendment, Congress had perhaps never heard of the caves. Publication of pictures of the caverns had been made by the National Geographic Society, but the caverns were little known. To-day all who visit these caves term them a world wonder. The beauty of the caves is hard to conceive, and one must visit the caverns to secure a picture of

this fairyland. The cave is so large that all of the known caverns of the world could be placed into one of its large rooms

The little town of Carlsbad has been placed on the map with the advertisement and development carried on in the past four years; the town has become the attractive tourist city of the Southwest, and it is rapidly growing into a modern city, with large and well-equipped modern hotels and rooming houses, paved streets, and graveled and oiled roads leading into the city and to the caverns. So great has the tourist travel increased that the receipts from tourist fees have mounted each year as follows:

1926	$3,718
1927	32,628
1928	55,682

And it is estimated that the same will exceed $100,000 for the year 1929.

The method pursued by the committee in dealing with the caverns has been most generous; the splendid cooperation given by the National Park Service has been gratifying, and the fine service given by the superintendent of the caverns in caring for and satisfying the visitors is all a great record of achievement which means that thousands, indeed very soon it will mean 100,000 visitors will pass through the developed caverns each year.

The Carlsbad Caverns at this time mean more toward advertising our great Commonwealth than any other attraction the State has to offer. New Mexico has ideal mild climate; splendid highways have been built. The tourist may be lured to New Mexico by the wonders of the Carlsbad Caves, but going through the State the visitor is brought directly in view of the many other resources the State has to offer.

Carlsbad, with its incomparable caverns, is already known on every continent. One writer has said:

> When the world learns of it—Carlsbad Cavern—nothing will prevent the world coming to see it. It rivals all the magnificent scenic places in America and is utterly unlike any of them.

That the world is learning of the cave—and going to see it—is amply shown by the increase in tourist travel in five years. Note the tabulation of visitors to the caverns for the following years:

1924	1,280
1925	1,794
1926	10,904
1927	26,436
1928	46,335

The appropriation of $100,000 for the fiscal year 1930 means that the National Park Service can assure the public of easy accessibility to the Carlsbad Caverns, and of proper service on their visit to this underworld. The tourist will never forget the thrill of a visit to this wonderful underground chamber where electrical facilities enable him to view the glittering universe of beauty before him.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5773. An act to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes. Pending that, if we can, I would like very much to reach an arrangement with the gentleman from Texas [Mr. BUCHANAN] to fix the time for general debate. Has the gentleman from Texas any suggestion to make?

Mr. BUCHANAN. I am listening for the gentleman's suggestion.

Mr. DICKINSON of Iowa. I suggest that we limit the general debate to two hours, one-half to be controlled by the gentleman from Texas and one-half by myself.

Mr. BUCHANAN. That is satisfactory to me.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the general debate be limited to two hours, one-half to be controlled by the gentleman from Texas [Mr. BUCHANAN] and one-half by myself.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that general debate upon this bill be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Texas [Mr. BUCHANAN]. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15386) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 15 minutes to myself.

I wish to call attention to only two or three outstanding facts with reference to this appropriation bill. In the first place, the committee has shown a very friendly disposition toward the items of research. We have again increased the item for research. We have heard the various complaints from all over the country in respect to the pests and diseases and we have been very liberal in making an effort to have the department reach out and, so far as possible, help people in different localities to combat these various pests that are affecting crop production. This is true with reference to the larch canker in your forests, and it is true with reference to the wireworm, and also with reference to the production of bulbs and the pests affecting the production of bulbs. It is true with reference to research in the matter of preparing fruits for shipment in export. It is true with reference to an effort to find out what the flour weevil is that is affecting the shipment of flour from southern ports to European ports. We have gone along with these items and have been very friendly in granting additional sums, so that for departmental work this bill carries $1,700,000 more than the 1929 bill.

With reference to tuberculin tests, we are carrying on the tuberculin tests with increased indemnities, as provided in this bill. We are reaching out as far as possible to eradicate tubercular cattle that are producing milk that is being fed to the human family in the United States.

With reference to the corn borer, which is one of our old items, we are carrying on the matter of research to try to eradicate the corn borer, and we are carrying on quarantine limitations and making every effort to prevent its spread, but we are not carrying on an eradication or clean-up program as many people understood.

Next, with reference to the barberry bush, there has been much interest in that.

The department cut the item approximately $30,000. We restored that item and we are carrying the barberry eradication item at the amount carried in the bill in previous years in order that there shall be no curtailment of the work. On top of that, we are going out to make an effort under the $30,000 item for rust-resisting wheat. I am simply citing a few points in the bill.

Mr. TILSON. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. TILSON. Is it still the opinion of experts that the rust is caused from the barberry?

Mr. DICKINSON of Iowa. Oh, yes. The hearings are very complete in reference to that, and the evidence given the committee seems to be indisputable.

Mr. TILSON. How is it carried from the barberry bush itself to the seat of infection?

Mr. DICKINSON of Iowa. It is carried by birds, and it is carried by winds and in all different ways. For instance, they find where there is a barberry bush rust will spread within a radius of miles.

Mr. COLE of Iowa. Is there any hope of ultimate eradication of the barberry bush? Are they making any progress?

Mr. DICKINSON of Iowa. They are making splendid progress; but the trouble is, one digging does not clean up the bush. They will grow back in some form—unbeknown sprouts will grow up—and the experts find on those farms where they clean up it is recurrent by reason of that sprouting within that radius. It is very important to resurvey it from time to time. However, they are making progress.

Mr. KETCHAM. If the gentleman will yield, in reference to the corn borer clean-up, will the gentleman state what is contemplated as to the conducting of a clean-up campaign?

Mr. DICKINSON of Iowa. There has been no representation to us as far as a clean-up campaign is concerned.

Mr. KETCHAM. If that is done, then a supplemental appropriation will be made?

Mr. DICKINSON of Iowa. Will go into this bill.

Mr. KETCHAM. Will the gentleman be kind enough to compare the appropriations made previously for the corn borer with the present appropriation?

Mr. DICKINSON of Iowa. It is an increased amount through the research work in the bill. One way they are endeavoring to meet the ravages of the corn borer is through parasites, by different resistants, to determine whether or not the corn borer is going to be able to destroy it.

Mr. KETCHAM. What did the testimony bring out in regard to the development of parasites?

Mr. DICKINSON of Iowa. They are developing them, but they are not able to say that they are a cure.

Mr. LEAVITT. If the gentleman will yield, the farmers in Montana will be particularly interested in this question of the eradication of the barberry. Can we be assured that that campaign will be carried through?

Mr. DICKINSON of Iowa. We find they are all absolutely in favor of the barberry item being carried out to a point where the barberry bush is extinguished. That is, the kind of barberry bush that produces rust. In reference to the wheat proposition, I want to go one step further. We put in this bill $29,900, an item of research in rust-resistant types of wheat. Now, this campaign is being advocated by the extension department of the agricultural colleges in four or five of these States out there which produce so much wheat.

We had before us the presidents of the various agricultural colleges which have been inaugurating this campaign. That includes Minnesota and the two Dakotas and Montana. They are very anxious that experiments be carried on to ascertain whether they can develop a rust-resistant wheat. They are very hopeful of success, and we have given the Budget estimate for that work.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. STEVENSON. Referring to the barberry matter, may I ask the gentleman whether it is the barberry that we put out?

Mr. DICKINSON of Iowa. No. That is the Japanese barberry.

Mr. STEVENSON. We have had rust with our barberry to my knowledge all my life.

Mr. DICKINSON of Iowa. I can not answer with absolute accuracy, but it is my impression that the barberry productive of rust is the old barberry that grows wild in the forest areas. It is not the cultivated Japanese barberry that produces the little red berry.

Mr. STEVENSON. That is not the same variety?

Mr. DICKINSON of Iowa. No.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. COLTON. There is provision made here for research and investigation of range problems in the public-land States, in which we are very much interested. I noticed in the hearings last year that the Chief Forester said that it was one of the most important items, in his judgment, in the bill. This year an application was made for a $25,000 increase in that item. The Budget allowed a little more than $17,000 increase. The committee seems not to have changed that as I notice in this bill there is only a little over $17,000 allowed.

Mr. DICKINSON of Iowa. My impression is that we increased the item known as the forestry survey, and we increased the item of forestry economics. It is my thought that that is one of the items you referred to, the forest survey.

Mr. COLTON. No. The item that we are particularly interested in is for range research. In that the department asked for an increase of $25,000, but the Budget has allowed, as I recall, only about $14,000, and something over $2,000 is allowed under the Welch Act for adjustments. We are interested in this item for range research. It means very much to those who are using the public domain. I am referring to that in contradistinction to the forest reserves. We are anxious to get ways of increasing the forage on the public domain. Thus far comparatively little work has been done along that line. We want an increase for range research. It is vital to the intermountain region.

In the McNary-McSweeney Act there was an appropriation authorized for this work totaling $275,000, and it was the intention to increase the amount this year by $25,000.

Mr. DICKINSON of Iowa. We reached the conclusion that the research on the public domain should abide the legislation where the Government would supervise and control these ranges, and the committee finally reached the conclusion that we ought to wait until that legislation was enacted.

Mr. COLTON. Under section 7 of the McNary-McSweeney Act provision was made for research work on the forest reserves and on the adjacent public domain.

Mr. DICKINSON of Iowa. In the public domain the Government has no control over the range. If you increased your range it would mean simply that some one would come in there and take possession of it. It was our belief that we should have legislation covering the public control of those areas.

Mr. COLTON. We have a bill now pending before the Committee on the Public Lands for public control, but in the meantime this is for research on range projects, which are on the forest reserves and on the adjacent public domain. I am very much disappointed that the amount has been reduced.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. LANHAM. In the prosecution of the study of root rot, which is very destructive of our southern cotton crop, is the gentleman prepared to state to us to what extent the research thus far made in this regard has been successful, and whether any remedy has been discovered that would indicate that they will reach the solution of this problem?

Mr. DICKINSON of Iowa. Some members of our subcommittee have gone into that very carefully. I understand they are very much encouraged with the investigation thus far made. I regret I could not give a detailed description of what has been done.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. KINCHELOE. The Committee on Agriculture has had hearings for the last week on the question of amending the packers and stockyards act, and it was developed there that there is a great deal of dissatisfaction among the commission men as to the operations of the packers and stockyards act. In one case the Secretary of Agriculture was enjoined by the Cudahy Co. in the United States circuit court as to the examination of the books. The Government lost in that action, but seemed to be content to rest there, and did not go to the Supreme Court at all. In another department of activity, in a case between the Department of Agriculture and the packers, the Attorney General advised that he had no jurisdiction, and he rested on that. It seems that the highest court has not been resorted to to set out the rights of the parties unequivocally.

The CHAIRMAN. The gentleman from Iowa has consumed 15 minutes.

Mr. KINCHELOE. They seem to have relied on the Daugherty opinion only. I was wondering whether the gentleman's committee in the preparation of this bill had been given any knowledge of that, as to why they had not gone into the Supreme Court instead of relying merely on the opinion of the United States circuit court or the Attorney General.

Mr. DICKINSON of Iowa. I may say to the gentleman that there was no mention of that in our committee.

Mr. KINCHELOE. There has been a great deal of dissatisfaction. One man by the name of Montgomery, at the head of these commission men, testified that in his judgment the packers and stockyards act had accomplished nothing. I would like to have the gentleman investigate that at his leisure some time, because if the law is not operative we had better repeal it.

Mr. HOWARD of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HOWARD of Nebraska. I have not had opportunity to examine the bill carefully, but has the committee done anything with reference to a reprint of two books that are very desirable for circulation—one entitled "Diseases of the Horse" and the other "Diseases of Cattle"? Every Member coming from the agricultural zone is flooded with requests for these books.

The CHAIRMAN. The two additional minutes yielded by the gentleman to himself have expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield myself two additional minutes.

Mr. HOWARD of Nebraska. And our only reply to those requests is that they are out of print.

Mr. DICKINSON of Iowa. Let me suggest to the gentleman that in this appropriation bill we could allow the money, as discussed before our committee by the gentleman from Texas [Mr. JONES], who has been interested in this reprint for a number of years, but we have not the authority to determine the method by which they can be distributed. It was ruled out of the bill on what Mr. JONES would say was a close point of order, but nevertheless it was ruled out, and until there is legislation which will provide for the distribution of those

books this money that we appropriate lies in the Treasury and has never been used, as I understand.

Mr. JONES. Why does it remain in the Treasury? The appropriation was made three years ago, and why does the department refuse to print them?

Mr. DICKINSON of Iowa. I could not tell the gentleman, except they say there is no proper legislative authorization for their distribution and no way by which they could be used.

Mr. JONES. The department could distribute them, for that matter, but in the meantime, if they had printed them, we would have had the legislation to distribute them.

Mr. DICKINSON of Iowa. It is a question whether or not we should make the appropriations and wait for the legislation, or whether we had better get the legislation first.

Mr. JONES. I appreciate the gentleman's position, but I do not think the department had a right to decline to print them when the House and the Senate determined they should be printed by the appropriation of the money.

Mr. DICKINSON of Iowa. Well, the situation is that there is a tie-up there on the question of authority for distribution. Now, with reference to the other items, the details will come out under the 5-minute rule, and I do not suppose there will be an item which will not be discussed. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Under extension I am adding hereto statement of various amounts for specific purposes carried under separate subheads:

Certain projects involving more than one appropriation

	Allotment, 1929	Increase, 1930, in House committee bill
Biological abstracts:		
Library (salaries and expenses)	----------	$5,000
Office of Experiment Stations (general administration)	----------	5,320
	----------	10,320
Blister rust:		
Bureau Plant Industry (blister rust control)	$445,020	----------
Plant Quarantine and Control Administration (preventing spread of white pine blister rust)	26,500	----------
	471,520	----------
Bulb work:		
Bureau Plant Industry: Horticultural crops and diseases—		
Bulb culture	20,400	----------
Bulb diseases	16,000	----------
Entomology (tropical and subtropical insects)	15,000	7,500
	51,400	7,500
Cattle grub:		
Bureau Animal Industry (diseases of animals)	50,000	----------
Entomology (insects affecting men and animals)	27,500	----------
	77,500	----------
Cotton-deterioration studies:		
Bureau Plant Industry—		
Alkali and drought resistant plants	[1] 24,600	----------
Western irrigation agriculture	[2] 1,000	----------
Agricultural economics (marketing and distributing farm products)	[3] 10,000	----------
	35,600	----------
Cotton root rot and wilt:		
Bureau of Plant Industry (cotton production and diseases)	26,600	9,373
Chemical and soils (soil fertility)	29,590	13,000
	56,190	22,373
Erosion, soil:		
Chemical and soils (soil survey)	10,085	----------
Roads (agricultural engineering)	9,000	2,150
	19,085	2,150
Forest research (McNary-McSweeney Act):		
Weather Bureau—out of Washington (forest-fire weather)	25,000	----------
Bureau of Plant Industry (forest pathology)	98,500	----------
Forest Service—		
Forest products	505,000	32,404
Range investigations	49,755	14,320
Silvical investigations	354,300	35,598
Forest economics	----------	25,000
Forest survey	----------	40,000
Entomology (forest insects)	185,000	----------
Biological Survey—		
Food habits of wild animals and birds	5,700	----------
Biological investigations	4,400	7,957
	1,227,745	155,274

[1] All of alkali and drought resistant plants item.
[2] Cotton work at Yuma.
[3] Cotton-ginning studies.

Certain projects involving more than one appropriation—Continued

	Allotment, 1929	Increase, 1930, in House committee bill
Fruit and vegetable utilization:		
Bureau Plant Industry (horticultural crops and diseases)	$38,190	----------
Chemistry and Soils (agricultural chemistry)	44,610	[4] $5,000
	82,800	5,000
Marine meteorology:		
Weather Bureau—		
In Washington	21,690	10,260
Out of Washington	26,810	20,000
	48,500	30,260
Naval stores:		
Chemistry and Soils (naval stores research)	15,000	4,160
Food, Drug, and Insecticide Administration (enforcement of naval stores act)	37,825	----------
	52,825	4,160
Poultry work:		
Bureau of Animal Industry:		
Animal husbandry	111,650	[5] 15,000
Animal diseases	7,065	[6] 4,685
Entomology (insects affecting man and animals)	1,000	----------
Agricultural Economics—		
Marketing and distribution	12,000	----------
Crop and livestock estimates	5,000	----------
Market inspection of farm products	12,000	----------
Market News Service	50,000	15,240
Food, Drug, and Insecticide Administration (enforcement of food and drugs act)	10,000	[7] 27,924
	208,715	62,849
Spray residue work:		
Bureau of Plant Industry (horticultural crops and diseases)	20,300	----------
Chemistry and Soils (insecticide and fungicide investigations)	10,000	35,000
Entomology (deciduous fruit insects)	5,000	----------
Food, Drug, and Insecticide Administration (food and drugs act)	25,000	----------
	60,300	35,000
Strawberry work:		
Bureau of Plant Industry (horticultural crops and diseases)	19,000	----------
Chemistry and Soils (soil fertility)	----------	4,800
Entomology (truck crop insects)	1,200	2,000
Agricultural Economics—		
Farm management and practice	4,500	----------
Market inspection of farm products	9,500	----------
Market News Service	3,000	----------
	37,200	6,800
Sugar beets:		
Bureau Plant Industry (sugar plants)	91,945	49,348
Chemistry and Soils—		
Agricultural chemistry	9,000	----------
Soil fertility	10,000	----------
Entomology (truck crop insects)	30,111	18,000
Roads (agricultural engineering)	1,500	5,000
	142,556	72,348
Sugar cane:		
Bureau Plant Industry (sugar plants)	114,310	----------
Chemistry and soils—		
Agricultural chemistry	15,000	----------
Sirup and sugar investigations	20,000	----------
Soil fertility	20,000	----------
Entomology (cereal and forage insects)	21,640	----------
Roads (rural engineering), investigation of drainage of sugar-cane soils	----------	10,000
Agricultural Economics—		
Enforcement of warehouse act	100	----------
Crop and livestock estimates	2,500	----------
	193,550	10,000

[4] Sulphur dioxide content of dried fruit.
[5] Standard breeding.
[6] Pathological diseases.
[7] Inspection of poultry for canning and preparation of food products.

Mr. BUCHANAN. Mr. Chairman, I yield 30 minutes to my colleague from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman and gentlemen of the committee, my purpose in rising at this time is to give notice to the House that at the proper time and place I will offer an amendment to the pending bill increasing the appropriation for what is known as the market news service in the Department of Agriculture. My purpose to-day is to show that the market news service in the United States is not only a very valuable service but that the appropriations annually made are entirely inadequate to meet the needs of those for whom it is intended to serve. My reason for asking for this increased appropriation is based upon

sound policy, a precedent already established by the Government and because of its fairness toward the producers of farm crops in this country, thereby placing the assistance rendered by the Government on a parity with that rendered to industry.

I can best illustrate the justification of such aid by pointing out just what the Government is doing to aid and stimulate American industry and enlarging its activities in foreign countries. You are all familiar with the activities of the Bureau of Foreign and Domestic Commerce in the Department of Commerce. You are familiar with its purposes. You know it was established primarily to serve as an agent for industry in this country in locating and finding markets for manufactured products of the United States in foreign countries. It is not my purpose here to criticize the activities of this bureau or to criticize the work of the department, of which it is a part, but, on the contrary, I want to emphasize its importance, its significance, and its value to industry, and in doing so, I want to show conclusively that our Government ought to use a similar or a corresponding agency in promoting the business of agriculture.

I am going to read for the information of the House a part of the report of the director of this bureau, as found in the Annual Report of the Secretary of Commerce. On page 94 of the report for the past year I find the following:

> The trade-promotive work of the bureau, of both its staff abroad and its organization within the United States, has been a vital factor in the steady expansion of American exports during the recent years. The expansion has been particularly great in the case of manufactured goods, the class in which the selling efforts counts most. American exports of finished manufactures last year reached the huge total of $2,061,000,000 and, notwithstanding the lower prices than had prevailed in any other postwar year, were 4 per cent larger than in 1926–27 and 70 per cent larger than in 1921–22. Particularly conspicuous have been the gains during recent years in the exportation of motor vehicles, machinery, chemicals, and other highly elaborated factory products.

I want to emphasize the statement made by the director where he shows that the American exports of finished manufactures increased 70 per cent in the five years from 1922 to 1927. Mr. Chairman, I am anxious that this point should be made clear, that through the instrumentality and through the agency of this bureau of the Government, the foreign exports of manufactured goods have increased 70 per cent within five years. Think of it, 70 per cent within five years. I emphasize the statement because it shows the possibilities of a governmental agency in increasing the trade of this country, and it shows, on the other hand, what the Government could do in increasing, expediting, and making more efficient the marketing facilities within the United States if the same or corresponding efforts were made in behalf of agriculture. On page 100 the director says:

> To place a dollars and cents value on many of the bureau's services obviously is impossible, so intangible are they and so indirect the returns; even the firms aided can not themselves always trace accurately the proportion of their exports attributable to bureau assistance.
>
> Foreign commerce officers last year reported known sales and savings amounting to $45,000,000, this figure covering only a very small percentage of the clients served by the bureau's 51 offices abroad.

In this connection I want to cite just a few illustrations or examples from the report already referred in order to show the activities of the bureau in behalf of industry. I will incorporate the most of them in my remarks.

Mr. JONES. Will the gentleman yield?

Mr. HARE. Yes; I gladly yield.

Mr. JONES. I am very much interested in what the gentleman is saying, and I think the gentleman is striking at the real problem of agriculture, and that is marketing. I found in a hurried glance through this bill that the department is securing some $6,000,000 to be applied on the marketing and distributing end of the business and over $60,000,000, exclusive of roads, on the various problems of production. Does not the gentleman think this is a rather unbalanced way to strike at the problem, when we have already mastered production to a far greater extent than we have mastered distribution?

Mr. HARE. I can say that, in my opinion, the problem of marketing is the one great problem within the near future not only for agriculture but for every other industry in the United States.

Mr. JONES. Is not that the main problem we have been trying to solve here all along with reference to agricultural problems—the marketing problem?

Mr. HARE. That is absolutely true.

Mr. JONES. And considerably less than 20 per cent of the appropriations carried in this bill, which are for the Department of Agriculture, are in any way touching or relating to the problem of distribution or marketing.

Mr. HARE. I think the gentleman is absolutely correct, because, as a member of the Committee on Agriculture, I know he is as well posted or well advised on this point as any man in Congress, and I am glad to have an expression from him on the subject.

As I have just stated, I want to point out a number of particular instances where this bureau through its agents and employees has contributed wonderfully toward the sale of manufactured products of the United States. I will not make reference to all of them, but will quote a number of illustrations given in the report:

> Bookkeeping machines: Trade-promotion work of the Prague office included the establishment of an agency in Czechoslovakia for a New York manufacturer of accounting machines, which placed orders approximating $100,000.
>
> Bridge plates: Over a year ago the Habana office called the attention of purchasers in Cuba to the value of a patented steel plate for bridges manufactured by a firm in the United States, and as a result this device is now being bought in Cuba by the carload.
>
> Camp cots: Assistance given to a New York manufacturer of camp cots by the bureau's Calcutta office increased this firm's yearly business in India from $800 to $40,000.
>
> Canning machinery: An order for $7,000 worth of Illinois canning machinery was directly traceable to the Brussels office.
>
> Compressed gases: A report dealing with the marketing of compressed gases in the United Kingdom prepared by the bureau's London office gave information that enabled a Massachusetts firm to sell $10,000 worth of sulphur dioxide.
>
> Druggists' supplies: Services rendered by the bureau's Cairo, New York, and Chicago offices are acknowledged by an Egyptian druggist to have resulted in $200,000 worth of business with American manufacturers of divers products.
>
> Electrical equipment: The commercial attaché in Ottawa received a request from a firm in western Canada interested in electrical refrigerators and radio equipment. United States manufacturers of these articles have now sold at least $75,000 worth of this material to this Canadian concern. Installation difficulties were cleared away for a Wisconsin manufacturer of electric refrigerators by the bureau's office in Manila.
>
> Excavator parts: Assistance to a New York firm by the Calcutta office brought about the conclusion of contracts for excavator parts totaling $25,000.
>
> Fertilizers: Trade-mark difficulties which prevented a New York manufacturer of fertilizer chemicals from placing his products on the Korean market were cleared away by the Tokyo office and brought $72,000 during the year.
>
> Fish meal: New York and Maryland exporters of fish meal have obtained $70,000 worth of business from a Hamburg concern with which they were put in touch by the trade commissioner there.
>
> Flash lights: The Bogota office obtained a business connection for a New York manufacturer of flash lights, resulting in $23,000 worth of orders for shipment to Colombia.
>
> Grease cups: Through the Berlin office a New York manufacturer of grease cups found a buyer whose orders last year amounted to $500,000.
>
> Heating equipment: Information transferred by the Ottawa office has enabled a Kentucky manufacturer of heaters and fireplace furniture to place $35,000 worth of Canadian business in 10 months.
>
> Insecticides: A New Jersey manufacturer has sold $10,000 worth of insecticides to Denmark, Germany, China, and Mexico through agency arrangements made by bureau offices in those countries.
>
> Lawn mowers: Information furnished by the London office enabled a New York manufacturer to sell $50,000 worth of his lawn mowers in England.
>
> Linoleum: The recently opened Singapore office of the bureau referred a Pennsylvania maker of linoleum to a firm that placed a $25,000 order.
>
> Locomotive supplies: The Vienna office assisted a Delaware firm in negotiating with Austrian railways contracts that involved locomotive supplies which amounted to $550,000.
>
> Paints: An American firm dealing in pigments, white lead, etc., received last year a total of $70,000 in orders from the South African agency which was arranged with the help of the bureau's Johannesburg office.
>
> Public-works contracts: A Massachusetts firm obtained street-paving contracts from Argentine municipalities amounting to $1,500,000 as a result of recommendations made by the bureau's Buenos Aires office, which office also facilitated the obtaining by two New York firms of a municipal building contract approximating $2,700,000.
>
> Road-making machinery: Twelve American concrete mixers and six gasoline-driven shovels, worth approximately $150,000, were sold in Spain for a Wisconsin manufacturer by an agent whose appointment had been arranged by the bureau's Madrid office. This office was also helpful in the booking of orders for 60 dump cars by an American manufacturer of industrial equipment.
>
> Shovels: Advice from the Montreal office to the effect that the city of Montreal expected to be in the market for steel shovels enabled firms in the United States to quote for this business and a Pennsylvania corporation secured the order, amounting to $24,500.

Steel: A Pennsylvania steel company about to terminate its operations in Argentina was induced to stay in the market by the commercial attaché in Buenos Aires, who pointed out the favorable turn of affairs coming in Argentine trade, and shortly afterwards the company obtained $1,000,000 worth of business. In China another representative of a Pennsylvania steel company, whose stop in Shanghai was limited to a few hours, was placed in touch by the trade commissioner with an importer who gave orders amounting to $30,000.

Storage batteries: A $19,000 Canadian contract resulted when the bureau's office in Toronto brought an inquiry for storage batteries to the attention of United States manufacturers.

Tractors: Assisted by the bureau's Melbourne office in making connections with Australian firms, manufacturers in Illinois, Iowa, and Wisconsin sold $72,000 worth of tractors in that Commonwealth. The Bucharest office helped a California manufacturer of tractors in concluding agency arrangements that resulted in $36,000 worth of sales.

Traffic lights: The following of recommendations made by the Sao Paulo office enabled a New York manufacturer of traffic-signaling equipment to obtain a $240,000 contract from a Brazilian city.

Trucks and busses: An agent in Uruguay obtained for the manufacturer by the bureau's Montevideo office disposed of a bus and placed an initial order for three trucks.

Vacuum cleaners: A Minnesota manufacturer of vacuum cleaners was aided by the Wellington office in establishing a sales organization to cover New Zealand, which has done $70,000 worth of business in three months.

Woodworking machinery: Recommendations made by the Stockholm office and other assistance have been responsible for $127,000 worth of additional sales for a New York exporter of woodworking machinery.

Yarn: A North Carolina yarn spinning and finishing concern gave its agency to a British firm with which it was placed in touch by the bureau's London office. In the 12 months ended May 30, 1928, the British firm sold $97,000 worth of yarn in this very difficult market.

Zinc products: The Paris office assisted an American manufacturer of zinc products in establishing connections with several French consumers, and goods to the value of $14,000 have been sold thus far.

As I said at the outset, it is not my purpose to criticize the activities of this bureau but to show that with the proper assistance, its agents and employees are in a position to locate markets and enlarge the marketing opportunities for various industries of our country.

These illustrations are sufficient to show us conclusively that the agents of this bureau are in a position to enlarge and do enlarge the marketing possibilities of American products in foreign countries, and the point I am endeavoring to emphasize is the contrast between what the Government is doing to assist industry in marketing its products and how little it is contributing toward helping the farmer in marketing his crops, particularly perishable crops. In other words, as I see it, you appropriated for this bureau last year approximately $3,000,000 for the purpose of finding markets for our manufactured products and you see from the above illustrations the manufacturer gets the advantage of it, but when a farmer goes up to the Department of Agriculture and asks to be advised as to the number of carloads of watermelons in the city of Detroit to-day, the number in Pittsburgh, the number in Boston, the number in New York, or the number in any other city of the United States and the probable number that will be in each to-morrow, he is confronted with the statement, "We may have the information but we are unable to give it to you until you pay the cost of getting it." In other words, you have appropriated millions of dollars to enable the Bureau of Foreign and Domestic Commerce to find a market for the products of the manufacturer, get in touch with the purchaser and bring them together in such a way as to increase the sales of the former to the extent of $45,000,000 or more annually, and the manufacturer is not called upon to pay one penny of the expense incident to the transaction, but when the farmers of this country have produced a perishable farm crop and they want to find a market for it, a market that is the least congested, a market where the price will probably be the highest, the Federal Government says in effect, "We can not do it unless you pay the cost incident to securing the information."

Mr. CRISP. Will the gentleman yield?

Mr. HARE. Gladly.

Mr. CRISP. What does the gentleman mean by that statement? Has the department the information, but refuses to give it out, or have they not the information because the Congress has not appropriated sufficient money for them to obtain it?

Mr. HARE. My information is they have the information in many instances and furnish it to those sections that are willing to go down in their pockets and put up the money for the cost of securing it. In my State I have inquired as to whether or not the department would be able to furnish to the truck growers of the State such information, and have been told that it was not possible to do so with funds available.

Just here I want to insert in the RECORD a letter from the Acting Chief of the Bureau of Agricultural Economics of the Department of Agriculture which explains itself:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, D. C., December 6, 1928.

Hon. B. B. HARE,
House of Representatives.

DEAR MR. HARE: In answer to your telephone request for information relative to market-news service on fruits and vegetables given in the State of South Carolina, I regret to advise that no office for the collection and distribution of such information has been maintained in that State since the spring of 1926. That year and during previous seasons a market-news office was operated at Charleston during the white-potato shipping season. A great many growers and shippers in the State receive market reports on various commodities, but since that time such reports have been mailed from offices located in other States and from Washington, D. C.

With the increasing popularity of the market-news service on fruits and vegetables, it has been impossible to satisfy all of the demands placed upon the service. An indication of this popularity is evidenced by the willingness of State or local organizations, growers, and shippers to pay part of the cost of the service in particular localities. This practice has enabled the service to operate at a considerable saving at the various points, which saving has been utilized to open offices in other districts where a real demand existed and where similar financial cooperation was available. This practice has been followed until the cost of all but one such office is paid for in part by State or local organizations or groups of local individuals. Neither the State of South Carolina nor the local factors at Charleston were willing to support financially an office at that point. Therefore, in justice to other territories, the money formerly expended there was utilized elsewhere. The kind of offices above referred to are operated each year for varying periods of from three weeks to seven months.

Very truly yours,

C. W. KITCHEN, *Acting Chief of Bureau.*

It is not my purpose here to offer any criticism of the Department of Agriculture, because I believe its agents and employees are doing the best they can with the funds available for the market news service, but the point I am making is that Congress has been very liberal in its appropriations to be used in assisting industry in marketing its products, but seems to expect the farmer to bear the entire burden of marketing his crops. It is an unfair discrimination in favor of the former that should be removed.

There are 25 illustrations set out in the report already referred to, 25 particular instances, 25 individual manufacturers who, according to the report, through the efforts, through the instrumentality, through the agency of this bureau, were enabled to increase their sales last year to the extent of $7,457,000, or an average of $298,300 for each concern or business enterprise. In other words, a careful study of the report forces one to the conclusion that the agents, representatives, or employees of the Government have in effect acted directly or indirectly as salesmen for individual American manufacturers or manufacturing enterprises. Let me read again what the report says:

Assistance given to a New York manufacturer of camp cots by this bureau's Calcutta office increased this firm's yearly business from $800 to $40,000.

Through the Berlin office a New York manufacturer of grease cups found a buyer whose orders amounted last year to $500,000.

The Vienna office assisted a Delaware firm in negotiating contracts which involved locomotive supplies amounting to $550,000.

As a result of recommendations made by the bureau's Buenos Aires office a Massachusetts firm obtained street-paving contracts from Argentine municipalities amounting to $1,500,000.

As I have already stated, I am not charging any irregularity on the part of Government agents or employees in bringing the manufacturer and the purchaser of his products together, because they are simply discharging the duties placed upon them, but I simply want to emphasize the fact that when the producers of farm crops ask the Government to provide for them a similar service they are told they will have to bear the expense, yet I am unable to find where the manufacturers have been called upon to pay for the services rendered them.

Mr. BLAND. Will the gentleman yield?

Mr. HARE. I will.

Mr. BLAND. To what extent would the gentleman's amendment increase the appropriation?

Mr. HARE. My idea is to increase the appropriation $1,000,000.

Mr. BLAND. I am heartily in accord with the gentleman, because of my interest in the proposition. I wanted to know

whether the amendment would take care of the various localities throughout the country.

Mr. HARE. My idea is to increase the appropriation $1,000,000. I know the gentleman is interested, because his State to-day is a great producer of perishable farm crops.

Mr. BLAND. I appeared before the committee in advocacy of this matter.

Mr. HARE. Every State in the Union will reap an advantage. In my State the truck and fruit growers last year produced 21 different varieties of fruits and vegetables to such an extent that they were shipped in carload lots, not mentioning those shipped in smaller quantites. My idea is that the Government ought to be in a position every evening to advise any locality in this country how many carloads of a perishable farm crop there are in any particular market.

It ought to be able to tell whether in Chicago there are 5, 10, or 50 carloads, and how many have been directed or are on the way to the city. If the producer has that information, he is in a position to know whether to make his consignment to Chicago or whether he should send it to St. Louis, New York, Pittsburgh, Boston, or some other market where the supply is limited. The carload shipments as a rule are not directed to any particular city when they leave the shipping point, but are directed to some central point and consigned from there. For example, nearly every carload of perishable crops from the South first goes to the Potomac Yards and is directed from there to some particular market.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HARE. I yield to the gentleman from New York.

Mr. LAGUARDIA. This summer I investigated that matter, and in Berlin they have a central office and receive telegrams every night from every section of the country, and also the position of the railroad cars. They distribute their perishable products in that way. They have a perfect system in Germany working along these lines.

Mr. HARE. I am glad the gentleman is familiar with the subject, because he should be of considerable assistance in getting this appropriation.

Mr. GARBER. Will the gentleman yield?

Mr. HARE. I yield.

Mr. GARBER. It is my understanding that the Department of Agriculture has a daily news service. Does not that include daily reports on all farm products throughout the United States?

Mr. HARE. My information is that the department has the information, but will not impart it until the producers of a locality or a municipality or the State advances funds necessary to defray the expense in securing the information and forwarding it to them.

Mr. GARBER. I have been informed that such information is broadcasted over the radio.

Mr. HARE. To some extent that is true.

Mr. LAGUARDIA. Is not the great difficulty the fact that the distribution of market reports are not conducive to the best interests of the consumer and producer? They are based on the actual market price, but we do not know what is back of the conditions that make that price. The gentleman will run afoul of the middlemen.

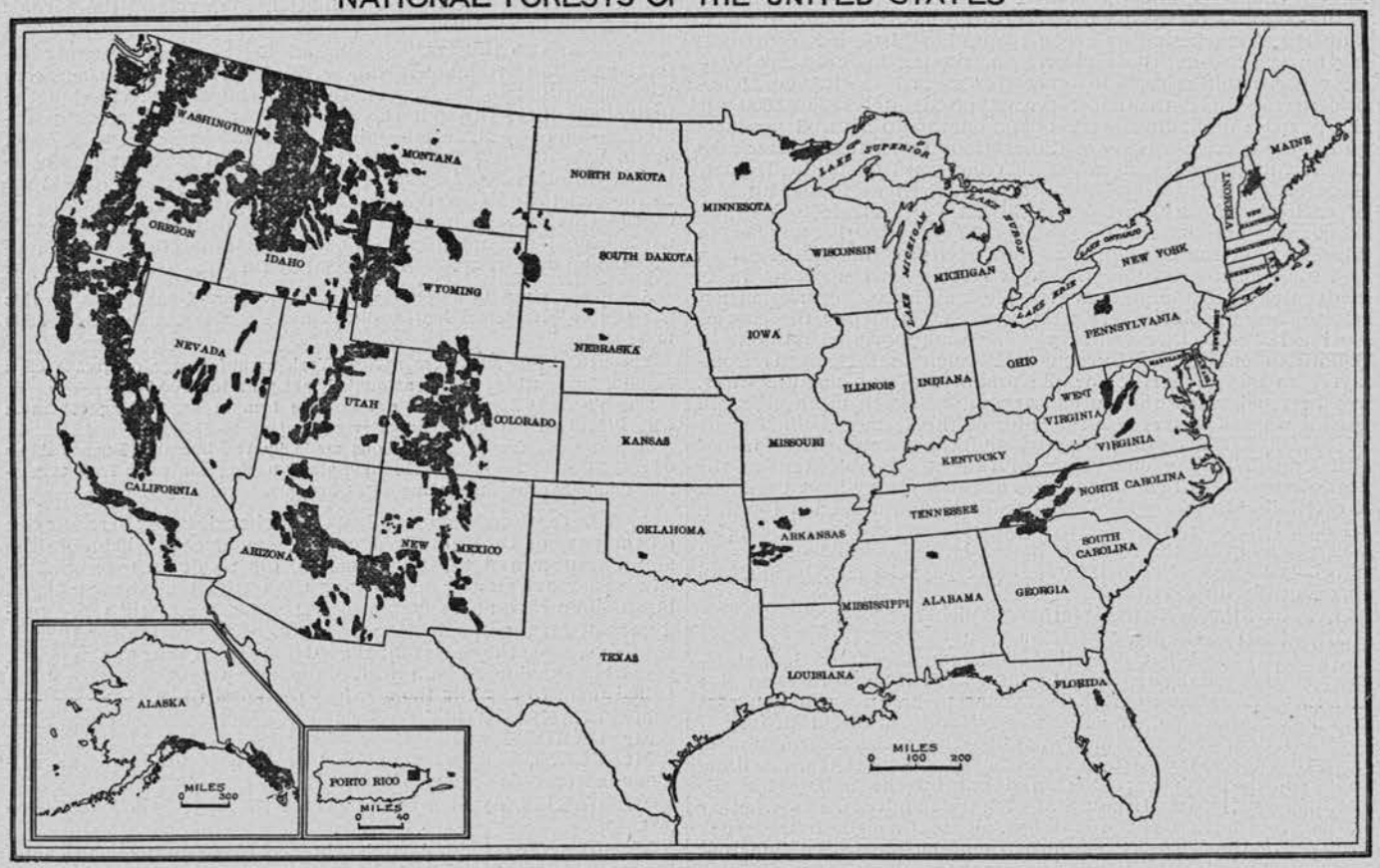
Mr. HARE. If I am furnished with the information every evening at 5 or 6 o'clock as to the number of carloads of watermelons, for example, in the city of New York, the gentleman's home, and the number of carloads that are on the way to that city, I will know whether or not to ship my carload of melons there or to some other market. That is the kind of information the farmer wants. It is simple; it is easy. Of course, it will take some time and some money, but I contend that in all fairness, in all justice, this Government should lend such aid to agriculture as it is lending to industry in the marketing of its products. It is an easy matter and a simple matter, and at the proper time in the consideration of this bill I hope to offer an amendment increasing the appropriation for the Marketing News Service as much as $1,000,000, and I hope to have sufficient support to insure its passage.

I yield back the remainder of my time.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, the timber supply of the United States will measure our Nation's progress in the centuries of to-morrow. The Pilgrim Fathers chopped and burned their way in from the Atlantic; their descendants are lashing the Pacific with spruce and fir and hemlock—the growth of centuries. Erosion depleting the soil twenty times faster than the farmers' crops is following in the wake. We imitate the Chinese of old in our timber prodigality. They now carry soil in wheelbarrows to build their farms on rocks left bare by timber removal and erosion. Billions in farm products and millions of citizens depend on our forests for a

NATIONAL FORESTS OF THE UNITED STATES



graduated water supply. The playgrounds and the game preserves of a nation are at stake. American industry, present and future, depends on timber. Federal administrators, some private owners and some legislators, see and consider the handwriting on the wall. Let us survey the situation and plan wisely for to-morrow.

The map before you shows the national forests of the United States. You will observe some small ones located in the East and South and in the central part of the country, but most of them are located in the West. If these national forests were condensed into a single area, starting in the northeast tip of our country, they would cover the areas of the six New England States and New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and North Carolina. However, there are some privately owned lands embraced within these forests which, if deducted, would exclude the area of North Carolina, leaving 13 other States as representing the solid area of the national forests, distributed through 25 States, Alaska, and Porto Rico. Alaska is drawn on a greatly reduced scale. It contains 20 per cent of our national forests.

The three charts before you graphically tell the story of a century of timber slaughter.

The third chart to which I call your attention shows with black dots the different States that are consuming more lumber than they are producing. The dot in Illinois represents about 2,000,000,000 board feet that that State is consuming in excess of the amount produced in that State. I wonder if you have any idea what 2,000,000,000 board feet means? I have tried to reduce it to something a little easier to comprehend. The amount of lumber consumed in Illinois in excess of what that State produces would build a 3-foot sidewalk five times around the world. The State of New York, once the lumber-production center of the United States, is now consuming enough lumber, produced outside the State, to build a 3-foot walk four times around the earth. The State of Pennsylvania, once the source of the Nation's lumber supply, is now consuming enough lumber, produced outside of that State, to build a solid board fence 12-feet high around the globe.

You have represented here a great stretch of States extending from Massachusetts in the Northeast through the former lumber-producing areas of New York and then later of Pennsylvania, and through Ohio, Indiana, Illinois, and on to California; all consuming very much more lumber than they are producing. The light circles with the barred lines represent States that are

CHART NO. 1

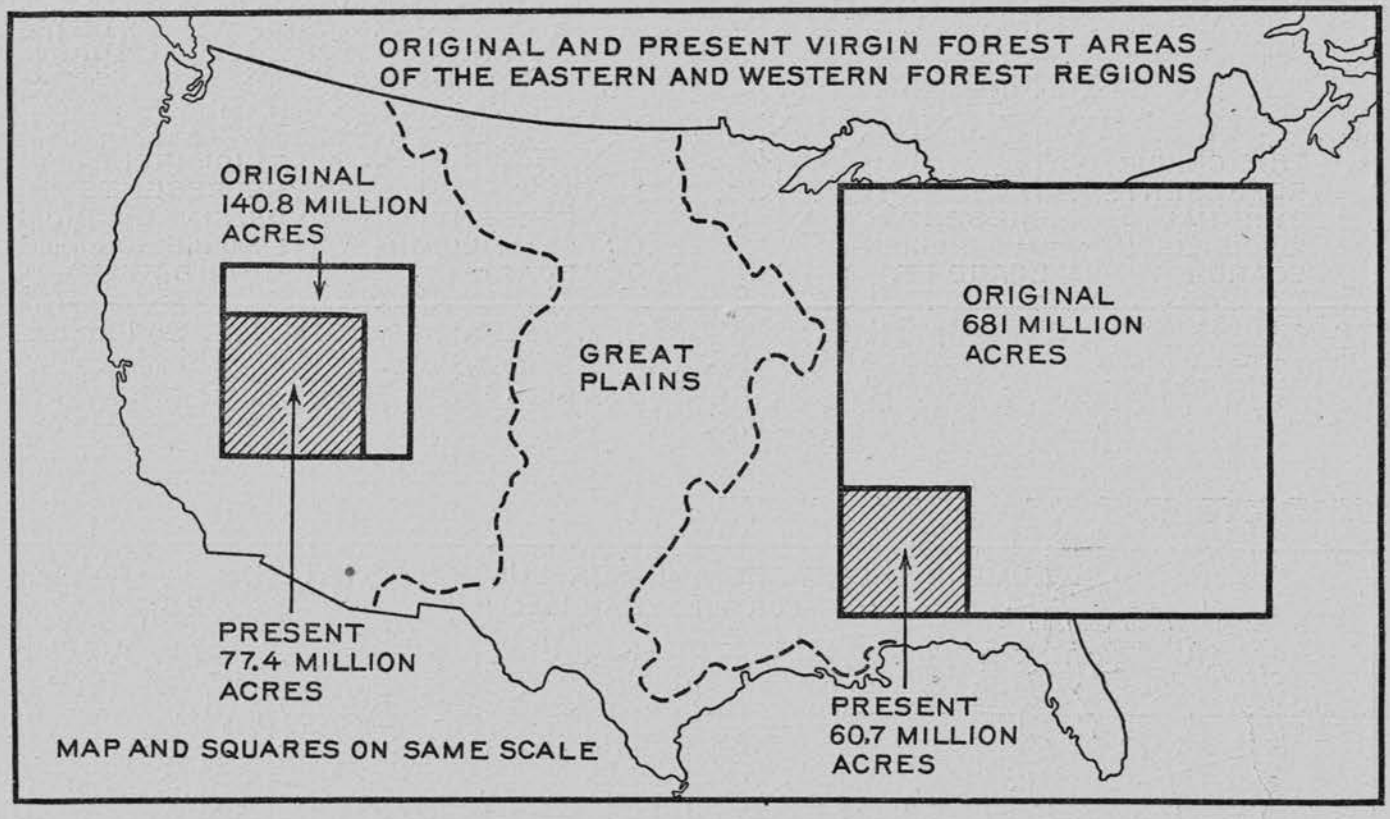


Chart No. 1, to which I now refer [pointing], shows the original and the present virgin areas of the eastern and the western forests. By acres it shows that originally there were 681,000,000 acres east of the Great Plains. That is now reduced to 60,700,000 acres. West of the Great Plains the original area was 140,800,000 acres. This area is now reduced to 77,400,000 acres.

Chart No. 2 [pointing] is perhaps more descriptive. The circles to which I point represent the original and the present timber supply of the eastern and western forest areas, expressed in board feet of standing timber. Originally we had 3,400,000,000,000 board feet east of the Great Plains, which is now reduced to 855,000,000,000 board feet. In other words, one-fourth of the eastern forests remain and three-fourths have been consumed. In the western area originally there were 1,800,000,000,000 board feet, of which 1,360,000,000,000 remain. Approximately one-fourth of the western forests have been consumed and three-fourths are standing. The eastern forests originally contained about two-thirds of the stumpage of the entire country. However, there is in the western forests at this time approximately twice as much standing timber as is found in all of the eastern forests.

producing more lumber than they are consuming. You will note that in the State of Washington, the State of Oregon, and the State of Idaho there is a large excess production. In Montana a small excess, and in Texas also, with a large excess in Louisiana and Mississippi; and then smaller in Alabama, Georgia, South Carolina, North Carolina, Virginia, and Maryland, and perhaps a few other States; but 27 of our States are consuming more timber than they are producing.

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. LEATHERWOOD. Mr. Chairman, I think the gentleman stated what he did not intend to state. He spoke of the State of Washington and some others producing more timber than they were consuming. Did not the gentleman mean that they are producing more lumber?

Mr. SUMMERS of Washington. Yes; they are producing more lumber.

Mr. LEATHERWOOD. As a matter of fact you are reducing your timber.

Mr. SUMMERS of Washington. Yes; we are reducing our timber supply, but we are producing great amounts of lumber.

CHART No. 2

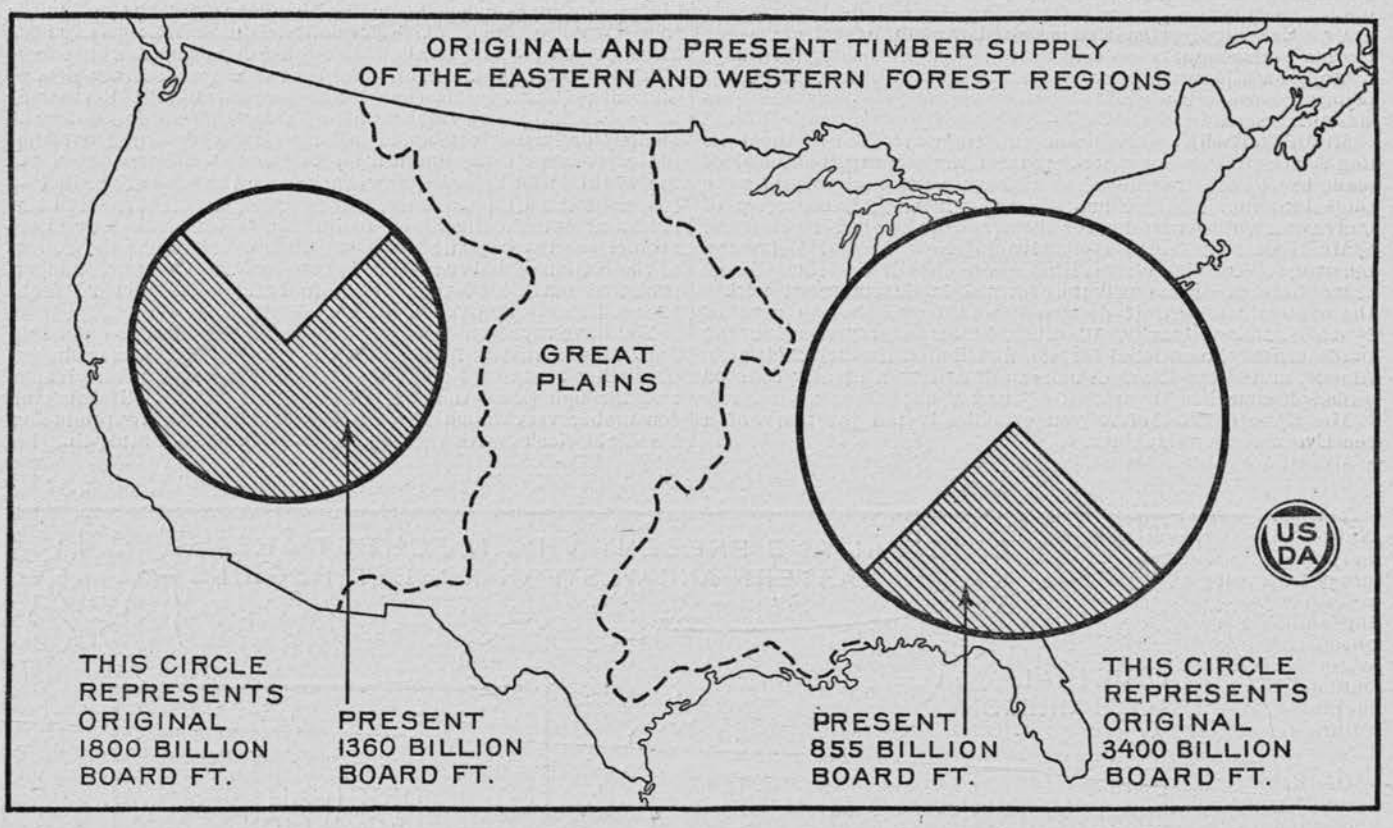
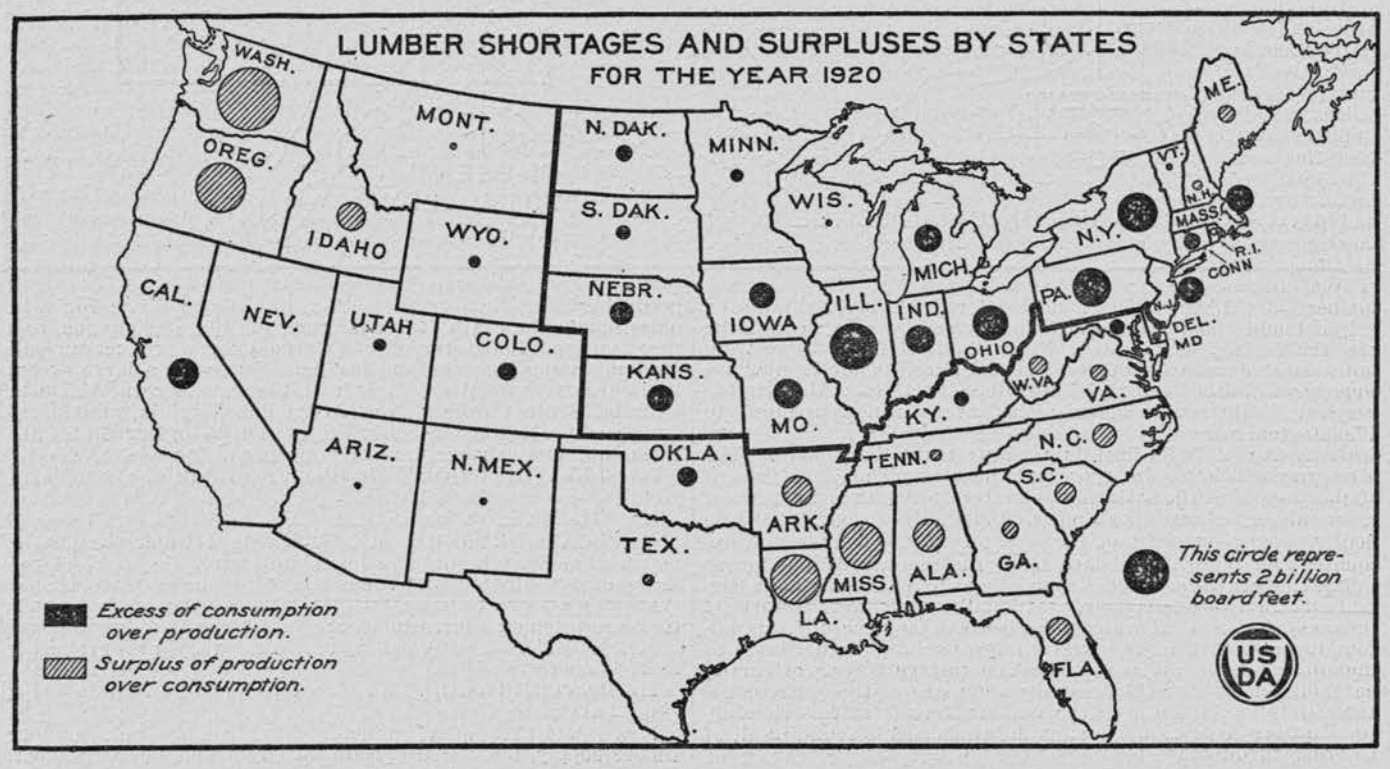


CHART No. 3



Perhaps at some points I have said timber when I meant lumber.

Mr. KINDRED. Are your great forests of redwood in Oregon being rapidly reduced?

Mr. SUMMERS of Washington. Yes; the supply of timber is being reduced. The charts I have here represent the total standing timber.

Mr. KINDRED. May I ask the gentleman one more question? Has the gentleman given any attention to the suggestion made by the bill introduced by Senator FLETCHER providing for the taking over of the Everglades of Florida for the purpose of increasing the timber supply?

Mr. SUMMERS of Washington. Timber does not grow extensively in the Everglades.

Mr. KINDRED. Is that true of all parts of the Everglades—the western and northern?

Mr. SUMMERS of Washington. I think there is some in parts of the Everglades of Florida, but there is very little timber in the Everglades proper, although there is some on adjacent land.

Mr. KINDRED. But in western and northwestern parts of the Everglades?

Mr. SUMMERS of Washington. There is some timber there.

OUR NATIONAL FORESTS

The national forests of 158,000,000 acres are one of the Nation's best investments. They are paying present dividends in present public service and at the same time they are a great reservoir of timber, forage, water, and recreational resources for the future. At the present time they are furnishing annually range forage for nearly 8,000,000 cattle, horses, sheep, and other livestock, over a billion board feet of timber, water for irrigated crops valued at more than $600,000,000, and outdoor recreation for about 18,000,000 people. And this remarkable present use is obtained without any mortgage on the future productivity of the forest lands under administration.

VANISHING TIMBER RESOURCES

Of timber it is estimated that the national forests contain about 552,000,000,000 board feet, approximately one-fourth of the standing timber in the United States. This is a timber reservoir that we may well contemplate with satisfaction, for it promises to be a big factor in tiding us over the period now foreseen between the cutting out of the last of the privately owned virgin timber and the maturing of second-growth supplies. The forests of the West, in which most of the national-forest timber is located, contain the last great body of virgin timber in the country.

The lumber industry of the past has moved the center of its activities from region to region, cutting the timber as it went and making no adequate provision for a new crop on the cut-over lands. Of our 470,000,000 acres of forest land more than 250,000,000 acres that have been cut over are only partially productive and millions of acres are without valuable tree growth. Moving at great and increasing speed as logging and milling machinery has increased in efficiency and tempo, the industry has left a plain trail from the white-pine forests of New England south and west to the Gulf and the Pacific Ocean.

In 1860, Pennsylvania on the Atlantic, led the Union in lumber production. In less than half a century the State leadership had passed to Washington on the Pacific. Pennsylvania now must go outside its boundaries for more than three-quarters of its timber requirements, and in 1926 imported from the State of Washington alone more than 167,000,000 feet of softwood lumber.

The lumber leadership began at the far northeastern tip of the Union, Maine leading in production in 1819. Ten years later the leadership had moved to New York; in 1859 it reached Pennsylvania; in 1869 the Lake States; and by 1905 it had reached the far northwestern tip of continental United States in Washington, where it has remained except for the year 1914 when Louisiana led. From Maine to Washington in less than a century is a dizzy speed for the shifting of the center of one of the most important industries of the Nation depending upon a renewable natural resource. Lumbering in the past has evidently been essentially nomadic. It can be so no longer in this country; for there is no longer any place to which it may move.

The timber that we have in forest regions now being exploited and what we can raise as a crop is all we can look to for our future supplies. In the country as a whole we are cutting timber four times as fast as we are growing it; on the national forests the annual cut is balanced by the annual growth. Furthermore, national forest timber sales are made conservatively and with a view to maintaining permanent industries and permanent communities dependent on those interests. No cutting is done in order to liquidate an investment, as is often the case with privately-owned timber, without regard to the need for the product or the permanency of the operation. The timber output of the national forests could be more than doubled to-day; but the Government being under no necessity to liquidate is not in a hurry to sell and will put the timber on the market only in accordance with actual needs and for the stabilization of industry.

Mr. GARBER. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. GARBER. What are the restrictions on the cutting of timber in the national forests?

Mr. SUMMERS of Washington. It is all under the direct control of the Bureau of Forestry. Ripe and fallen timber is always cut first.

Mr. GARBER. As I understand it, there are no restrictions in regard to privately owned property?

Mr. SUMMERS of Washington. There are none.

Mr. GARBER. And no requirement as to future growth?

Mr. SUMMERS of Washington. Except there may be some restrictions in different States that have enacted such laws. A few years ago the Congress enacted legislation cooperating with private owners, to encourage reforestation but nothing mandatory.

Mr. GARBER. Take the gentleman's own State, the principal industry of which is the manufacture of lumber. Now, what steps has the State of Washington taken to preserve and conserve the forest resources so as to provide for a new growth?

Mr. SUMMERS of Washington. Our State is cooperating with the Federal Government and acting independently to a certain extent in behalf of reforestation, and some private owners are engaged in reforestation, but all of these agencies should be speeded up.

Mr. WILLIAMSON. If the gentleman will permit, the thought occurred to me in connection with this matter in which I have been very much interested for a good many years, whether or not the Government would have authority under the Constitution to step in and make a regulation which would control the cutting of timber on privately owned lands. Has the gentleman had opportunity to investigate that question?

Mr. SUMMERS of Washington. I have not. I doubt, however, the constitutional authority to do that.

Mr. GREEN. If the gentleman will yield, I would like to know if our bill provides for the purchase of additional lands within or adjacent to the national forests?

Mr. SUMMERS of Washington. There is an inclusion of $1,900,000 for that purpose. There are a great many forest-reserve items in the bill. I can not recall the details, but I am taking occasion to lay some facts before the House at this time to quicken interest in our national forests and our privately owned forests.

Mr. SCHNEIDER. The National Forest Commission has authority under the law to extend the areas of the national forests. The Forest Service commission has that authority under the law to extend the areas.

Mr. SUMMERS of Washington. Legislation was enacted a few years ago which makes it possible to acquire areas practically surrounded by national forests.

Mr. GARBER. Is that by purchase of cut-over land?

Mr. SUMMERS of Washington. It is by purchase or exchange or gift. The lands may or may not be cut over.

Mr. GARBER. What appropriations, if any, have been made for that purpose? Does this bill carry an appropriation for that purpose?

Mr. SUMMERS of Washington. It does. All lands exchanged or purchased are appraised. The exchanges are made on the appraisal value and not acre for acre.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. SUMMERS of Washington. I will yield.

Mr. LEATHERWOOD. The gentleman touched upon the question. If the Forest Service has power to regulate public lands covered by forests, why is it some of the choice districts are all slaughtered at this time?

Mr. SUMMERS of Washington. It would be very interesting if the gentleman would present to the House at a later date any information he has along that line. I do not have such information.

Mr. LEATHERWOOD. Presumably the gentleman from Washington has traveled in the Northwest, and the gentleman knows as well as I know that many districts have been slaughtered at this time.

Mr. SUMMERS of Washington. Within national forests?

Mr. LEATHERWOOD. Yes.

Mr. SUMMERS of Washington. I am not in possession of that information.

NATIONAL FORESTS CONSERVED

Through this conservative policy to which I have referred, the cutting of virgin timber on the national forests is spread over a long period of time; timber that would be wasted because of overmaturity and decay is utilized, and provision is made for full yields in the future at a time when they will be badly needed.

To make the national forests of greatest value for the present and future timber supply of the United States they have been studied for many years. As opportunity arises they are being organized into a large number of timber farms, each managed under definite plans for permanent wood production.

Plans for the management of these timber farms are made as they are needed to guide operations on parts of the forests where transportation facilities make the cutting and removal of timber feasible. They give definite answers to such questions as what shall be the area unit from which a "continuous supply of timber" is to be obtained; how much timber can be cut from that area annually or by decades and still have the growth on the whole unit replace the amount cut; what conditions must govern the cutting in order to obtain the best crops of timber for future cutting; what bodies of overripe or deteriorating timber need cutting promptly; how the greatest aid can be given to local industrial and community stability through the provision of employment in woods work and of raw material for the manufacture of forest products; and, finally, what definite areas of timber are to be offered for sale during the next 10 or 20 years.

Under such plans the future availability of definite quantities of timber is assured and business enterprises can depend upon it. Further, the administration of each area can be organized on a permanent basis, since the amount of timber to be cut during each year or other period is known. On the Harney National Forest, in South Dakota, for example, the cutting and manufacturing of timber is the chief business of several small towns, each of which knows that the timber tributary to it is being cut no faster than it is being replaced and therefore that it need not fear the fate of most sawmill towns of the past. Only some major disaster, such as a series of large forest fires or a great epidemic of tree-killing insects, will imperil the continuous output of timber from a national forest thoroughly organized under sound timber-management plans.

The limiting of the output to the quantity that can be sustained not only leads to stability and permanence of industries and communities but also tends to prevent the overproduction of lumber and other products. The lumber industry has tended to be concentrated in regions or localities, each of which is stripped of its usable timber in turn. To an increasing extent the example of continuous yield from the national forests is inducing lumbermen to study their own holdings to see if they can not be managed on the same basis; sometimes in connection with adjacent national-forest areas. Thus the national forests are fulfilling their objects both as timber-producing units and as demonstration areas for the production of timber in private ownership.

Though the national forests now supply less than 3 per cent of the lumber consumed annually in the United States, their influence on the handling of forests generally, the stability which they give to the present situation, and the provision which they make for the future, are of immense importance to everyone who uses wood; and that means all of us—men, women, and children—who live in this country.

FOREST RANGES VITAL FACTOR

The national forests have a great stabilizing influence also on the range-livestock industry, which obtains from the ranges 70 per cent of all the feed consumed by livestock in the 11 far Western States. Over 80,000,000 acres of land in the national forests now furnish forage to permitted livestock. Last year 27,000 permittees, owning over 4,500,000 acres of improved ranch land and 20,000,000 acres of grazing land, grazed 6,394,844 sheep and goats and 1,459,823 cattle, horses, and swine on national-forest forage.

I should say at this point that the forest management is making leases now or at least giving preference to men who own some land privately on which they can raise or feed stock during other periods of the season than those in which they use the national range or national forests.

This resource is vital to the prosperity of many dependent communities which must have available a permanent and plentiful supply of forage for the season of the year when the local livestock can not be maintained on the ranches.

Increased productiveness of the range benefits the community. On the other hand, if overgrazed ranges necessitate reductions in numbers or in the period of use, the dependent ranch properties have their earning power curtailed proportionately. The Forest Service system of management aims to meet the best needs of the range itself, of the related timber, game, water, recreation, and other resources, and of the dependent ranch property. Experience and investigations have shown clearly how the forage plants can be used without loss of range productiveness and often with its increase. They have shown, too, that observing the needs of the range itself minimizes if it does not entirely eliminate damage to other resources. In other words, it is now generally recognized that good range management is good forest, game, and watershed management.

The system of grazing on the national forests is directed by grazing experts, men who combine practical knowledge of the range livestock industry with scientific training. The condition of each range is closely watched and reported annually. The kind of forage, its palatability, and the effect that grazing has upon it are considered. More than 5,000 species of range plants on the forests have been identified. The livestock have their preferences in regard to these and their choice changes as the advancing season alters the menu, as early plants mature and later ones spring up. The grazing animals may crop the seeds for their concentrated food value or the tender foliage of an early stage of growth. Their hoofs cut, trample, pack. Always there is an effect on the forage crop. Plans are made, in cooperation with the users of each allotment of range, covering the essentials of good range practice—that is, the right class and number of stock for the right season of the year, properly distributed so as to prevent overgrazing of portions of the allotment and to get even utilization of the forage crop on the whole. From year to year decision is made on the basis of the careful annual inspection of the range as to whether changes can be made to better the plan of management.

It is generally recognized that range productiveness should be measured in terms of quality and quantity of meat and wool, not quality and quantity of forage merely. The production of meat and wool depends upon many factors over which the Forest Service has no control, but in which it is extremely interested. The Forest Service, therefore, encourages, through its contact with individuals and livestock associations, the adoption of better practices in all lines of livestock production. Class, breed, and care of livestock when not on forest ranges are of sufficient importance to merit the careful consideration of all progressive stockmen. "More feed, more care, and better livestock" is still a slogan which might be followed with profit to the industry. The increased interest and response of permittees in the development and application of better practices is notable. It is because of this that the Forest Service has been able to complete plans on 4,415 out of a total of 7,064 range allotments.

Range regulation governed by economically sound principles and based on the authority of the Government as owner of the land to prescribe how it shall be used, together with the development by the Government of the technical knowledge essential for a right handling of the range resources, has made it possible to promote conditions of community welfare that, in the absence of regulation, could have been attained only through a long and painful struggle for economic adjustment. And during that struggle both the productivity of the resource and the personal fortunes of almost numberless individuals and families would have suffered greatly. But for the system of grazing control applied on the national forests many a western livestock producer would long ago have had to go out of business for lack of forage.

WATERSHEDS SERVE MILLIONS

The protection of national-forest watersheds has proved equally vital to the irrigation farmer and to the towns, cities, hydroelectric developments, and to all interests dependent on a steady supply of water from the mountain watersheds. Municipalities to the number of 782 with a population of 3,750,000 depend for their water on watersheds wholly or partly in the national forests. For water power 529 permits and licenses issued by the Department of Agriculture and the Federal Power Commission were in force at the close of the last fiscal year. More than 50,000 independent irrigation enterprises embracing 165,000 farms, with an aggregate irrigated area of 15,800,000 acres, are served by national-forest watersheds. The crops from these farms amounted at the time of the last census to more than $600,000,000. A map of the irrigated lands of the West would show practically all of them adjacent to or intermingled with national-forest lands. Irrigated land in the valleys of the West means almost inevitably national forests on the adjacent mountains. The irrigation water from the mountains in the national

forests may make the difference between almost valueless land and land worth from $100 to $1,000 an acre when developed.

Though timber, forage, and water are the principal resources there are many others, like recreational areas, game and fish, and lands, suitable for a multitude of special uses under permit. Of these the recreational resource is the most important.

THE NATION'S PLAYGROUND

Americans turn naturally to the mountains and the woods for their outdoor recreation. In the national forests they find both, for the forests are located mostly along the mountain ranges. They find also a measure of freedom of action that is agreeable to American taste, for it is limited only by the requirements for protecting the resources of the forests, the beauty of the scenery, and the health of the visitors themselves. Furthermore, the Forest Service, recognizing that recreational opportunities are a resource like timber, forage, and water, uses its best efforts to see that recreational use makes the greatest returns in national welfare consistent with the chief purposes for which the forests were established. More than 1,500 camp grounds, on 919 of which improvements have been made, are now being heavily used by the public. The fact that nearly $45,000 in cash, material or labor, or about a fifth of the total outlay, has been contributed by municipalities, associations, and other cooperators toward camp grounds and other recreational improvements is some indication of the interest which neighboring communities and others take in the recreational use of the forests.

The national forests embrace parts of every mountain system and almost every forest region in the United States; they form the natural outlet of large populations, to which they are logical, near by, economically enjoyed fields for outdoor sport and recreation. To millions of people they are the natural and sometimes the only available playgrounds other than city parks. And in these days of motors and good roads even the inhabitants of regions remote from the national forests have a direct personal interest in them as recreation grounds where they can feel free to camp or enjoy themselves in their own way, so long as they obey the rules of good sportsmanship and good citizenship in the woods.

The national forests have thus become a constructive influence in providing resources and protection to several of the major industries of the Nation, in promoting community stability and welfare, and in fostering the health and happiness of the people. They are a paying investment, returning large dividends in economic and social welfare, and at the same time putting into the United States Treasury each year $5,000,000 toward the cost of their own maintenance.

FIRE MENACE

The protection of these great properties from fires and other destructive influences is an immense task requiring a large provision of equipment, supplies, and works of control, a trained and public-spirited personnel, and the means of mobilizing large emergency forces and enlisting the cooperation of whole communities. The task becomes larger and larger each year as more people go into the woods carrying with them the menace of the lighted match, the burning cigar or cigarette, and the camp fire.

It is in the West that the worst fires occur. There, to add to the man-made fires, electric storms with little or no rain are common and one such storm may start from a dozen to 30 fires within an hour or two. In the West also, particularly in the Pacific Coast States and in northern Idaho and western Montana, the forests normally face a dry season each year, the summer drought being frequently severe and prolonged. Other circumstances combine with them to make fire protection difficult. The timber stand is of conifers; the country is very mountainous and broken, often little settled and lacking in means of communication and transportation; the areas to be protected are immense; and the funds available for the work of protection are inadequate.

To combat the fire danger the Forest Service personnel puts in long hours of work and planning to strengthen the mechanism of fire protection and to find ways and means of making every dollar of appropriation cover as much as possible of the enormous task. Insufficient improvements is one of the greatest problems encountered in this work. A recently completed survey of fire-control requirements showed 12,000 miles of telephone, including replacements, to be urgently needed. There are also needed 205 new lookout towers and 73 replacements, as well as many other improvements to house and make effective the fire-control forces and their equipment.

The protective forces of the Government are without the means of making the attack on forest fires by assault and are compelled to use siege methods. Season by season telephone lines, lookout stations, roads, and trails, and similar permanent works are carried farther into the mountains as the funds are available and the foe is pressed gradually back, the men employed on these works being used in the meantime as fire fighters when occasion demands. In the score of years that the national forests have been in existence great advances have been made by the siege method and by continued effort to perfect organization and technique. There is a deal of ground still be gained, however, and the victory depends not only on Forest Service efforts but on the support and backing which that effort receives from Congress, from the communities immediately interested, and from the general public.

RESEARCH OPENS NEW FIELDS

One of the chief methods used by the Forest Service to improve its fire-protection work is research. This method is applied not only to specific problems of forest management, weather conditions, and the effect of such factors as topography, moisture content of forest fuels, and inflammability, but also to administrative practices, organization, equipment, and so forth. It is a method used in the attack upon unsolved forest problems of many kinds. Silvicultural and other forest studies are undertaken at 11 forest experiment stations, research in range management is carried on at 3 range experiment stations, and studies of the utilization of forest products are made at the Forest Products Laboratory at Madison, Wis., and by forest products offices in the various national-forest districts. All these investigations are of assistance to forest officers in working out ways and means of handling the national forests, as well as to the industries involved and to the consumers of forest products. For instance, the Forest Products Laboratory's studies of pulp and paper manufacture and of American species suitable for paper making, of the relation of rate of growth and other factors to density and strength of wood, and of the influence of biological factors generally on the use of the product of the forest, of the use of Sitka spruce for airplane parts, and so forth, have a direct bearing on plans for cutting and for growing timber on the national forests.

The passage during the past session of Congress of the McNary-McSweeney Act authorizing a national program for forest research was a recognition of the urgent need for expansion of this activity. The most critical need now is financial resources to put the program in operation. Of all the phases of the forestry problem—and this applies to the national forests as well as to privately owned land—forest research is the most difficult and the most exacting in its requirements. It is also the most intangible, but it has often made returns of immense importance altogether out of proportion to the expenditure involved to need any defense. In forestry the field of research is large, the problems varied, and the results urgently needed for the right handling of Government, State, and private forest lands and their products.

A NEW ERA

Two important steps, in addition to the legislation for forest research, have been taken recently by Congress in planning for the solution of the forest problems of the Nation. The Clarke-McNary Act, for cooperation with the States in fire protection, distribution of tree-planting stock to farmers, forestry extension work, and an enlarged program of forest-land acquisition, has resulted in notable progress in the four years that it has been in operation. The McNary-Woodruff Act passed last April sets up a definite program of expenditure for the acquisition of land for national forests. The extension of the national forests is desirable for a number of important reasons. Self-preservation demands that the public acquire rough broken lands where the destruction of forests or failure to maintain good forest conditions means severe erosion, rapid run-off of precipitation, and irregularity of stream flow. Many areas of forest and cut-over land are suitable only for public management, Federal, State, or local, and the Federal Government has a definite responsibility to carry and manage its proportion of such forest land for timber production. More demonstration forests are needed as centers for the teaching of forest management by example. And the present national forests need to be consolidated and to be extended over the remaining public-domain land that is valuable chiefly for timber production.

The national forests in the past quarter of a century have gradually become recognized as one of the most important activities carried on by the Government for the economic and

social welfare of the people. They occupy a large place in the life of a great number of communities. They have given large returns for the comparatively modest investment we have made in them. They have arrived at a stage of development at which they are ready to increase enormously those returns for a proportionately small increase in the care and attention that we give to them and the provision we make for their management. It is the part of wisdom, economy, and statesmanship to provide more generously for their protection, enlargement, and improvement, and for the research necessary to make them and our forests generally most useful to the Nation.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. HOCH].

The CHAIRMAN. The gentleman from Kansas is recognized for 10 minutes.

Mr. HOCH. Mr. Chairman and gentlemen of the committee, I realize that it is Saturday afternoon and that it is difficult to get your attention. But if you will give me your attention for just a few moments, I believe I can present to you a matter in which you are all interested. I want to make a few observations on one of the features of the question of reapportionment.

The gentleman from Ohio [Mr. BURTON], in his splendid speech to us yesterday, said he was opposed to increasing the size of the House. I have always shared in that opinion. I would even favor a reduction in the membership of the House. What I am going to say now is not intended in any way to obstruct or to delay the reapportionment measure. I favor bringing the reapportionment measure promptly before the House for action, believing that it is our duty to reapportion.

I shall oppose, as I have hitherto opposed, the increase of the membership of the House, in spite of the fact that my State of Kansas would lose one Member under the reapportionment.

But there is one phase of the present law which I think is unjust, and it is to that feature that I wish to call your attention. The first sentence of section 2 of the fourteenth amendment reads as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

To this section I have introduced a proposed amendment. My amendment simply adds these two words to that sentence: "and aliens," so that it will read, "excluding Indians not taxed and aliens."

Now, I have had furnished to me through the courtesy of the Census Bureau a reapportionment of this House under the 1920 census, preserving the same number of 435, and showing the number of Representatives that would be given to each State if we did not count the aliens in each State. By an alien I mean, of course, a foreign-born person who has not become naturalized. This table raises this question, whether it is right that aliens in this country, foreign born and unnaturalized, should be counted in determining the number of Representatives which a State should have; and I submit that in all justice they should not be counted.

Mr. FORT. Mr. Chairman, will the gentleman yield there?

Mr. HOCH. In a moment. I ask this question: If foreign-born people come to this country and do not think enough of America to become naturalized Americans, and therefore citizens, should the State in which they live be permitted to count them to increase the number of Representatives from that State?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HOCH. I will yield first to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. The original provision that the gentleman referred to includes the words "Indians not taxed."

Mr. HOCH. Yes.

Mr. FORT. That is because at the time of the adoption of the amendment the Indians were not taxed. Should not the gentleman's proposal contemplate the fact that some Indians are now taxed?

Mr. HOCH. I do not care just now to go into that, for it is not the matter I am discussing. I am simply raising the inquiry as to whether the unnaturalized foreigner should be included.

Mr. SCHAFER. The alien must be here five years before he can be naturalized. Would you not count those who have not been here five years.

Mr. HOCH. I say there is no justice in permitting the foreign-born unnaturalized to be counted to determine the number of Representatives that a State should have.

This table shows that under the 1920 census a reapportionment on the basis of 435 Members would affect 16 States, and 32 States of the Union would not be affected. Let me read you a list of the 16 States that would be affected under the 1920 census. I read:

> Arkansas, instead of retaining its present number of Congressmen, would gain one.
> California, instead of gaining three, would gain two.
> Connecticut, instead of gaining one, would remain the same.
> Georgia, instead of remaining the same, would gain one.
> Indiana, instead of losing one, would remain the same.
> Kansas, instead of losing one, would remain the same.
> Kentucky, instead of losing one, would remain the same.
> Louisiana, instead of losing one, would remain the same.
> Mississippi, instead of losing one, would remain the same.
> Massachusetts, instead of remaining the same, would lose two.
> Missouri, instead of losing two, would lose one.
> Nebraska, instead of losing one, would remain the same.
> New Jersey, instead of gaining one, would remain the same.
> Oklahoma, instead of remaining the same, would gain one.
> Pennsylvania, instead of remaining the same, would lose one.
> New York, instead of remaining the same, would lose four.

Mr. LAGUARDIA. Is that the purpose of the gentleman's amendment?

Mr. HOCH. The gentleman from New York asks what is my purpose? My purpose is to apply the same rule to all the States.

On every vote I have voted against increasing the membership of this House, but it makes quite a strain upon human nature for any Member to go to his State and say that he votes to take one Member away from his State when if your aliens, Mr. LAGUARDIA, in New York, were not counted, his State would not lose one and your State would lose four.

Mr. LAGUARDIA. So, as I say, that is the purpose of the gentleman's amendment.

Mr. HOCH. Let me call this to the attention of the gentleman from New York: The amendment which I have offered is no new proposition. I have before me the constitution of the State of New York and I shall read the provision which has to do with the apportionment of members of their State legislature, their State assembly. I read:

> The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens.

[Applause.]

The constitution of the State of New York does precisely the same thing that I propose for the United States.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. LAGUARDIA. Would the gentleman also exclude persons who are disfranchised?

Mr. HOCH. I am now only seeking to exclude this one class. But if the gentleman wants to exclude some other people that he has in New York I might join him in that effort.

Mr. LAGUARDIA. I am talking about other States.

Mr. HOCH. Let me call your attention to the fact that North Carolina, in its constitution, has precisely the same language that I propose in this amendment, excluding aliens and Indians not taxed. California excludes persons not eligible to citizenship. Understand, that when I say "exclude," I mean simply that they exclude them from the count determining the apportionment of members of their State legislatures.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. ABERNETHY. Why pick on New York in view of what happened there during the last election?

Mr. HOCH. Well, I think the question is a very proper question which calls for sympathy. But if these official figures pick on New York I am not responsible for that. There are other States. Tennessee apportions the members of its State legislature according to qualified voters. It goes much further than the proposal here; it not only excludes aliens but it limits the count entirely to qualified voters.

Mr. LEAVITT. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. LEAVITT. Does the gentleman think there is any longer any reason for excluding Indians because they do not pay taxes, since they have all become citizens of the United States?

Mr. HOCH. The gentleman is familiar with the situation with reference to the Indians and I do not want to be diverted in discussing them. If the gentleman thinks they ought not to be excluded let him introduce a resolution.

Mr. LEAVITT. But in the amendment the gentleman is continuing the discrimination against Indians because they are not taxed. Would not the gentleman be willing to put the Indians, who are now in the same situation as to citizenship, on a parity with the whites?

Mr. HOCH. I had thought, with all due deference to the gentleman, that I might confine this to the one question I have raised. If the gentleman, who is interested in the affairs of the Indians, thinks the Constitution ought to be changed as to their status, certainly he is in a position to give the matter attention, but I am confining myself to the question I have raised.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. HOCH. I will ask the House this question, since the gentleman has talked about the Indians: Is there any reason that can be given as to why we should exclude Indians in determining apportionment which does not apply with more force to the aliens in this country?

Mr. SMITH. Indians are not citizens; they are simply given the voting privilege by an act of Congress.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOCH. I can not yield further, because my time is limited. However, I will yield to any man who will suggest any reason why a man who comes to this country, born in a foreign country, and does not think enough of America to become an American citizen by taking out naturalization papers, should be counted in determining the apportionment of Representatives; who will give any sound reason why the States in which those men live should be permitted to count them in order to get more Members in the House of Representatives.

Mr. LAGUARDIA. This is a representative government, and the very purpose of making an apportionment according to population was to have everyone represented in the Federal Congress. That was the fundamental purpose of the provision in the Constitution.

Mr. HOCH. If such people come here and do not become citizens and yet want some representation, let them hire good lawyers to represent them.

Mr. LAGUARDIA. They do want to become citizens; but when you have the Ku-Klux Klan administering the naturalization department, they never can become citizens. That is your answer.

Mr. SCHAFER. And many of them have not been here long enough.

Mr. HOCH. The gentleman takes the position that the 1,600,000 aliens in his State are not citizens for the reason that somebody kept them from becoming citizens?

Mr. LAGUARDIA. A good many of them; yes. I take that stand.

Mr. BARBOUR. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. BARBOUR. Do I understand that the gentleman proposes to postpone all apportionment until the Constitution has been amended as he suggests?

Mr. HOCH. If the gentleman had been here at the beginning of my statement he would have heard me say that I am not seeking to delay reapportionment in any way; that I had always voted for reapportionment, and I voted with the gentleman against increasing the size of the House.

Mr. BARBOUR. I remember that.

Mr. HOCH. Yes; and I will call attention to the fact, since the gentleman from California has spoken, that if we cut out the aliens in the State of California, California instead of gaining three Members here would only gain two, and I think it ought to be satisfied with gaining two more Members.

Mr. SCHAFER. Would not a good reason against the gentleman's proposition be that you would have taxation without representation?

Mr. HOCH. Then I presume that in the State of New York and in the other States I have referred to, they have a terrible situation where the members of their State legislatures are apportioned on a basis which means taxation without representation. [Applause.]

Mr. SCHAFER. The record apparently so indicates.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the table to which I have referred.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The table follows:

Table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of "major fractions" was used

State	Present membership	Reapportionment on basis of—	
		Total population	Total population excluding aliens (unnaturalized foreign born)
Total	435	435	435
Alabama	10	10	10
Arizona	1	1	1
Arkansas	7	7	8
California	11	14	13
Colorado	4	4	4
Connecticut	5	6	5
Delaware	1	1	1
Florida	4	4	4
Georgia	12	12	13
Idaho	2	2	2
Illinois	27	27	27
Indiana	13	12	13
Iowa	11	10	10
Kansas	8	7	8
Kentucky	11	10	11
Louisiana	8	7	8
Maine	4	3	3
Maryland	6	6	6
Massachusetts	16	16	14
Michigan	13	15	15
Minnesota	10	10	10
Mississippi	8	7	8
Missouri	16	14	15
Montana	2	2	2
Nebraska	6	5	6
Nevada	1	1	1
New Hampshire	2	2	2
New Jersey	12	13	12
New Mexico	1	1	1
New York	43	43	39
North Carolina	10	11	11
North Dakota	3	3	3
Ohio	22	24	24
Oklahoma	8	8	9
Oregon	3	3	3
Pennsylvania	36	36	35
Rhode Island	3	2	2
South Carolina	7	7	7
South Dakota	3	3	3
Tennessee	10	10	10
Texas	18	19	19
Utah	2	2	2
Vermont	2	1	1
Virginia	10	10	10
Washington	5	6	6
West Virginia	6	6	6
Wisconsin	11	11	11
Wyoming	1	1	1

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise for the purpose of asking some member of the committee the purpose of the last proviso on page 61 of this bill, where it says:

Provided further, That no part of the funds herein appropriated shall be available for the preparation of mid-monthly reports of cotton estimates for the months of July, August, and November.

Mr. DICKINSON of Iowa. That is the same provision that was put in last year in the matter of giving cotton estimates, and I presume it is to prevent the Government from publishing the estimated crop reports.

Mr. JONES. I will state to the gentleman that a year or more ago we enacted a law which forbids mid-monthly estimates and leaving simply the one monthly estimate in the early part of the month. The existing law abolishes all mid-monthly reports on estimates.

Mr. DICKINSON of Iowa. These are crop estimates and are not price forecasts.

Mr. JONES. I understand that. The law to which I refer has nothing to do with price forecasts, but abolishes all mid-monthly estimates. It so happens that I am the author of the existing law on this subject, and naturally, therefore, recall the incident.

Mr. DICKINSON of Iowa. Will the gentleman give us a reference to the statute?

Mr. JONES. It was passed by the House a year or more ago and we had quite a discussion about it. I can give the gentleman the reference to it. The bill was passed and was approved, abolishing the first-of-the-month estimate and all mid-monthly estimates and reducing the number of estimates from 11 to 5. I would not care about this being in here except that the proviso forbids the mid-monthly reports of cotton estimates for the months of July, August, and November, which might inferentially authorize them to give the mid-monthly estimates in other months.

Mr. DICKINSON of Iowa. On page 3 the gentleman will find the limitation which the gentleman has in mind, as follows:

Provided further, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of the same.

Mr. JONES. No; I have no reference whatever to that proviso. I think that is a fine provision, and I secured its adoption or a very similar one during the last session, as the gentleman remembers, and I am very glad to see the gentleman is again including it in the bill, and I compliment him and the committee for doing so. This other provision refers not to the prices of the crops but to the forecasts of production. We had quite a discussion here as to the effect on the market of having these predictions every two weeks, and I supposed the gentleman was familiar with that act. I will say for the gentleman's information that I will secure a copy of the act and present it to him.

Mr. DICKINSON of Iowa. There was no intention of including anything in the bill that would nullify anything that has been passed heretofore.

Mr. JONES. I am sure of that; and what I fear is that this might be construed as legislative authorization, as a rider on an appropriation bill, authorizing the going back into getting out midmonthly reports during the months not named as being excluded.

Mr. DICKINSON of Iowa. There was no such intention.

Mr. JONES. The gentleman, of course, is familiar with the rule of law that by excluding some you include the others?

Mr. DICKINSON of Iowa. There was no such intention on the part of the committee, and I will be glad to look up the statute, and if it is necessary to make this plainer, I shall be pleased to do it.

Mr. JONES. I thank the gentleman.

I want to state while I am on my feet, that I was very much interested in the discussion of the gentleman from South Carolina [Mr. HARE], on the question of marketing.

I notice in looking through the bill that exclusive of the provision for roads, there are some sixty-odd million dollars appropriated. Of that sixty-odd million dollars, some $6,000,000 are appropriated for the problems of marketing and distribution and nearly $60,000,000 are appropriated for other uses dealing mostly with the questions of production. In other words, more than 80 per cent of the work being done by the Department of Agriculture is being done on the program of production and less than 20 per cent of the funds in connection with the work being done by that department are apparently used in connection with the problems of marketing and distribution.

I want to make this suggestion in connection with the work, not so much to the committee, although somewhat to them, but more to the department—we have in this country mastered the machinery of production to a far greater degree than we have the machinery of marketing and distribution. The problems we have in this country, as is noticeable in the discussion of the farm question, do not pertain so much to the problem of production as they do to how to dispose of the crops to the best advantage. I would like to see a reverse English put on that. I would like to see the Secretary of Agriculture who is in charge of this department, recommend a program by which he would devote 75 or 80 per cent of his efforts, and 75 per cent of all the money appropriated for his department, to a solution of the real problems of the farm. I think that would be much better than to have the greater portion of his efforts and appropriation devoted to the problems much less acute.

Mr. BLANTON. Will the gentleman yield?

Mr. JONES. I will.

Mr. BLANTON. I agree with the position the gentleman takes. I commend him for the fight he has been making several years for better marketing facilities. Is it not true that the farmers will take care of the production if the Government will assist them in securing better distribution and marketing?

Mr. JONES. I think that is largely true. I think it is a question for serious thought on the part of those in charge of the work being done by this department. We have had discussion and agitation over the country of farm relief, and the whole problem has been girdled about with propositions of distributing and marketing these products; yet this department that was created primarily for the interest of agriculture is devoting more than 80 per cent of the funds put in its hands on a line of work that does not touch the condition of the marketing system. I think that is a matter that should be given serious thought, and I think there should be a readjustment all along the line.

I am not criticizing; I am simply commenting. Some wonderful work has been done by the department, notably in finding new outlets and uses for cotton and in other matters pertaining to marketing. I would like to see this branch of the work enlarged. That is the purpose for which I rose.

I do not quarrel with the work that has been done. But I do think it would be wise to devote a larger portion of whatever money is appropriated to the marketing side of the farmers' problems.

For many years the farmers have marketed their products largely on the terms of those who handle the commodities after they leave the farm. In that field a great work lies, and I would like to see this phase of the department's work receive a larger share of their attention. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman and Members, while the agricultural appropriation bill is under consideration I want to occupy a few moments of the time of the House to present a new kind of hero. From time to time we exhibit here, in words and also in the flesh, various kinds of heroes. A few days ago there was presented to us from the Speaker's gallery a lady from England, Lady Heath, who has an altitude flying record. We can recall how we welcomed Col. Charles A. Lindbergh.

But my hero is different, and in my opinion also important. He is a 12-year-old boy named Clarence Goecke, of State Center, Iowa. He appeared on the scene of what has become national fame in the International Livestock Show and Exposition in Chicago last month. His picture has appeared in all the papers of the country, together with his sister, Emma, who helped him exhibit his product.

That product was a sample of "baby beef" on the hoof, affectionately named "Dick." This "Dick" was to Clarence Goecke what his "We" was to Colonel Lindbergh. In July, 1927, the father of this boy, a noted breeder of fine stock, presented him with a Hereford calf. The boy accepted it and fed it with all the care that a boy can bestow on a pet animal. He followed scientific methods of feeding, with the result that in November, 1928, he exhibited the calf, with a weight of 1,160 pounds, for championship honors. The animal won all the honors. It was the first time in the history of International Livestock Show that a club calf was made grand champion of the open fat steer show. The modest and blushing boy was overwhelmed with honors. In addition to winning more than a thousand dollars in prizes, he received a check for $8,049.10 when the animal was sold at auction to Mr. J. C. Penney at $7 a pound—dollars instead of cents per pound. Of these sums he gave $2,000 to his sister and the balance of it he has placed in a bank—may he later invest it in a farm.

Clarence Goecke and his sister, Emma Goecke—for she is closely identified with his victory—are members of farm clubs, known as 4-H Clubs. It is to these organizations for the boys and girls of the farms that I want to call especial attention in this connection. These boys and girls are studying farm processes and problems in their youth. They are learning all they can about what will be the scientific farming of the future.

I am told that there are now 640,000 boys and girls in such club memberships and activities. They are scattered through all the agricultural States. I do not know of any organizations in the land that are more worthy of praise, even here on the floor of the House of Representatives. They are preparing themselves for intelligent industry in an age that pessimists think is largely devoted to frivolities and inanities. These boys and girls are part of the answer to those who despair of the future. They not only hold meetings, but they practice what they learn. It is applied education.

These 640,000 boys and girls—and may their tribes increase—are important when we have in mind the fact that every 16 years we have a new population on the farms. That is to say, the average time of those on the farms is only 16 years. Many, of course, remain on their farms much longer, but many more do not tarry even that long. With 640,000 youths in training

we can visualize a new kind of agriculture, an agriculture of science and of business methods. Instead of returning to peasantry, as some pessimists have tried to make out, I think we are more apt to turn to a superagricultural population. We have "master farmers" now, but we will have many more in the future. On the farms, as well as elsewhere, it is going to be a survival of the fittest.

The boy whom I am presenting as one of our new heroes is only one of many who are doing such things. Clarence Goecke has simply succeeded a little better than others. He has succeeded so well in his efforts that he has achieved the highest honors.

Fortunately we are encouraging such efforts by giving them recognition. The boy from the district which I represent was the guest of honor, together with his sister, at a public dinner given in Marshalltown, Iowa, under the united auspices of the chamber of commerce of that city and of the farm bureau of Marshall County. No public dinner was ever given more worthily.

I think we need not despair of the future. [Applause.]

Under leave to extend these remarks in the RECORD, I am going to reprint here what the Iowa Homestead, published at Des Moines, one of the greatest of all farm journals, said in its issues of December 13, of this boy hero and his achievement, as follows:

The most important event at the big stock show in Chicago last week, which is already known all over the United States, was the placing of the purple on the yearling purebred Hereford club steer, Dick, fed by Clarence Goecke, State Center, Iowa, a boy only 12 years old. While Clarence had shown the steer himself at other fairs he decided to let his more experienced 18-year-old sister, Emma, show him at the International and to her belongs the credit of doing as fine a job as any expert showman.

It should be mentioned here that the judge who made the Goecke steer grand champion of the show was none other than Walter Biggar, of Dalbeattie, Scotland, who judged the fat steer classes at the International for the fourth time this year. Mr. Biggar is considered to be one of the best fat cattle judges in the world. And in this connection let it also be mentioned that this year's show of individual fat steers—purebreds, grades, and crossbreds—was the strongest ever seen at Chicago. In fact Judge Biggar stated that Dick was one of the greatest steers he had ever seen anywhere.

The one thing coveted most by breeders and feeders all over the United States and Canada is to win grand champion steer honors at Chicago. Expert feeders by the score all over the international field try their skill year after year in an endeavor to win this prize and this year a club boy challenged the most skillful feeders in the two countries and won.

What did winning this prize mean? Did it mean merely success and honor to Clarence and his sister, Emma? Not at all. It meant much more. It gave dignity and standing to 4–H club work in general and to the livestock feeding projects in particular. The millions of boys who will hear about it all over this great country of ours will become ambitious and desirous of seeing what they can do in the way of feeding calves. Millions of fathers who up until now may have been in doubt as to the practical value of feeding projects for club boys will change their minds and become ambitious to give their boys an opportunity to lead a grand champion into the show ring at the county, State, or a still greater show.

We congratulate Clarence and his sister Emma. It was a wonderful achievement to win this great prize. Let them realize, however, that with great success comes great responsibility. Let them remember the fine club motto, "Win without bragging and lose without squealing." The management of the International may well feel proud over this grand championship winning. It is additional proof to them that they did a wise thing when they encouraged the boys and girls of the country to bring their club calves to the exposition and permitted them to show in the open classes and compete for the highest honors. May the results of this year's grand champion steer award bring about a great increase in club work all over the country. May it double the present membership in the next two years.

Mr. BUCHANAN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, yesterday the House was debating an appropriation for St. Elizabeths Insane Asylum. The leader of the House had just complimented the Committee on Appropriations for its splendid service, and the several members of the Appropriations Committee in turn complimented one another. I think that in the main was justified; but there is one subject about which those in power do not seem to want any information, and that is St. Elizabeths Hospital. I did not care again to bring this matter to the attention of the House. When the bill was under consideration under general debate I asked for no time, but after the gentleman from Idaho [Mr. FRENCH] had made such an unjust vindication of this institution I asked him certain questions.

I call the attention of the committee now to how little he knew by his own confession about that hospital. I asked him how many employees they had, and he correctly gave the number at more than a thousand and the number of patients at more than 4,000, admitting that one person was employed to every four patients. I have here two telegrams from institutions of the same kind, hospitals for the insane, where they conduct farms and are doing the same work that they do at St. Elizabeths. One is from the Eastern Kentucky Hospital for the Insane, at Lexington, Ky.:

We have 1,599 patients and 170 employees.

That is 1 to 9. The other is from the Central Kentucky Asylum for the Insane, at Lakeland, Ky.:

We have 1,823 inmates and 205 employees.

Again, 1 to 9. That is the proportion of employees to patients over the United States, with some few having as many employees as 1 to 7. Here they have 1 to 4. But the gentleman from Idaho [Mr. FRENCH], after giving that information to the House, strengthened his position very much by saying that the per capita expense at the institution was $300 per year. That is very small. I concede that for a moment I was disarmed, but that information is not correct. Under the leave to revise his remarks, the gentleman from Idaho, after telling the House that the per capita expense was $300 per patient, changed his remarks to read $2 per day.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. FRENCH. My first remarks had reference to the Government appropriation. I find, however, that including the moneys that are received by the institution, moneys not appropriated by the Government, it brings the figure up to that which I placed in my corrected remarks—less than $2 per day. The figures that I inserted in the RECORD are the correct figures. The figures I used last night would be the correct figures as applied to Government appropriations, but I felt that the House would prefer to have the latter figures, which give a proper picture of the situation.

Mr. GILBERT. I am not criticizing the gentleman for changing the figures. Under the leave to revise and extend his remarks he did the proper thing, but it shows instead of it being $300 a year it is $2 a day, $730 a year for each patient there, several hundred dollars greater than the average over the United States. For some reason I do not know why the Committee on Appropriations can not or will not get the facts in reference to this institution. I repeat, and am prepared to vindicate my assertion, that the hospital in its management is the most extravagant, the most inefficient, and the most outrageously conducted hospital for the poor unfortunate insane in the United States, and to continue to keep Doctor White in charge after sworn testimony has been produced of changing records, of extravagant abuses, mistreatment, including the death of one man under correction, is a blot upon the administration and another illustration of where Government institutions are conducted more for the interest of those in charge than in the interest of the inmates for whose benefit they are supposed to be conducted.

Mr. WILLIAMSON. If the gentleman will yield, I may say that the Committee on Expenditures has already ordered an investigation of St. Elizabeths Hospital, starting next week.

Mr. GILBERT. Mr. Chairman, I would not have made these remarks had it not been for the very enthusiastic defense made by the gentleman from Idaho, who more than doubled his own figures yesterday after giving the House information. That committee, frankly, does not know the facts about this institution. That is a strong statement to make, but I stand prepared to verify any statement I have made. I am sick and tired of having to take this floor upon this matter every session. I have said all I ever intend to say about it, but they are the facts. I feel justified in repeating them. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield the balance of my time to my good Republican colleague [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, for several years the lawyers of the country, and more particularly the lawyers of the House, have been working on our agricultural problems in an endeavor to find a solution for them, but they have not progressed very far. Now the newspaper men of Minnesota come forward with a plan that embraces a number of measures. I desire to call this plan to the attention of the House. The sponsors of this plan are all men of standing, and if there is no objection I am going to ask to have the so-called Minnesota plan made a part of my remarks in the RECORD. I yield back the balance of my time.

The article referred to is as follows:

SUGGESTIONS FOR CONCRETE EFFORTS BY CONGRESS IN BEHALF OF FARM RELIEF—THE MINNESOTA PLAN

Believing that much can be gained by developing concrete, workable, and just proposals out of the general sentiment for national policies more favorable to agriculture, and believing that now is the time for such concentration of thought, rather than for mere assertion and protest or political maneuvering, we, the undersigned, suggest attention to the following program, and we hope for such general approval that it may be held up to the country as the Minnesota plan. We do not assume to include all that might be practical, and we welcome suggestions for amendment.

1. Development of Mississippi and St. Lawrence waterways within limits that can be approved by disinterested engineers and business men. Delegation of power to the Interstate Commerce Commission to permit northwest railroads to compete with the Panama Canal for western traffic.

2. Retention of the flexible feature of the Fordney-McCumber Tariff Act—a vital need to prevent maladjustment between acts of Congress and rapidly changing world conditions.

3. Amendment of the tariff laws to provide for the following:

(a) Revival of the potato-starch industry in Minnesota and in other potato-growing States. A higher tariff on flax and on any other farm products that can be produced in our country and which have foreign competition in the home market.

(b) Such tariffs on vegetable oils as will make corn oil and other vegetable oil production here pay, and such as will end the advantages these foreign vegetable oils have as substitutes for animal and dairy fats.

(c) A better dairy schedule designed to put other dairy products on a basis equivalent to that of butter and to protect milk and its by-products, such as cream and milk powders and casein, against foreign competition.

(d) There should be no competing meat and poultry imports, and the various animal by-products should be so protected that their prices will help to sustain the farm prices for the whole animal. In this connection we suggest consideration of a bonus on exports of animal products, to the end that the livestock industry be stimulated, thereby becoming a factor in consuming a surplus of grain and in the process keeping fertility on American farms instead of shipping it abroad as would be the case if grain exports are stimulated instead of livestock products. We suggest, however, that in case of grain surplus emergency, provision for an export grain bonus be considered, but with suitable penalties for continued overproduction.

(e) All cereals should bear such high rates of protection that threat of imports can not interfere with prices set by domestic demand and supply.

(f) There should be a sugar policy, perhaps one of gradual increase in protection over a series of years, with the end in view that the continental United States shall be practically self-sufficient in sugar. Public security as well as farm welfare demands such a policy.

(g) Executive actions on tariff rates should be made acts of Congress, so that in the future the Executive may be free to render further aid under the flexible clause.

(h) Farm-product protection should be accompanied by such compensating duties for products manufactured therefrom that no such industry shall suffer in the home market.

4. Provision for two lines of research to be projected at once under congressional authority: The one to discover means of replacing imported farm products with native products so far as possible; the other to survey the possibilities of drawing increased raw materials for our industries from American farms.

5. Consideration of the problems arising from the fact that the Philippines, Hawaii, Porto Rico, and supervised countries such as Haiti, San Domingo, and Nicaragua are and will continue to be agricultural countries, tending to compete unfairly with our continental farming. Development of our inland empire we suggest to be the wiser policy.

6. Consideration of immediate steps to shift Government activity from reclamation of land to reforestation and grazing.

7. Provision for continued efforts to reduce costs of farm production so that prices to consumers can be held down while at the same time careful farmers get fair returns, and also that our export farm markets may be held so far as possible. Along this line there should be increased support of farm schools and colleges, county extension agents' boys' and girls' club work, and all those other agencies calculated to improve business management of the farms.

8. Creation of a Federal farm board with wide powers to assist and advise, but without power to determine prices or to make sumptuary rules. Such board to be established at once.

9. Consideration in all such legislation that general credit policies be framed with relation to the length of turnovers in farm production and the need of steady or slightly ascending price levels.

10. Provision for continued support and aid in the development of cooperative marketing as a means of increasing the net returns to farmer producers and at the same time reducing the cost of food to the consumers.

11. Recognition of the growing need of large supplies of cheap fertilizer if American farms are to produce at low costs and acceptance of the idea that aid in securing such supply is to be a part of our national farm policy.

Rudolph Lee, editor Long Prairie Leader; L. Benshoff, editor Detroit Lakes Record; W. E. Dahlquist, editor Thief River Falls Times; H. C. Hotaling, editor Mapleton Enterprise; C. H. Bronson, editor Osakis Review; Herman Roe, editor Northfield News; L. A. Rossman, editor Grand Rapids Herald-Review; Ed. M. La Fond, editor Little Falls Transcript; B. E. Marsh, editor Redwood Falls Gazette; J. D. Harandon, editor Park Rapids Enterprise; H. Z. Mitchell, editor Bemidji Sentinel; Grace A. Dunn, editor Princeton Union; E. R. Umpleby, editor Greenbush Tribune; Grove Wills, editor Eveleth Clarion; P. W. Kemp, editor Argyle Banner; Jay L. Putnam, editor Granite Falls Tribune; Iver J. Iverson, editor Hutchinson Press; J. C. Morrison, editor Morris Tribune; B. K. Savre, editor Glenwood Herald; Asa M. Wallace, editor Sauk Center Herald; C. W. Carlson, editor Melrose Beacon; S. M. Rector, editor Deer Creek Mirror; George E. Erickson, editor Brainerd Tribune; L. A. Bradford, editor Verndale Sun; Roe Chase, editor Anoka Herald; D. E. Ward, editor Hubbard County Journal; Paul Kinney, editor Alexandria Citizen-News; Ed. Vandersluis, editor Sauk Rapids Sentinel; E. O. Qualey, editor Menahga Messenger; A. H. Langum, editor Preston Times; A. M. Welles, editor Worthington Globe; C. A. French, editor Monticello Times; John P. Mattson, editor Warren Sheaf; Alice Ione Huntley, editor Frazee Press; Carlson Brothers, editors Cambridge North Star; C. M. Colby, editor Sandstone Courier; T. R. Burges, editor Dawson Sentinel; E. K. Whiting, editor Owatonna Journal-Chronicle; C. L. Stevens, editor Warren Register; C. R. C. Baker, editor Willmar Republican-Gazette; H. E. Wolf, editor Deer River News; Palmer Gilbertson, editor Lake Crystal Tribune; Alvah Eastman, editor St. Cloud Journal-Press; Liesch & Walter, Brown Co. Journal, New Ulm; Harold Knutson, editor Wadena Pioneer-Journal; H. P. Phillips, editor Mahnomen Pioneer; A. O. Moreaux, editor Luverne Herald; C. R. Campbell, editor Ellendale Eagle; L. A. Dare, editor Elk River Star-News; Burt Bay, editor Albert Lea Tribune; A. L. Hamilton, editor Aitkin Republican; Hjalmer Bjornson, editor Minnesota Mascot; J. Harold Curtis, editor St. James Plaindealer; M. W. Trussell, editor Canby News.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield two minutes to the gentleman from Idaho [Mr. FRENCH], the balance of my time.

Mr. BUCHANAN. I yield the one minute remaining of my time.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. FRENCH. Mr. Chairman, it was not my thought to have anything further to say upon this subject until this moment, but since the gentleman from Kentucky has referred to the question I shall make a few further observations. Doctor White is the head of one of the greatest institutions in the world of its kind. He is a man who was appointed by the late President Roosevelt and has served during the administrations of every President since that time, including that of President Wilson, of the gentleman's own party. Criticism has been made against him which is often made against officers holding such position as that of Doctor White. So far as the members of our committee are concerned, we are not charged with the selection of the manager or superintendent of that institution. The position is an appointive one, under the administration, and if there is anything seriously wrong with an officer such as Doctor White there are ways in which he can be reached in the orderly processes of the law.

Within this Chamber careless statements are constantly made; sometimes statements that would not be made by Members of Congress on the outside or off the floor. Members here, I think, ought to have that privilege. On the other hand, it ought to be a challenge to Members of this House rather to regard the fact that they are immune on account of statements made here as a challenge to them to be very definite and accurate in statements that reflect on persons who do not have the opportunity of replying in this forum, who have no recourse against a person who makes a statement on this floor, and must simply abide the consequences of the statements that are made, no matter how derogatory they may be, no matter how far away from accuracy they may be, no matter how much they may reflect upon efficiency in public service or even character itself. On the other hand, it is the duty of the Members here to be critical. It is one of the saving features of our Government that there

is a body where wrongs can be pointed out, and even if wrongs are not wholly known but believed, at any rate the situation can be a subject matter of debate and discussion. Good comes from it. But on the other hand, as was well said upon yesterday by that most distinguished Member of this House, who was sworn in to-day as a United States Senator [Mr. BURTON], Members of this House ought to measure their words when their words involve criticism of those who can not answer back. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES

For Secretary of Agriculture, $15,000; Assistant Secretary and other personal services in the District of Columbia, including $7,294 for extra labor and emergency employments, and for personal services in the field, $712,450, in all, $727,450, of which amount not to exceed $699,450 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923 as amended (U. S. C., pp. 65–71, secs. 661–673, 45 Stat., pp. 776–785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923 as amended, and is specifically authorized by other law: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed $1 for each option to purchase any particular tract or tracts of land: *Provided further*, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES. Mr. Chairman, apropos to the last proviso on page 3, I want to call the attention of the chairman to Public Law 740, in connection with what we were talking about a few moments ago. Section 5 of that act, which was approved on March 3, 1927, referring to estimates of cotton production, says:

> Only five shall be issued: One August 1, another one September 1, another October 1, another November 1, and one on December 1.

The effect of that was to abolish all semimonthly reports. I think, therefore, this provision ought not to be allowed to stay in the bill. The department might infer, and with plausible grounds, that it was indirectly authorized to make the other semimonthly reports not specified in the bill. For that reason I think the proviso should be stricken out entirely, and I am sure the chairman will agree with me.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York moves to strike out the paragraph. The gentleman is recognized for five minutes.

Mr. LAGUARDIA. I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I regret to be compelled to ask to speak out of order, but it is the only opportunity I will have to reply in part to the suggestion made by the gentleman from Kansas [Mr. HOCH] on his proposed constitutional amendment.

I am sure the distinguished gentleman, whom we all recognize as a great authority on interstate and foreign commerce and on certain features of the railroad law, does not claim any original authorship of this proposed plan, the plan that is known all over the country as the "Evans plan."

Now, it would appear, in reading the remarks of the gentleman from Kansas, that all aliens had a vote in the selection of Representatives. Of course, everyone knows that aliens are not permitted to vote and that the count of aliens in the enumeration is simply for the purpose of fixing the apportionment of representation to the several States.

Mr. HOCH. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. HOCH. Of course, the gentleman misunderstood me. He certainly misquotes me. I said nothing whatever about aliens being permitted to vote.

Mr. LAGUARDIA. No; I did not misunderstand the gentleman. I am simply making it clear for a certain type of people who may misunderstand the gentleman. Especially that type of citizens who is unlettered and gullible and apt to be a follower of the Evans school of thought. Hence the necessity of making the record clear.

Mr. HOCH. The gentleman undertakes to inject something here that is entirely irrelevant. The alien is entitled to the protection of American laws, but is he entitled to be counted in the selection of those who make the laws?

Mr. SCHAFER. Is the gentleman referring to Evans, the imperial supreme wizard of the Ku-Klux Klan?

Mr. LAGUARDIA. Yes. The Constitution of the United States—and I am sure the gentleman is familiar with what took place at the convention at the time this particular provision was adopted—intended that we should have direct representation, that there should be a representative form of government, and that all persons should be counted in the enumeration and in fixing the proportionate representation of the various States in the lower House of Congress. If the gentleman will take the statistics of that day and study them, he will find that the proportion of aliens then in the United States was not any greater than it is to-day. The National Government has jurisdiction in certain specified cases only, such as national defense, interstate and foreign commerce, foreign relations, and taxation, which affect directly every man and woman in the country.

Take them one at a time. In the question of national defense aliens are counted, and in the selective service act passed by Congress aliens were not exempt from being drafted into the military service.

Mr. SCHAFER. And they fought and died, too, did they not?

Mr. LAGUARDIA. Yes. In matters of interstate and foreign commerce they are as vitally affected as are all the residents of the gentleman's district. In matters of taxation they are as directly concerned as any citizen in the country. Representation while fixed by population is also established on the principle of locality. The entire make-up of the congressional district is just as important as its geographical location and the number of people who may vote therein. All of that was thoroughly considered by the framers of the Constitution.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. But aside from all that, gentlemen, there is no need for any such amendment at this time, and for this reason: In 10 years from now and by the time of the next census the condition complained of by the gentleman from Kansas—this large number of aliens—will no longer exist. Following the restrictive immigration policy adopted by Congress the number admitted each year is very small and its percentage to the citizen population so indifferent and is so distributed as to be ineffective in controlling the number of Representatives in the various States. So that in a very few years the conditions will be changed entirely.

These aliens are rapidly becoming citizens; their children are native born and are growing into splendid American citizens. The suggestion thrown out by the gentleman from Kansas that if these aliens do not think enough of the United States to become citizens they should not be counted—permit me to say that 99 per cent of these aliens do think enough of this country and do want to become citizens. It is at times

difficult for an applicant to qualify. Take a man past middle age, who has worked from morning until night digging ditches, or any hard-working man toiling at manual labor, who has not the time or opportunity to get much schooling, and then have him go before a narrow-minded, bigoted, and prejudiced examiner, who will ask him such questions—and if the gentleman from Kansas can on the spur of the moment answer all of these questions that have been asked of aliens in New York City, I will vote for his amendment—such questions as: "Who was the Governor of New York during Lincoln's second administration?" "Who was the Secretary of State during Harrison's administration?" "Where is Grant's Monument?" Such questions as that. "What is a trust company?" This actually happened. An alien was given a newspaper to test his ability to read English. The item given him by this fool judge was an advertisement of the New York Trust Co.

The applicant read it, and was then asked, "What is a trust company?" Now, the gentleman is a pretty good lawyer, but I do not think he could give me a proper legal definition on the spur of the moment.

It is only fair to take all conditions into consideration. Perhaps the exclusion of aliens is only the first step in getting away from popular and constitutional government of free men. There is a tendency on in this country by a certain minority against our representative form of government. Perhaps this is only the entering wedge—first to exclude aliens from the count. And then the next step will be to exclude those who do not own property; and then the next step will be to exclude all those who do not own real property, until government will be controlled entirely by a small privileged class, as it was in England at the time of the American Revolution. Why, this question came up in the Constitutional Convention. The same line of thought that the gentleman is presenting appeared in the Constitutional Convention, but it was overwhelmingly defeated.

Mr. HOCH. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. HOCH. Does the gentleman favor a change in the provision of the State constitution of New York, which excludes aliens in apportioning the members of the Legislature of the State of New York?

Mr. LAGUARDIA. The gentleman speaks about one provision in the constitution of the State of New York that I do not approve. I am not in favor of that provision, but the gentleman does not know that it was the same kind of bigotry and the same kind of ideas that brought about that provision of the constitution of my State that is now back of the Evans plan. It was the up-State people trying to cut down the representation from New York City that brought about that provision in the constitution, and we are ashamed of it.

Mr. HOCH. The gentleman is ashamed of the provision which excludes aliens from the count in the State of New York for providing the apportionment of members of the State assembly?

Mr. LAGUARDIA. Yes, I am; and the conditions which brought it about.

Mr. HOCH. Does the gentleman think it is fair to permit the State of New York to refuse to count aliens in determining the members of its own State legislature, but insist upon counting them for the purpose of telling how many Members of Congress that State should have?

Mr. LAGUARDIA. Why, two wrongs are not going to make one right. Of course, there is nothing selfish in the gentleman's purpose at all. It is only incidental that my State would lose four Representatives and his would retain the present representation.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GREEN. Mr. Chairman, I rise in opposition to the pro forma amendment. I wanted to ask my colleague from New York a question, but as he has taken his seat I will not ask it. The question I had in mind was this: The main trouble in naturalizing aliens, I believe, is in the fact that so many of them have unlawfully entered this country and then when they go before an examiner they can not qualify; therefore, they refrain from going before an examiner as often as they can and then when they do go before an examiner they find themselves unable to qualify. I do not believe our examiners are narrow-minded and warped individuals, as they have been styled. I think the examiners who represent the Department of Immigration, as a usual thing, are men of integrity and men of high type who are there to protect our institutions and our country from an influx of a horde of aliens, who, if entered, would lower the economic structure of our country and thus cause our wage earners to earn less money. These foreigners would then thrust themselves upon our society for us to maintain and take care of. I commend our immigration officials for holding the bars up high and strictly enforcing our laws, and I would like to see the laws more rigidly enforced.

Mr. SCHAFER. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. SCHAFER. Did not the gentleman's forefathers immigrate to this country, and were they not aliens?

Mr. GREEN. I am glad to acknowledge that all of our forefathers immigrated to this country. Mine did, some from Spain and England, I believe. But they came in the early stages and for noble purpose; they made our Nation and our Nation's Government, and we as their descendants are here to-day protecting it and endeavoring to prevent an influx of foreign hordes which are of a different type and who have not progressed and advanced industrially, economically, morally, and otherwise, in a large measure, as we have and as have the gentleman and his ancestors.

Mr. SCHAFER. Will the gentleman yield for a further observation?

Mr. GREEN. Yes, sir.

Mr. SCHAFER. I will say to the gentleman that many of these aliens coming through our immigration ports at the present time will be better American citizens than many members of the Ku-Klux Klan and imperial wizards who are supporting the apportionment plan which will not permit the counting of aliens.

Mr. GREEN. Of course, many immigrants make splendid citizens, but they are the ones that come in according to law. They are the ones who abide by the laws of our country when they come here and accept and defend our laws and institutions as their own. They lawfully and in due course of time become naturalized, but they are not the ones who are bootlegged across the American border or through the great ports of our country. I do not acknowledge, however, that all of them make good citizens, and the gentleman from Wisconsin well knows that many of them have as their aim in life to breed contempt for American laws and institutions.

Mr. SCHAFER. If the gentleman will permit the observation, the discussion to-day has not been about those who have come here in violation of law, but those who have come here legally.

Mr. GREEN. I think those who have come here legally and are fit for citizenship are always accorded citizenship, but I for one do not believe in letting down the bars or in permitting them to come in here and destroy our wage-earning status, get all they can out of society and then thrust themselves back upon society to be maintained, and in so many instances breed within and without their own perverted herds and hordes, disobedience to law and constituted authority. The population in our institutions, which detain criminals and those provided for the indigent and for the insane, is largely foreign and the population in them of the foreign-born I believe is increasing. Do you mean to tell me that as lawmakers we should come here and give vent to statements which accuse our immigration officials of being warped, one-sided, narrow-minded officials when they ask pertinent questions of the future citizens of America relative to the history of our Nation? We must maintain the majesty of the law and uphold the integrity of our Nation's constituted officials if American institutions are to survive.

Mr. SCHAFER. Will the gentleman yield?

Mr. GREEN. Always, to my friend from Wisconsin.

Mr. SCHAFER. If the gentleman will look into the records, he will see that many thousands of foreign-born citizens and aliens lost their lives, health, and minds in the service of our country in time of war.

Mr. GREEN. Oh, I admit that a number of those men went to war. Some of our splendid soldiers were men of foreign birth. We do not deny any of that, I would say to my friend from Wisconsin, and we do not reflect upon them. "Render unto Cæsar the things which are Cæsar's." I would not detract one bit from valor of soldiers and sailors of foreign birth who have done their part in time of the Nation's need; but, my friends, they were men of moral and spiritual integrity, men who would have done service and honor to any country or individual in need. We can not, however, overlook the fact that undesirable aliens are flocking to our country and here entering faster than they can be assimiliated and Americanized. There are to-day in the United States probably 16,000,000 persons of foreign birth, possibly 7,000,000 of whom are not American citizens. Instead of becoming Americanized they are in some instances foreignizing our American institutions, and this should cease; our immigration doors should be slammed in the faces of these predatory hordes and thus save our beautiful America for Americans; this must be done if we are to maintain

our leadership and prowess in the affairs of nations. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HOCH. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOCH. Mr. Chairman, the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Wisconsin [Mr. SCHAFER] have sought to create the impression that what I have advocated is a part of some propaganda that Mr. Evans or somebody else has started. So far as I am concerned, I have not received any propaganda from anybody, and I do not know anything about any propaganda, and I am discussing this question solely upon its merits.

I made no attack upon the aliens. If I may say a personal word, my own grandfather came from across the water. I know that from these people of foreign birth have come many of our great citizens in America. They have contributed much that is fine in American civilization. I am not seeking to take any rights away from the alien. I am not seeking to take any protection of the law away from him. I am not here seeking to change his status in any way whatever, although I am in hearty sympathy with every movement which leads to the naturalization of proper people of foreign birth who are legally in this country. The only question I raise is this: Whether it is fair that a man who is foreign born and does not become naturalized should be counted to determine the number of Representatives in Congress to which that State is entitled? [Applause.]

I am still waiting for my gentle friend from Wisconsin, who seems so concerned about the aliens of his State particularly, to give me some reason why, on the merits of it, we should take from one State a Member of Congress and give four Members to the State of New York because they have 1,600,000 unnaturalized aliens in that State.

Mr. SCHAFER. I will give the gentleman a few reasons.

Mr. HOCH. All right; I will be glad to hear the gentleman.

Mr. SCHAFER. One is we would have taxation without representation; another is that we would not count these aliens, so far as reapportionment legislation is concerned, but are willing to draft them and let them fight and die in time of war; and another reason is——

Mr. HOCH. Wait a minute. Let me answer the gentleman.

Mr. SCHAFER. And another reason is that in many of these cases the aliens are not to blame because they are not citizens at the time the census is taken for apportionment purposes, because they have to be here five years before they can become naturalized.

Mr. HOCH. No; some of them can not help it; but we can help it if we do our duty in determining representation regardless of the number of aliens in a State.

The gentleman speaks about taxation without representation. Is the gentleman in favor of permitting a foreign-born citizen who does not become naturalized to vote in this country?

Mr. SCHAFER. I am not.

Mr. HOCH. Then the gentleman is in favor of taxation without representation, if his argument is correct.

Mr. SCHAFER. Oh, no; he has representation if you count him in determining the number of Representatives.

Mr. HOCH. Yes; but it is representation of somebody else's choosing. Representation means representation of one's own choosing, and not representation of somebody else's choosing. If a man comes here to live, he is entitled to all the protection our laws give him. As an alien, he is entitled to all of that, and I am not proposing to take any of it away from him. But the gentleman can not befog this issue by his talk about the Anti-Saloon League or any other organization which the gentleman seems to have so much on his mind to the exclusion of the merits of this proposition.

Mr. SCHAFER. The Anti-Saloon League and the Ku-Klux Klan have both been advocating this proposition.

Mr. HOCH. I will say to the gentleman that even if the Association for the Repeal of the Eighteenth Amendment would be for it, I would still be for it in spite of that fact.

Mr. WYANT. Will the gentleman yield?

Mr. HOCH. Yes; I yield to the gentleman.

Mr. WYANT. I am very much interested in the gentleman's discussion, and if the gentleman has investigated the matter I would like to know how the operation of his theory would affect the representation of the different States in the Congress.

Mr. HOCH. I am sorry the gentleman was not here when I spoke earlier in the day. I put in the RECORD a table furnished by the Census Bureau which shows what the representation of each State would be if we reapportioned to-day under the 1920 census by excluding the aliens. Of course, what the showing would be under the 1930 census is speculative and I have sought to confine myself solely to the known facts.

Mr. KETCHAM and Mr. BURTNESS rose.

Mr. HOCH. I yield first to the gentleman from Michigan.

Mr. KETCHAM. Has the gentleman given any thought to the question of how this would affect the interests of the alien in becoming a citizen of the United States at the earliest possible moment?

Mr. HOCH. It would encourage the State where the aliens live, if they are proper candidates for citizenship, to lead them to become American citizens, and I think even my friend from Wisconsin would be in sympathy with such a movement.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute; I want to ask him a question.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Kansas be extended one minute. Is there objection?

There was no objection.

Mr. BURTNESS. I am sorry I did not hear the gentleman's opening statement. Does his resolution relate to the vote in the electoral college?

Mr. HOCH. I do not touch that section directly, but only the section which provides for apportionment of representation in the House. Of course, the gentleman understands that the electoral college is determined by the number of Representatives in the House and the Senate. That adds strength to my argument that the aliens should not be included.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, we have had quite a field day, and I hope we may now proceed with the consideration of the bill.

The Clerk read as follows:

For salaries and compensation of necessary employees in the mechanical shops and power plant of the Department of Agriculture, $101,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee what has been done, if anything, since the last discussion of the appropriation bill concerning the forecasting of future prices of cotton. If I remember correctly, that was quite a live subject last year. Owing to what happened through a mistake, intentional or otherwise, in the forecast of the price of cotton, I understand the entire cotton situation was disturbed. A discussion came up when the appropriation bill was before the House and it was then stated—I am speaking from memory—that there was no need of writing any proviso into the appropriation bill because the matter would be attended to by proper legislation. I would like to know whether any progress has been made along those lines, and what is being done among the cotton producers?

Mr. DICKINSON of Iowa. Legislation was passed. The law has been referred to by the gentleman from Texas [Mr. JONES]. There has been no forecast since then so far as I know. I think if there had been you would have heard of it from the other side of the House. The silence on that side answers the gentleman's question.

Mr. CRISP. Mr. Chairman, I have tried to keep posted so far as the cotton crop is concerned. There has been no statement given out by the Department of Agriculture this year that would in any way contravene the position taken on the floor of the House.

This year the cotton crop as a whole in the country is short, and prices have ranged from 18 to 19 cents. The incident referred to by the gentleman occurred last year when cotton was selling at 23 cents, and in one day the price dropped $8 a bale. The price afterwards went back to 16 or 17 cents, but it never did get back above 18 cents.

Mr. LAGUARDIA. But the present favorable condition is due to natural causes?

Mr. CRISP. It is under the natural law of supply and demand.

Mr. JONES. Mr. Chairman, I want to state, in all fairness, that three years ago, notwithstanding the natural laws, the effect of the forecast was disastrous to the Southern cotton growers, for it cost them many millions of dollars. They did not regain the price. The department has complied in every respect with the provisions of law.

Mr. LAGUARDIA. And aided by a short crop.

Mr. JONES. I am talking about the upset of the market. As the gentleman from Georgia [Mr. CRISP] has told you, in one day when there was no increase or decrease in the condition of the crop by a simple prediction of a lower price in the future, the prices broke $7 to $8 a bale and did not recover for a long period of time.

Mr. RANKIN. Mr. Chairman, what the gentleman has referred to has no application to the forecast of the number of bales of cotton that the farmers are supposed to be making. The present forecast of the Department of Agriculture has been, it seems to me, very disastrous to the cotton growers. I did not want to leave the impression that we are satisfied with the present status of that situation.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, office of information, $1,242,000, of which amount not to exceed $375,000 may be expended for personal services in the District of Columbia.

Mr. HILL of Alabama. Mr. Chairman, I move to strike out the last word for the purpose of asking some questions. As I understand it, there are about 200 soil surveys that have been prepared by the Department of Agriculture which the department is now having to hold on account of the fact that it has no money with which to have them printed. Has the committee made any provision to take care of that situation?

Mr. DICKINSON of Iowa. We made some investigation in regard to that printing. There are a number of soil surveys, research items, and a number of bulletins that the department has not had sufficient funds to print under the printing allowance. They made their request for an increase to the Budget Bureau, and after hearings the Budget Bureau allowed them an increase of $50,000. After going over the situation, the committee was impressed that they needed more money than that, and we have given them an additional $50,000 for the year 1930, so that for that year they will have $100,000 more money than they have had for 1929 to make an effort to catch up on that printing. After that is used the committee hopes to make a sufficient survey of the situation to be able to reach some conclusion as to what ought to be done with reference to a regular printing item. The department has done a good deal of research work. This research work always results in findings. There is no use in having research and having findings unless we can print the findings, and we are making an effort here to start along and rectify that situation.

Mr. HILL of Alabama. How much will it take to rectify the situation?

Mr. DICKINSON of Iowa. I think the original estimate was $150,000 and possibly $200,000 more than we have allowed them.

Mr. HILL of Alabama. And the committee has allowed them $100,000 additional?

Mr. DICKINSON of Iowa. Yes. We have allowed them $100,000 over and above that of last year.

Mr. KETCHAM. Mr. Chairman, will the gentleman from Iowa yield?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Will the gentleman state whether or not in the hearings there was any testimony developed as to the kind and number of those soil surveys and other matters not published?

Mr. DICKINSON of Iowa. There were three different matters that we discussed—soil survey, farm bulletins, and research findings.

Mr. KETCHAM. I am particularly interested in soil surveys.

Mr. DICKINSON of Iowa. Those are emphasized more than any other class of publication.

The Clerk read as follows:

For investigating the diseases of tuberculosis and paratuberculosis of animals, for their control and eradication, for the tuberculin testing of animals, and for researches concerning the causes of the diseases, their modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, or State, Territory, or county authorities, $6,061,000, together with $300,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928, of which $1,190,000 shall be set aside for administrative and operating expenses and $5,171,000 for the payment of indemnities: *Provided, however,* That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous animals, if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary, within the limitations above provided, for the payment of indemnities, for the reimbursement of owners of such animals, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous or paratuberculous animals and for compensation to owners of animals so condemned, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such animals shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further,* That out of the money hereby appropriated no payment as compensation for any animal condemned for slaughter shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; that in no case shall any payment hereunder be more than $35 for any grade animal or more than $70 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: Page 20, line 13, after the word "indemnities," insert "of which $250,000 shall be immediately available: *Provided, however,* That payments from the appropriation of May 16, 1928, for this purpose for animals condemned after date of the approval of this act shall be upon the same basis as hereinafter provided."

Mr. McLAUGHLIN. Mr. Chairman, I reserve the point of order against the amendment.

Mr. DICKINSON of Iowa. Mr. Chairman, the purpose of this amendment is to make the higher compensation rates available at an earlier date. There will be a time when we must reach a period when we are going to start the new compensation and pay the higher rate of condemnation. The program for eradication of this disease starts usually in the spring. It seems a little unfair to have most of those who are in on the spring test compelled to accept compensation for their condemned cattle at a lower rate, so, after taking up the matter with the department, I offer this amendment upon the theory that the compensation for the year will be upon the same rate throughout the entire year, and will be equitable to all of those concerned in the test. I think it should be done.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last word, and reserve the point of order on the paragraph on page 21.

The CHAIRMAN. Is the point of order on the amendment offered by the gentleman from Iowa or to some part of the bill as read?

Mr. DICKINSON of Iowa. Mr. Chairman, the gentleman is too late with his point of order upon the entire paragraph, because that has been read. The point of order was made on the amendment.

Mr. McLAUGHLIN. I made the point of order on the amendment, and that is what the gentleman discussed. My point of order still stands.

The CHAIRMAN. The gentleman is correct. He made the point of order on the amendment.

Mr. McLAUGHLIN. My point of order on that still stands. There has been no discussion of the paragraph on page 21. I made the point of order properly at the proper time upon that also, although I am not going to insist upon it. I have made it more for the purpose of getting the floor to make some inquiries as to how this work is progressing. The work was begun pursuant to legislation enacted when I was a member of the Committee on Agriculture—a very important work. It has, I believe, been well done and with highly satisfactory results.

I notice the bill proposes to amend the amount of indemnity to be paid for animals destroyed. The amounts carried in the law which passed several years ago were $25 for a grade and $40 for a purebred animal. I always thought that those amounts were much too low, but they were all we could obtain approval of at the time the law was enacted.

I should favor even larger increases of amounts now provided by law than the committee has here recommended. As I understand, the department itself, the chief of the bureau and the others whose duty it is to carry on this work have recom-

mended larger increases than the committee has been willing to put into the bill. Why did the committee refuse the recommendation of the bureau as to these amounts?

Mr. DICKINSON of Iowa. We have been carrying along this work for many years on a 25-50 basis. Cattle have been getting dearer, but in equity to those who have gone through the test heretofore we thought if we gave 40 per cent increase we were giving an increase which was equitable, and for that reason we gave an increase from $25 to $35 and from $50 to $70. It is my recollection the department recommended an increase of from $25 to $40 and from $40 to $80, 50 per cent.

We did not want to get this amount to a point where people would be eager to sell cattle to the department for the amount they got for condemnation.

Mr. McLAUGHLIN. As a matter of fact, one serious difficulty in the administration of this law has been that the amount available for payment for the destruction of a purebred animal is too small. The bureau recommend $80, and the committee recommends $70. Certainly $80 is not an excessive amount. As I have said, the greatest difficulty, or one of the serious difficulties in enforcing this law, is the small amount paid for the destruction of purebred animals, some of which are of great value, running into thousands of dollars, the actual market value of the animals. It seems to me the amount to be paid should be still higher. I make that suggestion; I do not know that I shall offer an amendment.

Mr. DICKINSON of Iowa. We went over that very carefully and I think we have done the equitable thing.

Mr. McLAUGHLIN. Another question I wish to ask in regard to this work is whether or not there is any occasion for the feeling or opinion that while the test applied is effective generally in determining whether or not an animal is affected with tuberculosis, in many cases the worse the animal is, the more general, deep-seated the infection is, the less likely the test is to be successful. It often happens, I am told, that where an animal, determined by the test to be free of tuberculosis, is slaughtered soon after the test has been applied it is actually found to be seriously affected. That is, whereas there is little, if any, difficulty in discovering the presence of the disease where the animal is slightly affected, the test is, in fact, not a test, because it fails to disclose the presence of the disease if the animal is seriously affected. What are the facts? Is there reason or foundation for that opinion?

Mr. WASON. There is. I can answer that because I have had experience in my own herd. And the reason why the test is not effective in an animal which is very seriously diseased is that the resistance of the disease in the animal overcomes the fluid they use to make the test.

Mr. McLAUGHLIN. In other words, the worse off the animal is the more resistance it has?

Mr. WASON. Absolutely; against this fluid. I have had this happen in my own herd.

Mr. McLAUGHLIN. Is the bureau making any progress in finding a test that will not be, we may say, defective or ineffective in that respect?

Mr. WASON. They are working over it, but I do not think they have got it perfected along that line.

Mr. McLAUGHLIN. They admit there is that trouble?

Mr. WASON. Oh, of course, but there are only two animals in many years in my own herd who turned out that way.

Mr. McLAUGHLIN. How general is that condition?

Mr. WASON. Very slight as compared with the number of animals tested.

Mr. McLAUGHLIN. I am pleased to know that the work is going along so nicely. When it was first suggested we were told it would be impossible to eradicate tuberculosis, to check its spread, or even materially to reduce it. Officials of the bureau insisted it could be done, and from the first appropriation under the law the bureau has done splendid work and has made splendid progress.

Mr. WASON. They are doing so in my part of the country.

Mr. McLAUGHLIN. I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, I think there is a second amendment there, to carry out the same purpose.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: Page 20, line 13, strike out the word "however" and insert the word "further."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total, Bureau of Dairy Industry, $649,800, of which amount not to exceed $302,000 may be expended for personal services in the District of Columbia.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON as Speaker pro tempore having assumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon.

TEACHING THE CONSTITUTION

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of teaching the Constitution of the United States and to insert in connection therewith 10 specimen questions and answers that have resulted from this method that I have discussed.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, the American people have a deep-seated veneration for our Federal Constitution. We have wisely been taught that it is the sheet anchor of our civilization. But, unfortunately, it is a blind sort of worship among nearly all of our people. We have assumed that nobody could understand the Constitution except a few great lawyers and the Supreme Court. Especially was this view enhanced by the fact that so often the Supreme Court itself was divided by five to four opinions upon the proper interpretation of the Constitution. It occurred to our people that if the learned judges, having given the larger part of a lifetime to the study of the Constitution, could not agree among themselves as to its proper meaning, then it would be futile for a mere layman to commence its study.

But, on the contrary, we have courses in our schools, high schools, and colleges including the study of the Constitution itself. Having tried to teach the Constitution and having failed to satisfy myself with any success, I set about, many years ago, to devise a manner of approach to the study of the Constitution, and a method of instruction, that would make it both interesting and understandable. Accordingly, I was greatly pleased with the opportunity to try out my experiment with one of the law classes at Furman University, at Greenville, S. C., during the months of September, October, and November, 1928. I did not begin the course by a direct study of the text of the Constitution because that is dry and fruitless without the proper foundation of comparative history. I sought to catch the spirit of our Constitution and especially of our constitutional system by a brief review of the systems of Government then prevailing in the leading civilized nations of the world; and especially in England herself. This entailed a hasty review of the rise and development of the British constitutional system as it existed in 1776. Add to that the fact that feudal absolutism still prevailed in France, Germany, and Spain, and that what we now know as civil liberty and self-government were found only in the Swiss Cantons and in a nascent form in England herself, and we have the picture set for a proper appreciation of the shock that the Declaration of Independence must have given to the nerves of the smug and self-complacent aristocrats of that day. With this framework, all of us can understand, easily, the innovations contemplated by the Declaration of Independence. We are now prepared to understand that the American Revolution was a conflict of ideas of democracy and autocracy just as the World War was. The ideals of popular government having prevailed and finally triumphed at Yorktown, with the later acknowledgment of independence of the 13 American States, it became necessary for the revolutionary fathers to make democracy safe in and for America. If democracy should then show her efficiency and her power to maintain and advance civilization, then she might, 140 years later, proclaim and extend her power to make the whole world safe for democracy.

Therefore John Fiske truly described the period commencing with the end of the Revolution and culminating with the formulation and adoption of the Federal Constitution as the "critical period of American history." Therefore it was necessary to study this period of about seven or eight years with great particularity. The lack of power in the Federal Government,

seeking to function under the Articles of the Confederation, to defend our frontiers, to maintain domestic tranquility, to provide for the common defense, to prevent conflicts between the several States, to raise money by taxation, and soldiers by draft, all explain the confusion and chaos that clear-headed patriots saw were about to obscure and, perhaps, destroy the bright hopes of those who believed in, and fought to make good, the Declaration of Independence. Especially did we study the reasons and motives calling for the great convention that finally met in Philadelphia in May, 1787. We followed, minutely, the deliberations of that convention. We saw the conflict of ideas between the extreme views voiced by Alexander Hamilton, on the one hand, and Luther Martin, on the other hand. We traced the collision of interests between the large States and the small States. We observed the first threatening murmurs of sectional strife that grew until they finally thundered in the struggle over secession and eventually died away at Appomattox. Especially did we note the groping for, the difficulty in arriving at, what is now universally conceded to be the triumphant marvel of our American constitutional system, to wit, a dual system of government, both operating directly upon the same population at the same time, each within a separate and distinct sphere, and each maintained in the exercise of its proper powers by that wonderful regulatory agency, the balance wheel of our whole system—the Supreme Court of the United States.

Thus, Mr. Speaker, we have the material at hand for the proper comprehension of our Federal Constitution. Thus are we enabled to grasp the spirit of our Constitution. Thus we clothe the mere skeleton of dry-as-dust language with flesh and nerves, and breathe into this body the breath of governmental life. We behold a new beauty in the Constitution. We realize as never before why the Nation has grown in territory, in population, in wealth and in power, having multiplied itself in these respects many times, and yet the Constitution fits each new phase of our development. There is nothing like it elsewhere in the world. It is rigid enough to maintain order and historic continuity. It is elastic enough to permit of orderly progress. Through the provisions for amendment it is capable of expansion or contraction, and justifies the hope that it shall continue to bless countless generations of the American people; and, through them, the other peoples of the world.

Below follows a specimen of the questions and answers of an examination held on November 27, 1928. This is the paper of Mr. Hugh Beasley:

1. Question. Contrast the political ideas promulgated by the Declaration of Independence with those prevailing generally throughout the world.

1. Answer. The political ideas advanced by the Declaration of Independence were far ahead of the political ideas of the rest of the world at that time, and in some cases were in direct opposition to them. The idea as expressed by the Declaration of Independence that in order for a people to be taxed, they must have a share in the Government doing the taxing was very novel. Previous to this time in English history, the power to raise money had passed from the King to the Parliament, but no territory or colony had questioned the right of Parliament to levy taxes, because it had no representation.

Another idea advanced was "that all men are created equal." This may be taken to mean socially and politically. Who had ever heard of the idea that one man, no matter how low his station in life, had equal rights before the courts or in casting his ballot, as any other man in the community, no matter how prominent?

The proposition was also put forth that the people have the right to abolish any government that interferes with certain inalienable rights. This was contrary to the idea that prevailed at that time throughout the rest of the civilized world. However, many nations had successfully overthrown the rule of a certain king or dynasty, but not for a principle as was done in this case.

2. Question. Explain fully the expression "constitutional morality" and give some arguments for and against a written constitution as contrasted with an unwritten constitution?

2. Answer. The essence of "constitutional morality" is a spirit of self-restraint which enables men to lay aside their passions, prejudices, momentary interests, and other things which at the time seem necessary, but which is against the fundamental higher law, which is supreme. Thus "constitutional morality" may mean, following strictly the fundamental law as expressed in the constitution, and letting it be a gage and fountain head, and also a restraint on all laws which might be offered after that time.

The advantages of a written constitution over an unwritten one may be compared to the advantages of a contract which has been reduced to writing over one which has been agreed upon orally. The unwritten one is more flexible and more likely to be changed to fit the idea of the people at the time. The written constitution is like a monument. A certain formality of proceedings has to be carried through before it can be changed. Before this proceeding may be carried through and the constitution changed, the people have had time to think it over, and thus there is less likelihood that a mistake will be made. An unwritten constitution will be changed whenever the people, or practically speaking the lawmakers, feel that it stands in the way of legislation needed at the moment. Thus it is something intangible. Unless the people are very conservative, it might be as well not to have any constitution, as to have it in unwritten form.

The written constitution stands out like a landmark. It is not necessary for anyone to be skilled in civics or law in order to get a general idea about it. On the other hand, the unwritten constitution is vague and indefinite. It is more subject to change. The English nation probably use the unwritten constitution with as much efficiency as they would were it reduced to writing. But, as I have mentioned, they are conservative, and what would suit them would not suit us. We are composed of a mixture of races, and by nature we are more progressive, straining at the leash more than the English. Our citizenship is composed of people to a large extent who are not more than one or two generations removed from their native country. Thus they have not had the opportunity to have grounded in them the traditions of the Government of this country as the average English citizen has had. Government in England is more of a profession than it is in this country. They go about preparing for public office like we go about preparing for a profession, and in a lot of cases more seriously and thoroughly.

3. Question. Explain the term "American Constitution" and contrast with the Federal Constitution.

3. Answer. By the term "American Constitution" we mean the fundamental ideas of government as expressed in the Federal and in the State Constitutions combined. Of course most of the State constitutions are modeled after the Federal, but they usually go more into detail. They do not conflict with the Federal Constitution in any way. The Federal Constitution is only a part of the American Constitution, but it is the model for all of them. It is the expression of a higher law. As mentioned somewhere in our course, it is the link which pledges the living to the dead and to the unborn.

4. Question. Explain fully the weak features of the Articles of Confederation, and why we were inadequate to insure life, liberty, and the pursuit of happiness.

4. Answer. The weak features of the Articles of Confederation may be mentioned under two heads:

1. The inability of the Federal Government to reach out and take men from its citizenship when needed. The central government could only ask the States to send so many men, but it couldn't reach out personally to each man and in effect say, "You are needed for the defense of your country; come!" If the States chose to they could send the men, but if they did not choose to there was no way to force them. For a government to exist it must have men and money.

2. The inability of the Federal Government to levy taxes upon its citizenship. As in the case of men all the central government could do was to ask the States for so much money. Thus the State, if it chose to, might levy a tax upon its citizenship and raise the revenue. The whole defect may be summed up in a few words. The citizen owed allegiance first to the State and then to the Federal or central Government. Under our present system the citizen owes allegiance to both the Federal and the State Government, and where there is a conflict the Federal Government prevails. Under the Articles of Confederation, the central government had power, but only as expressed through the State, and then only as as the State chose to obey. It was more like the League of Nations of to-day. Each State was an independent sovereign and might do anything unrestrained, only as the other States might step in individually and restrain her.

5. Question. Explain the conflicting views and interests of groups in the Convention of 1787 in Philadelphia, and how they were finally compromised.

5. Answer. The two main groups in the convention were the Federalists and the State Rights Party. The first plan submitted was the Virginia plan, closely followed by the Pinckney plan, which was the model for the future Federal Government. However, the Virginia plan was considered first. One of its features which brought on a battle royal proposed that "the rights of suffrage in the National Legislature ought to be apportioned to the number of free inhabitants." This was opposed by the smaller States, notably Delaware and Rhode Island, on the ground that the smaller States would be swallowed up. This was compromised in the latter part of the convention by providing that the number of Members in the Lower House should be determined by population of their respective States, but that each State, no matter how large nor how small, should have two representatives in the Upper House, or the Senate. The business men of the convention wanted a strong central government, because it could protect business interests at home and abroad. Other men of the same type which promulgated the Declaration of Independence wanted an ideal government which would let each State have absolute power and the central government subordinate to the States. Fortunately, men of this type were few in the convention.

6. Question. Point out the novel and original feature of the Constitution of the United States.

6. Answer. The novel features of the Constitution may be expressed in a few subheads:

1. The proposition that the right of the Government depends upon the will of those who are governed, and those who are governed have the right to change the form of government which is over them.

2. The proposition that every man has the same rights before the law. Thus the social or financial position of a man, theoretically speaking, is not of help to a man when he comes into a court.

3. The proposition that law shall be general and shall not favor a particular class.

4. The proposition that, in case of a suit, reasonable notice shall be given and a reasonable time given to defend in a fair court of law. This is known as the "due process clause."

5. The dual system of government, whereby each man owes direct allegiance to both the State and the Federal Governments.

6. The system of "checks and balances," whereby one department of the Government is set off against another. Thus the judiciary restrains the legislative, and executive, and vice versa. Each is dependent upon the other for its power.

7. The agreement that the will of the majority shall prevail. Thus, when the majority elect a President, the minority concur in the election, and instead of the President being the President of the majority he is the President of all.

8. The right of every person to have individual freedom. That is, that he shall have the right to advance according to his ability, and not according to who he is.

Probably the most novel feature of the Constitution is the provision made for a duel form of government. There are in reality two governments governing the same people in the same territory harmoniously together. I owe one allegiance to the Federal Government and another allegiance to my State government. Both may put their hands into my pocket for taxes. Both may call me to their defense. In case of a conflict, it is agreed that the call of the Federal Government shall prevail. The Federal Government is concerned mostly with questions of national importance, while the State government deals only with local matters, relatively speaking.

7. Question. Show what part of the United States Constitution embodies the spirit of the Declaration of Independence, the "most American feature," and why.

7. Answer. Articles I, II, and V of the Constitution most embody the spirit of the Declaration of Independence. Article I provides that all legislative powers shall be vested in a Congress, which shall consist of the two respective Houses. It provides the manner of electing them and what their duties shall consist of. This section provides in effect that government shall be by the people. This carries out the thought embodied in the first part of the Declaration of Independence that the people must have a share in the government over them.

Article II provides for the office of President and how he shall be elected and removed if the people care to do so. This section in effect provides the manner in which all civil officers of the United States may be removed from office upon certain causes.

Article V expresses the idea which pervades the Declaration of Independence; that is, the power of the people to change the government which is over them. Thus provision is made for the alteration or for amending the Constitution of the United States. The Declaration of Independence expresses the idea that the people shall have the power at any time to change their government.

Of course, the first 10 articles of the Constitution are usually called the Bill of Rights, and they enlarge upon the thought expressed in the Declaration of Independence.

8. Question. Compare in detail the plan proposed by Alexander Hamilton and that adopted by the convention.

8. Answer. Alexander Hamilton's plan was to have a legislature composed of two branches, which is like the present system. The lower branch, called the assembly, was to consist of persons elected for three years as against two years at the present time. The Senate was to compare to the House of Lords of Engand and be elected for an indefinite term of office by electors chosen by the people for that purpose. The plan adopted by the convention proposed that the Senators should be elected for a term of six years, and then by the legislature of the State which are represented by them. The supreme executive authority of the Nation was to be vested in a governor chosen for life and to be elected by electors. The system adopted by the Constitutional Convention provided that the President should be elected by electors chosen for that purpose, for a term of four years. Washington established the precedent that no man should run for the office and be elected more than two terms. The judicial system was about the same as actually adopted which provided that it should be vested in judges who would serve for life. But the important difference in the Hamilton plan was that he provided for the appointment of the governor of each State by the General Government. Both the President and governor of each State was to have the negative on the laws passed by the respective legislatures of the Nation and the State. Under the system adopted by the convention the Executive had the veto power but the legislature could override the veto.

9. Question. Explain fully the powers, purposes, and services of the Supreme Court as the balance wheel.

9. Answer. The judges of the Supreme Court are elected for life, and they hold their office during good behavior. Thus they are not mixed up in politics, and they are free to decide questions as their sense and conscience may dictate. The Supreme Court has the power to declare any statute passed by Congress or by any State legislature as unconstitutional and of no effect. They do not nullify the statute but disregard it. Thus it has the power to check legislatures, and it checks the powers of the Executive by interpreting the laws as passed by the legislature. The Supreme Court may be called the measuring rod of the Nation. They take a law or act which has been passed and see if it comes up to the standard as set forth by the Constitution or decide whether it is against the standard.

10. Question. Explain fully the reasons for the tendencies toward enlarging Federal powers, and give examples and evidence of such enlarging tendencies.

10. Answer. Transportation and commerce has made large and important strides and advances within the past century. Communication has likewise progressed. Thus the people of the country are having the same interests in common, and they more nearly live the same kind of lives. The same kind of cars are driven in California and the same styles are worn there as are worn in the far Eastern or Southern States. The same kind of people live there. They think about the same things that we do. The people of South Carolina and those of California or Washington State are more nearly alike and have more things in common now than did the people of the upper and lower sections of South Carolina at the time of the adoption of the Constitution. Thus State lines are gradually being erased except as political boundaries. It is but natural that the Federal Government should enlarge and expand its authority. The people are living closer together and have the same interests in common. Due to the large volume of interstate travel, commerce, and communication, it is but natural that this trend should prevail. Very few things are done in one State at the present day that do not affect the people in another State.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned until Monday, December 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, December 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

687. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department for the fiscal year 1929, pertaining to the Bureau of the Mint, $6,780 (H. Doc. No. 477); to the Committee on Appropriations and ordered to be printed.

688. A letter from the Secretary of War, transmitting letter from the Chief of Ordnance, United States Army, dated the 14th instant, covering statement of the cost of manufacture, for the fiscal year ended June 30, 1928, at the armory and arsenals therein named; to the Committee on Expenditures in the Executive Departments.

689. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Post Office Department for the fiscal years 1927 and prior years (H. Doc. No. 478); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Insular Affairs. H. J. Res. 352. A joint resolution for the relief of Porto Rico; without amendment (Rept. No. 1957). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Maryland: A bill (H. R. 15425) authorizing Cornelius V. Roe, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patapsco River at or near or south of Lazaretto Point, Baltimore, Md., and a point opposite thereto in Baltimore, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEOWN: A bill (H. R. 15426) prohibiting the transportation of intoxicating liquors with firearms or explosives, and the sale of intoxicating liquors to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. BULWINKLE: A bill (H. R. 15427) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets, to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 15428) allowing the withdrawal of the proceeds of the salvage of the U. S. S. *Piave*, improperly covered into "Miscellaneous receipts" in the United States Treasury instead of being paid to the underwriters of the cargo of said ship; to the Committee on Claims.

By Mrs. KAHN: A bill (H. R. 15429) to provide a suburban residence for the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Maine: A bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVILA: Joint resolution (H. J. Res. 354) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo; to the Committee on Foreign Affairs.

By Mr. COLE of Iowa: Joint resolution (H. J. Res. 355) authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways; to the Committee on Foreign Affairs.

By Mr. LEHLBACH: Resolution (H. Res. 265) to amend House Resolution 232; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 15431) to protect the title of motor vehicles within the District of Columbia; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and secondhand vehicles as herein defined; to prescribe the powers and duties of the director of traffic hereunder; and to provide penalties for violations of the provisions hereof; to the Committee on the District of Columbia.

By Mr. ARNOLD: A bill (H. R. 15432) granting an increase of pension to Rosa A. Bower; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 15433) granting an increase of pension to Kate Thomas; to the Committee on Pensions.

By Mr. BULWINKLE: A bill (H. R. 15434) granting an increase of pension to Synthia Freeman; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15435) granting a pension to Julius P. Martin; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 15436) granting a pension to Almira M. Mitchell; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 15437) granting a pension to Roscoe Morrow; to the Committee on Pensions.

Also, a bill (H. R. 15438) granting a pension to Horace Stephens; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15439) granting a pension to Mary Lawson; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 15440) for the relief of Frank Yarlott; to the Committee on Indian Affairs.

By Mr. LEECH: A bill (H. R. 15441) for the relief of Isabelle Moody; to the Committee on Military Affairs.

Also, a bill (H. R. 15442) granting a pension to Evilene Williams; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 15443) granting an increase of pension to Isaac N. Cook; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 15444) granting a pension to John G. Hall; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 15445) granting a pension to Alfred Ernest Watts; to the Committee on Pensions.

Also, a bill (H. R. 15446) for the relief of Carl Halla; to the Committee on Claims.

By Mr. ROWBOTTOM: A bill (H. R. 15447) granting an increase of pension to Mary E. Gudgen; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 15448) granting a pension to Frankie A. Willis; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 15449) for the relief of Joel Townsend; to the Committee on Military Affairs.

By Mr. SWING: A bill (H. R. 15450) granting an increase of pension to Walter C. Burris; to the Committee on Pensions.

By Mr. UPDIKE: A bill (H. R. 15451) granting an increase of pension to John J. Lillis; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 15452) granting a pension to Mary E. Brock; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 15453) granting an increase of pension to Sarah A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15454) granting an increase of pension to Nellie Thompson; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 15455) granting a pension to Louise Wing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15456) granting an increase of pension to Clark Brown, to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 15457) granting a pension to Caroline W. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 15458) granting a pension to James A. Quinn; to the Committee on Pensions.

Also, a bill (H. R. 15459) granting a pension to Mary E. Schmidt; to the Committee on Pensions.

Also, a bill (H. R. 15460) granting a pension to Eugene J. Hatterer; to the Committee on Pensions.

Also, a bill (H. R. 15461) granting a pension to Elizabeth B. Hertzler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15462) granting a pension to Louemma Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15463) granting an increase of pension to Emma B. Fleming; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8006. By Mr. ADKINS: Petition of residents of the city of Decatur, Ill., asking for a protective tariff on brick being manufactured in Europe and shipped to our eastern seaboard; to the Committee on Ways and Means.

8007. By Mr. CRAIL: Petition of the Department of California, United Veterans of the Republic, favoring necessary legislation granting to recipients of the congressional medal of honor an honorarium of $50 per month; to the Committee on Military Affairs.

8008. By Mr. GARBER: Petition of the Immigration Study Commission, urging opposition to repeal of the national origins clause of the immigration quota act; to the Committee on Immigration and Naturalization.

8009. By Mr. JOHNSON of Texas: Petition of W. P. Allen, president of the American National Bank, of Terrell, Tex., urging continuance of national-bank circulation; to the Committee on Banking and Currency.

8010. By Mr. McCORMACK: Petition of Boston League of Women Voters, Mrs. Willard Dana Woodbury, president, 3

Joy Street, Boston, Mass., recommending passage of the Newton bill, which provides for the creation of a child welfare extension service in the Children's Bureau; to the Committee on Education.

8011. By Mr. YATES: Petition of Le Seure Bros., jobbers and retailers of cigars and tobaccos, Danville, Ohio, protesting Senate bill 2751; to the Committee on Ways and Means.

8012. Also, petition of H. M. Voorhis, of the law offices of Maguire & Voorhis, of Orlando, Fla., urging passage of the Sears bill (H. R. 10270); to the Committee on the Judiciary.

8013. Also, petition of W. T. Alden, of the law offices of Alden, Latham & Young, Chicago, Ill., urging passage of Senate bill 3623, amending section 204 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

8014. Also, petition of the legislative committee of the Railway Mail Association, Illinois Branch, Chicago, urging passage of the following bills: The retirement bill (S. 1727), the 44-hour week bill (S. 3281), and the steel car bill (S. 2107); to the Committee on the Civil Service.

8015. Also, petition of office of the Quartermaster, First Cavalry Division, Fort Bliss, Tex., urging support of the Black bill in the Senate and the Wainwright-McSwain bill in the House; to the Committee on Military Affairs.

SENATE

MONDAY, *December 17, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou whose word, hidden in the framework of the world, is revealed in the mind of man, speak to us in loving accents as we keep our solemn tryst with Thee.

We thank Thee for the dimmest consciousness of Thy presence; for the trail of a seamless robe about us, the burning of our hearts, the whisper in our minds; but do Thou pour Thy glory forth, that we may see the majesty of our daily path crowded with helpfulness and broadened with opportunity until it becomes a highway through the desert; and may every heart that watches with us see the Sun of Righteousness arise with healing in His wings for all the nations of the earth. Grant this for the sake of Him who is our peace, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Simmons
Barkley	Frazier	Larrazolo	Smith
Bayard	George	McKellar	Smoot
Bingham	Gerry	McLean	Steck
Blaine	Gillett	McNary	Steiwer
Blease	Glass	Moses	Stephens
Borah	Glenn	Neely	Swanson
Bratton	Goff	Norris	Thomas, Idaho
Brookhart	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Burton	Harris	Phipps	Tydings
Capper	Harrison	Pine	Vandenberg
Caraway	Hastings	Ransdell	Walsh, Mass.
Couzens	Hawes	Reed, Mo.	Walsh, Mont.
Curtis	Hayden	Reed, Pa.	Warren
Dale	Heflin	Robinson, Ind.	Waterman
Deneen	Johnson	Sackett	Watson
Dill	Jones	Schall	Wheeler
Edge	Kendrick	Sheppard	
Edwards	Keyes	Shipstead	
Fess	King	Shortridge	

Mr. GERRY. I desire to announce that my colleague the junior Senator from Rhode Island [Mr. METCALF] is absent on account of illness.

I wish also to state that the senior Senator from New York [Mr. COPELAND] is absent by reason of illness in his family.

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is detained from the Senate on account of illness.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate by illness.

Mr. HEFLIN. I desire to announce that my colleague the junior Senator from Alabama [Mr. BLACK] is absent from the Senate attending, as a member of the committee on the part of the Senate, the unveiling of the Wright Brothers Monument at Kitty Hawk, N. C.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, and it was signed by the Vice President.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a petition of sundry citizens of St. Petersburg, Fla., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Rotary Club, of Fargo, N. Dak., favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER. Mr. President, I present a communication from the manager of the Chamber of Commerce of Titusville, Fla., with some resolutions adopted by Titusville Post, No. 1, of the American Legion. I request that the resolutions may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by Titusville Post, No. 1, Department of Florida, of the American Legion

Whereas there is pending in the United States Senate a bill providing for increase in the strength of the Navy, authorizing the construction of 15 cruisers and 1 aircraft carrier (H. R. 11526); and

Whereas the President of the United States has declared that the measure should be passed in order to eliminate a deficiency in the Navy and to meet our needs for defense; and

Whereas the American Legion has repeatedly declared in favor of adequate preparation in time of peace for ample protection should war arise: Therefore be it

Resolved by Titusville Post, No. 1, Department of Florida of the American Legion, That the speedy passage of the measure by the Senate and its enactment into law will subserve the best interest of the Nation and give notice to the world that a "Navy second to none" is America's interpretation of the 5–5–3 ratio decided upon at the Washington Conference. Be it further

Resolved, That a copy of this resolution be forwarded to the Senators and Representatives in Congress from Florida and to the headquarters of the Department of Florida of the Legion at Palatka.

R. E. L. NIEL,
J. W. HANSON,
IRA NOBLES,
Committee.

This is to certify that the foregoing is a true and correct copy of a resolution unanimously adopted by Titusville Post, No. 1, Department of Florida, the American Legion, at its regular meeting held December 12, 1928.

THOS. E. APPLE, *Commander.*
CHAS. I. GUINN, *Adjutant.*

Mr. SHEPPARD presented a petition of members of the Tyler Street Methodist Church, of Dallas, Tex., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented a petition of members of the Young Men's Christian Association, of Durham, N. C., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. BARKLEY presented petitions numerously signed by students of Asbury College, members of the Young Women's Christian Association Bible Classes, of Louisville, and sundry citizens, all in the State of Kentucky, praying for the prompt passage of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. JONES presented petitions of sundry citizens of Seattle, Spokane, Tacoma, Port Angeles, Leland, Dungeness, Carlsborg, Raymond, Yakima, and Colville, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented resolutions adopted by the Improvement Club, of Candia; the Twentieth Century Club, of Bethlehem; the Fortnightly Club, of Chester; the Review Club, of Manchester; the committee on international relations, League of Women Voters, at Concord; the Business and Professional Woman's Club, of Newport; the Parent-Teacher Association, of Hillsboro; the North Church Guild, of Portsmouth; the Woman's Alliance of the Federated Church, of Greenland; the Dailey Circle of King's Daughters, of New Castle; the Whitefield Study Club, of Whitefield; the Unity Club, of Lancaster; the Woman's Home Missionary Society of the Methodist Episcopal Church, of Manchester; the Outlook Club, of Manchester; the Portsmouth district conference, New Hampshire Federation of Women's Clubs; the Plymouth district conference, New Hampshire Federation of Women's Clubs; the Keene district conference, New Hampshire Federation of Women's Clubs; the North County Conference of Friends in Council; the Silver Lake Woman's Club, of Madison; the Fortnightly Club, of West Lebanon; the Current Events Club, of Manchester; the New Hampshire School Mistresses' Club, at Concord; the New England Regional Conference of Congregational Churches, at Manchester; the Current Events Club, of Winchester; the League of Women Voters, of Greenland; the New Hampshire Smith College Club, at Rye Beach; the Unity Club, of Stratham; the directors' meeting of the District Young Woman's Christian Association, at Concord; the Woman's Community Council, of Portsmouth; the Carroll County Farm Bureau, at Moultonboro; the annual meeting of the Sullivan County Farm Bureau, at Claremont; the College Club, of Portsmouth; the New Hampshire A. A. U. W., at Concord; the Fall conference, New Hampshire League of Women Voters, at Portsmouth; the Millville Woman's Club, of Concord; the Granite Club, of Manchester; the Woman's Literary Society, of Suncook; the Wednesday Club, of Mont Vernon; the Council of Jewish Women, of Portsmouth; the Young Woman's Christian Association, of Portsmouth; the Winnicutt Grange, of Stratham; the Ladies' Benevolent Society of Smith Memorial Church, of Hillsboro; the Business and Professional Woman's Club, of Manchester; the State convention, Woman's Christian Temperance Union, at Woodsville; the Woman's Christian Temperance Union, of Lancaster; the civics committee of the Zeta Alpha Club, Middle Street Baptist Church, of Portsmouth; the Greenleaf Civics Club, of Franconia; the Woman's Civic Club, of Raymond; the Fortnightly Club, of Hudson; the field meeting of the New Hampshire Federation of Women's Clubs, at Durham; the Manchester district conference, New Hampshire Federation of Women's Clubs, at Milford; the Concord district conference, New Hampshire Federation of Women's Clubs, at Franklin; and the Woman's Clubs, of Rochester, Sunapee, Hinsdale, Woodstock, Berlin, Windham, Wolfeboro, Newmarket, Groveton, Contoocook, Conway, North Conway, Durham, New Hampton, New London, Gorham, Acworth, Winchester, Lebanon, Dover, Centre Ossipee, Penacook, West Concord, Dover, Colebrook, East Jaffrey, Laconia, Wentworth, and Union, all in the State of New Hampshire, favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented a letter in the nature of a petition from the Connecticut State Association of Letter Carriers, Waterbury, Conn., praying for the passage of the so-called Dale-Lehlbach bill, providing for the retirement of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented letters in the nature of petitions from Local Union No. 11, International Union of American Bakery and Confectionery Workers, and Hod Carriers' Local No. 623, both of New Haven, Conn., praying for the adoption of Senate Resolution 258, directing the Federal Trade Commission to reinstate the complaint against the Continental Baking Corporation, which were referred to the Committee on the Judiciary.

He also presented a letter in the nature of a petition from P. E. Mathias, of Whitneyville, Conn., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, and opposing adoption of the naval construction program, which was ordered to lie on the table.

He also presented petitions of the Hartford Council of Churches, members of the faculty of Hartford Seminary Foundation, and the minister of South Congregational Church of New Britain, all in the State of Connecticut, praying for the adoption of the so-called Gillett resolution, suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Foreign Missionary Society of the First Methodist Episcopal Church of Ansonia and sundry citizens of New Haven, Hartford, Roxbury, and New Milford, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. BLAINE presented petitions and papers in the nature of petitions from the Woman's Club, of Green Bay; the Monday Music Club, of Manitowoc; the annual conference of the Wisconsin Federation of Branches of the American Association of University Women, at Oshkosh; of the Educational Meeting, Women's Organization National Association Retail Druggists, of Milwaukee; the Mayville Woman's Club; the Woman's Foreign Missionary Society Auxiliary, of Linden; the Clara Swain Auxiliary of the Woman's Foreign Missionary Society of the First Methodist Episcopal Church of Beloit; the Woman's Foreign Missionary Society of the First Methodist Church of Madison; the Woman's Foreign Missionary Societies of La Crosse, Mazomanie, and Lancaster; the Woman's Club, of Deer Park; 41 members of the faculty of the State Teachers College, of Milwaukee; members of the Young Woman's Christian Association, of Beloit; members of the congregation of the First Baptist Church, of Green Bay; and sundry citizens of Madison and Milwaukee, all in the State of Wisconsin, and the Annual Convention of Chapter Officers of the Unitarian Laymen's League, at Lenox, Mass., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from members of the faculty of Milwaukee-Downer College, of Milwaukee, Wis., praying for the adoption of the so-called Gillett resolution, suggesting a further exchange of views relative to the World Court, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a meeting of District No. 4, Wisconsin Cooperative Creamery Association, at Barron, Wis., favoring the imposition of a tariff duty of at least 5 cents per pound on casein, which was referred to the Committee on Finance.

He also presented the petition of officers of the Deutscher Krieger-Bund von Wisconsin, Inc., of Madison and Kiel, Wis., praying for the adoption of the so-called Shipstead resolution, being the resolution (S. Res. 242) inquiring as to the appropriateness of amending article 231 of the Treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

HON. FRANK L. SMITH

Mr. DENEEN. Mr. President, by request I present a paper in the nature of a memorial from the Illinois Commerce Commission, which I ask leave to have printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *March 27, 1928.*

Hon. FRANK L. SMITH,
Dwight, Ill.

DEAR SENATOR: We who served with you on the Illinois Commerce Commission, either as commissioners, assistant commissioners, or on the staff, have noted the attacks which, during the past months, have been made against your service while upon the commission. As we have analyzed these attacks one feature stands out as common to all, viz, a wholly malicious distortion of facts and a reliance upon insinuations and sly inferences to detract from your reputation for probity and honesty. We who have served with you feel that if these false attacks are not effectively challenged the public may be misled not only to your injury but to the detriment of its own interest.

The things which these attacks seek to suggest to the public are that the Illinois Commerce Commission, during your administration as chairman, was under your personal domination and that you arbitrarily controlled the public utilities of the State to your own advantage without regard to law, justice, or the public welfare. We of the membership and staff of the commission voluntarily, and as a duty we owe to the public and in justice to yourself, make this statement that it may be clear to everyone that you could not and did not dominate the commission either for good or evil and that in the five years you served as chairman you never once tried to do anything of the kind. Inasmuch as almost two years have elapsed since you severed your connection with this commission we can hardly be accused of still being under your domination. Further, for general public information it may be said that with the exception of the secretary of the commission all members of the staff, and particularly those who are classified as technical experts, have been with the commission since its organization in 1914 and have served under Governors Dunne, Lowden, and Small. Every decision of the commission is evidenced by a written order and

every order of the commission is spread at large upon its records. A copy of each order is served on all interested parties, including municipalities when the public interest is involved, and upon the attorney of record or local representative of the parties to the action. A copy of every order is retained in the files of the commission, is a public document, and is available at all times to representatives of the press and public. The commission consists of seven members and a majority of the entire membership is required by law for a decision upon any question. The chairman of the commission, like each member, has one vote. A stenographic record is made of the vote of each commissioner as recorded on every commission action. It is apparent that no action could be "dictated by the chairman" without the concurrence of at least three other members of the commission.

The authority delegated to the commission by the Legislature of the State of Illinois relates to the rates, service, public convenience and necessity, public safety, capitalization, accounting, valuation, and related subjects of all intrastate public utilities. In case of petition or complaint concerning any public utility, notice is required by law to be sent to all interested parties of a public hearing, to be held where all evidence in transcribed by a court reporter and preserved in the record. Every municipality interested in any hearing is permitted by law to intervene in behalf of its citizens. After all evidence has been heard and arguments made by counsel the practice of the commission is that the orders shall be prepared either by the supervisor of opinions and orders of the commission, if the matter in question is one of a general nature, or by one of the assistant commissioners, if heard by the assistant commissioner, or by one or the other of the technical sections of the commission if the matter in question involves valuation, financing, or the like. In all instances the tentative drafts are predicated upon the evidence produced in the public hearing. When tentative orders are presented to the commission for action in conference it is the practice of the commission to have present all assistant commissioners, all examiners, and the technical members of the staff, the secretary or assistant secretary of the commission, and a shorthand reporter. The evidence in each case is discussed in detail, and if changes in the tentative order are deemed necessary such change is ordered by a majority of the whole commission. Therefore, all of us know that at no time in the more than five years you were chairman did you vary one iota from the accepted practice of the commission in the consideration of cases before that body nor did you in one single instance make any suggestion which in the widest stretch of imagination could be deemed or considered as affecting the interest of any person or corporation concerning the action to be taken by the commission in regard to any matter.

Two years have elapsed since wide publicity was given to the insinuations of the character of service rendered by you. We submit that had there been the slightest basis for a single one of these insinuations concerning any action of yours or of the commission while you were its chairman the particular act would necessarily be of record in some one of the commission's orders; some particular order would have been found which would furnish some evidence that you had been unfair or that some action of the commission had been favorable to some one or other of the many public utility concerns doing business in Illinois. The fact stands unchallenged that no single act of yours or of the commission has ever been found upon which any one dared base an insinuation that under your administration as chairman any utility was given an unfair advantage or that the public interest was not strictly safeguarded in every instance.

Had it been true that you or the commission had shown favors to any utility interests in the matter of rates or financing, the people making these insinuations would have aroused public indignation. It would have brought a clamor for rate reduction and service improvements and the like throughout the State. It is, however, a fact that in the past two years there has not been the slightest protest concerning any utility rate, and it is also true that in that time no community of citizens or any municipality has made a single application for reduced rates, also it is a fact that in that time there has been no complaint that during your administration on the commission any utility was authorized to issue any securities for any improper purpose. During your term as chairman you voted upon rate reductions in utility service in Illinois which have resulted in a saving of more that $100,000,000 to the subscribers and consumers of Illinois. In the main these reductions were accomplished as a matter of mutual analysis of the facts without recourse to litigation in the courts.

In closing we feel that the impromptu remarks made of record upon the occasion of your last visit to the commission are pertinent to the statements of fact hereinabove contained. There were present in the hearing room of the commission, among others, Harry P. Weber (representing Chicago surface lines), James G. Condon (representing Chicago Motor Coach Co.), Clarence B. Cardy (representing various shippers), Ben P. Alschuler (representing the Illinois Gas Association), Commissioners Wright, Trovillion, and Moynihan, and Assistant Commissioner Kuhn, all of whom spoke of record in the highest terms of your fairness, and, as Mr. Weber well said, "You held the scale of justice with an even hand."

Yours very truly,

J. PAUL KUHN, *Assistant Commissioner.*	H. E. WOOD, *Supervisors of Orders and Opinions.*
WM. J. SMITH, *Commissioner.*	JAMES R. CLARK, *Assistant Commissioner.*
HAL W. TROVILLION, *Commissioner.*	C. G. BENNETT, *Chief of Engineering Section.*
ALEX J. JOHNSON, *Commissioner.*	F. D. AYERS, *Assistant Commissioner.*
P. H. MOYNIHAN, *Commissioner.*	H. M. SLATER, *Chief Rate Making Section.*
EDWARD H. WRIGHT, *Commissioner.*	JULIUS JOHNSON, *Secretary.*
W. M. HAMMOND, *Chief of Accounting Section.*	FRANK A. HEERMANS, *Assistant Secretary.*

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 2192) for the relief of Lemuel Simpson, reported it without amendment and submitted a report (No. 1350) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6377) for the relief of John Shannon, submitted an adverse report (No. 1351) thereon, and moved that the bill be indefinitely postponed, which was agreed to.

Mr. ROBINSON of Indiana, from the Committee on the Judiciary, to which was referred the bill (H. R. 11859) for the relief of B. C. Miller, reported it with an amendment and submitted a report (No. 1352) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3590) to amend section 110 of the Judicial Code, reported it without amendment and submitted a report (No. 1354) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 13645) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes, reported it without amendment and submitted a report (No. 1353) thereon.

FUNERAL EXPENSES OF THE LATE SENATOR GOODING

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 275) submitted by Mr. BORAH on the 5th instant, which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Frank R. Gooding, late a Senator from the State of Idaho, upon vouchers properly approved.

LILLIAN T. OYSTER

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 278) submitted by Mr. TYDINGS on the 10th instant, which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lillian T. Oyster, widow of Guy H. Oyster, late an assistant clerk in the office of Hon. MILLARD E. TYDINGS, a Senator from the State of Maryland, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LUCY A. VAN DEMAN

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 273) submitted by Mr. WATSON on the 5th instant, which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Lucy A. Van Deman, mother of Faye E. Van Deman, late an assistant clerk to the Committee on Interstate Commerce, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SARAH E. KAEDING

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably with an amendment the resolution (S. Res. 277) submitted by Mr. SCHALL on the 6th instant, and ask for its present consideration. The Senate by unanimous consent proceeded to consider the resolution.

The amendment was, in line 3, before the word "of," to strike out "wife" and insert "widow," so as to make the resolution read:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Sarah E. Kaeding, widow of Edward H. Kaeding, late an assistant clerk to Senator SCHALL, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Pennsylvania:

A bill (S. 4954) authorizing refund of certain illegally collected taxes; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 4955) granting a pension to Peter H. Frankford; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4956) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark; to the Committee on Military Affairs.

A bill (S. 4957) granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; to the Committee on Commerce.

A bill (S. 4958) granting a pension to Sarah A. Faris; and

A bill (S. 4959) granting a pension to Ralph P. Bell (with an accompanying paper); to the Committee on Pensions.

A bill (S. 4960) to extend the benefits of the employees' compensation act of September 7, 1916, to Solomon J. Oliver;

A bill (S. 4961) for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased (with an accompanying paper); and

A bill (S. 4962) for the reimbursement of R. H. Quynn, lieutenant, United States Navy, for loss of property by fire at the naval operating base at Hampton Roads, Va. (with accompanying papers); to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 4963) for the relief of James McGourty; to the Committee on Claims.

By Mr. GILLETT:

A bill (S. 4964) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone; to the Committee on the Library.

By Mr. ROBINSON of Indiana:

A bill (S. 4965) granting a pension to Florence J. Frazier;

A bill (S. 4966) granting a pension to Annah E. Core;

A bill (S. 4967) granting a pension to Bertran C. Hayner; and

A bill (S. 4968) granting a pension to Maria Allen; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4969) granting an increase of pension to Margaret A. Carey; and

A bill (S. 4970) granting an increase of pension to Martha J. Griner; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4971) granting a pension to Mary F. Gross; and

A bill (S. 4972) granting an increase of pension to Polie Hamby; to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 4973) for the relief of the Consolidated Awning & Tent Co., of Newport News, Va., and the United States Fidelity & Guaranty Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 4974) granting an increase of pension to Alpha W. Felter; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4975) to create a commission on establishing a country summer White House; to the Committee on Public Buildings and Grounds.

By Mr. CARAWAY:

A bill (S. 4976) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River, at or near the town of Black Rock, Ark.; and

A bill (S. 4977) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River, at or near Imboden, Ark.; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Public Lands and Surveys.

By Mr. BROOKHART:

A bill (S. 4980) authorizing the Secretary of Agriculture to acquire toll bridges and maintain them as free bridges, and for other purposes; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 4981) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers; to the Committee on Post Offices and Post Roads.

A bill (S. 4982) granting an increase of pension to Lydia F. Smith (with accompanying papers); and

A bill (S. 4983) granting an increase of pension to Leila A. Steele (with accompanying papers); to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4984) to extend the benefits of the employees' compensation act of September 7, 1916, as amended, to George Walther; to the Committee on Claims.

A bill (S. 4985) granting a pension to Emma P. Patterson;

A bill (S. 4986) granting a pension to Wesley Adcock;

A bill (S. 4987) granting a pension to Charles Larsen;

A bill (S. 4988) granting a pension to E. A. Hart;

A bill (S. 4989) granting a pension to Silas Newton Todd;

A bill (S. 4990) granting a pension to Robert Harms;

A bill (S. 4991) granting a pension to Tollifer D. Ferguson; and

A bill (S. 4992) granting a pension to Lizzie E. Kizer; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4993) to amend subsection 3 of section 322 of the Revised Statutes, as amended, relating to claims for refunds of taxes; to the Committee on the Judiciary.

By Mr. CAPPER:

A joint resolution (S. J. Res. 179) entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; and

A joint resolution (S. J. Res. 180) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes; to the Committee on the District of Columbia.

DECLARING A LEGAL HOLIDAY IN THE DISTRICT

Mr. BLEASE. I introduce a joint resolution which I ask may be referred to the Committee on the District of Columbia. I want to call the attention of the chairman of that committee to a like resolution on December 18, 1925, at pages 1066 and 1067 of the CONGRESSIONAL RECORD of that date.

The joint resolution (S. J. Res. 181) to declare December 24, 1928, a legal holiday in the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

PROPOSED COUNTRY WHITE HOUSE

Mr. GOFF. I introduce a bill and ask to have it read from the desk and referred to the Committee on Public Buildings and Grounds.

The bill (S. 4978) to provide for establishing a country White House was read the first time by its title, the second time at length, and referred to the Committee on Public Buildings and Grounds, as follows:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed, at a cost not to exceed $500,000, to acquire, on behalf of the United States, by purchase, condemnation, or otherwise, suitable grounds in the State of West Virginia, together with the buildings thereon, and to alter, repair,

and furnish such buildings for the use of the President of the United States as a country White House; or, in his discretion, to acquire, on behalf of the United States, by purchase, condemnation, or otherwise, a suitable site in the State of West Virginia, and to provide for the construction, furnishing, and equipment thereon of such building or buildings as may be suitable for use by the President of the United States as a country White House.

SEC. 2. For the purposes of this act the Director of Public Buildings and Public Parks of the National Capital is authorized to enter into contracts, to purchase materials, supplies, equipment, and accessories in the open market, to employ the necessary personnel, including professional services without reference to section 35 of the act approved June 25, 1910, and to make such expenditures, including expenditures for advertising and travel and the purchase of technical and reference books, as may be necessary.

SEC. 3. The laws relating to the public property and furniture in and belonging to the Executive Mansion in the District of Columbia, and to the protection of the Executive Mansion and grounds in the District of Columbia, shall apply to the country White House provided for in this act.

SEC. 4. There is hereby authorized to be appropriated the sum of $500,000, or so much thereof as may be necessary, to carry out the provisions of this act.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for investigations, experiments, and demonstrations in reference to insects affecting tropical, subtropical, and ornamental plants and including research on the Parlatoria date scale and the Mediterranean and other fruit flies from $130,500 to $145,500, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PROPOSED FARM RELIEF COMMITTEE

Mr. THOMAS, of Oklahoma, submitted the following concurrent resolution (S. Con. Res. 27), which was referred to the Committee on Agriculture and Forestry:

Whereas it appears that, at an early date, legislation directly affecting agricultural interests is to be considered by the Congress, either in regular or special session; and

Whereas the agricultural problem is one which affects directly every citizen as well as every group of our people, and affects, directly or indirectly, every interest and institution of the Republic. In seeking a solution and in providing relief for agriculture all our people, individually and in groups, and all our interests and institutions must be taken into consideration, to the end that no avoidable injury and no injustice may be done any citizen or group of citizens, or any interest or institution or group of interests or institutions; and

Whereas the 35,000,000 of our citizens residing upon and securing substance upon which they exist from farm lands are not, as a whole, organized so as to furnish recognized and accredited representatives to speak and act for agriculture in connection with the formation and enactment of legislation for the best interests of agriculture; and

Whereas to the end that agriculture may be specially and directly represented in connection with the suggested farm relief and tariff legislation. Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Chairman of the Senate Committee on Agriculture and Forestry and the chairman of the House of Representatives Committee on Agriculture be, and they are hereby, authorized and requested to extend, by proclamation, an invitation to the several farm organizations to select delegates to meet at a time and place to be fixed in such proclamation for the purpose of selecting, naming, and commissioning 10 delegates to represent agricultural interests before the Congress and the committees thereof in connection with the formation and enactment of farm relief and tariff legislation hereinbefore referred to. If and when said delegates are selected and commissioned, as provided for herein, it is suggested that they shall organize by the selection of a chairman, vice chairman, and secretary, and such committee, when so organized, shall be known and referred to as the farm relief committee.

EXECUTIVE REPORTS

Mr. BORAH. I ask permission, as in executive session, to submit reports for the Executive Calendar.

The PRESIDENT pro tempore. Without objection, the reports will be received and go to the Executive Calendar.

ADMINISTRATION OF INDIAN BUREAU

Mr. PINE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Los Angeles Times of November 27, 1928, which relates to the administration of the Indian Bureau.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATIONAL DISGRACE

If there were any who doubted that the treatment accorded American Indians by their supposed protector and guardian, the Indian Bureau, is now and has been for a generation a national disgrace, the testimony so far taken before the Senate Committee on Indian Affairs ought to convince them. No party and no national administration has differed from any other in this respect; the administration of the Indian Bureau has been uniformly bad, no matter who has been in charge at Washington. It is time—it has been time for years—to take appropriate action. Appropriate action in this case is the abolition of the Indian Bureau and the complete divorcement of its personnel, in whole and in part, from any connection with Indians and their property.

Mere reorganization is not enough. There must be a clean out from top to bottom and the adoption of an entire new policy, to be carried out by an entirely different set of men and women, with a different viewpoint and ideals.

The evidence brought forth in the California hearings of rotten meat and weevily bread and beans served to children in Indian schools, with a sauce of brutality and mistreatment, is of a piece with the evidence taken elsewhere. Everywhere the committee goes it gets the same sort of facts. It has been proved before that the Indian Bureau has 1 employee for every 45 Indians, and that consequently its funds are largely absorbed by its overhead; it has been shown that the death rate among reservation Indians has risen to the scandalous figure of nearly 30 per 1,000 because of starvation and lack of sanitary and medical care; it has been shown that the tribal property held in trust by the bureau is being dissipated by mismanagement or worse, whereas the general history of trust estates is that they increase in value; that Indians have been despoiled of good land and given worthless land; that they are hampered and hindered in their efforts toward self-improvement; and that in general they seem to be considered nuisances instead of wards, vermin instead of human beings.

Any change which Congress might make in such a situation could hardly fail to be an improvement. Various remedies have been proposed at the hearings. The California Indian Defense Association contends that the care of the Indians should be returned by the Federal Government to the various States in which they are domiciled. Another proposal is to substitute for the Indian Bureau a commission on which is to be represented the Smithsonian Institution, the Department of Agriculture, and the Attorney General. Still another is that the Indians be granted full citizenship and treated precisely like other elements of the population; this is the solution offered by Dr. George P. Clements, of the Los Angeles Chamber of Commerce. A suggestion worth consideration has not yet been laid before the committee, that it might be possible to revive the Iroquois Confederacy and extend its plan of organization to the other Indians. Certainly the Iroquois, who have never been under Indian Bureau control, have fared better than the Indians who have. The Iroquois Confederacy, incidentally, is still nominally in existence, with rights guaranteed it by a treaty which antedates the Federal Constitution.

Whether turning the Indians over to the tender mercies of the various State governments would be a wise move may be doubted in view of the attitude of one or two of the States whose inhabitants have lost no opportunity to poach on Indian preserves. Several grabs and steals of which the Indians would have been victims have been stopped in Congress within the last few years—not by the Indian Bureau, which has generally acquiesced in them, but by the vigilance of friends of the Indians. It is to be feared that in the greater obscurity in which State legislatures work it would be easier to put over such unrighteous measures.

Two things to which stops should be put at once are officious meddling with the affairs of the Pueblo Indians, whose greatest need is to be left alone to take care of themselves as they have been doing efficiently for 2,000 years or more, and the practice of taking Indian children from their homes and putting them into Government boarding schools. This breaking up of homes and family life is good neither for the children nor their parents; it is cruel and unnecessary, and would be so even if the children were well treated and well educated—and they are neither. Day schools must be provided.

In addition to the Iroquois, and the Indians who have been incorporated into the general population, there are about 225,000 Indians on reservations or otherwise in Indian Bureau control, and who thus come under the scope of the present investigation. These people, it is now generally admitted by candid ethnologists, are not inferior in natural capacity to any race on earth. If they are here and there degraded, the degradation is almost invariably to be traced to white exploitation and injustice. They are entitled to a reversal of the process which, through generations, has tended to thrust them into less and less desirable environments, and will, if it continues, end in their extermination.

The principal instrument of their oppression is the United States Indian Bureau. It is now apparent that this bureau was conceived in mistake and is maintained in ignorance and indifference. It is time to put it out of existence and to substitute for it an enlightened and humane policy.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS—CONFERENCE REPORT

Mr. WARREN. Mr. President, I submit a conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and I move its adoption.

The VICE PRESIDENT. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 8, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 9, 10, 11, 12, 13, 14, 15, and 16, and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$186,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,400,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,300,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,300,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,100,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 7.

F. E. WARREN,
REED SMOOT,
GEO. H. MOSES,

Except amendments 5 and 6.

LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

WILL R. WOOD,

Except on amendment No. 8.

M. H. THATCHER,

I concur except on Senate amendment No. 5,

JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. HARRIS. Mr. President, as one of the conferees on the Treasury Department appropriation bill I could not agree with the other members of the committee. The Senator from North Carolina [Mr. OVERMAN], one of the Senate conferees, who is ill, telephoned me that he wished to join with me, and declined with me to sign the report, so far as it relates to the prohibition enforcement.

Mr. President, the Senator from Maryland [Mr. BRUCE] proposed an amendment to the bill when it was pending here. What was his motive in submitting that amendment is not the question. There is not any Senator here but knows that prohibition enforcement of to-day is a farce. The bureau has not had one-tenth enough money to enforce the law, and it will never be a success until we appropriate sufficient funds to employ more men. I sincerely hope, Mr. President, that the Senate will vote down the conference report and notify the House of Representatives that we are in favor of an appropriation of a reasonable amount to enforce the prohibition law. The official of the Government in charge of prohibition enforcement has stated that it would take over $200,000,000 to enforce the law. If that amount can not be wisely spent, we certainly ought to appropriate an amount sufficient to enforce the law, for at present it is a farce.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. HARRIS. If the Senator will pardon me for just a moment, until I can finish my statement, I shall then yield to him.

Mr. BRUCE. I merely wished to ask the Senator from Georgia a question.

Mr. HARRIS. It will be claimed that there is no recommendation here from the department and that they are not prepared for a large increase in the appropriation. They will have seven months in which to get ready before this appropriation shall be available, and in that time they could have an organization ready to make, at least, an attempt at the law's enforcement.

I know, Mr. President, that the country favors prohibition and the enforcement of the law. I also know that we can not enforce it with the amount of the present appropriation. I know that in my State we can not get all the good men we need with the salaries which are paid them, and that we can not under the present appropriation get one-tenth the number which the department ought to have to enforce this law. I hope a sufficient amount may be appropriated for the purpose and that the Senate will not agree to the conference report. I ask for the yeas and nays on the motion to adopt the report.

Mr. TRAMMELL. Mr. President, I will ask the Senator from Georgia what is the amount of the appropriation now carried in the bill?

Mr. HARRIS. It is practically the same amount that has been carried heretofore. The amendment of the Senator from Maryland [Mr. BRUCE], if adopted, would increase it to $270,000,000. While that amount may be too large to begin with, I believe that we ought to appropriate a reasonable amount in order to enforce the law as far as possible, and increase this amount if necesary to enforce the law.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. HARRIS. I yield.

Mr. BRUCE. I simply wish to correct a misapprehension into which the Senator from Georgia appears to have fallen. He has stated that the head of the prohibition unit has said that it will take $200,000,000 to enforce prohibition in this country. What that official said was that it would take $300,000,000 to enforce prohibition in the United States, and that, moreover, it would be necessary to cover—I use his language—this country with Federal courts in order to accomplish that result. So I took Mr. Doran—for it is to him that I am referring—at his word, as I had a right to do, and I deducted from $300,000,000 the amount carried in the Treasury Department appropriation bill for the purposes of the Coast Guard, leaving the net sum approximately of $270,000,000.

So, if the Senator's idea is to secure some paltry appropriation of $50,000,000 or $60,000,000 for the purpose of enforcing prohibition in the United States, he is off the track; he is out of touch with the authority that he is quoting.

I should like to ask the Senator another question. A good many other propositions of this sort are pending at this time. Is the Senator from Georgia in favor of making it a felony to buy a glass of liquor as well as to sell one?

Mr. HARRIS. Mr. President, the views of the Senator from Georgia are so far apart from those of the Senator from Maryland that it would be a waste of time for us to discuss the question at this time, when there is much pressing business before the Senate, and I should like to confine my remarks to the appropriation under discussion and not to go outside of that.

Mr. BRUCE. I will ask the Senator's pardon.

The VICE PRESIDENT. The Senator from Wyoming [Mr. WARREN] has moved that the Senate proceed to the consideration of the conference report. The question is on that motion.

Mr. CARAWAY. Before there is a vote on that question, I desire to say a word.

Mr. HARRIS. I have asked for the yeas and nays on my motion.

Mr. CARAWAY. I will take only a few moments.

Mr. President, I do not know, for I have not read all the testimony, how much money it will require to enforce prohibition, but there ought to be no two questions about whether we should enforce the law. It is on the statute books; it is the law. I have never had any doubt but that the majority of the people in the country are in favor of prohibition; whether for themselves or their neighbors I am not prepared to say, but they

are in favor of prohibition. If we are to have prohibition, we ought to have it. Is it because of lack of money that we have had no enforcement? I have not thought so. I have thought we have had no enforcement because those charged with it had no sympathy with it. That is my belief.

I believe prohibition can be made effective; I believe we can enforce the law; I have no doubt about it. I believe it would be a good thing to enforce it. If it shall require $300,000,000 to enforce it, let us appropriate that sum and enforce it. Let us give the officials charged with enforcement every instrumentality for which they ask, and then hold them responsible for the enforcement of the law. Do not let us give them an alibi. I do not think they need that much money to enforce the law, but if they need it, let us give it to them and let them enforce the law. Then when we shall have honestly enforced it, if the people want to continue with the law, they will do so. I believe they will. I know that the way the law is being enforced is destroying the respect for law in America. I have no apologies for those charged with the enforcement of the law who say the law can not be enforced. Any honest man in office who can not accomplish the purpose for which he accepted office should resign. Any man who stays in office charged with a duty and then says he can not discharge it, is the wrong man in that place and ought to be discharged.

If it is the belief of the department that it will require the sum of money mentioned to enforce prohibition, I honestly and earnestly hope that we will give it to them, if by so doing the law can actually be enforced. Let us not give them an alibi; do not let them say, "If we had $300,000,000 we could enforce the law, but with $50,000,000 we can not enforce it." It is a crime, Mr. President, to have a law on the statute books and not enforce it. Such a condition breeds contempt for law; it breeds crime.

Let us give the enforcement officials what they ask for in money and instrumentalities with which to enforce the law and see that they do enforce it. There is something wrong somewhere, so let us end alibis and find out just what is wrong with prohibition enforcement.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. McKELLAR. Is it not true that during the last election many of the very best people in this country voted the Republican ticket——

Mr. CARAWAY. No; possibly good people did that.

Mr. McKELLAR. I think some very excellent but misguided people voted the Republican ticket——

Mr. CARAWAY. I accept that.

Mr. McKELLAR. Because they thought they were voting this country dry.

Mr. CARAWAY. Yes.

Mr. McKELLAR. They did it honestly and fearlessly in every State in the Union; there is no doubt about that.

Mr. CARAWAY. I accept that statement.

Mr. McKELLAR. It was held by many that the result of the recent election meant a dry country, meant a prohibition country, meant a law-enforcement country. Now, when the officers of the Government ask for money, why should we not give it to them to make the country dry?

Mr. CARAWAY. I agree with the Senator. We had a referendum—I think it was said to be a solemn referendum—on prohibition, and if I remember they won.

Mr. McKELLAR. That side won.

Mr. CARAWAY. And now I want to give every instrumentality they ask for and see if they were joking. I do not think they meant to enforce prohibition; I do not think they wanted to enforce prohibition; I do not think this administration has ever desired to do that. I think the evidence is overwhelming that the head of the department having enforcement in charge is entirely out of sympathy with it; and I think the law has been violated more flagrantly the nearer the approach has been to the place where he registers and votes, and, therefore, where his influence is the greatest.

I am in favor honestly and seriously of giving the instrumentalities and the money to enforce the law, and then, so help me, Almighty God, I want Congress to see that the law is enforced. It can be done. I know that prohibition can be enforced; I know it has not been done, because the enforcement authorities have not had sympathy with it.

I am not going to pretend that it would not be a difficult task; I am not unmindful of the lack of sympathy upon the part of a very large and respectable element of America that does not want the law enforced; but it is the law, and now let us give the enforcement officials the means to enforce it and then see that they do it.

Mr. McKELLAR. Mr. President——

Mr. CARAWAY. I yield to the Senator.

Mr. McKELLAR. I will ask the Senator if he does not believe that whenever the administration has the courage to enforce the prohibition law and asks and receives from Congress the money with which to enforce it, the law will be enforced?

Mr. CARAWAY. Two-thirds of the difficulty in enforcing the law is the knowledge upon the part of the violators that there is no sympathy with the punishment inflicted.

Mr. McKELLAR. I agree with the Senator.

Mr. CARAWAY. If violators are punished at all, it is reluctantly done. If Congress should serve notice upon this element that we are going to have enforcement and are going to give every instrumentality necessary to enforce the law, that would be half the battle, and more than half the battle, and we could enforce it.

Mr. REED of Missouri. Mr. President, may I ask the Senator how much money he thinks ought to be appropriated for this purpose.

Mr. CARAWAY. I have not studied that question. I understood that the Director of the Prohibition Bureau said that it would take $300,000,000. But if it requires $300,000,000, let us give him $300,000,000 and let us say, "We expect results and if you can not get them, let some honest man try and see if he can not do so."

Mr. BRUCE. Mr. President——

Mr. CARAWAY. Does the Senator wish to interrupt me?

Mr. BRUCE. No; I thought the Senator had concluded.

Mr. CARAWAY. Very well.

Mr. BRUCE. Mr. President, the Senator from Arkansas [Mr. CARAWAY], like the Senator from Georgia [Mr. HARRIS], has not stated all that Mr. Doran said. I beg leave to remind the Senator from Arkansas that Mr. Doran said, not only that it would take $300,000,000 annually to enforce prohibition in this country, but that the States would have to be covered with Federal courts for this purpose. Of course when he said that he was——

Mr. CARAWAY. Mr. President, I should like to ask the Senator a question in regard to the statement he has made. I should like to ask the Senator if he believes there are insufficient courts to enforce the law? Does the Senator believe that?

Mr. BRUCE. At the present time, yes; and if those courts were multiplied not a few times over they would still be insufficient.

Mr. CARAWAY. Then, let me ask the Senator why did he move to appropriate $300,000,000, if he thought the law could not be enforced?

Mr. BRUCE. I will tell the Senator why. This law can be enforced——

Mr. CARAWAY. I think so.

Mr. BRUCE. Drinking in this country can be suppressed, as Protestantism was suppressed in Spain by the crushing enginery of the inquisition. Lay aside all of our cherished constitutional ideas and ideals and push merciless arrogance and tyranny from one extreme to another, and prohibition can be enforced, but at the price of our liberties.

Mr. CARAWAY. Does the Senator want the law enforced?

Mr. BRUCE. I do.

Mr. CARAWAY. Then, is he willing to go to whatever length is necessary to enforce it?

Mr. BRUCE. As much as I abominate prohibition, I would prefer that it should be enforced rather than that the disgraceful conditions which prevail in this country at present should be continued.

The United States reeks with crime, notwithstanding the promise that was made to us when the eighteenth amendment was adopted that criminality would be greatly reduced as one of its results. Never in the history of the country were the gunman, the robber, the thief, the murderer, the ravisher, the political corruptionist, the bribed public servant so in evidence as they are at the present time; and I believe with Mr. Collins the chief of police of that great city, Chicago—which has lately suffered more, perhaps, from general lawlessness than any other city in the Union—that the criminal conditions which prevail in the city of Chicago are primarily due to the evils and abuses bred by prohibiton.

Mr. CARAWAY. If the Senator will let me ask him a question, the Senator believes that this larger appropriation will be a step in the right direction?

Mr. BRUCE. I believe this, and I will ask the Senator to give me a little time to develop my idea:

One of three things must happen in relation to prohibition in the United States: Either the present condition of nonenforcement will continue, and prohibition will be a mockery hereafter, as it has been in the past; or prohibition will sink into what Grover Cleveland was in the habit of calling "innocuous desuetude"; or it will be enforced. Now, I do not hesitate to say

that much as I detest prohibition, keenly alive as I am to the calamities that it has brought upon our people, I would rather see it enforced than continue to be nonenforced as it is being nonenforced at the present time. I say, however, that it can not be enforced unless the people of this country are willing to pay the price that is necessary, not only in money but in the surrender of their civil freedom to enforce it.

When I offered the amendment to the Treasury Department appropriation bill making an appropriation of $300,000,000 for the enforcement of prohibition I was laying the foundation for a detailed repressive system under which prohibition, as I apprehended, could better be enforced or be proven conclusively to be unenforceable. First of all, you must take Mr. Doran at his word. You must give him the $300,000,000 for which he asks. He is in a better position than anybody else to know just what pecuniary amount must be appropriated for the enforcement of prohibition. Moreover, he should be taken at his word when he says that it is also necessary to cover the face of the United States with Federal courts in order to enforce prohibition. When Mr. Doran said that he was simply following in the footsteps of Mr. Buckner, one of the ablest United States district attorneys ever charged with the enforcement of Federal law in the State of New York, when Mr. Buckner declared before a subcommittee of this body that in order to enforce prohibition in the southern district of the State of New York alone there would have to be 12 additional Federal judges appointed for that district and there would have to be an appropriation by Congress likewise of some $50,000,000 a year for enforcement, and that, besides, there would have to be a large addition made to the staff of the United States district attorney for the southern district of New York and some 1,500 more prohibition officers, too. I am speaking from memory, but I think with substantial accuracy.

Such is the tremendous machinery of repression that you must have when you come to battle with human nature; when you come to contend with instincts almost as old as the base of the Alleghenies; when you come to violate the human reason; to affront human nature and to attempt to extinguish a human appetite wholly legitimate and innocent—when not carried to excess.

I for one am growing tired of our fruitless efforts to modify and repeal this law. Let it repeal itself. Let us act upon the principle of Gen. Ulysses S. Grant, that the best way to get rid of a bad law is rigidly to enforce it. Let us not only appropriate this $300,000,000 for the enforcement of prohibition, let us not only cover the face of the land with additional Federal courts, but let us accept the suggestion that Major Hesse made in this city a few days ago—that is to say, that any purchase of liquor, however small, should be denounced by law as nothing less than a felony; and then let us also imitate the liberal, humane legislation of the State of Michigan and provide that when some individual has four times violated the prohibition law, even though it be a poor old crone of a widow with 10 children, she shall be committed to the penitentiary for life!

Even now there are languishing in prison in that State under the sentence of life imprisonment two individuals, one named Palm, whose fourth offense, as I am informed, consisted in being found to have in his possession a gill of liquor; and the other, the widowed mother of some 10 children, tempted by her dire necessities to violate the Volstead Act. I say that such legislation is a disgrace to the State of Michigan, and would be a disgrace to any other State of this Union, I care not what that State may be, but especially is it a disgrace to the State of Michigan when, as we all know, the Government only a few days ago announced that it was on the point of arresting for prohibition wrongdoing some 150 corrupt customs inspectors in the city of Detroit and elsewhere along the Canadian line.

Another thing that you must do, of course, is to pass the atrocious measure, as I see it, recently introduced here by the Senator from Washington [Mr. JONES]—that is to say, the bill known as the Jones bill, which proposes to wipe out all the time-honored, immemorial distinctions that the courts have always recognized between the heinousness of first offenses and subsequent offenses, to merge alternative provisions for fine and imprisonment in a single composite penalty, and actually to leave it in the power of some fanatical judge to inflict a fine of no less than $10,000 on some one who might be found transporting a half pint of liquor between the city of Washington and the city of Alexandria. To such fearful extremes has unbridled fanaticism brought the Legislature of this Union and the legislatures of many of the States of this Union. And then, by all means, enforce your Stalker law, providing that an alien in this country who violates the Volstead Act, no matter how relatively trivial the violation may be in point of gravity, is to be deported from this country. Pass that law, too. While you are doing your work, do it completely. Do it with all the minute and systematic elaboration that has always been characteristic of highly organized systems of tyranny.

And then, by all means, pass the bill which the Senator from Iowa [Mr. BROOKHART] believes to be of sufficient importance to divert his attention even from the cruel grievances of the farmer; that is to say, his bill which proposes, notwithstanding the Cramton Act, which sought to bring within the Federal classified service all the field agents of the prohibition service, to empower the prohibition authorities to cover into that service all the prohibition agents who were in the prohibition field force when the Cramton bill became a law. And who, pray, are those men that are to be dealt with in this tender manner? The Senator from Michigan [Mr. COUZENS] knows, because he was a member of the Senate Civil Service Committee when the Cramton bill was reported from that committee to the Senate. Why, I venture to say that they constituted part of a body of men with a shadier record as a whole than any body of Federal employees that was ever covered into any branch of the civil service of the United States.

General Andrews himself testified before a Senate subcommittee in the spring of 1926 that out of a small force of a few thousand prohibition agents no less than 875——

Mr. REED of Missouri. One thousand five hundred.

Mr. BRUCE. That out of a small force of some 1,500 prohibition agents, some 875 graceless scamps—for that is what they were—were dismissed for either violations of the Volstead Act or for downright rascality in some other form.

After General Andrews testified to that effect some 600 more of the members of the prohibition field force were made to walk the plank for similar offenses. Indeed, I am sure the Members of this body will recollect the fact that shortly after General Andrew's successor, Mr. Lowman, came in, the latter said that his wrist was fairly tired with inditing dismissals of delinquent prohibition agents.

I said a few moments ago that prohibition could be enforced if the effort were made to enforce it in the same ruthless manner in which the Catholic Church in former ages successfully stamped out Protestantism in Spain and in other European countries; but I ought to annex a qualification to that statement, that is to say, provided prohibition enforcement does not develop so much corruption that it will perish in its own stench. We all know that we can use a mop for the purpose of mopping up a dirty floor until it becomes so foul that it loses its efficiency altogether. The same thing might well be true of agencies of prohibition enforcement, however multiplied or invigorated. Those who are charged with enforcing become so corrupted as they go along in their work that finally they become ineffective to do their work.

Just now the prohibition fanatics in my own State are clamoring for a State prohibition law, which our legislature has always been wise enough to refuse to pass. It has refused to pass any such State enforcement law because it knew that if it did the demoralization of our brave and honorable police force, one of the finest in the land, might follow. How wise have subsequent events proven the attitude of our people toward that subject to be!

I beg the Senate, if it can pluck up the courage not to avert its eyes, to look at Philadelphia, and to see what has been the result there of a liaison between the police department of that great city and the Prohibition Unit. The whole picture of the corruption worked by the connection between the two has not yet been disclosed, but enough has been revealed to show that, after all, the greatest obstacle in the way of the enforcement of prohibition is not lack of money, is not lack of courts, is not lack of law in any form, but the insidious, the ubiquitous corruption that is fostered in the human heart by such a statute as the prohibition statute, that is to say, an irrational statute that seeks to destroy innocent human happiness as well as excess, which insults the human reason, which wars on human nature, and has so far proved unenforceable because of its totally artificial and unnatural character, that makes it impossible for it to command the respect of even thousands of the most reputable men and women in the United States.

I heard the Senator from Tennessee say a few moments ago that prohibition was one of the truly effective agencies by which the success of Mr. Hoover was achieved in his State. If that is true, the conditions in his State were wholly exceptional, so far as my observation goes. In the State in which I live, I do not believe that a thousand wet Republicans voted the Democratic ticket, and there are many thousands of wet Republicans in the city of Baltimore and the counties of Maryland.

Mr. McKELLAR. Mr. President, if the Senator will permit me——

Mr. BRUCE. Just one moment, until I run my thought out. And why? Because those voters could not visualize any condi-

tions under which prohibition would ever be enforced, no matter who was President of the United States, whether it was Mr. Hoover or whether it was Governor Smith. They had no faith in its enforcement.

The trouble about enforcement at the present time is that the great mass of our people are not concerned about it one way or the other. The dry has the law, the wet has the liquor, and the prohibition agent has the boodle, and consequently more or less general contentment with the situation exists all around. But, all the same, this vile, mordant, depraving system of tyranny is undermining the foundations of our social life in the United States. That is what Dr. Horace Taft, a brother of ex-President Taft and the head of the Taft School in Connecticut, said a year or so ago, and when he said it, he was but speaking the truth.

I am not saying a thing that the overwhelming majority of this body does not know to be true. I challenge any man here to deny it. There are some men here, of course, who have never touched a drop of liquor in their lives or have ceased drinking, and they are sincere prohibitionists; but everybody knows that the main difficulty in extricating this country from the bog in which prohibition has landed it is the unwillingness of the majority of the Members of this body and of the other House to face any of the political risks that they might be called upon to face if they did anything, by voice or by vote, to alienate the good will of the prohibition fanatics of this country.

When a congressional ticket is named in our State we anti-prohibitionist Democrats vote for the candidate, if dry, because he is the party candidate and because we do not think that the prohibition issue has yet reached such an acute stage as to justify us in sustaining revolutionary relations to our party. But that is not what the dry Democrats in our State do. The great bulk of them refuse to support any candidate for Congress who happens to be an antiprohibitionist. They spare no effort to compass his defeat, even going so far, as the State superintendent of the Anti-Saloon League of the State of Maryland has frankly said, as to declare that they prefer an out-and-out wet who always votes dry to a "wishy-washy"—I use the very language of the superintendent—dry.

In my time the only dry Democrats who have ever been elected to Congress from the State of Maryland have been men who were wet in their habits, and every well-informed man in the State of Maryland knows it.

The truth is that this Anti-Saloon League is no moral organization; it is a political organization and, provided its minions vote as it desires them to do, it cares not what their personal habits are. Just as they are overjoyed to receive money from any source, whether it is from the purse of Sebastian Kresge or somebody else who enjoys a reputation different from his; with them it is always the end that justifies the means.

As long as the seats of the Members of Congress are kept more or less in jeopardy by the Anti-Saloon League it is idle to expect any modification or repeal of prohibitory legislation, until nonenforcement, and the oppression that nonenforcement produces, have reached such an extent that the stomach of the people of this country shall at last be turned and they shall rise up in such outspoken revolt or revolution as to strengthen the timid knees of the Members of this body and of the other House and make them feel that at any cost to their own political fortunes they must bring existing conditions to an end.

Now, before I take my seat I want to say just one thing more.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. WALSH of Massachusetts. I understand the Senator to say that in his opinion the only effective way to enforce prohibition is to make it a penal offense to drink intoxicating liquor. Did the Senator say that?

Mr. BRUCE. I say that I think that we would have to organize a system of desperate tyranny in every respect to enforce it.

Mr. WALSH of Massachusetts. Is it not a fact that to make it a penal offense to drink intoxicating liquor would be very effective in enforcing the present law?

Mr. BRUCE. It may be; but, of course, juries under those circumstances might show the good sense that they have so often shown in their relations to excessively drastic criminal laws and refuse to bring in verdicts of guilty.

Mr. WALSH of Massachusetts. I want to ask the Senator if he ever knew of any sincere prohibitionist who has ever advocated making it a penal offense to drink intoxicating liquor?

Mr. BRUCE. Why, certainly. I turn to one of the Members of this body—I will not mention his name; he and I are very good friends—and, indeed, some of the men in this body for whom I entertain the highest measure of respect are prohibitionists, like my dear friend who sits beside me here, the Senator from Texas [Mr. SHEPPARD]. Several years ago I asked the Senator just mentioned, "Do you not believe that under some circumstances even capital punishment should be visited upon a violator of the Volstead Act?" Without one moment's hesitation he said, "Yes; I do." He was a prohibitionist of the strictest sort, and is doubtless ready now to make the taking of a drink of intoxicating liquor a penal offense.

Mr. WALSH of Massachusetts. I again ask the Senator if he knows of any proposal by any prohibitionist for a constitutional amendment or the enactment of a law that would make it a penal offense to drink intoxicating liquor?

Mr. BRUCE. It can not be done by legislation I imagine, under the eighteenth amendment.

Mr. WALSH of Massachusetts. Should not a person, sincerely in favor of prohibition, on the theory that intoxicating liquor is bad, a poison that ruins health and morals, to be consistent advocate legislation that would make it a criminal offense to drink intoxicating liquor for beverage purposes?

Mr. BRUCE. I think so; but I do not think that he could do it legally under the provisions of the eighteenth amendment, because I think that such a case falls outside of the pale of the eighteenth amendment. There is nothing in that amendment to authorize Congress to enact a law making the mere taking of a drink a criminal offense. Of course, to have liquor in one's possession is a criminal offense; to transport it is a criminal offense; to export it is a criminal offense, no matter how small the quantity.

Mr. WALSH of Massachusetts. Our Government does not forbid the making of many things that are notoriously harmful, such as firearms and even poisons. It does seek to regulate the distribution and sale of them. With intoxicating liquor it goes further than with all other harmful foods or liquids and forbids even the manufacture. It seems to me, if intoxicating liquors are so bad that they should not be manufactured, then the advocates of prohibition should go a step further and advocate the disuse by law of intoxicating liquors. Such a step would drive the hypocrites, who vote for prohibition and personally use intoxicating liquors, into the open and take from the propagandists for prohibition that support without which they could not maintain a majority vote in the country.

Mr. BRUCE. That brings back to my mind a thought that I was about to ignore. In point of fact the Government has never undertaken to break into the private home for the purpose of suppressing home brewing. Of course it may, with a search warrant, enter a private home if it has good reason to suspect that any wine or other liquor in it has fermented to such an extent as to exceed one-half of 1 per cent of alcoholic content. General Andrews disclaimed any intent to enter the private home, and said it should be done by State authority and not by Federal authority. Of course he did not want to burn his fingers with such a hot brick as entry into a private dwelling; but to my mind, everything points to the day, and no distant day at that, when as the last stage in the march of prohibition tyranny the Government will undertake to enter the private home for the purpose of bringing to an end home brewing or the possession of liquor in the home in any form.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Maryland yield to the Senator from New Jersey?

Mr. BRUCE. I yield.

Mr. EDGE. The Senator has referred several times to the statement of Doctor Doran, to which I also saw some reference in some newspaper articles. Has the Senator placed in the RECORD the actual statement of Doctor Doran and where it occurred?

Mr. BRUCE. The Senator from South Carolina [Mr. BLEASE] has saved me the trouble of doing it by a few days ago placing that statement in the RECORD, as I remember.

Mr. EDGE. I simply make the suggestion that we should have it in the RECORD.

Mr. BRUCE. I shall be very glad to have it placed in the RECORD if the Senator from South Carolina has not already done so, but I am sure that he has done so.

When I was summarizing the agencies to which the Prohibition Unit would have resort in order really to enforce prohibition, I neglected altogether to say that one that it must by no means eschew is the entry into the private home, especially, now, as I trust, that we are going to supply the Prohibition Unit with such a generous sum as $300,000,000. Just think how effectively a part of that sum could be used in bribing servants or in bribing estranged relations or in bribing dishonorable guests of the householder in whose dwelling wine is fermenting or beer is being brewed, to betray the householder.

Why, not a great many years ago we had a fire of unprecedented magnitude in the city of Baltimore, which swept out of existence a large part of the buildings in the business district of that city. It was really a most interesting thing to note the strange and unexpected objects of one sort or another which the ravages of that fire divulged. It requires no imagination to realize how interesting it would be if only all wine, beer, and other liquor containers were made of noninflammable material, should a great fire sweep over the residential portion of one of our great cities and lay bare the contents of the cellars of those residences. In the large percentage of them would be found barrels of fermented wine—wine which in many cases had been manufactured under the skillful supervision and direction of some gentleman from the State of California who had supplied the grape juice—and also beer and other intoxicating beverages.

I have said in this body over and over again that even should the Federal Government bring to an end the smuggling of liquor into the United States and the diversion of alcohol from business to bootlegging, and, indeed, succeed in staunching every other source of supply except the home, its work would not be half done. It would not be fully done until it had invaded the sanctity of the home and used congressional appropriations for the purpose of inducing the servants, relations, and guests, to say nothing of the personal enemies of the householder, to tell what they knew about the habits of the householder in his own home. That is what we are being led up to.

I predict now that the effort to enforce prohibition in the United States will finally culminate as similar efforts have done in Finland, one of the four remaining countries in the world that has not spewed prohibition out of its mouth. The day will come when prohibition agents, with search warrants, will be breaking down the outer and inner doors of private dwellings and opening up barrels, casks, bottles, and other containers in the cellars of their owners. That is what has already happened in Finland. There we have witnessed all the characteristic evils and abuses that have never failed to result from prohibition wherever it has been tried; and now, having endeavored in every other way, just as we have been endeavoring in almost every other way in the United States, to bring violations of prohibitory legislation to an end, the Finnish Diet has recently enacted a law authorizing prohibition agents in Finland on mere suspicion to break into the private home.

No, Mr. President, make no mistake, the Members of the Senate and of the other House as well are being slowly drawn into the jaws of one of the most detestable and monstrous systems of tyranny that the world has ever known, and are all the more detestable because it is so hopelessly repugnant to those constitutional principles which until recent years have been so sacred in the eyes of our people. The truth is that through political timidity or what not, the intelligence of Congress, the independence of Congress, the courage of Congress are gradually becoming enslaved, nothing less than enslaved, to the Anti-Saloon League. Here only a few days ago, emboldened by the election of Mr. Hoover—in my judgment from many points of view, one of the most lamentable events ever known to American history—all the prohibition organizations of one sort and another, the Anti-Saloon League, the Women's Christian Temperance Union, and the rest, some thirty or more in number, have come together in the city of Washington in the early stages of the present session of Congress, and have consolidated themselves into a single association known as the National Conference of Organizations Supporting the Eighteenth Amendment for the purpose of bullying and browbeating Congress whenever the occasion arises.

Take my word for it, the pressure to which we have been subjected by Wayne B. Wheeler and the Anti-Saloon League heretofore will be but as the pressure of a silken glove compared with the pressure of a steel glove when this new organization gets fairly down to its tasks.

Prohibition is bad enough in itself, but it is even worse in some of the collateral results that it produces. To it more than to anything else do I refer this hateful, this abominable recrudescence of sectarian bigotry, which was, after all, the determining influence in bringing about the election of Mr. Hoover at the recent election. Wounds were inflicted at that election which I fear will not cicatrize for generations to come. It implanted a spirit of rancor in the breasts of our people such as I have never known in all my life and which I have never known in American history except through my reading of the outrages perpetrated under similar proscriptive conditions on the eve of the Civil War by the Know Nothing Party. Sooner or later the people of this country will find that their acquiescence in the extreme demand for prohibition will not only cost them a large measure of their civil liberty but a far larger measure than any free people can afford to give up, of that measure of religious freedom which in the past has been perhaps our most precious possession.

However, it is time for me to bring these remarks to an end; I had no idea that I would say as much as I have; but, in taking my seat, I again repeat that either we must put up with the condition of prohibition nonenforcement that now prevails in this country, or we must allow prohibition to fall into a condition of lifeless neglect, or we must organize a vast, highly organized, despotic, merciless system of tyranny sufficient to cope with even the most devoted and enthusiastic measure of loyalty and attachment that the human breast has ever given to the cause of human liberty.

Mr. SHEPPARD. Mr. President, I appreciate beyond measure the kind personal references of the Senator from Maryland [Mr. BRUCE] to me, although I differ from him fundamentally on the subject of prohibition. I deem it but fair to the prohibition authorities to give the prohibition enforcement record for the past year. During the fiscal year ending June 30, 1928, there were 75,307 arrests of prohibition law violators.

Mr. BRUCE. Oh, yes.

Mr. SHEPPARD. Automobiles were seized to the number of 6,394, with a value of a little over $3,000,000. Eighty-one boats were seized, having a value of about $144,000. About 78,000 prohibition cases were concluded in the Federal courts. The convictions numbered 58,813. Jail sentences were imposed to the number of 15,793. The aggregate of all sentences imposed amounted to 5,631 years 6 months 24 days, while fines were exacted which reached the total of $7,031,109.66.

Mr. EDGE. Mr. President, will the Senator permit an interruption at that point?

Mr. SHEPPARD. Certainly.

Mr. EDGE. Does the Senator attribute the increased fines or increased arrests, as I assume the figures indicate, to greater violations or more determined effort at enforcement?

Mr. SHEPPARD. It may be that both elements played a part. It is difficult to say in what proportion.

In addition to sentences already mentioned, 652 persons were placed on probation for five years each. There were 4,627 suspended, paroled, and probated sentences, totaling 2,665 years. Fines were suspended to the number of 1,359, totaling $381,049.50.

In comparison it will be interesting to recall the figures for the fiscal year ending June 30, 1927. There were 64,986 arrests in that fiscal year—the year preceding the last one. There were 7,139 captured automobiles, with a value of $3,529,296.70. There were 353 boats captured, with a value of $316,323. The prohibition cases in the Federal courts numbered 51,945, convictions 36,546. Of those convicted, 11,818 received jail sentences. The aggregate of sentences received was 4,477 years, and of fines, $5,775,223.48.

These figures show a more effective or extensive enforcement in the fiscal year ending June 30, 1928, than in the fiscal year ending June 30, 1927. To what extent the difference would be accounted for by increased violations—again referring to the inquiry of the Senator [Mr. EDGE]—I am, of course, unable to say. However, it is gratifying to know that the figures I have given indicate an increased and more comprehensive activity on the part of the prohibition enforcement authorities.

As to the matter of dismissals for corruption among prohibition officials, some months ago I discussed that matter in the Senate, showing that the total number of dismissals for all causes among the prohibition forces of the Treasury Department was 1,135 out of about 15,000 employees through a period of seven years. That amounted to about 8 per cent on the average, or a little more than 1 per cent a year.

Mr. REED of Missouri. Does that cover the turnover or the resignations?

Mr. SHEPPARD. That, as I understand, covers the turnover and the resignations. However, I do not want to be understood as insisting that my statement is absolutely accurate; it represents my understanding.

Mr. President, no matter what may be said as to deplorable conditions in connection with prohibition in certain sections of the country, I think it can not be denied that on the whole prohibition has been a tremendous blessing to this Republic. One of the most heartening statements as to the effect of prohibition comes from Evangeline Booth, a Salvation Army leader, in a recent issue of a prominent periodical. Evangeline Booth is a leader of an organization that is in touch with those elements of the American people who have been vastly helped by prohibition. She says that before prohibition there were eight licensed saloons in every block of a large notorious district in one of our greatest cities, and, in addition, numerous

speakeasies, brothels, questionable dance halls, and dives of every kind. Now, she says, the Salvationist in command in the district reports that, with the disappearance of licensed houses, the number of drinking places has been vastly reduced, the customers of which are practically all old men who are satisfying old cravings formed before prohibition. She adds that a young drunkard is now seldom seen among the homeless men in the district.

It is her further statement that in 1913, in another large city, more than——

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maryland?

Mr. SHEPPARD. Certainly.

Mr. BRUCE. Mr. Crabbe, the superintendent of the Anti-Saloon League in Maryland, states in the Baltimore Sun this morning that 85 per cent of the youth of Baltimore, young men and young girls, flout prohibition. That would hardly seem to square with the confident statement with which Evangeline Booth is credited.

Mr. SHEPPARD. I do not see that the statement of the Senator from Maryland contradicts what has been said here. What the Senator said refers to the opinion of certain young people; the statement here refers to habit.

Mr. BRUCE. Has not the Senator's experience shown him that opinion is pretty apt to be followed by conduct in accord with it?

Mr. SHEPPARD. I differ from that opinion. I do not think it necessarily follows that conduct throughout the country would conform with a statement of that kind. I think that, on the whole, the young people of the country are far soberer and far less addicted to alcoholic indulgence than they were before prohibition. The statement I am discussing had reference to a particular district, and Evangeline Booth says that what drinking is now done there seems to be confined to the older people who acquired the craving before prohibition and that it is very seldom that a young drunkard appears among the homeless men in that district. I think this is a very significant statement and that it is characteristic of conditions throughout the country in general.

Mr. BARKLEY. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Kentucky.

Mr. BARKLEY. If the Senator from Maryland is correct in the statement that habit always follows opinion, it would be most unfortunate if that were true in his case, would it not?

Mr. BRUCE. There are exceptions to all rules. There are some men who have the supreme strength of character and intellect to lift themselves out of the enslaving influences of opinion.

Mr. BARKLEY. The Senator, then, is one of those who is not willing to act according to his own opinion.

Mr. SHEPPARD. Mr. President, the fact that so many thousands and millions did not have the strength of character to resist a habit-forming drug was one of the reasons for the adoption of prohibition.

Miss Booth says further that in 1913, in another large city, more than 80,000 men squandered their week's wages on Saturday nights in 1,200 saloons—the money needed for the upkeep and shelter of their impoverished families. Later in the night drunken men and women were to be seen everywhere. On some occasions as many as 25 or 30 would be brought into the Salvation Army quarters on stretchers and furnished coffee until sobered. Such scenes, she says, do not occur in any American industrial center to-day.

She says again that since prohibition "whisky row" in Packingtown, near the Chicago stockyards, containing about 15 saloons, has given place to the Packingtown day nursery, while other former saloon quarters have been turned into barber shops and automobile salesrooms.

She asserts that vice has not vanished in the country, but that it is less bold than it was before prohibition; that places for drunken women to sleep until sober existed in all the large cities before prohibition, but have now disappeared on account of the lack of patronage. Women degraded almost beyond regeneration by drink, clad in rags and tatters, still are sheltered, she says further, in Salvation Army homes in certain foreign cities. This type, she adds, can not now be found in America, although it existed before prohibition.

Drinking in America has tremendously lessened since the advent of prohibition. The Salvation Army has done away with its 10 and 15 cent lodgings since prohibition, because there are no longer men to occupy them. The so-called "bum" is becoming a thing of the past. Rooms and jobs provided by the Salvation Army are no longer sought by swarms of drunken wrecks. The Salvation Army now has more time to devote to helpless children—children helpless from some other cause than drink taken by themselves or their parents. She adds that less misery is to be found in the homes of the poor to-day than before prohibition, and that through prohibition tens of thousands of homes have been reestablished.

Mr. President, I am entirely willing to vote an additional amount for prohibition enforcement, any amount that may be needed; but I should not want my vote to that effect to be taken as an intimation that I consider that prohibition under the present degree of enforcement has not been of colossal benefit to this Nation.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. SHEPPARD. In a moment.

I want to make it clear also that it is not my information that the department, in its regular estimates, asked for the large amount added recently by the Senate. Can the Senator from Wyoming advise me as to how much was asked in the official estimates of the Budget?

Mr. WARREN. Thirteen million five hundred thousand dollars was asked directly. There is also $59,482,853 for the Coast Guard as reported now; while, in 1919, $7,533,335 was given the Coast Guard for all purposes. All of this amounts to about $67,000,000, without some smaller amounts coming in from other places in the other bills; so that we are a long way over $50,000,000 already in our expenses in support of prohibition.

Mr. SHEPPARD. There was no official request for the amount that was moved by the Senator from Maryland. As I understand, in the course of the hearings, Doctor Doran expressed it as his personal opinion that it would require something like $300,000,000.

Mr. WARREN. We had no official knowledge whatever of that. All we knew about it was that the other day, rather hurriedly, this amendment went into the bill on the floor of the Senate; but officially or privately, for that matter, as to the policy or as to the amount, we heard nothing from anybody, anywhere.

Mr. HARRIS. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Georgia.

Mr. HARRIS. The Senator from Texas understands that when the head of a department or the chief of a bureau asks more than the President suggests he might get into trouble. The President gave instructions to that effect. Mr. Doran did say that it would take nearly $300,000,000 to enforce prohibition properly. He did not, however, request the appropriation of that amount, because he knew that the President might not approve.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. SHEPPARD. Certainly.

Mr. BRUCE. Now that the words of Doctor Doran have been referred to, I should like to quote his exact language, as reported in the Washington Daily News and other papers immediately after they were uttered.

He said, under date of Wednesday, December 5——

Mr. REED of Missouri. Where did he say it?

Mr. BRUCE. He said it before the members of the House Appropriations Committee.

Mr. SHEPPARD. It was in the course of a hearing, was it not?

Mr. BRUCE. Yes; in the course of a hearing before the House Appropriations Committee in connection with the present bill, the Treasury and Post Office Departments appropriation bill. Doctor Doran said—and this is in quotation marks:

> It is a matter of policy whether Congress wants to embark in the police business with regard to prohibition. If it does, it will take $300,000,000 and a system of United States courts covering the land.

Mr. SHEPPARD. Does he say for what period of time the $300,000,000 is to be appropriated?

Mr. BRUCE. I do not know that he says so expressly, but inferentially it is impossible that he could have had in his mind anything except annual appropriations.

The text of this newspaper report says:

> Members of the House Appropriations Committee frequently expressed impatience as Prohibition Commissioner Doran told them his original estimate had been cut $106,000 by the Budget Bureau. Both Republicans and Democrats suggested that real enforcement would cost many more millions, and urged a survey of all Government activities to ascertain what the bill would be for a more effective enforcement.

Of course, he could not have meant anything but annual appropriations, because our fond prohibitionist friends believe that the prohibition law is going to last forever; and, making any reasonable estimate of what "forever" means, it is per-

fectly apparent that even if the annual appropriations were much less than $300,000,000, the total of $300,000,000 would be very soon arrived at.

Mr. SHEPPARD. What I wanted to make clear was that the official estimates through the Budget did not call for the amount which Doctor Doran stated in his opinion would be essential.

Mr. BRUCE. No; about $106,000 less.

Mr. REED of Missouri. Mr. President, that only emphasizes the fact that the Government has cut its official estimate far below the amount which the responsible officer says is necessary.

Mr. SHEPPARD. I wanted to make clear the exact manner in which this $300,000,000 statement had gotten into the record. It seemed to be the opinion of some that the official estimates called for that amount.

Mr. REED of Missouri. If the official estimate is deliberately cut below the necessities of the case that only aggravates the situation.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. SHEPPARD. I yield to the Senator.

Mr. WALSH of Massachusetts. In view of the Senator's very sincere interest in the question of prohibition—and no man has given more attention to all aspects of the subject than he—in view of the closeness with which he has followed the attempts to enforce the law, I should like to ask him if, in his opinion, the enforcement at the present time is satisfactory?

Mr. SHEPPARD. I should not say it was entirely satisfactory.

Mr. WALSH of Massachusetts. So I assume the Senator would vote for an increased appropriation?

Mr. SHEPPARD. I said I should be entirely willing to vote for an increased amount, or any amount that would be found to be necessary, but I did not want my action in doing so to be construed as an intimation that prohibition had not, as a whole, been so enforced as to be of immense value to the country. If still better results will follow larger appropriations, by all means let us have such appropriations.

Mr. REED of Missouri. Is the Senator willing to vote for the $300,000,000 that Doctor Doran says is necessary?

Mr. SHEPPARD. Yes.

Mr. REED of Missouri. That is what I wanted to know.

Mr. BARKLEY. Mr. President, I have no desire to detain the Senate in a discussion of the merits of this law at this particular time, but inasmuch as I intend to vote against this conference report I desire to explain my attitude with reference not only to the suggestion of the Senator from Georgia [Mr. HARRIS] but another matter in which I am interested also.

I have always been taught somewhat to adhere to the old adage, "Beware of the Greeks bearing gifts," and I am afraid that the distinguished, scholarly, and charming Senator from Maryland [Mr. BRUCE] in this particular instance is a Greek. He has offered this amendment appropriating something like $300,000,000 for the purpose of enforcing prohibition, and he has consumed an hour of our time telling us that it can not be enforced except by the revival of the Spanish Inquisition. Therefore, I presume, logically, his amendment means that the $300,000,000 is to be spent for the purpose of reviving the Spanish Inquisition in the United States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator talks about "the Greeks bearing gifts." Does he recall the fact that several years ago the distinguished Senator from Missouri [Mr. REED]—one of the ablest and finest men we have ever had in this body, but who, unfortunately, is an antiprohibitionist—introduced and passed a bill known as the anti-interstate shipment bill, which is one of the most valuable prohibition laws, I think, that we have ever passed?

Mr. BARKLEY. I recall that fact.

Mr. McKELLAR. So it strikes me that it makes no difference who introduces a measure; if it is a good measure, if it is a measure that will bring about a better enforcement of the law, I am going to be for it.

Mr. BARKLEY. I agree with that suggestion; but there are all sorts of Greeks.

Mr. REED of Missouri. Mr. President, let me ask the Senator if he ever saw two prohibitionists meet without thinking of the other old Greek adage?—

Whenever two soothsayers meet, they always smile.

Mr. BARKLEY. I am glad to have the suggestion of the Senator from Missouri that a prohibitionist may smile occasionally.

When this amendment was inserted in the Constitution it contained a provision which no other amendment to our Constitution contained, and that was that the States of the Union should have the power, concurrently with the power of Congress, to pass legislation for the enforcement of the eighteenth amendment. Whether that provision, exceptional as it was, was a wise provision may be open to very serious question, because it has been a habit of the people of the United States that whenever the Federal Government entered any field of law enforcement, the States themselves withdrew and left the field to the Federal Government. Although the eighteenth amendment carries with it the authorization, which I think includes also the obligation, on the part of each State to provide for the enforcement of it, some of them, like the State of Maryland, have not passed any law providing for State enforcement. It may be said also that some of the States which have passed statutes providing for the concurrent enforcement of the eighteenth amendment have not exercised very great diligence in the enforcement of their own laws; and, as a result, the Federal Government has borne almost alone the burden of attempting to enforce the eighteenth amendment.

If the States are to withdraw from their concurrent obligation, and leave the field entirely to the Federal Government, there is not any sort of question but that there is not enough money now being appropriated for the purpose of enforcing the prohibition law, and there are not enough enforcement officers in the country if the Federal Government is to bear the burden by itself.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BARKLEY. I yield to the Senator.

Mr. REED of Missouri. I am interested in the Senator's statement that many of the States have practically ceased to attempt to assist in the enforcement of prohibition. Is that the condition in the State of Kentucky?

Mr. BARKLEY. No, sir; it is not; and I think also that in the State of Kentucky the law, as a general thing, is observed and enforced as completely as in almost any State of the Union.

Mr. REED of Missouri. With the qualifying statement, that may be correct. I was going to say that if the Senator had stopped before he put in the last clause it had not been my experience when I visited his State recently.

Mr. BARKLEY. Of course, I do not know what the Senator's experience was when he visited our State.

Mr. REED of Missouri. I met some of your most distinguished citizens.

Mr. BRUCE. And, Mr. President, may I say it does not accord with the last report of Mrs. Willebrandt, either, which says that one-third of all the stills and distilleries that were broken up in the United States last year were broken up in six or so of the Southern States, including Kentucky.

Mr. BARKLEY. That may be a tribute to the activity and the energy of our local enforcement officers. Moreover, it is a pleasure to learn that the distinguished Senator from Maryland finds himself in agreement with Mrs. Willebrandt on one occasion.

Mr. BRUCE. It is not a question of agreement; I accept her statement as being true. No; it was disappointing to me, because I knew that two or three years before 70 per cent of all the distilleries and stills broken up in the United States were broken up in the old 11 Confederate Southern States.

Mr. BARKLEY. That is no proof that there are more of them existing there. It may be proof of greater diligence on the part of the enforcement officers.

Mr. BRUCE. That diligence must be inspired by increased persistency of appetite.

Mr. BARKLEY. No, Mr. President; the enforcement officers do not break up a still by any increase in their appetite.

Mr. REED of Missouri. Mr. President, I wanted to follow what I was asking the Senator. I wanted to say to the Senator that if I have not been misinformed by far the largest number of convictions in the State of Missouri have been had in the State courts. Indeed, it was stated to me from one large rather representative county that the Government had, I think, prosecuted only one case and that the State had brought about a large number of convictions; I will not undertake to say the number.

As to this argument advanced by the Senator from Kentucky, and also advanced by the Senator from Texas, namely, that there has been an enormous number of convictions, that men have been sent to the penitentiary for aggregate sentences of thousands of years, and so on; the argument from that, then, is that prohibition is a success. That reminds me of the story of the two old Irish ladies who were sweeping out their back

doors, and one of them said, "Mrs. McGinnis, you see that I have the cleanest house; I have the largest pile of dirt"; entirely forgetting the fact that she had to get that dirt out of her house.

Mr. BARKLEY. It is a tribute to her that she made an effort to get it out, and I think it is more laudable to have gotten it out than to have left it scattered about her house.

Mr. REED of Missouri. But it proved it was there; and the fact that you made these arrests does not prove that you have at all minimized the evil.

Mr. BARKLEY. I am not making the contention that the increase in the number of arrests proves a satisfactory enforcement of the eighteenth amendment or the Volstead Act any more than I am making the argument that the increase in the number of arrests for murder in the city of Chicago is any proof of the fact that the law against murder is being more thoroughly enforced out there, or anywhere else, as far as that is concerned. We might make the same sort of argument against any law on the statute books, that because it is not being enforced completely, it therefore ought to be repealed and is not a success.

The distinguished Senator from Maryland, whose position on this question we all thoroughly understand, looks rather dolefully upon the outlook, because he says that in order to enforce this statute and this amendment to the Constitution we must destroy all of our liberty. I recall that after Patrick Henry had made probably the most fervent speeches in the Continental Congress, and in other assemblies held prior to the American Revolution, in favor of the Revolution, having uttered those words which have been memorized by every schoolboy, and which were no doubt the inspiration of every Continental soldier, "Give me liberty or give me death," when, after eight years of bloody war, independence had been won and the Constitutional Convention had met in Philadelphia and had submitted the Constitution, and that document, which Gladstone described as the greatest that ever fell from the mind of man at any given time, was submitted to the convention in Virginia, it was the same Patrick Henry who said that if that constitution were ratified, and a nation were formed under it, the people who had spent eight years winning their liberties would thereby lose all of them; but in spite of his doleful prediction we have lived under that Constitution for 150 years, and have become the greatest and most prosperous and most influential nation in the world; and, at the same time, the most liverty-loving and liberty-enjoying nation. So I am not at all disturbed or distressed by these doleful predictions of the loss of our liberty because some law that the people have demanded Congress or the legislature to enact is to be enforced or observed in this country.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. In connection with the Patrick Henry incident, it will be recalled that Mr. Henry was elected a delegate to the Constitutional Convention, but did not attend, even after his wonderful speech in behalf of liberty.

Mr. BARKLEY. I cited that incident simply as an outstanding instance where the predictions of men as to the loss of human liberty by the observance of law have not been justified, and I do not think that the predictions of the Senator from Maryland will be any more justified than were those of Patrick Henry in the convention of Virginia.

Mr. BRUCE. Mr. President, the Senator from Kentucky will admit, however, that it was not until after all the bloodshed and ruin of the Civil War that Patrick Henry was deemed a false prophet in his State.

Mr. BARKLEY. That may have been due to the rancor and prejudice immediately following the Civil War, but I doubt if Virginia would go on record now as saying that Patrick Henry was a false prophet.

Mr. BRUCE. No; thank God, no. But, after all, the Senator from Kentucky must admit that if Patrick Henry was not a prophet, he was a near prophet, because, going back to my own boyhood, I recollect the time when very generally the feeling of the southern people, certainly of the people of Virginia, was that Patrick Henry had, with the eye of an Isaiah or Jeremiah, correctly prophesied the practical workings of the Federal Constitution as it was construed by the enemies of the South, as they were deemed at that time.

Mr. BARKLEY. That construction, however, is not the construction the American people now place upon the Constitution, and upon the very articles and provisions which Mr. Henry criticized so severely.

Mr. BRUCE. No; that is so, and I am glad it is so.

Mr. BARKLEY. Mr. President, I am not on my feet for the purpose of declaring my belief that the enforcement or the observance of the eighteenth amendment has been entirely satisfactory. I would not be frank with myself and with my constituents and with the people if I should make any such statement as that. But one of the troubles has not been necessarily a lack of money, although I do not think that enough money is being appropriated for this particular purpose. One of the things which has encouraged the violation of this law has been the attitude of outstanding public men, who, in their position in the public, have, probably unwittingly, but nevertheless effectively, discouraged the observance of the law, and have encouraged its violation by those who by nature are inclined to violate it.

It has been also intensified in some places by the character of men who have been appointed to enforce the law. Not only, in my judgment, do we need more money, although I do not think we need to jump from $13,000,000 to $300,000,000 overnight, as suggested by the Senator from Maryland; not only do I think we need more money, not only do I think we need more enforcement officers but we need a character of enforcement officer who is in sympathy with the law, and not appointed for political purposes, on the recommendation of some man whom he has helped elect to office. Whenever we have enough money to enforce the law to employ enough men who are more interested in the enforcement of the law than they are in serving some public officer to whom they may be under obligations, and who himself may not be in sympathy with it, I think the greater will be the enforcement, and the observance and respect of the people for it.

I am going to vote against this conference report not only on this ground, in the hope that a more adequate amount will be obtained, not the amount included in the Senator's amendment, because I am frank to say that I think if we were to give the enforcement department $300,000,000 now, they would not have the facilities with which to use it, and they would not know what to do with it, and a large amount of it would be wasted; but I do think there ought to be a larger amount appropriated than is now provided for in the bill as it comes back to us from conference.

Mr. HARRIS. The Senator understands the Prohibition Bureau would have six months and a half before this money would be available, and they could get ready for the expenditure of a reasonable amount.

Mr. BARKLEY. They could undoubtedly get ready for more money, but I do not know whether they could get ready for $300,000,000 or not. I doubt whether the Senator himself would be in favor of that much of an appropriation.

Mr. McKELLAR and Mr. REED of Missouri addressed the Chair.

The PRESIDENT pro tempore. Does the Senator yield; and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from Tennessee.

Mr. McKELLAR. The Senator understands that if this conference report is voted down, then the conference committee could agree upon any amount between $13,500,000 and the $270,000,000 that was authorized in the bill, and for that reason it ought to go back to the committee.

Mr. BARKLEY. I understand that; but if the amount is to be increased—and I think it ought to be increased—the conference committee itself, and the Appropriations Committees of both Houses, possibly, would like to have some guide as to the actual amount of money needed over and above what is carried in the bill.

Mr. REED of Missouri. Mr. President——

Mr. BARKLEY. I yield.

Mr. REED of Missouri. It is a little late now, but I simply wanted to inquire of the Senator if he had ever known any department of this Government that did not manage to spend all of the money that was appropriated?

Mr. BARKLEY. Probably the Senator's question is entirely apropos, but sometimes money is spent unwisely, and if we give them more than they actually need, I think the tendency would be still stronger to spend it unwisely.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to my colleague.

Mr. SACKETT. I understand the Senator feels that the department is not prepared to spend this great amount of money, but the able Senator from Maryland has just disclosed a place in which we are well prepared. He has gone into great detail and shown that in the southern district of New York, if we had $50,000,000 and 12 courts and 1,500 prohibition officers, we could enforce the law there; that we are prepared there to make an experiment as to whether this could really accomplish the desired result. That is only $50,000,000, compared with $300,000,000, and it might be a very good thing for this Govern-

ment to undertake that experiment, which is already prepared, and reduce the amount from $300,000,000 to $50,000,000.

Mr. BARKLEY. I agree with my colleague, and I think it would be worth the money if we were to spend $300,000,000 in an honest effort, through the agency of honest men, fearless and courageous, to enforce this law; we would certainly be able to ascertain, as the Senator from Maryland says, whether it could be enforced.

Mr. REED of Missouri. I understand it is the implied agreement that this experiment is to be tried in some district in New York, not in my State.

Mr. SACKETT. That was the suggestion that appeared in the remarks of the able Senator from Maryland.

Mr. BARKLEY. I think there was another hint in the suggestion of the Senator from Maryland, that a considerable amount of this money would go for corrupt purposes. I would not want to be understood to approve the appropriation of $300,000,000, or any other sum, for any such purpose as that.

Mr. BRUCE. Not for corrupt purposes. I suggested it might be used in the employment of an additional corps of spies and informers and snoopers, such as now are being employed on a large scale by the Government.

Mr. BARKLEY. Am I to understand that the offering by the Senator of that amendment is an evidence of the fact that he is in favor of snoopers and spies?

Mr. BRUCE. Not at all; that I have gotten to the point where I am being swept away by an irresistible current of mad fanaticism which I am entirely unable to stem.

Mr. BARKLEY. The Senator offers the amendment, then, for the purpose of undertaking to accomplish a purpose with which he is actually not in sympathy?

Mr. BRUCE. Oh, no; I think this law should be enforced, if it is going to remain on the statute books.

Mr. BARKLEY. It is undoubtedly going to remain.

Mr. BRUCE. I do not think it can be enforced except by some such tyrannical means as this.

Mr. GLASS. May I ask the Senator, why waste $300,000,000 if it is going to bring about that result?

Mr. BRUCE. The Senator did not hear me some time ago.

Mr. GLASS. Yes, I did.

Mr. BRUCE. I admit you can organize repressive machinery——

Mr. GLASS. An inquisition.

Mr. BRUCE. Yes.

Mr. GLASS. But is the Senator in favor of the inquisition?

Mr. BRUCE. I would rather have it than this present condition, under which the country is simply reeking with crime and general lawlessness.

Mr. GLASS. I do not know anything that could be worse than the consequences of enforcing prohibition described by the Senator from Maryland. If those consequences are to ensue, why on earth would he favor wasting $300,000,000 to bring about a result of that kind?

Mr. BRUCE. My view was that it would not be wasted. With $300,000,000 a year, accompanied by courts covering the land, and by laws making the most trivial violation of the Volstead Act a felony, and by additional legislation providing that after four violations of the Volstead Act the violator should go to the penitentiary for life——

Mr. GLASS. Is the Senator in favor of all that?

Mr. BRUCE. Of course, I am not.

Mr. GLASS. Then why spend $300,000,000 to accomplish it?

Mr. BRUCE. Because you can enforce prohibition only by extinguishing the last spark of resistance in the human breast to its workings. The point I am making is you have to pay that price. I do not say that the thing is worth that price. It is not; but I say that you will have to pay that price to get it, and we will all come to that conclusion later on. In no other way, I am afraid, can public opinion in this country be sufficiently aroused to modify or repeal the eighteenth amendment.

Mr. GLASS. As it seems to me, the Senator is arguing against his own proposition.

Mr. BARKLEY. The Senator from Virginia has not just discovered that fact, I hope?

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, ordinarily the unfinished business would be laid before the Senate. Inasmuch as the motion made by the Senator from Wyoming is a privileged motion, the unfinished business, without prejudice, will not be laid before the Senate, and debate on the motion of the Senator from Wyoming will continue.

Mr. BARKLEY. Mr. President, there is one other reason why I am opposed to the adoption of the conference report. Last Friday I offered an amendment to appropriate an additional sum of $32,325 to the Public Health Service for the purpose of rural sanitation. The current year appropriation for that purpose is $417,000. That amount was largely increased because of the prevalence of disease and sickness and epidemic following the floods in the Mississippi and Ohio Valleys and in the valleys of other rivers throughout the country, particularly the valley of the Kentucky and the Cumberland and other rivers in eastern Kentucky. The Appropriations Committee of the House reduced that amount from $417,000 to $215,000. The Budget Committee entirely eliminated it. My information is that the President compelled a restoration of $85,000 of it, and that in the House the committee itself restored $130,500 more, making the appropriation as carried in the House bill $215,500.

When this estimate was made up it did not take into account the fact that in Kentucky the rivers that were flooded in 1927 were reflooded in 1928, and while the loss of life was not so great and the floods were not so spectacular in loss of property and in health conditions produced by the floods, nevertheless they were just as disastrous as the floods of 1927.

Mr. WARREN. Mr. President——

Mr. BARKLEY. I yield to the Senator from Wyoming.

Mr. WARREN. I may say to the Senator from Kentucky that I think he will have no difficulty in getting what is thought proper at a later date, but the House conferees take the ground that sufficient appropriations had been made to cover the ravages of the flood to which the Senator refers, and that appropriations relating to the later flood conditions should be brought in in a later bill. The committee was without knowledge concerning the existence of the later flood and the suffering involved; but if it is such an emergency as the Senator suggests, the place to take care of it will be in the urgent deficiency bill, which will be made up and which will reach this body some time before or immediately after the recess.

Mr. BARKLEY. Mr. President, I appreciate the statement of the Senator from Wyoming. I merely wanted the Senate to understand the reason why the amendment had been offered is that the floods which occurred in November and at other times during the recent fall in Kentucky were not taken into consideration by the Public Health Service in asking for the $130,000 additional appropriation. In some of the counties of east Kentucky to-day there are as many as eight diseases which are in epidemic form, and if this appropriation is cut off it means a loss of life to such an extent that it would be appalling, because not only have those flood conditions brought about those diseases but other conditions which I need not take the time of the Senate here and now to describe. Crops have been destroyed, industry has been paralyzed, and the people in those sections are not at this time in a position to meet the demands entirely by their own means and substance. Therefore, I feel compelled to vote against the adoption of the conference report in the hope that if it goes back to the conferees this item may be reinserted. If, however, we are unsuccessful in obtaining it, though it ought to be obtained now, I shall make every effort in my power to have it included in a subsequent bill.

Mr. EDGE. Mr. President, I have no desire to delay consideration on the part of the Senate of the conference report, but there seems to be no indication that a vote will be permitted. Certainly with several Senators now endeavoring to secure the floor the time seems to be quite indefinite for a vote. If I may have assurance that a vote will be taken at once, I will gladly yield the floor for that purpose. Otherwise, in view of the fact that I gave public notice that I proposed to address the Senate to-day on another subject, I desire to take this opportunity to do so unless, as I have already indicated, unanimous consent can be secured that we may vote upon the conference report immediately.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Alabama?

Mr. EDGE. I yield.

Mr. HEFLIN. I do not want to consume very much time in discussing the question which has been before the Senate during the morning hour, and I am willing to forego any discussion of it at this time in order to obtain a vote. I am in favor of the motion of the Senator from Georgia [Mr. HARRIS], because I would like to have the matter referred back to the committee, so that an agreement can be had as to the additional amount necessary for prohibition work. The authorities charged with prohibition law enforcement should have the necessary money to enforce the law; and with the hope that they may be given the additional amount necessary I shall vote to refer the conference report back to the committee.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. EDGE. I yield.

Mr. McKELLAR. I shall want only 10 or 15 minutes to discuss the question which has been at issue.

Mr. EDGE. Under those circumstances, and knowing of another Senator who is desirous of discussing another subject at this time, I shall have to take advantage of the fact that I have the floor and also discuss another subject.

Mr. President, I always hesitate to bring to the attention of the Senate a subject not directly before the body. During my membership in this body I have endeavored, as far as possible, to assist in the desire to consider subjects in what might be properly termed, without offense, an orderly manner. However, I recognize that under the rules of the Senate when one who is sponsoring or interested in a pending measure desires to address the Senate upon it, it is almost essential or necessary if he desires to debate it or present arguments in the interest of such a measure that he must take time that would ordinarily be allotted to some other measure which happens to be the unfinished business.

Mr. HARRIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. EDGE. I yield.

Mr. HARRIS. The Senator from New Jersey was kind enough to say he is willing to postpone his address if there are no other speeches to be made before we vote on the conference report. I do not believe any other speech will be made, and I ask if he will not now permit us to vote on the question before the Senate?

Mr. EDGE. I made such a proffer, and it was immediately answered by the Senator from Tennessee [Mr. McKELLAR] that he desired to make a speech.

Mr. McKELLAR. Mr. President, in order that we may have a vote I am willing to forego any remarks until a later time, when I will give my reasons for voting to send the conference report back to the conference committee.

The PRESIDENT pro tempore. The question is on agreeing to the conference report presented by the Senator from Wyoming [Mr. WARREN].

Mr. EDGE. With the understanding that I may have the floor when the conference report shall have been disposed of, I am willing that a vote may be taken at this time.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HEFLIN (when Mr. BLACK's name was called). My colleague the junior Senator from Alabama [Mr. BLACK] is absent on the mission announced by me earlier in the day. If present, he would vote "nay."

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON], who is absent. I transfer that pair to the Senator from South Dakota [Mr. NORBECK] and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the Senator from Rhode Island [Mr. METCALF] and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I wish to state that my colleague [Mr. OVERMAN] is detained from the Senate on account of indisposition. If he were present, I am advised that he would vote "nay." He is, however, paired with the senior Senator from Wyoming [Mr. WARREN].

Mr. McKELLAR (when Mr. TYSON's name was called). My colleague [Mr. TYSON] is unavoidably detained from the Senate to-day. If he were present, he would vote "nay."

Mr. WARREN (when his name was called). Did I understand the Senator from North Carolina to ask that I should pair with his colleague [Mr. OVERMAN]?

Mr. SIMMONS. I said that my colleague is paired with the Senator from Wyoming. If my colleague were present, he would vote "nay."

Mr. WARREN. It has not been usual in the case of conference reports to observe pairs, but I will refrain from voting and announce my pair in this instance, if the senior Senator from North Carolina deems that course proper.

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from Tennessee [Mr. TYSON] and vote "nay."

Mr. WARREN. I transfer my pair with the Senator from North Carolina [Mr. OVERMAN] to the Senator from Maine [Mr. GOULD] and vote "yea."

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of illness.

Mr. GILLETT. I transfer my general pair with the Senator from New Mexico [Mr. BRATTON] to the Senator from South Dakota [Mr. McMASTER] and vote "yea."

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from New York [Mr. COPELAND]; and

The Senator from New Mexico [Mr. LARRAZOLO] with the Senator from Alabama [Mr. BLACK].

Mr. GERRY. I wish to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate on official business.

Mr. SHEPPARD. I wish to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained from the Senate by illness.

The result was announced—yeas 39, nays 35, as follows:

YEAS—39

Blaine	Frazier	La Follette	Schall
Borah	Gillett	McNary	Shipstead
Burton	Glenn	Moses	Shortridge
Capper	Goff	Nye	Steiwer
Couzens	Greene	Oddie	Thomas, Idaho
Curtis	Hale	Phipps	Vandenberg
Dale	Hastings	Reed, Mo.	Warren
Deneen	Johnson	Reed, Pa.	Waterman
Edge	Kendrick	Robinson, Ind.	Watson
Fess	Keyes	Sackett	

NAYS—35

Ashurst	Fletcher	Jones	Stephens
Barkley	George	McKellar	Swanson
Bayard	Gerry	Neely	Thomas, Okla.
Blease	Glass	Norris	Trammell
Brookhart	Harris	Ransdell	Tydings
Bruce	Harrison	Sheppard	Walsh, Mass.
Caraway	Hawes	Simmons	Walsh, Mont.
Dill	Hayden	Smith	Wheeler
Edwards	Heflin	Steck	

NOT VOTING—21

Bingham	Howell	Metcalf	Smoot
Black	King	Norbeck	Tyson
Bratton	Larrazolo	Overman	Wagner
Broussard	McLean	Pine	
Copeland	McMaster	Pittman	
Gould	Mayfield	Robinson, Ark.	

So the conference report was agreed to.

Mr. JONES. Mr. President, I should like to say that I voted "nay," against the adoption of the conference report, because I believe that the amount for prohibition enforcement should be increased at least to $25,000,000 or $30,000,000, believing that when the next administration comes in we will have a better recommendation for the enforcement of the law in the way of adequate appropriation.

Mr. EDGE obtained the floor.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. BRUCE. I merely wish to ask the Senator from Georgia [Mr. HARRIS] a question.

Mr. EDGE. I yield to the Senator from Maryland.

Mr. BRUCE. I have been just informed that the State of Georgia has never made any appropriation for the enforcement of prohibition. Is that so?

Mr. HARRIS. The Senator has been misinformed.

Mr. BRUCE. Was any appropriation made last year for the enforcement of prohibition by the State of Georgia?

Mr. HARRIS. An appropriation was made to the sheriff and county officers.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

PANAMA AND NICARAGUA CANAL

Mr. EDGE. Mr. President, as I indicated when the unanimous consent was gained for the vote on the conference report, it is with an apology that I take the time of the Senate right now to discuss the subject which I propose to discuss, merely, however, from the viewpoint that I much prefer to discuss public matters in the order of their actual consideration before the Senate. Under our rules, however, unless a bill or a resolution becomes the unfinished business it is impossible except during the call of the calendar to discuss it in order, no matter how important it may be; and, of course, no adequate discussion can be had under the 5-minute rule. Furthermore, during the morning hour, under our rules, we can not secure consideration of a measure, important or otherwise, except upon motion. So I want to give notice now before addressing the Senate on the subject of Senate Joint Resolution 117, which is on the calendar, that at a convenient time during the morning hour I will make a motion for the consideration of the joint resolution. Before making the motion and within the five minutes then allowed endeavoring or attempting to explain it, I am taking the time on another bill to speak upon this subject

the importance of which I am quite sure can not be questioned by a single Senator in the Chamber.

THE PENDING RESOLUTION

Mr. President, there is pending on the Senate Calendar, Senate Joint Resolution 117, authorizing a completed survey of the proposed Nicaraguan canal, as well as providing for further information as to the practicability of increasing the facilities of the Panama Canal.

This pending resolution likewise provides for further negotiations with other Central American countries which may have certain rights in the premises.

It is not my purpose to discuss to-day the wisdom and real necessity of such a survey. It seems perfectly obvious, with the facilities of the Panama Canal rapidly reaching a maximum, and with an investment already made by our Government of $3,000,000 for canal rights in Nicaragua, that as a matter of information, Congress and the country should be acquainted with existing conditions and the possibilities of the future. This can only be obtained through the agency of such a survey as proposed.

The pending resolution does not set up any new board or commission. It simply provides that the Army engineers secure the information necessary and report their findings to Congress. The sum of $150,000 is proposed for the expenses of the survey and has been approved by the Budget Director. This relatively small amount has been stipulated because much of the information has already been secured by the Isthmian Canal Commission and presented in their report in 1901.

The additional information desired is that which changed conditions and altered methods of construction would naturally make necessary after a lapse of 27 years.

This resolution was considered by the Committee on Interoceanic Canals and reported favorably to the Senate. Amendments proposed by the Senator from Tennessee [Mr. McKELLAR] have been adopted which in effect suggest further negotiations on the part of the President with the Central American countries concerned in a possible construction of the canal.

It is inconceivable that there should be any real opposition to the passage of this information-seeking resolution.

Time after time the Senate has passed, frequently without debate, a mere Senate resolution requesting information which sometimes costs thousands and thousands of dollars to complete. Much of this information is not even for the purposes of legislation while, on the other hand, the great constructive enterprise largely dependent upon the information sought by the pending resolution affects the commerce of the world.

CANAL HISTORY

Assuming that the survey to secure up-to-date information can not be seriously opposed, I propose to take advantage of this opportunity to discuss the advisability of a Nicaraguan Canal and enlargements to the Panama Canal from both an economic and a diplomatic standpoint.

I am convinced that a further survey will result, as have the various surveys heretofore undertaken, in demonstrating the entire practicability and desirability of a consummation of both projects. Therefore, I desire at this time to bring to the attention of the Senate and the country the situation as it appeals to me, I repeat, from the material and diplomatic points of view.

There has always existed considerable speculation as to why in the first instance the Panama Canal was constructed or completed rather than the proposed Nicaraguan waterway.

The Isthmian Canal Commission, to which I have heretofore referred, after an investigation and survey consuming more than two years transmitted their report to the Fifty-seventh Congress, first session, Document No. 54, dated November 16, 1901, with the following summary:

> After considering all the facts developed by the investigations made by the commission and the actual situation as it now stands and having in view the terms offered by the new Panama Canal Co. this commission is of the opinion that the most practical and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States, is that known as the Nicaraguan route.

This report was signed and approved by Admiral Walker, chairman, and the entire commission of nine.

Previous to this report there had been at least five other investigations and in some cases surveys, the result of each being that the construction of an interoceanic canal across Nicaragua was adjudged as practicable, with general agreement as to the route the canal should take.

This route is generally described as entering from the Atlantic Ocean side by the San Juan River between Nicaragua and Costa Rica, proceeding into the interior of Nicaragua across the Lake of Nicaragua to Brito, on the Pacific side, a total length of 183 miles.

Notwithstanding these recommendations, Congress ultimately concluded to complete the Panama Canal, although at the time it was considered a more expensive operation. Later the price for the Panama route was reduced, treaty difficulties were overcome, and, as is well known, the Panama project was authorized and in due time completed. Its service to the United States and the world has been incalculable. Since it was opened to traffic the wisdom of its authorization has never been seriously questioned.

On the other hand the rapidly increasing business which the Panama administration has annually reported has brought us face to face with the responsibility of considering an increase of interoceanic canal facilities by further enlargement of the Panama Canal as well as the construction of a second waterway.

THE RECORD OF THE PANAMA CANAL

Permit me to present a brief summary of the business of the Panama Canal, together with the present mechanical facilities.

I append a table from the annual report of the Governor of the Panama Canal to June 30, 1928. This table gives complete the number of ships that have passed through the canal since its opening August 15, 1914, annually to June 30 of this year, likewise the net and gross tonnage and tolls received per year:

Statement showing the number of transits of vessels, aggregate Panama Canal net tonnage, tolls assessed, and tons of cargo carried through the Panama Canal by fiscal years from the opening of the canal, August 15, 1914, to June 30, 1928

Fiscal year	Number of ships	Panama Canal net tonnage	Tolls	Tons of cargo
Total traffic:				
1915	1,075	3,792,572	$4,367,550.19	4,888,454
1916	758	2,396,162	2,408,089.62	3,094,114
1917	1,803	5,798,557	5,627,463.05	7,058,563
1918	2,069	6,574,073	6,438,853.15	7,532,031
1919	2,024	6,124,990	6,172,828.59	6,916,621
1920	2,478	8,546,044	8,513,933.15	9,374,499
1921	2,892	11,415,876	11,276,889.91	11,599,214
1922	2,736	11,417,459	11,197,832.41	10,884,910
1923	3,967	18,605,786	17,508,414.85	19,567,875
1924	5,230	26,148,878	24,290,963.54	26,994,710
1925	4,673	22,855,151	21,400,523.51	23,958,836
1926	5,197	24,774,591	22,931,055.98	26,037,448
1927	5,475	26,227,815	24,228,830.11	27,748,215
1928	6,456	29,458,634	26,944,499.77	29,630,709
Total	46,833	204,136,588	193,307,727.83	215,286,199

The above table does not include vessels which are exempt from payment of tolls. In the past year there were 503 of these vessels. If a tonnage be assigned to each of these transits equivalent to the average for commercial transits (about 4,500 tons), then the total tonnage for the past year or to June 30, 1928, would be increased to above 31,000,000 tons.

A study of this report demonstrates that the business of the canal has approximately doubled every five years since its first year of full operation, and since that time has increased more than 500 per cent. Permit me to quote further from this same report:

> The growth of traffic has brought to the front considerations of the possibility of its exceeding the capacity of the canal, with the corollary of considering ways by which the capacity may be increased. Present traffic is considered to be between 45 and 50 per cent of that which the canal can handle as constructed at present.

From this statement it is clearly established, if the percentage of traffic continues for the next 5 or 10 years to increase along similar ratios as in the past, or even in somewhat decreased ratios, the capacity of the canal will have reached its maximum in less than 10 years.

Personally I do not believe the business of the canal can continue to double each five years, as, of course, this would require a very largely increased tonnage in the near future. However, computing it on the most conservative basis, the capacity of the present canal will certainly be reached between 1940 and 1960. I do not believe from the facts at hand that this statement can be successfully disputed.

This would mean that in 12 years the capacity of the existing Panama Canal would have reached or be nearing its maximum.

INCREASING FACILITIES

All kinds of estimates have been made as to the length of time which would be required to build a Nicaraguan canal. Adding to the actual time of construction, the time consumed for a further survey and for negotiations with Costa Rica, Salvador, and Honduras, as well as further detail plans with Nicaragua, I think it would be conservative to estimate that a new canal could not be completed and opened to traffic within 15 or 20 years.

Thus, it must be realized the necessity for deliberate consideration of this entire project is facing us immediately.

In this connection we must also consider how much the capacity of the Panama Canal could be increased, if suggested improvements were authorized.

Already authorization has been given to assure a supplementary water supply which, even with the present capacity of the canal, is found most necessary during the dry season.

To complete this so-termed Alhajuela project of water storage will require, it is estimated, about five years' time and a cost of approximately $12,000,000.

It must be understood, however, that this additional improvement is needed to assure maximum transits even with the existing facilities.

It has been further suggested that in order to increase the capacity a third flight of locks be constructed, these to parallel the present two flights, which when completed would increase the facilities of the canal, it is claimed, 70 per cent.

If, as has been reported by the Governor of the Panama Canal, present traffic represents 50 per cent of present capacity, then it will be seen that in round figures, if a third flight of locks should be authorized, together with an increased water supply, the absolute total maximum capacity of a high-level Panama Canal for all time would be approximately the transit of 100,000,000 tons per year.

It has been estimated roughly by competent engineers that the installation of this third set of locks, together with the construction of the Alhajuela Dam and considerable additional dredging work necessary, would cost from $125,000,000 to $150,000,000.

To further increase the capacity of the canal at any time would necessitate its transformation into a sea-level canal. Any estimate as to the cost of this would be merely a guess. I have never heard of an estimate under a billion dollars. Even a sea-level canal, with the great difference between the rise and fall of the tide in the Pacific and the Atlantic, would still require tidal locks, so that the lock system could not be entirely eliminated. As to the practicability of all this, the pending resolution requests official information.

I have gone into the above detail in order to present the picture of the possibilities of the Panama Canal in the future from every engineering standpoint. In presenting these details I have depended to a great extent upon the report of the Governor of the Panama Canal himself, supplemented by inquiry from other Army engineers familiar with the situation.

Demonstrating it is impossible to accurately predict how traffic will increase, I quote from Prof. Emery R. Johnson, who was a member of the Isthmian Canal Commission that made the report in 1901. At that time Doctor Johnson publicly predicted the Panama Canal traffic would total about 11,000,000 tons in 1924, 23 years later. In 1912 Doctor Johnson changed his predictions and stated the traffic would be about 17,000,000 tons in 1925. The actual tonnage in 1925 (including estimate for free transits) was about 24,000,000 tons, an increase over the original prediction of over 100 per cent. Doctor Johnson's studies were based on world trade and canal traffic in Europe, I believe principally the Suez Canal traffic.

In addition, Doctor Johnson estimated Panama Canal traffic would increase by 60 per cent from 1925 to 1935. If this is correct, then we could expect 38,000,000 tons in 1935. As a matter of fact, the traffic in the year just closed, as per the report, is, including free transits, about 31,000,000 tons, leaving but very little to go in the next seven years.

Doctor Johnson stated that his predictions were conservative, and they have certainly up to date proven to be so.

From a study of the foregoing, even though Congress authorized several hundred million dollars additional appropriation for Panama, there can be no question if the world and its commerce are to move on, that from any angle we approach the problem, the maximum of the facilities of the Panama Canal will be reached in a relatively short period of time. In any event, the problem presents a situation demanding immediate and serious consideration of the construction of another method of transportation between the Atlantic and the Pacific Oceans.

COMPARISON OF COSTS

I have already drawn attention to the fact that the various boards and commissions, before we undertook the completion of the Panama Canal, generally favored a construction of a Nicaraguan canal. Several reasons entered into this conclusion.

In 1901, when the Isthmian Canal Commission reported, basing the construction upon quite a different width and depth than that finally decided, they gave as their estimate for completing the Panama Canal $144,000,000. This was exclusive of the price asked by the French company as reimbursement for the work they had already done, as well as the rights they possessed. The estimate of cost, plus the asking price of the French company, made the total cost of a canal by the Panama route approximately $250,000,000.

On the other hand, the Isthmian Canal Commission estimated the cost of the Nicaraguan project, figured on a similar width and depth, as about $190,000,000. Thus it will be seen that the Panama route at the time of this report called for an expenditure of some $60,000,000 over and above the cost of the proposed Nicaraguan route.

I will not go into the detail that followed the final decision to complete the Panama Canal, but in 1909, after the organization was completed and all negotiations had been concluded, the Panama Canal was constructed, the final cost being in the neighborhood of $390,000,000.

Of this amount $275,000,000 has been set aside as representing the investment in a commercial sense, exclusive of the Panama Railroad Co., and approximately $115,000,000 including the $40,000,000 paid to the French has been charged off as expenditure for national defense.

With a net annual revenue of approximately $20,000,000 as reported in 1928, it will be seen that based on a commercial value of $275,000,000 the canal is now paying approximately 7½ per cent which, in itself, should demonstrate that canal investments are not, as most governmental activities, an actual drain upon the taxpayers.

As to the present cost of a canal across Nicaragua I would not hazard a guess. Although considerably longer than Panama, much of the distance is traversed through the San Juan River and Lake Nicaragua requiring relatively little dredging. Other engineering advantages of topography undoubtedly entered into consideration which justified the eminent commission of engineers in 1901 to favor its construction even over the completion of the Panama route.

ECONOMIC ARGUMENTS FAVORING A NICARAGUAN CANAL

At the outset I drew attention to the conviction that the construction of a Nicaraguan canal presented arguments from both the economic and diplomatic viewpoint. Permit me to first discuss the proposal from the economic or material point of view.

In the first place, the proposed Nicaraguan canal will materially shorten the trade routes between the Atlantic and Pacific ports of the United States.

The land distance from the entrance of the Panama Canal to the entrance of the proposed Nicaraguan canal is approximately 500 miles. However, calculating the distance by sea lanes, the saving would be slightly over 100 miles. It will thus be plainly seen that for ships trading between the Atlantic and the Pacific coast lines of the United States a material saving of time would be effected in a voyage in either direction.

For illustration, I am informed that the route which would be taken by vessels between New York and San Francisco is about 434 statute-miles shorter, by way of the proposed Nicaraguan canal, than by the Panama route. The authority for this figure of 434 miles is General Abbot in his book Problems of the Panama Canal, page 55. General Abbot quotes Commander Todd, of the Hydrographic Bureau of the Navy Department, as his authority. Approximately the same figure is deduced from Doctor Johnson's tables given in Appendix N. N. of the report of 1901.

Experts have computed that the average speed for ships is 10 knots or 11½ statute-miles per hour. Upon this basis it is readily seen that there would be a saving of about 40 hours, almost 2 days, in such a voyage.

On the other hand, the Panama Canal is 133 miles shorter from sea to sea than the proposed Nicaraguan route. The actual time of travel through the Panama Canal is eight hours. By the 1901 commission it was estimated to require 12 hours. At the same time, on the same basis, the time consumed for travel through a Nicaraguan canal was estimated at 33 hours. If this latter estimate is reduced in the same proportion as the actual time for travel through the Panama Canal, then the time consumed through a Nicaraguan canal would be approximately 22 hours.

Mr. WATSON. Mr. President, would it interfere with the Senator if I should interrupt him?

Mr. EDGE. Not at all.

Mr. WATSON. I would not interrupt the Senator except that I am compelled to attend a committee meeting, and I think he has been asked to attend the same meeting. I congratulate the Senator upon his alertness and vigilance in thus early sponsoring the construction of a Nicaraguan canal; but I wanted to ask this question, in all fairness, with no desire at all to appeal to sectionalism in any form, much less to stir up sectional animosity, and I do not think that I am doing so, because all of us from the Central West who were in Congress, and who voted

for the construction of the Panama Canal, did so freely and gladly. We think that when the Panama Canal was constructed, without intending it, of course, it did result in a discrimination in freight rates in favor of the East and the West as against the Central West, and at present I imagine that many of us of the Central West would very much like to see the proposed canal from the Lakes through the St. Lawrence to the Atlantic Ocean, or an all-American route, as the engineers may determine, before we construct the Nicaraguan canal, and thus further discriminate against the Central West in the matter of freight rates. Just as a matter of fairness, what does the Senator say to that suggestion?

Mr. EDGE. I think there is much logic in the Senator's suggestion. In presenting this picture as to the necessity in the near future of increased southern facilities I thoroughly realize I am visualizing, as it were, but not so far ahead at that, when 12 years will mark the maximum of transit than can be operated successfully with the present facilities. I thoroughly appreciate the pertinence of the Senator's question and personally am heartily in favor of one of the canals to which he has referred. Nevertheless, it is the duty of the Senate and of Congress, in my judgment, to secure all information leading up to a decision, just as it would be in the case of one of the northern canals.

Mr. WATSON. I quite agree with the Senator.

Mr. EDGE. I thank the Senator.

Subtracting the 22 hours from the 40 saved in distance would mean a net saving of at least 18 hours on every voyage of an average ship between New York and San Francisco in either direction.

The 1901 commission, however, estimated the saving from Atlantic ports to Pacific ports in the round figures as one day.

Mr. McKELLAR. Mr. President, may I interrupt the Senator?

Mr. EDGE. Certainly.

Mr. McKELLAR. In reference to the statement just made by the senior Senator from Indiana, certainly the condition of which he complains as existing in the Middle West did not grow out of the building of the Panama Canal but out of the legislation that was subsequently passed, which perhaps should not have been passed. I agree with him that the Middle West should not be discriminated against in the matter of railroad rates.

Mr. BROOKHART. What was the subsequent legislation that brought about this discrimination?

Mr. McKELLAR. Various legislation connected with the powers of the Interstate Commerce Commisison.

Mr. BROOKHART. The powers of the Interstate Commerce Commission were exercised by virtue of the new competition created through the Panama Canal—water competition with railroad rates.

Mr. McKELLAR. But the Interstate Commerce Commission had a perfect right to prevent the discrimination to which the Senator from Indiana referred. It is not a question of the building of the Panama Canal—the building of which I think was very proper—and I agree with the Senator from New Jersey that we should build the Nicaraguan canal, but I do not see how that will affect the question of freight rates.

Mr. BROOKHART. Has not the failure to develop the Mississippi waterway system contributed to that discrimination also?

Mr. McKELLAR. We ought to see that there is no discrimination. There is no reason why these improvements can not be made without discrimination. I agree with the Senator from Iowa that there should not be discrimination.

Mr. EDGE. Continuing, Mr. President, I just presented the picture of the time required, comparing the Nicaraguan route with the Panama route. I draw the attention of my southern friends to this: For all the Gulf ports in Louisiana, Mississippi, Florida, and Texas distances by way of Nicaragua would be shorter by approximately two full days, because of the location of the Gulf, and the sea lane that would naturally follow in reaching the entrance of the proposed Nicaraguan canal.

Mr. McKELLAR. That would apply also to all commerce going between the Atlantic coast and the west coast.

Mr. EDGE. Not entirely. It would not apply on commerce going from New York, because that would not go in that far. They would take a different sea route down. It would apply, as the Senator will see if he will consult a map very carefully, in ports like Galveston or New Orleans, going right around into the Panama Canal.

Mr. McKELLAR. It would not apply to the same extent, but on the Pacific coast it would apply to the same extent.

Mr. EDGE. Exactly. On the other hand, for commerce between North Atlantic ports and the west coast of South America the Panama route is shorter by about the same time.

It has been estimated that about 21 per cent of the Panama traffic is to or from the west coast of South America and 79 per cent elsewhere. This is an interesting comparison. Therefore, it will be plainly seen that a Nicaraguan canal would be shorter in time for about 79 per cent of all the traffic.

In these days overhead expense is the major consideration in administering any business, especially transportation by public carriers. Therefore, the saving of coal, oil, seaman labor, and so forth, for one or two days in every voyage, not to speak of the further economy of time, are items which would, in my judgment, almost pay interest on the construction investment.

In order to present a general idea of this practical saving I have consulted representatives of the United States Shipping Board and have been advised that the average operating expense per sea-day of cargo ships is $500.

Of course, this increases or decreases with the type or size of the ship. I repeat, however, that this is the average as presented by the statistical division of the Shipping Board in a chart issued November 24, 1928, only a few weeks back.

I have already drawn attention to the fact that it is estimated that 79 per cent of ships now using the Panama Canal are ships that because of destination could more advantageously use a Nicaraguan route, should one be available.

Referring again to the last report of the Governor of the Panama Canal for the fiscal year ending June 30, 1928—it appears that 6,456 ships of all types used the canal for commercial purposes during the year closing on that date. If the average of 79 per cent is correct, this would mean that approximately 5,100 ships would have utilized the shorter route had it been available.

As already pointed out such ships would save from one to two days, according to their port of embarkation. I have no method to accurately determine the percentage of these 5,100 ships that would save the one or the two days. However, in order to be very conservative let us estimate that one-third of these ships, through the construction of a Nicaraguan canal, would save two days, the remaining two-thirds one day.

Employing the cost schedule supplied by the Shipping Board this would mean an annual saving in operating expenses alone of $3,400,000. If the canal should cost, as has been estimated, $1,000,000,000, this one item of saving would mean almost 3½ per cent on the entire investment. Add to this the economy of time and we have full interest on the total cost, guaranteed in advance or before we appropriate one dollar.

It must likewise be remembered that the cost of $500 per day is calculated for a boat at sea. It is estimated that a boat in the canal would cost in operating expenses considerably less.

In view of the fact that passage through the proposed Nicaraguan canal would consume almost three times the number of hours as compared to the Panama, then, of course, this additional saving would be whatever is established as the difference between operating expenses in the canal and at sea. I will not attempt to compute it, but it would unquestionably add a considerable total to the $3,400,000.

It might be argued that the large percentage of business which would be lost to the Panama Canal would eventually put it out of business. This would be an absolutely incorrect assumption.

I am informed that the business, from both the east and west coasts of the United States to the west and east coasts of South America, is rapidly on the increase. If trade to and from South America is to be stimulated, this certainly must be true. In reaching either coast of South America from the opposite coast it would be an advantage to cargo or other ships to continue to utilize the Panama Canal.

Anyhow, I believe that I have clearly established the necessity of both canals, not in competition but in meeting the rapidly increasing commerce of the world.

Further, from the economic standpoint, there can be no successful argument opposing parallel systems of transportation, whether by water or rail. Admitting the near approach of a capacity traffic through the existing canal, should any serious accident happen to the Panama Canal the results would be calamitous.

While we are all striving for world peace, at the same time we have not yet reached that happy millenium or, at least, where such assurance can be supplied. If the United States were engaged in a war with another nation, it is not difficult to imagine that one of the first public works which the enemy would seek to destroy would be the Panama Canal. A modern bomb dropped on the Gatun Lock and it would be all over. While this might happen if the Nicaraguan canal was constructed, on the other hand, all will agree we would be better protected with two interoceanic canals than with one.

Also properly classified under economic arguments, is the commerce and trade with Central and South America. Such a canal

would unquestionably develop business that can never be secured with the Panama Canal alone. In fact, the history of the world demonstrates conclusively that with each additional system of transportation new commerce and trade beyond any original estimates always follows.

THE DIPLOMATIC POSSIBILITIES

A word as to the diplomatic possibilities.

As everyone who has followed the history of the Panama Canal must admit, when its proprietorship passed into the hands of Uncle Sam, our diplomatic troubles with Colombia and Panama were rapidly terminated. To-day Colon, old Panama City, and Cristobal are busy, thriving municipalities. Nationals of various countries are located there and engaged in retail and wholesale commerce and trade. The relationship is most friendly. Any questions that have arisen requiring diplomatic disposition have been or are being settled in a peaceful and friendly manner. In other words, the invasion of North American capital was not repulsed; it was invited and apparently appreciated. I repeat, the relationships from a diplomatic and contact standpoint have improved with this closer acquaintance.

Is it unreasonable to assume that a similar result would follow the determination of the United States to construct a Nicaraguan canal?

I will not attempt to refer to the history of the relations of Nicaragua and the United States for years past. I admit it does not present a picture that can be pleasing to any of us.

Through the administrations of both major political parties these difficulties, these uncertainties, perhaps these errors and mistakes have been made. No point, however, can be gained in this discussion by reviewing the record fairly familiar to all of us.

It is, however, a fact, emphasized in recent days, that the accredited leaders of both political parties in Nicaragua are desirous that the United States take advantage of the canal rights they have purchased and construct a Nicaraguan canal. All economic and material considerations lead to the same conclusion.

The recent visit of good will of the President elect of the United States certainly emphasized the local feeling in no uncertain manner. Permit me to quote from the New York Times of November 28, which article in effect appeared generally throughout the country:

> The construction of the Nicaraguan canal connecting the Atlantic and Pacific Oceans by the United States at the earliest possible time was advocated to-day by President Diaz and President-elect Moncada at Nicaragua, following a luncheon aboard the battleship *Maryland* with Herbert Hoover.
>
> The two Nicaraguan officials expressed this view to newspaper men in an interview in which they declared that the visit of the American President elect would aid the desire of all parties in Nicaragua for the closest and friendliest relations between their country and the United States.
>
> Both Nicaraguan officials declared the construction of the canal would be economically advantageous and also a bulwark to the liberties of the American Republics. Señor Moncada said that he had discussed the canal with Mr. Hoover and that he (Moncada) had long advocated its construction.
>
> The proposed canal was described by Señor Moncada as a project "which would bind your country and ours and be a bulwark of freedom and a demonstration of liberty."
>
> The Nicaraguan President elect declared that it was the duty of his country to contribute to the building of the canal, and therefore he felt that the United States-Nicaraguan treaty, under which $3,000,000 was paid by the United States to the Central American Republic for the canal and naval base rights, was just. He added that the United States naval bases at each end of the canal would be a necessary defense.
>
> "I would like to see the canal built to-morrow," Señor Diaz declared in concurring with the President elect.

I am quite ready to prophesy should the survey called for by Senate Joint Resolution 117 be authorized and the practicability and feasibility established by previous investigations confirmed, and that action be followed by the actual authorization of the construction of the canal, our diplomatic troubles with Nicaragua would cease, and at the same time the United States would have made a wise and profitable investment.

In reviewing the existing situation, in great part secured through a study of the efforts of the past, I would be unpardonably remiss should I fail to refer to the constructive and indefatigable efforts over a generation ago of the Hon. John T. Morgan, then Senator from Alabama.

The CONGRESSIONAL RECORD of 1899, 1900, and for years before and after is replete with eloquent appeals from this distinguished statesman. Before and following the report of the Isthmian Canal Commission, and as chairman of the Interoceanic Canals Committee, which post I now have the honor to fill, Senator Morgan was tireless in his efforts to have Congress authorize the construction of the Nicaraguan canal. More than a score of years ago he clearly and accurately visualized its possibilities and from some of his speeches which I have read his words in those days were indeed prophetic of the results which could be attained and the situation existing to-day.

On May 16, 1900, Senator Morgan in presenting a report to the Senate, used the following expression:

> Europe and parts of Asia and Africa have made a declaration as to the Suez Canal which dedicates it as an area in which war shall not exist; and the broad sweep of that decree includes all nations in its benefits and pledges the nations to its maintenance. It is the one great international act that stands in front of all others to mark the real progress of civilization. An isthmian canal in America to connect the same oceans has all the characteristics of the Suez Canal and demands like treatment. Whether we prefer it or not, this European decree will impress its just authority in time upon the American canal and we will applaud the result. Our children will assent to this though we may refuse.

This comity between nations prophesied by Senator Morgan has followed the construction of the Panama Canal. Can any man say it will not still further follow the construction of the Nicaraguan canal?

Again, on March 1, 1901, in a speech on the floor of the Senate, among many other references Senator Morgan, in pleading for the purchase of a right of way across Nicaragua, which was actually brought about 13 years later, had this to say:

> These countries—
>
> Speaking of Nicaragua and Costa Rica—
>
> are in possession of a very remarkably valuable piece of property—the route of the canal through Lake Nicaragua and San Juan River—which has no parallel anywhere on the face of the globe. To us, Mr. President, the Nicaraguan canal route is the most important piece of property in the world.

Although Senator Morgan pleaded eloquently for the accession of this right of way, I repeat, it was not until 13 years later when the Bryan-Chamorro treaty was entered into and ratified, requiring the expenditure of $3,000,000, that Senator Morgan's advice was put into reality. This very proper expenditure was authorized notwithstanding the completion, in the meantime, of the Panama route. Now 14 additional years have passed and I am pleading, not for the moment to commence the construction of a Nicaraguan canal, but that Congress be furnished the engineering and diplomatic facts in order to make a further study.

It may be interesting to quote from an article appearing in the New York Herald-Tribune as recently as last Sunday week, December 9.

Henry Cabot Lodge, special correspondent writing from Managua, capital of Nicaragua, in a comprehensive review of the canal possibilities starts his article with the following conclusion:

> The much-talked-of Nicaragua canal route—which narrowly missed being used instead of the Panama route a generation ago—would, if used now, so revolutionize Central America that on these grounds alone it might pay to build it.
>
> If the canal were built there would be no more revolutions in Nicaragua and there probably would be a rapid rise in the standard of living in the neighboring Republics. This state of peace in Central America would, of course, be sheer gain to the United States, apart from the undeniable advantages which such a canal would be to us, both commercially and from the standpoint of national defense.

In the construction of this canal, Costa Rica is likewise interested and, from all the information I can secure, in every way friendly to its completion.

Therefore, the diplomatic advantages applying to Nicaragua should extend to Costa Rica as well. Costa Rica has already entered into a convention with the United States dated December 1, 1900, which reads as follows:

> It is agreed between the two governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte on the Caribbean Sea, via Lake Nicaragua to Brito on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.
>
> As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same

that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof, the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this 1st day of December, 1900.

JOHN HAY. [SEAL.]
J. B. CALVO. [SEAL.]

By the above it will be seen that no serious difficulty should be anticipated from this enterprising Central American Republic.

Anyhow, after all is said and done, the pending resolution does not commit the Senate beyond the securing of up-to-date information.

I repeat, it is beyond my conception to understand how, in view of all the circumstances, some of which I have endeavored to outline, there could be opposition to its adoption.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	Kendrick	Sheppard
Bayard	Frazier	Keyes	Shortridge
Blaine	George	La Follette	Simmons
Blease	Gerry	McKellar	Smith
Borah	Gillett	McNary	Smoot
Brookhart	Glass	Moses	Steiwer
Bruce	Glenn	Neely	Stephens
Burton	Goff	Norris	Swanson
Caraway	Hale	Nye	Thomas, Idaho
Couzens	Harris	Oddie	Thomas, Okla.
Curtis	Harrison	Pine	Trammell
Dale	Hastings	Ransdell	Tydings
Deneen	Hawes	Reed, Mo.	Walsh, Mont.
Dill	Hayden	Reed, Pa.	Warren
Edge	Heflin	Robinson, Ind.	Waterman
Fess	Jones	Sackett	Wheeler

Mr. WATERMAN. I desire to announce that the senior Senator from Colorado [Mr. PHIPPS] has been called to his home in Colorado by reason of serious illness in his family and probably will not be able to return until after the Christmas recess.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

RIVER AND HARBOR APPROPRIATIONS

Mr. HARRISON. Mr. President, I read an interesting statement in the morning newspapers, to which I wish to call the attention of the Senate, and especially the attention of the Senator from Washington [Mr. JONES], the chairman of the Committee on Commerce. The statement is as follows:

HARBOR BILL'S FATE IS UP TO PRESIDENT—HOUSE AND SENATE CHAIRMEN TO CONFER WITH PRESIDENT ON MEASURE SOON

Chairman DEMPSEY, of the House Rivers and Harbors Committee yesterday said that any action seeking the passage of the $48,435,415 rivers and harbors bill at this session of Congress depended largely upon President Coolidge's attitude toward the measure.

Chairman DEMPSEY and Chairman JONES, of the Senate Commerce Committee, will confer in the next few days with President Coolidge relative to the measure, the House chairman said. The future course of action by his committee, he added, would rest largely on that conference.

The committee, which reported the bill favorably at the last session, has before it a motion to push for action on the measure. In his annual message the President, however, expressed disfavor on the enactment of river and harbor improvement legislation at this session.

It will be recalled that during the World War period, for about six years, I think it was, from somewhere about 1914 to 1922, there was no river and harbor legislation; the harbors of the country were permitted to go without improvement through appropriations by the Federal Government. Then, in 1922 we passed a river and harbor omnibus bill and adopted about 45 new projects. In 1925 we passed another river and harbor bill, adopting some 52 new projects. In January, 1927, we passed another river and harbor bill, providing for about 52 new projects. It has been the policy of the Federal Government for many years, except for the lapse because of the World War, to pass omnibus river and harbor bills and adopt new projects as the demands of commerce necessitated. I sincerely hope—and I say this especially to the Senator from Washington—that the present Congress will not die without the passage by the House and the Senate and approval by the President of an omnibus river and harbor bill.

There are some projects in this country that demand immediate attention and adoption by Congress. There may not be many. I have scanned hurriedly the list prepared by the Board of Engineers and find there are some 41 projects, I believe, in that list, and the cost of those 41 projects totals $95,000,000. In that list, however, are two items alone that carry an appropriation of $76,000,000. If the river and harbor bill should pass, of course, it ought to include those two projects which call for a large outlay of money, namely, the Missouri River project and the Great Lakes connecting channel projects, but if, in the wisdom of the Congress, those two projects, because of their magnitude, should be postponed, that ought not to be any reason why the other projects which have been recommended by the Board of Army Engineers, and which have been reported favorably by the House Rivers and Harbors Committee shall not come up for consideration and be pressed for immediate enactment.

It has been suggested that the President stated in his message that there are many millions of dollars now unexpended for projects on which work has not been done. I submit that if this country keeps up with the demands of progress that constantly arise, the Government must increase the depth of certain harbors in this country. I know in my own State there are two projects that were recommended in the early part of 1927, just five days, I think it was, after the passage of the last river and harbor bill; and yet we are to be crippled because, for instance, the President says, "Let us not pass a river and harbor bill at this time." I submit that if the demands of commerce justify the enactment by Congress of a river and harbor bill, it is our duty to go ahead, give it fair consideration, and put it upon speedy passage. Therefore I hope that the chairman of the Committee on Commerce of the Senate and the chairman of the Rivers and Harbors Committee of the House of Representatives will press this matter so that the next two or three months will not pass without our giving to the country a rivers and harbors bill.

Mr. JONES rose.

Mr. HARRISON. I yield to the Senator from Washington if he wishes to ask me a question.

Mr. JONES. No; I did not wish to ask a question.

Mr. HARRISON. Then, I want to ask the Senator from Washington a question. The Senator, of course, is in favor of the passage of a river and harbor bill at this session of Congress?

Mr. JONES. I doubt that.

Mr. HARRISON. Then, I have not finished speaking.

Mr. JONES. I merely wish to insert something in the RECORD with reference to the matter on which the Senator is addressing the Senate.

Mr. BRUCE. Mr. President, with the permission of the Senator from Mississippi, I will say I was just a little amused to hear the question the Senator from Mississippi addressed to the Senator from Washington, as to whether or not he is ready to give his approval to the passage of a river and harbor bill at this session, because I have asked the Senator from Washington the question three times, not on the floor of the Senate when the Senate was in session, but I have asked the question of him three times, and I have never been able to get him to answer it.

I wish to say that I was asked by Mr. DEMPSEY, the chairman of the Committee on Rivers and Harbors of the House of Representatives, to ascertain how the chairman of the Senate Committee on Commerce felt about the matter, and also to ask that question of the ranking Democratic member of the Committee on Commerce, the Senator from Florida [Mr. FLETCHER]. I did ask the Senator from Florida the question, and he stated that he was most strongly in favor of the passage of a river and harbor bill at this session of Congress. I hope the Senator from Washington will be able to arrive at some definite conclusion on the subject and that his conclusion will be favorable to the enactment of such a bill. I have every reason to believe from actual contact with members of the House committee that a large number of that committee, and probably a majority of it, are strongly in favor of the enactment of a river and harbor bill at this session, and that if he could only assure Mr. DEMPSEY, the chairman of the House committee, that the Senate favors the enactment of such a bill, and have him communicate that fact to the members of the House committee, the bill would be passed by the House and sent here to be passed by the Senate.

I am deeply interested in this bill, as is the Senator from Mississippi. There are two or three projects of the very highest

degree of importance to the port of Baltimore, one increasing the anchorage facilities of that port and another providing for the deepening of the channel leading up to the port.

Mr. HARRISON. Mr. President, I yield to the Senator from Washington if he wishes to have something inserted in the RECORD.

Mr. JONES. Mr. President, the Senator from Maryland [Mr. BRUCE] has spoken to me two or three times about this matter, and I told him I was awaiting information from the Engineers' office in answer to a letter which I had sent to them with reference to the condition of the present projects. Just as the Senator from Mississippi arose I myself was rising to ask to have printed in the RECORD a copy of the letter which I have just received from the Chief of Engineers, giving the number of projects that are under way, the number of projects that have been adopted but not commenced, the amount of money that it will take to complete those projects, and so on. I will say that it will take, according to the figures, in round numbers, $243,000,000 to complete the river and harbor projects that have already been approved and adopted by Congress.

We will no doubt have an appropriation of $50,000,000 for river and harbor work. That is the amount we have been appropriating year by year for several years, but, at that rate, it will take almost six years to complete the projects which Congress has already adopted and which are now under way.

Mr. HARRISON. Mr. President, may I ask the Senator a question in that connection?

Mr. JONES. Certainly.

Mr. HARRISON. The Senator appreciates that there have been many projects for which authorizations have been made but for which appropriations have not been made to carry on the work; and they always mount up into the millions of dollars. The Senator, however, must also appreciate the circumstances surrounding various projects. For instance, I have a project in my State, in my own town, by which it is proposed to deepen the channel by about 3 feet, and it is stated that it will take very little more money. It is doubtful whether or not it will take any more money than is involved in the present project. I submit that the Congress ought to adopt a project in the interest of commerce so that vessels of deeper draft may enter a harbor. There are any number of projects, though perhaps not exactly like that, which ought to be adopted, and which do not call for any outlay of money. I submit a bill to that end ought to be enacted by Congress.

I have talked to the chairman of the Rivers and Harbors Committee of the House, and I have not any doubt that the sentiment of that committee is that river and harbor legislation ought to be passed. I have taken up the question with members of that committee for the last three sessions of Congress. I do not know why they have not acted. I have no right to criticize them and I am not going upon the floor to criticize them, but I submit that is bad practice for the Congress of the United States to sit by and say that it will do just what the President of the United States says with reference to this matter.

We are charged with the duty of making adequate appropriations to take care of the commerce of the country. In the last message of the President he referred to building up our commerce. We can not build up our commerce unless we take care of the rivers and harbors of the country. So I submit that we ought to carry on the practice of adopting river and harbor projects as they may be recommended to us, after full consideration, by the board of Army engineers. I have no sympathy with the suggestion that the chairman of the Commerce Committee of the Senate or the chairman of the Rivers and Harbors Committee of the House of Representatives, or any group of men in this great body here or at the other end of the Capitol, should have the power to say, "We are going to let the President decide what we shall do about river and harbor projects."

Does the Senator from Washington desire to put a statement in the RECORD?

Mr. JONES. If the Senator is through, I should like to have a letter inserted in the RECORD.

Mr. HARRISON. I thought, perhaps, the Senator wanted to ask me a question.

Mr. HAWES. Mr. President, I have been trying for some time to have the Senate proceed with the unfinished business.

Mr. JONES. I understand the Senator from Missouri desires to proceed with his bill, but I will ask to interrupt him for just a moment.

Mr. TYDINGS. Mr. President, will the Senator yield for just a moment?

Mr. HARRISON. I have the floor, but I will yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Washington if he will tell us whether or not there is any likelihood of the passage of a river and harbor bill? Baltimore is the second port of the country in exports and imports; the Rivers and Harbors Committee of the House are favorable to giving it a very much needed improvement; the Army engineers have recommended the project, which has been worked upon for three years; and we should like to know whether or not there is any use to contemplate an authorization for that project at this session of Congress, or whether we will have to abandon it and wait until another session?

Mr. JONES. Mr. President, if the Senator from Mississippi will permit me, I should like to say that I have not made up my mind definitely as yet. I received this letter from the Chief of Engineers only on Saturday, and want to put it in the RECORD so that all Senators may read it.

Mr. HARRISON. The Senator would not have us understand that the Chief of the Board of Army Engineers is opposed at this time to any rivers and harbors bill, adopting projects recommended by the Board of Army Engineers?

Mr. JONES. They have not been asked whether they are opposed or not. I simply asked for information, and that they have furnished without expressing an opinion as to what we should or should not do. I did not ask for their opinion; I asked them for certain facts. They give those facts in this letter and I want to put them in the RECORD, so that all Senators may see them.

Mr. HARRISON. I hope the Senator has more information there and more facts than he has given to us in answer to my question and in answer to the question of the Senator from Maryland.

Mr. JONES. I have stated just in a general way the information that is given here a little bit more in detail; but the substance of it is that the projects that have been adopted, that have been commenced but not completed, or that have not been commenced, amount to over $243,000,000.

Mr. HARRISON. Yes; but the Senator realizes that there are some 50 projects—I have a list of 41 here in my hand—that have been recommended by the Board of Army Engineers but not yet adopted by Congress; and consequently no appropriation can be made to carry on that work until they have been adopted by Congress.

Mr. JONES. Certainly; I know that; but we are not going to recommend an appropriation for that as long as there are $243,000,000 of projects that have been adopted but are uncompleted. We will appropriate $50,000,000 a year; but, in my judgment, unless there is something that is extremely emergent we will not abandon the projects that have already been adopted and pressed by Congress to take up something just lately adopted.

Mr. HARRISON. Then, as I understand the Senator, he is opposed to the passage at this Congress of a rivers and harbors bill adopting the new projects that have been recommended by the Board of Army Engineers?

Mr. JONES. No; I said that I had not yet definitely made up my mind with reference to the matter.

Mr. HARRISON. Does the Senator think he will make up his mind by the 4th of March, when this Congress adjourns?

Mr. JONES. Yes; I will make up my mind before very long.

Mr. HARRISON. I think everyone can see that the Senator from Washington is not very much in sympathy with the passage of a rivers and harbors bill.

Mr. JONES. Mr. President, I ask permission to have printed in the RECORD this copy of a letter from the office of the Chief of Engineers.

Mr. HARRISON. I should like to have it printed.

Mr. BROOKHART. Mr. President, will not the Senator have the letter read? It is an important letter. I am familiar with some of its provisions.

Mr. JONES. It does not name the particular projects.

Mr. BROOKHART. I will ask that the letter be read, however. It contains important matters.

The PRESIDING OFFICER. Without objection, the clerk will read the letter.

Mr. SWANSON. Mr. President, before the letter is read I should like to ask a question. Do I understand that there will be no cessation or reduction in the appropriations that are being made each year now for the projects that have already been adopted by Congress?

Mr. JONES. I can not speak authoritatively on that subject. It is my understanding and my judgment that we will make an appropriation. I have not looked up the matter to see what the average estimates were; but we have been appropriating $50,000,000 now each year for several years, and I take it we will continue that.

Mr. SWANSON. As I understand, there is no purpose to reduce that appropriation of $50,000,000 to be applied to existing projects that have been approved?

Mr. JONES. Certainly there is no purpose on my part.

Mr. SWANSON. And the Senator is satisfied that that will be done.

As to the additional projects referred to by the Senator from Mississippi, it does seem to me that the projects that have been examined and ascertained to be necessary for the commerce of this country and its development should be approved; and then, with those that have already been approved and those approved at this session, we can form an idea of the amount of money needed to complete what is necessary for the commerce and development of the country.

I simply want to suggest that no appropriation would be made for these projects immediately, but the matter would be settled at this time, while the evidence is fresh; the examinations have been made; the engineers are available for the committee to hear now. Very frequently their assignments are changed from one section of the country to another. This evidence would not be available next year as satisfactorily as it is now; and it does seem to me the wise thing to do would be to take the projects that have been examined, as to which the evidence is available to Congress now, have them approved, and then let Congress determine what is the fair amount of money available for the completion of the projects approved at this session and those already approved.

I do hope the Senator and his committee will take that view of the matter. I think it is a wise view, a just view, and a proper view. It does not mean any increased appropriation at this time, but it means the settlement of matters that have been the subject of investigation for years.

Mr. FLETCHER. Mr. President, the last river and harbor bill passed by Congress was passed in February, 1927. We have not had a bill since then. If we do not have a bill at this time the matter will go over until next session, and about three years will elapse between river and harbor bills.

Heretofore we have been pursuing the policy of having a bill every year; but even if this bill passes at this session, we can not have a bill before two years will have elapsed. February, 1929, is as soon as we could pass this bill. The bill has been reported in the House by the Rivers and Harbors Committee. It is pending there.

The impression has gotten abroad that the President is opposed to river and harbor legislation. I rather doubt that. I think, perhaps, the President is opposed to increasing appropriations, having in mind the idea that a new bill would call for additional appropriations at this time. That would not follow, however. This river and harbor bill is a legislative matter. In pursuance of that bill Congress legislates respecting projects that have been surveyed and reported on by the Chief of Engineers. After we legislate regarding these projects in the river and harbor bill, adopting certain projects and providing for further surveys, then we make appropriations later on as we see fit and as the money can be used. It is not necessary to appropriate $100,000,000 a year if the engineers tell us that they can not economically use more than $50,000,000; and we are governed very largely by their judgment as to the amount of money which they can profitably employ in completing the projects which Congress has adopted from year to year.

There would not be any danger of unbalancing the Budget if Congress should pass this bill providing for new projects and new surveys, because the appropriations under the bill would not be made until the next Congress; so I think we ought to go on and legislate respecting rivers and harbors and not wait three years between bills on the subject. Later on, after the legislation is passed and the projects have been adopted, we can attend to the matter of appropriations. That will be done at the next session. In other words, appropriations under this bill will not be charged to this session and will not interfere with the Budget that has been arranged for this session of Congress. This is merely a legislative matter, an authorization respecting certain projects. As I say, the last bill we passed was passed in February, 1927. We ought to have this bill by February, 1929, I think, in justice to the projects that are pending and that are worthy and have been favorably reported on by the Chief of Engineers.

I hope, therefore, that the legislation will proceed; and I am inclined to think that if it can be made clear to the President that the bill does not call for appropriations at this session of Congress he will not have any objection to it. I can see very well how the Chief of Engineers, impressed with this attitude on the part of the President, would be very careful about making replies to inquiries on this subject; and perhaps by reason of the fact that the engineers have a big job in connection with the Mississippi River he may feel that they have enough work to do without going on further with river and harbor improvements generally, and may hestiate to advocate any new work. I think, however, that if necessary we ought to add to the force of engineers and let the rivers and harbors be improved as they are needed over the country.

I hope this bill will be acted on favorably and come to the Senate, and that we will be able to pass it at this session.

Mr. RANSDELL. Mr. President, I think the statement made by the Senator from Florida [Mr. FLETCHER] is very wise. I do not think any of us have quite enough light on this subject to decide just exactly what we should do at this time. My understanding is that the Board of Engineers for Rivers and Harbors has approved quite a number of projects. If I am correctly informed, it is around some $50,000,000 worth. How we can proceed intelligently in making general appropriations for rivers and harbors, how we can act wisely on the $243,000,000 worth of approved projects which the Senator from Washington says we have before us until we know about these other projects is an enigma to me.

My long experience in these matters teaches me that the engineers frequently propose amendments to a river and harbor project. A harbor, say, has a depth of 26 or 28 feet, and they suggest that the project be changed so as to provide a depth of 28 or 30 feet. That would be in the nature of a new project; and yet to act intelligently, to appropriate money wisely, we ought to have before us the latest available information. In two years' time there may have been a great many changes; and, as the Senator from Florida suggests, we have not had a bill for two years. It will have been a little more than two years before we can have one; and certainly no harm can come from having the Commerce Committee call the engineers before them and see what light they can throw upon this subject.

I sincerely hope the Senator from Washington will not consent to doing away with a river and harbor bill unless he is obliged by the vote of his colleagues to do so. I hope we will have the matter investigated by the Commerce Committee and act with more information than any of us have now.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa [Mr. BROOKHART] requested that the letter presented by the Senator from Washington be read. Does the Senator from Iowa insist on that request?

Mr. BROOKHART. Not if the Senator from Missouri desires to proceed.

Mr. HAWES. I should prefer to proceed, Mr. President.

Mr. BROOKHART. I withdraw the request.

The PRESIDING OFFICER. Without objection, then, the letter will be printed in the RECORD.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 14, 1928.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: 1. I have the honor to acknowledge receipt of your letter of the 7th instant, requesting certain specific information relative to the status of river and harbor projects.

2. In reply, I am pleased to advise you as follows concerning the questions propounded in your letter:

First. "How many harbor projects have been adopted by Congress that are under way but uncompleted?"—Answer: 146.

Second. "How many harbor projects have been adopted by Congress but not yet started?"—Answer: 9.

Third. "How many river projects have been adopted by Congress, started, but not yet completed?"—Answer: 112.

Fourth. "How many river projects have been adopted by Congress but have not yet been commenced?"—Answer: 9.

Fifth. "What is the estimated cost of all harbor projects heretofore adopted by Congress, not commenced or not yet completed?"—Answer: $117,583,192.

Sixth. "What is the cost of the river projects heretofore adopted by Congress not commenced or uncompleted?"—Answer: $125,520,460.

Seventh. "What amount is estimated to be necessary to complete all projects, both river and harbor, that have heretofore been adopted by Congress?"—Answer: $243,103,652.

Eighth. "What amount is estimated to be necessary to complete all river and harbor projects adopted by Congress that have not yet been commenced?"—Answer: $32,307,550.

3. In connection with the second and fourth questions, it is desired to state that the reasons why work on the projects in these categories has not been actually commenced, pertain to the failure of local interests to meet conditions of cooperation as imposed by Congress.

Progress is, however, being made along this line and is more advanced in some cases than in others. Funds aggregating $905,000 have been

either allotted or reserved for commencing work on the harbor projects. The harbor projects upon which work has not been commenced are as follows:

Project:	Appropriations to date
Westchester Creek, N. Y	None.
Flushing Bay Harbor, N. Y	None.
Glencove Creek, N. Y	None.
Channel connecting Gravesend Bay with Jamaica Bay, N. Y	None.
Great Kills, State Island Sound, N. Y	None.
Delaware River, Philadelphia-Trenton (held in reserve)	$500,000
Shipyard Creek, S. C	None.
Monterey Harbor, Calif	None.
San Joaquin River, Calif	405,000
Likewise $4,568,500 has been allotted or held in reserve for commencing work on the river projects. The projects in this category are—	
Inland waterway, Beaufort-Cape Fear River, N. C	800,000
Northeast (Cape Fear) River, N. C	None.
Intracoastal waterway, Jacksonville-Miami, Fla. (held in reserve)	500,000
La Grange Bayou, Fla	None.
Bayou Bonfouca, La	16,500
Little Caillou Bayou, La	85,000
Louisiana-Texas intracoastal waterway	3,100,000
Mill Creek and South Slough at Milan, Ill	67,000
Tolovana River, Alaska	None.

4. It is desired to point out that the data supplied above does not include the flood-control projects for Sacramento River and Mississippi River, which are estimated to cost $12,830,100 and $311,000,000, respectively.

Very truly yours,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

GREETINGS FROM MEXICAN SENATE

Mr. LARRAZOLO. Mr. President, I have just this minute received a telegram purporting to come from the Senate of the Mexican Congress and transmitting greetings to this honorable body. I ask the clerk kindly to read it.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

MEXICO CITY, *December 17, 1928.*

Hon. O. A. LARRAZOLO,
United States Senate:

Senate of Mexican Republic in extraordinary session to-day requested me to transmit their greetings and best wishes to United States Senate. Hope you will convey this message.

BRONSON CUTTING.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. HAWES. Mr. President, this subject has been before the Congress of the United States for many years. Bills similar to this have passed the House of Representatives three different times, and have been approved almost without opposition in the committee hearings. Senate bill 1940 has been before the Senate since last February. It is such a simple matter, and I am so confident that Senators want to vote upon it that I hope there will be no great delay.

The United States Government prohibits the importation of convict-made goods into the United States, and foreign governments prohibit the sale of American convict-made goods in their countries. This bill does not direct any State to do anything. Each State is permitted to handle its own affairs. Unfortunately, however, no great reform along this line can be brought about in the United States if a few States immorally, as I believe, try to sell their convict-made products in a State that prohibits their sale; so all that this bill does is to preserve the sovereignty of the individual State.

When a State expresses, through its legislative branch, its opinion on this question it should be respected by other States. All this bill does is to divest the convict-made goods of their interstate character upon their arrival in a State where the laws prohibit the sale of same.

Mr. GOFF. Mr. President, will the Senator yield for a question?

Mr. HAWES. Yes.

Mr. GOFF. Do I understand that the bill which we now have before the Senate is amended in any particular or is it the bill that came out of the Committee on Interstate Commerce?

Mr. HAWES. The bill has been amended in one particular. In response to the request of certain Senators to permit time for the States to adjust themselves to changes, the time has been extended from two years in the Senate bill to three years in the House bill. That is the only change.

Mr. GOFF. Do I understand that the wording in the Senate bill, which is to prohibit from interstate commerce "all goods, wares, and merchandise, manufactured, produced, or mined," has in any way been changed or amended?

Mr. HAWES. It has not; but the Senator from Mississippi has an amendment which he has given to the clerk, taking out the word "produced," and I will say to the Senator that this bill was examined by the Attorney General of the United States, and he has made a suggestion which I have embodied in the form of an amendment. Another amendment is pending, suggested by the Senator from Wisconsin [Mr. BLAINE], and there is no objection on the part of the proponents of this bill to any of those amendments.

Mr. GOFF. Then, as I understand it from the Senator's statement, he would have no objection to eliminating from the bill the word "produced"?

Mr. HAWES. No.

Mr. GOFF. So that would confine the bill, then, as the Senator proposes it, to manufactured or mined products?

Mr. HAWES. Practically; yes.

Mr. GOFF. And would permit anything of an agricultural character or nature which might reach the finished product stage to enter interstate commerce without objection, as far as the bill is concerned?

Mr. HAWES. As far as this bill is concerned.

Mr. BORAH. Mr. President, does the Senator strike out the word "produced"?

Mr. GOFF. "Produced."

Mr. BORAH. Suppose you had a shirt factory; the shirts would be "produced."

Mr. HAWES. I will say to the Senator from Idaho that I do not believe it is necessary to strike out that word, but I yielded my interpretation at the request of certain Senators, so that it might be quite clear that raw materials raised in agriculture would not be covered by the bill.

Mr. BORAH. If the Senator will pardon me for the suggestion, I think that could not accomplish that by merely striking out the word "produced." A manufactured article and an agricultural article are not separated in their designation in that way, in my judgment.

Mr. GOFF. Mr. President, if the Senator from Missouri will yield again, I would like to have the attention of the Senator from Idaho, if I can, for just a moment. A manufactured article is, of course, produced, but a produced article is not necessarily a manufactured article.

Mr. BORAH. Still, it may be.

Mr. GOFF. It still may be. What I want to have clearly before the Senate as we begin this discussion is just what this bill is, what its limitations are, so to speak, and how far-reaching it is in its effect. I would thank the Senator from Missouri if he would have that clarified as he proceeds in his argument. I do not want to interrupt the Senator, or interfere with his presentation of the matter.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. SACKETT. I understand the Senator is willing to accept the House amendment as to time?

Mr. HAWES. Yes.

Mr. SACKETT. Three years?

Mr. HAWES. Three years. The lawyers on the House committee, I think some 9 in number, and some 13 lawyers on the Committee on Interstate Commerce of the Senate, passed on the constitutionality of this bill. In addition to that, there will be found in the record a brief by Mr. Donald Richberg, with an exhaustive study of the subject; one by a firm representing the textile manufacturers of America, and, so far as I am concerned, after consultation with other lawyers, and with the legislative drafting committee, I have no doubt as to the constitutionality of this bill. Certainly its proponents would not have presented it if any doubt had remained in their minds.

This bill comes before us, urged, if you please, by an unusual combination of citizenship. Union labor, representing 4,000,000 union men and women, representing 1,000 central trades-unions and 35,000 local labor organizations, is asking for the passage of this bill.

The bill is supported by the General Federation of Women's Clubs. That is an association of all the women's clubs in America. In the report Senators will find that these splendid women are supporting this measure, and have supported it for years, for humanitarian reasons, because they have believed the prison contractor should be driven from the control of the prisoner, and for the further reason that their efforts in individual States where they have urged reform legislation were set at naught because some State, trying to exploit its own products, heartlessly, to the detriment of other States, was breaking down the effort of every State to legislate for itself.

There is, first, free labor, both union and nonunion. There is, second, the Federation of Women's Clubs, and, third, manufacturers representing $2,500,000,000 invested in industry, supporting this bill.

Recently Members of the Senate received a telegram, dated from Washington, signed by prison representatives, asking for another hearing. When the bill was before the committee last February a national meeting was held in Washington of the prison officials, and at their request they were given a special hearing on this subject, and they were given a special hearing on the House side.

Senators also received a petition signed, or supposed to have been signed, by other prison officials, under the post-office mark of Louisville, Ky. I have taken the time to go over that list of men, and I find that of the long list not more than five or six have failed to appear and be heard before committees both of the Senate and of the House.

The bill is so plain, so easily understood, and amendments have been offered in line with all the suggestions that have been brought to me or to the other proponents of the bill, that I know of no objection to its passage except from the prison contractor who has grown rich and powerful and brutal in his wealth, and from another class of honest prison officials.

These prison officials know that readjustment in a few States will be necessary. They do not want it done in their particular State, but they demand the right of sending into other States products which the law of those States refuse to permit the penitentiaries of those States to put upon the market.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. HAWES. Certainly.

Mr. GOFF. How many States are there that prohibit, by State law, the sale of prison-made goods in their States?

Mr. HAWES. I could find that in the record.

Mr. GOFF. Is it not approximately 13?

Mr. HAWES. The Senator is thinking of 13 States that have what is called the State-use system.

Mr. GOFF. I know that many States have the State-use system and other systems, but I wanted to know, if the Senator could tell us, for the information it would give, the number of States which by their State enactment prohibit the sale of prison-made goods in the States.

Mr. HAWES. I could stop and find the data; but I think the Senator will learn that as the debate proceeds.

Mr. WATERMAN. Mr. President, does the Senator propose to discuss the constitutionality of this measure further than he has done so?

Mr. HAWES. I do not. My own State is one of the chief offenders, and if I listened to the prison officials of my own State, I would not press the consideration of this bill. But Senators will find in the record one statement of a situation where on one occasion in one sale a million dollars worth of overalls were put upon the market at approximately $3 less than the cost of manufacture in the free industries.

There will be found in the record, and I say this without attempting to be offensive, a report from the Federal Trade Commission which discloses an amazing situation. The penitentiary of Indiana, while prohibited by the State laws of Indiana from selling convict-made goods in the markets of Indiana, were branding shirts and clothing with the brand of manufacturers and were turning out shoes with the Army last and the American eagle on the bottom of the shoes, and selling them in States other than Indiana.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. HAWES. Certainly.

Mr. GOFF. I would ask if that state of affairs, which I do not, of course, question in view of the Senator's statement, was ever brought to the attention of those officials of the State of Indiana whose duty it would be to bring it to the attention of the legislative body of that Commonwealth?

Mr. HAWES. Yes. I brought it to their attention myself.

Mr. GOFF. Would the Senator state what action was taken by the State officials?

Mr. HAWES. Apparently no action, because I have a communication sent me by some convicts working in the penitentiary showing facts which are very interesting. Shirts are made and branded, for instance, "Cownie's dependable garments, Des Moines, Iowa," made in the Indiana Penitentiary. Here is the "American eagle" brand, showing men going to war, sewed on shirts sold in Army stores, which could not be sold under the law in the State of Indiana. So it goes. In the report made by the Federal Trade Commission is the statement that this concern, in a small room in Chicago, with great advertisements was proclaiming that its factory was in Indiana, and the factory was the penitentiary of Indiana.

Mr. GOFF. I do not understand the distinguished Senator from Missouri to impute the offenses of Indiana to other States that are innocent of any such charge?

Mr. HAWES. I think either directly or indirectly the law is generally violated. I will say to the Senator from West Virginia that, in my opinion, if his State, to the detriment of my State and other States, tries to sell its convict-made goods in States where public sentiment in that respect is opposed to it, it is doing an immoral thing.

Mr. GOFF. The Senator's State is just as guilty then as my State, according to the Senator's statement, is it not?

Mr. HAWES. Certainly.

Mr. GOFF. If my State does anything wrong, according to the standard of conduct which the Senator is drawing from the misconduct of Indiana, then the Senator's State is just as guilty as West Virginia.

Mr. HAWES. Exactly; and just as heartily condemned by me.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. HAWES. I yield.

Mr. FESS. In my State there has been what we call a prison-reform movement in order to employ prison labor under restrictions. As the Senator knows, we have in Ohio a famous prison farm not very far from the capital city, on which the prisoners are permitted to work and to labor. We use them upon our road construction. But we do have a rigid law against prison-made goods going into competition with other goods. Yet in spite of all the efforts we have put forth on prison reform on behalf of the things that the opponents of the bill are claiming, to give them employment, and in spite of our efforts to reduce the evil which we prohibit in our State, other States or contractors in other States are flooding our State with goods that we would not permit to be manufactured at all in Ohio, and we are perfectly helpless and impotent. It seems to me that ought not to be permitted. The pending bill looks to a correction of that situation, does it not?

Mr. HAWES. The Senator illustrates the State that prohibits the sale of convict-made goods. Let me give the Senator the other side of the story. We will take the State of Connecticut. It has a very prosperous and successful shirt factory and some other factories in its prison. It can not use those goods within its own borders, but is opposing this bill because we are going to destroy its markets in Ohio, Pennsylvania, New York, and New Jersey, where the laws prohibit the sale of convict-made goods.

Mr. FESS. That is a concrete illustration of the condition from which we are suffering.

Mr. GOFF. Mr. President——

Mr. HAWES. I yield to the Senator from West Virginia.

Mr. GOFF. If the Senator from Missouri will permit me, I want to ask the Senator from Ohio a question. Am I to understand that in the State of Ohio there is a law which prohibits the sale to the people of Ohio of prison-made goods?

Mr. FESS. In the open market.

Mr. GOFF. Then the complaint, as I understand it, of the Senator from Ohio is that the officials of the State of Ohio are unable to enforce the law of that State which prohibits the sale of convict-made goods in that State?

Mr. FESS. No. Officials of the State of Ohio are impotent to prevent interstate business in convict-made goods made in the State of West Virginia, for instance, if it wanted to send them into our State. In other words, the officials of Ohio can not interfere with interstate trade. We can handle intrastate trade, but we can not prevent interstate traffic in such goods. What we are asking in this bill is power to control the latter situation.

Mr. GOFF. May I ask the Senator this concrete question: When goods are manufactured in Indiana or West Virginia and are shipped into the State of Ohio and received by the consignee, then their interstate-commerce character has ceased, has it not, and the laws of the State of Ohio would apply?

Mr. FESS. I do not so understand it.

Mr. GOFF. I will say to the Senator that when I come to discuss the constitutional features of the bill I will make clear that point under the decisions of the Supreme Court as well as the courts of the other States of the Nation. If that is the situation with which the State of Ohio is confronted, it would seem to me that Ohio can not enforce her own laws and is applying to the Federal Government for protection.

Mr. FESS. Oh, no; that is not the point in question at all. Ohio can enforce her own laws in matters over which the laws give her control, but Ohio can not go into the field of the Fed-

eral Government and enforce laws governing matters over which the State has no control.

Mr. HAWES. Mr. President, there is only one sound objection to the pending bill—I will not say that it is a sound objection but it is a reasonable objection. Prison wardens say that the passage of the bill will bring unemployment and idleness. We have in this body two Senators who were formerly governors of New Jersey. The senior Senator from New Jersey [Mr. EDGE] told me of an incident that illustrates what can be done if a State wants to do it. After his election as Governor of New Jersey he was congratulated by Mr. Dwight Morrow, now our ambassador to Mexico, who told him of the fine opportunity he had for public service. Governor EDGE thought about it and finally sent for Mr. Morrow and said, "I have a problem that should be solved. We must eliminate the prison-labor contractor, and yet we must keep the prisoners employed. Will you take charge of the work of reforming the New Jersey Penitentiary?" Mr. Morrow did so. Another governor of the State of New Jersey is the present junior Senator from that State [Mr. EDWARDS]. Both of these Senators will verify my statement that prisoners in the New Jersey Penitentiary are not idle but are employed, and that they are kept exclusively upon what is called State-use work.

There are some indications of unemployment in the statistics which come from the larger States, and yet New York, Pennsylvania, Ohio, and New Jersey have the State-use system, and any one of them has more prisoners to contend with than some 25 or 30 other States in the Union. Yet the four keep their prisoners employed. Their problem is more acute. It is more difficult of solution.

I do not want to occupy any further time now except to say just one thing further. There can be no prison reform in the penitentiaries of the States if certain States are permitted to send into the various other States their prison-made goods. The United States Government can control the situation, because the jurisdiction of our Federal prisons is all under one head. Let the union-labor people and the free manufacturer and the women work out their problems in the States. There is nothing in the bill that will compel any State to use its prisoners in any way other than in the manner in which the State wants it done, but it will keep the prison contractor of West Virginia and the prison contractor of Missouri, if it may please the Senator from West Virginia for me to place him there, from putting his prison-made goods on the markets of the States that have prison reform.

The bill does not interfere with the rights of States; but I am not going into the constitutional question now. That will be argued, I understand, by the Senator from West Virginia [Mr. GOFF]. I simply submit to Senators the primary facts in the case, supported by the briefs which I had placed in the record and which appeared in yesterday's RECORD. I submit the further fact that the lawyers of the House Committee on Labor and the lawyers of the Senate Committee on Interstate Commerce certainly would not have reported to the House or the Senate a bill about whose constitutionality there was any question in their minds.

Mr. President, all that the proponents of the bill want is a vote.

Mr. SACKETT. Mr. President, before the Senator from Missouri takes his seat will he yield to enable me to ask him a question?

Mr. HAWES. Certainly.

Mr. SACKETT. I would like to know whether the Senator has any figures to show what percentage of goods in general the convict-made goods amount to in interstate trade?

Mr. HAWES. Subject to review of the record, I would say approximately $40,000,000 to $50,000,000 a year.

Mr. SACKETT. Does the Senator know what percentage of the total amount that would be?

Mr. HAWES. A very small proportion.

Mr. SACKETT. About 1 per cent, is it not?

Mr. HAWES. Yes.

Mr. SACKETT. Can the Senator give us any statistics as to the States which have the no-employment system as to the amount of idleness in their penitentiaries?

Mr. HAWES. Yes, sir; I have those figures before me.

Mr. SACKETT. I should like to get that information.

Mr. HAWES. Mr. President, before concluding, let me say that the Senator from Kentucky has suggested another thought to me. In 1924 the complaint of union labor and the complaint of the manufacturers had become so great that the question of the sale of convict-made goods was taken to the office of Secretary Hoover, then Secretary of Commerce. He considered the matter of such grave importance that he appointed a commission, composed of the president of the American Federation of Labor, the president of the United States Chamber of Commerce, and the representatives of various industries, including a prison contractor. Only day before yesterday the report of that commission was completed, and Senators who are interested in an exhaustive study of the question will find it in the Department of Commerce report, which has not yet been made a public document but is in the RECORD this morning. There is no single question such as that propounded to me by the Senator from Kentucky that is not answered in to-day's RECORD at some place.

Without entering upon the constitutional argument which will follow, I should like to ask the Senator from West Virginia a question.

Mr. GOFF. Certainly.

Mr. HAWES. Does the Senator believe it is right and moral for his State and my State to dump prison-made goods into the State of Ohio, where the manufacture of such goods is prohibited?

Mr. GOFF. Is the Senator asking me about the moral right?

Mr. HAWES. Yes.

Mr. GOFF. I think it is the moral right of the penitentiaries and institutions of incarceration in any State of this Union, until there is a law prohibiting it, to sell their prison-made goods wherever they can find a market. If those goods are made in pursuance of the moral plan of furnishing employment to those who are confined in State institutions, I see nothing immoral in the making of prison goods. I see nothing more immoral in the making of prison goods than in the making of sweatshop goods. I think the sanitary conditions to-day in prisons are very much better than they are in many of the sweatshops of the United States which I have visited. The Senator is asking me the question strictly as a moral one?

Mr. HAWES. I am asking it as a moral question.

Mr. GOFF. And I have answered it strictly as a moral question.

Mr. HAWES. No; not as yet. The Senator has answered that his State has the moral right to have its prisoners manufacture goods. I ask the Senator whether a State has the moral right to buccaneer in another State, to act as a poacher in another State in violation of the wishes of that State, and in violation of the spirit of comity that ought to exist between States? That is the moral question.

Mr. GOFF. Now, I will answer that moral question by, of necessity, invading the legal field, which I am compelled to do. If the State of Missouri or the State of West Virginia manufactures an article by convict labor and attempts in the contract of sale to provide the market in which it must be shipped for sale, then the State so attempting violates the liberty of contract as that is insured in State and Federal constitutions to the citizens of the United States. I can not sell A an article, forcing him to buy that article and curtail its sale with a condition that limits and restricts the market in which he must sell it. Therefore, I say that it is immoral to violate a constitutional right, just as it is immoral to violate either a sanitary or a health regulation.

Mr. HAWES. So the Senator puts a violation of a constitutional right on the same plane as he puts the act of a legislature which is doing a thing which is objectionable and dangerous to other States?

Mr. GOFF. I will answer the Senator's question directly in this way: If the State of Missouri or if the State of West Virginia, in their respective sovereign capacities, sold prison-made goods directly outside of their States, and sold them to the States in their sovereign capacity, then, of course, the moral question would be eliminated. If the State of Ohio would not buy, then the question could not arise. If the State of Ohio has a law, as the Senator from Ohio says it has, against the sale of prison-made goods, then our respective States in their sovereign capacity could not sell to the State of Ohio. But I say it is an immoral thing for the State of Missouri or the State of West Virginia to offer to sell their prison-made goods and then say to the vendee of those goods, You can buy them solely upon the condition that you sell them in restricted markets.

Mr. HAWES. Now, let me state the exact situation. We will say that the State of Ohio, in order to protect the blind of that State from improper competition, does not permit the inmates of the Ohio penitentiary to make brooms, so that those blind people may proceed with their trade; and the State of Missouri sells its prison-made product of brooms in the State of Ohio and ruins the occupation of the blind by that act.

Mr. GOFF. May I answer the question there?

Mr. HAWES. Yes, sir.

Mr. GOFF. Why does not the State of Missouri pass a restrictive law in that regard, rather than asking the United States Government to attempt to invoke its interstate commerce

power to invade the rights of the sovereign States in the production and disposition of such goods which do not strictly fall within the prohibitions of interstate commerce?

Mr. HAWES. Because the State of Missouri knows that if it followed the example of New York and Ohio and New Jersey and Pennsylvania and other States and prohibited the sale of convict-made goods in Missouri, West Virginia, and Indiana would seek that as a market in which to sell the products of their penitentiaries. That is the reason this bill is suggested; so that each State may determine for itself a definite policy and not be interfered with in that policy by another State.

Mr. GOFF. Then, that whole argument comes down to this: Whether it be moral or immoral, legal or illegal, sovereign inability to accomplish certain things justifies the exercise of constitutional power by the Federal Government, if that power can be exercised.

Mr. HAWES. No; I do not think so. However, I will leave the constitutional question to others.

Mr. GEORGE. Mr. President, before the Senator from Missouri takes his seat, may I ask if he has agreed to accept an amendment making it clear that farm products produced by the prisoners of any State shall not be within the terms of this bill?

Mr. HAWES. I have. Such an amendment will be offered by the Senator from Mississippi [Mr. STEPHENS].

Mr. GEORGE. I so understood.

Mr. McNARY. Mr. President, will the Senator from Missouri yield for a question?

Mr. HAWES. Certainly.

Mr. McNARY. I could not hear the answer to the question propounded to him by the distinguished Senator from Georgia with respect to the elimination of agricultural products from the operation of this bill.

Mr. HAWES. The Senator from Mississippi [Mr. STEPHENS] and a number of other Senators were anxious that agriculture should not be interfered with in this bill. The Senator from Oregon has a similar situation in his own State. So by amendment the word "produced" will be stricken out, which will confine the inhibition to manufactured goods. In my opinion, it covers the situation in the Senator's State and all other States as to agricultural products.

Mr. McNARY. Probably so. I was interested in the Senator's answer to the query. Will the Senator accept the proposal offered by the Senator from Mississippi?

Mr. HAWES. Yes, sir.

Mr. McNARY. Very well.

Mr. CURTIS. Mr. President——

Mr. McNARY. I shall probably want to suggest to the Senator another matter in connection with this matter, but if the Senator from Kansas desires to have a recess taken, I will not do so at this time.

Mr. CURTIS. I will ask the Senator from West Virginia if he desires to proceed to-night.

Mr. GOFF. No; I prefer to go on to-morrow, because I expect to go into this subject exhaustively from my point of view and cover the constitutional phase of the question, and it will take me considerably over an hour, I think, to present it to the Senate in the way in which I think it should be presented.

Mr. TYDINGS. I should like to ask the Senator from Kansas if he can give us an idea as to when a vote will probably be had on the bill of the Senator from Missouri?

Mr. CURTIS. I am very sorry it is impossible for me to give the Senator any definite information on the subject. I hope, however, the bill will come to a vote to-morrow.

Mr. TYDINGS. I thank the Senator.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 18, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 1928

MEMBER OF FEDERAL BOARD FOR VOCATIONAL EDUCATION

Claude M. Henry.

COMMISSIONER OF IMMIGRATION

Thomas B. R. Mudd to be commissioner of immigration, port of Baltimore.

UNITED STATES CIRCUIT JUDGE

Smith Hickenlooper to be United States circuit judge, sixth circuit.

UNITED STATES DISTRICT JUDGES

Wayne G. Borah to be United States district judge, eastern district of Louisiana.

George P. Hahn to be United States district judge, northern district of Ohio.

Samuel H. West to be United States district judge, northern district of Ohio.

Nelson McVicar to be United States district judge, western district of Pennsylvania.

PROMOTIONS IN THE REGULAR ARMY

GENERAL OFFICERS

Casper Hauzer Conrad, jr., to be brigadier general.

Edward Albert Kreger to be Judge Advocate General.

AIR CORPS

To be second lieutenants

Elmer Perry Rose.
John Adams Austin.
Robert Coleman Ashley.
Jordan Frank Haney.
Ford J. Lauer.
Fay Oliver Dice.
Edward Lester Meadow.
Herbert Everett Rice.
Edward Harold Porter.
Joseph Hampton Atkinson.
Robert Leonard Schoenlein.
Frederick William Ott.
Homer Ceylon Munson.
Wentworth Goss.
James Leslie Daniel, jr.
Budd John Peaslee.
Lee Francis Duncan.
John Franklin Egan.
Edgar Russell Todd.
Arthur LaSalle Smith.
Donald Dewey Arnold.
Clarence Thomas Mower.
Louie Percy Turner.

APPOINTMENTS IN THE REGULAR ARMY

CORPS OF ENGINEERS

To be second lieutenants

Luke William Finlay.
James Laffeter Green.
Thomas Alphonsus Lane.
Frederick Jensen Dau.
Albert Lea Alexander, jr.
William Tell Hefley, jr.
Roland Clough Brown.
Samuel Roberts Browning.
Lyle Edward Seeman.
John Craig Banta.
Raphael Brill Ezekiel.
William Dixon Smith.
David Andrew Watt, jr.
Rudolph Ethelbert Smyser, jr.
Charles Daniel Curran.
Francis Howard Falkner.
Alan Johnstone McCutchen.
David William Heiman.
Robert John Fleming, jr.
David Peter Laubach.
Benjamin Smith Shute.
William Everett Potter.
Edmund Koehler Daley.
William Joseph Matteson.

SIGNAL CORPS

To be second lieutenants

Richard Morris Ludlow.
Edward Bernard Keller.
Edward Murphy Markham, jr.
Dwight Lewis Mulkey.
Charles Tileston Leeds, jr.
Frank Jerdone Coleman.
John Benjamin Allen.
Russell Alger Wilson.
Elmo Stewart Mathews.
Thomas Joseph Cody.
Carl Herman Sturies.

CAVALRY

To be second lieutenants

Theodore Scott Riggs.
Thomas Fraley Van Natta, 3d.
Nelson Jacob DeLany.
Nathan Bedford Forrest, jr.
Robert Frederick Tate.
John Paul Breden.
Henry Francis Beaumont, 4th, jr.
Mayer Henry Halff.
Clayton John Mansfield.
Walter Edgerton Johns.
Charles Franklin Born.
Roy Henry Guertler.
Leslie Haynes Wyman.
Thomas Joseph Brennan, jr.
David Raymond Gibbs.
Alvord Van Patten Anderson, jr.
Frederick Lewis Anderson, jr.
Samuel Leslie Myers.
Joseph Anthony Michela.
Ralph Edward Koon.
Douglas Glen Ludlam.
James Lowman Hathaway.
George Albert Brickman.
Walter Emerson Finnegan.
Charles Ralph Pinkerton.

FIELD ARTILLERY

To be second lieutenants

Robert Scott Israel, jr.
Paul Lester Sanders.
James Elbert Briggs.
John Stewart Mills.
George Morris Cole.
Duncan Sloan Somerville.
David William Traub.
George Warren Mundy.
Lyndon Gibson Pearl.
Roscoe Charles Wilson.

Walter Edwin Todd.
Bryant LeMaire Boatner.
Church Myall Matthews.
Richard Jerome Handy.
Karl Gustaf Eric Gimmler.
Samuel Robert Brentnall.
Harvey Weston Wilkinson.
Frank Fort Everest, jr.
Frank Quincy Goodell.
Garrison Barkley Coverdale.
Mercer Christie Walter.
Robert Loyal Easton.
Elmer Briant Thayer.
James Stewart Neary.
Norris Brown Harbold.
John Cogswell Oakes.
George Raymond Bienfang.
Roger Woodhull Goldsmith.
Charles Grant Goodrich.
Paul Amos Gavan.
Thomas Lynch Rich.
Leroy Cullom Davis.
Robert James Dwyer.
John Honeycutt Hinrichs.
Richard Perry O'Keefe.
Thomas Joseph Counihan.
Ephraim Hester McLemore.
James Easton Holley.
Frederick G. Spitzinger, 4th.
Robert Faligant Travis.
John Dabney Billingsley.
John Bourke Daly.
William Henry Tunner.
Verdi Beethoven Barnes.
Edward Cassel Reber.
Stuart Glover McLennan.
John Alexander Samford.

COAST ARTILLERY CORPS

To be second lieutenants

Alfred Rockwood Maxwell.
Paul Harold Johnston.
William Henry Hennig.
John James Earle, jr.
Paul Denver Peery.
Daniel McCoy Wilson.
John Jordan Morrow.
Theodore John Dayharsh.
Leslie George Ross.
Marion George Pohl.
John Archibald Sawyer.
Thayer Stevens Olds.
Lewis Adam Vincent.
Robert George Butler, jr.
Robert Tryon Frederick.
Oren Ranald Meacham.
Howard Graham Bunker.
Gordon Roe Williams.
Allison Richard Hartman.
Legare Kilgore Tarrant.
Arthur Richard Thomas.
Paul Anthony Leahy.
Montgomery Breck Raymond.
Joseph Lovejoy, jr.
Samuel Egbert Anderson.
Everett Davenport Peddicord.
James Gallagher Bain.
August William Schermacher.
Robert Franklin Tomlin.
Louis Test Vickers.
Joseph Arthur Bulger.
Cyril Harvey McGuire.
Truman Hempel Landon.

INFANTRY

To be second lieutenants

Donald Bertrand Smith.
Webster Anderson.
Harry Cromartie Kirby.
Thomas Jennings Wells.
William Ross Currie.
Peter Duryea Calyer.
Walter Godley Donald.
John Blanchard Grinstead.
Howard Hillman Hasting.
John Southworth Upham, jr.
Robert Albert Howard, jr.
Henry Leo Flood.
Harry Warren Halterman.
William Mattingly Breckinridge.
Whitfield Jack.
Madison Clinton Schepps.
Douglas Crevier McNair.
Fred Obediah Tally.
Russell Blair.
Edwin Augustus Cummings.
Powhatan Moncure Morton.
William Webb Browning.
Lionel Charles McGarr.
James Melvin Lamont.
Noble James Wiley, jr.
Wilhelm Paul Johnson.
Alfred Norman Webb.
Roger Maxwell Ramey.
Horace Lincoln Beall, jr.
Harold Brown.
Carl Ferdinand Fritzsche.
John Peter Doidge.
Forrest Gordon Allen.
Thomas Oslin Huddleston.
Leigh Austin Fuller, jr.
John Thomas Murtha, jr.
George William Baker.
Ralph Joseph Butchers.
John Severin Knudsen.
John Paul Boland.
Kilbourne Johnston.
Robert Bernard Beattie.
John Raymond Gilchrist.
Frank Rudolph Maerdian.
George Francis Will.
George Ferrow Smith.
Allen Wilson Reed.
Desmond Henry O'Connell.
Arthur William Meehan.
Walter Goodwin Staley.
Kent Ellsworth Nourse.
Frank Leonard Bock.
Thomas Joseph Moran.
James Elmer Totten.
Richard Ralph Middlebrooks.
Charles Frank Howard.
Hampden Eugene Montgomery, jr.
Elmer Wentworth Gude.
Maurice Clinton Bisson.
Harry Edgar Wilson.
Charles Bowler King.
Robert Williams Warren.
John Francis Wadman.
Delma Taft Spivey.
Maury Spotswood Cralle.
Ramon Antonio Nadal.
Carroll Huston Prunty.
August Walter Kissner.
Walter Augustus Simon.
Edgar Elliott Enger.
LaVerne George Saunders.
Tito George Moscatelli.
Louis Russell Delmonico.
George Henry Lawrence.
George Clinton Willette.
Frank Leroy Skeldon.
Francis Henry Boos.
Gaulden McIntosh Watkins.
Thomas Lilley Sherburne, jr.
John Francis Farra, jr.
Stanhope Brasfield Mason.
Eugene Thomas Lewis.
Allen Thayer.
Rex Lee Smith.
Emmett O'Donnell, jr.
John Oliver Williams.
Richard Wetherill, jr.
Donald Winston Titus.
Emmett Felix Yost.
Alfred Henry Parham.
James William Lockett.
Paul DeWitt Adams.
Evan McLaren Houseman.
Ralph Thomas Nelson.
Robert Kinder Taylor.
James Morrow Ivy.
Gellert Arthur Douglas.
William Grant Caldwell.
William Thomas Moore.
Paul Jones Mitchell.
James Wilson Brown, jr.
William Columbus Sams, jr.
Robert Harper Kelly.
Joseph Franklin Trent.
Foster Richard Dickey.
Samuel Hartmann Lane.
Francis Waller Haskell.
Andrew Thomas McNamara.
Thomas Mason Tarpley.
James Francis Olive, jr.
Edgar Alexander Sirmyer, jr.
Elmer Edward Scudder.
Robert Wiesenauer.
Harold Francis Moran.
Thomas Webster Steed.
Paul Elliott MacLaughlin.

QUARTERMASTER CORPS

To be second lieutenants

Ralph Harold Sievers.
Alfred Benjamin Denniston.
Edward Felix Shepherd.

COAST ARTILLERY CORPS

To be major

Robert Octavius Edwards.

INFANTRY

To be captain

Edmund Fitzgerald Hubbard.

FIELD ARTILLERY

To be captain

Joseph William Loef.

To be second lieutenant

Donald Miller Davidson.

MEDICAL CORPS

To be first lieutenants

Charles Tindall Young.
Oliver Kunze Niess.
Carl Milo Rylander.
James Patrick Cooney.
Harvey Francis Hendrickson.
Louis Holmes Ginn, jr.
Seth Gayle, jr.
Howard Sterling McConkie.
Sam Foster Seeley.
William Draper North.
Clifford Veryl Morgan.
William Henry Lawton.
James Elmo Yarbrough.
Warren Langdon Whitten.
Charles Wilbur Williams.
John Daniel Brumbaugh.
Abner Zehm.
Martin Theodore Meyers.
William Velpoe Wilkerson.
Walter Frederick Heine.
Charles McCabe Downs.
Neb Ludson Miller.
Joseph Sidney Woolford.
Furman Hillman Tyner.
Warren Mimms Scott.
James Harvey Turner.

VETERINARY CORPS

To be second lieutenant

Maurice Wendell Hale.

CHAPLAINS

To be chaplain with the rank of first lieutenant

Peter Joseph Quinn.
John Joseph Dignan.
James Aloysius Manley.
Patrick James Ryan.
Herbert Alexander Heagney.

APPOINTMENT, BY TRANSFER, IN THE ARMY

ADJUTANT GENERAL'S DEPARTMENT

Burton Young Read to be major.
Joseph Jesse Teter to be major.

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Lewis King Underhill to be major.
Oscar Ripley Rand to be captain.

QUARTERMASTER CORPS

Horace Lincoln Whittaker to be captain.
Ben Curtis McComas to be captain.
Bernard Sweet to be captain.
John Thomas Lynch to be first lieutenant.

FINANCE DEPARTMENT

Arthur Oscar Walsh to be captain.
Maxton Hale Flint to be captain.
John Paul Tillman to be captain.

INFANTRY

John James Honan to be first lieutenant.
Aloysius Joseph Tagliabue to be first lieutenant.
Harold Almon Gardyne to be first lieutenant.

CORPS OF ENGINEERS

William Orsen Van Giesen to be second lieutenant.

ORDNANCE DEPARTMENT

Robert Whiting Daniels to be major.

SIGNAL CORPS

James Hatch Van Horn to be major.
Frank Celestine Meade to be first lieutenant.

CHEMICAL WARFARE SERVICE

Charles Ernest Loucks to be captain.
Egbert Frank Bullene to be captain.
John Cawley MacArthur to be first lieutenant.

CAVALRY

Edwin Moore Burnett to be first lieutenant.
David Evans Bradford to be second lieutenant.
Charles Albert Sheldon to be second lieutenant.

FIELD ARTILLERY

Edward Albert Banning to be first lieutenant.

INFANTRY

Owen Riggs Meredith to be major.
Joseph Edwin McGill to be first lieutenant.

AIR CORPS

William Ord Ryan to be major.
Augustine Francis Shea to be first lieutenant.
Wilfrid Henry Hardy to be first lieutenant.
John Gilbert Moore to be second lieutenant.

To be second lieutenants

James Somers Stowell.
David Marshall Ramsay.
Howard Eugene Engler.
Rogers Alan Gardner.
Frank Gilmore Irvin.
George Vernon Holloman.
James Gordon Pratt.
Glenn Oscar Barcus.

Turner Ashby Sims, jr., to be second lieutenant, Corps of Engineers.

COAST ARTILLEY CORPS

Burgo Doyle Gill to be second lieutenant.

REAPPOINTMENTS IN THE ARMY

Maj. Gen. Frank McIntyre to be Chief of the Bureau of Insular Affairs.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be colonels

Charles Henry Errington.
George Clymer Shaw.
Charles Ernest Reese.
Edward Davis.
Robert Soutter Knox.
William Applegate Castle.
Charles Coane Allen.
George Thomas Bowman.
John Sherman Fair.
George Washington England.
Edwin Joseph Nowlen.
Alvin Coe Voris.
William Franklin Herringshaw.
George Ernest Kumpe.
Milo Charles Corey.
Walter Henry Johnson.
Albert Sidney Williams.
William Bassett Graham.
Charles Johnston Nelson.
Ernest Alexis Jeunet.
Charles Hart Danforth.
Gideon Hazen Williams.
Fred William Bugbee.
Charles Frederick Andrews.
Allan Lindsay Briggs.
James Marshall Petty.
John Brooke Shuman.
Frederic George Kellond.
Herbert L. Evans.
Harry Davis Mitchell.
Ode Calvin Nichols.
Kirwin Taylor Smith.
Frank C. Burnett.
Albert Owen Seaman.
William Taylor.
Clarence Gifford Bunker.
William Henry Raymond.
Richmond Smith.
Gouverneur Vroom Packer.
John Harry Neff.

To be lieutenant colonels

Edmund Bristol Gregory.
Walter Singles.
Stephen Clark Reynolds.
William Vaulx Carter.
Gordon Rives Catts.
Henry Conger Pratt.
Donald Cameron Cubbison.
Ursa Milner Diller.
Edwin Butcher.
Russell Vernon Venable.
Arthur James Davis.
Kinzie Bates Edmunds.
Martin Christian Wise.
Andrew Jackson White.
Walter Scott Drysdale.
Edward Ellis Farnsworth.
Charles Andrew Meals.
Matthew Henry Tomlinson.
Joseph Alexander Atkins.
Charles Fullington Thompson.
Thomas Leslie Crystal.
James Joseph O'Hara.
Arthur Dryhurst Budd.
Ralph Rigby Glass.
Erle Martin Wilson.
Merrill Ellicott Spalding.
Joseph James Grace.
Joseph Alexander McAndrew.
Richard Rembert Pickering.
Gerald Clark Brant.
Clement Hale Wright.
William Ross Scott.
Napoleon William Riley.
Otto Louis Brunzell.
George Carson Lawrason.
Robert Pattison Harbold.
James Barton Woolnough.
Innis Palmer Swift.
Arthur Harrison Wilson.
Walter Scott Fulton.
Sherburne Whipple.
Harry Hawley.
Thomas Norton Gimperling.
Hugh Lawson Walthall.
John Buchanan Richardson.
Anton Cæsar Cron.
James Nadal.
Oscar Winslow Hoop.
John Clark Moore.
William Frederick Pearson.
James Alexander Ulio.
Frank Moorman.

To be majors

Theron Gray Methven.
Lenox Riley Lohr.
Francis Arnold Hause.
Paul Lewis Ransom.
Roderick Random Allen.
Edward Elliott MacMorland.
Adolphus Worrell Roffe.
Manton Sprague Eddy.
Henry Benjamin Holmes, jr.
Gabriel Thornton Mackenzie.
John Stevenson Winslow.
Erskine Simpson Dollarhide.
Stuart Adams Hamilton.
Barnwell Rhett Legge.
Thomas Troy Handy.
Edward Mallory Almond.
Charles Paul Stivers.
Stanley Fisk Bryan.
Robert Campbell Van Vliet, jr.
Oliver Lincoln Haines.
Oscar Irvin Gates.
Gerald Butz Robison.
Richard Keene Smith.
Percy William Clarkson.
Gerald Evans Brower.
Robert Chapin Candee.
William John Jones.
Yarrow Daniel Vesely.
Lee Saunders Gerow.
Stuart Gardiner Wilder.
Shuey Earl Wolfe.
Joseph Leon Philips.
Frank Jarvis Atwood.
Harry Innes Thornton Creswell.
Charles Benjamin Thomas.
Lloyd Harlow Cook.
Kenneth McCatty.
Oliver James Bond.
Lawrence John Ingram Barrett.
Clifford Hildebrandt Tate.
Dale Durkee Hinman.
John Rutter Brooke, jr.
Oliver Patton Echols.
Willard Stratton Wadelton.
George Drummond Davidson.
John Murray Jenkins, jr.
Frank Lewis Culin, jr.
Ralph Emerson McLain.
Beverly Hare Coiner.
Albert Dewitt Chipman.
Carl C. Terry.
Henry Burr Parker.
Edward Aloysius Murphy.
Joseph White Geer.
Harold Holmes Ristine.
Oscar Louis Gruhn.
Charles Timothy Senay.
Egmont Francis Koenig.
Theodore Woodward Wrenn.
Harold Whitaker Rehm.
Peter Kenrick Kelly.
Kramer Thomas.
James Randlett Finley.
Robert Edgar Turley, jr.
Ralph Corbett Smith.

To be captains

Merle Halsey Davis.
Henry Devries Cassard.
Edward Hanson Connor, jr.
Neal Creighton.
George Peter Toft.
Alonzo Maning Drake.
Victor Herbert Strahm.
Robert Jesse Whatley.
Ira Roberts Koenig.
Raynor Garey.
Philip Schneeberger.
Gouverneur Hoes.
Victor Schmidt.
Fred Bidwell Lyle.
Karl Shaffner Axtater.
William Joseph Flood.
Francis Dundas Ross, jr.
George Merrill Palmer.
Charles Rawlings Chase.
Loren Francis Parmley.
Erle Fletcher Crass.
Lynn Packard Vane.
John Austin Pixley.
Otta Marshall.
Edwin Cleveland Callicutt.
Ray Harrison Green.
John Parr Temple.
Hugh Williamson Rowan.
Russell William Goodyear.
Lewis Rinehart Pfoutz Reese.
Byron Turner Burt, jr.
Earle Gene Harper.
Philip Gilstrap Bruton.
Eugene Joseph Minarelli FitzGerald.
Charles Earl Whitney.
Lotha August Smith.
Horace Leland Porter.
Arthur Leo Lavery.
Franz Joseph Jonitz.
William Valery Andrews.
George Stetekluh.
Frank Marion Barrell.
Stanton Higgins.
Holden Spear.
Redding Francis Perry.
Walter Arthur Metts, jr.
Frank Camm.
Richard Oscar Bassett, jr.
Percy Stuart Lowe.
Lewis Alonzo Murray.
Rene Edward deRussy.
Clyde Grady.
Thomas Tilson Conway.
Edgar Ambrose Jarman.
Allan Sheldon Willis.
Howard Webster Lehr.
Versalious Lafayette Knadler.
Thomas Cleveland Lull.
Leonard Sherod Arnold.
Frederick Thomas Murphy.
Carl Gilbert Holmes.
Lewis Morrell Van Gieson.

Arthur Edwin King.
Aubrey Jefferson Bassett.
Frank Amedee Deroin.
Edward Albert Kaech.
Edwin Uriah Owings Waters.
Frederick Harold Gaston.
John James Gorman.
George Milroy Mayer.
Mortimer Buell Birdseye.
Carl Henry Starrett.
Arthur Richardson Baird.
James William Dye.
John Virgil Lowe.
William Reuben Hazelrigg.
Harry Arden Dinger.
Edwin Forrest Carey.
Merrick Gay Estabrook, jr.
Arthur James Russell.
Charles William Burlin.
Elmer Warren Miller.
Herbert Cossitt Mitchell.
Hubert Wiley Keith.
Arthur Lewis Benedict.
Richard Harrington Darrell.
Edward Lewis Field.
Earl Gordon Welsh.
Albert Crofut Donovan.
John Robert Tighe.
John Carl Green.
John Richard Clark.
Carl Franklin Greene.
Eugene Ferry Smith.
Edgar Theodore Anderson.
Harvey Turner Jensen.
Robert Francis Gill.
Walter Allen Jackson.

To be first lieutenants

Nathaniel Lancaster, jr.
Charles Edward Woodruff, jr.
Donald McLean.
Paschal Hoover Ringsdorf.
Stuart Lee Cowles.
John Maurice Weikert.
George Pierce Howell.
Warren Alfred Robinson.
John Hensel Pitzer.
William Lawrence Scott, jr.
Dean Stanley Ellerthorpe.
George Conrad Mergens.
Horton Vail White.
James Edward Bowen, jr.
Austin Curtis Cunkle, jr.
Francis Townsend Dodd.
Charles Carlton Cavender.
George Stanley Smith.
William Campbell Lucas.
Harvey Keene Palmer, jr.
Wendell Gunner Johnson.
Howard Edward Crane Breitung.
Paul Kenneth Porch.
John George Salsman.
Lyman O'Dell Williams.
Temple Graves Holland.
Lew Myers Morton.
Paul Cyril Serff.
Lawrence Leroy Skinner.
Edward Forstall Adams.
Thomas Sherman Timberman.
Cyril Quentin Marron.
Robert Herman Krueger.
Louis John Storck.
Donald Cameron Tredennick.
David Sherman Babcock.
James Jewett Carnes.
Joseph Winfield Boone.
Hugh Chauncey Johnson.
James Michael Fitzmaurice.
Charles Calvin Higgins.
George Craig Stewart.
Louis Peter Leone.
Robert Leroy Dulaney.
James Clarke Carter.
Robert McKee Smith.
Hoyt Sanford Vandenberg.
Lawrence Varsi Castner.
Henry Granville Fisher.
Hal Clark Granberry.
Ralph Mundon Neal.
Stewart Warren Towle, jr.
Edwin Britain Howard.
John Paul Evans.
William Harold Schaffer.
Sidney Lee Douthit.
Allen Dwight Raymond, jr.
Walter Cornelius White.
Lynn Edwin Brady.
Glen Clifford Jamison.
James Robert Lindsay, jr.
Roy Madison Foster.
Wayne Latta Barker.
Carl Brown McDaniel.
Carlisle Brown Irwin.
Lee Carl Vance.
Russell Vivian Perry.
Thomas Davison Drake.
Edgar Marvin Fogelsonger.
Granville Victor Morse.
Herbert Spencer Jordan.
Dresden James Cragun.
Edward Harvey Clouser.
Herbert Kenneth Baisley.
Carl Eugene Anderson.
Thomas Robinson.
John Kraybill Nissley.
William Rush Blakely.
William Douglass Paschall.
Frederick Mott Thompson.
Charles Goodwin Pearcy.
Roy Paris Turner.
Alonzo Valede Thorpe.
Voris Hamilton Connor.
Arthur Bordeaux Nicholson.
Girvelle Leighton Field.
Staten Eugene Rall.
Howard Orville Douglass.
Harold Everett Walker.
Don Emerson Carleton.
Kenneth Lafayette Johnson.
Eugene Haworth Vernon.
Eyrle Gray Johnson.
Paul Green Kendall.
Ralph Waldo Russell.
Archibald Yarborough Smith.
Herbert William Anderson.
DeWitt Ballard.
James Lendsey McKinnon.
Willis Glenn Cronk.
Richard Tyler Willson.
Leslie Lee Hittle.
Carl Archibald Stevenson.
Leslie Furness Young.
Emmett Hill Emanuel.
Eugene Désiré Regad.
Donald Taylor Beeler.
Charles Creswell Blakeney.
William Mason Hoke.
Williard Fromm Millice.
Elvin Hamilton Burger.
James Freeland McGraw.
Richard Searl Marr.

APPOINTMENTS, BY PROMOTION, IN THE PHILIPPINE SCOUTS

Earl Wells to be captain.

To be first lieutenants

Alejandro Garcia y Da Jose.
Santiago Garcia Guevara.
Jose Emilio Olivares.

APPOINTMENTS, BY PROMOTION, IN THE REGULAR ARMY

MEDICAL CORPS

To be colonels

William Lordan Keller.
William Henry Moncrief.
Charles Frederick Morse.
Haywood Shepherd Hansell.
Jay Weir Grissinger.
Will Leroy Pyles.
Robert Moore Blanchard.
John Alexander Clark.
Samuel Jonathan Morris.
Jacob Morgan Coffin.
Levy Mellspaugh Hathaway.
Alexander Murray.
Philip Weatherly Huntington
James Douglas Fife.
George Hoskins Scott.

To be lieutenant colonels

Mahlon Ashford.
Edward Godfrey Huber.
Arthur Newman Tasker.
Howard McCrum Snyder.
Garfield Lesley McKinney.
William Lee Hart.

To be captains

Frank Bolles Wakeman.
Douglas Sheldon Kellogg.
Loren Donovan Moore.
Arthur Brinkley Welsh.
Eugene Wycoff Billick.
Earle Glenn Goss Standlee.
Charles Albert McDowell.
Cecil Walker Dingman.
William Kraus.
Robert Stephen Lilla.
Reuel Edward Hewitt.
Martin Eugene Griffin.
Mack Macon Green.
William Edward Shambora.
Charles Henderson Beasley.
Clifford Albert Best.
Alvin Levi Gorby.
George Ellis Armstrong.
Bennie Arthur Moxness.
Walter Steen Jensen.

DENTAL CORPS

To be colonel

Rex Hays Rhoades.

To be captains

Mackey Joseph Real.
Kenneth Pearce Fulton.
Harold George Ott.

VETERINARY CORPS

To be lieutenant colonels

Herbert Stephens Williams.
Alfred Lewis Mason.

To be first lieutenants

Harry Raymond Leighton.
Verne Clifford Hill.
Elmer William Young.
Lewis Ellis Schweizer.

MEDICAL ADMINISTRATIVE CORPS

To be captains

Frank Steiner.
Frank Arthur Crawford.
George Porter Chase.

To be first lieutenant

Albert Francis Dowler.

CHAPLAINS

To be chaplain, with the rank of lieutenant colonels

Stephen Richard Wood.
Stanley Clayton Ramsden.

Heywood Lewis Winter to be chaplain, with the rank of major.

Peter Joseph Quinn to be chaplain, with the rank of captain.

APPOINTMENTS—GENERAL OFFICERS

OFFICERS' RESERVE CORPS

To be major general, reserve

Alfred Franklin Foote.

To be brigadier generals, reserve

Henry Herman Denhardt.
Albert Crowell Gray.
Will Effinger Jackson.
John Deneen Murphy.
William Frederick Schohl.

REAPPOINTMENTS—GENERAL OFFICERS

ORDNANCE DEPARTMENT RESERVE

To be brigadier generals

John Ross Delafield.
Samuel McRoberts.

REGULAR ARMY

BY APPOINTMENT

Louis Curtis Tiernan to be chaplain, reserve.

BY TRANSFER

James Brown Golden to be captain, Quartermaster Corps.

Fred Lebbeus Hamilton to be first lieutenant, Quartermaster Corps.

APPOINTMENT—BY PROMOTION

To be colonel

George Bigelow Pillsbury.

To be first lieutenants

Leonard James Greeley.
Kingsley Sherman Andersson.
William Frishe Dean.

MEDICAL ADMINISTRATIVE CORPS

To be captain

Alfred Thompson Houck.

PROMOTIONS IN THE NAVY

To be rear admirals

Thomas T. Craven.
Wat T. Cluverius.
Albert W. Marshall.
Harry E. Yarnell.

To be captains

John H. Newton.
Albert Norris.
Wilhelm L. Friedell.
Burton H. Green.
Isaac F. Dortch.

To be commanders

George B. Keester.
Frank Slinguff, jr.
James B. Rutter.
Theodore H. Winters.
Clifford E. Van Hook.
Richard W. Wuest.
Archibald McGlasson.
Joseph A. Murphy.

To be lieutenant commanders

George G. Robertson.
Davenport Browne.
Collin DeV. Headlee.
Richard W. Gruelick.
Wilbur V. Shown.
George K. Weber.
Leonard Doughty, jr.
William F. Dietrich.
Ralph Wyman.
John B. Heffernan.
Edward J. Moran.
John H. Keefe.
Francis W. Benson.

To be lieutenants

Max I. Black.
David W. Roberts.
George M. Brooke.
Logan McKee.
John K. Lynch.
Charles Bell.
Raymond D. Edwards.
Ruthven E. Libby.
Clarence E. Voegeli.
John J. Pierrepont.
Robert N. Hunter.
Harold G. Hazard.
Richard W. Dole.
Walter E. Zimmerman.
Harvey T. Walsh.
Leon J. Huffman.
Wilson P. Cogswell.
John S. Harper.
Peter G. Hale.
Ralph C. Kephart.
Adelbert F. Converse.
Ralph R. Gurley.
William L. Ware.
Milton E. Miles.
William S. Parsons.
Robert E. Blue.
Harold D. Baker.
Adolph E. Becker, jr.
Bruce B. Adell.
Raymond A. Hansen.
Bradford E. Grow.
Alvin I. Malstrom.
Kenneth L. Forster.
Lysle E. Ellis.
Edwin A. Taylor.
Henri H. Smith-Hutton.
John R. Hume.
John C. Lester.
Woodson V. Michaux.
John H. Schultz.
James E. Craig.
Roger E. Nelson.
Edward W. Foster.
Herbert E. Regan.
Thomas M. Stokes.
Warren K. Berner.
Alfred R. Taylor.
Robert L. Johnson.
William J. Sebald.
Robert E. Blick, jr.
Alan R. McCracken.
Hyman G. Rickover.
Humphrey W. Toomey.
Albert L. Toney.
George P. Hunter.
Wilber G. Jones.
Howard R. Healy.
Arthur LeR. Hamlin.
Lucien Ragonnet.
Marion E. Murphy.
Archibald E. Uehlinger.
Preston S. Tambling.
Kenneth R. Hall.
Donald S. Evans.
Frank T. Watkins.
Charles J. Cater.
Clarence L. C. Atkeson, jr.
Tom B. Hill.
John M. Higgins.
James P. Clay.
Robert C. Brown.
John H. Leppert.
Francis M. Adams.
George E. Nold.
Fulwar S. Halsell.
Wilfred J. Holmes.
Jesse R. Wallace.
Anthony L. Danis.

To be lieutenants (junior grade)

Woodward Phelps.
Hubert M. Hayter.
Edmund W. Whitehead.
James R. Topper.
John T. Engeman, jr.
Steve V. Edwards.
Wilfred G. Lebegue.
Howell Hedrick.
Henry Plander.
James J. Cunningham.
George H. Charter.
Charles J. Naumilket.
Harry E. Hubbard.
William H. Benson.
Fremont B. Wright.
Ernest S. L. Goodwin.
John H. Sides.
Charles H. Anderson, jr.
Clifton G. Grimes.
William J. Marshall.
Victor D. Long.
Henry Crommelin.
James M. Robinson.
Alexander Sledge.
Philip S. Creasor.
Edward H. Edmundson.
Dundas P. Tucker.
Thomas B. McMurtrey.
Frederick K. Loomis.
John W. Murphy, jr.
Martin R. Peterson.
Robert L. Adams.
Edward N. Parker.
Ernest M. Eller.
Lewis Wallace.
Richard G. Voge.
Thomas M. Brown.
William P. McGirr.
Paul W. Hord.
Willis H. Pickton.
Austin W. Wheelock.
Willis A. Lent.
Stanley P. Moseley.
Horace G. Trainer.
Edward K. Walker.
George L. Purnort.
Richard A. Larkin.
Edmund B. Taylor.
Philip D. Compton.
William H. Beers, jr.
John H. Long.
Paul A. Hartzell.
John L. Melgaard.
Robert E. Cronin.
James S. Smith, jr.
Elmer C. Buerkle.
Eugene D. Sullivan.
Frederick B. Warder.
Francis J. Thomas.
William G. H. Lind.
David R. Hull.
John H. Spiller.
Thomas C. Thomas.
Cecil B. Gill.
Eugene E. Paro.
John A. Charlson, jr.
Richard E. Elliott.
Persifor F. Gibson, jr.
John R. van Nagell.
William C. Latrobe.
Franklin W. Slaven.
Bruce D. Kelley.
Franklin D. Karns, jr.
Morton C. Mumma, jr.
Charles F. Miller.
David A. Hurt.
Stirling P. Smith.
Jeane R. Clark.
Horace W. Blakeslee.
Byron C. Wanglin, jr.
Anthony L. Rorschach.
Chester C. Smith.
George C. Wright.
David M. Tyree.
Homer O. Dahlke.
Robert H. Gibbs.
William B. Colborn.
Ernest St. C. von Kleek, jr.
De Vere L. Day.
Wallace S. Newton.
Jackson S. Champlin.
Terrence R. Cowie.
James M. Miller.
Clarence E. Haugen.
Alexander Jackson, jr.
Charles H. O'Neil.
Rodmon D. Smith.
Claude A. Dillavou.
Wilfred B. Goulett.
Lewis S. Parks.
Harman B. Bell, jr.
Donald C. Beard.
Kenneth V. Dawson.
Lermond H. Miller.
Alwin D. Kramer.
Harold C. Pound.
Roger B. Nickerson.
Willard K. Goodney.
Joseph W. Ludewig.
John S. Blue.
Merle Van Metre.
Richard H. Gingras.
James P. Knowles.
Thomas G. Reamy.
Knowlton Williams.
George E. Fee.
Douglas E. Smith.
William C. Schultz.
Herbert McNulta, jr.
Francis R. Stolz.
Herbert P. Rice.
Charles A. Bond.
Cameron Briggs.
William L. Messmer.
John H. Broadbent.
Clement R. Criddle.
Richard W. Reither.
Harry A. Simms.
Frederick F. Sima.
John D. Reppy.
Arthur H. Graubart.
Charles E. Tolman, jr.
Glenn M. Cox.
William J. O'Brien.
Frederick N. Kivette.
Jesse C. Sowell.
Ira E. Hobbs.
Edward L. Schleif.
William O. Gallery.
Monroe Y. McGown, jr.
Harold O. Larson.
Everett P. Newton, jr.
Harry F. Miller.
John O. Lambrecht.
Thomas Burrowes, jr.
Donald C. Varian.
Carleton C. Hoffner.
Harry H. Henderson.
Lee F. Sugnet.
Charles S. Weeks.
Kenneth C. Hurd.
William L. Wright.
Warren W. Johnson.
Rex S. Caldwell.
John H. Griffin.
William L. Turney.
James H. Carrington.
Russell S. Smith.
Malcolm D. Sylvester.
Albert E. Jarrel.
Howard T. Orville.
Robert N. Allen.
Oliver F. Naquin.
John B. Robertson, jr.
James D. Taylor, 3d.
James W. Haviland, 3d.
Thomas H. Tonseth.
Creighton K. Lankford.
William L. Benson.
Waldeman N. Christensen.
Everett E. Mann.
Hunter Wood, jr.
John J. Laffan.
Roland B. Vanasse.
Joseph H. Wellings.
William R. Headden.
Barton E. Bacon, jr.
Watson T. Singer.
Paul C. Crosley.
James M. Hicks.
George J. Dufek.
Harry Wagner.
John G. Blanche, jr.
Edward L. Beck.
George A. Leahey, jr.
Raymond R. Lyons.
Carl H. B. Morrison.
William A. New.

William H. Truesdell.
William W. Graham, jr.
John F. Goodwin.
Richard Davis, jr.
Cornelius M. Sullivan.
William H. Standley, jr.
Frank P. Tibbitts.
Fremont B. Eggers.
John S. Chitwood.
Adolph Hede.
Fred R. Stickney.
Harold H. Pickens.
Reuben T. Thornton, jr.
Walter S. Mayer, jr.
Linwood S. Howeth.
Warren P. Mowatt.
James O. Banks, jr.
Carter A. Printup.
George F. O'Keefe.
James R. Hanna.
Cecil L. Blackwell.
John G. Moore.
Carroll D. Reynolds.
Harry L. Ferguson, jr.
Aubrey B. Leggett.
Bennett W. Wright.
Alexander C. Thorington.
Samuel D. Simpson.
Joseph Leicht.
Thomas M. McGraw.
Frank D. Owers.
William G. Beecher, jr.
Tillett S. Daniel.
Joseph M. Carson.
Charles M. Ryan.
Reginald C. Johnson.
Austin C. Behan.
Herbert E. Schonland.
Harold F. Dearth.
Francis B. McCall.
William S. Howard, jr.
David G. Greenlee, jr.
Hamilton L. Stone.
John B. Brown.
Charles F. Chillingworth, jr.
William S. Veeder.
Joseph H. Nevins, jr.
Thomas C. Parker.
George J. King.
Harvey N. Marshall.
Edward A. McFall.
Phillip H. Fitz Gerald.
William B. Krieg.
Harry B. Heneberger.
Andrew E. Harris.
Warren F. Porter.
Max H. Bailey.
Thompson F. Fowler.
John E. Florance.
Robert N. McFarlane.
John G. Hughes, jr.
Edwin R. Swinburne.
Karl H. Nonweiler.
Clarence E. Gregerson.
Ranald M. MacKinnon.
Lynn C. Petross.
John F. Delaney, jr.
Martin J. Drury.
Arthur R. Quinn.
Alexander MacIntyre.
Virgil F. Gordinier.
Edwin V. Brant.
John G. Johns.
Gelzer L. Sims.
Edward D. Crowley.
David G. Roberts.
Clifford L. McAuliffe.
Hugh P. Thomson.
Arthur B. Thompson.
Graham C. Gill.
Paul B. Tuzo, jr.
James M. Smith.
Marvin J. West.
Thomas J. Hickey.
George P. Biggs.
William E. Hank.
Percy H. Lyon.
George R. Phelan.
Norman W. Sears.
Cecil L. Smith.
Jack P. de Shazo.
Ralph A. Sentman.
James V. Query, jr.
Paul M. Clyde.
Charles W. Truxall.
Clyde M. Jensen.
Richard A. Guthrie.
Walter C. Ford.
Gordon B. Rainer.
Bennett S. Copping.
Warren B. Sampson.
Robert G. Norman.
William Kirten, jr.
Frank L. Durnell.
William K. Rhodes.
Frank W. Fenno, jr.
Julian K. Morrison, jr.

To be ensigns

Julian H. Detyens.
James F. Harritt.

To be medical inspector

George W. Calver.

To be passed assistant surgeons

Frederick G. Merrill, jr.
Arthur P. Morton.

To be assistant surgeons

Charles G. Robertson.
Emory E. Walter.
George B. Ridout.
Joseph H. Kler.
Hubert J. Van Peenen.
Melville D. Dickinson.
Erwin H. W. Kersten.
Ralph E. Fielding.
Harold W. Jacox.
Alva C. Surber, jr.
Harold L. Weaver.
Thomas G. Hays.
Greydon G. Boyd.
Milo R. Snodgrass.
Arthur J. Guittard.
Harold E. Stedman.
Ferris W. Thompson.
William R. Whiteford.
George A. Cann.
William S. Cann.
Wilbur E. Kellum.
Robert R. Leamer.
Frederic W. Farrar.
James T. Taylor.
Robert Faust.
Ernest J. Losli.
William M. Cason.
William S. Mallory.
William F. E. Loftin.
Merton C. Wilson.
George F. Helmkamp.
Malcolm G. Millar.
Fred Harbert.
Carey M. Smith.
Guy E. Stahr.
Dewey H. Walden.
Tilden I. Moe.
Lester E. McDonald.
Bernard S. Robbins.
Carroll P. Hungate.
Edward E. Evans.
Edgar L. Olson.
Charles B. Stringfellow.
Chris C. Mansell.
Verden E. Hockett.
Raymond O. Cheney.
Wayland K. Hicks.
Paul H. Milton.
Bishop L. Malpass.
Roy F. Cantrell.

To be assistant dental surgeons

James A Connell.
Ralph W. Taylor.
Glenn W. Berry.
Robert L. LeGendre.
Arthur F. Jacobus, jr.
Arthur R. Logan.
Macy G. Martin.
Maurice A. Bliss.

Paul A. Clarke to be pay inspector.
Leland S. Steeves to be paymaster.

To be assistant paymasters

John J. Morony.
Frederick Mackie, jr.
Vernon Dortch.
Gordon S. Ashley.
John W. Haines.
Elmer A. Chatham.

To be assistant naval constructors

Lingurn H. Burkhead.
Wilbur N. Landers.
Carlton H. Moore.
Harold V. B. Madsen.
George L. Todd.
Schuyler N. Pyne.

To be assistant civil engineers

Richard F. Armknecht.
William Sihler.
Claire C. Seabury.
William B. Howard, jr.

To be chief boatswains

Charles B. Parr.
William A. Buckley.

Russel W. Justice to be chief radio electrician.

To be chief pay clerks

William C. Humphrey.
James L. Creekman.
Ole B. Vikre.
Frederick H. H. Sylvia.
Ernest L. Chezem.
Frank H. Davis.
Dorian D. Clark.
Frank L. Bevier.
Bellinger Dunham.
Forrest P. Brown.
Conrad B. Sprott.
Edmund G. Oelkers.
Paul J. Loegel.
Ferris P. Floyd.

Harry E. Yarnell to be engineer in chief and Chief, Bureau of Engineering.
Jacob E. De Garmo to be lieutenant (junior grade).

MARINE CORPS

Frank J. Schwable to be assistant quartermaster.

To be colonels

Eli T. Fryer.
Richard P. Williams.

To be lieutenant colonels

Clayton B. Vogel.
Henry N. Manney, jr.

Jeter R. Horton to be assistant quartermaster.

To be majors

Cecil S. Baker.
John F. S. Norris.
Samuel L. Howard.
Lyle H. Miller.
Anderson C. Dearing.

To be captains

Louis G. DeHaven.
John Kaluf.

To be first lieutenants

Merlin F. Schneider.
Kenneth L. Moses.
Ira L. Kimes.
George F. Good, jr.
William C. Lemly.
Merrill B. Twining.
Frank H. Lamson-Scribner.
William J. Scheyer.
William W. Davidson.
Robert H. Rhoads.
Lawrence T. Burke.
Thomas B. White.
Thomas J. Walker, jr.
Maxwell H. Mizell.
Charles W. Kail.

To be chief marine gunners

Charles H. Eurton.
Walter G. Allen.

POSTMASTERS

INDIANA

Myrtle A. Schreiber, New Palestine.

MISSOURI

Ida A. Sack, Bosworth.
Fred Fielder, Clarksville.
Delph C. Simons, Grant City.
Delphia Johnson, Jerico Springs.
Mattie A. Campbell, King City.
Maurice V. Smith, Laddonia.
Amos E. Jennings, Miami.
Thomas M. Fowler, Nelson.
J. Frank Wilson, Palmyra.

Clyde S. Jones, Polo.
George R. Hendricks, Rutledge.
Joseph A. Davis, Waynesville.

NEBRASKA

Jesse G. Fountain, Dunning.
Bertha J. Widener, Kennard.
Oscar L. Reed, Page.
George Axen, Pilger.
Roy L. Ericson, Stromsburg.
Mabel E. Bigelow, Ulysses.
Grant S. Mears, Wayne.
Charles E. Waite, Whitman.

OREGON

Thurston V. Morgan, Cochran.

HOUSE OF REPRESENTATIVES

MONDAY, *December 17, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Let all the earth keep silence before Him! Not in the fear of a sudden impulse, but in the rapture of abiding mercy, we come to Thee, our Father. The echoes of Thy promises are with us and are the consolation of humanity; by them may we be enriched and ennobled. They quicken the truest and the best in manhood; do Thou glorify Thyself in us. Help us to keep our souls unspotted by being at home with Thee. Give us strength and courage to hold on to ourselves. In our weakness sustain us, and in our need do not abandon us. Always direct us to lift up the standards that nourish and inspire human possibilities and human progress. Amen.

The Journal of the proceedings of Saturday, December 15, 1928, was read and approved.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that on Wednesday morning after the reading of the Journal and the disposition of matters on the Speaker's table I may address the House for 40 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Wednesday, at the conclusion of the reading of the Journal and disposition of matters on the Speaker's table, he may address the House for 40 minutes. Is there objection?

There was no objection.

SOME IMPLICATIONS OF THE ANNEXATION OF HAWAII

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, in the RECORD of Saturday, December 15, on page 702 there is an article quoted that was prepared by newspaper men from the State of Minnesota with respect to farm relief, and in paragraph 5 thereof there is the following language:

> Consideration of the problems arising from the fact that the Philippines, Hawaii, Porto Rico, and supervised countries, such as Haiti, San Domingo, and Nicaragua, are and will continue to be agricultural countries, tending to compete unfairly with our continental farming. Development of our inland empire we suggest to be the wiser policy.

Mr. Speaker, my purpose in rising is to see that the word "Hawaii" may be eliminated from such a program. Hawaii is not a part of the island empire. It is an integral part of the United States, part of the inland empire, and therefore the problems that apply to the mainland or the continental part of the United States apply in equal force to Hawaii. We feel that as Alaska is always recognized as part of the United States proper that the incorporated Territory of Hawaii be included also in all plans for agricultural relief. Hawaii and Alaska pay all Federal income and corporation taxes and should therefore receive equal treatment with the States. The island possessions do not have to pay such taxes and are therefore in a different category. In this connection, Mr. Speaker, I wish to have permission to extend my remarks by inserting extracts from an article upon the government of Hawaii prepared by Professor Leebrick, of the University of Hawaii.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

SOME IMPLICATIONS OF THE ANNEXATION OF HAWAII

The exact relationship of Hawaii to the United States of America resulting from annexation has never been clearly determined. Questions have been settled by administrative orders and practice, by judicial decisions and by congressional legislation from time to time. As problems arise they will continue to be settled in the same way and occasionally relationships now apparently settled will be reopened and adjusted. This practice has been going on continually. Recently through the Hawaiian bill of rights, passed by our legislature and recognized in part by Congress, Hawaii has gained the right to participate in certain national financial legislation on equality with the States. Other changes are needed and results may be secured by the continued presentation of the case of the Territory.

One of the more interesting questions arising out of annexation is the exact nature of our political relationship to the Federal Government. We often hear that "the ultimate destiny of Hawaii is statehood," or "it will not be long before Congress must provide some type of commission government for Hawaii because of the coming preponderance of voters of oriental ancestry." The courts in many cases have dealt with the words "incorporated" and "unincorporated" and "integral part of the United States," and have by decision and dicta said what these terms mean in relation to the cases brought before the courts. The results have not been satisfactory even to judges and attorneys, and the average citizen of Hawaii finds it impossible to understand just what the relationship is between the Territory of Hawaii and the Federal Government; sometimes we seem to be a real part of the United States and again we seem to be a stepchild.

It may be interesting, therefore, to review briefly the story of annexation in order to see what was in the minds of the two Governments at the time annexation became a fact.

In the first place, the proposition that Hawaii become a part of the United States was discussed early in the nineteenth century. The protecting arm of the United States was thrown around Hawaii as early as 1820. Time strengthened the bonds rather than weakened them, although there were times when it seemed probable that these islands might become subordinate to some other power. The general attitude of all American Secretaries of State was that the United States had a special interest in Hawaii and would not permit the kingdom to go under the control of any other power.

* * * * * * *

Annexation was first officially attempted in 1854, when a treaty with that as its object was drawn up and signed by the officials of both nations, but failed of ratification by the United States Senate because it provided for the admission of Hawaii as a State. The drafts of the treaty show that attempts were made to get Hawaiian officials, especially the King, to accept the status of a Territory, but this they refused to do.

The treaty of 1854 proposed the incorporation (of Hawaii) thereof into the Union of the United States as the means best calculated to attain these ends (security, etc.) and "perpetuate the blessings of freedom and equal rights to himself, his chiefs, and people * * * and the United States * * * actuated solely by the desire to add to their security and prosperity, * * * have determined to accomplish by treaty objects so important to their mutua' and permanent welfare."

"ART. I. His Majesty * * * cedes to the United States all its territories, to be held by them in full sovereignty, subject to the same constitutional provisions as other States of the American Union."

"ART. II. The Hawaiian Islands shall be incorporated into the United States" (and states that the subjects of the Hawaiian Islands) "shall possess and forever enjoy all the rights and privileges of the citizens of the United States in terms of perfect equality in all respects with other American citizens."

It should be noted that "integral part of" and "incorporated" are here used to denote the complete admission of Hawaii as a State like the other States and that the citizens of Hawaii were to have all the rights, etc., of citizens of the States.

This treaty failed of ratification, but the project of annexation was kept alive. The United States often demonstrated its interest in and a protecting attitude toward Hawaii.

Abraham Lincoln said of Hawaii in 1864 in a letter to Elisha Allen, envoy extraordinary from the United States to Hawaii: "Its people are free and its laws, language, and religion are largely the fruit of our own teaching and example." This is a strong statement of the attitude of the United States toward the Government created by the people of

Hawaii. It certainly would not have occurred to President Lincoln to annex Hawaii and give it a less free government that it then had.

In 1875 a step nearer was taken by the two countries, a reciprocity treaty was signed that year which went into effect the following year. The United States had now taken a position from which she could hardly withdraw.

The revolution of 1893 renewed the question of annexation. Negotiations were at once opened along lines similar to those of the treaty of 1854.

President Harrison, in his message transmitting the treaty to the Senate, February 15, 1893, said:

"Only two courses are now open; one, the establishment of a protectorate by the United States, and the other annexation, full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States."

The treaty contained the following phrases, among others, regarding annexation:

"* * * especially in view of the desire expressed by the said government of the Hawaiian Islands, that these islands should be incorporated into the United States as an integral part thereof and under their sovereignty, in order to provide for and assure the security and prosperity of the said islands * * *."

"ART. I. The government of the Hawaiian Islands hereby cedes, * * * absolutely and without reserve to the United States forever, all rights of sovereignty * * * and henceforth said Hawaiian Islands * * * shall become and be an integral part of the territory of the United States."

"ART. III. Congress shall within one year from the exchange of the ratification of this treaty enact the necessary legislation to extend to the Hawaiian Islands the laws of the United States, respecting the duties upon imports, the internal revenue, commerce, and navigation."

These paragraphs are found in the report of the Committee on Foreign Affairs of the United States Senate, February, 1894:

"Hawaii is an American State, and is embraced in the American commercial and military system. This fact has been frequently and firmly stated by our Government, and is the ground on which is rested that peculiar and far-reaching declaration so often and so earnestly made, that the United States will not admit the right of any foreign government to acquire any interest or control in the Hawaiian Islands that is in any way prejudicial or even threatening toward the interest of the United States or her people. This is at least a moral suzerainty over Hawaii * * *."

* * * * * * *

"In the absence of a policy to establish a colonial system and of any disposition for territorial aggrandizement, the Government of the United States looked with approbation and gave encouragement to the labors and influence of their citizens in Hawaii, in laying the groundwork of a free and independent government there which, in its principles and in the distribution of powers, should be like our own and ultimately become republican in form. This has been the unconcealed wish of the people of the United States, in which many of the native Hawaiians have participated."

After his inauguration in March, 1893, President Cleveland withdrew the treaty from the Senate and made an unsuccessful attempt to restore the monarchy. The Republic of Hawaii succeeded the provisional government, to exist until annexation could be brought about. The new constitution provided that "the President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the senate."

Almost immediately after the inauguration of President McKinley in 1897 a new treaty was negotiated and signed June 16, 1897.

The treaty stated that: "Those islands should be incorporated into the United States as an integral part thereof, and under its sovereignty" (and to that end they) "have determined to accomplish by treaty an object so important to their mutual and permanent welfare."

"ART. I. * * * the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

"ART. II. The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall as soon as reasonably practicable, recommend to Congress such legislation concerning the Territory of Hawaii as they shall deem necessary and proper."

President McKinley's message to the Senate on the treaty of 1897, dated December 6, 1897, stated that:

"Hawaii has shown her ability as a sovereign contractant to enter upon a conventional union with the United States, thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian Governments through some 70 years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances, annexation is not a change; it is a consummation.

"What the conditions of such a union shall be, the political relation thereof to the United States, the character of the local administration, the quality and degree of the elective franchise of the inhabitants, the extension of the Federal laws to the territory or the enactment of special laws to fit the peculiar condition thereof, the regulation if need be of the labor system therein, are all matters which the treaty has wisely relegated to Congress.

"If the treaty is confirmed, as every consideration of dignity and honor requires, the wisdom of Congress will see to it that, avoiding abrupt assimilation of elements perhaps hardly yet fitted to share in the highest franchises of citizenship, and having due regard to the geographical conditions, the most just provisions for self-rule in local matters with the largest political liberties as an integral part of our Nation will be accorded to the Hawaiians. No less is due to a people who, after nearly five years of demonstrated capacity to fulfill the obligations of self-governing statehood, come of their free will to merge their destinies in our body politic."

The first paragraph quoted above was included in the President's message of July 7, 1898, which reviewed the history of the projects of annexation. The following sentences are quoted from this message:

"The incorporation of the Hawaiian Islands into the body politic of the United States is the necessary and fitting sequel to the change of events which, from a very early period in our history, has controlled the intercourse and prescribed the associations of the United States and the Hawaiian Islands."

"* * * Annexation is not a change; it is a consummation.'

"I can not doubt, when the function of the constitutional treaty-making power shall have been accomplished, the duty of the National Legislature in the case will be performed with the largest regard for the interests of this rich insular domain and for the welfare of the inhabitants thereof." This last paragraph replaces the last two in the quotation from the earlier message.

While the Hawaiian treaty was under consideration by the Senate the Spanish-American War broke out. Hawaii did everything within her power to aid the United States. The need of Hawaii to the United States became very evident. As a result Hawaii was annexed by a joint resolution of Congress approved July 7, 1898. The preamble to the resolution cited:

"Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands" * * *.

The act states:

"*Resolved, etc.*, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof."

William R. Day, of the State Department, in a letter of instruction to the American minister in Hawaii, Mr. Sewall, on July 8, 1898, said:

"These recitals, it will be observed, are made in the language of the treaty of annexation, concluded at Washington, the 16th day of June, 1897. They, as well as the other terms of cession which have not only been agreed upon by the two Governments, but which have also been ratified by the Government of the Republic of Hawaii. The joint resolution, therefore, accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii.

"As by the adoption by the joint resolution the cession of the Hawaiian Islands and their dependencies to the United States is thus concluded, it is assumed that no further action will be necessary on the part of the Hawaiian Government, beyond the formalities of transfer. Should that government, however, desire to take any further action formally confirmatory of what has been done, no objection will be interposed on the part of the United States.

"At the ceremony when the exchange of sovereignty took place in Honolulu, August 12, 1898, Minister Sewall said: 'This joint resolution ratifies and confirms the cession formally consented to and approved by the Republic of Hawaii.' In response President Dole, for the Republic of Hawaii, replied: 'A treaty of political union having been made, and the cession formally consented to by the Republic of Hawaii having been accepted by the United States of America, I now in the interest of the Hawaiian body politic and with full confidence in the honor, justice, and friendship of the American people yield up to you as representative of the United States the sovereignty and public property of the Hawaiian Islands.'"

It is evident from these treaty stipulations and from the statements made by the Presidents of the United States and several Secretaries of State that both Nations agreed that Hawaii if annexed was to become an "integral," "incorporated" part of the United States; that the people of Hawaii had demonstrated their ability to govern themselves, and that after annexation the people would be more free, secure, and self-governing than they had been in the past. Indeed, this was one of the objects of annexation. None but a republican form of government was thought of or intended for Hawaii after annexation. To repeat what President Harrison said in 1897, "The wisdom of Congress will see to it that—the most just provisions for self-rule in local matters with the largest political liberties as an integral part of our Nation

will be accorded to the Hawaiians. No less is due to a people who, after nearly five years of demonstrated capacity to fulfill the obligations of self-governing statehood, come of their free will to merge their destinies in our body politic."

This represents the nature and the spirit of the treaty negotiated by the two independent Nations; these were the conditions under which their sovereignties were merged and which should define the relationship to the United States of the incorporated Commonwealth of Hawaii.

The Hawaiian commission, provided for in the joint resolution, met and drew up the organic act, which provided for the present liberal form of government for the Territory of Hawaii. In their report to the President they in no uncertain terms stated that the people of Hawaii were capable of self-government. Congress accepted their point of view. The report in part says:

"Much has been said to the effect that the policy or scheme of government for the Hawaiian Islands will be taken and accepted as an index or precedent to be followed in the plan of government for Porto Rico and the Philippines. In view of this apparent expectation or belief on the part of many good people in the United States, the commission deem it proper to say that the people of Hawaii are capable of self-government, and have proven this by the establishment of the Republic of Hawaii and the adoption of a constitution and code of laws which will compare favorably with those of any other government, and under such constitution and laws have maintained a stable government for several years worthy of a free people. The people of those islands are more or less familiar with the institutions and laws of the United States, while the laws of the little Republic are largely taken from the laws of this country.

"It can not be said that either the Porto Ricans or the Philippines are at all familiar with our system of government, or with any other based on the principles of liberty.

"The underlying theory of our Government is the right of self-government, and a people must be fitted for self-government before they can be trusted with the responsibilities and duties attaching to free government.

"These remarks are made to negative the idea that because the people of the Hawaiian Islands can, in the judgment of the commission, be consistently given self-government to an extent almost equal to that given the people in the States, it can be safely inferred that other insular possessions which the United States have or may acquire by treaty with Spain can be granted equal freedom in government."

In this manner it was officially decided, in accordance with the spirit of the negotiations, and in the manner provided for in the joint resolution of annexation, that the people of Hawaii were capable of self-government and a form of government was agreed upon and accepted by Congress.

* * * * * * *

On the other hand, the whole tenor of the negotiations, and of the resolution, point toward a more perfect government as conditions make it possible. This can only mean qualified statehood or full statehood some time in the future.

From the standpoint of international law when a State approaches another as an equal and voluntarily offers to cede its territory and sovereignty without price there can be no objection from other States and the two parties have a right to make any agreement they choose. The nation which becomes sovereign is morally bound by the obligations it assumed when it accepted the sovereignty of the other State to the arrangement. There is no question but that the United States understood that she was getting valuable territory, essential to her from a defense viewpoint and of economic importance, and that the population had been self-governing and expected to have at least the same freedom and democracy in government as prevailed at annexation and that the people legitimately hoped for a better government and, as conditions warranted, a more responsible position in the American Union. They had proposed annexation as a State; this they were not able to obtain, but they had no idea of accepting anything short of complete incorporation into the United States and becoming an integral part of the Union and receiving the full protection of the American Constitution. This agreement is a moral obligation upon the Government of the United States.

The joint resolution provided that the islands were to be "annexed as a part of the territory of the United States" and "subject to the sovereign dominion thereof." Just how much a part of the United States the islands became and when they were incorporated has been the subject of much speculation and of several Supreme Court decisions.

There is no question that they are incorporated now and became so either upon annexation or when the organic act went into effect in 1900. In Hawaii *v.* Mankichi (1903, 190 U. S. 197) Justice Brown held that "all provisions of the Constitution were extended to the islands." He then went on to show that there was a transitory period during which local laws rather than congressional legislation or constitutional provisions applied. (See Coudert, F. R., The Evolution of the Doctrine of Territorial Incorporation, especially pp. 22–51.) The spirit of the agreement has been kept.

The annexation of Hawaii by joint resolution rather than by treaty was discussed in the Senate Committee on Foreign Relations, while the treaty of annexation was under consideration, upon the precedent established in the case of the annexation of Texas and upon the ground that the Hawaiian Government, having agreed to the terms of the treaty negotiated for its annexation, Congress might legislate on the basis of such a treaty. Texas was admitted as a State. The Constitution gives authority to Congress to admit new States. It says nothing about Congress acquiring new territory. In the case of Hawaii, where no further diplomatic dealings were necessary, it would seem to be within the power of Congress to take action by joint resolution for the annexation. The power of annexation certainly lies in the National Government and the President is the proper channel for the negotiation of treaties. It is by treaty that territory is generally acquired, but this does not necessarily mean that the same result may be achieved by Congress in another manner. So when negotiations have been completed looking toward annexation there seems to be no constitutional reason why Congress can not complete the procedure by a joint resolution. The annexation of Hawaii by joint resolution of Congress was within the power of Congress, namely, to do all that is necessary or proper to carry into execution its power over foreign commerce and its power to make war and, consequently, to make proper provision for national protection, even to acquire territory for that purpose.

It is doubtful whether Congress in annexing Hawaii by joint resolution had the power to alter the terms agreed upon in the preceding treaty negotiations. Be that as it may, it is clear that Congress did not intend to make any changes because they specifically accepted the treaty and the American and Hawaiian officials understood that the act of Congress "accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii," and that therefore "no further action will be necessary on the part of the Hawaiian Government, beyond the formalities of transfer." This would not have been the case if the nature of the agreement had been changed because both parties would have to signify their acceptance to the new conditions. The United States could not peaceably annex Hawaii by her own acts without the consent of Hawaii any more than Hawaii could annex the United States in the same manner, since both were sovereign nations. The joint resolution was only equivalent to the ratification of the treaty by the Senate.

In the Constitution of the United States there is no provision expressed giving any power to Congress to acquire new territory. Power is implied under the war and treaty making provisions. In the Dred Scott case, Chief Justice Taney seems to have thought that the Federal Government has only the right to acquire territory to be made into States later. There is certainly no such limitation to be found in the Constitution and the Supreme Court has frequently declared that it will not examine the object for which power is exercised. Certainly, several of the territories and possessions were not acquired with the intention of making them into States. This may or may not have been the intention of Congress in annexing Hawaii by joint resolution. The treaty of 1898 is silent on this point so it is doubtful if Hawaii has a claim to statehood based on any contractual right. Yet Chief Justice Brown, in Downes *v.* Bidwell (182 U. S.), said: "Incorporation has always been a step and an important one, leading to statehood."

The power of Congress over the Territory of Hawaii has been the subject of careful study. A former colleague in the department of history and political science at the University of Hawaii, Mr. Robert Littler, in his forthcoming book on the Government of Hawaii and in his first article of a series which were printed last year by the Honolulu Star-Bulletin and later published in pamphlet form under the title The Government of the Territory of Hawaii, dealt with these questions at considerable length. Mr. Frederic R. Coudert, of the New York bar, in an address at the annual meeting of the Iowa Bar Association, Davenport, Iowa, June 18, 1926, spoke upon the Evolution of the Doctrine of Territorial Incorporation. This address has been printed in pamphlet form and is perhaps the most complete and recent treatment of this topic.

Dr. W. W. Willoughby in his book, The American Constitutional System (Century Co., New York, 1919), also treats these questions at considerable length.

It seems to be agreed that Congress in acting as the national authority to govern the Territories acts in three distinct capacities:

(1) As a constitutional convention to set up Territorial government.

(2) As a local legislature.

(3) As a national legislature to pass laws effecting the entire territory of the United States.

In all these capacities Congress must act within the Constitution. In legislating for States Congress has only that power delegated to it by the Constitution; in relation to Territories it has all powers not expressly withheld from it and only has powers similar to a State legislature over citizens of a State.

(1) In setting up a government for a Territory Congress is limited only by its own discretion, since it is exercising implied power, unless there is a moral obligation arising from the agreement or treaty

made when the Territory was acquired, as there was in the case of Hawaii.

The guaranty of a republican form of government found in Article IV, section 4, of the Constitution applies only to States.

In Binns *v.* U. S. (194 U. S. 491) the Supreme Court said:

"It must be remembered that Congress, in the government of the Territories as well as of the District of Columbia, has plenary power, save as controlled by the provisions of the Constitution; that the form of government it shall establish is not prescribed and may not necessarily be the same in all Territories.

"We are accustomed to that generally adopted for Territories of a quasi State government, with executive, legislative, and judicial officers and a legislature endowed with the power of local taxation and local expenditure, but Congress is not limited to this form."

Even if we agree with this, it can still be maintained that the terms of the agreement by which Hawaii became a part of the United States were at least morally and probably legally binding upon Congress. Mr. Littler does not agree with this view. He wrote: "Congress has the same plenary power over Hawaii in respect to the form of territorial government as over all the other Territories under American sovereignty." The same writer goes on to state that he believes Congress has power to establish a "commission" form of government over the Territory. By a commission form of government he means a small appointed governing group. For reasons stated above I differ from my former colleague.

(2) As a legislative body for the individual Territories Congress has less power than when acting as a constitution-making body, but more than when it acts as a national legislature. There are certain regulations concerning personal relations included in the term "police power" which are reserved to the States and not to the Territories as against Congress.

Many disputes have arisen over the power of Congress over its national legislation effecting Territories. Mr. Coudert discussed this topic in detail in his address referred to above. The so-called insular cases are the best-known decisions upon the subject. In Downes *v.* Bidwell (182 U. S. 244) it was the opinion of five judges "that the Constitution is applicable to Congress, acting as a national legislature, effecting Territories, depending on whether a given Territory has or has not incorporated into the Union, and that Congress has certain liberties in legislating for unincorporated Territories that it does not have in passing laws for incorporated ones."

Congress, it would seem, is controlled in both cases by "those limitations which, either because they are protective of fundamental human rights which can not be transcended by any free government." Justice Brown in the case cited above gives examples of such human rights.

The class of limitations on the power Congress in relation to incorporated territories in addition to fundamental rights are in general "those which protect mere remedial rights or which, because of their wording, are clearly aimed at only the United States proper," writes Mr. Littler. He quotes Justice Brown again for examples of remedial rights—"the right to citizenship, to suffrage, and to the peculiar methods of procedure which are peculiar to Anglo-Saxon jurisprudence." Mr. Littler also includes as remedial rights trial by jury and "most of the rights enumerated in the fourth, fifth, sixth, and seventh amendments."

It thus appears that if these cases are not overruled by the Supreme Court of the United States, or nullified by other opinions which will more directly apply, that Congress does not have power to deprive the people of Hawaii of citizenship, suffrage, and "the peculiar methods of procedure which are peculiar to Anglo-Saxon jurisprudence." An appointed, not elected, "commission" form of government could not be established over Hawaii by Congress without violating these remedial and perhaps also fundamental rights which apply to Hawaii because by annexation the Republic of Hawaii became an "integral" part of the United States and thereupon or thereafter became an "incorporated" territory.

"Incorporation" has become part of our constitutional laws, and, while maintaining the doctrine of governmental powers everywhere limited, it has been sufficiently elastic to permit of a government which, while maintaining the essentials of modern civil liberty, has not attempted to impose upon new peoples certain ancient Anglo-Saxon institution for which their history had not adapted them.

"* * * The Constitution and the flag are inseparable, but that the particular circumstances of each constituent portion of the United States must be considered before we can reply as to which clauses of the Constitution limit the Federal Government in its action regarding any particular territory." (Coudert, supra, pp. 74–75.)

It has been hard for Hawaii to gain recognition as an incorporated Territory because the annexation took place at the same time as the acquisition of Porto Rico and the Philippine Islands, by treaty, purchase, and conquest. There is, therefore, a popular misconception that Hawaii was acquired in the same manner. Similar ideas have often been the basis for official decisions and conduct at Washington. It is only by continuous watchfulness and education that these opinions can be changed and obtain for Hawaii her proper position in national opinion and legislation. It is in part this same misconception which leads many of those who suggest "commission government" to think that Hawaii has no rights other than those which apply to possessions.

It is also worthy of notice that once a Territory has been incorporated into the United States the Constitution can not be withdrawn from it by Congress. (Downes *v.* Bidwell, 182 U. S. 244, and Rasmussen *v.* United States, 197 U. S. 516.)

This point is discussed by Dr. W. W. Willoughby in The American Constitutional System, in chapters 11, 12, 13, and 14. On pages 222–223 he says on the above decision: "If an act of legislation is required to extend the Constitution over a Territory it goes there not as a constitution but as a statute, and an irreparable statute is admitted by everyone to be an impossibility, every legislature necessarily possessing a power to repeal equal to its power to enact." This statement is debatable (Rasmussen *v.* United States, 197 U. S. 516–531).

The annexation of Hawaii, it seems, therefore implies that Hawaii became a very real part of the United States and that the people of the islands are protected by almost all the constitutional provisions which apply to citizens of the several States, and that there is little likelihood that any other than a republican form of government can or will be established here. Hawaii is also entitled to look forward to complete statehood if the people desire that position in the American Union. The question of how soon statehood should be requested merits a thorough study. The people of Hawaii are not agreed upon it, but they all desire a closer connection with and greater participation in the Federal Government.

I wish to acknowledge the assistance, criticism, and very material aid of my colleagues, Dr. K. D. Lum, Dr. Paul Bachman, Mr. Robert Littler, and the members of Social Science, especially those who lived through and participated in the stirring days of revolution and annexation, in the preparation of this paper.

K. C. LEEBRICK,
Professor of History and Political Science,
University of Hawaii,
Acting Professor of International Affairs, Syracuse University.

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLE FIELDS MEMORIAL

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by President Coolidge at Fredericksburg, Va., on October 19, 1928.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, pursuant to leave this day granted to extend in the CONGRESSIONAL RECORD the address delivered by President Coolidge at Fredericksburg, Va., on October 19, 1928, in dedication of the Fredericksburg and Spotsylvania County Battle Fields Memorial, I insert the following:

My fellow Americans, no one who loves our country and is sufficiently interested to make even a slight examination of our history could visit this locality without feeling that he is close to great characters and great events. From early colonial times down to the present hour men who have lived and wrought in this section of Virginia have cast a mighty influence over the course of the affairs of this Nation. They have been a race who led in carving out this Republic and establishing its institutions, who believed in local self-government, and loved liberty.

The famous sons of this Commonwealth furnished the leadership for acquiring the territory which makes up the continental domain of the United States. Washington gave us the thirteen colonies, George Rogers Clark added the Northwest, Lewis and Clarke carried our jurisdiction to the Pacific, Jefferson made the Louisiana Purchase, Monroe secured Florida, Sam Houston brought in the State of Texas, Winfield Scott and Zachary Taylor won the California region. Your soldiers led the forces in the field and your statesmen directed the negotiations at the council table in bringing together that vast area stretching from the Atlantic to the Pacific which comprises our Federal Union. Their wisdom endowed our country with an empire.

But however important those achievements may be, this Nation is something vastly more than an expanse of territory. It has reached the high place which it holds in the world largely because of its institutions of government. Your devotion to their principles dates from your pioneer days. As early as 1676 Nathaniel Bacon was asserting with armed force the spirit of those rights which were to be established by the Revolution. That spirit never faltered in Virginia. It inspired the eloquent voice of Patrick Henry. It led to the decisive action of the Williamsburg Convention in May, 1776, when it unanimously resolved to instruct its delegates to the Continental Congress to declare the United Colonies free and independent States. Accordingly, it was Richard Henry Lee who moved a resolution to that effect, and Thomas Jefferson who embodied that action in the Declaration of Independence.

It was your great soldier, George Washington, who made that declaration effective. In his other capacity, as a statesman, aided by able

leaders in other colonies, but especially by Madison, he was the main influence in securing the adoption of the Federal Constitution. To make that Constitution a living, vital system of national government, Virginia contributed John Marshall, Chief Justice of the Supreme Court of the United States, who ranked as our greatest magistrate. When our Government had been established and given strength and direction under Washington, the great instrument which insured that it should forever remain dedicated to the voice of the people was again Thomas Jefferson. During the first 60 years of our Republic the presidential office was held for 36 years by Virginians. Among them was Monroe, who added to our own Declaration of Independence the doctrine against any further interference with the independence of the other countries of our Western Hemisphere.

After remembering all the contributions that were made by Adams and Hamilton and Franklin, and their Colonial associates, after giving due credit to all the inspiration and all the armed forces which came from outside the Old Dominion, it will forever remain to your glory that our territory was won, our republican institutions were put into form, and a government resting on the sovereignty of the people was permanently established under the leadership of the sons of Virginia. No other colony put more of itself into the Federal Union or had a greater influence in the early direction of its government.

But the historic interest of this locality is by no means confined to the creation and the formative years of our Republic. When the Nation became involved in the great tragedy which overtook it in 1861, the contending armies of the North and the South for long periods had opposing camps in this region where occurred some of the hardest-fought battles of the war. Near here lie the fields of Fredericksburg, of Chancellorsville, of The Wilderness, and of Spotsylvania Court House, where the heroic sons of the North and South met in mortal combat, each contending for what he thought was right as God gave him the power to see the right.

The first of these engagements occurred in December, 1862, when General Burnside, sending a force across the Rappahannock, made an attack on General Lee's position, which was well protected and amply supported by artillery. Assault after assault was made by seven divisions, the one after the other, with the greatest gallantry, only to be repulsed with the most disastrous losses. In the following May of 1863 General Hooker, then in command of the Union forces, marching upstream and crossing the Rappahannock and the Rapidan, met with such resistance at Chancellorsville that his losses were over 17,000. General Lee lost about 12,500. But among these was the ablest military leader of all his generals, Stonewall Jackson, who fell through the mistake of his own men. His loss was irreparable. Following this action General Lee led his forces north until he was turned back at Gettysburg. The next battle in this locality took place a year later, in May, 1864. General Grant was now in command of all the armies, with headquarters with General Meade, who led the Army of the Potomac.

Grant sent his army across the Rapidan at two points and the Battle of the Wilderness followed, which checked his advance. After resting a few days, Grant started the Spotsylvania campaign by attempting to turn the right flank of Lee. Three days of desperate fighting took place, in which the losses on both sides were very severe, the heaviest being around the struggle for possession of the bloody angle. It was during this battle that Grant sent his famous dispatch to Washington announcing his purpose "to fight it out on this line if it takes all summer." With the superior forces at his command, Grant began that campaign in these two battles, which he followed up until less than a year later it was all finally ended at Appomattox.

In these four important engagements Lee always had the smaller force. His being on the defensive and his brilliant leadership each time saved him from defeat. He always inflicted much the larger losses. On these four fields it has been estimated that the total number engaged on both sides was about 700,000. The entire casualties for both armies were close to 100,000 in about 10 days of actual fighting. Those who fell sleep here, near where sleeps the mother of Washington.

Because of their historic interest and their valuable military lessons, the Congress unanimously passed a bill last year, introduced by your distinguished Representative, Mr. BLAND, to make a military park and mark and preserve the important points on these battle fields. The unanimous action of the Congress and the joint participation of the people, both of the North and the South, in carrying into effect the law which it passed is another welcome demonstration in a long line of events, not only that the war is over but that reconciliation is becoming complete. The Union which this Commonwealth did so much to establish, the Union hallowed by the name of Washington, the Union which Jackson defended with a fervor no less pronounced than that of Lincoln, the Union which took a new place in the world under Wilson, is not accorded a loyalty in any other part of our Republic more devoted and sincere than that which is constantly manifest in the life of the people of Virginia.

As we look over the course of history, as we give it more and more consideration, our confidence in mankind can not but increase. The more we contemplate their actions, the more we learn of their motives, the more we are convinced that on the whole they attempt to do the best that they can under the circumstances in which they find themselves. The progress of the race has been long and hard and toilsome, marked by many mistakes and requiring many sacrifices. It never goes forward but one step at a time. When we set up our Republic on the foundation of liberty under the law much of the best thought both of the South and the North realized that the structure was incomplete. Almost immediately 10 articles of amendments were added to the Constitution. Certain obscurities still remained, certain powers were still disputed and undefined. The question of universal freedom and of whether the Constitution provided a temporary confederation or a permanent union were sure to arise. Their decision involved a most terrible and appalling sacrifice on the part of the two great contending forces.

The main reason why we can all join in the movement to commemorate the deeds of immortal valor which marked these battle fields is because we all realize that out of a common expiation our common country has been greatly blessed. In these advantages, as it has slowly risen from its prostration, the South has more than amply participated. Since 1900 that progress has been most marked. In the Southern States alone the wealth, the manufactured, the mineral, and the farm products, the banking resources, and the exports are of about the same value to-day that they were in the whole United States in 1900. The yearly production of the farms, the mines, and the mills exceeds $18,000,000,000, while construction contracts run about $1,000,000,000. If it is possible to judge anything of the importance which a people set on spiritual values, or make any estimate of their intellectual attainments by what they are expending in construction of places of worship and in the support of the public schools, some idea of the progress which the South is making is revealed by the fact that their school costs are twice as much as those of the whole country in 1900, while on the new church buildings that cost more than $10,000 they are expending $1,000,000 each week.

This day, however, is not to mark a local or sectional occasion. It is to mark a national occasion. The great deeds which we have recalled as among the glories of this Commonwealth were national deeds. The great questions which were at issue on these battle fields were national questions. Out of the decision to which they were finally brought there has been a common advantage and a common progress which has accrued to the whole Nation. Had the decision been otherwise, we should have all been robbed of a great part of the pride which we all feel to-day in our country. Her achievements of the past years would have been divested of much of their value and her prospects for the future would have been devoid of much of their hope. Instead of one great country enjoying domestic peace and progress, holding a commanding position in the world, we should have been a region of hostile factions, impotent at home and despised abroad. The service which we did for the cause of humanity in 1898, the world crisis in which we successfully performed our part in 1917, would all have been impossible. Long since our common heritage would have been dissipated, our glory would have departed.

The growth which our country has made since 1860 and the benefits it has brought all our inhabitants are unsurpassed. Our population, which was then about 31,500,000, has risen to about 118,000,000. Our wealth of about $16,000,000,000 is now conservatively estimated at $350,000,000,000. Our foreign trade of only about $785,000,000 has now become over $9,000,000,000. Our railroad mileage has increased from about 31,000 to about 249,000, and its revenues have grown from $153,000,000 to $6,250,000,000. Public-school enrollment has risen from about 5,000,000 to about 25,000,000. Our manufactured products have multiplied from less than $2,000,000,000 to nearly $63,000,000,000. In 1870 our farm products were less than $2,500,000,000, while they are now around $13,000,000,000. These figures illustrate our progress.

So great has been our enterprise and industry that with only 7 per cent of the land and 6 per cent of the population of the world we produce over 50 per cent of the grains and basic raw materials. Many different elements have contributed to this development, but they all rest on the fundamental fact that we are a large country furnishing a large market able to consume the output of mass production. This situation has encouraged the introduction of labor-saving machinery. As the wage earner became properly compensated, as he began to cost more, the incentive was increased to make him more skillful and more productive. One man can now take the seed from as much cotton as would have been done by 28,000 without the cotton gin, and he can make as much yarn as would have been produced by 45,000 women on the handwheels of colonial days.

The operation of machinery requires a supply of power. In 1869 our industries had 1.14 horsepower for each operator, who added to the raw materials furnished him less than $680 of manufactured value in a year. By 1925 these had risen to 4.3 horsepower and $3,200 of value. In the machinery industry this reaches about $5,200, which is about three and one-half times the best that is done in Europe. Mechanical power has been increased until it is equivalent to the work of 3,000,000,000 additional employees in our industries,

or more than 350 helpers for each of their wage earners. The scale of labor has constantly improved in importance and compensation.

A most important influence in our national progress has been the expansion and increased efficiency of transportation. Prior to 1860 railroads were in small and detached units, built on different gauges, and freight charges were rarely less than 2 cents per ton-mile. Beginning in 1869, consolidations were effected, gauges standardized, and uniformity of operation introduced, which have gradually reduced freight charges to about 1 cent per ton-mile. Business has so much increased that passenger traffic is three times and freight six times as large as they were in 1890. There has lately been a remarkable increase in railroad efficiency. In the five years prior to 1927 the average distance traveled by a freight car was increased four-twelfths, while the proportionate consumption of coal was reduced two-twelfths, and one-twelfth more employees moved four-twelfths more of freight. The movement from producer to consumer has increased 40 per cent in rapidity. The periodic car shortages have been entirely eliminated. Goods are handled with so much care that the cost of paying for damages has been reduced 70 per cent.

Our national expenditures and authorizations for inland waterways have run into hundreds of millions of dollars. Some of this in the Mississippi Valley has already been demonstrated to be commercially profitable. The water-borne traffic on the Great Lakes has reached the enormous total of 116,000,000 tons in a single season. Plans are being made for a deep channel waterway from the Great Lakes to the sea.

Within the past 10 years one of our most remarkable improvements has been in highway construction, the expense of which has been borne in part by the States and local units of government and in part by the National Treasury. More than 72,000 miles of improved highways have been constructed, with over 222 miles of bridges, at a cost of over $1,439,000,000, of which the Federal Government has paid $633,000,000. On rural highways as a whole over $1,000,000,000 is being expended annually. This movement for good roads, with the general use of the automobile, has greatly decreased the cost of the transporting of our production and given a mobility to our people that has expanded the whole horizon of life and brought beneficial results so great that they can not yet be enumerated.

In our airways commercial aviation already covers many thousand miles each day.

The great strength and soundness of our financial structure was demonstrated by the World War. Prior to that time we had been a debtor nation. During that crisis we not only furnished enormous sums to take up foreign investments here but we provided the funds for our own war expenditures, advanced nearly $10,000,000,000 to foreign governments, and have constantly sent capital abroad until the Federal Treasury and our private investors have credits there amounting to $25,000,000,000. When the currency system of other nations was rapidly crumbling our own remained perfectly stable and secure. The resources of our banks and our National Treasury, the strength of our Federal reserve system were so great that we not only kept our own currency on a gold basis and our own exchange at par but were able to furnish large credits to other nations to stabilize their currency and support their exchange.

These are some of the facts which indicate the progress and prosperity of the United States. While there are still some of our people who have not yet become participators to the extent of their merit in our material resources, and some lines which have fallen behind, we have striven to keep the door of opportunity open to all our inhabitants. It is true that the accumulations that are taking place would lose much of their value unless their benefits were widely distributed among the great mass of our people. We have individuals of great wealth, and shall continue to have so long as men are free and enterprise and ambition exist, but the large fortunes in this country are substantially all invested in different ways of serving the public. Some of the largest have all been transferred to charity.

The millions of our people who are investors in securities; the $27,500,000,000 of deposits in savings institutions, which have more than doubled in nine years; the $7,200,000,000 of assets of building and loan associations, which have more than trebled since 1919; the widespread individual ownership of homesteads; the possession of 23,000,000 motor vehicles, of which 20,000,000 are passenger cars; the general use of the telephone and radio; the constantly increasing rate of wages even when the price of commodities has been declining; and the general standard of living never before experienced by any people in human history all testify that under our free institutions and equality of opportunity the distribution of wealth is solving itself in accordance with natural laws.

These figures, which would be cold and uninteresting in themselves, when we realize that they illustrate the life and development of our country, can not fail to have a deep fascination. But those wonderful records would be of little avail if they were not accompanied by evidences of the moral power of the Nation. Education is on the increase. Our charities are lavish and world-wide. Our missionary efforts reach in every direction. Our actions in behalf of limitation of naval armaments have been of great benefit to all mankind. On influence in negotiating the recent treaty in behalf of peace is well known. It raises the greatest barrier against war that was ever created by the art of man. In his capacity as a ranking member of the Committee on Foreign Relations the State Department had the constant counsel and cooperation of your eminent Senator, Mr. SWANSON, in these negotiations. Our progress and prosperity at home, our standing and influence abroad could never have been secured unless they rested on a solid foundation of demonstrated integrity, high character, and abiding faith.

Such are some of the outlines of the mansion in which dwell the people of the United States. It is "a house not made with hands." Into it have gone the sacrifices and prayers of many generations. While it is by no means complete, it is already the most comfortable habitation which a nation ever enjoyed. Its prevailing atmosphere is marked by progress, peace, and tranquillity. Sectional animosities have disappeared. Industrial conflicts have almost ceased. Her territorial integrity is secure. Her constitutional liberties are protected by the eternal vigilance of her people. Our country is still worthy of those who have made such great sacrifices in its behalf, still determined to improve the opportunities which those sacrifices created, still loyal to the faith of the past, still inspired by the hope of the future.

KITTY HAWK, N. C.

Mr. KERR. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, there is a notable celebration in my State to-day, at which the Nation officially pays honor to the ingenuity, the adventure, and the achievement of our pioneers of aviation, the Wright brothers. I ask unanimous consent to extend my remarks and print in the RECORD an interesting bit of history concerning the place of this celebration, written by a most intellectual gentleman of my State, Mr. Ralph Pool.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the News and Observer, Raleigh N. C., Sunday, December 16, 1928:

EASTERN BANKS HISTORY LADEN—WRIGHT BROTHERS NOT ONLY ONES WHO HELPED MAKE COUNTRY FAMOUS—ISOLATION IS SOON TO BE THING OF PAST—ROADS AND CONTEMPLATED BRIDGE WILL CARRY MOTORISTS ON HARD SURFACE TO VERY SCENE WHERE WRIGHT BROTHERS MADE THEIR FAR-REACHING EXPERIMENTS

By Ralph Pool

ELIZABETH CITY, December 15.—Nowhere, perhaps, on the Atlantic seaboard is there a region richer in historic and romantic associations than that about Kitty Hawk, midway between Cape Henry and Cape Hatteras, where an internationally distinguished assemblage will gather Monday to celebrate the silver anniversary of the Wrights' first flight.

Not alone did Kill Devil Hills, great twin dunes at Kitty Hawk, stand sponsor at the birth of aviation 25 years ago. More than three centuries before that event they saw the passage of the Walter Raleigh colonists, bent upon founding a great English empire in the New World; and perhaps, too, they witnessed the enactment of that last tragic drama of the Lost Colony, whose fate is unrecorded on the pages of history.

But a little way to the south of Kitty Hawk—possibly not more than half a mile—there lay an inlet, bordered by a deep cove, when Sir Walter Raleigh's colonists came to America in 1586–87. It was through this inlet that Capt. John White, Raleigh's colonial governor, sailed with the Lost Colony, to land on the shore of Roanoke Island, some 4 miles away. The inlet and cove are shown on the John White maps, the cove being christened Trinity Harbor; and it is recorded that the colonists stopped in Trinity Harbor for a while, to refit their sloops and to take aboard fresh water.

Many years ago old Trinity Harbor and the inlet were swallowed up by the shifting sands, though there is a current belief in the coast country that they have survived, in part, in the Fresh Ponds, some 20 small fresh-water lakes, lying immediately to the south of Kill Devil Hills. These lakes have neither inlet nor outlet, unless far in the depths of the earth, and the water is fresh and sweet, despite the fact that to the east lies the salt Atlantic and to the west is the almost equally saline Roanoke Sound.

The Fresh Ponds are peopled with black bass, several varieties of perch, and other fresh-water fish, and annually they are visited by hundreds of anglers for the excellent sport they afford.

Old Fort Raleigh, on Roanoke Island, whence the Lost Colony vanished after Capt. John White left in the late summer of 1587, to return to England for added supplies, was situated on the east shore of the island, scarce half a dozen miles from Kitty Hawk. A star-shaped mound is all that remains of the fort to-day.

Since the Raleigh attempts at colonization, though unsuccessful, paved the way for the more happily augured Jamestown colony 20 years later, it may be said that, besides witnessing the dawn of aviation, towering Kill Devil Hills saw, in fact, the beginnings of that great British domain in America, which Raleigh envisioned, and therefore the birth of the United States.

Deftly hand-wrought silver and bronze shoe buckles picked up by summer visitors in the vicinity of old Trinity Harbor recently are thought likely to attest to the short stay of the Lost Colony there. Numerous Indian arrow heads have been found there also.

Records of the early permanent settlers of the Albemarle Colony, in Northeastern North Carolina, reveal that the end of the old Indian trail extending from the mountains to the seaboard lay at the tip of the Currituck Peninsula, at what is now Point Harbor, 3 miles across Currituck Sound from Kitty Hawk. Traditions of the region relate that the Indian from the uplands made annual pilgrimages to Point Harbor, to exchange furs, grain, and other commodities for fish and other products of the coast country, especially for quantities of youpon leaves.

The youpon is a bush indigenous to the sandy beach strip on which Kitty Hawk is situated. Its dried leaves, when steeped, make an excellent substitute for tea—a substitute that was used by all classes during the dire days of the Civil War, and that still is popular. Youpon tea is credited also with medicinal properties, and legend records that the Indians visiting Point Harbor many years ago, drank huge quantities of it to cleanse themselves of fevers and other ills.

The name of the brilliant and ill-starred Aaron Burr, who almost won the Presidency of the United States, later killed Alexander Hamilton in a duel, and finally sank into utter discredit when his scheme for founding a great new empire in the Southwest collapsed, is linked inseparably with the legendry of the Kitty Hawk coast land. Burr's daughter, the beautiful Theodosia, married Governor Alston, of South Carolina, and in 1813, accompanied by her small son, she embarked from Charleston for New York aboard the small sloop *Patriot* to visit her father.

The *Patriot* never reached New York, and the fate of Theodosia Burr Alston and the others aboard is a mystery to this day. In the years that followed a small summer colony came into being at Nags Head, 3 miles south of Kill Devil Hills, patronized chiefly by the families of planters living in the Albemarle County in North Carolina. Fifty years after the disappearance of the *Patriot* Dr. William G. Pool, of Elizabeth City, N. C., while spending the summer at Nags Head with his family, was summoned to the bedside of a very old woman, a native of the coast country.

On the wall of the humble cabin, and utterly out of keeping with its surroundings, Doctor Pool was amazed to observe a painting of a beautiful young woman. Asked whence it had come, the woman told him that it was in the cabin of a richly furnished sloop that had come ashore at Nags Head many years before with not a soul aboard. The picture, she said, had been part of her husband's share of the ship's cargo, which also had included silks of surpassing richness, beautiful silverware, and other articles indicating that persons of wealth and culture had been passengers on the vessel.

Lacking money to pay for her treatment, the old woman offered Doctor Pool the picture in recompense for his services; and he eagerly accepted it, meanwhile speculating interestedly upon its origin. Some years later in the course of his reading he ran across an account of the disappearance of Theodosia Burr Alston, and being struck with the possibility of a connection between it and the old woman's story he immediately took steps to get in touch with descendants of the Burr and Alston families.

Relatives of the beautiful Theodosia later viewed the picture and declared it undoubtedly a portrait of her. The painting now hangs in a gallery in New York City. (Note.—The Metropolitan, I think.)

The very name of the resort, Nags Head, suggests tragic possibilities as to the vanishing of Theodosia Burr Alston. The region was populated in the main by castaways from ships wrecked on that stormy coast, and these were dependent largely upon the bounty of the sea that had dropped them there. They regarded the cargoes of wrecked ships as rightly theirs, and according to a legend that has persisted for nearly a century occasionally they helped old ocean lavish her gifts upon them by spurring the fates that hover over ships destined for doom.

The legend relates that on stormy nights the bankers, as the folk of the region were called, hung a ship's lantern to the head of a horse, or nag, and slowly patrolled the beach with the animal, to give the impression to passing skippers that a vessel was riding in easy harborage close inshore. Those who foolishly ventured in, it is told, swiftly struck treacherous shoals and their ships were pounded to pieces or grounded so deeply that they and their cargoes were at the mercy of the land pirates.

Some such fate, it is declared, may have befallen the lovely Theodosia, who, with her companions, may have been compelled to walk the plank so that no trace might be left of the crime. Or, on the other hand, persons familiar with the coast country explain those aboard the *Patriot* may have abandoned the ship in a storm in a vain attempt to reach shore safely in their small boats.

Coast guards now regularly patrol the length of the North Carolina banks with modern equipment for salvaging lives, and the dire toll of Diamond Shoals, off Cape Hatteras, and the rest of the perilous coast has been reduced greatly in recent years; but the mighty Atlantic in her angry moods even yet occasionally shows her contempt for man and his puny works, as occurred scarcely a year ago, when two steamers went ashore scarcely 60 miles apart in a terrific gale.

These were the Greek tanker *Paraguay*, which grounded and broke in two close by the shore within sight of Kill Devil Hills, and the Norwegian fruit steamer *Cibac*, which stranded off Hatteras Inlet, a dozen miles south of Cape Hatteras. These twin disasters occurred December 4, 1927. Coast guards, risking their own lives, went out in their boats and safely brought ashore all aboard both ships—a total of 24 seamen. The press of the Nation extolled their heroism.

Visitors at the air memorial celebration at Kitty Hawk Monday may view the wreck of the *Paraguay* if they wish by walking down the beach a mile or so from the scene of the festivities. Also, if they stroll along that once dreaded shore, they may observe the rotting skeletons of many other once gallant ships that similarly met doom there.

Kitty Hawk and Kill Devil Hills are little changed to-day from the community that Wilbur and Orville Wright chose for their experiments in aeronautics a quarter of a century ago. The community of Kitty Hawk lies in a woodland on the landward side, near the convergence of Currituck and Albemarle Sounds. The visitor finds a maze of winding sandy roadways, scarce wide enough for two automobiles to pass abreast, with here and there a neat cottage.

Some 3 or 4 miles of driving along the roadway leading to the southward brings one abruptly to a great clearing—an immense level, sandy plain, sparsely carpeted with tough sand grasses. At the southerly border of the tract loom Kill Devil Hills, the taller of which is 92 feet high. It was at the foot of this dune, with the level, unobstructed sand plain before them, that Orville and Wilbur Wright launched successfully a tiny, unstable airship on December 17, 1903, and thereby ushered in a new era in man's conquest of the forces of nature.

That isolation which was one of the attractive features of Kitty Hawk when the Wrights carried on their work there soon will have become utterly a thing of the past. North Carolina's remarkable highway system, developed in the last decade, is stretching out an arm toward Kill Devil Hills, and a concrete road already is under construction from Currituck Courthouse, present northeasternmost terminus of the hard surfacing, down to Point Harbor, nearest mainland point to Kitty Hawk.

Private interests have obtained a franchise for a highway bridge to stretch 3 miles from Point Harbor to Kitty Hawk. Approval of the War Department has been procured for the project, and bids are being considered this month for construction of the bridge, which is to be of steel, concrete, and creosoted timber. Barring eventualities it should be possible within another year for a motorist to drive in comfort and security to the scene of the first air flight and the other points on the coast land that hold hallowed place in the history and legendry of America.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ACROSS MISSISSIPPI RIVER AT BATON ROUGE

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. LaGUARDIA. Mr. Speaker, in order not to clutter up the calendar, I will say to the gentleman that this is to a State agency.

Mr. COCHRAN of Missouri. It does not show that in the title.

Mr. LaGUARDIA. It is the Louisiana Highway Commission, a State agency.

Mr. COCHRAN of Missouri. I withdraw the request, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, at the request of a Member I ask that the bill may go over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

EMPLOYMENT OF LABOR ON PUBLIC WORKS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11141) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object, Mr. Speaker.

OSAGE INDIANS OF OKLAHOMA

The next bill on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, there are provisions in this bill which may occasion some controversy. The committee will have a day very soon, and if the gentleman from Montana will agree that this may go over——

Mr. LEAVITT. I do not like to have it go over. It has the approval of the Indian Bureau and it is urged by the Osage Indians. The committee has given it a great deal of consideration, the Senate has passed it, and my judgment is that it should be passed at this time.

Mr. CRAMTON. My information is that there are some amendments that have been urged by the Council of the Osage Indians.

Mr. HOWARD of Oklahoma. Mr. Speaker, this is a measure asked for by the Osage Council. After the 1st of January the Osage Council is coming to Washington for the purpose of a conference relative to this legislation. Our committee worked on it four months in subcommittee and several days in full committee, and we would like to have the bill go through, so that when the council comes it can take it up with the Indian Committee of the Senate and work out some amendments that the Indians and department will suggest. This is a very important measure.

Mr. CRAMTON. The situation as I understand it is this: Practically this same bill is on the calendar twice—once in a Senate and once in a House bill. I do not see any occasion for passing the bill to-day if the council wishes to talk with the Senate committee when they arrive.

Mr. HOWARD of Oklahoma. I do not understand that the bill is in the Senate.

Mr. CRAMTON. The bill is on the calendar, and I shall be obliged to object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

AMENDING AND CONSOLIDATING THE ACTS RESPECTING COPYRIGHT

The next bill on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ROAD DRAINAGE AND OTHER IMPROVEMENTS

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road drainage, and other improvement district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

COTTON FUTURES

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CLARKE. I object.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

The next business on the Consent Calendar was the bill (S. 4302) to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I have two amendments that I think should be adopted. A reversion is sometimes troublesome if the contingency happens. I suggest that on page 1, line 3, after the word "convey," there should be inserted "subject to conditions contained in section 2 of this act." On page 2, line 20, after the word "proceeding," insert "such conditions to be recited in deed or instrument of conveyance."

Mr. MERRITT. That is agreeable, and I accept the amendments.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and county of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain 1 square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

SEC. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this act the Secretary of Commerce may at any time by letter addressed to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

The Clerk read the following amendment:

Page 1, line 3, after the word "convey" insert: "Subject to conditions contained in section 2 of this act."

Page 2, line 20, strike out the period after the word "proceeding," insert a comma and the following: "Such conditions to be recited in the deed or instrument of conveyance."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS BLACK RIVER, JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 13687) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I call the attention of the House to these bridge bills that are coming up. Several Members, and I was one of them, served notice at the last session of Congress that all bridge bills would be carefully scrutinized. The same policy that held 50 or 60 years ago can not be followed to-day. States all over the country are spending millions of dollars for roads. This bill is typical of the kind of bill that should be objected to. While it is true that the bill provides for recapture at the end of a certain period, and also provides, if the State should take the bridge over, for amortization of the cost and a sinking fund; yet while the bridge is being operated by the permittee, under the bill there is no provision for amortizing the cost or creating a sinking fund to pay for the bridge. In other words, the permittee may operate this bridge for a period of 20 years, charging toll, and then under the provisions of the bill the community would come in and be required to pay the full value of the bridge, less depreciation. The proper method is to compel the

amortization of the cost of the bridge during the time it is being operated by the permittee. Then it may be taken by the State or community and operated as a free bridge or with slight nominal tolls to pay for maintenance. This bridge concession is getting to be too much of a good thing. It is simply ridiculous for a State to spend millions for public roads, then permit a private person to come along, get a right to build the bridge, connect two public roads, and charge exorbitant tolls; then, after 20 years of enjoying the privilege of mulcting the traveling public, to sell the bridge to the community and get all of his investment back. I object to this bill and shall object to every bill of its kind.

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, I had occasion to study somewhat this toll bridge situation. In a recent number of the American Highways Magazine, volume 9, No. 1, there appeared an article which I think Members of the House should consider. I think they should consider this whole situation before giving any more franchises to toll bridges to be constructed by private interests. The highway engineer of Kentucky has this to say in the article to which I have referred:

[From the American Highways]

TOLL BRIDGE FRANCHISES GRANTED TO PRIVATE INTERESTS

There is much confusion in the public mind on this question. In all sincerity many have indorsed the private toll bridge franchise on the theory that it is desirable to have bridges, and if the public funds are not sufficient or available, rather than do without, it is better to grant a toll franchise to private interests. This is not the issue. The real issue is much simpler—too simple, apparently—and, of course, there is widespread propaganda directed toward keeping the wrong idea in the public mind. The real question is the very simple one of whether it is sound public policy to grant the right to collect a private profit from the user of the highway. The answer ought to be a vigorous and authoritative "no." There is no place on the public highway to-day for the privately owned toll bridge.

The need for capital for highway improvement is so large that it is not only necessary but, in many States, desirable to provide large bridges through toll collections. Where this situation exists, however, it can and should be met by the public in its own interests.

The public can finance and build at lower costs, and the largest bridge undertakings in the country to-day are being financed on the basis of their earnings. Two methods are being used: First, municipal bond issues, to be retired from earnings; and, second, revenue bonds issued against the earnings, but not a municipal obligation in the sense of adding to the constitutional indebtedness.

The Port of New York Authority is engaged in building bridges of unusual size and cost. Four bridges will cost, it is estimated, $100,000,000, and the cost will be met with the income. In this area a number of the most remarkable and most costly public works in the world are being provided without adding to the taxes on the property owner and with the profits devoted to freeing the projects from debt.

One of the projects financed on most favorable terms recently is the new Ohio River bridge at Louisville, Ky. Here is a splendid example of public financing by direct dealing with a strong financial house on the basis of a banking and not a stock-promotion project. The terms are eminently fair to the public. The city will build the bridge and completely control the whole project. Revenue bonds are issued against the earnings of the bridge and they are not a debt liability against the property of the city. The constitutionality of the contract has been passed upon favorably by the supreme court of the State, and within a reasonable time the city will own a magnificent bridge costing upward of $6,000,000 without cost to the taxpayers.

The States of Alabama, Tennessee, Kentucky, Louisiana, Arkansas, and perhaps others have within recent months provided for the building of bridges, the costs of which are to be paid from tolls and then made free.

Private toll-bridge interests are becoming bolder and obstructing the public's business. They are attempting to defeat legislation unfavorable to themselves and are obstructing the efforts of highway departments to carry on State projects. Seventy-five Federal authorizations to build toll bridges have been granted to private interests by the present Congress. The terms of these authorizations are wholly inadequate to protect the public's interest, and bills now pending on this subject are even more favorable to the private toll-bridge promoter than existing legislation. Incidentally, the proposal is carried to turn over the fixing of values and regulation of tolls to the Interstate Commerce Commission for bridges over navigable waters and over which interstate commerce is carried.

Basically, all bridges on the main highways have become valuable property because of the construction of highways. The bridges are only a part of such highways and should be legally treated as such. The Bureau of Public Roads made a survey of the situation, but was without legal authority and consequently could not obtain the records of costs, earnings, investments, and other essential facts from private interests. A full investigation of the toll-bridge situation is needed as a basis for remedial legislation to safeguard the public in their use of the roads and to protect the public which invests in securities. It is a field from which the shoestring promoter should be excluded, and he will be if a thorough investigation is made.

BRIDGE ACROSS OUACHITA RIVER AT HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 13705) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object I am pleased to note the interest shown by so many Members in the present policy of the Congress with respect to privately owned toll bridges. It is plainly evident no additional bills granting permission to private individuals or private corporations will be passed until the present bridge act is either amended or a substitute for existing law is favorably acted upon by Congress.

I desire to invite the attention of the Members to the American Highways Magazine delivered to our offices this morning. Some 20 pages are devoted to privately owned toll bridges. The Director of the United States Bureau of Public Roads presents an able article on the subject as does the chief engineer of the Kentucky Highway Commission. One bridge is referred to by this Kentucky official that is earning 2,100 per cent annually upon the investment due solely to the States of Kentucky, Ohio, and Tennessee expending millions of dollars in the construction of modern highways. This bridge, known as the Clay Ferry Bridge, was sold for $4,755 in 1907 and this year over $100,000 will be realized above expenses from tolls. An amazing situation presents itself in connection with the DeValls Bluff (Ark.) Bridge. Only last week the United States district engineer at Memphis held a public hearing demanded by indignant public officials because of excessive tolls. Testimony was submitted showing the official records of the State disclose the bridge cost $302,111. The chief highway engineer of Arkansas testified he found an average of 5,527 motor vehicles passed over the bridge daily. The toll to tourists is $1 a round trip, but the tickets must be used within 24 hours from date of sale. Ninety-five per cent of the tourists never use the return ticket. Round-trip tickets are sold in books of 10 for $2.50. About 3,500 tourists use the bridge daily. This toll bridge, costing $302,111, is shown by competent witnesses to be earning over $1,000,000 annually. It was brought out that a straight 25-cent toll would bring annually, on the basis of present traffic, $504,000. The toll-bridge owners appeared in opposition to a reduction in tolls.

I have maintained the promoters have issued securities far in excess of the actual cost of construction. The Kentucky engineer points out in his statement a bridge actually cost $214,240 to construct. There was no supervision. The cost of promotion, engineering, attorney fees, and so forth, on this same bridge was $105,441.

Until there is a general investigation of this entire subject the real facts will not be disclosed because the owners of toll bridges decline to give the information either to the United States Bureau of Public Roads or the various State highway officials. There are no provisions in the law under which they were constructed that requires them to do so.

Senator ODDIE, of Nevada, has introduced a resolution now pending in the Senate providing for an investigation by a joint committee of the House and Senate. This resolution should be passed without delay.

On Friday, December 7, I introduced a bill in the form of a substitute for the general bridge act. I also published in the RECORD on that date a synopsis of the bill. When the reports are received from the departments I propose to ask the Committee on Interstate and Foreign Commerce for a hearing.

Numerous bills have been introduced since this session convened which provided for privately owned toll bridges connecting National and State highways. None should be passed, nor none will be passed, if I can prevent it, until the present law is properly revised or a substitute for existing law is enacted.

When I first called the attention of the House to this matter I had few supporters, but I am pleased to say almost 50 per cent of the Members have advised me the present policy should be discontinued, and I hope it will be. [Applause.]

Mr. Speaker, I object to the consideration of this bill, and I will continue to object to all such bills without exception. I have no objection to the passage of any bill granting authority

to a State or any subdivision thereof for the construction of a bridge nor to a railroad constructing a railroad bridge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. COCHRAN of Missouri. I object.

JOHN SMITHS LAKE, IDAHO

The next business on the Consent Calendar was the bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the lands hereinafter described be, and the same are hereby, ceded to the State of Idaho for fish-cultural purposes, and the President is hereby authorized to execute and deliver to the State of Idaho a proper conveyance or grant of such lands for the purposes stated.

The lands hereby ceded are situate in the county of Custer, in the State of Idaho, and are more particularly described as follows, to wit:

Lot 1, section 24; lots 1, 2, 3, 4, 5, and 6, section 25, township 10 north, range 17 east, Boise meridian, containing about 192 acres, including John Smiths Lake.

With the following committee amendment:

Page 1, line 7, after the word "stated," insert "upon payment to the United States of $1.25 per acre therefor, and with a reservation to the United States of all coal, oil, gas, and other minerals, together with the right of the United States, its grantees, or permittees to prospect for, mine, and remove the same."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF FOR GRAIN ELEVATORS

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

Mr. BURTNESS. For the day?

Mr. LAGUARDIA. Yes; but I am going to object to it eventually.

Mr. STRONG of Kansas. Would not the gentleman like to have some explanation?

Mr. LAGUARDIA. Oh, the gentleman from Kansas has been explaining this bill to me now for eight or nine months, and even his eloquence has not convinced me.

Mr. STRONG of Kansas. I thank the gentleman for the compliment, but the bill has not been pending that long.

Mr. LAGUARDIA. But the gentleman has been talking to me about it that long.

Mr. STRONG of Kansas. Oh, no; I did not know of it until six months ago.

Mr. BURTNESS. If the gentleman is really taking the position that he eventually will object——

Mr. LAGUARDIA. I would be glad——

Mr. BURTNESS. There is no use trying——

Mr. LAGUARDIA. I will be glad to accommodate the gentleman. It will take three objections next time.

Mr. BURTNESS. If the gentleman is going to object next time, and gives notice he will object next time, it occurs to me he had better object now.

Mr. LAGUARDIA. I will be glad to do so. I object.

LANDS HELD UNDER COLOR OF TITLE

The next business on the Consent Calendar was the bill (S. 3776), to authorize the Secretary of the Interior to issue patents for lands held under color of title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not exceeding 160 acres, has been held in good faith and in peaceful, adverse, possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of not less than $1.25 per acre, cause a patent to issue for such land to any such citizen: *Provided*, That where the area so held is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And provided further*, That no patent shall issue under the provisions of this act for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

SEC. 2. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIVESTOCK IN CONNECTION WITH IRRIGATED LANDS IN WYOMING

The next business on the Consent Calendar was the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I would like to ask a question. I notice this bill deals with only three States, and the Secretary of the Interior suggested to the committee that instead of the bill under consideration providing for the sale of this land that the committee substitute a bill providing for the leasing of lands in all the States where there are these irrigation projects. It seems to me that would be the better thing to do.

Mr. COLTON. I will say that this is a matter of tremendous importance. The Public Lands Committee is working on that very problem now, and there is a bill in reference to grazing upon the public domain pending, and we want to consider it in connection with this bill and take time to go over the whole question.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none.

DIVERSION OF THE WATERS OF THE NORTH PLATTE

The next business on the Consent Calendar was the bill (H. R. 13420) to provide for the storage and diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SIMMONS. Mr. Speaker, I object.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER AND CONSTRUCTION OF RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 13421) to provide for the storage and diversion of the waters of the North Platte River and construction of the Saratoga reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, I object.

APPORTIONMENT OF WATER TO THE CIMARRON RIVER

The next business on the Consent Calendar was the bill (H. R. 6496) granting the consent of Congress to a compact or agreement between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, a certain amendment to this bill was presented at the last session which I shall expect to offer if consent is given for the consideration of the bill.

Mr. HASTINGS. What is the amendment?

Mr. CRAMTON. I will read it if the gentleman desires.

When the bill was up on the calendar the last session this matter was suggested at that time, agreeable to the gentleman from New Mexico [Mr. MORROW], and the amendment was to this effect:

Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigation for the Bureau of Reclamation.

Mr. HASTINGS. I think there will be no objection on the part of the Representatives from Oklahoma and New Mexico. It only applies to two States.

Mr. CRAMTON. There are several bills of a similar character, and I hope to have the same amendment adopted as to each of them.

Mr. JOHNSON of Texas. I see that this affects the Rio Grande. This is in Mr. HUDSPETH'S district, and——

Mr. HASTINGS. It does not affect the Rio Grande—only the Cimarron.

Mr. GILBERT. Mr. Speaker, I would like to ask the gentleman from New Mexico a question. I see he has reported several of these bills. I am opposed to increasing the tillable area of lands in the United States. Will this bill do that?

Mr. MORROW. It will affect the water applying to the States. The water will be protected by a compact between the States using it. It has nothing to do with the development of any immediate land for the purpose of crop production.

Mr. GILBERT. The latter part of the gentleman's explanation answers my question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Oklahoma to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Cimarron River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Does the gentleman from Michigan desire to offer an amendment?

Mr. CRAMTON. Yes. I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representatives, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

Mr. LAGUARDIA. May I ask the gentleman, What is that compact? Does that necessitate the compact going back for legislation?

Mr. CRAMTON. This is not a compact between the States. This is a consent given to them to negotiate a compact. Now, in the negotiation it is expedient to have the representative of the Bureau of Reclamation cooperate with them. Without this no money would be available for that purpose.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE RIO GRANDE, PECOS, AND CANADIAN OR RED RIVERS

The next business on the Consent Calendar was the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Texas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, Pecos, and Canadian or Red Rivers, and of the streams tributary thereto, and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HASTINGS. Mr. Speaker, I would like to ask the author of the bill why Oklahoma was not included in the bill, inasmuch as the Red River or Canadian River affects Oklahoma as well as New Mexico and Texas?

Mr. MORROW. I suppose it is because it is not intended by Oklahoma to use it for irrigation.

Mr. HASTINGS. I do not think it would do any harm. It might come in as a matter of flood control. I would not care if the gentleman from New Mexico would offer an amendment including Oklahoma. I do not have the bill before me.

Mr. LAGUARDIA. Mr. Speaker, I can not hear the gentleman from Oklahoma.

Mr. HASTINGS. Mr. Speaker, after line 4, on page 1, after the word "Mexico," I offer an amendment to insert a comma and the word "Oklahoma."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Line 4, page 1, after the word "Mexico," insert a comma and the word "Oklahoma."

Mr. HASTINGS. And amend the title.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE RIO GRANDE, SAN JUAN, AND LAS ANIMAS RIVERS

The next business on the Consent Calendar was the bill (H. R. 6498) granting the consent of Congress to compacts or agreements between the States of New Mexico and Colorado with respect to the division and apportionment of the waters

of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORROW. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF WATERS OF THE GILA AND SAN FRANCISCO RIVERS

The next business on the Consent Calendar was the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Arizona to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Gila and San Francisco Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into" insert the following: "Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

APPORTIONMENT OF THE WATERS OF THE RIO GRANDE, SAN JUAN, AND LAS ANIMAS RIVERS

The next business on the Consent Calendar was the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and New Mexico to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, San Juan, and Las Animas Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND KANSAS

The next business on the Consent Calendar was the bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and Kansas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Arkansas River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I offer an amendment: On page 1, line 4, after the word "Colorado," insert a comma and the word "Oklahoma."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 1, line 4, after the word "Colorado," insert a comma and the word "Oklahoma."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill .

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill and the next bill on the calendar be passed over without prejudice but retain their places on the calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill and the one following may be passed over without prejudice but retain their places on the calendar. Is there objection?

There was no objection.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND UTAH

The next business on the Consent Calendar was the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEATHERWOOD. Mr. Speaker, paragraph 2 of this bill is objectionable to the State of Utah. I have had a consultation with the gentleman from Colorado [Mr. TAYLOR], the author of the bill, and he has agreed that the same may be stricken out. If he consents to that, I have no objection to the consideration of the bill.

Mr. TAYLOR of Colorado. I have no objection.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, the paragraph to which I would offer an amendment is to be stricken out. Before I give consent to the consideration of the bill I would like to have a chance to see the effect of the gentleman's amendment. As I understand it, the gentleman from Utah wants the bill amended so that no representative of the Federal Government would take part in the negotiations.

Mr. LEATHERWOOD. I propose to strike out paragraph 2.

Mr. CRAMTON. Well, could the gentleman advise me as to the effect of that?

Mr. LEATHERWOOD. Mr. Speaker, the effect would simply be this: Under the Constitution and the law it is not necessary for States to come to Congress and get consent in advance to enter into such agreements or compacts. However, the custom is that they usually do ask for the consent of Congress in advance. In any event, after a compact or agreement has been reached by and between the States they must then have a ratification by Congress. We feel that the sovereign States of Colorado and Utah are capable of conducting this negotiation and entering into this compact without any third party sitting in. We realize that if we need any information it will be the duty of the Secretary of the Interior to inform us or to give us that information, but we feel we are perfectly competent to reach an agreement without any interference by a third party. That is our position exactly.

Mr. CRAMTON. Mr. Speaker, if the gentleman's statement is entirely correct, there is no occasion whatever for the passage of the bill at all, because he says they already have the authority provided in the bill. Therefore I object.

Mr. LEATHERWOOD. I join in the objection.

Mr. TAYLOR of Colorado. Will the gentleman from Michigan withhold his objection for a moment?

Mr. CRAMTON. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, these five bills came up, as you know, last session, and the gentleman from Utah reserved the right to object and I asked that the bills be passed over until this time. There are some five or six large streams that run from Colorado into Utah, and I feel that I can not pass a bill affecting the two States, one as much as the other, with the opposition of the Representatives from one of the States. However, we have had so much litigation between some of these Western States, if Colorado and Utah could get together between themselves, even with section 2 out of the bill, and agree upon what their respective claims should be in those streams, it would be better to have that much and avoid if possible that much litigation rather than not to have any compact at all. These bills simply give the consent of Congress to these States to get together and agree on an apportionment of the waters of these streams that run from one State into another, and avoid litigation and the retarding of development and strife between the people of those States.

Mr. CRAMTON. If my friend from Colorado will yield, let me suggest that the bill as proposed by the gentleman from Utah [Mr. LEATHERWOOD] means that these two States could get together without consultation with the Federal Government, without any showing of the interests of the Federal Government or possibly its wards, the Indians, and make an agreement and that compact comes to the Congress for approval. The Congress then can only approve or disapprove of it. I believe before we get to that stage there should be a presentation and a protection of the interests of the Federal Government, if any, in such negotiations, and that is what the bill as introduced and as reported by the committee provides.

The gentleman from Colorado [Mr. TAYLOR] knows that the Federal Government is responsible for the protection of the interests of its wards, the Indians, and they are often interested in this matter of the division of waters. The two States of Utah and Colorado could get together and divide everything that belongs to them, and possibly something that does not, and then come to the Congress and give no opportunity to the Congress except to accept the compact as a whole or to disapprove of it, and I believe that is not good practice.

I think these two States can get along just as well as other States with a representative of the Government sitting in their conferences, assisting with any information he has, and then reporting to the Congress the results of the conferences.

Mr. TAYLOR of Colorado. Will not the gentleman permit the bill to retain its place on the calendar for further consideration?

Mr. CRAMTON. Yes; I think it ought to stay on the calendar and ought to be passed as reported.

Mr. TAYLOR of Colorado. I think so, too, but my colleague from Utah over there does not think so. Out of deference to both of you gentlemen I will ask that the bill go over without prejudice and retain its place on the calendar, if the gentleman is going to object.

The SPEAKER. The Chair understands the gentleman from Colorado to ask that the bill be passed over without prejudice.

Mr. TAYLOR of Colorado. And retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CARE OF INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, at the request of the gentleman from Washington [Mr. JOHNSON] I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ADDITIONAL JUSTICE FOR THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4127, may be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President, with the advice and consent of the Senate, shall appoint an additional justice of the Supreme Court of the District of Columbia, who shall have the same tenure of office, pay and emoluments, powers, and duties as the present justices of that court. It shall be a duty of the Chief Justice of the Supreme Court of the District of Columbia to appoint from time to time, and for such period or periods as he may determine, one of the judges of the said Supreme Court of the District of Columbia to hear cases involving the condemnation of land in the District of Columbia, and it shall be the primary duty of such judge so appointed to preside at the hearing of

such cases involving the condemnation of land in the District of Columbia, and that only when not engaged in such cases shall he be subject to assignment to the other business of the court. The chief justice may assign for service in condemnation cases any justice of said court in case of disability of the justice so serving or for any other reason.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3116) providing for half holidays for certain Government employees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas and Mr. WOOD objected.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMPLOYEES OF THE PUBLIC-SCHOOL SYSTEM OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12531) to exempt the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object, Mr. Speaker.

DEGREE-CONFERRING INSTITUTIONS

The next business on the Consent Calendar was the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I have an amendment which should be offered.

Mr. NELSON of Wisconsin. Mr. Speaker, this is a very important bill and should be given careful consideration, and I therefore object to its being considered on the Consent Calendar.

RIGHTS IN LAND FOR PARK PURPOSES AND LEASE OF BUILDINGS ON PARK LAND IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

The Clerk read the title of the bill.

The SPEAKER. Is there objection.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the general purpose of the bill is not objectionable, but one can readily see that it is possible to establish a business and get a suitable park all around that business. It occurred to me that there should be an amendment on page 2, line 5, after the word "grantor" by inserting "except for business purposes."

Mr. ZIHLMAN. I have no objection to that.

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Maryland if, in line 5, page 3, after the word "lease," there ought not to be inserted "subject to the approval of the said commission"? This allows him to renew the lease himself.

Mr. ZIHLMAN. In section 2, line 2, it says:

The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease for a term of not exceeding five years—

And so forth.

Mr. COOPER of Wisconsin. "And to renew said lease for an additional term not exceeding five years."

Mr. ZIHLMAN. I have no objection to that. I am sure the Park Commission would not object to that. I might say to the gentleman from New York that the Park Commission have had several opportunities to have land dedicated for park purposes, the owners not caring to give up the title, but they could not accept it. They were unable to accept it, and this bill is to give them the power.

Mr. BLACK of Texas. Reserving the right to object, the Director of the Budget in a letter dated April 12 says:

BUREAU OF THE BUDGET,
Washington, April 12, 1928.

Lieut. Col. U. S. GRANT, 3d,
Executive and Disbursing Officer,
National Capital Park and Planning Commission,
Washington, D. C.

DEAR COLONEL GRANT: Under date of January 20, 1928, you were advised that the draft of proposed legislation which you transmitted to this office on November 25, 1927, to authorize your commission to acquire future estates and rights in land, and to lease land or buildings for limited periods in certain cases, was in conflict with the financial program of the President.

With respect to the draft of proposed legislation which accompanied your letter of April 10, 1928, however, relative to the same subject matter, you are advised that this proposed legislation would not be in conflict with the financial program of the President if the words "future estates and" were stricken from the title of the draft.

Very truly yours,

H. M. LORD, *Director.*

Does this bill grant any authorization to purchase estates in futurity—where the title is vested in the future?

Mr. ZIHLMAN. I do not so understand it; I may be in error. The National Park and Planning Commission have the power to acquire lands for park purposes, but they have no power to lease lands, and that is the object of this bill.

Mr. BLACK of Texas. In reading the bill I think the objection of the Director of the Budget has been removed. I do not see anything in this bill that would permit them to purchase land on some future contingency.

Mr. ZIHLMAN. I do not so understand it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the authority of the National Capital Park and Planning Commission, established by the act approved April 30, 1926 (Stat. L., vol. 44, p. 374), is hereby enlarged as follows:

Said commission is hereby authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of the act of June 6, 1924 (Stat. L., vol. 43, p. 463), as amended by the act of April 30, 1926 (Stat. L., vol. 44, p. 374), (1) fee title to land subject to limited rights reserved to the grantor: *Provided,* That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further,* That in the opinion of said commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided,* That in the opinion of said commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further,* That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Park and Planning Commission, to lease, for a term not exceeding five years, and to renew such lease for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, line 5, after the word "rights," insert the words "but not for business purposes."

The amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 3, line 5, after the word "lease," insert the words "subject to such approval."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERSONAL LIABILITY OF MEMBERS OF BOARD OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 12530) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. It occurs to me that this bill is useless. The present law does not make the school-board members personally liable for official acts; and in no State is there any law that makes a public official liable for official acts performed in good faith, however improper they may be. What is the use of passing this bill just to satisfy some real-estate manipulator as to the title to one piece of property belonging to one member of the school board that happens to be in jeopardy, as he imagines?

Mr. ZIHLMAN. We are advised by the Commissioners of the District of Columbia that in several instances judgments carrying costs have been rendered against members of the school board in actions brought against them in respect to official acts.

Mr. BLANTON. If you sue a man and he does not have proper legal counsel and does not make a proper defense, improper judgments are sometimes rendered in courts, but they ought to have counsel, and they have plenty of counsel here in the District to represent them, and if the law is presented to the court, no judgment could be rendered against them personally.

Mr. LAGUARDIA. Oh, yes; it could under existing law.

Mr. BLANTON. There is no such law that authorizes a personal judgment against an official for an official act unless it is malicious. Is there any such law in the State of New York?

Mr. LAGUARDIA. Yes. I have had some experience with that. There are some cases still pending against me and some of my colleagues for official acts while on the Board of Estimate and Apportionment of New York City.

Mr. BLANTON. Where the acts are committed in good faith——

Mr. LAGUARDIA. Yes; in good faith.

Mr. BLANTON. Of course, there could be malicious acts performed by officials that would make them personally liable, but where there is no malice, where it is merely want of good judgment, then I know of no law in any State which would permit a personal judgment against an official for the performance in good faith of an official act.

Mr. LAGUARDIA. As I understand the law, if a judgment is obtained against the Board of Education, of course the District of Columbia pays for it.

Mr. BLANTON. Yes; of course it does, and always has.

Mr. LAGUARDIA. But, in the meantime, the judgment is of record, pending appeal, or something of that kind, and that is a cloud on the title to the property of the individual members.

Mr. BLANTON. I will tell why they want this change. There have been some acts performed that were in a way malicious. They are trying to relieve themselves of all responsibility so that they can do just exactly what they please.

Mr. LAGUARDIA. This bill does not relieve them of responsibility for malicious acts.

Mr. BLANTON. It would deter people who had had their rights abused from bringing suits against them. Mr. Speaker, for the present I object.

VAGRANCY IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7911) to define and punish vagrancy in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE

The next business on the Consent Calendar was the bill (H. R. 13565) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926, is hereby amended by adding a fourth paragraph to section 2 of said act, as follows:

"In all cases where an employee otherwise eligible for continuance has been retained beyond retirement age without prior authority the Civil Service Commission may issue certificate of continuance legalizing the service of such employee and authorizing his further continuance as provided in paragraph 1 of this section, upon being satisfied that the retention was due to erroneous or incomplete records of age or service or to faulty administration on the part of the department or office concerned and not to any attempt or desire by the employee to deceive for the purpose of defeating any provision of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 14000) to amend section 29 of the Federal farm loan act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

ORGANIC ACT OF PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso contained in section 35 of an act entitled "An act to provide a government for Porto Rico, and for other purposes," approved March 2, 1917, be, and the same is hereby, amended to read as follows: *Provided,* That no property qualifications shall ever be imposed upon or required of any voter: *And provided further,* That the right to vote shall not be denied or abridged on account of sex.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RANK, PAY, AND ALLOWANCES OF PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 13784) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, we passed a bill last session giving the rank of admiral to a doctor. Are we going to surround him with admirals and colonels?

Mr. WAINWRIGHT. Mr. Speaker, it has always been considered the privilege of the President to appoint an officer of the Army and Navy whom he desired——

Mr. BLANTON. On that point——

Mr. WAINWRIGHT. I prefer not to yield until I have finished a very brief explanation. President Coolidge appointed a Major Coupal. At the last session we passed a bill allowing that officer the pay and allowance of a colonel, as a man in that position has certain expenses, certain obligations resting upon him which he has to meet and which are very onerous for a man who has that rank and pay.

Now, the Committeee on Military Affairs concluded in the consideration of this bill that it was advisable, under the privilege the President exercises, to provide that where an officer is appointed with a lower rank than colonel, to obviate the coming to Congress for future special legislation of the kind, and if the next President wants to appoint somebody of less

rank than colonel, that there should be general legislation of this kind, and therefore——

Mr. SCHAFER. Will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from Texas.

Mr. BLANTON. I want to ask the gentleman a question. As the gentleman well knows in times past, President Harding brought the poor old grandfather physician here from his local town and made him a brigadier general.

Mr. WAINWRIGHT. That was a different matter.

Mr. BLANTON. It is not; because any President can do what President Harding did, the gentleman's own President, and the President elect (Mr. Herbert Hoover) can do the same thing.

Mr. JAMES. Under this bill they have to take him from the Army.

Mr. BLANTON. No; they can take him from anywhere, place him in the Medical Corps of the Army as a lieutenant, and then make him a general.

Mr. JAMES. He would have to be an officer of the Medical Corps.

Mr. BLANTON. He could first put him in and then raise him. I object.

INTERNATIONAL JURIDICAL CONGRESS ON WIRELESS TELEGRAPHY

The next business on the Consent Calendar was H. J. Res. 316, authorizing an appropriation in the sum of $12,350 to pay for the expenditures involved in the participation by the United States in the International Juridical Congress on Wireless Telegraphy to be held at Rome in 1928.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this convention was held. Now, what we want to know is whether the delegation was sent over there contrary to the law, especially when the State Department is so sensitive about Congress encroaching upon their prerogative as to foreign affairs? Now, this convention took place last summer, and if a delegation was sent over without authority of Congress we ought to know.

Mr. COLE of Iowa. Is the gentleman sure the convention has been held?

Mr. LAGUARDIA. I only know what is in the bill where it says in 1928, and if it is going to be held in the next few days——

Mr. COLE of Iowa. The chairman of the Committee on Foreign Affairs [Mr. PORTER] is absent, and he gave me no further information.

Mr. BLANTON. After these gentlemen have had their nice travel and summer trip abroad they do not want us to make them pay their own expenses.

Mr. LAGUARDIA. Well, I think it very wholesome that the executive department——

Mr. BLANTON. I think the gentleman ought to object.

Mr. LAGUARDIA. I am going to.

Mr. COLE of Iowa. This is not a pleasure trip. It is an important international conference.

Mr. LAGUARDIA. The question is whether the State Department sent out these delegations without authority of Congress. The head of the State Department is especially jealous of his rights in regard to department affairs.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

INTERNATIONAL TELEGRAPH CONFERENCE

The next business on the Consent Calendar was the resolution (H. J. Res. 317) authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the international telegraph conference to be held at Brussels in 1928.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, I make the same objection to this as to the preceding measure.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 13345) to amend section 4826 of the Revised Statutes of the United States, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. SCHAFER. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. CRAMTON. I will reserve it.

Mr. SCHAFER. Mr. Speaker, we have 11 National Homes for Disabled Volunteer Soldiers. I think it is a good policy from the veterans' standpoint for each State having one of these branch homes to have a representative on the board of managers, so that the interests of that home may be properly taken care of. The expenses involved are very trivial.

Mr. CRAMTON. At the present time, Mr. Speaker, I understand that there is under consideration legislation proposing a change in the system of management of these homes and a consolidation with the activities of the Veterans' Bureau. Until that is done it seems undesirable to appoint more of these officials.

Mr. SCHAFER. That may be a long time.

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ADDITIONAL LAND OFFICES IN MONTANA, OREGON, SOUTH DAKOTA, IDAHO, NEW MEXICO, COLORADO, AND NEVADA

The next business on the Consent Calendar was the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

MAMMOTH CAVE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 13694) to authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. The gentleman from Michigan objects. The Clerk will report the next bill.

Mr. THATCHER. Mr. Speaker, will the gentleman from Michigan withhold a moment?

Mr. CRAMTON. Yes. But there is no bill on the calendar against which I have more objections than this. This bill is without excuse. I will withhold my objection if the gentleman wants to discuss it.

Mr. THATCHER. The people of the State of Kentucky have made up, by subscriptions and in donations of property, about one and a quarter million dollars toward the acquisition of the land embracing the Mammoth Cave project. In order to facilitate or aid in the raising of further funds it would be a help to us if we could have a medal struck in the manner provided in this bill. It will cost the Government nothing. It will involve the Government in no expense whatever, and these medals will be sold and the proceeds utilized in the prosecution of this project.

Mr. LAGUARDIA. Will the mint be able to strike these medals without cost?

Mr. THATCHER. We have to pay the cost of them. The arrangement proposed is perfectly satisfactory to the mint officials.

Mr. LAGUARDIA. Under the law, as I understand, the association would have no power to do it. They can only devise a plan.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, my information is that the Mammoth Cave in Kentucky is not of national-park caliber. In the act for the Great Smoky and Shenandoah Parks the Mammoth Cave was forced into the bill. They have not been able to raise the money after forcing this cave into the situation, and now they seek to have the Congress of the United States authorize them to peddle medals around the country in order to put into the park system something that is not of a national park standard, and I object.

Mr. THATCHER. It is of a national park status, and the committee appointed under authority of Congress, headed by the gentleman from Pennsylvania [Mr. TEMPLE], recommended it as a national park enterprise, and, based on that report, it was included in an act, and the act was signed by the President.

Every school child in the country knows of the great Mammoth Cave region.

Mr. CRAMTON. It is now traveling on its reputation. Its walls are begrimed with the smoke coming from torches carried by visitors for many years. The cave has not been properly cared for. As to the Great Smokies and the Shenandoah, one has been financed without any such catchpenny scheme and the other is about to be financed. I do not believe we should give any preference in requirements to the least desirable one of the three.

Mr. THATCHER. I do not agree with the gentleman. I do not suppose he has ever seen this national park, and, therefore, does not know about that which he is trying to speak.

Mr. CRAMTON. I have never visited it and I have never heard anything about it that made me want to do so.

Mr. THATCHER. So the gentleman argues himself unknown.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

DIVISION OF THE LANDS AND FUNDS OF THE OSAGE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, by request of the chairman of the Committee on Banking and Currency, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object to the request and I object to the bill.

KANSAS OR KAW TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have two amendments. One I feel I would have to insist on and the other I think ought to be adopted. The one which I think ought to be adopted provides for the cutting out of the language in italics on page 4 that permits a fee of $50,000 instead of one of $25,000. The one which I think I would want to insist on is to insert at the end of line 12, on page 4, language similar to that which was in the California Indians' bill, which provides for the use of the money for specific purposes instead of per capita payments.

Mr. WILLIAMSON. If the gentleman will yield, I have no objection myself to that sort of an amendment. In this particular case, however, I think a fee of $25,000 is too small for attorneys. This is a very involved case; a tremendous amount of work has already been done in the case and much more will have to be done, so that I do not think a fee of $25,000 is sufficient in order to get the right kind of attorneys in a case of this character.

Mr. CRAMTON. I have not studied the case and having confidence in the gentleman's judgment on that, I shall not urge that amendment, but I think the other amendment should be accepted.

Mr. HUDSON. I shall object unless the gentleman from South Dakota accepts the amendment cutting the fee.

Mr. WILLIAMSON. I do not know how much the gentleman knows about this particular case and the merits of it.

Mr. HUDSON. I have spent some years on the Indian Affairs Committee and I shall object to the fee going above $25,000.

Mr. WILLIAMSON. Let me make this statement. This is a case that our subcommittee went into pretty thoroughly. I think I know what is involved in this case and I know there is a tremendous amount of work that will have to be done. I believe the case is of such importance that a fee of $50,000 is not too much.

Mr. HUDSON. I would be very glad at some other time to take this matter up with the gentleman and I will ask that the bill be passed over for to-day.

The SPEAKER pro tempore. The bill has once been objected to, and it will take three objections to take it off the calendar.

Mr. CLARKE. Mr. Speaker, I object.

Mr. LEAVITT. Mr. Speaker, before these objections are made, and there are only two up to this time, I want to say that the Committee on Indian Affairs refers every one of these jurisdictional bills to a subcommittee headed by Judge WILLIAMSON, and the merits of each bill are thoroughly gone into.

Mr. BLANTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BLANTON. This is the kind of a bill to which I expect the gentleman from Michigan to stop by objection.

Mr. LEAVITT. He is not insisting on the one amendment.

Mr. BLANTON. But he is one of the objectors.

Mr. LEAVITT. He has not objected.

Mr. BLANTON. The Bureau of the Budget has disapproved this bill.

Mr. LEAVITT. The Bureau of the Budget has disapproved all bills of this kind.

Mr. BLANTON. I will be the third objector.

Mr. CRAMTON. Will the gentleman withhold his objection to let me explain to him the importance of the matter?

Mr. BLANTON. Yes.

Mr. BLACK of Texas. Mr. Speaker, I renew the objection for the present.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill——

Mr. O'CONNOR of Louisiana. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded. The Clerk will report the next bill on the calendar.

UMPQUA NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas in Douglas County, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. BLACK of Texas, and Mr. HASTINGS objected.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill may go to the foot of the calendar.

The SPEAKER pro tempore. There have been three objections, which removes it from the calendar.

SISKIYOU NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (S. 3162) authorizing the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. BLACK of Texas, and Mr. HASTINGS objected.

VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (S. 1731) to provide for the further development of vocational education in the several States and Territories.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I am in favor of the bill, but I do not think a bill of this character ought to be on the Consent Calendar. This bill ought to have some consideration, and for that reason I object to it, although I am in favor of the bill.

ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The next business on the Consent Calendar was the bill (S. 1275) to create an additional judge for the southern district of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. SCHAFER objected.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this bill may be passed over until the next call of the calendar, for the reason that there may be action taken in the House that will cover the matter of judicial appointments.

Mr. BLANTON. Will the Chair permit a parliamentary inquiry in connection with this request?

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. If this consent is granted, will one objection take the bill off the calendar the next time?

The SPEAKER pro tempore. That is correct.

Mr. BLANTON. I have no objection to the request.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice, and the Clerk will call the next bill on the calendar.

There was no objection.

LABELING FOREIGN PRODUCTS

The next bill on the Consent Calendar was the bill (H. R. 13071) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GIBSON, Mr. CLARKE, and Mr. LAGUARDIA objected.

NANCY HART

The next business on the Consent Calendar was the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I objected to this bill at the last session and I still think the policy is wrong, the Federal Government building monuments for such trivial occasions as this. As I understand, the gentleman from Georgia [Mr. BRAND] is very keenly interested and it has been intimated that both Georgia and South Carolina may go Republican if this bill does not pass. Hence, I am disposed to withhold my objection if certain amendments can be made.

In the first place, in justice to the reputation of the chairman of the committee, the gentleman from Massachusetts [Mr. LUCE]: The language is a maze of "whoses" and "whichs" and "wheres" and "whens," so that it is quite bewildering. I would like to straighten out the language and then I think we will do enough if we spend $500 for a tablet and the local people erect the tablet and maintain it. If that is agreeable to the gentleman I will offer those amendments when the bill is read.

Mr. BLANTON. Is the gentleman doing that for the benefit of the people or to keep those States regularly Republican?

Mr. CRAMTON. To keep them regularly Democratic. We want an irreducible minimum left.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRAND of Georgia. I have a bill prepared which is an exact copy of the pending bill except the elimination of the adjectives that the gentleman objects to.

Mr. CRAMTON. All that is necessary is to strike out the word "erect" on page 1 and say "furnish for erection" and then in order to correct the grammar, on page 2, in line 3, strike out the words "when and where."

Mr. BRAND of Georgia. Yes; I am willing for the proposed corrections to be made, but I do not admit that the language objected to is not proper English.

Mr. CRAMTON. Well, it may be all right in Georgia but not elsewhere. And in line 4, strike out the word "she" and then later insert "$500" for "$1,000" and at the end of the paragraph insert "and bear all expenses of the erection of such marker or tablet."

Mr. BRAND of Georgia. Does the gentleman mean to reduce the amount from $1,000 to $500?

Mr. CRAMTON. I thought that was probably more generous than we ought to consider, but I was willing to compromise with the gentleman.

Mr. BRAND of Georgia. If the gentleman will permit, I think this statement will appeal to the gentleman's sense of fairness. This is the only bill ever reported out for a marker by the Library Committee for less than $2,500.

Mr. CRAMTON. It is the only bill, I will say to the gentleman, I know of——

Mr. BRAND of Georgia. I have not finished my statement, if the gentleman will permit. This bill was reported favorably with an authorization for an appropriation of only $1,000; and in addition to this the committee put on an amendment to the bill which requires the Daughters of the American Revolution of Hartwell, Hart County, Ga., to furnish at their expense the stone for the marker. So the gentleman can understand that there will not be but about $500 remaining for the Government to pay. If we are to furnish the stone and take $1,500 less than has been given for all other markers, I think the gentleman ought to withdraw his amendment.

Mr. CRAMTON. I do not charge anything for correcting the grammar. I think the Committee on the Library has been pretty liberal. I have never known them to authorize any other marker for so small and unimportant occurrence as this.

Mr. BULWINKLE. Mr. Speaker, being one of the members of the Committee on the Library I want to say to the gentleman from Michigan that this is a very important event, or was a very important event. This woman did more than any one man in the Revolutionary War.

Mr. CRAMTON. Let me ask the gentleman from Georgia if my amendment will be agreeable to him?

Mr. BRAND of Georgia. I can not consent to the reduction of the amount to $500. I hope the House will give me a few additional minutes to call the attention of the gentleman from Michigan to different historians who have written at length in regard to this woman.

Mr. CRAMTON. Will the gentleman accept the other corrections that I have mentioned?

Mr. BRAND of Georgia. Yes.

Mr. CRAMTON. All right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart

Be it enacted, etc., That the Secretary of War is hereby authorized to erect and maintain at some suitable point at Alfords Bridge, which crosses Savannah River in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, a tablet or marker to commemorate the memory of Nancy Hart who during the American Revolution when a party of British Tories came to her home, which was located on what was then known as Fish Dam Ford or Broad River, when and where, single-handed and alone, she captured these Tories, killing one, wounding another, the others surrendering, and the living ones thereafter hanged by Nancy Hart and a few of her neighbors.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The following committee amendments were read:

Page 1, line 4, strike out the words "and maintain." Page 2, line 10, after the word "act," insert: "*Provided*, That the stone for such marker or tablet shall be furnished by the Hartwell Chapter, Daughters of the American Revolution, of the town of Hartwell, Hart County, Ga."

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

Page 1, line 3, strike out the word "erect" and insert the words "furnished for erection."

The amendment was agreed to.

Amendment by Mr. CRAMTON: Page 2, line 13, at the end of the committee amendment, after the word "Georgia," insert a comma and add the following: "And bear all expense of erection of said marker or tablet."

The amendment was agreed to.

Amendment by Mr. CRAMTON: Page 2, line 3, after the word "river," strike out the words "when and where"; page 2, line 4, after the word "alone," strike out the word "she."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD on the life and character and war activities of Nancy Hart, one of the most remarkable women of the American Revolution, I submit excerpts from the following histories:

GOV. GEORGE R. GILMORE'S HISTORY OF GEORGIA, 1855

In Governor Gilmore's History of Georgia he has this to say, among other things, in regard to Nancy Hart:

"In the contest between the Whigs and Tories, in the Revolutionary War, she proved herself every inch a Whig. Nancy Hart's confident courage stirred into patriotic action many vacillating, British-fearing men of the times. When the Whigs of upper Georgia were flying from the murdering and plundering of the Tories and their superiors she stood her ground, ever disposed and ready to defend herself and hers from her country's foes.

"Nancy Hart was one of the North Carolina emigrants. She was a tall, muscular, red-headed, cross-eyed woman.

"The restless temper and fearless spirit which had urged Nancy Hart to fight for liberty made her the best backwoods woman after the war ended. She traced the bee to its tree and the deer to its lair, among snakes and wild beasts, with unequaled success.

"When civilization began to extend its gentle influence over the frontier people of upper Georgia, Nancy Hart left her accustomed haunts for the West. She settled for a while on the Tombigbee.

"On one occasion she captured three Tories, and after doing so, with these Tories she waded the Broad River, her clothes tucked up under one arm, a musket under the other, and the three Tories ahead, on her way to the camp of the Whigs, to deliver them up to the tender mercies of Col. Elijah Clarke."

THE LIFE AND TIMES OF WILLIAM H. CRAWFORD

By J. E. D. Shipp, A. B., 1909

THE STORY OF NANCY HART

In The Life and Times of William H. Crawford it is stated: "On the north side of Broad River at a point about 12 miles from the present city of Elberton, Ga., was situated the log house in which Benjamin Hart and his wife, Nancy Morgan Hart, lived at the commencement of the Revolution. This house is near a small and romantic stream, known as War Womans Creek, the name given to it by the Indians in honor of Nancy Hart, whom they admired and feared. Benjamin Hart was a brother to the celebrated Col. Thomas Hart, of Kentucky, who was the father of the wife of Henry Clay.

"Nancy Hart, along with six boys and two girls, presents a unique case of patriotic fervor, courage, and independence of character unparalleled in history. Rough, 6 feet tall, spare, big boned, and exceedingly strong, she was high spirited, energetic, and shrewd, and delighted in her prowess and physical strength. The Whigs all loved her—she was hospitable and kind to them. The Liberty Boys called her 'Aunt Nancy.' The Tories feared and hated her unrelentingly.

"When General Clarke moved the women and children away from Broad River settlement to a place of safety in Kentucky most of them were anxious to go, but Nancy refused and remained alone with her children after her Whig neighbors had departed. Her life was in constant danger, but she was resolute, and inspired the Tories with a wholesome dread, and for a long dismal period she stood her ground. Her house was a meeting place for her husband's company. She aided as a spy and kept him informed of the movements of the enemy.

"One day very near her dwelling 'Aunt Nancy' met a Tory. She engaged in conversation with him, and after a while diverted his attention and seized his gun. There was a lively wrestle over the weapon, but her superior strength gained the mastery and she marched him down the river a mile and a half to a fort known as the Old Block House and turned him over as a prisoner of war to its commander.

"All through Georgia and the Carolinas Nancy soon became famous. Her courage and confidence rekindled the smoldering sparks of liberty in hearts that were weary and ready to faint.

"She was possessed of considerable property, and her descendants were well provided for by her.

"In 1787, when the two Virginia preachers, Thomas Humphreys and John Majors, were holding a great camp meeting in Wilkes County, Ga., many of the inhabitants were moved by their teachings to embrace the doctrine of John Wesley. She was among those who fervently espoused the cause and became a staunch adherent of the new faith.

"She made several changes of residence—one to St. Marys, Ga., and other places—and finally, with her family, moved to Kentucky, where her relatives, the Morgans, lived. Hart County is the only one in Georgia named for a woman. Hartwell was named in her honor. The town of Hartford, which in 1810 was the county seat of Pulaski County, was also named in her honor. Many of her descendants reside in Georgia and treasure with pardonable pride her virtues and fondly relate the traditions of her great name."

MEMORIALS OF DIXIE LAND

By Lucien Lamar Knight, M. A., LL. D.

It was during the troublous days of Toryism in upper Georgia that Nancy Hart performed the courageous feat which has since carried her name to the ends of Christendom. There is perhaps no exploit in our annals richer in the thrilling elements of the drama. It was staged in a little cabin of the backwoods. Both Savannah and Augusta had become the strongholds of the British, and all the frontier had commenced to swarm with Tories. Preparatory to waging warfare against these scalawags of the Revolution Gen. Elijah Clarke had transported most of the women and children of the Broad River settlement to a secure asylum beyond the Blue Ridge Mountains. But Nancy Hart had not traveled in the wake of the noted rifleman. There was work for her at home.

The Hart family into which she married, an aristocratic one, gave a wife to the illustrious Henry Clay; while it flowered again in the great Thomas Hart Benton, of Missouri. Her own maiden name was Nancy Morgan, a name which honorably connects her with one of the best families of the Old Dominion. She has left us no mound to bedew with our tears, to bedeck with our garlands; but she has left us an immortal memory.

HISTORICAL COLLECTIONS OF GEORGIA

By the Rev. George White, M. A., 1855

This author says:

"One among the most remarkable women that any country has ever produced resided in Elbert County.

"She was most remarkable for her military feats. She professed high-toned ideas of liberty. Not even the marriage knot could restrain her on that subject.

"The clouds of war gathered and burst with a dreadful explosion in this State. Nancy's spirit rose with the tempest. She declared and proved herself a friend to her country, ready 'to do or die.'

"She was ignorant of letters and the civilities of life, but a zealous lover of liberty and the 'Liberty Boys,' as she called the Whigs. She was awkward in manners, but having a woman's heart for her friends. She was well known to the Tories, who stood in fear of her revenge for any grievance or aggressive act, though they let pass no opportunity of worrying and annoying her when they could do so with impunity.

"On one occasion, when information as to what was transpiring on the Carolina side of the river was anxiously desired by the troops on the Georgia side, no one could be induced to cross the river to obtain it. Nancy promptly offered to discharge the perilous duty. Alone, the dauntless heroine made her way to the Savannah River; but finding no mode of transport across, she procured a few logs and, tying them together with a grapevine, constructed a raft upon which she crossed, obtained the desired intelligence, returned, and communicated it to the Georgia troops.

"Once more when Augusta was in possession of the British, the American troops in Wilkes, then under the command of Col. Elijah Clarke, were very anxious to know something of the intentions of the British. Nancy assumed the garments of a man, pushed on to Augusta, went boldly into the British camp, pretending to be crazy, and by this means was enabled to obtain much useful information, which she hastened to lay before the commander, Colonel Clarke."

GEORGIA—HISTORICAL AND INDUSTRIAL

By O. B. Stevens

One of the most remarkable women that any country has ever produced resided in Elbert County. This was Nancy Hart, whose maiden name was Morgan. Her husband was a brother of Col. Thomas Hart, of Kentucky, who married a Miss Gray, of Orange County, N. C., and who was father-in-law of Henry Clay and maternal uncle of the Hon. Thomas Hart Benton. Nancy Hart removed with her husband to Georgia before the Revolution and settled on Broad River in Elbert County. She was an ardent patriot in whose untutored bosom dwelt the heart of a hero.

On one occasion she defended successfully a small fort against the attack of a band of Tories and savages.

THE STORY OF GEORGIA AND THE GEORGIA PEOPLE

By George Gillman Smith, D. D., 1900

In her old age the governor says she became a shouting Methodist and was recognized by all as a good woman. She married an uncle of Thomas Hart Benton, the famous Senator, and the sterling old statesman was always proud of his connection with her. It is certain she was a woman of integrity, and her family was among the best.

WOMEN OF THE REVOLUTION

(Vol. 11, ch. 43)

By Elizabeth F. Ellett

NANCY HART

At the commencement of the Revolutionary War a large district in the State of Georgia, extending in one direction from Newsons Ponds to Cherokee Corner, near Athens, and in the other from the Savannah

River to Ogeechee River and Shoulder-bone, had been already organized into a county which received the name of Wilkes, in honor of the distinguished English politician. At the commencement of hostilities so great a majority of the people of this county espoused the Whig cause that it received from the Tories the name of the "Hornet's Nest." In a portion of this district, near Dyes and Webbs Ferries, on Broad River, now in Elbert County, was a stream known as "War Womans Creek"—a name derived from the character of an individual who lived near the entrance of the stream into the river.

This person was Nancy Hart, a woman entirely uneducated and ignorant of all the conventional civilities of life, but a zealous lover of liberty and of the "Liberty Boys," as she called the Whigs. She had a husband whom she denominated a "poor stick," because he did not take a decided and active part with the defenders of his country, although she could not conscientiously charge him with the least partiality to the Tories. This vulgar and illiterate, but hospitable and valorous female patriot could boast no share of beauty; a fact she would herself have readily acknowledged, had she ever enjoyed an opportunity of looking in a mirror. She was cross-eyed, with a broad, angular mouth—ungainly in figure, rude in speech, and awkward in manners—but having a woman's heart for her friends, though that of a tigress or a Katrine Montour for the enemies of her country. She was well known to the Tories, who stood somewhat in fear of her vengeance for any grievance or aggressive act, though they let pass no opportunity of teasing and annoying her when they could do so with impunity.

On the occasion of an excursion from the British camp at Augusta a party of loyalists penetrated into the interior, and having savagely massacred Colonel Dooly in bed in his own house, proceeded up the country with the design of perpetrating further atrocities. On their way a detachment of five from the party diverged to the east and crossed Broad River to examine the neighborhood and pay a visit to their old acquaintance Nancy Hart. When they arrived at her cabin they unceremoniously entered it, although receiving from her no welcome but a scowl, and informed her they had come to learn the truth of a story in circulation, that she had secreted a noted rebel from a company of "King's men" who were pursuing him and who, but for her interference, would have caught and hung him. Nancy undauntedly avowed her agency in the fugitive's escape. She had, she said, at first heard the tramp of a horse and then saw a man on horseback approaching her cabin at his utmost speed. As soon as she recognized him to be a Whig flying from pursuit she let down the bars in front of her cabin and motioned him to pass through both doors, front and rear, of her single-roomed house—to take to the swamp, and secure himself as well as he could. This he did without loss of time, and she then put up the bars, entered the cabin, closed the doors, and went about her usual employments. Presently some Tories rode up to the bars, calling vociferously for her. She muffled up her head and face and, opening the door, inquired why they disturbed a sick, lone woman. They said they had traced a man they wanted to catch near to her house and asked if anyone on horseback had passed that way. She answered, "No," but she saw some one on a sorrel horse turn out of the path into the woods, some two or three hundred yards back.

"That must be the fellow," said the tories, and asking her direction as to the way he took, they turned about and went off. "Well fooled," concluded Nancy; "in an opposite course to that of my Whig boy; when, if they had not been so lofty minded—but had looked on the ground inside the bars they would have seen his horse's tracks up to that door as plain as you can see the tracks on this here floor and out t'other door down the path to the swamp."

This bold story did not much please the Tory party, but they would not wreak their revenge upon the woman who so unscrupulously avowed the cheat she had put upon the pursuers of a rebel. They contented themselves with ordering her to prepare them something to eat. She replied that she never fed traitors and King's men if she could help it—the villains having put it out of her power to feed even her own family and friends by stealing and killing all her poultry and pigs, "except that one old gobbler you see in the yard." "Well, and that you shall cook for us," said one who appeared to be a leader of the party; and raising his musket he shot down the turkey, which another of them brought into the house and handed to Mrs. Hart to be cleaned and cooked without delay. She stormed and swore awhile—for Nancy occasionally swore—but seeming at last disposed to make a merit of necessity, began with alacrity the arrangements for cooking, assisted by her daughter, a little girl 10 or 12 years old, and sometimes by one of the party, with whom she seemed in a tolerably good humor, now and then exchanging rude jests with him. The Tories, pleased with her freedom, invited her to partake of the liquor they had brought with them, an invitation which was accepted with jocose thanks.

The spring—of which every settlement has one near by—was just at the edge of the swamp; and a short distance within the swamp was hid among the trees a high snag-topped stump, on which was placed a conch shell. This rude trumpet was used by the family to convey information, by variations in its notes, to Mr. Hart or his neighbors, who might be at work in a field, or "cleaning" just beyond the swamp; to let them know that the "Britishers" or Tories were about—that the master was wanted at the cabin—or that he was to keep close, or "make tracks" for another swamp. Pending the operation of cooking the turkey, Nancy had sent her daughter Sukey to the spring for water, with directions to blow the conch for her father in such a way as should inform him there were Tories in the cabin; and that he was to "keep close" with his three neighbors who were with him, until he should again hear the conch.

The party had become merry over their jug, and sat down to feast upon the slaughtered gobbler. They had cautiously stacked their arms where they were in view and within reach; and Mrs. Hart, assiduous in her attentions upon the table and to her guests, occasionally passed between the men and their muskets. Water was called for; and our heroine having contrived that there should be none in the cabin, Sukey was a second time despatched to the spring, with instructions to blow such a signal on the conch as should call up Mr. Hart and his neighbors immediately. Meanwhile, Nancy had managed, by slipping out one of the pieces of pine which form a "chinking" between the logs of a cabin to open a space through which she was able to pass to the outside two of the five guns. She was detected in the act of putting out the third. The whole party sprang to their feet; when quick as thought Nancy brought the piece she held to her shoulder, declaring she would kill the first man who approached her. All were terror stricken, for Nancy's obliquity of sight caused each to imagine himself her destined victim. At length one of them made a movement to advance upon her, and true to her threat she fired and shot him dead. Seizing another musket, she leveled it instantly, keeping the others at bay. By this time Sukey had returned from the spring; and taking up the remaining gun, she carried it out of the house, saying to her mother, "Daddy and them will soon be here." This information much increased the alarm of the Tories who perceived the importance of recovering their arms immediately; but each one hesitated, in the confident belief that Mrs. Hart had one eye at least on him for a mark. They proposed a general rush. No time was to be lost by the bold woman; she fired again and brought down another of the enemy. Sukey had another musket in readiness, which her mother took, and posting herself in the doorway, called upon the party to surrender, "Their d—— Tory carcasses to a Whig woman." They agreed to surrender, and proposed to "shake hands upon the strength of it." But the victor, unwilling to trust their word, kept them in their places for a few minutes till her husband and his neighbors came up to the door. They were about to shoot down the Tories but Mrs. Hart stopped them, saying they had surrendered to her; and her spirit being up to boiling heat, she swore that "shooting was too good for them." This hint was enough, the dead man was dragged out of the house, and the wounded Tory and the others were bound, taken out beyond the bars, and hung.

ADDITIONAL CIRCUIT JUDGE FOR THE SECOND JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. SIROVICH objected.

Mr. GRAHAM. Will gentlemen withhold the objection and let me say a word in explanation. This is on a different basis altogether from the appointment of a district judge. This is the appointment of a judge for the circuit court of appeals of that district. Judge Hand, Senior Justice, has written urging that the bill be passed. Judge Hand has written several times earnestly requesting that this be passed, and I do hope the gentlemen will withdraw their objection and let the House consider the bill because it is unusually imperative.

Mr. BLANTON. Will the gentleman mind answering a question?

Mr. GRAHAM. No.

Mr. BLANTON. Does the gentleman think that these judges work five hours a day?

Mr. GRAHAM. Oh, yes; 10, 12, and sometimes 14.

Mr. BLANTON. And sit oftener than three days in the week?

Mr. GRAHAM. Oh, yes; and they work in their chambers. I want to say that the council of judges have earnestly recommended this legislation. The Department of Justice has indorsed it fully and the court itself is asking for it.

Mr. BLANTON. Does the gentleman know of any case where the Department of Justice has turned down a proposition to create a new judge?

Mr. GRAHAM. Oh, yes; a great many.

Mr. BLANTON. They are always in favor of creating new members of the judiciary.

The SPEAKER pro tempore. Objection is heard.

DRY VALLEY ROAD

The next business on the Consent Calendar was the bill (H. R. 12662) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there are certain amendments that I have suggested to the gentleman from Georgia [Mr. TARVER] that are entirely in accord with bills of a similar character that have heretofore been passed by the gentleman. If the gentleman could accept those amendments, requiring local cooperation, I would have no objection.

Mr. TARVER. Mr. Speaker, this is a part of an approach road to Chickamauga National Park, which leads from St. Elmo, in the State of Tennessee, to the park. Congress at the last session passed a bill authorizing an appropriation of $20,000 per mile for about half of the road, lying in the State of Tennessee. That appropriation has been made and is being expended. There is no requirement that there should be any matching of that sum by the local authorities. This is the remainder of the road which is provided for in this bill. The bill carries only $15,000 per mile. There is no more reason for a matching provision here than there was in the bill of the gentleman from Tennessee [Mr. MCREYNOLDS], which provided for the first portion of the road. The Government of the United States is not interested in the matching provision, the War Department is not interested in it. They desire to get rid of the road. Why treat my district differently from the district of the gentleman from Tennessee?

Mr. CRAMTON. The gentleman from Tennessee got his bill through before I realized that it was a road that was going all of the way to the Gulf of Mexico.

Mr. TARVER. The gentleman can not realize that now, because it is only 4 miles farther.

Mr. CRAMTON. I am suggesting the same language as appears in Public Act 356, passed at the last Congress. These roads are used more for local than for Federal purposes, and I think there should be an equal contribution by the local authorities.

Mr. TARVER. The bills to which the gentleman has made reference, passed at the last session of Congress, were bills having to do with two great through highways, portions of the Dixie Highway, where it was hoped that matching might be secured from the State highway commission. This is no such road. It is on the same basis as the road in the district of the gentleman from Tennessee [Mr. MCREYNOLDS], for which we provided an appropriation in excess of this, without any matching provision. Why make fish of one and fowl of another? Why appropriate for part of the road lying in Tennessee without a matching provision and require it in the State of Georgia, especially when it is of no interest to the Government of the United States, which only desires to get rid of the road?

Mr. CRAMTON. Then the gentleman is not willing to accept the amendments?

Mr. TARVER. No.

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER pro tempore. It takes three objectors.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. LAGUARDIA. I object.

CAUSES OF POULTRY DISEASES

The next business on the Consent Calendar was the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, in reading the report on this bill from the Committee on Agriculture, I see in this report that the department states it already has ample authority to do this work, and, moreover, it evidently has already exercised its authority, because I have here a list of farm bulletins which shows that the department is now issuing 22 bulletins on the subject of poultry raising, poultry diseases, and other things dealing with poultry. In view of the fact that the department now has ample authority to do this work, I object.

OFFICIAL BONDS

The next business on the Consent Calendar was the bill (H. R. 13978) to amend section 5 of the act of March 2, 1895, relating to official bonds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the fourth paragraph of section 5 of the act of March 2, 1895, chapter 177 (28 Stat. 808; U. S. C. title 6, sec. 3), and the proviso added to such section by the act of March 8, 1928, are amended to read as follows:

"Hereafter, any officer whose duty it is to take and approve official bonds may at any time, in his discretion, require the renewal of any such bond, and the new bond, when accepted and approved, shall be in lieu of the prior bond in respect of liability accruing subsequent to the date of approval of the new bond. In the case of official bonds executed by individual sureties, there shall be filed quarterly a certificate, upon a form prescribed for the purpose by the Secretary of the Treasury, as to the sufficiency of such individual sureties. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. The nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States, and nothing in this section shall be construed to repeal or modify section 3836 of the Revised Statutes of the United States (U. S. C. title 39, sec. 38)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BATHING POOLS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. SIMMONS. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

OLEOMARGARINE

The next business on the Consent Calendar was the bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri, Mr. ALDRICH, Mr. TAYLOR of Colorado, Mr. LAGUARDIA, Mr. HUDSON, Mr. SPROUL of Illinois, and several other Members objected.

Mr. O'CONNOR of Louisiana. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. O'CONNOR of Louisiana. For a parliamentary inquiry. Has the Chair announced, in view of the number of objections made to this bill, that it takes it permanently off the calendar?

The SPEAKER pro tempore. No; the Chair simply said that objection is heard.

Mr. O'CONNOR of Louisiana. Is not the method I have suggested in accordance with the rules?

Mr. LAGUARDIA. Three objections takes it off.

Mr. BLANTON. Is there anybody in the House who did not object?

CIVIL AIR FIELD

The next business on the Consent Calendar was the bill (H. R. 8300) to provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting and communication systems and all structures of any kind deemed necessary and useful in connection therewith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOLADAY. Mr. Speaker, I object.

Mr. SIMMONS. I object.

DEATH BENEFITS BY FRATERNAL BENEFICIAL ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 3844) amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 749 of Subchapter XII of the Code of Law for the District of Columbia is hereby amended so as to read as follows:

"SEC. 749. Fraternal beneficial associations defined: A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under 70 years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency, or benefit fund in accordance with its laws. Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after 10 years of membership, apply its funds and accumulations as its laws provides or the association and members agree. The fund from which the payments of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. The payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, affianced wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepchildren, stepbrother, stepsister, children or parents by legal adoption, member's estate, a charitable, benevolent, educational, or eleemosynary institution, or to persons dependent upon the member or upon whom the member is dependent. Such association shall be governed by this subchapter, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this subchapter."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF LAND FOR COAST DEFENSE

The next business on the Consent Calendar was the bill (H. R. 14152) to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. The report accompanying this bill is clothed with a certain amount of mystery as to the secret nature of the land to be acquired. If this is a matter of strategic tactics it ought to be kept secret. I want to ask the gentleman, the chairman of the Committee on Military Affairs, if that committee has received information and has satisfied themselves as to the character and nature described in the secret?

Mr. JAMES. I have received and shown it to the subcommittee, and that committee has unanimously agreed on the bill. I will be glad to tell any Member of the House to call up the office of any Member of the House who wants to get further information, which I will be glad to give to them.

Mr. LAGUARDIA. I think in a case of this kind all we can possibly do is to take the assurance of the committee in reference to this matter.

Mr. WOOD. Mr. Speaker, further reserving the right to object, what is the purpose of this?

Mr. JAMES. It is to improve the national defense, and we want to get it through in time to submit it to the subcommittee of the Committee on Appropriations having charge of the War Department appropriation bill.

Mr. WOOD. How much land is involved in this?

Mr. JAMES. Not a very large piece—two pieces, in fact—and we desire the bill to pass to-day. It is not a large tract of land.

Mr. WOOD. Has the gentleman any idea what it will cost?

Mr. JAMES. It will not cost $20,000.

The SPEAKER pro tempore. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of $20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAVING GOVERNMENT ROAD, ROSSVILLE, GA., TO CHICKAMAUGA NATIONAL PARK

Mr. TARVER. Mr. Speaker, with the consent of the gentlemen objecting to 993 a while ago, I ask unanimous consent to return to that number.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object. I will reserve the objection. What is the purpose of returning?

Mr. TARVER. Because an agreement has been affected in reference to the objections made to the bill.

Mr. CRAMTON. I withdraw my objection to considering the bill in a modified form.

Mr. SCHAFER. I will not object.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12662) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that Senate 3881, which is an exact duplicate of the House bill, be considered in lieu of the House bill.

The SPEAKER pro tempore. Without objection, the Senate bill will be considered.

There was no objection.

The Clerk read as follows:

A bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, in the length of approximately 4 miles, for which an appropriation of not to exceed $60,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be in such manner as would involve an expenditure of more than $60,000, the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the

present Government-owned right of way, and should such local interests acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further,* That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the Dry Valley Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

The SPEAKER pro tempore. Without objection, the Senate bill will be considered, read the third time, and passed, and a motion to reconsider laid on the table.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the Senate bill which has been agreed upon. On page 1, line 9, strike out "$60,000" and insert "$40,000."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 9, strike out "$60,000" and insert "$40,000."

Mr. TARVER. Mr. Speaker, I do not believe the gentleman from Michigan sent his amendment to the Clerk's desk in time. The bill had already been passed; but I will withdraw that point.

Mr. CRAMTON. I think the gentleman ought to.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 7, strike out "$60,000" and insert "$40,000."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out lines 20 and 25, on page 2, and all of page 3, and insert in lieu thereof the following: *"And provided further,* That no part of the appropriation herein authorized shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the Dry Valley Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The House bill was laid on the table.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to return to Calendar 989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCHAFER. I reserve the right to object.

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

HOSPITAL ANNEX, MARION BRANCH, NATIONAL SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 14153) to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FISH. Will the gentleman from Michigan [Mr. JAMES] explain the necessity for this?

Mr. JAMES. The architect said $100,000 would not be enough. One hundred and fifty thousand would be required.

Mr. FISH. What is this hospital?

Mr. JAMES. It is the one at Marion, Ind., the old soldiers' hospital.

Mr. FISH. I want to take this opportunity to say to the gentleman and to the House that I think the House is making a very serious mistake by appropriating large sums of money for Veterans' Bureau hospitals that may not be needed. You have appropriated for four hospitals. I can not see where you will need them. If this has anything to do with a Veterans' Bureau hospital I will object now.

Mr. SIMMONS. We can take care of the men.

Mr. FISH. Ten thousand of these uncompensated veterans who are unable to prove that the war was the origin of their disabilities are in the hospitals at the present time.

Mr. LAGUARDIA. Reserving the right to object, the gentleman from Michigan has several bills of this kind that are placed on the Consent Calendar. We should have some system about this matter and not permit bills to come here without notice.

Mr. JAMES. One hundred thousand dollars was authorized at the last session of Congress. It can not be used. This bill has been pending for several years. Unless it goes through now and a supplemental estimate is sent up to the Committee on Appropriations we shall have to wait another year.

Mr. LAGUARDIA. Is the gentleman going to press his bill for $190,000?

Mr. JAMES. That may not be reached.

Mr. LAGUARDIA. Does the gentleman expect to have another Calendar Wednesday this session?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman—which I do not intend to do—I notice this bill specifies the exact amount to be appropriated. I think it is highly desirable for purposes of economy that the Committee on Appropriations, when an estimate comes before them, shall have some discretion to examine whether the whole amount of money asked for is needed. If the bill were so drawn that authorization were made of "not more than" $150,000, the committee might cut the amount if it seemed to be the best policy.

Mr. JAMES. I think my colleague is absolutely correct. If he will look at the next bill, he will see it has used that language, and as far as I am concerned I am willing to accept an amendment to that effect, and I will recommend to the War Department that all future bills contain that language.

Mr. CRAMTON. So that the appropriating committee may make an examination as to the propriety of appropriating so large an amount as is authorized. I offer an amendment to that effect.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, who made the original estimate of $100,000?

Mr. JAMES. The gentleman from Indiana [Mr. HALL], the Congressman from that district.

Mr. LAGUARDIA. It was not an estimate based on plans or anything?

Mr. JAMES. No. He introduced a bill, which went to the Committee on Public Buildings and Grounds, and then the bill got to our committee. The Committee on Public Buildings and Grounds held extensive hearings, and then when an investigation was made it was found that $100,000 was too small an amount.

Mr. LAGUARDIA. With all due deference to the gentleman's committee, I say this is not a very good way to report such a bill to the House and have it passed on the Consent Calendar.

Mr. JAMES. It did not come originally out of our committee; it came out of the Committee on Public Buildings and Grounds.

Mr. BARBOUR. Mr. Speaker, reserving the right to object, may I ask the gentleman from Michigan whether his committee has had any definite estimate for this building, based on plans and specifications, so that some definite idea of the cost might be arrived at?

Mr. JAMES. The War Department stated that the Supervising Architect went out there and said it would take $250,000, and General Wood, president of the home, has also told me the same thing, that the Supervising Architect had been out there and said it would take $250,000 to build a 50-bed hospital.

Mr. BARBOUR. I want to say to the gentleman from Michigan that information I have received lately is to the effect that many of the estimates which go to the Committee on Military Affairs are not accompanied by any definite plans or specifications, but that an estimate is arrived at, as it was stated, by the rule of thumb. Then the Committee on Military Affairs authorizes the appropriation of a certain amount of money for a certain piece of construction. That goes to the Bureau of the Budget and all the Bureau of the Budget has to act upon is the amount carried in the bill reported by the Committee on Military Affairs. It has appeared to me that before authorizing these amounts for specific construction the Committee on Military Affairs should have definite plans and specifications before it so that the committee might test the estimates that are submitted to it.

Mr. JAMES. When the War Department asks for any money for public buildings and soldiers' homes the bill goes to the

Director of the Budget before it reaches our committee. I understand that the president of the soldiers' home, General Wood, and one or two members of his board, have been before the Director of the Budget about it and told him the necessity of having this authorization increased from $100,000 to $250,000. That was done before the bill was sent to our committee.

Mr. BARBOUR. My understanding is that in many of these cases estimates are not based on any plans or specifications that have been prepared, but are merely guesswork, a rough estimate, or an estimate, as they say, based on the rule of thumb. I would suggest that it might be an excellent idea for the Committee on Military Affairs, before authorizing or specifying an amount that only fixes the maximum, to go into those estimates and find out just what the construction is going to cost.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is not that really a subject for the Committee on Appropriations? When it comes to the Committee on Military Affairs we simply have before us the general proposition involving the construction of a building of a certain kind and, as we all know, there is usually a rough estimate given of so much a cubic foot, and then the detailed plans and specifications would more appropriately come before the Committee on Appropriations.

Mr. BARBOUR. The Committee on Appropriations will be very glad to go into that feature of these appropriations, but the amount is fixed by the bills reported by the Committee on Military Affairs. Now, if the Committee on Military Affairs simply brought in a bill authorizing the construction of a certain building then the Committee on Appropriations could go into the estimates and determine the amount, but these bills provide the limit and some of them even go so far as to fix the exact amount that is to be expended.

Mr. WAINWRIGHT. Would not the suggestion made by the gentleman from Michigan [Mr. CRAMTON], that these appropriations should be no more than a certain amount, meet the gentleman's objection.

Mr. BARBOUR. I think that will help very materially.

Mr. HUDSON. Did the original authorization call for $100,000?

Mr. BARBOUR. That is my understanding.

Mr. HUDSON. And now they come in for an additional authorization of $150,000?

Mr. JAMES. The $100,000 estimate did not come from the soldiers' home. It came from the Congressman from that district.

Mr. HUDSON. I do not know whether the gentleman from California will care to answer this or the gentleman from Michigan.

The House passed legislation here for certain construction for military purposes on the assumption it was an authorization of $100,000. We come back at another session and find they have more than doubled that amount. It seems to me that is not a fair proposition to the House.

Mr. CHINDBLOM. If the gentleman will yield, that is not all. As I understand it, the original bill of $100,000 was referred to and reported out by the Committee on Public Buildings and Grounds.

Mr. JAMES. And then referred to our committee, and we took the hearings that had been held before their committee.

Mr. CHINDBLOM. Did the committee act on the bill authorizing $100,000?

Mr. JAMES. We acted on the $100,000 authorization and had the hearings that had been held by the Committee on Public Buildings and Grounds.

Mr. CHINDBLOM. I will say to the gentleman that when I was a member of the Committee on Public Buildings and Grounds that committee had jurisdiction of building matters relating to the Home for Disabled Soldiers of the Civil War at Marion and legislated on them.

Mr. HUDSON. If the gentleman will yield further, I am not inclined to object to this legislation at this time, but it seems to me there ought to be a different procedure on the part of the gentleman's committee in bringing in original authorization bills.

Mr. JAMES. Let me ask the gentleman a question. Suppose the gentleman introduced a bill authorizing $100,000 for Flint, Mich., and came before our committee and said he had investigated the matter personally and that the $100,000 would complete the work. Should we go out and look at it ourselves or should we take the gentleman's word for it?

Mr. HUDSON. I would not want the committee to take my word for it. I think it ought to be investigated and that no one person's word ought to be taken in the matter of an authorization and then come back here for more than double the amount originally authorized.

Mr. LAGUARDIA. Mr. Speaker, in view of the confusion and the misunderstanding with respect to the bill, I ask unanimous consent that it may be passed over without prejudice, so that we may give it some intelligent study in the next two weeks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ARMY MEDICAL CENTER, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 14154) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I make the same request, Mr. Speaker.

Mr. BLANTON. I object, Mr. Speaker, to the request and to the consideration of the bill.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 14155) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PICATINNY ARSENAL

The next business on the Consent Calendar was the bill (H. R. 14156) to authorize an appropriation for the construction of a cannon powder-blending unit at Picatinny Arsenal, Dover, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, are the estimates here anywhere within reason?

Mr. JAMES. We are informed by the War Department that the building can be built for this amount. This replaces a building that was burned down last July.

Mr. LAGUARDIA. This is not the estimate of any one man and is not a guess, but these are figures given after mature study?

Mr. JAMES. Yes; by the Ordnance Department.

Mr. LAGUARDIA. And the committee is not coming in here at the next session and ask for $175,000 more?

Mr. JAMES. The gentleman understands that the estimate of $100,000 was not an estimate of the War Department.

Mr. LAGUARDIA. But these are War Department figures?

Mr. JAMES. Yes; these are War Department figures submitted by the Ordnance Department.

Mr. McSWAIN. Mr. Speaker, if the gentleman will permit, I can not see the point of the criticism that the original estimate was for a sum that proved to be utterly inadequate to accomplish the purpose. If our original estimate had been double the amount of money necessary to accomplish the purpose, we would have been subject to criticism, but inasmuch as we undertook, and it seems that we did, out of a spirit of conservatism and proper business prudence, to underestimate so as to hold down the maximum of expenditure, it seems to me there is no point in the criticism.

Mr. LAGUARDIA. Permit me to reply to the gentleman that it is not conservatism, it is not prudence, to come into the House on consent and say, "Here, pass this bill; all that it will cost is $100,000," and get your bill through, and then come back at the next session and say, "We were so conservative we want $150,000 more." That is not conservatism; that is darn poor business.

Mr. McSWAIN. If the gentleman will yield for another statement, the one or two minutes necessary to decide whether or not the gentleman from New York or some one else will object is not worth the $150,000 we might have saved.

Mr. BLANTON. If the gentleman will yield, here is the point: All of these bills come in here with the approval of the Director of the Budget and with the statement that it is not in contravention of the President's program. If he knew that each one of these sums was going to be doubled, they might not come

with the statement that it is not in conflict with the President's program. Therefore it does cut quite a figure as to whether the estimate is correct or not.

Mr. O'CONNOR of New York. Reserving the right to object, Mr. Speaker, do I understand that this takes the place of a plant which did exist there?

Mr. JAMES. It was burned last July.

Mr. O'CONNOR of New York. Was the subject taken into consideration as to whether or not it is now advisable to continue this plant there or put it somewhere else?

Mr. JAMES. They figure it should go there, because it is the only plant of the kind in the United States.

Mr. O'CONNOR of New York. How long has it been there?

Mr. JAMES. A good many years; I do not know how many.

Mr. O'CONNOR of New York. And from a military standpoint it is considered the proper place for it?

Mr. JAMES. Yes. Will the gentleman from New York yield?

Mr. LAGUARDIA. Yes.

Mr. JAMES. So far as the House Committee on Military Affairs is concerned, we have never come in here with a bill for $100,000 and said that it was enough and then at the next session come back for $150,000 more. This was a bill that was introduced in Congress by a Member and referred in the first instance to another committee.

Mr. ACKERMAN. Mr. Speaker, this matter is one that affects my district, and I think the bill ought to be passed over without prejudice.

Mr. O'CONNOR of New York. I was not going to object. I wanted to know if we ought to still have it there.

Mr. ACKERMAN. I think we ought to investigate this a little more, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESS HALL, UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, the War Department reports that the bill is made necessary by reason of an underestimate of $136,000 to begin with. They say also there was a clerical error, too, of $161,000 more. That is quite an error for officials of West Point to make on a little building of this kind. It does occur to me that our officials at West Point, who are supposed to teach Army officers to be accurate, ought to be a little more careful in their estimates, and I object.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AUTHORIZING BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS TO ACCEPT TITLE TO THE STATE CAMP FOR VETERANS AT BATH, N. Y.

The next business on the Consent Calendar was the bill (H. R. 15013) to amend an act entitled "An act to authorize the Board of Managers of the National Homes for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y., approved May 26, 1928."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FISH and Mr. SCHAFER objected.

AMENDING SECTION 279 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 14150) to amend section 279 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, will the gentleman tell us what this bill does?

Mr. GRAHAM. This bill changes the present law so as to permit the summoning of jurors under the direction of the court by mail. To-day they must be served by a marshal and in one instance where they sent a message by registered mail and got the jury to come in, costing 80 cents, the Comptroller General—and properly—said there was no law to permit them to do it, and he could not pass the 80-cent bill. This changes the law in that respect. The venire summoning the jury remains the same and they may be summoned in the regular way. But when there is inconvenience or where the juror to be served is at a great distance they may be served under the direction of the court by mail.

Mr. CHINDBLOM. Where summons is sent by mail contempt proceedings should not be had unless personal service was actually obtained.

Mr. GRAHAM. Contempt proceedings would be based on actual personal service. This is a department bill carefully considered in our committee and reported out unanimously.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 279 of the Judicial Code (sec. 416, title 28, U. S. C.) be, and it is hereby, amended to read as follows:

"Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ. Any person named in such writ shall be served by the marshal mailing a copy thereof to such person commanding him or her to attend as a juror at a time and place designated therein, which copy shall be registered and deposited in the post office addressed to such person at his or her usual post-office address. And the receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ upon such person, and no mileage shall be allowed for the service of such person. The postage and registry fee shall be paid by the marshal and allowed him in the settlement of his accounts."

With the following committee amendment:

On page 2, line 4, after the word "writ," strike out the word "shall" and insert the words "by direction of the court may."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL JUDGES FOR THE DISTRICT COURT OF THE EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

UMATILLA RAPIDS IN THE COLUMBIA RIVER

The next business on the Consent Calendar was the bill (H. R. 306) to provide for the protection and development of the Umatilla Rapids in the Columbia River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. BUTLER. Will the gentleman withhold his objection?

Mr. CRAMTON. Yes.

Mr. BUTLER. Mr. Speaker, this is a bill introduced by my distinguished predecessor, Mr. Sinnott. It is of the greatest importance, not only to my district and my State but to the entire northwestern country. I ask unanimous consent to extend my remarks in the RECORD and also to insert a statement made by Marshal N. Dana, associate editor of the Portland Journal. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BUTLER. Mr. Speaker, the bill under consideration (H. R. 306) for the protection and development of the Umatilla Rapids in the Columbia River states its purpose of utilizing the flow of the Columbia River at the Umatilla Rapids by improving navigation, providing for the delivery of water for reclamation of public and private lands, and for the generation of electrical energy as the means of making the project self-supporting and financially solvent.

The bill authorizes the Secretary of the Interior to advance to the fund established by the act such amounts as he may deem necessary to carry out its provisions, not exceeding the sum of $45,000,000, interest at 4 per cent per annum, accruing upon said advancements to be paid annually out of the fund.

The Secretary of the Interior would be authorized to make provisions for revenues by contract, adequate in his judgment to insure payment of expenses of operation incurred by the United States, and the repayment within 50 years from the date of the completion of the project of all amounts advanced under the provisions of the act; and it is provided that such provisions shall be made by contract, for revenues for operation and repayment of advancements before any construction work shall be done or contracted for, and before any money is appropriated,

thus practically insuring the United States against any loss of money on account of any sums so advanced.

The proposed development has a fourfold purpose:

First. Development of navigation.

Second. Reclamation of arid lands.

Third. Bridging the Columbia River and connecting the States of Washington and Oregon.

Fourth. Development of electrical energy.

The Congress has heretofore appropriated funds for a survey and investigation which has been made and reported, under the direction of the Bureau of Reclamation, from which it appears feasible and practicable; and the bill by its terms saves the Government any danger of loss.

The great Columbia River should not continue to wind its burden to the sea without yielding something toward the prosperity and happiness of the people of the territory drained.

President-elect Hoover said in 1926:

The time has come when we must take an enlarged vision of their future. We have arrived at a new era in this development. We have need that we formulate a new and broad national program for the full utilization of our streams, our rivers, and our lakes * * *. Every drop of water that runs to the sea without yielding its full commercial returns to the Nation is an economic loss and that loss in all its economic implications can be computed in billions.

Marshall Dana, associate editor of the Oregon Journal, of Portland, Oreg., during hearings held by the Committee on Irrigation and Reclamation on this bill on January 10, 1928, made the following statement:

Mr. DANA. Mr. Chairman and gentlemen of the committee, the chairman of this committee and a number of its members stood on a morning of last summer at the shore of the Columbia River and looked upon the falls of the Columbia known as the Celilo. They saw there a specimen of the water power of the Columbia River, and are doubtless prepared from their eye vision to believe that the Columbia River represents at Umatilla Rapids a similar location of very great power assets. It is my desire to go directly into what may be considered more practical phases of this project, but it seems to me desirable that the members of this committee should see clearly first of all the central location of the Umatilla Rapids project with respect to the Pacific Northwest States and to understand that a radius of 200 or 250 miles will include the larger communities of Seattle, Tacoma, Portland, Spokane, Walla Walla, Pendleton, and even across the Blue Mountains, and penetrate almost to Klamath Falls and Roseburg that might be served with electric power. I also hope that the view which the committee had of the Columbia must have demonstrated the impossibility of feasible navigation on that river without artificial works in aid of navigation and likewise that the fruits of the orchard and the products of the field that they enjoyed while they were guests of Oregon show that the yield of that region in food products covers a sufficient variety and attractiveness and of value to warrant not only an argument in behalf of the reclamation of land but an argument for the establishment of homes in that vicinity—homes that shall be aided by the factors of which the Umatilla Rapids project represents, I think, a unique group among the development projects of the United States.

Moreover, the construction of the proposed dam presents no silt-deposit problem whatever, as the Columbia is not a silt-bearing stream in any large degree.

You have heard Congressman Sinnott and Mr. Baer make references to the cost of generating power. It is my desire to emphasize particularly the substantial value represented not alone by reclamation but by the power element and by navigation. I would like to call your attention to the fact that the cost of generating power is estimated at 1.2 mills plus eight-tenths of a mill as a necessary margin, reaching a sale price of 2 mills. This is the estimate of the acting chief engineer of the Reclamation Service. It represents, I believe, a new low level for generated power in this country. The sale price of 2 mills would retire in 42 years a capital investment of $45,000,000 in the dam and power plant, maintenance, and operation of that plant at $1 per installed kilowatt—$16,000,000 for reclamation works, plus reclamation maintenance and operation costs in excess of $5 per year per acre. The cost of a navigation lock at one and a quarter million dollars, the relocation of railroads at one and a quarter million dollars plus, and the acquiring of lands adjacent to the river that would be flooded, at a cost of about $220,000, and the bridge over the dam, for which no separate figure is available, and I believe is considered by the engineer as an integral part of the dam.

The sale price of power at Umatilla Rapids represents, at 2 mills per kilowatt-hour, coal at $4 a ton, whereas the cost of coal in our region, bringing it from Utah or Wyoming, is $16 per ton or more. If the reclamation features of this project should be deferred, awaiting demand, and we withdrew from the capital account the $16,000,000 item for that purpose and the interest, it would be possible, on the estimates prepared by the engineers of the Government, to sell power at Umatilla Rapids at a reduction of half a mill or more, or at 1½ mills per kilowatt-hour at the bus bar, and that would represent coal at $3 a ton.

The sale price of power at Boulder Canyon, as I understand, is estimated at 3 mills per kilowatt-hour. That is 1 mill more than the sale price estimated at Umatilla Rapids. That difference of 1 mill on the basis of the total output of 2,720,000,000 kilowatt-hours would represent per year a value of $2,720,000, or more than 2 per cent of the investment estimated for Boulder Canyon of $125,000,000, and more than 5 per cent of the estimates of the dam and power works at Umatilla Rapids.

I do not make a comparison between the cost of the two projects in order to derogate the Boulder Canyon project, because it represents a very low cost, and I merely desire to emphasize the exceedingly low cost estimate of the Umatilla Rapids project. Now, if we say that there will be 300,000 kilowatts for sale per year as a commercial surplus at Umatilla Rapids, the question of a market is of high importance in order to establish for this project a businesslike character. Estimates gathered for the Umatilla Rapids Association by the city engineer of Portland, based upon a report received by him direct from the utilities and communities affected, indicates an increased consumption of 63 per cent in electric energy in the Pacific Northwest by 1932. That increase of 63 per cent would represent an increased consumption of approximately 1,000,000,000 kilowatt-hours.

Now, when we speak in these large units of power production and consumption, it seems to me necessary in reference to the market to make the statement that this project would not be developed in a way that would flood the market with a great wave of power for which there would be no immediate demand. I find by consulting the specimen plan of organization which is opposite page 72, and indicated on column 7 of the statement in the brief, that we would be prepared to offer a commercial surplus of 595,000,000 kilowatt-hours only in 1936, or that we would be prepared to offer only 235,000,000 kilowatt-hours in 1935; that we would go from that to a total commercial surplus for sale of 1,083,000,000 kilowatt-hours not until 1938, and not to the total of 2,628,000,000 kilowatt-hours until 1943. That would be based upon the sale of 300,000 kilowatts per annum on 100 per cent load factor, and at that time, when the project was brought to its completion, it would represent a gross annual income of $5,256,000, and in 1977, when it is estimated that on the basis of the 2-mill selling price the plant would be paid for, the chart will show that the surplus or working balance would be $7,923,600.

Gentlemen of the committee, it seems to me that these figures, unless successfully challenged—these figures which are the estimates of the engineers of the Government—go far to show that this from the power standpoint is a desirable and a businesslike proposal.

The superintendent of the Seattle light and power department has estimated, based upon the latest available figures of 1924, that the electrical consumption of Oregon, Washington, and Idaho was 789,300 horsepower, and that by 1929, based upon the increase of the preceding five years there would be additional need for 1,180,000 horsepower.

Mr. DOUGLAS. In how many years?

Mr. DANA. In 1929. In making this statement the superintendent of the Seattle light and power department stated that he had no confidence that that increased capacity would have been provided; that the need would exist without the facilities to serve it.

Mr. ALLGOOD. You say in 1929?

Mr. DANA. Yes; 1929.

Mr. SWING. That was a prediction made in 1924.

Mr. DANA. A prediction made in 1925.

Mr. SWING. What has happened up to date?

Mr. DANA. There has been an expansion of facilities, both of private utilities and of municipalities which have gone into the business of generating and distributing power. What the total increase is I am not in a position to state.

I have submitted the statement of the city engineer of Portland, based upon the direct information from municipalities and utilities, and of the superintendent of the light and power department of Seattle, to indicate that there is a substantial market existing in the Pacific Northwest. I might say, to indicate that ours is a populated country in which enterprises are active and needs are large, that the commerce of the ports of the Pacific Northwest aggregate a billion and a half dollars a year; that the yield of the farms of the three States—Oregon, Washington, and Idaho—probably is in the neighborhood of a billion dollars a year; that the movement of staple tonnage, foods, and other products runs into the hundreds of thousands of tons; and already, partly explained by effective promotion and partly explained by the remoteness of other sources of light and energy, the per capita consumption of electric current in the Pacific Northwest is greater, I believe, than in any other corresponding area of the United States at this time.

Mr. ALLGOOD. Might I ask there, the power companies have their own distribution lines, have they not?

Mr. DANA. Yes; I might say that the Pacific Power & Light Co. has a 60,000-volt high-transmission line which crosses the Columbia River right over the Umatilla Rapids and serves power which is generated by the Oregon-Washington Water Power Co. at Spokane, 200 miles away, to the city of Pendleton, 40 miles from the site of Umatilla Rapids. It is a great deal like carrying coal to New Castle in that case.

The question might be asked as to the cost of transmitting the power within the radius indicated as feasible. We have an estimate that was prepared for us by the superintendent of the light and power department of Seattle. It is indicated on page 96 of the brief. His minimum estimate of the cost of that transmission line to Seattle is $3,000,000. And, by the way, the distance to Seattle or Tacoma or Portland or Spokane with a transmission line would be almost the same in each instance.

Mr. ALLGOOD. Now, these private companies, have they charters now that serve those municipalities?

Mr. DANA. In many instances; yes. For instance, the city of Portland is my home, and it is entirely served by private utilities, and their attitude toward this project I will be prepared to discuss in just a moment.

I was stating that the minimum cost of the transmission line is estimated by the superintendent of the Seattle light and power department at $3,000,000, the maximum estimate is $6,650,000.

Mr. DOUGLAS. What distance is that?

Mr. DANA. About 200 miles.

Mr. DOUGLAS. The minimum cost for a transmission line 200 miles long?

Mr. DANA. Yes, sir.

Mr. DOUGLAS. Is $3,000,000?

Mr. DANA. That is the minimum. The maximum is $6,650,000.

Mr. DOUGLAS. Isn't that tying in with other lines along the way?

Mr. DANA. Nothing is said about tying in with other lines.

Mr. DOUGLAS. No high-transmission line can be constructed 250 miles for $3,000,000.

Mr. DANA. I did not say 250 miles; I said 200 miles.

Mr. DOUGLAS. Well, even 200.

Mr. DANA. I am not enough of an engineer, Mr. Douglas, to quarrel with the engineer who prepared this estimate. I am giving it as his estimate. It would have no validity if I gave it as of my own origination.

Mr. SWING. He estimates from three to six million dollars.

Mr. BAER. His figures are based on $6,680,000.

Mr. DANA. Yes. He gives as a minimum $3,000,000, and he gives a maximum of $6,650,000, and states that the latter estimate plus 6 per cent interest and amortization at 3⅓ per cent would make 9⅓ per cent of fixed cost, plus maintenance and operation would represent a total of 11 per cent, or a sum of $731,500 per year. This would represent a transmission cost of 0.4 of a mill plus. Power delivered in Seattle would cost 2.413 mills per kilowatt-hour.

Mr. SINNOTT. How does that compare with what they are paying now in Portland?

Mr. DANA. The price of power in Portland? It is materially higher than the price of power in Tacoma. I have here a record of the prices charged for minimum or average residence consumption in both cities, and the first is Portland; 13 kilowatt-hours costs $1, the next 7 at 7 cents, or 49 cents, the next 50 at 3 cents, and the rest at 2 cents.

Mr. DOUGLAS. That does not apply at the low side, the low-tension side of the receiving station?

Mr. DANA. No.

Mr. DOUGLAS. The figure you have just quoted on Umatilla Rapids power applies to the low side of the receiving station without the additional cost of distributing to the actual ultimate consumer?

Mr. DANA. Yes.

Mr. DOUGLAS. And may I just say this, that on the face of it, this power under the terms of this bill, if the estimates are correct, seems to be economical, but I just wanted to clear up in my own mind this cost of transmission.

Mr. DANA. I did not intend to drop this estimate until I had gone a little further with it.

Mr. DOUGLAS. I beg your pardon then.

Mr. DANA. The estimate on the basis of 2.413 mills per kilowatt-hour was $12.68 per kilowatt-year. Add 10 per cent for profit would represent 2.65 mills. Add all local costs of distribution, profit, etc., and the service cost to the average consumer in Seattle was estimated at 7.5 mills. The Seattle rates to the minimum average consumer at the present time are 5½ cents for the first 40 kilowatt-hours, 2 cents for the next 200 hours, and 1 cent for all over 240 kilowatt-hours. In other words, the price to the consumer, indicated on the basis of this transmission cost, would be less than the least price now charged on the basis of the rates for residence consumption in the city of Seattle.

The rates in Portland on the smaller blocks of residence consumption are considerably higher than those in Seattle and very much higher than those in Tacoma, which are the lowest in the United States.

Mr. SINNOTT. Why are they so?

Mr. DANA. Because in Tacoma the municipal power plant makes a very low price, based upon a theory of service, not of profit.

Mr. SINNOTT. Have they a municipal plant in Seattle?

Mr. DANA. They have a municipal plant in Seattle, and the same theory obtains there.

Now, the question might be asked as to the attitude of the power companies in this situation. I have interviewed the president of the Portland Electric Power Co., the head of the largest electric utility in our region. He has the knowledge that I would expect to repeat what he said to me, and that was that his company would be willing to buy power from the Government if the Umatilla Rapids project were authorized, and to include consideration of this resource in their plans for the future.

Mr. SWING. Did he say at what rate he would be willing to purchase?

Mr. DANA. No, sir; he said he would want to get on a bargaining basis.

Mr. HILL. How do they generate their power there now?

Mr. DANA. The power is generated largely on the Clackamas River and they have supplemental steam plants.

Mr. WHITE. It was pointed out here the other day by a lawyer from New York, Mr. Cohen, that under this plan embodied in the Swing bill for Boulder Dam, that when the power left the place of manufacture, if it was leased to one distributor, there would be no control over the price that was charged to the consumer.

Mr. DANA. I asked that question this morning and was told that this being an interstate distribution it would be subject to interstate Federal regulation.

Mr. WHITE. Well, that might obviate that point.

Mr. DANA. I might say, Mr. Chairman, that there has been no proposal at any time to develop the power feature of the Umatilla Rapids project in conflict with the private utilities that serve this region; that it has never been proposed to do other than install the dam and the power plant and sell the current generated at the switchboard at a price which would not represent a profit particularly, but would be sufficient to retire the indebtedness incurred. There is no conflict between the Umatilla Rapids Association and the power utilities so far as I have knowledge. I can predict, with a measurable degree of certainty, that if this project is authorized, a conference of the utilities of this Pacific Northwest region will follow very promptly to consider what terms might be made for the purchase of the power.

Our concept of the power phase of the Umatilla Rapids project is that it would create a pool of power that would flow into the interconnected systems of the Pacific Northwest and augment the available supply for all communities, industries, and interests that are within the zone of that development.

Mr. ALLGOOD. Have you a State compact for its development?

Mr. DANA. Between Oregon and Washington?

Mr. ALLGOOD. Yes.

Mr. DANA. No.

Mr. WHITE. Referring back to the suggestion I made a while ago, I hardly believe that the suggestion you made would be applicable to the suggestion I made, because there would have to be a measuring point where the electricity is delivered, and wherever that would have to be it would not be an interstate matter at all, it would be generated at a point in one or the other of the States. And of course I think this, that unless there was an assurance that the Government was aiding in this project so that it would help the ultimate consumer instead of the intermediate agency that delivered it, it would present a very serious objection.

Mr. DANA. I am glad that you mentioned that last matter, because the benefit of the ultimate consumer is the objective of the Umatilla Rapids Association and the genesis of this project; and were it not with the belief that we could serve the ultimate consumer with cheap power for all purposes and navigation and add reclamation, we should not be presenting or pressing this measure here at this time.

Mr. MORROW. Just there, wouldn't that reach the same point again that is raised by the gentleman from Colorado, that if it is disposed of at the switchboard without restriction on the part of the Government, wouldn't the consumer have to pay practically what he is paying now?

Mr. DANA. We did not anticipate, Mr. Morrow, that it would be available without restriction or regulation.

Mr. WHITE. The point was made—I am not saying this is my belief; I am just asking for information—the point was made that when the electricity passes from the manufacturing point, then there is no control over it; the Federal Government can not control it, nor can it place limitations on water sold for private use.

Mr. HILL. It can control it through contract, but not by regulation.

Mr. WHITE. But that contract, according to Mr. COHEN, must be embodied in the bill itself.

Mr. SINNOTT. We have a public utility commission in my State that could be made to control.

Mr. WHITE. But the public utilities commission, I think, Congressman, would have power only based upon the returns—that is, the reasonable returns on the investment.

Mr. SWING. Based upon capitalization.

Mr. WHITE. Based on capitalization and reasonable return.

Mr. ARENTZ. You spoke of interstate commerce. Where did you get that information?

Mr. DANA. From Senator MCNARY.

Mr. ARENTZ. Well, according to an article in the Saturday Evening Post of last year, it spoke about superpower in the New England States, and mentioned the fact that without State compacts regulation from the viewpoint of interstate commerce would not be effective, because the power company handling power in Pennsylvania, receiving it from New York, could buy it at a fixed price regardless of whether it paid an exorbitant price or favorable price, and then it could sell it to the consumer over the line in Pennsylvania without any regulatory arrangement whatsoever on an interstate-commerce commodity.

Mr. WHITE. You are right in that.

Mr. ARENTZ. So the interstate power as yet, according to this statement, does not enter the realm of interstate commerce. Now, I may be entirely wrong in my premise, but that was the argument.

Mr. DANA. It seems to me, Mr. Chairman, that the statements by the gentlemen from Colorado and Nevada indicate a necessity to provide a regulation if the same does not exist to-day rather than to suggest a weakness in the argument for this particular project.

Mr. WHITE. We are not making any objection at all along that line. We are talking for the benefit of our people.

Mr. LANKFORD. Mr. WHITE, didn't Mr. COHEN'S argument the other day go to the extent that neither the Federal regulatory power nor a State regulatory power could control this commodity after it was sold?

Mr. WHITE. Absolutely.

Mr. LANKFORD. And it must be regulated by contract before it passes on, otherwise they could recapitalize their investment, recapitalize their contract, their good will, and make a general advance in electricity and electric power, and could base their charges upon that recapitalization.

Mr. ARENTZ. You have a peculiar situation in the Northwest. You have the cities of Tacoma and Seattle selling power at the lowest rate found anywhere in the United States by the municipalities.

Mr. LANKFORD. I realize that.

Mr. ARENTZ. And you would have a set-up there which could easily be compared with any price at which electricity was sold by a private corporation, and the industrial commission, or whatever you wish to call it—regulatory commission—could easily see whether it was a fair or unfair price.

Mr. MORROW. You mean where the cities own their own plants?

Mr. ARENTZ. Yes.

Mr. SINNOTT. We could easily amend the bill to provide for it in the contract.

Mr. LANKFORD. I think that in the South and East, away from that great amount of power, they might provide the contract feature more so than in the Northwestern States.

Mr. DANA. I suppose it should be stated, Mr. Chairman, that the Oregon Public Service Commission, the Washington Department of Public Works, and the California Railroad Commission prescribe the maximum rate at which power can be sold and issue the tariffs governing the prices and terms for the sale of power. State regulation, in other words, exists to-day.

Mr. SINNOTT. The term of contract under the bill is limited to 50 years, too.

Mr. WINTER. The point is made, however, that State regulation, under the decisions of the United States Supreme Court, could not effectually protect the ultimate consumer, for the simple reason that they would be entitled to a certain return on their investment as they are able to establish it.

Mr. LANKFORD. Not on the investment, but any enhancement of value that may come about in addition to the investment.

Mr. WINTER. In other words, they are permitted under the Constitution, we will say, to have a return of 7 or 8 per cent on their investment, and the investment might be enhanced and pyramided unless some regulation prevented it.

Mr. SINNOTT. We can provide by statute for what shall be considered the capital account of the transmission lines, good will, and all that, and reach it in that way.

Mr. WHITE. We could get the argument from the record of the hearings last Saturday before this committee on the Boulder Dam proposition, simply as a matter of assistance to enable us to get a correct view of this. Mr. COHEN'S argument was a very profound argument, I thought.

Mr. DANA. I would like to ask, Mr. Chairman, if there is any phase of the matter affecting regulation that I could amplify or clarify at this moment? It is a consideration that has not matured in my mind.

Mr. WHITE. Well, I understand what your position is, and Mr. ARENTZ also called attention to the fact that you have a municipal plant that might keep the price to the consumer down. But I recognize that what you want is a cheap power to the consumer, and that is the way I feel about it. I know that is what I would like to have if I am going to favor a bill along these lines. I would want it so that the real benefit that is given by our action might inure to the ultimate consumer instead of to the middle people—while I do not want to put the middle people out of business; we want to be fair all around.

Mr. LANKFORD. And in time put them out of business so far as they are unnecessary.

Mr. DANA. Mr. Chairman, the navigation of the Columbia River has been one of the most romantic and historic features in all the experience of the Pacific Northwest. The dream of an open river from Lewiston to the sea antedates any man here present. It has engaged the ambition, it has involved the dreams of the pioneer citizens and builders of the Pacific Northwest for generations. The navigation feature of the Umatilla Rapids project is one of the utmost importance. On November 5, 1896, there was completed the Cascade Locks Canal. On May 5, 1915, there was completed the Celilo Canal. That has had the effect of opening transportation by river boat to a point immediately below the Umatilla Rapids. The construction of the Umatilla Rapids Dam at a height of 57 feet would complete the canalization of the Columbia River to the confluence of the Columbia with the Snake. The Columbia from Pasco and Kennewick at the mouth of the Snake, to Priest Rapids is navigable.

Mr. WHITE. What distance would that be navigable?

Mr. DANA. The distance thus canalized to the mouth of the Snake River from the mouth of the Columbia would be 330 miles. It would add a navigable mileage directly of some 40 miles. To say that that represents, say, 10 per cent of the total distance and hence is immaterial overlooks one feature which I might parallel by saying that if a railroad started to tunnel under a mountain and stopped only 200 feet from the farther exit the tunnel would be of very little use to the railroad, and that is precisely the condition on the Columbia River. The canalization of the Columbia River or the improvement of the navigability of the Columbia River has proceeded so spasmodically, so irregularly, that a real development of water transportation on the Columbia has been impossible, and yet every improvement to navigation, Celilo Canal, Cascade Locks, the blowing out of rocks in the channel, has had its reflection in lowered costs of rail transportation along the shores of the Columbia, so that every dollar that the Government has spent has been represented by at least $2 in savings to the people who do business in that region.

The canalization of the Columbia River to the mouth of the Snake would represent an opportunity in the event of the authorization of the Columbia Basin project of barging the products of that district down the Columbia to ship-side in the ports of the Columbia, Portland or Vancouver, Longview or Astoria, and represent a very material economy in the movement of freight.

I have been told by the traffic manager of a railroad that bulk commodities, in which time is not the essence, can be moved by water more cheaply, and that, indeed, rail transportation can not compete with water transportation in that class of commodity movement, and it would be a material aid in increasing the feasibility of the Columbia Basin project if this canalization feature were incorporated, due to the construction of the dam at Umatilla Rapids.

I have here a group of indorsements which represent the body of favorable public opinion which exists in the Pacific Northwest for this project, either in its direct contribution to the balancing of our development in the Pacific Northwest, and on the Pacific coast as a whole, or in working the Pacific Northwest in with the mosaic of greater national interest.

I have a letter here from the Hon. George L. Baker, mayor of Portland, in which he says:

PORTLAND, OREG., *December 29, 1927.*

Mr. MARSHALL N. DANA,
The Journal, Portland, Oreg.

DEAR MR. DANA: I am glad you are to appear before the Committees on Irrigation and Reclamation of the House and Senate in behalf of the Umatilla Rapids project as I believe you will be able to present this important matter in a manner that will demonstrate that the people of this part of the country are vitally interested.

This is a new and undeveloped country and one which is adequately provided with resources which to date have been practically untouched. Vast development opportunities await the touch of capital and energy. Such capital at the present time seems beyond reach from private sources as it has always been at the inception of a vast new undertaking and it must have the backing therefore of the people of the country as represented by their Federal Government. The region lacks some of the common forms of energy, but is bounteously supplied with water power which needs only the mechanical harness to convert it into electric energy, easily transferable to the districts where resources may then be put to practical use in the upbuilding of the district.

The people here feel keenly the need of this development and are united behind a movement to obtain the leadership and support of the Government. By this means alone do they see any possibility of the country utilizing resources of almost unlimited extent and the upbuilding of a vast fertile and productive region which should and will become a great asset to the Nation. Private interests can go only so far, and subsidy from the people as a whole is necessary if we are to go beyond that point.

My only purpose in writing this is to give substantiation to you of the interest felt in this part of the country in this subject.

Wishing you well in your mission, I am

Very truly yours,

GEO. L. BAKER, *Mayor.*

And from the Portland Chamber of Commerce, the record of an official action which reads:

PORTLAND CHAMBER OF COMMERCE,
Portland, Oreg., January 3, 1928.

To the IRRIGATION AND RECLAMATION COMMITTEES
OF THE SENATE AND HOUSE,
Washington, D. C.

GENTLEMEN: We ask your consideration of the proposal to be submitted by the Umatilla Rapids Association for Federal aid to the Umatilla Rapids project for the following reasons:

1. The plan provides for building a dam in the Columbia at or near Umatilla Rapids, thus providing for irrigation, navigation, and power development, and is properly conditioned on a sufficient market for the power being obtained in advance of construction.

Development of America's latent hydroenergy is accepted as one of the most important phases of the great industrial-expansion plan for the Nation's future. This type of power saves fuel consumption, and if sufficient power can be sold at the outset to use the major portion of the potential output promises the cheapest kind of energy that may be made available. The power aspect of the water-resources program suggested from national administration quarters is accepted by us as one of the most important features proposed. Where this type of a development may be undertaken in close relationship with improved transportation and irrigation on an economic basis it is important that the same be fostered.

2. It is believed that this power development will make it possible to pump water from the Columbia to approximately 100,000 acres of irrigable land. Irrigation of the lower lands along the Columbia by pumping water from the stream through use of the river's own power has been done for years on a very small scale; and we believe the time has come when this great potential of agricultural production should be proven by a major development, such as that proposed at Umatilla Rapids, where conditions are very favorable for such work. Here there are considerable areas of good lands, situated at low levels offering heavy crop yields, and with transportation under most favorable conditions.

3. This improvement would improve navigation for a considerable distance in the Columbia. Navigation of inland streams is an essential step in the industrial, agricultural, and commercial development of this country, and the time has come when the Columbia, the greatest river on the western slope of the continent, should be given a strong, forward impetus in the direction of safe, economical navigation in order to bring to the whole of the inland empire of the Pacific Northwest the cheapest and most effective form of transportation.

We therefore commend the Umatilla Rapids project to your careful and sympathetic consideration in order that its economic feasibility may be fairly determined, recognizing that in any act submitted for adoption by Congress the interest of the Government and the taxpayers of the country should be amply protected through the Federal Power Commission set up by the Congress to regulate and control work of this nature.

Very truly yours,

FRANK L. SHULL, *President.*

And I have here many letters of a similar nature. A letter of indorsement from the Spokane Chamber of Commerce, signed by J. A. Ford, managing secretary, representing the action of their board; the Yakima Chamber of Commerce, signed by F. O. Hagie, their secretary; the Walla Walla Chamber of Commerce, Walla Walla, Wash., signed by F. M. Lowden, jr., its president; the Ontario Commercial Club, signed by H. C. Boyer, its president; by the Lebanon Chamber of Commerce, signed by Forest V. Rycroft, its president; by the Hillsboro Chamber of Commerce, signed by Ed. L. Moore, secretary; by the Salem Chamber of Commerce, signed by U. S. Page, its president; by the Forest Grove (Oreg.) Chamber of Commerce, signed by C. A. Brodersen, secretary; the Astoria Chamber of Commerce, signed by Leo R. Merrick, secretary; the Dalles-Wasco County Chamber of Commerce, signed by W. S. Nelson, executive manager; Seaside Chamber of Commerce, signed by Thomas A. McKay, president; the Myrtle Creek Chamber of Commerce, Myrtle Creek, Oreg., signed by the secretary, J. R. Bruce; the Canby (Oreg.) Chamber of Commerce, signed by A. S. Markee, secretary; and the Lewiston (Idaho) Commercial Club, signed by O. M. Mackey, its president. And one of the statements made by Mr. Mackey in his letter of indorsement of the Umatilla Rapids project is:

"Lewiston and the inland empire are deeply interested in navigation of our waterways and as this damming and locking of the river for the Umatilla project at Umatilla Rapids creates dead water from the rapids to the mouth of Snake River, a distance of about 34 miles, it is one more step toward canalizing the Columbia and Snake River for the movement of the agricultural, mineral, and timber products from our district to the Pacific coast which we all know will be a relief to our people by having water freight rates for our products.

"The people of the Northwest are deeply interested in power and land development. This power development should give to the settlers of the land irrigated by this project a low rate of power lighting and heating that will be an economic saving to the colonizing of the land.

"Idaho with its vast resources and only half a million people needs encouragement by development of the Northwest so that her natural resources will be developed from the reflection of other great projects that should come to the Northwest.

"Again I repeat the Umatilla Rapids project has the indorsement of the governing board of this club."

I might say in general and in conclusion, Mr. Chairman, that the area we are talking about here is roughly measured by some 500 to 600 miles. It is the old Oregon territory. It has fertility, it has beauty; it has not coal; it has not oil; it has water power in a greater amount potentially than can be found in any other similar area in the United States. Indeed, the estimate shows that the Columbia Basin with its tributaries represents half the potential hydroelectric horsepower that can be developed by all of the other stream systems of the United States combined. We have excellent ports. We produce west of the Rocky Mountains about two-fifths of the wheat and about two-thirds of the wool, and just to indicate that our lack of energy in the Pacific Northwest handicaps the expansion of manufactures, we produce two-thirds of the wool, yet we manufacture but 1 per cent of it.

We carry cargoes of silk through the port of Seattle valued at millions of dollars, and they are hurried by the fastest freights known across the continent for manufacture in the East.

The conditions for balanced development, for industrial expansion, for that contribution to the welfare and the happiness of living that makes for prosperity and makes for the production of the highest type of men and women can only be created by the utilization of the resources with which we offer the equivalent of coal and of oil. In other words, Mr. Chairman, if we are to mine coal in the Pacific Northwest we must do it at the water fall, and if we are going to drill for oil in that region we must drill in the cascades of the streams. That is our opportunity. That is our necessity. We need cheap power and that power exists. It is there. It is actual. The project is economic. The sites belong to the Government. The Government is the major owner of property in the Northwest, as it is in the 11 Western States. We desire that the ownership of the great power sites shall be inalienable in the Government. We desire that it shall be used and for public benefit. We feel, Mr. Chairman, that we have a right to ask the Government for the authorization of this bill and for this step forward in the utilization of a great natural resource that is essential to our well-being. And I may say, too, that we feel that it is the duty of the Government to grant this request. If we had under Government ownership in the Pacific Northwest great seams of coal or great reservoirs of oil, it would be considered a perfectly normal thing that steps should be taken toward making that energy available to us. It seems to me that this infinitely preferable form of energy and illumination, and, in some instances, of heat, should be made equally available to us and be considered fully as a normal undertaking.

That, Mr. Chairman, completes the presentation that I had planned for this time, and I thank you very much for the opportunity of doing so.

Mr. CRAMTON. Mr. Speaker, I recognize the importance of the project involving some $45,000,000. Because it is so important I feel that I must object to its consideration at this time when there is no opportunity for debate.

OFFICIAL PAPERS OF THE TERRITORIES

The next business on the Consent Calendar was the bill (S. 1168) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925.

The Clerk read the title of the bill.

Mr. BEERS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I wish the committee would check up a little bit on its report on this bill. The report says that these copies are for distribution by the Department of State, whereas the bill provides that only 50 out of 1,950 are to be distributed by the Department of State.

Mr. BEERS. That is a Senate report that the gentleman is reading from.

Mr. CRAMTON. I am reading the House report that came to me accompanying the Senate bill, and I hope before we meet again that the House committee will make a report upon it that is in accordance with the facts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMPACTS BETWEEN NEW MEXICO AND COLORADO

Mr. MORROW. Mr. Speaker, I ask unanimous consent to return to Calendar No. 891, H. R. 6498, granting the consent of Congress to compacts or agreements between the States of New Mexico and Colorado with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested, for the purpose of moving that the bill do lie on the table because by agreement with the gentleman from Colorado [Mr. TAYLOR] an identical bill was passed.

The SPEAKER pro tempore. Without objection, the bill (H. R. 6498) referred to by the gentleman from New Mexico will lie on the table.

There was no objection.

Mr. MORROW. Mr. Speaker. I ask unanimous consent to extend my remarks in RECORD upon the compact bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, it is with some degree of satisfaction that I note the passage of this legislation at this session of Congress. I am referring to the compact bill (H. R. 6498), which is the bill I have moved to lay on the table indefinitely, as it is identical with M. R. 7024 introduced by the gentleman from Colorado [Mr. TAYLOR], and which bill has passed and meets the conditions in my State. I also refer to H. R. 6496, 6497, and 6499.

These bills virtually protect, if the compacts are entered into, the entire waters—except the Colorado—of my State, New Mexico. The rivers of interest to my State, as well as to the States of Colorado, Oklahoma, and Texas, are the Cimarron, the Red or Canadian, Pecos, and the Rio Grande.

I am a firm believer that compacts between all intermountain States that have interstate streams and where the arid land is found which will require water for future development, will protect the water that falls and flows within each particular State of the arid region of our country.

Nature intended that these streams should be harnessed and the waters impounded for the purpose of reclamation and utility. The time is approaching and it will not be longer than a quarter of a century when much of this land of the Western States will be required to be utilized for the production of food; this means that our waters must be protected and impounded.

The history of irrigation in the West has been a history of litigation. An example of this is the Arkansas River, the waters of which flow through the States of Colorado and western Kansas; this stream has been a subject of litigation for a period of more than 25 years, and it is still in litigation in the courts. Litigation has occurred on other streams of the western country.

These streams are nearly all interstate streams. This fact brings the matter within the purview of Congress to pass upon legislation approving the compacts, when they have been ratified by the legislatures of the States involved.

When this is accomplished, each State of the arid West, where compacts have been entered into, will know what volume of water it has for future use and development.

It has been my purpose during the six years I have been in Congress to strive for the passage of this legislation. It is therefore with a great deal of satisfaction that all the bills introduced by me have been passed by this body, and they will now go to the Senate for consideration.

It is hoped that the State of New Mexico, through its proper authorities, will immediately, upon the passage of the legislation in the Senate and its final enactment into law, provide the necessary method in conjunction with the adjoining States to bring about the purposes of this legislation. In so doing, the State of New Mexico will protect the water which nature has provided in its great watershed of the high mountains and in its timber reserves for the use of the people of the State.

It is said that many of the States of the arid region, in which my State is included, have not yet applied water to beneficial use upon more than 2 per cent of the land to be utilized for crop purposes, and New Mexico alone can, by the conservation of its waters, reclaim at least 2,000,000 additional acres of land.

During the recent campaign I pledged to the people of New Mexico that I would endeavor to pass this legislation at the short session of Congress. To-day is the first Consent Calendar day of the session; my bills have been approved by this body. It is a matter of gratification to me and I hope the various regions of the State, through which the rivers flow, will appreciate the same in the spirit in which the legislation has been enacted.

THE RECENT ELECTION AND THE DEMOCRATIC PARTY

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for 25 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, these remarks will possess one virtue—frankness. Several months before the convention I warned my colleagues that Governor Smith's nomination meant disaster in Kentucky, including the defeat of at least four Congressmen. At the Lexington convention, unaided and alone, I sought in vain to prevent that catastrophe. At that time the sentiment in Kentucky was overwhelming against Governor Smith, even in the Democratic Party, and yet the leadership in that convention instructed for his nomination. They have suffered the rebuke that always follows when politicians attempt to force their will upon the people.

Kentucky is overwhelmingly Protestant, is overwhelmingly dry, has the smallest per cent of aliens, and even her wets are opposed to wines and beer. As the leaders of Smith's national campaign foolishly emphasized these false issues, it took no prophet to foretell what was in store for us. [Laughter.]

The Democratic platform was very generally approved. It advocated both prohibition enforcement and immigration restriction. Frequent statements of Chairman Raskob, however, could not be reconciled with the obvious purpose of the platform and Governor Smith's interpretations were not reassuring.

It would be difficult to find one with less political judgment or one with so little national vision or one in every way so unfitted for the situation as Chairman Raskob. His every utterance brought embarrassment to us. [Applause and laughter.]

The eighteenth amendment is in the Constitution. There was no issue upon that. As Charles Evans Hughes truly said, that issue was merely a "sham battle."

The truth is that neither party nominated a dry. The Democrats nominated an outspoken wet and the Republicans a "speakeasy" dry. [Laughter.]

Perhaps the greatest number of the country's sincerest champions of the eighteenth amendment, including its author, supported Smith because the real liquor issue, if any, was not legislation but enforcement. Since coming here I have tried to rid the Nation's Capital of bottlegging, without noticeable cooperation from Mr. Mellon, the head of prohibition enforcement in the United States.

The tale of two cities—Washington and Pittsburgh—is the same. They both have the same uncrowned king. Is it a mere coincidence that these two cities—the city of Mr. Mellon's home and the city of his activities—have become known as the wettest cities in the United States? Will it not be a shock to the country to learn that Mr. Mellon's department admits that there are 3,000 bootleggers infesting the Nation's Capital? Such a lack of enforcement is a betrayal of the confidence of the people.

As a sincere dry, personal as well as political, throughout the years, one who believes the law can and should be enforced, I can find no reason for enthusiasm in Mr. Hoover.

Political exigencies produce some astonishing results. Mr. Hoover became dry when election to the Presidency required it. Mr. Walker became dry when election to Congress required it. Ex-Gov. Edwin P. Morrow became dry when political expediency demanded it.

They are the dry leaders now, neither because they have ever rendered the cause one bit of service nor because they have ever practiced what they are now preaching, but solely by vote of the people.

While openly opposing the views of Governor Smith on prohibition and immigration, I supported the Democratic ticket, because through the Democratic Party lay the only hope of remedying certain dangerous and deplorable conditions. A caloused public conscience seems to condone lawlessness among citizens and dishonesty among public officials. The crimes and follies of our foreign policies are actually threatening the peace of the world. Our domestic policies are destroying small business, while agriculture is on the brink of despair. Honest people so engaged are in distress, while gamblers are indulging in a wild orgy of speculation. Mr. Hoover's election emphasized this condition and widened the difference. The day after election industrial stocks on Wall Street went up. Sinclair oil reached its highest peak. Sinclair is the man whom the Supreme Court of the United States said conspired with certain Republican Cabinet officers to defraud and steal this oil from the United States.

That same day farm products went down. Hogs, the farmers' main source of revenue at this time of the year, on the Louisville market dropped 10 cents and 15 cents more the day after. They have continued a steady downward course. The day before the election they sold for $9.50 per hundred. When Presi-

dent Coolidge read this message on December 4, one month later, they sold for $8.65 per hundred. That part of the President's message that stated that farm commodities have reached a greater purchasing value is not true. The recent statement of the Secretary of Agriculture flatly contradicts it. [Applause on the Democratic side.]

A sound economic condition reflecting true prosperity must include agriculture. Such is not the case. The Republican Party admits it. It promises to call a special session for farm relief. What additional power will it then have that it has not now? It has had the President, the Senate, and the House for eight years. It can have nothing more next year. In fact, the same leaders will control legislation. If they have not had an idea in eight years, why expect them to find one next year? [Laughter.] Why put it off until next year, anyway? Is there anything else more important?

The relief, it seems, is going to be the McNary-Haugen bill without the equalization fee, which is the hunter without a gun. That relief will not only fail to relieve but will not even serve to deceive.

The next few years will convince the western farmer of what the last few years have almost persuaded him that a high tariff on manufactured articles and agricultural prosperity are incompatible. The suggested Republican remedies are only aspirins to relieve the pain and not remedies to remove the cause. I declined to indorse the Raskob tariff telegram sent Democratic Members. It was a foolish effort to commit the party to an unnatural alignment. I reaffirm my faith in the time-honored Democratic principles of low tariff except to foster a necessary infant industry.

A high tariff, always unjust, becomes disastrous when a country's production so far exceeds its consumption as to necessitate competition in foreign fields.

After eight years of Republican tariffs, together with Republican manipulation of the Federal reserve banking system, the farms in my district will not bring the mortgages upon them.

But of far more consequence even than these is the unrest existing over the world caused largely by the crimes and follies of our selfish foreign policies. I am heart and soul for the Kellogg treaties. I hope the President is right when he refers to them as giving great promise for world peace, yet Lloyd George, Benito Mussolini, and other statesmen of Europe are referring to them in sarcasm and ridicule. Lloyd George has just said, "While we sing the hallelujah chorus the world is arming and heading straight for war." Mussolini has just said, "We would hasten to sign similar pacts but are not deluding ourselves; the whole world is arming."

When the President is at the same time asking for peace and a bigger Navy, faith in our own peace proposals seem lacking, and foreign statesmen discredit our sincerity.

The Republican Party in 1920 preyed upon the ignorance, prejudice, and fear of the people and bartered away the world's greatest opportunity for service. It was willing to sell the future peace on earth, good will to men, like it sold the naval oil reserves for a miserable mess of pottage.

For eight years I have heard Presidents' messages of prosperity, of dollars and cents, until materialism has become nauseating. Not once has ever been mentioned education, refinement, the arts, the sciences, honesty, morality, patriotism, or Christianity. Think of the President confining an entire address on George Washington to his farms, his slaves, his business ability, and material prosperity!

Is money the only thing worth striving for? No!

> Ill fares the land to hastening ills a prey,
> Where wealth accumulates and men decay.

I am opposed to the President's increased Navy program, unless it is true that another war is near, as Europe seems to think. Otherwise it will be used only for imperialistic demonstrations, trade intimidation, and may get us into war. The people of the world do not want war. The people's Representatives in Congress should take this in hand with the civil authorities of other lands and all could agree, but leave it to the diplomats and war experts and they will get us into war.

Neither do I approve of Mr. Hoover's peace mission on a battleship. At an enormous expense to the American taxpayer this private citizen is calling his vacation a good-will voyage. We learn that the American Fleet is to follow; just why, is not clear. When the Prince of Peace came on earth to preach good will, he neither rode a war horse nor had an army in his wake. [Applause.]

While I, as a patriot, wish Mr. Hoover an administration promoting world peace, helpful to all our people in material, moral, and spiritual progress, I see nothing to warrant great optimism. He has displayed neither courage nor ideals; he has had no fixed opinions; he has merely reflected the wishes of stronger men who surround him. Under Woodrow Wilson he was a Democrat; he sought the Democratic nomination for President; he sought the return of a low-tariff Congress. Under Harding and Coolidge he was a Republican; he sought the Republican nomination for President; he sought the return of a high-tariff Congress.

I love the Democratic Party, its principles, its traditions, its history. For 16 years it has furnished my meat and bread. Although I warned against its leadership and refused to follow them into strange and winding paths, I would not forsake it in its hour of trial. [Applause on the Democratic side.]

It is sad that this party lies prostrate when it has always proven honest and true. For wise legislation, honest administration, and patriotic devotion, its last eight years of office is unparalleled in the history of our Government. Its rival is now entrenched in power, arrogant and hateful, although for eight years it has not enacted a single piece of progressive legislation; it has betrayed the enforcement of every law and has revelled in dishonesty and graft both nauseating and disgusting. [Applause on the Democratic side.]

The Democratic Party even in the minority furnishes the strength and guidance of this Government. The only boast of achievement of the past eight years is tax reduction accomplished upon a plan devised by JOHN GARNER, a Democrat, and substituted for the Mellon plan by even a Republican Congress. The greatest calamity that could ever befall our country would be the disintegration of the Democratic Party. [Applause.]

For these reasons and many more, I stuck by the old Democratic ship of state. I saw its crew steering it into the storm. They seemed unmindful of the rocks toward which they were driving. Seeing my distress, I was invited to join those who abandoned it for a less worthy ship, more adroitly managed, and even promised safety in reward for my cowardice, but I owed more allegiance than they. I was an inferior officer; they were only passengers. Had it come safely into port, it would have been better for the country even though there was much undesirable on board; so I have no regrets nor apologies for sticking to the ship.

The Democratic Party has a great future. Its proper alignment is nearer that of 1916 when the South and West united and were victorious without carrying any Eastern States. I am not advocating sectionalism. The Democratic Party is national in scope. Its policies are best for the people generally in the North, South, East, and West, but so long as protected interests dominate the policies of some of the Eastern States and exact an unjust tribute from every other section, the Democratic Party can not sacrifice its principles as an inducement for their electoral vote, however tempting such a betrayal may be.

The coming four years will demonstrate that agriculture, small independent business, honest dignified labor, and the ordinary self-respecting citizens have nothing in common with exorbitant tariffs, great combinations of industries, and vast accumulations of wealth.

Let us now look to the future. Naturally we do not want to follow the same leaders who have just brought such disaster upon us. [Applause.]

The recent election demonstrated, as all previous elections have indicated, that the country approves of the eighteenth amendment and wants it honestly enforced. Chairman Raskob during the campaign, by the use of such expressions as "damnable prohibition" alienated a large and sincere following. [Laughter.] We should consider the country as dry, insist upon honest enforcement, and cease agitating that issue. Wet leadership, therefore, would be most unwise. Governor Smith, with his many admirable qualities, with his humanity and his ability, commands our admiration and respect, but over the Nation his environment causes apprehension and the prominence given by him to certain issues obscures the splendor of Democratic achievement in greater fields. In view of the recent proof of this, so unhappily experienced, his renomination in 1932 is unthinkable. [Applause.]

Should an effort be made to continue the Democratic Party, under the leadership and policies that have just wrecked it, I give warning of protest. After March 4 I shall be a private citizen, but I shall fight for the principles set out here and as a candidate, if need be, carry them to the people in my State. At Houston the Democratic Party was taken upon a mountain and tempted by the prospect of power to be had by holding out a false inducement to those opposed to a constitutional amendment, and it was tempted by the lure of gold to be contributed by high-tariff protected monopolies and it yielded and fell.

It shall rise, purged and strengthened by this experience.

The Republican Party, however, must suffer from the disappointment and the disintegration of so large a majority.

Drunken with power, it will ruthlessly prove its own unfitness and finally bring about its own destruction. [Applause.]

It would be fortunate if inspiring leadership should hail from the West. Under an able leader, a wise statesman, a friend of agriculture and country life, the South would become solidly Democratic again; so would the border States and the West.

I submit these views not in the egotism of "I told you so" nor in the bitterness of disappointment but for the consideration of those who like I love their country and believe that its greatest opportunity for peace, uprightness, prosperity, and inspiration is in the Democratic Party. [Loud applause.]

RELIEF OF PORTO RICO

Mr. KIESS. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 352, for the relief of Porto Rico, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual in duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan, beginning with the fourth year, shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of $6,000,000, of which $3,000,000 shall be made immediately available, $2,000,000 shall be made available on January 1, 1930, and $1,000,000 shall be made available on January 1, 1931. All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the joint resolution.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. Do the whereases remain in the joint resolution?

The SPEAKER. The Chair thinks that the whereases remain as a part of the resolution.

Mr. CHINDBLOM. Are they essential?

Mr. KIESS. We thought so. They state the purpose of the legislation very clearly.

Mr. CHINDBLOM. We never do state the purpose of legislation, and if the resolution can stand without the whereases, I think in the interest of good legislation they ought to be omitted.

The SPEAKER. The Chair has already put the question on the joint resolution as read, with the whereases.

Mr. KIESS. Mr. Speaker and gentlemen of the House, I hope, in the short time allotted to me to discuss the merits of this legislation, that I will be able to convince you, as I have been convinced by personal investigation, of the urgent necessity for the passage at this time of House Joint Resolution 352.

The relief measures provided for in this joint resolution are made necessary by the effects of the destructive hurricane that swept across the island of Porto Rico on September 13 and 14, 1928, spreading devastation in its pathway, leaving in its wake not less than half a million persons in a state of destitution, and destroying crops and reducing to wreckage homes, tobacco barns, and warehouses, fruit-packing plants, and sugar centrales.

It was without doubt the worst hurricane in the history of the West Indies, and the island of Porto Rico was one of the chief sufferers. Had I not visited the island I would not have believed so much damage could have been done in such a short time. The last severe hurricane before this occurred in 1899. At that time the excessive winds lasted about three hours while this time the hurricane's excessive winds lasted for nearly 12 hours. In 1899 the wind reached a velocity of between 90 and 100 miles an hour and this year it was estimated by the best of authority that the wind at one time reached a velocity of 180 miles or more. With a wind of this force, and lasting over such a period of time, practically nothing escaped some harm.

In so far as I know there never has been in the United States, or any of the insular possessions of the United States, a hurricane of this intensity and which lasted so long. It was during the last few hours of the hurricane that so much of the damage was done. There never has been a calamity that affected the people so much in the area involved, or damaged so great a part of the industries in that territory.

At the urgent request of Governor Towner, of Porto Rico, Senator BINGHAM, chairman of the Senate Committee on Territories and Insular Possessions, and I, as chairman of the House Committee on Insular Affairs, visited Porto Rico last month and made a study of conditions in the island. During the 10 days we spent there we traveled approximately 600 miles by automobile over the island and therefore have a personal knowledge of the destruction caused by the hurricane. We talked with the representatives of the Sugar Producers Associa-

tion, the coffee planters, the tobacco growers, the fruit growers, and officials of the Agricultural Association of Porto Rico. We also interviewed representatives of the Red Cross, representatives of the Bankers Association, and the manager of the Federal Farm Loan Bank of Porto Rico, which is a branch of the bank in Baltimore. We talked with the officers of the Chamber of Commerce of Porto Rico, the commissioner of education, commissioner of the interior, commissioner of agriculture, the insular auditor, the attorney general, the insular treasurer, and many others.

The need for immediate employment is very great. If we do not enact some legislation in the very near future for their relief, there will be an enormous amount of suffering inflicted upon these people.

The American Red Cross, which went immediately to the relief of the island, reports that the total number of people affected by this hurricane to be 1,454,457, of whom more than one-third, or 510,161, were destitute, without food, without shelter, and with only the clothing they had on their backs. In the hurricane of 1899 there were 3,000 people killed chiefly by floods. The rainfall during that hurricane was about 23 inches. Although there was a rainfall this time of 29 inches in 24 hours, there were less than 300 people who lost their lives. This was due to the fact that the hurricane moved slowly and was anticipated by two days. Warnings were sent to every part of the island. Persons were warned to leave the valleys and to go up into the hills, so that, although, in some places the roads were 5 or 6 feet under water and the dwellings of half a million people were destroyed, fortunately, the loss of life was small. The fact that the severest part of the storm occurred in the daytime was also a factor in preventing the loss of life.

As soon as possible a central survey committee was appointed by Gov. Horace M. Towner. Maj. C. S. Ridley, of the United States Army, was chairman of the committee, which was composed of the commissioner of interior, the commissioner of agriculture, and four prominent citizens of Porto Rico. The survey was supervised by officers of the Sixty-fifth Infantry, which is stationed in Porto Rico. The graded schools all over the island were closed for three weeks and the school-teachers used in making the survey. Every one of the houses in the devastated section of the island was visited by members of the survey. The complete and comprehensive report of that committee as to the damage and destruction wrought leaves no question as to the devastating effects of the hurricane. I quote in part from this report, as follows:

The destructive effects of the hurricane extended to all parts of the island. The total material damage determined by the survey amounts to $85,312,120. Because of the reconstruction that took place immediately after the hurricane and continued up to the time of the survey the damage existing at the time of the survey is less than the above figure and amounts to $77,981,134.

On account of the general character of construction of the dwellings in rural areas the destructive effect of the hurricane on dwellings in these areas was more marked than in the towns, with the possible exception of one or two towns on the southeast coast. About 247,728 rooms in rural dwellings were totally destroyed and 192,444 partially destroyed. By the date of the survey, 41 per cent of these rooms had been rebuilt complete with roof. In 25,596 dwellings, 83,679 persons were found temporarily living with other families on account of destruction of their homes.

Coffee is grown in the central or mountain portion of the island. On the coffee farms, 49 per cent of the coffee trees and 59 per cent of the shade trees protecting the coffee are lost, amounting to $8,716,925. It will require three to five years to replace this loss if the work is undertaken promptly. However, 6,368 farmers reported they were not rehabilitating their farms on account of lack of funds. In addition to this loss, about 80 to 90 per cent of this year's coffee crop that was on the trees is lost, amounting to $9,465,225. There are 49,818 families living on farms over 1 cuerda in area on which the major crop is coffee. This is about 25.5 per cent of the total rural population of the island.

Sugar cane is grown on the seacoast and in the valleys. It suffered from the hurricane in two ways, viz, by loss of weight and by loss of sugar content. The former loss, which is due to breakage, inundation, and retarded growth, may be more closely determined than the latter. The loss in sugar content can not be definitely known until the cane is harvested, as it will probably change up to maturity. The total combined crop loss is now about 32.6 per cent of the crop which was anticipated prior to the hurricane, or a money loss of $17,337,180. There are 34,316 families living on farms over 1 cuerda in area on which the major crop is sugar. This is about 17 per cent of the rural population.

No tobacco was growing at the time of the hurricane. About 25 per cent of the seed beds, however, had been planted and practically all cloth had been installed. All of this was a total loss. Practically all of the tobacco barns were totally destroyed. There was also loss of tobacco leaf in storehouses awaiting disposal. These losses were the most important ones to the tobacco farmers and amount to $11,979,114. There are 15,462 families living on farms over 1 cuerda in area on which the major crop is tobacco. This is about 8 per cent of the rural population.

The citrus-fruit industry covers a relatively small portion of the island. Only about 5 per cent of the trees are destroyed but a large part of the growing fruit was lost. The total existing tree and crop loss is $2,713,866.

There are only a few important areas on the island containing coconut farms. These are located along the seacoast and are relatively small in area, about 14,340 cuerdas. On these farms, 32.77 per cent of the trees were destroyed and the entire crop of fruit was lost. The total crop and tree loss amounts to $1,650,829, which is relatively high for such a small industry.

Such conditions as outlined, calls for speedy and effective relief. One of the greatest needs is long-term credits, whereby the planters can rehabilitate themselves and at the same time afford employment to the thousands of persons now without work as a result of the disaster.

Identical measures were prepared and introduced in the House and Senate. Joint hearings by your committee and the Senate Committee on Territories and Insular Possessions were conducted. The extent of the havoc wrought in the island was clearly set forth by Porto Rican officials and others who had first-hand knowledge of the situation. Included among the witnesses were: Gov. Horace M. Towner, of Porto Rico; Manager E. B. Thomas, of the Porto Rican branch of the Federal Land Bank of Baltimore; F. J. Holcomb, auditor of Porto Rico; Commissioner Carlos E. Chardon, commissioner of agriculture; Hon. FELIX CORDOVA DAVILA, Resident Commissioner of Porto Rico; Gen. Hugh A. Drum, who was dispatched by the War Department to the island to investigate the situation resulting from the hurricane; Col. W. L. Patterson, Acting Chief of the Bureau of Insular Affairs, War Department, and others. All gave testimony to the devastation and the need of help from the United States Government and all urged the prompt passage of this resolution. It was pointed out that Porto Rico was doing everything in its power to recuperate itself, but that the magnitude of the catastrophe called for aid from the United States Government to enable the planters and growers of the island to get on their feet.

The Secretary of War, in a letter, places the department on record as favoring the resolution and sets forth that the Director of the Budget advises that this proposed legislation is not in conflict with the financial program of the President.

While the resolution follows in general terms measures which have been passed by Congress in great catastrophes, it is in a way a new proposal. This resolution is also somewhat similar to those passed by Congress in recent years appropriating money for the purchase of seed for the farmers.

In 1903 we appropriated $3,000,000 for the relief of distress in the Philippine Islands, and in 1906, $2,500,000 was appropriated to sufferers from earthquake and fire in San Francisco.

Under act of December 22, 1921, the President was authorized, through such agencies as he might designate, to expend for food a sum not exceeding $20,000,000 for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grain had been exhausted. Of the total amount authorized it is understood there was expended over $18,000,000. This was apparently intended as an outright gift, and no obligations were taken for the supplies distributed.

Under the act of January 20, 1922, we transferred medical and hospital supplies to the amount of $4,000,000 for the stricken people of Russia.

In 1922 Congress authorized the Secretary of Agriculture to make loans or advances to farmers of the United States for the purchase of seed grain, and $1,500,000 was made available for this purpose.

Briefly stated, House Joint Resolution 352, now before the House, creates the Porto Rican hurricane relief commission, consisting of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be chairman.

Section 2 authorizes the appropriation of the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

Section 3 provides that the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual.

For the purpose of carrying out the provisions of this resolution there is authorized to be appropriated the sum of $6,000,000, of which $3,000,000 shall be made immediately available, $2,000,000 shall be made available on January 1, 1930, and $1,000,000 shall be made available on January 1, 1931.

Section 4 authorizes to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

Section 5 authorizes to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

Section 6 provides that the commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

The people of Porto Rico deeply appreciate what has already been done for them by the American Red Cross. The prompt passage of this resolution, in addition to furnishing immediate relief by giving employment to thousands now out of work, will do much to create a closer bond of friendship between the people of Porto Rico and those of continental United States. It is my sincere hope that the resolution may be passed finally and signed by the President before Congress adjourns for the Christmas holidays.

SUPREME COURT BUILDING

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

That there is hereby created a commission to be known as the "United States Supreme Court Building Commission" and to be composed of the Chief Justice of the United States, an associate justice of the United States to be designated by the Supreme Court of the United States, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the Senate, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the House of Representatives, and the Architect of the Capitol. Notwithstanding the expiration of a Congress, any Representative who is a member of the commission, if reelected, shall continue to serve thereon until a successor is selected by the House of Representatives. The Architect of the Capitol shall serve as executive officer of the commission and shall perform such services under this act as the commission may direct.

SEC. 2. The commission is authorized to procure, by contract or otherwise, preliminary plans and estimates of costs for the construction, and the furnishing and equipping, of a suitable building (including approaches, connection with the Capitol power plant, and architectural landscape treatment of the grounds), for the accommodation and exclusive use of the Supreme Court of the United States; such building to be erected upon the site heretofore authorized for that purpose, and such building to be so situated, and the exterior thereof to be of such type of architecture and material, as to harmonize with the present buildings of the Capitol group. The amount to be expended in procuring such plans and estimates shall be determined by the commission, but shall be within the limits of appropriations made therefor, and shall be disbursed by the disbursing officer of the Department of the Interior, under the direction of the executive officer of the commission. The commission shall make a report to the Congress on or before March 1, 1929, including a detailed statement of such plans and estimates of costs.

SEC. 3. There is authorized to be appropriated the sum of $10,000, or so much thereof as may be necessary to carry out the provisions of section 2.

The SPEAKER. Is a second demanded?

Mr. GARNER of Texas. Mr. Speaker, I do not care to ask for a second, but I would like to ask if this is a unanimous report of the committee?

Mr. ELLIOTT. It is.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FIREPROOF OFFICE BUILDING FOR THE HOUSE OF REPRESENTATIVES

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass H. R. 12897, to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives with amendments.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass with amendments the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12897) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives.

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $900,000, or so much thereof as may be necessary, for the acquisition of a site embracing one or more of the squares bounded by B Street SE. and B Street SW., C Street SE. and C Street SW., New Jersey Avenue SE., and Delaware Avenue SW., as the commission in control of the House Office Building shall determine.

Upon the acquisition of such land, buildings, and structures, all of the land, buildings, and structures contained in square No. 689 and square No. 636 in the District of Columbia, as such squares appear on the records in the office of the surveyor of the District of Columbia as of the date of the passage of this act, shall become a part of the new House of Representatives Office Building site and be under the control of the Architect of the Capitol, subject to the direction and supervision of the House Office Building Commission.

SEC. 2. There is hereby authorized to be appropriated the sum of $7,500,000, or so much thereof as may be necessary, for the construction, on the site selected, of a fireproof office building or buildings for the House of Representatives, to include necessary office rooms for Members, including committee rooms, folding rooms, and such other rooms as may be necessary and proper. Such building or buildings shall be constructed substantially in accordance with plans prepared under the direction of the Architect of the Capitol in accordance with the provisions of an act of Congress approved March 4, 1925, with such modifications as may be necessary or advantageous. For any part or all of the sum authorized to be appropriated by this section, contracts are authorized to be entered into. The construction of such building or buildings and the letting of contracts, including the necessary traveling expenses, advertising, purchase of material, supplies, equipment, and accessories in the open market, and the employment of all necessary skilled architectural and engineering personnel and other services, without reference to section 35 of the act approved June 25, 1910, and purchase of necessary technical and other books, shall be under the control of the Architect of the Capitol, subject to the direction and supervision of the commission in control of the House Office Building.

SEC. 3. The commission in control of the House Office Building shall, within 30 days after the date of the enactment of this act, determine which part or parts of the area described in section 1 shall be acquired and used for a site for the building or buildings herein provided for and shall proceed to acquire such site by purchase or by condemnation, and in the latter event, the condemnation proceedings shall be conducted in the same manner as provided in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898, for the acquisition of a site for an addition to the Government Printing Office. The appropriations made pursuant to this act shall be disbursed by the disbursing officer of the Department of the Interior, such officer being designated by law as the disbursing officer of the Architect of the Capitol.

The SPEAKER. Is a second demanded?

Mr. ESLICK. Mr. Speaker, I demand a second.

Mr. BLANTON. Is the gentleman against the bill?

Mr. ESLICK. I am.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

The gentleman from Indiana is entitled to 20 minutes and the gentleman from Tennessee to 20 minutes.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I do not think that it requires any long-extended statement from me to demonstrate the necessity for this legislation. As a matter of fact, when the present Senate and House Office Buildings were first planned the same reason existed for having two offices provided for each Representative as existed for having two offices provided for each Member of the Senate. The only reason why it was not done at that time, so far as I can ascertain, was the architectural reason that it was felt that the two buildings ought to be approximately the same size and height in order to maintain the symmetry of the Capitol Plaza. When they came to construct the buildings they found there was more than enough room to provide each Senator with a suite of offices and at the same time provide large and commodious committee rooms, for the reason that there were at that time only 92 Senators, which number has since been increased to 96; whereas there were 391 Representatives, which number has

since been increased to 435. Hence it came about that when the building was completed with the necessary committee rooms, it was found that only one room could be assigned to the great majority of House Members who were not chairmen of committees.

In the old days when Members had no clerical assistance and answered their correspondence in long hand, it might have been easier to get along with a single room. But since the advent of the typewriting machine the need for a private office for each Representative has become more apparent and more vitally necessary. It is manifestly impossible for a Member to do any satisfactory reading or to give any thoughtful attention to matters of legislation with two typewriting machines going in his office.

We all know that every third assistant chief of a bureau in the executive part of our Government has a private office. Moreover, every member of the legal profession, even in small rural communities, to-day has a private office where he can see his clients, and it is perfectly evident that this legislation is demanded not so much for the personal convenience of the Members but in order that the representatives of the people may properly transact the public business. As I said before, it ought to have been done at the beginning when the building was first constructed.

Not only is this all true, but we need more adequate committee rooms. With the exception of the rooms occupied by the Ways and Means Committee and the Judiciary Committee, there is no committee room in the present House Office Building that is even approximately adequate; and, in fact, even those two committee rooms are frequently not large enough when hearings are held on important matters of pending legislation and a large number of people come from different parts of the country to appear before those committees. The construction of a new building to be used in conjunction with the old building will not only give each Member what he ought to have, viz, two offices—one a workshop in which the routine business can be transacted by his secretary and stenographer, and the other a private office where he can meet his constituents and fellow Members and read and study—but it will also make it possible that every committee of the House which holds public hearings requiring the attendance of witnesses shall have a properly ventilated committee room large enough to accommodate the public.

This bill, Mr. Speaker, has the indorsement of the Speaker of the House, of the majority leader and the minority leader, and from conversations which I have had with individual Members of both political parties I know that it has the enthusiastic support of an overwhelming majority of the entire membership of this House. I trust that the motion to suspend the rules and pass the bill will prevail. [Applause.]

Mr. ESLICK. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, we have just passed, under suspension, a bill to remove the Supreme Court from its present quarters in the Capitol to new quarters on the outside, at great expense to the people. I understand that at first the Supreme Court personnel were not in favor of that move, and I know that its present location in the Capitol is convenient to Members of Congress from every State in the Union, who introduce new practitioners.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I regret I have not the time to yield to the gentleman.

Mr. ELLIOTT. I just wish to correct a misstatement.

Mr. BLANTON. I yield.

Mr. ELLIOTT. The gentleman has made a misstatement and I want to set him right on it. The Supreme Court of the United States is in favor of this bill.

Mr. BLANTON. I do not yield further, Mr. Speaker. I understood they were not at first, but finally, through insistence and pressure upon them, they acquiesced.

All of the attorneys who practice before that court come here from our States. Many of them are not members of the Supreme Court at first and have to be introduced by some of us from the States. As it is now, we can go over there and find out when the introductions are made and make them with very few minutes' loss of time. With the Supreme Court located somewhere else we would have to leave our places for several hours, perhaps, because those introductions come at different times, and the attorneys back in the States depend upon us to do that.

Now, in our House Office Building we can have the present office building so arranged that we can have a private room in the offices now occupied. If this Congress should do what it ought to do and pass a reapportionment bill reducing the membership of this top-heavy House from 435 to 300 Members, you would have a better working body, and you would have better attendance here on the floor, and you would have legislation better considered and better passed for the people.

If you would do that you would have plenty of room and instead of costing over $8,300,000 it would save the people of this country, the overburdened taxpayers, on salaries and expenses alone a couple of million dollars every year.

When the Architect of the Capitol, who is a splendid man, one of the finest officials we have—when he first asked for estimates from architects on this proposal, a prominent firm of architects in New York sent him an estimate under which you could build on the present House Office Building 375 new office rooms, and all the things that go with them, for $3,000,000. If we need more room why would not that adequate enlargement suffice—to spend $3,000,000 and get 375 new office rooms in our present building, and have them all located together? But instead of accepting that proposition we must enlarge still further, and spend $900,000 for a new site, and when we do that we are going to commit waste for which the people must pay. We are going to tear down four good buildings that exist now and that are used by citizens here, to wit, Potomac Hotel, Congress Hall Hotel, Health Department, and the Geodetic Survey Building, and throw that money away, and the people, the taxpayers, will pay for it; and then instead of spending $3,000,000 for 375 new rooms, we are going to double the amount and expend $7,500,000 for new construction.

I know I can not stop this bill from passing by objecting to it. I know it will pass. But I do want to register my protest against it. I think it is a waste of money. There was a time when not a Member of this Congress had an office except such as he furnished himself, and such officers were scattered all over the city, and yet we had possibly as good statesmen here then as we have now, and the public business was transacted just as well for the people as it is transacted now. You are going to have such spacious and commodious offices that not many Members will then come on the floor here. The time will come when you will have only a little subcommittee of the Committee on Appropriations functioning here and passing bills involving hundreds of millions of dollars of expense. I shall vote against this unnecessary and wasteful expenditure of the public money.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. LANHAM. Mr. Speaker, ours is a great country. We like to say it is the greatest country in the world; and I think it is. Ours is a great Government. We like to say it is the greatest Government in the world; and I think it is. By the organic law of our land this great Government is divided into three coordinate branches—the executive, the judicial, and the legislative.

In our estimation there is no office on earth comparable to that of the Presidency of the United States. In our judgment there is no judicial tribunal comparable to the Supreme Court of the United States. In our opinion there is no legislative organization comparable to the Congress of the United States.

If we believe in the greatness of our country and of our Government and of our organic law, we must believe that these three great branches should have the necessary physical equipment to function efficiently. What is the situation in this regard?

It seems that the President is provided with ample accommodations for his work. I have heard no complaint that the Executive offices are not sufficient for their purposes. For the executive departments we have already begun a comprehensive building program in the so-called Triangle. So the executive branch of our Government is being cared for.

We have passed to-day a bill providing for a commission for the construction of an adequate Supreme Court building upon a site recently acquired for this purpose. With reference to that bill I will say, in reply to my colleague from Texas [Mr. BLANTON], that the court is unanimously in favor of it.

Mr. BLANTON. At first there was some division of sentiment, was there not?

Mr. LANHAM. There was some division of opinion at first, largely upon sentimental grounds, but I am authorized to say that the court is now unanimous in approving the measure we have just passed. I think there is hardly a city of 150,000 people in the United States that has not a court building of more adequate quarters and better facilities than those now at the disposal of the Supreme Court of the United States, the

highest tribunal of the great judicial branch of our Government. We are now providing properly for them.

Now we come to the legislative branch. How are we, as members of it, equipped to function? My own situation is typical of the situation of practically all Members of the House who are not committee chairmen. I have no personal complaint to offer, but I make this statement as a Representative of the people trying to carry on the people's business. I have one room. It is an office; it is a filing room; it is a workshop; it is a consultation room; it is a library; it is a cloakroom; it is a lavatory; it is a storeroom. It is multum in parvo. There are three desks in this room and two typewriters going all the time. Such study as I am able to do in my office with reference to legislative questions must be done to the accompaniment of the clicking of these machines. Conferences are necessarily carried on under the same handicap. When individuals or groups come to see me at the same time about different matters of public business—and this occurs frequently in the experience of each of us—I have to ask some of them to step into the hall and walk up and down the corridor until I can hear the others. A private conversation is absolutely out of the question.

I repeat, gentlemen, that, not primarily for ourselves but for the good of the people whom we represent and the efficient handling of the legislative problems of this Government, we should have adequate quarters in which to work.

Something may be said about the expense of it. The cost of the necessary building is a matter for which, primarily, we are not responsible. A building costing much less than here provided for might serve our purposes just as well, but the governmental buildings of the National Capital are being constructed with reference to a well-considered architectural plan in order to insure a harmonious uniformity. And properly so. So the matter of the cost of the building is determined by the system which has been adopted for all Federal construction here in the District of Columbia.

Cost is a relative thing. Let us look at this prospective expenditure in its relation to other governmental expenditures. Here is an item designed to enable the legislative branch of our Government to operate efficiently.

I have heard the statement that from 75 per cent to 92 per cent of all our national expenditures have to do with wars—past, present, and prospective. I have never heard the figure set at less than 75 per cent, and I have heard it as high as 92 per cent.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. LANHAM. In other words, less than one-fourth of all our expenditures have to do with the pursuits of peace. I must say that I have less uneasiness in my own mind about appropriations to carry on effectively the work of the United States Government in matters of peace than I have with reference to the enormous expenditures pertaining to war. Under this bill we are preparing to spend for a pursuit of peace, to carry on the people's business effectively in one of the three great coordinate branches of our Government, about one-seventh or one-eighth of the cost of a single battleship. So I say, gentlemen, that not merely for our convenience, but in behalf of the people of this country who deserve a proper opportunity to consult with their Representatives in Congress and a proper attention to matters which so vitally affect them, there is a responsibility upon us to make the legislative branch efficient by providing adequate quarters and suitable facilities for this work.

Mr. GREEN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. GREEN. Why should we buy more land when the Government has plenty? Why should we buy all of those hotels and incur all that expense?

Mr. LANHAM. I will say in that regard that I am not particular as to where this building is located, except that it must necessarily be located in proximity to our present building. We can not put one-half of the Members of Congress in one part of the city and one-half in another. Clearly that would not be feasible. The accessibility of Members of Congress to the public and to one another and to the Capitol must be maintained. Otherwise our condition would be more chaotic than at present.

Mr. GREEN. Is there not sufficient space to erect a building on this end of that square?

Mr. LANHAM. I doubt that. I think if we should build on one part of that square and leave the other part for private construction we should be unable to get the additional space we need; and, besides, we should have something quite out of keeping with the architectural plan for the Nation's capital to which I have alluded. [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. ESLICK. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker and gentlemen of the House, the present bill is practically the same bill as passed by this body on the 1st day of March, 1928. If there has been any change in the building, or any reason why the cost should grow, it was not developed in the hearings. The bill that passed this body in March, 1928—H. R. 9009—called for $800,000 to buy the site and $6,500,000 to construct the office building, or a total of $7,300,000. The present bill calls for an increase of $100,000, or $900,000, to buy only a small part of the land upon which this building is to be constructed, and calls for $7,500,000 to construct the building, an increase of $1,000,000, or a total increase of $1,100,000, all without pointing out any change in the amount of land to be purchased or in the construction of the building itself.

Personally I am against this bill because I think the District of Columbia is getting more than its ratable or equitable share in the building program of the country. In the last two Congresses $120,000,000 has been appropriated for construction in the District of Columbia, while the Nation gets only $200,000,000, and this $200,000,000 is being expended in the larger cities. In six States the cities get about $118,000,000 and the smaller cities and towns get but a small part. You take districts like my own, with towns having a postal revenue of from $15,000 to $20,000 per year, and it will be 20 years under the present building program before they are reached. I think there should be a common fairness in which the country towns and smaller cities, as well as the District of Columbia and the larger cities, would be taken care of.

Judging by the passage of the former bill, this bill will pass the House.

I realize that every Member of Congress is the best judge of whether this bill should pass. I appreciate that every Member is the best witness of his own needs and his own requirements. I do not question but what there are Members of Congress who need two offices. I am in the same shape as the gentleman from Texas [Mr. LANHAM]. I have one office. I am perfectly satisfied with the one office. I can get along with that. I had rather my people back home had some of the blessings of public buildings than to have it here myself. The office here is for the benefit of the Representative, his clerical force, and the people who have business with him. The business back home is with our great constituencies, the people back there.

My friends, there is another thing I want to talk to you about just a moment which is a growing practice in the District of Columbia. I want to take up the question of the appropriation of $900,000 to buy the total privately owned property that is assessed at $545,010. The privately owned property for which this authorization is made is less than one-half the land in the two blocks in question. The Government already owns ample land to build on and then have plenty of vacant space. This authorization exceeds the assessed valuation of this privately owned property by $354,990, or 40 per cent above the assessed valuation. I understand in the District of Columbia property is assessed at its cash value. If this is true we are authorizing an appropriation of 40 per cent more than is required to buy the property at its cash value.

I further understand that in the District of Columbia when there is an authorization that means the price you are going to pay for the specific property. The value rises to the same amount authorized by Congress to be paid. The authorization becomes the fixed or market value.

Gentlemen of the House, I want to call your attention to another thing that was developed in the hearings on this bill. Mr. Lynn, the Architect of the Capitol, in discussing this matter spoke of the condemnation proceedings in respect to the Botanic Garden property. He said that the price there exceeded in one instance 573 per cent of the amount of the assessed valuation of the property. This, however, is being contested. The average above the assessed valuation was 207 per cent, and yet property in the District of Columbia is intended to be assessed upon its cash value.

The thing I especially wanted to say to the House is this: It is a wrong to the Government in this specific case and in the various cases in the District to make these authorizations above the assessed values just because it is the Government, or to make these large appropriations. There should be a law here, such as many States in the Union have, limiting the award in condemnation proceedings, providing that such awards shall not exceed the assessed valuation plus a stated per cent. In my own State of Tennessee we have such a law and it provides that it shall not exceed double the assessed valuation of

the property. In some States in the Union it is as low as 10 per cent above the assessment; that is, the assessed value plus 10 per cent.

I have never looked into the question from the Federal viewpoint, but I have had occasion to look into it from the State viewpoint, and a measure of this kind has been held constitutional in several States of the Union, and I know it has been held constitutional in my own State.

I think this is one of the cases where we are authorizing the appropriation of too much money, and when you authorize the appropriation of 40 per cent more than the assessed valuation of the property it is equivalent to saying that we are going to pay $900,000, or 40 per cent, more than the real value of the property acquired.

Mr. BLANTON. Will the gentleman yield?

Mr. ESLICK. I yield to the gentleman from Texas.

Mr. BLANTON. I predict that this is just a starter and the gentleman will find before the land is acquired, and before the building is finished, the committee will come back to Congress for more money.

Mr. ESLICK. I know that is usually the case, and I believe in this instance when you get through buying the land and constructing the office building and furnishing it, with 4 per cent upon the investment, it means probably one-half million dollars a year out of the taxpayers of the country.

For one I am against this bill. I opposed it before. I think we should go to the country with our building program, for we have appropriated a large amount of money for the District of Columbia, and I think the general program should be to take care of the country, because we have done an ample part for the District of Columbia. We could take the amount authorized by this bill and construct one hundred and eighty-eight $50,000 buildings in places throughout the country where they are badly needed, where rented buildings are costly and wholly inadequate.

Mr. BYRNS. Will the gentleman yield?

Mr. ESLICK. I yield to my colleague.

Mr. BYRNS. The gentleman has spoken of paying $900,000 for the site of this office building. My understanding is that the land to be purchased for that sum consists of less than one-half of the space that will be occupied. In other words, the Government now owns more than half of the square upon which the building is to be constructed.

Mr. ESLICK. This provides for the purchasing of the land west of Delaware Avenue not owned by the Government and also west of New Jersey Avenue not owned by the Government. The Government already owns more than half of these plots or blocks of land, and more land than is necessary for the construction of the building. The office building, as I understand, is to be constructed on a portion of the block immediately west of New Jersey Avenue, occupied by the Potomac Hotel and the Congress Hall Hotel, and the Government already owns more than half of this block, the north end nearest the Capitol.

Mr. JONES. I agree with the gentleman in his position.

Mr. BYRNS. The point I am getting at is that this $900,000, to which the gentleman refers, is intended only for the purchase of a part of the ground upon which this building is to be constructed, the Government already owning the balance.

Mr. ESLICK. Yes; it is only in part. In other words, it is all of the property owned by individuals west of Delaware Avenue and west of New Jersey Avenue, the Government owning portions of these subdivisions, amounting to more than half.

Mr. BLANTON. Will the gentleman yield?

Mr. ESLICK. Yes.

Mr. BLANTON. And what is to become of the two buildings occupied by the Geodetic Survey and the Public Health Service?

Mr. ESLICK. The act on the face of it provides full jurisdiction to take those buildings down.

Mr. BLANTON. They can be torn down and wiped out at the expense of the people.

Mr. ESLICK. Yes; at Government expense. [Applause.]

Mr. Speaker, I yield four minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Speaker, it is not usually my policy to oppose appropriations for public buildings because I want my Government to make a creditable showing, but I believe the offices furnished for Members of Congress compare well with offices furnished members of other law-making bodies. However, I have not seen the quarters occupied by the foreign lawmakers.

But the thing I would like for the House to bear in mind is that the $900,000 appropriation is to purchase, as I understand it, approximately 40 per cent of the land to be occupied by the new building. At that rate this plot of land possibly would be valued at about $2,000,000, which is a rather high figure.

My colleagues, when I bear in mind the fact that less than a year ago I offered an amendment to the flood control bill providing for $10,000,000 for flood control in the Everglades of Florida and it was voted down; when I bear in mind the fact that the congressional district which I represent pays about $11,500,000 to the Federal Treasury annually, and that for four years I have been trying to get a little Federal building erected in that district at a cost of possibly $100,000, and have failed so far to get public assurance that the building will be granted, then it is impossible for me to vote for this large appropriation which is at this time not fully warranted.

If the membership of the House should be increased through reapportionment, then building could be done taking care of the addition, but it is unwise to build far in advance of necessity. I can not vote for unnecessary and extravagant appropriations when our Government is suffering under an $18,000,000,000 public debt.

My friends, we are going wild on appropriations. How many of my colleagues have better offices at home than you occupy here? How many when you retire from Congress will go back to a better equipped and larger office than you occupy here? I believe we need offices, but I would not expend this eight and a half million-dollar appropriation upon unnecessary buildings when the Government now owes $18,000,000,000; our people are taxed to pay these appropriations. I can not vote for this kind of an extravagance in view of the fact that you deny appropriations to go where the people back home actually need them. My constituents need Federal buildings, flood relief, river and harbor improvements, and other aid. Why not appropriate where and when needed?

I am willing to get along with the office space now allotted to me if you will just give necessary appropriations to my district and State of Florida, and I will be satisfied if you will do this. It is not the office you sit in that counts, my friends, it is the service you render your constituents and the Nation. [Applause.]

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House of Representatives, I did not understand when I brought in this bill that I was bringing in anything of a political nature. I brought the bill in here because of the insistence of numerous Members of the House of Representatives upon both sides of the aisle who have been camping on my doorstep for the last four years asking that a building bill of this kind be brought in here so that they could vote it through and be enabled to take care of the business of their constituents for which they sent them here. [Applause.]

Now, we had three plans before the committee. One of them was a proposition to build a bird cage in the court of the present building and use up what little air and atmosphere there is in there now. That was about as foolish a proposition as could be conceived in the mind of man. [Laughter and applause.] Another proposition was to take the two ends of these two lots on either side of South Capitol Street and build a building on each one of them, with an archway over that street. The other is the proposition we have before us, which is to take all of that block on the west side of New Jersey Avenue opposite the present House Office Building, which includes the Congress Hall and Potomac Hotels, and erect thereon a modern office building. We concluded while we were at it that the proper thing to do was to take the remainder of the other lot west of South Capitol Street and have it for future use of the Government and keep anything else from getting in there.

It is necessary to take over the whole block and build a building covering the entire block if you want a building worth while. The committee has looked over this proposition and has come to the conclusion that that is the only feasible proposition that we have before us.

Now, so far as the value of these lots are concerned, it has been said that they are assessed for taxation at approximately $545,000. That is true, but it is not necessarily true that that is all that they are worth. You may go almost anywhere in the United States, look at the assessed value of a piece of property, and if you are able to buy it for less than twice the assessed value you can do better than I have ever been able to do, and it makes no difference whether it is in the District of Columbia or in any other part of the country.

There are on this lot two valuable hotels—one Congress Hall and the other the Potomac Hotel. These are paying businesses and have been for years, and if we take them over we had just as well make up our minds that we will have to pay for them. So far as I am individually concerned I have no interest in this bill, except to do my duty as chairman of the Committee on Public Buildings and Grounds.

After I heard all of these Members complain about the conditions they were working under, I made it my business to make a friendly call on a large number of Representatives to see under what conditions they are working. In almost every office I found at least two clerks with their typewriters clicking, three office desks, a lavatory, many times a number of constituents

all trying to talk to their Congressman about various matters vital to them, and many times I have noticed that the Member had to take a constituent out in the corridor to talk about matters which were more or less private.

I assert that there is not any lawyer in the country who could begin to transact his business under the conditions that you find over there in the House Office Building. This is all I care to say. Gentlemen, this is your business, not mine.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CONNERY. The gentleman from Tennessee [Mr. ESLICK] said the cost of this building would be $500,000 more than was provided in the previous bill.

Mr. ELLIOTT. This bill authorizes $100,000 more for the purchase of the land than the bill did that we passed heretofore, and $1,000,000 more for the construction of the building. This is the authorization, it is not the appropriation.

Mr. CONNERY. Will the gentleman make clear just why this million dollars is to be expended for the construction of the building?

Mr. ELLIOTT. I am not positive that it will be expended, but that is a matter that will be in the hands of the House Office Building Commission, and they will ascertain the amount necessary to construct a building sufficient to provide the facilities that the Members want and ask for appropriations accordingly within the limits of cost fixed in this bill.

Mr. CONNERY. I am in favor of the bill, but I wanted to find out why they need that extra million dollars.

Mr. ELLIOTT. They may possibly not need it at all.

Mr. DALLINGER. I understand that this public building commission consists of the gentleman as chairman of the committee?

Mr. ELLIOTT. Oh, no; I am not a member of that commission.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 195, noes 32.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The count, just announced by the Chair, shows that a quorum is present.

Mr. BLANTON. Then, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Twenty-one Members have risen, not a sufficient number, and the yeas and nays are refused.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PORTO RICAN HURRICANE RELIEF

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the relief of Porto Rico.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, I will briefly state that this legislative measure is the result of a personal investigation made by the chairman of the Committee on Insular Affairs of both House and Senate of the effects of the terrific hurricane which swept the island of Porto Rico last September. Although we tried to meet the situation to the best of our ability and in accordance with our resources, we have practically exhausted all our means and unless this legislation is enacted into law our farmers and laborers will face the most difficult situation that ever confronted them. If this bill is enacted into law, we will start immediately the work of rehabilitation and reconstruction in the coffee districts and will give employment to the thousands of destitute laborers who are craving for work. This is an emergency measure and as such should receive the immediate consideration of Congress. Delay in its enactment will only increase the gravity of the situation.

The population of Porto Rico is 1,500,000, being 430 per square mile, of which 70 per cent is rural, who must depend entirely upon agriculture for a livelihood.

The cyclone of September 13 brought such havoc to growing crops and agriculture that farmers do not have nor can they procure financial resources to rebuild and rehabilitate their devastated farms. Many thousands of peons are absolutely dependent upon labor on farms to care for their families, and unless landowners can procure funds to employ labor the resulting condition will be one of continuing hunger and want.

At one time, after the hurricane, the American Red Cross was giving food to 512,000 persons, and at the present time that organization is supplying food and clothing to 127,000 homeless persons.

The insular government is unable to procure the needed funds, because her borrowing capacity has been almost exhausted.

The commercial banks of Porto Rico are doing everything they can, and have borrowed from correspondent banks in the States because of insufficiency of their own deposits and capital to meet financial requirements of the island. Bills payable of commercial banks now amount to $11,000,000. It is evident that these financial institutions can not extend the long-time loans necessary to rehabilitate agriculture and furnish employment to labor.

With the population pressing upon means of subsistence and increasing at the rate of 25,000 per year, the problems of Porto Rico become each year more complicated and of greater magnitude. Those problems should be recognized as of national importance, because underlying them all is the question of human need. The resources of Porto Rico are insufficient to solve her pressing and growing problems.

The problem of overpopulation is of paramount importance to the people of Porto Rico. The Porto Rican peasant is living to-day in the same condition he lived 30 years ago before the American occupation. Porto Rico is an agricultural country. We have no industries to meet the exigencies of labor. It is true that there are three States in the Union, namely, Massachusetts, New Jersey, and Rhode Island, with a population exceeding that of Porto Rico, but these are industrial States, where laborers not only have the opportunity of employment, but derive reasonable and high wages. The problem of Porto Rico can not be solved until the standard of the peasant is raised, and this can not be done without a thorough study of their condition and the expenditure of large amounts of money. In this connection, I want to insert the following paragraphs from a recent editorial which appeared in the Porto Rico Progress, published in San Juan:

> In a few weeks Porto Rico will ask aid of Congress to help it recover from its hurricane damage.
>
> If Congress is to consider only the conditions resulting from the hurricane it should waste no time whatever in considering legislation for the island.
>
> Money will do no good—any number of millions—unless Congress realizes that Porto Rico is a social and economic problem that for the past 30 years has been solely a problem for the United States, and a problem that for 30 years has been deliberately avoided or neglected.
>
> If the United States holds Porto Rico as a duty, as the President says, what is the duty of the United States to her fellow American citizens here? How badly does the President want to preserve the high standards of living in the United States and how badly does he want those standards attained and maintained in Porto Rico?
>
> Millions of money may be appropriated for Porto Rico with scarcely more effort than that required to make the President's speech. If appropriated, every cent will be wasted, and worse than wasted, unless basic facts and conditions are studied and understood and a broad general plan developed for the physical, social, and economic rehabilitation of the largest group of American citizens anywhere outside of continental United States; rehabilitation required not because of a chance hurricane, but because of generations of malnutrition, disease, ignorance, and neglect.

The above paragraphs, written by Mr. Harwood Hull, a continental American, are not quoted by me in a sense of criticism. It is merely to call the attention of the Congress to the most vital and serious problem of Porto Rico. We are not unmindful of the benefits we have received from the American people. We deeply appreciate everything that has been done under the distressing circumstances caused by the hurricane. The approval of this resolution will undoubtedly be a great help to the Porto Rican farmers and to the laborers themselves; but let us not forget that we can not escape the responsibility of facing some day this problem of overpopulation and unemployment which constitutes in itself as great a calamity as the recent hurricane.

TREASURY AND POST OFFICE APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I present a conference report upon the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, for printing under the rules.

AIR CORPS PROMOTION LIST

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass Senate bill 3269, to provide for the advancement on the retired list of certain officers of the Army, to increase the efficiency of the Air Corps and of the Army, and for other pur-

poses, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War shall cause to be prepared an Air Corps promotion list on which shall be placed the names of all officers of the Air Corps of the Regular Army below the grade of colonel. The names on this list shall be arranged in the same relative order that they now have on the Army promotion list and shall be removed from the Army promotion list, and no officer whose name appears on the original Air Corps promotion list shall be considered as having less commissioned service than any officer whose name is below his on this list. All officers commissioned in the Air Corps after the formation of the original Air Corps promotion list shall be placed thereon in accord with length of commissioned service. Any officer whose position on the Air Corps promotion list is changed by sentence of a general court-martial or by law shall be deemed to have the same commissioned service as the officer next below whom he may be placed by such change.

SEC. 2. Except as herein provided, Air Corps flying officers shall be promoted to the grade of first lieutenant when credited with 3 years' commissioned service; to the grade of captain when credited with 7 years' commissioned service; to the grade of major when credited with 12 years' commissioned service; to the grade of lieutenant colonel when credited with 20 years' commissioned service; to the grade of colonel when credited with 26 years' commissioned service. All flying officers of the Air Corps below the grade of colonel shall be promoted in the order of their standing on the Air Corps promotion list: *Provided*, That the number of Air Corps officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent and the number in the grade of lieutenant colonel shall not be less than 5 per cent nor more than 8 per cent of the total number of officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grades of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total number of officers on the Air Corps promotion list, and in so far as necessary to maintain said minimum percentage, air Corps flying officers of less than the required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum percentages to be exceeded shall officers who have completed the prescribed years of commissioned service be promoted to the grades of colonel, lieutenant colonel, and major. Nonflying officers of the Air Corps shall be promoted as provided for other branches of the Army.

SEC. 3. When an officer of the Air Corps has served 30 years either as an officer or soldier, he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list: *Provided*, That, except in time of war, in computing the length of service for retirement, credit shall be given for one and one-half the time heretofore or hereafter actually detailed to duty involving flying, and credit shall also be given for all other time now counted toward retirement in the Army: *Provided further*, That the number of such voluntary retirements annually shall not exceed 6 per cent of the authorized strength of the Air Corps. When a flying officer of the Air Corps reaches the age of 54 years he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list. Officers of the Air Corps who become physically disqualified for the performance of their duties as flying officers shall be eligible for retirement for physical disability.

SEC. 4. An officer of the Air Corps may, upon his own request, be transferred to another branch of the service, and when so transferred shall take rank and grade therein in accordance with his length of commissioned service as computed under existing laws governing the branch to which transferred.

SEC. 5. That hereafter the Chief of Staff of the Army, while holding office as such, shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto the personal money allowance prescribed by law for the officer of the Navy serving as Chief of Naval Operations. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to dates of appointment as such.

SEC. 6. That the President is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first Chief of Finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

SEC. 7. That on and after the date of the passage of this act Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list.

SEC. 8. All laws or parts of laws in so far as they may be inconsistent herewith or in conflict with the provisions of this act are repealed.

The SPEAKER. Is a second demanded?

Mr. SNELL. Mr. Speaker, I do not desire to demand a second at this time, but I think some one ought to explain the bill.

Mr. BLANTON. Mr. Speaker, I demand a second, if no member of the committee does.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. JAMES. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. FURLOW].

Mr. FURLOW. Mr. Speaker, the importance of this bill can not be overly stressed. It is important because it has to do with promotion and retirement in the Air Corps. This question was gone into very fully during the last session of Congress by the Committee on Military Affairs of the House, and I am pleased to remind you that the Air Corps provisions which we are now considering were embodied in the so-called "Furlow bill" last session and passed by the unanimous vote of the Members of the House.

In order to expedite action on this measure your committee determined that it would make this bill a part of the Senate bill now before us, thereby making it possible for the Air Corps provisions to receive consideration during this session.

The necessity of Air Corps legislation has been brought to my attention very forcibly as the result of a 12,000-mile trip which I have just completed. I visited nearly every Army air field in the United States and had the privilege of meeting the majority of our officers in the Air Corps. My survey convinced me that unless something is done to correct the present situation during this short session of Congress we will find ourselves before another Congress convenes with nothing but the skeleton of our present Air Corps remaining because of resignations.

When Colonel Lindbergh was here at the air conference last week I talked with him about the Air Corps, and he was deeply concerned with its future. He gave me a statement, which appears in his own handwriting and bears his signature.

I want to read it to the Members of the House. It follows:

The Army Air Corps is facing a serious situation in regard to its commissioned personnel due to stagnation in promotion.

At present the average Army Air Corps officer is holding a command far above his rank. His prospects of promotion is discouraging, and the opportunities offered by commercial aviation are far greater than those of his Army life.

Military flying is more hazardous than commercial flying and will become more so as safety appliances are developed which can not be used in combat planes. Also the physical strain on an Army pilot in carrying out military missions is not comparable to that of commercial transportation.

It is of utmost necessity at the present time to take steps toward building up the morale of our Air Corps if we expect to maintain its past standard of efficiency.

Rank commensurate with command is of prime importance. A number of our best officers have already resigned and unless steps are taken to relieve the present situation we will lose many more in the near future.

In my opinion, a separate promotion list will accomplish much in building up an efficient Air Corps in the United States.

CHARLES A. LINDBERGH.

Colonel Lindbergh favors a separate promotion and this is provided for in this bill.

Now, why do we need a separate promotion list for the Air Corps? There are several reasons, and I desire to touch upon them briefly at this time.

On the Army promotion list there is what is known as the World War hump, and owing to the fact that during their training period the Air Corps officers averaged six months in training camp as compared with three months for officers in other branches, we find the younger Air Corps officers at the bottom of the so-called hump. The three months difference in training has been reflected by thousands of files on the promotion list.

With but one-twelfth of the officer personnel of the entire Army represented by the Air Corps, we find that 40 per cent of the casualties of the entire Army officer personnel take place during peace time within the Air Corps. Surely, a vacancy in the Air Corps should be filled by the promotion of an Air Corps officer, and this would be accomplished if we had a separate promotion list.

This Air Corps bill recognizes the degree of hazards of this particular branch of the service, and by its retirement features

it would reward long-time flying service by earlier retirement than provided for under existing laws. This retirement feature is important because it would keep our Air Corps files filled with comparatively young, active fliers all the time, and that is what the greatest per cent of our corps should be.

This bill also recognizes the justice of giving more rapid promotion during the early years of an officer's service and assures him of having rank commensurate with his command.

On the whole, I am convinced that the provisions of this bill, as we have it before us to-day—and it is identical with the original Air Corps bill which passed the House last session—will do much toward increasing efficiency of the Air Corps. I know from observation that something must be done without delay, and I feel confident that by giving our pilots this recognition which they deserve that we will keep the majority of them in the service.

In this trip which I took around the various camps I was surprised and amazed to find World-War pilots still serving as first lieutenants, charged with responsibilities normally given to captains, majors, lieutenant colonels, and even colonels.

Mr. CONNERY. Will the gentleman yield?

Mr. FURLOW. I will.

Mr. CONNERY. Would this be intended for Navy aviators?

Mr. FURLOW. No; the Military Committee is charged with legislation for the Army. Naval aviation legislation must necessarily come from the Naval Committee. I will say, however, in behalf of our naval aviators, that as far as the hazards of training and the hazards of service go, that everything I have said pertaining to Army aviators applies equally to the Navy airmen.

In the Army Air Corps, then, we find the morale low. Why? Because a first lieutenant can not look for anything better than being a captain, or maybe a major, by the time he must retire. What does this bill do? It will make it possible for a second lieutenant to become a first lieutenant in 3 years, a captain in 7 years, a major in 12 years, a lieutenant colonel in 20 years, and a colonel in 26 years. It will give this accelerated promotion to young flyers while they are giving the best years of their lives to the service of their country.

Mr. JAMES. Mr. Speaker, this bill does not apply to nonflyers?

Mr. FURLOW. It does not apply to nonflyers. It is strictly a flying bill.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. BLANTON. Mr. Speaker, the trouble about these bills that come from the Army and Navy is that they are technically drawn by highly technical officers in highly technical language, which practically the entire membership of the Congress in both Houses can not understand.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield. Is not that so?

Mr. JAMES. This bill does not come from the War Department, and there was not a single word about it written from the War Department. It was drawn up by the members of our committee. [Laughter.]

Mr. BLANTON. Then the members of your committee have, under long training, qualified themselves to draw technical bills in the same technical language that the General Staff can direct and that the high naval officers can direct.

Let us see if this is not technically drawn. They have a provision here which says:

> The President of the United States is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first chief of finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

Is not that technical? Why do they not name him? Why did the committee leave anyone in doubt as to who he was?

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JAMES. That applies to General Lord.

Mr. BLANTON. Yes. Why not say "General Lord," instead of using that roundabout language?

Mr. JAMES. In similar bills introduced by Mr. BYRNS of Tennessee and Mr. Madden and others they did not recite the name.

Mr. BLANTON. As to most of these provisions that come from the Army and Navy you can not tell what they mean and what effect they will have on the Treasury of the United States. I venture to say that there are not 20 Members out of the total membership of 435 in the House who know what the effect of this bill will be to the Treasury; not over 20. But these bills come in under suspension of the rules and they are thus passed, when they can not be amended in any particular whatever, under suspension of rules.

My service in the House after 12 years is drawing to a close, and I am going to return to private life. In those 12 years, instead of playing golf, I have worked in my office. Instead of going to social affairs, I have worked in my office. Instead of having a good time, I have worked in my office. For what? I have been trying, so far as one Member can by hard work, to reduce the annual cost, the taxes of our Government, by as much as I could.

I have worked hard in trying to do it. Somebody is going to have to do work of that character hereafter and devote every bit of his time to it, if the expenses of this Government are to be curtailed. They are going to grow all the time. We are branching out. We are giving our naval officers and our Army officers and our executive officers better salaries, offices, and quarters, and we are permitting the chiefs to leave their offices two-thirds of the time, and we give them first and second and third assistants to do their work.

It is now 4.20 o'clock, and I will guarantee, if you will go to the telephone, you will not find 5 per cent of these officers in their offices now.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield right there?

Mr. BLANTON. Yes.

Mr. BRITTEN. I have just come from the telephone after talking with the Judge Advocate General of the Army and his assistants, and they are having a conference just now. [Laughter.]

Mr. BLANTON. Yes; it just so happens at this moment; but to-morrow, any time after 2 o'clock, you will find them all out playing golf.

I was amused at our friend from Michigan [Mr. JAMES], who is hard working and conscientious, and I follow him frequently, but I was amused awhile ago when he told me in all sincerity his belief that we were not raising the salary of General Bullard and General Liggett. He said they would still draw the pay of major general, because, forsooth, in the law now existing there is no pay provided for any officer higher than a major general. He said we do not provide a higher salary for a lieutenant general. He really believes that they will get no increase in pay. But I want to call his attention to the fact that this bill, which came from the Senate and which his committee has amended, provided in the Senate for increased pay for two lieutenant generals, for General Bullard and General Liggett. Whenever you make them lieutenant generals, you will find in the next Congress, just as soon as it meets, when a special session is called in April, instead of taking up farm relief there will be another bill like this brought in to give them the increased pay attached to the rank of lieutenant generals. The members of the committee will say, "Here are two men who are lieutenant generals, retired, in our Army. They should be paid salaries commensurate with the dignity and honor of that position."

There will not be enough men here economizing for the people to stop that bill when it comes up for passage. It will pass with the same alacrity that the bill awhile ago was passed to spend $900,000 to tear down this splendid Congress Hall Hotel, the Potomac Hotel, the Geodetic Survey Building, and the Public Health Service Building, over here on the block adjoining the Capitol. They will be torn down, splendid buildings of great value and worth, and the taxpayers in my district and in yours will be called upon to pay the bill. You can not stop it. I can not stop this bill from passing, but to be consistent in the attitude I have taken here for 12 years—and I have followed some mighty good men along that line who used to take that position of economy here, I must register my protest. Everything I have learned about looking after bills and trying to stop bad bills and the unnecessary expenditure of money I learned—although I hate to admit it—from three Republicans. Even before I came to Congress I used to watch the RECORD. I learned it from the splendid efforts that your great Republican leader, James R. Mann, of Chicago, used to make upon this floor, and from Martin B. Madden, and from WILL WOOD. When he first came here you did not have a man who worked harder to save everything for the people, but since you Republicans have gotten into power my old friend WILL does not work at it any longer. He brings the appropriations in here and lets them go. But I learned from them. I do not pay any attention to a bill that is not reported out of a committee. It is only bills that are reported out of committees that are dangerous. I have made it a practice for 12 years, as soon as a bill is reported out of a committee and placed on

the calendar, to get it as soon as I can and study it and see what it means to the people of the country. My rule has been this: Can the people get along without it? Is this such a benefit to the people that they will need it and that they themselves would vote for? And if I did not think the people of the country wanted it, without any fear at all of becoming unpopular, I have gotten upon this floor and opposed it. I have made lots of you colleagues mad at me for opposing your bills, but I had nothing against any of you.

I have great regard for every one of you. I think the world and all of each and every one of you. I have considered it one of the splendid prerogatives and privileges of my whole life to have been associated with you for 12 years. It is something I will remember all the days of my life, when I am working just as hard for the people at home in my law office as I have been working for the people of the country in my congressional office. I will think of you frequently. I have not had anything against you personally, and as the years go on you will realize I was working from the standpoint of the people; that I was trying to benefit the country by the points of order I have made and the votes I have cast against such bills as I thought should not be enacted.

I wish it were possible to stop this bill. How do you know that the promotions you are providing for in this bill are salutary and should be made? How do you know that this technical language means what it appears to mean just from a casual reading of it. You do not know it, and I want to say to my friend, the gentleman from South Carolina [Mr. McSWAIN] that the country looks to him to stop the waste that so often comes from his committee. There is more waste that comes out of his committee than from any other committee of this House, except the Committee on Naval Affairs. There is a great burden placed upon his shoulders. I commend him for sitting around that table and looking into those bills that are sponsored by these high military officers. If he will do that, he will render this country a valuable service and save the country hundreds of millions of dollars.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I am through, but I yield.

Mr. SCHAFER. Your friend does look into those bills very carefully. He burns the midnight oil the same as the gentleman from Texas.

Mr. BLANTON. I know he does, and I commend him for it. It is the friendship we have for one another that lets some go by. His heart is big, and they outtalk him sometimes.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. I am through, but I yield.

Mr. BLACK of Texas. In the gentleman's time I would like to call attention to one provision in this bill which it seems to me might be a harmful one. The committee in charge of the bill urges as a reason for the bill that it is desired to keep these Air Service officers in the service, so that they will not go into civil aviation, yet the bill provides that they for retirement purposes shall be credited with one and a half times their actual service, so it is certain that by reason of this time and a half credit many of them will retire much earlier than they would otherwise retire and perhaps go into civil aviation.

Mr. BLANTON. Of course; and we lose them out of the service. In conclusion I want to say this about my good friend and colleague from Texas, EUGENE BLACK: Every man on this floor knows that there is not a more valuable man in this entire Congress, in either House, to the people than EUGENE BLACK [applause], and I am sorry we are going to lose him.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. The Republican side with agree with you on that.

Mr. BLANTON. Yes; the Republican side will agree that there is not a man here during the last 12 years who has been more valuable to the people than EUGENE BLACK. I can not understand why the people of a district will let a man like BLACK be defeated. I do not care how efficient the new material is, I can not see for my life how they can afford to lose him. I wish that the people of EUGENE BLACK's district knew him like those of us who have served with him, then some of these days they would send him back. [Applause.]

Mr. JAMES. Mr. Speaker, may I inquire how much time the gentleman from Texas has used?

The SPEAKER. The gentleman from Texas has consumed 14 minutes.

Mr. BLANTON. Mr. Speaker, the gentleman from South Carolina wants some time. I do not know which side the gentleman is on, but if I may I yield him five minutes.

Mr. McSWAIN. Mr. Speaker, I want to say, apropos of the very high compliment that my distinguished friend from Texas has just paid me, to the effect that there is a responsibility on my shoulders in connection with legislation coming out of the Committee on Military Affairs, that I appreciate it. I am satisfied we all agree with what he said about EUGENE BLACK, and for one I am willing to say that TOM BLANTON has rendered his country good and faithful service during his 12 years in this House.

I want to say to him and through him say to you, my colleagues, as it has become somewhat personal, that I make this fight for economy in the committee, and the suggestion made by the gentleman from California [Mr. BARBOUR] to-day with regard to the requirement that the committee shall have definite specifications and estimates as to costs of construction before they come in and make a report is a fight that I made in the committee two years ago, as the gentleman from Kentucky [Mr. VINSON] remembers, and then made it in this House and on this floor in opposition to a motion to suspend the rules.

I try to go into the matters very carefully, and I want to say that after going into this bill, although my good friend who is in opposition to the bill has yielded me this time, I am in favor of what is known as the Furlow bill, for the benefit of the Air Corps, and I will tell you why. I think I can convince my friends from Texas that it is just and right.

The majority of the flying personnel, the overwhelming majority of the actual flying personnel of the Air Corps, are men who went in from civil life, not from the Regular Army, not from West Point, but went in from civil life during the war emergency and became pilots, like the gentleman from Minnesota [Mr. FURLOW] and his brother, both of whom were aces in the air service at that time. They went in as civilian pilots.

When the Army was increased by 100 per cent in 1920, these civilian fliers were invited to remain in the Army as commissioned officers, and they went in not knowing what place they would occupy on the promotion list. Many of them were up in years. They were, however, due to the arrangement of the promotion list by the War Department, put very low down on the promotion list, and some of them who were first lieutenants are to-day 42, 43, or 45 years old, and unless there is a special promotion list for the Air Corps, every time an Air Corps man goes up in the air and gets killed, his place on the promotion list will be taken by either an infantryman or an artilleryman or a cavalryman or a quartermaster officer.

There is just as much difference between the service of the ordinary Army officer on the ground and that of the Air Corps, as there is between the Army and the Navy. We recognize it is a matter of justice and of fairness that there should be one promotion list for the Navy and another promotion list for the Army generally. Now, there is just as much difference between air and land as there is between land and water, and I submit there is more difference and there is more justice and reason that there should be one promotion list and, you might say, one code of service ethics for men who go into the air, actual fliers, as there is for those who go out to sea and another one for those who stay on the land. That is the inherent logic of the situation, gentlemen. [Applause.]

Mr. CONNERY. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. CONNERY. Does not the gentleman think, on that ground, we ought to have the men in the Navy included in this too?

Mr. McSWAIN. Well, we have got to recognize the situation as it is. We tried to have a separate air department that would include the fliers of both the Army and the Navy but we could not win out on that. We can not take ideal conditions; we can not take things like we would like to have them; we must take them as they are.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman the other one minute in order that I may ask him a question.

Mr. McSWAIN. Certainly.

Mr. BLANTON. We have now four departments of government vieing with each other trying to have the largest air corps, have we not?

Mr. McSWAIN. Well, we have three anyway, because the Department of Commerce has not any planes. It just promotes aviation on paper. We have three anyway.

Mr. BLANTON. But the Department of Commerce makes the fourth department?

Mr. McSWAIN. Yes; but the fourth department works on paper.

Mr. BLANTON. But if we gave them the money, they would work not on paper but on something else.

Mr. McSWAIN. I have no doubt it would like to have some.

Mr. BLANTON. In the interest of economy and efficiency, why not combine all of them into one separate, effective air force; would not that save the people lots of money?

Mr. McSWAIN. It certainly would; and we fought for that two years ago, but we failed. I am willing to fight with the gentleman and any other and all other Members of the House now to put all defense activities on water, on land, and in the air under one department. [Applause.]

Mr. BRITTEN. Will the gentleman yield to me?

Mr. JAMES. I had rather not.

Mr. BRITTEN. The gentleman has plenty of time.

Mr. JAMES. I prefer not to yield further.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. JAMES] to suspend the rules and pass the bill.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

HOUSE OFFICE BUILDING APPROPRIATION BILL

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARE. Mr. Speaker, I appreciate the statements that have been made in support of this bill and the necessity for additional office space, and I realize that there is some necessity for additional office room that Members might be able to discharge the duties in connection with their positions with greater efficiency, but in view of other conditions and circumstances which deserve the attention of Congress at this time, I can not give my support to the proposed bill. For example, I have thousands of people in my district who are suffering from one of the greatest crop failures in history, and through me, their Representative, they are asking that this Government come to their assistance and lend them such aid as will enable them to live and make a crop this coming year.

They are in need—many of them in distress—and I, for one, think that the erection of this building should be postponed and the money used to relieve the distressed conditions in the coastal counties of South Carolina, Georgia, and Florida caused by the excessive rains and storms last September.

Another reason why I shall vote against this bill is that for two years or more I have been trying to secure appropriations sufficient to construct buildings in my district to furnish the people with better mail facilities and to erect a building in which the Federal Government, or its officials, may hold court and have a place to keep the records of the court. As it is, the Federal court has no place of its own to hold court. It is entirely dependent upon the facilities provided for by the county or State. For the past several years the Federal court has convened at the regularly appointed times at Aiken, S. C., and the court has no place for conducting its trials, no place for keeping the records of the court, and no place for accommodating jurors except that provided for by Aiken County. The judges, district attorneys, and others familiar with the conditions have been insisting that better facilities be provided for carrying on the business of the Government in that section, and I have been pleading here for the past three years for an appropriation sufficient to provide these facilities, and they have all been refused. I shall therefore cast my vote in opposition to this bill.

THE HAUGEN OLEOMARGARINE BILL

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the bills H. R. 10958 and H. R. 14677.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the bill H. R. 10958, known as the Haugen oleomargarine bill, is a bill fostered and supported mainly by the National Dairy Union and the Institute of Margarine Manufacturers. It is aimed to destroy by taxing as artificially colored olemargarine certain vegetable-oil cooking compounds. These products are made of pure nut oils, sold only in 1-pound cartons, plainly labeled as to what they are, and for what they are intended to be used. No one could mistake them for oleomargarine or butter and the United States courts have held as a matter of fact that they are not made in imitation or semblance of butter and hence not subject to the oleomargarine laws. Regardless of this, the bill seeks to make these goods taxable.

I opposed the passage of this bill for reasons hereafter set out and explained.

The amendment is not limited to food products.

The original oleomargarine law adopted in 1886 was designed to prevent the sale of oleomargarine, a new product at that time, as or for butter and set out the test for oleomargarine; that is, that it was any mixture of certain named substances, if—

made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter.

It provided for inspection of factories and made identification positive through branding and stamping provisions. The proposed amendment adds to the number of substances named, for instance, including "fish oils or fats," and sets up a third test which in no way limits the substance to articles made to imitate or resemble butter, or even to food products, but makes the test any mixture of the ingredients named, adding the general terms "fish oils or fats" and "vegetable oils," if—

churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent.

This provision, absolutely foreign to the intent or purpose of the law, would render liable to tax such articles as soap, cheese, cod-liver oil, and every other combination of the common animal, vegetable, or fish fats, providing only that it contained moisture of more than 1 per cent.

The law itself is objectionable in that it taxes products made yellow by harmless artificial coloration, but not products made yellow by natural ingredients to escape taxation.

The original oleomargarine law (act of August 2, 1886) provided that all oleomargarine should be taxed 2 cents per pound. This was reasonably fair, provided for inspection costs, an additional revenue, and allowed a great industry to grow and prosper. A pure, healthful, attractive food product could be delivered to the consumer at approximately 20 cents per pound. The amendment of May 9, 1902, kept the same tests as the original act, but provided a tax of 10 cents per pound (approximately one-half the value of the product), with the proviso, however, that if it were—

free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound.

This provision was not aimed to tax, but was meant to destroy any food product of a yellow color made to imitate butter.

The law is avoided, however, by the manufacture and sale annually of millions of pounds of oleomargarine made yellow by the use of natural yellow animal fats and cottonseed oil refined to a dark hue. If the law endeavors to eliminate color, it should eliminate color secured by natural as well as artificial means. The present law allows the big packers who produce, hoard, and monopolize the yellow animal oils to add to their profits the additional 9¾ cents per pound levied upon competitors who can not secure the yellow ingredients and are forced to resort to artificial coloration.

The levy of 10 cents per pound upon a 20-cent article is not a tax, but a penalty, and as such is not within the powers of Congress to impose. There is a very grave question as to the constitutionality of any law which in the name of a tax places a levy of 50 per cent on any product or industry. Recent decisions of the United States Supreme Court have repeatedly condemned such attempts.

Among these we find the unsuccessful attempts of Congress to tax out of existence child labor, grain futures, and the manufacture and sale of intoxicating liquor. Your attention is called to the following recent decisions:

Hill *v.* Wallace, 259 U. S. 44; Trussler *v.* Crooks, 269 U. S. 475; Bailey *v.* Drexel Furniture Co., 259 U. S. 20; and Lippe *v.* Lederer, 259 U. S. 557.

The time when a product or industry may be destroyed by a process called taxation is forever past.

The proposed amendment is an attempt to regulate an industry over which Congress has no control. The regulation of the business of manufacturing entirely within a State is and always has been one of the powers of the States, and is not one of the powers granted to the National Government. Not within the pages or provisions of this act are the words "interstate commerce" used. Yet the title provides, "and regulating the manufacture, sale, importation, and exportation of oleomargarine." Such regulation was never one of the powers granted to Congress and should not now be assumed. Such an attempt was particularly condemned in the decisions cited above.

The amendment is in favor of special interests and detrimental to the public in general. A study of the committee hearings and report discloses that this bill was fostered by one of the most powerful combinations in the United States—the dairy and the packing interests, and directed particularly against healthful products produced entirely from vegetable oils.

I am opposed to using the taxing power of the Government for the destruction of any legitimate industry of our country. I am opposed to adding additional taxes to food products which will further burden the consuming public. I am opposed to increasing the burden upon the public merely because the great dairy interests and packing interests are in combination and demanding the increase of taxes upon certain products that they may the better drive them out of business. This is not the time for further taxing the people for the benefit of special interests. Let us rather include oleomargarine and all similar products when colored by "any ingredients" under a bill prescribing a 2 cents per pound tax, which will accomplish more and in a better way than the proposed Haugen oleomargarine bill. I am for the consumers and the reduction of the cost of living.

GOOD-WILL VOYAGE OF PRESIDENT-ELECT HOOVER A NATIONAL ASSET

Mr. O'CONNOR of Louisiana. Mr. Speaker, the good-will voyage of President-elect Hoover is a national asset. It is more than that. It is an international asset. Those that went in search of the golden fleece brought back with them something more valuable—they brought back knowledge. Jason and his Argonauts cemented ties that advanced civilization, and his fabulous adventures and exploits made for a tradition that enriched the classic literature of the world. But the argosy will be looked upon as a small contribution to the big work of the earth when compared with the wonders that will be colored where they are not created by the great journey of an American master builder of inspiring hopes and splendid aspirations. It will not be long now before the highway linking the Americas will be a realization.

The bill, starting the project that will bind the western nations, will undoubtedly be signed by the President, who sees in it an instrumentality for peace and trade, for it is "by trade that the peace of the earth will be made." The dream began long ago when the illustrious statesman, James G. Blaine, prepared a similar project in the form of a Pan American railroad. The highway which apparently has the indorsement of President Coolidge and President-elect Hoover will be the source of unimaginable wealth. Nations that are now separated will be brought closer together. Along this highway there will be a constant interchange of ideas, as well as interchange of commerce. It has been frequently said that if there had been railroads running north and south as there are to-day, there would have been no Civil War. Good roads make for the peace of the world. Build them. They yield in our own national roads and will yield in this highway far greater results than can be secured by Army or Navy, great and splendid as both are. And with the development that must inevitably flow from this giant road will come in accordance with the law of an expanding commerce, a tremendous growth in our shipping, for it will take ten times the number of "riders to the sea" as now cross the Spanish Main to transport the fabrications which the United States will exchange for the raw products of Central and South America.

This trip, or argosy, must be kept permanently before the minds of the world. How can this be done? By advertising it through the New Orleans International Trade Exhibition in the manner which I will gladly set forth by reprinting a bill introduced by me in hopes of securing such a laudable purpose, for it is, indeed, "a consummation devoutly to be wished." Do not let the vision pass away. Do not let the dream vanish. Follow the gleam. It is the seers that look with prophetic eye into the future and see the glories of the coming day. It is great, tall, sun-crowned men like Hoover who see the promised land long in advance of their countrymen. A few great souls come out in each generation and march as torch bearers in the vanguard of civilization. Holding aloft the blazing flame, they cry "Onward" to the throng that follow them. They see from afar the land flowing with milk and honey; a land made smiling, contented, and peaceful by good roads and its offspring, prosperity—a land "that lies deep-meadowed, happy, fair with orchard and bowery hollows, crowned with summer sea." Such are the music makers of the world, of whom it is written:

For we in the ages lying, in the buried past of the earth,
Built Nineveh with our sighing and Babel itself with our mirth;
And overthrew them with prophesying to the Old of the New World's worth,
For each age is a dream that is dying, or one that is coming to birth.

Read this bill "to provide for maintaining, promoting, and advertising the International Trade Exhibition," and which, if enacted into law, will keep alive a memory that has made for the betterment of the Americas:

Whereas the President elect is presently on a journey and mission of good will in order to cement finer, nobler, and more enduring relations among the peoples of our country and those who live to the south of us in Mexico, Central America, and South America, as well as in the islands of the Gulf and Caribbean Sea, all of whom will feel and reflect the generous motives of a great American who believes that the inhabitants of the Western Hemisphere should dwell in amity, accord, understanding, and fraternal affection; and

Whereas the Monroe doctrine will take on a more comprehensive significance and be seen as a protecting shield in a larger and fuller sense and be accepted with a more appreciative understanding of its continental and democratic purpose as a result of this historic visit; and

Whereas the good will engendered may be secured and made permanent and a greater field of enterprise developed by maintaining an agency already established and recognized by our Government, known as the International Trade Exhibition, a nonprofit domestic corporation formed for the purpose of fostering better trade relations between the people of the United States and of foreign nations by exhibiting fabricated and raw products of the United States and similar products of foreign countries; and

Whereas it is desirable that the magnificent effects of this epochal journey, approved unstintedly and enthusiastically by the people of the United States, should not fade from our view but remain permanently in the minds of our people; and

Whereas it is the sense of Congress that the good-will trip of the President elect be logically sustained and supported and its beneficial results be made permanently productive of closer bonds through advertising it and the New Orleans Trade Exhibition appropriately in the leading newspapers and magazines of the world and in any other manner that the board of directors may deem consistent with this great chapter in our history: Therefore

Be it enacted, etc., That for the purpose of providing the corporation known as the International Trade Exhibition with funds for use in maintaining, promoting, and advertising the permanent trade exposition at New Orleans, La., inaugurated on September 15, 1925, there is hereby authorized to be appropriated a sum not in excess of $500,000. Such sum when appropriated may be expended for such purposes by the corporation. All expenditures shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the board of directors and signed by the president of such corporation.

FARM RELIEF

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an address I delivered over the radio on the 8th of this month.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks in the RECORD I include an address delivered by me over the radio on December 8, 1928, as follows:

Ladies and gentlemen of the radio audience, during the last decade much has been said about farm relief and yet no real farm relief bill has been passed by Congress, and I very much fear none will be passed in the near future, if ever. Many, many times it has seemed that Congress would surely pass a farm relief bill in just a little while and yet nothing of real value has been done. Farm relief has been talked and promised in season and out of season, in Congress and out of Congress. Especially during campaign years, everywhere and at all times there has been a surfeit of farm relief talk.

In most instances we have heard only words, words, words. Of what value is the promise of a candidate that, if elected, he will work for farm relief? What does any particular candidate or other individual mean when he says he favors farm relief? No one but the candidate knows what he means and in most cases he doesn't know himself.

We are all in favor of farm relief, but each individual favors his or her own particular kind of farm relief. Probably every Member of Congress would, if necessary, honestly make a campaign pledge in favor of farm relief. Practically every bill introduced in Congress can be urged as a measure in behalf of the farmer. A high tariff is praised as a form of farm relief, and its repeal is urged as farm relief.

The antiprohibitionists urge the open barroom as farm relief. They say, "Give us more open barrooms. Sell more corn liquor. Use more corn to make liquor. Increase the price of corn and help the farmer." The words "farm relief" can be made to mean so many things until, because of their indefiniteness, they have practically lost all meaning. For this reason we can not attach any importance to anyone's promise of farm relief until his or her plan of farm relief is fully set forth and explained.

What does farm relief mean? Sunshine is farm relief. Rain is farm relief in dry weather. Moonshine at night is farm relief. I refer to the kind of moonshine that comes down from overhead. Good roads may be classed as farm relief. In fact, almost everything may be classed as farm relief by its advocates.

We have heard farm relief talked on every hand and by everybody and yet no real farm relief has resulted. The farmers have been on tiptoes of expectancy these many years, while farm relief, like a rainbow, is apparently just ahead.

The much talk about farm relief reminds me of the city fellow who bought a farm and went to feed his geese on corn shucks. Some one asked him if the geese ate the shucks and he said, "No; but I left them talking about it." It is time to quit talking about farm relief and pass a farm relief bill which will raise the farmers to the level occupied by other businesses and enterprises. I know there are those who say that the farmer must solve his own problems and that he should expect no help from Congress. I sometimes doubt Congress ever doing anything for him. However, I am convinced that Congress could, if it would, pass a real farm relief act. By real farm relief I mean governmental aid which will enable the farmers to properly organize and by that proper organization to name within reasonable limits the selling price of their farm products.

All the lawmakers from the beginning of time to the present have not enacted and put into operation any such an act, and yet I firmly believe it can be done. Such an act would be passed at once if there were enough people in favor of real farm relief. We have too many who wish to exploit the farmer rather than help him. Too many do not want him to get relief if it interferes in any way with the unconscionable profits that are squeezed from the farmers' products. Too many want farm relief which will furnish more jobs for those who wish to run the farmers' affairs. Too many only want to help the farmer produce more abundantly, but do not want to help him sell to a better advantage. They want to keep the farmer working, not for himself but for the profiteers and speculators. They do not want the farmer to die, but they are not willing to help him live like other folks, if by so doing he deprives them of the alleged right to plunder him.

Practically all the big appropriations made by the States and by Congress are to help the farmer produce, but not to help him sell what he produces. Everybody wants the farmer to toil and produce, but not enough are anxious to help him to sell to a better advantage. Real farm relief would help both the producer and the consumer by elimination of the unnecessary middlemen, the common enemy of both producer and consumer.

Just here let me say that Congress could render a real service to both producer and consumer by passage of an act providing for experimentation in the organization of producers, and consumers' clubs and in the direct sale of farm food products from the producers' to the consumers' clubs. I am thoroughly convinced that there can be worked out a system whereby certain food articles can be sold directly from the producer to the consumer at a less price to the consumer for fresher and better food and at a better price to the producer.

There can also be evolved an extension of the parcel-post system for the handling of large quantities of farm food products, put up in identical packages for delivery directly from producer to consumer, so as to enable the Post Office Department to give a greatly reduced rate for large quantities to be delivered over a specific route at regular intervals of time to a list or club of consumers. These plans, if put into effect, would be real farm relief and also relief for the consumers.

Time will not permit a fuller discussion of these suggestions at this time. I have introduced bills along these lines. I wish to discuss very briefly what to my mind is a good farm-relief plan, in so far as certain basic agricultural commodities are concerned.

There can be no real farm relief in so far as cotton, corn, tobacco, wheat, and so forth, are concerned without price elevation and stabilization, and there can be no effective permanent price elevation and control without an effective control of production. In order to accomplish these results there must be effective organization of the farmers.

The farmers can and will organize if enough inducement is given. If they will only organize, and if they are given sufficient financial assistance, they can control production and thus control within reasonable limits the prices of farm products. Then it occurs to me that a real farm relief bill would provide that the Government render the necessary financial assistance to the farmers of the Nation, provided the farmers organize and properly control their production and marketing.

If the farmers did their part, the Government agency would do its part and good prices for farm products would result. What could be fairer? I have introduced a farm relief bill along this line. It goes into details as to methods for organizing the farmers and the duties of all parties concerned after organization is perfected. In further explanation of my bill, I now repeat what I have heretofore said on several occasions concerning it:

The bill is patterned after the War Finance Corporation act, the first sections being identical with that act except that the bill proposes to create the farmers' finance corporation rather than the War Finance Corporation. This corporation is to be authorized to make loans through the banks of the Nation, much the same as the War Finance Corporation, directly to the producers of basic agricultural commodities. The loans are to bear 4 per cent interest, be made for the full amount of the average price of the commodity for the last 10 years, with the commodity as the sole and only collateral, and without any right on the part of the farmers' finance corporation to collect any amount of the loan not repaid by the sale of the commodity. Thus the farmer will in effect be receiving as a part of the sale price of his commodity an amount equal to the average price for which he usually sells the commodity, thereby establishing the average price of the commodity as the minimum price of the same.

It takes two to make a contract, and no one could expect a Government-owned corporation to be required by Congress to render so great a benefit to the farmers without them agreeing to do something on their part to make the corporation secure in the loans made. There should be and must be a mutality of contract, with a good and sufficient consideration flowing and to flow between the farmers, the banks through which they are to get their loans, and the farmers' finance corporation.

Therefore, the bill provides that before any of the loans mentioned are made, farmers planting 75 per cent of the acreage of cotton, for instance, grown in the United States shall have signed and abided by contracts with each other, with their banks, and with the corporation, agreeing and obligating themselves that the cotton advisory council be authorized to control within reasonable limits the acreage planted so as to hold production within reasonable bounds and that the farmer will not sell any of the particular basic commodity without express authority from the advisory council. Briefly stated, by my plan Congress would simply propose to the farmers that if they would by mutual contracts control their production and marketing, then the farmers' finance corporation would by loans enable the farmers to name within reason the selling price of the products of their own toil.

The farmer would be required to hold his product off the market until it could be sold for enough to repay the loan, all charges such as storage, insurance, interest, etc., and such an additional amount to the farmer as would remain from the sale of the commodity at a fair price. The farmer would be able to hold his product, for he could borrow at a very low rate of interest the reasonable value of his product. The farmer would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar reduction and provided he received more for the lesser amount produced than he would if he produced without limit. My bill provides simply that the Government make an offer to the farmers to help them solve their great farm problem, provided the farmers contract to control the great overproduction and surplus menace.

All other farm-relief bills are either silent as to the all-important factor of production control or seek through penalties or other equally vicious methods to control production. This plan seeks to control production and marketing by the voluntary act of the farmer entered into as a part and parcel of the farm-relief scheme itself. All other bills dodge to a great extent this vital feature of the surplus-production control. My bill recognizes this as the heart of the farm-relief plan, and deals with it in a way that must be effective if operation is secured under the scheme. There can be no effective farm relief without effective production and marketing control. I repeat what I have said before:

Just as surely as we elevate prices without some sort of control of production, just so surely will the farmers themselves plant more corn and more cotton and more wheat and produce more and bring about the greater production. In other words, any bill which fails to have within it a proper control of production has failure written on its pages.

In conclusion let me say that in my humble judgment my bill would put the control of the farmer's great problem in the hands of his friends, not his enemies; would help the farmer directly and not indirectly; provide a complete solution of the overproduction problem; would enable the farmer within reasonable bounds to name his own price for his commodity; and would put him for the first time on a parity with other enterprises and industries.

Ladies and gentlemen of the radio audience, I thank you. Good night.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to have until Wednesday next until 12 o'clock midnight to file a minority report on Senate Joint Resolution 167.

The SPEAKER. The gentleman from New York asks unanimous consent for leave to file a minority report on Senate Joint Resolution 167, up to 12 o'clock midnight on Wednesday. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

To Mr. BOHN, at the request of Mr. MAPES, indefinitely, on account of illness.

To Mr. PARKS, at the request of Mr. RAGON, indefinitely, on account of illness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) entitled

"An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes."

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright and to Wilbur Wright, deceased.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

To provide for the establishment of a commissioned medical service in the United States Veterans' Bureau (H. R. 12627).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

690. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Treasury Department for the fiscal year 1928, $606.46, and supplemental estimates for the fiscal year 1929, $311,500; in all, $312,106.46 (H. Doc. No. 479); to the Committee on Appropriations and ordered to be printed.

691. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of State for the fiscal years 1927 and 1928 amounting to $6,994.85, and supplemental estimates of appropriations for the fiscal year 1929 amounting to $795,119.50; in all, $802,114.35 (H. Doc. No. 480); to the Committee on Appropriations and ordered to be printed.

692. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Middle Creek and Empire Cut in the vicinity of Henning Tract and Mildred Island, San Joaquin County, Calif. (H. Doc. No. 481); to the Committee on Rivers and Harbors and ordered to be printed.

693. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Jekyl and St. Simon Island, Ga., with a view to determining the cause of erosions from said islands, the effects of said erosions on the shoaling of dredged channels leading to Brunswick, and with a view to presenting a plan for the prevention of said erosions; to the Committee on Rivers and Harbors.

694. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Tybee Island, Ga., with a view to determining the cause of the erosions from said island, the effect of said erosions on the shoaling of dredged channels leading to Savannah, and with a view to presenting a plan for the prevention of said erosions; to the Committee on Rivers and Harbors.

695. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Manasquan River and Inlet, N. J. (H. Doc. No. 482); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15464) to provide for the retirement of certain employees of the legislative branch of the Government; to the Committee on the Civil Service.

By Mr. WAINWRIGHT: A bill (H. R. 15465) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone; to the Committee on the Library.

By Mr. WINTER: A bill (H. R. 15466) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land; to the Committee on the Public Lands.

By Mr. FISH: A bill (H. R. 15467) to fix a minimum compensation of certain employees of the United States; to the Committee on the Civil Service.

By Mr. ELLIOTT: A bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15469) to recognize commissioned services as active commissioned service while on the retired list in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 15470) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 15471) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. THATCHER: A bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 15473) proposing a location at Buena Vista, Pa., for a summer residence for the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. SIROVICH: A bill (H. R. 15474) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof; to the Committee on the Civil Service.

By Mr. SMITH: A bill (H. R. 15475) to establish the Grand Teton National Park in the State of Wyoming, to revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho, and for other purposes; to the Committee on the Public Lands.

By Mr. COLTON: Joint resolution (H. J. Res. 356) to authorize the exchange of certain public lands in the State of Utah, and for other purposes; to the Committee on the Public Lands.

By Mr. WILLIAMSON: Joint resolution (H. J. Res. 357) entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; to the Committee on Expenditures in the Executive Departments.

By Mr. WINTER: Joint resolution (H. J. Res. 358) proposing an amendment to the Constitution providing for the apportionment of the Representatives and direct taxes among the several States; to the Committee on the Judiciary.

By Mr. BLAND: Concurrent resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission; to the Committee on the Library.

By Mr. FISH: Resolution (H. Res. 266) providing for an investigation into old-age pensions; to the Committee on Rules.

By Mr. GILBERT: Resolution (H. Res. 267) to allow expenses in the investigation of the government of the District of Columbia; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15476) granting a pension to Sarah V. Sanders; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15477) granting an increase of pension to Sarah F. McKee; to the Committee on Pensions.

By Mr. BOYLAN: A bill (H. R. 15478) for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 15479) granting an increase of pension to Margaret E. Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15480) granting an increase of pension to Mary L. Cleaveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15481) granting a pension to Ella P. Neeld; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 15482) providing for the examination and survey of the east harbor at Block Island, R. I.; to the Committee on Rivers and Harbors.

By Mr. COCHRAN of Missouri: A bill (H. R. 15483) granting an increase of pension to Mathilda F. McLard; to the Committee on Pensions.

By Mr. DEAL: A bill (H. R. 15484) to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 15485) granting a pension to Ida M. Uline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15486) granting an increase of pension to Eliza A. Stukey; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15487) granting a pension to Charles Odell; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 15488) granting a pension to William Nussbaum; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy; to the Committee on Naval Affairs.

By Mr. GIFFORD: A bill (H. R. 15490) granting a pension to Sarah A. Varley; to the Committee on Pensions.

Also, a bill (H. R. 15491) granting an increase of pension to Abbie D. Shaw; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 15492) for the relief of John P. Bushnell; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 15493) for the relief of George W. Posey; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 15494) for the relief of Frank J. Boudinot; to the Committee on Indian Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 15495) granting a pension to John M. Leslie (or Lessley); to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15496) granting an increase of pension to Sarah A. Woodrun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15497) granting an increase of pension to Margaret Roush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting a pension to Elizabeth Langery; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15499) granting a pension to Christine Schmale; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 15500) granting an increase of pension to Carrie A. Kirtland; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 15501) granting a pension to Phebe A. Hereld; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 15502) granting a pension to Effie Davis; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15503) granting a pension to Emma C. Fryer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15504) granting an increase of pension to Albert McAllister; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 15505) granting a pension to Emma Magee; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 15506) granting a pension to Elizabeth Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15507) granting a pension to Mattie Beckwith; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15508) granting a pension to Hulda Marshall; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 15509) granting a pension to Blanche E. Mullen; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 15510) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; to the Committee on Naval Affairs.

Also, a bill (H. R. 15511) granting an increase of pension to Margaret C. Donovan; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 15512) granting a pension to Emma R. Daggett; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 15513) granting a pension to Susan Enos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15514) granting a pension to Emma H. Woolsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15515) granting a pension to Victoria Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15516) granting a pension to Lillie M. Humphreys; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15517) to provide for the making of an examination and survey of Conduit Road, and for other purposes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8016. Petition of Lucian Mantell, of 164 East One hundred and twenty-seventh Street, New York, N. Y., transmitting a copy of the American eternal universal peace treaty; to the Committee on Foreign Affairs.

8017. By Mr. BARBOUR: Letter of Visalia Klavern, Ku-Klux Klan, Visalia, Calif., urging passage of Box bill (H. R. 6465), which would place immigration from Mexico upon a quota basis; to the Committee on Immigration and Naturalization.

8018. By Mr. CRAIL: Petition of Los Angeles County Grand Jury for the year 1928, favoring legislation restricting Mexican immigration; to the Committee on Immigration and Naturalization.

8019. Also, petition of Los Angeles Post No. 8, the American Legion, Los Angeles, Calif., favoring legislation providing for additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8020. Also, petition of Leonard Wood Post No. 125, the American Legion, Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8021. By Mr. GARBER: Petition of the letter carriers of the northeastern district of the National Association of Letter Carriers of Oklahoma, urging support of the Dale-Lehlbach bill (S. 1727); to the Committee on the Civil Service.

8022. Also, petition of the letter carriers of the northeastern district of the National Association of Letter Carriers of Oklahoma, urging support of the Mead-La Follette bill (S. 3281, H. R. 9058); to the Committee on the Post Office and Post Roads.

8023. Also, petition of Owen Black, of Lawton, Okla., urging opposition to pending legislation to provide changes in the present promotion list of the Army; to the Committee on Military Affairs.

8024. Also, letter from W. G. Torbis, Oklahoma City, Okla., urging support of House Joint Resolution 303, amending the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

8025. By Mr. McSWEENEY: Paper in support of House bill 15243, granting a pension to Emmor Burris; to the Committee on Invalid Pensions.

8026. Also, papers in support of House bill 15444, granting a pension to John G. Hall; to the Committee on Invalid Pensions.

8027. By Mr. QUAYLE: Petition of the Society of Colonial Descendants of America, strongly supporting the naval increase bill (H. R. 11526); to the Committee on Naval Affairs.

8028. Also, petition of George N. Murdock, of Chicago, Ill., opposing the passage of the Haugen bill (H. R. 10958) purporting to amend the definition of oleomargarine; to the Committee on Agriculture.

8029. Also, petition of the Cigarmakers International Union, No. 87, of Brooklyn and Queens, opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

8030. Also, petition of Dewey Congressional Medal Men's Association, of San Francisco, Calif., favoring the passage of Senate bill 1265; to the Committee on Pensions.

8031. Also, petition of Union Label Club, of Kings County, Brooklyn, N. Y., opposing the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

8032. Also, petition of Lieutenant Commander Butts, favoring the passage of House bill 11331; to the Committee on Naval Affairs.

8033. Also, petition of the Naturopathic Association of the District of Columbia, in favor of Senate bill 3936, to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

8034. Also, petition of the American Printing House for the Blind, expressing appreciation of the attitude of Congress toward blind pupils in the schools of the United States; to the Committee on Appropriations.

8035. By Mr. SPEAKS: Papers in support of the following pension bills: H. R. 15164, granting an increase of pension to Emma Calb; H. R. 15165, granting an increase of pension to Carrie Brooks; H. R. 15166, granting an increase of pension to Julia O. Allen; H. R. 15167, granting an increase of pension to S. Amanda Clark; H. R. 15168, granting an increase of pension

to Calista Ealy; H. R. 15169, granting an increase of pension to Kate Griffith; H. R. 15170, granting a pension to Maggie Groves; H. R. 15171, granting an increase of pension to Anna Hafey; H. R. 15172, granting an increase of pension to Adella Harper; H. R. 15173, granting an increase of pension to Elizabeth Heise; H. R. 15174, granting an increase of pension to Victoria Huddle; H. R. 15175, granting an increase of pension to Mary E. Jaco; H. R. 15176, granting an increase of pension to Althear S. Jones; H. R. 15177, granting an increase of pension to Carrie Miller; H. R. 15178, granting an increase of pension to Laura C. Monfort; H. R. 15179, granting an increase of pension to Mary E. Ryerson; H. R. 15180, granting an increase of pension to Laura B. Pleukhart; H. R. 15181, granting an increase of pension to Adelphia T. Weaver; H. R. 15182, granting an increase of pension to Sarah A. Williams; and H. R. 15247, granting a pension to Matilda Cranmer; to the Committee on Pensions.

8036. By Mr. SWICK: Petition of Protestant Boys, No. 136, Loyal Orange Lodge, Ellwood City, Pa., urging an immigration quota for Canada and Mexico and increased appropriations for enforcement of existing national-origin section of immigration law; to the Committee on Immigration and Naturalization.

8037. By Mr. WYANT: Evidence in support of House bill 14795, granting a pension to Emma R. Duncan; to the Committee on Invalid Pensions.

8038. Also, papers in support of House bill 14793, granting a pension to Elizabeth Hann; to the Committee on Invalid Pensions.

8039. Also, papers in support of House bill 14796, granting a pension to Celina L. DePriest; to the Committee on Invalid Pensions.

8040. Also, papers in support of House bill 14794, granting a pension to Susan E. Henry; to the Committee on Invalid Pensions.

8041. Also, papers in support of House bill 14797, granting a pension to Mary J. Stendts; to the Committee on Invalid Pensions.

8042. Also, papers in support of House bill 14798, granting a pension to Dora Slonaker; to the Committee on Invalid Pensions.

8043. Also, papers in support of House bill 14799, granting a pension to Mary A. Steiner; to the Committee on Invalid Pensions.

8044. Also, petition of the Pittsburgh Central Labor Union, by W. A. Crissman, president, and P. J. McGrath, secretary, recommending enactment of Senate bill 1727; to the Committee on the Civil Service.

SENATE

TUESDAY, *December 18, 1928*

(Legislative day of Monday, December 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; and

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7010. An act to amend the organic act of Porto Rico, approved March 2, 1917;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States;

H. R. 13978. An act to amend section 5 of the act of March 2, 1895, relating to official bonds;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14152. An act to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Simmons
Barkley	Fletcher	La Follette	Smith
Bayard	Frazier	Larrazolo	Smoot
Bingham	George	McKellar	Steck
Black	Gerry	McMaster	Steiwer
Blease	Glass	McNary	Stephens
Borah	Glenn	Moses	Swanson
Brookhart	Goff	Neely	Thomas, Idaho
Broussard	Gould	Nye	Thomas, Okla.
Bruce	Greene	Oddie	Trammell
Burton	Hale	Pine	Tydings
Capper	Harris	Pittman	Vandenberg
Caraway	Harrison	Ransdell	Wagner.
Copeland	Hastings	Reed, Mo.	Walsh, Mass.
Couzens	Hawes	Reed, Pa.	Walsh, Mont.
Curtis	Hayden	Robinson, Ind.	Warren
Dale	Heflin	Sackett	Waterman
Deneen	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Edge	Kendrick	Shipstead	
Edwards	Keyes	Shortridge	

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. This announcement may stand for the day.

Mr. NYE. I wish to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Wisconsin [Mr. BLAINE] are detained in a meeting of the Committee on the Judiciary.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—BOULDER DAM

Mr. COPELAND. Mr. President, I have just to-day returned to the Senate after several days' absence because of serious illness in my family. I find in the RECORD of Friday last what is to me a serious error. On that day, where my paid was announced by my colleague, there is a very apparent mistake in the RECORD.

I do not find any fault with the official reporters or those who have charge of the RECORD, because I think the work they do is remarkably accurate. However, the RECORD makes it appear that my colleague the junior Senator from New York [Mr. WAGNER] announced:

> If the senior Senator from New York were present, he would vote "nay." If the junior Senator from New Jersey [Mr. EDWARDS] were present, he would vote "nay."

Of course, this should read:

> If the senior Senator from New York were present, he would vote "yea."

I ask unanimous consent that the RECORD may be corrected. To my friends in California, where I went last year for the express purpose of visiting the site of Boulder Dam and where I expressed my sympathy for the people of the Imperial Valley, who were in imminent danger at that time from a flood which was raging in the Colorado, I should not want it to appear that I was in opposition to this project. From the very first I have favored the legislation and am very happy it passed.

Of course I want the RECORD to show that if I had been present and permitted to vote I should have voted "yea."

Mr. JOHNSON. Mr. President, I simply desire to say that I know the statement in the RECORD is erroneous in regard to the views of the Senator from New York. From the inception of this long struggle the Senator from New York not only has been sympathetic with the desires of the people of southern California, of Imperial Valley, and the southwestern part of the United States, but he has rendered every possible aid in our behalf. Last week, called away as he was by serious illness in his family, he advised me of the fact and gave me authority to arrange a pair for him in favor of the measure and in favor of the project itself. In justice to him I desire to make this statement, so that the RECORD will show that his attitude has always been in full sympathy with and entirely favorable to the project.

Mr. WAGNER. Mr. President, may I state that in accounting for the absence of the senior Senator from New York, I did state that if he were present he would vote for the Boulder Dam bill, because I have known all along his sympathetic attitude toward that legislation.

Mr. ASHURST. Mr. President, I heard the announcement of the junior Senator from New York [Mr. WAGNER] and he made no error. I can testify, which I cheerfully do, that the senior Senator from New York [Mr. COPELAND] was an able and constant supporter of the Boulder Dam bill. Speaking as a vanquished Senator on that subject, I bear the scars from the rapier of the Senator from New York [Mr. COPELAND], but I am happy to say the scars I bear are above the belt and in the front. He neither struck below the belt nor in the back.

Mr. COPELAND. Mr. President, I ask that the correction may be made in the RECORD.

The VICE PRESIDENT. Without objection, the RECORD will be corrected accordingly.

PETITIONS AND MEMORIALS

Mr. EDGE presented a letter from Mrs. G. W. Gehin, president of the Essex County Women's Republican Club, of Newark, N. J., embodying a resolution adopted by that club, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD as follows:

ESSEX COUNTY WOMEN'S REPUBLICAN CLUB,
Newark, N. J., December 17, 1928.

Hon. WALTER E. EDGE,
Washington, D. C.

MY DEAR MR. EDGE: Our club, at a meeting on Friday, passed the following resolution:

"Whereas the Republican platform of 1928 states: 'We indorse the proposal of the Secretary of State for a multilateral treaty proposed to the principal powers of the world and open to the signatures of all nations, to renounce war as an instrument of national policy and declaring in favor of pacific settlement of international disputes, the first step in outlawing war'; and

"Whereas such a treaty was signed in Paris, by Secretary of State Kellogg on behalf of the United States, on August 27, 1928: Therefore be it

"*Resolved*, That the Essex County Women's Republican Club indorses the multilateral treaty and urges its prompt ratification by the Senate of the United States."

We are anxious for the passage of this treaty.

Very sincerely yours,

Mrs. G. W. GEHIN, *President.*

Mr. DALE presented numerous petitions of sundry citizens and civic and religious organizations in the State of Vermont, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. GREENE presented numerous petitions of sundry citizens and civic and religious organizations in the State of Vermont, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented a letter in the nature of a petition from the Women's Interdenominational Missionary Council (affiliated with the Detroit Council of Churches, representing all Protestant Evangelical Churches of the city of Detroit), praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a petition of members of the First Methodist Episcopal Church, of Hollis, Long Island, N. Y., praying for the passage of legislation providing for Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Clinton, N. Y., praying for the passage of the so-called Sproul bill, being House bill 11410, to amend the act of October 28, 1919, known as the national prohibition act, etc., which was referred to the Committee on the Judiciary.

He also presented a petition of members of American Legion Auxiliary Post No. 274, of Peekskill, N. Y., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented numerous petitions and papers in the nature of petitions from sundry citizens and civic and religious organizations in the State of New York, praying for the prompt passage of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of members of the faculty and students of Auburn (N. Y.) Theological Seminary and School of Religious Education, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the annual convention of the National Alliance of Former German Soldiers and Army Veterans of North America (Deutscher Krieger Bund von North America), protesting against the continued occupation of German territory by black troops of former enemy nations, and also against the treaty of Versailles, particularly against the declaration contained therein that Germany alone caused the war, etc., which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a letter in the nature of a memorial from the First Church of the Brethren, of Sabetha, Kans., remonstrating against adoption of the proposed naval building program, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from the First Church of the Brethren, of Sabetha, Kans., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of White City, Morrill, and Jackson County, all in the State of Kansas, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Woman's Club, of Topeka; the First Presbyterian Church, of Iola; the Evangelical Church, and the Woman's Christian Temperance Union, both of Holton, in the State of Kansas, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented petitions and papers in the nature of petitions of the Woman's Club, of Topeka; the League of Women

Voters of Southwestern College and the First Methodist Episcopal Church, both of Winfield; and members of the Ruskin Club and the Whittier Chautauqua Club, both of Parsons, all in the State of Kansas, praying for the passage of the so-called Gillett resolution, suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

LOANS ON ADJUSTED SERVICE CERTIFICATES

Mr. WALSH of Massachusetts. Mr. President, I have had some recent correspondence and criticisms with reference to the interest charged by the Government on loans secured by veterans upon their adjusted service certificates. My attention was called to the fact that the rate of interest charged was reaching as high as 7 per cent.

A letter from the Director of the United States Veterans' Bureau explains the policy pursued with respect to these loans. As the matter is of considerable public interest, I request that the Director's letter be printed in the CONGRESSIONAL RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, December 13, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I wish to acknowledge your letter of December 7, 1928, transmitting a letter dated November 19, from Mr. James G. Garrett, Mittineague, Mass., in connection with the interest charged on loans secured by adjusted-service certificates.

The rate of interest applicable on loans made from the Government life-insurance fund on the security of adjusted-service certificates is not fixed by the administrative authorities of this bureau, but is specifically provided in paragraph (i), section 502, of the World War adjusted compensation act, as amended, which reads in part as follows:

"* * * The rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which is located the regional office, suboffice, or hospital of the United States Veterans' Bureau at which the loan is made."

It would appear that the Congress, when it enacted the provision above cited, believed that the interest charged should be in sympathy with prevailing money rates; thus, under present stringent money conditions in some Federal reserve districts the discount rate is as high as 5 per cent. However, it should be pointed out that when discount rates were what might be termed "subnormal," the benefit of such low rates was enjoyed by borrowers on adjusted-service certificates.

Interest collected on loans made on adjusted-service certificates from the United States Government life-insurance fund does not inure to the benefit of the Government either directly or indirectly, but is credited to the trust fund, which represents moneys held in trust by the Government for holders of policies of the United States Government life insurance, who are, of course, all ex-service men. Apparently the Congress felt that holders of United States Government life insurance were entitled to interest returns on their money parallel to that received on commercial loans, and that it would be unfair to loan the funds of ex-service policyholders, for whom it was acting as trustee, on any other basis than prevailing money rates.

The communication addressed to you by Mr. Garrett is inclosed, together with a copy of this letter.

Very truly yours,

FRANK T. HINES, *Director.*

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 4994) granting a pension to Alpheus J. Williamson;
A bill (S. 4995) granting a pension to Henry G. Mauzey;
A bill (S. 4996) granting a pension to Max Lilienthal;
A bill (S. 4997) granting a pension to John Lamburth;
A bill (S. 4998) granting a pension to Thomas Heslin;
A bill (S. 4999) granting a pension to Effie M. Dailey;
A bill (S. 5000) granting a pension to Frank M. Bowman;
A bill (S. 5001) granting a pension to Ferdinand Beyersdorf;
A bill (S. 5002) granting an increase of pension to Frank H. Wilson, alias Henry Wencel;
A bill (S. 5003) granting a pension to Harriett Turk;
A bill (S. 5004) granting a pension to Samuel W. Sims;
A bill (S. 5005) granting a pension to Felix Shaser;
A bill (S. 5006) granting a pension to Jacob E. Rego;
A bill (S. 5007) granting a pension to Mary A. Reed;
A bill (S. 5008) granting a pension to John Pleas Rader;
A bill (S. 5009) granting a pension to Harry Breese Johnson;
A bill (S. 5010) granting an increase of pension to Emily Fisher;
A bill (S. 5011) granting a pension to Robert B. Early; and
A bill (S. 5012) granting a pension to Walter H. Caswell; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5013) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 5015) for the relief of heirs of Jacob D. Hanson; to the Committee on Claims.

A bill (S. 5016) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. GREENE:

A bill (S. 5017) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan; to the Committee on Claims.

By Mr. McMASTER:

A bill (S. 5018) for the relief of the wife of Floyd C. Moulton; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 5019) granting an increase of pension to Sarah L. Headington (with accompanying papers); and
A bill (S. 5020) granting an increase of pension to Thomas Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 5021) granting an increase of pension to Julia A. Parsons (with accompanying papers); to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 5022) to amend sections 183 and 184 of chapter 6 of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. HAWES:

A bill (S. 5023) granting a pension to Jackson St. John; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5024) granting a pension to Anna J. Van Nuys; to the Committee on Pensions.

AMENDMENT TO CENSUS BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses, which was ordered to lie on the table and to be printed.

PAY AND ALLOWANCES IN THE ARMY, NAVY, ETC.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, which was referred to the Committee on Naval Affairs and ordered to be printed.

ADDRESS BY SENATOR BINGHAM

Mr. BLACK. Mr. President, I ask unanimous consent that there may be inserted in the RECORD an address delivered by the junior Senator from Connecticut [Mr. BINGHAM] at Kitty Hawk, N. C., on December 17, 1928, at the celebration of the twenty-fifth anniversary of the first airplane flight.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

It is a source of great pride to the members of the National Aeronautic Association to be standing side by side with the distinguished delegates to the International Civil Aeronautic Conference who have come to this sacred spot from many lands to honor the two men who first showed the world how to fly.

We who have cast our lives and our hopes with aeronautics know that it matters not what boundaries may separate us geographically. We strive for a common goal, and we are guided by one principle. That principle is profound faith in the art of flying, which Orville and Wilbur Wright, first of mankind, began to practice on this very spot 25 years ago to-day.

On December 17, 1903, there stood where we are now standing a strange device that looked like a cross between a box kite and the skeleton of a bird. Its creators believed that it would enable them to fly.

A biting cold wind was blowing across Kill Devil Hills at the rate of 27 miles an hour. Orville Wright and his brother realized the difficulties of flying in such a high wind, but estimated that the added dangers in flight under such conditions would be partly compensated for by the slower speed in landing.

So this great American, who is with us to-day, climbed aboard the strange craft. He warmed up the motor. He released the wire that held the machine to the track from which it was to be launched. The machine moved forward into the wind. His brother, Wilbur Wright, ran at the side, holding a wing to help balance the airplane on the track. And then the machine left the ground. It answered to the controls. Man was flying! Twelve seconds later a landing was made 120 feet from the point at which the machine rose into the air. For thousands of years man had watched and envied the flying birds. At last he had conquered the secret. He too could fly.

Orville Wright has spoken of this flight as being "exceedingly erratic," which he attributed in part to the irregularity of the air and in part to lack of experience in handling the craft. The flight lasted only a few seconds, but it was the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in full flight, had sailed forward under this same power without reduction in speed, and had finally landed at a point as high as that from which it started.

Three more flights were undertaken immediately thereafter, with Wilbur and Orville Wright alternating as pilots. Each successive flight was an improvement upon its predecessor, and when the joy of these two men was at a height greater than either ever experienced before, a strong gust of wind picked up this mechanical bird and played havoc with it. Although this came like a bolt of lightning out of a blue sky, Orville and Wilbur Wright had cast the die; they had solved the problem of human flight, even though the elements, always the aircraft's greatest enemy, scored a hit almost coincident with man's great victory.

In the quarter of a century which has elapsed since that memorable day the art has developed from two pilots and one plane to tens of thousands of airmen and aircraft flying all over the world. The science of aeronautics has gone forward until it has taken a vital and prominent place in the national defense and in the economic life of all peoples.

Twenty-five years ago to-day an airplane established a distance record of 852 feet and a nonstop flight record of 59 seconds. This was on the fourth and last flight of the original Kitty Hawk machine and was made with Wilbur Wright at the controls.

To-day the records of the National Aeronautic Association show that airplanes have remained aloft for 65 hours and 25 minutes and have traveled 4,466 miles in flight without refueling; have flown to an altitude of 38,418 feet; have shot through the air at 318 miles per hour; and have lifted more than 6 tons of cargo nearly 7,000 feet. They have brought the people of New York and California to within 19 hours of each other. They have joined Europe and America in single nonstop flights. They have linked America and the Far East; they have circled the globe; they have flown over the top of the world; and they have started to shrink the earth until it is difficult to foresee just when and where this shrinkage will stop.

Our mail, express, and, in many cases, our people speed through the night along lighted highways of the air, outdistancing every other available means of transportation. What we have to-day is but an indication of what we shall have in the future. It would be unwise to indulge in predictions as to what we shall be doing with aircraft, or what aircraft will be doing for us, when the fiftieth anniversary of this great event in the history of our Nation and the world rolls around. The best course to pursue is to seek the truth and build on a foundation of thorough knowledge.

[Addressing Mr. Orville Wright.]

We have an obligation to you, Mr. Wright. Our obligation is to take what you gave us here 25 years ago and develop it to the maximum. We must use as far as we are able the intelligence, the foresight, the perseverance, the honesty, and the integrity together with the modesty and unselfishness which have characterized your every action from the day when you and your brother first undertook the solution of the problem of human flight. Mr. Wright, you have endeared yourself to the heart of everyone who has had the good fortune to share your friendship and acquaintance. You have proved yourself worthy of all the honor that has been tendered you for your magnificent contribution to the progress of the world.

No honor is too great for this genius of the twentieth century.

Mr. Wright, we are grateful that you could journey back to the scenes of your first flights to honor by your presence your fellow members of the National Aeronautic Association in their humble efforts to preserve for posterity the exact location which marked man's first flight. At the same time we deeply mourn the absence of your devoted brother not only from this hallowed place on this occasion but from the world.

And now, on behalf of the membership of the National Aeronautic Association, I have the honor to unveil this granite bowlder which we hope will long serve to mark the birthplace of human flight and to perpetuate the affectionate regard in which you are held by all those who are proud to be known as your fellow members.

RADIO BROADCASTING LICENSES

Mr. DILL. Mr. President, I ask unanimous consent to insert in the RECORD the complaint of The Radio Protective Association against The Radio Corporation of America and affiliated corporations, asking the cancellation of licenses for broadcasting by those organizations. This is a complaint under section 17 of the radio act, and is so full and complete and so directly in point that I think it would be well to have it printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD an article from the New York World under date of December 17, quoting Mr. Hoover's testimony before the House Committee on the Merchant Marine and Fisheries against the Radio Trust.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Before the FEDERAL RADIO COMMISSION.

The Radio Protective Association *v.* the Radio Corporation of America, the Radio Marine Corporation of America, the National Broadcasting Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., the United Fruit Co., the Tropical Radio Telegraph Co., and the American Telephone & Telegraph Co.

To the honorable the FEDERAL RADIO COMMISSION,

Washington, D. C.

GENTLEMEN: The Radio Protective Association respectfully charges to your honorable commission that the Radio Corporation of America, the Radio Marine Corporation of America, the National Broadcasting Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., the United Fruit Co., the Tropical Radio Telegraph Co., and the American Telephone & Telegraph Co.—all licensed by your commission as radio operating companies under the radio act of 1927—are violating section 17 of said act.

Your petitioner charges that these violations consist in the control by these licensees, who are engaged in the business of radio communication, of assets of the American Telephone & Telegraph Co., which is a telephone company doing a wire communications business, and that said control has the purpose and the effect of restraining commerce in the field of communications between the United States and foreign countries and of creating an unlawful monopoly therein. This control of such assets for such purpose is expressly forbidden by said section 17.

Wherefore your petitioner prays that your honorable commission will order the revocation of the licenses heretofore granted to these corporations in the field of broadcasting as well as of communications and for other purposes.

Your petitioner further prays that until the final determination of the issues which arise under these violations of section 17, your commission will refuse to grant any applications for further licenses which may be made by any of these corporations, or for any renewals or modifications of existing licenses.

The records of your commission will be the best evidence of the licenses now held by these companies, but the attached list contains the call letters of the licenses now in the hands of these companies, so far as they are known to us, and against each of which we respectfully ask an order to show cause why such an order of revocation should not be issued.

Only if safeguarded against the threat of monopoly control, can the radio art reach its highest development and give to the American people the fullest benefits of this marvelous means of mass communication. This is the purpose which Congress had when it wrote section 17 into the radio act of 1927. In undertaking to maintain the freedom of competition in radio, Congress, by that section of the statute which created your honorable commission and entrusted it with the protection of this new art, prohibited any combination of wire interests with wireless interests that might restrain competition in the field of international communications.

In response to a previous communication from our association, your commission sent us under date of August 23, 1928, a copy of an opinion rendered by Hon. Louis G. Caldwell, general counsel for your commission, in which he wrote as follows, concerning section 17:

"The foregoing constitute direct prohibitions. The first prohibition is directed specifically against licensees. In my opinion this prohibition comes within the 'restrictions and conditions' of the radio act, and, on a showing to the commission of a violation on the part of a licensee, the license may be revoked. It is not necessary that there first be a judgment of guilty by a Federal court or a finding or certificate of any Federal body. * * * The very evident intention of the section was to prohibit such a combination of wireless or radio communication interests with other forms of communication interests (such as cable,

wire, telegraph, or telephone) as substantially to lessen competition or create monopoly in the field of communication."

We believe that Mr. Caldwell was in error in construing the application of this act to be limited to the field of communications. It is our opinion that the phrase "unlawfully to create monopoly in any line of commerce" gives section 17 a broader application than indicated by Mr. Caldwell. We are not, however, concerned at this time with the effect of this broader application, as within the field of communication this commission is confronted by a situation purely within the prohibitions of section 17 and calling for definite action.

Section 17 provides, among other things, that "no person engaged directly or indirectly in the business of transmitting or receiving communications by radio under a license under this act shall * * * directly or indirectly * * * control any * * * assets of any * * * cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to restrain competition or restrain commerce between any place in * * * the United States * * * and any place in any foreign country, or unlawfully to create a monopoly in any line of commerce."

Section 17 also provides that any person now or hereafter engaged directly or indirectly in the business of transmitting for hire, messages, by any cable, wire, or telegraph or telephone wire system in interstate commerce within the United States, or between the United States and a foreign country, "shall directly or indirectly * * * control any * * * asset of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or restrain commerce between any place * * * in the United States * * * and any place in any foreign country, or unlawfully to create monopoly in any line of commerce."

The companies against which this complaint is directed fall distinctly within the definition of section 17 and are, within the field of communications, acting clearly in violation of the prohibition of this section. They are, respectively, either in the telephone, wire, or radio communications business, and as such have entered into specific agreements among themselves in which control of their assets is given by each to the others, and the effect of the agreements under which this control is secured is clearly intended to and does substantially lessen competition in the field of communications, and intends to and does unlawfully create a monopoly in that commerce.

It is highly pertinent in examining the details of these agreements to consider the specific functions and nature of each of these companies.

The Radio Corporation of America is the largest radio communications company in the world and is therefore a licensee owning and operating various stations licensed under the radio act of 1927. It also has pending before your commission a number of applications for additional licenses. This company is further the patent pooling and selling agency of the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., and is one of the owners of the National Broadcasting Co. and the sole owner of the Radio Marine Corporation of America.

The American Telephone & Telegraph Co. is the greatest concern in the United States engaged in the communications business—operating in both wire and wireless communications. This company has practically a complete monopoly of the long distance telephone business in the United States and between the United States and foreign countries, and has 65 per cent of all the telephone subscribers in the United States. It also owns and operates various radio stations licensed under this act.

The General Electric Co. is the largest manufacturing company of electrical apparatus in the United States, including radio apparatus, and is a licensee owning and operating various radio stations licensed under this act.

The Westinghouse Electric & Manufacturing Co. is the second largest manufacturer of electrical apparatus in the United States, including radio apparatus, and is the licensee owning and operating various radio stations licensed under this contract.

The Radio Marine Corporation is the newest subsidiary of the Radio Corporation of America and its stock is owned entirely by the parent company. It is a licensee of various licenses under this act and has pending before your commission various applications for additional licenses.

The National Broadcasting Co. is engaged primarily in the operation of radio chains and broadcasting stations, and its stock is owned by the Radio Corporation of America, the General Electric Co., and the Westinghouse Electric & Manufacturing Co. It is a licensee of various radio stations licensed under this act.

The United Fruit Co., a corporation of the State of New Jersey, is engaged in radio communications between the United States and various countries in Central and South America. It owns the stock of the Tropical Radio Telegraph Co., which is a licensee of various radio stations licensed under this act.

The economic position of this group—which is widely known as the Radio Trust—is most clearly indicated by the fact that the combination represents aggregate resources of more than $3,000,000,000. We refer only to the admitted assets of this combination and not to the enormous economic power which its members hold through their various affiliations. There is no other group in the radio industry or in the communications field, whether radio, telephone, telegraph, cable, or otherwise, with assets comparable to those of the companies which make up this combination.

Starting with the organization of the Radio Corporation of America, ostensibly by the General Electric Co., in the latter part of 1919, these companies entered into a conspiracy which was carried out by contracts and cross-licensing agreements to the end that every vestige of competition between them has been eliminated in the commercial field, in the field of patents and inventions, in the field of development, in the field of broadcasting, and in the field of communications. Furthermore, under these agreements the combined resources may and must be used as a single instrument to destroy outside competition, and they have been so used.

To show the extent to which this combination has gone in its efforts to destroy the independent radio industry, we refer your commission to the fact that the Supreme Court of the United States has just refused to review a decision of the United States Circuit Court of Appeals for the Third District, which held that the Radio Corporation of America—acting under the agreements hereinbefore mentioned—has undertaken unlawfully to monopolize the radio-tube business of the United States.

That decision held that clause 9, in a contract signed by the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., was a violation of section 3 of the Clayton Antimonopoly Act. Had the Radio Trust by means of this clause 9 been able to carry out its plan unlawfully to monopolize the radio-tube business it would have been able to completely destroy competition in every phase of radio, because the tube is the heart of all radio apparatus, both in transmission and reception.

Under the cross-licensing agreements, to which we desire specifically to call the attention of your commission, the Radio Corporation of America, which, to use the language of section 17, "is in the business of transmitting and/or receiving for hire energy, communications, or signals by radio," has acquired control of assets of the American Telephone & Telegraph Co., which, again in the language of said section 17, is operating a "cable or wire, telegraph or telephone line, or system, between any place * * * in the United States and any place * * * in any foreign country."

The reverse of this is also true, namely, that the American Telephone & Telegraph Co. has acquired control of assets of the Radio Corporation of America, which control is declared unlawful by said section 17.

The General Electric Co. and the Westinghouse Electric & Manufacturing Co. are directly in the business of transmitting and receiving for hire, energy, communications, or signals by radio, under licenses issued under this act, as well as indirectly, by virtue of their stock ownership and control of interests in the Radio Corporation of America and the National Broadcasting Co. Both of these companies control assets of the American Telephone & Telegraph Co., in contravention of section 17.

The acquisition by these respective companies of the control of assets belonging to each other was for the purpose of eliminating competition between them in the field of communications, as will be shown by the specific agreements.

The text of these agreements is set forth in complete detail in the report on The Radio Industry, 1923, made by the Federal Trade Commission, and we respectfully refer your commission to this public document for the complete details.

The first agreement to be considered is described as: "License Agreement—General Electric Co. and American Telephone & Telegraph Co.," dated July 1, 1920 (Federal Trade Commission Report on Radio Industry, 1923, p. 130). Under this agreement between the General Electric Co. and the American Telephone & Telegraph Co. (Art. V, par. 3, sec. b), the General Electric Co. grants to the American Telephone & Telegraph Co. exclusive licenses in the field of wire telegraphy on land and over ocean cables not more than 100 miles in length, and between the mainland of the United States and Cuba. This grant of an exclusive license under all the patents owned by the General Electric Co. gives the American Telephone & Telegraph Co. control of those patents which are assets of the General Electric Co. and divests the General Electric Co. of the right to engage in the field of wire telegraphy on land and over ocean cables, as set forth. The purpose of this contract is clearly to restrain commerce and communications between the United States and Cuba and substantially lessens competition in this field of wire telegraphy.

As a part of the same license agreement (Art. V, par. 4, sec. b), the American Telephone & Telegraph Co. grants to the General Electric Co. exclusive licenses in the fields of transoceanic wireless telephony (covering telephony between points in the United States and foreign countries, such licenses being limited, so far as concerns service on this continent for the public or for others than the General Electric Co. to rendering such service through only the telephone company's wire or wireless telephone system.

There is a provision for an agreement upon joint through rates and a division of rates; also a provision that in the event the General Electric Co. is not prepared to render proper service the American

Telephone & Telegraph Co. may establish wireless stations for rendering such service, after giving the General Electric Co. reasonable notice and opportunity to do so, and when the General Electric Co. is in a position to render such service it may take over the American Telephone & Telegraph Co. stations at the cost of reconstruction less depreciation. In other words, so far as actual transoceanic wireless telephony is concerned, monopoly is given to the General Electric Co., but in serving the public in the United States in connection with such service the monopoly is given to the American Telephone & Telegraph Co., and these monopolies are tied together. This is the exact situation which section 17 prohibits.

This agreement has the following effect:

If the general public desires to communicate by wireless telephone from any point in the United States to any foreign point over the General Electric wireless telephony system, the call must be originated through the facilities of the American Telephone & Telegraph Co. The General Electric Co. is prevented by this agreement from using any other facilities than those of the American Telephone & Telegraph Co. No other concern in the telephone business can do business in this field with the General Electric Co. By this agreement the potential customer has been effectively barred from patronizing any competing telephone company. It is a tying agreement without reservation, so far as the competitors of the American Telephone & Telegraph Co. are concerned.

On the same day, July 1, 1920, the General Electric Co., the Radio Corporation of America, the American Telephone & Telegraph Co., and the latter's subsidiary corporation, the Western Electric Co., entered into what is termed an "extension agreement" (Federal Trade Commission Rept. p. 139), which made the Radio Corporation and the Western Electric Co. parties to the license agreement already referred to between the General Electric Co. and the American Telephone & Telegraph Co.

This agreement was made by the General Electric Co. in order to pass on the benefits under the agreement to the Radio Corporation of America, which the General Electric Co. was creating at that time and still chiefly controls.

Under this agreement the Radio Corporation of America—

"grants and agrees to grant to the Telephone Company, under the present and future patents of the Radio Company, rights of the same character and scope, and for the same fields and subject to the same limitations and conditions, as the rights granted to the Telephone Company in and by said agreement of July 1, 1920: *Provided, however,* That all rights herein granted and agreed to be granted are subject to the rights which the Radio Company hereby reserves for itself and for the General Company and their several successors in business of the same character and scope and for the same fields and subject to the same limitations and conditions as the rights reserved by the General Company in and by said agreement of July 1, 1920. And the Radio Company hereby assumes toward the Telephone Company (and the General and Radio Companies assume toward the Western Company, to the extent that the Telephone Company under the provisions of clause 1 hereof extends or may hereafter extend its right to the Western Company) obligations similar to the obligations assumed by the General Company toward the Telephone Company in and by said agreement of July 1, 1920, except that the Radio Company assumes no obligation as to manufacturing or selling articles or devices which it is not from time to time engaged in commercially manufacturing."

The effect of this agreement, in restraint of competition in the field of wireless telephony, is therefore extended to include the following:

If the public desires to use the facilities of the Radio Corporation of America in communicating by radiotelephony from any of the States, Territories, or possessions of the United States with any foreign land, it must originate the communication through the telephone system owned, operated, or controlled by the American Telephone & Telegraph Co. The Radio Corporation of America, in connection with its communications business in wireless telephony, can not connect up its service with any other telephone system except that of the American Telephone & Telegraph Co.

As the Radio Corporation has much more extensive facilities than any other concern in the United States for wireless communication, telephony or otherwise, and as the American Telephone & Telegraph Co. completely dominates the telephone business of the United States, the economic effect of this agreement clearly falls within the judicial interpretation of the phrase "substantially lessen competition or restrain commerce." Any competitor of the Radio Corporation of America or the American Telephone & Telegraph Co. is effectively barred by these agreements from this commerce.

In the Standard Fashion Co. *v.* Magrane-Houston Co. (258 U. S. 346), the Supreme Court, in interpreting identically the same language under section 3 of the Clayton Act, held that agreements of a tying nature between persons controlling 45 per cent of the business had the economic effect of substantially lessening competition. The Radio Corporation of America and the American Telephone & Telegraph Co. admittedly have substantially more than 45 per cent of the business in their respective businesses and specifically in the field of wireless telephony.

As another indication of the monopolistic character of this communications business, we refer to the statement of the counsel for the Federal Trade Commission in the matter of the Federal Trade Commission *v.* General Electric Co. et al., at page 56 of the Brief in Opposition to Motion of the Respondents to Dismiss the Complaint, in which the counsel for the commission said as follows:

"All of the traffic contracts of the Radio Corporation with companies in foreign countries, and with countries owning stations, are in evidence. The traffic manager of the Radio Corporation of America testified that as to those countries with which the Radio Corporation had traffic contracts, there were no stations other than those owned by the countries capable of communicating with America, and that with respect to the companies in foreign countries with which the Radio Corporation of America has traffic contracts, there are no other companies owning stations capable of communicating with the United States. (Record, p. 4020.) All of these contracts are exclusive, either expressly so or exclusive in effect."

These exclusive traffic arrangements of the Radio Corporation of America are now reported to cover three-fourths of the international radio business of the United States, including all business done with Great Britain, France, Germany, Italy, Poland, Norway, Sweden, Japan, and many other countries.

We come now to the consideration of what is termed "License agreement—Radio Corporation of America and United Fruit Co.," executed on the 7th day of March, 1921, approximately seven months after the license agreement hereinbefore referred to. (Federal Trade Commission Report, p. 143.)

The United Fruit Co. was a pioneer in the radio communications field. It maintains an extensive radio communications service not only on its great fleet of ships, but in the countries of North, Central, and South America, and the West Indies. It was the owner, prior to entering into this license agreement, of the capital stock of the Tropical Radio Telegraph Co., and in the field of manufacture of broadcasting apparatus, the capital stock of the Wireless Specialty Apparatus Co. It was, prior to entering into agreements with the Radio Corporation of America, a strong potential competitor in the communications field in its own territory.

The General Electric Co. has acquired all of the capital stock of the Wireless Specialty Apparatus Co., and has eliminated that company from competition in the field of manufacturing broadcasting apparatus. Under the license agreement between the Radio Corporation of America and the United Fruit Co. all competition in the field of communications between these companies was destroyed.

Under this agreement the United Fruit Co. agreed to restrict its communications by agreeing not to enter into the field of commercial communications, and agreeing further that its own communications must "have to do with the business of the Fruit Co. or its subsidiaries." It further agreed that "messages destined to points in the United States may be transmitted to destination from said stations in the United States only through the facilities of the Radio Corporation or by wire, and that messages from points in the United States may be transmitted to said stations in the United States only through the facilities of the Radio Corporation or by wire, it being agreed that the Fruit Co. will not enter into any joint traffic arrangements with any other company than the Radio Corporation for forwarding such messages between said stations in the United States and other points in the United States without consent of the Radio Corporation." The agreement further provides wireless telephonic communications for the same purpose, in the same territory, shall be "subject to the same limitations as the wireless telegraphic communications above licensed: *Provided, however,* That no license is granted for wireless telephonic communication in the United States or its possessions." The Fruit Co. agrees further "that it will not establish nor operate stations for wireless communication outside of the Fruit Co. territory, Colombia, Cuba, and the Panama Canal Zone, except said stations at New Orleans, Boston, Burrwood, and Miami or vicinity."

This contract goes into exhaustive details of a complete scheme for eliminating any competition between the United Fruit Co. and the Radio Corporation of America in the communications business in what is termed the "Fruit Co. territory."

This agreement also contains the following important paragraph:

"The Fruit Co. has received a copy of a contract between General Electric Co. and American Telephone & Telegraph Co., dated July 1, 1920, and a copy of the extension agreement between said companies, the Radio Corporation and the Western Electric Co., also dated July 1, 1920, and takes notice of the contents thereof."

We have, therefore, the following situation:

The Radio Corporation of America, by virtue of the General Electric Co.-American Telephone & Telegraph Co. agreement, plus the extension agreement covering the Radio Corporation of America, acquires control in certain fields of the use of the patents of the American Telephone & Telegraph Co., and in consideration thereof gave up its rights to do business in certain fields. The Radio Corporation of America in turn ties this situation up with the United Fruit Co., whereby, in violation of section 17, the United Fruit Co. indirectly "* * * controls * * * assets * * * of the telephone company."

The effect of this series of agreements is that any wireless communication originating in the United Fruit Co. territory destined for a point

within the United States, particularly in the field of wireless telephony, must go through only the facilities of the General Electric Co. or the Radio Corporation of America and the American Telephone & Telegraph Co.

That under these agreements these various companies acquired "control * * * of the assets" of each other is borne out by the following statement by Judges Hough, Manton, and Mayer in the circuit court of appeals, second circuit, in the case of Radio Corporation of America *v.* Emerson (296 Fed. 51, 54, 55):

"Under date of July 1, 1920, the American Telephone & Telegraph Co. entered into an agreement with the General Electric Co. by the terms of which the latter company acquired exclusive and nonexclusive licenses under all the patents and rights to and under patents of the telephone company, including the patents in suit, during the terms thereof, throughout the United States. The exclusive rights acquired by the General Electric Co. under the agreement included the right to make, use, and sell (1) in commercial wireless telegraphy, for profit or *toll*; (2) in the field of wireless telephony, for commercial communication, for profit or toll, by and between airplanes, ships, and automotive devices, except railway vehicles; (3) in the amateur wireless telegraphy field and in amateur wireless telephone field, excepting only the prior reserved personal, nonexclusive, and nontransferable De Forest license; (4) in the field of wireless telephony, but not for public service, where the business use thereof is incidental or where at least one of the stations is portable, excepting only the De Forest license; (5) in the field of wireless telephony, by electric light, electric power, and electric traction companies, excepting only the said De Forest license. This agreement provides that each party may assign and grant special licenses under any of the rights granted by the agreement, providing that the assent of the other property is first obtained.

"On July 1, 1920, an agreement was made between the same parties, the Radio Corporation and Western Electric Co., referred to as an extension agreement, by which the American Telephone & Telegraph Co. consented to the acquisition by the telephone company from the General Electric Co. of any rights or licenses under the patents which were acquired by the General Electric Co. under the agreement of July 1, 1920. We think that by virtue of these agreements the Radio Corporation acquired an exclusive license to use and sell devices and vacuum tubes in the fields therein specified under the patents in suit. It gave the Radio Corporation the sole right to use and sell radio devices and vacuum tubes, employing the invention in suit in the fields above described where toll or profit was made; in other words, for commercial communication between ships, airplanes, and automotive devices. The owner of the patents and all others were excluded from such fields. The radio amateur field is covered by a license to sell the patent devices or tubes granted to the Radio Corporation, with some reservations to sell under limited conditions to the De Forest Co. With the exception of the personal nonexclusive and nontransferable license of the De Forest Co., the Radio Corporation's interest or right in this field is also exclusive. We regard these interests of the Radio Corporation as property rights, and such exclusive interests and rights were apparently very valuable. The Radio Corporation is, therefore, in the position of an exclusive licensee under the De Forest patents."

In the United Fruit Co. situation the General Electric Co. bought the stock of the Wireless Specialty Apparatus Co. from the United Fruit Co. This stock was purely an asset of the United Fruit Co. It was an integral part of the transactions covered by the chain of cross-licensing agreements. By virtue of this acquisition of assets plus the interlocking agreements above set forth the American Telephone & Telegraph Co. indirectly secured control of valuable rights or assets of the United Fruit Co., which is in the radio-communication business. This was indirectly securing a control of assets, in violation of section 17, if the effect of said control was to substantially lessen competition, which has been clearly shown to be the effect.

The Westinghouse Electric & Manufacturing Co. on the 30th day of June, 1922, entered into what is termed "license agreement, Radio Corporation of America, General Electric Co., and the Westinghouse Electric & Manufacturing Co." (Federal Trade Commission Rept., p. 167.) Under this agreement the Westinghouse Co. became an integral part of the program contemplated and hereinbefore set forth and agreed to the same rights and limitations of rights upon itself and upon the other parties to the agreement and their associated companies. They became parties to the same restraints of competition in the same fields, in the same manner, and to the same extent as indicated by the prior agreements.

It will be said by those adversely affected by our complaint that we are destructive. Nothing is further from the truth. We are trying to protect this great radio art against destruction by this monopoly and by the powerful interests that compose it. That is what Congress intended to do when it wrote section 17.

The invention of radiobroadcasting has done more to perfect the operation of our Government, as a direct popular Government, than any other event in our history. In the recent presidential campaign radio made a forum of the whole United States. For the first time the issues and the views of the candidates were carried to countless millions of our people by the voices of the candidates themselves.

The next great contribution of radio communication should be in the field of our international relations. When Congress wrote section 17 into the radio law—the statute which created the Federal Radio Commission and on which the whole fabric of governmental control rests—it intended to safeguard our radio communication with foreign countries against the menace of a radio monopoly, as well as against the possibility that existing wire companies might attempt to throttle this new competitor. It is unthinkable that radio communication from the United States, whether in the field of broadcasting or in any other field, should be monopolized by any individual, group, or combination, no matter how powerful and no matter how noble its professions of public service.

The congressional mandate set forth in section 17 should be carried out.

Respectfully submitted.

RADIO PROTECTIVE ASSOCIATION.
By OSWALD F. SCHUETTE,
Executive Secretary.
ERNEST R. REICHMANN, *Counsel.*

CITY OF WASHINGTON,
District of Columbia, ss:

Oswald F. Schuette, being duly sworn, deposes and says that he is the executive secretary of the Radio Protective Association, the plaintiff named in the foregoing complaint; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be on information and belief, and as to those matters, he believes it to be true.

OSWALD F. SCHUETTE.

Sworn to and subscribed before me this the 18th day of December, 1928.

[SEAL.] JULIE M. MAYER,
Notary Public in and for the District of Columbia.

Schedule of licenses, by call letters, involved in complaint of Radio Protective Association against violations of section 17:

RADIO CORPORATION OF AMERICA

Broadcasting: WJZ, New York, N. Y.; WRC, Washington, D. C.

Communications and other purposes: WMH, Baltimore, Md.; KEE, KEJ, KEL, KEM, KEN, KER, KES, KET, KKQ, KKR, KKZ, KLL, KMM, KPH, KQJ, KQZ, KSS, KWE, KUN, Bolinas, Calif.; WBL, Buffalo, N. Y.; WIM, Chatham, Mass.; WCY, Cleveland, Ohio; WRL, Duluth, Minn.; KGI, KIE, KIO, KKH, KQH, KRO, Kahuku, Hawaii; KSE, Los Angeles, Calif.; WCC, WRQ, WSO, Marion, Mass.; WAZ, WIZ, WII, WRT, New Brunswick, N. J.; WNY, WKW, New York, N. Y.; KDU, Point Reyes, Calif.; WAJ, WBW, WDS, WEA, WEB, WEC, WED, WEE, WEF, WEG, WEJ, WEL, WEM, WER, WES, WET, WEX, WFX, WHR, WIK, WIR, WIY, WKM, WKO, WKP, WKQ, WKU, WLL, WOP, WPE, WQA, WQB, WQC, WQG, WQK, WQM, WQN, WQQ, WQV, WQW, WQX, WQY, WSS, WTT, Rocky Point, N. Y.; WGT, WGX, WJT, San Juan, P. R.; WGG, WSC, WCI, Tuckerton, N. J.; KSE, Torrence, Calif.; and 65 high-frequency channels for transoceanic service.

RADIO MARINE CORPORATION OF AMERICA

Communication and other purposes: WSA, New London, Conn.

ILLINOIS RADIO CORPORATION OF AMERICA

Communication and other purposes: WGO, Chicago, Ill.

RADIO CORPORATION OF THE PHILIPPINES

Communication and other purposes: KZED, KZEN, KZET, KZRC, Manila, P. I.

RADIO CORPORATION OF PORTO RICO

Broadcasting: WKAQ, San Juan, P. R.

NATIONAL BROADCASTING CO.

Broadcasting: WEAF, Bellmore, N. Y.

GENERAL ELECTRIC CO.

Broadcasting: KGO, Oakland, Calif.; KOA, Denver, Colo.; WGY, Schenectady, N. Y.

Communication and other purposes: KEB, Oakland, Calif.; KFD, Denver, Colo.

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.

Broadcasting: KYW—KFKX, Chicago, Ill.; WBZ, Springfield, Mass.; WBZA, Boston, Mass.; KDKA, Pittsburgh, Pa.

Communication and other purposes: WKA, Pittsburgh, Pa.; WAQ, Newark, N. J.

TROPICAL RADIO TELEGRAPH CO. (UNITED FRUIT CO.)

Communication and other purposes: WBF, Boston, Mass.; WAX, Hialeah, Fla.; WNN, Mobile, Ala.; WNU, New Orleans, La.; and seven high-frequency channels for transoceanic service.

AMERICAN TELEPHONE & TELEGRAPH CO.

Communication and other purposes: WND, Ocean Township, N. J.; WNL, Rocky Point, N. Y.; and 14 high-frequency channels for transoceanic service.

TEXT OF SECTION 17 OF THE RADIO ACT OF 1927

SEC. 17. After the passage of this act no person, firm, company, or corporation now or hereafter directly or indirectly through any subsidiary, associated, or affiliated person, firm, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share of any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated, or affiliated person, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any other State, Territory, or possession of the United States, or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

[From the New York World of December 17, 1928]

HOOVER IS QUOTED IN RADIO PROTEST—PROTECTIVE ASSOCIATION SAYS HE OPPOSES MONOPOLY—GAVE VIEW TO CONGRESS—TOLD HOUSE COMMITTEE QUESTION MUST BE SQUARELY MET

(Special dispatch to the World)

WASHINGTON, December 16.—The Radio Protective Association, which has been on the trail of the alleged "radio trust" in season and out and only a few days ago demanded that the Federal Radio Commission forthwith revoke all licenses granted to the Radio Corporation of America, in a statement to-night quotes President-elect Hoover as strongly opposing monopoly in this field.

Oswald F. Schuette, executive secretary of the association, goes back to the testimony given by Mr. Hoover before the House Committee on Merchant Marine and Fisheries in the Sixty-eighth Congress when the White radio bill was up for discussion.

"The most relentless enemy of the Radio Trust could not want a better spokesman than Mr. Hoover," says Mr. Schuette, who added he was confident the President elect has not changed the views he expressed as Secretary of Commerce and chief radio adviser to President Coolidge. At that hearing Mr. Hoover said:

"The question of monopoly in radio communication must be squarely met. It is not conceivable that the American people will allow this newborn system of communication to fall exclusively into the power of any individual, group, or combination. Great as the development of radio distribution has been, we are probably only at the threshold of development of one of the most important human discoveries bearing on education, amusement, culture, and business communication.

"It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people. We can not allow any single person or group to place themselves in a position where they can censor the material which shall be broadcast to the public.

"Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities."

ARTICLE FROM THE NEW LEADER, OF NEW YORK

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from last Saturday's issue of the New Leader, a journal published in the State of New York, which is entitled "The Hell of Poverty."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Leader, Saturday, December 15, 1928]

THE HELL OF POVERTY—ORGANIZED CHARITY SHOWS THE HIDEOUS SORES OF CAPITALISM

Like a man with a past our social order has a dual life. Outwardly it is polished and pleasing to the eye if we do not look beneath the surface. Inwardly it is ugly, often foul, even revolting. Vegetating in basements and garrets and shambling in the shadows of city streets are the wastrels, the human driftwood, the misfit unfortunates, who do not live and who never had a chance to live.

Each year as Christmas approaches capitalism casts aside its mask and bares its hideous sores. The spirit of the Carpenter broods over the earth, humankind grows mellow with sentiment for the unfortunate, the money bags yield a fraction of their contents for relief, and into dens and hovels and basements and other haunts of the social abyss agents of charity carry their alms. Sores are salved, empty stomachs are filled, fires kindled, backs clothed, and feet shod—for a time!

Yes, Christ walks the earth 1 day in a year of 365 days. President and politician, banker and industrial magnate, editor and publicist, the grafter who markets his vote and the official who betrays his trust, all sing the praises of the best of all possible worlds. The President of the Republic broadcasts to the multitude "an era of prosperity more extensive" than the world has ever known. Secure in the upper range of their blessed "order," enjoying assured incomes, the ruling gentry live over a social abyss into which we are permitted to peer once each year.

THE PAGEANT OF POVERTY

In New York City the Times and other dailies lift the lid for a few weeks and reveal the social hell below. In all the great cities and in every town charitable organizations, the Salvation Army, the Volunteers, and hundreds of other relief societies parade before us the broken men and women, the cast-off veterans of industry, the wretched unemployed, the human casualties and wrecks of a misdirected system of producing and distributing wealth. These hideous reminders of the social pit shamble in a revolting pageant before us in description of "cases" intended to awaken sympathy. This skeleton closet of capitalism is exhibited swift upon the heels of the gaudy exhibit of "prosperity," and thus two worlds confront each other in stark antagonism.

The New York Times each year has its "Hundred neediest cases." Always a hundred, and these only the neediest. How many other hundreds and even thousands still lurk in the shadows nobody knows. The New York Evening Post has its "old couples' fund," and other papers have their special batch of the wretched. The sister publication of the Post in Philadelphia, the Ledger, carried a crusade against old-age pensions in Mellon's paradise of Pennsylvania to a successful conclusion. Thank God, sayeth the Post, our batch of the old folks will get alms. No continuous reward throughout the year as justice due to useful labor, but a charitable dole thrust down into the pit for withered hands to clutch, and only a few hands at that. Thus the Post, organ of the capitalist and financial gentry, bulletin of the Coolidge religion of "prosperity."

A PEEP INTO THE ABYSS

Turn to the four pages of last Sunday's Times and note the parade of social pariahs, a hundred selected from the pit where thousands fester beneath the richest city in the world. Here is the presser in an East Side tenement who collapsed at his work and sank to destitution while four children cry for food. There is the girl of 13 in a basement stitching powder puffs, child of a longshoreman, head of a family of nine, and earning $20 a week. There is the despairing woman in a rickety tenement thinking of drinking the lye which she purchased with her last 15 cents and a family of five living among rats in a dark and damp storage room. An emaciated young mother with five children starving because civilization had no room for her.

There is the wife and five children whom a noble judge sentenced to destitution by sending the breadwinner to prison for some petty crime. There is the soldier who went to war to make a world "fit for heroes to live in," now a tubercular, homeless, hungry, and dependent upon the alms of neighbors. Another war veteran who at the end of three months of unemployment, his wife and two babes hungry, dazed at the social magic that has hurled him from the heights of a "hero" to the depths as an outcast of the industrial world.

Here comes a tottering old negro mammy, one who in her childhood was a slave and played with the white brood of a noble master. Aunt Mary can no longer wrest bread from a washtub and "freedom" has left her stranded in the pit. Will some one please toss her a few alms? There comes a middle-aged man with four little girls, a father unemployed for five months, furniture sold, all hungry, and the little ones having found beds on wooden planks. Out of a dank cellar stalks a family of 11 children unable to locate Mr. Coolidge's "prosperous" world. Then note the pale, thin man, still in his thirties; the handworker on fine shoes till the factory installed machines and he was turned into the street to walk for weeks in search of a job. It is

finally found, but the weakened man falls in a faint and tumbles into the pit, carrying his wife and three little ones with him. And here feebly walks a woman of 84, a wageworker all her life, and no old-age insurance to assure her some comfort ere she passes into the shadows. Many "philanthropists" who solicit alms for her are sure that old-age pensions are the essence of "paternalism" and possibly the path that leads to "Bolshevism," so this veteran of industry shambles into view to excite our pity.

ICED CHARITY OF CAPITALISM

There are the cripples and the blind, the ragged and the diseased, the neglected and the wastrels, who drag their weary bodies in a wretched pageant of poverty, famine, and despair. And this parade of the social pariahs is repeated in every city in the United States every year in the season of "glad tidings." Not even the Coolidge "era of prosperity more extensive" than the world has ever known has passed these unfortunates into that moderate degree of assured comfort which our ancestors of the caves had. And how many others are there down there in the abyss who are not exhibited at all?

Yea, Christ walks the earth one day in the year. The remaining days the sanctimonious and the well fed, the keepers of the money bags, the polished apologists for the idle gentry who live on the labor of others, the wasters, the speculators, the gamblers in human merchandise—all strut the earth and chant the praises of the social order built upon such rotting human foundations.

And now to your work with your salvaging corps, your bands of mercy and love. Be sure that only the "worthy poor" receive your ministrations. Some of the ragged may be encouraged in a career of "laziness" if not carefully investigated, listed, charted, and indexed. Each one is a "case," as you know, and the whole pageant must be interpreted in terms of statistics and analyzed in accord with that "rugged individualism" which the successor of Coolidge has told us is the basis of our glorious "civilization." This is the age of efficiency, and unless you pry into the most intimate details of the wretched, their ancestry, their habits, and their family histories, you might make a mistake in relieving some famished man or woman. Follow the course of—

Organized charity, scrimped and iced,
In the name of a cautious, statistical Christ.

Do not misunderstand us. We would raise no bar against your mission of mercy. We would not prevent your descent into the pit to bring light, heat, clothing, food, and comfort to its inhabitants, even though it be for only a day, a week, or a few months. It is the best that you have discovered and it is necessary, but it is not a substitute for the industrial equity and social justice that must replace it. Necessary as this mercy is, it merely mops up some social pus and for a time keeps your wretches reconciled to their fate.

CHANGE OF REFERENCE

Mr. REED of Pennsylvania. I ask unanimous consent that the Committee on Claims may be discharged from the further consideration of the bill (H. R. 4029) for the relief of Maude A. Sanger, and that it be referred to the Committee on Finance. It is one of a large number of bills dealing with the war risk insurance act. I understand the Committee on Claims has no objection to this change of reference.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, the change of reference will be made.

PAVING OF DRY VALLEY ROAD, GEORGIA

The PRESIDING OFFICER (Mr. MCNARY in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3881) to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

Mr. HARRIS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GREENE, Mr. MCMASTER, Mr. BROOKHART, Mr. FLETCHER, and Mr. TYSON conferees on the part of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7010. An act to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Territories and Insular Possessions.

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926; to the Committee on Civil Service.

H. R. 14152. An act to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; to the Committee on Military Affairs.

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives; and

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

H. R. 13978. An act to amend section 5 of the act of March 2, 1895, relating to official bonds; and

H. R. 14150. An act to amend section 279 of the Judicial Code; to the Committee on the Judiciary.

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 167) limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate numbered 7 to the bill.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

RELIEF FOR PORTO RICO

Mr. BINGHAM. Mr. President, in view of the very great distress in Porto Rico and the need for immediate action I ask unanimous consent that the joint resolution which came over from the House this morning and which is exactly the same as a joint resolution now on the Senate Calendar, except that instead of a loan fund of $10,000,000 it provides for a loan fund of only $6,000,000, may be immediately considered.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be read.

The joint resolution (H. J. Res. 352) for the relief of Porto Rico was read the first time by its title and the second time at length, as follows:

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan, beginning with the fourth year, shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of $6,000,000, of which $3,000,000 shall be made immediately available, $2,000,000 shall be made available on January 1, 1930, and $1,000,000 shall be made available on January 1, 1931. All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMITH. Mr. President, when a similar Senate joint resolution was brought up previously I called attention to conditions which existed in certain of the Southern States and introduced an amendment to the joint resolution.

I want to state, before any further action is taken in this matter, that I called in certain officials both of the intermediate credit bank and of the Department of Agriculture. Not taking sides either way, but with their aid and at their suggestion, I drafted a resolution under which the relief proposed to be extended to the Southeastern States will be under an entirely different administration. It will not interfere at all with the administration of the proposed relief to Porto Rico, but will be administered through the Agricultural Department and its farm-extension agents, just as the grain-seed relief was extended to certain Western States in the time of their adversity.

I am going to propose this resolution as an amendment to the Porto Rican joint resolution, because it would not, as I have stated, interfere at all with the administrative features of the Porto Rican measure, but would give the same character of relief to our own citizens who are suffering as acutely because of the visitation of that storm as people could possibly suffer materially. The area covered is of such extent that the States themselves can not adequately take care of the situation. I need not call the attention of the Senate to the fact that we have a farm-relief problem that was intense without an additional disaster caused by the weather which practically wiped out the proceeds of the labor of a year.

I am not going to object to the immediate consideration of the Porto Rican relief joint resolution, for the reason that I believe and know that the people of Porto Rico are suffering as greatly as, or perhaps more greatly, than are our people; but the degree of difference does not make the situation any less mandatory on our part to do what we can for our own at the same time that we are trying to relieve our adopted brothers.

Mr. SMOOT. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. SMOOT. I ask the Senator if his proposed amendment to the joint resolution has been referred to any committee of the Senate?

Mr. SMITH. It has not been referred to any committee of the Senate. I did not have the time to take that action. The resolution was introduced in the House of Representatives. As a Porto Rican relief joint resolution had been submitted, as the conditions which exist in our section are similar to those which exist in Porto Rico, as the Agricultural Department working through its farm extension agents has itself collaborated in framing the joint resolution relating to relief for the South, which joint resolution has already been submitted to the proper House committee, and as time was pressing, I thought it was best to offer it as an amendment to the pending joint resolution. This amendment is identical with the joint resolution which was introduced in the House of Representatives, and upon which hearings have been had before the proper committee of that body.

Mr. McNARY. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. McNARY. I am not at all conversant with the situation, but I assume from what the Senator has said that he has brought in an amendment to the Porto Rican relief measure covering losses in his own State.

Mr. SMITH. I beg pardon, but I did not hear the statement of the Senator from Oregon.

Mr. McNARY. I should like to have the amendment read to the Senate, in order that we may understand what is proposed to be done.

The VICE PRESIDENT. The clerk will read the amendment.

Mr. SMITH. Mr. President, I now understand the Senator's question, though I did not do so at first because of confusion in

the Chamber. I have offered an amendment to include all of the stricken region in the Southeast. I have a copy of the amendment, which I send to the desk, and I ask that it may be read.

Mr. McNARY. I should like to have the amendment stated, because I am not familiar with the situation as it is now being presented by the able Senator from South Carolina.

Mr. SMITH. I ask that the amendment may be read.

The Chief Clerk read as follows:

SEC. —. The Secretary of Agriculture is hereby authorized, for the crop of 1929, to make advances or loans to farmers in the storm and flood stricken areas of the southeastern United States where he shall find that an emergency for such assistance exists for the purchase of seed of cotton, corn, legumes, and vegetable crops, feed for work stock, and fertilizer, and, when necessary, to procure such seed, feed, and fertilizers and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from seed and fertilizer obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $3,000. All such advances or loans shall be made through such agencies as the Secretary of Agriculture may designate. For carrying out the purposes of this section there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $15,000,000, to be immediately available.

Mr. McNARY. Mr. President, the amendment now offered is clearly expressed and seems to apply to all of the stricken regions of the South Atlantic States. I doubt, however, the wisdom of the practice suggested by the Senator from South Carolina. Heretofore all measures of a similar character have been referred to the Committee on Agriculture and Forestry, which has exclusive jurisdiction, and the practice has obtained uniformly, as I recall, that the benefaction extended shall be by way of appropriation of money for seed purposes only, with a lien upon the growing crop.

Without consideration by a committee, and particularly by the committee having jurisdiction, I repeat, I doubt the wisdom of a practice of this character and the going into a field heretofore unexplored, and attaching it as an amendment to a measure offered to meet a situation entirely foreign to the problem which obtains in the Southern States. I am interested that the committee having jurisdiction and being familiar with agricultural problems should have that question submitted to it for consideration and analysis, in conformity with a practice which has been uniform in its application, as I recall.

I say to the Senator, with a sympathy for the people who have suffered in the South, that if he will allow his resolution or amendment to be referred to the committee having jurisdiction, not later than to-morrow at 10 o'clock I will call a meeting of the committee to consider the proposal.

Mr. SMITH. Mr. President, since I have taken the position which I have taken in reference to this relief proposal, I would be perfectly willing to accord to the suggestion of the Senator from Oregon if the Senator who has the Porto Rican measure in charge will not ask unanimous consent for its consideration to-day. In that event I will ask that the resolution I have presented, and which I have proposed in the form of an amendment to the pending measure, be referred to the Committee on Agriculture and Forestry, that committee to have a meeting in the morning, canvass the situation, and make such report as in their wisdom they think the situation justifies. Then, whatever may be done, I will, if, in my judgment, it seems the proper thing to do, propose this resolution as an amendment to the House joint resolution if we may bring that measure up for consideration to-morrow.

Mr. BINGHAM. Mr. President——

Mr. McNARY. Mr. President, may I be pardoned for a moment by the Senator from Connecticut?

Mr. BINGHAM. Certainly.

Mr. McNARY. What course did the resolution in which the Senator from South Carolina is interested take in the House? Was it referred to the Committee on Agriculture of that body?

Mr. SMITH. I think it was; yes.

Mr. McNARY. What was their report?

Mr. SMITH. I have not the report before me. This amendment is one that is identical with a resolution that has been introduced in the House.

Mr. McNARY. And referred to the Committee on Agriculture, I assume?

Mr. SMITH. I think it was; I know the committee had a hearing.

Mr. McNARY. But that committee has taken no action with respect to the merits of this measure?

Mr. SMITH. No.

Mr. McNARY. Would it not be better, I ask the Senator, with a full sympathy for his constituency, to refer this matter to the Committee on Agriculture—I promise that committee will function promptly—and let it be reported by that committee as a separate measure, because it pertains to relief in the Southern States?

Mr. SMITH. The Senator suggests that it is best for us, under all conditions, to act according to our custom here in referring these matters to committees; but the exigencies of this case in the South, to all intents and purposes, are as pressing as are the conditions in Porto Rico. The Senator must know that I would not stand here and take the time of the Senate if the conditions for which I seek relief were not practically as distressing as the conditions in Porto Rico which it is sought to relieve. We have now before the Senate a measure which has already been before a committee and been reported out, and which has likewise passed the House; and I offer in my own capacity an amendment to that measure. I am going to vote for the Porto Rico resolution, but as the destruction of property in the Southeast came from identically the same source and was suffered in practically the same degree I do not think that I would be justified in voting to relieve the one situation and leaving the other to be taken care of at another time, because both measures seek to provide relief for suffering and distress which occurred at the same time. As the Senate can be advised by the officials of the Government who have visited this region as well as by those of us who represent it, I do not see why it is not proper to have this amendment attached to the pending joint resolution which has come here regularly and to have a vote upon it. If, however, the Senator from Connecticut will grant us one day more, I should like to discuss this question before that measure is taken up.

Mr. McNARY. May I make this observation? I appreciate the sympathy that the Senator from South Carolina has for those who suffer and with the problem of agriculture generally, but the Senator, as a very active and important member of the Committee on Agriculture and Forestry, remembers that heretofore we have always limited relief in such cases to the purchase of seed.

Mr. SMITH. Yes, Mr. President; but——

Mr. McNARY. Pardon me for just a moment. In this particular instance, as I gathered the language as read by the clerk, the proposed amendment carries seed, fertilizer, and something else.

Mr. SMITH. Those are the principal things.

Mr. McNARY. There is another.

Mr. BINGHAM. Feed.

Mr. SMITH. Feed for stock.

Mr. McNARY. Feed for stock. The committee in its practice heretofore, and under the precedents, has never gone beyond the mere purchase of seed. I think it is important, I say to the distinguished Senator, that we determine after some consideration whether we will go as far as he wants to go as indicated by his amendment. Consequently, I think the committee ought to consider the various factors involved in this amendment. I again say to the Senator that I shall call a meeting of the committee to-morrow morning at 10 o'clock and he will have quick action, one way or the other; but I think, in the interest of uniformity in legislation and in the wisdom of a practice that has always obtained here, that this amendment should take the regular course. I simply appeal to the judgment of the Senator, in which I have great confidence.

Mr. SMITH. Let me make this suggestion to the Senator: Suppose we refer both of these resolutions to the Committee on Agriculture and consider them together? The features of the one I offer in practically all particulars are the same as those of the one which provides for relief in Porto Rico. I have tried to draw this amendment so that it would cover the absolute needs of our situation. If we could refer both matters to the committee, so that we could have them there unacted upon, we could act more intelligently than upon one of them alone.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. GEORGE. I wish to inquire if the joint resolution for the relief of Porto Rico is confined to the purchase of seed?

Mr. SMITH. I should like to ask the Senator in charge of the measure if the Porto Rican joint resolution is confined to the purchase of seed alone?

Mr. BINGHAM. No, Mr. President; the situation is entirely different; and may I say at this time that I hope very much that the Senator will withdraw his amendment and introduce

it as a separate measure and let it go to the Committee on Agriculture and Forestry, which has always had the consideration of questions dealing purely with farm relief.

This is a matter concerning which the Committee on Territories and Insular Possessions has entire jurisdiction, being a matter concerning the people of Porto Rico, over 100,000 of whom are starving at the present time and are being fed daily by the Red Cross. There is no similar situation in the United States. If there were it would not concern the committee of which I have the honor to be chairman.

The House of Representatives put this measure through yesterday without any objection, and without any amendments from any State or quarter of this country being attached to it, realizing that it was a matter of great concern, and that the people of Porto Rico needed immediate relief. It is not a question which concerns the Committee on Agriculture and Forestry so much as it is one which concerns the Committee on Territories and Insular Possessions.

The two matters, being so different, should be considered by two separate committees. Our committee met, and heard people from all quarters. No amendments whatsoever were offered of the nature to which the Senator from South Carolina refers. The matter was unanimously reported by our committee, and has been unanimously passed by the House. I hope very much that the Senator will see the justice of having his measure referred to the Committee on Agriculture and Forestry as a separate proposition, since it changes the agricultural policy of this Government in its connection with the farmers on the mainland of the United States.

Mr. SMITH. Mr. President, in reply to that, I want to say that I do not recall any specific case where relief of any kind has been extended to the South Atlantic States. The seed bills that we have passed from time to time referred to the section of the country where fertilizer is not indicated. Down in our section it is the sine qua non. It is the most expensive element in agriculture. Without it, you need not have seed; you need not have feed. In my section fertilizer is as essential to the production of a crop as irrigating water is to the production of crops in the West. It is the very basis of crop production. Without artificial fertilization there is practically no return.

For that reason, inasmuch as all that these farmers had was destroyed, and fertilizer is essential for the production of a crop, I put it in, having in mind the fact that we had never before asked for any relief that I can recall. If we did, we certainly did not get it; but I do not recall our ever having asked for it. But as fertilizer is so essential, as every man here representing the South Atlantic States must recognize, and as the floods in these stricken regions carried away all the feed for the animals as well as the food for human beings, I incorporated those things without which they can not go on.

As to the amount, that remains for the Senate to decide. I do not know that there is any great difference in regard to that.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. SMITH. I do.

Mr. NEELY. I desire to ask what is the regular order. I understood it was the Hawes-Cooper bill.

The VICE PRESIDENT. This is a joint resolution from the House of Representatives.

Mr. SMITH. It is the one that we are now discussing. Mr. President, I understand that in the case of relief for farmers the precedent was simply a matter of the purchase of seed; that was all they had asked for. In this case, the seed would be practically useless without the fertilizer essential to the production or maintenance of the crop. Therefore I incorporated it in this amendment, after consultation with members of our different departments who understood the situation.

I do not want to prejudice the case at all; but I should prefer, individually, that this matter be held over until such time as the Agricultural Committee could discuss it, and then let the two come along together. After the committee to-morrow shall have canvassed the situation, I am perfectly willing to have the Senate take whatever action it may see fit to take upon it.

Mr. JONES. Mr. President, may I ask the Senator a question?

Mr. SMITH. Certainly.

Mr. JONES. Does not the Senator think it would be the wiser course for Congress to consider each situation of this kind on its own merits? In other words, it would look as though we were making what is ordinarily called a sort of logrolling proposition. It seems to me that each incident of this kind should be considered upon its own merits. I am satisfied that the Senator's proposition will be considered squarely and fairly. It does seem to me, however, that it ought not to be connected with a proposition of this kind, which should be considered solely upon its own merits.

Mr. SMITH. Mr. President, the Senator speaks about logrolling. In the midst of the unspeakable suffering of our people, I do not like to talk about logrolling.

Mr. JONES. I do not like the term, either, and I am not applying it to the Senator's proposition, except that it does seem——

Mr. SMITH. I have not tried to take advantage of any legislative situation. I simply have tried, while the matter of the distress caused by the storm of September 14 and 19 was before the Senate, to bring to its attention the fact that the same disaster visited our own people, and that they are suffering; and when we are considering sending help to aliens, why can we not consider our own people? That is all I ask.

Mr. JONES. This seems to be the situation: I have not been on any of the committees having jurisdiction of the subject; but my understanding is that the joint resolution that has passed the House and come over here has been considered by the House committee and the Senate committee, acting jointly, while the Senator's proposition has not been considered or passed upon by any committee.

I am in sympathy with the Senator's proposition so far as I know it; but it does seem to me that he ought not to insist upon attaching it to an independent proposition. In other words, it seems to me that each proposition of this sort should be considered upon its own merits. I have not any doubt but that the Senator's situation will be considered upon its merits, and passed upon by the committee upon its merits.

I want to appeal to the Senator not to delay this proposition—which, as I understand, has been considered very carefully by the committee of the House and the committee of the Senate—but to allow it to be acted upon under the assurance of the Senator from Oregon that the Senator's proposition and situation will be given early consideration and fair consideration, and a just conclusion will be reached upon it, and fair action taken by the Senate.

Mr. SMITH. Mr. President, when this terrible visitation occurred Members of this body went down to Porto Rico and studied the situation. It was terrible. The destruction of property other than crops was terrific, but it was no greater in degree than in certain sections of our country. It is very discouraging to one who desires to consider himself, and is in fact, a part of this great country, and his section an integral part of it, to find that not a single one except those from the section immediately affected have seemed to take any interest whatever in the distressed condition existing there. What I desire is to see whether or not this body will recognize the existence in the South of a condition similar to that which they have so assiduously sought to relieve in Porto Rico.

Mr. JONES. Mr. President, may I ask the Senator a question?

Mr. SMITH. Yes.

Mr. JONES. Has any bill or joint resolution on this subject been introduced by anybody from this stricken region?

Mr. SMITH. This is the Fulmer joint resolution, which was introduced the first or second day after Congress convened and referred to the committee, and upon which hearings were had. I do not know just what stage the measure has reached in the House; but I have been informed that it was drawn in collaboration with those who have charge of the extension work.

Mr. JONES. As I understand, however, no such joint resolution has been introduced in the Senate by anybody from the stricken area. It has not been brought to the attention of any Senate committee.

Mr. SMITH. Just at the time when I had given notice, through the press and otherwise, that I was preparing such a measure, the Congressman came over and showed me a copy of his joint resolution. My disposition was to wait until the House could act upon that joint resolution. In the meantime this measure came up; and being of the same nature, and the disaster being caused by the same force, the Senator can see how it appealed to me that this was the time for me to take what had already been carefully drafted and offer it as an amendment to the Porto Rican measure, believing that the Senate recognized the necessity of relieving our own citizens as well as our semicitizens.

Mr. JONES. I am not criticizing the Senator's position. I think he had a right to assume that it was proper to wait until action had been taken upon the joint resolution or bill introduced in the House for his section; but I think he should continue to follow that course. I think, if I may properly say so, that the House should act upon that joint resolution

and send it over here, and then let it go to one of our committees and be acted upon promptly.

Mr. SMITH. No, Mr. President; being myself within that region, I do not think my duty to my constituents and to the people of this country calls upon me to await whatever exigencies may exist in the House. I am not acquainted with what they are doing. I only know what my particular duty is; and that is what I am trying to do.

Mr. JONES. Mr. President, I gather from the Senator's statement that he conferred with the Member of the House, or the Member of the House conferred with him, and that it was rather agreed that the House Member would introduce the joint resolution in the House; otherwise the Senator would have introduced it here.

Mr. SMITH. Oh, no; he just brought his joint resolution to me, and said "This is what I have introduced in the House;" and, as I recall, he said that hearings had been had, or were in process of being had, upon it.

Mr. JONES. I do not say this in any critical way at all; but it would seem to be the proper thing for the Senator to introduce his joint resolution in the Senate and let it go to the Senate committee to be dealt with in conjunction with the House. If he should get his measure through first, of course it would go to the House. If they should get theirs through first, then it could be taken up here in the Senate.

Mr. SMITH. I understand, Mr. President. If it were not a case of distressing emergency we could talk about precedents, and so on; but this is a case of distressing emergency. The first of the year is almost here, and those who are in the region to which I have referred must know whether or not they will have to continue in their present condition. If they do not get relief, they can not go on. Any man who will visit that section will come back with the unqualified statement that there are hundreds of thousands who, if they can not get some relief, will have to move out and abandon their property. That is the situation.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. WATSON. I am sure we all appreciate the Senator's loyalty to his constituents, and his desire to serve them; but I believe that the Senator must know, upon reflection, that the case of the people of Porto Rico at the present time and those of his own State, or even of Florida, or any others in the stricken area of the South, is not parallel with that of Porto Rico. The question in his State is one of agricultural resuscitation and rehabilitation. In Porto Rico it is a question of feeding starving thousands of men, women, and particularly children. It can not be postponed to a later date. We shall be remiss in our duty to those people if we do not grant immediate relief and save them from unutterable despair.

The Senator has said that our first duty and obligation must be to our own people. The Porto Ricans are citizens of the United States, and not only citizens, but, in a very peculiar sense, they are the wards of this Republic. We took them by force. No plebiscite was held; no vote was taken. They were brought in as the result of war, and the simple truth is, I say to my friend, that they are in no better situation and condition to-day in Porto Rico than when they came into the United States and under the dominion of its flag.

If the Senator had read the testimony given by the directors of the Red Cross in Porto Rico, I know that his heart would have been touched. I know that he would have come to the conclusion to which any man must come who reads that testimony, that we have not fully and faithfully discharged our duty to the people of that island, who to-day are our wards, and who yet are suffering because of our remissness of duty, in my judgment.

Before the recent storm there was great disturbance and distress through the island. The death rate in Porto Rico is twice as great as it is in the city of New York; the number of cases of tuberculosis three times as great. Pellagra, or hookworm, affects thousands and tens of thousands of children, all because of underfeeding and undernourishment, and since this terrific storm swept over the island and destroyed their coffee plantations and their citrus-fruit groves, starvation faces them, and in multiplied thousands of instances unless immediate relief be furnished by this Government they must of necessity suffer and die.

There is no such comparable condition in the State of my dear friend from South Carolina. In South Carolina it is a question of agricultural resuscitation, but there is no such condition such as that presented to us to-day in the island of Porto Rico.

I ask my friend, simply as a matter of humanity as well as of justice, to make no objection to this resolution at this time, but permit it to pass in order that immediate service may be rendered to the suffering people of Porto Rico. Then afterwards, I will say to my friend, his measure will have due consideration by the Senate of the United States.

Mr. SMITH. Mr. President, the Senator and others who have spoken on this subject would, by inference, put me in the attitude of being less sympathetic with the Porto Ricans than they are. I suspect that I am really and fundamentally more in sympathy with them than any of these gentlemen. A fellow feeling makes us wondrous kind, and I want to see those people relieved. But our duty to Porto Rico in no sense lessens our duty to our own people.

I am going to make this proposition: If this joint resolution, without my amendment, shall be taken up and disposed of, whatever may be done with it, I shall ask unanimous consent that whatsoever action the Committee on Agriculture may take on the measure I intend to present shall be reported to the Senate to-morrow and shall be taken up for consideration in the morning hour to-morrow.

Mr. WATSON. A parliamentary inquiry. How will that affect the present order of business?

The VICE PRESIDENT. If the agreement is made, it will not affect the existing order of business.

Mr. McNARY. Of course it would not affect the existing order if there shall be a morning hour. But no one has given assurance yet that there will be a morning hour to-morrow.

Mr. SMITH. I mean that it shall have consideration the first thing; I do not care whether there is a morning hour or not.

Mr. McNARY. If there should be no morning hour, and some measure other than the unfinished business were taken up, it would interfere with the unfinished business. I would suggest to the Senator to incorporate in his agreement that we adjourn to-day until 12 o'clock to-morrow, so we would have a morning hour to-morrow. That would prevent any collision with the unfinished business.

The VICE PRESIDENT. Committee reports would not be in order if adjournment were not taken, so such an agreement would interfere with the existing order of business.

Mr. SMITH. I did not understand the ruling of the Chair. May I have the last statement repeated?

The VICE PRESIDENT. If the Senate should take a recess, action such as that suggested by the Senator would interfere with the existing order of business. The report of a committee would not be in order if the Senate took a recess until to-morrow. If the Senate should adjourn until to-morrow, it would not interfere with the unfinished business and the existing order if the agreement were made.

Mr. JONES. Mr. President, I would have no objection to the report being received to-morrow and going to the calendar, but I think the Senate ought to have some opportunity to see what is reported and what is recommended by the committee. I would have no objection to its being brought up day after to-morrow, after it has gone to the calendar for one day, so that Senators may have an opportunity to study the report and see what conclusion the committee has come to. But unanimous consent that a measure shall be taken up immediately upon its report, before anyone has had opportunity to study the report or to see the terms of the measure, I can not agree to. I would not object to the measure being reported to-morrow, whether we recess to-day or not, and the report going to the calendar. Then I would not object to taking it up day after to-morrow. If the Senator will put his request in that way I shall make no objection to it.

Mr. SMITH. Very well, Mr. President. Then I ask unanimous consent that on Thursday, immediately upon the reconvening of the Senate, we proceed to consider the measure reported by the Committee on Agriculture in pursuance of the resolution which I shall now introduce, if we reach the agreement, and it shall be referred to that committee.

The VICE PRESIDENT. Is there objection?

Mr. FRAZIER. Mr. President, I think the Senator from South Carolina has taken a proper step in presenting his amendment at this time. In view of the action that has been taken on the farm-relief question, in behalf of our own farmers here in the United States, in the past, it seems to me the Senator should perhaps be just a little suspicious of what might happen to his resolution if he lets it go over. The farmers in South Carolina have been hit by a hurricane, and they are in need of relief, just as much as are those poor people down on the islands are in need of relief.

Not only the farmers of the Senator's State but the farmers of all the other States of the Union have been hit by some sort of a hurricane during the past few years and need relief, too. Back in the war time we had a war-time hurricane that fixed

the prices of the farmer's products and let everything else soar to the skies. We had that hurricane to contend with. Then, afterwards, we had a deflation hurricane that struck us and blew thousands on thousands of farmers clear off their farms. Down in the South they have the cotton gamblers' hurricane, that manipulates the cotton prices so that the cotton farmers can not make anything from raising their cotton.

Up north we have the wheat gamblers' hurricane, and there was some sort of hurricane that struck the fruit growers and potato growers this fall. In my State, where we raise potatoes, the farmers could not get a price high enough to enable them to pay for the picking and hauling of the potatoes to market. Potatoes were a drug upon the market, because some sort of hurricane struck us. The farmers up there need relief, too. During the last seven or eight years the farmers throughout this Nation have been forced to leave their farms through some sort of manipulated hurricanes to the number of some five or six or seven hundred thousand each year.

I think the Senator should insist on his amendment to the joint resolution right now.

Mr. WHEELER. Mr. President, if the Senator will yield for a second, I was going to suggest that he ought not to insist on any effort to cure the conditions the Senator has described in North Dakota and the Northwest, because when Mr. Hoover comes in I am sure he is going to cure all of those things, and we ought to wait and give him a chance to perform the miracles which he promised to the people of those States.

Mr. FRAZIER. That may help some.

Mr. SMITH. Mr. President, let me make this statement: Whatever concessions I make to the order of business, I am making—if I shall make any—with the hope that the condition that I am here pleading for shall receive the same prompt attention and consideration in this body that the Porto Rican measure will receive. I think I am entitled to that, and I have a right to insist on it. I certainly am obliged to the Senator from North Dakota [Mr. FRAZIER]. I appreciate his sympathy.

I ask unanimous consent that on Thursday morning the report of the Committee on Agriculture on the measure, which I shall introduce and send to the Committee on Agriculture, shall be considered. I make that request.

The VICE PRESIDENT. Is there objection?

Mr. WATSON. What is the request? I could not hear it.

Mr. SMITH. Just one moment.

Mr. TRAMMELL. Mr. President, has the Senator from South Carolina any assurance that the committee will make any report on his resolution on Thursday or at any other time?

Mr. SMITH. I have the assurance of the chairman, but I think I would be willing to take a chance on that. I think we shall get a report of some kind, either favorable or adverse.

Mr. TRAMMELL. Mr. President, I am not going to object to the request for unanimous consent, but I want to make a statement. At the time the Porto Rican resolution was introduced by the Senator from Connecticut [Mr. BINGHAM], I asked to have it reported from the desk. At that time I made some brief remarks in regard to the situation in Florida—my State—a certain limited area of it having suffered similarly, to a great extent, to Porto Rico. While I shall not object to the consideration of the Senator's measure, I propose to offer an amendment to the pending joint resolution, when we reach that order, which will apply to my State in particular.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from South Carolina [Mr. SMITH]? The Chair hears none, and it is agreed to.

Mr. SMITH. I introduce the joint resolution for reference.

The joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. TRAMMELL. Mr. President, if amendments are in order, I desire to propose an amendment to the pending joint resolution.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. Insert at the proper place in the joint resolution the following:

That the said commission shall also assist in the rehabilitation of agriculture in that area of the State of Florida which suffered from said hurricane on September 15 and 16, 1928, and shall make and extend to farmers and fruit growers within said area in the State of Florida loans upon similar terms and conditions as herein provided for the purpose of the rehabilitation of agriculture in Porto Rico: *Provided*, That no loan made in the State of Florida shall be for more than $1,000 to any one farmer or fruit grower.

Mr. BINGHAM. Mr. President, am I to understand that the amendment is to go to the Committee on Agriculture and Forestry?

Mr. TRAMMELL. No; it is an amendment to the pending joint resolution.

Mr. WATSON. Does the amendment introduced by the Senator from Florida go to the Committee on Agriculture and Forestry?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida to the joint resolution.

Mr. CURTIS. Mr. President, what is the status of the joint resolution from the House which the Vice President laid before the Senate a few minutes ago? Is it now before the Senate?

The VICE PRESIDENT. It is, as in Committee of the Whole.

Mr. CURTIS. I understood the Senator from South Carolina [Mr. SMITH] to ask unanimous consent that it go over until to-morrow.

The VICE PRESIDENT. No; he asked unanimous consent that on Thursday the resolution which he had just introduced may be considered. It has nothing to do with the pending joint resolution.

Mr. CURTIS. Very well.

Mr. TRAMMELL. Mr. President, I offered the amendment to the pending joint resolution because it was at the same time that a limited area in the State of Florida suffered, and agriculture in particular, about as disastrously as did agriculture in Porto Rico. I believe, in view of the conditions which existed in that limited area as the result of the disaster, that the Florida situation should have consideration at the same time we are considering the Porto Rican situation. I have not proposed, however, by the amendment such general relief as that which is proposed to be afforded under the provisions of the joint resolution now being considered in relation to Porto Rico.

The measure which we are now considering provides for Porto Rico that an appropriation of $2,000,000 shall be made for the purpose of building roads, both on the municipal system of roads and their highway system. This is a direct appropriation and gift on the part of the Federal Government. Within the storm area of Florida our roads suffered to quite an extent. There was great damage to highways in certain localities. But I am not seeking any assistance in that respect.

The joint resolution also provides for an appropriation of $100,000 for the purpose of buying seed and nursery stock as a gift for the purpose of restoring their farms and their fruit-growing enterprises in Porto Rico. The amendment proposed by me does not carry with it any such provision. I am merely seeking by the amendment which I have offered to have the privilege extended to the farmers and fruit growers of Florida of obtaining loans through this commission for the purpose of purchasing seed and fertilizer or for the obtaining of nursery stock that they may return to their farms and fruit-growing activities in that particular locality.

In order to show that there is no disposition to ask for any fabulous sum, it is provided by my amendment that no one loan shall exceed the sum of $1,000. The provision in the joint resolution with reference to Porto Rico is that loans may be made to the extent of $25,000 to any one grower or producer in Porto Rico.

I submit that under the provisions as they are applicable to Porto Rico there will be a restoration of the citrus-fruit industry in Porto Rico; and yet, under the provisions of the measure, if we allow them to stand as they are without some additional legislation, we will withhold from the people of Florida, who were engaged in the citrus-fruit industry, any relief when they, in fact, suffered a similar disaster.

There were groves in the storm area in my State where the trees were entirely uprooted. I recall one concrete case of a locomotive engineer who had saved his money and had planted a grove some 17 years ago, I think he told me. That grove had reached a stage of bearing and was the source of some profit and income to him. The grove was in the storm-stricken district. He told me that it was entirely destroyed and that a piece of property which he regarded as worth $25,000 a few days previously was absolutely worthless the day following the hurricane. Yet this body of American Senators, if my amendment shall be rejected, would presumably take the position that they should assist the people of Porto Rico in rebuilding their groves, but should withhold any assistance from citizens of our own country who have suffered from the same disaster.

Mr. BINGHAM and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Florida yield; and if so, to whom?

Mr. TRAMMELL. I will yield first to the Senator from Connecticut, who I think rose first.

Mr. BINGHAM. Will the Senator permit me to say that the fruit growers of Porto Rico have not asked for our assistance

in such a way as he would seem to imply. The chief aid is for coffee growers, who can not come back to the producing stage for five years. The citrus-fruit growers, although their crop was entirely destroyed and 5 or 10 per cent of their trees were destroyed, have not asked for aid and probably there will be very little of the aid required to assist any of them. It is required only in the matter of providing employment to keep from starvation 100,000 people in the mountains of Porto Rico, who work on the coffee plantations. I wish very much the Senator might withdraw his amendment and permit it to go to the Committee on Agriculture and Forestry, together with the amendment which the Senator from South Carolina [Mr. SMITH] proposed and which he so very generously withdrew at this time and asked that it might be referred to the Committee on Agriculture and Forestry, in order that the conditions affecting the States may be considered together, and that we may grant relief to the starving people of Porto Rico at the earliest possible moment.

Mr. TRAMMELL. I wish it understood, of course, that I fully appreciate that the situation is very distressing in Porto Rico, and I am heartily in sympathy with the policy of extending relief to them. But the fact that conditions there demand the consideration and the aid of the Congress emphasizes the fact that in certain territories in our own country our own citizens are entitled to some relief and some consideration. I desire to assist Porto Rico, but I do not care to go to the extent of ignoring the people of our own country who are in distressed circumstances. The picture is probably more extensive in regard to the distress in Porto Rico. There are probably more people there who have suffered, but in a certain territory within my own State, limited in area though it is, there is great distress among the people engaged in agriculture. They had their farm crops entirely destroyed. Not only did they have their crops and livestock destroyed, but they had their homes laid low by the same hurricane which laid low the homes in Porto Rico.

There are certain towns within my State which suffered most terribly as a result of the hurricane. The city of West Palm Beach, which I visited three days after the hurricane, is a striking instance. In the business section of that city I think there was not a single plate-glass window or store front in the entire town that had not been demolished. The stocks of goods had been flooded from rains which lasted throughout the hurricane. Going into the residential section, more particularly in that section where they had the more poorly constructed buildings, we found block after block of buildings absolutely demolished, and thousands and thousands of people were rendered homeless in that particular city. Out in the agricultural sections, particularly on Lake Okeechobee, hundreds of people lost their lives as a result of the flood.

Great damage resulted from the wind and rain, and practically all their farm homes were destroyed. I myself witnessed the fact that a number of buildings were completely demolished which had previously been occupied by the farmers. I saw one building which by wind and by flood had been washed half a mile from its original location as the result of the storm, and only by a miracle five people who were in the house were able to cut their way through the ceiling into the loft of the building and thus save their lives. So that so far as distress is concerned, so far as conditions which should appeal to the Congress are concerned, we have a similar condition in that particular locality in Florida.

Mr. WATSON. Mr. President, will the Senator suffer an interruption at this point?

Mr. TRAMMELL. I yield to the Senator from Indiana.

Mr. WATSON. Of course, suffering is suffering wherever it may occur, however limited may be its scope or however wide the territory it covers. The facts are that Florida is one hundred and seventy times as large as Porto Rico and has about the same population. The Red Cross authorities report that 5 per cent of the people of Florida were affected by this storm and that 95 per cent of the people of Porto Rico were affected, and that is the present situation. I am not abating one jot or tittle of our obligation to our citizens in the United States, in Florida, or elsewhere; but I do submit to the Senator in all fairness that an entirely different situation obtains with reference to the two. I am asking him whether or not he is not now willing to follow the example set by the Senator from South Carolina [Mr. SMITH] and refer his proposition to the Committee on Agriculture and Forestry, as did that Senator.

Mr. TRAMMELL. I will dispose of that suggestion a little later. I do not know whether I want to accept it or not. I rather think now it is an unreasonable request. I believe that American Senators should consider conditions of distress and an appeal for assistance on the part of citizens of their own country just as quickly and just as readily as they do similar appeals that come from Porto Rico, and that the matter should not be deferred until some future day.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Florida yield for a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Pennsylvania?

Mr. TRAMMELL. Certainly; I yield for a question.

Mr. REED of Pennsylvania. I am wondering whether the Senator's remarks are intended to imply that the people of Porto Rico are not American citizens and that Porto Rico is not a part of this country?

Mr. TRAMMELL. Oh, no; I am not trying to convey any such impression as that; but so far as Porto Rican citizens are concerned, there is a difference and distinction between them and American citizens.

Mr. REED of Pennsylvania. I beg the Senator's pardon; a Porto Rican is an American citizen.

Mr. TRAMMELL. I am not opposing the Porto Ricans; I am heartily in sympathy with them, but I wish that I could obtain as much sympathy for citizens who live upon American soil as is being manifested here for citizens who live in Porto Rico. That is what I am seeking.

Mr. REED of Pennsylvania. A citizen of Porto Rico is as much a citizen of the United States as is a citizen of Florida or Pennsylvania.

Mr. TRAMMELL. Technically, of course—we are speaking technically now—I realize that, and the Senator from Pennsylvania need not attempt to enlighten me on that subject. I realize, from a technical standpoint, that is true. What I am appealing for is the same sympathy for people who live upon American soil as is being manifested for those who live in Porto Rico; the same sympathy for industries in our country as is being manifested for industries in Porto Rico. That is what I am appealing for; and I do not enjoy the idea of having the interests of our American people deferred to some future day. That is the reason why I am appealing for consideration at this particular time.

The Senator from Indiana [Mr. WATSON] has stated that Porto Rico is much smaller than is the State of Florida. I forget how many times smaller he said, but that probably the State of Florida was one hundred and seventy-five times as large as Porto Rico. That may be true; but the poor unfortunate orange-grove owner who lost his grove and had his trees uprooted is in just as distressed condition as are some persons who in Porto Rico had similar experiences. So is the poor unfortunate widow who wrote me from West Palm Beach, telling me at the time of her husband's death she had left to her a home which was estimated to be worth about $10,000. She sent me a picture of it, showing nothing except the débris of her once nice, comfortable home, and telling in her letter, as she did, that at the time of her husband's death she thought she had a comfortable place in which to live and a reasonable income from the rent upon the building for the remainder of her life, but after the hurricane she found herself with nothing left but a lot, the building destroyed, her income gone, and she was absolutely penniless, with no means and no way in which she could obtain money to rebuild even a small, humble little building upon the lot which she owns in that city. I think, so far as her condition is concerned, it is just as distressing as is the condition of some one who may live on the soil of Porto Rico. It is for cases of that character and situations of that nature that I am pleading here and appealing to the Senate in the consideration of the disasters and the necessities for relief following the hurricane that some assistance be afforded.

I am not asking for relief to rebuild roads; I am not asking for assistance to rebuild public-school buildings; I am not asking funds for which to make a gift of seeds to farmers; but I am merely pleading and begging of the Senate that the people of Florida who are engaged in agriculture shall be given the same privilege upon similar conditions and terms of obtaining loans for the purpose of buying seed, fertilizer, and nursery stock, and that in our case in Florida the limitation shall be not exceeding $1,000, while it is proposed to extend to citizens in Porto Rico the privilege of loans up to $25,000.

Mr. BINGHAM. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I should like very much to have the Senate consider the situation, for, in principle, the affording of relief to the storm area in Florida is not unlike affording relief in similar circumstances to Porto Rico. In the magnitude and extent of the disaster, of course, the two situations might not be similar, but so far as the principles involved are concerned and the distress of a great number of citizens and of a considerable property interest in that limited area in the State of Florida, I think the two situations are quite similar.

Mr. BINGHAM. Mr. President, the Senate has by unanimous consent agreed to consider the situation in the Southeast day after to-morrow, upon the report of the Committee on Agriculture, and I very much hope that the Senator from Florida will offer his proposal as an amendment to the measure just offered by the Senator from South Carolina; that he will appear before the Committee on Agriculture to-morrow and be heard by that committee, and that they may establish the policy to be followed in the case of the distress of farmers in the continental United States just as the Committees on Insular Possessions both of the House and of the Senate have considered the policy to be established with regard to the suffering and distress growing out of the hurricane in Porto Rico.

It seems to me that would be the place where any such amendment should be considered; that it should not be brought up and added to a measure affecting one of our insular possessions, but should then be added to the measure which has been referred to the Committee on Agriculture for the relief of the Southeast. I hope the Senator will be good enough to pursue the course I suggest.

Mr. HEFLIN. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. TRAMMELL. I yield.

Mr. HEFLIN. Will the Senator from Connecticut give us his kindly aid if the course which he suggests shall be taken?

Mr. BINGHAM. I said, when the amendment was first offered, that I should be glad to do all I could to secure assistance for the Southeast. That is in the RECORD when the matter was first brought up.

Mr. HEFLIN. Mr. President, I think the amendment offered by the Senator from Florida is a very meritorious one and I would vote for it even on the pending measure, but if the Senator from Florida wishes to pursue the course suggested by the Senator from Connecticut I do not think there will be any trouble about attaching his amendment to the measure offered by the Senator from South Carolina [Mr. SMITH]. I repeat, however, I am ready now to vote for the amendment of the Senator from Florida if he insists on it.

Mr. TRAMMELL. Mr. President, I realize the attitude of the chairman and members of the committee in charge of the pending joint resolution and also the attitude of a great many Senators. Sometimes we can read as we run and understand the situation. I feel very hopeful that the adverse attitude, which seems to be rather apparent to my resolution as an amendment to the pending measure, will not exist if it shall be considered as an independent proposal. I think, however, that the wrong course has been pursued. I think in the very beginning the committee should have brought in a bill dealing with the entire situation and not selecting merely Porto Rico for relief. I think that it should also have considered the people on American soil who suffered as the result of the same hurricane which brought disaster to Porto Rico.

Mr. BINGHAM. Mr. President——

Mr. TRAMMELL. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator realizes, does he not, that the Committee on Territories and Insular Possessions has no jurisdiction whatsoever over any thing that may happen in continental United States, and it would have been entirely out of place for that committee to have considered any measure which might properly have gone to the Committee on Agriculture and Forestry?

Mr. TRAMMELL. That may technically be correct; but, as a matter of policy, I do not think that ordinarily the committees are so very jealous in regard to preserving their technical jurisdiction. I find that that situation does not prevail, generally speaking, on the part of the committees of the Senate.

Mr. President, in view of the fact that the Senator from South Carolina, who is also advocating certain relief because of conditions resulting from the hurricane of September 14 to September 16, has agreed to have his measure referred to the Committee on Agriculture, I am willing under the circumstances, of course, to have the proposal made by me considered by that committee. I hope, however, that the committee will give very careful consideration to the entire subject; and I further indulge the hope that the committee will recommend as great generosity for the people of the storm-stricken areas of Florida and other sections in the United States as has been recommended in behalf of the unfortunate people of Porto Rico and that we, too, for our sections in this country, may obtain relief. Such relief would not only be just but is, indeed, very necessary in certain localities on American soil. I repeat that under the circumstances I am willing to let the matter be considered by the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Florida is withdrawn and will be referred to the Committee on Agriculture and Forestry. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, in the face of appalling calamities legal restraints and constitutional limitations become slender reeds. The situation in Porto Rico caused by the hurricane, which swept from one end of the island to the other, excites the sympathy of all who are familiar with the facts. We are told that more than 90 per cent of the people of the island have suffered and that tens of thousands are without homes or employment. Hundreds of thousands are without adequate protection and suffering for want of food and a hundred thousand are on the verge of starvation. The Red Cross organization has done everything within its power to ameliorate the condition of the people, and its services undoubtedly have saved the lives of thousands. But its funds available for Porto Rican relief are practically exhausted, and the conditions there found call for a large measure of relief if suffering is to be mitigated and the death of thousands prevented.

Under conditions of this kind appeals for Federal aid are difficult to resist. If only a small section of the island had been visited by the destructive storm which swept over almost the entire island, there would have been no warrant for an appeal to Congress.

In considering this question it must be borne in mind that Porto Rico is not a part of the continental United States. It is distant from our shores but nevertheless is a part of the United States. Its inhabitants are American citizens. The island has but a few industries and its resources have limitations. The great majority of its people are engaged in producing coffee, sugar, and fruits. Those who are suffering most are persons of but limited means, and indeed, many had no possessions. Tens of thousands were employed in the growing of coffee and upon lands devoted to the production of various kinds of fruits. Unless something shall be done to relieve the situation, many thousands will die of starvation.

A catastrophe so overwhelming, one which practically sweeps an entire country, can not be overlooked. The American people deeply sympathize with their fellow citizens who are the victims of this great calamity. It is to be regretted that there are not agencies to deal with this most deplorable situation. Many of our people have generously contributed to the Red Cross and perhaps to other organizations to meet this great emergency.

The contributions made have been wholly insufficient and those who have made investigation and have brought the facts to the attention of Congress and the country declare that relief must be given immediately, not only to prevent further physical suffering, and indeed starvation, but to make it possible for the people of the island to find employment and for the lands that have been denuded of their trees and vegetation to again be made productive. We are told that it will take a number of years for the coffee lands to again be made productive, and that in the meantime, unless relief is granted, conditions will grow progressively worse. With these facts before us, it is difficult to urge constitutional questions or challenge the right of Congress to grant the relief called for in the pending measure.

Mr. President, there is serious question as to the constitutionality of the bill before us. It is quite likely that those who drafted the constitution did not intend to confer upon the National Government authority to deal with questions of this character, and to take the money obtained from the people, under the taxing power, and devote it to charitable purposes. However, there are some who may defend the bill before us upon the ground that it is an aid to agriculture and that for years Congress has been appropriating large sums to promote and aid agriculture.

My recollection is that appropriations have been made to purchase seed for farmers in draught-stricken parts of the United States. Congress has enacted measures under which loans have been made to aid agriculturists, the advances, as I now recall, being made under the direction of the Department of Agriculture. I am told that most of the obligations of the farmers to whom money was advanced were repaid. The present measure is somewhat similar to measures which I have in mind. At the last session of Congress several million dollars were appropriated for the alleged extermination of the corn borer, a pest which was injuring the corn crop in a number of States, and to compensate farmers in Texas for permitting certain lands to lie idle in order to exterminate a destructive cotton parasite. As a matter of fact, it was a direct aid to farmers within the States affected without any reimbursement to the United States.

The bill under consideration contains provisions for loans which are to be repaid to the Government. It is regrettable that conditions arise which become the basis of demands for Federal relief. Each measure that is passed in response to these demands swells the precedents and makes more difficult resistence to appeals, some of which may lack merit. The precedent having been set, it is difficult to draw the line and determine where relief may be justified.

Mr. President, I fear that appeals to Congress for aid will become more frequent by reason of the precedents which are being established, and it is quite likely many of the appeals made will be entirely lacking in real merit but will be pressed with such fervor as to break down all opposition. We are admonished by the Senator from South Carolina [Mr. SMITH] and the Senator from Florida [Mr. TRAMMELL] that they will press measures calling for relief for their States. They have insisted in forcible speeches just made, that conditions in their States call for relief; that the same storm which wrought such havoc in Porto Rico brought suffering and destruction to sections of their States.

Mr. President, States may do that which the Federal Government may not do; and, speaking generally, and without reference to the situation in South Carolina and Florida, I believe that under some circumstances States should make provision to afford relief to those who suffer from storms or tempests and other calamities which, from time to time, visit various parts of our country. I recall that in my own State quite recently a disastrous flood occurred which wrought considerable havoc and brought ruin to many people.

Two or three years ago a frightful explosion occurred in one of the coal mines in my State which snuffed out the lives of several hundred men. The families of most of them were left without means of support. Several years prior to that awful catastrophe an explosion occurred in a coal mine which resulted in the death of several hundred miners. Their families were left destitute. Appeals were not made to the Federal Government in their behalf. It was felt that the mining companies, the State, and its inhabitants should make provision for the relief of the suffering and sorrowing families.

Disastrous storms have visited Kansas, Nebraska, and other States, destroying farms and their crops and inflicting serious losses and damages. Congress has not granted relief in these cases. The Johnstown disaster, which many recall, swept away property of great value and carried many persons to their death. It was only a few years ago when, in Ohio, there were great floods which caused enormous damage and loss of life. Appeals were not made for Federal relief.

Mr. FESS. Mr. President, the Senator has referred to the disaster in Ohio. That was in 1912, when the Miami River broke its bounds, and flooded all of the cities for about 72 miles down to the Ohio River, including Dayton, through the main street of which water was running at the rate of 30 miles an hour as deep as the second stories of buildings. The State afterwards expended $35,000,000 in the form of conservancy to protect those cities. They did not ask for any relief from the Federal Government.

Mr. KING. The State of Ohio, acting within her constitutional authority, did a splendid thing and met the situation, serious as it was, in a magnificent way.

Mr. President, as I have indicated, it is hard to resist appeals for Federal aid where a condition exists such as that in Porto Rico is presented. It is to be hoped that the action of Congress in dealing with the Porto Rican situation will not be invoked as a precedent for further appeals to Congress. The Porto Rican situation possesses features and characteristics differentiating it, I think, from other appeals which have been made and from some appeals which in the future may be addressed to Congress. Mr. President, expressing my deep sympathy for the people of Porto Rico, I can not help but regret that the Federal Treasury must be drawn upon to meet the situation. It is not a golden cornucopia to which resort may be had by all, and taxes should not be collected except for governmental purposes and should not be expended except within the limits of the Constitution.

However, in view of the precedents and the imperative necessity of immediate aid to prevent further suffering and death, I feel constrained to offer no opposition to the passage of the bill under consideration.

Mr. DILL. Mr. President, the discussion this afternoon regarding conditions in various parts of the country demanding the attention of Congress in connection with this joint resolution leads me to call attention to the fact that if this policy is to become the policy of the Government there is a situation in my own State that should be considered.

The people in the northern part of Stevens County, in the State of Washington, tilling their farms and living there as citizens, have found that the fumes of a great smelter on the Canadian side of the line come across the line and destroy the vegetation on their land, destroy their crops, destroy their forests, and make them sick. We have appealed again and again to the Federal Government to exert its power in an international way to protect the people. Finally we secured an appropriation to have an investigation made; but we have no treaty rights under which we can compel this corporation to do anything, and one by one the farmers of that country are being driven out. Nothing can be done by the State, because the State has no right or authority as against the Canadian Government or a Canadian corporation. The banks of that country are beginning to close, and it is only a matter of a little time until the entire area, rich and prosperous as it has been, will have been devastated by the fumes coming from this smelter.

If this were an American corporation, our people could go into the courts and protect themselves. If it were a corporation in another State, that could be done; but, owing to the fact that it is in a foreign country, the people are absolutely without protection, are absolutely helpless; and the mere fact that their homes are being ruined, that their land is being made a desert, and they are being driven out slowly in no way changes the fact that they are being as literally destroyed in their homes and in their property as if it had been done suddenly.

It seems to me this is a dangerous policy to set out upon unless we are going to continue it to the point of taking care of the ruin that is done in all parts of this great country; and certainly we must take into consideration a condition such as I have mentioned in the State of Washington, where nobody who lives there is to blame.

Mr. FESS. Mr. President, before the Senate votes on the pending measure I should like to state that I regard the situation in Porto Rico as of such emergency that I shall not hesitate to vote for the relief measure. The remarks that have been made, however, are suggestive of the necessity, when we inaugurate a new policy, of having the matter go through all the legitimate committees and receiving proper consideration by them. It is very important; but I shall vote for the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. HEFLIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Shipstead
Barkley	Fletcher	Keyes	Shortridge
Bayard	Frazier	King	Simmons
Bingham	George	La Follette	Smith
Black	Gerry	Larrazolo	Smoot
Blease	Glass	McKellar	Steck
Borah	Glenn	McMaster	Steiwer
Brookhart	Goff	McNary	Stephens
Broussard	Gould	Moses	Swanson
Bruce	Greene	Neely	Thomas, Idaho
Capper	Hale	Nye	Trammell
Caraway	Harris	Oddie	Tydings
Copeland	Harrison	Pittman	Vandenberg
Couzens	Hastings	Ransdell	Wagner
Curtis	Hawes	Reed, Pa.	Walsh, Mont.
Dale	Hayden	Robinson, Ind.	Warren
Deneen	Heflin	Sackett	Waterman
Dill	Johnson	Schall	Watson
Edge	Jones	Sheppard	Wheeler

Mr. FESS. My colleague [Mr. BURTON] is unavoidably detained from the Senate on important business. I will let this announcement stand for the rest of the afternoon.

Mr. JOHNSON. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] and the junior Senator from Wisconsin [Mr. BLAINE] are absent on official business.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. CURTIS. Mr. President, I understood that the Senator from West Virginia had the floor when we adjourned last night.

Mr. GOFF. Mr. President, I had promised the Senator from South Carolina [Mr. BLEASE], upon the matter that is now

before the Senate, to yield to him for some remarks which he desires to make concerning the measure before I proceed with the argument which I desire to submit to the Senate on the constitutionality, as well as the facts, of this measure. That Senator being in the Chamber, I shall now yield to him.

Mr. BLEASE. Mr. President, the Senator who introduced the pending bill has it very much at heart, and it is with a great deal of reluctance that I have anything to say against the passage of any bill in which he is so much interested. But the State which I have the honor in part to represent in this body is not in favor of interference with the rights of the States in such a way as this bill proposes. As to the legal question, I shall leave that entirely to the distinguished Senator from West Virginia.

I have had some experience with prison labor. My State at one time had a hosiery mill in her penitentiary and conditions reached such a state that it was absolutely necessary to have it abolished. I was instrumental in having it abolished, and it was on account of the fact that it was detrimental to the health of the people who were put into it without their permission.

We then had a problem of what to do with our convicts. I myself can not imagine anything more pitiful than to see an old man or an old woman taken off and put in a home, with absolutely no work, no task, just to sit there and wait until death comes along and removes them from their condition. I feel that in these homes for the aged, in all such cases, every man and woman should have some task; it does not make any difference how old the person is. If a man has been a farmer let him have two or three little rows out in a yard or a little patch. If he is a bootmaker give him a pair of shoes to mend. Give everyone something so that he can get up in the morning and feel that he has a task before him and that there is something for him to do; that he has a responsibility of some kind.

The same applies to the old woman. Give her part of the house to clean, or give her part of the yard to sweep, not that her work, or that of the old man, would be of any value, not that it would amount to anything, but it would be just a little something to let them feel that they have a responsibility, and are not just to sit around on the porch or in the house waiting to die, to get out of somebody's way. I do not think there is anything more miserable on this earth than that kind of a life for any man or woman.

Nor can I think of a greater punishment than to take a well, strong, hearty man and say to him that he must parade a corridor all day, or sit down and think about his people at home, sit down and think about the outside world, just sit in idleness. I think the convicts would welcome some kind of wholesome, clean work.

We established in my State a chair factory, possibly better called a furniture factory. In that factory there is no danger to health. It is not like the hosiery mill, where the window sash had to be kept down in order to keep the thread from blowing and tearing up the work. In that chair factory the laborers can have plenty of fresh air. They can take exercise. They have everything there that makes for their comfort and health.

What are we going to do with those convicts if we say there shall be no more convict labor? Farming them out has been tried, and that is the most cruel and unmerciful punishment you can inflict on them, to lease them out to somebody who says they have to get up at a certain hour in the morning, rain or shine, hot or cold, and go out and be kicked and beaten and knocked around, to try to make money, to make some man who is in some business more wealthy than he is. That is cruel.

It is just as cruel in some instances to put them out on the road and give some man, who has never even bossed a blind ox, a blacksnake whip and a pistol and say, "Now, you are the boss," and he will beat and kick and knock some poor devil around just because he is unfortunate enough to be a prisoner.

There are a good many people in prison in this country, Mr. President, who should not be there. There are a good many innocent people in the prisons of this country. There are other people who probably are justly in the prisons of this country, who have already paid the penalty for their crime, but, on account of the hardship of having to be tried before some judge who is unmerciful, are given long sentences, while other men who committed the same crime, possibly, or worse, perhaps struck a little more merciful judge and were given shorter sentences.

Then, if we look at the other side of the proposition, there are a good many people out of the penitentiaries of this country who really should be in them; if they had had their just deserts, they would have been there long ago. Sometimes we find them in legislative bodies making laws to govern other people.

I believe, Mr. President, if it is necessary to have either, it is better to have a poor Government and a rich people in preference to a rich Government and a poor people. I consider that good democracy.

In my own State, if we tear down this chair factory, we will deprive the State of South Carolina of a profit which will have to be made from some other source. Of course, if it is a matter of humanity, it does not make any difference about the dollars. Put the man above the dollar every time. When it comes to the matter of a human right or a human soul, it does not make any difference what amount of money is at stake, it should not be taken into consideration. Humanity, and the freedom of human beings, should come first at all times. But when it comes to the question of work, where it is really a help instead of a burden, I say that to take it from these people, and let them be idle and do nothing, inflicts a punishment that is greater than what we have to-day.

I repeat, if the right to make goods in prison is abolished in my own State it will make the burden heavier upon the people who have to pay the taxes of the State, because they are the ones who will be the sufferers.

Mr. President, who is demanding the passage of this bill? Somebody says the women are. I have not a thing to say against them, not a thing, but very often many people advocate things that they do not thoroughly understand.

I have been very much amused in the last few days by an incident of which I am now reminded. I have received some letters and telegrams asking me to lend my support and do all I could for a certain measure that will soon be pending in the Senate. Just for my own satisfaction I wrote back to several of those people and asked them if they had read the measure and understood it. Up to this time I have not received a single reply and I am sure it is because those who telegraphed and wrote me to support the measure had not read it and do not really know what is in it. But they want me to support it simply because some propaganda which has been spread by somebody has come to them and caused them to write me as they did. It may be possible that the same is true in relation to the prison-made goods measure now before us. It may be that certain people have some interest in it. It may be that people who really do not understand the situation and the condition that confronts the people of the country are pushing the measure.

Prison reform is a great question. A great many of us have studied it. In that connection I am going to ask permission, not to read, because I do not care to take up the time of the Senate, but to have printed in connection with my remarks in the RECORD certain extracts from a speech delivered by myself in Boston, Mass., at the governors' conference on August 24, 1915. There is a part of the speech which it is not necessary to print, as it does not relate to the question now before the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the request of the Senator from South Carolina is granted.

The extracts are as follows:

DUTY AND RESPONSIBILITY OF THE GOVERNOR IN DEALING WITH PRISONERS

(Former Gov. COLE L. BLEASE, of South Carolina)

Mr. Chairman and gentlemen of the governors' conference, three-quarters of a century ago, in the historic city of Boston, one of the clearest thinkers that Massachusetts, or even the Nation, has yet produced, in an address upon Man, the Reformer, emphasized the thought that "every great and commanding moment in the annals of the world is the triumph of some enthusiasm." He cited as an example, "the victories of the Arabs after Mahomet, who, in a few years, from a small and mean beginning, established a larger empire than that of Rome." "But," he predicted, "there will dawn ere long on our politics, on our modes of living, a nobler morning than that Arabian faith, in the sentiment of love. This is the one remedy for all ills, the panacea of nature. We must be lovers, and at once the impossible becomes possible. Our age and history, for these thousand years, has not been the history of kindness, but of selfishness. Our distrust is very expensive. The money we spend for courts and prisons is very ill laid out. We make, by distrust, the thief, and burglar, and incendiary, and by our court and jail we keep him so. An acceptance of the sentiment of love throughout Christendom for a season would bring the felon and the outcast to our side in tears, with the devotion of his faculties to our service."

There is no crystal ball in which man may see portrayed the future, and little did Emerson think that two decades after he was so eloquently preaching this doctrine of peace and love this Nation would be plunged into four years of civil strife. When he said that "this great, overgrown, dead Christendom of ours still keeps alive at least the name of lover of mankind," and phophesied that "one day all men will be lovers, and every calamity will be dissolved in the universal sunshine," little did he reck that 74 years later the

far-flung battle lines of Europe would stretch from hundreds to thousands of miles and that nearly the whole world would be in a death grapple, attended by cruelty and sacrifice and misery which passes human understanding. Millions of men are seeking each other's life blood, and—

"Few shall part where many meet;
The smoke shall be their winding sheet,
And every sod beneath their feet
Shall be a soldier's sepulchre."

But it has been the history of the world, in accordance with the slow but steady progress of the human race, that the darkest night is ever followed by the brightest dawn, and from the gloom which now enshrouds the land and the sea, will emerge a nobler civilization, which will continue to gain strength in an atmosphere purified by the shock of battle, and human nature must be softened by the blood that has been spilled and by the tears that have been shed and by the prayers of widows and orphans that have ascended to the throne of a pitying God.

You will pardon me for this digression; but the thought was suggested by the fact that the spirit which plunges nations into wars, except the nations which wage war against oppression, is the same spirit which has in centuries past led men to seek the cruel punishment of prisoners—a spirit which is vastly too much in evidence in this twentieth century.

Within the past few weeks we read in the newspapers of a man who had made an attempt upon the life of another being plied with questions until he was too weak to talk, then being walked up and down the corridors of his prison to revive him, then plied with questions again, and subjected to God alone knows what else, in the administration of the "third degree." Later this prisoner was found on the floor of his cell with his skull crushed in, and it was stated that he had climbed to the top of his cell door and jumped to the floor, killing himself. Whether he was murdered or whether he really committed suicide I do not know; but this I do know: That the suicide of any man who would hardly be unnatural under such circumstances, and that the treatment accorded him, before conviction, would have been a disgrace to our civilization even had it occurred after he had been tried and sentenced. As remarks a very distinguished southern minister of the Gospel, "the so-called third degree is a revival of the horrible method of the Spanish Inquisition, a species of torture to compel an accused person to incriminate himself, a flat contradiction of the humane principle of law that regards every person innocent until proved guilty." This "third-degree" method that is practiced in the North and the East and the West—less frequently, I am glad to say, in the South—whether a man be killed during its administration, or whether he be driven to commit suicide, or whether he be tortured sometimes into confessing crimes of which he may be innocent, is barbarity in a sneaking form, under the sanction of law, and those guilty of practicing it evidence a spirit as mean and contemptible as the malice which animates the midnight assassin.

* * * * * * *

As was eloquently said by a southern orator not long ago: "A nation of mollycoddles might meekly lie at the feet of popes and kings while schools were being abolished, libraries burnt, scientific research penalized, and the great mass of the people plunged into ignorance, superstition, and slavery; but such a nation never reared a Washington Monument or drank patriotic inspiration on battle fields where brave soldiers died or broke out into enthusiasm when the flags were flying and the bands struck 'Dixie.'

"Grape-juice dreamers may cry, 'Peace, peace,' but there is no peace anywhere, nor was there ever any. The elements have no peace; the stars have no rest; the clouds toss and tumble, float, or fly forever; the ocean always murmus and always moves; the rivers do not stop, and the dews are ever going up or coming down; the storm is gathering its forces, or spending them, all the time; there is no peace. It seems to me, I remember something about 'mobs'; and, strange to say, these mobs are described as being pioneers of our independence and institutions. There was that Boston mob, whose picture used to be in all our histories at school. You can close your eyes and see it now; the British soldiers, standing in well-dressed line, muskets at their shoulders, and the smoke and flame bursting out at the muzzles—and the members of the mob falling to the ground. The firing on the Boston mob fired the American colonies, and the cry went all the way down to Savannah, 'The cause of Boston is the cause of us all.'"

The chief executive of a state has not a more serious duty nor a graver responsibility than the obligation imposed upon him in dealing with prisoners—and by prisoners I mean to include those in jail awaiting trial, with the presumption of innocence thrown around them by the law, as well as those serving sentences after conviction. The aim of the law—not some of the iniquitous laws written by man but the great moral law of God, which was in the beginning and shall ever be—exists for the benefit of society, and not for the punishment and degradation of offenders against the law. It is necessary to deprive men of their liberties, and sometimes of their lives, for two primary reasons—to remove them from society until they may be reformed and to deter others from committing like offenses. To go beyond this is barbaric, inhuman, and in violation of the highest law. A state or a nation that allows its prisoners to suffer cruelties is guilty of a greater crime than the prisoners themselves have committed.

We have prisons and prison methods in the United States to-day which are a disgrace to any civilization, and there are thousands of prisoners who might well describe their condition in the words of Lord Byron's "Prisoner of Chillon":

"My hair is gray, but not with years,
Nor grew it white
In a single night,
As men's have grown from sudden fears;
My limbs are bow'd, though not with toil,
But rusted with a vile repose,
For they have been a dungeon's spoil,
And mine has been the fate of those
To whom the goodly earth and air
Are bann'd and barr'd—forbidden fare."

Or we might describe some of these prisons in the words of Cellini, written in a jail in the sixteenth century, 400 years before our boasted civilization of to-day:

"Mark well how glory steeps her sons in gloom.
You have no seat to sit on, save the stool;
Yet you were active from your mother's womb.
The knave who serves hath orders strict and cool
To list no word you utter, give you naught,
Scarcely to ope the door; such is their rule.
These toys hath glory for her nursling wrought,
No paper, pens, ink, fire, or tools of steel,
To exercise the quick brain's teeming thought."

When I assumed the office of Governor of South Carolina, I inaugurated in my State the parole system and granted hundreds of paroles. As I stated in an article which I wrote for a leading law magazine recently, I was as vigorously condemned on the one hand and so heartily praised on the other, for nearly every decision I reached upon each individual case, as any man who has ever been in public life in the history of this country. I cared not for the condemnation or the praise. I was seeking to do my duty under the constitution, to execute the laws faithfully in mercy, and striving to do the right and to give human beings who had made a mistake a chance to correct it and to do their part for the benefit of society. The parole system which I inaugurated was entirely successful. Out of the hundreds of paroles granted, very few of those receiving this clemency failed to lead good lives. They were given another chance in life, and they took advantage of their opportunity.

I stated to the general assembly of my State in regard to this matter that I considered the parole system the best system ever devised for the handling of convicts. In a letter of transmittal of the reasons which actuated me in each case, I said, among other things:

"Now, for instance, you parole a man during good behavior who possibly has served more than half of the sentence imposed upon him—sometimes they have been paroled when they had only three or four months to serve—you do not turn him loose, but say to him, 'Go forth, make a man of yourself, for if you do not, and you are ever convicted again, you have to go back and serve the remainder of the sentence imposed.' Now, if these men had gone ahead and served out their sentences they would be foot-loose to do as they please, and no restraint would be upon their actions. Even a life prisoner may be paroled; it is simply giving him another chance in life; and how many men who profess to be great Christians would be living and enjoying the blessings of this life had not God forgiven them and given them another chance? The parole during good behavior means what? Good behavior means that he shall not violate any of the criminal laws of the State. If they do, they are not of good behavior, and they can be recommitted to the penitentiary without trial to serve the remainder of their sentences. The system I have now established in South Carolina will be followed by other governors—possibly not so many will be paroled, but the system itself will be kept in vogue. The same system is being tried in other States; some going even further and allowing a man to work himself out by his good behavior in the penitentiary. Take one case particularly: A negro had been in the penitentiary for 18 years; he is paroled during good behavior; he is given another opportunity to live. If he disturbs the peace or violates any of the criminal statutes of the State, he goes back to the penitentiary for life; that condition hangs over him, and he knows that if he is not of good behavior, he goes back to serve the remainder of his sentence. Another instance—a white man sentenced to the penitentiary for a long term, for a crime committed while under the influence of liquor; parole him on the condition that he take not another drop of liquor. If he does, and thereby violates his parole, he goes back to serve the remainder of his sentence."

After an experience of four years as Governor of South Carolina, during which time I exercised clemency in more cases than any other three or four governors combined, I believe more firmly to-day than ever before in the parole system as the most advanced step that has ever been taken in prison reform. As proof of the correctness of this

opinion, I may state to you that since I retired from the office of governor, of all of the large number of those whom I paroled not a one has been returned to imprisonment. These one-time convicts have reformed and are leading good lives and making substantial citizens. By the parole system they have been saved to their families and to the State.

But there must be places of confinement for prisoners who, it may be, can not be paroled, and for those who must serve sufficient time that the lesson may be taught. Therefore, every chief executive ought to familiarize himself thoroughly with the condition of the penal institutions of his State and see to it that they are comfortable and healthy, and that the inmates are treated like human beings and not like cattle.

I believe in fresh air and wholesome food for prisoners and in comfortable, well-ventilated rooms.

I believe they should have good literature and good newspapers, especially their home county papers, enabling them to be posted upon the acts and doings and to keep up with the progress of the people of their respective counties and of their State, in order that when tney are given back to society they may not be as strangers in a new and unknown world but may have the incentive in familiar surroundings to build their lives anew upon the solid foundation of honesty and integrity.

I believe they should have the right kind of amusements, that the social instinct so necessary in the plan of their salvation may not be deadened within them.

I believe that the whipping of prisoners should be forbidden, except in cases of willful disobedience of rules or acts of insubordination, and that then the whipping should be administered only in the presence of disinterested citizens of good repute, who are not connected in any way, directly or indirectly, with the institution. The people of the Nation would be horrified if they knew of the fearful brutality practiced in our prisons—the merciless whippings, the electric shocks, and other forms of shocking cruelty. Every chief executive should inform himself of these things that he may remedy the appalling conditions. As I can testify from experience, it is no easy matter to secure the information. It can not be done by personal visits, because on such visits everything will be in the best of shape; and if the prisoners are asked how they are treated they will be afraid not to say they are well treated because of the knowledge that if they state the facts they will be visited with even more cruel punishment by their keepers. But the proper kind of investigation in the right kind of way will bring forth the facts, and the remedy can be applied by a just and fearless man.

Thousands of prisoners every day are being released after service of the full sentences imposed upon them. In what condition are these men to reenter society and to take up again the burdens and responsibilities and privileges of citizenship? What more important duty rests upon a chief executive than that of seeing to it that confinement has tended to reform the prisoner rather than to make a more hardened criminal of him?

There are some professing Christians—God save the mark!—down in my State who condemn me for these ideas and who sneeringly ask if prisons are to be made so attractive that they will lure men into them. We can only pity such beings and pray God that His all-encircling charity may in some manner include them.

I believe that prisoners in healthy and wholesome surroundings ought to be put to work at useful trades or taught useful trades when they do not know them. In my State most of the convicts are now worked on the roads. This work, properly required, is healthy for the able-bodied and benefits the people at large. But we have the women and the weak-bodied also to look after, and other suitable work may be found for them.

And there is another matter which should be considered. In the majority of cases the family of a prisoner suffers more than the prisoner himself. It seems to me that much of this suffering could be relieved by paying to the dependent family of a prisoner a small compensation for the prisoner's labor. In many instances in my State the husband and father is imprisoned for crime, and his wife and little ones are left at home without any means of support, suffering hardships and privations, thrown absolutely on the mercy of the world for the bread they must have. Had there been a system of compensation to the family in South Carolina while I was governor it would have relieved me of what I felt to be the necessity for taking action in a number of cases where the husband and father was sent home to save his family from dire distress. We are told by some that a man should consider his wife and children before he commits a crime. That is true; but if he does not, the fact of suffering women and children stares us in the face—innocent women and children suffering for food and clothing. Of course, there are cases in which even their appeals must be disregarded in order that society may be protected, and charity, which too often is found wanting, must be relied upon to put bread in the mouths of babes crying because they are hungry.

Still another matter which I have urged is that we ought to discard the system of numbering prisoners—designating them only by number. It would have a much better effect in reclaiming prisoners if their identity was maintained, even though they occupy a prison cell, keeping constantly before them the fact that they are human beings and that they have a soul.

And when the prisoners are released it is nothing short of a greater crime than most of them have committed to hound them down by always reminding anyone to whom they might apply for work that they are ex-convicts. There ought to be a law passed by every State, and a national law passed and enforced, to prevent this great evil. The poor fellow should be helped to rise and do better instead of being held down, with so-called detectives, hirelings, running around trying to get people to perjure themselves in order to work up new cases against men who have expiated their crimes by the time they have spent in prison.

I was heralded to the world as "the pardoning governor," and I am proud of the title. I investigated every case before me, and always was saddened when I found a case in which my duty to my people forbade me to exercise clemency. My ideas along the line of the parole system and of prison reform have been called extreme by many, but there are those of us here to-day who will live to see them carried out throughout the Nation if we continue to go forward in the future as we have advanced in the past. "What if some of the objections whereby our institutions are assailed are extreme and speculative," said Massachusetts' great scholar, "and the reformers tend to idealism; that only shows the extravagance of the abuses which have driven the mind into the opposite extreme."

The greatest debate this Nation ever witnessed was staged in the Senate of the United States between a son of Massachusetts and a son of South Carolina. Both were imbued with the highest patriotism, and each was striving toward the same goal, but along different paths. Looking back to that time, we can see that the gloom of civil war, in which brother was to be pitted against brother, was already settling upon our great Nation. A few years later the inevitable storm was upon us. Fifty years have now passed since its fury was spent, and to-day South Carolina and Massachusetts, by that fervid devotion to principle which helped to bring on the great battles in which the sons of one wore the gray and the sons of the other the blue, can clasp hands with higher respect each for the other and with the friendship of brothers each of whom knows the courage of the other and his devotion to a common mother. And I am glad that to-day South Carolina's voice can be raised in Massachusetts in the interest of the great reforms which I would urge.

I hear sometimes expressions from the North and the East and the West as to the treatment of negroes and negro prisoners in the South. Let me say that while I was Governor of South Carolina three-fourths, at least, of the cases in which I exercised clemency were those involving negro prisoners.

The best friend the negro has ever had, so long as the negro stays in his place, is the southern white man, and the negro knows it. The South will work out her own problems along this line and outside criticism and interference can only retard the solution. But in the underlying principles of improving our systems generally, we should all work hand in hand.

In this connection I may say that recently I visited the penitentiary of my State, and I saw walking around in a large, comfortable corridor two negroes held upon the charge of having criminally assaulted white women. They had escaped their just deserts for the time being. Locked and barred inside of cells about 4 feet wide and about 7 feet long, with a little window, iron barred, about 2 feet square, were three white men, charged with having killed a negro who had criminally assaulted a white woman. I do not mean to say that the incident is usual, but it was in South Carolina.

In conclusion, I would again urge the importance of the duty of the chief executives in the proper handling and treatment of prisoners. Our chief executives are clothed with large powers, and a heavy responsibility is theirs. A man in jail awaiting trial is presumed to be innocent—a presumption too often trampled upon by the law which has made it. A prisoner serving a sentence is a human being, with a soul—a being created in the image of the same God in whose image you and I were created. Society must be protected, but the most efficient means of protecting it is the reform of the criminal, and just as surely as we make criminals more hardened by the punishment which we mete out, so surely is society going to suffer, and those responsible must give an accounting some day, if not in this life, then at the bar of the Great Judge, who, I must believe, is going to hold to a stricter accountability those who have violated His laws under the hypocritical cloak of laws made by men than he will hold the poor unfortunates who have erred through the frailty of their human natures.

"For they appeal from tyranny to God."

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. BLEASE. I am glad to yield to the Senator from Maryland.

Mr. BRUCE. I think what the Senator has said about the philosophy of the measure is absolutely sound. I think, so far as conduct and character is concerned of the system of prison-made goods, that the system is an admirable one in its practical working. I also think that it is very fine, indeed, that a prisoner should have the opportunity, when he is in prison,

to earn money for his family, for the wife and children whom he has so deeply wronged by his criminal conduct; and, when he has not a family, in order that he may have some little fund to begin life with when he issues from the prison.

But the trouble I experience in dealing with the measure is this: Is it proper that one State in the Union should be placed in a position to impose its ideas with respect to the domestic policy of another State? I would be very glad if the Senator could help me to answer that question.

Mr. BLEASE. Mr. President, I thank the Senator for his observation. I am coming to that very point now. I had just stated that the abolition of this work in my State would cause a certain element of the people of my State to have to pay much more taxes than they are now paying to meet governmental expenses. In that connection I will state, as I did the other day, that at the present time there is going on in my State a system which is going to create a feudal landlordship control of land and is going to make serfs and servants out of some of the people of the country if it is not stopped. The Government is making money out of us all the time in that connection. I asked the question the other day and I want to repeat it now, What is the Government going to do with this land when they get it? Are they endeavoring to sell it on the block and then say that one man or a few men shall own all the land in any section of the country and that others shall become renters and tenants? Does it mean that they shall deprive the State of the privilege, as suggested by the Senator from Maryland, of carrying on any kind of work it desires to carry on in order to relieve the people of the burden of taxation, in order to try to raise money in a legitimate way and in a human way to relieve them from another burden?

I read now from an article appearing in the South Carolina News and Courier published at Charleston, Monday morning, December 17, 1928:

W. Scott Finley, vice president of the Federal land bank in Columbia, tells the Washington correspondent of the Columbia State that since "the organization of our field force we have sold 90 farms—a total acreage of 13,615, for $254,897, averaging approximately $19 per acre. The profits on these sales were $22,704.96.

I shall not read the rest of the article because it is too long and would take too much time, but I ask that it may be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the News and Courier, Charleston, S. C., Monday, December 17, 1928]

THE FARM LOAN BANKS

W. Scott Finley, vice president of the Federal land bank in Columbia, tells the Washington correspondent of the Columbia State that since "the organization of our field force we have sold 90 farms—a total acreage of 13,615, for $254,897, averaging approximately $19 per acre. The profits on these sales were $22,704.96." This would not indicate serious conditions; the volume of foreclosures by the land bank is comparatively small so far as is disclosed by these figures, but one suspects that no important conclusion is to be drawn from them. The facts are that in most of the counties of South Carolina great quantities of land are advertised for sale by the farm loan land bank or other money lenders.

A casual inspection of weekly newspapers published in courthouse towns leads to the conclusion that foreclosures are as common now as they were between 1890 and 1900 when cotton sold at 6 to 7 cents a pound.

Mr. Finley further says that "we find a good demand for land in Georgia and South Carolina." That is a surprising statement. When he adds that "in South Carolina only last week we sold to one party 11 farms for $35,000, a 40 per cent cash payment being made," inquiry is suggested. In that country, where the land bank had "an excess of real estate," it seems that there is at least one man of means who purposes to become a great landlord. "We feel very much encouraged in our sales," Mr. Finley declares.

The purpose of the Federal land bank legislation was to enable tenants to become owners, to counteract the increase of farm tenancy. If the next census shall disclose that the proportion of farm tenants to owners cultivating their farms has enlarged it will be inferred that the Federal farm land bank system has proved a failure.

In truth, an impression or suspicion has spread that it has failed, that a great if not the greater proportion of the money lent by these banks has been diverted to other uses than permanent farm acquisition and improvement. If citizens in numbers have borrowed money on farms and spent it for luxuries, even if they have used it to educate their children, the purposes that moved Congress to establish the banks have been defeated.

If in the Federal farm loan act there is any provision which should enable a few rich men to come into the possession of large acreages, paying a low average of prices, the Federal farm loan system will have done exactly what it was designed to prevent.

If in the Federal farm loan act there is any radical defect, the legislation should be amended or the banks should be liquidated. Unless they are benefiting the agricultural industry they should not be retained. It is time that Congress provide for a serious and thoroughgoing investigation of the whole system. No such governmental agency should be permanent unless its success as the solution of an emergent problem is clear.

Primarily, it is not the business of Government to conduct banks for the benefit of a particular class. The excuse for this legislation was the apparent existence of an unusual and extraordinary problem. It seemed necessary to devise means whereby farmers could obtain credit on terms as low as merchants and other traders obtained it.

Now, the question is, Have the farmers been benefited? If the answer is no, why continue the experiment?

Mr. BLEASE. There is the Government loaning its people money out of the farm-loan bank, and in just a very short time they have sold 90 homes in one little State and made out of the transactions over $22,000 in profits. I think when the Government puts a man's property on the block and sells it for a debt that he owes the Government that all over and above the amount necessary to pay the debt should be returned to the man, whatever that amount is. If a man owes the Government $10,000 and they have his place sold on the block and buy it in for $6,000 or $8,000 with the privilege of putting the man and his family out in the street or out in the field, then when they finally dispose of that land, if they get more for it than the $10,000 owing to the Government, the Government should take that $10,000 which the man owes and return to him the balance of the amount received for the land. He is an American citizen. Why not give him the right and the privilege, if his land is forced on the market, to receive whatever profit there may be in the ultimate sale of the land? Certainly, it would be nothing but right for the Government to give him whatever the surplus might be in order that he might have an opportunity to take his wife and children and make another start in life.

Mr. GOFF. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. BLEASE. With pleasure.

Mr. GOFF. I want to ask the Senator for the RECORD as well as my own information whether the laws of the State of South Carolina prohibit or in any way interdict the sale of prison-made goods in that State on the open market?

Mr. BLEASE. If there is any such law as that I have never heard of it. I think there is none.

Mr. GOFF. The Senator knows that there has been discussion, as occurred yesterday, and there was a reference to that fact by the Senator from Ohio [Mr. FESS], now in the chair, in a question which he propounded to me. The Senator said there was a law in the State of Ohio which prohibited the sale of prison-made goods in that State. I desire to know if there is any such law within the knowledge of the Senator from South Carolina now existing in his State?

Mr. BLEASE. There is not.

Mr. GOFF. Will the Senator permit a further question?

Mr. BLEASE. Certainly.

Mr. GOFF. What is the income from prison-made goods to the State of South Carolina each year after the prisoners have made the goods and the State has put them upon the market?

Mr. BLEASE. I can not give a positive answer to that question for the reason that the factory in our penitentiary has not been running very long and I do not think it has yet reached a satisfactory stage of production which would throw much light on the profit and loss question. I may state, however, that I believe there will be a good profit in the business.

Mr. GOFF. It has been with some difficulty on this side of the Chamber that I have heard everything the Senator has said, but has the Senator stated, in the course of his remarks, all of the different "goods, wares, and merchandise," as that phrase is used in the bill, which are now produced in the prisons and houses of incarceration in the Senator's State?

Mr. BLEASE. I understand there is none except furniture in the State penitentiary.

Mr. GOFF. May I ask this further question? If the bill now before the Senate should become a law and should be ultimately determined by the Supreme Court to be constitutional, can the Senator from South Carolina indicate to what employment the State could put the labor now at its disposal in the penitentiary of that State?

Mr. BLEASE. That was a question which I was about to discuss.

Mr. HAWES. Mr. President, before the Senator proceeds, may I answer the question of the Senator from Kentucky?

Mr. BLEASE. I yield to the Senator with pleasure.

Mr. HAWES. I have here the Hoover conference report made on the 12th of December, which shows that there were 375 prisoners employed in the South Carolina penitentiary in the manufacture of furniture. Eighty-three per cent of the total output of that furniture factory is sold outside of South Carolina.

If the Senator from West Virginia will look at the report which he will find in the RECORD, where I had it placed at the last session, he will find the report of the populous States of Pennsylvania, Ohio, New York, and New Jersey, all of which have a State-use system, showing how many prisoners are employed and in what manner. I respectfully submit that when he examines it he will find as great a percentage or a greater percentage of prisoners employed under the State-use system as under the contract system.

Mr. GOFF. I thank the Senator from Missouri for that reference. I have read it in the RECORD, but my specific question to the Senator from South Carolina was aimed at eliciting any further or additional detailed statements of facts that he might have which are not contained in the report which was printed in the RECORD at the request, as I recall, of the Senator from Missouri on Saturday last.

Mr. BLEASE. Mr. President, I am very glad the Senator from Missouri read that statement. I think it speaks pretty well for South Carolina that she can make furniture and send it all over the United States. I think one more reason why we should be allowed to do it is disclosed by that statement. If we can make a better quality of furniture than is made in other States, it is all the more reason why we should give the people in those other States the privilege of having our good furniture.

Mr. President, as I suggested to the Senator from West Virginia, our prison authorities have not yet reached any conclusion, but they are now very much worried about the proposition of what they will do with the prison labor if this bill should become a law. If we let them out under the lease system, that is bound to be a curse. If we try to farm with them, we come in direct competition with the farmers of the State, and yet they have done and are doing some farming. If they be permitted to remain idle, as I said a while ago, I think it is the worst punishment which could be inflicted on anybody. It is really a serious question what can be done. It is not desirable to take these men out and make them dig ditches. We have not any right to hire them out to bridge builders and take all kinds of risks of their being mistreated. In what business can prisoners be employed? I believe that we should have in every penitentiary in the country some method of teaching those who are there confined some trade or occupation out of which they may subsequently make a living. I want to say to my friend from West Virginia I am told that the prisoners in the furniture factory in South Carolina receive a portion of the returns; they are paid a certain amount, and they are allowed to keep that money for their own purposes, to send it to their families or to spend it for things which they need or which they desire to have but which are not furnished by the State to prisoners.

In that way we help the prisoners and help their families outside. I have not any doubt that I could telegraph home and get the information that a great many of the State's prisoners this Christmas will send home to their families money which they have saved since they have been inside the prison walls.

It would be easy enough to settle this question in my State by the governor. I once settled it by turning out about 1,700 convicts, and if I were now governor and the prison officials sent word to me and said, "The prisoners have not anything to do; they have got to walk around the yard with no work, or they have got to sit up in the corridors with nothing to do," I would turn everyone of those prisoners out, because I do not believe in cruel and inhuman punishment; and I think one of the greatest responsibilities resting upon the governor of any State is in the manner in which he deals with the prisoners of the State, with the unfortunates who have got the chain and ball on their feet or the handcuffs around their wrists to keep them inside prison walls.

As I stated a while ago, Mr. President, there are men in the penitentiary to-day who are innocent men, who have been "framed." There are men in the State penitentiaries of some of the States now for selling liquor who never sold a drop of it. Some of these Federal agents will go to a man's home, make out they are sick, fool some poor devil into giving them a drink, and then insist on his taking a quarter of a dollar or 50 cents for it. Another spy, sitting on the outside, will go off and swear that that poor fellow, or perhaps it was a poor old woman, sold the liquor, and will put him or her in jail.

Mr. President, I shall not detain the Senate much longer, because I do not think it is necessary to do so.

Mr. GOFF. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. BLEASE. Yes, sir.

Mr. GOFF. Before the Senator leaves the subject which he is now discussing, I wish to ask him if he can state what expense it would add to the operation of the prisons in South Carolina if this bill became a law?

Mr. BLEASE. That would depend entirely on the number of convicts who were confined in the penitentiary. For instance, the judges might sentence some prisoners to a county chain gang. In that way they would go on the road. Consequently, they would not be a burden to the State but to the county. I apprehend that if the furniture factory at the South Carolina Penitentiary should be abolished, the governor himself would of necessity be compelled to send back to many of the counties short-term prisoners who would be taken care of possibly in the chain gang; and if the Senator from West Virginia has ever had any experience in dealing with chain gangs he can realize that if a prisoner in the chain gang is not a "pet," or, as the negroes call it in my State, a "trustee," he is in a pretty bad fix from the standpoint of the food he has to eat, the clothes he has to wear, and the treatment he receives at the hands of those who are put over him.

Mr. HAWES. Mr. President, if the Senator from West Virginia [Mr. GOFF] would like to know, I will inform him that the State of South Carolina received $79,300 for the labor of prisoners, and that is all.

While I am on my feet, let me call attention to the fact that there is no State in the Union that prohibits the sale of convict-made goods, but certain States prescribe the manner of sale. That is all this bill, should it become a law, would do. It would revive those laws, and when prison-made goods were sold in another State it would require their branding or that they should comply with the law of that State; but in no single State is the sale of convict-made goods prohibited.

Mr. TYDINGS. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. Yes.

Mr. TYDINGS. I should like to ask the Senator if he knows whether his State buys automobile license tags from some concern in the State or from some concern outside the State.

Mr. BLEASE. I do not know positively, but I think such tags are bought from outside the State.

Mr. TYDINGS. I was just going to observe that in the State of Maryland such tags are manufactured in factories in the penitentiary by prison labor, and, of course, the State being engaged in the placing of license tags on automobiles, it is a very proper purpose and conflicts with no private enterprise If the furniture factory in the South Carolina penitentiary were abolished, it would not necessarily mean that the convicts now employed in the furniture factory would have nothing to do. The problem would be to readjust that situation so that they might make such articles as automobile tags and bricks and what not which the State could use in the conduct of the State's business. It does not necessarily mean that all of the convicts would remain idle, but that the State would have to adjust the present system so as not to sell goods in States that did not desire prison-made goods sold within their borders. I thank the Senator for permitting the interruption.

Mr. BLEASE. Mr. President, I call the attention of all Senators who would like to have further information to page 676 of the CONGRESSIONAL RECORD of December 15 in reference to what those who are studying this question all over the United States, including officials of the State of Missouri, from which my good and distinguished friend, the author of this bill, comes, think about this subject. There will be found there a report which sets forth that in the last 130 years six systems of prison labor have been tried—the lease system, the contract system, the piece-price system, the public-account system, the State-use system, and the public-works-and-ways system. Each system has its advantages and critics; each system has both its advantages and disadvantages.

Those who prepared the report go on to state their opposition to this bill. It should not be necessary for me to repeat their statements, as they are in the RECORD, but I might add that the

document is signed by the director of State institutions of Rhode Island and by the wardens and superintendents of penitentiaries in Virginia, Kentucky, Missouri, Iowa, New Hampshire, Maryland, South Carolina, and other States.

Mr. President, I shall not take up further the time of the Senate, because I think that every Senator knows pretty well what his idea is as to how he is going to vote on the merits or demerits of this bill, and, possibly, after all, the main question in the consideration of the bill will be the question of its constitutionality. That question, as I have stated, I shall leave to my distinguished friend the Senator from West Virginia [Mr. GOFF].

Mr. SACKETT. Mr. President, I rise to speak on this bill, I confess, with great reluctance. So far as concerns my personal opinion from the experience I have had with prison labor, I should like to vote for the bill; but the situation within my State is such that I feel that those who are at present confined in our penitentiaries would by the passage of this bill and its logical extension be placed in such a condition that it would be almost hopeless to attempt to rehabilitate the criminal class who are there confined.

I speak with some knowledge of the subject, because for four years I served the State of Kentucky as a member of its board of charities and corrections. During that period it was the hope and object of that board, if possible, to find a way by which there could be eliminated from the penitentiary the contract-labor system then employed. The board made very careful studies of the whole situation, but it was impossible for the board, although it was inclined to do away with the State contract system, to find any occupation in which the prisoners of the State could be employed save for a short period of time each year.

A number of experiments in the employment of prisoners was made, among others the working of prisoners upon the roads. This entailed prison camps, established where work on the roads was to be done. Unavoidably, from time to time, escapes took place from those prison camps. In the country districts of a rural State such as Kentucky it was almost impossible to recapture the escaped convict, and every crime that was committed within a reasonable radius of such prison camps was coupled with and attributed in the public press to the escaping convicts. The people of the communities became alarmed, and public opinion finally drove the prisoners back within the walls.

We made studies of the State-use system. Among other things, as I remember, it was found that the shoe factory which had been established within the prison walls could have provided the shoes necessary for the entire population of the State institutions if it ran continuously for a period of some 27 or 28 days in the year.

From time to time we have made other experiments, and they were not found to be successful. Furthermore, a State like Kentucky, which lives almost up to its income as a matter of necessity in order to provide the very expensive public improvements which are needed for its population, is dependent in a large measure upon income derived from the employment of its prisoners within the penitentiary. Since I have severed connection with the State board of charities and corrections I find that there has been no new opportunity to change the system which had been inaugurated within the prisons and to do away with the contract system.

I am to-day in receipt of a reply to a telegram which I sent to the governor of the State, Governor Sampson, wherein I notified him that this bill would be up for consideration on the floor of the Senate, and asked for a statement of the present attitude of the State with regard to it. The governor referred the inquiry to the chairman of the State board of charities and corrections, and here is the message which I have received:

> Your wire to Governor Sampson, prison labor bill, is received. Bill would deprive Kentucky of half million dollars annually, and enforce idleness on largest number prisoners ever consigned. No other means of employment, and no funds to install industries. Condition unchanged since your service on board.

That is signed by the secretary of the board of charities and corrections.

With a State of a rural character, such as that which I have the honor in part to represent, the loss of half a million dollars of State income, and the requirement to take care of those prisoners at the cost of an additional half million dollars, means a great deal to the people of that community. Much as I personally disapprove of the contract system, much as I disapprove of the prison contractor—and I have had experience with prison contractors—I do not see how the State of Kentucky is going to meet in a comparatively short time the problem which this bill necessarily puts up to it.

The able Senator from Missouri [Mr. HAWES] has agreed to accept a delay of three years in the taking effect of this bill; but it is not a matter of three years in a State like that which I in part represent. It is a matter of finding some method by which the prisoners confided to our care can be taken care of, rehabilitated, and sent back as citizens of the community. In the present situation, from all the data we can gather, I can say to the Members of the Senate that in spite of every effort we can make we have never been able to find any method by which that employment can be had except under the contract system which is now employed.

I think a good deal of consideration ought to be given to the effect of nonemployment forced by any means upon the inmates of a penitentiary. It is not a pleasant situation to contemplate. In my own experience I have seen men who were denied the right of employment, I have seen the moral effect upon those men, and I have seen them go downhill in spite of every educational opportunity that has been offered to them. I have seen how impossible it is to rehabilitate them under those conditions.

I do not believe that convict labor should compete with the free labor of America. I never would stand for any such principle; but here we have a matter which seems to be beyond the control of the officials of our State. We have a requirement that these men be incarcerated for the protection of our citizenship. We have a problem which we are not able to solve under any principle that has been suggested to us in the State of Kentucky. For that reason, and in order to protect the revenues of our community against a loss which they can not afford to sustain, in order to maintain the State government—which I have had, as I say, the honor to represent heretofore—I am constrained to ask the Senate for a considerable further delay in making these goods outlaw in interstate commerce.

Mr. WATSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. SACKETT. Yes.

Mr. WATSON. The Senator speaks out of an abundant experience, and therefore his counsel is desirable and valuable. I should like to ask him what, in his judgment, the result would be if men working within prison walls were to be paid the same wages for doing the same work as in outside industry—a competitive wage? What would be the effect?

Mr. SACKETT. Our experience was that the efficiency of a prisoner was about two-thirds that of free labor; and, of course, if they were paid the same amount I do not believe prison contractors could be induced to hire that labor because necessarily it would make the cost of production of the article higher than the cost of production of the same article by free labor.

Mr. WATSON. Is there any way of balancing those wages, taking the lower efficiency into account?

Mr. SACKETT. We have gone in Kentucky to this extent: First, we rent the labor for a great deal higher price than formerly. When I first went on the board the price was a very low one indeed. We gradually got it up until the results of that labor paid the cost of maintaining the penitentiary; and then, in addition to that, we provided a fund by which each one of the prisoners was paid an additional amount per day which went to his credit upon the books of the penitentiary. My judgment is that the payments to him should be raised just as high as it is possible to have them and at the same time not drive the contractor out of business. We have been getting gradually to that point.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. SACKETT. Certainly.

Mr. HAWES. The distinguished Senator from Kentucky asks for a further delay in the time when this bill shall take effect. The Senate committee decided upon two years. The House bill provides for three years. That will give an opportunity for two legislatures in each State to deal with this question.

To show the sympathy in the Senator's own State of Kentucky with the philosophy of this bill, we find that his own State provides that all goods made in prison outside the State must be plainly marked "Convict-made." The important question that concerns the distinguished Senator, however, is the question of unemployment; and he has had a valuable experience in this matter. The penitentiary in his State is one of what may be termed the middle class in number of inmates. I have before me the figures relating to the greater penitentiaries of the more populous States.

Pennsylvania, for instance, has a total prison population of 4,528. Those of that number employed in productive enter-

prises are 3,993, leaving unemployed for various reasons only 535; and that State employes the State-use system.

Taking the State of Ohio, for instance, with over 8,000 prisoners, 2,790 are employed in manufacturing for State use, 2,500 for institutional work, and so on; and they are kept employed.

The same is true of the State of New York, and the State of New Jersey, and other States where the State-use system is employed.

Those are modern penitentiaries. We all know that it would be a crime against society not to keep the prisoners employed, and employed properly; so I direct the Senator's attention to the greater penitentiaries of the country, where they have the largest number of convicts, and where they all are employed in as great a proportion as in the penitentiaries in Kentucky or Missouri; and it is done under the State-use system.

Mr. SACKETT. I agree with the Senator. He has selected probably the three richest States in the United States, having the largest number of people within their charge and being able financially to treat them in the very best manner that prisoners or insane persons or any of that class of people can be treated. In a State which is not rich, which can not afford many of the things that the richer States can afford for their dependents, it has not been found in our experience that there is a market within the State-use system to employ anything like the number of men we find it necessary to keep within prison walls.

Mr. WATERMAN. Mr. President, my colleague the senior Senator from Colorado [Mr. PHIPPS] has asked me to get permission to put into the RECORD two telegrams which he received before leaving the city. One is from the president of the Colorado Board of Corrections; the other is from the warden of the Colorado State Penitentiary. I ask unanimous consent that they may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams are as follows:

CANON CITY, COLO., *December 17, 1928.*

Hon. LAWRENCE C. PHIPPS,
United States Senate:

Use every effort to defeat Cooper-Hawes bill, coming up now. Effect of its passage would be very bad on Colorado penal institutions.

C. J. MOYNIHAN,
President Colorado Board of Corrections.

CANON CITY, COLO., *December 17, 1928.*

Hon. LAWRENCE C. PHIPPS,
United States Senate:

Passage of Cooper-Hawes bill would be very detrimental to this and other Colorado penal institutions. Use your best efforts for its defeat.

F. E. CRAWFORD,
Warden Colorado State Penitentiary.

Mr. GOFF. Mr. President, I desire to ask the Senator from Kentucky one or two questions arising from his remarks.

Can the Senator state how much below the average market price of labor the labor in the penitentiary of Kentucky is paid?

Mr. SACKETT. No; I can not tell the Senator that now, because it is a long time since I was on the board. At the time I knew it definitely. I should say somewhere in the neighborhood of 60 per cent.

Mr. GOFF. I should like to ask the Senator this further question relative to the matter of State use: What did the State of Kentucky do with the surplus product, if any, over and above the demands of the State-use departments of the State?

Mr. SACKETT. It rented its labor to prison contractors, and the prison contractors sold the products of their factories. I do not know whether they sold them within the State of Kentucky or not. They sold a considerable portion in other States, possibly.

Mr. GOFF. At the time the Senator from Kentucky was connected with the State institution, as he has stated, was there any law in Kentucky which in any way restricted the sale of prison-made goods within that State, or required that prison-made goods so sold in the State should be marked and labeled?

Mr. SACKETT. I think there was. My recollection is that there was a labeling law.

Mr. GOFF. Possibly my question to the Senator was a double question, and I shall now single it out and say, Was there any restriction on the sale in the State of any of the surplus goods not consumed in State use?

Mr. SACKETT. No restrictions, except so far as the requirements for labeling may have served as a restriction.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. GOFF. I yield.

Mr. COUZENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Gerry	McKellar	Smoot
Bingham	Glass	McMaster	Steck
Black	Goff	McNary	Steiwer
Brookhart	Gould	Moses	Stephens
Broussard	Hale	Neely	Swanson
Bruce	Harris	Oddie	Thomas, Idaho
Capper	Harrison	Pine	Thomas, Okla.
Copeland	Hastings	Pittman	Trammell
Couzens	Hawes	Ransdell	Tydings
Curtis	Hayden	Reed, Pa.	Vandenberg
Deneen	Heflin	Robinson, Ind.	Wagner
Dill	Johnson	Sackett	Walsh, Mass.
Edge	Jones	Schall	Warren
Fess	Kendrick	Sheppard	Waterman
Fletcher	Keyes	Shortridge	Watson
Frazier	King	Simmons	Wheeler
George	Larrazolo	Smith	

Mr. McNARY. I desire to announce that the Senator from North Dakota [Mr. NYE], the Senator from Vermont [Mr. DALE], the junior Senator from Illinois [Mr. GLENN], the Senator from Montana [Mr. WALSH], and the Senator from Arizona [Mr. ASHURST] are attending a meeting of the Committee on Public Lands and Surveys.

Mr. JONES. I wish to announce that the senior Senator from Nebraska [Mr. NORRIS] and the junior Senator from Wisconsin [Mr. BLAINE] are detained in a meeting of the Committee on the Judiciary.

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, there is a quorum present. The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, before proceeding to the discussion of certain facts and the constitutional aspect of Senate bill 1940, now before the Senate, I move that the bill be referred to the Committee on the Judiciary to consider and determine its constitutionality in the light of the Constitution of the United States and to report to the Senate not later than January 7, 1929, such conclusions as the committee may reach.

When I conclude my argument I shall renew the motion just made and shall ask for its immediate consideration.

Mr. HAWES. Mr. President, will the Senator from West Virginia yield?

Mr. GOFF. Certainly.

Mr. HAWES. I understand the Senator proposes that this bill be referred to the Committee on the Judiciary.

Mr. GOFF. That is my motion.

Mr. HAWES. Why does not the Senator propose that the railroad consolidation bill, and the various bills before the Interstate Commerce Committee which involve the same clause of the Constitution, be also referred to the Judiciary Committee before the Committee on Interstate Commerce acts?

Mr. GOFF. The question of the distinguished Senator from Missouri answers itself. The Committee on the Judiciary has no jurisdiction of any such bill prior to action by the Committee on Interstate Commerce, and would not have jurisdiction of any bill emanating from that committee which had not reached the floor of the Senate, and then only by due and orderly motion assigning the measure, with the full consent and approval of the Senate, to the Judiciary Committee for its consideration.

Mr. HAWES. Then what the Senator proposes is the creation in the Senate of a judicial committee with functions similar to that of the Supreme Court. Followed out logically, the same thing would be done in the House. No bill involving a constitutional question could properly be voted upon by the Senate until the Judiciary Committee had passed upon it.

Mr. GOFF. That conclusion does not follow, and I should be the last Member of this body to move that the judicial power exercised by the Supreme Court or any judicial power be conferred upon any committee of the Senate.

Mr. HAWES. Will the Senator point out the distinction of the question of constitutionality in this particular bill and some two or three thousand other bills where the question is always raised as the last resort? Is there any more reason why this bill should go to the Judiciary Committee than the railroad consolidation bill or any other bill?

Mr. GOFF. This is the only bill before the Senate, and I shall not lay down any hypothetical general method of conduct or procedure. If I were satisfied that some of the other bills to which the distinguished Senator has referred were consti-

tutional, I should not move that the Committee on the Judiciary or any committee or even the Senate as a Committee of the Whole consider them.

Mr. HAWES. The logic of the Senator's position is that we create a supreme court in the Senate. I would like to know the difference between this bill, meeting the approval of all the lawyers on the House committee and practically all the lawyers on the Senate committee which considered it, and any other bill. The question of its constitutionality has not been attacked until the Senator now attacks it, but it was very ably discussed before both of those committees. Now, the Senator, after both of those committees have acted, proposes that it be sent to another committee for a report to guide the Senate as to its conduct in a legal matter.

Mr. FESS. Mr. President, the Senator from Missouri overlooks the fact that the Senator from West Virginia is a member of the committee which considered the bill.

Mr. HAWES. Incidentally, that does give the Senator from West Virginia two votes on the subject, one in the Interstate Commerce Committee and one in the Judiciary Committee. It shows what trouble we would get into with an unusual tribunal like that created.

Mr. GOFF. I will say to the Senator from Missouri and to his suggesting and suggestive friend the distinguished Senator from Ohio, since we have entered the realm of personalities, that I was not present when the Interstate Commerce Committee considered this bill, and while I dislike to refer to a personal matter I desire to say that when this bill was considered and reported I was confined to my home with pneumonia. If it had been possible for me to be present in the committee I should have opposed the bill, and I should then and there have advanced the constitutional objection which I think should properly be considered by the Senate before it votes upon this measure or reaches any conclusion as to its provisions.

Mr. FESS. I am sure the Senator from West Virginia does not interpret our observations as offensive in a personal way?

Mr. GOFF. Nothing, may it please the Senator from Ohio, is offensive. This is a give-and-take debate, and I trust in my reply to the suggestions from the two Senators who have just spoken that I neither suggested offensiveness nor that I prompted the suggestion of anything offensive to either of my distinguished friends.

Since we have descended to these mild-mannered personalities, let us now ascend to a discussion of the facts embodied in the hearings before the House and the Senate committees.

It was stated yesterday by the Senator from Missouri [Mr. HAWES] that the bill comes before the Senate at this time due to an "unusual combination of citizenship." He stated that union labor, representing 4,000,000 men and women, and that certain trade-unions and local labor organizations were asking the passage of the bill.

He then said that the bill was supported by the General Federation of Women's Clubs and an association of all the women's clubs in the United States. He very properly made reference to the fact that there had been sent out from the city of Washington to certain Members of the Senate a telegram under date of December 13, 1928, in which it was mentioned that the Prison Wardens' Association of America, meeting with the American Prison Congress at Kansas City, Mo., in October, 1928, unanimously adopted the following resolution, which the distinguished Senator did not read, and which I shall read:

The following resolution was adopted by the Wardens' Association of the United States at the prison congress August, 1927:

"Whereas idleness is a demoralizing influence in all prisons; and

"Whereas steady employment at productive labor helps the inmates of the prison to bear the tedium of confinement and is a wholesome influence on discipline and prison morals; and

"Whereas the labor of able-bodied inmates of the prions should be used to diminish the cost of their confinement: Therefore be it

"*Resolved*, That the Wardens' Association protest against the passage of any State or National legislation which will interfere with the manufacture or sale of prison products; be it further

"*Resolved*, That it is just as unfair to brand or label prison products, so as to render them unmarketable, as it is to degrade prisoners with the stripes or shaven heads as a badge of their conviction.

"J. J. SULLIVAN, *Chairman*.
"H. W. MEYERS.
"J. S. BLITCH."

Then the Senator from Missouri said:

In the report Senators will find that these splendid women are supporting this measure and have supported it for years for humanitarian reasons, because they have believed the prison contractor should be driven from the control of the prisoner, and for the further reason that their efforts in the individual States where they have urged reform legislation were set at naught because some State, trying to exploit its own products heartlessly to the detriment of other States, was breaking down the effort of every State to legislate for itself.

Mr. President, I am not concerned with the classes or the individuals who motivate the proponents of this measure. Every American citizen possesses the inalienable right, regardless of associations, clubs, or unions, to express his, her, or its opinion or opposition to or in favor of any measure pending before the Senate of the United States. The questions, however, involved in all these measures are questions arising at the very threshold, or, as we say in legal parlance, in limine. Is this bill within the power of the Congress of the United States to enact? If such legislation should be enacted by a State it could be justified only as an exercise, within constitutional limits, of the police power of the State.

We are not, however, concerned in this instance with the exercise of the police power of the States, and we are not concerned with the exercise of any Federal police power. Such a power is recognized as a Federal right in many of the decisions of the Supreme Court regardless of the due application of the interstate commerce provisions of the Federal Constitution.

The Constitution of the United States provides that the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes. And when we approach any proposition which involves the regulation of commerce between the States we meet initially the question, Has the Congress of the United States in the instant case "regulated" commerce between the States, or has it unwittingly delegated to the States its power to regulate commerce by the passing of certain laws that recognize and merely assist in the enforcement of existing State laws?

I regret, Mr. President, that there have been and are so few references in the record and the discussion to many of the outstanding facts which justify and compel this argument against the constitutionality of the pending bill. These facts and opinions should be before the Senate, and I shall refer to a few of them in order that Senators may have before them these matters so essentially involved in the proposed legislation.

There appears in the hearings before the House committee a telegram from the American Federation of Labor, addressed to the Governor of Idaho, under the date of February 9, 1928. It reads as follows:

Misleading statements sent out regarding national law for reform and proper employment State prisoners. Respectfully request you read law and hearings held this week before House and Senate committees before expressing opinion. We make request in behalf American Federation of Labor, representing 5,000,000 union workers; General Federation of Women's Clubs of the United States; and manufacturers representing $2,500,000,000 in capital, more than two million and half employees, with factories and mills in 48 States.

Now, there is one further statement I would like to add in this connection: The United States Bureau of Labor Statistics reported in 1923 that the value of goods produced in State and Federal prisons amounted to a little more than $76,000,000; in comparison, the value of products manufactured in the United States amounted to more than $60,250,000,000. In 1923 less than 52,000 convicts were employed in industry, as compared with more than 8,750,000 free men. In the clothing industry, where we have heard so much complaint against prison competition, convict labor in 1923 produced less than $22,000,000 worth of clothing of all kinds, as against a total national production of more than $3,400,000,000.

I do not in opposing this bill and in raising the question of constitutionality intend in any way to oppose the freedom of labor. I go further than that; I am raising the questions involved in the Constitution of the United States, regardless of their effect, regardless of whether they in any way interfere with the freedom of labor, and regardless of whether they keep prisoners incarcerated in State institutions employed or not.

Let us assume for a moment, as the record discloses, that the total prison population of the country is something like 100,000. Even though that is the case, and even though possibly 50, 75, or 85 per cent of those prisoners might be employed in prison industry, yet only one-tenth of 1 per cent of the productive industry of the country would be in prisons. Therefore the real damage which might be done by prison labor is negligible.

Various propositions have been made as substitutes for productive prison labor. During the last 75 years this question has been constantly before the people, and without question these arguments advocating States' use, or the public employment of prisoners, are, while theoretically beautiful, yet actually impracticable.

Mr. President, the question of prison employment is not settled now. Seventy-five years, 100 years—in fact, 500 years of historical study—has failed to find the true solution of the em-

ployment of prison labor. Men are sent to prison, sentenced by the courts for a certain number of years to hard labor. Men are not sentenced under the laws of any State or under the laws of the Federal Government to go to prison in idleness. The great moral question that society has presented for solution, the problem, as the Senator from Kentucky phrased it of rehabilitation, is ever before the civilized nations of to-day; and that is the great question which is submitted in the studies and the reflections of those who oppose the passage of this bill and the necessity for the passage of any law upon this subject.

Are we to pass a law which will result in the unemployment of prison labor? Are we to pass a law which shall say, in effect, when men go to the penitentiary in any State or under the Federal Government, they go there simply to be locked up; that they go there solely to be denied the freedom of locomotion upon the highways and byways of our country; that they go there to reform—with reform denied him? That is not the proper interpretation of the law; and that is not, in my judgment, the correct way of approaching the solution of the moral regeneration and thorough reformation of those who are incarcerated.

I shall not at this time occupy the attention of the Senate in discussing what has been said by different wardens, but in passing I shall commend many of these statements to the attention of the Senate and put them in the RECORD.

On page 143 is this statement:

Mr. SWENDSEN. * * * I might as well answer your question now—

That is, Are the State prisons of Minnesota in a self-supporting condition?

We sell our products in the State of Minnesota first and our surplus in the adjoining States. For last year, 1927, we sold to Wisconsin 820,500 pounds of twine for which we received $102,562.50. In North Dakota we sold 2,230,700 pounds of twine for which we received $292,211.70.

In South Dakota we sold 759,750 pounds of twine for which we received $89,270.62. In Iowa we sold 662,260 pounds, and the amount we received was $78,815.55.

In Nebraska we sold 854,200 pounds, and the amount we received was $100,368.50. In Montana we sold 251,150 pounds for which we received $32,649.61. From miscellaneous there were about 5,000 pounds. In the State of Minnesota we sold 16,819,545 pounds, and the amount we received for that was $2,064,249.07.

Do you want farm machinery?

Mr. FENN. For the information of the committee; yes.

Mr. SWENDSEN. We sold in the State of Wisconsin 568 binders, 1,347 mowers, 1,110 rakes, and 335 trucks at a total price of $208,404.59.

In North Dakota we sold 396 binders, 265 mowers, 124 rakes, and 37 trucks for which the total price was $37,944.36.

In South Dakota we sold 127 binders, 138 mowers, 95 rakes, and 31 trucks, amounting to $30,729.65.

In Iowa we sold 97 binders, 146 mowers, 114 rakes, and 94 trucks, amounting to $30,204.30.

In Nebraska we sold 110 binders, 176 mowers, 107 rakes, and 71 trucks, amounting to $30,585.25.

Then, there was miscellaneous, under which heading we sold 13 binders, 38 mowers, 19 rakes, and 13 trucks for a total price of $4,562.90.

In Minnesota we sold 1,385 binders, 2,363 mowers, 2,116 rakes, and 585 trucks, amounting to $437,064.17.

We pay a wage to every inmate. No inmate gets less than 25 cents per day, and some of them can make up to $1.30 a day. * * *

We have a State-aid system—

He says, and he states the population of Minnesota as being 2,500,000.

The State prison of Minnesota presents a typical illustration of the progress that has been made by the States of the American Union in regenerating the men and women confined in her penal institutions.

I have here a statement by the warden of the State prison of Indiana. I have a statement by Dr. L. M. Robinson, the warden of the State of West Virginia prison, who from study, experience, and ability is highly qualified to discharge the duty and perform the functions of his present position. If this bill should become effective, it will cost the State of West Virginia from $500,000 to $750,000 a year in increased taxes, and I know that it will cost many of the other States larger amounts.

Mr. President, although the question is not before the Senate and is not directly embraced in a constitutional discussion of this question, yet it is very doubtful whether any of the State laws which prohibit, restrict, and in effect deny the employment of prison labor can be held constitutional in so far as they increase the taxes of the citizens of the States where they apply. If a tax is unreasonable and levied not in pursuance of any legal justification, it is a taking of property without due process of law. Not only is it a misuse and an unreasonable exercise of the police power of the State, but it is also a violation of the fourteenth amendment of the Constitution of the United States.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. GOFF. I yield.

Mr. SMITH. Mr. President, I was out of the Chamber when the Senator from West Virginia began his discussion of this question. I presume he intends to elaborate the principle involved in this bill, whether the Federal Government has the constitutional right to prohibit the sale in interstate commerce of goods which in themselves are lawful commodities of commerce upon the ground that the character of labor employed in their production is different from some other character of labor.

Mr. GOFF. I will say to the Senator from South Carolina—and I am very glad he asked the question—that I am only referring to certain of these statements that there may be in the RECORD and before the Senate for its deliberation facts which do not now appear in the RECORD and which have not been brought directly to its attention. I shall then proceed to a discussion of the cases relating to the constitutional questions involved——

Mr. SMITH. The reason I asked the question was this: In studying this subject, having in view my duty as a Member of this body to uphold the Constitution so far as I am able with my understanding of it, it occurs to me that the pending bill partakes of the nature of the child-labor legislation which was before Congress for some time, if, indeed, it does not stand on all fours with it.

Mr. GOFF. I am coming to that after a due reference to certain major facts——

Mr. SMITH. I do not know whether we would have the constitutional right to enact a law providing that the Federal Government may intervene and prohibit the free intercourse of goods because of the character or condition of those engaged in the production of such goods, unless the business is clearly shown to be a nuisance or subversive of the best interests of all the people, and, even in that case, there would be some doubt in my mind.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I yield.

Mr. HAWES. Is the Senator from South Carolina under the impression that this bill prohibits the interstate shipment of convict-made goods into a State?

Mr. SMITH. I think that is the object of it.

Mr. HAWES. Only where the law of that State prohibits it. There is no State in the Union that does prohibit the sale of convict-made goods. They regulate its sale, and require its branding and marking and licensing; but its sale is not prohibited in any State.

Mr. SMITH. I understand, Mr. President; and, if the Senator from West Virginia will allow me, we had a similar law here, introduced by the Senator from Missouri [Mr. REED], providing that no State should be allowed to ship liquor into a State which had prohibited the manufacture and sale of liquor within its borders. We all recognized, however, that liquor was not in the class of commercial articles the everyday use of which was universal, but it had come under the condemnation of organized society to the extent that the Federal Government had subjected it to taxes and licenses and restricted its sale and it came under the head of nuisances. Here we go further and say, "Here is a State that prohibits the shipment of a certain class of goods outside of its own borders," and then we invoke the power of the Federal Government to keep other States from shipping into that State goods which are in common use and are absolute necessities of everyday use in organized society, because of the nature of the labor employed.

Mr. GOFF. If the Senator will remain in the Chamber for a short time I will proceed, after one more reference, to a discussion of the questions he suggests.

Mr. SMITH. I will.

Mr. GOFF. I now make reference to the letter of Mr. A. H. Harrison, director of the department of penal institutions of the State of Missouri. It is addressed to Hon. JOSEPH J. MANLOVE, House of Representatives, Washington, D. C., and is dated February 15, 1928. In the course of this letter he says:

As you no doubt are aware, we have a prison population in Missouri of over 3,600 prisoners at this time. We employ in the shoe industry, twine industry, and textile industry approximately 2,200 prisoners; and if this bill is enacted into law it is my opinion that we will not be

able to employ any great amount of prisoners in the above-named industries.

The total average cost for each prisoner in the penitentiary is approximately a dollar a day. In the past the cost of maintaining the prison has been largely met by the earnings of the above-named industries, and for the present biennium we have an appropriation of $400,000 toward the maintenance of the penitentiaries. If we are to be deprived of the privilege of operating the industries, the State will then be forced to make an appropriation to maintain the penitentiary, which, in my opinion, would not be less than $2,500,000 for each biennium, in addition to the amount which has heretofore been appropriated by each legislature.

The prison population is constantly increasing. There is a constant complaint now from the taxpayers of the State as to high taxation, and if additional revenues must be provided it will be a serious condition which will confront the taxpayers of all of the States.

That is a typical complaint which comes from most of the States of the American Union. It varies with the population, with the number of men incarcerated in the prison, and with the ability of the State to dispose of its prison-labor products.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. HAWES. Referring to the Missouri report, I direct the Senator's attention to the very exhaustive report made on the 12th of December from the Department of Commerce, approved by the president of the chamber of commerce, labor unions, and so forth, in which they show that in one year at one time the Missouri prison officials dumped on the market some $1,500,000 worth of overalls and broke the overall market in the United States for one year and a half. That is in that report.

Mr. GOFF. I know that is in the report of the Department of Commerce; but if there has been any interference with the economic laws applicable, or with the laws of any State so affected, it is the offense of the State of Missouri or any other State similarly interfering with the laws of supply and demand, or refusing through its officials to observe the laws of the State which may be violated by any such dumping of goods. I do not think such conditions can justify the Senate or the Congress of the United States in assuming legislative jurisdiction to pass such a law. The report, however, is entirely lacking in any constructive suggestions, and while it is analytical and informing, it does not offer any solution in the determination of this pressing and distressing problem. It is the humane aspect and not the economic that should engage our attention and enlist our sympathies.

Of course, I admit that if some State violates the law of another State, or if some State should reach such a point of economic or legal interference with the laws of another State as to deny it a republican form of government, as that right is guaranteed by the Constitution of the United States, then there might exist a situation which would demand or justify the intervention of the Congress of the United States. Under the present circumstances, however, with due respect to my friend from Missouri, I do not consider that such a report, conclusion, or argument is either compelling or persuasive in determining the necessity for the exercise of these great constitutional rights of government.

Mr. HAWES. May I direct the Senator's attention to one of the first Federal enactments on this subject, called the Lacey Act?

Mr. GOFF. Yes; I know that act.

Mr. HAWES. The Lacey Act was intended to preserve the rights of States to protect their birds and fur-bearing animals. It grew out of the shipment from the then Territory of Oklahoma of large quantities of ducks and quail into the markets of the various States; and although these States had prohibitory laws protecting bird and animal life, by reason of the placing upon the market in this way of birds and fur-bearing animals they were unable to enforce their laws. That is the Lacey Act, and it has been sustained.

May I direct the Senator's attention to the fact that some years ago, in the House, I introduced a bill to prohibit the interstate shipment of black bass into States whose laws prohibited their commercial sale; and, if I am not mistaken, the Senator from West Virginia voted for that bill. Certainly it passed both Houses and is now the law.

Returning, however, to the question of invading a State, the Senator, of course, remembers that when the Wilson Act was passed—the so-called "bone dry" law, or the Reed law—liquor had not been outlawed. It was not then "a criminal." It was "a criminal," so to speak, in some States and not in other States; and yet that law has been upheld. If the Senator will compare this law with the Wilson Act, he will find very little difference in the phraseology of the two enactments.

Mr. GOFF. Mr. President, after referring to the general matters to which I called attention when interrupted by the Senator from Missouri—I intend to discuss those principles and go into all the legal questions suggested—I deem it important to call attention to the very explicit and informing statement by the warden of the penitentiary of the State of Rhode Island, which appears in the record of the proceedings in the Senate committee at page 171. At the time he introduced it into the record my distinguished friend from Missouri was present and did not question or dissent from it. Mr. Putnam adopted the report of the warden of the penitentiary at Columbus, Ohio. It is illuminating and informative. The report said:

In reply to your letter of recent date relative to the bill now before Congress regulating the interstate shipment of prison-made goods, will say that we have the State-use system which, if fully worked, will give work to all prisoners; but I do not want to be as the old story of the dog in the manger, that inasmuch as this law does not affect Ohio I can not see any particular good reason for it being passed, as other States have gone to an expense in putting in factories which, if the law were passed, would become nearly a total loss.

I have always opposed this hullabaloo about prison-made goods—

This is from the warden of a prison in a State-use State—

about prison-made goods, because prisoners themselves are less than the legal alcoholic content of nonintoxicating liquors; that is, less than one-tenth of 1 per cent of the population, and the productive class is about one-half of that, which would make in the sum total one-twentieth of 1 per cent to be considered in competition with 99 1/2 per cent. This is nothing more or less than the walking delegate's stock in trade of argument in order that he may continue to draw a fat salary from the earnings of the wage earner. It seems to me that it is about time that the taxpayers of the States have a little consideration, instead of the consideration being given so much to organized interests, both financial and labor.

Trusting that I have made myself clear,

Sincerely yours,

P. E. THOMAS, *Warden.*

The view of many laboring and manufacturing representatives is expressed by the following opinions:

Prisoners always work under the worst possible conditions.

Now, understand that this does not say that they sometimes do, but that they always do.

They are always half starved. The same politicians who sell them into chattel slavery also expend the appropriations that the taxpayers provide for the prisoners' food, and prison food is always insufficient, for the most part spoiled and decayed, and improperly cooked and served.

Making the production of commodities for private gain the primary object of prison administration has a natural tendency to take the discipline and administration of punishment out of the hands of public officials and vest it in the employees of the prison-labor contractor.

Now, how can it be seriously contended that these rehabilitating competitive methods of the States, representing the study and the efforts of centuries, are interfering with or can interfere with the free labor of the Nation? If there be competition, it is inconsequential. In fact, modern prison conditions, with their regular hours, wholesome food, good hospitalization, and humane treatment make the prisoner of to-day a capable and industrious employee.

There are in the record reference after reference to the unemployment in the prisons of the great States of Pennsylvania, Massachusetts, New York, Ohio, and other Commonwealths, large and small, to which the Senator from Missouri made reference. Wardens of other State penitentiaries have gone through the penitentiaries of Pennsylvania, and have found hundreds of men, as many as 500 men, walking around in circles because they had nothing to do. The same is true in the prisons of the great State of New York, and there are in this record statements by Colonel Hannan, from the great State of Wisconsin, a gentleman whom I know well, and in whose judgment I have the greatest confidence, that he visited the penitentiaries of the State of Ohio, and that he found there men unemployed, out in the yards playing marbles, "shooting crap," to use his expression, and doing anything and everything to consume and employ their time—during those moments that consume human existence from the rising until the setting of the sun. There was no work, no opportunity to employ the men. They were locked up—shut up—and denied occupation—employment and work—which is the law of life. Men sentenced to idleness are men sentenced to insanity. Such a punishment by society is worse than a crime; it is a selfish blunder, and it can not be justified or sanctified because committed in the name of sovereignty.

The record discloses that the proponents of this measure believe there is great competition with free labor. The statistics show that about one-twentieth of 1 per cent of the labor of this country is represented by prison labor. Obviously under such conditions competition is negligible. And yet there appears in the record the views of President Green, of the American Federation of Labor, to the effect that his organization is endeavoring to prevent the manufacture of prison products that come directly in competition with those sold in the open market. In fact, he specifies that there should be no competition on the part of the States in the employment of their imprisoned wards in the manufacture of brooms, shirts, overalls, furniture, shoes, and all other products which can be and are made by free labor, as that term is used.

Society must not lose sight of the fact that the majority of those in our prisons will some day be released. If these inmates are taught nothing but idleness, they will come out worse citizens than they were when they were sent in, because the absence of productive employment in any penitentiary leads to corruption, crime, and riot. These very conditions to-day exist in many of the penitentiaries of the larger States where the State-use system is observed.

Many of the penitentiaries have limited prison yards, and if the prisoners there incarcerated are not employed, it will be impossible to keep them physically fit and in a healthy, contented state of mind. The fact that in the majority of the prisons of this country the men have the opportunity to earn money which they send to their families makes them more contented and qualifies them to return to social life better men morally, physically, and mentally, and to take their places as useful citizens. In the prisons of the Northwestern States many of the inmates received as high as $1.30 per day. These men want their families to live and to lead an honest and virtuous life. They want their children educated.

Such men of necessity will become better prisoners if they feel that they are contributing to the happiness and the welfare of those who are dependent upon them. To put a man behind the bars and leave his family destitute, and him in idleness, is to make of our penitentiaries mere incubators of disorder and crime.

The wardens of the penitentiaries of the Nation as well as the penologists all agree that unless the prisoners are employed, the great majority will become habitual criminals and fall into the recidivist class.

Many students of this employment problem have reached the conclusion that a prisoner can not be employed in productive labor within or without prison walls without going into competition with free labor. Prisoners employed in the agricultural and cotton fields of the South compete with free labor. Those engaged in work upon the roads directly under the control of the States deny free labor such employment. Those employed in constructing buildings for the States compete with free labor, and there are many conspicuous instances of this. In passing I cite the employment of 200 prisoners from the State penitentiary in West Virginia engaged in the construction of the Federal Women's Prison at Alderson, W. Va.

In many of the States the number of idle prisoners is appalling. It appears that at Sing Sing Prison a short time ago there were 1,600 idle men, and one of the wardens testifying before the committee stated that he had seen 800 men in the State Prison of Ohio marching into a large hall where they sat from morning until noon and from noon until night. It is no valid objection to the employment of these unfortunates that contractors make a profit out of their labor. The States in their sovereign capacity, unless they go into business, can not well sell such products, and none of our States are in a position to find a market for what their prisoners produce. If the contractor did not make a profit, it certainly follows that he would not be interested in buying articles manufactured in our prisons.

We have by a process of humane and enlightened evolution discarded the harsh and severe punishments of the inquisition periods of human society. We have discarded the stocks, knouts, and the lash. We have come to recognize, as has been well said, that there is some good in the worst of us as well as some bad in the best of us. The world has come to realize that idleness is the most prolific cause of crime. This is shown by the fact that so many of the people confined in our penitentiaries are young men and young women.

If the present bill should become a law it will tend to give effect to practices long since discarded by society. It will be a reach back to the Middle Ages. In the long ago civilization put the branding iron upon the prisoner. It clothed him in stripes, and society abhorred him and hypercritically drew away from him, well knowing that he was, in many instances, confined, because found out, for doing merely what others continue to do until discovered.

The States as well as the Federal Government can not discharge their duty to the prisoners under their control unless they educate them, employ them, and make them better men and women. The passage of this bill will not only curtail the market for prison-made products, but it will produce idleness and disease in our penal institutions and increase the disorders always existing there. I realize that we are confronted by a problem which has existed ever since the organization of our Government. I also know that State and Federal officials charged with the duty of operating our penal institutions agree that the most satisfactory system is to follow a method that not only employs all the prisoners in useful occupations, but a system that makes these establishments self-supporting. Obviously the citizens of this Nation are responsible for the upkeep of our penal and charitable institutions. Such burdens rest heavily upon our entire population, and unless the States reduce such burdens by employing the inmates, then the expense of their upkeeping falls equally upon every man, woman, and child who pays taxes for the maintenance and the continuance of democratic government. Everything in this country to-day is taxed all that it can possibly be taxed. There is no untaxed resource, and if the bill now before us should become a law it will be necessary when it is in full operation to increase the rates of taxation upon all property now subject to such levies. The employment of our prisoners in manufacturing and the sale of their products saves the States of the country from the burden of direct and increased taxation. If the citizenship of the Nation should be taxed directly for the purpose of maintaining these penal institutions, then, without question, our State taxes will be increased approximately $40,000,000 a year.

Mr. President, we might just as well accept this proposition, that if incarcerated men are not morally, vocationally, and properly employed; if they are not to have sanitary surroundings when they do penance "in hard labor"; if their minds are not concentrated and hopeful, then when the courts of this Nation sentence a man to the penitentiary, they are in effect saying, "I give you 5, or 8, or 10 years 'at hard labor' in our State insane asylum. I do not call it by that name but that is what you will find it in fact before you have served your sentence and done the penance which the laws of this State require you to do ere you can be returned to your family as a useful member of our human oligarchy."

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly; and I will say to the Senator from Missouri that I yield to him at any time. He may just rise and ask questions whenever he wishes or the thought prompts him.

Mr. HAWES. Just as I yielded to the Senator the other day.

Mr. GOFF. Yes; at any time, because we are seeking to reach the truth of this matter, and I want the Senator to interrupt whenever the spirit moves him.

Mr. HAWES. The Senator is quoting a description of an Ohio penitentiary by an official of a Wisconsin penitentiary. Is that correct?

Mr. GOFF. Yes.

Mr. HAWES. It seems to me the Senator should give us some testimony, which is at his disposal, about employment at the Ohio Penitentiary from the United States statistics and the statistics of Ohio. While I am speaking, may I call the attention of the Senator to his quoting Mr. Putnam?

Mr. GOFF. Certainly.

Mr. HAWES. Mr. Putnam is from the State of Rhode Island.

Mr. GOFF. Yes.

Mr. HAWES. When we read the United States reports we understand why Mr. Putnam really complains. The Bureau of Labor Statistics shows that in 1925 in Rhode Island $1,400,000 was the total valuation of prison products. Of this amount, $1,396,000 worth are sold outside of the State and only $4,000 sold within the State. Yet the average income to the State is approximately only $90,000 for the employment of 260 men, and this million dollars' worth of goods is breaking the markets in all the States which are neighbors of Rhode Island. Naturally Mr. Putnam is opposed to this measure.

Mr. GOFF. Mr. President, I shall now discuss the question propounded by the Senator from Missouri, and which I promised to discuss. He asked, What would be the effect upon penitentiary labor of the restrictive provisions of this bill, Senate bill 1940? The bill provides:

That all goods, wares, and merchandise manufactured, produced, or mined shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods,

wares, and merchandise had been manufactured, produced, or mined in such State or Territory.

Then the Senator from Missouri seemingly satisfies himself by concluding that the bill if enacted would not interfere with the interstate commerce shipment of goods into States that had not required by their laws that such goods, wares, and merchandise should be submitted to the laws of that State.

I asked the Senator from Missouri whether he could state the number of States having such restrictive or limited enactments, and he did not agree that they did not exceed 12 in number. What I desire to make plain is that if this bill should become a law, then it is an invitation to every State, an invitation to every one of the 48 States, with millions of men and women behind the movement, to have such restrictive laws passed as now exist in the 10 or 12 States out of the 48 States of this Union. So that we would have such an interdiction placed upon prison-made goods that those goods could not be shipped in interstate commerce with any profit from the State where they were manufactured, because in every State into which they might be shipped they would be subject, as soon as their interstate-commerce character had ceased, to the laws and the regulations of such Commonwealth.

Mr. WATERMAN. Mr. President, I would like to ask, if the Senator will permit me, whether or not this bill does not subject this kind of commerce to two things in the State, to wit, the police power of the State and also the general sovereign power of the State, which is above and beyond and different from the police power, but is reserved by the Constitution to the States. In other words, it is not limited, if this bill shall go into effect, to the exercise of the police power of the State. Is that correct?

Mr. GOFF. That is absolutely correct, as I view this measure, and as I interpret the bill. And in this very connection, and as confirmatory of what the Senator from Colorado has said, the tenth amendment to the Constitution of the United States provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The enactment of this bill would be a clear invasion of the tenth amendment to the Constitution of the United States in that it would serve notice upon the States that they should proceed to exercise their so-called police power, and that if they did not so exercise it that then they would suffer an invasion of their reserved dominion by the Congress of the United States acting under, by, and through an improper application of a strictly limited and delegated power.

Mr. WATERMAN. Mr. President, will the Senator yield further?

Mr. GOFF. Certainly.

Mr. WATERMAN. As I take it, any part of the police power which the State possesses with reference to this character of goods can be exercised without this legislation, can it not?

Mr. GOFF. Exactly.

Mr. WATERMAN. Then the purpose of the bill is to reach beyond and into the sovereign powers of the State and have them apply upon interstate commerce?

Mr. GOFF. Exactly. Such a law would be a delegation of Federal power, a surrender of a prohibited power to the States to be used by them along with the powers which were reserved to the States when the Constitution was adopted. The principles of constitutional law which determine and answer the issues here involved are not new. They have been set forth time and time again by the Supreme Court of the United States. I shall now proceed to review them and in chronological order.

This bill is admitted by its proponents to be founded upon and modeled solely after the so-called Wilson Act.

Mr. CURTIS. Mr. President, I understand the Senator is just beginning to discuss the constitutionality of this measure. Would he rather proceed with it in the morning? An executive session is desired. If the Senator desires to stop now, I will move an executive session, or, if he would rather go on, he may proceed for a while.

Mr. GOFF. I am perfectly willing to cease now and begin the constitutional argument, with the record such as I have made it, to-morrow.

MEMORIAL TO BATTLE OF FORT FISHER

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 4302) to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher, which were, on page 1, line 3, after the word "convey," to insert ", subject to the conditions contained in section 2 of this act," and on page 2, line 23, after the word "proceeding," to insert ", such conditions to be recited in the deed or instrument of conveyance," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey, subject to the conditions contained in section 2 of this act, the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and county of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain one square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

SEC. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this act the Secretary of Commerce may at any time by letter addressed to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding, such conditions to be recited in the deed or instrument of conveyance. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

Mr. SIMMONS. I move that the Senate concur in the amendments made to the bill by the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 10 minutes p. m.) took a recess until to-morrow, Wednesday, December 19, 1928, at 12 o'clock meridian.

ARBITRATION WITH AUSTRIA

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Austria, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Austria, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the Federal President of the Republic of Austria

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their

mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The Federal President of the Republic of Austria, Mr. Edgar L. G. Prochnik, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Austria in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Austria in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Austria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
EDGAR PROCHNIK [SEAL]

ARBITRATION WITH LITHUANIA

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Lithuania, signed at Washington on November 14, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Lithuania, signed at Washington on November 14, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Lithuania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Lithuania:

Mr. Bronius K. Balutis, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Lithuania at Washington;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Lithuania in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Lithuania in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Lithuania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the fourteenth day of November in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
B. K. BALUTIS [SEAL]

ARBITRATION WITH FINLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Finland, signed at Washington on June 7, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Finland, signed at Washington on June 7, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Finland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries,

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Finland, Mr. L. Aström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof and on the part of Finland in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Finland in accordance with the Covenant of the League of Nations.

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Finland in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Washington the seventh day of June in the year of Lord one thousand nine hundred and twenty-eight.

[SEAL] FRANK B KELLOGG
[SEAL] L. ASTRÖM

ARBITRATION WITH DENMARK

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Denmark, signed at Washington on June 14, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Denmark, signed at Washington on June 14, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of Denmark and Iceland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the United States and Denmark;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between the two countries; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on May 18, 1908, which expired by limitation on March 29, 1914, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States;

His Majesty the King of Denmark and Iceland: Mr. Constantin Brun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington April 17, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Denmark in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Denmark in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Denmark in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Danish languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fourteenth day of June, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
C. BRUN. [SEAL]

ARBITRATION WITH POLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Poland, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Poland, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Poland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Poland

Mr. Jan Ciechanowski, Envoy Extraordinary and Minister Plenipotentiary of Poland to the United States; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special treaty, which special treaty shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special treaty in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Poland by the President of the Republic of Poland in accordance with Polish constitutional law.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Poland in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the Republic of Poland in accordance with Polish constitutional law.

The ratifications shall be exchanged at Warsaw as soon as possible, and the treaty shall take effect on the thirtieth day after the date of the exchange of ratifications.

It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, each in the English and Polish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 16th day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B KELLOGG [SEAL]
JAN CIECHANOWSKI [SEAL]

ARBITRATION WITH CZECHOSLOVAKIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Czechoslovak Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America;

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Czechoslovak Republic;

Mr. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Czechoslovakia in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Czechoslovakia in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Czechoslovakia in accordance with its constitutional laws.

The ratifications shall be exchanged at Prague as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Czechoslovak languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL] FRANK B. KELLOGG.
[SEAL] ZD. FIERLINGER.

ARBITRATION WITH ALBANIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Albania, signed at Washington on October 22, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Albania, signed at Washington on October 22, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of the Albanians

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America, and

His Majesty the King of the Albanians:

Mr. Falk Konitza, Envoy Extraordinary and Minister Plenipotentiary of Albania in the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Albania in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Albania in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Albania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Albanian languages,

the English text to have authority in case of conflict between the two texts, and hereunto affixed their seals.

Done at Washington the twenty-second day of October in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
FAÏK KONITZA [SEAL]

ARBITRATION WITH SWEDEN

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Sweden, signed at Washington on October 27, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Sweden, signed at Washington on October 27, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of Sweden

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on June 24, 1924, and for that purpose they have appointed as their respective Plenipotentiaries;

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Sweden,

W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington, October 13, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Sweden in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Sweden in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Sweden with the consent of the Swedish Riksdag.

The ratification shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications, from which date the arbitration convention signed June 24, 1924, shall cease to have any force or effect. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Swedish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-seventh day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
W. BOSTRÖM [SEAL]

NOMINATIONS

Executive nominations received by the Senate December 18 (legislative day of December 17), 1928

UNITED STATES ATTORNEY

Julien A. Hurley to be United States attorney for the fourth division of the district of Alaska. (A reappointment, his term having expired.)

POSTMASTERS

ARKANSAS

Viola Leake to be postmaster at Altheimer, Ark., in place of Viola Leake. Incumbent's commission expires December 29, 1928.

Nettie M. O'Neill to be postmaster at Earl, Ark., in place of N. M. O'Neill. Incumbent's commission expires December 29 1928.

Marion M. Parker to be postmaster at Griffin, Ark., in place of M. M. Parker. Incumbent's commission expires December 29, 1928.

Luther H. Presson to be postmaster at Mansfield, Ark., in place of L. H. Presson. Incumbent's commission expires December 29, 1928.

John H. Martin to be postmaster at Russellville, Ark., in place of J. H. Martin. Incumbent's commission expires December 29, 1928.

CALIFORNIA

Morris E. Crane to be postmaster at Pine Knot, Calif., in place of F. C. Skinner, resigned.

COLORADO

James S. Bradbury to be postmaster at Silt, Colo., in place of J. S. Bradbury. Incumbent's commission expires December 29, 1928.

FLORIDA

Victor Allen to be postmaster at Bushnell, Fla., in place of N. B. Winslow, resigned.

GEORGIA

John W. Moore to be postmaster at Crawford, Ga., in place of J. W. Moore. Incumbent's commission expired December 18, 1928.

Walter L. Turner to be postmaster at Lagrange, Ga., in place of W. L. Turner. Incumbent's commission expired December 18, 1928.

Johnnie B. Roddenbery to be postmaster at Thomasville, Ga., in place of J. B. Roddenbery. Incumbent's commission expires December 20, 1928.

ILLINOIS

John S. Redshaw to be postmaster at Granville, Ill., in place of J. S. Redshaw. Incumbent's commission expired December 10, 1928.

IOWA

Samuel W. Campbell to be postmaster at Anthon, Iowa, in place of S. W. Campbell. Incumbent's commission expires December 29, 1928.

Verne T. Herrick to be postmaster at Bridgewater, Iowa, in place of V. T. Herrick. Incumbent's commission expires December 29, 1928.

John T. Bargenholt to be postmaster at Orient, Iowa, in place of J. T. Bargenholt. Incumbent's commission expires December 29, 1928.

Clarence D. Bourke to be postmaster at Primghar, Iowa, in place of C. D. Bourke. Incumbent's commission expires December 29, 1928.

Arthur O. Reinhardt to be postmaster at Van Horne, Iowa, in place of A. O. Reinhardt. Incumbent's commission expired June 6, 1928.

Bruce R. Mills to be postmaster at Woodbine, Iowa, in place of B. R. Mills. Incumbent's commission expires December 29, 1928.

LOUISIANA

Clem S. Clarke to be postmaster at Shreveport, La., in place of C. W. Page, deceased.

MASSACHUSETTS

Edmund Daly to be postmaster at Hingham, Mass., in place of Edmund Daly. Incumbent's commission expired December 10, 1928.

MINNESOTA

Arthur F. Johnson to be postmaster at Dent, Minn., in place of A. F. Johnson. Incumbent's commission expires December 29, 1928.

Effie B. Starkweather to be postmaster at Hackensack, Minn., in place of E. O. King, removed.

Frederick A. Cooley to be postmaster at Heron Lake, Minn., in place of F. A. Cooley. Incumbent's commission expires December 29, 1928.

MISSOURI

Lola L. Higbee to be postmaster at Schell City, Mo., in place of Estella Marquis. Incumbent's commission expired February 17, 1926.

Dana Gerster to be postmaster at Stella, Mo., in place of Dana Gerster. Incumbent's commission expired December 10, 1928.

MONTANA

J. Clarence Manix to be postmaster at Augusta, Mont., in place of J. C. Manix. Incumbent's commission expires December 29, 1928.

Charles E. June to be postmaster at Forsyth, Mont., in place of C. E. June. Incumbent's commission expires December 29, 1928.

NEW JERSEY

Hilding W. Hammarlund to be postmaster at Ridgefield Park, N. J., in place of W. O. Maschke. Incumbent's commission expired January 15, 1928.

NEBRASKA

George W. Whitehead to be postmaster at Mason City, Nebr., in place of G. W. Whitehead. Incumbent's commission expired December 11, 1928.

NEW MEXICO

Mahan Wyman to be postmaster at Loving, N. Mex., in place of Mahan Wyman. Incumbent's commission expired December 13, 1928.

Agnes M. Walsh to be postmaster at Santa Rita, N. Mex., in place of D. J. Walsh, deceased.

NEW YORK

Guy Shook to be postmaster at Claverack, N. Y., in place of M. L. Becker, deceased.

Eleanor C. Griffing to be postmaster at Shelter Island, N. Y., in place of E. C. Griffing. Incumbent's commission expires December 29, 1928.

NORTH DAKOTA

Karl E. Fischer to be postmaster at Hague, N. Dak. Made presidential July 1, 1928.

Erick Myhre to be postmaster at Hampden, N. Dak., in place of Erick Myhre. Incumbent's commission expires December 29, 1928.

Katie H. Hanson to be postmaster at Munich, N. Dak., in place of K. H. Hanson. Incumbent's commission expired December 12, 1928.

OHIO

George H. Scheetz to be postmaster at Bridgeport, Ohio, in place of G. H. Scheetz. Incumbent's commission expired December 17, 1928.

Edwin Seedhouse to be postmaster at Doylestown, Ohio, in place of C. W. Shaffer, resigned.

John T. Wood to be postmaster at East Liverpool, Ohio, in place of J. E. McClure, deceased.

Jennie Fickes to be postmaster at Empire, Ohio, in place of Jennie Fickes. Incumbent's commission expired December 10, 1928.

Bayard F. Thompson to be postmaster at Jewett, Ohio, in place of B. F. Thompson. Incumbent's commission expired March 1, 1928.

John M. McConnell to be postmaster at Mingo Junction, Ohio, in place of J. M. McConnell. Incumbent's commission expired December 17, 1928.

Wellington T. Huntsman to be postmaster at Toledo, Ohio, in place of W. T. Huntsman. Incumbent's commission expires December 20, 1928.

OKLAHOMA

Charles F. Ritcheson to be postmaster at Maysville, Okla., in place of C. F. Ritcheson. Incumbent's commission expired December 10, 1928.

Boone A. Leatherman to be postmaster at Rosston, Okla., in place of B. A. Leatherman. Incumbent's commission expired May 5, 1928.

PENNSYLVANIA

Christian S. Clayton to be postmaster at Huntingdon Valley, Pa., in place of C. S. Clayton. Incumbent's commission expired December 16, 1928.

Anna Postupack to be postmaster at McAdoo, Pa., in place of John Skweir. Incumbent's commission expired January 8, 1928.

Charles M. Wilkins to be postmaster at Wayne, Pa., in place of C. M. Wilkins. Incumbent's commission expired December 17, 1928.

SOUTH CAROLINA

Benjamin T. Frierson to be postmaster at Conway, S. C., in place of B. T. Frierson, resigned.

LeGrand G. Bolin to be postmaster at Neeses, S. C., in place of T. J. Bolin, resigned.

TEXAS

Winnie B. Carroll to be postmaster at Center, Tex., in place of W. B. Carroll. Incumbent's commission expires December 19, 1927.

Samuel J. Hott to be postmaster at Channing, Tex., in place of S. J. Hott. Incumbent's commission expired December 10, 1928.

William G. Shelton to be postmaster at East Bernard, Tex., in place of W. G. Shelton. Incumbent's commission expired December 10, 1928.

Emma Woody to be postmaster at Girard, Tex., in place of Emma Woody. Incumbent's commission expired December 10, 1928.

Jim H. McFarlin to be postmaster at Liberty Hill, Tex., in place of J. H. McFarlin. Incumbent's commission expired December 10, 1928.

Mary M. Ferrel to be postmaster at Roby, Tex., in place of M. M. Ferrel. Incumbent's commission expired December 10, 1928.

Walter J. Kveton to be postmaster at Sealy, Tex., in place of W. F. Viereck, deceased.

William R. Holton to be postmaster at Thornton, Tex., in place of W. R. Holton. Incumbent's commission expired December 10, 1928.

UTAH

Paul G. Johnson to be postmaster at Grantsville, Utah, in place of P. G. Johnson. Incumbent's commission expired December 13, 1928.

David T. Lewis to be postmaster at Spanish Fork, Utah, in place of D. T. Lewis. Incumbent's commission expired December 13, 1928.

WISCONSIN

Helen L. Menzner to be postmaster at Marathon, Wis., in place of A. P. Gertschen, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18 (legislative day of December 17), 1928

APPRAISERS OF MERCHANDISE

Edward J. Rodrigue to be appraiser of merchandise, customs collection district No. 20, New Orleans, La.

James F. Ingraham to be appraiser of merchandise, customs collection district No. 4, Boston, Mass.

UNITED STATES PUBLIC HEALTH SERVICE

To be passed assistant surgeons

Erval R. Coffey.
Adolph S. Rumreich.
Ernest E. Huber.
Edwin H. Carnes.
Lucius F. Badger.
Albert E. Russell.
Alfred J. Aselmeyer.

To be assistant surgeons

Hiram J. Bush.
Donald P. Ross.
Richard A. Steere.
Aubrey E. Snowe.
Samuel J. Hall.
Walter L. Barnes.
Milton A. Gilmore.
Henry N. Fisher.
Houston G. Foster.
Robert W. Cranston.
Lee C. Watkins.
Edgar W. Norris.
Robert G. Townsend.
Paul A. Neal.
Richard B. Holt.
Gilbert L. Dunnahoo.
William C. Plumlee.

To be senior surgeon

Mark J. White.

POSTMASTERS

COLORADO

Sadie Mear, Buena Vista.
Ferd G. Smith, Kim.

IDAHO

Catherine J. Craig, Avery.
Golda O. Coy, Bovill.
Flossie G. Hill, Gooding.

KANSAS

Robert W. Cyr, Aurora.
Enos F. Halbert, Chapman.

KENTUCKY

Herbert E. Dixon, Scottsville.

MARYLAND

Mary N. Yates, La Plata.

MICHIGAN

Leon D. Corwin, Ashley.

MONTANA

Alice L. Cory, East Helena.

OHIO

William C. Parks, Cadiz.
Guy G. Patchen, Columbiana.
Elizabeth I. Grimm, Hopedale.
Gertrude E. Lawson, Irondale.
Walter L. Peet, Leetonia.
Perry A. Dickey, Rogers.
Frank J. Eckstein, Salem.

OKLAHOMA

John R. O'Connell, Willow.

PENNSYLVANIA

Clement A. Grieff, Carrolltown.
John F. Parrish, Cresson.
Margaret E. Warnock, Darlington.
Mae Ford, Expedit.
George M. Miller, Friedens.
Oliver H. Firm, Grove City.
Clarence R. Baker, Hollsopple.
Charles D. Gramling, South Fork.
Eli H. Shockey, Stoyestown.
Howard L. Orr, Tyrone.

TEXAS

James M. Stratton, Blum.
Alphonse Boog, D'Hanis.
Sylvan S. McCrary, Joaquin.
William I. Witherspoon, McAllen.
Charles A. Reiter, Muenster.
Charles I. Snedecor, Needville.
Lydia Teller, Orange Grove.
Casimiro P. Alvarez, Riogrande
George M. Sewell, Talpa.
Charles F. Boettcher, Weimar.

VERMONT

Charles H. Stetson, Enosburg Falls.
Ernest W. Gates, Morrisville.
Avery G. Smith, Saint Albans.
Charles E. Hall, Swanton.
Archie S. Haven, Vergennes.

WEST VIRGINIA

John M. Stratton, Man.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 18 (legislative day of December 17), 1928

POSTMASTER

PENNSYLVANIA

Frank S. Grau to be postmaster at Ardsley, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, *December 18, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Galilean Savior, the World's Redeemer, Thou who hast past through the inmost sanctuary of suffering and shed a radiance there, hear us as we tarry in prayer. Death is with us; in its shroud lies an honorable Member of this Chamber, capable in the public service, splendidly upright, and good in private life. He has followed the path of our ascended Lord and walks in the newness of life forever. Yet, Father in Heaven, the song of praise is not burdened and stilled on our lips; neither is the music of our hearts turned into discordant wailing. Death is only a new contact with the infinite God. Through Thy only begotten Son, the grave is empty and the throne is full. Oh, eternity, eternity, is here and near; gird us with its glory and envelop us in its song. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Perkins, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREENE, Mr. MCMASTER, Mr. BROOKHART, Mr. FLETCHER, and Mr. TYSON to be the conferees on the part of the Senate.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 8, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 9, 10, 11, 12, 13, 14, 15, and 16, and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$186,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,400,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,300,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,300,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,100,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 7.

WILL R. WOOD,

Except on No. 8.

M. H. THATCHER,

I concur except on Senate amendment No. 5.

JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
GEO. H. MOSES,

Except amendments 5 and 6.

LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report, as to each of such amendments, namely:

TREASURY DEPARTMENT

On No. 1: Makes a technical correction in the "average provision" governing the payment of salaries under the Classification act of 1923 as amended.

On Nos. 2 and 3, relating to the office of Treasurer of the United States: Provides for one Assistant Treasurer, as proposed by the House, instead of two, as proposed by the Senate, and appropriates $1,170,000, as proposed by the House, instead of $1,175,000, as proposed by the Senate.

On No. 4: Appropriates $34,703,870, as proposed by the Senate, instead of $34,500,000, as proposed by the House, for the expenses of the Bureau of Internal Revenue.

On No. 5: Strikes out the amendment, inserted by the Senate, relative to the submission of reports of disbursements of refunds of internal-revenue taxes erroneously or illegally collected.

On No. 6: Appropriates $13,500,000, as proposed by the House, instead of $270,627,384, as proposed by the Senate, for the Bureau of Prohibition.

On No. 8: Appropriates $215,500, as proposed by the House, instead of $247,825, as proposed by the Senate, for rural sanitation work under the Public Health Service.

On Nos. 9, 10, and 11, relating to the mints and assay offices: Appropriates $1,646,440, as proposed by the Senate, instead of $1,635,500, as proposed by the House, and restores the mint at Carson, Nev., and the assay office at Salt Lake City, Utah.

On Nos. 12, 13, 14, and 15, relating to the public building at Lubbock, Tex.: Fixes the limit of cost at $335,000, as proposed by the Senate, instead of $220,000, as proposed by the House, and provides for court facilities in the building, as proposed by the Senate, instead of having the building so constructed that such facilities might be added later as was proposed by the House.

On No. 16, relating to the public building at Portland, Oreg.: Fixes the limit of cost of the building at $1,950,000, as proposed by the Senate, instead of at $1,600,000, as proposed by the House.

POST OFFICE DEPARTMENT

On No. 17: Appropriates $186,000,000, instead of $186,800,000, as proposed by the Senate, and $185,000,000 as proposed by the House, for employees at first and second class post offices.

On No. 18: Appropriates $19,400,000, instead of $19,500,000, as proposed by the Senate, and $19,300,000, as proposed by the House, for the vehicle service.

On No. 19: Appropriates $59,300,000, instead of $59,500,000, as proposed by the Senate, and $59,000,000, as proposed by the House, for employees in the Railway Mail Service.

On Nos. 20, 21, and 22, relating to the transportation of foreign mail: Appropriates $23,000,000, as proposed by the House, instead of $23,250,000, as proposed by the Senate; fixes the amount that may be used for transportation of foreign mail by aircraft during the fiscal year 1930 at $4,300,000 instead of $4,400,000, as proposed by the Senate, and $4,000,000, as proposed by the House; and limits the amount of contractual obligations for expenditures for transportation of foreign mail by aircraft during the fiscal year 1931 at $5,100,000 instead of $4,800,000, as proposed by the House, and $5,200,000, as proposed by the Senate.

The committee of conference have not agreed to Senate amendment No. 7, relating to the use of funds under the Bureau of Prohibition for enforcement of the law relating to narcotics.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I joined in the conference report with the exception of Senate amendment No. 5, which was introduced by the Senator from Tennessee, Mr. MCKELLAR, which related to tax refunds. That amendment possibly should have been changed in some respects, but I was sorry that the conferees did not agree to some amendment which I felt could have been adopted, and which would have given further publicity to some of these large refunds that are being made from time to time by the Treasury Department.

The House is aware of the fact that this bill as it passed the Senate carried an amendment increasing the sum for prohibition enforcement by $250,000,000. I need not say to the House that I am heartily in favor of strict enforcement of the prohibition law, and I think everyone must agree that it has not been strictly enforced during the last seven and a half years. To those of us who want to see all laws enforced—and we all do—it is a source not only of regret but it is humiliating that a law upon the statute books should be enforced in such a lax manner as this law has been enforced during the past seven and a half years, because I dare say there is not a State in the Union where it is not being flagrantly violated, more so, of course, in some States than in others.

When the officers of the Government having charge of the enforcement of that law were before the subcommittee of the Committee on Appropriations of the House I endeavored by some questions to find out just what would be necessary in order to secure a better enforcement of the law, because the head of the Prohibition Bureau and of the Coast Guard, which is charged with preventing smuggling, both admitted that the law was not being fully enforced. In explanation they insisted that not enough money was being provided for that purpose, but on inquiry no one who appeared before us was able to say just how much was needed.

I asked the admiral of the Coast Guard particularly just how many additional boats he would require in order to prevent smuggling on our coasts, and he said that he could not tell at that time. He stated that considerable progress had been made upon the Atlantic coast. I think he said a seventh or an eighth of the supply which had formerly come in was still coming in at various points on the Atlantic coast and, further, that no attention whatsoever is being paid to the Pacific coast. Undoubtedly, if this law is to be enforced as it should be, more money must be provided; but each year the administration comes forward with practically the same estimate for appropriation in the face of the fact that those in charge of the enforcement of this law say that it is not by any means sufficient to enforce the law. But what were we to do? No program was submitted, no one was willing to state just how much additional money was needed, or what would be done with any additional money that might be provided. As a matter of fact, under the present appropriation, notwithstanding the law which was passed a year or two ago provided that all employees of the prohibition service should be put under the civil service,

only about two-thirds are under civil service now, and if you were to appropriate $250,000,000 I am satisfied that if it were used at all it would be used in making appointments of prohibition officers and agents throughout the country not under civil service but, as has happened in many States in the past, through political favoritism; and I was unwilling, in the face of the fact that we are confronted with a deficit, which seems to be inevitable if the figures of the Treasury Department are correct, to vote $250,000,000 out of the United States Treasury when we had no program before us and no intimation or idea as to just how it would be expended if it were so appropriated and no request from the administration for further funds.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. O'CONNOR of New York. If the gentleman followed his argument to a logical conclusion, that $13,000,000 does not enforce in any State in the Union, then why appropriate anything to enforce the law? Why waste $13,000,000 when it is not effective?

Mr. BYRNS. I think it is to a certain extent effective, but when I speak of enforcement, of course, I am speaking of that complete enforcement of the law which we all desire to see happen and which the people have a right to expect; but I will say to the gentleman that if there had been a possibility of increasing the appropriation even in conference by something like $50,000,000 or even more, I would gladly have supported such a proposition if we could have been given some assurance that it would be used in an effective way and not merely to put more political appointees on the Government pay roll.

And I notice one thing, gentlemen, that every proposition that has been made upon the floor of the House or the floor of the Senate for an increase of this appropriation has come from those who are not in sympathy with this law, and some of them go so far as to state that no amount of money that may be appropriated would be sufficient to enforce it. The Republican Party pledged the people in the recent campaign that it would enforce the prohibition law. Notwithstanding its lamentable failure to do so during the past seven and one-half years the people accepted its promise. Those in charge of its enforcement say they can not enforce it without more money. If this Republican administration sincerely wishes to enforce this law as it promised the people it would do then it should propose and present to this session of Congress, for a deficiency bill, a program for the better enforcement of this law, because I do not believe there are any Members of Congress who would refuse to vote sufficient money to enforce the law if they were given some kind of an assurance that the money appropriated would be properly expended for enforcement and not for political purposes.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. In just a minute. We know this: This amendment was placed upon the bill in the Senate by a distinguished Senator who is every ready to declare his opposition to prohibition and who even yesterday in a statement on the floor of the Senate said that he did not believe that it could be enforced other than by something like an inquisition in this country. Without reflecting upon any gentleman who favors these large appropriations, under these circumstances, those of us who really and conscientiously believe in prohibition and want to see the law enforced as it should be enforced naturally have some reason to suspect the real motives of those gentlemen who never lose an opportunity to attack prohibition and the law upon the statute books but who insist upon these larger appropriations. They must know that in the absence of a careful program by the administration it would be wasted, and perhaps that may be one reason why these active wets make these efforts. They hope to make the law unpopular.

Mr. BLANTON. Will the gentleman yield? If we gave them the money——

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNS. May I have five additional minutes?

Mr. WOOD. I yield the gentleman five additional minutes.

Mr. BLANTON. If we gave them the money they would not have any excuse whatever for saying they could not enforce it, would they?

Mr. BYRNS. No; but I am not willing to vote $250,000,000 without some information as to how it will be expended.

Mr. BLANTON. I noticed that during the recent months the administration leaders have directed much criticism against the State of New York for repealing the State prohibition laws, but none of them have directed any criticism toward the administration for permitting the local laws here in the city of the Nation's Capital to be repeated. There is no local law here that applies in the District.

For instance, the District officials have 1,400 policemen in Washington, and only 20 can make arrests for violations of the prohibition law. The others of the fourteen hundred are helpless, and there has been no attempt whatever to reenact the old Sheppard Act that permitted enforcement by local officials here in the District of Columbia. That would be one step toward enforcement.

Mr. BYRNS. Undoubtedly. The wonder is that so little effort toward honest enforcement has been made and yet many of the prohibitionists of the country indorsed it. I am sure Doctor Doran, of the Prohibition Bureau, and Admiral Billard, of the Coast Guard, are doing all they can with the limited funds at their command. The fault lies with the administration which does not formulate plans for a more rigid enforcement and ask for sufficient money to make it effective. On the contrary, it comes forward each year with the same old request for the same amount of money to be expended in the same old way. Each year Congress has increased it to some extent——

Mr. O'CONNOR of New York. If the gentleman will permit me to clear up the situation——

Mr. BYRNS. I have but a minute.

Mr. O'CONNOR of New York. I want to say this about men advocating these increased appropriations because they are against prohibition: There are some men in the House, including myself, who have never voted for an appropriation to enforce prohibition because I believe the people do not want it. I have not even voted for the $13,000,000 because I believe the American people are against it, and anybody who says he wants enforcement directed against his friends or companions is not frank with the world.

Mr. BYRNS. I was not questioning the motive of the gentleman from New York or any other gentleman on the floor of this House; but I have always been taught to beware of Greeks bearing gifts, and I have noticed that these amendments seeking large appropriations always come from those gentlemen who are recognized as ardent opponents of the prohibition law and gentlemen who do not believe in it. Neither do I, of course, mean to impute any insincerity to any of these gentlemen; but what I want to see is this: I want to see those who are in charge of the enforcement of this law, if they really want to enforce it, come to Congress with a constructive program and tell us how they expect to spend the money, and until they do this I can not with good conscience vote for this immense increase of $250,000,000 to be put into the hands of the administration which has not asked for it. Certainly this ought not to be done until the administration has told the Congress how it expects to expend it. And especially is that true when we are confronted with the fact that we are going to have a deficit in all probability next year.

That was my reason for joining in this conference report. I can not conceive of Congress voting $250,000,000 for the enforcement of law when the administration and those in charge of it have neither asked for it nor told us how they are going to expend it. I do not think we should be swept off our feet for any reason, political or otherwise, in the effort to place this big charge upon the Treasury merely because it is for prohibition or for any other reason. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA[.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, I believe the position of a Member who is opposed to the prohibition laws seeking sufficient appropriations to enforce these impossible laws is much more easily explained than that of the champions of the drys who stand up and vote against necessary appropriations to enforce the laws. We are simply tired of being called nullifiers of the law and pointed out as flouters of the law, as opponents of the Constitution, and then coming to Congress and hearing from the same Members who criticize us, Members who pretend to believe in the eighteenth amendment of the Constitution and champions of the enforcement law, while knowing in their hearts that the law can not be enforced, going through the mockery of voting measly appropriations when they know those appropriations are not sufficient to attempt to enforce the law, because they know the law can not be enforced, but will not admit it. [Applause.]

The distinguished gentleman from Tennessee [Mr. BYRNS] states that there is no plan ready. Why, your very enforcement law is the plan. That is not the reason. The real reason is that the law is a failure, and you know it. I submit that the sending of 250 agents on an average in each State, while not even half sufficient, is at least a reasonable plan. There are no drys who

can honestly complain against that. The distribution of 3,000 agents on the Canadian border, Gulf, Atlantic, and Pacific coasts is a most reasonable plan, and no one can honestly say that is extravagant. By trying to make the law applicable to all States, and not only to New York City, with a small force in each State, would cost $30,000,000 alone. Putting of 3,000 agents on the border lines would cost you $10,000,000. Proper supervision of industrial alcohol would cost at least $10,000,000, and real enforcement of the narcotic law alone would cost $25,000,000 a year. There is $75,000,000 to start, and that would only commence to organize the skeleton of the force necessary to enforce this prohibition law.

Gentlemen, I do not criticize the personal habits of any dry. I believe the eighteenth amendment has brought about a new code of conduct among American gentlemen. In other words, "people who have liquor in their glasses should not look into the other fellow's glass." [Laughter.] I am criticizing the legislative attitude of the drys. The only way to try out this law is to enforce it. We know it can not be enforced. As long as the drys insist that it can be enforced and should be enforced, they can not escape the responsibility of appropriating the funds necessary to do it. It is my function as a legislator, being sent here by a constituency which does not approve of this law, to seek to bring about a change by legislative or constitutional action, not to protect the bootlegger and the poison-monger by lack of appropriations, such as is being done to-day. It is not inconsistent for me as a wet to vote for all the appropriations required and thus let the country know what a farce this whole question of prohibition is.

We are dissatisfied with a laissez faire policy of selling poison and buying a drink on the sly. It is just this policy that has created graft and corruption, that has established a criminal system with unlimited resources, such as threatens to demoralize the whole country. That is the condition to-day. Gentlemen, you must either admit complete failure or vote away millions and millions of dollars for enforcement. Even after we spend millions the drys will have to admit that of which we are convinced, that it just can not be done. Try and appropriate $50,000,000 or $100,000,000 if you are sincere and really believe in enforcement. It will soon reach an annual appropriation of $250,000,000. Then the people will realize the necessity of bringing about a change. We ask you, so long as the law is on the statute books, to enforce it in all the States. [Applause.]

Mr. BYRNS. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BYRNS. Mr. Speaker, so far as I am concerned, I think the record will show that the law is being more strictly enforced in the State of Tennessee and much more effectively than in the State of the gentleman who has just spoken. The gentleman has stated that $50,000,000, or $100,000,000, or $200,000,000 would not be sufficient to enforce the law. Why, then, should the gentleman, representing a great constituency, vote for taking $250,000,000, which will require the raising of taxes, when he admits that the law can not be enforced?

Mr. LAGUARDIA. My answer is this: That we must go through this waste of public funds in order to convince the gentleman from Tennessee and other sincere drys in this House that the law is simply impossible of enforcement. If the gentleman is ready to admit it now—let us get busy and amend the law. It seems that it is necessary to go through this costly procedure of attempted enforcement to convince some who still believe in the law. There is no use in talking about the Constitution and law enforcement if you have not the courage to put the necessary money back of it and try it out; try it out until your tongues hang out, until your people can not get a drink. Try it out, and then come back here and modify the law. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. O'CONNOR of New York. Mr. Speaker, I belong to a school of thought on this subject of prohibition enforcement entirely at variance to that of the gentleman from New York [Mr. LAGUARDIA]. He is for making the law ridiculous by voting for unavailable amounts to enforce it, knowing that no amount of money will enforce it. That, to my mind, is just as hypocritical as the original enactment of prohibition. I am against enforcing it at all, because I am confident the American people, irrespective of their alleged votes on the merits of prohibition and its related questions, do not want prohibition "enforced." They at least do not want it enforced within their own circle. I do not believe there is a red-blooded man or woman in America to-day who would go the limit in enforcing prohibition as they would other laws, because such a fervor as we hear mouthed here to-day, if carried to a conclusion, would involve decent men and women informing on their relatives and their friends and their social acquaintances. A whole nation of informers would entail. What man here would tolerate his associate in committing burglary or any one of many other crimes without informing on him? But what man here would ever, to his dying day, inform on a colleague or friend for violating the Volstead law? And why is this spirit prevalent among decent men and women? Because they know that the drinking of liquor is not per se a "crime," and all the constitutional amendments and all the prohibition legislation conjurable can not make it one.

If the drinking of liquor can not be made a crime, how are you ever going to convince an intelligent people that the manufacture, transportation, or sale of it is even an offense against morals, let alone a crime?

What man here will sit in a gathering to-night and to-morrow inform on his friends who violate this "law"?

Why, gentlemen, the mere fact that some one in authority, such as Commissioner Doran, burdened with the mockery of trying to enforce it, says you need $300,000,000 to "enforce" this law, is the greatest proof under the sun that there is something fundamentally wrong with the law—that it is not consonant with the wish and the will of the American people. What other law needs that much money? What other one law on the statute books of our Federal Government needs even $28,000,000 to enforce it, as this appropriation bill carries, not to mention the huge sum Commissioner Doran suggests?

Mr. McKEOWN. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. McKEOWN. If the people do not want prohibition, what was the matter with the State of New York in the last election on that question?

Mr. O'CONNOR of New York. Oh, there is always the cry about the State of New York. We hear things reiterated so often that sometimes the people who utter them believe they are true. We will match the great Empire State in its enforcement of prohibition against any State of the Union. It is, in fact and truth, the only place where there has been an attempt at enforcement. Particularly true is this in New York City, because in the rest of the State there has never even been a feeble attempt at enforcement. In the rural counties the Republicans and the professional "drys" are in local control. There has not been a speakeasy in New York City that has not felt the heavy hand of the prohibition enforcement investigators—at least, the tribute-levying hand. In the other counties of the State, outside of New York City, rarely has an old saloon or a new speakeasy ever been visited by a prohibition agent, let alone interfered with in its business of catering to the "drys" of the county. They are all still doing business. One of the favorite indoor sports here is poking at New York for not having a State enforcement act. What about the State of Massachusetts, where your Chief Executive comes from? Have they there a real enforcement act and do they enforce prohibition by State law?

Mr. LUCE. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LUCE. Yes. [Applause.]

Mr. O'CONNOR of New York. Oh, the gentleman may think they do, but I am informed that not within five years has the State of Massachusetts worked under its State enforcement act, and furthermore the State of Massachusetts, the great State of your Chief Executive, on every occasion when a referendum was submitted to it has voted for light wines and beer.

Now, I am one who refuses to be a hyprocrite about this matter. I would not vote for any appropriation, big or little, to enforce prohibition. I would not vote for $13,000,000 or 13 cents to enforce prohibition. I do not know one person who sincerely wants it enforced. I know of hundreds of laws on the statute books that no man here would dare to suggest appropriating one cent to enforce. If that is against my oath of office, I am at least honest with myself. I can still look in the mirror without saying "thou hypocrite!"

Mr. LAGUARDIA. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LAGUARDIA. Does the gentleman believe we can convince our colleagues that this law is not enforceable unless we give them every means to enforce it and then show them it can not be enforced?

Mr. O'CONNOR of New York. That is only a roundabout, circuitous way of doing a thing. You are only playing the same game of hypocrisy as those who favor prohibition are playing when you try to call their bluff by using all the resources of the Government to carry the law into effect. You argue it never can be enforced, and then you stand here and advocate wasting hundreds of millions of the taxpayers' money to prove

your case. I am not going to sneak up on it and stab it in the back like that. I am going to hit it right between the eyes. The greatest crime in America to-day is hypocrisy, seeming to be what you are not. Whether you are "dry" or "wet" may depend on whether you are making a campaign speech or giving a dinner party.

Mr. SCHAFER. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SCHAFER. Would you play the same game of hypocrisy that Governor Smith played in the last campaign on the prohibition issue?

Mr. O'CONNOR of New York. I will answer the "wet" gentleman by saying that if Governor Smith had been a hypocrite, as most politicians are, he might have fared better in those days of demagogues. It is my personal opinion that the greatest claptrap in America that falls from the lips of any statesman is to say that "while this law is on the statute books I am in favor of enforcing it." No man in public life really means that. No man in public life to-day wants to enforce that law to the limit.

I am one who is against its enforcement. The mere fact that something about prohibition is written in the Constitution of the United States does not overawe me. I know the people do not want it enforced. I know they would not want it enforced if all the referendums imaginable were had and huge majorities answered in favor of continuing the present system. I want no referendums. I would not abide by one myself. No majority, however great—aye, 99 per cent—can regulate my personal conduct in such matters. Yes, even if I were the only one in the negative. That majorities have been, and may be, tyrannical was never better evidenced than by the condition in which we find ourselves to-day in this country over prohibition. It was never intended in this democracy that a majority, however large, could invade the homes in the private affairs of our citizens. So, talk no more to me of referendums! I am going to decide the question of temperance or abstinence for myself, and I think every honest man agrees.

This overshadowing problem of prohibition will be solved some day, I am confident. For 10 years no greater or more-discussed issue has confronted the American people. No one will say the law has been effective. No one ventures that it can be. The necessary corollary of that is that something must and will be done about it. It has been the greatest breeder of demagogues since slavery. It furnishes all the appeals to the emotions and passions that are meat to the demagogue. He has thrived on it. Hypocrisy is his coat of arms. Take that away from him and stand him naked in the market place on his own two feet and the people will soon be rid of him. First do away with the hypocrisy in this subject and you will point a way to its solution. I am willing to hazard a guess that before his term shall expire the newly elected President of the United States may advise Congress that prohibition is really not enforceable and that some plan of effecting real temperance should be devised. Perhaps he may even take a leaf out of the book of a certain governor named Smith. Mirabile dictu.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to call your attention to what the conference report means. The amount of this bill as it passed the Senate was $1,376,805,908. The amount of the bill as it passed the House was $1,116,675,389. The amount added by the Senate was $260,130,519. Of this addition $257,127,384 was involved in the Bruce amendment to the prohibition enforcement appropriation. Exclusive of the Bruce amendment the Senate added $3,003,000. In conference the Senate has receded from $258,915,709, of which the Bruce amendment amounted to $257,127,519, leaving the Senate recession on other items $1,388,190. The House has receded from items totaling $1,614,810. The bill as agreed upon is $1,118,290,199. This sum is less than the Budget estimate by $1,112,560. The amount as agreed upon is divided between the two departments as follows: Treasury Department $303,674,474, and Post Office Department $814,615,725.

Now, gentlemen, I wish to make a few observations with reference to the Bruce amendment. The appropriation in this bill is but a small item as compared with the total amount of money that is being expended in an endeavor to enforce the prohibition law. This bill carries $13,000,000 for that purpose. This added to what is appropriated for various other departments for prohibition enforcement amounts in all to more than $35,000,000. This is a considerable sum, yet we are told that we are to appropriate $257,000,000 more. And who tells us to do this? Not the friends of prohibition. The enemies of prohibition are the proponents of all of these amendments, not in good faith, but in order, if you please, to try to break down this law. There is not one among them but what if he had his way to-day would strike it from the statute books. There is not one among them but what would go to great lengths to defeat the prohibition law, and they are never happier than when they hear of its violation.

It is not enforcement they want, and this has been confessed by the gentleman from New York [Mr. LAGUARDIA]. He is admitting that if we appropriated all the money in the Treasury this thing would be a failure. It is his desire that it should be a failure.

I think the people of the United States, upon the 6th day of November last, registered in no uncertain terms what their desires are with reference to the prohibition law, and when the gentlemen from New York on either side of the aisle get up here and tell us that the State of New York is among the chiefest who have tried to enforce it, they know it is not true. Why, that State, so far as I know, is the only State that has held the law in defiance from the very time it was enacted. When it was under consideration here, every Member from the city of New York, from Tammany, voted against it; and after it became the law, the first thing they did was to introduce or have introduced in the Legislature of New York a bill for the purpose of manufacturing 3.75 per cent beer. This law was passed and signed by their governor, the late candidate for President of the United States, on the Democratic ticket, when he knew it was unconstitutional. It was brought to the Supreme Court of the United States and that court very promptly declared it unconstitutional. Not content with this, they introduced a bill in the legislature of that State, passed it, if you please, signed by the governor, Governor Smith, repealing all enforcement laws, yet they come here and tell us they have been trying to enforce this law in the State of New York. If all the States in the Union had taken the same position, had acted through their legislatures and through their governors, the same as they have acted in New York, we would have had pandemonium in this country.

I have faith to believe that by reason of the verdict of the people registered in November, and by reason of the trust they have in the present administration and incoming to enforce this law, a long step has been taken toward its enforcement. If there was any doubt anywhere as to the temper of the people in regard to the enforcement of this law it was dispelled on November 6, 1928. There is no longer any uncertainty on this proposition. The moral effect of the election is going to go a long way toward enforcement of this and all other laws.

Mr. BLACK of New York. Will the gentleman yield?

Mr. WOOD. No. I want to say to you that, on the other hand, had Al Smith been elected President of the United States, occupying the position he has ever occupied with reference to this prohibition law, there would have been ten times more violations then than there is now, because every violator would have felt he had a license, by reason of the attitude of the President of the United States, to go his whole length. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. WOOD. Not now.

We witnessed a beautiful spectacle the other day when it was proposed by an enemy—and an arch enemy of the prohibition law—to add $257,000,000 to this appropriation; and the remarkable thing is that on yesterday when this conference report was being debated upon the other side some 20 or more Senators who hold themselves out as drys voted with this arch enemy of prohibition. Why did they do it? They have their ears to the ground. There is no uncertain sound still reverberating from what happened on the 6th of November. They supported Smith, and they are now trying, if you please, to back track and get in the confidence of their constituencies again who were betrayed in the late campaign.

Mr. BANKHEAD. Mr. Speaker, I feel that I must rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. The gentleman from Indiana has been in Congress long enough and is enough familiar with the rules of conduct of the House to know that it is a flagrant violation of the rules for him to criticize or speak in terms of disparagement of the vote of Members at the other end of the Capitol. [Applause.] I must respectfully ask the Speaker to admonish the present occupant of the floor of that rule of the House.

The SPEAKER. The gentleman from Indiana will proceed in order.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. WOOD. Yes; I yield.

Mr. CRAMTON. Is a reference to the fact that certain Members of this or another body supported Al Smith for President to be taken as an opprobrious epithet? [Laughter.]

Mr. WOOD. Mr. Speaker, there come times when, in order that the people of this country may know what is going on here, we should call a spade a spade.

Mr. BANKHEAD. Mr. Speaker, I renew my point of order and ask for a ruling from the Chair upon the point of order.

The SPEAKER. The Chair does not think that a mere reference to the particular candidate for whom a Member may have voted is out of order, but thinks that the gentleman from Indiana is rather dangerously close to the line in attributing motives to the Members. The gentleman from Indiana will proceed in order.

Mr. WOOD. I am in accord with the ruling of the Speaker. [Laughter and applause.]

Mr. BLACK of New York. Will the gentleman yield on another point?

Mr. WOOD. Not now.

I want to say, gentlemen of the House, it is pretty near time that the American people should put the blame where blame is due. We have been hearing preached and reiterated for years and years the great conservatism of one body of this Congress as compared with the other. I think it is about time that the people of this country should know which the conservative body is. It has been said of this House that we are very sensitive to the sentiment of the people back home so that we may keep our seats here.

I would like for the people to scan the action of this body on this very bill, in contrast to the action of the other body on the same measure. The same attempt was made here in a more modest degree to hamstring the bill, and this House, without regard to politics, without regard to party, voiced a unanimous sentiment, almost, in opposition to these attempts. When on the other side there was more than two-thirds of those who voted for it, professed drys, and yet they voted with the arch enemy of prohibition.

Mr. HOWARD of Nebraska. Will the gentleman yield to one of his most earnest supporters? [Laughter.]

Mr. WOOD. I will yield to the gentleman.

Mr. HOWARD of Nebraska. I have always followed my colleague from Indiana diligently. I am in doubt what I should do. I want to vote with him, but I would like to have him tell me if I should vote with him, sustaining his action here, in view of his reference to the 6th of November, will I then stand in the attitude of repudiating my own action on the 6th of November? [Laughter.]

Mr. WOOD. I do not know what the gentleman's performance was on the 6th of November. I know what the performance of his candidate for governor was. I do not think he should be very proud of him, and in the name and memory of William Jennings Bryan can you be proud of him [laughter]——

Mr. HOWARD of Nebraska. May I say——

Mr. WOOD. I thought the gentleman was through——

Mr. HOWARD of Nebraska. I may be through, but I wondered if the gentleman from Indiana was through.

Mr. WOOD. The gentleman from Nebraska will support the conference report, for he is consistently in favor of the enforcement of the law.

Mr. HOWARD of Nebraska. Well, that is a pretty good certificate. [Laughter.]

Mr. WOOD. Now, let me say that we have all of the machinery now for the enforcement of the law that can possibly be handled under the existing circumstances. The amount of money carried in this bill is all that the department asked for and all that they can use in a practical way.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS. The gentleman is in charge of the bill on the floor and he was in charge at the hearing when the bill was pending before the committee. I want to know if the gentleman has any idea or any opinion as to just how $250,000,000 would be expended if appropriated, as was suggested by the Senate amendment.

Mr. WOOD. I have no idea.

Mr. BYRNS. Does the gentleman think it would be or could be expended?

Mr. WOOD. It could not be expended for the purpose appropriated. If expended, it would be simply a waste. As has been stated here, the men who are supposed to enforce the law are to come from the civil-service list. They have had two examinations and have not been able to furnish more than one-third of the force because of one reason or another.

Mr. CRISP. Will the gentleman yield?

Mr. WOOD. I will.

Mr. CRISP. I am supporting the gentleman. He stated that there was $35,000,000 appropriated for enforcement of the law—$13,000,000 in this bill. I would be glad if the gentleman in extending his remarks will set out for the information of the country the other appropriations going to make up the $35,000,000.

Mr. WOOD. I will be glad to do it. It is made up in the appropriations for Coast Guard, Bureau of Prohibition, and the Department of Justice, and I will put in all of the items.

The following statement gives the cost as nearly as can be estimated for 1930, using as a basis appropriations made in the pending bill for bureaus under the Treasury Department, and including for the Department of Justice the total in the Budget estimates:

Bureau of Prohibition appropriation	$13,500,000
Less amount for narcotic enforcement	1,411,260
Net amount for prohibition	12,088,740
To be allotted from Treasury fund for printing and binding	70,000
To be allotted from Treasury fund for stationery	48,000
Total for Bureau of Prohibition	12,206,740
Coast Guard, proportion due to antismuggling	14,686,798
Customs Service, proportion estimated as due to border patrol work taken over from the Bureau of Prohibition	1,000,000
Department of Justice, estimated at one-third of total department estimates for 1930 as due to prohibition enforcement	9,367,853
Total	37,261,391

Mr. BLACK of New York. Will the gentleman yield?

Mr. WOOD. I will.

Mr. BLACK of New York. When the bill was on the floor of the House there was an item for a revolving fund for the narcotic enforcement, which was stricken out on a point of order. And the gentleman indicated that it would be restored in the Senate.

Mr. WOOD. It has been restored.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BANKHEAD. The gentleman is chairman of the subcommittee and has heard all the evidence as to the amount of the appropriation for the enforcement of prohibition. Does the gentleman agree that $13,000,000 is all that is reasonably sufficient and necessary to enforce prohibition in the United States?

Mr. WOOD. I will say this: This law will never be enforced as we would like to have it enforced until those whose duty it is to help enforce it, not only in the Federal machinery but in their State machinery, do their utmost.

It is the hardest trial that has ever been put up to the American people. I have faith to believe that eventually it will be done, but I say this to the gentleman: I have had a good deal to do with the liquor laws. I was prosecuting attorney for six years in a town of 25,000 inhabitants that had a hundred and ten saloons. The law was violated constantly, and I dare say the millenium will come before they cease violating the liquor laws in the United States. Liquor has been prolific of more law violations and in consequence prolific of more crime than all of the other causes in this world combined, so that we need never hope to see the day when the liquor laws are completely enforced, for that time will never come. The best we can hope for is to see the violation of the liquor laws reduced to the lowest possible minimum. I have faith to believe that with patience, with honest and earnest endeavor, the laws will be enforced to that extent.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LOZIER. Apropos to the favorite indoor sport in America, namely, abusing the House of Representatives, is it not true that this body functions more efficiently and is more responsive to the public will than any other legislative body, State or national, in the world?

Mr. WOOD. I agree with the gentleman entirely on that proposition.

Mr. BANKHEAD. Does the gentleman regard his answer to my inquiry as an adequate answer in good faith, responsive to it? I know the gentleman intended it so to be, but did he complete it?

Mr. WOOD. If I did not complete it, I say this, that the $13,000,000 that we are appropriating in this bill, with the other appropriations aggregating $35,000,000, for the enforcement of this law, will go a long way toward bringing about the end we desire, but that it will accomplish it completely I say no. It is going to take a number of years to do it, but I do say, and I think the gentleman from Tennessee [Mr. BYRNS] agrees with me in this opinion, that the amount that we are appropriating is all the money that can be practically used under the present organization.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BRAND of Georgia. How much was the appropriation two years ago for this purpose, as compared to this appropriation?

Mr. WOOD. I do not remember just what the figures were, but it was not as great as it is to-day. The House in considering this item added $100,000 more than was suggested by the Budget, so that the committee after getting all of the facts as nearly as it could, tried to deal generously and gave much as we thought just and right, and to the entire satisfaction of those whose duty it is to enforce the law.

Mr. BRAND of Georgia. The appropriation now is larger than it was in the last appropriation bill?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Is it the contention of the supporters of the reduced appropriation that what is being done is all that can be done for the enforcement of that law?

Mr. WOOD. It is not all that can be done. When you get law-enforcement officers who are 100 per cent honest, when you get the cooperation of the State law-enforcement officers who are 100 per cent honest, when you get the cooperation of Federal officers and of State officers, with the sympathy of those officers in favor of enforcement, then we will come more nearly to doing what the gentleman inquires about.

Mr. LAGUARDIA. And, in addition to that, it is only fair to add when we get legislators of that same high degree of honesty.

Mr. WOOD. I say the legislators here have been doing their part in so far as furnishing the sinews of war are concerned.

Mr. BLACK of New York. What does the gentleman mean by sinews of war?

Mr. WOOD. That is the money.

Mr. BLACK of New York. How about the other side?

Mr. WOOD. I am not my brother's keeper.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. STEVENSON. A suggestion was made a short time ago by the gentleman, to which some objected—though I did not—in respect to the motive of some of the Members of another body who voted with this proposition yesterday. The gentleman suggested that it was a manifestation of their repentance of what they did last November. I call the attention of the gentleman to the fact that the senior Senator from North Carolina and the senior Senator from Alabama were both with that crowd. Does the gentleman think that they are repenting now?

Mr. WOOD. No; they are sitting upon the pinnacle of self-satisfaction, and can truthfully say to those who sought to crucify them during the campaign, "We told you so."

Mr. STEVENSON. But they were voting with this arch-enemy of prohibition to whom the gentleman refers.

Mr. WOOD. Yes; and I will tell you why they did it. Both of these gentlemen are members of the Democratic Party, in which they were born and reared and hope to die, and they are desirous of seeing their party reborn, rise, and again become active, full fledged, and full of energy for the pursuit of right. They are trying to help these men out of the hole into which they got themselves. That is what they are trying to do. [Laughter and applause.]

Mr. STALKER. Mr. Speaker, will the gentleman yield two minutes to me?

Mr. WOOD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 12 minutes remaining.

Mr. WOOD. I promised to yield five minutes to the gentleman from Texas [Mr. BLANTON]. He does not seem to be present at the moment, and I yield the gentleman from New York two minutes.

Mr. STALKER. Mr. Speaker, I have had a conference this morning with Mr. Lowman, Assistant Secretary of the Treasury, who is a distinguished citizen of my district. The Treasury Department does not need additional money to enforce the national prohibition act. The bill gives them all that they have requested. They can make all of the cases—in fact, more cases than the Department of Justice can prosecute. If the penalties were more severe, the law would command greater respect and the violations would thereby be materially reduced.

Where we have fallen down is that we have not given the Department of Justice sufficient machinery with which to enforce the law. I refer especially to the inadequate penalties. In the western district of New York there are now 3,000 cases pending that have not been tried. I have introduced H. R. 9588, which was referred to the Judiciary Committee and favorably reported, and is now on the House Calendar. This bill increases the penalty and makes a commercial violation of the eighteenth amendment a felony. The penalty is $10,000 or five years' imprisonment, or both. A similar bill was introduced in the Senate by Senator JONES, was favorably reported, and is on the Senate calendar. If Congress will enact this legislation increasing the penalty for violations, and thereby give the Department of Justice the proper machinery with which to enforce the law, we will then be able to cope with the situation and enforce the eighteenth amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in dispute.

The Clerk read as follows:

Amendment No. 7. Page 21, in line 5, after the word "warehouses," insert a colon and the following proviso: "*Provided further,* That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LIMITING OPERATION OF SECTIONS 198 AND 203 OF TITLE 18 OF THE CODE OF LAWS OF THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to have the House take up and consider Senate Joint Resolution 167.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report.

Senate Joint Resolution 167

Limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the report on this joint resolution as yet has not been printed. On yesterday I obtained leave of the House until to-morrow to file a minority report. The distinguished chairman of the committee, the gentleman from Pennsylvania, feels this matter ought to receive prompt attention, and if I may have an opportunity to state my position on the resolution to the House I will take my chances on that.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to have the resolution reported.

The SPEAKER. Without objection, the resolution will be reported.

There was no objection.

The Clerk read as follows:

Resolved, etc., That nothing in sections 198 or 203 of title 18 of the Code of Laws of the United States (secs. 109 and 113, Criminal Code) or any other act of Congress forbidding any person in the employ of the United States or acting in any official capacity under them from acting as agent or attorney for another before any department or branch of the Government or from receiving pay for so acting shall be deemed to apply to counsel serving under the provisions of S. J. Res. 54, Sixty-eighth Congress, first session, approved February 8, 1924.

Mr. HUDDLESTON. Mr. Speaker, further reserving the right to object, may I ask the gentleman from Pennsylvania if that resolution is intended to permit Mr. Roberts to remain in the public service?

Mr. SCHAFER. I will object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. GRAHAM. Mr. Speaker, will the gentleman withhold his objection in order that I may explain?

If the gentleman will hear me, I am sure he will withdraw his objection.

Mr. SCHAFER. I will reserve the objection.

Mr. GRAHAM. The matter pending is not a question of the relief of Mr. Roberts. The matter pending is a question of having the United States Government properly represented when the oil case is argued this month. The situation is that Mr. Roberts has resigned from this special attorney generalship. In my humble judgment, and I differ with the Attorney General

in that, these acts which are sought to be made inapplicable to this special appointment as United States Attorney General do not cover the case of Mr. Roberts. Mr. Roberts was appointed under a joint resolution at the instigation of the President to prosecute these oil cases, he and Senator Pomerene of Ohio.

This resolution applies solely and only to relieving him of the effect of the Attorney General's opinion, that those sections do cover the cases of special counsel thus selected.

Now, then, the Government is in this position; it has made an earnest appeal that the case should be presented early, and when it comes to prepare the briefs there will be no one adequately fitted to prepare the briefs with a sufficient knowledge of these cases, and it puts the United States at a great disadvantage.

Mr. SCHAFER. Mr. Speaker, will the case be tried in the District of Columbia?

Mr. GRAHAM. No; it will be argued before the Supreme Court.

Mr. SCHAFER. I withdraw my objection, since the case is to be argued before the Supreme Court. I thought the case was to be tried in the courts of the District of Columbia. No matter who represented the Government in these oil cases, would there be a conviction in the courts of the District of Columbia under existing conditions, particularly the method of selecting juries? I withdraw the objection.

Mr. GRAHAM. The gentleman may be right.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, I do not want to avail myself of the right to object and so prevent this resolution that has passed the Senate from coming before the House for consideration. I do want to warn the membership of this House of the precedent you are establishing if you pass this resolution.

It simply singles out one man and sets aside wise, sound, and necessary provisions of the law in order to obtain the legal services of one particular lawyer. This resolution would make an exception to the law which prohibits an official of the Government from appearing or practicing before the departments of the Government for clients whose interests are adverse to the Government. In other words, represent one client in an action and other clients against that same client in other actions.

I do not believe and can not agree that there is only one man in the United States who can prepare the briefs and argue the particular case for the Government in this particular instance. I believe the Government's case is so strong and has so much merit that we can obtain as many lawyers as we may need to argue the case.

But assuming that the facts are as stated by the gentleman from Pennsylvania [Mr. GRAHAM], that a lawyer has the Government, so to speak, by the throat, assuming that he is the only man who can prepare these briefs and argue the case, then I submit it is manifestly unfair for him to say, "I will not continue. I will resign unless you amend the law especially for me so that I can come in and practice before the departments of the Government in matters against the United States, even though I am retained as special counsel for the same United States." That is what the resolution would do. Mr. Roberts may be replaced, and in that event we need not amend the law. Or if he can not be replaced, he should not exact such unreasonable terms. It is a very unwise and dangerous precedent to establish. I will concede Mr. Roberts's great ability. I will concede the desirability of his continuance in the case. With all that I do not concede the necessity of this resolution which would make Mr. Roberts a most privileged person.

Every corporation or person having a case before the Treasury Department for refund of taxes and all sorts of actions before the Department of the Interior, might well now go to Mr. Roberts, a privileged person by special act of Congress, if you please, and their argument will be, "How can Mr. Roberts be wrong in maintaining our contention, when he is the only one you say is qualified to be intrusted with most important cases by the Government itself?" It will indeed be difficult for the head of a department to get away from that.

These laws are necessary to protect the Government against officials of the Government practicing before the departments in cases brought against the Government. I can see no necessity for such drastic action as setting aside the law in order to retain the service of one lawyer. When the oil cases are mentioned, it seems everybody is afraid to speak. I think that the Government's side of these cases is so strong that the Supreme Court, having nothing else to do than follow its own decisions in cases involving the same transactions, will follow the precedents set in the other cases. If you are going to annul the law prohibiting a Government official from appearing against the Government, you are going to destroy a great protection for the Government and Government resources.

I will state frankly that considerable pressure has been brought for the passage of this resolution. This matter was mentioned in the message from the President of the United States. He recommends the passage of the resolution. It has passed the Senate and the Committee on the Judiciary of the House has reported it out without a dissenting vote except my own; but if I am the only Member of this House to-day to take this position, I am going to take it and stand here and oppose it, because I conscientiously consider it unwise and dangerous.

I want to remind the gentleman from Pennsylvania [Mr. GRAHAM] that we passed another bill similar to this under the same pressure, to bring a witness from a foreign country, and we find now that after passing that law the law is ineffective and the foreign government refuses to surrender the man. That provision of law was passed under exactly the same circumstances as this.

I have performed my duty in giving you the facts. You are voting for a resolution without a report before you, without any case being made out showing the necessity for it. The responsibility is upon the House. I have done my duty. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

BOULDER DAM

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5773, together with Senate amendments, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table House bill 5773, with Senate amendments, and consider the same in the House as in Committee of the Whole. Is there objection?

Mr. CLARKE. Mr. Speaker, reserving the right to object, what is this bill?

Mr. SMITH. It is the Boulder Dam bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate amendment.

Mr. SMITH. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

The SPEAKER. The gentleman from Idaho asks unanimous consent to dispense with the reading of the Senate amendment. Is there objection?

There was no objection.

Mr. SMITH. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Idaho moves that the House concur in the Senate amendment, and is recognized for five minutes.

Mr. SMITH. Mr. Speaker, this is the bill known as the Bouldam Dam bill for the improvement of the Colorado River. It passed this Houes on the 25th of May and passed the Senate on the 13th of this month. The Senate struck out all after the enacting clause and inserted its own bill, which had been repored from the Senate Committee on Irrigation and Reclamation. The changes made in the Senate will be explained by the author of the bill, Mr. SWING, of California.

Mr. HOCH. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. HOCH. Is there anything in the Senate amendment with reference to the sale of electrical energy, as far as the rates to consumers are concerned?

Mr. SMITH. No. There is no reference to the rates.

Mr. HOCH. Is there any provision whatever in the bill which provides for the regulation of the rates?

Mr. SMITH. Yes; for the regulation of the rates.

Mr. HOCH. What is the regulation?

Mr. SMITH. The author of the bill will explain in detail the changes in the bill as passed by the Senate.

The SPEAKER. The gentleman from California [Mr. SWING] is recognized for five minutes.

Mr. SWING. Mr. Speaker and Members of the House, the principal changes that were made by the Senate were along the line of bringing the bill into conformity with the report of the Sibert Board of Engineers, which was appointed under a joint resolution concurred in by this House.

The first important amendment or change had to do with a segregation and separation of the all-American canal, its cost, and its method of repayment from the dam and the power plant, their revenues and their method of repayment. That was rec-

ommended by the Sibert Board. Under the House bill, as it passed, all parts of the project were embodied in one group and all revenues from all sources, including the lands under the all-American canal, were pooled to pay off the entire debt due the Government. The contention was seriously made in this House by opponents that the all-American canal would be a drag or burden upon the revenues which would be received from the power and in that way tend to make the project unsound financially. Under the Senate amendment the all-American canal is now to be paid for wholly and distinctly by the lands which will be benefited, and there is no way that it can be made a burden upon the revenues which are secured from the sale of power or power possibilities at the dam.

The second important amendment, in conformity with the Sibert Board's report, provides for an increase in the estimated and authorized cost from $125,000,000 to $165,000,000. There is, then, in accordance with the Sibert report, a segregation of the cost for flood control estimated to be $25,000,000. While some have thought that it was reasonable that such an amount should be contributed by the Federal Government and to be charged off of the project, because flood control is now generally considered to be a Federal function, yet the proponents of the bill and the Senate amendment do not charge it off. They segregate it and provide that during the period of amortization the $25,000,000 shall be paid out of the excess profits.

The State of Arizona and the State of Nevada, under the House bill, are to be paid 18¾ per cent out of the surplus profits. That leaves 62½ per cent of these profits which are to be applied, under the Senate amendment, every year to the repayment of the flood cost of $25,000,000; but the bill expressly provides that if at the end of the period of amortization the entire amount of $25,000,000 has not been completely paid back the project will continue to pay on that $25,000,000 out of the profits, after the period of amortization, until the full amount has been entirely repaid.

The fourth amendment provides for a composure of the differences between the States within the basin, and requires a 7-State pact—an agreement of all seven States in the basin—if that can be secured within a period of six months. If not, then thereafter the work shall proceed upon a 6-State basis. The opinion expressed in the Senate by the representatives of the basin States is that the differences will be composed within the six months and that all of the States will come back into the compact on the 7-State basis.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SWING. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SWING. Yes.

Mr. O'CONNELL. Is this approval to come from the State legislatures?

Mr. SWING. Yes.

Mr. O'CONNELL. Suppose they do not meet in the interim?

Mr. SWING. They all do meet, beginning in January of this coming year.

Mr. RANKIN. Will the gentleman yield?

Mr. SWING. Yes.

Mr. RANKIN. The gentleman from Kansas [Mr. HOCH] asked a question a while ago about the regulation of the distribution of surplus power and the price at which this power is to be retailed to the people who purchase it. Can the gentleman give us some information about that?

Mr. SWING. I will come to that before I finish.

Mr. RANKIN. The gentleman's time has expired once, and I did not want his time to expire again before he had covered that point.

Mr. SWING. As a part of the composure between the States, there has been written into this law an ironclad, unconditional, irrevocable provision that California can under no means secure for use within the State water in excess of 4,400,000 acre-feet a year of the amount apportioned to the lower basin, and the State of California is required to ratify this provision by its State legislature before the bill becomes effective.

The sixth amendment of importance is an authorization for a tri-State agreement between Arizona, Nevada, and California which informed Members from these States believe will take place as soon as their legislatures meet.

The seventh amendment continues the embargo which was embodied in the Taylor resolution, adopted by the Congress at the last session, preventing the Federal Water Commission from issuing to private concerns, or to any other agency for that matter, licenses on the Colorado River until first there shall be an opportunity for this bill to take effect.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SWING. Yes.

Mr. TAYLOR of Colorado. Is it the gentleman's judgment, as the author of this bill, that the provision in section 6 of the Senate bill directing the Federal Power Commission not to issue or approve any permits or licenses upon or affecting this river or any of its tributaries, except the Gila River, is sufficiently strong and effective to and will prevent that commission doing so until this bill is ratified and becomes a law as provided in section 4, or might there be any contingency whereby the Federal Power Commission may grant these permits after the termination of the law which I had the honor to write and which expires on the 5th of March next?

Mr. SWING. The very purpose of putting this amendment in the bill was to extend the time of the Taylor resolution and to make effective this embargo until this law is in effect.

Mr. TAYLOR of Colorado. I know that was the express intention and purpose of that amendment to this bill, and we all hope it will have that effect. I can not believe the Power Commission would violate this express purpose and direction of Congress. However, I wish the framers of that amendment had used the language of my present pending House Joint Resolution 388, prohibiting the commission from issuing or approving any permits or licenses unless and until the Colorado River compact is unconditionally approved by the legislatures of all of those seven States and by Congress. The gentleman thinks this bill does that?

Mr. SWING. I do.

Mr. WHITE of Colorado. How can it prevent the Federal Power Commission from granting such permits when this bill declares it shall not become effective until ratified by the several States as therein provided?

Mr. SWING. This provision expressly provides that the Federal Power Commission shall not grant these licenses until the act becomes effective. It is beyond the realm of reason to suppose that the Federal Power Commission would want to proceed in the face of a declaration of both the House and the Senate that they are not to do it, and I am sure they will not undertake it, and I do not believe they could if they so desired.

Mr. WHITE of Colorado. How can that be in any sense a prohibition against the Power Commission acting under the general law unless this bill becomes effective and until it does become effective?

Mr. SWING. This bill becomes law when the President signs—its effectiveness is deferred only for certain purposes. If this language does not constitute an embargo, then I am unable to think of English language that would do it. It expressly declares that they shall not grant licenses.

The next important amendment makes a change in the alternatives which are given to the Government as to the course it may pursue.

The Senate has gone back to the provision which was in the House bill at the time the House bill was reported. It leaves to the Government the three alternatives of building the dam and then stopping and leasing the power privileges; or second, building the dam and the power plant and then leasing the power plant; or third, building the dam, building the power plant, operating the power plant, but selling the power at the switchboard.

In my humble opinion the physical situation at the canyon is such——

The SPEAKER. The time of the gentleman from California has again expired.

Mr. BANKHEAD. Mr. Speaker, in view of the fact that this is a very important matter and it is evident that the gentleman from California will not have opportunity to finish in 5 minutes, I ask unanimous consent that the gentleman may be permitted to proceed for 15 minutes or such part thereof as he may need. I think there will be a number of questions propounded to the gentleman.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time of the gentleman from California may be extended 15 minutes. Is there objection?

There was no objection.

Mr. SWING. It is my belief from a long study of the physical situation at the dam site that it would be, engineeringly, unthinkable, contrary to all good business judgment, to do otherwise than for whoever builds the dam to build the power plant, and since we are authorizing the Government to build the dam, I am quite certain that the administration will find it will be a saving of millions of dollars to have the power plant built at the same time the dam is built, and it is my personal belief that this will be the procedure which will be followed.

Mr. RANKIN. Under the provisions of this bill there is nothing to protect the ultimate purchasers of this power from the exorbitant retail prices that may be charged by any power company that takes the contract for its distribution, is there?

Mr. SWING. I think there is, and I come to that point now.

Mr. RANKIN. The thing I am interested in is a regulation or restriction to prohibit profiteering in this power when it comes to selling it to the ultimate consumer, and I am unable to find anything in the bill that does protect the ultimate consumer.

Mr. SWING. The Federal water power act itself gives to the Federal Power Commission the power to regulate rates in the absence of any State regulation. I assume that where State regulation is in force we must assume it will be effective. If it is not in force under the laws of the States, the Federal Water Power Commission, under the Federal Water Power Commission act, has authority to regulate the rates and see that they are reasonable. But, in addition to that, there is this provision in the bill, inserted by the gentleman from New York [Mr. DAVENPORT]:

He—

Referring to the Secretary of the Interior—

shall also——

Mr. RAMSEYER. Will the gentleman tell us where he is reading?

Mr. SWING. Page 36, lines 9 to 13:

He—

The Secretary of the Interior—

shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

So there is a direct mandate in the law that the Secretary of the Interior in the making of his contracts for the sale of power shall protect the ultimate consumer.

Mr. RANKIN. Will the gentleman yield?

Mr. SWING. Certainly.

Mr. RANKIN. Congress at the last session deemed it wise, prudent, and necessary to write into the Muscle Shoals bill a provision that would protect the ultimate consumer against profiteering and against exorbitant charges. There is nothing in this bill as amended by the Senate to so take care of it.

Mr. SWING. There is a direct instruction to the Secretary of the Interior that in his contracts he shall protect the consumer, and we are to presume that he will follow the mandate of Congress.

Mr. RANKIN. Why did you not have the same regulation in this bill, knowing it was the will of Congress specifically expressed on this proposition—why did you not have written into it the same protection to the ultimate consumer that was put in the Muscle Shoals bill, or the one in this bill as it passed the House?

Mr. SWING. The gentleman knows that in all legislation there must be matters of compromise between the two Houses, and that it is not always possible to have your own way in regard to a bill. There are a number of things in this bill not to my liking, but I realize that the bill would not have been enacted in the Senate if there had not been a spirit of compromise and conciliation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SWING. I yield.

Mr. LAGUARDIA. In the Muscle Shoals bill we had a provision that the municipalities should receive preference in obtaining power. In the event of the third option would the municipalities in California and other States have a preference?

Mr. SWING. The bill adopts the policy laid down in the Federal water power act of giving municipalities the preference, and I am quite sure that is safeguarded in this bill.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. SWING. I yield.

Mr. WAINWRIGHT. I note on page 23 the Government is given the right to construct, equip, and operate near the dam a plant for the generation of electrical energy. Does that mean that the Government may operate the plant?

Mr. SWING. Three options are left to the Government: It may build the dam and lease the water power; it may build the dam and the power plant and lease the power plant; or it may build the dam and the power plant and operate the power plant.

Mr. HOCH. Will the gentleman yield?

Mr. SWING. I yield to the gentleman from Kansas.

Mr. HOCH. I am interested in the protection of the ultimate consumer. I call attention to page 31, where it provides that general and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy. What legal obligation would there be on anyone to observe any regulation as to rates charged the ultimate consumer?

Mr. SWING. The way I understand it is that it is to be put in the contract.

Mr. HOCH. Do I understand that in making contracts the Secretary of the Interior would attempt to prescribe the rates at which the power shall be sold?

Mr. SWING. If he could not advise a method for the reasonable control of rates, how is Congress to take it out of his hands and write the contract? I think that in legislation it is necessary that we should leave some discretion with the Executive and the working out of the details of the contracts to the Secretary. We declare a policy which we say we want him to put into execution, and that is to protect the ultimate consumer.

Mr. HOCH. The House attempted to do it in the provision on page 11:

Every contract for electrical energy shall provide that the holder of such contract shall guarantee that in any resale of such energy to the consumers thereof the rate shall not exceed what is fair, just, and reasonable, as determined by the Federal Power Commission.

As I read this bill there is nothing in it to protect the ultimate consumer. It all depends upon the contract that the Secretary of the Interior makes.

Mr. SWING. It is presumed that he will follow these regulations and the provisions of law which may hereafter be adopted.

Mr. HOCH. What provisions are there in the water power act that give the Water Power Commission any power to regulate rates?

Mr. SWING. It is in the act.

Mr. LAGUARDIA. This bill would give it anyhow.

Mr. SMITH. I call the attention of the gentleman from Kansas to page 36, line 9:

He shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

Mr. HOCH. I am not questioning the provision which provides that the Secretary shall perform, but after he has made a contract, if the man who holds that contract then charges unjust and unreasonable rates, what leverage is there upon him?

Mr. SWING. Let me say now to my good friend from Kansas that if the bill were here for the first time his argument would carry great weight with me, but this House and its committees have labored for the past eight years to try to bring into the Colorado River Basin some sort of river control for the safety of human life and property. At the last session of Congress in the Senate there was a filibuster, the like of which we have not seen in many years, which stopped entirely the effort of the Federal Government to safeguard its own citizens and their property, and finally after the immense effort and great pressure this bill was gotten through the Senate and is here now. If it is to be sent back to the Senate for the purpose of changing some phraseology, which I think is sufficiently covered in this bill, then, of course, we are simply deferring the matter of the safety of 70,000 people and their property to a time which may take us beyond the present session of Congress.

Mr. HOCH. I am entirely in sympathy with that attitude toward the bill, but it seems to me that it is rather a fundamental question as to whether if we are to sell electrical energy on a vast scale we should not be sure that the ultimate consumer will have protection.

Mr. SWING. Who are the ultimate consumers regarding whom the gentleman from Kansas is so solicitous? They are the people who live in southern California. They are willing to take their chances on this bill in order to make safe the life and property of their fellow citizens living in the Imperial Valley in southern California.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. O'CONNOR of New York. The gentleman answered some questions based on the assumption that the Government is going to build this power plant and operate it?

Mr. SWING. It is my personal opinion that the Government will find it good policy to build the power plant.

Mr. O'CONNOR of New York. And permission to the Government to build the plant and operate it is granted in the bill?

Mr. SWING. Yes.

Mr. O'CONNOR of New York. In view of the definite, positive position taken by the Republican candidate for President—and I am sincere about this; I am not talking politics—and in view of the message of the President of the United States, does the gentleman, who knows more about the bill than anybody else in this House, I think, believe that this permission in the bill will ever be carried out in reality, and that the Government ever will build the plant and operate it?

Mr. SWING. The gentleman has asked me not about the bill, but regarding the workings of the mind of a Secretary of the Interior who has not yet been chosen. I am willing to express my conviction on my knowledge of the physical situation at the dam site and the economic development in that part of the country, but I can not answer regarding the mental attitude of a Secretary who has not yet been appointed.

Mr. O'CONNOR of New York. What are the gentleman's personal hopes—that the Government does operate it?

Mr. SWING. Yes.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. MONTAGUE. I notice the Colorado River Board of Engineers makes an observation as to an agreement between Mexico and the United States as to the amount of water assignable to Mexico. Does this bill cover that observation?

Mr. SWING. The bill provides that nothing herein contained shall be construed as a recognition or a denial of any rights that Mexico may have.

Mr. MONTAGUE. Does not this board suggest that that should be done prior to the determination of that fact?

Mr. SWING. A treaty with Mexico is desirable at the earliest possible date, but it makes no difference regarding this project whether the treaty is made before the project is constructed or afterwards. If Mexico is to get a single drop of water, of which it can be assured, it can not get it out of the natural flow of the stream, which has already been appropriated by the people of the United States; it can only get it by the United States Government building a dam and operating it at this particular place where we are proposing to have it built. That is the one way that Mexico can get its water.

Mr. MONTAGUE. The gentleman's suggestion now relates to the economic aspect of it. I want to ask now about the political or governmental aspect. Would it not be advisable to have a treaty in advance of the confirmation of the project?

Mr. SWING. In my opinion, no. We have tried to negotiate a treaty with Mexico for years. In my opinion, until we have something on which we can trade, something whereby we can show to Mexico that it is to her advantage to negotiate, we will still be waiting years for a treaty.

If this bill is passed, it is my belief and the belief of prominent people in the State Department that it will result in an early treaty with Mexico. Regarding the economic feature, whether Mexico gets much water or little water under a treaty or without a treaty, all water must go through our power plants at the dam, so that it can not affect the economic features of the project.

Mr. Speaker, this has been what might be considered a life work. The eight years that have been spent upon it generally might be construed as the best years of a man's life. The bill passed the House last session. The bill has now been passed by the Senate by a large vote.

The only differences, it seems to me, are matters relatively of small importance compared with the beginning of this great project, and the taking of the water of this river that now runs to waste and is a menace to life and property while it runs to waste and putting it to a use to serve man's purposes, and all without the ultimate cost to the Government of a single dollar, because in the contracts which must be entered into before any appropriation shall be made provision must be made for repayment to the Government of every single dollar; in other words, this is a proposal for turning a natural menace to a national asset. [Applause.]

Mr. CLARKE. Mr. Speaker, I wish to put my opposition to the Boulder Dam in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARKE. Mr. Speaker and beloved colleagues, I am one of those who believe that there are but two things, or possibly three, that should be undertaken by this short session of Congress.

First. Perform our long-overdue, constitutionally imposed duty of reapportionment of this House of Representatives, making everlastingly certain that there be no increase in the membership; if anything, a decrease.

Second. Passing the necessary appropriation bills to keep the wheels of Government moving.

Third. Of the other work we should undertake, agriculture—not Boulder Dam—is crying aloud for help and has been for some time. Let us lay the preparatory groundwork now for agricultural legislation at the extra session by completing hearings as a basis for preparing the necessary schedules in a tariff to protect agriculture as part of a larger policy that shall be permanent in its nature for American agriculture, and shall, in part, fit in with other legislation in this agricultural-relief program.

I shall not vote against the Boulder Dam bill with the twenty-five million, of the alleged one hundred and sixty-five million necessary to build it, to be charged to flood control, thus not to be returned ultimately to the Federal Treasury nor even because of these promises that the remainder of the expenditure will ultimately come back to Uncle Sam, for I have heard these promises for years regarding irrigation projects and other enterprises, and have yet to see the promises fulfilled for the cost alone, to say nothing of the interest on the taxpayers' money expended. As it saith in the Good Book, "Hope deferred maketh the heart sick."

Judging by past experience in Government construction that estimate of cost for Boulder Dam of $165,000,000 by the engineers will easily exceed $250,000,000.

Undoubtedly the legislation as it now cometh forth from the Senate is an improvement over the original bill, but I can not believe—

First. That the Boulder Dam project is a national project.

Second. Nor can I feel that we should impose more and more taxes on this generation for something that another generation shall enjoy, for the overburdened, tax-paying general public feel now the piling up of war taxes that will last long after even the youngest Member of this House of Representatives has entered upon the great adventure.

Third. I feel that the citizens importuning Uncle Sam should make it their undertaking, not a Federal undertaking, and if it be that flood control is an incident of the project, I will vote for $25,000,000 as a proper amount for the United States to contribute on that basis.

As the Boulder Dam project stands out in my mind now, it looks like another effort to stimulate a land boom with Uncle Sam backing the adventurers and speculators and assisting those who should develop their own water supply, who should promote their own power schemes, leaving it a private enterprise and leaving the Congress of the United States to concentrate all their talents on evolving a permanent enlarged policy for agriculture, spending any necessary sums as a national, not local, matter, for that is the outstanding problem in the United States to-day, Boulder Dam to the contrary notwithstanding.

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, I ask unanimous consent to proceed for 10 minutes instead of the ordinary 5 minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS of Arizona. Mr. Speaker, it is not my intention at this time to waste the time of the House in a prolonged and detailed discussion either of the bill or of the project which the bill authorizes. I do, however, want to take this opportunity to express my opposition to it and to make the statement that my opposition to the Senate amendment is no less than my opposition to the House bill which was considered last May. The amendment to the House bill as it comes from the Senate consists of two distinct propositions, just as the House bill which was considered last May contained two distinct propositions. The first relates to an allocation of water among the States and as between groups of States in the Colorado River drainage area. The second is that which pertains to the project or the authorization of the project. The amendment to the House bill contains no provisions which in any respect alter the fundamental features of the two propositions. With reference to the first, the amendment still provides that the contract, in which seven States are specifically named as parties, shall be binding and effective when approved by only six of the seven States. The amendment has not changed that proposition one iota. Nor does the amendment change anything respecting the project to be authorized, except to this extent, that in terms of dollars and cents it defines it as a larger project by $40,000,000 than was the project considered by the House.

The amendment increases the appropriation from $125,000,000 to $165,000,000. The amendment does do this, however: It outlines the project as a power project, because the amendment in fact attempts to take the all-American canal, which will cost thirty-eight and a half million dollars, and to place that canal

under the reclamation law, making it reimbursable to the Federal Government under the terms of that act and to prohibit any revenues derived from the sale of stored waters or from the sale of power from being applied to the amortization of the canal; it further appropriates $25,000,000 of the $165,000,000 for the purpose of providing for flood control and leaves the remainder—$101,500,000—to be expended on power. Inasmuch as a reasonable flood-control dam on the Colorado will answer this menace and likewise create storage sufficient for irrigation and domestic water demands, the only possible excuse that can be ascribed to proceeding with this high dam at Black Canyon and with the expenditure of $101,500,000 is that of constructing a power dam and a power project. In that connection conclusion No. 4 of the Sibert Commission—that is, the special board of engineers which was authorized to investigate the proposed project—confirms the statement that I have just made. It reads as follows:

It is obvious that the power which can be generated from Boulder Dam is a valuable resource. If the income from storage can be reasonably increased—

Prior to this the engineers stated that the Secretary of the Interior estimated that amount to be one and a half millions annually—

if the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction of all or a part of the cost properly charged to flood protection, it would be possible to amortize the remaining cost from the income from power.

Mr. COLE of Iowa. Mr. Speaker will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLE of Iowa. We have a dam between the State which I have the honor in part to represent and the State of Illinois, known as the Keokuk Dam. It was built by a private corporation. I think that an investigation will show that this dam is nearly out of commission. They are manufacturing power in the city of St. Louis, which is one of the consumers of the power generated by this dam to-day, using internal combustion engines, using coal, and they generate power and sell it in St. Louis, as I am told, for less than it can be supplied from the Keokuk Dam. If this is true, if there is such combustion from these engines by which 80 or 90 per cent can be realized—if that is true and we are going to have development along that line, is it not possible that the United States, when it has invested millions of dollars in this dam and power plant, will be found to have purchased a lemon?

Mr. DOUGLAS of Arizona. I think it is quite possible. highly probable, and in fact practically certain, that the Federal Government will find that it has purchased not only a lemon but a box of lemons. [Laughter.]

This conclusion of the board of engineers does, then, define the project not as a flood-control project, because the board has recommended that the flood-control charge be made nonreimbursable, for flood control will provide storage for irrigation and domestic waters, and not as a storage project, but as a power project.

If the million and a half dollars referred to by the board—and that figure is merely a quoted figure from the Secretary of the Interior, not supported or denied by the board—if the million and a half dollars is obtainable from storage at Black Canyon, it is equally obtainable from a flood control and storage dam at any other site on the river, the cost of which would not exceed at a maximum, $30,000,000.

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. SMITH. Mr. Speaker, I yield to the gentleman five additional minutes.

The SPEAKER. The gentleman from Arizona is recognized for five minutes additional.

Mr. DOUGLAS of Arizona. If that amount—$1,500,000—is obtainable, it will amortize the cost of such a dam at the expiration of 50 years. What then can be the logic in authorizing a power project at Black Canyon involving innumerable hazards, financial hazards to the Government, when the essential item to amortization of the cost of that project, if obtainable there, will be obtainable from storage elsewhere, and will, without assuming hazards, without developing power, amortize the cost of the flood control and storage project?

As to the economic soundness of the project, the report of the Sibert Board of Engineers is very enlightening. It has reported that, because of inaccuracies and lack of data as to stream flow, it is impossible to make a close estimate of the power output. But on page 14 of its report it says that when irrigation has proceeded beyond the present acreage under cultivation the probable power output will fall to 50 or 60 per cent of the estimated amount. It further says on the same page that even with another reregulating reservoir, the probable power output may fall below that minimum estimate.

How, then, can there be any estimate made of the income from power which will be commensurate even with the estimate made by a proponent to the effect that 3,600,000,000 kilowatt-hours of energy will be sold? How can that estimate be supported when the board of engineers authorized to investigate the economic feasibility of the project very specifically reports that that power output will have to be decreased by possibly more than 50 per cent?

Mr. CLARKE. Mr. Speaker, will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. CLARKE. Is not another important item left out of the estimate of the engineers there, that for four months during the year the torrent rolls down into the canyon under conditions that make it impossible for human beings to work at the bottom of the canyon? That is left out of the Sibert report.

Mr. DOUGLAS of Arizona. It may be that the Sibert Board may have overlooked certain items on both sides, both for the project and against it. However, I am perfectly willing to stand on the recommendations and findings of this board, because it was a board composed of extraordinarily able and eminent engineers.

Mr. CLARKE. Was not a comparative study made of the plan of Girand, and was not that one of the elements of the study of the engineering possibilities of building a dam there?

Mr. DOUGLAS of Arizona. When General Greenway was considering the construction of the Diamond Creek project his estimate was, as I recall, that there would be a period of from three to four months each year during which it would be impossible for men to work at the bottom of the canyon because of the terrific heat.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent to proceed for an additional five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRIGGS. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. BRIGGS. Could the gentleman state, in a general way, in what respects the Senate amendment, which is all of the bill now, conforms to the report of the President's commission, recently appointed?

Mr. DOUGLAS of Arizona. There are three conditions enumerated in the final conclusion of the Sibert Board, the first of which is that if the revenue from stored water can be reasonably increased above $1,500,000 annually, and so forth. With reference to that condition, neither the board nor anyone can say that that revenue can be so increased. I will say to the gentleman that inasmuch as all of the costs of the Reclamation Service and of the Secretary of the Interior—and when I say costs I am referring to costs of the project—have been, according to the Sibert report, too low, and inasmuch as, in addition to that, all of the estimates of revenue from the sale of power, as estimated by the Reclamation Service and the Secretary of the Interior, have been too high, it is reasonable to assume that this figure of $1,500,000 a year from the sale of stored water is likewise too high. So the Senate bill embodies nothing which makes it mandatory to obtain in excess of $1,500,000 from the sale of stored water.

With respect to the second condition, which is that if "the capital investment be reduced by the cost of the all-American canal," and so forth; in a certain sense, the capital investment, in so far as it is related to the burden to be imposed upon the revenues from the sale of power and stored water is concerned—in so far as that is concerned, the capital investment has been reduced by the amount of the all-American canal, so that the second of the conditions has, I suppose, theoretically at least, been met.

With reference to the third condition, "together with a reduction for all or part of the cost properly chargeable to flood protection," that condition has not been met because, under the terms of the Senate amendment, flood control is still reimbursable if there is any money with which to pay it back.

Mr. BRIGGS. I would like to ask whether the gentleman is familiar with the base rate used by the Reclamation Service in estimating the revenues from the sale of power? They had some base rate, did they not?

Mr. DOUGLAS of Arizona. They had and they used the figure of 3 mills per kilowatt-hour at the switchboard which, translated into terms of cost of power in the load center, would have brought that power up to over 5 mills. That estimate was made four years ago and, as the Sibert Board of Engineers very properly points out, "when this project was first proposed the

cost of steam power in southern California was such as to leave a reasonable margin of profit above the probable cost of hydroelectric power generated at the proposed power plant. With the reduction in costs of power generated by steam, this margin has been greatly reduced."

Mr. SWING. If the gentleman will permit, I do not understand that language to mean that it has gone below; that there is still a margin, but it is a small one.

Mr. DOUGLAS of Arizona. Exactly. If the power is to be sold at the switchboard, so as to be equal to a competitive price for power at the load center, 300 miles away, then the power can not be sold for more than 1.9 mills. It follows that the price per kilowatt-hour, as estimated by the Reclamation Service, must be reduced by more than one-third and that the amount of power to be produced must in addition be reduced by over one-third and that revenues will be correspondingly decreased.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLE of Iowa. May I ask the gentleman one question?

Mr. DOUGLAS of Arizona. I would like to say this to the Members of the House: It is not my desire to waste the time of Members of the House.

Mr. COLE of Iowa. The gentleman is not wasting the time of the Members of the House, but is giving useful information. My question is this: Much stress has been laid upon the protection of life—the sob element. Can the gentleman tell us whether life there could be safeguarded without this large expenditure?

Mr. DOUGLAS of Arizona. I would be delighted.

Mr. MONTAGUE. May I supplement the inquiry of the gentleman and ascertain whether I understand it. The gentleman means can you prevent floods without this large expenditure?

Mr. COLE of Iowa. That is correct.

Mr. MONTAGUE. I am very anxious to hear the gentleman on that.

Mr. DOUGLAS of Arizona. Whatever flood menace there may be—and there is a flood menace—is not commensurate with the amount of money to be appropriated under the terms of the amendment. The Imperial Valley and the other valleys that may be menaced by the flood waters of the Colorado can be more than adequately protected by the expenditure of a maximum of $30,000,000, and that exceeds any figure estimated by the Reclamation Service or any other Federal bureau or engineer. The expenditure of that amount of money on the construction of a dam on the Colorado would not only protect those valleys, as they may need to be protected, from the menace of floods but it would also provide more than ample water for irrigation and future irrigation purposes, as well as for domestic water, if in fact—and I deny this to be true—there is any demand for domestic water.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

Mr. DICKINSON of Iowa. Mr. Speaker, we have been very patient, although we understood we would get on with the appropriation bill in half an hour. It was not our understanding that we were to have indefinite extensions of time. I shall not object to another small extension of time, but I do not want to see it made perpetual here.

Mr. DOUGLAS of Arizona. I will say to the gentleman it is not my desire to take up the time of the House.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman be allowed 10 minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. JONES. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield.

Mr. JONES. I would like to know if there has been an estimate made of the maximum amount of new land that could be brought under irrigation if this project were completed; that is, land in the United States in the basin of this river.

Mr. DOUGLAS of Arizona. Below the dam, as I recall the figure, by gravity 270,000 acres in the State of Arizona and by gravity in California 500,000, I believe. Is it not something like that?

Mr. SWING. Between 400,000 and 500,000 acres; but that is all ultimate and is some distance in the future—25 or 30 years.

Mr. JONES. I would like to have the gentleman's answer.

Mr. DOUGLAS of Arizona. As I recall the figure, it is some time since I have seen it, the total acreage that can be irrigated by gravity in Arizona and California is in the vicinity of a minimum of 770,000 acres, excluding the amount now under cultivation. There is a large one in Arizona which eventually can be irrigated by pumping.

Mr. JONES. In other words, that is the additional amount?

Mr. DOUGLAS of Arizona. Yes.

Mr. JONES. And that is the amount below the dam.

Mr. DOUGLAS of Arizona. Below the dam, in the United States.

Mr. JONES. Is there any other land below the dam that can be brought under irrigation outside of these two States?

Mr. DOUGLAS of Arizona. There is a tremendous amount of land that can be brought under cultivation in Mexico and in this connection I would like to read to you the conclusion of the Sibert Board of Engineers, to be found on page 15:

> While much land has already been brought under irrigation in the Colorado River delta in Mexico, it is evident that such development has been retarded by lack of water available from the river during low-water periods. The storage of flood water in the Black Canyon Reservoir and its release during low-water seasons will make more water available in Mexico and will invite immediate expansion in irrigated acreage in that country—

And so forth.

Mr. JONES. Is there any evidence as to the amount of such additional land?

Mr. DOUGLAS of Arizona. I can say to the gentleman that there are about 1,300,000 acres of very easily cultivated and irrigated land on the delta of the Colorado in the Republic of Mexico.

Mr. JONES. Is that land rich and productive?

Mr. DOUGLAS of Arizona. Very rich and very productive.

Mr. JONES. Is there any additional land above the dam that might be used for irrigation purposes?

Mr. DOUGLAS of Arizona. Yes; quite an acreage in Colorado and in all of the upper-basin States, but this could not be irrigated from water stored at Black Canyon.

Mr. JONES. Does not the gentleman think that bringing all this new land under irrigation might increase the farm problem?

Mr. DOUGLAS of Arizona. I agree with the gentleman perfectly.

Mr. MONTAGUE. Will the gentleman permit me to add this line from the report which the gentleman has just read?

Mr. DOUGLAS of Arizona. Yes.

Mr. MONTAGUE (reading):

> With the limited water supply available from the Colorado River, every acre permanently irrigated in Mexico will mean an acre in the United States can not be irrigated.

Does the gentleman agree with that statement?

Mr. DOUGLAS of Arizona. Yes; and I made that statement on the floor of the House last May.

Mr. MONTAGUE. That is my recollection of the gentleman's statement at that time. One other word, if the gentleman will permit: This report of the Sibert Board states that an agreement with Mexico should be made before the completion of this project. Is that the opinion of the gentleman?

Mr. DOUGLAS of Arizona. It is; and I offered an amendment to that effect last May, which the House refused to accept.

Mr. MONTAGUE. That recommendation or comment is made wholly upon the economic aspects of this case and not upon the political or governmental relations between Mexico and the United States.

Mr. DOUGLAS of Arizona. That is right; yes.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAM E. HULL. I would like to ask the gentleman if it would not take additional legislation to make any of this additional land that the gentleman is talking about available for irrigation purposes. In other words, Congress would have to act again.

Mr. DOUGLAS of Arizona. It would require additional legislation to irrigate in the vicinity of 200,000 acres of the 700,000 acres in California and it would take additional legislation to irrigate the 200,000 acres in Arizona.

Mr. WILLIAM E. HULL. In other words, we are not in any great danger of bringing in additional land unless Congress so provides?

Mr. DOUGLAS of Arizona. Under this act there is an authorization for a canal to the Coachella Valley, which, according to the statement made by the gentleman from California yesterday, but not on the floor of the House, would make it

possible, under the terms of this legislation, to irrigate approximately 370,000 acres, as I recall the gentleman's figures, including 200,000 acres on the East Mesa.

Mr. JONES. And may I suggest that if we already had the dam and all the water necessary that would be a strong argument in favor of the additional authorization.

Mr. DOUGLAS of Arizona. Yes. This legislation denies the rights of States, it provides for the construction of a power project of questionable economic soundness, it appropriates more than is necessary to meet the demands of flood control and storage; and it will forever stunt the growth of the Southwest in that it will give to Mexico water which will at some time be of great value to the United States. I am therefore as bitterly opposed to the project authorized in the Senate amendment as I was to the project authorized by the House bill (H. R. 5773). I shall, I hope, as long as I am a Member of the House of Representatives, however long that may be, never cast my vote to inject the Federal Government, directly or indirectly, into the power business. [Applause.]

We have had Muscle Shoals and we have been talking about its disposition for a decade. If Boulder Dam is constructed it is my prophecy that with each succeeding Congress for the next half century we will still be disposing of the dam and the plant.

Mr. LEATHERWOOD. Mr. Speaker, for more than seven years I have opposed the so-called Boulder Dam bill in its various forms. What little merit it had when it left the House last spring has been taken from it. I have always been opposed to it, and I am unalterably opposed to it at this time in its present form.

In view of established facts and the Sibert report, the title of this bill should be amended so as to read: "A bill to guarantee to the landowners in Mexico not less than 4,000,000 acre-feet of water in regulated flow from the Colorado River, and to establish the theory that the Government owns and controls the unappropriated waters of the streams in the arid-land States, and that hereafter the Federal Government will allocate the waters of said streams, by legislative fiction if necessary, and deny all ownership by the States in the unappropriated waters of streams within their borders."

The vice in this bill is inherent in the project which it authorizes. As I have repeatedly pointed out to the House, this is not a flood-control or an irrigation project but a great power project. It was conceived as a power project, planned as a power project, and if built it will be a power project first, last, and always, with flood-control and irrigation storage delayed, impaired, and rendered partially ineffective because they are combined with a power project.

The last vestige of excuse for the project has been swept away by the recent engineer's report. Prior to that time this project was justified by proponents on the ground that power was the "burden bearer"; that is, that it was necessary to have power as a dominant part of the project in order to secure revenue with which to pay for the flood control and irrigation—in other words, to make it "financially solvent and self-supporting," as stated in the bill. Now it appears, as those of us who have opposed the bill have long contended, that power can repay none of the cost of flood control or of irrigation; that, indeed, power can not pay that part of the cost which it adds to the project. Instead of being the burden bearer of the entire project, power now stands out as unable to bear its own burden. Hence the investment in a power enterprise which is included in this project and which amounts to about $100,000,000 of the $165,000,000 authorized expenditure is made for no purpose except the production of power, and that the uneconomic and unjustifiable production of power.

I simply wish to say, therefore, that if the Congress is going to authorize this project it makes but little difference in what form or by what words we bind the Federal Government to proceed with it.

Much has been said about who will build the power plants and operate them. While that has some importance, it has but little bearing upon the question as to whether this bill means that the Government is going into the power business. It is going into the power business and deeply and irretrievably into the power business when it builds this dam, because the dam can be justified on no other ground than that of the production of power.

I am not therefore concerned about the Senate amendments or the House amendments. This entire project is unsound and indefensible. When this project is authorized, if it is, the Government has on its hands a glorified Muscle Shoals—a source of administrative worry, of congressional debate, of interstate conflict, of international conflict, for the next 20 years. In the meantime the Imperial Valley will wait for flood control, and we shall find that before Boulder Dam is even started the Congress will be asked to make provision for real and effective flood control for that valley.

I am more than ever convinced that the Government of the United States has never been more imposed upon than by this legislation. It is legislation to no purpose. It is worse than futile because it means not only the wasting of $200,000,000 but the marring of the development of the Colorado River forever.

I desire to let this statement stand as a prediction and as my final blessing upon one of the most unwise measures I ever hope to see. [Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. LEATHERWOOD. I yield to the gentleman.

Mr. COLE of Iowa. The gentleman referred to Mexico getting a certain amount of irrigation through this dam. Are we supposed to be building the dam for the benefit of Mexico?

Mr. LEATHERWOOD. No; but that is what this bill will accomplish for Mexico at the expense of the taxpayers of the United States. If we accept the engineering facts now before us and the Government builds a power plant capable of developing 1,000,000 horsepower of electric energy it will require more than 10,000,000 acre-feet of water per year to run the plant and of course it will be a regulated flow. Not more than half of this water can be used in the United States for all of the uses that have been suggested so far. Therefore, the other half, of course, by force of gravity will go down to Mexico in regulated flow so that they can use it upon their land for agricultural purposes.

Mr. CRAIL. Mr. Speaker, this is not the time to enter into a general discussion of the merits of the Boulder Dam project bill, and I am taking the floor to be heard on merely one matter which was injected into the discussion by my friend from Iowa [Mr. COLE]. While the gentleman from Arizona was discussing the bill, my friend the gentleman from Iowa asked him to yield for a question in the making of which he stated that the dam on the Mississippi River at Keokuk was losing money and was about to go under, or words to that effect, because of the fact that hydroelectric energy could be generated by turbine steam engines and delivered at St. Louis cheaper than it could be generated at the Keokuk Dam, and that if this were true on the Mississippi it was probably true on the Colorado River. To this the gentleman from Arizona replied, in effect, that if this bill were passed the Government would have spent hundreds of millions of dollars and would have only a white elephant on its hands and that the Government would never get its money back. The gentleman from Arizona also stated, in effect, that if this bill were passed the Government would have another Muscle Shoals Dam on its hands, and that every Congress for the next 50 years would be discussing what disposition it should make of the Boulder Dam, as it has been discussing Muscle Shoals Dam during the last 8 years.

The gentleman from Utah [Mr. LEATHERWOOD] called attention to the similarity between Boulder Dam and Muscle Shoals Dam and predicted that future generations would wonder why the Government of the United States had spent hundreds of millions of dollars in this fantastic enterprise.

I assume that the gentleman from Iowa [Mr. COLE] asked his question in good faith. I know that his statement and his argument thereon greatly impressed many Members of the House. If his statements are correct and his conclusions are accurate, it would be very poor business for the Government of the United States to spend such an enormous sum of money in the construction of Boulder Dam. For this reason I do not believe that the statements referred to and the conclusions drawn therefrom should go unchallenged.

As I stated on this floor a year ago when the bill passed the House of Representatives, not one dollar will be spent under this bill for the construction of a dam, or power plants, until and unless the Secretary of the Interior shall make satisfactory arrangements by written contract, adequate in his judgment, to insure the return payment to the United States of all of the costs of the development, the costs of the operations together with interest on all sums so expended.

This can not be too forcefully presented. The Government is not going into any visionary scheme; it is not going to be extravagant and injudicious in this matter. Not a shovel full of dirt is to be turned, nor a stick of dynamite discharged, nor one dollar expended in the enterprise until the Secretary of the Interior is satisfied that responsible parties have contracted in writing to reimburse the Government of the United States for every dollar that it expends in the project, with interest. This repayment and reimbursement must be within 50 years from the date of the completion of the work. Let me read paragraph B, section 4, of the bill, which is as follows:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the

Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

You who want the facts and are willing to consider this project on its merits may have a full assurance that this enterprise is not going to cost the people of the United States one dollar except the small amount which would be required for flood control. The repayment to the Government of the money which may be advanced by it in the carrying into effect of the provisions of this bill, will be secured by the strongest guaranties of municipalities and corporations worth billions of dollars before the work is started. The same foresight, the same care, the same good business judgment will be used by the Government in the building of Boulder Dam as would be used by any other human agency in carrying out the same project.

This bill means much to the people of the Southwest. It means much to all of the seven Colorado River Basin States. It means much to all of the people of the United States for this is a national project. The development of our national waterways should be one of the chief concerns of this and future Congresses. The development of the Colorado River, its control and use by man as an agency for human good, is a worthy step in the direction of the development in a national way of our great waterways.

The passage of this bill and its approval by the President will bring joy and safety to the thousands in the Imperial Valley of my own State and it will make secure for the people of Los Angeles and the coastal cities of southern California an abundant and unfailing supply of water for domestic use.

Mr. SMITH. Mr. Speaker, I move the previous question.

Mr. RANKIN. Mr. Speaker——

The SPEAKER. The gentleman from Idaho moves the previous question.

Mr. RANKIN. But I was on my feet asking for recognition.

The SPEAKER. The gentleman from Idaho is entitled to move the previous question.

Mr. SMITH. We assured the chairman of the Committee on Agriculture, whose bill is entitled to preference, that we would use but half an hour, and we have now run an hour and a half, and it seems to me that the matter has been very well discussed.

Mr. RANKIN. This Boulder Dam bill is just as important to the people of the United States as the appropriation bill.

Mr. SMITH. Mr. Speaker, I insist on my motion.

Mr. RANKIN. I trust, then, that the motion will be voted down in order that the House may have an opportunity to vote on my amendment.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. RANKIN) there were 78 ayes and 49 noes.

So the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Idaho to agree to the Senate amendment.

The question was taken; and on a division (demanded by Mr. RANKIN) there were 71 ayes and 77 noes.

Mr. SWING. Mr. Speaker, I object to the vote on the ground that it discloses that no quorum is present.

The SPEAKER. The Chair will count.

Mr. SWING. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 122, present 1, not voting 138, as follows:

[Roll No. 4]

YEAS—167

Abernethy	Barbour	Carss	Connally, Tex.
Adkins	Bell	Carter	Connery
Allen	Berger	Chapman	Cooper, Wis.
Almon	Black, N. Y.	Chase	Cox
Andresen	Bloom	Clague	Crail
Arentz	Bowman	Cochran, Mo.	Cramton
Arnold	Campbell	Cochran, Pa.	Crisp
Aswell	Cannon	Collier	Dallinger
Bankhead	Carew	Collins	Davey
Davis	Hawley	McKeown	Selvig
Dickinson, Iowa	Hickey	McLaughlin	Shallenberger
Dickinson, Mo.	Hill, Ala.	McLeod	Shreve
Douglass, Mass.	Hill, Wash.	Major, Mo.	Simmons
Driver	Hoch	Manlove	Sinclair
Elliott	Hoffman	Mapes	Sirovich
England	Holaday	Martin, La.	Smith
Englebright	Hope	Michener	Snell
Evans, Calif.	Howard, Nebr.	Miller	Steagall
Evans, Mont.	Howard, Okla.	Monast	Sullivan
Fish	Huddleston	Moore, Ky.	Summers, Wash.
Fisher	Hull, Wm. E.	Moore, Va.	Swank
Fletcher	James	Morehead	Swing
Frear	Jeffers	Morin	Taylor, Colo.
Freeman	Johnson, Ill.	Morrow	Taylor, Tenn.
Furlow	Johnson, S. Dak.	Murphy	Thatcher
Gambrill	Johnson, Tex.	Nelson, Mo.	Thompson
Gardner, Ind.	Kading	Norton, Nebr.	Tilson
Garner, Tex.	Kahn	O'Brien	Timberlake
Garrett, Tex.	Kelly	O'Connell	Treadway
Gibson	Kincheloe	O'Connor, La.	Vincent, Mich.
Gifford	Kindred	O'Connor, N. Y.	Vinson, Ky.
Goldsborough	Korell	Oliver, Ala.	Wainwright
Gregory	LaGuardia	Parks	Ware
Green	Lampert	Patterson	Warren
Greenwood	Lankford	Perkins	Welch, Calif.
Griffin	Lea	Purnell	White, Colo.
Guyer	Leavitt	Quin	Williams, Tex.
Hadley	Letts	Ragon	Wilson, La.
Hall, Ill.	Lowrey	Rainey	Wingo
Hall, N. Dak.	Lozier	Ramseyer	Winter
Hardy	McCormack	Sanders, Tex.	Wood
Hastings	McDuffie	Sandlin	

NAYS—122

Ackerman	Cole, Md.	Ketcham	Sproul, Ill.
Aldrich	Colton	Kiess	Sproul, Kans.
Allgood	Crowther	Lanham	Stalker
Andrew	Culkin	Larsen	Steele
Ayres	Darrow	Leatherwood	Stevenson
Bacharach	Dominick	Leech	Stobbs
Bachmann	Doughton	Luce	Strong, Kans.
Bacon	Douglas, Ariz.	McMillan	Sumners, Tex.
Beers	Doutrich	McReynolds	Swick
Black, Tex.	Dyer	MacGregor	Taber
Bland	Eslick	Maas	Tarver
Blanton	Foss	Magrady	Temple
Bowles	French	Major, Ill.	Thurston
Box	Fulmer	Martin, Mass.	Tinkham
Brand, Ga.	Garber	Menges	Tucker
Brand, Ohio	Gasque	Merritt	Underhill
Briggs	Glynn	Milligan	Vincent, Iowa
Brigham	Hale	Montague	Wason
Browning	Hancock	Moorman	Watres
Buchanan	Hare	Nelson, Me.	Watson
Burdick	Hogg	Newton	Weaver
Busby	Hooper	Niedringhaus	Wigglesworth
Bushong	Houston, Del.	Parker	Williams, Ill.
Byrns	Hudson	Rankin	Williams, Mo.
Canfield	Hull, Morton D.	Ransley	Williamson
Cartwright	Hull, Tenn.	Reece	Woodrum
Chalmers	Irwin	Reed, N. Y.	Wyant
Chindblom	Johnson, Ind.	Robinson, Iowa	Yates
Christopherson	Jones	Schafer	Yon
Clarke	Kendall	Seger	
Cole, Iowa	Kerr	Speaks	

ANSWERED "PRESENT"—1

Harrison

NOT VOTING—138

Anthony	Drane	Kunz	Rogers
Auf der Heide	Drewry	Kurtz	Romjue
Beck, Pa.	Eaton	Kvale	Rowbottom
Beck, Wis.	Edwards	Langley	Rutherford
Beedy	Estep	Lehlbach	Sabath
Begg	Fenn	Lindsay	Sanders, N. Y.
Bohn	Fitzgerald, Roy G.	Linthicum	Schneider
Boies	Fitzgerald, W. T.	Lyon	Sears, Fla.
Boylan	Fitzpatrick	McClintic	Sears, Nebr.
Britten	Fort	McFadden	Somers, N. Y.
Browne	Free	McSwain	Spearing
Buckbee	Fulbright	McSweeney	Stedman
Bulwinkle	Garrett, Tenn.	Mansfield	Strong, Pa.
Burtness	Gilbert	Mead	Strother
Butler	Golder	Michaelson	Tatgenhorst
Carley	Goodwin	Mooney	Tillman
Casey	Graham	Moore, N. J.	Underwood
Celler	Griest	Moore, Ohio	Updike
Clancy	Hall, Ind.	Morgan	Vestal
Cohen	Hammer	Nelson, Wis.	Vinson, Ga.
Combs	Haugen	Norton, N. J.	Weller
Connolly, Pa.	Hersey	Oliver, N. Y.	Welsh, Pa.
Cooper, Ohio	Hudspeth	Palmer	White, Kans.
Corning	Hughes	Palmisano	White, Me.
Crosser	Igoe	Peavey	Whitehead
Cullen	Jacobstein	Peery	Whittington
Curry	Jenkins	Porter	Wilson, Miss.
Davenport	Johnson, Okla.	Pou	Wolfenden
Deal	Johnson, Wash.	Prall	Wolverton
Dempsey	Kearns	Pratt	Woodruff
Denison	Kemp	Quayle	Wright
DeRouen	Kent	Rayburn	Wurzbach
Dickstein	King	Reed, Ark.	Zihlman
Dowell	Knutson	Reid, Ill.	
Doyle	Kopp	Robsion, Ky.	

The Clerk announced the following pairs:

On the vote:

Mr. Free (for) with Mrs. Rogers (against).

Mr. Curry (for) with Mr. Igoe (against).

Mr. King (for) with Mr. Connolly of Pennsylvania (against).

Mr. Spearing (for) with Mr. Harrison (against).

Until further notice:
Mr. Britten with Mr. Corning
Mr. Johnson of Washington with Mr. Cohen.
Mr. Michaelson with Mr. McClintic.
Mr. Dowell with Mr. Kemp.
Mr. Fenn with Mr. Garrett of Tennessee.
Mr. Buckbee with Mr. Hudspeth.
Mr. Welsh of Pennsylvania with Mr. Deal.
Mr. Vestal with Mr. Mead.
Mr. McFadden with Mrs. Norton.
Mr. Fort with Mr. Peery.
Mr. Porter with Mr. Wright.
Mr. Hall of Indiana with Mr. Bulwinkle.
Mr. Begg with Mr. Celler.
Mr. Griest with Mr. Drewry.
Mr. Bohn with Mr. Whittington.
Mr. Graham with Mr. Mooney.
Mr. Brown with Mr. Somers of New York.
Mr. Kurtz with Mr. Underwood.
Mr. Palmer with Mr. Mansfield.
Mr. Golder with Mr. Vinson of Georgia.
Mr. Wurzbach with Mr. Doyle.
Mr. Strong of Pennsylvania with Mr. Wilson of Mississippi.
Mr. Morgan with Mr. Pou.
Mrs. Langley with Mr. McSweeney.
Mr. Burtness with Mr. Weller.
Mr. Dempsey with Mr. Rayburn.
Mr. Goodwin with Mr. Stedman.
Mr. Beck of Pennsylvania with Mr. DeRouen.
Mr. Haugen with Mr. Whitehead.
Mr. Butler with Mr. Tillman.
Mr. Knutson with Mr. Reed of Arkansas.
Mr. Clancy with Mr. Gilbert.
Mr. Hughes with Mr. Sabath.
Mr. Kearns with Mr. Jacobstein.
Mr. Lehlbach with Mr. Oliver of New York.
Mr. White of Maine with Mr. Linthicum.
Mr. Wolfenden with Mr. Auf der Heide.
Mr. Moore of Ohio with Mr. Boylan.
Mr. Eaton with Mr. Johnson of Oklahoma.
Mr. Denison with Mr. Lyon.
Mr. Pratt with Mr. McSwain.
Mr. Robsion of Kentucky with Mr. Prall.
Mr. Kopp with Mr. Fulbright.
Mr. Jenkins with Mr. Edwards.
Mr. Beedy with Mr. Quayle.
Mr. Clague with Mr. Hammer.
Mr. Davenport with Mr. Sears of Florida.
Mr. Cooper of Ohio with Mr. Romjue.
Mr. Roy G. Fitzgerald with Mr. Drane.
Mr. Rowbottom with Mr. Rutherford.
Mr. Wolverton with Mr. Kunz.
Mr. Estep with Mr. Carley.
Mr. W. T. Fitzgerald with Mr. Dickstein.
Mr. Woodruff with Mr. Casey.
Mr. Zihlman with Mr. Lindsay.
Mr. Sanders of New York with Mr. Crosser.
Mr. Peavey with Mr. Kent.
Mr. Sears of Nebraska with Mr. Combs.
Mr. Nelson of Wisconsin with Mr. Kvale.
Mr. Hersey with Mr. Fitzpatrick.
Mr. Schneider with Mr. Palmisano.
Mr. Tatgenhorst with Mr. Moore of New Jersey.

So the motion to concur with the Senate amendment was agreed to.

Mr. BLACK of New York. Mr. Speaker, the lady from New Jersey [Mrs. NORTON] is unable to be present to-day. Had she been present I am authorized to state that she would have voted "yea."

Mr. HARRISON. Mr. Speaker, I desire to withdraw my vote of "no." I am paired with the gentleman from Louisiana [Mr. SPEARING]. If he had been present, he would have voted "yea."

Mr. BUTLER. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BUTLER. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. SMITH, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

THE LATE MARTIN B. MADDEN

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that Sunday, February 10, 1929, be set aside for memorial services on the life, character, and good deeds of the late Hon. MARTIN B. MADDEN, who was taken away from us on April 27 last.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Sunday, February 10, 1929, be set aside for memorial services for the late MARTIN B. MADDEN. Is there objection?

There was no objection.

ADDRESS OF HON. LINDSAY C. WARREN

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker and gentlemen of the House, yesterday at Kill Devil Hills, in North Carolina, was celebrated the achievement of the Wright brothers, who were the first to teach man that he could master the air. The ceremonies were of great historic interest to all the world. That celebration was the most interesting one it was ever my privilege to witness. The corner stone of the memorial commemorating the first flight of man was laid by the Secretary of War. Amongst the notable speeches made was an address delivered by our colleague from North Carolina, Mr. WARREN, in whose district the ceremonies were held, and who was so largely instrumental in marking this historic spot. His address was most interesting and eloquent. It should be a part of the permanent records of this House, and I therefore ask unanimous consent to extend my remarks in the RECORD by printing therein this address delivered by the distinguished gentleman from North Carolina.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert an address of Mr. WARREN, of North Carolina, on the occasion of the laying of the corner stone of the memorial commemorating the first flight of man at Kill Devil Hills, N. C.

The address is as follows:

THE WRIGHT BROTHERS

Mr. Chairman, Mr. Orville Wright, delegates attending the International Civil Aeronautics Conference, and ladies and gentlemen; standing on soil already sacred in the life of the Nation we come here to-day to see the world pay universal acclaim to the inventive genius of man. Over 300 years ago, just 3 miles distant, the first of the English set their feet, built their dwellings, sowed their crops, and performed their religious devotions in the Western World. Upon this soil landed the first English women who crossed the ocean to find homes upon the newly discovered continent, and here was born and christened the first English child who saw the light of day in the New World. Here the customs, laws, and language of England were first transplanted and struck their roots in the soil.

It was this dauntless spirit of adventure and achievement that prompted Sir Walter Raleigh to extend the domain of civilization—this indefinable spirit which has inspired man to greater achievement through the ages. The story of the pioneer has largely constituted the history of the world.

Over 300 years later this same pioneering spirit again selected North Carolina for its greatest triumph, and the world's most important conquest began on this spot. For centuries the mind of man had been fascinated and diverted to overcome what was supposed to be contrary to every law of nature, and for ages men experimented and planned, to be accompanied only by failure.

And then came the Wrights. It was by no mere accident that Kitty Hawk was selected as the scene for an experiment that later astounded the world. Nor was it their desire for privacy that made Wilbur and Orville Wright come to this spot on the narrow banks of North Carolina, which hold back the Atlantic from its inland sounds. They did not think that the public would manifest enough interest to disturb them. Kitty Hawk was chosen because the United States Weather Bureau had advised them that it was in this locality that the winds were the strongest and steadiest, and, therefore, more propitious for their plans. They came to what was then a little isolated village of fishermen, whose life had been a continuous combat with an unrelenting sea. They found here what has been said to be the purest Anglo-Saxon blood on the American Continent—God fearing, noble men and women, who, together with the crew of the United States Coast Guard Station at Kill Devil Hills, composed the population of this outskirt on the eastern frontier of America.

The scant publicity appearing in the press of the Nation termed it a fool's errand. They suffered the same aspersions and derisions as have all others who blazed trails. They became forgotten men—cranks, seeking to obtain the impossible. For three years they conducted their glider experiments, and after a thousand such flights they had actually succeeded in staying in the air for a minute in a glider. Their courage and faith was superb. They knew that the history of their race had been full of failure, but that each failure had marked a surer and firmer advance of civilization. The world might scoff, but the Wrights knew, as well as men can know anything in the future, that the machine they had so patiently constructed would fly, for the formula had been verified. They achieved their results neither by luck or the process of elimination, but by scientific inquiry and study. And so, by a toss of a coin, it fell to the lot of our distinguished guest to usher in a new era that has revolutionized transportation and has redounded to the happiness and progress of the human race.

Twenty-five years ago from this morning, with a 27-mile-an-hour wind against it, his machine rose from the ground and went a distance of 120 feet in a flight lasting 12 seconds. And here it was that for the first time in history a machine carrying a man raised itself by its own power into the air in full flight, went ahead without reduc-

tion of speed, and landed at a point as high as that from which it started. Here this epoch in the history of the world had its genesis. Here stands the cradle of aviation.

As those who first came to these shores lived in the great age of discovery, so to-day we live in the age of invention. Distance has been annihilated by the marvelous radio. The world has been united by the locomotive and automobile. The perfection of the printing press has spread knowledge to every class. The humblest man to-day has available for his comfort and his education facilities that the mightiest king of a former century never dreamed possible. When the gas engine was hurled into the air by Wilbur and Orville Wright the last citadel of man's earthly kingdom was brought into subjection, and it is the sober judgment of students of human history that nothing can compare in creative worth to this accomplishment.

When we stop and visualize that just a quarter of a century ago one of the greatest newspapers in America wired its correspondent to "stop sending fake stuff, for nobody believes these wildcat yarns about men flying in an airplane," the supremacy of man in the air is almost unbelievable. With this humble origin as a setting we have seen the Atlantic spanned, the globe circled, and the North Pole flown over. We have seen the airplane become an indispensable necessity in the commercial and business life of the world, and a vital factor in national defense. What would appear to be a stretch of the wildest imagination could only conjure up the immediate future.

To the honored guest of this splendid gathering I would say that it has not been the privilege of many who have made history to be the recipient of such an ovation as this. There has rarely been accorded to a man in the flesh the plaudits of his fellow citizens such as within a week have been given to you and your lamented brother. A grateful and appreciative Nation, fortified by her friends and neighbors of the universe, come to pay you a tribute of admiration and regard that has only few parallels in history. With the modesty that has ever characterized you, you have seen those who would detract from your achievement succumb in the light of analysis. You stand not only before the world as a discoverer but as one whose brain perfected to its present state what was first conceived in it.

This memorial authorized by the Congress of the United States started here to-day is merely to place in imperishable granite the recording of another milestone of man's work. Its plans have been sought from the most distinguished architects of the Nation. It is contemplated that there shall be a lofty tower containing a light to guide those who travel by air and sea. The second unit calls for a new Coast Guard station on yonder beach, to which will be attached a tablet in bronze to depict what transpired here. How fitting it is that the Coast Guard, that noble service for humanity, which contributed its assistance in this feat, should be recognized in its perpetuation. Next year a bridge will span this sound to make it in easy access to the Nation, and I believe that I can safely state that North Carolina, recognizing its obligation, will construct a paved road to this historic spot.

We are dedicating here to-day a national shrine. There will be gathered here the intimate associations that made it possible. Here the air was conquered and here belongs the implements of conquest. To this spot in centuries to come will journey those who would pay reverent tribute. To-day the homage of the world is given here. To-morrow it will become the pilgrimage and the Mecca of those whose happiness have been enhanced.

This memorial standing here facing a mighty ocean will proclaim the sentiments of a grateful Republic.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk reported the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to return to page 20 in order to make a correction.

The CHAIRMAN. Is there objection?

There was no objection?

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the amendment adopted by the House on that page be inserted on line 13, following the word "indemnities," striking out the colon and inserting a comma, instead of on line 12 following the figures "$5,171,000."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to make the correction indicated. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that I may be permitted to return to page 24 for the purpose of offering an amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 24 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, after line 25, insert "In all, salaries and expenses, $9,527,790."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, on page 27, I ask unanimous consent to make a correction in line 8, by striking out the letter "D" and inserting in place of it the figure "4," so that it will read "secs. 401–404."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to make the correction referred to on page 27. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Horticultural crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, $1,077,231.

Mr. HILL of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HILL of Washington: On page 34, line 21, strike out "$1,277,281" and insert "$1,292,231."

Mr. HILL of Washington. Mr. Chairman, my amendment proposes to add $15,000 to the amount in line 21, page 34. In the items which go to make up this total is an item of $15,000 for the investigation of a fruit disease known as perennial canker. In the current fiscal year there is an item of $15,000 for this investigation. In the present bill a similar amount is carried for the same purpose. I am seeking to increase that amount $15,000 by making it $30,000. The perennial canker is a fungus disease that attacks apple trees. The spores from the fungus on the apple tree is communicated to the fruit of the tree and causes what is called fruit rot. The apples go into storage in an apparently perfect condition, and then during the period of storage, depending upon the stage of maturity of the apple, there develops a dry rot or fruit rot on the apples in storage caused by the spores from this fungus on the apples, developing under the condition of humidity and temperature in storage. This is coming to be a very destructive disease to the apples in storage. It is causing great economic alarm in the apple-growing sections of the Northwest. The Hood River section has practically reached a point where they can no longer secure credit upon orchard property because of the ravages of this disease. In the Wenachee district and other districts in the State of Washington the perennial canker is distributed throughout the districts of heavier precipitation, and, more or less, throughout the entire apple-growing sections of the State.

This disease has been discovered in the various orchard-growing sections of that State, and it is believed it is also prevalent in the State of Idaho. This disease has reached such a point that apple buyers are now refusing to buy apples for future delivery in storage. The banks of the country and the credit associations are refusing to extend credit and the situation is critical. All I am asking is that this appropriation be increased from $15,000 to $30,000 that this emergency may be met in a more effective way and that a remedy be found at an earlier stage than can possibly be found under the meager appropriation of $15,000 for that purpose. If this disease continues unabated it means the destruction of over $300,000,000 of orchard property in my State. No disinfectant has yet been discovered to combat it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Washington. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Washington. We are now threatened with quarantine of our apples and investigators have already visited that section with a view of investigating the situation to determine whether or not our apples shall be moved to the markets of the country and the world. It is an emergency, it is an economic crisis, and I ask that this appropriation be increased

in the modest sum of $15,000, making a total of $30,000, so that we may have sufficient money to properly investigate and combat this insidious disease.

Mr. LARSEN. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. LARSEN. I would like to know whether that condition of which the gentleman from Washington complains exists only in that State or in other States?

Mr. HILL of Washington. It exists only in the Northwest at the present time, so far as I am advised.

Mr. LARSEN. And appears in other States?

Mr. HILL of Washington. Oregon, Washington, and probably Idaho, but the disease might well be expected to creep into all that section.

Mr. Chairman, I urgently ask that this meager appropriation of $15,000 for this purpose, to save this great industry of the Northwest, be increased to $30,000.

Mr. DICKINSON of Iowa. Mr. Chairman, I rise in opposition to the amendment. Last year we had before our committee a group of men wanting relief from this same disease. At the urgent request of the apple men of that area we put in the bill an item of $15,000, and the department established a laboratory in the Hood Valley, and they are now working on the disease. The gentleman from Washington now comes in and wants to double that appropriation, although they have been making splendid progress, and they have been working on this disease in this one valley, and are prepared to proceed next year.

The area to which the gentleman refers is the Wenachee Valley, about 150 miles from the Hood River Valley. It does not seem to be justifiable to ask for $15,000 each time they plant apples in another valley. The investigations carried on in one valley should be helpful in another valley, and there is no reason why those experts can not cross those mountains and make a survey of the conditions existing in the Wenachee Valley and transfer their investigations further over to the laboratory that we have established. The gentleman from Washington is here without reason when he asks this House to double this appropriation for this research when he has within a stone's throw of his own valley the very line of work going on with respect to the same disease that he is asking to have controlled by the Government in the Wenachee Valley.

Mr. HILL of Washington. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HILL of Washington. I want to call the attention of the gentleman to the fact that we already have a laboratory out there which is equipped for the investigation of this disease. You do not have to establish a new laboratory. The man who discovered the identity of the spores with the spores on the apples on the tree is in control of that laboratory.

Mr. DICKINSON of Iowa. If you have a man there already, why do you want $15,000 more? You have an appropriation of $15,000 in the laboratory in the Hood Valley. There is no reason why the department should be asking to extend this work every time the disease breaks out in a neighboring valley. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HILL of Washington. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Washington calls for a division.

The committee divided; and there were—ayes 18, noes 24.

So the amendment was rejected.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. ABERNETHY. Mr. Chairman, I desire the attention of the distinguished chairman of the subcommittee [Mr. DICKINSON of Iowa]. I had myself intended to ask for an increase of this item on account of the strawberry troubles we are having down in my section of the country from the disease known as the dwarf. But before this matter came up I talked with the distinguished chairman of the subcommittee about it and found out that an increase to deal with it had been allowed, and knowing the temper of the House, particularly at this time, and knowing how economical the Members are, and how eager they are to follow the distinguished gentleman from Iowa, I have contented myself with asking him to put in the RECORD, if he will, a statement as to how this money, in his opinion, should be expended.

This question of investigating this disease and this strawberry trouble started last year, and the investigation was begun by the department. Now there is an increase in the appropriation, as I understand. It seems to me the attitude of the department should be to continue these investigations with this increase from the point where the trouble started in my territory. I would like to have the gentleman's opinion on that.

Mr. DICKINSON of Iowa. We have increased the strawberry item in this bill very materially. There is a certain disease of the strawberry that is prevalent in different localities, and the experts have already done some work in the gentleman's section of the country. I do not see why, with the increase we have given the department, they can not make additional investigations down in the gentleman's country. I hope the department will be able to do it and I think they will.

Mr. ABERNETHY. I think I can fare better in the future by not contending with the gentleman and by getting under his protective wing. I am thankful for the amount given, and, considering the temper of the House, I will not ask for more.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Gardens and grounds: To cultivate and care for the gardens and grounds of the Department of Agriculture in the city of Washington, including the upkeep and lighting of the grounds and the construction, surfacing, and repairing of roadways and walks; and to erect, manage, and maintain conservatories, greenhouses, and plant and fruit propagating houses on the grounds of the Department of Agriculture in the city of Washington, $97,740.

Mr. LARSEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. LARSEN. Mr. Chairman and gentlemen of the committee, I am not complaining about the rather large sum of money that seems to be appropriated in this bill for the purpose of farming in the District of Columbia, and especially in the city of Washington, although there is nearly $100,000 proposed to be appropriated under the provisions of this bill for that purpose. Personally it occurs to me that probably it would be a great deal more advisable if some of these large appropriations were used for the purpose of furthering agriculture in more distant localities and in agricultural communities where some aid is so badly needed at this time.

But I rise to specifically express my regret at conditions which exist in the crop-estimating department of this Government. It does seem to me that there is not as much harmony and as much cooperation between the departments of our Federal Government, and especially those departments that are engaged in the crop-estimating work, and the agriculture departments of the various States as there should be.

There has been a dispute as to the crop estimate in my own State, Georgia. For some months it has been the contention of our department of agriculture—and I think we have one of the best in the country—that the estimate made by the Department of Agriculture in Washington as regards the production of cotton in Georgia for this year was entirely too high. I have been watching this controversy for some months and as the crop is being harvested, and the harvest has practically been completed and estimated in our State, it appears there was considerable cause for complaint upon the part of the Georgia commissioner of agriculture. The authorities in Washington, at a very crucial period in the marketing of our crop, estimated that the cotton production of the State of Georgia would be 1,020,000 bales. The department of agriculture in that State took the position that it would fall considerably short of 1,000,000 bales. The last estimate as made by the State of Georgia upon this crop is that Georgia will produce, or has produced, you might say, 961,241 bales. The Government estimated, according to the last estimate made, that it would produce 1,020,000 bales, a difference of nearly 59,000 bales of cotton.

If this only applied to the State of Georgia it might be less seriously regarded and we might be inclined to overlook any contentions existing between the authorities here and the authorities in that State, but the same things which are true in Georgia are true in many of the other cotton-producing States. It has existed to such an extent that one of the Senators in the other end of the Capitol called attention to it and said that the Department of Agriculture of the Federal Government had overestimated our cotton crop by nearly 1,000,000 bales, and it appears that is true.

Now, the difficulty is that when the Federal Government comes out—at the time we are marketing our crop in October, or at

least when the poor man has to market his crop, when the one and two horse farmers are forced to put it on the market—and forecasts a production far in excess of what the actual yield will be, you can see what havoc is played and that millions of dollars are lost by these small farmers. It may not make such a material difference, however, to the man who is able to hold his crop over until the next year.

Now, Mr. Chairman, what I want to do is this: I want to urge upon the part of the officials of this Government that they cooperate better with the State officials. I know, and I think everyone else knows, that the various States in this Union have their agricultural departments and are in a better position to make an estimate as to what the production in that particular community is apt to be than the Federal Government, because the Federal Government has not the machinery, has not the facilities, and is largely dependent upon our State authorities, and yet when our State authorities make an estimate which seems to coincide with the facts of the case, in many instances the Federal Government brushes it aside and says, "Oh, no; you will produce a great deal more," just as was the case in Georgia this year.

I think it is regrettable. It is regrettable because it not only affects Georgia but the other States which produce cotton as well.

Mr. RANKIN. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. RANKIN. In that connection I desire to say to the gentleman from Georgia that when the crop-reporting bureau made its estimates for September, the figures gathered from its correspondents in the field showed that the condition of the cotton crop had declined about 10 per cent.

If they had followed the logic of those figures in making up their estimates of the production at that time they would have reduced their estimate several hundred thousand bales below what it was, but instead of doing that they seem to have disregarded those figures and to have followed the suggestions of the private reporters throughout the country and raised the estimate instead of reducing it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may proceed for three additional minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Georgia may proceed for three additional minutes. Is there objection?

There was no objection.

Mr. RANKIN. I will say to the committee that this is of more importance to the cotton growers than any other legislation this House will likely pass at this session.

As I said, instead of following the logic of the information received through their field representatives, they seem to have followed the lead of the private crop estimators who are primarily interested in the cotton speculators. They increased their estimate and have held to that lead from that day to this, until to-day it is apparent to every intelligent man, familiar with the cotton crop and cotton-growing conditions, that they are several hundred thousand bales above the actual production. That resulted in driving the price down, depressing the market possibly several cents a pound, all of which cost the cotton growers many millions of dollars.

I telegraphed to Washington protesting against this misconduct at the time.

Mr. LARSEN. I thank the gentleman for his very timely remarks and would add that it not only depressed the cotton market but in many cases it has actually resulted in distressing conditions to the small producers throughout the country.

The tendency of the Federal Government seems to have been, although I do not charge it was, as the gentleman from Mississippi stated, to favorably regard the reports as made by the private speculators and to disregard the reports as made by the various departments of agriculture in the States throughout the cotton-producing area. The result has been that they have taken a position against the accredited authorities of the States and have injuriously affected the price which the producer should receive.

Mr. Chairman, I ask unanimous consent that I may extend my remarks by incorporating in the RECORD a telegram which I have received from Hon. Eugene Talmadge, commissioner of agriculture for the State of Georgia, touching upon this question.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing the telegram referred to. Is there objection?

There was no objection.

The telegram referred to follows:

ATLANTA, GA., *December 15, 1928.*

Congressman W. W. LARSEN:

Final report on Georgia cotton crop for this year compiled by Georgia Department of Agriculture shows 961,241. Final Federal report for Georgia, 1,020,000. According to the records of the Georgia Department of Agriculture, the Federal bureau overestimated the Georgia cotton crop 58,759 bales. The largest estimate of the Federal department on the Georgia cotton crop was released October 8, the peak of marketing. This estimate for Georgia was 1,060,000 bales. If the Federal bureau has overestimated the crop in other States as has been done in Georgia, Senator HEFLIN, of Alabama, is very conservative in his statement that the crop for the entire Cotton Belt has been overestimated 500,000 bales.

EUGENE TALMADGE,
Commissioner of Agriculture.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900 (31 Stat. pp. 135, 136), $60,000: *Provided,* That the limitations in this act as to the cost of farm buildings shall not apply to this paragraph.

Mr. REED of New York. Mr. Chairman, I move to strike out the last word.

I am very sorry to take the time of the committee. It is very unsatisfactory to stand here and try to hurry when you have something you think is of real interest to the Members of the House. After all, I feel I owe something to the chairman, who has very kindly given me this time. I owe something to the Members of the House in saving their time, because I realize you want to finish the bill and you wish to get away. I want to give you the meat of what I have to say and then I am going to ask the privilege of extending my remarks.

There is hardly a Member on the floor of this House who does not have in his district orchards or fruit of some kind. There is no nation in the world which produces more fruit or finer fruit than the United States of America, and fruit growing in the United States is distributed pretty much over the whole country.

I am in sympathy with the Department of Agriculture in the work it is trying to do, and the Department of Agriculture has brought production up to a very high point. But there is one phase of agriculture that has been neglected, and that is the marketing feature. The result is we hear much about overproduction.

I realize you intend to bring in some relief bills, and the chances are that some farm relief bill will be passed either at this session or at a special session of Congress; but there is one phase of agriculture that will not be reached except through the tariff and through the means which I wish to present here.

We provided under the pure food and drugs act for proper labeling and required that certain fruits must be labeled "imitation" or "compound." There has recently been rendered a decision in the district court at Detroit which has simply opened up the floodgates for imitation fruit products, and many manufacturers have seen fit to take advantage of the opportunity to foist upon the public substandard products.

The consumers have learned to rely on the Department of Agriculture to protect them. The result is they little realize or even suspect that they are buying imitation fruit products. The magnitude of this fraud upon the consuming public, I imagine, is not known by the membership of the House.

For instance, take the strawberries from the West. They are putting on the market to-day an imitation with just enough strawberries to give the proper flavor, with large quantities of sugar and a certain amount of peptone, and the rest is a lot of inferior apples ground up. The public is paying the regular price for this product. Your chain stores are handling this sort of thing and this is happening all along the line.

Mr. SUMMERS of Washington. If the gentleman will yield, where is that product manufactured?

Mr. REED of New York. In many of the large cities all over the country, and the gentleman is in just the same position as other Members from fruit-producing districts.

Mr. MILLER. Where is the product put on the market?

Mr. REED of New York. It is put on the market in every part of the country and I will say to the gentleman from Washington that you can find very little pure strawberry jam on the shelves of the stores in this country to-day.

Now, what is the trouble? The floodgate has been let down. The Department of Agriculture ought to take some steps to correct the situation, but so far as I know it has

not presented or recommended any legislation to do so. It has been two years since this decision was rendered and the time has come for some legislation.

Here is the situation and the reason the Department of Agriculture is waiting——

Mr. MILLER. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. MILLER. If it is a substitute so superior to anything that is prepared any other place, I think it ought to be permitted to be on the market, even though there is but a slight quantity of strawberries in it.

Mr. REED of New York. We will not discuss that. This fraud affects the gentleman's State as much as any State in the Union.

Mr. COOPER of Wisconsin. Can the gentleman indicate briefly what that court decision was to which he has referred?

Mr. REED of New York. I have not the time to go into that, but I can tell the gentleman what happened. They destroyed the corpus of the case, so the Government could not appeal. Then they enjoined the Government—think of that—they enjoined the Government from enforcing a criminal statute, and that matter has been pending for practically two years. No one ever heard of such a thing before. The Agricultural Department is waiting for a final decision in the case, and while they are waiting the fruit producers of the country are being destroyed and the consumer defrauded.

The administrative standard and definition for pure fruit jam or preserve as announced by the Department of Agriculture calls for the use of not less than 45 pounds of fruit to each 55 pounds of sugar in the manufacture of the product. This standard is now violated with impunity.

One of the markets upon which the fruit grower must depend to take the surplus production is the fruit packer and preserver. The manufacture of fruit products keeps the grower alive. There is furnished the grower year after year a steady, certain market for his production less subject to fluctuation than the hazards of the fresh fruit demand. The tonnage of fruit dependent upon the preserving industry is enormous. The fresh fruit markets are not subject to much expansion. The preserving industry can be readily enlarged as the public appetite for preserved fruits is increased by satisfaction with the quality.

I am informed that if only half of the present production of substandard preserves were converted into standard products the increase in the outlet for fruit would be enormous. A standard quality of jelly, for instance, would contain four times more fruit than the substandard articles which are now being sold without the words "imitation" or "compound" to warn the consumer.

In my State of New York there has been a great increase in the acreage devoted to cherries which are grown primarily for the preserve industry. This greatly increased production will soon be upon the growers' hands and they must find a market. There is no fresh fruit market for this variety of cherry. The outlet in the preserve industry must be enjoyed or the growers are facing disaster.

In Washington and Oregon approximately 60,000 barrels of strawberries are packed for manufacturers of fruit products each season. The past two years this fruit has not been absorbed and the stocks have been carried over at ruinous prices. Approximately 80,000 barrels of raspberries are packed each year in the States of Washington and Oregon for manufacturers of fruit products. The supply is greater than the demand. The States of Maryland, Delaware, and Virginia produce large quantities of fruits for preserving use and are in the same situation. In Arkansas, Louisiana, and Tennessee ideal climate and soil conditions have resulted in the creation of a fruit-growing industry which has reached proportions that require larger markets. Michigan and Wisconsin with their strawberries, raspberries, and cherries are in the same condition. They have no adequate market. The grape growers of Ohio, Pennsylvania, and New York depend upon the manufacture of fruit products far more than upon the purchasers of basket fruit for home consumption. The fruit growers of Colorado and Idaho, who have started out with such promise, have reached the limit of their present market. Again, I repeat, the gravity of the situation justifies immediate and drastic action.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise by employees of the Forest Service, under the direction of the Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (U. S. C. pp. 423, 424, secs. 506–509), the act of August 10, 1912 (U. S. C. p. 423, sec. 506), and the act of March 3, 1899 U. S. C. p. 421, sec. 488), as provided by the act of March 4, 1913 (U. S. C. p. 424, sec. 512), $52,500.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that a parenthesis mark be inserted following the figures "1899," in line 14, on page 41.

The CHAIRMAN. Without objection, the correction will be made in the manner indicated.

There was no objection.

The Clerk read as follows:

FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor," approved June 7, 1924 (U. S. C. pp. 427–428, secs. 564–570), as amended, including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said act, $1,300,000, of which $34,460 shall be available for departmental personal services in the District of Columbia and not to exceed $3,000 for the purchase of supplies and equipment required for the purposes of said act in the District of Columbia.

Mr. LEAVITT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 45, line 13, strike out the figures "$1,300,000" and insert "$1,400,000."

Mr. LEAVITT. Mr. Chairman, this amendment is offered to the section of the bill that has to do with fire-protective cooperation. It seems to me, and I think to all who have studied the problem carefully, that protection against fires is the foundation of all forestry practice.

The amount in the bill—$1,300,000—is not sufficient to meet the cooperation already lined up between the different owners of timber in the several States and the Federal Government under the McNary-Clark Act. I have discussed the matter with the committee. In my amendment I have attempted to come somewhat nearer to the amount required to meet the obligations and to carry out a sound forestry policy.

Mr. DICKINSON of Iowa. Mr. Chairman, the evidence before the committee showed that the amount that should be put in for fire protection in cooperation with the States should be about 25 per cent. The amount carried in the bill is a little above 19 per cent. For that reason the committee has no objection to the amendment offered by the gentleman from Montana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Total, Forest Service, $12,814,280.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word. I do not do so with any idea of offering an amendment or opposing the legislation. The committee has decidedly cut down on the amount for the acquisition of these forest lands. I thought it ought to appear in the RECORD why the committee has seemingly gone against the previous recommendations of the House which in the previous sessions virtually, by legislative action, gave a mandate to the Appropriations Committee on the subject of acquiring forest lands which included cut-over lands for the purpose of reforestation.

Mr. DICKINSON of Iowa. Mr. Chairman, there was over a million dollars allocated for the purchase of a great parcel of land in the New England States. It was a lump sum for the purchase of lands, mainly in New Hampshire. That was all provided for and the allocation was known before the appropriation had been made. It is for the beginning of the purchase of the outlying areas that have been surveyed or contracted for that this appropriation will be used. We believe that the President and the Budget reached the conclusion that this was a sufficient amount to inaugurate the purchase of forest land on a larger scale.

Mr. HUDSON. It does not mean any policy on the part of the committee or the Budget to restrict the purchase of these lands.

Mr. DICKINSON of Iowa. It does not on the part of the committee; I can not speak for the Budget.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Soil survey: For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $274,000.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 49, line 14, after the figures "$274,000," insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to make investigation, not otherwise provided for, of the causes of soil erosion and the possibility of increasing the absorption of rainfall by the soil in the United States, and to devise means to be employed in the preservation of soil, the prevention or control of destructive erosion and the conservation of rainfall by terracing or other means, independently or in cooperation with other branches of the Government, State agencies, counties, farm organizations, associations of business men, or individuals, $160,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. BUCHANAN. Mr. Chairman, I state to the chairman of the committee [Mr. DICKINSON of Iowa] that if we get into a discussion of this amendment, it will take some time. I do not know how long the gentleman contemplates remaining in session. If we discuss it, I will want at least 25 minutes, and others desire to discuss it. Unless the chairman [Mr. DICKINSON of Iowa] will agree to its adoption it would be better to adjourn.

Mr. DICKINSON of Iowa. Mr. Chairman, this matter was thoroughly discussed before the committee. The committee is absolutely convinced of the merit of the erosion work, and so far as I am concerned, and I think I can speak for the rest of the committee, we do not expect to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that on page 48, line 12, in order to correct the spelling, to strike out "gines" and insert "gins."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to correct the spelling in the manner indicated. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I desire to offer another amendment, to go at the end of the erosion amendment just adopted. I do not think the gentleman from Iowa will object to it. It is for the purpose of making the sum of $40,000 of the amount appropriated immediately available, in order to permit the department to commence work this year.

Mr. DICKINSON of Iowa. Mr. Chairman, I have no objection to that.

Mr. BUCHANAN. Mr. Chairman, I offer that amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 49, at the end of the amendment just adopted, insert the words "of which amount $40,000 shall be immediately available."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, the adoption of the Buchanan amendment, in so far as this House is concerned, means the crystallization into law of a bill (H. R. 12485) introduced by me having for its object the accomplishment of the same purpose. The advantage of having it incorporated as a part of this agricultural appropriation bill is twofold: First, insurance of its immediate passage and second, that funds for carrying the project into effect will be available without further legislation. I am gratified that my colleague [Mr. BUCHANAN], who is the ranking minority member on the Agricultural Appropriation Committee, saw proper to offer the amendment, and I congratulate the House on its adoption.

Science is solving many problems once thought impossible of solution. The forces of nature are being mastered, so that those which were once destructive are now being made to serve the needs of humanity. The great floods which periodically destroy life and property if properly curbed and directed may be made a beneficent blessing. The time will come when we will not permit the excessive rainfall in flood time to bring devastation and ruin, but these waters will be conserved and made useful rather than destructive.

The rainfall, if not permitted to run off too rapidly, will reduce the flood hazard, and this measure therefore affects to some extent the question of flood relief. The checking of the run-off will also give additional moisture to the lands on which it falls by causing an increased absorption of the rainfall.

But paramount in importance is the prevention or control of destructive erosion and the consequent preservation of the soil. It is designed therefore to bring a threefold blessing—reduce the flood hazard, preserve and retain moisture, and conserve the soil.

The damage done by soil erosion is little understood by the American people. According to Mr. H. H. Bennett, of the Bureau of Chemistry and Soils, who has given this subject years of intensive study and is regarded as one of the Nation's experts, the farmers of the United States are losing at least $200,000,000 annually by soil erosion. Mr. Bennett states that the loss to the Nation is difficult to estimate, and that unless it is checked it will ultimately mean the destruction of all agricultural lands. According to him and other experts, as a soil is worn down it becomes less productive, not at a uniform rate, but at a progressively increasing rate.

The State of Texas, realizing the importance of conserving the soil, established some years ago at Spur, Tex., a station to make a study of this important subject. This Texas station was the first comprehensive soil-erosion station in the history of the world, and the work being done there is doing great good.

This statement was made before the hearings on this bill, not by one from Texas, but by one of the experts in the United States Department of Agriculture.

In a letter to me from Mr. A. B. Conner, of the Texas Agricultural Experiment Station, who is connected with the work of this station, he writes most interestingly of results of their investigations. Permit me to quote a paragraph therefrom:

We have at our Spur Station more than 100 acres of land included in the run-off water and soil erosion experiments, and several thousand dollars' worth of equipment, and we are now actively engaged in studying the problem and collecting data. Our preliminary results indicate that our water losses frequently reach 50 per cent of the total rainfall and our most extreme loss has been 85 per cent of the total rainfall, such a rain being of the kind and character that causes flooding of the rivers.

Moreover, in a single year we have obtained a measured loss of 41 tons of surface soil to the acre. This tremendous loss of plant food, caused by washing, is responsible in perhaps a larger measure than we now appreciate for the depleted condition of the soils of east Texas and the difficulty with which we rebuild them.

The problem of soil erosion is not confined to any one State or group of States, but in every State of the American Union where there are agricultural lands the question will sooner or later have to be dealt with. Texas and Missouri are the only two States that have thus far established experiment stations for this purpose. Experts tell us that investigation and experiments to develop the best means of preventing water losses must be established in different parts of the country, as the soils of the various sections differ materially, so as to require different treatment. The sections which the Director of the Bureau of Chemistry and Soils advises need immediate attention are those lands situated in the silty uplands along the Mississippi and Missouri Rivers and their tributaries; in the region of heavy soils of southern Ohio, Indiana, Illinois, and Kentucky; the Piedmont and Appalachian regions; in the black prairies of central Texas; the sandy and stiff soils of east Texas and Louisiana; the red prairies of Texas, Oklahoma, and Kansas; and in many of the New England States; the soil within these areas being especially vulnerable to erosion and in a measure each presenting a different problem for solution.

It is apparent that this investigation is of such magnitude and importance, not only to agriculture, but to the economic life of the Nation, that the Federal Government should undertake its solution, and not leave it to the several States to do. The only matter of surprise is that the Federal Government has not sooner undertaken this important work.

We expend millions of dollars to maintain our Army and Navy to be used in case of wars which may not and we hope may never materialize, but this appropriation is not to avert a threatened menace, but an existing menace, which is destroying the agricultural lands of America.

This is a constructive measure. The money appropriated under this amendment is an investment that will pay vast dividends. Its purpose is to preserve the greatest material asset of the Nation—our agricultural lands. The wealth of this Nation does not consist of its stocks and bonds; these are mere evidences of wealth. The real and fundamental wealth of America is its rich agricultural lands, and when these are gone

the wealth of the Nation will vanish. Stocks and bonds will then become mere scraps of paper. The machinery in the great factories will become silent and commerce will sicken and die. Let us preserve these lands not only for our own use and for those of this generation, but for the use of our children and for those who shall live after us.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word in order to inquire with reference to the appropriation for soil survey. How does that compare with the appropriation made for that purpose last year?

Mr. BUCHANAN. There is a little increase.

Mr. DICKINSON of Iowa. There is an increase of $4,000 after the Welch Act adjustments are taken care of.

Mr. BRIGGS. That is just to take care of the salaries?

Mr. DICKINSON of Iowa. No; that is over and above the Welch Act.

Mr. BRIGGS. I think this work is of a very valuable character, and I am hoping that nothing will be done to impair the effectiveness of it; that its efficiency might be promoted by giving it a little more money. In this connection, is the Bureau of Soils limited in its activities in soil survey to maps on a certain scale which do not conform to the scale of maps of the Topographic Survey? For instance, they insist that the scale is very much larger with respect to the soil-survey maps; the soil-survey people are always asking for the topographic maps on which to build their soil surveys, and one branch or the other of the department is indicating that there is a restriction imposed upon the character of that scale.

Mr. DICKINSON of Iowa. That is a matter over which this committee would have no jurisdiction. It is an administrative matter.

Mr. BRIGGS. I thought perhaps the gentleman might be familiar with it.

Mr. DICKINSON of Iowa. No.

Mr. MORROW. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the Buchanan amendment.

The CHAIRMAN. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MORROW. Mr. Chairman, in pursuance to leave granted me to extend my remarks in the RECORD, I insert herein information sent to me by Dr. H. L. Kent, president of the College of Agriculture and Mechanic Arts, State College, New Mexico, upon soil erosion and the prevention of same by soil terracing:

NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC ARTS,
State College, N. Mex., November 29, 1928.

Hon. JOHN MORROW,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN MORROW: While I was in Washington last week, I learned that Congressman BUCHANAN, of Texas, is planning to ask for an appropriation for the United States Department of Agriculture to provide for experimental work in land terracing, primarily for the prevention of soil erosion, although here in the West we are interested in it fully as much for water conservation as for the prevention of erosion.

As I understand it the situation is as follows:

First. The amount of money wanted, $150,000 is the present judgment of the amount, was not included in the Bureau of the Budget's estimate.

Second. Mr. BUCHANAN has the approval of his subcommittee of the Committee on Agriculture, and they now anticipate that the matter will be introduced on the floor of the House and they believe that without any difficulty it will be added to the Budget estimate.

Third. As you can well appreciate, we must have some support for the measure from the various sections of the United States. My purpose in writing to you at this time is, first, to be sure that you know about the proposed legislation, and, second, to try to enlist your interest in it and then, finally, to furnish you with information which may be used in support of same.

Frankly, I think Mr. BUCHANAN is asking for too little money. I told him so but I assume that his judgment and experience dictate that a small amount shall be asked for in the beginning and thereafter the work and the interest created through the work will make it easier to secure larger amounts and an enlarged amount of work.

I came back from Washington with the soil-conservation specialist of the Federal land bank at Houston, Tex., A. K. Short. Short is a Texas A. and M. graduate who has worked for the college for years and gave up his work for the college to go with the Federal land bank on this special kind of job. He pointed out many of the pressing problems in east Texas where erosion is serious.

Erosion is a problem in west Texas and northeastern New Mexico. We think of it as a problem that is of no immediate importance except in a few isolated cases. As a matter of fact, it is of immediate importance. This is shown by the results obtained at the Spur (Tex.) Experiment Station. Their results indicate that the normal rate of erosion on fields with a slope of only 2 or 3 per cent will remove 6 inches of the top soil from cultivated fields in about 40 years. Long before the entire 6 inches has been removed the fields will be, of course, so reduced in production as to make it almost impossible for a farmer to make a living. Therefore we will or should be concerned with this soil-erosion problem.

Director Conner, of the Texas station, and those of us who are working here in New Mexico are more immediately concerned in water conservation, which goes along with the prevention of erosion.

The method found most effective for preventing erosion is to throw up low, broad terraces running on contour lines through the fields. These terraces, of course, prevent the formation of gullies. At the same time in our plains region, where the rainfall is limited and frequently comes in hard showers, these terraces prevent the run-off of the water and save it for the benefit of crops.

The Spur station data indicate that 25 per cent of their annual rainfall comes in small showers that are of no particular benefit. These showers may be from one-tenth up to one-half inch and, as you can readily understand, are lost through evaporation.

Another 25 per cent of the total rainfall is lost through surface run-off. The farmer ordinarily makes a crop on 50 per cent of the annual rainfall. If through terracing we can conserve the 25 per cent now lost on account of surface run-off, we have really added 50 per cent more effective water to the farmers' crops and that water stored not in a reservoir that requires ditches for distribution but stored on the land on which the crop is growing; that is, stored in the soil.

This puts the matter briefly, except that I want to add that the extension force at the college here has been encouraging soil terracing in northeastern New Mexico. We have been doing that for two or possibly three years. Results are encouraging, but the number of farmers convinced or persuaded is small and we need more data and perhaps the weight of Government data or experiments back of our program.

I have just written to Arthur Jones, of the First National Bank at Portales, who is chairman of the committee on agriculture of the State Bankers' Association, suggesting that at the meeting of the agriculture committee of that association this winter we take up this problem for discussion. I did not mention to him the proposed legislation. We can, of course, get the indorsement of the association to a much better advantage if we have the matter thoroughly discussed with them so that they understand it before asking for an indorsement.

My own personal opinion is that this terracing program should be tied up with water conservation in the dry plains area, and that it will and should, by rights, have a place in the entire program of flood control.

I am mentioning this matter of water conservation and the possible contribution to flood control to you in order that you may have it in mind during the present session of Congress. Let me point out that the proposed method of flood control by means of large reservoirs or dams along the stream courses requires a tremendous expense or investment. It will hold the water in the upper reaches of the streams. But before the water can be put to use it will be necessary to construct long canals and expensive irrigation works, and then the water can be applied to the land. That is, to a limited area of land. If, on the other hand, we could encourage a very general practice of terracing, and we find that these terraces will hold a considerable amount of water that now goes down these streams at times of flood, we reduce the flood danger, prevent erosion, and the silting up of the stream channels, and at the same time store the water in the soil of the fields on which the crops are growing.

The expense in the one case is borne by the farmer, who terraces his own land, the public contribution being the services of the county agent and possibly a terracing engineer. The expense in the other case means millions put into large dams and irrigation works and the additional labor on the part of the farmer to distribute the water after it has been delivered to him through the irrigation works.

The terracing program means that the silt ordinarily removed by flood water is left on the farmer's field and the fertility thereby preserved. In the other case it means that washing goes on, the silt is carried into the stream beds and distributed or deposited in the reservoir above the dam. In time these deposits will fill the reservoir and then you have your problem to solve again. Meanwhile your original resource, the fertility of the land, has been removed, and the second time you attack the flood problem you will be without the natural resources to pay the bill.

That is a long-time view and given to you for your guidance. I think perhaps at this short session Mr. BUCHANAN'S bill ought to be supported just as it is, and at the next session those of you who are acquainted with the problem may go in for additional funds for water conservation and possibly flood-water control.

Very sincerely yours,

H. L. KENT, *President.*

The Clerk read as follows:

Cereal and forage insects: For insects affecting cereal and forage crops, including sugar cane and rice, and including research on the European corn borer, $470,620.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 51, line 12, after the sum "$470,620," insert "of which $8,000 shall be immediately available for the control of the cricket in northwestern Colorado."

Mr. TAYLOR of Colorado. Mr. Chairman, that amendment is in accordance with the report and in agreement with the committee.

Mr. DICKINSON of Iowa. Mr. Chairman, there is no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, in further explanation of this amendment I ask to insert in the RECORD a statement I made before the agricultural appropriations committee, as follows:

FRIDAY, DECEMBER 7, 1928.

CRICKET ERADICATION

STATEMENT OF HON. EDWARD T. TAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. TAYLOR. Mr. Chairman and gentlemen, this is a small matter for which I appear in a financial way, and yet it is of tremendous importance to the State of Colorado. * * * These crickets appear periodically. There is an authentic record of them. They seem to last for a few years and then disappear. They are migratory. The records show their appearances in 1879 and in 1882, 1895, 1900, 1902, and 1904. They come into Utah and southern Idaho. From 1904 to 1918 there is no record of their doing any damage. But from that time to this day they have been more active. About three years ago they appeared in the northwestern corner of Colorado on the public domain, and they have since spread to a considerable portion of the three northwestern counties of that State.

I asked to have an item put into this bill a year ago, for the purpose of exterminating these pests, and the chairman told me then he thought the item for grasshoppers might be used for this purpose; but when the time came to get some of that money the department said the appropriation did not apply to crickets and would not let me have any of it. Of course, when the Budget is being made up in August, September, and November, us Members of Congress are out home, so we can not appear before the departments or the Bureau of the Budget. But as soon as I came here this fall I took it up with the Department of Agriculture, and they are very much in favor of this item. The Federal Bureau of Entomology has very diligently been working on this matter for two or three years. They sent two of their very capable men, Mr. Frank T. Cowen and Mr. Sam C. McCampbell, and they have worked with Mr. C. P. Gillette, of the Colorado State Entomological Association from the State Agricultural College, and with the officials and people of all those three counties, and they have now devised a plan of poisoning those crickets and handling this matter.

The system in brief is to get long sheets of tin and make a tin fence about three feet high and as long as they can make it. They also dig a trench in front of it. When the crickets fill the trench and pile up to the top of the fence they smoke them out, that is they spray them with calcium-arsenate, and it suffocates them.

The local people have spent about $25,000 in the last two or three years in fighting these crickets and trying to save their crops, and that is all they can spend. That is a sparsely settled country and its people are mostly settlers of very limited means. There are nearly 7,000,000 acres of land in those three counties, and only about one-fifth of it is patented land, the rest is mostly public lands of the United States covered with sage brush, oak brush, and buck brush, and other scrubby stuff on the hills and mountain sides that is the breeding place of these crickets. It is unconscionable to expect these people on their little farms in the narrow valleys to guard against these swarms of crickets that come from Uncle Sam's public domain. They travel in bands, swarms, or droves of various sizes, sometimes 2 miles one way and a mile the other. Their distribution is not uniform. But all areas are liable to be infested.

Mr. BUCHANAN. That is one of the plagues of Egypt sent on your people.

Mr. TAYLOR. These swarms of crickets eat everything the farmers grow. They pollute the streams and become so thick that neither the people nor the stock can drink the water. People can not live there. There have been something like 200 farms abandoned in the past three years. The people have been actually driven out, many of them without a dollar on earth, and have had to go off some place and try to get work and something to eat. A few of the Federal land-bank loans have been foreclosed, but not many of those. Most of the Government loans are on lands that have thus far escaped.

The land upon which these crickets breed is the public domain of the Federal Government. It is not privately owned land, subject to taxation. If it were, I would not be here asking for this relief. Colorado would handle it. But it is not right and we can not guard against that condition on public lands. About a million acres of public domain is actually infested with these crickets. In Moffat County alone, before the crickets came, there were 429 farms under cultivation. Now there are only 258. And the crickets caused nearly all of that devastation and depopulation. We look upon them as Uncle Sam's crickets, not ours.

But the people have now learned how to handle them. Those Federal and State entomologists have been diligently experimenting, studying, and working on this matter, together with the people of those counties, and they have worked out the system and the kind of poison that will kill the crickets en masse and have learned the method of doing it. Of course they may improve on the present methods. But I am not asking you to hire people to go out there and do the work. Those people ask Congress to appropriate $12,000 a year for two years to buy the poison, and the tin fencing, and spraying apparatus, and other equipment, and they will do the labor themselves. They ask that this money be made available for their use early next spring so they can poison the crickets early before they commence migrating. They believe with that and what they can get from the local people and the State legislature, they can eradicate this pest from that country.

Mr. BUCHANAN. Do you mean this fiscal year?

Mr. TAYLOR. Yes; this coming year. I want that item to be made available immediately. They have to go in there and poison these crickets when they are hatching out early in the spring.

Mr. BUCHANAN. When do they hatch out?

Mr. TAYLOR. In April mostly, I think. Those people must have this money before that time. They can not wait for the beginning of the next fiscal year on July 1, 1929.

I may say that I talked this matter over with Doctor Marlatt and his assistants several times. The Federal Bureau of Entomology thoroughly understand it. They have at my request already made a favorable recommendation to the Secretary of Agriculture, and the Secretary of Agriculture has made a favorable recommendation to the Bureau of the Budget, and I have conferred with them. I talked to Mr. Peffer of that bureau this morning, and he says they will promptly act upon it. But what they will do with it, of course, I can not say. I am very confident they will heartily approve of it.

Mr. BUCHANAN. Can you not get them to send it up to us?

Mr. TAYLOR. I have been urging them to do so and I believe they will. But I have not heard from them yet.

Here is a map of these three counties. You can see the different colors. They came in here [indicating] in 1921. Then they came in here [indicating] in 1926 and 1927. In this color here [indicating] is where they have been fighting them this past summer. This is the Bear River through here, and they are on the south side of it. They travel like an army. I drive through that country in an automobile every summer or fall, and they are almost as thick as ants all over the roads. We crushed thousands of them driving along with an automobile.

They are poisonous. When the chickens or turkeys eat them, they just topple over and die. There does not seem to be any way of getting rid of them except to poison them with calcium arsenate, and that kills them. The people won't do that on the public lands before they get down to their farms. They dig a ditch and put up a tin fence high enough so that they can not hop over. When the crickets fill up the trench or ditch and get about 3 feet deep and up to the top of the fence, to prevent them from hopping over, they have to spray them and kill them. It is an enormous job, but that is a good farming and stock country that is well worth saving. Uncle Sam naturally has an interest in those three naturally rich counties. At least, they will some day be rich and will be well populated. Congress is spending many millions of dollars every year for relief work of various kinds, and the Department of Agriculture is doing a vast amount of this kind of work in eradicating all kinds of pests that are injurious to agriculture; and I earnestly feel that no expenditure of money is or could be more deserved than this very modest amount I am asking you for, and I hope this committee will respond to the prayers of those pioneer farmers and help them exterminate those morman crickets. I thank you for giving me this very courteous hearing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Southern field crop insects: For insects affecting cotton and including research on the pink bollworm of cotton there is hereby made available $303,120 of the unexpended balance of the appropriation of $5,000,000 for establishing and enforcing noncotton zones, carried in the second deficiency act, fiscal year 1928.

Mr. HASTINGS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HASTINGS: Page 51, line 18, after the figures "1928," strike out the period and add "of which amount $10,000 shall be immediately available for boll-weevil research control work in Oklahoma."

Mr. HASTINGS. I have submitted this amendment to the committee and I understand there is no objection.

Mr. DICKINSON of Iowa. There is no objection.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the extension service and other Federal, State, and local agencies, $845,000: *Provided*, That $113,000 shall be available for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work: *Provided further*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intentions of farmers as to the acreage to be planted in cotton: *Provided further*, That no part of the funds herein appropriated shall be available for the preparation of mid-monthly reports of cotton estimates for the months of July, August, and November.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 61, line 16, after the word "cotton," insert "no part of the sum herein appropriated shall be available for establishing a foreign agency where there is now a United States commercial attaché located."

Mr. WOOD. Mr. Chairman, my purpose in introducing this amendment is to call the attention of this body to what is going on in the way of overlapping. We have now at Marseilles a United States consul whose business it is in some degree to furnish the information as provided for in this item. It may be said because the duties the American consuls have, they can not devote the time to this work. They are supposed to devote a part of their time in getting information regarding markets abroad. In addition, the purpose of obtaining this information, we have established in various parts of Europe commercial attachés and agents. There are now located at Marseilles one of these commercial attachés. It is his duty to do the identical thing that is expected by the agricultural agent if he be located there. We are now paying the commercial attachés the same amount of money it is proposed to pay the agricultural attaché to be located there. My experience as a member of this Appropriations Committee has been that instead of being helpful, where there are two agencies whose purpose it is to gather this sort of information, it is hurtful, in this: They do not cooperate, they antagonize each other. It took a long while for us to become convinced and convince the State Department that it was essential to establish commercial attachés because of the conflict or seeming conflict in authority. Now we established these commercial attachés for the purpose of gathering information regarding markets, regarding products, and regarding prices, and we have, as I have stated, a commercial attaché at Marseilles who is doing this very thing.

Now, to establish an agricultural agent there to do this same character of work is going to result in no cooperation between them and there will not be. There will be a conflict of authority, each contending he has a right to do this or do that, and in consequence we are not going to get the information which we are entitled to receive for the expenditure of money we are going to make. It occurs to me that with the information I have from the Budget in reference to this appropriation that before it should be used there should be a getting together of the Department of Commerce and the Department of Agriculture to prevent overlapping. It seems that has not been done, and General Lord tells me he is still waiting for these two departments to get together on this proposition. I think as a business matter this amendment should prevail. We are going to have deficiency hearings soon, and they will probably be completed during the holidays; in all probability the deficiency bill will pass this House and the other House before this bill is finally passed, and those representing these departments, both sides, can be given an opportunity to iron out their differences and convince the committee and Congress that it is not a double expenditure of money for the accomplishment of a single purpose. But it occurs to me that until then we ought to be very slow in passing this appropriation for this purpose.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Certainly.

Mr. McLAUGHLIN. Is not the gentleman's statement of what he proposes a part of the plan suggested by the Department of Commerce a year or two ago, to do away with these agricultural agents in foreign countries and have their work done by agents of the Department of Commerce?

The gentleman from Indiana speaks about the two departments threshing out their differences and coming to an agreement. An effort was made to that end in the matter of which I speak, and the attempt to reach an agreement was a failure. Officials of the Department of Agriculture insisted that their men were needed and ought to be continued; that their agents ought not to be supplanted and their work ought not to be attempted by agents of another department. It seems to me it is the same thing that was threshed out in this House at some length only a year or two ago, when we came to the conclusion, very emphatically, that this work of the Department of Agriculture ought not to be interfered with by the State Department or by the Department of Commerce.

Mr. WOOD. I will say in answer to the gentleman from Michigan that every time we establish a new agency here or give encouragement to these old agencies by the establishment of some new branch of activity they are always jealous of their jurisdiction. Take the Department of Labor, with reference to the gathering of statistics, for example. They are furnishing statistics that could well be used not only by the Department of Agriculture, but by the Departments of Commerce and State, and yet each one of these is insisting that it shall have an agency for the gathering of the same facts, because they want to be independent of these other establishments.

This overlapping runs into millions and millions of dollars. It is only a small item abroad as compared with the overlapping that is going on in the other departments here. In the interest of good government, in the interest of good business, in the interest of the things we have these agencies for, we should have an understanding between these various departments. If, as the gentleman from Michigan says, one department through its agency is not furnishing all the information that should be furnished, then that agency should be gotten rid of. If one department can perform the service better than another, let the department best performing it have it; let that department render the service. But let us not have two agencies conflicting with each other, trying to accomplish the same purpose.

It is admittedly true from the information we have in regard to this case and from statements of the departments that they are overlapping with respect to the functions involved in this proposition.

Mr. McLAUGHLIN. Mr. Chairman, I will say that when the same data was submitted to others they did not come to the same conclusion as that arrived at by the gentleman from Indiana [Mr. WOOD]. There was an attempt on the part of those who would interfere with the agents of the Department of Agriculture to show that other agents were doing the same work, and perhaps doing it better, and the Department of Agriculture said, "No."

Mr. WOOD. That confirms what I said. Each one contends always that "I am it."

Mr. McLAUGHLIN. But the gentleman stated that it was generally agreed that they were interfering with one another, and that one could do better than two. That has not been agreed to, as I understand it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, this has been a very delicate matter for many years. It started first with the State Department and then was taken up by the Department of Commerce and the Department of Agriculture. A few years ago we tried to establish legislation to define the authority of these departments. The Ketcham bill respecting the Foreign Service has passed the House, but was objected to in the Senate and has not passed that body. But it is on the Senate Calendar over there and is now pending. I am not convinced myself that the Budget Bureau and the State Department are

aware of this overlapping; otherwise they would not have contended for the necessity of this new station in this city.

I want to suggest to you that amendment of the gentleman from Indiana would not only prevent the continuation of the present station, but it would also deprive the Department of Agriculture of its man in London and its man in Berlin, part-time men in Rome, and the two men in Shanghai that were provided by this House for that department, and which have been approved by the Budget. This amendment not only goes to the new station, as the amendment is drawn, but it goes to all the stations of the Department of Agriculture.

I am wondering whether the Department of Commerce would be willing to have all its stations discontinued and have them taken care of in a deficiency bill. I suggest to you that they would not. It is not only undoing what is proposed to be done in this bill, namely, establishing a new station, but by the amendment of the gentleman from Indiana you would destroy the stations you already have and setting aside the exact understanding we have had in the three departments for a number of years.

This matter has been dragging on for some time. I do not know when we shall be able to get the Ketcham bill through. But there is a letter in existence in which Secretary Jardine and former Secretary Hoover approve a program as suggested in the legislation, and say they will work out the differences between the two departments. I do not know of anything that would interfere with that any more than to have the findings of the Budget Bureau set aside by such an amendment as we have here. Hence I hope the House will vote down this amendment.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last word.

Mr. O'CONNOR of Louisiana. Mr. Chairman, inasmuch as the reading of the letter which I am going to pass up to the Clerk will throw some light on the subject matter, although it may not be entirely applicable to the item under discussion, I am going to avail myself of a pro forma amendment in order to get that letter and a few of my own notions before the House.

The CHAIRMAN. Without objection, the letter referred to will be read.

The Clerk read as follows:

NEW ORLEANS, *December 14, 1928.*

Hon. JAMES O'CONNOR,

House of Representatives, Washington, D. C.

DEAR JUDGE O'CONNOR: To-day at the Recess Club luncheon I heard, with great interest, Mr. Goff, New Orleans representative of the United States Bureau of Foreign and Domestic Commerce, describe some phases of the enormously important work of that bureau.

From the many questions asked Mr. Goff it was evident that every man present realized, to some extent at least, the value of that work to his own enterprises.

Many years of close contact with the economy of this country convince me beyond a question, that the larger interests of all of us require that the United States Bureau of Foreign and Domestic Commerce be given every possible opportunity to develop its work and service to the very highest degree of efficiency. And I am quite sure such an end can not be obtained unless and until the appropriations made by Congress for the use of that bureau be very radically increased.

The bureau should be placed in position to offer really worth while careers to the most efficient type of representatives. It should be in position to train such representatives at least to the point where their efficiency will never be less than is the efficiency of the best type of representatives of other Governments.

There should at all times be ample money available to the bureau not only for ordinary every-day needs, but for every character of need that might promote our foreign trade.

Were private enterprise to contract with American business to promote its foreign trade, probably $100,000,000 would be spent for that work.

If we are to have adequate overseas outlets for our surplus production, the Government should open its purse strings wide to the Bureau of Foreign and Domestic Commerce, which is the chief, and nearly our only agency looking toward better and better relations for us in overseas trade. I do hope you will bear this matter in mind when the next Budget is under consideration.

Very truly,

WALTER PARKER.

Mr. O'CONNOR of Louisiana. Members of the committee, I could not add to the strength of the statements made in that letter if I attempted to elaborate them. Walter Parker was for years the secretary of the New Orleans Association of Commerce; he was the secretary of the Flood Control Association for many years and was at one time connected with the Department of Commerce. He is looked upon as an unusual economist in the Mississippi Valley and he participates in a great many of the conferences that are held between the peoples of the southern section of the country, Central America, Mexico, and South America. I know it is his view that if there be conflicts among the representatives of our Government in Central America and South America, of course, they ought to be avoided, but from my own personal observations in Mexico, Central America, and that part of South America over which I have traveled, I have come to the conclusion that you can not have too many representatives of this country endeavoring to do propaganda work in behalf of our commerce. We are confronted with tremendous opposition on the part of European countries, particularly those that have cheap labor, and it is essential, in my judgment, to maintain as fine a corps there as possible, of course, endeavoring to obviate all the antagonisms and rivalries which were referred to by the gentleman from Indiana [Mr. WOOD].

Keep in mind, gentlemen, that the future commercial greatness of our country lies on this continent. Canada, Mexico, Central and South America will mean a harvest of gold for the United States during the next half century. Immigration from southern Europe, in view of our immigration laws, will follow the lines of least resistance, as it were, and natural selection. Immigrants from those warm countries around and near the Mediterranean littoral will move to the shores of the Gulf of Mexico and the Caribbean Sea, where there are already a people similar in blood and analogous in habit and custom. With millions of the same people moving farther south to live under the Southern Cross, below the Equator, millions from the British Isles will move northward into the Canadian fields and far above. Let us strengthen our foundations and reinforce our commercial organization so that it can expand with a steady growth.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the amendment was rejected.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. CELLER, for an indefinite period, on account of illness.

To Mr. CLARKE, for 10 days, on account of flu.

To Mr. CULLEN, for an indefinite period, on account of illness.

To Mr. MORGAN, for two days, on account of important business.

HON. CHARLES L. FAUST

Mr. DYER. Mr. Speaker, it is my sad duty to announce to the House the death of my beloved colleague, Congressman CHARLES L. FAUST, who passed away last night. He was one of the most lovable characters we have had in the House, in my judgment, for many years. He was liked and respected by every Member and his death is a very great loss to the House as well as to the splendid constituency which he represented so ably and well for a number of terms.

At a later date, Mr. Speaker, I will ask the House to set aside a day to pay respect to the life and character of my colleague. At this time I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

H. Res. 269

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES L. FAUST, a Representative from the State of Missouri.

Resolved, That a committee of 19 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee:

Mr. DYER, of Missouri; Mr. JOHNSON, of South Dakota; Mr. TIMBERLAKE, of Colorado; Mr. WILLIAMS, of Illinois; Mr. PURNELL, of Indiana; Mr. CHINDBLOM, of Illinois; Mr. DICKINSON, of Iowa; Mr. MANLOVE, of Missouri; Mr. ALLEN, of Illinois; Mr. RAINEY, of Illinois; Mr. HASTINGS, of Oklahoma; Mr. ROMJUE, of Missouri; Mr. MILLIGAN, of Missouri; Mr. CANNON, of Missouri; Mr. RAGON, of Arkansas; Mr. COCHRAN, of Missouri; Mr. NIEDRINGHAUS, of Missouri; Mr. NELSON, of Missouri; and Mr. WILLIAMS, of Missouri.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 40 minutes p. m.) the House, in accordance with the resolution heretofore adopted, adjourned until to-morrow, Wednesday, December 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, December 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

COMMITTEE ON PUBLIC BUILDINGS AND PUBLIC GROUNDS

(10.30 a. m.)

Authorizing the erection of a public warehouse for storage of Government supplies and purchase and condemnation of real estate in the District of Columbia (H. R. 8919).

To repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La. (H. R. 15468).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

Providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project (S. 1462).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 167. A joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States; without amendment (Rept. No. 1959). Referred to the House Calendar.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat., p. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat., p. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians; without amendment (Rept. No. 1960). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8868) for the relief of Samuel Joshua Kolsky; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 15164) granting an increase of pension to Emma Calb; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15165) granting an increase of pension to Carrie Brooks; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15166) granting an increase of pension to Julia O. Allen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15167) granting an increase of pension to S. Amanda Clark; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15168) granting an increase of pension to Calista Ealy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15169) granting an increase of pension to Kate Griffith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15170) granting a pension to Maggie Groves; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15171) granting an increase of pension to Anna Hafey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15172) granting an increase of pension to Adella Harper; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15173) granting an increase of pension to Elizabeth Heise; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15174) granting an increase of pension to Victoria Huddle; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15175) granting an increase of pension to Mary E. Jaco; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15176) granting an increase of pension to Althear S. Jones; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15177) granting an increase of pension to Carrie Miller; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15178) granting an increase of pension to Laura C. Monfort; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15179) granting an increase of pension to Mary E. Ryerson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15180) granting an increase of pension to Laura B. Pleukhart; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15181) granting an increase of pension to Adelphia T. Weaver; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15182) granting an increase of pension to Sarah A. Williams; to the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15247) granting a pension to Matilda Cranmer; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 15518) to provide for establishment of an airship base and construction of a hangar and other buildings at Fort Lewis, in the State of Washington; to the Committee on Naval Affairs.

By Mr. BACHMANN: A bill (H. R. 15519) to provide for establishing a country White House; to the Committee on Public Buildings and Grounds.

By Mr. BLACK of New York: A bill (H. R. 15520) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 15521) to amend section 5209 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. CRAMTON: A bill (H. R. 15522) to extend the civil and criminal laws of the United States to Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 15523) authorizing the representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; to the Committee on Indian Affairs.

Also, a bill (H. R. 15524) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; to the Committee on Public Buildings and Grounds.

By Mr. YON: A bill (H. R. 15525) authorizing Thomas E. Brooks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou, at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 15526) for automatic promotions into special clerk grade; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15527) to amend the act entitled "An act providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the Battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor," approved March 4, 1907; to the Committee on the Library.

By Mr. HICKEY: A bill (H. R. 15528) to amend the World War adjusted compensation act as amended; to the Committee on Ways and Means.

By Mr. SIROVICH: A bill (H. R. 15529) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 15530) to provide that certain staff officers of the United States Navy shall come under the operation of section 16 of the act of June 10, 1926; to the Committee on Naval Affairs.

By Mr. ANDREW: Joint resolution (H. J. Res. 359) directing and providing for the assembly, inventory, classification, preparation for publication, and publication of the official records and maps relating to the participation of the military and naval forces of the United States in the World War, and authorizing appropriations therefor; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 360) entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; to the Committee on Expenditures in the Executive Departments.

By Mr. GRAHAM: Resolution (H. Res. 268) providing for the consideration of sundry bills concerning the appointment of additional district judges in the United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 15531) granting a pension to Ellen Noonan; to the Committee on Pensions.

Also, a bill (H. R. 15532) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha Plant of the National Motors Corporation; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 15533) to extend the benefits of the employees' compensation act of September 7, 1916, to W. M. Seawell; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 15534) granting a pension to Teresa Matson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15535) granting an increase of pension to Sarah Pearce; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 15536) granting a pension to Alice C. Bean; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15537) granting a pension to William Darrah Kelly Shelmire; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15538) granting an increase of pension to Rufus M. Smith; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 15539) granting a pension to Hannah L. Ward; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 15540) for the relief of William D. Grush; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 15541) granting an increase of pension to Sarah E. Wells; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 15542) granting a pension to George C. Dyer; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 15543) for the relief of W. Fred Lightsey; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: A bill (H. R. 15544) granting a pension to Mrs. A. E. Harvey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15545) granting a pension to Josie Runyan; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 15546) granting a pension to Mary E. Beaty; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15547) granting a pension to William J. Dunn; to the Committee on Pensions.

By Mr. McCORMACK: A bill (H. R. 15548) for the relief of Frank J. Powers; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 15549) granting a pension to Alice Bunnell; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 15550) granting a pension to Elizabeth M. Juett; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 15551) granting an increase of pension to Sarah Mick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15552) granting an increase of pension to Charles W. Camp; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 15553) granting an increase of pension to Grover Colter; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 15554) granting a pension to Napoleon B. Greathouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15555) granting an increase of pension to Carl L. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15556) granting an increase of pension to Zack Pullium; to the Committee on Pensions.

Also, a bill (H. R. 15557) granting an increase of pension to Ellen McFarland; to the Committee on Pensions.

By Mr. RANSLEY: A bill (H. R. 15558) granting a pension to Alice Virginia Parsons; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 15559) granting an increase of pension to Martha C. Sharp; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15560) granting a pension to Robert C. Brown; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 15561) to correct the military record of Lawrence Fisher; to the Committee on Military Affairs.

Also, a bill (H. R. 15562) for the relief of Anna E. Stratton; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 15563) for the relief of Nannie White; to the Committee on Claims.

Also, a bill (H. R. 15564) granting an increase of pension to Octavia Evans; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15565) granting a pension to William R. Campbell; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 15566) granting an increase of pension to Nellie A. R. Sykes; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 15567) granting a pension to Martha Owens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8045. By Mr. CULLEN: Resolutions unanimously adopted by the board of directors of the Maritime Association of the Port of New York, that as the refusal of the Shipping Board to pay brokerage commissions operates against the old-established and necessary business of ship brokers, while in effect subsidizing another, the coal industry, this association earnestly protests against this discrimination as between industries, and urges the adoption by the United States Shipping Board of a policy equally fair to all interests concerned; to the Committee on the Merchant Marine and Fisheries.

8046. By Mr. GARBER: Letter from Standard Tilton Milling Co., urging favorable consideration of House bill 15267, to amend the tariff act of 1922; to the Committee on Ways and Means.

8047. Also, petition of the Regan Safety Devices Co. (Inc.), with clippings inclosed from the New York Times and the

New York Sun, Sunday, December 9, 1928, dealing with the recent decision of the Interstate Commerce Commission not to compel further installations of automatic train control on the railroads of the country; to the Committee on Interstate and Foreign Commerce.

8048. Also, petition of the Chamber of Commerce of the United States of America, in support of House bill 13793, designed to bring about the legalization of residence of certain aliens in this country; to the Committee on Immigration and Naturalization.

8049. Also, petition of the Illinois Valley Protective Association, urging support of Senate bill 4689 and House bill 14116, providing for Federal loans to refinance the bond issues placed upon land in the Illinois Valley for reclamation purposes; to the Committee on Irrigation and Reclamation.

8050. Also, petition of Lewis, Folsom & Murdock, attorneys at law, Chicago, Ill., representing persons and firms opposing the passage of House bill 10958, to amend the definition of oleomargarine; to the Committee on Agriculture.

8051. Also, petition of W. A. Hays & Son, Blackwell, Okla., urging the fixing of a tariff duty on cement; to the Committee on Ways and Means.

8052. By Mr. KINDRED: Petition of the Cigarmakers International Union, No. 87, of Queens County, Brooklyn, N. Y., opposing the passage of House bill 9195, Cuban parcel post bill, amending sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

8053. By Mr. O'CONNOR of New York: Resolutions adopted by the board of directors of the Maritime Association of New York, protesting against refusal of the United States Shipping Board to pay brokerage commissions on coal fixtures; to the Committee on the Merchant Marine and Fisheries.

8054. By Mr. YATES: Petition of Capt. W. L. Blanton, captain Nineteenth Infantry, protesting Senate bill and House bill (by Mr. McSWAIN) which seek to change the promotion list; to the Committee on Military Affairs.

8055. Also, petition of Philip M. Tucker, of Boston, Mass., urging adequate protection against attack, especially aerial; to the Committee on Military Affairs.

8056. Also, petition of the Chicago Wholesale Fish and Oyster Dealers' Association (Inc.), urging passage of House Joint Resolution 303 (which has already passed the Senate), known as the Hoch-Smith resolution, to give reduced transportation costs to all farm products and products of fisheries; to the Committee on Interstate and Foreign Commerce.

8057. Also, petition of First National Bank, of Ziegler, Ill., advocating continuance of national bank currency, the only exclusive privilege left to national banks, which State banks can not exercise; to the Committee on Banking and Currency.

8058. Also, petition of Alden, Latham & Young, attorneys, Chicago, Ill., urging passage of Senate bill 3623, to amend section 204 of the transportation act of 1920, the purpose of the amendment being to permit the district supreme court to review conclusions of law of the Interstate Commerce Commission on questions arising under that section; to the Committee on Ways and Means.

8059. Also, petition of Maguire & Voorhis, Orlando, Fla., urging a term of the United States court, southern district of Florida, at Orlando; to the Committee on the Judiciary.

8060. Also, petition of Cigar Makers Union, No. 114, of Jacksonville, Ill., by L. Hoffman, secretary, and R. May, president, protesting, by order of the union at a meeting held December 10, against House bill 9195, which, if passed, would open the doors to thousands of Cuban-made cigars free of duty; to the Committee on Ways and Means.

8061. Also, petition of the Railway Mail Association, Chicago, Ill., Elkhart Branch, urging passage of Dale retirement bill (S. 1727) and La Follette 44-hour bill (S. 3281); also Kelly postal policy bill; to the Committee on the Post Office and Post Roads.

8062. Also, petition of Galesburg Branch of Railway Mail Association, of Galesburg, Ill., by H. E. Ross, president, urging passage of Senate bill 3281; to the Committee on the Post Office and Post Roads.

8063. Also, petition of Hon. James Hamilton Lewis and partners, by George N. Murdock, 112 Adams Street, Chicago, protesting against House bill 10958, purporting to amend the definition of oleomargarine, introduced by Mr. HAUGEN, and favorably reported by the Committee on Agriculture; to the Committee on Agriculture.

8064. Also, petition of Warrensburg Canning Co., of Warrensburg, Ill., protesting against House bill 5773, the Boulder Dam project; to the Committe on Irrigation and Reclamation.

SENATE

WEDNESDAY, *December 19, 1928*

(Legislative day of Monday, December 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The message communicated to the Senate the intelligence of the death of Hon. CHARLES L. FAUST, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon; and also announced that pursuant to the resolutions the Speaker had appointed a committee of 19 Members of the House, with such Members of the Senate as may be joined, to attend the funeral of the deceased Representative, as follows:

Representatives DYER, of Missouri; JOHNSON, of South Dakota; TIMBERLAKE, of Colorado; WILLIAMS, of Illinois; PURNELL, of Indiana; CHINDBLOM, of Illinois; DICKINSON, of Iowa; MANLOVE, of Missouri; ALLEN, of Illinois; RAINEY, of Illinois; HASTINGS, of Oklahoma; ROMJUE, of Missouri; MILLIGAN, of Missouri; CANNON, of Missouri; RAGON, of Arkansas; COCHRAN, of Missouri; NIEDRINGHAUS, of Missouri; WILLIAMS, of Missouri; and NELSON, of Missouri.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

CREDENTIALS

Mr. McLEAN presented the credentials of FREDERIC C. WALCOTT, chosen a Senator from the State of Connecticut for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on November 6, 1928, FREDERIC C. WALCOTT was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His Excellency our Governor, John H. Trumbull, and our seal hereto affixed at Hartford, this 30th day of November, A. D. 1928.

JOHN H. TRUMBULL, *Governor.*
[SEAL.] FRANCIS A. PALLOTTI, *Secretary.*

Mr. WAGNER presented the credentials of ROYAL S. COPELAND, chosen a Senator from the State of New York for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF NEW YORK, *ss:*

We, the attorney general, State senators, and members of assembly, constituting the State board of canvassers, having canvassed and estimated the whole number of votes given for the office of United States Senator at the general election held in said State on the 6th day of November, 1928, according to the certified statements of the said votes received by the secretary of state, in the manner directed by law, do hereby determine, declare, and certify that ROYAL S. COPELAND was, by the greatest number of votes given at the said election, duly elected United States Senator of the said State.

Given under our hands, at the department of state, in the city of Albany, the 11th day of December, A. D. 1928.

ALBERT OTTINGER, *Attorney General.*
BERNARD DOWNING, *State Senator.*
RUSSELL G. DUNMORE, *Member of Assembly.*
MAURICE BLOCH, *Member of Assembly.*

STATE OF NEW YORK,
Department of State, ss:

I certify that I have compared the foregoing with the original certificate filed in this office, and that the same is a correct transcript therefrom and of the whole of such original.

Given under my hand and seal of office, at the city of Albany, this 11th day of December, 1928.

[SEAL.] ROBERT MOSES,
Secretary of State.

Mr. TYSON presented the credentials of KENNETH MCKELLAR, chosen a Senator from the State of Tennessee for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

To the honorable PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.:

This is to certify that at the regular biennial general election held on the 6th day of November, 1928, the Hon. KENNETH MCKELLAR received 175,329 votes, and his opponent, the Hon. James Fowler, received 120,259 votes.

Mr. MCKELLAR, having received a majority of the votes cast in said election, is duly and constitutionally elected to the office of United States Senator for the State of Tennessee for a term of six years, beginning March 4, 1929.

In witness whereof I have hereto affixed my signature and the great seal of the State, at Nashville, this 17th day of December, A. D. 1928.

HENRY H. HORTON, *Governor.*
[SEAL.] E. N. HASTON,
Secretary of State.

Mr. NYE presented the credentials of LYNN J. FRAZIER, chosen a Senator from the State of North Dakota for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF NORTH DAKOTA.

At an election held on the 6th day of November, 1928, LYNN J. FRAZIER was duly elected to the office of United States Senator of the State of North Dakota for the term of six years, commencing the 4th day of March, 1929.

Given at Bismarck this 4th day of December, 1928.

WALTER MADDOCK, *Governor.*
[SEAL.] ROBERT BRYNE,
Secretary of State.

Attest:

C. A. FISHER,
Member of the State Board of Canvassers.

PETITIONS

Mr. KEYES presented a petition of sundry citizens of Manchester, N. H., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented a resolution adopted by the Woman's Foreign Missionary Society, of Lisbon, N. H., favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. VANDENBERG presented numerous petitions of sundry citizens and civic and religious organizations in the State of Michigan, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. BINGHAM presented a petition of faculty members of the Hartford Seminary Foundation, of Hartford, Conn., praying for the adoption of the so-called Gillett resolution suggesting a further exchange of views relative to the World Court, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Hartford, Rockville, and Sharon, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a resolution adopted by the New Haven (Conn.) Branch, American Association of University Women, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from members of the First Church of Christ, Scientist, of Honolulu, Hawaii, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. HARRISON presented numerous petitions of sundry citizens of Amory, Quincy, Tupelo, Potts Camp, New Albany, Winborn, Myrtle, Columbus, Byhalia, Miller, Nettleton, Red Banks, Sherman, Olive Branch, Hickory Flat, Aberdeen, Gatman, and Holly Springs, all in the State of Mississippi, praying for the passage of legislation regulating the interstate transportation of freight and passengers by busses, trucks, automobiles, or similar vehicles, which were referred to the Committee on Interstate Commerce.

Mr. REED of Pennsylvania presented a resolution adopted by Protestant Boys Loyal Orange Lodge, No. 136, of Ellwood City, Pa., favoring the passage of legislation establishing immigration quotas for Canada and Mexico, and requiring the registration of all aliens, the deportation of aliens illegally in the country, and the prompt application of the national-origins provision of the present immigration law, which was referred to the Committee on Immigration.

GEORGIA COTTON CROP

Mr. HEFLIN. Mr. President, I send to the desk a telegram, which I ask to have the clerk read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

ATLANTA, GA., *December 18, 1928.*

United States Senator T. J. HEFLIN,
Washington, D. C.:

Final report on Georgia cotton crop this year compiled by Georgia Department of Agriculture, 961,241 bales; final Federal report for Georgia, 1,020,000. According to the records of the Georgia Department of Agriculture the Federal bureau overestimated the Georgia cotton crop 58,759 bales. The largest estimate of the Federal department on the Georgia cotton crop was released October 8. The peak of marketing this estimate for Georgia was 1,060,000 bales. If the Federal bureau has overestimated the crop in other States as has been done in Georgia, Senator HEFLIN, of Alabama, is very conservative in his statement that the crop for the entire Cotton Belt has been overestimated 500,000 bales.

EUGENE TALMADGE,
Commissioner of Agriculture.

MULTILATERAL TREATY

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I report back for the Executive Calendar what is known as the multilateral treaty. At the same time I am directed to report, without recommendation, a resolution which will also go to the Executive Calendar.

The VICE PRESIDENT. The treaty and resolution will be placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States, reported it with an amendment.

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the bill (S. 5022) to amend sections 183 and 184, of chapter 6 of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 5025) providing an appropriation for the reconditioning of the frigate *Constitution;* to the Committee on Appropriations.

A bill (S. 5026) granting a pension to Joseph L. Hadden; and

A bill (S. 5027) granting a pension to Bertram C. Hayner; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5028) granting a pension to Thomas Mortimer Buist; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5029) to authorize the unification of carriers engaged in interstate commerce, and for other purposes; to the Commfttee on Interstate Commerce.

By Mr. JOHNSON:

A bill (S. 5030) for the relief of Eva Broderick; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 5031) for the relief of Florence P. Hampton; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5032) to consolidate certain forest lands within the Cache National Forest, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. KING:

(By request.) A bill (S. 5033) to authorize the Secretary of the Interior to regulate the use of public lands for grazing, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5034) to authorize the erection of a Veterans' Bureau hospital in the State of Utah; to the Committee on Finance.

By Mr. PINE:

A bill (S. 5035) granting a pension to Rosetta Barnes; to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 5036) authorizing Cornelius V. Roe, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patapsco River at or near or south of Lazaretto Point, Baltimore, Md., and a point opposite thereto in Baltimore, Md.; to the Committee on Commerce.

By Mr. VANDENBERG:

A bill (S. 5037) to provide for a preliminary examination and survey of Grand Haven Harbor, Ottawa County, Mich.; to the Committee on Commerce.

By Mr. RANSDELL:

A bill (S. 5038) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Commerce.

By Mr. DENEEN:

A bill (S. 5039) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Commerce.

PROPOSED SITE FOR SUPREME COURT BUILDING

Mr. CARAWAY. Mr. President, I ask permission to place in the RECORD a compilation which has been made by members of the Women's Party. They went through two years of a contest involving the condemnation of some property they owned. Mrs. Burnita Shelton Matthews, an attorney, and Miss Maud Younger have made a very helpful compilation of procedure under the present practice and a discussion of what would be the procedure if the new bill in contemplation should be passed. I ask unanimous consent that the compilation may be referred to the Committee on Public Buildings and Grounds and printed in the RECORD.

There being no objection, the paper was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

SUMMARY OF CONDEMNATION LAW AND COMPARISON WITH PROPOSED CHANGES IN BILL BEFORE SENATE; CONDEMNATION BILL NOW BEFORE SENATE H. R. 13461

(Passed House in closing hour of last session. Opposition to bill was heard by only one Member of the House, chairman of subcommittee of District of Columbia Committee)

PRESENT LAW	PROPOSED LAW
When the Treasury asks the Department of Justice to institute condemnation proceedings for the acquisition of certain property the following steps ensue:	Provides in greater detail for notice and citation, but does not change order nor shorten proceedings. It is in this period that the greatest delay occurs in condemnation proceedings. For instance:
Search of title.	In March, 1927, the Treasury turned the Supreme Court site over to the Department of Justice for condemnation. It was not until January 3, 1928, that the property owners appeared in court as cited.
Application of Government to court for condemnation.	
Citation of property owners to appear in court and notice thereof in newspapers.	
Property owners appear in court in answer to citation.	
From here on proceedings differ between present and proposed law.	
Jurors chosen.	Government takes over property upon payment into court of assessed valuation.
Jurors view site.	Jurors chosen.
Hearings for taking of testimony to determine compensation.	Jurors view site.
Jurors revisit site to check up on contradictory testimony.	Hearings for taking of testimony to determine compensation.
Awards made.	(No opportunity to revisit site to check up, as property destroyed.)
Property paid for.	Awards made (same status as Court of Claims judgment).
Government gets possession.	

JURORS

Three jurors.	Five jurors.

JURORS VIEW SITE

In Supreme Court site the jurors viewed the property—	Property would be vacant and in possession of Government when viewed by jurors before hearings.
1. Before the hearing began.	There could be no second view after taking of testimony as property would be destroyed. The evidence would be gone.
2. After all the evidence was in, in order to check up on contradictory testimony.	

TRIAL

Three jurors sit as commission without judge.	Five jurors sit with judge.

AWARD

Payment of award before taking of property.	Award takes same status as judgment rendered by Court of Claims, with 6 per cent interest paid on difference between award and assessed valuation.
With the Government desiring possession of property, the Government urges the appropriation upon Congress.	Property owners secure appropriation for judgment.

VALUATION

As at time of award.	As at time of filing declaration of taking when such declaration is filed.

APPEAL

If award is unsatisfactory, new trial with commission of seven may be had for the asking.	Provision for appeal more complicated and expensive, with greater delay.

OBJECTIONS TO PROPOSED LAW

1. Destruction of evidence when the Government takes the property before the trial begins. For instance:

In the condemnation of square 350 and squares 727 and 728, Government witnesses testified to such inaccuracies as: That a building was four stories when it was five; that there was no steel structure in a building; that there was no garage on a property; no basement in a house, etc., etc.

With the Government taking the property and destroying the evidence before proceedings are over, it would be impossible to disprove such testimony.

2. Taking of property upon assessed valuation: The assessment is not a criterion of value and is inadmissible in condemnation trials. The assessment is not fixed by the property owner as in some States, but the assessor alone puts on the assessment.

While shortly before the condemnation of square 350 the assessor raised valuation to as high as $30 a foot, the assessed valuation in the Supreme Court site has in some instances not been changed for 25 years.

Where a person's livelihood centers in a single piece of property the taking of this property at the assessed valuation would work a great hardship.

For instance, a property was assessed at $16,000 which had a mortgage of $16,000. From this property, where the owner herself lives, she supports herself and three children by renting apartments. If this proposed bill becomes a law, the $16,000 paid by the Government would go to satisfy the mortgage and she would be turned out of her home and income until the final award was made.

3. Award same status as Court of Claims judgment: To pay this judgment, the property owners—not the Government—would have to secure the appropriation from Congress.

An appropriation urged by private individuals would have less standing than an appropriation urged by the Government.

Congress has been known to cut down judgment of Court of Claims by appropriating only one-half of the amount.

To secure payment of judgment individuals have sometimes waited for years.

4. Provision for new trial and appeal more complicated and expensive with greater delay.

REASONS FOR NEW LAW STATED BY PROPONENTS OF BILL

1. Confusion through having no judge present at trial.	Opponents to bill agree that law should be amended on these two points.
2. Cutting down of trees or other mutilation of property by owners thus impairing value to Government.	Opponents point out that as to delay, this bill does not deal with the greatest sources of delay but only with court proceedings.
3. Delay in acquiring property.	In the Supreme Court case, the trial consumed only 7 months out of a total of 30 months.

WHERE THE DELAY COMES IN—STEPS IN SUPREME COURT SITE CONDEMNATION

May, 1926: Congress authorized acquisition of a site.

November, 1926: Building commission selected site.

February, 1927: Congress made appropriation.

March, 1927: Department of Justice received case. (Ten months' delay not dealt with in bill.) Treasury turned case over to them to begin condemnation proceedings.

January 3, 1928: The trial began. Property owners in answer to citation appeared in court and panel for jury ordered. (It is only here that the proposed law begins to operate.)

February 21, 1928: Jurors appointed.

March 28, 1928: Hearings began. They consumed 4 months in all; but owing to recess of 10 weeks in summer they did not end until October 27.

This was an unusually long case with 74 separate properties. Hearings in Printing Office case took only a few weeks.

DELAY IN TRIAL AND SUGGESTED REMEDY

1. Selection of jurors: In Supreme Court case, it required 4 panels and 7 weeks to select 3 men.

Time could be saved if jurors were chosen—1 by the people; 1 by the Department of Justice, and 1 by the court, as is sometimes done.

2. Jurors customarily sit afternoons only from 1.30 to 4.30 in some condemnations four afternoons a week—in some five.

Time could be saved if they would sit mornings also (payment is $5 a day).

3. Jurors do not know law, and much wrangling goes on between the lawyers, for Department of Justice and for the people.

Time could be saved if a judge sat with jurors.

4. Time could also be saved without any change of law if the Department of Justice attorneys would try to expedite matters instead of dragging them out.

DELAY IN BUILDING PROGRAM

A great deal of time could be saved in the whole building program without change of law if condemnation trials were held simultaneously instead of stringing them out one after another. This would mean employing a number of lawyers for a brief period instead of one lawyer indefinitely; thus no additional expense need be involved. All Federal condemnation cases here are conducted by a Mr. Glassie with two assistants. At the present time one trial is in progress while three others must wait trial until the Glassie trio can get to them. There are besides numerous other condemnation projects in which even the first steps have not been taken. It is obvious that the great and unnecessary delay in acquiring property through condemnation is due to the policy of the representatives of the Government and not to the law itself.

TO SAVE MONEY AS WELL AS TIME

It would save the Government money as well as time if its representatives would make a sincere effort to negotiate before proceeding to condemnation. The property owners in the Supreme Court site were unable to obtain from the Treasury any indication as to what the Government would be willing to pay for their property. In a number of instances property owners received awards higher than the prices they were willing to accept by negotiation.

A REASON WHY PROPONENTS MIGHT WANT THIS BILL—NOT STATED BY THEM BUT UNDERSTANDABLE

To-day the Department of Justice has all the other departments of Government on its trail urging them to make speed with their special condemnation cases—"Pestering the life out of us," said one official. If this bill should become law, the Department of Justice could take the property and turn it over to them a little sooner and avoid that much "pestering."

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. GOFF resumed the speech begun by him on yesterday. After having spoken for 15 minutes,

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from West Virginia yield to the Senator from Connecticut?

Mr. GOFF. I yield.

Mr. BINGHAM. It seems to me that there ought to be more Senators listening to this argument on the constitutionality of the pending bill, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Dill	Glenn
Barkley	Burton	Edge	Goff
Bayard	Capper	Edwards	Gould
Bingham	Caraway	Fess	Greene
Black	Copeland	Fletcher	Hale
Blease	Couzens	Frazier	Harris
Borah	Curtis	George	Harrison
Brookhart	Dale	Gerry	Hawes
Broussard	Deneen	Glass	Hayden
Heflin	Neely	Shipstead	Tydings
Johnson	Nye	Shortridge	Tyson
Jones	Oddie	Simmons	Vandenberg
Kendrick	Pine	Smith	Wagner
Keyes	Pittman	Smoot	Walsh, Mass.
King	Ransdell	Steck	Walsh, Mont.
La Follette	Reed, Mo.	Steiwer	Warren
Larrazolo	Reed, Pa.	Stephens	Waterman
McKellar	Robinson, Ind.	Swanson	Watson
McLean	Sackett	Thomas, Idaho	Wheeler
McNary	Schall	Thomas, Okla.	
Moses	Sheppard	Trammell	

Mr. SHEPPARD. I wish to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is absent from the Senate due to illness.

Mr. BINGHAM. On behalf of the junior Senator from South Dakota [Mr. MCMASTER] I desire to state that he is detained at home by illness. I should like to have this announcement stand for the day.

Mr. LA FOLLETTE. I was requested to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Wisconsin [Mr. BLAINE] are detained on official business of the Senate in connection with work of the Judiciary Committee.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present. The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, as I was stating at the recess period yesterday, the bill before us, Senate 1940, is a bill aimed at suppressing the competition of goods made in penal institutions with like goods made by free labor in the United States. The principles of constitutional law involved are not new. They have been set forth by the Supreme Court of the United States time and time again. A review of those decisions in their chronological order will serve the purpose of presenting to the Senate the unconstitutional features which appear in the proposed enactment.

It is frankly admitted by the proponents of the measure that it follows the so-called Wilson Act. That act provided—

> That intoxicating liquors transported into any State or remaining therein for use, consumption, sale, or storage, shall, upon arrival in such State, be subject to the operations and the effect of the laws of such States to the same extent and in the same manner as though such liquors had been produced in such State, and they shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The Wilson Act appeared in the Supreme Court under the names of In re Rahrer and is found in volume 140 of the United States Reports at page 545. The Supreme Court in reviewing this act held it constitutional, and in order that there may be a clear understanding of the decision it is important to consider the issue presented and the question to which the Supreme Court addressed itself.

It was not claimed in the Wilson Act that Congress did not possess the power to regulate or even to prohibit entirely, if it saw fit, the interstate commerce shipment of intoxicating liquor. On the contrary, such a power was assumed. It was urged against the constitutionality of the act that Congress could not delegate its own conceded powers nor enlarge by delegation the powers of a State, and that the act in question was an attempt to do both.

The question before the court is thus stated in the opinion:

> It does not admit of argument that Congress can neither delegate its own powers nor enlarge those of a State. This being so, it is urged that the act of Congress can not be sustained as a regulation of commerce, because the Constitution, in the matter of interstate commerce, operates ex proprio vigore as a restraint upon the power of Congress to so regulate it as to bring any of its subjects within the grasp of the police power of the State. In other words, it is earnestly contended that the Constitution guarantees freedom of commerce among the States in all things, and that not only may intoxicating liquors be imported from one State into another, without being subject to regulation under the laws of the latter, but that Congress is powerless to obviate that result.

The opinion, then, takes up this argument at length, points out its fallacies, and rejects it. That is the sole extent to which the opinion went. It did not, either expressly or by implication, discuss or set forth the basis upon which rested the power of Congress to regulate and to prohibit the interstate movement of intoxicating liquors. That, as we shall see, was left to subsequent decisions.

That case was followed by the lottery case, Champion *v.* Ames (188 U. S. 321). The act prohibiting interstate shipment of lottery tickets was declared constitutional.

The court first addresses itself to the question whether the carrying of lottery tickets from one State to another constitutes commerce among the States, and holds that it does. It

then addresses itself to the objection that the power of Congress, under the commerce clause, is limited to regulation and does not include prohibition, and that the act in question, being a prohibition and not a mere regulation, was not within the power of Congress. In the course of its opinion on this point the court says, at pages 355 to 356:

In determining whether regulation may not under some circumstances properly take the form or have the effect of prohibition, the nature of the interstate traffic which it was sought by the act of May 2, 1895, to suppress can not be overlooked. When enacting that statute Congress no doubt shared the views upon the subject of lotteries heretofore expressed by this court. In Phalen *v.* Virginia (8 How. 163, 168), after observing that the suppression of nuisances injurious to public health or morality is among the most important duties of government, this court said: "Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the widespread pestilence of lotteries. The former are confined to a few persons and places, but the latter infests the whole community; it enters every dwelling; it reaches every class; it preys upon the hard earnings of the poor; it plunders the ignorant and simple."

In subsequent parts of the opinion, the court refers repeatedly to the "pollution" of commerce by the carrying of lottery tickets, to the harm done to public morals thereby, to the fact that they are "confessedly injurious to the public morals," to lotteries as "an evil of such appalling character," and to the sale of lottery tickets as "a kind of traffic which no one can be entitled to pursue as of right." It then points out "that regulation may sometimes appropriately assume the form of prohibition," and as an illustration in point cites In re Rahrer (140 U. S. 545), saying at page 362:

We have in the Rahrer case a recognition of the principle that the power of Congress to regulate interstate commerce may sometimes be exerted with the effect of excluding particular articles from such commerce.

The court concludes its opinion with the following statements, pages 362 to 364:

It is said, however, that if, in order to suppress lotteries carried on through interstate commerce, Congress may exclude lottery tickets from such commerce, that principle leads necessarily to the conclusion that Congress may arbitrarily exclude from commerce among the States any article, commodity, or thing, of whatever kind or nature, or however useful or valuable, which it may choose, no matter with what motive, to declare shall not be carried from one State to another. It will be time enough to consider the constitutionality of such legislation when we must do so. The present case does not require the court to declare the full extent of the power that Congress may exercise in the regulation of commerce among the States. We may, however, repeat, in this connection, what the court has heretofore said, that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution. This power, therefore, may not be exercised so as to infringe rights secured or protected by that instrument. It would not be difficult to imagine legislation that would be justly liable to such an objection as that stated, and be hostile to the objects for the accomplishment of which Congress was invested with the general power to regulate commerce among the several States.

It is apparent from the foregoing quotation that the court had clearly in mind the fact that it was dealing with articles which are in themselves a menace to public morals and that it did not thereby commit itself to the proposition that enactments prohibiting, restricting, or regulating interstate commerce in articles which are in themselves harmless and innocuous would be within the power of Congress under the commerce clause.

That decision was followed by the white-slave traffic case, Hoke *v.* United States (227 U. S. 308). The act was held to be constitutional, the court saying in the course of its opinion:

But an objection is made and urged with earnestness. It is said that it is the right and privilege of a person to move between States, and that such being the right, another can not be made guilty of the crime of inducing or assisting or aiding in the exercise of it, and "that the motive or intention of the passenger, either before beginning the journey, or during or after completing it, is not a matter of interstate commerce." The contentions confound things important to be distinguished. It urges a right exercised in morality to sustain a right to be exercised in immorality. It is the same right which attacked the law of Congress which prohibits the carrying of obscene literature and articles designed for indecent and immoral use from one State to another. (29 Stat. 512, ch. 172; U. S. Comp. Stat., 1901, p. 3180; United States *v.* Popper, 98 Fed. 423.) It is the same right which was excluded as an element as affecting the constitutionality of the act for the suppression of lottery traffic through national and interstate commerce. Lottery case, Champion *v.* Ames (188 U. S. 321, 357, 47 L. ed. 492, 501, 23 Sup. Ct. Rep. 321, 13 Am. Crim. Rep. 561). It is the right given for beneficial exercise which is attempted to be perverted to and justify baneful exercise, as in the instances stated, and which finds further illustration in Reid *v.* Colorado (187 U. S. 137; 47 L. ed. 108; 23 Sup. Ct. Rep. 92; 12 Am. Crim. Rep. 506). This constitutes the supreme fallacy of plaintiffs' error. It pervades and vitiates their contentions.

And further—

* * * if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and, more insistently, of girls.

We have thus a clear statement of the reason why the court held the various enactments there considered as a proper exercise of the power of Congress under the commerce clause. Those acts regulated or prohibited interstate commerce in articles of merchandise that were in and of themselves and as articles of merchandise injurious and harmful to the users or consumers of them; for example, lottery tickets used for gambling, obscene literature, articles designed for indecent and immoral use, cattle suffering from contagious disease, impure and adulterated foods and drugs, women and girls enticed for prostitution and debauchery.

The next case was Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311). The question before the court was the constitutionality of the Webb-Kenyon Act entitled, "An act divesting intoxicating liquors of their interstate character in certain cases." By that act the shipment or transportation of intoxicating liquors from one State into another to be received, possessed, sold, or in any manner used either in the original package or otherwise in violation of any law of such latter State was prohibited.

It is important to note the express reasons given by the court for its holdings and the arguments which were advanced against constitutionality.

The power of Congress to regulate and to prohibit entirely the shipment of all intoxicating liquors in interstate commerce was fully conceded. The only objection to the constitutionality of the act was an alleged want of power in Congress to adopt the particular method of regulation which it resorted to, in that Congress submitted intoxicating liquors to the control of the States by subjecting interstate commerce in such liquors to present and future State prohibitions. The court said in that part of its opinion in which it dealt with the power of Congress under the commerce clause to enact the law:

It is not in the slightest degree disputed that if Congress had prohibited the shipment of all intoxicants in the channels of interstate commerce and therefore had prevented all movement between the several States, such action would have been lawful because within the power to regulate which the Constitution conferred. (Lottery Case, 188 U. S. 321; Hoke *v.* United States, 227 U. S. 308.)

The court thus expressly states, what was taken for granted and assumed In re Rahrer, that Congress had the power to prohibit entirely the shipment of intoxicating liquors in interstate commerce. The cases cited in support of the statement are significant, namely, the Lottery Case and the White-Slave Traffic Case. The power to regulate and prohibit was held to be based upon the injurious quality of the article of merchandise whose movement in interstate commerce is regulated or prohibited. The court then continues:

The issue, therefore, is not one of an absence of authority to accomplish in substance a more extended result than that brought about by the Webb-Kenyon law but of a want of power to reach the result accomplished because of the method resorted to for that purpose. This is certain, since the sole claim is that the act was not within the power given to Congress to regulate because it submitted liquors to the control of the States by subjecting interstate commerce in such liquors to present and future State prohibitions, and hence in the nature of things was wanting in uniformity.

Then followed the court's discussion of the constitutionality of the act; and the court said:

In view of the conceded power on the part of Congress to prohibit the movement of intoxicants in interstate commerce, we can not admit that because it did not exert its authority to the full limit, but simply regulated to the extent of permitting the prohibitions in one State to prevent the use of interstate commerce to ship liquor from another State, Congress exceeded its authority to regulate.

And, again:

The two things are widely different, since the right to regulate and its scope and the mode of exertion must depend upon the power pos-

sessed by Congress over the subject regulated. Following the unerring path pointed out by that great principle we can see no reason for saying that, although Congress, in view of the nature and character of intoxicants, had a power to forbid their movement in interstate commerce, it had not the authority to so deal with the subject as to establish a regulation (which is what was done by the Webb-Kenyon law) making it impossible for one State to violate the prohibitions of the laws of another through the channels of interstate commerce. Indeed, we can see no escape from the conclusion that if we accepted the proposition urged we would be obliged to announce the contradiction in terms that because Congress had exerted a regulation lesser in power than it was authorized to exert, therefore its action was void for excess of power.

The court was not unmindful of the fact that its decision might be misconstrued and perverted into the claim that Congress was vested with the power to regulate interstate commerce in any and all articles of merchandise, of whatsoever kind they might be, whether in themselves harmful or innocuous. It therefore concluded its opinion with the following very explicit warning and restatement of the ground of its decision:

Before concluding, we come to consider what we deem to be arguments of inconvenience which are relied upon—that is, the dread expressed that the power by regulation to allow State prohibitions to attach to the movement of intoxicants lays the basis for subjecting the interstate commerce in all articles to State control, and therefore destroys the Constitution. The want of force in the suggested inconvenience becomes patent by considering the principle which after all dominates and controls the question here presented—that is, the subject regulated and the extreme power to which that subject may be subjected. The fact that regulations of liquor have been upheld in numberless instances which would have been repugnant to the great guaranties of the Constitution but for the enlarged right possessed by the Government to regulate liquor has never, that we are aware of, been taken as affording the basis for the thought that the Government might exert an enlarged power as to subjects to which under the constitutional guaranties such enlarged power could not be applied. In other words, the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest, and affords no ground for any fear that such power may be constitutionally extended to things which it may not, consistently with the guaranties of the Constitution, embrace.

Thus clearly and emphatically the power of Congress to regulate and prohibit the interstate shipment of intoxicating liquors is based upon "the exceptional nature" of intoxicating liquors as injurious and deleterious articles in and of themselves.

Mr. President, we have in these cases a clear statement of the reasons why these various enactments were considered a valid exercise of the power of Congress under the commerce clause. These acts regulated or prohibited interstate commerce in articles of merchandise that were in and of themselves injurious and harmful. At this stage of the discussion I emphasize the fact that all of the articles which have been the subject of interstate-commerce interdiction were inherently vicious and harmful in and of themselves. They were not articles free of inherent defects. They were articles that possessed, in and of themselves, the essence of harm. They were articles which if misused would produce a deleterious effect not only upon commerce but upon the morality of the people in the States to which they were transported.

In all such matters Congress is clearly the judge. Congress, however, is required to exercise a sound and a reasonable discretion in the light of the Constitution and in the light of the decisions of the Supreme Court interpreting the Constitution. Congress had before it, as stated yesterday, in all these matters at the very threshold in limine, so to speak: Is the exercise of this constitutional power under the given circumstances reasonable, and is it a justifiable exercise of such power?

Mr. WATERMAN. Mr. President, will the Senator yield?

Mr. GOFF. Certainly.

Mr. WATERMAN. I should like to ask a question as to the limit of this discretion on the part of Congress.

Mr. GOFF. The limit of this discretion is that it must be a reasonable exercise of power over an article which may be essentially and inherently harmful in and of itself. If the article is not so, then the exercise of an interdicting power over such an article that possesses inherently none of the evil qualities suggested by the Senator from Colorado would in effect be a delegation of that power to some State whose exercise of the police power might be assisted or justified by such an action by Congress.

Mr. WATERMAN. There must be a limit to that discretion somewhere finally. To what will the Supreme Court limit it in the event a discretion is exercised by the Congress which is not, in the Senator's opinion or mine, within the discretion of the Congress?

Mr. GOFF. The Supreme Court will limit that discretion solely by the rule whether or not the exercise of the power is justified under all of the facts and circumstances in the case.

Mr. WATERMAN. But will it not be limited strictly within the police powers of the State, or, upon the other hand, by the inherent vice or lack of it in the article which is in interstate commerce?

Mr. GOFF. That is undoubtedly a determining factor which I discussed a moment ago, and it is the fact that the article so transported is inherently vicious, or that it can be used in interstate commerce for vicious and immoral and unlawful and deleterious purposes. If it can be, then, of course, the Congress has the right so to exercise this power, but, as I shall show in the next decision to which reference will be made, if the article sought to be interdicted possesses none of these inherent vicious disqualifications then the Congress will not assume, and has no authority under the decisions of the Supreme Court to exercise, the great power of interdicting the shipment of such matters in interstate commerce.

Mr. WATERMAN. If the Senator will permit, these bills both purport to divest goods, wares, and merchandise of their interstate character. If the pending bill becomes a law, and their interstate character has been divested lawfully, constitutionally, then they cease to be matters of interstate commerce entirely, do they not?

Mr. GOFF. That is correct; absolutely.

The next case passed upon by the Supreme Court was Hammer *v.* Dagenhart (247 U. S. 251). The question for consideration was the constitutionality of the child labor act prohibiting the shipment or delivery for shipment in interstate commerce of any article or commodity the product of any mill, cannery, workshop, factor, or manufacturing establishment in which children under the age of 14 years had been employed or permitted to work, or children between the ages of 14 and 16 years of age had been employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of 7 p. m. or before the hour of 6 a. m.

Here for the first time it was sought to regulate interstate commerce in articles of merchandise, not because of the nature, quality, or uses to which such articles might be applied, but solely because of the places in which such articles were made or manufactured and the kind of labor employed in such places. As between two articles, for example, hats, of identical nature, quality, and use, but one made in a factory where children under 14 years of age were employed or children between 14 and 16 years of age were employed more than eight hours in any day or more than six days in any week, or after 7 p. m. or before 6 a. m., and the other not made in such a factory, Congress attempted to regulate interstate commerce in the former but not in the latter, and thereby to discriminate between them solely because of the difference in their respective origin of manufacture.

The act was declared unconstitutional.

The court puts the question at issue, as follows:

The controlling question for decision is: Is it within the authority of Congress in regulating commerce among the States to prohibit the transportation in interstate commerce of manufactured goods the product of a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.?

The court said:

The power essential to the passage of this act the Government contends is found in the commerce clause of the Constitution which authorizes Congress to regulate commerce with foreign nations and among the States.

In Gibbons *v.* Ogden (9 Wheat. 1) Chief Justice Marshall, speaking for this court, and defining the extent and nature of the commerce power, said: "It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed." In other words, the power is one to control the means by which commerce is carried on, which is directly the contrary of the assumed right to forbid commerce from moving and thus destroy it as to particular commodities. But it is insisted that adjudged cases in this court establish the doctrine that the power to regulate given to Congress incidentally includes the authority to prohibit the movement of ordinary commodities, and therefore that the subject is not open for discussion. The cases demonstrate the contrary. They rest upon the character of the particular subject dealt with and the fact that the scope of governmental authority, State or National, possessed over them is such that the authority to prohibit is as to them but the exertion of the power to regulate.

The court said:

The first of these cases is Champion *v.* Ames (188 U. S. 321), the so-called Lottery case, in which it was held that Congress might pass a law having the effect to keep the channels of commerce from use in the transportation of tickets used in the promotion of lottery schemes. In Hipolite Egg Co. *v.* United States (220 U. S. 45) this court sustained the power of Congress to pass the pure food and drug act which prohibited the introduction into the States by means of interstate commerce of impure foods and drugs. In Hoke *v.* United States (227 U. S. 308) this court sustained the constitutionality of the so-called white slave traffic act, whereby the transportation of a woman in interstate commerce for the purpose of prostitution was forbidden. In that case we said, having reference to the authority of Congress, under the regulatory power, to protect the channels of interstate commerce:

"If the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of foods and drugs, the like facility can be taken away from any other act that is inherently vicious or deleterious."

Mr. President, in view of these decisions and in the light of the questions propounded by the Senator from Colorado, Congress assumed that it had the right to interdict any article from interstate-commerce shipments which, in its judgment and discretion, seemed to relate to the economic or the commercial progress of any given State. In other words, Congress in this very act goes to the extent to which many of the States have gone in their invasion of the commercial and the economic field, and in which they have violated the provisions of the fourteenth amendment to the United States Constitution in attempting to exercise and in fact exercising the so-called police power of the State, a power reserved to the States, because it was not delegated to the Federal Government in the Constitution of the United States. They have invaded the rights of private property, and taken property without due process of law, as that phrase is used and interpreted in the fourteenth amendment of the United States Constitution. Here, in this child labor act, as it is so called, Congress saw fit to say that if a product has in it the exertion, the brain, and the muscle of children under a certain age, if factories and mines and mills have employed therein children between certain hours—yes, even if a father or a mother had permitted their children so to labor in a mine, on their farm, or plantation—then the product of their labor, if I might so term it, the product of their association, is interdicted and prohibited from the channels of interstate commerce.

If this child labor law, Mr. President, had been sustained as constitutional, then the Congress of the United States could have passed a law that if the State of Ohio should employ its labor more than five hours a day, it could not ship the products of that labor in interstate commerce, or that if the State of New York should employ its labor in the nighttime and not in the daylight, it would be contrary to the conception of Congress, and that the products of such labor might be denied the right of shipment in interstate commerce.

The Supreme Court of the United States met the issue, met it as that great court always meets the problem, met it with that clear vision and accurate solution that has always characterized the ultimate expression of opinion by that interpretative judicial body, the greatest in the world. Here for the first time this question was raised, and the Supreme Court said:

The act is clearly unconstitutional.

In Caminetti *v.* United States (242 U. S.) the court said:

We reiterated only recently this view and this opinion.

Then the court said:

The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced.

But, said the court, concluding the discussion which sustained the authority of the Government to prohibit; and I would ask the Senator from Colorado to pay particular attention to the paragraph which I now read from the decision:

It is the exceptional nature of the subject here regulated which is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things that it may not, consistently within the guarantees of the Constitution, embrace.

Mr. WATERMAN. Does that not drive the Senator to the conclusion that for the Congress to limit its action in divesting articles of the character of interstate commerce, the article of interstate commerce must be of a kind or character which can be driven out of interstate commerce, outlawed, if you please, not articles which must pass in interstate commerce free and untrammelled?

Mr. GOFF. Exactly; I agree with that conclusion without any reservation.

The court continued as follows in the Dagenhart case:

In Caminetti *v.* United States (242 U. S. 47), we held that Congress might prohibit the transportation of women in interstate commerce for the purposes of debauchery and kindred purposes. In Clark Distilling Co. *v.* Western Maryland Ry. Co. (242 U. S. 311), the power of Congress over the transportation of intoxicating liquors was sustained. In the course of the opinion it was said:

"The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible."

And, concluding the discussion which sustained the authority of the Government to prohibit the transportation of liquor in interstate commerce, the court said:

"* * * the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things which it may not, consistently with the guaranties of the Constitution, embrace."

In each of these instances the use of interstate transportation was necessary to the accomplishment of harmful results. In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended.

This element is wanting in the present case. The thing intended to be accomplished by this statute is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportation among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States. The goods shipped are of themselves harmless. The act permits them to be freely shipped after 30 days from the time of their removal from the factory. When offered for shipment and before transportation begins the labor of their production is over, and the mere fact that they were intended for interstate-commerce transportation does not make their production subject to Federal control under the commerce power.

Commerce "consists of intercourse and traffic * * * and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities." The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce, make their production a part thereof. (Delaware, Lackawanna & Western R. R. Co. *v.* Yorkonis, 238 U. S. 439.)

Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the production of articles, intended for interstate commerce, is a matter of local regulation.

"When the commerce begins is determined, not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another State." (Mr. Justice Jackson in In re Green, 52 Fed. Rep. 113.) This principle has been recognized often in this court; Coe *v.* Errol, 116 U. S. 517; Bacon *v.* Illinois, 227 U. S. 504; and cases cited. If it were otherwise all manufacture intended for interstate shipment would be brought under Federal control to the practical exclusion of the authority of the States, a result certainly not contemplated by the framers of the Constitution when they vested in Congress the authority to regulate commerce among the States. (Kidd *v.* Pearson, 128 U. S. 1, 21.)

The court then continues in language which fits the facts of the instant case and the arguments advanced in support of the constitutionality of the instant bill to a nicety. I continue to quote:

It is further contended that the authority of Congress may be exerted to control interstate commerce in the shipment of child-made goods because of the effect of the circulation of such goods in other States where the evil of this class of labor has been recognized by local legislation, and the right to thus employ child labor has been more rigorously restrained than in the State of production. In other words, that the unfair competition, thus engendered, may be controlled by closing the channels of interstate commerce to manufacturers in those States where the local laws do not meet what Congress deems to be the more just standard of other States.

There is no power vested in Congress to require the States to exercise their notice power so as to prevent possible unfair competition. Many causes may cooperate to give one State, by reason of local laws or conditions, an economic advantage over others. The commerce clause was not intended to give to Congress a general authority to equalize such conditions. In some of the States laws have been passed fixing

minimum wages for women, in others the local law regulates the hours of labor of women in various employments. Business done in such States may be at an economic disadvantage when compared with States which have no such regulation; surely, this does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Congress.

The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce, and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

Answering the argument that Congress should aid in placing limitations upon the right to employ children in mines and factories, the court says:

That there should be limitations upon the right to employ children in mines and factories in the interest of their own and the public welfare, all will admit. That such employment is generally deemed to require regulation is shown by the fact that the brief of counsel states that every State in the Union has a law upon the subject, limiting the right to thus employ children. In North Carolina, the State wherein is located the factory in which the employment was had in the present case, no child under 12 years of age is permitted to work.

It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers. "This principle," declared Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat. 316), "is universally admitted."

A statute must be judged by its natural and reasonable effect. Collins *v.* New Hampshire (171 U. S. 30, 33, 34). The control by Congress over interstate commerce can not authorize the exercise of authority not intrusted to it by the Constitution. (Pipe Line Cases, 234 U. S. 548, 560.)

And it adds:

To sustain this statute would not be, in our judgment, a recognition of the lawful exertion of congressional authority over interstate commerce but would sanction an invasion by the Federal power of the control of a matter purely local in its character and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

The opinion concludes with the following language:

In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter, to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

The following principles, implicit in the previous decisions of the court, are thus given explicit statement and recognition:

First. The lottery act, the pure food and drugs act, the white slave traffic act, the Wilson Act, and the Webb-Kenyon Act were held to be within the commerce clause and therefore constitutional only because of the exceptional nature of the subjects there regulated.

Second. Where the goods whose interstate movement is sought to be regulated are themselves ordinary and harmless commercial commodities and the regulation is based upon and directed against the manner, method, place or origin of manufacture, or the class of labor by which manufactured, the enactment is not a valid exercise of the power over interstate commerce.

Third. The manufacture of goods, even though intended for interstate shipment, is not commerce, and the regulation of the manufacture of such goods is not, therefore, a regulation of commerce.

Fourth. It is not within the power of Congress under the guise of regulating commerce to control alleged or actual unfair competition between articles produced by one class of labor and identical articles produced by another class of labor.

Fifth. It is not within the power of Congress under the guise of regulating commerce to equalize the economic conditions obtaining in one State for the manufacture of goods with the economic conditions obtaining in another State.

The principles thus clearly enunciated in Hammer against Dagenhart were reiterated in the child-labor tax case, Bailey *v.* Drexel Furniture Co. (259 U. S. 20). The Supreme Court there declared unconstitutional the act imposing a tax on the net income of a person employing child labor. Said Chief Justice Taft in that opinion:

The case before us can not be distinguished from that of Hammer *v.* Dagenhart (247 U. S. 251; 38 Sup. Ct. 529, 62 L. Ed. 1101; 3 A. L. R. A. 649; Ann. Cas. 1918, E. 724). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours a day and days in a week as are penalized by the act in this case. This court held the law in that case to be void. It said:

"In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority."

In the case at the bar Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns and was invalid. So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution. This case requires, as did the Dagenhart case, the application of the principle announced by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat. 316, 423, 4 L. Ed. 579) in a much-quoted passage:

"Should Congress, in the execution of its powers, adopt measures which are prohibited by the Constitution, or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land."

The last decision of the Supreme Court is Brooks *v.* United States (267 U. S. 432). The court there held constitutional an act declaring it a crime to transport in interstate commerce a stolen motor vehicle with knowledge that it was stolen. The opinion was again written by Chief Justice Taft, and his historical review of the prior decisions and of the reasons why in each cited case an act had been declared constitutional or unconstitutional is illuminating. To quote therefrom:

In Reid *v.* Colorado (167 U. S. 137, 47 L. Ed. 108; 23 Sup. Ct. Rep. 506) it was held that Congress could pass a law excluding diseased stock from interstate commerce in order to prevent its use in such a way as thereby to injure the stock of other States. In the Lottery case, Champion *v.* Ames (188 U. S. 321, 47 L. Ed. 492; 23 Sup. Ct. Rep. 321; 13 Am. Crim. Rep. 561), it was held that Congress might pass a law punishing the transmission of lottery tickets from one State to another in order to prevent the carriage of those tickets to be sold in other States and thus demoralize, through a spread of the gambling habit, individuals who were likely to purchase. In the Hipolite Egg Co. *v.* United States (220 U. S. 45, 55 L. Ed. 364; 31 Sup. Ct. Rep. 364) it was held that it was within the regulatory power of Congress to punish the transportation in interstate commerce of adulterated articles which if sold in other States from the one from which they were transported would deceive or injure persons who purchased such articles. In Hoke *v.* United States (227 U. S. 308, 57 L. Ed. 523; 43 L. R. A. (N. S.) 906; 33 Sup. Ct. Rep. 281; Ann. Cas. 1913E, 905) and Caminetti *v.* United States (242 U. S. 470, 61 L. Ed. 442; L. R. A. 1917F, 502; 37 Sup. Ct. Rep. 192; Ann. Cas. 1917B, 1168) the so-called white slave traffic act, which was construed to punish any person engaged in enticing a woman from one State to another for immoral ends, whether for commercial purposes or otherwise, was valid because it was intended to prevent the use of interstate commerce to facilitate prostitution or concubinage and other forms of immorality. In Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311, 61 L. Ed. 326; L. R. A. 1917B, 1218; 37 Sup. Ct. Rep. 180; Ann. Cas. 1917B, 845) it was held that Congress had power to forbid the introduction of intoxicating liquors into any State in which their use was prohibited in order to prevent the use of interstate commerce to promote that which was illegal in the State. In Weber *v.* Freed (239 U. S. 325, 60 L. Ed. 308; 36 Sup. Ct. Rep. 131; Ann. Cas. 1916C, 317) it was held that Congress had power to prohibit the importation of pictorial representations of prize fights designed for public exhibition because of the demoralizing effect of such exhibitions in the State of destination.

In Hammer *v.* Dagenhart (247 U. S. 251, 62 L. ed. 1101; 3 A. L. R. 649; 38 Sup. Ct. Rep. 529; Ann. Cas. 1918E, 724), it was held that

a Federal law forbidding the transportation of articles manufactured by child labor in one State to another was invalid because it was really not a regulation of interstate commerce, but a congressional attempt to regulate labor in the State of origin by an embargo on its external trade. Articles made by child labor and transported into other States were harmless, and could be properly transported without injuring any person who either bought or used them. In referring to the cases already cited, upon which the argument for the validity of the child labor act was based, this court pointed out that in each of them the use of interstate commerce had contributed to the accomplishment of harmful results to people of other States, and that the congressional power over interstate transportation in such cases could only be effectively exercised by prohibiting it. The clear distinction between authorities first cited and the child labor case leaves no doubt where the right lies in this case. It is known of all men that the radical change in transportation of persons and goods effected by the introduction of the automobile, the speed with which it moves, and the ease with which evil-minded persons can avoid capture, have greatly encouraged and increased crimes. One of the crimes which has been encouraged is the theft of the automobiles themselves, and their immediate transportation to places remote from homes of the owners. Elaborately organized conspiracies for the theft of automobiles and the spiriting them away into some other State and their sale or other disposition far away from the owner and his neighborhood have roused Congress to devise some method for defeating the success of these widely spread schemes of larceny. The quick passage of the machines into another State helps to conceal the trail of the thieves, gets the stolen property into another police jurisdiction, and facilitates the finding of a safer place in which to dispose of the booty at a good price. This is a gross misuse of interstate commerce. Congress may properly punish such interstate transportation by anyone with knowledge of the theft because of its harmful result and its defeat of the property rights of those whose machines, against their will, are taken into other jurisdictions.

I submit that it is the clear rule deducible from these decisions that the power of Congress to regulate or prohibit under the commerce clause of the Constitution has been sustained in those cases, and in those cases only, where the article whose interstate shipment is regulated or prohibited is such that the article of merchandise is in and of itself harmful, injurious, or tainted with immorality or crime, and that this power of Congress does not extend to the regulation or prohibition of the transportation in interstate commerce of articles which in themselves are harmless and innocuous, ordinary commercial commodities, the objection to which is based solely upon the source of origin or the manner of manufacture or the class of labor by which manufactured in the State or place of origin.

It has been sought to create a superficial seeming of resemblance between the bill under consideration and the Wilson Act by borrowing the language of the latter and inserting it in the former. The apologists who seek to defend the instant bill because it is clothed in the form of an act which has been held constitutional forget that it is not the form of the act which makes it constitutional or unconstitutional, but the substance and reality behind the act. The Supreme Court declared the Wilson Act constitutional, not because it made interstate shipments of intoxicating liquor subject to the law of the State into which such liquor was transported but in spite of that fact. The court declared that act constitutional because Congress had unlimited power to regulate and even prohibit interstate shipments of intoxicating liquor and it deduced the power to subject an interstate shipment of such liquor to the law of the State of delivery from the broader power to regulate and even prohibit generally. All that it held was that the particular rule or method of regulation adopted was not itself obnoxious to the constitutional objection urged, to wit, that Congress had thereby delegated its power to the States and so enlarged the powers of the States. It held that the mere subjecting of an interstate shipment to the local law of the State of delivery did not render an enactment unconstitutional if it was otherwise constitutional. So, subjecting had no bearing on the constitutionality of the enactment and was immaterial and irrelevant from a consideration of constitutional principles. It was no bar to constitutionality. No more is it a guaranty of or argument for constitutionality. That must be determined by other considerations.

Not even the most partisan and blinded advocates of congressional legislation directed against goods made in penal and reformatory institutions any longer assert that Congress has the power to prohibit all interstate shipment of such goods. Bills so providing were, indeed, introduced many years ago but failed of serious consideration because their constitutionality was gravely doubted even then. That was before the Supreme Court had spoken on the Webb-Kenyon Act, the child labor act, and the various other acts referred to supra. The Supreme Court has since spoken repeatedly, each time with growing emphasis and clearness. The warning which concluded its opinion on the Webb-Kenyon Act was applied and carried into execution in its decision on the child labor act. Since the last-mentioned decision the supporters of this particular type of legislation have refrained from urging any bill prohibiting interstate commerce in such goods. They have fallen back on the Hawes-Cooper bill, modeled in verbiage upon the Wilson Act. But they overlook the vital fact that the principle is the same. Congress has the power to regulate interstate commerce in an article by subjecting it to the law of the State into which it is shipped or by forbidding its shipment into a State which prohibits its use or sale only where Congress has the power to regulate interstate commerce in that article. The question is not of the extent of the power but of its existence. Granted that the power exists its extent is ample, even to total prohibition. There is no difference in constitutional principle between total prohibition, partial prohibition, and lesser regulation, such as subjecting the article to the law of particular States. The power to accomplish the latter exists only where a like power exists to accomplish the former. Congress had the power to pass the Wilson Act subjecting interstate shipments of intoxicating liquors to the laws of the States into which such liquors were shipped, and later to pass the Webb-Kenyon Act, prohibiting interstate shipments of intoxicating liquors into States which forbade the use or sale of such liquors only because Congress had general regulating power over interstate shipments of such liquors, even to the extent, if it had seen fit to exercise it, of prohibiting all such liquors from interstate shipment entirely.

That power was based upon the nature and character of intoxicating liquors as being in and of themselves injurious and harmful. On the other hand, Congress did not have the power to prohibit interstate shipment of the products of child labor, because those products are in and of themselves perfectly harmless and innocuous. For precisely the same reasons that it lacked the power to prohibit entirely interstate shipment of those products it lacks the power to prohibit interstate shipment thereof into States which themselves prohibit child labor or to limit or regulate the interstate shipment thereof.

There is no more authority in Congress to control interstate commerce in goods made in penal and reformatory institutions because of the effect of the circulation of such goods in other States where the alleged evil of this class of labor has been recognized by local legislation, or to control the alleged unfair competition thus engendered, than there is to control interstate commerce in goods made in institutions employing child labor. The fact that Congress may deem the State-use system to be more just than the contract-labor system or the public-account system does not vest it with power or authority to further the former or discourage the latter through the guise of a law purporting to be enacted under the power to regulate interstate commerce. Such a law is not a regulation of commerce, but a regulation of manufacture in the State of origin, and therefore beyond the power of Congress.

There is no power vested in Congress to require the States to exercise their police power so as to prevent possible unfair competition, which is the avowed purpose of this bill. The commerce clause was not intended to give to Congress a general authority to equalize the economic conditions under which goods are manufactured in the different States.

In populous States like New York and Pennsylvania where there is a large demand for articles used in State institutions, it may well be feasible and economical to confine the labor of prisoners to articles to be used exclusively by their State institutions. There are so many hats, so many boots and shoes, so many desks used in those institutions that it may well be worth while for each of those States to establish a hat factory, a boot and shoe factory, and a desk factory to supply that need exclusively, and a certain number of prisoners may be given continuous employment in each of those factories and so learn a useful trade. But in smaller States, like Rhode Island, Connecticut, Vermont, and New Hampshire, the situation is quite different. All the boots and shoes used in Rhode Island State institutions in a year could be made by a few of its prisoners in a week. The establishment of a boot and shoe factory in one of its penal institutions is therefore neither practical nor economical. And the same difficulty confronts that State in attempting to confine the sale of any product of its penal and reformatory institutions to the use of its own public institutions. To provide labor for its prisoners it must employ them in the manufacture of articles that can be disposed of in general commerce.

It is therefore not at all surprising, that although representatives of the States of New York and Pennsylvania favor the pending bill because those States have nothing to lose and perhaps something to gain by its enactment, representatives of the penal institutions of such States as Rhode Island, Connecticut,

Vermont, New Hampshire, and West Virginia are bitterly opposed to it. It discriminates in favor of the more populous States against the smaller ones, the most vicious form of discrimination from a constitutional standpoint. It enables 13 of the States to keep out from their borders, or what is in effect the same, to subject to prohibitive enactments, articles manufactured and having their origin in the other 35 States, not because those articles are in themselves harmful or deleterious, but because they are manufactured by a class of labor that the 13 States do not approve of.

As the Supreme Court said of the employment of child labor, it may be desirable that State laws affecting the labor of inmates of penal and reformatory institutions should be uniform. But a uniformity which would work to the advantage of the larger States and to the disadvantage of the smaller is a uniformity that does not work both ways. It is for the latter as well as for the former to decide whether to adopt such uniformity. It is in no event within the authority of Congress to coerce them into such adoption under the guise of a law passed under the power to regulate interstate commerce. For the authority of Congress is one of enumerated powers only.

> The control by Congress over interstate commerce can not authorize the exercise of authority not intrusted to it by the Constitution—

And—

> to sustain this statute would not be a recognition of the lawful exertion of congressional authority over interstate commerce but would sanction an invasion by the Federal power of the control of a matter purely local in its character and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

The necessary effect of this bill would be, by means of a pretended regulation of the movement in interstate commerce of ordinary commercial commodities, to regulate the manufacture of those commodities in State penal and reformatory institutions, a purely State authority. It would therefore be repugnant to the Constitution in a twofold sense. It would not only transcend the authority delegated to Congress over commerce but would also exert a power as to a purely local matter to which the Federal authority does not extend.

The proposed legislation is therefore obviously unconstitutional.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. I yield.

Mr. SHORTRIDGE. Before the Senator passes from a consideration of these particular decisions of the Supreme Court permit me to observe that, of course, Congress is in duty bound to be guided by them if we fully understand them or the rule or principle they announce.

I am not questioning the remarks of the learned Senator in respect to any particular decision. But before turning from them I would beg to have it remembered by the Senate that the first decision in the child-labor case was by a very evenly divided court—5 to 4. The dissenting judges were Justices Holmes, McKenna, Brandeis, and Clark.

Will the Senator permit me to refer to another matter to which I hope he will devote attention before he shall have concluded? I invite his and the Senate's attention to section 307 of the tariff act of 1922. That section reads:

> That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

I cite that section of the tariff act and propound this question, to be answered if the Senator deems the question worthy of reply. Is that section of the tariff act constitutional?

Mr. GOFF. Mr. President, I shall answer at the present time the questions propounded by the distinguished Senator from California. It is true that the child-labor case was decided by a divided court. I treat, in the development of law and legislation, the vote in favor of such law or such legislation as purely an incident when the law has been made effective either in the Halls of Congress or through any other branch of the judicial department of the Government. What difference does it make as to the validity of any law whether it passes overwhelmingly in a legislative body or whether it passes by a bare majority? It is the law of the land and the fact that a minority may have dissented therefrom becomes purely immaterial. We observe the law because under our democratic form of government it is the majority, the concurrent, concentrated wisdom of the greater number, that seeks the right road and the right way down the road.

When we come to the decisions of the Supreme Court of the United States, the fact that there is a difference of opinion there makes all the more for the validity of the decision, which is rendered by the majority. When it becomes the decision of the court it is in subsequent decisions, if the issue recurs, reaffirmed, and as a general rule the justices who vigorously dissented in the first decision are among those who do—and they should if they do not—concur in what is unquestionably the law of the land. We had, of course, the second child-labor case, just discussed, and when that case came up there was not one dissenting opinion.

Mr. SHORTRIDGE. The Senator will be good enough to bear in mind that in a few words I expressed substantially the sentiments which he has just now uttered, namely, that we were in duty bound to follow and observe a decision of the Supreme Court. We may be concerned as to the scope and the meaning of that decision and we may be further concerned as to whether a given proposed act of Congress falls within the condemnation of the decision.

Mr. WATERMAN. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. GOFF. I yield.

Mr. WATERMAN. The Senator from California has injected a suggestion in connection with the tariff law. I presume he and the Senator who has the floor will both admit that in matters of foreign commerce the Congress of the United States is untrammeled and unfettered and can prohibit anything from coming in, and it speaks by authority of its sovereign power and not by or through the limitations of a police power. So that whatever it may have put into a tariff act, it was put there by an exercise of an absolute sovereign power. Is not that true?

Mr. GOFF. That is correct.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me once more to interrupt him?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. Certainly.

Mr. SHORTRIDGE. I did not express an opinion in regard to this matter, but in immediate reply to my learned friend from Colorado, where does Congress have the power to legislate in respect of commerce, either foreign or domestic? I am not expressing an opinion, but I am throwing out these thoughts for perhaps future consideration. The power to legislate upon the subject of commerce, we have been told by the Senator from West Virginia, is found in paragraph or subdivision 3 of section 8, Article I of the Constitution, which reads:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes.

I have been taught that the power of the Congress to legislate in respect of this subject matter was found in the section quoted. What it means, whether we have greater power to regulate foreign commerce than we have power to regulate domestic commerce as among the States or with the Indian tribes, may at least be worthy of a passing thought.

Mr. WATERMAN. The Senator would agree that that argument would lead to a question of the constitutionality of the power to legislate and create a tax?

Mr. SHORTRIDGE. No; the section quoted does not deal with the power to tax. This is what I am submitting for consideration: It may be argued that if we have the power thus to regulate, in fact prohibit, commerce in foreign convict-labor goods, we may have an equal power, as all-comprehensive, to regulate and prohibit commerce in convict-labor goods among the States, or as between citizens of a State and the Indian tribes.

Mr. GOFF. Mr. President, I thank my distinguished friend from California for his very favorable and constructive contribution to the argument. I appreciate the equally constructive and helpful suggestions of my distinguished friend from Colorado.

The tenth amendment to the Constitution of the United States—and this should be discussed now in order that there may be no necessity to return to it—reads:

> The powers not delegated to the United States by the Constitution—

Showing that all the powers in the Constitution are delegated powers and nothing else.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

I agree with the suggestion that has been made that the power over foreign commerce is in no sense of the word involved in any reservation to the States. It is a power that is given completely to the Constitution of the United States without any reservation to the people except as the Constitution is enforced by the people. When it is said in the tenth amendment that the powers not delegated to the United States Constitution are reserved to the people of the different States, then if Congress is to be limited or restricted in any way in the exercise of its powers in foreign commerce there should have been a reservation of similar import.

This question, I may say in answer, has never been raised in the tariff act and is not in any of the decisions of the Supreme Court of the United States relating to that matter.

There is in this bill a clear invasion by the Congress of the United States of the police power of the States given to the States in the tenth amendment to the United States Constitution. The Supreme Court recognizes that clearly when it makes use of the language to which I have just called attention.

Commerce—

Says the Supreme Court—

consists of intercourse and traffic * * * and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities. The making of goods—

Says the Supreme Court—and that includes manufacturing in any sense—

and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce make their production a part thereof.

It is conceded by those who have studied the question that the mining of coal or the mining of any other mineral is not interstate commerce. Coal is not interstate commerce when it comes out of the bowels of the earth and goes upon the cars for shipment in interstate commerce. It becomes interstate commerce only when it starts to move, only when the control of the operator or control of the State has passed into the hands of the common carrier that is moving it in interstate commerce. Here in this act, which is a case involving no evil, the Senate is assuming to make evil that which is thoroughly lacking in harm, and to say that it can not become the subject of interstate commerce. What is there inherently evil in prison-made goods?

Our prisons, as I stated yesterday, are as sanitary as are any of the sweatshops of our great cities. Our prisons are regulated in a way to which free and untrammeled labor does not submit, and to which I would not ask it to submit. Men lose their citizenship when they go to penitentiaries; they should lose their citizenship when they violate the laws of God and man; and so long as they are the wards of society, so long as they are incarcerated in institutions and houses of correction, they must be subservient to the rules and the regulations by which such prisons are governed, but does not interject any inherently harmful defect to the product of their labor.

We are trying to rehabilitate the people who are sent to the penitentiaries of the country; we are trying to eliminate from them the sin of idleness. Busy hands keep the body healthy and the mind tranquil. As I have read the reports from the prison officials of 48 States of this country, they say that in a great majority of instances idleness is the mere gestation period of riot, disorder, and crime; that when men are idle, of course, they are a walking, thinking, living devil's workshop, and they invariably drift into prison, and if idle there degenerate into bestial habits of mind and body. Are we to punish them as was done in the days of old, by sending them to penal colonies far beyond the sea? Not at all. Retributive justice has yielded to moral reformation. It is the humanitarian doctrine, after centuries of struggle, to rehabilitate those who go wrong.

Men and women, Mr. President, violate the moral laws; but are they put forever outside the churches of Christian civilization? They are not. They are brought into those churches, and every spiritual and conducive influence is brought to bear upon them not only to rehabilitate them but to make them anew. Should we say merely because we send a man or a woman to a penitentiary for violating a man-made law that he or she should ever afterwards suffer with the stain of the misdeed and that so long as they are there they can not be taught the principles of good citizenship that involve vocations and avocations, and that they can not be made good members of society; that they can not be allowed to come back with the pardon of an executive and take their place again in human society and go ahead to advance the progress of mankind?

I make reference to these facts to ask where there can be inherent in any prison-made product an evil such as is sought to be injected by this bill. The court says:

That there should be limitations upon the right to employ children in mines and factories in the interest of their own and the public welfare all will admit.

I think we all agree to that. Certainly there should be, just as we say that those who violate the law should be confined in penitentiaries and houses of correction.

It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers.

A statute must be judged by its natural and reasonable effect. The courts say—and this is important to those who study the constitutional effect of this question—to sustain a statute like the present bill would not be recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

The principle was clearly enunciated in the child-labor case of Bailey *v.* The Drexel Furniture Co. (259 U. S. 20), where the act imposed a tax on the net income of a person employing child labor. Chief Justice Taft in his opinion—

The case before us can not be distinguished from that of Hammer against Dagenhart.

Which was the child-labor case.

Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours.

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New York?

Mr. GOFF. Certainly.

Mr. WAGNER. The child-labor case is not really analogous to the legislation which we now have under consideration. In that instance there was an absolute prohibition, was there not, of the transportation of any articles produced or manufactured by child labor? There is no prohibition proposed by the pending legislation of the actual transportation of convict-made goods from one State to another, except that when the goods reach another State they are divested of their interstate commerce character and must be disposed of subject to the laws of the particular State to which they have been shipped. In other words, the pending measure is not an invasion of the police power of the State; it rather upholds whatever police powers have been exercised by way of legislation in particular States. It seems to me that is a very clear distinction between these two subjects matter.

Mr. GOFF. Mr. President, I have the greatest respect for the opinion of my distinguished friend from New York. He is a jurist of wide experience and great ability, which came and grew with him as the years went when he made the great record he did upon the bench of the courts of New York State. However, I must disagree with him. It is not necessary that we exercise to the full extent a power given to us. If the doing of anything involves that power, as in the case of the prohibition of the shipment of an article, we have exercised the power so that we are, if I may use a term with which we are all familiar, functus officio; we have performed our office to the uttermost extent; and if we use this power in any respect, if we assume to apply this power, whether or not it invades the police power of the State, whether it does it affirmatively or negatively, whether it does it as an accessory before the act of shipment, or whether it does it as an assistant after the shipment, is, in my judgment, purely immaterial in the light of the decisions of the Supreme Court.

Mr. WATERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. GOFF. Certainly.

Mr. WATERMAN. If the goods covered by this proposed legislation can be subjected to the police power of any given State then legislation is utterly unnecessary, is it not?

Mr. GOFF. That is correct.

Mr. WATERMAN. Then the purpose of the legislation is not to bring the police power of the State into operation with reference to these goods, but it is to bring the separate and independent sovereign powers of the States, as distinguished from the police powers, into operation in connection with these goods; is not that correct?

Mr. GOFF. Exactly; and that very phase of the question I will say to the Senator from Colorado arose day before yester-

day in the initial stages of this debate in the questions that passed between the senior Senator from Ohio [Mr. FESS] and myself in reference to the application of this law.

Chief Justice Taft said—as I was continuing when interrupted—in the second child-labor case:

> This court held the law in that case—

That is the first child-labor case—

> to be void. It said: "In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority."
>
> In the case at bar—

Continued Chief Justice Taft:

> Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing—

It sought to do there indirectly what it could not do directly by the first child labor act—

> and the effort must be equally futile.
>
> The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax. * * * Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with the Congress's regulation of State concerns, the court said, "This was not in fact regulation of interstate commerce, but rather that of State concerns and was invalid."

The last case in which these matters are referred to, as I have shown, is Brooks *v.* United States (267 U. S. 432). There Chief Justice Taft reviews all of the decisions which have been brought to the attention of the Senate, and I commend it to the earnest consideration of every member of this body.

Mr. President, there are just one or two additional matters to which I desire to invite the attention of the Senate.

I call attention to the very well considered case—with which, no doubt, the distinguished Senator from New York [Mr. WAGNER] is very familiar—People against Hawkins. It is reported in Forty-Seventh New York Supplement, page 56, and was decided by the Supreme Court, appellate division. The court there said—I read from the syllabus:

> Laws * * * prohibiting the sale of goods made by convict labor unless labeled as such, as applied to articles of commerce made in a foreign State, conflict with the interstate commerce clause of the Federal Constitution.
>
> Such statute, as applied to a scrub brush made in another State by convict labor, is not within the police power of the State.

The opinion was written and considered, and it has found its way into the citations of other States. It has been commented upon time and again by the decisions of the Supreme Court and by the decisions in other State supreme courts; and that opinion clearly holds that it is not within the police power of the State of New York to attempt or to assume to pass an act that interdicts prison-made goods.

After a very diligent examination of the authorities in the State of New York I can not find that this case was ever at any time overruled. I can not find that it is no longer the law of the great State of New York; but, of course, I know that statutes have been passed that are seemingly in conflict with it, and as to whether or not they have been enforced I can not say.

A very interesting case has been recently decided by the Supreme Court of the United States—Knickerbocker Ice Co. *v.* Stewart (253 U. S. 149). In that case the Supreme Court held that where Congress attempted to allow each State by an act to apply its workmen's compensation law to employees engaged in maritime work within the confines of the State, it was an unwarranted delegation of the power conferred by the interstate-commerce clause of the Federal Constitution. I refer to that case, expressing merely this comment from the opinion:

> Congress can not transfer its legislative power to the States—by nature this is nondelegable.

If the Congress of the United States can not pass a law which will permit the maritime jurisdiction laws of the Federal Government to be utilized by the States because it is a delegation of a governmental constitutional power to a State sovereignty, then I say without the fear of successful contradiction that the Senate can not pass this bill, because in its essence it will be purely and simply a delegation to the different States that see fit to take jurisdiction by prohibition of articles that come within their borders in the course of interstate commerce.

Mr. President, there are several other very pertinent and interesting decisions by the courts of New York that bear very materially upon the question I am now discussing. When the case to which I called attention, People against Hawkins, was originally reported in the court of its deliverance, it went to the court of appeals and was reported in State *v.* Hawkins (157 N. Y.) at page 1. The Court of Appeals of New York passed upon this statute—and that is the court of final resort in the State of New York—requiring that all convict-made goods, including those shipped from other States, be branded before being exposed for sale.

The defendant was convicted under this statute, and his case finally reached the court of appeals. The particular goods which the defendant had exposed for sale had been made by convicts in Ohio and had been shipped from Ohio into the State of New York. The law involved was similar to the laws of other States where such legislation exists. A typical statute is as follows:

> No person or corporation may expose for sale any convict-made goods, merchandise, or wares without a license from the secretary of state. An annual fee of $500 is required and a bond in the sum of $5,000 conditioned on the observance of the law. All goods, wares, etc., made or partly made by convict labor must be marked "convict made" and may not be exposed for sale within a State without such mark on the article, if possible; otherwise on a label attached thereto and to the box or other package.

The New York court held that such a statute was in conflict with and repugnant to the commerce clause of the Federal Constitution, and for that reason obviously and clearly invalid. There can be no question that these State enactments are invalid.

Mr. Justice O'Brien wrote the majority opinion, and went further and held the statute to be unconstitutional upon the ground that it was an unauthorized limitation on the freedom of the individual to buy and sell merchandise which had become part and parcel of the commerce of the State of New York. Mr. Justice O'Brien said:

> It would be difficult to give any satisfactory reason, legal, moral, or economic, why a person who happens to be confined in a prison should not be permitted or compelled to earn his living and pay his way instead of becoming a burden upon the public, to the detriment of his health and morals. The mere fact that he is in prison may be due to misfortune or to his natural surroundings, and in some cases he may be at least morally innocent. The State may certainly, for his own benefit and for the relief of the taxpaying community, employ him at some useful labor, and, whether that labor be in building roads or making shoes, he takes the place of another. If it be lawful and right to employ him, it is difficult to see why the State may, by legislation, depress the value of the products of his labor when such property is purchased in the ordinary course of commerce by a dealer therein.

I have not been able to find that this decision has ever been disturbed either by the courts of New York or by the Supreme Court of the United States. However, a similar law was submitted by the Massachusetts Legislature to the supreme court of that Commonwealth for its advice, but the justices replied Two hundred and eleventh Massachusetts Reports, 605, as follows:

> All goods, wares, and merchandise made by convict labor in a penal institution in this or any other State, before being offered for sale in this Commonwealth, shall be branded, labeled, or marked in such a way as to indicate conspicuously the source of their manufacture.
>
> The bill applies in unmistakable language to interstate commerce. It describes specifically the manufactures made in "any other State." The purpose of the bill is directly to affect interstate commerce. Its aim, in this respect, is emphasized by certain provisions of section 2, which obviously apply to shipments in the original package.
>
> The bounds of the police power have not been defined. The most that the courts have undertaken to do is to lay down certain broad propositions and leave each case to be decided as it arises. In a wide sense, and without undertaking to define its limits, it may be said that the police power authorizes the enactment of statutes to promote the public health, safety, and morals, and the necessary welfare of society.
>
> One who purchases prison-made goods in other States has a right as complete and extensive to sell them upon their merits as he has to sell private-made goods of like nature.
>
> The employment of those convicted of crime in healthful labor is recognized as a necessity of confinement, whether its end be punitive or reformatory. The learning of useful trades has been established by statute as a part of the policy of this Commonwealth in the discipline and improvement of those paying the penalty prescribed for the commission of crime. It is a part of humanitarianism in the treatment of those under sentence. Such goods are not insanitary or so inferior in quality that their sale would constitute a fraud on the public.

Goods made by convicts are lawful subjects of commerce. This is recognized by the bill itself, which allows a free sale when marked. It is a restriction upon the freedom of trade in articles of legitimate business transactions to permit goods made in factories in other States to be sold freely in the market and to require goods alike in every particular in all physical and commercial qualities, after being lawfully purchased in some other State, to be branded as "convict made" before being offered for sale here.

Differences in grade or workmanship, if there are any, would be as apparent without branding as any like products made in private shops.

Then this is the result announced by the Supreme Court of Massachusetts:

We feel constrained to advise that House bill 833, if enacted, would be unconstitutional.

Mr. President, I regret exceedingly to have taken the time I have. I have presented this matter from the standpoint of an honest and sincere conviction that the bill is not within the power of Congress to pass. I have spent many years studying and considering, as have other Members of the Senate, the Constitution of the United States and the laws of this country. I am presenting this matter as a student of our laws and a Senator of the United States. I am presenting it without an intention to harm labor or to interfere with the operation and the maintenance of State and Federal institutions. I have considered it my duty since I have been a Member of this distinguished body to speak out without fear or favor according to the convictions which I entertain. It is in pursuance of that view, and that view only, that I have dared to take the time of this honorable body to present to it the reasons why, in my judgment, this measure is clearly and absolutely unconstitutional and beyond the power and the right of the United States Senate to enact into law.

I cast no reflections upon the distinguished lawyers in the House or the distinguished lawyers in the Senate who entertain a contrary view; but I do say this: I have not yet seen an opinion, I have not yet heard an argument, I have not yet been the beneficiary of an intellectual or a legal suggestion that shows that this measure, which is a measure designed to prevent the shipment in interstate commerce of goods that do not possess any inherent defect or evil, is a valid exercise of our constitutional power.

I agree with all of the decisions of the Supreme Court that wherever the object sought to be achieved is to prevent the mingling with the products of other States of articles of an inherent evil quality, the Congress has jurisdiction, as these cases illustrate, to take the action it has taken, and the action that it might take in this instance if it could be shown that prison-made goods, made solely in an effort to rehabilitate the unfortunate members of society, possess an inherent evil and disqualification.

It has been within my experience, Mr. President, to visit prisons, both Federal and State, and to see the way they are managed, and to know that while the law sentences the inmates to terms with hard labor the officials of our different States are interpreting "hard labor" as merely a phrase that means work is the law of life, and if we are going to progress and rehabilitate the unfortunate members of society we must not only compel them to work but we must teach them how to work, that idleness may be driven from their lives and occupational vocation take its place; so that when these men and women come back again with that vision of clemency which wipes out all sin as far as human power can do it they shall come back worthy to take their places in our democracy, and to go ahead as reformed and repentant individuals.

Mr. President, as I stated yesterday, I now renew the motion then made, and which the clerk has upon his desk, that this entire matter be referred to the Committee on the Judiciary to pass upon the constitutional questions involved and the constitutionality of the act, and that the committee be requested to report not later than Monday, January 7, 1929, upon whether or not this proposed enactment does violence to the Constitution of the United States, as well as the constitutions of the States over which it may have effect.

Mr. WATERMAN. Mr. President, before the Senator takes his seat I would like to ask one question of him in connection with what he referred to a moment ago. Am I to understand that this bill also deprives the Federal Government itself from shipping its own prison-made goods into the different States if such States see fit to prohibit it?

Mr. GOFF. Obviously it would.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Smith
Barkley	Fletcher	McKellar	Smoot
Bingham	Frazier	McLean	Steck
Black	George	McNary	Steiwer
Blaine	Gerry	Moses	Stephens
Blease	Glass	Neely	Swanson
Borah	Glenn	Norris	Thomas, Idaho
Brookhart	Goff	Nye	Thomas, Okla.
Broussard	Gould	Oddie	Trammell
Bruce	Hale	Pine	Tydings
Burton	Harris	Pittman	Tyson
Capper	Harrison	Ransdell	Vandenberg
Caraway	Hawes	Reed, Pa.	Wagner
Copeland	Hayden	Robinson, Ind.	Walsh, Mass.
Couzens	Heflin	Sackett	Walsh, Mont.
Curtis	Johnson	Schall	Warren
Dale	Jones	Sheppard	Waterman
Deneen	Kendrick	Shipstead	Watson
Dill	Keyes	Shortridge	Wheeler
Edge	King	Simmons	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 3881) to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. WAINWRIGHT, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5773) to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, and it was signed by the Vice President.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

Mr. SMOOT. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1355) thereon. I desire to give notice to the Senate that I shall call the bill up for consideration to-morrow morning, if possible.

The VICE PRESIDENT. The bill will be placed on the calendar.

PROMOTIONS IN AIR CORPS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, which were to strike out all after the enacting clause and insert:

That the Secretary of War shall cause to be prepared an Air Corps promotion list on which shall be placed the names of all officers of the Air Corps of the Regular Army below the grade of colonel. The names on this list shall be arranged in the same relative order that they now have on the Army promotion list and shall be removed from the Army promotion list, and no officer whose name appears on the original Air Corps promotion list shall be considered as having less commissioned service than any officer whose name is below his on this list. All officers commissioned in the Air Corps after the formation of the original Air Corps promotion list shall be placed thereon in accord with length of commissioned service. Any officer whose position on the Air Corps promotion list is changed by sentence of a general court-martial or by law shall be deemed to have the same commissioned service as the officer next below whom he may be placed by such change.

SEC. 2. Except as herein provided, Air Corps flying officers shall be promoted to the grade of first lieutenant when credited with 3 years' commissioned service; to the grade of captain when credited with 7 years' commissioned service; to the grade of major when credited with 12 years' commissioned service; to the grade of lieutenant colonel when credited with 20 years' commissioned service; to the grade of colonel when credited with 26 years' commissioned service. All flying officers of the Air Corps below the grade of colonel shall be promoted in the order of their standing on the Air Corps promotion list: *Provided*, That the number of Air Corps officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent and the number in the grade of lieutenant colonel shall not be less than 5 per cent nor more than 8

per cent of the total number of officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grade of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total number of officers on the Air Corps promotion list, and in so far as necessary to maintain said minimum percentage, Air Corps flying officers of less than the required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum percentages to be exceeded shall officers who have completed the prescribed years of commissioned service be promoted to the grades of colonel, lieutenant colonel, and major. Nonflying officers of the Air Corps shall be promoted as provided for other branches of the Army.

SEC. 3. When an officer of the Air Corps has served 30 years either as an officer or soldier, he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list: *Provided*, That, except in time of war, in computing the length of service for retirement, credit shall be given for one and one-half the time heretofore or hereafter actually detailed to duty involving flying, and credit shall also be given for all other time now counted toward retirement in the Army: *Provided further*, That the number of such voluntary retirements annually shall not exceed 6 per cent of the authorized strength of the Air Corps. When a flying officer of the Air Corps reaches the age of 54 years he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list. Officers of the Air Corps who become physically disqualified for the performance of their duties as flying officers shall be eligible for retirement for physical disability.

SEC. 4. An officer of the Air Corps may, upon his own request, be transferred to another branch of the service, and when so transferred shall take rank and grade therein in accordance with his length of commissioned service as computed under existing laws governing the branch to which transferred.

SEC. 5. That hereafter the Chief of Staff of the Army, while holding office as such, shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto, the personal money allowance prescribed by law for the officer of the Navy serving as Chief of Naval Operations. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to dates of appointment as such.

SEC. 6. That the President is hereby authorized to place on the retired list of the Army as a major general, with the retired pay of that grade, the officer who was the first Chief of Finance of the Army, and who was placed on the retired list as a brigadier general while holding that office.

SEC. 7. That on and after the date of the passage of this act, Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list.

SEC. 8. All laws or parts of laws in so far as they may be inconsistent herewith or in conflict with the provisions of this act are repealed.

And to amend the title so as to read: "An act to provide for the advancement on the retired list of certain officers of the Army, to increase the efficiency of the Air Corps and of the Army, and for other purposes."

Mr. CURTIS. Mr. President, I ask that that matter may go over until to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. I would like to ask the Senator from Kansas if he will not consent that the amendments of the House shall go to the appropriate committee, the Committee on Military Affairs.

Mr. CURTIS. I understand there will be a motion made which will probably lead to some discussion, and I think we have arrangements whereby we can get a vote on the unfinished business pretty soon.

Mr. LA FOLLETTE. It is impossible to hear the Senator from Kansas.

Mr. CURTIS. I ask that the House amendments may go over, because we are trying to reach an agreement to vote on the pending measure, and I think if they go over and we may have a little more opportunity for discussion this afternoon we can reach an agreement.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. If the matter goes over, as requested by the Senator from Kansas, when would it be laid before the Senate?

The VICE PRESIDENT. It is a privileged matter, and can be laid before the Senate at any time.

Mr. REED of Pennsylvania. Then I give notice that at 2 o'clock to-morrow, or as soon thereafter as I can get recognition, I will ask that the amendments of the House be laid before the Senate.

Mr. BLACK. I move that the consideration of the House amendments relating to promotions in the Air Corps be deferred until the first legislative day after the Christmas holidays. I make that motion for this reason: The Senator from Arkansas [Mr. ROBINSON] is interested in the bill with reference to the Air Corps. He and I have conferred concerning it many times. I am very frank to state that if the bill comes up to-morrow at 2 o'clock, from the information I have received, the debate concerning it will last until Saturday night. It is not fair, in my judgment, that any effort should be made to have the bill disposed of in the absence of the Senator from Arkansas. For that reason I am making the motion.

No one can be delayed; no injury can occur. Conferees could not agree between now and the Christmas holidays, and if the plans go through as devised, in my judgment conferees would never agree. But, irrespective of that, it will lead to prolonged debate if an effort is made to have the House amendments come up in the absence of the Senator from Arkansas, who is interested in the matter. A motion for a conference is going to bring up the question of instructing the conferees.

It may bring up a contest as to who shall be the conferees. It will certainly bring up the question as to whether or not the amendments shall be referred to the Committee on Military Affairs for consideration in order that the conferees may be instructed in line with the majority of that committee. Therefore I make the motion that the consideration of the House amendments be postponed until the first legislative day after the Christmas holidays.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Arkansas [Mr. ROBINSON] desired that this matter should go over, I would, of course, be inclined to comply with his request; but he has made no such request, and I have no reason to think that it is his desire that it should go over. Therefore I make the point of order that the motion of the Senator from Alabama is not now in order.

Mr. BLACK. Why not?

The VICE PRESIDENT. The Chair overrules the point of order. The action of the House has been laid before the Senate.

Mr. REED of Pennsylvania. Then I make a motion that the Senate disagree to the amendments of the House, that it ask for a conference, and that the Chair appoint the conferees on the part of the Senate. In this connection I call attention to the fact that my motion is privileged and would come up before the motion of the Senator from Alabama.

Mr. BLACK. Mr. President, I ask for a ruling on that, because if the Chair holds that to be the rule I desire to submit another motion which is privileged over the motion made by the Senator from Pennsylvania.

The VICE PRESIDENT. The Chair rules that the motion of the Senator from Pensylvania has precedence over the motion of the Senator from Alabama.

Mr. BLACK. Then, Mr. President, I move that the amendments of the House be referred to the Committee on Military Affairs for consideration.

Mr. REED of Pennsylvania. I make the point of order that the motion which I made to refer to a committee of conference takes precedence over the motion of the Senator from Alabama.

The VICE PRESIDENT. The motion to refer to a committee of the Senate would take precedence over a motion to refer to a committee of conference.

Mr. REED of Pennsylvania. But the motion to refer to a committee of conference is a motion to refer to a joint committee and is privileged just as much as a motion to refer to the Committee on Military Affairs.

The VICE PRESIDENT. The Chair is informed that a motion to refer to a standing committee takes precedence over a motion to refer to a committee of conference. The Chair will state the parliamentary situation. It has been a matter of some study and this will perhaps save some debate.

The House amendment, under Rule VII, subdivision 7, is a privileged matter, and its consideration does not displace but simply suspends action on the unfinished business. For the purpose of amendment the House amendment is to be regarded as the original text. It contains several distinct propositions and may be divided as to same.

The following motions, which are debatable, may be made, taking precedence in the order named:

1. To refer same to a committee.
2. To amend same.
3. To disagree and ask conference.
4. To agree to House amendment.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Does the Chair hold that the motion of the Senator from Alabama to refer the amendments of the House to the Committee on Military Affairs is now the pending question?

The VICE PRESIDENT. That is correct. It is the pending question.

Mr. REED of Pennsylvania. I have no objection to the adoption of that motion.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Alabama to refer the amendments of the House to the Committee on Military Affairs.

The motion was agreed to.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. BORAH. Mr. President, I know the Senator in charge of the bill is very anxious to have a vote. It has been pending here for a long time and I have no desire to delay the vote, but unless I can be satisfied with reference to some of the legal propositions involved I shall vote against the bill. My purpose principally in rising at this time is to state the reasons. I do not discuss the economic or humanitarian questions involved. There is much to be said on both sides of these questions. But I am interested in the question of power. Believing that Congress has no power to pass such a law, I must vote against it, regardless of what my views on the economic and humanitarian aspects may be. The bill provides:

That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

My understanding of its legal effect, if it should become a law, would be this: If the State of Idaho were manufacturing goods in its prison and desired to ship them into the State of Oregon, and if the State of Oregon should enact a law prohibiting the transportation and sale of such goods within that State, Idaho would be denied the privilege of the protection of the interstate-commerce clause of the Constitution of the United States. I do not know where the line of demarcation is going to rest if we depart from the rule of the inherent defects of the goods which are being shipped.

The Supreme Court has held that where the goods themselves are of a deleterious nature, unwholesome or injurious to society, Congress may provide for the operation of the police power within the State when those goods arrive within the State. But it is not contended that there is an inherent defect in these goods. It is not contended that they are of an unwholesome nature. It is not contended that a person wearing a shirt manufactured in a prison would be any more affected than if he were wearing a shirt manufactured at Troy, N. Y. It is not contended that products raised upon a prison farm in Oregon would have any different effect upon the human system if they were eaten within the State of Idaho than if they came from a free farm. In other words, there is nothing in the product itself which makes it objectionable. It is because of the place where it was manufactured and those who manufactured it, and not in the defects of the product itself.

I do not know of any rule which hitherto has been established by the Supreme Court other than the rule set forth in what is known as the liquor cases, where the Congress released liquor to the operation of the police powers in the States; but that was because of the peculiar nature of the product itself, because it was deemed that that product was peculiarly dangerous to society unless controlled. It was not because of the place where the liquor was manufactured nor was it because of who manufactured it, but it was because of the nature of the product itself.

If we break down that rule, then what rule can we establish and where is the line of demarcation? Suppose we break down the rule as to the inherent nature of the goods, their unwholesome nature, and then suppose that Henry Ford is manufacturing cars in Detroit in an open shop, and the question is raised as to whether States which do not desire to have goods from an open shop distributed within their borders may enact laws controlling that proposition. May Congress say that Mr. Ford's cars are subject to the operation of the laws of that State or to the exclusion of the State if it sees fit?

I know of no rule that we can follow except the rule which has been laid down, and that is that the goods themselves must be of such nature as to be dangerous to society or unwholesome for society. Of course, no one will contend that, because the goods are made by prison labor, the goods themselves become in any way affected or tainted or injurious to society. No one can successfully contend that they come under the rule set forth in the Rahrer case, as it is called, because that is placed upon an entirely different principle.

One of the reasons, and the prime reason, for the organization of the Federal Union was to bring harmony out of the chaos which prevailed with reference to commerce between the States. The very object and purpose of the first meeting of the fathers was to see if they could so arrange matters that goods could be shipped from Pennsylvania into New Jersey, we will say, although New Jersey might object to the shipping. It was demoralization in commerce and in the business world which first brought them together. When they finally organized the Government and put their views into the Constitution, in order that the original idea might prevail they placed interstate commerce under the control of the Federal Government.

If my State is manufacturing goods, it has a right to enjoy the commerce of the entire Union. It enjoys the commerce of the entire Union because the Constitution places the control of it under the Federal Government. The State of Michigan may not discriminate and prohibit the goods of Idaho from coming into that State, and it may not, after they reach that State, embarrass their sale or distribution so as to make commerce ineffective. The reason why it may not do so is because that power which originally belonged to the State was taken away from the State and lodged in the National Government.

I ask the friends of the bill in all sincerity, if the rule which was laid down with reference to goods being defective is not the rule and we are to depart from it, then what is to hinder the Congress of the United States from consenting that any State may take out of interstate commerce anything that it desires to take out? We would place interstate commerce back under the jurisdiction and under the discretion of the States themselves.

If these goods were in transportation from one State to another, no one could tell by looking at the goods or by examining the goods or by using the goods whether they were made by convict labor or made by free labor. We would have to go some place exterior to the article itself and outside of the commodity itself to ascertain whether the defect existed, and when we ascertain the defect, we do not ascertain a defect as to the goods, but as to the individual who made them. We may just as well say that some manufacturer who is running an open shop should not have the benefit of interstate commerce under the protection of the Constitution of the United States.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. FESS. Is there any power to require the labeling of those goods as convict made? Where is that power?

Mr. BORAH. That proposition has been suggested to me within a few brief moments. I am not concluding myself upon this question, because I am speaking without much reflection upon it, but I think the National Congress might pass a bill which would require notice to individuals who were buying as to the goods. That might be possible; I do not know. But we could not, because they were labeled so and so, close to them the channels of interstate trade. They would have the right to pass in the channels of interstate trade. An individual might not see fit to buy them because they were manufactured there, but we could not deny another individual in the same State, who might be willing to purchase them, the right to buy them if he wished to do so. I do not think free labor ought to compete with convict labor, but there is a way to avoid it without doing violence to the Constitution and establishing a precedent the evil consequences of which may be very great.

Mr. FESS. If the Senator will permit me, I understand the status of the situation as explained by him to be that the State of Ohio is impotent to protect itself from goods made by prison labor and shipped into its borders on the ground that the goods are not deleterious, and secondly, that it is incompetent on the part of the Federal Government, through the Congress, to protect the State. What is our protection? Is it credible that we have no protection at all?

Mr. BORAH. The Senator lives in a glorious Union. He lives in a Union which is alike beneficial to every man, woman, and child in it, in whatever part he or she may live. Each individual has a right to enjoy the laws of the Union, a right to the protection of the Union, the benefits of the Union, whether it is in the State of Ohio or whether it is in the State of Idaho. Ohio can not isolate itself and shut itself off from the other

parts of the Union and exempt itself from the operation of the Constitution. That is true. That can not be done. The only way you could get isolation would be to refer back to the days when the fathers were encouraged to form the Constitution. Then the States could have done what the Senator is now trying to do.

Mr. FESS. The Senator will recognize that it leaves us in this position: That we can protect American labor against the competition of cheaper labor from the Old World, but we can not protect American labor from the cheaper prison-made goods produced within our own borders.

Mr. BORAH. What the Senator means to say is that we can not do what we wish to do in the State of Idaho; that is what he is trying to say. He is not dealing alone with Ohio, for when he says that the people of Idaho manufacturing a certain article shall not do business in Ohio, he is not only affecting the interests of his people but he is affecting the interests of the people of Idaho; and that, in my judgment, is what the Constitution of the United States says we can not do.

Mr. FESS. The logic of the Senator from Idaho is that the American people living in one State are wholly helpless to protect themselves either through their own legislature or through the Congress of the United States.

Mr. BORAH. They can protect themselves within the jurisdiction of their own State through their own legislature.

Mr. FESS. That is not our trouble. Our trouble is to protect ourselves from the States that are shipping prison goods into Ohio.

Mr. BORAH. Let me ask another question. I can not see any distinction; if the Senator can see a distinction, I would like to have it. Suppose that union labor in the State of Ohio should come to the conclusion that it did not want open-shop goods in the State of Ohio; and suppose union labor were strong enough and had molded public opinion sufficiently effectively to induce the Legislature of the State of Ohio to enact such a law; would the Senator then contend that the State of Ohio was helpless because it could not shut out goods which were made in an open shop? I am simply using that as an illustration. One of the great problems in the labor world is the open shop; here is a constitutional method by which the open-shop man may be put out of business if the doctrine now being promulgated is sound.

Mr. FESS. I do not concede for a moment that goods made in an open shop are on a parallel with goods made by prison labor.

Mr. BORAH. So far as the goods are concerned; what is the difference in the goods?

Mr. FESS. But we are dealing with transportation.

Mr. BORAH. I know, but the Senator is referring to a commodity in transportation. So far as the goods are concerned, what is the difference in the goods, whether made by a convict or by a man in an open shop?

Mr. FESS. There is no difference more than might be found in goods made by different institutions.

Mr. BORAH. Yes. Does the Senator think there is any difference between open-shop goods and convict-made goods?

Mr. FESS. So far as the goods are concerned. I do not mean the difference is in the goods; I mean the difference is in the effect that such commerce has upon free labor.

Mr. BORAH. Union labor takes the position that open-shop goods are quite as destructive.

Mr. FESS. I do not think that.

Mr. BORAH. I know the Senator does not, but union labor, so some union leaders contend, take the position that the open-shop goods are quite as destructive to fair wages and to the benefits which labor should have from its work as are prison-made goods.

Mr. FESS. I think not all union labor certainly thinks that.

Mr. BORAH. Well, suppose they should. I will ask the Senator to what extent are prison-made goods circulated in interstate commerce as compared with open-shop goods?

Mr. FESS. To a very small percentage.

Mr. BORAH. Yes; the percentage is very small.

Mr. FESS. But that does not change the principle.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I feel compelled to say a few words in justification of my vote in favor of this proposed legislation and of my conviction that it is entirely consistent with the Constitution.

There can be no doubt at all that before the Union was effected each of the 13 separate colonies had a perfect and absolute right to exclude all goods produced in any other colony. They, however, entered into the compact of the Union; and the right to exclude goods from another State must reside either in the various States where it was or it must have been conferred, in whole or in part, upon the Government of the United States. I think nobody can controvert that statement. It is not possible that that part of the power which existed in its plenitude in the colonies has gone out into thin air—has been dissipated in the ether. It resides solely within the States or it resides within the Government of the United States itself. It does not reside in the States. Everybody agrees that no State can legislate excluding goods of another State. It has been so determined repeatedly, and that not only with respect to goods entirely wholesome but with respect to goods that are regarded by the State as deleterious to the health and welfare of its people; at least such goods can not be excluded when they come in in the original package. So the power must reside somewhere; and if it resides anywhere it must reside in the Congress of the United States by virtue of the power given to it to regulate commerce between the various States. Therefore the entire power which prior to the adoption of the Constitution of the United States resided in the States now resides either in the States or in the Federal Government. Unquestionably it resides in the Federal Government. Then, it seems to me, the Federal Government may exclude from interstate commerce, passing from one State to another, such goods as it may see fit to exclude; and in this instance it does not exercise the plenitude of its power, but simply provides that prison-made goods shall not pass in interstate commerce practically into any State that forbids the passage of such goods into the State. So that the answer to the question addressed to the Senator from Idaho [Mr. BORAH] by the Senator from Ohio [Mr. FESS] is this: That his State can not exclude them, and so he must come to the Congress of the United States in order to exclude them; and that is what is being done here. The people of the States must have some place to go, either to their own legislatures or to the Congress, unless, indeed, there is some provision of the Constitution of the United States which prohibits the Congress from passing legislation of that kind; and if there is I do not know anything about it.

Mr. GOFF. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from West Virginia.

Mr. GOFF. I should like to ask the Senator to differentiate the child-labor decision from the conclusion which he has reached.

Mr. WALSH of Montana. The Senator's question is indeed pertinent. I was just going to speak about that and to say that this line of argument, I recognize, is not in all respects consistent with the decision in the child-labor case. The argument which I have advanced—and I have studied the briefs upon both sides of that case—apparently never was presented to the Supreme Court of the United States at all on either side and is not touched upon at all in the opinion of the Supreme Court in that case. But, regardless of that, the very well-considered opinion of a very eminent constitutional lawyer, Mr. Richberg, will be found in the RECORD—it was put in the RECORD the other day—in which he canvasses that particular question and shows that the Supreme Court must go further than they did in the child-labor case in order to condemn this legislation. I fully agree with the argument there made. In other words, it is forbidden by the law of the State of Ohio that goods of this character shall be sold in the State at all or sent into the State for use and consumption in the State, so far as the State can do so, and this legislation is simply to help out the State so that its own policy within its own borders shall be made effective.

Mr. BORAH. Mr. President, if the contention of the Senator from Ohio were true, we could have 48 different policies.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. And we would be back where we were when we started in 1787.

Mr. WALSH of Montana. The whole thing depends upon the legislation of Congress, and that is where the Constitution of the United States intended it should be; that in order to prevent the passage of goods from one State to another the determination should not rest in the particular State, but it should rest in the Congress of the United States, and all the States together should say whether they would prevent the passage of particular goods from one State to another.

Mr. GOFF and Mr. GLASS addressed the Chair.

Mr. GOFF. Mr. President, I think I was on my feet first, and I should like to ask the Senator a question.

Mr. WALSH of Montana. I yield first to the Senator from West Virginia.

Mr. GOFF. Does the Senator take into consideration that the Supreme Court, not only in the first but in the second child-labor case, had in mind the defective or inherently vicious

quality of the goods shipped in interstate commerce when it rendered those decisions and differentiated them from the Rahrer case?

Mr. WALSH of Montana. Yes; I had it in mind.

Mr. GOFF. I understood the Senator to state just the contrary a moment ago.

Mr. WALSH of Montana. No; I have it in mind that those decisions were justified upon the ground that there was no inherent unwholesomeness in the particular goods.

Mr. GOFF. Would not the Senator concede, according to his line of argument, that if one State said that no goods made in the night time should be sold within its borders because such sale would be contrary to its exercise of police power, the Congress, in order to recognize that exercise of police power by the State, could pass an act that would interdict the shipment of such goods in interstate commerce?

Mr. WALSH of Montana. I undertake to say that those who framed the Constitution intended to repose the matter in the good sense and in the discretion and the wisdom of the Congress of the United States, and if the Congress of the United States should be so lacking in good sense as to pass any such law, I do not know of any constitutional ground upon which it could be held invalid.

Mr. GOFF. Then, according to the Senator's argument, that means that the Congress of the United States has the power whenever it sees fit, in the exercise of an impartial legislative discretion, to delegate to any State of the Union a power resident in the Constitution of the United States.

Mr. WALSH of Montana. That is a different thing. There is no delegation at all; the Congress of the United States says that in the exercise of its own powers it destroys the inhibition of the Federal Government against the passage of these goods in interstate commerce.

Mr. GOFF. Is the Senator familiar—I assume, of course, he is—with the Knickerbocker Ice case, in which the Supreme Court of the United States held distinctly that Congress can not delegate to any of the States the exercise of the maritime power of the Federal Government.

Mr. WALSH of Montana. I do not regard that any power is delegated to any State in this instance.

Mr. GOFF. The Senator knows that the Supreme Court said in the child-labor case that to uphold the child-labor enactment would be in effect to delegate to the States the interstate-commerce clause of the Constitution.

Mr. WALSH of Montana. That is not the ground upon which they have based their decision.

Mr. GOFF. Oh, no; they based it upon the ground which the Senator from Idaho [Mr. BORAH] has clearly brought out.

Mr. GLASS. Mr. President——

Mr. WALSH of Montana. I now yield to the Senator from Virginia.

Mr. GLASS. I do not know anything about the decisions in any of these cases, but I should like to inquire if the power possessed by Congress to deal with interstate commerce is not derived from that provision of the Constitution which authorizes the Congress to regulate interstate commerce?

Mr. WALSH of Montana. It is.

Mr. GLASS. Does the Senator differentiate regulation from extinction? Does the Senator contend that it is within the power of Congress to prevent all interstate commerce?

Mr. WALSH of Montana. The question as to whether the right to regulate includes the right to prohibit has been the subject of repeated consideration by many of the courts. That argument was made in the Webb-Kenyon case, and it was made in the Rahrer case, that while Congress had the power to regulate the passage of intoxicating liquors from one State to another it had not the power to prohibit the passage; but the Supreme Court held otherwise.

Mr. GLASS. The Senator contends, then, that it is within the power of Congress entirely to prohibit interstate commerce?

Mr. WALSH of Montana. Yes; I should say that under the constitutional grant the Congress of the United States could absolutely say that no goods of any kind shall pass from one State to another.

Mr. GLASS. Then, perhaps, it would be well to amend the Constitution of the United States.

Mr. WALSH of Montana. There is no occasion for amending the Constitution of the United States, because nothing of that kind is at all likely to happen. There are a lot of things that the Congress of the United States could do that would practically destroy our existence; but it does not do them.

Mr. WATERMAN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Certainly.

Mr. WATERMAN. I should like to ask the Senator one question before he takes his seat. Does the Senator contend that the Congress of the United States, to which is delegated certain express powers, can abdicate any of those powers and turn them over to the States?

Mr. WALSH of Montana. No; I do not.

Mr. WATERMAN. Does the Senator contend that that can be done in interstate-commerce matters?

Mr. WALSH of Montana. No; I do not.

Before we conclude, however, I should like to ask the Senator from West Virginia [Mr. GOFF] a question, seeing that he has been so generous in questions addressed to me.

Mr. GOFF. I am always glad to have the Senator from Montana ask me questions. I always feel as pleased as I am honored.

Mr. WALSH of Montana. I should like to ask the Senator if he agrees with me that prior to the Constitution any State could exclude from its borders the products of any other State?

Mr. GOFF. I do not see that it can; no.

Mr. WALSH of Montana. No, no; if we had not any Constitution at all now, if we had 13 colonies, I want to know from the Senator whether any one of them could exclude from its borders the products of any other State?

Mr. GOFF. Oh, I suppose it could at that time; yes.

Mr. WALSH of Montana. Very well. Now, the 13 colonies get together. What has become of that power?

Mr. GOFF. That power is delegated under the tenth amendment to the Constitution of the United States; and what is not delegated is reserved to the people of the States.

Mr. WALSH of Montana. Was this power reserved to the people of the States, or was it delegated to the Congress?

Mr. GOFF. What was delegated to the Congress of the United States was merely the power to regulate, and also to prohibit interstate commerce in articles of an inherent viciousness, as the Supreme Court has said; otherwise you have the police power.

Mr. WALSH of Montana. The Senator is making his argument, and not answering my question.

Mr. GOFF. If the Senator will come back with another question, and in his other question show wherein I have not answered the first question he propounded, I will take that up.

Mr. WALSH of Montana. We start out with the proposition that each of the 13 colonies has the absolute right to exclude goods from another State.

Mr. GOFF. Exactly.

Mr. WALSH of Montana. Now, comes the Constitution. We have reached the conclusion that the State can not do it; it must let goods come in from another State.

Mr. GOFF. Exactly.

Mr. WALSH of Montana. What has become of the original power?

Mr. GOFF. The original power has been delegated to the Constitution of the United States to regulate commerce between the States not for the benefit of one individual State but for the benefit of the entire Union; and the founders of the Constitution knew, from the confusion that existed prior to its adoption, that the power to interdict commerce between the different States stood in the way of a union of the 13 States.

It was for that reason only that the power to regulate commerce, which the Supreme Court says permits prohibition in the case of inherently vicious things, was delegated to the Constitution of the United States and otherwise reserved to the States.

I do not see how you can have an exercise of the commerce clause of the Federal Constitution with respect to innocent matters, or pursuant to the whims of the different States, unless you invade by delegation the police power reserved to the States or to the people when the original Colonies delegated the regulation of interstate commerce to the Federal Constitution.

Mr. WALSH of Montana. Now, let me follow the argument of the Senator. It is that prior to the Constitution each Colony had the right to exclude from its borders all the products of another State—wholesome products as well as deleterious products. The States now have no power to exclude from their borders products coming from another State, either deleterious or wholesome, and the Congress of the United States has no power to prevent the passage in interstate commerce of any products of another State except the deleterious products. What has become of the original power to exclude from the commerce of the various States wholesome products?

Mr. GOFF. That power, if it exists, is in the States.

Mr. WALSH of Montana. But everybody agrees that the States can not do it.

Mr. GOFF. But the State only has the power not to receive the product after it comes into the State and becomes part of the State's commerce.

Mr. WALSH of Montana. Let us test the Senator. Suppose the State of Ohio passes a law prohibiting the importation into

that State of wheat from any other State. Would that be upheld as constitutional?

Mr. GOFF. No, sir.

Mr. WALSH of Montana. Certainly not. The State has no power to do anything of the kind.

Mr. GOFF. No; the State has no power, because there is nothing inherently vicious in it.

Mr. BORAH. Mr. President, suppose the Congress should undertake to give the State of Ohio that privilege. Could Congress do it?

Mr. WALSH of Montana. No; Congress could not give that power to the State. Congress must pass its own legislation.

Mr. BORAH. Exactly; but suppose the Congress should say with reference to wheat exactly what it is saying with reference to prison-made goods. Would it be constitutional?

Mr. WALSH of Montana. My judgment is that the power rests in the Congress of the United States to exclude from a State the products of any other State; and I can not escape the conclusion that because that power resided in the States before the Constitution was adopted, it still resides with the States—and nobody contends that it does—or it resides with the Congress of the United States, because I can not conceive that that power has gone up into nothingness.

Mr. BORAH. Mr. President, there is no difficulty in my conceiving that a power once existing may have been taken away by constitutional enactment.

Mr. WALSH of Montana. I have no difficulty at all about that.

Mr. BORAH. A power is not a disembodied spirit. We can extinguish it if we want to.

Mr. WALSH of Montana. My contention is, however, that it was given away to the Federal Government.

Mr. BORAH. Now let us consider a practical proposition, one which I submitted here a while ago. Suppose the Congress of the United States should pass a law applying to goods made in an open shop, the same rule that is applied in this bill, and that every State in the Union if it saw fit could pass a law against the sale and transportation and use of goods made in an open shop. Suppose Congress should pass a law, as it is sought to have it do here, approving of that. Would it be constitutional?

Mr. WALSH of Montana. When the Constitution of the United States reposed in the Congress the power to regulate commerce in order to overcome the chaos that existed at that time, when the different States legislated upon that matter and reposed it in the Congress, they rested in the good judgment and discretion of the Congress of the United States with respect to the matter; and we have to take the chances on foolish legislation being enacted by the Congress.

Mr. BORAH. Mr. President, in my judgment, that is precisely what the fathers did not do. They did not leave this matter wholly to the discretion of Congress. They undertook to provide that the regulation of interstate commerce should be done by the National Government—not abandoned or abdicated by the mere passage of a law which would leave each State to determine for itself what goods should come within that State. There is no escape from the conclusion that if we may pass this bill, which has no reference to the character of the goods and has no reference to the fact that they may be unwholesome, then we may apply it to anything that floats in the channels of interstate trade; and we might pass a law which would have so universal an effect as wholly to abdicate the duty which rests upon us under the Constitution of the United States. In other words, we are permitting the States to regulate commerce by assenting to the policies which they wish to pursue.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BARKLEY. Let us assume that no State had any law whatever on this subject, and that Congress were now attempting to say by law that goods of this sort can not pass from one State to another, not because there is a law in that State against their sale and distribution but because Congress in the exercise of its power to regulate commerce, says that this commerce shall not pass over any State line. Would the Senator say that the Congress did not have the power to do that?

Mr. BORAH. I have always felt, Mr. President, that the power to regulate was not the power to destroy; and that raises the exact question which was mentioned by the able Senator from Montana.

Mr. BARKLEY. But if the Congress did have the power to prevent its shipment from one State to another, regardless of any State law on the subject, does the passage of a State law on the subject deprive Congress of the power which it might inherently possess?

Mr. BORAH. Certainly not; but I did not answer the Senator that they had that power. I say it raises the question of whether the power to regulate includes the power to destroy; and I do not think it does include the power to destroy.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. BORAH. I yield.

Mr. FESS. Back in 1809, when Jefferson authorized the embargo acts, that question was raised—that under the power to regulate commerce an embargo, which is a destruction of commerce, could not be laid. Do we not frequently lay an embargo?

Mr. BORAH. There has been a distinction drawn between foreign commerce and interstate commerce. In that instance they were dealing with foreign commerce and in time of threatened war, and the court invoked what they called a sovereign power of the Government aside from the constitutional power. If I may be permitted to say so, I do not assert that the court was correct. I do not think we have any power at all except what is found in the Constitution.

Mr. FESS. The question I raised was stimulated by the Senator's statement that the power to regulate does not extend to the power to destroy. In the case of an embargo it does extend to that power.

Mr. BORAH. Mr. President, we must concede that the very object of the interstate-commerce clause was to give us uniformity of commercial interstate trade. That must be conceded. Every argument and the entire discussion shows that the fathers had in mind the compelling of uniformity throughout the United States with reference to interstate commerce. I undertake to say that if this law is constitutional you have utterly destroyed the uniformity, except as that uniformity might be agreed upon by the States themselves; and that is what the fathers intended should not be. Under this proposed law you will have four or five or six States which are in favor of it; you will have five or six which are against it. In other words, you will have destroyed the very uniformity which it was the object and purpose of the interstate-commerce clause to accomplish.

Mr. FESS. The Senator does not mean by that statement that every State is to be like every other State, and all the commerce in one State is to be just the same as the commerce in other States?

Mr. BORAH. Certainly not necessarily to be like it; but if you are going to have uniformity in interstate commerce, each State can not declare its own policy with reference to interstate commerce.

Mr. FESS. That is the point exactly; and we are not attempting to declare it as a State. We are trying to do it here as a Federal Government, making it by Congress, so that it will be uniform except as modified by the situation in a State that differs from the situation in another State.

Mr. BORAH. We do not do anything here that is effective in the way of excluding these products from interstate commerce. We give the State of Ohio the power to do it.

Mr. FESS. Does the Senator mean that we have here a situation as to which both the States and the Federal Government are hopelessly impotent and they can not meet it? Is there a situation as to which there is no power anywhere to correct it or to give relief? Is that the Senator's position?

Mr. BORAH. Yes; that is just exactly my position—that you can not get relief in this way, by leaving to each State to determine for itself what its policy shall be with reference to these goods.

Mr. FESS. How can we get it?

Mr. BORAH. Suppose the Senator lived in a State that was less devoted to protection than his State is; that it wanted free trade, and it did not want any goods to come within the State that came under the doctrine of protection. Would Congress have the right to say that the State of Ohio might exclude the policy of protection within its borders?

Mr. FESS. I do not think so.

Mr. BORAH. No; I do not, either.

Mr. BARKLEY. Mr. President, if the Senator will yield, that would be in violation of the provision of the Constitution which says that all taxes levied in the United States must be uniform throughout the United States; and protection being under the form of taxation, such an attempt would violate the specific provision. There is, however, no provision of the Constitution that requires commerce to be uniform throughout the United States.

Mr. BORAH. I think there is.

Mr. BARKLEY. Where is it?

Mr. BORAH. I think it is just as implicit in the commeree clause as if it were written in there. Let us take something, then, aside from the protective proposition. I want to ask the Senator from Ohio again, if his State were opposed to goods made in an open shop, does he think that the Congress could give the State of Ohio the power to exclude them?

Mr. FESS. No; I do not, Mr. President. That is an entirely different thing.

Mr. BORAH. It is different because those interested in the Senator's State have not yet made the fight on that.

Mr. FESS. It is not that at all. It is fundamentally different. The one has to do with competition between free labor and prison labor. That certainly is not comparable to goods made in a closed shop in contrast with goods made in an open shop. The principles are not similar at all.

Mr. KING. Mr. President, will the Senator permit me to ask him a question?

Mr. FESS. Yes.

Mr. KING. The Senator says it is not comparable. It seems to me it is only a question of degree. Will the Senator permit me to propound an inquiry? Suppose two States are engaged in the production of sugar beets and the manufacture of sugar therefrom; that in one State Mexican labor is employed for such purpose, but an adjoining State does not employ Mexican labor, or at least employs only an inconsequential amount; that the former State can not compete and is jealous of the latter State's success in the manufacture of sugar and it passes a law prohibiting, in its own State, the production of beet sugar if Mexican labor is employed. Could Congress, yielding to the importunities of the latter State, pass a law interdicting transmission in interstate commerce of sugar produced by Mexican labor, no matter how good it was?

Mr. FESS. Mr. President, the question that is in my mind I think is in the minds of all Senators here. Here is an institution that is making goods, which go on the open market, by prison labor, which has been produced in a sovereign State as not conducive to the welfare not only of the State but of the labor in the State. The State itself is not competent to deal with it. Is it credible that there is not any power in the Federal Government to meet that situation? The Senator is using a hypothetical case. I am using a concrete case. I want to know whether there is no power on earth or in heaven which would enable us to deal with the question of prison-made goods, which the State has pronounced unlawful?

Mr. KING. The Senator did not answer my question. Let me suggest this to him: Does the Senator think that it is credible—I do not remember whether he used the word "creditable" or "credible"——

Mr. FESS. Credible; believable.

Mr. KING. In some of the States engaged in the production of beet sugar there may be Mexican labor, or Spanish labor, or Belgian labor; in the Senator's own State there is some Belgian and Mexican labor, as I recall the testimony before the Inmigration Committee. Is it "credible" that if the State of Ohio, using this class of labor, should come into competition with the State of Nebraska, which is producing sugar and does not employ such labor, or any cheap labor, and Nebraska should pass a law prohibiting the production of sugar in the State of Nebraska where that character of labor is employed, Congress could pass a law prohibiting the transportation in interstate commerce of sugar produced in Ohio by labor of the kind described?

Mr. FESS. There ought to be some power somewhere lodged to meet a situation like that. The Senator mentions Ohio employing Belgian labor. That is the first information of that fact I have; I know nothing of that; but that does not change the illustration. The illustration the Senator gives raises a question and there should be a power somewhere to deal with it. The Senator evidently believes that there is no power anywhere, that the people of the United States are helpless, that they can not make laws to deal with their own welfare.

Mr. KING. Mr. President, the Senator must not put words into my mouth. I expressed no opinion; I am just trying to follow the ratiocinations of the Senator's mind.

Mr. FESS. That is difficult, evidently, for the Senator to do.

Mr. KING. I know it is.

Mr. HAWES. Mr. President, the proponents of this legislation have carefully avoided occupying much time in the Senate, because it is their desire to bring this bill to a vote and a decision, and for the further reason that the friends of the measure did not want to obstruct the consideration of other bills.

Regarding the constitutionality of the bill, may I be permitted to say to the Senate that long hearings were held on the House side and upon the Senate side. Briefs were filed and arguments were made, and the whole question was gone into exhaustively.

We have had some questions propounded here within the last half hour suggesting that if a State did this, would this law cover such an act of the State? In the first place, it could not affect any act unless that act were a constitutional act, and the constitutionality would ultimately find its decision before our highest tribunal.

Believing that if there is an open constitutional question the proper place for a decision in that matter is the Supreme Court of the United States, the proponents of this bill—and I believe they are many more than a majority; in fact, I am quite sure there is two-thirds majority in the Senate—would leave that question to the Supreme Court, and have not gone into it. However, we have submitted in the RECORD briefs as to the constitutionality of this bill.

Mr. President, on the first of January 33 States of the Union will have their legislatures in session. This bill, if it is passed, will be of great interest to those legislatures, and they ought to have notice as quickly as possible that the Congress of the United States has taken cognizance of the subject and have their attention directed to it. For that reason alone there should be no further delay in the consideration of the bill.

I can not resist the temptation, however, to call attention to one enactment, the Lacey Act. The Lacey Act became necessary because the sportsmen of the country desired to protect quail and fur-bearing animals. They could not succeed because the market hunters filled the markets of the States with quail, if you please, from the then territory of Oklahoma, so the Lacey Act was passed, not because of the character of quail but to protect the markets in the States.

It was my pleasure to introduce in the House what was called the black bass bill, to make it possible for the States to protect that wonderful game fish. So we passed a law there—and I think most of the Senators voted for it in this body—prohibiting the interstate shipment of black bass for commercial purposes. Without that law the will of some 31 States in the Union would have been set aside, because the market hunter there again could put the black bass on the market, and they could not be separated from the domestic bass.

This bill does not rest upon the child-labor decisions. What I desire to do now is to appeal to Senators for a vote on this bill to-night.

Mr. SHORTRIDGE. Some of us want to say just a word before it is voted upon, if the Senator will permit.

Mr. HAWES. The bill has been before the Senate since the 22d of February, and those interested in it have remained quiet on both sides of the Chamber. There are many here ready to speak for the bill, but they have refrained from doing so, leaving much—in fact all—of the discussion to the opponents of the bill, with the hope that we might arrive at a decision to-day.

Mr. SHORTRIDGE. Mr. President, I assume that many Senators—perhaps all—have arrived at a conclusion satisfactory to themselves, respectively, as to the constitutionality of this bill, and I do not rise at this late hour with any self-assurance that I can disturb the conclusions they have reached. But this is said to be a deliberative body. Sometimes we exalt ourselves by saying we are the most and greatest deliberative body in the world. However that may be, I request the Senate to deliberate a moment longer and permit me to refer to one or two propositions involved in the legal discussion.

Whilst the learned and thoughtful Senator from West Virginia [Mr. GOFF] was making his argument holding that the proposed law would be unconstitutional, a plain violation of the Constitution, and directly in the face of and offending the clear decisions of the Supreme Court of the United States in the two child-labor decisions, I had the temerity to rise and question him as to the origin of the power of Congress to deal with commerce. He had, it is true, quoted a certain section of the Constitution as the origin or source of that power, but I ventured to invite further attention to the specific words of that section. I call those words to the attention of all Senators again. Section 8 of Article I reads, in part:

> The Congress shall have power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes.

It is not necessary to make a display of acquaintance with the history of our country. I assume that every Senator is familiar with the conditions existing under the Articles of Confederation, and entirely familiar with the reasons which induced the thirteen Colonies, represented yonder in Philadelphia, to frame this document and to submit it to the people for ratification.

Senators have, however, very properly called attention to the fact that each and every one of those 13 States—for such they were, States, though sometimes called Colonies—had the sovereign power to regulate, to exclude, or prohibit interstate and foreign commerce. That was a condition which brought and might bring about much ill feeling, a condition of things not to

be endured longer than absolutely necessary, a condition of things to be done away with as soon as possible.

Just tribute has been paid to the fathers, the great men who sat in that historic Convention Hall in Philadelphia. They were, indeed, great men, far-seeing men, and they saw and realized the then condition of things in respect of commerce between or among the 13 States. What did they do? They took from each of those States the power over that subject matter. The question I put a while ago seemed to call for definite answer. That question was, What was the extent of that power, the power inherent in the States which was delegated to the Congress? Was it a limited power or was it all comprehensive? The learned Senator from Montana [Mr. WALSH] grasped the purport of my question perhaps not originally suggested by me. He expressed himself very clearly to the effect that the power to deal with this subject matter, namely, commerce between or among the States, was delegated to Congress. I renew the question: What power was delegated? I answer, the power to regulate commerce among the different States. To what body was that power delegated? It was delegated to the Congress, made up of the two Houses.

Is there any limitation upon that delegation of power? Is there any word in the paragraph or section quoted which indicates that the framers of the Constitution, or the people who ratified it, reserved or intended to reserve any of that power in the individual State? I submit that it was an all comprehensive, full delegation of power to regulate this subject matter of commerce and to regulate it in such way or to such extent as Congress in its wisdom might deem wise and for the welfare of the Union.

The answer to my question is found in the express words which I have quoted. It is a power, first, to regulate commerce as between this country, the United States of America, and any or all foreign countries. The Congress has that power, delegated explicitly, not impliedly, not vaguely, not by indirection, not by silence, but affirmatively, specifically delegated. Does any one now question our power to regulate commerce between citizens of the United States and foreign countries?

Mr. KING. Mr. President, will the Senator from California permit an inquiry?

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. SHORTRIDGE. With pleasure.

Mr. KING. Does not the Senator go too far and claim too much for the grant of authority contained in the constitutional provisions to which he just referred? If I interpret the Senator's view correctly, it is that there is unlimited authority upon the part of the Government to interdict all interstate commerce; so that if Congress were so "unwise," using the expression of the Senator from Montana [Mr. WALSH], as to pass a law of the character just indicated, it would have the power. I am speaking now only of power and not of policy. I do not think the power to regulate commerce is quite as broad as the Senator indicates. I can not think that the fathers intended to commit to the Federal Government unlimited authority for Congress to prohibit all interstate commerce and all intercourse between the States.

Mr. GOFF. Mr. President, with the Senator's permission, I want to ask the Senator from Utah a question.

Mr. KING. I am interrupting the Senator from California.

Mr. SHORTRIDGE. I am glad to yield to the Senator from West Virginia.

Mr. GOFF. I have asked the Senator's permission to propound this question to the Senator from Utah. Then, is it not the Senator's conclusion that the fathers did not delegate to the Federal Government the power to confuse and confound the commerce of the United States?

Mr. KING. I shall not attempt to determine just what the words "confuse and confound" mean as expressed by the Senator. I confess that I am impressed by the argument made by the Senator from Montana [Mr. WALSH]. The power did exist in the thirteen colonies to prohibit imports. The Senator from Montana contends that when the Constitution was formed, that powed did not evaporate—to use his expression. It still exists and is found somewhere. Where does it exist? If it has not evaporated, it must exist either in the States or in the Federal Government, or in both. I confess that the decisions of the courts leave considerable confusion and have developed dubiety in my mind as to just exactly what the power of Congress is. But I feel certain that the framers of the Constitution did not intend to give to the Federal Government complete and unrestricted authority to absolutely prohibit intercourse between the States.

Mr. BORAH. Mr. President, may I ask the Senator from Utah a question?

Mr. SHORTRIDGE. I am pleased to yield to the Senator from Idaho.

Mr. KING. Not having the floor in my own right, I do not want to be drawn into this debate.

Mr. BORAH. Before the adoption of the Constitution did not the States have the power to prevent individuals going into a State if they did not want them?

Mr. KING. Yes.

Mr. BORAH. They can not do it now.

Mr. KING. No.

Mr. BORAH. Neither can the Federal Government do it.

Mr. SHORTRIDGE. That is not commerce. The coming or going of men from State to State could scarcely be denominated commerce.

Mr. BORAH. I know it is not; but we are speaking about the power. The power existed once in the States, but it does not exist there now. Neither does it exist in the Federal Government. I presume it has gone into ether.

Mr. KING. I shall permit the Senator to contend with my friend the Senator from Montana [Mr. WALSH] as to the question of ether.

Mr. SHORTRIDGE. Mr. President, what I am endeavoring to make perhaps a little more emphatic is that the States, by and through the Constitution and their act of ratifying it, delegated some power to do some things. They undertook to delegate that power by or through the use of very simple, plain, understandable English words. They said that the Congress, the Nation speaking through the Congress, should have the power to regulate commerce with foreign nations. This morning I called attention to the fact that the tariff act of 1922, by section 307, excludes from the United States foreign convict-manufactured goods. I venture to inquire whether that was a valid law. If Congress had the power or has the power under this section of the Constitution, in and about the regulation of foreign commerce, to exclude foreign convict-made goods, then I follow by inquiring what is the power of Congress in respect of commerce among the States of the Union?

I do not wish to appear dogmatic, but permit me to say that I am somewhat familiar with the child-labor decisions and the others cited; but this is what I now submit: If Congress has the power to exclude foreign goods made by convict labor, it has the same power to deal with convict-made goods as they may pass or seek to pass from State to State. I am not alarmed over the consequences if that power exists, for I will remind my learned friend, the distinguished and honorable Senator from Idaho [Mr. BORAH], that the framers of the Constitution had confidence in the Congresses which were to be brought into being under the instrument they were framing. They had faith. They had confidence. They realized full well that the people were called upon to surrender great powers and to delegate to Congress those great powers which might be abused; but they thought they were escaping from great dangers, curing great evils, and they knowingly made the delegation of their powers over international and interstate commerce and with the Indian tribes. Mr. President, we are inquiring as to the power of Congress. That power may be abused, may be unwisely exercised. But whether it is abused or unwisely exercised or not does not answer the question as to the extent of the power.

Under the child-labor decision, as of then, it seemed necessary to propose an amendment to the Constitution giving to Congress the power which those decisions held it did not possess. But I do not think that the court's attention was called to a situation which now confronts us and, with great deference, I do not think the court's attention was called to the all-comprehensive and unlimited power of Congress to deal with trade or commerce as between this country and foreign nations, or as among the States, or as with the Indian tribes.

Now, I wish to put a question to the Senate which may not be necessary to be answered. Suppose the State of California wished to trade with certain Indian tribes, selling certain kinds of goods under certain terms and conditions. Suppose the State of Idaho desired to trade with certain Indian tribes or suppose any State desired to trade with Indian tribes. Would Congress have the power, or has Congress the power, to enact some general law in respect of trade or commerce with the Indian tribes? Of course, Congress has that power—and, of course, if Congress exercised that power and enacted such a law—that law would be valid, the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding."

I do not know whether that question has ever been put, answered or decided, but as for me I answer at once I think that Congress has the power to pass a general law binding upon the citizens of every State in regard to or in respect of trade with the Indian tribes.

Mr. GOFF. Mr. President, will the Senator from California yield to me in order that I may make an answer to that question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from West Virginia?

Mr. SHORTRIDGE. Yes.

Mr. GOFF. I think the Senator's question illustrates the inherent defectiveness of the argument of those who are advocating this bill, in this: The Indian tribes are the wards of the United States Government; the Senate and House of Representatives would possess the same power in regulating commerce between the States and the Indian tribes that a guardian would have over a ward, and it would be a very different and a very restrictive power as compared with the regulation of interstate commerce between the States.

Mr. SHORTRIDGE. Now, will the Senator from West Virginia be good enough to answer me this question?

Mr. GOFF. Of course, I will.

Mr. SHORTRIDGE. Where does Congress get the power to regulate commerce with the Indian tribes?

Mr. GOFF. It gets it from the Constitution.

Mr. SHORTRIDGE. Where does it get the power to regulate commerce with foreign nations?

Mr. GOFF. It gets it from the Constitution, of course.

Mr. SHORTRIDGE. Where does it get the power to regulate commerce as between the States?

Mr. GOFF. It gets it from the same place.

Mr. SHORTRIDGE. All right. Is there any limitation set down in the language of the Constitution which differentiates the extent of the power, whether it be in respect to foreign commerce, or commerce among the States, or commerce with Indian tribes? Has a State the power to make a general law in respect of commerce with Indian tribes? I imagine the Senator would answer "no."

Mr. GOFF. Of course, it has not. Does the Senator want me to answer further now?

Mr. SHORTRIDGE. Let me proceed for a moment. No State has the power to enact a law in respect to trade with Indian tribes; no State has the power to enact a law with respect to trade among the States; and no State has the power to enact a law with respect to commerce with foreign nations. Why? Because all that power was delegated to the Congress; and that power is an existing power, which may be wisely or unwisely exercised.

Mr. CARAWAY. Mr. President, may I ask the Senator from California a question?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. I should like to be able to agree with the Senator, and I should like to support the bill, but is there not a world of difference between the power to regulate and the power to restrict? They mean absolutely two different things. If we prohibit, there is nothing to regulate. There must be transactions going on if there be regulation. The writers of the Constitution evidently knew the difference between the meaning of "regulate" and "prohibit." I should like for the Senator to explain that. There can be no regulation where there is no commerce. If there is prohibition there is no regulation.

Mr. SHORTRIDGE. Commerce, of course, does not depend upon one article or the dealing in one article.

Mr. CARAWAY. I am aware of that fact, but if Congress may prohibit one article it may prohibit every article. The Senator from California will agree with me as to that?

Mr. SHORTRIDGE. I will.

Mr. CARAWAY. So, therefore, if we shall exercise the right to prohibit, there will be nothing to regulate, and, therefore, the framers of the Constitution did not have in view prohibition when they spoke of regulation because there must be some interchange in order that there may be regulation; and if the power were delegated actually to prohibit, I wonder if it would not have been wiser to use the term "regulate or prohibit"?

Mr. SHORTRIDGE. I thank the Senator for the questions.

Mr. CARAWAY. These questions have bothered me, though they may be perfectly plain to other Senators.

Mr. SHORTRIDGE. They set in motion a long train of thought, but I submit to the learning of the Senate that we are looking now for power to do a particular thing. For the moment I am not discussing whether it is wise to exercise the power or not.

Mr. CARAWAY. I understand that; but, if the Senator will pardon me for just a moment further, if there is no power to prohibit we have to get that power out of the word "regulate," do we not?

Mr. SHORTRIDGE. Yes; I suppose so.

Mr. CARAWAY. It has to be derived from that power?

Mr. SHORTRIDGE. Yes; I think so.

Mr. CARAWAY. I am frank to say that I am not arguing with the Senator; I am merely seeking information. It may be that the power to prohibit may be derived from the power to regulate; the power to prohibit, growing out of the power to regulate. I am merely trying to find out the Senator's view, because if he is correct the power to strike down all commerce exists in the power to regulate, and there could not be a single article passed from one State to another if Congress saw fit to exercise the power to regulate commerce in the way of striking it down.

Mr. SHORTRIDGE. Mr. President, I do not hesitate to express the opinion that when the people framed and ratified this instrument, giving power to Congress to regulate commerce as between us and foreign nations, as among the States, and with Indian tribes, they by that act divested themselves severally of all power in the premises and vested it wholly in the Congress, trusting that the Congress would exercise that power wisely—not do a foolish or suicidal thing.

Mr. CARAWAY. May I suggest further——

Mr. SHORTRIDGE. If the Senator will pardon me, my answer to his question is that I do claim that, under this delegation of power and under the guise of regulating commerce, Congress can prohibit importations from abroad or the sending of certain goods from State to State.

Mr. CARAWAY. The belief then—and I am not contradicting the view of the Senator; I am merely trying to get the Senator's idea—his belief is that the States delegated and intended to delegate to Congress the right actually to prohibit any commerce among the various States. I am not saying the Senator is not right, but——

Mr. SHORTRIDGE. Mr. President——

Mr. CARAWAY. If the Senator will pardon me, I will not interrupt him again—I had thought there was nothing in the Constitution to indicate that the people had no jealousy of the rights Congress might assert or of the influence and control the Federal Government might try to exert. I thought it was exactly the other way; that they undertook to say to Congress, "You can do this thing and nothing else." Unless the power was specifically granted it was by implication reserved. I thought they guarded very jealously the assumption of authority by the Federal Government.

Mr. SHORTRIDGE. Mr. President, I call the attention of the Senator to paragraph 18 of section 8 of Article I of the Constitution which reads:

> The Congress shall have power * * *
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof.

Here is a most comprehensive delegation of power, a power which has many times been exercised—the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." And the courts have repeatedly held that it is within the jurisdiction of Congress to determine what law or laws are "necessary and proper" to carry into effect a delegated power.

Mr. BLEASE. Mr. President, will the Senator permit me to ask him a question?

Mr. SHORTRIDGE. Certainly.

Mr. BLEASE. If the Congress of the United States can constitutionally enact this measure prohibiting prison-made goods from being sold in interstate commerce, what would prevent Congress from enacting a law prohibiting the sale of goods made by foreign labor? For instance, in some sections of the country the immigration laws are violated openly and flagrantly by bringing laborers across the border. Such laborers produce crops which are sent all over this country, and as soon as the crops are made the violation of the immigration law is endeavored to be remedied by sending the foreigners back home. If Congress can enact a law prohibiting the selling of convict-made goods or the shipping of convict-made goods, why can it not enact a law prohibiting the sale of commodities produced and manufactured with the help of foreign labor?

Mr. SHORTRIDGE. We can do so, in my judgment; and the law would be perfectly valid.

Mr. BLEASE. I am very glad to hear the Senator from California make that admission, because it may be very important on a bill now pending on the calendar.

Mr. SHORTRIDGE. My views may not be fully known to the Senator, but I claim that we have exercised that very power in the section quoted in the tariff act of 1922. We have now excluded, prohibited, cut off all commerce with foreign nations of goods made by convict labor, and if we have the power to do that, I submit we have the same or equal power in respect of convict-made goods made in any State, namely, the power

to regulate, if necessary prohibit, commerce with those goods among the States of the Union.

Mr. REED of Missouri. Mr. President, before the Senator takes his seat I should like to ask him a question. By asking the question I do not want to be understood as taking a position on this bill, but I am interested in knowing how the Senator distinguishes between the pending legislation and the child-labor legislation under the decisions of the Supreme Court. I should like to have the Senator's views; I am not prepared to enter into any discussion at all.

Mr. SHORTRIDGE. I have stated briefly that I thought the cases, or the child labor laws and this proposed law, were entirely different. I took the liberty of saying that I was more or less familiar with those two decisions, because, in the light of them, as the Senator may recall, I offered an amendment to the Constitution giving to the States the power which those decisions said the States did not possess. I think in this instance, if this bill should pass and become a law and a case should be carried to the Supreme Court where its constitutionality should be involved, that the case need not turn upon the quality of the goods but upon economic considerations, social considerations, penological considerations, or other considerations than the character of the goods involved in the interstate commerce; indeed, I do not think that is the only ground upon which the case might be decided. I do not think in passing on the constitutionality of this measure we are limited to the consideration of the mere quality of the goods in question. In other words, if this bill is passed and its constitutionality should be drawn in question, a court will not be concerned with its wisdom but will inquire as to the power of Congress; if we have the power to enact the law it is not for a court to say whether that law is wise or foolish.

Mr. REED of Missouri. Mr. President, may I ask the Senator if there were not other considerations than the mere quality of the goods in the child-labor case? I repeat that I do not desire to debate this question at this time; I am not prepared to debate it; but it was claimed in the child-labor case that these laws were passed prohibiting the shipment in interstate commerce of goods made by children because they protected the health of the citizen; that they found their reason in the health, the morals, and the welfare of the children of the land. The case did not turn on the question of whether the goods were as excellent goods as those made elsewhere, or whether the goods were fit to be used; but, as I recall, it turned upon the right and power of the Federal Government to employ the interstate-commerce clause for other reasons than merely regulating commerce, for the purpose of going into a State and regulating the condition of its inhabitants.

That is not a very accurate statement, but I think it expresses the thought. I recall that the opinion states that if this power could be extended as claimed, it could be extended so as very largely to control all the affairs of the people. That, again, is not the language, but that is the thought as I recollect it. I have not read the decision for a long time. Was there not just as much chance to decide that case upon other points than the quality of the goods as there is this case?

Mr. SHORTRIDGE. Yes, Mr. President. Many a good case, many a just cause, has been lost for lack of adequate presentation. In the cases referred to, the Senator will recall that the decision of the court was as by 5 to 4; and, with the utmost respect for that great tribunal, there are many who think that the four dissenting judges laid down the proper rule; but we bow, of course, to the decision of the court in those cases.

Mr. REED of Missouri. And the Senator thinks that that decision might be overruled in another case?

Mr. SHORTRIDGE. I certainly do—but I hasten to add that I do not think it necessary to overrule those decisions in order to uphold this proposed law.

Mr. REED of Missouri. Of course, at the present time it is like some other 5-to-4 decisions; they have brought about some very drastic results in this country.

Mr. GOFF. Mr. President, the Senator will also concede that if there is a minority side to the vote on this bill, it is as right as the minority opinion of the Supreme Court?

Mr. SHORTRIDGE. Yes; minorities are sometimes right.

Finally, Mr. President, I desire to apologize for delaying the vote. I did not intend to trespass at all upon the time of the Senate; but I have not yet heard any answer or attempted answer to certain questions I took the liberty of propounding. Be it so; so far as I am concerned, the Senate may proceed to vote.

Mr. GOFF. Mr. President, it is not my desire to continue this argument any further. I have taken up now too much of the time of the Senate in discussing all of these questions. I answered in the debate earlier in the day the questions propounded by the distinguished Senator from California [Mr. SHORTRIDGE], who has asked them a second time. I shall not reply to them further.

I now move, Mr. President, the immediate consideration of the motion which I made before I commenced the argument in this matter and ask for its disposal.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. What is the motion?

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

Mr. SHORTRIDGE. I raise the point of order that the motion is out of order.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SHORTRIDGE. I take it that the Chair has overruled the point of order?

The PRESIDING OFFICER. The Chair recognized the Senator from South Carolina.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Steck
Barkley	Fletcher	McKellar	Steiwer
Bingham	Frazier	McLean	Stephens
Black	George	McNary	Swanson
Blaine	Gerry	Moses	Thomas, Idaho
Blease	Glass	Neely	Thomas, Okla.
Borah	Glenn	Norris	Trammell
Brookhart	Goff	Nye	Tydings
Broussard	Gould	Oddie	Tyson
Bruce	Hale	Pittman	Vandenberg
Burton	Harris	Reed, Pa.	Wagner
Capper	Harrison	Robinson, Ind.	Walsh, Mass.
Caraway	Hawes	Sackett	Walsh, Mont.
Copeland	Hayden	Schall	Warren
Couzens	Heflin	Sheppard	Waterman
Curtis	Johnson	Shipstead	Watson
Deneen	Jones	Shortridge	Wheeler
Dill	Kendrick	Simmons	
Edge	Keyes	Smith	
Edwards	King	Smoot	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. GOFF. I now renew the motion which I made just prior to the roll call.

Mr. SACKETT. On that I ask for the yeas and nays.

The VICE PRESIDENT. Will the Senator state his motion?

Mr. GOFF. It is the motion which I understand the clerks have upon the desk, which I made prior to beginning my argument—that this bill be referred to the Committee on the Judiciary with a request that it consider its constitutionality and report to the Senate not later than Monday, January 7, 1929.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia. On that motion the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent; but I am permitted to vote on this question, and I vote "nay."

Mr. GEORGE (when his name was called). Upon this matter I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote. If the senior Senator from Colorado were present, he would vote "yea" on this motion, and if I were permitted to vote I would vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from New Mexico [Mr. BRATTON].

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from Delaware [Mr. BAYARD].

I also desire to announce that the junior Senator from Delaware [Mr. HASTINGS] is detained from the Senate on official business.

Mr. SHEPPARD. My colleague [Mr. MAYFIELD] is unavoidably detained. If he were here, he would vote "nay" on this motion, and he would vote "yea" on the final passage of the bill.

The result was announced—yeas 13, nays 62, as follows:

YEAS—13

Bingham	Goff	Reed, Pa.	Waterman
Blease	Keyes	Smith	
Borah	McLean	Smoot	
Bruce	Moses	Thomas, Idaho	

NAYS—62

Ashurst	Brookhart	Caraway	Deneen
Barkley	Broussard	Copeland	Dill
Black	Burton	Couzens	Edge
Blaine	Capper	Curtis	Edwards

Fess	Heflin	Pittman	Thomas, Okla.
Fletcher	Johnson	Robinson, Ind.	Trammell
Frazier	Jones	Sackett	Tydings
Gerry	Kendrick	Schall	Tyson
Glass	King	Sheppard	Vandenberg
Glenn	La Follette	Shipstead	Wagner
Gould	McKellar	Shortridge	Walsh, Mass.
Hale	McNary	Simmons	Walsh, Mont.
Harris	Neely	Steck	Watson
Harrison	Norris	Steiwer	Wheeler
Hawes	Nye	Stephens	
Hayden	Oddie	Swanson	

NOT VOTING—20

Bayard	Greene	Mayfield	Pine
Bratton	Hastings	Metcalf	Ransdell
Dale	Howell	Norbeck	Reed, Mo.
George	Larrazolo	Overman	Robinson, Ark.
Gillett	McMaster	Phipps	Warren

So Mr. GOFF's motion was rejected.

Mr. BINGHAM. Mr. President, I should like to debate the bill, but the hour is late, and there are other matters which are pressing. I understand the Senator from Missouri has an amendment which he is about to offer. I shall therefore only ask unanimous consent that a telegram and a statement from the wardens of many State penitentiaries be printed in the RECORD, to show their opinion of the effect of this legislation.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegram and statement were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *December 12, 1928.*

Senator HIRAM BINGHAM,

Senate Office Building, Washington, D. C.:

The Wardens' Association of America, meeting with the American Prison Congress at Kansas City, Mo., in October, 1928, unanimously adopted the following resolution:

"Resolution

"Whereas idleness in penal institutions is destructive of the physical, mental, moral, and spiritual welfare of their inmates; and

"Whereas productive labor under normal sanitary working conditions in penal institutions is a controlling factor in prison reformation, discipline, and order; and

"Whereas there have been introduced from time to time bills in Congress and in the State legislatures, the effect of which if enacted into law would be to destroy or cripple the marketing of products of penal institutions and farms: Therefore be it

"*Resolved,* That we are opposed to any and all State or Federal legislation that would directly or indirectly interfere with the production, manufacture, sale, or transportation of products of penal institutions; that we believe such legislation is unnecessary, unwise, and unfair to the penal institutions; and be it further

"*Resolved,* That a committee be appointed to keep in touch with all such proposed legislation and to protest to Congress and the State legislatures against its enactment."

We respectfully petition the Senate not to pass the Hawes-Cooper bill, H. R. 7729. We ask that it be referred to a committee and that we be permitted to appear before that committee.

Committee Wardens Association of America: E. J. Fogarty, chairman, superintendent Cook County Jail, Chicago, Ill.; R. M. Youell, superintendent Virginia State Prison, Richmond, Va.; A. H. McCauley, chairman board of directors, South Carolina State Prison, Chester, S. C.; J. J. Sullivan, warden Minnesota State Prison, Stillwater, Minn.; T. P. Hollowell, warden Iowa State Prison, Fort Madison, Iowa; Elmer Greenn, warden Illinois Penitentiary, Joliet, Ill.; Archdeacon B. M. Spurr, chaplain West Virginia State Prison, Moundsville, W. Va.; John J. Hannan, chairman board of control, Madison, Wis.; George Jameson, superintendent South Dakota Penitentiary, Sioux Falls, S. Dak.; H. K. W. Scott, superintendent Connecticut State Prison, Wethersfield, Conn.; J. F. Thames, Mississippi Prison Commission, Jackson, Miss.; John Snook, warden Federal Prison, Atlanta, Ga.; P. J. Dugan, warden New Mexico State Prison, Santa Fe, N. Mex.; Lewis D. White, warden United States Federal Prison, Leavenworth, Kans.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Mrs. Blanche La Du, member Minnesota Board of Control, St. Paul, Minn.; Miss Margaret Elliott, superintendent Women's Prison, Indianapolis, Ind.; Warden Davis, Utah State Prison, Salt Lake City, Utah; F. E. Crawford, warden Colorado State Prison, Canon City, Colo.; Homer K. York, member of board of trustees, Marion, Ind.; Mrs. Wm. Harrison Cade, board of welfare, 2506 Aubert Avenue, Chicago, Ill.; Ralph Howard, superintendent of Indiana State Farm, Putnamville, Ind.; William H. Harrison, director of penal institutions, Jefferson City, Mo.; John J. Burnet, industrial director, Jefferson City, Mo.

A protest against the passage of Hawes-Cooper bill, House bill No. 7729, Senate bill No. 1940

To Members of Congress:

We respectfully petition you not to pass Senate bill No. 1940, introduced by Senator HAWES, of Missouri, nor H. R. No. 7729, introduced by Representative COOPER of Ohio.

In our deliberate judgment these acts are not only unnecessary, unwise, and unconstitutional, but if passed will destroy the penal system built up in a large majority of the States of the Union, after years of experimenting with different systems and after the expenditure of millions of dollars by the various States.

In the Southern States cotton, grain, sugar cane, and livestock are produced on penal farms; in others, turpentine and lumber are produced by convict labor; in others granite and marble are quarried and dressed, and agricultural limestone is quarried and crushed by convict labor; in Missouri and other central States sheep, hogs, and cattle are raised and slaughtered on penal farms and the surplus sold; in Oregon flax raised on farms is processed by convict labor; in many States fruits and vegetables are raised and canned on penal farms and gardens; in the great wheat-growing States of Minnesota, Wisconsin, Kansas, Indiana, Oklahoma, Missouri, and the two Dakotas for a great many years binder twine and farm implements have been manufactured by convict labor and sold to the farmers of those States; in other States scrub brushes, rat traps, rag rugs, and rag carpets are made by the criminal insane; in others work shirts, work clothing, overalls, work shoes, brooms, and mops are made by convict labor; in a few States coal is mined from State-owned coal mines by convict labor.

In some States juvenile offenders, male and female, are committed to houses of correction, schools of reform, orphanages, or convents, and are employed making knit goods, embroidery, baskets, books, and a variety of other wares.

The effect, if not the purpose, of the Hawes-Cooper bill is to utterly destroy the market for all these "goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, or in any penal or reformatory institution."

THE HAWES-COOPER BILL UNNECESSARY

There have been practiced in the United States in the past 130 years six systems of prison labor, namely, the lease system, the contract system, the piece-price system, the public account, the State-use system, and the public works and ways system.

Each system has and has had its advocates and critics, each system has both its advantages and disadvantages. The two systems which encountered the greatest amount of criticism have been the lease system and the contract system. The former in the earlier history of the Republic widely prevailed, but to-day it does not exist in any State; the contract system which was formerly in extensive use has gradually been superseded by other systems and now exists in but few States, as the following table compiled by the United States Bureau of Labor Statistics, Bulletin No. 372, January, 1925, page 17, shows:

Per cent of convicts that were employed at productive labor under different systems in different years as shown by reports of this bureau

System	Year				
	1885	1895	1905	1914	1923
Lease	26	19	9	4	
Contract	40	34	36	26	12
Piece-price	8	14	8	6	7
Public account	[1] 26	[1] 33	21	31	26
State-use			18	22	36
Public works and ways			8	11	19
Total	100	100	100	100	100
Per cent of all convicts that were employed at productive labor	75	72	65	(2)	61

[1] Public account, State use, and public works and ways were inseparably combined.
[2] Not reported.

The individual States can be trusted to correct any defect in their penal systems, as the above table shows, and it is unnecessary for the Federal Government to attempt to coerce the States to adopt a particular system of penal management or labor.

THE HAWES-COOPER BILL UNWISE

All but four States of the Union utilize a combination of several systems of labor to meet their prison problems and have found the practice satisfactory and in entire harmony with the public opinion and legislative policy of the respective States. To illustrate, most States utilize the State-use system in making clothing and shoes for inmates, the public works and ways system to build roads or public buildings, and utilize the surplus inmate labor under the public-account, piece-price, or contract system to manufacture binder twine, produce cotton, of livestock, or clothing, which is sold.

Under this system a great many penal institutions are self-sustaining, and many more are nearly so. Inmates are given a share of their earnings, which in many instances amounts for each inmate to as much as a dollar and a half a day which he may use for the support of his family.

Under this combined system which prevails in more than 40 States, idleness in prison has been reduced to a minimum, inmates have been trained to habits of industry and thrift, prisoners have been rehabilitated and restored to society to live normal lives, and the taxpayers' burden had been lessened.

If the pending bill is passed and the States are compelled to adopt exclusively the State-use system of convict labor, we believe it will produce idleness instead of employment in prisons, chaos instead of order therein, will entirely destroy our markets and prison industrial organization, and will necessitate huge annual appropriations in the respective States, which heretofore have been unnecessary.

THE OSTENSIBLE OBJECTIVE OF THE HAWES-COOPER BILL

The proponents of the bill contend that the product of convict labor should not be sold in competition with outside labor, and that this competition is overcome by having convicts work for the State, or subdivisions thereof, or manufacture articles to be used by the State, its subdivisions, or State institutions. In other words, they seek to compel the adoption of the State-use system of convict labor in every State.

The fallacy of this position is obvious. Do not school desks, chairs, blackboards, public printing and book binding, road signs, and automobile tags made by convict labor compete with outside labor just as truly as binder twine, work shirts, or overalls? The question answers itself.

The Hawes-Cooper bill seeks to divest prison-made goods of their interstate character and to subject them to the law of the State into which such goods may be transported.

Many years ago there were passed, in 10 or 15 States, acts requiring all goods made in penal institutions or produced by convict labor to be labeled "Convict made," before being exposed for sale, and, in addition to this, most of these acts required that a merchant handling convict-made merchandise must first obtain a license from the secretary of state before he be permitted to sell such merchandise; and the cost of the license varied from $100 to $1,000 per year. In addition to this, the merchants handling convict-made goods in some of these States were required to keep a list of the persons to whom such goods were sold, and to file such lists with the secretary of state.

These acts applied to merchandise produced by convicts whether in factory, on farm, in the dairy, or elsewhere. These acts were intended to make the selling of convict-made goods so burdensome and so expensive that no merchant could qualify to handle them.

In several suits brought to test the constitutionality of these acts they were held unconstitutional, as in violation of the commerce clause of the Federal Constitution.

However, these old acts in these 15 or 20 States are still on the statute books and have not been repealed. The manifest purpose of the Hawes-Cooper bill is to revitalize these old acts and to make effective similar acts, the passage of which is to be pressed in several of the States with the same purpose and effect as the earlier statutes; that is, to destroy as far as possible all market for produce or merchandise created by convict labor.

If the Hawes-Cooper bill or any similar legislation is passed and held constitutional, each State might pass as unreasonable and as burdensome legislation affecting the sale of convict-made goods as the whims of any particular State legislature might dictate, with the result that the laws in all 48 States might differ very materially, so that any State producing or trying to sell its merchandise would have to know and comply with the law in 47 other different States.

THE HAWES-COOPER BILL UNCONSTITUTIONAL

Under the Constitution of the United States the power to regulate commerce between the States is lodged exclusively in Congress, and Congress has no power to delegate to the several States the right to regulate commerce among themselves.

The only right the several States have to interfere with or interrupt interstate commerce is in the exercise of the police power reserved to the States when the interstate commerce is immoral or fraudulent in its nature or dangerous to the public health.

The proponents of the Hawes-Cooper bill make no claim, and can not justly do so, that goods made by convicts are injurious to the morals or the health of the States.

The proponents of the Hawes-Cooper bill contend that the pending legislation is a copy of the Wilson Act of August 8, 1890, which divested intoxicating liquors of their interstate character and subjected such shipments to the laws of the State into which they should be shipped. If you will read the Wilson Act, you will see that the pending bill is not a copy of it, but that the Wilson Act expressly provided "All fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory * * * shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers."

We believe we express practically the unanimous opinion of prison wardens and prison boards in the United States in protesting against the passage of the pending bill or any legislation that interferes with the respective States in handling their domestic prison problems.

There are approximately 100,000 convicts in the United States, and not more than 50,000 of them are engaged in productive labor whose products are sold on the open market. It is estimated that the amount of goods produced by convicts and sold represents not more than one-twentieth of 1 per cent of the products of outside labor; the amount of the competition is infinitesimally small.

We have the feeling that the pending bill was inspired by and its passage urged by a highly organized minority of manufacturers, who have adopted this method of stopping prison-made manufacture in only one or two lines.

We have spent years in the effort to handle the penal problems of our respective States, and we hope that our earnest opposition to this bill will arouse you to the seriousness of the situation which would result from its passage.

Very respectfully,

Louis H. Putnam, director State institutions, Providence, R. I.; R. M. Youell, superintendent Virginia Penitentiary, Richmond, Va.; Henry K. W. Scott, warden State Prison, Wethersfield, Conn.; Jno. B. Chilton, warden Kentucky Penitentiary, Eddyville, Ky.; J. W. Wheeler, warden State Prison, Boise, Idaho; A. H. Harrison, director penal institution, Jefferson City, Mo.; Geo. Ross Pou, superintendent State Prison, Raleigh, N. C.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Joseph E. Robinson, chairman board of charities and correction, Frankfort, Ky.; Thos. P. Hallowell, warden Iowa State Prison, Fort Madison, Iowa; Jno. J. Hannon, president board of control, Madison, Wis.; W. R. Bradford, director South Carolina Penitentiary, Columbia, S. C.; M. F. Conley, commissioner of prisons, Frankfort, Ky.; A. G. Macaulay, director South Carolina Prison, Columbia, S. C.; Oscar Lee, warden, Waupum, Wis.; Jno. L. Moorman, chairman board Indiana Prison, Michigan City, Ind.; T. E. Lukens, board prison administration, Boise, Idaho; Ralph Howard, superintendent Penal Farm, Greencastle, Ind.; Levin J. Chase, secretary board of trustees, New Hampshire; A. M. Scarborough, former president Wardens' Association, Columbia, S. C.; A. L. Deniston, treasurer board of trustees, Michigan City, Ind.; H. M. Beard, superintendent Kentucky Reformatory, Frankfort, Ky.; Jas. N. Pearman, superintendent South Carolina Penitentiary, Columbia, S. C.; J. J. Sullivan, warden, Stillwater, Minn.; J. S. Blitch, warden, Raiford, Fla.; Walter H. Daly, warden, Michigan City, Ind.; A. F. Roach, warden, Rawlings, Wyo.; Jas. A. Lakin, chairman prison committee, Moundsville, W. Va.; J. N. Baumel, warden, Anamosa, Iowa; P. J. Brady, warden, Baltimore, Md.; J. I. Burnett, industrial superintendent, Jefferson City, Mo.; E. T. Westerfelt, board of control, Lincoln, Nebr.

Mr. HAWES. Mr. President, I offer the amendment which I send to the desk. The amendment is offered to conform to a suggestion made by the junior Senator from Wisconsin [Mr. BLAINE].

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 5, strike out the words "except paroled convicts or prisoners" and insert in lieu thereof the words "except convicts or prisoners on parole or probation."

Mr. BLEASE. Mr. President, I should like to ask for information. Suppose that amendment is adopted and the governor should parole a certain number of prisoners on the condition that they would work a certain number of hours a day at a certain class of work. In my State the supreme court has held that a prisoner on parole is serving his sentence while he is on parole, and that at the expiration of the time for which he was sentenced he then becomes a free man and is released from his parole. For instance, if a man is sentenced, for manslaughter, to 10 years, and serves 5 or 6 years of his sentence, and the governor paroles him during good behavior, if he goes out of the penitentiary and does behave himself and is not sent back to prison for a violation of his parole, at the end of the 10 years he is no longer a paroled prisoner but is a free man.

Suppose the governor of my State were to parole 25 prisoners on the condition that they would work in the State penitentiary chair factory so many hours per day; that is, they would go in there in the morning and work so many hours, and be free to go where they pleased and act as they pleased and do as they pleased, from, say, 4 o'clock in the afternoon until 9 o'clock the next morning.

Mr. HAWES. I will say to the Senator that the laws of his own State would control in this matter, and that this bill would

not take anything from any State law or add anything to it. It would leave the situation to the control of the prison officer of South Carolina.

Mr. BLEASE. Then what would prohibit South Carolina, after she had had furniture manufactured in the penitentiary factory, from sending it into another State?

Mr. HAWES. I do not understand the Senator.

Mr. BLEASE. What would prohibit South Carolina, if she did what I have just suggested, from then sending that furniture into another State for sale?

Mr. HAWES. Nothing in this measure.

Mr. BLEASE. Nothing at all?

Mr. HAWES. No.

Mr. BLEASE. Then what good is the bill?

Mr. HAWES. I have tried to make it clear several times that there is no State in the Union that prohibits the sale of convict-made goods. They provide for different forms of licensing and branding. This would prohibit the product of the penitentiary of the Senator's State from entering a State when it did not comply with the law of that State.

Mr. BLEASE. Mr. President, suppose the goods are made partly by paroled convicts and partly by regular prisoners; what then would be the result?

Mr. HAWES. It would depend on the law of the State, the Senator's own State, or the State to which they were to be sent.

Mr. BLEASE. And this bill would not interfere with it?

Mr. HAWES. Not at all.

Mr. BARKLEY. If they were properly labeled, it would not make any difference how they were made if they complied with the State law?

Mr. HAWES. That is true.

Mr. KING. The expectation is, however, as I understand, that with the passage of this bill the States will pass laws forbidding the sale, within their own borders, of convict-made goods, hoping thereby to prevent the transportation in interstate commerce of any goods made by convicts.

Mr. HAWES. That may happen, but the object of this measure is to permit any State that proposes a reform in its State to be able to enforce that reform.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. STEPHENS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, lines 3 and 4, strike out the word "produced" between the words "manufactured" and "or."

Mr. HAWES. I have no objection to that amendment, so far as I am concerned.

Mr. BORAH. I understand there is no objection to that amendment, but I would like to know what the object and purpose of it is. There are certain States which have prison farms. Is this amendment designed to let the products of those through and exclude the products of those which have manufacturing establishments?

Mr. STEPHENS. I will say, Mr. President, that when this amendment was prepared I had in mind the condition in my own State. There we have a State farm, and a large amount of cotton is produced on that farm. It was feared by some of the people in my State that this bill, if enacted into law, might interfere with the conduct of the business of the State penitentiary farm. Therefore I offered the amendment, so that there would be no question about that kind of condition being exempted from the provisions of the bill.

Mr. BORAH. I do not know that I heard the Senator correctly. Do I understand the Senator in charge of the bill to agree that this is designed to keep the bill from operating against prison farms?

Mr. HAWES. That is it. It will be followed by an amendment proposed by the Senator from Washington or the Senator from Mississippi.

Mr. BORAH. Would the Senator accept an amendment striking out the word "manufactured"?

Mr. HAWES. I would not.

Mr. GOFF. Mr. President, as I understand, the legal effect of the amendment will be that if all of the farm labor of the Northwest is made up of convict labor there will be no interdiction on the shipping of products of the farm in interstate commerce.

Mr. BORAH. Mr. President, I want the RECORD to show, if I am correct in my statement, that the bill itself discriminates between different kinds of prison-made goods. It does not operate as to prison goods or products produced upon a farm, although they may be produced by prison labor. It applies, however, to goods which may be produced by prisoners if in a manufacturing establishment. It is an arbitrary discrimination within the line of prison-made goods. We see already the injustice, the geographical and the class features of the old Confederate days.

Mr. HAWES. Mr. President, there is no single State in the Union that prohibits the sale of agricultural products produced by convicts and no such inhibition is contemplated, so far as I know, by any State. The bill relates to manufactures exclusively and solely, and the suggestion of the Senator from Mississippi is to clarify the situation. I am perfectly willing to meet it on constitutional lines later in the Supreme Court.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. BARKLEY. In view of the fact that the provisions of the bill pending, containing the word "produced," seem to give the only hope of any farm relief that we may expect at this session, does not the Senator think that the word ought to remain in the bill?

Mr. BORAH. I do not think that it does give farm relief. I think it is a direct discrimination against the farmer.

Mr. BARKLEY. It is permitting prison farmers to come in competition with free farmers throughout the country.

Mr. BORAH. On the contrary, it is going to require the free farmer to come in direct competition with the prison farmer.

Mr. BARKLEY. It brings about more competition among legitimate farmers and I think the word ought to be left in the bill as it is, because I would be in favor of any measure of farm relief that the Senate might pass.

Mr. BORAH. But the effect of the amendment is to bring the free farmer in competition with the prison farmer.

Mr. BARKLEY. Oh, no; it is to bring the prison farmer into competition with the free farmer. [Laughter.]

The VICE PRESIDENT. The question is upon agreeing to the amendment submitted by the Senator from Mississippi.

The amendment was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. HAWES. I submit the following amendment, which I send to the desk. I submit it at the request of the Attorney General of the United States, who asked for the change.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 6, after the word "institutions" and before the word "transported," insert the following:

Except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government.

Mr. KING. Mr. President, may I ask the Senator from Missouri whether the bill now before us seeks to prohibit the Federal Government from disposing in the usual way, through sale in the States and in commerce, of the products of an institution, correctional or otherwise, controlled by the United States?

Mr. HAWES. I will say to the Senator that none of the products of the prisons of the United States are sold upon the open market, but the Attorney General thought that possibly the provisions of the bill might interfere with the present custom of the Federal Government in producing these goods and using them for governmental purposes. In other words, the amendment proposed is a clarifying statement. I will say to the Senator that all the larger penitentiaries of the United States confine the work of convicts to what is called the State-use system, and the Federal penitentiaries do that at the present time.

Mr. KING. Then if the Federal Government, because of having, in one or all of its penitentiaries or corrective institutions, a surplus of products over those which the Government requires, desires to sell that surplus in interstate commerce, would the bill prohibit it?

Mr. HAWES. No; unless they try to sell in the markets of a State whose laws prohibit it.

Mr. KING. That is what I mean. Then any action of a State in prohibiting convict-made goods being sold there would apply to the Federal Government as well as the State?

Mr. HAWES. Exactly.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. HAWES. I now submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 6, strike out the word "three" and insert the word "five," so as to make the section read:

SEC. 2. This act shall take effect five years after the date of its approval.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. McNARY. Mr. President, I submit the amendment which I now send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 5, after the word "otherwise," insert the following proviso:

Provided, That this act shall not apply to the preparation or processing of farm products so as to make the same suitable for use by the manufacturer in the making of any manufactured article.

Mr. HAWES. So far as I am concerned, there is no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The noes seem to have it.

Mr. McNARY. I ask for a division.

Mr. BINGHAM. Mr. President, before the question is put may we have an explanation of the amendment?

Mr. McNARY. Mr. President, I am trying to meet a situation which obtains in some of the Western, Central, and Southern States with respect to the raw material that finally enters, through the process of conversion, into manufactured goods. I might give an illustration which comes to my mind as related to my home State of Oregon, where the prisoners are used in the production of flax. It is sown by prisoners, harvested by prisoners, and ratted by the prisoners, which is one of the processes through which it must go before it becomes suitable for use by the manufacturer. It loosens the fiber so as to make flax readily available for use by the manufacturers. I believe a similar situation probably obtains in the South with respect to cotton.

I only want to protect those penal institutions where there is a small contribution made in the process from production to manufacture, so that the processing in the production will not be included in the idea of the "manufactured goods." I have asked in the amendment a provision covering simply those instances of which I have just given an example, where the prisoners perform only a part of that process which goes from the mere production to the manufactured article. This is asked in order that the provisions of the bill may not apply to those goods which are produced by convict labor, such as the growing and producing of flax, which later is processed in the manner I have mentioned, and eventually goes into manufacture.

That is the situation which I am trying to meet and which I do not believe impinges upon the general purposes of the bill. It is also my belief that in many of the institutions of the country of the character we are now discussing, where there are similar conditions with reference to which we are trying to legislate, there ought to be, in my opinion, such an exemption from the operation of the law if it becomes such.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. McNARY], on which the division has been demanded.

On a division, the amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, I do not intend to take any time in discussion, but merely to state that my vote against the bill is based on a conviction of its unconstitutionality and upon a sincere belief that there is a duty on us to declare by our vote such a conviction, and that that duty rests as heavily upon us as it does upon the Supreme Court. That is the reason why I shall vote against the bill.

Mr. BRUCE. Mr. President, I simply desire to state why I shall vote for the bill now before the Senate. While I do not think that one State of the Nation has a right to impose its ideas upon any other, yet in every other respect I favor the provisions of the bill. The system of prison-made goods tends to establish very fine moral results so far as the character of the prisoners is concerned. It enables a prisoner to provide for his family which he has wronged, and if he has no family it enables him to provide funds to get a start in life when he leaves the prison. The reasons which impel me to vote for the bill are somewhat technical, but to my mind fully persuasive.

Mr. NEELY. Mr. President, an editorial relative to the pending bill appeared in last Monday's Wheeling Register, one of the most ably edited papers of West Virginia, entitled "Prison Reform and Convict Labor." This editorial expresses views on the legislation before the Senate of which I unqualifiedly approve. Therefore I ask unanimous consent to have it read from the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the Wheeling Register, Monday, December 17, 1928]

PRISON REFORM AND CONVICT LABOR

Within the week action by the Senate is expected upon the House bill passed last session prohibiting prison-made goods to be sold anywhere except in the State produced. Passage of this measure will bar prison goods from interstate commerce and thus destroy the markets for such garments. Only a few Commonwealths, of which West Virginia is one, maintain the sweatshop prison-labor system, the output of which goes into competition with free labor, thus making more difficult the struggle for a living among law-abiding workmen and their families.

For years correction of the prevailing system at Moundsville has been urged, but officials and legislators have been successfully prevailed upon by some means or other to withstay drastic action. Accordingly, West Virginia has remained among the unprogressive Commonwealths that must hang their heads in shame when accused of permitting convict labor to be exploited by grasping outsiders.

But thanks to the Federal Government and the Members of Congress, it begins to look as if convict goods will be ruled out of interstate commerce, and welcome be the day. There is plenty for West Virginia to do with its convicts if only sensible methods are adopted. The taxpayers of the State have just voted $35,000,000 more to complete the good-roads system. The mileage can be covered in a haphazard way, such as has marked most of our highway construction to date, or the building can be done efficiently, conservatively, economically, and lastingly.

There is little use building poorly drained, unmarked, unguarded, narrow-guage roads, to be wrecked by frosts and chewed to pieces by heavy trucks. What the State needs is broad, well-banked, well-drained highways that will bear the strain of increased traffic, and convict labor could be economically employed upon the heavy excavating and grading work. To-day there are more than 2,000 prisoners at Moundsville, packed into an institution that was erected to properly house but 800. The crowding makes for many objectionable conditions. It could not be otherwise.

But take 1,000 men and place them upon the roads beginning with the spring and the situation is immediately relieved and would do away with all cause for another penal institution, as recommended to the budget commission, at a cost of $1,000,000 and the State treasury woefully depleted. Besides road construction the convicts could be usefully employed upon repair work and in wintertime, with proper distribution and working out of self-constructed camps, could keep the highways free of snow and ice.

Mr. WATERMAN. Mr. President, I am so firmly convinced that the pending measure is unconstitutional that I must vote against it, and assume that as a lawyer I ought to take that responsibility.

Mr. SACKETT. Mr. President, I wish to say to the Senate that I made a plea yesterday in behalf of a further delay in the time when this bill shall take effect for the benefit of the States that can ill afford to spend the great amount of money which I know it will be necessary for them to expend in order to put their houses in order to meet its provisions. I suggested to the Senator from Missouri [Mr. HAWES] that it was a real problem, and he has accepted an amendment providing for five years' delay. I am so firmly convinced that free labor should not be put unnecessarily in competition with convict labor that I wish now to support the bill.

Mr. HEFLIN. Mr. President, the amendment just adopted will give the States that are engaged in business which puts convict labor in competition with free labor ample time in which to adjust themselves, to get out of the business in the five years provided for. I am going to vote for this measure, because I do not believe that it is right to force the great army of wage earners in America into competition with prison labor in the United States. I think the principle is wrong. It is not right to have the product of the cheap labor of those who have committed crimes, who are being taken care of by the State government and used in one kind of work or another, put in competition with the product of those who, as law-abiding citizens, are employing their skill and energy in supporting themselves and their families.

Mr. GOFF. Mr. President, I wish to ask the Senator from Alabama this question: Does he consider, when prison-made goods that enter into interstate commerce represent only one-twentieth of 1 per cent of the goods manufactured in the United States, that they really compete with free labor?

Mr. HEFLIN. They compete to that extent, Mr. President, and while they may constitute merely a small percentage in the

whole United States they may constitute a very large percentage in some of the States and may present a serious question in some localities.

Mr. GOFF. Of course, the Senator takes into consideration the legal maxim of not taking notice of trifles; that is, de minimis non curat lex.

The VICE PRESIDENT. The question is concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass.

Mr. NEELY. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am advised that on this question he would vote as I intend to vote. So I am at liberty to vote, and vote "nay." I understand, however, that the Senator from Delaware is otherwise paired.

Mr. WATERMAN (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], and therefore withhold my vote.

The roll call was concluded.

Mr. BINGHAM. I desire to state that the junior Senator from Rhode Island [Mr. METCALF] is detained at home on account of illness. If present, he would vote "nay."

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. If present, he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. JONES. I desire to announce the following pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Mexico [Mr. BRATTON];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Delaware [Mr. BAYARD];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 65, nays 11, as follows:

YEAS—65

Ashurst	Fess	La Follette	Smoot
Barkley	Fletcher	Larrazolo	Steck
Black	Frazier	McKellar	Stelwer
Blaine	Gerry	McNary	Swanson
Brookhart	Glass	Neely	Thomas, Okla.
Broussard	Glenn	Norris	Trammell
Bruce	Gould	Nye	Tydings
Burton	Hale	Oddie	Tyson
Capper	Harris	Pittman	Vandenberg
Caraway	Harrison	Ransdell	Wagner
Copeland	Hawes	Robinson, Ind.	Walsh, Mass.
Couzens	Hayden	Sackett	Walsh, Mont.
Curtis	Heflin	Schall	Watson
Deneen	Johnson	Sheppard	Wheeler
Dill	Jones	Shipstead	
Edge	Kendrick	Shortridge	
Edwards	King	Simmons	

NAYS—11

Bingham	Goff	Moses	Stephens
Blease	Keyes	Reed, Pa.	Thomas, Idaho
Borah	McLean	Smith	

NOT VOTING—19

Bayard	Greene	Metcalf	Reed, Mo.
Bratton	Hastings	Norbeck	Robinson, Ark.
Dale	Howell	Overman	Warren
George	McMaster	Phipps	Waterman
Gillett	Mayfield	Pine	

So the bill was passed.

CONSTRUCTION OF CRUISERS

Mr. HALE. Mr. President——

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. HALE. I move that the Senate proceed to the consideration of Calendar No. 1022, being the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. KING. Mr. President, I move as a substitute for the motion just submitted by the Senator from Maine that the Senate proceed to the consideration, as in open executive session, of the so-called multilateral treaty.

Mr. SWANSON. I make the point of order against the motion of the Senator from Utah. There can be no substitute offered for the motion of the Senator from Maine. The Senate will either have to vote the motion down or vote it up.

Mr. HALE. Mr. President, I have a motion pending before the Senate.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Maine that he will not be able, I am sure, to get his motion acted on to-day. It is subject to debate. Why does he not let it go over until to-morrow after the morning hour?

Mr. HALE. I do not see how any Senator can object to voting on the question of considering the bill. There may be opposition to the bill, but I do not think there is any objection to taking it up.

Mr. KING. Yes; there is.

Mr. NORRIS. There is objection to taking it up, I will say to the Senator, and, as I understand, it will be impossible for him to get a vote on the motion to-night.

Mr. HALE. I should like to have my motion before the Senate; I do not want to have any other measure made the unfinished business.

Mr. NORRIS. The Senator can make his motion to-morrow. If he insists on a vote on the motion now, it will only result in wasting the remainder of the afternoon, and it is now half past 4.

Mr. HALE. I will be entirely willing to have my motion pending and then have the Senate go into executive session or adjourn, but I want the motion I have made to be before the Senate.

Mr. NORRIS. That will make it necessary for the Senator to renew his motion, and I have no objection to that. It will die the minute we adjourn.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. CURTIS. Yes.

Mr. REED of Pennsylvania. Mr. President, as I understand the rules of the Senate, if we adjourn without action on the motion made by the Senator from Maine, the motion dies to-night, and then any business under consideration at 2 o'clock to-morrow automatically becomes the unfinished business, and the Senator from Maine will have no opportunity to make his motion.

Mr. CURTIS. The Senator can make his motion in the morning hour or at any other time when he can get recognition.

Mr. NORRIS. It would not do the Senator any good to make the motion to-night, as long as we are not going to vote on it to-night; and I tell the Senator frankly that I do not think it is going to be voted on to-night.

Mr. FLETCHER. The effect of it is to make the bill the unfinished business.

Mr. NORRIS. No; the bill can not be made the unfinished business in that way. The Senator will have to make his motion again to-morrow. As the Senator said, the motion dies when we adjourn.

Mr. SWANSON. Mr. President, it seems to me we can prevent that very easily. We can make a motion to take a recess until to-morrow morning; and if that is done, this motion will be before the Senate when we convene.

EXECUTIVE SESSION

Mr. CURTIS. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. HALE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HALE. Does the point made by the Senator from Pennsylvania [Mr. REED] apply?

The VICE PRESIDENT. The motion dies if an adjournment is taken.

Mr. KING. I call for the question on the motion of the Senator from Kansas.

Mr. NORRIS. I object to debate on the motion of the Senator from Kansas. It is not debatable.

The VICE PRESIDENT. The motion of the Senator from Maine can be renewed at any time to-morrow; but the motion will die if an adjournment is taken without its being acted upon. It will have to be made again to-morrow morning.

Mr. HALE. I give notice, then, that I shall renew the motion to-morrow morning.

Mr. LA FOLLETTE. I make the point of order that the motion of the Senator from Kansas is not debatable.

The VICE PRESIDENT. The point of order is sustained. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened.

DATA ON BOULDER DAM

Mr. ODDIE. Mr. President, on December 11 I made a request that a compilation of data on Boulder Dam be printed as a Senate document. Since then an estimate has come in regarding the cost of printing that compilation, and I ask that the data,

together with the estimate, be referred to the Committee on Printing of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DEATH OF REPRESENTATIVE CHARLES L. FAUST

The VICE PRESIDENT. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The resolutions were read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES L. FAUST, a Representative from the State of Missouri.

Resolved, That a committee of 19 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. JONES. Mr. President, on behalf of the junior Senator from Missouri [Mr. HAWES], who had to leave to catch a train, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The clerk will read the resolutions.

The resolutions (S. Res. 281) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES L. FAUST, late a Representative from the State of Missouri.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee on the part of the Senate, under the second resolution, the Senator from Missouri [Mr. HAWES], the Senator from Ohio [Mr. FESS], the Senator from Oklahoma [Mr. THOMAS], the Senator from Iowa [Mr. BROOKHART], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Michigan [Mr. VANDENBERG].

ADJOURNMENT

Mr. JONES. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Thursday, December 20, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of December 17), 1928

MEMBER UNITED STATES TARIFF COMMISSION

Sherman J. Lowell.

DIRECTOR OF THE MINT

Robert J. Grant.

POSTMASTERS

CALIFORNIA

Jay K. Battin, Angwin.
Jeremiah R. Brown, Arcata.
Joseph C. Beard, Burlingame.
Nella Carl, Encanto.
Wallace B. Sawyer, Galt.
Felix B. LaCrosse, Half Moon Bay.
Josephine C. McCabe, Imola.
John E. Nolan, Jamestown.
Frank B. Clark, Mount Lowe.
Carolyn M. Orcutt, Niles.
Ora Lester Dunn, Quincy.
Charles J. Funk, Redondo Beach.
William J. Martin, Salinas.
Grace E. Patterson, Samoa.

INDIANA

William M. Willmore, Vincennes.

LOUISIANA

Blanche V. Williams, Angola.
Charles E. Hearne, Chatham.
Katherine J. Moynagh, Harvey.
Johnnie D. Stagg, Longville.
Eunice O. Randolph, Meridian.
Albert A. Thoman, Monroe.
Rena F. Eckart, Natalbany.
Sam H. Campbell, Oak Grove.
Henry D. Wilson, Ruston.
Lillie Vaughan, Sellers.
Roland R. Sibille, Sunset.
Thomas C. Reagan, sr., Winnsboro.

MONTANA

Rollin T. Spaulding, Stevensville.

PENNSYLVANIA

Sara A. Conrath, Dixonville.
William W. Weise, Donora.
John A. McKeage, Mahaffey.
Donald A. Whoolery, Smithfield.
Bessie Havlichek, Smock.
Mearl W. Smith, Wehrum.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 19, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We are sincerely grateful to Thee, our God and our Father, that it is sublimely true that all things are possible to him that believeth. Increase the power of our faith in Thee—the faith that is the evidence of the unseen and the substance of our hopes for time and for eternity. Failure to trust leads us to be distrusted, and how helpless and weak we become. Let our belief in the final triumph of all things good be so strong in us that it can not be shattered. Thou hast no wonderful secrets for the unbeliever; Thou dost keep and unfold them even to Thy humble children. Lead us with strong wills and soul might to believe that we are part of a great plan and are servants of a great purpose that shall carry with them the rapture of moral victory, spiritual progress, the aspirations and the onward march of our country. Through Christ, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 4302) entitled "An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher."

The message also announced that the Senate had concurred in the following resolution:

House Concurrent Resolution 45

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1928, they stand adjourned until 12 o'clock meridian, Thursday, January 3, 1929.

PAVING OF DRY VALLEY ROAD, STATE OF GEORGIA

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a bill that was passed the other day on the unanimous consent calendar after an agreement had been reached, which was accepted by the gentleman from Georgia [Mr. TARVER] who had charge of the bill in the House. Now, there is no use of some of us working on the Consent Calendar bills if they are going back to the Senate and a conference is to be ordered, which means, in nearly every case, that they will be restored to their original terms; and by reason of the fact that I feel an agreement reached on consent day should be an agreement

that would bind at least those in charge of the bill in the House, I am obliged to object to this bill going to conference.

Mr. MORIN. I think the purpose of the conference is that we insist on the House amendments.

Mr. CRAMTON. If I can have assurance that the conferees will insist on the House amendments, then I have no objection.

Mr. TARVER. Mr. Speaker——

Mr. MORIN. Mr. Speaker, I have been informed that is the purpose of asking for the conference and have been requested to do this by the chairman of the subcommittee, Mr. JAMES.

Mr. CRAMTON. The gentleman from Georgia [Mr. TARVER] is on his feet, and I would be interested to hear from him as to what will happen if this goes to conference.

Mr. TARVER. Mr. Speaker, the bill in question is a bill which was introduced in the Senate by the Senator from Georgia, Mr. HARRIS. The agreement which was made by myself the other day was entered into with the gentleman from Michigan [Mr. CRAMTON] in the utmost good faith, and I am in no way responsible for the action of the Senate.

Mr. CRAMTON. I understand that, of course, Mr. Speaker.

Mr. TARVER. Or the action of the Senator in asking that conferees be appointed.

At the time the bill was under consideration I urged the inadvisability of the adoption of the amendment. I believe the bill in its original form is just and fair and should have been enacted, but somewhat under compulsion I was forced to make the agreement with the gentleman from Michigan. I have in no way been active in seeking to bring about a disagreement with the House amendments or a conference. Of course, since it has been determined by the Senate that a conference is advisable, it seems to me that one should be had, and so far as I am concerned in my future vote in the premises I shall be inclined to adopt as my attitude whatever the attitude of the conference committee may be; but, certainly, Senator HARRIS, not being a party to this agreement and being the author of the bill, had the right to move to disagree to the House amendments.

Mr. CRAMTON. The gentleman from Georgia is absolutely correct as to that and with the assurance of the gentleman from Pennsylvania who will probably be the head of the House conference——

Mr. MORIN. No; the gentleman from Michigan [Mr. JAMES] will be the chairman of the conference.

Mr. CRAMTON. If the gentleman assures us the conferees will maintain the House position, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JAMES, WAINWRIGHT, and MCSWAIN.

Mr. BANKHEAD. Mr. Speaker, before we leave this question, it looks to me as if the record is left in a rather unfortunate situation if we are going to have a real conference. The gentleman from Michigan [Mr. CRAMTON] has bound the tentative chairman of the House conferees to the proposition of maintaining the House attitude and that practically amounts to no conference.

Mr. CRAMTON. That is the kind of conference I feel the House should have in this case.

Mr. BANKHEAD. If that is the state the record is to be left in, I think it ought to be made perfectly clear. That is all I have to say about it, Mr. Speaker.

Mr. CRAMTON. My understanding of the statement of the gentleman from Pennsylvania [Mr. MORIN], chairman of the Committee on Military Affairs, is an assurance that no report will come back to the House increasing the appropriation as passed by the House.

COMMITTEE RESIGNATIONS

The SPEAKER. The Chair lays before the House the following communication:

DECEMBER 19, 1928.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committees on Census; Education; Coinage, Weights, and Measures; and War Claims.

Sincerely yours,

FLORENCE P. KAHN.

The SPEAKER. Without objection, accepted.

There was no objection.

The SPEAKER. Also the following:

DECEMBER 18, 1928.

The SPEAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender my resignation, to become effective immediately, of my membership upon the following committees of the House of Representatives: Expenditures in the Executive Departments, Mines and Mining, Revision of the Laws, Territories.

Sincerely yours,

J. RUSSELL LEECH.

The SPEAKER. Without objection, accepted.

There was no objection.

The SPEAKER. Also the following:

DECEMBER 18, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives, Washington, D. C.

MY DEAR SIR: I hereby resign from the Committee on Rivers and Harbors.

Respectfully,

WM. M. MORGAN.

The SPEAKER. Without objection, accepted.

There was no objection.

The SPEAKER. Also the following:

DECEMBER 19, 1928.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as chairman of Elections Committee No. 1.

Because of other changes in committee assignments, I ask that this resignation be effective at once.

Sincerely yours,

DON B. COLTON.

The SPEAKER. Without objection, accepted.

There was no objection.

Also the following:

DECEMBER 15, 1928.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Due to the many demands made on me in order to clear up matters affecting my district before I retire on March 4, I find it will be impossible for me to attend to my duties as a member of the Committee on Roads, and therefore tender you my resignation as a member of that committee. I am doing this because, appreciating the importance of the committee, I feel some one should be appointed in my place at the earliest possible moment.

For the past 20 years I have been deeply interested in the improvement of roads and my work on the committee has been very pleasant. I shall never forget the courtesies extended to me by my colleagues who are members of the committee, and especially the chairman.

With best wishes, I am

Yours very sincerely,

W. J. SEARS, M. C.

The resignation was accepted.

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk and ask immediate consideration of the following resolution:

The Clerk read as follows:

House Resolution 270

Resolved, That the following Members be, and they are hereby, elected chairmen and members of the following-named standing committees of the House, to wit:

CARROLL L. BEEDY, of Maine, chairman of the Committee on Elections No. 1.

DON B. COLTON, of Utah, chairman of the Committee on Public Lands.

JAMES WOLFENDEN, of Pennsylvania, Committee on Banking and Currency.

FRANCIS D. CULKIN, of New York, Committee on the Merchant Marine and Fisheries.

W. M. MORGAN, of Ohio, Committee on Foreign Affairs.

FLORENCE P. KAHN, of California, Committee on Military Affairs.

J. RUSSELL LEECH, Pennsylvania, Committee on Naval Affairs.

EARL W. VINCENT, Iowa, Committee on the Post Office and Post Roads.

RICHARD B. WIGGLESWORTH, Massachusetts, Committee on Rivers and Harbors.

ROBERT R. BUTLER, Oregon, Committee on the Public Lands and Committee on Irrigation and Reclamation.

The resolution was agreed to.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, AND THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE, from the Committee on Appropriations, by direction of that committee, reported the bill H. R. 15569, making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, which was ordered printed and referred to the Whole House on the state of the Union.

Mr. OLIVER of Alabama reserved all points of order.

WILLIAM TYLER PAGE

Mr. TILSON. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, it is always a great pleasure to make reference to long and faithful service, in any worth-while fields of endeavor, and when it occurs in connection with an official of this House it is especially gratifying. I rise now to call attention to the fact that 47 years ago to-day, William Tyler Page, the very efficient Clerk of this House, entered upon his duties as an employee of the House of Representatives and has been in continuous service during the entire 47 years. [Applause.] In order that you may not think of our very genial Clerk as having as yet grown old in this honorable service, I mention the fact that he was only 13 years of age when he began his service.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. BLANTON. And it is the fact that our good friend, Hon. William Tyler Page has the high regard, respect, and warm friendship not only of all Members regardless of their political affiliations but also of every person who with him here has served the Government.

Mr. TILSON. The question of party affiliation has nothing whatever to do with the high regard in which the membership of this House hold Tyler Page. [Applause.]

Mr. Speaker, I ask unanimous consent for five minutes to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PROSPERITY ADDRESSES AND MESSAGES OF THE PRESIDENT

Mr. TILSON. Mr. Speaker, on Monday last, our good friend, the gentleman from Kentucky [Mr. GILBERT], who, I am sorry to say, is out of the Hall at this moment, made a speech on this floor. With a portion of the gentleman's speech I agree. With some of it I find myself in disagreement. Some of it, I am sorry to say, I can not regard as in full accord with all the facts in the case. I refer for the present to one paragraph of the gentleman's speech only. As he is not present, and, in order to be sure that I do not misrepresent him, I shall read it:

> For eight years I have heard Presidents' messages of prosperity, of dollars and cents, until materialism has become nauseating. Not once has ever been mentioned education, refinement, the arts, the sciences, honesty, morality, patriotism, or Christianity. Think of the President confining an entire address on George Washington to his farms, his slaves, his business ability, and material prosperity!

This paragraph from the gentleman's speech covers a period of eight years and reflects upon two Presidents. Of course, we are all familiar with the messages of these Presidents during the eight years, and we know that in many instances in the messages and other public utterances of both these Presidents references direct and inferential were made in numerous instances to the subjects which the gentleman from Kentucky says have never been mentioned. All that Members have to do to verify what I say is to secure copies of the several messages and other public utterances of these Presidents and read for themselves.

For the present I shall quote from only one public address of our present President, and I refer to it because it is printed in the same issue of the CONGRESSIONAL RECORD that carries the speech of the distinguished gentleman from Kentucky.

On pages 771 and 772 of the RECORD appears the gentleman's speech. Beginning on page 745, there is extended by the distinguished gentleman from Virginia [Mr. BLAND] an address by President Coolidge delivered at the dedication of the Fredericksburg and Spotsylvania County Battle Fields Memorial on Friday, October 19, 1928. I shall read only two extracts from this speech which bear directly on the statement of the gentleman from Kentucky.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GARNER of Texas. I do not see the gentleman from Kentucky present at the moment, but my recollection of his statement is that he referred to messages of the President to Congress, and not addresses made on outside occasions, and if my construction of his language is correct, I do not think it is an impeachment of his statement to read from a speech made by the President outside of a message to Congress.

Mr. TILSON. I am not offering these particular excerpts to contradict the gentleman from Kentucky, who is a most estimable, admirable, and truthful gentleman. Every Member of the House is fond of the gentleman from Kentucky and respects him for his fine work in the House, but even a good Member may sometimes get his facts twisted and give a very erroneous impression. I wish at this time to put into the RECORD only two brief extracts from a public utterance of President Coolidge, which give a directly contrary view to that which the gentleman from Kentucky has represented as the presidential attitude toward certain subjects of very great moment.

Mr. BLANTON rose.

Mr. TILSON. I am not willing to yield to the gentleman from Texas until I read the excerpt from an address of President Coolidge which I wish to get in here at this point. In the address of President Coolidge at Fredericksburg, after having referred to material prosperity, giving facts and figures, he goes on to say:

> These figures, which would be cold and uninteresting in themselves, when we realize that they illustrate the life and development of our country, can not fail to have a deep fascination. But those wonderful records would be of little avail if they were not accompanied by evidences of the moral power of the Nation. Education is on the increase. Our charities are lavish and world-wide. Our missionary efforts reach in every direction. Our actions in behalf of limitation of naval armaments have been of great benefit to all mankind.

There is just one more extract that I wish to put into the RECORD from the same speech:

> Such are some of the outlines of the mansion in which dwell the people of the United States. It is "a house not made with hands." Into it have gone the sacrifices and prayers of many generations. While it is by no means complete, it is already the most comfortable habitation which a nation ever enjoyed. Its prevailing atmosphere is marked by progress, peace, and tranquillity. Sectional animosities have disappeared. Industrial conflicts have almost ceased. Her territorial integrity is secure. Her constitutional liberties are protected by the eternal vigilance of her people. Our country is still worthy of those who have made such great sacrifices in its behalf, still determined to improve the opportunities which those sacrifices created, still loyal to the faith of the past, still inspired by the hope of the future.

These two extracts from a very recent speech of the President should be set in juxtaposition to the speech of the gentleman from Kentucky, a considerable part of which might well be characterized as the "Reflections of Gloomy Gus the morning after."

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. BLANTON. Mr. Speaker, I ask that the gentleman's time be extended for a quarter of a minute in order that I may ask him a question.

Mr. TILSON. I do not desire any extension of time, Mr. Speaker.

Mr. BLANTON. The gentleman should have quoted from some of the President's messages to the Congress.

FORMER REPRESENTATIVE W. A. CALDERHEAD

Mr. STRONG of Kansas. Mr. Speaker, with sorrow I rise to announce the death of Hon. W. A. Calderhead, who passed from this life on yesterday, December 18, at Enid, Okla.

For 14 years Mr. Calderhead represented in this body the district that I now have the honor to serve, and during all those years he rendered faithful and efficient service to the great benefit of my district the State of Kansas, and our common country. I think perhaps his greatest effort was in the defense and maintenance of the gold standard on which our monetary system is now based, and I know that the old Members of the House will learn of his passing with sorrow.

Mr. Calderhead will be buried at his home in Marysville, in Marshall County, Kans., where I knew him since 1891. He was a clean, honorable, and able man, whom I was always glad to have for a friend.

ADDRESS OF THE SECRETARY OF WAR AT KILL DEVIL HILLS, N. C.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by the Secretary of War at Kitty Hawk, N. C.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address of the Secretary of War at Kill Devil Hills, Kitty Hawk, N. C., December 17, 1928:

> Since time immemorial nations have consecrated battle fields and erected monuments to their distinguished sons. This Nation, dedicated to peace, may well consecrate these sea-swept, sandy shores as a peace-

time battle field, for here mankind won a notable battle; here man conquered air. Here, where they won their first great victory, will be erected a monument to our peace-time pioneers of progress, Wilbur and Orville Wright.

Since their first flight in 1903 aviation has made tremendous progress. The great continent that lies to the west of us is being covered with an invisible network of airways. This mighty ocean has been dwarfed by brave men and women who, in their tiny planes, defied space and sea.

The memorial soon to arise here will forever keep alive the names of these two Americans who gave wings to the world; but an even greater memorial to Wilbur and Orville Wright will be the part to be played by the future expansion of aviation in fostering peace, prosperity, and progress throughout the world.

Even as we to-day lay the cornerstone of this memorial, so aviation of to-day is building the foundation for a great structure—the aviation of to-morrow. From that foundation time can never erase the names of those two brothers who had the courage, the ability, and patience to transform man's dream of flight into the realm of reality—Wilbur and Orville Wright.

ORDER OF BUSINESS

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Texas [Mr. GARNER] for 40 minutes.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I asked for the indulgence of the House this morning in contemplation of a hearing that we were having the day before yesterday morning before the joint committee of the two Houses, known as the Tax Committee, composed of five members of the Finance Committee and five members of the Ways and Means Committee of the House of Representatives. In addition to that, I thought it not improper to use a few minutes of time to call attention to the condition of the Treasury of the United States as I see it. Along last summer the Chief of the Bureau of the Budget estimated that there would be a deficit of $94,000,000 in this fiscal year. I do not recall the exact date that he made that estimate, but some time during the summer. I know that at the time I was somewhat shocked at the result of the income and outgo of the Treasury, and while I made no effort at that time to ascertain the facts on which it was based, since I have arrived in Washington this fall I have done the best I could to find the cause, if there was a cause, for the revenues not equaling the expenditures.

I am in perfect agreement with the President of the United States when he suggests that it is a reflection upon the administration, and that means the Congress, and that means myself as well as others, for the Budget not to be met, and to have a deficit at the end of a fiscal year. Especially am I concerned about that since I was one of the Members who a year ago insisted on a larger reduction of taxes than the administration suggested. I feel that I was probably more responsible for that than the ordinary Member. Therefore I was very much concerned when I was told by the Chief of the Budget that there was to be a $94,000,000 deficit for the year 1929. Arriving in Washington only two days before the meeting of Congress, I undertook to get what data I could concerning the condition of the Treasury, but before I could accumulate that data the President of the United States addressed his annual message to the Congress of the United States, and to my great surprise and gratification he told the Congress of the United States that, instead of there being a deficit, as the head of the Budget had suggested, that on July 1, 1929, there would be a surplus of $37,000,000. I ceased my efforts to undertake to find out if the head of the Budget was correct and, if so, the basis on which he had made that estimate, because it was satisfactory to me that this Congress had not passed a tax reduction bill that impaired the credit of the United States to the extent of $94,000,000 in a fiscal year.

I was very happy, I will say, to find myself in a position to see that reducing taxes much more than the administration said they should be reduced we still find ourselves with a handsome surplus on the 1st day of July, 1929. But to my great surprise, and I think a surprise to this House and to the country, six days later—in other words, on the 11th day of December—the President of the United States sent to this House a message with an estimate of $75,000,000 increase in expenditures for this fiscal year, creating a deficit of some fifty-odd million dollars. I say, I was astounded at it, and I believe it was a surprise to this House and to the entire country, and I wondered how it was possible for the Treasury to make a mistake over a period of six days of $75,000,000. Now, remember, that the President when he sent his message to the Congress based his estimate on the Treasury figures, could not have done it otherwise.

It is impossible for the President to send to this House a message as to the condition of the Treasury on what the surplus would be without basing his figures on the Treasury report. So on the 4th day of December, 1928, the President of the United States said we would have a surplus of $37,000,000, and on the 11th day of the same month he says, "I made a mistake when I submitted that, saying we would have a surplus of $37,000,000; we are going to have a deficit of $55,000,000." The question comes immediately why this mistake was made. Why was it that in the summer we had $94,000,000 deficit and on the meeting of the Congress we had $37,000,000 surplus, and six days later we had $55,000,000 deficit. There must be some reason, gentlemen. These mistakes can not be made in a hodgepodge way. I am going to give you my deduction of it. I am going to give my reason, nothing but circumstantial evidence, but I will call the attention of the membership of this body who have been here some years, and I have repeatedly charged on the floor of this House, and the facts have borne out every charge, that the Secretary of the Treasury invariably makes his estimates to support the views and legislation he wants to get from this House. When he wanted to defeat the soldiers' bonus he estimates a deficit of around $600,000,000. Ninety days afterwards, when there was an occasion to show there was plenty of money on hand, he estimated a surplus of something like $300,000,000—$900,000,000 in 90 days. Now we have his estimate at the rate of a mistake of ten millions a day, which is at least a reduction of $80,000,000 per day from what it was about five years ago; but in every instance in this House when we have had under consideration tax reduction and tax consideration the Secretary of the Treasury has made his estimate to fit his desires. And his estimates have not panned out. The Secretary of the Treasury was interested in one piece of legislation in this Congress. So far as the RECORD shows, he was particularly interested in one piece of legislation that involved the Treasury. That was the loan to a foreign country of $12,000,000. The Secretary of the Treasury is a shrewd man. He and his advisers understand the psychology of this House. He knew then that unless he could have the President of the United States tell Congress that it had a surplus and we could loan the money to a foreign country in time of peace without a bond issue or levying any additional tax he could not have pased that bill.

He knew that if the President of the United States told the Congress that we are going to have a deficit of fifty-odd million dollars this fiscal year that he could not have induced you to pass the Greek loan bill, because you would not have loaned money to a foreign country out of a busted Treasury, and he knew the country would have condemned you for it; but in order to induce you to pass it, in order to secure the legislation that he wanted, he made a misleading and, the facts show, it seems to me, a deliberately false statement as to what the prospects of your Treasury would be on the 1st day of July, 1929. He said on the 4th day of December, 1928, that we would have a surplus of $37,000,000, and within seven days from that date he included an estimate that he had the President send to this House, an additional estimate, for $75,000,000, creating a deficit of about fifty-odd million dollars. Did the Secretary of the Treasury on the 4th day of December of this year know that there was going to be a deficit? I will undertake to prove that he did. Then if he knew that there was going to be a deficit and he permitted the President to tell the Congress and the country that there was going to be a surplus, what is your conclusion as to the character of information that he gives to his President and to the Congress? Can you depend upon it?

I have tried to point out to you for six or seven years that you could not depend upon the estimates of the Treasury Department if it would have adverse bearing on its proposed legislation. It makes its figures to fit its views on legislation. I say that is not only misleading but it is dishonest.

I think I had better tell the House just in a moment the reason why I am making this talk. When on December 17 we met out in that little committee room in the northeast corner of the Capitol, the joint committee, composed of five Members of the House and five Members of the Senate, I gave notice and said to the gentleman from Oregon [Mr. HAWLEY], "What we do the Congress ought to know about it. I do not believe in these executive sessions." I think when I am to act officially representing the Congress of the United States in committee work I want the House to know of my action, and I do not want any secrecy or closed doors about it. So I asked that a stenographer be present.

A stenographer was on hand when we met on the 17th day of December this year. Then the Treasury officials, when they were in there—there were about a half dozen of them—were asked whether or not there was anything going to be said that might injure the Treasury. I do not know what they meant by

injuring the Treasury—whether it referred to individuals or their reputation or the finances of the Treasury. Anyhow, they came to the conclusion in the discussion that something might be said that would affect taxpayers whose cases are still pending. I think that is a correct statement. I do not see Mr. COLLIER here at the moment, or Mr. HAWLEY. They were there, however, and if I have made a misstatement I hope they will call my attention to it. So we decided not to take down the testimony.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. HAWLEY. The Treasury officials were asked if they could talk as freely under the law if a stenographer were present as they could to the committee when no stenographer was present. They said that under the law they were not permitted to make public certain matters relating to returns. As the gentleman knows, certain matters must not be made public under the law. For that reason a stenographer was not in attendance.

Mr. GARNER of Texas. I accept the gentleman's statement. But there were others, I know, who said that when certain subjects come up that should not be taken down the custom was to say to the stenographer, "Just lift your pen." But that was not done. So our hearing was held for four hours without a stenographer, and I said I would tell, so far as my memory went, what occurred in that conference. I wanted the House of Representatives to know it.

I repeat, that on the 4th day of December of this year, under his duty to the Congress, the President sent here a message, and he was proud—read that message—he was particularly proud of the fact that he would have no financial disgrace of a deficit. He based that statement upon information received from the Secretary of the Treasury. On that same day—on that identical day, the 4th of December, 1928—the Treasury Department was certifying to this joint committee a refund to the United States Steel Corporation of $15,752,442.55, which had to be paid in addition to what had already been paid. It was one item in the $75,000,000 of additional estimate of expense sent to Congress on the 4th day of December. The President of the United States told the Congress there was $37,000,000 surplus on that same day. On that identical day his Secretary of the Treasury sent papers to this Congress showing an additional $75,000,000 as necessary to run the Government for the fiscal year.

Gentlemen, I do not know what you think about it, but I imagine that if the gentleman from Connecticut [Mr. TILSON] were President of the United States and he had a Secretary of the Treasury that misled him to the extent of $75,000,000, when he had the correct information in his hand at the moment, he would have called him upon the carpet, and I know if I could transpose myself into that position I would call for his resignation on the ground of negligence or misinformation on the part of the man occupying the great position of Secretary of the Treasury.

Now, I want to talk to you for a moment about this settlement, because that is what we were called to pass upon. We had a hearing. Let me tell you the genesis of it. Back in 1924, as I recall, we inserted in the tax bill what is known as the publicity clause, requiring the publicity of income-tax returns. That law continued in effect until the 1926 act; or maybe it was in 1923–24. Anyhow, somewhere within the last seven years we passed a publicity clause. A great many people in this country thought it did not work very well. I am not certain myself that it did. I have had very little experience and observation in the matter, so that I can not act as a witness in the case. But it was complained about, and Congress decided to repeal it, and they substituted for it, in order to satisfy certain gentlemen in another body, what was known as the proper means of securing information from the Treasury, and that was to give the Committee on Ways and Means of the House and the Finance Committee of the Senate and the joint committee the right of securing information from the department. For that purpose we put a clause in there. The original clause was that all refunds should be reported to this joint committee. Well, they said that would mean a lot of work, and a provision was inserted later omitting everything less than $75,000. Everything over that they must report.

The result is that they have sent estimates up here for refunds in excess of $75,000 and made that report to this committee. This committee, you remember, has no power. It can only express its opinion. So these reports have been coming up, and a man by the name of Parker, who used to work in the Treasury, I believe, and who is, as I understand, an expert accountant and said to be a very capable man, and who was with the Couzens committee at the time they made an examination of the Treasury, is one of the principal men Mr. HAWLEY has in his joint committee office. When this report was sent up here Mr. Parker wrote a letter and said, "This thing is of such magnitude that I do not feel like taking the responsibility of passing on it."

He had been passing on all the others, simply letting them go by, making no particular comment one way or the other. But he did not feel like passing on this because it was too big a thing. So. Mr. HAWLEY, agreeing with that, said, "I will call the joint committee to consider it." And he did. On last Monday we met and we had a hearing. I want to give you some of the facts we found. I want to say a word just here about one new man I have come in contact with in the Treasury Department, a man named Bond. I think he is one of the fairest men I have ever come in contact with. I believe he is a very able and efficient man; and there is one thing he will do, gentlemen, he will tell you the truth and I believe he will tell you the whole truth. I am afraid some of them in the Treasury Department do not give you the whole picture. They may tell you the whole truth if you will dig it out of them with an awl and gimlet, but they will not tell you the whole truth unless you force it; but I am inclined to think this man, Bond, is one who will, because he did not try to keep anything back; he gave us the whole facts and let us be responsible for our action upon them.

In 1917 we enacted in this country what is known as the excess-profits tax. Under that law every company was required to make its return for 1917. The United States Steel Corporation—I wish I had a blackboard like we had down in the committee. Being simple children, being Members of the Senate and House and not knowing much about this, we had a big blackboard which the Treasury officials used; and, by the way, that gave us a better insight into it than I believe would otherwise have been obtained. In 1917 the United States Steel Corporation made a report of its excess profits and income taxes. We had both, you remember. We had a 6 per cent income tax and an excess-profits tax, as I recall, running to 80 or 90 per cent. They made a report. They voluntarily reported to the Treasury of the United States that they had a net income, subject to taxation, of $568,964,000. That is what the United States Steel Corporation reported to the Treasury of the United States under oath as their net income subject to the application of the income tax and the excess-profits tax for that year. Well, you would think that if they made that report and no additional laws were passed or anything exempting them from taxation that they would pay those taxes. They made this voluntarily and they made no protest on those taxes. Now, what is meant by a protest? The record shows that not one single suggestion was made by the United States Steel Corporation that they had paid too much in taxes for a period of two years. They paid taxes in 1921 and they did not make any protest until that date.

Mr. HAWLEY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. HAWLEY. Was it not stated at the hearing that whenever the taxes were paid, which were paid promptly thereafter, a claim for refund was filed for overpayments, which satisfied the condition of the law?

Mr. GARNER of Texas. All right. In answer to that, there was not a claim filed for refunds until 1923. I will show you what it was, and let me get this letter to do it. I got a letter from them this morning, and I think I am going to want some more time if I am to go into this as fully as I want to go into it. This is a letter received this morning from Mr. Henry Herrick Bond, one of the frankest men I have found in the Treasury Department, and I believe a very efficient man. The first application was made February 23, 1923, for taxes paid in 1917.

Mr. HAWLEY. Will the gentleman yield further?

Mr. GARNER of Texas. Yes.

Mr. HAWLEY. Was not that within the legal period?

Mr. GARNER of Texas. Oh, I do not deny that. I am not trying to plead the statute of limitations. I am just trying to convince you and illustrate that the United States Steel Corporation did not think they had any money coming to them until 1923 and never was allowed a refund until 1925. The most remarkable thing about this situation is that in 1925 the largest refund ever known in the history of this country was made immediately after the election. Now, after permitting the President to misrepresent the situation to the Congress, the Treasury now comes in and asks for $75,000,000 for refunds on claims that have been pending for taxes paid 10 years ago. Is there nothing which indicates that there must be some kind of manipulation about this? Does it strike you that this thing just naturally happens that way? Would it strike an ordinary jury, if you were trying a man for his liberty, that these things just come around that way? Gentlemen, they do not naturally

happen that way. They have already been permitted a refund of $31,000,000 on 1917 taxes. The United States Steel Corporation, which never asked for any refund for five years after paying taxes, has already been allowed $31,000,000 on that particular year, 1917, and this $15,000,000 plus the interest, making $26,000,000, is in addition to the $31,000,000 that they have already gotten into their exchequer and probably paid out in dividends, which have been allowed as a credit on taxes that have been coming along during these years. Here is one company in the United States, large, it is true, that gets a refund. I learned the reason it took so long to arrive at the amount of taxes owed by the company.

I want to tell you gentlemen about it. They said it was on account of the consolidated and affiliated reurn. I want you who struck out that provision in the 1928 act to think of that. The Treasury now admits—and I want somebody to challenge this if it is not so—that the most difficult phase of the excess-profits and income tax of corporations is the consolidated and affiliated return. It has taken 10 years to figure this out for one company.

I want to repeal that. That is one good thing you can do; that is one way you can hasten matters, by repealing the consolidated and affiliated return provision; and you can get honest taxation that way, too. Remember that.

Ah, how they shift. Just let me show you what I got this morning. Listen to this:

DEAR MR. GARNER: I inclose list of claims filed by the United States Steel Corporation for the years 1917–1920, inclusive, which we believe to be complete. You will appreciate that there is considerable duplication in these claims.

I also inclose a statement relative to the pending claims for refunds on excess-profits tax years by all taxpayers, which is as complete as we have been able to prepare in the limited time available.

If you desire further information, kindly advise me.

Gentlemen, I did not get this until about 10 o'clock this morning, and I only had time to glance at it, but I notice they give here a long list of applications for refunds by the United States Steel Corporation and its subsidiaries, and they make this statement:

In addition to the above claims filed by parent company, claims were filed for the year 1917 by the subsidiary corporations as follows.

Look at this list—$5,500,000 for the American Sheet & Tin Plate Co.—and it runs all the way down the list, comprising tens of millions of dollars for refunds filed by the subsidiaries for the year 1917.

Why, of course it took them a long time to figure this out; but the worst part about it, and the thing I want to condemn, is that you do not know what they are doing in the Treasury Department. Nobody in this country knows anything about it. This little information that ekes out now and then is all the information we get.

Gentlemen—you Republicans—if you do not want some official body to break into the Treasury Department and "spill the beans," you had better prepare some way whereby Congress can get information about what is going on in the Treasury Department. Mark my prediction! The American people will not tolerate the continued secrecy, the continued machinations in that department, the continual mutterings that come out of that department.

I have been driven to this conclusion. I hated to believe it; but, sir, I say that every indication shows that the Secretary of the Treasury is administering this law so as to make it so disagreeable to the American people that they will repeal it, because he is not in sympathy with it.

I have heard a good deal in the last three or four months about putting men in charge of the enforcement of the law who are not in sympathy with it. There is a good deal in that statement and I think it is one that appeals to a great many people in this country if we may take the returns of the last general election. If this is true, we know that the present Secretary of the Treasury is not in sympathy with the estate tax or the graduated income tax, and yet you leave in his hands, you turn over to this man the enforcement and the administration of a law that he dislikes, and he makes it so detestable, he makes it so obnoxious, and is making it so obnoxious to the American people, that he and his associates hope to make it so bad that the American people will demand its repeal and go to some other system that he believes is a better system.

Mr. BLACK of Texas. Will the gentleman yield for one question?

Mr. GARNER of Texas. Yes.

Mr. BLACK of Texas. Under the present law Congress requires all expenditures of the Government to be audited by an independent agency—the Comptroller General.

Mr. GARNER of Texas. Yes.

Mr. BLACK of Texas. Would it not be wise that all of these refunds, especially all over a reasonable amount, should be audited by the same independent auditing agency?

Mr. GARNER of Texas. Well, ordinarily, I would say yes, to my friend from Texas, but I will tell you that that is a difficult thing to do. It means duplication of work that would be stupendous and extremely expensive.

I realize that in this identical case it has taken a great deal of labor, and what I want to bring to your attention is the system existing in the Treasury Department that I believe is vicious, bad, and can result in no good to the Treasury.

This is the system. How did they settle this case? They did not settle it by any definite rule. They did not settle it by statute. They settled it by four processes, as admitted by them. They settled it by bargaining with the taxpayer. You have got a bargaining outfit at the Treasury Department, which is admitted to be so. If I am making any mistake I want you gentlemen, members of the joint committee, to call my attention to it.

It was admitted by the Treasury Department in this hearing that they bargained with the taxpayers as to how much they should pay, and they thought that was the better way to settle this matter.

You can understand why there are so many tax attorneys swarming around Washington when the question of what the taxpayer shall pay is not how much he owes, but how much he can get in an agreement with the department instead of how much the law requires.

Gentlemen, I agreed to a provision in the last bill, and I am still debating in my own mind whether I did right or not. When I analyze the Treasury Department and analyze its faults and misleading estimates in order to carry through legislation, its settlements with taxpayers on a bargain counter, I doubt whether I should have agreed to section 606 in the tax law of 1928. Do you know what that does? Oh, it is the greatest power ever given to one man in the way of handling Government finances. The Secretary of the Treasury tomorrow can have a settlement with a taxpayer, and although the taxpayer may owe $10,000,000, he can settle by the taxpayer paying only $1, and under this law the Secretary of the Treasury can sign the agreement and the people of the United States are forever barred from collecting the balance of that money, although we might find they had made a mistake. Why did I agree to that? Why, my friends, because the Treasury Department was breaking down of its own weight, and it was either a question of giving them this relief, as they said, or in the course of time the American people would demand the repeal of this law because they were breaking down of their own weight. Twenty-one thousand cases were pending before the Board of Tax Appeals and 163,000 were pending in the Treasury Department. Something had to be done, and the Secretary of the Treasury and his advisers said, "If you will give us this discretion, we will settle these cases," and I agreed to do it.

I deliberately charge the Secretary of the Treasury with making this law so onerous to certain taxpayers that it will become so disagreeable to the American people that they will repeal the estate tax, the graduated income tax, and adopt some other system of getting revenue to run the Government.

I have heard Republicans say that the way the law was being administered undoubtedly the American people would soon repeal it. I believe this is the best system that we can get to have capital pay its part. I do not want to see it repealed. I do not want to see it so administered that the people will demand its repeal—not on account of the law itself but on account of the maladministration of the law. If it is ever repealed it will not be on account of the demerits of the law but on account of the demerits of those charged with its administration.

Now, gentlemen, the voluntary return by the United States Steel Corporation was that their capital was $1,400,000,000. They made an amended return in 1919 for taxes in 1917, and cut down their capital to $1,173,000,000. Under three years exhaustive audit by the ablest men in the country they found that the invested capital in the concern was $1,096,000,000. They first said that they had a net income of $568,000,000. They finally whittled it down until by the final report it was $479,000,000—almost a mistake in the United States Steel Co. alone in the net income of 1917 of $100,000,000 in one year.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Texas be extended 30 minutes.

Mr. GARNER of Texas. I will say to the gentleman I do not want as much time as that, but I will take 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Texas be extended 15 minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Now, gentlemen on the Republican side of the House, you would have thought that after this hearing, this settlement would have been approved—there are six Republicans and four Democrats on the joint committee. What happened? I can not give you all the facts that we got in four hours, but we went into executive session. Did they approve it? That was what they were called for, to approve it or disapprove it. No; they did not approve it. The chairman, good man, innocent, nothing the matter with him, never had an idea or thought of doing anything wrong, but if Andrew Mellon and his crowd said that the horse was 16 hands high, he would say "Well, I never saw one as high as that, but if they declare that he was 16 hands high, why he must be 16 hands high." [Laughter.]

He was willing to approve it, and willing to approve everything they suggested about it; he never refused a single request.

But there was a gentleman there from the city of Pittsburgh, where the Carnegie company is located, a gentleman from Pennsylvania by the name of Reed, who said he could not take the responsibility of approving this thing. [Applause.]

Gentlemen, there must be something the matter with it; there must be something wrong with that settlement if you could not get the United States Steel Co. with its subsidiary in Pittsburgh to be approved by a Senator from that State who has unjustly been charged with being the creature of the Secretary of the Treasury.

Would you not have thought, if he could not approve it, that I ought to have some doubt about approving it? Mr. COLLIER and I sat together and waited for them to move. They first moved its approval, and Mr. REED said, "I can not do it." Then they looked around and said, "This is going to fail," and then it would be putting the fat into the fire, and finally Mr. HAWLEY said, "Mr. GARNER, you make a motion." He wanted me to make a motion to approve it. I said, "No; I have got no motion to make." [Laughter.] So he withdrew the motion to approve it because he could not get enough to have it approved, and he said, "Let us adjourn," and we adjourned. The Republicans of that joint committee declined to approve the settlement made by the Secretary of the Treasury with the United States Steel Corporation by which the total amount that will be refunded to that company under this settlement for that fiscal year, including interest, is more than $65,000,000! Think of it! One company receives a refund on the taxes it paid the Government for one fiscal year to the amount of $65,000,000—returned to it because of a mistake! Gentlemen, it is too stupendous to comprehend. That is not all. Mr. Bond was frank enough when I asked him the question. I said, "How much more, Mr. Bond, will you have to pay the United States Steel Corporation if you make the settlement on that basis?" He said, "If we continue to settle the other cases for 1918, 1919, and 1920 on that basis, it will be about $25,000,000 to $30,000,000," and when I asked him when he was going to pay it, he said if the settlements were made in time that it would be paid in this fiscal year. I shall put in the data for 1918, 1919, and 1920. In effect, his statement means the Treasury is going to make such a deficit this fiscal year so that the Congress will never forget it. You are not only going to settle $15,000,000, but, if settled on that basis, this one company alone will be settled with to the extent of $28,000,000 to $30,000,000 more, and be paid this year.

I make this statement, that the Secretary of the Treasury can, by manipulating the refunds and accelerating the collections, make a difference of $100,000,000 in any fiscal year that he wants to. Could he not have put off the payment of this $75,000,000 a little longer? Why did he not do it? I do not know, but there may be something in the back of his head to the effect that after the 4th of March he might not have a chance. I do not know whether that is it, but I do know this—that he is in great haste to settle these cases that have been pending for 10 years. It would seem to me that he could have let it go over just 90 days more, and let a new administration do some of the refunding in place of the old. It might have been advisable. Or, in order not to disgrace this Republic as the President has suggested, with a deficit, he could have let it go over until July 1, in place of doing it now. He could have done that.

There is now law that compels him to make this approval. He could have carried it over, Mr. LONGWORTH; he could have kept this Congress and this administration from going before the world with a deficit on the 1st day of July. Nobody is responsible for it except the Secretary of the Treasury, and I say that if I were President of the United States and he deliberately fixed it so that I would have to reverse myself in such a way, I would ask for his reasons. I would never permit myself to be treated in such a manner as the Secretary of the Treasury has treated the President of the United States within the last 30 days—telling him on December 4, "Sir, you tell the Congress that you have $37,000,000," and now, on the 11th of December telling him that a mistake has been made of $75,000,000. They made a mistake of $75,000,000 in six days, or about $12,500,000 a day.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. MOORE of Virginia. I don't know whether the gentleman stated it or not, but the vote on the Greek settlement bill was on the 10th, and the House was not aware of the reversal of the Treasury figures until after that vote was taken.

Mr. GARNER of Texas. Yes; that is correct. I do not believe that you are entitled to misrepresent in order to get legislation through or to defeat legislation. I know that we can fix our consciences by withholding information, saying that it is the other fellow's duty to get it, and that we will not give it to him; but that is not as bad as giving misinformation in order to induce you to vote one way or the other.

Now, gentlemen, I do not know what you are going to do. If you were the Secretary of the Treasury, and Congress had created a joint committee to pass on refunds that you had arranged, and that committee after a called session and a hearing of four hours, declined to give you a clean bill of health, declined to say that it would indorse your settlement, would you not have hesitated to continue a settlement of that kind? But they will not do it. Do you know what he is going to say? I know. He is going to say that he will take the responsibility.

Gentlemen, for the last six or seven years he has been the most powerful man in the world. I say that he can take the responsibility because he does not care whether you are coming out with a deficit if he can pass the Greek bill. But you ask, "What is the use?" I do not know that I can answer that question. I do not know even what is the use of making these statements, but I took the floor this morning because there was no stenographic report of that case, and I wanted you to have some conception of what is going on. If you had had a report of it, so that you could read it, you would be able to get your information there. In addition to that, I want to call attention to what seemed to me to be one more estimate from the Treasury Department that was a mistake, and that is the mildest term that I can call it—one more estimate from the Treasury Department that was a mistake—a mistake of $75,000,000 over a period of less than seven days.

Mr. LOZIER. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. LOZIER. I would like to ask the gentleman in the whole history of the American Republic has there ever been a single instance in the administration of Albert Gallatin, Alexander Hamilton, and other great Secretaries of the Treasury where there was such erroneous statements made as to revenues of the Government that have been made in the last few years by the Secretary of the Treasury?

Mr. GARNER of Texas. I am sorry I can not answer the question, because I am not familiar enough with that history. I know this, that the Secretary of the Treasury has given back more money to the big taxpayers than all the other Secretaries of the Treasury since the beginning of this Republic. I can say more than that. He has given back to these special taxpayers since the election of 1924 more money than in the history of this Republic, and it seems a greater proportion after election than any other period—$75,000,000 even six days after the meeting of Congress, a month after election. Do you approve of that settlement?

Mr. GIFFORD. Will the gentleman yield?

Mr. GARNER of Texas. I will.

Mr. GIFFORD. Having talked with the gentleman a little about it, I would like to ask if the committee which was called in to approve this settlement could not decide from the actual merits of the case, did actually decide just like a bargain counter?

Mr. GARNER of Texas. I say the Treasury Department run under the direction of the Secretary of the Treasury as it is now is adopting no definite rule or law to guide it and making bargain settlements, is in a chaotic condition.

You do not want to cheat the United States Steel Corporation, and I do not want to cheat it. I want to treat it just like every other taxpayer of this Nation, although it may be the largest one in this Nation, it is entitled to the same consideration as the man who pays only one dollar.

I say we owe as much duty to the United States Steel Corporation to protect it against paying too much taxes as any man in this House, but, sirs, you can not justify this system of bar-

gaining in the Treasury Department. No man can do it. You will find that if it is continued they will continue to swarm here with multiplied attorneys to bring what influence they can to bear upon a bargain counter. I do not believe it is a good system. [Applause.]

ARMY PROMOTIONS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by way of an explanation of what is known as the McSwain amendment to the Wainwright bill relating to promotions in the Army.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. McSWAIN. Mr. Speaker, justice will finally win by its own inherent power. Truth, although slow, like the mills of the gods, will eventually take possession of the minds of the people. These remarks will be very apropos in connection with the bill known as the Wainwright bill, with the McSwain amendment, known as H. R. 13509.

In 1920 the Congress by the national defense act directed that the officer strength of the Regular Army be practically doubled. The sections of that act especially pertinent to this inquiry are sections 24, 24a, and 24b, and we naturally desire to know whether or not the War Department properly understood and executed the will of Congress in connection with this law. When the promotion list as arranged by the War Department was finally published in 1921 it was discovered that as to the ranks of captain, first lieutenant, and second lieutenant, all officers of these three ranks were commingled and intermingled one with the other so that in hundreds of cases second lieutenants and first lieutenants were arranged upon the promotion list higher up than some captains. This meant as vacancies should occur these first lieutenants and second lieutenants would be promoted to grade of major before those captains whom they preceded on the promotion list would become majors.

Now, there are about 900 emergency captains that were thus put upon the promotion list below first lieutenants and second lieutenants of the Regular Army, and about 900 emergency first lieutenants that were placed upon the list below second lieutenants of the Regular Army. The statistics show that these 900 captains are, on the average, about 10 years older than those lieutenants who precede them upon the promotion list. All this first became known in 1921, after the emergency officers had already accepted their commissions and had entered upon their service, and thus entirely severed all connection with their civilian pursuits and were understood by their neighbors, friends, and business associates as having entered the Regular Army for the rest of their lives. Thus it was hard for them to change their plans again so quickly, and therefore as a class they did not resign from the Army after discovering the injustice that had been done, but continued to serve faithfully and loyally in the belief that the War Department itself would see its mistake and correct its wrong, or that Congress itself would by legislation correct the mistake.

This intermingling of officers without regard to rank did not prevail in the higher ranks. Some emergency officers received commissions as colonels in the Regular Army and they were arranged among the colonels. In like manner some emergency officers were appointed lieutenant colonels and were arranged among lieutenant colonels of the Regular Army. The same arrangement was observed as to emergency officers appointed majors. The law itself provided that a suitable number of emergency officers should be appointed in each of the grades below brigadier general, to be selected according to their "qualifications" for their respective grades according to the decision of a board of general officers. To show that Congress expected that age and experience should count and be respected it provided that no person below 48 years of age should be appointed colonel and no person below 45 years should be appointed lieutenant colonel and no person below the age of 36 should be appointed major. When the War Department sent out instructions to examining boards throughout the country it expressedly stipulated that the board should give examinations corresponding to the ranks applied for. In other words, there should be one kind of examination for major and another kind with less range of subjects for captain and another kind with still less range for lieutenant. Section 24a of the act provided that a uniform system of promotion for officers was to be based on "equity, merit, and the interests of the Army as a whole." When it was provided in subdivision 4 of section 24a that emergency captains and lieutenants appointed to the Regular Army under this act should be placed according to commission service among the captains and lieutenants of the Regular Army no one ever thought that the War Department would construe and interpret this language of subdivision 4 as it did. All our thinking and observation of military matters proceeds upon the invariable rule that rank should be respected in promotion.

The Members of Congress who enacted the law understood this principle, and the emergency officers so understood it, and the public generally so understood it. It was therefore a startling and shocking interpretation which the War Department placed upon the language of the act. It was so shocking that some of us not directly in touch with the Army could not realize for several years just what had happened. The relatives and friends of emergency officers that had been thus treated would make their complaint to us from time to time, but we never fully understood for several years just what had been done. We waited then for the War Department to suggest legislation to correct this glaring and manifest injustice. The War Department appointed numerous boards and made numerous studies, but the outcome of the matter was always that the correction of this injustice, which was freely admitted by the War Department, would work an injustice to others, and therefore recommended that no rearrangement be made.

I specifically deny that the correction of an injustice to one man can ever be an injustice to the other man that has been the beneficiary of the original act of injustice. To illustrate: If a lower court erroneously and illegally decides that a tract of land belongs to John Smith and puts John Smith in possession of the land, and then an appeal is taken, and after several crops have been produced on the land rent free by John Smith the Supreme Court reverses the court below and decides that in equity, justice, and merit the land belongs to William Jones, how can it be an injustice to require Smith to surrender possession of land he never should have possessed? In fact, a court of equity would require John Smith to account for rents and profits.

But officers that were first lieutenants and second lieutenants in the Regular Army at the time the national defense act was passed in 1920 and who on account thereof were promoted as of July 1, 1920, to be captains and to take rank over those emergency captains, who on an average are about 10 years older, will not themselves be reduced in rank. These young captains will continue to be captains. Under the ruling of the War Department these lieutenants became captains at an average age of about 25 years. Having been in the Army since 1917, they were thus on an average about 22 years when commissioned as second lieutenants. Relatively few of them had had any previous military training; most of them were just out of college and a few of them had been working for a salary for about a year. Certainly some of them had only a high-school education. I have yet to learn of one of them that had been carrying on any independent and separate business of his own in the competitive business world. Not many of them had begun any profession and a few were working for salaries, and thus taking orders from others. Doubtless, they were as much surprised to find themselves quickly jumped to be captains so early in life as the captains 10 years older were surprised to find themselves ranked by these young captains. These younger captains will continue captains, and if the Wainwright bill passes as amended, then practically all of them will be promoted to be majors at about the same time. The older captains will be higher ranking captains and will be higher ranking majors as they ought to be.

I deny the argument made by Major Summers of the General Staff at the hearings that all new officers should come into the Army as second lieutenants. Naturally, all the Regular Army officers would desire this to be done, but it has never been the practice in the American Army.

Andrew Jackson became a general in the Regular Army without any previous Regular Army rank. Frederick Funston was made a brigadier general, being his first commission in the Regular Army. Gen. Joe Wheeler resigned a lieutenancy in the Regular Army in 1861, and in 1901 was commissioned brigadier general in the Regular Army. Leonard Wood resigned his commission as a surgeon in the Army and became colonel of volunteers, and thereafter was commissioned a brigadier general of the line. There are numerous other examples of how persons have been commissioned in various ranks of the Regular Army, and have been promoted along with Regular Army officers of the same rank. Therefore, it is unfair and unreasonable to permit the War Department to interpret the will of Congress so that persons now nearly 45 years of age on the average, and being commissioned as captains in 1920, find themselves preceded on the promotion list by captains on an average of 10 years younger. I deny that mere length of service in the Regular Army is a fair and reasonable test and measure of merit, and standard of what is best for the interests of the Army as a whole. The qualifications of the individual should be the primary test. Some persons may serve in the Regular Army 30 years or more

and never have one-tenth of the ability and skill as military leaders as other persons who have never served in the Regular Army at all. It is ridiculous and absurd to assume that the merely holding of a commission in the Regular Army confers ability, character, and the quality of leadership. All history and experience assert the contrary; and, in fact, these captains now nearly 45 years old as an average brought into the Regular Army their business and professional experience and training. They are very useful and valuable to the Regular Army. These older captains had been business men, insurance agents, and farmers, real estate agents, and brokers, and thus had a varied experience with the competitive business world. Furthermore, as a class they are well educated.

Their examinations show their educations, showed what colleges they had attended, showed what business they had engaged in, and showed what service they had performed during the World War. I submit that the examination papers and the service records of these older captains permitted the War Department to know much more about them than it could know about the younger captains. The War Department naturally selected the most choice officers that applied for commissions from the many thousands that were seeking commissions. Furthermore, the record shows a large percentage of these older captains had either received military training while in school or had been commissioned officers in the National Guard. All this training was valuable preparation for their intensive instruction in the training camps. At least one of these captains graduated at a good military school, held a commission in the National Guard for about 10 years, had become colonel of his regiment, and was with that regiment when it was inducted into Federal service in 1917. This particular individual possessed preeminent qualifications to be a major, but it so happened that on July 1, 1920, he lacked a few days of being 36 years old, the minimum set by the law as above stated. But at the same time there were many Regular Army officers that became majors on or about July 1, 1920, at the age of 28. Thus they held that a Regular Army officer with no business and professional training, with little if any knowledge of the competitive business world, was qualified to be a major at 28, but an emergency officer, who had been out in the business world, who had been gainfully employed in support of his family, who had been trained in the National Guard and in military schools, all at his own expense, and who had had as much experience in combat during the World War as any Regular Army officer, could not become a major unless 36 years old. This was a direct and conspicuous discrimination against the emergency officer. It is true that this age requirement was written into the law, but it only shows how Congress followed some one's suggestion and advice, and legislated in such a way as to prejudice the emergency officer. The question ought to be "qualifications," and where the qualifications are equal, age ought to have priority. But the War Department has ignored the question of qualifications, and had disregarded that wisdom and knowledge which age and experience bring, and had applied the arbitrary and meaningless and unreasonable standard of "length of commissioned service."

Members of Congress need not deceive themselves nor be deceived by others as to the real point of contention in this matter. Though there may be some collateral issues, resting upon individual cases, yet its main issue, the chief bone of contention, lies between the emergency officers, now captains and first lieutenants who served in war in higher grades as a general proposition and with distinction during the war, and, on the other hand, the Regular Army officers, especially including many officers that entered by way of provisional second lieutenants, who are now captains and became captains, many of them, at about 25 years of age. Here is the real contention; the hearings show it; the records prove it; and the correspondence of individual members on this subject with officers and relatives and friends of officers, when correctly analyzed and understood, will prove it.

Unfair and unjust as is the situation now, its unreasonableness and absurdity will be more manifest if we project ourselves 10 or 15 years into the future, as we must. At that time these emergency officer captains will be 55 or 60 years of age and will still be captains. These Regular Army officers, who claim that their rights will be invaded by the adoption of my amendment, will be 45 or 50 years of age and practically all of them will be majors and some of them will be lieutenant colonels. These older officers, still captains, will have grandchildren attending the same post schools and playing on the same grounds with the children of these younger Regular Army officers. The younger officers, with small and younger families and no grandchildren, will be occupying the larger and more conspicuous houses, and the older officers, below them in grade and in pay, will be living with larger families in the smaller and remote houses. This is a situation that will prove mortifying and embarrassing to these older emergency officers, and especially so to their wives, children, and grandchildren.

The contrast will be so conspicuous as to demand constant explanation. To the minds of children, grandchildren, and neighbors and friends, the fact that the officers, though 10 years older, are outranked by one or two grades by the officers 10 years younger, will constitute an indictment of either the ability or the character, and perhaps of both, of the older officers. Children, grandchildren, relatives, and friends of these older captains will be constantly explaining and apologizing. This is a condition calculated to produce unrest and dissatisfaction. It will do more than destroy morale; it is calculated to produce mutiny, and nothing short of the fine quality of discipline in the hearts of these older emergency officers has preserved their loyalty and maintained their esprit de corps. I counsel forbearance and patience; I insist that Congress will right their wrongs.

Furthermore, I submit most respectfully and deferentially, but earnestly, that the quickness and ease with which these younger officers jumped, in the course of three years, from civilian life, and most of them just out of high school and college, to the permanent rank of captain, are not calculated to establish discipline in them nor to develop a seasoned morale, nor to build up a genuine esprit de corps. Why do I say this? Because what we obtain quickly and easily in contrast with others, we do not properly prize and appreciate. Already these same young captains are fretting at the bit, wishing to be made majors and thinking that they ought to be made majors; their rapid rise from zero in the military life to the rank, dignity, power, and income of a captain in the Regular Army, is unparalleled. Gen. Hunter Liggett had to serve 19 years to become a captain. Gen. Robert L. Bullard had to serve 15 years to become a captain. Gen. John F. Morrison had to serve 14 years to become a captain. Gen. John J. Pershing had to serve 15 years to become a captain; and these examples are fair standards of the time required of the officers of the generation that held high command and discharged great responsibility during the World War.

Again, these younger officers, though the natural spirit of selfishness and personal ambition forbid them to say so in words, yet in the bottom of their hearts, in the silence of the night, in the presence of eternal truth, they are obliged to realize that through a situation of circumstances that they did not control and therefore for which they are not to blame, they have become the favored beneficiaries of rapid promotion, with prospects of further promotion, and that their good fortune was at the cost of men who are on the average 10 years older and have therefore had wider experience and are better trained to exercise high command. This comparison is based on the reasonable assumption that the natural abilities and home training and education of the individuals in the two classes are approximately the same and without any known advantage to either class.

We do know, however, because the records show it, that these older officers, certainly a large per cent of them, had military training either in schools or as officers in the National Guard before April 6, 1917. Furthermore, their records show that they had professional and business experience, which are an important addition to the school education. On the contrary, these younger officers were but little beyond high school and college and with practically no responsible business and professional experience. How can there be any doubt as to the superiority of these older men to exercise command in the Army? Therefore, in the face of the very nature of the facts and in defiance of universally recognized principles concerning rank and promotion, the War Department put an interpretation upon the act of Congress that advances the younger and less qualified officers ahead of the older and better prepared officers. When these younger officers have had the same amount of experience 10 years hence they will surely be equal to these older officers.

It is ridiculous and absurd for any person to say that the various examinations of the former emergency officers in the Regular Army held generally in the fall of 1920, after the Congress by law had decided to double the number of officers in the Regular Army, were not to consider grades and ranks. The law stipulated that qualifications should count and by inference stipulated that age should count. The law required that some of these emergency officers should be appointed in all of the grades from colonel down. As a matter of fact, these boards did recommend the appointment of these emergency officers for commission in all of the grades. The instructions from the War Department said that, "the general qualifications from each applicant should not be limited to moral fitness, but should take into consideration experience, age, grade for which quali-

fied, and probable general value to the Government." Beyond the shadow of a doubt, and it is admitted by every general officer that has appeared before the Committee on Military Affairs, when an emergency officer applied for and took an examination for captaincy in the Regular Army, and was accepted and commissioned, he had a right to assume that he would be placed along with all other captains in the Regular Army, and arranged among all other captains according to length of their respective commissioned service. There was no more reason for him to think that he would find himself on the promotion list below first lieutenants and second lieutenants than he would have in thinking that he would be placed on the promotion list of persons listed as majors and lieutenant colonels. The rule has always been through our recorded history that colonels rank with colonels, majors rank with majors, captains with captains, and lieutenants with lieutenants.

Therefore when the War Department found that its interpretation of this act of Congress would conflict with these universally accepted and applied rules of military life the War Department should have hesitated, and should have called into consultation responsible Members of Congress, and should have ascertained what reason Congress could have had for contravening all of these well-accepted rules.

If they considered the language imperative there should have been a delay in action until the next session of Congress, and the mistakes of language in the act of June 4, 1920, should have been pointed out and Congress given a chance to clear up the language, so as not to make itself ridiculous, and so as to not to compel the War Department to violate all military conceptions and to bring about a state in the Army of unrest, dissatisfaction, and low morale.

Speaking on this subject of promotion and retirement, Gen. Charles P. Summerall, Chief of Staff of the United States Army, used this language:

The present condition is leading to a very unfortunate situation. It has been explained to you, and will be further explained in detail, that we have a large number of officers, who are representative American citizens and who have come from the mass of the people. Most of them have worked their way up in life. They have demonstrated by their service in a great war their ability to be officers, and they have deserved at the hands of the Government considerate and just treatment. They see, however, that before them is a hopeless future. The great majority must remain in grades not commensurate with their duties, their age, or their length of service. They will do what every man does under such circumstances—they will stagnate. They see themselves confronted by the problem of living. Every man in this country has a right to aspire to improve his scale of living, and because he finds himself initially in one scale of living he is not deprived of the right to seek a higher scale of living.

Again, General Summerall, speaking before the same committee, used the following language:

No man can command successfully American soldiers or officers unless they have confidence in his sense of justice. The Government, above all, must show them that it treats them according to reasonable standards of justice. You can not treat any man unjustly without arousing in him a sense of bitterness, resentment, and antagonism that will injure whatever native ability he may have.

Among the basic elements of human nature are ambition and a sense of justice. These are the stuff of business efficiency and they are no less indispensable in the military service. All countries have adopted a system of military grades, thus giving to each officer an opportunity to rise to a position commensurate with his ability, age, and length of service. This is called "promotion" and "rank." Relative to the high positions of civil life, such rewards are small, but they are more precious to the soldier than any material consideration.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

When the Committee on the Post Office and Post Roads was called.

RECEIPTS FOR MAIL

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 56, which is on the Union Calendar and approved by the Post Office Department.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 56) to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, domestic or international, and to fix the fees chargeable therefor.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General may provide by regulation for furnishing to the sender a receipt showing the mailing of ordinary mail of any class, domestic or international, and for the payment of such fee as he may prescribe for such receipt: *Provided*, That the furnishing of such receipt shall not place any liability on the Post Office Department or its revenues.

With a committee amendment as follows:

Page 1, line 5, strike out the words "domestic or international." Amend the title.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the last vote was laid on the table.

EMERGENCY STAR-ROUTE SERVICE

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 57.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 57) to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service.

Mr. KENDALL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole. The bill is on the Union Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to amend the act approved June 25, 1910, authorizing the postal savings system, and for other purposes," approved May 18, 1916 (39 Stat. L. 161), is hereby amended by adding thereto the following proviso:

"*Provided further*, That the provisions of section 3960, Revised Statutes, that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this act."

With a committee amendment as follows:

Page 1, line 6, after the figures "161," insert "United States Code, title 39, section 434."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PAN AMERICAN POSTAL UNION

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 12415, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 12415, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. BRIGGS. Mr. Speaker, may we have the bill reported first?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States.

Be it enacted, etc., That under such regulations as the Postmaster General shall prescribe correspondence of the members of the Diplomatic Corps of the countries of the Pan American Postal Union stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration, but without any right to indemnity in case of loss. The same privilege shall be accorded consuls of such countries stationed in the United States and vice consuls when they are discharging the functions of such consuls, for the exchange of official correspondence among themselves, and for that which they direct to the Government of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, that this bill be considered in the House as in Committee of the Whole?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TRANSPORTATION OF FOREIGN MAIL

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 6864 on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6864) to authorize the Postmaster General to require steamship companies to carry the mail when tendered

Be it enacted, etc., That section 203, chapter 321, of the act of March 4, 1909, is amended by the addition of the following proviso: "*Provided*, That the Postmaster General may require the transportation by any steamships of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postmaster General or his representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance until the collector or other officer of the port is informed by the Postmaster General or his representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postmaster General."

With committee amendments as follows:

On page 1, beginning on line 3, strike out "that section 203, chapter 321, of the act of March 4, 1909, is amended by the addition of the following proviso: *Provided*, That the" and insert: "That section 203 of an act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909 (35 Stat. L. 1127, U. S. C., title 18, sec. 326), is amended by adding to the end thereof the following new paragraph."

On page 2, line 1, at the beginning of the line insert the word "The."

The committee amendments were agreed to.

Mr. HOGG. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, before the words "The Postmaster General," insert "except as otherwise provided by treaty or convention."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

POISONS IN THE MAIL

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 10441.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10441) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909

Be it enacted, etc., That section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended to read as follows:

"All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material, of whatever kind, which may kill or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe: *Provided further*, That all spiritous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

SAFEGUARDING THE MAILS

Mr. KENDALL. Mr. Speaker, I call up the bill H. R. 13114.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 13114, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13114) to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.)

Be it enacted, etc., That section 197 of the Criminal Code (sec. 320, title 18, U. S. C.) as to read:

"Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter or any part thereof, or shall rob or attempt to rob any such person of such mail or any part thereof, shall for the first offense be imprisoned not more than 25 years; and if in the effecting or attempting to effect such robbery he shall wound any person having custody of or engaged in safeguarding the mail or put his life in jeopardy with a dangerous weapon, he shall be imprisoned for life; and if in effecting or attempting to effect such robbery he shall kill any person having custody of or engaged in safeguarding the mail, he shall be punished by death."

With committee amendment as follows:

Page 1, line 4, strike out the word "as" and insert in lieu thereof the words "be amended."

Page 1, line 9, strike out the words "for the first offense."

Page 1, line 10, strike out after the word "in" the word "the."

Mr. KENDALL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. SUMNERS of Texas. Will the gentleman from Pennsylvania yield to me for a question?

Mr. KELLY. Certainly.

Mr. SUMNERS of Texas. I want to ask about the effect of these committee amendments, especially the amendment dealing with the matter of first offenses.

Mr. KELLY. It is really to correct a typographical error. The original print of the bill should have contained the language as is now proposed, but by inadvertence it did not. It was the intention of the committee to omit the words "for the first offense" and provide imprisonment for not more than 25 years. This measure is urged by the Postmaster General as a means of dealing with the serious situation that confronts the department.

Mr. SUMNERS of Texas. Will the gentleman yield for another question?

Mr. KELLY. Yes.

Mr. SUMNERS of Texas. Did the committee consider making it a capital offense, within the discretion of the jury, where a robbery is committed with firearms?

Mr. KELLY. Yes; that was considered by the committee and it was finally decided that it would be best in the form in which the bill is reported. However, that provision was thoroughly considered and a draft containing it was before the committee.

Mr. SUMNERS of Texas. I do not suppose there is any question as to jurisdiction between this committee and the Judiciary Committee.

Mr. KELLY. I will say to the gentleman that it was unofficially stated to me by a member of the Judiciary Committee that the bill should have gone to that committee, but it deals with matters pertaining to the Post Office Department exclusively and it has already been acted upon by the Post Office Committee.

Mr. BANKHEAD. Mr. Speaker, I would like to submit a parliamentary inquiry on that proposition. It seems to me that a bill of this gravity, a bill proposing to inflict capital punishment, should properly have gone to the Committee on the Judiciary, but I suppose the Speaker properly referred it to the

Post Office Committee. I do not want to raise the question of jurisdiction now and probably it is too late, but I think it is rather important that the record should be made clear on that point.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. RAMSEYER. It is too late to raise the question of jurisdiction.

Mr. BANKHEAD. I admitted it was probably too late to raise that question, but as it is a matter of considerable importance, I thought I would make an inquiry of the Chair and ascertain whether he was firm in his opinion that the bill originally was properly referred to the Post Office Committee.

Mr. KELLY. I will say that the bill deals exclusively with the Postal Service and so it was dealt with by the Post Office Committee.

Mr. RAMSEYER. Will the gentleman yield further?

Mr. BANKHEAD. Yes.

Mr. RAMSEYER. I know, as a matter of practice, having for a number of years served on the Post Office Committee, that bills for the enactment of criminal statutes for offenses against the Post Office Department have invariably been referred to the Committee on the Post Office and Post Roads.

The SPEAKER. The Chair does not recall the reference of this bill in the first instance, but inasmuch as it is the duty of the Committee on the Post Office and Post Roads to report legislation relating to the Postal Service, and in view of the fact that this bill does not affect anything but the Postal Service, the Chair is inclined to think it was properly referred. In the future the Chair will undertake to examine very carefully bills relating to the Postal Service that carry the death penalty.

Mr. BANKHEAD. Mr. Speaker, that was my only purpose in making the inquiry, because it seemed a matter of considerable gravity.

The SPEAKER. The Chair will keep that in mind. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. KELLY. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: On page 1, line 6, after the word "of," add the words "or engaged in safeguarding."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on the Public Lands.

Mr. COLTON. Mr. Speaker, I call up Senate bill 3162.

Mr. TILSON. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. TILSON. We should like very much to go ahead with the appropriation bill for the Department of Agriculture to-day and finish it. Therefore I ask unanimous consent that Calendar Wednesday business be dispensed with for the remainder of the day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business be dispensed with for the remainder of the day. Is there objection?

Mr. LEAVITT. Mr. Speaker, I reserve the right to object to submit a parliamentary inquiry. This committee would then have the next Calendar Wednesday?

The SPEAKER. The committee would have the next two Calendar Wednesdays.

Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15386, the Agricultural appropriation bill, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $420,000.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of eliciting some information from the chairman of the subcommittee. I received a letter this morning from the commissioner of agriculture of our State, who is very much concerned about the insects that are bothering our bulb culture in the eastern part of the United States, and particularly in North Carolina.

I notice in the report, Mr. Chairman, you say for the investigation of bulb insects in the East, $7,500. This is confined to the whole eastern section of the United States, is it not?

Mr. DICKINSON of Iowa. That is for the whole eastern section where they have bulb culture. There are about four States that produce bulbs in the eastern section, New York, New Jersey, Virginia, and North Carolina, and this is for investigation of the diseases that are prevalent in those States on the eastern coast.

Mr. ABERNETHY. I would like, Mr. Chairman, the privilege of inserting in my remarks this letter from our commissioner of agriculture.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

NORTH CAROLINA DEPARTMENT OF AGRICULTURE,
Raleigh, December 15, 1928.

Hon. CHARLES L. ABERNETHY,
Member of Congress, Washington, D. C.

DEAR MR. ABERNETHY: It is my understanding that the Bureau of Entomology of the Federal department asked the Bureau of the Budget for an item of $15,000 to be used in the studies of bulb insects affecting narcissus and other related bulbs which are now being grown to a large extent in North Carolina and Virginia. I am just informed that the Bureau of the Budget did not include this item, but that it did include an item of $15,000 for the study of bulb insects on the Pacific coast, and an appropriation for the study of bulb fungus diseases on Long Island.

Within the last few years the bulb industry has grown very extensively in North Carolina, as will be seen from the following quotation from a recent report of the Federal Horticultural Board:

"Omitting the paper-white narcissus, Chinese sacred lily, and Soleil d'Or, which are confined to the Southern States and are known as polyanthus types, the figures for the States having more than 1,000,000 of the hardy daffodil types, are as follows:

New York	7,740,706
Washington	7,147,280
Oregon	5,452,310
Michigan	4,550,900
Virginia	4,032,200
Texas	3,987,000
New Jersey	3,947,600
North Carolina	2,777,600
Illinois	2,403,162
California	1,362,510
Ohio	1,208,025
Total for the United States	45,462,727

"According to the annual reports of the Federal Horticultural Board, it appears that 12,575,730 narcissus bulbs were imported into the United States during the fiscal year 1927–28, and that of this number 1,525,858 reached the State of Virginia."

North Carolina is vitally interested in a study of these bulb problems. I am wondering, therefore, if you would use your influence in securing an amendment to the appropriation bill granting this appropriation of $15,000 to the Bureau of Entomology for this work on the Pacific coast in order that an equal amount will be provided for

work in our section. It is my understanding that a large portion of this money would be spent in eastern North Carolina and southeastern Virginia.

Any assistance that you can render in this matter will be greatly appreciated.

Respectfully yours,

WM. A. GRAHAM,
Commissioner of Agriculture.

Mr. KINCHELOE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KINCHELOE: Page 62, line 5, after the ward "cotton," insert a comma and the word "tobacco."

Mr. KINCHELOE. Mr. Chairman, I do not desire to take up any time of the committee if the chairman of the subcommittee will agree to this amendment.

Mr. DICKINSON of Iowa. Mr. Chairman, we have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $1,227,000.

Mr. HARE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 63, line 5, after the word "products," strike out "$1,227,000" and insert in lieu thereof "$2,227,000."

Mr. HARE. Mr. Chairman, on last Saturday I gave notice to the House that at this time I would introduce the amendment just read asking to increase the appropriation for the market news service from $1,227,000 to $2,277,000. I assume that the Members of the House are quite familiar with this service.

We understand that the market news service was created in the Department of Agriculture a few years ago with the idea of furnishing producers information with reference to the demand and supply of particular crops in particular markets on any particular day of the year. This news service is of special importance to farmers who are engaged in growing fruits and perishable farm crops. For instance, a farmer has a perishable crop that he is ready to place on the market to-day; he has no information whatever as to the market to which this produce should be directed so that it would bring the highest possible price. But if he were advised by the Department of Agriculture, we will say every afternoon or evening at 6 o'clock, that in the great consuming centers of the country there is only a certain amount or a certain quantity of the crop in which he is interested, he would be able to know just where to consign his shipment. In other words, if a producer of watermelons or cantaloupes should know at the setting of the sun to-day the quantity of cantaloupes or watermelons in the various consuming centers he would know exactly where to consign his shipments.

This has proven to be a very valuable service, but on account of the limited appropriations the Department of Agriculture has not been able to render the service except in cases where the producers furnish the money to supply them with the information, whereas, gentlemen, the Bureau of Foreign and Domestic Commerce, as I pointed out a few days ago, is charged with the responsibility of securing and locating markets for the products of manufacturers.

This last year it was instrumental in increasing the sales of manufactured goods to the extent of $45,000,000 or more, and yet the manufacturers were not called upon to pay anything for this service. The manufacturer and the purchaser were brought together by this governmental agency with no cost to either, and yet when the great producers of agriculture call upon the Government to furnish them with the same information or with corresponding information the Government has to come back and say, "We have it but we can not furnish it unless you put up the money to pay the cost of it."

This amendment provides that the appropriation shall be increased in a sufficient amount to bear the expense. Permit me to say that the Department of Agriculture, according to my understanding, recommended to the Bureau of the Budget this last year, or before this appropriation bill was framed, that this appropriation be increased $796,000. The Department of Agriculture, the governmental representative of the farmers, we might say, asked for this increase, but the Bureau of the Budget did not grant it, for it is my understanding that the department represented to the Bureau of the Budget that it would take the amount suggested to give prompt and efficient market news to all sections of the country.

I pointed out in a speech here last Saturday that the justification for this appropriation is that the Government is already providing similar service for the manufacturers of this country through the agency and efforts of the Bureau of Foreign and Domestic Commerce, and, according to the report of the director, the bureau last year through its representatives increased the sales of 25 manufacturers approximately $7,500,000, or an average of about $298,000 each. We want by this amendment to provide a corresponding service for agriculture; and in this connection I desire to call attention to a statement made by President-elect Hoover in a speech he made in St. Louis on November 2. When speaking of farm-relief legislation, he said:

I believe we can apply to agriculture the principles and activities in this direction which we have applied to commerce and industry during the last seven and a half years. I believe we can solve a very large number of the problems of agricultural distribution and marketing through such methods.

There is no doubt, gentlemen, but what the bureau referred to has done wonderful things in assisting manufacturers in marketing and disposing of their products at a profit, and I contend that in all fairness and justice to the farmer and to agriculture this amendment should be adopted.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, there has been a great deal of agitation for an increase in the market news service. The minute we take over the market news service and have the Government pay for the whole of it you are going to increase the appropriations to where it will be beyond all bounds. There is just as much cooperation in the expansion of the news service so far as industry is concerned as there is agricultural. There is a great deal of cooperation, in fact all the big concerns in the foreign trade have their own representatives as well as representatives of the Government helping to extend trade in these areas.

The market news service is more or less new, but it has developed very fast. The thing that this House ought to remember is that in many items it is not money that will do the business; it is experience.

As a matter of fact, this department is expanding as fast as it ought to expand, because the minute you say that you ought to have established a new station you are not getting the value of the money expended.

Now, this map shows the big stations maintained solely at the Government expense. Growing out of this there are branches to small stations. There has been a demand made here that the Government should take over the total expense of the small stations and relieve all these various substations from any contribution whatever and maintenance of the new service. As a matter of fact, whenever you do that, if you establish that policy you are going to tremendously curtail the expansion of the news service, because I do not believe that you are going to get the department or the Budget or the President to continually come back here and make larger and increased appropriations for these items year after year at the sole expense of the Government.

As a matter of fact, the news-service station should be partially contributed to by those interested in the news service in the various localities. Here is what happens: They come and say we are willing to give the service an office, contribute so much, and we want the Government to be in command, and we will contribute so much locally and the Government contribute so much. In that way you establish a cooperative news station that is partially in charge of the local people and partially in charge of the Government. You have cooperation of the two. The minute you adopt this other program you are going to cripple the service.

Mr. MORTON D. HULL. What did the department request?

Mr. DICKINSON of Iowa. There is no statement in the hearing——

Mr. MORTON D. HULL. I understand that the department made a request for a larger sum and the Bureau of the Budget cut it down.

Mr. DICKINSON of Iowa. It is not on record what the department did request.

Mr. HARE. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HARE. The department asked for $796,000 more than the Bureau of the Budget allowed.

Mr. DICKINSON of Iowa. As a matter of fact, we have found that every department wants to increase its service faster than is justified. They make requests of the Budget a great deal larger than they should. I would like to know what official is giving out information of that kind.

I would like to know what official of the Bureau of the Budget is giving it out.

Mr. HARE. No one volunteered information to me. It was given to me because I asked for it.

Mr. DICKINSON of Iowa. I would like to know what official is giving out to Members of Congress promiscuous information of this kind outside of the hearings.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARE. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HARE. As I understand, the department does not give out the information promiscuously, but my information was obtained upon my personal request.

Mr. DICKINSON of Iowa. I suggest to the Members of the House that you will find in the hearings a criticism by me with reference to the secrecy of department estimates. I believe those estimates ought to be printed in the Budget hearings. I believe they ought to be public property, and I have so stated in the hearings. I also believe that if they were public property you would find that the department heads in some of the departments of this Government would not be making the extravagant requests that they are making now, knowing that they are not going to get them, because the amount they could possibly get under the appropriation, under the Budget system, could not reach such an amount. I am opposed to the department heads coming in here and making extravagant requests to the Budget upon the theory that they may work out some little amount of increase in their respective departments, and we found all along the line where we found the amount certified by those departments, that many of the requests are in excess of what they know the Budget will authorize. For that reason, if they were made public and printed, they would be careful as to how big a request they made to the President and to the Budget for their respective departments.

Mr. O'CONNELL. And the gentleman is contending this morning that the department makes statements to Members that are different from the statements made before the committee?

Mr. DICKINSON of Iowa. I am not contending any such thing.

Mr. O'CONNELL. That is what I understood.

Mr. DICKINSON of Iowa. I did not mean any such thing.

Mr. O'CONNELL. If the gentleman would clarify it, I would be grateful.

Mr. DICKINSON of Iowa. I say that they are not supposed to have the department estimates made public. I asked the gentleman where he got his information. We did not have any information from this department that they were not getting enough money to carry on this news service. We did not ask for their estimates, although we had that privilege.

Mr. BYRNS. Of course, the gentleman understands that the reason for that is the Executive order which forbids any executive department from asking any more than the Budget approves.

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Is it not a fact that this is a considerable increase over last year's appropriation in any event?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. It is an increase of $150,000, as I make it, and that is a 12 per cent increase, which seemed to me to be sufficient.

Mr. DICKINSON of Iowa. The increase in the bill this year over last is an apparent increase of $150,645; $51,823 of that is required under the Welch Act, so that there is $90,822 of increase in this item. With a service of this kind, if you make them drunk with money, you hurt the service rather than help it.

Mr. HARE. As I understand it, the Bureau of Foreign and Domestic Commerce which does a similar work for industry has an appropriation of approximately $3,000,000. Does the gentleman think that the Government should show any partiality or discrimination in making its appropriations in favor of industry in finding markets as against the service that it is willing to render to agriculture?

Mr. DICKINSON of Iowa. Oh, I do not think that you can compare a foreign service of that nature with the kind of service that we are discussing here.

Mr. HARE. But we can compare the principle involved.

Mr. DICKINSON of Iowa. Oh, no; you can not.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. McLAUGHLIN. I can see that there may be necessity of forbidding officials of departments coming to Members of Congress and trying to override the action of the Bureau of the Budget, but I am unable to understand why the doors are closed entirely to Members of Congress and committees so that they can not find out even what a department asks the Bureau of the Budget to recommend.

Mr. DICKINSON of Iowa. That information can be obtained as I understand it, in all public hearings, and I understand now that it is being given out to the gentleman from South Carolina [Mr. HARE] by both the department officials and the Budget officials.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN. But the gentleman from Iowa now inveighs against that, and says that it is improper and should not be done.

Mr. DICKINSON of Iowa. It is improper according to the order mentioned by the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. It is improper, as I understand the Executive order, for any Government official to appear before the committee and urge or ask an increase of their estimates over the amount allowed by the Budget; but I wish to say that, in so far as the Subcommitees of the Committee on Appropriations are concerned—and I speak particularly with reference to those of which I am a member—we never have any trouble in getting the facts when we ask for them as to how much the department originally asked; but they never volunteer the information.

Mr. McLAUGHLIN. But the gentleman from Tennessee knows that when a Member on the floor asks members of the Committee on Appropriations for that information, it is denied him.

Mr. BYRNS. I think the gentleman is mistaken as to that. It may be that in the course of the hearing that information was not asked for and obtained, but I do not think any member of the committee has ever denied that information, nor do I think that any Member of Congress should be denied that information when he goes either to the department or to the Budget. It is a public matter, and every Member of Congress is entitled to it.

Mr. McLAUGHLIN. But the only opportunity a Member of Congress has, or many of them, is to make inquiry of a member of the Committee on Appropriations when he is presenting the matter on the floor. Why a part of the information should be withheld I do not understand.

Mr. BYRNS. I want to reiterate what I said to the gentleman from Michigan a moment ago. I do not think that any chairman of a subcommittee or any member of the Committee on Appropriations has ever refused or would hesitate for a moment to give such information.

Mr. DICKINSON of Iowa. All of the information that members of the committee have is in the hearings, and the minute those hearings are printed they are made available to all Members.

After an estimate is passed before our committee it is printed because we never ask anything for record as to estimates outside of a departmental hearing.

Mr. McLAUGHLIN. The gentleman knows that an official of the department appearing before a committee of Congress is not permitted to tell what he asked the Budget for.

Mr. DICKINSON of Iowa. He is if you ask the question.

Mr. McLAUGHLIN. There are some estimates required to be kept secret, I do not know just exactly——

Mr. DICKINSON of Iowa. There is no question in my judgment it would be a wholesome thing if these estimates were made public.

Mr. BURTNESS. Members of the Appropriations Committee in this respect are in a different position than the other Members.

Mr. DICKINSON on Iowa. Not according to the statement of the gentleman from South Carolina.

Mr. BURTNESS. I understood the gentleman from Michigan to ask the question, or to raise the question, that you could not ask the direct question of the department heads.

Mr. McMILLAN. Can not any other Member of Congress who might desire raise the same question of the heads of a department?

Mr. DICKINSON of Iowa. That is according to the gentleman from South Carolina.

Mr. BURTNESS. It would perhaps be quite right for the subcommittee to simply ask as the item was read what was the estimate made in the department.

Mr. DICKINSON of Iowa. Well, now, I would like to make a little speech.

Mr. BRIGHAM. Are the department estimates submitted to your committee?

Mr. DICKINSON of Iowa. No, sir.

Mr. OLIVER of Alabama. With respect to some questions asked on the other side of the aisle, the subcommittee I serve on usually inserts in the record not only the Budget recommendation but also the estimates made by the departments to the Budget. If you will examine the hearings for the Departments of Justice, State, Labor, and Commerce, which will be available to-morrow, you will find much information of that character in the hearings.

Mr. BURTNESS. That very point was in my mind in the question, so that Members of Congress who desired information could look at the hearings.

Mr. DICKINSON of Iowa. I want to get this before the House if I can. There are increases authorized by the Budget of $150,645. There are $51,823 for the Welch Act. There is a $24,400 increase in the survey of livestocks and meats. Now, that survey is an important thing. Now, we increased a new service on fruits and vegetables in the amount of $41,464. It was a service very well worth taking care of, and it is a service the department wants to increase as fast as they can. Fifteen thousand two hundred and forty dollars is for poultry and eggs. Now, that has become a big item in the merchandise of this country, and we are increasing that. There is $17,718 carried for the service of grain, feed, and hay.

This map shows you where the large stations are, and you will see that they reach out to practically all the great producing areas of every section of the country as well as to the great consuming areas. You will notice the chain runs through most of the Mississippi Valley, on account of the vast production there; and that being the case, and taking into consideration the fact that it reaches out to the Pacific coast and down to the Gulf and over into the States of Florida and Alabama, it means that we are trying to expand this service to practically every area in the country.

Now, I do not believe that this House would be justified in increasing the amount in the bill and making an effort to double or treble the service under the existing conditions, because of the fact that we are now expending it, in my judgment, economically so far as we can do it. I hope the amendment will be defeated.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, ordinarily in these items of appropriation I am content to accept the judgment of the members of the committee who prepared them. But occasionally items will arise of such importance, particularly to some industry of the country, that I think we are occasionally justified in overriding the decisions of the committee with reference to the amounts recommended to be appropriated, and I regard the item covered by the amendment proposed by the gentleman from South Carolina [Mr. HARE] as coming within the exception I have stated.

I represent an almost exclusively agricultural district. It is a district where our people for generations have been confining their agricultural activities largely to one cash crop, and for years and years the agricultural leaders have told us, and also the Department of Agriculture in Washington and the extension agents, that we should implore the farmers of Alabama to get away from the 1-crop system and diversify their agriculture.

My attention to the necessity of the new system along the line carried by this paragraph in the bill has been called particularly by the efforts of a local association in my home county, the Fruit and Vegetable Growers' Association. A number of our farmers went into the enterprise last year and devoted a great deal of preliminary expense to preparing the land and securing fertilizers and planting the crops, and they had splendid yields of their truck crops. But this past summer, when the time came for these men to market their products and they began to make inquiries as to what sections of the country afforded the best facilities for marketing, they could not find them because the officials of the department here, as the gentleman from South Carolina has pointed out, which has been clothed with authority to supply such information, say they have not sufficient funds to cover those sections to furnish it to the producers, the men gambling on their time and toil and money to produce their crops.

This inability to procure adequate information either from State or Federal authorities as to where the best markets could be had, where they could sell at a profit, presents to my mind a very practical proposition. I think by the enlargement of this appropriation the thousands and tens of thousands of farmers all over my section of the country who are undertaking to diversify their products and have money coming into their hands at certain seasons of the year, instead of one harvesting and marketing period, will be encouraged. I believe that this additional appropriation, as pointed out by the gentleman from South Carolina, is abundantly justified. The department having the administration of this fund say they need a larger sum for the effective prosecution of this work.

Mr. DICKINSON of Iowa. Mr. Chairman, last year Senator MCNARY, in the hearings on the bill, asked that we provide for a complete survey, a complete job, in every part of the country. The department made that survey, and they made an estimate based on that survey, and that is where you get the $700,000 suggested by the gentleman from South Carolina [Mr. HARE]. That being the case, it is an effort on the part of the gentleman from South Carolina not only to inaugurate the complete service of the entire country all in one lump, but to increase that by something like $200,000.

Mr. HARE. I asked the gentleman from Iowa to agree to an amount equivalent to that suggested by the Budget.

Mr. BANKHEAD. Mr. Chairman, I just want to add this one word: We have been talking about farm relief in Congress for a number of years past. It is still a matter of active interest and it is still undecided. It is possible that at the extra session of Congress a compromise farm relief bill of some sort will be enacted, and I have no doubt that that bill, if enacted, will carry an appropriation for a revolving fund of a very large figure. I understand that $300,000,000 or $400,000,000 has been suggested as a proper amount to be turned over to the farm board to facilitate the profitable marketing of farm products. I have no doubt that the bill to be reported will carry an appropriation to that extent but my knowledge of this situation, with the limited opportunity I have had to give the subject careful study, leads me to believe that if you will transfer from that $300,000,000 or $400,000,000 at least a million dollars to supply facilities to actual producers to obtain a direct and immediate market for their products you will do more for farm relief in a substantial way, especially for the benefit of the producers of fruits and vegetables, than you would do by adding this entire amount to the farm relief bill. Therefore I sincerely trust that the amendment of the gentleman from South Carolina will be adopted.

Mr. LARSEN. Mr. Chairman, I move to strike out the last two words. I take advantage of the opportunity afforded in order that I may present to the House my ideas as to the logic of the position of the gentleman from Iowa regarding the duty of the Chief of the Budget. I do not concede infallibility of the Budget. Of course, we all understand that the Bureau of the Budget is not engaged in the administration of the various departments but we know that the bureau simply has information as to what the economy program of the administration is and, therefore, undertakes in a general way to allot the amounts that the administration thinks should be expended by the various governmental departments.

The Bureau of the Budget, as a matter of course from the nature of the circumstances, knows little or nothing as to the actual needs of the Agricultural Department, of the Military Department, or of any other department except as the head of the bureau obtains information from those departments as to their needs and desires. When it becomes necessary for the Bureau of the Budget to ascertain the needs of the Agricultural Department, the chief must go to the Agricultural heads for such information. For one, I believe that the information which is given to the Bureau of the Budget ought also to be available to Congress, in order that each Member of the Congress may understand what the desires and the necessities of the Agricultural Department are, just as well as the Bureau of the Budget understand them. Of course, I can understand why it may not be desirable to the Chief of the Bureau of the Budget to set aside an amount for the use of the Department of Agriculture, or any other department, and then have some man who is at the head of such department say that the amount allotted to department is not sufficient to meet its actual requirements and demands.

That is no doubt the reason for the Executive order. But, nevertheless, this is information that ought to be available to the Members of Congress. Congress, in the last analysis, has the responsibility of meeting the demands of the country. That responsibility rests upon the Members of Congress and not upon the Bureau of the Budget. We should meet that responsibility ourselves.

The CHAIRMAN. The time of the gentlemen from Georgia has expired.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LARSEN. Yes; certainly.

Mr. ABERNETHY. Does not the gentleman know, as a matter of fact, that if you undertake to get information from any head of a department they hesitate to give it to you because they are afraid of the Damocles sword that is kept over their heads by the Bureau of the Budget?

Mr. LARSEN. Yes; I presume that condition exists in all the departments. As the gentleman has asked me the question I will state what my experience has been. I have in mind one case in which I looked up the matter myself. It was regarding an estimate or request for appropriation made of the Bureau of the Budget by the Post Office Department. I found that such information was in that instance contained in the hearings that were held before the subcommittee dealing with the Post Office appropriation bill and it was therefore available to all the Members. I think it ought always to be available to the Members and ought to be contained in the records.

Mr. McMILLAN. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. McMILLAN. As I understand it, under the present practice we legislate here as the result of the recommendations, to a great extent, of the Budget and not of the departments?

Mr. LARSEN. Exactly so.

Mr. McMILLAN. And in legislating we are the representatives of the people of the country and not of the Budget Bureau?

Mr. LARSEN. That is true. The difficulty is that we may fail to know the amounts which the heads of the departments think necessary to properly administer the departments over which they preside; we simply may have information as to what the Bureau of the Budget has decided to allot to the various departments rather than what amount should be allotted. As I understand, we may legislate in accordance with the Executive idea of economy rather than in accordance with necessities. I think that is a very regrettable condition and that we ought to correct it. It can be corrected if the members of the Appropriations Committee, who are dealing with these matters, will be diligent and see that the information is always obtained and embodied in the hearings. [Applause.]

Mr. McLAUGHLIN. Mr. Chairman, I rise in opposition to the amendment. The question has been raised here as to whether or not in matters of this kind all information is available to Members of Congress. I believe it should be. I believe at the same time that it is not available under the present way of doing business. If there is any fault with our comparatively new method of making appropriations, having all bills come from one committee instead of from a number of them, as was formerly the case, it is that very few Members, usually only three of them, have or are permitted to have full and intimate knowledge of the important matters which go into a bill. Other Members, all the rest of them, have difficulty in getting information. Obstacles are actually deliberately placed in the way of their getting information which, I think, everybody will agree they are entitled to have.

Now, I presume the idea is that if Members of Congress get full information, learn, for example, what heads of bureaus and departments wish, some of which has been denied by the bureau, the Congress will be inclined to extravagance. What is the history during the years the Bureau of the Budget has functioned and since the adoption of the rule of the House providing for preparation and presentation of appropriation bills by one committee alone?

It is within the right of the House and the Senate and the two bodies acting together on the receipt of a bill from a committee to change the amounts, put them up or put them down, as the judgment of the Congress dictates, and early in the history of the Bureau of the Budget and the system we now have in the House, whenever the House makes a material increase in an appropriation recommended by the Budget Bureau and presented to the House in a bill, there is an outcry over the country to the effect that the House is reckless and extravagant, is disregarding the recommendations of the Budget, is out of sympathy with the President's policy of economy. It is true that the Congress makes many changes, increases many appropriations, but at the same time it reduces many others, with the result that when the sessions of Congress close, when the record of each year by itself in full is made up, it is found that the Congress has appropriated less money than was recommended by the Bureau of the Budget and by the President himself; and these reductions made by the Congress have not been small or insignificant. During the years of the life of the Budget system appropriations have been more than $368,000,000 less than the recommendations by the bureau and the President. The Congress, particularly the House, during each and all of the last eight years, has been the most economical part of the entire Federal Government.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

As a member of the subcommittee, gentlemen, I feel it is my duty to state to the House the action of the subcommittee, what caused its action, the estimate of the Secretary of Agriculture to the Bureau of the Budget, and what caused this estimate.

All this talk we have had about a member of the Committee on Appropriations not being willing to state the amount the Secretary estimated to the Budget is all foolishness. There is no member of the Appropriations Committee who ever refused such information if he knew it; and if he did not know it, of course, he could not give it. So far as I am concerned, if Members of the House will read the hearings they will find in the hearings that, as far as my convictions and opinions are concerned, I do not think there is a single activity of the Federal Government outside of our foreign relations that every Member of Congress and every citizen of the United States ought not to have information about. This lies at the very foundation of a republican form of government, that its citizens shall know what the Government is doing and its every act that affects their interests. [Applause.] This is in the hearings on this bill.

I do not believe the estimates of any department should be kept secret at all. I do not believe the action of the Budget should be kept secret or that there should be any secrecy whatever in connection with the fiscal affairs of the Government, or anything else, for that matter.

Now, as to this item, Senator McNARY and Mr. DICKINSON of Iowa—in fact, the two subcommittees of the two Houses—have long felt that there should be a regular, orderly, systematic plan adopted by the Congress to govern market news service. In other words, the United States should be divided into zones, taking into consideration the relationship of production and consumption of specified commodities, and segregating them into appropriate production and consumption zones, and central stations should be established in each zone and to each of these central stations should be sent all the required information.

The Federal Government should maintain at its own cost the central stations where it collects all the information. Then the Federal Government should define a policy of whether or not, when they send this information out to local communities, local towns, or to different States, it should bear all the expenses or whether they should require a certain percentage of this extra expense to be contributed by the States, municipalities, or other organizations.

We should adopt a general policy and treat every section alike and not have the slipshod method that now controls the conduct of this fund.

In obedience to this idea Senator McNARY requested the Secretary of Agriculture to make an estimate to the Budget that would provide for a complete and efficient marketing service that would render service to every section and every locality where such service was demanded throughout the United States.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUCHANAN. In obedience to this recommendation for a complete service for the Union the Secretary of Agriculture recommended to the Budget an increase of $796,000. If it had not been for this request of Senator McNARY, the Secretary of Agriculture would have asked a normal increase—about what the Budget approved and about what this committee gave. This recommendation was based upon, called for, and responded to only by reason of this request as to how much it would take for a complete service throughout the Union. So that this amendment, which was introduced by my friend from South Carolina [Mr. HARE], provides over $200,000 more than is necessary for a complete service throughout the Union.

Now, let us look into this estimate. I think we treated this service fairly.

This committee gave an increase over the last appropriation of $98,822. The gentleman from Iowa [Mr. DICKINSON] read you the allocation of that increase. Granting an increase as provided in the amendment when the committee has under consideration the formulation and adoption of a complete plan governing the service throughout the Nation is inadvisable and bad business—I do not think it is business, I do not think the money would be economically expended. It would provide for too great an expansion in one year.

Now as to the present system, I hold in my hand a statement from the Agricultural Department where 34 little towns and cities have asked for this service. The reply was that they must contribute something towards this service and these towns have contributed all the way from $100 to $1,500—one town having paid $100 for the service and another town having paid $1,500 for the service with absolutely no rule to govern the equity or charges imposed upon the two sections. That is not right, that is not equality, that is not justice to all sections of this country at the hands of this department.

Mr. GREEN. Will the gentleman yield?

Mr. BUCHANAN. Certainly.

Mr. GREEN. Can the gentleman inform us whether or not in the administration of this fund due consideration has been given to farm products as compared with industry—manufacturing concerns?

Mr. BUCHANAN. The fund has been administered by the Department of Agriculture solely in the interest of agriculture. The only reason it has business with manufacturing concerns is because there is where a great part of the consumption comes from, and from those concerns and industrial centers we must gather the information on consumption of farm products to furnish to the farmers.

Mr. MOORE of Virginia. Will my friend yield?

Mr. BUCHANAN. Surely.

Mr. MOORE of Virginia. My friend just stated that there was a recommendation to increase the appropriation $796,000.

Mr. BUCHANAN. Yes; for a complete service throughout the United States.

Mr. MOORE of Virginia. Does not the gentleman think that if that appropriation were made the Agricultural Department could be trusted to spend it properly and afford to agriculture generally a relief by extending the market service?

Mr. BUCHANAN. That may accord with the gentleman's idea, but in my experience as a member of the committee, when a department gets an appropriation for an amount of money like that there should be regulations and limitations as to the expenditures.

Mr. MOORE of Virginia. The difficulty is we have no method of regulation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUCHANAN. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. There seems to be a very urgent necessity found in many sections of the country for the expansion of this service. We have in my own State a great anxiety for the extension of the service, and the only way we can get any form of extension and in that way some measure of agricultural relief is to have an increased appropriation.

Mr. BUCHANAN. Personally I think the urgency of this matter is mostly a matter of imagination.

Mr. MOORE of Virginia. I do not think so if I may say so; the President the other day pointed out the difficulty found by the potato producers. I know of an important Virginia association engaged in the production of that one crop and it has trouble in securing information, and probably can not get it unless the Department of Agriculture is provided with the opportunity to furnish it.

Mr. BUCHANAN. Does my friend realize that from every central station that information is daily sent out over the earth through more than 100 broadcasting stations, and that a telegram to that station will bring the information desired? It is the idea of some Members that this information is locked up in the bureau and can not be obtained. There is not a word of truth in that. All information and any information at the request of any citizen anywhere will be promptly furnished. It is furnished to the press and is being carried throughout the United States. It is even mimeographed and sent wherever needed.

Mr. MOORE of Virginia. If my friend will yield further, the logic of that statement would seem to be that you might properly reduce the present appropriation.

Mr. BUCHANAN. That very position was taken by my friend from Tennessee [Mr. BYRNS] and by myself and by other Members of this House years ago. This appropriation has increased by leaps and bounds since it was inaugurated, and I tell you that any place that has interest enough to want a local office and local news ought to be required to contribute a small amount to demonstrate that interest and necessity. Therefore I advocate central stations, from which this news could be disseminated under cooperative agreements to every section whenever and wherever demanded.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. McMILLAN. Would you say that that ought also to be true of the Bureau of Domestic and Foreign Commerce with regard to the manufacturing interests of the country? That information is disseminated through that bureau free of charge, without cost to anyone making inquiries.

Mr. BUCHANAN. Oh, I am not going to get off on a discussion of the Bureau of Foreign and Domestic Commerce.

Mr. McMILLAN. I mention that because that is the bureau that undertakes to disseminate information in line with this to the manufacturing interests of the country.

Mr. BUCHANAN. What does the gentleman mean—publishing trade opportunities in foreign countries? That has no application whatever to this.

Mr. McMILLAN. In the Bureau of Foreign and Domestic Commerce they publish trade opportunities for people at home to secure business.

Mr. BUCHANAN. To secure business in foreign countries.

Mr. McMILLAN. And at home.

Mr. BUCHANAN. They merely publish these opportunities. The Agricultural Department publishes everything that it has, and more.

Mr. McMILLAN. Our people here at home do not pay for that service that they receive.

Mr. BUCHANAN. No; neither do the farmers pay for the service of publication in the newspapers or for literature, or for news sent out over the radio by the Department of Agriculture. I undertake to tell you that the Agriculture Department gives more complete free information to the producers of this country than the Department of Commerce does to the manufacturing interests.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. GREEN. We have in our State of Florida a State marketing bureau. I am wondering if the gentleman knows whether there is a provision in this bill for cooperation with that marketing bureau.

Mr. BUCHANAN. At what place?

Mr. GREEN. Jacksonville.

Mr. BUCHANAN. There is a place at Orlando, Fla., and at Belle, Fla., and at Sanford, Fla.

Mr. GREEN. Our State marketing headquarters is in Jacksonville.

Mr. BUCHANAN. They can get complete information.

Mr. GREEN. Can it be obtained without expense to our State?

Mr. BUCHANAN. I would not say so.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I move to strike out the last word to make this observation, that the estimate of the department was for a complete survey, that if you appropriated the full amount of money asked for it could not be inaugurated in any single year. In view of the fact that we have increased this amount for this service every year, it seems to me that the committee is proceeding with its expansion as fast as good judgment dictates it should be expended. As a matter of fact, all of the money that you want to appropriate is not going to give you the service. What you must have is experience and to work out the system as good judgment dictates. I think the committee has met the demand for an increase in this service when it put in here the amount of the Budget of approximately $100,000. I ask for a vote.

Mr. HARE. Mr. Chairman, I ask unanimous consent to modify my amendment by the substitute which I send to the desk.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment by a substitute which he sends to the desk, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 63, in line 5, after the word "products" strike out the figures "$1,227,000" and insert in lieu thereof the figures "$2,023,000."

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARE. Mr. Chairman, I rise for the purpose of stating that this substitute is offered for the purpose of conforming to what the chairman said the department said in its investigation would be a sufficient amount to give complete market news to the entire country.

Mr. DICKINSON of Iowa. And the gentleman admits that that would be inaugurating the service all in one year, without gradual development or expenditure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. HARE) there were—ayes 48, noes 59.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I ask unanimous consent to return to page 61 for the purpose of moving to strike out the proviso beginning on line 16.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 61 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. JONES. Mr. Chairman, I offer that amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 61, beginning in line 16, strike out the proviso, ending in line 19.

Mr. JONES. I do not think there is any objection to the amendment.

Mr. DICKINSON of Iowa. There is no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

In all, salaries and expenses, $4,662,933.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. SCHAFER. Mr. Chairman, I do not think I will take five minutes. I desire to call to the attention of the House that a few days ago there was considerable discussion on this floor concerning the plan of apportionment which would exclude aliens from the total count of the population as a basis for apportionment. At this time I merely want to read into the RECORD a letter which appears to substantiate some of the statements I made the other day. At a later date I will present some important facts bearing on the matter. This letter, which was sent to all Members of the House and Senate, was from William H. Anderson, general secretary American Protestant Alliance, reads as follows:

AMERICAN PROTESTANT ALLIANCE,
New York City, December 18, 1928.

To the Members of the Senate and House:

It was charged last Saturday on the floor of the House that a proposal to amend the Constitution of the United States to provide for the exclusion of aliens from the total count of the population as a basis for the apportionment of congressional districts, the precedent for which is found in the New York State constitution, was inspired by the Anti-Saloon League and the klan.

If it were a mere question of credit, time could settle it, since the record is conclusive. But when an attempt is made to obscure the merits of such a fair and vital proposal by raising false issues, establishment of its origin becomes vital to the cause.

I originated this proposal, and am not and never have been a member of the klan. It was first proposed nearly 10 years ago. I included it in a dry enforcement manual written, published, and copyrighted by me in 1921. It was actually introduced in the House at my request by Mr. STALKER a year ago, on December 15, 1927, as H. J. Res. 102. The klan has never indorsed it, though, so far as I know, klansmen individually generally approve it.

This disposes of the charge of klan origin. The charge respecting the Anti-Saloon League is partly true, in that I was superintendent of the Anti-Saloon League of New York when I first made and published this proposal. While the Anti-Saloon League has never formally indorsed it, its national president and national superintendent have approved it from the prohibition angle. Undoubtedly the constituency of the dry organizations will approve it as a matter of fundamental justice. Why should citizens of the United States in the larger cities (merely because they are entirely surrounded by aliens) have more proportionate representation in Congress than an equal number of citizens living where there are no aliens?

This proposal raises no religious issue. The American Protestant Alliance, which is behind it, makes no attack upon any system of worship or the religious faith or belief of any person. While it is being pushed on its merits as a strictly American proposal, I admit it will put a terrible crimp in Tammany and the Tammany sort of wet political organizations and the wet and alien forces behind Tammany.

Yours very truly,

WILLIAM H. ANDERSON,
General Secretary American Protestant Alliance.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SCHAFER. I will.

Mr. BLACK of New York. Does not the gentleman think that he should reserve that letter for insertion in the RECORD as a public document until the new administration comes in? These fellows are not responsible for this administration, but are for the next administration.

Mr. SCHAFER. The facts do not substantiate the gentleman's contention.

If he will carefully scan the returns of the last election, he will find that nearly all of the States carried by Governor Smith are strongholds of the Ku-Klux Klan and dry forces.

The Clerk read as follows:

COMPLETION OF WOOL WORK

To enable the Bureau of Agricultural Economics to complete the work of the domestic wool section of the War Industries Board and to enforce Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the said bureau, $8,000, and to continue, as far as practicable, the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do so for the purpose of asking the gentleman in charge of the bill a question. This appropriation has been carried for a great number of years. I have had something to say in regard to it for a number of years past each year, and each time I have gained the impression that the work was going to be completed, and it would not be carried in a future bill, but I note that every year it comes along with exactly the same language, to complete the work, and $8,000 is provided. I understand there are two or three employeed in the Department of Agriculture to carry on this supposed work. Now, this work has gotten to a point where I can not understand why it is necessary to keep one or two employees, at a good salary, and probably a clerk or secretary, on the rolls while these suits are pending; and the charge has been made, and made deliberately in this House and on the outside, that these suits have been deliberately held up, and those in charge of the work there have not been pressing them as they should be, and that, as a matter of fact, if it were not for their delay they would have been settled long ago. In fact, the issue could and would have been settled long ago had not the Government, acting, no doubt, on the advice of these very employees, abandoned an appeal from an adverse decision in one of the inferior Federal courts.

It seems to me there ought to be a conclusion. If it is necessary to look after the suits that are pending, the cases should be turned over to the Department of Justice. Why continue this appropriation merely to keep somebody in a job year after year?

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DICKINSON of Iowa. On page 503 of the hearings you will find the following statement showing the present status of this work:

	Number of dealers	Excess profits
Total ascertained 1918 excess wool profits	1,058	$1,511,552.03
Excess profits—		
Collected	1,002	760,702.91
Distributed to growers		453,669.36
Held because paid under protest		48,887.38
Undistributable (can not locate growers)		249,310.39
Uncollectible (included in above total ascertained), due to insolvency of dealers or adverse court decisions not determinative of the facts	28	70,623.98
Yet to be collected	28	680,225.14
Cases pending with Department of Justice	20	654,581.72
Cases pending with Department of Agriculture	8	25,643.42

Those are cases pending in the Department of Agriculture and the Department of Justice at this date. On the next page, page 504, you will find this statement:

The present appropriation item of $8,000 is to cover salaries, travel, and other expenses incident to the trial of pending cases and the incidental audit of new cases which may be received. The entire salary of an accountant and auditor, amounting to $3,200, is carried in this appropriation, as he has been engaged on this work for a number of years, has audited the cases still pending, and his testimony is absolutely essential in connection with the trial of pending cases. The only other salary now carried under this appropriation is that of one stenographer and general clerk ($1,800) who is familiar with the details of this work, and devotes part of her time to other work.

Now, we had this question up at the suggestion of the gentleman from Tennessee as to whether or not we could abandon this item. This man, when you come to the trial of the case, is necessary. He would aid in presenting the data gathered on the part of the Government. I do not think, if we struck out this item and the man were lost, that you could successfully prosecute these cases. One case went to the Supreme Court and was dismissed. The department insists that it simply involves the merits of this controversy. They want to have a case tried on its merits and taken to a higher court.

Mr. BYRNS. If the gentleman will pardon me, that is the same explanation that I received a year ago and two years ago. Of course, the gentleman is giving the explanation that has been given to him by this employee engaged in the so-called work, but that is the excuse that has been given for the past four or five years to my knowledge. Why is it that it takes seven or eight years to have this work concluded and to put that test case through the Federal courts? Without regard to what has been suggested by those interested in one section or another of the country, it leads to the suspicion that there has been no real, genuine effort on the part of those in charge of this work to conclude it, for the reason that when it is concluded, their salaries will cease.

I do not subscribe to the gentleman's idea, that simply because the testimony that could be given by this accountant down there would be valuable to the Government, we ought to keep him on the roll year after year at $3,200. If he is a citizen of the country and has evidence or information of value to the Government, in the first place he ought to be willing to give it, since he secured it while employed by the Government. If he is not willing, then we have laws to compel him to give testimony as to the facts.

This matter ought to be concluded. I do not know for sure whether it was the gentleman from Iowa or his predecessor, who was then in control of this bill, who gave me the assurance, as I understood it, that in another year this matter would be cleared up. I have no assurance now that in the next year's bill this appropriation will not still be carried.

Mr. DICKINSON of Iowa. I have not given such an assurance, but it is my impression that the department, through one of its officials, did make such a statement, depending upon the issue of a former case decided by the Supreme Court, not on the merits of the case itself.

Mr. BYRNS. The gentleman employed down there is an accountant, not an attorney. These cases, of course, that are pending are in the charge of the United States district attorneys in the various districts where the suits have been brought. They are under the Department of Justice. The United States district attorney, of course, gets a salary. Why is it necessary to keep an accountant down in the Department of Agriculture to try a simple suit in the Supreme Court? Why not let the Department of Justice handle these cases?

Mr. DICKINSON of Iowa. The detective gets the evidence, and oftentimes the evidence of the detective has more to do with the winning of a lawsuit than anything else.

Mr. BYRNS. Yes. This man has been in the Agricultural Department for eight years, and the Department of Justice has the power to bring him into court and compel him to tell the court or jury the facts. If we are going to have this man on the salary roll all these years, incurring all this expense, there will not be anything to recover when we get through. Besides the cases are to be tried on the law of the case. If evidence was needed it ought to have been taken long ago. The facts are that there is no justification for this appropriation. It should have been wound up long ago.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For the control and prevention of spread of the European corn borer, $898,000: *Provided*, That in addition thereto there shall be immediately available for this purpose $50,000 of the $10,000,000 appropriated by the joint resolution making an appropriation for the eradication or control of the European corn borer, approved February 23, 1927 (U. S. C., Supp. I, p. 22, sec. 146).

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. KETCHAM. I do this, Mr. Chairman, for the purpose of asking the chairman of the subcommittee to make a statement as to the status of the appropriation that was considered last year in connection with the authorization of $7,000,000 adopted by the Congress in May of 1928 for corn-borer clean-up.

Mr. DICKINSON of Iowa. That appropriation was made available, but there is no appropriation in this bill from that amount.

Mr. KETCHAM. Is the reason for that the fact that this bill covers the operations of the Department of Agriculture for the fiscal year beginning July 1 next; and consequently, if we are to have any immediate value out of any corn-borer clean-up appropriation it would have to come in a deficiency bill for the present year that would make available the funds in the coming spring? Is that correct?

Mr. DICKINSON of Iowa. As a matter of fact, that $7,000,000 was merely an authorization; an authorization, I think, for a year.

If there is any activity under that appropriation, it would have to come under authority of a deficiency appropriation.

Mr. KETCHAM. That is the reason it is not included in this bill?

Mr. DICKINSON of Iowa. Yes; and it would not be included in this bill under any circumstances. This bill merely carries $898,000, which continues the quarantine and eradication work in order to prevent the corn borer from spreading. It carries absolutely nothing for clean-up work. It carries absolutely nothing for the purpose of enabling them to go on a man's farm and assist him in cleaning up his cornstalks. The attitude of the department, as I see it, is that their activities at the present time should be limited to two fields of investigation; first, research investigations, for which there is provided $150,000 out of the old $10,000,000 appropriation, and second, the quarantine work, which provides for quarantine and the stationing of men on public roads to prevent people from taking corn from an infested area into an uninfested area.

They further state that there has been no commercial damage outside of a very small area in the lake section. That being the case, the department's recommendations are only for the quarantine control work and for further research work along the lines suggested. One of the things I want to bring to the attention of the gentleman is that one of the best ways to eradicate the corn borer is by making paper out of cornstalks. I have here an issue of the Prairie Farmer, which is printed on paper made from cornstalks. The cornstalks were collected at Danville, Ill., some of them from the farm of the gentleman from Illinois [Mr. HOLADAY]. It was made into pulp there; from there it was taken to Kalamazoo, Mich., and there put into paper, and this edition of the Prairie Farmer is printed on paper made out of cornstalks.

Mr. BUCHANAN. Will the gentleman yield?

Mr. DICKINSON of Iowa. If I have the floor, I will yield.

Mr. BUCHANAN. It was manufactured from cornstalks into paper in eight hours.

Mr. DICKINSON of Iowa. I thank the gentleman for that suggestion. If we are going to be able to use cornstalks for a matter of this kind we are going to have one of the best clean-up methods you could possibly have anywhere, because you will take the home of the corn borer and make it into paper rather than leave it in the field, where the corn borer can hibernate.

Mr. KETCHAM. Specifically I want to ask the gentleman whether or not under the present situation of this authorization the Committee on Appropriations can consider or has any idea of considering recommendations for a $7,000,000 clean-up appropriation at this session of Congress?

Mr. DICKINSON of Iowa. We have nothing before us, and we can only consider those things which come before us in the regular way.

Mr. KETCHAM. Do I understand that last year the usual procedure was taken and that the Department of Agriculture reported to the Budget and that the Budget, through the President, made a recommendation to your committee, and the appropriation was considered but it was not included in a deficiency bill because of the lack of time; is that correct?

Mr. DICKINSON of Iowa. That is correct.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. KETCHAM. I would like to inquire whether it is the position of the Committee on Appropriations that a new recommendation must be made, and that the previous recommendation does not hold over from the first session of the Seventieth Congress to the second session but must be begun again? In other words, you will take no action on last spring's recommendation one way or the other unless a new recommendation comes through the regular channels, as though it had not been previously recommended?

Mr. DICKINSON of Iowa. I think that would be our position.

Mr. KETCHAM. I want to get this exactly correct. That is a correct statement of the committee's position?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. I am emphasizing this point because there are a number of States vitally interested in this appropriation, and I want to know exactly what the status of the matter is. I thank the gentleman for his response.

The pro forma amendment was withdrawn.

Mr. SMITH. Mr. Chairman, I move to strike out the last two words. I understood the gentleman to say that his committee can consider nothing that does not come before it. I assume that means comes through the Budget. Is that correct?

Mr. DICKINSON of Iowa. Well, our recommendations as a committee, as I understand it, are based on Budget recommendations. We can consider an increase in an amount or a new item in a project. For instance, under plant industry we could go out anywhere and take on a new plant, but we could not put into an appropriation bill an entirely new item, which would be an absolutely new project, without some legislative authority.

Mr. SMITH. Unless it is estimated for?

Mr. DICKINSON of Iowa. Unless it is estimated for; yes.

Mr. SMITH. In other words, a matter brought to the attention of your committee by a Member of Congress, something relating to his district, can not be considered by the Committee on Appropriations unless it has been estimated for; is that correct?

Mr. DICKINSON of Iowa. Oh, no; unless it is authorized in some law that has been heretofore passed.

Mr. SMITH. Suppose it is for the increase of an appropriation?

Mr. DICKINSON of Iowa. We can consider that.

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

Mr. HOUSTON of Hawaii. Mr. Chairman, I move to strike out the last word.

I wish to take this opportunity of making some remarks upon the estimates for the Weather Bureau. In view of the fact that the bill was not available to the Members until the day upon which it was introduced and that the Weather Bureau section of the bill was read for amendment on the same day, I was not able to prepare the information at that time.

The Pacific Ocean is one of the largest bodies of water in the world and the water areas in the world are three-fourths of the whole world area. In this section, for the Weather Bureau, there is included an increase of appropriations of $20,000 for marine observations in the field, all of which is to be expended in the Atlantic Ocean. None of it is for extension in the Pacific Ocean.

I have here a letter from the Director of the Weather Bureau in which he says, "Of course, the amount of money is quite inadequate to indicate current weather conditions in an area as large as the Pacific Ocean."

It is a fact that upon one of the sample charts that is issued by the Weather Bureau, the whole weather forecasts in that ocean are predicted, for example, on this particular chart of January 5, 1922, upon five ship observations, besides the shore observations.

When we are trying to increase our sea-borne commerce, we must provide accurate methods by which the weather may be known to the operators on the sea, and the marine part of the Weather Bureau service must be organized not only upon the Atlantic Ocean but in the Pacific Ocean as well.

The estimates that were given to me as necessary to start the work in the Pacific, and increase it at least appreciably, were $5,000 and I would have submitted such an estimate upon page 16 of this bill had I had the opportunity of getting the information in proper time.

I simply now wish to call attention to the lack of information that is available in the Pacific Ocean for American and world commerce.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the clerk be authorized to correct the totals in the bill.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill H. R. 15386, the agricultural appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Upon motion of Mr. DICKINSON of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE TO INVESTIGATE NORTHERN PACIFIC LAND GRANT

The SPEAKER. To fill a vacancy on the Joint Committee to Investigate the Northern Pacific Land Grant the Chair appoints the gentleman from Iowa [Mr. LETTS].

COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. SNELL. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 271

Resolved, That House Resolution 232, creating a special committee to investigate and report to the House on campaign expenditures, be, and the same is hereby, amended so that the functions of said committee and the time for making its report to the House are extended from January 1, 1929, to March 1, 1929.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CRISP. Mr. Speaker, reserving the right to object, is this satisfactory to the minority?

Mr. SNELL. I was about to say that I have consulted the minority leader and some members of the committee, and it is perfectly satisfactory. The work they did was continued so late in the session that it is absolutely impossible for them to complete the report on the 1st of January, and we are extending the time to the 1st of March.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

RESOLUTION MAKING IN ORDER CERTAIN LEGISLATION

Mr. SNELL, from the Committee on Rules, presented a report of that committee on House Resolution 273, making in order certain legislation, which was referred to the House Calendar and ordered to be printed.

Mr. MOORE of Virginia. Would the gentleman from New York mind telling us what those bills are?

Mr. SNELL. Those are judges bills, one for the southern district of New York, one for the eastern district of New York, one for an additional judge for the second judicial circuit, and one for the southern district of Florida.

AMENDING CLAUSE 4 OF RULE XI

Mr. SNELL, from the Committee on Rules, submitted a report on House Resolution 261, amending clause 4 of Rule XI of the rules of the House of Representatives, which was referred to the House Calendar and ordered to be printed.

AMENDING RULE X

Mr. SNELL, from the Committee on Rules, submitted a report on House Resolution 272, providing for the amending of Rule X for the appointment of committee on memorials, which was referred to the House Calendar and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5773. An act to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes;

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; and

H. J. Res. 352. A joint resolution for the relief of Porto Rico.

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the battle of Fort Fisher; and

S. J. Res. 167. A joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 5773. An act to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes;

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; and

H. J. Res. 352. A joint resolution for the relief of Porto Rico.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND FOR DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes; and pending that I will ask the gentleman from Alabama if we can agree on the time for general debate?

Mr. OLIVER of Alabama. I have requests at the present time for about two hours.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent that general debate be limited to four hours, one-half of the time to be controlled by the gentleman from Alabama [Mr. OLIVER] and one-half by myself.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15569, and pending that he asks unanimous consent that general debate on the bill be limited to four hours, two hours to be controlled by himself and two hours to be controlled by the gentleman from Alabama [Mr. OLIVER]. Is there objection?

There was no objection.

The motion of Mr. SHREVE was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

The Clerk read the title of the bill.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TILSON. May I ask the gentleman from Alabama if the gentleman from New York [Mr. SIROVICH] may have time tomorrow, because he gracefully yielded the other day when he asked to have a fixed hour?

Mr. OLIVER of Alabama. In my estimate of time I had in mind an hour for the gentleman from New York.

Mr. SHREVE. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ACKERMAN] 40 minutes.

Mr. ACKERMAN. Mr. Chairman and members of the committee: Among the great departments of our Government for which this bill makes appropriations is the Department of State. It is probable that at only one other time in the history of our country has the work of this department reached the proportions in which it is being handled to-day. That time was preceding our entry into and during the World War.

Some of the current problems in which new developments are noted almost daily are quite as important and contain elements of as far-reaching effect as some of the memorable notes exchanged with the European powers at that time.

KELLOGG PACT

I refer particularly to the multiple treaty for the outlawing of war, now reported to another body for ratification. When the history of the world for the year 1928 shall come to be written there will be recorded beyond peradventure as its crowning achievement the signing by 15 nations on August 27 of the Briand-Kellogg pact for the renunciation of war as a means for the settlement of international differences.

That this accomplished fact is no mere gesture is readily grasped when it is recorded that a large number of other nations have joined the original signers, which group comprised with a single exception the principal nations of the world.

When it is said that the governments of the world, all but six, have expressed willingness to join in this crusade for the renunciation of force the impetus that has been given to the idea that peace on earth is devoutly wished for, is greatly strengthened and the attainment thereof becomes perceptibly nearer.

The frightful toll in human life that war exacts has permeated to the marrow of every government, producing the conviction that if so-called civilization is to long endure the thoughts of using barbaric methods must be eradicated from the catalogue of activities constituting national existence.

PLANTING SEED

Planting the seed in the mind of nationals that armed conflict has no longer a part in the national formula for sustaining honor and dignity, the expectation bids fair of realization that as "great oaks from little acorns grow" we, too, may see our fondest hopes in this particular fulfilled.

A President of the United States once remarked that it did not make so much difference as to the length of the step as to the direction in which it was taken.

The right direction happily has been sensed as well as the step taken. True, police protection and insurance are still to be regarded as of great value. The Army and Navy are not to be abandoned, but if in the course of time, as the beneficence of the idea, that of renunciation, grows and becomes a fixed reality, a reduction of a part of six hundred and seventy millions annually in our present cost for maintenance might eventually be possible.

If the entire burden of armament throughout the world could be lifted, the sum of three billions annually, we are told by experts, could be otherwise expended. What a fund for the amelioration of mankind, in the eradication of slums, the building of improved highway construction, the creation of playgrounds for children, so that their bright young lives would have safe places in which to expend their youthful energy, and for other uplifting operations.

The ceremony at Paris was in complete harmony with the simplicity of the compact. Including the ambassadors and their staffs, not over 300 persons were present. The clock room of the foreign office would not hold any more. The American ambassador, Mr. Herrick, had only two score of tickets to satisfy the demand of the Americans.

HIGHLY HONORED

To be one of those favored was the honor which was highly appreciated. The barrage of cameras and moving-picture machines was not only imposing, but it was formidable.

I counted over a score of installations for permanently recording this historic event. Hitherto I was somewhat familiar with the mechanical devices necessary for formal occasions similar to inaugurations and conventions. But this occasion surpassed them all in the multiplicity of the devices for the recording for posterity the momentous occasion. The event taking place in an interior, huge searchlights of a million candle power were ranged out of doors, their focus being trained on the table where the signatures were affixed, the object being to produce adequate light for the proper accomplishment of the work of the photographic operators. When the electricity was turned on, the heat generated was noticeable to a marked degree. This condition being foreseen, special fire-fighting apparatus stood ready for services. Fortunately its help was not needed.

AMBASSADORS ENTER

When the ambassadorial procession approached the salon the invited guests, according to the usages of polite custom, arose in their places to pay due deference to the notables about to enter. This interfered with the photographic line of vision. Many insistent and prolonged cries of "be seated," "sit down," were violently ejaculated, thus marring the solemnity of the occasion. When Secretary Kellogg came to attach his signature

to the pact he was overcome with emotion, the evidences of which were plainly visible before he brushed them away.

That the United States should have contributed in such a marked degree to this epochal proceeding is most fitting, and the American people will hasten to give full credit to all who have had a part in this great achievement.

It would be impossible to overestimate the tact, the candor, the patience, and the unflagging industry of Secretary Kellogg in attaining this epochal achievement.

Surmounting every obstacle, he has reached a pinnacle of useful endeavor seldom if ever equaled.

LATIN-AMERICAN RELATIONS

Colonel Lindbergh's flight to the countries of Central America had great value in our relations with those countries. Quick to see the possibilities of improving our means of communications with them, arrangements are now practically complete to have each of those nations tied to the United States by means of daily mail-plane flights over established courses. These may easily be extended as required, so that it is well within the realm of possibilities to see in the not-distant future not only mail but passengers and freight transported by the same means. Sections now somewhat isolated and remote will become practically a part of our own land.

As we saw a few weeks ago when the *Graf Zeppelin* was here, we will undoubtedly see dirigibles carrying mail, passengers, and freight to the Latin-American and South American countries. I hold in my hand one of those letters, postmarked on the face of it October 28, 1928, on this side of the Atlantic, and on the back there is a receiving postmark of Friedericks-hafen, in Germany, of November 1—only three days in time being required for communications leaving America to reach the German Republic.

In this connection, I wonder how many of the membership of this House know that the postal laws have been so reorganized that it costs no more for an American to send a letter from Washington to any country in Central America or South America—with two exceptions, Dutch Guiana and French Guiana—for the same 2-cent stamp that you use in mailing a letter from here to the Treasury Department or to New York City? That shows that the United States is quite up to date as far as postal facilities are concerned.

There is no part of the world in which the United States has a deeper and more friendly interest than Latin America. Our relations with the Latin-American countries during the past year have been very satisfactory. During the year 1927 American trade with Latin America amounted to over $2,000,000,000, or 40 per cent of the total foreign trade of Latin America. It is estimated that American investments in Latin America now reach more than $5,000,000,000. During the year 1927 alone, the State Department informs us, $335,000,000 worth of Latin American government obligations were purchased by citizens of the United States. There are in the Latin-American field 47 diplomatic and 149 consular officers of the United States.

One of the most important events in 1928 in connection therewith was the Sixth Pan American Conference at Habana. It seems needless to point to the results of that conference as they have been universally described as beneficial by the public press and by our delegates as well as by the President and the Secretary of State. The conference covered matters of an inter-American juridical nature, problems of inter-American communications, intellectual cooperation among the Americans, inter-American economic problems, and inter-American social problems, all of which are of vast importance to the United States.

Almost as though "coming events had cast their shadows before," a treaty division was established last spring in the Department of State. It is now possible to give specialized attention to the important questions of treaties between this country and other countries.

SEVEN HUNDRED TREATIES

The United States has some 700 treaties. Some of them are of a permanent character, such as treaties of peace and boundary. Others require revision from time to time to meet new conditions which may arise. Eighty-five of the treaties are commercial treaties or commercial agreements. A large number of this class no longer meet present requirements because conditions have changed since they were concluded. Of the 26 general commercial treaties to which the United States was a party at the close of the war, 19 were concluded prior to 1885 and 7 of these prior to 1850.

Anyone acquainted with the changes in trade relations, manufacturing competition, and in other directions must realize that these treaties must fail to meet present requirements. With some of the important countries, especially some of the new countries which came into existence as the result of the war settlements, the United States has no general commercial treaties.

The clauses embodied in the tariff law of 1922 have made it necessary to negotiate a new series of commercial treaties. The older commercial treaties were based generally on the conditional most-favored-nation principle. The unconditional most-favored-nation principle results necessarily from the tariff act of 1922. These new treaties have generally taken the form of treaties of friendship, commerce, and consular rights. Only eight such treaties have so far been concluded since 1922, those with Austria, Estonia, Germany, Honduras, Hungary, Latvia, Norway, and Salvador.

There are many other classes of treaties urgently requiring attention, such as consular conventions, conventions on maritime law, conventions in regard to naturalization, extradition, arbitration, liquor smuggling, industrial property, and copyrights. Within the past year there have been proposed to foreign governments by the United States 32 treaties of arbitration and 15 of conciliation. Eleven treaties of arbitration have been signed, 7 treaties of conciliation, 3 of friendship, commerce, and consular rights, and 11 others.

OFFICE OF THE LEGAL ADVISER

One of the most interesting and important branches of the Department of State, and one concerning which more should be heard, is the office of the legal adviser. It is that office, headed by the solicitor, that gives legal advice to the Secretary of State and other offices of the department and which determines what shall be done with the many international claims filed against the United States or by the United States against foreign governments.

Through that office collections have also been made from various foreign governments of a number of claims during the past year ranging from $500 to $80,000 each, and correspondence with various foreign governments is now in progress for the collection of claims of numerous American citizens aggregating many millions of dollars. One of these claims amounts to $13,000,000.

This office has been engaged recently in the preparation of approximately 450 claims filed by American citizens against Turkey and in correspondence with 750 prospective claimants preparatory to the discussion of claims with representatives of the Turkish Government. These claims aggregate some $6,500,000.

The solicitor has defended the United States against a number of claims by foreign governments growing out of the alleged detention of ships and expropriation of property by the United States during the World War and out of alleged excessive taxation and default in obligations of the Government of the United States to former American Indians now in Canada. Two of these claims amount to more than $3,000,000.

The solicitor's office distributed the awards in favor of 29 American claimants, made by the American-British Arbitral Tribunal, established pursuant to the convention of 1910, in the amount of approximately $75,000. Some of the claims arose more than half a century ago and much difficulty was experienced in determining, in the light of assignments, bequests, and court decrees, who the rightful beneficiaries of the awards were.

This office handled several cases before the International Joint Commission, United States and Canada, involving boundary waters between the two countries and conflicting interests of American and Canadian citizens arising along the boundary.

The office participated in the proceedings of the International Radio Conference held in Washington in 1927, and in the preparation for participation in the International Telegraph Conference held in Brussels from September 10 to 22, 1928. It has participated in the conferences on the revision of the navigation laws of the United States and in the preparation of numerous memoranda for the American delegates to other international conferences. In brief, the office of the solicitor advises not only the Secretary of State in matters of law but virtually every American delegation to an international conference and the American representatives on virtually all international commissions.

RATIOS

It is very popular at the present time to talk about ratios—especially in connection with naval affairs. For my own part I am not only willing but thoroughly indorse any proposition that is deemed essential to safeguard this country and protect its citizens and activities. Doubtless there are many that will agree with me. Why, then, should there not be such a ratio of helpfulness to the activities which furnish the foundation reason for there being a navy or an army?

As our commerce increases, the stimulus that fostered it, perhaps really instituted it, should not be attenuated or curtailed. The growth of commerce should be continually nurtured and watched, and the vision that only sees as far as the moment is not the kind that can prosper in the hectic rivalry that is the order of the day. The amounts expended for trade promotion are analogous to seed being planted in fertile soil which have

brought forth in many instances not only a hundred but a thousand fold. I heartily indorse the principle of economy, and whatever energy I had had or can exercise in the future will be directed to that end, but with the strong competitive conditions existing throughout the world it will not do to ignore opportunities as they come knocking at our doors. We must seize psychological opportunities.

Years of association with these hearings enables the committee to appreciate the intense and increasing interest that the Members of the House are manifesting in connection with trade expansion, for their constituents are pleasantly tasting to a limited degree the fruits of the progress that has been accomplished, and their appetite having been whetted, they are naturally demanding more.

FOREIGN TRADE PROMOTION

Now let us for a few moments consider the trade situation of the world to-day as it comes to us through the Bureau of Foreign and Domestic Commerce.

America's expenditures on her foreign trade promotion are not as large as those of our principal trade rivals. On a per capita basis our Canadian neighbors will spend nearly twice as much as we will during the present fiscal year. If the appropriations of the Bureau of Foreign and Domestic Commerce were on the same basis as those of the Canadian Commercial Intelligence Service, the United States would spend $8,196,888 instead of $4,257,357.

On the basis of current appropriations and 1927 export figures American expenditures on trade promotion are only 76 per cent of those of the British Department of Overseas Trade. In other words, it would require an increase of $1,310,000—from $4,257,357 to $5,567,357—to make the appropriations of the Bureau of Foreign and Domestic Commerce equivalent to those of its British rival.

Even Japan is spending more proportionately than the United States. Considered on the same basis as Great Britain it would be necessary to increase the bureau's appropriations by $763,000—from $4,257,357 to $5,020,357—to make them equivalent to the Japanese expenditures.

These figures do not tell the entire story by any manner of means. Take Great Britain as an example. The British Government has undertaken to spend approximately $48,500,000—or at the rate of $4,850,000 a year for 10 years—on the promotion of the sale of empire products within the empire. Although this is primarily a domestic sales campaign, it has a direct bearing on American trade, not only in the British Isles but also throughout the British dominions and colonies, which, taken as a unit, constitute our most important single market. In fact, 42 per cent of our total foreign commerce is with the empire.

Again, the British Government will spend in their fiscal year 1928–29 the sum of $437,500 on the export credits guaranty department, an increase of $185,000 over the 1927–28 appropriation. Since 1920 a revolving fund of $126,000,000 has been set up to take care of the commitments guaranteed under this single piece of legislation which is directly concerned with British trade expansion.

Another type of indirect trade promotion on behalf of British trade is found in the East African loan act under which a revolving credit of $48,600,000 has been created for the development of transportation facilities, such as railroads, roads, and harbors, in British East Africa. A large part of these credits will, it is expected, be utilized in the development of commerce in British machinery and equipment.

The growing importance of promotion activities in international trade is further emphasized by other examples. France is proposing to spend in 1929 over 25,000,000 francs on certain phases of her export drive. This does not tell the whole story, as this represents only part of the official expenditures. Due to the interlocking relations between the French trade-promotion bureau and French chambers of commerce, there are other expenditures which are not in the official budget.

Italy will spend in her fiscal year 1928–29 nearly seven and a half million lire for some of her trade activities. This does not include semiofficial items, such as are represented by the recent floating fair of Italian products which toured Latin America, displaying the best Italy could supply in many lines, the total value of the exhibits alone being 5,000,000 lire.

Australia furnished another interesting example. In London and Paris this enterprising dominion is spending, according to the 1927 Australian Yearbook, about $125,000 a year at each post for trade promotion. In the fiscal year ending June 30, 1929, the Bureau of Foreign and Domestic Commerce will spend $99,750 in the United Kingdom and $90,025 in France. Even the Union of South Africa is in some respects spending more money than the United States. For instance, at Milan, Italy, where both countries have offices, South Africa has a budget of $55,000 as compared with an American expenditure of $7,310.

The following table is inserted to show amounts appropriated for promoting our trade and the products or industries to which these sums are applied:

Appropriations for fiscal year 1928–29

[Compared with the value of trades or products of industries served]

Industries or trades	Federal appropriations available directly for promotion work (nonregulatory functions) 1928–29	Value of product of industries served, 1926 or 1926–27	Appropriation per million dollars of product
Agriculture	[1] $35,349,884	[1] $13,000,000,000	$2.719
Mining	[3] 4,419,100	[4] 5,520,000,000	800
Manufactures	[5] 4,294,255	[6] 62,714,000,000	68
Fisheries	2,140,748	135,000,000	15.857
Foreign commerce	[7] 5,972,690	[8] 9,023,000,000	662
Domestic commerce	290,000	[9] 70,000,000,000	4.1

[1] Does not include appropriations for such regulatory services as meat inspection, enforcement of grain futures act, enforcement of packers and stockyards act, etc., nor appropriation for "Forest Service," "Public roads," and "Flood relief."
[2] Estimated value of all farm products, 1926–27.
[3] Includes Bureau of Mines and Geological Survey appropriations, and two items of Bureau of Standards.
[4] Estimated value of metal and mineral products, 1927.
[5] Includes appropriations for Census Bureau and Bureau of Standards.
[6] Total value of manufactures of United States for 1925.
[7] Includes appropriations of the Bureau of Foreign and Domestic Commerce (less item of $290,000 for Domestic Commerce), and one-third of funds of Consular Service. Other two-thirds of consular appropriation is assumed to be for consular routine and regulatory functions.
[8] Total foreign trade in 1927–28 (exports plus imports).
[9] Excluding duplication; including the many resales the figure would probably be doubled.

Up to this point my remarks have been almost exclusively directed to European or, at least, Eastern Hemisphere countries. I feel it will be of interest and value in this discussion of trade-promotive activities to show at this time a comparison of imports into several of the nations located in the Western Hemisphere. These tables show not only the amount of goods imported but the place of origin and their percentage of the country's total importations:

CANADA

United States exports to Canada and expenditures by Bureau of Foreign and Domestic Commerce in Canada for trade promotion

	United States exports to Canada	Amount spent by bureau				
		Ottawa	Montreal	Toronto	Vancouver	Total
1924	$624,031,000	$15,027				$15,027
1925	648,768,000	18,866	$3,324			22,190
1926	738,568,000	22,620	7,762	$3,612		33,994
1927	836,532,000	24,423	8,561	6,579	$9,600	49,163
1928	[1] 769,505,000					

[1] First 10 months of 1928.

BRAZIL

Imports into Brazil from Europe and the United States and expenditures by the Bureau of Foreign and Domestic Commerce in Brazil for trade promotion

Year	Europe		United States		Amount spent by bureau
	Dollars	Per cent of total	Dollars	Per cent of total	
1923	138,587,000	55	51,740,000	22	$23,580
1924	177,627,000	58	73,808,000	24	37,406
1925	236,246,000	57	102,263,000	24	48,194
1926	212,285,000	54	114,626,000	29	40,043
1927	208,563,000	53	111,186,000	28	55,011

The bureau maintains offices at Rio de Janeiro and Sao Paulo.
Area: Brazil, 3,276,358 square miles; United States, 3,026,789 square miles.

ARGENTINA

Imports into Argentina from Europe and the United States and expenditures by the Bureau of Foreign and Domestic Commerce in Argentina for trade promotion

Year	Europe		United States		Amount spent by bureau
	Dollars	Per cent of total	Dollars	Per cent of total	
1923	439,331,000	64.4	142,539,000	20.9	$28,750
1924	410,351,000	63.4	142,722,000	22.0	34,729
1925	491,487,000	61.3	188,487,000	23.5	47,949
1926	442,213,000	58.3	186,886,000	24.7	52,840
1927	(1)		(1)		54,537

[1] Figures not available.
Area: Argentina, 1,153,417 square miles; United States, 3,026,789 square miles.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Yes.

Mr. HARE. The gentleman speaks of the great increase in exports to Canada and these other countries. Speaking particularly of Canada, does the gentleman attribute that increase to the services rendered by the Bureau of Foreign and Domestic Commerce?

Mr. ACKERMAN. To a great degree, to an increasing degree, and the amount of money that we have expended at the present time, furnished to the Bureau of Foreign and Domestic Commerce, for expansion of trade in Canada is a few dollars less than $50,000.

Mr. HARE. The gentleman has made some very interesting statements, and I am very grateful to be able to listen to them. I am very much interested to note that the United States is quite able to compete in foreign markets with goods produced in foreign countries.

Mr. ACKERMAN. Yes.

Mr. HARE. Would the gentleman mind giving us his observation as to how we are able to do that, in view of the fact that our wage standard is so much higher here than in other countries.

Mr. ACKERMAN. I think it is the method of approach adopted by our American commercial representatives and attachés.

The splendid work of the State Department under Secretary Kellogg is ably supplemented by what is being done by the Department of Commerce, and the active cooperation of these two great forces so vigorously maintained and increasingly active is a welcome omen for an increase in volume which will surpass all previous records. That this will redound to the benefit of agriculture and contribute toward an improvement in any so-called farm problem there can not be the slightest doubt.

In London, Mr. Cooper, our commercial attaché, I have personally observed, has a splendid location for quickly reaching the English buyers, but the facilities of the office are far too small for the enormous increase of inquiries that have been worked up for American goods. The prime location at Bush House, Aldwych, right in the center of London's activities, must be permitted to function to the highest degree and some means must be found to give our representatives this, the additional quarters which I saw were urgently needed.

In Paris, where the offices are located in the chancellerie the close contact with the embassy proves of great value. Here is the great mart of Europe with its finger on the pulse beats of every nation without exception, not even excluding the soviets. It requires wisdom of the highest order to handle these problems and that standard is maintained by the fine force where the Commerce Department is functioning in the Rue de Chaillot.

OVERCOMES DIFFICULTIES

In Belgium, and especially in Brussels, the Commerce Department's force of trained observers is making increased headway in competition with the great nations of Europe. Here is another spot where further consideration could be given to the additional facilities, very much needed, which would produce an abundant harvest. Belgium, although a small country territorially considered, is a beehive of industry, its network of railways being amply supplemented by a series of canals which allows of its products being transported at minimum cost, while the wages paid industrial workers do not exceed on the whole 25 per cent of what is paid in the United States. Necessarily, therefore, great skill and consummate tact must be exercised in getting favorable consideration for the products of the United States. Messrs. Hunt and Miller, of the Commerce Department's staff in Brussels are valiantly upholding the fine tradition of their offices, and are being rewarded by seeing American goods increasingly used.

The Press fair in Cologne, that great German city, proved a wonderful testimonial to the inventive genius of the Teutonic Nation, and will do much by rapid strides in overcoming whatever prestige may have been temporarily sidetracked by the events growing out of the World War.

GERMANY REGAINING

Germany is regaining her commerce and trade supremacy at a very rapid rate. The launching of the two monster vessels, the *Bremen* and *Europa*, which will be plowing the Atlantic next spring, will bring the Old World within five days and possibly less to our Atlantic coast. These carriers will lack nothing in the way of speed and comfort for the business or pleasure traveler and their enormous auxiliary cargo carrying capacity will undoubtedly be utilized in filling orders for our goods. In Hamburg, Mr. Scott, of the Commerce Department, has a central location for his office.

The manner in which it reflects the United States throughout its appointments is well worthy of note and, indeed, might prove a model for other offices. Everything in the office is of American manufacture—the carpets, the furniture, the electric-light fixtures, the bookcases, the books themselves, all breathe America continuously. What an admirable advertisement this affords.

Mr. Scott, who hails from Atlanta, is, in my opinion, a very capable individual, making a wonderful impression upon everyone with whom he comes in contact and increasing the trade of America by the clean, businesslike methods he employs in pushing the merits of American goods.

OFFICES IN OLD PALACE

Mr. Lawrence Grooves, a native of western New York, who has represented the Commerce Department in Germany, Hungary, and at Baltic ports, is now in Vienna. His offices there are in an old palace, but which is in good repair and very centrally located. It was obtained for the United States on a long lease during the reconstruction period at a very low rental. There is a large number of the unemployed in Austria, and it will take a number of years for the reconstituted country to absorb them; nevertheless Mr. Grooves has made wonderful progress and been highly successful in advancing the merits of the American tobacco manufacturers' products among the Austrians, in spite of the strong entrenchment of the Austrian and Hungarian tobacco monopolies. In France there is no unemployment. In Italy unemployment is decreasing. Nowhere in the world except in the United States are such wages paid to wage earners or where they ride to the places of occupation in motor vehicles of their own as in the United States.

SCOPE OF THE BUREAU'S WORK

The Bureau of Standards has been increasing its activities for better living conditions in the American home as well as better methods and practices in production and distribution of all articles of human consumption and usage.

Some, perhaps many, of you may ask, What is the Bureau of Standards? Let me give you the answer of Doctor Burgess, the very capable director: First, it is a collection of some 20 buildings on a 43-acre plot in the northwest suburb of Washington, equipped to carry out tests and investigations on all sorts of problems involving physics, chemistry, technology, and engineering; second, and more important, it is a group of some 850 men and women, most of whom are expert in some scientific field of activity and imbued with the spirit of discovery and service.

It is one of the great service bureaus of the Department of Commerce, concerned with science and industry, and equipped to perform laboratory and consulting functions for many departments of the Federal Government. It also helps the public in many matters relating to scientific and industrial research and standardization.

Its activities directly or indirectly concerned with the home are many and are constantly on the increase. They relate to the dwelling itself, its location and financing; the materials that enter into its construction, their properties, lasting qualities, and safety; the fixtures and utilities required, including plumbing, gas, and electricity; the accessories to the home, such as the automobile and radio; the comfort and well-being of the occupants, with their many problems of clothing, shoes, and household supplies—chinaware, hardware, glassware, and many other items in a long list—including quality of material and methods of purchase, all of daily concern to the housewife.

According to certain studies, 85 per cent of the goods sold at retail are purchased by women. As purchasing agents for the home, they, like the purchasing agents of corporations, are concerned with getting their money's worth. They want the right quality and full count or measure for the price paid.

Let us consider further what the Bureau of Standards, through Assistant Director Ray M. Hudson, has to say on this subject:

Businesses may have their treasurers, their comptrollers, even their boards of directors, who watch expenditures. By careful perusal of charts and graphs, by weighty conferences, they determine how annual income is to be spent.

But homes have their wives who do the same work in 26,000,000 independent businesses—the households of America. Without elaborate research, without the counsel, and the conferences of big business, these executives spend annually $40,000,000,000. They spend it amazingly well, too, though they are not specialized purchasing agents any more than they are specialized cooks, or interior decorators, or educators, or furnace tenders.

Their decisions are governed by the welfare of their families. "Is this breakfast food better for my children to eat?" "Will this davenport and these curtains, this lamp, and this piano make my home a pleasanter place to be?" "Will this school give my daughter what I know she needs?" "Would another kind of heating equipment make our home more comfortable,

more healthful next winter?" These are samples of the questions they ask.

Always they visualize the ideal, these wives and mothers, before they consider economies. But they watch for economies as few business men do. By aptitude and training they are excellent shoppers. The competition for their attention, the courting of their favor, is tremendous. The way to their hearts and their purses is not easy, but it is clear. These general purchasing agents are readers of advertising, consistent, critical readers of advertising. It has been estimated that they buy more than 80 per cent of all advertised merchandise.

According to certain studies the bureau has made, women buy 95 per cent of the silk sold, 90 per cent of the jewelry, 84 per cent of the articles usually purchased in department stores, 82 per cent of the groceries, 80 per cent of the electrical supplies, 75 per cent of men's socks that are sold, 74 per cent of the drug store products, 73 per cent of the pianos, 65 per cent of the leather goods, 64 per cent of men's neckwear, 47 per cent of the hardware, and 40 per cent of the automobiles.

The savings wrought through her cooperation will not only enlarge the purchasing power of her dollars but will make it possible for thousands, possibly millions, more families to increase their possessions, and advance their living standards. In this connection a brief review of the present possessions of our 26,000,000 families is interesting. About one-half of them, or nearly 13,000,000, own their homes; 10,000,000 have phonographs, 6,000,000 have pianos, 5,000,000 have vacuum cleaners, 4,500,000 radios, 4,000,000 refrigerators, and 3,500,000 washing machines. There are 20,000,000 automobiles among our 26,000,000 families. We may assume these figures represent the relative order of importance of the average family's desires, for if it wanted washing machines or refrigerators as much as it does automobiles it would buy them.

This situation is very gratifying, indicating as it does a high degree of industrial stability and continued prosperity for our people. A sidelight on this latter condition is shown in the current distribution of over $550,000,000 to the 8,000,000 Christmas club members by over 8,000 banks and financial institutions throughout the United States. This distribution is estimated to be 10 per cent greater than that for 1927.

INSURANCE INCREASING

Another sidelight is found in the fact that for the first nine months of 1928 the amount of new insurance written by the 45 companies reporting is $9,058,081,000, or nearly $1,000,000,000 more than for the same period in 1927.

Savings-bank deposits rose from $13,040,000,000 in 1919 to $26,091,000,000 in 1927, an increase of 100 per cent in eight years.

Many other evidences of greater individual wealth can be cited, but the significant fact is that this increase is the result of our progress in national efficiency. This in turn is the result of the elimination of waste in production and distribution, the widespread application of simplification and standardization, the development and use of more labor-saving machinery, and the increased productive output of the individual.

Underlying all this improvement is the great contribution made by scientific research. The findings of science are being more widely accepted, applied, and used by industry to-day than at any time in the history of our country.

Coincident with the increase in individual prosperity reflected in the foregoing has come a higher standard of living, one in which quality is paramount. Our people have learned that through mass production and the elimination of waste in industry goods can be made to sell at relatively lower prices, but they do not want cheap or shoddy goods at any price. They are demanding that goods shall be made well, shall wear well, and give good service. They are demanding also that goods shall have more art or style in them and be more attractive in appearance and finish.

In response to these demands industries are employing research methods and making greater use of the research laboratories of the country, particularly of our Bureau of Standards.

The bureau is constantly cooperating with industries in the refinement and improvement of basic materials, such as textiles, leather, rubber, paper, glass, chemicals, dyes, metals, and also building materials, such as cement, clay products, and the like.

Not only is the bureau aiding in the direct improvement of the materials but also of the processes and equipment by which those materials are prepared for further use.

New standards are being set for grades and qualities of essential materials and commodities, and the demand by industry for service from the bureau in this latter field is steadily increasing.

Among the standards established to date through this cooperative service are those for clinical thermometers, staple porcelain plumbing fixtures, steel pipe nipples, genuine wrought-iron pipe nipples, and standard-weight malleable iron or steel screwed unions.

Other projects for which commercial standards are being developed include surgical gauze, brass pipe nipples, furnace and fuel oils, regain in mercerized-cotton yarns. The value of commercial standards is well illustrated in their application to the latter item for the establishment of a commercial standard providing for a uniform moisture content and regain in mercerized yarns, will furnish a standard basis for marketing and obviate or avoid the controversies now occurring between buyers and sellers over weights of this commodity.

There is great need and therefore opportunity in the commodity field for the establishment of commercial standards of grade and quality to give the consumer greater assurance of full value in his purchases, to increase confidence and good will for the merchant, and to help the manufacturer eliminate waste in production.

To-day there are many manufactured articles the outward appearance of which is so similar as to prevent any ready comparison of quality by the majority of buyers without resort to elaborate or expensive laboratory tests. Consequently, goods are often purchased on a price basis and without full knowledge of their true quality.

The purpose of commercial standards is to make it possible for the small as well as the large purchaser to buy according to specification without having to test the material or article as delivered to see whether or not it meets the specification. Proof on this point is found in public certification through the use of proper labels and advertising by the manufacturer that the goods meet the commercial standard adopted for them and indorsed by the United States Bureau of Standards.

Already 1,022 manufacturers interested in 146 Federal specifications have signified their willingness to certify, when requested, that goods furnished by them on orders calling for such delivery are according to these specifications.

The success with which the commercial-standards program is meeting indicates it will be followed by many of our principal industries seeking to strengthen public confidence and good will for their products and to protect the latter's good name.

SIMPLIFIED PRACTICE

The success of the bureau's cooperation in simplification is demonstrated by the fact that over 100 simplified practice recommendations are now in effect and are being well adhered to or observed by the industries to which they apply.

Completed programs include the reduction of varieties of paving brick from 66 to 5; files and rasps from 1,351 to 475; plow bolts from 1,500 to 840; varieties of shovels, spades, and scoops from 5,136 to 2,178; of solid-section steel windows from 42,877 to 2,244; and of grinding wheels from 715,200 to 254,400.

Sixty other simplifications are under way. Among the commodities covered by them are photographic paper, beverage bottles, hospital plumbing fixtures, coopers' wares, medicine chests or cabinets, and glass containers for the drug and pharmaceutical industries.

Since January 1, 1928, 21 simplifications have been effected; 23 of those previously completed have been reaffirmed, and 9 others revised to meet current needs and conditions.

In the 11 months, to December 1, 1928, the acceptors of the completed simplification programs have increased from 7,731 individual firms and corporations to 11,319, a gain of 46 per cent. This response testifies that business finds worth while benefits in simplified practice.

Six years ago, the dry-cleaning industry appealed to the Government for assistance in research work. The Government acceded to this request on one condition: That the problems attacked should be of interest to, and the result should be available to, the entire industry. "Entire industry" was defined as being made up of a minority composed of dry cleaners and a majority composed of the general public as ultimate consumers. The national association has consistently gone more than half way in meeting this viewpoint. In consequence, the results have astonished both parties.

That the work has been of value to the industry is amply proved by the enthusiasm with which it is financially supported. The Government is rewarded for its efforts partly by the increased prosperity of the dry-cleaning industry, which is one of the items making up the prosperity of American business; partly by the knowledge that the general public is now getting better service than was formerly possible; partly by the fact that the damage to garments due to dry cleaning has been materially reduced, thereby adding just so much to the effective income of the customers. The known germicidal effects of dry cleaning may have some beneficial effect on public health. The adoption, as a standard, of a solvent less flammable than gasoline has reduced the risk to life and property, which fact has already been recognized by lower insurance rates.

Much progress has been made through the reduction of waste in production. Simplification and standardization have helped greatly.

The success of simplification in the United States has been watched closely by foreign nations. As a result the Japanese can manufacturers examined 2,134 varieties of canned goods put up in Japan, found 250 different styles of cans, and standardized on 14. They said, "Our aim is for superior quality at the lowest possible price."

More recently the Australian Commonwealth organized an engineering standards, also a simplified practice association "to develop Australian industry, eliminate waste in manufacture, reduce cost of production, simplify distribution, stabilize employment, and promote a spirit of cooperation between divergent trade interests."

Simplification is extending beyond our factories into general business. A few years ago the American Bankers' Association simplified bank-check sizes. Its former president, T. R. Preston, says: "Universal adoption of these standards will save $20,000,000 a year." Printers have estimated that simplification has reduced the cost of checks by $2.50 per thousand. To-day 85 per cent of all checks issued are simplified checks.

In fields where simplification is not applicable to the products or services sold it is being applied to purchases. The Philadelphia company reviewed the 16,000 forms it was using, discontinued 72, revised 9, consolidated 45 to 22, reduced its letterheads from 161 to 27, pen points from 30 to 6, and so on. This enabled the company to coordinate its purchases, and buy these items of supply in larger quantities and at lower prices.

The Atlantic Coast Line Railroad cut its inventory 71 per cent by eliminating 25 per cent of the items formerly carried in its supply stocks, and thereby released nearly two and one-half million dollars of otherwise idle capital.

Not only have other countries, factories, and general business adopted simplification methods developed at the Bureau of Standards, but municipalities are also employing them to good advantage.

The city of Milwaukee under its recently installed centralized and coordinated purchasing system saved its citizens in one year $432,000 on a volume of $4,000,000.

To date 90 simplifications have been effected in as many different commodity lines, through the cooperative efforts of the manufacturers, distributors, and consumers concerned. It is conservatively estimated by industry that this activity is yielding benefits and savings in excess of $300,000,000 annually. It costs the taxpayers from $50,000 to $85,000 a year to maintain.

It can not be too emphatically stated that in this simplification movement there has been no Government coercion. The results have been attained by voluntary cooperation of the interested parties, using the Government agency to bring them together and indorse and support their collective efforts toward eliminating the wastes inherent in overdiversification of product. Only when 80 per cent of the interested parties indorse a project does the Government promulgate it. The simplification idea has been sold to a considerable body of the American business public, and the problem now is to keep the ball a-rolling.

COLOR STANDARDS

A field of technical standardization which is becoming of greater and greater importance is grading by color and basing sales prices for many commodities on color determinations. For example, some $230,000,000 worth of vegetable oils are sold per year, all on a color basis. The bureau has calibrated a master set of glasses for control of this product and is now engaged in supplying substandards to the trade. There are many food products of which color is considered of importance. These include cheese, sirup, oleomargarine and butter, meat, chocolate, tomatoes, sugar, and many others. I cite the case of color as one illustration of a rapidly developing field of standardization of particular interest to your business, a field of very considerable complexity from the laboratory point of view, but of great importance practically. Other industries were also interested, such as paint, textile, and glass.

I trust it is not inappropriate to mention the fact to the members of the Committee of the Whole that the members of the subcommittee handling this bill, in addition to their being thoroughly sympathetic with the activities of the department concerned, are in a position to visualize the various situations as they are brought in review by the bureau chiefs having the matters in charge. Fortunate indeed is the country that can enlist the services of such an able, untiring chairman as Mr. SHREVE, or as that of the ranking member of the minority, Mr. OLIVER of Alabama. Together with the other members they have traveled collectively in excess of a million miles in viewing the localities which are receiving departmental consideration and support, both domestic and foreign. The departments, realizing that sympathetic consideration is accorded but that rigid scrutiny will be exercised concerning any proposition advanced, are encouraged in their all-the-year-round work by this fact—a circumstance fraught with great benefit to the whole community. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Yes.

Mr. O'CONNOR of Louisiana. I have a letter from a very prominent citizen in New Orleans, Mr. Frank Dameron, asking me to do what I can to be of assistance in the way of securing for the Bureau of Foreign and Domestic Commerce as liberal appropriations as the circumstances would warrant. Has the committee considered all of the factors in the case?

Mr. ACKERMAN. They have tried to, and I believe the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. SHREVE], will speak further on that subject.

Mr. SHREVE. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting at this point a very concise table showing past Budget estimates, total appropriations, and amounts saved by Congress since the Budget was first instituted.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The table is as follows:

Congress and fiscal years	Total Budget estimates	Total appropriations	Decrease (−) or increase (+), appropriations compared with Budget estimates	Net decrease in Budget estimates
Sixty-seventh Congress, first and second sessions:				
Fiscal year 1923, regular annual, permanent, and indefinite	$3,924,586,066.78	$3,751,917,629.14	−$172,668,437.64	
Supplemental and deficiencies for fiscal year 1922 and prior years	467,571,992.68	327,878,638.05	−139,693,354.63	
Total	4,392,158,059.46	4,079,796,267.19	−312,361,792.27	−$312,361,792.27
Sixty-seventh Congress, third and fourth sessions:				
Fiscal year 1924, regular annual, permanent, and indefinite	3,714,602,281.19	3,706,779,083.12	−7,823,198.07	
Supplemental and deficiencies for fiscal year 1923 and prior years	236,411,166.57	233,492,860.49	−2,918,306.08	
Total	3,951,013,447.76	3,940,271,943.61	−10,741,504.15	−10,741,504.15
Sixty-eighth Congress, first session:				
Fiscal year 1925, regular annual, permanent, and indefinite	3,632,173,054.96	3,622,125,959.19	−10,047,095.77	
Supplemental and deficiencies for fiscal year 1924 and prior years	160,974,906.47	161,997,365.16	+1,022,458.69	
Total	3,793,147,961.43	3,784,123,324.35	−9,024,637.08	−9,024,637.08
Sixty-eighth Congress, second session:				
Fiscal year 1926, regular annual, permanent, and indefinite	3,747,876,017.78	3,736,124,595.31	−11,751,422.47	
Supplemental and deficiencies for fiscal year 1925 and prior years	416,402,528.03	415,557,454.60	−845,073.43	
Total	4,164,278,545.81	4,151,682,049.91	−12,596,495.90	−12,596,495.90
Sixty-ninth Congress, first session:				
Fiscal year 1927, regular annual, permanent, and indefinite	3,961,470,187.42	3,953,628,990.08	−7,841,197.34	
Supplemental and deficiencies for fiscal year 1926 and prior years	454,709,266.73	455,834,399.73	+1,125,133.00	
Total	4,416,179,454.15	4,409,463,389.81	−6,716,064.34	−6,716,064.34

Congress and fiscal years	Total Budget estimates	Total appropriations	Decrease (−) or increase (+), appropriations compared with Budget estimates	Net decrease in Budget estimates
Sixty-ninth Congress, second session:				
Fiscal year 1928, regular annual, permanent, and indefinite	$4,022,971,757.60	$4,014,988,936.40	−$7,982,821.20	
Supplemental and deficiencies for fiscal year 1927 and prior years	195,792,534.01	196,022,416.18	+229,882.17	
Total	4,218,764,291.61	4,211,011,352.58	−7,752,939.03	−$7,752,939.03
Seventieth Congress, first session:				
Fiscal year 1929, regular annual, permanent, and indefinite	4,332,235,695.16	4,322,208,922.06	−10,026,773.10	
Supplemental and deficiencies for fiscal year 1928 and prior years	305,141,118.98	306,027,902.57	+886,783.59	
Total	4,637,376,814.14	4,628,236,824.63	−9,139,989.51	−9,139,989.51
Grand total net reduction in Budget estimates since the beginning				−368,333,422.28

Mr. BACON. It is customary to criticize the Congress for extravagance. The above record since the establishment of the Bureau of the Budget proves the falsity of this accusation. During the past seven years the Congress has cut down the estimates of the Bureau of the Budget by the large total of $368,333,422.28.

Mr. SHREVE. Mr. Chairman, I yield 25 minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman, ladies, and gentlemen of the committee, I realize it is not a very propitious time to address the House, and for that reason I shall insert under leave some matters in the RECORD which I had hoped to present here on the floor. I am sure that you all enjoyed, as I did, the able and interesting address made by a preceding speaker, the gentleman from New Jersey [Mr. ACKERMAN]. I wish that there might have been a full attendance of Members to have heard it.

Prior to the consideration of the bill now before us we passed the Interior appropriation bill and the agricultural appropriation bill.

Those two bills have to do in certain of their provisions with a common subject. The Interior bill appropriated, among other things, for reclamation. The agricultural bill had a great deal to do in many of its provisions with the encouragement and promotion of agriculture and the application of funds for research work looking toward the improvement of agriculture and the increasing of the amount of production. There was, therefore, an interrelation between the two bills.

It is not my purpose to indulge in an argument with reference to reclamation. I would like to give you a very brief picture, a bird's-eye view, as it were, of the reclamation activities of the Government. It is now some 26 years since the reclamation act was passed. As the result of those 26 years of activity there have been brought under irrigation 1,956,910 acres. That has been done at a cost of $175,116,945. There has been created as a result of these activities and the capital and labor of the settlers a valuation of something in excess of $600,000,000. The total value of the annual crop of last year from these 24 projects was $133,207,210, which, you will note, is about 1 per cent of the value of the total agricultural production of the entire country, which is in the neighborhood of $13,000,000,000. During 1926, at a time when the settlers were still under considerable disability and disadvantage, they repaid into the reclamation fund the sum of $4,260,221.35. Last year, 1927, they repaid the sum of $5,299,149.15, an increase in the one year over the prior year's payment of $1,038,928.20.

There was received during the last year from various sources going to make up the reclamation fund, in addition to these payments of $5,299,149.55 by settlers, the sum of $705,822.66 from the receipts from the sale of public lands and the sum of $2,454,168.68 from mineral royalties collected by the Government under the general mineral leasing act. From these three sources the total amount paid into the reclamation fund last year was $8,459,140.87. In addition to the 1,956,910 acres occupied and irrigated on the reclamation projects we have 160,000 acres unoccupied but ready for irrigation and for settlers. Unfortunately those 160,000 acres are concentrated in five particular projects, and therefore present a problem of serious concern as to the ability of these five projects to meet their contracts and obligations to the Government. But they can be made to do so. These projects can each be made a complete success and the return of the investment of the Government insured.

There is pending before the Congress a bill known as the aided and directed settlement bill, H. R. 9956, upon which extensive hearings have been held and upon which there is a favorable report before the House. Its purpose is to bring about the settlement of this particular 160,000 acres of vacant land on the five particular projects; and I would bespeak from the Members of the House a careful and earnest reading of the hearings on that bill and of the bill itself and of the report filed therewith.

My remarks to-day are prompted by the repeated observations of Members here on the floor who have announced their opposition to bringing under cultivation any more farm land. Those remarks usually were made in connection with and in opposition to any more authorizations by this body of new reclamation projects. There also has been uninformed and unwarranted propaganda against reclamation and new projects by the Chicago Tribune, the United States Chamber of Commerce, the American Society of Civil Engineers, and the Department of Agriculture. Analysis of the situation demonstrates they are wrong.

Those of us who come from the arid States of the West are fairly well satisfied with the provisions of the Interior Department appropriation bill, which passed this House, in that it made provision for the continuation of the construction of a number of existing projects which have heretofore been authorized. There was no particular opposition in the House to that bill in that respect. But there were sentiments expressed here in opposition to reclamation progress which I am sure were founded on an erroneous conception of the conditions and the facts; and these observations and remarks which I now make and matters which I desire to insert in the RECORD are designed to dissipate what I consider to be a mistaken impression as to the effect of reclamation and the production of crops upon reclamation projects upon the agricultural situation in this country; and to bring to your minds the fact that they do not in fact add in any appreciable way to the crop surplus or to the so-called farm problem.

As a basis for what I wish to say and to insert in the RECORD, I quote from President Roosevelt in his message to Congress in 1901, prior to the passage of the reclamation act. He said:

> It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

And in this connection, and in connection with that quotation from President Roosevelt, I note and mention in passing that portion of the bill for the control of the floods of the Mississippi which provided for the simultaneous survey of tributaries of that river, and which devoted $5,000,000 of that appropriation to that purpose. By that provision we are getting right back to the original, and in my judgment the right, idea of flood control. In connection with that control of the tributaries of that stream we have the accompanying benefits of flow regulation, improved navigation, the creation of storage for irrigation, storage for water power, and the production of electrical energy.

Again I quote from President Roosevelt as follows:

> The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of our irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the Nation.

Those words were true when spoken in 1901, and they are just as true to-day.

It is well known that the farm surplus problem has to do principally with the crops of corn, wheat, and cotton. These comprise a very small part of irrigated crops. There is no competition between these reclamation projects and central and eastern agriculture. The crops produced on the reclamation projects are not competitive. They are mainly special crops, such as the sugar beet, seed potatoes, seed beans and seed peas, and early vegetables; and most of the products other than those just named are used in feeding livestock. In other words, all these products are consumed locally, and of course, therefore, they do not come on the market into competition with the products of the other agricultural States.

I want to quote from a public statement made by President Coolidge about two years ago—perhaps three—along this same line, as follows:

criticism of such a program of encouragement—

And he was speaking of new reclamation projects—

on the ground that there already is an overproduction in agricultural products lies in the lack of understanding that these projects take many years for development; that they furnish but a small portion of the total increased food supply required even by our increase in population; and that the utilization of their supplies lies in the development itself.

President-elect Hoover in a recent address called attention to the fact that we are importing into this country annually $800,000,000 worth of farm products which we can raise and ought to raise in this country. Certainly our eastern brethren will agree that they would prefer to have these products raised in this country and in the western arid regions rather than to import them from foreign countries, and it is our hope that in the expected tariff readjustment or revision there will be such tariffs levied as will make it possible to raise in this country this nearly $1,000,000,000 worth of food products which we now import but which we ourselves could raise.

Again, we should maintain in this country a proper balance between agriculture and industry. I wish I had the time to elaborate upon this proposition and call attention to the gradual transformation that has occurred in this country from the early day when we were 70 to 80 per cent agricultural until now we are probably from 60 to 70 per cent industrial instead of agricultural.

The President has called attention to the fact that we are gradually becoming an industrial Nation instead of an agricultural Nation. I say it would be a false economic principle for America at least, if we should join in the view of those countries—such as England—which are practically manufacturing countries and are dependent upon foreign countries for the very food upon which their people must live. I say we should maintain a proper balance of agricultural production in this country, and that, while we are producing abundantly at the present time, President Coolidge has called attention to the fact, in addition to these other things, that with our increasing population it will not be many years until we are not raising sufficient food for our own people. I have here a quotation from Secretary Jardine, made before a reclamation conference in this city two years ago, in which he stated that within 10 years we would have to have more acres under cultivation and greater production in this country to provide for our own people. Our increasing population comes to us at the rate of 1,500,000 from natural increase and perhaps 200,000 by immigration, even under our restricted immigration act, and undoubtedly there are a number who come unlawfully into the country. The annual total is thus nearly 2,000,000. In a period of 10 years this means an increase of 20,000,000.

I wish to call attention to the fact that if a reclamation project is authorized on this good day, depending upon its size, it would not contribute to the agricultural production of this Nation for from 10, 15, to 20 years, and when we take into consideration the certain increase in population it will not do to wait for the 10, 15, or 20 years to pass to authorize and begin a project. That should be done at this time in reasonable, regular order. Reclamation should be allowed to come on naturally and gradually as it has heretofore without cessation.

I call your attention next to the fact that the total contribution by all of the reclamation projects, which have been built in 26 years, last year was but 1 per cent of the total agricultural production of the Nation. In other words, by all the expenditures and all the labor of the Reclamation Service, and all the capital and labor of the settlers, we have increased the agricultural production of this Nation but one twenty-sixth of 1 per cent annually during the 26 years we have been active under the reclamation act.

The President called attention, in the remarks I have quoted, to the fact that these projects not only consume their own products, but constitute a market for the rest of the country, not only for manufactured products but for the very staple agricultural products of wheat, corn, and cotton, of which there is a surplus. Instead of adding to the number of bushels or bales of these products, these projects create a demand and help to consume the staple products which go to make up the real farm surplus and problem. These projects have created and maintain a market annually for manufactured products of $500,000,000.

Another thing which ought to be considered is that in these arid Western States there is on the average but from 5 to 7 per cent of their total area which is susceptible of irrigation. The rest of the area of those States is made up of mountainous country or of plains which are grazing lands, which can never be reached by any water that is available. These States, it seems to me, under these conditions, are reasonable in their request that reclamation shall proceed in an orderly way and not be cut off from consideration, and shall not cease because of a temporary depressed condition of agriculture as to products to whose surplus it does not add and with which its special products do not come in competition.

It would seem that these States, when we consider that the other agricultural States have 100 per cent of their area under cultivation, or capable of cultivation, should at least be entitled to have a development up to the possible 5 per cent of their entire area. In my State at the present time, consisting of 62,000,000 acres, there are less than 2,000,000 acres of land actually under irrigation. The utmost we can ever hope for is 3,000,000 to 4,000,000 acres, or from 5 to 7 per cent of our area.

The reclamation policy is but following out our general policy of a homestead provision for the making of homes in this country. When these arid lands are prepared by the Federal Government under the law, and by storage works water is made available, they are then homesteaded by home seekers. The United States Supreme Court has sustained the reclamation law upon the theory that the Government has the right to improve its own lands for the purpose of making them habitable and for the purpose of furnishing possible homes for future homesteaders.

In this connection, I wish to mention the fact that there are bills pending before the Congress which not only propose to regulate and lease the balance of the unreserved and unappropriated public domain, 194,000,000 acres, but which contain express provisions repealing the homestead laws. Such bills should be opposed and that great policy preserved.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. JONES. Will the gentleman yield for a question or does he prefer not to yield?

Mr. WINTER. If it is a brief question, I yield.

Mr. JONES. The gentleman is making an interesting and enlightening statement and I am enjoying it very much. The gentleman may have covered it in the first part of his speech, when I was not present, but I am wondering if the gentleman favors linking flood control and irrigation projects, or is there need of that in the particular section he has in mind?

Mr. WINTER. If I get the purport of the gentleman's question, in our section of the country, yes. All of our tributaries upon the eastern side of the Rockies flow into the Mississippi, and I have mentioned the connection between storage for irrigation, power, and flood control.

Mr. JONES. That was probably before I came in. The reason I asked the question is that in discussing these matters some have taken the position that this water is a curse and have tried to get rid of it in the lower channels of the rivers instead of utilizing the water and producing a good result.

Mr. WINTER. One of the greatest paragraphs in the speech of acceptance of Herbert Hoover was that which started out with the statement that every drop of water which flows unused to the sea is an economic waste, and in that same paragraph he immediately followed that statement up with the correlated subjects of flood control, regulation of flow, water transportation, irrigation, and power. Altogether it presents a picture and a practical possibility of a magnificent development.

Mr. JONES. Then the gentleman thinks that proper flood control will enable us to utilize the water for good purposes higher up in the tributary streams?

Mr. WINTER. Certainly; that is the true economic way of treating this flood-control problem.

And, finally I quote from the last message of the President upon the general proposition, as follows:

For many years the Federal Government has been committed to the wise policy of reclamation and irrigation. While it has met with some failures, due to unwise selection of projects and lack of thorough soil

surveys, so that they could not be placed on a sound business basis, on the whole the service has been of such incalculable benefit in so many States that no one would advocate its abandonment.

[Applause.]

I want to mention and ask the Members to read an article written by Mr. B. E. Stoutmeyer, of the legal staff of the Reclamation Service, which can be found in the CONGRESSIONAL RECORD of December 7, page 220.

I would ask leave to insert, without reading, an article written by Mr. Charles Niethammer, of the Casper Packing Co., upon the subject of reclamation, farm surplus, and the farm problem in general. It takes a proposed new project, the Casper-Alcova project, and by concrete example and analysis proves conclusively that the fear of added surplus is unfounded.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

AN ANSWER IN BEHALF OF THE CASPER-ALCOVA PROJECT TO THE PROPAGANDA REGARDING THE OVERPRODUCTION OF FARM CROPS BEING WIDELY CIRCULATED AGAINST THE FURTHER DEVELOPMENT OF WESTERN IRRIGATION PROJECTS

This article is by Mr. Charles Niethammer, of the Casper Packing Co., who, by virtue of his experience in the buying and feeding of livestock and on account of his interest in and study of the Casper-Alcova project, is amply qualified to write on this subject.

CASPER CHAMBER OF COMMERCE,
Casper, Wyo.

Considerable opposition has been voiced lately against the development of additional irrigation projects on the grounds of an existing overproduction of certain farm products.

We desire to show that such objections are applicable to such a slight extent, if at all, to the proposed Casper-Alcova project that they should not in fairness be given serious consideration. There is no existing overproduction in connection with any of the main crops that could be raised on this project, and so far as this region is concerned the need for this development is more urgent, more imperative, than ever, due to the changed conditions in the livestock industry.

During the last 25 years the value of cattle in our State has increased from $13,000,000 to $50,000,000. The number of sheep has increased from 2,000,000 to over 4,000,000 head, and their value has mounted from $4,000,000 to $35,000,000.

When cows were selling at $15 a head and ewes at $2 per head, buying feed for them was out of the question. They were wintered through on the open range, with an occasional hard winter wiping out a part of the herd. With cows selling at $75 and ewes at $10 to $12 per head, stockmen can no longer take chances on the weather. The State produces an entirely insufficient amount of feed to maintain the livestock industry on a sound basis and provision must be made for greater protection against hard winters. That can only be done by raising a greater amount of feed right here, as it is not practical to ship in feed. The result has been that cowmen have cut their herds to a size that they can easily carry through the winter, much to the disadvantage of the State and of the country at large.

It has come to our attention that appeals are being made from certain sources that we should lower tariff on feeder cattle from Canada and Mexico in order to keep beef within the reach of the laboring man. The shortage is real enough—if greater numbers of cattle were shipped to the market this fall than were expected, it was due to the fact that the unusually high prices prevailing in the early part of the season caused many cattle to be shipped that should have been held over and used in restocking the range. By putting the cattle business of the West on a more substantial basis, the country will be assured of an ample supply of beef without opening the gates to foreign competition.

These high values are not temporary, but are due to conditions which have been long in forming. Since 1900 the per capita number of cattle and sheep in the United States has decreased 50 per cent and any increase to come will likely be at no greater rate than the increase in population. Under present prices, a series of hard winters, without ample supply of feed, may cause losses almost as great as the cost of the entire Casper-Alcova project.

The proposed Casper-Alcova project occupies a very strategic position as a point for wintering livestock. It is situated in the heart of an immense range country and is easily accessible from all sides. Within the territory, which it will serve directly as a feeding place, there are grazing to-day over 500,000 sheep and 40,000 head of cattle. There is no question as to the advantages of winter feeding of sheep, for aside from producing bigger and stronger lambs, it increases the wool clip approximately 2 pounds per head.

Out of the 500,000 lambs raised here each year about 100,000 are retained as breeding ewes. Without exception these lambs could be brought to the project for wintering as most of them now are fed part of the winter on the high-priced feed shipped in here from other places. A number of old ewes, approximating the number of breeding lambs held back, must be shipped to market each year, whereas a great majority of these ewes would be good for one or two more lamb crops if they could be wintered on feed. A very safe estimate for the total of ewes, which in normal years would be wintered on the project, would be 150,000. The return to the project from this source would be in excess of $350,000 and a good part of this would be for roughage and other feed not easily disposed of. During a hard winter, the project would act as a safeguard for all the sheep run in the adjacent territory.

The cattle business would be a counterpart of the sheep business only on a smaller scale. During the last 10 years the cattle business has changed largely to a cow-and-calf business. The growing demand for baby beef has made it profitable for the stockmen to sell their increase as calves or yearlings, whereas in former years most of the steers were carried until they were three and four year olds and were less apt to suffer on the range during the winter months. This means that it is necessary to keep a much greater percentage of breeding cows and young cattle than formerly and consequently there exists a much greater need for feed during the winter.

Just how many cattle may eventually be cared for on this project can only be approximated, of course. With the existence of a sufficient supply of feed the cattle business would thrive in this section as the range can handle a great many more than are being run here at the present time. The number of calves and breeding cows that would, under present conditions, be brought onto the project to be wintered, together with the number of lambs and ewes, would furnish an outlet for the crops from nearly one-third of the total acreage of the Casper project.

Objections may be made by Corn Belt feeders that too great a development of irrigation in the range States would deprive them of their supply of feeder cattle and leave them without a satisfactory means of disposing of their crop. As has already been pointed out, we are now selling mostly young cattle, and a much greater percentage of our cattle consists of calves and cows than ever before. The most profitable way of utilizing feed crops from a project such as this would be to merely winter the stock and sell them off the range in the summer and fall.

Owing to the small acreage of grain usually raised on Wyoming projects, hardly any cattle are finished here. A part of them may be put on short feed, but these are mostly shipped as feeders early in the spring.

From the above it can be seen that there exists not only a strong potential market but a very urgent need for a large percentage of the crops that can be produced on this project. This is a market, owing to the impracticability of shipping in feed, which can be supplied in no other way than by growing the feed here at home. Not a pound of this feed would in any manner add to the overproduction, since it would only be used in safeguarding the investment and improving the quality of our livestock.

The foundation of our State's prosperity is the livestock business, and we must protest against any attempt to deny the people of Wyoming the right of this irrigation development—on the grounds of an existing overproduction of farm crops—when there is no apparent overproduction of the kind of crops raised on irrigation projects in Wyoming. Such a program would only serve to injure this State's prosperity without in any way solving the problem of overproduction.

The figures so far cited take no account of any expansion in the sheep industry that would result locally through the establishing of this project. For a number of years lamb has not been available as a food item to the average family owing to its high price.

Feeder lambs have been selling from 11 cents to 13 cents per pound at shipping time. They can profitably be sold at 9 cents per pound, which would result in a much greater demand for the meat and would make room for considerable expansion in the sheep industry. A dependable supply of feed would enable sheep owners of this section to increase their operations sufficiently to make up for the decrease in price. Certainly nothing could be more desirable than to increase the wool production of this country, which at the present time imports nearly as much as it grows. (The United States imported 264,000,000 pounds of wool in 1927 and produced 328,000,000 pounds; no overproduction here.)

Next in importance to the forage crops on this project would be the raising of sugar beets. Based on percentages prevailing in this State, between 11,000 and 12,000 acres of the Casper-Alcova project would eventually be planted to this crop. Favorable soil and climatic conditions in Wyoming have made beet raising a very profitable undertaking for the farmer. The great numbers of livestock in the area adjacent to Casper would be a decided help to the beet growers and sugar refineries in furnishing a market for the beet tops and beet pulp. With the United States producing only about one-fifth of the sugar that is being consumed in this country, the argument of overproduction can hardly be applied against this crop. The United States imported 4,126,000 tons of sugar in 1927 and continental United States produced only 1,164,000 tons.

While feed crops and sugar beets may be the two largest single items produced, the possibilities for diversification in the Mountain States will assure the project a large acreage given to the growing of special crops particularly suited to this region. Chief among such crops being raised

in this State are dry beans, seed peas, certified seed beans, and other certified seed crops. The raising of these crops, along with the growing of turkeys, was begun in our State on a large scale in 1921.

In 1928, three of these crops—i. e., turkeys, dry beans, and certified seed—exceeded, respectively, the million-dollar mark, according to agricultural statistics for the State. With an acreage only one-third as large as the proposed Casper-Alcova project, one irrigated district in the State in 1928 produced nearly 100 carloads of beans. Another small community shipped six carloads of turkeys to the New York market. The climate and altitude made for a hardiness in our certified seed, which make them much sought after by States that import their seed supply. What portion of the acreage of this project might be employed in this manner is difficult to determine in advance, but an analysis of the carload shipments of a representative territory within the State of Wyoming, containing about 35,000 irrigated acres, will show better perhaps than anything else how little Wyoming projects produce of such items as are most subject to overproduction. This district, outside of livestock, shipped in 1927, 505 carloads of produce, divided as follows:

Carloads of—	
Sugar	395
Dry beans	65
Seed peas	3
Wool	23
Honey	2
Turkeys	3
Alfalfa meal	4
Wheat	8
Potatoes	2

Out of a total of 505 carloads there were only 8 carloads of grain, and this mostly from adjacent dry-land sections. A large part of the crops of this project were, of course, used in the feeding and wintering of livestock.

Summing up the various points, it is obvious that the crops of the proposed Casper-Alcova project would not add to the overproduction existing in some farm products for the following reasons:

First. Because a large percentage of the acreage would be used for wintering cattle and sheep which are now being run on the open range.

Second. Because a large part of this acreage would be devoted to the growing of sugar, of which the United States now imports four times as much as is produced in this country. (Imports, 1927, 4,216,000 tons; United States production, 1,164,000 tons.)

Third. Because it would increase the production of wool, of which the United States imports nearly half of our total requirements. (Imports, 1927, 264,000,000 pounds; United States production, 328,000,000 pounds.)

Fourth. Because a large part of the acreage would be used in the growing of special crops, in which no overproduction exists, and some of which (certified seed) actually are a great help to agricultural interests of other States on account of the exceptionally high quality and virility of the seed grown in this altitude and climate.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TILSON] having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m) the House adjourned until to-morrow, Thursday, December 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, December 20, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

First deficiency appropriation bill.

Independent offices appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend the first paragraph of section 7 of the act entitled, "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, approved February 28, 1925" (H. R. 11622).

To amend the first paragraph, and that portion of paragraph 4 as far as the first colon, of section 2 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, approved February 28, 1925" (H. R. 13709).

To classify certain positions in the Railway Mail Service (H. R. 9766).

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

(2 p. m.)

For the relief of J. F. McMurray (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

696. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; to the Committee on Naval Affairs.

697. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of St. Johns River, Fla., from Jacksonville to the ocean (H. Doc. No. 483); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

698. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, for the fiscal year 1930, amounting to $300,000 (H. Doc. No. 484); to the Committee on Appropriations and ordered to be printed.

699. A communication from the President of the United States, transmitting deficiency estimate of appropriation pertaining to the legislative establishment, Library of Congress, for the fiscal year 1924, in the sum of $33.23 (H. Doc. No. 485); to the Committee on Appropriations and ordered to be printed.

700. A letter from the Acting Secretary of Agriculture, transmitting report on work done, expenditures and receipts, expenses under Federal highway act; roads and trails in the national forest; receipts and expenditures, Center Market, District of Columbia, and disposition of useless papers; to the Committee on Expenditures in the Executive Departments.

701. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, United States Botanic Garden, for the fiscal year 1929, in the sum of $15,000 (H. Doc. No. 486); to the Committee on Appropriations and ordered to be printed.

702. A communication from the President of the United States, transmitting supplemental estimates of appropriations pertaining to the legislative establishment, House of Representatives, for the fiscal year 1929, in the sum of $42,348 (H. Doc. No. 487); to the Committee on Appropriations and ordered to be printed.

703. A letter from the Acting Secretary of Commerce, transmitting report that the field office of the Steamboat Inspection Service at Honolulu, Hawaii, has reported the sale of 210 pounds of useless papers and the revenue received from the sale was 47 cents; to the Committee on Interstate and Foreign Commerce.

704. A letter from the Secretary of the Interior, transmitting report of the withdrawals and restorations contemplated by the statutes; to the Committee on Expenditures in the Executive Departments.

705. A letter from the Secretary of the Interior, transmitting report of expenditures from the appropriation "Support and civilization of Indians, 1928"; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SHREVE: Committee on Appropriations. H. R. 15569. A bill making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1961). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 261. A resolution amending clause 4 of Rule XI of the rules of the House of Representatives; without amendment (Rept. No. 1962). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 272. A resolution to create a standing committee on memorials; without amendment (Rept. No. 1963). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 273. A resolution providing for the consideration of H. R. 9200, H. R. 14659, S. 1976, and S. 1275, bills providing for the appointment of additional judges; without amendment (Rept. No. 1964). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi; without amendment (Rept. No. 1965). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. J. Res. 357. A joint resolution entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; without amendment (Rept. No. 1966). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 15568) to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment; to the Committee on Irrigation and Reclamation.

By Mr. SHREVE: A bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BACHMANN: A bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15571) to repeal the act for the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. DARROW: A bill (H. R. 15572) to amend the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of South Dakota: A bill (H. R. 15573) to amend the World War veterans act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. FULBRIGHT: A bill (H. R. 15574) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 15575) to amend the Federal water power act and to more clearly define and declare Federal and State water power policy; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 15576) to authorize credit upon charges due the United States by the farmers' irrigation district, North Platte irrigation project, Nebraska and Wyoming; to the Committee on Irrigation and Reclamation.

By Mr. BRITTEN: A bill (H. R. 15577) to authorize the Secretary of the Navy to dispose of material to the sea-scout department of the Boy Scouts of America; to the Committee on Naval Affairs.

By Mr. EVANS of Montana: A bill (H. R. 15578) proposing a location at Flathead Lake, Mont., for a summer residence for the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 15579) providing for the construction of a sanatorium and hospital at Ogden, Utah, and providing an appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. BERGER: Joint resolution (H. J. Res. 361) authorizing and requesting the President to proclaim a full pardon and amnesty to certain political prisoners; to the Committee on the Judiciary.

By Mr. CRAIL: Joint resolution (H. J. Res. 362) for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 363) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 15580) granting a pension to Isaiah Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15581) granting a pension to Samatha A. Broszt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15582) granting a pension to Walter Fallen; to the Committee on Pensions.

Also, a bill (H. R. 15583) for the relief of Raymond H. Leu; to the Committee on Naval Affairs.

By Mr. BLAND: A bill (H. R. 15584) granting a pension to T. Abraham Hetrick; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 15585) granting a pension to Helga Ida Maria Gouraud; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15586) granting a pension to Ada Brown; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15587) granting a pension to Adelia Benson; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15588) granting an increase of pension to Samuel W. Dicus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15589) granting an increase of pension to Mary J. King; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 15590) for the relief of Henry I. Power; to the Committee on Military Affairs.

Also, a bill (H. R. 15591) for the relief of Claud J. Adams; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 15592) granting a pension to Mary Turner; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 15593) granting a pension to Barbra Eakins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15594) granting a pension to Melissa J. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15595) granting an increase of pension to Mary Jane Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15596) granting an increase of pension to Lucinda Kittrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15597) granting an increase of pension to Laura E. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15598) granting an increase of pension to Julia Tremain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15599) granting an increase of pension to Dessie M. Davis; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 15600) granting an increase of pension to Lena Jenkins; to the Committee on Pensions.

Also, a bill (H. R. 15601) granting an increase of pension to Martha A. Nugent; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 15602) granting a pension to Elizabeth Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15603) granting a pension to Annie Cruse; to the Committee on Invalid Pensions.

By Mr. LEECH: A bill (H. R. 15604) granting an increase of pension to Albert C. Kinsey; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15605) granting a pension to Lawson T. Green; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 15606) granting an increase of pension to Surilda J. Slavens; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 15607) granting a pension to John W. Skaggs; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 15608) providing for the advancement of Robert G. Dickson on the retired list of the Army; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 15609) granting a pension to Melissa M. McCool; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15610) granting a pension to Grace Hixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15611) granting a pension to Wilbur L. Hensley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15612) granting an increase of pension to Sarah E. Ellington; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15613) granting an increase of pension to Woodard Hensley; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 15614) authorizing the Secretary of the Treasury to pay to Eva Broderick for the hire of an automobile by agents of the Indian Service; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 15615) granting an increase of pension to Amelia Blosser; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 15616) granting six months' pay to H. M. Cawley; to the Committee on Military Affairs.

Also, a bill (H. R. 15617) to compensate H. M. Cawley for the loss and death of his son, Edward S. Cawley; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 15618) for the relief of Thomas H. Dowd; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15619) granting an increase of pension to Elizabeth Glardon; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 15620) granting an increase of pension to Lucy Alvira Coonen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8065. By Mr. CRAIL: Petition of Democratic Luncheon Club, of Los Angeles, Calif., favoring and commending the Colorado River project; to the Committee on Irrigation and Reclamation.

8066. By Mr. DAVENPORT: Petition of citizens of Oneida County, N. Y., favoring enactment into law of House bill 11410; to the Committee on the Judiciary.

8067. By Mr. GARBER: Petition of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, protesting against the appropriation of any funds from what is known as "Red River money" for the purpose of constructing a hospital, or for the maintenance of the Kiowa Indian Agency's operating expenses; to the Committee on Indian Affairs.

8068. By Mr. McCORMACK: Petition of Cumann Bhreandain, St. Brendan Society, Mary C. O'Connor, 10 Marlboro Street, Belmont, Mass., secretary, urging repeal of the so-called national origins in the immigration act; to the Committee on Immigration and Naturalization.

8069. By Mr. O'CONNELL: Petition of the Illinois Valley Protective Association, Peoria, Ill., favoring the passage of the Smoot bill (S. 4689 and H. R. 14116), to provide for Federal loans for reclamation purposes; to the Committee on Irrigation and Reclamation.

8070. Also, petition of Ed. S. Vail Butterine Co., Chicago, Ill., opposing the passage of the Haugen bill (H. R. 10958) to amend the definition of oleomargarine; to the Committee on Agriculture.

8071. Also, petition of the Maritime Association of the Port of New York, favoring amendments to the laws, through which to clothe the courts with power adequately to punish all parties found guilty of the charge of theft and pilferage; to the Committee on the Judiciary.

8072. By Mr. WYANT: Petition of Pennsylvania Society, Sons of the American Revolution, John L. Walker, president, favoring passage of House bill 10171, to exempt from taxation new national headquarters of National Society Sons of the American Revolution; to the Committee on the District of Columbia.

8073. Also, petition of Pennsylvania Society Sons of the American Revolution, opposing repeal of national origins clause of present immigration law; to the Committee on Immigration and Naturalization.

8074. Also, papers to accompany the following bills: H. R. 15513, granting a pension to Susan Enos; H. R. 15514, granting a pension to Emma H. Woolsey; H. R. 15515, granting a pension to Victoria Davis; and H. R. 15516, granting a pension to Lillie M. Humphreys; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *December 20, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Strong Son of God, Immortal Love, to whom all the ministries of life are sacraments of beauty, we thank Thee for the gladness of the morning which calls to holy dedication and the gentle peace of evening which speaks of quiet rest. Help us to a deeper knowledge of the world within, the glorious kingdom of the mind, the deep recesses of the soul, where we can hear Thy voice, comforting our sadness, banishing our care, urging us beyond ourselves to battle for the right. Free us from all pride and fear, from vulgar ambition and ignoble self-indulgence, that our desires may meet and answer to Thine own. Make us brave enough to bear the truth, strong enough to live in the light, and glad to yield ourselves to Thee, our Savior and our Friend. Amen.

RELIEF OF FARMERS IN FLOOD-STRICKEN AREAS

The VICE PRESIDENT. According to the unanimous-consent agreement previously entered into, the Chair lays before the Senate the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States. The joint resolution is before the Senate as in Committee of the Whole. The question is on agreeing to the committee amendment, on page 2, line 12, to strike out the word "section" and insert the word "resolution."

Mr. CURTIS. Mr. President, nothing has been done with the Journal.

The VICE PRESIDENT. The joint resolution is in order before the reading of the Journal.

Mr. CURTIS. Mr. President, that can not be the case. Nothing can be done before the Journal is disposed of.

The VICE PRESIDENT. The Chair will state that the unanimous-consent agreement sets aside all rules of the Senate.

Mr. CURTIS. I do not care to discuss the matter with the Vice President, but Rule III specifically provides that—

> The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read.

The VICE PRESIDENT. The unanimous-consent agreement provides that the joint resolution shall be the first order of business this morning. Without objection, the reading of the Journal will be dispensed with and the Journal will be approved.

Mr. KING. Mr. President, let the joint resolution be read.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution (S. J. Res. 182) reported yesterday from the Committee on Agriculture with an amendment, as follows:

> *Resolved, etc.*, That the Secretary of Agriculture is hereby authorized, for the crop of 1929, to make advances or loans to farmers in the storm and flood stricken areas of the southeastern United States where he shall find that an emergency for such assistance exists for the purchase of seed of cotton, corn, legumes, and vegetable crops, feed for work stock, and fertilizer, and, when necessary, to procure such seed, feed, and fertilizers and sell the same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from seed and fertilizer obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $3,000. All such advances or loans shall be made through such agencies as the Secretary of Agriculture may designate. For carrying out the purposes of this section there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000, to be immediately available.

The amendment of the committee was to strike out, on page 2, line 12, the word "section" and insert the word "resolution," so as to make the sentence read:

> For carrying out the purposes of this resolution there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000, to be immediately available.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. SMITH. Mr. President, the Senate is familiar with what occurred when the Porto Rican relief measure was here on both occasions; first, when it was introduced by the Senator from Connecticut [Mr. BINGHAM], and again when it was called up for consideration and finally passed. I endeavored on both occasions to make my position clear. The agreement that was reached was that the matter now covered by the pending joint resolution should be referred to the Committee on Agriculture and Forestry. This was done.

Yesterday morning we had a meeting of that committee. Representatives of the districts, including all the States that were so seriously damaged, were present. They confirmed what I had already outlined before the Senate. The condition that

exists in the States that were named specifically—Florida, Georgia, South Carolina, and North Carolina—was fully explained to the committee. After full hearing of the testimony given by parties representing those States the committee members present voted unanimously to report the joint resolution favorably.

It is not necessary for me to go into detail as to the condition that exists. I tried to do so fully when the matter was before the Senate heretofore. The Senate did not hesitate, and I was glad to join with them in the relief, so far as possible, of the distressing conditions in Porto Rico. I said then, and I repeat now, that in extending aid to the distressed Porto Ricans it did not in any manner lessen our duty to relieve the distress of a greater area and hardly less in degree that exists in the States I have named. The precedent has already been established, and I for one think it is a proper precedent. The Government of the United States represents the concentrated force of all the American people expressed in our organized society, and it does seem to me that it is a happy expression of the desire of all the people to aid any part of them who may be distressed. I voted gladly and cheerfully for the Porto Rican relief measure, and as I said then and repeat now, I think fellow feeling makes us understand the situation more clearly—at least more forcefully—than those who are not in like circumstances can understand it.

Half of my State, so far as agriculture is concerned, was affected by the storm and is in a condition that makes it almost impossible for the people to carry on unless they shall receive relief. Not alone is this a private thing. There has been extended to those people the quasi hand of the Government in the form of our intermediate credit banks and other institutions furnishing, as we had hoped, financial aid in a form that would be more suitable and available to agriculture; but they are powerless in these circumstances under the law even to grant a modicum of relief.

Now that the committee has reported and in pursuance of the promise made and the understanding had, the measure is before the Senate and the issue now is whether or not there shall be extended in as good faith to the citizens of this immediate country, who have been affected as the Porto Ricans were affected, the same measure of relief that was granted Porto Rico.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. SMITH. I am glad to yield to the Senator from Idaho.

Mr. BORAH. I have never been informed in anything like detail as to the nature of the injuries or the nature of the devastation created by the storm.

Mr. SMITH. I will state to the Senator that I made the explanation before the Senate day before yesterday and it was confirmed yesterday before the committee. For the first time in the history of our State, so far as any meteorological record has been kept, from about the 16th day of June until the 19th day of September we had a precipitation that approximated 50 inches. During the growing period of the crops we had unspeakable and unprecedented torrents of rain. That extended through parts of Florida, Georgia, and South Carolina. The ground was sodden and the streams were full to overflowing, and then, as a culmination there came the Porto Rican or tropical hurricane which struck our section on the 19th of September. The crops, as I indicated, had been previously injured and devastated. The hurricane was accompanied by a wind which in our section reached a velocity of 90 miles an hour, according to the Government records, with a rainfall greater in the space of time in which it fell than any preceding torrent which had fallen, so that the rivers already at flood could not take care of the additional amount of water. Areas were covered to a depth of anywhere from 4 to 15 feet; farm lands and houses were submerged, livestock destroyed, corn and cotton crops ruined. The region stood in that condition for more than two weeks, so that when the water receded the entire area had practically been denuded of everything. That is now the condition.

Mr. BORAH. Mr. President, may I ask the Senator what is the extent of territory in the condition which he has described?

Mr. SMITH. The devastated region extends from about the Savannah River on the southeast up nearly to Wilmington, N. C., covering almost one-half of the State from just below what we call the beginning of the coastal plain to the coast.

Mr. FLETCHER. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. FLETCHER. In answer to the inquiry of the Senator from Idaho [Mr. BORAH], I should like to quote from the preliminary summary report of the Red Cross of September, 1928. It says:

> In Florida the centers of greatest destruction were in the counties of Palm Beach, Broward, Okeechobee, Martin, and Hendry. More than 1,800 persons were believed to have been killed—

That number turned out to be an underestimate. I think the number of killed was over 2,000—

> mostly by drowning, and approximately 1,800 people were injured; 31,615 homes and other buildings were destroyed or damaged and agriculture suffered heavily. The problem of unemployment, which often accompanies disasters, added to the seriousness of the situation. In the Lake Okeechobee area water covered a large section of rich agricultural land, due to the overflowing of the lake. This water remained on the land for weeks and to date is still retarding the progress of permanent reconstruction measures in many places. More than 18,000 families, or 60,000 individuals, were affected by property losses throughout the entire Florida hurricane area.

A million acres of land—mostly agricultural land—were seriously affected and the waters of the lake piled up by the storm were thrown over the lower rim and drowned a great many people.

Mr. BORAH. May I ask the Senator from South Carolina what is the estimate reported by the committee for the proposed relief? Is it the same as when the joint resolution was originally introduced?

Mr. SMITH. It is exactly the same. The terms were gone over in committee which collaborated with the officers of the department, and followed closely the precedent heretofore set.

Mr. President, this is the condition. I know of course that there will be many who will be skeptical but even in the case of the appropriation for feed which we made I am informed that approximately 80 per cent of the advances so made have already been returned, and I am confident that with this aid to the distressed people they will be able practically to return this amount in the course of time. We, however, must recognize that out of the abundance of those who are not afflicted should come aid to those who have been. I have letters here which I have not seen fit to put into the RECORD from substantial, trustworthy individuals to the effect that unless this aid shall be extended, and extended at once, more than 60 per cent of the inhabitants of this region who have heretofore been engaged in agriculture must find other employment.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. SMITH. I yield.

Mr. LA FOLLETTE. May I ask the Senator whether any estimate has been made of the approximate damage in this area caused by the flood and storm?

Mr. SMITH. There was an approximate estimate made by the director of the agricultural extension service in my State, collaborating with members of the extension service in Washington, and the amount carried in this joint resolution is the result of their approximate estimate. It is proposed to afford relief to people in five States.

I wish to say that some question has been raised as to a provision for the purchase of fertilizer. Those Senators from the Western States who are in sympathy with this proposition, perhaps, may not realize that the application of fertilizer—artificial fertilization—is just as essential to the coastal plain from Maine to Florida as is irrigation to the land in the West. The land of the coastal plain is highly productive under an application of concentrated fertilizer but it is not productive, generally speaking, without such fertilizer. The greatest item of cost on our farms is the fertilizer bill. There is expended something like $50,000,000, if I recall the amount correctly, spent each year in South Carolina for the purchase of fertilizer. Fertilizer is used perhaps more extensively in the region directly affected by this disaster than in any other portion of our State. Therefore, a provision for seed, unless accompanied by a provision whereby the land could be fertilized would be futile. When so fertilized, perhaps, this land is as productive per acre as is any land in the country.

Mr. FESS. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. FESS. The joint resolution is considerably broader than any similar measure we have heretofore adopted, is it not, in extending beyond the furnishing of seed and including several other items?

Mr. SMITH. No. We passed one such measure last year, which was lost during the filibuster here, though it had passed both Houses. The reason of this extension, as I was trying to explain, is: Heretofore the major portion of the relief asked was for seed alone, because those making application for relief did not need any fertilizer and the hay crops and the ordinary ani-

mal food crops had not been so totally destroyed as they were by this inundation of water lying on the land indefinitely in the region to which I refer.

It was practically a wiping out of all of the resources of the ordinary farmer because of the water and the effect of the wind. Some of us personally saw the conditions. In what ordinarily would be called upland, in our parlance, rivers rising in the mountains of our State, and all of them emptying into certain channels, overflowed to such an extent that the farmers were out in boats trying to save a little corn which they saw above the water in their cornfields. Testimony was given yesterday that some of them tried to gather their peanuts and waded into the water to try to get them out before they had sprouted and soured. The sweet potato crop had sprouted or was rotting on the ground, and the hay was covered with a silt deposit from the water that stood over it. I wish the Senator from Ohio could have seen the conditions himself. Now we are asking that an appropriation shall be made so that these people may have some feed for their work animals as well as fertilizer to aid them in making crops.

Mr. FESS. Mr. President, I think I would have no hesitancy in voting for the measure if it were limited to seed, and I wonder whether the Senator from South Carolina can not agree to an amendment of that kind?

Mr. SMITH. To do what?

Mr. FESS. To limit the relief to a supply of seed.

Mr. SMITH. Mr. President, such a thing would be absolutely futile. I wish the Senator from Ohio could understand that unless the farmers are helped to buy fertilizer, which is the sina qua non in the States affected—and there is not a Senator from that section who will not testify to that fact—the use of seed would be an idle gesture.

Mr. President, I want my colleagues to be thoroughly familiar with the facts. I am setting them forth just as they are, and what I say is subject to the corroboration of my colleagues from the stricken region.

Mr. BORAH. Mr. President——

Mr. SMITH. I yield to the Senator from Idaho.

Mr. BORAH. I should like to ask the Senator from Ohio, if the Senator from South Carolina will permit me, why he would confine the relief to be afforded to the supplying of seeds, if the ground would not bear anything after the seeds were planted?

Mr. FESS. I had in mind the precedent which we are about to establish. Heretofore we have not, as I remember, gone farther in affording relief in such cases than to make provision for a supply of seed.

Mr. BORAH. I supposed the objective we have had in mind all the time was relief.

Mr. FESS. Yes.

Mr. BORAH. And if we can only accord relief by enlarging the scope, I should suppose that would be the proper thing to do. In other words, heretofore, perhaps, the furnishing of seed was sufficient to effectuate relief, but, according to the facts here, it does not seem to be so.

Mr. FESS. That is the question that I am raising—whether the situation can not be satisfied by limiting the joint resolution to supplying seed.

Mr. GEORGE. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. GEORGE. With the Senator's permission, I should like to say that the furnishing of seed would not reach this situation. If the purpose of Congress is to extend aid, it will be necessary to include fertilizer. When a case of emergency is found by the Secretary of Agriculture to exist, as the Senator from South Carolina has said, fertilizer is necessary as well as seed.

Then there is an additional reason: This is not an appropriation to be distributed to distressed farmers without the hope of return. It is an appropriation to be loaned by the Secretary of Agriculture where he finds an actual emergency existing in any part of the region of Florida, Georgia, or South Carolina, such as is described in this resolution. The loan is, of course, to be secured, and under the custom prevailing it will be impossible properly to secure a loan merely for the seed with which to plant the crop. The security must necessarily cover the crop; and the crop can not be separated into two forms of security, so to speak. In other words, if the seed is to be supplied, the land must be fertilized before a crop can be grown, and the Government can obtain real security for the advance necessary to cover both the seed and the fertilizer.

Ordinarily, the furnishing of seed might meet an emergency of this kind. That could only be true where a large expenditure for fertilizer was unnecessary. With us, it is absolutely indispensable. Since the Government would not make any loan in any emergency case in any part of these three States without at least a first lien upon the crop, it would be most difficult for the farmer to obtain his fertilizer upon a second or a third lien. Therefore it is not only advisable from the standpoint of the Government, if loans are to be made at all, but it is indispensable to the farmer that he be able to procure money for seed and for fertilizer, so that he may execute a lien on his crops insuring the repayment of the money.

Mr. FESS. Mr. President——

Mr. SMITH. I yield.

Mr. FESS. I had not gone into the situation fully. I simply read the joint resolution, and thought it was going further than we go ordinarily; and I was somewhat tardy about giving my support to the joint resolution, although it is a relief measure, unless it is absolutely essential. I rather think the observations made by the Senator from Georgia have explained the matter satisfactorily.

Mr. GEORGE. Mr. President, if the Senator will permit me to make an additional statement, while the territory in which this relief is to be administered is generally described as the Southeastern States, yet every loan is to be made by the Secretary of Agriculture under such rules as he may prescribe; and, reading the joint resolution, of course, the Secretary of Agriculture will extend aid in no instance except where an actual emergency is found to exist as the result of the storms which commenced in Florida on August 11 and continued through the storm of September 19.

Mr. President I do not believe there will be ultimate loss to the Government in this instance, because the money is to be loaned; it is to be loaned upon fair security; it is to be loaned to farmers residing in a section where the making of crops is not experimental; where, through generation after generation, the farmers have been able to make a crop at least sufficient to repay the primary advances for seed and for fertilizer.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. I yield.

Mr. SIMMONS. Am I to understand the Senator from South Carolina to say that he has included in his joint resolution only Georgia, South Carolina, and Florida?

Mr. SMITH. Oh, no; the joint resolution speaks for itself. It refers to the Southeastern States affected by the storm. That includes the Senator's State as well—Florida, Georgia, North Carolina, and South Carolina.

Mr. SIMMONS. The Senator has limited the loan that may be made to one person to a thousand dollars, has he?

Mr. SMITH. No; $3,000.

Mr. SIMMONS. I simply wanted to say, Mr. President, in addition to what has been said by the Senators from South Carolina and Georgia, that probably the effects of the storm to which they have alluded were not quite so disastrous in North Carolina as they were farther south; but in all the coastal counties of North Carolina the damage was very great.

Mr. SMITH. In some portions it was almost equal to the damage in any of the others.

Mr. SIMMONS. In some portions it was equal to that in South Carolina. I do not know so much about Florida.

The Senators from South Carolina and Georgia have correctly stated the situation with reference to the necessities of the farmer. The crops which we have in North Carolina, South Carolina and Georgia are entirely different from those cultivated in the West.

The question of seed is usually not nearly so important with us as it is in the West. We cultivate cotton, tobacco, and corn. The seed is an important item, but not anything like so important as it is in the sections where they grow small grain and where a large quantity of seed is necessary in order to cover a moderate-sized farm.

Mr. SMITH. May I state to the Senator right there, that in this particular instance, perhaps for the first time in the history of this region as to corn and cotton, the excessive rain preceding the storm, and the storm coming at a time when the cotton was open, and it being very warm, most of the seed germinated or was so affected by the moisture that under a test made—I presume by a Government official—I am informed that there was but 30 per cent germination; 65 per cent of the cotton-seed tested was unfit for planting, and that condition covers a vast area. I know it has affected mine, but I have not yet had tests made to enable me to say to what extent. As for corn, the corn used for seed purposes throughout the coastal plain was practically destroyed.

Mr. SIMMONS. The Senator is right. I have myself seen cotton in the field where the lint was washed away to such an extent that the seed could be seen; and, of course, damage would follow, and germination be made impossible with such seed under those circumstances. So it would be necessary for

the farmers to buy seed. Ordinarily, they save their seed; but this year a great many of the farmers would not feel safe in doing that.

While the question of seed supply is negligible as compared with that of fertilizer, it would be very helpful; there is no question about that; but if the bill were limited to seed alone, I do not think it would be worth while to pass it.

Mr. SMITH. No, no.

Mr. SIMMONS. The subject of fertilizer is one of great importance to these people. I want to say to the Senator from Ohio that the people who cultivate most of the crops in my State, particularly in eastern North Carolina—and I assume that is true especially in South Carolina and Georgia—are people of very moderate means. They are not landowners. They are what we call tenants. They rent a small farm—a two or three horse farm, as we call it—and, as a rule, they have to borrow money for their fertilizer every year; either that, or they have to pay very high time prices.

At one time it was an easy matter for these tenants to borrow this money from the banks upon what are known as chattel mortgages, but that time has now passed. Our banks have stopped lending on chattel mortgages.

The farmers, as a rule, have to mortgage their crops to the fertilizer producers, and have to pay the high time prices. Generally, I should say, the interest and the price increase on time transactions which they must pay amount to at least 25 per cent.

The fertilizer people in our section are also in trouble. The banks are in trouble. The small tenant farmers are in trouble. All of those circumstances combined create a situation where, if the farming operations of those sections are to be carried out successfully this year, as in former years, it is absolutely necessary that we have some measure of relief from some other source. If it is not obtained from the Government, we must shift and try to get it somewhere else. We can not get it in our immediate section.

The Senator is right. In my section of the country our lands are not productive unless they are highly fertilized. The fertilizer bill, therefore, is the main item of cost in making a crop in that section; and these tenants have to secure it in any way they can. I really apprehend that unless something is done to relieve this situation it will result in a very grave curtailment of production in the southeastern States.

At best, Mr. President, fertilizer is very expensive. A great many farmers use as much as a ton of fertilizer per acre. Certain high-grade fertilizer will cost from $35 to $40 a ton. Sometimes only half a ton is used; sometimes not quite so much; but fertilizer is just as important to us, as the Senator said, as irrigation is to the western country. In the western country irrigation is furnished the farmers by the Government, of course, upon terms of repayment; but our farmers are not asking charity. They expect to pay back this money; and if the Secretary of Agriculture is ordinarily cautious he will be able to make loans that will be adequately secured, and the loss to the Government, if any, will be negligible. It certainly will not be any greater than the loss to the Government through affording irrigation facilities in the West.

Mr. SMITH. I should like to state in this connection, speaking of this necessity for fertilization, that during the World War the price of nitrogen went to something like $100 a ton. It is now about $60 a ton. I got through an appropriation of $20,000,000 to enable the Government to go down to Chile and get this stuff and sell it to the farmers. We bought that fertilizer through the Government appropriation, never lost a dollar, and when the accounts were settled up we found that we had estimated a little too much for the cost of distribution that we had added to the cost of the stuff itself, and the Government was the better by $50,000. In other words, every dollar that was appropriated for the purchase and sale of this ingredient to the farmers on the Atlantic seaboard was repaid and there was $50,000 excess.

Mr. President, I have stated the situation; and I hope now this body will grant to our people the same relief that they have granted to the people of Porto Rico.

Mr. BLAINE. Mr. President, will the Senator yield for some questions?

Mr. SMITH. I yield.

Mr. BLAINE. I desire to inquire if either of the States has taken any action, through its legislature or otherwise, to afford this relief?

Mr. SMITH. Mr. President, I do not doubt that when the legislature meets in my State it will do all that it can, but the Senator, without my going into any very great detail, can understand why the relief from that source is very doubtful. I do not care to discuss here now the situation which may exist in the different States of the Union, but I am sure the Senator will understand that we would not have come here to ask relief from the Government if it had not been a case of necessity.

Mr. BLAINE. I would like to inquire of the Senator if any special session of the legislature has been called.

Mr. SMITH. In my State the legislature meets in January.

Mr. BLAINE. There was no call for a special session for this emergency?

Mr. SMITH. No. I think the authorities recognize that if they called the legislature there would scarcely be any available means of relief on account of the distressing condition that has existed in the purely agricultural States for the last eight or nine years.

Mr. BLAINE. I would like to make another inquiry. Is there anything in the constitution of either of the States affected which would prevent them from furnishing the relief to those in distress in their particular States?

Mr. SMITH. I think there is.

Mr. BLAINE. I observe that the resolution fixes the maximum at $3,000; that is, for seed, fertilizer, and feed for work stock. It would appear, just on a casual survey of the situation, that anyone who required $3,000 worth of seed, fertilizer, and feed for work stock would be the owner of a very large farm undertaking or estate. Why should not such a person undertake to obtain a loan through the sources that are available?

Mr. SMITH. If the Senator is thoroughly conversant with the ordinary condition of agriculture, he will know that the larger the holding, the greater the liability, if it is in farm land. I am glad the Senator asked that question for this reason—and I will submit the matter to any one owning land to any extent—that the landlord is perhaps in as bad condition as the tenant, or worse.

Mr. SIMMONS. I want to say to the Senator that a great many of them already have their lands encumbered in the Federal loan banks.

Mr. SMITH. To the limit.

Mr. BLAINE. In other words, they are land poor.

Mr. SMITH. They are worse than land poor. Their lands have been mortgaged, these last few years, giving rise to the paramount issue in America of farm relief. We need not go into that. The Senator certainly is advised, if he is acquainted with the farm at all, that the average tenant has no resources except the immediate crop, and he does not have very much of that.

Coming to the question of $3,000, where a man who has 8 or 10 or a dozen tenants on his farm, he is held responsible for the living of every one of those families. To illustrate, take one of my farms. I have some 10 or 12 families which run a crop on the land. They have no financial standing, they have no credit.

I furnish them their fertilizer, their stock, the feed for the stock, and a sufficient amount to feed and clothe the families while they are making their crops; and we share the proceeds of the crop, so that I may be able to pay back my loans and they pay for the advances they make. Unless I am able to get a sufficient amount to enable those poor people to live, they can not get along at all.

Mr. BLAINE. Mr. President, will the Senator submit to another question?

Mr. SMITH. Certainly.

Mr. BLAINE. Generally throughout the United States individual farmers, running into the tens of thousands, lose their feed crops. In those cases, as far as I know, there has never been any legislative relief, though the exigency of the case is just as serious as where there is a great group affected by some disaster. Some farmers can not obtain relief, and so they sell their livestock and await the beneficence of Providence to enable them to produce a crop in the succeeding year to take the place of that which they have lost. Is not this the first instance where relief has been offered or suggested to include the feeding of livestock?

In 1922 or thereabouts, when the drought affected the wheat-growing States of the Northwest, the farmers there were permitted to borrow not exceeding $300, as I remember, for the purpose of purchasing seed wheat. If the suggestion of this measure is to become a public policy, then there should be relief in the case of these individual farmers, who no doubt number tens of thousands, who have suffered the loss of their crops and their buildings and their barns on account of local tornadoes and cyclones devastating only small areas, but innumerable areas throughout the country, some of them losing their crops through drought, some in the lowlands and valleys through floods, some losing their buildings on account of conflagration, and many other causes of tremendous destruction. Those individual farmers suffer just as keenly as do the sufferers where the devastation is of a wider extent, so far as the individuals

are concerned. While they are spread over a larger area, their losses may be as great or greater. Would the Senator, therefore, suggest that in those cases there ought to be general legislation or specific legislation?

Mr. SMITH. Where the devastation does not cover such a wide area, and there may be few who suffer, the local communities can absorb the loss. We have had tornadoes in our State. The Senator speaks of us establishing this as a policy. I hope the weather will not establish as a policy this thing that occurred for the first time in the history of the country. If it does, we will not come back. If it is to be a permanent policy of the weather that a hurricane, the like of which has never been recorded in the history of the Weather Bureau, shall come on the heels of an unprecedented rain precipitation of 90 days, if that is to become the policy of the weather, then I quit now. We are no more likely to have this a policy than the weather is likely to have this disaster as its policy. But the Senator will not gainsay that when a disaster as extensive as this and as destructive as this comes, the organized society of America may not respond through an expression of the Senate.

Mr. BLAINE. Mr. President, I just want to suggest to the Senator that I am not opposing his resolution. I have every reason, so far as I am concerned, to promote by legislation the interests of those who suffer because of some terrible calamity that befalls them through no fault of theirs; but I was endeavoring to obtain the Senator's views from a general-policy standpoint, because where the loss is an individual loss it is just as great to the individual as is the loss to the respective individuals over a large area.

Where there is a large area I appreciate that the locality may have been wiped out, and therefore local aid could not be obtained; but I was inquiring whether or not the area was so great or the devastation so great and the financial distress so great that the respective States could not come to the relief of their citizens within their own State.

Mr. SMITH. That is the situation.

Mr. BLAINE. The question with me is as to whether or not this policy should be established generally. I do not think I am in disagreement with the Senator on the general proposition that if this devastation was so great as to wipe out great areas of productive wealth in the farming regions of these States, and that it would be rather impossible for the communities or the State to produce or afford the relief, then I think out of the generosity of the people of the whole country there should come relief.

Mr. FLETCHER. Mr. President, I will mention to the Senator that the area in Florida involved is about a million acres of land, and the loss arising from this storm, unprecedented in our history, as the Senator from South Carolina has said, is estimated at from sixty to one hundred million dollars.

Mr. BLAINE. Just one other question, if the Senator from South Carolina will permit. I inquire whether or not there ought not to be some provision respecting the application for a loan under the measure?

Mr. SMITH. We have left that to the discretion of the Secretary of Agriculture. That is exactly how we dealt with that matter in reference to the seed; it is the identical wording.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. LA FOLLETTE. I note that in 1922, when an act was passed for the purchase of seed in certain crop-failure areas of the West, a provision was added fixing a penalty for anyone who knowingly made any false representation in an effort to obtain benefits under that act. I am entirely in sympathy with the purposes of the Senator's resolution, and I wish to inquire of him whether or not he would object to having such a proviso added to his resolution. For the Senator's information, I will read that portion of that act.

Provided, That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this resolution shall, upon conviction thereof, be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding six months, or both.

I merely suggest to the Senator that the area involved is rather great and that it might be some protection to the Secretary in administering the resolution, assuming that it passes, if such a penalty were provided.

Mr. SMITH. I think there would be no objection, only I think it would be a futile thing. We would have to imprison them, because they would not have anything with which to pay a fine. Seriously, however, I do not see any objection to it.

Mr. HEFLIN. Mr. President, I do not think this amendment should be put on the pending measure. I fear that it would be a reflection on the people of this afflicted area in South Carolina, Georgia, Florida, and a portion of my State. No such provision was made in the Porto Rican measure providing for loans to individuals of not over $25,000 each. Under the pending joint resolution we can not loan more than $3,000 to any one man. The matter the Senator has in mind is sufficiently safeguarded in the resolution; it is taken care of because it provides that the Secretary shall make no loans until he is satisfied, on the facts submitted to him, that it is a meritorious case, and then he is to be provided with certain securities and is to be satisfied with the paper executed to him for the Government. I think that is sufficient.

Of course, I would be in favor of punishing anybody who would undertake to defraud the Government or to practice deception on it, but since we approved the measure and have extended aid to the people of Porto Rico, where a few millions have been appropriated to grant relief to them, without providing any penalty for any such deception practiced upon the Government, I think it is not proper to put such a provision in this resolution regarding citizens of the United States who have been so sorely afflicted as those people have in the recent floods of the South.

Mr. SMITH. I have no objection to the amendment for the reason that I am sure there will be no case of the kind in that region, and if there should be it ought to be punished. I do not think that any such case will arise. Personally, I have no objection to the amendment. I do not think it is a reflection on anyone to safeguard the loans.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield to me I would like to make a reply to the remarks made by the Senator from Alabama.

Mr. SMITH. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I should like to say to the Senator from Alabama that the Senator from Wisconsin intends no reflection upon the citizens of the afflicted area.

Mr. HEFLIN. I am satisfied of that.

Mr. LA FOLLETTE. The fact is that when a very similar act was passed in 1922 for the relief of the crop-failure areas in the Northwest, where the amount to be obtained by an individual was limited to only $300, I find that this provision for penalty for false representation was contained. It seems to me, in fairness to the Cabinet officer who will be required to enforce the terms of the resolution, should it be passed, that it would be a matter of wisdom to provide such a penalty. I shall offer the amendment at the proper time when I may obtain the floor in my own right.

Mr. HEFLIN. Mr. President, if the Senator from South Carolina will permit me——

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. HEFLIN. There are a number of instances where Congress has appropriated money for the relief of people who had suffered by reason of fire or flood or earthquake. I find an appropriation was made by Congress to the French West Indies to relieve those people who suffered from an earthquake. I remember voting for an appropriation when the San Francisco earthquake came and did a great deal of damage there, killing a great many people and destroying a great deal of property. I remember when the fire swept Salem, Mass., we voted the amount asked for without any question. I remember when the World War was raging Congress appropriated $100,000,000 for the distressed and starving people of Europe. I remember when we opened our hearts and appropriated $20,000,000 at one time for the relief of suffering people of Russia. So Congress has risen nobly to those occasions, and I have no doubt it will do so now.

I am on the committee that reported the resolution favorably. The Senator from South Carolina made a statement before that committee, as did the Congressmen from South Carolina, who appeared before us, showing beyond all question that the appropriation is needed. The same situation exists as to Georgia and Florida. Two or three counties in my State were involved, though I do not know to what extent and whether they will ask for relief or not. They are at liberty to do so under this resolution.

One of the witnesses testified that he saw, in this flood over in South Carolina, where the crops and even the houses were covered with water and the household effects were under water for days, the livestock destroyed, the crops destroyed, and these people now have nothing to subsist upon. They are destitute, very blue, and very despondent. As the Senator from South Carolina has said, if they do not get this relief, they have got to give up farm operations in that section and go somewhere and start life over again in a new field, if they can find anything

to do. I think Congress ought to appropriate the money, and I believe that it will do so.

Mr. SMITH. Mr. President, I have concluded my appeal to this body, and I now express the hope that the Senate will take the action which the situation justifies.

Mr. HARRISON. Mr. President, I would not now take the time of the Senate if I thought there was any chance of voting upon the pending joint resolution at this time. But it is generally known and understood here that there is a small-sized filibuster on, and that if the joint resolution should be voted on before 2 o'clock there would be a motion made to take up the so-called cruiser bill. Therefore it is the cruiser bill and the peace pact that I desire to discuss briefly.

I am sorry that the distinguished chairman of the Committee on Naval Affairs, the Senator from Maine [Mr. HALE], is not now in his seat, because I was in hopes that my honeyed words might appeal to him.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER [Mr. BURTON in the chair]. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. With pleasure.

Mr. SIMMONS. I would ask the Senator from Mississippi if we could have action upon the joint resolution right away without any debate?

Mr. HARRISON. May I say to the Senator that I would gladly yield if we could get a vote on the proposition; but I understand that the Senator from Maine is going to make a motion to take up his naval cruiser bill before 2 o'clock in the event we pass the resolution, and there could be no debate upon the motion to take up that bill in that event and, therefore, that discussion of the joint resolution is to proceed until at least 2 o'clock.

Mr. KING. I will say to the Senator from North Carolina that there will be no vote upon the joint resolution now before us until about one minute before 2 o'clock.

Mr. HARRISON. That was the understanding I had.

Mr. SMITH. Mr. President, I did not clearly understand the remark of the Senator from Utah. Will he kindly repeat his statement?

Mr. KING. There will be no vote upon the joint resolution pending, because a number of us desire to speak, until about five minutes or one minute before 2 o'clock. I want to speak.

Mr. SMITH. I understand, but I want to call the attention of the Senate to the fact that the parliamentary situation ought no to be allowed, in the final outcome of this measure, to deny the suffering people the relief which the measure would give them. We ought to pass it to-day because the first of the year is nearly here when they must know whether or not they can carry on.

Mr. HARRISON. I agree with the Senator, but he heard what the Senator from Utah has said and what other Senators have said, so I am going to occupy the time of the Senate for a few moments in the hope that my admonition and appeal will be accepted by certain other Senators.

Mr. SIMMONS. Upon investigation I find the situation is very much as the Senator from Mississippi states. If the resolution is attempted to be passed now, it would just result in probable delay to accomplish some other purpose. I am reliably informed that immediately after 2 o'clock there will be no disposition to interfere further with the passage of the resolution of the Senator from South Carolina.

Mr. HARRISON. That is my understanding.

Mr. SIMMONS. I have been so informed.

Mr. HARRISON. Mr. President, two of the most important questions confronting the Senate are the proposed bills touching cruiser construction and the so-called Kellogg peace pact. I want it understood in the beginning that I am not opposed to an adequate Navy. I have never been styled in any sense of the word a pacifist. I have always voted for an adequate Navy and I hope I always shall.

I will assume for the sake of argument that the 15 cruisers provided for in the proposed legislation are needed by the Government to give to the United States a well-rounded Navy. I will assume for the sake of argument that the bill should have been passed by the Senate within a week after its passage last March by the House of Representatives. I will assume, for the sake of argument, that the Government has suffered a great deal through the negligence of those who have directed the destinies of this proposal. I will assume, for the sake of argument, that the Naval Board and the Navy Department and this administration were wrong a year ago when they said that in order for the Government to have a well-rounded Navy we ought to expend something over a billion dollars. I will further assume, for the sake of argument, that the Naval Board and the Navy Department and this administration were wrong when they put their support behind the House legislation at first and asked that more than $700,000,000 be appropriated to give us a well-rounded Navy. I will even further assume, for the sake of argument, that the administration now occupies the correct position in asking for an outlay of only $270,000,000 when formerly it asked for approximately $1,000,000,000 to give us a well-rounded Navy.

Assuming all those things to be true, yet the question that confronts me is, Why do we in one hand hold a peace pact for the preservation of peace throughout the world and in the other a bundle of explosives to burst upon the world? I want to address myself to the inconsistency of such a position. I want to address myself to the psychology of the situation that confronts the Senate. I wonder to myself what the peoples of the world will think of our attitude in handing to them at this particular time a peace pact renouncing war and at the same time, through the proposed bill, making plans and preparations for war?

Now, I am merely wondering how my genial and good friend from Maine, the chairman of the Naval Affairs Committee [Mr. HALE], is going to answer that proposition. I am wondering what this administration is going to say when it tries to reconcile those two views. Is there not some incongruity between the State and Navy Departments?

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Mississippi yield to the Senator from Maine?

Mr. HARRISON. I yield.

Mr. HALE. I can answer the Senator very easily when I get the floor with my bill, as I hope to do before long.

Mr. HARRISON. Yes; I know; but I hope that the words that I am going to speak will dissuade the Senator from bringing up his bill. I am wondering why, Mr. President, for more than eight months the distinguished chairman of the Naval Affairs Committee and the steering committee of this body sat supinely and made no effort, to speak of, to push the proposed cruiser bill to passage, but suddenly he was aroused just as the Foreign Relations Committee reports out the peace pact, and now wants to supersede it. Certainly such action is as much ridiculous as it is confusing.

Mr. HALE. Mr. President, the Senator from Mississippi knows very well that every attempt was made to bring up the cruiser bill, but that it was found impossible to do so.

Mr. HARRISON. I know that the Senator from Maine has in his own heart wanted to bring the bill up, but the trouble is that he has not been supported in his desire. The committee has not supported him and the administration has not supported him.

Mr. HALE. Yes; they have supported me in every way possible.

Mr. HARRISON. That puts them in a worse attitude than I thought they were. I can not understand how any administration that prates and proclaims to the world that it is for this peace pact can at the same time want to give the impression to the world that it is a lie and say that it is for building bigger armaments and undergoing an additional outlay of two hundred and seventy-odd million dollars for naval construction.

I am not unmindful of the fact that the report has been circulated by leaders of thought in this country, that editorials have been written, and men from the pulpit and the rostrum have proclaimed, that this proposed multilateral peace pact is but milk and water; that it does not mean anything; that it is not worth the paper on which it is written; that it is merely a gesture without courage back of it to put into effect any measure to prevent war and to preserve the peace of the world. I am not unmindful of all those caustic criticisms, and the attitude of the Senator from Maine and of the administration, if he is correct in the last statement he has made, would give dignity to some of those assertions that it is milk and water; that it is merely a gesture, that it is a fraud, that it is a sham, that it is a pretense; but for my part I will not accept that contention. I believe that the peace treaty is offered in good faith. I have more confidence in the administration than has my friend from Maine and some others in this body or elsewhere in the country. I can not believe that this administration would be guilty of such perfidious action as to say that the peace pact does not mean anything; that it is not offered in good faith. I say, Mr. President, that, while it does not go so far as I would go, it is a step in the right direction, and throughout my public service I have always accepted any proposals that tend to the peace of the world. This proposal was conceived in such a spirit. It means something. It means that if the nations who are signatories to it will abide by it, we shall have no more wars

because war is renounced, and the peace of the world will be preserved. But I say to my genial friend from Maine, I say to the steering committee of this body, I say to the administration and to the country, that if we would have the nations of the world believe that we are in good faith, that we are sincere in this proposal, that we believe it means what it says, we ought to get whole-heartedly behind it and unanimously support it. Do not let us do it faint-heartedly, do not let us tender it to the people as you would tender an invitation to me to come to your home to dinner and at the same time write a postscript saying "I do not mean it." That is what your unseemly action now would indicate. That is what the world will say if we offer this peace pact to the world, and at the same time set it aside, supersede it, and say, "Oh, let us build more cruisers; we need them to have a great Navy."

The late former chairman of the Naval Affairs Committee in the House of Representatives, one of the best men whom I ever knew, Mr. Butler, said when this bill was up for consideration on the floor of the House that it was but the beginning of a program that would call for an outlay of three and one-half billion dollars. If we are going to have peace in the world, if all the nations of the world agree here to renounce war and adopt nothing but policies that tend toward peace, why should we be so insistent at this time on appropriating—because that is what it means—more than $270,000,000 dollars to add to the armament of the United States?

Mr. President, under the present administration we have had eight years of vacillation and isolation. Already irreparable damage has been done to the influence of this Government in the eyes of the world. And at this time, it matters not to me from what source the suggestion comes, I am willing to help the administration make amends in at least some small way for its past deportment. In so far as this Nation is concerned, this peace pact is of value even though it marks the facing about and the end of a policy of isolation.

We are an essential part of the world. We have a vital stake in the peace of the world, and our economic and political interests are such that we can not afford to intrust them to others, and our obligations are such that they can not be discharged by others.

The peace pact "condemns a recourse to war and renounces it as an instrument of national policy." It pledges "the settlement of all disputes of whatever origin by pacific means." That is a great forward step in the progress of peace. In the actual renunciation of all wars the pact goes further even than the covenant of the League of Nations. Of course, the nations which are members of the league and are also parties to this treaty, and practically all of them will be, are binding themselves to much less than they did when they signed the covenant of the league. Under the covenant of the league, nations are permitted to go to war at the expiration of nine months in case they have lived up to their obligations to seek, during that period provided for by the covenant, a settlement of the disputes at issue. And this pact will fill a gap in the covenant of the league in that it even renounces resort to war after the nine months of conciliation and arbitration.

And so this pact, while it in no way affects the orderly operations in the interest of world peace as provided for in the covenant of the league, will broaden and make strong the obligations upon the part of the nations to preserve peace.

Before the establishment of the League of Nations it was deemed to be an essential prerogative of sovereignty for a nation to wage war whenever it saw fit. The nations which joined the league solemnly renounced that right, and this undoubtedly marked the greatest advance that has ever been made, or ever will be made, toward doing away with war as an instrument of national policy. It was through the genius and leadership of a great American that our Government made an invaluable contribution to world peace and justice through the establishment of the league and the World Court, which have in such a short time, and under many handicaps, including, I may say, the lack of support from the United States, more than justified the hopes that were centered about them. In the words of Elihu Root, one of the ablest of all American statesmen, uttered two years ago:

> The league in the political field and the court in the judicial field have been rendering the best services in the cause of peace known to the history of civilization, incomparably the best.

The league and the court were created at a time of great need, but, under the difficult circumstances that came in the wake of the World War that had shaken the foundations of civilizations, it was difficult to take such a forward step in the face of all the reactions to prejudice, greed, and passion that came after the war; and it would not have been possible to do so had it not been for the indomitable will and the courage and genius of Woodrow Wilson, who had a vision of a world organized for peace, which he never lost sight of, and who pressed forward with a steadfast purpose until he had reached an advanced position that is now occupied by most of the nations of the world. Russia and Mexico, torn by internal strife, held back, and our Government, listening to those who preached a crass and sordid materialism, or moved by partisan consideration, turned her back upon that great vision and refused to march in the big parade for the preservation of peace throughout the world.

And in consideration of this peace pact, presented yesterday by the distinguished Senator from Idaho [Mr. BORAH], at the instance of the Foreign Relations Committee of this body, given to us by this Republican administration, as a Democrat I refuse to do to some of my colleagues on the Republican side and to the administration respecting it what most of them and the administration did to us in the League of Nations fight.

I prefer to place the interest of the country and the cause of peace above party, and still hope, whether I am following the leadership of a Republican or a Democrat, for this great country to again carry the moral leadership of the world.

I am not deceived into believing that we can banish war by merely signing a treaty which frowns upon it, and then do nothing to prevent it. I believe that we have a bigger part to play in international affairs than we have played during the last eight years. We can not detach ourselves from the rest of the world and supinely sit, and disinterestedly say that we have no interest to serve, nor obligation to discharge in taking an active part in organizing the world for peace. If that is to be our Government's policy in the future, then I would say, it is better to let this treaty alone, because if we become parties to the treaty in that spirit, it may do more harm than good.

I am assuming that this peace pact is offered by this Government in good faith. I am assuming that this administration sees the error of its way and that many of those who refused to cooperate in making the league the great success that it is, have recoiled and are now willing to lend their influence in seeing that this Government play a man's part in world affairs.

I have never doubted the high motives and the fine qualities of sincerity that have prompted the present Secretary of State in his movements toward peace. As a distinguished Member of this body, Secretary Kellogg cooperated to the limit in standing by the cause of peace and in having this Government assume some of its responsibilities as a great world power in making the league a success. Those of us who were in the thickest of that fight will not forget that as a Senator at that time, the present Secretary of State used every effort and all of his influence upon recalcitrant Republican colleagues, that he might persuade them to agree to such reservations as would carry us into the league without sacrificing any of the sovereign rights of this Nation.

The suggestion of our Secretary of State to Monsieur Briand that this proposal of France for a separate pact between France and our Government be made a multilateral treaty, and other nations be invited to join, is in keeping with his conception and policies to prevent war and preserve the peace of the world through international cooperation and reciprocal obligations. When I vote for this peace pact, as I shall, I am confident, if those who direct the destinies of this Nation are sincere in their advocacy of it—and I believe they are—that it will lead to a more active policy upon our part in international affairs.

I know that if disputes are not to be settled by resort to arms, and that is what the peace pact obligates the signatories not to do, then means must be established by resorting to reason and conciliation either at the conference table or in the courts. So, while this peace pact does not provide the instrumentalities nor the agencies to which we and the other nations to it must resort, it is logical to suppose that it will be followed by other agreements or other understandings pointing the way in which these questions must be solved peacefully. The only agency in the world that offers the orderly processes through which questions that threaten war may be solved is the Covenant of the League of Nations. The irresistible forces of peace, security, and justice lead us toward it daily; and this is one of the steps carrying us in the direction of Geneva.

In 1921 we held a disarmament conference here in the city of Washington. We agreed upon a plan, and from that conference we went out and scrapped $400,000,000 worth of armaments. Secretary Hughes and President Harding at that time journeyed forth throughout the country and magnified the accomplishments of that disarmament conference. "Oh," they said, "we have achieved much." Then, they held another conference in 1927 to undo some of the things that were done in the 1921 conference, or to do what we had been told was done in 1921. That conference failed, and it failed primarily, because

we refused to set around a conference table and first dispose of questions, such as the freedom of the seas, for which we think we need a navy. I notice that in the debate in the House on this cruiser bill it was said, "Let us start the construction of these 15 cruisers immediately, because, you know, in 1931, under the action of the 1921 Washington conference, we are going to have another disarmament conference; so we want to get ready for it, and we want to have all these cruisers started and on the way to completion before we have that other disarmament conference. They might then order us to scrap them, as was done in the 1921 conference.

Why the proposed action is ridiculous in the premises! Let us put ourselves whole-heartedly behind this peace pact. I submit that there is no more urgent reason for passing the cruiser bill at this particular time than there was a year ago. I submit that if we want to, we can pass it six months from now just as easily; but if we want to show the world that we are really for peace, that this peace pact really means something, let us concentrate our efforts on that. Let us discuss peaceable questions, preparations and plans for peace, rather than at this particular time to be discussing and making preparations and plans for another war.

I submit that the psychology is bad, that it will destroy our prestige and work injury to our influence with other nations.

I know there may be some who will say that this peace pact will involve us in such controversy that we will need a gigantic navy in order to back it up. If that is the view of the administration, if that is the logic of the contention of the administration and those who support it here, then, of course, you admit in the beginning that your peace pact is worthless. If you think you need a great, big navy to help it out, construe it, and put it in force, all right; take that argument, if you wish; but I do not accept it.

I believe that the pact means what it says, and that we ought to invite other nations to join it, and that we ought to show them by our action here that we are whole-heartedly for it, and that we ought not to take up the consideration of the cruiser bill at this particular time. The measure of good that will come from our passing the peace pact will very largely depend upon the vitality we put into our action in its consideration.

At this season of the year when we are looking forward to the celebration of the coming of the Prince of Peace, when angels will be singing "Peace on earth, good will toward men," we are preparing to construct, in the circumstances, these 15 cruisers at a cost of $255,000,000!

I like to think, Mr. President, because there is much sound reasoning in the expression, of the words from the prayer of the old darky in Irwin Russell's Christmas Night in the Quarters, when he said:

> De sinfullness ob sin
> Is 'pendin' 'pon de sperrit
> What we goes an' does it in.

So let us show the right spirit in ratifying this peace pact. Let us make the world believe that we mean at least what we say; and let us defer this cruiser program until a more opportune time.

Mr. HARRIS. Mr. President, I am sorry to differ with my friend from Mississippi [Mr. HARRISON]. I am in favor of the Kellogg treaty and also the cruiser bill which he opposes. I think Secretary Kellogg has done a great work, and every one should commend him for it. I should like to see the treaty ratified before Christmas, and I will vote to put it ahead of the cruiser bill; but I am just as strongly for the cruiser bill as I am for the Kellogg treaty. I am proud of the fact that I have voted for every measure that would bring about arbitration in settling our differences with other nations instead of going to war, which I consider a relic of barbarism.

I am glad to see the American Legion and the Women's Auxiliary of the American Legion here urging the passage of the cruiser bill. I believe that it is for the protection of the people of this country and that it will avoid war. Mrs. Boyce Ficklen, jr., of Washington, Ga., one of the leading women of my State, is president of the Women's Auxiliary of the American Legion, and with the other officers she has been here urging the passage of the cruiser bill.

Everyone in this country and in the world knows that the United States Navy and Army never will be used for a war of aggression; but the possession of this Navy will make other nations have more respect for us, and will keep us out of war. Congress owes it to the children of coming generations to do everything possible to avoid another war, and George Washington and many of our great men have urged us to prepare in peace times so as to avoid war.

I hope the Senator from Idaho [Mr. BORAH] will press this treaty every day and night until it is voted on. I am quite willing to meet here every day and at night in order to pass the treaty. I hope we can vote on it, as I said, before the Christmas holidays; it would be most appropriate to pass a measure that would help bring about international peace at Christmas time; but I also hope that Senators will not oppose the cruiser bill simply because of the ratification of the Kellogg treaty, as they will both help in keeping peace with our neighbors in all parts of the world.

I was very much interested in reading in the CONGRESSIONAL RECORD a speech by one of the ablest and best men in public life in the United States in the last half century, the present occupant of the chair of the Senate [Mr. BURTON in the chair].

I wish every Senator would read his farewell words to the Members of the House, in which he urged international peace, and urged that they assist in its preservation in every way possible.

As I said, Mr. President, I sincerely hope that both the peace treaty and the cruiser bill will be passed without delay.

CONSTRUCTION OF CRUISERS AND THE MULTILATERAL TREATY

Mr. HALE. Mr. President, it is quite evident that the joint resolution now before the Senate can not be passed before 2 o'clock. I am entirely willing, if the motion I am about to make prevails, to allow unanimous consent to take up the joint resolution for the rest of the afternoon.

I now move that the Senate proceed to the consideration of H. R. 11526, Order of Business No. 1022, to authorize the construction of certain naval vessels, and for other purposes.

Mr. NORRIS. Mr. President, I make the point of order that that is a violation of the unanimous-consent agreement.

Mr. HALE. The motion is not debatable; but I will state, Mr. President, that it is not a violation of the agreement. The motion is in order at any time before 2 o'clock.

Mr. TRAMMELL. Mr. President, I very much hope the Senate will dispose of the joint resolution to-day.

Relief for the farmers and fruit growers in the storm area of Florida—which is but a very limited portion of my State—and the farmers of other sections in the Southeastern States should not be further delayed. As will be recalled more than two weeks ago at the time the Senator from Connecticut [Mr. BINGHAM] introduced the Porto Rican resolution in the Senate, I immediately addressed the Senate in an appeal for aid for Florida farmers and growers who had suffered so severely from the storm of the past fall.

Later when the Porto Rican resolution came before the Senate from the committee, I proposed an amendment to authorize loans and advances to the farmers and fruit growers of Florida who had suffered so severely from the same hurricane that wrought such appalling destruction in Porto Rico. My amendment with the resolution of the Senator from South Carolina [Mr. SMITH] was by the Senate referred to the Senate Committee on Agriculture. I then appeared before that committee and further appealed for aid for the unfortunates in Florida. Two or three times having spoken before the Senate and having appeared before the Committee on Agriculture it would be useless for me to speak further. What I desire is action without further delay. I think, however, the resolution should have a minor amendment that it may be made absolutely certain that its provisions will fit the Florida situation. When I have an opportunity I will offer this amendment which I now have prepared and which the Senator [Mr. SMITH], in charge of the resolution has agreed to accept. My amendment would insert on page 1, in line 4, after the word "farmers," the words "and fruit growers," and on the same page, in line 8, after the word "legumes," the words "nursery stock." It is claimed by some that the present wording of the resolution is sufficient to cover fruit growers, as they come under the general term "farmers," but I think it better to amend as I propose. I will offer this amendment when I have an opportunity under the the rules.

Mr. WARREN. Mr. President——

Mr. KING. Mr. President, a point of order has been raised.

The VICE PRESIDENT. The motion of the Senator from Maine is not debatable.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. A point of order has been raised against the motion submitted by the Senator from Maine; namely, that under the unanimous-consent agreement the submission of the motion is not in order.

The VICE PRESIDENT. There was no agreement for a final vote under the unanimous-consent arrangement, and the motion of the Senator from Maine is in order.

Mr. KING. Mr. President, I shall feel constrained to appeal from the decision of the Chair. The understanding of the

unanimous consent was that the resolution was to remain before the Senate until acted upon.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Smith
Barkley	Frazier	McNary	Smoot
Bayard	George	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Blaine	Glass	Neely	Stephens
Blease	Goff	Norris	Swanson
Borah	Greene	Nye	Thomas, Idaho
Brookhart	Hale	Oddie	Thomas, Okla.
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Pine	Tydings
Burton	Hastings	Pittman	Tyson
Capper	Hayden	Ransdell	Vandenberg
Caraway	Heflin	Reed, Mo.	Wagner
Copeland	Johnson	Reed, Pa.	Walsh, Mass.
Couzens	Jones	Robinson, Ind.	Walsh, Mont.
Curtis	Kendrick	Sackett	Warren
Dale	Keyes	Schall	Waterman
Deneen	King	Sheppard	Watson
Dill	La Follette	Shipstead	Wheeler
Edwards	McKellar	Shortridge	
Fess	McLean	Simmons	

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is detained from the Senate on account of illness.

Mr. HEFLIN. I desire to announce that my colleague [Mr. BLACK] is absent from the Senate on important business.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, there is a quorum present.

Mr. KING. Mr. President, I desire to appeal from the decision of the Chair wherein the Chair held that the unanimous-consent agreement which in good faith was entered into for the consideration of the joint resolution now before the Senate could be superseded by the motion offered by the Senator from Maine. When it was entered into it was distinctly understood that the joint resolution was to have a favored status legislatively and disposed of during the morning hour to-day. We have relied on that understanding to-day and have referred to the fact that the matter would not be disposed of until the end of the morning hour. May I inquire of the Chair whether the motion is debatable?

Mr. MOSES. A point of order, Mr. President.

The VICE PRESIDENT. The motion is not debatable. The Chair will sustain the point of order.

Mr. HARRISON. Mr. President, the Senator certainly has a right to discuss his appeal, as I understand it.

The VICE PRESIDENT. The motion is not debatable under the rule.

Mr. MOSES. The motion is not debatable, and an appeal from a ruling on it can not be debated.

The VICE PRESIDENT. The motion to proceed to the consideration of the naval bill not being debatable, an appeal from the decision of the Chair holding that motion in order is not debatable.

The unanimous-consent agreement provides that on Thursday morning any report of the Committee on Agriculture and Forestry on Senate Joint Resolution 182 shall be considered, but no agreement was made as to time for a final disposition of the resolution. The Chair rules that under those circumstances this motion to proceed to the consideration of the naval bill is in order. The Senator from Utah appeals from the decision of the Chair.

Mr. KING. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES. May the question be stated, Mr. President?

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DILL (when his name was called). I have a pair with the junior Senator from Illinois [Mr. GLENN], who is absent. I transfer my pair to the junior Senator from Missouri [Mr. HAWES] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the senior Senator from Massachusetts [Mr. GILLETT] has a general pair with the senior Senator from New Mexico [Mr. BRATTON], and that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Alabama [Mr. BLACK].

Mr. DENEEN. I wish to announce the unavoidable absence of my colleague [Mr. GLENN] and to state that if present he would vote "yea."

Mr. GEORGE (after having voted in the affirmative). I neglected to announce that I have a pair with the senior Senator from Colorado [Mr. PHIPPS], but I am informed that if present he would vote as I have voted on this question. I therefore allow my vote to stand.

The result was announced—yeas 63, nays 13, as follows:

YEAS—63

Barkley	George	McMaster	Simmons
Bayard	Gerry	McNary	Smoot
Bingham	Glass	Metcalf	Steck
Borah	Goff	Moses	Steiwer
Broussard	Greene	Norris	Stephens
Bruce	Hale	Oddie	Swanson
Burton	Harris	Overman	Thomas, Okla.
Capper	Harrison	Pine	Tydings
Caraway	Hastings	Pittman	Tyson
Couzens	Heflin	Reed, Mo.	Vandenberg
Curtis	Johnson	Reed, Pa.	Walsh, Mass.
Dale	Jones	Robinson, Ind.	Walsh, Mont.
Deneen	Kendrick	Sackett	Warren
Edwards	Keyes	Schall	Waterman
Fess	McKellar	Shipstead	Watson
Fletcher	McLean	Shortridge	

NAYS—13

Blaine	Frazier	Nye	Wheeler
Blease	Hayden	Ransdell	
Brookhart	King	Sheppard	
Dill	La Follette	Smith	

NOT VOTING—19

Ashurst	Gillett	Larrazolo	Robinson, Ark.
Black	Glenn	Mayfield	Thomas, Idaho
Bratton	Gould	Neely	Trammell
Copeland	Hawes	Norbeck	Wagner
Edge	Howell	Phipps	

So the decision of the Chair stood as the judgment of the Senate.

The VICE PRESIDENT. The question now is on the motion of the Senator from Maine [Mr. HALE].

Mr. NORRIS. Mr. President, I move that the Senate do now adjourn, and upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DILL (when his name was called). I have a pair with the junior Senator from Illinois [Mr. GLENN]. Not knowing how he would vote, I transfer that pair to the junior Senator from Missouri [Mr. HAWES] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the senior Senator from Massachusetts [Mr. GILLETT] has a general pair with the senior Senator from New Mexico [Mr. BRATTON], and that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Alabama [Mr. BLACK].

Mr. CURTIS (after having voted in the negative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how that Senator would vote, I transfer the pair to the junior Senator from New Mexico [Mr. LARRAZOLO] and let my vote stand.

Mr. GERRY. I desire to announce that the senior Senator from New York [Mr. COPELAND], the junior Senator from New York [Mr. WAGNER], and the junior Senator from Florida [Mr. TRAMMELL] are detained on official business.

The result was announced—yeas 7, nays 69, as follows:

YEAS—7

Blaine	Brookhart	King	Nye
Blease	Frazier	La Follette	

NAYS—69

Ashurst	Gerry	Metcalf	Smoot
Barkley	Glass	Moses	Steck
Bayard	Goff	Norris	Steiwer
Bingham	Greene	Oddie	Stephens
Borah	Hale	Overman	Swanson
Broussard	Harris	Pine	Thomas, Okla.
Bruce	Harrison	Pittman	Tydings
Burton	Hastings	Ransdell	Tyson
Capper	Hayden	Reed, Mo.	Vandenberg
Caraway	Heflin	Reed, Pa.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Curtis	Jones	Sackett	Warren
Deneen	Kendrick	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Edwards	McKellar	Shipstead	Wheeler
Fess	McLean	Shortridge	
Fletcher	McMaster	Simmons	
George	McNary	Smith	

NOT VOTING—19

Black	Gillett	Larrazolo	Robinson, Ark.
Bratton	Glenn	Mayfield	Thomas, Idaho
Copeland	Gould	Neely	Trammell
Dale	Hawes	Norbeck	Wagner
Edge	Howell	Phipps	

So the Senate refused to adjourn.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Maine, which is not debatable.

Mr. BORAH. I am not going to debate it. I desire to submit a unanimous-consent agreement.

The VICE PRESIDENT. The Senator from Idaho is recognized for that purpose.

Mr. BORAH. I submit the following unanimous-consent agreement:

It is agreed by unanimous consent that the so-called cruiser bill (H. R. 11526) be made the unfinished legislative business of the Senate for Thursday, January 3, 1929, at 2 o'clock p. m., and that the so-called multilateral treaty renouncing war be made the unfinished business of the Senate in open executive session on the same day.

Mr. NORRIS. Mr. President, may I inquire of the Senator from Idaho, if this agreement is entered into, what would be his policy in moving to go into open executive session for the consideration of the treaty? Would he undertake to keep the treaty constantly before the Senate if he had the votes to go into open executive session, or would he be inclined to divide the time with those who want to consider the cruiser bill?

Mr. BORAH. I think it would be my duty to ask that the treaty be kept before the Senate. If a majority of the Senate was in favor of it, I would pursue that course.

Mr. HALE. Of course I could not agree with the Senator that we should divide the time between the two matters in any way, as was suggested.

Mr. BORAH. I am not asking unanimous consent to that end. I would feel under obligation to make the motion.

Mr. NORRIS. Of course, it would be necessary for the Senator from Idaho to have a majority of the Senate to take up the treaty in open executive session.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SWANSON. Let the Senate itself have absolute control of which shall be considered first, which shall be considered last, which shall be voted on first, and which voted on last. If Senators believe that a majority rules in a legislative body, I do not see how anyone could object to this agreement which makes these matters the unfinished business of the Senate in preference to all other legislative business. If it is determined to make the cruiser bill the unfinished business in legislative session of the Senate in preference to any other measure, then the Senate is in control as to which shall be considered first, which shall be considered last, which shall be voted on first, and which voted on last. It is the right and privilege of the majority of the Senate absolutely, and not of any one Senator. The Senator from Idaho and the Senator from Maine are not the only ones permitted to make the motion. Any Senator can make the motion to proceed to the consideration of one or the other measure as he sees fit.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. LA FOLLETTE. Is not that just the situation in which the two measures are now placed? They are subject to the control of the majority of the Senate, and I see nothing to be gained by the adoption of the unanimous-consent agreement.

Mr. HEFLIN. Mr. President, if the Senator from Idaho will permit me——

Mr. BORAH. I yield.

Mr. HEFLIN. I can see this to be gained with reference to the measure that is now before this body asking relief for farmers down in the flood-stricken areas of the country. If we can get an agreement by which the two measures referred to shall go over, we can transact this other business before Congress adjourns for the holidays.

Mr. BORAH. May I say that this much is to be gained, in my judgment, that if we do not come to some agreement at this time, to-day and to-morrow and the next day will be utilized in creating an unfortunate friction between the two measures?

Mr. LA FOLLETTE. May I suggest to the Senator from Idaho that he is only postponing the evil day when that friction is bound to be developed?

Mr. SWANSON. Mr. President, will the Senator from Idaho yield further?

Mr. BORAH. I yield.

Mr. SWANSON. It takes a two-thirds vote in executive session of the Senate to provide for the consideration of a treaty as in open executive session. This is a unanimous-consent request which the Senator is submitting and it does not require a two-thirds vote for the treaty to be considered in open executive session, if the unanimous-consent agreement is entered into. The treaty and the cruiser bill would go over until the 3d of January, thus giving Senators an opportunity to prepare themselves to discuss the measures. We shall in that way accomplish what would otherwise take us two or three days to accomplish.

The VICE PRESIDENT. The Chair will correct the statement of the Senator from Virginia that it requires a two-thirds vote to consider a treaty in open executive session. It may be done upon a majority vote. It takes a two-thirds vote to consider the confirmation of a nomination in open executive session.

Mr. SWANSON. It has been decided repeatedly, and the Vice President himself, I believe, has so decided.

The VICE PRESIDENT. That was on the confirmation of a nomination. The rule expressly provides that a treaty may be considered in open executive session either by unanimous consent or by a majority vote.

Mr. SWANSON. I may be mistaken, but I know I tried to get the Vice President to rule once that a majority should control.

The VICE PRESIDENT. The Vice President made that decision in accordance with the rule which makes specific provision that a majority vote only is necessary.

Mr. SWANSON. But two days will be lost here if we do not get this unanimous-consent agreement. I am satisfied if we go into executive session the treaty will be made the unfinished business.

Mr. FLETCHER. Mr. President, is the Senator attempting to have us agree to consider the two measures at the same time?

Mr. BORAH. But in different fashion, one in legislative session and the other in open executive session.

Mr. HARRISON. May I ask the Senator from Idaho what time he proposes to occupy in open executive session? How much time does he propose to give to the consideration of the treaty and how much to the consideration of the cruiser bill?

Mr. BORAH. I will say to the Senator from Mississippi and to the Senate that there will be no occasion to quarrel with the Senator from Idaho as to testing the majority of the Senate upon taking up the treaty every day. I want to get the treaty out of the way. I do not desire to take it up before the holidays. I am not attempting to have it taken up before the holidays. Nothing could be gained by doing so.

Mr. HARRISON. The Senator does not want to have the cruiser bill supersede the peace pact?

Mr. BORAH. I do not.

Mr. KING. Mr. President, may I inquire of the Senator from Idaho if he regards either measure as having precedence over the other in the order of consideration when the Senate convenes January 3?

Mr. BORAH. I would regard myself as perfectly free to move to take up the treaty, and I would feel under obligation to make the motion. If the Senate did not see fit to do it, that would be one thing; but I certainly would test it.

Mr. KING. Will the Senator permit another inquiry?

Mr. BORAH. Certainly.

Mr. KING. I hope he will not regard it as improper. If for any reason the Senator should not be here or should feel constrained to yield temporarily the right of way to some other bill, would the Senator feel that any other Senator was transgressing the proprieties of the occasion if he should move to proceed to the consideration of the treaty in open executive session?

Mr. BORAH. Not at all, but the Senator will have to be apt in order to get ahead of the Senator from Idaho in that respect.

Mr. KING. I am sure if the Senator is here he will do so. I was taking into account the contingency of illness or something of the character.

Mr. LA FOLLETTE. Mr. President, it seems to me, so far as the Senate is concerned, that it faces the issue of deciding which one of the measures is to be taken up for consideration before the other. So far as I am personally concerned I am ready to face that issue now; but if the Senator from Idaho [Mr. BORAH] is in a position where he can not in good faith make that motion prior to adjournment for the holidays, I see something to be accomplished by postponing the issue until that time. For that reason and that reason alone I shall not interpose an objection.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Idaho?

Mr. HARRISON. Mr. President, if this unanimous-consent request shall be agreed to, of course, the motion made by the Senator from Maine will be withdrawn?

The VICE PRESIDENT. It will be.

Mr. KING. It will be superseded.

Mr. HARRISON. Did the Senator from Maine say anything?

Mr. KING. Silence gives consent.

Mr. MOSES. The Senator from Maine did not have to say anything when the Chair spoke.

Mr. KING. Mr. President, as one of the opponents of the proposition to take up for consideration the cruiser bill in advance of the treaty, in view of the explanations and statements made by the chairman of the Committee on Foreign Relations,

I shall not oppose the proposed unanimous-consent agreement; but I deplore that we are not to have an opportunity of voting upon the treaty before the Christmas holidays. Even though it be considered as a gesture, as some Senators have said, I think that it would be a magnificent gesture if we were to ratify the treaty before adjournment for the holidays and thus give some additional evidence of the sincere desire of the United States to promote the cause of world peace. Imperfect and unsatisfactory as the treaty is, it will be regarded by millions of people in this and other lands as an effective movement toward international fellowship and the abolition of war.

The VICE PRESIDENT. Is there objection to the request for unanimous consent? The Chair hears none, and the agreement is entered into.

Mr. KING. Mr. President, that vacates the motion.

The VICE PRESIDENT. The motion of the Senator from Maine [Mr. HALE] will be withdrawn.

RELIEF OF FARMERS IN FLOOD-STRICKEN AREAS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of Southeastern United States.

Mr. SMITH and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from South Carolina.

Mr. SMITH. Mr. President, I think now in good faith that Senate Joint Resolution 182 should be proceeded with and a vote be taken upon it.

The VICE PRESIDENT. The joint resolution of the Senator from South Carolina is the pending business.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. HARRISON. Will the Senator from Utah yield for one moment?

Mr. HEFLIN. I hope the Senator from Utah will withhold his motion for a moment until we may get a vote on the joint resolution of the Senator from South Carolina.

Mr. SMITH. Mr. President, will not the Senator from Utah withhold his motion until we may dispose of the joint resolution?

Mr. SMOOT. I am willing to do so if it shall not take very long.

Mr. SMITH. I ask for a vote on the joint resolution.

Mr. LA FOLLETTE. Mr. President, I offer the amendment to the pending joint resolution which I send to the desk.

The VICE PRESIDENT. Without objection, the committee amendment will be agreed to. The Senator from Wisconsin [Mr. LA FOLLETTE] offers an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 2, after line 15, it is proposed to insert the following:

> That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this resolution shall upon conviction thereof be punished by a fine not exceeding $1,000 or by imprisonment not exceeding six months or both.

Mr. SMITH. I accept the amendment, Mr. President. I think it is a very pertinent one.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Without objection——

Mr. REED of Missouri. One moment. I should like to have the amendment again stated. I failed to catch its full import.

The VICE PRESIDENT. The clerk will read the amendment.

The legislative clerk again read the amendment.

Mr. REED of Missouri. Mr. President——

Mr. LA FOLLETTE. May I say to the Senator from Missouri that that provision has been in most of the similar measures which have been passed by Congress? As the Senator will observe, it applies only to those who "knowingly" make false statements in order to obtain relief under the provisions of the joint resolution.

Mr. REED of Missouri. Is the word "material" in the resolution so as to read "material false representation"?

Mr. LA FOLLETTE. No.

Mr. REED of Missouri. That word should be in the amendment.

Mr. LA FOLLETTE. I took the language from previous similar acts and resolutions which have been passed.

Mr. REED of Missouri. I think the word "material" ought to be placed in the amendment.

Mr. LA FOLLETTE. I am perfectly willing to have that word inserted in the amendment.

Mr. REED of Missouri. I do not want to take time; I merely wish to say that, as a matter of principle, I think it is a very doubtful thing to be multiplying penal statutes. They are so often abused by Federal authorities in these days that we ought to be careful about them. If the words "willful and material" were inserted in the resolution, perhaps it would not be so bad.

Mr. FLETCHER. The word "material" should be inserted before the word "representation."

Mr. SMITH. I suggest the insertion of the word "material" where indicated by the Senator from Missouri.

The VICE PRESIDENT. The clerk will read the amendment as it is proposed to be amended.

Mr. LA FOLLETTE. After the word "any," in the first line of the amendment, I suggest the insertion of the word "material."

The LEGISLATIVE CLERK. As proposed to be amended, the amendment would read:

> That any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale, and so forth.

The VICE PRESIDENT. Without objection, the amendment as modified is agreed to.

Mr. KING. I offer an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 13, after the word "resolution," it is proposed to insert the words "including all expenses and charges incurred in so doing."

Mr. SMITH. That is all right; I accept the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. FLETCHER. Mr. President, I move to insert after the word "farmers" the words "fruit growers," because the word "farmer" might not be broad enough to cover fruit growers; a fruit grower may not be classified as a farmer. I want to make the joint resolution broad enough to cover fruit growers.

Mr. HEFLIN. The joint resolution was intended to reach the fruit growers, and I think that amendment ought to be made.

Mr. SMITH. Very well; I accept the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. FLETCHER. I move to insert, after the word "legumes," in line 8, page 1, the words "nursery stock," so that it will cover seeds and nursery stock.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character and to fix the fees chargeable therefor;

H. R. 57. An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service;

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 10441. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States;

H. R. 13114. An act to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.); and

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; and

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

SENATOR FROM PENNSYLVANIA

Mr. CURTIS presented the credentials of DAVID A. REED, chosen a Senator from the State of Pennsylvania for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

IN THE NAME AND BY AUTHORITY OF THE
COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, DAVID A. REED was duly chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His Excellency our Governor, and our seal here to affixed at the city of Harrisburg, this 18th day of December, A. D. 1928.

JOHN S. FISHER.

By the governor:

[SEAL.] CHARLES JOHNSON,
Secretary of the Commonwealth.

(The credentials were accompanied by a certificate showing the returns of votes cast at the said election.)

THE CUMBERLAND FALLS PROJECT (S. DOC. NO. 189)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, in response to Senate Resolution 279, of December 15, 1928, a report on what is known as the Cumberland Falls project, together with other allied projects in that vicinity, which was referred to the Committee on Commerce and ordered to be printed with illustrations.

WITHDRAWALS AND RESTORATIONS OF PUBLIC LANDS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report from the Commissioner of the General Land Office of withdrawals and restorations of public lands, etc., which was referred to the Committee on Public Lands and Surveys.

EXPENDITURES, FIVE CIVILIZED TRIBES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the expenditures for the Five Civilized Tribes Agency during the fiscal year ended June 30, 1928, from the appropriations "Support and civilization of Indians, 1927 and 1928," which was referred to the Committee on Indian Affairs.

REPORTS OF THE DEPARTMENT OF AGRICULTURE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1928, concerning the appropriations for the construction of rural post roads in cooperation with the States, the Federal administration of that work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forests, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, reports on receipts and expenditures for the Center Market in the District of Columbia, and on the sale and disposition of useless papers in the Department of Agriculture, which were referred to the Committee on Appropriations.

RADIO CORPORATION OF AMERICA, GENERAL ELECTRIC CO., ETC.

Mr. COPELAND. Mr. President, I have no inclination to delay action upon any pending business, but I am under the necessity of leaving the Chamber before the end of the day's session. Before doing so I desire to introduce into the RECORD a statement made yesterday by the Federal Trade Commission regarding the dismissal of the charges against the General Electric Co., the Radio Corporation of America, and others.

I do this without voicing at all any views I may hold regarding a controversial question, but I think in the interest of fairness the Senate should know what has happened after five years of consideration and the taking of 10,000 pages of evidence. Yesterday or day before yesterday the Federal Trade Commission dismissed the charges. This action of the Federal Trade Commission was practically unanimous.

I desire to have inserted at this point in my remarks the release given out yesterday by the Federal Trade Commission relating to this particular matter.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I call the Senator's attention to the fact that the chairman of the Federal Trade Commission made a notation to the effect that he concurred in the action of the majority for the reason that the commission was without jurisdiction to make an effective order.

Mr. COPELAND. Yes; that is too true. That was his view. In the final vote there was but one dissenting vote. It is a fact and it is a matter of record that the Federal Trade Commission, by a vote of 4 to 1, dismissed the case. I think that fact speaks for itself.

Mr. DILL. The Senator knows that the Federal Trade Commission has no right under the law to continue a case when the facts show that it is without jurisdiction.

Mr. COPELAND. I have no desire, as I said in the beginning, to enter upon any controversy in regard to the matter, but I do think the Senate should be advised as to what action was taken by the Federal Trade Commission. It is a fact, as the Senator from Washington points out, that the case was dismissed.

Mr. DILL. Yes; but I do not want the RECORD to give the impression that it was dismissed because there was no violation of any law of the United States, but rather because it was a violation of the law over which the Federal Trade Commission has no jurisdiction.

Mr. COPELAND. I ask that the RECORD may show the facts as stated in the release issued by the Federal Trade Commission and that it be referred to the Committee on Interstate Commerce, and Senators may form their own conclusion as to the merits or demerits of the matter.

The VICE PRESIDENT. Without objection, the request of the Senator from New York is granted.

The matter was referred to the Committee on Interstate Commerce, as follows:

[Immediate release Wednesday, December 19, 1928]

FEDERAL TRADE COMMISSION,
Washington.

Dismissal of its complaint against General Electric Co., Radio Corporation of America and others, charging unfair competition in monopolizing the manufacture and sale of radio devices and monopolizing radio communication, was announced to-day by the Federal Trade Commission.

Prior to the commission's decision to-day the last action taken in the case was in June when arguments were heard on motions of respondents to dismiss the complaint because of lack of sufficient proof and because the subject matter of the charges was not in the commission's jurisdiction.

Respondents other than General Electric Co. and the Radio Corporation were: American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., and Wireless Specialty Apparatus Co.

Specifically, the complaint charged that respondents combined and conspired with the effect of restraining competition and creating monopoly in the manufacture, purchase, and sale of radio apparatus and other electrical devices and monopolizing radio communication.

Another complaint, under the Clayton Act, in the matter of contracts in connection with the sale of tubes for radio sets, is now pending.

Chairman Myers noted for the record that he concurred in the action of the majority for the reason that the commission was without jurisdiction to enter an effective order.

PETITIONS

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called Porter narcotic bill, which was referred to the Committee on Interstate Commerce.

Mr. SHIPSTEAD presented numerous petitions, and papers in the nature of petitions, from sundry citizens and civic and religious organizations in the State of Minnesota, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Eastport, Me., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. KEYES presented resolutions adopted by the Woman's Club, of Exeter, and the Department Committee of the Department of Women's Work, New Hampshire Congregational Conference, at Manchester, in the State of New Hampshire, favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions and papers in the nature of petitions numerously signed by sundry citizens of Canyon, Amarillo, Houston, Brady, Rochelle, Port Arthur, Cameron, San

Antonio, Fort Worth, Sherman, Austin, El Paso, and Corsicana, all in the State of Texas, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FRAZIER presented the petition of Charles A. Severinson and 13 other citizens of Fargo, N. Dak., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented a petition of the Rotary Club of Fargo, N. Dak., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CAPPER presented petitions numerously signed by sundry citizens of Lawrence, Kans., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Women's Bible Class, the Young Woman's Home Missionary Society, the Woman's Relief Corps, the Parent-Teacher Association, the League of Women Voters, the Woman's Christian Temperance Union, the Daughters of the American Revolution, and League of Women Voters, Ladies Auxiliary to the Brotherhood of Locomotive Engineers, the Business and Professional Women's Club, and Betty Bonney Chapter of Daughters of the American Revolution, all of Arkansas City; the Young Women's Christian Association and the board of directors of the Young Women's Christian Association, of Parsons; the Friends Church, College Hill Woman's Christian Temperance Union, Sunday School Class of College Hill Methodist Episcopal Church, the Sibbitt Woman's Christian Temperance Union, and the Kansas Adult Guidance Council of the Young Women's Christian Association, all of Wichita; the Young Women's Christian Association, of Burrton; the Community Young Women's Christian Association of Buhler, the Community Young Women's Christian Association, the Woman's Home Missionary Society, and the Woman's Club, of Haven, all in the State of Kansas, favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

REPORT OF THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12897) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives, reported it without amendment and submitted a report (No. 1356) thereon.

PRINTING OF DATA RELATIVE TO THE COLORADO RIVER

Mr. SHIPSTEAD, from the Committee on Printing, reported a resolution (S. Res. 282), which was considered by unanimous consent and agreed to, as follows:

Resolved, That certain data and information relating to the Colorado River investigation, water storage, and power development, Grand Canyon of the Imperial Valley, be printed, with illustrations, as a Senate document.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; and

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 5040) to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on Post Offices and Post Roads.

A bill (S. 5041) granting a pension to Georgia A. Swett (with accompanying papers); and

A bill (S. 5042) granting an increase of pension to Frances M. Tripp (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5043) granting a pension to Elizabeth H. Harriman (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5044) granting a pension to Clark Huggins; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 5045) authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from the town of Alburgh, Vt., to the town of Swanton, Vt., the said right and privilege to extend across Lake Champlain along the shore line 1 mile each way, northerly and southerly from the Central Vermont Railway Co.'s bridge on the Swanton shore and 1 mile northerly from said bridge and southerly from said bridge to the south end of McGregors Point, so called, on the Alburgh shore, at a point at or near East Alburgh; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 5046) to relinquish all right, title, and interest of the United States in certain lands in the State of Washington; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 5047) to amend section 10 of the act to regulate commerce, as amended; to the Committee on Interstate Commerce.

By Mr. CURTIS:

A bill (S. 5048) granting a pension to Annie McKinnie (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 5049) granting a pension to A. C. Weatherstone (with an accompanying paper);

A bill (S. 5050) granting an increase of pension to Isabell J. Rogers (with accompanying papers);

A bill (S. 5051) granting an increase of pension to Samuel H. Anderson (with accompanying papers); to the Committee on Pensions.

A bill (S. 5052) for the relief of Edwin Lockwood MacLean; and

A bill (S. 5053) for the relief of Henry G. Young; to the Committee on Military Affairs.

By Mr. REED of Missouri:

A bill (S. 5054) granting a pension to William A. Cox; (with accompanying papers); to the Committee on Pensions.

A bill (S. 5055) for the relief of De Witt & Shobe (with accompanying papers); to the Committee on Claims.

By Mr. BAYARD:

A bill (S. 5056) for the relief of William B. Thompson; to the Committee on Claims.

By Mr. KENDRICK:

A bill (S. 5057) granting a pension to Mary Leeder (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5058) for the relief of George A. Hormel & Co.; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Indiana:

A bill (S. 5059) granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across Grand Calumet River at East Chicago, Ind.; to the Committee on Commerce.

A bill (S. 5060) to aid the Grand Army of the Republic in its Memorial Day services May 30, 1929; and

A bill (S. 5061) to correct the military record of G. W. Gilkison; to the Committee on Military Affairs.

A bill (S. 5062) granting a pension to Vance K. Stewart;

A bill (S. 5063) granting a pension to Clarence W. Jones;

A bill (S. 5064) granting an increase of pension to Anna P. Vesey; and

A bill (S. 5065) granting a pension to Silas Overmier (with an accompanying paper); to the Committee on Pensions.

AMERICAN TRANSATLANTIC CO.

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 2364) for the relief of the American Transatlantic Co., a corporation duly incorporated under the laws of the State of Delaware, which was referred to the Committee on Claims and ordered to be printed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail, of any character, and to fix the fees chargeable therefor;

H. R. 57. An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service;

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 10441. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union, stationed in the United States; and

H. R. 13114. An act to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.).

The bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

JOHN COSTIGAN

Mr. REED of Missouri. Mr. President, I desire to make a request for unanimous consent which I think will meet with no opposition. On the 9th of April, 1928, the Senate approved an adverse report on the bill (H. R. 3192) for the relief of John Costigan, and the bill was indefinitely postponed. I now ask unanimous consent to set aside the order indefinitely postponing the bill, and that it may be rereferred to the Committee on Military Affairs.

Mr. SMOOT. What is the nature of the bill?

Mr. REED of Missouri. It is a private bill and it is thought that a mistake has been made about it. I merely wish it to go back to the committee.

The VICE PRESIDENT. Is there objection? The Chair hears none. The order indefinitely postponing the bill will be vacated and the bill will be referred to the Committee on Military Affairs.

JUDICIAL SALARIES (S. DOC. NO. 188)

Mr. OVERMAN. I ask unanimous consent to have published as a Senate document the report of the special committee on judicial salaries, submitted at the meeting of the American Bar Association at Seattle, Wash., July 25, 1928.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the matter referred to will be printed as a Senate document.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I ask——

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I desire first to get the appropriation bill before the Senate.

Mr. HEFLIN. Mr. President, just a moment.

Mr. WARREN. Mr. President, let the bill be taken up first and then the Senator from Alabama can obtain the floor.

Mr. SMOOT. I desire to have the bill taken up before yielding. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. SMOOT. Mr. President, I ask that the formal reading of the bill may be dispensed with and that it be read for amendment, the amendments of the committee to be first considered and the amendments of individual Senators to be offered later.

The VICE PRESIDENT. Without objection, it is so ordered.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, there is on the calendar a bill which I introduced some time ago to increase the number of copies of the CONGRESSIONAL RECORD allotted to Senators and Members of the House and other Government officials. It has been before the Committee on Printing and unanimously reported. It is now ready for action by the Senate, and I ask unanimous consent for its present consideration.

Mr. SMOOT. If it shall lead to any discussion whatever, I shall have to object.

Mr. HEFLIN. I am sure that it will lead to no debate.

Mr. ASHURST. How many copies does it give us?

Mr. HEFLIN. It gives to Senators 150 copies.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Let the title of the bill be stated.

The VICE PRESIDENT. The bill will be stated by its title.

The CHIEF CLERK. A bill (S. 5022) to amend sections 183 and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD.

Mr. KING. Mr. President, I should like to ask the Senator what change it makes in existing law.

Mr. HEFLIN. It increases the number of copies allowed to each Senator to 150 and the number of copies allowed to each Member of the House to 100. Each Senator now has only 88 copies for his entire State, and that apportionment was made 35 years ago. The population of the country has greatly increased, and the requests for the CONGRESSIONAL RECORD have been largely augmented.

Mr. SMOOT. What will it cost, I will ask the Senator?

Mr. HEFLIN. It will cost something more, but I am sure that the increased amount will be money well spent.

Mr. SMOOT. I think the extra cost will be over half a million dollars, will it not?

Mr. HEFLIN. The Committee on Printing has worked it all out, and the bill ought to be passed before Christmas, so that we may put the additional RECORDS on our list.

Mr. SMOOT. I should like to ask the chairman of the Committee on Printing if he has any estimate as to the increased cost which will be involved by the bill?

Mr. SHIPSTEAD. Mr. President, it is difficult to say what the increased cost will be, because there will not be 100 copies of the RECORD printed for each Member of the House or 150 for each Senator unless they make the call for them.

Mr. SMOOT. They will undoubtedly make the call.

Mr. SHIPSTEAD. If they shall do so, there will be involved the extra time for running the presses and extra time for the printers.

Mr. SMOOT. And for the paper and mailing; so that I think it will cost the Government half a million dollars in addition to the present expenditure for this purpose.

Mr. SHIPSTEAD. I can not be certain as to the additional cost.

Mr. SMOOT. In the past we have appropriated $485,000 for the number now being distributed. It is proposed by the bill to increase the number considerably, and I am quite sure it will cost over a half a million dollars. Mr. President, I ask that the bill go over until I can find out exactly what the additional cost will be.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Under objection, the bill will go over.

Mr. HEFLIN. Mr. President, I do not want it to go over until I may make a statement.

The PRESIDING OFFICER. If there is objection made to the request for unanimous consent the joint resolution must go over if the objection is persisted in. Does the Senator from Utah persist in his objection?

Mr. SMOOT. I will know by to-morrow exactly what the additional cost will be and I think the Senate ought to know as to that before the bill shall be passed.

Mr. HEFLIN. I do not know of any Senator who would oppose it if he knew what it would cost. We are appropriating millions of dollars to print and send out other literature to the people over the country. They are asking for the CONGRESSIONAL RECORD in order that they may know what is going on in Congress, and we are withholding the information from them if we refuse them access to the CONGRESSIONAL RECORD.

Mr. SMOOT. I ask that the bill go over. I shall find out what the additional cost will be by to-morrow.

Mr. HEFLIN. Then I shall ask on to-morrow that the bill may be taken up and passed.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

FREDERICK D. SWANK

Mr. JONES. Mr. President, a few days ago there was entered a motion to reconsider the vote by which the bill (S. 584) for the relief of Frederick D. Swank was passed. That motion was adopted and the bill was brought back. The questions involved have been referred to the Senator from Nebraska [Mr. HOWELL], who is ill in the hospital, and the claimant, and it has been agreed that some amendments shall be offered to the bill. I take it, therefore, that there will be no objection to reconsidering the bill at this time, and I am willing to have the motion to reconsider put.

Mr. MCKELLAR. What is the nature of the bill.

Mr. JONES. It is a claim for additional compensation growing out of the raising of a vessel. It was reported by the committee and passed the Senate some days ago, but the changes to which I have referred have been agreed upon between the claimant and the Senator from Nebraska. So I ask that the vote whereby the bill was passed may be reconsidered.

The PRESIDING OFFICER. Without objection, the votes by which the bill was ordered to a third reading, read the third time, and passed will be reconsidered.

Mr. JONES. I now ask that the Senate proceed to the consideration of the bill.

There being no objection, the Senate proceeded to consider the bill (S. 584) for the relief of Frederick D. Swank.

Mr. JONES. I offer the amendments which have been agreed upon. They are indicated on the bill, on the first page in lead pencil and on the second page in typewriting.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. On page 1, line 12, after the word "extra," it is proposed to insert the words "time and"; and after the word "services," in the same line, to insert the word "required."

The amendment was agreed to.

The next amendment was, on page 2, to strike out all of section 2 of the proposed committee amendment, lines 9 to 24, and in lieu thereof insert the following:

SEC. 2. That jurisdiction is hereby conferred upon the District Court of the United States for the Northern District of California to hear, determine, and render judgment upon the claim of said Frederick D. Swank against the United States for the reasonable value of all services and materials furnished by him for which the United States is found legally liable under his contract with the United States for the removal of the wreck of the oil tanker *Alden Anderson*, except that there shall be deducted from any such judgment all sums paid prior to the approval of this act to said Frederick D. Swank with respect to such removal. Such claim shall be instituted prior to January 1, 1930. Appeals from any judgment rendered upon such claim shall be had as in the case of claims over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROCHDALE COOPERATIVE SOCIETY

Mr. BROOKHART. Mr. President, to-morrow is the natal day of the Rochdale Cooperative Society. I give notice that I shall speak briefly to-morrow on that subject.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Bureau of Indian Affairs—Industrial assistance and advancement," on page 24, line 20, before the word "available," to strike out "only" and insert "immediately," so as to read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $450,000, or so much thereof as may be necessary, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1935, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding 20 years in the discretion of the Secretary of the Interior: *Provided further*, That $125,000 shall be immediately available for expenditures for the benefit of the Pima Indians and not to exceed $25,000 of the amount herein appropriated shall be expended on any other one reservation or for the benefit of any other one tribe of Indians:

The amendment was agreed to.

The next amendment was, under the subhead "Irrigation and drainage," on page 33, after line 3, to insert:

For the construction of a drainage system for lands of the Sac and Fox Indians in Iowa, $10,000: *Provided*, That said amount, or so much thereof as may be used in the construction of the drainage system, shall be reimbursed to the United States from the proceeds of leases covering the Indian lands benefited by the drainage work, and the Secretary of the Interior is hereby authorized to lease such lands for periods not in excess of five years, and the proceeds derived therefrom shall be used for payment of the cost of said work and the balance placed in the Treasury to the credit of the Indians, to bear interest at the rate of 4 per cent per annum: *Provided further*, That there is hereby created against such lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Indians but that in case of sale of any such lands said lands shall be sold subject to the first lien herein created, and a recital of said lien shall be made in all patents or deeds issued for any lands benefited under the drainage ditch.

The amendment was agreed to.

The next amendment was, under the subhead "Education," on page 43, after line 6, to insert:

For repair, improvement, replacement, or construction of additional public-school buildings within Indian reservations in Arizona attended by children of employees of the Indian Service, $25,000.

The amendment was agreed to.

The next amendment was, on page 43, line 17, after the figures "$6,400," to strike out "in all, $92,400" and insert "for warehouse, $7,000; in all, $99,400," so as to read:

For support and education of Indian pupils at the following boarding schools in not to exceed the following amounts, respectively:

Fort Mojave, Ariz.: For 250 pupils, $65,000; for pay of superintendent, drayage, and general repairs and improvements, $15,000; for addition to hospital, $6,000; for lavatory annexes, $6,400; for warehouse, $7,000; in all, $99,400.

The amendment was agreed to.

The next amendment was, on page 44, line 19, before the word "pupils," to strike out "850" and insert "900"; in line 20, after the word "paper," to strike out "$212,500" and insert "$225,000"; and at the end of line 24 to strike out "$264,500" and insert "$277,000," so as to read:

Haskell Institute, Lawrence, Kans.: For 900 pupils, including not to exceed $1,500 for printing and issuing school paper, $225,000; for pay of superintendent, drayage, purchase of water for domestic purposes, and general repairs and improvements, including necessary drainage work, $27,000; for remodeling engineering plant, $25,000; in all, $277,000.

The amendment was agreed to.

The next amendment was, on page 49, line 16, to change the appropriation for Indian boarding schools from "$3,850,000" to "$3,869,500."

The amendment was agreed to.

The next amendment was, under the subhead "Conservation of health," on page 52, line 3, after the word "diseases," to strike out "$2,646,600" and insert "$2,718,600," so as to read:

For conservation of health among Indians (except at boarding schools supported from specific appropriations, other than those named herein), including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees, and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; not exceeding $3,000 for expenses (not membership fees) of physicians and nurses when officially detailed, in the interest of health work among the Indians, to attend meetings of medical and health associations; and not exceeding $1,000 for circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, $2,718,600, including not to exceed the sum of $1,508,100 for the following-named hospitals and sanatoria.

The amendment was agreed to.

Mr. SMOOT. Mr. President, at this time I am instructed by the committee to offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 52, lines 4 and 5, it is proposed to strike out "$1,508,100" and to insert "$1,520,100."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 54, line 1, after the name "Shawnee Sanatorium," to strike out "$48,000" and insert "$60,000," so as to read:

Oklahoma: Cheyenne and Arapahoe Hospital, $25,000; Choctaw and Chickasaw Hospital, $45,000; Shawnee Sanatorium, $60,000; Claremore Hospital, $25,000; Seger Hospital, $7,000.

The amendment was agreed to.

The next amendment was, on page 54, line 23, after the figures "$50,000," to insert "for construction of an addition to the hospital building, including refrigerating and other equipment; for employees' quarters; and for general repairs and improvements at the Kiowa Hospital, Lawton, Okla., $60,000"; and on page 55, at the end of line 6, to strike out "$515,000" and insert "$575,000," so as to read:

Provided further, That this appropriation shall be available for construction of hospitals and sanatoria, including equipment, as follows: Colorado River Hospital and physician's cottage, Arizona, $50,000;

Oraibi Sanatorium, Arizona, $65,000; Fort Belknap Hospital, Montana, $50,000; Tongue River Hospital, Montana, $55,000, including water and sewer systems in connection therewith; Turtle Mountain Hospital, North Dakota, $50,000; for construction of an addition to the hospital building, including refrigerating and other equipment; for employees' quarters; and for general repairs and improvements at the Kiowa Hospital, Lawton, Okla., $60,000; Pawnee and Ponca Hospital, Oklahoma, $60,000; Pine Ridge Hospital, South Dakota, $65,000; Cheyenne River and Standing Rock Sanatorium, South Dakota, $70,000; Hayward Hospital, Wisconsin, $50,000; in all, $575,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 15, to strike out:

For construction of an addition to the hospital building, including refrigerating and other equipment; for employees' quarters; and for general repairs and improvements at the Kiowa Hospital, Lawton, Okla., $60,000, payable from funds on deposit in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians of Oklahoma.

The amendment was agreed to.

The next amendment was, under the subhead "General support and administration," on page 56, line 17, after the word "employees," to strike out "$925,000" and insert "$985,000," so as to read:

For general support of Indians and administration of Indian property, including pay of employees, $985,000: *Provided*, That a report shall be made to Congress on the first Monday of December, 1930, by the Superintendent of the Five Civilized Tribes through the Secretary of the Interior showing in detail the expenditure of all moneys from this appropriation on behalf of the said Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, on page 56, line 23, after the name "Five Civilized Tribes," to strike out the colon and the following additional proviso:

Provided further, That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules.

Mr. HAYDEN. Mr. President, the language proposed to be stricken out by the committee amendment reads as follows:

Provided further, That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules.

Before the Senate adopts the committee amendment I think a statement should be made as to just what the effect of that action would be.

I was a member of the House Committee on Indian Affairs in 1914 when this position was created. A provision contained in an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs approved August 1, 1914, read as follows:

Provided, That effective September 1, 1914, the offices of the Commissioner of the Five Civilized Tribes and Superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum, and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the Superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

Objection is made to the inclusion of an item in a general appropriation bill abolishing the office of Superintendent of the Five Civilized Tribes. I beg to direct the attention of the Senate to the fact that the office was created by an item in a general appropriation bill. Anything that could be done in that matter can be properly undone in the same manner.

One reason urged for consolidating the two then existing offices, and establishing one official to perform the duties of both as Superintendent of the Five Civilized Tribes, was that there were many matters of a minor nature which should not be referred to the Commissioner of Indian Affairs in Washington—matters that could be better disposed of in Oklahoma. In was, therefore, recommended that this position be created, that a salary of $5,000 per annum be attached thereto, and that the official thus appointed should be confirmed by the Senate of the United States.

In a subsequent Indian appropriation act his jurisdiction was enlarged. I read from a proviso:

That hereafter no undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) heretofore required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

I favored the enactment of that legislation, and would have given the superintendent even more authority. Under authority of the law creating this office there was appointed a most excellent gentleman, Mr. Gabe E. Parker, who served for nearly eight years in that office without scandal of any kind. Mr. Parker came up from the Indian Service. He was a man thoroughly familiar with the administration of Indian affairs, and his administration of the office was entirely satisfactory. Nevertheless, it was a political appointment made under an item in the Indian appropriation bill which changed it from a civil-service position to a political appointment.

However, subsequent political appointees have not conducted themselves in so satisfactory a manner. We have the testimony of Mr. Meritt, the Assistant Commissioner of Indian Affairs, before the Senate Committee on Appropriations to the effect that one superintendent, Mr. Victor Locke, was removed from office for misconduct; that his successor, Mr. Shade E. Wallen, was likewise removed and was indicted by a grand jury for irregularities in the conduct of that office. It is, therefore, highly desirable to restore the original status. It seems to me it is entirely proper to do that on a general appropriation bill, inasmuch as the original position was created in that manner.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Arizona yield to the Senator from Tennessee?

Mr. HAYDEN. I yield.

Mr. McKELLAR. Has the President appointed a civil-service employee who now holds the place?

Mr. HAYDEN. The acting superintendent, Mr. Charles S. Ellis, who is a civil-service employee, has been in charge of the office, so I am informed, for the past two years.

Mr. McKELLAR. Did the President send his appointment in to the Senate or not?

Mr. HAYDEN. I do not know. I imagine not.

Mr. McKELLAR. The President has the right to do that if he desires, has he not?

Mr. HAYDEN. Certainly. There is no dispute about that; but that has not been done.

I hold in my hand the Annual Report of the Board of Indian Commissioners for the Fiscal Year Ending June 30, 1926. That board is made up of 10 distinguished citizens of the United States, whose names are as follows:

Warren K. Moorhead, Andover, Mass.; Samuel A. Eliot, Boston, Mass.; Frank Knox, Manchester, N. H.; Daniel Smiley, Mohonk Lake, N. Y.; Malcolm McDowell, Washington, D. C.; Gen. Hugh L. Scott, Princeton, N. J.; Clement S. Ucker, Savannah, Ga.; Flora Warren Seymour, Chicago, Ill.; John J. Sullivan, Philadelphia, Pa.; Mary Vaux Walcott, Washington, D. C.

The members of this board serve without pay, and their point of view is entirely disinterested.

In the report of this board for the year 1924 I find this statement in respect to the Superintendent for the Five Civilized Tribes:

CIVIL-SERVICE STATUS FOR SUPERINTENDENT

The Superintendent for the Five Civilized Tribes is the only superintendent in the Indian Service who has not a civil-service status. He is appointed by the President, with the advice and consent of the Senate, by virtue of an act of Congress approved in 1914. All other reservation superintendents are appointed by the Secretary of the Interior under civil service laws and regulations. Before 1914 this jurisdiction was ably managed by two officials appointed in conformity with the civil service law, and under them the great task of allotment and organization was practically completed.

It is quite evident that the radical change in the status of the superintending official was effected 12 years ago as a matter of political expediency. There were no unusual conditions existent at the time which required the setting apart of this agency as a unique exception to the long-established and time-tested practice that placed the field management of Indian affairs in the hands of civil-service employees. There then were a number of competent, experienced field officials having the civil-service status—as there are now—any one of whom could have effectively superintended the agency for the Five Civilized Tribes.

This office is frankly regarded as a rightful perquisite of the political party in power. No other superintendency is so regarded. There is no valid reason why the Five Civilized Tribes superintendent should be unique in this respect. It certainly is a sad commentary on our vaunted American civilization that the happiness, welfare, and progress of sev-

eral thousands of human beings, who happen to be the Indian wards of a great Government, should be made secondary to the political fortunes of a few white persons who happen to live in Oklahoma.

Mr. WALSH of Montana. Mr. President, may I ask the Senator from what document he reads?

Mr. HAYDEN. I am reading from the Annual Report of the Board of Indian Commissioners for the Year Ending June 30, 1926. [Reading:]

For the past 12 years, no matter which of the major parties were in power, and irrespective of the personality of the incumbent of this office, there has been a constant atmosphere of suspicion, of charge and countercharge, of factional jockeying, of favoritism and discrimination surrounding the office of the Superintendent for the Five Civilized Tribes. The incumbent not only has been subjected to attacks from the party in opposition but also by the faction of his own party to which he did not belong and which vehemently wanted to get him out in order to get its man in.

If these political maneuverings did not affect the Indians, this matter perhaps might be passed over as of minor consequence. But the injection of practical politics into the administration of the affairs of this group of tribes has been most injurious to the welfare of the Indians and has brought discredit to the Nation and the State of Oklahoma.

The sole cure for this evil situation is the repeal of the law which changed the office of superintendent from a civil-service status, making it a political appointment.

Such action would make this office similar in all respects to that of other superintendencies in the Indian Service. Whenever this suggestion has been offered it was promptly met by the argument that the great importance of this superintendency, the large number of its Indian population, and the vast wealth evidenced by their valuable land properties made it necessary to have a superintendent who was appointed by the President.

That argument no longer has any force, if it ever had any. As a matter of fact this agency has lost the standing it once held as the most important superintendency in the Indian Service. Its present apparent importance is due to the presence of some opulent Indian estates owned by less than 5 per cent of the total enrolled restricted Indians. By placing these estates in the charge of trustee banks and trust companies, as we are recommending, the population, financial, and land-holding statistics of this agency would dwindle down to those of a fair-sized jurisdiction.

We are recommending that the agency be subdivided into two jurisdictions, each with a civil-service superintendent. The natural division would seem to group the Cherokee, Creek, and Seminole, with a population of restricted enrolled allottees of about 11,000 or more, into one jurisdiction, and the Choctaw and Chickasaw, with a population of restricted enrolled allottees of about 5,000, into another.

Quite recently, at your request, the President, by an Executive order, placed all employees of the tribal school in this agency under the civil service. We beg to urge you to do what you properly can do to secure legislation which will enable you to subdivide the agency for the Five Civilized Tribes into two or more Indian Service units, in your discretion, with superintendents and all employees having a civil-service status.

That, Mr. President, is the recommendation of the Board of Indian Commissioners. I want to follow it by reading a brief letter from the representative of the Indian Rights Association addressed to me, dated to-day, as follows:

INDIAN RIGHTS ASSOCIATION (INC.),
Washington, D. C., December 20, 1928.

Hon. CARL HAYDEN,
United States Senate.

DEAR SENATOR HAYDEN: We have consistently and continuously urged that the selection and appointment of the Superintendent of the Five Civilized Tribes in Oklahoma should be within the competitive classified civil service. This legislation is most desirable so as to remove as far as possible the management of our Indian wards from the evils resulting through political favoritism.

We trust you will lend your support to the provision in the pending act providing for appropriations for the Interior Department, which includes the provision that the Superintendent of the Five Civilized Tribes shall be included within the classified civil service.

Very cordially yours,

S. M. BROSIUS,
Representative Indian Rights Association.

I shall detain the Senate but a moment longer, and to direct attention to the planks in the platforms of the two great political parties adopted this year on the subject "Civil service." The Democratic platform reads:

CIVIL SERVICE

Grover Cleveland made the extension of the merit system a tenet of our political faith. We shall preserve and maintain the civil service.

The Republican national platform reads, under the heading "Civil service":

The merit system in Government service originated with and has been developed by the Republican Party. The great majority of our public-service employees are now secured through and maintained in the Government-service rules. Steps have already been taken by the Republican Congress to make the service more attractive as to wages and retirement privileges, and we commend what has been done as a step in the right direction.

The next step to take, so far as the Indian Service is concerned, is presented to the Senate by the House provision in the pending bill, which provides that the position of Superintendent of the Five Civilized Tribes shall be in the classified civil service.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 59, line 8, after the word "Indians," to strike out the semicolon and the following: "for the construction of a drainage system for lands of the Sac and Fox Indians in Iowa, $10,000: *Provided*, That said amount or so much thereof as may be used in the construction of the drainage system shall be reimbursed to the United States from the proceeds of leases covering the Indian lands benefited by the drainage work, and the Secretary of the Interior is hereby authorized to lease such lands for periods not in excess of five years, and the proceeds derived therefrom shall be used for payment of the cost of said work and the balance placed in the Treasury to the credit of the Indians, to bear interest at the rate of 4 per cent per annum: *Provided further*, That there is hereby created against such lands a first lien which lien shall not be enforced during the period that the title to such lands remains in the Indians, but that in case of sale of any such lands said lands shall be sold subject to the first lien herein created, and a recital of said lien shall be made in all patents or deeds issued for any lands benefited under the drainage ditch; in all, $10,600;" so as to read:

Iowa: Sac and Fox, $600: *Provided*, That no part of this appropriation shall be available for the payment of taxes on any lands held in trust by the United States for the benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 60, line 21, after the figures "$3,000," to strike out "Kiowa, Comanche, and Apache, $60,000"; and at the end of line 23, to strike out "$84,600" and insert "$24,600," so as to read:

Oklahoma: Ponca (Otoe, $1,200; Ponca, $2,600; Tonkawa, $700), $4,500; Sac and Fox, $3,000; Cheyennes and Arapahoes, $17,100; in all, $24,600.

The amendment was agreed to.

The next amendment was, on page 61, at the end of line 24, to change the total appropriation for general support and administration of Indian affairs from "$1,447,550" to "$1,387,550."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Reclamation," on page 79, line 5, after the word "construction," to strike out "$213,000; in all, $233,000" and insert "$500,000; in all, $520,000," so as to read:

Sun River project, Montana: For operation and maintenance, $20,000; continuation of construction, $500,000; in all, $520,000.

The amendment was agreed to.

The next amendment was, on page 79, line 9, after the word "appropriated," to strike out the colon and the following additional proviso:

Provided further, That on or before July 1, 1929, notice shall be given by the Secretary of the Interior requiring the water users to assume the control of the constructed works on January 1, 1931, and to commence payment of construction charges in accordance with the contract of June 22, 1926, between the United States and the Greenfields irrigation district.

The amendment was agreed to.

The next amendment was, on page 79, after line 22, to insert:

Newlands project, Nevada: That such portion as may be necessary of the unexpended balance of the appropriation of $50,000 for the survey and examination of water storage reservoir sites on the headwaters of the Truckee and Carson Rivers, made available under the provisions of the second deficiency act, 1928 (Public, No. 563, Session Laws, 1st sess. 70th Cong., p. 902, Newlands project, Nevada), shall also be available for the boring of test wells in the Truckee Meadows, Washoe County, near the city of Reno, Nev.

The amendment was agreed to.

The next amendment was, on page 81, line 6, after the figures "$6,000," to insert: "Continuation of construction, $644,000, of

which amount not more than $130,000 shall be available for the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project; in all, $650,000: *Provided*, That the unexpended balance of the appropriation of $744,000 for the continuation of construction for the fiscal year 1929 shall remain available during the fiscal year 1930," so as to read:

Vale project, Oregon: For operation and maintenance, $6,000; continuation of construction, $644,000, of which amount not more than $130,000 shall be available for the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project; in all, $650,000: *Provided*, That the unexpended balance of the appropriation of $744,000 for the continuation of construction for the fiscal year 1929 shall remain available during the fiscal year 1930.

The amendment was agreed to.

The next amendment was, on page 82, line 9, after the name "Washington," to strike out "For operation and maintenance, $20,000; for continuation of construction, $862,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. p. 277), shall remain available during the fiscal year 1930 for such continuation of construction; in all, $882,000" and in lieu thereof to insert: "For continuation of construction and operation and maintenance, $1,500,000: *Provided*, That the unexpended balance of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. p. 227) shall remain available during the fiscal year 1930," so as to read:

Yakima project (Kittitas division), Washington: For continuation of construction and operation and maintenance, $1,500,000: *Provided*, That the unexpended balance of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. p. 227) shall remain available during the fiscal year 1930.

The amendment was agreed to.

The next amendment was, on page 86, line 7, to increase the total appropriation from the reclamation fund from $7,211,000 to $8,760,000.

The amendment was agreed to.

The next amendment was, under the heading "Geological Survey—General expenses," on page 88, after line 7, to insert:

For a topographic survey of the boundaries of the proposed Shenandoah National Park in the State of Virginia, for expenditure by the Geological Survey under the direction of the Secretary of the Interior, including personal services in the District of Columbia and elsewhere; the computation and adjustment of control data; the office drafting and publication of the resulting maps; the purchase of equipment, not to exceed $700 for the purchase and not to exceed $1,000 for the hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for field use; and for the securing of such aerial photographs as are needed to make the field surveys, to be immediately available, $45,000.

The amendment was agreed to.

The next amendment was, on page 90, at the beginning of line 1, to strike out "$165,000" and insert "$150,000," so as to read:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $225,000; for operation and maintenance of the Lees Ferry, Ariz., gauging station and other base-gauging stations in the Colorado River drainage, $50,000; in all, $275,000, of which amount not to exceed $90,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water-resource investigations, such share of the Geological Survey in no case exceeding 50 per cent: *Provided further*, That $150,000 of this amount shall be available only for such cooperation with States or municipalities.

The amendment was agreed to.

The next amendment was, on page 92, at the end of line 25, to change the total appropriation for United States Geological Survey from $2,040,800 to $2,085,800.

The amendment was agreed to.

The next amendment was, under the heading "National Park Service," on page 94, line 9, after the word "improvements," to strike out "$31,400" and insert "$37,400"; in line 12, after the word "mechanic," to insert "$6,000 for a residence for the United States Commissioner"; and at the end of line 18, to strike out "$214,400" and insert "$220,400," so as to make the paragraph read:

Glacier National Park, Mont.: For administration, protection, and maintenance, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding $800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, including $15,000 for fire prevention, $183,000; for construction of physical improvements, $37,400, including not exceeding $13,860 for the construction of buildings, of which not exceeding $3,235 shall be available for a residence for the chief mechanic, $6,000 for a residence for the United States commissioner, $4,055 for fire caches and three fire lookout towers, $310 for the completion of a bunk house, $200 for the completion of a mess house, $600 for the completion of a duplex cottage, and $10,350 for one-third of the cost of constructing a telephone line partly outside the park boundary; in all, $220,400.

The amendment was agreed to.

The next amendment was, on page 101, after the figures "$412,360," to insert a colon and the following proviso:

Provided, That the unexpended balance of the appropriation of $65,000 for the construction of water supply and camp-ground facilities at Glacier Point contained in the Interior Department appropriation act for the fiscal year 1929 shall remain available until June 30, 1930.

The amendment was agreed to.

The next amendment was, on page 105, line 14, after the word "monuments," to strike out "by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government," so as to read:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments, $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the existing national parks and national monuments not exceeding a total of $2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator in charge of the bill whether the words "by purchase" in line 14 should not be left. Is there not a little more excised there than is necessary to be excised?

Mr. SMOOT. The committee thought not. The committee thought that that should be, "For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments, $250,000."

Mr. WALSH of Montana. The Senator has not caught the point I am making. I take it that the committee simply wanted to take away the right to condemn under this, leaving the right to purchase.

Mr. SMOOT. Under the existing law.

Mr. McKELLAR. Under existing law. That is the idea; that we just leave the law as it is. That is the argument that was made.

Mr. WALSH of Montana. That does not help the situation. As this stands now, it is for the acquisition of these lands, and that would permit the acquisition in any way by which they can be acquired under the law, if we appropriate this money.

Mr. SMOOT. That is true.

Mr. WALSH of Montana. They can acquire these lands either by purchase or by condemnation. That is not what the committee intended to do. They intended to give the power to get the lands by purchase, but did not intend to make any appropriation so that they could use it for condemning the land.

Mr. SMOOT. That was the decision of the committee.

Mr. WALSH of Montana. Mr. President, then this becomes a most serious matter, and I shall be obliged to take some time in discussing it. I can not think that the committee intended anything of the kind.

Mr. CURTIS. Mr. President, I understood it to be stated by one of the Senators, the junior Senator from Montana, that this land could be purchased, but that if for any reason it could not be purchased at a reasonable price, then the department would have the right to condemn under existing law.

Mr. WALSH of Montana. Yes.

Mr. McKELLAR. But it was argued further than that. It was stated before the committee that the department itself was

in very grave doubt about whether it had the right now to condemn in such cases as this, and it was said that it had not exercised that right in any such case. It was assumed by the committee—it was by me, at any rate—that under those circumstances it would not proceed to condemnation because the alleged law under which they might condemn had been in force since 1883, I think——

Mr. WALSH of Montana. Eighteen hundred and eighty-eight.

Mr. McKELLAR. Since 1888; so that under those circumstances the committee just took out the word "acquisition."

Mr. WALSH of Montana. This is the situation, if I may be permitted to give my view about the matter: The law of 1888 authorized the condemnation of land desired by the Government for any particular purpose, but there is no appropriation. They may go on and institute proceedings to condemn if they desire to do so, but if they did condemn there would be no money appropriated by which they could pay the price fixed in the condemnation proceedings.

Mr. SMOOT. That will be taken care of at the next session of Congress.

Mr. WALSH of Montana. Let it be taken care of at the next session of Congress then.

Mr. SMOOT. I will say to the Senator that the Senator from Tennessee has stated the exact position the committee took, but if the Senator desires we will amend the amendment by leaving in the words "by purchase."

Mr. WALSH of Montana. Leave in the words "by purchase."

Mr. SMOOT. And let it go to conference. Then the whole thing will be in conference.

Mr. WALSH of Montana. I move, then, to amend the amendment of the committee by restoring the words "by purchase" in line 14.

Mr. SMOOT. I have no objection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 107, line 5, after the word "boundary," to insert "and for the continuance of construction of the transmountain road in said Glacier National Park," so as to read:

Construction, etc., of roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks and monuments under the jurisdiction of the Department of the Interior, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, and for the continuance of construction of the transmountain road in said Glacier National Park, and the Grand Canyon Highway from the National Old Trails Highway to the south boundary of the Grand Canyon National Park as authorized by the act approved June 5, 1924 (43 Stat. p. 423), and including that part of the Wawona Road in the Sierra National Forest between the Yosemite National Park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and that part of the Yakima Park Highway between the Mount Rainier National Park boundary and connecting with the Cayuse Pass State Highway, to be immediately available and remain available until expended, $5,000,000, which includes $4,000,000, the amount of the contractual authorization contained in the act making appropriations for the Department of the Interior for the fiscal year 1929, approved March 7, 1928 (45 Stat. pp. 237, 238).

The amendment was agreed to.

Mr. SMOOT. Mr. President, the committee has two other amendments. In behalf of the committee, I send to the desk the following amendment:

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 22, line 20, after the word "practicable," to insert a colon and the following additional proviso:

Provided also, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912 (U. S. C., p. 692, sec. 58).

The amendment was agreed to.

Mr. SMOOT. I offer also the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40, line 3, after the word "prescribe," to insert a comma and "but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient."

The amendment was agreed to.

Mr. SMOOT. I also offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 119, line 17, after the name "Secretary of the Interior," to insert a colon and the following additional proviso:

Provided further, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. 193).

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer the following committee amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 44, line 24, after the figures "$25,000," add the following:

For the construction of a new dormitory and gymnasium for girls, $70,000.

The amendment was agreed to.

Mr. CURTIS. I also offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. After the amendment just adopted add the following:

For purchase of additional lands, $20,000.

The amendment was agreed to.

Mr. CURTIS. I ask that the totals be corrected by the clerk.

The PRESIDING OFFICER. Without objection, the clerk will be instructed to correct the totals.

Mr. SMOOT. That completes all committee amendments.

The PRESIDING OFFICER. The bill is still as in the Committee of the Whole and open to amendment. If there be no further amendment to be offered, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. McMASTER. Mr. President, are we about to vote on the passage of the bill?

Mr. SMOOT. Yes; unless the Senator has an amendment to offer.

Mr. McMASTER. I want to ask a question as to page 54, line 5, the provision for the Rapid City Sanatorium School, $94,600. What does that mean?

Mr. SMOOT. It means that in South Dakota the Crow Creek Hospital will get $10,000, the Pine Ridge Hospital $14,000, the Rosebud Hospital $20,000, and the Rapid City Sanatorium School $94,600.

Mr. McMASTER. Has there not been a new policy inaugurated in reference to that school? The Rapid City School is an Indian school, but there is no sanatorium there.

Mr. SMOOT. That is true. It was recommended by the department that we change it to a sanatorium school. The Senator will remember the same question arose a year ago. I do not think there is any objection to it. I have not heard any objection on the part of anybody.

Mr. McMASTER. I wish to say that this inaugurates a new policy there in reference to the Rapid City Indian School; that is, it converts it into an institution for tubercular patients.

I want to call the attention of the Senate to the fact that it seems to me the time ought to have passed when the Federal Government should seize upon some old school building for the purpose of constructing a sanatorium. There are 600 or 700 tubercular Indian children in the State of South Dakota. The purpose of the amendment, as I understand it, is to house and school those children. It seems to me where there is a population of six or seven hundred Indian children who are afflicted with that disease, we having a total Indian population of 25,000, they ought to have the best modern-equipped institution that can be given to them. The only way to cure a tubercular trouble is through sunshine and fresh air. These buildings ought to be constructed with that idea in mind. Taking these six or seven hundred children who are afflicted with tuberculosis and housing them in these old buildings at Rapid City is simply condemning them to death, and it is certainly doing hardly anything to alleviate the trouble.

I am not criticizing the committee, but I am criticizing the policy of treating the Indians in this manner. It seems that in many of the States wherever there has been an old military fort or post, we have gone and taken the stables and old build-

ings and converted them into hospitals and schools for Indians. We have hardly given the Indians any consideration in the days gone by. We have merely utilized every old building possible for the purpose of schools and hospitals for the Indians.

Mr. SMOOT. I want to read to the Senator just what Mr. Meritt said on this question. It was upon this basis that we acted, first in the House and later in the Senate. In speaking of the convenience of the situation Mr. Meritt said:

> The item would read "Rapid City, S. Dak., for sanatorium school, $94,600." We want to convert that into a sanatorium school because we have between 500 and 700 children of school age in the State of South Dakota alone who are not in school, but who either have been returned to their homes from schools because they have tuberculosis, or who have not been received in schools because of tuberculosis. I visited that State this summer, and visited every agency and every school in the State of South Dakota. I was somewhat alarmed about the tuberculosis situation in that State. Practically every superintendent told me that tuberculosis was on the increase because of an epidemic they had there a few years ago, and they were not able to control tuberculosis with the present facilities. It is not fair to those tubercular children to keep them in the average Indian home, which is a miserable affair, without sanitary conditions. A child in those homes does not receive proper shelter, proper food, proper clothing, or proper medical attention. In a school of this kind they would receive all those things and more. They would have the opportunity of recovering their health. It is one of the serious needs of South Dakota. I made this recommendation to Commissioner Burke after my return from my trip there this summer, and he approves the recommendation.

Mr. McMASTER. Everything that the Senator has read from the statement made by Mr. Meritt is absolutely correct. There is a pressing need for an institution of that kind. The State of South Dakota for its own people has an institution located in this vicinity because of the ideal location, the mountain location, air, water, and so on. It is conducive to the curing of tubercular troubles. But when the State of South Dakota built its institution it did not take some old school buildings for the purpose. It constructed new buildings that were properly ventilated and properly lighted so the patients could have the benefit of the sunshine and fresh air. What I am objecting to is that to meet a pressing need by taking old buildings for the purpose instead of constructing new buildings is not in the interest of the welfare of the Indians. Instead of taking an old building and attempting to reconstruct it or refit it, such institutions ought to be new construction and modernly equipped in every way.

Mr. SMOOT. For the satisfaction of the Senator I want to read the following from Mr. Meritt's statement so as to show what the department has in mind:

> We are starting this sanatorium school in a modest way for the first year and we hope to get materially increased appropriations for the remodeling and enlargement of the plant. As stated in the hearings we hope ultimately to make this an institution of 500 capacity, because we now have between 500 and 700 children in South Dakota of school age who have tuberculosis and who are in their homes, transmitting the disease to other members of their family.

In other words, this is only the beginning. The Bureau of Indian Affairs recognize that this is not enough.

Mr. McMASTER. I realize that, but does not the Senator think that the way to begin anything like that is to begin at the bottom and not to begin by housing tubercular patients in old school buildings?

Mr. SMOOT. This is a decided improvement over what they have had.

Mr. McMASTER. Certainly it is going to be a decided improvement. What objection would the committee have to changing that wording a little in this paragraph and giving the $94,600 for the Indian school alone and $300,000 for the sanatorium and starting them out right?

Mr. SMOOT. That was not considered by the committee.

Mr. McMASTER. But the Senator will agree with me that that is the proper way to begin an institution of that kind. We ought to begin building from the bottom, and we ought not to house these tubercular children in an old building.

Mr. McKELLAR. What amendment would the Senator suggest?

Mr. McMASTER. The provision now creates a new institution at Rapid City by converting an old Indian school into a tubercular institution for the housing of 500 or 600 tubercular Indian children. What I want to do is just to change that wording so that we may give $94,600 to the school and then begin building a real institution for the tubercular children by the appropriation of $300,000.

Mr. McKELLAR. The Senator wants to add $300,000?

Mr. McMASTER. Yes; to start a new program.

Mr. WARREN. But that can not be done under the rule.

Mr. McMASTER. I am not violating any rule. There is so much money appropriated for a school and a sanatorium. I am simply proposing to segregate the two items.

Mr. SMOOT. The only question involved is that it has not been estimated for and it has not been reported by the committee. If the Senator had come before the committee, perhaps we would have been able to do what he asks and at least let it go to conference. That at least would give notice of the sentiment of the Congress on the question.

Mr. McMASTER. Could not that be inserted now?

Mr. SMOOT. We could change the $94,600 to $394,600, and then we can discuss it and have it before us in conference.

Mr. McMASTER. Will not the Senator do that?

Mr. SMOOT. I shall be glad to accept that amendment and let it go to conference.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 54, line 5, strike out "$94,600" and insert "$394,600."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. ASHURST. Mr. President, I ask permission to have printed in the RECORD an address by Hon. Edgar B. Meritt, Assistant Commissioner of Indian Affairs, before the Navajo Council at the Leupp Indian School, Arizona, November 12, 1928.

The PRESIDING OFFICER. Without objection, it is so ordered.

The speech referred to is as follows:

ADDRESS BY EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS, BEFORE THE NAVAJO COUNCIL HELD AT THE LEUPP INDIAN SCHOOL, ARIZONA, NOVEMBER 12, 1928

Members of the Navajo Council, ladies and gentlemen, it is a pleasure to call to order the sixth annual session of the Navajo Tribal Council. I bring you greetings from Washington and the best wishes of high officials of the Interior Department, including Hon. Charles H. Burke, Commissioner of Indian Affairs, for a successful meeting of this council.

I am sure that I speak the views of all members of this council and the superintendents of the other Navajo jurisdictions in expressing thanks to Superintendent Hunter and the employees of the Leupp Indian school and agency for their kind invitation to hold the Navajo Council at this place and for the splendid arrangements that have been made for our convenience and comfort while here.

We are holding this council for the purpose of meeting you personally and learning direct from you your views on various matters and problems affecting the Navajo judisdictions and the Navajo people. It is our hope that this will be a constructive and informative meeting so that we may take back to Washington a better conception of the problems of your several jurisdictions and be in a position to render greater service and assistance to the Navajo Indians. We also want this council to be a medium through which you may know what the Government is trying to do for the Navajos and what is possible to be done by the Federal Government. It is also quite desirable for the Navajo Indians to learn what they can do to help themselves.

Since the ratification of the Fort Sumner Treaty of 1868 the Navajo Indians have made remarkable progress along educational and industrial lines and along other lines of human endeavor. At that time there were estimated to be 9,000 Navajo Indians, and there are now approximately 40,000, a gain of 400 per cent. At that time the Navajos owned approximately 25,000 sheep and goats. To-day they are in possession of approximately 1,100,000 sheep and goats, and are recognized as the greatest and most successful sheep raisers of any Indians in the United States.

In 1868 the Navajo Indians owned but a few head of cattle; to-day they own 65,000 head of cattle and about 45,000 horses. Then there were practically no Navajo Indian children in school; to-day there are 4,923 of your children attending school, 3,220 of whom are in schools on the several Navajo reservations, and 1,696 are attending schools off the reservations, principally nonreservation boarding schools supported by the Federal Government. Practically no money was being appropriated at that time for the education of the Navajos; during the fiscal year 1928 the Government expended $768,599.24 for the education of Navajo children, exclusive of additional expenditures for the education of Navajo children enrolled in Government nonreservation schools. Then only a few thousand dollars was being expended in behalf of the Navajo Indians, but to-day we are expending considerably in excess of $1,000,000 annually for the benefit of the Indians within the six Navajo jurisdictions, the amount expended during the fiscal year 1928 being $1,312,678.98.

In 1868 there were no doctors, nurses, or hospitals for the benefit of the Navajo people; to-day we have 13 doctors, 16 nurses, and 10 hospitals and sanatoria, with a total bed capacity of 345, available for the benefit of the Navajos. During the recent past we have constructed new hospitals at Western Navajo, Leupp, Chin Lee, Tohatchi; a 100-bed sanatorium is now being constructed at Fort Defiance; a small hospital

has been remodeled and enlarged at the Toadlena School; the Marsh Pass School has been converted into a tuberculosis sanatorium; and we hope to obtain at the next session of Congress an appropriation for a sanatorium for the benefit of the Hopi and Leupp jurisdictions.

Article 3 of the treaty of 1868 reads as follows:

"The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: A warehouse, to cost not exceeding $2,500; an agency building for the residence of the agent, not to cost exceeding $3,000; a carpenter shop and blacksmith shop, not to cost exceeding $1,000 each; and a schoolhouse and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed $5,000."

I think you will agree that this program of construction for the Navajo Indians seems insignificant indeed when compared with the many hundreds of thousands of dollars that have been expended in the construction of school buildings, hospitals, and agency quarters within the six jurisdictions covering the Navajo country.

In 1868 there was set aside for the use of the 9,000 Navajos approximately 3,000,000 acres of land in what is now the States of Arizona and New Mexico. Through the persistent efforts of the Indian Bureau this acreage has been gradually increased until to-day the Navajo Indians have in their possession approximately 13,000,000 acres of land. A tribe of 9,000 uneducated and frequently waring Navajos miserably existing in 1868 has increased in number to more than 35,000, a large number of whom are educated and speak the English language. This tribe is now industrious and self-supporting and is occupying in peaceful possession an area of approximately 13,000,000 acres of land, title to which can not be questioned under the law. These same Navajos are now voluntarily sending their children to school, accepting modern medical and hospital facilities, are wearing citizens' clothes, are driving their own automobiles, are able to conduct business on equal terms with their white neighbors, are improving their home conditions, and have secured for themselves a definite place in the social and economic life in the States of Arizona and New Mexico, of which they are full-fledged citizens and are a credit and a distinct asset to their communities, their States, and to their Federal Government.

I have endeavored to make a comparison between conditions existing in 1868 and conditions as they exist to-day with the Navajo Indians, and it is believed that you will all agree that there has been a most remarkable progress. However proud we may be of past splendid accomplishments and growth in population, wealth, improved home conditions, and social status in general, yet we recognize that there are vast opportunities for still further improvement.

Speaking generally of Indians throughout the United States, in 1868 there were 298,528 Indians; seven years ago, at the beginning of Commissioner Burke's administration of Indian affairs, there were 340,838 Indians; to-day, this number has been increased to 355,901.

In 1868 there were 4,713 Indian children attending schools, many of which were conducted by various church organizations; seven years ago this number had been increased to 62,764, and to-day we have an attendance of Indian pupils in schools of 66,958.

Seven years ago the total Indian property was valued at $716,705,501, and to-day this property is estimated to be worth $1,648,075,274.

In 1868 there was approximately no money being expended for health work among Indians, and there were no hospitals or sanatoria. At the beginning of the administration of Commissioner Burke seven years ago there was appropriated specifically for health work $375,000, and there were 81 hospitals and sanatoria. This year the direct appropriation for health work is $1,440,000 and the number of hospitals and sanatoria have been increased to 92 in actual operation and several more are under construction at the present time.

No record of the death rate among Indians was kept in 1868. According to the census of 1920, the death rate was 29.3 per thousand and to-day it has been reduced to 21.8 per thousand.

In 1868 there were practically no doctors or nurses working among Indians. Seven years ago there were 181 doctors and 106 nurses. This force of employees has been increased over a 7-year period so that we now have 195 doctors and 204 nurses.

In 1868 there was appropriated for the Indian Service $2,837,907.09; seven years ago the annual appropriations for the Indian Service totaled $10,042,554.67. For the current fiscal year the annual appropriations amount to $14,284,509.

In 1868 most of the Indians of the United States were living in tents, hogans, or wikiups, with few permanent homes. To-day there are over 40,000 Indian families living in permanent homes, and during the last year more than 1,000 new permanent homes have been erected, and repairs and improvements have been made to an approximate similar number.

During the administration of Commissioner Burke there have been obtained from the War Department two Army posts which have been converted into Indian boarding schools and are now being used almost exclusively for the education of Navajo Indian children. I refer to the Theodore Roosevelt School, in Arizona, with an enrollment of 400, and the Charles H. Burke School, in New Mexico, formerly Fort Wingate, with an enrollment of 609.

We plan in the near future, and as soon as appropriations can be obtained from Congress, to increase the capacity of the Western Navajo boarding school from 300 to about 500; we have recently completed the construction of a new day-school plant at Nava, and we hope as soon as funds can be obtained to construct other day-school plants in the Navajo country.

In recent years we have drilled 304 wells in the Navajo country, and 147 of these wells are now in operation furnishing water for domestic and stock purposes for the Navajo Indians. We have also spent considerable money and have been quite successful in increasing the water supply for the Navajo Indians through the development of springs. This work has resulted in increasing the grazing area in the Navajo country. We believe it is also possible, in some communities, to provide additional water through the building of earthen dams. We are spending this year more money than ever before in the development of water for your use, approximately $100,000 having been authorized for this purpose.

Two years ago the first exclusive trachoma school for Indians in the United States was established at Fort Defiance, and another school has been converted into a trachoma school this fall at the Northern Navajo agency. The trachoma problem in the Navajo country has been given special and vigorous attention in recent years, and many Navajo Indians have been cured of this disease.

We recognize the need for additional land for the 5,000 Navajos now living off the reservation on the public domain, and at the last session of Congress we were successful in procuring an appropriation of $200,000 for the purchase of lands for those Indians out of tribal funds, with an authorization for the expenditure of an additional million dollars for this same purpose. The item in the second deficiency appropriation act of May 29, 1928, reads as follows:

"For purchase of additional land and water rights for the use and benefit of Indians of the Navajo Tribe (at a total cost not to exceed $1,200,000, which is hereby authorized), title to which shall be taken in the name of the United States in trust for the Navajo Tribe, fiscal years 1928 and 1929, $200,000, payable from funds on deposit in the Treasury of the United States to the credit of the Navajo Tribe: *Provided*, That in purchasing such lands title may be taken, in the discretion of the Secretary of the Interior, for the surface only."

We are now engaged in negotiating for the purchase of certain lands for the benefit of the Navajo Indians out of the available appropriation.

Under the administration of Commissioner Burke oil leases were approved on the Navajo Reservation, and the first well was brought in on October 1, 1922. Since then there has been produced within the borders of the Navajo Reservation approximately 1,773,203 barrels of oil, with an income to the tribe of approximately $656,426.71. Last year the income from this source for the benefit of the Navajo Tribe amounted to $71,511.77. Oil production has been reduced because of overproduction throughout the country and the low price of oil.

We wish to congratulate the Navajo Indians on their cooperation with our local superintendents in partly ridding the range of practically worthless horses that have heretofore been using the grass and water that should be made available for cattle and sheep, thus yielding a larger income to the Indians.

The Navajo Indians have also cooperated closely in helping us to eradicate dourine among your stock.

It is my desire to make this council meeting a constructive and helpful one, and I am taking the liberty of suggesting the following as some of the subjects that should be discussed by members of the council as well as by the representatives of the Government, including your superintendents, who are here to give you information and assistance:

1. Overgrazing in the Navajo country and steps necessary for proper conservation of the range.

2. The question of eventually limiting the number of sheep, horses, goats, and cattle for any one Indian, so that benefits of the range may be more equitably distributed among all Navajos.

3. Further ridding the range of surplus horses so as to provide more range for sheep and cattle.

4. Purchase of additional lands to provide for Navajo Indians now on the public domain.

5. Further water development by reclaiming springs, impounding water by means of earthen dams, and drilling additional wells where other means of developing water are impossible.

6. Best means of providing additional school facilities in the Navajo country, so that young children may be educated near their homes and so that there may be school facilities for every Navajo child of school age.

7. What additional hospitals, sanatoria, physicians, and nurses, and health centers are needed to provide adequate medical facilities for all Navajo Indians.

8. Present status of oil development and suggestions for future development work.

9. Improvement of roads in the Navajo country, what roads are most needed by Indians at this time, and what are most practical methods of building same.

10. Trachoma schools and best methods of handling the trachoma problem in the Navajo country.

11. Tuberculosis among Navajo Indians, facilities needed for meeting situation, and where sanatoria are most needed,

12. Improving home conditions among Navajo Indians and best methods of getting more and better sanitary Indian homes.

13. Best means of improving grade of cattle and sheep owned by Navajo Indians.

14. Sale of Navajo timber and best use of proceeds for benefit of Navajo Indians.

15. The liquor problem in the Navajo country and the best means of controlling same.

16. The dourine problem on the Navajo Reservation and what further steps are necessary to be taken.

17. The returned-student problem on the Navajo Reservation and the best way of finding employment for returned students both on and off the reservation.

This is your council and we want you to discuss frankly not only these questions but any other matters that you may wish to bring up and we want you to make the best possible use of this opportunity.

During the past two years it has been my pleasure to make two visits to the Navajo country, and I have submitted to the Commissioner of Indian Affairs a number of recommendations which have been approved by him, and which we are carrying out as funds become available. I want you to know of the personal interest of Commissioner Burke and myself in the welfare of the Navajo Indians. We in Washington are interested in your problems, sympathetic to your needs, and will cooperate to the limit of our ability and with the funds available to assist you in every way possible.

In conclusion, permit me to say that while the foregoing statements are convincing proof of the progress that has been made in Indian affairs among the Navajo Indians in particular, and among the Indians of the entire country generally, yet I wish to make it perfectly clear that many things need to be done that can not now be done with the limited appropriations available. Instead of the annual appropriations of between twelve and fifteen million dollars now authorized by Congress we need approximately $25,000,000 per year for several years to come if we are to meet the actual requirements of the situation. We need more doctors, more nurses, more hospitals and sanatoria, more sanatorium schools, better school facilities, and at least $300 per capita to operate our schools. We need a large reimbursable appropriation to improve bad home conditions among Indians, more money to provide trained women field demonstration agents with social service ideals, to improve home and living conditions. We need more trained agricultural and industrial leaders to teach Indians to make better use of their industrial opportunities. We need more funds to provide a larger variety and better balanced food for our Indian school children, and we need a trained force of well-paid employees to bring the Indians generally to a better realization that, after all, the Indian problem is their problem, and that it is the duty of the Indians of this country to become, by their own efforts, industrious, progressive, self-supporting, and law-abiding citizens of this great Republic.

Mr. FRAZIER. Mr. President, I want to make a very brief statement at this point. During the last session of Congress I introduced a bill which was passed by the Senate, authorizing an appropriation to build an Indian school on the Turtle Mountain Reservation at Belle Fourche. On that reservation are some 250 Indian children of school age who are not in school and never have been, because there is no school available for them, either on the reservation or off the reservation. There is an urgent need for such a school. The understanding was that instead of the House passing the bill which had been passed by the Senate, the item would be included in the present appropriation bill, but for some reason it was not reached and was left out. I have been assured, however, that an authorization for the appropriation will be made in the deficiency appropriation bill which is to come along later.

Mr. SMOOT. That question was brought to our attention and I understand that is the program to be carried out.

Mr. FRAZIER. For that reason I did not go before the committee to make any protest in regard to putting the item in the present bill, but I shall expect it to be put in the deficiency bill.

Mr. NORRIS. Mr. President, I have an amendment that I desire to submit.

I want to say frankly that the amendment is subject to a point of order and, therefore, I desire briefly to explain it before I offer it, because I think when it is understood there will be no possible objection.

In the northwestern part of Nebraska, in an irrigated portion of the State, there is a reclamation project getting its water from the Pathfinder Dam in Wyoming. Under this ditch is an older ditch known as the Farmers' ditch, put in before the Pathfinder Dam was built. Several years ago the owners of the private ditch made an agreement with the Department of the Interior by which they were to be supplied with storage water which the Government reclamation ditch stored at the Pathfinder Dam. That agreement has been carried out. It means that the Farmers' ditch is to pay to the Government of the United States the stipulated amount provided for in the contract.

There was a piece of the ditch, as I understand it, 9 miles long that was under sort of joint supervision between the Government reclamation ditch and the Farmers' ditch. It needed considerable work on it. It was a sort of connecting ditch, as I understand it. The Farmers' Irrigation Co., the owners of the private ditch, had the necessary machinery and so forth to do the work. The contract between the Government and the Farmers' ditch provided that this kind of work, in this particular place, was to be a 50-50 proposition. Each ditch paid half of the cost of the repairs.

Since the Farmers' ditch had the machinery the Government officials entered into a contract with the privately owned ditch and employed them to do this work, agreeing to pay them one half of the contract price. They had to stand the other half. The work was completed and everything was satisfactory on both sides and there was no question about the facts, as I understand it, but the private ditch owed the Government, of course, for water, and what they undertook to do was to give the Government credit for one-half of the cost of the improvement and pay the Government the balance, assuming that if the Government paid what they owed, then the Farmers' ditch would owe nothing to the Government. In other words, one-half of the cost of the construction was to be borne by one ditch and one-half by the other ditch, but the one ditch that did the work paid what they owed to the Government and kept out one-half of the cost of the improvement.

Mr. SMOOT. Under an agreement?

Mr. NORRIS. Yes; under an agreement. The Comptroller General refused to allow that to be done, however.

Mr. McKELLAR. There is no question between the two States of Wyoming and Nebraska?

Mr. NORRIS. Oh, no; there is no such question involved. I had my secretary telephone to Doctor Mead, head of the Reclamation Bureau, telling him what I had in the shape of an amendment prepared and asked him if it was true that it was satisfactory to the Reclamation Bureau. He said that it was and that he hoped we would be able to have the item included in this bill. It simply directs the Reclamation Service to give to the Farmers' ditch credit for one-half of the construction.

Mr. SMOOT. If that be the case, we can let it go in.

Mr. WARREN. Mr. President, I should like to say a word on this matter, as it is one in which I am very much interested.

Mr. SMOOT. Very well.

Mr. WARREN. For a great many years water has been provided for that ditch under what was called the Warren law. I disown it, except that I did, on account of a request from the Interior Department, present a bill providing that in the case of farmers' ditches on land which they owned or which they had taken up under claims, when the irrigation project had a surplus it would furnish water at certain figures. So the farmers had no right at all originally to the water of the irrigation system. According to the last information I had, they refused to pay the amount and they were behind to a considerable extent in their payments.

Mr. NORRIS. Let me read to the Senator the summary of facts which I am told are undisputed. If the conferees find that the statements are not correct, of course, they will reject the amendment. I will read the summary, as it is short:

No. 1. The United States—

By the way, I ought to correct what I said a few moments ago. I said then it was a ditch; it was a drain. It was necessary to put in a draining system in order to drain the land under both of these ditches. The Government ditch is here and the private ditch here, and further down is the draining system which drains both of them.

SUMMARY

No. 1. The United States could not successfully have reclaimed interstate division Government lands without the construction, operation, and maintenance of the Nine Mile Drain.

No. 2. The operation and maintenance of this drain by the farmers' irrigation district is under the close supervision and approval of Government representatives and engineers.

No. 3. The Farmers' Irrigation District is not now delinquent in any of its payments to the United States except $2,376.45—

That is, one-half of the cost of the improvement—

withheld as an offset to the payment due by the United States.

No. 4. No money is to be expended by the United States. The charge off is to be made against the Pathfinder irrigation district construction. (See P. I. D. resolution.)

I have that resolution here.

No. 5. Cases of this kind with the necessary offset payment have been allowed by the board of claims, title 28, paragraph 774.

No. 6. The contract of June 16, 1917, is the only contract with the United States in which section 10 is included, and this has been entirely eliminated by the formulating and execution of a new contract between the parties dated July 15, 1927, so that the authority to offset this amount by charging same to the construction fund of the Pathfinder irrigation district by the United States would not in any way complicate matters or establish a precedent.

No. 7. Double penalty, 6 per cent, 10 per cent, and operation and maintenance during delinquency. See letter to Bureau of Reclamation July 12, 1927.

Mr. WARREN. Mr. President——

Mr. NORRIS. If the Senator will permit me for a moment, this has been agreed to by the Government engineers, and it has been agreed to by Doctor Mead and also by the representatives of the Farmers' ditch.

Mr. WARREN. Has the Senator the statement to that effect?

Mr. NORRIS. I have one statement from all of those interested.

Mr. WARREN. I am asking in a friendly spirit, of course——

Mr. NORRIS. I understand that.

Mr. WARREN. But I should like to know why the Senator delayed until this moment in presenting the matter. Why did he not go before the committee?

Mr. NORRIS. I only got the information this morning.

Mr. WARREN. I have no objection to letting the amendment go in, with the understanding that it may be stricken out later if that course should be deemed wise. I want some information about it. There has been trouble there for some years, and I want to have everything right, as I know the Senator does.

Mr. NORRIS. Certainly.

The VICE PRESIDENT. The amendment of the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. At the end of the bill, on page 121, it is proposed to insert the following:

That the Secretary of the Interior be, and he hereby is, authorized and directed to credit the Farmers' Irrigation District with the sum of $2,376.45, as of January 1, 1927, which represents 50 per cent of the expenses incurred by said district in operating and maintaining the Nine Mile Drain from January 1 to June 30, 1926, under contract with said district, dated June 16, 1917, in connection with the North Platte project, Nebraska-Wyoming.

Mr. SMOOT. Mr. President, the proper place to insert the amendment is on page 85, after line 4, because that is the proper heading under which the amendment should come.

Mr. NORRIS. I drew the amendment before I even saw the bill, as a matter of fact. I ask that the amendment be inserted at the place indicated by the Senator from Utah, on page 85, after line 4.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Mr. President, for the information of the conferees I should like to have printed in the RECORD, without reading, the documents to which I have referred.

Mr. SMOOT. Why not give them to me?

Mr. NORRIS. Very well; I will give them to the Senator.

Mr. McKELLAR. Would it not be better to let them go in the RECORD, so that all Senators may read them?

Mr. SMOOT. They are too long for that.

Mr. McKELLAR. Very well.

Mr. BRUCE. Mr. President, I want to say just a word with regard to what has been said by the Senator from Michigan with reference to the census bill. I want to say to the Senator from Washington that there is another reason why I would like to have that bill go over, and that is that I have offered an amendment to it, a very important amendment, bringing many of the census employees within the scope of the Federal classified service. That amendment is now lying on the table.

Mr. JONES. That, of course, will be considered when the bill is up for consideration.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances, which were, on page 2, line 5, after the word "rights," to insert "but not for business purposes"; and on page 3, line 5, after the word "lease," to insert "subject to such approval."

Mr. SACKETT. I move that the Senate concur in the House amendments.

The motion was agreed to.

SUPREME COURT BUILDING

Mr. KEYES. Out of order, I ask unanimous consent to present a report from the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KEYES. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of cost for the construction of a building for the Supreme Court of the United States. I ask unanimous consent for the immediate consideration of the bill. I will say that the bill has been reported unanimously by the committee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. HEFLIN. Mr. President——

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, section 2, line 16, before the word "for," to strike out "authorized" and insert "acquired," so as to make the bill read:

Be it enacted, etc., That there is hereby created a commission to be known as the "United States Supreme Court Building Commission," and to be composed of the Chief Justice of the United States, an associate justice of the United States to be designated by the Supreme Court of the United States, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the Senate, the chairman and the ranking minority member of the Committee on Public Buildings and Grounds of the House of Representatives, and the Architect of the Capitol. Notwithstanding the expiration of a Congress, any Representative who is a member of the commission, if reelected, shall continue to serve thereon until a successor is selected by the House of Representatives. The Architect of the Capitol shall serve as executive officer of the commission and shall perform such services under this act as the commission may direct.

SEC. 2. The commission is authorized to procure, by contract or otherwise, preliminary plans and estimates of costs for the construction, and the furnishing and equipping, of a suitable building (including approaches, connections with the Capitol power plant, and architectural landscape treatment of the grounds), for the accommodation and exclusive use of the Supreme Court of the United States; such building to be erected upon the site heretofore acquired for that purpose, and such building to be so situated, and the exterior thereof to be of such type of architecture and material, as to harmonize with the present buildings of the Capitol group. The amount to be expended in procuring such plans and estimates shall be determined by the commission, but shall be within the limits of appropriations made therefor, and shall be disbursed by the disbursing officer of the Department of the Interior, under the direction of the executive officer of the commission. The commission shall make a report to the Congress on or before March 1, 1929, including a detailed statement of such plans and estimates of costs.

SEC. 3. There is authorized to be appropriated the sum of $10,000, or so much thereof as may be necessary, to carry out the provisions of section 2.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. The question is, Shall the bill pass? Without objection, the bill is passed.

Mr. HEFLIN. Mr. President, I object. I have been trying to get recognition of the Chair in order to say something on the bill.

The PRESIDING OFFICER. The Chair heard no objection before the bill was put upon its passage.

Mr. HEFLIN. I was trying two or three times to get recognition from the Chair while he was putting the question.

The PRESIDING OFFICER. Will the Senator ask unanimous consent that the vote whereby the bill was read the third time and passed may be reconsidered? Is there objection to the reconsideration of the votes?

Mr. NORRIS. Mr. President, so as not to establish a precedent here, I wish to say that the Senator from Alabama was trying to get recognition, and I think, as a matter of right, he is entitled to recognition and not by unanimous consent to be recognized.

The PRESIDING OFFICER. The Chair twice asked was there any objection.

Mr. NORRIS. I am not criticizing the Chair. The Chair did not hear the Senator from Alabama; notwithstanding that he was demanding recognition.

Mr. McKELLAR. There is no doubt about the fact that the Senator from Alabama was asking for recognition.

Mr. BRUCE. Mr. President, I know the Senator from Alabama addressed the Chair.

The PRESIDING OFFICER. Without objection, the votes whereby the bill was read the third time and passed will be reconsidered.

Mr. HEFLIN. Mr. President, I am heartily in favor of constructing a building in which the Chief Justice and Associate Justices of the Supreme Court may have their offices; I think they need offices in which to work, but I do not want to see the Supreme Court moved out of the Capitol. I should like to see the judges continue to sit in the old temple of justice in the Capitol. I think there is so much sentiment attaching to that old court room that the people would like to see the Supreme Court kept there. I do not think Congress ought to go to the expense of erecting a building for a court when we already have such a splendid place in this fine old building. I think the Supreme Court ought to be retained in the Capitol, but I think we ought to have a building for the justices, where they can have their offices and their library and have ample space in which to work. I do not, however, want to see the court itself taken out of the Capitol. I do not see any necessity for it. There is ample room in the Supreme Court room for the trial of all the cases that come before the court and for those who want to attend those trials. They are not overcrowded there. I see no good reason for moving the court and I see many good reasons for keeping it there. I want to ask some Senator familiar with the measure, is it necessary to have the court established at some other place?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I do.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Alabama that there is no room in the Capitol Building for the Supreme Court of the United States. There is not actually sufficient room for their library.

Mr. HEFLIN. I have stated that I desire they shall have offices for that purpose.

Mr. SMOOT. Nearly every justice of the Supreme Court has a library at home. In fact, they have to do much of their work at home. There is no place but a cubby-hole or two here in the Capitol Building for the Supreme Court of the United States. It would be unthinkable to say that all of their work, in consultation and study and the preparation of opinions, shall be done in a separate office building, that they shall have their library in that building, but that they shall hold court in their present little room in the Capitol. I can not think of any necessity that is more pressing upon the Government than providing a proper place for the Supreme Court of the United States. At present there is no adequate place for people who wish to go into the court room. There are but a few seats there. When there is a hearing, no matter how important it may be, no matter how many people wish to hear the arguments, there are merely a few seats. I pass there whenever the court is in session time and time again, week after week, and month after month and year after year, and see people standing outside the door, blocking the hallway, so that we can hardly get through.

The present court room was ample at the time it was first occupied, but there is not a little justice's court anywhere in any of the States that does not have a larger space than we provide for the Supreme Court of the United States in the Capitol Building.

Of course, I did not agree with some of the ideas as to closing Maryland Avenue and buying the next block to the north and spreading the Supreme Court from the Library to B Street; I thought that was perfectly silly; I thought that there was no necessity for it at all, but in view of the size of the lot which has been purchased, and the character of the building designed, I wish to say to the Senator it will be an honor to America when it shall have been erected.

Mr. HEFLIN. Where is the new building to be erected?

Mr. SMOOT. On the block just north of the Library of Congress.

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. As I understand, the construction of a building for the Supreme Court has already been authorized by Congress by regular act.

Mr. SMOOT. It has been authorized.

Mr. McKELLAR. And the property itself has already been condemned.

Mr. SMOOT. It has been condemned.

Mr. McKELLAR. This bill is merely to authorize the commission to go on——

Mr. SMOOT. Not only has it been condemned but it has been paid for.

Mr. McKELLAR. Has it been paid for?

Mr. SMOOT. It has been paid for; so it seems to me the Senator from Alabama is making a mistake now in calling this bill back. It provides an appropriation of $10,000 for the purpose of preparing the plans and specifications and providing for advertising for bids for this building.

Mr. McKELLAR. If the Senator will permit me again, it may be that the Senator from Alabama will come to the same conclusion about this matter that I have come to in reference to the change of the Senate Chamber. Some time ago we authorized by law a change in the Senate Chamber; and although we were about to let a contract the other day, I am not so sure but that the committee, after very careful consideration will refuse to make any change in the Chamber, and I do not think any change ought to be made in the Chamber.

Mr. HEFLIN. Well, I am in favor of having the Senate refuse to make the change.

Mr. McKELLAR. But it has already passed the Senate. The question is whether the committee will let the contract; and I doubt very much whether the committee will let the contract, because apparently there is no necessity for it.

The same air can be obtained in the present Chamber that can be obtained in the new Chamber. The same pure-air service will have to be secured for the new Chamber that is now secured in the House Chamber. The House has already put in its pure-air system; it is working well, and I see no reason for the vast expenditure of money that is involved in the proposed reconstruction of the Senate Chamber.

Mr. BARKLEY. Does the Senator say the House has put in a pure-air system?

Mr. McKELLAR. It has already put in a pure-air system, and I understand that it is working well.

Mr. BARKLEY. I want to go over that way, then.

Mr. SMOOT. Every Member of the House that I have spoken to about it says that the system is almost perfect. The air is washed before ever it goes into the Chamber; it is taken to the top of the Chamber; it is forced down through the Chamber; it escapes out of the exhaust just as soon as it is breathed.

Mr. HEFLIN. The air that we get here should be washed and we should get more of it.

Mr. SMOOT. We will when we get that system put in.

Mr. McKELLAR. I think possibly it is because there is so much hot air used in the Senate Chamber.

Mr. SMOOT. I hope the Senator will not seek to recall the bill.

Mr. HEFLIN. Mr. President, I am not going to hold up the passage of this bill; but I desire to state my opposition to moving the Supreme Court out of the Capitol. I think it ought to be kept here. If it is necessary for the Senate to take any action to recall a portion of the bill that it has enacted, I will support it, and stop the construction of a court building separate and apart from the Capitol.

The tourists of the Nation who come here come over to the Senate and view this body in action; they go by and see the Supreme Court, and then over to the House of Representatives, all in the great Capitol of the Nation. Now you are going to move out the Supreme Court and put it off over here in a building to itself, separate and apart from the Capitol, removing one of the ancient landmarks of the Capitol; and I do not see

any good reason for it. It is going to cost money, and we do not need the space.

The Senator from Utah says that he does not know a justice of the peace who has not more room than the Supreme Court have out yonder. I never have seen a justice of the peace holding court in such palatial quarters as they have there.

Mr. McKELLAR. At all events, the Senate of the United States occupied that chamber for about 50 years.

I want to say to the Senator from Alabama that I do not want him to be misled. If the Senator wants further time to look into the matter he had better object to this bill, because if this bill passes it gives this commission authority to enter into the contract; and so it depends on this bill. If the Senator wants further time to consider the matter, he ought to object to this bill. It will not do for him to make the request hereafter.

Mr. SMOOT. Let me say to the Senator that it is true that people visit the Capitol and go from here over to the House and pass the door of the Supreme Court. It is also true that nearly everyone who comes to Washington as a visitor visits the Congressional Library, one of the most magnificent buildings in the world. Every American is proud that there is such a building. When they go there they will see, across the street, the Supreme Court, a most beautiful building, and they will go in there; and every American's heart will be filled with pride to know that the United States Supreme Court—the greatest body in the world for the administration of law—is housed in a building that will do honor to any country in the world, I do not care what country it is.

I am sure that after that building is erected and completed the Senator from Alabama himself will be just as proud as any other American citizen that it is done.

Mr. HEFLIN. Mr. President, as I said before, I am in hearty agreement with the program to build offices for the Supreme Court justices. I think they ought to have rooms for their libraries, and each one of them ought to have all the space he needs to enable him to carry on his work efficiently and conveniently. Personally, however, I do not think the Supreme Court ought to be moved out of the Capitol. I think money is being expended for that purpose that should be saved by the Government; but I do not seem to have any support from the other Senators on the matter of rescinding action so far as the construction of a building for the court outside the Capitol is concerned, and therefore I will not interpose any objection.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on the passage of the bill.

The bill was passed.

ORLA W. ROBINSON

Mr. BARKLEY. I ask unanimous consent for the present consideration of a bill on the calendar, H. R. 7324, for the relief of Orla W. Robinson.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Orla W. Robinson, who was a member of Company L, Third Regiment United States Artillery, which later became the Thirty-third Company, Coast Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal of that organization on the 9th day of May, 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. McKELLAR. Mr. President, will the Senator make a statement about the bill?

Mr. BARKLEY. Mr. President, this is a bill to correct the military record of Orla W. Robinson. Mr. Robinson enlisted in the Spanish-American War and served through an entire enlistment. Later he enlisted again in the Army and served for over two years. While on guard one night at an Army supply station some small articles of property were stolen, and he was charged with the theft of these articles. Rather than, as they say in the Army, "squeal" on somebody else he simply accepted punishment, which was meted out to him in the form of a dishonorable discharge. He was not imprisoned or punished in any way, except that he was given a dishonorable discharge. Later on he enlisted in the Marine Corps and served four years in the Marine Corps with distinction and honor, and was given an honorable discharge.

Mr. Robinson is a citizen of the highest integrity and one of the best citizens of the community. He is a Methodist preacher, and his record, I think, according to the statements I have received and the information I have, ought to be corrected. It is simply a case where he suffered punishment rather than tell on somebody else.

The House Committee on Military Affairs investigated the matter and reported the bill unanimously, the House passed it in the same way, and the Senate committee has reported it here. I think the bill ought to be passed, and I should like to have it passed before Christmas.

Mr. KING. I suppose the primary purpose is to get a pension for this man?

Mr. BARKLEY. No, sir; it is not. It is simply to correct his record.

Mr. KING. That will be one of the results, however.

Mr. BARKLEY. I do not think so. Of course, I can not guarantee that; but that is not the object of the bill. This man does not need a pension. He does not intend to ask for one, but he simply does not want dishonor to remain against his record.

Mr. BRUCE. Mr. President, may I ask the Senator whether there was any special reason why this soldier should sacrifice himself for the sake of another soldier?

Mr. BARKLEY. No; I do not know of any. The Senator is familiar with the fact that frequently in the Army and in college life there is a spirit of that sort which impels men to keep silent rather than to tell the truth on others.

Mr. BRUCE. Does any such disposition exist to such an extent that a man will permit himself to be set down as a thief when he is not guilty of the theft at all, and some one else is?

Mr. BARKLEY. I am not sure that that feeling would go to that extent in most cases; but it seems to have been the motive in this case.

Mr. BRUCE. I ask just as a matter of curiosity.

Mr. BARKLEY. There was no special reason.

Mr. BRUCE. All the Senator states is that this soldier was charged with a theft, and that rather than let a person who was really guilty suffer the just measure of punishment, he, without having any special motive at all for his generous altruism, arising out of relationship or the like, allowed himself to be placed in the category of a thief. That sounds to me rather improbable.

Mr. BARKLEY. The testimony of his comrades, in the form of affidavits which were filed with the committee in the House, and the report of the House committee on this measure show that he is just the type of man who would do that.

Mr. HEFLIN. Mr. President, will the Senator from Kentucky use his good offices to get this preacher to write fully to our friend from Maryland?

Mr. BRUCE. No; it may not be necessary. I want to know the nature of the affidavits. I believe the pension roll should be a roll of honor; and because of that conviction I paid quite a penalty here a year ago, when I was made the subject of the grossest misrepresentations and of mendacious slanders because I insisted that a soldier who had been court-martialed for a theft and had been imprisoned for some nine months and dishonorably discharged from the Army should not be placed on the pension roll along with honorable pensioners.

Mr. BARKLEY. I will say to the Senator that this verdict carried with it no punishment. There was no punishment inflicted; and that in itself shows that there must have been doubt of his guilt in the minds of the members of the court-martial. He was simply dishonorably discharged.

Mr. BRUCE. What was the article that was stolen?

Mr. BARKLEY. Oh, just a few trivial articles from the supply station; and he happened to be on guard at the time they were taken. This bill is not offered for the purpose of obtaining any pension. The man is an honorable man. He is a man of integrity. He stands well. He simply desires to have his record corrected.

Mr. BRUCE. Yes, I know; and I suppose he feels that he gave proper evidence of repentance by becoming a Methodist minister afterwards. What I want to find out is the nature of these affidavits which were deemed by the committee to be sufficiently exculpatory in character to justify placing this man on the pension roll.

Mr. BARKLEY. The Senator seems to emphasize the pension feature of the bill. I will say to him again that while probably incidentally the man might have the right to apply for a pension, that is not the object of this bill. It would only follow incidentally.

Mr. BRUCE. Well, I know; but my observation has been that when the record of a soldier is corrected under these circumstances and he is reinstated an application for pension follows as a matter of course.

Mr. BARKLEY. Not necessarily; and even if it did in this case he could be paid nothing prior to the date of the passage of the bill.

Mr. BRUCE. I want to vote for the Senator's bill, but I want him to let me know what there was in those affidavits that tended to create a just impression that this man in point of fact had not been guilty of theft at all but had deliberately

sacrificed himself from generous motives for the sake of somebody else.

Mr. BARKLEY. The affidavits of two of his comrades are very positive that he obtained nothing; that he obtained no property whatever; that he happened to be in a position of responsibility on the occasion when the articles were taken, and that he refused to exculpate himself simply in order not to inform on his comrades.

Mr. BRUCE. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent for the immediate consideration of House bill 7324. Is there objection?

Mr. BLEASE. Mr. President, I am not going to object to the consideration of the bill, but I voted against the bill in committee, and I want to state why; that is all. I am not against the bill at all. I simply voted against it in the committee, and I think it is proper for me to make my statement here.

This man, it seems, was convicted of a theft many, many years ago. The other man is now dead, and it looks a little bit hard to take the stain off of the living man, because he has some witnesses living who swear that it was not he who was guilty, and switch the responsibility and the disgrace over to the children of the dead man.

Mr. BARKLEY. I will say to the Senator that since this matter was up the other day I have ascertained that the man who is, by implication, referred to in these affidavits, is still living.

Mr. BLEASE. Then it looks to me as if he ought to be given a chance to present his side of the case. That is the only objection I have, and that is why I voted against the bill in the committee; by myself, however. I have made no minority report. It looks hard to me to switch the disgrace off one man to another man after about 30 years.

Mr. KING. Without giving him a chance.

Mr. BLEASE. Yes. I do not object to the bill, but I wanted to be clear.

Mr. BARKLEY. The affidavits merely mention another man inferentially; they do not make him out guilty of a crime. They merely mention him as being in a position of responsibility at the same time, but they make no effort whatever to shift the burden of this offense from the man who is relieved by this bill onto the shoulders of the sergeant, or anybody else. They merely mention him incidentally, inferentially, in their affidavits.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. Yes.

Mr. REED of Pennsylvania. In the meeting of the committee the impression was given to the committee that evidence of this other man was unavailable because of his death.

Mr. BARKLEY. I did not seek to create that impression.

Mr. REED of Pennsylvania. I do not mean that the Senator from Kentucky intentionally misled the committee, or that anybody else did; but that was the belief the committee had, and it seems to me that if the man is now discovered to be living, in fairness to the committee, it ought to have some affidavit from him.

Mr. BARKLEY. I do not know where he is. I got this information from the Member of the House who introduced the bill there, that the man is not dead, and the reason I went to the trouble to ask about it was that the Senator from South Carolina seemed to think that the mere fact that he was mentioned in the other affidavits created the presumption that he was dead, and that now that he was dead an effort was being made to shift the responsibility onto him. That is not the case at all.

Mr. REED of Pennsylvania. I do not know about the other members of the committee, but I had the impression that evidence from him was unobtainable because of his death.

Mr. BARKLEY. That was an unfortunate impression, and there was no intention to create such an impression. I do not know whether his evidence would be available or not, but in view of the whole circumstances, the character of this man, his record, his enlistment, and service for four full years, when the sergeant who took his enlistment knew all about these circumstances, and knew about this charge, and in view of his honorable discharge from the Marine Corps after four years' service, with the commendation of the Marine Corps, certainly these facts ought to wipe out any suspicion that might exist that this man is trying now to take advantage of somebody else in order to get his record corrected.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIFTEENTH DECENNIAL CENSUS

Mr. JONES. Mr. President, I desire to call up House bill 393, an act to provide for the fifteenth and subsequent decennial censuses. I take this action because the junior Senator from Michigan [Mr. VANDENBERG] has to leave the city to-morrow, and I know he is going to object to the consideration of the bill, and desires to make probably a 5-minute statement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. VANDENBERG. Mr. President, reserving the right to object, I desire to make a statement to the chairman of the Committee on Commerce, in charge of this census bill, in the hope that it will appeal to his sense of constitutional fidelity and result in a postponement of the consideration of this matter.

This is the proposition to seek to present: A census bill, under the Constitution, has but one function; it has had but one function ever since the Constitution was written, and if anybody doubts this plain mandate in the instrument itself he merely has to consult Mr. Randolph's language as he proposed the census provision in the Constitutional Convention of 1787. He said its purpose was "to redress inequalities in representation."

In other words, the Constitution, directly, by its own unmistakably mandatory language, and by the purport and aim of its authors, gives a census just this one constitutional function, namely, provide a basis for the reapportionment of the House of Representatives.

Mr. President, in the face of the fact that the 1920 census has not yet been validated under the Constitution in this fundamental constitutional function, I submit to the judgment of the Senate and my distinguished friend, the senior Senator from Washington, that it would be a travesty on good faith, a travesty on congressional consistency, and a travesty upon constitutional integrity, for us to pass still another census bill, except as we make sure, in the same connection and at the same time, that this constitutional function shall not be continuingly emasculated. There has been no reapportionment since August 8, 1911. This lapse is a gross contempt of the Constitution and a violent trespass upon the right of representation. It must not continue. I propose to submit that we should take our stand upon this 1930 census bill.

From 1790 to 1910, from the First to the Thirteenth Censuses, Congress never permitted more than two years to elapse between the counting of the people and the use of that basic constitutional arithmetic for the reapportionment of the House of Representatives. As a result of eight years of failure, however, to sustain this rule since the census of 1920 was completed, many great constituencies have been victimized. My own State of Michigan, for example, has over 2,000,000 people in three of our congressional districts, and many other States are similarly victimized. The electoral college is victimized, because it is exposed to the hazard of a legal question as to its constitutional sufficiency, in case of a close election. But the main challenge is that the Constitution itself is victimized, and in the very House of those who are foresworn to its special and particular defense.

This is the thought I submit to the Senator from Washington: The Senate, unfortunately, holds a primary responsibility for the situation in which we find ourselves, because the House of Representatives did validate the census of 1920. It did pass a reapportionment measure on January 19, 1921. The bill did come to this body. It was sent to a committee of the Senate, but from that committee it never came back alive. Therefore the Senate particularly is challenged by these eight years of constitutional lapse. It is challenged to take up its tragically interrupted defense of our constitutional institutions.

Therefore I am suggesting that unless a reapportionment measure comes into this Chamber from the honorable gentlemen who compose the other body of our parliament within the next few weeks, I propose to attach to this 1930 census bill a reapportionment measure as an amendment. There is ample precedent for such a course. Precisely, this thing was done in 1850 under the so-called Vinton amendments. This process brought the census and reapportionment together in the law. They are together in the Constitution. They have been together in 120 years of congressional precedent and practice—up to 1910. They have got to resume this sacred relationship. The Senate can not escape its share of responsibility to this end because we are constitutional partners with the House in the maintenance of this fundament.

Therefore I am asking the chairman of the committee to withdraw his request for the present consideration of this census bill for the present, and to withhold it until we can be sure what

steps must be taken here by way of reapportionment which shall protect our constitutional responsibility for an honest validation of the census law under the Constitution. Mr. President, we must validate our oaths.

I would like to ask my generous and considerate friend from Washington if he does not concur in my point of view.

Mr. JONES. Mr. President, I desire to say to the Senator that I think I am in full accord with his suggestion, and sympathize with the attitude he takes. I do think this, that while it is true that the Senate failed to act on this legislation a good many years ago, it has in fact had no opportunity to act since that time, because it is generally understood that another body of the Congress is essentially interested in these apportionment bills, and while I can see no excuse for the Senate not acting when the other body did act several years ago, yet neither House, in my judgment, is without blame for not acting during the last six or seven years. There has been full opportunity to comply with the plain and express mandate of the Constitution. I can see no excuse for either House of Congress for failure to do that, and I hope that before this session of Congress shall expire, the delayed action will be taken, and that we will not be in the position hereafter of neglecting the plain mandate of the Constitution in this regard.

I had hoped that the Senator would not object to the consideration of this bill, but I appreciate his position, and I appreciate his purpose in rising and making the remarks he has made. I can make no complaint at his suggestion that this measure should go over until at least after the holidays. So I withdraw my request for the consideration of the bill at this time.

PROMOTIONS IN THE AIR CORPS

Mr. BINGHAM. Mr. President, yesterday a bill granting a separate promotion list to the Air Corps, which has been referred to at various times in the conventions of the American Legion and in the meetings of the National Aeronautical Association as the Furlow bill, which came over from the House in the shape of an amendment to another bill, with other amendments, instead of being sent to conference was referred to the Committee on Military Affairs. The same bill passed the House of Representatives on the 7th of last May, came over to the Senate, was referred to the Committee on Military Affairs, and was amended and is now on the calendar as Order of Business 1138.

In view of the fact that we have already sent one form of this bill back to the Committee on Military Affairs for consideration, it seems only fair that the original bill, known as the Furlow bill, should be sent back to that committee also, and I ask unanimous consent that House bill 12814, to increase the efficiency of the Air Corps, be rereferred to the Committee on Military Affairs.

Mr. McKELLAR. Mr. President——

Mr. REED of Pennsylvania. I object.

The PRESIDING OFFICER (Mr. McNARY in the chair). Objection is made.

Mr. McKELLAR. I was just going to say that the junior Senator from Alabama [Mr. BLACK] is greatly interested in this matter, and in his absence I would hope that it might go over.

The PRESIDING OFFICER. Objection has been made, and the bill will go over.

CONSTRUCTION AT WEST POINT

Mr. REED of Pennsylvania. Mr. President, in order that certain Budget estimates may be prepared and transmitted in sufficient time to go into the second deficiency bill, the War Department is anxious to obtain action on a House bill making authorizations for certain very necessary quarters at West Point, quarters for noncommissioned officers and officers of the teaching faculty, who are now on rental status, at a place far from West Point, where they have to get allowances and all that to enable them to live, and where they are only able to live with great discomfort, and with much difficulty in the winter in getting to West Point.

The authorization bill is Order of Business 1379. As Senators will see, the total authorization is $672,000. It will take care of a very large number of officers and noncommissioned officers who at present are without quarters in the reservation. I ask unanimous consent for the present consideration of the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.

Mr. McKELLAR. Mr. President——

Mr. REED of Pennsylvania. It was unanimously reported.

Mr. McKELLAR. I was just going to ask the Senator whether the report was unanimous.

Mr. REED of Pennsylvania. The committee was unanimous in its report.

Mr. KING. Mr. President, if the Senator from Pennsylvania will give me his attention for a moment, my recollection is that at the last session a very large appropriation was made for buildings at West Point; and at the session preceding that, and at the session preceding that, we made very large appropriations, amounting to millions of dollars, for West Point during the past five or six years. While what I am about to say now would not particularly refer to this, we have in addition made general appropriations for buildings under the direction of the Army. I was wondering, with all these appropriations, rather lavish and rather generous, why it is necessary.

Mr. REED of Pennsylvania. The Senator is right. Congress has been liberal to West Point in the matter of the erection of additional barracks and accommodations, and additional buildings for mess hall and class rooms. But this is an authorization that takes care, not of the students or cadets there, but of some of the teaching staff and some of the noncommissioned officers who get no benefit whatever from the appropriations heretofore made.

Conditions there, if the Senator were to see them, would be described by him as shocking. There are noncommissioned officers in frame buildings built away back almost to the time of the Civil War, where the married noncoms and their families are herded together in a way that is really disgraceful, where several families with grown children have to use one common bathroom. More than 20 people were found belonging to different families using the same bathroom and toilet. The only place the women of those families can cook the meals for the families is in the cellar, and it is not easy for a family living on the third floor of a fire trap like that to use a kitchen in a dark cellar room. I was up there three weeks ago and went through the quarters which it is proposed to replace under the bill. The Senator from South Dakota [Mr. McMASTER] was with me. Both of us were shocked at the conditions we found there.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Surely.

Mr. NORRIS. It may be it has been answered, because I was called out of the Chamber and just returned. I understand, and it seems to be conceded, that Congress has been very liberal with West Point with appropriations heretofore in the general appropriation bills. Why is it that the money we have appropriated heretofore has been expended exclusively for officers' quarters?

Mr. REED of Pennsylvania. Oh, it has not been. It has been expended, as the appropriation bills required, for the construction of a new mess hall, a new classroom, and additional barracks, made necessary for cadet quarters because of the increase in the number of cadets.

Mr. NORRIS. What particular class of people connected with the Government are going to be provided for by this item?

Mr. REED of Pennsylvania. These are the noncommissioned officers of the enlisted troops that are stationed there to help in the teaching of these young men as cadets. Most of the beneficiaries of this program will be the enlisted men, the married noncommissioned officers. They are not cadets. None of the cadets is married. These are the regular enlisted men stationed there as a part of the program for the training of the cadets.

Mr. NORRIS. Let me ask the Senator another question. Will the additional appropriation interfere with the President's economy program?

Mr. REED of Pennsylvania. I am inclined to think the President's program is sufficiently flexible to stand it.

Mr. McKELLAR. That is a mythical term, anyway.

Mr. NORRIS. Oh, is it mythical?

Mr. McKELLAR. Oh, yes.

Mr. NORRIS. I do not want to be led into the predicament of putting our country, as the President's message described, in a digraceful financial position by having a deficit.

Mr. McKELLAR. I do not think the Senator need have any trouble about that. May I ask the Senator from Pennsylvania a question?

Mr. REED of Pennsylvania. Certainly.

Mr. McKELLAR. I see there is a statement made by the Secretary of War that the sum stated for officers' quarters is to provide an apartment suitable for 36 married officers as recommended by the 1927 board of officers. Does he refer to the noncommissioned officers?

Mr. REED of Pennsylvania. No; that has reference to the commissioned officers.

Mr. McKELLAR. The Senator said a moment ago these buildings were to be built for noncommissioned officers and I was wondering whether the 36 were really noncommissioned officers. I imagine they are Regular Army officers stationed there now and who at this time have inadequate quarters.

Mr. REED of Pennsylvania. That is true with reference to the first item. They are commissioned officers. The second item is for noncommissioned officers of the group I have described.

Mr. McKELLAR. I agree with the Senator from Pennsylvania. I think the buildings ought to be constructed.

Mr. JONES. Mr. President, may I ask the Senator from Pennsylvania how much of this money goes for the use of noncommissioned officers?

Mr. REED of Pennsylvania. As we have provided it, $507,000 goes for quarters for the 36 married commissioned officers and their families.

Mr. JONES. Does not the Senator think that is pretty high for 36 families?

Mr. REED of Pennsylvania. Oh, no; I do not. Fifteen thousand dollars for a house for an officer with a family is not too much.

Mr. JONES. These are not very high-class officers, I take it?

Mr. REED of Pennsylvania. Oh, I beg the Senator's pardon.

Mr. McKELLAR. They are regular officers of the Regular Army.

Mr. JONES. Regular commissioned officers?

Mr. REED of Pennsylvania. Yes; and in addition to that we have increased the appropriation for noncommissioned officers' quarters to $165,000, which will provide 25 sets to take care of the noncommissioned officers who at present are living in the fire traps I have described. Then I might say, to complete the explanation, that we have cut out an item which the House put in for a veterinary hospital, because the old one seemed to us on examination to be quite sufficient.

Mr. NORRIS. We have reached the stage now where instead of a veterinary hospital we had better put in a garage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill H. R. 11469, as requested by the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., which had been reported from the Committee on Military Affairs with amendments.

The amendments of the Committee on Military Affairs were, on page 1, line 4, to strike out "$609,000" and insert "$672,000"; same page, line 8, strike out "$384,000" and insert "$507,000"; same page, line 9, strike out "$150,000" and insert "$165,000"; same page, lines 9 and 10, and page 2, line 1, to strike out the words "for veterinary hospital, $25,000; for alterations to the West Academic Building, $50,000," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $672,000 to be expended for the construction and installation at the United States Military Academy, West Point, N. Y., of such buildings, utilities, and appurtenances as may be necessary, as follows: For officers' quarters, $507,000; for noncommissioned officers' quarters, $165,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to consider executive business. After 25 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 21, 1928, at 12 o'clock meridian.

CONCILIATION WITH ALBANIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Albania, signed at Washington on October 22, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Albania, signed at Washington October 22, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of the Albanians, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Albanians:

Mr. Faïk Konitza, Envoy Extraordinary and Minister Plenipotentiary of Albania in the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Albania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Albania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Albanian languages, the English text to have authority in case of conflict between the two texts, and hereunto affixed their seals.

Done at Washington the twenty-second day of October, in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
FAÏK KONITZA [SEAL]

CONCILIATION WITH CZECHOSLOVAKIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view of its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Czechoslovak Republic, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Czechoslovak Republic:

Mr. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Czechoslovakia, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate, one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Czechoslovakia in accordance with its constitutional laws.

The ratifications shall be exchanged at Prague as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Czechoslovak languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
ZD. FIEBLINGER [SEAL]

CONCILIATION WITH POLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Poland, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Poland, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Poland, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America

Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Poland

Mr. Jan Ciechanowski, Envoy Extraordinary and Minister Plenipotentiary of Poland to the United States;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Poland, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: one member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country;

the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement.

The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the Republic of Poland in accordance with Polish constitutional law.

The ratifications shall be exchanged at Warsaw as soon as possible, and the treaty shall take effect on the thirtieth day after the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, each in the English and Polish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 16th day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
JAN CIECHANOWSKI. [SEAL.]

CONCILIATION WITH LITHUANIA

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Lithuania, signed at Washington on November 14, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Lithuania, signed at Washington on November 14, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Lithuania

Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Lithuania:

Mr. Bronius K. Balutis, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Lithuania at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Lithuania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Lithuania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the fourteenth day of November in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
B. K. BALUTIS [SEAL]

CONCILIATION WITH FINLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Finland, signed at Washington on June 7, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with the view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Finland, signed at Washington on June 7, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Finland, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America,

Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Finland,

Mr. L. Aström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Finland, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Finland in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Washington the seventh day of June in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL] FRANK B. KELLOGG
[SEAL] L. ASTRÖM

CONCILIATION WITH AUSTRIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Austria, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Austria, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the Federal President of the Republic of Austria, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The Federal President of the Republic of Austria, Mr. Edgar L. G. Prochnik, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Austria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and the High Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Austria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG
EDGAR PROCHNIK

NOMINATIONS

Executive nominations received by the Senate December 20, 1928

APPOINTMENT IN THE REGULAR ARMY

To be chaplain

Rev. Walter Hilary Paschal, of South Dakota, to be chaplain with the rank of first lieutenant, with rank from December 14, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

First Lieut. Charles Speir Lawrence, Infantry (detailed in Quartermaster Corps), with rank from October 26, 1924.

SIGNAL CORPS

First Lieut. Donald Campbell Kemp, Cavalry (detailed in Signal Corps), with rank from July 1, 1920.

AIR CORPS

Second Lieut. Walter Sylvester Lee, Infantry (detailed in Air Corps), with rank from June 30, 1926.

Second Lieut. Julius Theodore Flock, Signal Corps (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Bernard Cecil Rose, Infantry (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Robert Lewis Easton, Infantry (detailed in Air Corps), with rank from June 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Gustave Rudolph Lukesh, Corps of Engineers, from December 13, 1928.

To be lieutenant colonels

Maj. John Charles French, Infantry, from December 13, 1928.

Maj. John Walter Downer, Field Artillery, from December 15, 1928.

To be majors

Capt. Robert Chauncey Macon, Infantry, from December 13, 1928.

Capt. Oron Allston Palmer, Cavalry, from December 15, 1928.

Capt. Stanley Bacon, Field Artillery, from December 17, 1928.

To be captains

First Lieut. William Seymour Gravely, Air Corps, from December 13, 1928.

First Lieut. Harlan Ware Holden, Air Corps, from December 13, 1928.

First Lieut. John Francis Somers, Infantry, from December 13, 1928.

First Lieut. LeRoy Moore Wightman, Cavalry, from December 13, 1928.

First Lieut. Harry Ruhl Lebkicher, Chemical Warfare Service, from December 15, 1928.

First Lieut. Ernest Stratton Barker, Infantry, from December 17, 1928.

To be first lieutenants

Second Lieut. Felix Nicholson Parsons, Coast Artillery Corps, from November 8, 1928.

Second Lieut. Ben Early Cordell, Coast Artillery Corps, from November 9, 1928.

Second Lieut. Dalies Joshua Oyster, Field Artillery, from November 10, 1928.

Second Lieut. George Phillips Privett, Field Artillery, from November 13, 1928.

Second Lieut. Richard Howell Dean, Air Corps, from November 13, 1928.

Second Lieut. Carl Adam Kugel, Infantry, from November 16, 1928.

Second Lieut. William Lindsay McPherson, Coast Artillery Corps, from November 17, 1928.

Second Lieut. William Vincent Gray, Infantry, from November 18, 1928.

Second Lieut. Rowland Kieburtz, Air Corps, from November 18, 1928.

Second Lieut. Daniel Peter Norman, Infantry, from November 19, 1928.

Second Lieut. John Mitchell England, Coast Artillery Corps, from November 20, 1928.

Second Lieut. Floyd Cornelius Devenbeck, Ordnance Department, from November 21, 1928.

Second Lieut. William Black Forse, Infantry, from November 22, 1928.

Second Lieut. William Brown Short, Coast Artillery Corps, from November 23, 1928.

Second Lieut. John Wallace Homewood, Infantry, from November 24, 1928.

Second Lieut. James Vestie Collier, Field Artillery, from November 25, 1928.

Second Lieut. Edwin Kennedy Wright, Infantry, from November 26, 1928.

Second Lieut. Clint Leroy Taylor, Field Artillery, from November 26, 1928.

Second Lieut. Richard Herbert Torovsky, Infantry, from November 27, 1928.

POSTMASTERS

CALIFORNIA

Francis S. Wagner to be postmaster at Alta Loma, Calif. Office became presidential July 1, 1928.

Harry L. Todd to be postmaster at San Francisco, Calif., in place of J. E. Power, resigned.

FLORIDA

Marion C. Douglas to be postmaster at De Land, Fla., in place of M. C. Douglas. Incumbent's commission expired December 20, 1928.

GEORGIA

Anna C. Williams to be postmaster at Lumpkin, Ga., in place of A. C. Williams. Incumbent's commission expired December 10, 1928.

ILLINOIS

George W. Fritz to be postmaster at Durand, Ill., in place of G. W. Fritz. Incumbent's commission expired April 22, 1928.

Henry W. Mathis to be postmaster at Morton, Ill., in place of H. W. Mathis. Incumbent's commission expires January 3, 1929.

Russell L. Gibson to be postmaster at South Holland, Ill., in place of R. A. Gouwens, resigned.

Lou R. Carmichael to be postmaster at Stillman Valley, Ill., in place of L. R. Carmichael. Incumbent's commission expires January 3, 1929.

INDIANA

Fred Youkey to be postmaster at Thorntown, Ind., in place of Nathan Riley, resigned.

IOWA

Dorothy E. Parden to be postmaster at George, Iowa, in place of D. E. Parden. Incumbent's commission expires January 3, 1929.

KANSAS

Herbert H. Blidden to be postmaster at Osborne, Kans., in place of C. W. Weeks, deceased.

LOUISIANA

Milton E. Kidd to be postmaster at Choudrant, La., in place of M. E. Kidd. Incumbent's commission expired December 13, 1928.

MINNESOTA

Ernest A. Schilling to be postmaster at Cottonwood, Minn., in place of E. A. Schilling. Incumbent's commission expired June 5, 1928.

Raymond P. Erickson to be postmaster at Franklin, Minn., in place of R. P. Erickson. Incumbent's commission expired June 5, 1928.

Joseph L. Scalise, to be postmaster at Marble, Minn., in place of M. A. Dickens. Incumbent's commission expired March 18, 1926.

Norman L. Swanson to be postmaster at Moose Lake, Minn., in place of N. L. Swanson. Incumbent's commission expired June 5, 1928.

Kenneth Cobb to be postmaster at Norcross, Minn. Office became presidential July 1, 1928.

Ora D. Thompson to be postmaster at Porter, Minn., in place of O. D. Thompson. Incumbent's commission expired April 15, 1928.

NEBRASKA

Earl J. Hughes to be postmaster at Concord, Nebr., in place of E. J. Hughes. Incumbent's commission expired December 11, 1928.

J. Lyndon Thornton to be postmaster at Fairbury, Nebr., in place of J. L. Thornton. Incumbent's commission expired December 19, 1928.

Carl G. Fricke to be postmaster at Nelson, Nebr., in place of Robert Greenwood. Incumbent's commission expired January 22, 1928.

Henry D. Grady to be postmaster at O'Neill, Nebr., in place of H. D. Grady. Incumbent's commission expired December 11, 1928.

NEW JERSEY

Stephen T. Garrison to be postmaster at Port Norris, N. J., in place of S. T. Garrison. Incumbent's commission expires January 3, 1929.

NEW YORK

Robert E. Brown to be postmaster at Almond, N. Y., in place of R. E. Brown. Incumbent's commission expires January 2, 1929.

Anna M. Ball to be postmaster at Berkshire, N. Y., in place of A. M. Ball. Incumbent's commission expires January 2, 1929.

William E. Seaman to be postmaster at Glenwood Landing, N. Y. Office made presidential July 1, 1928.

NORTH CAROLINA

John H. Freshwater to be postmaster at Haw River, N. C., in place of N. E. Bullard, resigned.

OHIO

Ida S. Reinheimer to be postmaster at Kelleys Island, Ohio, in place of F. J. Reinheimer, deceased.

OKLAHOMA

William Carson to be postmaster at Lone Wolf, Okla., in place of William Carson. Incumbent's commission expired December 12, 1928.

PENNSYLVANIA

John D. Titman to be postmaster at Montrose, Pa., in place of A. L. Titman, deceased.

Herbert O. Hornbake to be postmaster at South Brownsville, Pa., in place of H. O. Hornbake. Incumbent's commission expired December 19, 1928.

SOUTH DAKOTA

John Harms to be postmaster at Bonesteel, S. Dak., in place of N. D. Law, resigned.

Earl F. Vandenburg to be postmaster at Conde, S. Dak., in place of E. F. Vandenburg. Incumbent's commission expires January 2, 1929.

Norman Lockwood to be postmaster at Doland, S. Dak., in place of Norman Lockwood. Incumbent's commission expires January 2, 1929.

TEXAS

Robert J. King to be postmaster at Clarksville, Tex., in place of J. L. Reed, resigned.

Brice C. Howard to be postmaster at Damon, Tex., in place of O. M. Neighbor, resigned.

Kelley McLean to be postmaster at Melvin, Tex., in place of M. O. Brice, resigned.

William M. Casey to be postmaster at Monahans, Tex. Office became presidential April 1, 1928.

Imogen H. Garvin to be postmaster at Navasota, Tex., in place of J. W. Garvin, resigned.

WEST VIRGINIA

Lewis E. Winston to be postmaster at Ethel, W. Va., in place of L. E. Winston. Incumbent's commission expires January 2, 1929.

Oral C. Hathaway to be postmaster at Grantsville, W. Va., in place of Tell McDonald, resigned.

Charles B. Goodwin to be postmaster at Weston, W. Va., in place of Earle Reger. Incumbent's commission expired December 16, 1928.

WISCONSIN

Murlat B. Abdoo to be postmaster at Highland, Wis., in place of E. M. Dolan, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 1928

POSTMASTERS

ARIZONA

Robert W. Wingfield, Camp Verde.

CALIFORNIA

Francis S. Wagner, Alta Loma.
Harry L. Todd, San Francisco.

COLORADO

James S. Bradbury, Silt.

FLORIDA

Marion C. Douglas, De Land.

GEORGIA

John W. Moore, Crawford.
Walter L. Turner, Lagrange.
Johnnie B. Roddenbery, Thomasville.
Anna C. Williams, Lumpkin.

ILLINOIS

Bessie B. Williams, Akin.
Herman H. Schultz, Bartlett.
Herman Meyer, Bellewood.
Florence R. Edwards, Buffalo.
Rufus D. Denton, Carthage.
Mary H. Hrdlicka, Cary.
Walter K. Lepp, Collinsville.
Harry V. Popejoy, Cropsey.
Laurence E. Brookfelt, Dolton.
John H. Stolle, Evansville.
Edward W. Draper, Evergreen Park.
Mary Slocum, Franklin Park.
David A. Howard, Glasford.
Frederick Rugen, Glenview.
Charles Jackson, Joy.
Jean T. Johnson, Kewanee.
Homer W. Witter, Kingston.
Rex C. Bliss, La Fayette.
George A. Bowen, Lake Bluff.
Anna B. Dorsey, Lovejoy.
Elizabeth Johnston, McNabb.
Louis W. Richter, Melrose Park.
Leah M. LeMarr, Modesto.
George E. Carlson, Moline.
Harry C. Smith, New Windsor.
William E. Kitch, Niantic.
Walter W. Schultz, Oakglen.
Alice Murray, Oneida.
John F. Schmadeke, Orland Park.
Lloyd Ritzenthaler, Prairie View.
Chester O. Burgess, Sigel.
Cora I. Kemnetz, Strawn.
Roscoe A. Lance, Table Grove.
Clayton G. Blanchard, Tamaroa.
Clarence S. Viall, Thornton.
John Hudson, Valier.
Fred Frazier, Viola.
Oscar B. Park, Wapella.
Vera M. Carlson, Woodhull.
George W. Fritz, Durand.
Henry W. Mathis, Morton.
Russell L. Gibson, South Holland.
Lou R. Carmichael, Stillman Valley.

INDIANA

Fred Youkey, Thorntown.

IOWA

Samuel W. Campbell, Anthon.
Verne T. Herrick, Bridgewater.
John T. Bargenholt, Orient.
Clarence D. Bourke, Primghar.
Arthur O. Reinhardt, Van Horne.
Bruce R. Mills, Woodbine.
Elizabeth Summers, Fort Atkinson.
Ludwig C. Pedersen, Kimballton.

Elmer F. Walter, Manly.
Estella Griffin, McIntire.
Dorothy E. Parden, George.

KANSAS

Herbert H. Glidden, Osborne.

KENTUCKY

Stanley Byers, Horse Branch.
Jennie S. May, Stone.

LOUISIANA

Milton E. Kidd, Choudrant.

MASSACHUSETTS

Edmund Daly, Hingham.
Fred A. Tower, Concord.
Lester G. Lathrop, Orange.
John P. McKay, Wellfleet.

MINNESOTA

Anna C. Dallaire, Ah-gwah-ching.
Fred E. Logelin, Belleplaine.
John V. Barstow, Brownsdale.
Isaac R. Lamppa, jr., Embarrass.
Nelson S. Erb, Faribault.
Carl A. Qvale, Farmington.
Edward C. Ellertson, Gully.
John L. Christianson, Harmony.
Alfred L. Mallery, Lakeville.
Emil C. Ernst, Lester Prairie.
Carl A. Ecklund, Marine on St. Croix.
James H. Pelham, Menahga.
Peter W. Gorrie, Morristown.
Walter E. Johnson, New Richland.
Ernest E. Meyer, Norwood.
Laura Z. Cairns, Rice.
Emil Rasmussen, Sleepy Eye.
Albert W. Knaak, Waterville.
Carrie B. Quinn, Wells.
Albert A. Peterson, Blooming Prairie.
Julius Severson, Clitherall.
Omer C. Heys, Glyndon.
Harry U. Boe, Hayfield.
Alice Gillespie, Kilkenny.
Frederick S. Purdy, Russell.
Nellie A. Everett, Scandia.
Sadie A. Lane, Sherburn.
Halvor Robberstad, Warroad.
Ernest A. Schilling, Cottonwood.
Raymond P. Erickson, Franklin.
Joseph L. Scalise, Marble.
Norman L. Swanson, Moose Lake.
Kenneth Cobb, Norcross.
Ora D. Thompson, Porter.

MISSOURI

Henry L. Windler, Barnett.
Joe W. Ralston, Clarksburg.
Hobart Lewis, Downing.
Stephen C. Accola, La Grange.
John F. Burrell, Mountain View.
Albert L. Brady, Oran.
Lizzie A. Rademaker, Parma.

MONTANA

J. Clarence Manix, Augusta.
Charles E. June, Forsyth.

NEBRASKA

Arthur F. Jarman, Ashland.
Arnold J. Fiala, Brainard.
Laura M. Baird, Cairo.
Leroy L. Ambler, Holbrook.
Henry L. Nichols, Lebanon.
George W. Whitehead, Mason City.
George E. Barto, Wakefield.
Minnie M. Morrow, Winside.
George H. Holdeman, York.
Earl J. Hughes, Concord.
J. Lyndon Thornton, Fairbury.
Carl G. Fricke, Nelson.
Henry D. Grady, O'Neill.

NEW JERSEY

Stephen T. Garrison, Port Norris.
Vivian O. Walters, Franklin.
Berta Baker, Leonardo.
Philip E. Rockafellow, Stockton.
Louis Meretta, Zarephath.

NEW MEXICO

Mahan Wyman, Loving.
Agnes M. Walsh, Santa Rita.

NEW YORK

Leslie E. Daniels, Chaumont.
Guy Shook, Claverack.
Richard J. Higgins, East Rockaway.
William L. Fuller, Ellenville.
Roy M. Hackett, Hornell.
Charles E. Hardy, Hudson.
Edwin W. Cushman, Keuka Park.
James Agnew, Lake Ronkonkoma.
Harmon A. Ranous, Minetto.
Perry Deyo, New Paltz.
Chris Fox, St. Johnsville.
Eleanor C. Griffing, Shelter Island.
Edith L. Kent, Tuxedo Park.
Daniel Van Alst, Wallkill.
Loie C. Husted, Woodhull.
Robert E. Brown, Almond.
Anna M. Ball, Berkshire.
William E. Seaman, Glenwood Landing.

NORTH CAROLINA

Raymond C. Barker, Badin.
Bessie Sigmon, Claremont.
Orletta L. Landis, Columbus.
Lena C. Dellinger, Crossnore.
Ella N. Painter, Cullowhee.
Mary E. Ross, New London.
Charles R. Bowman, Oak Ridge.
Frances K. Thagard, Pembroke.
John G. Morefield, Rural Hall.
Leona S. Proctor, Varina.
Annie Deese, Willard.
John H. Freshwater, Haw River.

NORTH DAKOTA

Karl Fischer, Hague.
Erick Myhre, Hampden.
Katie H. Hanson, Munich.

OHIO

George H. Scheetz, Bridgeport.
Edwin Seedhouse, Doylestown.
John T. Wood, East Liverpool.
Jennie Fickes, Empire.
Bayard F. Thompson, Jewett.
John M. McConnell, Mingo Junction.
Wellington T. Huntsman, Toledo.
Ida S. Reinheimer, Kelleys Island.

OKLAHOMA

Charles F. Ritcheson, Maysville.
Boone A. Leatherman, Rooston.
Joseph Beasley, jr., Bowlegs.
Walter C. Campbell, Carnegie.
Minnie A. Eaton, Inola.
Madge Morris, Lyman.
Emmette R. Talley, Mangum.
William Carson, Lone Wolf.

PENNSYLVANIA

Carey W. Huff, Durant City.
Albert R. Morgan, Nemacolin.
John D. Titman, Montrose.
Herbert O. Hornbake, South Brownsville.

SOUTH DAKOTA

John Harms, Bonesteel.
Earl F. Vandenburg, Conde.
Norman Lockwood, Doland.

TENNESSEE

Jesse L. Hope, Lenoir City.

TEXAS

Samuel J. Hott, Channing.
William G. Shelton, East Bernard.
Emma Woody, Girard.
Jim H. McFarlin, Liberty Hill.
Mary M. Ferrel, Roby.
Cynthia M. Martin, San Augustine.
Walter J. Kveton, Sealy.
William R. Holton, Thornton.
Robert J. King, Clarksville.
Brice C. Howard, Damon.
Kelley McLean, Melvin.
William M. Casey, Monahans.
Imogen H. Garvin, Navasota.

UTAH

Paul G. Johnson, Grantsville.
David T. Lewis, Spanish Fork.

VERMONT

Hiram E. Rowe, Barnet.
Donald J. Wilson, Bristol.
D. Viola Sawyer, Craftsbury.
Herman D. Webster, East Burke.
William H. C. Whitcomb, Forest Dale.
Philip A. Bartlett, Island Pond.
Ethel E. Churchill, Quechee.
Otis B. Dauchy, Townshend.
Kenneth A. Foster, Wolcott.

VIRGINIA

James L. Humbert, Charlottesville.
Byron Austin, Falls Church.
Mary E. Gregory, Drakes Branch.
Thomas J. Crickenberger, Emporia.
Florence E. Priest, Scottsburg.

WASHINGTON

John F. Moyer, College Place.
Thurston B. Stidham, Doty.
William W. Johnson, Easton.
William C. Hubbard, Klickitat.
Cora A. Smith, Seaview.

WEST VIRGINIA

Lewis E. Winston, Ethel.
Oral C. Hathaway, Grantsville.
Charles B. Goodwin, Weston.

HOUSE OF REPRESENTATIVES

THURSDAY, *December 20, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father God, we thank Thee that there are many sorrows and disappointments which we have never experienced. At times prompted by anger, by passion, by wicked motive, oh, we thank Thee for the words we did not speak; continue to bless us with the grace of repression. Give us gladness and contentment concurrent with our cares and duties. With eager certainty help us to measure ourselves against the tasks of to-day. Fill our souls with a calm assurance, and may every word and every act flow forth from the unstained and unsullied fountains of conscious rectitude and uprightness. Our Heavenly Father, make us tender toward the erring and forbearing with the forms of human weakness. In the holy name of Jesus, our Savior, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 281

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES L. FAUST, late a Representative from the State of Missouri.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that, pursuant to the foregoing resolutions, the Vice President had appointed Mr. HAWES, Mr. FESS, Mr. THOMAS of Oklahoma, Mr. BROOKHART, Mr. BARKLEY, and Mr. VANDENBERG members of the committee on the part of the Senate to attend the funeral of the deceased Representative.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 7729. An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; and

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1920, and for other purposes.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *December 20, 1928.*

Hon. NICHOLAS LONGWORTH,
Speaker, House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Elections, No. 2, to become effective immediately.

Sincerely and respectfully yours,

JOE CRAIL.

The resignation was accepted.

THE LAND EXCHANGE ACT

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORIN. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following letter of the Secretary of War:

WAR DEPARTMENT,
Washington, D. C., May 29, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In the CONGRESSIONAL RECORD of May 7, 1928, on page 8321, in the discussion relative to H. R. 11847, "To authorize the acquisition of land in Hawaii," there appear certain remarks which are critical of Army officers in general, and in a letter from the Governor of Hawaii to a Member of Congress which is inserted in the remarks of this Member are statements criticizing a former commanding general of the Hawaiian Department.

I feel it my duty to come to the defense of these officers, and with that object in view I shall present herein certain facts taken from the War Department records in refutation of the criticisms which have been directed against them. I believe that consideration of the data which I shall present will show that the officers concerned were carrying out their duties in accordance with War Department policies and the will of Congress as expressed in the act approved by the President on January 31, 1922.

The act to which reference is made, known as the land exchange act, was first introduced in Congress by the Hon. Julius Kahn in November, 1919. This bill was prepared by the War Department and was introduced at its request in the interest of economy for the purpose of securing the authority of Congress to exchange public lands in Hawaii for privately owned lands which were urgently needed. The specific tracts to which reference is made in the letter from the Governor of Hawaii are those known as the Kalena tract, consisting of approximately 254 acres located in the heart of the Schofield Barracks Military Reservation and owned by Mr. L. L. McCandless, and the Makua tract, which was Territorial property. It was indispensable that the Government should acquire the Kalena tract, as it was located on the target range of the Schofield Barracks Reservation and had been constantly used by the troops since the occupancy of that post. An effort was made to obtain it by purchase, and funds to the amount of $30,300 were appropriated in 1917 and 1920. The owner, however, valued the land at $60,000 and it was believed that condemnation proceedings would award at least that amount for the property. In view of the necessity for the most rigid economy in appropriations for the Army, an effort was made to effect its acquisition by exchanging other land therefor.

At the same time the acquisition of other needed tracts was proposed by this same method. Abundant evidence as to the need for these transfers, with the estimated value of the property concerned, was furnished to the Senate and House Military Committees and to the Committee on Territories. It was supported by the then governor, Hon. C. J. McCarthy, as shown by the following extract from a letter from him dated December 22, 1922:

"This bill remained before Congress for three years, until I came to Washington, and upon explaining the matter to the Military Committees of both the House and the Senate it finally became law January 31, 1922."

The Committee on Territories reported the bill favorably in Report No. 49, Sixty-seventh Congress, first session. After repeated efforts, the bill was finally passed and was approved by the President January 31, 1922.

The War Department records show that preliminary negotiations with reference to the acquisition of the Kalena tract by the War Department prior to the passage of the act were carried on between Maj. Gen. C. G. Morton, commanding general Hawaiian Department, Hon. C. J. McCarthy, Governor of the Territory of Hawaii, and Mr. L. L. McCandless, owner of the Kalena tract. It appears that General Morton, Gov-

ernor McCarthy, and Mr. McCandless were all agreed as to the consummation of the following exchanges:

"The Kalena tract to the War Department.

"Part of the Waimanalo tract to the Territory of Hawaii.

"The Makua tract to Mr. McCandless."

The valuations placed upon these tracts of land then and later underwent great changes.

In the letter from Governor McCarthy, to which reference has been made above, the transfer of Sand Island, a very valuable part of Honolulu Harbor, from the War Department to the Territory of Hawaii, was emphasized. This tract was worth vastly more than the Makua tract or any other tract under consideration. On September 19, 1923, the commanding general Hawaiian Department proposed in a letter to the Governor of Hawaii to transfer Sand Island, subject to certain rights of the War Department to be agreed upon, to the Territory of Hawaii for the Kalena tract or other property for which the Kalena tract might be acquired.

In his reply, dated September 24, 1923, the governor objected to any transfer of Territorial land for privately owned land, and contended that such land should be obtained by condemnation. He stated that he would revise a verbal proposal of Governor McCarthy so that the exchange for the Makua land would include Sand Island and the Keaahala tract of 218 acres, and all of the Waimanalo lands, 1,510 acres. His proposal was not favorably considered because most of the Waimanalo tract and the Keaahala tract were required for military purposes. His objection to the transfer of the Makua tract to private ownership would have nullified the intent of the law. Thereupon, the commanding general Hawaiian Department reported to the War Department that the counterproposals were not favorably considered and that no further recommendation as to this exchange could be made, and on April 16, 1924, requested that the Kalena tract be acquired by condemnation and purchase.

The records of the War Department show that as no agreement could be reached, the Governor of Hawaii came to Washington with the intention of carrying out the wishes of the Hawaiian Legislature to have various tracts of land owned by the War Department transferred to the Territory. He reiterated in conference with representatives of the War Department his attitude as expressed to the department commander. He then requested the transfer to the Territory, without anything in exchange, of about 100 acres of the Keaahala Reservation upon the representation that it was needed for an insane asylum. His efforts were successful, and on June 26, 1924, an Executive order was issued transferring such a portion to the Territory together with the valuable water supply known as the Spring Reserve Lot.

There are no further records of negotiations between the Governor of Hawaii and the commanding general Hawaiian Department. It is thus seen that the statement of the Governor of Hawaii, that "General Summerall when first assuming command down here at the beginning of my administration tried his best to force me to carry out a land exchange which would have resulted in the Territory giving up control of over 2,000 acres to private interests in order that the Army might secure 254 acres of the Kalena tract" is not in accord with the records at the War Department.

With reference to the statement that "the Army officers in Hawaii have been reckless in their waste of the public domain," and the specific mention of Mr. Dillingham, the records of the War Department show that at a conference with the Chief of Staff of the Army November 17, 1923, the Governor of Hawaii stated that he was not opposed to the exchange of Government-owned lands for privately owned lands, except the Waimanalo and Sand Island Reservations. These reservations were not involved in any such exchanges. On April 11, 1924, the commanding general Hawaiian Department recommended to the War Department the following land exchanges: The Federal Government to acquire—

(a) A tract of approximately 105.46 acres situated on the north shore of Oahu for camping and training purposes.

(b) A fire-control position on Pupukea Plateau.

(c) A battery position on Pupukea Plateau.

(d) A fire-control site on the slope of Mount Kaala.

(e) A fire-control site and battery position indicated on a map.

The Federal Government to relinquish to private ownership 9.2 acres on the Fort Ruger Military Reservation and 62 acres of the Lualualei Military Reservation.

The proceedings of the board of appraisers provided for in the land exchange act were forwarded to the War Department, showing the following values:

Private land to be acquired by the War Department	$30,823.85
War Department land to be transferred to private ownership	30,800.00

There is no evidence that the relative values unfavorable to the Government have changed. There were other land exchanges under the act, all of which were fair and reasonable in value and of far-reaching importance to the mission of the Army in that Territory. All were carefully examined and approved by the War Department.

I have addressed this communication to you, with the hope that you will have it introduced in the CONGRESSIONAL RECORD should an opportunity for such action be presented.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

PRISON-MADE GOODS

Mr. ROWBOTTOM. Mr. Speaker, at the request of the gentleman from Iowa [Mr. KOPP], who is ill, I ask unanimous consent that the bill H. R. 7729, an act to divest goods, wares, and merchandise manufactured and produced or mined by convicts or prisoners of their interstate character in certain cases, may be taken from the Speaker's desk and the Senate amendments agreed to.

The Clerk read the Senate amendments.

Mr. GARNER of Texas. What committee does this come from?

Mr. SNELL. From the Labor Committee.

Mr. GARNER of Texas. When the bill was before the House there was some opposition to it, and if there was opposition to it then there may be opposition to a material amendment placed on it in the Senate. I do not see any member of the Labor Committee here.

Mr. SNELL. I think if the gentleman would let the gentleman from Indiana explain it he would find that it is more acceptable to those who made the opposition than it was before.

Mr. GARNER of Texas. I can not say as to that, as I do not know what the basis of the opposition was.

Mr. RAMSEYER Mr. Speaker, reserving the right to object, I know there was an attempt made to amend the bill in this body to exempt prison farms and the same attempt was made in the other body. What effect this amendment just read has I can not determine by merely listening to it as it was read by the Clerk. Whether it has the effect of exempting from operation of the law things produced on penal farms I can not say. I think the gentleman should let this go over a while, so we can study the effect of the amendment.

Mr. SNELL. Let the gentleman from Indiana explain the bill.

Mr. CRAMTON. I would like to ask if these amendments have had the consideration of the committee in charge of the bill.

Mr. ROWBOTTOM. The gentleman from Iowa [Mr. KOPP] called me this morning and asked me to have the bill taken from the Speaker's desk and Senate amendments agreed to. He said that the committee was in favor of the amendments. Senator MCNARY, from the Committee on Agriculture in the Senate had the amendment in regard to penal farms put on, and it is agreeable to him.

Mr. CRAMTON. What emergency is there for mixing up this bill with a happy Christmas? [Laughter.]

Mr. RAMSEYER. Reserving further the right to object, Mr. Speaker, I think the Committee on Labor should have a meeting and consider these amendments so that the House can have the benefit of the mature judgment of that committee. The amendments may be all right; I do not know. I feel impelled for the present to object.

The SPEAKER. Objection is heard.

ELECTION TO COMMITTEES

Mr. TILSON. Mr. Speaker, on yesterday I presented a resolution for the election of Members to certain standing committees in the House. There were two sheets of the resolution. In some way or other one of the sheets failed to reach the reading clerk, so that only a portion of the list was read. I have prepared a new resolution, including the omitted Members, and will send it to the Clerk's desk for immediate consideration.

The Clerk read as follows:

House Resolution 274

Resolved, That the following-named Members be, and are hereby, elected to the standing committees of the House, viz:

FRANKLIN W. FORT, of New Jersey, Committee on Rules.

JOSEPH W. MARTIN, Jr., of Massachusetts, Committee on Rules.

HARRY L. ENGLEBRIGHT, of California, Committee on the Census.

The SPEAKER. Is there objection to the present consideration?

There was no objection.

The resolution was agreed to.

LEAVE OF ABSENCE

Mr. BLAND. Mr. Speaker, I ask unanimous consent that leave of absence be granted my colleague [Mr. TUCKER] until after the recess, on account of illness in his family.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

POINT OF NO QUORUM

Mr. GARNER of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. GARNER of Texas (interrupting the count). Mr. Speaker, I withdraw the point of no quorum.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND FOR DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15569, with Mr. LEAVITT in the chair.

The Clerk read the title of the bill.

Mr. OLIVER of Alabama. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, I respectfully ask the Members of the House not to interrupt me until I have concluded my remarks, at which time I shall be pleased to answer any questions that may be propounded.

Mr. Speaker and fellow Members of the House, when Greece was the mistress of the world and Athens the center of all the world's activities it was the custom of the sister republic of Sparta to expose upon Mount Olympus any child that was born into the world that was likely to become a public charge.

There upon that mountain top were left these unfortunate children until the ravages of the tempest and the vultures of the air destroyed their very existence. Since that time civilization has marched slowly onward, upward, and yet progressively forward.

In the year 1215 the barons, the lords, the clergy, and the common people of England wrung from the unyielding bosom of King John at Runnymede that immortal document known as the Magna Charta, or the great charter of rights, giving to the Anglo-Saxon people the inalienable right to the pursuit of life, liberty, and happiness, and, above all, the right to trial by a jury of their peers. Six hundred and fifty years later in this great country of ours that gracious and illustrious President, Abraham Lincoln, signed another immortal document, the Emancipation Proclamation, which forever put a stop to involuntary servitude and brought liberty and freedom to the black race of our country.

The nineteenth century, from 1800 to 1900, will always be remembered as the great era in which intellectual man subjugated the forces of science through the medium of nature to serve the will of man.

What a glorious array of inventive genius this period produced. An era that made it possible for human ingenuity to elaborate and perfect mechanical devices to make human life more congenial and pleasant to live.

Behold the cotton gin of Eli Whitney, the development of the steamboat by Fulton, and of the locomotive by Stevenson. The anguish and pain of the scalpel assuaged by the utilization of anesthesia discovered by Doctor Morton. The miraculous and marvelous contribution of rapid communication through the use of the telephone and telegraph invented by Morse and Bell.

The wonderful entertainment brought about by motion pictures perfected by Edison. The amazing ramification in the field of the wireless and radio invented by that Italian genius, Marconi.

And last but not least the magnificent, epochal accomplishments of the two great Wright brothers in the development of the airplane.

These extraordinary contributions by inventive genius, plus countless other devices, have made it possible for mankind to live happier, healthier, better in our country than was the privilege of our forebears to enjoy ere we came to this world.

In the twentieth century of civilization two men have left their indelible impress upon the hearts and minds of our citizens. One is that aggressive and militant figure, the heroic Theodore Roosevelt; the other is that profound intellectual student of the philosophy of government, the brilliant and scholarly Woodrow Wilson. These two ex-Presidents of the United States have inspired our citizens to think in terms of social justice for the benefit of the great producing classes of our people, and thus put human rights on a parity with property rights.

It was the teachings and the inspirations of their ideals and principles that helped to place upon our statute books in various States of the Union such humanitarian legislation as universal suffrage, widows' pensions, child welfare, workingmen's compensation, employer's liability, the minimum wage laws, the limitation of hours of labor, and last, but not least, the subject of my address, "Old-age pensions," which has been found in operation in every civilized nation of the world with the exception of China, India, and the United States. [Applause.]

What is the purpose of old-age pensions? The fundamental principle behind old-age pensions is the preservation of the home. The home is the unit upon which the superstructure of our Government is reared. If you destroy the home you destroy society and government. The home is the place that symbolizes, to my mind, the monarchial principle of government, in which the father is the king, the mother is the queen, and the children the subjects. In any home wherever you go you will find an inscription upon the wall, "God bless our home." Yea, be it ever so humble, there is no place like home.

The two weakest links in the chain of home life are the young and the old. A generation ago one out of every three or four children born into the world would die ere it had an opportunity to develop into childhood and adolescence. To-day, through the medium of science and medicine, through serum and antitoxins and the countless contributions of prophylactic treatment, coupled with hygienic regulations and legal restrictions placed upon the exploitation of childhood, we are enabled to raise children to the extent that the mortality table shows only one out of eight dying before it had a chance to evolve into young life.

The laws of our country and society have developed the young children of the present generation by prolonging childhood to the age of 16, which is the compulsory educational period required by law.

A soldier fighting in the trenches of France, with bullets and bombs exploding over him, with poisoned gas about him, has a better chance to escape with his life than has a child coming into the world with the desire to live and to reach young adult life.

While we have given the child a better chance to live, thrive, and prosper, scientific medicine has made it possible for mankind to live longer than formerly. Two generations ago the average age of man would be about 40; to-day the average man lives until he is 58, and the same scientific appliances that have been utilized for children to grow and develop have been placed around the old father and the mother, so that old age and longevity have been increased. Formerly, out of a total of 100,000 people, 41,000 would reach the age of 65. To-day 52,000 of such an original number will live to be 65. Because of the increased expectancy of life, the number of persons 65 years of age and over in the United States has been steadily increasing, and the consequences are that while those fathers and mothers are living longer than before the economic and industrial conditions that confront them in our Nation has made it impossible for them to find work, and the only way they can subsist and save themselves from penury, hunger, and want, is for them to join the great caravan that finally wends its way over the hill to the poorhouse and almshouse. [Applause.]

Only 6 per cent of all the old people employed in private industries can expect pensions in their old age, while the balance, or 94 per cent, of them can expect nothing, depending only upon their savings. If, unfortunately, their income did not permit them to save for old age, or they lost their money through unfortunate investments, then modern industry throws them back upon the community as human driftwood and wreckage that is useless for wear and tear. Thus we behold our wage earners transformed from a group of hopeful independent citizens into that of a class of helpless poor. In some States of the Union it is a crime to turn out old horses to starve, still society lets its old men and women starve in their old, unemployed age unless they take the last pilgrimage upon the road that leads them pathetically to the almshouse and poorhouse.

How many old men and women have we? The statistics which were gathered through the State of Massachusetts Old Age Pension Commission show that there were 1,250,000 old fathers and mothers prior to the year 1915 in the United States, all of whom were dependent in part or in whole on public or private charity. And that the Nation's annual cost of our dependent population amounted to over $200,000,000.

Later estimates of 1927 by Dr. A. Epstein showed almost 2,000,000 dependents maintained in public and private institutions at a total cost of over $500,000,000.

There are to-day over five and a half million people past 65 years of age in the United States. Two millions are between the age of 65 and 70, a million and a half between the ages of 70 and 75, and a million between 75 and 80, and there are three-

quarters of a million people 80 and over, until life finally terminates. The number of old people in our country is now greater than the original population of the entire 13 colonies. In a study made by the United States Department of Labor in 1925 that investigated 2,183 of these almshouses of the United States, which represent 93 per cent of the total, it was found that in those almshouses there were 85,889 old fathers and mothers who were past the age of 65. The total cost of these almshouses, so far as the land, the buildings, and equipment and the furniture was concerned represented an investment of $200,000,000.

The total maintenance cost of all these institutions amounted to $28,740,535, which represented a per capita investment of $1,752.09 and a food maintenance of $439.76 for each inmate. Of the 2,183 almshouses studied 1,909, or 87 per cent of them, had less than 100 inmates. To determine how this money was spent study disclosed that 32 per cent went as administrative expense, 38 per cent for operation of the plant, while 30 per cent went for inmates' maintenance. In other words, out of every dollar contributed to the almshouse 70 cents went for administrative and operative expense, the so-called overhead, while 30 cents went directly for the old fathers and mothers.

Every State of the Union, with the exception of New Mexico, has almshouses for the poor. In 40 of our States the almshouses are county institutions. Here in these almshouses are huddled together the feebleminded and the epileptic, the cripple and the maimed, the idiot and the imbecile, the abandoned child of the prostitute, the broken-down criminal, the chronic drunkard, the victim of loathsome and contagious diseases and venereal infections, and last but not least the superannuated toilers of labor and industry, our fathers and mothers. Veterans of dissipation and veterans of peace and industry living together under one roof. Is it fair? Is it just? Is it humane? To me it is a pitiful and tragic indictment of the civilization of our times. [Applause.]

What are the causes of old-age dependency? First and foremost is the impairment of health. Sickness and disease exacts a terrible toll. In old age the resistance of a person is diminished and he becomes susceptible very easily to the ravages that come in the wake of vocational and industrial pursuits. Tuberculosis among the miners. Pneumonia amongst the steel and mill and factory workers. Rheumatism and heart lesions from working in damp and wet occupations. Asthma, bronchitis, and skin lesions amongst fur workers. Lead poisoning amongst painters, and countless other maladies too numerous to mention. Unfortunate business investments, alluring advertisements, high-pressured salesmen have ruined many an old father and mother. Bank failures have sent many an elderly couple to the almshouse, when the savings of a lifetime were lost. When the waning earning power of old age in competition with young age and machinery manifests itself, ambition collapses, hope is transformed into despair, and, with relatives and friends gone, death or the almshouse is welcomed as the final relief. The greatest curse of old age, however, is unemployment which has lately increased through the productivity of machinery. Everywhere discrimination is practiced against the older employee in favor of youth. In modern industry today we see the exemplification of the principle "equal opportunity for all, except those past the age of 45."

Another factor driving older men and women toward pauperism is the lack of family connections. One-third of the almshouse paupers throughout the United States have never been married, another third are widowed, and one-third are still married. The great majority of aged dependents in almshouses and infirmaries are childless.

Other causes for dependency are the victims of the ingratitude of children who have forgotten the divine injunction given to Moses upon Mount Sinai, when God gave him the great commandment which says: "Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee."

Loss of wife, husband, or children very easily brings about the transition from independence to dependence.

Last but not least the greatest cause of dependency in old age is the terrible toll that industrial accidents take in human and economic values.

During the period from 1910 to 1920, a period of 10 years, there were more men and women maimed and crippled in the industries of the United States than were lost in all the wars of our Nation from the time of the American Revolution down to the World War. In the years 1917 and 1918, when our expeditionary forces went across the ocean to fight to make the world safe for democracy, there were more men and women killed in the industries of our country than there were American soldiers and sailors killed and wounded by the hostile forces fighting in Europe. In the year 1919, according to the report of the Federation of American Engineers, in this country 23,000 people were killed in our industries and 3,570,000 workers were crippled and injured in the performance of their duties, so that they had to stay off for four weeks or more from their employment. If the prevailing rate of wages, according to the National Employers' Association, amounted to $27.25 per week for the year 1927, it would mean $4 a day for 300,000,000 days, or a loss to labor and industry of $1,200,000,000 a year.

It was these frightful conditions, ladies and gentlemen, that prompted the people of this country of ours to interest themselves in the subject of old-age pensions. In 10 years the principle of old-age pensions has been approved in 11 States of the Union. The States of Wisconsin and Montana and the Territory of Alaska to-day are operating under old-age pensions. Eight States have passed legislation on the subject—such States as Colorado, Nevada, Arizona, Kentucky, Maryland, Pennsylvania, and Massachusetts, and in the State of California the legislature passed a bill in favor of old-age pensions, but the governor vetoed it.

In the State of Pennsylvania, where the most thorough investigation upon the subject ever conducted was made, just as the commission was about to put into operation in that great Commonwealth the old-age pension provisions, the supreme court of the State declared the act to be unconstitutional on the ground that the constitution of the State did not permit the contribution of public money to private individuals.

In the State of Arizona, the supreme court also declared the bill unconstitutional because the bill was not properly drafted and its language was too ambiguous.

Mr. Chairman, ladies, and gentlemen, 14 States outside of those enumerated have already appointed commissions to investigate the subject of old-age pensions.

I am proud to say that 13 of these States have recommended in toto the principles and ideals upon which old-age pensions are founded.

What do the facts show in the States which have put this system into operation? In the State of Montana and in the State of Wisconsin, when an individual is given the privilege of going to the almshouse or staying in his own home, in every instance the individual prefers to stay in his own home. It costs the counties in Montana $65.98 a month to take care of an old inmate. You can take care of four men in their own homes for that amount. The average amount of money which these States contribute to the maintenance of an old man in his own home is the sum of $16. In Pennsylvania it was found that they can take care of three old mothers and fathers in their own homes, for the amount of money that it costs to take care of one person in an institution.

In the States of Montana and Wisconsin it was found that out of every 1,000 in the population no more than a minimum of 2 and a maximum of 3 have sought old-age pensions. The total amount of taxes placed upon each man and woman in the States of Montana and Wisconsin in order to provide comforts for old fathers and for old mothers in their own homes instead of almshouses was the sum of 2 cents a month.

Mr. Chairman, ladies, and gentlemen, we now come to the subject of old-age pensions in foreign countries. Of all the civilized nations of the world, 42 have adopted the principle of old-age pensions. There are three forms of old-age pensions operating throughout Europe, South Africa, South America, Canada, Australia, and New Zealand. The first is called the compulsory contributory form of old-age pensions. This system consists of compelling each workingman from 16 to 65 to contribute a part of his income to a general national fund, the amount to be contributed being anywhere from 2 to 5 per cent. The employers contribute a like amount, and the Government contributes a third portion. This amount stays in the coffers of the nation until the man becomes old and enfeebled and arrives at the age of 65, when he becomes the beneficiary of his labor and effort. Twenty-eight nations of Europe have adopted the principle of the compulsory contributory form of insurance, and amongst them are the three great nations—England, France, and Germany.

Germany was the first to start this movement, under the influence of the Iron Chancellor, Bismarck, in 1889. To-day there are 20,000,000 workers enrolled who, when their time comes, will be the recipients of an old-age pension, which will make them love and respect their fatherland and make them realize that they are receiving the kind of protection and security which it is the duty of every civilized government to provide for its citizens.

Germany also provides its citizens with invalidity insurance, widows and orphans' pensions, as well as sickness and unemployment insurance.

In 1908 that conservative and great nation, England, under the leadership of Lord Asquith, introduced the noncontributory form of insurance. Three years ago greater modifications were made in the bill to conform with Germany's system, so that England to-day stands upon the same pedestal in old-age security legislation as Germany. It adopted in toto the entire theory of compulsory contributory insurance. Out of 17,000,000 workers in England, 16,000,000 have subscribed to the principle of old-age pensions.

France has 7,500,000 of its working people enrolled under the roster of the compulsory contributory form of old-age pensions.

The second system, under which 10 nations operate, is called the noncontributory form of old-age pensions and is colloquially known as the straight pension system. This system provides for no contribution by any toiler, but when a workingman arrives at the age of 65 he receives his pension as an evidence of the interest which his government maintains in him. Industry can not throw him away as a wreck, upon the ocean of life.

The nations which have adopted this noncontributory form of old-age pensions, or straight pensions, are such countries as Denmark, Canada, New Zealand, Australia, and Iceland.

The third form of old-age pensions is the kind known as the voluntary savings type, under which an individual puts away every week in one of the postal savings of the government, a certain amount of money from his allowance and the government contributes a subsidy to equal it. The individual, however, can not use it until he arrives at the age of 65. The nation which started this principle was Spain, and to-day Japan is operating under that system.

There are 1,900,000,000 men and women in this world, and 600,000,000 of them have subscribed to the different forms of old-age pensions. They will be the beneficiaries of an old-age pension system in the declining years of their life. So we have the wholesome spectacle of 42 nations of the world interested in the preservation of human life. The only three nations of the whole world that have not adopted the principle of old-age pensions are China, India, and the United States. I am making the plea to have our country withdraw from the company it is keeping with China and India and march onward with the civilized nations of the world. [Applause.]

Mr. Chairman, the other day I heard the distinguished gentleman from Illinois [Mr. BRITTEN], the chairman of the Committee on Naval Affairs, rise in this historic forum and plead the cause of a mighty naval armament, based upon the compact of 5-5-3, by which our country was to emulate the example of England and France in their militaristic standards. When you consider that 15 cruisers, submarines, and battleships that Mr. BRITTEN pleaded for involve expenditures of millions and millions of dollars, I say it is a shame that this the greatest Nation of the world, the most prosperous and at the same time the most civilized country in the world, must build great armaments to match these nations. If we have to prepare in times of peace for war, let us do so. But let us not forget our obligations to the veterans of peace in their hour of need, and so I say if we must match England, France, and Germany, then let it be on the basis of humanitarianism.

If we are to march with these nations along the lines of great naval armaments, we should also march side by side with them to protect our old people as they have protected theirs. The true patriots of our country are not only the men who bared their breasts to shot and shell and were ready to give their lives upon the battle fields of our country, so that our Nation should be preserved, but there are also the veterans of peace, men who have worked in the quarries of life, in season and out of season, and have contributed everything that they hold near and dear in life to the peace and prosperity of our country in times of peace.

Just as we pension the veteran for his patriotism in time of war we should pension through the principle of old-age security the old father and mother who have battled for our happiness and our success in time of peace. [Applause.]

I want to see America marching with England, with France and Germany, not only on the basis of an agreement for naval and military armament but on the basis of humanitarian armament, that would make the world safe for humanity to live in peace, tranquillity, and happiness until Divine Providence calls them to rest in eternal sleep. [Applause.]

Often have I sat in the House and listened to resolutions put through by some of the distinguished men of this historic forum. The other day a bill was passed appropriating $50,000 to determine why fishes do not enter the harbors of certain sections of our country. Recently another appropriation passed the House spending thousands of dollars to determine the cause of death of old trees in the forests of our Nation. At the last session of Congress thousands of dollars were appropriated to determine the cause of disease among cattle. I have seen thousands of dollars spent to conserve our oil resources; but this is the first time in the House that I am pleading and asking the distinguished Rules Committee, composed of the most eminent gentlemen of the House, the most powerful group of our membership, to let a bill of mine come out that would appropriate the sum of $50,000 so that this great Nation of ours may determine the causes of old-age dependency, and to find out how many of our fathers and mothers are in need, and ascertain the best way to take care of the American toiler, so as to protect him in his hour of adversity and misfortune and, above all, when he can no longer work.

This bill has been sleeping quietly in the Rules Committee. It is an American bill. It is a humanitarian bill. It is in consonance and in conformity with the teachings and the preachment of the great Savior. It is in harmony with the greatest commandment of all commandments. Mr. Speaker, ladies, and gentlemen, the time has come, the hour has struck, and the moment has arrived, when the United States has got to declare whether it shall fall behind the cultured and civilized nations of the world or is willing to march side by side with those nations that have put human rights on the same parity as property rights. [Applause.]

Mr. Chairman, ladies, and gentlemen, we have had 70 Congresses of the United States since the inception of our Government. What man in Congress here can state to me which Congress stands out preeminent? What Member can tell me the Congress that has done the greatest good?

All I know is that the Twelfth Congress was the Congress that declared war against England. The Twenty-ninth Congress was the Congress that declared war against Mexico because of Texas. The Thirty-seventh Congress was the Congress that brought about the Civil War——

Mr. BOX. Will the gentleman yield for just a question?

Mr. SIROVICH. In just a moment.

Mr. BOX. The gentleman is cognizant of the fact that Texas had already established her independence?

Mr. SIROVICH. I understand that. Pardon my mistake for the moment.

The Thirty-seventh Congress was the Congress that declared war to free the negro. The Fifty-fifth Congress was the Congress that brought about the freedom of Cuba, which involved us in the Spanish-American War. The Sixty-fifth Congress was the Congress that declared war against the Central Powers of Europe, and the Sixty-third Congress was the Congress that brought about the Federal reserve system that protected the rights of money in banks against financial collapse so that our material wealth would be protected as the years go by.

I would like to see the Seventieth Congress of the United States, ere we make our exodus from this historic forum, declare war against the obsolete treatment of our elders so that they may continue to live in their own homes that have been hallowed with sweet memories, tender with pleasant reminiscenses. Home, where the prattle of children has been music to the ears of the parents. Home, that has always been dedicated to God and consecrated to the love of family life.

In the name of humanity I appeal to the membership of this House for the preservation of the home and all that it means, so that the gracious prayers of our older generation will pray for the life and happiness of the membership of the Seventieth Congress of the United States for having given of their to-day that others might have their to-morrow. [Applause.]

Mr. Chairman, I shall now be pleased to answer any questions that anyone is anxious to ask me.

Mr. BOX. Will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. BOX. Does the gentleman's bill propose that this activity shall be carried on by the Federal Government?

Mr. SIROVICH. To answer my distinguished friend from Texas [Mr. Box] I would like to say I have put in two bills. One is an old-age security act, a bill that I worked out in conjunction with Prof. Joseph Chamberlain, of Columbia University, that follows the principle of the Smith-Lever Act, the Smith-Hughes Act, the Smith-Sears Act, and the Sheppard-Towner Act.

My bill is designed to have the Government of the United States give a certain sum of money as a contribution to any State that is willing to apply the principle of old-age pensions to its citizens, which is optional with the State to accept. If the State accepts it, it means it has agreed to the minimum requirements given by our country. The Supreme Court of the United States in the case of Frothingham against Mellon, in which the Sheppard-Towner Act was fought in the Supreme

Court, declared the Sheppard-Towner Act constitutional. The important features of that bill are the same as mine.

The Supreme Court declared there was no involvement of sovereign rights of the States, since the State did not give up its sovereign rights, as it was optional with the State to take the money or not.

Second, that so long as the appropriation was given for the general welfare of all the people, Congress was within its rights.

And, third, there was no jeopardy of property rights of any taxpayer, as the payment of the taxpayer's proportional tax was so small that it did not deprive him of any property rights.

It was upon the basis of this decision by the Supreme Court of the United States that Professor Chamberlain and myself felt that the bill that I have introduced for old-age security in the United States would stand the constitutional test of the Supreme Court.

I am pressing a second bill which I introduced, a bill simply designed to appropriate the sum of $50,000 to appoint a commission of 15 men, 4 to be appointed by the Speaker from the membership of this House, 4 to be appointed by the Vice President of the United States from the Senate, and 7 to be appointed by the President of the United States, 2 representing capital, 2 representing labor, and 3 disinterested social workers; that they shall have the privilege of gathering together all the available statistics and information, a fact-finding commission, with full powers to subpœna witnesses and records, and then come back and report to us. I bespeak the splendid cooperation of the distinguished Representative of the State of Texas [Mr. Box] and my fellow associates, to talk to the distinguished gentleman who is the chairman of the Rules Committee, Mr. BERTRAND SNELL, one of the finest men we have in this House, and ask him if he will not be kind enough to allow this little resolution to come out, which is simply fact finding in its purpose.

Ladies and gentlemen, just as I was coming in the Chamber—I am glad to see my friend, Mr. SNELL here—I received the following telegram:

> The American Association for Old Age Security heartily indorses your great work in behalf of human justice in America. We stand behind you in your efforts and hope that the United States Congress will create a commission to study the present problem of old-age dependency and pensions, so that our Nation in meting out greater justice to our fathers and mothers, will be placed at least in the same category in which every important and civilized nation in the world is to-day.

This is signed by Bishop Francis J. McConnell, president of the American Association for Old Age Security, and the president of the Federal Council of Protestant Churches of Christ in America, embracing over 22,000,000 Protestants who live in the United States. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. SIROVICH. Certainly.

Mr. WAINWRIGHT. I want to ask the gentleman what has been done in the State of New York, which was one, if not the pioneer, in workmen's compensation, in the field of old-age pensions?

Mr. SIROVICH. I shall be glad to answer the distinguished gentleman from New York. Seventeen years ago there was appointed a commission in the State of New York known as the commission to inquire into the subject of widows' pensions and other relief for widowed mothers. It was my good fortune to be appointed by the Governor of New York on the original commission. I served with Governor Smith; James J. Walker, the present mayor; ROBERT WAGNER, present United States Senator; Sophia Irene Loeb; Senator Martin McCue; Judge Aaron J. Levy, of the New York Supreme Court; Senator Anthony J. Griffin, and others. The commission worked three years investigating the problem and principle of widows' pensions and child welfare.

In the old days when a father died and left a widow and dependent children behind it was the custom to put the children in an orphan asylum. The mother could see the children once a week for half an hour. The ties that bound a mother to her children were severed. We thought that was an obsolete and inhuman method of treating a widowed mother and her innocent children. We were determined to preserve the home, to unite the family, and to give the money to the mother that we gave to the orphan asylum. This we did in 1913. To-day if a father dies, the children, instead of being taken to an orphan asylum, are put in the custody of the mother. It cost the State of New York more to put the children in an asylum than it did to put them in the custody of the mother. It cost on an average of from $50 to $80 to maintain the children in an orphan asylum, whereas it only costs $20 to maintain these children in the care of their mother. Forty States of the Union have now adopted the principle of widows' pensions and child welfare.

Mr. WAINWRIGHT. My question was what progress the movement for old-age pensions is making in the State of New York.

Mr. SIROVICH. There is a commission investigating the subject of old-age pensions in the State of New York which is expected to report at the next session of the legislature. I am proud to tell my friend that Franklin Roosevelt, the newly elected Democratic Governor of the State of New York, has gone on record in favor of old-age pensions; and the principle of old-age pensions was incorporated in the platform of the Democratic Party in New York.

Mr. WAINWRIGHT. The workman's compensation act was adopted during the governorship of Charles E. Hughes.

Mr. SIROVICH. I want to correct the distinguished gentleman from New York on that. If I were a lawyer, I would take exceptions to his remark. The gentleman who fathered and sponsored the resolution which brought about the workman's compensation and employers' liability act was a member of a commission appointed by Governor Glynn, of which the present United States Senator, ROBERT WAGNER, was the chairman.

Mr. WAINWRIGHT. I do not desire to bring in anything of a personal nature, but I happened to have been chairman of the State commission on the employers' liability and workman's compensation. We made exhaustive study of the subject and our report and legislation recommended was adopted, and that was in the administration of Governor Hughes.

Mr. SIROVICH. That may be possible; nevertheless the important work that brought the act into full operation was done by ROBERT WAGNER and the factory commission, of which he was the guiding spirit in the person of its chairman.

Mr. WAINWRIGHT. The workman's compensation act was based upon the report of this commission and during the administration of Governor Hughes.

Mr. SIROVICH. When did the act go into effect?

Mr. WAINWRIGHT. The bill was declared unconstitutional. May I say that the question of the constitutionality of the act was always in doubt. It was known that the constitution might have to be amended.

Mr. SIROVICH. The bill sponsored by Senator WAGNER was never declared unconstitutional.

Mr. WAINWRIGHT. But what I say to my friend is that the first act which was passed by the Legislature of the State of New York was in the year 1909 or 1910—before the gentleman entered the legislature.

Mr. SIROVICH. I am glad to take the statement of the gentleman from New York, and will appreciate his kindly cooperation in this cause, so that we Democrats and Republicans may unite together for the common good of the old fathers and mothers of the country.

Mr. WAINWRIGHT. And I will say that the gentleman has made a very interesting speech.

Mr. SIROVICH. I thank the gentleman from New York.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. McKEOWN. I am very much interested in the gentleman's statement. In the first session of this Congress, like the gentleman, I introduced a bill along the lines of old-age pensions. Does the gentleman also take into consideration those who are injured in industry, who are disabled, so as not to be able to earn a living?

Mr. SIROVICH. For people who are injured in the performance of their work, as the gentleman has just heard, we have the workman's compensation laws, and the employers' liability laws, and perhaps in time, just as in England, France, and Germany, we will have an all-embracing compulsory-contributory form of old-age pensions to take care of invalidity, injury, and so forth.

Mr. McKEOWN. The old thought was that the States would take a part of this burden, and on the whole that it will be less expensive to the people generally. That is, the States will care for part of this.

Mr. SIROVICH. Exactly.

Mr. McKEOWN. And the National Government will carry part.

Mr. SIROVICH. Yes.

Mr. McKEOWN. And that as a whole it will cost less?

Mr. SIROVICH. Yes, sir; all students of the subject agree to that.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. BLACK of Texas. Has the resolution which the gentleman speaks of received a favorable report from a committee?

Mr. SIROVICH. I might tell my distinguished friend from Texas that I wrote a letter to my good friend from New York,

Mr. SNELL, the chairman of the Committee on Rules, but I guess that Mr. SNELL has been so busy in other work that he has been engaged in that he has allowed the days to go by without even acknowledging its receipt.

Mr. BLACK of Texas. And the resolution is before the Rules Committee?

Mr. SIROVICH. Yes; and I think it would be a fine Christmas gift to the old fathers and mothers of our country if we went as a solid phalanx to our good friend, Mr. SNELL, and asked him to be kind enough to allow the Rules Committee to report this innocent resolution of simple fact finding.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SNELL. What would a lot of our good friends do if they did not have somebody on whom to lay the blame for all of the bad things that happen in Congress?

Mr. SIROVICH. I would not lay any bad thing at the feet of my friend, Mr. SNELL. The gentleman is as fine a gentleman as there is in the Congress.

Mr. SNELL. But always there must be someone to lay everything on, to give as an excuse, and I suppose it might as well be me as someone else.

Mr. SIROVICH. I remind the gentleman that there is an old French proverb which says, that "He who excuses himself, accuses himself."

Mr. SNELL. I do not offer any excuses.

Mr. SIROVICH. Mr. Chairman, I shall take this opportunity of thanking the membership of this House for their graciousness and courtesy which they have extended to me while presenting this subject to the American people through this great historic forum. I sincerely trust that as you all go home you may all remain constant in good health, constant in strength and in good deeds, constant in benign influence and human achievement, and that you may all have a merry Christmas and a happy New Year. [Applause.]

Mr. Speaker, I wish to insert in the RECORD a letter written by Mr. George W. Wickersham, former Attorney General of the United States under President Taft, to the editor of the New York Times on November 30, 1928.

A HOME FOR THE AGED—AN INSTITUTION MINISTERING TO A PATHETIC AND GROWING NEED

To the EDITOR OF THE NEW YORK TIMES:

Announcement was made recently that building operations intended to double the capacity of the Home for Old Men and Aged Couples, situated opposite the Cathedral of St. John the Divine, on Amsterdam Avenue, will start shortly. This, in my opinion, is of unusual significance and worthy of especial note by all those interested in the progress of old-age security.

Fifty-six years ago last Sunday a group of members of the Episcopal Church, headed by Bishop Horatio Potter, met and evolved a plan for the founding of a home "where old men and aged couples of known respectability might pass their remaining days in bodily comforts and spiritual privileges and freed from temporal anxieties." Performing a distinguished and humane service for more than a half century, the admirable foresight and broad sympathies of these gentlemen and the wisdom of that policy are only now coming into recognition as the problem of old-age dependency lays increasing claim to public attention.

The recent report of the welfare council, showing that 13,000 aged persons are being cared for in the 82 homes in New York and that another 6,000 are without such care while they remain on an ever-growing waiting list, had a salutary effect on the public mind which was reflected in the widespread comment these figures promoted in the press. That the Home for Old Men and Aged Couples, in advance of this report, should have taken steps not only to keep abreast of this problem, but to anticipate its future requirements, is a singular tribute to the institution itself and to those charged with its direction.

The home to which I refer has taken the lead in providing its residents with not only the necessaries of life but also with as many of the comforts and pleasures as possible. The warm and tender atmosphere of a real home has been preserved, the restrictive regulations common to most charitable institutions have been reduced to a minimum, and the peculiarities of old age are recognized and met with sympathetic and intelligent understanding.

I can conceive of no sadder fate than that of the old couple who have faced life's problems together and who have known no greater happiness than the joy of their mutual companionship being forced to separate at the time when they have no one but each other, the man to wither away in an institution for men and the woman to grieve out her heart in a home for women. Experience has shown that one or the other usually passes away after a few months of such separation. The Home for Old Men and Aged Couples is one of the few institutions in New York in which elderly couples may spend their last years together.

As this home has led, I firmly believe other institutions will follow. It is making a noble effort to obtain the $188,000 necessary to complete a fund of $700,000 required for the new building and endowment. A pathetically long waiting list makes it imperative that the fund be in hand by December 15. Contributions should be sent to the Equitable Trust Co. of New York, assistant treasurer, 11 Broad Street, New York City.

GEORGE W. WICKERSHAM.

NEW YORK, *November 30, 1928.*

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COMBS].

Mr. COMBS. Mr. Chairman and members of the committee, whatever there may be of impropriety in the remarks I am about to make, I accept full responsibility for, and if there be unwisdom in post-morteming, then the blame is upon my own shoulders. There is no man in the House for whom I have a deeper respect, or who has rendered an abler or more conscientious public service, than the gentleman from Kentucky [Mr. GILBERT], who addressed the House last Monday. In view of his devotion to the Democratic Party I can not resist the belief that he did himself a serious injustice in the speech which he made from the floor on that occasion. You know that Democrats have a sort of genius for fratricidal war. There is no Democrat who would not rather stick a knife between the ribs of a fellow Democrat than insert it in the back of our traditional foes. Those who are disgruntled as a result of the outcome of the last election have followed the fashion of taking a pot shot at the chairman of the Democratic National Committee as a vent for their spleen. While I have no belief that he needs defense, I ask the indulgence of the House for a brief survey of his activities, and the activities of the Democratic Party during the recent campaign.

For eight years we have been wobbling along without leadership and without any clearly visioned policy. For the first time in eight years the Democratic Party has had vitality, it has had aggressiveness, it has had that which makes for an intelligent and for an effective campaign leadership. I do not believe that any of us feel that the business man has any monopoly on virtue, or that a man taken from the ranks of business is necessarily holier or more pious than the man who comes from the ranks of politics, yet I do know that we shall be rendering this country a tremendous disservice if we penalize every business man who seeks to render an honorable and disinterested service by criticizing him for those acts which he undertakes solely in the public weal.

I do not know of any campaign which has been conducted on a higher moral level, which had in it less recrimination, mud slinging, and vilification than the campaign conducted under the direction of Chairman Raskob of the Democratic Party. I do not know of any campaign leadership in the history of our party which has been more positive in its convictions or which has presented as clear cut an issue as the one from which we have emerged. Whatever you may say of the leadership it certainly was both courageous and aggressive. Then, too, it supplied the Democratic Party with the sinews of war. [Applause.] I will tell you when a man puts up any money for the Democratic cause it is an act of high faith. The high moral tone was maintained even in the face of a campaign of abuse. I happen to be reasonably familiar with the way this campaign was conducted and being a low and raffish fellow myself I saw no reason why we should not with perfect propriety dispute the citizenship of the President elect, then candidate for office on the Republican ticket. It was, however, contrary to the wishes on the part of the leadership of our party to indulge in anything that might be construed as mud slinging or invoking of unfair tactics. If this be lack of political wisdom, if this be political blundering, we as a party should be proud of the fact that we have blundered at least in the right direction. I heard with profound regret one statement made by the gentleman from Kentucky which I am going to take opportunity to quote:

> Kentucky is overwhelmingly Protestant, is overwhelmingly dry, has the smallest per cent of aliens, and even her wets are opposed to wines and beer.

The gentleman can go back to Kentucky and assure his constituents that God still reigns in the heavens, but that He is a dry, Nordic, and strictly Protestant God; that there is no possibility we shall again be plagued with the same situation which arose in this campaign. I believe that any further reference to this troublesome question of religion is something that we should avoid as we would avoid the scurvy. Protestant myself, and the son of a Protestant minister, I feel I can say with perfect propriety that the Catholic Church in this campaign conducted itself with the utmost dignity and restraint. [Applause.]

I will go further and say I do not believe for a moment that the people of Kentucky voted against Governor Smith for the reasons the gentleman from Kentucky has assigned. I believe, while they may have opposed him on the grounds of prohibition, that they were not sufficiently weighed down by intolerance as to have voted on the other ground which he assigned. And may I say now, while I am on this subject, that if a few gentlemen, if a few evangelical clergy whooped themselves into gurgling hysteria, if a few lost their sense of proportion, then it is indubitably true that they are in no sense representative of the intelligent minority of the Protestants of this country, and the sooner we as a people and a party forget about the question of religion the better off we will be. Prohibition? Why should not we have it as an issue? What have we sacrificed by junking some of our obsolete shibboleths and making an issue of a question of vital public concern? For the last eight years our platforms have been an anemic reflection of the Republican platform. We have expounded the doctrine of State rights and have repudiated it whenever it inconveniences or embarrasses us. We invoke the doctrine of State rights to justify our opposition to the child labor laws, and yet when it comes to matters of other human rights we withhold it from proper application.

State rights! It has become the laughing stock of every intelligent and well-informed man and woman in this House to-day. We profess in lush and voluptuous terms to believe in the inviolability of the Constitution of the United States, and——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COMBS. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COMBS. And yet, believing in the sanctity of the Constitution as it concerns the eighteenth amendment, we wink at the infraction of other amendments to the Constitution. We as a party have proclaimed our allegiance to the austere policy of not interfering with private business, contending that "that government is best which governs least"; and yet in the face of that profession we accept with rapture every crack-brained idea that is tagged with a humanitarian label and which puts the Government in business in competition with private enterprise.

What has this Congress done, and what has our party done, to redeem our professions and confirm the fundamental and time-honored policy that our Government shall abstain from interference in private business affairs?

What has our party lost in principle by urging new issues? We have changed its ambiguous policy with regard to the tariff. What heretofore has been equivocal has been made positive and clearly stated.

I do not believe that as a party we have surrendered a single important or authentic tenet of faith. Finally we had the courage to accept a candidate who stands for certain specific principles. Let us hope that out of the record there will come a new spirit to our party so that we will interpret in terms of a coherent legislative program our philosophy of government. So far as the Democratic Party is concerned, and so far as the man whom we sought to place in the White House is concerned, they need no defense in this House or in any other forum. They fought a hard and gallant fight. We Democrats, instead of backbiting and snarling and expressing our bitterness over the catastrophe, ought to take pride in the fact that it was a good fight, valiantly waged, and fought under gallant leaders. [Applause.]

Mr. BUSBY. Does the gentleman stand as the spokesman of the Democratic Party now?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BUSBY. I understood you condemned the gentleman from Kentucky [Mr. GILBERT], who spoke the other day, and that you speak for the party.

Mr. COMBS. No; I am not so presumptious.

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. HOCH. Mr. Chairman and ladies and gentlemen of the committee, the remarks of the gentleman who has just spoken suggest a very alluring subject, but I do not rise to indulge in any postelection diagnosis. I rise for the purpose of making a few additional observations upon what I think is a great national question, which I discussed briefly in this House a few days ago, namely, the basis of representation of the various States in this body.

Yesterday afternoon the gentleman from Wisconsin [Mr. SCHAFER] put into the RECORD a letter from a certain gentleman from New York in the effort, apparently, to inject into this question the wet and dry issue and the religious question. It seems to me unfortunate that there is scarcely a question discussed on this floor but some gentleman with a wet and dry complex thinks he must interject that question into the proceedings. I do not think that the apportionment question has anything to do with the wet and dry question or with the question of religion.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. SCHAFER. Nothing was said about the religious issue.

Mr. HOCH. The gentleman said this came from Protestant sources and stressed that point and then sought to bring in certain other organizations in this country in an effort to becloud the issue. So far as I know, there has been no propaganda of the sort suggested. I have no knowledge whatever as to the attitude of any of the organizations mentioned. I have no sympathy whatever with the injection of prohibition or religion into this question. But let us get at the merits, which some gentlemen seem to wish to avoid.

Let me discuss another phase of the question which I did not have the time the other day to go into fully. The question I raised is whether it is reasonable and right that any State in this Union should have an increase in membership in this House solely for the reason that there is within the boundary of that State a large body of aliens—that is, unnaturalized foreign born.

I raised the question whether it is reasonable or right that the vote of any State in this Union should be increased upon this floor upon any one of the great American questions that arise, including even a declaration of war, solely because of the fact that there is in that State a great body of aliens. I assert that by every test of logic, of governmental theory, and of sound Americanism the answer to that question must be in the negative.

I now propound a second inquiry, which I did not get time to discuss the other day. What is it? It is a question, I think, of equal or even greater importance. Is it reasonable, is it right, that the electoral vote of any State in this Union in the election of a President of the United States should be increased solely by the fact that there are within that State a great body of aliens; that is, unnaturalized foreign born? Of course, all who are familiar with our Constitution understand that the electoral vote of any State is determined by the total of the number of Senators and Members of the House from that State. Let me give you an illustration. Suppose in the recent election Herbert Hoover or Governor Smith had been elected by an electoral vote of one majority. What would that mean, so far as this proposition is concerned?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SHREVE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOCH. It is difficult to cover this in such a short time. I called attention to the fact that upon the basis of the 1920 census a reapportionment, excluding aliens from the count, would mean a shifting of nine electoral votes from five States. Therefore if either Herbert Hoover or Governor Smith had been elected by a majority of one in the Electoral College, counting the votes of these five States, that would mean that if the aliens had been excluded from the basis of representation in any one of these five States it would have changed the presidential result.

Now, the gentleman from New York the other day said that this situation would cure itself, after denying that there was any situation that needed to be cured. I deny that proposition. The record of our history shows that it does not cure itself. This is no new question. Let me say in passing that I never heard of the proposal of the New York gentleman whose letter was inserted in the RECORD yesterday, and frankly am not interested in his contention that he is the originator of the idea. Of course, anyone familiar with American constitutional history knows that it is absurd for anyone now living to claim that he originated the idea that aliens should not be counted in making congressional apportionment. In introducing my resolution the other day I certainly made no such claim and had never heard of this New York gentleman's proposal. I am led to say this by the resentment I feel that anyone on either side should inject outside issues into a discussion of this sort. So much for that.

I was calling attention a few moments ago to the result that might happen in any presidential election by the inclusion of aliens in the count. I do not believe there will be any census

for many years, if ever, where the exclusion of the aliens would not shift at least 5 to 10 electoral votes from States where such votes are based on alien population to other States where they would be based on citizen population. And the shifting of just one electoral vote might mean a different presidential result, just as in the House it might mean a different decision on matters of vast importance.

I assert again on this second proposition that by every test of a sound theory of government and of American doctrine the election of a President of the United States should rest entirely upon a foundation of citizenship, and not upon a foundation of foreign or divided allegiance. [Applause.]

I am not at the moment discussing the matter of suffrage. Any student of the Constitution—and, of course, that includes us all—knows that the matter of suffrage, outside the limitations in the Constitution, principally the fourteenth, fifteenth, and nineteenth amendments, still resides within the individual States and is not a matter of Federal jurisdiction. But that is aside from what I am discussing. I am discussing the sole question of whether the residence of aliens in a State, not citizens either by birth or naturalization, should have such a far-reaching effect not only upon the membership of this body, but upon the vastly important matter of the election of a President of the United States.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. BANKHEAD. I am not assuming to discuss the merits of the gentleman's proposition, but what does he think about the provision in the Constitution which provide that—

> Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Mr. HOCH. If the gentleman had been present the other day he would know that I discussed that and discussed it upon the basis of the constitutional amendment which I have offered in the House, which proposes to add to the very sentence the gentleman reads the two words "and aliens," so that aliens would be excluded as a basis of representation in this body.

Mr. BANKHEAD. I regret that I did not hear the gentleman's former statement.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOCH. There are many angles to this proposition, and I do not want to impose upon the House too much. However, I want to call attention, as briefly as I can, to a matter of American history. When the Constitution was framed we had no uniform naturalization laws. The Constitution provided a grant of power to the Federal Government, to enact a uniform naturalization law.

The different States had a different basis of naturalization as well as a different basis of suffrage, and so it was impracticable at the time the Constitution was adopted to exclude aliens from the count. However, as the years went on the question assumed increased importance, and at the time of the adoption of the fourteenth amendment, following the Civil War, it is interesting to know that the same question I am presenting was debated upon the floor of this House. I have before me a speech made by Thaddeus Stevens, of Pennsylvania, on January 31, 1866. He, as the spokesman of the House Members on the Joint Committee on Reconstruction, which was appointed after the war, and was the committee from which came the fourteenth amendment and some other measures, discussed this question, and I want to read just a sentence or two from his statement. I now quote:

> If I have been rightly informed as to the number, there are from 15 to 20 Representatives in the Northern States founded upon those who are not citizens of the United States. In New York, I think, there are three or four Representatives founded upon the foreign population, three certainly. And so it is in Wisconsin, Iowa, and other Northern States.

Now, listen. He says further:

> Let us try to be practical. On the 5th day of December last I introduced a proposition to amend the Constitution founding representation upon the voting basis and excluding the foreign population, as the proposition of my friend from Ohio does. It was dear to my heart, for I have been gestating it for three months. [Laughter.] But when I came to consult the Committee of Fifteen and found that the States would not adopt it, I surrendered it.

In other words, he surrendered not as a matter of principle, but solely for the very practical reason that he found upon his committee of 15 he did not have enough votes to get the proposal out of the committee, all of which sounds very modern in the light of certain discussions we have had from time to time in this House.

I rest the proposition again solely upon this sound governmental doctrine, as I believe it to be: The basis of representation in the popular branch of Congress should be upon a basis of citizenship and not upon a basis of alien population.

Think of it! Here we have in the State of New York, by way of illustration, four electoral votes and in Massachusetts two votes cast upon the election of the President of the United States solely because there are several million aliens in those States. And so with the other States where the seven or eight million aliens in America principally reside. And yet the great body of American citizens in Alaska are without any vote at all in the Electoral College. We have the District of Columbia with its citizens, we have in the Territory of Hawaii, American citizens, and they have no voice in this House and no voice in the election of a President of the United States. But as a result of this thing which I do not believe can be squared by any sound governmental reasoning, we have nine votes in this House, nine votes in the Electoral College, based solely upon the existence of large alien populations in a few States. The 1930 census may show an even greater inconsistency.

Mr. LOZIER. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. LOZIER. Is it not reasonable to assume that the members of the Constitutional Convention presumed there would be no large body of foreigners come to this country and remain for a long period of years without becoming citizens?

Mr. HOCH. I think it is fair to assume that, and as I said a moment ago, it is easy to understand when the new Government was being formed, when the States had all the various differences with reference to naturalization and there was no uniformity, that it was impracticable at that time to exclude the aliens from the count. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, to my mind there is danger of the passage of a so-called farm relief bill, which will be only a delusion and a snare. The farmers are entitled to a good bill. While we are about it let us pass a real farm relief measure. Will the so-called stabilization corporations set up under the proposed farm board render a real service to the farmers? Well, maybe so, but I doubt it. At Government expense and with Government aid it will add a few more gigantic speculators to the already overcrowded field of middlemen.

There is danger of the creation of great concerns which will buy larger amounts of farm products from the farmers at low prices and elevate prices, if at all, after most of the particular commodity is out of the hands of the real producers. The farmers' products eventually sell for a good price, but the enhancement is after they leave the hands of the farmer, and not enough of the real value of the products is received by the farmer.

I want farm relief for the individual farmer and for all farmers and not for those who possess the farmers' products after he has lost the ownership of them. The farmers need legislation which will enable each and all of them to hold their products off the market and sell them only when there is a reasonable demand for them at a fair price.

Let us pass a bill which will help the poorest of the poor as much as it will help the richest of the rich, and which will enable the small producer to hold his commodity until there is a good price and he shares in the benefits of the legislation. I brand as unfair and vicious any bill that provides for the establishment of a corporation or corporations with public funds to be used in exploiting the farmer of small means who is not able to hold his commodity for a better price.

I certainly hope there will be no serious effort to pass any such bill. Let us pass legislation so definite and helpful in its terms that each farmer who has for sale a bale of cotton, a few pounds of tobacco, or other commodity, will understand fully the exact financial benefit he is receiving therefrom.

It is clear to my mind that this can only be done to the fullest extent by the creation of a Government agency with power and capital to help all and every producer of cotton or tobacco, for instance, hold their commodities until there is a demand for them and then sell them in wholesale quantities at a fair price. The farmers will never get a fair price for their products as long as they are rushed on the market, as cotton and tobacco are sold in my section at the present time.

It is a tragedy for tobacco to be sold at a sacrifice, such as I saw so many times last summer, when it should have netted the

farmers, in many instances, more than twice what they received. This thing must stop and I, for one, will not approve or be content with a bill which is only a makeshift and does not render real personal relief to the producers of the country. The farmers' problem can be permanently solved by the Government offering to help them get a square deal, provided the farmers give a square deal to themselves and to the Government.

I have a bill pending which will provide for this sort of thing, and I propose making myself heard often and fully concerning this bill during the next few months.

We have just passed a bill to construct the great Boulder Canyon Dam across the Colorado River. Why? Simply because the people to be benefited are to do certain things in return, so as to make desirable the expenditure. Great irrigation projects are undertaken because it is made clear that the Government is to render a certain service and receive in return a commensurate service. All great enterprises, private and public, are undertaken for the same reason. Therefore, why not the Government say to the farmers, "We will make you independent, enable you to name within reason the price of the products of your toil, and place you on a parity with other businesses and enterprises, provided you will in return by proper organization control your production and marketing"?

My bill goes into detail as to how this can be done, and later I hope to discuss it more fully with individual Members, before the committees, and on the floor of the House. [Applause.]

Mr. SHREVE. Mr. Chairman and gentlemen of the committee, the subcommittee of the Committee on Appropriations which conducted the hearings on the bill now before you for your consideration (H. R. 15569) making appropriations for the Departments of State, Justice. and the judiciary, and the Departments of Commerce and Labor take pleasure in informing you that they have examined with unusual care this year the requirements of these four great departments for the fiscal year ending June 30, 1930, and the recommendations presented to you in the form of this bill represent the committee's best judgment. In this connection, I think it apropos at this time to state that the membership of the subcommittee handling this bill has been intact for the past six years, and, year after year, their interest, instead of flagging, has only increased, and I take this occasion to congratulate and compliment my confreres, Messrs. ACKERMAN, OLIVER of Alabama, TINKHAM, and GRIFFIN for the wonderful spirit of help, cooperation, and advice that has always been manifest during all these years of committee association.

In discussing the bill with you this afternoon, I shall dwell briefly on the figures for the bill as a whole and endeavor to give you a picture of the action taken by the committee in figures covering the four departments combined and then shall be glad to discuss the recommendations covering the more important features of each department separately.

The total appropriations under which these departments are now operating during this present fiscal year, 1929, is $90,573,935.89. The committee examined estimates for the next fiscal year amounting to $111,874,347.43, and the total of the bill recommended by this committee for the conduct of these departments for the next fiscal year, 1930, is $111,772,887.43. This represents a gross increase of $21,198,951.54 over the current year, and a decrease of $101,460 under the Budget estimates.

The total increase in the bill for 1930 over 1929, which, if I may repeat, is $21,198,951.54, standing by itself would be indicative of numerous increases of considerable importance, but, as a matter of fact, the amount is a net increase accounted for very largely by consideration of four factors, namely: The amendment to the classification act of 1923, passed at the last session (Welch Act), the special act increasing the pay of immigration inspectors, the presence in the bill of the largest of the increments of appropriation for the taking of the Fifteenth Census, and the elimination from the bill of a number of appropriations for the fiscal year 1929 which do not recur for the fiscal year 1930.

The increase in the bill for the four departments on account of the Welch Act is $2,754,374, and the increase on account of the pay of immigration inspectors is $244,620, making the bill carry on account of pay increases authorized at the last session, $2,998,994. The increase carried on account of the largest of the increments for the Fifteenth Census is $16,951,800. The nonrecurring 1929 items account for a decrease of $2,521,200. Considering these broad factors of increase or decrease between 1929 and 1930 and eliminating them from consideration, the net increase of 1930 over 1929 on all other items for the four departments is $3,776,357.54. I am inserting a table at this point of the RECORD which shows these factors of difference graphically set forth for each department and in the aggregate:

Department	Appropriations for 1929, including sums in deficiency act	Budget estimates, 1930	Amount recommended in bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
State	$14,325,003.39	$14,603,598.43	$14,600,478.43	+$275,475.04	−$3,120.00
Justice	26,808,062.50	28,103,570.00	27,937,370.00	+1,129,307.50	−166,200.00
Commerce	38,372,530.00	58,456,749.00	58,519,609.00	+20,147,079.00	+62,860.00
Labor	11,068,340.00	10,710,430.00	10,715,430.00	−352,910.00	+5,000.00
Total	90,573,935.89	111,874,347.43	111,772,887.43	+21,198,951.54	−101,460.00

REALLOCATION OF POSITIONS

The committee recommends in the bill a paragraph similar to that included in the Interior Department appropriation bill and approved by the House permitting transfers between bureau or office appropriations to meet increases of compensation resulting from the reallocation of positions by the Personnel Classification Board pursuant to the classification act of 1923. It frequently happens that after the annual appropriations have been made reallocations are approved by the board adding burdens to the appropriations that could not be foreseen at the time they were under preparation in the departments or under consideration in the Budget Bureau and in Congress, and the paragraph included in the bill is to enable the departments to meet such contingencies without upsetting the allocations of funds that were made prior to the certification of any such reallocations. The committee is of the opinion that that paragraph will be an effective aid in administration and at the same time is sufficiently safeguarded to prevent any possible abuse in its operation.

DEPARTMENT OF STATE

I shall give you now the changes and recommendations in connection with Title I of the bill, the Department of State.

We have recommended for the department a total of $14,600,478.43, which is an increase of $275,475.04 over the current appropriations and a decrease of $3,120 under the Budget estimates. In the appropriations for 1929 there were items aggregating the sum of $693,000 which will not be required in 1930 and which, therefore, have been omitted from the estimates for that year, thus leaving an amount equivalent to this sum for new items and increases in other items for 1930, which, together with the increase of $275,475.04 over the appropriations for 1929 gives an aggregate of $968,475.04 for new items and increases for the fiscal year 1930, of which $115,720 is due to the Welch Act.

Group	Appropriations, 1929 (including second deficiency act of 1928)	Budget estimates, 1930	Amount recommended for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
(1) Department in Washington, including passport bureaus	$1,462,365.00	$1,685,955.00	$1,692,835.00	+$230,470.00	+$6,880.00
(2) Foreign Service	9,374,600.00	9,214,640.00	9,214,640.00	−159,960.00	----------
(3) Foreign Service buildings and retirement funds	1,513,000.00	2,216,000.00	2,216,000.00	+703,000.00	----------
(4) International obligations	1,916,288.39	1,429,753.43	1,419,753.43	−496,534.96	−10,000.00
(5) Judicial	58,750.00	57,250.00	57,250.00	−1,500.00	----------
Total, regular annual appropriations	14,325,003.39	14,603,598.43	14,600,478.43	+275,475.04	−3,120.00
(6) Permanent and indefinite appropriations	141,233.00	141,233.00	141,233.00	----------	----------
Grand total	14,466,236.39	14,744,831.43	14,741,711.43	+275,475.04	−3,120.00

SALARIES, SECRETARY'S OFFICE

The committee has recommended a total of $1,340,000 for the salary appropriation under the Secretary's office, an increase of $194,240 over the current year and a decrease of $9,820 under the amount recommended in the Budget estimates. The increase in the salaries for the Department of State resulting from the Welch Act, exclusive of the fund "Immigration of

aliens," accounts for $108,220 of the increase carried in the bill. The balance is made up of new positions in the treaty division, index bureau, publications division, and stenographic section, and the replacement of two Foreign Service officers as chiefs of the Mexican affairs division and Latin American affairs division by civilian appointments.

The estimates contained a recommendation for the increase in the salary of the Undersecretary of State from $8,000 to $12,000 to conform to the action recommended in the Budget increasing the salaries of the Undersecretary of the Treasury, the Solicitor General, the Director of the Budget, and the Comptroller General, each from $10,000 to $12,000. General committee action having eliminated all these increases from $10,000 to $12,000, the two applicable to this bill are accordingly rejected. The committee, however, in the case of the Undersecretary of State recommends that the salary be increased from $8,000 to $10,000, to be comparable with the present salary paid to the other official positions with which it is classified in importance. The present incumbent of the position of Undersecretary of State is a recent appointee and under the operation of the restriction on promotions under the "average" provision he was necessarily placed at $8,000, the minimum salary of his grade, which carries rates of $8,000, $8,500, and $9,000. His salary at the present time is $1,000 lower than that of the other Assistant Secretaries of State, whom he outranks, and each of whom receives $9,000. The committee, therefore, feels that in real justice to the present situation the salary should be made $10,000 per annum.

CONTINGENT EXPENSES

The amount recommended for contingent expenses for the department in Washington is $70,705, an increase of $17,100 over the current year and an increase of $15,000 over the Budget estimates. The committee allowed $5,000 additional for a new automobile for the Secretary's office, to be immediately available, and the balance of the increase will be used in providing additional equipment, furniture and fixtures for the department, some additional desks, and the replacement of worn-out typewriters and equipment.

PRINTING AND BINDING

The appropriation for printing and binding recommended for 1930 is $210,000, an excess of $10,000 over the expenditures estimated for the current year, the major portion of which is to be expended in an endeavor to carry out the department's schedule in bringing its issues of Foreign Relations current. I might say right here that there are now several volumes in various stages of preparation, and the department is working upon a program which contemplates the publication of a total of 27 volumes by June 30, 1934, which will cover all of the diplomatic correspondence down to and including the year 1927.

PASSPORT BUREAUS

We have recommended for the passport agencies of the department in the United States a total of $72,130, an increase of $9,130 over the current year and an increase of $1,700 over the Budget estimates. Of this difference, $4,860 represents the increase caused by the Welch Act, $2,570 for additional personnel of two employees, and, in addition, $1,700 for electrifying the sealing press and the purchase of machines to be used in connection with affixing photographs to passports that will greatly help in eliminating fraudulent transfers of pictures on passports.

CONTINGENT EXPENSES, UNITED STATES CONSULATES

We have included in the bill the Budget estimate of $1,063,000 for contingent expenses at the United States consulates, an increase of $28,000 over the 1929 figure. Increases in rentals at some of the consulates abroad account for $7,000 of this increase. In order to protect passports and to prevent illegal entry into the United States of alien applicants for visas, it was found desirable that some means of marking passports and visas to prevent counterfeits and fraud should be adopted. A "protectograph" has been found which will serve this purpose, and a sufficient number to supply the various offices can be obtained at a cost approximating $9,500. The balance that goes to make up the increase of $28,000 will be used for furniture, furnishings, and labor-saving devices.

FOREIGN SERVICE BUILDINGS FUND

As the House will no doubt recall, Congress has appropriated, under section 4 of the act approved May 7, 1926, for the acquisition of buildings and grounds for the use of the Government in foreign countries a total of $2,435,000, from which expenditures have been made amounting to $1,661,569.20. The Foreign Service Buildings Commission has decided upon projects which will call for an expenditure during the fiscal year 1929 amounting to a total of $1,784,265.33. Thus, not only will all of the unexpended balance of existing appropriations be required, but the appropriation for expenditure during the present fiscal year of an additional sum of $1,010,834.53. The projects mentioned and others decided upon by the commission will require an expenditure of $1,425,815.78 during the fiscal year 1930. In addition to this amount the commission has practically decided upon one important project which will cost not less than $1,000,000 and have in contemplation the authorization of other projects costing approximately $2,200,000. It is expected that at its approaching meeting the commission will definitely decide upon the acquisition of the last-named properties. This will make outstanding projects to be financed amounting in all to $3,625,815. It will therefore be necessary, so that the work of the commission may continue unabated, to appropriate $2,000,000 for the next fiscal year. This amount has been recommended by the committee.

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY, AND UNITED STATES, AUSTRIA AND HUNGARY

The appropriation for the current year for this commission is $178,762. The amount in the bill for 1930 is $132,927, a decrease of $45,835. There has been presented to the German Claims Commission a total of 12,425 claims, aggregating approximately $1,479,000,000. Of this number all of the claims have been disposed of except 203. Of these 203, the decision on 57 will determine the remainder of them, work on which it is expected will be finished by the end of this fiscal year. With reference to the Austrian and Hungarian claims, known as the tripartite claims, there have been presented 1,631 cases, of which number all have been disposed of except 149, and it is expected that these will be settled by the end of the present fiscal year. In the settlement of war claims act, passed at the last session, the President was asked to negotiate with Germany for an extension of the commission's jurisdiction to include the consideration of claims that were filed after April 9, 1923, which, under the original agreement, was the date when all claims had to be filed. The President has submitted the proposition to the German Government, which has taken it under consideration. While nothing definite is known as yet it is anticipated that the German Government will acquiesce in the extension of the jurisdiction of the commission to these additional cases, of which there are 5,889. The estimate approved by the committee is to continue the work of the commission for another year in the event of the presentation to it of these additional cases.

DEPARTMENT OF JUSTICE

The total appropriation we have recommended for the Department of Justice and the judiciary is $27,937,370. This is a reduction of $166,200 under the Budget estimates. The current appropriations of the department total $26,808,062.50. The recommendations which I have mentioned, therefore, are $1,136,307.50 more for 1930 than for 1929. The increases allowed under the application of the Welch Act account for $771,774 of this increase. In addition to the Welch Act salary increase, there is also an increased amount of $65,500 for salaries of judges. The balance of the department's larger increases are $107,500 in the item for marshals and their deputies, $86,000 in the fund for district attorneys, $93,400 for regular assistants to district attorneys, $123,000 for clerks of courts, and a total increase for the different Federal penal and correctional institutions of $395,321.

Object	Appropriations, 1929	Budget estimates, 1930	Amount recommended in the bill, 1929	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
Department of Justice proper	$4,443,050.00	$4,684,790.00	$4,675,590.00	+$232,540.00	−$9,200.00
Judicial	16,839,702.50	17,441,149.00	17,341,149.00	+501,446.50	−100,000.00
Penal and correctional institutions	5,525,310.00	5,977,631.00	5,920,631.00	+395,321.00	−57,000.00
Total	26,808,062.50	28,103,570.00	27,937,370.00	+1,129,307.50	−166,200.00

SALARIES, ATTORNEY GENERAL'S OFFICE

In the office of the Attorney General, or, I might say, for the salary roll covering the majority of positions in the Department of Justice in Washington for legal work, we have recommended a total of $1,228,300. This is an increase of $121,400 over the current figure and a decrease of $9,200 under the 1930 Budget estimate. The increase for 1930 is due in the main to Welch Act increases, amounting to $97,000, and the transfer of two positions from an appropriation heretofore carried separately entitled "Enforcement of acts to regulate commerce." In addition there is an increase in positions of two attorneys and one stenographer to aid in increased taxation work.

PROTECTING INTERESTS OF THE UNITED STATES UNDER SETTLEMENT OF WAR CLAIMS ACT OF 1928

We have recommended $75,000 for protecting the interests of the United States which work grew out of the settlement of the war claims act of 1928. This act provided that as to certain German ships which had been taken over, and radio stations, and for certain situations with reference to patents, an arbiter should be appointed who should make certain determinations and awards. There were 1,181 claims filed before the arbiter; 1,081 being patent claims, involving 6,201 patents, and 440 trade-marks. This work of presenting the United States' side of the claims is now progressing, and it is estimated by the legal division in charge of the ship litigation and also the division in charge of the patent litigation, that it can not be completed prior to January 1, 1930, and possibly will continue for several months after that date. The estimate is based upon the theory that it will be necessary to continue substantially a force of 16 attorneys and 4 stenographers for a period of at least six months during the fiscal year 1930. The appropriation has been made immediately available so that it may be used to reimburse the regular appropriations for the fiscal year 1929 to the extent that they have been used for this claim work. We have inserted a clause in the bill limiting the salary of any individual paid out of this found to $9,000.

PENAL AND CORRECTIONAL INSTITUTIONS

As the House no doubt knows, the Federal Government, under the Department of Justice, has six penal and correctional institutions; namely, the penitentiaries at Leavenworth, Atlanta, and McNeil Island, the Federal Industrial Institution for Women at Alderson, W. Va., the United States Industrial Reformatory at Chillicothe, Ohio, and the National Training School for Boys at Washington, D. C. The total we have recommended for the conduct of these institutions (including also the probation system, support of prisoners in other than Federal institutions, and the inspection of prisons and prisoners) amounts in the aggregate to $5,920,631. This is an increase over the current year of $395,321, and is accounted for in the main by increased personnel and maintenance costs due to the steadily increasing populations at these different places of incarceration.

DEPARTMENT OF COMMERCE

We have recommended for the Department of Commerce for the fiscal year 1930 a total of $58,519,609, an increase of $20,147,079 over the current year and an increase of $62,860 over the Budget estimates. There is recommended $19,000,000 for the largest increment of the appropriations for the taking of the Fifteenth Census, which represents an increase of $16,951,800 over the current census appropriations. The increase involved on account of the Welch Act is $1,343,760. The 1929 appropriations contained items totaling $512,200, which do not recur for 1930. Taking into consideration the increase on account of the Welch Act, the Fifteenth Census, and the decrease on nonrecurring items, the remainder of the items for the department show a net increase of $2,363,719, which is largely accounted for by additions under the aeronautics branch, the Bureau of Foreign and Domestic Commerce, and the Bureau of Fisheries.

Bureau	Appropriations, 1929	Budget estimates, 1930	Amount recommended in bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
Secretary's office	$7,181,950	$9,354,460	$9,320,820	+$2,138,870	−$33,640
Foreign and Domestic Commerce	4,257,357	4,436,423	4,524,923	+267,566	+88,500
Census	2,048,200	19,000,000	19,000,000	+16,951,800	
Steamboat Inspection	1,114,060	1,187,220	1,187,220	+73,160	
Navigation	330,880	352,040	352,040	+21,160	
Standards	2,246,055	2,506,746	2,506,746	+260,691	
Lighthouses	11,145,250	11,349,980	11,349,980	+204,730	
Coast and Geodetic	2,404,535	2,515,860	2,515,860	+111,325	
Fisheries	2,010,748	2,170,550	2,178,550	+167,802	+8,000
Patent	3,091,415	3,333,800	3,333,800	+242,385	
Mines	2,542,080	2,249,670	2,249,670	−292,410	
Total	38,372,530	58,456,749	58,519,609	+20,147,079	+62,860

CONTINGENT AND MISCELLANEOUS EXPENSES

I call your attention to the fact that for the department's contingent and miscellaneous expense fund the bill carries a total of $290,000, which, when there is taken into account a transfer of $33,100 formerly carried in this lump-sum amount to the Bureau of the Census's regular $19,000,000, represents an increase of just the amount of the transfer. This increase has been allocated generally to the different bureaus in the department.

PRINTING AND BINDING

The same I might say is true of the printing and binding item, where a transfer of $114,000 has been made and the fund reduced by only $100,000, showing a net increase to the department of $14,000.

THE AERONAUTICS BRANCH

I know the House will be very much interested in the 1930 program for commercial airways and the wonderful work that has been done and is contemplated by the department along this line. Since the establishment of the aeronautics branch of the department under the air commerce act of 1926 appropriations therefor have been made in two separate funds, "Aircraft in commerce" and "Air navigation facilities." I shall explain the program under each one of these heads separately. First, for aircraft in commerce the appropriation recommended of $935,000 covers expenses of administration and the cost of the following special work required by the air commerce act:

1. The inspection and licensing of aircraft; the examination and licensing of pilots and mechanics; the enforcement of the air-traffic rules; the inspection and rating of airports; and other regulatory functions.

2. The dissemination of information relative to commercial aeronautics; the promotion of trade; and the encouragement of local governments in the establishment of air ports.

3. Research and experimentation looking to the improvement of materials used in the construction of airplanes; the testing of new types of aircraft engines and propellers.

4. The mapping of civil airways.

The amount allowed by us for 1930 for these activities is an increase over the current year of $160,500.

Activity	1929 appropriations	1930 Budget estimates	1930 committee recommendations	Increase (+) or decrease (−), recommendations over appropriations	Increase (+) or decrease (−), recommendations under estimates
Administration	$58,400	$63,880	$63,880	+$5,480	
Air regulations	476,200	705,730	672,090	+195,890	−$33,640
Air information	41,500	44,380	44,380	+2,280	
Airway mapping (Coast and Geodetic Survey)	18,400	21,200	21,200	+2,280	
Research (Bureau of Standards)	125,000	60,000	60,000	[1] −65,000	
Purchase of airplanes	55,000	55,000	55,000		
Welch Act increases		18,450	18,450	+18,450	
	774,500	968,640	935,000	+160,500	−33,640

[1] This is not a decrease but a transfer of this amount to the fund "Air navigational facilities."

This increase is distributed as follows:

Administration: There has been recommended under this heading an increase of $5,480. This is for additional office employees, made necessary by the large increase in the work of the Washington office. The additional employees will be assigned to the administrative section, which has charge of the mail and files, accounts, and other similar routine office matters.

Air regulations division: An increase of $195,890 has been carried in the bill over 1929. This is intended to cover the personnel and equipment to establish a licensing unit on the west coast; the salaries of 20 field clerks for assignment to headquarters of inspection districts, and rent and equipment of field district headquarters offices; salaries and traveling expenses of additional airplane, engine, and factory inspectors, maintenance and operating expenses of additional airplanes requested; purchase of special flying equipment, and some additional clerical help in Washington. The committee decreased the Budget estimate somewhat, it being of the opinion that the estimate for additional inspectors was somewhat excessive.

Airway mapping section: The increase of $2,800 is for the salary of an additional topographic draftsman.

Aeronautical research division: The apparent decrease of $65,000 is due to the fact that items for research in connection with radio communication, lighting, and other aids to air navigation have been estimated for under the heading "Air navigation facilities."

AIR NAVIGATION FACILITIES

The second appropriation which I wish to discuss briefly is to cover the actual setting up, establishing, and maintaining of the civil airways, equipped with intermediate landing fields, boundary and beacon lights, telegraphic, telephonic, and radio communications, and weather reporting service. We have rec-

ommended for this purpose for 1930 a total of $5,458,620, an increase over 1929 of $798,770. The recommendation I have just called your attention to will maintain 11,500 miles of airways at $195 a mile and 44 radio stations at $12,000 per annum, and in addition will construct 3,900 miles of additional airways at $315 a mile and construct 19 additional radio stations at $24,000 each.

Expenditures	Fiscal year 1929	Fiscal year 1930
Administration:		
Salaries, departmental service	$65,360	$72,540
Salaries, field service	272,750	275,000
Travel and subsistence	162,700	170,000
Office expenses and supplies	28,700	34,000
Operation of airplanes	75,000	21,643
Total, administration	604,510	573,183
Maintenance:		
Lighted airways—		
Fiscal year 1929, 7,512 miles, at $195 per mile	1,464,840	
Fiscal year 1930, 11,500 miles, at $195 per mile		2,242,500
Radio stations—		
Fiscal year 1929, 24 radio stations, at $12,000 per annum	288,000	
Fiscal year 1930, 44 radio stations, at $12,000 per annum		528,000
Total maintenance	1,752,840	2,770,500
Construction and maintenance on additional airways:		
Fiscal year 1929, construction of 4,000 miles, at $315 per mile	1,260,000	
Maintenance, 4,000 miles, 6.5 months, at $195 per mile	422,500	
Fiscal year 1930, construction of 3,900 miles, at $315 per mile		1,228,500
Maintenance, 3,900 miles, 4 months, at $195 per mile		285,187
Radiobeacon and communication stations, construction and maintenance:		
Fiscal year 1929, construction of 20 stations, at $24,000 each	480,000	
Maintenance of 20 stations for 7 months, at $12,000 per annum	140,000	
Fiscal year 1930, construction of 19 stations, at $24,000 each		456,000
Maintenance of 19 stations for 5 months, at $12,000 per annum		95,000
Total, new construction and maintenance	2,302,500	2,064,687
Research and experimental work:		
Salaries, departmental service		10,000
Salaries, field service		15,000
Travel and subsistence		10,000
Purchase of supplies and equipment		15,250
Total, research and experimental		50,250
Grand total	4,659,850	5,458,620

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

We increased the Budget figures in several instances for the Bureau of Foreign and Domestic Commerce by an amount totaling $88,500. This gives the bureau, including a $20,000 increase contained in the Budget, a net increase over 1929 of $108,500, which is exclusive of the Welch Act increases. The increases are as follows:

Promoting commerce in South America	$25,000
District offices	50,000
Export industries	3,500
Directory of foreign buyers	30,000

CENSUS BUREAU

I have called attention to the fact before, I believe, that we are carrying $19,000,000 in the bill for the Census Bureau as the first increment of a 3-year program for the taking of the Fifteenth Decennial Census. This census, as authorized in legislation that is pending, is to cost in the aggregate $39,940,000. I might say right here that the last decennial census that was taken, as most of us know, was by far from being as accurate as it should have been, due in the main to lack of the proper amount of appropriations. The director of the bureau has assured this committee, however, that if the full amount of $39,940,000 is appropriated over a 3-year period this census will be efficiently taken in every respect, and we have confidence in this statement.

BUREAU OF MINES

We have included in the bill for the Bureau of Mines a total of $2,249,670, which is an increase of some $148,000 for 1930. While some of this is absorbed by the Welch Act increases, nominal increases have been allowed in four or five of their funds.

HELIUM PLANTS

As the House no doubt is well aware, this committee started in on a 3-year helium program two years ago in conjunction with legislation that was then passed for the conservation and processing of helium. The Fort Worth field was fast petering out and it became necessary to acquire other helium-yielding gas lands. This was done at what is known as the Cliffside structure, Texas, and negotiations have been under way and will be completed whereby the Government will obtain a vast acreage of gas land containing an enormous quantity of 1.75 helium-bearing gas. A plant has been built at Soncy, Tex., and on January 10, 1929, will start efficient operation. I am glad to say to the House that we have been reliably informed that this will settle the helium question for a long time in the future. It was estimated that the original 3-year program was to cost $2,060,000. We have appropriated all but about $500,000 of this, and, while this amount is not contained in this bill, contract authorization is included, and the bureau's representatives can go ahead and tie up the balance of this structure by contract and, when necessary, the money will be appropriated.

OTHER BUREAUS

With the exception of the Bureau of Fisheries, which we increased over the Budget estimates by $8,000, the rest of the department's bureaus remain about the same as the current year with few exceptions, exclusive of the Welch Act increases.

DEPARTMENT OF LABOR

We have recommended for the Department of Labor for the fiscal year 1930 a total of $10,724,430, an increase of $5,000 over the Budget estimates submitted for the committee's consideration. Comparing the 1930 recommendations to the current appropriations there is a gross decrease for 1930 under 1929 of $352,910. When there is taken into consideration, however, the total of $1,316 which is contained in the current appropriations, covering the amount of $208,000 for construction and repairs to immigration stations and $1,108 for the welfare and hygiene of maternity and infancy, no estimate for which has been submitted for 1930 and hence should not be considered as an amount to reflect a comparison between the two fiscal years, a net increase is shown for the department for 1930 over 1929. The total increases in the recommendations due to increases brought about by the Welch Salary Act and immigration inspectors' pay act, which I think I have already called the attention of the Membership of the House to, is $767,800. Combining this amount with the gross reduction of $352,910 and comparing the total with the amount of $1,316,000 for appropriations for 1929 which do not recur for 1930, a net increase for the department of $195,290 is shown.

Mr. SNELL. I want to ask the gentleman a few questions, but perhaps I had better wait until he has finished his general statement.

Mr. SHREVE. No; I yield to the gentleman.

Mr. SNELL. I am especially interested in the appropriation for the Immigration Service. I notice in the present bill there is an increase of $805,000, but in looking up the report I find this is practically all taken up with increases in wages under the Welch Act and under other provisions, and there is only a small amount provided for added immigration inspectors, I am informed by the department that the committee has recommended an appropriation for about 75 additional inspectors.

Mr. SHREVE. I will state to the gentleman just what we have recommended.

The amount we have included for regulating immigration, including the border patrol, is $7,915,000, an increase over the current year of $805,000. Of this increase $585,000 is due to salary promotions, leaving a balance of $220,000 as a net increase for this purpose for 1930. This will be divided equally between the regular immigration and deportation work and the border patrol, making available $6,046,560 for immigration and deportation work and $1,868,440 for the border patrol.

This $220,000 is about all they can absorb with their present machinery. There is only a certain amount of work that can be done.

Mr. SNELL. That is just the point I want to inquire about, Mr. Chairman, and I think it is very important. They inform me at the Department of Labor that all the new men provided for under this act will be assigned to two or three new bridges and to one or two new roads that are direct thoroughfares and will be opened up during the coming year, and there will be practically no new men to be provided for the northern border. The situation there is this: During the last few years, with the opening up of the direct roads to Montreal and Ottawa, there is a tremendous amount of travel. There came in through Rouses Point last year 325,000 and through Trout River nearly as many. We have practically no provision for looking after or inspecting this immigration. The man at Trout River called me up one day last summer and said he had been working for

18 hours a day until he was played out and that there were 500 cars there that day, and asked me what he should do about them. I told him that I had no authority over him, but that I would let them go through, and that is what they are doing.

Our country is being flooded with Chinese who are coming in across the border because there is no one there to look after the work, and our jails are being filled with them.

There is one thing we really ought to do, and that is provide enough ordinary inspectors there to look after the immigration that is coming across the northern border at the present time, or admit that we are paying no attention to enforcing the law in that section.

The increase carried in this bill really amounts to nothing. The department says with the increase allowed in the present bill this year they do not see how they can get any additional men. I think it is unfair to the service and to the people who use the service.

Mr. SHREVE. I am quite familiar with the situation.

Mr. ACKERMAN. If the gentleman will yield, over the telephone we have been informed that the amount appropriated is for 75 immigration inspectors, 35 clerks, and $35,000 for administration expenses, making a net increase of $240,000 over the appropriation for 1929, exclusive of the Welch Act.

Mr. SNELL. That is just as I understand it, and 75 inspectors will be taken up by the new bridge at Detroit and new bridge at Brownsville, Tex., and one or two new roads. There is no provision for additional men on the New York border, where there is a tremendous travel every day during the summer season.

Mr. SHREVE. It is a question of the allocation of the men.

Mr. SNELL. If they do not have them they can not put them on this border.

Mr. SHREVE. They do not have to put them all in these two places.

Mr. SNELL. They say that they have to man these two new bridges. They say that the new bridges and the new roads will take practically all of these inspectors that will be allowed under this appropriation bill. We do not see where we are to get any new men. We ought to appropriate enough so that they can take care of the situation, and it should be done now in this bill.

Mr. SHREVE. I would like to ask the chairman what he would suggest.

Mr. SNELL. We ought to have $100,000 additional to take care of the border places, some on the southern and some on the northern boundary. The Labor Department asked for it.

Mr. SHREVE. No; the Labor Department gave us to understand that they are getting along pretty well as it is.

Mr. SNELL. They tell me that they asked for this. Of course, I take the word of the gentleman from Pennsylvania, but we can not fool with this matter any longer—we are going to have more inspectors or we are going to let the people come through.

Mr. OLIVER of Alabama. I think the gentleman from New York is correct in his statement that the Labor Department did ask for an amount that would have justified the employment of many more inspectors. Assistant Secretary White stated that over and above the amount allowed by the Bureau of the Budget an appropriation of approximately $585,000 had been estimated for. Mr. White further explained that in making up that estimate he thought it was well they should have $300,000 to meet emergencies, even though it might not be used. So I would say the difference between the amount allowed and the amount estimated for as actually needed was approximately $300,000.

Mr. SNELL. That is just as I understand it. Here is a cement road leading to Montreal, and one man on there for 24 hours or 18 hours service, and 500 automobiles a day coming through. Now that is absolutely senseless. We either ought to put enough men on there or say, "Come along, boys, and go through." They understand that they can get through the northern border because it is not well guarded.

Mr. SHREVE. The gentleman says $100,000, but would not he limit the amount to something less?

Mr. SNELL. We need not put them all there. I imagine that 15 or 20 extra men would be sufficient.

Mr. SHREVE. That would amount to about $50,000. Would the gentleman be satisfied with $50,000?

Mr. SNELL. Yes; I do not want to be unreasonable, but I want the travel and the public accommodated.

Mr. SHREVE. I am very familiar with the situation.

Mr. SNELL. Well, that would be satisfactory to me.

Mr. ARENTZ. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. ARENTZ. I think it would be well if the committee took under consideration proper housing facilities for automobile passengers going back and forth from Canada.

Mr. SHREVE. The gentleman is right.

Mr. ARENTZ. Take the matter of the customs port just above Seattle. They take the men, women, and children off these automobiles and put them on the sidewalk in the rain, with absolutely no place to go for shelter. It seems to me that this committee ought to consider the advisability of providing some quarters where the men and women and children could be examined by the customs officials instead of exposing them to the elements and compelling American citizens and others to open their luggage at the curbs.

Mr. SHREVE. That is very true, but the same argument might apply to many places. I myself have seen wagons draw up in front of these offices and men and women have to get out in the rain, and it is a shame, but we can not do these things all at once; it takes a little time. Improvements are being made all of the time. We have increased the appropriation more than a million dollars for the border control. We are getting along just as fast as possible.

Mr. ARENTZ. But you could pick out at the prominent points some building or residence that could be rented, next to the customhouse, and let that serve as a place where these people may be examined.

Mr. SHREVE. Yes; that might be so.

EMPLOYMENT SERVICE

We increased the United States Employment Service $5,000 over the Budget estimate, bringing their total increase over the current year to about $17,000, and making available for this service for 1930, $217,000. In the application of the Welch Act the service lost about $5,000, and the committee felt justified in restoring this amount.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CRISP. The gentleman stated that some increase has been made for the Bureau of Foreign and Domestic Commerce, for increasing its agents abroad. Can the gentleman tell me how many new agents the increase contemplates?

Mr. SHREVE. I can not say. We have given them somewhere about $280,000 increase this year.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. NEWTON. I want to ask the gentleman something about the appropriations under the Labor Department for deportation. Information has come to me that during the past year men have been arrested and seized and are ready for deportation, but that because of lack of funds the department has had to release them and has not deported them.

Mr. SHREVE. That is the same old story. Last year we were told that there was just enough money to keep the men who have charge of that in operation for eight or nine months in the year. We very promptly gave them enough money to keep that organization working all of the time.

That means that they are deporting about a thousand a month, from twelve to fourteen thousand a year. That organization is not constructed as a unit so that it can carry on any greater amount of work. They are in fact doing all that they can with that organization now. If you want to go out and set up an entire new unit, it will take time to do it. I have heard no complaint about deportations during the last year since we gave them money to work the whole year round.

Mr. NEWTON. I am sure the gentleman will agree with me that if there are men arrested and seized and kept in custody, who are subject to deportation, and who then are released and not deported, because of lack of funds, that there is something wrong.

Mr. SHREVE. Absolutely, but this is the first that I have heard of any such condition. Nothing came out in the hearings of that nature.

Mr. NEWTON. The department made no statement of anything of that kind to the gentleman's committee?

Mr. SHREVE. No.

Mr. NEWTON. I thought that the gentleman would agree with me that if that was the case, it should be remedied.

Mr. SHREVE. We want to appropriate all of the money that is necessary to carry on this work and do it as satisfactorily as it can be done.

Mr. NEWTON. There ought to be some way so that if they get to running near the end of their funds, they can at least deport those whom they have spent the money on, and seized.

Mr. SHREVE. Congress will be in session soon again.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BOX. In connection with the question just propounded by the gentleman from Minnesota [Mr. NEWTON], I note with interest what the chairman of the subcommittee says, and I am not engaging in any criticism of the subcommittee. However, I think the facts are as stated by the gentleman from Minnesota [Mr. NEWTON]. I note what the gentleman in charge of the bill says to the effect that the appropriations are sufficient to take care of the present organization. My information is that the law as now existing would authorize an increase of this organization, and that this organization is not adequate; but that the funds provided by the committee are sufficient to take care of the present organization.

Mr. SHREVE. That is correct.

Mr. BOX. But do not authorize an increase. The chairman of the subcommittee will remember that some of us presented amendments trying to increase this appropriation a year ago, and the gentleman and his associates were successful in making the argument that he makes now. Does the information coming into the gentleman's committee from the Labor Department indicate that they have all of the men they need or that they have all of the funds that they need for the present force?

Mr. SHREVE. The latter statement is nearer correct; they have all of the funds necessary to take care of their present force. Of course, we realize that they could use more men, but there is not a department in Washington that could not use more men. We must equalize things. We are doing the best we can, but we hope that between now and a year from now we may make a further study of this situation so that when the new Congress comes in next fall we can approach this problem intelligently and constructively and carry out a program that will meet with the approval of everyone.

Mr. BOX. When the question was discussed on the presentation of this item in the appropriation bill before, it was suggested that the Committee on Immigration and Naturalization ought to report legislation providing for any additional organization. That should be done. I have introduced and sought to have the Committee on Immigration and Naturalization report such legislation. The passage of such a bill would be a legislative mandate to the Labor Department to make the organization adequate, and to the Appropriations Committee to report the appropriations necessary to the maintenance and work of an organization which would better enforce the immigration and deportation laws. I would be gratified if the committee would report and the House would pass such a measure.

My studies have convinced me that the law now authorizes the increase of this force, and my opinion, gathered as carefully as I could gather it, indicates there are a great many cases of men who ought to be deported, who have to be deported, but are not deported because they have not the amount of money—that is, they have the money for the number of men they have, but not enough men to carry it on.

Mr. SHREVE. The chairman of the subcommittee will be pleased to go over the situation with the gentleman some time again and look up the laws.

Mr. STOBBS. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. STOBBS. I was quite interested in talking at times with members of the Department of Justice and the Department of State, and the question has come up whether or not they have opportunity of coming before the subcommittee of the Committee on Appropriations and saying what they needed, or whether they are allowed only to state what the Director of the Budget thought they should be allowed to have.

Mr. SHREVE. We go over it rather carefully with the information we have, and if the gentleman will look at page 13 of the Department of State hearings he will find it all set out, what the Budget allowed, and so forth, and what they think they can do it for; there is nothing concealed.

Mr. STOBBS. I do not say as far as the gentleman is concerned or the subcommittee that there is anything concealed. Take the Department of Justice with which I am more or less familiar. The question comes up, Do the Committee on Appropriations ask them what they feel they want or do they get what the Director of the Budget tells them he thinks they are entitled to?

Mr. SHREVE. I will say they are getting just exactly what the Committee on Appropriations think they ought to have, which may be higher or less than the Budget.

Mr. STOBBS. Do they talk perfectly frankly; do they ask for more than the Budget Director allows?

Mr. SHREVE. They talk very frankly. I think every man tells the exact truth, and the truth is what we are seeking.

Mr. STOBBS. Mr. Olds, the former Undersecretary of the State Department, before he severed connection with the State Department, in a statement made before the Foreign Relations Committee, said that the State Department submitted itself to the Budget Director.

Mr. SHREVE. It is all in the book.

Mr. STOBBS. Whatever the Budget Director approves then, that is the only thing they ask for?

Mr. SHREVE. We will get all the information; it is easy to find out.

Mr. STOBBS. The gentleman says this informal talk before the gentleman's committee does not preclude an additional estimate because of the disapproval of the Budget Director. That does not amount to anything.

Mr. SHREVE. No; we simply want to get the facts, and they give them.

Mr. STOBBS. My point is, would the Budget Director approve or disapprove?

Mr. SHREVE. The Budget is the leveling institution pointing out how much money we can spend in the course of the year. We try to conform in reference to the money that is available for these definite propositions, and by so doing the country has saved millions of dollars.

Mr. MOORE of Virginia. Will the gentleman yield right there? I do not understand the report of the Bureau of the Budget presented at the beginning of the session of Congress includes the estimates made by the departments. It only includes the estimates presented to Congress by the Budget, that is all.

Mr. SHREVE. I think that is correct, but the various departments have information which we try to obtain in order to come to a conclusion.

Mr. MOORE of Virginia. I quite understand; but the report does not include the estimates put up to the Bureau of the Budget by the various departments?

Mr. SHREVE. My recollection is it does not.

Mr. OLIVER of Alabama. The committee handling these appropriations has all of that information, all of which is included except two matters in which the House may be interested. I have just called Mr. SNELL'S attention to the fact in reference to immigration which you will find in reference to the State Department. You will find that was brought out also when the Secretary was before us. As we read these items in the bill under the 5-minute rule, if Members are interested, the members of the committee will be glad to give that information to Members inquiring.

Mr. MOORE of Virginia. I understand that. But the report of the Bureau of the Budget which comes in here in a large volume does not include the estimates made by the departments. I think, as a supporter of the Budget plan, it would be well to give to the House a full picture, including the estimates made by the departments.

Mr. SHREVE. Does the gentleman think that would throw very much light on the situation? Remembering the old way when bills used to come in largely padded up in the hope by those who prepared the estimates that they would, even after reduction, get what they really required, does the gentleman think that would be a good idea?

Mr. MOORE of Virginia. Yes. I do not think the departments do that now. I think they estimate now only according to their necessities. I think if we adopted the plan suggested we would avoid such controversies as we have had here in the last 24 hours by having a full showing of what was estimated by the particular departments whose items are being considered.

Mr. SHREVE. I can see no objection.

Mr. OLIVER of Alabama. Mr. Chairman, I had promised the gentleman of New York [Mr. BLACK] some time, but he was not here at the moment. I waive that time, and with the permission of the gentleman from Pennsylvania I would like to extend to him 10 minutes.

Mr. SHREVE. All right.

Mr. OLIVER of Alabama. Mr. Chairman, I yield to the gentleman 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to extend as part of my remarks the true version of the song made familiar to the country in the last campaign, entitled "The Sidewalks of New York."

Mr. TILSON. May I inquire if it is a new publication?

Mr. BLACK of New York. No; it is the second national anthem, the first being the Star-Spangled Banner.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Commenting on the reapportionment bill a Kansas Democrat said that under the new apportionment bill Kansas would lose one Congressman, and that

Kansas was entitled to a greater reduction than that. After the gentleman from Kansas [Mr. HOCH] made his remarks I thought I would look in a rather superficial fashion into the question of the alien population in the United States. I find that the States having the greatest alien population are mostly Republican States, so that the Democratic Southern States under the proposed amendment to the apportionment will gain representation, while other States will lose it.

Mr. BACON. That shows that the gentleman from Kansas is not playing politics.

Mr. BLACK of New York. No; neither am I. If the gentleman coming from Long Island, the port of entry of the bootleggers, the first district of New York, is reconciled to the speech of the gentleman from Kansas, I for one am not; because I am tired of hearing these attacks upon our State. The fellows from back in the woods make a practice of getting up and pointing at New York as representing everything that is terrible.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. BLACK of New York. Yes.

Mr. MOORE of Virginia. Is the gentleman referring to the gentleman from New York [Mr. BACON] as coming from the backwoods?

Mr. BLACK of New York. Yes; but he is coming out gradually. Having contact with New York City there is hope for him. [Laughter.]

New York is not asking Federal subsidies. It is not going around with its hat in its hand begging the Federal Government to put it on its feet. It is able to keep its own footing. New York aliens and New York citizen troops marched off to the war gallantly, and I believe they performed fully as well as the jayhawkers of Kansas. [Laughter.] Kansas, as you know, was a part of the Louisiana Purchase and New York helped pay for it, and I am not yet certain that it was an unprofitable investment. [Laughter.]

New York provides a much better type of citizenship in Alfred E. Smith than does Kansas in the person of the mudslinging William Allen White. Let us have peace within the borders of the Nation. Let us stop these attacks on New York State. To my mind these attacks are founded on economic jealousy, and nothing else. Kansas and other States can stand a liberal sprinkling of aliens, and if they did they would come out of their medieval holes.

I want to warn the Members of this House that any time a drinking dry gets on this floor and makes an attack on New York it will not be healthy in my presence. They have either got to stop drinking or they have got to stop abusing New York. Indiana is always finding fault with New York's governor and all the while Indiana has two governors working for the State, one in the capital of the State and the other in jail. [Laughter.]

Now, Mr. Chairman, I want to insert the Sidewalks of New York.

THE SIDEWALKS OF NEW YORK

Song and chorus by Charles B. Lawlor and James W. Blake

VERSE I

Down in front of Casey's old brown wooden stoop
On a summer's evening we formed a merry group;
Boys and girls together, we would sing and waltz,
While the "Ginnie" played the organ
On the sidewalks of New York.

VERSE II

That's where Johnny Casey and little Jimmy Crowe,
With Jakey Krause, the baker, who always had the dough,
Pretty Nellie Shannon, with a dude as light as cork,
First picked up the waltz step
On the sidewalks of New York.

VERSE III

Things have changed since those times; some are up in "G,"
Others they are on the hog, but they all feel just like me,
They would part with all they've got could they but once more walk
With their best girl and have a twirl
On the sidewalks of New York.

CHORUS

East side, west side, all around the town,
The tots sang "Ring a Rosie," "London Bridge Is Falling Down";
Boys and girls together, me and Mamie Rorke,
Tripped the light fantastic
On the sidewalks of New York.

Mr. BLACK of New York. My advice is to keep preachers out of politics. Run your own organization. Do not allow your politics to be run by evangelists and people of that kind. We of New York, people of all nationalities, go on the basis of the golden rule, and through cooperation we have erected the most glorious city of the ages. We have proved that all of God's children can live happily together.

Now, with your permission, gentlemen, I would like to read a little poem which I wrote some 10 years ago. It is as follows:

NEW YORK

The living life, the life that leads the way,
All human heart and sharply vital soul,
A body tingling thru the night and day
A mind imperial, a will of world control;
A purse unclosed, a manner grandly gay,
A purpose dwarfing Tyre's or Athen's goal;
Her riches wavelike swell beyond survey,
Though earthling, near defying Heaven's toll.
Her past and present barely flecked with dross.
The grand ne'er stays the paltry as its mate;
The mean but glimmers briefly on the great.
Her future, New York prompts a world worth while,
Omnipotence, welding in a dazzling gloss,
Pray heaven and weary hell here reconcile.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

FOREIGN SERVICE BUILDINGS FUND

For the purpose of carrying into effect the provisions of the "Foreign Service building act, 1926" (U. S. C. p. 1953, sec. 295), and for each and every object thereof, including the initial alterations, repair, and furnishing of buildings heretofore acquired under specific authorization of Congress for the use of the diplomatic and consular establishments in foreign countries, $2,000,000, to remain available until expended.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee as to the status of the acquisition of foreign buildings by the United States embassies and legations abroad.

Mr. SHREVE. The building fund is going on. We are appropriating about $2,000,000 every year now. The building commission is working with us and we have carried appropriations for everything they have recommended this year.

Mr. BRIGGS. About how many buildings have been acquired already?

Mr. SHREVE. I think there are about 30—that is, all over the world—but, of course, they are not being started. The gentleman will find it all set out in the hearings. I think there is a list of them in the hearings.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. MOORE of Virginia. I would like to bring this point to the attention of the chairman. I have been wondering why it is there is no annual report made by the Secretary of State as by the other Cabinet officers. This bill indicates that he is charged, as we all know he is, with very important functions; we all know questions have been raised, some raised recently, with reference to the organization of the State Department and the need of some reorganization, and it is conceivable that an annual report by the Secretary of State might present to us facts that ought to be considered and recommendations that ought to have attention. I have frequently inquired for the annual report of the Secretary of State and I have been surprised to discover that he makes no such report. We can not find, therefore, in any one place the facts which probably we should have in order to legislate more intelligently. I think, for instance, there should be a report detailing all that is done with reference to carrying out the building program. I think there ought to be a report detailing what is being done in the way of promoting people in the Foreign Service, and so forth, and yet we have no annual report from him.

Mr. SHREVE. The reason of that, the gentleman understands, is because there is no authorization by law; that is, the statute does not require it. Further than that, many things which take place in the Department of State are of such a nature that they must be kept within the two countries that are effecting some settlement and you can not broadcast it, from the very nature of the thing.

Mr. MOORE of Virginia. The gentleman understands, as I understand, that there are many matters to which secrecy should attach and which should not be included in a report; nevertheless, I think that a report with respect to other matters might prove of very great value.

Mr. SHREVE. No doubt that is true, but it is within the discretion of the Secretary of State.

Mr. MOORE of Virginia. I do not think all of the other Cabinet officers are required by statute to make such report.

I made some little examination this morning and I am not certain there is such a specific requirement.

Mr. SHREVE. I think there is.

Mr. MOORE of Virginia. It would seem it is done as a matter of practice—as a matter of custom. However, I think it should be done by the head of the State Department, as well as by the heads of the other departments.

Mr. SHREVE. It is my understanding it is required of all the other Secretaries except the Secretary of State.

Mr. MOORE of Virginia. Can the gentleman be sure that there is a definite statutory requirement which compels the other Cabinet officials to file annual reports? I am not sure on that point.

Mr. SHREVE. That is my recollection.

Mr. BRIGGS. Without interrupting too much, the gentleman from Virginia apparently has availed himself of the privilege of using some of the time at my disposal.

Mr. MOORE of Virginia. I did not think the gentleman wanted all of his time.

Mr. BRIGGS. I just wanted to ask the gentleman from Pennsylvania whether under the law it is contemplated that the United States Government is going to acquire consulates in practically all the places of importance that the United States has consuls, especially before it attempts to acquire buildings in the various national capitals. I notice that in one or two instances the acquisition of consulates has begun, and I was wondering whether that was contemplated to be done before the embassies and legations in the national capitals are undertaken.

Mr. SHREVE. No; I think there is no distinction drawn between the two. They are carrying on the work as seems to them most necessary.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty not to exceed $4 per day each; for payment for timber necessarily cut in keeping the boundary line clear, not to exceed $500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada and Alaska and Canada under the terms of the treaty aforesaid, to be disbursed under the direction of the Secretary of State, $29,525, of which sum $5,000 shall be immediately available: *Provided*, That when the commissioner, or the engineer to the commissioner, shall be absent from Washington or their regular place of residence on official business they shall be allowed actual and necessary expenses of subsistence not to exceed $8 per day each.

Mr. BLACK of Texas. Mr. Chairman, I reserve a point of order on the proviso in the paragraph just read. If the gentleman will refer to the paragraph he will find it reads:

Provided, That when the commissioner, or the engineer to the commissioner, shall be absent from Washington or their regular place of residence on official business they shall be allowed actual and necessary expenses of subsistence not to exceed $8 per day each.

Why should not this read the same as the provision for all other similar Government activities?—

Provided, That when the commissioner, or the engineer to the commissioner, shall be absent from Washington or their regular place of residence on official business they shall be allowed their traveling expenses in accordance with the provisions of the subsistence expense act of 1926.

The way the paragraph now reads introduces an exception to the general law which is not introduced as to any other activity, so far as I have seen in the bill, and the purpose of the enactment of the subsistence expense act of 1926 was to have uniformity, and the only way to have uniformity is to have it, and not make exceptions.

Mr. SHREVE. The law is very uniform, let me say to the gentleman, because there is only one man in this class.

Mr. BLACK of Texas. You have a commissioner and an engineer commissioner, both of whom you would except.

Mr. SHREVE. And he gets no compensation for the services rendered in the performance of this work and this is only adding an extra dollar to pay for his traveling expenses.

Mr. BLACK of Texas. Is not the engineer a paid officer?

Mr. SHREVE. No; and this is only for one man, Colonel Jones.

Mr. BLACK of Texas. If they serve without compensation I shall not press the point of order. If they were paid officers of the Government, I should certainly press the point of order.

Mr. SHREVE. That is correct.

Mr. BLACK of Texas. I withdraw the point of order.

The Clerk read as follows:

For salary of the one member of the permanent committee of the International Institute of Agriculture for the calendar year 1930, $5,000;

For the cost of translating into and printing in the English language the publications of the International Institute of Agriculture at Rome, $5,000;

For clerical assistance and traveling and office expenses, $3,660;

Total, $58,000.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word in order to ask the gentleman whether or not Congress receives any information from this commission as to its work?

Mr. SHREVE. Oh, yes. The reports are made to the Department of Agriculture, but they go through the State Department, of course.

Mr. MOORE of Virginia. I find there are quite a number of commissions that do not seem to be required to make a report to any one.

Mr. SHREVE. That is true; but this one does make a report.

Mr. MOORE of Virginia. But there are commissions that do not make reports.

Mr. SHREVE. Well, it seems so, I am sorry to say.

Mr. MOORE of Virginia. And that is a case of bureaucracy uncontrolled.

Mr. SHREVE. Yes.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the subcommittee a question.

On yesterday the gentleman from New Jersey [Mr. ACKERMAN] made a very interesting speech, but some of the statements in the speech, if left unexplained, would probably lead to misleading and erroneous conclusions. The gentleman stated that all the worth-while countries, particularly Great Britain, France, and Japan, are appropriating considerably more money for their departments of foreign and domestic commerce than our own country, and I know if that statement is left unexplained, as I have said, it will probably lead to some misleading conclusions. Has the gentleman explained that in the course of general debate?

Mr. SHREVE. I have already explained that; and let me state to the gentleman that they have only one fund for this purpose, while we have a very large number of such funds, and the appropriations when compared properly, are not very much in excess of those made by our Government.

Mr. O'CONNOR of Louisiana. That is, the total amount of the appropriations made to the Departments of State, Agriculture, and Commerce for this particular purpose?

Mr. SHREVE. Yes. We started this work with an appropriation of $850,000 and we are now appropriating almost $5,000,000 for this one bureau.

Mr. O'CONNOR of Louisiana. And the appropriations that are made are adequate to cover the field?

Mr. SHREVE. Yes.

Mr. WINGO. Mr. Chairman, just what real benefit do we get out of this $58,000 expenditure for the Institute of Agriculture at Rome?

Mr. SHREVE. It is for the constant dissemination of information about agriculture. I remember that a few years ago there was a total failure of the lemon crop in Sicily. This information was communicated by way of the Paris office and was here within 24 hours. It was broadcast to the Western States where they grow lemons and made a great difference in the marketing of the lemon crop that year. They are very quick in furnishing such information. I only mention this as one character of information, but information affecting all branches of agriculture is passed through the Paris office to Washington and then on to the various localities.

Mr. WINGO. Take the case which the gentleman has just cited, that information would have been broadcast even if we had not had this institute in existence?

Mr. SHREVE. Oh, no; I think not.

Mr. WINGO. A failure of the lemon crop of Italy would not have been broadcast?

Mr. SHREVE. In time, the information would get here, of course, but it was not a conspicuous matter of news. Let me read to the gentleman this statement about the work:

The American farmer is afforded information concerning the production, distribution, and marketing of all agricultural staples with reliable and imperial data in connection with the factors which determine the

formation of the prices of these staples in the world's markets. In this way this institute acts as a world clearing house for information on economic, scientific, and technical problems as they affect the agricultural industry of the world. By adherence to this institute the proper persons are able to obtain the statistical and economic information regarding farming, plant, and animal products, with the prevailing prices throughout the world. They are informed of the wages paid for farm work throughout the world. They also learn the nature of diseases which affect crops and plants throughout the world, are shown the territories affected, and are thus able to take measures for the prevention of the spread of these diseases. American adherence enables the interested agricultural units to learn of any new projects for the development of agriculture in any one country in the world. Besides being important to the farmer, American adherence benefits those interested in vegetable fat products, seed oils, coffee production, rubber growing, tea and tobacco production, fertilizing tests, cotton growing, etc.

This states a few of the things that the Institute of Agriculture at Rome was established for, and it is a work that they have been carrying on for many years.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. COLE of Iowa. We should also bear in mind that this institute is of American origin. Mr. David Lubin was the originator of the idea. The idea was rejected in this country, but the King of Italy interested himself in it, and that is how this organization happens to operate from Rome. I have visited the institution, and for us not to participate in it would break off certain international associations and relations that we now have that I think are profitable to us, far and beyond any mere statistics we may get from this source. It is an international institution that all the countries of Europe, as well as other countries of the world, participate in; and I think it would be very bad form for us not to share in the work and also share the expense of the work.

Mr. WINGO. Mr. Chairman, I am very familiar with the organization, I will say to my friend from Iowa [Mr. COLE]. I knew Mr. Lubin quite well. I heard him many years ago before our committee, and I submit in all fairness there is nothing that has been stated in response to my inquiry which would show any practical benefit that the American farmer has gotten.

It is quite interesting to note the time when we get these statistics. I presume the gentleman has not thought of that. There is not a single fact that has been disseminated that is of practical benefit to the American farmer that would not have been disseminated by another agency in existence.

Mr. COLE of Iowa. I think in connection with the new farm legislation they will be very much interested in production—as to what crops are profitable.

Mr. WINGO. I will say that the little bunch of pink-tea officials seated in a drawing room can furnish no information or advice, even to the Republican Party, which will be of benefit to it in solving the farm problem. I will say to my friend that I listened to the same argument in relation to rural credits. We brought Mr. Lubin over the seas before our committee, and we might as well have had the statement from a Hottentot in South Africa, as far as the benefit it was to myself or the committee of the House in solving that problem.

Statistical data is furnished by other governmental agencies. The crop data is furnished by news and commercial agents already in existence. I venture the assertion that 99 per cent of the statistics they disseminate they get from other agencies and facts already made public, and all on earth they do is to compile them.

There are a few rare things; but what are they worth? Not a thing to the wheat growers of the West, or the cotton growers of the South. I am not going to object to it, because we seem bound by treaty.

I mention this to accentuate the fact that I am not going to agree to any new expenditures of this kind, however beautiful it may be in theory. What we need in American agriculture is a method of orderly marketing of the surplus products. We have furnished ample credit agencies. During the 16 years I have been on the Banking and Currency Committee we have given them every kind of credit agency they asked. The only practical proposition unsolved is the marketing of surplus products of the United States. How this group of elegant gentlemen stationed in Rome can give any information of benefit to me or the gentleman from Iowa I do not see. I think the gentleman from Iowa knows more about the American farmer than these gentlemen in Rome ever knew.

Mr. COLE of Iowa. They are supposed to know as much as the good American farmer, and are supposed to furnish us with statistics as to surplus products in all parts of the world.

Mr. WINGO. We get those from the consular agencies and the commercial agencies and the news agencies. There is not a single news agency in the world that if there is an extraordinary event that effects the estimated volume of cotton in the United States that that will furnish it quicker than it can be furnished from Rome. You may have some calamity that will destroy the cotton crop in Kenya and the news will get to the world quicker than the Prince of Wales got to the coast, and the news agencies of the United States would get it quicker than the agency in Rome.

Mr. COLE of Iowa. This agency in Rome collects the data and tabulates it.

Mr. WINGO. What is the tabulation worth after you have received it and considered it?

Mr. COLE of Iowa. This is an official tabulation.

Mr. WINGO. The Department of Agriculture gets the tabulation first. The estimates of world cotton production by the Department of Agriculture we get a long time before the institute at Rome sends it out. As a matter of fact, the institute at Rome bases its statistics on world production of cotton largely upon the statements given out by the Department of Agriculture here in Washington. I shall not object, but if you want real economy start cutting off these things that take $50,000 here and $50,000 there and simply furnish salaries for people who are serving the farmer in name only.

The Clerk read as follows:

To enable the Secretary of State to pay to the Government of Panama the eighteenth annual payment, due on February 26, 1930, from the Government of the United States to the Government of Panama under article 14 of the treaty of November 18, 1903, $250,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word in order to get some information. The past two items that I endeavored to get information on were on page 19. What actual connection have we with the International Bureau of the Permanent Court of Arbitration? I mean officially.

Mr. SHREVE. That is a treaty obligation.

Mr. WINGO. In other words, we entered into a treaty to help support something.

Mr. SHREVE. Yes.

Mr. WINGO. Officially what have we to do with it. They elect a member from the United States sometimes, do they not?

Mr. SHREVE. The gentleman is referring to the International Bureau of the Permanent Court of Arbitration?

Mr. WINGO. Yes.

Mr. SHREVE. Our appropriation is to meet the share of the United States for the expenses for the calendar year 1928, which amounts to $2,000. That is the same amount that was appropriated some years past.

Mr. WINGO. That is not the World Court?

Mr. SHREVE. No. This item is authorized by an international treaty for the specific settlement of international disputes, signed at The Hague on October 18, 1907. This bureau is a record office for the Permanent Court of Arbitration at The Hague.

Mr. WINGO. And the gentleman is getting that information out of the hearings?

Mr. SHREVE. Yes.

Mr. WINGO. This does not affect this so-called Kellogg treaty, if it is ratified? It does not do away with the necessity for that?

Mr. SHREVE. I think not. This is simply an office where the records are kept.

Mr. WINGO. Certainly, at The Hague.

Mr. SHREVE. Yes.

Mr. WINGO. If they can not settle a dispute, then the League of Nations will try, and if they can not, then perhaps the Pan American Conference will try, and then if they can not, who next takes it up?

Mr. SHREVE. I suppose this court here.

Mr. WINGO. Do you provide here for the expenses of this Pan American Conference?

Mr. SHREVE. No.

Mr. WINGO. Let us take the next bureau, the Bureau of Interparliamentary Union for the Promotion of International Arbitration. That seems to be a duplication in work. We propose to spend $6,000 for that. What connection do we have officially with that?

Mr. SHREVE. This is to take care of our expenses for this Interparliamentary Union for the Promotion of International Arbitration. This was another thing that was authorized on May 6, 1910.

Mr. WINGO. And my friend is reading from the hearings. Do the hearings disclose whether they ever made a report to us?

Mr. SHREVE. I am not prepared to state. This deals with all matters of international law which are concerned with the maintenance of peace, and its principal object is to bring before the various national parliaments questions concerning the amelioration of international relations.

Mr. WINGO. This is different from The Hague Tribunal which was in the preceding paragraph?

Mr. SHREVE. Yes.

Mr. WINGO. Does the gentleman recall a single instance where this Bureau of Interparliamentary Union settled any one thing, any one specific case, like the one in South America that the Pan American Conference prevented a conflict on lately? Can the gentleman give such an instance where this Bureau of Interparliamentary Union ever promoted world peace by taking care of any specific case?

Mr. SHREVE. I would refer the gentleman to Senator BURTON. I am not informed on that subject.

Mr. WINGO. I am not complaining about the gentleman's lack of information. Mine is just as great. I am not asking these questions in an argumentative spirit, but I hesitated to make the point of order. I suspect that some time, in a moment when we wanted to make another gesture for peace, we entered into an international agreement by which Uncle Sam would dig up his hard coin to support some of these tea hounds over there in some kind of an organization that would give them some prestige in diplomatic society. It is a wonder to me that we ever settle any disputes with all of these different, conflicting organizations, each with a high-sounding name, and each purporting to do the same thing. The gentleman is one of the best-informed members of the great Committee on Appropriations, and he can not recall a single instance where anything has been done in a specific way, and I venture to assert that there is not another man on the floor of the House who can do it, and I doubt that even Senator BURTON could recall an instance like that to which I refer. But the American taxpayer is patient. He believes in these gestures for peace. Every time he makes one he just digs up a little more coin and permits somebody else to sneer at him and insist that we did not have anything to do with the World War except to make money out of it—and then ask us for another loan.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

For the share of the United States in the expense of conducting the International Bureau of the Union for the Protection of Industrial Property, at Berne, Switzerland, $1,700.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the gentleman from Pennsylvania or the gentleman from New Jersey [Mr. ACKERMAN]. On page 21, lines 6 and 8, under the heading "Pan American Sanitary Bureau," I see we are called upon to contribute annually $28,597.92 to help support this Sanitary Bureau. What particular sanitation does this group do? Can the gentleman state that without referring to the hearings?

Mr. ACKERMAN. No; I can not, but I can refer to the books. [Reading:]

The Sanitary Bureau, through correspondence, through its collection, publication, and distribution of data with regard to contagious diseases, of laws and regulations for their control, of methods of combating diseases, and in other ways fosters the spirit of cooperation in the Americas and stimulates health authorities to greater and more effective effort. Also the bureau stimulates the carrying out of ideas which are developed in the sanitary conventions and announces the existence of any plague-affected area to the adherent members so that they may take precautionary measures to isolate and quarantine those areas. The International Sanitary Bureau is distinct from the International Office of Public Health in that it is composed solely of American republics and is directly connected with the work of the Pan American Union in fostering more clearly relations between North and South American countries and in aiding those countries in the adoption of sanitary measures which in turn benefits United States trade and decreases the risk of infections and diseases being brought into this country. The International Sanitary Bureau aids in enforcing sanitary regulations in seaports hitherto shunned by merchant-marine vessels because of the danger of life attending the landing of goods or merchandise and the loading of vessels with return cargo.

Payment is made by the special disbursing officer of the department assigned to the Pan American Union by check drawn on the Treasurer of the United States. The expenses of the bureau are apportioned among the various members on the basis of population and the quotas received are used to defray the cost of clerical assistance, translations, preparation of reports, and transactions in Spanish and English. The Pan American Union has charge of the disbursement of the whole fund.

Mr. WINGO. Now, Mr. Chairman, the gentleman has read a statement from the Assistant Secretary of State, as I recall. Of course, we have to pay this bill, because we are bound by an international agreement which the Senate ratified, but this bureau does not do a single thing along the line or purpose expressed in the testimony of the Assistant Secretary of State that is not either done or could be done by the Public Health Service of the United States acting through the State Department dealing with the other Pan American States. But, of course, we can not defeat one more junket. Why Webster once in a burst of eloquence, in referring to the stretch of the domain of the British Empire, said that the sun never sets upon it, and talked about the morning air being filled with one continuous strain of martial airs of England. The sun never sets on international junkets, the expenses of which the Congress of the United States takes from the taxpayers of the United States. On them the sun never sets. There is one on the high seas all the time. I want to move to strike out, in line 22, page 25, the last section read, so as to get some information, as I see my time has about expired. Here is another one of international bureaus, page 25. This is the International Bureau of the Union for the Protection of Industrial Property. This is a meeting at Berne, Switzerland, and calls for an expenditure of $1,700; evidently the amount of industrial property that needs protection is very small, as the amount asked for is very little. Evidently, there is only one man who indulges in going over there, and I doubt even if there is one, but I expect it is taken up in office expenses at Berne, Switzerland.

I do not know of anything that they are doing that could not be done here in Washington that is actually done over in Switzerland. But we are bound to this by one of our international treaties. It is an extraordinary week when the Senate of the United States does not bind the taxpayers of the United States to some additional expenditure by reason of some treaty whereby the taxpayer will be deprived by expenditure either upon land or upon the high seas by a junket or some gentleman's office position and salary in some foreign land to do something that any consul in a consular office can do. But that might interfere with some of their other activities, so the American taxpayer, at a time when we are facing a deficit of some thirty-odd million dollars, will have to pay for these extraordinary international "excresences" or whatever you might call them, who are the beneficiaries.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Certainly.

Mr. MOORE of Virginia. A great many of these activities, or perhaps a majority of them, are carried on under statute, as I understand. Attention has been called to the fact that there seems to be a lack of necessity for some of them and more or less duplication. Would not the gentleman be able to get results, since he has undertaken the leadership in criticism of the existing condition, by offering a resolution and having it referred to the Committee on Foreign Affairs, to bring about some investigation to ascertain what statutes should be modified or repealed? The Committee on Appropriations has no alternative except to provide for executing the statutes. It strikes me that there really ought to be a look-over of the commissions and bureaus which the gentleman is talking about, so as to eliminate those that can be profitably dispensed with.

Mr. WINGO. I hope the gentleman will not understand me as criticizing the committee. The committee is not at fault. The gentleman says most of these matters are founded upon a statute. The moral obligation is upon the committee, as it is upon the Congress, to go ahead and meet the pledged obligations of the United States.

I had a purpose—not an idle purpose—in directing attention to these things, because I hope that somebody having greater influence than I will do what the gentleman from Virginia has suggested. It might be well to have an inventory made of these activities and to take stock and see if we can not impose upon our diplomatic officers or representatives abroad these duties, so that these burdens will be saved upon our taxpayers.

Take, for instance, the Interparliamentary Union. I think there has been some consternation in the State Department over the action of an American member of the Interparliamentary Union who is dissatisfied with the handling of international affairs by our State Department, and who has openly announced in the newspapers that he has cabled to the officials of another nation, "Just wait until we get together in the Interparliamentary Union and we will supersede these admirals and diplomats." He seems not to be content to abide by the action of

the President, the State Department, and the Senate, but says, "Just wait until we get there and we will do away with all this red tape." Of course, the gentleman fails to recognize that we have not given him a commission to represent the House of Representatives.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The pro forma amendment is withdrawn, and the Clerk will read:

The Clerk read as follows:

For the expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, for the expenses of determining the amounts of claims against Austria and Hungary by the Tripartite Claims Commission established under the agreement concluded between the United States and Austria and Hungary on November 26, 1924, for the determination of the amount to be paid by Austria and Hungary in satisfaction of the financial obligations of Austria and Hungary under the treaties concluded between the Governments of the United States and Austria on August 24, 1921, and between the Governments of the United States and Hungary on August 29, 1921, and/or the treaties of St. Germain-en-Laye and Trianon, respectively, including the expenses which under the terms of such agreement of August 10, 1922, and the agreement of November 26, 1924, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed and tripartite commissions, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U. S. C. p. 1309, sec. 5), law books and books of reference, contingent expenses, traveling expenses, and such other expenses in the United States and elsewhere as the President may deem proper, $132,927.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word of the last paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BRIGGS. I would like to ask the chairman what is the status of the extension, which I think the Congress requested here in a recent act, of the time for filing claims before the Mixed Claims Commission? I understood that is to be taken up with the Government of Germany. I was wondering whether an agreement had been reached.

Mr. SHREVE. The agreement has not yet been reached. It is expected it will be reached within the year.

Mr. BRIGGS. The reason I am asking is that there are several claimants in my district who were apparently barred by not knowing that they could present claims. Those negotiations between the United States and Germany have continued for some time.

Mr. SHREVE. We are expecting a report at any time now.

Mr. BRIGGS. Is it probable that the extension will be granted? Does the gentleman know that?

Mr. SHREVE. Yes. We were so assured.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

GENERAL AND SPECIAL CLAIMS COMMISSION, UNITED STATES AND MEXICO

For the expenses of the settlement and adjustment of claims by the citizens of each country against the other under a convention concluded September 8, 1923, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, between the United States and Mexico, including the expenses which, under the terms of the two conventions, are chargeable in part to the United States, the expenses of the two commissions, and the expenses of an agency of the United States, to perform all necessary services in connection with the preparation of the claims and the presenting thereof before the said commissions, as well as defending the United States in cases presented under the general convention by Mexico, including salaries of an agent and necessary counsel and other assistants, and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, without regard to section 3709 of the Revised Statutes (U. S. C. p. 1309, sec. 5), the employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, traveling expenses, and such other expenses in the United States and elsewhere as the President may deem proper, $350,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BRIGGS. I would also like to ask, in connection with this Mexican Claims Commission, whether that commission is functioning or likely to function in the near future? I understand that for some time past the commission has been marking time, awaiting the appointment of a commissioner by the Republic of Mexico, and that no assurances have been received, unless very recently, that there was in contemplation the appointment of one of these officials, so that the commission could function.

Mr. SHREVE. I will say to the gentleman that the commission is now functioning to the extent that it is getting these cases ready. The third commissioner is not yet appointed.

Mr. BRIGGS. If the commission has not yet been completed, how can it proceed with its work?

Mr. SHREVE. The answer to the gentleman's inquiry is contained in the following extract from the hearings, which I will read:

The examination and development or attempted development of 1,950 special claims from November 1, 1927, to November 15, 1928.

Up to date, the General Claims Commission has disposed of 76 American claims, in which the amount claimed was $4,366,208.66.

The awards rendered are in the sum of $2,301,573.09, which does not include a sum by way of interest, running with those awards in which interest was granted of, in the amount of $400,690.65.

Nine Mexican claims have been heard by the commission. The amount claimed was $320,455, and the amount awarded was $39,000.

There have been no further claims heard by the Special Claims Commission. That, of course, was bound to be so because there was no presiding commissioner. All the time which was taken up in Mexico City at the recent meeting was devoted to hearing the 25 claims before the General Claims Commission.

Mr. BRIGGS. What is the total number of claims filed up to date?

Mr. SHREVE. Nineteen thousand five hundred.

Mr. BRIGGS. And what is the aggregate amount?

Mr. SHREVE. Something over $4,000,000. I can not give the gentleman the exact figures, and the figures are not here because they were not certain.

Mr. BRIGGS. My recollection is that the number that have been adjudicated is comparatively small.

Mr. SHREVE. It is small.

Mr. BRIGGS. Compared with the vast amount involved in the claims that have been filed?

Mr. SHREVE. That is correct. Nine Mexican claims have been heard by the commission. The amount claimed was $320,455 and the amount awarded $39,000.

Mr. BRIGGS. Have any of these claims been paid?

Mr. SHREVE. No.

Mr. BRIGGS. And there is no indication as to when they will be paid?

Mr. SHREVE. On page 166 of the hearings it appears:

An agreement as to the appointment of a new presiding commissioner involved the appointment of a commissioner for both the general and special commissions, so that now both the General and Special Claims Commissions have a presiding officer, Dr. K. Sindballe, of Denmark.

That information was just handed to me by the Clerk.

Mr. BRIGGS. And the commission will begin to function again and adjudicate claims?

Mr. SHREVE. Yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, travel expenses pursuant to the subsistence expense act of 1926 (U. S. C., pp. 1888, 1889, secs. 821–833), and other expenses of conducting their respective offices, $1,943,400.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Has the committee any information on the question of the so-called duplication of legal activities in the various departments of the executive branch of the Government? I noticed not long ago that the attention of the House was called to the fact that there was a great deal of duplication with reference to the legal work and that there ought to be some consolidation of that work. Did the committee go into any matter of that kind?

Mr. SHREVE. The effort naturally is to have the Department of Justice finally pass on all these matters, but each and every department has its own attorneys and has its own legal advisers; but it is expected that everything should clear through the Department of Justice. I do not know of any overlapping and I have not heard of any.

Mr. BRIGGS. I noticed that a question arose with respect to the oil leases between the Department of the Interior and the Attorney General's department. We had two sets of counsel advising the Government there, and finally the Attorney General's opinion was sought; and, of course, prevailed. That opinion required the cancellation of the leases that had already been entered into, and we might have avoided much that was involved there if the advice of the Attorney General had been obtained in the first place. Then I have noticed there is a growing tendency to impose upon the Government a large expense for special counsel, or alleged specially qualified practitioners, to represent different bureaus and different commissions of the Government. I have wondered why the Department of Justice could not fulfill those requirements and officiate rather than to require the Government to turn so much to the employment of special counsel.

Mr. SHREVE. Well, the department finds it is necessary sometimes to employ special counsel, men particularly qualified to carry out a certain line of investigation. Of course, the gentleman must remember that salaries in the Department of Justice are low and that many of the young men over there are just beginners and possibly have not had the ripe experience that older lawyers have had, so that the experienced branch of the service finds itself overwhelmed with work and it is necessary sometimes to go out and get special counsel.

Mr. BRIGGS. I appreciate there are instances where special counsel are required; but it occurred to me that perhaps by some expansion of the Department of Justice, along the lines intimated by the gentleman, whereby it can be thoroughly equipped with a capable and competent staff, the Government would be able to obviate a very large part of the expense that it is now necessary to meet by the employment of special counsel for different agencies of the Government, separate and apart from the Department of Justice.

Mr. SHREVE. Well, that is a matter that is worth considering, I will say to the gentleman.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Probation system, United States courts: For salaries and actual expenses of probation officers, as provided by section 3 of the act entitled "An act to provide for the establishment of a probation system in the United States courts except in the District of Columbia," approved March 4, 1925 (U. S. C. p. 516, sec. 726), $25,000.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word simply to ask the chairman of the subcommittee a question. Was a suggestion made of a larger appropriation for this service?

Mr. SHREVE. Not by the department; no. There has been quite a difference of opinion about this appropriation. We have taken the pains to write the judges and we find that some judges are not in favor of the system while many others are. The law is going to require some changes before it is going to be universally satisfactory to the judges.

Mr. MOORE of Virginia. I was prompted to ask the question because I have had a good deal of information, as doubtless other Members have, from judges who approve this system but say the present appropriations are insufficient.

Mr. SHREVE. They did not use all the money that was appropriated last year. The trouble with it is, I will say to the gentleman from Virginia, that these men are under civil service, and the judge does not want to pick out a member of his official family from a list of three names sent to him, and this will have to be changed before the system is a complete success.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Air-navigation facilities: For the establishment and maintenance of aids to air navigation, including the equipment of additional air mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; repairs, alterations, and all expenses of maintenance and operation; investigation, research, and experimentation to develop and improve aids to air navigation; for personal services in the District of Columbia and elsewhere (not to exceed $82,540); purchase, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including their exchange; maintenance, operation, and repair of airplanes, including accessories and spare parts and special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $5,458,620: *Provided*, That no part of this appropriation shall be used for any purpose not authorized by the air commerce act of 1926.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee a question. In the report I notice this department has been cut down in its appropriation something like $34,000. Is this in any way curtailing the activities of the Aircraft Bureau?

Mr. SHREVE. No; not at all. It may curtail somewhat their local force, but it does not affect their general operation.

Mr. HUDSON. It seems to me the work of this bureau is so important that they should be granted the largest amount possible.

Mr. SHREVE. We have been very liberal with them, and this will not affect their field work at all.

Mr. HUDSON. I would like to ask the gentleman another question. In the matter of granting Federal licenses for pilots, are there any fees returned to the department or the Treasury? Is any fee charged in the granting of these Federal licenses?

Mr. SHREVE. There is a small fee charged and, of course, as all other moneys so collected, it is turned into the Treasury.

Mr. HUDSON. If there is a fee charged, of course, it probably goes back into the Treasury.

Mr. SHREVE. Of course, it has not been going on long enough for us to tell what it will amount to in the future.

Mr. HUDSON. I wondered if any particular revenue was produced from this source.

Mr. SHREVE. Not yet; no.

The pro forma amendment was withdrawn.

The Clerk read as follows:

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services in the District of Columbia and elsewhere, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference, and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding $1,200 for newspapers, both foreign and domestic, for which payment may be made in advance, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, $620,000: *Provided*, That the Secretary of Commerce may require as a condition for the opening of a new office or the continuation of an existing office that commercial organizations in the district affected provide suitable quarters without cost to the Government or at rentals at lower than prevailing rates. The Secretary may, at his discretion, refuse to open a new office or continue an existing office where such assistance from local commercial organizations is not provided;

Mr. BRIGGS. Mr. Chairman, I would like to ask the chairman of the subcommittee if the amount provided in this bill is regarded by the department as sufficient to enable it to carry on all the essential activities of the bureau in an efficient way?

Mr. SHREVE. Of course, the amount is not sufficient to carry on all the activities, possibly, they would like to carry on, but it is sufficient to carry on the activities which should be conducted this year.

Mr. BRIGGS. All the essential ones?

Mr. SHREVE. We made a general increase affecting this department following our usual policy. We have tried to treat everybody alike. Of course, the other bureaus have to have appropriations, but we have given this bureau about what is usual.

Mr. BRIGGS. As I understand it the committee has increased somewhat the appropriation for the Bureau of Foreign and Domestic Commerce over and above the Budget estimate?

Mr. SHREVE. Yes; about $88,000.

Mr. BRIGGS. In order that the bureau may have an opportunity to function properly?

Mr. SHREVE. Yes; that is right.

Mr. BRIGGS. As I understand it, the committee is thoroughly in sympathy with the splendid work which this organization is doing to promote trade not only in the domestic field, but in the foreign field.

Mr. SHREVE. That is true, as shown by the increased appropriations we have given them every year.

Mr. BRIGGS. And it may be said that this agency of the Government is probably contributing as much in its service for the upbuilding of the prosperity of the country as any other agency of the Government service?

Mr. SHREVE. I think the gentleman is quite right about that.

Mr. BRIGGS. To bring to the attention of the people generally some concrete idea of what excellent work this bureau is doing under the leadership of its capable and highly efficient director, Hon. Julius Klein, I take this opportunity of including herein a portion of some remarks made by me lately before the Committee on Appropriations for adequate appropriations for this valuable service:

I know that you gentlemen have had stated to you the general value of this service to the American people, and you have shown a rather liberal and broad spirit in endeavoring to give to this service the consideration that it deserves. The value of the returns for this service is emphasized in the records of the department, which show, for instance, that the trade opportunities developed by this department increased from 571,766 in 1926–27 to 708,964 in 1927–28, or an increase of 24 per cent in the trade opportunities for the industrial interests of the United States during that period of time.

The number of visitors who came to the department for information rose from 73,781 in 1926–27 to 103,694 in 1927–28, an increase of 40 per cent. That shows the growing interest in the service and it shows that they are providing the people with a splendid service. Further, their records show that the number of letters handled in 1926–27 was 177,307, while in 1927–28 the number rose to 241,099, an increase of 36 per cent. Over the same period, or from 1926–27 to 1927–28, the number of telephone calls increased from 71,006 to 95,009, or an increase of 33 per cent. The overtime for employees in these offices, or in the district office service, is now 16.8 days per year, that being the average overtime per man employed. Another thing, of course, which has always been the real test, is what are the people getting out of this service in dollars and cents? These 29 district offices are now serving 21,696 firms. The value of the service rendered is emphasized by this statement, that 851 firms reported in 1925–26 to the Department of Commerce that they received on account of this service results amounting to $7,319,323, or an average of $8,608 per firm.

In the period 1926–27 there seemed to be a decline in the number of firms using the service, or at least reporting to the department. The number decreased to 405, but the total results showed business obtained of the value of $9,718,330, or an average per firm of $23,995. That shows an increase of about $2,500,000 for that year. Then in the period 1927–28, 819 firms reported total results of $14,506,913, or an average of $17,712 per firm, or nearly $5,000,000 more in business than was reported for the year before. You can see from that the progression that obtains in this service and the constantly increasing service that is performed for the people. If the average benefit per firm of $17,712 were applied to the 21,696 firms served by the bureau during 1927–28, the total results would be $384,279,552. The total for 1927–28, $14,506,913, is thirty-three times the amount spent by the Government in furnishing the services that resulted in this business, the appropriation for that year being only $435,000.

Of course, nobody knows out of all these firms using the service but not reporting just how much they are making if they do not report. Many of them do not report the figures, and the increase disclosed here is shown by those who do report.

Briefly, I would like to call your attention to the way our export trade has been developed. In 1914 the total export trade of the United States amounted, in round figures, to $2,434,000,000, and in 1927 our export trade amounted to, in round numbers, $5,056,000,000, an increase of 107 per cent. Since 1922, when the total was a little over $3,000,000,000, there has been a steady increase. The United States exports to Latin America have increased from 1910–1914 average of $340,000,000 to $845,000,000 in 1927, an increase of 180 per cent. In 1914 the United States furnished 24 per cent of the total Latin-American imports, and was second to Great Britain. In 1927 the United States furnished 37 per cent of the imports, followed by the United Kingdom with 16 per cent. That shows you how our trade has increased with Latin-American countries, and it has been done largely through this service.

Now, in all those years there has been created an increasing demand for this service, and there must necessarily be some need for expansion. I want to indicate to you right here something that transpired the other day. It so happened that representatives of the southwestern flour mills, including those engaged in Kansas City, southern Missouri, Kansas, and Oklahoma, and Colorado, came to me with reference to some flour extension service they wanted dealt with by the Department of Agriculture, which was already handling it. They wanted some increase in the service, and they said to me, "Congressman, we want to report to you that as a result of efforts made last year, with the aid of the Department of Commerce, there was established a port service to the east coast of Brazil from the port of Galveston, and as a result we are intrenching ourselves in Brazil as great flour dealers." They said, "We export now down there probably more flour than any other country, perhaps even including Argentina."

They said that a large part of the Argentine flour is being blended with American flour, and some of it is now being brought into this country. They are developing this business, and they are developing it very largely with the assistance of the service of the Bureau of Foreign and Domestic Commerce, both at home in the district offices and at the offices in Brazil.

The export-trade representative for the southwestern millers further said: "The other day I was in Denver talking to one of the large wholesale grocers there, and he said to me, 'Since the Brazilian service from Galveston has been started by the Shipping Board we are able to import our coffee with a saving of from 65 cents to 67 cents per 100 pounds.'" They claim that could be saved to their trade all through the West. They are using the trade service of the Department of Commerce. I want to call attention to the fact that the department has recently stationed at the port of Galveston Mr. Long as district manager. He had been the trade commissioner in Brazil and is a man of experience and capacity. He possesses a high order of ability and is well qualified to serve this particular trade. I know that you gentlemen are interested in the development of trade, and feel sure that is one reason why Mr. Hoover is making his good-will trip to South and Central America. It is to promote good feeling between those countries and our own and also to establish greater trade with them. All of us were for the new South and Central American air mail services on that account. That may be expensive to begin with, but they will result in large returns to the United States.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROGERS. Mr. Chairman, I move to strike out the last two words. It is my understanding that in 1921 each service of the Department of Commerce cost the taxpayer $2.65. At the present time it is costing the taxpayer only $1.35 for each service, and these services are very important.

I should like to pay my tribute to the gentleman from Pennsylvania [Mr. SHREVE] for the really very great work that he and the members of his committee have done in making possible through the appropriations that they have given to the Bureau of Foreign and Domestic Commerce the great development of the commerce of the United States. You and your committee a number of years ago had the vision to see the great need of this country finding a market for its products to take up the slack between supply and demand.

President Coolidge and Mr. Hoover, the Secretary of Commerce, have been heartily in accord with your plan, and the work of directing the expenditure of your appropriations has been most efficiently carried on by Dr. Julius Klein, the able Director of the Bureau of Foreign and Domestic Commerce, of the Department of Commerce.

In 1921 the bureau had 700 requests a day for services. At the present time the bureau is averaging 11,000 requests per day. In other words, the work has increased sixteen times since 1921.

Last year the bureau received 30 per cent more than it received the year before.

In 1921 the appropriation for the Bureau of Foreign and Domestic Commerce was $900,000. This last year it was approximately $4,300,000.

In 1921 each service rendered by the bureau cost the taxpayer $2.65. At the present time it costs the taxpayer only $1.34 for each service. These services are much improved as the actual information has become more accurate since 1921. In 1921 the reports of trade conditions abroad, and so forth, were more or less guesswork, as at that time they did not have the highly trained specialists, such as trade commissioners and experts, to gather specialized information.

At this time everything points to a value of over $5,000,000,000 in our export trade for the current year. Last year the exports for the whole year amounted to $4,865,375,000. This year for the first 10 months our exports have been $4,113,592,000.

The increase in our export trade has benefited the small shippers and companies as well as the big shippers and companies. The services rendered have been of particular benefit to the small manufacturers and merchants, as they can not possibly afford to send some one to foreign countries to secure information that is furnished almost immediately by the Department of Commerce.

Mr. SHREVE. There has been great improvement during the last year, let me say to the gentlewoman from Massachusetts, and we hope to keep up this improvement right along.

Mrs. ROGERS. And it is the intention of the gentleman to increase the appropriations, I understand?

Mr. SHREVE. Every year we hope to give them a little more money.

Mrs. ROGERS. And with the lowered cost we are getting very much better service, and it seems to me very constructive, effective, Coolidge economy and shows Hoover business ability.

Mr. SHREVE. Yes.

Mrs. ROGERS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD. I am overjoyed that this committee has increased the appropriations for our trade development at home and abroad.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

SATURDAY, *December 8, 1928.*

TRADE COMMISSIONERS, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Statement of Hon. EDITH NOURSE ROGERS, a Representative in Congress from the State of Massachusetts

Mrs. ROGERS. Mr. Chairman and members of the committee, I have appeared before your committee every year asking for appropriations to develop our foreign and domestic trade, and you have given those appropriations.

I know that in my own State of Massachusetts there is very great satisfaction over the results achieved by the Department of Commerce in developing sales abroad and at home of various commodities made in Massachusetts.

Speaking first of the domestic part of it, we have a branch office, as you probably know, in Boston. They are very much overworked there. They need at the present time a liaison officer between the Boston office and the manufacturers all over New England.

The more directly, as I understand it, the work can be accomplished in actual sales, by information as to what foreign countries wish to buy and as to what we make and where we make the various commodities in this country, the better the results achieved.

JAPAN

I am going to tell you a story about what Japan is doing in the line of trade commissioners, because I think it is quite significant. I asked your committee for a trade commissioner to go to Singapore, and you granted that request. The trade commissioner was making a survey of the various industries in this country before going, talking with various selling agents, taking samples of materials made in our mills to Singapore, and just two or three weeks before he was to sail he discovered that Japan had found out that we were sending a trade commissioner there and that Japan's trade commissioner had already arrived in Singapore. Japan is doing much to expand her foreign trade.

Japan, principally because of long hours and low cost of labor and the encouragement given to the industry by the Government in pursuance of its policy to stimulate the industrialization of Japan, has been able to increase her production and distribution of cotton textiles in a very substantial manner.

It is not necessary to go into the details of production or even to submit figures as a growth of the industry can be clearly demonstrated by pointing to the increase in her exports of cotton piece goods. These export figures are not readily available on the yardage basis for certain comparative years but even considering the increased value of cloth exported, the fact is that in 1903 her exports of cotton piece goods came to nearly 7,000,000 yen in value; in 1913, 43,000,000 yen; in 1923, 234,000,000 yen; and since 1923 have been running at a value of between 250,000,000 and 350,000,000 yen a year. (Value of a yen, about 50 cents.)

One comparison in yardage exports will be sufficient. In 1923 her exports amounted to about 748,000,000 yards, while in the calendar year 1928, based upon the figures for the seven or eight months now available, they are running at the rate of about 1,500,000,000 yards for the year.

This large increase in Japanese cotton piece goods exports has been attributable not alone to the fact that Japan produced under conditions of long hours and low labor costs, but also to the fact that the Government has extended many aids and encouragements. Some of these aids take the form of shipping subsidies, credit facilities, and the like which enable the Japanese to lay down large quantities of piece goods in consuming markets at prices which have made heavy inroads into the business formerly held by Great Britain, the United States, and other countries. So far as such competition with the United States is concerned it has been most keenly felt in Africa, the Near East, Persian Gulf, and Red Sea territories and to a considerable extent in India, China, and other far eastern territories on staple piece goods which the United States used to supply in quantities.

There is another reason I want to give for the necessity and advisability of having a liaison man. A good many of the manufacturers, I find, at first are a little bit afraid of having the Government have any connection with their business, and sometimes you have to explain the matter to them. They must be shown that the Department of Commerce is an aid to business; that it so operates and does not dictate or interfere.

I am very much interested in the development of trade in South America and I am perfectly delighted that Mr. Hoover has gone there. I remember in 1914, during the war, the various diplomatic representatives here used to say to my husband and me over and over, "Why don't you develop your trade with South America? We would like to trade with you, but you do not make it easy for us. You do not tell us what you have in a way that makes it easy for us to deal with you. You have not yet learned that we know what we want to buy. You tell us what you want to sell and what we must buy."

TRADE COMMISSIONER FOR ARGENTINA

I am very anxious to have a textile and boot and shoe trade commissioner go to Argentina. They tell me there is a big market for our textiles there and the manufacturers tell me that they feel there is a very big market in Central and South America and in other countries for the sale not only of our goods by yards—that is, yardage—but garments actually made up, such as pajamas, underwear, dresses, etc.

Practically all of the countries of South and Central America have been growing markets for American cotton textiles. Argentina is our largest market in South America and perhaps offers the best possibilities for further development.

In 1926, the last year for which figures are available, there were imported into Argentina a total of 28,388 metric tons of cotton piece goods from all countries. Of this, the United States shipped 2,530 tons, or almost 9 per cent of the total. (Argentina import figures are not available on a yardage basis.)

That our own exports to Argentina are steadily increasing is evidenced by the fact that in 1913 we exported to that country 1,529,000 yards, valued at $180,000, while in 1927 we exported nearly 25,000,000 yards, valued at $4,345,000.

In shipments of cotton yarn to Argentina the increase has been even more pronounced, for, while in 1922 we exported to Argentina 15,500,000 pounds of various kinds of cotton yarns, their takings from us amounted to about 28,000,000 pounds in 1927.

Our textile business in Argentina is diversified and complicated. A great many American firms do business there and it is done in various ways ranging from having one's own sales office or salaried representative to the appointment of local agents on a commission basis. Customers range from the retail merchant to the wholesaler and manufacturer. Even some mail-order and house-to-house business is undertaken on American goods.

Because of the diversity of American textile products being sold in Argentina and the many methods of distribution it would be very desirable to have a textile trade commissioner on the spot to aid American manufacturers and merchants in extending their business. He could engage in all kinds of cooperative effort short of actually executing the orders.

Argentina is interesting to American manufacturers and merchants not alone as a market for cotton piece goods and yarns but as a growing customer for such textile articles as certain items of knit goods, garters and arm bands, corsets and brassières, waterproofed outergarments, silk dresses, collars and cuffs, etc.

The business to Argentina in certain classes of hosiery, underwear, and outerwear has fallen off with American manufacturers due to the fact that local production is increasing under the higher tariff rates assessed against imports. However, American merchandise of the sort is liked, and it is possible to maintain some branches of this business in spite of handicaps if proper aid and encouragement is given to American manufacturers and merchants.

Indeed, exports from the United States to all countries of some items such as knit goods garments, haberdashery, corsetry, etc., are increasing substantially, and it is desirable to encourage this development for in so doing we export not alone the textile fabric incorporated in the article but the further developed product of American skilled labor.

TRADE COMMISSIONER FOR CARIBBEAN SEA AREA

Then in the Caribbean Sea area, I am very anxious to have a boot and shoe and textile trade commissioner. They also tell me that there is opportunity in India.

India is a very interesting and important buying and selling market for American textile interests from several points of view:

1. As a large producer of raw cotton entering into competition with American cotton.

2. As a manufacturer of cotton piece goods, some of which enter the world's markets in competition with American cotton piece goods.

3. As a producer of jute and burlap, enormous quantities of which are used in the United States and regarded here by many as competing as a substitute with American cotton piece goods.

4. As a large importer of cotton piece goods.

Every one of these subjects is of vital interest to various branches of the American textile industry and an American trade commissioner specially trained and qualified to analyze the situation and supply American interests with essential information would be very valuable.

Perhaps his most important work would be in developing the market for American cotton piece goods although he would give considerable attention to developing markets for various items of clothing such as underwear and hosiery, shirts and other haberdashery, the sale of which in India has increased modestly.

To get a picture of the importance of India as a market for cotton piece goods let us look into the years 1914, 1923, and 1928. These are the fiscal years ending March 31.

[Quantities in millions of yards]

Fiscal year ended Mar. 31	Indian imports of cotton piece goods, including fents			
	From all countries	From United Kingdom	From Japan	From United States
1914	3,197	3,104	9	10
1923	1,593	1,453	108	8
1928	1,973	1,543	323	25

From this it will be seen that the total imports of cotton piece goods from all countries has diminished considerably. This is due principally to the increased domestic production of cotton piece goods.

Great Britain's shipments to India in the 18-year interval have declined to approximately one-half of the more than 3,000,000,000 yards shipped in 1914.

The exports of cotton piece goods from the United States to India have increased slowly but steadily since 1914, being now at the rate of about 25,000,000 square yards a year or two and one-half times the amount shipped in 1914.

It is Japan, however, which has made the most remarkable strides, for her exports to India increased from a bare 1,000,000 yards in 1912 and 9,000,000 yards in 1914 to over 323,000,000 yards in the fiscal year ending March 31, 1928.

Of the 25,000,000 yards shipped to India from the United States in the Indian fiscal year ending March 31, 1928, a large proportion were remnants. Indeed there was a time several years back when, with the exception of a few lines of staple branded gray goods about all we could sell to India were remnants. Now, however, the situation is considerably changed and there is a general falling off in our shipments to India of so-called stable gray goods and we are increasing shipments of regular lines of colored and fancy goods to that market.

India is a long way off, is favorably disposed to American merchandise, and it is believed that our textile shipments to that country could be increased steadily if some one or more specialists were located on the spot to aid American interests.

You all know that during the war we overexpanded, and we have got to have something to take up the slack between the supply and the demand.

My own textile industries have suffered very much. Some of them at the present time, fortunately, are doing very well, and they are doing well because they know how to sell the articles that they make and they have learned to make what the people want.

The only thing that we can do to keep ahead of other countries in the kind of things we make and in their quality is to be constantly and ably represented abroad, have people who will study conditions there, who will tell us what they are making in foreign markets, what the cost of production is, and how they sell. They must tell us what other countries will buy.

At the present time we have one of our trade commissioners studying production in England; studying, so far as possible, costs; studying how their market goes; finding out exactly what they make.

MACHINERY SURVEY

I am very anxious to have a further appropriation for a machinery survey. You let us have a small appropriation last year for that. I understand that at the present time they are utilizing that for a survey of knitting machines for the manufacture of sweaters. The sweater manufacturers are delighted to have that done and feel that a great deal can be accomplished.

The machine-tool people are very much interested in this survey and I have had a great many letters about it. The following letter has been received from the publishers of the American Machinist:

AMERICAN MACHINIST,
New York, N. Y., December 4, 1928.

MRS. EDITH N. ROGERS,
House Office Building, Washington, D. C.

MY DEAR MRS. ROGERS: Word has just reached me that you are to appear before the Appropriations Committee to-morrow on behalf of the proposed survey to determine the percentage of obsolete industrial equipment in use. I want to take this opportunity to express the sincere hope that you will be successful in convincing the members of the Appropriations Committee that such a survey is well worth while. At the same time I want to indorse all that was said by Mr. L. C. Morrow, at that time managing editor of the American Machinist, when the previous hearings on this appropriation were held.

You know, of course, and I presume that the members of the Appropriations Committee know also, that such a survey was conducted in the machine-tool using industries by the American Machinist three years ago. The results of that survey showed that 44 per cent of the equipment in use in those industries was more than 10 years old. In other words, that it was obsolete.

The survey attracted considerable attention at the time and the mission it endeavored to accomplish was backed up by further editorial efforts on the part of the American Machinist's staff and by the makers of that type of equipment through their advertising pages.

Many of the machine-tool builders with whom I have talked in recent months attribute the unusual activity in their business to the fact that the metal-working industries in general are taking drastic steps to replace their obsolete production equipment. In spite of the fact that very few new plants or plant extensions are in progress, sales of machine tools are now being made at a higher rate than at any time since the war, and a few of the more progressive companies are doing more business now than they did at any time during the war.

It is at least reasonable to believe that somewhat similar results would follow a survey of obsolete equipment in other industries, and I earnestly hope that you will be able to secure the funds necessary to conduct such a survey.

With best regards, I am,

Yours sincerely,

K. H. CONDIT, *Editor.*

AIRPLANE INDUSTRY IN SOUTH AMERICA

If I may have a minute or two more, Mr. Chairman, I want to speak a little about the work that is being done in South America with reference to the sale of our airplanes there, and if I may extend my remarks in your hearings, I have quite a number of statements showing what has been accomplished in the development of our trade along that line.

Mr. SHREVE. We shall be very pleased to have you extend your remarks by inserting in the hearings those statements in which you think the committee will be interested.

Mrs. ROGERS. A year ago, just about this time, I discovered that I had forgotten there was an embargo on airplanes into Mexico, and I took the matter up with the State Department, and the embargo was lifted. I had a great many letters from airplane manufacturers expressing their pleasure, and I became very much interested in the future of the airplane industry in Central and South America.

I have had a great deal of communication with different airplane manufacturing plants, talked with people that came up from South America, and found out what was being done down there.

The Department of Commerce has been doing very constructive work in South America, and as a result they have sold a good many planes of our manufacture there.

Aeronautic developments in Latin America have come rapidly during recent months. It is significant and important that more than 10,500 miles of air services are in regular operation in the southern Republics. There are approximately 100 aircraft in use on those air lines, and approximately one-half of the machines were made in the United States.

It was recalled that European aeronautic missions visited South and Central America and the West Indies repeatedly following the war. This prolonged activity resulted in the introduction of aircraft from Europe, and in the general belief that this equipment was superior to any other. The peoples in the area decided to cooperate with Europeans in providing air services within Latin-American territory and between South America and Europe. A French company extended its France-to-Africa service across the Atlantic (using steamers) and along the east coast of South America. German interests have succeeded, in varying degrees, with air services in Colombia, Brazil, and Bolivia.

With a view to increasing the sale of American aeronautic products abroad, the Department of Commerce sent a well-prepared aeronautics trade commissioner to South and Central America in August, 1927. A similarly equipped assistant aeronautics trade commissioner followed in August, 1928. These and other representatives of the Departments of Commerce and State have been able to interest American manufacturers in the southern markets and assist them in introducing their equipment there. Satisfaction was expressed in regard to the recent sale of 36 planes by an American company to Chile. It was stated, too, that American passenger and mail planes were shipped recently to Mexico, Guatemala, Colombia, Peru, Argentina, and Cuba.

According to figures of the transportation division, Bureau of Foreign and Domestic Commerce, the total value of aeronautic products exported from the United States to Latin-American countries during the first nine months of 1928 was $723,280, or nearly as much as that for the year 1927. Twenty-four aircraft, worth half a million dollars, were exported to these markets in 1927, and 55, valued at $558,577, followed up to October 1, 1928. The total value of our aeronautic exports in 1927 was $1,903,560. This figure for the first nine months of 1928 is $2,931,721. A large part of the increase was in larger exports to Canada.

Reference was made to the progress of the Pan American Airways (Inc.), who have extended their Habana-to-Key West daily service to Miami and announced that two flights each way will be made daily, beginning shortly. The same company has a three-times-a-week seaplane service, recently inaugurated, between Miami and Nassau, and they will start one between Habana and San Juan, P. R., in January. According to reports, the company will soon open a daily service between Habana and Panama via Central American capitals and Merida, Mexico. An associated company in Peru has been operating a highly successful and thoroughly reliable service between Lima and seaports along the north coast of Peru. They plan to extend their services to Chile, to

Panama, and across the north coast of South America to San Juan. I am of the belief that our aeronautic manufacturers and operating companies who have become interested in southern countries have made a thoroughly worth-while effort with highly satisfactory results and that they may be expected to compete successfully with European interests. The necessity for businesslike and fair practices and the sale of superior equipment is recognized as of the utmost importance.

I am told that England very shortly is sending a fleet of planes there and other countries are increasing their trade activities. One reason I became so vitally interested is because I realized the protection that is needed in Central America, for instance. The Panama Canal must be protected.

Very few people in this country seem to realize how far ahead of us other countries have gone in air commerce in Latin America. It is humiliating that the pioneer aeronautical move in Latin America was started by the Curtiss Co. in 1914; but since then, foreign countries have left us so far behind that until recently we have not been real competitors. I have been told that the advantage of this rapid system of communication between the commercial centers of western Europe and the east coast of South America can not be overemphasized. Ever since 1914 people from those countries have said, "Why does not America develop her trade in our country?" The development of the air mail service is undoubtedly a necessary part of our preparedness program. The transmission of orders, remittances, quotations, specifications, and other business correspondence will give our European competitors a tremendous advantage in this trade arrangement. The factor of interest savings and the multiplication of activities of capital employed in this trade alone will place our exporters at a handicap compared with European firms.

PANAMA CANAL

One of the vital factors of our defense system is, of course, the Panama Canal and its complement of railways and military defenses. Without these the coordination of our Atlantic and Pacific Fleets will be well-nigh impossible, and closely related with this phase are our lines of communication and intelligence in the Caribbean area and the east and west coasts of South America.

This, in turn, is bound to be closely related in the future with military, naval, and commercial air services in these areas. Unfriendly aviation units of any of the above three classifications dominating these areas will react unfavorably on the above-mentioned communications and intelligence service in a time of actual or threatened hostilities. One of the presumptions of our national-defense system is that an attack against us could be only launched by a strong naval power. Unquestionably sound strategy would be an attempt by such a power to cut off our trade and communication with the American countries to the south of the United States. Unfriendly air forces of the above three classifications would be an invaluable aid in any such tactical plan, particularly in the case of a European power.

These things being apparent, it is advisable to consider the present aeronautical situation in the Latin-American countries to-day and this situation is, to say the least, highly unfavorable to the United States. To begin with, there are elements of foreign (European) personnel connected with the Mexican air services in various responsible positions. Secondly, commercial aviation in Colombia is dominated by a German-Colombian air transportation company, and Colombia's military aviation is in charge of a Swiss instructor. Passing down the east coast of South America we next come to Venezuela, where military aviation is administered by French instructors, as is also the case in Brazil, where an exceptionally strict control is exercised by a French military mission. Argentina maintains a permanent military mission of its own in Europe, which is very responsive to European influence and can not in any way be regarded as susceptible to American. A British naval mission acts as advisor to the Chilean naval and aviation operations, and high officers of German birth and former German rank and citizenship dominate the Peruvian army. The same situation exists in Bolivia as in Peru, and protests against both these missions were made by countries signatory to the Versailles Treaty without effect as the provisions against German military missions contained in this treaty were defeated in this instance by transfers of citizenship.

The relatively small aeronautical activities of Ecuador are regulated by Italian instructors. It can thus be seen that European influence predominated almost entirely in military aviation affairs in South America and this influence is strengthened by the presence of the operations of the French Compagnie Aeropostale with air-mail lines in Brazil, Uruguay, and Argentina, and the German air interests such as the Kondor Syndicat, operating in Brazil, the Aero Lloyd Boliviano operating in Bolivia, and the "Scadta" in Colombia. Other concessions for air lines in South America are now being sought by European interests and these, if secured, will still further weaken our influence in aeronautical affairs in South America.

The above summary shows very clearly the need for action upon the part of this country at an early date and it is believed that this action should take the form, at least, of the establishment of air mail and commercial lines to Central and South America.

Mr. OLIVER. Germany, I assume, is making sales of planes.

Mrs. ROGERS. Yes; and France is making sales. They also have a line on the west coast in South America. While we were the first country to go into South America with the airplane, other countries up to the present time have exceeded what we have accomplished. I am getting figures from the Department of Commerce on that point, if I may put those in the record.

EXPENDITURES BY FOREIGN COUNTRIES FOR TRADE PROMOTION

America's expenditures on her foreign trade promotion are not as large as those of our principal trade rivals. On a per capita basis, our Canadian neighbors will spend nearly twice as much as we will during the present fiscal year. If the appropriations of the Bureau of Foreign and Domestic Commerce were on the same basis as those of the Canadian Commercial Intelligence Service, the United States would spend $8,196,888 instead of $4,257,357.

On the basis of current appropriations and 1927 export figures, American expenditures on trade promotion are only 76 per cent of those of the British Department of Overseas Trade. In other words, it would require an increase of $1,310,000—from $4,257,357 to $5,567,357—to make the appropriations of the Bureau of Foreign and Domestic Commerce equivalent to those of its British rival.

Even Japan is spending more proportionately than the United States. Considered on the same basis as Great Britain, it would be necessary to increase the bureau's appropriations by $763,000—from $4,257,357 to $5,020,357—to make them equivalent to the Japanese expenditures.

Germany has no separate funds that can be definitely identified as comparable to the appropriations for the Bureau of Foreign and Domestic Commerce, but from all we know of her great efforts to regain her lost trade we have every confidence that the American expenditures taken on a comparable basis are considerably less than those of Germany, possibly by as much as 25 per cent.

These figures do not tell the entire story by any manner of means. Take Great Britain, as an example. The British Government has undertaken to spend approximately $48,500,000—or at the rate of $4,850,000 a year for 10 years—on the promotion of the sale of Empire products within the Empire. Although this is primarily a domestic sales campaign, it has a direct bearing on American trade, not only in the British Isles but also throughout the British Dominions and Colonies, which, taken as a unit, constitute our most important single market. In fact, 42 per cent of our total foreign commerce is with the Empire.

Again, the British Government will spend in their fiscal year 1928–29 the sum of $437,500 on the Export Credits Guarantee Department, an increase of $185,000 over the 1927–28 appropriation. Since 1920 a revolving fund of $126,000,000 has been set up to take care of the commitments guaranteed under this single piece of legislation which is directly concerned with British trade expansion.

Another example of British promotion activities that may be cited in the British Empire Exposition, held at Wembly in 1924 and 1925. In 1924 the British Government spent $875,000, while five sections of the Empire, to mention only a part of the participating countries, contributed about $3,000,000. These figures represent, it may be assumed, only a small part of the total expenditures and are exclusive of an operating deficit of $7,500,000. This undertaking and its succeeding follow-up efforts are but part of a large trade-promotive program.

Another type of indirect trade promotion on behalf of British trade is found in the East African loan act, under which a revolving credit of $48,600,000 has been created for the development of transportation facilities, such as railroads, roads, and harbors in British East Africa. A large part of these credits will, it is expected, be utilized in the development of commerce in British machinery and equipment.

The growing importance of promotion activities in international trade is further emphasized by other examples. France is proposing to spend in 1929 over 25,000,000 francs on certain phases of her export drive. This does not tell the whole story, as this represents only part of the official expenditures. Due to the interlocking relations between the French trade promotion bureau and French chambers of commerce, there are other expenditures which are not in the official budget.

Italy will spend in her fiscal year 1928–29 nearly seven and a half million lire for some of her trade activities. This does not include semiofficial items, such as are represented by the recent floating fair of Italian products which toured Latin America, displaying the best Italy could supply in many lines, the total value of the exhibits alone being 5,000,000 lire.

Australia furnishes another interesting example. In London and Paris this enterprising Dominion is spending, according to the 1927 Australian Yearbook, about $125,000 a year at each post for trade promotion. In the fiscal year ending June 30, 1929, the Bureau of Foreign and Domestic Commerce will spend $99,750 in the United Kingdom and $90,025 in France. Even the Union of South Africa is in some respects spending more money than the United States. For instance, at Milan, Italy, where both countries have offices, South Africa has a budget of $55,000, as compared with an American expenditure of $7,310.

Our New England council, I know, is extremely pleased with what has been accomplished by your committee and by the Department of Commerce. I do not hear any criticism. I hear nothing but praise about what is being done. This trade promotion not only affects one

part of the country but it affects the entire country. Of course, I can not help feeling the greatest interest in my own section of the country.

We have certain geographical handicaps and we have certain handicaps in our hours of labor and wages, so that it makes selling pretty difficult sometimes for our Massachusetts industries.

I thank you very much, Mr. Chairman, for this opportunity.

The Clerk read as follows:

BUREAU OF THE CENSUS

For salaries and necessary expenses for preparing for taking, compiling, and publishing the Fifteenth Census of the United States and for carrying on during the decennial census period all other work authorized and directed by law (U. S. C. pp. 329–338, secs. 1–112), at a total cost of not to exceed $39,490,000, including rent of office quarters in and outside the District of Columbia; salaries of employees in the District of Columbia and elsewhere, including temporary employees in the District of Columbia who may be appointed by the Director of the Census, under civil-service rules, for any period not extending beyond June 30, 1932, at rates of pay to be fixed by the Director of the Census, without regard to the classification act: *Provided*, That such temporary employees in the District of Columbia may be allowed leave of absence with pay at the rate of two and one-half days per month; the employment by contract of personal services for the preparation of monographs on census subjects; per diem compensation of special agents and expenses of the same and of detailed employees, whether employed in the District of Columbia or elsewhere: *Provided further*, That employees of the bureau may be paid in lieu of all transportation expenses not to exceed 7 cents per mile for the use of their own automobiles or not to exceed 3 cents per mile for the use of their own motor cycles when used for necessary travel on official business; expenses of attendance at meetings concerned with the collection of statistics, when incurred on the written authority of the Secretary of Commerce; the purchase of supplies and equipment, including books of reference, periodicals, maps, manuscripts, punch cards and materials, and other contingent expenses; the maintenance, operation, and repair of a passenger-carrying automobile to be used on official business; the purchase, rental, repair, and exchange of typewriters, calculating machines, punching, tabulating, and sorting machines, and other office appliances; the construction of punching, tabulating, and sorting machines, including technical, mechanical, and other services in connection therewith, whether in the District of Columbia or elsewhere; and printing and binding at the Government Printing Office, $19,000,000, to continue available until June 30, 1932, of which sum $100,000 may be immediately available: *Provided further*, That existing law shall not operate to prevent the use of such portion of this appropriation as may be necessary for the purchase of supplies, printing and binding, and other contingent expenses: *Provided further*, That the Secretary of Commerce is authorized, in his discretion, to suspend during the decennial census period such work of the Bureau of the Census, other than the Fifteenth Census, as he may deem advisable.

Mr. BLACK of Texas. Mr. Chairman, I reserve the point of order on page 63, lines 6 and 7, to this language:

at rates of pay to be fixed by the Director of the Census, without regard to the classification act.

The paragraph under consideration authorizes the expenditure of $39,000,000. What is the reason for providing that the Director of the Census fix the rates of pay without regard to the classification act?

Mr. SHREVE. I will say that this paragraph is undoubtedly subject to a point of order, but if it is made it will cost the Government $5,000,000 more to do it under the classification act than if the language is left in the bill.

Mr. BLACK of Texas. I am glad to have that explanation. I read the hearings on that item and there did not appear to be any explanation why it was done. Of course, if the gentleman from Pennsylvania can give us the assurance that that language will work economy in this expenditure, I shall certainly take his assurance and withdraw the point of order.

Mr. SHREVE. We are assured by the different bureau heads that that is the fact.

Mr. BLACK of Texas. Mr. Chairman, I withdraw the point of order.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word. Is it the understanding of the committee that $39,490,000 is necessary to take the census?

Mr. SHREVE. That is the 10-year census—the authorization will be for $39,700,000.

Mr. O'CONNELL. This is the census we are going to take?

Mr. SHREVE. Yes; it takes two or three years' preparation for it.

Mr. O'CONNELL. And it costs this immense sum to obtain it.

Mr. SHREVE. It does.

Mr. O'CONNELL. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Contingent expenses: For the payment of fees to witnesses; for traveling and other expenses when on official business of the Supervising Inspector General, Deputy Supervising Inspector General, supervising inspectors, traveling inspectors, local and assistant inspectors, and clerks; for instruments, furniture, stationery, street-car fares not to exceed $25, janitor service, and every other thing necessary to carry into effect the provisions of title 46, chapter 14, page 1488, United States Code, $153,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Can the committee give us any information with reference to whether or not it entered upon any investigation as to whether or not there are enough inspectors in the Steamboat Inspection Service to enable it to work efficiently? It seems that there was a great deal of criticism at the time of the *Vestris* disaster as to alleged insufficiency in the number of inspectors; and I have heard it urged again and again that there is not a sufficient number to enable this service to discharge its duties efficiently.

Mr. SHREVE. The head of the bureau has not completed the investigation and he was not prepared to say that they did not have enough inspectors. The matter needs further investigation, and later on he will have the information so that we will be in a position to pass upon it intelligently.

Mr. OLIVER of Alabama. It is fair to say that they contemplate some legislation on this subject.

Mr. BRIGGS. I understood that there had been a request by the inspection service for additional inspectors, and I wanted to know whether the committee had dealt with the matter by granting additional ones.

Mr. SHREVE. The gentleman must have been misinformed; there was no application for an increase in the number of inspectors. I think the gentleman from Alabama will corroborate me.

Mr. OLIVER of Alabama. My recollection is that it was stated that the plans to which the gentleman has referred might be so worked out that they could ask for additional legislation in this Congress, and probably they might require additional inspectors.

Mr. BRIGGS. The conclusion reached, then, was that additional legislation would be required before they had additional inspectors?

Mr. SHREVE. There must be an authorization of law.

Mr. BRIGGS. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Utilization of waste products from the land: For the survey of the possibilities of the industrial utilization of waste products from the land, including cooperation with colleges, other institutions, and manufacturers, including personal services in the District of Columbia and in the field, $52,700.

Mr. COLE of Iowa. Mr. Chairman, I move to strike out the last word. I think it was three years ago that the first appropriation for this purpose was made, if I remember correctly.

Mr. SHREVE. Yes.

Mr. COLE of Iowa. This small expenditure of $50,000 three years ago, two years ago, and what is now continued here, has already resulted in great good. We have one or two institutions that are based on the developments made through this small appropriation enabling the Bureau of Standards to cooperate with various institutions, especially the college at Ames, Iowa. Newpaper publishers have informed me that these developments, especially the making of print paper from the pulp of cornstalks, is already beginning to affect newsprint paper prices, and that they are able to make lower contracts. They attribute it to the beneficial results of this investigation. I believe the time is coming when we will have many factories utilizing these raw materials, and I think the beginning was made when this first appropriation was made by this subcommittee three years ago.

Mr. SHREVE. I thank the gentleman. The committee will be glad to have that information.

The Clerk read as follows:

Public works: For constructing or purchasing and equipping lighthouse tenders and light vessels for the Lighthouse Service as may be specifically approved by the Secretary of Commerce not to exceed $1,155,000; and for establishing and improving aids to navigation and other works as may be specifically approved by the Secretary of Commerce, $485,000; in all $1,640,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Is there any provision in this item for any new lighthouse vessels?

Mr. SHREVE. Yes.

Mr. BRIGGS. If so, whether there is any special designation of where they will be located?

Mr. SHREVE. We never designate in the bill where they shall be located. There are items in the bill covering both lighthouses and lighthouse vessels.

Mr. BRIGGS. How many new light ships are provided for? I do not mean tenders.

Mr. SHREVE. The authorization, I think, was made a couple of years ago, and we are just carrying it out now. It strikes me there are three.

Mr. BRIGGS. Is it the committee's purpose to carry on that appropriation until the authorization has been carried through?

Mr. SHREVE. Yes.

Mr. BRIGGS. So that the Lighthouse Bureau will be equipped with a sufficient number of vessels to meet the existing demand?

Mr. SHREVE. That is the intention; yes. I can tell the gentleman now just where these vessels are to be located. There will be a lightship at Brenton Reef, *No. 39*, which is in the third district, and a lightship, at Hen and Chickens, *No. 42*, second district, a relief lightship, *No. 3*, third district, and there will be a new tender to replace the tender *Pansy* in the third district. It takes two or three years from the time the appropriation is made before we can get these vessels into service.

Mr. BRIGGS. It is the purpose of the committee to go forward with this authorization in subsequent bills to satisfy the needs of the bureau?

Mr. SHREVE. That is the present plan of the committee.

The Clerk read as follows:

The appropriation of $30,000 for the fiscal year 1928 for a fish-cultural station as an auxiliary to the station at Leadville, Colo., is continued available for such purposes during the fiscal year 1930.

Mr. NEWTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON: Page 88, after line 6, insert:

"For construction, repair, alteration, and improvements to buildings and walls at the fish-cultural station at La Crosse, Wis., $10,000."

Mr. SHREVE. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For furniture and filing cases, $60,000.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the committee about this Patent Office item. May I ask if anything has been done in the Patent Office about arranging some method of taking care of the patent papers in that building? I have had occasion to go there several times on patent matters, and I have found that priceless information in the way of original records are left there and in case of fire we would lose them all. There are no duplicates. I have had occasion several times also to ask the men in charge if steel cabinets or safes of any kind are provided to take care of that material. They could not be duplicated in case of loss, and the thing is very serious.

Mr. SHREVE. Mr. Chairman, we realize that situation, and that is one of the reasons for the Archives Building. Eventually all of these things will be taken care of in fireproof buildings. We are going at the matter as fast as we can. We did enable the Patent Office to get some steel filing cabinets, and we tried in that way to help them.

Mr. O'CONNELL. Have those patent records been taken off the floors and off the top of these wooden structures?

Mr. SHREVE. Many of them. A number of them were taken off last year. We gave them $65,000 for that one item.

Mr. O'CONNELL. We ought to do something about it, because the matter is very serious. Those things could not be duplicated in case of fire.

Mr. SHREVE. That is true.

Mr. O'CONNELL. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $178,160 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C.; traveling expenses; maintenance expenses of insane alien deportees detained abroad while en route to the country of destination; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" (U. S. C. pp. 133–143, secs. 138–178), and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $7,915,000: *Provided*, That $1,868,440 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $150,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $150,000 not more than $125,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. BOX. Mr. Chairman, I move to strike out the last word. It is not my purpose to raise any issue with the Committee on Appropriations concerning this appropriation. I do, however, want the House to understand the fact as I believe it to be. First, I will say the organization for the enforcement of the immigration and deportation laws is not adequate. It has been presented to the House time after time. Members of the Committee on Appropriations have urged that the Committee on Immigration and Naturalization ought to report some further legislation dealing with the subject. I believe the reporting of such legislation would constitute a congressional mandate which would authorize and require the department to extend the organization, and that they would gladly do it. The appropriation of such additional funds ought to be made. I will not undertake to say to the House just what is needed. It is an important and rather serious undertaking. I certainly would have to have further advice as to specific details and directions before undertaking to specify the exact amount required. The amount needed is large. This work is suffering. I regret that the Committee on Immigration and Naturalization has not reported the legislation mentioned. I hope that it can and will be done soon, and that when the matter comes up again it will have the sympathetic consideration of the Committee on Appropriations. I would like it very much if something could be done now, even if the measure of relief granted is small.

Mr. OLIVER of Alabama. Mr. Chairman, the needs for an increased appropriation were also called attention to by the gentleman from New York [Mr. SNELL], and I recognize that the gentleman from Texas [Mr. Box] entertains the same views. The committee have felt that we should have more inspectors, but, in view of the pendency of legislation which we think may greatly aid the department in carrying out this work in an economical way, we hesitated about increasing the amount of the appropriation. However, there are some emergency needs, as the gentleman from New York has pointed out, and as the gentleman from Texas states. After consultation with the chairman I have offered an amendment to increase this appropriation by $50,000, and I will ask the chairman if it meets with his approval?

Mr. SHREVE. I am very much pleased to join with the gentleman from Alabama in authorizing this money, because I am quite familiar with the situation described by Mr. SNELL to-day, and I know they need the money.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. OLIVER of Alabama: Page 110, line 14, strike out the figures "$7,915,000" and insert in lieu thereof the figures "$7,965,000"; and, in line 15, strike out the figures "$1,868,440" and insert in lieu thereof the figures "$1,918,440."

Mr. TILSON. Mr. Chairman, I wish to ask a single question of the gentleman in charge of the bill. Under the item, "Bureau of Immigration," the increase in appropriation for salaries alone is very material, the percentage of increase over last year being very large. I am wondering what is the reason for this?

Mr. SHREVE. I am very glad the gentleman mentioned that, because it is all occasioned by the Welch Act; not quite all.

Mr. TILSON. From what we learn from the papers nobody had an increase under the Welch Act. At any rate, everybody seems dissatisfied with the bill. Who gets this increased sum?

Mr. O'CONNELL. All the employees of the department receiving more than $7,500.

Mr. TILSON. Those employees certainly do not get the amount appropriated here. There are only a few of these employees——

Mr. SNELL. Five hundred and eighty-five thousand dollars.

Mr. TILSON. It is a tremendous increase for salaries alone. Is it all due to the Welch bill?

Mr. OLIVER of Alabama. The gentleman will be interested to know that the committee made an appropriation which they felt would be used to increase the pay of some of the border patrol and some of the inspectors. However, before it was effective the Welch bill was passed, and the department took the money with which it was expected to increase pay and used it in the employment of additional inspectors. The Welch bill carried the increase of salary.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses: For compensation, to be fixed by the Secretary of Labor, of officers, clerks, and employees appointed for the purpose of carrying on the work of the Bureau of Naturalization, as provided in the acts authorizing a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization, approved June 29, 1906, and March 4, 1913, and subsequent acts (U. S. C., pp. 157–166, secs. 351–416), including not to exceed $74,420 for personal services in the District of Columbia, of which amount $10,000 shall be available only for compensation of temporary employees; traveling expenses, including not to exceed $400 for expenses of attendance at meetings concerned with the naturalization of aliens when incurred on the written authority of the Secretary of Labor; streetcar fare, telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; necessary supplies and equipment for the Naturalization Service; not to exceed $25,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $790,030: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. BOX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BOX. I do this, Mr. Chairman and gentlemen, for the purpose of calling attention to the facts stated here in the discussion this afternoon in connection with naturalization and the laws within the respective States giving the right of suffrage to unnaturalized aliens. My information is that very few of the States confer that right under their present statutes. Formerly a great many States did not allow any declarant alien the privilege of voting. Among those were my own State, Texas, and several others, which I do not recall at this moment, but Texas has during recent years ended that practice and now requires that the foreign born be naturalized in order to vote. My information is that every State which formerly permitted declarants to vote has amended its laws in that respect, so that none of them now allows declarants the right of suffrage. If there are any States which now permit declarant aliens to vote, I will thank the gentlemen from such States to correct me.

Mr. HOCH. Mr. Chairman, will the gentleman yield there?

Mr. BOX. Yes.

Mr. HOCH. It was formerly true in Kansas. A foreigner was allowed to vote when he had declared his intention to become a citizen, but that right is not allowed now. I understand it is allowed in a few other States.

Mr. BOX. I shall not attempt to contradict the statement that it is allowed in some States, but I think the statutes of such States have been amended so that that can not now be done. Certainly not more than one or two States allow it. I believe that none of them do.

Mr. SNELL. It ought not to be done anyway.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. O'CONNELL. I move to strike out the last two words.

Mr. Chairman and gentlemen, I have made this pro forma motion for the purpose of asking the distinguished chairman of the subcommittee in charge of this bill what, if anything, has been done with respect to making a larger appropriation for the conduct of the naturalization bureau in the city of New York? I have occasion repeatedly to call at that office in the interest of applicants for final papers toward citizenship, and I want to take this opportunity to say a word to the House in appreciation of the resident commissioner of immigration, Hon. Merton A. Sturgis, one of the most painstaking and hard-working officials in the service of the country. At one time, a year or two ago, his office was behind 25,000 cases. It was impossible to handle them for lack of help due to inadequate appropriation, perhaps by this committee, or due to the recommendation of the Director of the Budget. In this case we have a penny-wise and pound-foolish policy. There are 25,000 applicants at that one office who are anxious to pay the United States the sum of $4 each, a total of $100,000, which we are unable to receive because of the shortage of office assistants. This committee will never receive any complaint of these conditions from Mr. Sturgis or any of his hard-working assistants, whose loyalty to the service induces them voluntarily to struggle against insuperable odds to make the office function. But I personally know the situation and it is my duty to bring to the attention of my colleagues of the House the real facts as I know them to exist in the New York Naturalization Bureau. Has the chairman and his committee considered a large appropriation?

Mr. SHREVE. Yes. We have increased that appropriation by $100,000.

Mr. O'CONNELL. That silences me. It is a wise and salutary as well as a business appropriation.

Mr. BOX. I would like to inquire of the gentleman if the State of New York permits declarants to vote before they become naturalized?

Mr. O'CONNELL. So far as I know, it does not permit it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For traveling expenses of officers, special agents, and other employees of the Children's Bureau; experts and temporary assistants, to be paid at a rate not exceeding $6 a day, and interpreters to be paid at a rate not exceeding $4 a day when actually employed; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, $59,200: *Provided*, That appropriations herein made for the Children's Bureau shall be available for expenses of attendance at meetings for the promotion of child welfare when incurred on the written authority of the Secretary.

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. COCHRAN of Missouri. I rise to call your attention to the proviso at the end of the paragraph. Part of this appropriation is made available for officials of the Children's Bureau for expenses of attendance at meetings for the promotion of child welfare. A short time ago the director of the bureau appealed to Congress for an extension of the maternity and infancy act, asserting if the time was extended to July 1, 1929, the objective, that of stimulating the States to activity, would be accomplished.

As soon as Congress passed the law granting this extension officials of the bureau increased their activity to have the law reenacted. Speaking before women's clubs the officials picture a situation that arouses indignation among the uninformed because of the repeal of this act. It has been done in my city and I have received appeals from organizations immediately after the departure of the propagandists.

The last conference I had prior to my departure for Washington to attend the opening of this session was with a committee of ladies representing a league that is very active along this line. There were four ladies, as I recall, each a chairman of a separate committee. I was asked to support treaties when I had no voice in such matters, was questioned as to my attitude on foreign affairs, as to my views on the infancy and maternity act, and numerous other matters properly of interest to State legislatures, but having no place before the United States Congress.

I told the ladies of my views, which I had expressed time and again during the campaign. My opposition to all Federal-aid projects is pronounced. River and harbor improvement is a proper charge upon the Treasury of the United States, but the

many projects authorized by Congress, for agriculture and other activities, are simply to compel State legislatures to appropriate money if they desire to share in Federal aid, which is nothing more than taking money from the taxpayers by the Federal Government and sending it back to the States from which it is collected. In some instances, however, more money is taken from a State than is returned, because the larger or richer States provide funds for such activities in the smaller States.

Connecticut, Illinois, and Massachusetts have never availed themselves of Federal aid under the infancy and maternity act. The money collected from the tax payers of those States for this purpose has gone to others. If money from this appropriation is to be used to permit officials of the Children's Bureau to attend meetings the Secretary of Labor should not only scrutinize carefully every request but he should serve notice upon those connected with the bureau that in the future Government funds, and time that belongs to the Government, are not to be used for the purpose of inducing individuals and organizations to urge upon their members of Congress the advisability of enacting legislation that would enlarge the activities of this bureau. For 20 years the United States Bureau of Public Health has issued and distributed bulletins dealing with the care of infants and diseases of infants. The Children's Bureau issues pamphlets along the same line. Take the bulletin, Infant Care. The Children's Bureau has distributed millions of copies of this publication while the Bureau of Public Health continues to print and enlarge its bulletin Care of the Baby, which it has been distributing for over 20 years. Originally a four-page pamphlet, Care of the Baby, has grown to manhood and is now over 100 pages. Infant Care has likewise grown until now we find the revised issue contains 118 pages. I admit both are valuable publications, but I do not see the necessity of the Government issuing two bulletins at the taxpayers' expense upon the same subject. The Children's Bureau is a statistical-gathering bureau, work that properly belongs to the Census Bureau, and work that can be done more economically by the Census Bureau.

If we are to have an extra session of Congress let us hope that some attention will be paid to the necessity of repealing some of the hundreds of useless laws now upon the statute books, including the ones creating useless bureaus and commissions. Then, and not until then, will Government expenditures be reduced so as to enable a reduction of any moment in the taxes of the overburdened taxpayers of the country.

Under the infancy and maternity act $50,000 of the million appropriated annually was used for administration purposes. The employees lose their positions July 1. The hearings show the bureau desires to retain them, for they requested $50,000 to start a study of juvenile delinquency. I want to compliment the committee for declining to authorize the appropriation.

I am in favor of my State appropriating a sufficient amount, an amount the officials think is necessary to carry out the purposes of the maternity and infancy act and all other welfare measures, but I am opposed to the Federal Government exercising any supervision over this work. The people of Missouri and the legislature of my State are capable of handling all such matters without interference from the Federal Government. They are on the scene and know better than either the legislative or executive branch of the Federal Government what is necessary for the welfare of the men, women, and children of their community. You will find that our women and children will not be neglected.

I believe that all Federal-aid projects advocated solely for the purpose of stimulating the States to appropriate money should be repealed, and I will even go so far as to say that I am ready now to vote to set a date to discontinue Federal aid for roads, say, in 1933 or 1934. The States are entitled to notification in advance, and I think four or five years is sufficient. The policy of Federal aid is not sound and unless a great emergency exists can not, in my opinion, be defended.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes; with pleasure.

Mr. OLIVER of Alabama. I wish to say, in reply to what the gentleman from Missouri has said, that I do not think he will find very strong sentiment in the House to support any bill denying appropriations for good roads, nor will he find very sympathetic interest in the House to the denial of other appropriations to which the States are asked to contribute.

In so far as maternity legislation is concerned, that matter has been before the House a number of times. It was only contemplated by the original act that help should be extended for a few years, and it is interesting to note that 46 States accepted it and report excellent results therefrom. The law has been well administered by the bureau having it in charge, according to the information submitted to our committee.

Mr. COCHRAN of Missouri. Let me call the gentleman's attention to the fact that after the original law was passed it was learned that the legal definition of an infant was a boy or girl until it had reached its majority, and if you will go over the allocations of money made by this bureau to many States you will find that the money has not been spent on infants in some of the States, but that it has been used to take care of children in school, up to the age of 16 and 17 years, and it has also been spent in making all kinds of investigations affecting grown children. The money has not been spent all these years, as Congress intended, for the care of the mother and child at time of birth. I have the facts in my office if the gentleman desires to see them. As to the sentiment in Congress, it will change when the sentiment back home changes, as it has done here time and again, and when the people are properly informed on the subject of Federal aid he will see a change in sentiment both here and at home.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk concluded the reading of the bill.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that the Clerk may correct the totals.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15089, the Interior Department appropriation bill, disagree to the Senate amendments, ask for a conference, and appoint conferees.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take from the Speaker's table H. R. 15089, the Interior Department appropriation bill, disagree to the Senate amendments, ask for a conference, and appoint conferees. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, may I ask the gentleman whether he has consulted with the gentleman from Colorado [Mr. TAYLOR], the ranking Democratic member of the subcommittee, or the gentleman from Oklahoma [Mr. HASTINGS], who is on the subcommittee?

Mr. CRAMTON. I have consulted with the gentleman from Colorado [Mr. TAYLOR], who is the ranking minority member, and my action is in accord with his wishes.

Mr. GARNER of Texas. Was an amendment placed on the bill by the Senate touching an irrigation project at El Paso?

Mr. CRAMTON. I think there is no such amendment in the bill. My information is that no amendment has been put in the bill affecting that matter. I know this, that no such amendment was put in the bill by the Senate committee. What action was taken on the floor of the Senate this afternoon, I do not know.

What the gentleman has in mind is the Rio Grande reclamation project. The people there were disturbed because our committee reduced the cash appropriation for 1930, $50,000, if I remember aright, and provided a larger reappropriation of unexpended construction funds from this year. Their informa-

tion was that there would not be available as large an amount of unexpended funds as we proposed to reappropriate. When it was pending in the House I made that statement. Request was made by the bureau officials in the field, and information has been received that the amount we proposed to reappropriate, $125,000, will be available for this purpose; and this being true, the total that would be available for 1930 for operation and maintenance would be $375,000, and, so far as I know, the situation is satisfactory to those who are interested.

Mr. GARNER of Texas. In other words, the $375,000 will be sufficient to carry on the project for the next fiscal year?

Mr. CRAMTON. As I understand it, that is satisfactory to all concerned. It is the amount recommended by the Budget, but arranged a little differently, and now that they are assured that the $125,000 will be available, I think that removes any objection.

Mr. WELCH of California. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. WELCH of California. Is there anything involved in the conference with reference to the city of San Francisco and the grant in Hetch Hetchy and Yosemite National Park?

Mr. CRAMTON. My information is that the only amendment affecting Yosemite at all is an amendment with reference to the appropriation for development of a water supply on Glacier Point. I am sure there is nothing involved in the conference with reference to the Hetch Hetchy controversy with San Francisco.

Since the gentleman from California has mentioned this subject, perhaps this would be as good a time as any for me to make a statement to the House about this general subject, which I discussed at some length at the last session of Congress, and in that discussion the gentleman from California [Mr. WELCH] and the lady from California [Mrs. KAHN] also joined. I may say there were three matters then under discussion. As to two of them my information is that the controversy is on the way to an entirely satisfactory termination.

In the matter of roads, as I understand, although I have not definite and positive information, which the city of San Francisco was to build under the terms of the Raker Act, the city has manifested its purpose to comply with the requirements of the Interior Department.

In the matter of the administration of the park, the enforcement of proper sanitary arrangements, the city this season has manifested a willingness to leave such administration in the hands of the park authorities, where it belongs, and there appears to be no continuance of this controversy.

As to the third matter, the sale of power to the Pacific Gas & Electric Co. by the city of San Francisco, which I have contended is in conflict with the provisions of the Raker Act, where it is set forth that none of the power developed shall be sold to any person or corporation for resale, with certain drastic penalties provided in the act, I am not so well advised as to the situation.

Personally, I feel strongly that the explicit conditions of the Raker Act, which the city of San Francisco accepted, must be complied with by the city. I think, however, no one has any desire to require the impossible or to ask the city to throw away power while acquiring a proper distribution system. Personally, I would feel much more at ease about the situation if I were satisfied as to the good faith of the government of San Francisco in their efforts to acquire a proper distribution system. One thing the city could do to reassure those of us who have this feeling would be to do that which is in their power to do now, and that is to arrange to deliver to itself in San Francisco enough of this electricity to meet its own needs, instead of continuing as now to sell at a very low price to the Pacific Gas & Electric Co. and immediately buy back at a much higher price. As I understand, the proper connections could be made so that it would use this amount of electricity itself at a fairly small cost. If it would do this and then proceed as rapidly as conditions permit to acquire a sufficient distribution system—and this does not mean they have to buy all the power companies of San Francisco and vicinity and thereby possibly make the proposition so big they can not carry it through—the power situation would look much different to Congress. But at present it carries potentialities of serious complications.

I am pleased to make this statement in connection with my answer to the question of the gentleman from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado.

SENATE BILL 1710 TO CREATE A HYDRAULIC LABORATORY IN THE BUREAU OF STANDARDS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill S. 1710, a bill of Senator RANSDELL'S, and to publish a letter from the engineering council on the subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the reports of our Army engineers on river and harbor projects are generally believed to be expressed in technical terms and a phraseology as puzzling to the average layman as the hieroglyphics or cuneiform inscriptions on a Babylonian brick. And a discussion by engineers, both civilian and Army, of a bill, the purpose of which is to create a hydraulic laboratory in the Bureau of Standards, would prove about as attractive to the ordinary American, who roots for the home baseball team and yells for his favorite prize fighter, as a visit to the Smithsonian Institute or being a member of a coroner's jury. In other words, engineering subjects are left by an overwhelming majority of Democrats and Republicans, male and female, to the solemn-looking folk who believe they are pundits, and, perhaps, maybe they are correct in this assumption.

If a person believes he is a member of the sublimated Esoterics, encourage him and assure him that there is a land fairer than this, is the attitude of the twice-a-week movie man American, and I am one of them and strong for the bloc. But every now and then even the highest priests of every profession will fling temporarily into the discard learned jargon and terrible, exhausting efforts to look superior and will talk our language and go after one another in such a fashion and gusto as to excite the plaudits of the "bleachers."

But, seriously, the discussion of Senate bill 1710, introduced by Senator JOSEPH E. RANSDELL, and which passed the Senate without opposition, before the Rivers and Harbors Committee of the House, by the foremost engineers of the United States was undoubtedly one of the most interesting legislative controversies I ever had the good fortune to hear and words used could be easily understood by the unpretentious toiler who wears a blue jumper or overall and a woolen hat.

The claims made by the civilian engineers of the wonderful results that would flow from the creation and establishment in the Bureau of Standards of a hydraulic laboratory took on a coloring that gave the subject a romantic aspect and hue, while the recital by Gen. Edgar Jadwin of the accomplishments and the triumphs of the Army Engineers here and "over there," who were content to go unnoticed, unheralded, and in many cases unknelled, was sufficiently inspiring to make a fellow look at the flag and shout "Hurrah for the Engineers!"

Senate 1710 has not been reported out by the committee. It looks like it may not be reported out and it looks like the rivers and harbors bill reported out at the last session will not be considered by the House, in view of the attitude of the President, because be it remembered that when the President sneezes most Republicans get the flu. The rivers and harbors bill carries a provision which some fellows who are in danger of blowing the gas out, say is analogous to the proposed S. 1710, the Ransdell bill.

Therefore, the letter which I give below may look like a postmortem or, what is worse, a postprandial address. But who can tell? It may galvanize the corpse and stimulate and motivate and actuate the Rivers and Harbors Committee into reporting out a bill, the proponents of which claim would do more for the inventive genius of America than has been done legislatively since the formation of the Union by providing a channel in which the spirit, the divine afflatus of invention could move unobstructed, unhindered, and unlock the gates of what is still mystery:

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., December 18, 1928.

Hon. JAMES O'CONNOR,
House Office Building, Washington, D. C.

DEAR SIR: American Engineering Council is an organization, the membership of which is made up of 24 engineering and allied technical professions of the United States, which organizations have a combined membership of approximately 43,000 professional engineers. Council functions for the purpose of expressing the views of the engineering profession in regard to national questions of an engineering character.

In keeping with the objects and purposes of American Engineering Council, it has supported ever since its inception the idea of the establishment in the Bureau of Standards of a national hydraulic research laboratory such as embodied in Senate bill 1710. Last April, representatives of American Engineering Council, in conjunction with

eminent hydraulic engineers from many parts of the United States, appeared before the Committee on Rivers and Harbors and submitted testimony showing the desirability and need for establishing a national hydraulic research laboratory under the Bureau of Standards.

Subsequent to these hearings, your committee has taken no action concerning Senate bill 1710. It has, however, in H. R. 14066, section 7, incorporated a provision authorizing the establishment of a hydraulic laboratory under the direction of the War Department.

May we respectfully state that this provision does not satisfy the need for a national hydraulic research laboratory nor the wishes of those most interested and concerned.

We have the following thought regarding the entire matter:

1. Section 7, H. R. 14066, authorizes the Chief of Engineers to carry on work which he now has sufficient authority to do. In fact, he is now engaged in such work. He has recently employed Prof. W. B. Gregory, Tulane University, New Orleans, to conduct researches on models in connection with the Bonnet Carre spillway near New Orleans.

2. A national hydraulic-research laboratory is needed not only for the purpose of conducting experiments for river and harbor projects but also for the purpose of conducting scientific hydraulic experiments for any citizen who submits a plausible problem and is willing to pay for the work involved in conducting the experiments.

3. Such a laboratory is also needed for the purpose of aiding in the solution of hydraulic problems of such Federal agencies as the Geological Survey, Federal Power Commission, Reclamation Service, and others.

4. The hydraulic laboratory should be under the direction and control of the Bureau of Standards, because through the years it has developed a scientific attitude and technique requisite for the handling of such projects as may be undertaken in such a laboratory. Furthermore, it has on its staff men trained in the several sciences, knowledge of which would be required of the staff of such a laboratory if it is to function with the greatest efficiency and effectiveness.

5. We direct your attention to the testimony of President-elect Hoover as it appears on pages 36–37 of the hearings wherein he gave 10 excellent reasons why this laboratory should be in the Bureau of Standards.

6. The Director of the Bureau of the Budget has reported that the bill, S. 1710, is not in conflict with the President's financial policy.

7. The bill has been passed by the Senate.

We do not desire to take from the Corps of Engineers any authority to conduct whatever researches it may deem necessary in prosecuting its work of flood control. However, for the reasons set forth by our representatives at the hearings and in view of the facts herein stated, we earnestly and respectfully request that you recognize the widespread and pronounced sentiment in favor of this bill by favorably reporting it to the House of Representatives at an early date. We wish to assure you that the action requested will be greatly appreciated by all those thoroughly conversant with and earnestly concerned with the development of the hydraulic science and practice of the Nation. It is an important matter, because without its proper development the Nation will not realize to the fullest degree the potential value of its hydraulic possessions.

Respectfully yours,

L. W. WALLACE, *Executive Secretary.*

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed and include a statement made by myself before the subcommittee having in charge the hearings on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, it is undoubtedly true that the splendid service rendered to the American people during the past eight years by the Department of Commerce largely contributed to the nomination and election of Herbert Hoover as President of the United States. One of the most important arms or divisions of the Department of Commerce is that of the Bureau of Foreign and Domestic Commerce, operating under the supervision and direction of one of the ablest men in public life to-day, Dr. Julius Klein. This bureau is performing for the American manufacturer, farmer, and business man a service of the most invaluable character. As a Member of Congress, and also as a member of the House Appropriations Committee, it has been my pleasure to cooperate in every way possible with the Department of Commerce in general, and with the Bureau of Foreign and Domestic Commerce in particular, touching the work of the department and the bureau. I have seen the work of this bureau grow from year to year, and the extent of its effective usefulness increase many fold.

Two or three years ago I aided in securing the establishment of some additional branch offices of this bureau, one of which was located in Louisville, within my congressional district. During the present session I also joined in an effort to secure further extension of the work of this bureau, and to that end on December 8, 1928, appeared before the subcommittee of the House Committee on Appropriations, conducting hearings on the Department of Commerce appropriation bill for 1930, and made a statement in behalf of such further extension, and included therewith some data concerning the work of the Louisville office of the bureau. The Louisville office is performing a very fine service in the Kentucky and southern Indiana region, and is considered one of the most progressive and efficient branch offices of the entire bureau service.

Under the leave granted me therefor, I include as a part of these remarks the statement made by me before the subcommittee referred to. It is as follows:

SATURDAY, *December 8, 1928.*

EXTENSION OF ACTIVITIES OF DISTRICT OFFICES, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

STATEMENT OF HON. MAURICE H. THATCHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. SHREVE. We shall be pleased to hear you, Mr. THATCHER.

Mr. THATCHER. Mr. Chairman and gentlemen, I hesitate, as a member of the Appropriations Committee, to suggest any increase of any item of appropriation. I know your problems. I do not know what your Budget totals are and what you have to consider, but I do believe that this branch of the Government's work is one of greatest value to the country.

Two or three years ago, when I came before this subcommittee in conjunction with some other Members to secure the establishment of some additional branch offices, the subcommittee was very kind and granted the appropriation, after we had gotten the Budget to make a supplemental estimate, after further consideration by the Budget, and by the President himself, as a matter of fact.

So far as I know, those offices have functioned very efficiently. I know that one of those offices has been located in my own city of Louisville, and the increased trade done by the merchants and the manufacturers in the Louisville region is running about $400,000 a year, and now, during the current fiscal year, it probably will run over $500,000.

There is need for some expansion there, and I take it that there is the like reason for the request on behalf of some of the other offices in the country.

My understanding from the Department of Commerce is that after the establishment of about 8 or 10 more branch offices in the country at large, they will have, perhaps, a sufficient number of branch offices, and that thereafter the work in this line should be restricted generally to the matter of expansion.

Of course, the offices that have already been established are rendering efficient service. A number of them, at least, need help. They have to grow, and unless they are allowed some legitimate expansion, it means that the demands will be very insistent for the establishment of other offices, and it will be really much cheaper to expand these offices which are strategically located, where they will serve the various sections in the best possible way. It would be better to give them a reasonable expansion than to assume the overhead of new offices.

I am speaking generally for the entire service. I feel that if a reasonable increase could be made in this item, with the discretion vested in the Department of Commerce to allocate or to distribute the amount in such a way as to serve the purpose of trade in the best possible manner, this would be the wise way to handle it.

I know that, as a member of the Subcommittee on Appropriations for the Treasury and Post Office Department, I was very glad to vote the other day with Mr. BACON, also a member of that subcommittee—who is here with me to-day—and all of the subcommittee members, in fact, for the full amount of appropriations asked by the Budget for the Post Office Department for the extension of these air mail routes to Latin America.

One of the objects of the extension of the air mail service to Latin America is to increase our trade there, and help our trade relations in that portion of the world.

To foster our trade relations effectively we must have these branch offices functioning in the most efficient manner possible.

It was brought out in those subcommittee hearings that Germany is trying to establish all through Latin America—Central and South America—air mail routes. France is putting on an air line from the West Coast of Africa to Brazil, and is anxious to extend its air mail service through South America. Of course, we have to meet that situation. The trade of Latin America in the future must depend largely upon, or be determined by, air-mail contracts; but these contracts will not be of themselves sufficient—so far as we are concerned—unless we are able to supply our merchants and our manufacturers with first-hand definite information, so that they may avail themselves of the business conditions in these countries, and in that way enable them to get that trade.

It seems to me, therefore, gentlemen, that there is a real vital need for an increase in this item; $19,000, I believe, is what has been sug-

gested in the Budget figure. That does not seem to me at all to be adequate. I do not see how it will allow any expansion that amounts to anything.

I think that the service these branch offices are rendering—most of them, at least—is of such a character as fully to justify favorable consideration by this committee of this branch of the work.

Take the Panama Canal; that is a great agency of our Government. It gives us a contact with Latin America that nothing else could give. We should fully utilize it. The canal, the establishment of these air mail routes, and the visit of the President elect to Latin America—which, while primarily one of good will, carries in its train the incidental consideration of trade development—these are the things that are going to help us. The trade with Latin America must in large measure constitute the foreign trade of our country in the future. It is a great, undeveloped country, and I believe that through the agency of these branch offices we can get more for the amount of money invested than, perhaps, through any other agency of the Government.

With the permission of your committee, I should like to include a short statement of the business of the Louisville office, as typical of the other offices.

If you can see your way clear to make it, I believe that there should be a substantial increase in this item for this purpose. The sum of $100,000 has been suggested as an appropriate amount for this purpose.

The statement above referred to is as follows:

LOUISVILLE DISTRICT OFFICE

The number of current clients of this office during the fiscal year 1927–28 was 330.

In 1926–27, 11 firms reported voluntarily that sales made and savings effected through the services of the district office totaled $87,960, or an average of $7,995 per firm. In 1927–28, 35 firms reported a total of $392,626, or an average of $11,217 per firm. Both years a large number of firms reported that it was not possible to give a dollars-and-cents statement on the business resulting through the office, but stated that definite benefits had been obtained. During the current fiscal year the increased business through the Louisville office should run over a half million dollars.

Services rendered: 1926–27, 34,794; 1927–28, 39,583; increase, 14 per cent.

Services rendered consist of outgoing letters, inquiries made by visitors and telephone calls, and the furnishing of trade opportunities, trade lists, and bureau reports.

In order to continue the same high-grade service of previous years the daily overtime of the five employees totaled 13¼ days during the fiscal year 1927–28. The personnel of this office consists of a manager, an assistant manager, two clerks, and a messenger.

There is urgent need for additional personnel in order that the amount of overtime be reduced and at the same time the service to exporters be improved. Additional office equipment, such as filing cabinets and bookcases, are needed, so that with proper and convenient filing, furnishing of requested information may be expedited.

Increased travel funds are needed. It has been learned through experience that the exporter is best served through personal contact with the district office, and for this reason the manager should have sufficient travel funds, so that he may personally cover his territory at least once a year. Under present conditions this is impossible.

Louisville is one of the great industrial centers of the South. With nine trunk railroads and all-year river transportation, it is a natural distributing center. The leading industry is tobacco. Exports of tobacco from Kentucky in 1927 totaled $11,816,000. Louisville is the greatest manufacturing city in the United States south of the Ohio and Potomac Rivers and is rapidly growing in wealth and population.

LEAVE OF ABSENCE

Mr. JACOBSTEIN, by unanimous consent, was given leave of absence indefinitely on account of illness.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred, as follows:

S. 4461. An act to provide for the policing of military roads leading out of the District of Columbia; to the Committee on Military Affairs.

ADJOURNMENT

Mr. ACKERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Friday, December 21, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, December 21, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

First deficiency appropriation bill.
Independent offices appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference (H. J. Res. 334).

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

For the relief of J. F. McMurray (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

706. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1929, amounting to $30,000 (H. Doc. No. 488), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 13507. A bill to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194); without amendment (Rept. No. 1967). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 14761. A bill for the relief of Clarence Stevens; with amendment (Rept. No. 1968). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 14981. A bill for the relief of Josephine Laforge (Sage Woman); with amendment (Rept. No. 1969). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 15621) to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 15622) to provide for the erection of a public building at New Martinsville, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 15623) providing for the erection of a summer White House in the Black Hills, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. BYRNS: A bill (H. R. 15624) to restore Fort Negley, at Nashville, which was used and occupied by Federal forces during the Civil War; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 15625) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War"; to the Committee on World War Veterans' Legislation.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15626) to provide compensation for members of the civilian military training camps who are injured in line of duty; to the Committee on the Judiciary.

By Mr. MACGREGOR: Resolution (H. Res. 275) to provide for the services of an assistant shipping clerk in the Doorkeeper's department; to the Committee on Accounts.

Also, resolution (H. Res. 276) to provide $200 per month for additional clerical assistance to the Committee on Accounts; to the Committee on Accounts.

Also, resolution (H. Res. 277) to provide for the services of an additional assistant clerk to the Committee on Accounts; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS: A bill (H. R. 15627) for the relief of Mary Frances McConnell; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 15628) granting a distinguished service cross to James C. Burke; to the Committee on Naval Affairs.

By Mr. DAVENPORT: A bill (H. R. 15629) granting a pension to Sarah E. Butler; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15630) granting a pension to Minnie V. Stahl; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15631) for the relief of William Dean; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 15632) granting a pension to Francis F. Beale; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 15633) granting a pension to Fannie Neff; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15634) granting an increase of pension to Mattie M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15635) for the relief of George A. Hormel & Co.; to the Committee on Agriculture.

By Mr. HUGHES: A bill (H. R. 15636) granting a pension to Harriett Green; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15637) granting a pension to Elizabeth Taylor Haskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15638) granting a pension to Maywood Spence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15639) granting a pension to Alban D. Philson; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15640) granting a pension to Mary Lukemiers; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15641) to correct the military record of Vernon S. Ross; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 15642) for the relief of Matthew Edward Murphy; to the Committee on Claims.

Also, a bill (H. R. 15643) for the relief of Mary A. Cox; to the Committee on Claims.

Also, a bill (H. R. 15644) granting a pension to Carola M. Tonry; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 15645) granting an increase of pension to Amanda Bean; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 15646) granting an increase of pension to Elvira L. Aldrich; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 15647) granting a pension to Nancy Darling; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15648) granting a pension to Hiram M. Graves; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 15649) granting a pension to Ellen E. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15650) granting an increase of pension to Emma M. Woodbury; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 15651) for the relief of Leonidas L. Cochran; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8075. By Mr. CRAIL: Petition of Admiral Glass Camp, No. 36, United Spanish War Veterans, Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8076. By Mr. CULLEN: Preamble and resolutions unanimously adopted by the board of directors of the Maritime Association of the port of New York, at meeting held on December 12, 1928, stating that theft and pilferage of merchandise prevails to an alarming extent on the piers and generally in the harbor of New York, and serious and needless losses are thereby sustained, and that Congress should adopt such amendments to the laws as it may be found necessary to make through which to clothe our courts with power adequately to punish all parties found guilty of the charge of theft and pilferage; to the Committee on the Judiciary.

8077. By Mr. GARBER: Petition of J. G. Puterbaugh, president the McAlester Fuel Co., McAlester, Okla., urging support of the Pittman-Newton recapture bill; to the Committee on Interstate and Foreign Commerce.

8078. Also, petition of J. S. Flautt, secretary and sales manager of the Majestic Milling Co., Aurora Mo., indorsing House bill 15267, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8079. Also, petition of W. R. Franklin, McLoud, Okla., member of the executive counsel of the Oklahoma Pharmaceutical Association, urging support of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

8080. Also, petition of National Wheat Pool Committee, representing States of North Dakota, South Dakota, Minnesota, Indiana, Nebraska, Colorado, Kansas, Texas, and Oklahoma, urging passage of Senate bill 4602; to the Committee on Agriculture.

8081. By Mr. MORROW: Petition of the Bar Association of the State of New Mexico, indorsing House bill 13567, dividing the eighth judicial circuit and creating a new circuit to be designated as the tenth circuit; to the Committee on the Judiciary.

8082. By Mr. PEAVEY: Petition from members of the faculty and student body of the Superior State Teachers' College, at Superior, Wis., protesting against the proposed appropriation of $289,000,000 for 15 cruisers for the Navy, as suggested by the President; to the Committee on Naval Affairs.

8083. Also, petition by the members of district No. 4 of the Wisconsin Cooperative Creamery Association, petitioning that the tariff on casein be at least 5 cents per pound; to the Committee on Agriculture.

SENATE

FRIDAY, *December 21, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who dost fill us with yearnings of an infinite desire, with longings insatiable, with groanings that can not be uttered, abide with us this day as a Silence behind the voices of the world, as the Truth within its illusions. Purify our vision, that we may know as we are known; increase our faith, that we may lean wholly on Thee. May the spirit of duty and service ennoble all our work, and do Thou lift us far above the tyranny of detail into the larger freedom and fuller life of discovery which Thou hast revealed in Jesus Christ Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES. I ask that the appropriation bill just messaged from the House be laid before the Senate and referred.

The bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title.

Mr. JONES. Mr. President, I desire to say with reference to the Departments of State, Justice, Commerce, and Labor appropriation bill that I have called a meeting of the Subcommittee on Appropriations for half past 1 this afternoon. I have taken the matter up with the various department representatives. There will be only two or three small amendments to propose to the bill; so I hope to have the full committee act on the bill this afternoon in order that we may report it at once, that it may be called up to-morrow for consideration.

The VICE PRESIDENT. The bill will be referred to the Committee on Appropriations.

SENATOR FROM WYOMING

Mr. WARREN presented the credentials of JOHN B. KENDRICK, chosen a Senator from the State of Wyoming for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT.

Whereas, according to the official returns of a general election, held in the State of Wyoming on the 6th day of November, A. D. 1928, regularly transmitted to the office of the secretary of state and duly canvassed by the State board of canvassers, it appears that JOHN B. KENDRICK was lawfully elected United States Senator of the State of Wyoming.

Therefore, I, Frank C. Emerson, Governor of the State of Wyoming, do hereby certify that JOHN B. KENDRICK is duly elected United States Senator of the State of Wyoming for the term of six years, from the 4th day of March, A. D. 1929.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be hereunto affixed. Given at Cheyenne, the capital, this 12th day of December, A. D. 1928, and of the independence of the United States the one hundred and fifty-third.

FRANK C. EMERSON.

By the governor:
[SEAL.] A. M. CLARK, *Secretary of State.*

SENATOR FROM MONTANA

Mr. WALSH of Montana presented the credentials of BURTON K. WHEELER, chosen a Senator from the State of Montana for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

To all to whom these presents shall come, greeting:

Know ye that I, J. E. Erickson, Governor of the State of Montana, do hereby certify that at a general election held in the State of Montana on the 6th day of November, A. D. 1928, pursuant to section 531 of the Revised Codes of the said State, BURTON K. WHEELER was duly elected to the office of United States Senator in and for the State of Montana, he having received the highest number of votes for said office as appears from a certified copy of the abstract of votes cast at said election now on file in my office.

And by virtue of the power vested in me by the Constitution and in pursuance of the laws I do hereby commission him, the said BURTON K. WHEELER, to be United States Senator hereby authorizing and empowering him to execute and discharge all and singular the duties appertaining to said office, and enjoy all the privileges and immunities thereof for a period of six years, beginning March 4, 1929.

In testimony whereof I have hereunto subscribed my hand and caused the great seal of the State of Montana to be affixed at Helena, Mont., the 10th day of December, A. D. 1928, and in the one hundred and fifty-third year of the independence of the United States of America.

By the governor: J. E. ERICKSON.
[SEAL.] JOHN W. MOUNTJOY,
Secretary of State.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from the Liga Social Sufragista, of San Juan, P. R., praying for the passage of the so-called Kiess bill, granting woman suffrage for Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

He also laid before the Senate a telegram in the nature of a petition signed by ministers of Greensboro, N. C., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. EDGE presented resolutions, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, December 18, 1928.

Hon. WALTER E. EDGE,
United States Senator, Washington, D. C.

DEAR SIR: We have the honor to transmit herewith preamble and resolutions unanimously adopted by the board of directors of the Maritime Association of the Port of New York, at a regular monthly meeting held on December 12, 1928:

"Whereas theft and pilferage of merchandise prevails to an alarming extent on the piers and generally in the harbor of New York, and serious and needless losses are thereby sustained; and

"Whereas notwithstanding the efforts of the department of police, instigated and supported by the bureau for suppression of theft and pilferage, these deplorable conditions still persist and the lawless element appears to be in the ascendency; and

"Whereas these conditions reflect discredit and opprobrium upon the facilities of the port of New York and are being quoted by those of other seaport cities who seek advantages to themselves at the expense of New York: Therefore be it

"*Resolved*, That the members of the board of directors of the Maritime Association of the Port of New York in the regular monthly meeting assembled this 12th day of December, 1928, beseech the mayor of the city of New York to proceed forthwith to organize a separate department of the police which shall have supervision of the water-front section of the city, and the waters of the harbor, and to designate as commissioner in charge of such department a man familiar with harbor conditions, whose appointment would meet with the approval of the important marine interests involved; and be it further

"*Resolved*, That our Representatives in Congress be called upon to support in Congress such proposed amendments to the laws as it may be found necessary to make, through which to clothe our courts with power adequately to punish all parties found guilty of the charge of theft and pilferage; and be it further

"*Resolved*, That a copy of these resolutions be sent to the mayor and all other members of the board of estimate of the city of New York and to the Senators representing the States of New York and New Jersey in the Senate of the United States, with an urgent request for their unanimous cooperation in this effort to suppress this growing menace to order and law observance."

We will appreciate whatever action you may take in the furtherance of our desires as expressed in the resolutions, and thanking you, we remain

Yours very truly,

J. C. REICHERT, *Secretary.*

Mr. EDGE also presented the petition of George S. Harris, dean of the New Jersey Law School, of Newark, together with petitions numerously signed by sundry sitizens of Newark and vicinity, all in the State of New Jersey, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Summit and vicinity, in the State of New Jersey, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WARREN presented petitions from various churches, societies, and sundry citizens of Cheyenne, Guernsey, Torrington, Veteran, Lusk, Manville, Lance Creek, Node, Keeline, Jireh, Flattop, Lost Spring, Saratoga, Encampment, and Hanna, all in the State of Wyoming, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. CAPPER presented petitions of students of the Kansas State Agricultural College, at Manhattan, Kans., praying for the prompt ratification of the so-called Kellogg treaty for the renunciation of war, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Seattle, Spokane, Olympia, Tacoma, Sequim, Elwha, Everett, Garfield, Bothel, Enumclaw, and Portage, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. KENDRICK presented numerous petitions from civic and religious organizations and sundry citizens of Sheridan, Buffalo, Big Horn, Kaycee, Gillette, and Douglas, all in the State of Wyoming, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BURTON presented a petition of members of the faculty and staff of Ohio Wesleyan University, of Delaware, Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war and the rejection of the proposed naval building program, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Dayton, Springfield, Ashtabula, Winona, Salem, and Lisbon, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BLAINE presented a memorial of members of the faculty and students of Superior State Teachers College, at Superior, Wis., remonstrating against the adoption of the proposed naval building program, which was ordered to lie on the table.

He also presented petitions of sundry civic and religious organizations and citizens in the State of Wisconsin, praying for the prompt ratification of the so-called Kellogg multilateral

treaty for the renunciation of war, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Barron and Racine, Wis., praying for the adoption of the so-called Shipstead resolution (S. Res. 242) inquiring as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which were referred to the Committee on Foreign Relations.

Mr. FLETCHER. Mr. President, I present brief resolutions on the subject of the multilateral peace treaty, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions on multilateral peace treaty

Whereas the multilateral peace treaty, originating in our National Capital, is now before the United States Senate; and

Whereas it is now proposed that this treaty be assented to by the Senate only on condition that numerous reservations be first attached thereto; and

Whereas to date no other nation has demanded the attachment of reservations to said treaty: Therefore be it

Resolved, That this Sunday-school class hereby strongly recommends that this treaty be assented to at once by the United States without reservation.

Resolved, That this resolution be sent to our senior Senator, Hon. DUNCAN U. FLETCHER, for use in the Senate.

R. M. FISHER,
President Men's Sunday School Class,
Park Street Methodist Episcopal Church, Fort Lauderdale, Fla.

(Moved by Thomas E. Will, seconded by C. W. Oakes, and unanimously carried, December 16, 1928.)

Mr. FLETCHER. I also present a telegram from Morgan H. Grace, president of the Phosphate Export Association, with respect to goods manufactured by prison labor, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

NEW YORK, N. Y., *December 20, 1928.*

Senator DUNCAN U. FLETCHER:

Noticing that Senate yesterday passed H. R. 7729, which bars from interstate commerce goods manufactured, produced, or mined by prison labor, I strongly recommend on behalf of American phosphate miners that an amendment be passed by the House barring from importation to the United States goods manufactured, produced, or mined by a foreign entity that employs convict labor. Such an amendment would greatly assist in blocking the importation of Moroccan phosphate, which is produced by Government monopoly in Morocco employing prison labor in part. Section 307 of the present tariff act does not afford protection necessary for American labor because it bars only manufactured goods, although ex-President McKinley's speeches in the debates in the House clearly show that the intent of Congress was to bar any goods with the production of which prison labor had any part. Can you put this in motion?

MORGAN H. GRACE,
President Phosphate Export Association.

MULTILATERAL PEACE TREATY

Mr. BLEASE. Mr. President, I present and ask to have printed in the RECORD a petition to the Senate from certain citizens of Clemson College, S. C. I ask that "The Proposal to Renounce War," as printed on the back of the petition, be also published along with the petition; and, at the same time, an abstract from a Flag Day speech delivered by Woodrow Wilson in 1915, and also a quotation from the noted French writer, Jean Le Rond D'Alembert, in his analysis of "The Spirit of Laws," by Baron de Montesquieu.

There being no objection, the petition was ordered to lie on the table and, with the accompanying papers, to be printed in the RECORD, as follows:

Petition to the Senate

We, the undersigned citizens of Clemson College, S. C., believing that the conclusion of the general pact for the renunciation of war will constitute a long step toward the elimination of the war method of settling international differences, do hereby request of the Senate of the United States the prompt ratification of the treaty without qualification or reservation, and of the Senators from the State of South Carolina that they use all their influence to that end.

E. W. TIKES.
G. H. HODGES.
CAPERS SATTERLEE.
WADE H. BRYANT.

These are the names of the president and three of the four pastors on duty at Clemson.

WILLIAM W. HARRIS, Jr.

THE PROPOSAL TO RENOUNCE WAR

The general pact for the renunciation of war is now before the world. All responsible nations have been invited to agree in a solemn treaty to renounce war as a way to settle their disputes.

It was signed in Paris on August 27, 1928, by representatives of the United States and 14 other nations. Forty-nine additional nations have also been invited to adhere, and up to November 24, 44 of these have officially signified their intention of doing so.

Its essential features are contained in the following articles:

1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever matter or of whatever origin they may be, which may arise, among them, shall never be sought except by pacific means.

It is understood that the President will submit this treaty to the Senate for ratification promptly after the convening of Congress. In order to convince that body of the strong popular demand for its early ratification,

1. Please sign and ask all your friends to sign two petitions in duplicate.

2. When you have obtained as many signatures as possible send at once to each of your two Senators at the United States Senate, Washington, D. C.

Woodrow Wilson, in a Flag Day speech in 1915, said:

"The lines of red are lines of blood, nobly and unselfishly shed by men who loved the liberty of their fellow men more than they loved their own lives and fortunes. God forbid that we should have to use the blood of America to freshen the color of the flag. But if it should ever be necessary, that flag will be colored once more, and in being colored will be glorified and purified."

Jean Le Rond D'Alembert, in his analysis of The Spirit of Laws, by the noted Frenchman, Baron De Montesquieu, has the following to say:

"Men in the state of nature, abstracted from all religion, in those disputes which they may have, know no other law than that of all animals, the right of the strongest; the establishment of society ought to be regarded as a kind of treaty against this unjust title—a treaty destined to establish a sort of balance between the different divisions of the human race.

"But it happens in the moral, as in the physical equilibrium, that it is seldom perfect and stable, and the treaties of the human race are like treaties among our princes—perpetual sources of dispute. Interest, necessity, and pleasure made men associate together. The same motives urge them continually to desire the advantages of society without the burdens of it; and it is in this sense that we may say with our author that men from the time they enter society are in a state of war. For war supposes in those who make it if not an equality of strength, at least an assumption of this equality, whence arise the mutual desire and hope of conquest."

And Montesquieu himself has this to say of war:

"The life of governments is like that of man. The latter has a right to kill in case of natural defense; the former have a right to wage war for their own preservation.

"In the case of natural defense I have a right to kill, because my life is in respect to me what the life of my antagonist is to him; in the same manner a state wages war because its preservation is like that of any other thing.

"With individuals the right of natural defense does not imply a necessity of attacking. Instead of attacking they need only have recourse to proper tribunals. They can not, therefore, exercise this right of defense, but in sudden cases, when immediate death would be the consequence of waiting for the assistance of the law. But with states the right of natural defense carries along with it sometimes the necessity of attacking; as for instance, when one nation sees that a continuance of peace will enable another to destroy her, and that to attack that nation instantly is the only way to prevent her own destruction.

"The right, therefore, of war is derived from necessity and strict justice."

UNEMPLOYMENT CONDITIONS

Mr. WAGNER. Mr. President, I ask to have printed in the RECORD a number of letters which I have received from distinguished citizens indorsing pending legislation introduced by me on the subject of unemployment, and that, after printing in the RECORD, the letters be referred to the Committee on Education and Labor.

There being no objection, the letters were referred to the Committee on Education and Labor and were ordered to be printed in the RECORD, as follows:

THE LEHIGH COAL & NAVIGATION CO.,
Lansford, Pa., August 15, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I have read and reread with great interest the three bills which you sent me dealing with the problem of unemployment. Subject only to reservations which relate to details, it seems to me that the three measures constitute a constructive program of great importance. I will, however, point out some questions to which the text of the several measures may give rise.

S. 4158, dealing with the collection of statistics, should certainly be above criticism on the score of public policy. In addition to aiding in the understanding of unemployment, statistics of the character as suggested by the bill should be valuable as an index to purchasing power, which would, of course, further the economic understanding of many problems of distribution.

There is one possible danger to be avoided in such statistical work and that is the duplication of agencies gathering figures from private business concerns and, in fact, the actual duplication of material. In the comparatively near future I suppose there will be a reorganization of Government bureaus and functions, and that in due time such duplications will be ironed out. It is very important, furthermore, that statisical data such as is provided for in this bill should be under the direction of exceedingly competent technical statisticians. There is no body of statistical data that is more easily distorted, both intentionally and unintentionally, than labor data. In other words, if labor statistics are not exceedingly well done, they should not be done at all.

I have a few comments on bill 4157. The chief question I would raise in connection with this bill is as to whether population provides the most practical basis of distribution for the Federal fund to be allotted to public employment offices. Some sections of the country and some industries are far more sensitive to the phases of the business cycle than others and also to seasonal influences. For example, I believe that the Pacific coast in the course of a few years will be far less subject than the agricultural Middle West or the industrial East to acute employment problems. To a certain extent your bill takes care of these differences in the fact that Federal appropriation is not to exceed the State appropriation. This may be a sufficient answer to the question I have raised, but, on the other hand, it may suggest possible further thought.

Bill 4307 raises two or three interesting questions. The acceleration of public works in times of depression is, I believe, a sound proposal, but if the Federal building program is to be used to iron out the peaks and troughs of the business cycle it is also necessary that in periods of great activity in private business the Federal program should be retarded. I believe that your bill does not specifically recognize that consideration.

In section 5 of this bill I think that there is a possible implication that the Government would embark upon a policy of "making work" for the unemployed. I do not believe that this objection is inherent in the substance of the bill, but possibly it is not clear that what is attempted is simply a speeding up of a necessary program of public expenditure in times of depression. I think that there will be considerable difficulty in working out the program of public works outlined in this bill so as to accomplish the desired ends. The greater public works, such as flood control, are not only of a vast extent but are sometimes of an emergency nature and must be treated as a unit. These features would make it difficult in many cases to start and stop in such a way as to balance the depressions and excessive activities in business and employment.

Another implication that might be drawn from section 5 is that the Federal Government in prosecuting a program of public works in periods of unemployment would take advantage of the situation to pay less than the prevailing rate of wages. Possibly, this subject should be specifically dealt with in your bill. Personally, I should not believe in the Government cutting wages, inasmuch as such a policy would limit purchasing power and slow up by that much the recovery from a period of depression.

Finally, treating the series of propositions as a whole, I should like to add an opinion as to the limitations of any system of public employment offices, however well conducted they may be. Any system is apt to be conceived in the idea that labor is mobile. As a matter of fact, I believe that only a very small percentage of the working population is in a position to take advantage on short notice of opportunities to work in distant places. I say this in spite of the fact that during the long strikes in the anthracite field many of the miners do find work in other localities and eventually, of course, almost any kind of labor does move. Of course, this observation does not bear directly upon your bills, but perhaps it is a thought worth bearing in mind when they are up for discussion.

Thank you very much for sending me these measures. I trust these comments will be of some slight value to you. If I can be of any further assistance to you, I shall be very glad to have you let me know.

Very truly yours,

H. S. GILBERTSON,
Director of Personnel.

AMERICAN FEDERATION OF LABOR,
METAL TRADES DEPARTMENT,
Washington, D. C., August 13, 1928.

Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: I appreciate your letter of August 10 and copies of S. 4157, 4158, and 4307, dealing with the general question of unemployment, which you inclosed.

I was exceedingly interested in your discussion of unemployment during the session of Congress just adjourned. It was heartening to see an honest, intelligent, fearless effort being made to uncover the causes and provide legislative remedies.

I will give my closest attention to the three bills you introduced. I feel, however, that it would be unwise on my part to attempt to point out those portions or features of the bill which I approved or which I felt might be altered in some respect so as to more thoroughly accomplish the measure's purpose.

In matters of Federal legislation it is the province of the American Federation of Labor and the legislative committee of the American Federation of Labor to define the views of the American trade-union movement.

I shall be very glad at any time when you would care to see me to discuss the problem of unemployment, but as a representative of the metal trades department of the American Federation of Labor, my position will be to actively support whatever program of attitude the American Federation of Labor takes on the question of unemployment legislation.

Assuring you of my very warm appreciation of the interest which you have always shown in the welfare of the wage earner, I remain,

Cordially and respectfully yours,

J. P. FREY, *Secretary-Treasurer.*

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., August 1, 1928.

DEAR SENATOR WAGNER: 1. Thank you for letting me see your three bills aimed at the investigation of unemployment. All three measures seem to me expressive of the best economic thought on the subject. I heartily agree that "the elimination of unemployment" lies at the core of a decent society, and we in America ought to demonstrate to the world that we can wisely use our economic resources and intelligence to that end. I rejoice that you are making this problem your special concern.

2. I have had sent you the Cornell Law Quarterly for June, in which I have a paper giving support inter alia to your bill S. 4491.

Very sincerely,

FELIX FRANKFURTER.

EVANSTON, ILL., *September 14, 1928.*

Mr. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: About a month ago you sent me copies of three bills introduced by you, with a request for comment. Vacation and other matters have intervened since then and this has been my first opportunity to read and think about them.

Of the three, S. 4158 and S. 4307 should have the unqualified indorsement of all thoughtful men, I believe. Statistics on employment are very necessary and the use of public works as stabilizers has long been advocated and is a most sensible measure toward the securing of which the bill should help.

There is much also to be said in favor of S. 4157, the bill establishing centralized labor exchanges. I find myself uncertain of its advisability, however, for two reasons. One of these is the fear that it would under certain circumstances prove itself a dangerous leverage in the hands of organized blocs, as I believe it did during the war to some extent. The other doubt is as to the wisdom of adding this substantial burden of expense and enterprise to the already heavy burden of State-performed activities. For these reasons I do not find myself personally in favor of this bill.

With your general attitude on these questions of giving enlightened and organized help in the orderly operation of industry and protection of the worker I am in hearty sympathy.

Very truly yours,

H. P. DUTTON.

YALE UNIVERSITY SCHOOL OF LAW,
New Haven, Conn., August 17, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have your letter of August 10, with the three bills introduced by you for the purpose of dealing with the unemployment situation. I think the situation a serious one and am heartily in favor of such steps as may be taken by governmental action to meet the situation. I think there is a great deal of merit in the proposal to adjust public construction work to periods of unemployment.

I feel that too much may be expected of free employment offices and to Federal subsidies in aid of such offices. Free employment offices established in a large number of States have not proved very effective aids in the adjustment of the labor conditions.

I notice that one of your bills (S. 4157) contains a good deal of detail regarding matters of organization. My own experience leads me to the feeling that it is wise to leave to the heads of departments the discretion as to the form of organization within a department for the purpose of exercising the specific additional powers dealt with by means of legislation. Somewhat the same objection applies, in my opinion, to Senate bill 4307.

Very truly yours,

WALTER F. DODD.

NORTHWESTERN UNIVERSITY,
COLLEGE OF LIBERAL ARTS,
Evanston, Ill., October 8, 1928.

The Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I regret to be so slow with my reply to your request for comment and criticism of the bills relating to unemployment which were introduced by you during the last session of Congress. Your letter did not come to my attention until I returned to Evanston from my vacation the middle of September, and the routine work attendant upon the opening of a new academic year prevented my giving the matter the careful consideration it deserves until recently.

Let me say at the outset that I am heartily in sympathy with the objectives at which you are aiming in the proposed legislation. There is no doubt in my mind that the general plan of attack upon the problem of unemployment which you propose would result in materially alleviating the condition in time of crisis, and would be of considerable value in adjusting the distribution of labor throughout the country at all times. Your plan would, I think, render it decidedly less likely that we would have the very severe periods of unemployment which come from time to time, subjecting the country to serious social and moral strain and economic stress. In its graver forms the problem is surely a national one, and the Federal Government certainly has the resources to give considerable relief, and should do so. However, I am not at all satisfied that the Federal Government can constitutionally carry out in full the program which you have planned for it, but I will come to that later.

Certainly there can be no constitutional objection to S. 4158, and it seems to me altogether desirable and practicable. The first step dealing with the unemployment problem is surely to gather, analyze, and distribute accurate information as to the amount of unemployment that exists at any given time, and the Bureau of Statistics of the Department of Labor is obviously the proper instrument for the performance of that task.

I would, however, make the following suggestions relating to the wording of the bill:

Page 1, line 10, strike out the word "persons" and substitute "men, of women, and of minors."

It seems to me that the distinction between men, women, and minors should be specifically required for two reasons: (1) In time of business depression there might be a tendency in some industries or some localities to substitute women employees for men, or minors for either men or women, in order to lower the wage item in the cost of production. So it is possible that a fairly large number of men or women might in some cases be thrown on the market without making any appreciable change in the total number employed. (2) It is important to know whether a labor surplus consists mostly of adult men laborers or in large part of women or children, because of the greater mobility of the former.

Page 2, line 3, strike out "and"; after "quarrying" add "and oil production"; line 5, after "agriculture," add "and lumbering."

I think the number of men employed in oil production and in lumbering operations is sufficiently large and the fluctuation in these two industries sufficiently marked to justify this special mention in the act, even though you do give the Secretary of Labor the power to extend the collection to such other industries as he might choose.

Neither do I see any constitutional objections to S. 4307, which merely directs the doing, in a somewhat different way, of what the Government already does and unquestionably has the right to do. It would put into effect one of the most obvious devices available to the Federal Government for relieving a condition of unemployment, and though this device would doubtless not meet the needs of the situation if the unemployment were on a very large scale, that is not a reason for neglecting to use it to the limit of its value.

You will want, I presume, to insert on page 4, line 18, the date of the flood control act of 1928. It is not a matter of any particular importance, but I might suggest that sections 7 and 8 of the act seem to have a more immediate relationship to S. 4158 than to the rest of S. 4307.

I wish I were equally satisfied of the constitutionality of S. 4157, for I think that as a matter of policy the measure is highly to be desired. In times of depression, when unemployment is widespread, the problem is national in its aspect, and the logic of the situation would amply justify the development of a national system of public employment offices, to supplement and cooperate with the existing State public employment offices or occupy the fields where the latter are nonexistent. I must confess, however, to some doubt as to the power of Congress to enact the bill in its present form. It is not, on its face, an exercise of any power expressly granted Congress by the Constitution, nor is it "necessary and proper" to the exercise of such a power.

Of course, we already have a number of examples of Federal-aid legislation. However, there are important differences between all of them and the bill under consideration. In the first place, S. 4157 contemplates more than the giving of Federal aid to State agencies. It provides affirmatively for the erection of a national governmental agency. A second point, which is one of practical politics, is that S. 4157 would set up a governmental agency which would do work commonly performed by private enterprise and which might, in some cases, seriously compete with private enterprise and interfere with the profits of the latter. There is the probability, then, that the bill, if it became law, would affect private interests adversely, so that it is very likely that it would not escape attack in the courts. In this respect it is different from the other Federal-aid legislation that we have had which has either been in a noncommercial field, such as education, or has been of such a nature as to make possible profits for private enterprise rather than take them away, such as the aid given to highways.

In order to increase the defensibility of the measure, if attacked on constitutional grounds, I would suggest the following changes:

Alter the title to read: "To provide for the establishment of a national employment system to promote the interchange of unemployed labor among the several States and for cooperation with the States in the promotion of such system and to regulate the expenditure of moneys that shall be appropriated for such purposes."

Page 1, line 3, strike out "promote" and substitute "further."

Page 1, line 4, after "offices," add "for the purpose of promoting the interchange of unemployed labor among the several States."

Page 2, line 19, after "workers," add "from one State"; after "places" add "in another State."

I need not explain to you that my purpose in making these changes is to bring the measure within the commerce clause of the Constitution. If the bill were amended in this way, then a very strong argument for its constitutionality could be presented. The objection to these changes is that they would somewhat restrict the activities of the national system and possibly limit the benefits that might be derived therefrom. However, in practice I do not think the limitation would be a serious one.

It is to be hoped that the operation of Federal aid would cause most of the States to set up public employment offices, if they do not have them already, and if that came to pass the chief activities of the Federal system would really be interstate in character. Of course, for reasons I have already pointed out, if the measure goes into effect, we may get a direct constitutional attack on the Federal-aid feature as such.

I hope I have not wearied you by this detailed discussion of the bills which you are fathering. I have given some time to it because of my interest in the whole problem and because of my feeling that the legislation you are proposing would be very helpful in dealing with it. I hope that you may find something helpful in my suggestions.

Very sincerely yours,

A. R. ELLINGWOOD.

EMORY UNIVERSITY,
DEPARTMENT OF ECONOMICS,
Emory University, Ga., August 18, 1928.

Senator ROBERT F. WAGNER,
Washington, D. C.

MY DEAR SIR: I have your letter of August 10, inclosing the unemployment bills which you have introduced. I am glad to add mine to the other voices that are indorsing these bills. Students of labor in this and other countries are realizing more and more keenly the intensity of the problem of unemployment. In periods of prosperity as well as in periods of depression unemployment brings genuine suffering to multitudes of our population and creates situations which result in a serious degeneration of a part of our civilization. It is a matter of amazement and concern that a society as complexly organized as ours has neglected the problem for so long.

Many measures have been proposed to bring relief. Some have attempted to strike at the causes of unemployment and some have attempted to alleviate the suffering resulting from it. The first group of measures is, of course, the more important; the second group, however, should not be ignored, at least for the present.

Among the proposals might be listed:

1. All measures attempting to eliminate or decrease the intensity of the business cycles. Included here would be such measures as Prof. Irving Fisher's proposal for a stabilized dollar and the proposal to have the Federal Reserve Board attempt stabilization through open-market dealings, etc.

2. The establishment of a clearing house for unemployed men and unoccupied jobs.

3. Research, forecasting, planning by private concerns and the Government. This necessarily involves the Government as the only agency qualified to extensively and intensively gather statistics.

4. The long-range planning of public works.

5. Unemployment insurance, offering rewards to business enterprise for the elimination of unemployment and relieving the unemployment problem after it exists.

To all five of these proposals most of the students of labor economics lend their indorsement. There have been differences of opinion as to the details of the various plans, but it is generally recognized, I think, that the development of each one of these general proposals will be of considerable benefit.

It is the second, third, and fourth of these proposals which your bills plan to develop. They are of importance, it seems to me, in the order listed. The easiest and the most practical thing the Government can do is to establish a clearing house for men and jobs. The principle is similar to that involved in the clearing functions of the Federal reserve banking system. Almost continuously unemployed men are at various places in our country and vacant jobs which these men could fill are in other places. Various agencies are now at work to bring the two together. But they are wholly inadequate. Very few State systems of any value have been developed, and those in existence are inadequate even for those States. Furthermore, no State system is able to clear men or jobs outside of the State; and since the organization of our industries is not on a state-wide basis, a state-wide organization is not an adequate clearing agency. This is even more true concerning employment than it is concerning banking. Private agencies similarly are not sufficiently extensive in their scope and, unfortunately, they have frequently proven more disserviceable than serviceable because of their profit-seeking management. They need to be regulated, if not abolished.

Incidentally, I think the systems should be required to give full information about jobs which they propose to applicants, particularly with reference to strikes, etc. This rule would probably be promulgated by the Department of Labor; but if it should neglect to do so, a law should later be passed requiring that such a policy be followed.

The bill to provide for the collection of statistics seems to me to be next in importance. It is of less importance than the above, I think, only because of the value of the employment system in the collection of statistics. Some such system of registration is almost a necessity to the collection of full statistics. The collection of unemployment data will be absolutely necessary to the most intelligent attack on the unemployment problem. It will aid governments in the passage of laws, businesses in the planning of production and distribution, research students of economics in analyzing and solving our economic mysteries, and, of course, it will be essential to the long-range planning of public works.

The third bill seems to me to be of less importance than the other two, but it should be of great value. Many theories of the business cycle have been developed, and economists are still in a furor as to the causes and characteristics. On a number of points, however, they are pretty well agreed. One of these is, I think, that the circulation of wealth is temporarily interrupted, or slowed down. Production is forced to slow down, employment is decreased, and the circulating wealth in the hands of the masses of the population is decreased. The masses are unable to buy because they have no money; they have no money because they have no jobs and the receipt of their wages has been stopped. On the other hand, the employers, because the retailers are unable to sell their goods, are forced to cut down production, and are therefore unable to offer employment or pay out wages. The complete cause, explanation, and solution of this dilemma is still a matter of debate. Regardless of this mystification, however, I think most of the economists agree that if some nonprofit-seeking agency could start the flow of wealth again, the period of depression would be shortened and its intensity lessened. If, when unemployment is increasing and wage receipts are decreasing (and buying is diminishing and production being curtailed), some agency could offer employment to some of the unemployed, and increase the total payments in wages (over what they otherwise would be), then the downward trend of buying would be halted or slowed down, production would halt its downward trend, and the "valley" of the business cycle would be partially filled up. For the wages of a small group will create a demand for goods which will call for employment of another group, and the wages of this group will call into employment another group, and so on. This is the theory. As to how large an expenditure in wages will be necessary to make itself felt and to start the processes leading to a new equilibration of the economic system, is a matter of conjecture. With an average production of say $75,000,000,000 and a cyclical fluctuation of not over 10 per cent, a reserve fund of 2 or 3 per cent of the fluctuation ought to provide an excellent "tonic" for the economic system. If this fund came either from the sale of bonds or from taxation of large incomes it would probably amount to the transference of a certain portion of fixed wealth into circulating wealth, which is a significant point. A transference of circulating wealth from private to governmental hands for expenditure would not be of as much significance in this regard.

Objections may be raised, of course, such as: That the funds will be used by political powers for political purposes. As far as possible precaution should be made against that, and I am not sure that Senate bill 4307 has sufficient safeguards in this connection. It might be better to have a nonpartisan advisory board, constituted of recognized economists and statisticians. I would also suggest the addition of these industries: Construction of land and naval armaments; reclamation work—reforestation, drainage, irrigation, and construction of such works as Boulder Dam (if, when, and as authorized); the undertaking of new Government industries (if, when, and as authorized), e. g., munition plants, railways, etc.

I hope that this letter may be of some value. I have written at some length on the supposition that you wish a "mass of evidence" to present to the committee.

Very truly yours,

MERCER G. EVANS.

NEW YORK CITY, *August 29, 1928.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: I have your letter of August 10, 1928, inclosing a set of three bills introduced by you in the last session of Congress and asking my comments and criticisms. I am very glad to have you bring these to my attention. I should like to tell you that those of us who are interested in social measures for the improvement of the great mass of the people feel strongly that you are one of the leaders in Congress who may be depended upon to take a constructive attitude. I hope that you will continue to show the interest in such problems that you have indicated in the past. The last person I talked with—I believe it was Dr. Ernest F. Johnson, of the Federal Churches of Christ—stated that he had been impressed with your humane interest when last he spoke with you.

The three bills which you are proposing are all of the greatest importance in the solution of the unemployment problem. I hope to study these a bit more and perhaps to write you about them later. I may say, however, that in connection with the first two of these, namely, the one calling for unemployment statistics, and the other setting up employment exchanges, there have been organized groups which have been making special studies of this subject. For example, you doubtless know that Dr. Bryce M. Stewart, Industrial Relations Counselors (Inc.), 165 Broadway, New York City, has been secretary of a large group of statisticians and economists who have been engaged in drawing up unemployment statistics. Either he or Miss Mary Van Kleeck, of the Russell Sage Foundation, can tell you more about this. Similarly the Russell Sage Foundation has published a thorough study of employment exchanges.

The measure providing for a stabilization board seems very well thought out; however, I wonder whether it would not be wise to provide for a revolving fund and for an annual appropriation so that in time of depression the amount of money available for public works would be big enough to make some impression on the situation. One of the men who is most familiar with drafting problems of this character is Prof. Joseph P. Chamberlain, Columbia University, whom I should strongly urge you to put on your list if you have not done so already.

With very best wishes for your success in these bills, I am,

Most sincerely yours,

HERMAN FELDMAN.

NEW YORK CITY, *September 5, 1928.*

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have just returned to my desk after a holiday otherwise I should have responded at once to your letter of August 11 soliciting comment and criticism of the three bills introduced by you during the last session of Congress and designed to assist in the prevention and alleviation of unemployment. I will venture some brief comment despite the certainty that it will be inferior to much of critical judgment you have no doubt already received.

Bill S. 4158 seems to me to meet an obviously important need. Any highly organized industrial State, such as ours, which does not make the required effort to secure reliable and detailed employment statistics, indicates indifference to the fact of unemployment. I would raise two questions in regard to the actual bill:

1. Unless I am greatly mistaken the appropriation provided would be greatly inadequate to carry out the task properly, especially during the initiatory period when forms would have to be devised and studied, conferences held with associations, travel undertaken, results analyzed, etc. In the field of agriculture office employment a technique for gathering the required information would have to be developed. Education work among employers would have to be conducted in order to secure reliable and reasonably uniform information.

2. The search for and presentation of this information would bring to the fore various questions of method (in the keeping of plant records and the making of returns) and of substance (e. g., whether it is desired that the periodic return should be an average for the period covered or as of the end of the period, whether absentees should be included, what classes of employees should be included, etc.).

I am not sure that the information desired is adequately described in lines 9 and 10 (p. 1) and line 1 (p. 2). It might be better to make these instructions more precise or more general.

With bill S. 4307 I am likewise wholly in sympathy and convinced of the soundness of its general purpose. By way of suggestion I would, however, raise the following points in regard to it:

1. If any alternative can be devised, I think it would be preferable not to throw upon the President the duty of final decision. But perhaps there is no constitutional alternative.

2. Page 3, lines 17 and 18, "in the United States or any area thereof." This seems to be too sweeping a phraseology. Do you mean to have the act applied in comparatively small local areas; for example, would you invoke it to meet the unemployment situation in certain textile towns at the present time? I doubt its practicability and soundness for that purpose. Would you invoke it in the event of a depression in the automobile industry in Detroit?

3. Should not the act provide some sort of clause dealing with the wage policies to be followed in the expenditure of these emergency appropriations?

4. Can not the principle of "grants in aid" to States or cities be extended further than is done in the act to other works than public planning?

5. Section 10 would prove to be a most important element. Can not the ways and means of advance planning be further defined?

6. The act should require periodic reports upon action taken and results.

These are but a few comment out of many that might be made as regards the best way of working out the idea. It is impossible to be exhaustive in short space. I feel that this act needs further consideration and analysis.

S. 4157 seems, as far as first reading permits a judgment, desirable and workable as written.

I would suggest that there be associated with the system of employment offices local committees of employers, workers, and professional people with advisory powers.

Please forgive the somewhat authoritative tone of these remarks which have been expressed under pressure of haste.

I wish you all good fortune in your efforts to carry through the purposes of these bills.

Yours very sincerely,

HERBERT FEIS,
Formerly Head of Economics Department, University of Cincinnati.

BOSTON, MASS., *August 15, 1928.*

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am in receipt of yours of August 10, inclosing copies of bills S. 4157, S. 4158, and S. 4307, the combined purpose of which is designed to meet a phase of the unemployment situation.

In my mind the passing of these bills would constitute an important step in the right direction, and should have the support of every intelligent citizen.

You ought to be commended for initiating this step, and I hope that your efforts will meet with the unqualified success that they deserve.

Very truly yours,

RICHARD A. FEISS.

SEATTLE, WASH., *August 23, 1928.*

Hon. ROBERT F. WAGNER,
Senate Building, Washington, D. C.

MY DEAR MR. WAGNER: It will give me pleasure to lend a hand locally in building up support for the program of coping with unemployment which you are sponsoring through the three bills introduced by you, copies of which came with your letter of August 10.

Because my work centers largely on efforts to regularize employment in longshoring and related fields, perhaps I tend to emphasize unduly the value of efforts in this direction. However, anyone close to the vicious wastage of unemployment, and anyone familiar with the meager efforts to know and meet problems of unemployment, can not but feel grateful to those of you who are leading nationally in these efforts. Needless to add I am thoroughly committed to the work of aiding in employment fact finding, the development of a National-State-municipal employment service, and public works as a stabilizer.

We are especially cursed in the Pacific Northwest with casual labor problems, since all of our basic industries are highly casual, such as logging and lumbering, fishing, mining, agriculture, and shipping.

Sincerely yours,

F. P. FOISIE.

THE NEW YORK SCHOOL OF SOCIAL WORK,
New York, August 13, 1928.

Hon. HOBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR MR. WAGNER: I have your letter of August 10 together with copies of bills introduced by you embodying proposals for more adequate gathering of statistics of employment, establishment of a Federal public employment service, and the planning of public works so as to provide employment in times of business depression.

I am heartily in sympathy with the spirit of all of these proposals. As you say, they are not political in character and they should be supported by everyone who is concerned about social well-being.

Sincerely yours,

JOHN A. FITCH.

UNIVERSITY OF MICHIGAN,
DEPARTMENT OF ECONOMICS,
Ann Arbor, September 10, 1928.

The Hon. ROBERT WAGNER,
United States Senate, Washington, D. C.

MY DEAR MR. SENATOR: Thank you very much for sending me your three bills on unemployment. I find myself in hearty agreement with all of them. Certainly there is great need for more adequate statistics on unemployment. A local committee appointed by the mayor of Ann Arbor has just investigated unemployment here and has reported an average of 8 per cent unemployment with the remark that, as far as we know, this is not out of line with the rest of the country. If that is so, the problem is a very serious one, but in any case it ought to be possible to know whether it is or not. I thoroughly agree, as do most other scholars in the field, with the principles of a Federal employment service and of the advance planning of public works for periods of depression. The only doubts expressed in my classes on those subjects have to do with the dangers of inefficient administration; but you will know better than I how to provide against that. In my opinion, one of the most promising attacks upon the problem is that of the incentive or penalty type of unemployment insurance in force in the Cleveland garment trade and intended to give the employer a strong inducement for regularizing work. I am afraid, however, that it will be a long time before it is practical to talk about introducing that principle into legislation.

Sincerely yours,

CARTER GOODRICH,
Associate Professor of Economics.

CONNECTICUT AGRICULTURAL COLLEGE,
Storrs, Conn., August 20, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: I have received copies of Senate bills of the last session of Congress, as follows: S. 4157, S. 4158, S. 4307, and your letter asking for comments on these bills. Anyone acquainted at all with business cycles and movements and with the resulting distress among the workers' families at times of depression will approve the purposes of the bills.

I also think that for the most part the details of organization are good. However, I have a few suggestions to make.

In bill S. 4157, section 6, should not all persons so employed by the Secretary of Labor be subject to the provisions of the classification act of 1923? Perhaps this is otherwise provided, but it does not appear in the section.

In bill S. 4158 it seems to me that the employment statistics so collected should be made definitely available to all other governmental and private agencies which are interested in improving labor conditions.

In bill S. 4307, section 4, I do not see why the secretary of the Federal unemployment stabilization board should be assigned to the Department of Commerce instead of to the Department of Labor. Unless there is good reason for such a division, it seems to me he should be under the Department of Labor.

I thank you for sending me copies of these bills. I am especially interested in such legislation, and believe it is aimed to improve labor conditions. Should it appear that I can be of further service in these matters I shall be glad to write again.

Yours very truly,

EDWARD H. GUMBART,
Assistant Professor of Economics.

THE OHIO STATE UNIVERSITY,
COLUMBUS, *August 13, 1928.*

Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: I am glad to reply to your request for an opinion concerning the three bills introduced by you in Congress, designed to meet the unemployment situation in this country.

I thoroughly approve all three of the bills and earnestly hope that you will succeed in convincing Congress of the need of their passage.

In regard to bill S. 4157, I am wondering why the bill does not require that all employees under the director general be required to secure their positions under the civil service law.

May I say that during the years 1913–1915 I was a member of the Industrial Commission of Ohio and had the employment offices of this State directly under my supervision. The employees, up to that time,

had been appointed for purely political reasons, and the State had never had an effective system of employment exchanges. It is particularly difficult to get good employees under the political system of appointments for this line of work, because organized labor soon comes to feel that such positions belong to it.

I am free from having any opposition to organized labor; in fact, I have always been a strong supporter of the principle of organization among laborers and have, myself, been a member of a central labor union. The fact remains that, as you well know, the education of members of our labor classes is frequently weak and the business experience of such men is likely to be limited, so that unless the employees of the employment service are selected by civil-service methods, we are likely to get unusually incapable men. I think this, more than anything else, has discredited the employment offices in the various States in past years.

In regard to bill S. 4158, it seems to me that it is highly desirable that employers be required to report the information called for in that bill. I can readily see a difficulty here, due to the fact that the majority of such employers are not considered to come under the regulation of Congress; possibly some method could be devised, however, by which employers could be induced to furnish the information in a manner prescribed by law, in the same way that railroads are required to report concerning their finances and traffic.

It has always been a matter of great regret to me that Congress did not see fit to continue the Federal employment service, established during the war. I was, for a short time, connected with that service. In spite of the fact that it was far from meeting the ideals which good management would establish, it was constantly improving, and I have never been associated with a group of young people who felt more enthusiasm for the work in which they were engaged than many of the people whom I have met in this service.

The existence of a Federal employment service seems to be the first step needed in the solution of our unemployment problem, and I earnestly hope that your bills will be passed at the coming session of Congress.

Sincerely yours,

M. B. HAMMOND.

STANFORD UNIVERSITY,
GRADUATE SCHOOL OF BUSINESS,
Stanford University, Calif., September 18, 1928.

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: Your letter of August 10 inclosing Senate bills 4517, 4518, and 4307 has just come to my attention. I had the pleasant task a year or two ago of reviewing the report on business cycles and unemployment for the bulletin of the Taylor Society, and had become much interested in the subject of unemployment before that time.

Your notice has perhaps been called to the joint system of unemployment insurance set up by the Amalgamated Clothing Workers and the Men's Clothing Manufacturers in 1923. For the contingency that the matter has not been brought to your notice, I am sending you a printed copy of the agreement. The brief preliminary agreement drafted by Leo Wolman and myself contains most of the essential points. This arrangement has recently been extended to the Rochester and New York markets.

From all this you will realize that I am deeply interested in the subjects to which the three bills are addressed. I am keenly aware of the need for (a) more adequate employment statistics, (b) a national system of public employment offices, (c) the scheduling of public work so as to help smooth out the curve of employment.

I trust the purposes of these bills may be speedily realized. Thank you for sending them to me.

Very truly yours,

W. E. HOTCHKISS.

LEEDS & NORTHRUP CO.,
Philadelphia, Pa., September 24, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: Your letter of August 10, and the three bills which accompanied it, came during my absence on a rather extended vacation, and I did not see them until a few days ago. I am heartily in favor of legislation to accomplish the purposes aimed at by these bills, namely, that the Federal Government should set up machinery to gather and circulate statistics and to control its own actions in such a way as to stabilize industry and employment. I am not sufficiently expert in regard to the subject as a whole and the present organization of Government departments to make any critical comments on these particular bills.

I hope you may have success in pressing for legislation of this character, because I believe that the general subject is one of the most important before the country.

Very truly yours,

MORRIS E. LEEDS.

WASHINGTON, D. C., *November 7, 1928.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: Replying to your letter of August 10, which, as I previously advised you I would answer after the election, and commenting on the three bills which you have sent me, S. 4158, S. 4157, and S. 4307:

The basis for these bills was laid in the recommendations of the President's Conference on Unemployment of 1921 under the chairmanship of Mr. Hoover. I was secretary of that conference and have been secretary of the various committees set up by it to examine into methods of stabilizing employment. The first of these committees, that on business cycles and unemployment, under the chairmanship of Mr. Owen D. Young, reported in 1923 and had very important results in curbing the beginnings of a dangerous boom in that year, as well as in modifying general industrial policy in the direction of stabilization. The second committee, that on seasonal operation in the construction industries, under the chairmanship of Mr. Ernest Trigg, reported in 1924, and had striking influence in lengthening the building year, cutting down the summer seasonal peak and filling up the trough of winter construction. A third committee, that on recent economic changes, under the chairmanship of Mr. Hoover, is to report next year. It covers an examination of our postwar economic experience and the policies which should be derived from that experience.

Turning to the question of legislation, I should think some such bill as S. 4158 to strengthen our statistics on employment is desirable. S. 4157 contains certain provisions about which I am not so clear, such as those in section 7 and section 9. I have made no independent estimate and am not informed of the adequacy or inadequacy of the amount which it is proposed to appropriate to carry out the provisions of S. 4157. With its general aim, of course, I am in sympathy.

S. 4307, which you have sent me, seems to me less efficiently drawn than the other bills and calls for the creation of another Federal board, a thing which in general I should like to avoid. The policy of long-range planning and construction of public works in periods when private business is slack is a well-recognized policy of the present administration. That policy can be further strengthened by legislative recognition, and I favor some such legislation as this: That the designated authority "shall take into consideration the effect which may be exterted by governmental construction policy upon general employment and industrial activity and shall report to Congress with recommendations whenever the volume of construction in the United States during any period falls one-third below the volume of the corresponding period of 1925."

I am deeply interested in this great problem and shall be glad to have your comments on these views.

Yours very sincerely,

E. E. HUNT.

STANFORD UNIVERSITY,
GRADUATE SCHOOL OF BUSINESS,
Stanford University, Calif., August 17, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: It is a pleasure indeed to respond to your communication of August 10. Unemployment is one of the subjects to which I have directed my attention on numerous occasions. This is a vital problem, and I have only commendation for the efforts you are making to provide a continuing and helpful corrective influence.

It is, I believe, generally recognized that scheduling of public construction is one of the logical means of lessening the seriousness of an unemployment period.

With reference to section 10 of your bill S. 4307, it seems to me that effective advance planning is possible only through the establishment of a Federal department of public works. As you are well aware, the engineers of this country, as well as other groups, have been assiduously working for such a centralized direction of Federal construction. May I at this time bespeak your support of this project, not alone in the economic soundness of its purpose but also as an aid to your unemployment program. Sound businss policy demands centralization of the engineering and construction activities of the Federal Government.

In the establishment of the Federal unemployment stabilization board and also the United States employment service, as contemplated in bills S. 4307 and S. 4157, it is hoped that these agencies will be directed to give constructive study to attacking the problem of casual and chronic unemployment. While the several bills which you have introduced primarily are to relieve cyclical unemployment, the casual and chronic unemployment presents an equally serious problem. Obviously the latter is essentially a community problem, but consideration of it as such demands direction and guidance by interested Federal agencies.

Allow me to express my appreciation of this opportunity to read the bills which you have introduced and to again express my commendation of your efforts.

Sincerely yours,

P. E. HOLDEN,
Professor of Industrial Management.

COLLEGE OF INDUSTRIAL ARTS,
THE TEXAS STATE COLLEGE FOR WOMEN,
Denton, Tex., August 28, 1928.

Hon. ROBERT F. WAGNER,
Washington, D. C.

MY DEAR MR. WAGNER: With considerable interest I have read carefully the three bills pertaining to unemployment introduced by you during the last session of the Congress. In the outset, as a student of economics, I desire to assure you of my sincere sympathy with any feasible attempt to ameliorate unemployment and its attendant disasters.

It is an axiom in social science that no nation can rise above the economic status of its citizenship. It is but idle prattle to expatiate upon our cherished ideals of democracy without recognizing the fundamental fact that these ideals have their inspiration and incipiency in a desire for economic betterment. An employed, prosperous, intelligent citizenry is the bulwark of democracy; but an idle, despairing proletariat is the natural enemy of all government and all social order. Employment is the steadying, stabilizing factor in the life of every nation. I therefore wish to congratulate you upon your statesmanlike vision in framing these three bills. They are basic in their political significance and in their economic implications.

Technically, I would not presume to offer criticisms; but you will permit me to say that from some quarters you shall hear the cry of "paternalism," "bureaucracy," "centralization," etc. And, I think, perhaps the bills may be endangered by this sentiment. However, we all recognize the fact that unemployment is now a pertinent problem in America, and it is high time for us to get down off of the pedestal, cease dealing in mere platitudes, and make some wise and efficient provision to take care of the great army of men and women who, by no act of theirs, are out of employment. Frankly, I can see nothing in the bills that should arouse the antagonism of any student of economics. I wish you success in ultimately getting these bills passed by the Congress.

Yours sincerely,

L. D. JUDD.

FRIENDSHIP FARM,
Stony Hill, R. D. 2, Bethel, Conn., September 1, 1928.

MY DEAR SENATOR WAGNER: Although I have been prevented from more than the most cursory study of the three bills on unemployment you were good enough to submit for my comment, I feel that I ought not longer to delay reply to your request. The bills seem to me admirable in principle. The success of their application will depend entirely on the character of the administrative personnel, and if it were possible the bills should be strengthened by a closer definition of such personnel, especially at the top. There is always the danger that a machinery and technique such as these bills provide for may become simply another instrument of graft and patronage like the Volstead Act. I should myself be inclined to call for the cooperation of the great industrial bodies—the labor organizations, the chambers of commerce, and the like—that have an industrial and not a political stake in the administration of an unemployment service.

* * * * * * *

Yours, etc.,

H. M. KALLEN.

NEW YORK, *September 6, 1928.*

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WAGNER: This will acknowledge receipt of your letter of August 10 inclosing the three bills which you introduced dealing with the subject of unemployment.

I am in entire accord with the proposals contained in each one of these bills. The only concrete suggestion I have to offer is that S. 4157 might be strengthened by containing a present appropriation for a possible future emergency. It is especially difficult to get Congress to approve an appropriation when times are hard and the money is most needed to alleviate the suffering incident to unemployment.

I feel confident, however, that all three of your measures taken together would fall far short of relieving the situation. What we need is to face the problem squarely which S. 4158 should help to make possible, and then, with a clear knowledge of the facts, to apply some of the best minds in the country to a fundamental solution of the question. This was Governor Smith's proposal for the relief of agriculture. At present it is the only thing I feel competent to suggest with reference to unemployment. It might be possible to have some economists especially qualified to investigate this problem attached to the proposed Federal unemployment stabilization board. But it would probably be more satisfactory to call together "those best equipped on the particular subject at hand"—to use Governor Smith's phrase—to formulate and examine plans to meet the unemployment evil. We should begin to appreciate that unemployment is not a sporadic, temporary condition, but a problem which we have with us permanently and must solve in a fundamental way rather than be satisfied with palliatives to carry us over temporary emergencies.

I am sorry that I can not offer anything more helpful. But I should like to take this occasion to express my approval of your service to your constituents in bringing before Congress the issue of unemployment, and to express the hope that your efforts may be successful in working out a permanent solution of this vexing question, which I believe to be the greatest single cause of our present economic maladjustment.

Respectfully yours,

CAROL WEISS KING.

THE PENNSYLVANIA STATE COLLEGE,
DEPARTMENT OF ENGINEERING EXTENSION,
State College, Pa., November 22, 1928.

Hon. ROBERT F. WAGNER,
United States Senator from New York,
Washington, D. C.

MY DEAR SENATOR WAGNER: Your letter of August 10 reached my desk while I was in Europe, and owing to the press of other matters I have just reached the pile of mail that greeted me upon my return.

The three bills that you inclosed, namely, S. 4157, S. 4158, and S. 4307, all for the first session of the Seventieth Congress, and relating directly and indirectly to our unemployment situation, contained very excellent ideas. I regret, however, that I am not enough of an economist to criticize the details of the bills themselves.

I feel strongly, however, that one of the bills aims to give the Federal Government jurisdiction over functions which I believe properly belong to the respective State governments. But I am convinced that economic situations will sometimes work themselves out without the passage of laws. I approve heartily, however, of your desire to take care of a situation that has been deplorable in the past and which may arise again in the future unless we take proper measures to prevent it.

Very truly yours,

J. O. KELLER,
Head, Department of Engineering Extension.

AMERICAN STATISTICAL ASSOCIATION,
New York, N. Y., August 15, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have read with interest your three bills relating to employment in the United States, and wish to congratulate you upon your effort to prevent the recurrence of unemployment. I am sure that in this respect you will have the support of most of the economists of the United States.

In connection with bill 4158, you probably know that the American Statistical Association has a standing committee which has been working for several years with considerable success in an effort to standardize the employment statistics of the various States. This committee is composed of the statisticians of the bureaus of labor in the various States and also has a representative from the United States Bureau of Labor Statistics. The members of this committee are the persons best qualified to advise you intelligently as regards bill 4158. I am therefore referring this bill to that committee for consideration. I may say that at the present time employment statistics as regards manufacturing are sufficiently abundant to give a very good picture of what is happening to employment in the manufacturing field. I believe that the Bureau of Agricultural Economics is now collecting some data on agricultural employment. Information concerning employment in other fields has been far too scanty, and it is certainly desirable to have much more information than we at present possess concerning employment in fields other than manufacturing.

I have not had sufficient experience with the workings of public employment offices in the past to be able to express any definite opinion as to their success. Among those who have had experience in this field and are able to give you valuable advice along this line I would suggest the names of Dr. Shelby M. Harrison, of the Russell Sage Foundation, 130 East Twenty-second Street, New York City; Prof. Don Lescohier, of the University of Wisconsin; and W. M. Leiserson, 2343 Warren Street, Toledo, Ohio. I am referring bill 4157 also to our committee on employment statistics, as several of the members are very familiar with the workings of employment offices.

As regards bill 4307, I am of the opinion that this important measure should be pushed. I have given this matter considerable attention in the past, and, while I am by no means of the opinion that emergency construction of public works will solve the whole difficulty of unemployment, I believe that it is distinctly a step in the right direction which has everything in its favor and practically nothing against it. I believe that most of the economists who have given much attention to this matter will agree with me in this point of view.

With hearty good wishes for your success, I remain,

Very sincerely yours,

WILLFORD I. KING, *Secretary-Treasurer.*

WASHINGTON, *August 16, 1928.*

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR SENATOR WAGNER: I have your letter of the 10th instant and shall be very glad, indeed, to study your three bills and to send you a statement in connection with them. When I do this I shall also send you some matter which I have recently written, but not as yet published, relative to the unemployment problem and its solution.

I shall be very glad to cooperate with you in any way possible.

Very truly yours,

W. JETT LAUCK.

BANKERS TRUST CO.,
Paris, France, September 12.

DEAR SENATOR WAGNER: Please send me a copy of your bill to plan public works in advance for expansion during periods of employment. I am familiar with Senator JONES'S bill, S. 2479, having a similar purpose. It requires good statesmanship to realize this sound purpose. Everybody approves it, but no one has had the punch to carry through a practical program. I have looked over what has been done abroad, notably in Germany, and think we can improve on it.

Faithfully yours,

OTTO J. MALLERY,
9006 Crefeld Street, Philadelphia.

YALE UNIVERSITY SCHOOL OF LAW,
New Haven, Conn., October 1, 1928.

The Hon. ROBERT F. WAGNER,
Senate Building, Washington, D. C.

DEAR SENATOR: Thank you for sending to me at Cos Cob your three bills designed to alleviate unemployment. Though I am strongly sympathetic with their intention, I can not claim to be qualified to express an opinion about them. A doubt occurs to me as to the constitutionality of the proposed national employment system, unless its connection with interstate commerce is more thoroughly expressed—perhaps with more limitation. And I doubt the policy of a Federal subsidy to State agencies—though perhaps that is the only way your plan could be put through without danger of useless duplication of State and Federal departments. Before forming an opinion of the desirability of the scheme in general, I should want to know much more than I know now about the way public employment agencies work or have worked.

Yours very sincerely,

WALTER NELLES.

THE ILLINOIS STATE FEDERATION OF LABOR,
Chicago, Ill., August 28, 1928.

Hon. ROBERT F. WAGNER,
United States Senator, New York City, N. Y.

DEAR SIR: With further reference to your letter of August 7, previously acknowledged by this office during my vacation absence, let me say that I shall read the three bills, S. 4157, S. 4158, and S. 4307, relating to the question of unemployment, and after I have looked them over I shall be glad to write you my views concerning those measures. However, I need only to glance at S. 4158 to see that it is designed to require that the Department of Labor compile and publish unemployment statistics.

Certainly all must agree that the first essential in dealing with the unemployment problem is to know exactly what the extent of unemployment is from time to time. The creation of a definite employment service bureau in the department, as proposed in S. 4157, also seems essential to a proper study of the problem. However, that bill is of some length and I have not had time as yet to read all of its provisions, nor have I had as yet time to examine S. 4307.

Thank you very much for sending me the copies.

Very truly yours,

VICTOR A. OLANDER,
Secretary-Treasurer.

PURDUE UNIVERSITY,
DEPARTMENT OF HISTORY AND ECONOMICS,
La Fayette, Ind., August 21, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR MR. WAGNER: I have read with interest your three bills relating to unemployment.

As a means of attacking the problem scientifically it is certainly necessary to provide machinery for the collection of information on the subject which you propose to do by your bill S. 4158. Then, in order to reduce unemployment as far as is possible, by connecting the man with the job, you plan to accomplish through labor exchanges which seems to be the next logical step.

Public works as a way of alleviating the suffering caused by unemployment is at least worthy of a trial. In theory, public works will not only make for immediate employment of a limited number of men but will also set in motion machinery for reviving depressed industry. This revival of business will come about, it is said, through an accumulation of reactions. The employment of several thousands of men by the Federal Government will in turn create a demand for capital equipment and consumption goods which will again set those industries engaged in making the capital equipment and the consumption goods in operation, and so on down the line. The process once started (as it would be by public works) accumulates employment as a snowball accumulates snow as it is rolled along the snow-covered ground.

With a realization of the legislative difficulties I suggest that the time to provide the funds for emergency public works is during prosperity instead of relying on appropriations after depression has shown its ugly head. Time used in acquiring funds means that depression is becoming more and more difficult to check as confidence wanes and failures increase.

With the hope that these remarks are not too irrelevant, I am

Very truly yours,

W. V. OWEN.

COLUMBIA UNIVERSITY SCHOOL OF LAW,
New York, August 16, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of August 10, I appreciate your invitation to offer suggestions regarding the three bills inclosed with your letter, and I commend your efforts to devise constructive legislation to relieve unemployment. The subject is certainly no less worthy of governmental support and effort than is the tariff or merchant shipping, for instance.

I am not an economist, nor am I a specialist in labor law. Hence my comments upon your specific proposals will be of little value.

Bill No. S. 4157, providing for the establishment of Federal employment offices, or, in the alternative, for Federal aid to support State employment offices, strikes me as a thoroughly useful project. A dozen or more States now have such offices, and the proposal to give Federal aid would undoubtedly lead to the establishment of many others. By leaving this public service to be performed by the State whenever the State is willing to accept Federal aid and Federal supervision the bill avoids the objections of "State rights" theorists (personally I do not rate these objections very highly), and at the same time it is designed to secure uniformity and efficiency in the administration of the State offices. Since the unfortunate decision of the United States Supreme Court in Ribnik *v.* McBride (No. 569, October term, 1927), I see no alternative to the establishment of governmental employment offices, and your proposal, in view of that decision, seems very timely. The bill should perhaps include a provision bringing the Federal employment offices under the civil service laws.

Bill No. 4307 raises economic problems which I can not answer. I doubt that it is wise to spend money on public works merely in order to relieve unemployment; but your proposal does not go that far. As I read it it is limited to the acceleration of projects already undertaken for other reasons, and thus will not, if properly administered, lead to the undertaking of useless public works merely to provide unemployment doles. Even if your scheme does in some measure provide a subsidy for laborers, it is, in view of the serious social and economic consequences of unemployment, as justifiable as are the tariff and the ship subsidies. I take it there is nothing in your bill or in existing laws requiring the Government to pay the union scale or any other fixed scale of wages; the insertion of an express provision to this effect would make it clear that the Government is to be in a position to effect economies by speeding up public works during periods of excessive unemployment.

S. 4158, providing for the monthly publication of statistics of unemployment, seems to me unobjectionable, though I do not know how it affects existing laws. It is very hard, I suspect, to get an impartial estimate of unemployment. The purveyor of pessimistic news is apt to be an unwelcome guest, especially in the business world. Statistics can be juggled, and sometimes are. However, I believe with our late President Wilson in facing the "facts," and certainly accurate and timely information as to unemployment would be desirable if it could be obtained.

In conclusion, I heartily approve of measures to prevent labor troubles before they arise rather than to attempt to deal with strikes and lockouts by judicial or arbitral methods.

Sincerely yours,

EDWIN W. PATTERSON,
Professor of Law.

THE UNIVERSITY OF NEBRASKA, COLLEGE OF BUSINESS,
OFFICE OF THE DEAN,
Lincoln, September 26, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR MR. WAGNER: I have examined the bills which you sent me some time ago, S. 4157, S. 4158, and S. 4307, and I think that they are all very meritorious measures which I hope will soon be passed and be put into effect.

There is no question that we have too long delayed action in regard to unemployment, a situation quite discreditable to a great and prosperous country like ours.

With best wishes for the success of your efforts, I am

Yours faithfully,

J. E. LEROSSIGNOL.

THE UNIVERSITY OF WISCONSIN,
Madison, September 25, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: Your letter inclosing three bills to mitigate unemployment awaited me on my return from my vacation and I have read the bills with interest and approval. You address me as an economist, but I can not qualify. I have a warm interest in the legal phase of relations between employer and employee, but I don't see that I can add any wisdom to that which you have put into your bills. I like them thoroughly.

It was a pleasure to hear your excellent speech before the Democratic platform covention here last week. Governor Smith's forthright speeches in the West are stirring people hereabouts. I expect to join the big procession which is going to Milwaukee to hear him Saturday.

Very truly yours,

WILLIAM GORHAM RICE, Jr.

CHICAGO, *August 22, 1928.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I have tried to give careful consideration to the three bills which you introduced during the last session of Congress and sent to me in your letter of August 10 for comment. Under pressure of work, I find myself unable, at the present time, to give these bills the detailed study which they deserve. I can state that I am in sympathy with their objects and that I think they are well designed to relieve unemployment.

(1) There can be no question concerning the desirability of the collection of unemployment statistics. They are absolutely essential to an understanding of the problem as it exists from time to time and essential to any intelligent measures for relief.

(2) The establishment of a national employment system in cooperation with the States is, to my mind, also essential. I assume that the details of this bill have been worked out upon the advice of those familiar with the mechanics of establishing adequate employment agencies and I would not feel competent to criticize the mechanical features of the bill. There is undoubtedly need for an extension and coordination of public employment agencies. Private employment agencies, unless carefully regulated, are productive of many evils and can not in the nature of things cover the territory necessary to provide for the transfer of surpluses of labor to places of scarcity. This is a problem which I think must be dealt with in a national way through the governmental agencies, which at least supplement, if they do not exclude, private agencies.

(3) Provision for public works to relieve unemployment during periods of business depression seems to me the natural and best means of stimulating improved business conditions. A war, although it drains the resources of the country, produces at the same time a certain business revival owing to the expanded use of public purchasing power and tapping the resources of public credit. It is to me logical that the same resources should be called upon to put men at work and to start the current of prosperity again when our haphazard industrial system gets out of gear. Purchasing power declines and men are thrown out of work, thereby further decreasing purchasing power, and it is clearly desirable both to create new lines of work and at the same time to revive the purchasing power of the masses of the workers. The danger in hasty consideration of the details of a measure (which I desire to avoid) may be indicated by my referring to the second line on page four of this bill. I think the phrase "lower cost of construction" is unfortunate. It implies that men will be put to work at reduced wages upon Government projects, whereas it would seem to me the sentence should read somewhat as follows. "And permit the Government to avail itself, so far as practicable in the prosecution of public works, of the opportunity for speedy, efficient, and economical construction during any such period." There may be a decline in wages during periods of depression, but a Government policy should seek to sustain, so far as possible, existing standards of living and therefore seek to use the quantity of efficient labor available to speed up construction of public works without interfering with private industry. It seems to me that this should be the ideal rather than "lower cost of construction."

Realizing that I might find other matters of detail concerning which I would like to offer suggestions, I hope you will accept this letter rather as a cordial indorsement of your program than as a careful review of the details of the proposed legislation.

Finally, permit me to express my opinion that the elimination of unemployment is one of the great and vital obligations of government. It can not be ignored, nor can it be dealt with effectively in times of depression. Preparedness in advance is the only sensible program.

Very sincerely yours,

DONALD R. RICHBERG.

NEW YORK EMPLOYING PRINTERS' ASSOCIATION (INC.),
New York City, August 16, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I appreciate the opportunity to send you my comments and criticisms on the three bills inclosed with your letter to me of August 10, S. 4158, S. 4157, S. 4307.

The means of working out a practical, effective program of action which will anticipate and relieve, as far as possible, ofttimes individually tragic and industrially costly effects of unemployment can hardly be overestimated. It is no second-rate problem, for its far-reaching reflex effects ramify into almost every phase of industrial and social life.

In my opinion your three bills cover the major essentials of any constructive program of approach to the problem. They provide, as I understand them, first, for a specific appropriation to supplement the funds now appropriated for the Bureau of Statistics of the Department of Labor in order to make it possible for this bureau to collect adequate unemployment statistics; second, to make more effective coordination of the existing State and Federal employment agencies by Federal appropriations on the same principle as now done under such legislation in the Smith-Hughes Act for education; third, for the setting up of a board with sufficient authority to start public works in the places where they do the most good to relieve unemployment.

The three bills are broadly flexible enough to accomplish the purposes for which they are designed.

The recent variations in the estimates of unemployment, approximately 1,800,000 to over 4,000,000, show the very definite need of getting more accurate statistics on unemployment. The bill gives the Secretary of Labor sufficient latitude to make whatever cooperative arrangements he finds necessary with the States or other governmental agencies to secure the information.

The information should be of two kinds; first, data which will give a quick barometer of changing conditions so that probable unemployment can be anticipated and relief measures set in motion sufficiently ahead of time to be of some value; and, second, statistics of a more permanent character which will give a measure of the volume of unemployment for comparison from year to year.

The criticism of most of the statistical data on unemployment is that they are post-mortem, and it is for this reason that I emphasize that in any administrative machinery emphasis should be placed on getting out reasonably accurate statistics of a current character. I see no modification of the bill necessary to accomplish this. It is a matter of administrative competency and also adequate funds to make the necessary help available to the Department of Labor. I am inclined to think that the appropriation of $100,000 will be found inadequate for this purpose. It will be necessary for the board who have the responsibility for allocating public works to base their judgment to a considerable extent on these statistics. Considering the size of the country and the complexity of its industrial structure, it seems to me that the Department of Labor would have to have as a starter at least $250,000 to properly organize this work.

During the war an attempt was made to coordinate the activities of the National Employment Service with the various State services. I had occasion to undertake this work for the National Employment Service for both the States of New York and Massachusetts. I found both the national and the local agencies for the most part depressingly mediocre. Though I am quite convinced that the modification of these two services is a vital move in meeting this problem, I am also as thoroughly convinced that unless the whole plan is much more competently administered than it has been in the past it will fall very far short of its opportunity.

I realize it is quite impossible in a general bill to do anything else than to set up a general structure, and I think the bill does just that. I can not help believing, however, after having had a year's experience with the National Employment Service during the war, that unless some big, capable man is put at the head of it and the service put under civil service, with adequate standards in salaries, the results hoped to be obtained through a medium of these employment agencies will prove very disappointing.

I should be glad to tell you some of my experiences more in detail if the opportunity arises. I might suggest as a partial measure to meet the difficulty I pointed out that there be appointed an advisory board, similar to the one you have set up on the allocation of public works, to advise the Secretary of Labor in the administration of the employment agencies, the Secretary of Labor's decision, of course, to be the determining decision in the operation of such bureau. I should also suggest that the bill provide for setting up local advisory boards made up of representative organizations in the community headed by a man of outstanding character and public spirit, to give his time to locally checking up

some of the work of these bureaus and also to invite the community's cooperation. This was one of the essential features of the cooperative plan worked out between the State and the Federal Governments during the time of the war.

The major difficulty in using the construction of public works as a relief for unemployment during periods of depression is that there has been in the past no machinery authorized to meet emergencies. By the time a project was put through the procedure necessary to protect public interests the need for the project had passed. Your bill makes it possible to meet this need. Personally I have had the experience of expending some twenty million dollars of public money and I know how essentially important it is to protect the public interests in such expenditures. I also realize that within such protection it takes time to get a project underway. This can be overcome by planning ahead and having any project undertaken under such an emergency bill a part of a general plan. This bill covers the problem of advance planning quite fully. It provides for the administrative body to act upon the projects and it recognizes the various channels of organization through which expenditures are usually made. With an appropriation of $150,000,000 it makes it possible for the board to put into effect, in the most badly needed places with reasonable celerity, some relief.

I see no modifications necessary to the three bills. My personal opinion is that if passed by Congress it will be a very definite step ahead in recognizing the unemployment problem as one that must be constructively handled as a matter of far-reaching public interests.

Some time I should like to have the opportunity of talking over with you the whole situation more in detail and the working out in practice the proposals set forth in the bill and I should be glad to be of any service I can by appearing before the congressional committee if you so desire and giving any information I have which might help in the passage of the bill.

Let me again thank you for the opportunity of commenting on the three bills submitted.

Yours very sincerely,

F. A. SILCOX,
Director Bureau of Industrial Relations,
New York Employing Printers' Association (Inc.).

UNIVERSITY OF VIRGINIA,
University, Va., September 21, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I regret very much that my reply to your letter of August 10, relative to the set of bills introduced by you in Congress on the unemployment situation, has been delayed so long. The delay has occurred because of my absence on the Pacific coast during the summer.

The bills introduced by you have my hearty support and approval. I have read them and find no objectionable feature in any of them. That there should be established a United States employment service in conjunction with the Bureau of Labor, which, in turn, will cooperate with the various State departments of labor whenever possible, is, I think, beyond question. The rapidity of the labor turnover in this country and the seasonal unemployment, together with the bad results of business cycles, make it both desirable and necessary for the Federal Government to aid in the solution of these problems. For example, I have spent the past summer in Los Angeles. I was told by various business men and building contractors that at least 100,000 people were unemployed in that city and were daily seeking employment without success.

I trust that you will receive the support and encouragement which you deserve in your efforts to have these bills passed at the next session of the Congress.

Yours very sincerely,

TIPTON R. SNAVELY,
Professor of Economics.

THE OHIO STATE UNIVERSITY,
Columbus, August 30, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: Permit me to thank you for the privilege of examining the bills which you sent relative to the unemployment situation. I am deeply interested in your efforts in that direction and realize, I think, something of the importance of the problem. However, I have not made a sufficient study of it to offer any constructive criticism of value at this time. Bills S. 4157 and S. 4158 strike me, on casual examination, as decidedly helpful. Whether bill S. 4307 is a step in the right direction is a question on which I have more doubt, though I should not express myself as definitely opposed to it without further study of the subject.

Very truly yours,

LEWIS M. SIMES.

NEW YORK UNIVERSITY,
DEPARTMENT OF ECONOMICS,
New York, September 20, 1928.

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WAGNER: Your letter of August 10 and the unemployment bills inclosed just came to my hand. I am delighted that you have introduced these bills and that they tackle problems which have been greatly neglected in this country. An industrial nation which prides itself on the efficiency of its business methods should certainly be able to see that it is "good business" for employers and employees to have in existence instrumentalities which help to coordinate the demand for and supply of labor.

In connection with the bill providing for the collection of data I am wondering whether it will be necessary, ultimately, if not now, to include a clause giving the Department of Labor power to require employers to furnish the necessary data.

In section 4, page 4, lines 5 to 7, of the bill establishing an employment service I am wondering why the words "and shall not be less than the amount so appropriated by such State for public employment offices in the year 1918" were included. I was not aware, as section 7 seems to indicate, that there were unexpended balances of appropriations made for war emergency employment service which may be utilized now.

In section 5, line 19, of the bill providing for emergency construction of public works, why should it not read, "he (the President) shall transmit to Congress by special message," rather than leave it to his discretion?

Do you not think that the Federal unemployment stabilization board should be called the Federal employment stabilization board, as being more appropriate to its real functioning? As I see it, the board is to help stabilize employment.

These bills should have the support of all people who desire to help relieve poverty through providing employment. They should appeal also to all who are interested in the stabilization of business in general. For to provide as many people as possible with work is one of the most effective means of coordinating production and consumption throughout the economic system.

Wishing you success in your efforts to enact these bills into law, I remain,

Yours sincerely,

ARTHUR E. SUFFERN.

UNIVERSITY OF NEW HAMPSHIRE,
Durham, N. H., September 10, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: In response to your letter of August 10, in which you inclosed the copies of the three bills introduced by you in the last session of Congress, concerning which you invited my comment and criticism, will say that I have just gone through these bills and should like to place myself on record as favoring all three in principle.

Bill S. 4158 would be valuable in giving to the general public and those especially concerned with labor an authoritative knowledge of the labor turnover and hours of employment. I hope you may be successful in securing its passage.

Bill S. 4157 provides for a very much needed national employment system. For the last seven or eight years I have given some time in my labor lectures to my classes in economics to the need for the establishment of such a system. I am pleased to know that you have taken the initiative in Congress for this needed measure.

The third bill, S. 4307, provides for the emergency construction of certain public works for the relief of unemployment. In the general provisions of this bill I find myself in hearty accord. The principles of the bill should be enacted into law.

Very sincerely yours,

H. W. SMITH,
Professor of Economics.

THE NEW REPUBLIC,
New York City, August 28, 1928.

Senator ROBERT S. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have read carefully the three bills which you have drafted to deal with unemployment, and I am heartily in sympathy with the objects of all three. As far as I can see, without a more exhaustive study than I have been able to make, they are well adapted to accomplish the purpose you have in mind. Of course, I am not an expert in drafting, nor have I made a careful enough study of the administrative features to be able to say whether any changes would be desirable.

Sincerely yours,

GEORGE SOULE.

NEW YORK, N. Y., *September 12, 1928.*

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: Your letter of August 10, sending me for consideration three bills introduced by you into the last Congress, reaches me after my return to New York.

I have read all of these with great interest and sympathy. You are at liberty to use my personal name as very distinctly indorsing and approving of these three measures.

I sincerely hope that your efforts will lead to their adoption in the early future.

Cordially yours,

ORDWAY TEAD,
Economic and Business Books.

UNIVERSITY OF PITTSBURGH,
SCHOOL OF BUSINESS ADMINISTRATION,
Pittsburgh, Pa., October 17, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I have examined copies of Senate bills 4157, 4158, and 4307, which you kindly forwarded to me. I find myself in general agreement with all three measures and feel that you are to be congratulated in taking a special interest in this fundamental problem, which has recently been intensified by the rapid technical progress of American industry and resultant increase in man-hour productivity.

May I ask whether you have been in touch with Mr. Otto T. Mallory, of Philadelphia, who has given so much time and effort to the idea of a prosperity reserve and public-works planning to stabilize employment, and whether bill 4307 has the backing of his national group? No doubt you have been in touch with Dr. John B. Andrews, of the American Labor Legislation Association. I shall be glad to learn whether the association has approved and will back these measures in the next Congress.

Sincerely yours,

FRANCIS TYSON,
Professor of Economics.

THE CORNELL LAW SCHOOL,
Ithaca, N. Y., September 11, 1928.

Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I beg to acknowledge receipt of your letter of August 10, together with the inclosed copies of Senate bills Nos. 4157, 4158, and 4307, introduced by you with respect to the creation of a Federal system to aid in the solution of the problem of unemployment.

I have read the copies of the bills and approve the coordination of the proposed Federal employment service with such State agencies as now exist or which may be hereafter established. I also approve the provision in bill 4307 for emergency construction of certain public works to relieve unemployment during business depressions by means of a Federal unemployment stabilization bureau.

The creation of such a national employment system would seem to provide an opportunity for nation-wide uniformity with respect to child labor laws. Whether this should be brought about by specific provision in the bills or left to be worked out in the administration of the act under the clause providing for "establishing and maintaining uniform standards, policies, and procedure" (sec. 2, bill No. 4157) is a matter upon which judgments may differ. Personally I favor the inclusion in such a bill of an enumeration of the legal qualifications governing employment to juniors in gainful occupations, and granting Federal appropriation only to those States which conform thereto.

I note that these bills do not make any provision for payment by those who receive the service. It would seem only reasonable that the employee and employer who are benefited by those services should pay a reasonable fee therefor. To provide for the payment of such a fee would seem in harmony with the recent decision of the United States Supreme Court in Ribnik *v.* McBride (48 Sup. Ct. Rep. 545 (1928)), which held the New Jersey employment act unconstitutional, so far as it empowered the State commissioner of labor to regulate the fees charged by employment agencies, since the provision requiring those assisted by the Federal system to pay the reasonable value of the service would tend to mitigate competition by the Government with the private business of operating employment agencies. I assume that the employee or employer will be required to reimburse the Government for advances of transportation charges. My observation has led me to feel that this is an essential requirement, because even under the present system of private employment agencies many persons will take a job and have their transportation paid, then disappear or leave before they have worked out the amount of transportation. Some method should be adopted to eliminate this shiftless class of employees from the advantages of the service, since obviously there is no method by which they can be legally compelled to remain on the job sufficiently long to earn the necessary wages to reimburse the transportation charges.

Very truly yours,

GEORGE J. THOMPSON.

NORTHWESTERN UNIVERSITY,
DEPARTMENT OF SOCIOLOGY,
Evanston, Ill., August 20, 1928.

Hon. ROBERT F. WAGNER,
United States Senate Building, Washington, D. C.

MY DEAR SENATOR WAGNER: The three bills which you introduced during the last session of Congress would, if enacted into legislation, go far toward realizing a dream I have had for many years. I am deeply impressed by the fact that somebody is at last beginning to take genuine interest in the problem of unemployment, and I sincerely hope that your interest will not prove a mere flash in the pan.

As I read over the three bills I can find only good in S. 4158, as it proposes only an extension of a working arrangement by the Federal and State statistical authorities which has already proved practicable.

From the standpoint of administration in S. 4157, I should only raise the question as to whether the provision for appointing the director general of the United States bureau of employment service by the President would create difficulties within the Department of Labor. It is such a vital element in the department's activities that real team work should be assured. Perhaps this is just an excess of caution on my part. Nevertheless I mention it.

The other question I have in connection with this bill carries with it a much deeper implication of principle. For nearly 20 years I have been convinced that our policy of immigration should be tied up with our problem of employment. I have advocated for a long time a sliding scale of immigration based upon what I have called the real demand for labor, as evidenced by employment statistics and a sense of the business situation as revealed by the activities of a coordinated system of Federal employment bureaus. I can quite see that it would be unwise to mix the two matters in one bill. May I venture to hope, however, that you might address your mind to the problem of coordinating the public employment service, contemplated by your bill, with the immigration service? I shall be glad to put this in more detailed form if you consider it worth while.

With the purposes of S. 4307 I am heartily in sympathy, for I believe that the stabilizing effect of such a long-range policy of public works would be much greater than the stipulated maximum of a hundred and fifty millions a year implies. If it is true that business depressions are psychological and if there is anything in the principle of morale building, the very knowledge of such a definite construction policy, captained by the Federal Government and perhaps followed by States and municipalities, would go a long way toward stiffening the fiber and increasing the stamina of business leaders. In other words, it ought to have a preventive as well as an ameliorative effect. Because I feel so strongly the good possibilities in such a measure, I should want to be sure that it had been safeguarded against the inroads of mere pork-barrel politicians without so many restrictions as to hamstring the measure and limits its effectiveness. All the safeguards you can throw around it in the aspect I have noted will assist in solving our unemployment problem.

Sincerely yours,

ARTHUR J. TODD.

COLUMBIA UNIVERSITY,
New York City, August 13, 1928.

MY DEAR SENATOR WAGNER: So far as I know, you are the only person whose mind and heart are genuinely troubled about our grave unemployment problem and who is in a position to get action. I have watched your efforts with approval. In public print and private effort I hope to uphold your hand.

Sincerely,

R. G. TUGWELL.

AMERICAN ENGINEERING COUNCIL,
Washington, August 17, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: I appreciate very much, indeed, your courtesy in requesting our comment on the set of three bills introduced by you during the last session of Congress.

I have given the three bills a careful reading and find myself in full accord with the principles involved. A more detailed study might cause me to suggest certain changes as to operation, but nothing as to primary objectives.

American Engineering Council has been interested in the matters covered in the three bills. We have supported legislation looking toward such general ends. For instance, we supported the Kenyon bill of a few years ago and the recent Jones bill on the question of prosperity reserve.

I am taking the liberty of sending copies of your bills to the members of the committee on public affairs of American Engineering Council and asking comment thereon. Through this means in due time you will receive from us a somewhat official statement of our point of view.

For these reasons I prefer that you consider this as a letter of acknowledgment. Be assured, however, that in the course of a relatively short time you will receive from us a more comprehensive discussion.

I appreciate your courtesy in calling this matter to our attention.

Very sincerely yours,

L. W. WALLACE,
Exectiuve Secretary.

WESLEYAN UNIVERSITY,
DEPARTMENT OF ECONOMICS AND SOCIAL SCIENCE,
Middletown, Conn., September 8, 1928.

Senator ROBERT F. WAGNER,
Washington, D. C.

MY DEAR SENATOR WAGNER: I am in complete sympathy with the three bills on unemployment introduced by you during the last session of Congress.

As I see it, your bills cover the matter in a thorough and practicable way, making provision for securing and publishing information, employment agencies for the distribution of the mobile labor surplus, and Government program of construction when and where it is most needed to stimulate industry.

I am in no position to criticize the bills in detail, but they seem to me to embody sound and important measures for the treatment of the most difficult and least regarded problem of social welfare.

I sincerely hope that your efforts will be successful and that all three bills will pass.

Respectfully yours,

N. J. WARE,
159 Broad Street, Middletown, Conn.

KNOXVILLE LODGE, No. 160, B. P. O. E.,
Knoxville, Tenn., August 29, 1928.

The Hon. Senator ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: I have read with interest the copies of Senate bills 4307, 4157, and 4158 which you inclosed in your letter of the 10th instant for my criticism and comment.

I refrain from criticizing your bills, because my field of special study and research in economics has been confined to the problems of marketing and merchandising. However, as a student and teacher in the general field of economics, I have long held to the conviction that our Federal Government ought to make a determined effort to obviate and mitigate, in so far as possible, the frequently recurring cyclical periods of business depression, with their concomitant evils of widespread or local unemployment. The economic losses from unemployment in the United States since the Civil War period have aggregated a greater total of dollars than the combined losses suffered by the people of the United States from grasshoppers, boll weevil, chinch bugs, San Jose scale, cedar rust, and other insect and fungi diseases of fruit trees and truck crops, as well as hail storms and tornadoes and floods.

As you well know, our Federal Government has expended millions of dollars in research, experiments, and "extension work" in a generally praiseworthy attempt to control or obviate and mitigate the suffering and losses resulting from most of the above-indicated causes.

My admittedly cursory study of your three bills inclines me to express the tentative opinion that they, all three of them, are altogether consistent with the general trend of the development in the nature and scope of governmental supervision and control of business affairs that are fraught with vital and great social importance. I know of no other practicable way of mitigating the evils of general unemployment or of obviating them on a large scale.

Very truly yours,

GUSTAV PAUL WARBER,
Professor of Economics, University of Tennessee.

ONTARIO, CANADA, *August 20, 1928.*

The Hon. ROBERT F. WAGNER,
Washington, D. C.

MY DEAR SENATOR WAGNER: I have looked through your bills on unemployment. They contain sound proposals which are recognized by all students of this subject as essential to any national program on this subject. It is a disgrace that this country has not put them into force before this, and I trust they may speedily be enacted.

Very sincerely yours,

HARRY F. WARD.

CORNELL UNIVERSITY,
Ithaca, N. Y., September 18, 1928.

Hon. ROBERT E. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: A reply to your letter of August 10 has been delayed until now by my absence on vacation.

I am much interested in the bills which you have introduced. I believe that there is a great need that the Federal Government should make more energetic efforts to secure at frequent intervals information about the amount and character of unemployment in various parts of the United States. I believe also that it is desirable to distribute work done by the Federal Government, either through its own employees or under contract, in such a way as to increase the amount of such work wherever possible when the amount of unemployment increases. In other words, I am cordially in favor of Senate bills 4158 and 4307. Whether the situation also calls for the establishment of a national employment service as provided in Senate bill 4157 I am not so clear.

If these opinions are of any help to you, you are at liberty to use them in any way you see fit.

Yours sincerely,

W. F. WILLCOX.

WASHINGTON AND JEFFERSON COLLEGE,
DEPARTMENT OF ECONOMICS,
Washington, Pa., September 14, 1928.

The Hon. ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

DEAR MR. WAGNER: Your letter of August 10 came to hand during my absence from here on a vacation. That accounts for the delay in answering your communication. I have read the bills which you have submitted, and I am substantially in sympathy with their provisions.

The problem of unemployment is of sufficient importance to justify the enactment of sound legislation aimed to eliminate its evil effects. By the very nature of our present industrial organization the injurious effects of unemployment upon the wage earner are greatly accentuated. Obviously a depreciated purchasing power on the part of the wage earner due to unemployment will tend to depress business, whereas employment and the means to satisfy the demand of the worker for consumptive goods will stimulate business conditions and thus reduce unemployment. In lecturing to college students enrolled in my courses I have repeatedly stressed the need of measures which in the main correspond to the proposals embodied in your bills. Construction of public works during periods of depression and unemployment, a Federal employment exchange operating in cooperation with the State and local governments, and provision for the collection of statistical data dealing with employment conditions, if employed on a sufficiently wide scale, would doubtless go far toward eliminating unemployment and minimizing the bad effects of the business cycle.

I am of the opinion that the legislation called for in your bills is economically justified, and if in effect would meet a real social and economic need. I sincerely hope that Congress will see fit to pass these bills. Even though I am a Democrat I assure you that my judgment in this matter is not influenced by any political consideration, but is the result of a careful study and mature deliberation of the economic issues involved.

I cheerfully make this comment in behalf of your efforts to relieve the unemployment situation, feeling that this cause is worthy of promotion and deserves the encouragement of liberal-minded individuals who have the welfare of the people at heart.

Very sincerely,

M. C. WALTERSDORF.

WISCONSIN FREE LIBRARY COMMISSION,
Madison, August 15, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

Re: Employment bills.

MY DEAR SENATOR WAGNER: Pursuant to your letter of August 10, I have gone over the three bills dealing with phases of the unemployment problem and can say that I regard them as representing collectively the most hopeful attack upon this problem that has ever been presented in Congress.

Taking up these bills in turn, I would like to offer the following suggestions for your consideration:

S. 4157—NATIONAL SYSTEM OF EMPLOYMENT OFFICES

I like the feature of your bill that the State shall have control of the employment offices if they are willing to cooperate. Close contact with the United States employment offices in this State during the war time has led me to the conclusion that any attempt at centering control (other than the determination of general policies) from Washington will not do. The States must have primarily control and responsibility for the employment offices; and this, I understand, is the plan you propose.

With regard to desirable amendments, I would suggest that provisions be made for the formal acceptance of the act by the State legislatures in a manner similar to the acceptance provisions of the vocational education law and of the Sheppard-Towner Act on maternity and infant welfare. Pending the meeting of the legislature, it should be provided that the governor of any State may temporarily accept the provisions of the act. Such formal acceptance by the legislature, I feel, has great value in definitely committing the State to a program of cooperation.

I would suggest consideration of the advisability of writing into the law provisions for advisory committees to be composed of representatives of the employers and the labor unions. The work of the employment offices is of such vital interest to employers and labor unions that every possible effort should be made to insure neutrality in industrial disputes. This was, as you know, one of the great criticisms of the United States Employment Service in the war time, and everything that can be done to remove any fear that a national employment service will necessarily be partisan seems to me worth while.

S. 4158—EMPLOYMENT STATISTICS

Upon this bill I have only the question whether it authorizes the allotment of any part of the $100,000 appropriation to States cooperating in the collection of employment statistics. This seems to me desirable as a fair deal to the States which enter into such cooperative arrangements and also as a method of securing the best results.

S. 4307—EMERGENCY CONSTRUCTION OF PUBLIC WORKS FOR RELIEF OF UNEMPLOYMENT

Upon this bill I have no suggestions whatsoever to offer. It seems to me to utilize every possibility for using public works, financed by the Federal Government, to stabilize private employment.

If there is anything further that I can do to assist you, I trust that you will so advise me.

Very truly yours,

LEGISLATIVE REFERENCE LIBRARY,
By EDWIN E. WITTE, *Chief*.

THE IOWA STATE COLLEGE OF
AGRICULTURE AND MECHANIC ARTS,
DEPARTMENT OF ECONOMICS, HISTORY, AND SOCIOLOGY,
Ames, Iowa, September 13, 1928.

Senator R. F. WAGNER,
New York City, N. Y.

DEAR SIR: Your letter of August 10, 1928, addressed to Prof. J. E. Brindley, has been referred to me as the one who teaches labor in this college.

If it is practicable for you to include in bill S. 4158, line 10, the words "total turnover" or their equivalent, I should suggest your doing so. I think you can perceive the value of it.

I have no other suggestions to make at present. The three bills taken together seem to provide adequately for at least three years the three fundamental requirements of public treatment of the unemployment problem: (a) The statistical basis for foretelling the course of employment; (b) permanent machinery for connecting men with normal employment; (c) provision betimes of emergency employment.

Yours truly,

GRACE S. M. ZORBAUGH,
Associate Professor of Economics.

LONDON SCHOOL OF ECONOMICS,
HOUGHTON STREET, ALDWYCH,
London, W. C. 2, August 25, 1928.

MY DEAR SENATOR WAGNER: I have read the three bills inclosed with your letter of August 10 with much interest. It is hardly profitable at this distance to discuss details, but I am happy to say that I believe each to be, in principle, a wise piece of legislation. Lest this should seem too vague, let me say that if I were a Member of Congress I should vote for all three. The most controversial issues are contained, of course, in S. 4307. I have long held that the principle now embodied in this bill is sound. The only problem would be that of getting a thoroughly efficient and scrupulously unbiased and nonpartisan administration of its provisions.

You will have observed, I may assume, that the efficacy of the remedy depends in large measure upon there not being an equal or offsetting increase of taxation in the year or period within which the remedy is applied. It will help little if the Government merely spends money which the taxpayers might otherwise have spent for themselves, for in such case there would be no effective increase in the aggregate demand for labor. I am inclined to the opinion that if the expenditure from the $150,000,000 appropriated for any year exhausted or more than exhausted the funds available, the best way to handle the matter would be in connection with the management of the public debt. That is, in case of need, the rate at which the debt was being paid off should be reduced. In short, the thing should be so managed that, so far as possible, the money spent by the Government should be a net addition to the aggregate money income of the people of the country. Personally, I would wish that it were politically wise (as it would be economically wise) to raise the maximum expenditure for a single year to $300,000,000.

Sincerely yours,

ALLYN A. YOUNG,
Professor of Economics in Harvard University,
and Professor of Political Economy in the University of London.

ADDITIONAL JUDGES IN NEW YORK

Mr. NORRIS. Mr. President, there have come to me from the Committee on Legislation of the Federal Bar Association, New York branch, some resolutions relating to several proposed items of legislation. I ask unanimous consent that these resolutions may be printed in the RECORD and that they be referred to the Committee on the Judiciary.

There being no objection, the resolutions were referred to the Committee on the Judiciary and were ordered to be printed in the RECORD, as follows:

The committee on legislation of the Federal Bar Association, New York branch, respectfully submits the following resolutions which have been approved by the association for the consideration of the respective committees of the Congress:

"Whereas there is now pending before the Congress of the United States a bill for additional district and circuit judges to be appointed in the Southern and Eastern Districts of New York and Second Circuit; and

"Whereas said additional judges are necessary for the proper administration of justice within those districts: Be it

"*Resolved*, That the Federal Bar Association hereby approves the passage of said bill; and be it further

"*Resolved*, That the committee on legislation and the president of the association be directed to take all proper steps toward presenting its recommendation and approval before the appropriate committees of Congress, * * *.

"Whereas there is now pending before the Congress of the United States a bill authorizing the judges of the United States Circuit Court of Appeals to employ law assistants or law secretaries in circumstances similar to those whereby such assistants are appointed by the Justices of the Supreme Court; and

"Whereas it is the opinion of the association that the appointment of such law assistants is desirable: Now therefore be it

"*Resolved*, That the Federal Bar Association approve the passage of the bill now pending before Congress for the appointment of law assistants or law secretaries to the judges of the circuit courts of appeals; and be it further

"*Resolved*, That the committee on legislation and the president of the association be directed to take all proper steps toward presenting its recommendation and approval before the appropriate committee of Congress.

"Whereas the facilities in the old post-office building have long been inadequate for the proper disposition of the work of the United States District Court for the Southern District of New York and the Circuit Court of Appeals for the Second Circuit; and

"Whereas for several years the Government has been required to rent space in private office buildings to provide offices and chambers for the judges of the United States District Court for the Southern District of New York and for certain rooms for holding court, entailing thereby inconvenience to judges, litigants, and their attorneys, and great expense to the Government; and

"Whereas the inadequate and unsanitary conditions under which the judges and courts must function in the United States Circuit Court of Appeals for the Second Circuit and District Courts for the Southern District of New York are notorious: Be it

"*Resolved*, That Congress be petitioned to provide for the erection of a new Federal courthouse within the Southern District of New York for the business of the United States Circuit Court of Appeals for the Second Circuit, the District Court for the Southern District of the United States and of the United States attorney; and be it further

"*Resolved*, That the committee on the new Federal court building and the president of the association be directed to present this petition to the appropriate committees of the Congress and to take all proper steps toward attaining the passage of the bill looking to a remedy of the conditions herein described.

"Whereas the salaries of the judges of the circuit court of appeals and the district courts, although recently increased, are inadequate, considering the nature and importance of the business involved and of the dignity of the courts: Now therefore be it

"*Resolved*, That the Federal Bar Association urge upon Congress the passage of new legislation whereby the judges of the Federal courts, inferior to the United States Supreme Court, receive, in the case of the district judges, a salary equal to that of the salary paid by the State in which the court is located to the judges of the corresponding State court, and, in the case of the judges of the Circuit Courts of Appeals, equal to the salary paid to the judges of the highest appellate court for that State wherein the court of the circuit court of appeals is located, except that in no case the salary of the judges of the Federal courts inferior to the Supreme Court be less than the compensation at present provided for them by Congress; and be it further

"*Resolved*, That the committee on legislation of the Federal Bar Association and its president be authorized to present this resolution to the proper committees of Congress and to take appropriate steps toward securing its enactment in a bill.

"In accordance with the recommendations by Judges Hughes and Manton, the following resolution was also adopted: Be it

"Resolved, That it is the opinion of the association that a bureau or division be organized in the Department of Justice to have charge of details of administration in all Federal courts. In view of the existence of the Council of Federal Judges organized under act of Congress, it is the view of the association that the duties of that council should be extended to include matters of detail of administration to the end that the United States judges shall have the same administrative authority over their own courts as is now possessed by the judges of the courts of the State of New York."

PRESENTATION OF A HOOVER GAVEL

Mr. DENEEN. It is a great pleasure to present to you, Mr. President, a gavel fashioned from a tree grown in the yard of the Hoover home in Iowa.

I ask the privilege of having the accompanying correspondence printed in the RECORD.

There being no objection, the accompanying matter was ordered to be printed in the RECORD, as follows:

FIRST NATIONAL BANK OF HAMILTON,
Hamilton, Ill., December 8, 1928.

Hon. CHARLES S. DENEEN,
United States Senator, Washington, D. C.

MY DEAR FRIEND: By separate mail, registered, I am sending you a gavel made of wood from a tree planted by Mr. Hoover's father in the front yard of his home in West Branch, Iowa, in the shade of which tree Mr. Hoover as a little boy must have played. Mrs. Scellars, who now owns and occupies the house in which Mr. Hoover was born, handed me the wood and assured me that she superintended the cutting, and she knows, from the apparent age of the tree, that it was there when Mr. Hoover was a little boy.

Will you please be so good as to present this gavel to the Vice President on my behalf, and ask that it be presented at the proper time to his successor and, if proper, with appropriate ceremony?

A determined effort has reduced the history and sentiment to the fewest possible words, and I will feel proud, since I have worked so hard on the language, if the same can be made a part of the official record of the Senate.

Assuring you of my high personal regard, I am

Yours very truly,

ROBERT REED WALLACE.

If this bit of wood could speak our language it would tell of the beginning of the journey of a care-free little boy from a 2-room house on a frontier prairie in Iowa to the White House in Washington, D. C.—to the greatest office in the gift of men and women—to the greatest responsibility that can rest on any one man in the world.

* * * * * * *

A sturdy blacksmith set up his forge and shop on the west branch of a little stream on the western prairie, and across the ox-cart road he established his home, and in the front yard of that home he and his good wife planted a tree and that tree grew in the rich soil and pure air of Iowa—a little boy came and played under the friendly branches of that tree—the scythe of time took the father and mother and the relatives took the little boy and taught him the ways of the farm and the little country school, on which there is no better foundation to build a man; and that man is now the President elect of the United States, the highest office in the gift of men and women, and the greatest possible responsibility that can rest on any man in the world.

This gavel was fashioned of wood out of the tree planted by Mr. Hoover's father and mother—intrinsically it has little value, while, inspirationally, it has immeasurable value if we will allow it to epitomize what can be accomplished by a boy who will apply the very best that is in him to every physical, mental, moral, social, political, and humanitarian problem that presents itself to him; and it is with that inspirational value in mind that the gavel is now presented to the President of the United States Senate.

The people of the United States and of the world are expecting much of Mr. Hoover and his accomplished wife, and I have faith that they will measure up as far as it is possible for human beings to measure up; and I know we will have for our President a man well born, well educated, well seasoned, and widely experienced; a diligent, conscientious, humble, Christian gentleman.

ROBERT REED WALLACE,
Hamilton, Ill.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 5066) extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 5067) granting an increase of pension to Susan C. Kuykendall; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 5068) to provide for the presentation of distinquished-service medals to certain persons; to the Committee on Military Affairs.

A bill (S. 5069) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. SMITH:

A bill (S. 5070) for the relief of George Rivers; to the Committee on Commerce.

By Mr. McMASTER:

A bill (S. 5071) to provide for a sanatorium in South Dakota for tubercular Indian children; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE:

A bill (S. 5072) granting a pension to Matilda Spain; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5073) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; to the Committee on Commerce.

By Mr. BROUSSARD:

A bill (S. 5074) for the relief of Harrison H. Bradford; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 5075) to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march; to the Committee on Military Affairs.

By Mr. GREENE:

A bill (S. 5076) granting an increase of pension to Mary F. Mudgett; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5077) granting an increase of pension to Joseph A. Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5078) for the relief of Maude E. Mayer (with an accompanying paper); to the Committee on Foreign Relations.

By Mr. THOMAS of Oklahoma:

A bill (S. 5079) for the relief of William Sheldon; to the Committee on Claims.

A bill (S. 5080) granting a pension to Blaine E. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5082) for the relief of William H. Connors; to the Committee on Military Affairs.

A bill (S. 5083) for the relief of Henry Dewey Bennett; to the Committee on Claims.

A bill (S. 5084) to correct the naval record of Daniel V. McKendry; to the Committee on Naval Affairs.

By Mr. WATSON:

A bill (S. 5085) to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways; to the Committee on Interstate Commerce.

VIOLATION OF TRAFFIC REGULATIONS BY OFFICIALS

Mr. SACKETT. Mr. President, I introduce a bill for reference to the Judiciary Committee and a resolution which I request be referred to the Committee on Foreign Relations. It is my thought that after these matters have been considered by the Committee on the Judiciary the bill ought then to be considered by the Committee on Military Affairs and the resolution by the Foreign Relations Committee.

If I may be indulged by the Senate but a moment, the purpose of these two measures is to promote the public safety. The bill seeks to secure the dismissal from Government service of any employee of the United States or the District of Columbia who shall have been legally convicted of operating a motor vehicle or automobile while under the influence of liquor. The resolution seeks to declare the sense of the Senate that the President should request the recall of anyone connected with a diplomatic mission who pleads his immunity in response to charges of operating an automobile while under the influence of liquor or who is convicted of doing so.

I wish to say to the Senate that these measures are not prohibition bills. They are not introduced in response to sugges-

tions of any interested groups. At the same time, it is perfectly apparent to all men that since the tremendous increase in motor traffic there has come into general use an instrument of danger and hazard which results in the death or maiming of thousands of people annually. The danger of the operation of motors on highways or in city streets is abundantly disclosed in the daily list of accidents, even when operated by those who are as skilled and capable as our present-day necessities of transportation will permit their operation to be confined. When this same dangerous equipment is guided by drunken drivers they become a menace to every law-abiding citizen and to the members of their families, against whose irresponsible driving there can be no protection whatever.

Based on the declared policy of the country in outlawing the liquor traffic, it would seem that the Federal Government should take the lead purely in the interest of public safety in eliminating the menace of the intoxicated driver of these instruments of danger. There is surely no excuse for the continued employment of individuals in the public service who have so conducted themselves as to produce this danger. The bill seeks to make the dismissal from Federal service after conviction mandatory and avoids the influences which would often gather to produce leniency on the part of the employment official. It applies with equal force to the civil service and to the Military and Naval Establishments. It is purely in the interest of the public safety. It is in response to the frequent notice in the public press of the numerous accidents ascribed to the propensity to mix alcohol and gasoline.

It is my hope that such action by the Federal Government will lead to similar action by States and municipalities and lead to similar dismissals by business enterprises as showing one method by which they can definitely assist in the movement of the safety councils, whose efforts are directed to rendering the operation of motors in the United States as safe and sane as circumstances will permit.

Mr. KING. Mr. President, I wish to inquire of the Senator if he has offered a resolution or bill carrying out the purposes outlined by him?

Mr. SACKETT. I offer a bill and a resolution.

Mr. KING. To which committee does the Senator ask that they be referred?

Mr. SACKETT. I ask that the bill be referred to the Judiciary Committee first, and that afterwards the bill be referred to the Committee on Military Affairs, to make sure that the provisions thereof would be properly applied. The resolution I desire to have referred to the Committee on Foreign Relations.

The bill (S. 5081) to provide that no salary or wages shall be paid to certain officers and employees convicted of operating motor vehicles while under the influence of intoxicating liquor, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

Mr. SACKETT submitted the following resolution (S. Res. 283), which was referred to the Committee on Foreign Relations:

Resolved, That it is the sense of the Senate that the President should request the recall or dismissal of any diplomatic agent or member of the official or nonofficial suite of a diplomatic mission of a foreign country, who asserts his immunity from arrest or prosecution for the offense of operating a motor vehicle while under the influence of intoxicating liquor, or who is convicted of such offense in any court of competent jurisdiction.

STONEWALL JACKSON (S. DOC. NO. 173)

Mr. OVERMAN. Mr. President, some time ago the junior Senator from South Carolina [Mr. BLEASE] made an address in the Senate in which he included a short section of the life of Stonewall Jackson, by Miss Anna Jackson Preston, the granddaughter of Stonewall Jackson. There has been a great demand for it. We are unable to furnish copies of the RECORD containing it. Therefore I ask that it may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

THE BOULDER DAM ACT

Mr. ASHURST. Mr. President, I ask to have printed in the RECORD the Boulder Dam bill as it passed the Senate. I do this because requests for copies of the bill are so numerous that I am unable to comply with them.

Mr. SMOOT. Mr. President, I suggest to the Senator that he do not make that request. If it is for the purpose of sending copies of the bill to the public, it ought to be printed as a public document and not in the RECORD, which would require the Senator to send out a complete copy of the RECORD.

Mr. ASHURST. I do not care to ask that it be printed as a public document.

Mr. SMOOT. I ask the Senator not to have it printed in the RECORD.

Mr. ASHURST. Very well; I shall not press the request.

SAFETY AT SEA

Mr. VANDENBERG. Mr. President, I am in receipt of a letter from Mr. Felix Riesenberg, who is a very famous and internationally known expert on questions of safety at sea, in which he challenges Congress to make an inquiry into this problem and declares that it inevitably would result in great advantage. I want to make the suggestion that Mr. Riesenberg should be called as a witness in the event of such an inquiry. I present an excerpt from his letter and from his article for the RECORD, and ask that the paper may lie upon the table and be printed in the RECORD.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

[Excerpts from letter to Senator VANDENBERG from Felix Riesenberg, of New York City, dated December 15, 1928. Mr. Riesenberg is the author of a standard work entitled "Standard Seamanship," which is recognized throughout the world as a textbook on the subject]

The whole subject of safety at sea goes far beyond that of merely the type of equipment. We are paying some attention at least to equipment and practically none at all to the training of the men who are intrusted with our lives in the handling of the ship. I would like to see a thorough-going investigation by the Government impressing the important question of our lack of adequate facilities for training men in the very difficult profession of the sea. Our condition is almost as bad as it would be ashore if the hospital authorities devoted all their attention to the equipment of hospitals, let us say, and nothing whatever to the training of surgeons.

We have three small school ships, supported very largely by Federal funds, but limiting their admission to boys of the States of Massachusetts, New York, and Pennsylvania. These ships, on the whole, are indifferently managed, and in some instances that I know of by persons totally unfit to have anything to do with the training of youth.

I think this is a most fruitful field for serious senatorial investigation in order that a national school ship act may come into being, with school ships under the Federal Government commanded by active naval officers with an approved curriculum suitable to merchant marine service training, particularly in the handling of boats loaded with passengers, such training to be open to every American boy desiring a career at sea, either on deck or in the engine room. Should such an investigation start, I would be in a position to give the committee a great deal of practical information of a constructive nature, and I know of many sources from which further help could be obtained.

[Excerpt from an article in The Nation of November 28, 1928, dealing with the subject of the steamship *Vestris,* and written by Felix Riesenberg]

The lifeboats are lifted from their chocks and lowered in port, to comply with the letter of the law, but in no adequate way does this assure any degree of skill in their handling. Certificated lifeboat men are created by some mysterious method not directly connected with the actual handling of lifeboats in a sea. Boats themselves, after certain statutory requirements have been met, vary greatly. No tests have been made to determine and insist upon the staunchest form of construction. Boats called "lifeboats"—and more properly death boats—are built in the cheapest way of sheet metal, easily punctured, and impossible to repair in an emergency. Other boats are simply planked, easily stove in, and are difficult to keep tight when drying out on the boat deck of a ship. The best boats are those built of two thicknesses of stout oak planking, crossed in diagonal laps, riveted together, and strengthened by heavy waterproof canvas laid between the layers. These boats can not be stove in except by some extreme force, but they are expensive equipment. Costs and safety to life are often balanced with the scale inclining toward economy.

And with all of the boat equipment cluttering the upper works of steamers, how little of it can be used. The crews of steamers constantly change, the men never have practice in lowering boats in a heavy sea, they seldom have organized practice in rowing, and almost never lower all boats at one time. Such precautions are too much trouble.

The safety of the million or so of passengers on the sea to-day is largely a matter of chance. Knowing the terrible risks, the almost insurmountable difficulties, shipmasters alive to their responsibilities grow prematurely old through worry.

CHANGE OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 5025) providing an appropriation for the reconditioning of the frigate *Constitution,* and it was referred to the Committee on Naval Affairs.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate.

PANAMA AND NICARAGUAN CANALS

Mr. EDGE. Mr. President, I ask unanimous consent that the leading editorial in the Washington Post of to-day may be printed in the RECORD. The editorial is commendatory of the proposal contained in Senate Joint Resolution 117, for a survey of the Nicaraguan and Panama Canals facilities.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

PAVING THE WAY FOR NICARAGUA

The Senate has before it a resolution offered by Mr. EDGE, calling for a complete survey of the proposed Nicaraguan canal. New shipping facilities across Central America are not needed immediately, but the problem is one that should have attention to clear the way for future development.

Increases in traffic through the Panama Canal have exceeded all estimates. In 1915 only 1,075 ships, carrying 4,888,454 tons of cargo, passed through the canal. By 1928 the number of ships had increased to 6,456 and the tonnage to 29,630,709, an increase of more than 500 per cent. However, the present traffic is only 45 to 50 per cent of the canal's capacity. At the present time the Government is spending approximately $12,000,000 on the Alhajuela project to increase the water supply of the canal. Its capacity can be further increased by nearly 70 per cent by the installation of a third set of locks. These improvements, with some additional dredging work at a total cost of from $125,000,000 to $150,000,000, will increase the capacity of the canal to 100,000,000 tons per year.

It can not be expected that shipping through the canal will increase as fast during the next 10 years as it has in the past decade. With the improvements contemplated, the present canal will serve the needs of the world for many years to come. The United States need not invest in a new interoceanic route as long as the present facilities are adequate.

However, this does not alter the fact that the Nicaraguan Canal is an economic necessity of the future. It is perhaps safe to assume that the capacity of the Panama Canal will be reached before 1960. The United States should be ready with the Nicaraguan canal before that time.

The United States has paid Nicaragua $3,000,000 for the right to construct the canal and establish necessary naval bases for its protection. The recent visit of President-elect Hoover brought out the fact that both President Diaz and President-elect Moncada are in favor of the project. They are urging that their country contribute to building the canal, on the ground that it would be economically advantageous to Nicaragua.

Construction of the canal involves the consent of Honduras and Costa Rica. The diplomatic phase of the problem may take years to iron out. Now is the most propitious time to begin this work. Since the canal is an economic necessity of the future, and since the United States could not countenance its construction by another nation, the Government can not begin too soon to pave the way for its ultimate completion. Actual construction of the project would require a number of years. The Senate can well afford to begin collecting up-to-date data and the Government should take advantage of this favorable time for eliminating international difficulties in the way of the project.

THE WRIGHT CEREMONIES AT KITTY HAWK, N. C.

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Star entitled "The Wright Ceremonies," in which the writer deals with the unfortunate controversy between the Wright brothers and the Smithsonian Institution. It is an editorial which ought to have wide circulation.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

THE WRIGHT CEREMONIES

Air-minded America yesterday doubtless went through a complexity of emotion when the entire world, figuratively, gathered on a bleak, wind-swept waste at Kitty Hawk, N. C., to do honor to the Wright brothers, Wilbur and Orville, who 25 years ago made man's first flight into the sky. Ever since that historic day when a hatless Coast Guardsman burst into a rural tavern near Kitty Hawk with the enthusiastic declaration, "They've did it; they've did it! Danged if they ain't been and flew." Wilbur and Orville Wright, the former now dead, but the latter modestly the recipient of international honors, have been acclaimed as the first humans to go aloft in heavier-than-air flight. The mixture of emotions, however, with which America viewed yesterday's impressive ceremonies at Kitty Hawk is due to the fact that while unequivocally the Wright brothers were the first to go aloft, their machine, the pride of this country to-day as it was 25 years ago and the symbol of America's parenthood and sponsorship of aviation, rests in a British museum instead of on the soil of the United States, where it was conceived and where it began to function to create a new era in the present-day civilization.

There is no one in this or any other country who will deny that the proper place for the first machine to fly successfully is in the United States. The controversy which has raged for years between Orville Wright, to whom the world gave felicitations yesterday, and the Smithsonian Institution, and which finally sent the first plane to England, should never have been begun.

With the institution insisting that a label should be affixed to the Langley plane, which slightly antedated the Wright machine, that it was believed "capable" of flight, and Orville Wright contending that the inscription was unfair to him and his brother, who actually made the first flight, the unhappy condition reached its crisis when the Wright airplane was sent across the water.

Unquestionably, each side of the controversy has its supporters, but in view of the momentous event which was celebrated yesterday at Kitty Hawk the time would seem propitious to begin a movement to bring back the plane to this country. The first step in this direction should be taken by the Smithsonian, which, regardless of the strength of its feeling that the Langley plane could fly, should make its peace with the inventor of the plane that did fly. It is simply a case of fact and theory. It is a theory that, if properly launched, the Langley machine was capable of flight. It is a fact that the Wright machine, which was properly launched, made the first ascent into the air carrying a passenger. Mr. Wright undoubtedly takes the position that it detracts from the prestige of his and his brother's accomplishment to place their plane beside a ship which dropped into the Potomac River on its attempt to get into the air, and which did not actually fly until 1914, 11 years later, after it had been thoroughly reconditioned through the advanced knowledge of aeronautics that had been acquired by that time. It would indeed be a graceful move on the part of the Smithsonian and one that would be gratifying to millions of Americans if it would end once and for all the unfortunate bickering that has robbed this country of one of its choicest treasures.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

The message returned to the Senate, in compliance with its request, the bill (S. 584) for the relief of Frederick D. Swank.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the enrolled bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States, and it was signed by the Vice President.

GOVERNMENT REPORT OF COTTON GINNED

Mr. SMITH. Mr. President, I send two telegrams to the desk, which I ask may be read. They are typical of numerous others which I have received. After they shall have been read I desire to call the attention of the Senate to the question involved, which is a matter of great importance to us in our section of the country and to the public at large.

The VICE PRESIDENT. The telegrams will be read.

The telegrams were read, as follows:

GREENSBORO, N. C., *December 20, 1928.*

Hon. E. D. SMITH:

With the small ginnings to-day it is absolutely positive that the Government has overestimated this crop. Can't you get the Secretary of Agriculture to issue some statement and enable the farmer to get a fair price for the cotton he will sell before Christmas? I think this should be attended to immediately.

Kindest regards,

PIERCE C. RUCKER.

ST. MATTHEWS, S. C., *December 21, 1928.*

Hon. E. D. SMITH:

Reports every county entire Cotton Belt show total crop nearest ginned any crop last five years. Five-year average ginning 94 per cent. Ginning yesterday presents proof crop overestimated. Minimum half million bales overestimate, added to effect of manipulation, in basis and differences, causes farmers stupendous loss. Urge you immediately issue statement pointing out overestimate crop; also that your committee immediately take action to prevent continued manipulation of basis statement from you showing overestimate. Action concerning manipulation basis vitally necessary save part losses on small amount unsold cotton on farmers' hands.

J. S. WANNAMAKER,
President American Cotton Association.

Mr. SMITH. Mr. President, on yesterday the semimonthly report as to cotton ginned up to December 13 stated that the total amount up to that date was 13,148,000 bales. For the half month preceding only 500,000 bales had been ginned. All of us who are acquainted with cotton production and its preparation for the market know that from now until the end of the season ginning will steadily decrease, until the final report shall be made about the last of January, which indicates that if the averages run as they have heretofore the crop will fall perhaps more than half a million bales short of the Government estimate.

This is particularly unfortunate at this time. What I rose to call attention to, Mr. President, is to two unfortunate blunders on the part of the Government in relation to the price of cotton. We had an investigation as to the cause of the disastrous drop in the price of cotton in 1927, and the consensus of opinion was that responsibility should be placed on the unfortunate statement by the Bureau of Economics in September, when the cotton was made and no more could be added to the crop, which was a comparatively small crop. At the time the statement was made cotton was selling around 24 and 25 cents, but the statement issued by the bureau that the price of cotton was likely to fall in the following month precipitated such a decline that the price went to 17 cents per pound, and something like $35 to $40 a bale was lost on every bale of cotton remaining unsold at the time of the official statement.

After a thorough investigation by the committee, which disclosed some facts which I hope will be the basis of action hereafter in this body, cotton began to rise to the price to which it should have gone, that is, to a point showing a reasonable profit above the cost of production. Having just about again reached the 23, 24, and 25 cent level, the Bureau of Crop Estimates comes out with the statement that the increase in acreage for 1928 over the acreage for 1927 was 12.9 per cent, or practically 13 per cent. That statement, in which the board figured the crop as ultimately being 14,373,000 bales, precipitated another decline, from which the price of cotton has not recovered.

I am going to act in my own capacity first, and then if I can not get a satisfactory reply—which I do not doubt I will get—I will take further steps. I am going to ask them to give me in detail the names of the persons who reported to them the amount of increase and what methods they used in arriving at the estimate. I am as morally certain as that I am standing here that it was practically doubly overestimated, for 13 acres to every hundred acres is a tremendous increase in the cotton planted in 1928. Of course, if there had been a disastrous season, with that enormous increase the total volume would have been equal to or in excess of a normal year. So disgusted did different parties become that they practically left the market to the farmer himself without any support.

Now there comes an estimate as of December 31 of 14,373,000 bales. Up to December 13 there had been ginned only 13,148,000 bales, so that in order to reach the estimate predicted by the department there will have to be ginned from December 13 to the end of the season 1,225,000 bales. There is not a man from the Cotton Belt who believes that much more than half of that amount will be ginned from now on. There were ginned from November 13 to December 1 some 800,000 bales of cotton; from November 1 to November 13 there were ginned in excess of a million bales; so that the rate of decrease in ginning is rapidly progressive after the 1st of December is past, as indicated by the fact that from December 1 to the 13th there were only ginned 587,000 bales. From December 13 to January 1 it is not likely that there will be ginned in excess from 350,000 to 400,000 bales and from then on it is not likely that there will be ginned more than a half a million bales all together. I have the figures for 10 years before me and they bear out my statement, except for two years of excessive production when we did not have enough hands to pick the cotton.

In 1927 we made 17,755,000; we made so much cotton that the force available for the gathering of it could not gather it as efficiently and as rapidly as it could in the case of a normal crop; but taking the normal crops there is a rapid winding up of the ginning from December 1 to the end of the season.

I charge here and now that the Agricultural Department, by its statement along about the 1st of August that there was an increase of 13 per cent, or 13 acres in each 100 acres, precipitated the stagnant condition in the cotton market and added untold loss to those who produce it.

This has been the psychological effect: In 1927 the department issued a statement through the Bureau of Economics that cotton would decline. It did decline. In August, 1928, it issued a statement that the increase in acreage had more than trebled any previous increase, being 13 per cent, and all the friends of cotton who believed it ought to bring at least a price sufficient to remunerate the grower quit the market and left it in the hands of those who were unfriendly.

I shall take occasion, Mr. President, immediately after the holiday recess to ask the committee to take up the question as to the reliability of the source of the increased estimate. I want the names of the individuals, by States, and their postoffice addresses and those who were appointed to do this work by the Government, their qualifications, and what methods they used in estimating an increase of 13 per cent. Then I want to find out just what effect, if any, on prices the Textile Institute—which to me, at any rate, seems to be gathering in all the industries engaged in the spinning of yarn and the manufacturing of cloth—is having upon prices, and also whether or not any one great firm is being used or any great firms are being used for the purpose of furnishing the cotton to the spinners of the world to the exclusion of others. I wish to get those facts, in conjunction with acquainting the public with just what has been the effect of the statement and what is the credibility of the sources of the information back of it as to the increase of acreage, and, as suggested by the Senator from Louisiana [Mr. RANSDELL], where these alleged increases occurred.

Mr. HEFLIN. Mr. President, just a moment.

I am in hearty agreement with the Senator from South Carolina [Mr. SMITH]. I have received a number of telegrams on the same subject; and I had printed in the RECORD just a few days ago a telegram from the commissioner of agriculture of the State of Georgia. He said that the crop in Georgia was overestimated by 58,000 bales. This information was gathered by the agricultural agents of the State of Georgia. The commissioner's telegram concludes:

If the Federal bureau has overestimated the crop in other States as has been done in Georgia, Senator HEFLIN, of Alabama, is very conservative in his statement that the crop for the entire Cotton Belt has been overestimated 500,000 bales.

Mr. President, the storm and flood in South Carolina and in the southern part of Georgia destroyed a great deal of the cotton crop. As I said the other day, the boll weevil has been very destructive in some of the States; and in many other States where some of the cotton was rank and well fruited and promising the continuous rain rotted the bolls; and as far as the alleged increase of the acreage is concerned, I think the Senator from South Carolina is entirely right.

I take it that the Members of Congress from all the States of this Union are interested in seeing that the farmer has a fair deal. The Government's estimates ought to be scrutinized very carefully; and if any injustice has been done to the producer in any section, we ought to be prompt in going to his rescue.

The Senator from South Carolina is right. I think that the chief of this bureau or the Secretary of Agriculture ought to make a statement that in view of the facts that have now been developed he thinks the estimate too large.

A great deal of damage has already been done. The estimate that was made broke the price of cotton more than $5 a bale. That meant a good deal on a crop of between thirteen and a half and fourteen million bales. So I am ready to cooperate with the Senator from South Carolina, and I know the other Senators from the South are, in taking the steps necessary to have absolute justice done the cotton producers of the United States.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 22, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *December 21, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who dost possess the sweetest passions of the human heart and in infinite measure, we praise Thee; Thou whose boundless skill has made the worlds and shapes their destiny, we bless Thee. By every tenderest title of human affection, Thou dost make Thyself known to the heart that loves and aspires. O blessed Lord God, we would chant the psalm of thanksgiving and seek to grow wiser and purer. May our faith not become blind; may the anchor of our hope not break, nor our love become frozen in the chill embrace of a worldly life. By Thy providence overrule our ignorance and mistakes; save us from defeat by Thy knowledge and wisdom. Permit us not to fail our country nor sin against our own souls. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7324. An act for the relief of Orla W. Robinson.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; and

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 4126) entitled "An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15089) an act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS to be the conferees on the part of the Senate.

FREDERICK D. SWANK

The SPEAKER laid before the House the following order of the Senate, which was read:

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 584) entitled "An act for the relief of Frederick D. Swank."

The SPEAKER. Without objection, the request will be granted.

There was no objection.

RULE XIII

Mr. RAMSEYER, from the Committee on Rules, submitted the following report, for printing, which was referred to the House Calendar and ordered printed.

Mr. RAMSEYER, from the Committee on Rules, submitted the following report, to accompany House Resolution 278:

The Committee on Rules reports House Resolution 278 to the House with the recommendation that the resolution be adopted. The resolution provides for the amending of Rule XIII of the House of Representatives.

House Resolution 278

Resolved, That Rule XIII of the Rules of the House of Representatives be amended by inserting a new paragraph following paragraph 2, which shall be known as paragraph 2a, and shall read as follows:

"2a. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

"(1) The text of the statute or part thereof which is proposed to be repealed; and

"(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to be made."

A SUMMER WHITE HOUSE IN OREGON

Mr. KORELL. Mr Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of a summer White House, and to incorporate therewith a brief editorial from the Spectator.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD upon the subject of a summer White House. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker, when the decision to establish the National Capital in the District of Columbia was made, the population of the United States was confined almost entirely to the Atlantic coast. In those days methods of transportation were crude and very slow. New York, Boston, Richmond, Philadelphia, and other points within the original thirteen States were many days and weeks apart. However, as the District of Columbia was near the center of population it was without doubt, but without reference to climatic conditions, a logical selection.

Since the establishment of the National Capital in the District of Columbia the center of population has steadily shifted westward. At the present time it is located somewhere in the Mississippi Valley, probably west of the Mississippi River. But western migration has not stopped there. It has gone far beyond this point. To-day a large and rapidly growing population has spread along the Pacific coast. Many thriving cities and communities have sprung up. Others are coming into existence. The whole territory teems with nascent ideas and potential accomplishment. Without doubt many of the Nation's most important activities will soon be concentrated there.

It appears almost idle for me to add to what I have already said, that the great settlement and development of the Pacific coast has been in a large measure due to improved methods of transportation. In the lifetime of many now living this continent has been spanned with steel rails and ribbons of hard-surface roads. Airways are being laid out and transcontinental air travel is just beginning. All of this means that the distance between the Atlantic and Pacific coasts has been reduced so that with the inauguration of 24-hour air service, which we will have shortly, the relative distances between Washington, D. C., and any one of the major Pacific coast cities will not be as great as the distance between Washington and Philadelphia in the days of Washington, Adams, and Jefferson. In fact, the telephone and telegraph make connection between the Atlantic and Pacific coasts almost instantaneous.

I take this occasion to call this matter to the attention of the House because I have recently observed considerable agitation in some quarters for the establishment of a summer White House "somewhere in the West," and I am anxious that the claims of my native city, which are great from the standpoint of health, beauty, convenience, and accessibility, shall not be overlooked in connection with any deliberations of the members having this proposal in charge.

To supplement my remarks upon this subject I take pleasure in incorporating and placing in the RECORD an editorial written by Hugh Hume, editor of the Spectator, a weekly paper printed and published in Portland, Oreg.:

[Editorial from the Spectator of Saturday, December 15, 1928]

LOCATION FOR SUMMER CAPITAL

There was a time when a proposal to establish the Capital of the Nation on the western side of the Mississippi would have evoked more smiles of derision than of sympathy. Now the proposal to place the National Capital nearer the center of population, where it would be easy of access to a large proportion of our citizens, is discussed in sober earnest by speakers and publicists. All whose opinion of the subject is not affected by the view they get of Washington from their front verandas agree that it was a monumental blunder to build the Capital where it now stands; and everybody knows that while the blunder was, under the circumstances, pardonable when it was made, it is now irreparable. We shall not move the Capital—unless there should happen to be a repetition of the incident of 1812, which the World Court and League of Nations may be expected to make impossible.

But while with the aid of international peacemaking agencies with which we do not choose to associate, the Capital may be considered reasonably safe from foreign attack and pillage, its climate is so variously insalubrious that those only who can not possibly escape from its miasmatic atmosphere have the hardihood to make it a place of permanent residence. In winter Washington's climate is insufferable, and in summer it is deadly.

President Coolidge, than whom there is no public official better versed in the employment of euphony, tells us in one of his infrequent bursts of confidence that while the White House is the place in which all good American citizens should aspire to reside, Washington is quite a bit short from filling the requirements of an ideal summer resort. He has found it so intolerable that he suggests the establishment of a summer capital.

His choice is Bluemont, Va. (about 85 miles from Washington), where the Department of Agriculture established a meteorological observatory that is to be abandoned.

The Spectator takes the liberty of thinking that if this country is to have a winter capital and a summer capital, at least one of them should be located where the fresh, balmy, and healthful all-the-year climate gives zest to labor and makes life so much worth living that officials might be willing to forego part of their salaries merely for the privilege of enjoying it. The Spectator knows the very place where the summer capital should be established. It is in the garden spot of the world. From the windows of the private office of the President, five glittering snow peaks could be seen; in the foreground two glorious rivers meet in a mighty flood that flows majestically to the Pacific Ocean, carrying the commerce of a new empire to all the ports of the seven seas. For the relaxation, recreation, and pleasure of the officials, nature has provided the finest fishing and hunting on the continent; before breakfast, the officials could enjoy swimming, canoeing, or golf; and between tea and dinner, skiing and snowshoeing. Portland is the ideal location for the summer capital—that is, if we are to have two capitals.

Perhaps it would not be either just or judicious to establish the proposed summer capital so close to Washington; our officials should get out and see this great country, and the people of this great country should see them. The strong belief that the capital is too far removed from the center of all except the political activities of the Nation will not be abated by the establishment of a summer capital so near Washington.

SUPREME COURT BUILDING

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13665) to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 13665, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PRODUCTION OF LIVESTOCK IN CONNECTION WITH IRRIGATED LANDS

Mr. COLTON. Mr. Speaker, by direction of the Committee on Public Lands I ask unanimous consent that the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico be rereferred to that committee. The bill was reported out by the committee and the committee desires to give the bill further consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, do I understand that this is at the request of the committee itself?

Mr. COLTON. Yes.

Mr. GARNER of Texas. Was there any objection to the suggestion?

Mr. COLTON. None at all. The committee by a unanimous vote requests that this bill be rereferred to it.

The SPEAKER. The gentleman from Utah asks unanimous consent that the bill be rereferred to the Committee on the Public Lands. Is there objection?

There was no objection.

PAY OF CERTAIN EMPLOYEES FOR MONDAY, DECEMBER 24, 1928

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 357, entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, the same as any other holiday.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of House Joint Resolution 357, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That all employees of the United States Government in the District of Columbia and employees of the District of Columbia, who come within the provisions of the Executive order making Monday, December 24, 1928, a holiday, shall be entitled to pay for said holiday the same as on other days.

The SPEAKER. Is there objection?

Mr. FRENCH. Mr. Speaker, I reserve the right to object, and shall make a short statement as to the reasons why I feel compelled to object to this measure going through by unanimous consent. Members of the House should realize that the President's Executive order of December 14 granted a holiday leave at pay to all Government employees excepting those who are on a per diem basis. This resolution would have the effect of granting the leave with pay to the employees who are on a per diem basis of employment. There are some 4,200 employees so affected. If the resolution shall pass, it will mean that those employees will be paid between $20,000 and $30,000 as a sort of bonus for a day in which they will not be expected to work.

Most of those employees are in the navy yard, and I want to direct attention to the way in which the situation differentiates itself from most of the employees in the several departments. The employees in the several departments are on a salary basis, a monthly basis of pay. If the work gets behind, they must bring up the work. That is not true on per diem work. I know departments where employees work overtime. I know one section where one of the employees told me that throughout the year he and others had done so much overtime work that during the year employment ran nearly 5 per cent over the regular work required. In the navy yards the employees in the mechanical lines under per diem pay are paid 50 per cent more for all time over the regular time, so it would seem that the two services are not parallel. This includes most of the employees. True enough, during these days there is little overtime work and rightly so. On the other hand, many employees in the departments frequently work overtime and with no extra pay.

Mr. COLTON. Will the gentleman yield for a question?

Mr. FRENCH. Just one moment. Another reason why I think the resolution should not pass is this: We have something like 35,000 or 40,000 employees doing navy-yard work throughout the United States who are on a per diem basis. I understand the Secretary of the Navy has granted authority to the commandants of the several yards to grant a holiday on Monday without pay. What shall we say about the parallel that will be drawn if this legislation shall pass between the employees of the navy yard at Washington and the employees in the numerous yards throughout the United States? This resolution will affect possibly one-tenth of the employees in the United States in the various navy yards. Then will not these other employees have cause for complaint?

There is another reason why this resolution should not pass. The Federal employees affected by the President's proclamation are on a salary basis that does not necessarily increase if private employers increase the salaries of employees doing comparable work. On the other hand, in the navy yards the adjustment board meets from time to time, fixes the compensation of the employees on a per diem basis that the board believes will correspond to the compensation paid by private employers of labor for similar work in the section of country where the navy yards are located. Private employers of labor, I understand, do not pay employees who are working on a per diem basis for days—even holidays—when they do not work.

Mr. SNELL. They are on a preferred basis which they asked for themselves, as I understand.

Mr. FRENCH. It is a preferred basis and it has been the law for a great many years.

Mr. COLTON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. COLTON. I understood the gentleman's remarks to apply to navy yards only. What about the Government Printing Office? I am informed there are a good many employees there who are on a per diem basis, and if this resolution does not pass they would be deprived of their pay for that day.

Mr. FRENCH. I understand they are on a basis of extra pay for extra time.

Mr. COLTON. The information brought before the committee is not to that effect as I understand it. I may be mistaken.

Mr. FRENCH. I think the gentleman will find that employees doing mechanical labor are the same as mechanical employees in the navy yard.

Mr. COLTON. However, the gentleman's argument as to other plants in different parts of the United States would not apply to the Government Printing Office.

Mr. FRENCH. No; but most of the employees under the pending resolution are in the navy yard.

Mr. WILLIAMSON. Not only employees in the Government Printing Office, but employees in the Bureau of Engraving and Printing are on a per diem basis.

Mr. FRENCH. Do they receive extra for overtime?

Mr. WILLIAMSON. I am not able to inform the gentleman. This resolution is intended to put the employees in the navy yards on the same basis with respect to pay for holidays created by Executive order as the other employees throughout the District. If the President had granted a two-thirds or a three-fourths holiday they would have received full pay; but by reason of the fact that a day is used as the basic period of time in the calculation as to their pay they must, under existing law, lose a full day's pay.

The sole purpose of introducing this resolution was to place these navy-yard employees on exactly the same basis as the employees in the Government Printing Office and those in the Bureau of Engraving and Printing.

Mr. FRENCH. I think nine-tenths of the navy-yard employees of the Government are employed outside of the District of Columbia.

Mr. WILLIAMSON. That is true; but everybody else employed by the Government in the District of Columbia get their full pay.

Mr. FRENCH. It would make quite a sizable sum of money if we were to grant the same to the employees in all the navy yards in the United States, and I think the employees in the other navy yards are entitled to it just as much as those employed in this one.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield there?

Mr. WILLIAMSON. Yes.

Mr. HOWARD of Oklahoma. Does this include or apply only to those employed in the District of Columbia and not to those employed in the Government navy yards outside?

Mr. WILLIAMSON. It applies only to those employed in the District of Columbia.

Mr. HOWARD of Oklahoma. Then why discriminate and make a comparison between the two classes?

Mr. FRENCH. I must object, and if there is a real sound reason for passing this legislation it can come up after the holidays just as well as now.

The SPEAKER. Objection is heard.

ORDER OF BUSINESS

Mr. GARNER of Texas. Mr. Speaker, will the gentleman from Connecticut tell us about our agreement pertaining to legislation for the balance of the week?

Mr. TILSON. As the gentleman from Texas well knows, the program for the remainder of this week was concluded with the consideration of the appropriation bill for the Departments of State, Justice, Commerce, and Labor. It was expected that this bill would occupy the rest of the week, or at least all of to-day. As a matter of fact, by rushing along pretty rapidly that bill was completed yesterday. Many of the Members of the House, believing that no other bills of large importance would be considered except the appropriation bill, left for their homes. In talking things over with the acting minority leader [Mr. GARNER] it seemed to us fair to agree that no controversial matter requiring the full attendance of Members of the House should be called up in the House during these two days.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield——

Mr. TILSON. Certainly.

Mr. CRAMTON. I do not understand that the agreement would interfere with action on the conference report on the Interior Department appropriation bill if we should be able speedily to arrive at an agreement on that bill.

Mr. GARNER of Texas. Let me say to the gentleman from Michigan that I agreed last evening that we should go to conference on the bill if agreeable to the ranking Democratic conferee, the gentleman from Colorado [Mr. TAYLOR]. I have heard three gentlemen express regret that the consent was given, on account of the amendment respecting the housing expenses of Doctor White, the superintendent of St. Elizabeths Hospital. I believe that if gentlemen leave the city and go to their homes in consequence of their understanding that no action would be taken on any subject whatever, we should not agree to conference reports that may have material matters agreed to in which they were particularly interested.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. CRAMTON. The fact that those three gentlemen have been talking to the gentleman from Texas to express their regret would indicate that they have not left the city, and I imagine that no one who has left the city would have regret. Whether we act on the report before the holidays or not, I think it is in the public interest that the conferees should have the opportunity to act during the recess.

Mr. GARNER of Texas. I do not think the gentleman should take a swipe like this.

Mr. CRAMTON. I do not intend to make any kind of a swipe.

Mr. GARNER of Texas. I think it might be deemed a hardship for those who are opposed to the proposals of the committee to stay here until 5 o'clock in order to be assured of protection.

While I am on my feet, I wish to say that if the White amendment in the Senate is, as I understand it, legislation, the conferees would be compelled to bring that conference report back for a separate vote under the rules of the House.

Mr. CRAMTON. The White amendment could not be agreed to in conference unless the Senate would recede in conference. Let me say to the gentleman from Texas that I had no intention of voicing any criticism whatever. On the contrary, I would rather commend their action in that they have not left the city.

CLASSIFICATION OF FEDERAL AND STATE WATER POWER FUNCTIONS

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement on the water power bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting a statement on the water power bill. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, there is urgent need to clarify Federal and State water-power policy so as to make definite the duties, rights, and responsibilities of the Federal Government and the States, respectively. The Federal Government and the States should establish at the earliest opportunity comprehensive laws and agencies within the limits of their respective rights and functions for water-power development. Uniformity of legislation and cooperative action in given instances are important to keep in mind.

The several States of the Union in most instances are each primarily the proprietors of, and have the sovereignty over, the beds, banks, and waters of the navigable streams within their respective borders. Such sovereignty and proprietorship antedates the Federal Constitution, and such properties are held in trust for the people by the States. They are subject, however, to the authority of the Federal Government, granted to it by the Federal Constitution, Article I, section 8, paragraph 3, known as the interstate commerce clause, to regulate, improve, and control navigation. The Federal Government also has certain other rights and authority under Article II, section 3, paragraph 2, of the Constitution, which gives Congress power—

to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This paramount authority given the Federal Government primarily relates to the public lands.

It is safe to say that in all instances the States, where they have not expressly surrendered it, have exclusive title and proprietorship in trust to the flowing waters of navigable streams within their borders for purposes of water power development. This statement naturally would not embrace instances wherein such property interests had never vested in the State in the first place.

It followed that during the early history of our Federal Government, the individual States took the only steps to develop waterways for purposes of navigation. Congress some years later came to their assistance without any serious attempt to exercise the Federal authority to regulate and control navigation. Finally the Federal Government, about 1884, commenced to assert its authority over navigation. The States in the meantime had virtually abandoned and drifted away from the entire problem of navigation improvement and from any serious thought of water-power development.

It was in these circumstances of neglect by the States that Congress by special act in 1884 authorized the first power project on a navigable stream. This power authority was perpetual and subject to no restrictions save the one proviso that Congress could later alter, amend, or repeal the original act. Some 30 special acts of this character passed Congress during the 22 years ending in 1906. Congress in 1906 passed a further and more general act embracing certain restrictions and reserv-

ing to the Federal Government greater authority, including that of requiring the grantee to construct locks and other navigation facilities, if later called upon to do so. The act of 1906 otherwise extended the power granted in perpetuity, except that it might be repealed at any time by act of Congress. During the 10 years that followed, 20 special acts were passed by Congress, subject to these general provisions. The States in the meantime continued dormant and wholly inactive with respect to their functions, duties, and rights. These Federal enactments, however, were not very practical or workable, either from the standpoint of the Government or the grantee. They provided no time limit, no comprehensive plan of utilization, and the grantee was hindered in his financing by the uncertainties of possible future Government demands for the construction of locks for navigation.

The result was that an amendatory act passed Congress in 1910, limiting grants to 50 years and reserving to the Government the right to revoke at any time upon payment of the value of the works constructed. From 1910 to 1912 16 new grants were authorized by Congress, but the entire Federal scheme of water-power development as thus built up one-sidedly during previous years was still seriously unsatisfactory and unworkable. The States continued wholly inactive, with the result that their consent to these experimental efforts at power development through sole permission of the Federal Government was treated as at least implied. The entire movement of water-power development slowed down through lack of even a comprehensive and practical Federal policy.

It was in these circumstances that an earnest and hurried effort was put forth with the object of bringing about an improved and more desirable power policy on the part of the Federal Government. The Federal water power act of 1920 was the outcome. The States having defaulted for generations, and most of them having no laws or agencies for carrying out their functions and preserving their rights, the natural result was that most of the laws, regulations, and practices relating to water power and its development were inserted indiscriminately and in mass in the Federal water power act. No serious attempt was made to classify and set forth the respective rights, functions, and duties of the Federal Government and the States. The assumption seemed to be that since the States were wholly inactive, and since water-power development should not be longer delayed, the Federal Government, willingly in some instances and unwillingly in others, felt justified in assuming at least for the time being the authority to perform all needful functions—both State and Federal—pertaining to the supervision and control of water-power development.

During the years that have followed a few of the States have awakened and endeavored to assert some of their responsibilities and rights. The fact that the Federal power act, as stated, blended and confused State and Federal functions and rights, has greatly complicated the general movement of water-power development. Misunderstanding and controversy relating to the construction of Federal water power law, and especially to the problem of just what constitutes the responsibilities and functions of the States, has tended to slow down and handicap the most important steps and efforts to carry forward our system of power development.

It was in these circumstances that even the Federal Power Commission, which, if biased at all, would be prone to view power policy rather from the Federal standpoint, has more than once directed attention to these and numerous other serious complications, and urged upon the States the importance of assuming their individual responsibilities. In their third annual report they say:

> What is lacking is a sane and settled policy of uniform application. * * * A Federal policy alone is not sufficient. There is need of harmonious action between the Nation and the States and between State and State, not only in matters of water-power development but in the whole field of public-utility relations. The determination of a policy is, however, a responsibility of the States themselves. Common action between the States and the Federal Government is desirable; the Federal Power Commission is too thoroughly convinced of the desirability of maintenance of State sovereignty within its legitimate sphere and of the exercise of individual State responsibility to have any intention of dictating a domestic policy for any State.

In their first annual report the Federal Power Commission frankly states that it is limited to the licensing of such projects as are undertaken in compliance with the laws of the State with respect to beds, banks, to the appropriation, diversion, and use of water for power purposes, and to the right to engage in any business necessary to effect the purpose of the license.

In most respects, apart from its naked authority to control or improve navigation, the power of the Federal Government through its power commission is merely supplementary to similar powers possessed by the States in relation to water-power development. The Federal Power Commission in its first annual report, referring to the failure of the States to function, stated that—

> it reserved the right to take initial action in any matters not covered by State statutes, and also reserved the right to add to State requirements, if such requirements did not substantially meet those imposed by the Federal statute.

The commission further added that "few States appear to have taken any effective measures toward requiring the full economic development of the resources of their streams or toward passing upon the adequacy of the plans proposed for such purposes." The commission then adds that the commission itself will assume responsibility and perform the functions thus neglected by the States. A long list of recitals of duties, responsibilities, and functions properly resting upon the States, but which are being assumed by the Federal Power Commission in the absence of State action, could here be made.

The Federal power authorities cheerfully agree that—

> power development after all is primarily a State problem with respect to which the States should assume the major responsibility.

In their annual report for 1927 this commission says:

> The Federal Power Commission would welcome the passage by the States of laws under which the States would take a far greater part than any of them are now taking in the control and regulation of water-power development and use. The commission has no desire to enter the field of rate or service or securities regulation in any cases where the States can act. It would prefer that the States should assume primary responsibility for inspection of construction and for auditing of accounts. It would welcome the determination by the States of the projects to be developed and the agencies by which it should be done, etc. * * * It finds, however, but few States in a position to do this, and it therefore urges the passage of comprehensive State water power laws based on the policy of full public control over this most important of natural resources.

The proposed bill undertakes to deal with the complicated, confused, and rather demoralized policy of power development by attempting to clarify, classify, and more clearly define the responsibilities, rights, and practices properly pertaining to the States on the one hand and the Federal Government on the other. It is clear that the water-power policy of the Nation thus far has been developed haphazardly, fragmentarily, lopsidedly, and by sporadic acts of Congress and an occasional court decision endeavoring to carry out the policy of such acts. This is especially true of the period prior to 1920. And it was but natural that the Federal power act would be made the vehicle on which was thrown indiscriminately most of the combined duties and responsibilities of both the Federal Government and the States, without any attempt to separate and define each, or to indicate proper instances of joint or cooperative action by both.

The proposed bill, in a spirit of fairness both to the Federal Government and the State, and in the light of the Constitution, the laws, and judicial decisions, attempts to classify many of these functions and duties at present in a state of confusion and threatened controversy. The first section specifies the items of property contributed to a dam and power project respectively by the Federal Government and a State. The question of its control, operation, and division of interest in it is left open.

Section 2, following the court decisions to the effect that the rights of riparian owners in the waters of a navigable stream are subject to the laws of the State, provides that the beneficial use of such waters by a riparian owner do not include their use for water-power purposes without the affirmative authority of the State. Waters on the public lands are excluded from this section.

The United States unquestionably has jurisdiction over a proposed dam or other structure in nonnavigable streams, but only to the extent of determining whether the structure would substantially diminish the navigability of portions of the stream that is navigable in its natural state. This view is declared in section 3.

Since the courts allow Congress to be the sole judge of whether the erection of a dam by the Federal Government is primarily for navigation purposes, section 4 provides that the Chief of Engineers shall first report the full facts pro and con without any opinion to Congress in order that Congress may be fully advised as to whether a proposed dam project is primarily for navigation purposes or for power purposes, which latter would be without the jurisdiction of Congress.

Section 5 declared the paramount right of the States to recapture water-power projects licensed under the Federal power act. This is in accordance with sound legal opinion.

Section 6 classifies and declares the acknowledged functions and rights of the State with respect to taxation, regulation, control of distribution, and so forth, which are blended and confused at present with certain less paramount Federal regulations and functions.

Section 7 clarifies the Federal power act by providing that no power project shall be undertaken under the terms of that act until the State first gives its permission. This restores the acknowledged rights and functions of the State, which in a number of instances have been ignored.

Section 8 redeclares the authority of the States to locate and construct power projects without Federal interference except in the valid exercise of its authority over navigation, and it is further provided that in case the Federal Government from this viewpoint does not give its consent for the structure within 12 months the same shall be considered as granted.

Section 9 recites and classifies many State functions and duties pertaining to regulation, supervision, inspection, and so forth, which have been hopelessly blended and obscured in the provisions of the Federal power act, and many of them improperly exercised by the Federal Government.

Section 10 would permit States by joint agreement to regulate power transmitted in interstate commerce, but upon their failure or inability to do so, certified to the United States Interstate Commerce Commission, the latter is given jurisdiction.

The purpose of the bill, in brief, is by clarifying and classifying the laws, regulations, and practices properly applicable to water-power development, under the joint and separate jurisdiction of the States and the United States, to aid in the speedy development of water power in this country with a minimum of waste and paramountly in the interest of the general public.

I append hereto copy of H. R. 15575:

A bill (H. R. 15575) to amend the Federal water power act and to more clearly define and declare Federal and State water-power policy

Be it enacted, etc., That the States, by virtue of their ownership and control of the banks, beds, soils, the flowing waters, and their uses, of rivers within their borders, as and to the extent defined by their constitutions, statutes, and judicial decisions, have in trust definite proprietary rights to, and corresponding control over, all hydroelectric power projects, plants, or developments constructed by the United States or any creature or agency of the United States, whether primarily for navigation or national-defense purposes. The share of ownership of a State in a hydroelectric power project so constructed is the proportion which the value of the properties of the State bears to the total value of the project, which total value shall be computed by adding to the fair value of the properties of the State (excluding that portion of the value of the bed of navigable streams properly applicable to navigation or national defense, also the value of the use of the waters for navigation purposes) the cost of construction and equipment of the project constructed by the United States, or by any agency created by it, including the expenses of preliminary surveys or examinations, less that portion of the total costs that is properly applicable to navigation or national-defense purposes as distinguished from power purposes. In case the State and the United States or its creature or agency constructing such project can not agree upon the fair value of the said proportion of the State or the amount of the cost properly applicable to navigation or national-defense purposes, original jurisdiction is hereby conferred upon the United States district court in closest proximity, and appellate jurisdiction upon the United States Circuit Court of Appeals, for the purpose of determining such amount: *Provided,* That this provision shall not be construed to affect the power of the United States to control or use such waters for purposes of navigation: *Provided further,* That when any storage dam is constructed within the meaning of this section, for whatever purpose, which would permit the release of water for the benefit of power projects or developments below, the title to the waters so released is in the State aforesaid, subject, however, to the right of the United States to impose a license to defray the cost of administering the Federal power act, and also to retain control over pool levels and the discharge of water for purposes of navigation and flood control; but such storage waters shall be released at such times and in such manner as will best facilitate navigation and the development of hydroelectric power on the river or rivers below: *And provided further,* That under any of the provisions of this section, when a dam and power or storage water structure or project has been constructed by the United States or its agency or creature, the United States or such other agency, by agreement with the State as to terms, methods, and agencies of operation, shall have the right to amortize all construction costs aforesaid from the net proceeds derived from power operation, including the sale of primary power to plants on the river or rivers below, to the extent that such costs of construction are properly applicable to water-power purposes or to storage waters to be released for the benefit of power projects below, including interest charges on such net amount at the rate of 4 per cent per annum; and after such costs have been thus fully amortized the exclusive sovereign and proprietary rights and ownership of the State in such power project and storage waters shall be recognized, subject alone to the exercise of navigation or flood-control authority by the United States.

SEC. 2. Rights to the use of the waters of navigable streams for power purposes by any person, association, or legal entity, including owners of lands adjacent to the stream, shall be subject to, and determined by, the constitutions, statutes, and decisions of the States: *Provided,* That the beneficial use of such waters by a riparian owner does not include their use for water-power purposes, except by affirmative authority of the State: *Provided further,* That the provisions of this section shall not apply to waters on the public lands.

SEC. 3. That the jurisdiction of the United States over nonnavigable streams or rivers is limited to the right to approve or veto any proposed dam or other structure according to whether the same, if constructed, would or would not substantially diminish the navigability of the portions of a stream or streams which are navigable in their natural state.

SEC. 4. The United States has the right to place any dam or like structure on the bed of a navigable stream for the primary and essential purposes of navigation or national defense, and to the use of its waters for these purposes, without compensation: *Provided,* That the Chief of the Department of United States Engineers shall first investigate and make unbiased report of all the facts that would shed light on the question of whether the proposed structure would be primarily and essentially for purposes of navigation or for power purposes.

SEC. 5. That the authority of the States alone to recapture, or to take over, maintain, and operate or lease any water-power project or projects, licensed in whole or in part under the Federal water power act, is fully recognized.

SEC. 6. When any dam and water-power project has been developed by private enterprise and operated under permit, grant, or license issued jointly by the State and the United States, or by authority of the United States alone, the exclusive right of the State wherein the project is located to exact revenue for the use of the waters or from the power and other physical properties, to control distribution, use, and sale of power, and to expropriate any excess profits earned by the licensee under the terms of the license, is expressly recognized: *Provided,* That when such structure or development has been constructed by a person or corporation which is a creature or agency of the United States, the State can not impose a tax upon its franchise nor upon its operation, but only upon its physical properties and their uses.

SEC. 7. The United States shall not approve a permit or license, either preliminary or permanent, for the construction and operation of a water-power project until the duly authorized agency of the State in which the proposed project is located has first given its approval and permission: *Provided,* That in the event such State has no law or authorized agency to enable it to act on such application, the United States shall give to the governor of the State notice of the application for license, and in the event of the continued failure or inability of the State through lack of laws or agencies to act, the United States shall take no further action.

SEC. 8. That the authority of the States to locate and construct dam and water-power projects situate wholly within their boundaries and to operate the same, or to control their operation, for power purposes, shall not be interfered with by the United States except in the valid exercise of its authority to improve and control navigation, and the granting or the refusal to grant a permit by the United States for the construction and operation of a power project by a State, municipality, or private agency shall be based alone upon a valid exercise of its authority to regulate or improve navigation: *Provided,* That in the event the United States has not given its consent or disapproval within 12 months after full plans and specifications have been laid before its proper officials and after the grant of a permit or license by the State, its consent to the construction of such dam and power project shall be considered as granted.

SEC. 9. The reserved rights, powers, and functions of the States with respect to granting permits and licenses to private enterprise for the construction and operation of water-power projects, and their location, and their paramount authority with respect to transfers of licenses, the selection of licensees, inspection of construction, supervision of accounting methods, securities, reserves, protection of public health, and adequate maintenance of structure, shall in no wise be abridged by the Federal water power act.

SEC. 10. The public utilities commission, board, official, or other agency, duly authorized by the State, shall have jurisdiction within that State, or in cooperation with like commissions, boards, or agencies of other States, by agreements entered into, to supervise and regulate public-service corporations, persons, associations, or corporations owning or operating any water-power project, and developing, transmitting, or distributing power for sale or use in public service, to the extent that said power or any part thereof shall enter into commerce between such States: *Provided,* That when the duly authorized official or agency of each State thus vested with the authority of joint regulation, shall certify to the United States Interstate Commerce Commission the failure or inability of such States thus to exercise such regulation and control, the jurisdiction of such State agencies shall cease and jurisdiction is hereby conferred upon the

United States Interstate Commerce Commission, in such cases and in all respects to supervise and regulate persons, companies, and corporations transmitting or distributing power for sale or use in public service to the extent that the same or any part thereof enters into interstate or foreign commerce. The rates charged and the service rendered by any such person, corporation, or association, or by any subsidiary of the same, or by any person, corporation, or association purchasing power from either for sale and distribution or use in public service, shall be reasonable, nondiscriminatory, and just to the customer, and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful.

The administration of the provisions of this section by the Interstate Commerce Commission, so far as applicable, shall be according to the procedure and practice in fixing and regulating rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulations shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any corporation, person, or association operating such water-power project, or distributing power, for purposes of rate making, no value shall be claimed by such producer or distributor or allowed by the commission for any water-power project or projects in excess of the value or values prescribed in section 4 of the Federal water power act, but there shall be included the cost of the construction, and no value shall be claimed or allowed for the rights granted under the terms and provisions of the Federal water power act. Complete and exclusive jurisdiction is hereby conferred upon the United States Interstate Commerce Commission for the purposes, duties, and functions aforesaid, and the Federal water power act is amended and modified according to the provisions of this entire section.

SEC. 11. This act only refers to and embraces power projects or developments wholly within the States, excluding waters on the public lands.

SEC. 12. That all acts and parts of acts, including the Federal water power act, that are in conflict with this act, in whole or in part, be, and to that extent are hereby, repealed.

ORDER OF BUSINESS

Mr. MOORE of Virginia. Mr. Speaker, may I ask the attention of the gentleman from Connecticut, to inquire if he can tell us what the program will be when the House reconvenes after the holidays—what subject will be taken up during the early part of the January session?

Mr. TILSON. It is my purpose to offer as the program for the first three days of the session after the holiday recess one or the other, or possibly both, of two appropriation bills. These appropriation bills are the first deficiency bill and the War Department appropriation bill. If the first deficiency bill is ready when we reassemble on January 3, then it will have the right of way. If it is not ready, then the War Department appropriation bill, which, I understand, is practically ready now, will go ahead.

Mr. SNELL. Mr. Speaker, will the gentleman yield there?

Mr. TILSON. Certainly.

Mr. SNELL. There are three or four small matters pending before the Committee on Rules which I would like to bring forward after Congress convenes after the holidays. We hope to take up the New York judgeship bill during the second week after the holidays.

Mr. TILSON. I see no reason why these rules to which the gentleman refers may not be brought up at almost any time.

Mr. SNELL. I do not think there is objection to any one of them.

Mr. TILSON. I was speaking, however, of the larger matters that would probably occupy the time of the House during the first three days after the holidays.

Mr. CRAMTON. Mr. Speaker, I want to act entirely in harmony with any agreements made and in harmony with the desires of the House. At the same time I have some responsibility in protecting the interests of the Government in matters with which I happen to be in touch. It is desirable, if it is possible, that the Interior Department appropriation bill become a law as early as possible, because of some obligations which have matured and should be paid. So far as I know, the only matter of controversy that might be involved on any return of the conference report to the House would be the matter that the gentleman from Texas has referred to; and that, when it comes back, if it comes back at all, has to come back for a separate vote, and the objection of one individual would stop action to-morrow. I do not know at all what the action of the conferees will be; but I would like to submit this unanimous-consent request, that I may have until 12 o'clock to-night to file the conference report for printing, if it is agreed upon; and I am by no means sure it will be agreed upon. With that would go the understanding that its consideration to-morrow would not be proceeded with if any gentleman objected to the action of the conferees on the St. Elizabeths matter.

Mr. GARNER of Texas. On its face that looks like a very fair statement; but there may be gentlemen who have gone home, and are not here because they have acted under the agreement that was circulated on this side, and if they were here they might object. Now, it seems to me that a matter of as great importance as the reporting of a partial agreement——

Mr. CRAMTON. I will say to the gentleman that there will be no partial conference report filed. I do not desire to file the report unless it is a complete agreement, in so far as the rules permit an agreement. I will say to the gentleman that I think I am pretty familiar with the items involved. I know of no controversy in the House as to any item, unless it might be one or two subject to a point of order, and I think there the only serious objection might be to the item relating to St. Elizabeths, and one objection would result in holding up the matter. Mr. Speaker, I submit that request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that he may have until 12 o'clock to-night to file a conference report on the Interior Department appropriation bill for printing under the rule. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mrs. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Western Journal of Education on the pioneer teacher in the Philippines.

The SPEAKER. The gentlewoman from California asks unanimous consent to insert the article described. Is there objection?

Mr. UNDERHILL. Mr. Speaker, as my sword knows no brother, neither can it recognize a sister, so I must object.

ORDER OF BUSINESS

Mr. McDUFFIE. Mr. Speaker, I would like to have the attention of the majority leader. A great many iniquiries have come to members of the Committee on Rivers and Harbors endeavoring to ascertain whether or not during this session of the Congress we would pass the river and harbor bill now pending on the calendar, and for the benefit of the Members on this side who are members of the committee, I would like to know if the policy of the leadership of the majority will be to pass such a bill or will they let it die without any action during the present session?

Mr. TILSON. In response to the gentleman from Alabama I have to say that if such a bill is ready and it is pressed by the Committee on Rivers and Harbors the House leadership and the House would undoubtedly give great weight to their wishes in the matter, especially in view of its great importance.

Mr. McDUFFIE. It is ready, sir, and it has been on the calendar since May. It is quite an important bill. I am of the opinion we are going to suffer a great disadvantage throughout the country if it is not passed. It contains many important projects, including many projects on the Great Lakes. It is not a large bill from the standpoint of the amount proposed to be authorized. I have seen many larger bills, but it is a very important bill. Many projects need modification and if we do not pass it at this session it goes over until possibly an extra session, and maybe with no action then, and it will be more than 12 months before we can consider the subject at all. For this reason I was anxious to ascertain the attitude of the leadership as to whether or not we would pass the bill.

Mr. CHALMERS. Will the gentleman yield to me on that subject for a moment?

Mr. TILSON. Yes.

Mr. CHALMERS. I had a telegram, Mr. Speaker, this morning from the secretary of the Chamber of Commerce of Toledo, urging the passage of this rivers and harbors bill at this session. As my colleague on the committee has said, there are a good many very important projects in the bill. The secretary of the chamber, of course, being particularly interested in the port of Toledo and the commerce on the Great Lakes, refers to the deeper channels bill for the Great Lakes and its annual earning power. This project which I introduced in a special bill January 28, 1926, has an annual earning capacity of between $20,000,000 and $25,000,000. It seems to me it is poor business policy to put that off for another year.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Saturday, December 22, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

First deficiency appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

707. A letter from the executive officer of the National Capital Park and Planning Commission, transmitting annual report of the commission for the fiscal year ended June 30, 1928; to the Committee on Public Buildings and Grounds.

708. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $12,500 for the Department of Agriculture, fiscal year 1929, for an additional amount for the maintenance of insular experiment stations to enable the Secretary of Agriculture to repair or restore property damaged or destroyed at the Porto Rico and Virgin Islands stations by the hurricane of September 13, 1928; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on Rules. H. Res. 278. A resolution amending Rule XIII of the House of Representatives; without amendment (Rept. No. 1970). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. S. J. Res. 139. A joint resolution for the relief of the Iowa Tribe of Indians; without amendment (Rept. No. 1971). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 15652) to provide for the elimination from the active list of the Navy of certain officers of the Staff Corps who have not been selected for promotion; to the Committee on Naval Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 15653) to repeal the duty on Christmas trees; to the Committee on Ways and Means.

By Mr. MANLOVE: A bill (H. R. 15654) to increase the membership of the Tariff Commission, to provide for nonpartisan regional representation thereon, and to make more flexible the operations under section 315 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. MONTAGUE: A bill (H. R. 15655) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 15656) to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march; to the Committee on Military Affairs.

By Mr. THATCHER: A bill (H. R. 15657) to provide for the improvement and preservation of the land and the buildings of the Abraham Lincoln National Park or Reservation; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15658) granting a pension to Mabel Clare Hickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15659) granting an increase of pension to William T. McCrindle; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 15660) granting a pension to Wesley Borror; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15661) granting an increase of pension to Mary E. McLane; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 15662) granting a pension to Herman Lucken; to the Committee on Pensions.

Also, a bill (H. R. 15663) granting an increase of pension to May E. Clark; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15664) granting a pension to Maurice Masur, alias Charles Mason; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 15665) granting a pension to Mary Sacks; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 15666) for the relief of Judson Stewart; to the Committee on Naval Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 15667) granting an increase of pension to Nellie W. McAndrews; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15668) granting an increase of pension to Florinda Harris; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15669) for the relief of Gertrude Lustig; to the Committee on Claims.

By Mr. KERR: A bill (H. R. 15670) granting a pension to Leah B. Robbins; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 15671) for the relief of D. B. Traxler; to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 15672) granting compensation to Thomas Peraglia; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 15673) granting a pension to Jane Wolverton; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15674) granting a pension to Alice J. Bridwell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8084. By Mr. CARTER: Petition of Barret Camp, No. 29, United Spanish War Veterans, of Alameda, Calif., urging the passage of House bill 6523 and Senate bill 1986, increasing the allowances of the retired men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

8085. By Mr. JOHNSON of Texas: Petition of Guy M. Gibson, secretary-treasurer of Texas Reclamation and Drainage Association, of Corsicana, Tex., and Eugene Brown, president of the Illinois Valley Protective Association, of Peoria, Ill., indorsing Senate bill 4689; to the Committee on Irrigation and Reclamation.

8086. By Mr. MICHENER: Petition of E. C. Boylan and others, of Washtenaw County, Mich., protesting against the enactment of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

8087. By Mr. STRONG of Pennsylvania: Petition of citizens of Jefferson County, Pa., in favor of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

SENATE

SATURDAY, *December 22, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, who makest us glad with the yearly remembrance of the birth of Thine only Son, Jesus Christ, at whose first coming Heaven disclosed its dazzling minstrelsies to the soft silence of the listening night: Thou hast clothed Him with the robe of our humanity, and from the heart throb of an infant's life the thrill of human destiny has pulsed throughout the world. Thou hast consecrated motherhood as the tender channel of Thy grace and touched with mystic insight the hearts of simple folk.

Grant to us, therefore, so to prepare for this holy Christmastide that at the coming of the Christ to the inn of our hearts He may find His servants ready, waiting for no new master but for one long known and loved.

O holy Child of Bethlehem!
Descend to us, we pray;
Cast out our sin, and enter in,
Be born in us to-day.
We hear the Christmas angels
The great glad tidings tell;
Oh, come to us, abide with us,
Our Lord Emmanuel!

Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On December 12, 1928:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; and

S. 3325. An act for the relief of Horace G. Knowles.

On December 20, 1928:

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

THEODORE F. SHUEY

The VICE PRESIDENT. Members of the Senate will be pleased to be reminded of the fact that 60 years ago to-day our friend, Mr. Shuey, joined the reporting staff of the Senate.

MR. JUSTICE HOLMES AND HIS FATHER, OLIVER WENDELL HOLMES

Mr. HEFLIN. Mr. President, the Vice President has just called attention to the fact that this is the anniversary of the sixtieth year that Mr. Theodore F. Shuey, the active and efficient dean of the official reporters of debates, has served this body. This refutes the doctrine of Osler, who said that a man ought to be chloroformed when he was 50 years of age.

Mr. President, one of the most capable and active men in the public service at the Capitol to-day is Mr. Shuey, who has served this body faithfully and continuously for 60 years. He is deservedly popular with all the Senators and with all who come in contact with him. I congratulate him, and I believe I voice the sentiments of all Senators when I say we wish for him and his a merry Christmas and a happy New Year and many more years of health and happiness in his country's service.

In this connection I want to say that one of the most popular, useful, active, and efficient Members of the Senate has in the vigor and activity of his mind and body refuted the Osler theory. I refer to the senior Senator from Wyoming [Mr. WARREN] who has served here longer than any other member of this body.

A member of the Supreme Court of the United States, who is now the oldest man in years who has ever served as a Justice of the Supreme Court of the United States is Oliver Wendell Holmes. I send to the clerk's desk a poetic tribute to this able and distinguished jurist and to his great father. Mr. Justice Holmes was a Union soldier and the author of this poetic tribute is a southerner, Horace C. Carlisle, and the son of a Confederate soldier. I ask that the clerk may read first the poem entitled "The Jurist's Father," and then the one entitled "The Poet's Son."

Before that is done, Mr. President, I want to repeat from memory a portion of the poet Holmes's beautiful poem to "The Boys":

You hear that boy laughing?—You think he's all fun;
But the angels laugh, too, at the good he has done;
The children laugh loud as they troop to his call,
And the poor man that knows him laughs loudest of all!
Then here's to our boyhood, its gold and its gray!
The stars of its winter, the dews of its May!
And when we have done with our life-lasting toys,
Dear Father, take care of Thy children, the boys.

I ask that the clerk may now read the two poems which I have sent to the desk.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

THE JURIST'S FATHER

O–nly the great have grown greater in death,
L–eaving their dust to return to its dust.
I–n the new state—independent of breath—
V–irtue and honor are treasures of trust.
E–very great poet, through self-sacrifice,
R–eaches his climax long after he dies.

W–hile Holmes to many has long been endeared,
E–verywhere, all along life's winding way,
N–ever has he been so fondly revered,
D–own through the years, for his works, as to-day.
E–very great poem that Holmes ever penned—
L–ovingly cherished by many a friend—
L–ives, and will live, on down to the end.

H–olmes in the homes makes diviner the homes—
O–ften a volume of Holmes may be found
L–ongside the Bible, that whoever comes
M–ay find the twain there, the happy year round.
E–very great poem from Holmes's peaceful pen
S–erves as a real inspiration to men.

THE POET'S SON

O–liver Wendell Holmes, poet and sage,
L–eaves a rare picture on history's page,
I–n which the excellence in him that shone,
V–ested anew, lives again in his son—
E–very high mark in his character is
R–eached yet again in this namesake of his.

W–orld-renowned jurist and scholar, his fame
E–verywhere honors his father's great name.
N–owhere in history father and son
D–itto each other as these twain have done—
E–ach one pursuing his own mental bend—
L–ovingly cherished by many a friend—
L–ogical, loyal, and true to the end.

H–olmes, when the courts fall for graft's ridicule,
O–ffers relief through the Christ's Golden Rule,
L–ove's simple statute of practical law,
M–ade without error or technical flaw.
E–very great statute from this statute comes,
S–ays the immortal, upright Justice Holmes.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I ask that the Senator from Kansas [Mr. CURTIS], on account of other duties, be relieved from serving as a conferee on the Interior Department appropriation bill, and that the Senator from New Hampshire [Mr. KEYES] be appointed in his place.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTS' PLAZA IN THE CITY OF NASHVILLE, TENN.

The VICE PRESIDENT. Pursuant to Senate bill 3171, providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, the Chair appoints as Senate members on the commission Senators TYSON, FESS, and MCKELLAR.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State transmitting, pursuant to law, the final ascertainment of electors for President and Vice President in the States of Georgia, Washington, South Dakota, Michigan, West Virginia, Virginia, Wisconsin, Wyoming, Utah, New Jersey, Montana, Idaho, Kentucky, and Massachusetts at the election held November 6, 1928; which were ordered to lie on the table.

REPORT OF NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the executive and disbursing officer of the National Capital Park and Planning Commission transmitting, pursuant to law, the annual report of the commission for the fiscal year ending June 30, 1928, which was referred to the Committee on the District of Columbia.

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Ninth Annual Report of the Perry's Victory Memorial Commission for the year ended December 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 22, 1928.*

ON BILLS NOT SIGNED BY THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a memorandum prepared in the office of the Attorney General regarding bills presented to the President less than 10 days before the adjournment of Congress and not signed by him.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 22, 1928.*

[NOTE.—Memorandum accompanied similar message to the House of Representatives.]

Mr. WALSH of Montana subsequently said: Mr. President, I am advised that the message from the President of the United States laid down by the Vice President a few moments ago was accompanied by an opinion from the Attorney General.

The VICE PRESIDENT. The Chair will say to the Senator that the opinion referred to went to the House of Representatives.

Mr. WALSH of Montana. That is a very important matter, and I think it should be read and referred to the Committee on the Judiciary. I ask that it may be read.

The VICE PRESIDENT. The message contained a note stating that the document referred to was sent to the House of Representatives accompanying a similar message to that body. So that the memorandum is not in the possession of the Senate at the present time.

COOPERATIVE ECONOMICS

Mr. BROOKHART. Mr. President, on day before yesterday I gave notice that I would speak on yesterday on the subject of cooperation, the 21st of December being the natal day of the Rochdale Cooperative Society. However, our distinguished leader, the Vice President elect, evidently not being aware of my intention, moved an adjournment before I had an opportunity to speak. So I give notice that at the conclusion of morning business I will deliver that delayed speech.

PETITIONS

Mr. FESS presented numerous petitions of various civic and religious organizations and sundry citizens (signed by over 15,000 citizens of the State of Ohio) in the State of Ohio and other States, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FESS. Accompanying the petitions is a letter from the secretary of the commission on international justice and good will, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, the letter will be printed.

The letter is as follows:

FEDERAL COUNCIL OF THE
CHURCHES OF CHRIST IN AMERICA,
Washington, D. C., December 11, 1928.

HON. SIMEON D. FESS,
Senator from the State of Ohio.

SIR: I have the honor to convey to you memorials in support of the general pact of Paris.

This memorial was issued by the commission on international justice and good will of the Federal Council of the Churches of Christ in America and was first circulated last spring. Slightly changed, it was circulated again during the past autumn. There are, we believe, no duplications. Certain individuals in signing made a few changes, but all heartily support the appeal for prompt ratification of the pact.

The total number of signatures is 180,182, from all the States. I am conveying to the senior Senator the memorials signed by citizens of your State, and inclose also a list of the signatures classified by States.

Respectfully yours,

SIDNEY L. GULICK,
Secretary Commission on International Justice and Good Will.

SIGNATURES TO THE MEMORIALS CLASSIFIED BY STATES

Alabama	2
Arkansas	12
Arizona	210
California	7,632
Colorado	2,205
Connecticut	8,268
Delaware	208
District of Columbia	495
Florida	663
Georgia	284
Idaho	645
Illinois	11,427
Indiana	6,229
Iowa	5,864
Kansas	8,313
Kentucky	377
Louisiana	347
Maine	1,998
Maryland	4,710
Massachusetts	8,809
Michigan	8,253
Minnesota	4,265
Missouri	2,141
Montana	527
Nebraska	2,159
Nevada	1
New Hampshire	997
New Jersey	5,472
New York	27,793
North Carolina	369
North Dakota	936
Ohio	15,399
Oklahoma	440
Oregon	2,585
Pennsylvania	19,712
Rhode Island	1,469
South Carolina	85
South Dakota	1,771
Tennessee	483
Texas	417
Utah	96
Vermont	1,004
Virginia	699
Washington	3,772
West Virginia	727
Wisconsin	5,085
Wyoming	677
Miscellaneous	4,150
Total	180,182

Mr. BURTON presented petitions of members of the Center Friends Church, of West Milton, and sundry citizens of Zanesville, South Zanesville, and White Cottage, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Spokane, Olympia, Chehalis, Kelso, and White Salmon, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. OVERMAN presented petitions of members of the American History Class of the Hendersonville High School and sundry citizens of Greensboro, in the State of North Carolina, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. LA FOLLETTE presented numerous petitions of various civic and religious organizations and sundry citizens, all in the State of Wisconsin, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WALSH of Montana presented numerous petitions of sundry citizens of Glasgow, Glendive, Huntley, Worden, Polson, Shelby, Fromberg, Joliet, Edgar, Fairview, Sidney, and Sioux Pass, all in the State of Montana, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. McMASTER. Mr. President, I present petitions to the Senate which have been transmitted to me by the heads of various organizations in South Dakota, praying for the prompt ratification of the Kellogg peace pact, which I ask may lie on the table and the names and organizations be printed in the RECORD.

Petitions presented by Mr. McMASTER from the following citizens and organizations in the State of South Dakota, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, were ordered to lie on the table, as follows: Mrs. J. E. Marshall, president, Mrs. Rhoda Marshall, vice president, Laura Will, treasurer, Mrs. Mattie Kieser, recording secretary, and Mrs. Ada Clark, corresponding secretary, Wessington Springs (S. Dak.) Pioneer Woman's Christian Temperance Union; Mrs. Nellie Frank, chairman peace and arbitration treaty department, Woman's Christian Temperance Union, Huron, S. Dak.; Mrs. Lydia F. Lowthian, president, and Mrs. Alma Archer, secretary, Milbank (S. Dak.) Woman's Christian Temperance Union; Mrs. Alma H. Thurston, president, and Mrs. Ed. Newcomb, secretary, Woonsocket (S. Dak.) Women's Foreign Missionary Society; Mrs. C. R. Miller, president, and Mrs. B. Fillingsner, secretary, Beresford (S. Dak.) Women's Foreign Missionary Society; Mrs. E. E. Hatfield, president, and Mrs. J. B. Jacobson, secretary, Scotland (S. Dak.) Women's Foreign Missionary Society; Mrs. Ella Ketchum, president, and Mrs. Nellie Warner, secretary, Vermilion (S. Dak.) Women's Foreign Missionary Society; Mrs. F. L. Mease, president, and Mrs. C. E. Sherwood, secretary, Madison (S. Dak.) Women's Foreign Missionary Society; W. S. Morehead, R. A. Marshall, H. W. Clark, Mrs. H. W. Clark, William Hammond, H. S. Welch, John Lubber, J. E. Hougland, J. H. Winegar, Oscar Schubert, R. M. Dill, Nick Anton, sr., C. McDonald, J. E. Marshall, N. C. Snart, J. W. Snart, and Grace Morehead, Wessington Springs, S. Dak.; J. H. McGregor, Alpena, S. Dak.; Mabelle A. Bridgman, chairman of legislative committee, Alfalfa Grange, No. 157, Viewfield, S. Dak.; Mary Green, department president Women's Relief Corps, Flandreau, S. Dak.; R. R. Bowker, 62 West Forty-fifth Street,

New York, N. Y.; Rev. H. W. Jamison, Newell, S. Dak.; Bert L. Hall, Pierre, S. Dak.; Ira S. Burnett and Mrs. Elizabeth C. Burnett, Armour, S. Dak.; Prof. Daniel J. Gage, Huron, S. Dak.; W. R. Ronald, Mitchell, S. Dak.; Katharine Potter, secretary University of South Dakota, Vermilion, S. Dak.; Don C. Westerfield, chairman Dayton World Court Committee, Dayton, Ohio; Mrs. J. L. Norris, president, and Mrs. O. H. Miller, secretary, Groton (S. Dak.) Women's Foreign Missionary Society; Della M. Haft, president Rapid City Branch, A. A. U. W., Rapid City, S. Dak.; Rev. Clarence Carr, Clark, S. Dak.; Mrs. Skaro, secretary Sioux Falls (S. Dak.) Woman's Christian Temperance Union; T. F. Ruehrig, C. H. Farrington, E. E. Austin, D. M. Voorhees, Ned Zink, W. M. McGregor, Charles Short, H. F. Janson, J. E. Ziebach, W. C. Bidleman, Alice McDonald, J. E. Rhodes, Orville Barber, Louise Tierney, and W. E. Hanson, Wessington Springs, S. Dak.; Mabel E. Clark, Edna M. Clark, Alice Blakely, Bernice Potter, Bertha Apland, Mrs. Will Van Woert, Clara Graham, Mrs. Annie Halgerson, Inez DeKramer, Mrs. G. F. Watson, Mrs. Walter Watson, Anna Haas, Bertha Blohm, S. S. Clark, W. C. Clark, Dorothy Fluegel, and Louila Williams, Canistota (S. Dak.) Woman's Christian Temperance Union; Mrs. F. L. Brewer, De Smet, S. Dak.; Flora Wilson, corresponding secretary Woman's Christian Temperance Union, Mitchell, S. Dak.; Abbott Little, Wagner, S. Dak.; Mrs. Kathryn M. Coxe, corresponding secretary the Round Table Club, Mitchell, S. Dak.; Rev. Ralph C. Shearer, Edith Bowman, Mrs. H. A. Pike, Mrs. C. Sturtevant, Miss J. Radak, Vernon McKann, J. J. Nedland, Robert W. Wick, Mrs. Henry Halla, W. W. Byers, Mrs. W. W. Byers, Eleanor Collins, Franklin Bussey, Mrs. Fred T. Koth, Mrs. C. E. Bixby, Mrs. R. C. Shearer, and W. F. Zelman, Tyndall, S. Dak.; Clara L. Towne, Huron, S. Dak.; Miss Anna Heckenlaible, Menno, S. Dak.; Miss Helen Petersen, president, and Miss Mae Jackson, secretary, the Wesleyan Service Guild, Huron, S. Dak.; G. W. Collins, H. G. Tilton, F. V. Reaney, H. F. Reaney, L. A. McDonald, W. H. Over, Frank Miller, N. N. Sipe, A. E. Atwood, T. M. Risk, V. M. Warner, M. W. Davidson, J. M. Spensley, E. H. Fulmider, William J. Thompson, L. P. Brewster, E. E. Collins, D. B. Heller, H. E. Sheltz, Robert Spensley, William Nelson, H. M. Anderson, William R. Russell, M. B. West, William R. Cleland, and E. J. Spensley, Vermilion, S. Dak.; members of the Huron Beta Delphian Chapter, of Huron, S. Dak.; members of Alpha Delphian Society, South Dakota; the Business and Professional Women's Club of Rapid City, S. Dak.; and Wesleyan Service Guild, of Huron, S. Dak.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, reported it with amendments and submitted a report (No. 1359) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway, reported it with an amendment and submitted a report (No. 1360) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 13826) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr., reported it without amendment and submitted a report (No. 1361) thereon.

He also, from the same committee, to which was referred the bill (S. 4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River from a point at or near the city of Moundsville, Marshall County, W. Va., to a point opposite in Belmont County, Ohio, reported it with an amendment and submitted a report (No. 1362) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 4616. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio (Rept. No. 1363);

S. 4721. An act to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land (Rept. No. 1364);

S. 4744. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois (Rept. No. 1365);

S. 4745. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois (Rept. No. 1366);

S. 4787. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924 (Rept. No. 1367); and

S. 4793. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Wilson and Trousdale Counties, Tenn. (Rept. No. 1368).

Mr. BROOKHART, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 3041. An act for the relief of Alfred St. Dennis (Rept. No. 1369); and

H. R. 8798. An act for the relief of William Lentz (Rept. No. 1370).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 13033) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street, reported it without amendment and submitted a report (No. 1371) thereon.

He also, from the Committee on Pensions, to which was referred the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, reported it with amendments and submitted a report (No. 1372) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army (Rept. No. 1374); and

H. R. 12538. An act for the benefit of Morris Fox Cherry (Rept. No. 1375).

BENICIA ARSENAL MILITARY RESERVATION

Mr. SHEPPARD. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 4712) to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif., to report it favorably without amendment, and I submit a report (No. 1357) thereon. Inasmuch as it is very important that the bill should pass immediately, I ask unanimous consent for its immediate consideration.

Mr. CURTIS. Mr. President, may I ask the Senator from Texas if it is a unanimous report from the committee?

Mr. SHEPPARD. It is a unanimous report and the bill contains the usual provisions for such a right of way.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been introduced by Mr. SHORTRIDGE December 5, 1928, and it was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the Southern Pacific Railroad Co., a corporation incorporated and consolidated under the laws of the States of California, Arizona, and New Mexico, its successors and assigns, under such terms and conditions as may be approved by the Secretary of War, a right of way over and across the Benicia Arsenal Military Reservation, Calif., for railroad purposes, with full power to locate, construct, and operate railroad tracks, structures, telegraph, telephone, or signal wires and other railroad appurtenances, appendages, and adjuncts, the location and width of such right of way to be determined by the Secretary of War: *Provided*, That the land shall not be used for other than railroad purposes, and when the property shall cease to be so used it shall revert to the United States.

Mr. KING. Mr. President, may I ask the Senator from Texas if this is the measure in which a servitude or easement is granted over certain lands of the United States and in consideration of that easement the railroad company conveys to the United States a large area of territory which will be necessary for a munitions depot and also expends a considerable sum in removing one or two that now exist?

Mr. SHEPPARD. That is very true. The United States Government profits to a large extent by the transaction. The acquisition of the additional land deeded to the Government in return for the right of way was recommended by a survey

which Congress authorized in order to safeguard the locations of our ammunition supplies.

Mr. KING. I am familiar with the matter and am in favor of the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

Mr. JONES. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1373) thereon.

I had hoped to call the bill up to-day, there being only three or four minor amendments to it, but some of the Senators have asked to have the bill go to the calendar. So I ask that that disposition be made of it.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 5086) granting an increase of pension to Launa Dickens (with accompanying papers); to the Committee on Pensions.

A bill (S. 5087) to authorize further consideration of recommendations for decorations for service rendered in the World War; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 5088) granting an increase of pension to Andrew Kinney; to the Committee on Pensions.

A bill (S. 5089) to amend certain laws relating to American seamen, and for other purposes; to the Committee on Commerce.

By Mr. WATERMAN:

A bill (S. 5090) for the relief of Lewis H. Easterly; to the Committee on Pensions.

A bill (S. 5091) for the relief of Edward C. Dunlap; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 5092) to correct the military record of James Luther Hammon; to the Committee on Military Affairs.

By Mr. BLEASE:

A bill (S. 5093) to authorize the issuance of certificates of admission to aliens, and for other purposes; to the Committee on Immigration.

A bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law; to the Committee on Immigration.

By Mr. JONES:

A bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes, and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; to the Committee on Commerce.

A bill (S. 5096) for the relief of Presly Holliday, captain, Quartermaster Reserve Corps, on the retired list, and for other purposes; to the Committee on Military Affairs.

A bill (S. 5097) for the relief of William Smith (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5098) granting a pension to John P. Classi (with accompanying papers); and

A bill (S. 5099) granting a pension to Ward D. Flinn; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 5100) granting an increase of pension to Celestia Edwards; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5101) granting a pension to Burel E. Pollard; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5102) granting a pension to Irma Crow; and

A bill (S. 5103) granting an increase of pension to Aurelia M. Power; to the Committee on Pensions.

By Mr. SCHALL:

A joint resolution (S. J. Res. 183) to provide for the printing of the CONGRESSIONAL RECORD on paper made from waste products of field crops on American farms; to the Committee on Printing.

FEDERAL COMMUNICATIONS COMMISSION

Mr. WATSON. I desire to introduce a bill to create a Federal communications commission. I do not introduce this bill for the purpose of creating an entirely new commission but for the purpose of enlarging the powers of the present Radio Commission or of supplanting it with another. I do not expect any action at the present session of Congress, of course, and am introducing the bill only as a basis of discussion for those who may be interested in the subject.

The bill (S. 5104) to create a Federal communications commission, and for other purposes, was read twice by its title, and referred to the Committee on Interstate Commerce.

ENLISTMENTS OF SUBJECTS OF TURKEY AND BULGARIA DURING WORLD WAR

Mr. BLAINE. Mr. President, during the World War a number of subjects of Turkey, principally Armenians, and subjects of Bulgaria, joined the military and naval forces of the United States. According to an order promulgated by the War Department in October, 1918, in circular No. 43, the subjects of two nations were to be discharged as alien enemies; that is, to be given undesirable discharges. It will be understood that there was no declaration of war on the part of the United States against either Turkey or Bulgaria. I will not go into the situation with relation to those nations as concerns the Central Powers, but I desire to state that these men served in good faith. They fall into two classes; those who were discharged subsequent to November 11, 1918, whether under the order promulgated by the War Department or upon their own application; the other class are those who were discharged prior to November 11, 1918, not, however, upon their own application. Under those circumstances these men are burdened with certain handicaps.

I therefore desire to introduce a bill the effect of which will be not to direct either the War Department or the Navy Department to issue honorable discharges, but to relieve these men from the present status of an undesirable discharge and place them in whatever their status was prior to their enlistment. I ask that the bill may be referred to the Committee on Military Affairs.

The bill (S. 5105) for the relief of certain subjects of Turkey and of Bulgaria who served in the military or naval forces of the United States during the World War, was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILL FOR STATE AND OTHER DEPARTMENTS

Mr. FLETCHER submitted an amendment proposing to increase the appropriation to enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to production, distribution, and marketing, in so far as they relate to the important export industries of the United States, etc., from $923,500 to $943,500, intended to be proposed by him to House bill 15569, making appropriations for the State and other departments, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; and

H. R. 7324. An act for the relief of Orla W. Robinson.

FIRST CAROLINAS JOINT STOCK LAND BANK

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Greenville News, of South Carolina, announcing the resignation of the president of the Joint Stock Land Bank of Columbia, S. C., Mr. A. F. Lever. Mr. Arnold resigned a few days ago. Mr. Lever is now resigning.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEVER RESIGNS AS BANK HEAD—A. P. SPENCER NAMED NEW PRESIDENT OF CAROLINAS JOINT STOCK LAND BANK

COLUMBIA, December 20.—S. R. Spencer, who since September 1 has been active vice president of the First Carolinas Joint Stock Land Bank, has been elected president of the institution, succeeding A. F. Lever. Mr. Lever, who has just returned from a business trip to New York, stated to-day that at a recent meeting of the board of directors of the First Carolinas Bank he tendered his resignation as president that he might enter other fields of activity. The nature of his future plans, he said, would be announced later.

Mr. Spencer, the new president of the bank, came to Columbia from Rock Hill in May, 1925. In Rock Hill he was vice president of the national bank and served in that capacity until his recent election to the vice presidency of the First Carolinas Joint Stock Land Bank.

OUR EXPANDING UTILITIES

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New Leader, of New York City, of December 22, 1928, entitled "Our Expanding Utilities."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Herbert Hoover's visit to Central and South America is regarded by the public-utilities crowd as an aid to their interests in that part of the world. Hoover has been an interpreter of the philosophy of this crowd and some of his speeches have been distributed by utility corporations. They regard him as a scout who is looking over the field to see what he can do for their "rugged individualism" when he takes the oath of office next March.

The chief American corporation with Latin-American properties is the American & Foreign Power Co. (Inc.), a subsidiary of the Electric Bond & Share Co. The countries included in the public utilities empire are Panama, Cuba, Brazil, Argentina, Guatemala, Ecuador, Colombia, and Venezuela, while certain properties in Chile and Mexico will come into their hands this year.

Here is a great and expanding interest extending over vast areas of territory and affecting millions of human beings. Considered in relation to other American investments in this field one gets some idea of the economic conquest of these peoples. One news story declares that in many of these nations "legislation will be required" to assist the programs of the utilities expansionists.

That item rounds out the story. Economic conquest brings with it the desire for legislation and this in turn leads to increasing interest in politics and control of the governments of these nations. Political supremacy follows economic power, while the Army and Navy follow both when the interests of the American expansionists require it. Thus we reach imperialism for the masters and mobilize workers for a march into these nations when "duty calls."

ADDRESS BY DONALD W. STEWART—UNIVERSAL CONSCRIPTION

Mr. CAPPER. Mr. President, Mr. Donald W. Stewart, of Independence, Kans., a young service man who served his country in our Army during the World War and whose service has been no less patriotic during the years since, has recently delivered a very fine address on universal conscription of resources in time of war which I believe should be read and studied by every loyal citizen of this country and which I ask unanimous consent to have printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE UNIVERSAL OBLIGATION—A PLAN FOR THE CONSCRIPTION OF CAPITAL AND LABOR IN THE EVENT OF WAR

[This address advocating universal conscription was first delivered by me to the department convention of the American Legion Auxiliary, Department of Kansas, Dodge City, Kans., June, 1924. Since then I have used the same address at least 50 times before legion gatherings, civic clubs, chambers of commerce, and so forth. The largest groups to which the address has been given are the eighth district conference of International Rotary at Salina, Kans., in 1926 and the Kansas State Bar Association annual convention in Wichita in 1927.]

The American Legion, born of war but dedicated and devoted to the cause of international peace, has adopted as one of its major objects the enactment of the Capper bill for universal conscription. It is my purpose to present to you briefly, and I hope logically, the existence of a recognized evil, profit in war, and the merits of our proposed remedy, universal conscription.

I advocate and present for your thoughtful consideration the justice and practicability of conscripting in time of war men, material, and money. I advocate the equity and the necessity of devoting every national resource, without profit, to the national defense. My discussion will therefore necessarily involve a discussion of your individual obligations as citizens of this country.

We have in this complex life we live a great variety of obligations. I appreciate that to be reminded of them is not always pleasant. Our obligations arise out of every conceivable relationship. They may be moral, social, civic, financial, or of many other types. It is some consolation to know, however, that all of them may be generally grouped under one of three main heads. There are, I believe, just three cardinal obligations.

In thus grouping them we find, first, our obligation to the Creator, in whose faith this country was founded and by whose grace and bounty it has attained its present position of eminence among the world powers. This obligation I need not urge upon you. It was taught you in your infancy by more worthy teachers than I. It is an obligation taught by the mothers of men, whose hopes follow us through the many vicissitudes of life and finally precede us in intercession at the feet of the Maker.

The second of these three obligations is that owed by each of us to our fellow men as individuals. That obligation was most aptly expressed by the Carpenter of Nazareth, when he said in the Sermon on the Mount, "As ye would that others should do unto you, do ye likewise unto them." This obligation needs neither emphasis nor explanation to any group with ideals of service.

The third obligation is that owed by each individual to his fellow men collectively, to society, and to the Government that I ask you to consider. In these three obligations, covering in a general way all of the duties of citizenship, may again be grouped together and constitute "the universal obligation," an obligation of service. In this light we have, then, the obligation of service to God, service to fellow man, and service to Government.

It is the last of these, the obligation of service to the Government, that I ask you to consider. In this Republic of ours we are, at least theoretically, endowed with equal rights, liberties, and opportunities, and the enjoyment of them imposes or should impose an equal obligation of service. This obligation is a continuous one, owed in the stirring stress of war and in the less romantic service of peace.

Much could profitably be said of the peace-time obligations of citizenship. It is my purpose, however, to discuss only the obligations owed by each citizen in time of war. The obligation of defending our country, the source of our rights and opportunities, is one that should rest with equal weight upon every citizen. In the past it has not done so. To verify this statement, which is true of our entire national history, we need go back no further than the recent World War. I do so, not to offer destructive criticism of our past but to offer a constructive suggestion for the future.

In the spring of 1917 you will recall that our Government was confronted with the necessity of engaging in a great conflict. That conflict was not of our own choosing, nor of our own making, but our participation in it was made seemingly unavoidable by the grim course of events. Having entered upon it, our immediate necessity was to terminate it successfully and as rapidly as possible. In this situation we can well imagine our Government taking stock of its national resources and determining its war-time needs. Wars demand of a nation unusual efforts and unaccustomed expenditures.

It is and was evident, of course, that in order to successfully prosecute any war the Government needs fighting men. Man power alone, however, can not achieve victory. There was a time in the development of the art of war when nations conquered by the sheer force of man power alone. It was by this strength that the barbarian hordes overthrew the Roman Empire. In this day of modern warfare, however, man power alone is insufficient. Men must be equipped for fighting.

A vast quantity of material is required to equip a fighting army, and this material includes guns and ammunition, airplanes and automobiles, ships, food, clothing, and every conceivable implement or aid to warfare.

This material, so urgently needed, does not come ready made. No nation has ever had at the outset of a war a sufficient quantity to supply its needs. Labor is therefore necessary to put raw material into serviceable form, and money is needed in great quantities to pay for all the manifold activities of war.

These four needs, then, of fighting men, material, labor, and money confronted our Government in those trying days of preparation. All of these elements were present in considerable quantities in the possession of our citizens, and the obligation of furnishing them rested, or should have rested, with equal force on all of us.

Let us consider for a moment how these needs were met and how that obligation was enforced. The Government filled its need for fighting men by proclaiming the principle, which we recognize as just, that in time of war the life, liberty, and service of every young man is at the disposal of the Government. The Government took its youths, 4,800,000 of them, and impressed them into service in the defense of our country. Such men were paid whatever the Government chose to allow them and were used when, where, and as the Government desired to use them. The common soldiers serving in this country in preparation for the ordeal of foreign service were paid $1 a day. In view of the extra hazard involved in crossing the submarine-infested waters and in meeting the enemy at more or less close quarters, pay for overseas service was increased to the extent of 10 cents a day, that apparently being the congressional estimate of the increased hazard. With this principle of compulsory and equal service those who served had no fault to find. This method of meeting the need of fighting men was proper and just.

In meeting the other needs of material, labor, and money the Government adopted a different and, in our judgment, a less equitable method. Materials were bought on the open market at highly inflated prices. One branch of the Government bid against another. Materials were purchased from contractors on what is known as the cost-plus method, wherein the Government agreed to pay to the contractor all that the material cost to manufacture plus 10 per cent for profit. It

required little intelligence on the contractor's part to realize that his profit increased as efficiency in manufacturing decreased. This resulted in profligate waste.

Having need of labor to build cantonments or ships, for instance, the Government hired laborers who in most instances worked in civilian clothes side by side with the soldier, the former drawing $15 or more per day to the soldier's $1 and keep.

The need for money was met in a similar way. The Government begged money from its citizens. Upon this money the Government had the same right to call as it exercised in calling its manhood. Both owed their existence—past, present, and future—to governmental protection. You men pleaded for money and sent your wives to cry for it. In return for the loan of this money the Government gave its security bearing a fair rate of interest and with tax-exempt features so attractive that to-day we find much of the great wealth of the country invested in this manner.

In all of this, we contend, there was inequality and injustice. The principle of the universal obligation of service was submerged in the selfish principle of profit. To the widow who possessed but one son, on whom she was dependent for support, the Government said:

"Give him to us. We will use him for our purposes and in the national defense during this emergency. So much of him as may be left after he has served our purpose will be returned to you. If, perchance, the fortunes of war should demand the expenditure of his life, you may be compensated with the thought of the sacrifice that you have been privileged to make in your country's cause. You may be gratified at the opportunity of placing your all upon the altar of patriotism."

To the wealthy bachelor, on the other hand, who had no son and was not himself of an age to serve, the Government turned. He had amassed worldly wealth, which was assuredly no more sacred to him nor so highly treasured by him as the widow's son. Did the Government say to him:

"You have no son to give, but you have something necessary to the defense of your country. Give us your wealth that we may devote it to our cause. So much of it as is left after it has served our purposes we will return to you. Should the fortunes of war demand the loss of your all, you, too, may be compensated and may take pride in your contribution to the safety of the Nation."

Your experience answers that question.

The people of this country can not soon forget the profiteering in the recent war. It has been truthfully said, I believe, that for every white cross that stands over the grave of some mother's son in France there stands in America a mansion built by some of our war millionaires out of the profits wrung from the Nation in its time of adversity. This should not be.

We should not unduly condemn all profit made in the past war. Much of it resulted from the spirit of the time and grew up by force of example. In future wars, however, we should devote our every effort to the entire elimination of this problem of profit. There is not now and never has been and never can be any logical justification for profit in war.

War is notoriously unsound and unprofitable. No new wealth is created and much of the old is expended. Millions of men are turned from productive activity to organized destruction. The Nation as a whole loses. It therefore follows that profit made by any individual in time of war is made at the expense of the less fortunate and less selfish, and such profits are added to their tremendous losses. No individual should be permitted to profit from a common calamity.

At every national convention held by the American Legion, for whom unofficially I presume to speak, this subject has been discussed. At the convention held in New Orleans in 1922 a report was rendered to the Legion by a special committee appointed for the purpose of studying this evil. In that report this language was used:

"'Equal rights for all and special privileges for none' was said long ago as a protest of our people against the same influence in our public life that, during the World War, profited on every side and developed a war strength division of millionaires. We are not here to criticize our country for its failure to protect itself against the attack of selfishness and greed, but the American Legion is looking our Nation in the face to-day and saying that in any future emergency our national motto must be 'Equal service for all and special profit for none.'"

Shortly after that report was made there was introduced in the Senate of the United States by Senator ARTHUR CAPPER, of Kansas, a bill which has come to be known as "The universal conscription bill." At the same time there was introduced in the House of Representatives a similar bill by Representative ROYAL C. JOHNSON. This bill, prepared by the Legion, is brief, and provides in addition to the draft heretofore authorized that the President shall in case of war, or when, in his judgment, war is imminent, conscript material resources, industrial organizations, and services in the cause of the common defense. Briefly, then, this bill places capital and labor on an equal footing with the fighting men and devotes all to the common defense.

The justice of such an act needs no explanation here. It meets with the unqualified approval of all who are thoroughly conscious of the obligation of service. Such opposition as is raised to it comes from the profiteer who desires that others may serve the Nation while he serves himself. It comes from those who think it right that while one man is fighting for one dollar a day others should be striking for sixteen.

It may be said that such a bill would transcend the limits of our Constitution, yet the ablest lawyers, who have given the matter consideration, have no such fears.

There is nothing more sacred than life and liberty. The great Government that has the power in times of national emergency to demand both life and liberty, and devote them to the common defense should experience no difficulty in taking property or services of any kind. In time of war all private property and wealth of every description should be dedicated to the public use to such extent as is necessary to provide adequately for the public defense. It is not just that some should freely give all they have while others reserve the right to select what they will give and the price at which they will give it. War is a common emergency, and the defense of our national institutions and liberties is a common defense in which all should engage, without reservation, on an equal footing. That is in keeping with our best traditions of American patriotism and is the highest expression of democracy. I should make clear, however, that it is not proposed to take either labor, material, or capital without just compensation; fixed, however, by the Government.

It is not the Legion alone that advocates this. Great men in all walks of life have joined their voices and their influences to that of the Legion in procuring the speedy passage of such a measure. This plan had been indorsed by the political conventions of our two major parties, by Presidents Harding and Coolidge, all of the principal patriotic societies, the War Department, and innumerable leaders in public life.

The finest argument that can be advanced for the adoption of such legislation is that it will undoubtedly be the strongest incentive to peace. There is no group of people who know more of the horrors of war and who have a greater dread of its coming than those men who learned of its hardships by personal experiences, unless it be the mothers and the wives and daughters of such men who mentally suffered more than those who served. There is no physical pain comparable to mental anguish, and there is no mental anguish that approaches that of an anxious mother. To this class of people such legislation will be welcome.

There may be no truth in the statement that wars are purposely engendered and people are purposely inflamed by capital with a view to profiting in the resulting catastrophe. It is true that if the element of profit is entirely removed from war, and the realization implanted in the minds of all of the people that in the event of war they will all have to suffer sacrifice comparable at least to those of fighting men, wars will only be undertaken under the gravest of circumstances. Unfortunately men are frequently willing to encourage and applaud manifestations of the fighting instinct in others, particularly if they can see a financial profit in it for themselves. If the promise of personal profit in war or in the threat of war could be wholly removed, a great step would be taken toward the destruction of incentive to war. If every citizen, however rich, however eminent, however venerable in station or years, should feel himself liable to be called upon for sacrifices commensurate with the sacrifices of our comrades whose lives ebbed out in the wire entanglement on the field of battle, there would be less inclination to preach war among our citizens and less inclination to vote for it among our lawmakers.

We have been confronted in this country for the past 20 years with the constant possibility and menace of war with Mexico. When that war comes the youth of America will go forth to battle with colors flying and bands playing. They will go forth, in theory at least, to protect our national honor. You and I know, however, that it is not entirely our national honor that is endangered by turbulent conditions in Mexico, and the preservations of our national honor will not in all probability be the underlying cause of that war. American capital has tremendous investments in that neighboring country and the unsettled political conditions have adversely affected the dividends expected from these investments. This future war will be fought to a great extent to protect these dividends and this invested capital. I do not mean that they should not be protected and have no personal objection to participating in such a war. However, it is only just and equitable that those for whose special benefit a war is fought should take an equal part in the conflict and bear an equal share in the resulting loss, not only of life but of labor, material, and money. Legislation of the proposed type will tend to insure that participation and to the extent that it is efficient and does insure, it will tend to minimize such conflicts.

The proposed plan is not a shifting of responsibilities but is rather an equalization of them. It is not selfishness on the part of the young men who took an active part in the recent war. Since others profited in the war that they fought, the selfish course would be for them to seek profit in any war that succeeding generations may fight. By urging the conscription of capital and labor as well as fighting men we of the Legion are, in effect, pledging ourselves to serve in the next war. We are all fast passing the fighting age. Each year removes us further from that class of youth so essential to the activities of war. The war of the future will find us occupying the same relative positions

in society as were occupied by those who made immense personal profits during the past emergency. We are relinquishing our opportunity for profit in the cause of justice, peace, and the national defense.

The enactment of the proposed bill will tend, we believe, to bring about an ardent desire for peace on the part of the American people and on the part of any nation who might contemplate an attack upon us. It may well be that the time may eventually come when, through international understanding or harmony we may have international peace. I have no thought, however, that my children or my children's children will live to see that day. Pending its arrival we advocate, therefore, this type of preparedness. If it became known that this great Government of ours, in the event of war, was prepared to throw into the conflict and devote to the winning of it all of its resources, all of its men, all of its labor, and all of its industries, nations would hesitate before undertaking war with States so thoroughly united. It has been demonstrated once what this liberty-loving people of ours can do in the unfamiliar game of war. That demonstration was given under conditions not altogether favorable. That war was won not because of our efficient war plans but in spite of their inefficiency. It was won not by that whole-hearted devotion of the entire resources of the Nation to the cause, such as would be given under the proposed plan. It was won by a great majority of the people freely giving their all and in spite of the efforts of the minority to profit by the Nation's misfortune. The spread of this doctrine of universal service among the nations of the earth would appear to me to be the greatest incentive to international peace.

The plan which we are proposing not only will work successfully but has worked in the past. The nearest approach that we have to it is found in the war-time experience of France. France had long had compulsory service on the part of her soldiers. During the recent war she had virtual conscription of both labor and capital. Her munition factories, shipyards, railroads, and other great war-time industries were manned not by civilian labor but by auxiliary branches of the army. Having need of material and supplies she did not bargain with the owner and buy on the open market. What she needed for the national defense she took, and what she took in due course of time she paid for at what appeared to her to be a fair price without profit. What France has done this and other nations can do.

The conscription of capital is not the difficult radical thing that we might at first suppose. There has always been in every civilized government conscription of capital. Persons have always been required to give of their resources to maintain organized government. Taxation of any species is nothing more or less than a conscription of capital. That taxation we are familiar with, and to it we have become accustomed. We had, to a great extent, conscription of capital during the past war in our excess-profits taxes. Those who made excessive profits were required to refund the greater portion of them to the Government through the operation of the income tax law. Excessive profits were recognized as being unjust and refund of them exacted. This was but a roundabout way of accomplishing what we propose to do by a more direct method. Why permit a man or corporation to make a greater profit than he or it is permitted to keep? Why not prohibit, in the first instance, profit which is conceded to be excessive?

The practical operation of the proposed plan will, we recognize, necessitate a complete system of price control. Labor can not be expected to work for a nominal wage if the cost of living is permitted to reach unattainable heights. The elimination of profit in order to be equitable and satisfactory must be complete. Just compensation must be paid to all, and more than that to none.

The plan presented by the Legion and embodied in the pending bill is the only plan that has thus far been offered to remedy a recognized evil. Much has been said of it in the past and much need be said until Congress comes out of the lethargy of the past five years. Our national tendency seems to be to defer preparation for war until the emergency is upon us. Our past experience should have demonstrated the folly of this course. Now is the time to advocate this reform. Upon the declaration of war fault finding with existing method ceases to be a virtue. During the recent emergency men were confined in Leavenworth, and properly so, for advocating the plan that I have presented to you to-day.

Those in favor of the adoption of the Legion bill can render, we believe, an inestimable service to America and the cause of international peace by urging upon their Representatives the necessity of its prompt enactment.

In leaving this subject for your consideration I desire to present to you a contrast which, I believe, embodies all that I have tried to say.

In many places in this country there arose as a result of the war great industrial centers, whose streets still resound to the clang of the forge and anvil and whose heights are adorned with beautiful homes built from the profits of war.

I can not help but contrast such cities with another city with which I am familiar. I refer to a city in France, to my mind the dearest city in the world. The fortunes of war permitted me to see this city at the time of its establishment and permitted me to observe from time to time, in the long months that followed the armistice, its relentless growth. It is the only city that I ever watched grow where each new inhabitant as he came in to take up his eternal abode, filled my heart with a mingled sense of sorrow and pride. Its growth has ceased now. It is a city that has no industry. Through its quiet streets the voices of little children are never raised in play. From the heights of the city in all directions the white crosses stand row on row, marking the last resting place of our comrades. To quote and slightly paraphrase the poet Gray:

"There 'neath foreign sod and yew trees shade,
Where heaves the earth in many a moldering heap,
Each in his narrow cell forever laid,
The valiant sons of America sleep.
For them no more the blazing hearth shall burn;
Nor busy housewife ply her evenings care,
No children run to lisp their sire's return,
Nor climb his knees the envied kiss to share."

There in hallowed ground sleep America's valiant sons. There Romaigne—a city of the dead. Its inhabitants realized and fulfilled the universal obligation of which I have spoken. God speed the day when all of us may be equally conscious of that obligation—equally willing and eager to meet it. With the dawning of that day will come, we believe, the looked-for and prayed-for day of universal peace.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, I gave notice on day before yesterday that I would call up the bill relating to the reapportionment of CONGRESSIONAL RECORDS to Members of the House and Senate and Government officials. Yesterday I agreed with the Senator from Utah [Mr. SMOOT] that the bill might go over until after the Christmas holidays.

Mr. SMOOT. I will say to the Senator that I have asked for all the information that I told him I would ask for, and I am quite sure I will have it here when the Senate reconvenes after the holiday recess.

FERDINAND YOUNG, ALIAS JAMES WILLIAMS

Mr. TYSON. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams, and I submit a report (No. 1358) thereon.

Mr. EDGE. Mr. President, I should like to secure the indulgence of the Senate and be permitted to have unanimous consent for the immediate consideration of the bill just reported by the Senator from Tennessee.

I will state briefly the object of the bill and the reason for the request which I make. This bill straightens out the military record of an old veteran in the Civil War, who is now 85 years of age. The bill passed the House unanimously, and, as indicated, has been reported favorably by the Committee on Military Affairs of the Senate.

The facts are that Ferdinand Young enlisted in a Missouri regiment during the war and served for three years, meeting all the requirements of a soldier. He was given a leave of absence, but overstayed his leave. Realizing, as a young man at the time, that he had technically deserted, he failed to return to his old regiment, but enlisted in another regiment, a West Virginia regiment, as I recall, and served throughout the remainder of the war in that West Virginia regiment. However, when he enlisted in the West Virginia regiment he enlisted under an assumed name, that of James Williams, in place of his real name, which was Ferdinand Young, still fearing some possible punishment for his failure to report to his first regiment.

I may say that in his second enlistment he served in two or three engagements and stayed with the regiment until the close of the war. Technically, however, he was recorded in the military archives as a deserter.

The facts have all been carefully examined, the House has passed the bill, and I can not conceive of a Christmas gift that would be more gratefully appreciated by an old soldier than straightening out his record. I ask unanimous consent for the immediate consideration of the bill.

Mr. REED of Missouri. Mr. President, I presume it will be understood that this Missourian was away when there was no fighting going on.

Mr. EDGE. He served, I think, a total of four years and some days during the war, which lasted some five years; and at the age of 85, I think, it is a testimonial that the Senate and Congress can well bestow. I trust that unanimous consent will be granted for the consideration and passage of the bill.

Mr. KING. I wish to ask the Senator whether or not an application had heretofore been made to remove the charge of desertion and denied by the Senate or the House?

Mr. EDGE. Absolutely not. This is the first effort that has been made in behalf of securing a correction of the military record of this soldier. The bill was introduced in the House, the House requested a report from the War Department, and the War Department recommended the passage of the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Ferdinand Young, alias James Williams, formerly a private of Company K, Fourteenth New York State Militia, subsequently the Eighty-fourth New York Volunteer Infantry, and Company D, Eleventh Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably January 20, 1863, from the military service of the United States as a member of Company K, New York Volunteer Infantry: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK D. SWANK

Mr. JONES. Mr. President, on Thursday last the Senate reconsidered the votes by which the bill (S. 584) for the relief of Frederick D. Swank was read the third time and passed by the Senate on a previous occasion. By a motion to reconsider, the bill, which had previously passed the Senate, had been held up. I assumed at the time on Thursday that the request made by the Senate of the House a week or 10 days ago for the return of the bill had been complied with and that the bill was here. I am advised, however, that it had not been returned by the House; but it has been returned now and is on the Vice President's table, I understand, and I should like to reconsider the vote by which the bill was passed and have the amendments which were put on the bill on Thursday adopted. So I ask unanimous consent that the vote whereby the bill was read the third time and passed may be reconsidered, that it may be amended as it was amended on Thursday, and may be again passed.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. What did I understand the Senator to say is the object of the bill?

Mr. JONES. It is a bill for the relief of a man named Swank.

Mr. BRUCE. I have no objection.

There being no objection, the votes by which the bill was ordered to a third reading, read the third time, and passed were reconsidered.

The Senate proceeded to consider the bill.

The VICE PRESIDENT. The amendments agreed to on Thursday will, in the absence of objection, be considered as being presented again and agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COOPERATIVE ECONOMICS

The VICE PRESIDENT. Morning business is closed.

Mr. BROOKHART. Mr. President, economics is studied and taught in all our schools as a system of competition. For the purpose of this address I shall rename it "competitive economics."

The law of supply and demand has been the basis of competitive economics in every line of business. This basis has been torn up, distorted, and broken by artificial laws and combinations, but in spite of all these disturbances it continues as the polar star in the logic of competitive economics. Not long ago a distinguished United States Senator said that 92 per cent of the people who go into business in the United States ultimately fail. Another distinguished United States Senator put the statement in the RECORD that these failures were 96 per cent. The lowest estimate I have ever seen was 80 per cent. Taking any of these percentages, there is but one conclusion—competitive economics is a failure. It is a stupendous and disastrous failure. It fails in its own household. Any system which results in such a percentage of failures is without defense, and must be rated a failure per se.

Is there any other system of economics in the world which gives promise of greater success, and one which is founded more distinctly upon principles of justice and humanity? I think there is, and I have designated this rival system as "cooperative economics." I do not mean cooperation in the usual and sporadic sense in which it is commonly used. I mean cooperation in production and in processing, in distribution, in marketing and in transportation, in credit and in education. I mean cooperation as a complete economic system that will do everything in human civilization that competition is now doing. I mean business organized on the principles of the Sermon on the Mount, and specifically practiced under the specific terms of the golden rule itself. Such a vision is not a dream, but already a world-wide reality, and I shall describe it in brief detail.

It was in 1843 that 28 poor flannel weavers at Rochdale, England, organized the first cooperative society which has already surpassed all like business enterprises in Great Britain. These poor weavers saved their pennies for a year and a half, and with a pound each on the 21st of December, 1844, the shortest, darkest day of the year, 84 years ago yesterday, they opened up the little Rochdale store. It carried four articles of food. They tended it turn about and kept it open two nights a week. It was the scorn and joke of the neighborhood, but these weavers had persistence, intelligence, and even genius. They invented three little principles of business operation:

First. One man, one vote. Capital does not vote.

Second. Earnings of capital are limited. They never paid capital more than 5 per cent.

Third. Twenty-five per cent of all the earnings of the enterprise were kept in the business so it might grow and become prosperous and sound. The other net earnings were distributed back to the members in proportion to the business they transacted with the enterprise. This was known as the trade dividend.

These principles contained the germ and the genius of success. They persisted, and finally their little store gained a large membership and became the pride of the community. Their ideas then spread to other communities, and other like enterprises were organized until several hundred were in operation. They then met in convention and decided that they could do better with a wholesale of their own. The capital for the wholesale was subscribed by the stores. The vote for its control was in proportion to the membership of the store. The earnings of capital were limited as in the store; but 25 per cent of the net earnings were kept in the wholesale so it, too, might grow and become sound and prosperous. The other earnings were distributed back to the stores in proportion to the amount of business transacted with the wholesale. After a time this wholesale decided it could do better with a soap factory of its own. It organized one upon these same principles, now the greatest in the world. In all, these institutions have grown until in 1923 it had 158 of the greatest factories in Great Britain. Its business has spread around the world. It is to-day more truly representative of the world-wide English Empire than any other institution. It now embraces over 1,200 societies, and the Scottish Wholesale Society, its little brother, embraces 272 more. It operates vast estates of farm land in England, in Canada, in Ceylon, in India, and in West Africa. Its banking department had a turnover of two and a half billion dollars in 1922. It is next the Bank of England in fiscal importance. It writes half of the industrial life and accident insurance in Great Britain, at a cost of one-fourth charged by the profit-making companies. In spite of all the millions and billions of money and property which it handles, there is not a millionaire in its organization. It never made a millionaire and it never made a pauper. Its great convention in 1923 voted unanimously to join an international cooperative exchange upon the same simple principles. It has a great school for teaching cooperative principles and for training its business men and leaders in every enterprise.

It has the 11 biggest flour mills in Great Britain and is the biggest individual buyer of wheat for export in the United States or in Canada. It will pay the market price for wheat at Minneapolis, pay the freight to the seaboard, pay the transfer charges to the ship—sometimes its own ship—pay the freight across the ocean, grind this wheat in its own cooperative mills, bake the bread in its own cooperative bakeries, and sell the bread at a profit—not a reasonable but a cooperative profit—to its members in Great Britain, at a fraction of a cent less than half paid by the laboring people of Minneapolis for bread made out of the same wheat. The basis of the success of this great cooperative institution is cooperative credit. It has its own deposit banks in every enterprise, and its own reserve bank as a department in the great wholesale.

There is no competition in this system. Its only competition is outside and with competitive economics itself. It is found in a very high degree in all the countries of Europe. Its growth since the war has been so great as to lead me to say that cooperative economics is the only system that has survived the war. In the United States last year the farmers transacted more than two and a half billion dollars of cooperative business. Its growth in the United States, although not organized as in Europe, is still the outstanding economic development of our country and it is succeeding.

It has reached a stage of permanent success in most of the countries where it has long been established. Its success in

Great Britain, compared with the failure of competitive economics in the United States, is an argument that staggers. There are almost no failures in Great Britain. The whole system is so well organized, so interdependent, and so bound together in mutual support that failure is a rare possibility. In the United States the failures are about like other business because cooperatives are not federated together and are not supported by their own credit systems as in other countries. In other words, cooperation in America has not reached the state of a complete system of cooperative economics.

What is necessary to develop this great system successfully in our country? The first thing needed is a cooperative banking law. There is no such thing in the United States. Competitive and commercial banking systems have a monopoly upon the deposits of the farmers and laboring people of the United States. There are credit union laws, but none of them provide for a credit system for the transaction of big business. We are the only civilized country in the world that prohibits its working people from the farm, in the factory, and at the desk from organizing their own savings in a cooperative credit system with a reserve bank and all under their own control.

The logical basis of cooperative economics is cooperative credit. It is the starting point and the sure forerunner of success. A single cooperative bank can start and succeed when a cooperative store or other enterprise would fail. If the law would permit their organization into a system, the success would be unquestioned. The power of our Federal reserve system for competitive and especially speculative business is too great. This is now admitted by all. The only safe way to check that power is to pass a cooperative reserve-system measure and invest it with the powers of the commercial or competitive reserve. With this credit system organized, it would be possible then to organize successfully producers and consumers' cooperative enterprises of every kind. They would have the best financial advice of their own friends before starting, and could then depend upon the necessary financial support. They would not be started unless they measured up to the requirements of cooperative soundness and success. Cooperative banks are the soundest and the safest in the world because they never lend money for speculative purposes. They develop the soundest and the safest business in the world. They end profiteering. They end the waste of competition, the greatest waste in modern civilization. They can safely join an international exchange upon the same simple principles and end the economic causes of war between nations. Cooperative economics promises more for civilization than any other economic theory ever devised by the mind of man.

In conclusion, Mr. President, I desire to read the names of the 28 persons who founded this cooperative system at the little town of Rochdale in England, in a store on a street named Toad Lane. That little store building is to-day the only purely economic shrine that has ever existed in this world. It is the only place where people gather from all over the world because of the purely economic things done at that place.

Here are the names:

James Smithies, Charles Howarth—

I might say that Howarth was perhaps the genius of these 28 persons. He invented the third principle of cooperation, the trade dividend, which made cooperation succeed where it had failed before, when it tried to do business at cost—

William Cooper, David Brooks, John Collier, Samuel Ashworth, Miles Ashworth, William Mallalieu, George Healey, James Daly, James Twgedale, Samuel Tweedale, John Kershaw, James Maden, John Scrowcroft, John Hill, John Holt, James Standring, James Manock, Joseph Smith, William Taylor, Robert Taylor, Benjamin Rudman, James Wilkinson, John Garside, John Bent, Ann Tweedale, and James Bamford.

You will notice the name of one woman in the list; and perhaps this is the first recognition of women on equal terms with men in economic business.

MULTILATERAL PEACE TREATY

Mr. FRAZIER. Mr. President, we are about to adjourn for the Christmas holidays. It is a time of good fellowship and good cheer. It is a sacred and hallowed time—the time when the world celebrates the anniversary of the coming of the Prince of Peace, the great Master who taught "Peace on earth, good will to men."

When we reassemble on the 3d of January we will, by unanimous-consent agreement, take up the peace treaty—a treaty for world peace; a treaty which, if honestly carried out, will tend to promote "peace on earth and good will to men."

I know of nothing more fitting and appropriate at this time than the poem entitled "Christmas Bells," by America's most dearly beloved poet, Henry Wadsworth Longfellow.

Mr. President, I am going to read the poem, and I trust that the spirit of it—peace on earth, good will to men—may touch the heart of every Member of the United States Senate:

CHRISTMAS BELLS

I heard the bells on Christmas Day
Their old, familiar carols play,
And wild and sweet
The words repeat
Of peace on earth, good will to men!

And thought how, as the day had come,
The belfries of all Christendom
Had rolled along
The unbroken song
Of peace on earth, good will to men!

Till, ringing, singing on its way,
The world revolved from night to day,
A voice, a chime,
A chant sublime
Of peace on earth, good will to men!

Then from each black, accursed mouth
The cannon thundered in the South,
And with the sound
The carols drowned
Of peace on earth, good will to men!

It was as if an earthquake rent
The hearthstones of a continent,
And made forlorn
The households born
Of peace on earth, good will to men!

And in despair I bowed my head;
"There is no peace on earth," I said;
"For hate is strong,
And mocks the song
Of peace on earth, good will to men!"

Then pealed the bells more loud and deep:
"God is not dead; nor doth He sleep!
The Wrong shall fail,
The Right prevail,
With peace on earth, good will to men!"

DECLINE IN COTTON PRICES IN 1927 (REPT. NO. 1376)

Mr. CAPPER. Mr. President, a few months ago a subcommittee of the Committee on Agriculture and Forestry was appointed to investigate the 1927 decline in cotton prices. I was informed that a majority report was filed at the close of the last session, and I wish to submit a report embodying my own views on the investigation made at that time.

The PRESIDING OFFICER (Mr. STECK in the chair). The report will be received.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 12 o'clock and 50 minutes p. m.) adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 3, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 22, 1928

COLLECTOR OF CUSTOMS

Kyle Elam, of Port Arthur, Tex., to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex., to fill an existing vacancy.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be brigadier general

Col. George Henson Estes, General Staff Corps (Infantry), from January 2, 1929, vice Brig. Gen. Henry C. Smither, to be retired from active service January 1, 1929.

To be chief of branch

Col. Francis LeJau Parker, Cavalry, to be Chief of the Bureau of Insular Affairs, with the rank of brigadier general, for

a period of four years from date of acceptance, with rank from January 6, 1929, vice Maj. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, to be retired from active service January 5, 1929.

[NOTE.—Under provisions of section 14, act of June 4, 1920, rank of major general ceases with termination of tenure of office of incumbent.]

POSTMASTERS

CALIFORNIA

Gladys B. Evans to be postmaster at Knights Landing, Calif., in place of G. B. Evans. Incumbent's commission expires January 5, 1929.

Mamie L. Royce to be postmaster at Pittsburg, Calif., in place of M. L. Royce. Incumbent's commission expires January 5, 1929.

Clement J. Nash to be postmaster at San Mateo, Calif., in place of C. J. Nash. Incumbent's commission expires January 5, 1929.

GEORGIA

George E. Youmans to be postmaster at Adrian, Ga., in place of G. E. Youmans. Incumbent's commission expired December 10, 1928.

John H. Boone to be postmaster at Hazlehurst, Ga., in place of J. H. Boone. Incumbent's commission expired December 10, 1928.

ILLINOIS

Emma L. Enders to be postmaster at Cherry Valley, Ill. Office became presidential July 1, 1928.

IOWA

Gay S. Thomas to be postmaster at Audubon, Iowa, in place of G. S. Thomas. Incumbent's commission expires December 29, 1928.

Samuel A. Garlow to be postmaster at Avoca, Iowa, in place of S. A. Garlow. Incumbent's commission expires December 29, 1928.

Homer C. Thompson to be postmaster at Bayard, Iowa, in place of H. C. Thompson. Incumbent's commission expires December 29, 1928.

William W. Gundrum to be postmaster at Casey, Iowa, in place of W. W. Gundrum. Incumbent's commission expires December 29, 1928.

KANSAS

Maud Williams to be postmaster at Lenexa, Kans., in place of Maud Williams. Incumbent's commission expired December 9, 1928.

LOUISIANA

Amy B. Griffin to be postmaster at Gilbert, La., in place of E. F. Kelly, resigned.

MAINE

Lawrence A. Brown to be postmaster at Brunswick, Me., in place of L. A. Brown. Incumbent's commission expires January 5, 1929.

Frank P. Freeman to be postmaster at Harrison, Me., in place of F. P. Freeman. Incumbent's commission expires January 5, 1929.

MASSACHUSETTS

Andrew J. Maguire to be postmaster at Randolph, Mass., in place of A. J. Maguire. Incumbent's commission expires January 5, 1929.

MONTANA

Andrew K. Resner to be postmaster at Ronan, Mont., in place of A. K. Resner. Incumbent's commission expires December 29, 1928.

NEBRASKA

Edgar T. Lay to be postmaster at Seneca, Nebr., in place of E. T. Lay. Incumbent's commission expired December 19, 1927.

Murry K. Holley to be postmaster at Waverly, Nebr., in place of M. K. Holley. Incumbent's commission expired December 11, 1928.

NORTH CAROLINA

Roger V. Phillips to be postmaster at Grifton, N. C., in place of W. H. McCotter, resigned.

OHIO

Lucy M. Robson to be postmaster at Grafton, Ohio, in place of F. W. Howard, deceased.

William A. Campbell to be postmaster at Oakharbor, Ohio, in place of W. A. Campbell. Incumbent's commission expired April 7, 1928.

Rhody E. Campbell to be postmaster at Toronto, Ohio, in place of W. S. Paisley, resigned.

OREGON

William R. Anderson to be postmaster at Milton, Oreg., in place of W. R. Anderson. Incumbent's commission expires January 5, 1929.

PENNSYLVANIA

Walter C. Alcorn to be postmaster at Avonmore, Pa., in place of W. C. Alcorn. Incumbent's commission expires January 5, 1929.

Adah E. Pettis to be postmaster at Saegerstown, Pa., in place of A. E. Pettis. Incumbent's commission expires January 5, 1929.

Mary M. Kite to be postmaster at Pocono Manor, Pa., in place of E. A. Hoopes, resigned.

TENNESSEE

Parks L. Hayes to be postmaster at Lynchburg, Tenn., in place of M. L. Hayes, resigned.

WASHINGTON

Albert Maurer to be postmaster at Kelso, Wash., in place of Albert Maurer. Incumbent's commission expires January 5, 1929.

Pearl B. Burrill to be postmaster at Snoqualmie Falls, Wash., in place of P. B. Burrill. Incumbent's commission expires January 5, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 22, 1928

INTERSTATE COMMERCE COMMISSIONERS

Claude R. Porter to be an interstate commerce commissioner.

Clyde B. Aitchison to be an interstate commerce commissioner.

Patrick J. Farrell to be an interstate commerce commissioner.

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

ASSISTANT CHIEF OF BRANCH

Col. Winthrop Samuel Wood, Quartermaster Corps, to be assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from February 2, 1929.

MEDICAL CORPS

To be first lieutenants

First Lieut. John Larkin Gallagher, jr.
First Lieut. Robert Eugene Bitner.

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants

Staff Sergt. Orion Victor Kempf.
Staff Sergt. Kindrick Ownby.
Staff Sergt. Robert Lee Black.
Pvt. Paul Estabrooke Zuver.

CHAPLAIN

Rev. Walter Hilary Paschal to be chaplain with the rank of first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. John Bryce Casseday, Cavalry.
First Lieut. Charles Franklin Fletter, Field Artillery.
First Lieut. Charles Speir Lawrence, Infantry.

FINANCE DEPARTMENT

First Lieut. James Robert Manees, Infantry.

CHEMICAL WARFARE SERVICE

Maj. Theodore Barnes, Cavalry.

FIELD ARTILLERY

Capt. William Wayne Murphey, Ordnance Department.

SIGNAL CORPS

First Lieut. Donald Campbell Kemp, Cavalry.

AIR CORPS

Second Lieut. Walter Sylvester Lee, Infantry.
Second Lieut. Julius Theodore Flock, Signal Corps.
Second Lieut. Bernard Cecil Rose, Infantry.
Second Lieut. Robert Lewis Easton, Infantry.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Gustave Rudolph Lukesh, Corps of Engineers.

To be lieutenant colonels

Maj. John Charles French, Infantry.
Maj. John Walter Downer, Field Artillery.

Maj. Charles Bernadou Elliott, Infantry.
Maj. John Bunyan Corbly, Infantry.
Maj. Joseph Lybrand Topham, jr., Quartermaster Corps.
Maj. Charles Lewis Sampson, Infantry.
Maj. John Marshall True, Quartermaster Corps.

To be majors

Capt. Richard Bruce Webb, Coast Artillery Corps.
Capt. Moses Goodman, Coast Artillery Corps.
Capt. Arthur Henry Truxes, Cavalry.
Capt. Gordon Joseph Fred Heron, Cavalry.
Capt. Thomas Seelye Arms, Infantry.
Capt. Raymond Duffield Bell, Infantry.
Capt. Archelaus Lewis Hamblen, Infantry.
Capt. Paul Whitten Mapes, Infantry.
Capt. Robert Chauncey Macon, Infantry.
Capt. Oron Allston Palmer, Cavalry.
Capt. Stanley Bacon, Field Artillery.

To be captains

First Lieut. Frederic Bernard Wieners, Air Corps.
First Lieut. Frank Richards, Coast Artillery Corps.
First Lieut. Ralph Harry Woolsey, Quartermaster Corps.
First Lieut. Richard Francis Lussier, Infantry.
First Lieut. Jack Roy Gage, Infantry.
First Lieut. Raymond Peter Lavin, Infantry.
First Lieut. Henry Wyatt Isbell, Infantry.
First Lieut. Willis Stanley Bryant, Field Artillery.
First Lieut. Harland Clayton Griswold, Infantry.
First Lieut. Ralph Edmund Powell, Infantry.
First Lieut. Perry Wainer, Air Corps.
First Lieut. Krauth Whitson Thom, Infantry.
First Lieut. Guy Malcolm Kinman, Infantry.
First Lieut. John Francis Somers, Infantry.
First Lieut. LeRoy Moore Wightman, Cavalry.
First Lieut. Harry Ruhl Lebkicher, Chemical Warfare Service.
First Lieut. Ernest Stratton Barker, Infantry.
First Lieut. William Seymour Gravely, Air Corps.
First Lieut. Harlan Ware Holden, Air Corps.

To be first lieutenants

Second Lieut. Felix Nicholson Parsons, Coast Artillery Corps.
Second Lieut. Ben Early Cordell, Coast Artillery Corps.
Second Lieut. Dalies Joshua Oyster, Field Artillery.
Second Lieut. George Phillips Privett, Field Artillery.
Second Lieut. Richard Howell Dean, Air Corps.
Second Lieut. Carl Adam Kugel, Infantry.
Second Lieut. William Lindsay McPherson, Coast Artillery Corps.
Second Lieut. William Vincent Gray, Infantry.
Second Lieut. Rowland Kieburtz, Air Corps.
Second Lieut. Daniel Peter Norman, Infantry.
Second Lieut. John Mitchell England, Coast Artillery Corps.
Second Lieut. Floyd Cornelius Devenbeck, Ordnance Department.
Second Lieut. William Black Forse, Infantry.
Second Lieut. William Brown Short, Coast Artillery Corps.
Second Lieut. John Wallace Homewood, Infantry.
Second Lieut. James Vestie Collier, Field Artillery.
Second Lieut. Edwin Kennedy Wright, Infantry.
Second Lieut. Clint Leroy Taylor, Field Artillery.
Second Lieut. Richard Herbert Torovsky, Infantry.

PROMOTIONS IN THE NAVY

To be captains

Gordon W. Haines.
John W. Wilcox, jr.

To be commander

James R. Barry.

To be lieutenant commanders

Harrison Avery.
Thomas R. Cooley.

To be lieutenants

William B. Cranston.
Paul H. Wiedorn.
Carl F. Espe.
Edward C. Metcalfe.
William F. Jennings.
John P. Whitney.
Joyce C. Cawthon.
Thomas B. Dugan.
John A. Hollowell, jr.

To be lieutenants (junior grade)

Redfield Mason.
Hubert T. Waters.
Donald A. Bush.
Herman E. Schieke.
William H. Shahan.
Julian B. Jordan.
James A. McNally.
Theodore Wolcott.

To be medical inspectors

George C. Rhoades.
John C. Parham.

To be passed assistant surgeon

John M. Woodard.

To be pay inspector

Hervey B. Ransdell.

To be chief pharmacist

Maurice W. Throckmorton.

To be chief pay clerk

William D. Wilkinson.

To be naval constructors

George Helms.
Timothy E. Kiley.
John P. Yates.
Thomas W. Richards.
Joseph M. Simms.
Frederick C. LePine.
Matthew B. Pollock.
Walter W. Toles.
William C. Hardie.
William F. Hamberger.
John A. Lord.
William O'Neill.
Frederick M. Kirchmier.
George A. Lazar.
Lawrence A. Maaske.
Harry E. Cooper.
Albert Tucker.
Clifton Greenwell.
Joseph Feaster, jr.
Harry T. Newman.
Peter Treutlein.
James W. Costello.
Robert H. Lake.
Brandt W. Wilson.
Stuart P. Mead.
Joseph J. Redington.
Francis X. Maher.
Robert Velz.
Louis Haase.
Caleb Whitford.
Robert Morgan.
Joel A. Davis.
James P. Shovlin.
Robert H. Neville.
John A. Price.
Tony L. Hannah.
Herbert Duthie.
James G. McPherson.
Albert G. Merrill.
Frederick B. Britt.
Robert B. Pick.
John H. Jack, jr.
Clarence W. Chaddock.
Thomas F. O'Brien.
Irving B. McDaniel.
George T. Paine.
William A. Sullivan.
Harold Larner.
Carl B. Harper.
Ralph S. Barnaby.
Clem H. Congdon.
Raymond D. MacCart.
Walter S. Diehl.
William F. Twitchell.
Michael C. Faber.
Lucien M. Grant.
Antonio S. Pitre.
Joseph M. Kiernan.
George V. Whittle.
Hugh W. Gokey.
Roland G. Mayer.
William W. Hastings.
George W. Henderson.
Gerald W. Thomson.
William Neidert.
Cornelius V. S. Knox.
Virgil V. McKenna.
Wendell P. Roop.
Charles Hibbard.
Karl Schmidt.

To be civil engineers

Robert L. McLellan.
Harold W. Johnson.
Charles L. B. Anderson.
Dow H. Nicholson.
Allen Hoar.
Harry LeG. Hilton.
Collins L. Macrae.
Edmund B. Keating.
Robert R. Yates.
Albert A. L. Ort.
Clyde W. Coryell.
Edward D. Graffin.
Robert E. Hancock.
William W. Schneider.
Thomas J. Brady, jr.

POSTMASTER

LOUISIANA

Clem S. Clarke, Shreveport.

HOUSE OF REPRESENTATIVES

SATURDAY, *December 22, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Jehovah Father, we wait—waiting for the burst of sacred silence. How beautiful upon the mountains are the feet of Him that bringeth good tidings, that publisheth peace. In the Judean twilight, out of the loins of the Hebrew maiden, Thou art to bring forth a Saviour, who is to set the theme of the world's thought. We shall soon hear the stroke of the purest heart that ever beat, see the tenderest eyes that ever glowed in love, and listen to the most wonderful words that were ever uttered. Down through the long isles of the past, up to the vaulted roof of the skies, will come the angels' chorus: Glory to God in the highest, on earth peace, good will toward men. We praise Thee that earth's temples are to be no longer empty and lonely. The mighty Son of Israel is to come

to restring the harps of men and attune them to the harmony of His own beautiful life. Oh let the incense of His holy altar envelope us and fill the whole temple of our Republic, bless the hearthstones of our homes and circle forth over land and sea. Father, take our confined hearts, grasp our selfish lives, and use these poor treasures in earthen vessels. Reunite all lands in the bonds of peace and brotherhood, that they may know the greater fullness of our Father's house. O river of God, O heavenly Christmas tide, flow on and become wider and deeper, touching, blessing, saving this teeming world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On December 15, 1928:

H. R. 11983. An act to provide for issuance of perpetual easement to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 13606. An act for the relief of Russell White Bear;

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78;

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; and

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes.

On December 17, 1928:

H. R. 12312. An act for the relief of James Hunts Along; and

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes.

On December 18, 1928:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

On December 20, 1928:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

On December 21, 1928:

H. R. 5773. An act to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes;

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7324. An act for the relief of Orla W. Robinson.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on December 21, 1928, present to the President for his approval a bill of the House of the following title:

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

AMENDMENT OF THE RETIREMENT ACT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced amending the retirement act affecting the employees in the classified civil service.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SMITH. Mr. Speaker, I wish to invite the attention of the House to a bill which I have introduced amending the retirement act affecting the employees in the classified civil service by providing that the rate of retirement shall be based upon the average salary for any period of five consecutive years, at the option of the employee, instead of the last 10 years of service, as provided under the existing law.

The reasons for such amendment are as follows:

First. The amendment of the law would increase the annuity of many a little, of few some, and of a very few a great deal, without lessening the annuity of anyone.

Second. It would increase the efficiency of the civil service in two ways: (a) By encouraging every employee, especially those in the lower grades, to strive always to do his or her best in order to advance, and thus reach the high five consecutive years of service before becoming less efficient, on account of age, when reductions would occur; and (b) by allowing the chiefs of bureaus to reduce inefficient employees, without reducing their annuities, when they come to retire; otherwise no chief will likely reduce an old and faithful employee, however inefficient on account of age, if at the same time he reduces his annuity for the rest of his life.

Third. As a consequence of basing the annuity on the last 10 years of service (as in the present law) there are now in scattered bureaus many employees drawing good salaries who render inefficient service on account of age or other infirmities.

Fourth. There are employees whose salaries have been reduced during the last few years before retirement on account of inefficiency, due to old age, or sickness, or accident, or dislike of chief or other cause, who otherwise would have received the full amount under the present law. Should a person have his pension reduced the remainder of his life because of a reduction in salary, due to accident or other causes which made it necessary to reduce his salary? This often occurs under the present law.

Fifth. It is true of clerical and other simple work that after the age of 60 or 65 a clerk is usually less efficient, and where distinctly inefficient should be reduced, so that a younger person may be promoted to his place, but this is not liable to be done, as it at the same time reduces the annuity under the present law.

Sixth. Making the annuity depend on the average of any five consecutive years of service does full justice and injures no one, helps many, and makes the service much more efficient.

If a clerk's salary is $1,600 and he renders inefficient service on account of age or illness, the Government loses full service annually until he retires under the present law, for he may not be reduced, as it reduces his retired compensation the rest of his life. But if the law is amended as proposed he could be reduced and a younger and more efficient clerk be promoted to the $1,600 place, and the Government would be the gainer and the employee's retired pay not be affected. In every case of reduction in salary on account of old age or inefficiency under the proposed amendment the Government will save much, increase efficiency greatly, and do no injustice to anyone.

The bill I have introduced is as follows:

A bill amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Be it enacted, etc., That section 4 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and is hereby, amended to read as follows:

"SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employees during any five consecutive years of allowable service, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

EXTENSION OF REMARKS

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the emergency officers' retirement bill and to incorporate therein an editorial from the Los Angeles Times.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. UNDERHILL. I object.

ORVILLE WRIGHT

Mr. COLE of Iowa. Mr. Speaker, if the gentleman from Massachusetts [Mr. UNDERHILL] will not object, I would like unanimous consent to insert in the RECORD a little incident in the lives of the two Wright boys. I am sure that we are all interested in preserving all the Orville and Wilbur Wright data that is available, especially for future biographers and historians.

It so happened that for a few years the Wright family lived in Cedar Rapids, Iowa, my home city, where their father was pastor of the United Brethren Church. Two of the teachers who came into contact with these boys are still living. The teacher of Orville Wright, who was then in the second grade, is now Mrs. Ida M. Ballheim. In connection with the celebration at Kitty Hawk, this teacher throws light on the origin of the idea of flight in his mind. The idea must have been born with him. Orville came into the schoolroom one day with the model of a "toy flying machine." That incident is quite historic now. It shows that the boy was thinking of what the man afterwards developed. The teacher in effect told him to take it away and forget it, because many people had wasted their time on the same subject. The little boy assured his teacher that "Some day we are going to make a flying machine," referring to his brother and himself.

How fortunate that the boy did not take the advice of his teacher and forget about it, but instead kept on thinking about it until 25 years ago at Kitty Hawk they solved the quest and the problem of the ages. If instead of giving that advice the teacher had kept that boyish model of a future great invention, what a precious relic it would be now. That "toy flying machine" would now be placed under glass by the side of the real machine that made the historic ascent at Kitty Hawk.

I will not relate the story in full, but I ask leave to insert the newspaper account of it as part of my remarks, and I do this to conserve the time of the House.

Mr. UNDERHILL. Reserving the right to object, the RECORD is neither a history of aviation nor a history of the life of the Wright brothers. Undoubtedly, at the proper time and place, that will be written up. The gentleman has so splendidly and perfectly told the story that I think there is no necessity of further putting it in the RECORD, so I must object.

Mr. COLE of Iowa. Mr. Speaker, then I will ask unanimous consent to speak for five minutes more.

The SPEAKER. The gentleman from Iowa asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. COLE of Iowa. In my time, Mr. Speaker, I will ask the Clerk to read the clipping which I send to the desk.

There was no objection, and the Clerk read as follows from the Cedar Rapids (Iowa) Gazette and Republican, of December 17:

The national celebration to-day of the twenty-fifth anniversary of the first flight in a heavier-than-air machine recalls to the mind of Mrs. Ida M. Ballheim, 2220 Mount Vernon Avenue, the days when she taught Orville Wright, a student then in the Cedar Rapids schools and the man who is being feted as the inventor of the airplane.

Orville, then a lad in the second grade of Jefferson School, showed to his teacher even at that early age that he was thinking of the invention that was destined to make him famous. Mrs. Ballheim says she remembers that Orville brought a toy flying machine to school one day and remarked to her that he and his brother "some day were going to make a flying machine." Mrs. Ballheim, as she stood by his desk, smiled and said that probably he had "better not waste his time on that," because so many other people had tried and could not make them work.

"You would just know by the way Orville walked across the floor that he was going to amount to something," said she. "He showed that he was a genius, even as a boy."

Mrs. Ballheim taught Orville and Miss Emma Fordyce taught Wilbur in the third grade. Mrs. Ballheim is now in charge of the library at McKinley School and Miss Fordyce is librarian at Washington High School.

Mr. COLE of Iowa. I submit that that is a very interesting and a very human item, and should properly go into the RECORD, where it will be preserved. I ask unanimous consent for leave to revise my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. I would ask of the Speaker if that is not an infraction of the rules of the House as laid down with regard to the RECORD? I have no objection to the matter going in, although it is more of an advertisement for the school-teacher than it is for Orville Wright. I think we might as well have the thing settled at this session and determined as to matters that should appear in the RECORD.

The SPEAKER. The Chair thinks that the only rule is as to unanimous consent. If any gentleman objects, that is sufficient to exclude it.

Mr. COLE of Iowa. It is not my intention, Mr. Speaker, to add to my remarks; I simply want to see that I have it in proper form.

COLORADO RIVER BASIN

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the Boulder Dam bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the upper-basin States are interested in the legislation for the development of the lower Colorado River Basin and the signing of a 7-State compact in order to secure protection by this compact of a future water supply to the four upper-basin States, and for the removal of the danger of a future lack of water in development of the lands suitable for irrigation.

This fear naturally arises on account of the interstate character of the stream and the latest decision of the United States Supreme Court in the case of Wyoming *v.* Colorado (259 U. S. 419). This decision establishes the rule, somewhat modified, that waters are to be divided between States which maintain the appropriation system of water by State statute; under this system the first users in their order of use by seniority, no matter where located upon the stream, have the right to water in the order of priority of use to the extent of their uses, as established and those coming later to take what is left. This rule does not respect State lines. So therefore, the energetic State and its people who have been diligent in filing and perfecting their water rights, have the advantage over the State that has lagged in its activity of looking after this vital necessity, for future growth. This applies directly to the State of New Mexico.

Although irrigation started in the southwestern part of the United States centuries ago among the Pueblo Indians of New Mexico and Arizona, and was carried on by the Spanish settlers, they failed to perfect and establish their rights by the law of appropriation, until within the period of the past one-quarter of a century. It is stated that the law of appropriation applies to about one-third of the water of the seven basin States, and about equally to each division, the upper and lower basins.

Unless a high dam is built at Black Canyon, the great bulk, or nearly two-thirds of the water of this vast water-shed during the flood season, will be lost entirely for utility in the United States. Therefore, the necessity of the high dam for impounding the water for the lower basin, not only for domestic use and irrigation, but for the development of hydroelectric power as well is apparent. The hydroelectric power developed will repay the Government and promote a great natural resource in the power.

This same principle of impounding dams must be applied at a later period in the four upper basin States so that all the drainage waters may be impounded for use. When that time arrives and the waters are so impounded in great dams, the use of all this impounded water means not only an increased water supply for the whole area in the upper and lower basins, but it means a stream regulation flow as well; because, as the water is used for the growth of vegetation in irrigation, the vegetation protects the evaporation and the water thus employed in irrigation percolates through the soil and again returns to the stream to be again employed and returned. Thus through impounding and use the stream flow is greatly regulated and increased by the law of nature applying the water to use and returning it back again to the stream.

The dam to be built in Black Canyon, on the Colorado River, which project has been in the press of the Nation and thoroughly discussed for the past several years as to the feasibility of legislation, and also before Congress of the United States for eight years, has at last passed in a much modified form, which apparently must suit the large power companies at least

to a degree, because after many amendments in the Senate the amended bill had but little opposition. The bill was returned to the House and those most vitally interested in the legislation appeared to acquiesce in the Senate amendments; President Coolidge promptly approved the legislation when it was presented to him.

The steps necessary to agree to its terms by the seven States remain yet before the legislation can be put into operation, and such steps must be finally worked out and a successful solution not long delayed is asked for by the States that still adhere to the original compact.

LOCATION OF THE DAM

The dam, when constructed, will be on the Arizona-Nevada line. This dam is to hold the great volume of water that will be carried from the watershed of this great mountain country, where its waters are gathered from the drainage of the high mountains of Utah, Wyoming, Colorado, a drainage area of 240,000 square miles, largely in the four upper basin States; these waters gathered from the drainage into this basin find their way to the channel of this mighty river (the Colorado), which starts at the headwaters of the Green River in the high mountain peaks of Wyoming, some as high as 29,000 feet, and carries its great volume of water and mud to the Gulf of California. The length of the river is given as 1,750 miles.

The dam to be erected at Black Canyon is to fill in the canyon a width of 350 feet at the low-water line and 880 feet wide at the crest and to impound not less than 20,000,000 acre-feet of water to serve the irrigation and domestic use in Imperial Valley, California, the irrigation in Nevada and Arizona, and also to care for a settlement of the demands of Mexico upon this river for irrigation and water usage.

ALLOCATION OF WATER

The hope of this legislation is to fix and to reserve to seven of the arid States of the basin of this river their respective right to a part of the annual flow for the future needs of each State, as its requirements for an equitable part of the water arises in the development of each State.

The survey would indicate that if the allocation heretofore made by the compact signed at Santa Fe, N. Mex., November 24, 1922, were now ratified by all seven States and approved by the terms of the bill recently signed by the President, that this is a decided step in equitable legislation for the protection of the water of each of the seven States.

The terms of the legislation, if finally ratified, mean that Arizona, Nevada, and California have already been allocated their part of the water, both individually and as to the amount that has been determined by the legislation, as going to the lower basin. In this determination it would appear that Congress was careful to apportion to each of the lower States a fair and just amount of water in proportion to their immediate and future needs and limiting California to an annual use of 4,400,000 acre-feet to include all uses, contracts to be made under the act passed and in pursuance of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, and in such use to conform to the compact. It would appear very definitely and specifically that California is well bound by this legislation as to what her water rights are in the Colorado River after the water is impounded in the dam.

The bill provides further authority by which under the terms of Article III of the original compact Arizona and Nevada are directed to enter into a compact by which Nevada shall have 300,000 acre-feet of water and Arizona 2,800,000 acre-feet for exclusive, beneficial, and consumptive use in perpetuity annually. Arizona, like California, may annually use one-half of the excess or surplus waters unappropriated by the Colorado River compact. To this is added the exclusive beneficial and consumptive use of the Gila River and its tributaries within the boundaries of said State; also that the waters of the Gila River and its tributaries except return flow after same enters the Colorado River shall never be subject to any diminution that may be the result of a treaty or otherwise with the United States of Mexico, except as provided in Article III of the Colorado River compact; it shall be necessary to supply water to the United States of Mexico from waters over and above the surplus as defined by said compact; then the States of California and Arizona each shall mutually agree to supply out of the main stream of the Colorado one-half of any deficiency which must be supplied to Mexico by the lower basin.

This would appear to be a fair and equitable division of the water between the three lower basin States of Arizona, California, and Nevada, according to their needs and future uses. If the terms of the original compact are agreed to by all seven States, the three lower basin States have by the terms of the bill (H. R. 5773) as amended, settled forever the water question of Wyoming, Utah, Colorado, and New Mexico. Concerning the four upper basin States the division of water between the four States ought also to be promptly taken up by State legislation and settled now and not wait for future controversy and expensive litigation.

The executives of these respective States can employ their powers very beneficially in behalf of the people in each of the States by recommendations for the necessary authority, funds, and provisions that do not now exist in the law of each State and to see that such legislation is enacted.

The 7,500,000 acre-feet allocated by compact to the upper basin States should be apportioned equitably to meet the needs of each State along the line of beneficial use by proper division of said water as was contemplated in the original compact signed at Santa Fe, N. Mex., on November 24, 1922, pursuant to an act of Congress approved August 19, 1921. Arizona, California, and Utah still have to ratify said compact. In order to place the Boulder Dam act of Congress into operation there is required the approval of five of the States and California.

By ratifying the Colorado River compact California by legislative act shall have agreed irrevocably and unconditionally with the United States and for the benefit of the six other States of the basin not to apply to annual consumptive use within the State of California for any and all purposes more than 4,400,000 acre-feet of the water apportioned to the lower basin, plus one-half of any excess or surplus waters unappropriated by said compact, subject to the terms of the compact.

Provision is made for the construction of the main canal and appurtenant structures located entirely within the United States, connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is hereby authorized to construct if deemed necessary, after due and proper engineering and economic investigation, by contract with the Imperial and Coachella Valleys in California. The expenditures are to be reimbursable, as provided in the reclamation law, and shall not be paid from revenues derived from the sale of water power or electrical energy. This will throw the burden of cost of building the main canal, if built within the United States, upon the people of the Imperial and Coachella Valleys and clear up the indefiniteness of the original bill by fixing clearly this charge. If the all-American canal should be built, although there will be no charge for use, storage, or delivery of said water to the valleys, Imperial and Coachella must stand the cost. In other words, if the valleys do not provide the necessary security for building the all-American canal, the same will not be built, at least not by the law passed and approved December 21, 1928.

The provision that follows on page 23 of the amended bill contains an estimate of $165,000,000 made by the committee and accepted by Congress as the proper cost of the dam structure and incidental structures necessary for the development of electrical energy and the building of the main canal, which last part is to be reimbursable.

FLOOD-CONTROL PROVISION

Some of the important features of the bill are contained in paragraph (b) of section 2, page 24, of the amended bill; that is, that $25,000,000 of the $165,000,000 provided for in the bill for all purposes shall be allocated to flood control and shall be repaid the United States out of 62½ per cent of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization; that is, the Secretary, under paragraph (b) of section 4 of the act as passed, must make provision for revenue by contract adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States, and the payments within 50 years from the date of the completion of the said works of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

THREE USES OF BOULDER DAM

The dam and reservoir shall have three uses: First, river regulation, improvement of navigation, and flood control, indicating that the first use is the primary one; second, for irrigation and domestic use and in satisfaction of present perfected rights in pursuance of article 8 of the Colorado River compact, which provides specifically that present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with article 3.

All other rights to beneficial use of waters of the Colorado river system shall be satisfied solely from the water apportioned to that basin in which they are situated. The third use is for power.

RATIFICATION OF COLORADO RIVER COMPACT

The act to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, known now as Public Law No. 642 (70th Cong.), permits a period of six months for the ratification by all of the seven States of the Colorado River compact. If the seven States—Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming—do ratify the compact, then the act as passed becomes operative as to all seven States. If seven States do not ratify the compact within the period of six months, then the approval of the compact by six States makes the terms of the legislation apply to the division of water and other regulations therein according to the terms of the original Colorado River compact, save and except as to Article XI, which required that each of the seven States approve the compact. A waiver as to the approval by the seven States is required from each of the six States approving. The acceptance of the terms of the legislation and the ratifying of the compact as prepared at Santa Fe, N. Mex., on November 24, 1922, now rests with Arizona and Utah. The Arizona representative signed the original draft of the articles of the 7-State compact when prepared, but its legislature failed to approve the same.

Arizona remained outside the compact and became active in filing upon all water rights available within the boundaries of her State, and that flowing into the State of Arizona, and applying same to beneficial use, including much water furnished from the watershed of her neighboring State, New Mexico. Also all available sites for power purposes were filed and located by Arizona. As to her activity in thus protecting her rights she can not be censured, except to this extent: That this great stream, produced by the watershed of the States, belongs to all seven arid States of the Colorado River Basin, and each is justly entitled to an equitable division and those that have acquired rights for beneficial use, as California and Arizona, are entitled to full and complete protection and the remaining rights should be equitably divided according to the terms of the legislation enacted. Utah, in my opinion, can not complain to any great extent as to the legislation enacted; the re-signing or approval of the compact as originally signed at Santa Fe, N. Mex., by that State insures its part of the water allocated to the upper basin.

The proper rule for the upper basin States to follow, if they desire their water rights fully protected for the future, is to approve and ratify the compact. Should Arizona fail to approve the compact the effort of each of the other six States should be in the interest of the entire seven States, so that the future rights to the water be not sacrificed by the question of a strict interpretation of the rule of priority, regardless of State lines.

The question of future controversy and litigation will be largely disposed of under the Colorado River compact and by the building of the Black Canyon Dam provided for in the legislation recently enacted. The high dam is necessary in order to impound the water needed for use in Arizona, California, and Nevada, and in order that the silt, which the river carries each year to the extent of about 100,000 acre-feet per year, will not in a few years fill the dam. This dam will no doubt remain with a sufficient supply of water for a century or more.

Under the alternates of the bill the Secretary of the Interior can construct the necessary plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir or he can cause to be constructed a complete plant.

CONSTRUCTION OF THE POWER PLANT

The question as to who shall build and equip the power plant rests with the Secretary of the Interior under section 6. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States and be controlled, managed, and operated by the United States, except as herein otherwise provided: That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act, relating to revenues, term, renewals, determination of conflicting application, and joint use of transmission lines under contracts for the sale of electrical energy shall apply.

It is perfectly clear, then, in construing the provisions of sections 5 and 6 that the Government can permit the building of necessary structures for generating electrical energy to private corporations or individuals, of one or all units of any Government plant for that purpose, with the right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy. This, of course, would allow independent ownership of the structure by the corporation or company constructing the plant and the purchase of the water for the power purposes, subject to the provisions of section 5 of the law as to revenue, terms, renewals, determination of application, and joint use of transmission lines.

The only question to be clearly determined in the operation by the Government, then, is the building of the dam to store the required amount of water, the distribution of same, and the leasing of water to companies or individuals in generating hydroelectric power and to receive sufficient revenue for this water so used to repay the Government under the terms of the bill.

The charge to the ultimate consumer for electric power will depend entirely upon the corporations and individuals who operate the hydroelectric plant.

The House amendments, known as the Davenport amendments and incorporated in the bill passed by the House, were stricken from the bill as passed in the Senate and as finally approved; the amendments should have remained in the bill as a protection to the ultimate consumer of electricity. The Davenport amendments to H. R. 5773 were as follows:

The Secretary of the Interior in making any lease of said hydroelectric plant or contract for the sale of power therefrom, and/or any lease of water for the generation of electrical energy shall deal only with agencies or corporations which are delivering power directly to consumers.

Any lease of said hydroelectric plant, any contract for the sale of power therefrom, and/or any lease of water for the generation of electrical energy shall provide that the rate or rates at which power obtained under such contract or lease may be sold by the vendee or lessee shall be subject to the regulation or control of the Federal Power Commission or of the appropriate authority of any State or States in which such power is transmitted, distributed, sold, or used, according to the respective jurisdiction of said commissioner or of said State or States, as provided in section 19 or 20 of the Federal water power act; that such vendee or lessee shall not charge or present any claim or request to any commission or other authority to fix a rate or rates which yield in the aggregate an amount greater than required to reimburse the vendee or lessee for actual operation expenses and taxes and to yield a fair return upon the actual, legitimate cost as determined under the provisions of the Federal water power act of the works and property owned by the vendee or lessee and used or useful in the transmission and distribution of such power, and that the making of any such charge or the presentation of any such claim shall render void any such contract or lease.

The protection to the public who use the electrical power will, in my opinion, come from the person who is Secretary of the Interior during the period of construction, and especially in the making of the contracts for electrical power generated from the sale of water from the dam. Should the Secretary be a believer in the doctrine that the Government should not go into business, then the Government will not build or operate the structures for generating electric power.

I have always maintained the position that this was a great natural resource—the water and the power to be generated from the Colorado River. This power that will be used in the future among some of these States, municipalities, corporations, and individuals, and which have much to do with the development of the southwestern part of our country, belongs to the whole region included in these seven States of the Colorado River Basin, and no one in my opinion should fix the charges to be paid or control the same to the consumer except by direct authority of the Government. In other words, the Government should hold its protecting hand in the interest of the consuming public. Will this be the result of the legislation passed? I am of the belief that the development of power should remain directly under control of the Government and directly in the interest of the people and not be conveyed by long-term leases or passed by the sale of water for the purpose of generating power, as right then to control the price of electric power to the ultimate consumer will not be under Government control or supervision.

The State of New Mexico has the following provision in its State constitution:

The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico is hereby declared to belong to the public, and to be subject to appropriation for beneficial use in accordance with law of the State. Priority shall give the better right. (Art. XVI.)

This water that falls upon New Mexico's watershed is approximately 8 to 10 per cent of the entire water of the Colorado River. This is needed for the future development of the State, as 1,000,000 acres of land can eventually be irrigated from this amount. Protection is given to New Mexico in the final approval of either a six or seven State compact as provided under the terms of the act passed. This is the principal benefit that will accrue to New Mexico. The whole Southwest will have a wonderful development under the final working out of this legislation.

CONSTITUTION DAY ADDRESS

Mr. RAMSEYER. Mr. Speaker, on the 17th of last September I delivered the Constitution Day address before a joint meeting of the service clubs of Ottumwa, Iowa, and I ask unanimous consent to extend my remarks by inserting that address in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, under leave to extend my remarks I submit for printing in the CONGRESSIONAL RECORD an address I delivered before a joint meeting of the service clubs of Ottumwa, Iowa, on the occasion of their annual observance of Constitution Day, September 17, 1928, as follows:

Mr. Chairman, ladies, and gentlemen, one hundred and forty-one years ago to-day the Constitution for the thirteen States then under the Articles of Confederation was agreed upon by the Constitutional Convention. The work of framing this Constitution continued during the hot summer months of 1787 in Philadelphia, and was completed on September 17 of that year. Fifty-five men constituted the convention.

The achievements of this convention should appeal to the young men and women of our country. Most of the members of this historic convention were comparatively young men. Six of the 55 were under 32 years of age. Forty-one were under 50 years of age. Three were over 60 years of age. George Washington, the president of the convention, was then 55 years of age. However, it is well to note, while speaking of the young men and their work in this convention, that it was due to the wisdom and experience of Benjamin Franklin, then 81 years of age, that finally induced the members of the convention to agree to any constitution.

The statement has often been made that the Constitutional Convention was made up of rich men and lawyers. There is no foundation for this statement. There were in the convention 16 lawyers, most of whom were eminent in their profession and were noted for their devotion to the country's welfare. In that day there were very few rich lawyers, and the lawyers who sat in this convention were not rich.

There was only one banker in the convention. That was Robert Morris. He bankrupted himself by financing the Revolutionary cause and he died penniless.

There were in the convention a few large landholders. George Mason was one of them. He refused to sign the Constitution although he was a close friend of Washington and opposed the ratification of the Constitution in the Virginia Ratification Convention because he thought the Constitution conferred too much power on the Federal Government.

The outstanding figure in the convention was Washington, a large landholder, who served throughout the Revolutionary period without pay. He was the most progressive farmer of Virginia. As President he declined to receive any salary, accepting only his actual expenses.

We are sometimes given the picture of this convention as being composed of able men formulating a scheme of government, guided by abstract ideals, meeting day after day, theorizing and arriving at this conclusion and that conclusion based on reason. These are not what guided the framers of the Constitution.

The framers of our Constitution were practical men and they had before them the work of solving a practical problem. The foundation of every action taken and every conclusion arrived at during the convention was human nature and human experience. The provisions in the Constitution were inserted because the framers had had actual experience with the principles of most of those provisions and had encountered actual evils from which they sought governmental remedies.

The framers of the Constitution builded on old foundations with skill, common sense, and a spirit of compromise in order to adapt old and tried principles of government to meet new conditions. Some of the provisions in the Constitution were taken verbatim from the constitutions of the States and from the Articles of Confederation. The Constitution signed 141 years ago to-day was mostly taken from the history and the experience of the American colonies and States. The framers knew from experience what worked well for the States; they knew from experience the shortcomings of the Articles of Confederation; they knew from experience and history that perfection was not attainable in government; and they knew from experience and history that a government to endure must derive its powers from the consent of the governed.

The preamble of the Constitution begins with: "We, the people of the United States, in order to form a more perfect Union." Then, in closing, the Constitution provides that to become effective it shall be ratified by conventions of nine States. Delegates to these conventions had to be elected by the people for the specific purpose of passing on the ratification of the Constitution agreed upon by the Philadelphia convention. The framers of the Constitution recognized the people as the source of governmental powers and they submitted the proposed Constitution to the people, not the State legislatures, for approval.

The people of the thirteen States, respectively, had adopted constitutions for the government of their States, each of which had its three departments—the executive, legislative, and judicial. This Constitution, agreed upon to form a more perfect union of these States, provided also for three departments—executive, legislative, and judicial—with the powers of each department clearly defined in the Constitution. These departments can only exercise such powers as are granted to them in the Constitution. In other words, the Federal Government is a Government of delegated powers.

The people of the States, in order to make a union possible, delegated certain powers to the Federal Government. To make it perfectly clear that the Federal Government, through these three departments, could only exercise the powers so delegated, they provided in Article X of the bill of rights that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

So we have here a union of States with all governmental powers in the possession of the people of the States, except the powers which the people, through the Constitution and subsequent amendments thereto, delegated to the Federal Government.

In one respect our form of government is different from any other in the world and that is in the power conferred upon our Supreme Court. Ours is the only court of any important country in the world that exercises the power to declare a law of the legislative department unconstitutional and void.

I have called to your attention that the Federal Government can only exercise the powers delegated to it by the people in the Constitution. All governmental powers not so delegated are reserved to the States, respectively, or to the people. When any State undertakes to exercise powers that have been delegated to the Federal Government it is infringing on the powers of the Federal Government. When the Federal Government undertakes to exercise governmental powers not delegated to it by the people of the several States, it is infringing upon the rights of the States and the people thereof.

The exercise of power by the States delegated to the Federal Government or the exercise of power by the Federal Government not delegated to it by the States or the people thereof would naturally lead to chaos, conflict, and warfare unless there were a tribunal to determine what powers have been delegated to the Federal Government and what powers have been reserved to the States. The framers of the Constitution knew that and established the Supreme Court to settle all such controversies. Many times in our history State legislatures have undertaken to legislate on matters over which the Federal Government has jurisdiction, and the Congress of the United States at times has undertaken to exercise the power of legislation over matters not delegated to the Federal Government in the Constitution.

Article VI, clause 2, of the Constitution provides: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Writers and speakers often refer to the Constitution as the supreme law of the land. That is incorrect.

The Constitution is the fundamental law. The Constitution, the laws of the United States made in pursuance of the Constitution, and the treaties made under the authority of the United States together constitute the supreme law of the land. That is, one is just as much law as the other. A law passed by Congress which conflicts with the Constitution is not a law made in pursuance of the Constitution, and, therefore, is not law. When the Supreme Court, in a case regularly before it, has presented to it the enforcement of a law made by Congress, which in fact is in conflict with the Constitution, that court has only one course it can logically pursue and that is to find that the law of Congress which conflicts with the Constitution is not law. In other words, such a law is declared to be unconstitutional and void.

Without the power reposed in the Supreme Court to declare laws of Congress and laws of State legislatures unconstitutional which conflict with the Constitution of the United States our scheme of government delegating certain powers to the Federal Government and reserving all other powers to the States, respectively, or to the people could not have endured. Without the power of the Supreme Court to declare unconstitutional laws, both Federal and State, enacted in violation of the Federal Constitution, either the Federal Government or the State governments would have been subdued, depending upon whether one or the other had the greater force to impose its or their will.

For the exercise of this power to declare laws of Congress and of State legislatures void when in its opinion such laws are in violation of the Constitution of the United States, our Supreme Court has been

at times severely criticized. Such a wave of criticism struck this country soon after the World War. I addressed myself to this criticism of the Supreme Court before one of your organizations four years ago. That wave of criticism blew over. Notwithstanding the recurring waves of criticism of the Supreme Court for exercising this power, there never has been and there is not now a persistent demand from the people that the Constitution be amended to take this power from the Supreme Court.

That the people have an abiding confidence in the Constitution and in the Supreme Court which has construed that instrument for 139 years is demonstrated by the way in which they have refused and still refuse to get excited by agitators to curtail the powers of the Supreme Court. The greatest security of our Government, however, is not in the Constitution. Our Government has been a success because of the stability, the character, and the intelligence of the people and because of the faith of the people in the Constitution and in every department of our Government, including the judiciary.

We are not an excitable people, easily swept off our feet. About 15 years ago there was a vigorous campaign on to empower the people to recall Supreme Court decision led by one of the most popular heroes the country ever had. That campaign did not survive the second sober thought of the American people. Six years ago there was proposed by one of the ablest political advocates of our time an amendment to the Constitution to give Congress the ultimate decision on the constitutionality of laws passed by it. That is, to give Congress the power to overrule a Supreme Court decision declaring a law of Congress unconstitutional.

Some newspapers and a considerable number of lawyers grew apprehensive that this new proposal would receive popular approval. The sober thought and the sound judgment of the people during all that agitation remained calm and composed.

At the time of this last agitation there were bills pending in Congress requiring the concurrence of seven of the nine members of the Supreme Court to declare a law of Congress unconstitutional instead of a majority of the court, which is now and always has been the practice. Bills of a similar purport have been introduced in one or both branches of Congress frequently. None were ever enacted into law. Under existing law six members of the court constitute a quorum, and a decision by a majority of the justices at a sitting of the court with a quorum present would undoubtedly be binding. However, it is both interesting and reassuring to know that there are very few sessions of the Supreme Court that are not attended by every member of the court, and only rarely is there a decision by that court rendered that is not participated in by all nine justices.

In defending the Supreme Court for the exercise of power conferred upon it by the Constitution I am not asserting that all the conclusions reached by that court are sound or that all its decisions are wise. Its membership is human. Since the foundation of the Government its membership has been composed of high-minded, intelligent, and patriotic men, worthy of the confidence that the people ungrudgingly have reposed and still repose in them.

According to a compilation which I made three years ago, the Congress, during a period of 136 years, had passed 19,750 public laws and resolutions and 30,310 private laws and resolutions, or a total of 50,060. During the same time the Supreme Court had decided over 30,000 cases. In all these decisions less than 50 laws of Congress were declared unconstitutional. Of this number only two laws were declared unconstitutional before the Civil War. During and since that war there has been a greater demand for social and economic legislation, and Congress, yielding sometimes to the demands of the majority and other times to the demands of well-organized and persistent minorities, has more frequently exceeded the power granted it under the Constitution.

Five of these laws undertook to confer powers on the Federal courts not authorized by the Constitution.

Seventeen of these laws undertook to regulate internal affairs of the States in violation of the Constitution.

Fifteen of these laws were in direct violation of fundamental and personal rights guaranteed by the Bill of Rights set forth in the first 10 amendments to the Constitution.

In 10 of these laws Congress undertook to exercise powers expressly prohibited by the Constitution.

Frequently the argument is made, in and out of Congress, in behalf of a bill whose constitutionality is questionable: Let Congress pass it and leave it to the Supreme Court to say whether the law is constitutional or not. Not infrequently have bills been vetoed because in the opinion of the President such bills were in violation of the Constitution. Vetoes on this ground have been criticized.

The criticism is usually based on the assumption that it is the duty of the judicial department and not of the executive department to pass on the constitutionality of laws of Congress. Every President, Senator, and Representative takes an oath that he will support and defend the Constitution of the United States. It is the duty of every Member of Congress to study every bill that comes before that body for action and to determine in his own mind whether such bill proposes legislation within the powers conferred upon Congress by the Constitution. If such Member, after careful study, arrives at the conclusion that the bill is unconstitutional, it is his clear duty under his oath to vote against it, notwithstanding that there may be a strong and persistent demand for the passage of legislation proposed in such bill. Likewise it is not only the right of the President, but the duty of the President, to veto a bill which, in his judgment, is in contravention of the Constitution. The oath to support and defend the Constitution taken by the President and Members of Congress is as solemn and binding upon them as is a like oath taken by members of the Supreme Court.

President or Congressman, who undertakes to exercise governmental powers not conferred upon him by the Constitution, takes that which does not belong to him but to the people. Such action constitutes an infringement on the rights of the people. Those who sincerely believe that the public welfare demands greater powers conferred upon the Federal Government should first seek to amend the Constitution.

Whenever the issue of the constitutionality of a law of Congress is raised in the Supreme Court the members of that court go on the assumption that that issue was carefully considered by Congress in passing the bill and by the President in signing the bill, that it was the deliberate judgment of both the Congress and the President that the law was constitutional; and being thus confronted by the judgment of the Congress and of the President in favor of the validity of the law, the members of that court will not declare the law of Congress unconstitutional until they are convinced beyond a reasonable doubt that it contravenes some provision or provisions of the Constitution.

Executives and legislators in passing upon the constitutionality of pending legislation should not do so with the purpose of narrowing the meaning of the Constitution by technical constructions but to broaden it to meet new and changed conditions and thereby keep it strengthened in the confidence of the people. The provisions of the Constitution were intended to give effect to the fine purposes of the founders of the Nation. Executives, legislators, and judges should construe these provisions liberally and broadly in order to promote the general welfare and should not thwart the noble purposes of the founders of the Nation by narrow or technical interpretations of the provisions of the Constitution.

In defending the Supreme Court in the exercise of its powers and in opposing constitutional amendments and legislation to curtail the powers of the Supreme Court, I do not wish to be understood as impugning the motives or the patriotism of the men who have in the past advocated such changes.

These changes have been advocated by thoughtful men in the name of progress, but to my mind their proposals appear extremely reactionary. In fact, I can not conceive of changes in our fundamental law that would place in jeopardy quite so much the sacred rights guaranteed by the Constitution to every inhabitant of the land, and that would be more destructive of our system of Federal and State Governments as the proposed changes I have discussed. The fact that the agitation for the proposed changes has ceased for a time is probably conclusive evidence that either the agitators themselves have become convinced that they are in the wrong or that the people are overwhelmingly against them.

The advocates of such proposals should not be denounced, but they should be taught history and given the reasons why the Constitution is as it is. No views, however radical, if presented in an orderly way are ever dangerous. If dangerous at all they are only dangerous until the light is turned on. Mr. Justice Holmes a few years ago wrote: "With effervescing opinions, as with the not yet forgotten champagnes, the quickest way to let them get flat is to let them get exposed to the air." In a judicial opinion this same justice has said: "The best test of truth is the power of thought to get itself accepted in the open market."

There is no use to get alarmed at radicals or radical views. Young radicals are a somewhat desirable portion of the community. They keep the community alive and without them the world would tend to stagnate. I think it is a good thing that young men start out in life more radical than their fathers.

To get their views accepted they will soon learn before they can make any headway that such views must be supported by facts and valid reasoning. Our Constitution guarantees the freedom of speech and of the press. The framers of the Constitution knew that the surest way to get rid of dangerous views was to bring them out in the open market where they could be seen and properly appraised by all.

We have good and intelligent people in this country who are concerned and alarmed because of the existence of forces threatening the life of the Republic. Is the life of the Republic threatened? Is there something in the form of our Government or in the character of the people back of the Government which is driving the Republic to destruction?

Life is a struggle. As to the individual, it applies to health, goods of subsistence, and to the moral and spiritual as well. We as individuals have to contend with forces both within and without to maintain our physical and also spiritual existence.

Likewise there are imperiling forces to our national existence both from within and without. Things worth while in life, whether individual or collective, can only be attained and retained by struggle.

When Cornwallis surrendered to Washington at Yorktown in 1781 the struggle for free and orderly government had only begun. Chaos not order reigned in the thirteen original Colonies. Two years later a treaty of peace was signed recognizing the independence of the Colonies. After six years more the fathers established a constitutional republic. The struggle then began to preserve and defend the Government thus established. That struggle has since continued with varying degrees of intensity and is still going on at this very hour.

The nation never did exist, does not exist now, and never will exist free from forces both within and without threatening its life. The life of a nation depends upon its life-preserving powers to resist destruction from within and upon its organized forces and powers to repel invasion from without. That has always been true, is true today, and will always be true as long as life is life and humans are human.

Is there anything in the form of our Government that would tend to breed discontent and disloyalty among the people? In the Declaration of Independence we recognize the principle as fundamental that governments are instituted among men, deriving their just powers from the consent of the governed, to secure to the people life, liberty, and the pursuit of happiness. If our Government is not so organized, it should be reorganized. The purposes for which our Government was organized are clearly set out in the preamble of the Constitution, which reads:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The purposes for which governments are organized were never better or more sincerely expressed by the representatives of a free people. In the Constitution is an article outlining the procedure to amend the Constitution. So if the people desire to amend their Constitution, either by adding to or subtracting therefrom, the machinery for that purpose is provided for.

The written Constitution thus adopted for the government of our people has stood for 139 years without change except by amendments adopted in an orderly way as the Constitution specifically provides. No other Government in the world with a written constitution has stood for so long a time without violent change—a tribute both to the wisdom and foresight of the forefathers and to the stable character and intelligence of the American people.

Under our form of government all powers of government are in the people. These powers emanate from the people and go up and not from a central authority down. There is no grievance that the people have or may have that can not be remedied in an orderly way by the majority in the manner in which the people themselves have provided in their governmental machinery.

The theory of the whole framework of our Government, whether local, State, or National, is that the majority shall rule. However, one of the glories and safeguards of our form of government is that the individual has guaranteed certain rights of property, of trial by jury when accused, of freedom of speech and the press, of freedom of religion, and others that even a majority through the channels of legislation can not take away from him. These rights, it is true, might all be swept away by constitutional amendments which would receive the approval of three-fourths of the State legislatures. As long as the Constitution remains as it is in this respect the individual is safeguarded in these sacred rights.

As to the character and stability of our people I have already made reference in connection with their attitude toward agitation to curtail the powers of the Supreme Court.

Our Government is simplicity itself. There is no inherited power. Public officers are the servants of the people an serve during the will of the people. How easy to defend a system so simple and flexible against the arguments for a violent change. To assert that the American people, or a considerable number of them, can be induced to follow the preachers of revolution is a reflection on the stability, the character, and the intelligence of our people.

There is no governmental wrong that will not yield to the will of the majority, unless such wrong is inherent in the fundamental law where more than a majority is required to bring about a change. And that instrument, the Constitution, which is the fundamental law, has readily yielded to changes in response to a persistent and intelligent popular demand as is evidenced by the 19 amendments which have become a part of the Constitution and 4 of which were adopted within recent years.

The national security is not promoted by repressing those who advocate change, but in an analysis and consideration of the changes proposed and in remedying wrongs in our economic, social, and political structure where such wrongs exist, that will yield to legislation. The first amendment to the Constitution contains sacred guaranties to the people. Reason has never failed to prevail with our people.

Under our system of government it is easy for the majority to rule if they have the will to do so. There is nothing in our governmental system to prevent the majority from having their way. There is nothing in the character or habits of our people to prevent a majority rule.

Have faith in the Government and in the people by whom and for whose benefit the Government was established and on whose will its continuance depends, hold in subjection the forces of destruction from both within and without, and our Republic's security will be assured for all time. And remember that eternal vigilance is the price of liberty.

BILLS NOT SIGNED BY THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on the Judiciary and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a memorandum prepared in the office of the Attorney General regarding bills presented to the President less than 10 days before the adjournment of Congress and not signed by him.

CALVIN COOLIDGE.

THE WHITE HOUSE,
December 22, 1928.

Mr. LUCE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUCE. Will this communication respecting the standing of bills presented to the President less than 10 days before the adjournment of Congress and not signed by him be printed in the RECORD?

The SPEAKER. It will be printed as a document, and not in the RECORD.

Mr. LUCE. It strikes me, Mr. Speaker, that that is of such constitutional importance that a unanimous-consent request to print it in the RECORD is justified, and I make that request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the memorandum from the Attorney General's office be printed in the RECORD. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, how long is the document? It seemed to be a rather bulky one, as it appeared on the Clerk's desk.

The SPEAKER. There are 99 pages in it.

Mr. LUCE. Mr. Speaker, I withdraw the request.

PERRY VICTORY MEMORIAL COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Library and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Ninth Annual Report of the Perry Victory Memorial Commission for the year ended December 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 22, 1928.*

ELIZABETH MARY SMITH

Mr. MACGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 257

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Elizabeth Mary Smith, widow of John M. Smith, late an employee of the House, a sum equal to six months' compensation at the rate he was receiving at the time of his death, and in addition $250 to defray funeral expenses.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARNER of Texas. Mr. Speaker, Just one moment. I do not think the consideration of this resolution could be had if the spirit of the agreement of the majority leader, Mr. TILSON, as announced in yesterday's RECORD, is taken into consideration this morning. However, resolutions of this kind have been going through the House without debate for the last 6 or 7 or 8 years. Therefore, I am not going to insist that the spirit of the agreement referred to be kept in this particular.

Mr. TILSON. Mr. Speaker, I take a different view in respect to the spirit of that agreement. I think this is just the kind of thing that is always done by unanimous consent and that was contemplated in the agreement, and only this sort of thing.

Mr. GARNER of Texas. That is the reason that I am not objecting to this, but this is legislation.

Mr. TILSON. Oh, yes; but it is more or less routine legislation, and usually goes through by unanimous consent.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT FLOOR MANAGER OF TELEPHONES

Mr. MACGREGOR. Mr. Speaker, I also present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 259

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House compensation at the rate of $1,830 per annum, payable monthly, for the services of a temporary majority assistant floor manager of telephones to be appointed by the Doorkeeper of the House. The compensation and employment hereby authorized shall start from December 1, 1928, and terminate March 31, 1929.

Mr. MACGREGOR. Mr. Speaker, this is to continue the employment of a temporary man in place of Mr. Holt, who has been incapacitated.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERICAL ASSISTANCE, COMMITTEE ON ACCOUNTS

Mr. MACGREGOR. Mr. Speaker, I also present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 276

Resolved, That the Clerk of the House is authorized to pay from the contingent fund of the House compensation at the rate of $200 per month for additional clerical assistance to the Committee on Accounts during the remainder of the session of the Seventieth Congress.

Mr. SNELL. Mr. Speaker, I think my colleague from New York should make some explanation in regard to this extra allowance. The Committee on Accounts is none too generous in giving the rest of us extra allowances for clerical hire.

Mr. MACGREGOR. Mr. Speaker, as most of you know, I am about to resign. The chairmanship of the Committee on Accounts is to be taken over by the ranking member, and he is not familiar with the details of the office. There are many details which are, of course, in the minds of the clerks that I have there now. The work that they have been doing is far in excess of that which has been done by my predecessors. My immediate predecessor had a man to whom I think he was paying $4,000 a year. The work of the Committee on Accounts has vastly increased since I became its chairman. We have taken over the work of the Committee on Mileage, and my present clerk is the manager of the restaurant, something never done before, so that the new chairman is going to have some job in getting in touch with the work of this committee. I have felt that this request is a reasonable request on his part, as a temporary proposition.

Mr. SNELL. I understand that he is to retain some one who is there at the present time, who is familiar with the work?

Mr. MACGREGOR. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MINNIE F. M'KENZIE

Mr. MACGREGOR. Mr. Speaker, I present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 279

Resolved, That there shall be paid out of the contingent fund of the House to Minnie F. McKenzie, widow of John A. McKenzie, late an employee of the House, a sum equal to six months' salary and an additional sum not exceeding $250 to cover the funeral expenses and the expenses of his last illness.

Mr. UNDERHILL. Mr. Speaker, I think the provision in that resolution in respect to the expenses of his last illness is somewhat different from the usual form, and I move to strike those words out.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. UNDERHILL: After the word "expenses," where it first occurs in the resolution, strike out the words "and the expenses of his last illness."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to, and the resolution as amended was agreed to.

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read as follows:

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Capitol, Washington, D. C.

MY DEAR SIR: I beg to inform you that I have transmitted to the Governor of the State of New York my resignation as a Representative in Congress from the forty-first congressional district of the State of New York, to take effect at the close of business on December 31, 1928.

Respectfully submitted.

CLARENCE MACGREGOR.

The SPEAKER. Ordered printed.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. MACGREGOR. Mr. Speaker and my fellow Members [applause], I do not intend to make any so-called farewell speech. As most of you know, I have been chosen to another position in my State, a position which I have long cherished to fill, justice of the Supreme Court of the State of New York for the period of 14 years. [Applause.] I simply want to express to my fellow Members my thanks and my appreciation for their many kindnesses to me. It has been a wonderful experience here. The 10 years I have been a Member of this body have been years of pleasure and gratification, and I leave it, of course, with a great deal of regret, not only because of the great opportunities for work and constructive service that are ever present with Members of this House, but also because it severs at least a direct contact with the many friends I have made during my term of membership here. I leave you with regret, thank you for your kindnesses, wish you many, many merry Christmases and happy New Years. [Applause.]

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERHILL. My colleagues, I have been associated with Mr. MACGREGOR on the Committee on Accounts, of which he has been chairman for the past six years, ever since I have been a Member of Congress. I have learned not only to admire him because of his fairness, because of his conscientious endeavor to give justice to all, but because of his courage in consistently opposing raids upon the contingent fund, which has no protector except the chairman of the Committee on Accounts. He has given most generously of his time.

Perhaps some of you have forgotten that the chairman of the Committee on Accounts is one of the three Members appointed at the close of each session to serve as an ad interim committee during the recesses of Congress. That necessitates at least one Member's presence in Washington during most of the hot summer months. Mr. MACGREGOR has very generously taken over that duty, and the other two Members on that committee have been very seldom called upon to fill in during his absence. It is only one illustration of the sacrifices that he has made in his devotion to the country's service, and I am sure I voice the sentiments of the other Members of the House when I say that though we regret that he is to leave us we rejoice at his advancement in his profession. Our best wishes go with him not only for a merry Christmas and a happy, healthful, successful coming year, but for at least 14 more years, and then another 14 years of usefulness in his new position. [Applause.]

ADJOURNMENT OVER HOLIDAY RECESS

Mr. TILSON. Mr. Speaker, before we separate for the holiday recess I wish to express my sincere thanks to the entire membership of the House for the fine spirit of cooperation that has prevailed during the present session of Congress. And as we go, many of us to our homes, and all, as I hope, in the enjoyment of this little recess, I wish you all a very merry Christmas and a very happy New Year. [Applause.]

I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 30 minutes p. m.) the House adjourned, pursuant to a joint resolution previously passed, until Thursday, January 3, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

709. A letter from the Postmaster General, transmitting the facts in the claim of John T. Painter, postmaster at Greensburg,

Pa., for credit on account of loss sustained in the burglary of the post office on April 22, 1928, as set forth in the postmaster's claim, reports of the inspectors who investigated the matter, and a summary of the evidence by the solicitor for the department (H. Doc. No. 491); to the Committee on Claims and ordered to be printed.

710. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1929, for the expenses of the inaugural ceremonies of 1929, $45,000 (H. Doc. No. 492); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 259. A resolution to provide for a temporary assistant majority floor manager of telephones (Rept. No. 1973). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 276. A resolution to provide $200 per month for additional clerical assistance to the Committee on Accounts (Rept. No. 1974). Ordered printed.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14146. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.; with amendment (Rept. No. 1975). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 14164. A bill granting the consent of Congress to the city of Knoxville, Tenn., to construct a bridge across the Tennessee River at Henley Street in Knoxville, Knox County, Tenn.; with amendment (Rept. No. 1976). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14451. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Ohio River, between the city of Pittsburgh and the borough of McKees Rocks, State of Pennsylvania; with amendment (Rept. No. 1977). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14469. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.; with amendment (Rept. No. 1978). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14473. A bill granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; with amendment (Rept. No. 1979). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14474. A bill granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; with amendment (Rept. No. 1980). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 14481. A bill to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; with amendment (Rept. No. 1981). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14802. A bill granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio; with amendment (Rept. No. 1982). Referred to the House Calendar.

Mr. PARKS. Committee on Interstate and Foreign Commerce. H. R. 14803. A bill to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928; with amendment (Rept. No. 1983). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14919. A bill granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct a bridge across the Mahoning River at Cedar Street, Youngstown, Mahoning County, Ohio; with amendment (Rept. No. 1984). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 14920. A bill granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.; without amendment (Rept. No. 1985). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15067. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; with amendment (Rept. No. 1986). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15072. A bill granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State; with amendment (Rept. No. 1987). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15081. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.; with amendment (Rept. No. 1988). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 15084. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.; with amendment (Rept. No. 1989). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 15202. A bill granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; with amendment (Rept. No. 1990). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 257. A resolution authorizing payment of six months' salary and funeral expenses to Elizabeth Mary Smith on account of the death of John M. Smith, late an employee of the House of Representatives (Rept. No. 1972). Ordered printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 15675) providing for the purchase and sale of cotton by net weight; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 15676) amendatory of the act of March 26, 1908 (35 Stat. L. p. 48), as amended by the act of December 11, 1919 (41 Stat. L. p. 366); to the Committee on the Public Lands.

By Mr. LEAVITT: A bill (H. R. 15677) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; to the Committee on Indian Affairs.

By Mr. MILLER: A bill (H. R. 15678) to provide for the establishment of a rifle range in the vicinity of the navy yard, Puget Sound, Wash.; to the Committee on Naval Affairs.

By Mr. SMITH: A bill (H. R. 15679) amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. WELCH of California: A bill (H. R. 15680) to amend a section of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. HALL of Illinois: Joint resolution (H. J. Res. 364) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 15681) granting a pension to Nicholas P. Broadway; to the Committee on Pensions.

By Mr. ANDREW: A bill (H. R. 15682) granting a pension to Anna M. Varnum; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15683) granting an increase of pension to Laura Myers; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15684) granting an increase of pension to Malinda Bollinger; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15685) granting a pension to Mary Love Roberts; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15686) for the relief of E. O. McGillis; to the Committee on Military Affairs.

By Mr. DOUTRICH: A bill (H. R. 15687) granting an increase of pension to Bertha H. Lafner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Sarah L. Seltzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15689) granting a pension to Maude Lingenfelter; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 15690) for the relief of Charles W. Byers; to the Committee on Claims.

By Mr. GARDNER of Indiana: A bill (H. R. 15691) granting a pension to Mary R. Gehlbach; to the Committee on Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Frances M. Roger; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 15693) granting a pension to Charles H. Phillips; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 15694) granting an increase of pension to Effie M. Britton; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15695) granting an increase of pension to Lavina Imhoff; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 15696) granting a pension to Benjamin F. Gay, alias John Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting a pension to Edith McCann; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 15698) granting an increase of pension to Ella R. Crail; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15699) granting a pension to Frances N. Myers; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased; to the Committee on the Public Lands.

By Mr. LEHLBACH: A bill (H. R. 15701) for the relief of Lieut. H. W. Taylor, United States Navy; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 15702) granting an increase of pension to Annie Bell; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 15703) for the relief of Louis Vauthier and Francis Dohs; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 15704) granting an increase of pension to Harriet J. Davis; to the Committee on Invalid Pensions.

By Mr. NEIDRINGHAUS: A bill (H. R. 15705) granting a pension to Joshua A. Tate; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 15706) granting an increase of pension to Laura A. Cram; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15707) authorizing payment of compensation to Annie Hiscock; to the Committee on World War Veterans' Legislation.

By Mr. SNELL: A bill (H. R. 15708) for the relief of Louis Shybilska; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15709) granting a pension to Roxie Pope Baker; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 15710) granting a pension to Charley M. Ardleman; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 15711) granting an increase of pension to Elizabeth J. Malone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8088. By Mr. EVANS of California: Petition of Lancaster Women's Club, for the ratification of the multilateral treaty; to the Committee on Foreign Affairs.

8089. Also, petition of Laura B. Jones and 38 others, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

8090. By Mr. HOOPER: Petition of Henry McDonald and eight other residents of Michigan, protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 3, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Father of life and God of the living, as the sweeping course of time has brought us to the dawn of another year, we bless Thee for the constant memories of what we are that rise up within us, for the hush of solemn thoughts, for the moments of insight when the veil on the face of all things falls away, and for the hours of high resolve which quicken the life within.

As in the changing seasons nature by Thy hand shakes off her olden vesture, only to be clothed upon with renewed splendor, so now by Thy Spirit enter our lives, rid us of all Thou canst not approve, and clothe us with the garments of love and service. Bless our Nation and all who are in authority, sanctify our homes and hallow our relationships, that we may be a people in whom joy and peace are set forth as glowing sacraments of Thy presence. Through Jesus Christ our Lord. Amen.

EARLE B. MAYFIELD, a Senator from the State of Texas, and PETER NORBECK, a Senator from the State of South Dakota, appeared in their seats to-day.

THE JOURNAL

The legislative clerk proceeded to read the Journal of the proceedings of Saturday, December 22, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of HIRAM W. JOHNSON, chosen a Senator from the State of California for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

Know all men by these presents:

That it appears from the certificate duly executed by the secretary of state and filed in this office, and I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by law, do by these presents hereby certify that at the general election held on Tuesday, the 6th day of November, 1928, HIRAM W. JOHNSON was duly elected a Senator to represent the State of California in the Senate of the United States of America for a term of six years, as prescribed by law.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State at Sacramento this 18th day of December, 1928.

[SEAL.] C. C. YOUNG, *Governor.*

Attest:

FRANK C. JORDAN,
Secretary of State.

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HIRAM W. JOHNSON was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Sacramento this 18th day of December, A. D. 1928.

[SEAL.] C. C. YOUNG, *Governor.*

Attest:

FRANK C. JORDAN,
Secretary of State.

The VICE PRESIDENT laid before the Senate the credentials of HUBERT D. STEPHENS, chosen a Senator from the State of Mississippi for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

JACKSON, MISS., *December 26, 1928.*

To the SECRETARY OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HUBERT D. STEPHENS was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in

the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

Witness my signature and the great seal of the State of Mississippi this 26th day of December, 1928.

[SEAL.] WALKER WOOD,
Secretary of State.

The VICE PRESIDENT laid before the Senate the credentials of DAVID I. WALSH, chosen a Senator from the State of Massachusetts for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES, greeting:

This is to certify that on the 6th day of November, A. D. 1928, DAVID I. WALSH was duly chosen by the qualified voters of said Commonwealth a Senator, to represent said Commonwealth of Massachusetts in the Senate of the United States for the term of six years, commencing on the 4th day of March, A. D. 1929.

Witness, His Excellency Alvan T. Fuller, our governor, and our great seal, hereunto affixed, at Boston, this 5th day of December, A. D. 1928, and of the independence of the United States of America, the one hundred and fifty-third.

[SEAL.] ALVAN T. FULLER.

By his excellency the governor:

F. W. COOK,
Secretary of the Commonwealth.

The VICE PRESIDENT laid before the Senate the credentials of ARTHUR H. VANDENBERG, chosen a Senator from the State of Michigan for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF MICHIGAN.

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that, at the general election, held on the 6th day of November, 1928, ARTHUR H. VANDENBERG was duly elected United States Senator for the term ending March 4, 1935.

In witness whereof we have hereto subscribed our names at Lansing this 1st day of December, 1928.

JOHN S. HAGGERTY,
Secretary of State.
FRANK D. MCKAY,
State Treasurer.
WEBSTER H. PEARCE,
Superintendent of Public Instruction, Board of State Canvassers.

STATE OF MICHIGAN,
Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State, at Lansing, this 1st day of December, 1928.

[SEAL.] JOHN S. HAGGERTY,
Secretary of State.

Mr. JONES. Mr. President, I present the certificate of election of my colleague C. C. DILL, of Washington, and ask that it may be read.

The credentials were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON.

This is to certify that at the general election held in the State of Washington on the 6th day of November, 1928, C. C. DILL received the highest number of votes cast for the office of United States Senator of said State of Washington, and was therefore duly elected to said office as appears from the official returns of said election duly transmitted to the Secretary of State of said State as duly canvassed and certified in the manner provided by law.

In witness whereof I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 10th day of December, A. D. 1928, and of our State the thirty-ninth year.

[SEAL.] ROLAND H. HARTLEY, *Governor.*

By the governor:

A. M. KITTO,
Assistant Secretary of State.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On December 22, 1928:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

On December 31, 1928:

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher; and

S. J. Res. 167. Joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

REPORT OF THE GOVERNOR OF PORTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 12 of the act of Congress of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress, the twenty-eighth annual report of the Governor of Porto Rico, including the reports of the heads of the several departments of the government of Porto Rico and that of the auditor, for the fiscal year ended June 30, 1928.

I recommend that the report of the Governor of Porto Rico, without appendices, be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 3, 1929.*

CONTROL OF PREDATORY ANIMALS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on investigations made by the Department of Agriculture as to the feasibility of a 10-year cooperative program for the control of predatory animals within the United States, together with the estimated cost, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

JOHN F. WHITE AND MARY L. WHITE

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of an investigation of the claim of John F. White and Mary L. White, of Riverton, Wyo., for compensation for alleged damages and injuries to the property and persons of said claimants and their children sustained in an automobile accident in the Shoshone and Arapahoe Indian Reservation, which, with the accompanying report, was referred to the Committee on Indian Affairs.

USELESS PAPERS IN THE GENERAL ACCOUNTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of papers and documents on the files of the General Accounting Office which are not needed in the transaction of the public business and have no permanent value or historical interest, and asking for action looking toward their disposition, which, with the accompanying report, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. JONES and Mr. OVERMAN as members of the committee on the part of the Senate.

GRAY ARTESIAN WELL CO.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of the Gray Artesian Well Co. against the United States, which, with the accompanying report, was referred to the Committee on Claims.

SETTLEMENT OF SHIPPING BOARD CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the vice chairman of the United States Shipping Board, transmitting, pursuant to law, a report of claims arbitrated or settled by agreement from October 16, 1927, to October 15, 1928, by the United States Shipping Board and/or the United States Shipping Board Merchant Fleet Corporation, which, with the accompanying report, was referred to the Committee on Commerce.

WASTE-PAPER SALES IN GOVERNMENT PRINTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, pursuant to law,

a report on the disposition of useless papers in the Government Printing Office from February 16, 1928, to December 28, 1928, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Veterans of Foreign Wars of the United States at their national encampment, favoring the early completion of the quota of capital ships in the United States Navy, and urging that cruiser, aircraft carrier, and other auxiliary vessels, including naval personnel and equipment, be brought up to required strength and standing, which were ordered to lie on the table.

Mr. ROBINSON of Arkansas. I present petitions signed by several thousand employees of the St. Louis & San Francisco Railway Co., praying that the Congress enact legislation for the regulation of interstate commerce carried on by corporations and individuals engaged in transportation by buses. I move that the petitions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BORAH. Mr. President, I have a number of petitions and resolutions relative to the pending peace treaty, with a letter accompanying the petitions. I ask that the letter be printed in the RECORD and that the resolutions and petitions lie upon the table for future reference in case that may be desired.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

NATIONAL COMMITTEE ON THE CAUSE AND CURE OF WAR,
New York City, December 28, 1928.

To the Hon. WILLIAM E. BORAH,
Chairman of the Committee on Foreign Relations,
and to the Senate of the United States.

SIRS: On behalf of the National Committee on the Cause and Cure of War, we, the undersigned, beg to present the following facts:

This committee, composed of 10 national women's organizations, including the largest and most generally distributed in our country, with some millions of members, has conducted an educational campaign on behalf of the Briand-Kellogg pact. The aim has been to carry to the people of our country knowledge of the purpose and intent of the treaty and to bring back to the United States Senate the evidence of public approval.

With this end in view, more than 10,000 meetings have been assembled, covering each of the 48 States. Fifty-one State and sectional conferences were held in 39 States, sponsored by the National Committee on the Cause and Cure of War and cooperated in by many organizations of men and of women not connected with the committee. Conventions of organizations unrelated to our own have devoted the whole or a part of a session to the treaty. Hundreds of the most eminent men and women of our country have addressed these meetings, which were not accompanied by spectacular features and in which opportunity was always given, in the true American spirit of free speech, for discussion, for questions, or for opposition.

In order to secure for the Senate evidence of the state of public opinion the following resolution was read, discussed, and put to vote at each meeting:

"Whereas the rising tide of public opinion throughout the world favors reason not force, arbitration not battles, as the means of settling disputes between nations; and

"Whereas out of correspondence and negotiations among the great powers, begun in January, 1928, has come a multilateral treaty, open to all nations, proscribing war as an instrument of national policy among the signatories and engaging them by solemn pledges to find peaceful methods of settling any dispute that may arise; and

"Whereas these negotiations have progressed so far that on August 27, 1928, at Paris, the treaty was duly signed by the representatives of 15 nations and now awaits ratification by each of these countries according to its custom, and all other nations have been invited to join in it; and

"Whereas we regard the treaty as one of the outstanding events of our century and welcome it as an indication that war may actually be abolished as an instrument of policy among civilized peoples: Be it

"*Resolved*, That we hereby pledge to this undertaking our earnest and active support, and urge the Senate of the United States, in response to public opinion, to ratify the treaty when presented."

The total number of resolutions thus adopted is at this date 10,057. The seven States having passed the largest number are—

Pennsylvania	1,156
Minnesota	932
Michigan	814
Colorado	654
New Jersey	561
Illinois	532
Iowa	509

These resolutions, signed by officials of the meeting and stating numbers present and numbers voting for and against, are on file at our headquarters, room 1015, Grand Central Terminal Building, New York City, and are at the disposal of the Senate when and if requested, each State being held for the examination of the Senators of that State. For the present purposes a list of the resolutions, with places and occasions when passed, is submitted for your convenience. The mere list of these resolutions weighs 1 pound and 9 ounces and the resolutions themselves, if placed end to end, would measure nearly 2 miles.

The reports are in singular agreement in their assurance that few persons have been found who oppose, doubt, or criticize the treaty, the general opinion favoring ratification without reservations.

We are convinced from our experience of the past six months that the women of this Nation are more united in their indorsement of this treaty than we have ever known them to be on any other question. Men have been more cautiously anxious to learn the opinion of party and business leaders, but with these doubts removed they have been as ardent in their support as women.

Therefore we petition your honorable body, on behalf of this enormous evidence of public interest, to grant an early ratification of the treaty, without reservations.

Yours sincerely,

CARRIE CHAPMAN CATT,
General Chairman.
JOSEPHINE SCHAIN,
Secretary.

Mr. FESS presented petitions numerously signed by sundry citizens in the State of Ohio, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FRAZIER presented petitions signed by over 1,908 citizens of the States of North and South Dakota, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. KENDRICK presented memorials numerously signed of the Cody Rod and Gun Club and sundry citizens of Ishawooa, Powell, Cody, Valley, Wapiti, Elk, Burlington, Greybull, Byron, and Emblem, all in the State of Wyoming, remonstrating against the passage of Senate bill 2571, to change the boundaries of the Yellowstone National Park by taking in the headwaters of the Yellowstone River, etc., which were referred to the Committee on Public Lands and Surveys.

Mr. SHORTRIDGE presented 6,994 petitions and letters and papers in the nature of petitions from sundry civic, educational, religious, and patriotic organizations and citizens, all in the State of California, praying for the ratification of the Kellogg multilateral treaty for the renunciation of war as an instrument of national policy, which were ordered to lie on the table.

Mr. BLAINE presented numerous petitions and papers in the nature of petitions of civic and religious organizations and sundry citizens in the State of Wisconsin, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BURTON presented a petition signed by sundry members of the First Baptist Church of Greater Cleveland, Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Springfield, Oberlin, Quaker City, Batesville, Delaware, and Yellow Springs, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHIPSTEAD presented petitions of sundry citizens of Minneapolis and Osceola, Minn., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of Senate Resolution 242, providing for an inquiry as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented petitions of sundry citizens of Amarillo, Dallas, Elgin, and Friendswood, all in the State of Texas, praying for the ratification of the so-called Kellogg treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of the congregation of Temple Beth-el, of San Antonio, Tex., praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CURTIS presented numerous resolutions adopted by civic and religious organizations in the State of Kansas, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of Federal Employees Local No. 49, of Leavenworth, Kans., praying that employees of the various soldiers' homes may receive salary increases through the operation of the so-called Welch Act, which was referred to the Committee on Civil Service.

Mr. JONES presented petitions of sundry citizens of Kennewick, Eltopia, Seattle, Plain, Friday Harbor, Oroville, Hoquiam, East Sound, Aberdeen, Satsop, Cheney, Port Orchard, Oakville, Okanogan, Elma, Walla Walla, Prescott, Nespelem, and Spokane, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented the petition of members of Prospect Congregational Church, of Seattle, Wash., praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented numerous petitions signed by over 4,150 citizens of the State of Washington, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BINGHAM presented petitions of sundry citizens of Stamford, New Haven, Hartford, and East Hartford, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Men's Community Bible Class, of East Hartford, Conn., favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a memorial signed by 56 students of the Yale Divinity School, New Haven, Conn., remonstrating against the adoption of the so-called naval building program, which was ordered to lie on the table.

He also presented a petition of 50 citizens of Sound View, Conn., praying that the Government develop Muscle Shoals, Boulder Dam, and the St. Lawrence River power project and "run the business for the benefit of all," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kohala, Territory of Hawaii, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Washington, D. C., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented petitions, numerously signed, of the Saline County Woman's Christian Temperance Union and sundry citizens of Clifton, Riley, Buffalo, and Lawrence, all in the State of Kansas, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Missionary Society and the Women's Missionary Association of the First Presbyterian Church; the Sunday School and the Women's Missionary Society of the Waco Avenue United Brethren Church; the Sunday School of the College Hill Methodist Episcopal Church; the Gold Star Mothers; and the Mary Dobbs and Frances Willard Women's Christian Temperance Unions, all of Wichita; the Friend's Bible School and the Sunday Schools of the First Baptist and Methodist Episcopal Churches of Argonia; the Wyandotte and Grand View Women's Christian Temperance Unions; the congregations of the London Heights and Central Avenue Methodist Episcopal Churches of Kansas City; the Women's Christian Temperance Union, Hutchinson; the Woman's Missionary Society of the United Presbyterian, United Presbyterian and Reformed Presbyterian Churches and the Woman's Christian Temperance Union of Sterling; the Woman's Literary Club, the Women's Foreign Missionary Society, and the Methodist Episcopal Sunday School and the Woman's Christian Temperance Union, Syracuse; the Woman's Christian Temperance Union, Lawrence; the Methodist Episcopal and Friends Churches, Haviland; the Woman's Christian Temperance Union, Eureka; the Woman's Temperance Union, Lost Springs; the Woman's Christian Temperance Union, Everest; the Sunday Schools of the Presbyterian and Methodist Episcopal Churches and the Woman's Christian Temperance Union, White City; the Woman's Christian Temperance Unions of Yates Center, Oakley, Gardner, Topeka, Mulvane, Wakefield, Hazelton, Ashland, Fort Scott, Courtland, Miltonvale, Parsons, Glasco; the Brethren Church, McLouth; the Woman's Missionary Society, Oxford; the Christian Church, Arkansas City; the Current Literature Club, Fort Scott; the First Methodist Episcopal Church, Parsons; the Missionary Society, Glasco; and the Methodist Episcopal Sunday School, Bluff City, all in the State of Kansas, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. McLEAN presented a telegram and letters in the nature of petitions from the American Legion Auxiliary of Wethersfield, and Litchfield County Chapter, Reserve Officers' Association, of Litchfield, in the State of Connecticut, praying for the adoption of the proposed naval building program, which were ordered to lie on the table.

He also presented petitions and papers in the nature of petitions of the Woman's Foreign Missionary Society; sundry citizens; League of Women Voters; Connecticut Section, National Committee on the Cause and Cure of War; National Council of Jewish Women, all of Hartford; Men's Community Bible Class and sundry citizens of East Hartford and League of Women Voters of West Hartford; the Fairfield County League of Women Voters of South Norwalk; Business and Professional Women's Club; Council of Jewish Women of Norwalk and Association of University Women of Norwalk and Westport; Woman's Christian Temperance Union of Meriden; League of Women Voters of Meriden; League of Women Voters of Stamford and League of Women Voters of New Britain; faculty and students of Berkely Divinity School; Woman's Foreign Missionary Society; League of Women Voters; Young Women's Christian Association of New Haven; Young Women's Christian Association of Bridgeport; League of Women Voters of New London; League of Women Voters of Middletown; sundry citizens of Middletown and League of Women Voters of Windsor; Women Voters of Baltic; League of Women Voters of Stonington; League of Women Voters of Mystic; Riverside Women's Civics Club of Sound Beach; Salisbury League of Women Voters of Lakeville; League of Women Voters of North Branford; League of Women Voters of New Milford; League of Women Voters of South Manchester; Woman's Club of Suffield; League of Women Voters of Greenwich; League of Women Voters of Norwich and congregation of the Methodist Episcopal Church of Lakeville; American Legion Auxiliary, Department of Connecticut; Rau-Locke Post, No. 8, American Legion Auxiliary and American Legion of Hartford; American Legion Auxiliary, Naval Unit No. 110, and American Legion Auxiliary, No. 47, of New Haven; Delacour Post, No. 42, American Legion of Bridgeport; Post No. 45, American Legion of Meriden; Eddy-Glover Unit No. 6, American Legion Auxiliary, New Britain; American Legion of Middletown; Auxiliary Frank C. Godfrey Post, No. 12, American Legion of Norwalk; George Alfred Smith Post, No. 74, American Legion Auxiliary of Fairfield and Senger Post, No. 10, American Legion of Seymour, all in the State of Connecticut, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

CONSTRUCTION OF CRUISERS

Mr. VANDENBERG. Mr. President, I present a telegram, which I ask may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read and ordered to lie on the table, as follows:

DETROIT, MICH., *December 18, 1928.*

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.:

The allied veterans of three wars in Michigan join with us in urging your whole-hearted support of the replacement cruiser construction bill immediately. We want naval disarmament agreement ratio of 5–5–3 maintained without deviation. Europe having turned down America's offer for further naval reduction in armaments the past year, self-respect and the national defense command action.

Col. A. H. GANSSER,
President Michigan State Senate.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, reported it with amendments, submitted a report (No. 1377) thereon, and moved that it be referred to the Committee on Civil Service, which was agreed to.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on December 22, 1928, that committee presented to the President of the United States the enrolled bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved,

and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 5106) granting a pension to Jasper O. Craig;

A bill (S. 5107) granting a pension to Van Letsinger; and

A bill (S. 5108) granting an increase of pension to Robert N. Pitts; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5109) granting a pension to Ellen Tarbutton; to the Committee on Pensions.

By Mr. NYE:

A bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5111) to authorize the President of the United States to present in the name of Congress a medal of honor to Lieut. Carl Benjamin Eielson; to the Committee on Military Affairs.

By Mr. McMASTER:

A bill (S. 5112) providing for the examination and survey of the Missouri River from Sioux City, Iowa, to Chamberlain, S. Dak.; to the Committee on Commerce.

By Mr. SHORTRIDGE:

A bill (S. 5114) granting a pension to Stephen Sawyer; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5115) granting an increase of pension to Lydia Ann Collins (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5116) granting a pension to Hamilton Miller;

A bill (S. 5117) granting a pension to George W. Smith; and

A bill (S. 5118) granting a pension to Mary R. Wood; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5119) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes, and for other purposes; to the Committee on Military Affairs.

By Mr. BAYARD:

A bill (S. 5120) granting an increase of pension to Abigail J. Barton (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925; to the Committee on the District of Columbia.

A bill (S. 5122) granting a pension to Lucinda Cox (with accompanying papers);

A bill (S. 5123) granting an increase of pension to Nancy M. Montrose (with accompanying papers);

A bill (S. 5124) granting an increase of pension to Nancy J. Hopkins (with accompanying papers); and

A bill (S. 5125) granting an increase of pension to Cordelia Cummins (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5126) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 5128) granting a pension to Louise Koch; to the Committee on Pensions.

A bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5130) granting a pension to Mary L. Tanner (with accompanying papers); and

A bill (S. 5131) extending the provisions of the pension laws relating to Indian war veterans to Capt. H. M. Hodgis's company, and for other purposes; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5134) granting a pension to Laura M. Leach (with accompanying papers); and

A bill (S. 5135) granting a pension to Marietta K. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5136) granting an increase of pension to Catherine Ramsey; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5137) granting a pension to Victoria Van Duzer; to the Committee on Pensions.

A bill (S. 5138) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 26, 29, and 30 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Indiana:

A bill (S. 5139) granting a pension to Della Coffman;

A bill (S. 5140) granting an increase of pension to Annie L. Herbert; and

A bill (S. 5141) granting an increase of pension to Annie E. Edwards; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5142) granting a pension to John R. Gilbert (with accompanying papers);

A bill (S. 5143) granting a pension to James C. Virdin; and

A bill (S. 5144) granting an increase of pension to Margaret E. Roseboom (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 5145) granting an increase of pension to Harriet A. Shea (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; and

(By request.) A bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

By Mr. BROOKHART:

A bill (S. 5149) for the relief of the widow of First Lieut. William C. Williams, jr., Air Service Reserve Corps, United States Army; to the Committee on Military Affairs.

A bill (S. 5150) granting a pension to Frances Lukens (with accompanying papers);

A bill (S. 5151) granting a pension to Otis H. Shurtliff; and

A bill (S. 5152) granting an increase of pension to Mary L. Hoffman (with accompanying paper); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 5153) for the relief of E. A. Ahrens; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 5155) granting a pension to Fredrik S. Ross (with accompanying papers);

A bill (S. 5156) granting a pension to John G. Brickel (with accompanying papers);

A bill (S. 5157) granting a pension to Flora Rotzler (with accompanying papers);

A bill (S. 5158) granting an increase of pension to Esther A. Colwell (with accompanying papers);

A bill (S. 5159) granting an increase of pension to Lena Lenning (with accompanying paper);

A bill (S. 5160) granting an increase of pension to Betsy Anderson (with accompanying papers);

A bill (S. 5161) granting an increase of pension to Etta Brown Linn (with accompanying papers);

A bill (S. 5162) granting an increase of pension to Fannie Bonk (with accompanying papers);

A bill (S. 5163) granting an increase of pension to William Nellis (with accompanying papers); and

A bill (S. 5164) granting an increase of pension to John Scott (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 5165) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn.; to the Committee on Commerce.

A bill (S. 5166) for the relief of the dependent relatives of Roswell Watson Gould; to the Committee on Military Affairs.

A bill (S. 5167) granting an annuity to Robert K. Brough; and

A bill (S. 5168) granting a pension to Otto S. Langum (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5169) granting an increase of pension to Cora A. Dunham (with accompanying papers); and

A bill (S. 5170) granting an increase of pension to Mary F. Cateract (with accompanying papers); to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5171) granting an increase of pension to William D. Wood; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5172) granting a pension to Cordelia J. McKinney (with accompanying papers);

A bill (S. 5173) granting a pension to Frank Kramer (with accompanying papers);

A bill (S. 5174) granting a pension to Virginia Watkins (with accompanying papers);

A bill (S. 5175) granting a pension to Henry Thomas (with accompanying papers);

A bill (S. 5176) granting a pension to John Musgraves (with accompanying papers); and

A bill (S. 5177) granting a pension to Mike Zwitchy (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5178) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear;* to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Commerce.

By Mr. FRAZIER (by request):

A bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

BRIDGE ON SOBOBA INDIAN RESERVATION, CALIF.

Mr. JOHNSON. Mr. President, I introduce a bill which I ask may be referred to the Committee on Indian Affairs, and, in connection with it, I ask that there may be printed in the RECORD a letter from Mr. Finney, the Acting Secretary of the Interior, in respect to it.

The bill (S. 5113) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif., was read twice by its title and referred to the Committee on Indian Affairs, and, there being no objection, the accompanying letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
December 28, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: This will refer further to your letter of December 11, transmitting for report and recommendation a copy of H. R. 15092, to authorize an appropriation of $11,000 to pay half the cost of a bridge across the San Jacinto River. The title of the bill refers to the bridge as being on the Soboba Indian Reservation, in the State of California. This is erroneous, as the bridge is not on but near the reservation, as stated in line 6 of the bill.

The reservation comprises 4,450 acres, with 22 Indian homes, a subagency, and hospital. While, as above stated, the site of the bridge is not on the reservation, it affords the only convenient means of access thereto. The old bridge, a wooden structure, was destroyed by flood in the spring of 1927, and the reservation was entirely isolated for a few days, during which the river could not be safely forded. About 100 Indians live on the reservation, and at times half that number of hospital patients and employees.

It is estimated that a suitable bridge will cost about $22,000. While not on the reservation, yet, as the bridge is necessary from the standpoint of the Indians and governmental activities there, it would seem proper that the United States pay half the cost. It is, therefore, recommended that the bill be given favorable consideration.

Under date of December 20, 1928, the Director of the Budget advises that the proposed legislation would not be in conflict with the financial program of the President.

Very truly yours,

(Signed) E. C. FINNEY,
Acting Secretary.

THE "VESTRIS" DISASTER

Mr. JONES. Mr. President, in connection with the introduction of bills, I desire to ask to have printed in the RECORD, and also printed as a Senate document, the report of the commissioner who investigated the *Vestris* disaster. I hold his report in my hand. It is a very concise and complete report. While as a general rule I am not in favor of printing such reports in the RECORD and also as public documents, I think, owing to the widespread interest in this disaster, that this report should be printed in the RECORD, and, for the convenience of the Senate, it should also be printed as a Senate document. I therefore ask that that be done.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The report is as follows:

United States District Court, Southern District of New York, in the matter of an investigation into the causes and circumstances of the sinking of the S. S. *Vestris*

Report of United States Commissioner Francis A. O'Neill

REPORT OF THE COMMISSIONER—SCOPE AND PURPOSE OF INQUIRY

On November 15, 1928, there was filed with me by the United States attorney for this district an information relative to the sinking of the steamship *Vestris* on November 12. The information asked that there should be a rigid and impartial investigation in order to establish and perpetuate the facts while the witnesses were at hand, to determine the causes of the disaster, and to ascertain whether any law of the United States had been violated.

At the outset of the inquiry the British consul general in this city, on behalf of his Government, suggested that there be appointed nautical experts representing the British and American Governments, respectively, to sit with the court and advise on technical matters. This suggestion was immediately accepted. Thereupon, the British Government designated as its representative Capt. Henry McConkey, marine superintendent of the Cunard Line; and the American Government designated Capt. E. P. Jessop, formerly a captain in the United States Navy and marine superintendent of the Panama Canal, who had charge during the war of the repair of shipping in the port of Brest, France, and who was recommended by both the American and English Lloyds.

Thereafter both experts sat with the court continuously, and their reports have since been rendered.

The hearings were also continuously attended by counsel for the owners of the *Vestris,* who was given and who exercised the privilege of having called such witnesses as he desired and of having put to the witnesses such questions as he suggested. In addition, the court heard at length Capt. William H. Coombs, who stated that he managed a London organization representing 9,000 captains and officers in the English merchant marine.

The court sat almost continuously until December 6. There was taken, both orally and by affidavit, the testimony of a very large number of survivors and of other persons, including the marine superintendent of the Lamport & Holt Line, the inspector who conducted the annual inspection, and the head of the stevedoring firm who loaded the vessel. The officers of the ship were called and examined and given every opportunity to state what they knew or what they desired to say concerning the sinking of the *Vestris.* Such survivors as were not called would, as the United States attorney ascertained by inquiry out of court, have given mere cumulative evidence.

As a result of this cooperation the investigation was thorough and complete, the facts of the disaster have been clearly explained, public excitement has been allayed, and material is at hand to enable Congress and the Department of Commerce to bring constructive results from this unfortunate event. This report can not be concluded without officially noting the fine public service which this investigation has disclosed.

Passing details of the various decisions, in their nature not appearing in this record, involving professional and international courtesies, it is sufficient that the United States attorney, Charles H. Tuttle, has enjoyed the confidence and earned the lasting gratitude of the seagoing and general public by his scrupulous fairness, his thoroughness in the examination of witnessess and the marshalling of all material facts, and by his prompt initiation, entire conduct, and rapid conclusion of this important work.

Likewise, the voluntary contribution of the valuable time and services of the two nautical experts, Capt. Henry McConkey, marine superintendent of the Cunard Line for the British Government, and Capt. E. P. Jessop, of the United States Navy, retired, for the American Government, my advisers, has been beyond praise.

PRELIMINARY STATEMENT

On Saturday afternoon, November 10, at 4 o'clock, the *Vestris,* a passenger steamship of 17,000 tons displacement, 505 feet long and 61 feet of beam, built at Belfast, Ireland, in 1912, sailed for South America from the port of New York. Her clearance papers were issued

from the customhouse in the southern district of New York. She carried 129 passengers and 209 in the crew. She flew the British flag, and was owned by a British corporation, with an office in the southern district of New York. A few days previously she had received her annual inspection in this port by inspectors of the Steamboat Inspection Service; and the reports of the inspectors had been filed at the customhouse in the southern district of New York.

On Monday, November 12, at about 2.15 o'clock in the afternoon, she sank at a point nearly 300 miles east of Cape Henry. There survived about 77 per cent of the crew and about 46 per cent of the passengers. Twenty of the 27 women passengers and all of the 21 children were lost. Many of those lost were American citizens.

In response to an S O S signal sent from the *Vestris* on Monday morning at 9.58 o'clock a number of vessels arrived after nightfall at the position given by the *Vestris,* to wit, 37.35 north and 71.08 west. This position had been calculated by dead reckoning, and was about 37 miles west of her actual position. In consequence there was delay in locating the lifeboats, as is shown by the fact that the *American Shipper* reached the designated position at 7.30 o'clock Monday night, but located no survivors until after 4 o'clock Tuesday morning. The first survivors were found by the French tanker, the *Myriam,* at 4 o'clock Tuesday morning. Most of the survivors were brought to the port of New York and housed principally in the southern district of New York. A few survivors were carried by the American superdreadnought *Wyoming* to Norfolk, Va.

The *Vestris* carried 14 lifeboats, numbered consecutively from forward to aft. The odd numbers were on the starboard (right) side, and the even numbers on the port (left) side. The lifeboats on either side were capable of accommodating all the persons then on board. At about 11 o'clock Monday morning the captain ordered the port lifeboats Nos. 4 and 6 launched. The following is the history of each lifeboat at and after the sinking:

PORT LIFEBOATS

No. 2. Left on boat deck and sank with the ship.

No. 4. Lowered, but not completely launched. Filled principally with women and children and sank with the ship.

No. 6. Lowered, but not completely launched. Filled principally with women and children and sank with the ship.

No. 8. Lowered and launched. Filled principally with women and men passengers, also with children. In the process of lowering it from the boat deck a hole about 6 inches long was stove in it below the water line, to the knowledge of the officers in charge of lowering it. This hole was hastily and imperfectly covered with a piece of tin, nailed to the planking, and thereupon passengers and a few members of the crew to the number of over 50 persons were put in it. This lifeboat foundered about 30 minutes after being launched, and nearly all in it were drowned. The air-tight compartments broke up in the course of the night. It was sighted by the *Wyoming* almost wholly submerged, and four persons from about it were rescued.

No. 10. Launched and rescued by the *American Shipper.*

No. 12. Not launched; sank with the ship.

No. 14. Not launched; floated off empty from the deck and rescued by the *American Shipper.* Some of the crew swam to this empty lifeboat after the *Vestris* sank.

STARBOARD LIFEBOATS

No. 1. A motor boat. Launched with four persons in it, none of whom knew how to run the engine. Rescued by the *American Shipper.*

No. 3. Launched and rescued by the *American Shipper.*

No. 5. Launched and rescued by the *American Shipper.*

No. 7. Launched and rescued by the *American Shipper.*

No. 9. In launching one of the falls jammed, with the result that the boat plunged end first into the water and was broken.

No. 11. Launched and rescued by the *Myriam.*

No. 13. Not launched. Floated off the deck. Rescued by the *Berlin.*

The boats rescued by the *American Shipper* averaged about 25 occupants each.

A few persons were picked up alive from the water by the rescue fleet. Many dead bodies were sighted floating in life preservers and face down.

At the time of launching the lifeboats the sea was not rough and the sun was shining. During Sunday night the vessel had gradually acquired a list to starboard of 32 degrees, and at the time of sending out the S O S signal she was lying on her beam's end, in a sinking condition, with one of her three boilers out and the steam gradually failing in the other two. Shortly after the S O S signal the work of launching the lifeboats on the port side began. Nos. 4 and 6 were the first to be partly lowered and were filled with women and children. The process of lowering them occupied several hours, because the lifeboats caught on the sloping side of the *Vestris* and their weight when loaded strained their sides. The attempt to lower them was finally abandoned about one hour before the *Vestris* sank and they were left hanging, with their occupants, some feet above the water. No attempt was made to bring their occupants back to the deck of the vessel.

A principal contributing cause of the great loss of life was this unwise attempt to use the port boats first and for the passengers. Resort to the lifeboats was delayed until such an unjustifiably late hour on Monday that the list to starboard had become so great that any attempt to launch the port boats would inevitably be both very dangerous and very difficult. In fact, so difficult was it that several precious hours were consumed in this almost wholly unsuccessful attempt; and so dangereous was it that one of the boats was stove in, and, as several witnesses testified, other boats were strained as they scraped down the side of the *Vestris.* The port side, moreover, was the weather side, and even if Nos. 4 and 6 had ever reached the water they would have been in imminent danger of being dashed against the vessel's side. The danger and difficulty of this whole operation were also vastly increased by the action of the officers in loading the port lifeboats at or just under the promenade deck instead of using the rope ladders and in then attempting to send them, weighted nearly to capacity, down the sloping side of the *Vestris.* This attempt vastly increased the strain on the boats and tackle and vastly increased the friction between the boats and the vessel's side. The heavy list would tend to capsize the boats thus loaded before they reached the water and to open their seams. Moreover, the difficulty and danger of the whole proceeding were still further increased by the failure to place in any of the port boats an officer to take charge of them, as required by the elementary principles of seamanship. Instead, they were partly manned by colored members of the crew who, while willing enough, were not trained or experienced in the conduct of so delicate an operation or in the handling of a lifeboat when launched. The extreme unwisdom of the course and methods thus chosen is sufficiently demonstrated by the result, the disastrous character of which was practically inevitable and should have been foreseeable by any competent understanding of conditions as they were.

On the other hand, with the exception of No. 13, which was a "spare" boat not equipped for launching over the side, and with the further exception of No. 9 accidentally destroyed through the jamming of a fall, all the starboard boats were easily and speedily launched, without strain or injury, when the crew resorted to them after the attempt to launch the passengers from the port side had ended in catastrophe. The starboard side was the lee side. The sea was much calmer there; and the list of the vessel was such that the boats swung out readily, had but a short distance to drop, and by the use of ropes could easily have been drawn to the side of the *Vestris* and loaded from one of the decks. The very fact that, with the exception of No. 9, they all were successfully floated and preserved all their occupants (to wit, over 65 per cent of the crew), demonstrates the complete practicableness of resort to the starboard boats, and that many more lives would have been saved had these boats been resorted to first.

The argument that because of the great list of the vessel, the passengers could not safely have been brought down from the port to the starboard side, is without merit. The list would not have been so great, if so many precious hours had not been wasted in the disastrous attempt to use the port boats, and, in any event, a timely placing of ropes athwart ship would have enabled the passengers to have reached safely the starboard boats from the port side. No such ropes were strung.

While the launching of the boats was conducted without panic or signs of cowardice on the part either of the passengers or of the crew, there was an almost total absence of organization. The organization and assignments which were supposed to be in force were almost wholly abandoned, and no new organization was created. No general directions to prepare the lifeboats, the passengers, and the crew for leaving the vessel were given; no order to abandon the ship was issued; the passengers were not directed to put on life belts; the vessel was not made ready for the operation; the officers in charge of the respective lifeboats did not, in the great majority of instances, go to their respective stations or make any general attempt to distribute the passengers to their proper boats; the members of the crew did not (with few exceptions) enter the lifeboats according to the assignments existing when the vessel sailed; and the lifeboats when launched were not properly officered and manned.

This failure on the part of the personnel and the unwise methods pursued are the more extraordinary inasmuch as the approach of danger was gradual and apparent; and it left ample time to conduct an effective and properly organized operation.

The women and children were put in the lifeboats first, but, as above stated, adequate measures to secure their safety were not taken.

CONCLUSIONS AS TO THE CIRCUMSTANCES SURROUNDING THE SINKING

Inasmuch as the reports of the experts, Captain Jessop and Captain McConkey, are comprehensive, I shall not analyze in detail the causes and circumstanes of the sinking of the *Vestris.* My general findings and conclusions are as follows:

(1) The *Vestris* had the lowest limit of metacentric height for safety.

(2) The necessary data for computing her margin of stability are not on file in this country; and she put to sea without her margin of stability having been ascertained by or known to her owners or the Government inspectors.

(3) The vessel was not overloaded. Her cargo was not improperly stowed.

(4) Her lifeboats when she sailed from New York were in fair condition and were fairly well equipped. At the time of the annual inspection of the vessel in this port several weeks previously they were not tested for leakage by being placed in water or by being filled with water. As a matter of fact, all the boats which were launched leaked, the majority of them so badly that several occupants of each were bailing continuously until rescued. This leakage resulted in no loss of life. The disaster to lifeboat No. 8 was due to the hole stove in her during launching.

(5) The life preservers, while buoyant, did not comply with the general rules and regulations prescribed by the American Board of Supervising Inspectors or by the British Board of Trade. This subject I will elaborate later.

(6) In the official report of the inspector employed by the United States Government who conducted the annual inspection in the early part of last November he affirmed that "every lifeboat was lowered to water or to a wharf and lifted clear of the water or wharf with boat loaded to capacity." This affirmation was not true, and the inspector knew it was not true when he made it. No lifeboat was either so lowered or so raised. The explanation now attempted that lighters were alongside does not excuse either the misstatement or the failure to make the designated test.

(7) With the exceptions above stated there is no evidence that the annual inspection was not properly conducted.

(8) The storm which the *Vestris* encountered on Sunday, November 11, 1928, was severe, but its duration was short; and a vessel of her size ought to have passed through it readily if well found and seaworthy.

(9) Early Sunday morning the vessel began to acquire a permanent list to starboard. This list originated in the coming of water in large quantities into the stokehold through a badly leaking ash ejector and into the engine room from a lavatory scupper pipe. This list gradually but steadily increased until the vessel lost all stability and capsized.

(10) Late Sunday afternoon large quantities of water began to pour down the working alleyways from the companionways leading to the forward well deck. The wooden doors which protected these companionways were neither water-tight nor sufficiently strong. This water flowed down into the starboard bunkers.

(11) The half door on the starboard side did not become a serious contributing cause of the increasing list until the vessel had listed 11½ degrees. Such a list began to submerge the door; and, since the door was far from water-tight, water came in around its edges in a quantity and with a force beyond the power of the crew to stop it.

(12) The water from the half door and from the companionways flowed into the starboard bunkers through the hatches in the floor of the shelter deck. On the forward side of the athwartship alleyway leading from the starboard half door there is an opening into the adjoining bunker, which opening is only 4 feet from the half door. The opening begins within 11½ inches of the floor, runs to the ceiling, and is 3 feet wide. It was barred only by planks. The water flowed over this low sill into the bunker.

(13) As to the hatches in the floor of this athwartship alleyway the evidence is conflicting as to whether and when on Sunday they were covered, and whether, if covered, they were covered only with canvas or with wood. The weight of the evidence points to merely a canvas covering. But a definite finding on this subject is immaterial, since the water could easily penetrate the shelter-deck bunker through the large opening above mentioned. When once in that bunker the water would go downward into the lowest bunker.

(14) The shift in the cargo at 7.30 p. m. Sunday was too slight to be a factor contributing to the disaster.

(15) The chief engineer did not employ the full capacity of the pumps as promptly as he should have; nor does he seem to have taken adequate measures to assure that the pump suctions were clear.

(16) The orders given by the captain on Sunday afternoon and evening to pump out starboard bilge tanks 5, 2, and 4 seriously reduced the stability of the ship and tended to increase rather than to rectify the list.

(17) As the list increased, and ports on the starboard side became submerged, various ports leaked and became contributing factors.

(18) The vessel was supposed to be so constructed as to possess 10 water-tight compartments. No orders were given to close the water-tight doors in these compartments; and, apparently, they were not closed.

(19) Conditions were so desperate at 4 o'clock Monday morning that due regard for the safety of the passengers should have prompted a prudent master to send out the S O S at that hour. The delay for six hours caused the great loss of life. If the S O S had been sent out at 4 o'clock, vessels would have been standing by in a calm sea before the *Vestris* sank.

(20) Conditions were so desperate even as early as Sunday at midnight that prudence should then have dictated the course of locating other vessels by wireless, in order that a proper judgment as to when to request immediate assistance could have been formed. No such effort was made until about 9 o'clock Monday morning.

(21) As already stated, the whole operation of abandoning ship was delayed far too long and was inefficiently and improperly conducted.

(22) The decision to launch the port lifeboats first caused a loss of several precious hours and was a disastrous error.

(23) The messages sent to the captain by the chief engineer during Sunday and Monday morning that he was holding the water with the pumps were not in accord with the fact, patent to both, that the list was increasing.

(24) The crew seems to have been competent, if led, but they were not properly led.

(25) The act of the officers in putting women and children and male passengers into lifeboat No. 8 when the officers knew that it had a large hole in it below the water line, was inexcusable. Sound boats, more than sufficient for all, were available.

(26) The launching of the motor boat without anyone capable of operating the engine, defeated the whole purpose of having a motor boat among the lifeboats, and contributed to the loss of life.

(27) Prior to the sending out of the distress call on Monday, November 12, the *Vestris* had had no communication with the owners or with the *Voltaire,* or with any other vessel, concerning her condition.

(28) At the time of sending out the distress call the freighter *Montoso* was within several hours' steaming distance of the *Vestris.* The *Montoso* carried no wireless and was unaware of the danger to the *Vestris.*

(29) All vessels equipped with wireless and near enough to the *Vestris* to be of any practical assistance promptly responded to the distress call.

THE APPARENT IMMUNITY OF THE "VESTRIS" FROM THE EXISTING REGULATIONS FOR INSURING SAFETY AT SEA

As I have already stated, the inspector, Edward Keane, who conducted the annual inspection of the *Vestris* in the early part of November affirmed in his report of such an inspection that "every lifeboat was lowered to water or to a wharf, and lifted clear of water or wharf, with boat loaded to allowed capacity"—although he knew that neither such lowering nor such lifting had occurred at all. Section 4405 of the Revised Statutes of the United States authorizes the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, to establish all necessary regulations required to carry out, in the most effective manner, the provisions of the laws of the United States for the inspection and regulation of steam vessels and their equipment, and further provides that such regulations, when approved by the Secretary of Commerce, "shall have the force of law."

Section 4488 of the Revised Statutes provides that "every steamer navigating the ocean" shall be provided with such numbers of lifeboats and life preservers as will best secure the safety of all persons aboard such vessel in case of disaster; and further that "every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law provided with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the Board of Supervising Inspectors shall fix and determine, by their rules and regulations, the character of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them." Pursuant to these statutes the Board of Supervising Inspectors adopted and there was in force at the time of the annual inspection of the *Vestris* the following requirements concerning the testing of lifeboats:

"Each boat shall be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

"At every annual inspection of a passenger vessel every lifeboat shall be tested by lowering to the water, or when it can not be lowered to the water, to a wharf, and loaded to its allowed capacity, evenly distributed throughout its length. The boat shall then be lifted clear of the water or wharf to determine that the boat and falls are of sufficient strength. In making the above test of lifeboats the weight of each person shall average at least 140 pounds. When dead weight is used the weight shall be equivalent to at least 140 pounds for each person allowed." (Secs. 4405, 4488, R. S.)

As already stated, the report of Edward Keane falsely affirmed compliance with this regulation in his annual inspection of the lifeboats of the *Vestris*; but, when he was on the stand he placed before the court the following communication from the Department of Commerce dated May 1, 1913:

"Under date of April 12, 1913, file No. 57256. This bureau informs the supervising inspector of the second district, New York, N. Y., that the amendment to section 5, rule 3, of the General Rules and Regulations, which reads as follows: 'At every annual inspection of a vessel every lifeboat shall be tested by being lowered to the water or to a wharf, where a boat can not be lowered to the water, and lifted clear of the water or wharf, on block and falls, with the boat loaded with persons to the allotted capacity.' 'In making the test of lifeboats as required in this section the weight of a person is to be taken as 140 pounds' applies only to American vessels and not to foreign vessels."

Mr. Keane testified that this ruling had never been changed.

Similar testimony was given by Mr. John L. Crone, who is supervising inspector in the second district for the Steamboat Inspection Service, and

who stated that the foregoing requirements as to the annual inspection and testing of lifeboats on ocean steamships carrying passengers had been ruled by the Department of Commerce not to apply to foreign vessels leaving American ports.

Under these circumstances it is obvious that no inspector could be successfully prosecuted or otherwise held accountable for not thus testing lifeboats of foreign vessels in connection with their annual inspection, and in particular it is difficult to see how Mr. Keane could even be prosecuted for falsely stating that the test had been made when he knew that it had not. In other words, the lifeboats on the *Vestris* were immune from American requirements as to tests. So, also, they were immune so far as American inspection is concerned from testing in accordance with the very strict requirements of the British Board of Trade, for Mr. Crone testified that those requirements were held applicable only in the case of vessels going to English home ports. We have therefore the astonishing and disquieting fact that there is no legal requirement for the periodical testing of lifeboats on foreign vessels leaving American ports for ports other than a home port of the foreign country, and that any testing which may take place is, in consequence, purely voluntary and no adequate basis for holding the inspector to any definite accountability.

So likewise as to life preservers, section 4417 of the United States Revised Statutes provides concerning annual inspections in American ports of all ocean-going, steam passenger vessels:

"The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment."

Section 55 of the general rules and regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, provides among other things:

"At each annual inspection of any vessel, and oftener if deemed necessary, it shall be the duty of the inspectors making the inspection to examine and inspect all life preservers in the equipment of such vessel and satisfy themselves (or himself) that such life preservers are in accordance with the requirements of the Board of Supervising Inspectors."

The same section also provides as to the character of the life preservers required, as follows:

"Every life preserver adjustable to the body of an adult person, manufactured after February 10, 1923, shall be of the reversible type, made of suitable material approved by the Board of Supervising Inspectors, with straps properly attached on each side of the body of the life preserver (thus making it reversible), with recesses under the arms, thereby allowing the front and back sections to fit around the upper part of the wearer, and held in place by the straps, and the upper part of the life preserver shall be made vestlike, the whole so constructed as to place the main buoyant body of the device underneath the shoulders and around the body in a manner that it will support the person wearing it in an upright or a slightly backward position."

This section in substantially this form has been in force since the middle of 1919.

Nevertheless the life preservers on the *Vestris* did not comply with these requirements in the following respects:

(1) They had no "recess under the arms, thereby allowing the front and back sections to fit around the upper part of the wearer."

(2) They were not "so constructed as to place the main buoyant body of the device underneath the shoulders and around the body in a manner that it will support the person wearing it in an upright or a slightly backward position."

On the contrary, all the life preservers on the *Vestris* were of the old-fashioned type consisting of plain slabs of cork which went around the waist, with the result that if the wearer became unconscious his face would tend to fall forward or backward into the water—thus accounting for the fact testified to by Captain Overstreet of the battleship *Wyoming* and other witnesses, that many persons were seen dead with their faces in the water, notwithstanding that they wore life preservers.

There is no evidence that the life preservers on the *Vestris* were manufactured prior to June, 1919, and examination of the sample received in evidence tends to show that they had not been manufactured so long ago.

Mr. John L. Crone, the supervising inspector of the second district of the United States Steamboat Inspection Service, testified that, precisely as in the case of the tests for lifeboats, the requirements for life preservers were not deemed to apply to foreign vessels leaving our ports; and that the requirements of the British Board of Trade concerning life preservers, which are even more effective and explicit than the American requirements in the matter of holding the head of an unconscious wearer out of the water, were not deemed applicable to foreign vessels unless they were going to a home port in a foreign country.

I can not but believe that some of the loss of life was due to the failure of these life preservers to comply with the essential and important purpose of both the American and British requirements that the head of an unconscious wearer should be kept above the water.

I also, and with great deference, can not agree with the thought that under the statutes of the United States the foregoing American requirements both as to lifeboats and life preservers are not applicable to foreign vessels not proceeding to a home port in a foreign country. On the contrary, an examination of sections 4400, 4417, and 4488 shows that by express declaration the provisions thereof are applicable to "all foreign private steam vessels carrying passengers from any port of the United States to any other place or country."

Furthermore, section 4400 expressly provides that "all" such vessels "shall be liable to visitation and inspection by the proper officer in any port of the United States respecting any of the provisions of the sections aforesaid"—including the said sections relative to life preservers and lifeboats.

The only exception allowed by the statute is in case of foreign passenger steamers belonging to countries with inspection laws approximating those of the United States and having unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong. In the case of such excepted vessels the law provides that they shall be subject "to no other inspection than to satisfy the local inspectors that the condition of the vessel, of boilers, and life-saving equipment are stated in the current certificate of inspection."

The *Vestris* was not such an excepted vessel, and she did not hold a current certificate of inspection from the inspecting authorities in Great Britain. Under the circumstances I am of the opinion that the *Vestris* and the multitude of other foreign vessels here leaving our ports for ports other than their home ports are not immune from the American requirements as to life preservers and lifeboats, and that the supposition and practice which extends to them such immunity are without authority of law, dangerous to life, and unfair to American seagoing vessels.

The unfortunate character of the present situation can be well illustrated by the following extracts from the testimony of Mr. Crone:

"Q. Mr. Crone, you do not mean to say that there has been any judicial interpretation that these requirements of law concerning life preservers are not applicable to foreign ships, do you?—A. I do not believe that I get that.

"Q. (Question repeated.)—A. Not that I know of.

"Q. Do you say that there is some express ruling made by the Secretary of Commerce that these requirements of law as to life preservers, as embodied in these regulations do not apply to foreign ships sailing from this port and having their annual inspection here?—A. Not by the Secretary of Commerce.

"Q. Not by the Secretary of Commerce. Well, then, isn't this the truth, simply: That the practice of this port has been not to enforce those regulations as regards foreign ships?—A. Now you are referring to the rules and regulations of the Board of Supervising Inspectors?

"Q. Yes.—A. Quite true, and I think it is universal throughout the country.

"Q. What I am trying to get at is because it is very important in this inquiry to determine, what is the legal authority on which that practice rests? Does it rest on anything? You have admitted it does not rest on anything in the statute and you have admitted it does not rest on any regulations or rule adopted by the Department of Commerce. I am interested therefore in finding what, in view of this disaster, it does rest on.—A. I think we have circular letters from the bureau in Washington advising us in particular what is applicable to the equipment on foreign ships." (P. 1276.)

"Q. Is there any regulation of your department which requires you to see that a foreign ship conforms with the regulations of their own countries?—A. Yes. In the case of countries which have reciprocal relations with the United States, and whose inspections of vessels and equipment are approximately the same as the United States—I would not say the same—are equally as good—we see that they have the equipment on board which is required by their home government certificate, a certificate issued, we will say, in the case of an English ship, issued by the board of trade, and where the duty is then to see that the ships have the equipment which that certificate calls for, and that it is in good condition.

"Q. Did you do that in the case of the *Vestris*?—A. The *Vestris* is not inspected under treaty for the reason she does not go home to a British port for her home government inspection." (P. 290.)

"Q. That suggested another thought to me, Mr. Crone. The *Vestris* was not held to British requirements because it did not go to a British port; that is right, isn't it?—A. Yes.

"Q. And didn't I understand you to say according to the practice throughout the country, these general rules and regulations prescribed by

the Board of Supervising Inspectors of April 10, 1928, did not apply to ships flying foreign flags?—A. Generally the rules of the Board of Supervising Inspectors do not apply to foreign ships." (P. 1291.)

This practice, thus admitted to be common in the ports of our country, I regard as contrary to public policy and to the plain letter of the statutes of the United Sates. Every ocean-going vessel bearing passengers from our ports should be made to comply with our American requirements as to life preservers and lifeboats, except in a case where—as provided in section 4400 of the Revised Statutes—the foreign vessel carries a current certificate of inspection issued by a foreign government having inspection requirements approximating those of the United States. Such a current foreign certificate the *Vestris* did not have.

Note must also be taken of the testimony of the supervising inspector in this port that many ocean-going American vessels are, like the *Vestris*, continuing to carry the old-style type of life preserver on the theory that the requirements in force since 1919 do not apply to life preservers previously bought. It would seem that the lapse of nearly 10 years since the present requirements came into force was more than ample time within which to secure life preservers in accordance with the requirements adopted in that year. The new requirements are obviously better calculated to protect life, and that consideration should now outweigh the comparatively small cost of installing life-saving equipment in accordance with the present law. The existing practice of passing these old life preservers opens the door wide to evasion of the requirements in force since 1919; and it countenances the use of apparatus which, if it is actually as old as claimed, has nearly or wholly outrun the period of its serviceable life.

RECOMMENDATIONS

The chief usefulness of this investigation lies in the constructive results which may be drawn from the lessons of the disaster as now disclosed. Accordingly, as such constructive results, I recommend the following:

(1) The present practice whereby foreign steam vessels carrying passengers from our ports to ports other than home ports of the country to which they belong, are treated as immune from the requirements of law as to lifeboats and life preservers, should be abolished. It is plainly contrary to public policy and common sense that the *Vestris* should not have been fully under our regulations because she carried a British flag, and was not examined under the British Board of Trade rules because she did not touch at British ports. Such a practice invites disaster.

(2) All vessels subject to our requirements of law as to life preservers should be required immediately to procure life preservers in accordance with the requirements in force since 1919, the purpose of which requirements is to insure a design which will keep an exhausted person's head above water. The present practice of passing life preservers not in accordance with those requirements on the plea that they were purchased prior to 1919 opens the door to subterfuge and, as shown by the experience of the *Vestris*, endangers life.

(3) The Steamboat Inspection Service should inaugurate a method of testing lifeboats for watertightness in cases where due to the loading of the vessel or for other reasons, the lifeboats can not be lowered into the water.

(4) All ocean-going steamers and motor ships, both freighters and passenger carriers, should be required to install wireless with competent wireless operators capable of maintaining continuous watch. Had such requirements been in force, the *Montoso* could have been along side of the *Vestris* long before the latter sank.

(5) Regulations should be made requiring that all sea connections and piping thereto be located where they may be capable of inspection at sea, and repaired.

(6) Regulations should be made requiring owners to furnish full and accurate stability data for all vessels using United States ports as bases for passenger traffic; and these data be kept up to date. Without such data clearance papers should not be issued.

(7) The law governing limitation of liability in case of marine disaster should be amended so that owners may not have the benefit of such limitation where they have not taken reasonable means to examine and determine the competency of the principal officers of the vessel.

(8) The agencies both here and abroad under whose authority examinations of officers and the issuing of licenses to such officers come, should study their method of examination for licenses for the purpose of injecting into those examinations larger means of determining the executive ability of the applicant.

(9) Present life-saving apparatus should be supplemented by requirements for rafts of approved construction.

(10) With the aid of competent technical advisers investigation should be conducted into improved designs of lifeboats, improved devices for launching lifeboats, and improved designs for life preservers and other buoyant material.

(11) There should be created in the Steamboat Inspection Service a technical staff empowered to pass upon the design of all commercial vessels, with respect particularly to construction materials, stability, bulkheads, pumps, and other factors making for stability and buoyancy.

(12) The rules and practice should be so changed as to require the thorough inspection of all openings in the shell plating of the ship, such as cargo ports, coal ports, scuppers, and discharge pipes of all kinds.

(13) A full study should be made, either by Congress or the approaching international conference on safety of life at sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of the owners. These rules came into being before the construction of modern rapidly moving ships, and before the wireless enabled vessels at sea to communicate instantly with each other and with the owners on shore. Obviously, the amount of salvage which can be claimed by a rescuing ship may cause the captain of the vessel in distress to delay too long the sending of an appeal for help. So, likewise, the ancient fiction of law whereby the ship itself is treated as solely responsible for any disaster which overtakes it, is, under modern conditions of travel, grossly unjust to passengers and their dependents; and it puts a premium on slackness and penuriousness on the part of owners in keeping vessels in seaworthy condition and equipped with all modern, scientific devices for insuring stability, buoyancy, and safety.

(14) At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew. The principle of compulsory workmen's compensation in hazardous employments has become embodied in the statutes of many States. The members of the crew of a seagoing vessel are certainly engaged in a hazardous employment; and, since because of lack of official position, they have no control over the management of the vessel, they are exposed to the hazards not only of the sea but also of the ability of their officers. In the event of disaster, they and their families have at present no effective redress or compensation whatever.

I request the United States attorney to cause this report, the reports of the two captains, and the testimony taken in the case to be forwarded to the chairmen of the respective committees of the Senate and the House of Representatives of the United States having jurisdiction over the framing of applicable legislation.

Dated, New York, December 19, 1928.

FRANCIS A. O'NEILL,
United States Commissioner.

Mr. FLETCHER. Mr. President, in connection with the *Vestris* disaster, I have a communication from Capt. Earl P. Jessop, United States Navy, retired, who sat at the hearing, which I ask to have printed in the RECORD following the matter printed on the request of the Senator from Washington. The communication from Captain Jessop has some very valuable thoughts and suggestions.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

NEW YORK CITY, *December 13, 1928.*

Senator DUNCAN U. FLETCHER, of Florida,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In thinking over the recent investigation of the *Vestris* the items which I believe should be made the subject of regulatory action would seem to cover the following:

1. The vessel sailed from the port of New York with several non-water-tight hatches in decks where the hatches should have been watertight, and it was these hatches which caused the sinking.

2. She sailed from New York with a thoroughly incompetent set of officers, and while I believe the fact that it will be very difficult to lay down a set of rules for determining the competency of officers, yet I do believe that in a case as striking as this one, where there is left no shadow of a doubt that the officers were thoroughly incompetent, that in such a case the company should be loaded with a liability therefor. Just how that can be brought about I am not clear on.

3. The condition of the vessel as to stability, metacentric height, etc., was not known by anyone when the vessel sailed.

This vessel was built in England in 1912, and at that time she was given what we call an inclining experiment and her metacentric height was obtained and stability curves laid out for her. Between 1914 and 1918, 1,700 tons of refrigerating machinery and insulation piping, etc., were installed in the ship, and at that time she should have been reinclined and a new set of stability curves developed.

If the statement of the owners to the court is to be believed, no such calculations were made, so that no one knew whether this vessel had sufficient stability to make her reasonably safe or not.

I was informed yesterday of what I consider a very great discrepancy in our laws. I was informed that even though our Steamboat Inspection Service were to find a foreign vessel unseaworthy on inspection it is very questionable whether the customhouse could refuse clearance papers to her. That certainly is a point which should be looked into.

There are many other points with regard to our methods of inspecting and clearing vessels which will bear investigation.

I do not think such an investigation can be properly made without the inclusion in any body, which is designated to make the investigation, of technical men to cover all sides of the subject. I think there

should be on any such commission at least one representative of the American Bureau of Shipping, one naval constructor, one admiralty lawyer, one or two master mariners, representatives of shipowners and operators carefully chosen from those who have a national reputation of competence, one marine engineer, and sufficient assistance to make the work effective.

It would be impossible for a committee of Congress, without the assistance of some such commission, to effectively take care of such a subject, because there is a tremendous amount of technique and experience necessary to prevent the passing of laws which will still further load down our merchant marine without accomplishing any real good.

As you know, it is comparatively easy to pass laws but very difficult to have them abrogated if they are wrong or do not work, so that this subject should be approached with great care to prevent that happening.

You will excuse, I am sure, my writing to you on this subject, but, having just been through the terrible experience of finding out that ships could be sent to sea so ill prepared as this vessel was, I feel rather strongly on the subject.

Very truly yours,

E. P. JESSOP.

NEW YORK CITY, *December 24, 1928.*

Senator DUNCAN U. FLETCHER,

United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: I am in receipt of your letter of December 20, asking me if I would object to your inserting my letter of the 13th in the CONGRESSIONAL RECORD.

I would be very glad to have you do that. I would like also to add the following to what I said in that letter:

At the present time there is so little requirement with regard to basic education which merchant marine officers have to show in examination that I believe the following should be considered.

We have in this country several very excellent nautical schools which are maintained partly by the States in which they are located and partly by the United States Government. These schools are each one superintended by a retired naval officer and they cover in their curriculum subjects with regard to stability of ships, loading of ships, and all sorts of knowledge which is most important for the masters or for the chief officers to have. Such a school forces study, and since it is competitive, alertness of mind, inculcates discipline, initiative, and executive ability, all of which are so necessary when an emergency arises. They also train the officers in the handling of lifeboat equipment to a much greater extent than is done elsewhere in the merchant service.

To-day men with a diploma from these school ships are not given any special recognition which places them above the ordinary master or mate who, without education, has managed to pass the Steamboat Inspection Service examination.

It would be a very excellent thing if we could devise some way by which the Shipping Board would be required to give preference to graduates of nautical schools in hiring their officers. A diploma from one of these State nautical schools, accompanied by the requirement—sea experience—should certainly give us a higher type of merchant marine officers than we have to-day, and with such encouragement these schools could turn out sufficient young men each year well grounded in basic principles to fill all the requirements of the demand for seamen, quartermasters, boatswains, and junior officers.

Of course this does not touch foreign ships, but it would at least assure us that we were doing the best we could to insure competence of officers of American ships.

I am inclosing copies of the kind of examination these young men are put through.

Please accept my best wishes for a merry Christmas and a very happy New Year.

Yours very truly,

E. P. JESSOP.

Mr. SHIPSTEAD. Mr. President, if the Senator from Washington will allow me to ask him a question in connection with the *Vestris* disaster to which he has referred, does the Senator know whether or not the lack of the enforcement of the La Follette Seamens Act was involved in that disaster?

Mr. JONES. I am not prepared to say whether that is true or not. I just received the commissioner's report the other day and have not had time to go into it in detail fully, but I have secured permission to have the report printed in the RECORD, and also as a Senate document for the convenience of Senators, and it may then be examined into very carefully, and the committee also will look into the matter very carefully.

Mr. SHIPSTEAD. Very well.

INSPECTION OF FOREIGN VESSELS

Mr. JONES. Mr. President, in connection with the report, which I have just had printed in the RECORD, I will also say that while the commissioner makes many recommendations that will need very careful consideration and which should be considered as promptly as possible, he calls attention to one rather strange circumstance, and that is that foreign vessels, flying foreign flags, have no inspection except when they leave their home ports, and there is no inspection of them authorized in our ports either as to life-saving instrumentalities, such as lifeboats, or anything of that sort. It has been held by a decision rendered by somebody in the Commerce Department in 1913 that our inspection laws do not apply to foreign vessels even when leaving American ports. That, it seems to me, should merit prompt and early action. So I desire to introduce a bill dealing with these two phases of the situation. I ask that the title of the bill may be read, and then that it may be referred to the Committee on Commerce.

The bill (S. 5132) subjecting foreign vessels leaving American ports to the inspection laws of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ADMINISTRATION OF PROHIBITION ACT

Mr. KING. Mr. President, I introduce a bill transferring the administration of the Prohibition Unit to the Department of Justice, and ask its reference to the Committee on the Judiciary.

The bill (S. 5133) transferring to the Department of Justice certain rights, privileges, powers, and duties relating to the national prohibition act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT OF CIVIL SERVICE CLASSIFICATION ACT

Mr. BROOKHART. I introduce a bill providing for the amendment of the Welch Act, so as to make it correspond to the bill as it passed the Senate.

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was read twice by its title and referred to the Committee on Civil Service.

UNITED STATES COURT OF ADMINISTRATIVE JUSTICE

Mr. NORRIS. Mr. President, I ask the indulgence of the Senate for a very few moments while I explain the bill which I am about to introduce.

The bill provides for the creation of a court which I have designated the United States court of administrative justice.

The effect of it will be to do away with several other courts and bureaus that now pass upon claims of various kinds against the Government of the United States.

I wish to say, to begin with, that I do not expect to obtain action on this bill at this session. I think, however, it is of sufficient importance that the Senate, particularly, and the country generally, should know, in a brief way, just what is sought to be accomplished by the bill. My object in introducing it now is to bring about a discussion and a consideration of it, in a general way, by Members of Congress, by Government officials, by attorneys generally, and by the people at large.

The bill is rather broad in its scope, its intention being to simplify the procedure, to do away with some useless officials, and to bring about expedition and efficiency in the settlement of claims against the United States. The proposed court will have no other jurisdiction than that, but it is the intention of the bill to gather together all cases against the United States of all kinds, to abolish some present existing courts and boards that handle them in different ways, and to have them handled by one tribunal.

Prior to 1855 there was no law for suits against the United States, though during the very earliest days of the Government there sprang up a procedure, which was approved by the Supreme Court of the United States, of the maintenance of suits on common-law principles against collectors of customs and against collectors of internal revenue. Thus we had the anomalous procedure of trials by jury at common law of questions whether a particular importation, for instance, was an article described in the tariff acts. Such suits against collectors of customs continued until 1890, when there was established a Board of General Appraisers, now the Customs Court, to hear appeals from the collectors of customs. At first the decisions of the Board of General Appraisers were reviewable in the circuit courts of appeal, but in 1911 such appeals were abolished and there was created a Court of Customs Appeals to exclusively hear appeals from the Board of General Appraisers with the possibility, in certain instances, of further review in the Supreme Court of the United States. At the present time suits against collectors of customs for refund of duties are not permitted and we have a customs court consisting of nine judges to hear appeals from the collectors of customs and a Court of Customs Appeals consisting of five judges to hear appeals from the Court of Customs. During the present session of Congress

bills passed both the Senate and House of Representatives in different forms and are now before conferees transferring from the Court of Appeals of the District of Columbia to the Court of Customs Appeals all appeals from the Commissioner of Patents. That bill is now in conference; the conferees have had one meeting and have taken it up in considerable detail, but have decided not to take further action on it, because there is pending in the Supreme Court of the United States a suit which it is expected will be decided within the next 30 or 60 days that will settle a very important constitutional question involved particularly in the Senate bill.

Suits against collectors of internal revenue have not developed in a similar manner. This is due, perhaps, to the fact that until the sixteenth amendment to the Constitution the larger part of our governmental revenue was derived from tariff duties and no great attention appears to have been given to the procedure of suits against collectors of internal revenue for refund of taxes erroneously or illegally collected. The courts sustained suits against collectors of internal revenue on the same common-law principles that they had sustained suits against collectors of customs, and it is possible to-day to step into a district court of the United States and see in progress a trial before a jury of a suit against a collector of internal revenue involving the most complicated and intricate questions of bookkeeping, amortization of capital investments, depreciation, or numerous other technical questions arising under the income tax laws. In addition to this procedure of suits against collectors of internal revenue a taxpayer may sue the United States in the district court under its concurrent jurisdiction with the court of claims or in the United States Court of Claims, or sue the Commissioner of Internal Revenue in the Board of Tax Appeals or bring a mandamus against the collector of internal revenue and the Secretary of the Treasury in the Supreme Court of the District of Columbia. Decisions of both the district courts and the Board of Tax Appeals are reviewable, as of right, in the circuit courts of appeal, while decisions of the circuit court of appeal, the Court of Claims, and the Court of Appeals of the District of Columbia are reviewable on certiorari in the Supreme Court of the United States.

There is no necessity for these various remedies for a taxpayer whose most earnest desire is for a prompt and accurate review of his claim in the courts, and if any reason ever existed for the establishment of the Board of Tax Appeals, which is neither a part of any executive department nor a part of the judicial branch of the Government, that need is diminishing with the adjustment of the peak of the claims arising out of war-time tax laws. In any event, its jurisdiction may be transferred to a court, and, in fact, the Board of Tax Appeals functions as a court.

By the act of 1855 there was established a Court of Claims to hear and determine suits against the United States arising out of contracts or laws of the United States when the claim did not sound in tort; that is, was not a tort claim. This statute was amended from time to time and in 1887 there was enacted the so-called Tucker Act, which conferred jurisdiction on United States district courts, concurrently with the Court of Claims, to hear and determine claims not in excess of $10,000 against the United States. These cases in the district courts, similar to the cases in the Court of Claims, Court of Customs Appeals, and Board of Tax Appeals, are tried without a jury. In addition to the Tucker Act jurisdiction, district courts of the United States also have jurisdiction over claims against the Government under World War insurance contracts and under the merchant marine act of 1920, together with claims against collectors of internal revenue, which I have just mentioned.

The proposal which I have brought forward in the bill is to create a United States court of administrative justice and to transfer to that court the five judges of the Court of Claims and the five judges of the Court of Customs Appeals. The bill proposes to give this Government court exclusive jurisdiction over all suits against the United States, together with the jurisdiction now exercised by the Supreme Court of the District of Columbia to grant writs of mandamus and bills of injunction against officers and employees of the United States. The bill also transfers to this court all the jurisdiction now possessed by the Court of Claims, the Court of Customs Appeals, the Board of Tax Appeals, and the Supreme Court of the District of Columbia in so far as that court has jurisdiction to coerce officers and employees of the United States through its use of extraordinary writs, as well as all the jurisdiction of the United States district courts in so far as suits against the United States are concerned. The bill proposes to abolish the procedure of suits against collectors of internal revenue, and to adopt in this respect the procedure which was adopted in 1890 in the case of collectors of customs.

The bill also authorizes this court to sit in divisions of three, except in matters of rehearings, when nine must sit. Divisions of the court may hold sessions in any part of the United States when business demands; and I should like to invite attention to this phase of the matter, which will not result in placing all of the litigation with the Government in the hands of lawyers located at the seat of government, but will insure the complaints of their clients being heard by a court devoting its entire time to litigation with the United States, and at sessions held in or near their locality. Such a court should become better trained in the intricate questions of claims against the United States than any court can hope to be which devotes only part of its time to such litigation. This proposed procedure of permitting the court to hold sessions in the various sections of the country is merely an adoption of the procedure now authorized for the Customs Court and the Board of Tax Appeals.

The expense to claimants of litigation with the United States is now so intolerable as to result, in some instances, in injustice. A claimant can not afford to spend from $100 to $500 or more in taking testimony and printing records and briefs when the claim is less than the expense of its enforcement. The great bulk of litigation with the United States does not involve fact questions but legal questions. Where the point involved is one of law neither the Government nor claimants should be required to bear the expense of taking testimony. Where fact questions are involved, there is no reason why the administrative record should not go to the court for what it may be worth, and the court authorize or direct the taking of such additional testimony as it may deem necessary. The bill seeks to save to both claimants and the Government the expense and considerable delay resulting from the taking of testimony where none is needed to reach the disputed question, or where the facts developed by the administrative department are sufficient for the settlement of the controversy.

The transfer to the administrative court of the jurisdiction now exercised by the Supreme Court of the District of Columbia to grant mandamus or injunction against officers or employees of the United States is proposed for a number of reasons. In the first place, the Supreme Court of the District of Columbia is, strictly speaking, in the same class as the circuit or district courts in the various States. In fact, as was pointed out by the Supreme Court of the United States in the early case of Kendall versus Stokes, the District of Columbia courts acquired jurisdiction to issue such writs because the act of Congress creating the District of Columbia courts stated that they should have the same jurisdiction as was then possessed by the Maryland courts; and the Maryland courts, as an inheritance from the English Court of Chancery, had jurisdiction to issue such writs against the executive officers of their jurisdiction. While the District of Columbia courts are for certain purposes district courts of the United States, it is not to be forgotten that they are local courts, and should be concerned solely with local questions. I may add that even United States district courts have never had, and do not now have, jurisdiction to issue mandamus in original proceedings, as does the Supreme Court of the District of Columbia.

In the second place, it is not in keeping with the dignity of the United States to have its Cabinet members and other responsible officers required to answer a writ of mandamus or bill for injunction before a single judge of the Supreme Court of the District of Columbia, and to have to take their turn, with their questions of great importance from the standpoint of administration, between petitions for alimony and divorce cases and the heterogeneous litigation coming before that court. The dignity of the United States demands that its officers and employees be required to answer for their acts before a court composed of at least three judges who are trained in the law relating to the administration of their departments and establishments through the hearing and the determination of claims which arise in said departments.

In the third place, the Supreme Court of the District of Columbia, like many United States district courts, is behind in its docket, and at this session there was passed a bill establishing an additional and seventh judge for said district. The courts of the District of Columbia have enough work to do without attempting to direct, by mandamus and injunction, the administration of the affairs of the Federal Government. No one appreciates more than I do the tendency of some persons appointed to Federal office to lose their perspective, and to become so obsessed with their importance as sometimes to forget the statutes for the conduct of their offices, and that it is necessary to bring them before a court, through a petition for a writ of mandamus or injunction, to secure justice at their hands. However, I would have them brought before a specially trained court, where they may properly present and have con-

sidered their problems of administration, and before a national, not a local, court.

I should say in this connection that the bill proposes no change in the present procedure of the United States district courts to grant writs of habeas corpus to review the decisions of the Department of Labor in immigration cases, nor of the three-judge courts to review orders of the Interstate Commerce Commission and orders of the Secretary of Agriculture under the packers and stockyards act, nor of the circuit courts of appeal to review cease-and-desist orders of the Federal Trade Commission, nor of the district courts to review the matter of permits under the prohibition laws.

At the present time it is customary for officers of the Federal Government brought into the Supreme Court of the District of Columbia to answer petitions for mandamus or injunctions by attorneys of their department or establishment, either nominally or actively assisted by the United States attorney for the District of Columbia. Not infrequently attorneys from such departments and establishments assist in representing the United States in other courts. The bill provides that the head of a department or establishment whose decision or act is brought in question may designate an attorney of his own department or establishment to present the defense on which he relies. This procedure will insure the presentation to the court of the administrative views, and there will be no excuse for failure to follow the decisions of the court in similar cases, or else to report the matter to Congress with recommendation for a change in the law. Not infrequently the failure of the administrative departments or establishments to follow a decision of the lower courts is due to the fact that the administrative view was not presented to the court, and there have been cases where, upon such presentation, the courts have reversed themselves.

In other words, Mr. President, if the decision of the head of a department is involved in litigation the attorney who represented that department on the record before the department does not necessarily under our present procedure have anything to do with the case when it gets into court. A new attorney from the Department of Justice takes the case. He is unfamiliar with the record; and it has often happened that because of that difficulty the record itself has never been considered and the case is decided on some side issue that really was not involved, when, as a matter of fact, the persons best qualified to handle the case and to present, as everybody must admit ought to be presented, the view of the officer whose action is in dispute are not there to present his view or the theory on which he rejected a claim.

The bill adds nothing to nor does it subtract from the substantive law of claims against the United States. It creates no innovations, but it does propose to reorganize and simplify the procedure of securing judicial reviews of administrative acts and decisions. The bill merely provides for the consolidation of certain special courts, the transfer to the consolidated court of the jurisdiction now exercised by those special courts and by the Supreme Court of the District of Columbia, the simplification of procedure, and recognition of the practice, in extraordinary proceedings against officers of the Government, of having them represented in whole or in part by their own subordinates who are especially skilled in the laws in controversy. It proposes to relieve the United States district courts and the Supreme Court of the District of Columbia of jurisdiction of claims against the Federal Government or proceedings against its officers and employees because of some official act, except in the instances hereinbefore named.

I should like to add that the creation of a single court to hear and determine all claims and controversies with the United States is similar to the procedure long since adopted in France in the establishment of the Council of State and in the various subdivisions of the German Republic by the establishment of administrative courts. It is also similar in principle to a bill which has been considered in the last two sessions of the Reichstag for the establishment of a central government court. However, it is not proposed to give the administrative court of the United States the broad jurisdiction exercised by the French Council of State nor by the administrative courts of Germany. As stated, it is not proposed either to add to or to subtract from the substantive law of either suits against the United States or proceedings against its officers at the seat of government, but to consolidate such proceedings in one court sufficiently large to hear and determine the controversies expeditiously. Any necessary modifications of the substantive law may come later as the needs arise.

I referred awhile ago, Mr. President, to the bill transferring some of the jurisdiction from one of these courts to another, now in controversy between the House and the Senate on account of some amendment; and I stated that the conferees had decided to wait until the Supreme Court acted on a case now pending involving the same question.

We found that some of the tribunals and boards and courts dealing with these various questions of which this new court would have jurisdiction are overcrowded, their dockets are full, they have more than they can do, while there are others which are not kept busy. The object of that bill was to transfer some of the jurisdiction from one of these courts to another. It seems in accordance with the best principles of economy and efficiency that we should combine two or combine three or four, put all their jurisdiction in one, so that the entire case, regardless of whether it was a claim in tort or a claim on a contract, should be promptly considered, and should not be sent to some court overcrowded with work, a court which could not hear it, which would thus delay the matter almost indefinitely.

I hope, Mr. President, that the Members of the Senate will examine the bill when it is printed, and I ask particularly that the members of the Judiciary Committee do so. I have the hope that between the adjournment of this session of Congress and the convening of the next the matter may be so thrashed out by those who will take an interest in it that amendments of a constructive nature may be offered to perfect the bill, if defects are found, as they probably will be. The bill is tentative only, and is offered for the purpose of bringing about an intelligent and constructive discussion over the country, particularly among members of the bar, of the questions involved.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. I have listened with a great deal of interest to the remarks of the Senator from Nebraska. I did not hear all he said, however. I wonder if the Senator would not include in his bill a provision to create a court to try the cases where requests and applications are made for tax refunds, if he would not include a provision for the establishment of a court separate and apart from the Treasury Department, free from the influence of the Secretary of the Treasury or anybody else in the department, to try these cases, where they can be tried in open court, a record can be kept of all the proceedings?

Mr. NORRIS. The Senator did not hear all of what I said. The bill provides for the transfer to this court of all the work of the Board of Tax Appeals, which I think would meet the matter the Senator has suggested.

Mr. HEFLIN. What I had in mind was getting away from the Board of Tax Appeals. I want this court to try the cases originally, make the parties prepare their case and come to this court before any order is made or decree is rendered for a refund of Federal income taxes.

The Senator knows, as I know and as other Senators know, that this matter of tax refunds has attracted a great deal of attention and aroused a great deal of suspicion. There has been constantly refunding and refunding of taxes paid to the Government since the close of the World War, four or five hundred million dollars a year, in old cases, left over from years back of us. There is something wrong about these cases, and as long as these Government clerks can work the cases up and somebody in authority over them can O. K. them, and the Secretary of the Treasury finally pass on them, these favors are constantly being extended, and I think we ought to have a court to try such a case in the outset before any refund can be granted; the case should be adjudicated by a court that will try it in the open where the public can attend. Senators, this is a serious matter. You have refunded over a billion dollars to the big taxpayers in America. Of course, where the case is a meritorious one, where the money should be refunded, I have no objection to that being done; I think it ought to be done; but I think a great deal has been refunded where, if a court had been trying the case, it would not have been refunded. I would like to have the Senator from Nebraska think about that suggestion, and if he can include in his bill a provision that would cover it, I would be glad to have him do so.

Mr. NORRIS. I think the main feature at least is covered, although if it is not, and it is thought desirable that it should be covered in the way the Senator has outlined, I would be very glad, and I know the committee having charge of the matter would be very glad, to have such an amendment suggested.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. I want to say to the Senator from Nebraska, and also to the Senator from Alabama, that in order for this court to have jurisdiction of such cases it would have to be given jurisdiction in the Senator's bill or a similar bill which may be passed; otherwise it would not have jurisdiction

over the claims of which the Senator from Alabama is now speaking.

Mr. NORRIS. This bill abolishes the Board of Tax Appeals and gives to this court all the jurisdiction the Board of Tax Appeals now has. It would not, as it stands now, take away from an administrative officer the right to pass on a claim. In fact, it would be established for the purpose of reviewing the acts of administrative officers in such cases as have been mentioned. That is one of the objects of the bill.

Mr. McKELLAR. The Board of Tax Appeals has no jurisdiction now over the administrative cases the Senator from Alabama has just mentioned.

Mr. GEORGE and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I first yield to the Senator from Georgia.

Mr. GEORGE. I am very much interested in the statement made by the Senator from Nebraska. I wanted to ask him—and I ask the question because I could not hear all of his remarks—if he had given consideration to the proposal to decentralize the court system and machinery so as to give to the United States district courts original jurisdiction in many matters which he now proposes to confer on a court centrally located here in Washington. For instance, in cases of mandamus, I have always understood that the United States district courts, outside of the district court here in the District of Columbia, which is not a district court in the ordinary sense, had no original jurisdiction. They might, in an ancillary way, make use of that writ, but they could not entertain original proceeding for the writ.

Mr. NORRIS. Practically all cases of mandamus and injunction pertaining to the action of a department or an official of the Government are commenced and tried before the district court in the District of Columbia. As I understand it, that court obtained its jurisdiction in mandamus and injunction cases from the original act setting up that court. It gave to them the same jurisdiction the courts of Maryland had.

Mr. GEORGE. I so understand.

Mr. NORRIS. This bill takes that jurisdiction away from the Supreme Court of the District of Columbia and vests it in this new court.

Mr. GEORGE. I wanted to ask the Senator if he had given due consideration to the proposal to decentralize this power by vesting it in the several United States district courts.

Mr. NORRIS. The bill does not add to the jurisdiction of any United States district court.

Mr. GEORGE. The United States district courts have not original jurisdiction, for instance, in mandamus.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I think the Senator will find that the United States district courts have jurisdiction. The difficulty arises by reason of the fact that the officers to be mandamused are here in the District of Columbia, and service can not be secured except by proceedings instituted in the Supreme Court of the District of Columbia.

Mr. GEORGE. I have great respect for the Senator's opinion, but I think the Senator on investigation will find that the United States district courts have not original jurisdiction in mandamus cases. They may issue the writ in an ancillary proceeding, in the case of mandamus.

Here is the point: We have reached a time when there are administrative officers of the Government scattered all over the country. They are in every State, they are very numerous, they affect directly and powerfully the interests of the citizens, and I can not see why these administrative officers may not be mandamused in a United States district court in a direct and original proceeding for that purpose. That is the point to which I am directing the Senator's attention, and requesting that he make a study of that question, looking to the decentralizing of the power of the Federal judiciary over the citizens of the country.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. REED of Missouri. I simply wanted to ask this question: Is there any provision in the bill the Senator has introduced for appeals from the decisions of this court?

Mr. NORRIS. Yes.

Mr. REED of Missouri. Where does the appeal run?

Mr. NORRIS. To the Supreme Court of the United States.

Mr. REED of Missouri. Is that an appeal as of right, or is it an appeal which can only be granted by writ of certiorari?

Mr. NORRIS. There are some cases where it would go as a matter of right, and others where it would not. The bill does not change the law in that respect. Under existing law there are some cases where the appeal is as a matter of right, and there are others where it is only on certiorari. There is no change in the law in that respect.

Mr. President, I ask that the bill be printed and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. It is so ordered.

The bill (S. 5154) to establish a United States court of administrative justice and to expedite the hearing and determination of controversies with the United States, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

CONGRESSIONAL REAPPORTIONMENT

Mr. VANDENBERG. Mr. President, I present an amendment intended to be proposed to the pending census bill, being House bill 393. I should like to identify it by saying that it is in the manner and form of the reapportionment measure which was passed in the House of Representatives in 1921, but which failed in the Senate. If reapportionment does not come to us in the usual channel in the near future, I hope to bring this amendment to the attention of the Senate. I ask that the amendment may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

AMENDMENT TO THE CRUISER BILL

Mr. KING submitted an amendment intended to be proposed by him to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED EVERGLADES NATIONAL PARK, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park, to be known as the Everglades National Park, in the State of Florida, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. FLETCHER submitted two amendments intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 51, line 24, strike out "$130,500" and insert "red spiders and other enemies of Plumosus ferns, $140,500."

On page 52, line 19, strike out "$83,900" and insert the words "including sand flies, $113,900."

COMPILATION OF SENATE ELECTION CASES

Mr. SHORTRIDGE submitted the following resolution (S. Res. 284), which was referred to the Committee on Privileges and Elections:

Resolved, That the Committee on Privileges and Elections hereby is authorized to employ necessary assistants to compile a revised edition of the document entitled "Compilation of Senate Election Cases," from the last revision to and including the Seventieth Congress, at a cost not to exceed $10,000, to be paid out of the contingent fund of the Senate upon vouchers properly approved.

EXPENSES OF INVESTIGATION OF PENNSYLVANIA SENATORIAL ELECTION

Mr. SHORTRIDGE submitted the following resolution (S. Res. 285), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections, authorized by resolution of December 17, 1927, to hear and determine the pending contest between WILLIAM S. VARE and William B. Wilson, involving the right to membership in the United States Senate as a Senator from the State of Pennsylvania, hereby is authorized to expend from the contingent fund of the Senate $20,000 in addition to the amounts heretofore authorized for said purpose.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams, and it was signed by the Vice President.

MULTILATERAL PEACE TREATY

Mr. BLAINE. Mr. President, I ask unanimous consent that there be printed as a Senate document several articles on the so-called multilateral peace treaty, one by Prof. Edwin Borchard, of Yale University, being an address delivered at the Williamstown Institute of Politics on August 22, 1928; an article by Frank H. Simonds, published in the January, 1929, Forum;

and an article published in the December Harpers for 1928 by Henry Cabot Lodge upon "The Meaning of the Kellogg Treaty."

The VICE PRESIDENT. Without objection, it is so ordered.

GOOD ROADS

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered before the joint convention of the United States Good Roads Association and the Bankhead National Highway Association, by Col. T. L. Kirkpatrick, of Charlotte, N. C.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

Mr. President, His Excellency the Governor of Iowa, his honor the mayor of Des Moines, members of the United States Good Roads Association and the Bankhead National Highway Association in convention assembled, ladies and gentlemen, as president of the Bankhead National Highway Association, and as a director of the United States Good Roads Association, the pleasant duty and responsibility has been assigned to me by the members of the executive committee of these two associations and their membership to bring to you greetings and a message based upon the necessity of the United States Congress appropriating sufficient funds to build, construct, and maintain a national system of interstate hard-surfaced highways, interconnecting the capitals of the 48 States of the Union one with the other and with the National Capital, by the most practical and direct routes. Further, the building of two great seaboard highways, one traversing the Atlantic coast and the other the Pacific.

It is a very great pleasure, as well as a distinct privilege and honor, to be the guest of the hospitable and beautiful city of Des Moines, as well as to enjoy the hospitality and cordiality of the great State of Iowa, whose citizenship by its earnest endeavor, enterprise, intellect, and mental acumen has contributed incalculably to the spirit of Americanism the growth and development of the Nation and has wrought for herself and yourselves a position of commanding importance and influence among your sister Commonwealths.

Iowa's niche in the temple of fame stands out boldly unchallenged by the historians. Her contribution in polity, education, agriculture, industry, idealism, and religion, as well as her political leaders and statesmen such as Herbert Hoover, ex-Secretary E. T. Meredith, your distinguished governor, Hon. John Hammill, Senators S. W. BROOKHART and D. F. STECK, places her in the forefront of the galaxy of her sister States of the Union.

The beauty, grace, charm, and virtue of your good women, like the fragrance of the wild rose, your State flower, sheds additional glory and luster upon your Commonwealth and bids a more joyous welcome to your guests. Personally, we of the South feel a peculiar pride and interest in Iowa; in fact, if permitted, claim kinship with you by consanguinity and affinity, in that you were given your being in 1803 through the Louisiana Purchase, and had as your godfather one of the South's greatest noblemen and the Nation's greatest geniuses and political leaders—Thomas Jefferson—and the South contributed some of its best blood to the settlement of this great State.

May I bring to you special greetings to-day from my own mother Commonwealth, North Carolina—one of the foremost good-roads States in the South, if not in the Union, which has expended approximately, including State and Federal aid, $140,000,000 to build 7,365 miles of highways. As you perhaps know, North Carolina was one of the original daughters of the Goddess of Liberty. She has grown up to be the loveliest princess of the South and is the queen State of the Union upon whose fair brow rests the jeweled diadem of the Nation. She pillows her head on her own shadowy mountains, drapes her matchless form in the azure blue of her sun-kissed peaks; the stars pin back the curtains of the blue skies above her; and the angels peep through and smile at her delight as she dabbles her dimpled feet in the bright waters of the Atlantic.

Too, I bring to you an affectionate message of love from the old South, that part of your Nation and mine which has ever been rich in lore and history, jeweled with rhythm and song, sublime in music and poetry, adorned and embellished by the chivalry of brave men and the beauty and grace of fair women. I know that you honor us for the contributions which we have made to the Nation in statesmanship, military genius, science, art, invention, education, and industry. It was ours to bequeath to the Nation the immortal George Washington, Commander in Chief, and the Father of our Country. The Nation drew upon us for its first Chief Justice of the United States Supreme Court, John Rutledge; the author of the National Constitution, James Madison; the author of the National Declaration of Independence, Thomas Jefferson; the author of the national anthem; and the first assertion of the right of trial by jury.

May I assure you that we stand with the taxpayers of Iowa and the citizenship of every other State in the Union and offer you our fullest cooperation and hearty support in every patriotic effort and in the advancement of every principle of government founded upon the Constitution of the United States which makes for the weal of the governed that will enable the citizenship of the United States to achieve the fullest fruition of all its hopes and desires.

We are advocating a national system of interstate hard-surfaced highways, interconnecting the several capitals of the 48 States of the Union with the National Capital, and two great seaboard highways, to the end that our citizenship may have the proper means of communication and transportation and in order that we may more fully develop our agricultural, mining, industrial, and natural resources and further that the products of the farms, mines, and factories of our country may be economically, rapidly, and profitably sold in all the marts of the world. Further, we believe that a national system of interstate hard-surfaced highways will promote the spiritual, moral, and political interest of the Nation incalculably, make of our citizenship a homogeneous, patriotic, and loving people, binding us together with cords of inseparable love and patriotic devotion.

We are advised by the United States Bureau of Public Roads that America is to-day the greatest road builder in the world. It is our judgment that there is a greater need to-day for building a national system of interstate highways than ever before. There are approximately 23,000,000 motor cars traveling over our roads, the major portion of which are yet unpaved. There is invested in the automobile industry, motor car, and accessories a sum which almost equals the railway systems of the United States, to wit, $18,000,000,000.

We are advocating an expenditure by the Federal Government of $50,000,000,000 for a national system of interstate hard-surfaced highways—this amount to be expended in equal annual installments of $2,000,000,000 a year covering a building program of 25 years. We earnestly urge and insist that the taxpayers of Iowa, together with the taxpayers and citizens of the other States of the Union, demand of their Representatives in Congress immediate consideration of such a program, and that necessary legislation be immediately adopted to put it into effect as rapidly as is consistent with economical expenditures.

More than 2,000 years ago the old prophet, Solomon, stated an axiomatic and immortal truth: "Unless there be vision, the people perish." The truthfulness of that statement is as compelling to-day as when uttered by this seer for the guidance of the people of his day and generation. Our fathers in establishing the Constitution of this Government, as early as 1789, having in view the necessity of an economical and rapid distribution and transportation of our resources, and believing that permanent roads were the basis of the then present and future civilization of our country and were the means to the end of promoting national prosperity and happiness, placed in the fundamental law of the land and issued a mandate to the then Members and future Members of Congress to appropriate the necessary funds for the building of post roads. We have had enough talk about the great fundamental principles of government; we have had enough discussion of the tariff question; have debated long enough on international questions—what we need in this hour is a practical application of the rules of government to the needs of the governed.

If the National Government would lay down a broad, comprehensive program of internal improvements and make the necessary appropriations to build, construct, and maintain such a national system of hard-surfaced highways as we have outlined, develop the inland waterways of our Nation, build up and develop our harbors and docks, build a merchant marine, dig the Nicaragua canal, and use the undeveloped resources of the waters of the Mississippi River by developing the 55,000,000 hydroelectric horsepower, changing it from a death-dealing agency to a blessing, and stop the wasteful appropriations and loans to foreign governments and foreign powers, the majority of which is being used to build up big armies and navies for the next war and give us an army, navy, and air fleet big enough to afford adequate military police protection for the lives and property of our Nation the taxpayers would rise up and call it blessed.

We have at our command the necessary wealth to do and perform all things needed for the happiness and welfare of our citizenship, and for the development of this great Nation of ours. The wealth of this Nation, including all values, personal, real, and mixed, is reckoned at approximately $427,000,000,000. We are informed that the approximate income of our citizenship, from all sources, is $100,000,000,000. We have more gold than all the combined powers of the world. We have piled up in the vaults of our banking institutions a gold reserve of over three and one-half billion dollars.

The United States contains 6 per cent of the world's population, 6 per cent of the world's land area, and more than one-third of the world's accumulated wealth. The United States is producing one-half of the world's coal and coke, one-half of its iron and steel, 70 per cent of the world's petroleum, three-fourths of the world's sulphur, 85 per cent of the world's naval store, the bulk of the world's phosphate, 60 per cent of the world's supply of cotton, 50 per cent of the grain and livestock, one-half of the standing timber, 50 per cent of the minerals. It possesses 45 per cent of the world's gold supply and 40 per cent of the world's railroad mileage and 45 per cent of the world's developed hydroelectric horsepower.

Notwithstanding this tremendous aggregation of wealth, and moral and physical power, we are informed through the Manufacturers' Record, the National Bureau of Highway, and other reliable sources, that the "mud tax" costs the taxpayers of the Federal Government of the United States approximately $1,630,000,000 annually. By the "mud

tax" we mean the unnecessary wear, tear, and depreciation of motor vehicles of all kinds, wagons and horse-drawn vehicles, and any other conveyances using the highways for transportation purposes; the wear, tear, and depreciation of horse and mule vehicles, and the useless and unnecessary waste and consumption of gasolines and oils. By developing a national system of interstate hard-surfaced highways, the major portion of this waste, economic and financial loss could be saved to the taxpayers, not calculating the time that would be saved in transportation, and the profits that would accrue to the industrial, manufacturing, and agricultural interests through an economical and rapid transportation for the peoples of the Nation through such a national system of interstate highways.

If the appraised mud tax of the Nation is approximately correct, and it could be saved to the taxpayers of the Federal Government, this tax in 25 years, figuring the interest at 5 per cent, would more than supply the $50,000,000,000 for the building of a national highway system.

The Appian Way, built by the Cæsars, unified the Roman Government, extended its commerce, developed culture, art, and refinement, created adequate military defense, and continued the life of the government for centuries. The magnificent roads constructed by Napoleon cemented the Provinces of France, created a strong government, out of which grew the Republic, gave employment to the unemployed, built up its agricultural, industrial, and commercial interests, and in 1918 enabled the allied forces to save civilization and to achieve a glorious victory instead of suffering an ignominious defeat.

The expenditure of $2,000,000,000 a year on a national highway program by the Federal Government would furnish a tremendous amount of employment. This additional amount of capital in circulation annually would afford the farmer a vast market for his by-products, such as stone, gravel, and sand, and give him an increased income in the hiring and employing of his wagons, teams, and trucks. Further, it would give to the merchant an opportunity to increase his sales of merchandise.

If the Nation should definitely determine upon the building of a national system of highways and would spend $50,000,000,000 in 25 annual installments, let the money be allocated to the several States of the Union, upon a basis of area, through mileage and population; this effort on the part of the National Government would create confidence, stimulate the arteries of trade, energize commerce, enhance agricultural values and farm-land values, and encourage the profitable investment of private capital, and further serve as an inducement to States and counties in building communal and lateral roads.

Figuring the average cost of hard-surfaced highways at $33,200 per mile, $50,000,000,000 would build 1,506,024 miles of hard-surfaced roads, and this mileage added to the hard-surfaced roads already constructed by the States with the aid of Federal funds heretofore appropriated would give us a national system of approximately 1,706,024 miles of hard-surfaced highways, which would practically provide for the proposed national system of interstate highways.

The highways logically divide themselves into three groups, viz: National interstate highways, intrastate highways, and lateral or communal highways. The national highway system should be built largely by national funds and maintained by national funds; the State highways by the State, and the county highways by the local taxpayers. If the Federal Government finds it has not the $2,000,000,000 annually to appropriate for the next 25 years from the Treasury, it would pay to levy a small national gasoline and license tax, or have other appropriations heretofore made diverted to and used for national road building, but at all cost the national interstate highway system ought to be built now.

The natural reasons suggest themselves for the building of such a system of highways:

First. It would unite the citizenship of the United States in aspiration, social and economic thought, making us a homogeneous people as no other agency.

Second. Our steam and electric railroads and inland waterways are not sufficient or adequate to properly provide cheap transportation and economical and rapid distribution of the resources of our people and ought to be immediately supplemented by a national system of interstate hard-surfaced highways.

Third. Millions of dollars in economic waste is suffered annually by the taxpayers on account of "mud roads" in the depreciation of motor vehicles, loss of time, and inadequate marketing facilities.

Fourth. As a matter of national defense in time of threatened invasion, a complete system of national interstate hard-surfaced highways is absolutely imperative for the transportation of troops and supplies from coast to coast. The United States has approximatetly 3,000 miles of coastal line, 3,000,000 square miles of territory, 117,000,000 people, and $427,000,000,000 of wealth to protect. We should be adequately prepared on a moment's notice to render police protection.

Fifth. Good roads, and by that we mean hard-surfaced highways, are not only the basis of material prosperity, but will contribute to the moral, social, and spiritual life of the citizenship of the Nation as no other factor. By these means the citizens of the several States comes to know each other personally, the rural churches and the rural schoolhouses, and the rural mail system are all greatly benefited; greater inducements and encouragement are given to the rural population, especially the boys and girls, to remain on the farms, to grow and develop spiritually, socially, and materially in the life of the Nation.

Sixth. Modern highways lead upward to higher possibilities of national life. Bad highways form the other road downward to ruin. If James J. Hill and E. H. Harriman had not had the vision and launched the great transcontinental railway system, which we have to-day interlocking and interconnecting the great West with the great North, East, and South America to-day would not be the potential world factor that she is. What the railroads of Hill and Harriman have done for the great West, a complete system of communal, lateral, and national interstate highways, modernly built, constructed, and maintained will do for the entire Nation.

Seventh. Men who are working for the building of highways are working for the advancement of God and humanity, are laboring to broaden the foundation of equal opportunity for all. Highway building, therefore, is a high mission, and the builder, advocator, and promoter of highways is a missionary of the doctrine of human betterment. "He prayeth best who serveth best."

Saint and sinner alike agree that the judgment pronounced by the Master against the barren fig tree was but a just sentence. The question for the people of the United States is not whether we have iron, gold, coal, silver, copper, oil, phosphate, sulphur, mineral resources of all kinds, unexcelled climatic conditions, besides unlimited undeveloped electrical horsepower; the question is not whether our soil will produce all kinds of grain, fruits, and tobacco, to say nothing of our fishing and mining industries and water transportation facilities—these questions were settled by the great God in the long ago when He made the world; on the other hand, the question for us is whether or not we have the vision, the spiritual and moral courage, and intellectual power and dynamic energy to realize 100 per cent on these God-given inheritances.

Every patriotic American citizen must recognize himself or herself as trustee of all these tremendous natural resources, and use these unlimited resources to promote the welfare, peace, and prosperity of our present day and generation, and transmit to unborn posterity the blessings which we have received from our sires and mothers, thereby weaving threads of sunshine and happiness in the pathway of our fellow men, and add to the sum total of the glory of God and human happiness. The Nation, as well as the individual, must recognize that it holds this wealth as a trustee for the furtherance and advancement of its citizenship and humanity.

I appeal to the membership of this convention, I appeal to the citizenship of Iowa, and through you to the citizenship and taxpayers of this great United States of America to demand a national system of modern highways, in order that we may exert the greatest influence in shaping the destiny for the good of unnumbered millions and in molding the spiritual, the educational, and material life of the Nation. And in the language of the old Scottish bard:

"Burst be the ear that fails to hear,
And palsied be the feet that shuns to speed,
At the Clarion Call of his Country's need!"

THE HISTORY OF INLAND WATER TRANSPORTATION

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD an address by F. H. Farwell, of Orange, Tex., on The History of Inland Water Transportation, delivered at the Intracoastal Canal Convention held at Baton Rouge, La., on November 9–10, 1928.

The VICE PRESIDENT. Without objection, the address will be printed in the RECORD.

The address is as follows:

The history of artificial waterways nearly tells the story of civilization from the beginning of time down to the present day.

Strange to say, however, information regarding inland water transportation is fragmentary, for early records are dim on specific movements, due to the fact that mainly these canals or ditches were for irrigating purposes.

The Bible tells us when famine stalked in God's chosen land knowledge of plenty in Egypt came to Abram, and we find that he and his entire family joined a caravan bound for that country, there to remain until next crop season in his own home land. As he neared ancient Egypt he saw civilization at its best. The universities, theaters, works of art, and the pyramids among the most conspicuous, but with his mind on sustenance who can say but what his greatest astonishment occurred as he beheld the Nile with its lateral canals built as an insurance against crop failure.

The evolution of the drainage ditch into a barge or boat canal as a means of transportation of food products to large centers simply followed as a natural consequence, and only adds an advanced chapter to the interesting story.

We are told that even the use of artificial waterways, which certainly must have followed that of natural streams by many centuries, goes back to 3500 B. C. or perhaps earlier. The first of these waterways, to be sure, were for irrigation, drainage, and flood control, and not for navigation. Tradition states, however, that the Suez Canal was excavated prior to 2000 B. C., and we have more than tradition

to show that it was open for the navigation of small vessels by 600 B. C. (Whitford's History of New York Canals.)

The Royal Canal of Babylon was open long before the time of Christ. A number of canals were built under the Roman Empire. The Imperial Canal of China, said to be a thousand miles long, was completed in 1289 A. D.

All of these canals long antedated the canal lock. This did not, however, preclude water transportation between different levels, because we are told that the early canals of Egypt and China had a form of inclined plane for transferring boats to successive levels. (Whitford.)

Strange to say, the idea of canal locks, which revolutionized transportation and made possible the use of inland waterways, was seemingly lost in antiquity. No one knows its origin or whom to credit with the invention. An authority tells us "to us living in an age of steam engines and daguerreotypes it might appear strange that an invention so simple in itself as the canal lock should have escaped the acuteness of Egypt, Greece, and Rome." (Quarterly Review No. CXLVI, p. 281.)

James Brinkley, a celebrated English engineer, in 1754 was commissioned by the Duke of Bridgewater to find a way to transport his coal from the estate to Manchester. The difficulties were great, but in the end he accomplished the feat, even to the extent of carrying the water 39 feet above the River Irwell. The success of this canal, both from an engineering and economical point of view, centered thought and action on canals as the practical means of transportation. (Enc. Britannica.)

It remained, however, for Thomas Telford, a Scotch engineer, to pioneer the idea of inland water transportation along practical barge lines. In 1793 he developed the Ellesmere Canal to a state of practicability that led to his service as consulting engineer both at home and in Sweden. (Inland Navigation, Edinburg, Enc.)

The evolution of the canal lock which, as indicated, has revolutionized the operation of canals and commercialized rivers, was developed so gradually that it is a question of whether Italy or Holland should be credited with the distinction of its first real use. It is definitely known, however, that during the latter part of the fifteenth century locks were actually used in both countries.

The introduction of these locks resulted in the rapid development of canal building in England, France, and other European countries, and this combination of natural and artificial waterways resulted in such a well-established system of transportation that in those countries the coming of the railroad had no material effect such as we experienced in this country. In Europe the inland waterway is a prime factor to-day in transportation.

Our Pilgrim Fathers had ample reason to realize the value of an intracoastal canal before they ever landed on Plymouth Rock. Had such a canal been available perhaps they would not have landed there, and perhaps the entire history of New England or, in fact, of all of our colonies would have been quite different. We are told that they were heading for some point south of what is now New York, but that, lacking either sufficient control of their ships to hold to a precise course, or instruments of precision to show their exact location, they missed in their aim and first encountered land on the exposed side of Cape Cod. Hardly knowing whether to go north or south, they started south, but encountered such terrifying shoals at the elbow of the cape that they turned around and followed the shore line to its end, whence they crossed the bay to what became Plymouth. Had they been able to use a safe intracoastal canal they would doubtless have continued to a warmer climate and more fertile soil, and Texas might have become New England.

Knowing of the dense forests and impassable roads in our own early history, which forced us to depend almost exclusively on waterways as a means of transportation, and observing transportation by boats and rafts at the present time by even the most primitive of races, we can assume that inland waterway transportation has been an important factor in the lives of human beings since the very beginning.

Early settlement in the colonies as a matter of course was along protected harbors and navigable waterways, and it may be noted that in the absence of any other means of transportation, waterways that could hardly be regarded as navigable were utilized to the utmost. For example, trading posts were established in the earliest colonial days on the small tidal rivers at the base of Cape Code, and a brisk trade was developed between the Puritans and the Dutch through this use of protected inland waters, necessitating, however, a carry across the neck of the cape.

It was not long, however, before the possibility was seen of elimination of this carry by the beginning of the intracoastal canal system. (Meyer's History of Transportation in the United States Before 1860.) As early as 1676 Samuel Sewell in his diary mentions the possibility of a passage "from the south sea to the north," and in 1697 the general court of Massachusetts adopted a resolution calling for a study and report on the possibilities of such a canal. The records do not show that such a report was made. A canal was opened in 1757 connecting two parts of Buzzards Bay, but this was not for the passage of boats but for the passage of herring. In 1776, however, the general court of Massachusetts passed another resolution calling for a study and report on the feasibility of such a canal, and a survey was started, only to be deferred when the engineer was called into war service.

The idea of a navigable canal to relieve shipping of the perils around Cape Cod was attaining strength, however, and in 1808 the Secretary of the Treasury, Albert Gallatin, included in a comprehensive report on waterways a recommendation for a canal to eliminate this difficulty. He believed the obstacles to such a canal across Cape Cod were so great that his recommendation was that the canal be built from Boston to Narragansett Bay. A company to build the Boston canal was incorporated in 1818, but the canal was never built. (Meyer.)

By 1824 interest had been revived in a canal across the cape. A survey was made and the project was favorably reported upon, but, strange to say, it was nearly another century, or 240 years after Samuel Sewell recorded sentiment in favor of it, and this sentiment resulted in actual construction. It was finally built and completed with private capital as a ship canal in 1916.

During its first year of operation it carried 3,019,883 tons. During the war it was taken over by the Railroad Administration. It was subsequently turned back to its owners, but it has been apparent that in order to attain its maximum usefulness it should be acquired and improved by the Federal Government, and after prolonged discussion, negotiation, and litigation its purchase was authorized by Congress last year. When the channel is widened to permit two-way traffic of large vessels and regulatory works are constructed to check the strong tidal currents, this canal can be expected to come into its own.

While the early efforts were going on to build a canal across Cape Cod others were being made to connect Chesapeake and Delaware Bays. The advantages of such a canal were mentioned in 1679–80 in Danker and Sluyter's Journal of a Tour in Maryland. A committee was appointed in 1769 to report on the project, but its recommendations involved such expense that the matter was dropped until 1784, and from that time until 1824 the efforts to get the canal built were futile, although surveys were made and companies were incorporated. In 1824, however, the canal was actually begun, and it was completed in 1829, with a navigable depth of 9 feet and with locks. (Meyer.)

This canal was also built and operated as a private undertaking, although the United States contributed 20 per cent of the construction cost and the States of Pennsylvania, Delaware, and Maryland made substantial contributions, inspired to do so by the threatened competition of the Erie Canal. Each decade from its opening showed a substantial increase in tonnage until 1870, when 1,245,928 tons of lumber, coal, flour, and other commodities were handled.

About this time the tonnage began to decline, and about the same time efforts were launched to have the waterway taken over by the Federal Government and converted into a ship canal. There followed the usual extended period of commissions, surveys, and reports, but apparently, in 1894, the Chief of Engineers reported favorably on the project for the first time. It was 12 years later (1906) that Congress authorized the appointment of a special commission to appraise the canal and 13 more years (1919) before Congress authorized its purchase and enlargement. The present project calls for a 12-foot sea-level canal, and the Chief of Engineers reported the work 96 per cent completed last year.

There is one other early forerunner of the intracoastal canal—namely, the Delaware and Raritan Canal across New Jersey. A company was chartered in 1804 to build this waterway, but various obstacles delayed the project so that it was not completed until 1838. The surveys of the New Jersey Ship Canal Commission in recent years have shown that the route of this canal, which is of 7-foot depth, is not the most desirable one for the intracoastal waterway, so that it is of historical interest mainly as showing early recognition of the need for such a canal.

The intracoastal waterway south of Cheaspeake Bay has little history. There were fragmentary congressional authorizations as far back as 1828, 1836, and 1844, but nothing comprehensive except in the last 20 years. As you know, it was only in 1925 that we obtained consolidated projects for the Louisiana and Texas Intracoastal Waterway, and only last year that a 9-foot channel was authorized. Several of the authorized projects east of the Mississippi are for less than 9 feet, and several important links have not yet been authorized.

While and before the early intracoastal projects were being carried out, our colonists were, of course, using the natural waterways as virtually their only means of communication with the interior. Even this necessitated difficult carries over the Appalachian barrier, whether the route was up the west branch of the Susquehanna and across the mountains to the Allegheny, up the Potomac and over to the Youghiogheny; or up the James River and over to the Greenbrier and Kanawha. The rivers themselves were full of obstacles to transportation, but these had been overcome as far as possible by the development of boats of very shallow draft. Interstate Commerce Commissioner Meyer in his Transportation in the United States Before 1860, tells us that, following, of course, the canoe, "the first boats which were used for navigating the Ohio were the flat boats, arks, keel boats, and barges. The early boats rarely used sails and received only occasional aid from their oars and depended almost wholly upon the current of the stream to carry them to their destination. It usually took a month to go from

Pittsburgh to New Orleans, but the return trip, when there was one, often occupied four months."

Various expedients were used to get these early boats upstream. Oars were ineffective against the current. One method used was manpower, the said men walking along the river bank and pulling the boat with ropes. Often there was nothing available as a tow path, in which case the boat was advanced by warping it with ropes coiled around trees. Poling was another method where the bed of the stream was firm enough to permit. Crude as these methods were, they continued in use until and considerably after the introduction of the steamboat.

The flatboats and the arks were used only to descend the streams. When they reached their destination they were used either to construct buildings of one kind or another for the new settlers who had traveled on them or were sold to other settlers for a similar purpose.

Commissioner Meyer further tells us that from February to June and from October to December were the best seasons for the navigation of the Ohio, although in the former season floating ice made the trip dangerous. Head winds were a frequent source of trouble. The river was so crooked that a favorable wind might within an hour become an unfavorable one, and in combination with strong currents be likely to drive the boat ashore.

The first steamboat descended the Ohio River from Pittsburgh to New Orleans in 1811. This was some five years after "Fulton's folly" had ventured upon the Hudson. Even though Fulton's boat and others on different deep waters had proved successful, there was apparently not much optimism regarding the utility of steam on the Ohio and the Mississippi, with their currents, snags, islands, and rocks. (Meyer.)

When the first voyage was made the skeptics at the river bank admitted that the boat was doing as well as a raft would do in floating downstream, but were certain that it could not go upstream. At Louisville it was necessary to wait a month for high enough water to float over the falls, but Captain Roosevelt made good use of this month in turning back and steaming up the river to Cincinnati to prove that it could be done.

This did not immediately solve the problem of navigating these rivers. Much experimenting was required before a steamboat of the shallow draft and capable of meeting the hazards of river transportation was developed. Another obstacle was the success which Livingstone and Fulton had for several years, until the Supreme Court ruled otherwise, in exercising a monopoly in the use of steamboats on inland waters. In the course of time, however, aided by the construction of a canal around the falls at Louisville, the cost of freight transportation from Pittsburgh to New Orleans, $6.75 per hundred pounds in 1800, was cut more than 50 per cent. (Meyer.)

Although the Livingstone-Fulton monopoly was not overthrown by the Supreme Court until 1824, it had become partly inoperative on the Ohio and Mississippi, and in 1819 there were 60 steamboats plying between New Orleans and Louisville, not at that time reaching Cincinnati and Pittsburgh because they had no way of getting around the falls. The building of steamboats was begun at both of these points about that time, however. A table presented by Meyer shows that the number so built on the Ohio increased from 3 in 1816 and 7 in 1817 to 25 in 1818 and 34 in 1819. There was then an apparent lull for a period of five or six years, but 56 were built in 1826. The early losses by fire and sinking were very heavy, and previous to 1826, 41 per cent of all of the steamboats constructed had been lost or destroyed, 28 per cent of these losses being due to obstructions to navigation.

Even after the appearance of the steamboat the number of flat and keel boats and barges steadily increased. They could carry heavier loads than the first steamboats, there were more experienced operators available, and though slow moving they had a wider range of activity. (Dixon's Traffic History of the Mississippi River System.) These flat boats reached a maximum size of 150 by 24 feet with a capacity of 300 tons. As late as 1840 nearly one-fifth of the freight handled on the lower Mississippi moved by flat boat, keel, or barge. Steam towing of flat boats was tried as early as 1829, but was not successful.

It is estimated that in the decade 1820–1830, 3,000 flat boats annually descended the Ohio. Dixon gives a table showing 2,763 arrivals of flat boats at New Orleans in 1845–46, dwindling down gradually to 1,047 in 1852–53, and 541 in 1856–57. Meanwhile the arrival of steamboats at New Orleans, 21 in number in 1814, increased to 198 in 1820, 989 in 1830, 1,573 in 1840, 2,784 in 1850, and 3,566 in 1860.

During this early period the trade of the lower Mississippi originated largely in the Ohio basin where settlement was most advanced. (Dixon.) Improvement work was begun on the open channel of the Ohio as early as 1827, although we are told that little of value was accomplished before 1860. The Allegheny was given up entirely to flats and rafts and was not navigable for even the lightest draft steamboats except during high water. The Monongahela was in about the same condition, but a private corporation built two locks in that river about 1840, and about that time the movement of coal was begun which has given the Monongahela the heaviest traffic of any river in the United States other than those navigable for and used by ocean-going vessels.

The coal movement on the Monongahela as late as 1850 was handled by barges carrying from 12,000 to 15,000 bushels of coal each. They were floated down the river to destination and there sold for lumber. Because of their heavy loaded draft they could be floated safely only during high water, of which there were usually two stages annually, and during these seasons from 250 to 300 barges started the trip. Many of them were wrecked by snags and rocks. Soon after 1850 the towing of coal flats by steam towboats was begun.

A steamboat is asserted to have ascended the upper Mississippi to a point near St. Paul in 1813. The arrivals were few and far between, however, before 1840, and even as recently as 1846 only 24 reached that point. (Dixon.) This number increased to 104 in 1850 and 1,026 in 1857. During the fifties the upper Mississippi territory was developing rapidly and the demand for transportation so far exceeded the supply that almost any price was paid for it, and boats often paid for themselves in two years if they survived the great hazards of snagging and burning. These boats were largely stern wheelers of 200 to 300 tons, able to proceed during periods of drought.

The flour industry was developing, and they handled numerous other commodities. By far the most important product of this area, however, was lumber, and this was handled almost entirely in rafts or barges propelled by steamboats. St. Louis was developing as an important river center, and Dixon indicates about the same number of arrivals of steamboats annually in New Orleans and St. Louis during the period from 1840 to 1860.

Dixon tells us that the average rates of speed on the Mississippi and Ohio in 1840 were about 6 miles per hour upstream and 10 to 12 downstream. It is estimated that from 1810 to 1850, 1,070 steamboats were lost, involving a cost of $7,000,000 and many lives. While many of these accidents were due to uncontrollable conditions of navigation, more were due to reckless operation. Racing for speed records resulted in frequent collisions and boiler explosions.

We mentioned earlier the Appalachian barrier which necessitated carrying commodities from the headwaters of the Atlantic rivers to the tributaries of the Ohio system. The Great Lakes were naturally being utilized as a means of access to the West while this development of traffic on the Ohio and Mississippi was going on, and the Erie Canal was conceived early in the nineteenth century as a means of overcoming this barrier. The physical geography greatly favored this project, as the Mohawk Valley offered a route with no very high climb. Meyer points out, however, that there were very serious handicaps in the scarcity of engineers, contractors, and excavating machinery, the unbroken forests and miasmal marshes the route must follow, and the sectional jealousy between eastern and western New York. These were all ultimately overcome, however, and the canal, begun in 1818, was opened for traffic in 1825. The effect of this monumental work soon became apparent, and it is widely admitted that the Erie Canal played a very large part in giving New York the start over the other Atlantic ports which has made it the metropolis of the Western Hemisphere.

The earliest year for which we have the tonnage figures for the Erie Canal is 1837, in which year 667,151 tons were moved. This tonnage increased to 945,944 in 1844, 1,635,089 in 1850, 2,253,533 in 1860, and 4,608,651 in 1880, the peak year for the Erie Canal. As recently as 1865 the tonnage on the Erie Canal exceeded that of the Erie Railroad, while the New York Central did not overtake the Canal until 1870.

Other canals were built across the mountains and watersheds, and some of them performed very important rôles until, handicapped by shallow draft, small vessel capacity, and the necessity for towpaths and mule power, they were superseded by the railroads. The Erie Canal alone, enlarged some 20 years ago to carry power boats and barges of economic size, has remained an important factor in transcontinental transportation.

This story would be incomplete without some inclusion of those greatest of inland waterways—the Great Lakes. Trading posts were established at various points on the lakes in the seventeenth century (Meyer), and the *Griffin*, built near Buffalo, made the first voyage of the upper lakes, only to be lost on the return voyage. The English began boat building at about the same point in 1759, and also on Lake Ontario. The first American-built vessel was launched in 1797 near Erie, Pa. The first steamboat to navigate the Lakes was built in 1817 at the head of the St. Lawrence.

The following year the *Walk-in-the-Water* was launched in the Niagara River above the falls. Her machinery was hauled in wagons from Albany, and oxen were used to tow her up the river to Lake Erie against the strong current. She made regular trips to and from Detroit, a round trip taking 9 or 10 days.

Grain began to move East in 1836, and by 1840 Meyer tells us there was a regular movement, carried by a few sailing vessels of about 125 tons each and a half-dozen sidewheel steamers.

Copper was discovered in the Lake Superior region in 1843–44, but vessels on the lower Lakes could not reach Lake Superior on account of the falls and rapids in St. Marys River. This situation was not remedied until 1882, when the first Soo Canal was authorized.

There is not time to describe the remarkable growth of traffic on the Great Lakes, particularly in the movement of grain and iron ore east and coal west. Aided by vessels and terminals designed especially for this traffic, transportation on the Great Lakes has become probably the cheapest in the world (about a twentieth of that of rail transportation), and its effect on the grain trade and the coal and steel industries is incalculable.

The early development of railroads, which were destined to have such a far-reaching effect on inland waterway transportation, seems to have proceeded on the assumption that the railroads could not compete with the waterways but should be supplemental to them, reaching where the waterways could not go. Consequently, although fragmentary railroads across New York State, competing it is true with the Erie Canal, had been constructed before 1840, nobody had the temerity to undertake a line alongside the Hudson River until 1846, while a necessary section of what is now the main line of the Pennsylvania Railroad was built originally as a means of hauling canal boats over the Alleghany Mountains. Dixon points out that the earliest railroads in the Middle West were largely short lines connecting with the waterways. He also notes that the railroads first specialized in passenger transportation and were not properly equipped to handle freight. For example, the Baltimore & Ohio in 1831 carried 81,905 passengers and only 593 tons of freight. As the era of railroad building proceeded, however, it became apparent that the railroad had two important advantages in speed and ability to go where the steamboat could not go. It also became apparent that the least expensive rail routes were usually alongside the waterways, and by 1860 there were rail lines in all directions in Ohio. Farther west and south there was less development.

The competition of the northern railroads began to be felt at New Orleans even before the Civil War. Nevertheless we are told by the Inland Waterways Commission that steamboat transportation on the lower Mississippi from the fifties to the early eighties was the chief agency upon which the people of the Mississippi Valley depended for the carriage of both freight and passengers. Through boats ran from Cincinnati, Louisville, and St. Louis to New Orleans. An interesting note is that in those pre-Volstead days the bar privilege on one boat for its lifetime sold for a sum that built the hull of the boat.

Up to the time of the preliminary report of the Inland Waterways Commission, in 1908, the only material change in the type of boats from the early days was the change from wooden to steel hulls, and this was by no means general. Some of the boats were finely equipped, however. Probably the most famous line was the Anchor Line, which owned as many as 19 fine steamboats. Competition cut into its passenger business, and it sold out and virtiually discontinued operations in 1895.

Authentic figures are not available to show what in tonnage or value has been the loss of traffic on the Ohio-Mississippi system. We know, certainly, that the river steamboat has not been the vital factor during the last 50 years that it was previously, whereas our coastwise and Great Lakes traffic has steadily increased with and contributed greatly to the prosperity of the country.

It is not necessary to go into the question of whether this decline of river commerce since 1880 has been brought about mainly by natural causes, or whether it has been materially hastened by unfair competition and cutting of rates by the railroads. We know, certainly, that the existence of the waterways remains as of lasting benefit to the communities having access to them in keeping rail rates down below the general level for interior points. We recognize now that the spectacular river steamboat of the nineteenth century was costly to operate, and we have awakened to the need for modern, economic equipment. We have come to realize that the railroads, because they go everywhere, are the framework of the transportation system, and that waterway transportation, to be successful, must be coordinated with the railroads. This means through routes and rates and adequate facilities for interchange between freight car and barge. We have learned that the advantages of cheap water transportation can be wiped out if we do not have proper terminal facilities, accessible by rail and by truck to the communities they serve.

And what all this time of the waterways themselves? Mark Twain, in his Life on the Mississippi, has given us a vivid picture of the perils of steamboating in his day. The Chief of Engineers in his annual report describes the Ohio River as originally "much obstructed throughout its entire length by snags, rocks, and gravel and sand bars," with an exceedingly variable width of channel and low-water depths over shoals as low as 1 foot. On the Mississippi above the Missouri there were 185 bars with low-water depths of 3 feet or less, while the Rock Island Rapids, 14 miles long, and the Des Moines Rapids, 12 miles long, were absolutely unnavigable in low water. Between the Missouri and the Ohio the waterway "was divided by numerous islands and bars, which distributed large portions of the flow through chutes, sloughs, and secondary channels to the detriment of navigation." At many of these locations the river was a mile wide or more and the maximum usable low-water channel only 3½ or 4 feet. Below the Missouri "low-water navigation was rendered difficult and hazardous by the formation of bars across the channel, sometimes limiting the controlling depths to 4½ feet."

The canal around the falls at Louisville, which was perhaps the first effort to alleviate conditions, was a private enterprise, but the Government early undertook to make the rivers more serviceable. Open-channel work was begun on the Ohio in 1827, and the first of the 52 locks and dams of the present project was authorized in 1879. On the upper Mississippi the Rock Island and Des Moines were by-passed prior to the first general improvement authorization of 1878. Between the Missouri and the Ohio, the first authorization was in 1872; below the Ohio, in 1880.

Space will not permit going into this improvement work in any detail—the necessary linking up of improvement for navigation with flood control, the creation of the Mississippi River Commission. The magnitude of the work; the amount of energy, time, labor, and expense required to maintain the works already constructed and repair the havoc done by floods; and, at least until recent years, the absence of a definite schedule of priorities for all of the waterway and harbor projects on the Federal program, have delayed the completion of these improvements. We have never to this day had a chance to make full use of these great avenues.

Thinking in terms of transportation is the business and pleasure of every American be he buyer or seller, for when all is said and done economy in competitive cost has much to do with the economical and social life of the people in general.

Such must have been in the mind of our very able president, Mr. C. S. E. Holland, for in 1904 he dreamed of cheaper commodities to the consumer, as well as better prices for the producer, and to that end thought in terms of water transportation, the result of which is his dream is coming true.

In 1905 a few invited friends gathered at his home in Victoria, Tex., and organized the Intrastate Inland Waterway League of Louisiana and Texas.

The purpose of the association was "to bring about the construction of an inland waterway from the Mississippi to the Rio Grande," a rather courageous undertaking, to say the least.

The personal and financial support of the idea rapidly broadened and the scope of the field became so large that the association changed its name to the Intracoastal Canal Association of Louisiana and Texas, in order to conform with the Government's official designation of the project.

Realizing that the 5-foot canal was only a beginning, it remained for the Houma, La., annual convention in 1922 to adopt a definite program with the view of bringing about the construction of the canal in its entirety on the basis of a 9-foot depth and 100-foot bottom.

At the next session of Congress following our Houma convention, a resolution was introduced and passed by Congress on March 3, 1923, authorizing a survey of Louisiana and Texas intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex. The survey authorized by this resolution was made by Col. G. M. Hoffman, then United States Division Engineer at New Orleans, and his recommendation, approved by the board of engineers and the Chief of Engineers, was submitted to Congress on April 12, 1924. This report recommended the construction of the canal on the basis of a 9-foot depth and 100-foot bottom width as provided in the survey resolution, at an estimated cost of $16,000,000.

Following exhaustive hearings before the Rivers and Harbors Committee, the recommendation was adopted and placed in the river and harbor bill. Subsequently, in response to the demand of President Coolidge that the total authorizations in the bill amounting to approximately $53,000,000 should be reduced to approximately $40,000,000, the item covering our project was amended to provide for construction as far as Galveston Bay with a limitation of $9,000,000 on the cost. The language of the bill read, "Louisiana and Texas Intracoastal Waterway from the Mississippi River at or near New Orleans to Galveston Bay, Tex."

This, of course, had the apparent effect of authorizing the construction of both routes leaving the Mississippi, namely, the Harvey route from New Orleans to Morgan City, and the Plaquemine route from Plaquemine to Morgan City. However, inasmuch as the $9,000,000 was not sufficient to provide for the construction of the Harvey route, an agreement was reached that the expenditure of the $9,000,000 would be limited to the construction of the Plaquemine route via Morgan City to Galveston Bay.

In the river and harbor act approved January 21, 1928, the authorization of the original recommendation of the engineers was completed. This, of course, included the authorization of the Harvey route at an estimated cost of $4,610,000 and the section from Galveston to Corpus Christi at an estimated cost of approximately $3,000,000.

Here we leave the subject of details regarding our own activity as the present convention will take up the task of making history from this date on.

We are confident that a revival of inland waterway transportation is at hand. The World War showed us the need for all of the transportation obtainable, and the Railroad Administration took over the

Mississippi system as well as the railroads. The Government has continued to operate the barge line, and in doing so is seeking to clear up the mistakes of the past. Not the least important of its accomplishments is the development of suitable and economical equipment—oil-burning towboats and large-capacity steel barges. Our future river transportation will be carried on with less smoke but more efficiency.

At the same time the railroads are coming to see, as many of them have already come to see with respect to motor-vehicle transportation, that they can profitably yield to the advantages of certain waterway routes for certain commodities moved on a contract or private carrier basis. Looking back over the accomplishment of inland waterway transportation we must note the changing attitude of the railroads toward the spreading out of the common-carrier rate structure.

A notable example of this is the double transportation on the Ohio River in the past few years, which, to a marked degree, is an anticipation rather than a realization of the completion of the Ohio River project. Yet the industries in the upper river sections, notably Pittsburgh, are becoming more and more conscious of the economies through the use of waterways, and we may look soon for a steady current of steel products and other commodities for points in the lower Mississippi and along the route of the Intracoastal Canal in Louisiana and Texas.

It has occurred to us that nearly all of the discussion with reference to the canal has been devoted to its downstream use. No one would care to detract from the great volume of such a movement, but let us not forget that our canal traversing the Gulf coast country serves the people who are next-door neighbors to Mexico and all the remaining Latin-American countries and that they have commodities to sell. It seems to us, therefore, that while we are thinking in terms of usefulness, some time should be devoted to the inbound cargo situation not only for local consumption along the route but deliveries to rail heads for inbound shipment.

History shows that human races have always recognized the economies of inland water transportation and have depended upon it to a large degree. Our experience in the last 100 years has taught us its limitations, but has not shaken our faith in it. We have come now to think of transportation nationally instead of locally; and we are prepared to proceed to develop and utilize every form of transportation—rail, water, motor, and air—to its economic limit.

One can not close this brief history of inland waterway transportation without centering his thought on the Intracoastal Canal in which we are all so deeply interested and pay tribute to the men who with their time and money made the project possible. By such men are empires created.

INAUGURAL ADDRESS OF HON. FRANKLIN D. ROOSEVELT, OF NEW YORK

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD the inaugural address of Hon. Franklin D. Roosevelt, Governor of the State of New York, delivered at Albany, N. Y., January 1, 1929.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This day is notable not so much for the inauguration of a new governor as that it marks the close of the term of a governor who has been our chief executive for eight years.

I am certain that no governor in the long history of the State has accomplished more than he in definite improvement of the structure of our State government, in the wise, efficient, and honorable administration of its affairs, and, finally, in his possession of that vibrant, understanding heart attuned to the needs and hopes of the men, the women, and the children who form the sovereignty known as the people of the State of New York.

To Alfred E. Smith, a public servant of true greatness, I extend on behalf of our citizens our affectionate greetings, our wishes for his good health and happiness, and our prayer that God will watch over him and his in the years to come.

It is a proud thing to be a citizen of the State of New York, not because of our great population and our natural resources, nor on account of our industries, our trade, or our agricultural development, but because the citizens of this State more than any other State in the Union have grown to realize the interdependence on each other which modern civilization has created.

Under the leadership of the great governor whose place you have selected me to fill has come a willingness on our part to give as well as to receive, to aid, through the agency of the State, the well-being of the men and women who by their toil have made our material prosperity possible.

I object to having this spirit of personal civil responsibility to the State and to the individual which has placed New York in the lead as a progressive Commonwealth described as "humanitarian." It is far more than that. It is the recognition that our civilization can not endure unless we as individuals realize our personal responsibility to and dependency on the rest of the world. For it is literally true that the "self-supporting" man or woman has become as extinct as the man of the Stone Age. Without the help of thousands of others, any one of us would die, naked and starved. Consider the bread upon our table, the clothes upon our backs, the luxuries that make life pleasant; how many men worked in sunlit fields, in dark mines, in the fierce heat of molten metal, and among the looms and wheels of countless factories in order to create them for our use and enjoyment?

I am proud that we of this State have grown to realize this dependence and, what is more important, have also come to know that we as individuals in our turn must give our time and our intelligence to help those who have helped us. To secure more of life's pleasures for the farmer; to guard the toilers in the factories and to insure them a fair wage and protection from the dangers of their trades; to compensate them by adequate insurance for injuries received while working for us, to open the doors of knowledge to their children more widely, to aid those who are crippled and ill, to pursue with strict justice all evil persons who prey upon their fellow men, and at the same time by intelligent and helpful sympathy to lead wrongdoers into right paths. All of these great aims of life are more fully realized here than in any other State in the Union. We have but started on the road, and we have far to go; but during the last six years in particular the people of this State have shown their impatience of those who seek to make such things a football of politics or by blind, unintelligent obstruction attempt to bar the road to progress.

Most gratifying of all, perhaps, is the practical way in which we have set about to take the first step toward this higher civilization, for, first of all, has been the need to set our machinery of government in order. If we are to reach these aims efficiently without needless waste of time or money, we must continue the efforts to simplify and modernize. You can not build a modern dynamo with the ancient forge and bellows of the medieval blacksmith. The modernization of our administrative procedure not alone that of the State but also of those other vital units of counties, of cities, of towns, and of villages must be accomplished; and while in the unit of the State we have almost reached our goal, I want to emphasize that in the other units we have a long road to travel.

Each one of us must realize the necessity of our personal interest not only toward our fellow citizens but in the government itself. You must watch, as a public duty, what is done and what is not done at Albany. You must understand the issues that arise in the legislature, and the recommendations made by your governor, and judge for yourselves if they are right or wrong. If you find them right, it is your duty as citizens on next election day to repudiate those who oppose, and to support by your vote those who strive for their accomplishment.

I want to call particularly on the public press of this State, in whose high standards I have the greatest confidence, to devote more space to the explanation and consideration of such legislation as may come up this year, for no matter how willing the individual citizen may be to support wise and progressive measures, it is only through the press, and I mean not only our great dailies but their smaller sisters in the rural districts that our electorate can learn and understand what is going on.

There are many puzzling problems to be solved. I will here mention but three. In the brief time that I have been speaking to you there has run to waste on their paths toward the sea enough power from our rivers to have turned the wheels of a thousand factories, to have lit a million farmers' homes—power which nature has supplied us through the gift of God. It is intolerable that the utilization of this stupendous heritage should be longer delayed by petty squabbles and partisan dispute. Time will not solve the problem; it will be more difficult as time goes on to reach a fair conclusion. It must be solved now.

I should like to state clearly the outstanding features of the problem itself. First, it is agreed, I think, that the water power of the State should belong to all the people. There was perhaps some excuse for careless legislative gift of power sites in the days when it was of no seemingly great importance. There can be no such excuse now. The title to this power must vest forever in the people of this State. No commission; no, not the legislature itself has any right to give, for any consideration whatever, a single potential kilowatt in virtual perpetuity to any person or corporation whatsoever. The legislature in this matter is but the trustee of the people, and it is their solemn duty to administer such heritage so as most greatly to benefit the whole people. On this point there can be no dispute.

It is also the duty of our legislative bodies to see that this power which belongs to all the people is tranformed into usable electrical energy and distributed to them at the lowest possible cost. It is our power; and no inordinate profits must be allowed to those who act as the people's agents in bringing this power to their homes and workshops. If we keep these two fundamental facts before us, half of the problem disappears.

There remains the technical question as to which of several methods will bring this power to our doors with the least expense. Let me here make clear the three divisions of this technical side of the question.

First. The construction of the dams, the erection of power houses, and the installation of the turbines necessary to convert the force of the falling water into electricity.

Second. The construction of many thousands of miles of transmission lines to bring the current so produced to the smaller distributing centers throughout the State.

Third. The final distribution of this power into thousands of homes and factories.

How much of this shall be undertaken by the State, how much of this carried out by properly regulated private enterprises, how much of this by some combination of the two, is the practical question that we have before us. And in the consideration of the question I want to warn the people of this State against too hasty assumption that mere regulation by public-service commissions is in itself a sure guaranty of protection of the interests of the consumer.

The questionable taking of jurisdiction by Federal courts, the gradual erection of a body of court-made law, the astuteness of our legal brethren, the possible temporary capitulation of our public servants and even of a dormant public opinion itself, may in the future, as in the past, nullify the rights of the public.

I as your governor will insist, and I trust with the support of the whole people, that there be no alienation of our possession of and title to our power sites, and that whatever method of distribution be adopted there can be no possible legal thwarting of the protection of the people themselves from excessive profits on the part of anybody.

On another matter I tread perhaps a new path. The phrase, "rich man's justice," has become too common nowadays. So complicated has our whole legal machinery become through our attempt to mend antiquated substructures by constant patching of the legal procedure and the courts that justice is our most expensive commodity. That rich criminals too often escape punishment is a general belief of our people. The difficulty with which our citizens maintain their civil rights before the courts has not been made a matter of such public notice but is equally serious. It is my hope that within the next two years we will have begun to simplify and to cheapen justice for the people.

Lastly, I want to refer to the difficult situation to which in recent years a large part of the rural population of our State has come. With few exceptions it has not shared in the prosperity of the urban centers.

It is not enough to dismiss this problem with the generality that it is the result of changing economic conditions. It is time to take practical steps to relieve our farm population of unequal tax burdens, to install economies in the methods of local government, to devise sounder marketing, to stabilize what has been too much a speculative industry; and, finally, to encourage the use of each acre of our State for the purpose to which it is by nature most suited. I am certain that the cities will cooperate to this end, and that more and more we as citizens shall become State-minded.

May I, as your newly elected governor, appeal for your help, for your advice, and, when you feel it is needed, for your criticism? No man may be a successful governor without the full assistance of the people of his own commonwealth.

Were I as wise as Solomon, all that I might propose or decide would be mere wasted effort, unless I have your constant support. On many of the great State questions that confront us, the platforms and the public pledges of candidates of both parties are substantially agreed. We have passed through a struggle against old-time political ideas, against antiquated conservatism, against ignorance of modern conditions, marked by serious disagreements between the legislative and the executive branches of the Government. As I read the declarations of both parties in asking the support of the people at the polls, I can see little reason for further controversies of this kind.

There is a period in our history known in all our school books as the "Era of Good Feeling." It is my hope that we stand on the threshhold of another such era in this State. For my part, I pledge that the business of the State will not be allowed to become involved in partisan politics and that I will not attempt to claim unfair advantage for my party or for myself, for the accomplishing of those things on which we are all agreed.

You have honored me greatly by selecting me as your chief executive. It is my hope that I will not fail you in this critical period of our history. I wish that you may have a continuance of good government and the happiest of New Years.

NICARAGUA AND PANAMA CANALS

Mr. EDGE. Mr. President, I ask unanimous consent for insertion in the RECORD of three editorials, one from the New York World, one from the Washington Star, and one from the St. Louis Post Dispatch, all indorsing the pending resolution providing for a survey of the Nicaraguan canal and for a further investigation of the proposed enlargement of the Panama Canal. I would ask unanimous consent that the very short editorial from the New York World be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the New York World, Tuesday, December 25, 1928]

A NEW LINK BETWEEN THE OCEANS

Senator EDGE says that if the traffic of the Panama Canal continues to increase at the rate of the last five years the capacity of the waterway will be overtaxed by the end of the next decade. The probabilities are that the traffic will continue to increase, but not relatively at the same rate as in the years of its early development. Yet there is no doubt that at some time within the not too distant future a second route across the Isthmus will be a commercial necessity, and that if it is to be ready when it is needed its construction should begin 10 or 15 years in advance of its need.

Commercial requirements are not the only consideration. A quick and convenient passageway between the east and west coasts of the United States is essential to the national defense. In case of war the Panama Canal will become one of our most vulnerable points—a veritable heel of Achilles. Two canals will afford vastly more protection than one.

A joint resolution is now before the Senate authorizing a survey for a canal through Nicaragua and a study of methods for increasing the capacity of the Panama Canal. This survey will involve relatively little expense because of the data assembled by the Isthmian Canal Commission in 1901. All that is needed is a revision which new engineering methods and changed construction costs require after the passage of so many years. The proposal is timely and Congress should adopt it.

The VICE PRESIDENT. The other two editorials referred to by the Senator from New Jersey will be printed in the RECORD, as requested.

The editorials are as follows:

[From the Washington Star, January 2, 1929]

THE NICARAGUA CANAL

When the Panama Canal, joining the Atlantic and Pacific Oceans, was authorized and later opened in 1915, it was generally supposed that the problem of water traffic between the East and the West had been solved. But now, after 14 years of use of the Panama Canal, it appears that the capacity of that canal will within the course of a few years be reached. It becomes evident that the commerce of the world demands still another waterway between the oceans.

Before it was finally determined to construct the Panama Canal there was a protracted fight in Congress to provide for a canal and waterway across Central America through Nicaragua. The Nicaraguan route was the preference of many of the legislators. And now that the time is coming when another route for shipping is to be necessary, it is proposed that the United States shall again undertake this great work and run a canal through Nicaragua. Senator EDGE, of New Jersey, author of a resolution providing for a thorough investigation and survey of the proposed canal route through Nicaragua, has given notice he will ask for action on the measure at the present session of Congress. It is not an undertaking to be lightly entered upon and it will receive serious consideration when the Senate reconvenes.

The United States is in a position to go ahead with this proposed Nicaraguan canal. Its treaty rights with Nicaragua have been in existence for years. President-elect Hoover, himself an engineer, during his recent visit to Nicaragua discussed the matter at length with the President of that country. It is not unlikely that Mr. Hoover would be glad to see this great engineering project initiated during his administration. It is estimated that it will require years to be brought to a completion. The time the work will require is a matter of estimate only, although American methods of construction may shorten it appreciably.

The business passing through the Panama Canal has grown by leaps and bounds. It has doubled every five years and is practically five times as great as it was during the first year of the operation of the canal. Senator EDGE believes that by 1940—certainly by 1960—the capacity of the Panama Canal will have been exceeded. The question naturally arises as to whether a Nicaraguan canal will not so reduce the business of the Panama Canal as to make the earlier canal or both "unprofitable." But there seems no end to the increase in the commerce and travel between the West and the Far East and the prospect is that eventually both canal routes will be well patronized.

[From the St. Louis Post-Dispatch, December 20, 1928]

THE NICARAGUA CANAL

Few things so fire the imagination of the people of the United States, and so fulfill their expectations of the sort of thing this great country should be doing, as the proposal that we build the Nicaragua canal.

Senator EDGE, chairman of the Senate Committee on Interoceanic Relations, is urging this project upon Congress. He does not rest his case upon either national sentiment or pride, which naturally dispose us toward such a great service to posterity, but upon the actual necessities of commerce. The Panama Canal has been more than a success. It has become to modern contact between oceans and continents a necessity that the Western Hemisphere could no more do without than the Eastern Hemisphere could do without the Suez Canal.

The increase in traffic through the Panama Canal has been beyond all expectations. In 1915, its first year, 1,075 vessels passed through it, and its revenue was $4,367,550. In the last year 6,456 vessels have gone through it, and its revenue has grown to $26,944,449. On a

commercial basis of $275,000,000, it is now paying 7½ per cent on the investment. The time is not far distant when it will be too small. In the opinion of Senator EDGE we shall have to do one of two things—enlarge the Panama Canal or build the Nicaragua canal.

We feel that the country will vastly prefer to build the Nicaragua canal. We have already paid Nicaragua $3,000,000 for the right to do so. In the days before we built the Panama Canal a commission of experts appointed to survey the proposed routes—that is, the one upon which the French had been working in Panama and the Nicaragua route—reported unanimously for the latter. It was a very great surprise when Congress thrust aside this recommendation and voted to build the canal across Panama. Perhaps the factor which determined its action was the feeling that in a region frequented by earthquakes a canal at virtual sea level was much less exposed to cataclysmic fortuity. If that was the reason we went to Panama, it was not a feeling shared by engineers. They have never had the least doubt about the practicability of the Nicaragua canal. It would first ascend the San Juan River and then traverse Lake Nicaragua, whence it would give into the Pacific. It would be about 183 miles long. As a scenic trip, which has made the Panama Canal such a great attraction, it would be incomparably preferable. Lake Nicaragua, lying in the Cordilleras at an altitude exceeded only by one other body of fresh water, Lake Titicaca, in the Andes, is one of the great natural phenomena of the world. Surrounded by volcanoes, some of them always active, about 100 miles long, and gemmed by islands in a setting like none other on earth, its beauty is said to be indescribable.

There are, too, as Senator EDGE says, political and social considerations which support the commercial claims of the Nicaragua canal. The effect of the Panama Canal has been to compose the lower isthmus and give it a place in our ordered civilization. Both Colon and Panama City are growing commercial cities in which the nationals of many countries do business unharassed by political disquiet. Mr. EDGE thinks the Nicaragua canal would have the same effect upon the upper isthmus. He reminds the Senate that we have been anything but happy in that region, which is true, as it also is true that by putting Nicaragua and the countries about her on one of the great commercial highways we can make of them, as we have already made of Panama, Cuba, and Porto Rico, political friends and commercial allies.

That is much better than making Latin-America a hunting ground for the marines.

ENFORCEMENT OF PROHIBITION

Mr. SHEPPARD. Mr. President, I present and ask that there may be printed in the RECORD three brief articles from the Washington Post of yesterday relative to the enforcement of prohibition during the past year and to the outlook for the future.

One of these articles contains the views of former Representative Andrew J. Volstead, the author of the act for the enforcement of the eighteenth amendment; another the comments of Dr. J. M. Doran, the Federal Prohibition Commissioner, and of Dr. F. Scott McBride, general superintendent of the Anti-Saloon League, and the other the observations of Mr. E. C. Yellowley, prohibition administrator for the Chicago district. I ask unanimous consent that these three articles may be published in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, January 2, 1929]

DRY LAW ENFORCED, VOLSTEAD ASSERTS—YEAR'S GREATEST SUCCESS IS STOPPING THE DIVERSION OF ALCOHOL, HE ADDS—SEES "TOPERS" PASSING

St. Paul, Minn., January 1 (United Press).—Prohibition enforcement the past year was rigid and successful and 1929 will be a "banner year" in reducing liquor consumption, Andrew J. Volstead, "father of the dry law," declared today.

"The greatest achievement of last year," the former Minnesota representative in Congress said, "was the successful stoppage at its source of alcoholic diversion from legal to illegal uses. Illicit diversion of alcohol is almost a thing of the past. Shipments of alcohol and alcoholic preparations in carload lots have also practically disappeared."

The absence of the saloon, he said, has dispensed with the former problem of "topers," who gradually are passing out of existence.

"Some young people drink, no doubt," Volstead added, "but they think it is smart. As there are no saloons, however, it is not likely that they will acquire the habit. The 'topers' were once our greatest problem, but are now only a minor consideration. As time goes on they will gradually pass away and we will have less trouble."

Volstead said the real battle ground for national prohibition enforcement was in the big cities. He named New York, Detroit, Chicago, Philadelphia, Baltimore, and Boston as the country's "wettest" spots.

"The day of the big bootlegger is gone from many districts," he added, "and the reign of the erstwhile liquor czars in other places is diminishing."

DRY REORGANIZATION OPPOSED BY DORAN—"MECHANICS" OF BUREAU BETTER THAN EVER, DECLARES COMMISSIONER—SEES CUT IN RUM SUPPLY

(United Press)

Prohibition Commissioner J. M. Doran predicted yesterday that dry law enforcement work would be more proficient and personal observance of the eighteenth amendment to the Constitution would be more general in the new year than at any time since prohibition.

"We get into the new year with the mechanics of the Prohibition Bureau in better shape than ever before, so far as organization goes," he told the United Press in an exclusive interview.

"The prospects of eliminating sources of bootleg supplies were never better, but the machine as it is must be left alone. If anyone attempts a new reorganization of the bureau it would be like trying to unscramble eggs."

COCKTAILS TO GO, HE SAYS

Doran said he was convinced the general public is slowly becoming accustomed to soft drinks instead of intoxicating beverages. He said many are even gradually eliminating near beer as a thirst quencher.

"We are steadily pushing commercial traffickers to the wall, and this removes opportunity to drink. Eventually it is hoped the entire populace will become accustomed to nonintoxicating refreshments instead of celebrating with gin cocktails and whisky highballs.

"This can be brought about by educating the younger generations. Young people who now imbibe, drink for the novelty of it and to get a thrill. American youngsters are not half as bad as some people try to paint them.

CITES "LIFE-SAVER" FOR MANY

"It takes years for the liquor habit to develop and taking one or two drinks every few weeks does not develop the habit. Prohibition is one certain cure for the drink habit. It has been a life-saver for the fellows who had to have five or six drinks of whisky every day to keep them moving."

Doran's view is reflected in a statement by F. Scott McBride, general superintendent of the Anti-Saloon League, who said yesterday there was every indication that voluntary observance of prohibition would increase.

McBride, however, warned that the dry forces expect to seek more severe legislation with more extreme penalties for certain classes of offenders.

PROHIBITION OBEYED, YELLOWLEY THINKS—SOME FEW DRINK, CHICAGO DIRECTOR ASSERTS, BUT MOST ARE RECONCILED—ARRESTS ARE FALLING OFF

CHICAGO, January 1 (A. P.).—E. C. Yellowley, prohibition administrator for the Chicago district, to-day declared that the New Year's celebrations indicate the city and country are becoming reconciled to prohibition and are not finding it so very painful.

"A certain few," he said, "persisted in trying to drink but they were in isolated cases. Reports from my men showed a very satisfactory respect for the prohibition laws."

Only one raid was made by the prohibition officials who toured the city New Year's eve and only three arrests were made. Prohibition agents in hotels and cafes mingled with the guests and ordered the management to confiscate bottles or flasks openly displayed but made no arrests and made no efforts to find hip flasks not on tables.

FEWER ARRESTS MADE

Chicago hotels which entertained 14,000 guests and the night clubs and cafes which entertained probably as many more, characterized the celebration as the liveliest in the city's history.

Mr. Yellowley said fewer arrests were made this year than any previous year and said several places would be observed further as a result of evidence obtained by his men last night.

In his annual report released to-day, Mr. Yellowley observed that "definite and advanced results" in enforcement of prohibition had been accomplished in the last year, adding that diversion of bonded liquor has been reduced to a minimum and that smuggling from Canada is one of the problems faced by agents now. However, he said, less than 2 per cent of the liquor seized in this district has been found to be real whisky.

MOONSHINE NOW PROBLEM

Diversion of industrial alcohol has been cut in half and the principal problem of prohibition enforcement now is the individual moonshine distiller rather than the large producer of former years, and he predicted this would be remedied with cooperation from the new State's attorney and the United States district attorney.

During the year, said the report, property valued at $3,672,764.54 was seized in the district, and permanent injunctions against 1,154 places were obtained, while 6,272 arrests were made. More than 93,000 gallons of alcohol, 309,000 gallons of beer, and 2,298,000 gallons of mash were seized.

TWO IMMIGRATION BILLS

Mr. WHEELER. Mr. President, I present an article from the Washington Post of Friday, December 28, 1928, entitled "Two immigration bills," which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Two months of this session will remain when Congress returns from the holiday adjournment. Barring filibuster, a great deal of worthwhile work can be done before March 4.

Among the important bills offered for the consideration of Congress are two by Senator BLEASE, of South Carolina, which affect the administration of the immigration laws. One of these relates to aliens who have once been deported and who have again entered the country surreptitiously. The other provides for the identification of lawfully resident aliens by administrative means. Both are highly important measures.

Except as provided in a special act relating to the exclusion and expulsion from the United States of those who are members of the anarchistic and similar classes, there is no provision of law under which a penalty other than repeated deportation can be imposed on aliens who have been expelled from the United States and who reenter the country unlawfully. The cost of redeportation is a considerable drain upon the Treasury, and since no imputation of crime or penalty is connected with the deportation procedure it is not surprising that illegal entry is now attempted by deported aliens on later occasions. The Blease measure provides that any alien who has been arrested and deported and who thereafter gains admission to the United States except through lawful channels shall be deemed guilty of a felony and upon conviction shall be punished by fine or imprisonment, followed by deportation under the usual procedure.

The naturalization act of 1906, which is still in force, makes it the duty of immigration officers to cause to be granted to arriving aliens a certificate showing certain information concerning the record of arrival. Following the passage of this law admitted aliens were supplied with a simple certificate, but for one reason or another the practice was abandoned, and for many years certificates of arrival were furnished only in connection with naturalization proceedings, and then not directly to the alien concerned.

A form of certificate of admission has been recently prepared by the Department of Labor, and beginning on July 1, 1928, has been issued to every alien permanently admitted as an immigrant. Without question, the identification card is a document of great value to lawfully admitted immigrants. Its possession facilitates naturalization proceedings and otherwise enables the holder to establish his status as a lawful resident. That these identification cards, as now issued in conformity with the naturalization statute, are appreciated by those to whom they have been issued since July of this year is evidenced by the fact that the Department of Labor reports a very considerable demand for similar certificates from immigrants who were admitted prior to July. No provision has been made for the issuance of documents of any kind in such cases.

The purpose of the Blease bill is to enable the Commissioner General of Immigration, with the approval of the Secretary of Labor, to provide aliens who are lawfully resident in the United States with certificates of admission or residence similar to those now issued, in conformity with law, to arriving immigrants. Perhaps authority might be implied for the issuance of certificates to prior admitted immigrants, but some doubt has been raised as to whether such authority does exist, in view of the fact that the language of the statute provides for their issuance to arriving aliens. Furthermore, the cost of meeting all of the requests which would come in from aliens admitted during the past 20 years would make their issuance impossible without considerable additional appropriations. The suggested law provides for a small charge for each certificate sufficient to reimburse the Government for the expense incurred.

Both of the Blease measures would be of material aid in enforcing the immigration laws. The number of aliens who enter in violation of law, or who enter as seamen in pursuit of their calling, as visitors and as transits, and remain unlawfully, makes identification of legal residents necessary both to them and to the Government. As to providing penalties for willful surreptitious entry after an undesirable alien has once been deported, no comment is necessary. Deported aliens who reenter illegally should be taught by appropriate means that the laws can not be lightly disregarded.

TEMPERANCE AND PROHIBITION

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the RECORD two powerful communications just made by Mr. William Randolph Hearst, in relation to the prize of $25,000, offered by him for the best plan for repealing the eighteenth amendment, and thereby correcting the present evils and abuses of prohibition. One is a telegram sent by Mr. Hearst to Mr. W. C. Durant, and the other is a telegram sent by Mr. Hearst to Mr. Edwin J. Clapp.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Times, January 3, 1929]

HEARST STRIVES FOR REAL TEMPERANCE

Mr. William Randolph Hearst to-day sent the following telegram to W. C. Durant in reply to Mr. Durant's comment on the publisher's offer of a $25,000 prize:

SAN SIMEON, CALIF., *January 3.*

W. C. DURANT,

250 West Fifty-seventh Street, New York.

MY DEAR MR. DURANT: I received your telegram and enjoyed it. We are not so far apart as might seem at first glance. At least we are not far apart in some phases of the problem we are discussing. You are in favor of temperance; so am I. I do not know how long you have been interested in the temperance movement, and how and to what extent you have crusaded for temperance.

Unless you might say the same thing about me, let me hurry to state that I have been a crusader in the temperance movement for something over 40 years; and I have printed an enormous number of editorials and cartoons attacking the saloon and the dispensation of hard liquors. That these editorials were at least considered effective propaganda may be indicated by the fact that many of the temperance organizations of the country asked leave to distribute them and did distribute many of them widely.

Therefore, I can assume, I think, that we are both equally sincerely interested in the cause of temperance; and the only difference between us is a difference of opinion as to what is the best means of promoting that cause.

You apparently believe that prohibition is an intelligent and practicable effort to promote temperance. I do not believe that it is. Our objective being the same—temperance or even total abstinence—our difference is merely one of method. I admit that I never did believe that prohibition would be effective as a temperance measure, for the reason that from the first it seemed inevitable, considering the character of our people, that a campaign of force would not be as effective as a campaign of education.

As I said in a previous telegram, paraphrasing a familiar quotation, you can lead the American people to water, but you can not make them drink it.

Furthermore, my fight had been chiefly against hard liquors, and it seemed to me from the first that it would be easier for the law-defying element to deal illicitly in hard liquors than in the milder and bulkier form of alcoholic drinkables. This opinion seems to have been borne out by the facts; and I think it can be truthfully said to-day that any man who wants a drink can get one; and about the only difference between the present condition and the condition preceding prohibition is that a man who wants a mild drink is compelled to take a strong one; and a man who wants a good drink is compelled to take a bad one.

It is true that saloons have been closed, but saloons were being closed before prohibition was enacted, being closed through the education of the public, through a high rate of excise taxation, through local option, and through direct legislation.

Since prohibition, for every saloon that has been closed there is either a still or a speakeasy or a bootlegger supplying the most vicious and injurious kind of liquor that it is possible to concoct or conceive of.

You ask is anybody in favor of the bootlegger and the speakeasy? The obvious answer is—No; nobody is, except possibly, the bootlegger and the proprietor of the speak-easy.

Some of the public are sincere enough and clear-thinking enough, however, to be opposed not only to the bootleggers and the speak-easy but to the condition which creates the bootlegger and the speak-easy.

You ask if anyone is opposed to the Constitution and the law. Nobody except the criminal class. But some of the public are sufficiently intelligent to realize that, when supporting the Constitution as a whole, they are also supporting that clause of the Constitution which permits the modification by amendment of that document's provision; and that it is just as much within the rights and liberties of the people to take prohibition out of the Constitution as it was within their rights and liberties to put it in in order to see how it would operate.

You intimate that prohibition has not been given a sufficient trial or a sufficiently fair trial.

It has been tried for 10 years. And I think the facts will justify the statement that there are more bootleggers to-day than there ever have been during the past 10 years of trial.

And that there are more speak-easies to-day than there ever have been during those 10 years;

And that there is more hard liquor and bad liquor being distributed to-day than there ever has been during those 10 years;

And that there are more criminals being created to-day by the liquor traffic than there ever has been during those 10 years;

And that those criminals, brought up and educated in law defiance by the liquor traffic, have become defiant of all other laws and added menaces to society in many other fields of dishonest endeavor. Prohibition has financed the underworld.

There is no use preaching, as we all do, that crime does not pay when it so obviously does pay—and pays big enough dividends to provide for the creation and employment of gangs of gunmen and thugs and murderers and bootleggers and hijackers, many of whom have become rich and consequently almost respectable; and all of whom are as earnestly, if not as conscientiously in favor of prohibition as you, sir, or any other of that measure's honest advocates.

You say that those who are in favor of the repeal of the eighteenth amendment are willing to admit defeat. Not all. They are only willing to admit facts and to call for a more intelligent and more successful plan which will lead them more surely to victory.

You imply that the Republican Party has just won its unprecedented political victory on the prohibition issue, and that the principal appeal of the Democratic candidate was his promise to use his high office to urge a relaxation of the liquor laws.

The Republican Party no more won a victory on the prohibition issue than the Prohibition Party ever won a victory on the prohibition issue. My contention is, and was during the whole campaign, in which I supported Mr. Hoover, that the liquor issue was not an issue at all in a Federal campaign, and that the President could do nothing to relax the liquor laws, and that Mr. Smith was making a false appeal which no intelligent voter should pay any attention to.

Charles Evans Hughes, formerly a justice of the Supreme Court of the United States, and fairly familiar with the laws of the land and the legitimate issues of the campaign, took the same view.

There were genuine issues in the last campaign—such as the maintenance of the high degree of prosperity which had prevailed under a Republican administration—and the voters had sense enough to recognize them. You say that out of 96 Members of the Senate 80 are dry and that out of 435 Members of the House 329 are dry. I would like to say, if it is not disrespectful, that many of them are dry intermittently, as it were, on the installment plan, and that their highest point of desiccation is reached during or immediately preceding a political campaign.

However, that has only an indirect application to the merits of prohibition as a temperance measure.

I am against prohibition for the same reason that the Church Temperance Society of the Episcopal Church stated that they were opposed to prohibition—because it has set the cause of temperance back 20 years.

Because it has substituted an effective campaign of force for an effective campaign of education.

Because it has replaced comparatively uninjurious light wines and beers with the worst kind of hard liquor and bad liquor.

Because it has increased drinking not only among men, but has extended drinking to women and even to children.

Because the most nearly universal Christmas present displayed in the shops, the department stores, the drug stores, and practically in every emporium during the Christmas season of good will to mankind were the hip flasks and cocktail shakers.

I am opposed to prohibition because it has created more and more skillful, and more highly remunerative and more dangerous criminals, and because it has corrupted our forces of law enforcement and to a certain degree even our judges; and because it has made pretenders and falsifiers out of so many of our public officials.

I am opposed to prohibition because it has instituted in the Government un-American methods of spying and sneaking and snooping and keyhole peeping and because prohibition fanatics, not content with that, are trying to have the Government go further and institute a secret police system, and a system of repression and oppression almost equal to that which wrought the ruin of the Russian Government.

What has become of our cherished American freedom of action, our boasted American personal liberty?

All that we held dear in our political system, as well as in our individual independence, has been sacrificed to a fetish.

Any sacrifice might be justified to further a great cause; but prohibition has not furthered the cause. It has hindered the cause. It has created intolerable criminal conditions and intolerable political conditions, and it has done nothing after 10 years' trial to advance the cause of temperance in which you and I are both sincerely and deeply interested.

Therefore, I think the time has come to call for another plan, a better plan, a more practical plan, which will advance the cause of temperance and will not merely promote crime, discredit law, demoralize the citizenship, and prostitute the public service.

WILLIAM RANDOLPH HEARST.

[From the Washington Times, January 3, 1929]

MR. HEARST'S OFFER OF $25,000 PRIZE

W. R. HEARST,

Los Angeles Examiner, Los Angeles, Calif.:

Glad you can use Pinchot plan. Pinchot plan mailed to-day to all Hearst Sunday editors. Your telegraph comments appreciated on subject of Education Versus Force in Getting Eighteenth Amendment Obeyed. We wish you had sent the telegram as entry in prize contest. Would like to come West and talk with you about this problem of law observance as a necessary part of the return of the country to being law-abiding.

EDWIN J. CLAPP.

In reply to the above telegram from Mr. Edwin J. Clapp, famous publicist, formerly with the Hearst papers, but now with Durant Motors (Inc.), Mr. Hearst sent the following telegram, which is printed herewith on account of the prize announcement which it contains:

EDWIN J. CLAPP,

Care Durant Motors (Inc.),

Room 2403, 250 West Fifty-seventh Street, New York, N. Y.:

We do not have to make the American people law-abiding. We only have to keep them law-abiding. And the best way to keep them law-abiding is not to make laws which very large and reputable elements of the community consider unwise, unjust, un-American, and in violation of their fundamental rights as free citizens.

I do not believe that prohibition ever will be or ever can be enforced, and I do believe that if a violent effort is made to enforce it during the next four years by the Republican administration the next President of the United States will be a Democrat.

Smith's candidacy proves nothing except that the people did not want Smith. Nor would the personal liberty issue have won in this campaign with any candidate. But after four more years of snooping, spying, keyhole peeping, and interference with fundamental rights and liberties by fanatics and professional busybodies the country will be ripe for a revolution against un-American conditions of this oppressive and offensive kind.

The opposition to prohibition is not merely by people who want to get drunk. Prohibition is opposed by such temperance influences as the Church Temperance Society of the Episcopal Church and the Hearst newspapers—I modestly put the Church Temperance Society of the Episcopal Church first.

The reason for this opposition is that prohibition is a failure as a temperance measure.

The more we try to enforce it the greater failure it becomes as a temperance measure, because the only thing we can absolutely prevent is traffic in bulky drinkables like wines and beers; and these contain the least amount of alcohol and are consequently the least harmful.

It has never been possible and never will be possible to prevent traffic in compact and concentrated alcoholic drinks; and even if the traffic could be interfered with, every man could make these in his own cellar if he should want to. Furthermore, we must not make the mistake of thinking that the country is divided into two classes—drys, who want to make the country bone dry; and wets, who want to make the country souse-wet.

There is an enormous middle class, which probably is a majority class, who believe in temperance and believe in personal liberty and realize that temperance can be secured without prohibition and never can be secured with prohibition.

These people do not want to be ruled by the liquor interests nor, on the other hand, by the bone-dry fanatics. Sooner or later they are going to assert themselves, and personally I think it will be sooner.

Prohibition has been repudiated by every country which has ever tried it. Primarily, because it did not accomplish the thing it was supposed to accomplish; and secondarily, because it became such an unpopular measure that no government could stand up under it, not even firmly entrenched monarchical governments.

Therefore, I think that in offering a prize on how best to enforce prohibition Mr. Durant is really offering a prize on how best to put the Republican Party out of power. And I personally think Mr. Pinchot has actually won the prize, because his plan, being the most un-American and the most obnoxious, will make the Republican Party more unpopular than any other plan which has been proposed. I did not mean to say in my previous telegram that education would get the eighteenth amendment obeyed.

I meant to say that education would promote a desire for temperance; but any sincere and intelligent desire for temperance will undoubtedly mean the repeal or material modification of the eighteenth amendment.

I consider the eighteenth amendment not only the most flagrant violation of the basic American principle of personal liberty that has ever been imposed on the American public but the most complete failure as a temperance measure that has ever been conceived and put into practical operation.

Therefore, I would like to offer, and hereby do offer, a prize of $25,000 for the best plan to repeal the eighteenth amendment and substitute in place of prohibition a more liberal and more American measure, which will secure for the public more genuine temperance with less offensive interference with the fundamental rights and personal liberties of the citizens.

WILLIAM RANDOLPH HEARST.

CONFIRMATIONS OF SOUTH CAROLINA POSTMASTERS

Mr. BLEASE. Mr. President, I send to the desk a resolution, for which I ask immediate consideration. I ask the indulgence of the Senate for just a moment.

There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent

in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.

I now have in my possession these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina.

I have for some time been holding up, or requesting that there be held up, all confirmations of postmasters in South Carolina pending the investigation now going on, and I feel that the time has arrived when I should not longer hold up any confirmation unless there be some definite proof. It is for that reason that I am asking that the investigating committee make the report herein requested, so that if there be such proof the appointees shall not be confirmed, and that those against whom there are no charges may be confirmed in order that the efficiency of the Government's business may not be in any way impaired.

I have personally some facts which I desire to present in case certain appointments are made, or the nominations should come before the Senate.

Mr. President, this resolution simply provides that the committee making the investigation inform the Senate whether or not they have any proof to offer to show why any nominee now before the Senate for confirmation as postmaster in South Carolina should not be confirmed. If there is such proof, I think the Senate is entitled to the information. If there is not, I think it is not right longer to hold up the confirmations, some of which have been here for some time.

I ask for the immediate consideration of the resolution. I am satisfied that the committee will have no objection to presenting the facts if they are requested.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator from South Carolina asks unanimous consent for the immediate consideration of a resolution which will be read.

Mr. JONES. Mr. President, the chairman of the Committee on Post Offices and Post Roads is not here, and besides this comes very nearly dealing with executive matters. While I am in sympathy with some of the suggestions of the Senator from South Carolina, I think his resolution had better lie over until to-morrow.

Mr. BLEASE. Mr. President, I ask that the resolution may be read. I will state to the Senator from Washington that the chairman of the subcommittee is now in his seat.

Mr. JONES. I understand that the Senator from New Hampshire [Mr. MOSES] is chairman of the committee.

Mr. BLEASE. I am asking for a report from the subcommittee and not from the full committee.

Mr. JONES. I have no objection to the resolution being read, but I think it should go over.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 286), as follows:

Resolved, That the subcommittee, of which Senator BROOKHART is chairman, now investigating the patronage and post-office situation in South Carolina, be and is requested to inform the Senate if it has any evidence upon which it can or expects to request the Senate not to confirm any person nominated for postmaster in South Carolina.

Mr. BROOKHART. Mr. President, we have not investigated the phase of the situation referred to by the Senator from South Carolina. It has been the question of selling post-office appointments and collecting campaign contributions by promise of post-office appointments that we have investigated. We have quite a lot of information with reference to South Carolina. I have not checked it with reference to any particular postmaster, but rather with reference to the political machine which is running the appointments down there, and this I have done with a view to cleaning up the so-called crooked machines in the different Southern States. That is what I have been looking into. I think the subcommittee will be ready to report on that phase of the situation during the present session; at least I hope it will be. But we have not taken up the case of any particular postmaster to determine his fitness or whether he should be confirmed.

Mr. BLEASE. That is the reason why I ask for a report now. I have not anything to do with the machine in South Carolina. I have heard a great deal of talk about it. I myself have investigated some of its activities. I have heard Mr. Tolbert sometimes very severely criticized and sometimes otherwise, but I state here now as a Democratic Senator that, so far as I am concerned, I have investigated a good deal and I have never found where Mr. Tolbert has received one cent of corrupt money, unless we would call money corrupt that is collected from men who hold offices, to help keep themselves and their party in office.

I believe in giving a man a fair deal. I have no apologies for Joe Tolbert. I could say a good deal about him that I do not like, but I do know that if there was any proof in the hands of any man in the State of South Carolina that Joe Tolbert sold or bartered an office, or that he had received money in his own personal pocket for the sale of a post office, he would long ago have been in the penitentiary.

I do not think it is right to reflect upon others because some one is after one man only. I have no objection to Mr. Hoover kicking Tolbert out. I have no objection to his putting some one else in charge, because he is going to do that exact thing, of course. It is not Tolbert who is at fault. It is the Republican Party that is collecting this money, and Tolbert is simply their tool. Why deceive men whose appointments are being held up in the Senate and not being confirmed? Why should their confirmations be held up when there is not a single particle of proof that they have done anything wrong? If there is a postmaster in the State of South Carolina who has given or received any money for any wrongful purpose, I will guarantee the Senate, if they will furnish me the proof, that I will put him in the penitentiary. I will guarantee that if they will show me that Joe Tolbert himself personally has wrongfully accepted a dollar, I will put Joe Tolbert in the penitentiary.

I do not believe in saying to the postmasters of South Carolina generally, "You shall not be confirmed because of the fact that somebody says there is some charge of corruption." Let us have the facts. Let us have the report. If anyone is guilty let us prosecute him. If there is no one guilty, then quit slurring my State by saying that we have a wholesale jobbing of post offices going on, which I know is not true, unless it be by authority of the Republican Party. Tolbert might be guilty of it, but there are postmasters in South Carolina, and good ones, who would not submit to being bought or sold under any circumstances. They may contribute to the party, but they do not purchase any one man.

Let us have the facts as they are and expose the guilty and remove the insinuation from those who are not involved in the scandal. Money is paid, but who gets it; let us know.

Mr. BROOKHART. Mr. President, I would like to say further that we have taken the affidavits of every postmaster in South Carolina, and they are printed in the record of the committee hearings and are available to the Senator from South Carolina. If he wants to investigate the desirability of opposing or favoring any particular confirmation, that information is available to him now. We are investigating all of the Southern States. South Carolina is not the only one and probably not the worst one. When we report we shall not report piecemeal, but on the whole situation.

The PRESIDING OFFICER. Under objection, the resolution will go over under the rule.

MULTILATERAL PEACE TREATY

Mr. BLAINE. Mr. President, I desire, as in open executive session, to introduce a resolution relative to the multilateral peace treaty. I ask that the resolution may be read by the clerk and thereafter be printed and lie on the desk, and I shall bring it up at the appropriate time.

I also desire to state in relation to the resolution which I am offering, in order to call it to the attention of the Senate, that paragraph 10 of the British note or the British reservation to the multilateral treaty is another Article X of the covenant for the League of Nations. What Great Britain did not get under Article X of the league covenant she now proposes to acquire by engrafting upon the multilateral treaty paragraph 10 of the British note.

If America adheres to the peace treaty, then we legalize Great Britain's dominion in all the world and we acknowledge that less than 50,000,000 subjects of Great Britain shall have the right to rule over 400,000,000 people without their consent and against their protest. This proposed formula for peace stabilizes and legalizes the spoils of war obtained by the greatest Empire of the world. It is a one-sided declaration of British policy. By the Kellogg treaty America agrees to a decree quieting the title in the name of the British Empire to one-fourth of the world's inhabitable area.

I can not consent to a treaty that obligates America to recognize and respect the claim of any nation against the right of independence of other nations. Therefore, Mr. President, I offer the resolution and ask that it may be read.

The PRESIDING OFFICER. The Senator from Wisconsin, as in open executive session, asks unanimous consent to submit a resolution and that it be read. Without objection, the clerk will read the resolution.

The Chief Clerk read the resolution, as follows:

Whereas in the exchange of diplomatic notes between the United States and Great Britain the British Secretary of State for Foreign Affairs (Chamberlain), in a note to the American ambassador (Houghton), of date London, May 19, 1928, in accepting the invitation of the United States to join in the multilateral treaty, as a condition in adhering to said treaty stated:

"10. The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. * * *." And which condition and declaration, in substance, is repeated in the note of date London, July 18, 1928, from the British Secretary of State for Foreign Affairs to the American Government; and

Whereas said paragraph 10 of the British note is a unilateral condition upon the same subject matter and effecting in part the same purpose as does Article X for the Covenant of the League of Nations:

Resolved, That the Senate of the United States declares that, in advising and consenting to the multilateral treaty, it does so with the understanding that said paragraph 10 of the British note shall not imply any admission of any reserve made in connection therewith.

The Secretary of State is requested to forward a copy of this resolution to the representatives of the other powers.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Foreign Relations.

Mr. BLAINE. No, Mr. President, my request was that the resolution be printed and lie upon the table, stating that I would offer it at the appropriate time when the multilateral treaty is before the Senate for consideration.

Mr. SWANSON. I suggest that it lie on the table as in open executive session of the Senate, as is the case with the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDGE. Mr. President, I desire to propound a question to the Senator from Wisconsin on the subject matter he has just presented. In quoting section 10 of the letter from the British Foreign Office to the American Secretary of State, did the Senator from Wisconsin include the entire paragraph or section 10? I did not hear clearly the reading.

Mr. BLAINE. I included the entire section as it relates to the declaration of policy by the British Government. I omitted that part of paragraph 10 which offers to our Secretary of State a gratuitous interpretation and application of the American Monroe doctrine.

Mr. EDGE. I thank the Senator.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, just before the Senate recessed for the Christmas holidays, I gave notice that I would ask for the consideration of the bill to increase the number of copies of the CONGRESSIONAL RECORD to each Senator and each Member of the House of Representatives.

Mr. JONES. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Morning business has not been completed. Concurrent or other resolutions are in order.

Mr. HEFLIN. Mr, President, I merely wish to make a statement. The senior Senator from Utah [Mr. SMOOT] was called out of the Chamber and said he could not be here this morning, and desired to know if I would not let this matter go over until to-morrow morning. I do not want the measure to lose its place; it ought to be considered and passed at an early date. I do not think it will take more than twenty or thirty minutes to consider and dispose of it, and I am willing that it should go over with the understanding that we may have some time to consider it to-morrow morning.

ENFORCEMENT OF THE EIGHTEENTH AMENDMENT

Mr. JONES. I submit a Senate resolution, which I ask may be read and then referred to the Committee on the Judiciary.

The Chief Clerk read the resolution (S. Res. 287), as follows:

Resolved, That a committee of five Senators be appointed by the Vice President to investigate the enforcement of the eighteenth amendment to the Constitution of the United States. Said committee is authorized and directed to make a complete investigation and study of the system and methods of the enforcement of said amendment and the laws passed thereunder, and to determine the best means and methods for improving the enforcement thereof, and submit its report and recommendations to the Senate at as early a date a practicable, and not later than January 1, 1930.

The committee is authorized to take such testimony, subpœna such witnesses, employ such stenographers at a cost of not to exceed 25 cents per 100 words, and such clerical help as may be necessary, to enable it to make a complete study and investigation. The cost thereof shall be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of such committee: *Provided*, That the cost of such study and investigation shall not exceed $10,000.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

Mr. KING. Mr. President, apropos of the resolution just submitted by the Senator from Washington, permit me to say that a few years ago a Senate committee was appointed, known as the Couzens committee, for the purpose of investigating the Internal Revenue Bureau of the Government, including the Prohibition Unit. That committee consisted of the Senator from Michigan, Mr. COUZENS, the Senator from Indiana, Mr. WATSON, the former Senator from Kentucky, Mr. Ernst, the late Senator Jones, from New Mexico, and myself. After taking testimony for perhaps two weeks in connection with the enforcement of the Volstead Act the revelations were of such a character and the evidence so conclusive of its nonenforcement and the evils existing either from the law or its nonenforcement that the committee felt there was no profit in further prosecuting the investigation.

Subsequently, another committee of the Senate spent considerable time in investigation of prohibition. Later the committee investigating the election of Mr. Vare had occasion to make an inquiry as to the expenditures of the Anti-Saloon League, and that committee ascertained that the Anti-Saloon League had collected and expended more than $60,000,000 in carrying on its activities. I am not quite clear as to the necessity of further investigation of this subject.

I introduced a bill this morning which I think, if enacted, will be of some advantage in bringing about a better enforcement of the law. The bill transfers to the Department of Justice—the law-enforcing department of the Government, armed and equipped as it is to enforce all laws—the enforcement of the prohibition law. The Department of Justice was created in the early days of the Republic. It is the law-enforcing agency of the Government. It is equipped to advise all officers of the Government and to enforce the criminal laws of the United States. It has hundreds of district attorneys and assistant district attorneys; it has hundreds, if not thousands, of marshals, deputy marshals, investigating agents, secret-service agents, and other instrumentalities. It has always seemed to me that to be an anomalous and rather an absurd thing to place the enforcement of criminal statutes in the tax-collecting agency of the Government.

When the Volstead Act was under consideration in the Committee on the Judiciary I opposed the provision creating the Prohibition Unit, and moved as an amendment to the bill that the enforcement of its provisions be placed in the hands of the Department of Justice. The bill which I introduced this morning is merely a reiteration of the position which I took years ago when the Volstead Act was under consideration before the Judiciary Committee.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] a question, which I regret it is necessary to ask. This resolution, of course, contemplates the appointment of Senators as members of the proposed commission, does it not?

Mr. JONES. Yes; that is what it provides for. I do not care to discuss it on the floor of the Senate, however, at this time. The resolution has been referred to the committee.

Mr. BRUCE. In others words, what the Senator contemplates is not an investigation such as the incoming President has promised us—that is to say, an impartial, searching, and exhaustive investigation by a disinterested commission appointed outside of Congress, but a committee of investigation made up of Members of this body, who would carry on their deliberations under the uplifted lash of the Anti-Saloon League. What possible occasion, in view of the promise that Mr. Hoover has made to us, can there be for such a committee as is proposed by the resolution? The very nature of the committee suggests the idea that it is intended to forestall action by the incoming President; to use figurative language, to take the wind out of his sails.

Mr. JONES. No; there is no intention of that kind at all.

Mr. BRUCE. I do not like to use such an expression, but the purpose is to foist upon the people of the country a senatorial investigation instead of such an impartial and dispassionate investigation as we have every reason to believe Mr. Hoover, in view of his solemn promise, will give to the people

of this country. Prohibition has often been made the subject of astute indirection in one form or another. I hope that practice will not proceed to the extent of the adoption of this resolution by this body.

Mr. JONES. Mr. President, I have no remarks to make on the resolution at this time.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The PRESIDING OFFICER. Morning business is closed, and the calender under Rule VIII is in order.

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 15569, making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, an examination of the bill reveals that it carries an appropriation of more than $21,000,000 above that for the same departments and agencies appropriated for the present fiscal year. In the light of the promises of economy made by the President and the party in power, I am unable to understand why this bill, as well as others which have been reported, carry appropriations so much in excess of those of preceding years. It is apparent that the appropriations under these promises of economy will exceed $5,000,000,000 for the next fiscal year.

Mr. JONES. The increase was made in the House in the consideration of the bill, and almost the entire part of that increase was caused by the appropriation for taking the next census.

Mr. KING. I inquire as to the reason for the very large appropriation for the aeronautical branch of the Department of Commerce.

Mr. JONES. The aeronautical branch, of course, is an activity that is expanding quite rapidly; it is developing very fast; and the Budget estimate for it was agreed to by the House excepting about $33,000. That amount has been put on by the Senate committee in order to bring the appropriation up to the Budget estimate. It was urged by the Department of Commerce that if the Budget estimate should be reduced it would very largely cripple the administrative work in connection with this activity, which is expanding, as I have said, very rapidly. The Assistant Secretary of Commerce sent us a very strong letter urging that the appropriation be brought up to the Budget estimate, and the Senate committee, after considering the question, thought that this was such an important activity that it should not be crippled, and so it increased the amount to make it conform to the Budget estimate.

Mr. KING. It seems to me that nearly $5,000,000 for this agency is rather a large amount, and the increase is very large.

Mr. JONES. That activity has been growing very fast, as the Senator knows. There has been quite an expansion in the air activities, and much more even is promised for the future. In view of the rapid development, it was felt that the Congress was justified in making this appropriation, and that, as a matter of fact, it would be injurious if we did not make it.

Mr. KING. May I inquire of the Senator in regard to another subject?

Mr. JONES. Certainly.

Mr. KING. The appropriations for the Bureau of Foreign and Domestic Commerce are rapidly increasing. What is the increase over the last fiscal year?

Mr. JONES. My recollection is that the increase made in the House was about $40,000 or more above the Budget estimate. The House committee went into this activity very extensively. As the Senator knows, the activities of this bureau have been increasing every year for several years. The Senator knows also of the increase and expansion in our foreign business and of the importance of such increase and expansion. The House committee after going into the matter very carefully, made an allowance even above the amount recommended by the Budget, and the Senate committee increased that figure by $15,000. Such an increase was pressed by the Senator from Florida [Mr. FLETCHER], and the very urgent need of the increase was presented to the committee. The committee felt justified in raising the appropriation made by the House by that amount, because of the expansion of this tremendously important activity, in the interest of the Government and the growth and development of business. The Senator appreciates, I know, as well as I do the influence of foreign trade upon our own business and our own industries and the importance of expanding our trade in foreign countries, where we are going to be met with increased activity upon the part of other nations which are naturally increasing their efforts to expand their trade, and to take from the markets of the world. In view of the circumstances we felt fully justified in recommending the increase in the appropriation.

Mr. KING. I am not depreciating the work of this bureau, and I pay tribute to the ability of Doctor Klein, who is the director of the bureau. He has been active in promoting our foreign trade and has exhibited ability of a very high order. I have sometimes felt, however, that we are imposing upon the bureau duties and responsibilities which belong to private business and to American citizens who are engaged in domestic business as well as in foreign trade and commerce. The Government is not to be the business agent for everyone and to find markets, domestic and foreign, for our manufacturers and others who are engaged in business enterprises. I am afraid there is developing a feeling that the Department of Commerce must find domestic buyers for our products and foreign markets for all surplus products. And I have sometimes feared that the Department of Commerce was lending too much encouragement to this view and was seeking to increase its activities and expand its jurisdiction and functions.

I appreciate the importance of expanding our foreign trade and have criticized the party in power because of what I conceived to be some of its reactionary policies which were calculated to restrict our exports and to injure our foreign trade. I have opposed some measures which sought to place an embargo upon imports, the effect of which, of course, would be to limit exports. We hear a great deal about foreign markets and the importance of sending our products to all parts of the world. I approve of this policy. Anyone familiar with our resources and capacity for production must know that the United States can produce sufficient agricultural products to feed 200,000,000 people and can supply a large part of the needs of the American people in other commodities and necessaries and have surpluses of the value of billions of dollars.

Prohibitive tariffs mean diminished exports and diminished exports mean a limitation upon domestic production. We must find markets for our surplus products; markets in Europe and markets in all parts of the world. And the American business man, with his knowledge and aggressiveness, will find these markets if we will place no handicaps upon him and if we will adopt wise policies with respect to our international relations. If we permit selfish corporations and powerful trusts and monopolies to dictate our tariff laws and to compel the enactment of legislation that will enable them to exploit our own people, we will soon discover that our foreign markets will be, in part at least, lost to American producers. International trade is founded upon reciprocity; commodities are paid for in part by commodities, not gold.

If we adopt wise and pacific measures and constructive policies with respect to trade and commerce, our commodities will go to every port in the world and the ships of the United States will be found in the seven seas. But if we pursue a narrow, provincial, and restrictive policy we will drive our commerce from the seas, close the ports of the world against us, and bring about financial and industrial depression throughout the United States.

However, I do not intend to enter into a discussion of this question.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I want to ask the Senator from Washington just one other question. Does the Senator from Tennessee desire to ask a question?

Mr. McKELLAR. No; I merely wish to make a statement with reference to the particular item to which I imagine the Senator is referring—the total for the Bureau of Foreign and Domestic Commerce, on page 62.

Mr. KING. Yes; I was referring to that item.

Mr. McKELLAR. That bureau, as the Senator of course knows, is under Dr. Julius Klein, one of the most competent and efficient men, I think, that we have in the Government service. He is a man who is thoroughly posted, and he is doing a great work; and I was constrained to believe that the small increases which were asked for should be made.

I agree with the Senator entirely that we ought to do everything possible to build up our foreign commerce. In order to

build up our foreign commerce we are obliged to take steps on this side of the water to aid in that very desirable project, and so these increases were permitted by the committee. They are very small and might, indeed, have been made larger.

Of course, I agree with the Senator also in his statements about our general policy. I think we could increase our foreign trade a great deal more by adopting a different general policy than that which we have; but I certainly think these increases should be allowed.

Mr. KING. Mr. President, it is needless to repeat that I am anxious to develop the resources of our country and to aid in every legitimate way in increasing our exports. The point that I desire to make is that I am apprehensive of the growth of the bureaucratic organizations in the Government and that with their growth there will be a corresponding decline in individual initiative and effort and an inclination to have the Government through its bureaus and agencies assume duties and responsibilities which belong to individuals.

I have confidence in the business ability, in the initiative, and in the capacity of the American people and of our business men, but we find in many of the departments of the Government a disposition to encourage the people to come to the Government for support and for aid, and representations are made that the Government can materially help individuals in their private and personal matters.

American business men for many years have had their representatives abroad, and before the war business houses in Germany, Great Britain, and other countries sent to the United States and other countries their representatives to find markets for their products. The Germans were particularly active in the United States and sold, through representatives of business houses, large quantities of German products. And the United States was increasing before the war its foreign markets, and the manufacturers of the United States were competing with other manufacturing countries in the markets of the world.

The Department of State and other Federal agencies furnished them statistics and other important information, but there was no disposition to keep in various parts of the world business representatives as a sort of adjunct to the business houses and industries of the United States. Our Consular Service was active in obtaining statistics and information helpful to American buyers and American sellers. They prepared and transmitted to the State Department thousands of reports annually. The Department of Commerce has somewhat encroached upon the State Department and is increasing its activities and, of course, multiplying its personnel and greatly adding to its expenditures. What the end will be I can not say.

Mr. JONES. Mr. President——

Mr. KING. I yield.

Mr. JONES. Will the Senator permit this suggestion, which I think he probably overlooks:

In the previous consideration of these bills it has been shown that there is the closest and fullest cooperation between the State Department officers and consular officers and the other representatives of the State Department and the commercial attachés and agents and representatives of the Department of Commerce so far as the expansion of business and everything of that kind is concerned. That was so well demonstrated that the committee did not go into that phase of the matter at this time, because we are satisfied that there is practically no duplication; that the consular officers do work that otherwise would be done by the commerce officials, but their work is made available to the commercial attachés and representatives of the Department of Commerce, and that the representatives of the Department of Commerce do work that otherwise would be done, if necessary, by the State Department officers, and that they have regular meetings and conferences where they harmonize the work and very largely prevent duplication.

Mr. KING. Mr. President, I am familiar with the situation which obtains and the cooperation between the State and the Commerce Departments as indicated by the Senator. The Senator may remember that I looked with a great deal of concern upon what I conceived to be the encroachment of the Department of Commerce upon the proper functions of the State Department. I believe that we should have strengthened the State Department; bring substantially all of our foreign activities under its jurisdiction; that we should expand the Consular Service; extend its activities and utilize our Diplomatic and Consular Service more extensively and intensively than in the past in furthering our commercial relations with other nations. Many of our consular agents were men of experience, familiar with business conditions in the various countries in which they served. They had studied and were studying business conditions and were in a position to expand their activities and to render additional service for the promotion of our foreign trade and commerce. I believed that we should have coordinated all of our foreign activities and utilized to the fullest extent those who were connected with the State Department in the promotion of our commercial interests throughout the world.

My views, however, were not followed. We put upon the Department of Commerce work which I thought should have been performed by the Department of State and have set an example which will continue to plague Congress. The Department of Agriculture now demands that it have a foreign service and a bill is upon the calendar creating a bureau of foreign commerce in that department.

The argument is made that if the Department of Commerce is given a bureau for foreign service, then the Department of Agriculture should be treated in a similar way. It is contended that a large part of our exports are agricultural products and there is no reason why the Agricultural Department should not have hundreds of representatives stationed throughout the countries of the world and traveling throughout the world for the purpose of finding markets for American agricultural products.

The Department of Labor has contacts with the world, and it will soon demand additional organizations and bureaus to function in various parts of the world. There are persons who insist that the Immigration Bureau should have a foreign service and should have representatives in the important countries of the world. It is claimed by some that the Tariff Commission in order to obtain data from foreign countries to enable it to properly function should have a foreign-service bureau and be permitted to establish branches in many countries, particularly those which export commodities to the United States. Recently some educators insisted that the Bureau of Education should have a foreign service so as to obtain information available for our educational development.

Mr. President, we have literally thousands of representatives of the Federal Government stationed throughout the world, and hundreds, if not thousands, of persons connected with ambulatory commissions and organizations who flit from clime to clime and from continent to continent, costing the Government of the United States millions of dollars annually. Instead of consolidating bureaus and Federal agencies, we are multiplying them; instead of diminishing Federal employees we are increasing the number. We boast of the wealth of our country and then collect larger revenues and increase national expenditures. We will soon pass the five billion dollar mark for annual expenditures of the Federal Government.

I appreciate, Mr. President, that no objections to appropriations will be of any avail. We increase expenses but never reduce them. Attacks upon appropriation bills do not succeed. Indeed, there would be surprise, if not consternation, in the Senate if any appropriation bill was reduced even to the extent of one dollar.

Mr. FLETCHER. Mr. President, I desire to say just a word, since the Senator from Washington [Mr. JONES] referred to me in connection with this item. It is primarily intended to expand and enlarge the work of the London office of the Bureau of Foreign and Domestic Commerce, particularly with reference to the handling of citrus fruits.

The States of California, Texas, Arizona, to some extent perhaps Louisiana and Mississippi, and Florida are interested in expanding the market for citrus fruits. Last year the Leyland Line transported from Jacksonville abroad to London quite a few cargoes of grapefruit and oranges. This year the Palmetto Line has equipped with refrigeration three extra ships, and the Leyland Line and the Palmetto Line will be moving citrus fruits to Europe, and especially to London. From that market they will reach the other European markets.

I asked for more than this amount, but the committee allowed this; and it is very necessary in order to increase the facilities of the Bureau of Foreign and Domestic Commerce in London, especially with reference to the marketing of citrus fruits.

We are producing in this country a surplus. We are exporting large quantities, and there will be larger quantities produced. This market is a market of very great importance to the whole citrus industry in this country. They need some facilities there for placing the fruit, for listing the importers, and for giving information to our shippers with reference to the methods of packing and carrying and delivering the fruit. This small item of $15,000 is primarily to strengthen the London office so as to provide additional markets for this important commodity.

Mr. HEFLIN. Mr. President, in reply to the Senator from Utah [Mr. KING] I wish to say that I am heartily in favor of sending the necessary agents to represent the agricultural interests of the United States into foreign countries. I think we could spend money to no better purpose than to engage in the work of carrying forward and expanding our agricultural trade in foreign countries. Cotton and grain and other prod-

ucts of American soil would be materially benefited by sending American agents into foreign countries to urge the increased use of the products of American agriculture. It would not only greatly benefit the farmers of our country by increasing the demand for the products of the American farm, but it would increase our commerce with foreign nations and add each year to our balance of trade.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Transportation of Diplomatic, Consular, and Foreign Service officers," on page 12, line 10, after the word "exceed," to strike out "$45,000" and insert "$55,000," and in line 17, after the word "home," to strike out "$410,000" and insert "$420,000," so as to read:

To pay the traveling expenses of Diplomatic, Consular, and Foreign Service officers, and clerks to embassies, legations, and consulates, including officers of the United States Court for China, and the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of State may prescribe, of their families and effects, in going to and returning from their posts, including not to exceed $55,000 incurred in connection with leaves of absence, and of the transportation of the remains of those officers and clerks who have died or may die abroad or in transit while in the discharge of their official duties to their former homes in this country for interment, and for the ordinary expenses of such interment at their posts or at home, $420,000.

The amendment was agreed to.

The next amendment was, under the subhead "Aircraft in commerce," on page 53, line 22, after the word "exceed," to strike out "$229,570" and insert "$263,210," and on page 54, at the end of line 12, to strike out "$935,000" and insert "$968,640," so as to make the paragraph read:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes" (U. S. C. pp. 2119–2123, secs. 171–184), including personal services in the District of Columbia (not to exceed $263,210) and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories and repairs; maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of not to exceed five airplanes, including accessories and spare parts, and maintenance, operation, and repair of airplanes, including accessories and spare parts; special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing, $968,640.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 58, at the end of line 17, to strike out "$923,500" and insert "$938,500," so as to read:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, ice and drinking water for office purposes, and all other incidental expenses connected therewith, $938,500.

The amendment was agreed to.

The next amendment was, on page 62, line 18, before the word "of," to strike out "$4,524,923" and insert "$4,539,923," and in line 19, before the word "may," to strike out "$1,704,340" and insert "$1,719,340," so as to read:

Total, Bureau of Foreign and Domestic Commerce, $4,539,923, of which amount not to exceed $1,719,340 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 91, line 2, after the word "exceeding," to strike out "$47,000" and insert "$57,000," and at the end of line 16, to strike out "$360,000" and insert "$370,000," so as to make the paragraph read:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; not exceeding $57,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910 (U. S. C. p. 431, secs. 631–658), and for the protection of the fisheries of Alaska, including contract stenographic reporting service, travel, subsistence (or per diem in lieu of subsistence) of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $370,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. That completes the committee amendments. The bill is still as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, I send to the desk a committee amendment, which the committee directed me to offer on the floor. It is on page 8, line 19, under "Allowance for clerk hire at United States consulates."

This is to place the clerks in the same condition as that of clerks at legations, which was taken care of by the House on page 6. I offer the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 8, after the word "State," in line 19, insert:

including salary during transit to and from homes in the United States, upon beginning and after termination of service.

The amendment was agreed to.

Mr. JONES. I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 33, in lines 23 and 24, to strike out "$9,000."

Mr. JONES. That is already covered by law.

The amendment was agreed to.

Mr. JONES. I offer the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 35, to strike out line 14, the subhead "Examination of judicial offices."

The amendment was agreed to.

Mr. JONES. I also offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 36, strike out line 9, the subhead, "Pueblo Lands Board."

The amendment was agreed to.

Mr. KING. Mr. President, I would like to ask the Senator if these are mere pro forma amendments?

Mr. JONES. Yes; these were already covered by language already in the bill, under the heading "Miscellaneous objects," so that there is no need of those different items.

Mr. KING. I should like to ask the Senator another question. My recollection is that when we had under consideration the bill for the restoration to the Germans and Austrians the property which had been sequestered, it was understood that the costs which would be incurred by the United States in restoring the property and in conducting any litigation would be paid out of the appropriation made by Congress to pay any obligations found due by the umpire which was contingently made by Congress. I notice here, on page 26, $118,762. Apparently that is a direct appropriation from the Treasury. I was wondering if the matter had been brought to the attention of the committee, and whether they determined that the United States should pay this, to be reimbursed subsequently from the fund which was appropriated, or which will be appropriated, or whether it was to be an absolute charge upon the Treasury of the United States.

Mr. JONES. I will say that that was in the bill as it came from the House. There was no question raised about it, or suggestion made in regard to it, and I assume that it goes in accordance with existing law. But I will say to the Senator that I have not looked into the details of the matter. I think this is a provision similar to the one we had in the last bill. It goes along the same lines.

Mr. KING. Mr. President, if I correctly remember the terms of the measure to which I have referred, there ought to be a

reservation in this bill to the effect that the amount appropriated is reimbursable out of the fund appropriated or which will hereafter be appropriated by Congress to meet the judgments and awards of the arbiter.

Mr. JONES. I will say to the Senator that there is a constant reference in this paragraph to the treaties concluded between the United States and these different countries. So I take it that this is in accordance with those treaties and existing law.

Mr. McKELLAR. If the Senator will look at the bottom of page 26, he will see the language—

the expenses which * * * and the agreement of November 26, 1924, are chargeable in part to the United States.

I take it that that refers only to that part we are under treaty agreement to pay.

Mr. KING. That has no reference to the bill which was passed providing for the restoration of the property. I wanted to challenge attention to that fact so that the committee, in the consideration of the next bill, may look into the matter, and if it seems, as I think it is, that the German property is to be held responsible for these expenditures, then provision should be made for withholding from that fund of $50,000,000, or a larger fund, if such there be, sufficient to meet the expenditures which have been advanced from the Treasury of the United States.

Mr. HAYDEN. Mr. President, the bill does not provide an adequate sum to care for the needs of the Bureau of Immigration in the Department of Labor. I intend to offer an amendment to increase the amount appropriated in this bill for the support of that bureau by $250,000, and I shall address the Senate briefly on that proposal.

It was not possible to have a hearing before the Senate Committee on Appropriations on this subject, and I am therefore compelled to introduce testimony from other official records. I desire to quote from the last annual report of the Commissioner of Immigration, Harry E. Hull. The report, dated June 30, 1928, states:

Prior to 1921, when the first quota law was enacted, or, perhaps, more accurately, prior to 1924, when the last quota law was enacted, the great bulk of immigration poured through our seaports, and Ellis Island, New York Harbor, was the great portal—the gateway through which the immigrant entered the land of opportunity. The land border ports were of secondary importance. If the expressions "Ellis Island" and "immigration" were not synonymous, one could hardly think of the one without thinking of the other.

* * * * * * *

A great change has been taking place along our borders; steadily are they approaching a place of first importance in the scheme of things from an immigration standpoint. The fiscal year just closed witnessed a movement back and forth across these frontiers made up of citizens and aliens aggregating 53,000,000 entrants.

I direct the attention of the Senate to the large number of persons, 53,000,000, who passed back and forth across the Canadian and Mexican borders during the last fiscal year.

Many of these, of course, were commuters, visitors, excursionists, and so forth. The tremendous impetus given to travel by the automobile and the opening of myriad new roads have been the chief contributing factors.

Nevertheless, this large number of persons must be inspected daily by the United States Immigration Service.

The commissioner's report continues:

It is almost impossible for the Appropriations Committee and the Bureau of the Budget to keep pace with the ever changing and increasing demands, without granting a larger appropriation than is proven necessary at the time appropriations are determined upon. So far the bureau has not been granted sufficient money with which to take care of unusual and unforeseen emergencies. In short, we are, generally speaking, anywhere from six months to a year behind the procession.

I might add in this connection that the problem of handling aliens arriving by air is coming on apace, so that in addition to our seaport and border control problems, we are right now confronted with the problem of opening many new ports of entry for aliens arriving by aircraft.

The Commissioner of Immigration concludes:

The foregoing means one thing and one thing only; we have simply got to have the men or else we can not enforce the law.

A large part of this work is done by the border patrol, and in commenting upon the activities of that branch of the service the commissioner says:

Beginning July 1, 1924, with an appropriation of a million dollars and a personnel of 472 employees, the organization has been expanded to a total of 747 members, consisting of 1 supervisor, 6 assistant superintendents, 28 chief patrol inspectors, 166 senior patrol inspectors, 504 patrol inspectors, 15 motor mechanics, 22 clerks, 3 laborers, and 2 janitors. During the year last past it operated on an appropriation of $1,600,000. * * *

The outstanding accomplishment of the immigration border patrol for the past year was the apprehension of 25,534 persons of all kinds found engaged in unlawful activities. Of this number, 23,896 were turned over by patrol officers to examiners of the Immigration Service. Out of this total, 18,000 were smuggled aliens and 330 were found to be smugglers of aliens.

Commissioner Hull concludes his annual report with this recommendation:

That Congress sufficiently increase its appropriation to the bureau to make possible stricter enforcement of the immigration laws, inasmuch as in recent years the immigration question has become one of the Nation's greatest problems. The available force is doing wonderful work in the enforcement of the present law, but naturally a larger force would be in a better position to enforce this very popular law.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. DILL. Will this proposed increase give us more officials on the Canadian border to take care of the large tourist traffic that goes in and out of Canada during the summer months?

Mr. HAYDEN. That is one of the primary purposes of the amendment that I have offered, which not only applies to the Canadian border but to the Mexican border. I may add that at the hearings before the House Committee on Appropriations it was shown by the Assistant Secretary of Labor that the Department of Labor requested an increase of more than $500,000 in this appropriation, which was not allowed by the Bureau of the Budget.

Mr. DILL. The Senator may know that on the Canadian border, particularly on the Pacific coast, in the summer time there are lines of cars for miles, and people are delayed going in or out of Canada, and if one asks the boundary officers the reason for this condition he is told that they have not enough officials. It seems to me that we should provide enough money here to enable the Government to place there a sufficient number of officials to handle those crowds of people.

Mr. KING. We should not have so many thirsty people.

Mr. DILL. The fact remains that we have a great many people who want to cross purely for travel purposes. I think the Government should provide enough men to enable our people who want to go to Canada to get into Canada without being held up for half a day in crossing the line. If there is not enough money appropriated, I think we should appropriate it.

Mr. HAYDEN. In his testimony before the House Committee on Appropriations, Mr. Robert Carl White, the Assistant Secretary of Labor, pointed out facts similar to those stated by the Senator from Washington. His department asked of the Budget an increase of $585,000, which was not allowed. Mr. White further stated that there should be an increase of at least $300,000 in this appropriation. The House did increase the appropriation for the Bureau of Immigration by $50,000. In order to carry out the recommendation made by the Assistant Secretary of Labor, to meet this urgent necessity, I offer the following amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 110, line 14, strike out the figures "$7,965,000" and insert in lieu thereof the figures "$8,215,000," and in line 15 strike out the figures "$1,918,440" and insert in lieu thereof the figures "$2,168,440."

Mr. JONES. Mr. President, very reluctantly I shall have to make a point of order against this amendment as a violation of Rule XVI, that it is not estimated for, and has not been reported from a standing committee.

Mr. DILL. Will my colleague answer a question? Did the Senate committee consider the further needs for employees on the border?

Mr. JONES. I will say to my colleague that no further request was made by the Department of Labor before the committee for any increase. Even now this goes above the Budget estimate as it was submitted to the House, and as there was no request made by the department the committee felt that under all the circumstances we had gone as far as we could.

Mr. DILL. The Senator knows, as everybody else knows, that there is a need for additional employees on the border in the summer months, and it seems to me that even if the department does not make the request, a committee of Congress might well make the necessary additional appropriations.

Mr. JONES. The House committee raised the amount even beyond the Budget estimate, and we felt that inasmuch as the House had raised it beyond the Budget estimate, we could not under the circumstances go further.

The PRESIDING OFFICER. The Chair sustains the point of order.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which, by the unanimous-consent agreement of December 20 last, is Calendar 1022, the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. JONES. Mr. President, I think we can conclude the consideration of the appropriation bill in three or four minutes if the Senator from Maine [Mr. HALE] will grant us a little extension of time.

Mr. HALE. Mr. President, if the Senator thinks he can get through with the bill in a very few minutes, I am willing to accede to his request.

Mr. JONES. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside. The Chair recognizes the Senator from Ohio.

Mr. FESS. Mr. President, I desire to offer an amendment to increase by $30,000 the amount on page 57, in line 6.

The purpose of the amendment is in keeping with the recommendation of the Bureau of Foreign and Domestic Commerce. Ohio is one industrial State that does not have any district office connected with the Bureau of Foreign and Domestic Commerce. In the last year the foreign commerce of that State was $182,000,000. The year before it was $171,000,000, and the year before that it was $152,000,000. There has been a very gradual growth. The State is ninth in manufacturing, and the business activity is very largely due to the fact that there are eight cities of over 100,000 population.

There are five cities of more than 300,000 population. It is a very unusual situation. Notwithstanding that fact, the State, after several appeals, has not been able to have established a district office. We transact our business through Chicago and Washington, D. C. There are over 11,000 manufacturers in the State of Ohio. About 1,400 of them are clients of the two offices mentioned.

The Bureau of Domestic and Foreign Commerce recommended an additional appropriation of $200,000, $100,000 to be applied to the enlargement of old offices and $100,000 to be applied to new offices. The State of Ohio and five other States have been asking for consideration. In my own State we have a greater commerce than the other five combined.

I offer this amendment along the line of the recommendation, not of the Bureau of the Budget, but of the Bureau of Domestic and Foreign Commerce, in the hope that we may have established in that State a district office. The facts would certainly justify it.

In the meantime I ask unanimous consent to submit the figures for insertion in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

DECEMBER 10, 1928.

MY DEAR MR. SMITH: I have received your letter of December 6, expressing your judgment in regard to the importance of the service rendered by the Bureau of Foreign and Domestic Commerce and your suggestion that adequate appropriations be allowed for the same.

I note that you specify two items, one of $30,000 for the support of the active cooperation in Ohio, and another of $10,000 for quarters for the offices of the American commercial attachés in London and Brussels.

In the onset I can assure you that I have sympathy with adequate appropriations for this service and will use my influence for the same. I have repeatedly asked for more direct service for Ohio from the Bureau of Foreign and Domestic Commerce. In fact, I have only recently made the following representations to the Committee on Appropriations:

The Department of Commerce is rendering a wonderful service to American business. District offices have been established at 23 points in the United States. The completed program of the department calls for about 30 offices.

For several years Congress has increased appropriations to provide for the strengthening of the old offices and the establishment of new ones. This year the Bureau of Foreign and Domestic Commerce requested an increase of $200,000, half of which was to be applied to the existing District offices, and the remaining $100,000 for the establishment of five new offices, which would have taken care of Ohio. The Bureau of the Budget has recommended an increase of only $19,120.

Ohio, with her eight cities of over 100,000, as compared to not more than two cities of 100,000 or over in any other State, coupled with the diversified industries in the State, has made a unique situation, which is in a large way responsible for Ohio not being accorded special treatment through the department.

Ohio ranks fifth among the States in the number of manufacturing establishments. It has 11,137 manufacturing establishments. Of these 1,399 are regular clients of the Bureau of Foreign and Domestic Commerce, i. e., about 12½ per cent. These are served from Washington or through the Chicago district office.

Ohio ranks ninth in the list of States in value of its exports for 1927, $186,091,545. It amounted to $171,450,184 in 1926 and $132,597,683 in 1925. This shows a steady gain and an increase of 8 per cent over 1926. The main items making up the total in 1927 were tires, iron and steel, machinery, automobiles, tools, toys, milk and cream, wheat flour, electrical equipment, clay products, and binder twine. Ohio is the only large export and industrial State which does not have a district office.

Since the fiscal year ending June 30, 1922, there has been an increase of 548 per cent in the number of requests for information and assistance rendered by the Bureau of Foreign and Domestic Commerce and its district offices. The total export trade of the United States has increased from $2,434,851,000 in 1914 to $5,056,085,000 in 1927, an increase of 107 per cent.

Ohio has practically as many manufacturing establishments as the other five States combined seeking district offices.

Hearings on the appropriation bill for State, Justice, Commerce, and Labor have just been concluded.

Yours very truly,

SIMEON D. FESS.

President ALLARD SMITH,
Cleveland Chamber of Commerce, Cleveland, Ohio.

Mr. FESS. I hope the Senator from Washington will accept the amendment.

Mr. JONES. Mr. President, I sympathize with the proposal of the Senator from Ohio. There is need of appropriations of this kind in many instances. We have been increasing appropriations practically every year and we will probably take care of this situation in the near future. We can not take care of everything in one year. I make the point of order that this is not recommended by the Bureau of the Budget, it is not reported by a committee, and is an amendment increasing an amount already in the bill.

Mr. FESS. Mr. President, I would like to ask the Senator a question. I have not examined as to whether the amendment is subject to a point of order or not. I do know that the Budget did make the recommendation of an increase and that the increase was about $19,000.

Mr. JONES. But the provision in the bill as coming from the House exceeded even the Budget estimate, so there is no Budget estimate for the amount the Senator proposes.

Mr. FESS. Does the Senator mean that an item which has been submitted by the Budget can not be increased by amendment on the floor?

Mr. JONES. Not under the rule.

Mr. FESS. I take exception to that statement.

Mr. JONES. Rule XVI reads as follows:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

So that it is not covered by either of the provisions of the rule.

Mr. FESS. I submit to that last statement, namely, that it would have to be recommended by a standing committee. Otherwise the Budget would put us in a very serious situation as a legislative body.

The PRESIDING OFFICER. The point of order is well taken. The bill is still as in Committee of the Whole and subject to amendment. If there be no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which had been reported from the Committee on Naval Affairs with an amendment.

Mr. HALE obtained the floor.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McKellar	Shortridge
Bayard	George	McLean	Smoot
Bingham	Gerry	McMaster	Steck
Blaine	Glass	McNary	Steiwer
Blease	Glenn	Mayfield	Stephens
Borah	Goff	Neely	Swanson
Brookhart	Gould	Norbeck	Thomas, Idaho
Broussard	Greene	Norris	Thomas, Okla.
Bruce	Hale	Nye	Tydings
Burton	Harris	Overman	Vandenberg
Capper	Hastings	Pine	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Mo.	Walsh, Mont.
Curtis	Heflin	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is compelled to be absent to-day because of illness in his family. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably detained by illness in his family. I will let this announcement stand for the day.

Mr. FLETCHER. I desire to announce that my colleague the junior Senator from Florida [Mr. TRAMMELL] is unavoidably detained. I will let this announcement stand for the day.

Mr. GERRY. I desire to announce the unavoidable absence of the junior Senator from New Jersey [Mr. EDWARDS].

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent owing to illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Maine will proceed.

Mr. KING. Mr. President, will the Senator from Maine yield for a question?

Mr. HALE. I yield.

Mr. KING. As I understand, the Senator from Maine intends to submit some remarks in regard to the cruiser bill and at the expiration of his remarks a motion will be made to proceed to the consideration of the treaty?

Mr. HALE. That is my understanding.

Mr. JOHNSON. Mr. President, may I inquire whether this is an agreement among our leaders that we shall proceed immediately to listen to an exposition upon the naval cruiser bill, and that then the cruiser bill shall be laid aside indefinitely, and that the treaty will be taken up?

Mr. HALE. I do not think so. I want to set forth the need for these cruisers before the peace pact comes up. When I shall have concluded my remarks I understand that the Senator from Idaho [Mr. BORAH] is to move that we go into open executive session. I shall vote in favor of his motion.

Mr. JOHNSON. Then it is agreed?

Mr. HALE. It is agreed so far as I am concerned. I am willing that the treaty shall come up this afternoon as soon as I finish my speech.

Mr. JOHNSON. Has the Senator considered whether or not that bids the cruiser bill good-bye?

Mr. HALE. I do not think it does. I think on the contrary it will help the passage of the cruiser bill.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. HALE. I yield to the Senator from Missouri.

Mr. REED of Missouri. May I inquire whether it is the purpose of the Senator in charge of the cruiser bill, as soon as he has made his speech, to practically lay the cruiser bill aside until we have disposed of the treaty?

Mr. HALE. I have not made any such agreement.

Mr. REED of Missouri. Is that what the Senator intends to do? Does he intend to keep his bill before the Senate and fight his battle on that bill?

Mr. BORAH. Mr. President, it is my purpose at the close of the remarks of the Senator from Maine to move to proceed to the consideration of the peace treaty in open executive session. That is the extent of the agreement. I notified the Senator from Maine that I should take that procedure and that I hoped it would not be disagreeable to him. That is the extent of the agreement.

Mr. REED of Missouri. I understand the Senator's statement, but that is not my question. I want to know—and I think the Senate is entitled to know—what is the purpose of the Senator in charge of the cruiser bill, after he has made his speech, and after the Senator from Idaho has moved to take up the peace treaty in open executive session. Does the Senator in charge of the cruiser bill intend, after the treaty shall have been considered a short time, to again press for consideration of the cruiser bill, or does he intend to allow the cruiser bill practically to lie in abeyance until we shall have concluded the consideration of the treaty?

Mr. HALE. I think that, Mr. President, is a matter which we shall have to consider when we come to it. I am very anxious to have the cruiser bill passed. If the Kellogg peace pact can be ratified within a reasonable time, I shall be willing that its proponents shall go ahead with it. As I have stated, I am in favor of the treaty. If I find, however, that the treaty is not going to be ratified within a reasonable time, I shall feel free to ask that the cruiser bill be taken up, and, in all probability, I shall do so.

Mr. REED of Missouri. That is tantamount to the statement, then, that the Senator from Maine means, as soon as he shall have concluded his speech, to give way to the peace treaty and let it have the right of way?

Mr. HALE. For a certain time.

Mr. REED of Missouri. Yes.

Mr. HALE. And I have no more idea than has the Senator from Missouri for how long a time.

Mr. REED of Missouri. No. In plain, blunt speech, the cruiser bill is by the chairman of the committee laid aside for the treaty?

Mr. HALE. Temporarily.

Mr. REED of Missouri. And the temporary part of it will depend upon the patience of the Senate and the reinspiration of the Senator in charge of the cruiser bill.

Mr. HALE. Mr. President, on May 18, while the naval construction bill was on the calendar of the Senate, but not before the Senate for action, I made a speech on the floor explaining the purposes of the bill. My remarks were somewhat technical and many figures were used by me. Much of the historical data, the technical statements and figures used in that speech, I shall reiterate to-day, and I shall ask Senators to allow me to proceed with the course of my remarks without interruption.

Mr. President, to understand clearly the present naval situation and the purposes of the naval construction bill which is before the Senate, it will be necessary to go back a number of years into naval history.

In August, 1916, the so-called 1916 building program was authorized by act of Congress. This program provided for the construction of 157 new ships of various types, including a number of very large and very powerful battleships and battle cruisers.

Most of the ships in the building program, including all of the battleships and battle cruisers, had been laid down and were in process of construction when President Harding took his seat in the White House in March, 1921.

At that time we had on the ways 9 battleships, 3 of them of a tonnage of 32,600 tons each, 6 of a tonnage of 43,200 tons each, and 6 battle cruisers of a tonnage of 43,500 tons each. The battleships, when work was shortly thereafter stopped upon them, were in a stage of completion averaging 43 per cent, and the battle cruisers 16 per cent.

Mr. President, had all of these ships been completed and had they been added to our naval forces, and had a sufficient number of cruisers, submarines, aircraft carriers, and other auxiliary ships been laid down properly to round out the Navy, we would have had a Navy powerful enough in all probability to withstand all of the navies of the world now in existence combined.

This would have guaranteed to us absolute protection from any attack by sea.

After the Great War a feeling arose in this country and throughout the civilized world that naval armament should be reduced and that the various peoples of the world should be relieved of the burdens of taxation necessary to maintain and keep up the great armaments then existing and planned for, and, above all, as far as possible that competition in naval armament should be stopped.

To carry into effect such a plan for the limitation of armament the Washington Conference for the Limitation of Armament was called by President Harding in November, 1921.

With our tremendous shipbuilding program on the ways, which no other country could reasonably hope to equal, we were in a position to bring about an agreement among the five greater naval powers of the world—Great Britain, Japan, France, Italy, and ourselves—for such a limitation, and we did bring about,

Mr. President, such a limitation of naval armament, so far as capital ships and aircraft carriers were concerned, by agreeing to scrap all of our battleships building, with the exception of two of 32,600 tons each, and all of our battle cruisers building, with the exception of two, which were to be turned into aircraft carriers, making a total of 465,800 tons of new construction that was scrapped, on which $150,000,000 had already been spent.

In addition to this we agreed to scrap a number of older battleships, as did two of the other four nations parties to the treaty—Great Britain and Japan—which battleships could have been kept up only at great expense, and most of them would in all probability have been scrapped had there been no conference on limitation of naval armament.

The other nations parties to the conference agreed to scrap no ships that were in process of construction, with the exception of Japan, and nearly all of her building program was on paper.

In exchange for giving up this great naval supremacy of ours we secured a basis of limitation on capital ships and carriers of 5 to 5, or an equality with Great Britain; 5 to 3 with Japan; and 5 to 1.67 with France and Italy on capital ships and 5 to 2.22 on carriers.

The sacrifice in reaching this ratio was almost altogether on our part. At the same time the representatives of the United States made a strong attempt to have the same ratio apply to other combatant vessels, including cruisers, destroyers, and submarines, but the attempt was a failure and no agreement other than the agreement on capital ships and aircraft carriers was reached.

When in a conference called on our own initiative we showed ourselves ready to sacrifice our naval supremacy, the surprised world was only too glad to accept our terms for a limitation in these classes of ships, and to that extent the conference was a success. The pity is that with this immense leverage we could not have fixed the ratio limit on all classes of combatant ships. It is true that we tried our best to do so, and at one time it looked as though we were in a fair way to succeed. But we did not succeed, and hence our troubles of to-day.

One thing the Washington conference did for us—it served as a notification to the rest of the world that the 5-5-3 ratio was the basis upon which the United States proposed to keep up its Navy. Secretary Hughes, who presided over our delegation at the conference, stated clearly the position of our country in referring to the celebration of Navy Day on October 26, 1922, when he said:

> This Government has taken the lead in securing the reduction of naval armament, but the Navy that we retain under the agreement should be maintained with efficient personnel and pride in the service. It is essential that we should maintain the relative naval strength of the United States. That in my judgment is the way to peace and security. It will be upon that basis that we would enter in future conferences or make agreements for limitation, and it would be folly to undermine our position.

I firmly believe that the position taken by him expresses the will of the American people.

During the summer of 1927, Mr. President, at the instigation of the President of the United States, and to follow up the attempt made by our representatives at the Washington conference, a conference was held at Geneva to consider a limitation of armament of ships other than capital ships and carriers. France and Italy refused to take part in the conference other than to send observers, and the conference was thereby limited to Great Britain, Japan, and the United States.

The delegates of this country went to the conference with the honest intention of securing a limitation of armament in the classes of ships indicated. They were ready and willing to accept a tonnage figure on these classes of ships—cruisers, destroyers, and submarines—below the actual naval needs of the country as recommended to Congress by the Navy Department, provided the limitation could be made on the same basis as the capital-ship ratio.

The American proposal at the conference was 250,000 to 300,000 tons of cruisers for Great Britain and the United States and 150,000 to 180,000 for Japan. As we have but 155,000 tons of first-line cruisers built, building, or appropriated for, the lower figure would have had involved the building of nearly 100,000 tons of new cruisers.

As the British have built, building, or appropriated for 397,140 tons of first-line cruisers to come down to this lower figure they would have had to scrap about 147,000 tons of their present cruisers. The Japanese, with 213,955 tons of first-line cruisers built, building, or appropriated for, to come within the ratio would have had to scrap about 64,000 tons of their present cruiser force.

The first proposal of the British at the conference allowed for approximately 600,000 tons of cruisers. Her later proposals reduced this tonnage but did not come near meeting the offer of the United States, and all British offers included two classes of ships with a limitation on the 8-inch gun cruisers. The United States stated that it would consider no offer over 400,000 tons.

The representatives of Japan were at all times in favor of a low figure for a limitation.

The American demand was for a limitation of total tonnage in cruisers with permission to build cruisers of any size within the limitation up to the 10,000 standard tons of the treaty cruiser. The British contention was that on account of the number and length of their sea communications they needed a great number of smaller cruisers and that therefore the number of 10,000-ton treaty cruisers should be limited.

They insisted that their naval needs required 70 to 75 cruisers, and sought to limit the construction of cruisers to two classes, those of 10,000 tons, carrying 8-inch guns, and those of 7,500 tons and under, with a limit of 6-inch guns, which proposal was later changed to 6,000-ton cruisers with 6-inch guns.

Their original proposal was for fifteen 10,000-ton cruisers, which in one of their later offers was modified to 12.

The position of the United States that a limitation be placed on the total tonnage, with permission to build ships of any size within that limitation up to the treaty limit of 10,000 tons, was maintained throughout the conference by the American delegates, because on account of our almost entire lack of naval bases and the fact that our operations away from the fleet would necessarily be carried on overseas and in proximity to hostile bases, we need the maximum cruising radius and maximum protection in armament, so that it is imperative that we build almost exclusively ships of the larger type. The smaller type of ship with a lesser cruising radius would be of little value to the United States, and necessarily we would not feel justified in building such ships.

Another great advantage to the British in keeping down the number of the larger class of cruiser is their great merchant marine, many of whose ships are so constructed as to enable them to mount 6-inch guns. As they have 227 vessels in their merchant marine of 4,000 tons and over, of an aggregate tonnage of 2,937,300, and 15 knots speed and over, capable of carrying 6-inch guns, and in our own merchant marine we have but 70 vessels of a similar character, with an aggregate tonnage of 757,858, it will be readily seen that to cut out altogether the larger type of cruiser or to limit it to a small number of ships would at once greatly enhance the military value of their great merchant marine.

The reasons why the British can successfully use small cruisers whereas we can successfully use large cruisers only are apparent when we consider the question of the British naval bases.

I have had a map prepared by the Navy Department showing the British, Japanese, and American naval stations and bases and their position with relation to our own trade routes, and I ask that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

[The map referred to will be found on pages 1054 and 1055.]

Mr. HALE. I may add that there is a copy of the map on the wall at the rear of the Senate Chamber.

From this map it will be seen that the British naval stations and bases to all intents and purposes command our foreign and much of our coastwise commerce. Situated as they are it is apparent that British vessels of limited cruising radius will find at all times available fuel and repair facilities anywhere, with slight exceptions, along our trade routes.

The United States, on the other hand, has very few naval stations away from this continent. Our only naval stations outside of home waters are those located at Guantanamo, the Virgin Islands, Panama, Pearl Harbor, Guam, Samoa, and Cavite. The stations at Guantanamo, the Virgin Islands, and Panama to a limited extent protect our trade routes to South America, though the first two stations are small stations which have not been extensively developed, and the four stations in the Pacific Ocean—Pearl Harbor, Guam, Samoa, and Cavite—to a very limited extent protect our trade routes to Australia and to and along the eastern coast of Asia.

Excluding Pearl Harbor, which is our principal naval base in the Pacific Ocean, the other three stations may not, under treaty agreement, be developed beyond their present capacity, and they are in no respect modern, up-to-date, naval stations.

We have no naval stations in European or African waters, nor any in the Indian Ocean.

The British naval stations at Gibraltar and Malta and the home stations on the British Islands are so located that they command the principal water trade routes of Europe. The two stations at Gibraltar and Malta and the stations at Port Said, Aden, Port Louis, Simonstown, and Freetown command the

entire ocean traffic of Africa. The stations at Aden, Bombay, Trincomalee, Colombo, Rangoon, and Singapore command the entire Indian Ocean trade routes, and the stations at Singapore, Hong Kong, King George Sound, Sydney, and Auckland command the water trade routes of Australia, the islands of the southern Pacific, and the east coast of Asia as far north as Japan.

As to South America the British have a defended station at Kingston, an anchorage station at Port Castries, and a fuel station at Port Stanley, on the extreme southeastern coast of South America. They have nothing along the west coast of South America.

On our own continent the British have a defended naval base at Esquimalt, near Vancouver, on the west coast, and strong stations on the east coast at Halifax and Bermuda. These two latter stations, together with the station at Kingston, command our entire east coast traffic.

The British bases and stations are very few of them of recent acquirement.

Great Britain has from time immemorial had a very considerable ocean traffic, and she is fortunate in having naval stations so located that she can watch over that traffic and see that it is protected at all times. By the same token, these naval stations give her a strangle hold on the commerce of every other nation in the world. Her position in regard to naval stations is unique among the nations.

Japan has no naval stations outside of her own waters except the station at Futami Ko in the Bonin Islands, the station of Amami-O-Shima just south of the Island of Japan, the station at Bako in the Formosa Straits, near the British station at Hong Kong, and a defended destroyer station at Port Arthur.

The French have a number of outlying stations in the Mediterranean, and small stations in Senegal, Madagascar, and Indo-China. The Italians have no outlying stations.

Our own overseas merchant marine, which was at one time the greatest in the world, has now dwindled to about one-half of that of Great Britain, and a considerable proportion of that half is not in operation. Our overseas trade, however, is as great as that of Great Britain, and amounts to $9,000,000,000 in round numbers, and, though due to our lack of merchant ships, about two-thirds of it is being carried in foreign bottoms we are now in a fair way, through the passage of the White-Jones merchant marine bill last winter, to build up our own merchant marine and ultimately to carry in our own bottoms our proper proportion of our own ocean trade. Our policy has been, and is now, to acquire as few outlying possessions as possible. Being almost devoid of overseas naval stations, we must in some way be able to guarantee from undue interference our ocean-going traffic. To shut off or cripple our foreign commerce would bring an immediate end to American prosperity.

The one insurmountable bar to reaching an agreement at the Geneva conference for a proportionate reduction in naval armament was the divergent naval needs of this country and Great Britain in regard to cruisers. Her present cruiser force, with her naval stations which everywhere command the commerce of the world, give her the control of the seas.

If we are to keep up our foreign trade and build up our ocean commerce we must see to it that that ocean commerce is guaranteed protection in peace and in war, without which it is at the mercy of another and competing country, and however friendly our relations with that competing country may be, such a position is not to be tolerated.

Supremacy of the seas we do not seek, but the rights of our commerce when we and the rest of the world are at peace, when we are neutral and other countries are at war, and when we are ourselves belligerents, we must insist upon.

I do not need at this time to go into the complicated question of rights of neutrals in time of war. Suffice it to say that naval history shows that the safeguarding of those rights has proved to be almost entirely dependent upon the strength of the neutral country to enforce its claims.

In times of peace, of course, vessels of war may on notification enter any open port in the world, stay as long as they see fit to do so, replenish their supplies, and undergo repairs if necessary.

The vessels of war of a country, however, that is at war may enter a neutral port and remain in the neutral port but 24 hours for revictualing and refueling, and a very short time for absolutely necessary repairs, and may take on board only sufficient fuel to carry them to the next port of their own country. They must then leave the neutral port and risk meeting an enemy squadron lying in wait or be interned in the neutral port until the war is over.

The protection of our commerce devolves naturally in large part on our cruisers.

For the reasons above given it will be readily seen that it is of the utmost importance that these cruisers have a wide cruising radius, so that they may not only spend as much time as possible upon their stations but at all times have enough fuel on board to reach their home ports. The bigger the cruiser naturally the greater its capacity for carrying fuel, and it is all important to us to construct for our cruiser service the largest type of cruiser available under the terms of the Washington conference.

It is also highly important for us when we send out cruisers to protect our interests in foreign waters away from fueling and repair stations that they be not only self-sustaining but able to look after themselves against any probable enemy that they may encounter.

The 8-inch gun treaty cruiser has nothing to fear from any other type of surface craft excepting the battleship, the battle cruiser, and the aircraft carrier, and with her great speed she can keep out of the way of these more powerful vessels, though with the planes of the carrier she will have to take her chances.

Smaller types of cruisers with a lesser cruising radius and lesser armament would be of proportionately less value to us, and it would seem that there would be little or no justification for our building such ships in the future.

The British, on the other hand, with their great string of naval stations and their adequate facilities for fueling and repair all over the world, naturally favor the building of smaller and less expensive types of ships, of which for the same appropriation they can secure more separate units.

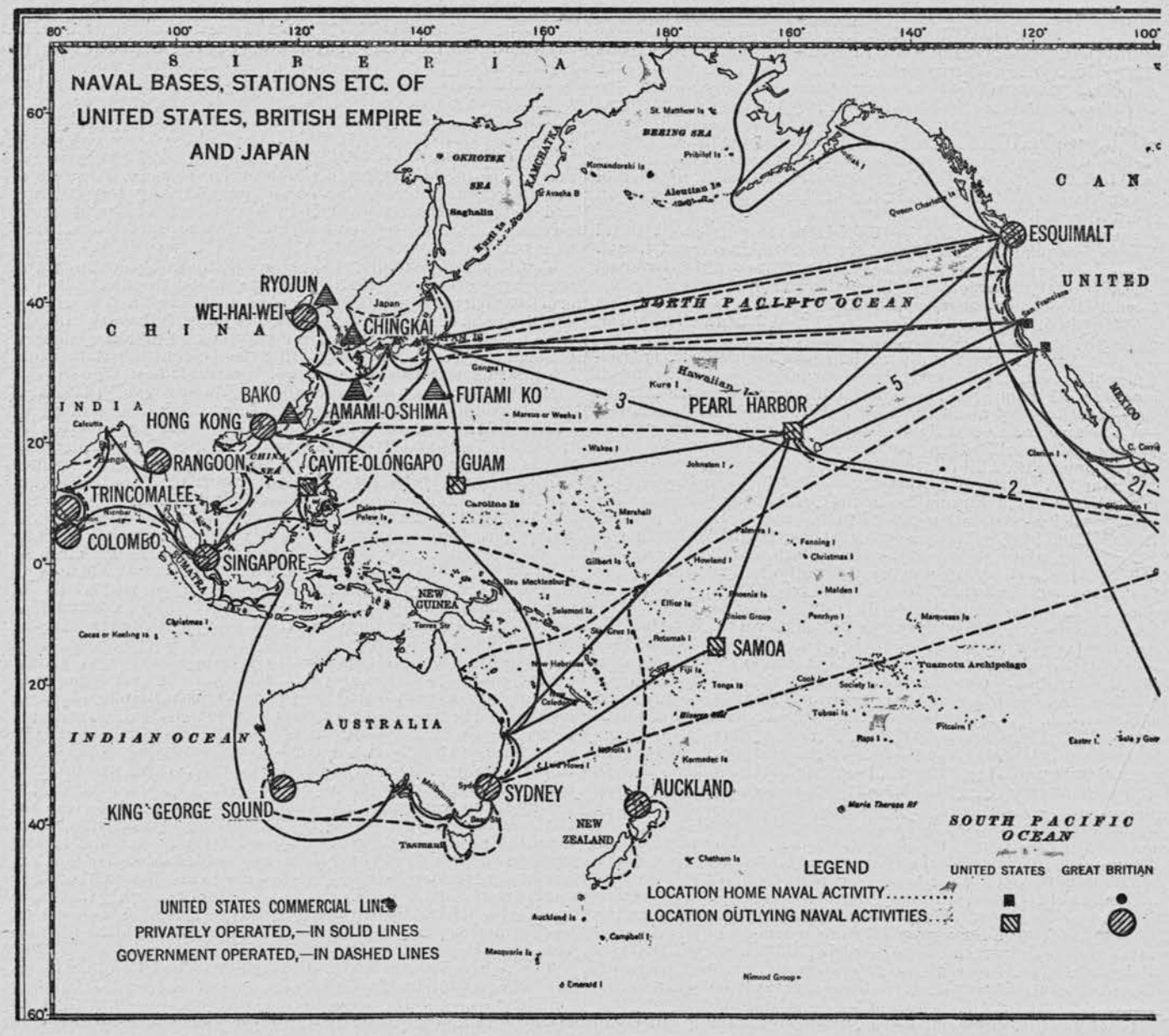
While it is perfectly true that the naval needs of Great Britain are not necessarily based on the possibility of any hostilities with us, yet the fact remains that she is far stronger than we are at the present time in a very crucial type of ship and that if she builds up to her expressed naval needs and we do not she will be in a still stronger position. We shall have lost that position of equality which was the whole basis for the ratio of the Washington conference.

There are people in this country who believe that we should never consent to any agreement that would deny us the right to maintain a navy equal to that of Great Britain, and yet hold that it is not necessary for us to exercise fully our rights under such an agreement. It is true that there is nothing in the agreement of the Washington conference that obligates us in capital ships and carriers to keep our Navy up to the ratio basis, nor would there be in all probability any such obligation in any future conference agreements, yet if we do not do so for any reason we would necessarily be left in a secondary position until the deficiency in strength should be made up, and at any given time that would involve, with the intricacies of modern naval construction, a delay of several years before the Navy could be brought up to its permitted strength. Obviously in case of a sudden call for our Navy such an agreement, if we did not exercise fully our right under it, would be of little value to us.

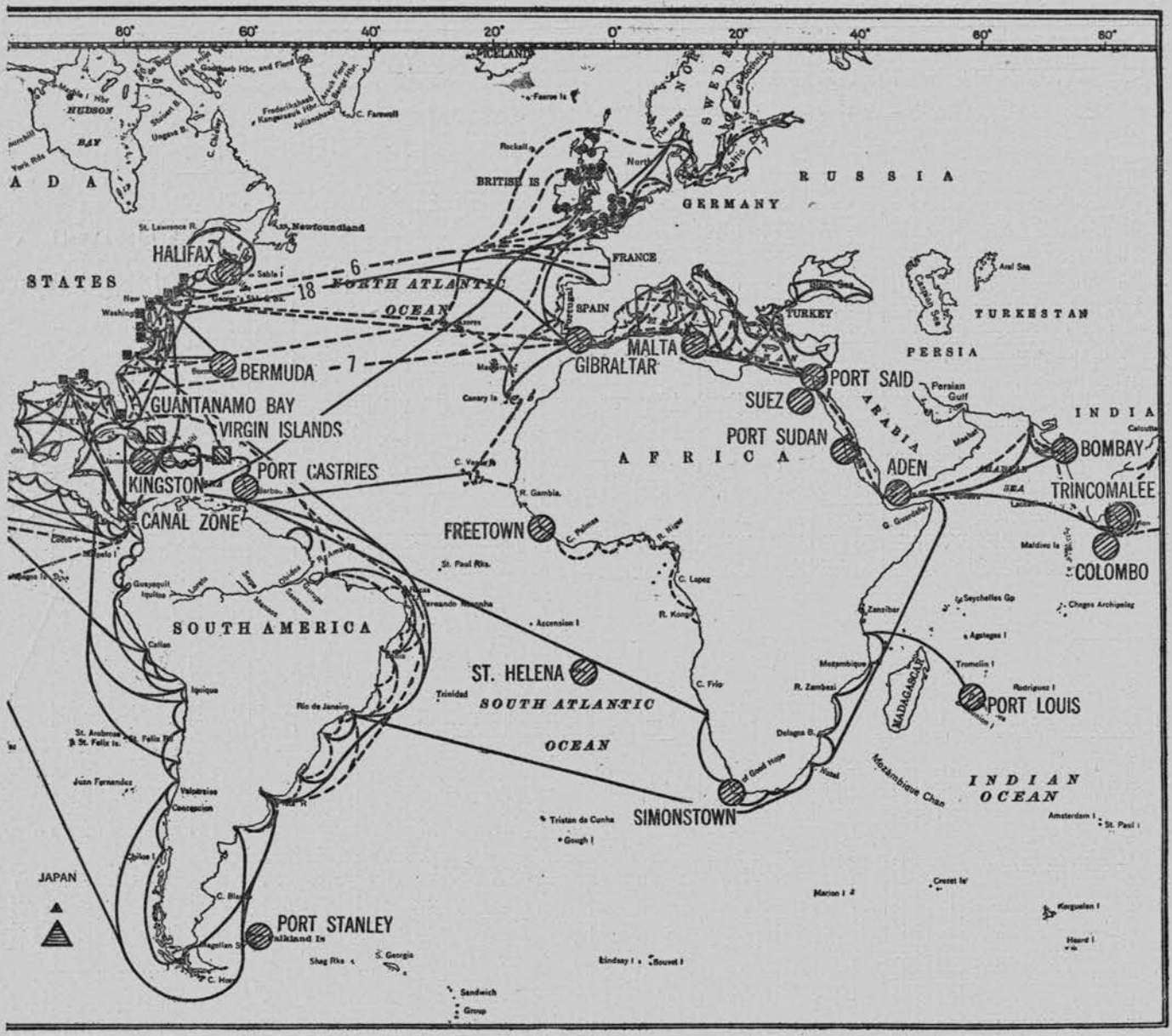
The representatives of the United States had no objection to the other countries party to the Geneva conference building smaller vessels if they saw fit to do so, but were unwilling to bind the United States to an agreement that would force her, in order to maintain her position of equality, to build ships for which she had no use.

This failure to reach an agreement on types of cruiser and on the total tonnage of cruisers to be allowed caused the conference to break up without reaching an agreement. Tentative agreements could have been reached and practically were reached in regard to submarines and destroyers, including destroyer leaders, but as the main proposition—the cruiser proposition—failed, no final agreement was reached in respect to any class of ship in the conference.

We went into this Geneva conference in an honest attempt to bring about a further limitation of armament. We figured that in the Washington conference almost the entire sacrifice had been made by ourselves. In the Geneva conference we hoped that Great Britain, which was in much the same position in regard to cruisers at that time that we occupied in regard to capital ships at the time of the Washington conference, would sacrifice her cruiser superiority as we had sacrificed our capital-ship superiority, but we hoped in vain. The shoe was now very much on the other foot. We were not at this second conference in the lordly position that we occupied at the first one. We had no great partially completed program that we were willing to sacrifice in the interests of world economy. We were asking another country to assume that rôle and the other country did not feel that it could assume it, so the conference failed, as all such conferences in the future will fail unless the nation which has come to the top is willing to give up that advantage for some reason which to it seems justifiable.



OUTLYING NAVAL BASES, STATIONS, AND ANCHORAGES	
UNITED STATES	BRITISH EMPIRE
Pearl Harbor; Fuel oil, Drydock, Defended. Canal Zone; Fuel oil, Drydock, Defended. Cavite-Olongapo; Fuel oil, Drydock, Defended. Guam; Fuel oil, Defended. Guantanamo; Fuel oil. Virgin Islands; Fuel oil. Samoa; Anchorage.	Gibraltar; Fuel oil, Drydocks, Defended. Malta; Fuel oil, Drydocks, Defended. Hongkong; Fuel oil, Drydocks, Defended. Singapore; Fuel oil, Drydocks, Defended. Simonstown; Fuel oil, Drydock, Defended. Bombay; Fuel oil, Drydocks, Defended. Halifax; Fuel oil, Drydock, Defended. Bermuda; Fuel oil, Drydock, Defended. Auckland; Fuel oil, Drydock, Defended. Sydney; Fuel oil, Drydock, Defended. Esquimault; Fuel oil, Drydock, Defended. Colombo; Fuel oil, Drydock, Defended. Port Louis; Drydock, Defended. Port Said; Fuel oil, Drydock. Freetown; Fuel oil, Defended. Kingston; Fuel oil, Defended.



OF THE UNITED STATES, BRITISH EMPIRE, AND JAPAN	
BRITISH EMPIRE (continued)	**JAPAN**
Trincomalee; Fuel oil. Rangoon; Fuel oil. Port Sudan; Fuel oil. Aden; Fuel oil. Port Stanley; Fuel oil. Port Castries; Anchorage. Wei-hai-wei; Anchorage. St. Helena; Anchorage. King George Sound; Anchorage.	Bako; Fuel oil, Drydock, Defended. Ryojun; Fuel oil, Drydock, Defended. Amami-o-shima; Defended. Chinkai; Fuel oil, Drydock, Defended. Futamiko; Defended.

Cruisers, first line (under effective age of 20 years)

UNITED STATES

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Omaha	1918	1923	7,500	34.9	12–6″	4–3″	6
2. Milwaukee	1918	1923	7,500	34.6	12–6″	4–3″	6
3. Cincinnati	1920	1923	7,500	34.4	12–6″	4–3″	6
4. Detroit	1920	1923	7,500	34.6	12–6″	4–3″	6
5. Richmond	1920	1923	7,500	34.2	12–6″	4–3″	6
6. Concord	1920	1923	7,500	33.5	12–6″	4–3″	6
7. Raleigh	1920	1924	7,500	34.6	12–6″	4–3″	6
8. Trenton	1920	1924	7,500	33.7	12–6″	4–3″	6
9. Marblehead	1920	1924	7,500	33.7	12–6″	4–3″	6
10. Memphis	1920	1925	7,500	33.7	12–6″	4–3″	6
Total built (10)			75,000				
Building:							
1. Pensacola	1926		10,000	32.5	10–8″	4–5″	6
2. Salt Lake City	1927		10,000	32.5	10–8″	4–5″	6
3. Northampton	1928		10,000	32.7	9–8″	4–5″	6
4. Chester	1928		10,000	32.7	9–8″	4–5″	6
5. CL 28	1928		10,000	32.7	9–8″	4–5″	6
6. Chicago	1928		10,000	32.7	9–8″	4–5″	6
7. Houston	1928		10,000	32.7	9–8″	4–5″	6
8. Augusta	1928		10,000	32.7	9–8″	4–5″	6
Total building (8)			80,000				
Appropriated for, none							
Grand total built, building, and appropriated for (18)			155,000				

JAPAN

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Furutaka	1922	1926	7,100	33	6–8″	4–3″	12
2. Kako	1922	1926	7,100	33	6–8″	4–3″	12
3. Aoba	1924	1927	7,100	33	6–8″	4–4.7″	12
4. Kinugasa	1924	1927	7,100	33	6–8″	4–4.7″	12
5. Nachi	1924	1928	10,000	33	10–8″	4–4.7″	12
1. Tone	1905	1910	4,100	23	{2–6″ / 10–4.7″}	2–3″	3
2. Chikuma	1910	1912	4,950	26	8–6″	4–3″	3
3. Hirato	1910	1912	4,950	26	8–6″	4–3″	3
4. Yahagi	1910	1912	4,950	26	8–6″	4–3″	3
5. Tatsuta	1917	1919	3,500	31	4–5.5″	1–3″	6
6. Tenryu	1917	1919	3,500	31	4–5.5″	1–3″	6
7. Kuma	1918	1920	5,500	33	7–5.5″	2–3″	8
8. Tama	1918	1921	5,500	33	7–5.5″	2–3″	8
9. Kitagami	1919	1921	5,500	33	7–5.5″	2–3″	8
10. Kiso	1919	1921	5,500	33	7–5.5″	2–3″	8
11. Oi	1919	1921	5,500	33	7–5.5″	2–3″	8
12. Nagara	1920	1922	5,570	33	7–5.5″	3–3″	8
13. Natori	1920	1922	5,570	33	7–5.5″	3–3″	8
14. Kinu	1921	1922	5,570	33	7–5.5″	3–3″	8
15. Isuzu	1920	1923	5,570	33	7–5.5″	3–3″	8
16. Yura	1921	1923	5,570	33	7–5.5″	3–3″	8
17. Yubari	1922	1923	3,100	33	6–5.5″	2–3″	4
18. Sendai	1922	1924	5,195	33	7–5.5″	3–3″	8
19. Abukuma	1921	1925	5,570	33	7–5.5″	3–3″	8
20. Jintsu	1922	1925	5,195	33	7–5.5″	3–3″	8
21. Naka	1924	1925	5,195	33	7–5.5″	3–3″	8
Total built (26)			143,955				
Building:							
1. Myoko	1924		10,000	33	10–8″	4–4.7″	12
2. Haguro	1925		10,000	33	10–8″	4–4.7″	12
3. Ashigara	1925		10,000	33	10–8″	4–4.7″	12
4. Atago	1927		10,000	33	10–8″	4–4.7″	12
6. Takao	1927		10,000	33	10–8″	4–4.7″	12
6. Chokai	1928		10,000	33	10–8″	4–4.7″	12
Total building (6)			60,000				
Appropriated for (1): Maya			10,000				
Grand total built, building, and appropriated for (33)			213,955				

BRITISH EMPIRE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Vindictive	1916	1918	9,750	30	6–7.5″	3–4″	6
2. Hawkins	1916	1919	9,750	30	7–7.5″	4–4″	6
3. Frobisher	1916	1924	9,750	30.5	7–7.5″	3–4″	6
4. Effingham	1917	1925	9,770	30.5	7–7.5″	3–4″	5
5. Berwick	1924	1928	10,000	31.5	8–8″	4–4″	8
6. Cornwall	1924	1928	10,000	31.5	8–8″	4–4″	8
7. Cumberland	1924	1928	10,000	31.5	8–8″	4–4″	8
8. Australia	1925	1928	10,000	31.5	8–8″	4–4″	8
9. Canberra	1925	1928	10,000	31.5	8–8″	4–4″	8
10. Kent	1924	1928	10,000	31.5	8–8″	4–4″	8
11. Suffolk	1924	1928	10,000	31.5	8–8″	4–4″	8
1. Dartmouth	1910	1911	5,250	25	8–6″	1–3″	2
2. Yarmouth [1]	1910	1912	5,250	25	8–6″	1–3″	2
3. Sydney	1911	1913	5,400	25.5	8–6″	1–3″	2
4. Melbourne [1]	1911	1913	5,400	25.5	8–6″	1–3″	2
5. Lowestoft	1912	1914	5,440	25.5	9–6″	1–3″	2
6. Birmingham	1912	1914	5,440	25.5	9–6″	1–3″	2
7. Comus	1913	1915	3,750	29	4–6″	2–3″	4
8. Conquest	1914	1915	3,750	29	3–6″	2–3″	4
9. Carysfort	1914	1915	3,750	29	4–6″	2–3″	4
10. Cleopatra	1914	1915	3,750	29	4–6″	2–3″	4
11. Calliope	1914	1915	3,750	29	4–6″	2–3″	2
12. Champion	1914	1915	3,750	29	4–6″	1–3″	6
13. Castor	1914	1915	3,750	29	4–6″	2–3″	2
14. Brisbane	1913	1916	5,400	25.5	8–6″	1–3″	2
15. Cambrian	1914	1916	3,750	29	4–6″	2–3″	2
16. Canterbury	1914	1916	3,750	29	4–6″	2–3″	2
17. Constance	1915	1916	3,750	29	4–6″	2–3″	2
18. Centaur	1915	1916	3,750	29	4–6″	2–3″	2
19. Concord	1915	1916	3,750	29	5–6″	2–3″	2
20. Caradoc	1916	1917	4,120	29	5–6″	2–3″	8
21. Calypso	1916	1917	4,120	29	5–6″	2–3″	8
22. Caledon	1916	1917	4,120	29	5–6″	2–3″	8
23. Cardiff	1916	1917	4,190	29	5–6″	2–3″	8
24. Curlew	1916	1917	4,190	29	5–6″	2–3″	8
25. Ceres	1916	1917	4,190	29	5–6″	2–3″	8
26. Coventry	1916	1918	4,190	29	5–6″	2–3″	8
27. Curacoa	1916	1918	4,190	29	5–6″	2–3″	8
28. Danae	1916	1918	4,650	29	6–6″	3–4″	12
29. Carlisle	1917	1918	4,190	29	5–6″	2–3″	8
30. Dauntless	1917	1918	4,650	29	6–6″	3–4″	12
31. Dragon	1917	1918	4,650	29	6–6″	3–4″	12
32. Cairo	1917	1919	4,190	29	5–6″	2–3″	8
33. Calcutta	1917	1919	4,190	29	5–6″	2–3″	8
34. Colombo	1917	1919	4,190	29	5–6″	2–3″	8
35. Dunedin	1917	1919	4,650	29	6–6″	3–4″	12
36. Delhi	1917	1919	4,650	29	6–6″	3–4″	12
37. Durban	1918	1921	4,650	29	6–6″	3–4″	12
38. Adelaide	1917	1922	5,550	25	9–6″	1–3″	2
39. Capetown	1918	1922	4,190	29	5–6″	2–3″	8
40. Despatch	1918	1922	4,765	29	6–6″	3–4″	12
41. Diomede	1918	1922	4,765	29	6–6″	3–4″	12
42. Emerald	1918	1926	7,550	33	7–6″	3–4″	12
43. Enterprise	1918	1926	7,550	33	7–6″	3–4″	12
Total built (54)			303,940				
Building:							
1. London	1926		10,000	33	8–8″	4–4″	8
2. Devonshire	1926		10,000	33	8–8″	4–4″	8
3. Shropshire	1927		10,000	33	8–8″	4–4″	8
4. Sussex	1927		10,000	33	8–8″	4–4″	8
5. Dorsetshire	1927		10,000		8–8″	4–4″	8
6. Norfolk	1927		10,000		8–8″	4–4″	8
7. York	1927		8,300		6–8″	4–4″	6
8. Exeter	1928		8,300		6–8″	4–4″	6
Total building (8)			76,600				
Appropriated for:							
1			[2] 8,300				
1			[2] 8,300				
Total appropriated for (2)			16,600				
Grand total built, building, and appropriated for (64) [3]			397,140				

[1] On disposal list.
[2] Estimated displacement.
[3] In addition to the above the British Empire has 3 cruisers (26,600 tons estimated) authorized to be laid down in 1929.

Cruisers, first line (under effective age of 20 years)—Continued

FRANCE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Ernest Renan	1903	1909	13,514	24.44	4-7.5"	6-3"	2
2. Edgar Quinet	1905	1910	13,828	23.92	14-7.5"	6-3"	2
3. Waldeck Rousseau	1905	1911	13,829	23.15	14-7.5"	6-3"	2
4. Duquesne	1924	1928	9,941	35.3	8-8"	8-3" / 8-1.5"	6
5. Tourville	1924	1928	9,941	36.15	8-8"	8-3" / 8-1.5"	6
1. Mulhouse [1]	1910	1912	5,118	26	7-5.9"	2-3"	2
2. Thionville [2]	1912	1914	3,396	27	9-3.9"	1-3"	7
3. Strasbourg [2]	1912	1914	5,512	26.1	6-5.9"	2-3"	4
4. Metz [1]	1914	1914	6,102	27	8-5.9"	2-3"	4
5. Lamotte-Picquet	1922	1927	7,234	33	8-6.1"	4-3"	12
6. Duguay-Trouin	1922	1927	7,234	33.6	8-6.1"	4-3"	12
7. Primaguet	1922	1927	7,234	33.06	8-6.1"	4-3"	12
Total built (12)			102,883				
Building:							
1. Suffern [3]	1925		10,000	33	8-8"	8-3"	6
2. Colbert	1926		10,000	33	8-8"	8-3"	6
3. C-2	1928		10,000	33+	8-8"	8-3"	6
Total building (3)			30,000				
Appropriated for: Cruiser school ship "E-1"			6,496	[4] 25-27	8-6.1"	4-3"	6
Grand total built, building, and appropriated for (16)			139,379				

[1] Ex-German.
[2] Ex-Austrian.
[3] On trials. Completed but not accepted officially.
[4] Reported.

ITALY

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Built:							
1. Pisa	1905	1909	10,433	23.4	4-10"	6-3"	2
2. San Giorgio	1905	1910	10,007	23.2	4-10"	6-3"	2
3. San Marco	1907	1910	10,915	23.7	4-10"	6-3"	2
1. Quarto	1909	1912	3,388	28.6	6-4.7"	2-1.6"	2
2. Taranto	1910	1912	4,837	27.5	7-5.9"	2-3"	2
3. Libia	1911	1913	4,396	22.9	8-4.7"	3-3"	2
4. Brindisi	1911	1914	3,445	27	9-3.9"		2
5. Marsala	1911	1914	3,518	27.3	6-4.7"		2
6. Nino Bixio	1911	1914	3,518	27.3	6-4.7"		2
7. Venezia	1911	1914	3,445	27	9-3.9"		2
8. Ancona	1912	1914	5,216	27.25	7-5.9"	2-3"	4
9. Bari	1913	1915	4,252	27.5	8-5.9"	3-3"	2
Total built (12)			67,370				
Building:							
1. Trieste	1925		10,000	34-36	8-8"	4-4"	4
2. Trento	1925		10,000	34-36	8-8"	4-4"	4
3. Alberto da Giussano	1927		5,000				
4. Alberico di Barbiano	1927		5,000				
5. Bartolomeo Colleoni	1927		5,000				
6. Giov. Dalle Bande Nere	1927		5,000				
Total building (6)			40,000				
Appropriated for:							
Fiume			10,000	35	8-8"	41.6"	4
Zara			10,000	35	8-8"	41.6"	4
Total appropriated for (2)			20,000				
Grand total built, building, and appropriated for (20)			127,370				

Cruisers, second line (i. e., over effective age of 20 years)

UNITED STATES

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Rochester	1890	1893	8,150	21.0	4-8"	2-3"	
2. Olympia	1891	1894	5,865	21.7	10-5"	2-3"	
3. New Orleans	1895		3,430	20.0	8-5"		
4. Albany	1898		3,430	20.0	8-5"	1-3"	
5. Cleveland	1900	1903	3,200	16.4	8-5"	1-3"	
6. Denver	1900	1904	3,200	16.8	8-5"	1-3"	
7. Des Moines	1900	1904	3,200	16.6	8-5"	1-3"	
8. Chattanooga	1900	1905	3,200	16.6	8-5"	1-3"	
9. Frederick	1901	1905	13,680	22.4	4-8"	2-3"	2
10. Galveston	1901	1905	3,200	16.4	8-5"		
11. Huntington	1901	1905	13,680	22.2	4-8"	2-3"	2
12. Pittsburgh	1901	1905	13,680	22.4	4-8"	2-3"	2
13. Pueblo	1901	1905	13,680	22.2	4-8"	2-3"	2
14. Charleston	1902	1905	9,700	22.0	12-6"	2-3"	
15. St. Louis	1902	1906	9,700	22.1	12-6"	2-3"	
16. Seattle	1903	1906	14,500	22.3	4-10"	2-3"	4
17. Huron	1902	1907	13,680	22.2	4-8"	2-3"	2
18. Birmingham	1905	1908	3,750	24.3	4-5"	1-3"	2
19. Charlotte	1905	1908	14,500	21.0	4-10"	2-3"	4
20. York	1905	1908	3,750	26.5	4-5"	1-3"	2
21. Missoula	1905	1908	14,500	22.3	4-10"	2-3"	4
22. Salem	1905	1908	3,750	26.0	4-5"	1-3"	2
Total (22)			179,425				

BRITISH EMPIRE

None.

JAPAN

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Asama	1896	1899	9,885	21.5	4-8"	1-3"	4
2. Yakumo	1898	1900	9,735	20.5	4-8"	1-3"	4
3. Adzuma	1898	1900	9,426	20	4-8"	1-3"	4
4. Izumo	1898	1900	9,826	20.8	4-8"	1-3"	4
5. Iwate	1898	1901	9,826	20.8	4-8"	1-3"	4
6. Manshu		1901	3,916	12	2-3"		
7. Tsushima	1901	1904	3,420	20	6-6"	8-3"	
8. Kasuga	1902	1904	7,700	20	2-8"	1-3"	4
9. Nisshin	1902	1904	7,700	20.4	4-8"	1-3"	4
Total (9)			71,434				

FRANCE

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
1. Jeanne D'Arc	1895	1903	11,126	21.05	2-7.5"	2-3"	2
2. Marseillaise [1]	1899	1903	9,843	21.60	10-6.3"	4-3.9"	
3. Gueydon	1897	1903	9,154	18	9-5.4"	6-3"	
4. Conde	1899	1904	9,843	21.30	2-7.5"		
5. Victor Hugo [1]	1902	1908	12,402	22.43	4-7.5"		2
6. Jules Michelet	1902	1908	12,402	22.86	4-7.5"		2
Total (6)			64,770				

ITALY

Name	Laid down	Completed	Displacement (tons)	Speed	Battery: Main	Battery: Anti-aircraft	Torpedo tubes
Ferruccio	1899	1904	7,234	19.3	1-10"		2

[1] Being disarmed to be demolished.

We were able to bring the Washington conference to a more or less successful conclusion because we were on top at that time. Great Britain could have done the same thing at the Geneva conference at the price of sacrificing her cruiser superiority. In the same way France could undoubtedly bring about an agreement for a limitation in land forces if she were disposed to give up her military preeminence; but Spain could not do it, or England, or Italy, or any other country that was unable or unwilling to bring up its military strength to that of France.

I can not see how the American position, which calls for the right to build cruisers of any size and armament up to the treaty limitation, can at any future conference on limitation of armament be modified without giving up all possibility of maintaining a Navy equal to that of any other country in the world.

Any specific limitation on the building of 8-inch gun cruisers, coupled with full permission to build smaller cruisers ad libitum, or coupled with permission to build a given number of smaller cruisers, would limit our Navy to all practical intents and purposes to the 8-inch gun cruisers allowed since we have no practical use, owing to our lack of outside naval bases, for the smaller cruiser, and we would have little excuse for building this class of ship simply for the purpose of keeping up a ton for ton and a gun for gun equality.

The great striking force of the Navy is the Battle Fleet, which is made up not only of battleships but of aircraft carriers, cruisers, destroyers, submarines, and auxiliaries.

The striking unit of the Battle Fleet, in so far as gun power is concerned, is the battleship. Next is the cruiser.

The Battle Fleet is the guardian of the country. Its first duty is to protect our home possessions from enemy attack. It is vitally important that the Battle Fleet should at all times be kept in a condition where it can meet at least on equal terms any opposing battle fleet. Should it be destroyed our coasts and eventually our outlying possessions and our commerce will be at the mercy of the enemy.

While no agreement was reached at the Washington conference limiting the number or aggregate tonnage of vessels of the cruiser class, an agreement was reached that in the future no cruisers should be built of over 10,000 tons' displacement or mounting any guns heavier than 8-inch guns. The reason for the treaty limitation on type of cruiser adopted at the Washington conference was that Great Britain already at that time had built and building four cruisers of approximately 9,750 tons, mounting 7.5-inch guns. The modern tendency is to build cruisers of the treaty tonnage, and all of the nations party to the conference have laid down, built, and are building ships of this class.

The duties of cruisers are when with the fleet to guard the fleet movements as scouts, and to act as a protective screen for the fleet. In fleet action cruisers are necessary to attack on their own part the cruisers of the enemy, to break down destroyer attacks, and to carry in their own destroyer attacks, and to a certain extent they may also be used to augment the fire of the battle line. Without an adequate cruiser force the fleet can not operate effectively and that adequate cruiser force we do not have.

When the fleet is away from its home base, cruisers are needed to guard the lines of communication and to escort convoys. Away from the fleet they are the vessels primarily used to break the enemy's line of communication, to protect our commerce, and to destroy the enemy's commerce.

The treaty cruisers are very fast ships, in some instances reaching a speed of 35 knots. They carry 8-inch guns, which, though they have not the striking power of the heavier guns of the battleships and battle cruisers, have, through elevation of guns, almost the range of the larger guns.

With their great speed the treaty cruiser can keep out of the way of battleships and even battle cruisers and aircraft carriers, which while much faster vessels than battleships do not, except in the case of our own carriers the *Lexington* and *Saratoga*, attain the speed of the treaty cruiser.

And with their 8-inch guns they themselves can destroy all other surface types of naval vessels that come within the range of their guns.

At the close of the World War we found ourselves with a large number of surplus destroyers on hand. These ships had been constructed by us on the suggestion of our allies, the British, to aid in putting down the submarine menace. At that time, as at the present time, we were very greatly lacking in cruisers; but with our surplus destroyer force, to a very considerable extent, we were able to make up for this deficiency by using destroyers for cruiser work. At that time there were no cruisers of the treaty limit in existence; Great Britain had a number of small cruisers of a maximum speed of 29 knots, and Japan had a few small fast cruisers. But the destroyer at that time, with its great speed of 34 to 35 knots, could keep out of the way of these small cruisers and could be effectively used in doing near-by scouting and screening work for the fleet. With the advent of the treaty cruiser and of small cruisers of great speed our superiority in destroyer tonnage becomes no longer the compensatory factor that it was at the end of the war in making up for our lack of cruisers. The destroyer can not do the work of the modern cruiser and her rôle becomes again that for which she was originally intended. The modern cruiser on the contrary becomes of more and more importance as a factor in the fighting strength of the fleet. This has been realized by the naval experts for a number of years, and the importance of the cruiser has been repeatedly stressed to the committees of Congress.

The fact that we have not appropriated for ships of this kind does not indicate that their necessity is not appreciated. It is due almost entirely to the fact that the American people have believed that the necessity for building large numbers of these ships would be obviated by treaty limitation. Trusting that an agreement would be reached we have allowed our Navy to fall lamentably behind hand.

Mr. President, the needs of our Navy for cruisers, as pointed out to Congress by experts in the Navy Department, is for 26 vessels to accompany the United States Fleet, with 2 additional cruisers as destroyer flagships, and 15 for detached service, including protection of our commerce and guarding convoys, making a total of 43 cruisers.

Should we build additional cruisers to bring us up to this number we would then have in treaty cruisers mounting 8-inch guns 33 of a tonnage of 330,000 tons, and 10 smaller cruisers, mounting 6-inch guns, of a tonnage of 75,000 tons; in all, 405,000 tons.

At the present time we have building 8 of the treaty cruisers aggregating 80,000 tons and in commission 10 of the 7,500-ton cruisers, giving us a total first-line cruiser tonnage of 155,000 tons when the 8 now building are completed.

Aside from these 155,000 tons of first-line cruisers we have 22 superannuated cruisers of a tonnage of 179,425, the most modern of which was completed in 1908, which on account of our lack of cruisers have been kept on the Navy list, though only 5 of them are still in active commission.

These 22 ships with the 18 first-line cruisers of our Navy comprise the 40 cruisers referred to by the President in his armistice day speech. As they are all superannuated and as none of them have the cruising speed required of modern cruisers they can not in any way be considered in making up a list of serviceable vessels of the fleet and should and will be replaced as soon as the fleet can be provided with an adequate modern cruiser force.

These 18 modern cruisers will not be enough to take care of the needs of the fleet alone by some 10 vessels, and will allow us no additional cruisers for destroyer flagships, for detached service, or for the protection of our commerce. In this very important branch of the service we are distinctly lacking, and until the deficiency is made up the fleet can neither operate effectively nor can our commerce receive that protection which it manifestly should have.

Great Britain has 13 treaty cruisers of 10,000 tons and 2 of 8,300 tons built and building. She has, further, 2 of 8,300 tons appropriated for and 3 more authorized, 1 of 10,000 tons and 2 of 8,300 tons.

If she keeps up her program, she will have in 1931, 20 of these 8-inch-gun cruisers, and aside from this she has 47 other cruisers within the effective age, of 233,940 tons, running from 9,770 tons down to 3,750 tons each, none of which carries 8-inch guns, although 4 of the larger vessels carry seven 7.5-inch guns and are very much more powerful than are our 7,500-ton cruisers, giving her an aggregate tonnage of first-line cruisers of 397,140 tons now built, building, and appropriated for.

Japan has built, building, and appropriated for 8 of the 10,000-ton cruisers and 25 smaller first-line cruisers running from 3,100 tons to 7,100 tons each, of a tonnage of 133,955, giving her an aggregate tonnage of 213,955 tons.

Heretofore I have had printed at various times in the RECORD certain tables covering the relative strength of the navies of the several countries party to the treaty. Differentiation between first and second line combatant vessels was based in those tables on a definition which was, in general, as follows: First-line ships were those which were fit for use in a general fleet action where speed was an essential requirement and no cruisers under 29 knots speed were included; second-line ships were those which were fit mainly for subsidiary service in a naval campaign. In view of the tentative agreement which was reached at Geneva

during the summer of 1927, that the effective life of a cruiser would be 20 years, of a destroyer 16 years, and of a submarine 13 years, the figures now furnished are on the basis of age, which is the basis which would probably be used in any further conference on limitation in these types of vessels.

I ask to have printed in the RECORD tables showing the present cruiser strength of the five powers parties to the Washington treaty.

The VICE PRESIDENT. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD.

[The tables referred to appear on pages 1056 and 1057.]

Mr. HALE. Mr. President, the Geneva conference having broken up with no agreement reached, England having insisted that her naval strength must be based on her national needs and that therefore any possible agreement would involve an increase rather than a decrease in naval strength, it was up to us to quit marking time with our Navy and decide on its future building policy. The Navy Department accordingly, with the consent and approval of the President, presented to Congress a 5-year building program based on our national needs, which would have rounded out our Navy in certain classes of ships wherein we are not up to the mark, by replacing old and obsolete ships with modern up-to-date ships and by adding certain vessels in categories where we are lacking.

As I have said before, we have done practically no replacing since the Washington conference. We must bear in mind that ships of the Navy do not last forever and that under the accepted standards of ship longevity 20 years represents the useful life limit of any combatant ship of the Navy.

When the World War was over, in cutting down from a war-time to a peace-time complement, we naturally kept in commission the best of our ships, and the useful life of most of these ships has not yet expired. But the time will shortly come when the great majority of these ships will have exhausted their period of useful life and must be replaced.

That time has already been reached and passed in the case of the 22 old cruisers to which I have referred. These cruisers should have been replaced long ere this. As a matter of fact, we are now in this bill only partially taking up the necessary slack to make up for what we have neglected to do during the last six years and what all the other naval powers have done year by year.

Great as the cost of replacing our Navy will be, and there is no way of avoiding it if we are to keep up an effective Navy, it amounts to little or nothing compared with the enormous cost of carrying on a war. The financial cost of one month of war, as based on our expenditures in the last war, would be greater than the cost of replacement of our entire fleet.

A navy that is efficient and equal to that of any other navy in the world will, except in the case of a combination of the other naval powers of the world against us, assure us against getting into war. "When a strong man armed keepeth his palace his goods are in peace." A weaker navy will not do so, and the weak navy can not be made into a strong navy even under war-time pressure until months and years have elapsed.

The House has greatly cut down the program and the Senate Committee on Naval Affairs recommends the acceptance of the amended building program as adopted by the House. It is a 3-year instead of a 5-year building program. The present bill authorizes the construction of 15 cruisers at a cost of $17,000,000 each. These cruisers are to be treaty cruisers, carrying 8-inch guns and are replacements of superannuated cruisers still on the navy list.

When the ships carried in this bill shall have been completed, we will have 305,000 tons of cruisers, as against Great Britain's 397,140 tons at present built, building, and appropriated for, plus any additions thereto that she may make in the meanwhile; and as against 213,955 tons for Japan with any additions that she may make.

Obviously, the addition of these ships will not bring us up anywhere near to the ratio of 5–5 of the Washington conference as applied to Great Britain or to the ratio of 5–3 as applied to Japan, nor will it reach in cruiser tonnage any conceivable limitation that from past indications we may reasonably hope to bring about in the future with Great Britain.

Neither, as I have said before, will it meet our naval needs as indicated to us by the experts of the Navy Department.

It will, however, make up to a certain extent for our deplorable lack of vessels of this class.

In addition, the bill provides for the construction of one aircraft carrier, at a cost of $19,000,000, as a first step in taking care of a serious shortage.

Under the Washington treaty we are allowed 135,000 tons of aircraft carriers. We have at the present time the *Lexington* and *Saratoga*, with a tonnage of 33,000 tons each, and the *Langley*, which is an experimental vessel of very slow speed, and which will probably be scrapped as soon as she can be replaced.

The tonnage of the new carrier is to be approximately 13,800 tons. When built we shall have an aggregate carrier tonnage of 79,800 tons, or 92,500 tons if the *Langley* is still kept in commission.

The British have an aggregate tonnage of 107,550 tons and Japan of 63,300 tons. The building of this vessel will not bring us up to our ratio strength with either nation, as determined by the Washington treaty for vessels of this class.

Since the Washington conference we have started no new ships for our Navy, with the exception of the eight 10,000-ton treaty cruisers now appropriated for and building, six small river gunboats, and three submarines already authorized in the 1916 program. In addition we have under the terms of the treaty completed two aircraft carriers of 33,000 tons each that had been previously laid down as battle cruisers.

In other words, we have started very little modern construction since the Washington conference. Great Britain, on the other hand, has built two new battleships, which she had the right to do under the Washington treaty, and has built, is building, or has appropriated for thirteen 10,000-ton and four 8,300-ton treaty cruisers, and has authorized 3 more, 1 of 10,000 tons and 2 of 8,300; 20 destroyers, including 2 leaders; 21 submarines; and certain auxiliary vessels.

Japan has built, is building, or has appropriated for 16 first-line cruisers, included in which are eight 10,000-ton treaty cruisers, also 51 destroyers, including 24 which because of their displacement fall in the leader class, 33 submarines, and certain auxiliary vessels. Japan has also converted two battle cruisers into aircraft carriers.

France has built, is building, or has appropriated for 9 cruisers, 3 of 7,234 tons, 2 of 9,941 tons, 3 of 10,000 tons, and 1 of 6,496 tons; 44 destroyers, including 18 leaders; 57 submarines; and certain auxiliary vessels.

Italy has built, is building, or has appropriated for 8 cruisers, 4 of 10,000 tons and 4 of 5,000 tons; 32 destroyers, including 12 leaders; 27 submarines; and certain auxiliary vessels.

I have here a table showing the total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washington conference), and ask that it may be inserted at the appropriate place in the RECORD:

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washington conference)

Type	United States—laid down		British Empire						Japan					
			Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Battleships			2	67,400			2	67,400						
Aircraft carriers	2	[1] 66,000	2	[2] 37,200			2	37,200	2	[3] 53,800			2	53,800
Cruisers	8	80,000	15	146,600	2	[4] 16,600	17	163,200	15	118,285	1	10,000	16	128,285
Mine layers			1	6,740			1	6,740	1	[5] 3,000	[6] 1		2	3,000
Destroyers (all classes)			11	15,125	9	[4] 12,600	20	27,725	38	50,380	13	22,100	51	72,480

[1] Designed as battle cruisers, converted to aircraft carriers, standard displacement. Does not include weight allowance under Ch. II, pt. 3, Sec. I, Art. (d) of Washington treaty for providing means against air and submarine attack.
[2] Built as cruisers, converted to aircraft carriers.
[3] One designed as battleship, the other as a battle cruiser, both converted into aircraft carriers.
[4] Tonnage estimated.
[5] No data.

Total tonnage of vessels (by classes) laid down or appropriated for since February 6, 1922 (date of Washinton conference)—Continued

Type	United States—laid down		British Empire						Japan					
			Laid down		Appropriation for		Total		Laid down		Appropriation for		Total	
	Number	Tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Submarines (all classes)	3	8,200	15	22,625	6	9,240	21	31,865	28	40,264	5	8,570	33	48,834
Gunboats					4	[5] 4,800	4	4,800			[6] 2		2	
River gunboats	6	2,790	4	1,144	1	310	5	1,454	4	1,352			4	1,352
Mine sweepers			2	1,890			2	1,890	6	3,690			6	3,690
Submarine tenders			1	[5] 16,000	1	[5] 16,000	2	32,000	2	17,000			2	17,000
Tankers									3	46,200			3	46,200
Heavier-than-air aircraft tenders			1	[5] 5,000			1	[5] 5,000	1	[7] 15,400	1	6,311	2	21,711
Supply ships									1	17,500			1	17,500
Repair ships			1	[5] 14,000			1	14,000						
Auxiliaries, miscellaneous									1	1,400	[8] 2		3	1,400
Total	19	156,990	55	333,724	23	59,550	78	393,274	102	368,271	25	[9] 46,981	127	415,252

Type	France						Italy					
	Laid down		Appropriation for		Total		Laid down		Appropriation or		Total	
	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage	Number	Total tonnage
Aircraft carriers	1	[4] 21,654			1	21,654						
Cruisers	8	71,584	1	6,496	9	78,080	6	40,000	2	20,000	8	60,000
Mine layers	1	5,212			1	5,212						
Destroyers (all classes)	44	79,063			44	79,063	28	44,320	4	5,336	32	49,656
Submarines (all classes)	53	57,572	4	[5] 2,480	57	60,052	21	19,072	6	4,368	27	23,440
Gunboats			2	4,920	2	4,920						
River gunboats	1	708			1	708						
Mine sweepers							10	6,652			10	6,652
Submarine tenders	1	4,430			1	4,430						
Tankers	3	26,678			3	26,678	4	28,761			4	28,761
Heavier-than-air aircraft tenders	1	9,842			1	9,842	1	4,429			1	4,429
Repair ships							1	8,140			1	8,140
Total	113	276,743	7	13,896	120	290,639	71	151,374	12	29,704	83	181,078

[4] Designed as battleship, converted to aircraft carrier.
[5] Tonnage estimated.
[6] No data.
[7] Converted from collier to aircraft tender.
[8] Net layers.
[9] Exclusive of tonnage of 2 net layers, 2 gunboats, and 1 mine layer.

Mr. HALE. The multilateral treaty whereby nearly all of the important countries of the world agree to renounce war as a national policy is now ready for consideration by the Senate. The hopes of many people in the world are centered on this treaty. In my opinion, it should be ratified by the Senate, and I am confident that it will be ratified. I should not be in favor of its ratification, however, if I thought that thereby in any way our Government was committing itself to a policy that would lead to neglect of a proper national defense.

The present situation of the Navy is not in any way changed by the passage of the treaty. There is nothing in the wording of the treaty, as interpreted by the President, or in the notes exchanged between the various governments parties to it that in any way prohibits the exercise of the rights of self-defense. Indeed, the exercise of these rights is expressly excluded in certain of the aforesaid notes from the operation of the treaty.

The policy of this country has always been to maintain a Navy for defensive purposes. We do not need, and with the will of the American people for peace, shall not need a navy for purposes of aggression. As long as our Navy is capable of defending us, our home and foreign possessions, and our home and foreign commerce, we have little to fear from outside aggression. If powerful enough to withstand such outside aggression we can remain confident that we shall not be attacked nor our rights invaded.

It must always be remembered, however, that a defensive navy, after war is declared, must as soon as possible take the offensive and destroy the navy and the commerce of the country with which it is at war if the war is to be brought to a conclusion, and the possible offensive of the defensive navy must at all times be kept in mind and prepared for.

The naval strength of the five great naval powers in the world needs be purely relative. It should be possible to cut down proportionately the naval strength of these five great powers, and that is what the United States has sought to do along the lines of the ratio provided in the Washington treaty. We shall doubtless continue our attempts in this direction at the conference which takes place under the terms of the Washington treaty in 1931.

It is significant that since May 19, 1928, the date when the British Secretary of State for Foreign Affairs, Mr. Chamberlain, wrote to the American ambassador, Mr. Houghton, in part, as follows:

2. The suggestion for the conclusion of a treaty for the renunciation of war as an instrument of national policy has evoked widespread interest in this country, and His Majesty's Government will support the movement to the utmost of their power—

the United States has not authorized or appropriated for any new ships for our Navy. In the meantime there has been no let-up in the naval programs of other countries. For example, since the date mentioned Great Britain has passed the shipbuilding vote, which provides for two 8,300-ton cruisers, nine destroyers, including one leader, and six submarines. Again, on December 6, 1928, the French Chamber of Deputies passed the naval budget providing for one additional cruiser, six destroyer leaders, and six large submarines. From the best information available Italy has appropriated for two 10,000-ton cruisers, four destroyers, and six submarines. These examples are cited to show there has been no change in foreign naval programs due to the Kellogg pact.

An attempt has been made by those who do not believe that we should have a strong navy to create the impression that the building of these 15 cruisers is a move on our part toward competition in naval armament and that the building of these ships will incite the other naval powers to increase their own naval armament.

Competition, according to the dictionary definition, means "strife for superiority." For that we are clearly not striving.

The American position, clearly defined at the Washington conference and later at the Geneva conference, demands the right under any international agreement that may be made to have a navy the equal—not the superior—of any navy in the world; a navy based on the ratio adopted at the Washington conference for capital ships, and pending the application of that ratio to ships other than the above, it is no part of our American policy or plan to exceed in any naval program the basis of that ratio.

Mr. President, the ships provided in the bill before the Senate do not bring us up to within even measurable distance of the ratio.

The argument that if we do not build ships other countries will not is clearly disproved by the tables that I have inserted above.

While we have practically stood still the other naval powers have all gone ahead with big programs of modern construction. Instead of preventing them from building our own lethargy in building has, I believe, incited them to further building.

The Washington conference has very clearly proved that we can secure an agreement to cut down armament if we have a force that other nations can not hope to equal. The years since the Washington conference have proved the folly and the failure of the policy of not building with the hope that the other naval powers will do likewise.

The failure of the Geneva conference, I firmly believe, is directly due to that policy on our part of letting our Navy drop behind.

When we consider that our country is the richest and most prosperous country in the world, our aggregate wealth being greater than that of any other half dozen nations in the world combined, that our foreign commerce is the equal of that of any other country in the world, and reaches the stupendous figure of $9,000,000,000 a year, that we are the acknowledged money center of the world, and that with all these advantages we are naturally an object of envy to the rest of the world, and then when we further consider that our coast line is greater by far than that of any other naval power in the world, that our outlying naval stations, especially those at Panama and Pearl Harbor, are situated at a great distance from the mainland, and that their defense is of essentially vital importance to our mainland security and our coastwise trade, and, lastly, that we are creditors to the extent of many billions of dollars to three of the four other naval powers, it would not be assuming too much for us to take the position that our vast interests should be protected by the most powerful navy in the world. We could very well afford to keep up such a Navy without materially crippling our national resources should we see fit so to do—but we do not see fit so to do.

We are a peaceful Nation; we want peace and the benefits of peace. But we are not a supine Nation, and we shall never allow our rights as a Nation to be trampled upon. We believe that we can give security to our country and protection to our citizens and our interests at home and abroad with a navy that is the equal of any other power in the world, and beyond that it is not the American policy to go.

It is a peculiar thing that the United States alone of the five great naval powers seems to be subjected to adverse foreign criticism whenever legislation is proposed that will bring or keep her navy up to a state of efficiency. I have heard of no general foreign criticism of the British for the great building program projected by them since the Washington conference, or of the Japanese who have gone far ahead of all the powers in their submarine program, or of the French who have built large numbers of cruisers, submarines, and destroyers, or of the Italians who have materially increased their navy. The criticism seems to be directed wholly against the country that made the sacrifices in the Washington conference, and since that time has undertaken comparatively little new construction, when it seeks partially to recover the ground that it has lost through a vain reliance on a real world feeling for reduction in armaments, and it is particularly unfortunate that this unwarranted criticism from outside the country should be reenforced by such a loud and misguided echo from the opponents of preparedness here in the United States.

The opponents of preparedness in this country who seem to be united in their support of the multilateral treaty are equally united in their opposition to the cruiser bill. Apparently they think that the treaty will entirely do away with wars in the future, and that strong navies are no longer needed. They are willing through dependence on the multilateral treaty to allow our Navy to fall below the requisite strength of our national needs while the other naval powers instead of falling back are increasing their strength. They condemn any attempt on the part of the friends of the cruiser bill to secure its passage at this session of Congress on the ground that its passage will demonstrate to the rest of the world that we are hypocritical in asking the other nations to join in the multilateral treaty. Should they be wrong in their dependence upon the effect of the multilateral treaty our weakened position will inevitably bring disaster. That disaster, against the experience of history, they are willing to risk; that disaster the advocates of preparedness, and I believe a great majority of the people of the United States, are not willing to risk. An adequate preparedness based on the relative strength of other countries we insist upon.

The President and the Secretary of State, who negotiated the treaty and who are earnestly in favor of its adoption by the Senate, both stand foursquare for an authorization for additional cruisers. The President has stressed our need for these cruisers in no uncertain words.

Whose advice under the circumstances are we to take? The advice of the high officials of the Government who must have some familiarity with and knowledge of the treaty which they have negotiated and the international relations of our country with its naval needs, or the advice of the pacifist who is always to be heard clamoring against naval preparedness, and whose voice is never stilled in the land until the dogs of war, which a proper preparedness might have held back, are unleashed on his unfortunate country? Then he is very still indeed.

I can understand why other countries who are jealous of our power and our prestige should wish to have our naval strength cut down, though I should resent as a gross impertinence any attempt on their part to propagandize this country to bring about any such results.

The less powerful we are the less we have to say in the councils of the world, and it is entirely conceivable that other countries should consider it to their advantage that our naval strength be emasculated; but how any good American can seek to undermine the national defense it is beyond me to comprehend, and yet many excellent but misguided people in this country are doing exactly that.

It is not as though we were trying to build up a powerful Navy for purposes of aggression; the American people never will stand for that. Our interests and aims are all for peace and for the advantages that peace brings. We shall always endeavor to maintain a condition of world peace when world peace is at all possible, and our influence in doing so will depend largely upon our military strength, which in so far as our relations with the rest of the world is concerned means primarily our naval strength. To doubt the use to which we shall put that military strength is to doubt the will for peace of the American people. Our representatives at the Washington conference indicated the ratio on which our national needs required that strength to be kept up for the actual defense of our country against invasion, the protection of our commerce, and the maintenance of our national rights. Nothing that has occurred since that time leads to any indication that our relative position under the ratio should be changed. It is surely not an ignoble thing to do to keep our Navy up to those national needs. Not to do so might well subject us to military disaster or what is more probable to giving up some national right because of lack of power to maintain it. That is a position in which no good American should want to see his country placed. Let us by all means do everything that lies within our power to encourage treaties and agreements that will prevent war and that will result in a proportionate reduction of armament throughout the world, but until we know beyond peradventure of doubt that wars will not occur or until agreements have actually been reached providing for a proportionate reduction in armaments, let us keep up to the full measure of our national needs that arm of the service which must bear the first brunt of any hostile attack and which is the real life insurance of our country—the United States Navy. Let us no longer gamble on the chances that that life insurance may not be needed.

PRESIDENTIAL OFFICES AND CARRIERS

Mr. GEORGE. Mr. President, I submit a resolution which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 288) was read, as follows:

Resolved, That the amount authorized to be expended by the Committee on Post Offices and Post Roads in their investigation of the choice of postmasters in presidential offices and carriers, with particular reference to the circumstances and influences surrounding such choice, in Senate Resolution 193, agreed to May 3, 1928, hereby is increased from $5,000 to $8,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate as requested by the Senator from Georgia.

Mr. GEORGE. In connection with the resolution I ask unanimous consent to have printed in the RECORD an editorial appearing in the Washington Post this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, January 3, 1929]

A TAX ON POLITICAL JOBS

Since the South has become Republican territory leaders of that party can not afford to turn deaf ears to the evidence that has been brought out by the Senate subcommittee investigating the sale of postmasterships. The committee has sufficient evidence to show that a house cleaning is necessary, and the party should not leave it to the Government and the courts.

Senator BROOKHART has made public card indexes and check stubs from the offices of the Georgia Republican State central committee showing that postmasters were assessed according to their salaries. The money was collected monthly or quarterly on a business basis as a political assessment on the privilege of being an appointive employee of the Government. The committee also has evidence of the outright sale of one postmastership for $250. The party's own records show that postmasters of Georgia were "contributing" from $60 to $150 per year from their salaries.

Evidence at the hearings of the subcommittee tends to show that political tribute has been levied upon postmasters for several years. Numerous affidavits substantiate the charges that the sale of patronage has been going on in South Carolina, Tennessee, and other States as well as Georgia.

Federal statutes provide penalties for corruption of this kind. The situation should be investigated thoroughly and the violators prosecuted. But this will not relieve the Republican Party of its obligation to weed out of its ranks those who are responsible for this method of raising political funds.

MULTILATERAL PEACE TREATY

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of the so-called multilateral peace treaty in open executive session.

The motion was agreed to; and the Senate in open executive session proceeded to consider the following treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States on December 4, 1928, and reported from the Committee on Foreign Relations on December 19, 1928:

THE PRESIDENT OF THE GERMAN REICH, THE PRESIDENT OF THE UNITED STATES OF AMERICA, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE EMPEROR OF JAPAN, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present Treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a Treaty and for that purpose have appointed as their respective Plenipotentiaries

THE PRESIDENT OF THE GERMAN REICH:
Dr. Gustav Stresemann, Minister for Foreign Affairs;

THE PRESIDENT OF THE UNITED STATES OF AMERICA:
The Honorable Frank B. Kellogg, Secretary of State;

HIS MAJESTY THE KING OF THE BELGIANS:
Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

THE PRESIDENT OF THE FRENCH REPUBLIC:
Mr. Aristide Briand, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:
For GREAT BRITAIN and NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;
For the DOMINION OF CANADA:
The Right Honourable William Lyon Mackenzie King, Prime Minister and Minister for External Affairs;
For the COMMONWEALTH OF AUSTRALIA:
The Honourable Alexander John McLachlan, Member of the Executive Federal Council;
For the DOMINION OF NEW ZEALAND:
The Honourable Sir Christopher James Parr, High Commissioner for New Zealand in Great Britain;
For the UNION OF SOUTH AFRICA:
The Honourable Jacobus Stephanus Smit, High Commissioner for the Union of South Africa in Great Britain;
For the IRISH FREE STATE:
Mr. William Thomas Cosgrave, President of the Executive Council;
For INDIA:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

HIS MAJESTY THE KING OF ITALY:
Count Gaetano Manzoni, his Ambassador Extraordinary and Plenipotentiary at Paris.

HIS MAJESTY THE EMPEROR OF JAPAN:
Count Uchida, Privy Councillor;

THE PRESIDENT OF THE REPUBLIC OF POLAND:
Mr. A. Zaleski, Minister for Foreign Affairs;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:
Dr. Eduard Benès, Minister for Foreign Affairs;

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ARTICLE I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ARTICLE III

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble and every Government subsequently adhering to this Treaty with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

IN FAITH WHEREOF the respective Plenipotentiaries have signed this Treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

DONE at Paris, the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.

[SEAL]	GUSTAV STRESEMANN
[SEAL]	FRANK B. KELLOGG
[SEAL]	PAUL HYMANS
[SEAL]	ARI BRIAND
[SEAL]	CUSHENDUN
[SEAL]	W. L. MACKENZIE KING
[SEAL]	A. J. MCLACHLAN
[SEAL]	C. J. PARR
[SEAL]	J. S. SMIT
[SEAL]	LIAM T. MACCOSGAIR
[SEAL]	CUSHENDUN
[SEAL]	G. MANZONI
[SEAL]	UCHIDA
[SEAL]	AUGUST ZALESKI
[SEAL]	DR. EDUARD BENÈS

Mr. BORAH. Mr. President, I think it will be helpful to the Senate and most agreeable to myself if prior to submitting to interrogatories or questions, I be permitted to make a connected statement as to the treaty, including a recital in the nature of a brief history of its negotiation, and as to the

meaning of the treaty. I shall be very glad later to the best of my ability to answer any questions which may be propounded. I should like in the first instance to proceed, for a short time at least, uninterrupted.

Mr. President, the treaty which is before the Senate contains two articles, and only two, and I shall read those articles in order that we may have them in mind as we proceed with the discussion. Article I provides that—

> The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Article II provides:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

I think it is worth while to call particular attention to Article II. The general discussion in the popular consideration of the treaty has ranged almost entirely around Article I. To my mind the active virtue of the treaty lies in Article II. That article is in the nature of a pledge by the signatories to the treaty that they will in all controversies, of whatever nature or whatever origin, seek an adjustment through specific means. That is the treaty. That expresses the real object and scope of the treaty.

Article I has significance in throwing light upon the meaning of Article II, but the practical provision of the treaty is contained in Article II.

Fifteen leading nations of the world upon August 27, 1928, signed this treaty at Paris. Since that time some 43 or 45 other nations have adhered to the treaty. The treaty itself provides the manner in which adherence shall be had. I think practically all nations now have adhered; only three or four have not, and the indications are that they will later adhere.

A brief history of the treaty may properly begin, I presume, with the statement of M. Briand made upon the 6th of April, 1927, on the tenth anniversary of the entrance of the United States into the World War. At that time in a public statement M. Briand said:

> France would be willing to subscribe publicly with the United States to any mutual agreement tending to outlaw war—to use an American expression—as between these two countries. The renunciation of war as an instrument of national policy is a conception already familiar to the signatories of the covenant of the League of Nations and of the treaty of Locarno.

This statement was made in the course of an address or interview; it was not communicated to this Government; but the statement of itself led to much discussion throughout the world and was given great consideration in the press of the United States.

Later, upon the 20th of June, 1927, the French Government proposed a treaty between the United States and France which I shall read. It will be observed when we read this proposed treaty that it is in the same language as the treaty which was ultimately signed, the only difference in the two being such differences as were necessary to transform a bilateral into a multilateral treaty. I shall read the proposal, notwithstanding it is a repetition, in order that we may have it before us and in the RECORD.

> ARTICLE I. The high contracting parties solemnly declare in the name of the French people and the people of the United States of America that they condemn recourse to war and renounce it, respectively, as an instrument of their national policy toward each other.
>
> ART. II. The settlement, or solution, of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise between France and the United States of America shall never be sought by either side except by pacific means.

After the proposal was transmitted to the Government of the United States the Secretary of State met with the Committee on Foreign Relations of the Senate and discussed it. I shall not go into a discussion of what transpired in the committee, but, after meeting with the committee, the Secretary made answer to the French Government, and the change the Secretary of State proposed consisted of nothing more than the change from a bilateral to a multilateral treaty. It was thought by our Government that, if the principle announced upon the part of the French Government was a sound one, it ought to be applied to all governments which were willing to become signatory to such a treaty.

It was thought, furthermore, that a treaty of the nature proposed by the French Government confined to the French Government and to the Government of the United States would be something in the nature of an alliance, and that it would place our Government in an attitude which it did not desire to occupy, apparently being willing to enter into a peace treaty with one government which it was not willing to enter into with another. Thus the multilateral treaty was proposed by the Government of the United States. We took the proposal of France literally and declared it to be our desire to extend it to all other nations. I think all will agree that this was the wise thing to do.

A vast amount of correspondence followed. Much of that correspondence has, to my mind, now become immaterial. Some of the suggestions proposed were abandoned; others were met by interpretation. I do not think it necessary to go into detail as to that portion of the correspondence which seems to me at this time to be irrelevant and which throws no light upon the treaty as it was ultimately signed. That correspondence gave rise to two important questions, and outside of the correspondence in general and public discussion a third question has been raised. To those questions it seems to me proper to refer in the opening discussion of the treaty.

The question which may be considered first not only in point of time but in some respects in importance is that of the right of self-defense under the treaty. It is conceded upon the part of all now that the right of self-defense is in no wise curtailed or embarrassed by the treaty, the Secretary of State taking the position, and the other governments promptly acceding to it, that the right of self-defense is an inherent right, implicit in every treaty; that it is a right which can not be bartered away, abrogated, or surrendered; and that each nation may under the treaty determine for itself when the right of self-defense arises and the extent to which it may go in defending its rights.

The criticism is at once made that this practically destroys the value of the treaty; that it is a weakness the measure of which can hardly be estimated, it is contended. If, say the critics, a nation may determine for itself what constitutes an attack and what constitutes the right of self-defense, it leaves the entire treaty and its effect within the judgment of any particular nation which may feel disposed to answer to an attack or threatened attack. I frankly concede, Mr. President, there is in that respect a weakness, but it is a weakness which is inherent in human nature and inherent in the conditions which obtain. I presume until we are willing to have a supergovernment, a government of sufficient sovereign power as a supergovernment to execute its decrees, that no nation will ever surrender or undertake to surrender—in my judgment it could not do so—the right of self-defense, and no nation will surrender the right to determine for itself what constitutes an attack or what is justification for defense. This is a right which must be conceded as a part of every treaty.

If the treaty undertook to provide such a surrender, I take it that it would not receive the support of anyone. It never would have been proposed by the President to the Senate, and would not meet with the approval of any Member of the Senate.

In discussing this question of self-defense, the Secretary of State had this to say:

> The Government of the United States believes that the right of self-defense is inherent in every sovereign state, and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is, therefore, necessary or desirable.

Later, in a speech made upon the 11th of November, 1928, a further statement was made by the Secretary in regard to this matter:

> The question was raised as to whether this treaty prevented a country from defending itself in the event of attack. It seemed to me incomprehensible that any nation should believe that a country should be deprived of its legitimate right of self-defense. No nation would sign a treaty expressly or clearly implying an obligation denying it the right to defend itself if attacked by any other country. I stated that this was a right inherent in every sovereign state and that it alone is competent to decide whether circumstances require resort to war in self-defense. If it has a good case, the world will applaud it and not condemn it; but a nation must answer to the tribunal of public opinion as to whether its claim of the right of self-defense is an adequate justification for it to go to war.

The only censor—and these things we may understand and frankly admit—the only censor or criticizing power of a nation exercising the right of self-defense, if it does not exercise it upon true principle, is the power of public opinion. There being no supergovernment, no tribunal to which to appeal, and no one willing to create a supergovernment, and no authority otherwise to pass upon the matter, that is the only judge that we can rely upon to censor this part of the treaty. I know of no other tribunal to which we can appeal for the rectitude of nations in the exercise of this right of self-defense.

On page 28 of the pamphlet which contains the correspondence the British Government, in speaking of this matter, use the following language:

The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

We shall have occasion, no doubt, to recur to this paragraph often in this debate; and I propose at this time to treat it only as it relates to the particular matter which I am now discussing.

The British Government in this note undertakes to define what it conceives to be the principle or right of self-defense as applied to the British Government. It contends that there are certain regions, which the Secretary of State for Foreign Affairs afterwards more accurately defines, interference with which, or attack upon which, would be regarded as an attack upon the British Empire; and would call for the exercise of the right of self-defense under the treaty. It is an expression of view as to the application of this principle. But the note neither adds to nor detracts from the treaty, for this right of self-defense is complete under the treaty itself.

It may be said, and undoubtedly will be said, that this gives the British Empire a wide region of the world over which to exercise the right of self-defense; and it does. That is by reason of the fact that the British Empire's possessions cover all quarters of the globe. But I know of no way and I know of no desire to deny the British Empire or any other government the right of construing the treaty in accordance with what it conceives to be necessary for the defense of its country. That at least is what the British Government in this instance undertakes to do, and indicates what its policy will be in the application of this principle. We may differ from the application of the principle, but, under the treaty, she is answerable alone to her own sense of honor and to public opinion.

Later, in discussing this particular matter in the House of Commons, when the Secretary of State for Foreign Affairs was interrogated with reference to this note, Mr. Chamberlain used the following language:

I venture to think that it does no good to put about those exaggerated suspicions, and that it will be much more helpful to say, what is the fact, that our doctrine is exactly comparable to that of the American Government; that it is not a doctrine of aggression, that it is not a desire for territorial expansion, but a pure measure in self-defense necessitated by the geographical position of the Empire.

A fair construction, therefore, of the language used both in the note and in the debate is that the British Government is attempting to confine itself, and thinks it is confining itself, to a principle contained in the treaty, and a principle which no one disputes—that is, the right of self-defense.

The honorable gentleman found fault with the wording of my note with respect to the passage dealing with self-defense. He appeared to think that that was something which I had added, and that it had no parallel in the American note.

Then, in the language which I have just quoted, he undertakes to show that it is purely a matter of self-defense, and not in excess of the claim or different from the claim made in the American note.

I ought to say here that this question of self-defense had been discussed by the Secretary of State in a public speech prior to the time of this note, and that that public speech had been transmitted with the note.

France, in discussing this question, on page 44 of the pamphlet, says:

Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

The German Government, on page 24 of the pamphlet, says:

As the need of the nations for the assurance of peace since the World War has already led to other international agreements, the necessity arises for the states concerned to make a decision as to the relationship in which the pact now being planned would stand to these international agreements which are already in effect. You have already, Mr. Ambassador, referred in your note to the considerations which were put forward in this connection by the French Government in its exchange of views with the Government of the United States. So far as Germany is concerned, the covenant of the League of Nations and the Rhine pact of Locarno come into consideration as international agreements which might affect the substance of the new pact; other international obligations of this kind have not been entered into by Germany. Respect for the obligations arising from the covenant of the League of Nations and the Rhine pact must in the opinion of the German Government remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for in the draft treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy could only serve to strengthen the fundamental idea of the covenant of the League of Nations and of the Rhine pact.

The German Government proceeds on the belief that a pact after the pattern submitted by the Government of the United States would not put in question the sovereign right of any state to defend itself. It is self-evident that if one state violates the pact the other contracting parties regain their freedom of action with reference to that state.

Without taking time to read the different notes of the other governments, all governments take the position that the right of self-defense is not impaired under the treaty. Whatever may be the value of the treaty, it must be measured in its value by the full conceded right of self-defense by all signatories to the treaty. In this connection I desire to call attention to Article II in connection with the principle of self-defense.

It must be borne in mind that Article II provides that—

The settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them (the High Contracting Parties), shall never be sought except by pacific means.

If we assume, for illustration, that a controversy is on between two powers, that a dispute has arisen, and the controversy has proceeded to the point where both governments are engaged in considering it, the government which desires to live up to the treaty would, in my judgment, under Article II, have a right to say and would be in duty bound to say, "We desire peaceful settlement of this controversy under Article II. You have pledged that you will settle all controversies with us, of whatever nature or of whatever origin, by peaceful methods. We are prepared to carry out our part of the engagement and ask for a peaceful solution of the controversy."

No government refusing to come into conference, or refusing to make an effort for peaceful settlement, could, in my judgment, ever afterwards successfully claim that it was in good faith acting in self-defense. It would have great difficulty in satisfying the public opinion of the world that it was acting in good faith. It would indeed be violating the treaty. Here is a method and a means by which to test any government which might be acting not in good faith under the treaty, and to place it in a position before the world where it would be practically impossible to defend its course or conduct.

Another principle with reference to the right of self-defense is that it consists of defense only. When the attack has been resisted and the danger has disappeared, the right of self-defense no longer exists, under any rule with which I am familiar.

Let me say here that I have made the statement publicly, with which some have found fault, that these letters in no wise change the treaty. I wish to reiterate that. I have no doubt as to the correctness of that position. I do not mean to say that notes might not deal with the subject and in a way which would, as notes, constitute a change in the treaty, which would put a construction upon the treaty at variance with the terms of the treaty. What I do mean to say is that these notes do not assume to make any change in the treaty, since they contend for nothing more than that which is conceded to be within the terms of the treaty. The notes state no principle in this matter not already found in the treaty.

When the writers discuss the right of self-defense, and state what they understand to be the right of self-defense, they are doing nothing more than they would have a right to do had no note ever been written. When they say that "under the treaty we reserve the right of self-defense," they are undertaking, if they should use that language, to reserve that which is already provided for and reserved in the treaty.

It is in this sense that it is my contention that none of this correspondence results in any modification of the terms of the treaty itself, and that the treaty as signed is that which is to guide. These terms have not been changed.

The second proposition of importance is the question of sanctions. What agreement, express or implied, do the signatories to the treaty make with reference to enforcing the treaty? Is force or punitive measures, express or implied, anywhere provided for in the treaty? If a nation violates the treaty are we under any obligation, express or implied, to apply coercive or punitive measures? I answer emphatically, no!

It will certainly not be contended that the language of the treaty itself makes any such provision. The language of the treaty refutes the proposition. The philosophy of the treaty is not that of preventing war, but that of organizing peace, which is a wholly different thing. The treaty is not founded upon the theory of force or punitive measures at any place or at any time. It does not rest upon the principles upon which alliances and balance of power ordinarily rest, that of force behind the treaty to be applied in case anyone transgresses the treaty. That is not, in my opinion, within the terms of the treaty. I know it is not within the express terms, and I am equally certain that it is not within the implied terms.

There certainly can not be any implication for the use of force under a treaty which rejects the use of power or force or under a treaty which pledges pacific settlement of all controversies of whatever nature or kind. From language which rejects war and pledges the nations to the settlement of their controversies through peace how can we imply the implication at any time or under any circumstances to use force or to administer coercive or punitive discipline?

Let us read this treaty again in connection with that argument. It is very brief, fortunately:

> They condemn recourse to war for the solution of international controversies.

The treaty condemns war; not aggressive war, which was rejected, not this or that kind of war, but war as an institution. It rejects war as a method for settling international disputes. War is not condemned under certain circumstances but all circumstances.

That being true and that being the language, how may we imply that outside of the language is an inference that we will do that which the language positively prohibits?

> And renounce it as an instrument of national policy in their relations with one another.

Again, referring to Article II:

> The settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them shall never be sought except by pacific means.

So the language, plain, simple, and direct, that under no circumstances or conditions do we recognize coercive measures as a method of enforcing the treaty seems to be clear.

Not only is the language of the treaty, as I have indicated, clear and unmistakable, but at no time in this voluminous correspondence, coming up between 15 nations originally, and the correspondence laying the basis for adherence, has there been an indication or an implication that any nation conceived that there was any implied obligation upon the part of the nations to enforce the treaty or to punish an aggressor. At no time has that ever been suggested. They have swept the entire field of controversy and explanation with reference to possible exceptions or objections, but at no time and in no instance has any nation suggested that that implication might rest upon a government signing the treaty. The shrewd and discerning statesmen of 60 nations have failed to discover any such implications. And these same statesmen are as familiar with punitive measures and sanctions as any men anywhere on earth, for this is the first principle of European treaties.

I take it, Mr. President, that if such an implication should have been thought of, or had occurred to the mind of France or Great Britain, it would have been the first matter for consideration.

But I find nowhere in the language of the treaty or in the correspondence any reference to this matter, or any language which would indicate that it occurred to any of the Governments that such implication might arise.

It has been stated in the public press, by some critics of the treaty, that, while the language does not provide for force in the punishment of a violator of the treaty, such an implication is there; statements have been made, it is claimed, which indicate that Europe expects the United States will become responsible for the maintenance of the treaty even if force is necessary in order to maintain it.

Mr. President, I have been fairly familiar with the history of this treaty from its beginning, and before it began, and I have undertaken to follow as closely as I could the discussion of it, not only in this country but in foreign countries, both among public officials and the press, and I have been unable to find any discussion indicating any such opinion upon the part of the people of foreign countries. I know that that is not the construction which has been placed upon it very generally, not only by the press but by officials. The very opposite construction has been placed upon it over and over again by leading statesmen and publicists throughout Europe. I venture the opinion that no support for such a contention can be found in European thought.

At the time this treaty was signed, Lord Cushendun represented the British Government, owing to the fact that Sir Austen Chamberlain was ill. I do not think anyone familiar with the political philosophy of Lord Cushendun with reference to these matters and with his acute mind would suspect him of overlooking anything which might be appealed to in the way of force in connection with the enforcement of treaties. So startling a proposition as that of an implied obligation to use coercive measures against any nation which might break the treaty would scarcely escape his inspection of the document.

At the time the treaty was signed, Lord Cushendun said, in a public statement:

> In so far as America is concerned, I do not think the great part Mr. Kellogg has played should be interpreted to mean that we can expect any modification of the traditional American policy of aloofness. So far as the pact is concerned, it does not carry with it any implication on the part of America that she intends to enlarge her interest in European affairs.

This amounts practically to an official interpretation of the treaty by the British Government. At any rate, it strongly refutes the idea that the opinion is entertained in foreign countries that there is an implied obligation upon the part of the United States to use sanctions or to join in punishing European countries which would violate the treaty.

Later, and upon another occasion, Lord Cushendun said:

> There is an element in the British character which makes us shrink from expressing in exhuberant language the ideals which nevertheless supply the motive power of our action, either as individuals or as a nation. And I do not hesitate to say that I look upon the Paris pact as an instrument that proclaims a new era and creates a new outlook. That may not be immediately observable.
>
> Human beings have to adjust themselves to a new environment. But the up-growing generation, assimilating the new Zeitgeist will be nurtured in the idea that war, except in bona fide self-defense, is not a gallant adventure but a national dishonour.
>
> * * * If this hope should be even partially realised, then assuredly this year, 1928, in which we live, will be remembered as a notable landmark in human history, for it will be the fulfillment of the dream of the most ancient visionaries of our race.

It is well, too, to mention the fact that Lord Cushendun here states that no war under the treaty is admissible except a war in bona fide self defense. That should be considered in connection with the British note.

Lord Grey, in discussing the treaty, used this language:

> It is true there will be no sanctions under the American peace pact. Nations which sign it would not be under any obligations to take action against any nation which breaks it.

This is a statement by Lord Grey who has been an advocate and a strong advocate of the league and of the Locarno pact, and has been identified with all the peace movements since the great World War. It is his clear judgment, expressed by his emphatic and unmistakable language, that there are no implied sanctions, no promise express or implied upon the part of any nation to join in punishing one which shall break the treaty.

The London Daily News in discussing it said:

> America herself is under no obligation to punish or share in the punishment of the nation which may break its pledge.

The Saturday Review discussed the matter a little more fully and referred to the difference which we ought to keep in mind as to this treaty and ordinary treaties with reference to peace. It said:

> The essence of all European plans for preserving the peace has been the creation of sanctions against its violation. The essence of the American plan is that there shall be none but the moral sanction. The European school of thought seeks to preserve the peace by forming holy alliances to punish the aggressor; the American school rejects the idea of warlike sanctions and relies purely on the moral sanction. The one school seeks to create in a new form the old system of alliances to restrain an international criminal; the other is content to pronounce the sentence of outlawry against war and to trust to the conscience of nations to make it operative.

There, it seems to me, is an exact definition, an accurate distinction, between the ordinary peace treaties or alliances or balance of power and the present treaty. We ought to con-

sider the treaty for what it is. It may in the minds of some impair its value when we take away the idea of force being behind the treaty or sanctions existing, express or implied, but nevertheless that is the treaty. There are no sanctions; the treaty rests in a wholly different philosophy.

I read a paragraph now from an address by Dr. David Jayne Hill, one of our own great students of peace questions and of treaties, as applied to the question of sanction:

> From the draft of a bilateral treaty of perpetual friendship between France and the United States presented by the Minister of Foreign Affairs of France under date of June 20, 1907, has been developed a multilateral treaty, signed at Paris on August 27 by 15 Governments, including 5 great military powers, to which a great number of others have since expressed their intention to adhere. * * * What, it is asked, is to happen to a contracting party if it violates the compact? Is the United States under obligation to bring it to task and punish it for its defection? Not at all. Such a delinquent will have proved its disloyalty to its pledged word, but the United States makes no pledge to improve its morals or to inflict upon it a penalty by making war upon it. The United States does not guarantee these signatures. It proposes a policy of voluntary peace. This policy is not identical with that of several European political and military combinations. Those compacts require the contracting parties to punish war with war. What then will be the probable action of the United States under this compact toward a military situation in another part of the world? It will first of all no doubt remind the delinquent signatories of their solemn agreement. It may properly call attention to the existence of Article II of the multilateral treaty and the obligations under it. But there is no enforcement clause in this compact.

There is no obligation to go further than the treaty provides, and that is to settle the controversy through peaceful means, and in so far as the United States should take an interest in a particular situation which may arise under the treaty it would be guided and be compelled to be guided in accordance with the principles of the treaty, and that is to bring about peaceful and pacific settlement of the controversy.

Mr. REED of Missouri. Mr. President, will the Senator yield for just one question?

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED of Missouri. Is it the Senator's view that there is any obligation upon the United States in the case just stated to make any representations at all?

Mr. BORAH. No; I do not think there is any obligation in the treaty, but I say that if the United States should act it could be presumed to act only in accordance with the principles of the treaty and not in conflict with them.

Mr. REED of Missouri. But there is no obligation?

Mr. BORAH. There is no obligation whatever. This is a voluntary matter, as we might say, and as Doctor Hill said, in which they agree and pledge themselves respectively, to one another and to all, to settle their controversies through peaceful means; and if they violate that and disregard it, the treaty is at an end.

Mr. REED of Missouri. I thank the Senator, and I apologize for interrupting.

Mr. BORAH. That is all right. I am always glad to yield to the Senator.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. In other words, the one nation would simply say to the other, "You are not the nation that I took you for," and that would end the episode?

Mr. BORAH. I do not think, if a nation should simply say, "You are not the nation I took you for" and say nothing more, that it would be a violation of the treaty, and it is not probable a nation would do anything of that kind.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. JOHNSON. May I put it a different way, if it be accurate, and I ask whether or not the statement be accurate. Under the covenant of the League of Nations there was a moral obligation that existed, as the Senator believes?

Mr. BORAH. There was an express obligation.

Mr. JOHNSON. There was an express obligation, and it was an express obligation to enforce a breach of the peace or a violation of the provisions of the league?

Mr. BORAH. Yes.

Mr. JOHNSON. There is no such obligation, express or implied, under the present treaty?

Mr. BORAH. No; there is no such obligation.

Mr. JOHNSON. Suppose, however, that all of the nations that are parties to the multilateral treaty are parties to the League of Nations covenant save the United States, and assume that the breach shall be a breach of the peace under both treaties. We would then be one nation that was not a member of the league where there was a breach of the obligation both of the league and of this treaty in relation to the peace. Would there then be any obligation, express or implied, on the part of the United States to act?

Mr. BORAH. Not at all.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I will yield in just a moment. In other words, the covenant of the League of Nations had certain express provisions with reference to maintaining peace. The United States not having joined the league could not be bound by any of the obligations, express or implied, of the league, and, although all members of the league might be bound by reason of certain conditions which should arise, the United States would not be bound.

Mr. JOHNSON. What I am endeavoring to make plain, if the Senator will permit me, is that the breach was, alike under the covenant of the league and under this treaty, a breach of the peace. All the nations except the United States under the covenant of the league would endeavor to enforce the obligation that rests upon them and against the party that was guilty of the breach. The United States then would stand aloof, the only nation on the face of the earth that was a party to the same breach in a different treaty, doing nothing at all, with no obligation either express or implied.

Mr. BORAH. Exactly. In other words, when the treaty is broken the United States is absolutely free. It is just as free to choose its course as if the treaty had never been written.

Mr. ROBINSON of Indiana and Mr. SHIPSTEAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I will yield first to the Senator from Indiana.

Mr. ROBINSON of Indiana. I agree with the Senator that Article II is, of course, the most important part of the treaty. I assume the Senator believes with me that if the United States enters upon the treaty and becomes a signatory thereto, and if it is ratified by the Senate, the United States will be bound by the treaty and by Article II at all times.

Mr. BORAH. Yes; that is, bound so long as the treaty is not broken.

Mr. ROBINSON of Indiana. To get at the question in just a little different way from that which was suggested a moment ago, assume that France, for instance, and Colombia should get into a controversy of some sort and not observe the treaty. Assume that it led to warfare. What, then, should be the proper attitude of the United States under the treaty?

Mr. BORAH. The United States would be in just the attitude toward those nations that had broken the treaty and gone to war without regard to the treaty as if no treaty had been made. In other words, the moment a signatory to the treaty violates the treaty it releases all other nations as to that government violating the treaty.

Mr. ROBINSON of Indiana. But assume that both of them insist they were acting in self-defense, then who is going to decide that question and, if it is decided, no matter how, what is to be the attitude then of the United States? Could the Senator tell me that?

Mr. BORAH. The United States would have nothing to do with deciding the question of self-defense with reference to the action of any other nation unless the action of that nation were in the nature of an attack upon the United States iself. If that were true the United States would decide for itself what action it would take in that case.

Mr. ROBINSON of Indiana. In that event would the Senator say that the United States under this treaty would be justified in going to war against France to protect her rights under the Monroe doctrine?

Mr. BORAH. Absolutely. If the facts disclosed a disregard of the Monroe doctrine, that being a part of our self-defense, we would have the right to act in accordance with our free judgment.

Mr. ROBINSON of Indiana. Then the language does not mean what it says.

Mr. BORAH. Yes; it does. It means exactly what it says.

Mr. ROBINSON of Indiana. It says:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Mr. BORAH. When France undertakes to settle it by other means than pacific means, by going to war, as the Senator said, France has violated the treaty and the United States is released. In addition to that, the Monroe doctrine raises the question of self-defense.

Mr. ROBINSON of Indiana. But let us assume France insists that she is acting in self-defense.

Mr. BORAH. I suppose the Senator is getting at the Monroe doctrine?

Mr. ROBINSON of Indiana. Precisely. If the Senator feels that this language does not mean what it says under certain conditions, then what would be the objection to a resolution setting forth exactly what we do mean by it, giving us the moral right ultimately to protect the Monroe doctrine?

Mr. BORAH. In my opinion when we push the Monroe doctrine outside of the principle of self-defense we have no Monroe doctrine at all. There is only one principle upon which the Monroe doctrine has ever rested. We can not maintain it upon any other principle. That principle is the right of self-defense. That was the principle which caused its enunciation. That is the principle upon which we have maintained it, and if we push it outside of that we have no right to interfere in South American affairs at all.

Mr. ROBINSON of Indiana. Precisely, but as the treaty now stands it is multilateral and we took the initiative to make it a multilateral treaty. To some degree, therefore, we are responsible for the treaty's being observed throughout the world because we took the initiative to make it multilateral.

Mr. BORAH. The fact that we took the initiative does not give rise to any implication or obligation other than that which is contained in the initiative which we finally consummated.

Mr. ROBINSON of Indiana. Other signatories to the pact, however, found it necessary, or seemed to find it necessary, to write into their ratification in one manner or another the right of self-defense. Does not the Senator think that the United States, to be perfectly safe, ought to write the same kind of a provision into its ratification by the Senate?

Mr. BORAH. I take it that the Senator perhaps is not familiar with all the correspondence; but the first nation to write such a stipulation into this treaty—if that is what the Senator calls it; I do not call it that, because it was already in the treaty—was the United States. The United States said that under this treaty the United States has the absolute right of self-defense. Ours was the first Government so to state. My contention, however, is that the right of self-defense would have been just as plain and just as inalienable and just as perfect without any letter from anybody at all.

Mr. ROBINSON of Indiana. But, Mr. President, if we should go to the defense of Columbia in a supposed case, such as I suggested a moment ago, and the other 50 or more signatories to the treaty—and none of them is any too friendly to us—should insist that we were not acting in self-defense in accordance with the treaty itself, I am asking the Senator then if we would not be proscribed by the remainder of the world? Then would we not possibly have to fight all the world to defend the Monroe doctrine? In other words, is it not about as well that we take care of our own business?

Mr. BORAH. Oh, it is exceedingly important that we take care of our own business, but it is also exceedingly important that we do it intelligently.

Mr. ROBINSON of Indiana. That is just what I am suggesting.

Mr. BORAH. Mr. President, the Monroe doctrine, as I have said, in my judgment is just as much a principle of self-defense as is our right to resist if France should attack Norfolk, Va.

Mr. ROBINSON of Indiana. Then, would there be any harm in saying so?

Mr. BORAH. We have said so.

Mr. ROBINSON of Indiana. Can we not say so again in the ratification?

Mr. BORAH. The Senator from Indiana is saying so again, but it is in the treaty and saying so again adds nothing. [Laughter in the galleries.]

The PRESIDING OFFICER. The galleries will please preserve order.

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. This question came to my mind during the discussion. The League of Nations as a military alliance provides for sanctions in case of the violation of treaty obligations. If such a contingency should arise as that one of the signatories to the compact should violate the compact and the council of the league should invoke sanctions, should impose, for instance, an economic blockade upon the offending nation, and that blockade should interfere with the commerce of the United States, would the Senator believe that that was a violation of the treaty?

Mr. BORAH. Mr. President, I beg the Senator's pardon. I had lost a paper, and while I was looking for it my attention was diverted from his question. Will he again state his question?

Mr. SHIPSTEAD. If a condition should arise by which a member of the League of Nations should violate or in the opinion of the council should violate any of its obligations under the compact of the League of Nations, and the council, feeling competent to apply sanctions, as the pact provides, in order to discipline such nation, should do so, for instance, by the application of an economic blockade, and that blockade should interfere with the commerce of the United States, should interfere with our right to trade, would the Senator believe, if such a condition should arise, that it would be a violation of the treaty?

Mr. BORAH. No; I should not. In other words, as I understand the Senator's question, it is this: If under Article XVI of the League of Nations conditions should arise which would justify, in the opinion of the league, the application of a blockade, and the League of Nations should put into execution a blockade, the question which the Senator is interested in, I take it, is whether or not we would be bound to recognize that blockade in carrying on our commerce? In my opinion, this treaty does not affect such a situation at all and has nothing whatever to do with it. Our right to trade and our commercial rights would in no wise be affected.

We would as a neutral, and not being a member of the league, have the right to carry on our trade under the rules of the sea and this treaty would not curtail or embarrass that right. If a controversy should arise we would then be bound to settle the controversy through peaceful methods.

Mr. REED of Missouri. Mr. President, will the Senator pardon me if I ask him another question right there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED of Missouri. I should like to inquire about how long he thinks the war would have to last before we could settle such a controversy by peaceful means?

Mr. BORAH. Perhaps I do not understand the Senator's question.

Mr. REED of Missouri. About how long does the Senator think the war, of which we have been speaking, would have to last in order for us to settle our right to violate the blockade and settle it by peaceful means?

Mr. BORAH. We would not have anything at all to do with the time the war lasted.

Mr. REED of Missouri. The Senator does not understand me.

Mr. BORAH. No; seemingly I do not.

Mr. REED of Missouri. Perhaps, I asked the question stupidly.

Mr. BORAH. I think not, but probably we are thinking about two different things.

Mr. REED of Missouri. The question is in connection with the colloquy which has preceded. I understood the Senator from Idaho to say in answer to the Senator from Minnesota [Mr. SHIPSTEAD] that if the League of Nations were to declare a blockade and we were to disregard the blockade and a controversy should arise, it would then be our duty under the so-called Kellogg treaty to settle that controversy by peaceful means. I asked the Senator how long he thought the war would have to last for us to get a decision by peaceful means in a controversy of that kind.

Mr. BORAH. I do not know, and neither would I care particularly, because we would conduct our commercial transactions upon the theory that we had a perfect right to do so, and the pending treaty would have no application to such a situation at all.

Mr. REED of Missouri. Exactly.

Mr. BORAH. Only in such an instance where an actual controversy arises which we would recognize would we be under any obligation to negotiate with any nation which was interested in the blockade.

Mr. REED of Missouri. I do not desire to prolong the discussion, and I apologize to the Senator for having asked the first question which started all of these questions after he asked not to be interrupted; but, since he has been interrupted, let

me follow the illustration through, merely to get the Senator's opinion. I do not, as I have said, care to debate it at this time, but I should like to get the judgment of the Senator from Idaho.

Assume that a war is threatened and that the League of Nations, under Article II, proceeds to declare that there is a threat of war between two nations, either members or non-members, and thereupon the league applies, sanctions, or declares a blockade or goes to war and resorts to force, all of which, of course, is reserved in Article II. Among other things, the league undertakes to blockade the ports and destroy the commerce of the offending nation, and seizes our ships passing over the high seas to the ports of the nation declared to be the offending nation. Of course, we can protest by peaceful means, but I reaffirm practically what I intimated in my question, that I think it would be a very long war and would not be terminated before we would get through with peaceful negotiations.

If, instead of doing that, we were to do what we would do if we had not signed this treaty, if the case became aggravated we would convoy our merchant ships by our men-of-war.

Mr. BORAH. Which we would have a perfect right to do under this treaty.

Mr. REED of Missouri. But suppose some ship of the league or some nation controlled by the league should attempt to take a merchant vessel from under the guns of our man-of-war, what would we do—negotiate or defend? And does not this treaty absolutely bind us not to fire a shot in defense of that vessel?

Mr. BORAH. Not at all; not at all.

Mr. REED of Missouri. Then we are at perfect liberty to go anywhere we want to in the world on all the waters of the seven seas, without waiting for negotiation, to defend the rights of American citizens, and American property by our cannon and our men just as we are now if we do not sign this treaty.

Mr. BORAH. Mr. President, if such an incident should occur as that which the Senator relates, it would be an act of war upon the part of the nation attacking us. If it undertook to take our property or take our citizens from under our protection, in my opinion that would constitute an act of war. The nation guilty of such act would have violated the treaty and we would be released.

Mr. REED of Missouri. We might so treat it, but the other nation, on the other hand, could claim that it was merely exercising a proper right of search and seizure under the law of nations.

Mr. BORAH. The Senator is now stating an entirely different proposition.

Mr. REED of Missouri. That would be the claim at the time; and the question is, under the terms of this treaty should we surrender that vessel and go to some tribunal somewhere to settle the controversy, or are we by this treaty left at liberty to act just the same as though we had not signed the treaty.

Mr. BORAH. In my opinion, if the acts of the government to which the Senator refers, whatever government it might be, were such as to constitute war we would be relieved, of course, from the obligations of this treaty. If they were not such as to constitute war, of course we would be bound by the terms of the treaty.

Mr. REED of Missouri. The mere taking of a merchant vessel under a claim of right is not an act of war in itself. I do not want to debate the question; I merely wish to get the Senator's view of it.

Mr. BORAH. Let me state it a little more fully then. If the act of the nation in challenging our right upon the sea should be such as to constitute an attack by force to take possession of our citizens or our property it would undoubtedly constitute an act of war. If, on the other hand, the action of the Government should be nothing more than the exercise of a right under maritime law to search for contraband and seize it, it would not be an act of war, and we would not be justified in using force. That is precisely the principle which we followed during the World War.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. If the Senator will pardon me for asking a further question; has it not been the claim at all times of all of the nations which have seized the commerce of other nations upon the high seas that they were acting in accordance with the laws of war and merely searching or seizing because contraband or alleged contraband was being carried?

Mr. BORAH. Of course, a nation might make a claim that it was acting in self-defense when it was not; it might make a claim that it was complying with maritime law when it was not; that is a situation that can not be obviated, of course; but I am assuming now in discussing this treaty that there is an honest effort to live up to the terms of the treaty and that the nations are acting in good faith in regard to it. If that be true, the nations would have no right to use force while a government was pursuing the course mapped out by maritime law with reference to searching for contraband.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I do.

Mr. BINGHAM. Does the Senator feel that there is anything in this treaty which changes American practice and American policy for the past century in regard to sending our warships and marines into various parts of the world to defend the lives of American citizens or the property of American citizens which may be threatened?

Mr. BORAH. As I understand, it is a well-established rule and principle of international law that a nation—the United States, for illustration, here—would have a perfect right, without going to war or being under the principle of war, to protect the lives and property of its citizens from threatened attack in foreign countries. If it goes beyond the principle or the necessity of protecting the lives and property of its citizens and interferes with the political organization of the foreign government and attacks its sovereignty or its sovereign rights, of course that is war; but so long as its action consists of defending and protecting the lives and property of the citizens it is not war, and never has been regarded as war. International law does not treat such action as war, and no nation has a right to call it war; so this treaty would not affect that situation at all.

Mr. BINGHAM. Does the Senator think, then, that under this treaty we would have the right to deal with foreign nations under all the various forms of nonamicable measures, short of war, which are recognized in international law?

Mr. BORAH. Yes; I think so—short of war, if conditions justified.

Mr. BINGHAM. Including reprisals?

Mr. BORAH. We now settle those things by peaceful means if we can. We undertake to settle them in the same way in which this treaty provides for settling them. That is our policy. That has been our policy since the beginning. If a nation refuses settlement by peaceful means we may rest upon our rights under international law even to the extent of reprisals or other more amicable methods.

Mr. BINGHAM. Then the Senator does feel that the treaty represents no change in our policy?

Mr. BORAH. Not in regard to the matters of which the Senator has now spoken, always taking the acts of the other nation into consideration.

Mr. BINGHAM. That is, with regard to the defense of American lives and property abroad?

Mr. BORAH. Yes. I do not wish the Senator to understand from that, however, that in looking back over the past I regard all acts in defense of the lives and property of American citizens in foreign countries as coming under the rule which I have just stated. I think we have carried on war in certain instances. I do not care to go into that discussion now; but I should not want to be understood as asserting that in all the things we have done heretofore we have kept out of war. I state a principle and do not approve any particular instance.

Mr. BINGHAM. Will the Senator pardon one further question?

Mr. BORAH. Yes. I yield.

Mr. BINGHAM. The Senator mentioned, in the second article of the treaty, particularly the last phrase, "except by pacific means." Before the Senator gets through will he explain to us, so that there may be no doubt about it, that a good deal of what has been published in the press as to what is meant by "pacific means" is incorrect, and that the phrase "pacific means" includes nonamicable measures short of war, which might also include such things as a display of, or restricted use of, force, embargo, nonintercourse, reprisals, retortion, and the breaking of diplomatic relations?

Mr. BORAH. Mr. President, to state in a single paragraph what I understand this treaty to mean in connection with that question, it is this:

We pledge ourselves by this treaty to adjust our controversies with other nations through peaceful means. That may consist of settling them through diplomatic channels; it may consist of settling them under the conciliation treaties, or the arbitration treaties, or The Hague tribunal, or any other method which at the time we may be able to devise to come to an understanding with that nation, this side of war.

Mr. BINGHAM. Mr. President, will the Senator yield there for just a moment?

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Connecticut?

Mr. BORAH. Yes.

Mr. BINGHAM. All the means which the Senator has just referred to are in international law usually considered to be "amicable" means of settling a question. The Senator has not yet referred to those five or six means generally referred to as "nonamicable means short of war," which are sometimes held to include also pacific blockades.

Mr. BORAH. We would undoubtedly have the right to employ all means coming within the pacific settlement or the peaceful settlement of disputes which are this side of war. For instance, if we wanted to break off diplomatic relations with a country, there would be nothing in this treaty to prevent that. It is not necessarily regarded as an act of war. But undoubtedly the treaty obliges us to employ peaceful methods and we depart from that only when such methods are rejected or disregarded by the other nation.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. In just a moment. This treaty pledges us not to resort to war except in self-defense. It pledges us to seek settlement through peaceful means; and, in my judgment, we can only depart from that as we find those methods are rejected by other powers. If the other nation will not join in the settlement through peaceful means, then we take such action as seems best adapted to bring about protection to our people or their property, or to the Nation as a whole. But we can never under the treaty go to the extent of resorting to war except in self-defense.

Mr. BINGHAM. Then there is nothing under the treaty which would prevent us from sending a cruiser into the heart of China, to the port of Hankow, as we had to do last year, if we believe that American lives and property are in danger there?

Mr. BORAH. I understand not; because that would not be an act of war. It never has been held to be an act of war. I assume that life and property are in actual danger.

Mr. BINGHAM. In other words, if under the treaty we are permitted to send our cruisers to all parts of the world where we think American lives are in danger, the ratification of the treaty would in no way diminish our necessity for cruisers?

Mr. BORAH. I do not know about that. I am not committed to that doctrine without explanation. That is to say, I do not think that it likely will result in diminishing our desire for cruisers at once. It is my hope that if this treaty obtains the confidence and faith of the nations and they live up to the treaty, in time disarmament will inevitably follow to a marked degree, just as in the relationship between this country and Canada through a hundred years we have lived on the most peaceful terms. We have destroyed our forts and all means of protecting one another by force along the border. That has ripened into a sentiment in both countries which gives us entire confidence in each other.

It is my hope that in time this treaty would have an effect of that kind. I am not, however, one of those who believe that we should to-morrow, by reason of signing this treaty, disband our Army or destroy our Navy, because we can reduce our Navy only in proportion to some degree, at least, as other nations do the same thing. We must get the confidence of those nations in peaceful methods and the settlement of disputes through peaceful methods before we can expect them to reduce their navies to any marked degree; and so long as they do not reduce theirs it is but wisdom that we keep a reasonable navy for the purpose of protecting ourselves.

Another proposition is that this treaty does not at all impair the right of self-defense. The Navy as a whole will not be destroyed in my time, or the Senator's, because that confidence will not arrive to that extent. Nevertheless, in my judgment that will not prevent a reasonable reduction of armament when the nations come to have more confidence in the settlement of their controversies through peaceful means, and it is my great hope that it will bring about a state of international confidence and good will which will reduce armaments. But the treaty must be given time to effectuate that confidence and in the meantime let us not destroy our navies, but keep them down to a reasonable protection of our rights at sea.

As a matter of fact, there is not a thing in this treaty that has not been a fundamental foreign principle of ours from the beginning of the Government until this hour. There is not a principle in it that we have not advocated over and over again since John Jay signed the first treaty for the settlement of all controversies through peaceful means.

Mr. JOHNSON. May I ask just one question in that regard?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California? Hereafter will Senators who desire to interrupt please address the Chair?

Mr. JOHNSON. Mr. President, will the Senator yield for just a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. JOHNSON. I should like to ask the Senator a question following what he has said, which I think is quite accurate, and with which I have full sympathy?

Could the United States, if this pact had been in full force and effect, have fought the Spanish-American War?

Mr. BORAH. In my judgment it could, upon the theory upon which we professed to fight it. Our ships had been attacked, our people had been murdered, and we had a perfect right to defend ourselves against these attacks.

Mr. JOHNSON. But does not the Senator think the cause of the Spanish-American War was far different from that?

Mr. BORAH. It might have been the cause. If so it would have been prohibited by this treaty.

Mr. JOHNSON. Did we not fight it upon an entirely different basis from that?

Mr. BORAH. I do not know what the Senator has in his mind.

Mr. JOHNSON. Nonamicable reasons have been given by the Senator from Connecticut [Mr. BINGHAM]. Rather sentimental reasons dictated the Spanish-American War, did they not?

Mr. BORAH. Well, I suspect that those reasons entered into it. I should hope that if we ratify this treaty we would be more vigilant in confining ourselves to actual attacks and not sentimental attacks. But our ship had been sunk, American lives lost, and we at least professed to be moved in the protection of life and property.

Mr. JOHNSON. But I understand that the Senator says that with this treaty in full force we could still have fought, without being guilty of a violation of it, the Spanish-American War.

Mr. BORAH. On the basis, as I say, of the blowing up of the *Maine*. I do not know who was responsible, but the disaster had occurred and it was for our Government to determine who was responsible.

Mr. JOHNSON. But upon the basis of the facts that are before us, and the reasons that were given, we could have fought that war?

Mr. BORAH. I think we could. But only upon the theory that we acted in good faith in defending against any further attacks.

Mr. REED of Missouri. Why, Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri desire to interrupt?

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. Does not the Senator recall that when the *Maine* was blown up the Spanish Government immediately disclaimed the act, and that the Spanish Government made almost every conceivable effort to avoid the war by peaceful means? If this treaty had been in effect, surely we would have been bound, under the representations of the Spanish Government, to have arbitrated that matter.

Mr. BORAH. Mr. President, we would not be bound under this treaty, in my opinion, in any different way than that in which we were bound at that time, for this reason: We either acted in good faith or in bad faith with reference to the reason why we fought the Spanish-American War. We could doubtless assign a bad reason and a hypocritical reason under this treaty. We were under obligations to settle with Spain at that time through peaceful means, according to the principles which we had announced for a hundred years, if we believed that Spain was acting in good faith, and that we could protect our rights through peaceful means.

But after the incident as it occurred, after our property had been destroyed and American lives destroyed, it was for the Government of the United States to determine what constituted a real defense of our rights; and when this treaty is ratified it will be for the Government of the United States to determine, upon any particular state of facts or any set of conditions, as to what constitutes a defense of its rights. The principle of the treaty is that we can only go to war in self-defense; if we did not do that in the Spanish-American War, then it would have been barred by this treaty.

Mr. REED of Missouri. That would be true of every other nation and every case.

Mr. BORAH. I said in the beginning that we must admit that the fact that every nation had a right to determine for itself what constitutes self-defense, and how it should apply, is a weakness upon the part of the treaty; but it is a weakness which is inherent in the condition of things which now confronts the world. There is no Senator in this Chamber who would more seriously and effectively attack a treaty which undertook to deny the right of the United States to self-defense than the able Senator from Missouri. There is no way to bridge that chasm.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BARKLEY. I was called out of the Chamber and did not hear all of the Senator's discussion as to just what this treaty includes. As I understand the Senator construes this treaty, or Article II of it at least, to mean that as to every controversy, of whatever nature or character, that might arise out of the application or interpretation of the Monroe doctrine, the treaty compels us to submit it to arbitration or to make every possible effort to arrive at a pacific settlement. What effect would that have upon a controversy similar to that which arose between Great Britain and Venezuela during the administration of President Cleveland?

Mr. BORAH. What we undertook to do at that time was to bring about exactly that situation, a peaceful settlement of the controversy; and that is what we did.

Mr. BARKLEY. But there was some strong language used in the message of the President on that subject, which indicated that if Venezuela and Great Britain were unable to settle their dispute amicably we would probably settle it in another way.

Mr. BORAH. Exactly; and if this treaty were ratified and any nation refused to settle a controversy of that kind through peaceful means, disregarded our request in regard to it, and violated the Monroe doctrine, we would have a perfect right to defend the Monroe doctrine, just as we proposed to do at that time. We would be under obligation to do what we did do, to settle the controversy through peaceful means if possible; but the Monroe doctrine constituting an element of self-defense of the United States, we would have a perfect right to defend the Monroe doctrine, if it was attacked or defied through the acts of a European power.

Mr. BARKLEY. In the event there might be a conceivable controversy between some European nation and some South American or Central American nation involving a question of territory, which, if settled amicably, might result in the cession of a certain portion of territory in this hemisphere to the European nation as a part of an amicable settlement, would our consent to such a settlement in any way involve the abrogation of the Monroe doctrine upon the part of the United States?

Mr. BORAH. Oh, yes. The primary principle of the Monroe doctrine is that no foreign government shall acquire territory in South or Central America.

Mr. BARKLEY. That was not the original primary object. It was to prevent any European government taking any territory here if it was for the purpose of obtaining a foothold in the Western Hemisphere, but it did not cover a controversy over a boundary line. It was intended to keep European nations from an attitude of aggression in the Western Hemisphere, but not originally did it involve the question of disputes in good faith over boundary lines. I think our modern interpretation of the doctrine has been extended to the question of boundary lines. But would the Senator consider that we would in any way abrogate our right to assert the Monroe doctrine by the ratification of this treaty, under which we are obligated to resort to every possible means to settle disputes amicably, in the case of a dispute between a European nation and a South American nation over a question of that sort, which might result in a cession of territory to a nation which the Monroe doctrine involved?

Mr. BORAH. No; I do not think this treaty would in any way embarrass or impair our rights in asserting and maintaining the Monroe doctrine.

Mr. BARKLEY. And the Senator thinks those rights are governed by our own interpretation of the Monroe doctrine?

Mr. BORAH. Exactly. The Monroe doctrine is our doctrine. We announced it ourselves. It is a principle of self-defense. We alone interpret it. As Mr Wilson said, we interpret it, and we will never consent to anybody else joining us in interpreting it. Therefore, if a government of Europe should challenge whatever we deem to be the Monroe doctrine, refuse to settle a controversy between us with regard to it peacefully, we would undoubtedly be the sole judges, ourselves, of what constitutes the Monroe doctrine and how we should defend it.

Mr. BARKLEY. So that if any European nation and any South American nation should settle a dispute amicably between themselves but in our judgment that settlement, amicably arrived at, involved the question of the interpretation and application of the Monroe doctrine, we would then have the right to step in and interfere with that settlement, if necessary, even to the extent of going to war?

Mr. BORAH. Yes. That is, in case the government refused to settle with us peacefully.

Mr. BARKLEY. That is, if both governments refused to settle with us?

Mr. BORAH. Yes.

Mr. CARAWAY. Mr. President, earlier in the Senator's speech he said that if one nation should claim that it was acting upon the principle of self-defense, and another nation said, "I am willing to submit all these questions to arbitration," then that would determine the fact as to who was the aggressor. That is hardly the language of the Senator, but practically what he said.

Mr. BORAH. What I undertook to say was this, that as a test of the good faith of a nation which was claiming to be acting in self-defense, if we should say to that nation, "Let us settle this matter peacefully, let us adjust our controversy, let us arbitrate," and that nation should refuse any overtures of that kind, it would be very difficult for that nation to claim that it was acting in self-defense.

Mr. CARAWAY. In other words, the other nations would be justified in regarding that nation as an aggressor which refused to enter the settlement?

Mr. BORAH. I think they would be.

Mr. CARAWAY. I am asking the question because the Senator said, in answer to a question of the Senator from California, that we could have fought the Spanish-American War, if this treaty had been in effect, without violating its provisions. As I now recall, Spain disclaimed any responsibility for the sinking of the *Maine*, and was willing to settle those questions peacefully. How could we justify ourselves, under this treaty, in refusing to do that?

Mr. BORAH. As I said a moment ago, when you take into consideration the fact that the *Maine* had been blown up, our property destroyed, our means of defense attacked, and our citizens killed, the mere fact that Spain or some other government might disclaim its acts would not of itself be conclusive. The crime having been committed, the deed having been accomplished, the lives of our citizens lost, it would be for us to determine whether the disclaimer was in good faith and whether their action necessitated our action in regard to it. I repeat I do not pretend to say who, in fact, was responsible.

Mr. CARAWAY. In other words, as I understand the Senator, we could look within the minds of people and say, "While you say you are our friends, you are in fact our enemies," and still keep the treaty?

Mr. BORAH. Certainly. We would judge from all the facts—acts as well as words.

Mr. CARAWAY. I asked the questions because I did not understand the logic of that position.

Mr. President, owing to the lateness of the hour, I will move at this time that the Senate take a recess until to-morrow at 12 o'clock.

RECESS

The PRESIDING OFFICER (Mr. CURTIS in the chair). Before putting the motion for a recess, the Chair, under the order previously entered, will refer sundry executive nominations to the appropriate committees.

The Senator from Idaho moves that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) took a recess until to-morrow, Friday, January 4, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 3, 1929

SURGEON GENERAL AND CHIEF

Medical Director Charles E. Riggs to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of four years.

COAST GUARD OF THE UNITED STATES

To be lieutenant commanders

Lieut. Noble G. Ricketts, October 1, 1928.
Lieut. Harold G. Bradbury, October 1, 1928.
Lieut. Irving W. Buckalew, October 1, 1928.
Lieut. Rae B. Hall, October 1, 1928.

Lieut. Arthur G. Hall, October 1, 1928.
Lieut. Ephraim Zoole, October 1, 1928.
Lieut. Paul K. Perry, October 1, 1928.

To be lieutenants

Lieut. (Junior Grade) Alfred C. Richmond, October 1, 1928.
Lieut. (Junior Grade) Walter R. Richards, October 1, 1928.
Lieut. (Junior Grade) Thomas Y. Awalt, September 10, 1928.
Lieut. (Junior Grade) Roy L. Raney, October 17, 1928.
Lieut. (Junior Grade) George B. Gelly, October 17, 1928.
Lieut. (Junior Grade) Russell E. Wood, October 17, 1928.
Lieut. (Junior Grade) Clarence H. Peterson, October 17, 1928.
Lieut. (Junior Grade) James A. Hirshfield, October 17, 1928.
Lieut. (Junior Grade) Joseph D. Conway, October 17, 1928.
Lieut. (Junior Grade) Charles W. Lawson, October 17, 1928.
Lieut. (Junior Grade) Frank T. Kenner, October 17, 1928.
Lieut. (Junior Grade) George C. Carlstedt, October 17, 1928.
Lieut. (Junior Grade) John Rountree, October 17, 1928.
Lieut. (Junior Grade) William W. Kenner, October 17, 1928.
Lieut. (Junior Grade) Stephen P. Swicegood, jr., October 17, 1928.
Lieut. (Junior Grade) Henry C. Perkins, October 24, 1928.
Lieut. (Junior Grade) Paul W. Collins, October 24, 1928.
Lieut. (Junior Grade) Charles W. Thomas, October 24, 1928.
Lieut. (Junior Grade) Frank A. Leamy, October 24, 1928.
Lieut. (Junior Grade) John H. Byrd, October 24, 1928.
Lieut. (Junior Grade) Beckwith Jordan, October 24, 1928.

The above-named officers have passed the examinations required by law.

To be lieutenants

Lieut. (Temporary) John McCann.
Lieut. (Temporary) Charles Etzweiler.

To be an ensign

Ensign (Temporary) Dwight H. Dexter.

The above-named officers have met the requirements for appointment in the regular Coast Guard, as set forth in section 5 of the act of July 3, 1926.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. David St. Clair Ritchie, North Dakota National Guard, to be brigadier general, Reserve, from December 20, 1928.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Lieut. Commander William N. Richardson, jr., to be a commander in the Navy from the 11th day of December, 1928.

Lieut. Elliott M. Senn to be a lieutenant commander in the Navy from the 16th day of October, 1928.

Lieut. Vernon F. Grant to be a lieutenant commander in the Navy from the 16th day of November, 1928.

Lieut. Francis T. Spellman to be a lieutenant commander in the Navy from the 11th day of December, 1928.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 16th day of October, 1928:

Cecil Faine.
Hubbard F. Goodwin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of December, 1927:

Gerald B. Ogle.
John R. Sanford, jr.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Walter B. Davidson.
Roy R. Ransom.
Benjamin May, 2d.
Alfred J. Benz.
Arthur D. J. Farrell.

The following-named citizens to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), from the 14th day of December, 1928:

Merrette M. Maxwell, a citizen of California.
Jackson F. Henningsen, a citizen of New York.

Pay Clerk Walter W. Metcalf to be a chief pay clerk in the Navy, to rank with but after ensign, from the 3d day of December, 1927.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 3, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We pause at the threshold of the new year, Righteous Father; into the folds of the coming months we pass. We believe that Thou art ever nearer than the sky and all the worlds that roll in light. In the care of business, at the hearthstone with the children, at the cot when we wrestle for our loved ones, we need not search for Thy presence, nor feel like an exile far from home. We thank Thee that Thou dost lift us to a knowledge of Thy love and protecting care, and that neither life nor death can change the manifestations of Thy heavenly providence. Oh, may the future glow with the glory of God. In the urgency of great duty or in the joy of a great purpose, may we feel ourselves allied to Thee. By simple honesty, by rejecting falsehood, by wise speech and brave example may we grow larger and better and become increasing forces in the affairs of state and society. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, December 22, 1928, was read and approved.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on December 22, 1928, present to the President, for his approval, a bill of the House of the following title:

H. R. 7324. An act for the relief of Orla W. Robinson.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill of the House of the following title:

On December 22, 1928:

H. R. 7324. An act for the relief of Orla W. Robinson.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 584. An act for the relief of Frederick D. Swank; and

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.

The message also announced that the Vice President had appointed Mr. KEYES as a member of the committee of conference on the part of the Senate on the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, vice Mr. CURTIS, excused.

AMERICAN TARIFF AND TRADE POLICIES

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on trade subjects and some tariff subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, the Republican proposal this year again to revise the tariff upward should be met by a Democratic challenge and demand to revise it downward. The Republican practice of accepting large campaign funds from tariff beneficiaries and later permitting them to come to Washington and write their own rates on the plea that the tariff must be revised by its "friends" should be met by a Democratic challenge and a demand that Congress, in the exercise of its own functions and prerogatives, shall write the rates. The Republican proposal to move farther in the direction of extreme high tariffs and more severe restrictions on international trade, in accordance with economic formulas and notions of the prewar vintage, should be met by another Democratic challenge and a demand that America, instead of being further subjected to supertariffs, must in the future work toward a constructive and liberal tariff and commercial policy with uniformity of treatment, in the light of the transformation and revolution in our financial, industrial, and commercial affairs since 1914.

A correct interpretation of these new and changed postwar conditions clearly demands foreign markets rather than excessive tariff protection. There are certain new and elemental facts about America's domestic and international situation that can not well be ignored. From the economic standpoint the United States should have two main objectives, viz, the home trade and continuous development of foreign markets. The future prosperity of this country is inseparably bound up with both.

Republican leadership, ignoring the secure and impregnable position of American industry in our home trade and clinging to preconceived ideas of narrow nationalism or exclusiveness, would continue extreme protection, breathing retaliation, primarily at the behest of antiquated or inefficient plants, those

not economically justifiable, minor specialties, and those near seaports, where small but not abnormal imports come in. Foreign markets and foreign trade are no part of this single policy of superprotection and economic isolation.

The opposing view would put vitality into the recent utterance of President-elect Hoover that "international trade is the lifeblood of modern civilization," and would point to the extreme need of many great and increasing surplus-producing industries for foreign markets. It would brand as absurd the idea of formulating a broad, national tariff and commercial policy by singling out minor or local or group phases or individual tariff items and generalizing from them. It would insist instead that in solving our present vast industrial and trade problems, we must visualize the Nation as a whole—as one great financial unit, one giant productive plant with ever-increasing surpluses, and as the chief outstanding factor in the present interdependent and interlocked financial, commercial, and economic affairs of the world.

American economic policy can no longer ignore the fact that since 1914 we have changed from a debtor and small surplus Nation to the greatest creditor and actual or potential surplus-producing Nation in the world; that due not to tariffs but to our superior labor, machinery, horsepower, and to mass production we maintain higher wages and living standards and lower production costs in an increasing number of industries than any other country; that as a result we were able in 1927 to export and sell $2,000,000,000 of finished manufactures and $700,000,000 of semimanufactures throughout the world in defiance of all low wages and low living standards. Be it remembered in this connection that our high wages and high-living standards had become a permanent part of our industrial system prior to the Fordney tariff; that they originated in the automobile, the buildings, the railroad, and other nontariff sheltered industries, and that real wages here have increased not much over 2½ per cent since 1923. And, too, the great reduction of working hours was effected prior to 1921. Let it be further remembered that our high tariffs were not an important factor in such partially satisfactory business conditions as we have had. Our unlimited raw materials and foodstuffs, mass production, and increased productivity of labor, automobile expansion, our vast gold and credit structure, the expenditure of billions annually in building, highway, and railway construction and improvement, and the installment sales of two and three-fourths billion dollars per annum, have been the chief factors. The major effect of tariffs is to transfer wealth from one class to another without affecting the Nation's total.

It is safe to say that our productive capacity to-day is 25 per cent in excess of our ability to consume. High tariffs can not save us from growing surpluses. Some of the serious results already are the doubling and trebling of distribution costs in frenzied efforts to dispose of increasing surpluses at home; much idle labor and vast aggregations of idle capital, billions of which have gone into stock brokers' loans, for gambling purposes, thereby seriously affecting the stability of both our money and trade structure; many loans abroad made more hastily than prudence and good investment policy would justify; feverish efforts by many industries, through devices and tacit arrangements to curtail production so as to maintain an equilibrium between production and consumption, thereby avoiding price dislocation; a growing annual surplus in an increasing number of industries such as agriculture, coal, the textiles, oil, and a long list of others. If American plants to-day were unloosed at full production capacity, they would flood all domestic markets within 90 days, and many artificial parts of our economic structure would topple and fall.

It is my individual view that these glaring facts and conditions soon will compel America to recognize that these ever-increasing surpluses are her key economic problems, and that our neglect to develop foreign markets for surpluses is the one outstanding cause of unemployment. Those who champion our system of superprotection do not pretend that tariffs will aid exports, for the patent reason that nations can not sell more if each tries to buy less; that high tariffs shut off our exports almost to the extent that they shut out imports; that such tariffs arouse hatred, controversy, retaliation, and drive trade in the opposite direction; that we can not extend foreign markets by raising domestic costs; and that every tariff rate is an injury to export trade.

Since the war, with values equalized, our imports of finished dutiable manufactures have been less than in 1914. Our average tariff rate on these is approximately 42 per cent, while it runs to 53 per cent on cotton manufactures, 61 per cent to 71 per cent on woolen manufactures and fabrics, respectively, and 68 per cent on silk wearing apparel. Imports comprise the very minimum of competitive articles, while they involve billions of noncompetitive raw materials and foodstuffs, we do not produce, or can not produce in sufficient quantities, semimanufactures, specialties, and certain costly fashions or designs purchased by the rich. If instead of teaching the people that the slightest imports are a matter of life and death we would teach them that there is room for a mutually profitable exchange of a large range of commodities that neither country can profitably produce, as just described, as well as still others only indirectly or remotely competitive, we would thereby derive $3 from enhanced and healthy sales of our surpluses to each $1 derived from ultra tariff protection. But people are taught to view only the gross tariff benefits and to overlook what are net tariff injuries in a majority of cases.

It was under American leadership that a network of tariffs has been built up in Europe since the war, with such results as diminished production, wasteful use of capital, uneconomic distribution of industries, serious trade controversies, and fatal handicaps to the restoration of international trade. America should now take the lead back toward lower tariffs and liberal trade policies. It would be absurd to call upon other countries to lower their tariffs while we proceed to raise ours, already far higher than theirs. There was never such potential trade opportunities in many countries open to a nation as are offered America to-day. There are more than a billion people in the Far East and in South America whom we could easily persuade to desire more and better things to eat, wear, and use, and who could soon be induced to develop a purchasing power of ten to fifteen billion dollars per annum. We have thus far scarcely scratched the surface. A similar course toward Cuba, Porto Rico, and the Philippine Islands by the United States, toward Africa by England, and Manchuria by Japan, are illustrations.

The conclusion is inescapable that this Nation, faced with large and growing surpluses, can advance its economic welfare to a far greater extent by developing these wonderful foreign-trade opportunities than by rejecting them for the sake of an air-tight tariff structure and the trifling increase of home trade resulting. To prove this we have but to look at the small increase of home trade and consumption compared with our great piling up surpluses since 1923. The latter course will send American agriculture and other surplus industries to their doom. Agriculture was given the so-called farmers' high tariff of May, 1921, with the assurance that it meant prosperity; they were later given the supplemental tariffs in the Fordney Act of September, 1922, with the renewed promise that they were the key to undoubted agricultural prosperity. Agriculture to-day is over $20,000,000,000 worse off than in 1920. Still more tariffs are again offered agriculture. Can the same farmers be thus fooled a third time in succession? Our agriculture already enjoys all the tariff benefits available to a material extent, save as to a few minor products. Three hundred and thirty-nine million of a total of 356,000,000 acres planted to crops in 1927, comprised staple crops that experience purely nominal or no tariff benefits, but only tariff penalties. These include corn, cotton, tobacco, wheat, hay, rye, oats, buckwheat, and barley. Here is where the farmer's capital is invested. I agree now to pay $500 to any charity, if any impartial group of unbiased economists to be selected should not find that the tariff injuries as a whole to the producers of these eight staple products are not three to five times greater than the tariff benefits. Almost the entire truck products, which are more clamorous for tariffs, are only raised on about 2,400,000 acres, or less than 4,500,000 acres, if we include peanuts and beet and cane sugar. To dose the farmer further on tariffs, save in a few minor instances, is but an attempt "to drug the patient while his strength slowly ebbs away." The farmer should follow economic rather than political leadership.

The United States along with Spain and Russia maintains the highest tariff and trade barriers in the world. Other nations have tariffs, deemed amply high, but they are low in comparison with ours. When Republicans assert that tariff protection has become the accepted policy in this country, they do not mean reasonable, or adequate, or moderate protection, but inordinate, air-tight, superprotection intended to exclude every item of imports remotely competitive, which invites retaliation, and which largely cuts us off from all markets for our surpluses. They dare not defend it upon grounds of revenue or equity or morals.

This is the first economic issue tendered to Democrats. We must first halt and drive back the movement to fasten this unsound and destructive policy of extremism upon the country, by a demand that the Nation face in the opposite direction of lower tariffs, more liberal trade policies, and systematic efforts to develop an increasing export trade. The latter should include free ports wherein raw materials could be brought from abroad, mixed with our own, and manufactured into finished products to be exported and sold.

Astonishing to say, our exports to-day are less than they would have been under the pre-war percentage of increase, although we have sold most of them on credit by loaning the money to pay for them. These loans with which to pay indebtedness due us from abroad can not continue. It is merely piling new upon old debts. The first objective then, of those who challenge the Republican tariff program, is to substitute the broader and more liberal tariff and trade policies as stated. The tariff readjustments to this end should be brought about in the most careful, gradual, and scientific manner. Under these policies our surpluses would be kept moving; labor and capital would be fully employed on thoroughly satisfactory terms; many raw materials we do not produce or can only produce in wholly inadequate quantities would be admitted free, thereby substantially reducing production costs; and soon our exports would aggregate ten to fifteen billion dollars instead of five billions at present.

Pending the accomplishment of this first objective, as I view it, there need be no occasion for quibbling or concern about the fixing of rates for minor tariff items where, due to changed conditions, imports are abnormal, the industry is efficient, and the rates are not on a parity with those of the general tariff structure. But when the first long step in this proposed tariff and trade policy of liberalization shall have been carried into effect, then under improved conditions will come the occasion to define and prescribe more exact formulas for rate purposes. When with lower production costs and wider and better foreign markets, tariff demands will be modified, the rate basis will be different and easier of determination. The modernized view that as a nation becomes economically independent it should throw off artificial restrictions upon production and trade, will be strong. Unreasoning fear of foreign competition and the present mania for tariff embargoes will have abated. The weight of enlightened opinion will incline more and more toward moderate tariffs, reasonably competitive, which would give play to an ever-increasing foreign trade, a healthier, greater, and better balanced home production and price level, with all standards of wages and of living maintained and gradually improved, a better distributed prosperity, and America for generations would lead the world in finance, industry, and commerce.

Our Government should have had installed since 1921 a great impartial and firm fact-finding tariff body—much freer from bias and factionalism than some of the commissions that have been attempting to function—to the end that Congress and the country might at each stage have been kept fully advised of all current industrial, trade, and economic facts material and pertinent for the purposes of tariff readjustments from time to time. With a responsive Congress, disposed to utilize and act upon conditions thus revealed, our economic situation to-day would have been far better.

This country could have utilized, as it could yet, the bargaining method, along with the unconditional favored-nation doctrine; but the former only as a present means of checking and gradually lowering many abnormally high tariff and trade barriers. Our country could also lend its moral influence, as it heretofore should, in the direction of gradual readjustment downward of excessive tariffs by all nations, and so participate either in concert, or separately and independently, in such downward movement.

The set of policies herein suggested offers the only alternative to that always practiced, though not always professed, by the Republican Party; which latter constitutes the most aggravated form of special privilege; which requires our economic structure, as far as may be, to rest upon subsidies made possible by legislation; and which, worst of all, involves a corrupt partnership between politics and vested industrial interests, the poison of which constantly breeds national scandal such as that in Pennsylvania. With this sinister and discredited policy there can be no compromise.

Moreover, the Democratic Party could not secure the favor of these forces of superprotection if it would. The Republican Party already is their willing and subservient agent, and they would be slow to incur the useless trouble and expense to debauch and prostitute another political party for the same purposes.

EXTENSION OF REMARKS

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address on religious liberty, delivered by William Jennings Bryan, at the Democratic convention held in Madison Square Garden, New York, four years ago.

Mr. UNDERHILL. Mr. Speaker, that is going pretty far, and I object.

LEAVE OF ABSENCE

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that leave of absence be granted to my colleague, Mr. HARE, of South Carolina, for five days, on account of serious illness in his family.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ARMY APPROPRIATION BILL

Mr. BARBOUR, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. COLLINS reserved all points of order.

REVISION OF THE UNIFORM GOVERNMENT CONTRACT BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker and gentlemen, in the last session I introduced H. R. 5767, a bill to establish uniform requirements affecting Government contracts, and for other purposes; a bill which is of very general interest in the departments and to those who have business with the Government. Some hearings were held and then the bill, which was originally drafted in the Budget office by the interdepartmental board on contracts, went back to that board for further consideration. They have now agreed upon a new bill which I am introducing to-day, H. R. 15713. I should like to ask unanimous consent to extend and revise my remarks very briefly and, in addition, to insert with my remarks the bill showing the changes made in it. As I have introduced it to-day it is in form an entirely new bill and it would be a great convenience to those who are following this legislation to have printed in the RECORD the bill with the amendments and changes indicated in the customary style, and with that a brief memorandum from the Budget office explaining the changes and amendments, as well as a letter from the Director of the Budget. I present that as a unanimous-consent request.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRAMTON. Hearings were held before a subcommittee of the Judiciary Committee of the House, headed by Congressman CHRISTOPHERSON. In those hearings numerous suggestions were made with reference to the bill and those suggestions have had extended study by the interdepartmental board. The numerous changes in the bill of more or less importance are recommended by that board and are embodied in the bill which I am now introducing.

I anticipate that Judge CHRISTOPHERSON's subcommittee will proceed with hearings on this revised bill in the near future. I regard the bill as one of very great importance in bringing about uniformity in the practice of the Government in its various departments and establishments in the making of contracts. Through such uniformity the work of the General Accounting Office will be materially simplified and due protection of the interests of the Government will be made more easy.

The letter from the Director of the Budget is as follows:

BUREAU OF THE BUDGET,
Washington, December 29, 1928.

Hon. L. C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: On December 27, 1928, you wrote me with reference to the general Government contract bill (H. R. 5767) which you introduced December 5, 1927. Since the termination of the first session of the Seventieth Congress the Interdepartmental Board of Contracts and Adjustments has been actively engaged in reviewing the original bill, and, following your suggestion, has had hearings with Government officials and others who suggested certain changes in the bill to the Committee on the Judiciary of the House of Representatives.

As a result of this review work, the board has recommended certain changes in the original draft, which changes are indicated on the inclosed copy of bill H. R. 5767, as it was thought that you would desire to know exactly what changes were recommended. A complete redraft of the bill containing all of the changes recommended by the board is also inclosed, together with an explanatory statement relating to these changes.

The draft herewith submitted embodies the amendments that were deemed advisable by the board and I am informed by the board that the present draft in all material respects has the approval of the

departments and independent establishments of the Government, including the municipal government of the District of Columbia, and excepting alone the General Accounting Office. With regard to the General Accounting Office I am informed that the provisions of sections 7 and 9 are not concurred in.

There is one section of this draft to which I believe I should make specific reference, namely, section 9, which deals with liquidated damages, and as now worded confers upon the head of the department concerned the authority to remit the whole or any part of such damages as in his opinion may be just and equitable. The board advised me that this section had the unanimous approval of the departments and establishments, with the exception of the General Accounting Office.

I again presented this matter to the President, who has authorized me to state that he approves the draft as now presented by the Interdepartmental Board of Contracts and Adjustments.

Sincerely yours,

H. M. LORD, *Director.*

The bill showing the amendments of H. R. 5767 therein is as follows, and showing amendments by contract board, December, 1928:

A bill (H. R. 5767) to establish uniform requirements affecting Government contracts, and for other purposes

[Omit the part in brackets and insert the part printed in italics]

Be it enacted, etc.—

SECTION 1. This act may be cited as the "The public contract act, [1928] *1929.*"

SEC. 2. Definitions: When used in this act, unless the text indicates otherwise;

(a) The terms "United States" and "Government" are synonymous and include the District of Columbia and all departments of the Government;

(b) The term "department" means any executive department, independent establishment, commission, board, or other Government agency having authority to make contracts involving the expenditure of public funds, *and shall include the District of Columbia;*

(c) The term "formal contract" means an agreement reduced to writing *in one instrument* and signed by all the contracting parties at the end thereof. The term "informal contract" means an agreement in any other form;

(d) The term "advertising" means inviting competitive bids by notice in printed publications or posted in public places, by circular letter or otherwise;

(e) The term "general provisions" means those parts of a contract that deal with the general rights and liabilities of the contracting parties as distinguished from the provisions peculiar to the particular contract;

(f) The term "personal services" means services rendered at a specified rate in person by the party or parties who contract to perform them;

(g) The term "contractor" means any person, partnership, company, or corporation party to a contract with the United States;

[(h) The term "emergency and exigency" are synonymous and mean situations requiring such immediate action as not to permit advertising for bids and the execution of contracts;]

[(i)] *(h)* The terms "purchase" and "procurement" are synonymous and mean the acquisition of services, materials, or supplies pursuant to contract.

SEC. 3. Authority: No contract shall be made or obligation assumed on behalf of the United States unless the same is under appropriation adequate to its fulfillment except—

(a) By any department charged by law with the procuring thereof for clothing, subsistence, forage, quarters, shelter, transportation, medical, surgical, or hospital supplies, or services, which, however, shall not exceed the necessities for the current fiscal year;

(b) For fuel for Government use in sufficient quantities to meet the requirements for one year without regard to the current fiscal year, when, in the opinion of the head of the department charged with the procuring thereof, it is in the interest of the United States so to do. Payments for fuel delivered may be made from funds appropriated to such department for that purpose for the current fiscal year or from funds appropriated or that may be appropriated therefor for the ensuing fiscal year;

(c) By the Post Office Department for such periods of time as may now be authorized by law;

(d) Leases of real estate *by departments for terms not exceeding three years,* by the State department for premises in foreign lands *for terms not exceeding 10 years, and* by the Post Office Department for [terms not exceeding 10 years, and by other departments for a term not exceeding three years] *such periods of time as may now be authorized by law: Provided,* That no contract shall be made for the leasing of any building or part of building in the District of Columbia unless the same shall have been authorized by law or until an appropriation therefor shall have been made in terms by Congress;

(e) For services or supplies in cases threatening immediate loss of human life or destruction of property;

(f) By the Indian Service as provided by section 4 of the act of August 15, 1894;

(g) By the Bureau of Fisheries for supplies for the natives of the Pribilof Islands in the manner and subject to the limitations provided in paragraph (b) of this section;

(h) When otherwise authorized by law.

SEC. 4. Purchase of land: No land shall be purchased on account of the United States except under a law authorizing such purchase.

SEC. 5. Advertising: *(1)* All contracts exceeding $500 in amount for work, materials, supplies, or services, other than personal, shall be made after advertising for bids a sufficient time previously and not less than 10 days before the day set for the opening thereof; except—

(a) During the period of a national emergency when so declared by the President;

(b) When the public exigency will not admit of the delay incident to advertising;

(c) For medicines and medical supplies, hospital and surgical supplies, and prosthetic appliances when authorized in writing by the head of a department or by the head of the medical service of the department concerned;

(d) For articles for the military or naval or Coast Guard service, when the Secretary, Acting Secretary, or Assistant Secretary of the War, Navy, or Treasury Departments, respectively, personally certify that the character or ingredients thereof are of such a nature that the public interests require that they be kept secret;

(e) In purchasing fuel for the Navy or for naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel that is best adapted to the purpose for which it is to be used;

(f) For scientific and technical apparatus and instruments of precision for specialized laboratory or research work;

(g) For supplies purchased and to be used without the limits of the United States or its possessions;

(h) For products of Indian industry purchased from Indians under Government superintendence for Indians under Government supervision;

(i) For proprietary or other articles or services for which it is impracticable to secure competition;

(j) Supplies purchased for authorized resale;

[(k) For experimentation, development, and manufacture of special military or naval material for test to determine the suitability thereof for actual service.]

(k) For experimental or development work for the military or naval services, or for manufacture or purchase of military or naval matériel for experimentation or test to determine the suitability thereof for actual service;

(l) When otherwise authorized by law.

(2) *The advertisement or specifications shall clearly describe the needs of the Government in such terms as to permit full and free competition on such needs.*

SEC. 6. Publication: No advertisement for bids shall be published in any printed publication except upon written authority or regulation of the head of the department *concerned.* The compensation for such advertising shall in no case exceed the commercial rates charged to private individuals, with the usual discounts, such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of such publications.

[SEC. 7. Opening bids: When bids are submitted in answer to advertisements, they shall be publicly opened at the time and place stated in the advertisement. Bidders shall be permitted to be present at the opening either in person or by representative. An abstract of all bids received shall then and there be made. Award shall be made with reasonable promptness and by written notice to that responsible bidder whose bid, conforming to the specifications, will be most advantageous to the Government, price and other factors considered. In case of doubt as to which bid is most advantageous to the Government, the decision of the head of the department shall be final: *Provided, however,* That any and all bids may be rejected when it is in the public interest so to do.]

Sec. 7. Award of contracts: All bids shall be publicly opened at the time and place stated in the advertisement. Award shall be made with reasonable promptness by written notice to that responsible bidder whose bid, conforming to the specifications, will be most advantageous to the Government, price and other factors considered: Provided, That acceptance of any other than the lowest bid conforming to the specifications, or the rejection of any bid on the ground of the bidder's irresponsibility, shall be by the head of the department concerned, whose decision shall be final, and in each such case he shall file with the original contract a statement of his reasons therefor, an abstract of all bids received, and a copy of the advertisement: Provided further, That all bids may be rejected when it is in the public interest so to do.

SEC. 8. Forms of contract: Contracts for the construction or repair of public works or the procurement of materials, supplies, or services other than personal shall be formal, except—

(a) When the amount of the award is $2,000 or less;

(b) When the amount is $5,000 or less and performance or delivery is to be completed within 90 days;

(c) When the public exigencies require immediate performance or delivery; or

(d) When the supplies are to be purchased and used without the limits of the United States or its possessions;

(e) For the repair or overhaul of vessels.

In cases (a), (b), (c), (d), and (e) the work, materials, supplies, or services may be procured by informal contract.

[SEC. 9. Liquidated damages: Whenever, in contracts to which the United States is a party, there is a provision for liquidated damages for delay, the Comptroller General of the United States, on the written recommendation of the head of the department concerned, may remit the whole or any part of such damages that have accrued as, in his opinion, may be just and equitable.]

Sec. 9. Liquidated damages: Whenever, in contracts to which the United States is a party, there is a provision for liquidated damages for delay, the head of the department concerned, stating his reasons in writing therefor, may remit the whole or any part of such damages as in his opinion may be just and equitable.

SEC. 10. Filing of contracts: [An] *The* original of each formal contract shall be forwarded to the General Accounting Office as soon as practicable. [An] *The* original of each informal contract shall be forwarded to the General Accounting Office with the voucher covering the first payment thereon. All contracts so forwarded shall be accompanied by the performance bond, if any.

SEC. 11. Copies of contracts: A certified copy of any contract and related papers filed therewith, in whole or in part, shall be furnished by the General Accounting Office to any person applying therefor, and paying in advance its estimated cost, but this shall not apply to any contract which the head of the department concerned has certified contains confidential or other matters which, in the public interest, shall not be disclosed.

SEC. 12. Payments: No payment shall be made under contract in excess of the value of the work performed, the services rendered, or the articles accepted, except that communication services, *subscriptions for printed publications, and* rent, *heat, and light* in foreign countries, [and subscriptions for printed publications] may be paid for in advance.

SEC. 13. Security: (a) Every formal contract with the United States for the construction or repair of public work shall be accompanied by a performance bond, with good and sufficient sureties, including the additional obligation that the contractor shall promptly make payments to all persons supplying labor or materials for such [contract] *work*. If no suit be brought on the bond by the United States prior to [within three] *six* months from and after final settlement under the contract, *by the General Accounting Office*, any other claimant under such obligation may bring suit in the name of the United States, for his use and benefit, in the [district] *appropriate* court of the United States for the district in which the contract was to be performed, irrespective of the amount in controversy, and not elsewhere, within [one year] *18 months* after such settlement. *Any claimant under such bond shall, upon application therefor and furnishing an affidavit to the General Accounting Office that he has supplied labor or materials for such work and payment has not been made therefor, be furnished, without cost, with a certified copy of said contract and bond, upon which he may bring said suit, and he shall also be furnished by the said office with a statement of the date that final settlement has been made under the contract, which statement of the date of settlement shall be conclusive upon the parties.* Only one suit on such bond may be brought, whether by the United States or other claimant, and any other claimant under the bond, including the United States, may intervene in the suit and be made a party thereto not later than [one month] *90 calendar days* after the date of the last publication of notice hereinafter provided for. Notice of the pendency of the suit, with information as to the right to intervene, shall be given personally or by mail, as the court may order, to all known creditors, and published in some newspaper of general circulation, published in the State, [or] county, or city in which the contract was to be performed, once in each of three successive weeks. If the full amount of the liability of the sureties on said bond is insufficient to pay all amounts awarded in such suit, the amount remaining after paying in full any amount awarded the United States shall be prorated among the judgment creditors. In any such suit the sureties on the bond may pay into court for distribution among all claimants the full amount of their liability under the bond, less any amount which they may have had to pay to the United States thereunder, and upon so doing they will be relieved from further liability;

(b) Performance bonds or other security may be required in cases other than those specified in paragraph (a) of this section;

(c) Any corporation having qualified, as required by law, to act as surety on bonds in which the United States is obligee, may be accepted as sole surety on any bond required or authorized under this act;

(d) Whenever any bond, guaranty, or undertaking, with surety or sureties, is required by this act, United States bonds or notes may be furnished as security [, as provided by law].

SEC. 14. Hours of labor: Every contract on behalf of the Government, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the Government all violations of the provisions of this section and the amount of the penalties imposed according to such stipulation shall be withheld, for the use and benefit of the Government, by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether violations of the provisions of such contract [is] *are* by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right, within six months thereafter, to appeal to the head of the department making the contract on behalf of the United States, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may, within six months after decision by such head of a department, file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court: *Provided*, That nothing in this section shall apply to or be construed to apply to—

(a) Persons employed in connection with dredging or rock excavation in any river or harbor or navigable water of the United States while not directly operating dredging or rock excavation machinery or tools;

(b) Persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States;

(c) Persons employed in connection with subaqueous construction in any tidal waters;

(d) Contracts for transportation by air, land, or water, for public utility services, for the transmission of intelligence, or for the purchase, *renovation, or repair* of materials or supplies such as are ordinarily procurable in the open market, except armor and armor plate, whether made to conform to particular specifications or not;

(e) Contracts for farm or reforestation seasonal work;

(f) Contracts to be performed in foreign countries;

(g) Contracts for public works at places without labor supply and so remote or difficult of access that the workmen employed on the contract must live away from their homes;

(h) Violations due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, flood, or danger to life or property; or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable: *Provided further*, That in the case of national emergency the President is authorized to suspend the provisions of this section, in which case the wages of persons employed upon any contract with the United States shall be computed upon a basic daily rate of eight hours' work, with overtime rates to be paid for at no less than time and one-half for all hours' work in excess of eight hours: *And provided further*, That nothing in this section shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, as modified by the act of March 3, 1913.

SEC. 15. Transfer: No contract with the United States nor any interest therein shall be transferred by the contractor to any other person. In case of such transfer the United States may void the contract and recover from the contractor damages for the breach thereof.

[SEC. 16. Domestic material and services: In the making of contracts preference shall be given to articles of domestic production or manufacture, quality, and prices, including in the price of foreign articles the duty prescribed by the tariff act for importation into the United States, being equal. In the transportation by sea of Government personnel, materials, or supplies vessels documented under the laws of the United States or belonging to the United States shall be used, unless the head of the department concerned shall find that the rates charged by said vessels are excessive and unreasonable.]

Sec. 16. Domestic materials: In the making of contracts to be performed in the United States, its Territories and possessions, preference shall be given to articles or materials of domestic production, conditions of quality and price, including duty, being equal. The term "articles or materials of domestic production" means articles or materials manufactured or assembled in the United States, its Territories or possessions.

SEC. 17. The President is authorized to prescribe and standardize, so far as practicable, the forms, general provisions, and security to be required for all Government contracts.

SEC. 18. Settlement and suits: No suit shall be entertained by any court against the United States on any claim arising under or out of any contract with the United States, unless the claim shall have been presented [at least 90 days prior thereto] to the General Accounting Office for audit and settlement [and unless the suit shall have been instituted within three years from the date the cause of action accrued: *Provided*, That all claims which shall have accrued at the time this act goes into effect shall be governed by the provisions of section 156 of the act of March 3, 1911 (36 Stat. L. 1139).] *and shall have either been settled or remain unsettled for a period of 90 days.*

SEC. 19. Repeal provision: (a) The following sections of the Revised Statutes are hereby repealed: 230, 512, 513, 514, 515, 1136, as amended by the act of June 25, 1910 (36 Stat. L. 721), and the act of May 12, 1917 (40 Stat. L. 58); 3709, 3710, 3711, as amended by the act of March 15, 1898, section 6 (30 Stat. L. 316); 3712; [(twentieth footnote);] 3713, 3715, 3716, 3717, 3718, as amended by act of June 30, 1890 (26 Stat. L. 197), and by the act of July 19, 1892 (27 Stat. L. 243), and by the act of March 3, 1893 (27 Stat. L. 724); 3719, as amended by the act of May 25, 1896 (29 Stat. L. 136); 3720, as amended by the act of June 22, 1910 (36 Stat. L. 591); 3721, 3722, 3723, 3724, 3725, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3735, 3736, 3737, 3741, as amended by act of February 27, 1877 (19 Stat. L. 249); [3743, as amended by the act of July 31, 1894, section 18 (28 Stat. L. 210);] 3744, as amended by act of June 15, 1917 (40 Stat. L. 198); 3745, 3746, 3747, 3828.

(b) The following acts and parts of acts are hereby repealed: Act of April 10, 1878 (20 Stat. L. 36), as amended by act of March 3, 1883 (22 Stat. L. 487); Joint Resolution No. 30, of June 14, 1878 (20 Stat. L. 253); act of January 21, 1881 (21 Stat. L. 317); Joint Resolution No. 24, of May 5, 1894 (28 Stat. L. 582); act of July 16, 1894, section 2 (28 Stat. L. 106); act of August 13, 1894 (28 Stat. L. 278), as amended by act of February 24, 1905 (33 Stat. L. 811), act of June 6, 1902, section 21 (32 Stat. L. 326), act of April 28, 1904 (33 Stat. L. 518), act of December 11, 1906 (34 Stat. L. 841), act of May 30, 1908, section 34 (35 Stat. L. 545), act of June 17, 1910, section 8 (36 Stat. L. 538), act of June 25, 1910, section 5 (36 Stat. L. 676), act of June 25, 1910, section 23 (36 Stat. L. 861), act of August 22, 1911 (37 Stat. L. 32), act of June 19, 1912 (37 Stat. L. 137), act of March 4, 1915, section 5 (38 Stat. L. 1049); *section 3 of the act approved August 15, 1876 (19 Stat. L. 199–200), as amended by the act of June 21, 1906 (34 Stat. L. 328); section 9 of the act approved March 3, 1875 (18 Stat. L. 450), as amended by section 1 of the act approved May 18, 1916 (39 Stat. L. 129); so much of the act of June 26, 1912 (37 Stat. L. 168), and of the act of September 1, 1916 (39 Stat. L. 668), as requires penal bonds with formal written contracts for the purchase of supplies and materials for the District of Columbia.*

(c) All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency: *Provided*, That nothing in this act shall be construed as repealing or modifying—

(1) Statutes relating to the collection, carrying, or distribution of the mails; or

(2) Statutes relating to the purchase, under the direction of the Joint Committee on Printing, of supplies and material for public printing and binding and for paper and envelopes; or

(3) The act of June 17, 1910, creating the General Supply Committee; or

(4) The act of July 2, 1926, entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes" (44 Stat. L. 780); or

(5) *The act of May 7, 1926, entitled "An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America" (44 Stat. L. 403).*

Provided further, That nothing in this act shall be construed to apply to contracts of the United States Shipping Board, or the United States Shipping Board [Emergency] *Merchant* Fleet Corporation, relating to the operation of vessels, nor to contracts of the Inland Waterways Corporation.

[SEC. 23. This act shall take effect July 1, 1928.]

SEC. 20. This act shall take effect July 1, 1929, but any contract entered into or any rights or remedies that have accrued prior to that date shall be settled, adjusted, determined, and enforced without regard to this act.

EXPLANATORY STATEMENT

DECEMBER 17, 1928.

Subject: Amendments to H. R. 5767, a bill to establish uniform requirements affecting Government contracts, and for other purposes.

At the hearing before the Committee on the Judiciary of the House of Representatives in March, 1928, upon H. R. 5767, several amendments to this bill were recommended.

The interdepartmental board of contracts and adjustments has given careful consideration to these proposed amendments and certain other suggested amendments and has drafted the attached proposed bill, which includes the amendments to H. R. 5767, approved by the board.

These amendments to H. R. 5767 and the reasons therefor are as follows:

Section 1 has been amended by changing the year "1928" to "1929."

In section 2, at the end of paragraph (b), the following words have been added: "and shall include the District of Columbia." The Commissioners of the District of Columbia recommended that this paragraph (b) be clarified to specifically include the District of Columbia, which is not an agency of the Federal Government.

In section 2, paragraph (c), the words "in one instrument" have been added in line 6, page 2. This amendment was deemed advisable in view of the decision of the Supreme Court in the case of the United States *v.* Swift & Co. (270 U. S. 124).

In section 2 paragraph (h) was omitted as unnecessary.

In section 3 paragraph (d) was amended by changing the language preceding the proviso so as to read as follows:

"(d) Leases of real estate by departments for terms not exceeding 3 years, by the State Department for premises in foreign lands for terms not exceeding 10 years, and by the Post Office Department for such periods of time as may now be authorized by law: *Provided*, That no contract shall be made for the leasing of any building or part of building in the District of Columbia unless the same shall have been authorized by law or until an appropriation therefor shall have been made in terms by Congress."

This amendment meets the objection of the Post Office Department, as set forth in letter to the chairman of the Judiciary Committee dated February 28, 1928 (p. 108), of part 2 of the printed hearing, in so far as the restriction of leases to 10 years by that department is concerned. The proviso of paragraph (d) continues existing law which it was believed applies to the Post Office Department and therefore the other recommendation by the Post Office Department that this proviso be amended so as to except the leasing of buildings for postal purposes was not approved. This amendment also limits the State Department to 10 years for leasing premises in foreign lands, which is the limitation now contained in current appropriation acts for this department.

Section 5 was amended by changing paragraph (k) to read as follows:

"(k) For experimental or development work for the military or naval services, or for manufacture or purchase of military or naval matériel for experimentation or test to determine the suitability thereof for actual service."

This amendment was adopted to clarify the language.

In section 5 an additional paragraph (2) was added at the end of the section, reading as follows:

"(2) The advertisement or specifications shall clearly describe the needs of the Government in such terms as to permit full and free competition on such needs."

This foregoing amendment was adopted in connection with the revision of section 7, as hereinafter set forth, to meet objections of the Comptroller General as set forth in his letter of February 4, 1928, to the Judiciary Committee (pp. 97 and 98 of the hearing).

In section 6 the word "concerned" has been inserted after the word "department" in line 9 for the purpose of clarity.

Section 7 has been redrafted to read as follows:

"SEC. 7. Award of contracts: All bids shall be publicly opened at the time and place stated in the advertisement. Award shall be made with reasonable promptness by written notice to that responsible bidder whose bid, conforming to the specifications, will be most advantageous to the Government, price and other factors considered: *Provided*, That acceptance of any other than the lowest bid conforming to the specifications, or the rejection of any bid on the ground of the bidder's irresponsibility, shall be by the head of the department concerned, whose decision shall be final; and in each such case he shall file with the original contract a statement of his reasons therefor, an abstract of all bids received, and a copy of the advertisement: *Provided further*, That all bids may be rejected when it is in the public interest so to do."

This amendment of section 7 requires the head of the department, in case he accepts other than the lowest or rejects any bid on the ground of the bidder's irresponsibility, to file with the original contract a statement of his reasons therefor, an abstract of all bids, and a copy of the advertisement. It is believed that this amendment meets the objection of the Comptroller General to the original draft of section 7 (p. 98 of the hearing), which left the decision "to the interested administrative head without disclosing in connection with the expenditure of public funds any justifying fact or reason."

Section 9 was amended to read as follows:

"SEC. 9. Liquidated damages: Whenever, in contracts to which the United States is a party, there is a provision for liquidated damages for delay, the head of the department concerned, stating his reasons in writing therefor, may remit the whole or any part of such damages as in his opinion may be just and equitable."

The foregoing amendment was the language of section 9 as originally drafted by the board which has reaffirmed its views that the authority to remit liquidated damages for delay should be vested in the head of

the department concerned as set forth by Mr. Wetmore on pages 9 to 28 of the hearing.

Section 10 was amended by changing the word "an," in line 1 and also in line 3, to the word "the." This amendment meets in part the objection of the Comptroller General as set forth on page 96 of the hearing.

Section 12 was amended by adding "heat and light" in addition to "rent" that may be paid for in advance in foreign countries as recommended by the State Department. (P. 99 of hearing.)

Section 13 has been amended by giving the United States six months instead of three months after final settlement in which to bring suit and by giving other claimants 18 months after such settlement instead of 1 year in which to bring suit.

This section was also amended by providing that the final settlement means settlement by the General Accounting Office, where all contracts under existing law are now finally settled, rather than a settlement by the department as now construed by the courts. (See p. 15 of hearing.) The section has also been amended by allowing 90 calendar days instead of 1 month after the date of the last publication in which the United States or other claimant may intervene in the suit. The word "contract," in line 1, page 9, was changed to the word "work" and the word "district," in line 6, page 9, was changed to the word "appropriate."

There was also added, after the word "settlement," in line 9, page 9, the following language:

"Any claimant under such bond shall, upon application therefor and furnishing an affidavit to the General Accounting Office that he has supplied labor or materials for such work and payment has not been made therefor, be furnished, without cost, with a certified copy of said contract and bond, upon which he may bring said suit, and he shall also be furnished by the said office with a statement of the date that final settlement has been made under the contract, which statement of the date of settlement shall be conclusive upon the parties."

The foregoing additional language was decided upon after conference by the contract board with Mr. A. Preston Shealey, who testified before the Judiciary Committee and recommended amendments to this section. (See pp. 28–32 of hearing.)

In paragraph (d), section 13, the words "as provided by law" at the end of this paragraph were omitted.

In section 14, line 13, page 11, the word "is" was changed to "are" for grammatical reasons.

In paragraph (d) of section 14 the words "renovation or repair" were inserted after the word "purchase" in line 14, page 12.

Section 16 was amended to read as follows:

"SEC. 16. Domestic materials: In the making of contracts to be performed in the United States, its Territories, and possessions preference shall be given to articles or materials of domestic production, conditions of quality and price, including duty, being equal. The term 'articles or materials of domestic production' means articles or materials manufactured or assembled in the United States, its Territories, or possessions."

The foregoing language was recommended by the State Department. The last sentence of section 16 relating to transportation on United States vessels was omitted because of section 601 of the merchant marine act of May 22, 1928 (45 Stat. 697), requiring officers or employees of the United States to travel on ships registered under the laws of the United States when such ships are available.

Section 18 has been amended by omitting the provision that would reduce the statute of limitations from six to three years on contracts. It was not deemed advisable to amend the Judicial Code in this bill in respect to the statute of limitations relating to contracts leaving the statute of limitation six years as to other claims. The other amendment to this section 18 was for the purpose of permitting a claimant to bring suit if the General Accounting Office has not settled his claim within 90 days.

In section 19 the words "twentieth footnote" are omitted in line 4, page 15, and the specific repeal of 3743 of the Revised Statutes as amended (lines 16 and 17, p. 15) has been omitted from the specific repeal provision as recommended by the Comptroller General. (P. 97 of hearing.)

There has been added for specific repeal at the end of paragraph (b), section 19, the acts relating to the Indian Service as recommended by the Secretary of the Interior. (P. 100 of hearing.)

There has also been added for specific repeal under paragraph (b), section 19, so much of the act of June 26, 1912, and of the act of September 1, 1916, as requires penal bonds with formal written contracts for the purchase of supplies and materials for the District of Columbia. This repeal is concurred in by the Commissioners of the District of Columbia.

A new paragraph 5 has been added under paragraph (d) of section 19, exempting the act of May 7, 1926, from repeal as recommended by the State Department. (P. 99 of hearing.)

The words "United States Shipping Board Emergency Fleet Corporation" have been corrected to read "United States Shipping Board Merchant Fleet Corporation," in line 16, page 17.

Section 23 of the bill has been changed to section 20, to read as follows:

"SEC. 20. This act shall take effect July 1, 1929, but any contract entered into or any rights or remedies that have accrued prior to that date shall be settled, adjusted, determined, and enforced without regard to this act."

MEMORIAL SERVICES

Mr. SNELL. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 272

Resolved, That Rule X of the Rules of the House of Representatives be amended by inserting a new paragraph following paragraph 40, which shall be known as 40a and shall read as follows:

"40a. On memorials, to consist of three members."

That Rule XI be amended by inserting a new paragraph following paragraph 40, that shall be numbered 40a and shall read as follows:

"40a. It shall be the duty of the Committee on Memorials to arrange a suitable program for each memorial day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding year, and to arrange for the publication of the proceedings thereof."

Mr. SNELL. Mr. Speaker, if this resolution is adopted a new standing committee of the House will be created, known as the Committee on Memorials, to consist of three members. For a long time it has been the feeling among the Members that our usual memorial day program was falling short of what was intended and that it lacked a great deal of the dignity of a proper memorial day in the House of Representatives. If, perchance, some of the relatives of deceased Members should happen to come here on that day, it is always a great disappointment to see so very few Members present and apparently going through a perfunctory performance. This resolution provides for the creation of a committee that will formulate some kind of a program, and is very general in every way. Such a committee may suggest that we have a memorial day during the week in place of a regular session of the House, and at that time have some Member deliver a eulogy in memory of deceased Members. In addition to that, if any Member from the specific State desires to make some remarks with reference to a deceased Member, of course he would be allowed to do so.

There is no definite program formed at the present time, but it is expected that this committee will do something along this line and will arrange for a program that is much more satisfactory than the manner in which these memorial services have been observed during the past.

Some one has asked me how this committee would report. I have not given that question very careful consideration, but it would seem to me that the chairman of the committee could rise and present a resolution, the same as a Member does from any State that has a deceased Member, and ask unanimous consent for its immediate consideration, and that resolution probably would simply set aside some specific day to be observed with a memorial program.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. SNELL. I will be pleased to yield to the gentleman.

Mr. GARRETT of Tennessee. As the gentleman will remember, I was not present at the meeting of the Committee on Rules at which this resolution was considered, so I want to ask one or two questions for information. I note that the last paragraph provides that—

a. It shall be the duty of the Committee on Memorials to arrange a suitable program for each memorial day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding year, and to arrange for the publication of the proceedings thereof.

I am not quite sure that I understand. For instance, if this committee were in existence now, it would be its duty to arrange a memorial day for——

Mr. SNELL (interposing). For all of the Members of the House and Senate who have died during the last recess and up to the present time.

Mr. GARRETT of Tennessee. Is the language sufficiently clear also to carry out this idea? Suppose there is a death after the regular memorial day and during the session.

Mr. SNELL. During our discussion the idea was to have simply one day and have that at the very latter part of each session, and only have one each session. If some Member should happen to die after that, I think under this program the matter would go over until the next session.

Mr. GARRETT of Tennessee. For instance, if a Member should die during the closing days of a session such as this, whatever memorial exercises were held by the Congress would have to be held at this session because the Congress dies on the 4th of March.

Mr. SNELL. That is true.

Mr. GARRETT of Tennessee. It could not go over until the next Congress?

Mr. SNELL. That is right. An occasion might arise once in a while where this would not cover the situation, but my own idea would be to set aside a day somewhere between the 25th and the 28th of February, or somewhere in that vicinity, as a memorial day for this session. There might be some contingencies that may arise where this would not cover the matter, but I know of nothing that absolutely prohibits the memorial exercises being held in a following Congress.

Mr. GARRETT of Tennessee. I suppose, of course, in its practical working, it will have to be tried out.

Mr. SNELL. Yes; and we may have to change it after some experience; we simply want to improve the present situation and hope to make it better.

Mr. GARRETT of Tennessee. I would like to ask one further question. I notice the resolution provides that this committee shall consist of three members. This thought occurs to me—and if it has been gone over in committee I do not want to interfere with the plans of the committee—but just as a matter of first impression with me, it seems that the committee ought to consist of at least five members, because it is a standing committee of the House——

Mr. SNELL. Yes; it is to be a standing committee.

Mr. GARRETT of Tennessee. If one of the three members should be ill, there would be no one to take his place. It would not be like a special committee. You might be able to appoint some one to take his place or something of that sort. However, I do not know that it is of any very great importance.

Mr. SNELL. There is practically nothing controversial coming before this committee. Its duty is simply to sit down and work out some kind of program, and if there are only two present they could probably take care of all the business that would come to the committee. It was not the intention that this committee should have any room or cause any expense whatever, but simply that some one be recognized or appointed by the House to take charge of these memorial exercises.

Mr. GARRETT of Tennessee. I suppose we might as well try it out with the three Members.

Mr. SNELL. And then if we find out we need to make some changes along any line, we can amend the resolution.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. SNELL. Certainly.

Mr. MOORE of Virginia. How does the gentleman interpret the language in the proposed resolution "during the preceding year"? Would not that mean by common construction "during the preceding calendar year"? That I suppose, however, is not the intention.

Mr. SNELL. The idea of the committee and the construction that we placed on that was that each session of Congress would hold memorial exercises in memory of the Members who had died since the last session.

Mr. MOORE of Virginia. Who had died theretofore.

Mr. SNELL. Yes; and hold it during the latter part of the session.

Mr. MOORE of Virginia. The word "theretofore" would express exactly what the gentleman means, whereas the language "during the preceding year" might fairly be construed as referring to the preceding calendar year.

Mr. SNELL. Well, there are a lot of things that if you try to construe too strictly will get you into trouble. I think we have got to let this matter work itself out, and if we find that it is wrong in any way we can change it.

Mr. CRAMTON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRAMTON. Possibly this might tie in with what the gentleman from Virginia has suggested. The term "previous year" may be a little hard and fast as we come to have experience under this plan. It seems to me probably we might give a little more leeway to the committee——

Mr. SNELL. That is exactly what we had in mind, to give a great deal of leeway to the committee.

Mr. CRAMTON. I was going to suggest this: It may be that experience will show it is undesirable to take a day at the close of the session or it may be desired to have each session covered by itself or each Congress or each year, and I was going to suggest that instead of saying "the previous year," as I understand the rule does——

Mr. SNELL. "During the preceding year" is the exact wording.

Mr. CRAMTON (continuing). That you say "during the preceding period," and then let "period" be construed according to our experience. We may find that the period will be a year or it may be a session or it may be a Congress.

Mr. MOORE of Virginia. I think the gentleman is right about that; that would be equivalent to saying "theretofore." I think that would express the purpose of the resolution.

Mr. CRAMTON. Change the one word "year" to "period."

Mr. HUDDLESTON. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. HUDDLESTON. The gentleman is proposing to put the resolution on its passage?

Mr. SNELL. Yes.

Mr. HUDDLESTON. Is it contemplated that there should be any debate on it?

Mr. SNELL. If the gentleman wants time I will gladly yield him time.

Mr. HUDDLESTON. There has been no arrangement in regard to it?

Mr. SNELL. No; I did not know that there would be any opposition to it.

Mr. HUDDLESTON. This has been brought to the House without any previous notice, and I would like to have five minutes.

Mr. SNELL. I shall be glad to yield to the gentleman.

Mr. CRAMTON. What would be the effect of this on existing orders?

Mr. SNELL. I do not think it would affect an existing order. I know that this is indefinite and the whole proposition is indefinite, but after a while we can see how it works and if it is necessary to change it we can do so. As to changing the preceding "year" to preceding "period" I have no objection if it is thought best to do so.

Mr. FRENCH. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. FRENCH. May I have about five minutes?

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Idaho.

Mr. FRENCH. Mr. Speaker, for some years I have been very much interested in the subject matter proposed in the pending resolution. I believe that to most Members of the Congress, the present plan of holding memorial services in memory of deceased Members of the Senate and House of Representatives is a source of genuine humiliation.

The Senate and House combined have a total memberhip of 531, not including the Delegates and Commissioners from the Territories. From among so large a number of people it is but natural that during every year there would be quite a number of deaths.

Turning back to just a few Congresses, I find the records of deaths as follows:

Sixty-seventh: 4 Senators, 19 Representatives.

Sixty-eighth: 7 Senators, 17 Representatives.

Sixty-ninth: 7 Senators, 9 Representatives.

It usually happens under our present procedure that during each of the last several Sundays of each session, memorial services are held in this House Chamber for each individual Member who has departed, these services being held as you know, not as one service but as distinct services, one after the other, having nothing in common, excepting the calling of the House to order, the prayer by the Chaplain, and the motion to adjourn. With so many services being held, naturally the attendance must be light, and the attendance is usually less than 20 Members and sometimes I have seen the membership shrink to 5 or 6.

I recall that upon one Sunday, eight separate memorial services were held, the first one commencing at 12 o'clock, and the last one concluding at between 7 and 8 o'clock at night.

The proposed plan, as I understand it, would call for one memorial service annually, that naturally would be held toward the close of the session. I could hope that it would be held during a week day and not upon Sunday. The plan, as I understand it, would contemplate a reverential, respectful memorial service. There would be music, there would be prayer by the Chaplain, there would be the reading of the names of the deceased, there would possibly be two fairly short addresses, more music, and adjournment. Around the rostrum it would be appropriate to have flowers. The whole program, it would seem, could be concluded in from one hour to an hour and fifteen minutes. Admission to the galleries could be by card, and invitations to the friends and relatives of the deceased Members should be issued by the House.

The present plan is no longer suited to our condition. It is the outgrowth of the normal and natural plan that was reasonable at the beginning of the history of our Congress.

During the first Congress there was but one death of a Member of the House. No death occurred on the Senate side. During the first 40 or 50 years of our congressional history burials occurred for the most part at the Capital City; funerals were held in the House Chamber. The memorial service and the funeral service were one.

Then, with the building of railroads, the bodies of the deceased Members came to be taken to their homes for burial. This procedure suggested the incongruity of two funeral services, and shortly thereafter the Congress abandoned the practice of pronouncing eulogies at the time of the death of a Member and adopted the policy of holding memorial services weeks or months later at some suitable time.

Prior to 1884 it was the custom of Members of the House, when a Member died, to wear crêpe upon their arms for a period of 30 days out of respect to the deceased. If that practice were followed to-day, and the deaths of Members of the Senate and House were to occur at regular intervals, there might be Congresses, as there have been in the past, during all of which time the Members, by the wearing of crêpe, would constantly proclaim their sorrow because of the loss of a colleague.

With the changing conditions that have come about since the early days of the Republic and the comparatively small size of the congressional bodies in contrast with the large membership of to-day, I believe we have come to the time when we ought to adopt a memorial procedure that would befit the dignity of the House. It seems to me that under the terms of the proposed resolution such a procedure can be worked out.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GREEN. About how often would we have these memorial services?

Mr. FRENCH. Once at the close of every session of Congress.

Another question relates to the printing of the memorial service. I would have the memorial services that occur printed just as is done now. Then in addition to the general service I would have the Members granted the privilege of extending their remarks under arrangements with the committee touching the individuals whom they might desire to honor in that way. There could then be printed as many volumes as there had been deaths. Each volume could contain the record of the service, and in addition, the tributes to one of the deceased. Thus, the memorial volume for A would contain the general service and also the estimates of fellow Members touching A, and for B it would contain the same general service and in addition the estimates of individual Members touching B, and the same with C.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GARRETT of Tennessee. I have been wondering whether the final language there "To arrange for the publication of proceedings" might in any way be in conflict with the present law. The Joint Committee on Printing, of course, now, under the law, as I understand it and independent of any rules of the House, has the jurisdiction of this particular type of printing.

Mr. FRENCH. My thought would be, although I do not know how the language would be construed, that the function of this committee would have to do with the arrangement and subject matter of programs, and extension of remarks rather than with the detail of the printing. I would not seek to take that power away from the committee that has charge of it now.

Mr. GARRETT of Tennessee. The point is that there is certain printing that is controlled by law and not by the rules of either the House or the Senate, and that printing which is controlled by law, of course, is under the jurisdiction of the Joint Committee on Printing. If there is any possibility of conflict, it should be carefully considered.

Mr. SNELL. I do not think that could be construed to be in conflict with the present law governing the Joint Committee on Printing.

Mr. FRENCH. I think not.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, the gentleman from Idaho [Mr. FRENCH] has called attention to the diminishing respect which Congress is showing to its deceased Members. A cynical comment would be that it marks the diminishing respect which Members of Congress have for themselves.

I do not share the gentleman's view as to what will come out of the adoption of this resolution. I think it is merely another step in the progress of that diminishing respect and that it will continue to grow less until the time when we will pay no attention to the decease of Members whatever.

Under our present practice we set apart a day, usually Sunday, on which the friends of the deceased Member and his family may gather here and show respect to his memory. It is true that those exercises are not largely attended. Nevertheless, I have observed some of them which were very beautiful and impressive. I have listened to some splendid addresses and I have seen some find marks of feeling displayed here upon the floor on those occasions. I have seen evidences that the Member who had departed did yet live in the memory of his colleagues and of his friends.

It has been our practice to print the proceedings of those occasions in a separate volume—a memorial volume, with a handsome steel engraving of the deceased Member—and to make those volumes available to Members of the House and to the family of the deceased. In that way his memory has been perpetuated in an appropriate and dignified way.

It is now proposed to consolidate all of the memorial exercises into one, so to have only a single occasion during a term when all Members who have died during the term will be remembered. Thereby, of course, the importance of the occasion as respecting each of the deceased Members will be minimized. Instead of Members feeling it a duty and a privilege to come and pay tribute to the memory of their departed associates, they will come, if at all, in a perfunctory manner, as they do to the sessions of the House, and we will soon find that the consolidated and general memorial exercise will be no better attended than are the individual and separate memorial exercises as now held. In short, when the novelty has gone it will transpire that only those will attend the exercises who have been designated to speak, and no longer will the friends who really loved the deceased feel moved to speak in behalf of his memory and to pay tribute to his quality. The occasion will become a perfunctory and merely formal thing. Thus will the occasion continue to diminish and diminish, until finally it will disappear altogether.

The report of the consolidated memorial exercise will be printed in a single volume, and that volume will not be made available to the same extent as at present. It will not be furnished to the same extent to the family of the deceased. In that way something will be saved in the way of printing, but much in the way of respect which we might show the departed will be lost. I think it will be a very high price to pay in the dignity and honor of the House of Representatives, and that we should not now adopt this custom of lumping the deceased Members all together and reducing the importance of each in that way.

I do not like to depart from our ancient custom. We have had it for a long time. Why quit it now? Why jump to a new and ill-considered system? Why should this be done? Why depart from a system which works well? I ask the gentleman from New York this question.

The time will come in development under the proposed practice when we will cease to issue the memorial volumes. They will be no longer printed, and the families of deceased Members will be deprived of the solace to be found in them.

The SPEAKER. The time of the gentleman has expired.

Mr. HUDDLESTON. Will the gentleman yield me two additional minutes?

Mr. SNELL. I yield the gentleman two additional minutes.

Mr. HUDDLESTON. The time will come when the proceedings of the memorial sessions will merely be printed in the CONGRESSIONAL RECORD and will consist largely of "leaves to print." Members will be found staying at home or in their offices and absenting themselves from what has become a tiresome and meaningless ceremony, and it will finally transpire that our ancient and appropriate custom of holding memorial exercises will be wholly abandoned.

The question comes up now, as it seems to me, Is it proper to do this? Is it proper to cease paying respect to deceased Members? Is it nothing to be a Membor of the House of Representatives? Has it ceased to be of any consequence?

Let us hold to this established custom and our old practice. We have not had, it is true, the presence of the entire membership on these occasions; but at least all have been privileged to come who wanted to come. And I trust that if and when my time shall come only those who want to do so and who love me will attend. And I also trust that I will not be put merely in a category of those who are deceased and be classed in a consolidated assortment of Members who have died—good, bad, and indifferent—and have delivered, for the edification of the few who may be constrained to attend, some perfunctory funeral oration full of wise saws and solemn and impersonal

abjurations such, as with equal propriety, might have been delivered over a dead dog. [Applause.]

For these reasons I am not in favor of the resolution.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. RANKIN. Mr. Speaker, will the gentleman from New York yield to me five minutes?

Mr. SNELL. I yield to the gentleman five minutes.

Mr. RANKIN. Mr. Speaker, I rise in opposition to the resolution. One of the main reasons for my opposing it is that it takes the human element out of these memorial exercises. Under the present system, when a Member dies and a day is set apart, usually a Sunday, to hold exercises in honor of his memory, his family invites a few of his friends among the Members of the House who knew him in his lifetime to come here to speak on that occasion. If this resolution is adopted, you take that prerogative away from the family of the deceased Member and turn it over to a committee of one. They say a committee of three; but you know the chairman of that committee will run it, and he may be a man who possibly did not know the deceased when he saw him on the floor of the House; a man who does not know his family. And he selects some one to deliver a memorial oration on that occasion.

Mr. SNELL. May I ask the gentleman from Mississippi what rights are we taking from the family?

Mr. RANKIN. You are taking away from the family the prerogative of selecting and inviting friends of the deceased to come here on these memorial occasions to speak on the life and character of a former fellow Member. You are turning this over to a committee of not over three, and, as I said, it will really consist of one member, because the chairman will practically run it; and he will select somebody to arrange for the memorial to a man whom he possibly did not know when he saw him on the floor of the House. I say you are taking out of these memorial exercises the human element, and I hope the House will vote this resolution down. [Applause.]

Mr. HOWARD of Nebraska. Mr. Speaker, will the gentleman from New York permit a question for information?

Mr. SNELL. Gladly.

Mr. HOWARD of Nebraska. Under this resolution the committee in charge will select those who will speak on the occasion of the omnibus funeral memorial. On that I would like to speak of my own particular attitude. I speak on this floor only when I get opportunity to speak from my fellow Members. On an occasion of that kind suppose the name of some Member of the House who had been very dear to him should appear in the list of the dead, and I should want to speak a tribute to his memory. I could not under the rule.

Mr. SNELL. Oh, let me say that the gentleman is entirely mistaken as to that. There is no hard and fast rule that fixes it in any way. This is an experiment, to try it out and see if we can not get a more dignified method of conducting these memorial exercises.

Mr. HOWARD of Nebraska. Do I understand the gentleman to say that on an occasion of that kind it would be perfectly proper for me to rise and speak without asking for time?

Mr. SNELL. I think probably you might have to suggest that you wanted to speak. Of course, it would not be an open field day, but without question the committee would yield time to anybody who wanted to speak.

Mr. HOWARD of Nebraska. Then I would be debarred from speaking, because I do not ask for time from an individual or from a committee. I ask for time only from all my fellow Members and by their unanimous consent.

Mr. SNELL. Somebody would be in charge of the committee. The gentleman would have to get permission to speak. I expect the gentleman would come under the same rules of the House as any one else.

Mr. HOWARD of Nebraska. The gentleman from Nebraska is loyal to the rules, but he never takes advantage of them; and he never asks a committee or a man for time in which to speak.

Mr. SNELL. I do not understand the gentleman's position.

Mr. HOWARD of Nebraska. It is very clear and simple. The gentleman knows that this particular gentleman from Nebraska never asks for time unless he asks the whole House for time.

Mr. SNELL. What would be the situation if every other man in the House wanted to act as an independent unit? We would never get anywhere.

Mr. HOWARD of Nebraska. It would be a delightful situation. I hope to see the time when our Speaker will control all the time, and no individual Member will control the time of fellow Members.

Mr. SNELL. I think the gentleman has entirely misinterpreted the intention of the committee and the views of the committee which has presented this resolution. The idea of the committee is that we shall have more dignified and humane and proper memorial services for deceased Members of the House and Senate than we have had under the former arrangement. Nearly everyone thinks that the other plan has been a failure. We should try out this new plan, and if it does not work, then there is no reason why it should not be changed again and go back to the old system or try some other plan. But I know that the feeling on the part of the Members of the House is that the former memorial services have not been satisfactory, and it is to give them a little more humane and dignified touch, calculated to make them more satisfactory, that we are presenting this resolution at this time.

I can assure the gentleman from Alabama [Mr. HUDDLESTON] and the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Nebraska that we are not going to take anything away from the family.

They will be consulted and taken into consideration just as they ever have been, and I am sure under the guidance of this committee those relatives who come here to attend the services will find the exercises much more satisfactory than they have been under the form used in the past.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. RANKIN. I understand under this proposed resolution the addresses of all those who have spoken concerning those who have died will be published together in one volume?

Mr. SNELL. Yes.

Mr. RANKIN. The relatives of a gentleman from Massachusetts or a gentleman from California, let us say, if they get one of these memorial volumes, get with it the memorials relating to a gentleman from Colorado or a gentleman from Mississippi or some other State in the same volume. In other words, instead of the separate small volumes concerning each Member, it will be a volume of the CONGRESSIONAL RECORD containing memorial addresses on all Members who have died within the year?

Mr. FRENCH. The resolution itself does not provide a hard and fast procedure. My thought is that there would be as many volumes as there would be Members who had died, just as at this time the frontispiece of each volume contains the program that has occurred on the floor, where each of several volumes even now contains the same prayer offered by the Chaplain. The other part would contain the eulogies or comments upon the life, character, and public services of each deceased Member by Members of the House. Much of present volumes, after all, is by way of extension of remarks.

Mr. RANKIN. Suppose the State of Idaho had been so unfortunate as to lose a Member. Now, in order to get a record of what is said about the deceased Member by his friends on this floor, why compel the relatives to take a record of all the speeches with reference to all the other Members who have died within that year?

Mr. FRENCH. But the gentleman did not understand me. I suggested a separate volume, a small, compact volume, for each Member, containing just the part pertaining to that Member, in addition to the general program.

Mr. SNELL. As the gentleman from Idaho has suggested, there is no hard and fast rule laid down in this resolution. The procedure is to be worked out in such a way as to provide for a more satisfactory condition than we have at the present time. The committee can provide for as many volumes and for as many different kinds as it may see fit.

Mr. RANKIN. Then the gentleman from New York agrees with the gentleman from the State of Idaho?

Mr. SNELL. I am perfectly willing to have it worked out along that line.

Mr. WINGO. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WINGO. Possibly the gentleman has already covered it, but I just came on the floor. As I understand, the intention is to have just one eulogy by some Member to cover all—is that the idea?

Mr. SNELL. Have that as the principal eulogy and then in addition to that have some Member from the State of the deceased make any eulogy he desired or as many as desired.

Mr. WINGO. Of course, the gentleman understands it would be highly necessary that Members from the specific State say something about the particular individual. With the practice as it has been, if one Member from the State should speak it would be necessary for the others from the State to speak, otherwise there would be some criticism, and yet if all were to do that with reference to the men who have died in the course of the year you would have something like 170 speeches on that one day.

Mr. SNELL. Well, this is my idea: The State of New York has 43 Members, and if a Member from the State of New York should die, the New York delegation could select a spokesman from among its Members to speak in behalf of the delegation.

Mr. WINGO. As I understand, this resolution refers the whole matter to a committee on memorials.

Mr. SNELL. That is what I have said several times. There is nothing definite or fixed about it. All we are trying to do is to have something worked out which would be better than that we have at the present time.

Mr. WINGO. I appreciate the difficulties we have now, and there ought to be some improvement.

Mr. SNELL. That is what we are trying to do. In this resolution no restriction is placed on this committee, and if we find it does not work out there is no reason why it should not be changed.

Mr. WINGO. It could not report any worse plan than we have now, and it is to be hoped we may get something better.

Mr. ALMON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. ALMON. The part of the resolution to which I object is that which places in this committee the discretion to publish separate volumes or one volume. As it is now eulogies for each Member are printed in a separate volume, and a considerable number are allotted to each Member from the State interested, probably 150. Those copies get into the hands of the friends and relatives of the deceased Member, who appreciate them, whereas if you placed it in the discretion of the committee and put it all in one volume probably one Member from that State would get a dozen or 15 copies to go into the district where the man lived and from which he served his country.

Mr. SNELL. I do not think there will be any curtailment in the number. I think they can get all they want.

Mr. ALMON. The gentleman says it is an experiment, but as it is such a serious thing I do not think we ought to experiment with it until we give it more consideration.

Mr. TILSON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. TILSON. It seems to be the principal objection to this resolution that the memorial speeches are all to be printed in one volume. The practice to-day is to include the memorial addresses concerning each Member in a separate volume. It seems to me this is about the only redeeming feature of our present plan. If this practice might be continued and at the same time do away with separate memorial service days, it would be a great improvement, because, I am sorry to say, that the present memorial service days are very poorly attended and are not as impressive as they should be.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. HUDDLESTON. How can you continue the present volume when you discontinue the speeches that make up the volume?

Mr. TILSON. I do not believe that it is the intention to discontinue all the speeches. Many of the speeches that are printed in the volume are never made on the floor and those that are made on the floor might just as well be put in by leave to print because there is practically no one here to hear them.

Mr. HUDDLESTON. Then that knocks the whole thing in the head.

Mr. RANKIN. Will not the same thing apply under the new rule?

Mr. SNELL. Mr. Speaker, in line 13, I move to strike out the word "year" and insert the word "period."

The SPEAKER. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SNELL: In line 13 of the resolution, strike out the word "year" and insert in lieu thereof the word "period."

The amendment was agreed to.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE FRANKING PRIVILEGE

Mr. KENDALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 3800) to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States be substituted for the House bill (H. R. 12415).

This bill passed both Houses unanimously and it has the approval of the Post Office Department and the majority and minority leaders of the House.

Mr. SNELL. Mr. Speaker, I did not understand the request.

Mr. KENDALL. The request is to substitute a Senate bill for a House bill.

Mr. CHINDBLOM. How does the matter come up for consideration—by unanimous consent?

Mr. KENDALL. I have asked unanimous consent.

Mr. TILSON. May I ask the gentleman what is the parliamentary situation? Has the House passed one bill and the Senate an identical bill?

Mr. KENDALL. Yes.

Mr. TILSON. And the gentleman simply wishes to have the Senate bill substituted for the House bill, is that correct?

Mr. KENDALL. That is correct.

Mr. CHINDBLOM. Is the bill on the House Calendar?

Mr. KENDALL. The request is to have the House bill removed from the House Calendar.

Mr. CHINDBLOM. Is the Senate bill on the House Calendar?

Mr. KENDALL. The bill was passed.

Mr. TILSON. As I understand, each bill has passed its respective House unanimously and the intention is to get together by one House passing the bill as passed by the other House.

Mr. CRAMTON. Is not the question to pass the Senate bill instead of making a substitution?

The SPEAKER. The gentleman from Pennsylvania [Mr. KENDALL] asks unanimous consent to take from the Speaker's table the bill S. 3800 and consider the same. The Clerk will report the bill.

The Clerk read the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. As I noticed the reading of the first part of the bill, it gives unlimited franking privileges to certain diplomatic officers, both on their official and their private mail in the United States, but as to the consuls and the vice consuls they only have the franking privilege on their official mail. What is the idea of giving the franking privilege on the private mail of these diplomatic officers?

Mr. KENDALL. It is an agreement that was arrived at between the different Pan American countries.

Mr. WINGO. I understand it is an agreement and that the bill proposes to carry out that agreement, which will give unlimited franking privileges in the United States for private as well as official mail of all the diplomatic representatives of these countries. Now, why give the diplomatic representatives, some of whom may be of less importance than the consul general of his country, the franking privilege upon his private mail and yet restrict the franking privilege of the consul general of that country to official mail? Should you not restrict all of them to official mail? Why should we ask for the American diplomatic representatives in these foreign countries the right to send their laundry by mail franked or their billets doux, or anything else? Why not confine it to official mail?

Mr. KENDALL. The same privilege, I will say to the gentleman, is accorded to the United States by these countries.

Mr. WINGO. That is why I am objecting. Why do this? Why should we ask other countries to give unlimited franking privileges to the private mail of some man who happens to be a member of the diplomatic corps? I am not talking about the ambassador. I should not object to the privilege being given to the ambassador or the chief representative of a great nation, but the idea of saying that these little "tea hounds" that we have attached to our embassies and attached to the other embassies can write their love notes and their social correspondence and their correspondence with their bootleggers, all of which shall be officially franked even though it may be private mail, is going a little too far. We get criticized enough about the expense we are put to for handling our official mail, which is very small compared with the dead-head mail that is carried by the departments of the Government.

Mr. SCHAFER. Will the gentleman yield?

Mr. WINGO. I will when I get the information I have asked.

Mr. KENDALL. I will say to the gentleman that this bill was considered by the Post Office Committees of the House and Senate, passed unanimously by both Houses, has the approval of the Post Office Department, and there has been no objection to the bill thus far.

Mr. WINGO. That may be a reason, but it never has occurred to me that the fact that everybody went to sleep in this House and passed something unanimously is conclusive evidence it is meritorious, which is the gentleman's answer. What reason has the gentleman? How can we justify it? If

you are going to give these officers this privilege, will you not have to give it to other officers? Why not give it to Members of Congress? If you are going to give it to a little attaché from Panama and let him send his private mail anywhere in the United States free, Members of Congress will come along and say, "Why not have our private mail sent free?"

Mr. KENDALL. That is the privilege of the Congress.

Mr. WINGO. Yes; it is a privilege, and that is what I am objecting to. Instead of extending these privileges that have no justification and are criticized, why does not the gentleman undertake to curtail some of the privileges and bring about a reform and limit the franking privilege to strictly official matters?

Mr. KENDALL. I think it is practically limited to official matters in this bill.

Mr. WINGO. The gentleman's bill does not do that. The gentleman's bill gives unlimited franking privileges to every little forty-second military attaché from Panama or any other Pan American country, and if that is done, you are going to have to grant it to the other nations.

Mr. RAMSEYER. Will the gentleman yield? The restrictions here are under such regulation as the Postmaster General will prescribe. I do not think it is supposed by the Post Office Committee that the Postmaster General would prescribe regulations under which they could send their private correspondence.

Mr. WINGO. The gentleman from Iowa is one of the ablest lawyers in the House, and he knows how, without any exception, such a law has been interpreted. Would he dare to make a regulation that would curtail the privilege? No; it would be a regulation as to how the privilege could be exercised and not limited.

Mr. RAMSEYER. I admit that the language is rather broad, but I do know that when the matter was before the Post Office Committee it was contemplated to pass a law to permit free exchange of official correspondence.

Mr. WINGO. I now yield to the gentleman from Wisconsin.

Mr. SCHAFER. The gentleman spoke about franking mail to bootleggers in the Diplomatic Service. They do not have to frank their mail to the bootleggers; the embassies are the biggest bootleggers we have. [Laughter.]

Mr. WINGO. Well, my ignorance of the actions of bootleggers is confessed, and I am willing to accept the information from the gentleman from Wisconsin. [Laughter.]

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. WINGO. If I have the floor.

Mr. GARRETT of Texas. The gentleman says that under the regulation by the Post Office Department they could give unlimited franking privilege to these officials. Under the provisions of the regulations of the Post Office Department you send your official file to your district in one of these boxes prepared by the Government. You have 150 or 200 Veterans' Bureau cases. When you get home and want to send that file back you have to send it back four pounds at a time. You can not send your own files in the same way that you sent them home. You have to let the Postmaster look through those files to see if you have any old socks or shoes that you want to frank; and here you extend the franking privilege to these people to send trunkfulls of whatever they please.

Mr. LAGUARDIA. If the gentleman will yield, I want to say that the provisions of this bill were not initiated in the House. They simply came to us to carry out the provisions of an agreement entered into between the United States and some of these countries. So that all we have to do is to provide a law which will permit the Postmaster General to carry out the agreement which the Government had entered into with these countries.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will yield, I have not felt disposed to oppose the bill. I think I was not here when it was considered before, but the statement of the gentleman from New York has made me somewhat dubious as to the attitude that ought to be assumed by the House touching this matter. I do not want to get myself in the attitude of agreeing that it is the duty of Congress in dealing with these internal matters, like the Postal Service, to carry out whatever treaty the executive department—for the Post Office Department is a part of the executive department—may choose to make. I do not think the House ought to encourage the idea that the treaty-making branch of the Government can go out and make a treaty and then have Congress carry it out. The statement of the gentleman from New York renders me doubtful whether we ought to pass the bill.

Mr. LAGUARDIA. I did not intend to state that it was our duty to carry it out; I was informing the House what happened. When the bill came before the House the House could turn it down or approve it. The House having agreed to it, it ought to show on the RECORD why the House agreed to it.

Mr. WINGO. If the House in a moment of mental aberration passed the bill by unanimous consent, and it passed the Senate both bodies have passed the identical provision in separate bills. When the Senate learns that the House has turned down the Senate bill granting special privileges they will call up the House bill and pass it, and it will become a law. I shall not object to this, but I hope that the committee who has jurisdiction of these matters in the future, instead of extending privileges to those in private life, will curtail the privileges to those in public life.

Mr. KENDALL. Mr. Speaker, the Committee on the Post Office and Post Roads considered this bill very carefully, and after full consideration it was unanimously approved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

THE SERVING OF FOOD IN THE CLOAKROOMS

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, the last session of Congress appropriated almost $400,000 to improve the ventilating system in this Chamber and in the Senate Chamber. Of that amount about $175,000 was expended in improving the ventilation of this Chamber. It was for the purpose of conserving the health and the happiness of the Members of the House that such action was taken. However, we overlooked one serious condition which has more to do, perhaps, with the good health of Members than the matter of ventilation. Until we passed an order asking the Navy Department to assign a doctor to the House for the benefit of the Members of the House, we had overlooked the fact that we were carrying a source of infection, distribution of illness, sickness, and contagion, through the medium of food served in the little cubbyholes underneath the gallery. This doctor, who is in attendance upon the Members of the House as they may need him, made a thorough investigation of the sanitary conditions, and he reports that these are two of the most insanitary places, if not the most insanitary, of any place in the District of Columbia where food is served, and that if these little restaurants had existed elsewhere in the District undoubtedly the District health authorities would have taken action.

With this information and upon his advice, the sale of food in the cloakrooms has been abandoned. To take the place of that, if any of the Members find themselves obliged to remain on the floor of the House during the lunch period, arrangements have been made at the restaurant downstairs to serve sandwiches inclosed in sanitary envelopes, milk in sanitary cups, and such other food as can be served up here without contamination or fear of contagion.

Mr. ALMON. And with hot soup also?

Mr. UNDERHILL. The gentleman will have to go to the restaurant for hot soup.

Mr. ALMON. The House physician said that they had arranged to serve hot soup down there.

Mr. UNDERHILL. Oh, we will do that down in the restaurant.

Mr. ALMON. I mean at the lunch counter.

Mr. UNDERHILL. If a man has to remain on the floor of the House because of committee assignments or public business, he may have these sandwiches served. This is entirely in the interest of the health of the Members. I think that we have more trouble from lack of care in eating than from any other cause. Many of us who have been here for some time have seen several of our colleagues collapse soon after the lunch hour. There is much valuable advice which the doctor offers with reference to your eating; and, I think, if you will consult with the doctor, all of you will enjoy good health during the next year. It is my hope that the new year will bring to you health, happiness, and contentment, as well as success here. These things you can not obtain unless you eat properly, and the doctor is the right man to see in respect to that.

Mr. GARRETT of Texas. Mr. Speaker, I thank the gentleman for his good wishes; but will he yield to me for a moment?

Mr. UNDERHILL. Yes.

Mr. GARRETT of Texas. Does this doctor say when the contagion or infection takes place on the sandwich—whether it is before it is wrapped with paper or afterwards? I am driving at something which I think has a good deal of common sense in it.

I would like to know whether or not the man who fixes the sandwich downstairs has any cleaner hands than the man who

fixed the sandwich in the cloakroom, and if the tongue or the ham that he fixes downstairs in the restaurant has been inspected differently from what it was in the cloakrooms, or if it had been inspected up here any differently from what it will be inspected downstairs. Where the germ lodges himself is on the sandwich before it goes into the paper, and I would like to have the gentleman from Massachusetts inform us whether the conditions are better downstairs and whether when we get the sandwich wrapped up we will be any more secure when we unwrap it up here than if we were to get it up here in the manner in which we have been getting it?

Mr. UNDERHILL. That is a question which I suppose scientists might ponder over just as they have over the question of whether the chicken or the egg came first. As a matter of fact, the doctor is going to make a thorough inspection—and has already made a partial one—of everything connected with the restaurant downstairs. We propose to follow his advice and cooperate with him to the fullest extent.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

CIVIL GOVERNMENT FOR PORTO RICO

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Insular Affairs and ordered printed without appendices:

To the Congress of the United States:

As required by section 12 of the act of Congress of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress, the twenty-eighth annual report of the Governor of Porto Rico, including the reports of the heads of the several departments of the government of Porto Rico and that of the auditor, for the fiscal year ended June 30, 1928.

I recommend that the report of the Governor of Porto Rico, without appendices, be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 3, 1929.*

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15712, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes. Pending that motion I ask unanimous consent that the time for general debate be not fixed at this time, but that it be controlled one-half by the gentleman from Mississippi, Mr. COLLINS, and one-half by myself.

The SPEAKER. The gentleman from California moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the War Department appropriation bill, and asks unanimous consent that the time for general debate to-day be equally divided between himself and the gentleman from Mississippi. Is there objection?

Mr. WINGO. Mr. Speaker, I reserve the right to object for the purpose of making a statement. I do not want to let go unchallenged in the RECORD, to be broadcast to the country, the statement of the gentleman from Massachusetts [Mr. UNDERHILL], that in the cloakrooms of the House of Representatives we have been maintaining lunch counters that are the most insanitary of any eating place in the District of Columbia. I have great respect for all doctors, but I have never seen cleaner food or a cleaner place than the small lunch tables that have been for years in the two cloakrooms, in fact, ever since I have been a Member of this House. I have never heard of anybody getting sick through eating the food that has been served in the cloakrooms. I, myself, have gotten sick through eating food served in the restaurant. However, we all know that the country is a little bit inclined to be glad to get anything that it can on which to hang a criticism of Congress, and to-morrow morning it will go out to the country that the distinguished gentleman from Massachusetts [Mr. UNDERHILL] had his New England sanitary soul outraged because under his nose this doctor found out that we had insanitary conditions in the cloakrooms. I wish that the food which is served in all of the hotels, cafés, and restaurants in the District of Columbia were as clean as this food that we have been getting in the cloakrooms. [Applause.] I go further and say deliberately that I wish the food served in the restaurant downstairs could come to us with the same assurance that it is sanitary as did the food that we purchased in these two cloakrooms. [Applause.] If he wishes to have the sandwiches wrapped, very well, but to say no more milk, oranges, coffee, apples, or sandwiches shall be served in the cloakroom because, forsooth, it is "insanitary" is just a little bit incredulous—yes, worse—but I will say no more for the present.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. BARBOUR].

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15712, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLAGUE. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. SIMMONS].

The CHAIRMAN. The gentleman from Nebraska is recognized for 30 minutes.

Mr. SIMMONS. Mr. Chairman, on December 17, 1928, the gentleman from Kentucky [Mr. GILBERT], in a prepared address before the House, among other things, stated:

For eight years I have heard Presidents' messages of prosperity, of dollars and cents, until materialism has become nauseating. Not once has ever been mentioned education, refinement, the arts, the sciences, honesty, morality, patriotism, or Christianity. Think of the President confining an entire address on George Washington to his farms, his slaves, his business ability, and material prosperity!

For the consideration of the gentleman from Kentucky and others who may be like minded, I offer the following quotations from the addresses, proclamations, and messages of Presidents Harding and Coolidge and suggest the serious reading of the documents in full. Copies are obtainable either at the White House, the Library of Congress, the Government Printing Office, or in the CONGRESSIONAL RECORD.

I have arranged the quotations and references of President Coolidge's addresses in two divisions in chronological order. The first group are inaugural addresses and messages to Congress. The second are addresses on other and varied occasions, all of which have appeared in printed form.

Warren G. Harding, in his inaugural address upon assuming the Presidency, stated:

Standing in this presence, mindful of the solemnity of this occasion, feeling the emotions which no one may know until he senses the great weight of responsibility for himself, I must utter my belief in the divine inspiration of the founding fathers. Surely there must have been God's intent in the making of this New World Republic. * * *

I would rejoice to acclaim the era of the Golden Rule and crown it with the autocracy of service. The world upheaval has added heavily to our tasks, but with the realization comes the surge of high resolve, and there is reassurance in belief in the God-given destiny of our Republic. If I fear that there is to be sole responsibility in the Executive for the America of to-morrow, I should shrink from the burden. But here are a hundred millions, with common concern and shared responsibility, answerable to God and country. The Republic summons them to their duty, and I invite cooperation.

I accept my part with single mindedness of purpose and humility of spirit and implore the favor and guidance of God in His heaven. With these I am unafraid and confidently face the future.

I have taken the solemn oath of office on that passage of Holy Writ wherein it is asked, "What doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with thy God?" This I pledge to God and country.

In an address to a joint session of the two Houses on April 12, 1921, President Harding said in part:

No government is more desirous than our own to reflect the human attitude, the purpose of making better citizens—physically, intellectually, spiritually.

In the realms of education, public health, sanitation, conditions of workers in industry, child welfare, proper amusement and recreation, the elimination of social vice, and many other subjects the Government has already undertaken a considerable range of activities.

President Harding in his Thanksgiving proclamation in 1921 said in part:

Ours has been a favored Nation in the bounty which God has bestowed upon it. * * *

It is for us to recognize that we have been thus favored, and when we gather at our altars to offer up thanks we will do well to judge, in humility and all sincerity, our purpose to prove deserving. We have been raised up and preserved in national power and consequence as part of a plan whose wisdom we can not question. Thus believing, we can do no less than hold our Nation the willing instrument of the Providence which has so wonderfully favored us. Opportunity for very great service awaits us if we shall prove equal to it. Let our prayers be raised for direction in the right paths. Under God our responsibility is great; to our own first, to all men afterwards; to all mankind in God's own justice.

President Harding, in his first annual address to Congress, December 6, 1921, said in part:

Through the eradication of illiteracy and the diffusion of education mankind has reached a stage where we may fairly say that in the United States equality of opportunity has been attained, though all are not prepared to embrace it.

Proclaiming December 3–9, 1922, as American education week, President Harding stated in part:

The ideals of democratic government and democratic education were planted simultaneously in our country. The fathers rightly believed that only a people trained to vision of public needs and duties could develop and maintain the institutions of popular government. The system of universal education, established in the beginnings, has developed with the country and become one of the characteristic features of our life.

"Without vision the people perish." Without education there can be little vision. Of education it may be said that "It is twice blest; it blesseth him that gives and him that takes."

The strength and security of the Nation will always rest in the intelligent body of its people. Our education should implant conceptions of public duty and private obligation broad enough to envisage the problems of a greatly distraught world. More than anything else men and women need the capacity to see with clear eye and to contemplate with open, unprejudiced mind, the issues of these times. Only through a properly motivated and generously inspired process of education can this be accomplished.

President Harding, in his address to Congress December 8, 1922, said in part:

From the very beginning public education has been left mainly in the hands of the States. * * * I believe in the cooperation of the national authority to stimulate, encourage, and broaden the work of the local authorities.

President Coolidge closed his annual message delivered to a joint session of the Senate and House of Representatives in December, 1923, with these words:

The world has had enough of the curse of hatred and selfishness, of destruction and war. It has had enough of the wrongful use of material power. For the healing of the nations there must be good will and charity, confidence and peace. The time has come for a more practical use of moral power, and more reliance upon the principle that right makes its own might. Our authority among the nations must be represented by justice and mercy. It is necessary not only to have faith, but to make sacrifices for our faith. The spiritual forces of the world make all its final determinations. It is with these voices that America should speak. Whenever they declare a righteous purpose there need be no doubt that they will be heard. America has taken her place in the world as a Republic—free, independent, powerful. The best service that can be rendered to humanity is the assurance that this place will be maintained.

President Coolidge closed his message to the Congress, December 3, 1924, with these words:

It is axiomatic that our country can not stand still. It would seem to be perfectly plain from recent events that it is determined to go forward. But it wants no pretenses, it wants no vagaries. It is determined to advance in an orderly, sound, and common-sense way. It does not propose to abandon the theory of the Declaration that the people have inalienable rights which no majority and no power of government can destroy. It does not propose to abandon the practice of the Constitution that provides for the protection of these rights. It believes that within these limitations, which are imposed not by the fiat of man but by the law of the Creator, self-government is just and wise. It is convinced that it will be impossible for the people to provide their own government unless they continue to own their own property.

These are the very foundations of America. On them has been erected a Government of freedom and equality, of justice and mercy, of education and charity. Living under it and supporting it the people have come into great possessions on the material and spiritual sides of life. I want to continue in this direction. I know that the Congress shares with me that desire. I want our institutions to be more and more expressive of these principles. I want the people of all the earth to see in the American flag the symbol of a Government which intends no oppression at home and no aggression abroad, which in the spirit of a common brotherhood provides assistance in time of distress.

On March 4, 1925, President Coolidge became the elected President of the United States. In his inaugural address upon that occasion he said:

We need not concern ourselves much about the rights of property if we will faithfully observe the rights of persons. Under our institutions their rights are supreme. It is not property but the right to hold property, both great and small, which our Constitution guarantees. All owners of property are charged with a service. These rights and duties have been revealed, through the conscience of society, to have a divine sanction. The very stability of our society rests upon production and conservation. For individuals or for governments to waste and squander their resources is to deny these rights and disregard these obligations. The result of economic dissipation to a nation is always moral decay.

Here stands our country, an example of tranquillity at home, a patron of tranquillity abroad. Here stands its Government, aware of its might but obedient to its conscience. Here it will continue to stand, seeking peace and prosperity, solicitous for the welfare of the wage earner, promoting enterprise, developing waterways and natural resources, attentive to the intuitive counsel of womanhood, encouraging education, desiring the advancement of religion, supporting the cause of justice and honor among the nations. America seeks no earthly empire built on blood and force. No ambition, no temptation, lures her to thought of foreign dominions. The legions which she sends forth are armed, not with the sword, but with the cross. The higher state to which she seeks the allegiance of all mankind is not of human, but of divine origin. She cherishes no purpose save to merit the favor of Almighty God.

In his message to the Congress at the beginning of the first session of the Sixty-ninth Congress, in 1925, President Coolidge said in part:

The Government ought always to be alert on the side of the humanities. It ought to encourage provisions for economic justice for the defenseless. It ought to extend its relief through its national and local agencies, as may be appropriate in each case, to the suffering and the needy. It ought to be charitable.

The Government of the United States has been created by the people. It is solely responsible to them. It will be most successful if it is conducted solely for their benefit. All its efforts would be of little avail unless they brought more justice, more enlightenment, more happiness and prosperity into the home. This means an opportunity to observe religion, secure education, and earn a living under a reign of law and order. It is the growth and improvement of the material and spiritual life of the Nation. We shall not be able to gain these ends merely by our own action. If they come at all, it will be because we have been willing to work in harmony with the abiding purpose of a Divine Providence.

President Coolidge closed his message to the Congress at the beginning of the second session of the Sixty-ninth Congress, December 7, 1926, with these words:

America is not and must not be a country without ideals. They are useless if they are only visionary; they are only valuable if they are practical. A nation can not dwell constantly on the mountain tops. It has to be replenished and sustained through the ceaseless toil of the less inspiring valleys. But its face ought always to be turned upward, its vision ought always to be fixed on high.

We need ideals that can be followed in daily life, that can be translated into terms of the home. We can not expect to be relieved from toil, but we do expect to divest it of degrading conditions. Work is honorable; it is entitled to an honorable recompense. We must strive mightily, but having striven there is a defect in our political and social system if we are not in general rewarded with success. To relieve the land of the burdens that came from the war, to release to the individual more of the fruits of his own industry, to increase his earning capacity and decrease his hours of labor, to enlarge the circle of his vision through good roads and better transportation, to place before him the opportunity for education both in science and in art, to leave him free to receive the inspiration of religion, all these are ideals which deliver him from the servitude of the body and exalt him to the service of the soul. Through this emancipation from the things that are material, we broaden our dominion over the things that are spiritual.

I have quoted the statement of the gentleman from Kentucky in which he said:

Think of the President confining an entire address on George Washington to his farms, his slaves, his business ability, and material prosperity.

I have been unable to find an address of either Presidents Harding or Coolidge that meets that description. It is assumed by several who heard the gentleman's statement that he referred to an address of President Coolidge before the Congress in joint session February 22, 1927, given in response to a request of the Congress asking that the address be given reminding the American people of the reason and purpose for holding a celebration on February 22, 1932, of the two hundredth anniversary of the birth of George Washington.

Assuming that that is the address to which reference was made, I shall quote more fully than from other addresses of President Coolidge. Discussing the plans, he stated:

When the plans begin to be matured they should embrace the active support of educational and religious institutions, of the many civic, social, and fraternal organizations, agricultural and trade associations, and of other numerous activities which characterize our national life.

Discussing President Washington, President Coolidge in that address stated, among other things:

A recital of his courage and patriotism, his loyalty and devotion, his self-sacrifice, his refusal to be king, will always arouse the imagination and inspire the soul of everyone who loves his country. Nothing can detract from the exalted place which this record entitles him to hold. But he has an appeal even broader than this, which to-day is equally valuable to the people of the United States. Not many of our citizens are to be called on to take high commands or to hold high public office. We are all necessarily engaged in the ordinary affairs of life. As a valuable example to youth and to maturity, the experience of Washington in these directions is worthy of much more attention than it has received.

It ought always to be an inspiration to the young people of the country to know that from earliest youth Washington showed a disposition to make the most of his opportunities. He was diligently industrious—a most admirable and desirable, if seemingly uninteresting, trait.

The boy might well have grown up with very little education, but his eager mind and indomitable will led him to acquire learning and information despite the handicaps surrounding him.

His formal schooling, which was of a rather primitive character, ended at the age of 13. When his regular instruction ended, his education was just beginning. It continued up to his death, December 14, 1799. If ever there was a self-made man, it was George Washington. Through all his later years he was constantly absorbing knowledge from contact with men, from reading whenever time and facilities permitted, and from a wide correspondence.

Although considerable has been written about it, not many people think of our first President as an agriculturist. He prepared a treatise on this subject. Those who have studied this phase of his life tell us he was probably the most successful owner and director of an agricultural estate in his day. A visitor in 1785 declared "Washington's greatest pride was to be thought the first farmer in America." Toward the end of his life he wrote:

"I am led to reflect how much more delightful to an undebauched mind is the task of making improvements on the earth than all the vain glory which can be acquired from ravaging it by the most uninterrupted career of conquests."

As President he was always an exponent of sound and honest public finance. He advocated the payment of our debts in full to holders of record, and the assumption by the Nation of the debts incurred by the various States to carry on the Revolution. His support of financial integrity, because it was morally right, strengthened the Union.

His ability as a business man was the strong support of his statesmanship. It made his political ideas intensely practical.

Washington was a builder—a creator. He had a national mind. He was constantly warning his countrymen of the danger of settling problems in accordance with sectional interests. His ideas in regard to the opening of our western territory were thought out primarily for the benefit of the Nation. It has been said that he would have been "the greatest man in America had there been no Revolutionary War."

Washington had the ability to translate ideals into the practical affairs of life. He was interested in what he believed contributed to the betterment of every-day existence. Perhaps because he realized the deficiency of his own early education, he was solicitous to provide liberal facilities for the youth of the future. Because as a man of affairs he knew the every-day uses of learning, in an early message to the Congress and in his will he sought methods for the establishment of a national university. Even in his Farewell Address we find this exhortation:

"Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

He desired his system of education to be thoroughly American and thoroughly national. It was to support the people in a knowledge of their rights, in the creation of a republican spirit, and in the maintenance of the Union.

It was with the same clear vision that he looked upon religion. For him there was little in it of emotionalism. He placed it on a firmer, more secure foundation, and stated the benefits which would accrue to his country as the results of faith in spiritual things. He recognized that religion was the main support of free institutions. In his Farewell Address he said:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion.

"Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?"

Without bigotry, without intolerance, he appeals to the highest spiritual nature of mankind. His genius has filled the earth. He has been recognized abroad as "the greatest man of our own or any age." He loved his fellow men. He loved his country. That he intrusted their keeping to a Divine Providence is revealed in the following prayer which he made in 1794:

"Let us unite, in imploring the Supreme Ruler of Nations, to spread His holy protection over these United States; to turn the machinations of the wicked, to the confirming of our Constitution; to enable us, at all times, to root out internal sedition and put invasion to flight; to perpetuate to our country that prosperity which His goodness has already conferred; and to verify the anticipations of this Government being a safeguard of human rights."

His accomplishments were great because of an efficiency which marked his every act and a sublime, compelling faith in the ultimate triumph of the right. As we study his daily life, as we read his letters, his diaries, his State papers, we come to realize more and more his wisdom, his energy, and his efficiency.

We have seen many soldiers who have left behind them little but the memory of their conflicts, but among all the victors the power to establish among a great people a form of self-government which the test of experience has shown will endure was bestowed upon Washington, and Washington alone. Many others have been able to destroy. He was able to construct. That he had around him many great minds does not detract from his glory. His was the directing spirit, without which there would have been no independence, no Union, no Constitution, and no Republic. His ways were the ways of truth. He built for eternity. His influence grows. His stature increases with the increasing years. In wisdom of action, in purity of character, he stands alone. We can not yet estimate him. We can only indicate our reverence for him and thank the Divine Providence which sent him to serve and inspire his fellow men.

In the message to the Congress at the beginning of the first session of the Seventieth Congress, December 6, 1927, President Coolidge closed with these words:

Our country has made much progress. But it has taken, and will continue to take, much effort. Competition will be keen, the temptation to selfishness and arrogance will be severe, the provocations to deal harshly with weaker peoples will be many. All of these are embraced in the opportunity for true greatness. They will be overbalanced by cooperation, by generosity, and a spirit of neighborly kindness. The forces of the universe are taking humanity in that direction. In doing good, in walking humbly, in sustaining its own people, in ministering to other nations, America will work out its own mighty destiny.

President Coolidge closed his message to the Congress December 4, 1928, at the beginning of the second session of the Seventieth Congress, with these words:

The country is in the midst of an era of prosperity more extensive and of peace more permanent than it has ever before experienced. But, having reached this position, we should not fail to comprehend that it can easily be lost. It needs more effort for its support than the less exalted places of the world. We shall not be permitted to take our ease, but shall continue to be required to spend our days in unremitting toil. The actions of the Government must command the confidence of the country. Without this our prosperity would be lost. We must extend

to other countries the largest measure of generosity, moderation, and patience. In addition to dealing justly we can well afford to walk humbly.

The end of government is to keep open the opportunity for a more abundant life. Peace and prosperity are not finalities; they are only methods. It is too easy under their influence for a nation to become selfish and degenerate. This test has come to the United States. Our country has been provided with the resources with which it can enlarge its intellectual, moral, and spiritual life. The issue is in the hands of the people. Our faith in man and God is the justification for the belief in our continuing success.

September 26, 1923, Calvin Coolidge issued a national education week proclamation stating, among other things:

From its earliest beginnings America has been devoted to the cause of education. This country was founded on the ideal of ministering to the individual. It was realized that this must be done by the institutions of religion and government. In order that there might be a properly educated clergy and well-trained civil magistrates, one of the first thoughts of the early settlers was to provide for a college of liberal culture, while for the general diffusion of knowledge primary schools were established. This course was taken as the necessary requirement of enlightened society.

Such a policy, once adopted, has continued to grow in extent. With the adoption of the Federal Constitution and the establishment of free governments in the States of the Union there was additional reason for broadening the opportunity for education. Our country adopted the principle of self-government by a free people. Those who were worthy of being free were worthy of being educated. Those who had the duty and responsibility of government must necessarily have the education with which to discharge the obligations of citizenship. The sovereign had to be educated. The sovereign had become the people. Schools and universities were provided by the various governments, and founded and fostered by private charity, until their buildings dotted all the land.

To insure the permanence and continuing improvement of such an educational policy there must be the fullest public realization of its absolute necessity. Every American citizen is entitled to a liberal education. Without this there is no guaranty for the permanance of free institutions, no hope of perpetuating self-government. Despotism finds it chief support in ignorance. Knowledge and freedom go hand in hand.

February 12, 1924, before the National Republican Club in New York City, President Coolidge said:

Character is the only secure foundation of the State.

The forces of evil do not long triumph. The power of justice can not long be delayed. The moral force of Lincoln is with us still. "He that keepeth Israel shall neither slumber nor sleep."

Addressing the luncheon of the Associated Press at New York City, April 22, 1924, President Coolidge said:

Little progress can be made by merely attempting to repress what is evil, our great hope lies in developing what is good. One newspaper is better than many criminal laws. One schoolmaster is better than a legion of bailiffs. One clergyman is better than an army with banners. These are our guaranties of internal peace and progress.

At the National Conference on Outdoor Recreation, May 22, 1924, President Coolidge said:

I want to see all Americans have a reasonable amount of leisure. Then I want to see them educated to use such leisure for their own enjoyment and betterment, and the strengthening of the quality of their citizenship. We can go a long way in that direction by getting them out of doors and really interested in nature. We can make still further progress by engaging them in games and sports. Our country is a land of cultured men and women. It is a land of agriculture, of industries, of schools, and of places of religious worship. It is a land of varied climes and scenery, of mountain and plain, of lake and river. It is the American heritage. We must make it a land of vision, a land of work, of sincere striving for the good, but we must add to all these, in order to round out the full stature of the people, an ample effort to make it a land of wholesome enjoyment and perennial gladness.

At the Confederate Memorial at Arlington, May 25, 1924, President Coolidge said:

If I am correctly informed by history, it is fitting that the Sabbath should be your Memorial Day. This follows from the belief that except for the forces of Oliver Cromwell no army was ever more thoroughly religious than that which followed General Lee. Moreover, these ceremonies necessarily are expressive of a hope and a belief that rise above the things of this life. It was Lincoln who pointed out that both sides prayed to the same God. When that is the case, it is only a matter of time when each will seek a common end. We can now see clearly what that end is. It is the maintenance of our American form of government, of our American institutions, of our American ideals, beneath a common flag, under the blessings of Almighty God.

A mightier force than ever followed Grant or Lee has leveled both their hosts, raised up a united Nation, and made us all partakers of a new glory. It is not for us to forget the past but to remember it, that we may profit by it. But it is gone; we can not change it. We must put our emphasis on the present and put into effect the lessons the past has taught us. All about us sleep those of many different beliefs and many divergent actions. But America claims them all. Her flag floats over them all. Her Government protects them all. They all rest in the same divine peace.

At Howard University, June 6, 1924, President Coolidge, in an address to the student body, said:

The accomplishments of the colored people in the United States, in the brief historic period since they were brought here from the restrictions of their native continent, can not but make us realize that there is something essential in our civilization which gives it a special power. I think we shall be able to agree that that particular element is the Christian religion, whose influence has always and everywhere been a force for the illumination and advancement of the peoples who have come under its sway.

At Georgetown University commencement, June 9, 1924, President Coolidge said:

* * * a continuing elimination of the uncomfortable tasks, of course, means a corresponding increase in human happiness. But this will not be possible, unless intellectual progress keeps step with the demand for higher technical, scientific, and social capabilities. That is why the progress of education must always be a primary concern to us.

The graduates of our higher institutions of learning have been mentally well equipped to take their part. If they shall fail, it will not be through lack of intelligence. Their success will be measured by the method with which they apply themselves. It will depend upon whether they choose the solid and substantial things and put their trust in the realities of life. It will not be so much a question of what they know as of how they use what they know. They can not meet the problems in life unless they have a foundation of character, and unless they are inspired by a moral purpose. It is necessary to be active and energetic and courageous, but it is necessary likewise to have humility. It is necessary to have knowledge and experience and wisdom, and keep the mind open for new truths; but it is necessary likewise to have abiding religious convictions.

I would not venture to say what our country needs most from its educated young men and women, but one of its urgent needs is a greater spirit of loyalty, which can only come from reverence for constituted authority, from faith in the things that are. There must be loyalty to the family; loyalty to the various civic organizations of society; loyalty to the Government, which means first of all the observance of its laws; and loyalty to religion. These are fundamental virtues. They are the chief characteristics of faith. If education has not given that clearer insight into all that touches our life, whether it come from our relationship to the physical world, or our relationship to mankind, it will be a disappointment and a failure. If it has given that insight, it will be a success; it will be the source of that power through which alone has been, and can be, "wrought many wonderful works."

At the convention of the National Education Association, Washington, D. C., July 4, 1924, President Coolidge stated:

Our country has not ceased to glory in its strength, but it has come to a realization that it must have something more than numbers and wealth, something more than a fleet and an army, to satisfy the longing of the soul. It knows that to power must be added wisdom, and to greatness must be added morality. It is no longer so solicitous to catalogue the powers which it possesses, as to direct those great forces for the spiritual advancement of the American people at home and the discharge of the obligations to humanity abroad. America is turning from the things that are seen to the things that are unseen.

That there could have been gathered together a body of men so learned in that science, so experienced in its application, so talented and so wise in its statement and demonstration, as those who proposed, formulated, and secured the adoption of the American Constitution, will never cease to be the wonder and admiration of the profoundest students of government. After making every allowance for a fortunate combination of circumstances and the accomplishments of human ingenuity, they have been nearly all forced to come to the belief that it can be accounted for only by the addition of another element, which we must recognize as the guiding hand of Providence. As we can make progress in science not by the disregard but by the application of the laws of mathematics, so in my firm conviction we can make progress politically and socially, not by a disregard of those fundamental principles which are the recognized, ratified, and established American institutions, but by their scrupulous support and observance.

Through it all (the Declaration of Independence) runs the recognition of the dignity and worth of the individual, because of his possession of those qualities which are revealed to us by religion.

It needed but little contemplation to determine that the greatest obstacle to freedom was ignorance. If there was to be self-government,

if there was to be popular sovereignty, if there was to be an almost unlimited privilege to vote and hold office, if the people were going to maintain themselves and administer their own political and social affairs, it was necessary as a purely practical matter that they should have a sufficiently trained and enlightened intelligence to accomplish that end. Popular government could only be predicated on popular education. In addition to this, the very conception of the value and responsibility of the individual, which made him worthy to be intrusted with this high estate, required that he should be furnished the opportunity to develop the spiritual nature, with which he was endowed, through adequate education.

The land was blessed with a great people and with great leaders. Washington and Jefferson, Franklin and Mason, Hamilton and Madison, Adams and Marshall, suggest a type of citizenship and leadership, of scholarship and statesmanship, of wisdom and character, of ability and patriotism, unsurpassed by any group of men ever brought together to direct the political destinies of a nation.

While I believe that educators are under obligation to expend public funds economically, it seems obvious that the recent increase in expenses for this purpose is a most wise investment. It is impossible to conceive that there should be any increase in agricultural products, in the production of manufactures, or any other increase in our material wealth, through ignorance. The reaction to using the resources of the country to develop the brains of the country through education has always been greatly to stimulate and increase the power of the people to produce.

As already indicated America is turning from the mere thought of the material advantage to a greater appreciation of the cultural advantage of learning. It is coming to be valued more and more for its own sake. People desire not only the intelligence to comprehend economic and social problems, but they are finding increased leisure is little more than time wasted in indulgence, unless an opportunity for self-development and self-expression has been provided in youth by the cultivation of a taste for literature, history, and the fine arts.

Another element must be secured in the training of citizenship, or all else will be in vain. All of our learning and science, our culture, and our arts will be of little avail unless they are supported by high character, unless there be honor, truth, and justice, unless our material resources are supported by moral and spiritual resources, there is no foundation for progress. A trained intelligence can do much, but there is no substitute for morality, character, and religious convictions. Unless these abide American citizenship will be found unequal to its task.

We are not yet free, but we are struggling to become free economically, socially, politically, spiritually.

A new importance is attaching to the cause of education. A new realization of its urgent necessity is taking hold of the Nation.

It is intent, as never before, upon listening to the word of the teacher, whether it comes from the platform, the schoolhouse, or the pulpit. The power of evil is being broken. The power of the truth is reasserting itself. The Declaration of Independence is continuing to justify itself.

August 14, 1924, President Coolidge, in his address of acceptance of the nomination for the Presidency, said:

Underneath and upholding political parties was, and is, the enduring principle that a true citizen of a real republic can not exist as a segregated, unattached fragment of selfishness, but must live as a constituent part of the whole of society, in which he can secure his own welfare only as he secures the welfare of his fellow men.

Party means political cooperation, not as an end in itself, but a means, an instrument of government. If founded upon a great moral principle and directed with scrupulous regard for its integrity, it can not fail to sweep onward and upward, advancing always steadily and surely, a mighty constructive force, a glorious bearer of progress.

The domestic affairs of our country appear to me to be by far the chief concern. From that source comes our strength. The home market consumes nearly all of our production. Within our own boundaries will be determined to a very large degree the economic welfare and the moral worth of the American people. These are plain facts, but there are others equally plain.

America, under Providence, has come to be a nation of great responsibility. It exists as one of the family of nations. We can not be isolated. Other peoples exist all about us. Their actions affect us, and our actions affect them, whether we will or no. Their financial condition is not and can not be entirely separated from our financial condition. But the final determination of our relationship to other countries rises into a higher realm. We believe in the brotherhood of man, because we believe in the fatherhood of God. That is our justification for freedom and equality.

Our country can not afford to let anyone live off the earnings of its youth of tender years. Their places are not in the factory, but in the school, that the men and women of to-morrow may reach a higher state of existence and the Nation a higher standard of citizenship.

In the commonplace things of life lies the strength of the Nation. It is not in brilliant conceptions and strokes of genius that we shall find the chief reliance of our country, but in the home, in the school, and in religion. America will continue to defend these shrines. Every evil force that seeks to desecrate or destroy them will find that a Higher Power has endowed the people with an inherent spirit of resistance. The people know the difference between pretense and reality. They want to be told the truth. They want to be trusted. They want a chance to work out their own material and spiritual salvation.

President Coolidge closed an address to the Association of Land Grant Colleges, November 13, 1924, in Washington, D. C., with these words:

Finally, you will remember that America has but one great staple product. We till the soil, we operate our industries, we develop transportation, we engage in commerce, we encourage the arts and sciences, but these are only means to an end. They are all carried on in order that America may produce men and women worthy of our standards of citizenship. We want to see them endowed with ability and character, with patriotism and religious devotion. We want to see them truly American, while ready and eager to contribute a generous share to world welfare. We want to see them honest, industrious, and independent, possessed of all those virtues which arise from an adequate moral and intellectual training joined to experiences which come from the open country.

November 14, 1924, President Coolidge began a proclamation designating American Education Week with these words:

Education for the children of all the people, extending from the primary grades through the university, constitutes America's noblest contribution to civilization. No child or youth in the United States need be deprived of the benefits of education suited to his age and degree of advancement.

Addressing the National Conference on Utilization of Forest Products at Washington, D. C., November 19, 1924, President Coolidge said:

We hold the resources of our country as a trust. They ought to be used for the benefit of the present generation, but they ought neither to be wasted nor destroyed. The generations to come also have a vested interest in them. They ought to be administered for the benefit of the public. No monopoly should be permitted which would result in profiteering, nor on the other hand should they be indiscriminately bestowed upon those who will unwisely permit them to be dissipated. These great natural resources must be administered for the general welfare of all the people, both for the present and for the future.

Addressing the International Livestock Exposition at Chicago, December 4, 1924, President Coolidge said:

We are entitled, I think, to look upon livestock as one of the most highly developed products of the agricultural industry. To bring that industry to its present high estate has required a continuing cooperation of unflagging industry, determined courage, sound business, a widespread and intelligent application of scientific methods, and the recognition of the practical advantages to be derived from our American system of agricultural education. This annual exposition has marked perhaps more accurately than any other index the steady progression of agriculture from an unorganized and rudimentary occupation to the point where it has taken on the character of a profession, and has summoned to its aid the most effective methods in business organization, economic analysis, and scientific methods.

At the Norwegian centennial celebration at the Minnesota State Fair Grounds, June 8, 1925, President Coolidge said:

Our America with all that it represents of hope in the world is now and will be what you make it. Its institutions of religious liberty, of educational and economic opportunity, of constitutional rights, of the integrity of the law, are the most precious possessions of the human race. These do not emanate from the Government. Their abiding place is with the people. They come from the consecration of the father, the love of the mother, and the devotion of the children. They are the product of that honest, earnest, and tireless effort that goes into the rearing of the family altar and the making of the home of our country.

At Cambridge, Mass., July 3, 1925, President Coolidge spoke on the one hundred and fiftieth anniversary of George Washington taking command of the Continental Army and said:

Wherever men love liberty, wherever they believe in patriotism, wherever they exalt high character, by universal consent they turn to the name of George Washington. No occasion could be conceived more worthy, more truly and comprehensively American, than that which is chosen to commemorate this divinely appointed captain. The contemplation of his life and work will forever strengthen our faith in our country and in our country's God.

Others have created wider commotion and deeper impression in the hour of their eminence. But we shall hardly find one who in his own

day achieved so much as Washington and left his work so firmly established that posterity, generation after generation, can only increase its tributes to his ability, his wisdom, his patriotism, and his rounded perfection in the character of a Christian citizen.

Addressing the Council of the Congregational Churches at Washington, D. C., October 20, 1925, President Coolidge said:

It is my understanding that the purpose of this council is to enlarge and improve the moral and spiritual life of the Nation. While I appreciate that its purpose is religious rather than political, I have felt a propriety in coming here because of my belief in the necessity for a growing reliance of the political success of our Government upon the religious convictions of our people.

In the progress of the human race religious beliefs were developed before the formation of governments. It is my understanding that government rests on religion. While in our own country we have wisely separated the church and the State in order to emancipate faith from all political interference, nevertheless the forms and theories of our Government were laid in accordance with the prevailing religious convictions of the people. The great revival of the middle of the eighteenth century had a marked influence upon our Revolutionary period. The claim to the right to freedom, the claim to the right to equality, with the resultant right to self-government—the rule of the people—have no foundation other than the common brotherhood of man derived from the common fatherhood of God. The righteous authority of the law depends for its sanction upon its harmony with the righteous authority of the Almighty. If this faith is set aside, the foundations of our institutions fail, the citizen is deposed from the high estate which he holds as amenable to a universal conscience, society reverts to a system of class and caste, and the government instead of being imposed by reason from within is imposed by force from without. Freedom and democracy would give way to despotism and slavery. I do not know of any adequate support for our form of government except that which comes from religion. The very fact that amid all the complexities and distractions of our present life we are still maintaining unimpaired the foundations of our institutions, constantly increasing the rectitude with which the great business affairs of our country are conducted, all the while improving our educational facilities, answering more and more generously to the calls of public and private charity, continually enlarging the field of art, giving more and more attention to the humanities, and becoming more and more responsive to spiritual things, appears to me to be incontrovertible evidence that though it may be practiced in a somewhat different manner than formerly the deep and abiding faith of our people in religion has not diminished but has increased.

I have tried to indicate what I think the country needs in the way of help under present conditions. It needs more religion. If there are any general failures in the enforcement of the law, it is because there have first been general failures in the disposition to observe the law. I can conceive of no adequate remedy for the evils which beset society except through the influences of religion. There is no form of education which will not fail, there is no form of government which will not fail, there is no form of reward which will not fail. Redemption must come through sacrifice, and sacrifice is the essence of religion. It will be of untold benefit if there is a broader comprehension of this principle by the public and a continued preaching of this crusade by the clergy. It is only through these avenues, by a constant renewal and extension of our faith, that we can expect to enlarge and improve the moral and spiritual life of the Nation. Without that faith all that we have of an enlightened civilization can not endure.

Addressing the International Convention of the Young Men's Christian Associations of the United States and Canada at Washington, D. C., October 24, 1925, President Coolidge said:

One of the chief characteristics of Christianity is that it is a militant and crusading faith. Those who have become partakers of its inspirations and its consolations, since it first began its early march over the hostile territory of the Roman Empire, have been constantly spreading its truths among all their associates. If that faith is to maintain its vitality that work must go on. It is not enough that there should be action in the pulpits—there must be reaction in the pews. It will not be sufficient to have exalted preaching by the clergy unless there is exalted living by the laity.

Special emphasis is being placed upon the need of training for citizenship. Not only by the general development of character, by encouraging industry and discouraging waste, are they strengthening the community and raising up leaders, but by informing the young respecting the teachings of the New Testament and of the Hebrew prophets they are providing them with a grasp on the principles which must underlie all enduring civilization.

America has many reasons for pride and satisfaction in the spirit and character of its citizenship. It is gratifying to know that it has the resources with which to make these outlays and perform these services. We ought to be thankful in remembering that our own people do not need to receive this kind of assistance from any other people. We are able to look after our own. But that which rises above all other considerations is the fact that our people are imbued with a religious charity which makes them disposed to extend these benefits to those who are less fortunately circumstanced at home and abroad. There are those who constantly reprove our people and our Government for an alleged failure to assist other peoples. I do not know that anyone could ever say that we were doing enough, but it is my strong suspicion that those who are making the loudest complaints have never taken the trouble to ascertain what we have done and what we are doing. It is gratifying beyond measure to realize how the steady, courageous, generous hand of the real America continues to reach out to those in need. It stands as a conclusive answer to all censorious criticism. These works stamp America with a continuing effort working for moral regeneration.

December 7, 1925, President Coolidge addressed the American Farm Bureau Federation at Chicago and closed with these words:

In all our economic discussions we must remember that we can not stop with the mere acquisition of wealth. The ultimate result to be desired is not the making of money but the making of people. Industry, thrift, and self-control are not sought because they create wealth but because they create character. These are the prime product of the farm. We who have seen it and lived it, we know.

It is this life that the Nation is so solicitous to maintain and improve. It dwells in the open country, among the hills and valleys and over the great plains, in the unobstructed light of the sun, and under the glimmer of the stars. It brings its inhabitants into an intimate and true relation to nature, where they can live in harmony with the Great Purpose. It has been the life of freedom and independence, of religious convictions and abiding character. In its past it has made and saved America and helped rescue the world. In its future it holds the supreme promise of human progress.

February 22, 1926, in an address before the department of superintendence of the National Education Association, President Coolidge closed with these words:

Our country has prospered, our Government is secure. But that prosperity and that security flow from the school and the church. They are the product of the mind and the soul. They are the result of the character of the American people. Through and through Washington is the great example of character. He sought to bestow that heritage upon his country. We shall fail in our estimation and understanding of him unless we remember that during his lifetime he helped to build a place of religious worship; in his will he provided for institutions of learning, and in his farewell address he emphasized the spiritual values of life. But what he did was even more eloquent than what he said. He was a soldier, a patriot, a statesman; but in addition to all these he was a great teacher.

Laying the corner stone of the National Press Club Building in Washington, D. C., April 8, 1926, President Coolidge said:

It is my firm conviction that the press of this country is strong enough, independent enough, and influential enough so that it should seek not to cater to a supposed low and degraded public opinion, but rather to create a noble and inspired public opinion. It ought to work in harmony with a great purpose, revealing to the people the progress of the development of a Divine power.

There is another side to journalism perhaps most important of all. No enterprise can obtain a success which is worth anything unless it appeals to the spiritual nature of mankind. No matter how secular the efforts may be of a publication, it will fail of the largest attainments, will not meet the highest requirements, will not secure the widest influence unless it is moved by a reverence for religion. Our country is a reverent country and our people are a reverent people. Our institutions must rest on that foundation. The press must minister to that spirit. Their great work must go on, like all other great works, in reliance upon a divine purpose. If the corner stone which we are laying to-day is to endure, it must represent these principles. "Except the Lord build the house, they labor in vain that build it."

At Washington, D. C., April 19, 1926, before the Daughters of the American Revolution, President Coolidge spoke as follows:

However exalted is the conception of our institutions, they are not beyond the reach of the common run of people. They are ideal, but they are practical. They rest on the everyday virtues—honesty, industry, and thrift. As the overwhelming mass of our people are thoroughly loyal to these principles, we can feel a warranted assurance that the foundations of our institutions are secure.

Our Republic gives to its citizens greater opportunities, and under it they have achieved greater blessings than ever came to any other people. It is exceedingly wholesome to stop and contemplate that undisputed fact from time to time. Then, it is necessary to contemplate the inescapable corollary that the enjoyment and perpetuation of these conditions necessarily lay upon our people the obligation of a corresponding service and sacrifice. Citizenship in America is not a private enterprise, but a public function. Although I have indicated that it is my firm conviction that this requirement will be met, it can not be

denied that if it is not met disaster will overtake the whole fabric of our institutions.

Addressing the National Council of the Boy Scouts of America, Washington, D. C., May 1, 1926, President Coolidge said:

We hear much talk of the decline in the influence of religion, of the loosening of the home ties, of the lack of discipline—all tending to break down reverence and respect for the laws of God and of man. Such thought as I have been able to give to the subject and such observations as have come within my experience have convinced me that there is no substitute for the influences of the home and of religion. In the past I have declared my conviction that our Government rests upon religion; that religion is the source from which we derive our reverence for truth and justice, for equality and liberty, and for the rights of mankind.

We need a greater faith in the strength of right living. We need a greater faith in the power of righteousness. These are the realities which do not pass away. On these everlasting principles rests the movement of the Boy Scouts of America. It is one of the growing institutions by which our country is working out the fulfillment of an eternal promise.

At Philadelphia, July 5, 1926, celebrating the one hundred and fiftieth anniversary of the Declaration of Independence, President Coolidge spoke as follows:

It is little wonder that people at home and abroad consider Independence Hall as hallowed ground and revere the Liberty Bell as a sacred relic. That pile of bricks and mortar, that mass of metal, might appear to the uninstructed as only the outgrown meeting place and the shattered bell of a former time, useless now because of more modern conveniences, but to those who know they have become consecrated by the use which men have made of them. They have long been identified with a great cause. They are the framework of a spiritual event. The world looks upon them, because of their associations of 150 years ago, as it looks upon the Holy Land because of what took place there nineteen hundred years ago. Through use for a righteous purpose they have become sanctified.

The American Revolution represented the informed and mature convictions of a great mass of independent, liberty-loving, God-fearing people who knew their rights and possessed the courage to dare to maintain them.

No one can examine this record and escape the conclusion that in the great outline of its principles the Declaration was the result of the religious teachings of the preceding period. The profound philosophy which Jonathan Edwards applied to theology, the popular preaching of George Whitefield, had aroused the thought and stirred the people of the Colonies in preparation for this great event.

But when we come to a contemplation of the immediate conception of the principles of human relationship which went into the Declaration of Independence we are not required to extend our search beyond our own shores. They are found in the texts, the sermons, and the writings of the early colonial clergy who were earnestly undertaking to instruct their congregations in the great mystery of how to live. They preached equality because they believed in the fatherhood of God and the brotherhood of man. They justified freedom by the text that we are all created in the divine image, all partakers of the divine spirit.

If this apprehension of the facts be correct, and the documentary evidence would appear to verify it, then certain conclusions are bound to follow. A spring will cease to flow if its source be dried up; a tree will wither if its roots be destroyed. In its main features the Declaration of Independence is a great spiritual document. It is a declaration not of material but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man—these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish. We can not continue to enjoy the result if we neglect and abandon the cause.

We are too prone to overlook another conclusion. Governments do not make ideals, but ideals make governments. This is both historically and logically true. Of course, the government can help to sustain ideals and can create institutions through which they can be the better observed, but their source by their very nature is in the people. The people have to bear their own responsibilities. There is no method by which that burden can be shifted to the government. It is not the enactment, but the observance of laws, that creates the character of a nation.

We hold that the duly authorized expression of the will of the people has a divine sanction. But even in that we come back to the theory of John Wise that "Democracy is Christ's government. * * *." The ultimate sanction of law rests on the righteous authority of the Almighty.

On an occasion like this a great temptation exists to present evidence of the practical success of our form of democratic republic at home and the ever-broadening acceptance it is securing abroad. Although these things are well known, their frequent consideration is an encouragement and an inspiration. But it is not results and effects so much as sources and causes that I believe it is even more necessary constantly to contemplate.

Our forefathers came to certain conclusions and decided upon certain courses of action which have been a great blessing to the world. Before we can understand their conclusions we must go back and review the course which they followed. We must think the thoughts which they thought. Their intellectual life centered around the meeting house. They were intent upon religious worship. While there were always among them men of deep learning, and later those who had comparatively large possessions, the mind of the people was not so much engrossed in how much they knew or how much they had as in how they were going to live. While scantily provided with other literature there was a wide acquaintance with the Scriptures. Over a period as great as that which measures the existence of our independence they were subject to this discipline not only in their religious life and educational training, but also in their political thought. They were a people who came under the influence of a great spiritual development and acquired a great moral power.

No other theory is adequate to explain or comprehend the Declaration of Independence. It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things. These did not create our Declaration. Our Declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren scepter in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the fathers who created it. We must not sink into a pagan materialism. We must cultivate the reverence which they had for the things that are holy. We must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame the altar fires before which they worshipped.

At the annual convention of the American Red Cross in Washington, D. C., October 4, 1926, President Coolidge spoke as follows:

The main purpose of this organization is charity, but charity is not something that can exist of itself, apart from all else. It is a very complete demonstration of the fact that we live in a world that is interrelated and interdependent. Charity depends not only on a benevolent spirit but upon the material resources by means of which such a sentiment can manifest itself.

It is the realization of this principle that helps to sanctify the realm of business. The people of this country are engaged in their various daily occupations in order that they may meet their wide and comprehensive obligations. No doubt their first thought is to be self-supporting and independent, maintaining themselves and their families in comfort, supplying the needs of their declining years, and passing on to posterity the means of a broader existence and a more comprehensive life. It is with this in view that they have given heed to the scriptural injunction to be diligent in business, and under the inspiration of this motive America has become rich and prosperous. But our obligation does not end there. Although there is no doubt that we have surpassed every other people in that direction we have not yet attained, and perhaps it is not possible for finite beings to attain, to a complete economic justice. The limitations of humanity and the results of unforeseen and unforeseeable contingencies constantly leave some of our people, oftentimes without any fault on their part, in a condition of want and distress which they are unable of themselves to alleviate. Nothing is clearer than the requirement which is laid on society to use its resources for the relief and restoration of such conditions. The success and completeness with which these obligations are discharged measure the moral rank of a people.

It is to meet this broad purpose that the American Red Cross has been organized and maintained.

More and more each year it has become a symbol and expression of the divine sympathy which exists in every human being.

What the Red Cross is doing is only one example of the innumerable results of American idealism. While there is no more moving spectacle than that of the poor, out of their meager substance, extending relief to their fellow beings in time of distress, such relief would be entirely inadequate to meet the needs of modern society. To extend medical aid, to give the necessary food, clothing, and shelter to the victims of disaster in the crowded areas of the world, either in war or peace, require great outlays of money and large aggregates of personal service. This can only be furnished from the resources of wealth and prosperity. The fact that these charities are supplied not only for the Red Cross but in innumerable other directions is one of the most complete demonstrations that our people in their effort to accumulate property are moved by a righteous purpose. Their success has not been turned to

greed, avarice, or selfishness, but has been productive of generosity, benevolence, and charity.

After all the ideal charity is to place in the hands of the people the means of satisfying their own requirements through their own efforts.

It is for these reasons that it is necessary to rely so largely upon the economic condition of the country to minister to the idealism of the country. We may be moved ever so strongly with benevolent impulses; but if we are without means to afford relief, such sentiments are of little practical value. Even where generosity and wealth both exist we can not say that even these are sufficient. After all, human nature does not want permanent charity but permanent independence through the opportunity to work out its own destiny. It is at this point that the economic well-being and prosperity of a nation passes over into the ideal. Great wealth belonging to a few is not a condition that we seek in this country, but rather a system of production and distribution where the great mass of people shall be contributors to the process and shall share in the rewards. Under this system, toward which we are constantly advancing in America, prosperity and idealism merge, and the cause of economics serves the cause of humanity. The higher idealism, the true philanthropy, is not that which comes to the rescue after the catastrophe, but rather that which through obedience to sound economic laws creates a prosperity among the people that anticipates and prevents the need of charity.

Before the American Association of Advertising Agencies at Washington, October 27, 1926, President Coolidge spoke as follows:

Sometimes it seems as though our generation fails to give the proper estimate and importance to the values of life. Results appear to be secured so easily that we look upon them with indifference. We take too many things as a matter of course, when in fact they have been obtained for us only as the result of ages of effort and sacrifice. We look at our economic condition upon which we are absolutely dependent for the comforts and even the necessaries of life, and forgetting that it all rests on industry, thrift, and management, dismiss it lightly as a matter that does not concern us. Occasionally our attention is directed to our political institutions, which have been secured for us through the disinterested exertion of generations of patriotism, and, going along oblivious to the fact that they are the sole guarantees of our rights to life and liberty, we turn away with the comforting thought that we can let some party committee attend to getting out the vote and that probably the Government will run itself all right anyway. Then perhaps we are attracted by the buildings erected for education, or the temples dedicated to religious worship, and without stopping to realize that these are the main source of the culture of society and the moral and spiritual life of the people we pass them by as the concern very largely of schoolmasters and clergymen. We have become so accustomed to the character of our whole, vast, and intricate system of existence that we do not ordinarily realize its enormous importance.

These results, however, can not be considered as guaranteed by our material resources alone. They will accrue to us, not because of our fertile agricultural fields, our deposits of coal, iron, and precious metals, nor even from the present state of our development of trade with its accompanying supports of manufacturing, transportation, and finance. We can not rely on these alone. They could all be turned into instruments of destruction. Our chief warrant for faith in the future of America lies in the character of the American people. It is our belief in what they are going to do, rather than our knowledge of what they are going to have, that causes us to face the coming years with hope and confidence. The future of our country is not to be determined by the material resources, but by the spiritual life of the people. So long as our economic activities can be maintained on the standard of competition in service, we are safe. If they ever degenerate into a mere selfish scramble for rewards, we are lost. Our economic well-being depends on our integrity, our honor, our conscience.

President Coolidge closed his address dedicating the Liberty Memorial at Kansas City, November 11, 1926, with these words:

While we recognize the obligations arising from the war and the common dictates of humanity which ever bind us to a friendly consideration for other people, our main responsibility is for America. In the present state of the world that responsibility is more grave than it ever was at any other time. We have to face the facts. The margin of safety in human affairs is never very broad, as we have seen from the experience of the last dozen years. If the American spirit fails, what hope has the world? In the hour of our triumph and power we can not escape the need for sober thought and consecrated action. These dead whom we here commemorate have placed their trust in us. Their living comrades have made their sacrifice in the belief that we would not fail. In the consciousness of that trust and that belief this memorial stands as our pledge to their faith, a holy testament that our country will continue to do its duty under the guidance of a Divine Providence.

On the one hundred and fiftieth anniversary of the Battles of Trenton and Princeton, December 29, 1926, at Trenton, President Coolidge said:

Washington and his generals are gone. The bloody tracks which their barefoot armies often left on the frozen ground have long since been washed away. The smoke of the conflict in which they engaged has cleared. The civil strife and disorder which followed have been dissipated. But the institutions which they founded, the Government which they established, have not only remained, but have grown in strength and importance and extended their influence throughout the earth. We can never go to their assistance with supplies and reinforcements. We can never lend our counsel to their political deliberations. But we can support the Government and institutions which are their chief titles to the esteem and reverence in which they are held by the common consent of all humanity.

Our country has traveled far since these soul-inspiring days. Our progress has been great. Our prosperity has been the wonder of the world. Our present-day existence has its difficulties, requiring courage and resourcefulness. The political and economic life of the Nation offers abundant opportunity for developing the character and increasing the moral power of the people. I believe it to be a grave error to assert that the spiritual force of the men and women of the Revolutionary period was superior to that which exists in the America of the present. But they did set for us an example which no nation can ignore and long exist.

The Colonies of those days had little in the way of accumulated wealth, but by hard work the people on the whole maintained themselves in comfort. Those conditions, as everyone knows, have been radically changed. Through the development of our natural resources, our inventive genius, and mechanical skill this Nation has become possessed of very large wealth. Such a situation has its dangers. In past history it has usually led first to luxury and ease and later to decline and decay. We do not yet appear to be tending in that direction. While we have a considerable extent of what might be called luxury, it is not of that destructive nature which has in the past afflicted other people. In a wide measure it is for use rather than display. It makes its appeal to the soul rather than to the senses.

We are placing a great deal of emphasis on prosperity. Our people ought to desire to be prosperous, but it ought not to be their main desire. There are other things that they ought to want more. Prosperity is not a cause; it is a result. It is not based on indolence and ease, on avarice and greed, or on selfishness and self-indulgence. It is the result of industry, fair dealing, self-denial, and generosity. It is all summed up in a single word. It is character. If the country will put its emphasis on this process and remember to practice these virtues, its prosperity will become greater and greater, and the greater it becomes the more worthy it will be of our admiration. A more efficient service, one to another, will be the foundation of a greater prosperity and of a stronger national character.

The whole record of American success is traceable to the excellence of American citizenship.

* * * Under our institutions the only way to perfect our Government is to perfect the individual citizen. It is necessary to reach the mind and the soul of the individual. It is not merely a change of environment but a change of heart that is needed. The power of the law may help, but only the power of righteousness can be completely sufficient. I know of no way that this can be done save through the influences of religion and education. By religion I do not mean either fanaticism or bigotry; by education I do not mean the cant of the schools; but a broad and tolerant faith, loving thy neighbor as thyself, and a training and experience that enables the human mind to see into the heart of things.

At the annual session of the American Medical Association, May 17, 1927, Washington, D. C., President Coolidge said:

One of the difficulties in the world is not that we are lacking in sufficient knowledge, but that we are unwilling to live in accordance with the knowledge which we have. Approbation of the Ten Commandments is almost universal. The principles they declare are sanctioned by the common consent of mankind. We do not lack in knowledge of them. We lack in ability to live by them.

It is to your profession in its broadest sense, untrammeled by the contentions of different schools, that the world may look for large contributions toward its regeneration, physically, mentally, and spiritually, when not force but reason will hold universal sway. As human beings gain in individual perfection, so the world will gain in social perfection, and we may hope to come into an era of right living and right thinking, of good will, and of peace, in accordance with the teachings of the Great Physician.

At the memorial exercises at Arlington, May 30, 1927, President Coolidge said:

We have robbed no people of their independence, we have laid on no country the hand of oppression. When our military forces have taken the field it has been to enlarge the area of self-government, to extend

the scope of freedom, and to defend the principles of liberty. We have established our independence, resisted encroachment upon our sovereignty, maintained our national union, rescued afflicted people from their oppression, and brought victory to the cause of liberty in a world convulsion. To all of our departed dead who, on land and on sea, have offered their blood in the support of this holy and triumphant cause, America to-day brings its affectionate garlands of honor and acclaim.

As Americans we are always justified in glorying in our own country. While offensive boastfulness may be carried to the point of reproach, it is much less to be criticized than an attitude of apologetic inferiority. Not to know and appreciate the many excellent qualities of our own country constitutes an intellectual poverty which instead of being displayed with pride ought to be acknowledged with shame. While pride in our country ought to be the American attitude, it should not include any spirit of arrogance or contempt toward other nations. All people have points of excellence and are justly entitled to the honorable consideration of other nations. While this land was still a wilderness there were other lands supporting a high state of civilization and enlightenment. On the foundation which they had already laid we have erected our own structure of society. Their ways may not always be our ways, and their thoughts may not always be our thoughts, but in accordance with their own methods they are attempting to maintain their position in the world and discharge their obligations to humanity. We shall best fulfill our mission by extending to them all the hand of helpfulness, consideration, and friendship. Our own greatness will be measured by the justice and forbearance which we manifest toward others.

If we desire to be an influence in order and law, tranquillity and good will in the world, we must be determined to make sufficient sacrifices to live by these precepts at home. We can be a moral force in the world only to the extent that we establish morality in our own country.

Addressing the First International Congress of Soil Science, June 13, 1927, at Washington, D. C., President Coolidge said:

Science is not confined within any national boundaries. Its achievements and its benefits, like the achievements and benefits of all truth, are at the service of the world for the lightening of human labor and the enrichment of human life.

Dedicating Wicker Memorial Park to World War veterans, June 14, 1927, at Hammond, Ind., President Coolidge said:

The immediate aim of these efforts is to improve the public health. It is realized that sound bodies mean an increased industrial efficiency. But the purpose goes beyond this to the cleansing and clarifying of the mind, raising the whole standard of life. It is becoming better and better understood that a sound body, an informed mind, normal social contacts, and that contentment which comes from opportunity for a broader self-expression, are all vital factors in the preservation of our national existence. The significance of this development is triumphantly American. In this country the sciences, the arts, the humanities, are not reserved for a supposed aristocracy, but for the whole of the people. Here we do not extend privilege to a few, we extend privilege to everybody. That which was only provided for kings and nobles in former days, we bestow freely on the people at large. The destiny of America is to give the people still more royal powers, to strengthen their hand for a more effective grasp upon the scepter.

We are also possessors of human strength. Intelligence, courage, fidelity, character—these, also, are our heritage and our mark of the Divine Image.

Amid all her prosperity America has not forgotten her ideals. As a people we stand in respectful reverence before the things that are unseen. It is but a passing glance that we bestow upon wealth and place, compared with that which we pour out upon courage, patriotism, holiness, and character. We dedicate no monuments to merely financial and economic success, while our country is filled with memorials to those who have done some service for their fellow men.

No one who is acquainted with history, who observes what is all about us, can fail to cherish the hope that we are entering on a wonderful future. It has been said that the war was fought to make a world fit for the abode of heroes. I want to see our own country the first to make that expectation a reality. But if it is to come true, it can only be through the industry, the devotion, and the character of the people themselves. The Government can help to provide opportunity, but the people must take advantage of it.

At Brookings, S. Dak., September 10, 1927, dedicating the Lincoln Memorial Library, President Coolidge said:

In communities such as these the cause of education has never failed to hold a very high place. Of course, the people in their daily life would give their first thought to religious worship, but in the affairs of government education has come to be predominant. No progressive community can afford to neglect the education of its people. It is impossible for any community to hold its place in modern society unless it is fully equipped in the educational field of arts and sciences and research.

All of our science and all of our arts will never be the means for the true advancement of our Nation, will never remove us from the sphere of the superficial and the cynical, will never give us a civilization and a culture of any worthy and lasting importance unless we are able to see in them the outward manifestation of a spiritual reality. Unless our halls of learning are real temples which are to be approached by our youth in an attitude of reverence, consecrated by worship of the truth, they will all end in a delusion. The information that is acquired in them will simply provide a greater capacity for evil. Our institutions of learning must be dedicated to a higher purpose. The life of our Nation must rise to a higher realm.

But these colleges are important not only because of the economic results which have accrued from them but even more because of their spiritual value. They are of great benefit in the domain of land and the various products of the soil, but in the domain of thought they have an even more important influence. Our whole country is yet comparatively young. We have been driven by necessity to giving a great deal of attention to subduing the forces of nature. It has been necessary to create anew on this continent all of the instruments of civilization. We have had our cities to build, our highways, our railroads, and our canals to lay out, our mines and manufacturing to put into operation, our banking and commerce, as well as our agriculture, to organize, and our political and our social problems to solve. All of these have made necessary a great supply of material resources for their creation and support.

We have been excessively busy seeking for information that could be turned to practical advantage in the matter of dollars and cents, rather than for that wisdom which would guide us through eternity. Our higher educational institutions have turned their thoughts especially to the sciences, and our secondary schools to vocational training. How important these are in my estimation will appear from what I have already said. How poor and weak and generally ineffective we should be without these advantages can be at once seen by the most casual observation of those nations among which they have been neglected.

This is by no means all that is to be expected from American education and American institutions. I can not conceive that the object of Abraham Lincoln was merely to instruct men how to raise more corn, to feed more hogs, to get more money, to buy more land, and so on, in the expanding circle, as the story goes. Of course, he wanted to teach men to raise more corn, but his main object must have been to raise better men. We come back to the query that is contained in the concentrated wisdom of the ages, "What shall it profit a man if he gain the whole world and lose his own soul?"

We should all of us remember Lincoln as the great emancipator, the President who guided the Nation through four years of internal conflict, who demonstrated beyond future question the national quality of our institutions and the indestructibility of our Union, who removed forever from our soil the stain of human slavery, and who possessed a God-given insight into the hearts of the American people. But these elements of his greatness should not be permitted to eclipse the mighty service which he rendered to the cause of vocational education by his advocacy and approval of the measure which established what are usually referred to as our State agricultural colleges.

At the annual observance of Founders' Day at Carnegie Institute, Pittsburgh, Pa., October 13, 1927, President Coolidge said:

It is a fundamental principle of our institutions that freedom, education, and wealth are not to be reserved for the few but are to be reached through equal opportunity which is open to all. We have staked America on the potential capacity of the average citizen.

There are still some who sit apart, who do not see, who can not understand. To them our industrial life is the apotheosis of selfishness. They can not realize that the rattle of the reaper, the buzz of the saw, the clang of the anvil, the roar of traffic are all part of a mighty symphony not only of material but of spiritual progress. Out of them the Nation is supporting its religious institutions, endowing its colleges, providing its charities, furnishing adornments of architecture, rearing its monuments, organizing its orchestras, and encouraging its painting. But the American people see and understand. Unperturbed, they move majestically forward in the consciousness that they are making their contribution in common with our sister nations to the progress of humanity.

Speaking before the Union League at Philadelphia, November 17, 1927, President Coolidge said:

America is much more than a geographical location. It is a combination and a relationship. It is the destiny of a masterful, pioneering people, enduring all the hardships of settling a new country, determined to be free. It is the Declaration of Independence and the Federal Constitution, with a system of local self-government. It is the development of the farm, the factory, and the mine, the creation of a surpassing commerce, and the opening of vast lines of travel by sea and land, with broadening opportunity for education and freedom for religious worship. Our country is the result of incomprehensible

triumph, conferring upon its own people untold material and spiritual rewards and indirectly raising the standards of the world. It is a combination of all these elements, with their past history and their present aspirations, that we refer to as America.

While we have not neglected religion and education, we have considered our welfare in the past mainly on its economic side. Our population has increased rapidly over a considerable space of years. We have received large numbers of foreign people. For the most part they were vigorous, enterprising, and of good character, but almost always without money and too often without learning. Due to the exigencies of frontier life, many of our native-born have found themselves in a similar situation. To form all these people into an organization where they might not merely secure a livelihood, but by industry and thrift have the opportunity to accumulate a competency, such as has been done in this country, is one of the most marvelous feats ever accomplished by human society. It could never have been done without the utmost of private and public attention to the business side of life. Yet it has been done. The task is by no means complete, but the framework has been erected and no one can deny that the construction is making steady progress.

The object of this economic endeavor has not been the making of money for its own sake. It certainly has not been for the purpose of endowing an aristocracy with wealth. It has been fostered and encouraged by the Government in order to provide the people at large with sufficient incomes to raise their standards of living to a position worthy of a free and enlightened nation. In the carrying out of this mighty project, which in its conception and its execution has never been surpassed by any effort for human advancement, our inhabitants have found the added benefit of a corresponding development of character. The results have reached into the humblest home in the land, carrying hope and cheer with the knowledge that the door of opportunity has been opened to them.

We have sought to establish a system under which the people would control the Government, and not the Government control the people. If economic freedom vanishes, political freedom becomes nothing but a shadow.

Those are some of the economic results which have accrued from the American principle of reliance upon the initiative and the freedom of the individual. It is the very antithesis of communism, but it has raised the general welfare of the people to a position beyond even the promises of the extremists. Arising from this same principle is popular education, the right to justice, free speech, and free religious worship, all of which we cherish under the general designation of liberty under the law.

We have demonstrated that we were able to meet adversity and overcome it. The test which now confronts the Nation is prosperity. There is nothing more likely to reveal the soul of a people. History is littered with stories of nations destroyed by their own wealth. It is true that we have accumulated a small but a blatant fringe of extravagance and waste, nourished in idleness, and another undesirable class who seek to live without work. A successful people are always a mark for the vicious and the criminal. But these are conspicuous mainly by contrast. The great mass of our people, whatever their possessions, are conscientious and industrious, seeking to serve humanity. They know that the doctrine of ease is the doctrine of surrender and decay. To the effort which built this country they are giving increased effort to maintain it. The heart of the Nation is sound.

Society is made up of constants and variables. The variables attract us by their contrasts and are always appearing in the headlines. But the constants always predominate, always push ahead in the march of progress. We hear enough of criticism, we hear enough of the evil; but we must not forget commendation, we must not forget the good. This is our Government. This is our society. This is our country. It is solid, sound, secure. It is for us to put forth sufficient effort to keep it so.

Addressing the Pan American conference at Habana, Cuba, January 16, 1928, President Coolidge stated:

The fertility of a virgin soil, a wealth of mineral deposits, an abundance of water power, a multitude of navigable rivers, all at the command of a resourceful people, have produced a material prosperity greater in amount and more widely distributed than ever before fell to the lot of the human race. The arts and sciences have flourished, the advantages of education are widespread, devotion to religion is marked by its sincerity. The spirit of liberty is universal. An attitude of peace and good will prevails among our nations.

While the law is necessary for the proper guidance of human action, and will always remain the source of freedom and liberty and the ultimate guaranty of all our rights, there is another element in our experience which must always be taken into consideration. We read that "The letter killeth but the spirit giveth life." Oftentimes in our international relationship we shall have to look to the spirit rather than to the letter of the law. We shall have to realize that the highest law is consideration, cooperation, friendship, and charity. Without the application of these there can be no peace and no progress, no liberty, and no republic. These are the attributes that raise human relationships out of the realm of the mechanical, above the realm of animal existence, into the loftier sphere that borders on the divine. If we are to experience a new era in our affairs, it will be because the world recognizes and lives in accordance with this spirit. Its most complete expression is the Golden Rule.

The light which Columbus followed has not failed. The courage that carried him on still lives. They are the heritage of the people of Bolivar and of Washington. We must lay our voyage of exploration toward complete understanding and friendship. Having taken that course, we must not be turned aside by the fears of the timid, the counsels of the ignorant, or the designs of the malevolent. With law and charity as our guides, with that ancient faith which is only strengthened when it requires sacrifices, we shall anchor at last in the harbor of justice and truth. The same Pilot which stood by the side of the great discoverer, and the same Wisdom which instructed the founding fathers of our republics, will continue to abide with us.

Addressing a joint meeting of the American Federation of Arts and the American Association of Museums, Washington, D. C., May 16, 1928, President Coolidge stated:

While we have been devoted to the development of our material resources, as a Nation ought to be which heeds the admonition to be diligent in business, we have not been neglectful of the higher things of life. In fact, I believe it can be demonstrated that the intellectual and moral awakening which characterized our people in their early experiences was the forerunner and foundation of the remarkable era of development in which we now live. But in the midst of all the swift-moving events we have an increasing need for inspiration. Men and women become conscious that they must seek for satisfaction in something more than worldly success. They are moved with a desire to rise above themselves. It is but natural, therefore, that we should turn to the field of art.

We refer to painting, sculpture, the adornments of architecture, music, poetry, and the drama as fine arts. More recently we have designated the perfection and refinement of the design of articles fabricated by modern machinery as industrial arts. But in a wider sense the arts include all those manifestations of beauty created by man which broaden and enrich life. It is an attempt to transfer to others the highest and best thoughts which the race has experienced. The self-expression which it makes possible rises into the realm of the divine.

It is especially the practical side of art that requires more emphasis. We need to put more effort into translating art into the daily life of the people. If we could surround ourselves with forms of beauty, the evil things of life would tend to disappear and our moral standards would be raised. Through our contact with the beautiful we see more of the truth and are brought into closer harmony with the infinite.

Our country has reached a position where this is no longer a visionary desire but is becoming an actual reality. With general prosperity, with high wages, with reasonable hours of labor has come both the means and the time to cultivate the artistic spirit. Philanthropy has given the people access to all that is most beautiful in form and color. It is theirs without money and without price, if they will but go and possess it. Out of our agriculture, our commerce, and our industry, we can already see emerging a new spirit. The potential is becoming actual. Through science and invention, gradually but surely, we are banishing the drudgery of existence and bringing into every avenue of living a touch of the artistic. We are working out the ideal under which everyone will realize that they are artists, in their employment, in their recreation, and in their relations, one with another.

Speaking at Andover, Mass., May 19, 1928, on the one hundred and fiftieth anniversary of Phillips Academy, President Coolidge said:

For our chartered institutions of learning to turn back to the material and neglect the spiritual would be treason, not only to the cause for which they were founded, but to man and to God.

When the cause of the Revolution still hung in the balance, when this school was conducted in an abandoned carpenter shop, before our Federal Constitution had made our scattered colonies into one nation, when authority was weak and all the future was uncertain, the patriots of that day offered life, fortune, and honor in defense of their country. They did not doubt; they did not complain. They went forward, placing their hope on the sure support of liberty and justice, the improvement of agriculture, industry, and commerce, and the advance of education. The day has come when we have seen their hope fulfilled, when we have seen their faith justified, and when success has demonstrated the correctness of their theories. The general advance made by our country is commensurate with the advance which has been made by Phillips Academy. As we behold it our doubts ought to be removed, our faith ought to be replenished. Our determination to make such sacrifices as are necessary for the common good ought to be strengthened. We may be certain that our country is altogether worthy of us. It will be necessary to demonstrate that we are worthy of our country.

Dedicating a memorial to Col. William Colvill at Cannon Falls, Minn., July 29, 1928, President Coolidge said:

Heroic deeds have about them an element of immortality. We stand in reverence before those who perform them and cherish their memory down through the ages because we recognize in them the manifestation

of a spiritual life, the evidence of things not seen, a presence which was without beginning and is without end, a power that lifts men above the things of this earth into the realm of the divine.

Because we believe in the reality of right and truth and justice and recognize the necessity of supporting them with every necessary sacrifice, including life itself, we could not be engaged in any more devotional action than in reverencing the memory of those who have nobly responded to that high conception of eternal duty.

We may well stop to consider on this Sabbath Day what Power it was that stationed these men at this strategic point on this occasion, which held so much of the hope of humanity. We can only infer that it was the same Power which guided the path of the *Mayflower*, which gave our country Franklin and Washington, which brought this northwestern territory into the Union through the miraculous victory of George Rogers Clark at Vincennes and peopled it with a freedom-loving immigration, which raised up Lincoln and Grant, which went to the rescue of liberty in Cuba and on the fields of France. Was it not the same Power which set these men as Its sentinels on that July day to guard the progress of humanity? As we behold it all we can but conclude in the words of Holy Writ that, "The judgments of the Lord are true and righteous altogether."

It has been demonstrated that what never could have been created under a condition of servitude is the almost natural result of a condition of freedom. Human nature has been so designed that men are only at their best when they are permitted to live like men. It is when they are released from the bondage of the body, given control over their own actions, receive the returns from their own labor, and released from bondage of the mind so that ignorance and superstition are replaced by education and moral influences that most progress is made toward an enlightened civilization.

It is in accordance with these conceptions that we have come to-day to dedicate this memorial and to rededicate ourselves to the support and preservation of those principles which have been revealed to us through the human understanding to be true and demonstrated through long experience to be sound. We have come to increase our admiration for all that is heroic in life, to express our reverence for those who have made sacrifices for the well-being of their fellow men, to renew our fealty to the Constitution of the United States, to rejoice in the universal freedom which it guarantees and in the perfect Union which it has created, and finally for all these blessings in gratitude and humility to acknowledge our dependence upon the Giver of every true and perfect gift.

Addressing the general convention of the Episcopal Church, Washington, D. C., October 10, 1928, President Coolidge said:

This general convention of the Episcopal Church, which is held once in three years, represents organized religious life and missionary effort in every part of the globe. Many thousands are taking part in it. Considered by itself alone it constitutes an activity of the greatest importance. But when we remember that it is but one of many similar organizations, some larger and some smaller, all devoted to the service of religion, we can not escape the conclusion that the major forces of the world are actively and energetically engaged in promoting the spiritual advancement of humanity.

The advancement of knowledge, the increase in science, the growth and distribution of wealth, the enactment of laws, while they may all be commendable or even necessary in themselves, do not alone meet the problem of human existence or furnish a sufficient foundation for human progress. Man is more than all these. He requires the inspiration of a higher motive to meet the demands of a spiritual nature. They might furnish a partial explanation of an Alexander, a Cæsar, or a Napoleon. They fail utterly to account for a Hampden or a Cromwell, a Washington or a Lincoln, or for the long list of sacrificing missionaries, saints, and martyrs who have devoted their lives to the higher cause of humanity. Organized government and organized society have done much and can do much. Their efforts will always be necessary, but without the inspiration of faith, without devotion to religion, they are inadequate to serve the needs of mankind. It is in that direction that we must look for the permanent sources of the ministrations of charity, the kindness of brotherly love, and the renunciation of consecrated lives.

Our country is thoroughly committed to a life of action. We expect our people to put forth great energy and great effort in perfecting the material structure of our national life, in enlarging our production, in increasing our commerce, in strengthening our agriculture, in improving our transportation, in organizing our finances. But all these things will never be done for their own sake. They are not an end in themselves. They are but a means to a nobler character and a higher life. Unless that motive is provided from some other source, these activities inevitably lead back to the conclusion that the end justifies the means and that might makes right. We are not seeking an increased material welfare that leads to materialism; we are seeking an increased devotion to duty that leads to spiritual life. Such an effort would be in vain, unless our Nation as a whole continued in its devotion to religion.

We can not remind ourselves too often that our right to be free, the support of our principles of justice, our obligations to each other in our domestic affairs, and our duty to humanity abroad, the confidence in each other necessary to support our social and economic relations, and finally the fabric of our Government itself, all rest on religion. Its importance can not be stressed too often or emphasized too much. If the bonds of our religious convictions become loosened, the guaranties which have been erected for the protection of life and liberty and all the vast body of rights that lie between are gone. The debt which this country owes to the men and women down through the ages who have been teaching and are teaching to-day the cause of righteousness is beyond all estimation. So long as the great body of our people continue to be inspired by their example, and to be faithful to their precepts, our institutions will remain secure and our civilization will continue in its increase of material and spiritual welfare.

In an address at Fredericksburg, Va., October 19, 1928, dedicating the Fredericksburg and Spotsylvania County Battle Fields Memorial, President Coolidge stated:

* * * This Nation is something vastly more than an expanse of territory. It has reached the high place which it holds in the world largely because of its institutions of government.

These figures, which would be cold and uninteresting in themselves, when we realize that they illustrate the life and development of our country, can not fail to have a deep fascination. But those wonderful records would be of little avail, if they were not accompanied by evidences of the moral power of the Nation. Education is on the increase. Our charities are lavish and world-wide. Our missionary efforts reach in every direction. Our actions in behalf of limitation of naval armaments have been of great benefit to all mankind. Our influence in negotiating the recent treaty in behalf of peace is well known. It raises the greatest barrier against war that was ever created by the art of man. Our progress and prosperity at home, our standing and influence abroad, could never have been secured unless they rested on a solid foundation of demonstrated integrity, high character, and abiding faith.

Such are some of the outlines of the mansion in which dwell the people of the United States. It is "a house not made with hands." Into it have gone the sacrifices and prayers of many generations. While it is by no means complete, it is already the most comfortable habitation which a nation ever enjoyed. Its prevailing atmosphere is marked by progress, peace, and tranquillity. Sectional animosities have disappeared. Industrial conflicts have almost ceased. Her territorial integrity is secure. Her constitutional liberties are protected by the eternal vigilance of her people. Our country is still worthy of those who have made such great sacrifices in its behalf, still determined to improve the opportunities which those sacrifices created, still loyal to the faith of the past, still inspired by the hope of the future.

In an address upon the observance of the tenth anniversary of the armistice, under the auspices of the American Legion November 11, 1928, Washington, D. C., President Coolidge said:

As we contemplate the past 10 years, there is every reason to be encouraged. It has been a period in which human freedom has been greatly extended, in which the right of self-government has come to be more widely recognized. Strong foundations have been laid for the support of these principles. We should by no means be discouraged because practice lags behind principle. We make progress slowly and over a course which can tolerate no open spaces. It is a long distance from a world that walks by force to a world that walks by faith. The United States has been so placed that it could advance with little interruption along the road of freedom and faith.

It is befitting that we should pursue our course without exultation, with due humility, and with due gratitude for the important contributions of the more ancient nations which have helped to make possible our present progress and our future hope. The gravest responsibilities that can come to a people in this world have come to us. We must not fail to meet them in accordance with the requirements of conscience and righteousness.

Addressing the National Grange convention, in Washington November 16, 1928, President Coolidge said:

The last half century has seen many organizations formed in the name of agriculture, usually to relieve some local or national distress. When conditions have improved the organization has disappeared. But the National Grange, having a much broader basis, has continued without interruption a long and useful existence. The main reason for this has been the sound foundation on which it stands. It has not devoted its efforts to the treatment of local and temporary symptoms, but with a wider and more penetrating view it has sought to eradicate causes. It has been interested in securing prosperity, improving living conditions, and encouraging education; but primarily it has stood for the development of the men, women, and children of the farm in intelligence, character, and moral worth. Realizing that these are

the most important products of life in the open country, it has never failed to place upon them its main emphasis.

The great strength of the farm in our national life lies in the farm home. It has been the prime source from which have sprung the ability and the character of the Nation. Those who suggest that the farmer is in danger of being reduced to a state of peasantry entirely disregard the inherent independence and resourcefulness that is bred in life in the open. That spirit does not depend upon the possession of a large amount of property or income or the price of agricultural products. I was born and raised in such surroundings, and on this subject I know whereof I speak. The danger of the development of the peasant spirit in this country lies in our crowded tenements, which shelter the dependent wage earners of our great centers of population. Under present conditions that menace also is disappearing. From that danger our farm population is the most remote.

Addressing the Pan American Conference on Arbitration and Conciliation, December 10, 1928, President Coolidge said:

It is to no ordinary occasion that I am privileged as President of the United States to bid you welcome. There are represented here 20 nations of the Western Hemisphere, who have a common purpose to advance the cause of civilization by substituting the obligation of reason for the coercion of force. It is an effort to raise humanity to a higher level of existence, where nations may dwell together in peace and harmony according to the principles of liberty and equality under the fostering influence of justice and equity. It is impossible to conceive of a more inspiring motive for an international conference. Here is no shadow of past conflict and no thought of future conquest. All is peace, and all thoughts are bent on establishing a better method through which a higher degree of justice may be done each to the other. We must not only maintain the traditional policy established by the founders of our republics, but we must also carry the procedure of conciliation and arbitration to a new and higher sphere. The world has the right to expect that the mission undertaken by the early statesmen of this continent shall be carried to completion. Our history, our national ideals, and the standards of our international intercourse make this a solemn obligation.

[Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. CLAGUE. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN (Mr. THATCHER). The gentleman from New York is recognized for 20 minutes.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, with apologies to the House, I will talk on the pending bill. [Laughter.] I want to call the attention of the Members of the House to the report of the Surgeon General of the United States Army. While this report might pass unnoticed and without consideration, yet it contains some rather startling statements bearing on the condition and morale of the Army. On page 4 of the report of the Surgeon General for the year 1928 he states that there were 52 deaths which occurred during the year as the result of suicide. This he simply passes off with the statement that this is higher than it has ever been heretofore in the Army. In 1923 there were 44 deaths in the Army from suicide.

Now, gentlemen, if you stop to consider the population of the Army, 132,901, and consider the care, or the supposed care exercised in recruiting, the medical examination, and while in the Army the proper food, genial surroundings, medical care, and the fact that certainly no soldier is ever overworked in time of peace, it seems to me that the War Department is called upon to explain this exceedingly unsual high rate of suicide.

Now, the rate in the United States for the so-called death area per 100,000 in 1925 was 12.1. In 1927 it was 13. Remember that is per 100,000; and here you have 52, or four times a higher rate per 100,000.

Obviously something is wrong somewhere. Perhaps it is the recruiting service. I never thought very much of the recruiting service, especially in New York City, and I know conditions there. In the cities the recruiting service is enlisting mere boys, just lads of 16 or 17, who by their very appearance indicate their age, and getting them into the Army. Then we have trouble. The parents find it out, and they write to us, and at times the demand is made in time to get them out and at times the parents do not learn about the enlistment until the boy gets in trouble.

The Army is either taking the kind of men who should not be enlisted, or else something is radically wrong in the treatment of the men in the Army, because this fact of four times the average number of suicides in the Army is not satisfactorily explained in the Surgeon General's report. I am not criticizing the Surgeon General's report, but I do demand an explanation from the military command of the Army. The War Department owes Congress some explanation of this startling condition.

Perhaps something may be wrong in the discipline of the Army. The paragraph in the report just before the suicide paragraph is a paragraph on alcoholism, and during the same year there were 1,147 admissions into Army hospitals for alcoholism. If the same ratio should exist in New York, we would have 52,927 cases of alcoholism in our city hospitals. Statistics show we have not even one-tenth of that number of cases. If the same ratio existed in the city of Washington, you would have 4,398 cases of alcoholism. Members know that there are not a fraction of such number of cases. The Army figures, the report makes clear, does not include cases where the patient drank denatured or poisoned alcohol. The 1,147 cases of alcoholism resulting from excessive drinking certainly brings the drinking rate of the Army very high. Just imagine a military post, with its sentinels and its guards and all the military discipline that can be imagined, where complete control prevails over the conduct of each man, where no man can enter the post without a permit, where men are all inspected when they leave and when they return, and still have excessive drinking. Of course, everyone knows that every man in the Army who takes a drink is not a patient in the hospital and enumerated in the report from which I am quoting. It just goes to show that prohibition can not be enforced even at the point of a bayonet.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Is there any relationship between the number of suicides and the great number of excessive drinkers of alcohol?

Mr. LAGUARDIA. No. In these cases the suicides are dead and the 1,147 cases of acute alcoholism are alive. There were seven deaths from alcohol, and those are kept separate from the suicides, so that there is no relation between the two at all.

Mr. KETCHAM. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. KETCHAM. Has the gentleman any means of ascertaining whether or not the 1,147 cases to which he refers are separate individuals, or are there some repeaters there?

Mr. LAGUARDIA. I will read the paragraph, because it is very short:

There were 1,147 admissions for the total Army during the year on account of alcoholism.

A man enlists for three years, and it would seem to me that if he were a repeater he would certainly bring himself within the violation of the regulations and be dismissed, so I do not think there could be many repeaters.

That brings me to another question which I want to bring up, and it is that of the 1-year enlistment. I particularly invite the attention of the Committee on Appropriations to this subject. This House has repeatedly expressed itself on that subject. If young men were enlisted for one year they would get the benefit of the training; they would get the physical set-up, and that training and set-up would be an asset to the country. The officers of the Army—or, rather, the General Staff, I will say—has stubbornly and consistently resisted 1-year enlistments. Why? Because if you get a man to enlist for three years, after he learns to drill there is no more work on him. He takes care of himself. It is nothing but laziness on the part of the officers who fight this 1-year enlistment. Under a 1-year enlistment plan there would be drill duty year in and year out; also good for the officers. Men who are enlisted for three years are not generally the energetic, active, and industrious young men who would be attracted to a 1-year enlistment. One-year enlistment would be attractive and it would be interesting for young men willing to take the training and the experience for the short term of one year.

A young man can get all the military training necessary in one year and it would be possible to get the clean-cut type of young Americans. It is hard to get that same type to enlist for three years, and then you get the so-called professional soldier, and the result is seen right here in these two short paragraphs of the Surgeon General's report.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. SOMERS of New York. Does not the gentleman think the 1-year enlistment system would have a tendency to cut down the ever-increasing number of desertions?

Mr. LAGUARDIA. Absolutely. I want to call the attention of the committee—and they are giving me no attention at all—to the question of desertion. In the bill you provide money for the payment of a reward of $50. The evil of this reward is not as bad in the Army as it is in the Navy. This reward has created a new—I will not say profession, but a new calling—that of enticing young men to desert and then reporting them

back in order to collect the reward. I had a case in New York only a few weeks ago of a young man who was named after a former distinguished Speaker of this House, the Hon. Champ Clark. His name was Champ Clark Rose, a Texas boy. He enlisted in the Navy and eventually found his way to New York. There one of these fellows enticed the boy to desert, got him a job, and after the boy was on the job for the required length of time, the same man turned him back to the Navy and got the reward. That is a disgraceful condition, and it is a condition that has existed a long time—to which the attention of the committee has been called, but the committee will not listen to reason. The committee is simply hypnotized when a general with spurs appears before them. They seem to be absolutely hypnotized, and go ahead and appropriate money for the payment of this reward, which, as I have pointed out, creates a disgraceful condition, and the committee will not listen to reason.

I am going to offer an amendment reducing that reward to $10, and further provide that no police officer is entitled to that reward, because we have occasions where constables and local peace officers work in with these men who entice the boys to desert and then turn them over to the military authorities. The runners get the reward and the boys go to a military prison for six months and then get a dishonorable discharge.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. Does not the gentleman think it would be wiser to limit the amount that any one man could get in any one year?

Mr. LAGUARDIA. Oh, they would get around that easily enough by working in pairs or through dummies. It seems to me those conditions ought to be considered, and that the reward of $50 ought to be reduced to $10 so as not to make it sufficiently lucrative for anyone to establish himself in the business of getting boys to desert and then reporting them back.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COCHRAN of Missouri. The gentleman knows, of course, that when a boy deserts, the Army and the Navy immediately notify the police authorities of the city or town where he comes from that he is a deserter, and informs them of the $50 reward, so as to get them busy. In that way they get the man back into the service where he can be court-martialed.

Mr. LAGUARDIA. The gentleman will find that in large centers—and, of course, I am speaking for my own center—just a few men specialize in that kind of work; and I understand that in the last year one man has turned in over 80 cases of deserters to the Navy. So I think the subcommittee should give this proposition careful consideration. After all, committees are only a part of the House, and supposed to reflect the wishes of the House.

I would like to go along with the great Appropriations Committee, because they say the great Appropriations Committee has looked into this, but I do not think the committee is infallible and I do not believe any individual member of that committee is infallible. This matter of the amount paid as a reward for turning back deserters has been called to the attention of the committee almost every year when the bill has been before the House for consideration, but no attention is paid to the matter of reducing the amount.

Now, I hope that the War Department will, in the course of the next few days, inform this House, if it can, as to the cause of this unusually high rate of suicides in the Army, which is four times over the normal in any part of this country. Where you are supposed to have 100,000 men, contented, well clad, well fed, with proper medical care, if the service is anything like it is depicted in the posters; where you have recruiting under high-pressure salesmanship, where you promise these boys that every day in the week will be better than a Sunday on the farm. Some explaining ought to be done.

Mr. KETCHAM. Will the gentleman give a moment's attention to this phase of the matter? I notice what to me, at least, is a rather astonishing statement, to the effect that $800,000 is turned into the Treasury each year accruing from discharge by purchase in the Army. If that rate of compensation is $125 that means that 6,400 of these discharge-by-purchase cases arise every year. Does not the gentleman see some connection between that proposition and the general proposition which he is now discussing?

Mr. LAGUARDIA. I am very glad the gentleman has called my attention to that. You know it is very difficult to explain to a man why it is necessary for him to purchase his discharge. He simply can not understand it. There is a regular graduated scale for that and there are a great many boys who find the Army anything but what they expected.

Most of the discharge-by-purchase cases are where the boy does not get the military service that he expected. He resents doing a lot of menial work. We used to call it, when I was a little boy, "dog robbing." They do not call it dog robbing any more. A dog robber is a soldier that is assigned to be the servant not only of the officer but of the officer's family. I do not know what they call them now.

Mr. TABER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I want to touch on this discharge-by-purchase question.

There is no reason, it seems to me, when a boy has fulfilled the military end of his service, where he is a full-fledged soldier, if he desires his discharge and he can show there are home conditions requiring his presence or that he can better himself, he should not be able to get his honorable discharge after one year. I think we ought to provide for an honorable discharge on request after a minimum of one year's service conditioned on good conduct and good service. Upon application in peace time a soldier, if his record is good, should be able to get his discharge without the necessity of purchasing it.

I yield now to the gentleman from New York.

Mr. TABER. The gentleman has talked about the matter of desertion and the satisfaction of the enlisted men in the Army. I would like to call the attention of the committee and the gentleman to the fact that in the year 1926 we had 7.26 per cent desertions; in 1927, we had 6.07 per cent; and in the fiscal year 1928, ending last July, we had 5.81 per cent, showing a continual, progressive reduction in the desertions from the Army and indicating that the enlisted men are better taken care of and are better satisfied.

Mr. LAGUARDIA. If the gentleman thinks that 5 per cent is anything to brag about, then I will say to the gentleman that it means 5,000 men deserted from the Army in one year, and it is nothing to brag about. Imagine one complete regiment of desertions.

Mr. TABER. But the improvement is very much to brag about.

Mr. LAGUARDIA. Well, yes; the improvement in two years was 1,000 men. The gentleman from New York or anyone on this floor who knows anything about military service or knows anything about military discipline can take the floor and say, "Hurrah; we are great. We have only 5 per cent desertion." Of course, 5 per cent does not sound much, but it means over 5,000 men deserting the Army in one year. I will tell you that it means a very low morale. You can not get away from that. If you had that percentage of desertions in war time, you would have an army corps doing nothing else but shooting men on the firing line. You would not think of a condition like that under war conditions, where the conditions are really bad; you would not have 5,000 desertions out of 100,000 men, and yet the gentleman from New York wants to brag about it. The Army ought to be ashamed of it.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SCHAFER. The gentleman states the enlisted men are used as servants by officers and their families.

Mr. LAGUARDIA. Yes; as "dog robbers."

Mr. SOMERS of New York. Will the gentleman give the number of enlistments in the last three years that these figures refer to?

Mr. LAGUARDIA. I do not know exactly what the turnover is, but the turnover is very great.

Mr. SOMERS of New York. Ninety-five per cent, or practically all of the desertions, are men who have only been in the service less than a year.

Mr. LAGUARDIA. Yes. You know the reenlistments are of the type of men who can adjust themselves to this kind of life and who can not adjust themselves to our highly competitive industrial life; and I insist that a great deal of this evil would be remedied if the staff would not so stubbornly resist 1-year enlistments, and, as pointed out by the gentleman from Michigan [Mr. KETCHAM], would abolish the discharge by purchase and permit a man who has qualified and who has a good record after one year to be discharged on his own request. [Applause.]

I yield back the remainder of my time, Mr. Chairman.

Mr. COLLINS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. SWANK] such time as he may desire.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, many important bills are pending here that should be enacted into law before the adjournment of this Congress. A farm bill that will give relief to the farmers of our country should have been enacted long ago and many of us here have exerted our every effort in that direction. The farm relief bill should be passed before this short session adjourns. Then a more stringent immigration bill should be passed. I supported the present

immigration law, but too many people from foreign countries are coming to the United States. We must look after our own people first. But, Mr. Chairman, nothing is so important to the citizenship of our country as a strict and vigorous enforcement of all our laws.

I have introduced a bill that I believe would make for better enforcement of our prohibition laws if passed by Congress and approved by the President. I believe the law should be strengthened by a minimum fine and term of imprisonment. Oklahoma has one of the best prohibition laws of any State in the Union, and provides that a conviction for a violation of that act shall be punished by a fine of not less than $50 nor more than $500, and by imprisonment for not less than 30 days, nor more than 6 months. Certainty of punishment and imprisonment is what deters the law violator. Under the national prohibition act convictions for the first violation are punishable by a fine of not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense the penalty is by a fine of not less than $200 nor more than $2,000 and by imprisonment not less than one month nor more than five years. Under the act, the first offense can be punished by a fine of $1 and for the second offense by a fine of $200 and one month in prison. A small fine that many times is given violators of this law is only a license to violate it again. Let them know that for the first offense they will have to serve at least 30 days in jail and you will see better enforcement. Then let them know further that for subsequent convictions they will get a longer term in prison. The big bootlegger cares nothing for even the maximum fine of $2,000 under the present law for a second conviction, but he will care something for a good term in the penitentiary. The present law should be strengthened.

My bill provides a penalty of not less than $50 nor more than $10,000 and imprisonment for not less than one month nor more than five years. For a second conviction the bill provides a fine of not less than $50 nor more than $10,000 and imprisonment for not less than 6 months nor more than 10 years. For the third and all subsequent convictions the bill provides a fine of not less than $50 and imprisonment for not less than five years. Under the terms of this bill the violator will know that he will have to go to jail for the first offense. For a second offense he will know that he must go to prison for at least six months, and for the third offense he will have to serve at least five years, and he may be sent up for life if the jury and judge so decide. The only objection I have heard against such a bill is that the penalty is so severe that a jury may not convict, but you need not worry about the jury when the evidence warrants a conviction and is properly presented.

Mr. Chairman, the penalty should be severe. When the habitual violator of this law sees a life sentence staring him in the face he will think many times before he violates the law again. When we were campaigning in Oklahoma for the adoption of our State constitution in 1906, I was active for its adoption with a strong provision for prohibition. The constitution went into effect with statehood November 16, 1907. In all my campaigns I have advocated a stricter enforcement of our prohibition laws. In the Oklahoma City Times of October 5, 1928, is the following statement:

> Violation of the Federal liquor law should be punishable with a six months' jail sentence for the first offense, five years for the second violation, and life imprisonment for the third offense, Congressman F. B. SWANK told an audience at Moore, Tuesday night.

The provisions of my bill provide these penalties.

We hear much talk and see numerous newspaper articles in the public press of this section and in other large cities about the laxity of the enforcement of the prohibition laws. For many years the Christian, law-abiding people of this country have been fighting gallantly to bring about sobriety in this Nation, and that work and the efforts of these good people have been well rewarded, for the country for all time is dry and rid of the open saloon that debauched the youth of our common land for so many years. We can not understand now just why the saloons and all their accompanying misery and evils were ever permitted in this country. No person can point to anything but evil that came from them.

In the old Indian Territory, where I lived to young manhood, there were no saloons. When I moved to Cleveland County, my present home, it was in the days of the open saloon. I well remember those days; and in our fight in Oklahoma for statehood I worked and fought with all my power and might for the cause of prohibition and have always been on that side of the question. I remember when local option was the slogan, but I opposed the saloon then as I do now. They were the curse of the Nation and caused more crime and poverty than all other causes combined. We lived through those conditions, but we do not want the same evil influences thrown in the paths of our children and such temptations encountered by them. The light wine and beer advocates do not ask for the open saloon, but what they really want is heavy wine and high-powered beer with more than one-half of 1 per cent alcohol. There is not going to be any legally manufactured wine and beer sold in the United States, for that would be the entering wedge for the open saloon; and the question of prohibition was settled when the eighteenth amendment to the Constitution of the United States was adopted and the Volstead Act became a law. If there is any modification, it will be to tighten the law instead of weakening it.

The cry of those modificationists who want light wine and beer is personal liberty and lack of enforcement of the law. They do not complain of other laws that interfere with what they call personal liberty. Many laws on our statute books restrain citizens from the course some of them would pursue. When so-called personal liberty interferes with the rights of the masses of our people, it is then that the law steps in and tells them where to stop. So it is with prohibition. A drunk man becomes a nuisance on the streets, in the trains, and in other public places to the discomfort of other citizens. I remember in saloon days that ladies and children could not walk down some of the main streets to do their shopping on account of drunks and their insults. We see no such conditions now. In the city of Washington, during the past eight years that I have had the honor to be a Member of Congress and represent an honest, law-abiding, intelligent constituency, I have not seen a dozen drunk men in this city of some 600,000 people. The reason that I have not seen them on the streets was because they were not there. The antiprohibition talk that there are more drunk men now than before the enactment of the Volstead law is not correct. If there are more, why do we not see them in the Nation's Capital and in other large cities?

If we had the open saloon in this day the manufacture of automobiles would have to be greatly curtailed. They both could not go together. Drunk men are seldom seen in the section where I live. Thousands of young men and women have never seen a drunk person and, thank God, have never seen a saloon.

The law is here to stay since the enactment of our national prohibition laws, and we should now confine ourselves to a strict and vigorous enforcement. They will never be repealed nor weakened, and we must continue our efforts for real enforcement in the name of our children and for the good of our country. No law can be enforced 100 per cent, but the prohibition laws can be enforced like other laws. There are more people that believe in law enforcement than there are of the other kind. They want our prohibition laws enforced strictly. The law can be enforced better than it is now.

The eighteenth amendment was passed by Congress and submitted to the States December 18, 1917, and was adopted in 1919. The Volstead Act, giving force and effect to this amendment was passed by Congress in October, 1919, and became effective with the amendment January 17, 1920. Since the enactment of this law, attention should be called to the effect of the same. Let us examine the cold facts and figures as they speak for themselves. The following table shows the great increase in savings deposits, individual deposits, building and loan associations, and life insurance in the United States since 1921 to and including 1927:

Years	Savings deposits	Individual deposits	Building and loan association assets	Life insurance in force
1921	$16, 500, 663, 000	$34, 232, 612, 000	$2, 890, 764, 621	$45, 983, 400, 333
1926	24, 696, 192, 000	47, 472, 118, 000	6, 334, 103, 807	79, 644, 487, 109
1927	26, 090, 902, 000	49, 060, 021, 000	7, 000, 000, 000	87, 400, 000, 000

Some argue that it costs too much to enforce the prohibition laws and that much revenue could be derived by the manufacture and sale of intoxicating liquor. It costs something to enforce any law, but no one advocates the repeal of other laws on account of the cost of enforcement. When we figure what prohibition has saved the Nation, how it has helped and promoted our excellent system of public schools, and the happiness that it has brought to many a blighted home, the conclusion is that its enforcement is cheap. Mr. Chairman, the results of prohibition can not be valued in shining silver nor yellow gold.

After I retire from Congress March 4, 1929, I shall continue in the future, as in the past, to do everything within my power for upholding our prohibition laws and for their honest and strict enforcement. We are not going to take any backward step and I stand on that question where I have always stood, and that is for prohibition and strict sobriety, privately, personally, and publicly.

Below are some letters and resolutions received concerning our prohibition laws, thanking me for my attitude and work on that subject. I greatly prize and appreciate these letters and resolutions, for they come from people who believe in law enforcement and the betterment of our country:

FIRST METHODIST EPISCOPAL CHURCH,
Oklahoma City, Okla., March 18, 1924.

Hon. F. B. SWANK.

HONORABLE SIR: We the undersigned wish to express our appreciation of your efforts in upholding the eighteenth amendment to the Constitution of the United States of America, and pledge you our support in your efforts to prevent the legalizing of the sale of light wine and beer.

Respectfully,

THE LADIES OF THE FIRST METHODIST EPISCOPAL CHURCH OF OKLOHOMA CITY, A CHURCH NUMBERING 1,700 MEMBERS.
By Mrs. D. D. MCHENRY, *President.*
Mrs. A. C. PARSONS, *Secretary.*

NORMAN, OKLA., *March 18, 1924.*

Congressman F. B. SWANK:

I am writing you to protest against the attempt to license beer as made by the 60 Members of the House of Representatives who on March 4 introduced bills to so amend the Federal prohibition act as to legalize 2.75 per cent beer and to ask you to use your utmost effort against such a bill. You are there to represent us, the citizens of your district, and we know you well enough to believe you would do this even without a request. Nevertheless, as a Christian citizen and president of the Woman's Christian Temperance Union, I can't refrain from protesting against such a movement and to let you know we are with you in trying to retain the eighteenth amendment as it stands. We do not want the return of wine and beer.

Respectfully,

Mrs. A. H. HARLOW,
President Norman Woman's Christian Temperance Union.

OKLAHOMA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Oklahoma City, Okla., March 18, 1924.

Congressman F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: It is with gratifying rejoicing that I pen this communication to you because I do not have to protest against your attitude—we here know you are dry. But nevertheless we want to say there are thousands back of you in your district who protest against legalizing beer, and we want to cheer you with this dry-force knowledge. God speed the dry forces in our Government and give them victory is our prayer.

Very truly yours,

ALICE M. DAVID.

OKLAHOMA WOMAN'S CHRISTIAN TEMPERANCE UNION,
OFFICE OF PRESIDENT.
Bartlesville, Okla., March 25, 1924.

Hon. F. B. SWANK,
United States Representative, Washington, D. C.

DEAR SIR: The Oklahoma Woman's Christian Temperance Union in executive meeting assembled in Bartlesville, Okla., this 25th day of March, 1924, beg to submit the following resolutions:

"*Resolved,* That we earnestly protest against any modification of the Volstead Act to legalize the sale of wine and beer, and that we urge the Senators and Representatives of our Commonwealth to use their best influence and vote toward the strengthening of the Volstead Act and the eighteenth amendment to the Constitution of the United States."

This resolution is the expression of a membership of 7,000 patriotic, loyal men and women of Oklahoma.

Thanking you for the prohibition victories which you have given us in the past and depending upon you for future victories, we are,

Yours sincerely,

ELIZABETH HOUSE,
Corresponding Secretary.
JOSEPHINE M. BUHL,
President.

THE MINISTERIAL ALLIANCE OF TULSA, OKLA.,
April 8, 1926.

Representative F. B. SWANK,
House of Representatives Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN SWANK: Inclosed find a copy of a resolution passed on last Monday, April 5, at a joint meeting of the white and colored ministerial alliances of the city of Tulsa at which time there were over 75 ministers of greater Tulsa in attendance.

We want you to know that your constituents greatly appreciate your splendid efforts in the past concerning the eighteenth amendment and the Volstead Act.

Very sincerely yours,

GUY C. TETIRICK,
Secretary Ministerial Alliance.

STILLWATER, OKLA., *April 9, 1926.*

Congressman F. B. SWANK,
Washington, D. C.:

Payne County is supporting you in your stand against the wets, and hope there will be no modification of the Volstead Act in their favor.

C. C. SUMAN, *County Attorney.*
L. W. WRIGHT, *County Assessor.*
M. E. BASIL, *County Treasurer.*
JOHN A. SHOW, *Court Clerk.*
CECIL G. JONES, *County Clerk.*
L. H. WOODYARD, *County Judge.*
J. B. CALDERHEAD, *Sheriff.*

EAST CENTRAL STATE TEACHERS' COLLEGE,
Ada, Okla., April 28, 1926.

Hon. F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: We take pleasure in informing you that the First Christian Church, of Ada, Okla., assembled for worship last Sunday and passed resolutions strongly indorsing your stand on the prohibition question as expressed in your telegram to the State convention of the Oklahoma church a few days ago.

We hereby congratulate you upon your stand and assure you of the cooperation of Christian churches everywhere in your efforts to keep this country free from the evil of intoxicating liquor.

Very respectfully,

A. C. CHANEY, *Chairman of Board.*
M. E. QUALLS, *Clerk of Board.*

ANTI-SALOON LEAGUE OF AMERICA,
OKLAHOMA DEPARTMENT,
Oklahoma City, August 9, 1926.

Hon. F. B. SWANK,
Norman, Okla.

DEAR MR. SWANK: Congratulations! You never missed a cog.

Very cordially yours,

H. T. LAUGHBAUM, *Superintendent.*

NOVEMBER 4, 1926.

Hon. F. B. SWANK,
Norman, Okla.

DEAR MR. SWANK: Congratulations. You never slipped a cog. We had no fear of the results at any time.

With kindest regards and best wishes, I am

Very cordially yours,

H. T. LAUGHBAUM, *Superintendent.*

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., November 8, 1926.

Hon. F. B. SWANK, M. C.,
Norman, Okla.

DEAR MR. SWANK: Congratulations on your election. Your splendid public record is ample justification for the confidence which the people have in you.

It is heartening to the friends of the eighteenth amendment to know that for the eighth time under national prohibition the people have by overwhelming majorities in national primaries and elections sustained Senators and Congressmen who stand for the maintenance and enforcement of prohibition.

Anticipating the pleasure of seeing you at the Capital in the near future, I am,

Yours very cordially,

W. B. WHEELER,
General Counsel and Legislative Superintendent.

MARCH 11, 1927.

Hon. F. B. SWANK, M. C.,
Washington, D. C.

DEAR MR. SWANK: At the close of the sixty-ninth session of Congress let me thank you again for your support of the legislation needed to enforce the eighteenth amendment. I am sure that the people of your district who believe in prohibition and its enforcement will approve of your record.

Yours cordially,

W. B. WHEELER.

The CHAIRMAN (Mr. TILSON). The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman, I request this time in order to get something in the way of information relative to appropriations for rivers and harbors and flood control—information respecting the surveys.

House Document No. 308 and the act of January 21, 1927, authorizes extensive surveys of streams throughout the United States for navigation, water power, and flood control. Then, in the flood control act under section 10, it adds and designates a number of important streams, and authorizes the surveys to be made simultaneously with the prosecution of the flood-control work, and requires that definite reports be made to Congress relative to investigations for flood control, and especially as to what effect upon flood control in the lower Mississippi Valley may be had by the institution of a reservoir system.

I would like to know from members of the committee if appropriations herein authorized supply the funds for those surveys provided for in the flood control act. Fifty million dollars is allotted for rivers and harbors. Is it understood that the department may use a portion of that $50,000,000 to carry on the surveys authorized?

Mr. TABER. They are expected to, and they said that they would be.

Mr. WILSON of Louisiana. I wanted to get that information because the people of the lower Mississippi Valley and especially in Louisiana and Arkansas are vitally interested in the reports to be made simultaneously with the prosecution of the flood-control program.

Mr. BARBOUR. General Jadwin said before the subcommittee that he would do that very thing, and that he would allot the amount necessary.

Mr. WILSON of Louisiana. I thank the gentleman for the information. The citizens in the lower Mississippi Valley as well as those on these tributaries are vitally interested in a full, complete, and definite report as to what effect may be had on flood heights on the main stream by the institution of reservoir systems upon these tributary streams that contribute to the floods in the alluvial valley of the Mississippi River.

During the hearings before the Committee on Flood Control and before the enactment of the flood control law of 1928, it was stated and shown by the reservoir board that reservoirs could be established on the Arkansas and White Rivers that would lower the flood heights at the mouth of the Arkansas River and opposite where the most disastrous crevasse occured about 8 feet. Of course, that would not take care of the floods of two years ago, but in the floods of previous records it would have had an effect that would have made the valley entirely secure in that section, by the use of levees and bank revetment and without the necessity of flood ways.

So in the flood control law it is provided that these surveys shall be made simultaneously with the flood-control works on the main river and a report made to Congress as to what effect on the floods may be had by the installation of reservoir systems. Do I understand that out of the $30,000,000 allotted to flood control a portion of that may be used as a part of the $5,000,000 authorized in section 10 of the flood control act?

Mr. BARBOUR. It will be.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. HOWARD of Oklahoma. The gentleman is a member of the Committee on Flood Control. Is it his understanding that after these economic surveys are made that it was to be optional with the chief engineer as to whether or not the proper flood control would be instituted?

Mr. WILSON of Louisiana. At his discretion? No; it was not.

Mr. HOWARD of Oklahoma. It is the gentleman's understanding as a member of the committee that no matter what condition the engineers should find, they were directed to prepare a flood-control project for these rivers?

Mr. WILSON of Louisiana. And to make a report to Congress. Of course, in those reports that are made by the Corps of Engineers they very often, in fact usually, report upon the economic phases of the problem which they survey, and they make a report that something is unworthy of adoption because it is not "economically justified." That is the phrase usually used. I feel that these surveys should be made and all of the facts reported to Congress as to what the project is, whether it be a reservoir system or whether it relates to power or to navigation, and as to what the cost will be, and that as to whether or not it is economically justified, in my humble opinion, should be left to the Congress.

Mr. HOWARD of Oklahoma. It is the gentleman's understanding that they were to report on physical flood-control projects in accordance with section 10 if they complied with that section.

Mr. WILSON of Louisiana. Yes; I think so. I think they should report as to the flood control upon the rivers in the document, and those named in addition, such as the Yazoo, the Red, the St. Francis, and the White, and so forth. One reason why the people in these lower sections of the valley are anxious and determined, so far as they may have the power to do so, to secure definite reports under section 10 is that they feel that under section 1 of the flood control act, when the surveys were provided for the reach between Baton Rouge and Cape Girardeau, Mo., for a statement or report on means of flood control other than levees, that should have been considered; and they feel that that was practically ignored, and now, as full authority is given under section 10 to make that report, it should be made. I am glad to know from the members of the committee that the funds are provided and that we are entitled to get that report.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. WHITTINGTON. Is it the gentleman's understanding that sufficient funds are provided in the pending bill to complete those surveys, or is it merely the amount the Chief of Engineers thinks he can use in the prosecution of that work during the next fiscal year?

Mr. WILSON of Louisiana. It is my understanding from the answers that out of the $50,000,000 appropriated for rivers and harbors and the $30,000,000 for flood control, the Chief of Engineers takes the position that he can allot whatever is necessary in order to complete those surveys, as required by the act of 1927 and the flood control act.

Mr. TABER. I would not want to be understood as saying that every one of those surveys would be completed in the fiscal year 1930. I would want to be understood as saying that the Chief of Engineers said that there was enough money in there so that he could go as far as his facilities would permit in completing those surveys and those estimates.

Mr. WILSON of Louisiana. And that he felt that he had authority to use the funds as they might be required and necessary for that purpose out of the $50,000,000 and the $30,000,000.

Mr. TABER. Oh, there is no question about that.

Mr. WILSON of Louisiana. Anyway, it is made clear that there is full authority and a specific direction in section 10 of the flood control act for the survey and report authorized by section 1 of the same law wherein it was said that—

> survey shall be made between Baton Rouge, La., and Cape Girardeau, Mo., * * * to ascertain and determine the best method of securing flood relief in addition to levees, of any flood-control works other than levees or revetments undertaken on that portion of the river.

If storage reservoirs on the Arkansas and White Rivers in territory adjacent to the alluvial valley of the Mississippi River can be installed that will lower flood heights, as shown by the report of the reservoir board made by Army engineers, to the extent of 8 feet at Arkansas City in Arkansas and 5 to 6 feet at the head of the Atchafalaya Basin in Louisiana, then this phase of the flood-control problem should have further consideration by the Congress.

The estimated cost would not be as great as the loss and destruction caused by one disastrous flood that might result by a failure to use the reservoir system.

So I am now appealing to the Corps of Engineers and to the Mississippi River Commission to make this complete survey and to give Congress a full and definite report.

This will in no way interfere with the prosecution of the work of flood control now in progress. The levee heights may be raised on the main stream, the bank revetment can proceed, and the construction of the Bonnet Carre Spillway above New Orleans will in no way be affected.

The CHAIRMAN. The time of the gentlmean from Louisiana has expired.

Mr. COLLINS. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Chairman and gentlemen of the House, we resume our duties to-day for the new year, and I want first to wish all of the Members of the House a very pleasant, happy, and prosperous New Year. I am hoping that the Members of this House in taking stock of the legislative program for 1929 will endeavor to solve the problem that has been before Congress for the past four or five years, viz, farm relief. The pending bill carries approximately $400,000,000 for

the support of the Army and it is necessary to have an Army as it is necessary to have a Navy, but it does seem to me as though we are always very liberal with the Army and with the Navy, and very economical when it comes to legislating or making appropriations for the farmers of the country. Days like this are days when we should take stock of the situation in the country generally. We pick up our newspapers in the morning and we see where the stocks in the stock exchange have gone sky-high, where fortunes have been made overnight on these stock exchanges throughout the country. I sometimes wonder whether or not these sums at which the stocks are sold represent the true value of the stocks. Then I look around and see what happens to people generally. Justice is supposed to be blind but she is evidently just blind in one eye. If a bunch of young fellows are caught playing poker or a few negroes caught shooting dice they are haled into court and fined. Yet the great stock gamblers of the country can gamble to their heart's content on the stock exchanges, and not only citizens of mature age indulge in this sort of gambling, but it is spreading out and they are bringing in the high-school boys and girls and inducing them to gamble on stocks. Justice in this country is illustrated by what has happened in our Capital City. A man charged with defrauding his Government out of millions of dollars is acquitted and crowds of wealthy friends meet him at the courthouse to congratulate him on his success. A poor negro woman steals five newspapers and is fined $10 in the courts. The grand jury in session to investigate violations of the liquor law are surprised, if not chagrined, one morning, to find that two of its members had been caught in a neighboring State transporting liquor, and this while serving on this grand jury.

Some very peculiar things happened during the last campaign, and it is painful to me to recall that period. I do not care to make any reference to the issues in that campaign, except to say that I am a little disappointed that our friend Mr. Durant did not offer his reward for the best method of enforcing the prohibition question before the campaign ended. He waited until after the campaign was over before he offered any prizes. I see now that Mr. Hearst is offering a big prize to some one who will tell us the best method of repealing the eighteenth amendment.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SCHAFER. Does the gentleman think that the recent Democratic candidate, the Governor of New York, Mr. Smith, would qualify for that prize if he submitted the plan he submitted in the wet territory during the campaign?

Mr. McKEOWN. There is a peculiar thing about that election. The wet fellows all say that Smith was defeated for some other reason than the liquor question, and I am sometimes inclined to think so myself, but I have wondered how these fellows would feel about this—if we were to make it a felony to sell whisky in the United States and a felony to buy whisky in the United States, and then let the fellow make his own whisky at home and not give it away. If he was too lazy to make his whisky, he would simply have to do without. I wonder how that would strike both sides of the controversy?

Anyway, what I rose to talk about is this question of farm relief. [Laughter.] I do not want to get away from that subject. I do not know what we are going to do about it, except I may say, speaking for myself, I am going to vote for the best bill at the first opportunity that I get a chance to, whether it is at this session or at a called session. I do not know of any good reason why it should not be passed now at this session instead of at another session. There is a difference of opinion, of course, about that. Some people think if we pass it now we shall not get as much if we would if we waited and passed it at the special session. My idea is to get what we can now and take as much the next time as you can get. The McNary-Haugen bill having been twice vetoed, some people do not believe that it would be the best thing to put that bill through now, but we have all come to the conclusion, I take it, that we are going to abandon the equalization-fee idea.

I have never been very strong for the idea of selling our products in Europe and other foreign countries for less money than we are selling them to our American people. And this applies to the sale of farm products or manufactured products.

One man said to me, "You voted for the equalization fee." I said, "Yes; that was the only thing we had a chance to vote for." I have an idea that if we should set up this board as proposed, and make an appropriation equal to the amount carried in this pending bill, some $400,000,000, the board, when the Department of Agriculture should make its estimate upon any nonperishable crop, wheat, for instance, say in May, and estimated that we are going to make 750,000,000 bushels of wheat in the United States, which is just 100,000,000 bushels more than we are going to consume in the United States, then the board would go out and take that 100,000,000 bushels of wheat off the market out of the first products coming on the market, and with that 100,000,000 bushels removed, you would have nothing to do but to leave the 650,000,000 bushels of wheat take its course in the markets.

If the estimate of the Agricultural Department should be in error and the wheat crop as developed further north in the wheat country would show that we did not have any surplus at all, but had only 650,000,000 bushels, then let the board withdraw this 100,000,000 bushels at a reasonable price to the consumer. That would take care of the situation both for the producer and the consumer.

I am not in favor of making the prices for the farmers so high as to make them prohibitive to the consumer. If the Department of Agriculture should estimate 16,000,000 bales of cotton and the board should decide that we needed for domestic consumption only 14,000,000 bales to supply the demand, then we would take off those 2,000,000 bales surplus, and the balance would take its regular course. In the event the estimate is correct, and there is a surplus left, then it would be the duty of the board before the seeding time for the next crop to notify the producers that we have already a surplus, and that if the producers produce a great surplus and increase their acreage they will have no relief, but must carry some responsibility in this matter.

Mr. KVALE. Mr. Chairman, will the gentleman yield there?

Mr. McKEOWN. Yes.

Mr. KVALE. Does the gentleman think the grain gamblers and speculators in the United States will permit such a bill as that to become a law?

Mr. McKEOWN. Of course, I do not speak for them and I expect to have some opposition from them. The intention is not that we shall put anybody out of legitimate business, because we leave the bulk of the crop to be handled in the customary way. We are not trying to put anybody out of business. We are simply moving the surplus off the market.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BURTNESS. Usually we have an exportable surplus of 200,000,000 bushels of wheat, estimating an average year. Assuming that, how would the Government, or this board, as you call it, handle this surplus?

Mr. McKEOWN. I would take the surplus off, as I said at the outset.

Mr. BURTNESS. I understand that.

Mr. McKEOWN. And then if there is a market abroad that would pay us for the wheat, why should we undergo any loss? We will have time and opportunity to hold it. I am opposed to the proposition of taking our wheat and selling it to the American consumer at one price and then dumping it into Europe at a lower price.

Mr. BURTNESS. So that if this board could not get a price abroad sufficient to cover the price they have paid for it, together with the cost of transporting it abroad and paying storage charges, would you keep the grain until the next season?

Mr. McKEOWN. Yes; I would keep it until the next season.

Mr. BURTNESS. And you would have the board announce to the wheat growers that we are holding over 200,000,000 bushels of wheat now, and that therefore the wheat farmers should reduce their acreage?

Mr. McKEOWN. Yes; because if they do not reduce their acreage how can the Government take care of them? They have to do something for themselves as well as have the Government do something.

Mr. BURTNESS. This would be of tremendous value for the first season, but after the first season it could not possibly be of any value unless the production was within the consumption.

Mr. McKEOWN. Well, it would if they did not make too much surplus; but let me tell the gentleman what is the matter: The trouble now is that under the present system we give the American farmer the markets of foreign countries as a standard, whereas I propose to give the American farmer the American market as a standard. What I am trying to do is to give the American farmer the American market as a standard for his crops instead of taking the foreign markets as a standard for the American farmer's products.

Mr. BURTNESS. I think that is what many of us have tried to do. What I was interested in ascertaining and why I asked the question was to find out your plan for taking care of the surplus wheat above domestic requirements.

Mr. McKEOWN. I am just telling the gentleman you can not govern the production of wheat in this country—and the gentleman knows that—unless you can reduce the acreage; and what I want to impress upon the farmers of this country is this fact, that if the Government is willing to put money into

the proposition of helping hold down the surplus and give them a fair price and give them the benefit of the American market, then they ought to be willing to do something on their part in helping hold it down and keep within the American market standard. You can take 160 acres of wheat, and if you have a big crop and there is a big crop all over the whole country, you will get less money on your good crop than you receive when you make a short wheat crop. But that ought not to be so, and that is not according to the law of economics. What you want, of course, is to make a lot of wheat, but what your farmers should learn to do is to intensify cultivation and make more wheat on less acreage rather than to try to crash the whole market. Let me show what the tendency of agriculture is in this country now. We do not have a proper balanced agriculture for this reason: Cotton is so unprofitable that the men in my country who raise cotton are doing something else. What are they doing just as fast as they can? They are going into the dairying business, which will eventually interfere with the dairying business up in the Northwest.

The first thing you know you will have the dairying business all out of balance and overdone. You will have the cotton business a little short and the dairying business long. Then up in the wheat country you will learn some other crop by which you will diversify so that you will augment some other product, which will result in keeping down the whole thing. The truth about it is that one-crop production in the United States has been destructive to every part of the country that follows the one-crop production.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LAGUARDIA. Of course, if the gentleman could control the amount of production he would solve the whole problem, but after the first year what method would the gentleman employ to curtail the following year's crop?

Mr. McKEOWN. I have had a method here but Congress will never pass it. My method is simply to go out and fix the amount of acreage according to what a farmer has had heretofore. I would fix that as the standard, as the standard of production.

Mr. LAGUARDIA. By law?

Mr. McKEOWN. Yes. But Congress will not do that. They will not agree to that because they are afraid of the reaction, but the farmers of the country really want it.

Mr. BLACK of New York. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of New York. I believe the gentleman is one of the most aggressive and intelligent farm-relief fighters in this House and I have a suggestion to make to him. As the gentleman knows, in the big cities the neighborhood store is rapidly going out of business and we are having in its place these great chain stores, and we are beginning to find out that they are short-weighting the people on food products, and I think that if the farm people would take this up with the Secretary of Agriculture and look into this situation they might be able to sell more to the consumers by giving them proper weight.

Mr. McKEOWN. I am glad to have that suggestion from the gentleman.

Mr. KETCHAM. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. KETCHAM. I am very much interested in the gentleman's suggestion but I want to ask his consideration of this phase of it: He said he would retire the first 100,000,000 bushels, provided there were 100,000,000 bushels, from production.

Mr. McKEOWN. Yes.

Mr. KETCHAM. I wonder if the gentleman has given any consideration to the geographical effect of this?

Mr. McKEOWN. Yes. It comes off the south end of it, and that helps you folks up in the North, because by the time it gets up to Michigan it may have gone up tremendously. The fellows in the South would receive a fair and reasonable price and there would be nothing in Michigan to complain about.

Mr. KETCHAM. Exactly, but I am wondering if that proposition would meet with the favor of the good people of Oklahoma?

Mr. McKEOWN. I do not know.

Mr. KETCHAM. I wanted to bring the matter to the gentleman's attention so as to be sure he had given it consideration.

Mr. McKEOWN. Yes; I have given the matter consideration.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. I want to say in answer to the gentleman from Michigan and the gentleman from New York, that the plan which the gentleman has suggested from the Oklahoma standpoint would save the consumer's money and save the farmer's money for this reason. Oklahoma is the second winter-wheat State in the Union and when our wheat is harvested, all of it, under existing conditions, must go into the box cars, pay the freight to the primary point, go into storage, pass through two or three brokers' hands and within four months the Oklahoma mills are shipping wheat in there to grind, paying this extra freight both ways, paying these brokerages and charging them to the gentleman's consumers.

Should the Government take that surplus off of the market at the time, it would secure for the Oklahoma farmers a reasonable price for their wheat, save the consumers these brokerage and freight rates; and I would go further than the gentleman, and I would not permit this wheat to be sold out of storage to anybody but a miller who is going to grind it. This would benefit both the farmer and the consumer.

Mr. McKEOWN. Gentlemen, this proposition of taking off the first crop will mean that it will be taken off of the southern end of the production. Of course, in respect of cotton, we would go down to our friend GARNER'S district in Texas and take his cotton first. Of course, if we did not give his people enough we would have a row with him about that, but we would go ahead and take the cotton down there first.

Now, what does this plan do? It does not interfere with the marketing arrangements of this country. It does not interfere with the business men of this country. It simply insures a fair price to the man who produces cotton.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. Will the gentleman give me a few minutes more? I would like to have about 15 minutes more and then I will not take much more of the time of the committee this session.

Mr. COLLINS. I yield the gentleman 15 additional minutes.

Mr. McKEOWN. Now, this idea has simply occurred to me as being a solution of this question without all these entangling questions that have arisen and without involving the machinery of government. It does not put the Government in business except to take off this amount of production and store the product. It can do this through the cooperative organizations or do it directly.

We are saying that we are going to postpone our consideration of this matter until we take up tariff legislation, so we can help the farmer with the tariff. This is a very interesting thing to me.

There have been some interesting things developed about the tariff situation since the last campaign. As a former statesman from Georgia once said, some of us do not just exactly know "where we are at" on this question; but, anyway, the farmers are anxious to have their legislation and I doubt if the manufacturers are so anxious to have their tariff legislation just now in a few months.

I do not believe the masses of the manufacturers of this country are in any hurry about a tariff revision in this country. I am just taking that view by looking at it from the standpoint of a man who is in the great consuming class. Of course, if I were in the manufacturing class, I might have another idea; but, looking at it from the standpoint of a consumer, I am just wondering what the general run of the great manufacturers of this country have got to expect from a tariff revision.

You know that the business man when he sells an article figures that he is selling it for all it will carry, but some of these tariff rates are carrying all the products will bear and a little bit more.

The man who has that protection now does not want the tariff taken up for the next four years.

The truth of the business is: The tariff is an economic question and we all know it, but we have never been able to keep it out of politics. We get it into politics and the Republicans have always taken the tariff and knocked us clear into the middle of next month because they always get their campaign money out of the tariff proponents. [Laughter and applause.]

The tariff question is an economic one and we all know it. The Tariff Commission ought to be a fact-finding body empowered to make its recommendations to the Congress. There ought not to be a revision of the tariff except every 10 years upon the taking of a census of this country. There should be separate bills allowed and the rules of the House ought to be changed so that when you go to change one rate you can not be flooded with a number of other fellows wanting changes. If there is a meritorious change in the tariff schedule necessary, we ought to be permitted to make it without being hampered with 10 or 15 other amendments piled on to what is meritorious and thus destroy the meritorious proposition.

I am not a free trader. I have never been a free trader. I believe in a sufficient tariff to protect the manufacturers of this country and to protect the wage earner in his wages and

in his standards of living as against the poorly paid laborers of other countries. But I will tell you what I am not in favor of. I am not in favor of a tariff so high that when we give the manufacturers of this country the best market in the world—the American market—then permit him to go into the foreign country and compete with the same labor in the foreign market that we are protecting him against in this country. That is my position about that.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The gentleman will remember that in the recent campaign the Republican candidate for Vice President came to Oklahoma and promised the independent oil producers a tariff on crude oil. Has the gentleman any hope that either the party or the Vice President elect will carry that out for the benefit of the farmers and the independent oil producers of Oklahoma who are suffering by reason of 250,000 to 300,000 barrels of crude oil coming into this highly protective-tariff country free of charge?

Mr. McKEOWN. I will say to my friend that he has the happy faculty of bringing up rather particular situations when a man is talking generally. [Laughter.] I will say that they evidently believed the Vice President elect because they voted that way down there. [Laughter.] I do not know whether they are going to get it or not, but they evidently thought so, because all the ballot boxes where the oil fellows voted showed that they voted pretty straight along a certain line.

Mr. HOWARD of Oklahoma. Is the gentleman willing to demand that he make good his promise to the Oklahoma producers?

Mr. McKEOWN. Oh, I quit demanding a long time ago. I came to Congress demanding things. [Laughter.] I started in here by "demanding" and I found out that you did not get anywhere by demanding things when it came to talking with Congressmen, because they wanted facts and not demands. [Laughter.]

The situation as I see it is this: If we are to have tariff legislation we should confine it to the needs for revision. There are a few schedules I would like to see revised downward, but everybody has an idea that tariff revision means to revise it upward. I do not believe that the great mass of the business men of this country want the tariff tinkered with now. They are getting along pretty well, from all reports, except the textile people up in Massachusetts, and what is the matter with the textile people there is this, that they should have gone years ago down in the South and bought the land and grown their own cotton, just as the tire fellows are going to do with the rubber.

I see that some fellow advocates chain farms—putting everybody on a chain farm. I have a few that I would like to have them put into the chain; perhaps they could make something out of them. I do not make much myself.

My idea is this, and I am serious when I say it, that we should go to work and give the farmers legislation to take care of the 1929 crop. What are you going to say when you go back home? That you wanted to give Mr. Hoover a chance to pass upon the legislation. Well, Mr. Hoover has said that he was going to carry out Mr. Coolidge's policy. At any rate that was the slogan. If you do not want Mr. Coolidge to name the board, you can very easily arrange it by saying that the board herein named shall not be appointed less than 60 nor more than 90 days after the approval of the bill.

Agriculture is on the decline. Whether this country is going to be better off by reason of moving the agricultural population to the big centers I do not know. I see that Mr. Ford is hiring additional men out in Michigan—30,000 of them in Detroit—and he confines his employment to the citizens of Detroit. That is all right. If we had enough Mr. Fords throughout the country, we would not need legislation for the unemployed.

Gentlemen, let me urge you to give some attention now to farm relief. You are going ahead with the appropriation bills, but give some attention to settling this agricultural question. If you are going to have tariff legislation, all right, have it, but let us get farm relief out of the way first. The manufacturers are not in a hurry for tariff revision. They are well taken care of now. There may be here and there a schedule that wants to be improved. Some of you know that when you start in others are coming in and want to have a schedule or two raised. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CLAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MORTON D. HULL].

Mr. MORTON D. HULL. Mr. Chairman and gentlemen of the committee, I rise to call your attention to an episode that took place last spring, and to address some questions to the Committee on Military Affairs. I refer to the episode, a disturbing episode, that took place in an exchange between the gentleman from Oklahoma [Mr. McCLINTIC] and the gentleman from Massachusetts [Mr. ANDREW], in which it appeared that an employee of the War Department, the Intelligence Department of the Army, one Harold Weeks, had made an affidavit that he had received certain documents which were nonfrankable, under the frank of the gentleman from Oklahoma [Mr. McCLINTIC]. In that incident it also appeared that the question was referred to the Postmaster General, and the Postmaster General found that there had been no violation of the franking privilege.

Now, it is a disturbing thing to me, that any employee of the Intelligence Department of the Army should be guilty of apparently framing up a case against a Member of the House or anybody appearing before any committee in the House. My questions addressed to the members of the Military Committee are these: Have they followed up the incident? Is this man Weeks still in the service of the Government? Did he act under the authority of any superior in what he was doing? Did he report to any superior what he had done, and how was it that this affidavit was referred to a Member of Congress and, apparently, not to the department, so far as we know? I think it is an outrage on the public if any employee of the Government can indulge in that sort of practice—in framing up affidavits on people properly before legislative committees of this Congress—and I think it is a matter which the Committee on Military Affairs should follow up.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MORTON D. HULL. Yes.

Mr. LaGUARDIA. The fact that this man Weeks is a sergeant in the intelligence office would indicate that he acted in pursuance of his military duty and not as a private individual. In any event, if he acted in the course of his duty, then, of course, some responsible superior officer must answer; and if he acted in his individual capacity, then something should be done in the way of disciplining him for the action that he took.

Mr. MORTON D. HULL. The gentleman from New York agrees with my suggestion?

Mr. LaGUARDIA. Fully.

Mr. BARBOUR. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I had not intended to say anything this afternoon, and the occasion for my arising will have to be laid at the door of my good friend from Oklahoma [Mr. McKEOWN], who has given us a very interesting little talk upon farm legislation.

The especial thought that I want to bring to your attention is that I can not, for the life of me, see why this Congress should delay the passage of farm legislation until the next Congress meets, whether the next Congress meets in special session or in regular session. I believe there is no one who has tried to support and did support the so-called McNary-Haugen bill more sincerely than I. I believed in it thoroughly, but I realize that legislation along the lines of the McNary-Haugen bill, including the equalization fee, can not be enacted into law without at least first trying out another proposed remedy, and the remedy which I feel the majority of the country wants tried out by way of experiment and in the hope that it will solve the agricultural problem is that outlined in the speeches made by Mr. Hoover during the campaign and along the lines, generally speaking, of the Republican platform. With that in mind, it does not seem to me that the question as to just what precise form the legislation shall take is such a complex one.

Most intelligent people who have read anything about the subject know at least the general set-up that would be required by way of machinery. The task of drawing the legislation embodying the Hoover ideas would not be particularly difficult.

I was very much interested in the remarks made by the gentleman from Oklahoma [Mr. McKEOWN] to the effect that some agency ought to be able to step in at the beginning of a marketing season—for instance, in the case of such a crop as wheat—and buy up what is termed the "exportable surplus" in the country of such a commodity. It is plain that under the suggestions made by Mr. Hoover the stabilization corporations to which he referred from time to time, which should be helped by the Government, could very well be used by the Farm Board for that very purpose, if the board decides that it would be good policy to do so. This was one of the very purposes outlined. I am entirely willing to follow and thoroughly agree with Mr. McKEOWN to that extent, but I can not follow him when he makes the next suggestion and says that when this exportable surplus is bought up it should be kept in the elevators and not be sold unless it can be used here at home in our domestic con-

sumption, or sold abroad for at least the amount of the purchase price, plus the transportation charges of getting it abroad. That procedure would aggravate the situation. Such surplus must be disposed of each season. It would be a mighty fine thing if somebody could control the actual production on the farms of our country, but that is impossible, and we might as well recognize that it is impossible. The difficulty with his suggestion is that if you have a surplus of 150,000,000 bushels or 200,000,000 bushels of wheat the first year, then, in order for his scheme to work at all, the following season we would have to reduce our entire production not simply down to the consumption needs, but down to the consumption limits less the carry-over surplus, and that would mean that under the figures he suggested we would reduce wheat production down to four or five hundred million bushels, almost down to half the usual crop. Then, in the very next breath our good friend from Oklahoma made the suggestion that they are having difficulties with cotton in his territory, and that the cotton farmers in his country, engaged in an unprofitable business, are switching to dairying, and that soon the dairying business will be overworked, and so forth. Of course, that is the situation, and it is one of the serious evils, and just as soon as a farm board or any other governmental agency would begin to tell the wheat farmers that they must cut their acreage in two, they would naturally switch to these other crops or products, and we would have falling down upon you the very evils to which the gentleman from Oklahoma refers. In our territory they would probably switch to dairying principally and to other lines of the farming industry, such as raising hogs, and if you carry his system out it would just be a case of jumping from the frying pan into the fire. Switching annually from one form of farming to another under Government mandate would not be a solution.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. McKEOWN. Did the gentleman examine the records to see how often we have had short crops of wheat?

Mr. BURTNESS. Oh, yes. We have never had a short crop of wheat in so far as not more than meeting the consumption needs in the United States is concerned. We have had a short crop of wheat in the sense that our yields have been low and our exportable surplus less, but not in the sense of not meeting the consumption needs of our own country.

Mr. McKEOWN. Is not the same thing true of wheat that is of cotton, that short crops come in just about often enough to offset this surplus?

Mr. BURTNESS. Oh, no; not at all.

Mr. McKEOWN. What becomes of all these surpluses?

Mr. BURTNESS. They are sold abroad. They are sold in the case of wheat in exports of flour and of wheat itself, to the extent, on an average, of practically 200,000,000 bushels a year for the last 12 years. These are round figures given from memory, but fairly represent the general picture.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. WILLIAM E. HULL. Is it true or is it not true that in a 5-year period there is no surplus of wheat?

Mr. BURTNESS. Before answering the question I shall ask the gentleman to define what he means by the word "surplus."

Mr. WILLIAM E. HULL. It is generally suggested in all of these arguments that there is no surplus of any of these commodities in a 5-year straight period. That is, the lean years take care of the fat years. Is that true or not true?

Mr. BURTNESS. I have found that there is a good deal of difference in the application or use of the word "surplus." The people who have made the statement to which the gentleman refers are those who take the position that an exportable surplus—that is, the production above what we consume in the United States—is not really a surplus, because it is really sold to some one and used, in fact needed, for food somewhere in the world. If that is the sense in which the gentleman uses the world "surplus," then, of course, the answer would be entirely different from what my answer would be to the question as to whether we have an exportable surplus, a surplus above the needs of the people of the United States.

Mr. WILLIAM E. HULL. When the gentleman speaks of surplus, does he mean that we raise just a surplus of wheat over what we consume in the United States or a surplus of wheat over what we sell, no matter whether it is exported or not?

Mr. BURTNESS. I have not used the word "surplus" here this afternoon standing by itself. If the gentleman has followed my remarks he will have noted that I have always spoken of an "exportable surplus," meaning simply the production in excess of our own consumption needs. I believe those words are definite and used in accordance with the understanding thereof in this House.

Mr. WILLIAM E. HULL. I am not trying to dispute the gentleman's statement. I am trying to find out something for the benefit of the Members of the House and myself, whether there is a surplus of wheat.

Mr. BURTNESS. On the average there is a surplus above consumption needs of 200,000,000, whether you take the average for the last 5 years or 10 years. That amount has had to be exported and sold abroad, either in the form of wheat unground or in the form of American wheat converted into flour. Sometimes it is over 200,000,000, and sometimes less, but always a surplus.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. BURTNESS. Yes.

Mr. STRONG of Kansas. Unfortunately under our system of marketing the American wheat sold outside of our boundaries sets our price at home and bears down the price here at home, so that it does not bring in a fair return to our producers?

Mr. BURTNESS. That is unfortunately the case, the price abroad is the principal factor, but I would not say the sole factor in determining our price.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. WAINWRIGHT. Does not the gentleman think that after all the debate we have had in this Congress on the question of farm relief and the various bills pending before the Congress we have sufficient knowledge of the subject, so that Congress is just as competent now to pass a satisfactory bill as a new Congress would be?

Mr. BURTNESS. Yes. That is my attitude precisely. There is also no great changes to take place in the next Congress. The same general organization will be in control and the membership not much different.

I wanted to ask my friend from Oklahoma, Mr. McKEOWN, during his remarks the question as to when wheat starts moving in Oklahoma. I did not have opportunity to ask him before his time expired, but if I had asked him that question he would probably have told me that it starts to move about the middle of June. Is that correct? I will ask the gentleman from Oklahoma now.

Mr. McKEOWN. Yes; about the 15th of June.

Mr. BURTNESS. Yes. In the State of Kansas, too, it starts moving in June, in some parts, and in the rest of Kansas it starts moving in July. I may say that new wheat moves into the markets from June clear to the end of the threshing season throughout the wheat territory, and threshing operations continue up in northwestern Canada through October and even into November some years. Most of the spring-wheat threshing in the Northwest is done in August and September.

Now, what is the situation if we postpone farm-relief legislation until the next Congress? Oh, some people say that a bill can be passed in four weeks' time or so. Most of us know that unless farm-relief legislation is passed before the 4th of March we will not see it written on the statute books until next June or July. One of the most important functions of the Chief Executive after enactment of the legislation will be to select the farm board. It should not be selected in a hurry. The best thought and consideration must be given to the selection of that board. Then, after its appointment and qualification, you know how long it takes for a board to organize or for any establishment having to do with the Federal Government to get going with the great amount of red tape involved. In this particular matter much more than mere red tape will be involved, because the board will have to analyze the entire crop and marketing situation and determine upon the policies to be carried out during that particular crop season. In my judgment the postponement of farm legislation until the next Congress means practically that you might as well not attempt to pass any farm-relief legislation until after the producing season of 1929.

I know that when I make this statement I differ in my views from those entertained by most of the representation from the general Northwest, for I understand the sentiment of many Members of Congress from the Northwest is that we ought to wait until the next Congress.

I know, too, that the leaders of many of the farm organizations have assumed that same position. But when they have done so, I can not believe that they have had a full understanding of the slow methods involved in passing legislation and the unlooked-for delays always encountered, and they do not realize the length of time required by such a board to organize and agree upon its policies as to the next season's crop. I feel they have jumped at conclusions rather than

thought the matter through, especially in so far as its effect upon the 1929 crops is concerned.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. McKEOWN. Has the gentleman any idea how large the loss will be to the 1929 crop if we do not take care of it?

Mr. BURTNESS. I do not know just what this proposed legislation will add to the price of wheat or any other commodity, but let us assume that it will add only 10 cents a bushel for illustration. Under a normal crop in 1929 the loss of the season would mean a loss of $80,000,000 on that crop alone under a conservative estimate. Other illustrations, doubtless, come to the minds of all of you.

I was interested in the suggestion made by the gentleman from Oklahoma [Mr. McKEOWN] with reference to the appointment of the board. Our people generally believe that the man who should be as directly responsible as possible for the success of the board that is going to be appointed under farm-relief legislation, if enacted, is the man who becomes Chief Executive of the United States after March 4—Mr. Hoover. They desire that he appoint the board, but I do not think that the fact that he should be responsible for the work of the board and that he should appoint it is any reason for our delaying the enactment of farm-relief legislation until the next Congress. I, for one, do not believe that President Coolidge would appoint the board, even if the legislation is passed a few days prior to March 4. President Coolidge knows and realizes as well as any of us that the campaign was made by Mr. Hoover on the specific promise of himself and his party that the question of farm legislation is one that must be solved, and in that campaign Mr. Hoover pledged his best efforts to the solving of that problem. Naturally President Coolidge would under such circumstances hesitate to appoint a board which could not possibly go to work until after the beginning of the Hoover administration. I firmly believe he would leave the selections to his successor, with whom he has always cooperated and whom he honored not only by his support in the campaign but by appointment to his own Cabinet.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. BURTNESS. Yes; certainly.

Mr. WILLIAMS of Illinois. If the next administration has the responsibility of solving the farm problem, why not permit the next administration to have something to say about framing the law? The gentleman well knows that Mr. Hoover, if he were here in Washington, could not take up with Members of Congress or the Committee on Agriculture the question of farm relief.

Mr. BURTNESS. I do not just concede that. Mr. Hoover took up with the entire country during the campaign the question of farm relief legislation.

Mr. WILLIAMS of Illinois. He did that as a candidate.

Mr. BURTNESS. And he made his views pretty well known. I believe the members of the Committee on Agriculture, capable men as they are, know very well what those views are, and I do not know that it would be particularly unseemly for one or two of their emissaries, if they thought they needed it, to ascertain them a little more in detail. Mr. Hoover has always dealt frankly with the public, and I do not believe representatives of the Agricultural Committee would find him particularly skittish about the problem, if they desire to consult him when he arrives in the continental United States. I agree that his views should be embodied in the legislation to be passed. But remember that there has not been any great issue or any great difference in views as to the type of legislation that would be signed by Mr. Hoover or by President Coolidge.

Mr. WILLIAMS of Illinois. Mr. Hoover, in his campaign, outlined a definite and concrete program for agriculture.

Mr. BURTNESS. I am glad to hear the gentleman say that, and I agree with him.

Mr. WILLIAMS of Illinois. He was a candidate and the farmers of the country voted for him. They believed in him, and they believe in him now, and I think there is an almost universal sentiment among the farmers, at least of the Mississippi Valley, that this matter ought to go over until Mr. Hoover is in a position where he can, with propriety, discuss this matter with Members of the House and Senate responsible for the legislation.

Mr. BURTNESS. The gentleman may be entirely right as to the sentiment in that regard. If that sentiment does exist, all I can say is that I must differ with the conclusion reached. There is another proposition upon which I agree with the gentleman, namely, that throughout the campaign the proposition outlined by Mr. Hoover was "a definite and concrete program for agriculture," and knowing that fact that is the very reason why I say it would not be any task for the committee of which the gentleman is an able member to convert those ideas and that program into a piece of workable legislation, and I want to go further than that. I want to say this: That in so far as the first piece of legislation is concerned, the exact form or nature of that legislation is not half as important as the selection of a proper kind of board to administer it, and I am convinced that the farmers of this country will be entirely satisfied with the kind of board Mr. Hoover will select to carry on the work when that time comes, even if we should pass the legislation at this session of Congress. The experience of the board will doubtless show needed changes in the legislation in any event and later we will need their advice. If we pass the first legislation before March 4 and Mr. Hoover appoints the board, say, before the 1st of April or the 15th of April, and the farmers find that the board can then go to work, organize, establish policies, and operate on this season's crop, they will be more than satisfied. On the other hand, if this Congress follows the advice and suggestion of those who contend that all these matters should be left to a special session and then the farmers find we will be working here for weeks and months, perhaps, before we can write the bill into law, and find that there must be still further delay in the appointment of the board and that the board can not agree upon its policies, or can not organize and get into operation until next September, October, or November, then I think the criticism on the part of the farmers will be directed not at those of us who feel that such legislation should be passed at the earliest possible moment but at those who throughout the last few weeks have been urging delay in the adoption of legislation on this very important subject. [Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. COLE of Iowa. I have been one of those who favored delaying this, but, as a matter of fact, is it not true that Mr. Hoover as a candidate contemplated the passage of this legislation in the short session when he said he would call a special session if this session of Congress did not pass this law?

Mr. BURTNESS. There can not be any other contruction, in my opinion.

Mr. COLE of Iowa. He not only contemplated that but he rather hoped that this session of Congress would pass it and the statement he made was to this effect: That if this session did not pass it then, and only then, would he call a special session of Congress.

Mr. BURTNESS. I agree thoroughly with the gentleman. I believe the gentleman from Iowa was also present at a conference with Mr. Hoover, in which quite a number of Members of this House participated, and at which Mr. Hoover also rather expressed the hope that this Congress would be able to take care of the agricultural problem in so far as passing the required legislation for general farm legislation was concerned.

Mr. COLE of Iowa. I think that is a correct statement.

Mr. BURTNESS. I am glad your recollection of the instance conforms with my own.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. CLAGUE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LOZIER. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. LOZIER. Is it not a fact, recognized by every man informed as to conditions, that the only farm bill President Coolidge would sign is a bill which involves the formula contained in the Fess or Curtis bill, which the gentleman who is now addressing the House opposed and which the farm organizations in America have denounced as a counterfeit farm-relief measure?

Mr. BURTNESS. No; I do not say that that is correct. I do not think that is the only kind of bill President Coolidge would sign at all. On the other hand, I believe he would sign a measure in conformity with the views expressed by Mr. Hoover in his campaign speeches.

Mr. LOZIER. Is it not true that the so-called McNary bill recently introduced in the Senate is the McNary-Haugen bill emasculated of the equalization fee, and is not that the same bill that the gentleman and practically every other representative of a great farming district in America have denounced as a counterfeit farm relief bill for the last three or four years?

Mr. BURTNESS. I do not want to answer the gentleman's question yes or no, but I will answer it fairly. Substantially, the present McNary bill is the old McNary-Haugen bill with the equalization-fee principle taken out of it.

I believe I have already made the statement that those of us who believe that this problem can only be solved eventually by legislation along the equalization-fee principle of the McNary-Haugen type must realize that the first experiment that will be conducted in farm legislation is along this other line without the equalization fee; and to those who believe in the

equalization fee I want to emphasize this statement. The quickest way in which to get equalization-fee legislation, if it should be found that nothing else works, is to pass the other legislation first and give it a fair trial. If upon a fair trial it is found not to do the business, then you and I and anyone else who entertains the view that this problem can best be solved through such legislation as the McNary-Haugen bill with an equalization fee will be able to come in with a stronger case than we have ever had before, and I believe if that time comes both the President and the American Congress will be willing to listen to the plea. But up until that time, let us be fair with the other proposal, let us not put any stone in its way, let us give it a chance to operate; and I think we will all hope, when the legislation is passed, that it will be able to do the business and solve the problems that are involved. [Applause.]

Mr. LOZIER. Will the gentleman yield again?

Mr. BURTNESS. Yes; but I want to reach another point.

Mr. LOZIER. The gentleman did not make that argument when these legislative proposals were pending in the Congress one, two, and three years ago, but the gentleman insisted that they were counterfeits and inefficient formulas and would not work. Now, I will ask the gentleman a question——

Mr. BURTNESS. I was here pleading for the kind of legislation which I thought was best, which I still think is best, and in the hope at that time we would be able to write it into law, but, apparently unlike the gentleman, I recognize a practical situation when I see it. I do not feel that I am blind. I know equalization-fee legislation can not be written into law before March 4. I know it can not be written into law in the next Congress, so let us not be dogs in the manger and stand in the way. Let us pass the very best kind of legislation we can possibly get at the earliest possible moment. [Applause.]

Mr. LOZIER. Is it not a fact that if the so-called McNary bill, which is the McNary-Haugen bill emasculated by the removal of the equalization fee, is a sound and workable formula now, was it not a sound and workable formula before the election when the gentleman was opposing it?

Mr. BURTNESS. The answer is so obvious that the question does not need any reply.

The gentleman from Oklahoma [Mr. McKEOWN] made the same suggestion on the floor here this afternoon that I made in a statement which I gave out to one of the newspapers in the Northwest on December 3, the opening day of this session, namely, that if we want to insure by legislation the appointment of the board by the President elect rather than by the present President, we can very easily accomplish that by writing into the bill a provision that is not unusual in legislation, a provision that the law shall go into effect on some certain date, some such date as March 15 or April 1.

I have mentioned this to many Members of the House from time to time in conversations in the cloakroom and elsewhere, and a few have suggested that such a provision might seem like an affront to President Coolidge. I would not so regard it. As already indicated, it is a rather usual provision to put in legislation, but let me make this statement with respect thereto. It would be much less of an affront to write that provision into a bill than it will be for this Congress to sit idly by for three months and pay absolutely no attention whatsoever to the provisions he wrote into his message asking our earnest consideration for farm legislation and which was delivered to us at the opening of this session. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. McDUFFIE. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I realize that whenever a Democrat has the temerity to offer any suggestion in this confusion of counsel among our Republican brethren upon the farm question, he runs the danger of suffering the proverbial fate of the innocent bystander, but it would not be amiss possibly for a Democrat to kind of soliloquize aloud as to the situation.

I find myself somewhat surprised. I do not know whether it is a sign I am no longer a boy, but somehow I have reached that point where I like to look back a little bit and think about what has been, and when I look back just a few months I can remember how every mother's son of you Republicans was clinging onto Calvin Coolidge's coat tail, and even Herbert Hoover was saying, "If you will just elect me President of the United States, I will carry out Coolidge's policies." And lo and behold, Mr. Chairman, how the times have changed.

We find gentlemen upon the Republican side to-day who say they can not trust Calvin Coolidge to appoint a farm board. No; you will not trust him. You say he is not the friend of the farmer. You insist that you must wait until the new leader comes in and so do the farm-leader politicians and then we will let him come and tell us what kind of bill he wants and let him appoint his board and let him do the work.

There may be a streak of contrariness in my make-up, Mr. Chairman, but somehow I find myself always with the under dog, or with the fellow who is slipping, and now as Cal goes out, his appointing power being about exhausted, I find myself resenting these imputations of some of my Republican friends that they can not trust Cal to be the friend of the farmer. You have stood by him until the last piece of pie has been distributed, and now you desert him. I protest against this wanton abandonment of the leader you followed in the heyday of his power and pie.

Why, have you not told us for years that he was a real friend of the farmer; haven't you promised to carry out his policies in the platform utterances, and your speeches on the stump? Why must the farmer wait; why will you keep your promise to his ear and break it to his hope?

Mr. Hoover is coming to town. Go down and ask him what his plan is. Then, when you have got it, have the Agricultural Committee bring it out and pass it, and let the farmer have the relief you have promised for eight years. Why defer it any longer? [Applause.]

Mr. CLAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman and gentleman, it would seem that the farm problem has been so much discussed that the subject ought to be exhausted.

I have been greatly interested and amused at some of our newspapers and a great many men who have persistently and insistently opposed the program brought here by the farmers for farm relief at their undue haste and anxiety to pass farm relief now at the short session of Congress. That about all we have to do is to write the law on the statute books, touch the button, and away it goes.

First of all, there does not seem to be much of an issue now that there is a farm problem to solve. Everybody seems to agree that there is not much of an issue, that the surplus is the cause of the farmers' plight. Everybody admits that it is the surplus that causes the trouble. Everybody seems to admit also that it will be necessary to have a Federal farm board to administer the distribution of the surplus in times of necessity. Everybody seems to have agreed to that.

Everybody seems to agree that you can not start this without a large Federal loan. Up to that point there does not seem to be any material issue in the farm-relief problem.

There does seem to be an issue as to how the losses must be taken care of in the operation of the machinery to take care of the surplus.

Any man that has studied the agricultural conditions for the last 25 years knows that they have not been able to organize a corporation or a commodity association that is nation-wide that has been able to succeed against competitive business.

No people have yet been able to demonstrate over a period of years that so large a commodity organization can survive, especially if it encounters losses during the first year or two of its existence.

Denmark tried this out and failed. The Danish Farmers' Cooperative Potato Association organized a nation-wide marketing organization in 1919. You will find an account of this in Department Bulletin of the Department of Agriculture No. 1266 and issued in August of 1924. It says that contrary to the common Danish method, this new potato association set up the central machinery and then began to build the locals. With an enormous organization force and the advantages of a favorable foreign market demand, the association closed the first year's business with export sales amounting to $8,283,000 at exchange, and its membership totaled 350 local associations with 25,000 producers. Enormous losses incurred in export trade, together with the market depression in 1920, wrecked the association in its second year's operation. Its failure is attributed to inefficient management and a mushroom-like growth during an inflation period.

In the same bulletin you will find on page 25 the experience of a nation-wide agency known as the Danish Cooperative Butter Export Association, organized in 1889. Approximately 90 per cent of the milk production in the country was assembled and manufactured into finished food products in the cooperative creameries. Yet this organization went along until 1908, when it was forced to discontinue, and they have since organized, according to this authority, 11 separate export associations.

Denmark with all her experience in cooperation was unable to make so large a nation-wide corporation survive, and in that little country where the volume of business would be nothing to compare with such an organization that would necessarily have to be created in this country to handle such a business.

In providing the means of stabilizing and getting on its feet the so-called stabilization corporation that seems to be recommended by all is the perplexing problem to be solved by the next administration. The present administration does not seem to have anything to offer on that all-important question.

Mr. Hoover's experience as food administrator handling the volume that was necessary for him to supervise and his ability and capacity to handle and solve big problems, I think appeals to the farmers in such a way that they perhaps have more confidence in him to work this problem out or to suggest some scheme to maintain this great corporation until our whole marketing machinery can be adjusted in such a way that the institution can stand on its own feet. Whatever program is worked out, if it survives a few years and is sound, it will be able to take care of itself. If some means is not provided to meet the contingencies previously referred to, I do not think the farmers would be interested in it; and I think they have confidence, for the reason already stated, that Mr. Hoover will have something at least very interesting to suggest to meet this situation.

Twenty-five years ago, when the local cooperatives started, if they had not provided an equalization fee, or what we called a "penalty clause" at that time, I do not think many of them could have met the competition they had to meet and survive. After a few years the necessity for such a fee had passed away.

I do not think there is any question but that the farmers in the great surplus-producing sections of our country and who would be most vitally affected by such legislation are not looking to this Congress to pass such legislation, but are looking to the incoming Congress to pass such legislation that will solve their problems.

Now I have read the two messages of the President, vetoing the McNary-Haugen bills, and the equalization fee was not the only thing he criticized. I have not compared the other bill but it is suggested that it is the McNary-Haugen bill with the equalization fee left out. What are you going to do with the other provisions that the President criticizes? The President in his messages has not pointed out a single thing that would cause this revolving fund to revolve, if he could put it in operation, or what inducements there would be for farmers to organize this stabilization corporation and borrow this money and take over for example the surplus of the coming wheat crop if it should be one hundred and fifty or two hundred million bushels. If there are no means provided to take care of a loss should it occur, and it very likely would, it is not likely that such a scheme would be seriously attempted if the corporation or the individual farmer was made in any way liable for the loan made to them, and if there was a large world supply of wheat and a falling world market there would no doubt be losses to be taken care of, either by the corporation or its stockholders, or taken care of by the Government. To be sure if there was a world shortage of wheat and a rising world market the surplus would be disposed of at a profit and everybody would be happy, but when the price is such that the farmer produces this at a loss and the stabilization corporation takes a hold of it, losses, it would seem to me, would be inevitable.

In the last campaign we made much of Mr. Hoover's great organizing ability and his ability to handle large problems. During his administration as food administrator he handled a very large business and he handled it in a way that I have not heard anybody criticize. People look to him to have something to suggest to take care of this proposition, to take care of the loans for the first few years at least, because no one who has had anything to do with cooperation for 25 years past believes that this corporation that you are providing for under the supervision of this board is going to be able to withstand the competition they will have to meet in this country and live unless some provision is made to take care of it the first few years of its life. Mr. Hoover, I think, in the campaign went as far as a man should go in making his statements about this program of our taking care of this. The farmers of the country who have been taking an interest in this matter know the present President has made no suggestion as to how these loans shall be taken care of during the first few years of the life of these stabilization corporations. They believe that Mr. Hoover will have something to suggest that will be of advantage to Congress as to how this stabilization fund is to be maintained.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Yes.

Mr. McKEOWN. Would it not be far better to set up the organization here and start it out, and then take advantage of Mr. Hoover's wide experience to see how it operates. Would he not know better where the weaknesses are in such a case so that we might take care of them in the next session of Congress?

Mr. ADKINS. No; and I will tell you why. First of all, we have all talked as if this board is the whole show. Neither the President of the United States nor the incoming President believes that it is good policy to put the Government into business.

The talk has been as if this board is going to dispose of this surplus. This board is not going to do that. First of all, after this board has been provided for, you get ready to get your law into operation, you have got to get your cooperatives or your farmers or somebody to organize your stabilization corporations and get that ready to go into the business of taking over the surplus. For instance, if you are going to take care of the surplus wheat this coming crop, which you gentlemen all seem so exercised about, you do not wait for the board that is to be appointed by Mr. Hoover when he becomes President. I see that somebody gave out the statement that it would take six months for this to get going, but if Mr. Coolidge is to appoint the board, it will not be able to operate for this wheat crop if you pass the bill now.

You have this stabilization corporation to organize. We do not need to kid ourselves. The men who are most interested in this legislation are sold on the idea that the President of the United States is not particularly in sympathy with their scheme to raise the price of wheat, for instance, at the next harvest. A large per cent of them are also sold on the idea that a bill that would pass through this Congress and be permitted to become a law would not mean much to them. It is the psychology of the proposition that is bad. I don't know of a single cooperative organization in my part of the country that would even start to organize under this program. They would say, "I am not going to take hold of this if my company is made liable for this loan, or the farmers individually, we will not touch it." This is all an experiment. We do not know whether these beautiful theories that we have been outlining are going to work out in actual business practice. We have a marketing system that has been built up during almost a century of our economic development years, and it is the most efficient in the world. We get our commodities now from our fields to the processor, or the consumer, more cheaply than any other nation in the world.

You propose stepping in now in competition with that system which has been built up by the shrewdest minds in the world, and the theory that we have been touting here of stabilizing the violent up-and-down movements in the market giving the farmer the benefit of the domestic market plus the tariff, when put into actual operation may not work. I submit to the candid judgment of any man here whether in undertaking so gigantic an economic proposition we should not undertake it under the most favorable conditions possible for the psychological effect it will have on the country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CLAGUE. Mr. Chairman, I yield the gentleman five minutes more.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Yes.

Mr. McKEOWN. The gentleman recalls the fact that at one time here in this House we who were favoring this bill——

Mr. ADKINS. Oh, I wish the gentleman would ask a question and not make a speech.

Mr. McKEOWN. We were told not to offer an amendment or to vote for a single amendment on this bill as it came from the Senate in order to pass it in a hurry. Why has the gentleman changed so much about being in a hurry now to pass this legislation?

Mr. ADKINS. How is that, how is that?

Mr. McKEOWN. We had instructions from the leaders on this farm bill when it came from the Senate not to vote for a single amendment, not to change the dotting of an "i" or the crossing of a "t," in order that the bill might become a law, and we followed those instructions. Why not be in as great a hurry now as then?

Mr. ADKINS. Because it will not do the business.

Mr. McKEOWN. But the other bill would not do the business, either.

Mr. LaGUARDIA. Does the gentleman take the stand that the initiative for such legislation must come from the Chief Executive, and that Congress must await the plan in detail of the incoming President?

Mr. ADKINS. No.

Mr. LaGUARDIA. I have understood the gentleman to argue that way.

Mr. ADKINS. In the last campaign out in our part of the country this was the principal issue that we presented to the farm people. As I said a moment ago, we continually held up the picture of Mr. Hoover's great economic ability, his ability to solve these problems. We pointed out the fact that he never has tackled a big problem which he has not made a success of, and while this is a gigantic problem, yet we think from the experience that he has had with it that he has the initiative and ability to suggest something.

Mr. LAGUARDIA. And the gentleman suggests waiting for that?

Mr. ADKINS. Certainly. We have got to have the cooperation of the farmers, of the legislative body, and of the Executive to work out this program.

Now, nobody has suggested, as I said a while ago, how we are going to maintain this revolving fund. I take it that Mr. Hoover is going to have something very interesting to suggest along that line. He knows the experience of other countries in attacking a proposition of that kind. If they did not have some means of taking care of the losses, the outfit went out of business.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Yes.

Mr. LOZIER. Is it not true that this fund can only be kept intact by accretions from two sources, one from the commodity growers and the other by subsidies from the United States Treasury?

Mr. ADKINS. There are three ways in which the next wheat crop can be handled. The only way it would maintain itself would be for some world condition to arise in which we would have a rising world market. Then this stabilization corporation would feed this surplus on the market at a profit and everybody would be happy. It is only when the world's markets are likely to be low that they would, perhaps, be operating. Now, the losses incident to put this surplus on the world's market would be borne either by the stabilization corporation or the stockholders or the Government.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Certainly.

Mr. BANKHEAD. Does the gentleman know, or does he know of anyone who does know, what Mr. Hoover has in mind to recommend in respect to farm relief?

Mr. ADKINS. I will answer that by saying this: It was asserted during the campaign that Mr. Hoover said if the present Congress did not pass a law that he would call a special session. I do not think any fair-minded man would have expected him to have said anything else, and I do not think any man in this House would think that it would be proper even to suggest to the President elect to make a recommendation to this Congress on any subject. I do not think that a man who would be honest with him or with himself would think that that would be a proper thing to do. [Applause.]

Now, if this so-called equalization fee is unconstitutional and surplus control is to be put into operation to meet this situation, some other plan must be worked out. If Mr. Hoover has that plan it will be very interesting and very helpful to know what it is.

This idea of surplus control to be handled by the farmers themselves is a very difficult problem. The farm leaders and Congress have made two suggestions as to how it should be done, both of which have been rejected. Whatever we try will be an experiment, and I believe that experiment should be tried under the most favorable conditions possible—conditions that will inspire confidence in the farmers in making the trial and the cooperation between them and the administration in trying to solve this problem, not only in the interest of the producers but the consumers as well. It is thought by many that a plan of this kind will ultimately work out to the advantage of both. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTERSON (at the request of Mr. ALMON), for an indefinite period, on account of illness;

To Mr. ROMJUE, for the balance of the week, on account of the illness of his wife; and

To Mr. WINTER, until January 14, 1929.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to make an announcement. There are two resolutions on the calendar from the Committee on Rules, proposing changes in the rules of the House. One changes the jurisdiction of the Committee on the Judiciary, referring all constitutional amendments to the Committee on the Judiciary; and another one is relative to a matter that has been discussed considerably on the floor of the House, that where a bill proposes an amendment to certain laws at least the part to be amended shall be printed together with the new text. We expect to call these up in the next few days. I thought I would notify the Members accordingly.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Friday, January 4, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for January 4, 1929, as reported to the floor leader by clerks of the several committees:

APPROPRIATIONS COMMITTEE

(10 a. m.)

Independent offices appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.

(11 a. m.)

First deficiency appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Favoring the ratification by the United States Senate of the Kellogg peace pact (H. Res. 264).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To hear private bills.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

Consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name (H. J. Res. 166).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

711. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of the Gray Artesian Well Co. against the United States (H. Doc. No. 495); to the Committee on Claims and ordered to be printed.

712. A letter from the chairman of the United States Shipping Board, transmitting report of claims arbitrated or settled by agreement from October 16, 1927, to October 15, 1928, by the United States Shipping Board and/or the United States Shipping Board Merchant Fleet Corporation; to the Committee on the Merchant Marine and Fisheries.

713. A letter from the Secretary of Agriculture, transmitting report on investigations made by the Department of Agriculture as to the feasibility of a 10-year cooperative program for the control of predatory animals within the United States (H. Doc. No. 496); to the Committee on Agriculture and ordered to be printed.

714. A letter from the Secretary of the Treasury, transmitting draft of a proposed bill to authorize the sale of the old Syracuse post office and courthouse building and site; to the Committee on Public Buildings and Grounds.

715. A letter from the Comptroller General of the United States, transmitting report of papers or documents now in the files of the General Accounting Office; to the Committee on the Disposition of Useless Executive Papers.

716. A letter from the Public Printer, transmitting report showing 77,378 pounds of useless papers have been disposed of, and the proceeds, $510.69; to the Committee on the Disposition of Useless Executive Papers.

717. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to regulate the minimum-age limit for enlistments in the Naval Reserve or Marine Corps Reserve; to the Committee on Naval Affairs.

718. A letter from the Acting Secretary of the Interior, transmitting report on the case of Annie E. Springer, widow of William Springer, who is included in Private Act No. 178, Seventieth Congress; to the Committee on Invalid Pensions.

719. A letter from the vice chairman, national legislative committee of the American Legion, transmitting proceedings of the Tenth National Convention of the American Legion, held at San Antonio, Tex., October 8 to 11, 1928, inclusive; to the Committee on World War Veterans' Legislation and ordered to be printed.

720. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, United States Senate, for the fiscal year 1929, in the sum of $5,000 (H. Doc. No. 497); to the Committee on Appropriations and ordered to be printed.

721. A communication from the President of the United States, transmitting supplemental estimates of appropriations pertaining to the legislative establishment, United States Senate, for the fiscal year 1929, in the sum of $13,500 (H. Doc. No. 498); to the Committee on Appropriations and ordered to be printed.

722. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, Architect of the Capitol, for the fiscal year 1929, in the sum of $10,000 (H. Doc. No. 499); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BARBOUR: Committee on Appropriations. H. R. 15712. A bill making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1991). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15088. A bill to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine, and for change of name of said park to the Acadia National Park; without amendment (Rept. No. 1992). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 14458. A bill authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.; with amendment (Rept. No. 1999). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15005. A bill authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.; without amendment (Rept. No. 2000). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15006. A bill authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.; without amendment (Rept. No. 2001). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15069. A bill authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.; without amendment (Rept. No. 2002). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15269. A bill to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.; with amendment (Rept. No. 2003). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15333. A bill granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.; with amendment (Rept. No. 2004). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15470. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; with amendment (Rept. No. 2005). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 1468. A bill to correct the military record of John J. O'Connor; with amendment (Rept. No. 1993). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 7887. A bill placing Cadet Adrien Van Leeuwen on the retired list; with amendment (Rept. No. 1994). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 11869. A bill for the relief of William L. Bruhn; without amendment (Rept. No. 1995). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14242. A bill for the relief of Everett A. Dougherty; without amendment (Rept. No. 1996). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. R. 14378. A bill to authorize an appropriation to cover damages to an automobile of William H. Baldwin; without amendment (Rept. No. 1997). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 15561. A bill to correct the military record of Lawrence Fisher; with amendment (Rept. No. 1998). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14601) granting a pension to Margaret C. Boyle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14855) granting an increase of pension to Nellie Wilkinson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15165) granting an increase of pension to Carrie Brooks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14578) granting a pension to Margaret Higgins; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. CRAMTON: A bill (H. R. 15713) to establish uniform requirements affecting Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. CRISP: A bill (H. R. 15714) to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHALMERS: A bill (H. R. 15715) authorizing the construction of a high-level bridge across the Maumee River at

or near its mouth; to the Committee on Interstate and Foreign Commerce.

By Mr. MORROW: A bill (H. R. 15716) to provide for the erection and operation of public bathhouse at Hot Springs, N. Mex.; to the Committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 15717) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: A bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS: A bill (H. R. 15719) to restore Fort Negley, at Nashville, which was used and occupied by Federal forces during the Civil War; to the Committee on Military Affairs.

By Mr. COLE of Iowa: A bill (H. R. 15720) to remit the duty on a set of bells to be imported for the Iowa State College of Agriculture and Mechanic Arts; to the Committee on Ways and Means.

By Mr. COLTON: A bill (H. R. 15721) validating certain applications for and entries of public lands, and for the relief of certain homestead entrymen in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. CRAIL: A bill (H. R. 15722) providing a nautical school at the port of Los Angeles, Calif.; to the Committee on Naval Affairs.

By Mr. LEAVITT: A bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 15724) to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; to the Committee on the Public Lands.

By Mr. SIMMONS: A bill (H. R. 15725) for the acquisition of private lands within the exterior boundaries of the Niobrara Reservation; to the Committee on Agriculture.

By Mr. STRONG of Kansas: A bill (H. R. 15726) to increase the import duty on certain agricultural products; to the Committee on Ways and Means.

By Mr. SUMMERS of Washington: A bill (H. R. 15727) to relinquish all rights, title, and interest of the United States in certain lands in the State of Washington; to the Committee on the Public Lands.

By Mr. SUTHERLAND: A bill (H. R. 15728) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

By Mr. SWANK: A bill (H. R. 15729) to amend the national prohibition act, as amended and supplemented; to the Committee on the Judiciary.

By Mr. WOODRUFF: A bill (H. R. 15730) to amend the act of August 29, 1916, relating to the promotion of officers in the Navy, to provide for the promotion of officers who have been wounded in line of duty; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 15731) to amend "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925; to the Committee on the District of Columbia.

By Mr. COLTON: A bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes; to the Committee on the Public Lands.

By Mr. DICKINSON of Iowa: A bill (H. R. 15733) to exempt from taxation certain property of the National Society, United States Daughters of 1812, in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. SMITH: A bill (H. R. 15734) to authorize homestead entrymen and owners of patented lands to purchase not exceeding 640 acres of stock-raising homestead lands; to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 15735) to amend the Foreign Service buildings act, 1926, as amended; to the Committee on Foreign Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 15736) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. COLTON: A bill (H. R. 15737) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15738) to consolidate, codify, and set forth the general and permanent laws of the District of Columbia in force December 2, 1928; to the Committee on Revision of the Laws.

By Mr. WILLIAM E. HULL: A bill (H. R. 15739) to provide a 1-cent postage rate on local letters and expedite the handling of that class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Joint resolution (H. J. Res. 365) authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH: Joint resolution (H. J. Res. 366) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo; to the Committee on Foreign Affairs.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 367) providing for the printing of the CONGRESSIONAL RECORD on cornstalk paper; to the Committee on Printing.

By Mr. ROY G. FITZGERALD: Joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; to the Committee on Revision of the Laws.

By Mr. TINKHAM: Resolution (H. Res. 281) directing an investigation of the payment and expenditure of money by international bankers, United States international business organizations, and their legal representatives, and foreign interests, to create a public opinion in the United States favorable to the United States joining the League of Nations, adhering to the Permanent Court of International Justice of the League of Nations, and to the acceptance of the multilateral treaty by the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 15740) granting a pension to Altha Jewett Atterberry; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15741) granting a pension to George M. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15742) granting a pension to Mary J. Toomey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15743) granting an increase of pension to Isabel Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15744) granting an increase of pension to Mary Catherine Kuppenheffer; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 15745) to correct the military record of George W. Churchill; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 15746) granting an increase of pension to Eveline Weekly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15747) granting an increase of pension to Matilda A. Stoops; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15748) granting a pension to Charles W. Thurston; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 15749) granting a pension to Mary C. Gallagher; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 15750) granting a pension to Clara E. Moor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15751) granting a pension to Anna Steele; to the Committee on Pensions.

Also, a bill (H. R. 15752) for the relief of Jeannette Weir; to the Committee on Claims.

Also, a bill (H. R. 15753) for the relief of George Selby; to the Committee on Military Affairs.

By Mr. COLE of Iowa: A bill (H. R. 15754) for the relief of John S. Stotts, deceased; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 15755) for the relief of John Bedard; to the Committee on Naval Affairs.

Also, a bill (H. R. 15756) for the relief of David Fleming; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 15757) granting an increase of pension to Mary M. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15758) granting an increase of pension to Catherine Van DeBogart; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 15759) granting a pension to John E. Wingo; to the Committee on Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 15760) for relief of C. F. Wigton; to the Committee on Claims.

Also, a bill (H. R. 15761) to place Norman O. Ross on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 15762) granting a pension to Chloe M. Ranbarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15763) granting an increase of pension to Sallie Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15764) granting an increase of pension to Thomas G. Butner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15765) granting an increase of pension to Vernon L. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 15766) for the relief of St. Ludgers Catholic Church, Germantown, Mo.; to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 15767) granting an increase of pension to Huldah Deavers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15768) granting an increase of pension to Alice Araminta Ogborn; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15769) to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4 and 5, 1919; to the Committee on War Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 15770) granting an increase of pension to Theda Elder; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15771) granting a pension to Amelia McCray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15772) granting the distinguished-service medal to Capt. Albert B. Randall; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 15773) granting a pension to Louis Webber; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 15774) granting a pension to Isabelle Herrley; to the Committee on Pensions.

Also, a bill (H. R. 15775) granting an increase of pension to Rachel A. Coats; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 15776) granting a pension to Lydia A. Crouch; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 15777) granting a pension to Etta May Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15778) granting a pension to Alice Geiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15779) granting an increase of pension to Isabelle Woodworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15780) granting an increase of pension to Martha E. Seitz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15781) granting an increase of pension to Elizabeth Staggers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15782) granting an increase of pension to Georgia Harsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15783) granting an increase of pension to Lusina Clouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15784) granting an increase of pension to Mary Burdick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15785) granting an increase of pension to Addie B. Arver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15786) for the relief of Josiah J. Hostetler; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 15787) granting a pension to Sarah Freeman; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 15788) granting an increase of pension to Rosella Leighton; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 15789) granting an increase of pension to Mrs. Thomas Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15790) granting an increase of pension to Mary Demott; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15791) granting a pension to Vonny A. McClaren; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 15792) granting an increase of pension to Emma Satterthwaite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15793) granting an increase of pension to Martin A. Hellwig; to the Committee on Pensions.

Also, a bill (H. R. 15794) granting a pension to Ellis B. McNeeley; to the Committee on Pensions.

By Mr. LANHAM: A bill (H. R. 15795) granting an increase of pension to Mary E. Shadle; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 15796) granting a pension to Isabella H. McIntyre; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 15797) granting a pension to John E. Stringer; to the Committee on Pensions.

Also, a bill (H. R. 15798) granting a pension to Louisa C. Redding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15799) granting an increase of pension to Irene Young; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 15800) granting a pension to George W. Kane; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 15801) granting a pension to Esther E. Boardman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15802) granting a pension to Olive H. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15803) granting a pension to John D. Shutts; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 15804) granting a pension to Hettie Bell; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15805) granting a pension to Catherine Whitmore; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15806) granting a pension to Robert Hartley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15807) granting an increase of pension to Mary B. Brown; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 15808) for the relief of Levi H. French; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 15809) to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. MORGAN: A bill (H. R. 15810) granting a pension to Myrtle Millington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15811) granting an increase of pension to Sallie A. Hollister; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 15812) granting an increase of pension to George Curry; to the Committee on Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 15813) granting an increase of pension to Melville M. Gordon; to the Committee on Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 15814) granting a pension to Mary A. Crosby; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15815) granting a pension to Robert H. Hays; to the Committee on Pensions.

Also, a bill (H. R. 15816) granting an increase of pension to Benjamin F. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 15817) granting an increase of pension to Elizabeth B. Ashurst; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 15818) granting a pension to John Wroblewski; to the Committee on Pensions.

Also, a bill (H. R. 15819) granting a pension to Peter F. Van Auken; to the Committee on Pensions.

Also, a bill (H. R. 15820) granting a pension to David L. Wiltgen; to the Committee on Pensions.

Also, a bill (H. R. 15821) granting a pension to Lillian Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) for the relief of Rose Lea Comstock; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 15823) granting an increase of pension to Anna C. Curtis; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 15824) granting an increase of pension to Richard E. Goldner; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 15825) granting an increase of pension to Angeline S. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15826) granting a pension to Benjamin F. Moorehouse; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 15827) granting a pension to Armina Besaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) for the relief of Capt. Herbert Baldwin; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 15829) for the relief of Ira W. Moore; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15830) granting an increase of pension to Elizabeth Alford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15831) granting an increase of pension to Anna M. McAfoos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15832) granting an increase of pension to Annie S. Aul; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15833) granting a pension to Lizzie Smith; to the Committee on Pensions.

Also, a bill (H. R. 15834) granting a pension to Walker Cooper; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 15835) for the relief of William O. Hart; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 15836) for the relief of Miriam E. Benjamin; to the Committee on Claims.

Also, a bill (H. R. 15837) granting an increase of pension to Sarah E. Reed; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 15838) granting an increase of pension to Hannah M. Burtt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15839) granting an increase of pension to Maude Howard Simpson; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 15840) granting an increase of pension to Edward H. Packer; to the Committee on Pensions.

Also, a bill (H. R. 15841) granting an increase of pension to Harriet Nelson; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15842) granting an increase of pension to Frances V. Aspy; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 15843) granting an increase of pension to John J. Weir; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 15844) granting a pension to Rachel L. Morris; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 15845) granting an increase of pension to Ellen Boen; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15846) granting a pension to Alice Wisener; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15847) granting an increase of pension to Cordelia S. Lakin; to the Committee on Invalid Pensions.

By Mr. KNUTSON: Resolution (H. Res. 280) to pay Fred R. Miller for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8091. By Mr. CRAIL: Petition of Hollywood Camp No. 83, United Spanish War Veterans, of Hollywood, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8092. Also, petition of executive board of the Los Angeles District, California Federation of Women's Clubs, protesting against the resurvey of the north line of the Hoopa Indian Reservation and the adjacent lands as executed by Francis E. Joy, and that it be rejected and declared to be of no further force or effect; to the Committee on Indian Affairs.

8093. Also, petition of Chas. E. Clark Camp, No. 78, United Spanish War Veterans, Inglewood, Calif., favoring additional hospital facilities at Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8094. By Mr. GARBER: Petition of Dr. B. F. Wooding, Washington, D. C., urging support of House bill 10594; to the Committee on Interstate and Foreign Commerce.

8095. Also, petition of the Southwestern Game and Fish Conservation Association, urging support of the Norbeck migratory bird refuge bill; to the Committee on Agriculture.

8096: Also, petition of the Mid-Central Fish Co., Kansas City, Mo., indorsing House Joint Resolution 303, to amend the Hoch-Smith resolution to include the product of fisheries; to the Committee on Interstate and Foreign Commerce.

8097. Also, petition of the Middle Atlantic Fisheries Association, New York City, indorsing House Joint Resolution 303, to amend the Hoch-Smith resolution to include the product of fisheries; to the Committee on Interstate and Foreign Commerce.

8098. Also, petition of Milo E. Hendrix Camp, No. 4, United Spanish War Veterans, and the Ladies Auxiliary to the camp, Department of Oklahoma, Muskogee, Okla., urging enactment of House bill 14676; to the Committee on Pensions.

8099. Also, petition of the World Alliance for International Friendship Through the Churches, protesting against any unusual appropriations for naval expansion; to the Committee on Appropriations.

8100. Also, petition of the directors of the Okmulgee Chamber of Commerce, Okmulgee, Okla., requesting opposition to legislation having as its purpose the elimination of the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

8101. Also, petition of the Consolidated Flour Mills Co., Wichita, Kans., indorsing House bill 15267, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8102. Also, petition of General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars of the United States, Los Angeles, Calif., urging enactment of House bill 6523; to the Committee on Military Affairs.

8103. Also, petition of the General Federation of Women's Clubs, urging support of the convict labor bill (H. R. 7729) as amended by the Senate; to the Committee on Labor.

8104. Also, petition of Robert Newberry, Laverne, Okla., indorsing the plan of flood relief through the impounding of the waters in the tributaries; to the Committee on Flood Control.

8105. Also, petition of William H. Ruller, McAlester, Okla., urging amendment of the Pittman-Newton recapture bill to render protection to the small railroad lines of the State; to the Committee on Interstate and Foreign Commerce.

8106. Also, petition of the Nordic Seafood Co., Tulsa, Okla., urging support of House Joint Resolution 303 to amend the Hoch-Smith resolution to include the products of fisheries; to the Committee on Interstate and Foreign Commerce.

8107. Also, petition of C. J. Turpin, president and general manager of the Beaver, Meade & Englewood Railroad Co., urging support of the Pittman-Newton recapture bill; to the Committee on Interstate and Foreign Commerce.

8108. Also, petition of the Oklahoma Division of the American Association of University Women, indorsing the Gillett resolution and the Kellogg-Briand multilateral treaty; to the Committee on Foreign Affairs.

8109. Also, petition of Concordia Mercantile Co., Concordia, Kans., indorsing House Joint Resolution 303, to amend the Hoch-Smith resolution to include the products of fisheries; to the Committee on Interstate and Foreign Commerce.

8110. Also, petition of E. N. Puckett, manager Union Equity Exchange, Enid, Okla., urging the enactment of farm-relief legislation during this second session of the Seventieth Congress; to the Committee on Agriculture.

8111. Also, petition of John Manley, general manager of the Oklahoma Wheat Growers' Association, Enid, Okla., expressing approval of House bill 15267, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8112. By Mr. JOHNSON of Texas: Petition of W. T. Stockton, president of First National Bank of Kerens, Tex., and M. L. Speed, manager of the M. L. Speed Hardware Co., of Kerens, Tex., indorsing Senate bill 4689; to the Committee on Irrigation and Reclamation.

8113. By Mr. MORROW: Petition of citizens of Colfax County, opposing House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

8114. Also, petition of citizens of Clayton, N. Mex., protesting against House bill 78, compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

8115. Also, petition of citizens of Maxwell and Clayton, N. Mex., opposing House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

8116. Also, petition of citizens of Maxwell, N. Mex., opposing House bill 78, compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

8117. By Mr. O'CONNELL: Petition of J. G. Phelps Stokes, 100 William Street, New York City, favoring the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8118. Also, petition of the Nevada Central Railroad Co., favoring the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8119. Also, petition of the Standard Wholesale Phosphate & Acid Works, Baltimore, Md., opposing the passage of legislation to place a duty on disease-freed seed potatoes imported from Canada; to the Committee on Ways and Means.

8120. Also, petition of the Guaranty Co. of New York City, N. Y., favoring additional appropriations to the Postmaster General to enforce the postal fraud laws; to the Committee on the Post Office and Post Roads.

8121. Also, petition of the General Harrison Gray Otis Post, No. 1537, Pasadena, Calif., favoring the passage of House bill 6523; to the Committee on Military Affairs.

8122. Also, petition of the Medical Society of the County of Kings, State of New York, opposing the passage of the Newton

bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8123. Also, petition of the General Federation of Women's Clubs, favoring the passage of House bill 7729 as amended by the Senate; to the Committee on Labor.

8124. Also, petition of E. F. Drew & Co. (Inc.), New York City, opposing the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8125. By Mr. QUAYLE: Petition of Medical Society of the County of Kings, protesting against the passage of the Newton bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8126. Also, petition of the Maritime Association of the Port of New York, favoring amendments to the laws through which to clothe the courts with power adequately to punish all parties found guilty of the charge of theft and pilferage; to the Committee on the Judiciary.

8127. Also, petition adopted by the board of directors of the Maritime Association of New York, protesting against the refusal of the United States Shipping Board to pay brokerage commission on coal fixtures; to the Committee on the Merchant Marine and Fisheries.

8128. Also, petition by the General Federation of Women's Clubs, in favor of the convict labor bill (H. R. 7729), as amended by the Senate; to the Committee on Labor.

8129. Also, petition of the Nevada Central Railroad Co. of New York, in favor of the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8130. Also, petition of the Illinois Valley Protective Association, Peoria, Ill., urging the passing of Senate bill 4689 and House bill 14116; to the Committee on Agriculture.

8131. Also, petition of J. G. Phelps Stokes, of New York City, urging the passage of Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

8132. Also, petition of Ed S. Vail Butterine Co., of Chicago, Ill., opposing the passage of the Haugen bill (H. R. 10958) to amend the definition of oleomargarine; to the Committee on Agriculture.

8133. By Mr. TILSON: Resolution favoring an immediate revision of the tariff law of 1922, adopted by group of several hundred business men, representing all branches of business and all sections of Connecticut, at Hartford, on December 27, 1928, as arranged by the Connecticut Chamber of Commerce; to the Committee on Ways and Means.

8134. By Mr. TINKHAM: Resolutions adopted by the St. Brendan Society at the December meeting on the racial origins clause of the immigration law; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *January 4, 1929*

(Legislative day of Thursday, January 3, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

PROPOSED COMMISSION ON PROHIBITION ENFORCEMENT

Mr. EDGE. Mr. President, as in legislative session, I ask unanimous consent to present a proposed amendment to Senate Resolution 287, introduced by the Senator from Washington [Mr. JONES], with a request that it be referred to the Committee on the Judiciary. I ask that the clerk may read the proposed substitute.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. EDGE to Senate Resolution 287, viz: Substitute for the resolution the following:

Joint resolution creating a commission to investigate the operation and enforcement of the eighteenth amendment to the Constitution and the national prohibition act

Resolved, etc., That on and after April 1, 1929, the President of the United States is authorized to appoint a special commission of nine citizens to investigate the operation and enforcement of the eighteenth amendment of the Constitution of the United States and the national prohibition act and all laws supplementary thereto. The commission is authorized and directed to organize and make a searching investigation of the system and methods of the enforcement of said amendment and laws and of the facts relating to and the causes responsible for the admitted general violations of such laws; to determine the best means and methods for correcting the situation with respect to prohibition; and to submit its report, with any recommendations desired, to the President at as early a date as practicable, but in no case later than January 1, 1930.

SEC. 2. The commission is authorized to employ and fix the compensation of such experts and clerical help, and to make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the purposes of this resolution. For the purposes of this resolution there is authorized to be appropriated the sum of $50,000 to be expended by the commission and to remain available until expended. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman. For the purposes of this resolution the commission or any member thereof is authorized to hold hearings, administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses or the production of books, papers, documents, or other evidence, or the taking of depositions before any designated individual competent to administer oaths. All governmental establishments in the executive branch of the Government are directed to furnish the commission with such available information and data as the commission may request and to otherwise cooperate with the commission.

The VICE PRESIDENT. The proposed amendment will be referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. WALSH of Massachusetts presented petitions numerously signed by sundry citizens of Pittsfield, Mass., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented the petition of Rev. James H. Tate and sundry other citizens of Fluvanna, Tex., praying that the preamble of the Constitution be amended by including therein the words "devoutly recognizing the authority and law of Jesus Christ, the Savior and King of Nations," which was referred to the Committee on the Judiciary.

Mr. SHIPSTEAD presented a petition of sundry citizens of New Ulm, Minn., praying for the adoption of Senate Resolution 242, providing for an inquiry as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

Mr. EDGE presented a communication from Mary Patterson Shelton, president of the Leonia (N. J.) Women's Republican Club, transmitting resolutions adopted by that club favoring the policy of immigration restriction, the maintenance of the national-origins quota system, and adequate measures for the national defense, which was referred to the Committee on Immigration.

CONSTRUCTION OF CRUISERS

Mr. DENEEN. I present resolutions adopted by the Chicago Association of Commerce, in favor of the passage of House bill 11526, to authorize the construction of 15 light cruisers and 1 airplane carrier. I ask that the resolutions may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

THE CHICAGO ASSOCIATION OF COMMERCE,
OFFICE OF THE PRESIDENT,
December 18, 1928.

Hon. CHARLES S. DENEEN,
United States Senate, Washington, D. C.

DEAR SENATOR DENEEN: I am requested by the executive committee of the Chicago Association of Commerce to invite your attention to the following resolution adopted Friday, December 14, 1928:

"Whereas the President of the United States in his message to Congress has called attention to the deficiency of the Navy in the matter of cruisers, and has recommended the passage of legislation designed to correct that deficiency; and

"Whereas there is pending in the Senate a bill, H. R. 11526, which has passed the House of Representatives, to authorize the construction of 15 light cruisers and 1 airplane carrier, which measure it is understood has the support of the administration: Therefore be it

"*Resolved*, That the Chicago Association of Commerce approve, indorse, and recommend the early enactment of this bill; and be it further

"*Resolved*, That the president of the association be authorized and requested to transmit copies of this resolution to the President of the United States, the Secretary of the Navy, and the members of the Illinois congressional delegation."

Thanking you for giving this matter consideration, and with the compliments of the season,

Very sincerely yours,

WM. R. DAWES, *President.*

GEORGE ROGERS CLARK

Mr. DENEEN. Mr. President, I offer an address by Mrs. Henry W. English, of Jacksonville, Ill., upon George Rogers

Clark. The anniversary of his capture of Vincennes will be celebrated on the coming February 25, 1929.

Mrs. English is past State librarian of the Illinois Daughters of the American Revolution. At present she is State registrar of the Illinois State Daughters of American Colonists. She is a prominent member of the United States Daughters of 1812 and director and treasurer of the Morgan County (Ill.) Historical Society.

I ask that this address by Mrs. English be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLEADS FOR FORGOTTEN GEORGE ROGERS CLARK—MRS. HENRY W. ENGLISH, STATE LIBRARIAN OF THE ILLINOIS DAUGHTERS OF AMERICAN REVOLUTION, GIVES INTERESTING ACCOUNT OF NATION'S MOST NEGLECTED HERO, WHOSE SESQUICENTENNIAL OF TAKING OF KASKASKIA WILL BE OBSERVED NEXT YEAR

George Rogers Clark (like his great contemporary of the Revolution) was a surveyor.

The site of George Rogers Clark's rendezvous has disappeared unmarked in the Ohio River.

His home at Clarksville was only recently indicated to the traveler. His memorials in Illinois were negligible until the erection of his statue at Quincy. Even in Vincennes there is nothing save a slight tablet reciting the fact "This was the site of Fort Sackville, captured from the British by George Rogers Clark, February 25, 1779." In this one hundred and fiftieth anniversary of the Revolution in the West, we hope to erect appropriate memorials and to educate the people about the beginning of the United States as an independent nation in the regions west of the Allegheny Mountains. At Louisville there is a movement under way to erect a lighthouse, if not on the site of Corn Island, at the entrance to the harbor in Randolph and St. Clair Counties; an organization has been incorporated for the celebration of the one hundred and fiftieth anniversary of Clark's capture of Kaskaskia. Indiana's General Assembly has imposed a tax levy which will produce something over $400,000 for the purchase of grounds near Vincennes for a park and a memorial which will tell the future generations the story of perhaps the most "heroic man" and exploit in American history. So in the future we hope to see a beautiful hall of history, a lovely park, and an exquisite old cathedral in the background overlooking the majestic Wabash and the memorial bridge connecting the Illinois country through which the intrepid Clark made his incredible march, with the Indiana country, in which he captured the British fort, holding the Northwest territory.

This bridge will be a national shrine to perpetuate the memory of George Rogers Clark, the pioneer and the spirit of the Revolution in the West.

One by one the roses of historical narrative fade and fall; now even the thrilling story of Clark's capture of Kaskaskia is shattered—for we have two written accounts of the event coming from his own pen. His letter to George Mason, written soon afterwards, and his letter to Congressman Brown, the so-called "memoir" dated in the nineties, this was suggested by Thomas Jefferson—neither mentions a ball. One refers to a noise earlier in the evening which it was thought came from a dance in the negro quarters.

Both give the picture of a little village with no garrison and a commandant who was merely a frontier agent of the English Government.

Clark says that he broke into the fort, and later refers to the commandant, Rocheblare, having retired for the night. The first mention of an officers' ball where the mirth-loving Creoles were dancing was found years after in the editorial introduction of Major Denning's journal. It was adopted by Theodore Roosevelt and given with imaginative embellishments in his Winning of the West. It has passed into tradition and is repeated everywhere without a shadow of contemporary evidence to support it.

I do not see how anyone can read the material now available without recognizing that in the expedition of George Rogers Clark in the Revolutionary struggle in the West, Kentucky, Indiana, and Illinois possess an historical legacy which is among their greatest assets. It reveals plainly the figure of the great leader who, especially in his march from Kaskaskia to Vincennes and in his capture of Fort Sackville with the garrison and the British commander of the Northwest, he rose to heights of military genius and fortitude not often equaled in human history.

That any man with a handful of followers should have established himself at Kaskaskia, in the midst of a large number of hostile Indian tribes, should have gained such a hold upon the French population as to draw 75 or more of its men to accompany him upon a march which they all believed impossible, and that a band of men could be inspired to persist in going through 250 miles and more of impassable country to Vincennes, armed only with rifles, should capture a well-built fortification defended by artillery, and that all this could be done without the loss of a single man, seems, indeed, incredible if not miraculous.

His story can not be too often told in the words of William Dudley Foulke. It would form the theme of a greater epic than Homer wrote about the wrath of Achilles and the fall of Troy. It surpasses the adventures of Aeneus, the Trojan pioneer who settled Italy. It has all the length and depth of Dantes Divine Comedy. It might be well to picture the situation that Clark found west of the Allegheny Mountains and which existed till 1777–78. Some hundreds of pioneers had crossed the Allegheny Mountains and established a few posts in Kentucky. Their little farms were clustered in clearings around primitive block houses. No Indians lived in Kentucky, but the country north of the Ohio, then a part of the Province of Quebec, there lived numerous warlike tribes, who were predisposed to destroy the white intruders, and they were supported by the British posts in Detroit as they too, hoped to destroy all whites in the West. On keeping the West open to the people of the original States hinged the future of the new Republic and perhaps the fate of all North America.

In 1777 a young man in Kentucky was pondering over this situation. George Rogers Clark was then only 24 years of age. He had, however, already risen to leadership in this "dark and bloody ground." Born of a vigorous stock in a family of good position, all his five brothers were officers in the revolutionary armies save William, who was too young. William was destined to become one of the most prominent men in the West; he was chosen with his cousin Merriwether Lewis to explore the Louisiana Purchase.

In 1772 George Rogers Clark crossed the Allegheny Mountains as a surveyor, identified his fortunes with the West. He took part in Lord Dunmore's war, in which he became one of the vouchers for the authenticity of the eloquent speech of Logan Mingo, Indian chief. He settled in Kentucky in 1775, as a deputy surveyor for the Ohio Co. While surveying and taking up land for himself he rapidly rose to leadership among such men as Harrod Henderson, Todd Kenton, Boone, and the Logans. It was Clark who organized the frontier government, went to Williamsburg and forced the Virginia Assembly to make Kentucky a separate county and to assume responsibility for its defense. Returning he took command of the military defense of Kentucky. His quick grasp of the whole situation, political and military, and his physical prowess and commanding bearing, his magnetic personality put him at 24 at the head of the embryonic Commonwealth. He became the father of the future State of Kentucky.

This masterful frontiersman, busy with the defense of the forts, the procuring of provisions, when possible, nursing the sick, dressing the wounded, burying the dead, reflected as he said "on things in general, Kentucky and the interests of the United States." This led him to lay aside every private interest and engage seriously in the war until the fate of the continent should be known.

Then almost as if by inspiration came the plan for the defense of Kentucky by the reduction of the towns of the Illinois and the Wabash, which would open a field for further actions.

Herein Clark displayed military genius of the first order, his grasp of the situation confronting him places him side by side with Nathaniel Green in his southern campaign and George Washington in his Yorktown campaign as one of the three leading military strategists in the Revolutionary War. It is possible, as Doctor Alvord suggests, that as commander of the Kentucky forces Clark may have learned that Kaskaskia would be an easy conquest and that there were those there who would help him, but this is a tribute to his command of all the elements of the situation, rather than a detraction from the originality of his conception.

Kaskaskia and Vincennes in American hands would be the surest means, if not the only means, of preventing the destruction of Kentucky, and might well be the means of wresting the country northwest of the Ohio from the British.

It was a brilliant plan, but more wonderful than the plan were the energy and skill with which it was executed. Clark had first to secure authorization from Virginia and men and supplies for the expedition. Only by hastening to Williamsburg, itself a dangerous journey, and by demonstration and persistence, which brooked no gainsaying, and with the help of Thomas Jefferson, George Mason, and George Wythe, his lifelong friends, did he finally persuade Gov. Patrick Henry and the Virginia Assembly to grant him the necessary powers and a meager supply of military stores. At that it was with only about 150 men instead of the 500 men that he thought necessary that Clark came down the Ohio River and on Corn Island, near the Falls of the Ohio, prepared for his hazardous undertaking. So daring was the enterprise, so necessary was it to take the enemy by surprise that the governor issued to Clark two sets of instructions, one public, authorizing the raising a force for the protection of the Kentucky frontier; the other secret, authorizing an expedition into the Northwest. When he revealed his true destination the greater part of one company deserted, and that number of the Army was barely brought up to 180 by recruits from the Kentucky forts.

"I knew," wrote Clark, "that our case was desperate, but the more I reflected on our weakness, the more pleased I was with the enterprise." Theodore Roosevelt in his Winning of the West, says that not another in the Revolution could have succeeded in the enterprise.

It was reserved for the far-seeing eye of Col. George Rogers Clark, then in the vigor of early manhood, to discover the situation of affairs, and for his sagacity and valor to apply the remedy. He had made

himself familiar with the relations and conditions and resources of the West.

With that intuitive genius which stamps him as the most brilliant commander of all those who obtained distinction in border warfare, "he was quick to perceive the policy required which was: to transfer the line of defense and the battle field from the settlements in Kentucky County to the territory which formed the enemies' base of supplies. To arouse sentiments of friendship among, or at least conciliate the opposition of the French inhabitants of the Northwest, and to neutralize the hostility of the savages if possible by demonstrating to them the justice of the American cause, and to accomplish what in every war is considered one of the greatest strategic successes—to turn the enemy's guns against himself."

To make what actually took place at all credible, one must constantly envisage a leadership which inspired men to do the impossible. The best description of Clark by a contemporary is given by Governor Reynolds of Illinois. "Colonel Clark himself was nature's favorite in his person as well as his mind. He was large and athletic, capable of enduring much, yet formed with such noble symmetry and manly beauty, that he combined much grace and elegance together with great firmness of character. He was grave and dignified in his deportment, agreeable and affable with his soldiers when relaxed from duty, but in a crisis when the fate of a campaign was at stake or the lives of his brave warriors were in danger, he became stern and severe. His appearance in these perils indicated without language to his men that every soldier must do his duty."

This stern yet affectionate leader started in June, 1778, to conquer the Illinois country and faced the effort with less than 180 in the face of thousands of hostile Indians and a strong, well-equipped British force. Clark left a few men and women who had accompanied the force to the falls to plant a crop and raise food on the Kentucky side of the river—this was the beginning of the city of Louisville. Then the little army rowed with double manned oars through the rapids and down the river to old Fort Massac. Thence with marvelous speed threaded the trails through swamps and wilderness for eight days to Kaskaskia; fortunately before leaving the falls Clark had received the information of the terms of the recent treaty of alliance between the United States and France. For to the French villages on the Mississippi and the Wabash France was still the fatherland. So Clark approached them, perhaps, at first as an unknown terror, but essentially as a deliverer from the military rule of their own country's enemy. The British garrison had been withdrawn from Kaskaskia and the occupation of the post was effected in the night of July 4 without fighting and without bloodshed. Though lacking in dramatic quality it was nevertheless managed with great skill and effectiveness. The British agent was captured in his bedroom peacefully sleeping, and within the next few days Cahokia and the other French settlements nearly all were occupied without resistance. Through the mission of Laffong and Father Gibault, friends of Clark, Vincennes, 200 miles away on the Wabash, acclaimed itself American and Clark stationed Captain Helmshere as his representative. In fact, Clark's little force was engulfed in meeting Indian tribes which at the least mischance would utterly overwhelm it. In his dealing with them he showed himself a past master of diplomacy and personal power unsurpassed in the annals of our history. He met truculence and stealth with courage and a bold front which his position far from justified.

He thwarted an attempted surprise to murder him, established himself at Kaskaskia, and after he had sufficiently wrought upon the people's fears he resolved to try the effect of lenity. After they had begged for their lives and homes, he abruptly said: "What! Do you mistake us for savages? Do you think Americans will strip women and children and take the bread out of their mouths? My countrymen disdain to make war upon helpless innocence. It was to protect our own wives and children that we penetrated into the wilderness and subjugated this stronghold of British and Indian barbarity and not the despicable object of plunder. We do not war against Frenchmen; the King of France, your former ruler, is the ally of the colonies; his fleets and armies are fighting our battles; the war must shortly terminate. Embrace whichever side you deem best and enjoy your religion, for American law respects the believers of every creed, protects them in their right. Now, to convince you of my sincerity, go and inform the inhabitants that they can dismiss their fears concerning their property and their families, that they can conduct themselves as usual, and that their friends who are in confinement shall immediately be released." Imagine the revulsion of feeling and the effect of such a speech by a conquering hero. They were frantic with joy and eternally his friends. Great were trials and complications of his position, yet he managed all with consummate tact and greatest address. He instructed his men to create the impression that the headquarters of his army were at the Falls on the Ohio, and that reinforcements were daily expected. Upon their arrival military operations would be resumed on an extended scale. This artifice enabled him to counteract the extensive influence of his powerful adversaries and to triumph over their superior strength. He never resorted to artifice or punishment except when driven to them by necessity. Many times rigor and harshness were kept up only to enhance the favors which his magnanimity and kindliness of disposition inclined him to grant.

Clark, unlike the English, only granted the Indians presents reluctantly, fought with them only until they were compelled to seek refuge in treaties, as a means of self-preservation. He studiously avoided making the first advances. At a council of the Indians Clark was present (September 1 at Cahokia) sitting at a table, one of the chiefs approached him bearing three bells, one emblematic of peace, the second contained the sacred pipe, and the third the fire to light it. The pipe was lighted, presented to the heavens, then to the earth, then in a big circle it was offered to all the spirits to invoke them to witness the proceedings, and finally to Colonel Clark and then other members of the council. Then the chief arose and spoke in favor of peace, after which he threw down the bloody belt and flag, which had been given to him by the English, stamped upon them as evidence of their rejection. Clark coldly replied that he would consider what he had heard and give them an answer the next day. Clark warned the chiefs not to allow their men to shake hands with the white people, as peace had not been concluded, saying it would be time to give the hand when the heart could also be given with it. This pleased the chiefs, who remarked that such sentiments showed men who did not speak with a forked tongue. They adjourned till the next day. Then they reassembled and Clark thus addressed them: "Men and warriors, pay attention to my words. You informed me yesterday that you hoped the Great Spirit had brought us together for good. I have the same hope, and trust that each party will strictly adhere to whatever is agreed upon, whether it be peace or war. I am a man and a warrior, not a councilor. I carry war in my right hand, peace in my left.

"I am sent by the Great Council of the 'Long Knives' and their friends to take possesion of all the towns occupied by the English in this country and to watch the red people, to bloody the paths of those who attempt to stop the course of the rivers, and to clear the roads for those who desire to be in peace. I am ordered to call upon the Great Fire for warriors enough to darken the land, that the red people may hear no sound but of birds which live upon blood. I know that there is a mist before your eyes. I will dispel the clouds that you may see clearly the causes of the war between the 'Long Knives' and the English, then you may judge which party is in the right; and if you are warriors, as you profess, prove it by adhering faithfully to the party which you shall believe to be entitled to your friendship."

He carefully explained the war, the causes and effects of war existing between the English and the colonies. Then concluded: "The whole land was dark, the old men bowed down their head in shame because they could not see the sun, and thus there was mourning for many years over the land. At last the Great Spirit took pity on us and kindled a great council fire at Philadelphia, planted a post, put a tomahawk by it, and went away. The sun immediately broke out, the sky was blue again, and the old men held up their heads and assembled at the fire. They took up the hatchet and sharpened it and immediately put it in the hands of our young men, ordering them to strike the English as long as they could find one on this side of the Great Water. The young men immediately struck the war post and blood was shed. In this way the war began and the English were driven from one place to another until they got weak and then hired the red people to fight for them. The Great Spirit got angry at this and caused your old father, the French King, and other great nations to join the 'Long Knives' and fight with them all their enemies.

"So the English have become like the deer in the woods, and you can see that it was the Great Spirit that troubled your waters because you fought for the people with whom he was displeased. You can now judge who is in the right. I have already told you who I am. Here is a bloody belt and a peace belt; take which you please, behave like men, and do not let your being surrounded by 'Long Knives' cause you to take up one belt with your hands while your hearts take up the other. If you take the bloody belt, you can go in safety and join your friends, the English. We will then try like warriors who can stain our clothes the longest with blood. If, on the other hand, you take the path of peace and are received as brothers by the 'Long Knives,' and then listen to bad birds that are flying through the land, you can not longer be considered men but creatures with two tongues which ought to be destroyed. As I am convinced you never heard the truth before, I do not wish you to answer before you have taken time for consideration. We will therefore part this evening, and when the Great Spirit shall bring us together again let us speak and think as men with but one heart and tongue."

The following day the council fire was kindled with more than ordinary ceremony, and the chiefs assured Clark that the Great Spirit had opened their ears and hearts to receive the truth and they believed he told them the truth, that he did not speak like other men, and that the old Indians were right when they said the English spoke with double tongues. We will take the belt of peace, cast down the bloody belt of war, call our warriors home, throw the tomahawk ir the river, and smooth the roads for your brothers.

The pipe was again lighted and the spirits called upon as witnesses and the council concluded. In this manner treaties or alliances were formed with other tribes and in a short time Clark's power was so well established that a single soldier could be sent in safety as far north as the headwaters of the streams emptying in the lakes.

In the vicinity of the lakes the British held and retained their influence. From henceforth his name was one to conjure with among the Indians and they could not be induced to attack a post which he commanded, and when he took the field the numbers of his soldiers was by this means multiplied tenfold. His enduring moral ascendency over the Indians became one of the greatest forces in revolution in the West.

Clark sent various expeditions into the Indian country, one as far as the site of the present city of Rock Island, Ill., the remotest point reached by his men in the Northwest. His fame and the terror of his name spread beyond the British posts of Detroit and Michilimachinac.

The climax of the war in the West came the next winter. Colonel Hamilton, called by Clark the "Hair-buyer General," the British commander of the West, and called the "inspirer" of the bloody Indian raids, started in October, 1778, from Detroit and proceeded slowly down the Wabash with a small army of British regulars from the King's own regiment and a host of Indians. In December he occupied Vincennes in force and rebuilt and fortified old Fort Sackville and then waited for the spring to recover the French villages on the Mississippi.

Clark's doom would have been sealed had he not risen to heights of daring and leadership which placed his name among the immortals. Clark, in view of the critical condition of the country and the extreme peril of his own situation, wrote to Gov. Patrick Henry, acquainted him with Colonel Hamilton's designs, as he had learned them from Colonel Vigo.

Parties of hostile Indians sent out by the British began to appear. Assistance from Virginia could not be obtained in time, so with the promptness which the emergency demanded, Clark resolved to help himself. Anticipating the arrival of his enemies, he commenced preparations with his own limited means to carry the war into the enemy's country, for, as he said, "I knew if I did not take him, he would take me." Vigo had told Clark that the force at the garrison numbered 80 men, 3 cannons, and some swivels, and that if Clark could attack the fort before the troops could be recalled he might recapture it. Without a moment's delay a galley was fitted out with two 4-pounders and four swivels and placed in charge of Capt. John Rogers and 46 men, with orders to reach the Wabash and force their way up the stream to the mouth of the White River, there remain until further instructions were given. His next move was to order Captain Bowman to evacuate the fort at Cahokia for the purpose of organizing a force for the expedition to proceed across by land to cooperate with the force under Captain Rogers. The French raised two companies commanded by Captains McCarly and Charleville, which, with the Americans, amounted to barely 170. On the 7th of February, only eight days after he received the news from Vincennes, this forlorn hope started to march. Many of Clark's men had returned to Virginia and to Kentucky, but with the remainder and about an equal number of Creoles, whose allegiance and devotion he had won, he immediately determined to again seize the offensive and attack Vincennes, now the pivotal point of the whole west. The boat, the *Willing*, which he sent to row up the Wabash and join in the attack on Fort Sackville, did not arrive till the fighting was over. With 130 men on February 5, 1779, he started across the prairies of southern Illinois, drenched by the rains of an unusually wet winter; they had no tents nor any shelter, but slept out in the open through the winter nights.

The officers were mounted until the going was too difficult for the horses and they had to be left behind. Most of the time they did not dare to light fires for fear of Indian attacks. Then on the 13th they came to the Little Wabash. They saw before them a vast expanse of water, such as needs no description to those who are familiar with the Wabash Valley in high flood. Then for days they went through water and ice, which not infrequently came up to their shoulders. Over the muddy prairies they had made the amazing average of 28 miles a day for 6 days, but to cross the 4 rivers and the remaining 63 miles to Vincennes took them 10 days. The last two days even the strongest men began to fail. That any man after such previous hardship could wade for hours through water up to his neck, breaking the ice before him with his sword, passes belief, yet Clark did this and brought every man he started with to the attack upon the fort.

Clark's account of his last day's desperate march through the icy water to Vincennes, February 25, 1779:

"The nearest land to us in the direction of Vincennes was a spot called 'Sugar Camp' on the opposite side of the slough. I sounded the water, finding it deep as my neck; returned with the design of having the men transported on board canoes to the camp, though I knew it would spend the whole day and coming night, as the vessels would pass slowly through the bushes. The loss of so much time to men half starved was a matter of serious consequence, and I now would have given a great deal for a day's provisions or one of our horses. When I returned all ran to hear the report. I unfortunately spoke in a serious manner to one of the officers. The whole were alarmed without knowing what I said. I viewed their confusion for a moment, whispered to those near me to do as I did. I immediately put some water in my hand, poured powder on it, blackened my face, gave the war whoop, and marched into the stream. The party immediately followed without uttering a word of complaint. I ordered those near me to sing a favorite song, which soon passed through the line, and all went cheerfully.

"I now intended to have them transported across the deepest part of the water, but when about waist deep one of the men informed me he thought he had discovered a path. We followed it and finding it kept on higher ground, without further difficulty we arrived at the camp where there was dry ground on which to pitch our lodges. The French we had taken on the river appeared uneasy at our situation and begged that they might be permitted during the night to visit the town in two canoes and to bring their horse provisions. They said that some of our men could go with them as a surety for their conduct, and that it would be impossible to leave this place till the waters, which were too deep for marching, subsided. Some of the officers believed this might be done, but I would not suffer it. I could never well account for my obstinacy on this occasion or give satisfactory reasons to myself or anybody else why I denied a proposition apparently so easy to execute and of so much advantage, but something seemed to tell me it should not be done. On the following morning, the finest we had experienced, I harangued the men. What I said I am not now able to recall, but it may be easily imagined by a person who possesses the regard which I at that time entertained for them. I concluded by informing them that, passing the sheet of water, which was then in full view, and reaching the opposite woods would put an end to their hardships, that in a few hours they would have a sight of their long-wished-for object, and I immediately stepped into the water without waiting for a reply. Before the third of the men had entered I halted and called to Major Bowman and ordered him to fall into the rear with 25 men and put to death any man who refused to march with us, as we did not wish to have any such with us. The whole gave a cry of approbation, and on we went. This was the most trying of the difficulties we experienced. I generally keep 15 of the strongest men next to myself and judged from my own feelings what must be that of others.

"Getting near the middle of the inundated plain, I found myself sensibly falling and, as there were no trees for the men to support themselves, I feared that many of the weak would be drowned. I ordered the canoe to ply back and forth and with all diligence to pick up the men; and to encourage the party, sent some of the strongest forward with orders that when they had advanced a certain distance to pass the word back that the water was getting shallow, and when near the woods to cry out, land! This stratagem had the desired effect. The men, encouraged by it, exerted themselves almost beyond their abilities, the weak holding on the stronger. On reaching the woods where the men expected land the water was up to their shoulders, but gaining the timber was the greatest consequence for the weakly hung to trees and floated on the drift till they were taken off by the canoes. The strong and all got ashore and built fires, but many of the feeble on reaching land would fall with their bodies half in the water. The latter were so benumbed with cold we soon found that fires would not restore them and the strong were compelled to exercise them with great severity to revive their circulation. Fortunately a canoe in charge of some squaws was going to town which our men captured, and which contained half of a quarter of buffalo meat, some corn, tallow, and kettles. Broth was made of this valuable prize and served to the most weakly with great care. Most of the men got a small portion, but many of them gave part of theirs to the more famished, jocosely saying something cheering to the company. We next crossed a deep but narrow lake in the canoes, and marching some distance came to a copse of timber called Warriors Island. We were now distant only 2 miles from town, which, without a single tree to obstruct the view, could be seen from the position we occupied. The lower portions of the land between us and the town were covered with water which served at this season as a resort for duck and other waterfowl.

"We had observed several men on horseback shooting them half a mile distant and sent out as many of our active young Frenchmen to decoy and take them prisoners in such a manner as not to alarm the others. Being successful in addition to the information which had been obtained from those taken on the river, the captives reported that the British had that evening completed the wall of the fort and that there were a good many Indians in the town. Our situation was truly critical. No possibility of retreat in case of defeat, and in full view of the town which at this time had 600 men in it, troops, inhabitants and Indians. The crew of our galley, though not 50 men, would have been a reinforcement of immense magnitude to our little army, but we could not think of waiting for them. Each had forgot his suffering and was ready for the fray, saying what he had suffered was nothing but what a man should bear for the good of his country. The idea of being made a prisoner was foreign to every man, as each expected nothing but torture if they fell into the hands of the Indians. Our fate was to be determined in a few hours and nothing but the inhabitants wished us well. There were many lukewarm to the interests of either party. I also learned that Grand Dooe had but a few days before openly declared in council with the British, that he was a brother and friend of the 'Long Knives.' These were favorable circumstances and

as there was little probability of our remaining until dark undiscovered, I determined to commence operations immediately."

So in the gathering dusk of February 23, Clark's force began firing on the fort. This firing was supposed to be only drunken Indians shooting, as they had saluted the fort in this manner several times.

Clark had sent this placard to the inhabitants of Vincennes, "To the inhabitants of Vincennes: Gentlemen, being now within 2 miles of your village with my army, determined to take your fort this night and such of you as are true citizens and willing to enjoy the liberty which I bring you, to still remain in your houses and those, if any there be, who are friends of the king, let them instantly repair to the fort and join the hair-buyer general and fight like men—and if the latter do not go to the fort, and shall be discovered afterwards, they may depend upon severe punishment. On the contrary, those who are true friends to liberty, may depend upon being well treated as an enemy." After this, even those friendly to the British were afraid to give warning to those at the fort. This forceful letter shows insight into human nature. Clark, of all the commanders, had the clearest and greatest insight into human nature, this faculty was so developed that he was held in awe by many and this very trait caused him to capture Vincennes as he had the other forts in Illinois, without bloodshed. We can not describe the dramatic episode of the attack, the surprise of Colonel Hamilton, the attitude of the Creoles, the capture the next day of the Indians returning from Kentucky, bringing the scalps of men, women, and children hanging from their belts, and the tomahawking the next day of these Indians, in sight of the British garrison. But so remarkably accurate was the shooting of the frontiersmen that the garrison could not use the cannon mounted on the corners of the fort. Whenever they attempted to shoot from the fort or the palisade around it, a bullet was sure to come through from the outside. Thus did Clark's men lying in the open, behind such crude shelter as they could construct, silence the fire of a well-garrisoned, well-armed fort. After a famous dramatic interview with Clark, Colonel Hamilton capitulated on February 25, 1779. The Americans took possession, sending Hamilton and his principal men to Virginia as prisoners. Never again was the British flag to fly over Vincennes, and the treaty of peace took the Northwest from the Province of Quebec and gave it to the United States.

If Virginia could have sent Clark money, supplies, and even a small reinforcement he could have reached his ultimate goal, Detroit, and he could have captured and held it. Then the Indian wars of the next 44 years would have been avoided; indeed, it is more than probable that the war of 1812 would also have been avoided, for the United States in a large part was led into this war by pressure from the West for the annexation of Canada as a protection against British support of the Indians. But this was not to be; recruits could not be sent, even the small force which he had in 1779 melted away. He was left to defend the frontier without men or supplies. The depreciated currency of Virginia became entirely worthless. Clark, Vigo, Pollock, and several others pledged all their property to secure supplies for the soldiers. The Government could not repay them. They became utterly impoverished. They had to seize food to keep from starving, and their men were reduced to almost nakedness. Here he proved his worth in the greatest rugged battle of fate, where his strength was shown by a test thousands would have shunned. His marvelously resourceful and strong character was committed to a destiny of its own.

Twice during the five years after the capture of Vincennes Colonel Clark led successful expeditions against hostile Indians in what is now Ohio, and he cooperated with the Spanish in successful resistance to the strong British expedition down the Mississippi. In December, 1780, when he went to Virginia, he took command under Baron Steuben to defend Virginia against an invasion by a British force under Benedict Arnold. In 1781 Clark became brigadier general. In 1782 he gathered a large force and marched against the Indian towns on the Miami and Scioto; five were destroyed. He participated in a successful expedition against Indians on the Wabash in 1786 and about 1794 accepted a commission as major general in the French Army against the Spanish possessions on the Mississippi, but when Genet, the French minister to the United States, who had given to him the commission, was recalled the commission was annulled. But on the whole the history of the last year of the war and of the years immediately following is a pathetic story of his heroic struggles, without support, against the British and Indian forces without and chaos in the American lines.

After the war came dastardly attacks and intrigues against Clark by James Wilkinson, his supplanter, one of the most despicable figures on the pages of American history. Land speculators whom he had opposed and offended joined in the clamor against him. His just claims for money expended were left unpaid by Virginia and ignored in the adjustment between her and Continental Congress. He paid the penalty of his hardships and exposure as did most of his men, by years of suffering and physical anguish. He sought and too often found the drunkard's temporary relief from pain and disappointment. Doctor Coleman said, "Clark drunk knew more than all the Bodleys and Dunns that ever lived." After years as an invalid his rheumatic troubles finally were added to by paralysis, which caused his death at the home of his sister in 1818. For years he had been dependent upon his brothers and sister and their families. It was a long and terrible penalty imposed upon a mind and body worn out in service such as few men ever gave to their country. Think of all the fertile, vast region northwest of the Ohio wrested from the British by the valor of this great soldier, whose technique of leadership has never been surpassed, yet he was for years swallowed by the quicksands of time and endured poverty and chill penury which froze almost every current of his noble soul. In spite of the oblivion in which he rested for a number of years, his noble, decisive character had made too large a dent upon the shield not only of his beloved United States but of civilization ever to be removed. He gave his all for his country.

The picture can not but recur, as that of a gallant ship which weathered the fiercest tempests and storms, then was left to be beaten to pieces and be abandoned on the beach. Those who saw only the hopeless wreck never understood the heroism of the fierce struggle in the gale. It has remained for later years to bring to and hold aloft before the world the incredible achievement of the march from Kaskaskia and the capture of the British headquarters in the West.

This will long remain the most glorious epic in the history of the old Northwest. George Rogers Clark, by his incredible achievements, not only proved his courage and indomitable will, personal magnetism, and invincible leadership, but common sense. Wisdom is common sense in an uncommon degree; then George Rogers Clark was one of the world's wisest men, for nine-tenths of wisdom is being wise in time; only by his quick foresight and vision was this country led to victory and preserved for the posterity of generations yet unborn. His instinct acted as a guiding star and led him unerringly in snatching the Northwest from the Province of Quebec. He seems to have followed the dictum, "One's instinct is truer than one's thought." As you recall his saying in regard to allowing some of the French to go to Vincennes for food, "I could never well account for my obstinacy on this occasion or give satisfactory reasons to myself or anybody else, but something seemed to tell me it should not be done." Like Jefferson, Clark never invited failure by neglecting obvious precaution; his motto seemed to be:

The giant of a nation's creed
Prepared,
Lest we be in another's greed
Ensnared.

The true Clark is revealed in words spoken to the people of Kaskaskia just after he took possession—for no one excelled Clark in the respect for the rights of others—he keenly felt himself the hardships which the necessity of the situation compelled him to inflict or impose upon those in his power, and he sought to rule by stratagem rather than by force or punishment.

He was an essence of magnanimity and heroism. So great were the services of Colonel Clark and his brave warriors and officers they were voted the thanks of the Virginia House of Delegates November 23, 1778, "for their extraordinary resolution and perseverance in so hazardous an enterprise, and the important service thereby rendered the country." Years afterwards Virginia sent to Clark a sword, but he felt so keenly what he considered the ingratitude of the Republic in leaving him in this obscurity and poverty that he received the compliments of the committee in gloomy silence. Then he exclaimed with his old fire, "When Virginia needed a sword I gave her one, she sends me now a toy. I want bread." He thrust the sword into the ground and broke it with his crutch. Though all the rich vast domain northwest of the Ohio was rescued to this Republic at the peace of 1783 by the consequences of Clark's powers, his inconspicuous grave in Cave Hill Cemetery at Louisville, Ky., is marked only by a little headstone bearing the letters "G. R. C." It is unkept and it is said not one dozen persons in the United States can point it out. What a great reflection upon Louisville, Ky., and the great Northwest. The rippling waters of his beautiful Ohio still murmur a requiem over the grave which holds the dust of the noblest American that ever went up and down her waters, the soldier, statesman whose tireless energy still lives in the enterprise of millions who dwell in the land he loved and defended; only the relicts of nature contend with him for the empire of the wilderness.

This American was born in Albemarle County, Va., November 18, 1752, near Monticello, the home of his beloved friend, Thomas Jefferson, and distant relative. He spent his life in Caroline County, Va., where he enjoyed not only common-school education but advantages from the noted Scotch scholar and teacher, Donald Robertson. James Madison was also one of Robertson's pupils. Our valiant hero never married but the family tradition is that he was greatly fascinated by the daughter of the Spanish Governor of St. Louis.

He paid her his most ardent addresses, but when he relieved that post after an Indian attack he observed a want of courage in the governor. He broke off his addresses to the girl and said to his friends, "I will not be the father to a race of cowards." Man is a bundle of his ancestors, and George Rogers Clark subscribed to this belief in that utterance, so I wonder if we, the daughters of Eve, have not the curiosity to see who is in George Rogers Clark's bundle?

He is a direct descendant of Eneas, King of the Scots, A. D. 100, Charlemagne, Louis IX of France, and Louis XI of France through

Hugh Capet, which gives him two lines of descent from Charlemagne. William the Conqueror and Anne Boleyn, daughter of Lady Margeret Butler, and Sir William Boleyn, whose daughter married Sir John Shelton. Anne Boleyn was the great aunt of Queen Elizabeth's mother. Anne Boleyn hid at the home of her great aunt from her persecutors at Shelton Hall, and occupied a pew in the church Sir Ralph Shelton built in 1480. Sir Ralph Shelton, the father of Sir John Shelton, was in the King's own company at the Battle of Cressy. Sir John Shelton was a Knight of the Bath, Edwards I, II, III of England. His Shelton ancestors were so nobly connected that few private families even in feudal times could surpass their opulence and alliance. Their family history is recorded in the Doomsday Book on account of its connection with royal families. Many of America's most prominent men, Col. William Byrd, of Westover, as well as John Roger, gentleman, who was born about 1680 on a ship en route from England to America. His parents settled in the tidewater section of Virginia. He married May Bird, of Westover. John died in King and Queen County, Va., in 1762, and John C. Clark, an immigrant, of King and Queen County, Va., before 1725 married Elizabeth Lumpkin; they had five children. Their oldest son, Jonathan Clark, married in 1723 Elizabeth Wilson, daughter of Lucy Rogers. Their eldest son was born in October, 1724. He married his counsin, Anne Rogers, in 1749.

Anne Rogers was the daughter of Giles Rogers and granddaughter of Mary Byrd and John Rogers. Their children were Jonathan, George Rogers, and William, three other sons and one daughter. If Col. William Byrd would only have seen into the future, he certainly would not have scorned plain John Rogers, gentleman, nor disowned his daughter, Mary, for having married him. Merriwether Lewis was also descended from the same line of Sheltons and Byrds. Even to-day this strain of blood brings us intrepid, powerful men, for Evelyn Byrd, the Arctic explorer and North Pole hero, and his brother, the present Governor of Virginia, show the power of inheritance. Through the two brothers, George Rogers and William, and their cousin, Merriwether Lewis, we are indebted for opening the way for the acquisition to our Republic of the entire region from the Mississippi Valley to the Pacific Ocean.

This country being opened and held by Clark was to produce the great westward movement which eventually pushed the frontier to the Pacific Ocean. It filled the Mississippi Valley and the far West and made the United States a continental nation and revived the blood of the whole people. But had the British and the Indians cleared the western country of American settlers and retained it as a colonial possession, the new Nation would have remained an Atlantic seaboard State, with little chance to spread its wings either materially or spiritually. Another nation, or perhaps a colony of Great Britain, would have grown rich and powerful upon the great westward movement. Appealing to adventurous Americans as did Louisiana in the hands of Spain or Texas in the hands of Mexico, and there seems to be no reason for thinking that another revolution would have come to bring about its annexation to the United States. In endeavoring to estimate the achievements of George Rogers Clark or the debt of gratitude we owe him we must consider the present state of our great Nation and the blessings we enjoy as his gifts to the United States and to us as her citizens in this mighty Northwest.

My friends, as we look back through the long vista of years upon such men we almost recoil from the obligations they imply. Their visions must be realized; we must fulfill the longing of their hearts, these champions of truth. There are no more continents to conquer, but let us live in the duties and blessings of our great citizenship as those to whom has been left this magnificent trust, as those who are conscious of an unreckoned debt to a heroic past, the grand and solemn lineage whose freedom runs back beyond Bunker Hill or the *Mayflower*, not forgetful of the lessons and duties of the hour. But by all the memories of the past, by all the impulses of the present, by all the noblest instincts of our souls, by a touch of His sovereign spirit upon us, may God make us faithful and worthy of our heritage.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS (by request of the Attorney General):

A bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.) (with accompanying papers); to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 5182) granting an increase of pension to John Rose; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5183) granting a pension to Gertrude F. DuBois; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5184) granting an increase of pension to Mary M. DePew (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5185) authorizing the Secretary of War to modify the contract for the sale of the St. Johns Bluff Military Reservation, Fla.; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 5186) for the relief of Louisa Z. Ozborn and minor children (with accompanying papers); to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 5187) to exempt from taxation certain property of the National Society of the Sons of the American Revolution in Washington, D. C.; to the Committee on Finance.

By Mr. SACKETT:

A bill (S. 5188) granting an increase of pension to Cora B. Keltner (with accompanying papers); and

A bill (S. 5189) granting an increase of pension to Nannie Curry (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5190) granting an increase of pension to Willard M. Girton; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5191) granting a pension to Harlow Hewett; and

A bill (S. 5192) granting an increase of pension to Rue S. Donnohue; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; to the Committee on the Judiciary.

A bill (S. 5194) authorizing Richard H. Klein, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Susquehanna River at or near the Borough of Liverpool, Perry County, Pa.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 5195) for the relief of Don A. Spencer; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 5196) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma Mesa auxiliary projects, and for other purposes"; to the Committee on Irrigation and Reclamation.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 184) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes; to the Committee on Indian Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. JONES submitted an amendment proposing to increase the appropriation for market news service in connection with the production, transportation, marketing, and distribution of farm and food products, from $1,227,000 to $1,262,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COUNTING OF THE ELECTORAL VOTE

As in legislative session,

Mr. SHORTRIDGE submitted the following concurrent resolution (S. Con. Res. 28), which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1929, at 1 o'clock p. m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declara-

tion of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KOPP, Mr. ZIHLMAN, and Mr. CONNERY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.,; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

FINAL ASCERTAINMENT OF ELECTORS

As in legislative session,

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainments of electors for President and Vice President in the States of California, Connecticut, Florida, Illinois, Indiana, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, and Texas, at the election held November 6, 1928, which were ordered to lie on the table.

CONSTRUCTION AT THE MILITARY ACADEMY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. MCMASTER, and Mr. FLETCHER conferees on the part of the Senate.

BRIEFS IN RAILROAD VALUATION CASE

Mr. NORRIS. Mr. President, I have here the briefs which have been filed in the so-called O'Fallon valuation railroad case now being argued in the Supreme Court, probably the most important law suit that has ever been tried in the history of the world. I am informed by one of the attorneys, who prepared one of the briefs, and also by a representative from the office of the clerk of the Supreme Court that demands for copies of the briefs are coming from all over the United States, from colleges, students, economists, and attorneys generally, and that they are unable to supply the demand. I therefore ask that the briefs be printed as a Senate document, all in one document.

Mr. SACKETT. Mr. President, may I inquire if that includes the briefs on both sides?

Mr. NORRIS. It includes all the briefs. It includes the brief for the appellant railway companies; that is, the St. Louis & O'Fallon Railway Co. and the Manufacturers' Railway Co.; the brief for the United States; the brief for the Interstate Commerce Commission; the brief on behalf of the National Conference on Valuation of American Railroads, as Amicus Curiae; also a similar brief on behalf of the Great Northern Railway as Amici Curiae; and a reply brief from the railroads. I am asking that they may all be printed together in one document.

Mr. GOFF. How many copies are to be printed?

Mr. FLETCHER. The number would be limited.

Mr. NORRIS. In my judgment there will probably be a demand later on for a reprint of the document, though there may not be. We can get a reprint in case the demand continues as it seems to be progressing now.

Mr. FESS. Mr. President, I hope there will be no objection to the request because this is the case that will decide the item of the recapture clause in the 1920 law which has been suspended. I have examined one of the briefs, and I think it is very important.

Mr. NORRIS. It will be an expensive document, it is true. I hold the briefs in my hand for Senators to see.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. BINGHAM. Mr. President, my recollection is that under the rule of the Senate all requests of this kind should be referred to the Committee on Printing, and the Committee on Printing is ordered by the rule to secure an estimate of cost from the Public Printer for a certain number of copies that are authorized to be printed.

Mr. NORRIS. My recollection is that that is true where the amount of the cost is liable to be more than a certain sum.

Mr. SMOOT. The amount will be more than that sum in this case.

Mr. NORRIS. I am inclined to think so; in fact, I have no doubt that the amount of money required to print the briefs as a Senate document will exceed the amount stated in the law.

Mr. SMOOT. I have no objection to the printing of the briefs as a Senate document.

Mr. NORRIS. I do not think there will be any delay on the part of the Committee on Printing. A delay would be serious, because now is the time when students of the subject all over the United States are trying to get copies of the various briefs.

Mr. FLETCHER. I think we can by unanimous consent order the printing, and any request for additional copies may be referred to the Committee on Printing to ascertain the cost.

Mr. SMOOT. I think it is best to send the request to the Committee on Printing, because the House would want a certain number of copies. I believe before the printing is done we ought to find out how many copies shall be printed, so that we may determine how many shall be allocated to the Senate and how many to the House.

Mr. NORRIS. The chairman of the Committee on Printing is not present at the moment. I have no objection to taking that course, with the understanding that there will be no delay.

Mr. FLETCHER. It is just a question now of making it a public document, and we can determine later on about the number.

Mr. GOFF. Mr. President, I would like to ask the Senator from Nebraska if there will be a proportionate allocation to the Members of the Senate so that they can meet the requirements of their respective State bars?

Mr. SMOOT. If the matter goes to the Committee on Printing, when they report it out they can fix upon the number of copies required, and then the allocation will be made between the Senate and the House, and the number allotted to the Senate is always distributed among the Senators.

Mr. GOFF. With that understanding, I have no objection.

Mr. NORRIS. I have no objection to having my request referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it will be so referred.

RESTRICTION OF IMMIGRATION

Mr. BLEASE. Mr. President, I ask unanimous consent to have inserted in the RECORD two letters written by Secretary of Labor Davis in regard to two bills which I have introduced relative to immigration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
January 4, 1929.

Senator COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I send you herein copy of the report that has come to me from the Secretary of Labor upon your bill S. 5093. I also inclose report from Secretary Davis upon your bill S. 5094.

Sincerely yours,

HIRAM W. JOHNSON, *Chairman.*

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 2, 1929.

Hon. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your letter of December 26, 1928, inclosing a copy of Senate bill 5093, by Senator BLEASE, "To authorize the issuance of certificates of admission to aliens, and for other purposes," I have to make the following comment: The general demand on the part of aliens for the issuance of certificates of admission as

proposed in S. 5093 is indicated in the very large number of requests from aliens for a certificate since the adoption by this department of the granting of identification cards to presently arriving aliens, which is done under section 1 of the naturalization act of June 29, 1906.

The section of the naturalization act referred to provides that immigration officials at ports of entry shall record certain information concerning each alien arriving in the United States, and it is likewise provided that it shall be the duty of such immigration officers to cause to be granted to arriving aliens a certificate "of such registry."

It is understood that following the passage of this legislation admitted aliens were supplied with a simple certificate of registry, but for one reason or another this practice was soon abandoned, and for a good many years certificates of arrival were furnished only in connection with naturalization proceedings, and then not directly to the alien concerned.

The department and Bureau of Immigration have long believed that aliens who are admitted to the United States, either permanently or temporarily, ought to be supplied with some evidence of their status as residents of the United States under the immigration laws. Accordingly a system of stamping passports was adopted in the case of visitors entering the United States temporarily, and beginning with July 1, 1928, a more elaborate certificate of admission has been issued to every alien permanently admitted as an immigrant. This certificate, which is known as an "immigrant identification card," is prepared in part at the American consulate where a visa is issued and is completed by an immigration officer when final admission is made at port of arrival. These cards are prepared with a view to preventing forgeries so far as that is possible. They contain certain essential data, including the photograph of the immigrant. They are issued in duplicate, such duplicate being permanently filed in the Bureau of Naturalization in Washington.

Without question the identification card is a document of great value to lawfully admitted immigrants. Their possession facilitates naturalization proceedings and otherwise enables the holder to establish his status as a lawful resident. Moreover, the duplicates afford the department a highly valuable and convenient card-index record of aliens who have been admitted for permanent residence. Finally it is felt that the issuance of the identification card to arriving immigrants is in strict compliance with section 1 of the naturalization act already referred to. There is ample evidence that the identification cards are appreciated by those to whom they have been issued since the system was inaugurated in July last. This is in part evidenced by the fact that there has been a very considerable demand for similar certificates from immigrants who were admitted prior to July, but no provision has been made for the issuance of documents of any kind in such cases.

The proposed legislation, if enacted, would enable the Commissioner General of Immigration, with the approval of the Secretary of Labor, to provide aliens who are lawfully resident in the United States with certificates of admission or residence similar to those now issued to arriving immigrants. As already pointed out, the naturalization law evidently contemplates that some such document shall be issued to arriving aliens, but that having been neglected, some doubt has been raised as to whether the department would be justified under the law in providing every legally resident alien who might apply with a similar document. The proposed legislation, if enacted, would, of course, remove all doubt in this regard and, moreover, would through the charge of $3 for each certificate issued reimburse the Government, it is believed, for the expense that would necessarily be incurred in putting the proposed system into effect.

Sincerely yours,

JAMES J. DAVIS.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 2, 1929.

Hon. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your letter of December 26, 1928, requesting the views of this department respecting S. 5094, a bill by Senator BLEASE, "making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," I have to state that in our opinion the enactment of the law proposed would be of material assistance in the administration of existing immigration laws.

It is academic that no prohibitive law can successfully be enforced without a deterrent penalty. The fact that possible deportation is not a sufficient deterrent to discourage those who seek to gain entry through other than regular channels is demonstrated by the frequency with which this department is compelled to resort to deportation proceedings for the same alien on several succeeding occasions. Unfortunately, however, no statistics as to the number of instances in which deportations have been repeated have been kept. Many of the aliens who are required to be deported enter as seamen, and it goes without saying that deportation as passengers aboard regular passenger steamers is no penalty in this class of cases. In any event, an alien deported at Government expense under the present procedure is not subject to any more difficulties or embarrassment than before the first successful attempt to enter the country unlawfully.

Aside from the sexually immoral and members of the anarchistic and similar cases there is nothing in the immigration laws which penalizes aliens for reentering the United States unlawfully after they have been deported at considerable expense to the Government. The enactment of a law imposing a penalty is recommended.

Sincerely yours,

(Signed) JAMES J. DAVIS.

ARMY PROMOTION SYSTEM

Mr. REED of Pennsylvania. Mr. President, there has been considerable discussion about the projected change in the promotion system in the Army. The Army and Navy Journal has taken a poll of all of the officers in the service. The result of the poll is contained in a letter from the managing editor of the Journal, dated on yesterday, which I send to the desk; and, as in legislative session, I ask that it may be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARMY AND NAVY JOURNAL,
Washington, D. C., January 3, 1929.

Hon. DAVID A. REED,
Chairman Military Affairs Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your request I have the honor to submit the following data obtained as a result of the Army and Navy Journal's survey on promotion. This survey was undertaken by the Army and Navy Journal as an independent agency to ascertain the real individual sentiment of officers of the Army on the subject of promotion and the basic principles proposed for the relief of the present situation.

The general response to newspaper polls, no matter how vital the subject, totals from 10 to 20 per cent, we are reliably informed. The replies to the journal's survey, therefore, are indicative of the tremendous interest and desire of the Army for action this session, as over 50 per cent of the officers of the Army have responded to date. Except on enforced separation the ratio in favor of a separate bill embodying the basic principles outlined is more than 11 to 1. Officers at all posts in the United States, Panama, and Hawaii have sent in their replies. No Philippine returns have as yet arrived. They are expected to bring the total to more than 6,000, or about 60 per cent of the officers on the promotion list of the Army. No effort was made to canvass the Chaplain or Medical Corps as these officers have separate promotion lists of their own.

The responses from officers in the "hump," composed of captains and first lieutenants of promotion list branches, was greater than the general response, averaging about 54 per cent to date. Following is an analysis of the responses from these officers:

Captains and first lieutenants of promotion list branches

	Yes	No	Failed to indicate
Do you favor:			
(a) Promotion after a stated number of years' service in each grade	2,947	32	73
(b) Advancement of officers at prescribed periods without rigid regard to number in grades	2,732	95	125
(c) Reduction of "hump" by—			
(1) Retirement of lieutenant colonels as colonels after 26 years' service	2,887	33	132
(2) Retirement of officers appointed July 1, 1920, or prior to that date with suitable compensation upon own application	3,095	37	70
(3) Removal of restrictions on retired officers for holding office or employment	3,155	37	60
(4) Enforced separations	398	2,758	96
(5) Voluntary separations	3,076	76	100
(d) A separate bill to secure passage of these principles	2,724	252	276

The attention of your committee is called to the fact that the results recorded in question (d) "Do you favor a separate bill to secure passage of these principles?" indicate that over 90 per cent of the officers in all grades who gave an opinion unmistakably indicated their desire for action to accelerate promotion this session. These principles are the "noncontroversial" ones and would benefit the Army as a whole. The officers, in their comments, show that they favor the passage of a measure embodying these alone, if "controversial" principles included in pending bills threaten to block action this session. Following is an analysis of general replies:

All grades and branches

	Yes	No	Failed to indicate
Do you favor:			
(a) Promotion after a stated number of years' service in each grade	4,977	583	148
(b) Advancement of officers at prescribed periods without rigid regard to number in grades	4,534	940	234
(c) Reduction of "hump" by—			
(1) Retirement of lieutenant colonels as colonels after 26 years' service	4,715	737	256
(2) Retirement of officers appointed July 1, 1920, or prior to that date with suitable compensation upon own application	5,231	309	168
(3) Removal of restrictions on retired officers for holding office or employment	5,525	91	92
(4) Enforced separations	804	4,682	222
(5) Voluntary separations	5,336	140	232
(d) A separate bill to secure passage of these principles	4,768	424	516

The results in this group of officers are practically the same as the results of the officers in the "hump." There is also indicated an overwhelming sentiment among all officers of the Army for the principles (other than enforced separation) of promotion as embodied in the survey.

The survey clearly shows that the question of greatest concern to retired officers is that of removal of restrictions on their employment. Almost 97 per cent of the votes cast were in favor of such removal.

A great number of cards, mostly in the grades of captain and lieutenant, contained comment upon the matter of pay, which is entirely outside the scope of this survey. Many officers of all grades entered remarks indicating the necessity for higher pay. These comments are so generally distributed throughout the various grades and branches and are so forcefully presented that congressional relief in the matter of pay appears to the Army and Navy Journal to be a vital necessity for the welfare and efficiency of the Army, which should be cared for as well as the question of promotion.

Appended are tabulations showing (1) total returns by branches, (2) tabulation by branches and grade.

Should any further information be desired, the Army and Navy Journal will be pleased to furnish it.

Sincerely yours,

BERTRAM KALISCH,
Managing Editor.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, on yesterday morning I gave notice to the Senate that I would call up this morning Senate bill 5022, which provides for an increase in the number of copies of the CONGRESSIONAL RECORD allotted to each Senator and each Member of the House.

Mr. BORAH. Mr. President——

Mr. HEFLIN. This measure has been unanimously reported by the Committee on Printing, and an agreement was had in the committee cutting the number down from 300 to 150 for each Senator and to 100 copies for each Member of the House. A Senator now gets only 88 copies for distribution in his entire State. Each Member of the House gets only 60 copies. Before Christmas the Senator from Utah [Mr. SMOOT] asked me to let the matter go over until he could get certain information and stated he would have that information ready after the Christmas recess. It was my understanding that he would have it ready on yesterday, but he then asked to have the matter go over until to-day.

Mr. SMOOT. Oh, yes; I had the information ready. The Senator is mistaken.

Mr. HEFLIN. Senators heard me state that the Senator from Utah had gone from the Chamber and that he asked that the matter might go over until he could be here this morning, and I yielded to his request. Now the Senator is not ready this morning to go on with the measure. It ought to be passed. The people of the United States are entitled to know what is going on in Congress, and I submit that it is a crying shame that they are not allowed to get the CONGRESSIONAL RECORD and to read the proceedings of this body and the other House. Eighty-eight copies of the RECORD to each Senator for his entire State is ridiculous. I want the Senate to pass on the question whether or not they will have this number increased. If the Senator from Utah is not ready to go on with it, I want to fight it out with him on the floor of the Senate.

Mr. BORAH. Mr. President, let me say to the Senator from Alabama that we are proceeding now as in open executive session, and I should not want to yield to return to legislative session at this time to dispose of the measure to which he refers. As we are now in open executive session, I would like to proceed with the business before the Senate.

Mr. HEFLIN. I gave notice yesterday morning in the Senator's presence, and I thought he would yield to us this morning to go ahead with this matter for a little while. It will take only a short time.

Mr. BORAH. I hope the Senator will not insist on going ahead while we are proceeding as in open executive session.

Mr. HEFLIN. We could consider it as in legislative session.

Mr. BORAH. Yes; we could, but I think the Senator from Utah is not ready to proceed at this time.

Mr. HEFLIN. I want to say to the Senator from Idaho that the longer the matter is delayed, the longer it will be before the people in the States who are writing in for the RECORD can get on the mailing list. The sooner the measure is passed the better it will be.

Mr. BORAH. If the matter can be voted upon without debate, I shall not object.

Mr. SMOOT. Mr. President, I want to say to the Senator from Alabama that if the amendment has been agreed to by the chairman of the committee, this is the first time I have heard that the Senator had yielded——

Mr. BORAH. Mr. President, if there is going to be debate, I object and call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Senator from Idaho is entitled to the floor.

Mr. HEFLIN. Mr. President, I make the point of no quorum. That is the regular order now.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McKellar	Shortridge
Bayard	George	McLean	Smoot
Bingham	Gerry	McMaster	Steck
Blaine	Glass	McNary	Steiwer
Blease	Glenn	Mayfield	Stephens
Borah	Goff	Neely	Swanson
Brookhart	Gould	Norbeck	Thomas, Idaho
Broussard	Greene	Norris	Thomas, Okla.
Bruce	Hale	Nye	Tydings
Burton	Harris	Overman	Vandenberg
Capper	Hastings	Pine	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Mo.	Walsh, Mont.
Curtis	Heflin	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. The junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. MCKELLAR. My colleague the junior Senator from Tennessee [Mr. TYSON] is absent on account of illness in his family. I should like to have this announcement stand for the day.

Mr. WAGNER. I wish to announce that the senior Senator from New York [Mr. COPELAND] is unavoidably absent because of illness in his family.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Idaho.

Mr. HEFLIN. Mr. President, with the permission of the Senator from Idaho, I should like to say that the senior Senator from Utah [Mr. SMOOT] did not understand that we had agreed in committee to cut the number of CONGRESSIONAL RECORDS set out in the bill to be allotted to each Senator from 300 to 150 and the number allotted to each Member of the House of Representatives from 150 to 100 copies. We did agree on that. In order to get some increase I accepted the compromise as suggested. The bill has been unanimously reported with that understanding. The Senator from Utah did not seem to understand that we had done that, but thought the number was to be 300 copies to each Senator.

Mr. BORAH. Is the Senator from Utah ready for a vote on the bill?

Mr. SMOOT. I am perfectly willing to vote upon the proposition to make the number for each Senator 150, but not to make it 300.

Mr. HEFLIN. We have accepted the suggestion to make the number of copies for each Senator 150.

Mr. BORAH. Then let us have a vote.

Mr. HEFLIN. I ask unanimous consent, as in legislative session, that the Senate proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole and in legislative session, proceeded to consider the bill (S. 5022) to amend sections 183 and 184 of chapter 6 of title

44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, which was read, as follows:

Be it enacted, etc., That sections 183 and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, be amended to read as follows:

SEC. 183. CONGRESSIONAL RECORD; daily and permanent forms.—That the public proceedings of each House of Congress, as reported by the official reporters thereof, shall be printed in the CONGRESSIONAL RECORD, which shall be issued in daily form during each session and shall be revised and bound, as may be directed by the Joint Committee on Printing, in permanent form, promptly at the close of each session. The daily and permanent RECORD shall bear the same date, which shall be that of the actual day's proceedings reported therein.

Same; maps, diagrams, etc.: No maps, diagrams, or illustrations shall be inserted in the RECORD without the approval of the Joint Committee on Printing. All requests for such approval should be submitted to the Joint Committee on Printing through the chairman of the Committee on Printing on the part of the Senate or of the House, in whichever the speech is desired to be illustrated may be delivered, and no maps, diagrams, or illustrations shall be inserted that exceed in size a page of the RECORD.

Same; gratuitous copies; distributions: The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto:

To the Vice President and each Senator, not to exceed 150 copies; and to the Secretary and Sergeant at Arms of the Senate, each, 20 copies; to the Secretary, for office use, 20 copies; and to the Sergeant at Arms of the Senate, for use on the floor of the Senate, 40 copies; to each Representative, Delegate, and Resident Commissioner, not to exceed 100 copies, and to the Clerk, Sergeant at Arms, and Doorkeeper of the House, each, 20 copies; and to the Clerk, for office use, 35 copies; and to the Clerk, for use on the floor of the House of Representatives, 50 copies, and all of the foregoing shall be supplied daily as originally published. Each order for the daily RECORD shall begin with the current issue thereof, if previous issues of the same session are not available.

Of the bound edition there shall be printed and delivered to the folding room of the Senate not to exceed 8 copies for the Vice President and each Senator, and to the folding room of the House of Representatives not to exceed 5 copies for each Member, Delegate, and Resident Commissioner; to the Secretary and Sergeant at Arms of the Senate, each, 2 copies; and to the Clerk, Sergeant at Arms, and Doorkeeper of the House, each, 2 copies.

To the Vice President and each Senator, Representative, Delegate, and Resident Commissioner there shall be furnished (which shall not be transferable) 4 additional copies of the daily RECORD, 1 to be delivered at his residence, 1 to his office, 1 at the Capitol, and 1 to be reserved by the Public Printer in unstitched form to be bound promptly in paper and delivered to each Member, Delegate, or Resident Commissioner when each semimonthly index shall be issued; to each standing committee of Congress, one daily and one semimonthly copy.

To the President, for use of the Executive Office, 10 copies of the daily and 1 bound copy.

To the Chief Justice and each of the Associate Justices of the Supreme Court of the United States, the marshal and clerk of the said court, 2 copies of the daily and 1 bound copy.

To the governor of each State and Territory, 1 copy of the daily and 1 bound copy.

To the office of the Vice President and Speaker of the House, each, 4 copies of the daily and 1 semimonthly copy.

To the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and foreman of the folding room of the Senate and House, respectively, and to the two Assistant Sergeants at Arms of the Senate, each, 1 copy of the daily.

To the Official Reporter of the Senate and each of his assistant reporters, and to the official reporters of debates of the House, and the assistant, each, 2 copies of the daily and but 1 semimonthly copy and 3 bound copies to each of these offices.

To the stenographers to committees of the House, 4 copies of the daily and but 1 semimonthly copy.

To the superintendent of the Senate and House document rooms, each, 3 copies of the daily, 1 semimonthly, and 1 bound copy.

To the legislative counsel of the Senate and House and the Architect of the Capitol, each, 3 copies of the daily and 1 semimonthly copy.

To the Senate and House libraries, each, 3 copies of the daily, 1 semimonthly copy, and not to exceed 15 bound copies.

To the Library of Congress 125 bound copies for its own use and international exchange and 10 copies of the daily RECORD for its own use, as provided in section 139 of title 44, and such number of copies of the daily RECORD as may be required, not exceeding 100 copies, for distribution under section 186 of title 44.

To the library of each executive department, independent office, or establishment of the Government in Washington, D. C., except those designated as depository libraries; the Naval Observatory, and the Smithsonian Institution, 1 bound copy.

To the Soldiers' Home and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes established for either Federal or Confederate soldiers, 1 copy of the daily.

To the Superintendent of Documents, as many bound copies as may be required for distribution to depository libraries.

To each of our legations abroad, 1 copy of the daily, to be sent through the Secretary of State.

To each foreign legation in Washington whose government extends a like courtesy to our legations abroad, 1 copy of the daily, to be sent through the Secretary of State and furnished upon his requisition.

To each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal use and that of the paper or papers he represents, 1 copy of the daily CONGRESSIONAL RECORD and 1 copy of the bound CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press or elsewhere in the city of Washington, as he may direct: *Provided*, That not to exceed 2 copies in all shall be furnished to members of the same press bureau.

To the superintendent of the press gallery of the Senate and House, for office use, each, 2 copies of the daily, 1 semimonthly copy, and 1 bound copy.

To the Governor General of the Philippine Islands at Manila, 10 copies of the daily RECORD as provided in section 164 of title 44.

The Public Printer is authorized to furnish to subscribers the daily RECORD at $8 for the long and $4 for the short session, or $1.50 per month, payable in advance. The "usual number" of the CONGRESSIONAL RECORD shall not be printed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BURTON. Mr. President, I should like to ask a question for information in regard to this matter. May I ask the Senator from Alabama what number of copies of the CONGRESSIONAL RECORD it is contemplated shall be reserved to be bound in permanent form?

Mr. HEFLIN. I do not think there is any change proposed in the bill as to that.

Mr. FLETCHER. The Senator will see that on page 3 of the bill it is provided that of the bound edition eight copies are allotted to each Senator and not to exceed five copies for Members of the other House.

Mr. SHIPSTEAD. If the Senator will permit me, I desire to state that the number of bound copies of the RECORD under the proposed law will be the same as it now is. Senators will have eight sets of the bound RECORD and Members of the other House will have five copies.

Mr. SMOOT. There is no change proposed in that respect. The pending measure is the same as the existing law.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BORAH. Mr. President, when the discussion ended last evening at the close of the session we had under consideration the effect of the pending peace treaty upon the Monroe doctrine. I had not intended to discuss that feature of the subject in my opening remarks upon the treaty, but since questions relating to it have been submitted and it is now before the Senate I think I may conclude what I have to say in regard to that particular subject.

As I understand, the Monroe doctrine rests upon the principle of self-defense; that is the theory upon which it was promulgated and that is the theory upon which it has been maintained. As it is conceded under this treaty that each nation has the right of self-defense and to determine for itself what constitutes self-defense, it is my opinion that the Monroe doctrine is in no wise embarrassed or curtailed, and neither is the Government of the United States embarrassed in the maintenance of the Monroe doctrine.

A brief reference to the message itself originally announcing this doctrine is sufficient to sustain the theory upon which the Monroe doctrine rests. Mr. Monroe said:

> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * We could not view any interposition for the purpose of oppressing

them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.

The circumstances under which the Monroe doctrine was announced will be recalled. Certain European powers, then operating largely under an organization known as the Holy Alliance, were engaged either in preventing the independence of South American countries or in destroying the independence of those which had been successful in achieving it. The very basic purpose of the Holy Alliance, notwithstanding it was originally announced as a peace organization, was to destroy all forms of free government. Its great object was to establish and maintain despotic forms of government. Not only, therefore, was the encroachment upon the western continent by the European powers deemed injurious to the United States or a menace to its peace and safety as a general proposition, but the particular philosophy or policy of those who at that time were carrying on this program was deemed especially dangerous to our peace and welfare.

The original purpose of the Monroe doctrine has since been maintained. I am one of those who believe that the Monroe doctrine has been wrenched from its original moorings in many respects, but, nevertheless, it has always been contended that whatever we have done under that doctrine we have done upon the theory of self-defense or for the security and safety of the Nation.

Mr. GLASS. Mr. President——

Mr. BORAH. I yield to the Senator from Virginia.

Mr. GLASS. With respect to an accurate definition of the Monroe doctrine and its scope, I should like to propound an inquiry to the chairman of the Committee on Foreign Relations. Recently there was friction between two South American countries, both of them members of the League of Nations. Suppose, under article 10 of the league covenant, there had been consideration of the question as to how the league would proceed with reference to that quarrel, and it had been determined by the league to interfere in a coercive way against, perhaps, we might say, the offending nation party to the quarrel. What would have been the attitude of the United States toward a decision of that sort, under the Monroe doctrine?

Mr. BORAH. Mr. President, I would hesitate to answer that question offhand; but, in my opinion, the Monroe doctrine would not be infringed or challenged by any effort upon the part of foreign governments amicably or peacefully to arrange the difficulties of two South American countries. If the foreign governments were solely interested in the question of establishing peace between two South American countries, and not in any sense interested in establishing themselves in South or Central America or destroying South or Central American governments, I do not see how the Monroe doctrine would be in any way challenged.

Mr. GLASS. I can not either; but I wanted to be assured as to that.

Mr. CARAWAY. Mr. President, may I ask the Senator from Idaho a question if the Senator from Virginia has concluded?

Mr. GLASS. The Senator may proceed.

Mr. CARAWAY. I want to vote for the ratification of the treaty, but I want to know just where we are going in view of the answer to the question just asked by the Senator from Virginia. Would it be possible for foreign nations to coerce one of the governments referred to and make it yield to the other under the claim of bringing about a peaceful settlement of their controversy?

Mr. BORAH. As I have said, I hesitate to answer that kind of a question. I do not understand that the Monroe doctrine would inhibit a foreign government from undertaking to arrange the difficulties of two South American countries. When it is undertaken to employ the doctrine of force, however, or to coerce one of such governments, there is a possibility involved of the violation of the Monroe doctrine which undoubtedly would interest the United States.

Mr. CARAWAY. The reason I am asking the Senator the question is that one nation at least in its correspondence preceding the ratification of this treaty referred to its obligation under the treaty of Versailles. Under that treaty, of course, if the league should decide to act, force could be used, blockades could be maintained, and so on.

Mr. SWANSON. Mr. President, if the Senator will permit an interruption there, as I understand, the covenant of the League of Nations specifically excludes the Monroe doctrine from its operation. Is not that true?

Mr. BORAH. That was the intention; yes.

Mr. SWANSON. That is what we insisted upon as a condition of going into the league.

Mr. GLASS. But what I am trying to get at is, What is the application of the Monroe doctrine to the case that I stated? I do not think it has a thing in the world to do with it; but I wanted to educe the opinion of the chairman of the Committee on Foreign Relations.

Mr. BORAH. The purpose of the Monroe doctrine, as I understand it, was to prevent European powers from taking possession of the territory of South America——

Mr. GLASS. Exactly.

Mr. BORAH. Or demolishing or breaking down the governments of South America, and establishing on the South American continent their own government or their own control. So long as the purpose of European governments is free from those propostions, I do not know of anything in the Monroe doctrine that would inhibit them from taking part in a peaceful adjustment of South American affairs.

Mr. CARAWAY. Pardon me; I do not understand from the statement of the Senator from Virginia that the foreign governments would——

Mr. REED of Missouri. Mr. President, we are unable to hear what is being said. We should like to hear this colloquy.

Mr. CARAWAY. Personally, I had put this one question.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. CARAWAY. All I was trying to do was merely to clarify the answer of the Senator from Idaho. I did not quite follow him. If, under the treaty of Versailles, the league should use force—either commercially or the force of arms—to bring about a settlement between South American countries, of course to that extent it would infringe the liberty of those nations. Did I understand the Senator to say that that would not be a violation of the Monroe doctrine?

Mr. BORAH. I said that the Monroe doctrine had for its purpose——

Mr. CARAWAY. I understand its purpose.

Mr. BORAH. I would not undertake to say that a particular situation did not challenge the Monroe doctrine until I knew what all the facts were; but if the nations were engaged in an effort to adjust amicably differences between them, and not in an effort to satisfy their own ambitions or to satisfy their own interests or to establish themselves on the South American continent, I do not see how the Monroe doctrine would interfere.

Mr. CARAWAY. I do not, either, under that statement; but what I am coming to is this: If they may use force to compel a South American nation to accept an agreement, they do establish themselves to that extent upon the Continent of South America, do they not?

Mr. BORAH. No; not necessarily.

Mr. CARAWAY. Why, Mr. President, under the Monroe doctrine we even objected to their taking charge of the customs down in Venezuela to collect foreign debts.

Mr. BORAH. Yes; we objected. But we have not always objected to foreign governments collecting their debts.

Mr. CARAWAY. And we prevented its being done.

Mr. BORAH. We did in some instances. We have done many things under the Monroe doctrine.

Mr. CARAWAY. Even holding elections down there under the Monroe doctrine?

Mr. BORAH. Yes. I presume it was claimed to be under the Monroe doctrine.

Mr. CARAWAY. Well, of course——

Mr. BORAH. Let me say this, and then I will yield to the Senator further: Without, of course, objecting to the question, I do not feel that this question has any relevancy to the treaty before us, for this reason: Whatever the Monroe doctrine is, and whatever we decide the Monroe doctrine to be from time to time, based upon the principle of self-defense, we are just as free to decide and just as free to execute under this treaty as if no treaty had been made, for the reason that the Monroe doctrine is simply an extension of our system of self-defense. Now, we may misconstrue the Monroe doctrine. We may have done so in the past. This treaty will not prevent the misconstruction, in all probability, if we base it upon the proposition that we are acting under it and acting in defense of our interests.

Mr. CARAWAY. I am inclined to agree with the Senator about that. The thing I wanted to be perfectly clear about was that it was not in the mind of the chairman of the Committee on Foreign Relations that we were conceding to other

people a power to act in South America in connection with this treaty.

Mr. BORAH. No; I do not think this treaty gives them any more right to act than if the treaty did not exist.

Mr. CARAWAY. We are not, then, by our very discussion of it, making any concession that they have any power to coerce South American nations?

Mr. BORAH. Certainly not.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I do.

Mr. McLEAN. The Senator, of course, is familiar with the resolution introduced by the Senator from New Hampshire [Mr. MOSES]; and I take it, from the very able presentation of the Senator's views with regard to this treaty, that he thinks the Monroe doctrine will be just as safe without the first paragraph of this resolution as with it?

Mr. BORAH. I do.

Mr. McLEAN. Then what is the harm, in the mind of the Senator, in the Senate agreeing with him on this subject, and formally stating that the treaty does not impair or abridge the right of the United States to defend its territory or other vital interests?

Mr. BORAH. When I come to those resolutions, if they are ever presented, I will state why I think that they ought not to be adopted. That would lead me into a field which I have no intention of covering at this time, but I shall be very glad to cover it then.

Mr. McLEAN. I hope, when the Senator does that, he will bear in mind Mr. Kellogg's official communication to the powers delivered on June 23, 1928, in which he defines what he considers to be the right of self-defense—that is, in my opinion, he defines it—and uses the following language:

> Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion.

Mr. BORAH. Mr. President, while I do not desire to discuss that at this time, let me say this much: The Senator is now reading from a speech which the Secretary of State made, which speech was transmitted to the other powers; but the Senator omits to read the letter itself.

Mr. McLEAN. No; I am reading from the letter.

Mr. BORAH. Now, let me read from the letter.

Mr. ROBINSON of Arkansas. It ought to read alike, no matter who reads from it.

Mr. BORAH. This is in the letter. The part which the Senator from Connecticut read was in the speech which was incorporated in the letter.

Mr. McLEAN. I am reading from this printed document——

Mr. BORAH. Yes; I know the Senator is, but he is reading from page 37, and I am reading from page 38.

Mr. McLEAN. No; I am reading from page 36.

Mr. ROBINSON of Arkansas. We might have an arbitration to settle this dispute.

Mr. BORAH. In the letter, following the speech, the Secretary of State says:

> The right of self-defense is inherent in every sovereign State and implicit in every treaty.

That is the statement of the Secretary of State, without any limitation as to territory or anything else. The French Government used, by way of illustration, the same illustration that the Secretary of State used—that every government had a right to defend its territory. That was simply by way of illustration. But in this letter, and in another letter written by the Secretary of State, he makes no reference whatever to the question of territory, but puts it upon the broad grounds that every government has a right to defend itself, and to determine for itself what constitutes self-defense.

Mr. McLEAN. Precisely. The Monroe doctrine is not mentioned in any of the Secretary's communications; but on the 23d of June, 1928, in his official communication to the powers, I quoted his language at the bottom of the page under the heading of "Self-defense," and I have read to the Senate what he says.

Mr. WATSON. Read it again.

Mr. McLEAN (reading):

> Every nation is free at all times and regardless of treaty provisions to defend its territory.

I take it that the Monroe doctrine goes far beyond the defense of our territory; and I am informed that the South American countries object to the ratification of this treaty, or will object, if the Monroe doctrine is mentioned; and I suspect that the language used by Mr. Kellogg in his note to the powers was very significant when he said that it included the right to defend our territory from attack.

Mr. BORAH. Let me assure the Senator from Connecticut that the reference of territory was not significant in the sense that he was undertaking to limit it in deference to the views of South America.

Mr. McLEAN. Then may I propound another question?

Mr. BORAH. I will ask the Senator to wait until I get through with my reply to his first question. If the Senator would read the entire communication of the Secretary of State he could not reach any other conclusion than that the Secretary of State stated the principle of self-defense in the very broadest terms. The Senator picks a single sentence, but omits to read:

> There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign State and is implicit in every treaty.

If you are indulging in strict technical interpretation, what are we defending when we are executing the Monroe doctrine? What are we defending?

Mr. McLEAN. That is the point.

Mr. BORAH. We are defending the territory of the United States, and, as Mr. Cleveland said, we are defending our institutions. We are defending our form of government. We are defending the Capitol here just as much as we are defending any portion of our rights.

Mr. McLEAN. I do not agree with that proposition; but the Secretary——

Mr. BORAH. What are we defending when we defend the Monroe doctrine?

Mr. McLEAN. It is very difficult to define the Monroe doctrine.

Mr. BORAH. I am not asking the Senator to define the Monroe doctrine. When we maintain the Monroe doctrine, and seek to enforce it and defend ourselves against its being broken down, what are we defending?

Mr. McLEAN. We may be defending the lives of our citizens abroad. We may be defending their property.

Mr. BORAH. And we may be defending our territory.

Mr. McLEAN. We may be; but we may not be defending our territory when we are defending the lives of our citizens abroad.

Mr. BORAH. Mr. Kellogg does not say we are confined to that.

Mr. McLEAN. But, if the Senator will pardon me, Mr. Kellogg clearly states that the right of self-defense can not be defined. He says it in all of his communications.

Mr. BORAH. And therefore he does not attempt to define it.

Mr. McLEAN. Then he does attempt to define it in the paragraph which I have read. That, I think, is the danger, and that is the reason why I think we should adopt the first section of the Moses resolution. I think the Senator will agree with me that if Mr. Kellogg had inserted, after the word "territory," the words "or other vital interests," it would have indicated a degree of wisdom on his part which I certainly should heartily approve.

Mr. BORAH. I am not clear as to how you would defend other vital interests, separated and divorced from our territory. If we defend our territory, that is one of the items in our self-defense.

Mr. McLEAN. I will not interrupt the Senator further, but I have considerable to say.

Mr. BORAH. I suspect so.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. BORAH. I yield.

Mr. KING. I want to understand the Senator. Does the Senator mean that under the clause which he has just read the obligation rests upon the United States to defend South American countries or Latin American countries from invasion by some other country—some temporary intervention?

Mr. McLEAN. No, no. On the contrary——

Mr. KING. I ask because I do not think that is the Monroe doctrine at all.

Mr. McLEAN. On the contrary, my point is that the Secretary of State, in using the language which he did, implied a renunciation of our Monroe doctrine—implied that the right of self-defense in the future would go no further than the right to defend our territory from attack or invasion.

Mr. KING. I do not think his language is susceptible of that construction. I think the Senator from Idaho is right.

Mr. BORAH. Mr. President, I was not discussing the question of self-defense except incidentally, but I will refer to it again, in view of the suggestion of the Senator from Connecticut. I repeat, the language which the Senator from Con-

necticut quoted was in a public address delivered by the Secretary of State before the American Society of International Law on the 28th day of April, 1928. Afterwards the Secretary of State transmitted that address to the powers with reference to this matter.

Mr. McLEAN. As a part of an official communication.

Mr. BORAH. I thank the Senator. After having incorporated it in his letter, he then proceeded to restate it in the letter itself, aside from the address, and in the letter itself he states, as I have said, that "the right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable."

That is the language of the Secretary of State in the letter itself. There are no limitations, and there is no specific reference to property or territory, but the general statement that the right of self-defense is inherent in every sovereign. That is his last and final statement, a statement which the Senator from Connecticut is unable to find or to read after it has been called to his attention.

Mr. WATSON. Mr. President, may I interrupt the Senator?

Mr. BORAH. Certainly.

Mr. WATSON. Has the Secretary of State stated in any of his correspondence or in any public address that the maintenance of the Monroe doctrine is a part of our system of self-defense?

Mr. BORAH. He stated that before the Committee on Foreign Relations and it has been published. Again, the Secretary of State, in another address, speaking on this same subject, said:

> The question was raised as to whether this treaty prevented a country from defending itself in the event of attack. It seemed to me incomprehensible that any nation should believe that a country should be deprived of its legitimate right of self-defense. No nation would sign a treaty expressly or clearly implying an obligation denying it the right to defend itself if attacked by any other country. I stated that this was a right inherent in every sovereign state and that it alone is competent to decide whether circumstances require resort to war in self-defense. If it has a good cause the world will applaud it and not condemn it.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. JOHNSON. At this point, upon this subject, I would like a very brief elucidation, which may be reached, I think, by a question, if the Senator will permit me.

Suppose this treaty, in the opinion of the Senator, did not protect the Monroe doctrine, would the Senator favor, then, either a reservation or an explanatory clause that would afford that protection?

Mr. BORAH. Yes; if I did not believe that the Monroe doctrine was fully protected, I would not hesitate to join in a resolution that would accomplish that end.

Mr. JOHNSON. The Senator believes in the Monroe doctrine, does he not?

Mr. BORAH. Yes.

Mr. JOHNSON. I ask that because of the Senator's remark that he thought it had been wrenched far from its moorings. Nevertheless, in the doctrine in its pristine purity he believes?

Mr. BORAH. The doctrine as announced I believe in, not as it has been too often misconstrued.

Mr. JOHNSON. Under the right of self-defense, every act that might be undertaken by this Nation under the Monroe doctrine could be undertaken with this treaty in full force and effect, is the position of the Senator?

Mr. BORAH. I have no doubt of that.

Mr. JOHNSON. That is equally so, is it not, in respect to every other signatory to the treaty?

Mr. BORAH. With reference to the Monroe doctrine.

Mr. JOHNSON. No; I mean with reference to any right of self-defense.

Mr. BORAH. Unquestionably.

Mr. JOHNSON. Does the Senator not construe the British note as a reservation or a condition to the execution of this treaty?

Mr. BORAH. I construe the British note the same as I construe Mr. Kellogg's statement, as a construction of what the British understand the principle of self-defense to be under the treaty. They undertake to state what they conceive to be self-defense as applied, as they say, to their territory.

Mr. JOHNSON. Their intimation is, if I may use the expression, that they announce now a Monroe doctrine in reference to certain regions of the world, and that they will insist upon the execution of that doctrine so far as they are concerned. The Senator, of course, is much more familiar with the language than I am, but the British note says in so many words:

> It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

That is, in relation to either interference with or attack upon the regions of the world in which Great Britain has an interest.

Mr. ROBINSON of Indiana. Or claims an interest.

Mr. JOHNSON. Yes. Does not that language make this treaty dependent upon the condition that is thus written by Britain in reference to it?

Mr. BORAH. No; if I understand the Senator's question correctly. I do not understand that the British note changes the treaty in any respect whatever or gives Great Britain any other rights than Great Britain would have had had she never written the note.

Mr. JOHNSON. I do not quarrel with the Senator's construction in the slightest degree in that regard, but some one in Great Britain, some statesmanlike mind, must have looked at the situation a little differently from the way in which we are now looking at it, because Britain writes, first, Britain's interest in certain regions of the world, and then writes distinctly that this treaty is executed upon the condition that Britain may act in reference to those regions of the world.

It is found on page 28, paragraph 10 of the Chamberlain note. The Senator is thoroughly familiar with it.

Mr. BORAH. Yes; I have it here.

Mr. JOHNSON. So, what we pass here as being wholly unnecessary somebody there deemed to be of very grave importance. Is not that a fair inference?

Mr. BORAH. That is possibly a fair inference. The British Government deemed it important to make clear what they regarded as self-defense under the conditions of their far-flung territory.

In order that I may be distinctly understood, my contention is, Senator, that had she never written this note at all Great Britain would have had the same right that she would have under the note, because it was up to her all the time to construe the question of self-defense, and that is what she is doing in the note. It was up to her all the time to say what constituted self-defense in her mind, and that is what she did in the note.

If I may be permitted to pass in judgment upon the acts of such able men as the British Government had representing them in this matter, I think the position of the United States, if we are going to adopt a technical construction, is infinitely stronger than that of the British Government, because the British Government refers to certain regions, and afterwards in debate in the House of Commons undertakes to indicate those regions. If we should adopt a strict construction, they having named one proposition, the rule would exclude them from including others, while we are acting under a general principle and may adopt the principle of self-defense anywhere, or under any circumstances, or in any region where we regard it as necessary for our safety.

Mr. JOHNSON. The point I was trying to suggest was this, not that the Senator's construction is at all erroneous, but that it was deemed essential by the British, in order to exercise hereafter what he terms the right of self-defense, specifically to designate it and to make as a condition precedent to the execution of this treaty the reservation of that right. So that they disagree, I think, with the view that we may have in regard to the breadth of the right of self-defense.

The language of that section the Senator read yesterday, but I recall it to him by simply saying, realize the indefiniteness of it, first, then the utter clarity and emphasis with which the British Government reserves its rights.

> There are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

If we had the same view that is apparent here, we, too, would sign this treaty upon the distinct understanding that the regions in which we are interested should always be subject to our right of self-defense, if we use that term, or subject to such peculiar rules or regulations or policies as we might have in respect to those regions. I was merely calling the attention of the Senator to the difference between the attitude we take

here and the attitude that obviously was taken by the British in this matter.

Mr. BARKLEY. Mr. President, in that same connection will the Senator permit a question?

Mr. BORAH. Will not the Senator permit me to answer the Senator from California so that I may keep order between the different parts of the Chamber?

The Senator from California has stated that the British Government deemed it important to make this statement as an expression of its idea of what constituted self-defense, and that it signs the treaty with the distinct understanding that in that respect it will exercise the right of self-defense.

We sign this treaty with the distinct understanding, so expressed by the Secretary of State, that we will exercise the right of self-defense according to our judgment and according to our discretion. There is no difference between the two propositions. Let me read what the Secretary said.

Mr. GLASS. Mr. President, before the Senator reads that, the Senator from California has added tremendously to our conception of the Monroe doctrine and to the pending treaty by saying that the treaty would be signed subject to any rules or regulations this Government may make with respect to the matter.

Mr. JOHNSON. The Senator may omit "rules and regulations," if he desires. Call it the Monroe doctrine alone.

Mr. GLASS. I wanted the Senator from California to omit "rules and regulations."

Mr. JOHNSON. It is of no consequence.

Mr. GLASS. That takes in a very wide scope.

Mr. JOHNSON. What is it that the British exception takes in? Is the Senator aware?

Mr. GLASS. I think it is a British Monroe doctrine.

Mr. JOHNSON. A British Monroe doctrine, not expressed at all, or expressed in the most general terms.

Mr. BORAH. It could not be any more general than the Monroe doctrine in the United States.

Mr. JOHNSON. Oh, yes, indeed.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BORAH. Just one moment. I want to carry along this discussion with a degree of connectedness, if possible.

The same authority that wrote this note, the same representative of the British Government, in discussing this matter in the House of Commons, said this:

> The honorable gentleman found fault with the wording of my note with respect to the passage dealing with self-defense. He appeared to think that that was something which I had added, and that it had no parallel in the American note.

Then he said:

> I venture to think that it does no good to put about those exaggerated suspicions, and that it will be much more helpful to say, what is the fact, that our doctrine is exactly comparable to that of the American Government, that it is not a doctrine of aggression, that it is not a desire for territorial expansion, but a pure measure in self-defense necessitated by the geographical position of the Empire.

It is just the same proposition, in my judgment. Great Britain would not be stretching the principle of self-defense in defending those regions of country any more than we would be stretching the principle of self-defense if we should undertake to defend Patagonia against some foreign power.

It would be just as difficult—yes; far more difficult—to associate the conditions in Patagonia with the welfare and peace and safety of the United States than it would to associate the regions around the Suez Canal with the safety and security of the British Empire. I can well imagine, as can the Senator, that if the British Empire were in a controversy with a certain great power in Europe and they should begin to maneuver in the region which is designated by Sir Austen Chamberlain or in the region of the Suez Canal, it would be regarded as a menace to the British Empire. It would be taking possession of a part of the territory which, if in the possession of the enemy, would make it impossible for the British Empire to conduct connectedly her military affairs. So, as I see it, there is no difference in the two propositions whatever.

Mr. JOHNSON. I am not arguing that there is any difference in the two propositions.

Mr. BLAINE. Mr. President, I have asked the Senator to yield to me.

Mr. BORAH. I beg the Senator to let me conclude this proposition before I yield to anyone else.

Mr. JOHNSON. Just let me finish this colloquy with the Senator from Idaho, and then I shall yield with apologies to the Senator from Wisconsin.

Let us concede there is no difference in the two propositions. That was not the point I had in mind when I rose and questioned the Senator. Britain felt it necessary to state that position accurately. Is it the Senator's position that our country has up to this time accurately stated its position as well?

Mr. BORAH. Yes; that is exactly my position.

Mr. JOHNSON. And that that occurs in the Kellogg note and the Kellogg speeches?

Mr. BORAH. Yes; it is stated in the Kellogg note and in the Kellogg speeches, and aside from that, in my judgment, it would have been the same, so far as execution of the treaty is concerned, if neither one of the parties had ever written a line about it.

Mr. JOHNSON. Then is the Senator's position that it is inherent in the treaty?

Mr. BORAH. Exactly. Safer there than it could ever be under a reservation, for there it is inherent and inalienable.

Mr. JOHNSON. And required no statement either by Britain or the United States?

Mr. BORAH. Exactly.

Mr. JOHNSON. But that both countries have stated with exactness, so far as our doctrine is concerned, their position?

Mr. BORAH. Yes.

Mr. BLAINE. Mr. President——

Mr. BORAH. I think I am under obligation to the Senator from Kentucky [Mr. BARKLEY], who rose a few moments ago.

Mr. BARKLEY. In the same connection to which reference has been made by the Senator from California, after Sir Austen Chamberlain stated the position with reference to certain regions of the world, he had this to say:

> The Government of the United States have comparable interests, any disregard of which by a foreign power they have declared that they would regard as an unfriendly act.

Of course, he refers there to the Monroe doctrine. It seems from the correspondence that the British Government felt itself obligated, in the interest of fairness and honorable dealing with all of the signatories to this treaty, to serve notice upon them that in the application of the treaty hereafter it would regard itself as bound to protect the various regions to which reference is made. Sir Austen seems to make an effort to link it up with the Monroe doctrine. In the reply of the Secretary of State no reference is made to that suggestion of Great Britain and no reference is made to the various regions. Secretary Kellogg does not either confirm or deny the right of the British Government to take that attitude with reference to the treaty. Neither does he deny nor confirm the inference made by Sir Austen Chamberlain with reference to the Monroe doctrine.

Does the Senator from Idaho attach any importance to the fact that the Secretary of State in all this correspondence makes no mention whatever of this particular doctrine of the United States? While he discusses in general terms the right of self-defense and leaves each nation to determine when that right shall be exercised and in what part of the world, he seems to avoid any discussion of the question either through fear that it might be Pandora's box which might embarrass the Nation or because of some other reason. I would like to inquire of the Senator if he thinks any importance is to be attached to the fact that our Secretary of State enters into no discussion of that question at all in any of the correspondence between himself and the other side?

Mr. BORAH. The reason why the Secretary did not, as I understand—and I am quite sure I am correct—is that the Secretary of State stated the principle of self-defense, that it was inherent, as I said, and could not be denied to a sovereign power; that it was implicit in the treaty, and that he regarded and does regard the Monroe doctrine as much a part of our self-defense as the protection of any part of our territory, or any other interest.

Mr. BARKLEY. It might have been a little more illuminating if in connection with the British note there had been some reference to it so we might have avoided the apprehension that some Senators now seem to feel.

Mr. BORAH. Of course that is true; that is to say, as we look back over the correspondence in this way we can see things that might have been done to make it more explicit. But I want to say for the Secretary of State, that he brought this treaty before the Committee on Foreign Relations as it was proposed by Briand. Throughout voluminous correspondence running over a year he held the treaty to the exact words as it came to us in the first instance. He declined in different ways to accede to suggestions, and maintained the treaty as it was originally proposed. Mr. President, the reason why he did not mention the Monroe doctrine, or one reason at least, was because he has always taken the position that there was no occasion for mentioning it in view of the fact that the Monroe doctrine is a part of our self-defense.

Mr. REED of Missouri. Mr. President——

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does the Senator mean to say that that is the only reason why the Monroe doctrine was not mentioned?

Mr. BORAH. I said that was one of the reasons and, in my opinion, in the first instance the controlling reason.

Mr. REED of Missouri. I would not want to concede that that was the only reason, because I think there was another very material reason that I do not want to go into at this moment. I do not think there will be any dispute between the Senator and myself as to the facts if it becomes necessary to state them.

Mr. BORAH. No; there will be no dispute, in my judgment, between the Senator and myself as to the facts. There may be a difference of view as to the inferences to be drawn from them.

Mr. BLAINE. Mr. President, will the Senator now yield to me?

Mr. BORAH. Yes; I yield to the Senator from Wisconsin.

Mr. BLAINE. In connection with the very matter which the Senator from Idaho is discussing, I want to call his attention to what appears to be a sort of double-barreled proposition on the part of the British Government. Our Secretary of State, in all of his diplomatic notes and different speeches, has referred to the subject of self-defense generally. He did so in his final note of June 23, 1928, and so treated it in the first numbered paragraph of that note. The British Government prior to that, on May 19, must have had a different conception of the question of self-defense than had our Secretary of State, for in the British note of May 19 Chamberlain first takes out the question of general self-defense or self-defense in general and in paragraph 4 of his note had this to say:

> After studying the wording of article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a State may be forced to take in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

Then under paragraph 10 of the same note Chamberlain engrafts upon the subject and upon the treaty a new proposition.

Mr. BORAH. I do not think so.

Mr. BLAINE. At least the British Government must have conceived the situation to be that the general discussion on the question of self-defense was not sufficient, and therefore proposed to make a special exception in reference to the formula or policy concerning self-defense. Since the British Government concedes that the definitions applied by our Secretary of State and himself in the diplomatic notes was not sufficient to be all inclusive of the right of self-defense, why should not the United States also follow the very assumption of the British Government and engraft upon the treaty an interpretation with respect to the Monroe doctrine and its application?

Mr. BORAH. I think I have made myself as clear as I can upon that proposition. I will repeat, however, that in my opinion the British Government was seeking to do nothing more than by way of illustration to state its conception of self-defense under the treaty. It would have had just the same freedom had it never said anything.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. May I ask the Senator just a single question, because I want to understand clearly his position? As I understand, the position of the Senator is that it makes no difference whether Great Britain asked for any such reservation or not, and it makes no difference whether we make any reservation with regard to the Monroe doctrine, because whatever any nation under this treaty chooses to call self-defense is, for the purposes of the treaty, self-defense.

Mr. BORAH. Undoubtedly, and that is the reason why these technical discussions in the Senate will never be of any practical value when the exigency arises. Each nation will determine for itself, under the circumstances as they arise and the conditions which are presented, what it conceives to be self-defense. As I said yesterday, undoubtedly that is regarded by men, and by the able Senator from Maryland in all probability, as a great weakness of the treaty. I regard it as a weakness inherent in human nature of any condition which I know of no way at this time to obviate. I know of no way by which to take away fram a nation the right of self-defense.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. The Senator just stated that he knows of no way to take away from a nation the right of self-defense. The Senator did not mean to imply by that that he would like to find a way to accomplish that end, did he?

Mr. BORAH. No indeed. I say I know of no way; but even if a way were suggested as proposed, I am not desirous of depriving any country of that right. If we undertook it, of course, it would be perfectly futile. I do not desire to subscribe to a supergovernment to exercise for us the right of self-defense instead of exercising it ourselves; so I have no desire to undertake to find a way.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. GEORGE. I merely want to say that, as I interpret the Senator's position, the treaty neither enlarges nor restricts the right of national self-defense.

Mr. BORAH. The Senator is quite right.

Mr. GEORGE. It neither enlarges nor restricts nor in any way amends the Monroe doctrine?

Mr. BORAH. The Senator is quite right.

Mr. EDGE. Mr. President, may I ask a question? As I understand the Senator from Idaho he goes further and expresses the opinion that if any effort had been made to define what constituted self-defense such limitation would leave a decision more contracted than it is under the terms of the treaty? In other words, any limitation would naturally place a nation in the position that it must remain within the limitation?

Mr. BORAH. Certainly. If you would undertake to define self-defense what would you say? That it was the right to defend yourself.

Mr. EDGE. In that regard these few lines from Secretary Kellogg's statement appeal to me as being very appropriate to that contention:

> Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the interest of peace that a treaty should stipulate a juristic conception of self-defense, since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

I repeat, I think that is very appropriate.

Mr. BORAH. The Supreme Court of the United States has always very carefully refused to undertake to define "due process of law," and I think it would be just as difficult to define self-defense. Such a definition would amount to absolutely nothing until the facts in a particular case were known.

Mr. McLEAN. Mr. President, I should like to call the attention of the Senator from New Jersey to the fact that——

Mr. BORAH. Well, the Senator from New Jersey has not the floor.

Mr. McLEAN. Very well.

Mr. BORAH. I am willing to answer questions, but I do not want Senators to engage in debate in my time.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Does the Senator contend that the right of self-defense covers our right to protect our citizens and their property in whatsoever part of the world they may be?

Mr. BORAH. Yes; I stated that on yesterday. But that right may also be invoked under another principle.

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Is it the Senator's understanding that the letters that have passed between the Secretary of State and various foreign countries become, with the signature of the treaty, the common understanding of the signatories as to what the treaty means?

Mr. BORAH. Yes; written interpretations of the treaty. France and Great Britain, and I think also Germany referred to their notes as interpretations—not as reservations but as interpretations—of the treaty. That is all they are. The signatories could have just as easily made the interpretations afterwards as before.

Mr. SHIPSTEAD. I desire to ask the Senator from Idaho another question. Those interpretations of the treaty were accepted by all who signed the treaty? Is that the Senator's understanding?

Mr. BORAH. No; the interpretations of Great Britain, for instance, were not accepted by some of those who adhered to the treaty.

Mr. SHIPSTEAD. Does the Senator understand that they are accepted by us?

Mr. BORAH. Yes; as we construe them. Great Britain was doing nothing more than interpreting her idea of self-defense, and we accept her construction of it; that is, the construction that she decides for herself and determines for herself what is self-defense. That was in the treaty, anyway.

Mr. SHIPSTEAD. Then, if I may ask the Senator another question, at some time in the future if a controversy should arise, and the treaty should have to be interpreted, is it the Senator's understanding that the parties to the controversy would be forced to go back to the official interpretation given to the treaty before it was signed in order to apply the treaty to the future controversy?

Mr. BORAH. The treaty would be applied to the future controversy; in other words, in my opinion, these notes do not add anything to the treaty nor take anything from the treaty. Therefore when we come to apply the treaty or to interpret the treaty upon a state of facts we shall have to go to the treaty.

Mr. SHIPSTEAD. Does the Senator mean the treaty exclusive of the notes?

Mr. BORAH. Absolutely. Do not understand that I contend that a treaty might not be modified by notes, but what I contend is that the notes referred to did not undertake to modify the pending treaty. They simply placed a construction upon the treaty which anyone accepts, because it is in the treaty itself, and would have been there had the notes never been written.

Mr. BLAINE. Mr. President, will the Senator yield to me?

Mr. SHIPSTEAD. I shall be through in just a moment. I do not want to be obstreperous.

Mr. BORAH. Not at all.

Mr. SHIPSTEAD. I am making these inquiries for my own information.

Mr. BORAH. In so far as I am able to do so, I am willing to satisfy the Senator from Minnesota.

Mr. SHIPSTEAD. As I understand the Senator's point of view, he regards these notes as being a part of the treaty?

Mr. BORAH. No; I do not in the sense in which I think the Senator is now asking the question. I regard these notes in the light of the fact that they add nothing to the treaty nor take anything from the treaty as having no legal effect whatsoever.

Mr. SHIPSTEAD. The notes are a part of the treaty without adding anything to it or taking anything from it.

Mr. BORAH. I say that the notes are interpretative.

Mr. SHIPSTEAD. Yes; and are official because they were accepted by those who signed the treaty. Is that the Senator's understanding?

Mr. BORAH. No. In other words, when the Senator says "accepted" he means accepted in the sense there resulted a different understanding of the treaty than it would have had if the notes had not been written. Of course, we accepted the notes, we received them, but we did not in any way modify our views as to the treaty, and the notes did not modify the treaty. Therefore, when it is undertaken to interpret the treaty in the future, it will be interpreted just as if the notes had never been written. I take that position, and I want it to be distinctly understood.

Mr. SHIPSTEAD. Mr. President, I should like to ask another question of the Senator for the sake of clearing up a little difficulty which I have in understanding this problem. In November, 1850, we signed a commercial treaty with Switzerland and certain notes passed in connection with that treaty. They were not physically a part of the treaty which was signed but certain interpretative notes passed between the two Governments. No controversy arose until 1898 when Switzerland came with certain claims.

The United States Government replied that the claims were contrary to the established policy of the Government of the United States. The Swiss Government referred the Government of the United States to the interpretive notes which had passed prior to the signature of the treaty. When that fact was called to the attention of John Hay, he immediately capitulated and said that justice and honor demanded that the interpretation of the treaty at the time it was signed would have to govern action under the treaty in 1898. Now I want to know if the Senator draws a line of distinction between the notes passed in 1850 between the Government of the United States and the Government of Switzerland and the notes which have passed in the negotiation of the pending treaty?

Mr. BORAH. Not at all. I am familiar in a general way with the incident to which the Senator refers, and I do not draw any distinction as to the reception of the notes, but in the Swiss incident there was an interpretation placed upon the treaty different from what the interpretation of the treaty would have been had the notes not been written. I want to make my contention plain. I do not contend, as I have said over and over again, that the interpretation of a treaty may not be changed by a note or notes, but what I contend in this instance is it has not been done, because the governments responsible for the notes have said nothing in the notes that is not in the treaty without the notes. If they had made some statement in their notes which was not contained in the treaty, under a fair interpretation of it, the Senator would have his Swiss case, but that is not this instance. For example, let me ask the Senator a question: Suppose in the future the question should arise as to what constituted self-defense in a particular transaction, what possible light would the statement of Mr. Kellogg throw upon the treaty, what possible light would the statement in the English note throw upon the treaty, when both of them do nothing more than confirm the proposition that each nation has a right for itself to determine what is self-defense?

Mr. SHIPSTEAD. And within that right to determine that wars conducted by the League of Nations come within the right of self-defense?

Mr. BORAH. Certainly, if the facts and conditions are such as to reach this treaty.

Mr. BLAINE. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. BLAINE. Is it the Senator's conception that when America adheres to this treaty, if we shall adhere, that action is a recognition of the claim of the British Government under paragraph 10 of the British note of May 19, 1928?

Mr. BORAH. It is a recognition of the right of the British Government to construe the doctrine of self-defense to apply to any territory which she conceives it to be necessary to apply it for protection.

Mr. BLAINE. Then, it is a recognition that Great Britain may extend any doctrine she may pronounce to any portion of the world in which she has a special interest?

Mr. BORAH. Undoubtedly. She has the right to make the construction; whether the public opinion of the world would sustain her may be a different thing.

Mr. BLAINE. And that we recognize that from the beginning of this treaty?

Mr. BORAH. Yes. We recognize it by this treaty, and we would recognize it if the British Government had pursued the policy of remaining silent and signing the treaty without a word.

Mr. BLAINE. Is it not a fact that the American Monroe doctrine was never recognized by any document or by any diplomatic note by any government until the recognition in the covenant of the League of Nations?

Mr. BORAH. I believe so; but we are neither recognizing nor refusing to recognize the Monroe doctrine here; we are recognizing the doctrine of self-defense, and in the doctrine of self-defense is included the Monroe doctrine.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. BLAINE. So that any nation can give justification to its acts by sanctifying that act as an act of self-defense?

Mr. BORAH. Exactly. As I said yesterday, that may be regarded by some as the weakness of this treaty; we have got to leave it to each signatory of the treaty to determine for itself what is self-defense. It may construe the treaty out of all reason, and there is no one to censor it except the public opinion of the world. I know of no way to curtail that right. I would not any more take it away from Great Britain with her world-wide territories than I would take it away from the United States. Great Britain must be the judge, and she must answer to the conscience of the world whether she has acted in good faith in construing it. There is no superior court or other tribunal to which appeal can be made except the judgment of the world.

Mr. BLAINE. Let us assume a situation that might well occur: India, having something over 300,000,000 subjects, under the jurisdiction and sovereignty of the British Government, might assert her independence and the American Government might find itself in a situation whereby it would be to its advantage and that of civilization to take a certain course in connection with that assertion of independence by the people of India which would in effect border upon an act of war. Are we not by this treaty recognizing that we have no right to do that; that we must first submit the case to some tribunal, some organization for a pacific settlement; and are we not binding ourselves against any act in reference to the possible independence of the nations that are now under the British dominion?

Mr. BORAH. Mr. President, if the Indian Government should undertake to establish its independence, undoubtedly the British Government under this treaty would have a right to pursue such course as would retain the Indian Government

under British dominion; and the United States would have no right whatever to interfere in that matter. She has not now any right to do so.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH of Montana. Some of the passages that have taken place might possibly lead to the conclusion that if Great Britain waged any kind of a war, and claimed to be doing it in self-defense, the other nations signatory to the treaty would be estopped from asserting that she was not acting in self-defense.

Mr. BORAH. Oh, yes.

Mr. WALSH of Montana. I hope the Senator will make that clear.

Mr. BORAH. Certainly. For instance, when the situation arises and the conditions are presented, and Great Britain acts upon the theory of self-defense, the United States is not bound to accept Great Britain's judgment. We may freely disagree with that proposition. The whole world may freely disagree with it. She may be morally condemned for any such course, and likely would be if it did not meet with the ordinary principles of self-defense. The treaty does not involve us in a combine to approve what any particular signatory of the treaty says is self-defense; but if they act upon it and violate the treaty, we are relieved from the obligations of the treaty.

Mr. WALSH of Montana. I ask the question because in one of the articles introduced in the RECORD yesterday by the Senator from Wisconsin [Mr. BLAINE] the statement is made that we sanction any war in which Great Britain may choose to engage. I should like to have the views of the Senator from Idaho on that subject.

Mr. BORAH. Of course, I have read that article. I really do not know upon what theory that assertion is made. We do not sanction any war, Mr. President. The very object and purpose of this treaty, the fundamental principle upon which it is written and rests, is to condemn all war, to reject force in the settlement of international affairs. By no possible construction can it be said that we have sanctioned any war either that Great Britain may wage or that any other country may wage. We do not sanction any war that the league may wage. We do not sanction the use of force anywhere. If Senators will read this treaty, and take the treaty for what it says and not what it has been asserted that it says, they will come to the conclusion that there is just one fundamental principle in the treaty, and that is a solemn pledge upon the part of these nations, representing now practically all the inhabitants of the earth, that they will not seek other methods than peaceful methods for the settlement of their controversies.

It may be said that that is not much. I think it is a stupendous fact. I think the fact that 60 nations, representing the inhabitants of the earth, can be drawn together in a solemn pledge, backed by the conscience and the moral forces of their people, that henceforth they will pursue no course save that of peace, is a stupendous fact. We have been so thoroughly saturated, however, with the idea that there is nothing in international affairs save force, that we can give no credence to anything save that which is backed by an army and a navy.

I undertake to assert that the greatest factor in international affairs to-day is the moral forces of the masses of mankind; and this is an attempt to mobilize those forces.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. FESS. Has there ever been an attempt in international law to define self-defense?

Mr. BORAH. No; not to define it. A great many international-law writers say that the right of self-defense among nations is as inherent and inalienable as the right of self-defense among individuals.

Mr. FESS. The omission of it in this treaty is not due to a desire to avoid it; but it is difficult to define.

Mr. BORAH. You could not define it. Suppose you attempted to define self-defense as to yourself; what would it be? The right to defend yourself. Suppose a nation undertook to define self-defense: It is the right of the nation to defend itself.

Mr. FESS. That is the reason why we leave it to each individual nation to determine what self-defense is.

Mr. BORAH. Exactly.

Mr. FESS. And, while that is the weakness of the treaty, it can not be corrected.

Mr. BORAH. I have said that some will regard it as the weakness of the treaty, and of course it is, from one viewpoint. From another viewpoint it is the strength of the treaty.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield to the Senator.

Mr. TYDINGS. I should like to ask the Senator whether it is his opinion that the right of self-defense precedes the duty to arbitrate, or whether the duty to arbitrate precedes the right of self-defense?

Mr. BORAH. As I said yesterday, under Article II we agree to pursue no other course than that of peaceful means in the settlement of international affairs. If a controversy should arise between this Government and another government, it would be the duty of this Government to call attention to Article II and undertake to bring about a peaceful settlement and adjustment of the matter by peaceful means. Undoubtedly that would be the first thing we would do. If the other nation declined to settle it by peaceful methods and rejected all our overtures, that government would be in a rather difficult position before the world if it claimed that it was acting in self-defense.

Mr. TYDINGS. The thought I had in mind was that inasmuch as the right of self-defense is inherent in each nation signatory to the treaty, the right of self-defense, if that nation considers it necessary to exercise it, precedes the right to arbitrate, even though the second article specifically binds the nation to arbitrate all disputes.

Mr. BORAH. Of course, the idea of self-defense necessarily involves an attack from somebody. If the attack comes, of course, the most fundamental right, the first right, is that of self-defense; but under Article II you can go far toward preventing that attack, assuming that the nation is acting in good faith.

I think I said yesterday, but this matter has continued to such an extent that I am not clear as to what ground I have covered, that there is really nothing in this treaty except the doctrine which the United States has advocated ever since its natal hour, and that is the settlement of all controversies through peaceful means, if it is possible to do so. We have now an opportunity to extend this doctrine to the world. I think it a marvelous achievement.

Mr. TYDINGS. Mr. President, as I understand, the whole idea of the treaty is to arbitrate everything.

Mr. BORAH. Not to arbitrate, but to settle through peaceful means. The controversy may be settled through diplomatic methods or any other method of peaceful settlement.

Mr. TYDINGS. But, at the same time, I think the treaty would give any nation which was a party to it the right of self-defense before it was asked to arbitrate the matter or settle it through peaceful channels, if that nation saw fit to settle it by the exercise of the right of self-defense.

Mr. BLAINE. Mr. President, will the Senator yield for another question?

Mr. BORAH. I yield.

Mr. BLAINE. Assuming that paragraph 10 of the British note had been the declared British policy prior to our American Revolution, could Lafayette have come to America under the circumstances that he did, and could Franklin have gone to France under the circumstances that he did, without having involved France in war with the British Government?

Mr. BORAH. Lafayette got to America by stealing away from the espionage of his king. Lafayette did not come here by authority of the French Government or by authority of anybody that would be bound by a treaty. Lafayette stole away, and came here in the first instance really as a fugitive from his government, because his government was not willing for him to come. So that the illustration is not, in my judgment, applicable, because he was not representing any government which would have been bound by a treaty.

Mr. BLAINE. I associated Franklin with the acts of Lafayette. Franklin did not steal his way into France, and when he reached France he was not there regarded as a criminal nor a fugitive; and France did certain acts—not only the French citizens, but, as well, the French Government—acts that to-day would be regarded as hostile acts; acts that in my opinion would have involved France in war if paragraph 10 of the British note had then been the declared policy of the British Government.

Mr. BORAH. In my opinion, the treaty would not have any application to the Franklin episode at all, and very little to the Indian episode; because if India should undertake to establish her independence, and should proceed to the point

where she was sending representatives to other governments and seeking to establish diplomatic relations with the other governments, the Government of the United States, under this treaty, would have the right to exercise its discretion as to whether the time had arrived under international law when it could justly recognize that government and receive its ambassadors; and this treaty would not have the slightest effect upon it.

Mr. FLETCHER. Mr. President, may I suggest, somewhat in line with the inquiry by the Senator from Maryland [Mr. TYDINGS] as to whether a country signing the treaty would be obliged to resort to pacific means before exercising the right of self-defense, that it would depend altogether upon the circumstances and the facts; would it not?

Mr. BORAH. Exactly.

Mr. FLETCHER. If one government actually attacked another, that government would have the right to defend itself without any diplomatic exchanges.

Mr. BORAH. Precisely. I perhaps misunderstood the Senator, but the Senator's interpretation is undoubtedly correct. It would depend entirely upon the circumstances. If the United States or any other Government was attacked, of course it would have the right to invoke the principle of self-defense instantly, because that is what self-defense is.

Mr. TYDINGS. If the Senator will yield, the point I was trying to bring out was that the right of self-defense is paramount to every other right or statement in the treaty.

Mr. BORAH. Whenever the facts put it into operation.

Mr. President, I was discussing the Monroe doctrine when the principle of self-defense was again brought into the discusssion; and notwithstanding it will be somewhat disconnected, I think I ought to put into the RECORD some excerpts in regard to the Monroe doctrine as it relates to the question of self-defense.

Mr. Root, in the Journal of International Law in July, 1914, says:

> The doctrine is not international law, but it rests upon the right of self-protection; and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. * * * Since the Monroe doctrine is a declaration based upon this Nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American States, or any number of them.

Again, he says:

> It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness" that "the United States can not behold such interposition in any form with indifference."

Mr. Cleveland, in his message in 1895, said, speaking with reference to the Monroe doctrine:

> The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.

That is the well-stated, briefly stated, succinctly stated principle of the Monroe doctrine.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. Would it interrupt the Senator if I called his attention to the fact that the British minister, in the notes discussing the Venezuelan controversy, or at least in his public statements, declared that the Monroe doctrine was a bit of American impudence, and that it never had been recognized?

Mr. BORAH. There have been Englishmen who transgressed the laws of propriety, as well as other people. They are liable to do that over there, as we are over here, but we do not pay much attention to it. We go ahead and maintain the Monroe doctrine. Now, it has come to have considerable respect over there. They mention it in their note here. Abraham Lincoln once said that the most sublime virtue which a public man could possess was patience, and I think that will apply to nations as well. We have been patient until the time has come when everybody recognizes that the Monroe doctrine is a part of our national safety, and they respect it. In my opinion there would not be any more danger of a foreign government challenging that doctrine than there would be of their making an attack upon us.

Mr. Buchanan said in 1848:

> The highest and first duty of every independent nation is to provide for its own safety and acting upon this principle we should be compelled to resist the acquisition of Cuba by any powerful maritime state with all means which Providence has placed at our command.

Prof. Bushnell Hart, in his treatise on the Monroe doctrine, after speaking of the changes and different interpretations of the Monroe doctrine, said:

> There are two fundamental principles to which all agree. The first is that the doctrine has always been, and now is, directed primarily to the defense and welfare of the United States; and secondarily, to the defense and welfare of other American states.

Professor Callihan, quoted by Professor Hart, says:

> It may be fitly called the doctrine of national defense, which in its results may be regarded also as a doctrine of Pan American defense.

Professor Woolsey says:

> There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being, therefore, whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others. * * * The Monroe doctrine is based upon the right of self-defense. This is the first law of nations as of individuals.

I think the statement of Professor Woolsey is an exceedingly illuminating one.

> It called no new rights into being; therefore whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable.

Frederick Coudert, the great lawyer, said:

> In its essence the doctrine was merely one of safety for the United States. Its germ is contained in Washington's Farewell Address. Experience has shown that every European war involved a struggle between the various colonial possessions of the contestants, and the doctrine of hands off on this continent was nothing more than a necessary measure of safety.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WALSH of Montana. In that connection, will the Senator permit me to read a single paragraph from the celebrated Olney letter on Venezuela?

Mr. BORAH. I am very glad to.

Mr. WALSH of Montana. And another paragraph, in view of the remark just made by the Senator from Missouri, as follows:

> That the rule thus defined——
>
> That is, the Monroe doctrine—
>
> has been the accepted public law of this country ever since its promulgation can not fairly be denied. Its pronouncement by the Monroe administration at that particular time was unquestionably due to the inspiration of Great Britain, who at once gave to it an open and unqualified adhesion which has never been withdrawn.

I call attention to this:

> But the rule was decided upon and formulated by the Monroe administration as a distinctively American doctrine of great import to the safety and welfare of the United States after the most careful consideration by a Cabinet which numbered among its members John Quincy Adams, Calhoun, Crawford, and Wirt, and which before acting took both Jefferson and Madison into its councils.

Mr. BORAH. I thank the Senator. Now, Mr. President, could the Monroe doctrine rest upon any more secure basis than that of self-defense, when we recognize that principle as inherent not only in this treaty but in all treaties, inherent in the nations, and inalienable; and also recognize that we are the sole judges of what constitutes our security, our safety, and our self-defense? No reservation, no resolution, no specification, could make it more secure, more within the protection of our Government, than to treat it as what it is, an essential part of our self-defense, and thereby protected by the inalienable right of self-defense.

Mr. President, yesterday when the interrogatories were first submitted which led us into another field of discussion I was

discussing the question of implied sanctions under this treaty. I do not feel, notwithstanding I have taken entirely too much time of the Senate, that I ought to leave that subject what I deem to be somewhat incomplete, and I will be as brief in regard to it as I may.

I called attention yesterday to the fact that there are no sanctions to be implied from the language of the treaty itself; that is, no implied obligation to use force, or to enforce the treaty against a nation which should see fit to violate it.

I called attention further to the fact that nowhere in the correspondence, in the numerous notes between the different governments, the governments which afterwards adhered to the treaty, has there been any indication, so far as I find, of any implication, that there are any sanctions expressed or implied in the treaty.

I also called attention to numerous statements, among others the statement of Lord Cushendun, at the time of the signing of the treaty, Lord Grey, and others, to the effect that there were no sanctions, express or implied.

It has been said, however, that if we do not, in case the treaty is violated, join with the other nations in punishing the violator of the treaty, the European powers will have a chance to charge bad faith; in other words, it is said that Europe looks upon this treaty as one providing for implied sanctions, and that we will be expected to maintain it as against those who disregard it. I do not know of any expression of that kind upon the part of any responsible party in Europe. If any such statement has been made, it has escaped my rather vigilant observations in regard to this matter.

I do know that numerous statements by those in authority, and by the leading press of foreign countries, have been to the very opposite effect, and in my opinion there is no misunderstanding whatever in England, in France, or anywhere in Europe, as to just exactly what this treaty means, with reference to sanctions. There is no understanding that the United States, for instance, is under any obligation whatever to use force or to maintain by force the treaty. The other nations understand perfectly that it is a voluntary obligation, binding upon each nation in so far as it respects its obligation, to settle its controversies in a peaceful way; that if any nation disregards the treaty, it steps out from under the treaty, and the treaty is at an end with reference to all other nations so far as that nation violating the treaty is concerned.

The New Republic, discussing this matter as to the view of Europe, seems to me to have a very pertinent paragraph. It refers to the statement having been made that Europe has this understanding as to the treaty, and says:

> Europe's misunderstanding of the treaty's terms is a matter which has some interesting aspects. It is not based on anything Mr. Kellogg or any other official has said. It is not based on the text of the document. Then where does it come from?
>
> It is true that if we sign the treaty, as has been stated, and then do only what we have agreed, and not what some one hopes, we will be criticized, but we should have been criticized equally for failing to participate, even if the treaty had never been thought of.

In other words, Mr. President, whatever idea may prevail in scattered places or in fugitive ways with reference to any implication, arises not by reason of the treaty, but by reason of circumstances and conditions which lead those entertaining the idea to hope that something may be done by the United States in the way of involving itself in European affairs. A hope they would have as much reason to entertain if there had been no treaty.

I want to read here a statement of Premier Baldwin which I think is a most remarkable statement when one comes to analyze it and consider the implications of it. It was made on November 8, 1928. Speaking with reference to this treaty, he said:

> Believe me, the alternative before us in Europe is very simple and the choice ought to be easy. We must either keep faith with the spirit of the pact that we have signed or in time we must go down the steep place together like the Gadarene swine, and perish eternally.

Talk about sanctions for a treaty; there is no sanction for a treaty, after all, but what the nation conceives to be its interest. That is, at last, the only sanction. It does not make any difference what you agree to, you must test it at last by what the signatories to the treaty, when their exigency arises, conceive to be necessary to their interest, to their protection, to their preservation, or to their welfare.

I think, as the Premier clearly indicated, Europe has arrived at the point where she believes that the war system means the destruction of European civilization; that if we can not find some way to settle international controversies other than by force of arms the civilization of Europe will give way, cave in, break down. Self-preservation has become the one powerful function for this treaty. The war system is undermining civilization, bringing ruin and misery to millions, and the only hope is the policy embodied in this treaty. Here is the strength and the worth and the function for this treaty. Sink or swim, live or die, something like this treaty is the only way of escape from the impending doom.

Mr. BRUCE. Mr. President, may I ask the Senator from Idaho, then, why is it that these European nations keep on arming? Mussolini has just told us that bayonets and cannons are steadily increasing in Europe. Lloyd George has lately sounded a note of warning to the same effect. At present one-sixth of the entire aggregate income of the world is devoted to the maintenance of armies and navies, and there is 1 soldier for every 300 civilians throughout the world. I do not see any indication that those moral forces upon which the Senator is so strongly disposed to rely are as powerful as he seems to think that they are, or that Europe is as anxious for peace as he supposes it to be. It seems to me that the Senator forgets that a nation, when it signs a treaty, may have one conception of its self-interest and then a little later on find that it has made a mistake and form another conception of its self-interest.

We all know that in 1839 Germany thought that it was to its interest as well as to the interest of Europe generally that it should guarantee the neutrality of Belgium. Yet in 1914 she changed her view and hewed and burned her way with sword and fire over the soil of Belgium to France. Before the World War Italy thought that it was to her interest to enter into the tripartite treaty with Austria and Germany. Yet when the crucial time came for the performance of her obligations she aligned herself with the Allies and with us and not with Austria and Germany. So I say that it seems to me that trust in the mere enlightened self-interest of a country for the purposes of peace is an unreliable thing.

Mr. BORAH. Mr. President, the Senator is explaining now just exactly what I stated—that in the last analysis it is self-interest that controls. He has just stated that at one time they thought it was to their interest to do one thing, and at another time that it was to their interest to do another thing, and, of course, that is true. So I repeat that the Senator is quite in accord with what I stated a moment ago—that in the last analysis it is in response to what the nation conceives to be necessary to its self-preservation or to its self-interest that it will act.

Then what I say in addition to that is that Europe has come to the conclusion that self-preservation—that its deepest and most permanent and profound self-interest—is to get rid of war and of armaments and to pursue a course which this treaty points out.

Mr. BRUCE. I ask the Senator, has Europe arrived at any such point? If so, why is it that we find it impossible to reach any sort of permanent agreement with Great Britain, one of the most enlightened and highly civilized countries in the world, with regard to a proper naval ratio? Practically every effort since the League of Nations was established to bring about a disarmament of the nations of the world has proved abortive.

The Senator may have different ideas about peace from mine, but I do not see on just what rainbow of real hope his eyes are fixed.

Mr. BORAH. The Senator's idea of peace is fixed upon the proposition which is now sinking Europe to the bottomless pit.

Mr. BRUCE. My idea of peace is that it is a thing that to exist must be commended.

Mr. BORAH. Just as the Kaiser thought that the only thing was force, that the only thing that people respected was armies and navies, and the Senator sees where they landed.

Mr. BRUCE. Still the Senator does not think that the peace of a city could be preserved without the backing of force, does he?

Mr. BORAH. No; I do not think so; but the application of that proposition to individuals within a State which has the power to enforce is a wholly different proposition than undertaking to enforce the same proposition between nations because, as I said a while ago, we can not find a superpower to do it. The distinction between individuals and communities, between individuals and sovereign states in the application of force, wise men have long since recognized.

Mr. BRUCE. I admit that it is a more difficult thing to police international peace than to police the peace of a city or the peace of a single State of the Union or the peace of the United States. But it seems to me that just because it is more difficult it is an idle dream to believe that the peace of cities has to be policed, that the peace of a single State of the Union has to be policed, and that the peace of the United States has to be

policed, but that yet the peace of the world need not be policed. The Senator would rely upon nothing but the interchange of one vain empty promise for another without any sanction to enforce either.

Mr. BORAH. The Senator from Maryland ought to have been general counsel for the German general staff, not the German people but the general staff.

Mr. BRUCE. No; I would much prefer to be counsel for our own Government or for the Government of the Kingdom of Great Britain which, notwithstanding the fact that it is actuated to an extraordinary degree by principles of good sense and good feeling in its international relations, yet has the prudence to keep its powder dry and to maintain not only for the preservation of the liberties of the English people but for the progress of human civilization itself throughout the world a fully adequate army and navy.

Mr. BORAH. Now if the Senator has concluded I would like to proceed.

Mr. BRUCE. Very well.

Mr. BORAH. I want to recall again the language of Premier Baldwin, because he is now giving an able illustration of the fruits of the policy and the system which the able Senator from Maryland has been eulogizing. It is true that the British Empire has endeavored through the years to keep its powder dry and to keep up its armies and its navies, and to-day it is loaded with a superhuman debt, with millions of people out of employment, adding still millions more in the way of armament, and this is what Premier Baldwin said the near future seems to have in store:

> Believe me, the alternative before us in Europe is very simple and the choice ought to be easy. We must either keep faith with the spirit of the pact that we have signed or in time we must go down the steep place together like the Gadarene swine and perish eternally.

That is the Dantean hell toward which all are tending under this doctrine of force as the sole preserver of peace.

> Let us all to-night, and there are representatives here of many great powers, accept this opportunity which has been given to us for a new start and go forward with new faith and with new hope. I believe the time may come when in the histories of this period there will be no greater act credited to the United States than this, that in this year she had the high honor in voicing the aspirations and desire of mankind in presenting that pact to the nations for signature.
>
> Only let us remember what it is we have signed. It is so tremendous a thing that few of us realize it, and the result of every signature will be nothing unless the nations, realizing to what they are committed, make up their minds their signatures shall be honored to the end of time.

I do not know, and of course no man knows, whether this treaty will long be kept. All laws, whether enacted by man or promulgated by God, are made with the possibility of being broken and shattered; but I do believe, Mr. President, as the British Premier so well said, that if we can not find a means by which to adjust international affairs other than that of relying upon the Army and the Navy, if we can not find a method through peaceful means or through peaceful ways to adjust our controversies, civilization is imperiled as it was just prior to or in the coming of the Dark Ages.

Mr. FESS. Mr. President, will the Senator yield for another question?

Mr. BORAH. I yield.

Mr. FESS. In the judgment of the Senator will the operation of this treaty open the way for further limitation of armament in time to come?

Mr. BORAH. I sincerely believe so.

Mr. FESS. It would appear to me that would be one of the main objects of the treaty.

Mr. BORAH. That is a main object of the treaty and yet, after all, we have got to have a different psychology in international affairs, because if we did not have armies and navies and if we had this war psychology, they would fight with their fists. We have got to create a faith in peaceful methods for the adjustment of international affairs. We have got to instill into the masses of the people and they in turn into their representatives and leaders the belief that war is a futile thing, that, after all, things are never settled until they are settled right, and force seldom takes into consideration the question of right, and therefore it is to their interest to have a more peaceful way of adjusting their controversies.

This treaty has been made in the open light of day. It is the first great treaty of the kind in which the correspondence was carried on public. Back of it stands the mass convictions of the great people of the different nations, and in my opinion, it is working that change in the viewpoint of the nations with reference to the possibility of settling their difficulties which is essential to peace. I hope, of course, that that will be followed, and I believe it will be followed, by disarmament to a marked degree, but disarmament is only, after all, a part and a small part of the question of bringing peace to the nations. I think the question of disarmament is infinitely more important as an economic question because it is now literally burying the people of Europe under supertax burdens that will in time of peace destroy the manhood and womanhood of Europe, and in a longer time other countries, and therefore every step we can take in that direction is not only calculated to make war less liable, but it is infinitely more calculated to rehabilitate the manhood and womanhood of those countries.

Mr. FESS. I was greatly impressed with what the Senator said a moment ago about the moral forces that are vastly more important than we think. It would appear to me that if this treaty would give full play to the moral forces of the world, we may present a public feeling that will lead to disarmament. I had thought that was one of the strong features of the treaty.

Mr. BORAH. It is an important feature.

Mr. Phillip Kerr, who is a distinguished gentleman, intimately associated with Lloyd George during the war, and deeply interested in the cause of peace, speaking of the treaty, and this particular feature of it which we are now discussing as to sanctions, said:

> All the evidence goes to show that ratification will not mean the acceptance by the United States of the responsibility for solving the internal problems of Europe.

Professor Shotwell, one of our leading advocates of peace in this country and a prominent advocate of the league, in discussing this treaty, with reference to sanctions, said:

> But just what is involved in the treaty itself? More especially what are the commitments of the United States under it? Does our acceptance of it imply we are moving away from our policy of isolation? Does it tie us up with Europe and its postwar arrangements as some politicians have claimed? Or, on the other hand, does it achieve its main ideal while reserving for us all necessary freedom of action in other ways? For the answer to these questions one would naturally look into the text of the treaty itself. * * * The renunciation of war as an instrument of our own policy does not in itself call upon us to exercise any such suppression of others. Indeed, the present treaty takes pains to avoid just this commitment. * * * Renunciation, on the other hand, is a simple act by which every sovereign State declares for itself the conditions of its own exercise of power.

Again, discussing a speech made by some celebrated Englishman, he said:

> It was not the Kellogg proposal which called upon His Majesty's Government "to cooperate in securing the peace of the world." This phrase carries us at once into the question of sanctions and the enforcement of peace and is completely out of the atmosphere of the Kellogg proposal.

Mr. BRUCE. Mr. President——

Mr. BORAH. I will yield in just a moment. The London Times in an editorial on May 19, 1928, said:

> Public opinion will be the only security against the violation of the peace, which public opinion has still to be built up.

And, finally, let us take the emphatic and clear statement of our Secretary of State, which reads as follows:

> The purpose of the United States is so far as possible to eliminate war as a factor in international relations. I can not state too emphatically that it will not become a party to any agreement which directly or indirectly, expressly or by implication, is a military alliance. The United States can not obligate itself in advance to use its armed forces against any other nation of the world. It does not believe that the peace of the world or of Europe depends upon or can be assured by treaties of military alliance, the futility of which as guarantors of peace is repeatedly demonstrated in the pages of history.

This statement was made in a public address on the 15th of March, 1928, and was transmitted to all the powers signing the treaty and is now a part of the record making up and completing the negotiations leading up to the signing of the treaty. No one has been permitted to remain in doubt upon this question. Neither the language of the treaty nor the correspondence nor the public statements of public officials have been of such character as to permit two constructions to be placed upon the treaty in regard to the matter of sanctions. Punitive or coercive measures are neither provided for in the language of the treaty nor justified by any reasonable construction of the treaty. But in addition to this, our Government was open, frank, and unmis-

takable in the assertion of the utter absence of any intent to commit us to sanctions under the treaty.

I yield now to the Senator from Maryland.

Mr. BRUCE. I want to ask the Senator just this question. How does he reconcile the emphasis which he placed on the second paragraph in the Kellogg pact, by which the signatories agree that they will resort for the solution of international troubles to nothing but pacific means, with the absolutely irreconcilable antagonism that he has always set up to our entering into the World Court, to say nothing of the League of Nations?

The Senator will recollect that by one of the reservations which we attached to our ratification of the World Court protocol the court was completely detached from all connection with the League of Nations.

Mr. BORAH. I do not recollect anything of that kind.

Mr. BRUCE. Well, that was the general construction placed upon the matter at the time.

Mr. BORAH. That was not the general construction in my opinion. At least there were many who did not take that view.

Mr. BRUCE. The most studious effort was made, so far as our country was concerned, to sever the World Court from the League of Nations by way of reservation. I am merely curious to know to what sort of tribunal the Senator from Idaho would have the countries of the world resort for the purpose of settling international controversies by pacific means, when he is so violently opposed to the entry of the United States into the World Court.

Mr. BORAH. Has the Senator concluded his question?

Mr. BRUCE. Yes; I have.

Mr. BORAH. Mr. President, I do not desire to enter into a discussion of the League of Nations or of the World Court. However, I will undertake, as briefly as I may, to satisfy the Senator's curiosity. If I may make a personal reference, I have always been an advocate of an international judicial tribunal.

Mr. BRUCE. Mr. President, if I may interrupt the Senator, until he found that 52 of the civilized powers of the world agreed with him.

Mr. BORAH. No; but there was some doubt thrown upon it when I found the Senator from Maryland was for it.

Mr. BRUCE. I had not supposed that I had sufficient political siginficance for my views to influence the Senator one way or the other.

Mr. BORAH. Knowing the Senator's philosophy, that nothing counts in international affairs except sheer, brutal force, I naturally have a suspicion of anything that he advocates.

Mr. BRUCE. I ask the Senator not to say "sheer, brutal force." Nothing counts for anything in the field of international peace except that adequate police force which Mr. Taft had in contemplation when he became president of the League to Enforce Peace, and which Theodore Roosevelt had in mind when he said that international justice must be backed by an international police force. That is the kind of force I have in mind.

Mr. BORAH. The Senator has in mind a sufficient force.

Mr. BRUCE. Yes; a sufficient force applied as an instrument of international concert.

Mr. BORAH. Will not the Senator permit me to satisfy his curiosity by a full statement?

Mr. BRUCE. Certainly. I am hardly in a position to refuse the Senator such an opportunity, as I am occupying the floor by his courtesy.

Mr. BORAH. I know the Senator is not in a position to do so, but he succeeds in doing so. [Laughter.]

Mr. BRUCE. I hope that I may achieve success in some direction of a less doubtful character.

Mr. BORAH. I think the Senator has been a marvelous success in some directions.

Mr. BRUCE. I am glad to hear the Senator say so, but he is about the only person who has ever reached that conclusion.

Mr. BORAH. Oh, no, the Senator from Maryland has a multitude of friends; although, of course, there were not quite enough. [Laughter.]

Mr. BRUCE. No; and one reason, perhaps, was because the Senator from Idaho gave his potent aid to my opponent. Of course, I did not object to that.

Mr. BORAH. I beg the Senator's pardon. I visited the Senator's State, but I made no mention of the Senator, nor of his opponent.

Mr. BRUCE. I was told that the Senator, with the inspiration of true prophecy, introduced my opponent to a very large audience there as "The next Senator from Maryland."

Mr. BORAH. The Senator is mistaken, for I did not introduce him. My recollection is that he introduced me, but at least I did not introduce him and I made no reference to the senatorship.

Mr. BRUCE. The Senator was entirely within his rights, as a good party man; I am not questioning that.

Mr. BORAH. I did not think it was necessary to do so.

Mr. BRUCE. I enjoy the Senator's personal friendship, but I do not enjoy his political friendship, and have no right to expect it. I can truly say that I am very proud to enjoy his personal friendship.

Mr. BORAH. I can reciprocate that sentiment.

Mr. BRUCE. I thank the Senator, and I can now take my seat at a very auspicious moment.

Mr. BORAH. Mr. President, I think it will not be out of place, in view of the Senator's question, to go a little further into detail. As I said a moment ago, I have always been an advocate of an international judicial tribunal. The Senator has said that I was interested in that cause until I found that 52 nations had agreed upon a tribunal, and then I rebelled. I beg to say that is not my objection to the World Court. I may have been in error, but I felt very sincerely that the World Court was called upon to exercise functions which ought not to belong to a judicial tribunal. It was, in my judgment, the legal adviser of the League of Nations. I did not object to it being the legal adviser of the League of Nations because it was the League of Nations, but because I regarded it as the legal adviser of a political institution, and I was opposed to it primarily for that reason. Any time that we can conceive a plan which will erect an international judicial tribunal free from any political connection I do not know any reason in the world why I shall not be ready to support it.

Mr. President, I have only desired at this time to state what I understood to be the meaning of the pending treaty; what it is. I have no desire at present to discuss generally what I conceive to be the benefits to be derived from the treaty.

I will say, in conclusion, however, that some 60 nations have now either signed or adhered to the treaty. These nations represent practically the entire world. They have signed it upon the theory that it is an important step in the cause of peace. No one will contend, I presume, that it is the last and final step, but it is a step of almost incalculable moment. It is not all that we will have to do as the years go by in backing up the principle which is incorporated in the treaty. At the present time, however, we have all these nations adhering to or signing the treaty, accepting it as it is, and accepting it upon the theory that it will assist them in settling their controversies in a peaceful way. That can not be other than a most extraordinary achievement in the great cause in which we are all interested.

We have different views as to how to accomplish peace, as to how to advance it, but I take it that all of us are in favor of the ultimate objective, and, as all the nations have practically indorsed this treaty, I trust the Senate of the United States, without any unnecessary delay, will advise the world that it is satisfactory to the people of this country.

Mr. BINGHAM. Mr. President, before the Senator takes his seat, will he be so kind as to allow me to ask him a question?

Mr. BORAH. Certainly.

Mr. BINGHAM. The Senator will pardon me if my question covers some ground that was gone over yesterday, due to the fact that there is no report of the Senator's speech in to-day's RECORD to which I can refer.

Mr. BORAH. The speech was held out of the RECORD, as I thought I would like to print it connectedly. I do not know whether I shall ever be able to do that.

Mr. BINGHAM. The Senator said yesterday, if I understood him correctly, that the treaty forbids force under any circumstances.

Mr. BORAH. Of course, I was using "force" in that connection in the sense of war. In my opinion the treaty does forbid war under any circumstances, except, of course, in case of self-defense. Except in that case, we all concede the treaty does not recognize the employment of war under any circumstances whatever.

Mr. BINGHAM. The Senator will realize that the word "force" has been used frequently, very loosely in the discussion of the treaty, and that, as it was stated yesterday and as the Senator agreed, under certain circumstances nonamicable measures short of war may involve the employment of force.

Mr. BORAH. I do not recall any circumstances except what would really come under the principle of self-defense.

If a government were defending its citizens or protecting the property of its citizens, in my judgment such action would come under the principle of self-defense or under another principle which is kindred to self-defense.

Mr. BINGHAM. Does the Senator think that the bombardment of Vera Cruz during the administration of Huerta was due to the necessity of our maintaining self-defense?

Mr. BORAH. I would not want to discuss that incident; it is in the past.

Mr. BINGHAM. Mr. President, we must learn of the future by what is in the past. I am curious to know whether the Senator thinks if this treaty were ratified it would be possible for us to send an expedition into Mexico under General Pershing, for instance, as we did at that time?

Mr. BORAH. I would not say as to any particular transaction; but let me say this—I will state what I conceive to be the principle of the treaty—that we would have a perfect right to send an expedition anywhere, whether into Mexico or China, if it were necessary, in order to protect the lives and property of our citizens against actual threatened attack. That is not an act of war. A nation has a right to give protection to its citizens and their property, and this is not, in international law, war. I assume that the acts of the government are confined to protection from threatened danger.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. Yes.

Mr. REED of Pennsylvania. Our recollection of the fact must be clear that the expedition led by General Pershing went into Mexico in the fresh pursuit of an organized band of Mexicans who had invaded this country and had attacked an American town. It had nothing whatever to do with the occupation of Vera Cruz.

Mr. BORAH. Mr. President, that is true, and I am not necessarily condemning the sending or approving the sending of those troops. It proved to be a futile act, but that was not necessarily a reason for not undertaking it. However, I would prefer to confine myself to what I conceive to be the general principles which will be applied to facts and circumstances as they may arise from time to time. In other words, when a question arises as to whether we are applying the principle of self-defense, the Senate of the United States will be the one to pass on it, and we will be perfectly safe!

Mr. BINGHAM. With the permission of the Senator I will refresh the memory of Senators as to what took place in Congress on April 22, 1914, by referring to the resolution, which reads:

> In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session the 20th day of April, 1914, in regard to certain affronts and indignities committed against the United States in Mexico: Be it
>
> *Resolved*, That the President is justified in the employment of the armed forces of the United States to enforce his demands for unequivocal amends for affronts and indignities committed against the United States; be it further
>
> *Resolved*, That the United States disclaims any hostility to the Mexican people or any purpose to make war upon them.

In view of the statement in the second part of the resolution, does the Senator feel that the ratification of this treaty would in any way interfere with the Congress of the United States passing a similar resolution under similar circumstances in the future?

Mr. BORAH. If in the judgment of the Congress of the United States it should be necessary to do that in order to protect our interests, our citizens or their property, of course, it would have the right to take such action. I decline again to undertake to pass upon past transactions.

Mr. BINGHAM. One more question, if the Senator will be so good as to bear with me, and I will be through. I understood the Senator to say yesterday that the notes in the pamphlet which has been frequently referred to and which contains the "Text of the pact as signed, notes, and other papers," in no way affect the treaty. That statement has been repeated again today. In view of that statement, does the Senator feel that any statements made by the advocates of this treaty on the floor of the Senate may in any way affect the treaty?

Mr. BORAH. Of course, the rule of law is that individual statements upon the part of Members of Congress in the consideration of measures before the respective Houses will not be considered by the court in construing the law. The courts have held that they will give attention, as I recall, to an official report by a committee, but will not take into consideration individual views; and I should say that the same rule would apply with reference to a treaty. Where there are some 98 different views, or a less number, it will be practically impossible to give any effect to an individual view as representing the body; and, unless there is something to indicate that it is in some way an expression of the views of a body or a committee, as I understand, the courts would not consider it, and I would not assume that it would be considered by the parties construing the treaty.

Mr. BINGHAM. Has there been any report on behalf of the committee of which the Senator is chairman to which reference could be made in interpreting the treaty in the future?

Mr. BORAH. No; but we have had printed and filed the statement of the Secretary of State before the committee giving his interpretation of the treaty. I should think that if any statement would be taken to have any effect whatever, it would be the statement of the recognized representative of the Government, or one of them, in the making of the treaty.

Mr. REED of Missouri. Mr. President, will the Senator permit me there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED of Missouri. I understand—I do not want to misquote the Senator—that his view is that what Mr. Chamberlain said and what other governments say in their notes at or prior to the time of the signing of this treaty does not affect the construction of the treaty. If he did not say that, then I misunderstood him. If he did say that, then how can it be claimed that anything that Mr. Kellogg may have said before the Foreign Relations Committee, although afterwards printed, would affect the treaty?

I may have misunderstood the Senator, and I want to understand him aright.

Mr. BORAH. No; I do not think the Senator has misunderstood me. But perhaps I did not make myself clear.

My contention is that the notes passing between the governments did not in any way change or effect a modification of the treaty. Now, understand again, lest I be misunderstood, that I do not contend that a treaty may not be modified or that notes may not have the effect of doing it; but what I contend is that the substance of these notes, the things that were said in the notes, are no different from that which is in the treaty without the notes. In other words, the notes deal with questions of self-defense. They do not enlarge or diminish or modify or curtail the right of self-defense as it would have existed under the treaty had the notes never been written.

Do I make myself clear?

Mr. REED of Missouri. Proceeding from that point, the Senator, I presume, also says that nothing that has been said by the Secretary of State conflicts with or enlarges in any way the true meaning of the treaties?

Mr. BORAH. Yes; I know of nothing that the Secretary of State has said which does that.

Mr. REED of Missouri. Then nothing that he has said is of importance, just the same as nothing that Chamberlain said and nothing that anybody else said is of importance, because, in the opinion of the Senator, they are all consistent with the treaty.

Mr. BORAH. Exactly. In other words, if we had this treaty here, without a scintilla of writing, notes, or anything else, it would mean just exactly what it means when these notes come in.

Mr. REED of Missouri. What does the Senator, then, say with reference to the position of Russia and the position of two or three other countries, which is that the form of the treaty was attempted to be changed by these previous notes, and they disclaim the construction placed upon it? Does not the Senator think that as a matter of precaution we ought at least to have some regard to the opinions of the chancellories of other countries?

Mr. BORAH. The Secretary of Foreign Affairs, Chicherin, stated what I have stated here—I think I have the language here somewhere—that while these notes had been written they signed the treaty, because, in their opinion, the notes had not in any way affected, modified, or changed the treaty.

Mr. REED of Missouri. I hope the Senator will pardon me a minute while I get just what was said.

Mr. BORAH. In other words—of course, I can not quote his exact language—I think the Senator will agree with me that Chicherin took the position that the English note in no way changed the treaty.

Mr. REED of Missouri. No; they took the position that they would not assent to the change, but they did not take the position that there was not any change.

Mr. BORAH. Does the Senator think Russia would have signed this note if her representatives thought the English note had any effect?

Mr. REED of Missouri. Let me read what was said. I have not it marked, however. If I can find a copy that is marked it will save time. I have the text here.

Mr. ROBINSON of Arkansas and Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. May I make a suggestion in that particular? My recollection of the substance of the Russian note is to the effect that the representatives of Russia were not in sympathy or in accord with the views expressed in the British note, but that they did not believe that the legal effect of the British note was to alter the treaty, and therefore they signed it, in no sense accepting the viewpoint expressed by the British in the Chamberlain note.

Mr. BORAH. I think the Senator from Arkansas has stated the matter accurately.

Mr. ROBINSON of Arkansas. I have not read it for some weeks, but that is my recollection.

Mr. REED of Missouri. I think there is a different view here, if the Senator's patience will permit a further interruption.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. JOHNSON. I just wanted to clear up, if I might, a point in reference to the construction that has just been suggested by the colloquy, if the Senator from Idaho will permit me.

Mr. BORAH. Very well.

Mr. JOHNSON. The position of the Senator from Idaho is, as I understand it, that nothing is said in any note that the treaty does not inherently imply.

Mr. BORAH. Exactly.

Mr. JOHNSON. Now let me put it the other way around. Let us assume that this treaty went to the World Court for construction, and let us assume that in the construction of the treaty by the World Court it held that there was no such implication in it as we have just agreed that there is: Would not the court, then, in construing the treaty, go to the English note to ascertain exactly what Great Britain signed?

Mr. BORAH. Yes; and when they got there they would find exactly what is in the treaty—that is, the right of self-defense.

Mr. JOHNSON. The Senator did not follow me. I say, assuming that they did not hold, as we have been holding here, that the right of self-defense as described by the British was inherent in the treaty, then, in construing the treaty, the court would go to the condition annexed to it by Great Britain?

Mr. BORAH. Of course, if the court should hold that the right of self-defense was not inherent in the treaty, then they would go to the British note, and they would also go to Mr. Kellogg's note, for both of them have stated that the right of self-defense was reserved.

Mr. JOHNSON. Yes; the only query there recurring upon whether the right of self-defense was alike in each instance.

Mr. BORAH. But this treaty never can go to any court, because if it is violated we are the judges of that ourselves, and each signatory is the judge for itself.

Mr. JOHNSON. Yes; but there is one thing in that regard, and if the Senator will read the leading editorial in the New York Times to-day he will see that it is in the minds of those who are proposing this treaty that we are going further into some other place ultimately for some construction and for something further to be done.

Mr. REED of Missouri. Mr. President, if the Senator will pardon me, I do not want to get into a debate here. I want to call attention to this document; but I should like to be permitted to say that it is a solecism to declare in a treaty that all questions are to be submitted to peaceful settlement—which necessarily implies, in many instances at least, some adjudicating body—and then in the same breath to say that there is no such tribunal and we are the sole judges. That will not do.

Mr. BORAH. No; I should not think it would do, and I do not know of anybody who has said it.

Mr. REED of Missouri. I understood that to be the position that has just been taken.

Mr. BORAH. This treaty does not provide for any tribunal.

Mr. REED of Missouri. No; but it implies a tribunal. It implies, if it means anything, that when two nations have a controversy, and they can not settle it or do not settle it by diplomatic means, other means must be found. Among the other means that we know of are arbitration or some tribunal or court; and therefore it is only a fair statement of this treaty to say that it means, "In case of a controversy we will not resort to force. We will endeavor to settle the matter between ourselves by peaceful negotiation; and if that fails we will not then go to war. We will adopt other means, and submit our case to some form of tribunal." So it does not mean that we are the sole judges, unless we are to take the position that after this treaty has been signed no nation is under any obligation to adopt any peaceful means whatsoever, but is at liberty simply to stand upon its position, and then defend that position by force of arms.

Mr. BORAH. I never stated that the subject of the controversy would not be a subject for a tribunal. What I say is that this treaty itself provides for no tribunal.

Mr. REED of Missouri. Oh, certainly not.

Mr. BORAH. What we agree is that if a controversy arises, we will settle it by peaceful means.

Mr. ROBINSON of Arkansas. No; not quite. Will the Senator yield?

Mr. BORAH. No; the Senator is quite right—that we will not pursue any course except peaceful means.

Mr. ROBINSON of Arkansas. That is to say, if we seek the settlement of a controversy in any way, that method must be limited to peaceful means.

Mr. BORAH. Exactly.

Mr. ROBINSON of Arkansas. There is no obligation to settle, except perhaps as it may be implied. The obligation is to limit to pacific means such efforts as may be made for settlement.

Mr. BORAH. Exactly.

Mr. REED of Missouri. Technically, that is correct. Of course it is true in every human controversy that if the injured and innocent party sees fit to rest under his wrong, he is under no obligation to go to a court about it. He is under no obligation to enforce his right. He can remain quiescent and suffer. But, dealing with this matter as a matter of practical common sense, we are trying to meet a condition where nations are not ready to submit to a wrong; and, therefore, being deprived by this treaty of the right to make war, they must find some other means; and the only means I know of, outside of peaceful negotiation—which is as old as civilization—is arbitration, a court, or something of that kind.

The Russian language which I rose to call attention to some time ago makes it perfectly clear to me that at least one government—and, notwithstanding all that some people say, a great government, for it is the government of one of the greatest nations in the world—has taken a different view of the effect of Mr. Chamberlain's note or the intent of Mr. Chamberlain's note than I think has been taken here.

Mr. ROBINSON of Arkansas. The same is true of Persia, also.

Mr. REED of Missouri. Yes; there were several of them. I am reading from paragraph 7 of the Russian note.

> Among the restrictions made in writing at the time of the diplomatic pourparlers among the original signatories of the covenant the Soviet Government paid particular attention to the reservation of the British Government in paragraph 10 of its note of May 19 of this year. The British Government there reserves to itself absolute freedom of action as toward several regions which it does not especially enumerate. If they are regions forming part of the British Empire or its dominions they are already all of them included in the covenant and the case of any aggression against them is provided for in the covenant so that the reservation of the British Government in this respect might seem to be at least superfluous. But if other regions are concerned the signatories of the covenant have a right exactly to know where the freedom of action of the British Government begins and where it ends.
>
> But the British Government reserves to itself full freedom of action not only in cases of armed aggression against those regions but even in the cases of any act whatsoever of enmity or "of immixion" which would justify the British Government in opening hostilities. Recognition of such a right for that Government would come to justifying war and might be taken as a contagious example by other signatories of the covenant who by reason of equal rights would also take upon themselves the same liberty with regard to other regions, and the result would be that there would probably be no place left on the earthly globe where the covenant could be put in operation. Indeed, the restriction made by the British Government carries an invitation to another signatory of the covenant to withdraw from its operation still other regions.

That, of course, means the Monroe doctrine and the United States.

> The Soviet Government is unable to regard this reservation as anything but an attempt to use the covenant itself as an instrument of imperialistic policy.

They then say:

> But the said note of the British Government is not communicated to the Soviet Government as forming a constituting part of the covenant or an annex thereto, so it can not be regarded as binding on the Soviet Government no more than the other restrictions concerning the covenant that are mentioned in the diplomatic correspondence of the original signatories can be binding on the Soviet Government. Neither can the Soviet Government agree to all of the restrictions that justify war and particularly the restrictions made in the said correspondence to

withdraw from the operation of the covenant decisions flowing from the by-laws of the League of Nations and the Locarno agreement.

Summing up the foregoing, I have still to note the absence from the covenant of obligations concerning disarmament which stands as the one essential element by which peace can be guaranteed—the inadequacy and uncertainty of the very formula about the inhibition of war, and, finally, the existence of several restrictions aimed to cast aside any appearance of a promise for the cause of peace. Yet in so far as the Paris covenant lays upon powers certain obligations as to public opinion and affords the Soviet Government another opportunity to bring before all those who are parties to the covenant the most important question for the cause of peace, that of disarmament, the solution of which is still the one guarantee which can ward off war, and the Soviet Government expresses its consent to adhere to the covenant of Paris.

I take it that that means this—that the Soviet Government believes that Great Britain did attach a condition to its signature; that the Soviet Government declines to agree to that condition or any other conditions that may have been attached. The Soviet Government then says:

We agree to the treaty, and we agree to the treaty alone.

I have no doubt that a nation can make that kind of a stipulation. Neither have I any doubt that a nation can attach any other condition at the time of signing; and that, so far as that condition is concerned, that condition runs with the compact.

Mr. BORAH. Mr. President, Russia has signed the treaty. She disagreed with the views, apparently, of the British note, as being a fair construction of the principle of self-defense, which she had a perfect right to do. We all agree that each nation under this treaty will decide for itself what constitutes self-defense.

Mr. REED of Missouri. But, Mr. President, it is not altogether a question of self-defense in the judgment of the Russian Government. I know that the Russian Government is discredited in the minds of many people, but it is the government of about 160,000,000 people, it is part of the world, and while we have no diplomatic relations with it, Mr. Kellogg took pains to see that this treaty was forwarded to it through the French Government. But the Russian Government believes, and I believe, that Mr. Chamberlain meant something except the mere right of self-defense as ordinarily implied. He meant to serve notice upon us that there were regions of the world where British interests were such that if there was an interference they could not, under ordinary circumstances, claim the right of self-defense. Therefore, he said, "You must understand that in these regions"—which he does not name, but I think we know some he meant to include—"in these regions we propose to retain full liberty of action."

Mr. BORAH. As a measure of self-defense. That is just exactly what he says.

Mr. REED of Missouri. Yes; he puts it on that ground, but, of course, you can extend self-defense to a point where it becomes ridiculous. You might say that a man went out and bought stocks in the market as a matter of self-defense, if you want to put that kind of construction on it, because he was defending his property and thus defending his life. You can go to any length. But putting a reasonable construction on it—and I take it that is what Russia had in mind—the territory belonging to a nation it has the right to defend; but there would be another question arising entirely if the country did not belong to Great Britain, if that country had never acknowledged Great Britain's sovereignty and control, and yet if Great Britain meant to assert the right to prevent any interference with that country; I think there is a difference, and I think a very practical difference, as I think I can demonstrate when I take the floor.

Mr. SHIPSTEAD. Mr. President, it has been said that it is up to every nation to determine what constitutes self-defense. Is it not true that every government that took part in the last World War did so under the right of self-defense?

Mr. BORAH. Under the claim of the right; yes.

Mr. SHIPSTEAD. Under the claim of the right of self-defense. Under that construction how could this treaty have stopped the World War?

Mr. BORAH. Is the Senator asking me that question?

Mr. SHIPSTEAD. Yes.

Mr. BORAH. I do not know that this treaty could have stopped the World War. At one time I heard Lord Grey, who was at the head of the foreign affairs of England, say that if there had been some means which represented public opinion, which would have enabled him to call upon the governments to come into conference, in his opinion the World War could have been prevented. Do not understand that I am advocating this treaty upon the theory that it is the dawn of the millennium. I can easily understand that conditions might arise under which this treaty, like the Belgian treaty of neutrality, or other treaties, would go to ruin. I understand that perfectly. But this is a treaty under which, where ordinary controversies arise which might finally ripen into war, the signatories to the treaty would be enabled to ask a conference, a coming together of the nations, for the purpose of adjusting the controversy.

There are really no such things in these days as attack and defense in war, in the sense in which those terms grew up in the old days. War springs out of a multitude of things, different controversies arising which are not settled, engendering suspicion and distrust, and at last hatred and then war. This treaty is designed to afford a place where attention can be drawn to the fact that the nations have made a solemn pledge that they will settle their controversies. It is a method of bringing the nations together. It is not a guaranty against war. There is no such thing, I presume. But it is one of the vital, important steps in fostering a better relationship between nations when controversies arise. That is the object of the treaty, and in my opinion it has very great merit for that reason.

I can well understand that there are conditions under which the treaty would be utterly ignored.

The Senator from Missouri has said that this question of self-defense may be construed to a point where it becomes ridiculous and absurd, and so it may. I know of no means in the world by which we can control the discretion of a nation when it is exercising its right of self-defense.

Mr. WATSON. Did the Soviet Government issue any explanatory note or statement?

Mr. BORAH. The Senator from Missouri just read it.

Mr. JOHNSON. Have those communications been published?

Mr. BORAH. No.

Mr. JOHNSON. May I ask, if it is not too much, that somebody put those notes of other nations, other than the ones printed in the document before Senators, in the RECORD?

Mr. BORAH. I will ask to have them printed as a document.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. REED of Missouri. I was going to ask the Senator if there was any objection to me now offering the correspondence which was sent to me by the Secretary of State.

Mr. BORAH. Not the slightest. The fact is that my attention was called to it several days ago, with a request that it be printed, by the Senator from Virginia, but I overlooked the matter.

Mr. REED of Missouri. I will ask to put them in the RECORD at this time.

Mr. BORAH. If I may make a suggestion to the Senator from Missouri, I will ask him to have them printed in document form. It is very inconvenient to refer to them in the RECORD.

Mr. WATSON. May I inquire, in that connection, before the Senator from Arkansas makes his inquiry, what other nations issued explanatory statements?

Mr. ROBINSON of Arkansas. I was just about to say that among the nations which issued explanatory statements and which took exception to the interpretative note of Mr. Chamberlain was Persia. Persia very emphatically said that she did not place the same construction or interpretation on the treaty that was implied or expressed in the Chamberlain note, but, notwithstanding that fact, she signed the treaty, as did the Soviet Government of Russia. There were one or two other Governments that indicated that they did not acquiesce in the interpretation which was carried in the Chamberlain note, but these two Governments, the Soviet Republic of Russia, and Persia, expressly dissented from it.

In my view of the matter, the British note was an interpretation of the treaty, and that interpretation unquestionably was not concurred in by a number of governments, including Russia and Persia.

Mr. WATSON. In that connection, did they place their own interpretations on the treaty?

Mr. ROBINSON of Arkansas. No.

Mr. WATSON. It was purely negative?

Mr. BORAH. They simply disagreed.

Mr. ROBINSON of Arkansas. They disagreed with the British interpretation.

Mr. BORAH. Before we get away from the Russian matter, in view of the fact that Russia's interest in this matter has been under discussion, I wish to call attention to the fact that since the signing of the treaty by Russia, Russia has been very active in securing the binding effect of this treaty upon other nations in which she is interested. She evidently has some confidence in the treaty.

In an editorial in the Philadelphia Public Ledger of January 2 there is a statement to this effect:

The Soviet Government has appealed to Warsaw to put the Kellogg pact into effect immediately as between Russia and Poland. Moscow has been trying for years to arrange an antiwar agreement with Poland. Little or no success has attended these efforts. A natural distrust of the Soviet Government has had much to do with the failure, and it is far from clear that Poland would be willing to put into effect even the Kellogg pact as far as Russia is concerned.

But it is not entirely without significance, perhaps, that Russia is embracing the Kellogg pact with so much warmth. It is an acknowledgement—though it does not come from the best of sources—that this treaty is the most advanced of its kind to emerge from all the various efforts in the direction of "outlawing" war.

I also ask to insert in the RECORD, without reading, an editorial upon the same subject from the Baltimore Sun under date of January 2, 1929.

The VICE PRESIDENT. Without objection it is so ordered. The editorial is as follows:

[From the Baltimore Sun, January 2, 1929]

RUSSIA STEPS AHEAD

There is always a tendency on the part of extremely practical persons to look upon Russia as a doctrinaire state. When, for instance, she put forward what remains the most courageously common sensical disarmament proposal ever offered by a great power her sincerity was doubted. And when her honesty was proved to many reasonable minds, those who found the plan inconvenient and embarrassing simply fell back upon ridiculing it as an unworkable piece of windy idealism.

Her most recent action is consistent with the best of her earlier efforts in the direction of peace. Failing to gain a real hearing for her own disarmament project she was quick to signify her adherence to the Kellogg pact, though cynical as to the attitude of some other signers. Now she suggests carrying out the essential spirit of that agreement, and of doing it with as small a waste of time as possible. She has, therefore, proposed to her neighbors, Poland and Lithuania, whose recent histories have been full of troubled complications, that the three countries sign a protocol giving the pact immediate effect among themselves.

M. Litvinoff's note is almost crassly frank. "During the four months that have elapsed since the day of the signing of the pact not one of the 14 States has given it ratification, which circumstance arouses the fear that for a long time the pact may remain a document formally without binding power on anyone." Russia is simply stepping ahead of the other nations in its effort to translate the intention of the treaty into fact without delay or useless discussion. This proposal is the more significant in view of the long quarrel between Poland and Lithuania, and the distrust between Poland and the Soviets.

The suggested immediate agreement, pending ratification of the pact, would perhaps go far toward preventing any future snarls in eastern Europe, or, at least, of making them less menacing.

Mr. BORAH. Mr. President, that is an illustration of what I conceive to be the greatest value of this treaty. It is the attempt upon the part of governments to carry out the principle which is involved here and to act upon amicable and peaceful relations with all the governments with which they may have interests or business, and to adjust their controversies in accordance with the principles of this treaty. I do not believe its value in that respect can be overestimated. It is not alone what you find between the four corners of the treaty but what are its potential moral possibilities. We ought not to underestimate its worth unless we have lost faith in moral forces in the higher, finer qualities of mankind.

Mr. REED of Missouri. Mr. President, I think it would make for the convenience of the Senate if I were to present at this time the reservations that have not been discussed. I refer to the reservations of other countries than the United States. I will later have the entire correspondence, so far as it has been furnished to me, printed in document form. It will take but a few moments to read the reservations to the Senate, which we should have before us during this discussion.

Afghanistan, which, as Senators understand, has had some trouble over other nations asserting authority, adhered in this form:

It is understood that this full adhesion of the Afghan Government only bears on the text of the treaty in the same form as that kindly communicated by your excellency to me in your note No. 141 of August 27.

Egypt, which also has its troubles, concluded adhesion in this way:

For the above reasons the Egyptian Government declares that it fully adheres to the pact in the form in which it was signed at Paris, it being understood, however, that this adherence does not entail recognition of any reservations made in connection with this pact.

Hungary, in a somewhat lengthy note, only an excerpt of which I present, said this:

The Hungarian Government adheres to the proposal of the Government of the United States under the supposition that the Government of the United States as well as the governments of the other signatory powers will seek to find the means of rendering it possible that in the future injustices may be remedied by peaceful means.

The Persian note contained this language:

My Government, considering that the multilateral treaty signed at Paris is in harmony with its consistently pacific policy and the obligations which are imposed by the covenant of the League of Nations upon the members thereof; assured, on the other hand, that the text of the treaty does not contravene its right of legitimate defense; it being understood moreover that the reservations made by certain powers can not under any circumstances nor at any time create for Persia any obligation whatsoever to recognize any claims susceptible of affecting its rights or its territorial or maritime possessions, gives it cordial adherence to the international pact for the outlawry of war.

Rumania's note as signed contains this language:

It is shown with absolute clearness by the negotiations preliminary to the signature of the treaty as well as by the changes which have been made in the preamble with respect to its original text and the explanations contained in the note under date of June 23, 1928, of the Government of the United States addressed to the governments invited to sign the treaty, that this treaty in no respect modifies the provision of the covenant of the League of Nations. Consequently, the rights and obligations derived from the new treaty constitute neither an extension nor a reduction of the rights and obligations derived from the covenant of the League of Nations, which remain as they are. It also appears that the new treaty does not conflict with the neutrality treaties nor, in general, with the engagements contained in existing treaties which the Royal Government has contracted up to the present. It also follows from the note of the Government of the United States of June 23 and the above-mentioned acts and negotiations that any violation of the multilateral treaty by one of the contracting parties *ipso facto* releases the other powers signatory to the treaty from their obligations toward the power which has violated the engagements of the same treaty. It follows, moreover, that the right of defense is in no way affected or restricted by the engagements of the new treaty and that each power is entirely free to defend itself at will and according to its necessity against an attack or a foreign invasion.

Then follows the Russian note, a part of which I have read, and all of which will be printed for the advice of the Senate.

In addition to this, and it has not been mentioned to-day, the French note and other notes make it perfectly clear that the obligations of the Locarno pact and the obligations of the nations under the League of Nations pact are stipulated by certain of those nations to be not in any way affected by the present proposed treaty. So I wish to make just the observation that it is perfectly plain, as we enter upon the proposed ratification of the treaty, that it has already received many constructions and that controversies as to its meaning already exist.

Mr. ROBINSON of Indiana. Mr. President, since the question has been raised to-day with reference to possible interpretation of the treaty by some tribunal, and since an editorial of the New York Times has been referred to, I should like to ask the Senator from Idaho [Mr. BORAH] if he places the same construction on the activities in connection with the proposed ratification of this treaty as does the New York newspaper. I read from this morning's New York Times:

The peace treaty, even so, marks a great step in advance, but it is a step leading to something more. This is the reason why ratification of the treaty will be regarded in Europe as a sign, or even proof, that the United States proposes to return to closer cooperation with other nations. It is felt that the treaty will lead us, or should lead us, straight into the World Court. That tribunal constitutes one of the great "pacific means" to which we with others have pledged ourselves to resort. And behind the World Court, as its fostering parent, stands the League of Nations, which already exists as an organization able to make practically effective the pious aspirations of peace breathed in the Kellogg treaty. That instrument of peaceful intentions ought to be ratified. But it will be necessary later, in the legal phrase, to "implement" it by proceeding to more concrete measures and international agencies by which it may be made a living and continuous and effective force in the world.

I am asking the Senator if his idea coincides with that expressed in the editorial to the effect that ratification of the treaty would lead us directly into the World Court, and then immediately after that into the League of Nations?

Mr. BRUCE. Mr. President, may I ask the Senator from what he is reading? I am interested because it coincides so fully with my own views.

Mr. ROBINSON of Indiana. I read from an editorial published to-day in the New York Times.

Mr. BORAH. The Senator wants to know whether I agree with the Times.

Mr. ROBINSON of Indiana. Yes.

Mr. BORAH. Of course, the Times has been a very consistent and a very able advocate of the league and of the court, and has always thought that any step toward peace would be an inadequate and practically futile step unless it led ultimately to the court and to the league. As I understand, that is what it says in the editorial from which the Senator has read. I understand it says further, however, that it will be necessary, in order that we get nearer the court and nearer the league, to enter this treaty with some other distinctive action. In that respect I agree with the Times. I do not think the treaty brings us any nearer to the court or any nearer to the league. If we get any nearer we will have to do something distinctive in the future to get nearer.

Mr. ROBINSON of Indiana. Does the Senator mean to say that in his opinion some tribunal ultimately will be necessarily set up, either the World Court or some other tribunal, to interpret the treaty?

Mr. BORAH. Oh, no; I did not say that. I said that the Times was of the opinion that any effort toward peace was inadequate and futile unless it led ultimately to the court and to the league. That is the view of the Times, and it has been all the time.

Mr. ROBINSON of Indiana. I do not understand that that is the sense of the editorial.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. ROBINSON of Indiana. I yield.

Mr. ROBINSON of Arkansas. If a controversy arises between two of the signatories to the treaty as to the meaning of the treaty, since the treaty repudiates and renounces all means of force in the settlement of disputes, it necessarily implies that some tribunal will have to make the interpretation, does it not?

Mr. ROBINSON of Indiana. That is the point I am getting at.

Mr. ROBINSON of Arkansas. Or leave the matter entirely unsettled for all time to come.

Mr. ROBINSON of Indiana. I am asking the Senator from Idaho, who is in charge of the treaty here, if in his opinion, a tribunal of some sort is ultimately necessary to interpret the treaty?

Mr. BORAH. Certainly not. Understand me. For instance, suppose that two European nations should get into a controversy and under the terms of this treaty they should proceed to settle it by peaceful means; undoubtedly, they being members of the court, if they desired to go into the court they could do so, or they could arbitrate it, or they could settle it in any other way, or through diplomatic means. That would be an initiative or choice of the nations at the particular time as to how they should do it. All that this treaty proffers is that they will not seek to bring about a settlement through other than peaceful means. It leaves the peaceful means entirely to the discretion or the judgment or the initiative of the nations at the time the difficulty arises.

Mr. ROBINSON of Indiana. The only tribunal that could pass on the question through peaceful means at the present time, or perhaps the principal tribunal, would be the World Court.

Mr. BORAH. That would not be true with reference to the United States, because we are not a member of the World Court.

Mr. ROBINSON of Indiana. That is just the point. In that event, all the members who have adhered to the protocol of the World Court and who are also all, or practically all, members of the League of Nations could by pacific means decide a question in which we were vitally interested to our disadvantage and against our best interests. Assuming we should object, would not the United States in that event be placed in the position, so far as world opinion is concerned, of opposing pacific means and would not all of those, so far as the moral effect is concerned, be leagued in opinion against the United States?

Mr. BORAH. The World Court might at this time decide a controversy in which the United States had very great interest.

Mr. ROBINSON of Indiana. But at this time we are not bound by any treaty.

Mr. BORAH. We have our arbitration treaties, our conciliation treaties, The Hague tribunal, and other peaceful means which we could now choose, if we desired, with the same freedom that we could after the treaty shall have been signed.

Mr. ROBINSON of Indiana. The chief point I have in mind in interrogating the Senator or asking him these questions is to ascertain whether he entertains the view advanced by the New York Times to the effect that the ratification of this treaty by the Senate will necessarily practically lead us directly into the World Court?

Mr. BORAH. No. If the New York Times takes that view, with all due respect, I disagree with it.

Mr. JOHNSON. Mr. President, to one of the Senators who are engaged in the colloquy I wish to address myself for an instant. I have missed the entire point in this discussion if it has not been made perfectly clear and reiterated again and again that neither the World Court nor any other tribunal nor any country can have anything to do with the settlement of any question that may arise under the treaty, because to each nation itself is left the determination as to whether it acts in self-defense.

Mr. BORAH. Where the question of self-defense is involved, that would undoubtedly be true.

Mr. JOHNSON. Yes; that is undoubtedly true. So that it is left entirely and exclusively to the countries that are engaged in the controversy. If a question of self-defense—which, of course, is the one of any consequence that will arise—arises, it is left to the country itself to determine what it shall do, and that ends the controversy.

Mr. ROBINSON of Arkansas. Will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. ROBINSON of Arkansas. Recent history has demonstrated the difficulty of dealing with this subject. So far as I can recall, in every instance that has arisen since the World War where two nations have been in imminent danger of going to war, particularly referring to the Corfu incident, and the controversy between two South American Republics, more recent, it may be remembered that both parties to the disputes vigorously and persistently insisted that they were acting in self-defense; so that, in all probability, in the future, when nations lose the disposition to settle their differences in an amicable way, they may resort to force, as they have heretofore done, and will justify their course on the ground of self-defense.

The value of the treaty lies in its psychological effect in the creation of a public sentiment in favor of the employment of pacific means; but in a large degree we move in a circle and approach very nearly the point from which we started. When parties enter into an engagement not to fight, they keep the engagement so long as they are in a good humor; but if sufficiently angered, they are likely to forget the engagement and resort to violence. That is true both of individuals and of nations. However, as has been suggested here, it seems to be a difficulty that inheres in human relations.

Mr. JOHNSON. Mr. President, I think probably the Senator from Arkansas is entirely right in that regard, and the pity of it is that this country to-day stands agog, by virtue of what has been published in the press, with the idea that by the ratification of this treaty the Senate of the United States is going to bring a new era, a millennium to the world. This treaty is going to bring, I think, just what the Senator from Arkansas has indicated and nothing more at all.

Mr. BINGHAM. Mr. President, there are three points which I hope the Senator from Idaho, before he concludes the discussion entirely—in other words, before we have a vote on the treaty—will make perfectly clear even if doing so will involve repetition.

The first is in regard to the use of force. The senior Senator from Arkansas [Mr. ROBINSON] a few moments ago, if I understood him correctly, said that the treaty would do away with the use of force. The junior Senator from Maryland [Mr. TYDINGS] some time ago this afternoon said that it would require all dispute between nations to be settled by arbitration or conciliation or mediation. The passage which has just been read from the New York Times by the junior Senator from Indiana [Mr. ROBINSON] calls attention to the attitude of a large section of the press. The letters which we have received from hundreds of our constituents and the petitions which have been received show that a very large number of people in the United States seem to believe that this treaty will do away with the use of force and that in the future any settlement of disputes will only be a question of using amicable means as recognized under international law.

As the Senator from Idaho said yesterday, in reply to a question which I ventured to ask him, that assumption is not justi-

fied, for international law recognizes nonamicable means short of war as a very definite way of settling disputes between nations; and the second article of this treaty which provides that the signatory powers will not use any other means except pacific means does not rule out the use of nonamicable measures short of war.

In order that there may be no question about that, Mr. President, I should like to read from one of the most recent standard works on international law, the Handbook of International Law, by George Grafton Wilson, professor of international law in Harvard University, second edition. In chapter 9 there is a list of "nonamicable measures of redress short of war," which include:

1. Breaking of diplomatic relations—

Which, as everyone realizes, is frequently a step toward war and which occurs generally when two nations get angry with one another.

2. Retorsion, which is a species of retaliation in kind. It usually consists in treating subjects of the state giving cause for retaliation in a manner analogous, if not identical, with that accorded to the subjects of the state resorting to retorsion.

3. Reprisals, which consist in the adoption of measures of retaliation in order to obtain redress for action committed in violation of international right.

They frequently border on war.

4. Embargo, which is a special form of reprisal, and consists in general in the sequestration of the public or private property of an offending state—

And that can only be done by force—

or it may sometimes be applied by a state to its own vessels or goods—

As was done by the United States in 1807 and 1812.

5. Nonintercourse: Nonintercourse laws may, for the purpose of placing stress upon a state which is regarded as the offender, prohibit trade or other relations with its nationals.

6. Display—

And here we come to the meat in the coconut—

Display or restricted use of force: The display of force as a form of constraint to insure observance of rights is sometimes resorted to where the course of justice is uncertain or political conditions are disturbed.

The author goes on to say that "such force may be used to a limited degree without resorting to war"; in other words——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I will yield in a moment. In other words, the use of force short of war is sanctioned as a nonamicable measure of redress and the settlement of disputes. I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Of course, technically speaking, there has been a somewhat loose use of the word "force" throughout the debate, but I am wondering if the Senator from Connecticut is taking the position that the "pacific means" referred to in the second article of the pending treaty for the settlement of international disputes are of the character which he has just been describing, namely, nonamicable means. I wonder if he is taking the attitude that the true construction of this treaty is that the nations are binding themselves to use those unfriendly processes which fall short of war but which, nevertheless, frequently provoke war in the settlement of international disputes. Does he not rather think that the real meaning of the words "pacific means" is the processes for peaceful settlement commonly known as arbitration, conciliation, judicial determination, and diplomatic negotiation?

Mr. BINGHAM. Mr. President, it has been taken for granted in all discussions on the subject that the measures to which the Senator has just referred are most certainly to be regarded as coming under the head of "pacific means." I have never heard any question raised as to that; but in chapter 8 of his book on international law, Professor Wilson gives a list of the amicable means, such as the negotiation, good offices and mediation, commissions of inquiry, the council of the League of Nations, arbitration, award, and the permanent court of international justice.

However, the point that I am trying to make, Mr. President, is that in a large degree in the public discussion of this question it has appeared to me that the persons discussing it limited the settlement of dispute to those measures which are generally known as amicable means of settlement of international differences.

Mr. ROBINSON of Arkansas. I do not think anyone has insisted that under no conditions may what the Senator terms, and what are properly termed, "nonamicable means" be employed and still the nation employing them keep within the terms of the treaty; but certainly the true interpretation of the treaty does not imply that the words "pacific means" shall be construed to countenance the employment of such methods as the display of military force or other processes which barely fall short of war. The word "pacific" is to be given I think its fair and usual definition. It means:

1. Serving to make or restore peace; adapted to reconcile differences; peace making; conciliatory, mild; appeasing; as to offer pacific propositions to a belligerent power.

2. Peaceful; not warlike.

The nonamicable methods to which the Senator from Connecticut has referred are rather warlike than peaceful; and certainly it is not an element of strength to this treaty to say that all the nations of the world which agree to it, agree to denounce war with the distinct understanding that they are to employ every means and agency at their command, however warlike, that may fall short of actual and technical violation of the express obligation of the treaty. The use of the words "pacific means" in the second article of this treaty implies that the nations will not proceed with warlike methods but will employ peaceful methods; that they will resort to tribunals if tribunals are in existence; that they will create tribunals if necessary. If the treaty has value, it lies in that fact.

Mr. BORAH. Mr. President, furthermore, this dissertation of the professor is based, it seems, entirely upon an offending nation—some nation which has violated a treaty or violated a right, or has offended another nation. Of course, the conditions there might be such that under those circumstances, in dealing with an offending nation, it might be justified in using methods just on the hither side of war; but, as the Senator from Arkansas said, it certainly would not be the true intent of the treaty or permissible under the treaty to employ those methods against an unoffending nation.

Mr. BINGHAM. I am again very regretful that the Senator has not had the opportunity of correcting what he said yesterday; for I understood him to say yesterday, in response to a question, that it would be permissible as a last resort, in settling disputes between nations, to use any measures short of war.

Mr. BORAH. I have no desire to modify that proposition when we take the facts as they are. When we are dealing with an offending nation or a nation which does not yield to what would be the fair interpretation of the treaty by peaceful means, I presume we could, of course, without technically violating the treaty, use such means as the offending nation has imposed upon us, and doubtless would.

Mr. BINGHAM. My object, Mr. President, was merely to call attention to the fact that this treaty did not mean that we were forbidden to use force, as so frequently has been said by those who are discussing it loosely—"it forbids the use of force." While it does put a premium on the use of arbitration and mediation, it does not forbid the use of force, because there are measures recognized in international law for the settlement of disputes which sanction the use of force and at the same time do not declare that there is a state of war.

There is one other point, Mr. President—and I shall take only a moment or two—and that is my regret that the Senator from Idaho said that nothing which any Senator in favor of the treaty might say on the floor in regard to it could be construed in the future as an interpretation of the treaty. I had most sincerely hoped that at least whatever was said by the chairman of the Foreign Relations Committee reporting the treaty with regard to its interpretation might in the future be regarded as an official interpretation of the attitude of those who were in favor of the ratification of the treaty at this time.

When he declines to assume that responsibility and says that we must take what a committee report has to say about it as our only official interpretation, and the committee makes no report, but publishes merely the hearings before the committee in which the Secretary of State has given his views with regard to the meaning of certain parts of the treaty, it seems to me that there is a very great necessity for the passage by the Senate of a resolution looking forward to the fact that in the future some nation, in attempting to defend before the world its actions with regard to the United States, or in endeavoring to secure public opinion to put us on the wrong side of a question before the world, may claim that the plain language of the treaty says "pacific means only," says nothing about self-defense, says nothing about our right to protect our interests in foreign lands, does not go as far as the Senator from Idaho went yesterday when he said that there was nothing in the treaty to prevent our using our

cruisers and marines in foreign lands for the protection of American citizens and American property, or go as far as he went to-day when he said that self-defense certainly includes and embraces the right to protect American lives and property, in whatever part of the world they may be. My fear is that foreign nations, in endeavoring to influence world opinion in the future, will point to the fact that there were no reservations made and no resolutions passed at the time of ratification of the treaty, whether in the form of reservations or not, to point out that that was the understanding of the Senate.

Finally, Mr. President, it must be borne in mind that there are very cordial advocates of the treaty throughout the length and breadth of the land—notably, some of the most distinguished clergymen in New York and vicinity—who have stated in public that to vote for the treaty and to vote for the cruiser bill is an unthinkable inconsistency. To their minds the treaty so plainly and clearly limits us to amicable measures of settling a dispute that there could be no need for cruisers in the future, and therefore that anyone who voted for both the treaty and the cruiser bill would be guilty of a glaring inconsistency.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

Mr. BINGHAM. Certainly.

Mr. SHIPSTEAD. In a speech that Mr. Briand, of France, made at the time the treaty was signed he said that this treaty outlawed war, but only selfish wars, limiting the outlawry to selfish wars. Is it not likely as many cruisers are needed to fight an unselfish war as to fight selfish wars? [Laughter.] I think possibly that problem ought to be borne in mind, in view of the discussion of the outlawry of war that has taken place in the Senate yesterday and to-day.

Mr. WATSON. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I do.

Mr. WATSON. Does the Senator construe the Chamberlain note as a reservation to the treaty?

Mr. BINGHAM. Mr. President, I will say to the Senator that I am not a member of the Committee on Foreign Relations nor an international lawyer——

Mr. WATSON. No; but I am asking the Senator.

Mr. BINGHAM. And whatever construction I may put on it would be of very little value. What I am endeavoring to do is to find out whether, if I vote for the treaty, it would in any way express my view that the United States was hampering itself in its efforts in the future to protect American lives and property abroad at any time when the United States believed that its citizens needed such protection, whether its territory was involved or not, whether the Monroe doctrine was involved or not.

Mr. BORAH. Mr. President, when the Senator asked me with reference to whether the views of a Senator would be taken in the construction of a treaty, I undertook to state to him what I understood the rule would be in a judicial proceeding, such as has been announced by the Supreme Court of the United States. I do not know of any rule which could be invoked other than that. It might apply to a treaty or it might not; I do not know. I know of no precedents with reference to treaties. I should suppose the reasoning would apply to treaties.

My own opinion is that the individual view of a Senator would not be regarded as a construction of the treaty. I do not see how it could possibly be so, because another Senator might have a wholly different view, and one Senator's opinion is entitled to quite as much weight as the opinion of another. For that reason the Supreme Court rejects the individual view of a Senator or Member of the House of Representatives. It does not represent the Congress. It is not the authoritative voice of the law-making power. It is the view of some individual before the matter is finally put into the form of a law.

Mr. BINGHAM. Mr. President, before the Senator takes his seat, will he not, therefore, tell us why he objects to having the Senate pass a resolution stating in effect that it is the sense of the Senate that in ratifying this treaty there is nothing whatever done to interfere with our right of defending our territory or our citizens or interests abroad?

Mr. BORAH. For two reasons: In the first place, I regard that right as inherent in the treaty. Nothing we can say or do will add anything to that. In the second place, if the question of our right of self-defense is ever raised by a nation, aside from the treaty itself, the complete answer to it is in the communication of the Secretary of State to the nations at the time they signed the treaty.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Yes.

Mr. WHEELER. Assuming that we ratify this treaty, and that the same state of affairs should arise between this country and England that arose between this country and Nicaragua, would we have a right to go into England and to carry on as we carried on in Nicaragua?

Mr. BORAH. Is the Senator speaking now of a right?

Mr. WHEELER. A right under the treaty.

Mr. BORAH. I do not understand the Senator's question. I do not see the application.

Mr. WHEELER. My question is this: If we should ratify this treaty, and the same conditions should arise in England as arose in Nicaragua, and we should get into the same difficulty with reference to our property——

Mr. BORAH. The treaty would not have anything whatever to do with that situation.

Mr. WHEELER. The Senator says it would not have anything to do with it?

Mr. BORAH. No. I think not.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BARKLEY. I should like to ask the Senator from Idaho whether he regards any letter or communication among negotiators before a treaty is signed as having the same force and effect as a reservation or limitation placed upon it by the ratifying body after the treaty had been signed?

Mr. BORAH. No; I would not so regard it.

Mr. BARKLEY. In other words, a letter written by any responsible statesman representing any government that signed this treaty, giving his individual views as to what it meant, would not have the same binding effect upon the interpretation of the treaty later as if the ratifying body of some nation in its ratification had a reservation or exception of some kind as to its own action and attitude toward it?

Mr. BORAH. Take, for instance, the question of self-defense: We will use that as an illustration. I take the position, as I have said, that the right of self-defense is inherent in the treaty. If they raise the question of good faith upon our part and contend that it is not sufficiently protected by the treaty, then, in my opinion, the complete answer would be the negotiations themselves. But my position is that the treaty of itself gives the absolute right of self-defense and these notes added nothing to the treaty in this respect.

Mr. BARKLEY. But if the Senate, in its ratification, should attach some reservation as a part of the ratification, that reservation would have more binding force than any letter or communication written before the treaty was signed?

Mr. BORAH. The reservation simply exempts the Government of the United States or some other government from some obligation under the treaty.

Mr. BARKLEY. Yes.

Mr. BORAH. It is not a construction of the treaty in the sense that it binds the other nations. It simply exempts us.

Mr. BARKLEY. Exactly; so that a communication written by any responsible officer of this or any other government before the treaty is actually signed would not be interpreted and could not be regarded as exempting or limiting our country or the country involved to the same extent as if the legislative body, or such other body as had to ratify the treaty, placed the reservation in the treaty itself, or in its ratification? Is that correct?

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I do.

Mr. SWANSON. If the Senator will permit me, that very specific question came up last year before the Foreign Relations Committee.

The original treaty of arbitration to some extent was ambiguous as to whether or not it abolished the Bryan treaties. Inquiry was made as to that matter. It could have been construed either way. The Secretary of State came there, and the treaty was ambiguous, and he wrote a letter on the subject, and we agreed and reported; and under the form of that letter all treaties since have been modified. He wrote a letter stating that our interpretation of the treaty was that it did not modify in any respect the Bryan treaties. The first treaty was in the first form, and the committee agreed to take that method of having that ambiguous clause in the treaty clarified. That subject was considered at that time.

Mr. BARKLEY. Yes; but if the Senate, in ratifying the treaty, had placed on it a reservation or an interpretation saying that it did modify the Bryan treaties, the Secretary's letter would have been submerged as compared to the official action of the Senate?

Mr. SWANSON. It would have been submerged, because the French Government, I think, raised the question first; and the French Secretary of State replied to this letter that he so understood it, and accepted it.

Mr. ROBINSON of Arkansas. Mr. President, in all fairness and frankness, taking the instant case, the British Government has given notice of its interpretation of certain phases of this treaty. If we ratify this treaty without any mention of the subject matter of that note there is no tribunal in the world, judicial or political, that would ever question the right of the British Government to stand upon the interpretation placed in its note transmitted before the treaty was ratified.

Mr. JOHNSON. Mr. President, that is exactly what I wanted to add, and to say as well that when the British note is accompanied by a statement that the treaty is executed upon the express condition contained in what is said in the British note, there could be no question at all as to construction.

Mr. ROBINSON of Arkansas. If the Government had merely said, "Our interpretation of this treaty is as follows," and the exchange of ratifications was agreed upon subsequently, the Government making that interpretation would have the right to stand on it, because that was the object in making it.

Mr. BORAH. Mr. President, I do not disagree with that proposition, but what I say is that the letter does not change the treaty, it does not put any interpretation upon the treaty which would not exist without the letter.

Mr. ROBINSON of Arkansas. I have taken no issue with the Senator from Idaho on that.

Mr. REED of Missouri. I take issue, because I say that we must assume that the British statesmen had in mind that they were modifying this treaty. They were not indulging in useless words and saying something for the mere pleasure of saying it. They said this thing, they said it very solemnly, and they said it twice in the correspondence. It has been taken note of by the Russian Government and taken note of by Afghanistan, by Persia, by Egypt, by Rumania, and by Hungary. We can not assume that those words were not intended to enlarge or restrict in some way a construction which might be found in the instrument itself.

I do not think we ought to quibble about that. I am not here to try to raise objections. There are some things I want done with this treaty, but particularly when we have in mind that there is at the present time no authority in any body to construe the treaty, that its construction rests in the conscience of each nation, can there be any question but that the English conscience would be immediately in accord with any reasonable claim that would be made by the British Government that they intended to enlarge this treaty to cover certain matters? That is the conscience we have to deal with when we are leaving the entire enforcement of the treaty to the conscience—it has been said of the world—but it must always be the conscience of the particular nation that is particularly interested.

I disagree from the Senator with the greatest respect and the greatest reluctance, but I do not agree with him that Chamberlain uttered a mass of useless words, meaningless phrases, and solemnly repeated them the second time. I think I can show that it is at least an enlargement of the ordinary construction which ordinary men would put upon this treaty.

Mr. BORAH. Mr. President, I may repeat that the same official who wrote the note has put his own interpretation upon the note, and he says that the note was intended as nothing more than a statement of Great Britain's conception of her right of self-defense under the treaty.

Mr. REED of Missouri. Exactly.

Mr. BORAH. And he further states that it was no different from the right of self-defense which the United States has.

Mr. REED of Missouri. Nevertheless, he stated it, and he took pains to state it twice, and if he had been entirely content with our construction he would not have stated it.

I want to make an inquiry of the leader on the other side, as to whether we are to proceed with this debate now or to go to some other business. I think we have put in a full day's work on this treaty.

Mr. CURTIS. It is pretty late to begin any other business. We did want an executive session with closed doors, but I had hoped that the debate would run a little longer. It seems to me that 4 o'clock is a little early to stop.

Mr. BARKLEY. Mr. President, I would like to ask the Senator from Idaho another question, if we are going on with this. This treaty is bound to mean the same thing to all nations that have signed it. It can not mean one thing to one nation and another thing to another nation. Otherwise it is not multilateral—whether the British Government's note was correct in the interpretation of the treaty or not. If the British note's interpretation is the correct interpretation, then is it not true that it is not only the correct interpretation for Great Britain but for all the other nations that have signed the treaty, if they were similarly situated with Great Britain, or in any degree similarly situated?

Mr. BORAH. It is the same to all nations. Each nation has the right of self-defense, and each nation determines for itself what is self-defense. Great Britain determines for itself what, in the condition of the British Empire, she conceives to be self-defense. We would do the same thing exactly toward what we conceived to be self-defense. Russia would do the same thing. It is the same right, the same principle, applicable to all signers of the treaty.

Mr. BARKLEY. So that if the position taken in the British note is inherent in the treaty, without the note, then it is equally inherent in the treaty for all nations. That is true, is it not?

Mr. BORAH. Not by reason of the British note, but by reason of the treaty.

Mr. BARKLEY. If the British note's interpretation, without the note, would have been inherent in the treaty, it would have been inherent for all the nations?

Mr. BORAH. Absolutely.

Mr. BARKLEY. And if the British note's interpretation is correct, then it is correct for all the nations?

Mr. BORAH. Exactly.

Mr. BARKLEY. So that the British note does no harm, whether it is simply an interpretation of the treaty that would not have been inherent, or whether it was an addition to the treaty. It applies to all the nations exactly the same, to the extent in which they may be situated similar to the position of Great Britain.

Mr. REED of Missouri. Oh, no.

Mr. BARKLEY. Is that correct?

Mr. BORAH. Well——

Mr. BARKLEY. Of course, there is no other nation situated as Great Britain is as respects self-defense.

Mr. BORAH. The principle of self-defense and the terms of the treaty are the same for all nations. Each nation determines for itself what is self-defense under the treaty, and that is common to all the nations. In that respect, of course, it is common to all the nations. Great Britain might put a construction upon it with which we would not agree, but the right to put the construction on it is hers. The principle is the same to all nations. We might disagree as to the application of it.

Mr. BARKLEY. Suppose in the future some other nation, in the shifting of territory, should acquire regions in other parts of the world that occupied the same relationship to the mother nation that these various regions occupy to England. The mere fact that that condition does not exist now would not prevent that particular nation from asserting the same right under this treaty that Great Britain now asserts?

Mr. BORAH. They would have that right if Great Britain had never written any note.

Mr. BARKLEY. So that whether the treaty carried with it that implication, or whether the British note adds something to it, after all is not very material, because it means the same thing in either instance to all the nations that have signed it?

Mr. BORAH. Exactly. There is nothing in the correspondence and the treaty combined with reference to self-defense that is not in the treaty singly and alone.

PRISON-MADE GOODS

As in legislative session,

The PRESIDING OFFICER (Mr. SACKETT in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WATSON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COUZENS, Mr. FESS, and Mr. HAWES conferees on the part of the Senate.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session the doors were reopened,

and (at 4 o'clock p. m.) the Senate, as in legislative session, adjourned until to-morrow, Saturday, January 5, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 4 (legislative day of January 3), 1929

SPECIAL COUNSEL

Owen J. Roberts, of Pennsylvania, to be one of special counsel to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts as provided in Senate Joint Resolution 54, approved February 8, 1924.

POSTMASTERS

CALIFORNIA

Viola A. Johnson to be postmaster at Chula Vista, Calif., in place of V. A. Johnson. Incumbent's commission expired January 9, 1928.

Charles F. Evers to be postmaster at Fortuna, Calif., in place of C. F. Evers. Incumbent's commission expired December 17, 1928.

Ruth A. Haskell to be postmaster at San Ysidro, Calif., in place of R. A. Haskell. Incumbent's commission expired December 17, 1928.

COLORADO

Valcie V. Vining to be postmaster at Wray, Colo., in place of A. J. Miller, resigned.

FLORIDA

Carrie C. Avriett to be postmaster at Jennings, Fla., in place of W. W. Zipperer, removed.

Emma M. Cromartie to be postmaster at Reddick, Fla., in place of E. M. Cromartie. Incumbent's commission expired December 20, 1928.

GEORGIA

Harry P. Womelsdorf to be postmaster at Cartersville, Ga., in place of H. P. Womelsdorf. Incumbent's commission expires January 5, 1929.

William H. Blitch to be postmaster at Statesboro, Ga., in place of W. H. Blitch. Incumbent's commission expires January 5, 1929.

ILLINOIS

Eugene L. Hiser to be postmaster at Bloomington, Ill., in place of E. E. Jones, removed.

Ralph Redding to be postmaster at Fisher, Ill., in place of D. A. Rome, resigned.

Edward J. Briswalter, jr., to be postmaster at Grayville, Ill., in place of A. L. Patterson. Incumbent's commission expired May 12, 1926.

Peter J. Aimone to be postmaster at Toluca, Ill., in place of W. E. Skelton. Incumbent's commission expired January 7, 1928.

INDIANA

David E. Conrad to be postmaster at Lapel, Ind., in place of F. S. Huffman, resigned.

IOWA

Clyde W. Edwards to be postmaster at Adair, Iowa, in place of C. W. Edwards. Incumbent's commission expired December 29, 1928.

Frank C. Bentley to be postmaster at Rhodes, Iowa, in place of L. E. Perry, resigned.

KANSAS

Henry A. Cory to be postmaster at Alta Vista, Kans., in place of H. A. Cory. Incumbent's commission expires January 6, 1929.

Clarence T. Taylor to be postmaster at Arlington, Kans., in place of C. T. Taylor. Incumbent's commission expires January 6, 1929.

Henry N. Van Doren to be postmaster at Deerfield, Kans., in place of H. N. Van Doren. Incumbent's commission expires January 6, 1929.

Guy W. Bryan to be postmaster at Delia, Kans., in place of G. W. Bryan. Incumbent's commission expires January 6, 1929.

George H. Leisenring to be postmaster at Ellis, Kans., in place of G. H. Leisenring. Incumbent's commission expires January 6, 1929.

Grace E. Wilson to be postmaster at Milford, Kans., in place of G. K. Morris, removed.

Clara G. McNulty to be postmaster at Stockton, Kans., in place of C. G. McNulty. Incumbent's commission expires January 6, 1929.

KENTUCKY

Edmund T. Davern to be postmaster at Kenvir, Ky., in place of B. J. Williams, resigned.

Everett E. Davis to be postmaster at Louellen, Ky. Office became presidential July 1, 1928.

E. Paul Counts to be postmaster at Olive Hill, Ky., in place of H. G. Hicks, removed.

LOUISIANA

Emile Aubert to be postmaster at Abite Springs, La., in place of Emile Aubert. Incumbent's commission expired December 13, 1928.

Jessie V. Leech to be postmaster at Mer Rouge, La., in place of J. H. Leech, resigned.

MARYLAND

William G. Smyth to be postmaster at Chestertown, Md., in place of J. N. Bennett. Incumbent's commission expired January 7, 1928.

Louis J. DeAlba to be postmaster at Glenburnie, Md. Office established July 1, 1928.

Robert G. Merryman to be postmaster at Monkton, Md., in place of C. R. Wilhelm, removed.

MASSACHUSETTS

Florence L. Beal to be postmaster at North Cohasset, Mass., in place of E. T. Brickett, resigned.

MICHIGAN

Agnes B. Ruttle to be postmaster at Carsonville, Mich,. in place of A. B. Ruttle. Incumbent's commission expires January 6, 1929.

Florence R. Woodbridge to be postmaster at Sidnaw, Mich., in place of F. R. Woodbridge. Incumbent's commission expires January 6, 1929.

Curtis Van Prentice to be postmaster at South Haven, Mich., in place of Curtis Van Prentice. Incumbent's commission expired December 12, 1928.

James L. Blakeley to be postmaster at Standish, Mich., in place of J. L. Blakeley. Incumbent's commission expires January 6, 1929.

MINNESOTA

Ernie L. Emmons to be postmaster at Emmons, Minn., in place of G. H. Emmons, deceased.

James E. Parish to be postmaster at Houston, Minn., in place of J. E. Redding. Incumbent's commission expired January 25, 1927.

Joseph L. Gilson to be postmaster at Ivanhoe, Minn., in place of J. L. Gilson. Incumbent's commission expires January 6, 1929.

Mary A. Mogren to be postmaster at Ortonville, Minn., in place of M. A. Mogren. Incumbent's commission expired December 9, 1928.

Niels F. Petersen to be postmaster at Tyler, Minn., in place of N. F. Petersen. Incumbent's commission expires January 6, 1929.

MISSISSIPPI

Emma E. Hale to be postmaster at Natchez, Miss., in place of H. D. Hale, deceased.

MISSOURI

Clara Harlin to be postmaster at Gainesville, Mo., in place of A. C. Wood, removed.

Charles W. Lowry to be postmaster at Normandy, Mo., in place of C. A. McSwiney, resigned.

MONTANA

Nora M. Henley to be postmaster at Geyser, Mont., in place of N. M. Henley. Incumbent's commission expired December 12, 1928.

Stanley A. Yergey to be postmaster at Hardin, Mont., in place of S. A. Yergey. Incumbent's commission expired December 12, 1928.

Roy D. Beagle to be postmaster at Savage, Mont., in place of R. D. Beagle. Incumbent's commission expired December 29, 1928.

Alma M. Engle to be postmaster at Somers, Mont., in place of A. M. Engle. Incumbent's commission expires January 6, 1929.

William Fraser to be postmaster at Three Forks, Mont., in place of William Fraser. Incumbent's commission expires January 6, 1929.

NEBRASKA

Laurence N. Merwin to be postmaster at Beaver City, Nebr., in place of L. N. Merwin. Incumbent's commission expires January 6, 1929.

Clarissa Bilyeu to be postmaster at Big Spring, Nebr., in place of N. G. Craig, resigned.

Marcus H. Carman to be postmaster at Cook, Nebr., in place of M. H. Carman. Incumbent's commission expires January 6, 1929.

Joe G. Crews to be postmaster at Culbertson, Nebr., in place of J. G. Crews. Incumbent's commission expires January 6, 1929.

Charles H. Fueston to be postmaster at Dakota City, Nebr., in place of C. H. Fueston. Incumbent's commission expires January 6, 1929.

William C. Coupland to be postmaster at Elgin, Nebr., in place of W. C. Coupland. Incumbent's commission expires January 6, 1929.

Lucy L. Mendenhall to be postmaster at Elk Creek, Nebr., in place of L. L. Mendenhall. Incumbent's commission expires January 6, 1929.

Charles E. Cook to be postmaster at Franklin, Nebr., in place of C. E. Cook. Incumbent's commission expires January 6, 1929.

James J. Green to be postmaster at Moorefield, Nebr., in place of J. J. Green. Incumbent's commission expires January 6, 1929.

Herbert L. Wichman to be postmaster at Norfolk, Nebr., in place of H. L. Wichman. Incumbent's commission expires January 6, 1929.

George A. Ayer to be postmaster at Oxford, Nebr., in place of G. A. Ayer. Incumbent's commission expires January 6, 1929.

Olaf H. Larson to be postmaster at Shickley, Nebr., in place of O. H. Larson. Incumbent's commission expired December 11, 1928.

Lulu C. Brown to be postmaster at Stockville, Nebr., in place of L. C. Brown. Incumbent's commission expires January 6, 1929.

Franz J. Riesland to be postmaster at Wood River, Nebr., in place of F. J. Riesland. Incumbent's commission expires January 6, 1929.

NEW JERSEY

David Tumen to be postmaster at Atlantic Highlands, N. J., in place of David Tumen. Incumbent's commission expired December 13, 1928.

John R. Yates to be postmaster at Bivalve, N. J., in place of J. R. Yates. Incumbent's commission expires January 6, 1929.

Earl C. Woodworth to be postmaster at Essex Fells, N. J., in place of Edwin Condit, deceased.

NEW YORK

John A. Crager to be postmaster at Hagaman, N. Y., in place of J. A. Crager. Incumbent's commission expires January 6, 1929.

Hazel I. VanNamee to be postmaster at Richville, N. Y., in place of H. G. VanNamee, removed.

NORTH CAROLINA

Keiffer L. Long to be postmaster at Thomasville, N. C., in place of F. E. Sigman, removed.

NORTH DAKOTA

Myron B. Fallgatter to be postmaster at Kintyre, N. Dak. Office became presidential July 1, 1928.

Bernice R. Ronning to be postmaster at Kramer, N. Dak., in place of S. M. Ronning, deceased.

OHIO

Calvin M. Crabtree, jr., to be postmaster at Convoy, Ohio, in place of J. A. Dressel. Incumbent's commission expired February 24, 1924.

Charles F. Shoemaker to be postmaster at Pickerington, Ohio, in place of C. F. Shoemaker. Incumbent's commission expired December 17, 1928.

Clarence S. Frazer to be postmaster at Xenia, Ohio, in place of C. S. Frazer. Incumbent's commission expired December 12, 1928.

OKLAHOMA

Jennie L. Timberlake to be postmaster at Terral, Okla., in place of J. L. Timberlake. Incumbent's commission expired December 12, 1928.

OREGON

Earl B. Watt to be postmaster at Falls City, Oreg., in place of E. B. Watt. Incumbent's commission expires January 5, 1929.

Jay W. Moore to be postmaster at Harrisburg, Oreg., in place of J. T. Anderson. Incumbent's commission expired March 19, 1928.

Clarence C. Presley to be postmaster at Newport, Oreg., in place of O. P. Shoemaker, resigned.

PENNSYLVANIA

Beatrice Davidson to be postmaster at Grindstone, Pa., in place of Beatrice Davidson. Incumbent's commission expired February 18, 1928.

Harry G. Miller to be postmaster at Hillcoke, Pa. Office became presidential July 1, 1928.

Anna R. Parker to be postmaster at Kulpmont, Pa., in place of A. R. Parker. Incumbent's commission expired January 8, 1928.

Winston J. Beglin to be postmaster at Midland, Pa., in place of W. J. Beglin. Incumbent's commission expired March 1, 1928.

Mary G. Cann to be postmaster at Stoneboro, Pa., in place of W. B. Parker. Incumbent's commission expired January 24, 1928.

PORTO RICO

Luis E. Kolb to be postmaster at Utuado, P. R., in place of Moises Jordan, removed.

SOUTH CAROLINA

Hamilton R. Burkett to be postmaster at Eastover, S. C., in place of E. C. Rye, removed.

SOUTH DAKOTA

Nellie M. Sullivan to be postmaster at Athol, S. Dak., in place of N. M. Sullivan. Incumbent's commission expired December 11, 1928.

TENNESSEE

Grosvenor M. Steele to be postmaster at Bemis, Tenn., in place of G. M. Steele. Incumbent's commission expires Jan-6, 1929.

Emma R. Kilgore to be postmaster at Cottagegrove, Tenn., in place of E. R. Kilgore. Incumbent's commission expires January 6, 1929.

Sampson DeRossett to be postmaster at Crossville, Tenn., in place of Sampson DeRossett. Incumbent's commission expires January 6, 1929.

Roe Austin to be postmaster at Dover, Tenn., in place of Roe Austin. Incumbent's commission expires January 6, 1929.

Stephen Hixson to be postmaster at Dunlap, Tenn., in place of Stephen Hixson. Incumbent's commission expires January 6, 1929.

Benjamin Ford to be postmaster at Hartford, Tenn. Office became presidential July 1, 1928.

Link Monday to be postmaster at Kimberlin Heights, Tenn., in place of Link Monday. Incumbent's commission expires January 6, 1929.

Carrie S. Honeycutt to be postmaster at Wartburg, Tenn., in place of C. S. Honeycutt. Incumbent's commission expires January 6, 1929.

TEXAS

Elizabeth Ingenhuett to be postmaster at Comfort, Tex., in place of Elizabeth Ingenhuett. Incumbent's commission expired December 20, 1928.

Alvin O. Fricke to be postmaster at Kingsbury, Tex., in place of A. O. Fricke. Incumbent's commission expired December 20, 1928.

Ruth S. Marion to be postmaster at Kermit, Tex. Office became presidential October 1, 1928.

Edward H. Reinhard to be postmaster at Poth, Tex., in place of E. H. Reinhard. Incumbent's commission expired December 10, 1928.

Susan Sipes to be postmaster at Sinton, Tex., in place of M. W. Williams, resigned.

Emil J. Spickerman to be postmaster at Skidmore, Tex., in place of E. J. Spickerman. Incumbent's commission expired December 20, 1928.

UTAH

Joseph Odell to be postmaster at Logan, Utah, in place of Joseph Odell. Incumbent's commission expires January 6, 1929.

Warren W. Porter to be postmaster at Morgan, Utah, in place of W. W. Porter. Incumbent's commission expires January 6, 1929.

John E. Lunt to be postmaster at Nephi, Utah, in place of J. E. Lunt. Incumbent's commission expires January 6, 1929.

Robert S. Calderwood to be postmaster at Tremonton, Utah, in place of S. W. Elswood, removed.

VIRGINIA

Peter L. Cooper to be postmaster at Clarksville, Va., in place of W. B. Alfred, deceased.

Edgar B. Elliott to be postmaster at Gate City, Va., in place of H. E. Lane, removed.

WISCONSIN

Redmond F. English to be postmaster at Arcadia, Wis., in place of S. K. Gaveney, removed.

Orville T. Huggins to be postmaster at Belmont, Wis., in place of T. C. Snyder, deceased.

Bert Piepenburg to be postmaster at Mountain, Wis., in place of Marinus Jensen, deceased.

George H. Drake to be postmaster at Rothschild, Wis., in place of Clytie Geiger, removed.

WYOMING

Charles M. FitzMaurice to be postmaster at Greybull, Wyo., in place of B. R. Jones, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 4 (legislative day of January 3), 1929

SPECIAL COUNSEL

Owen J. Roberts, of Pennsylvania, special counsel, to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts as provided in Senate Joint Resolution 54, approved February 8, 1924.

POSTMASTERS

FLORIDA

Victor Allen, Bushnell.

MONTANA

William G. Hunter, Boulder.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 4, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Knowing the fullness of Thy mercy and the majesty of Thy love we would again, dear Lord, revive the ministry of praise. In the ages to come we hope to serve Thee by praise, but here and now we can serve Thee best by service. We thank Thee that out of the gates of Thy throne flow the streams of benevolence that sweeten the bitter waters of afflicted and sorrowing human life. In the name of Him who achieved miracles of restoration and recovery we ask the blessing of comfort and healing upon the strickened multitudes of our country. O Thou in whom purity, goodness, and power came to their full fruitage, stay Thou the contagion that is abroad in our land. Bring to all our people new strength, new hope, and new vision. O lift the curtains of the world and show Thyself to be great and holy, and may humanity everywhere fall at Thy feet with joy. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes.

RECLASSIFICATION OF FEDERAL EMPLOYEES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, ladies, and gentlemen of the House, I desire to direct the attention of this body to a bill which I have just placed in the hamper, a companion bill to a bill offered in the Senate yesterday by Senator BROOKHART. This bill attempts to bring about some sort of justice and equity in connection with the carrying out of the varying features of the Welch bill, the salary increase bill. When we in the last session passed the Welch bill we thought we were at least going to give some sort of justice to the rank and file of the civilian employees, but unfortunately in the carrying out or in the administration of that act inequalities which heretofore existed were greatly aggravated. If any of you go to the various departments and you want to find out some information as to how that act was administered, you will find a great deal of dissatisfaction, a great deal of injustice. You will find instead of a leveling of the inequalities that the injustices, inadequacies in salary, and discriminations as to grade have greatly increased in the administration of this act. The bill which I have offered seeks to remedy to a great extent those injustices, and I ask your kindly consideration of it, particularly the members of the Civil Service Committee. I acted as one of the House managers in the conference on the Welch bill. I held out for the Senate bill because it was more liberal than the House bill. It was fairer. A spirit of economy—I should say parsimony—prevailed, dictated from above. The administration would not pay the price of giving the rank and file a living wage. My bill and that of Senator BROOKHART will give complete satisfaction.

LEAVE OF ABSENCE

Mr. DICKINSON of Iowa. Mr. Speaker, I request that my colleague, Mr. DOWELL, of Iowa, be given leave of absence for 10 days on account of a death in his immediate family.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NATIONAL SANATORIUM, MARION, IND.

Mr. HALL of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 14153, now on the House Calendar, with reference to an appropriation for the Marion National Sanatorium.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL of Indiana. Mr. Speaker, on December 17 the House had under consideration H. R. 14153, to authorize an additional appropriation of $150,000 for the construction of a hospital annex at the Marion (Ind.) Branch. The discussion of this bill indicates considerable misinformation and lack of understanding of the purposes of this appropriation and the reason for the additional amount.

The Sixty-ninth Congress authorized an appropriation of $700,000 for this sanatorium—$600,000 of which was made available for the construction of three cottages and $100,000 for the hospital annex. Since this authorization the Supervising Architect of the Treasury Department has been making definite plans for the construction of these buildings. He finds and advises that the $100,000 provided for the hospital annex is not sufficient to give the required relief and states in a letter to the Secretary of War that an additional $150,000 is necessary. In order that the Members of the House may be more fully acquainted with the Marion Sanatorium, I am submitting a statement which covers not only the work which is being done by the hospital but gives a good résumé of the equipment. I would especially call attention to that paragraph concerning the treatment hospital which states that at the present time about 40 terminal cases of paresis are cared for, is overcrowded and the beds occupied by these cases of paresis are needed for other patients with disabilities requiring special treatment. To correct this situation, it is proposed to construct a building to be used as an annex to the treatment hospital, this building to have a capacity of not less than 50 beds for the accommodation and proper segregation of these terminal cases of paresis. The building would be located immediately in the rear of the present treatment hospital and operated as an annex to the treatment service. As indicated above, such a building would materially relieve the congested situation on the treatment hospital and afford far better care for this special type of patients.

The Marion National Sanatorium was formally opened for the care of ex-service men suffering from nervous and mental diseases January 1, 1921. At that time there was available for occupancy approximately 300 beds. A large proportion of the hospital facilities were being reconstructed so as to properly care for patients of this type. The capacity was rapidly increased to 1,012. These beds were occupied almost as rapidly as buildings were completed. On February 20, 1923, a hospital unit for tuberculosis and neuropsychiatric patients was opened with a bed capacity of 80 beds, this increasing the capacity of the hospital to 1,092. For approximately two years the entire hospital has been filled to capacity, and during the past year and a half there has been at all times a waiting list of from 40 to 60 to 70 patients. It is ordinarily considered good hospital practice for hospitals of this type to have at least 10 per cent vacancy in order to facilitate transfers necessary for better care and administration and to properly segregate the different types of mental diseases. Owing to the large number of applications for admission that has been received, for over a year the number of vacant beds has at all times been less than 3 per cent. This has resulted in the following condition, namely, that whenever it was necessary to transfer a patient for medical or surgical treatment to the treatment hospital, it was necessary to transfer some one out to another building, and this in turn demanded four to six transfers.

It can readily be seen that this is not good hospital practice and does not make for the best care and administration. The

number of applications for admission is increasing rather than decreasing, and from all sources of information throughout this section of country, it would seem that this condition will obtain for an indefinite period. Although there is a Veterans' Bureau hospital with a capacity of 500 beds at Chillicothe, Ohio; one at Camp Custer, Mich., bed capacity, 500; limited facilities at Edward Hines, Jr., Hospital, Chicago; and a newly opened hospital at Great Lakes, Chicago, for the same type of cases, still the need for additional beds is urgent, and it would seem that an increase in bed capacity at the Marion National Sanatorium is the logical solution of this problem, in view of the fact that this hospital has been operating for over five years successfully.

There is maintained an exceedingly well-trained, well-organized, and efficient medical staff to which only minor additions would be necessary if additional beds were provided.

There is a nursing corps of 55 graduate registered nurses, especially trained in the care of nervous and mental patients. This nursing staff is exceedingly efficient and would require only a moderate number of additions. The other hospital personnel is well organized and efficient.

There is at this hospital one of the best-equipped clinical laboratories in the country. It is adequately personneled to care for the present patient population as well as any other additional patients in the future.

There is an exceptionally well organized and equipped occupational-therapy school housed in a specially designed and constructed building for this purpose. It is in charge of a chief aide with 12 assistant aides, directly under the supervision of the medical director and superintendent.

There are electro and hydro therapy departments fully equipped and have sufficient capacity to take care of additional patients.

There is maintained a general library of 4,863 volumes, and in addition to the books listed there are 61 weekly and monthly magazines and newspapers provided. This library is housed in a most splendid building equipped with reading rooms and an amusement hall.

There is a very commodious and well-equipped gymnasium of sufficient capacity to care for the needs of even a larger hospital than at present. The physical rehabilitation work carried on in this gymnasium is under the direction of a physical director and an assistant who have had long experience in this work and are exceedingly efficient.

There is also maintained a commodious theater, where picture shows, vaudeville, and other entertainments are given three times a week throughout the season.

The reservation consists of 333 acres, 120 of which is under cultivation.

The executive, finance, quartermaster's, and commissary departments are fully organized and are functioning in a most economical and efficient manner. These departments are all adequate to properly administer a hospital of increased capacity.

All the necessary utilities, such as water supply, electric power, heat, and sewerage, are installed. The only additional requirements for a hospital of increased capacity would be minor additions to the heating plant consisting of one 250-horsepower boiler.

From the above it can be readily noted that, first, the need exists for additional beds for neuropsychiatric cases; second, that with an institution fully equipped in all departments and proper utilities already existing additional hospital facilities can be provided at a far more economical figure than could be done in case another neuropsychiatric hospital were to be constructed from the ground up. It is believed that new hospital buildings could be constructed here in the minimum period of time, and as rapidly as completed the necessary additional personnel could be provided and the additional 250 beds contemplated thrown open for the reception of patients in a much shorter time than would be possible under any other condition.

The four building, with a capacity of 250 beds, asked for, are needed for very definite and specific reasons.

The treatment hospital, where at the present time about 40 terminal cases of paresis are cared for, is overcrowded and the beds occupied by these cases of paresis are needed for other patients with disabilities requiring special treatment. To correct this situation, it is proposed to construct a building to be used as an annex to the treatment hospital, this building to have a capacity of not less than 50 beds for the accommodation and proper segregation of these terminal cases of paresis. The building would be located immediately in the rear of the present treatment hospital and operated as an annex to the treatment service. As indicated above, such a building would materially relieve the congested situation on the treatment hospital and afford far better care for this special type of patients.

One building of approximately 65-bed capacity is urgently needed to relieve the congestion on the reception service. The number of extremely psychotic patients received on this service has steadily increased and the facilities on the reception service where these patients must necessarily be kept for a period of observation, while adequate when the building was constructed a few years ago, are entirely inadequate at the present time and from the type and number of applications received for admission, it is believed that this situation will be a permanent one. Therefore, the construction of this building is deemed of the greatest importance to the proper administration of the reception service.

The other two buildings proposed are to be used for the care and segregation of other types, mainly, the various forms of dementia præcox which constitute a large percentage of admissions.

As the situation now exists, the four new buildings with a bed capacity of 250, now under construction, will give relief from the present congestion in all departments, thereby permitting a better classification, proper segregation, and more satisfactory results in the treatment of all patients. Finally, and of the greatest importance, it would afford relief to a large number of ex-service men with nervous and mental disabilities throughout this district, who are and will be, in the future, in urgent need of hospital care and for whom no hospital facilities are available.

JUSTICE FOR FORMER EMERGENCY OFFICERS

Mr. WURZBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 10436, introduced by myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WURZBACH. Mr. Speaker, supplemental legislation is greatly needed to correct the excessive disparities between the pay of those former emergency officers, originally appointed lieutenant colonels, majors, captains, and first lieutenants under section 24 of the act of June 4, 1920, and officers of the prewar Regular Army now in those grades. I feel sure these inequalities and unfair, unjust discriminations against the emergency officers were never intended by Congress, would never have occurred had Congress been properly and fully advised in the matter at the time of the passage of the pay readjustment act in 1922, and will quickly be wiped out when Congress realizes the situation.

This pay act was a measure intended to equalize conditions, to partially recompense the emergency officers in pay for what they had lost or been deprived of by various unjust and discriminatory measures, rulings, constructions, and acts. In order to fully understand the purposes of this bill and its provisions the first thing to do is to see what it does not do.

It does not in any way affect or change the promotion list; nobody loses or gains a single file. It has nothing to do with retirement. It does not apply for any longevity or "fogey" purposes. It does not in the least conflict or interfere with any past or pending legislation and is not included in any other bill. This corrective legislation is needed irrespective of whether any other pending bills pass or fail. Nobody loses a single dollar by its provisions. It does not grant any double benefits, for when one is promoted he gets no benefit from this bill; it only helps those who are not promoted. It is not opposed by any class, for opposition or amendments to it would be without real justice and merit, only an attempt by some to have themselves included in the bill, get something for themselves, right or wrong, or object simply because they do not get something. Further, it does not in any way change the principles of the pay act of June 10, 1922 (42 Stat. 631), nor its rates of pay and allowances or schedule of years.

On the contrary, this bill merely supplies an accidental omission in said pay act, benefits about 2,200 former emergency officers in the matter of their pay only, without injuriously affecting anybody in any way. It includes everyone possible under the provisions and principles of the pay act.

It merely allows the former emergency officers appointed first lieutenants, captains, majors, or lieutenant colonels as of July 1, 1920, under the act of June 4, 1920 (41 Stat. 759), to retain the equivalents, or constructive periods, of 3, 7, 14, and 20 years, respectively, given them in the pay act to put them in the second, third, fourth, or fifth pay periods, and to add to such terms their actual service, and thus be enabled to advance to a higher pay period when not promoted. This is the whole sum and substance of this bill. As the law now is, if promoted, they keep this constructive service, have it to start, only lose it when not promoted, the very time they need

it most. For the cardinal principle of the pay act as set forth in the report (No. 926) on it is to help those not promoted, to "protect the individual in the case of abnormally slow promotion."

And it is principally the former emergency officers who have been and are suffering from "abnormally slow promotion." Beginning with July 1, 1920, literally thousands of pre-war Regulars have been promoted to major generals, brigadier generals, colonels, lieutenant colonels, and majors, but with the small exception of about a dozen old majors, nearly all of whom are now dead or retired, no former emergency officers have been promoted to any of these grades. A careful investigation of the hearings before the committees, their reports, and the discussions in Congress relative to said pay act discloses statements by Senator Wadsworth, Representatives McKenzie, WILLIAM B. OLIVER, JOHN Q. TILSON, BYRNS, and Gen. John J. Pershing, showing it was the purpose and intention to grant the former emergency officers these periods of 3, 7, 14, and 20 years of constructive service for all pay-period purposes. By inadvertence Congress failed to make it apply in event the officer was not promoted. (See p. 6540, vol. 62, pt. 6, and pp. 6622 and 6821, vol. 62, pt. 7, CONGRESSIONAL RECORD; also hearings on pay act on November 25, 1921, before a joint committee, p. 109; and Rept. 926 on pay act of 1922, p. 8.)

After the World War the Army was reorganized, mainly under the act of June 4, 1920, which contains several restrictions and limitations for the former emergency officers which were not held applicable to the pre-war Regulars. These were as to the grades the emergency officers could fill, the small number of them appointed in the higher grades, the limits as to age, requirements as to examinations, and position on the promotion list. By various interpretations, constructions, and rulings, made either contrary to the legal opinions of the established authorities, or without any proper opinions, the former emergency officers were placed in unfavorable positions in several ways. The selection of these former emergency officers to be appointed and the arranging of the promotion list were done by boards composed entirely of pre-war Regulars.

Having this in mind, Congress passed the pay readjustment act of June 10, 1922, endeavoring to equalize matters by making it possible for the former emergency officers to start in higher pay periods, to advance in pay periods, and get additional pay, since their chances to be promoted in grade had been rendered very small, or greatly deferred.

For this reason and on account of their greater age, education at their own expense, their experience, World War service, judgment and training, all of which they brought as a voluntary contribution to the Army, the former emergency officers appointed colonels were considered as having 26 years' constructive service and placed in the sixth pay period; those appointed lieutenant colonels were considered as having 20 years' constructive service and placed in the fifth pay period; those appointed majors were considered as having 14 years' service and placed in the fourth pay period; those appointed captains were considered as having 7 years' service and placed in the third pay period; and finally those appointed first lieutenants were considered as having 3 years' service and placed in the second pay period. The pay act establishes six pay periods, with base pay for the first of $1,500 a year, progressing up to the sixth with a base pay of $4,000 a year.

This act puts in the sixth pay period the pre-war Regular colonels having over 26 years' service, and these former emergency officers appointed colonels, without regard to their length of service, so these latter are considered as having such 26 years as constructive service for pay-period purposes only. But actually only 5 emergency officers were appointed colonels out of the 599 colonels authorized by the act of June 4, 1920, which required that—

a suitable number be appointed in each grade below brigadier general.

It also includes in the sixth period the emergency lieutenant colonels promoted to colonels, irrespective of their length of service, whilst the pre-war lieutenant colonel promoted to colonel must have over 26 years' service. So the emergency lieutenant colonel retains his constructive service when promoted.

The fifth pay period embraces pre-war lieutenant colonels with over 20 and less than 30 years' service and those former emergency officers appointed lieutenant colonels without regard to their length of service, so these latter are considered as having the needed 20 years as constructive service for pay-period purposes only. But actually only 14 emergency officers were appointed lieutenant colonels out of the 674 lieutenant colonels authorized by the act of June 4, 1920. It also includes emergency majors promoted to lieutenant colonels, without regard to their length of service, whilst the pre-war Regular major thus promoted must have over 20 years' service to advance to the fifth pay period. So the emergency major retains his constructive service when promoted.

Certainly the emergency lieutenant colonels not promoted and having 10 years' actual service should be allowed to add this to their 20 years' constructive service to make the 30 years needed to advance to the sixth pay period. This the pay act accidentally omitted, but this bill supplies it and cures the defect.

Under the present law the pre-war Regular lieutenant colonel serves 10 years at most in the fifth period, then advances to the sixth period whether promoted or not, but the emergency lieutenant colonel not promoted must have 30 years' actual service before he can advance to the sixth period. As he had to be over 45 years old to be appointed and must retire at 64 it is impossible for him to thus advance to the sixth period. This inequality, discrimination, and injustice this bill rectifies and removes by adding to those in the sixth period the emergency lieutenant colonels, not promoted, who have completed 10 years' actual service.

The fourth pay period embraces pre-war majors with over 14 and less than 23 years' service, and those former emergency officers appointed majors without regard to their length of service, so these latter are considered as having the needed 14 years as constructive service for pay-period purposes only. But only 208 emergency officers were appointed majors out of the 2,245 majors authorized by the act of June 4, 1920. It also embraces emergency captains promoted to majors without regard to their length of service, whilst the pre-war captain promoted to major must have over 14 years' service, so the emergency captain retains his constructive service when promoted. Emergency majors not promoted and having 9 years' actual service should be allowed to add this to their 14 years' constructive service to make the 23 years necessary to advance to the fifth pay period. This is what the law now accidentally omits and this bill supplies.

Now, the pre-war Regular major serves nine years at the most in this fourth period, then advances to the fifth period whether promoted or not, but the emergency major not promoted must have 23 years' actual service before he can advance to the fifth period. As he was on the average about 43 years old when appointed and must retire at 64 scarcely any can thus advance to the fifth pay period. This inequality, discrimination, and injustice this bill also rectifies and removes by adding to those in the fifth pay period the emergency majors not promoted who have completed nine years' actual service.

The third pay period embraces pre-war captains, with over 7 and less than 17 years' service, and these former emergency officers appointed captains without regard to their service, so these latter are considered as having the needed 7 years as constructive service for pay-period purposes only. It also embraces emergency first lieutenants promoted to captains without regard to their length of service.

Emergency captains not promoted and having two years' actual service should be allowed to add this to their constructive service to make the 17 years necessary to advance to the fourth pay period. This is what the law now accidentally omits, but this bill supplies. Now the pre-war Regular captain serves 10 years at the most in this third period; then advances to the fourth period whether promoted or not; but the emergency captain, not promoted, must have 17 years' actual service before he can advance to the fourth period. This inequality, discrimination, and injustice this bill also rectifies and removes by adding to those in the fourth pay period the emergency captains not promoted who have completed 10 years' actual service.

The second pay period embraces pre-war first lieutenants with over 3 and less than 10 years' service and those former emergency officers appointed first lieutenants without regard to their length of service, so these latter are given the needed 3 years as constructive service. Another inequality is corrected in this bill by also adding to those the fourth pay period those appointed to the Army on July 1, 1920, as first lieutenants who have been promoted to captains and who have had 14 years' actual service.

Former emergency officers appointed colonels are not included in this bill because they are already in the sixth or highest pay period, and this bill in no way affects them; they can not be included.

Former emergency officers appointed second lieutenants were not given any constructive service by the pay, as they needed none, so they can not be and are not included in this bill. Besides, they have all been promoted to first lieutenants or captains and are all now in the third, or captains' pay period.

Moreover, the second lieutenants are much younger and will be able to acquire sufficient actual service, before retirement, to advance to higher pay periods; they had no just claim for any constructive service and were not given any in the pay act.

Under the requirements, a former emergency officer must be past 36 years of age to be appointed a major, but about 1,200 pre-war Regulars under 36 were made majors, many at the immature ages of 26, 27, 28, or 29.

With the pay act operating as at present, there are great discriminations against the former emergency officers in several ways. Pre-war majors are actually receiving more remuneration than even emergency colonels or lieutenant colonels. And pre-war majors, younger on the average by about 10 years than the emergency majors, doing exactly the same work, are receiving from $140 to $160 more each month than the emergency major. Even after this bill becomes the law, these pre-war majors will still receive about $70 a month more than the emergency majors.

It is estimated that the greatest cost of this bill will be for the first year, approximately $900,000, but this is not "the annual additional cost," since the increased cost will decrease rapidly each successive year as these former emergency officers die, resign, retire, or advance into higher pay periods by length of service, irrespective of this bill.

The Committee on Military Affairs of the Senate favorably unanimously reported upon bill S. 3569, when identical with H. R. 10436. (See S. Rept. No. 962, 70th Cong., 1st sess.)

When it was under discussion before the whole Senate, Senator DAVID REED, chairman of the Committee on Military Affairs, supported it strongly, stating that the pay bill of 1922 gave a constructive credit of 14 years to certain officers—the former emergency officers appointed majors—at the beginning of their service, but by a holding—or omission—

denies them this same constructive credit from then on—

When not promoted. He further said:

This is the result of a technicality that did not occur to anyone in Congress or in the department. This bill will go very far toward relieving the discontent among the emergency officers who were taken in in 1920. It merely carries on the constructive credit for service that they were given at the beginning of their term. I believe it is fair and I hope it will be passed. (See CONGRESSIONAL RECORD, May 8, 1928, p. 8464.)

And the Senate, on May 23, 1928, unanimously passed the bill. On the floor at the very last minute an amendment was presented adding almost 2,000 more captains to the bill who have no right or reason to be in the bill. The amendment is worded—

or whose present rank as captain dates from July 1, 1920, or earlier.

This was never considered by the Senate Military Committee, no testimony was ever taken to support it, nor did the Senate have the opportunity to fully consider it. This amendment brings about 2,000 additional captains within the benefits of the bill, with a consequent increase in its cost of over 250 per cent. These captains are by no means entitled to such treatment under the principles of the pay act.

Congress did not intend to advance them to the fourth or higher pay period except by actual years of service. The majority of these 2,000 officers were appointed to the Army in the grade of provisional second lieutenant and have already realized unexpected and abnormally swift promotion. All are favorably placed on the promotion list to the detriment of most former emergency officers. The pay act contemplates that an officer entering the service as a second lieutenant shall serve a minimum of 3 years in that grade, 7 years as a first lieutenant, and 7 years as a captain, a total of 17 years, before advancing to the fourth pay period—unless promoted to a field grade, in which case he reaches the fourth pay period after 14 years of service. Congress gave these additional 2,000 captains no constructive service for advancement to the fourth pay period and never so intended. The present amendment would elevate them to the fourth pay period with only 10 years' actual service, instead of 14 or 17 years. The present average age of these officers is about 36 years, while the present average age of the captains affected by the original bill, without this amendment, is about 44 years, a difference in age, experience, and maturity, which of course explains the original appointment of the latter group as captains and the purpose of Congress in allowing them 7 years of constructive service for pay-period purposes.

The balance of the group benefited by the amendment is composed of former emergency officers originally appointed in the grades of second or first lieutenant and who have already profited by immediate promotion and advancement of one or two pay periods. Their average age is also about 36 years. To give them the same constructive service as is given those originally appointed captains is illogical, unnecessary, was never intended by Congress, and was not done in the pay act of 1922, which this bill does not change in principle. Such a grant would elevate officers appointed second lieutenants to the fourth pay period seven years before that period would be reached by many officers simultaneously appointed as first lieutenants. This amendment should be stricken out, the substitute amendment adopted, and the bill passed. This substitute amendment at the end of the first section on page 3, after the word "service," changes the period to a semicolon and adds the words—

and also to captains of the Army who were appointed to the Regular Army under the provisions of the first sentence of said section 24 in the grade of first lieutenant and who have completed 14 years' service.

TRANSMISSION IN THE MAILS OF POISONOUS DRUGS AND MEDICINES

Mr. KENDALL. Mr. Speaker, I call up the bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The Clerk read the Senate bill.

Mr. GARNER of Texas. Mr. Speaker, is this a privileged bill?

The SPEAKER. The Chair so understands. There is an identical bill, as the Chair understands, on the House Calendar.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONVICT-MADE GOODS

Mr. KOPP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

Mr. MAPES. Mr. Speaker, reserving the right to object, and I do not intend to object, I should like to call the attention of the chairman and the other members of the conference committee on the part of the House to the third amendment of the Senate to the House bill:

On page 2, line 5, after the word "otherwise," the Senate adopted this amendment: "*Provided*, That this act shall not apply to the preparation or processing of farm products so as to make same suitable for use by the manufacturer in the making of any manufactured article."

Mr. Speaker, the penal institutions of some of the States, including the State of Michigan, manufacture canned goods. I am not sure, with this amendment as it reads now, whether canned goods would be excepted from the provisions of the bill or not, but it seems to me there would be no uncertainty about it if the first part of the Senate amendment should be adopted and the other part eliminated. For example, if the House conferees and the Senate conferees would agree to leave in this langauge—

Provided, That this act shall not apply to the preparation or processing of farm products—

and eliminate the rest of the Senate amendment, it seems to me there would be no question but what canned goods would not come under the provision of the bill; but, with the qualifying clause in the bill—

so as to make same suitable for use by the manufacturer in the making of any manufactured article—

I am not sure whether they are included or not. I would like to recommend to the conferees that they give this particular amendment very serious consideration, and if it can be arranged so as to except from the provisions of the law canned goods, it seems to me it would be a very desirable thing to do.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand there are two or three other amendments, one of them extending the time of its going into operation to five years. It seems to me this amendment ought to prevail.

The second amendment provides—

except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government.

I should be very glad if the gentleman would let us have now his interpretation of the meaning of that particular amendment, which is amendment No. 2.

Mr. KOPP. My understanding of the purpose of that amendment of the Senate is this: By our present law and practice the Federal Government does not sell goods upon the market that it manufactures in the Federal penitentiaries, but it manufactures goods for Federal purposes. The intention of this amendment, as I understand, is to save that right to the Federal Government

so that it will not be interfered with by this bill when it undertakes to manufacture goods at Leavenworth or Atlanta or at its institutions in the other States. I understand that is the purpose.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I have tried to get a copy of the bill, but find none available at this time. Is this the bill which gives the States authority to regulate prison-made goods moving in interstate commerce?

Mr. GARRETT of Tennessee. Yes; I believe it has been so called.

Mr. SCHAFER. The Cooper-Hawes bill?

Mr. GARRETT of Tennessee. I think it has been so known.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. COOPER of Ohio. This is the Cooper-Hawes bill with Senate amendments. The Attorney General requested that the amendment that the gentleman from Tennessee spoke about a moment ago he adopted. Personally I can not see any necessity for it at all, because the Federal Government at this time does not permit any convict-made goods to go on the market in competition with free labor and private industry.

Mr. GARRETT of Tennessee. However, there is no law preventing it, is there?

Mr. COOPER of Ohio. I do not know about that. I believe there is. I will ask the gentleman from Iowa if there is such a law at the present time.

Mr. KOPP. I so understand.

Mr. COOPER of Ohio. The Attorney General seemed to think it ought to go in the bill.

In regard to the other amendment, which the gentleman from Michigan spoke about, I believe that ought to be carefully considered by the conferees, for I am of the opinion that it might open the door for all agricultural products to be exempt from the provisions of this law if the amendment remains in the bill as it came from the Senate, I hope the conferees will follow the advice of the gentleman from Michigan [Mr. MAPES] and try to have that remedied before it comes back to the House.

As to the amendment extending the time from three to five years, I have no serious objection to that, and I do not believe any other member of the Labor Committee has any serious objection to it.

Mr. SCHAFER. Mr. Speaker, under the reservation I would like to state that I hope the House conferees will oppose the Senate amendment which makes certain exceptions.

If the bill is right in principle, it should be enacted into law in the form it passed the House by an overwhelming majority vote. There should be no exemptions, as provided for in the Senate amendments. Those who produce agricultural products are entitled to protection from unfair competition of the product of convict labor.

Mr. GARRETT of Tennessee. Mr. Speaker, still further reserving the right to object, if I may, in order to make this statement—one aspect of this subject which I fear most Members have overlooked, and which I can not but believe my friend who has just addressed the House has overlooked, is the humanitarian aspect of it as applied to the prisoners themselves. The fact is that this bill, if it shall stand the test of the courts, is going to work a very great hardship at least for a time. The question of what shall be done with the prisoners is going to be a tremendously pressing problem. They can not be, or should not be, kept in idleness; that is not in the interest of the prisoner and it is not in the interest of society.

I can not resist the feeling that certain influences all along have overemphasized the amount of competition which has been given to legitimate labor and legitimate industry by prison labor. I am not at all sure that we are doing the right thing in passing the bill at all, and if it is passed I certainly think this amendment extending the time for five years should be approved, because they will need that time to study the problem in order to know what to do in a humanitarian way for these prisoners.

Mr. COOPER of Ohio. Mr. Speaker, I fully agree with the gentleman from Tennessee that the prisoners should have some labor to perform; this bill is not going to stop the prisoners from working. It merely gives the States the right to regulate the sale of convict-made goods. We have a law in the State of Ohio regulating the sale of convict-made goods within our borders, and last year $3,000,000 worth of convict-made goods from other States were sold in Ohio in competition with free labor and legitimate business, over which our State had no control whatever. This bill provides that when a State has a law regulating the sale of convict-made goods, made in said State, it shall also have the power to regulate the sale of prison-made goods imported from other States.

Mr. SCHAFER. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. SCHAFER. Is there any good reason why there should be any exception as embodied in the Senate amendment?

Mr. COOPER of Ohio. As far as the amendment granting extension of time for two years more, we can offer no serious objection to that, for it is giving them a little time to reestablish the whole prison system of employing prisoners, and by giving them five years instead of three, which the bill provided when passed by the House, they will have sufficient time to readjust the system.

Mr. SCHAFER. How about the other amendment, excepting certain products?

Mr. COOPER of Ohio. I have expressed myself on that. I am not in favor of that Senate amendment as it now stands.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the conferees on the part of the House, as follows: Mr. KOPP, Mr. ZIHLMAN, and Mr. CONNERY.

MICHIGAN HABITUAL CRIMINAL LAW

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, sometimes the titles assumed by individuals have such high-sounding names that their utterances may receive more attention than would otherwise be justified. I have here a clipping from the New York World of January 3, 1929, which quotes one Dr. Clarence True Wilson, who calls himself the "executive secretary of the board of temperance, prohibition, and public morals of the Methodist Church."

This statement is so un-Christianlike, so extreme, so wild, so intemperate that it is well and necessary to distinguish it and make clear that it can not possibly represent in any way the views of the thinking men and women of the great Methodist Church.

This man Wilson, referring to the case of Mrs. Etta Mae Miller, mother of 10 children, who was sentenced to life imprisonment for selling a pint of liquor in violation of the State prohibition law, approves of the life sentence and apparently regrets the punishment could not be more severe. This man Wilson is quoted as saying:

> Our only regret is that the woman was not sentenced to life imprisonment before her 10 children were born.

In other words, Doctor Wilson, under the guise of speaking for the church, approved of the life sentence, and if he were to carry out to a logical conclusion his approval and his recommendation we would have to amend our laws so that before a woman is married a board of temperance and morals would first have to pass upon her qualifications to bear children, particularly as to her future or potential proclivities for selling liquor any time during her natural life. Or perhaps the "doctor" would have Congress prohibit by law any person not approved by him, or convicted of violating the liquor law, from bearing children. He gloats and rejoices at the cruel life sentence imposed on this unfortunate woman.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. A more extreme statement has never been expressed by anyone outside of an insane asylum, and I state frankly that if Doctor Wilson were a resident of New York City, or if he were a resident of Washington, D. C., I would ask for a commission to test his sanity. His inhuman and unnatural views as expressed by him are not human and are not normal. I yield now to the gentleman from Ohio.

Mr. COOPER of Ohio. Why does the gentleman say that Doctor Wilson is speaking for the Methodist churches of this country?

Mr. LAGUARDIA. I say that he is not. And that is exactly the fact that I am trying to bring out. I say that he is not speaking for the Methodist churches of this country. It is exactly my purpose in taking the floor, because some good people might read this statement and be misled.

The gentleman has now my purpose in calling attention to this statement. This is the kind of thought that is back of the extreme prohibition idea. This is the kind of a man who assumes leadership in prohibition enforcement. Think of demanding a prohibition test before marriage, and then life imprisonment if there is any belief of future violations before the bearing of children. I should like to hear from anyone on the floor of this House who will stand up and approve of Doctor Wilson's statement. It is too bad that this board

of public morals, prohibition, and temperance can not get an amendment to the law which would let them pass upon the qualifications of people who want to marry with power to impose a life sentence if they are not of their own particular standard of prohibitionist. Let me point out to Doctor Wilson that we have never heard him attacking some of the largest contributors to the prohibition chest who are making huge profits out of prohibition. If this is the best example of the leadership of thought in prohibition, then make the best of it.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The gentleman from New York is an authority on prohibition matters. Has the gentleman any information indicating whether or not the Anti-Saloon League returned the $500,000 donation to that organization by the notorious Kresge, of Detroit?

Mr. LAGUARDIA. Oh, I think possibly the Anti-Saloon League, feeling that Mr. Kresge needed more money for his orgies in New York and elsewhere in violating the law, might have returned a part of it to him. I do not know.

DEFICIENCY APPROPRIATIONS

Mr. ANTHONY, from the Committee on Appropriations, reported the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplementary appropriations for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

Mr. GARNER of Texas. Mr. Speaker, permit me to ask the gentleman from Kansas [Mr. ANTHONY] when it is expected to take up this bill?

Mr. ANTHONY. To-morrow.

Mr. GARNER of Texas. The gentleman does not hope to pass the bill to-morrow?

Mr. ANTHONY. I would like, if possible to do so. Of course, it would depend entirely upon the demands for general debate.

Mr. GARNER of Texas. The reason that I am asking the gentleman is because I would like to have some understanding of when we shall vote on the bill or when we shall take it up under the 5-minute rule. I know that there will be some considerable debate asked for on this side of the House.

Mr. ANTHONY. We will be disposed to grant all reasonable requests for debate.

Mr. BYRNS. I understood from the gentleman from Kansas that there would be no disposition to consider this bill under the 5-minute rule before Monday.

Mr. ANTHONY. I stated if there was no considerable demand for debate I would hope to pass it to-morrow, but it is agreeable to me to utilize to-morrow for general debate.

Mr. BYRNS. On this side of the House there will be requests for at least two hours, and possibly more, for general debate. To-morrow is Saturday. Why could not the gentleman agree to take this up under the 5-minute rule on Monday?

Mr. TILSON. Monday is Consent Calendar day.

Mr. BYRNS. Then Tuesday.

Mr. ANTHONY. It ought not to take long on Monday after general debate to pass the bill under the 5-minute rule. We ought to dispose of it in an hour.

Mr. GARRETT of Tennessee. Is it the purpose to set aside this War Department bill?

Mr. ANTHONY. That is the understanding.

Mr. TILSON. That was agreed when the War Department bill was called up for consideration.

Mr. GARNER of Texas. Let us agree to take this up under the 5-minute rule on Tuesday, then.

MICHIGAN HABITUAL CRIMINAL LAW

Mr. KETCHAM. Mr. Speaker, in view of the statement of the gentleman from New York [Mr. LAGUARDIA] I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Speaker, in view of the great solicitude expressed on the floor of the House by distinguished Representatives from New York, Wisconsin, and other States, I thought it might be of interest to the House to take about two minutes this morning to read into the proceedings of the House an editorial from the Detroit Free Press of January 2, 1929, which I trust will be given due attention by these gentlemen:

MICHIGAN'S OWN BUSINESS

Prosecuting Attorney Barnard Pierce, of Ingham County, made a statement that needed utterance when he said to the jurymen in the Etta Mae Miller "fourth-offense" case: "This is no business of anyone outside of Michigan. Your decision is no business of Illinois, New York, or any other State, or of the Federal Government."

For propagandist reasons which have nothing whatever to do with an enthusiasm for impartial and effective administration of law, certain persons and publications in more or less adjacent parts of the country have been sob-squadding with great assiduity over the Miller case, and in effect have been attacking the whole of Michigan's penal code because in one particular it displeases them. These weepers and wailers are not at all interested in our State's fight against banditry and general crime. Generally speaking, they are interested only in booze and they resent the punishment of anybody caught peddling it.

[Applause.]

That statement may seem rather sweeping, nevertheless we think it is substantially true.

The Free Press is not among those who consider the Michigan penal code perfect as it stands. Those who drew it up had no idea that it would prove to be without flaws or opportunities for improvement. But it is better than anything of the sort the State ever had before, and it is far better than anything most other parts of the country possess, and it can be amended by the legislature as the experience of two years may show it ought to be amended, without the assistance of self-appointed advisers in New York or Illinois or anywhere else.

[Applause.]

The editorial speaks for itself. It only needs to be said that the Detroit Free Press is one of the leading papers of the State and the country, and certainly has not heretofore been accused of being fanatically dry in either news or editorials.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended, so that I can ask him a question.

Mr. TILSON. Mr. Speaker, there must be an end to this. I object.

CONSTRUCTION AT MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill H. R. 11469, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 11469, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to have a little information about these amendments. Is there ever going to come an end to the addition of appropriations for the development of West Point Military Academy? As I remember, the House passed this bill just in the form the War Department said they wanted it. The Senate has added several hundred thousand dollars to it. Is there any basis for these proposed additions? And what is likely to be the attitude of the House conferees toward them?

Mr. MORIN. I will say to the gentleman from Michigan that the bill originally passed by the House was a bill sent up by the War Department and introduced by myself. It was to conform to the continuous building program at West Point. In that program there was an item for the building of two apartment houses. After the proposed bill was introduced the Secretary of War decided that but one apartment house should be built and the balance of the officers provided for in separate quarters. He sent a letter to the committee recommending that we increase the item for officers' quarters in order to build the separate houses. He also recommended the elimination of two items not considered of immediate necessity.

Mr. CRAMTON. That is, postpone several items; not anything cut out, but to postpone several items?

Mr. MORIN. The House in passing upon the bill did not act on the Secretary of War's later recommendation. The bill as it passed the Senate is just as the Secretary of War recommended in his second letter to our committee.

Mr. CRAMTON. What was the attitude of the Budget on the recommendation of the department?

Mr. MORIN. They approved it.

Mr. CRAMTON. What is the attitude of the conferees? Is it entirely in harmony with this proposed increase?

Mr. MORIN. Well, Mr. JAMES and Mr. MCSWAIN and myself will be the conferees. I approve of it because it conforms to the recommendation of the Secretary of War, to which I have just called attention.

Mr. CRAMTON. I am not going to object, as I do not know enough about it to justify me in taking such action. But I believe there should be an end to the building program at West Point.

Mr. MORIN. Of course, there should be, but that program will take some years to complete.

Mr. CRAMTON. If the Committee on Military Affairs of the House intend to continue their present policy of taking over the functions of the Committee on Appropriations and prescribing just what buildings shall be constructed and how much they shall cost, even in the case of an icehouse, then I think they should come to the House with positive declarations and recommendations, and stick to them, instead of going to the other end of the Capitol.

Mr. MORIN. The committee is conforming to the program of the Budget Bureau. Formerly we did not do that. I have tried several times to have a complete program authorized, but it has been rejected. Therefore we are compelled to come in each year and ask for authorizations of just the amount needed to carry on the building program during the ensuing year.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN.

REAPPORTIONMENT BILL—MINORITY REPORT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that we may have five legislative days in which to file a minority report on the reapportionment bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that five legislative days be allowed in which to file a minority report on the reapportionment bill. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, I wish to say that I have planned, in making up the program for next week, to consider this bill on Thursday of next week. Will the request of the gentleman from Mississippi interfere in any way with this program?

Mr. RANKIN. I will make it three legislative days.

The SPEAKER. The gentleman from Mississippi modifies his request and asks unanimous consent that three legislative days be allowed in which to file a minority report. Is there objection?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I would like to know what deep-seated governmental policy is at stake which requires that this bill, after it was up for consideration in the House just a few months ago, should be called up hastily at this time?

Mr. TILSON. I do not think it is being very hastily called up. We are giving a week's notice now and it has been talked about ever since we reassembled on the first Monday in December, so that it does not seem to be hastily called up at all.

Mr. RAMSEYER. The gentleman misses the main part of my question, to which I would like to have an answer. However, I will ask an easy question: Is it contemplated by the leader that in case this bill is defeated in January to call it up again in February?

Mr. TILSON. No; I should not expect to call it up again as early as February, if it failed in January.

Mr. RAMSEYER. Would the gentleman from Connecticut favor a rule making this committee a privileged committee, so it can report and call up a bill whenever it desires?

Mr. TILSON. I should not favor such a rule, but I think the House ought to be in a position to execute its will at any time, as it can do in this case.

Mr. LAGUARDIA. We are only nine years behind now.

Mr. RAMSEYER. The Senate is the cause of that, and not the House.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. CELLER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Connecticut when we will take up the judges bill? I understood it was to be taken up next Thursday.

Mr. TILSON. The judges bill will probably be taken up early the following week.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BARBOUR. Mr. Chairman, I yield myself one hour.

The CHAIRMAN. The gentleman from California is recognized for one hour.

Mr. BARBOUR. Mr. Chairman, the Committee on Appropriations submits for the consideration of the House to-day the bill making appropriations for the military and nonmilitary activities of the War Department for the fiscal year 1930. The subcommittee which had charge of the preparation of this bill met on the 15th day of November and began its hearings on that day. It has been at work on the bill practically ever since that time up until the present. The subcommittee went into all matters which are covered by the bill very carefully and we feel that the hearings on this bill are quite complete and that anyone interested in any particular item can secure almost any information he may desire with respect thereto from the hearings.

I want to say that this bill does not represent the thought or judgment of any particular member but rather is it the final thought and judgment of all of the members of the subcommittee, approved by all of the members of the whole Committee on Appropriations. If you examine the bill, you will find that there are several improvements over former bills in the mechanics of the measure which is proposed here to-day, vastly improving the form of former War Department appropriation bills. The credit for that work is due almost entirely to Mr. Pugh, who has very efficiently served this subcommittee as clerk during the preparation of this bill. [Applause.]

The appropriation bill for 1930, which is now before you, carries direct appropriations for military activities amounting to $328,038,815. It also includes contract authorizations amounting to $3,000,000, and purchase-of-discharge funds amounting to $300,000, in all $331,338,815. The 1929 War Department appropriation bill carried direct appropriations of $309,601,568.50, reappropriations of $1,844,419, and contract authorizations amounting to $7,115,000. The total of the 1929 bill, including reappropriations and contract authorizations was $318,560,987.50 for military activities. For nonmilitary activities the 1929 bill carried $88,915,653, and the 1930 bill carries $107,089,600. The total of the two bills, including reappropriations, contract authorizations, and purchase-of-discharge funds, is as follows: For 1929, $407,476,640.50, and for 1930, $438,428,415.

In making comparisons, however, between the appropriations for the two years it may not be proper to include reappropriations, because they have heretofore been reported to the House in previous appropriation bills as money appropriated; neither is it proper to consider contract authorizations, because contract authorizations must be appropriated for later and will come in in the totals of later appropriation bills.

I give you these items, however, just to afford a clearer picture of what the 1930 bill does as compared with the 1929 bill.

The proper comparison of the two bills is made in the direct appropriations. The 1929 bill carried for military activities in direct appropriations $309,601,568.50, for nonmilitary activities it carried $88,915,653, a total of $398,517,221.50. The 1930 bill carries for military activities $328,038,815, for nonmilitary activities $107,089,600, or a total of $435,128,415. In direct appropriations the 1930 bill carries $36,611,193.50 more than the bill for the present fiscal year.

I will state that the total of the 1930 bill is $43,392 under the amount recommended by the Bureau of the Budget.

The principal increases in the 1930 bill under military activities are in pay of the Army, the increase amounting to $3,215,995; post construction, the increase amounting to $9,357,950; for the Air Corps an increase of $8,729,141; for the United States Military Academy at West Point an increase of $600,000; for the National Guard an increase of $578,197; and on account of the Welch Act an increase of $2,272,000.

In the nonmilitary activities the principal increases are $20,000,000 on account of flood control on the Mississippi River; $4,370,000 on account of return of contributed funds in connection with flood control on the Sacramento River; and $1,351,000 on account of the Panama Canal.

The bill provides for an Army of an average enlisted strength of 118,750 men, the same as at present; 6,500 Philippine Scouts; and an average officer strength of 12,000.

For the present fiscal year we appropriated for about 11,800 officers and for 1930 we are providing for 200 more officers on account of increase of officer personnel in the Air Corps.

Under the Quartermaster Corps it is proposed in this bill to purchase 259 motor vehicles; 24 trucks at a maximum cost of $6,000 each, 100 trucks at a maximum cost of $3,000 each, 15 ambulances at a maximum of $3,000 each, 10 passenger cars at a maximum of $2,500 each, 50 passenger cars at a maximum of $1,500 each, and 60 solo motor cycles at a maximum of $325 each.

The bill carries language which will permit the purchase of a larger number of these motor vehicles with the same funds if it is found possible to do so. Sometimes in buying motor vehicles in large quantities they can be purchased at reduced rates, so the Quartermaster Corps is not confined to the exact number stated in the bill and if they are able with these funds to purchase more the language will permit them to do so.

It might interest the members of the committee to know that on November 1, 1928, the Army had on hand a total of 17,581 motor vehicles. Of this number 7,667 were operating, 9,914 were not operating, but of this latter number 6,363 were serviceable or economically repairable, and 3,551 were unserviceable and not economically repairable.

The question of horses and mules is one to which the subcommittee having charge of the bill has given very careful consideration.

Under the provisions of this bill the Army will purchase 1,500 horses at an average estimated price of $165 per head, and 1,000 mules at the same average price. In 1929 there were purchased 2,300 horses and 1,700 mules.

The total requirements of the Army in horses and mules under the reduced allowance based on a strength of 118,750 men is 24,296 horses and 14,913 mules, or a total of 39,209 animals. On July 1, 1928, we had on hand 22,886 horses, 13,583 mules, or a total of 36,469. This was a shortage of about 2,400 horses and 1,300 mules below the reduced requirements for the present strength of the Army; but in investigating this question the committee went into the matter of privately owned mounts of officers.

We found that 1,856 officers of the Army own a total of 2,548 horses which they have purchased with their own funds. The law provides that an officer below the grade of major owning one horse shall receive from the Government $150 per annum on account of that horse. If he owns two horses, he receives $200 per annum. The horse is also foraged and stabled. Above the grade of captain, officers may own two horses up to the rank of general, and then they may own three horses, for which no allowance is paid by the Government, but those horses are foraged and stabled by the Government.

The committee, as I said a moment ago, considered this question carefully and it came to the conclusion that if the Government is paying $150 a year for one horse privately owned by an officer and $200 a year for two horses privately owned by an officer, then those horses should be counted in estimating the total number of horses on hand. They are provided in this way in lieu of a Government horse. An officer is given his choice of riding a Government-owned horse or owning his own horse, and if he owns his own horse he is paid this allowance. If he is paid this allowance, in the opinion of the committee that horse should be counted in determining the total number of horses on hand.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. LAGUARDIA. Is this allowance for horses applicable to officers who are not mounted?

Mr. BARBOUR. Only to officers required to be mounted. A provision was inserted in the bill limiting the allowance to one horse, and the limit of the number of horses stabled and foraged to one horse. That will reduce the expense of the Government for privately owned mounts by the amount allowed for the second horse and the amount paid out on account of forage and stabling for the second and third horses.

Counting the horses privately owned, we find there is a very small shortage in the actual requirements of the Army at this time; possibly a few hundred at the outside.

The status as to horses on June, 1930, is that we will be 354 short on the basis of the revised peace allowance and the purchase of 1,500 horses during the next fiscal year, taking into account also 1,856 privately owned mounts. As to mules, we will be 1,967 short. So you will see as to horses that the mounts privately owned practically balance the requirements.

Mr. WURZBACH. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. WURZBACH. Under the $150 annual allowance to an officer, what does that represent—the purchase price?

Mr. BARBOUR. It is supposed to be in lieu of the purchase price. Some of the officers purchase very fine horses, and the cost of those horses amount to a considerable sum of money. An officer who wants to own his horse generally prefers to have a better horse than the Government furnishes.

Mr. WURZBACH. He wants a more expensive horse than the Government furnishes? And it is more expensive to the Government.

Mr. BARBOUR. It is more expensive. If the Government pays $150 per year for a privately owned horse, almost the cost of a Government horse would be paid to the officer in one year.

Mr. BRIGGS. Will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. BRIGGS. To what extent have the horses and mules been displaced by motors?

Mr. BARBOUR. That is receiving considerable attention from the War Department. We find some very prominent officers in the Army who are strongly in favor of horses, saying that we will require practically the same number all of the time. We find some who say that motors will replace the horses to a considerable extent. At the present time the division artillery is horse drawn, while the heavier artillery is motor drawn. As I say, that matter is receiving the attention and study of the War Department, and it may well be considered in view of the rapid growth of the use of motor vehicles in the commercial world.

Mr. BRIGGS. I saw somewhere that during a bomb and mimic warfare quite a number of horses suffered by explosions, and so forth. I wondered to what extent efforts were being made to utilize motor transportation.

Mr. BARBOUR. That is something that is receiving very serious consideration.

Now, for the housing program for post construction the bill carries $14,441,950 and $3,000,000 contract authorization.

Of this appropriation, $4,800,000 will be used to satisfy contract authorizations carried in prior appropriations acts. The 1929 bill carried $5,084,000 in direct appropriations and a contract authorization of $2,115,000, and the 1928 deficiency act carried $7,485,975. The total amount appropriated for post construction, including the amount carried in this bill, is $36,854,925, with a contract authorization of $3,000,000. That brings the total up to $39,854,925—almost $40,000,000 provided for post construction.

This will provide all post construction authorized up to the present time, except $250,000 for Scott Field, in Illinois, which was stricken out of the bill in the Senate last year because of opposition there and has not been restored to the bill.

With the funds carried in the bill the housing will provide for 23,798 enlisted men, 797 noncommissioned officers, and 727 officers, 1,408 hospital beds, and provides housing for 192 nurses.

This will leave unprovided for, according to the War Department estimates, 14,602 enlisted men, 2,463 noncommissioned officers, and 3,286 officers. General Summerall, Chief of Staff, when he was before the committee, stated that progress in the housing program is satisfactory. "We are building as rapidly and as economically as possible." A table contained in the hearings gives full and complete information up to the present time of the status of every project in the housing program.

For barracks and quarters the amount carried in this bill is $11,650,784, which is $1,018,160 less than was carried in the 1929 bill. A decrease in this item was possible because the liberal appropriations for barracks and quarters, which is a repair and maintenance item, has enabled them to put the buildings in very good shape. Then there is the new construction coming in, which will make the repair and maintenance items less. General Cheatham assured the subcommittee that he would get by in good shape with this amount for barracks and quarters.

For seacoast defenses we are carrying along the work of installing fire-control and building emplacements for large and heavy caliber guns, acquiring lands for 16-inch gun batteries in Oahu, and for the mounting of 240-millimeter howitzers in that island. Generally speaking, the work of the seacoast defenses is being carried along and progress is being made.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SWING. What progress is being made in the matter of heavy railroad guns, portable guns, that can be taken from one place to another? For instance, at San Diego there is nothing

in the way of guns that would serve as defense, but we have been told in the past that they were developing a gun that could be transferred back and forth as needed. Will the gentleman tell us what progress they have made in that?

Mr. BARBOUR. The Ordnance Corps is experimenting all of the time and endeavoring to improve the seacoast and field artillery, and it is making real progress along those lines. We have a certain number of mounted railway guns. There are some at Panama, there are two at Los Angeles, and there are some stationed at other places; and these, according to the reports made to our committee by the Ordnance Department, are very effective guns. As to the number on hand, I am not prepared to state to the gentleman from California, because I do not have that information at hand.

Mr. SWING. But they have been found to be practicable?

Mr. BARBOUR. They are said to be very efficient.

Mr. SWING. And their number will increase in the future?

Mr. BARBOUR. Yes; I so understand.

Mr. WAINWRIGHT. As a matter of fact, is there not a unit known as the regiment of railway artillery which handles that caliber and character of ordnance?

Mr. BARBOUR. The manufacture is under the general supervision of the Ordnance Department. Just what the subsidiary organization is that handles it I could not say. The operation of such guns in seacoast defense is in the hands of the Coast Artillery.

Mr. WAINWRIGHT. There is a definite organization known as the regiment of railway artillery?

Mr. TABER. I understand that we have something like 188 of these railway mounted guns, many of which are at Aberdeen.

Mr. SWING. And those at Aberdeen have not yet been mounted?

Mr. TABER. There may be some there that are not mounted. I am referring to mounted guns.

Mr. HOUSTON of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HOUSTON of Hawaii. I notice under seacoast defenses that there is a total sum in excess of $3,000,000 provided, and that in the tabulation there is given something in excess of $946,000 for insular departments. Is the gentleman in a position to advise as to what part of that sum is for the Territory of Hawaii's defenses and Oahu defenses?

Mr. BARBOUR. These seacoast defense items are divided into several different activities. There is the Signal Corps, the Engineer Corps, Ordnance, and the Coast Artillery. There are four different departments of the Army that have something to do with these seacoast defense appropriations. These appropriations carry money for searchlights in Hawaii, for emplacements for 16-inch guns in Hawaii—that is, two additional 16-inch guns which will make the total number four, and for acquiring land, 11.09 acres for howitzers, and for emplacements for twelve 240-millimeter howitzers, which will complete the emplacement project for the howitzers. There is also equipment for one antiaircraft battery, the continuation of the fire-control installation for the 16-inch guns and the large guns that are mounted in the island of Oahu. That, in a general way, covers the activities that are provided for in this bill for the Territory of Hawaii.

Mr. HOUSTON of Hawaii. Then the figure, in other words, under insular departments is practically all for Oahu defenses?

Mr. BARBOUR. Yes; most of it. There is something for replacement of cables in Manila and Subig Bays, but outside of that it is all for Oahu.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BRIGGS. Can the gentleman advise the committee just what progress is being made along the line of the development of antiaircraft artillery?

Mr. BARBOUR. You will find a statement in the hearings on that which will give you, I think, very satisfactory information. Real progress, the Ordnance Department reports to your committee, is being made. Great improvements have resulted from experiments that have been carried on. They are improving their antiaircraft guns and are getting very good results. Some of the recent results are stated in the hearings. Generally speaking, there has been material improvement in the antiaircraft equipment and fire.

Mr. BRIGGS. Along with the development of antiaircraft artillery, does not the gentleman think there should be some addition to the strength of the Coast Artillery, with better equipment for antiaircraft—better equipment than it now possesses?

Mr. BARBOUR. We are providing equipment for it here; fire control for antiaircraft batteries; purchasing antiaircraft guns; purchasing the latest models of searchlights to be used in antiaircraft fire, and so on. That work is going forward.

Mr. BRIGGS. Is that a substantial increase, so that coast defenses can be manned for antiaircraft? In my own locality I do not know of any antiaircraft guns in the coast defenses there. There are three batteries there and no antiaircraft guns at all, and but a very small skeleton organization of men to man the forts. My understanding is that all the way south, nearly from Fortress Monroe on the Atlantic and along the whole Gulf shore line, there is practically little more than a handful of coast artillery for the coast defense, and the coast defense of the South and Southeastern part of this country is entitled to more consideration than it is receiving. I am not disposed, however, to hold the Coast Artillery Corps responsible for this condition.

Mr. BARBOUR. We are carrying forward this program from year to year. Of course, the complete equipment of our coast defenses all at one time would be a very large proposition. Experiments are being made and progress is being made in development. It would not be a good business proposition to build a large number of guns which in a brief space of time might be obsolete or obsolescent. We are carrying forward now work on a considerable number of antiaircraft guns of the latest type, of a mobile type, I might say, and we think it would not be good policy to build a large number of them at one time and in a short time find they were supplanted by something more recent.

Mr. BRIGGS. I understand that the antiaircraft guns should first be perfected and developed before they are purchased for distribution on a large scale. I understand that in the 105-millimeter gun changes have been made within the last year by the department, making it a more efficient weapon. I assume, however, that it will not be long before they will have fully perfected such a weapon. And then I want to know if it is the intention to give the coast defenses such equipment as may be necessary and let them have enough antiaircraft battalions to effectively man and use them so that adequate coast defense can be assured, as well as proper provision be made for the Air Service.

Mr. BARBOUR. Of course, this committee does not in any way intend to hamper the development of coast artillery and coast defenses. In fact, the committee is quite sympathetic toward that development. Just what the committee will do some time in the future we could not say at this time, but we do believe in carrying forward this program of coast defense at least in a practical and efficient way to the extent that funds available will permit.

Mr. BRIGGS. My impression is that there are only three or four antiaircraft battalions in the whole Coast Artillery Corps. Two of these are located outside in our Territorial possessions and only one or two in the United States proper. I think there should be more attention given to the creation of antiaircraft battalions to be stationed in the coast defenses along our seacoasts at home.

Mr. BARBOUR. Most of the antiaircraft batteries and equipment and personnel are overseas; that is, at Panama and the Hawaiian Islands. Those are considered to be the strategic points.

Mr. BRIGGS. I have no fault to find with that. But I am talking about the coast defenses at home which have been stripped of men. Before the war the coast defense branch of the Army had about 18,000 men. Since the war they have had only 12,000; and more than half of those have been moved to our Territorial possessions. The Chief of the Coast Artillery states in the hearings that we need 12,000 men in the United States proper.

Mr. BARBOUR. It is not necessary fully to man all our coast defenses. We have a considerable number of Coast Artillery units in the National Guard. We have also a number of Coast Artillery officers in the reserve, who are receiving training. In case of an emergency there are a number of men who are pretty well prepared to step in and man the guns that are in these defenses.

Mr. BRIGGS. My observation is that in the National Guard it is not so easy to get them into the Coast Artillery. They prefer the other branches of the service to a large extent. If we are going to have an effective coast defense, we have got to have men trained in the proper use of antiaircraft guns and in target practice. Otherwise you might have the same situation as was had at Fortress Monroe a few years ago when we lacked men of sufficient experience in antiaircraft gunnery and practice.

Mr. BARBOUR. We have highly trained men in antiaircraft artillery.

Mr. BRIGGS. But not enough of them. That is exactly what I am talking about.

Mr. BARBOUR. That is a matter for the Congress to determine. We are carrying the Army along on a basis of 118,750 men, which has been the accepted policy of Congress for a number of years past. Now, if the gentleman from Texas wants a larger Army, he is raising another question.

Mr. BRIGGS. It is more the policy that I am talking about. For instance, the Coast Artillery service seems to be stripped down to the very bone; and if they want 300 or 400 men, it seems to have difficulty in getting them; and they seem to have difficulty in keeping the depleted number they now have.

Mr. BARBOUR. You take an Artillery officer and a Cavalry officer and they will tell you the same thing. Of course, these units are not being maintained at their full war strength.

Mr. BRIGGS. I appreciate that. It is my understanding that in providing for a strength of 118,000, it is from limitation of appropriation and not of legislation; because the legislative authorization is very much higher than that. When the aircraft development under the 5-year program came along it was expected that the increase in the Air Service, both enlisted as well as officer personnel, would be in addition to the then existing Army strength, but apparently an effort has constantly been and is being made by the Budget or somebody else in executive authority to compel contribution of men from the various other branches of the service; so that, as I say, the Coast Artillery service is being stripped of its strength right along. It was the understanding that the increases in the Air Service, under the 5-year program, both in enlisted and offcer strength, would be in addition to and not at the expense of other arms of the service. That was the idea I had from the debates when the matter came before the House on several occasions; and I think I interrogated the gentleman from California, the chairman of this subcommittee, whether that was not his view of it, and I think he indicated it was, and that the committee had attempted to make provision for it; but my observation and my information is that there is a great deal of resistance being offered to that effort by the Budget and in other quarters, so that other services are being constantly reduced. I want the Air Service to get all the men it needs, and I think it ought to be carried forward within the full spirit of the 5-year program; but I think the spirit of that program is that such extra men as may be needed to carry out the program should be taken into that service, in addition to Regular Army strength, and let the other services get along with the existing order of things.

Mr. BARBOUR. Coming to the Air Corps, this bill carries for the Air Corps a total of $33,359,409. The 1929 bill carried $24,630,268, with a contract authorization of $5,000,000, and $1,071,479 in reappropriations. There is no contract authorization carried in this bill, as the funds herein contained are intended to provide for the full Air Corps requirements.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from North Carolina.

Mr. ABERNETHY. Is extra provision made for additional men in the Air Corps?

Mr. BARBOUR. You mean the flying cadets?

Mr. ABERNETHY. Yes.

Mr. BARBOUR. We carry a provision in the bill for them; yes.

Mr. ABERNETHY. How many extra ones do you provide for?

Mr. BARBOUR. There are 296 who take a 6-month course; that is practically 300, and they take two groups of them into the course every year. There is a November course and then another one along in the spring, so that they get about 600 a year for this six months' training.

Mr. ABERNETHY. Is that an increase over what it has been heretofore?

Mr. BARBOUR. I believe it is. They are taking all they can possibly handle with the training facilities available.

Mr. ABERNETHY. I suppose every Member of Congress has the same problem, that there are many young men in the country who are anxious to get into the Air Corps.

Mr. BARBOUR. There is no difficulty at all in getting the finest type of young men in the country for flying cadets.

Mr. ABERNETHY. There is no difficulty, but what are the opportunities for young men getting into that service?

Mr. BARBOUR. They are giving everything they have in the way of opportunity. Of course, the Air Corps right now is going through a process of development. It has not all of the facilities it will have in the future, but with the facilities available they are taking in all of the flying cadets they can possibly accommodate.

The money carried in this bill will purchase in 1930, 275 planes for the Regular Army and 22 for the National Guard, making a total of 297. It will purchase 14 attack planes, 67 bombardment planes, 146 observation planes, and 70 pursuit planes, amounting in all to a total of 297. No training planes are provided for here, because at the present time we are 13 training planes over the present requirements of the 5-year program. At the present time or, rather, on October 1, 1928, the Army had on hand 1,005 airplanes serviceable and in good condition, on order 470 planes, and these funds will buy 297 more. These figures include 148 planes in the hands of the National Guard on June 30, 1929. At the end of 1930 we will be short something over 100 planes, mostly observation planes, but we have a very good supply of planes on hand, and the committee does not consider this prospective shortage as a serious matter; in fact, General Summerall, the Chief of Staff, when he was testifying before the committee, said:

> I believe we have been procuring airplanes as rapidly as we can develop suitable types and have delivered the quantities of airplanes that we ought to have.

He specifically stated they were not short because of any lack of action on the part of Congress.

As to pilots in the Air Corps, on September 30, 1928, we had 732 Regular officer pilots and 41 enlisted pilots. We had 296 flying cadets in training at that time, and we had 63 reserve officer pilots on active duty with the Army Air Corps.

On June 30, 1929, the National Guard will have 152 planes. This will equip 19 squadrons with 8 planes each.

The National Guard has 218 qualified pilots. In the Organized Reserves we have 631 pilots of class 1, 1,000 pilots of class 2, and then I understand there is another large group of pilots who are not trained as highly as these other two groups.

The 631 class 1 pilots are men who are efficient enough at this time to be ordered into service and to take charge of flying planes. The 1,000 class 2 pilots can be brought into that condition of efficiency with a short refresher course. The other pilots would have to receive considerable training to put them in shape to be real effective pilots in the Air Corps.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Did the committee go into the question of the type and quality of plane furnished to the National Guard to determine whether they are as modern and as up to date in every way as may be desired for the purpose, or as modern and up to date as those furnished the regular Air Service?

Mr. BARBOUR. Yes. I will say to the gentleman from New York they are getting the same types of planes as the Regular Army. The National Guard is now well equipped and in 1930 will be completely equipped with modern, up-to-date planes.

Mr. WAINWRIGHT. The gentleman has very completely answered my question by stating that they are equipped with new planes.

Mr. BARBOUR. Yes.

Mr. FURLOW. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Minnesota.

Mr. FURLOW. The gentleman will recall that in the 1926 Air Corps act we provided for 1,650 officers in the Air Corps at the end of a 5-year period. Can the gentleman tell the committee whether or not we are living up to that program in so far as personnel is concerned?

Mr. BARBOUR. So far as the officers are concerned, we are behind on the requirements at this time, and this is due to the difficulty that has been encountered in securing officers for the Air Corps.

As the gentleman well knows the tests that a candidate for appointment in the Air Corps must pass are very severe, and not everybody by long odds can meet these requirements, and they have experienced difficulty in getting officers from other branches of the service who could pass these tests, or even from civilian life. Their main source of supply right now is from the flying cadets. They are furnishing to-day the main supply of officers in the Army Air Corps.

Mr. FURLOW. May I say to the gentleman that my investigation convinces me that there has been no effort on the part of the War Department to give permanent commissions in the Air Corps to all the graduates from Kelly Field who would accept Regular Army commissions, men who have qualified and are qualified. The War Department has been waiting for these transfers from the other branches. As a result of this we are far behind in our program, and it is my understanding the War Department has arbitrarily advanced this 5-year program to a 6-year program, in reality, from the time it was intended to start. In so far as the statement attributed to the War De-

partment that we can not get qualified pilots at the present time I know that is erroneous. I know that Kelly Field has graduated many men who have asked for commissions in the Regular Army upon completion of training, and they have been refused. Maybe they went into the reserve, but we have lost many others by failing to take them when they were in a receptive mood. The difficulty is because the other branches have been reluctant to give up their files for the Air Corps. As a result our personnel program is behind our building program. I think we have reached a very serious point in the development of our Air Corps when we go on with the building program so far as equipment is concerned, and yet neglect a vital part of the program which is personnel.

Mr. BARBOUR. There is undoubtedly a relation between the two.

Mr. FURLOW. I understand, though, that files have been opened and examinations to fill vacancies have been called. This will help but we should be in position to fill our vacancies from recent graduating classes at Kelly Field. I hope the Congress will keep an eye on this personnel program and keep it abreast of the building program, and I hope that the Congress will make itself felt and make its voice heard so that those charged with this responsibility will know that Congress intends to have the 5-year program carried out as originally contemplated.

Mr. BARBOUR. I will state to the gentleman from Minnesota that the reason for providing money in this bill for 200 additional officers is to take up that slack in the Air Corps officer personnel.

Mr. FURLOW. And we never contemplated that our officer personnel would go beyond 12,000 officers.

Mr. JAMES. Will the gentleman yield?

Mr. FURLOW. I yield, if the gentleman from California [Mr. BARBOUR] will permit.

Mr. JAMES. It is not the fault of the War Department; it is the fault of the commander in chief.

Mr. FURLOW. In saying the War Department, I referred to whoever was in charge down there and either puts out these orders or fails to put out these orders. Something is wrong and it ought to be corrected. The 5-year program was supposed to start July 1, 1926, and be completed July 1, 1931. Now, somebody, without authority, has advanced it to July 1, 1932. We will go into that later.

Mr. BARBOUR. For Chemical Warfare Service this bill carries an appropriation of $1,246,776. This is a decrease of $56,504 below the amount carried in the bill for the present fiscal year.

The bill contemplates that 21,000 gas masks shall be manufactured for the Army in 1930. We manufactured 24,000 for the Army in 1929.

They are developing a new gas mask at the Edgewood Arsenal; a mask that is far superior to anything that we have heretofore had. In view of this development and in view of the fact that our Edgewood Arsenal can be placed on a rather large production basis in a short period of time, the subcommittee felt that this provision for 21,000 gas masks for the Army in 1930 would be sufficient. The new type of gas mask that our Chemical Warfare Service is manufacturing is the best gas mask in the world. Our plant at Edgewood has a potential capacity of 8,000 gas masks per day. In 60 days it can be producing 200,000 gas masks a month; and during that period of 60 days can turn out 200,000. In view of the fact that these gas masks deteriorate, particularly the rubber element, the committee felt that the 21,000 would be sufficient to put in the bill for the year 1930; although the new mask, owing to the way it is sealed and stored, is expected to last from 10 to 15 or perhaps 20 or even more years.

Coming to the National Guard, the bill carries a total of $32,319,798 for the National Guard. This is an increase of $578,197 over the 1929 bill.

The strength of the National Guard on June 30, 1928, was 183,019, and it is contemplated that by June 30, 1930, the strength will be 190,000. This bill provides for some additional members of the National Guard in order to round out certain existing units.

It provides for 48 armory drills; it provides for the usual 15 days' camp instruction; and it also carries funds for new uniforms for the National Guard, $612,890 being carried in the bill for that purpose. The committee feels that the National Guard is quite well taken care of.

As to the Organized Reserves, the bill carries $5,533,129, and there is an additional $224,750 of funds to be received during the fiscal year 1930 from the purchase by enlisted men of the Army of their discharges. That makes a total of $5,757,879. This is an increase over the 1929 bill. It will train the same number of 15-day trainees as were trained during the present fiscal year—19,448. It will not train as many for periods longer than 15 days, but provides for exactly the same number of trainees for 15 days as we had in 1929.

Now as to the Reserve Officers' Training Corps, there is $2,676,817. This is a decrease as compared with 1929, but in 1930 we will have a carry-over from 1929 which will more than offset the apparent decrease.

Mr. JAMES. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. How much does that carry over?

Mr. BARBOUR. I understand that it is about $500,000.

Mr. JAMES. That amount they expect to expend before June 30, 1929?

Mr. BARBOUR. No; the committee is advised that they will have $500,000 to carry over, and with that carried in the bill it will be sufficient.

Mr. JAMES. That is the amount they said they would expend between now and June 30.

Mr. BARBOUR. No; that will not be expended and will remain available for 1930 activities.

Mr. McSWAIN. Will the gentleman yield?

Mr. BARBOUR. I will yield.

Mr. McSWAIN. I want to go back to the Organized Reserves. I desire to make a statement before I ask the question. The Organized Reserves are furnishing the most economic element of national defense that our program of defense has. By the way of offsetting certain criticism I have heard made of them, I desire to say in addition and in respect to any compensation for the continuous training that they are under by way of study and answering questionnaires, taking up much of their time, that they actually expend money from their own independent resources to pay the organization chapter dues and to pay for their official organ that contains instruction as well as inspiration.

I am asking a question of the gentleman to this effect: I want to ask him as to the propriety and wisdom of having the War Department as a portion of the instruction for the Organized Reserves to take over the publication and circulation of the magazine, or inaugurate the publication of a magazine, in the interest of the Organized Reserves, so that they would not have to pay $2 a year or more for a magazine to get information about the work of the corps. It seems to me that men who have had experience in military training constituting the reserves, not receiving any drill pay as the National Guard receives, could very well be given additional encouragement and not be put to all of the expense of the personal needs. I am asking the gentleman if any such encouragement to the Organized Reserves is in contemplation?

Mr. BARBOUR. Our committee has not considered it. Offhand, it strikes me that the gentleman's own committee would have jurisdiction of that matter. I understand that the gentleman's committee is considering a policy with respect to the Organized Reserves and their relation to the War Department, and it would seem to me that that would be a part of that program. As far as the cost of the Organized Reserves is concerned, the figures submitted show that the average cost of the 15-day trainees was $181.31. Of course, their pay depends on their rank or grade. The average for pay and allowance is $135.53, their mileage average $21.25, and the average expense of the camp per officer training is $24.53, which makes up the total average of $181.31 per year for each officer in the Organized Reserves who receives a 15-day training.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. In getting information regarding the civilian components, like the Reserve Officers' Training Corps and the citizens' military training camps and the Organized Reserves, to about how many places did the gentleman have to go?

Mr. BARBOUR. Not many. The War Department furnished information on the Reserve Officers' Training Corps, and as far as we have been able to determine very satisfactory information, and also with regard to the citizens' military training camps; but in connection with the latter we generally hear some of the representatives of the Citizens' Military Training Camps Association. They are civilians who are interested in this citizens' military training camp work and are devoting their time, and some of them their money, without compensation or return to advancing the interest of these camps. On the Organized Reserves we have representatives of the War Department who appear before our committee, and then this committee has always extended to the officers of the Organized Reserve Officers' Association an opportunity to appear before our committee and have a rather full and complete hearing, at least to present their ideas in connection with the reserve officers' training. The committee has not sought their appearance, but

they have appeared before our committee and we have accorded them an opportunity to be heard.

Mr. JAMES. For instance, in order to get information regarding how much money is necessary for reserve flying, instead of getting it from the Air Corps, you have to get it from a branch of the General Staff?

Mr. BARBOUR. It comes up in the items for the Organized Reserves training, which are presented to the committee by the officers who are stationed in the War Department. One man who was principally active in presenting these items to the committee is a reserve officer who is on duty in the War Department, Major Ames.

Mr. JAMES. I read his testimony. About two years ago we tried to find out from Mr. Davison and General Fechet about how much money should be expended for the reserve flying. They had no idea whether it was $100,000 or $400,000, and our committee thought that that was very strange. When we looked into the matter we found that they had nothing to do with it; that it was a branch of the General Staff that determined that.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I assume that the gentleman will be generous in yielding.

Mr. BARBOUR. Yes. We want to have full and free discussion within the limit of time.

Mr. WAINWRIGHT. The gentleman has it within his power to grant himself an unlimited amount of time for adequate discussion of this important measure. With regard to the Reserve Officers' Training Corps, we realize that the whole future and the strength and the success of the reserve-officer feature of the Army depends upon the Reserve Officers' Training Corps.

Mr. BARBOUR. And it is getting more so all of the time.

Mr. WAINWRIGHT. Absolutely. I would like to ask the gentleman if any figures were presented to the subcommittee as to how many of these Reserve Officers' Training Corps trainees had already qualified and taken their commissions as second lieutenants, and, next, how many of those young men who have had commissions awarded them have followed that up by a period of training as reserve officers?

Mr. BARBOUR. The gentleman will find rather complete information in the hearings as to the number of Reserve Officers' Training Corps graduates who have taken their commissions in the reserve. From 1920 to 1928, inclusive, the total is 28,829. I am not sure that the hearing shows the number of them that are following up their work and taking the courses of training.

Mr. WAINWRIGHT. The gentleman, of course, must see, manifestly, that the whole point of this is, How many of these young men are following it up?

Mr. BARBOUR. There is a considerable number of them, I should say a very satisfactory number, but I am unable to give any definite figures.

Mr. WAINWRIGHT. Will not the gentleman put that in his remarks? It seems to me that that information might be incorporated in his remarks, if he will be good enough to extend them to that extent.

Mr. BARBOUR. For citizens' military training camps the bill carries an appropriation of $2,742,158, as compared with $2,801,240 in 1929. However, that apparent decrease will be more than offset by a carry-over of $173,000 into the 1930 fiscal year. The last bill, the bill for this year, contemplated training for 35,000 trainees at the citizens' military training camps. There were actually 34,514 who completed their 30-day course of training at these camps. This bill, however, provides for an increased number of trainees and contemplates that 37,500 young men will receive the benefit of this training at the citizens' military training camps in 1930. That will be an increase of 2,500 over the number provided for for 1929.

Mr. WAINWRIGHT. The gentleman will recall that when this subject was up before the House at the last session some of us tried to have a sum that would provide for 40,000.

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. As one of those interested in this subject, may I express my very great gratification at the fact that the committee have seen fit to raise the amount of the appropriation a sufficient sum over and above the Budget estimates to provide for the training of 2,500 more boys. It seems to me, from the standpoint of those who are interested, that the committee is to be very much commended for that course.

The gentleman from South Carolina said that the reserve officers were probably the most economical feature of the national defense. Without questioning that, may I say that the training of these boys at a cost of $69.25 a year, as is shown, is obviously about as economical a provision for training of man power as can be conceived? The committee itself in its report asked the question as to how this shall be developed and where it will end. May I reiterate that gentlemen who are interested in the citizens' military training camps have stated on the floor heretofore that we should proceed progressively to the 50,000 mark, which was originally fixed for it; and that the results thus far in the splendid effect of the training of those boys will amply, and more than amply, justify continuing the amount, we might say progressively up to the ultimate unit of 50,000?

Mr. BARBOUR. I will say to the gentleman from New York that there is no definite policy with respect to citizens' military training camps. The full responsibility seems to fall upon the Committee on Appropriations in determining the number. We feel on the committee that it would be very advisable to have some kind of a definite policy adopted with regard to the training of the civilian branches. Then we would know what to expect each year, and Congress would know what to expect. As it is now, when the committee begins the consideration of the War Department bill, reserve officers all over the country write letters urging that we should train so many, and others urging that we should train a different number, the writers having different ideas, some feeling that we should train a certain number and others feeling we should train another number; and it is the same way with regard to training camps. The committee does the best it can under the circumstances with the funds available.

Now, for the National Board for the Promotion of Rifle Practice this bill carries $659,500. For 1929 there was a reappropriation of $500,000. You will recall that last year an amendment was put on the bill on the floor of the House providing for the national rifle matches to be held this past summer. The bill as reported to the House carried no appropriation for the national matches. Subsequent to that date Congress passed a bill making the national matches at Camp Perry, Ohio, a national event, so this money for the national matches for next year goes into the bill in its regular order.

The next proposition is the ammunition to be furnished to the civilian rifle clubs throughout the country. There are nearly 1,600 of these rifle clubs. The Federal Government has been issuing to these rifle clubs about 2,000,000 or more rounds of ammunition per year.

That is a maximum of 120 rounds of ammunition, .30 caliber, and 200 rounds of .22 caliber per man shooting. The amount that is issued to any one club, however, is limited. These rifle clubs have come to expect this free issue of ammunition by the Federal Government. Following the war, when we had large quantities of ammunition on hand and no particular use for it, there was no objection on the part of anybody to giving this ammunition to these civilian rifle clubs, but now we are reaching a point where the question of our ammunition reserves has got to be one of importance, and we are squarely confronted by the question of whether or not we are going to continue to furnish this ammunition in the same quantities to the civilian rifle clubs. If we do that, we will in all probability have to buy ammunition in order to issue it to them, whereas heretofore it has been given out of war-time stocks. That is the question which confronts us, and we will have to meet it. In this bill we provide, from purchase-of-discharge funds, a sufficient amount of money to furnish the civilian rifle clubs with the amount of ammunition they are having during the fiscal year 1929.

That, gentlemen, completes the important items of the military activities, and we now come to the nonmilitary activities.

The bill carries $3,500 to complete the plans and supervise the construction of the monument of the Unknown Soldier. A bill was passed by Congress authorizing $50,000 for this purpose. Two thousand five hundred dollars has already been appropriated and $3,500 more is needed for the completion of the plans and the supervision of construction, which will leave $44,000 of the amount authorized to complete the tomb itself. We are advised that this money will be sufficient to complete the tomb.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. Is this the tomb here [indicating]?

Mr. BARBOUR. This is it, and I was just going to describe it to the Members of the House. This is a model of the proposed Tomb of the Unknown Soldier. The act authorizing the completion of the tomb was approved July 3, 1926. It provides that the accepted design of the tomb and inclosure shall be subject to the approval of the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

The Secretary of War appointed a jury to advise him, consisting of some of the most eminent architects of the country, selected or suggested by the American Institute of Architects, and, in addition, Mr. Hanford MacNider, representing the American Legion, and Mrs. Rock, of Philadelphia, a gold-star mother. Seventy-three designs were submitted, and the design here exhibited was the final selection of this jury. Subsequently, in accordance with the law, the design was submitted to the three specifically named commissions and each was unanimously in favor of the advisory jury's selection. The accepted design was accompanied by a sketch looking to the opening up of the whole front so that there would be an ornamental setting for the tomb and that it would be a focal point of the grounds. This phase of the work, estimated to cost around $350,000, has not been authorized. The winning design was submitted by Mr. Thomas Hudson Jones, sculptor, and Mr. Lorimer Rich, architect, both of New York City.

The figures in relief on the model of the accepted design represent peace, victory, and the American soldier. The inscription, to be cut at the opposite end, has not yet been determined upon.

I think, perhaps, all of the Members will be interested in this model, because it is the accepted design for the completion of the Tomb of the Unknown Soldier, and the money already appropriated will finish this work. The present tomb, I understand, comes to here on the model [indicating] and the balance is the superstructure that is to be placed on the present tomb. It is plain; it is not overornamental; and I think the beauty of it will appeal to almost anyone. Now, that part of the project has been authorized. It is planned, however, to build this approach, which will cost, as nearly as can be estimated now, in the neighborhood of $350,000; and the Quartermaster General has stated to the committee that that must not be accepted as a final estimate because it may be more than that. However, I do not think anyone will object to that, because if it is to be done at all, the American people will want it done right and will not want the Congress, and the Congress itself will not want, to be niggardly in regard to the money that it expends on the memorial to the Unknown Soldier.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for 20 additional minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 20 additional minutes. Is there objection?

There was no objection.

Mr. BARBOUR. This sketch here shows the amphitheater with the tomb in the same place it is located now, with the superstructure on it, which will give you some idea of the appearance of the plan from the proposed approach. It is proposed to break through the cement wall that exists there at the present time, and this approach is to be in the neighborhood of 500 feet long, I believe 480 feet long, and something over 200 feet wide. Here is another sketch showing another view of it, which gives you a more general view of the proposed plan. You will notice it is not overdone; in other words, it is plain, it is simple, and I think in its artistic effects it is very appealing. Here is a bird's-eye view of the whole scheme or plan as it will appear from the air when completed. This part is the amphitheater. The little black rectangular mark is the present tomb, and this will be the approach as it appears from the air.

I have brought these models and sketches here to-day in order that the Members of the House might have an understanding of just what was being done with regard to the proposed Tomb of the Unknown Soldier. It is something that the people of the entire country are interested in, and when it is done they want it done right. There has been a lot of controversy as to just what, if anything, should be done, and the members of the committee feel that this plan is one that will meet with the approval of the Congress and with the approval of the people of the country generally.

For rivers and harbors the bill this year carries $50,000,000. This is a decrease of $5,886,310 as compared with the amount carried in the 1929 bill. We had on hand, however, a balance on November 1, 1928, of $44,502,297, nearly $7,000,000 of which has not as yet been allotted. Out of this money will be allotted funds for carrying on the surveys which a good many of the gentlemen living in the Mississippi Valley are interested in.

It is proposed to allot $1,500,000, and if more funds are needed to carry on the work more money will be allotted for this activity; in fact, General Jadwin stated that if more money was needed in 1930 the Board of Army Engineers would allot it up to the amount they could spend economically and efficiently. He stated further that the work of making these surveys was being pushed vigorously and they were being made just as fast as could be, consistent with thorough work, economy, and efficiency.

The $50,000,000 is all that the Board of Army Engineers asked, and they assured the committee that these funds would be sufficient to carry on the work during the fiscal year 1930.

Mr. BRIGHAM. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Vermont.

Mr. BRIGHAM. Is adequate provision made to carry on surveys in sections which have suffered from floods other than the Mississippi Valley?

Mr. BARBOUR. Yes; I understand the surveys are being carried on in sections other than the Mississippi Valley.

Mr. BRIGHAM. And adequate provision is made to continue that work?

Mr. BARBOUR. General Jadwin assured us he would allot whatever was necessary to efficiently and economically carry on the work.

Mr. ABERNETHY. Will the gentleman yield for one question?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. I understand you have allotted all that the Army engineers say they can profitably expend; is that true?

Mr. BARBOUR. Yes.

Mr. ABERNETHY. I have read with a great deal of interest the way the work on rivers and harbors is being carried on, and I want to say in passing that the gentleman's knowledge of this entire situation is very illuminating and very pleasing to the membership of the House, I am sure, because it shows that the gentleman has a thorough understanding of all these activities. The gentleman's remarks are very interesting, and the liberality with which he has approached this subject is very pleasing to me, at least, as one Member of the House.

Mr. BARBOUR. I thank the gentleman from North Carolina.

On the item of flood control the bill carries $30,000,000 as compared with an appropriation of $10,000,000 in 1929. However, previous to this time there was a deficiency appropriation of $14,000,000 for flood control, and there has also been available for the work of flood control on the Mississippi River $12,000,000 more of previous appropriations; but the 1930 appropriation for flood control as compared with the 1929 appropriation is a straight increase of $20,000,000.

General Jadwin, who is the Chief of Engineers, stated to the committee that this is all that could be economically expended on flood-control work in 1930. You will understand that at the present time there is a great deal of preliminary work that must be done in regard to the spillways and floodways that it is proposed to construct. Rights of way must be secured for levees and for flowage, and all of this work the Board of Army Engineers assures us is being pushed just as vigorously as it possibly can, and the report of the Board of Army Engineers on this activity, in the opinion of the members of the subcommittee, is very satisfactory. I will say that in the hearings is a brief statement by the Chief of Engineers outlining just what the plan of the Board of Army Engineers with respect to flood control on the Mississippi River is, and what it proposes to do, and anybody who wants to get a clear-cut picture of the plan can get it by reading this comparatively brief statement which takes up but a very few printed pages in the hearings. It is there available and to my mind is very interesting.

For the National Home for Disabled Volunteer Soldiers we are providing what General Wood, president of the board, stated was sufficient funds with the understanding that the board of governors has had with the Appropriations Committee, and that is that if the funds carried in the bill are not sufficient to properly care for these veterans of the wars that the Government is providing for in these homes, they will go ahead and take proper care of them, and, if necessary, come back and get a deficiency appropriation. With this understanding General Wood says that the funds carried in the bill are ample.

Coming down to the Panama Canal, it is proposed to carry on the work of the construction of the Alhajuela Dam. Funds for the Alhajuela Dam were first carried in the 1929 appropriation bill, $250,000 to commence the preliminary work. This bill carries $1,000,000 to continue the work of construction. It will not, however, start the actual construction work. It will build a road and allow them to continue their diamond borings and continue the various investigations they have to make in a big construction project of this kind.

The Alhajuela Dam is 12 miles up the Chagres River and will store a sufficient quantity of water to permit them to double the capacity of the present traffic of the canal without any question as to there being an ample water supply.

They are confronted at Panama at times with the possibility of a dry year, and with their increasing traffic it interferes with the transit of the large ships through the canal. The

deep-draft vessels have to be towed through the cut, and that slows up the work of operation and also makes it more expensive to operate; but the new dam, when it is completed, will provide ample water not only for doubling the present traffic capacity but, the committee understands, it will provide ample water for a third set of locks, if a third set of locks is deemed necessary.

Mr. KETCHAM. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Michigan.

Mr. KETCHAM. Will the gentleman be kind enough just at this point to make a brief statement as to the financial operations of the canal for this year? It seems to me that is very interesting.

Mr. BARBOUR. The financial operations of the canal are very interesting.

The total net revenues for the year 1928, which is the last year available, were $18,961,564.29. This is an increase of almost $3,500,000 over the total net revenues for the preceding year 1927.

In arriving at these net revenues all expenses, including depreciation and amortization, except interest on the investment, are deducted. They do not deduct interest on the investment. This includes not only the canal but the business divisions that are carried on by the Panama Canal.

Mr. BRIGHAM. Can the gentleman tell what rate of interest that would pay on the original investment?

Mr. BARBOUR. Well, let us see. The total cost of the canal, including the railroad, is $386,000,000.

The gentleman can readily estimate it. Three hundred and eighty-six million dollars was the total cost of the canal. The present Governor of the Canal Zone says that in arriving at the cost of the canal we should add compound interest at the rate of 3 per cent from the time of construction during all the time this money has been out. He says that is the proper way to arrive at the cost of the canal—that the actual expenditure does not represent it, but that is a matter of bookkeeping and accounting. The proposed method of estimating the cost of the canal suggested by the present governor perhaps would be the correct way of estimating it.

Mr. BRIGHAM. The Government is getting 4 per cent on the cost of the canal.

Mr. BARBOUR. Yes. The tolls for 1928 were $26,943,513.16. The transits have been increasing until the last few months when there was a slight decrease. In 1928 the commercial transits were 17.63 per day; including all ships, transports, and Government vessels that do not pay toll, the daily average has been 19.

Mr. ALMON. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ALMON. The Government in business at Panama has been a remarkable success.

Mr. BARBOUR. Absolutely; and it is very well handled by the Government officials in charge of that great project.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. WAINWRIGHT. In going back to the design for the Tomb of the Unknown Soldier, I want to ask the gentleman if this appropriation is made for beginning the work, it would mean a definite congressional approval of that particular design which would preclude any modification?

Mr. BARBOUR. No; it is not necessary to be made in that way. It can be authorized for completing the tomb of the Unknown Soldier.

Mr. WAINWRIGHT. In other words, my thought is this: That there should be considerable latitude left for further discretion for any necessary modification in the design. There may be some who would criticize the allegorical figure on the front, the male figure, as hardly a sufficient representation of the American soldier—at least not as we knew him.

Mr. BARBOUR. I would say to the gentleman that when it comes to a work of art you can frequently find many differences of opinion on the same subject—some good and some otherwise.

Mr. WAINWRIGHT. You do not need to be much of an artist to have some sense of fitness of things, with relation to the conception of what would be an appropriate representation of the American soldier.

Mr. BARBOUR. Those are matters which can be properly worked out.

Now that covers the more important items of the bill. There are a few matters in the bill which change our former policy in the way of limitation. For instance, it is provided that only one horse shall be allowed to an officer, and an annual allowance for forage and stabling provided. That I discussed a short time ago. Then it is also provided that the number of officers who shall be taken into the Army during the fiscal year 1930 shall be limited to West Point graduates, warrant officers, enlisted men of the Regular Army, and persons commissioned in accordance with the law in the Army Air Corps. That is made necessary because if we do not place a limitation on it, it is liable to go over the 12,000 that we are providing for. While that might appear to be a discrimination against others who could qualify, the committee felt that we should apply some limitation at this time, and so we limited it to West Point graduates, enlisted men, and warrant officers who can qualify and men going into the Air Corps.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. JAMES. Is not the number of officers limited to 12,000 plus the 403 in the Air Corps?

Mr. BARBOUR. Let me ask the gentleman that question. The gentleman would know that, because it would come under the jurisdiction of his committee. Is there a limit of 12,000 on the number of officers, or is that the amount we have been appropriating for?

Mr. JAMES. My impression is that it is 12,000, by law, and that we increased the number by 403 in providing for the Air Corps.

Mr. BARBOUR. I would not state definitely, because that is a legislative matter. My understanding has been, however, that the limit was not fixed by law at 12,403.

Mr. JAMES. We increased the number of officers 403 to go into the Air Corps. I do not think that they can have more than 12,403.

Mr. BARBOUR. This is to hold the number to 12,000. This is to meet a situation which now confronts us. Next year it may not be necessary to do that.

Mr. JAMES. The language is not such that it prevents these men who graduate from Kelly Field from going into the Air Corps?

Mr. BARBOUR. Oh, no; it does not prevent them. It specifically mentions persons appointed or commissioned in accordance with law in the Army Air Corps.

There are one or two other changes in the language in the bill. One limits the activities of the post exchanges, and another one limits the procurement activities of the Army.

The committee has found that in this procurement work a large organization is being built up, composed to a considerable extent of civilians, but at the same time requiring the attention of a number of Army officers. It is being carried on under the supervision and direction of the Assistant Secretary of War, Colonel Robbins. Each time an increase in this activity occurs it means more money. The activity has been growing, until now there is a large number of people, civilian and military, engaged in this procurement work and study. The committee felt that in view of the fact that it was subject to great expansion we should put this limitation upon it and say that the funds could not be used for other procurement officers in excess of the number now engaged in that work.

Mr. JAMES. Will the gentleman please explain about the proviso respecting the field-service appropriation, that it shall not be available for personnel services in the office of the Assistant Secretary of War?

Mr. BARBOUR. Yes. My recollection of that is that the Assistant Secretary of War has been calling in people from the field service for work in his office, and we have been trying to get the field rolls and the departmental rolls straightened out so that we would know that the people in the departments were being paid from the departmental rolls and those in the field service paid from the field rolls. It was to prevent the field-service appropriations being used to pay for services in the departments. Such services should be more properly on the departmental roll and can be more properly taken care of. I understand the bookkeeping system will be greatly simplified by that provision.

The CHAIRMAN. The gentleman's time has again expired. [Applause.]

Mr. CLAGUE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, inasmuch as an amendment will be offered at the end of this appropriation bill relating to the purchase within the United States of materials by the Army, and later a similar amendment may be offered to the Navy bill, I wish to place in the RECORD certain quotations. First, from a statement made by the president of our New England council, made recently:

> We should have a law to require our Army and Navy, the military arms of our Government, to purchase their supplies within the defense of our guns. It is clearly absurd that their purchases be made abroad of those things essential in carrying on war, and things in case of war

they will need in large quantities. These purchases usually come in without paying a tariff. It seems absurd.

From an official of a department of the Government:

The law requires that the heads of departments place the orders with the lowest bidders, price and quality being equal. There is some association in Washington—I don't recall the name of it, but it is a sort of association of Government purchasing agents—and they have recently secured the introduction of a bill calling for a revision of the purchase laws. One section of that bill has revised the phrase, the conditions of which I have referred to somewhat, but to my mind not sufficiently, or not at all adequately to protect our own manufacturing interests in securing and having an even chance of getting Government purchases. The clause reads, "Orders placed on goods shall be placed with the lowest bidder, price and quality being equal." But that is not sufficient. Orders have been placed on balloon cloth, airplane cloth, silk parachute cloth, and khaki goods, and I recall an order for about 50,000 yards of expensive material which could be made in this country, I have no doubt, but it went to foreign mills because the total saving on the purchase was less than $1,500. I am sure that the saving to the Government of $1,500 was more than lost in other forms of revenue and taxes and wages, you might say, in one form or another, so in the end they more than lost that $1,500.

Mr. TABER. Would the gentleman be willing to put his proposed amendment in the RECORD to-night, so that we may know what it is?

Mr. GIFFORD. The form of the amendment is not entirely agreed upon. We want the best expert advice that we can get, but I can read what will be very much like the amendment desired:

That the head of a department may have discretion in placing those orders whereby he may set aside bids made by a foreign mill or agent for goods, even though it is at a lower price.

In closing, I wish to repeat those words which to me and to the audience who listened seemed very impressive:

We must have a law to require our Army and Navy, the military arms of our Government, to purchase their supplies within the defense of our guns.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLINS] is recognized for one hour.

Mr. DAVIS. Mr. Chairman, I wish to announce that my colleague from Tennessee [Mr. MCREYNOLDS] is absent on account of illness.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 5]

Aldrich	Dallinger	Hull, Tenn.	Palmer
Allgood	Davey	Igoe	Parker
Arentz	Deal	Jacobstein	Parks
Auf der Heide	Denison	Johnson, Ill.	Patterson
Ayres	DeRouen	Johnson, Ind.	Peavey
Bacon	Dickinson, Mo.	Johnson, Okla.	Pou
Beck, Pa.	Dickstein	Johnson, Wash.	Prall
Bell	Dominick	Kading	Pratt
Berger	Doughton	Kent	Purnell
Blanton	Douglas, Ariz.	Kerr	Quayle
Boies	Douglass, Mass.	Kindred	Ragon
Bowles	Doutrich	Knutson	Ramseyer
Boylan	Dowell	Kopp	Reed, Ark.
Brand, Ga.	Doyle	Kunz	Reed, N. Y.
Brand, Ohio	Drewry	Lampert	Robinson, Iowa
Britten	Driver	Langley	Romjue
Browne	Edwards	Leatherwood	Sabath
Bulwinkle	England	Leech	Sanders, N. Y.
Burdick	Estep	Lindsay	Schneider
Bushong	Evans, Mont.	Linthicum	Sears, Fla.
Carew	Fenn	McClintic	Sirovich
Carley	Fitzpatrick	McFadden	Spearing
Carter	Fort	McMillan	Sproul, Kans.
Chase	Frear	McReynolds	Steagall
Christopherson	Free	McSweeney	Stedman
Clancy	Freeman	Manlove	Stevenson
Cochran, Pa.	French	Martin, La.	Stobbs
Cohen	Garrett, Tex.	Mead	Strong, Kans.
Cole, Iowa	Gasque	Merritt	Strong, Pa.
Cole, Md.	Gilbert	Michaelson	Strother
Combs	Golder	Montague	Sullivan
Connally, Tex.	Graham	Mooney	Taylor, Colo.
Connery	Greenwood	Moore, N. J.	Temple
Connolly, Pa.	Griest	Morgan	Thompson
Corning	Hadley	Nelson, Me.	Thurston
Cox	Hammer	Nelson, Wis.	Tillman
Crail	Hare	Newton	Timberlake
Crisp	Harrison	O'Brien	Tinkham
Crosser	Hastings	O'Connell	Underhill
Crowther	Haugen	O'Connor, N. Y.	Updike
Culkin	Houston	Oliver, Ala.	Vinson, Ky.
Curry	Hughes	Oliver, N. Y.	Warren
Watson	White, Colo.	Winter	Yon
Weaver	White, Kans.	Wright	
Weller	Williamson	Wyant	
Welsh, Pa.	Wilson, Miss.	Yates	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 15712), making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, finding itself without a quorum, the roll was called, and he submitted a list of the absentees for printing in the Journal.

The SPEAKER. The gentleman from Connecticut, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill H. R. 15712, reports that that committee, finding itself without a quorum, he had directed the roll to be called, whereupon 246 Members answered to their names—a quorum. The names of the absentees will appear in the Journal. The committee will resume its session.

Thereupon the Committee of the Whole House on the state of the Union resumed its session, with Mr. TILSON in the chair.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLINS] is recognized.

Mr. COLLINS. Mr. Chairman and Members of the House, the management of the affairs of our Government is perhaps the biggest business enterprise in existence. It is difficult even for those of us intrusted with its management to know very much about it; hence it is not strange that the public is unconcerned and disposed to let it drift along. The attitude of the public is not very different from ours—we try to know something about those matters in which we have a special interest, while we ignore or permit others to attend to the rest.

The War Department is big; in fact, it is an enormous project. The work is supposed to be difficult and highly specialized, and all of us are disposed to let Army officers formulate the policies for us to blindly follow, assuming that what is done is right, and that we should never set our opinions against those experts in such matters.

I am convinced that we have been following dangerous lines and that the time has come for us to inquire diligently into these programs and the proposals of these men, then we can dictate legislative procedure uninfluenced by sentiment or the glitter of brass buttons. In this land of ours it is the duty of civilians to outline the military policy of their Government and to completely dominate its military activities.

I shall try to point out to you some of the salient features of this bill—to do more than to scratch the surface of this gigantic task would be impossible here this afternoon.

The activities of the War Department can well be considered under six subdivisions:

First. The Regular Army.

Second. The Militia Bureau, or, more correctly speaking, the federalized National Guard.

Third. The Organized Reserves.

Fourth. The Reserve Officers' Training Corps.

Fifth. The citizens' military training camps.

Sixth. The National Board for the Promotion of Rifle Practice.

The last five are civilian organizations. However, officers and enlisted men of the Regular Army are in direct charge of their operation and management, 3,089 officers and 24,019 enlisted men being assigned to these organizations for their training and instruction.

The Regular Army is, of course, growing not only in officers and enlisted men but in civilian personnel as well. The five civilian military organizations are likewise growing and are becoming more and more effective, especially from a political standpoint, and their political influence and power is growing in proportion to their growth in numbers. Numerically, they are larger and more effective now than they have ever been, and next year they will be larger and more effective than they are to-day. Their political influence and power, too, will grow with their ever-increasing numbers and their wishes will be more and more respected by public officials generally and especially those of us in Congress.

The creation of another division called the munitions unit was proposed in the 1929 bill; Congress authorized its creation in an act passed June 8, 1926, but this subcommittee, however, saw fit to prevent its beginning in 1929 and under that particular name it does not appear in this bill. The purpose of this unit was to take young men after graduation from college and give them 3 months' training in the Regular Army, then send them to college for 9 months and after this to put them in the factories of the country for 6 months, giving in all 18 months'

specialized training in factory work and management, and in the event of hostilities these men would become officers and would take charge of the factories of our country and operate them under the supervision of the Regular Army. It was proposed to begin with 250 such students and later to bring them up to 400 and thence to a larger figure. The law says that one-half of 1 per cent of the enlisted strength of the Army and 2 per cent of officers can be trained annually, and with our Regular Army establishment at its present size, this would provide approximately 840 students to be trained annually and with the retirement figure at 64 years, it would be possible to have about 34,500 such officers. Of course, this figure is the outstanding one and should be reduced by one-half on account of deaths, resignations, and other causes, but even with 17,250 such officers, its size and expense would be enormous. This scheme has never been tried out. No country has it now or has undertaken it. The student trained may or may not follow the work for which he was specially trained. If he did not, his training was wasted. If he did pursue the work for which he was trained, it would be foolish to let him contract with himself in the purchase of supplies for the Government or to permit him to adopt work standards, with the War Department backing him in his every whim. Aside from this, it is a dangerous undertaking in a republic to put its factories, including management and men, under the control of the Military Establishment.

Notwithstanding the action of the committee in failing to provide by name for this unit, the same activity by a different name appears in this bill; and while there also appears a provision keeping its size down to what it is now, as time goes on it will nevertheless grow year after year, and the Congress should bestir itself for the purpose of destroying it now while it is young. It is termed "procurement." Officers of the Regular Army, as well as officers in the civilian military organizations, are assigned to this work; they have offices rented in the various cities of the United States with competent civilian personnel all paid for out of funds appropriated in this bill, and these officers are supposed to keep in touch with the factories, fields, and transportation systems so that in the event of war or an emergency they can take charge of them and operate them, as they perhaps think, very much better and with a greater degree of patriotism than their civilian owners—all of which, however, I very much doubt. My own ideas are that those in charge of our fields, factories, and transportation systems understand the problems confronting them very much better than outsiders, even though these outsiders be Army officers. They have always shown a willingness to respond to all calls made upon them by their country and I sincerely believe that they can be trusted in the future to provide food, transportation, clothing, and implements of warfare better if left alone. Imagine some second lieutenant telling Mr. Ford how to run his factory either in peace or in war time, or some first lieutenant telling Mr. Atterbury how to run the Pennsylvania Railroad, or some captain telling the farmers of the country how they can best secure a larger number of bushels of wheat on a given number of acres of land. It is the rankest nonsense. The Army has tried to conduct strictly civilian activities in the past in other countries and their efforts have always been failures. They are not trained for this work and are incompetent to perform it. Success in any line requires the constant study of those in charge and their duties should not be interfered with by meddlers foisted on them by the Government under the pretext of national defense.

The enlisted strength of the Regular Army is 118,750 men. The officers number 12,000; however, the bill, as it came to this subcommittee, carried 12,200. The Philippine Scouts had last year a strength of 6,060. This bill provides for 6,500. The Army has 1,157 warrant officers; there are 148 retired officers on active duty; and a large number of these are in high schools scattered throughout the country teaching little boys to "play at war" and likewise trying to popularize the military idea.

There are about 60,000 civilians provided for in this bill assigned to various activities of the Army. It is impossible to find out just exactly their number, but they will aggregate about 60,000 and they will gradually increase. Their salaries compare favorably with men in similar lines of work in civilian life and hence they are superior as military workmen and as military experts to enlisted men. Their presence makes the Army much more effective than it would be by the addition of a similar number of enlisted men, and also relieves officers and men of much onerous work that they would otherwise have to do and in turn gives them more time for pleasure and amusement and general recreation. The officers of all classes number 13,305, and the enlisted men, including Philippine Scouts, are 125,250, and to these should be added experts, mechanics of all kinds, and other civilians performing all sorts of work, the total of these being about 60,000, giving the Regular Army a total strength of about 198,555.

The officer and enlisted strength provided for in this bill is larger than it was in 1929. It was about 5,000 greater in 1929 than it was in 1926 and 1927. While this bill shows an officer and enlisted strength of only 365 more men than were provided for in the 1929 bill, the cost of the Regular Army is very much more than the cost provided for in the 1929 act. This cost year after year will show larger increases. The pay of the 12,000 officers in this bill will be around three and a half million dollars more than that provided in the 1929 act. All branches of the Regular Army are abundantly provided for. The Air Corps alone is given $33,578,683 as against a total appropriation for 1929 of $25,875,041. The figure $33,578,683 does not, however, represent the cost of the Air Corps. Its real cost is $66,336,002. As evidence of the fact that this appropriation is more than sufficient, I call the attention of the Congress to the following statement of General Summerall when asked about its adequacy:

> It is a well-balanced program, and we feel in many ways it is quite generous.

The Militia Bureau of the federalized National Guard continues to grow. In 1920 it had 1,939 officers and 47,019 enlisted men; on June 30, 1927, there were 12,010 officers and 182 warrant officers and 168,750 enlisted men—a total of 180,920 men. There was carried in the 1929 bill an appropriation sufficient to take this number to 188,000, of whom 13,630 are officers. This bill carries an appropriation sufficient to provide for 190,000 men, of whom 13,966 are officers. Those in charge of the Militia Bureau testify that their immediate program will seek a total aggregate strength of 210,521 National Guard troops. After this number is reached, then the goal will be 435,000, for that is the number authorized in the national defense act. Regular Army officers and federalized National Guard officers are quite enthusiastic over making the National Guard a thoroughly efficient organization. They are anxious for it to grow and to become more effective and are quite solicitous about every subject pertaining to its welfare, and have thus far been able to secure practically everything that their hearts might desire.

This bill provides for 48 drills a year and 15 days' intensive training at camp. Of course, officers and men attending these drills and taking this intensive training are paid for doing so. There are quite a number of members of the guard, both officers and men, who have a yearly status and are paid according to their grade. The training of the guard is practically the same as that of the Regular Army; it is organized according to the same lines, and it has cavalry, field artillery, an air corps, tank corps, an engineers' unit, a chemical warfare section, an observation section, and practically everything else that the Regular Army has. Two hundred and sixty-three of its officers and 110 of its enlisted men go to service schools and are there given special training by officers in the Regular Army. The amount provided for this schooling totals approximately $375,000. Guard affairs generally and instruction of its officers and men are under Regular Army officers and enlisted men; 447 officers and 589 noncommissioned officers are especially detailed for their training and instruction.

Of course, it has to have plenty of horses for its several branches, the same as the Regular Army, including its air corps, for horseback riding is becoming more and more popular as a social activity, and an ample number of horses must be provided for those in the federalized National Guard who are anxious to ride. On December 1, 1928, it had 10,299 horses; of this number 8,389 were Government-owned and 1,910 were State-owned, which had been federally accepted and were maintained at Federal expense. This number does not include the ones provided in the 1929 bill.

It has 19 organized air squadrons, with 347 officers and 1,689 men. They each averaged 91.56 flying hours. Pilots in the Regular Army average around 200 hours a year. They are up to full strength in all classes of planes. This bill provides for the purchase of 22 additional planes. It has its various units, including harbor defense, antiaircraft artillery; in fact, almost every kind of modern equipment, such as ambulances, tractors, trucks, searchlights, and so forth. The motorized vehicles number 5,795.

The federalized guard during the past four years has cost the Government some $55,000,000 per year. This bill carries $32,319,798, and after State contributions and free issues are added the cost will be around $55,000,000—perhaps more.

The per capita cost of the members of the federalized guard to the Federal Government is $222.55 and to the States $87.31—a total of $309.86—and these figures do not include all of the

items that should be properly charged against the guard. The total value of equipment in the guard as of June 30, 1928, is $111,973,941.49. The real per capita cost of members of the guard to the Federal Government and State governments is around $500 per year.

The Organized Reserves have grown to be largely an officer organization. There is a branch for enlisted men, but there are very few in it. The Organized Reserves is the result of the national defense act. It is growing very rapidly and will continue to grow, and there is no limit upon its possible growth. The members of this subcommittee have repeatedly requested the War Department to furnish information as to those in the Organized Reserves who are showing an interest in it, but there seems to be a disposition in the department to let well enough alone; and if a person becomes a member of the Organized Reserves, whether he performs any duty or not he will always continue to be an officer in it, and I am confident that this policy will continue. On June 30, 1920, it had 68,232 officers and no enlisted men. On June 30, 1926, it had 103,829 officers and 5,775 enlisted men. On June 30, 1927, it had 110,014 officers and 5,735 enlisted men. On June 30, 1928, it had 114,824 commissioned officers and 5,416 enlisted men. Of these officers 20,000 are provided 15 days' training out of funds appropriated in this bill. Four hundred and fifty-four officers will be given more than 15 days' training. This subcommittee increased the number to be trained over that recommended by the Budget. This bill provides for the training of 130 Air Corps officers, who will receive one year's instruction. This number will increase year after year until 330 are annually trained, and shortly afterwards this number will go to 550 per year. These reserve officers are also given correspondence course, or, in other words, such of them as are willing to take these courses, and under this practice certain military instruction is provided.

This particular activity is divided into various units and sections, the same as the Regular Army and the federalized guard, with war implements of the same or similar kinds. They have Regular Army officers totaling 416 and 501 enlisted men over them who are assigned for their training and officer management. The officers in the Organized Reserves were officers to start with, and it is wholly unnecessary to furnish them with intensive training at all times; however, every effort is made to keep them abreast with the times and to provide them with modern military instruction.

The Organized Reserves is growing just like all of the other branches of the Army. In 1920 the number of officers was around 68,000, and it stayed around this figure for about one year; then, in 1923, it was 70,000; 1924, 81,000; 1925, 95,000; 1926, 103,000; 1927, 110,000; 1928, 114,824. The immediate goal for the Organized Reserves is 125,000, and this will be reached in a very short while in spite of the fact that it was decided last year that only 65,833 of these officers could possibly be used in the mobilization of three and a half million men. One-tenth of the officers of the Organized Reserves going to camp are used in procurement.

The word "procurement" as used by the Army in this connection does not mean procurement; it merely means that these 2,000 men are given training under military officers in farm management, transportation management, factory management, and, in fact, the management of practically all civilian activities so that in the event of war or a great emergency the production of food and the manufacture of clothing, medicine, and in fact everything that could be used by human beings or an Army, as well as transportation facilities, would be under the control and dictation of Army officers. The amount carried in this bill for the Organized Reserves is $5,757,879. Of course, this item covers only the general activities of the Organized Reserves.

The Reserve Officers' Training Corps is made up of young men in the colleges and the high schools of the country and there are 127,141 of these young men who will take toll out of this bill; those in the colleges are divided into two classes: The advanced students and the basic students. There are 13,870 of the advanced students and 71,250 of the basic students. Those little boys in the high schools of the country who are given military instruction are known as junior students and they number 42,021. In addition to these, there are 59 schools with an enrollment of 14,807 that are known as 55–C schools. They do not properly belong to the Reserve Officers' Training Corps; they are given infantry training mostly and are provided with rifles and ammunition and certain other allowances. I can not give the Congress the number of girls who are given this particular training because their number was not furnished to the committee, but usually pretty girls are chosen as officers and sponsors and uniforms are provided for them. These girl officers are frequently installed with much pomp and ceremony and public display; they lead parades and participate in reviews and preside on social occasions, conduct personal inspection of boy cadets in some places, and act as general billboards advertising the glory of the Reserve Officers' Training Corps and the military machinery.

The Boston Post carried this story of how these little ladies are made useful:

Four girls of the New Bedford High School have been elected officers in the Reserve Officers' Training Corps of the New Bedford High School, and their commissions have been authorized by the War Department. * * * The girl officer, according to modern training ideas, furnishes a liaison between the social and military life of the school. The girl officer is expected to call the attention of the boy in training to the fact that a button may be missing from his tunic or that a grease spot may have appeared at his elbow. The reserve officer, it is believed, would more readily accept criticism from a girl than he would from a boy, and be more anxious to avoid it. The same idea prompts the training officer to have the girls accompany them on tours of inspection. * * * The "lady officers" are known as sponsors and are elected by the student body. Thus the most popular girls in the school are officially recognized in the Army organization.

I have a picture of 11 pretty little girls from the Ogden, Utah, high schools, all dressed in special military uniform. Under the photo is this quotation:

Always filled are the ranks of the Reserve Officers' Training Corps at Ogden. The photo shows the reason.

I have also a press clipping showing Major General Summerall with a pretty girl from Creighton University, in Omaha. The general is quoted as saying:

With so pretty a colonel, it is no wonder the Creighton Reserve Officers' Training Corps is such a well-drilled unit.

According to the San Diego Union, they have gone one step further out there and have a corps of matron sponsors as well as pretty girl sponsors to help popularize their military unit. The military minded are out to get the whole family to boost their idea. In turn for the publicity and popularity the girls give the Reserve Officers' Training Corps, they get much social distinction and no end of newspaper publicity, their pictures appearing in scores and scores of newspapers from coast to coast. As many as 50 to 75 pictures of many of these girls are published by as many different city newspapers. Of course, the youngsters fall for this, as do their mothers, brothers, sisters. It is the old game of playing sex appeal on youngsters for the purpose of helping to popularize this activity of "playing at war."

The girls have rifle teams, and they like it; and, of course, it does not cost them anything. It helps to make them popular, and they join in the game. So many of these trainings units are so well supplied with officers and men that they have time to coach these teams on the side—as a delight to themselves, to the girls, and to the community. The press is filled with pictures of these fair marksmen. I have a clipping that tells the story of one who became so enthusiastic over her work that she actually enrolled in the military unit at her university and took the training. She was made an honorary colonel for her interest. The press reports her as studying infantry drill, musketry, and automatic-rifle shooting. The fact that these news stories with photographs of pretty girls go out over the country all the time is another factor to keep in mind when trying to estimate the future influence of this program. We pay officers to train men for battle, and they spend their time playing around with co-ed marksmen and Government equipment is used by many of these teams, and the Government supplies the ammunition.

The big parade for boy cadets where girl officers turn out to "strut their stuff" is becoming a community event in many places and, of course, the Regular Army is glad to pull off these events, since it gives them opportunities to make speeches on the glories of preparedness and the general stupidity of our country in the past. You should see some of these gala parades and reviews held by our civilian training units—for the edification of those in the ranks and those in the grand stands. Just listen to this press description of a review in a western high school taken from the San Diego Union of January 24, 1928:

The battalion and company officers were ordered "front and center," to be confronted by a line of girls equal in number to the cadet officers. There was an instant of salute, and each officer claimed his sponsor and proudly lead her to his unit, where she took her place with as much precision as her escort. The companies and battalions greeted their sponsors with a round of applause.

Some of the newspaper headlines run:

Fifteen thousand at Gloucester High School battalions field day. Pretty sponsors spur boys in annual Reserve Officers' Training Corps field day. Reserve Officers' Training Corps unit struts stuff in annual review—

And so forth.

These parades and reviews are made so thrilling and attractive by every means possible that the little tots of the community will look forward to the time when they get big enough to participate in yet bigger and showier parades.

The young ladies are not the only agencies used in the Reserve Officers' Training Corps for the purpose of popularizing military training. Horses also play a large part. There are certain schools that would probably not have a Reserve Officers' Training Corps unit were it not for the riding horses that are provided for the amusement of these young men. Riding is becoming very popular socially, and most young men in schools like to ride, and as long as they are able to ride a good horse, furnished, fed, and equipped in a fine, splendid way by the United States Government, they join the Reserve Officers' Training Corps—for the purpose of improving their horsemanship. Nearly 2,000 horses are furnished now by the Government to various educational institutions, and additional ones were provided for in the 1929 bill and still more in this bill. The Government has 13 mules assigned to the Reserve Officers' Training Corps. I do not know whether there is any special significance in the number 13 or not, but I do know there is a dearth of mules. I presume that they are used for zoological purposes.

So you see we can now add to the saying, "Join the Army and become a man," "Join the Reserve Officers' Training Corps and ride." The horse is kept in the Army because of its amusement and social value rather than its probable military usefulness.

In order to further popularize this work the drilling is reduced to a very low minimum. Three hours per week constitute the entire time that is required of a young man, and of this time not over one-third is devoted to drills. The rest of the time is taken up with such work as organization and administration, military customs, military courtesy, military hygiene, first aid, marksmanship, physical training, command, leadership, military sketching, map reading, military law, patriotism, the beauties of the national defense act, and such other kindred subjects. Bayonet practice has been abolished because it did not have a very favorable appeal to young men and young women engaged in this training, and it was thought that it was tending to make the work less attractive and popular. Band instruments are likewise provided by the Government, so that these young men and young women may be supplied with music at Federal expense, and, of course, hostesses are furnished in the camps, so as to wet-nurse these youngsters and direct them along the proper social lines. There are other things too numerous to mention furnished and provided these young people so as to popularize the training.

These young men in the colleges are given subsistence allowance at school and are provided with uniforms. And, of course, the military uniform has always been one of the prize inducements for persuading young men and women that military service was glorious. The advanced course students are provided with a uniform costing $30 and allowed $6 the second year for its renovation. The junior and basic units are provided with a less expensive uniform, but with this bill the uniform allowance for the juniors will be increased, and in a very short while the juniors will be given a uniform costing around $20 per man. I have not been able to learn how the uniforms for the young ladies are furnished, but I presume it is taken care of somewhere in the bill.

And, mind you, the Regular Army officers say they need a new uniform for the soldiers of the country, the enlisted men in the Regular Army. Those men who will stand the brunt of the battle in the event of war. They can not afford to ask us to give these men a new uniform, but they are asking for one for these youngsters in the colleges of the country.

The Reserve Officers' Training Corps is divided into the Infantry, the Cavalry, the Field Artillery, the Coast Artillery, the Air Corps, Engineers, Signal Corps, and other corps units in the same manner as the Regular Army. They have allotted to them for their training and education 700 Regular Army officers, 108 active retired Army officers, 18 warrant officers, 495 noncommissioned officers, 27 active retired noncommissioned officers, and 407 enlisted men, over 1,750 Army men in all. I do not remember now the number of hostesses.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield there?

Mr. COLLINS. Certainly.

Mr. BLACK of Texas. It is my recollection that the War Department did not want rifle matches except every few years, and Congress itself passed a law requiring that they shall be annual affairs.

Mr. COLLINS. That is so.

Mr. BLACK of Texas. I know I opposed the passage of the bill at the time, but my opposition was ineffective.

Mr. COLLINS. Only 27 of the teams will go to the rifle matches.

Most of these young men are youngsters of tender years and, of course, those in the high schools are very young and their minds are in a formative state.

Military training is compulsory in about 85 colleges and universities, but is elective in about 45. In the high schools it is compulsory in about 20 cities and elective in about 35. In the 55–C schools, which are in addition to those just named, I have no information as to whether training is elective or compulsory.

This military training is acceptable to the management of many schools and colleges because it provides subsistence and uniform allowance to students, as well as the so-called physical training and citizenship training at Federal Government expense, and further because of the fact that other work like horseback riding, and so forth, that most young men like to indulge in is furnished them free.

The amount carried for this activity is $2,676,817, but this by no means covers the entire expense of this activity. It really does not even begin to take care of it.

Citizens' military training camps are intended to take care of the training of citizens generally along military lines. It is intended to train at these camps young men from all the walks of civil life who would like to go to camp for 30 days where military instruction is provided them. They are usually trained at Regular Army camps; 34,515 were trained this year. This bill provides for the training of 37,500, an increase of about 3,000 over the number last trained.

All kinds of advertising campaigns are carried on to secure these trainees. Moving-picture films are used, and posters and leaflets, advertising buttons, window cards, street-car cards, and bus cards are used to induce young men to go to summer training camps. The Post Office Department uses a stamp on the face of letters for the purpose of advertising this activity. Of course, other forms of advertising are also used, and then there are Army officers and enlisted men stationed over the country for the purpose of persuading the heads of big corporations to permit young men working for them to attend these summer camps.

These young men at camp are also provided with hostesses to look after their social activities. They are also given numerous kinds of amusement, including horses to ride, and other methods calculated to popularize the work. This particular activity, like all the rest of them, will grow, and those having it in charge ultimately hope to train at least 100,000 of these young men annually.

At camp these boys are provided with the usual uniform—a cravat, raincoat, shirts, gymnasium shoes, one or two pairs of service shoes, and such other articles as they might need for training and the amusements furnished them. Fourteen hundred Regular Army officers and 22,000 enlisted men and a number of hostesses are provided by the Government to look after and train these young men while they are at camp for 30 days.

This organization is also instructed in the work of factory management, railroad management, farm management, and other civilian activities, so that they may be used in the general scheme of taking over the management of farms, transportation systems, and manufacturing concerns in the event of war or national emergency. This work is called "procurement," too, and has been discussed heretofore. For this activity $2,742,158 is appropriated, but this amount is small as compared with the total cost of the work.

Rifle matches are also provided for in this bill. This is now a yearly activity. The amount of $734,750 is appropriated to carry on this work, but this figure also does not tell the whole story, for there are a great many articles furnished to these men which are not included in this figure; neither does it take care of the salaries and other general expenses of Army officers who are assigned to this particular duty.

This bill provides for 27 civilian teams of 10 men each, or 270 civilians that will go to the annual matches. The different branches of the Regular Army will send teams too, also the various civilian military organizations, including the schools. The Navy will likewise send its teams there. Of course, the rifle clubs throughout the country are furnished with ammunition and guns, and there are several thousand such teams; but only 27 of the teams will go to the annual rifle matches. There are a number of these teams that are made up of ladies. Not

only the young ladies in the schools have rifle teams, but also ladies throughout the country belong to rifle teams and some of them go to these matches. Civilians belonging to these teams are usually men of mature years, some of them range in age between 60 and 70 years.

From the statements I have made it will be seen that we are carrying on a very elaborate program in training our men and women for military duty, and we are spending a great deal of money in popularizing the military idea. The total number in all of these military establishments, including the Regular Army, is about 700,000, and constitutes an army very much bigger than the average citizen realizes. Of course, it must be admitted that many of these citizens' military trainees are encouraged to be in these units by Regular Army management for propaganda purposes only. They are given sugar-coated training because they will become boosters of the war-game idea. Whatever their purpose in being in these organizations does not matter; we are confronted with the stern reality that there exisits in the United States a military establishment numbering around 700,000 persons, and that it is growing rapidly year by year, and that it has the lawful, regular, legislative, authorized authority to grow. It is evident also that the time is near at hand when it will approach the million mark, and then the 2,000,000 mark will be close at hand, and when it reaches 1,000,000, Members of Congress who stand in its way will be retired to private life; then we will find ourselves in the attitude of humbly obeying commands that will be sternly given us. I think it is high time that we see conditions as they really exist, and while we are free we should curb this growing menace.

Just what is our military department looking forward to in the way of an expansion program? In a little book by Lieut. Col. P. S. Bond we have an outline of what he believes would constitute a proper military policy. I take it that this proposal of Colonel Bond is suggestive of what our War Department is driving at because his works are very widely used by the War Department in the training of our young men throughout the country.

Let us look at his proposed military program:

1. A Regular Army of about 300,000 enlisted men and 20,000 officers, etc.
2. A National Guard under complete Federal control, numbering from 400,000 to 500,000 officers and men.
3. An Organized Reserve of from 500,000 to 1,000,000 officers and men, etc.
4. The Reserve Officers' Training Corps in schools and colleges.
5. Universal military training for young men in time of peace.
6. Summer camps of instruction (nine in addition to universal training camps) for—
   a. Regular Army.
   b. National Guard.
   c. Organized Reserves, etc.
7. Uniform organization training and equipment for all branches of the military forces.
8. Compulsory service, both military and industrial, in time of war.
9. Enlistments to six months beyond the cessation of hostilities for all wars.
10. Appointment of all officers by Federal authority.
11. Use of Regular officers in the higher command and staff positions with National Guard and reserve troops in time of war, etc.
12. A proper equipment for all troops, and a proper reserve of equipment and all necessary supplies, etc.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. COLLINS. Certainly.

Mr. LAGUARDIA. Who is that from whom the gentleman has been quoting?

Mr. COLLINS. Lieut. Col. P. S. Bond. He is a gentleman who writes articles and books for the schools and colleges of the country engaged in this training.

This colorful program is enlightening, for it reveals the real meaning beneath the endeavors of those who are trying to boost the Military Establishment and to popularize it. This is what they are looking forward to. The methods of embellishing the military game I have outlined above are a part of the means for making us willing to swallow this whole scheme without gulping too much as it goes down. Of course, this Congress and the country at large would not accept any such proposition if it were all presented to us at once—but when it comes in small doses, all wrapped up in pretty bundles of colorful display and charmed public sentiment, we are more inclined to take it.

Let me throw light upon the methods they are using to get us back of this scheme.

First. In the first place there is the practice of presenting military training and military life as training in citizenship, physical education, and character development. Parents are told to send their boys to the citizens' military training camps and to Reserve Officers' Training Corps units in the schools and colleges to make men of them. Quite often very little is said about preparation for national defense and little effort is made to develop the spirit of really being ready to face the crucial tests of actual warfare. Rather the summer vacation side of the camps or the personal advantages to be gained from the training units are stressed. After a boy has enrolled in one of these civilian training agencies because of these appeals to his personal desires he is told that what he is doing is the highest form of patriotism and that he is being made the very best kind of man and citizen.

Schools and colleges that are pressed for funds for maintaining courses in physical training and courses in citizenship are willing to pass the buck to the Federal Government and accept military training and military instructors in the place of civilian teachers especially prepared to teach these subjects.

The result of this is that military men are set up as experts in physical education, in citizenship, and in character development. Boys and girls are given the impression that good citizenship and good character consist of the ways and attitudes of the military man. Since military training is extolled above other forms of training for these same ends, boys and girls get the idea that there is no other class so well fitted to lead youth as the military group, no other service so patriotic as military service.

If you will drop into the post office in this city down near the Pennsylvania Station you will see a poster of a man in military uniform rushing over a hilltop with his rifle and bayonet in position to thrust, while behind him the flag flutters in the breeze. At the top of the poster is the heading, "United States marines." Underneath this highly colored figure is the statement in large letters, "A man's game," the idea being that the military game is the only man's game.

Members of the reserve who are out in the business and industrial world succeed in getting civilian support and money to help out the extensive military appropriations carried in this bill for further garnishing the military life. Funds for prizes and awards to members of various units are secured and these awards are granted before large audiences of admiring parents and neighbors. One of our large universities, for example—the University of Illinois—carries in its annual catalogue the announcement of five medals or prizes to be given to the boys who most enthusiastically enter into the war game.

Magazines published through civilian money singing the praises of the War Department program are widely circulated through the country. At least in one case, that is in the second largest city in the country—in the Chicago High School Reserve Officers' Training Corps units—they are given to all boys taking training. Bulletins and magazines published by branches of the service, and carried under the War Department official business postal frank, carry propaganda for a blatant militarism and ridicule efforts to find substitutes for the military way of doing business.

These magazines are published by certain branches of the Army, are paid for by the United States Government, and go out under frank. In the December issue of one of the bulletins of one of the branches of the service, for example, they departed so far from their regular business of military preparedness to carry an attack upon "labor colleges," hinting that all such were attempts to undermine the Government. I do not know anything about labor colleges. I am not their defender. I only know that Government funds should not be spent in this way. Just what is the philosophy that is being sold to the country through these moves to popularize the Military Establishment? Let us look at some of the public utterances of our military representatives. Major General Hinds is reported in the press—Rocky Mountain News, Denver, November 18, 1927—to have said to the students of the Denver High School:

> There will be another war just as sure as the sun rises in the east.

General Ely, commandant of the Second Corps Area, speaking before the Exchange Club of New York City, is reported in the New York Times—October 12, 1928—to have said:

> We all know there will be a next war, despite talk of peace pacts. * * * We can get around these disarmament pacts and be prepared for the next war only if we adopt some sort of a program of industrial preparedness.

Major McNair, of the Purdue University Reserve Officers' Training Corps, said in the Purdue Alumnus of May 3, 1926:

> If a pacifist is one who believes that war is unnecessary and preventable, then pacifism becomes a menace.

The CHAIRMAN. The gentleman has consumed one hour.

Mr. COLLINS. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. Without objection, the gentleman is recognized for 10 additional minutes.

There was no objection.

Mr. COLLINS. Lieut. Col. P. S. Bond, who is the author or editor of a number of training manuals used by our civilian military training units and whose military dream I have just read to you, says in his booklet, Our Military Policy, which is used by many college units:

> We live in a world governed by Divine laws which we can neither alter nor evade. And in this world of ours force is the ultimate power.

Now, one does not have to be a pacifist to feel that the effect over a period of years of this playing around with our boys and girls of men who hold this military philosophy of ever-recurrent wars and big preparedness for peace will be a constant growth of that sentiment in the land. At a time when our country is trying along with other lands to find some substitute for war we go on laying the foundations for an ever-increasing military machine.

This appropriation provides for some 700,000 men, an establishment as large as any possessed by any other nation. Many of these are having a most delightful experience and are most happy to be a part of this giant army. They will attract others to desire the same experience. We may expect down through the years to see the demands made upon this Congress grow until our Military Establishment reaches further and further into the life of our people. This is only a beginning if we are to judge by the evidences I have given of the efforts made to extend the popularity of our war establishment.

We are being made to work for this goal—not knowingly, for we do not seem to know what we are doing. Gradually, but faster than we realize, we are lead, as those mesmerized, and without knowing the result of our conduct. This applies with equal truth to the general public who are carried away with this popularizing, this playing at the only man's game, and to those of us who vote year after year for these growing appropriations.

Are we not proceeding along ways proven wrong? Are we not laying the foundations for future trouble? Can we carry on as we are going to-day without provoking our neighbors to follow after us, and will not the day of reckoning come to us as it has to others? We complain of the military and naval preparedness of our sister nations, while at the same time we are lulling ourselves into the stupid notion that our conduct is different from theirs. Fellow Members, is it not about time to correctly interpret our own actions? We are fooling no one but ourselves. [Applause.]

Mr. ADKINS. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ADKINS. Did the gentleman vote to recommend this elaborate scheme to the House?

Mr. COLLINS. I did not. [Applause.]

Mr. JAMES. Will the gentleman yield?

Mr. COLLINS. Certainly.

Mr. JAMES. Will the gentleman put in the RECORD the names of the magazines published by the War Department and sent out under frank?

Mr. COLLINS. I will say to the gentleman that later on I hope to make a speech on magazines in the War Department.

Mr. JAMES. I read the hearings, but could not find any, so I would like to have the gentleman give me the names of the magazines published by the Army or any branch of the Army and sent out under frank.

Mr. COLLINS. I have an armful of them over in my office, and if the gentleman wants to look at them he can do so.

Mr. JAMES. I do not want to look at them, but I would like to have the gentleman put the names of the magazines in the RECORD so we can all know about them.

Mr. COLLINS. As I said, I hope to make a speech later on on the subject of magazines in the Army.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ABERNETHY. The gentleman has attacked the entire system of national defense as now proposed by law. Has the gentleman any plan to suggest other than that we now have, and has he any suggestion to make as to how we should defend ourselves in this country?

Mr. COLLINS. The gentleman is just raking straw now.

Mr. ABERNETHY. No; I am not raking straw; I am asking seriously.

Mr. COLLINS. The gentleman is not asking a question to elicit information, but I will ask the gentleman whether he approves of all these activities enumerated by me.

Mr. ABERNETHY. I approve of an adequate national defense, I will say to the gentleman.

Mr. COLLINS. I am not asking the gentleman if he believes in adequate national defense; I am asking him if he believes in this playing at the war game. I do not yield to the gentleman to make a speech.

Mr. ABERNETHY. I did not mean to offend the gentleman.

Mr. COLLINS. I know the purpose the gentleman has in the back of his head.

Mr. ABERNETHY. The gentleman has attacked the entire War Department, as I understand.

Mr. COLLINS. I have not done anything of the kind.

Mr. ABERNETHY. That is the way I understood the gentleman's speech.

Mr. COLLINS. The gentleman is still raking straw. The gentleman is joining the army of propagandists; that is what he is doing.

Mr. ABERNETHY. No; I am not raking straw.

Mr. COLLINS. The gentleman is getting in on it.

Mr. ABERNETHY. No; I am not raking straw; I am just asking the gentleman a polite question, but if he does not care to answer it, all right.

Mr. COLLINS. The gentleman is just joining the rest of these propaganda agents.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SCHAFER. The gentleman stated he did not vote to report this appropriation bill to the House. Is the gentleman going to offer amendments as we progress under the 5-minute rule to cure the situation which he has been condemning?

Mr. COLLINS. I hope to offer some amendments, but I am rather inclined to believe, from my experience last year, that my amendments will not be accepted. I will try some of them, though.

Mr. ADKINS. Will the gentleman yield further?

Mr. COLLINS. Yes, indeed.

Mr. ADKINS. The purpose I had in mind in asking my question was to ascertain whether the ideas the gentleman has so ably presented in his speech were given to the committee and how the gentleman's committee took the suggestions he has made here. Has the gentleman presented those matters to the committee?

Mr. COLLINS. I will say this to the gentleman in defense of the committee: This committee cut out a lot of very useless items; in fact, the committee deserves the congratulations of this House for the elimination of many items that I think should have been eliminated. The trouble about most of the activities that I have criticized is that ample law exists for their continuance. The national defense act was passed at the immediate close of the war, when men were excited and had all sorts of notions about preparedness, all sorts of ideas about what was going to happen to us in the future and taking advantage of this situation this act was jammed through Congress. The national defense act permits almost anything to be done by the War Department. If it were proposed to-day, it would not get 25 votes.

Mr. ADKINS. The thought I had in mind was whether or not the matter was presented to the committee and whether the committee had this idea of militarizing the minds of our country.

Mr. COLLINS. Ours is not a legislative committee anyway but is an appropriation committee, and if we propose legislation, points of order would be made against it and such proposed legislation would go out of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

If there is no further debate, the Clerk will read.

The Clerk read as follows:

> Office of Chief of Engineers, $121,858: *Provided,* That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided further,* That the expenditures on this account for the fiscal year 1930 shall not exceed $191,620; the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and Members of the House, it was not my intention nor purpose to have anything to say on this occasion, but in view of the colloquy between the distinguished gentleman who has just preceded me, Mr. COLLINS, of Mississippi, a member of the Subcommittee on Appropriations, and myself, I think

it is due me, and particularly in view of the manner in which the gentleman answered my question, it is due the House that I should make a brief statement of my ideas on the question of national defense.

If I interpreted the gentleman's speech that he made here, it was a very general attack upon our laws of preparedness in this country, which are incorporated in the national defense act, without suggesting or setting up in his speech any method for the defense of the country or any procedure for us to follow in times of peace.

Seriously, I think the gentleman has made a speech here which very seriously attacks our entire national-defense system. For one, I am not in favor of a large standing Army or a large Navy, but I do not think this country is justified even in peace times in going along without some plan of defense for our people.

Mr. SCHAFER. Will the gentleman yield there?

Mr. ABERNETHY. Yes; I yield to the gentleman.

Mr. SCHAFER. Especially when the other nations of the world are increasing their appropriations for armies and navies and air forces.

Mr. ABERNETHY. I think the gentleman is correct; and I want to say in passing I think this bill that is now before the House is certainly as free of partisanship as any appropriation bill I have ever had occasion to study; and I want to say further that this Subcommittee of the Committee on Appropriations has been very liberal to the people of the section of the country that I in part have the honor to represent.

Now, take the National Guard, the Officers' Training Corps, and the citizens' military training camps, and the various school military activities, and especially take the training camps that we have every year in various sections of the country, I do not see anything in these activities that is undermining the foundations of our Government. I do not see anything wrong with them, and I confess, in all seriousness, I do not think the gentleman was justified in saying that I was "just raking straw," whatever he means by that term. I think the gentleman is not even raking straw. I think he is doing worse than that. I think he is attacking a great legislative program and is attacking the national-defense system of our country. That is the way I feel about it.

I did not intend to say anything at this time on the bill, but for one I believe in an adequate defense, and in respect to our Army and our Navy, they should be sufficiently large in peace time that in case of war we can build up a sufficient Army and Navy for our defense. I think wherever our flag flies we ought to spend enough money and have enough men to protect American lives and property. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

In expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C., pp. 65–71, secs. 661–673, 45 Stat. 776–785), the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other law.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment. On page 4, line 4, strike out "pp. 65–71" and insert in lieu thereof "title 5."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 4, line 4, within the parenthesis, strike out "pp. 65–71" and insert "title 5."

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. The gentleman's amendment leaves in the letters "U. S. C."

Mr. LAGUARDIA. Yes. I want to call the attention of the committee to the fact that all through the bill reference is made to the United States Code by pages and sections. It so happens that just now there is but one print of the United States Code and the page reference may be correct, but the proper method of referring to the United States Code is by title and section. It is not necessary to refer to the chapter because the sections run consecutively within the title.

Now, it may so happen that the copy of the laws that you refer to in the departments or elsewhere may be in pamphlet form or there may be other editions and therefore your page reference is of no value.

Mr. BARBOUR. Does not the gentleman think, though, that this is a more convenient reference, because your title may cover a great many pages, and if you simply refer to the title then you have to turn to each page?

Mr. LAGUARDIA. No; because you have the reference to the section. It is dangerous to refer to pages because all the editions of the law are not the same. A page reference is only useful assuming every one has the same edition of the law, and inasmuch as the print we have before us will change next year, if we add the laws that have passed this year, then your page reference is not of any value even with respect to the edition now in use; and there is a rule now before the House that references to the code must be made according to title and section.

Mr. BARBOUR. Our only object is to make the reference as convenient as possible so that the law can be readily turned to.

Mr. LAGUARDIA. Exactly. A great many officials who are handling these matters in all likelihood have not the United States Code before them, but they will have the title and the section of the code which is referred to.

Mr. BARBOUR. Of course, this bill is only an annual appropriation bill.

Mr. LAGUARDIA. Exactly; but it is good parliamentary practice to have uniform references, and that is what we are trying to get.

Mr. BARBOUR. The citations are carried in this way all through the bill.

Mr. LAGUARDIA. I know that.

Mr. BARBOUR. They ought to be uniform.

Mr. LAGUARDIA. They ought to be uniform. I can correct them as far as we go to-day and I think to-morrow, by the time we take up the bill again, the gentleman ought to be prepared to have the clerk of the committee prepare them.

Mr. BARBOUR. The gentleman wants us to prepare them?

Mr. LAGUARDIA. I do not care who does it, but it is something that ought to be done.

Mr. BARBOUR. We might ask unanimous consent to have all the references uniform.

Mr. LAGUARDIA. That would be fine. I think if this amendment is approved of, if the chairman of the subcommittee would ask unanimous consent that where references to pages appear the title shall be inserted, then that can be done as a matter of mechanics.

Mr. BARBOUR. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that in each place in the bill where the citation "U. S. C." appears the page references be stricken out and the proper title references be inserted, so that the citations will be uniform in the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent that the same amendment may be made wherever this same language appears in the bill. Is there objection?

There was no objection.

The Clerk read as follows:

When specifically approved by the Secretary of War, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, corps, or branch, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from California, Was this paragraph inserted to meet the situation created by the interpretation by the Comptroller General of the Welch Act?

Mr. BARBOUR. No; this is to take care of a situation that exists this year to which this bill applies. It is carried in all the appropriation bills this year.

Mr. O'CONNOR of Louisiana. The same phraseology was inserted in the preceding appropriation bills?

Mr. BARBOUR. Yes.

Mr. O'CONNOR of Louisiana. I understood in the colloquy between the chairman of one of the appropriation subcommittees and some Member of the House that the military bill would contain a paragraph that would tend to cure the situation that was brought about through the interpretation of the Welch Act.

Mr. BARBOUR. Not this bill. That matter has been considered, as I understand, by the Committee on Appropriations and will come in later in one of the appropriation bills. It is not in this bill.

Mr. O'CONNOR of Louisiana. Is it understood that some corrective language will be placed in an appropriation bill?

Mr. BARBOUR. That is my understanding. It was not intended to be in this bill.

Mr. O'CONNOR of Louisiana. I was told by some one in charge of an appropriation bill—I think it was the gentleman from Pennsylvania [Mr. SHREVE]—that later on the situation we all had in mind brought about by the interpretation or misinterpretation of the Welch Act would be corrected by some amendment by Mr. ANTHONY, and I thought it would be inserted in this bill.

Mr. BARBOUR. No; I understand that it will be in some appropriation bill that is to follow.

The pro forma amendment was withdrawn, and the Clerk read as follows:

GENERAL STAFF CORPS

CONTINGENCIES, MILITARY INTELLIGENCE DIVISION

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for cost of maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including $5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $55,000, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes, shall apply neither to subscriptions for foreign and professional newspapers and periodicals nor to other payments made from appropriations contained in this act in compliance with the laws of foreign countries under which the military attachés are required to operate.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. This appropriation, I am sure, is intended by the committee to be used exclusively for the purpose of acquiring military intelligence in the strictest sense of the word. In other words, such as the preparation of armies in other countries, the movement of troops, fortifications, and information of an absolutely military value. It so happens that in the aftermath of the war the intelligence unit of the Army, and especially some of the reserve officers who were in that unit during the war, have taken upon themselves activities in prying into the private affairs and viewpoints of their fellow citizens. They have become the keepers, so to speak, of their brother's patriotism. Everyone's loyalty is measured by them by the volume of shouting for larger Army and bigger Navy. Most of these amateur sleuths—branding others as pacifists, because they seek to prevent another World War—got themselves in the intelligence unit and kept from being sent across, because they were too yellow themselves to get in any combatant branch of the Army.

We had a glaring instance of that in the incident related yesterday by the gentleman from Illinois [Mr. MORTON D. HULL]. A sergeant in the Military Intelligence Service made a complaint and filed an affidavit charging a Member of Congress with violating the franking privilege, when as a matter of fact, after careful investigation it was found that there was no foundation at all for any such charge. Members will recollect that the gentleman from Oklahoma [Mr. MCCLINTIC] took the floor and exhibited a large number of envelopes that had been returned and opened them in our presence, and in not one of them was a single item that was not entitled to the franking privilege. This man knowingly committed perjury, and apparently is still in the service. He represents the type used to do this kind of work. We should know that this appropriation will be used under the strictest interpretation of the law, and that such interference, such extravagance and unnecessary activity in collecting and collating the viewpoint of citizens of this country does not come within the scope of the law or the appropriation.

Only recently, Mr. Chairman, some one in the War Department has tabulated a chart showing the membership in various organizations and churches, to show that there is an organized movement in this country against war. If there is an organized movement against war in this country, it is a wholesome thing, and it will be found that among the American citizens who are active in bringing about this idea for the prevention of war there are a great many who saw active service in the war. I am convinced that these diligent sleuths are in the pay of munition makers. I fail to see how the War Department can justify the use of public funds for such unlawful purposes. Anyone or any organization that goes on record or takes a stand or assumes an attitude for the prevention of war is immediately branded by these paid agents. That does not come within the scope of the appropriation providing for military intelligence, and I do hope that the committee in providing these funds will scrutinize the way in which they were spent, and also go into the employment and the duties and the services rendered by officers and men in the intelligence unit.

Mr. JAMES. Mr. Chairman, I rise in opposition to the pro forma amendment. On page 8 of the bill, commencing on line 5, we find the language:

Provided, That section 3648, Revised Statutes, shall apply neither to subscriptions to foreign and professional newspapers—

And so forth.

That language occurs in four or five places in the bill. I have never heard anybody yet object to that language. Why does not the chairman offer an amendment inserting the word "hereafter," so that there will be no necessity of putting it in each time?

Mr. LAGUARDIA. Oh, I would object to that. These are annual appropriations, and it is all right to go along in this way and, where an exception is necessary, it ought to be provided for.

The Clerk read as follows:

FINANCE DEPARTMENT

PAY, ETC., OF THE ARMY

For pay of officers of the line and staff, $32,082,469; pay of warrant officers, $2,053,872; aviation increase to commissioned and warrant officers of the Army, $1,585,508; additional pay to officers for length of service, $8,626,302; pay of enlisted men of the line and staff, not including the Philippine Scouts, $51,410,547; aviation increase to enlisted men of the Army, $528,210; pay of enlisted men of the Philippine Scouts, $1,040,390; additional pay for length of service to enlisted men, $3,049,453; pay of the officers on the retired list, $7,749,121; increased pay to retired officers on active duty, $168,650; pay of retired enlisted men, $11,484,253; increased pay and allowances of retired enlisted men on active duty, $6,152; pay of retired pay clerks, $5,062; pay of retired veterinarians, $1,785; pay of not to exceed 65 civil-service messengers at $1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $77,340; pay and allowances of contract surgeons, $51,756; pay of nurses, $850,660; pay of hospital matrons, $600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,611,033; subsistence allowances, $5,881,205; interest on soldiers' deposits, $75,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $1,000; additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $210,000; in all, $133,550,368; and the money herein appropriated for "Pay, etc., of the Army" shall be accounted for as one fund: *Provided*, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929, and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty: *Provided further*, That during the fiscal year 1930 the sum herein appropriated for pay of officers shall not be available for the pay of any persons initially appointed or commissioned in any of the promotion-list branches of the Regular Army after June 30, 1929, except (1) from graduates of the United States Military Academy, (2) from warrant officers and enlisted men of the Regular Army, and (3) persons appointed or commissioned in accordance with law in the Army Air Corps.

Mr. WAINWRIGHT. Mr. Chairman, I make the point of order against the provision, beginning in line 18 on page 11,

down to and inclusive of line 2 on page 12, upon the ground that this is legislation on an appropriation bill. It is in effect a repeal or an annulment of a positive provision of existing law, a positive statute passed in 1878, which provides that where officers are required to be mounted and provide their own horses, two may be maintained at public expense in case the officer is below the grade of general and three in the case of officers of the grade of general. This is a repeal of the present law.

Mr. BARBOUR. Mr. Chairman, the provision is clearly in order under the Holman rule, because it reduces the amount of the appropriation necessary for this item below what it would be if the language were stricken out. It is a limitation and a reduction in the appropriation.

Mr. WAINWRIGHT. Mr. Chairman, I do not profess to be an expert in parliamentary law, but I have understood that the Holman rule related to what would be in effect a new provision of law, which would limit an appropriation, that it would not cover the case of a positive repeal of an existing statute.

Mr. LAGUARDIA. If it reduces the appropriation, it would.

Mr. BARBOUR. This is not a repeal. It relates simply to this appropriation bill, and is a reduction in the amount of money carried for this purpose. Therefore it is a reduction in the amount of the appropriation that would be necessary if this language were not in the bill.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from New York [Mr. LAGUARDIA] has just stated that if it reduces the appropriation it would be in order. I presume the gentleman has reference to the Holman rule. I do not think it would necessarily follow that it would be in order coming from this committee. Is it the sole contention that it is in order because it reduces the appropriation?

Mr. BARBOUR. The language objected to provides that the number of horses owned by any officer in the Army occasioning public expense, including extra compensation, shall be reduced to one on July 1, 1929—

and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty.

The law itself provides that officers of different grades may have certain allowances for a certain number of horses privately owned.

Mr. WAINWRIGHT. Mounted officers.

Mr. BARBOUR. Of course. They are mounted officers. A general might have three.

Mr. COLLINS. Oh, they have some of these privately owned horses even in the Air Corps.

Mr. BARBOUR. A general might have three horses. He gets no allowance for that. No one above the grade of captain gets any allowance for his horse, but they do get forage and stabling. From and including a captain on down they are allowed $150 per year for one horse, $200 a year for two horses, and forage and stabling accommodations for two horses. The purpose of the language in the bill is to limit that allowance both in money and forage and stabling accommodations to one horse instead of two, and in some cases more, during the life of this bill. It reduces the monetary allowance by $50 in the case of two horses, and it reduces the forage allowance about $125 per year per horse, so that it is clearly a reduction in the appropriation and a limitation upon the expenditure of this money.

Mr. GARRETT of Tennessee. So far as I am concerned I have no objection to the legislation. But I am interested in it as a parliamentary question.

Mr. WAINWRIGHT. Mr. Chairman, my point is that this amendment in effect changes a provision of law which has been in effect now for 50 years, providing for the maintenance of horses for mounted officers. Of course it was for the purpose of encouraging officers to cultivate horsemanship.

The gentleman from Mississippi [Mr. COLLINS] attempted to inject a facetious element into the discussion. It is quite conceivable that officers in the Air Service might have to perform duties that would require them to be mounted. That does not seem to me to be in any way pertinent to the point. The point is this, that the provision provides—

That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929.

Now there is a positive direction of law which is inconsistent with the law of 1878, and which in effect nullifies the statute of 1878. This provision is not necessarily confined to this appropriation bill, but it is for all time. I repeat the language:

Provided, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929.

There is a positive direction reducing the number of horses to be maintained at public expense which a mounted officer may have.

Mr. LAGUARDIA. No; it is not that. That refers to allowances he may have for the upkeep of the horse. This is a positive reduction in the number of horses he may have.

Mr. WAINWRIGHT. Not at all. The qualifying language comes afterwards. The language of the first clause of the paragraph is general in character, providing that the number of horses shall be reduced to one. Feeling as I do that this would be an extremely unfortunate change to make at this time, I am prepared for the ruling of the Chair, without further argument.

The CHAIRMAN. The gentleman from New York [Mr. WAINWRIGHT] is entirely right in his contention that the proviso against which he has made a point of order is legislation on an appropriation bill. This is the purpose of the language, and the only purpose to change existing law. The question is, Is it in order under our rules?

In order to come within the rules the present occupant of the chair thinks it must either come in under the Holman rule or as a limitation. The proviso in question can be divided into two separate and distinct propositions. The first is, "That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929." This is one substantive proposition, reducing the number of horses for which an officer shall have compensation allowance; and the Chair thinks it clearly brings itself under the Holman rule because under the present law more than one horse occasioning public expense is allowed. If the provision has any effect at all, it causes a reduction in the number of horses, a corresponding reduction in the compensation allowed, and is therefore in order under the Holman rule.

The second proposition, beginning on line 21 on page 11, is that—

No appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty.

This portion of the proviso is clearly a limitation. It simply places a limitation upon the expenditure of appropriations carried in this bill, saying, in effect, that no part of this appropriation shall be expended if it is to be used on account of a Government-owned horse by an officer who has a privately owned mount. The Chair thinks that this is a proper limitation from a parliamentary standpoint which the House has the right to place on any appropriation carried in a general appropriation bill. The Chair overrules the point of order.

Mr. WAINWRIGHT. Mr. Chairman, I now move to strike out the paragraph in question, namely, from the word "*Provided*," appearing on line 18 of page 11, down to and including line 2 of page 12.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WAINWRIGHT: Beginning on page 11, line 18, after the word "*Provided*," strike out the remainder of the page and down to and including line 2 on page 12.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. WAINWRIGHT. Mr. Chairman, I think the discussion on the point of order clearly indicates the purpose of the amendment. It seems to me that no good reason has been presented by the committee why the rule of allowance which has been in effect in the last 50 years in the Army should at this particular time be changed. Horsemanship and the encouragement of horsemanship are just as important considerations at this time as they were at that time. The main purpose, of course, was to encourage officers whose duties require them to be mounted to provide themselves with a suitable number of horses.

It would, of course, promote a much better service were mounted officers not restricted to one mount. It has always been the custom that a general commanding a division or a corps, or higher ranking generals of the Army, should have more than one mount.

I realize, of course, in this day when the motor has become of such general use, that there might be some little modification, possibly, of the necessity, but it seems to me that it is

important to-day that our officers should be encouraged to ride, so as to avoid the results of the sedentary life that comes from a too liberal use of motors, with all the advantages that come from the cultivation of horsemanship. Therefore I feel this provision should not be adopted and that this restriction should be eliminated. In any event it involves a very paltry amount of money, namely, $40,000, in view of the consideration involved. I do not think we should deprive the mounted officers of the Army of this privilege afforded them by 50 years of usage and law, a privilege which they have enjoyed. I trust the amendment may be adopted.

Mr. BARBOUR. Mr. Chairman, this matter was gone into in the general statement on the bill and also in the discussion of the point of order. The sole purpose of the committee in bringing this language in is to reduce the amount of this appropriation. It is the opinion of the committee that we are not justified in spending the amount of money that has heretofore been expended.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken and the amendment was rejected.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. I have always been interested in Tommy Atkins and sort of commiserated with him in all his woes. Therefore I have a corresponding interest in the fellow who goes under the name of Bill Hart, or some other name, and occupies the position in our Army that Tommy Atkins occupies in the British Army. How many men are in the United States Army in accordance with the bill?

Mr. BARBOUR. The bill provides for an average strength of 118,750 enlisted men.

Mr. O'CONNOR of Louisiana. How many common soldiers, as they are called?

Mr. BARBOUR. They are enlisted men. None of our soldiers are common soldiers.

Mr. O'CONNOR of Louisiana. Well, the word "common" has a well-accepted meaning. I do not mean it in a sinister way or to reflect upon them at all, and the gentleman knows that. How many enlisted men are there? They are not common, of course, but the fellows at the bottom are treated by the Government, it appears to me, in a common or cheap way as regards pay.

Mr. BARBOUR. There are 118,750 enlisted men. There are 6,500 Philippine Scouts. They are in the Philippine Islands. Our soldiers are the best paid soldiers in the world.

Mr. O'CONNOR of Louisiana. How many officers are there?

Mr. BARBOUR. Twelve thousand officers are provided for in this bill, including the Air Corps.

Mr. O'CONNOR of Louisiana. What is the pay of enlisted men?

Mr. BARBOUR. There are several grades. They start in at what they call privates, seventh class, and then they work up through several grades and length of service classifications.

Mr. O'CONNOR of Louisiana. Let us get to the bottom ones.

Mr. BARBOUR. If the gentleman wants that, it is all set forth in detail in the hearings.

Mr. O'CONNOR of Louisiana. Can not the gentleman answer the question I have propounded?

Mr. BARBOUR. Yes, indeed. But I say it is all set forth in detail in the hearings, and if the gentleman will turn to page 139 he will find it all in detail.

Mr. O'CONNOR of Louisiana. Which reminds me of the fact that the Roman laws had to be promulgated and Caracalla set them up so high and in such fine print that nobody could see them or read them. [Laughter.]

Mr. BARBOUR. If the gentleman will listen, I will tell him what this is. An enlisted man of the first grade, with less than 4 years' service, gets $126 per month; for over 4 years' service, $132.30 per month; for over 8 years' service, $138.60 per month; for over 12 years' service, $144.90 per month; and on up to over 20 years' service, when he gets $157.50 per month. That is an enlisted man, first grade. The grades and classes go down to the seventh grade, sixth class, and there are several grades and classes in between with different lengths of service.

Mr. O'CONNOR of Louisiana. Let us get to the mud sills—the foundation.

Mr. BARBOUR. A private of the seventh grade, sixth class, with less than 4 years' service, gets $24 a month, and that ranges up to $29.25 a month for over 20 years' service. Then there are a large number of grades and lengths of service in between that and the first grade, which is the highest.

Mr. O'CONNOR of Louisiana. Is $24 the lowest pay?

Mr. BARBOUR. Yes.

Mr. O'CONNOR of Louisiana. I understood it was between $15 and $18.

Mr. BARBOUR. No. According to the information furnished to the committee it is $24 a month.

Mr. O'CONNOR of Louisiana. Let me ask the chairman this question in all sincerity: Do you believe you are going to make the American Army a place where American youth, ambitious, but without any prestige behind them and without any influence to find its way up through military channels, will enlist under those circumstances—that is, start as an enlisted man at $24 per month, with $29 as the ultima Thule?

Mr. BARBOUR. The highest pay for an enlisted man is $157.50 per month. They are having no difficulty in getting all the enlistments the Army requires, and the enlisted men receive much more than their pay in the way of subsistence, quarters, clothing, medical care, and many other things.

Mr. O'CONNOR of Louisiana. What is the percentage of desertions?

Mr. BARBOUR. It is all set out in the hearings, but it is something like 5 per cent. Does the gentleman want me to read the hearings to him?

Mr. O'CONNOR of Louisiana. No.

Mr. BARBOUR. There are over 1,600 printed pages.

Mr. O'CONNOR of Louisiana. If the gentleman is not prepared to answer the question that is all right, and I can understand there are difficulties in the way.

Mr. BARBOUR. I shall be glad to answer any question the gentleman may propound, but the gentleman can find all this in the hearings without taking up the time of the House.

Mr. O'CONNOR of Louisiana. That may be all right if the committee wants to be so expeditious about putting this bill through.

Mr. BARBOUR. No; we will try to give everybody all the time they want to discuss it.

Mr. O'CONNOR of Louisiana. I thought the gentleman and his committee wanted discussion of these matters and invited such discussion. I thought that was the purpose of our consideration of the bill.

Mr. BARBOUR. That is true, and I am telling the gentleman where he can find the information without taking up the time of the Committee of the Whole.

Mr. O'CONNOR of Louisiana. There has not been so much time taken up. The Senate will probably take a month to consider this bill if it so desires.

Mr. BARBOUR. The gentleman asked a question that requires one-half page of fine print to answer and I have referred the gentleman to the page where he can get the information and he has objected to that method of getting the information.

Mr. O'CONNOR of Louisiana. I hope the gentleman is not incensed at an inquiry on the part of one of the Members of this House.

Mr. BARBOUR. Not at all.

Mr. O'CONNOR of Louisiana. It looks to me like the major part of our military and naval appropriations are for the big fish and very little for the enlisted men or, as they are sometimes called by way of description and not derogatively, "common soldiers" and "common seamen." Twenty-four dollars per month is not an attractive amount to any American youth no matter how eager he may be to join the Army. For an opulent country like ours it is not a creditable attitude. There are so many other avenues opened up to a boy of spirit, where the pay is sufficiently high, that he will forego his natural bent to attach himself to the military service of his country, and will, though reluctantly, cast his lot with some civilian occupation. That is one of the reasons why our Regular Army causes many of us to think of the celebrated musical comedy, the Milk White Flag, by the famous Hoyt, the purpose of which was to show that the only reason for the existence of the poor soldiers of the awkward squad was to excuse or justify the large number of officers, whose duties were largely social and whose rank made them attractive.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

The pro forma amendment was withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that we may return to this section when the bill is again taken up in committee for consideration in order not to delay matters. I understand it is the purpose to adjourn very soon.

Mr. BARBOUR. For what purpose does the gentleman make the request?

Mr. LAGUARDIA. I have an amendment which I am sure the gentleman will not agree to, and, judging from the present temper of the committee with the very small attendance, I do not think I would get many votes for my amendment.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15712, the War Department appropriation bill, had come to no resolution thereon.

LIABILITY OF OWNERS OF VESSELS

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14483) fixing the liability of owners of vessels, which was referred to the Committee on Interstate and Foreign Commerce, may be rereferred to the Committee on the Merchant Marine and Fisheries, and I may say I do this after consultation with the chairman of the Committee on Interstate and Foreign Commerce and with his concurrence.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Maine asks unanimous consent that this bill may be rereferred from the Committee on Interstate and Foreign Commerce to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is it agreed that the bill properly belongs to that committee?

The SPEAKER. The Chair will state that at the time the Chair referred the bill he thought it was a very close question. He has been informed by the chairman of the Merchant Marine and Fisheries Committee and the chairman of the Committee on Interstate and Foreign Commerce that this rereference is satisfactory.

Mr. GARRETT of Tennessee. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

NEW YEAR'S GREETINGS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech delivered New Year's Day by the gentleman from Florida [Mr. GREEN].

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following New Year's greetings to the American people from Congressman ROBERT ALEXIS GREEN of the second district of Florida over radio station WJSV, Washington, D. C., made January 1, 1929:

I rejoice with the people of America in the happiness and brightness of the new year. Our Nation is at peace with the world. There is nothing more worthy than that of being a plain American citizen, because America is, in my opinion, the greatest of all nations, offering freedom, prosperity, opportunity, and equality to each and every one of its citizens. It leads in scientific, economical, industrial, moral, and social development. No more cosmopolitan or noble citizenship among the rank and file is to be found anywhere.

In extending my greetings to the American citizen I admonish them to preserve and conserve our Nation's natural resources; to exercise economy and avoid waste in domestic and public life; to exercise frugality, honesty, and thrift; to abide by the laws of the respective States and the Nation; to uphold and support constituted authority; better educate the youth of the land; and at all times bear in mind that ultimate happiness is permanently realized only through moral and spiritual excellency.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. O'CONNOR of New York, indefinitely, on account of illness.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Saturday, January 5, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 5, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Favoring the ratification by the United States Senate of the Kellogg peace pact (H. Res. 264).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

A hearing before the special joint committee investigating the Northern Pacific land grants.

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

Authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes (H. J. Res. 365).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

723. A letter from the President of the Chesapeake & Potomac Telephone Co., transmitting report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1928; to the Committee on the District of Columbia.

724. A letter from the Acting Secretary of Commerce, transmitting draft of a bill to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ANTHONY: Committee on Appropriations. H. R. 15848. A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 2006). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. S. 1462. An act providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes; with amendment (Rept. No. 2008). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. KAHN: Committee on Military Affairs. H. R. 11963. A bill for the relief of Leo B. Thome; without amendment (Rept. No. 2007). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BEERS: A bill (H. R. 15849) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 15850) for the construction of a bridge by the Bainbridge Island Chamber of Commerce across Agate Pass adjoining Bainbridge Island with the mainland in Kitsap County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 15852) to regulate the minimum age limit for enlistments in the Naval Reserve or Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. CELLER: A bill (H. R. 15853) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928; to the Committee on the Civil Service.

By Mr. ELLIOTT: A bill (H. R. 15854) to provide for the sale of the old post office and courthouse building and site at

Syracuse, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 15855) to amend section 311 of the World War veterans act; to the Committee on World War Veterans' Legislation.

By Mr. BEGG: A bill (H. R. 15856) granting the consent of Congress to the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, to construct a bridge across Sandusky Bay in the city of Sandusky, Erie County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBRILL: A bill (H. R. 15857) to provide for the improving of the Waterloo, Jessup, Odenton, and Millersville Highway, connecting the Washington and Baltimore Boulevard with the Crain Highway; to the Committee on Roads.

By Mr. GREEN: A bill (H. R. 15858) to provide for the payment of compensation to the dependents of World War veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Washington: A bill (H. R. 15859) to provide for delivery of certain mail matter upon a date specified by sender; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: A bill (H. R. 15860) to authorize and require the delivery to the War Department of arms and munitions of war condemned under section 241, title 22, of the United States Code; to the Committee on the Judiciary.

By Mr. VINSON of Georgia: A bill (H. R. 15861) to amend section 5 of an act approved March 2, 1919, known as the war minerals act; to the Committee on Mines and Mining.

By Mr. RANKIN: Joint resolution (H. J. Res. 369) to authorize the erection of a marker to commemorate the poem, The Blue and the Gray, and the event which inspired its composition; to the Committee on the Library.

By Mr. CRISP: Joint resolution (H. J. Res. 370) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; to the Committee on Military Affairs.

By Mr. CASEY: Resolution (H. Res. 282) to pay Paul L. Miller, son of William H. Miller, late an employee of the House, an amount equal to six months of his compensation and an additional $250 for funeral expenses; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15862) granting an increase of pension to Sophia P. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting an increase of pension to Sarah A. Matlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting an increase of pension to Rachel A. Yates; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 15865) granting an increase of pension to Catherine Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting an increase of pension to Alwilda Charlton; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 15867) for the relief of David Schwartz; to the Committee on Naval Affairs.

Also, a bill (H. R. 15868) granting a pension to Catherine Lahey; to the Committee on Pensions.

By Mr. CELLER: A bill (H. R. 15869) for the relief of the heirs of Jacob Gussin; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 15870) granting an increase of pension to Lillian Mae Yurasko; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15871) granting an increase of pension to Josephine Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Johanna Moss; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 15873) granting an increase of pension to Catherine Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15874) granting an increase of pension to Emma T. Vandewater; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 15875) granting a pension to James A. Chaffin; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 15876) granting a pension to Carrie Russell Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting a pension to John Sherman Corwin; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 15878) for the relief of Charles F. Schaber; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 15879) granting a pension to Joseph C. Neihiemer; to the Committee on Pensions.

By Mr. GRIEST: A bill (H. R. 15880) granting a pension to William Hinkle; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 15881) granting an increase of pension to Delia Diehl; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 15882) for the relief of Earl D. Barkly; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 15883) granting a pension to Margaret Ralston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting a pension to Ella M. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting a pension to Lucy C. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting a pension to Alice Adams; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15887) granting an increase of pension to Thomas M. Stroud; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 15888) for the relief of Charles Trudell; to the Committee on Claims.

By Mr. KORELL: A bill (H. R. 15889) granting a pension to Sophia A. Beers; to the Committee on Pensions.

By Mr. KVALE: A bill (H. R. 15890) for the relief of Donald Alexander Peterson; to the Committee on Naval Affairs.

By Mr. LEA: A bill (H. R. 15891) granting a pension to Jennie Lynn Sprague; to the Committee on Invalid Pensions.

By Mr. MANSFIELD: A bill (H. R. 15892) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 15893) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.; to the Committee on Irrigation and Reclamation.

By Mr. O'BRIEN: A bill (H. R. 15894) granting a pension to Elizabeth Simons; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15895) granting an increase of pension to Carrie B. Davis; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15896) granting a pension to Peter T. Keeney; to the Committee on Pensions.

Also, a bill (H. R. 15897) granting a pension to Mary L. Skidmore; to the Committee on Pensions.

Also, a bill (H. R. 15898) granting a pension to Charity Burns; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15899) granting an increase of pension to Sarah A. Byam; to the Committee on Pensions.

Also, a bill (H. R. 15900) for the relief of Charles H. Young; to the Committee on War Claims.

By Mr. SCHAFER: A bill (H. R. 15901) for the relief of George W. Hayden; to the Committee on Claims.

Also, a bill (H. R. 15902) for the relief of Vincent Baranasies; to the Committee on Claims.

Also, a bill (H. R. 15903) for the relief of Touma Tamexian; to the Committee on Military Affairs.

Also, a bill (H. R. 15904) granting a pension to George Stovall Mitchell; to the Committee on Pensions.

By Mr. SELVIG: A bill (H. R. 15905) granting a retirement annuity to G. G. Laugen; to the Committee on the Civil Service.

By Mr. SHREVE: A bill (H. R. 15906) granting a pension to Ida A. Graham; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15907) granting a pension to Charles R. Reist; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 15908) granting a pension to Asbury B. Richman; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15909) for the relief of the Williams Seed & Coal Co.; to the Committee on Claims.

By Mr. THOMPSON: A bill (H. R. 15910) granting a pension to Margaret Harrold; to the Committee on Pensions.

By Mr. VINCENT of Iowa: A bill (H. R. 15911) for the relief of Anthony Wade; to the Committee on Claims.

By Mr. WARE: A bill (H. R. 15912) granting an increase of pension to Margaret B. Winer; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 15913) granting a pension to Thomas J. Coogan; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 15914) for the relief of John T. Painter; to the Committee on Claims.

By Mr. YON: A bill (H. R. 15915) granting a pension to Mary A. Clarke; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8135. Petition of the Democratic State central committee of the State of Arkansas, on the death of Hon. W. A. Oldfield, late a Representative from the second district of Arkansas; to the Committee on the Library.

8136. Petition of the board of supervisors, city and county of San Francisco, concerning the titles of certain lands in said county; to the Committee on Military Affairs.

8137. Claim of Claib L. Cook, sr., of Pekin, Ill., for damages done to certain lands and crops belonging to him during his ownership and tenancy thereof, i. e., during the years of 1920, 1922, and 1924; to the Committee on Claims.

8138. By Mr. CULLEN: Petition of National Lumber Manufacturers Association, requesting that the scope of any legislative enactment which will, under suitable safeguards, permit control of production in the coal and oil industries, be extended to include also forest products; to the Committee on Interstate and Foreign Commerce.

8139. Also, petition of E. F. Drew & Co. (Inc.), protesting against the consideration of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8140. Also, petition of the Guaranty Co., of New York City, N. Y., requesting additional appropriations to Postmaster General to enforce the postal fraud laws; to the Committee on the Post Office and Post Roads.

8141. Also, petition of the Medical Society of the County of Kings, N. Y., opposing the passage of the Newton bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8142. Also, petition of American Petroleum Institute, recommending that Congress study the requirements of Federal bureaus engaged in research work on petroleum problems and provide adequate funds to be used by these bureaus; to the Committee on Interstate and Foreign Commerce.

8143. By Mr. EVANS of California: Petition of John J. Dunn and 22 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

8144. By Mr. GARBER: Petition of the New York State Chamber of Commerce, indorsing House bill 11886 and Senate bill 3721, to establish the office of captain of the port of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

8145. By Mr. HOCH: Petition of residents of Coffey County, Kans., protesting against House bill 78, and all compulsory Sunday observance legislation; to the Committee on the District of Columbia.

8146. By Mr. McFADDEN: Resolution favoring an upward revision of the existing tariff law, signed by Joseph W. Grundy, president, and H. W. Moore, secretary, of the Pennsylvania Manufacturers' Association; to the Committee on Ways and Means.

8147. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, favoring appropriations for New York Harbor and vicinity for the deepening and widening of existing channels; to the Committee on Rivers and Harbors.

8148. Also, petition of the National Lumber Manufacturers' Association, Washington, D. C., favoring legislation to include the control of lumber; to the Committee on Interstate and Foreign Commerce.

8149. Also, petition of the Chamber of Commerce of the State of New York, favoring the building of the 15 cruisers; to the Committee on Naval Affairs.

8150. Also, petition of the manufacturers' conference on prison industries, New York City, favoring the passage of House bill 7729, convict labor bill, with Senate amendments; to the Committee on Labor.

8151. By Mr. PEAVEY: Opposition of the Commercial Club at Phillips, Wis., to the adoption of the Robinson bill, concerning the Pullman surcharge rates; to the Committee on Interstate and Foreign Commerce.

8152. Also, petition of Park Falls Commercial Club, in opposition to the bill affecting the Pullman surcharge rate as introduced by Senator ROBINSON of Arkansas; to the Committee on Interstate and Foreign Commerce.

8153. By Mr. SANDERS of Texas: Petition of the W. A. Nabors Fruit Co., urging a tariff on turkeys and on all farm products of this country which have to meet foreign competition; to the Committee on Ways and Means.

8154. Also, petition of Woldert Peanut Products Co., urging increase of tariff on peanuts and peanut oil; to the Committee on Ways and Means.

8155. By Mr. TEMPLE: Petition of Tylerdale Woman's Christian Temperance Union, of Washington, Pa.; Woman's Christian Temperance Union, of Donora, Pa.; and Woman's Christian Temperance Union, of Charleroi, Pa., in support of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.